

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 24, 2020**

AGENDA

3:30 **Done** Items Presented by the County Executive

ACTION ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Adoption of a Written Policy Governing Participation by Electronic Communication of Board Members in Public Meetings |
| 2 | Approved | Adoption of an Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Fairfax County Government and Conduct of Board of Supervisors Meetings During the Novel Coronavirus 2019 (COVID-19) Emergency |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Extension of Review Period for 2232 Application (Braddock District) |
| 2 | Approved | Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Hunter Village Dr Walkway (Wentworth to Flax) (Springfield District) |
| 3 | Approved | Streets into the Secondary System (Providence and Sully Districts) |
| 4 | Approved | Authorization to Advertise Public Hearings on the Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of <i>The Code of the County of Fairfax, Virginia</i> |
| 5 | Approved | Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2020 Revised Budget Plan |
| 6 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish an Admissions Tax |

**ACTION ITEMS
(continued)**

- | | | |
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| 3 | Approved | Approval of an Amended Agreement Between the Town of Vienna and Fairfax County to Design and Construct the Northside Park Piney Branch Stream Restoration Project (Hunter Mill District) |
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**ACTION ITEMS
(continued)**

- | | | |
|---|-----------------|--|
| 4 | Approved | Approval of and Authorization for the County Executive to Execute an Amended and Restated Sewer Billing Agreement with the Fairfax County Water Authority |
| 5 | Approved | Adoption of a Resolution Supporting Placement of the Springhill Substation Transmission Line Underground (Providence District) |
| 6 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to Make a Housing Blueprint Loan to New Lake Anne House LP, in the Amount Not to Exceed \$3,000,000, to Finance the Development of New Lake Anne House, Reston, Virginia (Hunter Mill District) |
| 7 | Approved | Approval of Revised Financing Plan for the Renovation of Murraygate Village Apartments and Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to: 1) Issue Tax-Exempt Bonds in an Amount Not to Exceed \$4,000,000; and 2) Submit an Application to Virginia Department of Housing and Community Development for Tax-Exempt Bond Allocation for Murraygate Village Apartments (Lee District) |
| 8 | Approved | Approval of Rate Adjustments to Fairfax Center Area, Centreville Area, Tysons, Tysons-Wide, Tysons Grid of Streets, and Reston Road Funds (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts) |
| 9 | Approved | Approval of Resolutions to Extend the Deadline to File Personal Property Taxes and Real Estate Taxes |

**PUBLIC
HEARINGS**

- | | | |
|------|---|--|
| 3:30 | Deferred to 4/14/20
at 2:00 p.m. | Public Hearing on AF 2019-DR-004 (Mane Manor LLC and Normandy Farm LLC) (Dranesville District) |
| 3:30 | Deferred to 4/14/20
at 2:00 p.m. | Public Hearing on RZ 2019-LE-015 and SE 2019-LE-020 (TPC Van Dorn LC) (Lee District) |
| 3:30 | Deferred to 5/5/20
at 3:30 p.m. | Public Hearing on RZ 2018-PR-021 and RZ 2018-PR-022 (Georgelas, LLC) (Providence District) |
| 3:30 | Deferred to 4/14/20
at 2:00 p.m. | Public Hearing on RZ 2019-SU-009, PCA 78-S-063-09, PCA 85-S-061-06, and PCA 86-S-039 (Elm Street Communities, Inc.) (Sully District) |

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**PUBLIC
HEARINGS
(continued)**

3:30	Deferred to 4/14/20 at 2:00 p.m.	Public Hearing on RZ 2015-PR-014 and SE 2015-PR-029 (1690 Old Meadow Holdings, LLC) (Providence District)
4:00	Deferred to 4/14/20 at 2:30 p.m.	Public Hearing on PCA 2002-HM-043-04/CDPA 2002-HM-043-03 (Arrowbrook Centre, LLC) (Dranesville District)
4:00	Deferred to 4/14/20 at 2:30 p.m.	Public Hearing on PCA 87-V-064-03 and SEA 94-V-030 (McDonald's USA, LLC) (Mount Vernon District)
4:00	Deferred to 4/14/20 at 2:30 p.m.	Public Hearing on PCA 84-L-083-02 (The United Community of Muslims of the United States of America) (Lee District)
4:00	Approved	Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and Relocate the Polling Places for the Lorton Precinct in the Mount Vernon District and the Nottoway Precinct in the Providence District
4:00	Public Hearing Held; Action Deferred to 5/5/20	Public Hearing on the Draft Consolidated Plan One-Year Action Plan for FY 2021
4:30	Deferred to 5/5/20 at 3:30 p.m.	Public Hearing on PCA 89-D-007-02 and SE 2019-DR-012 (Milestone Tower Limited Partnership IV D/B/A Milestone; Fairfax County School Board) (Dranesville District)
4:30	Not Held	Closed Session

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3:30 p.m.

Items Presented by the County Executive

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ACTION - 1

Adoption of a Written Policy Governing Participation by Electronic Communication of Board Members in Public Meetings

ISSUE:

Virginia Code § 2.2-3708.2 authorizes the electronic participation of members of public bodies in public meetings under certain conditions. Prior to any member of the Board of Supervisors attending a public meeting by electronic communication, however, the Board must adopt a written policy allowing for, and governing participation by electronic communication means.

RECOMMENDATION:

That the Board adopt a written policy (Attachment 1) allowing for and governing participation by electronic communication means.

TIMING:

Board action is requested on March 24, 2020 to promptly provide for remote participation of Board members in public meetings.

BACKGROUND:

The Virginia Freedom of Information Act (FOIA) generally prohibits meetings of public bodies, including the Board of Supervisors, from being conducted through telephonic, video, electronic, or other electronic communication means where the members of the public body are not physically assembled to discuss or transact public business. Va. Code § 2.2-3707(B).

However, a 2018 amendment to FOIA authorized public bodies to adopt a written policy allowing for and governing participation by electronic communication in limited circumstances. Va. Code § 2.2-3708.2(C). The Board has not yet adopted a policy authorizing its members to participate in the Board's public meetings by electronic communication.

After the Board adopts a written policy, individual Board members may remotely participate in meetings under limited circumstances. Those circumstances include:

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- A quorum of the public body is physically assembled at a primary meeting location; Va. Code § 2.2-3708.2(C)(2);
- The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary location; Va. Code § 2.2-3708.2(C)(3); and
- The member of the public body requesting remote participation is unable to attend the meeting either due to (1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or (2) a personal matter that is identified with specificity. Va. Code § 2.2-3708.2(A)(1). Remote participation due to a personal matter is limited each calendar year to two meetings. *Id.* "Personal matter" is not defined in the statute.

Adopting a written policy is recommended at this time, due to the Governor and County's recent State of Emergency declarations regarding the spread of COVID-19. The Governor is encouraging Virginians who are over age 65 to self-quarantine. The Governor is also discouraging public gatherings of more than ten people.

While under a State of Emergency, the Board may conduct a meeting *entirely* through electronic means only if it is impracticable or unsafe to assemble a quorum in a single location, and the meeting solely addresses the emergency. Va. Code § 2.2-3708.2(A)(3). This policy, however, will allow individual members to participate remotely if they meet the requirements of the policy and it will continue to be in effect once the State of Emergency concludes, unless it is later affirmatively rescinded by the Board.

FISCAL IMPACT:

There is no anticipated fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1 - Policy for Participation in Meetings by Electronic Communication

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

ASSIGNED COUNSEL:

Cynthia Bailey, Deputy County Attorney

**THE FAIRFAX COUNTY BOARD OF SUPERVISORS' POLICY FOR
PARTICIPATION IN MEETINGS BY ELECTRONIC COMMUNICATION**

1. **AUTHORITY AND SCOPE.**

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.2 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2(A)(3).

2. **DEFINITIONS.**

a. **“Board”** means the Fairfax County Board of Supervisors.

b. **“Member”** means any member of the Board.

c. **“Remote participation”, “remotely participate”, or “participate remotely”** mean participation by a member of the Board via telephonic, video, or other audio or combined audio and video electronic communication method where the member is not physically assembled with the other members of the Board.

d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.

e. **“Notify” or “notifies,”** for purposes of this policy, means actual notice, including, but not limited to, email, text, telephone, or in-person notice.

3. **MANDATORY REQUIREMENTS**

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

a. A quorum of the Board must be physically assembled at the primary or central meeting location; and

b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

4. **PROCESS TO REQUEST REMOTE PARTICPATION**

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to a personal matter or a temporary or permanent disability or other medical condition that prevents their physical attendance at the meeting.

b. The requesting member shall also notify the Clerk of the Board of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited to two times per calendar year. There is no limit to the number of times that a member may participate remotely due to a temporary or permanent disability or other medical condition.

d. The requesting member is not obligated to provide independent verification regarding the reason that they are not able to physically attend the meeting.

e. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. **PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION**

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. **RECORDING IN MINUTES:**

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, the Board shall record in its minutes (1) the Board's approval of the member's remote participation; and (2) the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as whether this is the first or second meeting of the calendar year in which the member has participated

remotely due to a personal matter, and the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. **CLOSED SESSION**

If the Board goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. **STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

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ACTION - 2

Adoption of an Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Fairfax County Government and Conduct of Board of Supervisors Meetings During the Novel Coronavirus 2019 (COVID-19) Emergency

ISSUE:

Virginia Code § 15.2-1413 authorizes localities to adopt an ordinance that will “assure continuity in its government” in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute, and this ordinance establishes additional methods for ensuring that public business related to continuity in government may continue.

RECOMMENDATION:

The County Executive and County Attorney recommend that the Board adopt the emergency ordinance provided as Attachment 1.

TIMING:

Board action is requested on March 24, 2020, to assure that adequate methods are available in a timely manner to assure continuity in Fairfax County government.

BACKGROUND:

The Virginia Freedom of Information Act (VFOIA), Virginia Code §§ 2.2-3700 to -3714, allows for fully electronic meetings to discuss the emergency itself. VFOIA makes no provision for addressing business related to the continuity of the County government if a quorum cannot be physically assembled.

Under the current circumstances, the Board of Supervisors should have all available tools at its disposal to best position it to address matters relating to the ongoing continuity of County government during the COVID-19 pandemic. Virginia Code Section 15.2-1413 expressly authorizes the adoption of the attached ordinance, which provide a method for the Board of Supervisors to be able to address such matters in the event it is unsafe to assemble a physical quorum.

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The ordinance establishes that the Board of Supervisors will follow FOIA's usual procedures (including the provisions of its electronic meeting policy) whenever possible. If, in the Chairman's judgment, it is unsafe to assemble a physical quorum, a fully electronic meeting may be held in accordance with FOIA's existing provisions to address the emergency itself. If the Chairman determines that any meeting is being conducted for the purpose of assuring continuity in Fairfax County government and the usual procedures cannot be implemented safely or practically, then the ordinance provides a method for conducting an electronic meeting to address matters related to the continuity of the County Government. For any matter that requires a public hearing, the Board would allow the receipt of public comment by written or electronic communication rather than in-person testimony.

The proposed ordinance will become effective upon adoption, but it may only be enforced for 60 days from the date of adoption unless it is readopted by the Board before then. The ordinance contains an enactment clause directing the Clerk for the Board of Supervisors to advertise a public hearing within the 60-day period, at which time the Board will consider readopting the emergency ordinance or a similar ordinance that assures continuity in Fairfax County Government during the COVID-19 pandemic.

FISCAL IMPACT:

There is no anticipated fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1- Emergency Uncodified Ordinance To Establish Methods To Assure Continuity In Fairfax County Government And Conduct Of Board Of Supervisors Meetings During The COVID-2019 Emergency

STAFF:

Elizabeth D. Teare, County Attorney

**AN EMERGENCY UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO
ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT AND CONDUCT OF
BOARD OF SUPERVISORS MEETINGS DURING THE NOVEL CORONAVIRUS
DISEASE 2019 (COVID-19) EMERGENCY**

AN EMERGENCY UNCODIFIED ORDINANCE to establish methods to assure continuity in Fairfax County government and conduct of Board of Supervisors meetings during the COVID-19 Emergency, as authorized by Virginia Code §§ 15.2-1413 and -1427.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That the following uncodified ordinance is hereby adopted:

A. Purpose of the Ordinance.

This ordinance establishes methods to assure continuity in Fairfax County government, including the Board of Supervisors' procedures for meetings, during the COVID-19 emergency. These provisions are intended to ensure the Board of Supervisors' ability to conduct necessary public business in a manner consistent with Virginia state law and federal, state, and local health directives and guidance, all while maintaining transparency and public participation to the greatest extent feasible.

This ordinance is being adopted in response to the COVID-19 outbreak. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a National Emergency beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19). The Governor declared the emergency "to continue to prepare and coordinate our response to the potential spread of COVID-19, a communicable disease of public health threat" and he found that "[t]he anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16 of the Code of Virginia." The Governor's Declaration of a State of Emergency remains in effect until June 10, 2020, unless sooner amended or rescinded. Effective March 16, 2020, Governor Northam and the State Health Commissioner jointly issued an Order declaring a state public health emergency. On March 17, 2020, the Fairfax County Director of Emergency Management, with the consent of the Board of Supervisors,

1 declared a local state of emergency due to the potential spread of COVID-19.
2 The local Declaration of Emergency remains in effect until the Board of
3 Supervisors takes appropriate action to end the declared emergency.

4
5 The Public Health Emergency Order issued jointly by the Governor and the State
6 Health Commissioner effective March 16, 2020, consistent with all other expert
7 opinions, observes that COVID-19 spreads from person to person, transmitted
8 via respiratory droplets, and can be spread from an infected person who does not
9 have symptoms to another person. No vaccine or known treatment options exist
10 at this time.

11
12
13 **B. Virginia Statutory Authority for the Ordinance.**

14
15 Virginia Code § 15.2-1413 authorizes localities to adopt an ordinance to “provide
16 a method to assure continuity in its government, in the event of an enemy attack
17 or other disaster,” “[n]otwithstanding any contrary provision of law, general or
18 special.” The Governor’s Declaration of a State of Emergency found that “[t]he
19 anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16
20 of the Code of Virginia.”

21
22 Virginia Code § 15.2-1427 authorizes counties to adopt emergency ordinances
23 without prior notice; however, no such ordinance may be enforced for more than
24 60 days unless readopted in conformity with the provisions of the Virginia Code.

25
26 Virginia Code § 2.2-3708.2(A)(3) allows the Board of Supervisors to meet via
27 electronic communications without a quorum physically assembled together
28 “when the Governor has declared a state of emergency,” “the catastrophic nature
29 of the declared emergency makes it impracticable or unsafe to assemble a
30 quorum in a single location,” and “the purpose of the meeting is to address the
31 emergency.” Public notice must be given using the best available method, in
32 light of the nature of the emergency, and it must be provided contemporaneously
33 with the notice provided to the members of the public body. Finally,
34 arrangements must be made for the public to access the meeting.

35
36 Virginia Code § 2.2-3708.2(A)(1) allows members of the Board of Supervisors to
37 participate in a meeting via electronic communications if (1) it has a written policy
38 allowing for such electronic participation; (2) a quorum of the Board of
39 Supervisors is physically assembled at the primary meeting location; (3) the

Board of Supervisors makes arrangements for the voice of the remote participant to be heard by all persons at the primary location; and (4) any member requesting remote participation is unable to attend the meeting due either to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or to a personal matter that is identified with specificity. The Board adopted an electronic communications policy on March 24, 2020.

C. Definitions.

"Continuity in Fairfax County government" includes, without limitation, those actions, and the coordination of actions, that are necessary to assure the continuation of the County's essential functions and services.

"Electronic communication" means the use of technology having electrical, telephonic, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means the outbreak of the respiratory illness referred to as the novel coronavirus or COVID-19, as described in the Governor's Declaration of a State of Emergency and the local Declaration of Emergency, and the spread and effects of COVID-19, which constitute a disaster as defined in Virginia Code § 44-146.16.

"Meeting" means a regular meeting of the Board of Supervisors as established on the schedule approved by the Board of Supervisors at its 2020 Annual Meeting on January 14, 2020, the meetings of any Board of Supervisors Committee, and any special or emergency meeting called as allowed by Virginia Code §§ 15.2-1417 and -1418.

"Usual procedures" means the requirements and procedures established by the Virginia Freedom of Information Act for public meetings, including remote participation by a Board member as long as a quorum of the Board is physically assembled at the meeting location, as allowed by Virginia Code § 2.2-3708.2(A)(1) and the policy adopted by the Board on March 24, 2020.

1 **D. Board of Supervisors' Meeting Procedures.**

2
3 1. For any meeting at which the Board of Supervisors transacts public
4 business with any purpose other than addressing the emergency or
5 assuring continuity in Fairfax County government, the Board of
6 Supervisors will meet in accordance with all usual procedures established
7 by the Virginia Freedom of Information Act.

8
9 2. If the purpose of a meeting of the Board of Supervisors is to address the
10 emergency, the Board of Supervisors will meet in accordance with all
11 usual procedures established by the Virginia Freedom of Information Act
12 unless, in the judgment of the Chairman, the catastrophic nature of the
13 declared emergency makes it impracticable or unsafe to physically
14 assemble a quorum at one location, in which case the Board will meet
15 solely through electronic communication means to discuss the emergency
16 in accordance with the emergency procedures established by FOIA and
17 specifically Virginia Code § 2.2-3708.2(A)(3). In no event shall any action
18 be taken by the Board in an electronic meeting unless a quorum is
19 participating remotely. If the Board follows the procedures established by
20 Virginia Code § 2.2-3708.2(A)(3), the Board will state on the record the
21 nature of the emergency, the fact that the meeting is being held
22 electronically, and the type of electronic communication means being
23 used, and the Board will make arrangement for public access to the
24 meeting.

25
26 3. (A) In addition, if any meeting or any part of a meeting of the Board of
27 Supervisors is being conducted for the purpose of assuring continuity in
28 Fairfax County government, the Board of Supervisors will meet in
29 accordance with all usual procedures established by the Virginia Freedom
30 of Information Act to the extent possible.

31
32 (B) If, in the judgment of the Chairman, items proposed to be considered
33 are necessary to assure continuity in Fairfax County government and the
34 usual procedures cannot be implemented safely or practically, then, under
35 the authority granted to the Board by Virginia Code § 15.2-1413, the
36 method by which the Board will conduct any meeting to consider the items
37 will be as follows.

38
39 (1) The meeting may be held solely through electronic communication
40 means without a quorum of members physically assembled at one

1 location, but only after notice of the meeting is given in accordance
2 with applicable laws. In no event shall any action be taken by the
3 Board in an electronic meeting unless a quorum is participating
4 remotely.

5
6 (2) The meeting may be held without permitting members of the public to
7 be physically present in the same location as any of the Board
8 members, but alternative arrangements for public access will be made.
9 Such alternative public access may be through electronic
10 communication, including but not limited to audio, telephonic, or video
11 broadcast.

12
13 (3) Before action may be taken on any item, the Board must first approve
14 that the item or items are necessary to assure continuity in Fairfax
15 County government and that the usual procedures cannot be
16 implemented safely or practically. A motion may be made and voted
17 upon before each item or as to the entire agenda, as may be
18 determined by the Chairman.

19
20 (4) For any such matter requiring a public hearing by law, public comment
21 will be solicited and received via written or electronic communication
22 prior to the vote on the matter. All such comments will be provided to
23 the members of the Board and made a part of the record of the
24 meeting.

25 26 27 **E. Suspension of Certain Policies**

28 Any policies or procedures previously adopted by the Board are suspended to
29 the extent they are inconsistent with this Ordinance.

30
31
32 **2. That this ordinance will become effective upon adoption.**

33
34 **3. That this ordinance is being adopted on an emergency basis as allowed**
35 **by Virginia Code § 15.2-1427(F), and may be enforced for no more than**
36 **60 days from the date of adoption, unless the Board readopts this**
37 **ordinance in conformity with all applicable provisions of state law and**
38 **following the procedures established in this ordinance.**
39

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ADMINISTRATIVE - 1

Extension of Review Period for 2232 Application (Braddock District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-B19-9.

TIMING:

Board action is required March 24, 2020, to extend the review period for the application noted above before its expiration date.

BACKGROUND:

Subsection B of Section 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review period for the following application should be extended:

2232-B19-9	Department of Public Works and Environmental Services Monument Drive Commuter Parking Garage and Transit Center Tax Map No. 56-1 ((15)) 4 and 56-1 ((1)) 47C Monument Drive (Address TBD) Fairfax, VA Braddock District Accepted February 7, 2020 Extended to January 7, 2021
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FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Barbara A. Byron, Director, Department of Planning and Development (DPD)

Michelle K. Stahlhut, Chief, Facilities Planning Branch, Planning Division, DPD

Bryan D. Botello, Planner, Facilities Planning Branch, Planning Division, DPD

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights
Necessary for the Construction of Hunter Village Dr Walkway (Wentworth to Flax)
(Springfield District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-038, Hunter Village Dr Walkway from Wentworth Place to Flax Street, Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 14, 2020, commencing at 3:00 p.m.

TIMING:

Board action is requested on March 24, 2020, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of the construction of a five-foot wide concrete sidewalk along the north side of Hunter Village Drive from Flax Street to approximately 250 linear feet east of Wentworth Place, for a total length of approximately 550 linear feet.

Land rights for these improvements are required on four properties, one of which has been acquired by the Land Acquisition Division. The construction of this project requires the acquisition of Deeds of Dedication and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these

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provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

This project is part of the county's six-year improvement plan and funding is currently available in Project 2G40-088-000, County Six Year Plan Bike & Pedestrian Program, in Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2020 – FY 2024 Adopted Capital Improvement Program (with future Fiscal Years to FY 2029). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

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

STAFF:

Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney



HUNTER VILLAGE DRIVE WALKWAY WENTWORTH TO FLAX

Project 2G40-088-038

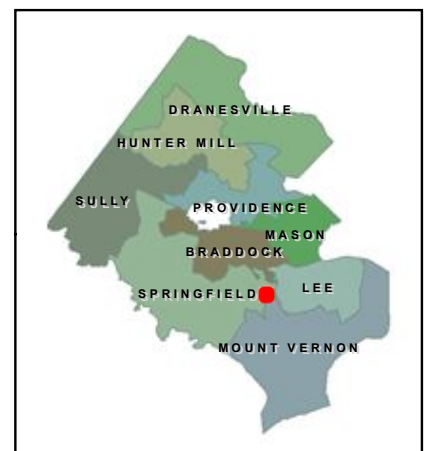
Tax Map: 089-4

Springfield District

Affected Properties:

Proposed Improvements:

0 5 10 20
Miles



ATTACHMENT B

LISTING OF AFFECTED PROPERTIES
Project 2G40-088-038
Hunter Village Dr Walkway (Wentworth to Flax)
(Springfield District)

PROPERTY OWNER(S)

- | | |
|--|---------------|
| 1. Wentworth Glen Homeowners Association, Inc. | 089-4-20-A |
| Address (Legal Description):
Wentworth Glen, Parcel A - Common Area | |
| 2. Serra Karacam | 089-4-20-0001 |
| Address:
7940 Wentworth Place, Springfield, VA 22152 | |
| 3. Russell C. Bannerman | 089-4-20-0002 |
| Address:
7938 Wentworth Place, Springfield, VA 22152 | |

Board Agenda Item
March 24, 2020

ADMINISTRATIVE - 3

Streets into the Secondary System (Providence and Sully 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>
Eskridge Road Extension (Pedron Lots 3C & 3D)	Providence	Eskridge Road
Engle Homes, Beazer Homes (Sully Manor)	Sully	Johnson Avenue

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

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

Street Acceptance Form For Board Of Supervisors Resolution - 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: 0561-SP-005 SUBDIVISION PLAT NAME: Eskridge Road Extension (Pedron Lots 3c & 3D) COUNTY MAGISTERIAL DISTRICT: Providence	
ENGINEERING MANAGER: Houda A. Ali, PMP BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>12/30/2019</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Eskridge Road	CL Williams Drive (Route 5162) 150' E CL Javier Road (Route 5163)	368' to Merrifield Cinema Drive	0.07
TOTALS:			0.07
NOTES:			

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: 5282-SP-01 SUBDIVISION PLAT NAME: Engle Homes, Beazer Homes (Sully Manor) COUNTY MAGISTERIAL DISTRICT: Sully	
ENGINEERING MANAGER: Houda A. Ali, PMP BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>01/14/2020</u>	

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Johnson Avenue	CL Pickwick Road (Route 1021) - 320' S CL Shreve Street (Route 1020)	619' E to End of Cul-de-Sac	0.12
TOTALS:			0.12

NOTES:
 4' Concrete Sidewalk on Both Sides to be maintained by VDOT

ADMINISTRATIVE - 4

Authorization to Advertise Public Hearings on the Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia*

ISSUE:

Board of Supervisors' (Board) authorization to advertise public hearings on a proposed amendment to Appendix Q of *The Code of the County of Fairfax, Virginia* (Code). The proposed amendment simplifies the fee structure and ensures that it is consistent and fair.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendment as set forth in the Staff Report dated March 24, 2020.

The proposed amendment has been prepared by Land Development Services (LDS) and coordinated with the Office of the Fire Marshal, the Department of Management and Budget (DMB), and the Office of the County Attorney (OCA).

TIMING:

Board action is requested on March 24, 2020, to provide sufficient time to advertise the Planning Commission Public Hearing on April 22, 2020, at 7:30 p.m., and the Board Public Hearing on May 19, 2020, at 4:00 p.m., for different portions of the amendment to be effective as described in the background section.

BACKGROUND:

In Fiscal Year (FY) 2019, Land Development Services (LDS) began a process to review and update fees for plan review, inspections, and other services provided by LDS. The first year focused on changing the structure for site-related plans to accommodate the electronic plan (ePlan) review process. The current effort makes the overall fee schedule more transparent and predictable. LDS is working toward updating fees based on current cost recovery calculations by revising fees for building trade permits, elevator inspections, site-related plans and inspections and establishing a new fee for gateway/minimum submission plan reviews.

Plans already in process will not be affected by this amendment (e.g., minimum submission reviews and gateway reviews will not apply to second submissions or revisions for site-related plans submitted prior to July 1, 2020). For the fees going into effect with the Planning and Land Use System (PLUS) implementation, LDS will perform extensive outreach beginning at least six months prior to the effective date.

PROPOSED AMENDMENT:

The new fees and adjustments are outlined below, along with their proposed effective dates (either July 1, 2020, or timed to go live with the implementation of PLUS, which is anticipated in FY 2022).

1. Building Trade Permits – Effective with PLUS Implementation

The current fee structure for building trade permits (plumbing, electrical, and HVAC/mechanical) bases fees on the capacity of the system being permitted (e.g., kilowatt output of electrical installations). LDS proposes amending trade fees to make those fees commensurate with the level of effort to review and inspect the project. The amended fees are calculated based on the quantity of materials and equipment individually, for all three trades: mechanical, electrical and plumbing. The amended fees equalize costs between the three trades.

2. Elevator Inspections – Effective July 1, 2020

The current fee structure for elevator inspections bases fees on a single elevator that goes to the highest floor of a building. As building designs have changed and the location of elevators has become more decentralized, it is necessary to base fees on equipment rather than on the number of floors. The amended fee structure ensures that LDS recovers costs for each of the elevator, escalator, moving walk, and hoist inspections and tests performed, thus keeping the overall costs in line with costs for other major inspections.

3. Site-Related Plans and Inspections – Effective with PLUS Implementation

The current fee structure for site-related plans and inspections is calculated according to the number of disturbed acres and any necessary public improvement projects. The amended fee structure bases site inspection fees on the complexity of the project. LDS proposes a straight monthly fee for non-bonded projects, which would cover the necessary inspections to monitor erosion and sediment control as well as compliance with plan requirements. For bonded projects, LDS will calculate the inspection fee as a percentage of the overall bond amount. LDS also proposes fee increases for review of site-related plans, such as subdivision plans, to account for the additional time to review complex environmental and tree preservation requirements.

Board Agenda Item
March 24, 2020

4. Minimum Submission or Gateway Plan Reviews – Site-Related Plans Effective July 1, 2020; Building Plans Effective with PLUS Implementation

LDS proposes a series of plan quality assurance review fees for both building and site-related plans. This cost defrays the additional review time necessary for the cumulative review of plan resubmissions. The Minimum Submission or Gateway Plan Review Fees will be assessed as described in Table 1 (Minimum Submission or Gateway Plan Review Fees), on the page that follows:

Table 1: Minimum Submission or Gateway Plan Review Fees

Plan Type	Review Type	Fee	Resubmittal Fee
Small Site-Related Plans: <ul style="list-style-type: none"> • Conservation Plan • Infill Lot Grading Plan • Non-Bonded Rough Grading Plan 	Minimum Submission Review	\$108	\$108
Major Site-Related Plans (Outside of Designated Plan Examiner (DPE) Process and/or Non-ESI Member Plan): <ul style="list-style-type: none"> • Public Improvement • Rough Grading Plan (Associated with Major Plans) • Site Plan • Subdivision Plan 	Gateway Review	\$500	110% of Previous Fee (e.g., \$550, \$605, etc.)
Major Site-Related Plans (ESI Member Plans and/or Plans Leveraging the DPE Process): <ul style="list-style-type: none"> • Public Improvement • Rough Grading Plan (Associated with Major Plans) • Site Plan • Subdivision Plan 	Review by Engineers & Surveyors Institute (ESI) Under the DPE Process	No Gateway Fee Paid to County	Not Applicable
Minor Site Plans	Gateway Review	\$500	110% of Previous Fee (e.g., \$550, \$605, etc.)
Residential Building Plans: <ul style="list-style-type: none"> • Single Family Home • Non-Walk-Through Residential Alterations/Additions 	Minimum Submission Review	\$108	\$108
Commercial Building Plans: <ul style="list-style-type: none"> • Commercial Building Plans • Tenant Alteration Plans 	Gateway Review	\$500 (\$100 Per Discipline)	110% of Previous Discipline Reviews Not Passed
Building Peer Review	Peer Review	No Gateway Fee Paid to County	Not Applicable

The gateway review assures that initial plan submissions are complete and address all the required information and items needed for a productive plan review.

5. Other Miscellaneous Changes – Effective with PLUS Implementation

LDS proposes adjustments to the Building Plan Resubmission Fee, which will escalate by ten percent for each resubmission. For instance, the first resubmission is charged the base resubmission fee; where the second resubmission is charged 110 percent of the previous submission (base resubmission) fee and the third resubmission is charged 110 percent of the previous (2nd resubmission) fee.

LDS proposes a Countywide Building Master File Review Fee to be assessed at the time of the initial permit application. LDS will assess the existing permit fee for subsequent Master File submittals, to ensure that permit details coincide with the approved Master File.

LDS proposes a Building Plan Extension Fee, which would be assessed on any building plan that has been returned to the permittee to address comments and/or make changes and that has been with the permittee for a period of six months or longer. Active building plans may be extended twice. After that, any submissions will be treated as a new application, and initial permit and filing fees will apply.

LDS proposes other editorial changes and adjustments to round fees to the nearest dollar. For all permit fees that are based on the cost of construction, LDS proposes language to require the permittee to provide verifiable cost data to show how the cost of construction is calculated.

Attachment A (the Staff Report) includes the proposed fee changes to Appendix Q.

REGULATORY IMPACT:

The proposed amendment updates Appendix Q of the Code to ensure fees are consistent, transparent, and tied to cost recovery.

Proposed changes to building trade permit fees will result in streamlined fees commensurate across the trades:

- HVAC and mechanical permits will no longer be charged additional fees for piping and ductwork (only the base fee will apply).
- All permits will be charged one percent of the value of the installation contract plus a fee based on the quantity of equipment or fixtures being installed.

Board Agenda Item
March 24, 2020

Proposed changes to the elevator inspection program fees will result in the following:

- Installation permit fee will increase from two percent to 2.4 percent of the installation contract value.
- The floor fee will be adjusted from a calculation based on a single elevator reaching the highest floor to a reduced floor fee assessed per piece of equipment.
- LDS added a consolidated five-year re-acceptance test fee, along with appropriate reinspection and retest fees (if equipment fails inspection).

Proposed addition of a Gateway Plan Review Fee and Minimum Submission Review Fee will result in the following:

- Customers will have incentive to provide high quality plans on the first submittal, rather than submitting unfinished plans quickly for the sake of showing progress in the county system.
- Poor quality plans will not clog reviewer queues.
- The Minimum Submission Review for site plans currently provided by ESI will continue, so this will not add any additional steps to the review processes.
- The Gateway Plan Review will add an additional step to non-ESI Member and non-DPE plans but will still be completed within the current timeframe for plan acceptance and holds the potential to reduce queues for all plans.

Proposed changes to site inspection and plan review fees will result in the following:

- The inspection fee structure for bonded projects will now be based on a percentage of the bond amount, rather than a base rate for disturbed acres plus additional fees for each public improvement to be inspected.
- The inspection fee for non-bonded projects will be based on a flat rate for inspection of erosion and sediment control, along with approved plan compliance.
- Plan review fees will increase by the cost of additional urban forestry tree preservation review time.

Proposed additional fees for building plan resubmission will result in the following:

- Cover LDS costs incurred when building plan reviewers must review the history and any associated changes in requirements when a resubmission is put forward for review.
- This will have an impact on those plans that go beyond two submissions (\$216 for commercial plans and \$108 for residential plans), and is projected to generate \$65,000 in annual revenue, based on a review of current resubmission trends.

The editorial changes to Appendix Q will simplify calculations.

FISCAL IMPACT:

In regard to proposed adjustments to existing fees, analysis indicates that the adjustments for building trade permits and site inspections will have a minor negative impact on County revenue and a negligible impact on customer costs. These proposed changes will result in simpler fee calculations and dependable fee estimates.

Attachment A (the Staff Report) includes a summary of the analysis of the major Appendix Q fee changes. LDS projects customer savings in elevator inspection fees as the combination of a floor fee increase will be offset by a reduction in the five-year testing fee.

The new Gateway and Minimum Submission Review fees will add additional costs to applicants during the review process (as outlined in the table above) and will generate \$975,000 in revenue by the time all fees are enacted with the PLUS permitting system in 2022. However, these fees will be spread across nearly 5000 plan submissions with the sole intent of limiting the impact of poor-quality plans to queue lengths and reducing plan review times by jettisoning poor-quality plans before significant staff time is invested. The overall result will add efficiency to the permit review process and will afford quicker review times for good-quality plans. It is anticipated that the value of time saved for applicants through quicker review times will far exceed the fee increase per plan submission.

These fee changes and additions will be implemented either on July 1, 2020 (Elevator Inspections and Site-Related Plan Gateway/Minimum Submission Reviews); or at the time of PLUS implementation (Building Trade Permits, Building Plan Gateway/Minimum Submission Reviews, Site-Related Plan and Inspections, and other miscellaneous changes). Table 2 (Fiscal Impact Summary) depicts the projected revenue impact (where that impact is material) of this proposed Appendix Q amendment, and shows the projected implementation dates, along with a notation of the fees that are changing and the new fees.

Table 2: Fiscal Impact Summary

Fee	Amount	Implementation Date
Adjustments to Current Fees		
Site-Related Plan Review Fees	\$106,500	PLUS Implementation
Building Plan Resubmission Fee	\$65,000	PLUS Implementation
SUBTOTAL – PLUS IMPLEMENTATION	\$171,500	
Elevator Five-Year Test and Floor Fees	(\$220,000)	July 1, 2020
SUBTOTAL – JULY 1, 2020 IMPLEMENTATION	(\$220,000)	
Total Adjustments to Current Fees:	(\$48,500)	
New Fees		
Gateway Building Plan Review Fee	\$387,500	PLUS Implementation
Building Plan Minimum Submission Review Fee	\$400,000	PLUS Implementation
SUBTOTAL – PLUS IMPLEMENTATION	\$787,500	
Gateway Site-Related Plan Review Fee	\$112,500	July 1, 2020
Infill Minimum Submission Review Fee	\$75,000	July 1, 2020
SUBTOTAL – JULY 1, 2020 IMPLEMENTATION	\$187,500	
Total New Fees:	\$975,000	
TOTAL REVENUE IMPACT	\$926,500	
Total FY 2021 Impact	(\$32,500)	

The FY 2021 revenue impact has not been incorporated into the FY 2021 Advertised Budget Plan. Upon Board approval, staff will work with DMB to make any necessary budgetary adjustments.

ENCLOSED DOCUMENTS:

Attachment A – Staff Report dated March 24, 2020

Attachment 1– Amendment to Appendix Q (LDS Fee Schedule)

Attachment 2– Analysis of Major Changes to Appendix Q (LDS Fee Schedule)

Board Agenda Item
March 24, 2020

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, LDS

Eleanor K. Coddington, Director, Permitting and Code Administration, LDS

Michael R. Peter, Finance Director, LDS

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

LAND DEVELOPMENT SERVICES
March 24, 2020

STAFF REPORT

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

Proposed Amendment to Update Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia* (Code)

PUBLIC HEARING DATES

Authorization to Advertise:	<u>March 24, 2020</u>
Planning Commission Hearing:	<u>April 22, 2020 at 7:30 p.m.</u>
Board of Supervisors' Hearing:	<u>May 19, 2020 at 4:00 p.m.</u>

Prepared By:	Michael R. Peter, Finance Director Financial Management Branch Land Development Services (703) 324-1848
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STAFF REPORT

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors (Board) adopt the proposed amendment to Appendix Q (Land Development Fee Schedule) of the Code. Edits are shown by underlining for added text and strikethrough for deleted text.

DISCUSSION

In Fiscal Year (FY) 2019, Land Development Services (LDS) began a process to review and update fees for plan review, inspections, and other services provided by LDS. The first year focused on changing the structure for site-related plans to accommodate the electronic plan (ePlan) review process. The current effort makes the overall fee schedule more transparent and predictable. LDS is working toward updating fees based on current cost recovery calculations by revising fees for building trade permits, elevator inspections, site-related plans and inspections and establishing a new fee for gateway/minimum submission plan reviews.

The new fees and adjustments are outlined below, along with their proposed effective dates (either July 1, 2020, or timed to go live with the implementation of the Planning and Land Use System (PLUS), which is anticipated in FY 2022). Plans already in process will not be affected by this amendment (e.g., minimum submission reviews and gateway reviews will not apply to second submissions or revisions for site-related plans submitted prior to July 1, 2020). For the fees going into effect with the Planning and Land Use System (PLUS) implementation, LDS will perform extensive outreach beginning at least six months prior to the effective date.

1. Building Trade Permits – Effective with PLUS Implementation

The current fee structure for building trade permits (plumbing, electrical, and HVAC/mechanical) bases fees on the capacity of the system being permitted (e.g., kilowatt output of electrical installations). LDS proposes amending trade fees to make those fees commensurate with the level of effort to review and inspect the project. The amended fees are calculated based on the quantity of materials and equipment individually, for all three trades: mechanical, electrical and plumbing. The amended fees equalize costs between the three trades.

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and hoist inspections and tests performed, thus keeping the overall costs in line with costs for other major inspections.

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4. Minimum Submission or Gateway Plan Reviews – Site-Related Plans Effective July 1, 2020; Building Plans Effective with PLUS Implementation

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LDS proposes a Countywide Building Master File Review Fee to be assessed at the time of the initial permit application. LDS will assess the existing permit fee for subsequent Master File submittals, to ensure that permit details coincide with the approved Master File.

LDS proposes a Building Plan Extension Fee, which would be assessed on any building plan that has been returned to the permittee to address comments and/or make changes and that has been with the permittee for a period of six months or longer. Active building plans may be extended twice. After that, any submissions will be treated as a new application, and initial permit and filing fees will apply.

LDS proposes other editorial changes and adjustments to round fees to the nearest dollar. For all permit fees that are based on the cost of construction, LDS proposes language to require the permittee to provide verifiable cost data to show how the cost of construction is calculated.

Attachment 1 includes the proposed fee changes to Appendix Q.

REGULATORY IMPACT

The proposed amendment updates Appendix Q of the Code to ensure fees are consistent, transparent, and tied to cost recovery.

Proposed changes to building trade permit fees will result in streamlined fees commensurate across the trades:

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- Customers will have incentive to provide high quality plans on the first submittal, rather than submitting unfinished plans quickly for the sake of showing progress in the county system.
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Proposed changes to site inspection and plan review fees will result in the following:

- The inspection fee structure for bonded projects will now be based on a percentage of the bond amount, rather than a base rate for disturbed acres plus additional fees for each public improvement to be inspected.
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- Plan review fees will increase by the cost of additional urban forestry tree preservation review time.

Proposed additional fees for building plan resubmission will result in the following:

- Cover LDS costs incurred when building plan reviewers must review the history and any associated changes in requirements when a resubmission is put forward for review.
- This will have an impact on those plans that go beyond two submissions (\$216 for commercial plans and \$108 for residential plans), and is projected to generate \$65,000 in annual revenue, based on a review of current resubmission trends.

The editorial changes to Appendix Q will simplify calculations.

FISCAL IMPACT

In regard to proposed adjustments to existing fees, analysis indicates that the adjustments for building trade permits and site inspections will have a minor negative impact on County revenue and a negligible impact on customer costs. These proposed changes will result in simpler fee calculations and dependable fee estimates. Attachment A (the Staff Report) includes a summary of the analysis of the major Appendix Q fee changes. LDS projects customer savings in elevator inspection fees as the combination of a floor fee increase will be offset by a reduction in the five-year testing fee.

The new Gateway and Minimum Submission Review fees will add additional costs to applicants during the review process (as outlined in the table above) and will generate \$975,000 in revenue by the time all fees are enacted with the PLUS permitting system

in 2022. However, these fees will be spread across nearly 5000 plan submissions with the sole intent of limiting the impact of poor-quality plans to queue lengths and reducing plan review times by jettisoning poor-quality plans before significant staff time is invested. The overall result will add efficiency to the permit review process and will afford quicker review times for good-quality plans. It is anticipated that the value of time saved for applicants through quicker review times will far exceed the fee increase per plan submission.

These fee changes and additions will be implemented either on July 1, 2020 (Elevator Inspections and Site-Related Plan Gateway/Minimum Submission Reviews); or at the time of PLUS implementation (Building Trade Permits, Building Plan Gateway/Minimum Submission Reviews, Site-Related Plan and Inspections, and other miscellaneous changes). Table 2 (Fiscal Impact Summary) depicts the projected revenue impact (where that impact is material) of this proposed Appendix Q amendment, and shows the projected implementation dates, along with a notation of the fees that are changing and the new fees.

Table 2: Fiscal Impact Summary

Fee	Amount	Implementation Date
Adjustments to Current Fees		
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Building Plan Resubmission Fee	\$65,000	PLUS Implementation
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SUBTOTAL – JULY 1, 2020 IMPLEMENTATION	(\$220,000)	
Total Adjustments to Current Fees:	(\$48,500)	
New Fees		
Gateway Building Plan Review Fee	\$387,500	PLUS Implementation
Building Plan Minimum Submission Review Fee	\$400,000	PLUS Implementation
SUBTOTAL – PLUS IMPLEMENTATION	\$787,500	
Gateway Site-Related Plan Review Fee	\$112,500	July 1, 2020
Infill Minimum Submission Review Fee	\$75,000	July 1, 2020
SUBTOTAL – JULY 1, 2020 IMPLEMENTATION	\$187,500	
Total New Fees:	\$975,000	
TOTAL REVENUE IMPACT	\$926,500	
Total FY 2021 Impact	(\$32,500)	

For changes to existing fees, LDS projects a net loss of \$48,500 with an estimated reduction of \$220,000 for changes implemented on July 1, 2020, offset by a net increase of \$171,500 for fees adjusted in concert with PLUS implementation, which is anticipated in FY 2022. LDS anticipates that the proposed new will generate net additional annual revenue of \$975,000, with an estimated increase of \$187,500 that will go into effect on July 1, 2020, and an estimated increase of \$787,500 for fee implemented along with PLUS.

The FY 2021 revenue impact has not been incorporated into the FY 2021 Advertised Budget Plan. Upon Board approval, staff will work with DMB to make any necessary budgetary adjustments.

ATTACHED DOCUMENTS

Attachment 1– Amendment to Appendix Q (LDS Fee Schedule)

Attachment 2– Analysis of Major Changes to Appendix Q (LDS Fee Schedule)

**Proposed Amendment to
Appendix Q (Land Development Services Fee Schedule) of
The Code of the County of Fairfax, Virginia**

Amend Table of Contents, by updating the page numbers upon adoption.

Amend Part I (Building Development Fees), Section A (Standard Fees) through G (Vertical Transportation Fees), where insertions are underlined and deletions are struck, to read as follows:

I. BUILDING DEVELOPMENT FEES

The following building development fees to cover the cost of reviewing plans, issuing permits, performing inspections, licensing, home improvement contractors and other expenses incidental to the enforcement of the Uniform Statewide Building Code, (USBC) and Chapters 61, 64, 65 and 66 of the Code are hereby adopted:

A: STANDARD FEES

Listed below are standard fees that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits. The fees shall apply provided all of the applicable conditions set forth in § 61-1-3 of the Code are met.

- | | |
|--|-----------------------------------|
| 1. Base fee: The minimum fee charged for any permit.
A reduced fee shall apply as noted below. | \$108.00 |
| 2. Reduced fees: | |
| • Multiple permits, per unit | \$36.00 |
| • Fee for permits requiring no inspections | \$36.00 |
| • Casualty Permits | \$0.00 |
| 3. After-hours re-energization or time-specific inspection fee
for each 30-minute period or fraction thereof | \$241. 20.00 <u>00</u> |
| 4. Amendment of permit | |
| • The fee shall be the fee for any equipment added
or the fee for any additional work involved, whichever
fee is greater. In no case shall the fee be less than: | \$36.00 |
| 5. Annual permit fee
Same as Base Fee | \$108.00 |
| 6. Asbestos removal/abatement
Same as Base Fee | \$108.00 |
| 7. Re-inspection fee
Same as Base Fee | \$108.00 |
| 8. Team inspections | |
| • Fee if all disciplines (i.e. building, electrical, plumbing, mechanical and/or the Fire
Marshal) are involved in inspections | \$507.60 |

• Fee paid for each discipline taking part in the inspection, should the inspection not involve all disciplines	\$108.00
98. Modular residential units, including manufactured homes Percentage of the regular permit fee	50.00%
10. Non-permitted work	\$108.00
449. Permit extensions: Permit authorizing construction of:	
• Interior alteration to an existing building	\$36.00
• An addition(s) or exterior alteration(s) to an existing residential structure (R-3, R-4 and R-5 construction)	\$36.00
• An accessory structure(s) on a residential property (R-3, R-4 and R-5 construction)	\$36.00
• A new structure (other than noted above)	\$241.20.00
• An addition(s) to a non-residential structure	\$241.20.00
12. Replacement of defective sprinkler heads	\$0.00
1310. Radiation, fallout or blast shelter	\$0.00
4411. Solar Energy	\$0.00
<u>12. Maximum Occupancy Load Posting</u>	<u>\$156.00</u>

B: BUILDING PERMIT AND OTHER FEES

~~(A) New Buildings, Additions or Enlargements: The fee for construction of a new building, or an addition or an enlargement to an existing building shall be based on the following:~~

~~1. Except as noted in subsection 2 below, the fee for the construction of a new building, an addition or an enlargement shall be based on the area (as determined by the exterior dimension) of all floors, including basements or cellars and horizontally projected roof areas, for the following types of construction as defined in the USBC in effect, and specified in Table I below.~~

~~2. New single family detached dwellings and townhouses: The fee for construction of a new single family detached dwelling or townhouse shall be based on Table I, or as determined by the permit applicant, on Table IIA for a new single family detached dwelling or Table IIB for a new townhouse. The square footage area reflected in Table IIA and Table IIB is to be calculated pursuant to American National Standard Institute, Inc. (ANSI) Standard Z765-2003 or its equivalent and based on the total area of the building's finished floor areas.~~

TABLE 1

Residential Fees

• Type IA, and IB, per square foot	\$0.216
• Type IIA, IIIA and IV, per square foot	\$0.169
• Type IIB, IIIB and VA, per square foot	\$0.114
• Type VB, per square foot	\$0.114

Commercial Fee

• Type IA, and IB, per square foot	\$0.216
• Type IIA, IIIA and IV, per square foot	\$0.169

- Type IIB, IIIB and VA, per square foot \$0.169
- Type VB, per square foot \$0.169

TABLE IIA
SINGLE FAMILY DETACHED DWELLINGS

• SFD A: 1 to 3,849 square feet	\$564.00
• SFD B: 3,850 to 5,949 square feet	\$852.00
• SFD C: 5,950 to 8,399 square feet	\$1,182.00
• SFD D: 8,400 to 13,999 square feet	\$1,728.00
• SFD E: 14,000 to 20,000 square feet	\$2,922.00
• Above 20,000 square feet	Use Table I

TABLE IIB
TOWNHOUSES

• TH A: 1 to 2,249 square feet	\$292.80
• TH B: 2,250 to 3,749 square feet	\$463.20
• TH C: 3,750 + square feet	\$756.00

(B) Plan Resubmissions: A fee per plan review discipline (i.e. building, electrical, mechanical or plumbing) will be assessed for each resubmission of plans. Each fee below is based on the first resubmission. Each additional resubmission will be based on the previous resubmission fee with ten percent added. If the plan gets beyond the sixth submission, then it must be submitted as an entirely new plan.

- For all new commercial buildings and additions to existing commercial buildings \$204.00 \$216.00
- For all new residential buildings and additions to existing residential buildings Same as Base Fee \$108.00
- Subsequent Plan Resubmissions Previous Plan Resubmission Fee + 10%
- ~~For each resubmission of plans for alterations to existing commercial buildings Same as Base Fee \$108.00~~

(C) Countywide Master File Review: A fee per plan review discipline (i.e., building, electrical, mechanical or plumbing) will be assessed at the time of the initial permit application. \$216.00

(D) Plan Extension Fee: A fee per plan that has been returned to the permittee to address comments and/or make changes, when that plan has been with the permittee for a period of six months or longer. Active building plans may be extended twice; after that, any submissions will be treated as new, and initial permit and filing fees will apply.

- First extension \$108.00
- Second extension \$216.00

(E) New Structure: The fee for erection or installation of structures other than buildings (e.g. signs and retaining walls, canopies)

- For structures accessory to R-3, R-4 and R-5 construction
Percentage of the estimated cost of ~~construction work~~ (The permittee must provide verifiable detail of the cost of construction.) 2.40%
- For other structures
Percentage of the estimated cost of ~~construction work~~ (The permittee must provide verifiable detail of the cost of construction.) 4.10%

(DF) Basement Finishing: (R-3, R-4 and R-5 construction)

- Same as Base Fee \$108.00

(EG) Demolition:

- Entire Structure: The fee for a permit to demolish a structure
Same as Base Fee \$108.00
- Partial Demolition for renovation: The fee for a permit to partially demolish a structure in preparation for renovation
Percentage of estimated cost of demolition 2.40%
(The permittee must provide verifiable detail of the cost of construction.)

(FH) Filing Fees for Permit Application and Plans Examination (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits): To allow for permit application processing and plan examination in the event a building permit is not issued, the following fees shall be paid prior to plan review for such a permit.

- **Gateway Review Fee**
Fee assessed at the initial plan submission for new commercial construction and tenant alteration plans (\$100 per discipline), for a quality and content review of plan submissions by technical staff prior to the beginning of the comprehensive review. Fee will be charged for each Gateway Review regardless of pass or fail and comprehensive review will not begin until Gateway passes.
 - First Gateway Review Fee (\$100 per discipline) \$500.00
 - Subsequent Gateway Review Fee (each time plan fails any discipline, requiring Gateway Resubmission) Previous Gateway Review Fee + 10%
- **Minimum Submission Review Fee**
Fee assessed at initial plan submission for residential building plans (single-family home and non-walk-through residential alterations/additions) to ensure that the plan submission meets all necessary technical and formatting requirements. Fee will be charged for each Minimum Submission Review (MSR) regardless of pass or fail and comprehensive review will not begin until MSR passes.
 - Fee per MSR Submission \$108.00
- For non-walk-through single-family residential projects
Percentage of the permit fee 50.00%
- For all commercial work, apartment buildings, garden apartments, and high-rise residential buildings
Percentage of the permit fee 35.00%
- For walk-through residential projects
Percentage of the permit fee 100.00%

(GI) Home Improvements: See applicable fees for new buildings, additions, enlargements, repairs and alterations.

(HJ) Modular Furniture: The fee for the installation of modular furniture per floor or portion thereof when:

- The estimated cost of construction is \$10,000 or more ~~\$406.80~~ \$410.00
(The permittee must provide verifiable detail of the cost of construction.)
- The estimated cost of construction is less than \$10,000
Percentage of the estimated cost of construction 4.10%
with a minimum fee of ~~\$177.60~~ \$205.00
(The permittee must provide verifiable detail of the cost of construction.)

(H) *Partitions:*

- Same as base fee \$108.00

(JL) *Removal and Relocation:* The fee shall be based on a percentage of the cost of moving, plus a percentage of the cost of all work necessary to place the building or structure in its completed condition in the new location.

- Percentage of the cost of moving plus 2.40%
- Percentage of the cost of ~~construction~~work 2.40%
- (The permittee must provide verifiable detail of the cost of moving and cost of construction.)

(K M) *Repairs and Alterations:* The fees for repairs and alterations of any building or structure where there is no addition or enlargement:

- For commercial work
Percentage of the estimated cost of ~~construction~~work 4.10%
(The permittee must provide verifiable detail of the cost of construction.)
- For residential work (R-3, R-4 and R-5 construction)
Percentage of the estimated cost of ~~construction~~work 2.40%
(The permittee must provide verifiable detail of the cost of construction.)

(N) *Retaining Walls:* The fee for installation and repair of a retaining wall:

- Retaining Walls reviewed/inspected under the International Building Code (generally commercial or multi-family)
Percentage of the estimated cost of construction. 4.10%
(The permittee must provide verifiable detail of the cost of construction.)
- Retaining walls reviewed/inspected under the International Residential Code (generally single-family detached dwellings)
Percentage of the estimated cost of construction. 2.40%
(The permittee must provide verifiable detail of the cost of construction.)

(LO) *Roof Repairs, New Roof Structures, Re-siding:* Fees for repairs and alterations apply.

(MP) *Swimming Pool:* The fee for a building permit to construct a swimming pool. ~~\$159.60~~ \$216.00

(NQ) *Temporary Structures:*

- Same as Base Fee \$108.00

(OR) *Tenant Layouts:*

- Except for those tenant layouts shown on the originally approved plans for a new building, separate building permits shall be required for each tenant layout. The fee shall be based on a percentage of the estimated cost of ~~construction~~work.
Percentage of the estimated cost of ~~construction~~work 4.10%
- The permittee must provide verifiable detail of the cost of construction.
In no case, shall the permit fee be less than: ~~\$408.00~~ \$410.00
- Fee per plan review discipline for each submission of plans for alterations to existing commercial buildings
Same as Base Fee \$108.00

(PS) Home Improvement Contractor License Fees:

All contractor application and license fees are charged per individual for a sole proprietorship, per general partner for a partnership, or per corporate officer for a corporation.

• Application processing fee	\$103.20 <u>\$103.00</u>
• Fee of license issuance	\$63.60 <u>\$64.00</u>
• Fee to renew expired license, in addition to license renewal fee*	\$61.20 <u>\$61.00</u>
• Fee to renew license	\$85.20 <u>\$85.00</u>
• Fee to maintain license in inactive state	\$30.00

*The fee to renew expired license. The Building Official or his designee has the authority to waive the penalty fee when the failure to renew a license is due to circumstances beyond the control of the licensee.

C: MECHANICAL PERMIT FEES**(A) Mechanical Equipment Installation Fees:**

1. The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than ~~within individual residences~~ buildings in the R-3 or R-5 use groups. This fee is in addition to the ~~equipment~~ fees listed below in this section.

Percentage of the contract value less the value of listed equipment 2.40% ~~1.0%~~
 (The permittee must provide verifiable detail of the cost of construction and total contract value.)

1. Boilers:

• Hot water heating to 200 MBH	\$115.20
○ For each additional 100 MBH or fraction thereof	\$17.82
• Hot water storage tank	\$115.20
• Hot water supply to 500 MBH	\$115.20
○ For each additional 500 MBH or fraction thereof	\$17.82
• Low pressure steam to 200 MBH	\$115.20
○ For each additional 100 MBH	\$17.82
• Indirect hot water heater	\$115.20
• Miniature	\$145.20
• Power	\$145.20
○ Plus per boiler hp	\$2.16

2. Crematorium \$175.20

3. Dumbwaiters See Vertical Transportation

4. Elevators See Vertical Transportation

5. Expansion tank \$115.20

6. Escalator See Vertical Transportation

7. Furnaces:

• Central heating up to 200 MBH	\$47.04
○ Each additional 100 MBH or fraction thereof	\$12.90

• Duct furnace up to 200 MBH	\$29.22
○ Each additional 100 MBH or fraction thereof	\$12.90
• Oil and solid fuel furnace up to 220 MBH input	\$47.04
○ Each additional 100 MBH or fraction thereof	\$12.90
• Electric furnace up to 30 KW	\$47.04
○ Each additional 30 KWS or fraction thereof	\$6.66
8. Halon system	
• Same as Base Fee	\$108.00
9. Heat pump:	
• Up to 5 tons	\$58.50
○ Each additional ton	\$2.16
• Auxiliary heat up to 100 MBH	\$47.04
○ Each additional 100 MBH	\$6.66
• Incremental heating and air conditioning units per unit. This fee applies to heating and air conditioning units installed with boilers, chillers and water towers in a building.	\$13.56
10. Incinerator:	
• Per 100 lbs. per hour burning rate or fraction thereof	\$58.50
11. Manlift — See Vertical Transportation	
12. Oil burner (conversion to or replacement of oil burner):	
• Light oils — No. 1, 2 or 4	\$58.50
• Heavy oils — No. 5 or 6	\$71.22
13. Ductwork and/or Piping of equipment:	
• The fee for ductwork and/or piping of equipment for use groups other than R-3, R-4, and R-5 Percentage of the total contract value	2.40%
14. Porch lift, handicapped/wheel chair lift, hand elevator — See Vertical Transportation	
15. Prefab chimney	\$29.22
16. Prefab fireplace, with or without prefab chimney	\$29.22
17. Pump, circulating	\$58.50
18. Range hood fire protection system: Range hood only is charged as ductwork Same as Base Fee	\$108.00
19. Refrigeration (including but not limited to chillers, air conditioning units and cooling towers)	
• Refrigeration and refrigeration cycle of air conditioning systems up to 5 tons	\$58.50
○ Each additional refrigeration ton or fraction thereof	\$2.16

20. Sidewalk elevators—See Vertical Transportation

21. Space heater—See Unit Heater

22. Tanks (Above ground or underground tanks for hazardous or non-hazardous liquids, oil gas and propane):

• Commercial—Same as Base Fee	\$108.00
• Residential (R-3, R-4 and R-5 occupancies)—Same as Base Fee	\$108.00
• Unfired pressure vessel (Air compressor receiving tank)	\$115.20

23. Unit heater:

• Gas and oil up to 500 MBH input	\$29.22
○ For each additional 100 MBH input or fraction thereof	\$6.78
• Electrical up to 147 KW	\$29.22
○ Each additional 30 KW or fraction thereof	\$6.78
• Woodstove, with or without prefab chimney	\$13.08

(B) Periodic Mechanical Inspection Fee:

1. Boilers

• Hot water heating	
○ 0-1000 MBH	\$115.20
○ 1001-2000 MBH	\$145.20
○ Over 2000 MBH	\$175.20
• Hot water supply	\$115.20
• Miniature	\$145.20
• Power	
○ 0-100 HP	\$175.20
○ 101-500 HP	\$204.00
○ 501-1000 HP	\$235.20
○ Over 1000 HP	\$260.40
• Steam	
○ 0-1000 P/H	\$153.60
○ 1001-2000 P/H	\$175.20
○ 2001-4000 P/H	\$204.00
○ Over 4000 P/H	\$235.20
• Hydrostatic test	\$207.60
• Incinerator	
○ Up to 100 pounds	\$121.20
○ Over 100 pounds	\$184.80
• Range hood fire protection system	
○ Range hood is only charged as ductwork	\$115.20
• Halon system	\$115.20

- | | |
|---------------------------|----------|
| • Refrigeration system | \$175.20 |
| • Unfired pressure vessel | |
| ○ With manhole | \$175.20 |
| ○ Without manhole | \$115.20 |
2. New Residential Mechanical (For New Dwelling Units in R-2, R-3, R-4, and R-5 Use Groups):
Fees for the initial installation of equipment listed on the mechanical permit application that includes the HVAC equipment for the dwelling.
- | | |
|-----------------------|----------|
| • 1 New Zone | Base Fee |
| • 2 New Zones | \$211.00 |
| • 3 New Zones | \$317.00 |
| • 4 New Zones | \$422.00 |
| • 5 or more New Zones | \$528.00 |
3. Mechanical Residential HVAC Equipment Installation Fees (For Gas Fixtures in Addition to New HVAC Equipment):
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:
- | | |
|---------------------------------|----------|
| • Level One (1-7 Fixtures) | Base Fee |
| • Level Two (8-12 Fixtures) | \$137.00 |
| • Level Three (13-17 Fixtures) | \$180.00 |
| • Level Four (18-22 Fixtures) | \$224.00 |
| • Level Five (Over 22 Fixtures) | \$267.00 |
4. Mechanical Commercial HVAC Equipment Installation Fees:
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:
- | | |
|------------------------------------|-----------|
| • Level One (1-7 Fixtures) | Base Fee |
| • Level Two (8-12 Fixtures) | \$211.00 |
| • Level Three (13-17 Fixtures) | \$317.00 |
| • Level Four (18-22 Fixtures) | \$422.00 |
| • Level Five (23-27 Fixtures) | \$528.00 |
| • Level Six (28-32 Fixtures) | \$633.00 |
| • Level Seven (33-37 Fixtures) | \$738.00 |
| • Level Eight (38-42 Fixtures) | \$844.00 |
| • Level Nine (43-47 Fixtures) | \$950.00 |
| • Level Ten (48-52 Fixtures) | \$1055.00 |
| • Level Eleven (53-57 Fixtures) | \$1161.00 |
| • Level Twelve (58-62 Fixtures) | \$1266.00 |
| • Level Thirteen (63-67 Fixtures) | \$1372.00 |
| • Level Fourteen (68-72 Fixtures) | \$1478.00 |
| • Level Fifteen (Over 72 Fixtures) | \$1583.00 |
5. Mechanical Commercial Miscellaneous Equipment Installation Fees:
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:
- | | |
|---------------------------------|-----------|
| • Level One (1-5 Fixtures) | Base Fee |
| • Level Two (6-20 Fixtures) | \$190.00 |
| • Level Three (21-35 Fixtures) | \$340.00 |
| • Level Four (36-50 Fixtures) | \$490.00 |
| • Level Five (51-65 Fixtures) | \$640.00 |
| • Level Six (66-80 Fixtures) | \$790.00 |
| • Level Seven (81-95 Fixtures) | \$940.00 |
| • Level Eight (96-110 Fixtures) | \$1090.00 |
| • Level Nine (111-125 Fixtures) | \$1240.00 |

• Level Ten (126-140 Fixtures)	\$1390.00
• Level Eleven (141-155 Fixtures)	\$1540.00
• Level Twelve (156-170 Fixtures)	\$1690.00
• Level Thirteen (171-185 Fixtures)	\$1840.00
• Level Fourteen (186-200 Fixtures)	\$1990.00
• Level Fifteen (Over 200 Fixtures)	\$2140.00

(B) Piping of Equipment: _____ Base Fee

(C) Ductwork: _____ Base Fee

D: ELECTRICAL PERMIT FEES

(A) Electrical Equipment Installation Fees:

Fees for the initial construction of new dwelling units in R-2, R-3, R-4 and R-5 use groups. The fees include the initial installation of equipment listed on the electrical permit application that includes the main electrical service for the dwelling. Any equipment installed pursuant to other electrical permit applications shall be charged in accordance with the fees prescribed in (B) below.

1. The permit fee for installation, repair, or replacement of all electrical equipment installed in buildings other than buildings in the R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.

Percentage of the contract value less the value of listed equipment _____ 1.0%
(The permittee must provide verifiable detail of the cost of construction and total contract value.)

1. Electrical service size:

• 0-149 amps	\$240.00
• 150-399 amps	\$254.40
• 400 amps	\$350.40
• More than 400 amps — Use itemized fees in (B) below — See note	

(B) Electrical Equipment Installation Fees:

1. Appliances, residential: Includes direct wired appliances installed in dwelling units such as air cleaners, attic fans, central vacuums, dishwashers, disposals, clothes dryers, ovens, ranges or stoves, trash compactors and water heaters:

• First appliance	\$12.00
• Each additional appliance	\$6.78

Receptacles for individual appliances installed in lieu of the appliance shall be charged at the same rate as if the appliance were installed.

2. Circuits, new (extensions are counted as circuits), each _____ \$2.16

3. Control wiring: Wiring less than 50 volts when penetrating fire rated assemblies, smoke barriers and non-combustible plenums (e.g. telephone wiring, television wiring, burglary/security systems, fire alarm systems, etc.)
Same as Base Fee _____ \$108.00

4. Dental chairs _____ \$12.00

5. Electrical equipment rated by kilowatts (KW) to include space, baseboard and central heat, and commercial cooking units, water heaters, dishwashers, dryers, etc.:
• 0 to 4 KW _____ \$17.82

○ Each additional unit in this range	\$6.78
● 4 to 6 KW	\$21.60
○ Each additional unit in this range	\$12.90
● 6 to 8 KW	\$27.12
○ Each additional unit in this range	\$17.82
● 8 to 10 KW	\$33.90
○ Each additional unit in this range	\$21.60
● 10 to 14 KW	\$39.48
○ Each additional unit in this range	\$27.12
● 14 to 20 KW	\$44.10
○ Each additional unit in this range	\$33.90
● 20 to 25 KW	\$49.56
○ Each additional unit in this range	\$39.48
● Over 25 KW	\$54.54
○ Each additional unit in this range	\$44.10
6. Fan-coil units	\$6.78
7. Fixtures, switches and receptacles, etc.:	
● First 10 or fraction thereof	\$12.90
○ Each additional 10 or fraction thereof	\$8.70
8. Gasoline pumps: Submerged Fee shall be the same as for motors	
9. Gasoline island pumps or dispensers:	
● First	\$12.90
○ Each additional	\$8.70
10. Generators: (does not apply to generators used with amusement devices)	
● 0 to 5 KW	\$29.22
● Over 5 to 25 KW	\$35.94
● Over 25 to 35 KW	\$47.04
● Over 35 to 50 KW	\$57.24
● Over 50 KW	\$87.60
11. Heating and air conditioning — gas and oil:	
● Residential furnace — gas/oil or air conditioning	
○ First unit	\$17.82
○ Each additional unit	\$6.78
● Commercial furnace — See Motors	
12. Motors and electrical equipment rated horsepower (hp) to include commercial heating, cooling and ventilating equipment. On package equipment, such as pumps and commercial air handlers, fans, compressors and disposals, each motor shall be charged separately:	
1/8 horsepower or less — Charged as Fixtures	
● Over 1/8 to 1 hp	
○ First	\$17.82
○ Each additional motor	\$6.78
● Over 1 to 5 hp	
○ First	\$21.60
○ Each additional motor	\$6.78
● Over 5 to 10 hp	
○ First	\$29.40
○ Each additional motor	\$12.90

• Over 10 to 20 hp	
○ First	\$35.94
○ Each additional motor	\$17.82
• Over 20 to 30 hp	
○ First	\$41.28
○ Each additional motor	\$21.60
• Over 30 to 40 hp	
○ First	\$53.76
○ Each additional motor	\$35.94
• Over 40 to 50 hp	
○ First	\$63.60
○ Each additional motor	\$46.20
• Over 50 hp	
○ First	\$76.80
○ Each additional motor	\$58.50
13. Parking lot lighting:	
First pole	\$12.90
Each additional	\$6.78
14. Services:	
• New or replacement, subservices, subpanels, submeters or meters for separate occupancies:	
○ 0 to 800 amp	\$60.00
○ Over 800 amp	\$87.60
• Temporary service on structures for construction of temporary or permanent service	
○ 0-800 amp	\$60.00
○ Over 800 amp	\$87.60
• Circuits, fixtures, receptacles and equipment to be charged for under the circuit fixture and motor schedule	
15. Signs:	
• Fluorescent, each sign	
○ 1 to 4 tubes	\$17.82
○ Each additional 4 tubes or fraction thereof	\$12.90
• Incandescent, each sign	\$17.82
• Neon, each sign	
○ First transformer	\$17.82
○ Each additional transformer	\$6.78
16. Swimming pools, annual inspection fees:	
• Includes two inspections	
• Fee must be paid before inspections will be performed.	
Additional inspections will require payment of re-inspection fee.	\$159.60
17. Temporary wiring:	
• Tree sales, produce stands, fireworks stands, tent sales and other temporary non-amusement activities	
Same as Base Fee	\$108.00
• Carnivals, fairs, circuses, generators and other temporary amusement activities. The fee shall be the maximum fee per Virginia Amusement Device Regulations (VADR) 2012 adopted July 14, 2014 — Max Fee per VADR	

18. Transformers, UPS and step down transformers:	
• 0 to 10 KVA	\$17.82
○ Each additional transformer in this range	\$12.90
• Over 10 to 50 KVA	\$21.60
○ Each additional transformer in this range	\$17.82
• Over 50 to 75 KVA	\$35.94
○ Each additional transformer in this range	\$29.22
• Over 75 to 200 KVA	\$53.76
○ Each additional transformer in this range	\$41.28
• Over 200 KVA	\$68.40
○ Each additional transformer in this range	\$57.96
19. Unit heaters	\$6.78
20. UPS System - Fee shall be the same as transformers by KVA rating	
21. Welders	\$7.62
22. X ray machines	\$7.62
2. <u>New Residential Electrical Installation Fees:</u>	
• 0-149 Amps	\$273.00
• 150-399 Amps	\$302.00
• 400-599 Amps	\$343.00
• 600-799 Amps	\$372.00
• More than 799 Amps	\$475.00
3. <u>Residential Addition/Alteration Electrical Installation Fees:</u>	
The total permit fee is based on total number of fixtures, circuits, equipment:	
• Level One (1-100 fixtures, circuits, equipment)	Base Fee
• Level Two (101-125 fixtures, circuits, equipment)	\$117.00
• Level Three (126-150 fixtures, circuits, equipment)	\$145.00
• Level Four (151-175 fixtures, circuits, equipment)	\$173.00
• Level Five (Over 175 fixtures, circuits, equipment)	\$202.00
4. <u>Commercial Building/Addition/Alteration Electrical Installation Fees:</u>	
The total permit fee is based on total number of fixtures, circuits, equipment:	
• Level One (1-50 fixtures, circuits, equipment)	Base Fee
• Level Two (51-150 fixtures, circuits, equipment)	\$300.00
• Level Three (151-250 fixtures, circuits, equipment)	\$500.00
• Level Four (251-350 fixtures, circuits, equipment)	\$700.00
• Level Five (351-450 fixtures, circuits, equipment)	\$900.00
• Level Six (451-550 fixtures, circuits, equipment)	\$1100.00
• Level Seven (551-650 fixtures, circuits, equipment)	\$1300.00
• Level Eight (651-750 fixtures, circuits, equipment)	\$1500.00
• Level Nine (751-850 fixtures, circuits, equipment)	\$1700.00
• Level Ten (851-950 fixtures, circuits, equipment)	\$1900.00
• Level Eleven (951-1050 fixtures, circuits, equipment)	\$2100.00
• Level Twelve (1051-1150 fixtures, circuits, equipment)	\$2300.00
• Level Thirteen (1151-1250 fixtures, circuits, equipment)	\$2500.00
• Level Fourteen (1251-1350 fixtures, circuits, equipment)	\$2700.00
• Level Fifteen (Over 1350 fixtures, circuits, equipment)	\$2900.00

5. Service Panels

• Service Panel	\$60.00
• Temporary to Permanent	\$60.00
• Temporary for Construction	\$60.00
• Sub Panel	\$60.00
• Transfer Switch	\$60.00

6. Generator \$50.00

7. Low Voltage (per system per floor) \$54.00

E: PLUMBING PERMIT FEES

1. ~~(A) Plumbing and Gas Fitting Equipment Installation Fees: The permit fee for installation, repair, or replacement of all plumbing equipment installed in buildings other than buildings in R-3 or R-5 use groups. This fee is in addition to the fees listed below in this section.~~

~~Percentage of the contract value less the value of listed equipment 1.0%
(The permittee must provide verifiable detail of the cost of construction and total contract value.)~~

- ~~1. New plumbing systems in new buildings, existing unplumbed buildings, or portions thereof, changes in existing systems \$58.50

 - ~~• Plus, for each fixture, each appliance, each appurtenance, including sill cock, and for each areaway drain, floor drain and roof drain \$8.70~~~~
- ~~2. Setting or replacing fixtures without changes in existing system \$58.50

 - ~~• Plus, for each fixture \$6.78~~~~
- ~~3. Sewer, new, replacement or repair \$58.50~~
- ~~4. Sewer tapping \$58.50~~
- ~~5. Sewage ejector pump \$8.70~~
- ~~6. Sump pump \$8.70~~
- ~~7. Swimming pool, public and semipublic Fixture appliance and appurtenance fee apply~~
- ~~8. Water service, new, replacement or repair \$58.50~~
2. New Residential Townhouse/Condo Plumbing Installation Fees:
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:
 - Level One (1-19 Fixtures) \$206.00
 - Level Two (20-24 Fixtures) \$250.00
 - Level Three (25-29 Fixtures) \$278.00
 - Level Four (30-34 Fixtures) \$293.00
 - Level Five (Over 34 Fixtures) \$322.00
3. New Residential Single-Family Detached Dwelling Plumbing Installation Fees:
The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:
 - Level One (1-29 Fixtures) \$272.00
 - Level Two (30-39 Fixtures) \$359.00
 - Level Three (40-49 Fixtures) \$446.00
 - Level Four (50-59 Fixtures) \$533.00
 - Level Five (Over 59 Fixtures) \$624.00

4. Residential Addition/Alteration Plumbing Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• <u>Level One (1-7 Fixtures)</u>	<u>Base Fee</u>
• <u>Level Two (8-12 Fixtures)</u>	<u>\$137.00</u>
• <u>Level Three (13-17 Fixtures)</u>	<u>\$180.00</u>
• <u>Level Four (18-22 Fixtures)</u>	<u>\$224.00</u>
• <u>Level Five (Over 22 Fixtures)</u>	<u>\$267.00</u>

5. Commercial Building/Addition/Alteration Plumbing Installation Fees:

The total permit fee is based on the level in which the permittee's total number of fixtures being installed falls:

• <u>Level One (1-5 Fixtures)</u>	<u>Base Fee</u>
• <u>Level Two (6-20 Fixtures)</u>	<u>\$190.00</u>
• <u>Level Three (21-35 Fixtures)</u>	<u>\$340.00</u>
• <u>Level Four (36-50 Fixtures)</u>	<u>\$490.00</u>
• <u>Level Five (51-65 Fixtures)</u>	<u>\$640.00</u>
• <u>Level Six (66-80 Fixtures)</u>	<u>\$790.00</u>
• <u>Level Seven (81-95 Fixtures)</u>	<u>\$940.00</u>
• <u>Level Eight (96-110 Fixtures)</u>	<u>\$1090.00</u>
• <u>Level Nine (111-125 Fixtures)</u>	<u>\$1240.00</u>
• <u>Level Ten (126-140 Fixtures)</u>	<u>\$1390.00</u>
• <u>Level Eleven (141-155 Fixtures)</u>	<u>\$1540.00</u>
• <u>Level Twelve (156-170 Fixtures)</u>	<u>\$1690.00</u>
• <u>Level Thirteen (171-185 Fixtures)</u>	<u>\$1840.00</u>
• <u>Level Fourteen (186-200 Fixtures)</u>	<u>\$1990.00</u>
• <u>Level Fifteen (Over 200 Fixtures)</u>	<u>\$2140.00</u>

6. Sewer/Water Service

• <u>Sewer (New, Replacement or Repair)</u>	<u>\$59.00</u>
• <u>Sewer Tap (Manhole or Line)</u>	<u>\$59.00</u>
• <u>Water Service (New, Replacement or Repair)</u>	<u>\$59.00</u>

F: HOUSEHOLD APPLIANCE PERMIT FEES**(A) Household Appliance Fees:**

• Base permit fee, which includes the first appliance	\$60.00
○ Plus, additional appliances added on the same permit, each	\$14.46
• <u>One Appliance</u>	<u>\$60.00</u>
• <u>Two Appliances</u>	<u>\$74.00</u>
• <u>Three Appliances</u>	<u>\$89.00</u>
• <u>Four Appliances</u>	<u>\$103.00</u>

G: VERTICAL TRANSPORTATION PERMIT FEES

All vertical transportation equipment operating in Fairfax County must be permitted for installation, modernization, and/or replacement. In order to maintain a valid Certificate of Compliance, all commercial vertical transportation equipment (other than single-family detached dwellings) must also be permitted; tested periodically (six months); annually (one year); and submitted for re-acceptance every five years. Commercial vertical transportation equipment must have a valid Certificate of Compliance to operate.

(A) Floor Fee: For all permits; annual certificates of compliance; five-year tests; and all re-inspections, the floor fee will be added to the cost for each individual piece of equipment. For these purposes, this will be defined as the fee charged for each floor in the building where an individual passenger or freight elevator is installed. ~~\$47.00~~ 15.00

(B) Testing Fees: Unless otherwise stated in the following sections, fees for individual tests that must be performed on each piece of equipment will be as follows:

• Governor Test	\$296.00
• Load Test	\$445.00
• Speed Test	\$296.00
• Static Pressure Test	\$296.00
• Fire and Smoke Test	\$296.00
• Generator Test	\$296.00

(C) Commercial Mechanical Vertical Transportation Equipment Installation Fees: The permit fee for installation, repair, modernization, or replacement of all vertical transportation equipment installed in buildings other than within ~~individual residences~~ single-family detached dwellings. This fee is in addition to the equipment fees listed below in this section.

1. Floor fee plus 2.40% Percentage of the vertical transportation installation/repair/modernization, or replacement cost as indicated by the associated contract value less the value of the equipment listed below: ~~2.00%~~

(The permittee must provide verifiable cost detail of the associated activity and total contract value.)

With a minimum fee of	\$135.00
• Chair/platform lifts	\$142.00
• Dumbwaiters/material lifts	
○ Hand operated	\$142.00
○ Power driven	\$142.00
• Elevators	
○ Construction Use/Hoist, plus floor charge	\$289.00
(see 'floor charge' below '(A) Floor Fee Above)	
○ Freight, plus floor charge	
(see 'floor charge' below '(A) Floor Fee Above)	\$289.00
○ Passenger, plus floor charge	
(see 'floor charge' below '(A) Floor Fee Above)	\$289.00
• Escalators, per floor/moving walks	\$497.00
• Man lifts	\$146.00
○ Hand-driven	\$113.00
2. Elevator (Electric/Hydraulic)	\$289.00
3. Escalator/Moving Walk	\$487.00
4. Dumbwaiter	\$146.00
5. Lift	\$146.00

Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the fee for the equipment that has the most stops. ~~\$47.00~~

(D) Residential Mechanical Vertical Transportation Equipment Installation Fees (new, repair, modernization, or replacement):

• Chair/platform lifts	\$142.00
• Dumbwaiters	
○ Hand operated	\$142.00
○ Power driven	\$142.00
• Private residence elevators, lifts, or dumbwaiters	\$306.00 \$308.00

- Private residence elevator re-inspection fee (if acceptance fails) \$308.00

(E) Temporary Construction Use:

- After required elevator permit (including floor fees) is issued \$266.00
- Temporary construction use extension \$115.00

(FC) ~~Periodic Mechanical Inspection Fee~~ Annual Certificate of Compliance/~~Mechanical Inspection Fee~~: All vertical transportation equipment, other than ~~that which is installed within individual residences~~ those in single-family detached dwellings, and other than conveyors, requires an annual certificate of compliance. ~~For an~~ The annual certificate of compliance, ~~the annual fee covers the permit renewal, one regular and one periodic inspection during the certificate year,~~ payable by the owner of the building to the County of Fairfax before the expiration of the certificate. This will be calculated for each individual piece of equipment, which is designated by a unique equipment ID number, as follows:

- Elevator (Electric/Hydraulic) Floor Fee + \$289.00
- Escalator/Moving Walk Floor Fee + \$487.00
- Dumbwaiter Floor Fee + \$146.00
- Lift Floor Fee + \$146.00

If the vertical transportation equipment is not inspection ready at the appointed time, or if a potential safety issue is noted during the periodic, or annual inspection, and immediate corrective action is prescribed, then a reinspection fee (and any applicable testing fees referenced in Section B above), will be payable prior to a reinspection being scheduled, and calculated as follows:

- Per inspection visit \$246.00
-+ Floor Fee per equipment ID + applicable testing fee(s) per equipment ID
- Chair/platform lifts \$146.00
- Dumbwaiters/material lifts
- Hand-operated \$122.00
- Power driven \$134.00
- Elevators
- Construction \$266.00
- Freight, plus floor charge (see 'floor charge' below) \$266.00
- Passenger, plus floor charge (see 'floor charge' below) \$266.00
- Escalators, per floor/moving walks \$146.00
- Man lifts \$146.00
- Sidewalk elevators
- Hand-driven \$113.00
- Power driven \$150.00

~~Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the fee for the equipment that has the most stops.~~

\$47.00

(G) Acceptance of Modernization/Repair and/or Five-Year Testing and Inspection Fees: Once commercial vertical transportation equipment has been permitted for repair/modernization and/or the equipment reaches five years since acceptance testing was performed, the following fee shall be assessed:

- Per equipment ID Floor Fee + \$1,750.00

~~Freight and passenger elevator tests: The following fees apply to freight and passenger elevator tests which are not performed in conjunction with regularly scheduled periodic inspections:~~

- Temporary inspection \$246.00
- Temporary inspection (extension) \$115.00
- Governor test \$296.00
- Load test \$445.00

• Speed test	\$296.00
• Static pressure/hydraulic	\$296.00
• Fire and smoke test	\$213.00

If the vertical transportation equipment is not inspection ready at the appointed time, or if a potential safety issue is noted during the modernization/repair acceptance, or five-year testing inspection, and immediate corrective action is prescribed, then a reinspection fee (and any applicable testing fees referenced in Section B above), will be payable prior to a reinspection being scheduled, and calculated as follows:

• Per inspection visit	\$246.00
+ Floor Fee per equipment ID + applicable testing fee(s) per equipment ID	

(H) *Removal (Demolition)*: Applies to the complete removal of all associated equipment for a specific equipment ID within a commercial or residential structure:

• Permit Fee	\$108.00
• Inspection Fees	
○ Elevator (Electric/Hydraulic)	\$289.00
○ Escalator/Moving Walk	\$487.00
○ Dumbwaiter	\$146.00
○ Lift	\$146.00

Amend Part II (Site Development Fees), Section A (Plan and Document Review Fees), where insertions are underlined and deletions are struck, to read as follows:

A: PLAN AND DOCUMENT REVIEW FEES

The following fees are due upon submission to the County of the following plans and documents. The Fire Prevention Division review fees are listed in Part D.

(A) Pre-Submission Filing and Review Fees for Certain Plans:

- **Gateway Review Fee**
Fee assessed at the initial plan submission for bonded plans and minor site plans, for a quality and content review of plan submissions by technical staff prior to the beginning of the comprehensive review. For minor site plans, a Minimum Submission Review may substitute for a Gateway Review, based on plan complexity. Fee will be charged for each Gateway Review regardless of pass or fail and comprehensive review will not begin until Gateway passes.
 - First Gateway Review Fee \$500.00
 - Subsequent Gateway Review Fee (each time plan fails, requiring Gateway resubmission) Previous Gateway Review Fee + 10%
- **Minimum Submission Review Fee**
Fee assessed at initial plan submission for non-bonded plans excluding minor site plans to ensure that the plan submission meets all necessary technical and formatting requirements. Fee will be charged for each Minimum Submission Review (MSR) regardless of pass or fail and comprehensive review will not begin until MSR passes.
 - Fee per MSR Submission \$108.00

(AB) Plats:

1. Easement plat, per submission \$432.00
2. Preliminary subdivision plat:
 - Initial Submission
 - Less than 10 lots ~~\$4,192.80~~ \$4,193.00

ATTACHMENT 1

<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> Plus, fee per lot or division of land including outlots and parcels 10 lots or more 	\$79.20 <u>\$79.00</u> \$6,825.60 <u>\$6,826.00</u>
<ul style="list-style-type: none"> <ul style="list-style-type: none"> <ul style="list-style-type: none"> Plus, fee per lot or division of land including outlots and parcels 	\$79.20 <u>\$79.00</u>
Redate (reapproval): fee for reapproval of a previously approved preliminary plat submitted to the County for approval during the validity period of the preliminary plat, each.	\$850.80 <u>\$851.00</u>
<ul style="list-style-type: none"> Resubmission, per submission – Percentage of the Original Fee Revisions, per submission – Percentage of the Original Fee 	25.00% 25.00%
3. Record (final) subdivision plat:	
<ul style="list-style-type: none"> Initial Submission <ul style="list-style-type: none"> Plus, fee per lot or division of land including outlots and parcels Resubmission Fee, per submission Redate (reapproval): fee for reapproval of a previously approved final plat that has expired, per submission 	\$727.20 <u>\$727.00</u> \$36.00 \$369.60 <u>\$370.00</u> \$634.80 <u>\$635.00</u>

(BC) Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only: The following schedule shall be used to tabulate the fees for review of subdivision and site plans, and site plans for public improvements only.

1. Base Fee:

<ul style="list-style-type: none"> Subdivision Plans <ul style="list-style-type: none"> 1st Review Cycle Site Plans <ul style="list-style-type: none"> 1st Review Cycle Site Plans and Subdivision Plans Additional fee per disturbed acre or any fraction thereof The maximum base fee (as part of the initial review cycle) is as follows: <ul style="list-style-type: none"> For Subdivision Plans For Site Plans Site plans for public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code. <ul style="list-style-type: none"> 1st Review Cycle 	\$6,955.00 <u>\$7,336</u> \$9,806.00 <u>\$10,187</u> \$1,061.00 \$17,862.00 \$59,526.00 \$3,843.00
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2. Fees in addition to base fees:

<ul style="list-style-type: none"> Site Plans for the following public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code. Additional fee per linear foot or fraction thereof, of each improvement Additional plan review, as a result of an approved zoning action associated with the proposed construction to include the following with a maximum cumulative fee of 	\$1.45 <u>\$2.00</u> \$4,158.00
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ATTACHMENT 1

○ Sites subject to rezoning	\$2,442.00
○ Sites subject to special exception	\$1,713.60
○ Sites subject to special permit	\$1,713.60
○ Sites subject to variance	\$1,269.60
• Review resulting from site conditions and proposed improvements	
○ SWM/BMP facility, for each <u>proposed</u> facility serving the site (on or off-site), except as noted, with a maximum cumulative fee of	\$7,500.00
▪ Constructed Wetland or Ponds	\$3,200.00
▪ Bioretention Basin or Filter, Infiltration Facility, Filtering Practice ² , Innovative BMP ³ , or Detention-Only Facility ⁴	\$1,900.00
▪ Dry Swale, Wet Swale, or Grass Channel (per linear foot) with a minimum of	\$5.00 \$1,500.00
▪ Rainwater Harvesting System, per square foot of collection area, with a minimum of	\$0.12 \$1,900.00
▪ Permeable Pavement, Vegetated Roof, per square foot of surface with a minimum of	\$0.12 \$1,500.00
▪ Manufactured BMP ⁵ , Micro- or Urban Bioretention ⁶	\$1,200.00
▪ Rooftop Disconnection, for each building served	\$500.00
▪ Sheet Flow to Vegetated Filter Strip or Conserved Open Space, Soil Amendments, Reforestation, flat fee per plan	\$500.00
○ Floodplain area (existing and proposed)	\$856.80 <u>\$857.00</u>
○ Natural drainage way (non-floodplain watersheds)	\$856.80 <u>\$857.00</u>
○ Problem soils (area with soil types A or B, per the official map adopted by the Board or as deemed by the Director)	\$1,269.60 <u>\$1,270.00</u>

² Filtering practices include facilities such as sand filters.

³ BMPs not on the Virginia Stormwater BMP Clearinghouse approved list or listed with a Pilot Use Designation or Conditional Use Designation.

⁴ Vaults or other underground storage systems providing detention only. No ponds.

⁵ Includes proprietary devices.

⁶ Includes residential rain gardens, urban stormwater planters, expanded tree pits, and stormwater curb extensions.

3. Additional Review Cycles:

- 2nd Review Cycle Fee: fee tabulated at a percentage of all fees due at initial submission (Base Fee + all other associated fees assessed in accordance with (B1) and (B2) above).
Percentage of all fees 55.00%
 - Plus, additional fees charged in accordance with (B1) and (B2) above for changes in the amount of disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the first submission. Tabulated Fee
- Signature Set Review Cycle (formerly 3rd Submission): Site Plans, Subdivision Plans, and Site Plans with public improvements only \$0.00
- Additional review cycles if Signature Set Review Cycle is not approved; per review cycle (does not apply to site plans with public improvements only) ~~\$6,000.00~~ \$6,568.00
- Additional review cycles for site plans with public improvements only, if Signature Set Review Cycle is not approved; per review cycle ~~\$2,500.00~~ \$3,068.00

4. Revisions:

- Fee, per submission \$1,346.00
 - Plus, additional fees charged in accordance with (B1) and (B2) above for changes in the disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the original plan. Tabulated Fee

5. Plan extensions (redate), per request \$1,713.60

(CD) Minor Site Plans and Grading Plans:

1. Minor Site Plans,

- 1st Review Cycle ~~\$3,901.00~~ \$4,282.00
- 2nd Review Cycle
Percentage of the 1st Review Cycle Fee 55.00%
- Signature Set Review Cycle (Formerly 3rd Submission) \$0.00
- Additional review cycles if Signature Set Review Cycle is not approved; per review cycle ~~\$3,750.00~~ \$4,318.00
- Revisions; per submission ~~\$719.00~~ \$790.00

2. Grading plans for building permits on existing lots within a subdivision currently bonded with the County:

- 1st submission, first lot ~~\$1,269.60~~ \$1,270.00
 - Each additional lot within the same subdivision submitted within the same plan set ~~\$1,054.80~~ \$1,055.00
- Resubmissions and revisions, first lot \$432.00
 - Each additional lot within the same subdivision submitted within the same plan set \$222.00

3. Grading plans for building permits on existing lots that are not within a subdivision currently bonded within the County and parcels with lots of 5 acres or more, per infill lot:

- 1st Review Cycle \$1,921.00
- 2nd Review Cycle
Percentage of the 1st Review Cycle Fee 55.00%
- Signature Set Review Cycle (Formerly 3rd Submission) \$0.00
- Additional review cycles if Signature Set Review Cycle is not approved;
per review cycle \$700.00
- Revisions, per submission \$712.00

4. Rough grading plan (RGP) and filling parcels:

- 1st Review Cycle, per division of land or disturbed acre, or fraction thereof,
whichever amount is greater ~~\$903.00~~, \$1,284.00,
Not to Exceed \$16,671.00
- 2nd Review Cycle
Percentage of the 1st Review Cycle Fee 55.00%
- Signature Set Review Cycle (Formerly 3rd Submission) \$0.00
- Additional review cycles if Signature Set Review Cycle is not approved;
per review cycle \$900.00
- Revisions, per submission \$500.00

5. Conservation plan without a grading plan, per submission ~~\$1,208.40~~ \$1,208.00

(DE) Processing of Studies, Soils Reports and Other Plans:

1. Studies:

- Drainage study, per submission (non-floodplain watersheds) ~~\$1,960.80~~ \$1,961.00
- Floodplain study
 - Per submission, per linear foot of baseline or fraction thereof \$2.76
 - Plus, fee per road crossing and per dam, ~~\$610.80~~ \$611.00
Not to exceed total fee, per submission: \$11,226.00
- Parking study
 - Parking tabulation for change in use, per submission ~~\$980.40~~ \$980.00
 - Parking resignation plan, per submission ~~\$980.40~~ \$980.00
 - Administrative parking reduction for churches, chapels, temples,
synagogues and other such places of worship with child care
center, nursery school or private school of general or special
education, per submission ~~\$980.40~~ \$980.00

- Parking reduction based on the sum of the hourly parking demand or the sum of the hourly parking demand in combination with other factors when the required spaces are:
 - Under 225 spaces ~~\$2,811.60~~ \$2,812.00
 - 225 to 350 spaces ~~\$4,882.80~~ \$4,883.00
 - 351 to 599 spaces \$7,806.00
 - 600 spaces or more ~~\$16,351.20~~ \$16,351.00
- Parking reduction based on proximity to a mass transit station, transportation facility, or bus service, or a parking reduction within a Transit Station Area ~~\$2,811.60~~ \$2,812.00
- Parking reduction based on the unique nature of the proposed use(s) ~~\$2,811.60~~ \$2,812.00
- Recycling study: When the plan or study is submitted to the County for the sole purpose of placing recycling containers on a commercial or industrial site, as required by the Fairfax County Business Implementation Recycling Plan, per submission. \$0.00
- Water Quality Fees*
 - Resource Protection Area (RPA) Boundary Delineations and Resource Management Area (RMA) Boundary Delineations
 - Non-bonded lots: existing lots and acreage, rough grading and filing parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission ~~\$418.80~~ \$419.00
 - Bonded lots: lots in conjunction with multiple construction within a subdivision currently bonded with the County, per submission:
 - Projects with 150 linear feet or less of baseline ~~\$418.80~~ \$419.00
 - Projects with greater than 150 linear feet of baseline ~~\$418.80~~ \$419.00
 - Plus, fee per linear foot of baseline or fraction thereof, in excess of 150 linear feet ~~\$0.96~~ \$1.00
- Water Quality Impact Assessments (WQIA)
 - Non-bonded lots: existing lots and acreage, rough grading and filing parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission \$432.00
 - Bonded lots: lots in conjunction with multiple construction within a subdivision or site plan currently bonded with the County, per submission ~~\$1,652.40~~ \$1,652.00

*In the event that an RPA and RMA Boundary Delineation and a WQIA are submitted simultaneously, only one fee shall be required and such fee shall be the higher of the fees required for the individual studies.

2. Soils Reports:

- Commercial and multi-family development, bonded residential lots: lots in conjunction with multiple constructions in a newly bonded subdivision development, site plan or site plan for public improvements only
 - 1st submission ~~\$3,422.40~~ \$3,422.00
 - Resubmissions and revisions, per submission \$1,122.00
- Non-bonded residential lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more, not within a subdivision or site plan development currently bonded with the County; and minor site plans; per submission
 - 1st submission ~~\$2,200.80~~ \$2,201.00
 - Not to Exceed \$4,386.00
 - Resubmissions and revisions, per submission \$1,122.00

3. Other Plans:

- As-built plans
 - Sanitary Sewer, per submission ~~\$634.80~~ \$635.00
 - Site and subdivision, per submission \$432.00
- Debris landfill design plan
 - Base fee, per submission \$1,344.00
 - Plus, per acres ~~\$88.80~~ \$89.00
- Debris landfill permit, semi-annual, each permit ~~\$2,935.20~~ \$2,935.00
- Environmental Site Assessment:
 - 1st submission ~~\$3,181.20~~ \$3,181.00
 - Resubmissions and revisions, per submission \$1,122.00
- Photometric or Sports Illumination Plan, fee per submission when such plan is not submitted as part of a required site plan submission \$882.00
- Tree removal permit, each permit \$222.00

(EE) Miscellaneous fees:

- Lot Validation Application \$444.00
- Landscape Deferral Application \$108.00

Amend Part II (Site Development Fees), Section C (Site Inspection Fees), where insertions are underlined and deletions are struck, to read as follows:

C. SITE INSPECTION FEES

Unless otherwise noted, the following fees shall be paid at the time of bonding, or prior to issuance of a construction permit for land disturbing activity, whichever occurs first. The Fire Prevention inspection fees are listed in Part D.

(A) Base Fee for Projects with No Bonded Improvements (not including infill lots):

Per disturbed acre <u>per</u> agreement month:	\$46.26 <u>\$124.00</u>
• with a minimum of	\$1,608.00 <u>1,988.00</u>
• with a maximum of	\$28,950.00 <u>\$34,790.00</u>

(B) Fees in Addition to the Base Fee:

1. Public Utility Fees:

• Storm drainage	
○ Base fee for the first 100 linear feet	\$1,862.40
○ For each additional linear foot or fraction thereof	\$4.02
• Stormwater management ponds	
○ Embankment less than or equal to 6 feet high	\$1,856.40
○ Embankment greater than 6 feet high	\$3,699.60
• Dedicated streets	
○ For the first 350 square yards	\$2,601.60
○ For each additional square yard or fraction thereof	\$3.04
• Private Streets	
○ For the first 350 square yards	\$2,110.80
○ For each additional square yard or fraction thereof	\$2.46
• Other paved areas, per square yard or fraction thereof	\$1.92
○ Driveway entrances, for each entrance	\$194.40
○ Pedestrian walkways/trails	
* For the first 50 square yards	\$446.40
* For each additional square yard or fraction thereof	\$4.00
• Sanitary sewer systems	
○ Base fee for the first 100 linear feet of main	\$2,594.40
○ For each additional linear foot or fraction thereof	\$8.40

(B) Base Fee for Projects with Bonded Improvements:

Fee is based on a percentage of the bonded amount

• <u>Major Site Plans</u>	<u>4.0%</u>
○ <u>With a minimum of</u>	<u>\$7,500</u>
○ <u>With a maximum of</u>	<u>\$230,000</u>
• <u>Subdivision Plans</u>	<u>3.0%</u>
○ <u>With a minimum of</u>	<u>\$20,000</u>
○ <u>With a maximum of</u>	<u>\$150,000</u>
• <u>Public Improvement Plans</u>	<u>4.0%</u>
○ <u>With a minimum of</u>	<u>\$5,500</u>
○ <u>With a maximum of</u>	<u>\$35,000</u>

2. Other Bonded and Proffered Work: Fee is based on a percentage of the bonded amount

• <u>Cast in place culverts</u>	
○ <u>Percentage of bonded amount up to \$50,000</u>	<u>17.90%</u>
* <u>Plus, percentage of the bonded amount greater than \$50,000 but less than or equal to \$200,000</u>	<u>8.80%</u>
* <u>Plus, percentage of bonded amount greater than \$200,000</u>	<u>3.70%</u>

- All other work
 - * ~~Percentage of bonded amount up to \$50,000~~ ~~17.90%~~
 - * ~~Plus, percentage of bonded amount greater than \$50,000~~ ~~3.70%~~

~~(C)3. Inspection Fee for Agreement Extensions: per disturbed acre*, per agreement month.~~
~~A one-time fifty percent reduction of the extension inspection fee may be permitted~~ ~~\$46.26~~ 75% of
the base inspection fee for the now-expired bond agreement period divided by the number of months in
the preceding bond agreement period, then multiplied by the number of months in the extension. A one-
time fifty-percent reduction of the extension inspection fee may be permitted.

~~(D)4. Inspection following a stop work order: each, payable at next bonding action~~ ~~\$740.40~~ \$740.00

~~(E)5. Inspection following a violation: each inspection, payable at next bonding action~~ ~~\$369.60~~ \$370.00

Fairfax County
Land Development Services
Analysis of Proposed Major Changes to Appendix Q Fee Schedule

Attachment 2

Major Building Permit Fee Changes - TABLE I				
Item	Current Fee	Proposed Fee	Average \$/% Change	Projected Revenue Impact
HVAC/Mechanical Permits ¹	2.4% of Contract Value for Total Install	1.0% of Contract Value for Total Install	-\$2,500.00	-\$425,000.00
	2.4% of Contract Value for Piping	\$108.00	-99%	-\$150,000.00
	2.4% of Contract Value for Ductwork	\$108.00	-99%	-\$75,000.00
	Calculated Fee Based on Size of Equipment	Calculated Fee Based on # of Pieces of Equipment	Varies	-\$6,000.00
Plumbing Permits ²	Calculated Fee Based on Size of Equipment	1.0% of Contract Value for Total Install	\$750.00	\$225,000.00
		Calculated Fee Based on # of Pieces of Equipment	Varies	-\$4,000.00
Electrical Permits ³	Calculated Fee Based on Size of Equipment	1.0% of Contract Value for Total Install	\$1,200.00	\$375,000.00
		Calculated Fee Based on # of Pieces of Equipment	Varies	-\$4,000.00
Elevator Floor Fee ⁴	\$47 per Floor Assessed on Highest Elevator in Bank	\$15 per Floor Assessed on Each Elevator	\$7.20/ 92%	\$25,000.00
Elevator Five-Year Testing Fee	\$1,925.00	\$1,750.00	-\$175.00	-\$245,000.00

¹ Based on a review of all HVAC permits issued over the period of FY 2018 - FY 2019, the impact of the reduction in fee for total install, piping and ductwork was about \$650,000, based on a total calculation of \$46,113,417 (total contract value less equipment value). This is a reduction of about 59% of the total fees charged during this period. The proposed reductions were then tested on current permits (FY 2020), with the average change based on a population of approximately 170 mid-major projects (e.g. 16,000 SF office building). The move from a calculated fee based on rating, rather than size is minimal, as the range covers most of the fees charged during the same period.

² Based on an average commercial office building (16,000 SF), the total installation contract averages about \$75,000, so the net increase with the installation fee is 1% of that amount. The total revenue projection is based on an average of 300 projects at approximately this level. The move from a calculated fee based on rating, rather than size is minimal.

³ Based on an average commercial office building (16,000 SF), the total installation contract averages about \$120,000, so the net increase with the installation fee is 1% of that amount. The total revenue projection is based on an average of 312 projects at approximately this level. The move from a calculated fee based on rating, rather than size is minimal.

⁴ The average fee and revenue changes were calculated assuming a bank of six elevators, with the highest going ten floors (\$470). By spreading that across six elevators, the result is \$7.80 per floor, per elevator. By moving the rate to \$15.00 per elevator per floor, the increase is then \$7.20/92%, based on that original fee.

Fairfax County
Land Development Services
Analysis of Proposed Major Changes to Appendix Q Fee Schedule

Attachment 2

Major Building Permit Fee Changes - TABLE I, Continued				
Gateway Plan Review Fee for New Commercial Building Plan Types (\$100 Per Trade) ⁵	\$0.00	\$500.00	\$500.00/ 100%	\$387,500.00
Minimum Submission Review Fee for Residential Building Plans ⁶	\$0.00	\$108.00	\$108.00/ 100%	\$400,000.00

⁵ The revenue impact is based on the volume of new commercial and major tenant alterations plans received, assuming 775 plans make it through the Gateway on the first attempt.

⁶ The revenue impact is based on the volume of single family home and non-walk-through residential addition/alteration plans received, assuming 3,100 make it through on the first attempt and 600 (19%) require a second attempt.

Major Site-Related Plan Review Fee Changes - TABLE II				
Item	Current Fee	Proposed Fee	Average \$/% Change	Projected Revenue Impact
Major Site Plan Review Fee	\$9,806.00	\$10,187.00	\$381.00/ 4%	\$30,672.00
Subdivision Plan Review Fee	\$6,955.00	\$7,336.00	\$381.00/ 5%	\$8,520.00
Public Improvement Only Plan Review Fee	\$3,843.00	\$4,224.00	\$381.00/ 10%	\$11,360.00
Minor Site Plan Review Fee	\$3,901.00	\$4,282.00	\$381.00/ 10%	\$36,920.00
Rough Grading Plan Review Fee	\$903.00	\$1,284.00	\$381.00/ 42%	\$19,050.00
Gateway Plan Review Fee for Major and Minor Site Plan Types ⁷	\$0.00	\$500.00	\$500.00/ 100%	\$112,500.00
Minimum Submission Review Fee	\$0.00	\$108.00	\$108.00/ 100%	\$75,000.00

⁷ The revenue impact is based on the volume of new bonded and minor site plan project plans received, assuming 225 plans make it through the Gateway on the first attempt.

Fairfax County
Land Development Services
Analysis of Proposed Major Changes to Appendix Q Fee Schedule

Attachment 2

Major Site Inspection Fee Changes - TABLE III				
Item	Current Fee	Proposed Fee	Average \$/% Change	Projected Revenue Impact
Minor Site Plan Inspection Fee ⁸	\$46.26 per disturbed acre per month	\$124.00 per month	\$1,560.00/ 69%	\$62,400.00
Rough Grading Plan Inspection Fee ⁹	\$46.26 per disturbed acre per month	\$124.00 per month	\$820.00/ 51%	\$27,880.00
Major Site Plan Inspection Fee ¹⁰	\$46.26 per disturbed acre per month	4% of Bond Amount	-\$3,400/ 9%	-\$136,000.00
	Calculated Fee for Storm Drainage			
	Calculated Fee for Stormwater Management Ponds			
	Calculated Fee for Dedicated Streets			
	Calculated Fee for Private Streets			
	Calculated Fee for Other Paved Areas			
	Calculated Fee for Sanitary Sewer Systems			

⁸ The assumptions for each non-bonded inspection fee change are based on a review of more than 135 approved plans from FY 2016 - FY 2019. For minor site plans, the average was two disturbed acres with a project duration of twenty months (with 25 inspection stops). The fee change assumes forty projects per year, with no calculation based on the

⁹ The assumptions for each non-bonded inspection fee change are based on a review of more than 135 approved plans from FY 2016 - FY 2019. For rough grading plans, the average was two disturbed acres with a project duration of twenty months (with 35 inspection stops). The fee change assumes 34 projects per year, with no calculation based on the

¹⁰ The costs and assumptions for each site inspection fee change are based on a review of more than 350 approved plans from FY 2016 - FY 2019. For major site plan types, the average size is three acres, with the average number of inspection stops over the project period totaling 225 and an average of six different inspections performed at each stop. The average total inspection fee assessed on these plans was \$39,440. The fee impact analysis compared the actual fees assessed with the new calculation. The new calculations were tested on more recent plans in FY 2020 and the average impact remained close to this calculation. Based on current and projected site plan volume, the revenue impact is based on 40 plans approved by Bonds & Agreements each year.

Fairfax County
Land Development Services
Analysis of Proposed Major Changes to Appendix Q Fee Schedule

Attachment 2

Major Site Inspection Fee Changes - TABLE III, Continued				
Item	Current Fee	Proposed Fee	Average \$/% Change	Projected Revenue Impact
Subdivision Inspection Fee ¹¹	\$46.26 per disturbed acre per month	3% of Bond Amount	\$1,165/ 2%	\$5,825.00
	Calculated Fee for Storm Drainage			
	Calculated Fee for Stormwater Management Ponds			
	Calculated Fee for Dedicated Streets			
	Calculated Fee for Private Streets			
	Calculated Fee for Other Paved Areas			
	Calculated Fee for Sanitary Sewer Systems			

¹¹ The costs and assumptions for each site inspection fee change are based on a review of more than 350 approved plans from FY 2016 - FY 2019. For subdivisions, the average size is ten acres, with the average number of inspection stops over the project period totaling 325 and an average of four different inspections performed at each stop. The average total inspection fee assessed on these plans was \$62,542. The fee impact analysis compared the actual fees assessed with the new calculation. The new calculations were tested on more recent plans in FY 2020 and the average impact remained close to this calculation. Based on current and projected site plan volume, the revenue impact is based on five plans

Fairfax County
Land Development Services
Analysis of Proposed Major Changes to Appendix Q Fee Schedule

Attachment 2

Major Site Inspection Fee Changes - TABLE III, Continued				
Item	Current Fee	Proposed Fee	Average \$/% Change	Projected Revenue Impact
Public Improvement Inspection Fee ¹²	\$46.26 per disturbed acre per month	4% of Bond Amount	-\$3,000/ 14%	-\$45,000.00
	Calculated Fee for Storm Drainage			
	Calculated Fee for Stormwater Management Ponds			
	Calculated Fee for Dedicated Streets			
	Calculated Fee for Private Streets			
	Calculated Fee for Other Paved Areas			
	Calculated Fee for Sanitary Sewer Systems			

¹² The costs and assumptions for each site inspection fee change are based on a review of more than 350 approved plans from FY 2016 - FY 2019. For public improvements, the average size is one acre, with the average number of inspection stops over the project period totaling 125 and an average of three different inspections performed at each stop. The average total inspection fee assessed on these plans was \$21,405. The fee impact analysis compared the actual fees assessed with the new calculation. The new calculations were tested on more recent plans in FY 2020 and the average impact remained close to this calculation. Based on current and projected site plan volume, the revenue impact is based on fifteen plans approved by Bonds & Agreements each year.

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2020 Revised Budget Plan

ISSUE:

Board approval of an advertisement for a public hearing to adjust the FY 2020 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2020 Third Quarter Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing.

TIMING:

Board Action is requested on March 24, 2020 to provide sufficient time to advertise the proposed public hearing on April 14, at 4:00 p.m. and April 15 and 16, 2020 at 3:00 p.m.

BACKGROUND:

As the *FY 2020 Third Quarter Review* includes proposed adjustments in appropriation greater than one percent of total expenditures, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement.

The School Board funding adjustments included in the advertisement are based on staff's Third Quarter recommendations to the School Board, which were presented to the School Board on March 5, 2020, ~~with action to be taken by the School Board on March 19, 2020.~~ **with action to be taken by the School Board at a later date. The Third Quarter budget review was originally scheduled for March 19, 2020, but was postponed due to the coronavirus outbreak.**

Board Agenda Item
March 24, 2020

REVISED

ENCLOSED DOCUMENTS:

These attachments will be available online on Monday, March 23, 2020:

www.fairfaxcounty.gov/budget/fy-2020-third-quarter-review

Attachment A – Proposed advertisement for public hearing

Attachment B – Memorandum to the Board of Supervisors dated March 24, 2020 from Bryan Hill, County Executive, with attachments, transmitting the County's *FY 2020 Third Quarter Review* with appropriation resolutions and the Fairfax County Public Schools **staff's recommendations on the FY 2020 Third Quarter Review** ~~as approved by the School Board on March 19, 2020.~~

STAFF:

Bryan Hill, County Executive

Joseph Mondoro, Chief Financial Officer

Christina Jackson, Director, Department of Management and Budget

Philip Hagen, Deputy Director, Department of Management and Budget

Board Agenda Item
March 24, 2020

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish an Admissions Tax

ISSUE:

Board Authorization to advertise a Public Hearing to consider amending Chapter 4, Taxation and Finance of the *Code of the County of Fairfax, Virginia* to establish a new Article 29 – Admissions Tax pursuant to Virginia Code § 58.1-3818.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendment to Chapter 4, Taxation and Finance, to establish Article 29 - Admissions Tax.

TIMING:

Board action is requested on March 24, 2020 in order to provide time to advertise a public hearing for April 14, 2020, at 3:00 p.m. Adoption of the ordinance will be deferred to April 28, 2020, and will take effect on October 1, 2020.

BACKGROUND:

Virginia Code § 58.1-3818 authorizes Fairfax County to levy a tax, not to exceed 10%, on the amount of charge for admissions to any event. The Code of Virginia requires localities to prescribe by ordinance the terms, conditions, and amount of the admissions tax to be charged. The ordinance may classify between events conducted for charitable and non-charitable purposes.

The proposed ordinance seeks to levy a four percent Admissions Tax on every non-charitable event taking place within the County to be effective October 1, 2020. This new tax will provide additional resources to support the priority outcome areas of the Countywide Strategic Plan, including Cultural and Recreational Opportunities.

FISCAL IMPACT:

An Admissions Tax of four percent with an effective date of October 1, 2020 is expected to generate \$2.31 million in FY 2021. This revenue has been included in the FY 2021 Advertised Budget Plan. The full-year revenue generated from this tax is estimated at over \$3 million.

Board Agenda Item
March 24, 2020

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code § 58.1-3818

Attachment 2 – Proposed Ordinance to amend Chapter 4 of the Fairfax County Code

STAFF:

Joseph M. Mondoro, Chief Financial Officer

Christina Jackson, Director, Department of Management and Budget

Jaydeep “Jay” Doshi, Director, Department of Tax Administration (DTA)

Juan B. Rengel, Director, Personal Property and Business License Division, DTA

ASSIGNED COUNSEL:

Corinne N. Lockett, Senior Assistant County Attorney

§ 58.1-3818. Admissions tax in certain counties.

A. Fairfax, Arlington, Dinwiddie, Prince George and Brunswick Counties are hereby authorized to levy a tax on admissions charged for attendance at any event. The tax shall not exceed 10 percent of the amount of charge for admission to any such event. Notwithstanding any other provisions of law, the governing bodies of such counties shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between events conducted for charitable and those conducted for noncharitable purposes.

B. Notwithstanding the provisions of subsection A, Culpeper County and New Kent County are hereby authorized to levy a tax on admissions charged for attendance at any event as set forth in subsection A.

C. Notwithstanding the provisions of subsection A, Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County are hereby authorized to levy a tax on admissions charged for attendance at any spectator event; however, a tax shall not be levied on admissions charged to participants in order to participate in any event. The tax shall not exceed 10 percent of the amount of charge for admission to any event. Notwithstanding any other provisions of law, the governing body of such county shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between the events as set forth in § 58.1-3817.

D. Notwithstanding the provisions of subsections A, B and C, localities may, by ordinance, elect not to levy an admissions tax on admission to an event, provided that the purpose of the event is solely to raise money for charitable purposes and that the net proceeds derived from the event will be transferred to an entity or entities that are exempt from sales and use tax pursuant to § 58.1-609.11.

Code 1950, § 58-404.2; 1971, c. 212; 1977, c. 573; 1978, c. 432; 1984, c. 675; 1995, c. 201; 1998, cc. 150, 532; 1999, c. 986; 2001, c. 485; 2003, cc. 757, 758; 2005, c. 106; 2007, c. 813.

3/6/20 DRAFT

**AN ORDINANCE ADOPTING
ARTICLE 29 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING
TO
IMPLEMENTATION OF AN ADMISSIONS TAX**

**AN ORDINANCE to amend the Fairfax County Code by adopting
Article 29 of Chapter 4 relating to implementation of an Admissions
Tax.**

Be it ordained by the Board of Supervisors of Fairfax County:

- 1. That Chapter 4, Article 29, of the Fairfax County Code is adopted, as follows:**

ARTICLE 29. – Admissions Tax.

Section 4-29-1. – Title.

This ordinance shall hereafter be known, cited and referred to as the Fairfax County
“Admissions Tax”.

Section 4-29-2. - Definitions.

- (a) *Admission charge* means a charge made, directly or indirectly, to a person or group of persons for entry into any event, including charges paid for entry into multiple events by season ticket or subscription, which entitles the bearer to enter an event. Such charge excludes any separately stated federal or state tax thereon, or any separately stated service charge made by an agent or party other than the owner or operator for the sale or issuance of a ticket or receipt.
- (b) *Charitable purposes* means any charitable, benevolent, humane, philanthropic, patriotic, eleemosynary, educational, informative, religious, humane, cultural or similar purpose intended to better the condition of society or otherwise organized for the benefit of the general public.
- (c) *County* means the government of Fairfax County, Virginia. Whenever a service provider is required to provide notice, to remit taxes, or to report to the County, then that service provider shall provide that notice, those taxes, or that report to the Director of the County Department of Tax Administration.

- 41 (d) *Director* means Director of the Department of Tax Administration or any duly
42 authorized deputies or agents of the Director.
43
- 44 (e) *Event* means any amusement, entertainment, performance, exhibition or similar
45 production, open to the general public. Event includes without limitation:
46 circuses, carnivals, motion pictures, fairs, shows and exhibitions of all kinds;
47 dances; tours; sporting events; theatrical, dramatic, operatic and musical and
48 similar performances; lectures, talks, symposia, and performances similar thereto.
49 The foregoing enumeration of amusements shall not be deemed to exclude other
50 amusements and entertainments otherwise within the meaning of those words.
51
- 52 (f) *Open to the general public* means available for attendance by any person upon
53 payment of an admission charge to enter the event, without, in addition to such
54 payment, (i) meeting any duly established requirements or selection criteria for
55 membership in or belonging to a bona fide society, club, congregation,
56 organization, party or similar group, or (ii) making or promising to make a
57 donation, subscription or other similarly valuable contribution to the owner or
58 operator, or to the designee thereof, which exceeds a commercially reasonable
59 relationship to the economic value of the event to the person admitted.
60
- 61 (g) *Owner or operator* means a person who owns, operates, conducts, promotes,
62 produces, or provides an event.

63 **Section 4-29-3 – Amount and levy of tax.**
64

65 Except as set forth in Section 4-29-4 below, there is hereby levied an admissions tax in
66 the amount of 4% of any charge for general admission to an event as defined herein.
67 Where the admission charge is \$0.50 or less, no tax shall be payable under this Article.
68

69 **Section 4-29-4 – Exclusion from tax.**
70

71 There shall be no admissions tax on any admission charge for any event conducted for
72 charitable purposes.
73

74 **Section 4-29-5- Situs.**
75

76 The tax imposed by this Article shall be levied on admission charges for events that occur
77 within Fairfax County, irrespective of the location at which admission to such events may
78 be sold, contracted for, or paid.
79

80 **Section 4-29-6 - Collection of tax.**
81

82 (a) Every owner or operator, or the agent thereof, shall collect the amount of such tax
83 from the person making the payment at the time the payment is made.

84 (b) The taxes required to be collected under subsection (a) shall be deemed to be held
85 in escrow by the owner or operator required to collect such tax, jointly and
86 severally, until remitted to the County as provided in this Article.
87

88 **Section 4-29-7 - Authority of Director.**

89 The Director shall have the power and the duty of enforcing this Article including the
90 authority to adopt reasonable procedures and regulations for the administration of the
91 admissions tax and shall remit all taxes collected under this Article to the County.
92

93 **Section 4-29-8 - Reports and remittances generally.**

94
95 (a) Every owner or operator collecting admissions taxes shall prepare a report for
96 each calendar month, upon such forms and setting forth such information as the
97 Director may prescribe and require, showing the number of persons admitted, the
98 amount of admission charges collected, the amount of the taxes due on such
99 charges under this Article, and the amount of taxes being remitted along with the
100 report, and shall sign and deliver the report, and remit the taxes, to the Director.
101

102 (b) Such reports and remittances shall be submitted to the Director monthly on or
103 before the last day of the calendar month following the month being reported.

104 **Section 4-29-9 - Reports, remittances, and deposits by temporary or transitory**
105 **events.**

106
107 (a) Whenever an admission charge is made to attend an event of a temporary or
108 transitory nature, the Director may require the report and remittance of taxes to be
109 made within seven days following the event, or within seven days following the
110 conclusion of a series of events, or at such other reasonable time as the Director
111 shall determine.
112

113 (b) Before any temporary or transient event shall be held in the County, and before
114 any business license under Article 7.2, Chapter 4, of the Fairfax County Code, if
115 required, shall be issued therefor, the owner or operator of the event shall deposit
116 with the Director a sum of money in the Director's discretion, sufficient to cover
117 the estimated admissions taxes the Director deems necessary. The Director shall
118 hold the deposit as security for the collection of taxes and payment thereof to the
119 County. Within the time as set by the Director under subsection (a), the owner or
120 operator shall deliver to the Director the report and the amount of taxes required
121 by Section 4-29-8. Upon such delivery, the Director shall refund the deposit made

under this Section. Should an owner or operator fail timely to deliver such report and taxes, the Director may assess the owner or operator the amount of taxes provided by Section 4-29-3, as well as any penalties and interest, provided by Section 4-29-10, and the Director shall retain the deposit made under this subsection as a credit toward the amount of assessed taxes.

Section 4-29-10 – Penalty, interest, and administrative fees for failure to remit taxes when due.

Any owner or operator who fails or refuses to remit admissions taxes to the Director as set forth in this Article shall be liable for a penalty equal to five percent of the amount of the taxes required to be remitted. Additionally, if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest shall be charged on the unpaid balance at the applicable interest rate specified in Fairfax County Code § 4-20-3. Such interest shall accrue from the date on which the tax was due and payable.

Section 4-29-10 - Penalty for late remittance or false return.

If any owner or operator fails or refuses to collect admissions taxes or to make the report and remittance required by this Article, the Director shall determine and assess against the owner or operator the taxes that are due plus the penalties and interest computed upon the basis of the best information available to him and shall notify the owner or operator by mail of the total amount of such taxes, interest, and penalties charged. The owner or operator shall pay the total amount of taxes, interest, and penalties within ten days from the date of such notice or the Director shall proceed to collect the taxes from the deposit or by every other lawful means.

Section 4-29-11 - Preservation of records.

Except as may be provided by the Director by regulation, it shall be the duty of every person required to collect and remit admissions taxes to keep and preserve, for a period of at least three years, all records as are necessary to enable the Director to determine the amount of taxes such owner or operator was responsible for collecting and remitting to the County. The Director shall have all rights to summon, inspect, and copy such records as permitted by Title 58.1 of the Code of Virginia in order to administer or enforce the terms of this Article.

Section 4-29-12 - Duty of owner or operator going out of business.

Whenever any owner or operator required to collect and remit admissions taxes disposes of or otherwise ceases to operate its business, all taxes payable to the County under this Article shall become immediately due and payable, and such owner or operator shall immediately make a report and remit the taxes due.

167 **2. That the provisions of this ordinance shall take effect on October 1, 2020.**

168 GIVEN under my hand this ____ day of _____,
169 2020.

170

171

172

173

174

175

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
March 24, 2020

ACTION - 3

Approval of an Amended Agreement Between the Town of Vienna and Fairfax County to Design and Construct the Northside Park Piney Branch Stream Restoration Project (Hunter Mill District)

ISSUE:

Board of Supervisors' authorization is requested for the county to amend an agreement with the Town of Vienna (Town) that provides additional funding for the design and construction of the Northside Park Piney Branch Stream Restoration Project, which is located in the Town and the Difficult Run Watershed.

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize the County Executive or his designee to sign the amended agreement with the Town to provide funding for the design and construction of the Northside Park Piney Branch Stream Restoration Project (Project).

TIMING:

Board approval is requested on March 24, 2020.

BACKGROUND:

On November 21, 2017, the Board authorized the County Executive to sign an agreement with the Town, which provided \$660,000 to partially fund the design and construction of the Project, which is located in the Town and the Difficult Run Watershed. A Virginia Department of Environmental Quality (DEQ) Stormwater Local Assistance Fund (SLAF) grant is also being used to implement the Project. The county's contribution has been disbursed pursuant to the terms of the December 6, 2017, Agreement.

The Project will restore approximately 1,400 linear feet of stream on Piney Branch, providing nutrient reduction and improved water quality in the Difficult Run Watershed. Six bids to construct the project were received by the Town on December 19, 2019. The total project estimate has increased by \$333,006 due to higher than originally estimated construction bids. The total cost of the Project is estimated to be \$1,653,006. The Town has requested an additional \$168,006 from the county to help fund

Board Agenda Item
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implementation of the Project. Additionally, DEQ has increased its grant award for the project to \$825,000.

Under the Cooperative Agreement between the Fairfax County Board of Supervisors, the Town of Vienna, and the Town of Herndon to Share Certain Stormwater Service District Fees and Responsibility for Related Projects, the parties will use the project benefits towards compliance with their respective Municipal Separate Storm Sewer System permits and Chesapeake Bay Total Maximum Daily Load reduction requirements. Consistent with the framework of the Cooperative Agreement, the Town has asked the county to fund the design and construction costs for this Project. The Town will administer the design and construction of the Project. Partnering with the Town on this Project will save the county the time and administrative costs that would be incurred if the county were to implement the Project under its stormwater program.

FISCAL IMPACT:

The estimated total cost of the project is \$1,653,006. The county will fund a total of \$828,006 (including the previously disbursed funds) to the Town solely for the design and construction of the Project. DEQ SLAF funds in the amount of \$825,000 will be used to fund the remaining costs. The county has the discretion to pay construction cost overruns, but in an amount not to exceed 10 percent of the total estimated project cost. County funds can only be used for the design and construction of the Project. The Town will reimburse the county funds that are not expended in accordance with the terms of the attached agreement. Funding is currently available in Project Number SD-000031, Stream & Water Quality Improvements, Fund 40100, Stormwater Services, for the county's obligation to this Project.

ENCLOSED DOCUMENTS:

Attachment 1: Amended Agreement between the Board of Supervisors of Fairfax County, Virginia and the Town of Vienna

STAFF:

Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Craig Carinci, Director, DPWES, Stormwater Planning Division

NORTHSIDE PARK PINEY BRANCH STREAM RESTORATION
AMENDED FUNDING AGREEMENT

This Agreement (“Agreement”) made and entered into this _____ day of _____, 2020, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (the "County"), a body politic, and the **TOWN OF VIENNA** (the “Town”) (collectively, the “Parties”).

WITNESSETH:

WHEREAS, the County and Town previously entered an agreement on December 6, 2017 (the “2017 Agreement”), to partially fund the Northside Park Piney Branch Stream Restoration Project (the “Project”), which will be located within the boundaries of the Town and will restore a portion of the body of water known as Piney Branch; and

WHEREAS, under the 2017 Agreement, the County disbursed six hundred sixty thousand dollars (\$660,000), which was fifty percent of the then-estimated total cost of the Project (\$1,320,000), the other half of which was to be paid using a Stormwater Local Assistance Fund Grant from the Virginia Department of Environmental Quality (the “DEQ Grant”); and

WHEREAS, the actual project cost, based on construction bids, will exceed previous estimates and is now estimated to be one million six hundred fifty-three thousand and six dollars (\$1,653,006); and

WHEREAS, DEQ has increased the DEQ Grant to eight hundred twenty-five dollars (\$825,000) for the Project; and

WHEREAS, the location of the Project is at Longitude 38.909939N and Latitude 77.272382W and is more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 38-1((2)) parcels 5 and 6; and

WHEREAS, the Project is within the Chesapeake Bay, Potomac River, and Difficult Run watersheds; and

WHEREAS, the Town is part of the County’s Stormwater Service District and the County, Town, and the Town of Herndon have entered into an agreement known as the “Cooperative Agreement Between the Fairfax County Board of Supervisors, the Town of

Vienna, and Town of Herndon to Share Certain Stormwater Service District Fees and Responsibility for Related Projects” (the “Cooperative Agreement”) to share funds and responsibility to maintain, operate, and improve stormwater systems to meet the Chesapeake Bay Total Maximum Daily Load (“TMDL”) and other water quality goals. The Cooperative Agreement is attached hereto as Attachment 1 and is incorporated herein by reference; and

WHEREAS, under the Cooperative Agreement, annually, the County pays the Town a percentage of the Stormwater Service District Fees that are collected from residents of the Town (the “Paid Vienna Revenues”); and

WHEREAS, the Town and County agree that under the Cooperative Agreement, Stormwater Service District funds can be used to implement the Project, because the Project meets the water quality objectives of each locality and their respective Chesapeake Bay TMDL obligations; and

WHEREAS, the County and Town intend for this Amended Agreement to supersede and replace the 2017 Agreement; and

WHEREAS, the County intends to pay an additional one hundred sixty-eight thousand and six dollars (\$168,006) from the Stormwater Budget for the purpose of supporting the design and construction of the project; and,

WHEREAS, the Town intends to dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein as if restated as binding provisions of this agreement, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties hereto further agree as follows:

1. This Amended Agreement supersedes and replaces the 2017 Agreement for this Project.
2. Upon execution of this Amended Agreement, the County shall grant funds in the amount one hundred sixty-eight thousand and six dollars (\$168,006) (the “County Contribution”) to the Town, to be paid with monies from the County’s Stream and Water Quality Improvement Project (fund I/O 2G25-029-001) of the Stormwater Budget (fund

400-C40101). The County Contribution plus the amount granted to the Town under the 2017 Agreement (\$660,000) equals eight hundred twenty-eight thousand and six dollars (\$828,006) (the “Total Contribution”).

3. The Total Contribution shall not be charged against the Paid Vienna Revenues as set forth in the Cooperative Agreement, but rather, are a separate grant to the Town from the County.

4. The Town shall dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

5. The Town shall expend the DEQ Grant solely for the purpose of supporting the design and construction of the Project when the DEQ Grant is received.

6. The Total Contribution shall be used and expended solely for the purpose of design and constructing the Project and not for the cost of any feasibility study or acquisition of any lands or easements necessary for the completion of the Project.

7. The Town shall acquire, at its sole expense, any and all land or easements, or other interests in real property, if any, that are necessary to complete the Project.

8. The Town, at its sole expense, shall administer the design and construction contracts, obtain approval of all plans, and obtain all permits necessary for the completion of the Project.

9. The Town shall notify the County if the Town, at any time, modifies the scope of the Project, which is generally described herein above and in the Town’s “Water Division Application for Stormwater Local Assistance Fund (SLAF) – Stormwater Capital Projects,” which was submitted to DEQ for the DEQ Grant (the “Plan”). If the scope of the Project’s design, in the sole judgment of the County, significantly deviates from the design scope described in the Plan, the Town shall, within 30 days after notification by the County of such deviation, reimburse to the County the amount of the Total Contribution.

10. The Town shall provide to the County a copy of the final site plan for the Project.

11. The Town shall retain all invoices and all records of payments for any and all services rendered for the design, construction, and any related expenses for

completion of the Project, and copies of any such invoices and records of payments shall be provided to the County upon request within three business days after such a request.

12. If at any time the Town abandons or otherwise ceases the Project for any reason, the Town shall immediately return any amount of the Total Contribution not expended in accordance with this agreement and all invoices and records of payments. “Abandon,” as used herein, shall include, but not be limited to, the failure to initiate or the termination of the design or construction before the Project’s completion.

13. The County, in its sole discretion, may agree to pay cost overruns that exceed the DEQ Grant and Total Contribution (\$1,653,006) and are attributable to change orders and/or related costs that arise during construction of the Project, but only to the extent that funds are available in the County’s Stream and Water Quality Improvement Project (fund I/O 2G25-029-001) of the Stormwater Budget (fund 400-C40101) and are not more than 10% of the estimated Project Cost of \$1,653,006.

14. The Town shall complete the Project not later than two years after this Amended Agreement is executed.

15. The Project shall be subject to the Cooperative Agreement, and, as such, the total pollutant load reduction credits for the Project will be apportioned among the parties as established pursuant to the terms of the Cooperative Agreement or any amendments or attachments thereto.

16. This agreement can only be modified in writing and signed by both parties.

[Signatures appear on following page]

TOWN OF VIENNA

By: _____
Mayor Laurie A. DiRocco

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by Mayor Laurie A. DiRocco of the Town of Vienna, this _____ day of _____ 2020, on behalf of the Town of Vienna.

Notary Public

My commission expires: _____

Notary Registration Number: _____

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By: _____
Bryan J. Hill, County Executive,
Fairfax County, Virginia

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by Bryan J. Hill, County Executive of Fairfax County, Virginia, on behalf of the Board of Supervisors of Fairfax County, Virginia this _____ day of _____ 2020.

Notary Public

My commission expires: _____

Notary Registration Number: _____

Board Agenda Item
March 24, 2020

ACTION - 4

Approval of and Authorization for the County Executive to Execute an Amended and Restated Sewer Billing Agreement with the Fairfax County Water Authority

ISSUE:

Board of Supervisors' approval of and authorization for the County Executive to execute an Amended and Restated Agreement governing the existing combined system of billing, collecting, and accounting for water service charges imposed by Fairfax Water Authority and for sewer service charges imposed by the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize his execution of the attached Amended and Restated Sewer Billing Agreement between the County and the Fairfax County Water Authority.

TIMING:

Board action is requested on March 24, 2020.

BACKGROUND:

Pursuant to an Agreement dated January 1, 1989, the County and Fairfax County Water Authority (FCWA) have operated a combined system of billing, collecting, and accounting for water and sewer services charges. In 2018, the Office of Financial and Program Audit (OFPA) completed a study to assess the billing and collection practices for the Department of Public Works and Environmental Services (DPWES). In connection with this study, OFPA recommended that staff consider amending the 1989 Agreement to make it more consistent with current operating practices.

Wastewater Management staff worked with staff from FCWA to identify appropriate updates to the Agreement. The updates include: deletion of references to FCWA's use of the County's, "Cooperative Computer Center," for the preparation and processing of bills; the addition of a right for the County to conduct an annual audit of sewer billing records; and the addition of authority for the parties to make future periodic updates to the billing methodology (Exhibits 1-3 of the Agreement) upon the mutual consent of the General Manager of FCWA and the County Executive.

The attached Amended and Restated Sewer Billing Agreement was approved by the

Board Agenda Item
March 24, 2020

FCWA Board on February 20, 2020.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Amended and Restated Sewer Billing Agreement

STAFF:
Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works & Environmental Services (DPWES)
Shahram Mohsenin, Director, DPWES, Wastewater Planning and Monitoring Division

ASSIGNED COUNSEL:
Emily H. Smith, Assistant County Attorney

**AMENDED AND RESTATED
SEWER BILLING AGREEMENT**

THIS AMENDED AND RESTATED SEWER BILLING AGREEMENT (this "Agreement") is entered into this ____ day of _____, 2020 (the "Effective Date"), by and between the **FAIRFAX COUNTY WATER AUTHORITY**, a public body politic and corporate and a political subdivision of the Commonwealth of Virginia ("Fairfax Water"), and the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a public body politic and corporate and a political subdivision of the Commonwealth of Virginia (the "County").

RECITALS

1. Fairfax Water and the County are parties to a certain agreement dated January 1, 1989 (the "Original Sewer Billing Agreement") pursuant to which they have operated a combined system of billing, collecting and accounting for water service charges imposed by Fairfax Water and for sewer service charges imposed by the County.

2. Fairfax Water and the County (each, a "Party," and together, the "Parties") recognize that the combined system of billing operated under the Original Sewer Billing Agreement has inured to the benefit of the Parties and their respective customers by enhancing the efficiency of the billing process for these services.

3. In view of the acknowledged benefits attributable to the combined system of billing, the Parties now wish to amend and restate the Original Sewer Billing Agreement in its entirety in order to better reflect current billing systems and practices, all as more particularly set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual benefits, promises and covenants contained herein, the Parties agree as follows:

A. COOPERATION

The Parties acknowledge that the successful operation of a combined system of billing, collecting and accounting for water and sewer service charges requires a high degree of coordination and cooperation between the Parties and the timely and complete performance of the services and responsibilities hereinafter described. Consequently, Fairfax Water and the County hereby covenant and agree to cooperate with one another in the performance of their respective obligations under this Agreement.

B. FAIRFAX WATER OBLIGATIONS

Fairfax Water's obligations hereunder are as follows:

1. Meter Reading within Fairfax Water's Service Area and, by Mutual Agreement, in Other Service Areas.

(a) Fairfax Water will install, maintain, test and repair water meters for purposes of performing Fairfax Water's obligations under this Agreement. Fairfax Water will use reasonable efforts to obtain meter readings, but, in cases where meter readings are not possible in Fairfax Water's reasonable discretion (including but not limited to instances of prolonged inclement weather), an estimated meter reading will be used by Fairfax Water for billing purposes. In the event that Fairfax Water uses an estimated meter reading, the County may request that Fairfax Water use reasonable efforts to perform an actual meter reading. If Fairfax Water determines that an actual meter reading is possible and appropriate, in Fairfax Water's reasonable discretion, then Fairfax Water will perform such actual reading or readings and the County will reimburse Fairfax Water, upon written demand, for the extra costs associated with gaining access to such meters and providing such readings, if those costs are incurred after normal business hours.

(b) Fairfax Water will permit customers to install (at each customer's own expense), and will inspect, maintain, repair and replace, in accordance with Fairfax Water's standard procedures then in effect, special meters for measuring water consumption subject to sewer service charges and for measuring water consumption which by ordinance or regulation of the County is exempt from sewer service charges. The meter will be supplied by Fairfax Water after payment by the customer of the applicable fees specified in Fairfax Water's then-current Schedule of Rates, Fees and Charges. Fairfax Water will not be responsible for checking that the piping and meter installation complies with any pertinent regulations of the County. In the event that any noncompliance is observed by Fairfax Water, Fairfax Water will report the noncompliance to the County.

(c) Fairfax Water will provide for any combination of internal and external resources reasonably necessary to accomplish these obligations in an efficient and effective manner, in its sole discretion.

2. Customer Services.

Fairfax Water will provide office and field customer service for:

- (a) the establishment, transfer and discontinuance of sewer accounts;
- (b) customer inquiries and complaints relative to sewer matters;
- (c) discontinuance of water service on account of non-payment of sewer bills;
- (d) notification of delinquent sewer payments to the County;
- (e) collection of delinquent sewer service charges and placement of liens;
- (f) maintenance of sewer customer payment records;
- (g) mailing information regarding sewer service and rates to new customers; and

- (h) refunding of overpayments to customers.

3. **Billing, Collection and Accounting for Accounts within Fairfax Water's Service Area and, by Mutual Agreement, in Other Service Areas.**

(a) Fairfax Water will process all sewer service related data in order to produce regular and periodic billings, including bills for sewer service only customers.

(b) Fairfax Water will prepare and distribute, by reasonable means, all bills, notices, and other materials required by the combined water and sewer billing system. If the County requests information to be included with any distribution by Fairfax Water that is in addition to Fairfax Water's standard distribution, then the County must pay for all costs associated with that included information.

(c) Fairfax Water will receive and process all payments based on bills rendered wholly, or in part, for sewer service charges that are due and payable to Fairfax Water. Any monies received by Fairfax Water in payment of sewer service charges may be combined with any other funds of Fairfax Water.

(d) Fairfax Water will apply the payment received for each bill rendered to the credit of the customer's account in the following order: (i) Lien Offset Charge; (ii) Water Account Charge; (iii) Arrears Water Service Charge; (iv) Arrears Sewer Service Charge; (v) Water Late Payment Charge; (vi) Current Water Service Charge; and (vii) Current Sewer Service Charge.

(e) Fairfax Water will post payments to each account within five (5) days after receipt. Fairfax Water will process all sewer account changes, adjustments, returned payments, and other routine customer service requests within five (5) days after receipt of a request.

(f) Fairfax Water will remit to the County on a weekly basis the total of all payments received on account of sewer service charges, as adjusted for returned payments, refunds, and other similar adjustments made in the normal course of business.

(g) Fairfax Water will process all reminder and final notices in accordance with its standard procedures.

(h) Fairfax Water will prepare a "cut-off" list and discontinue water service for all sewer service accounts that are not paid in full in accordance with its standard procedures.

(i) Fairfax Water will process all billing, collection, and accounting records and reports and deliver them to the County, as required.

(j) Fairfax Water will provide the County with "view only" access to the customer billing information.

4. **Use of Employees or Contractors.** In performing its obligations under this Agreement, Fairfax Water may, in its sole discretion, use its own employees or engage independent contractors or other agents.

C. CHANGES, REPLACEMENT AND/OR UPGRADES TO BILLING SYSTEM; ACCESS TO RECORDS; ANNUAL AUDITS

1. **Changes to Billing System.** The County may, at any time and from time to time during the Term (as defined below), request one or more changes to the billing system in order to accommodate changes to the sewer rate structure. In such event, the County must provide Fairfax Water with at least 90 days prior written notice in order to allow sufficient time to implement and test the requested change to the billing system. Unless otherwise agreed upon by the Parties, the cost associated with the requested change will be paid for by the County.

2. **Replacement or Upgrades to Billing System.** In the event that Fairfax Water, at any time and from time to time during the Term, decides to replace or to perform a major upgrade to its then-current billing system, then the Parties will negotiate in good faith to determine how the costs of the major upgrade or replacement will be allocated between the Parties. As employed in the preceding sentence, the phrase "major upgrade" means a change to Fairfax Water's billing system at a cost that equals or exceeds \$500,000.00 in the aggregate, and includes costs attributable to additional software licensing fees and fees for the use of outside consultants.

3. **No Interruption of Revenue; Impact on Costs.** Notwithstanding the provisions of Sections C(1) and C(2) above, no change will be made to the billing system that will have the effect of interrupting the flow of revenue to either Party. In the event that any change materially increases the operational and/or administrative costs of the other Party, then the Parties will negotiate in good faith to determine how the increased costs will be allocated between the Parties.

4. **Access to Records; Annual Audits.** During the Term of this Agreement and for a period of three years after the expiration thereof, the County will have the right to examine and copy the Sewer Billing Records (as defined below) during Fairfax Water's regular business hours and following reasonable notice from the County. As employed herein, the term "Sewer Billing Records" means the documents and records in the possession of Fairfax Water that are used or created by Fairfax Water in the performance of its obligations under this Agreement, other than documents or records that are protected by attorney-client privilege or a covenant or other obligation of confidentiality. The Parties acknowledge and agree that, in addition to, or in conjunction with, the foregoing right to examine and copy Sewer Billing Records: (a) the County will have the right to conduct annual audits of Sewer Billing Records; and (b) Fairfax Water will cooperate reasonably with such audits.

D. CHARGES FOR BILLING SERVICES

1. **Billing Methodology; Annual Adjustments.** Commencing on the Effective Date, Fairfax Water will bill the County for the services provided pursuant to this Agreement based upon estimates of actual costs derived from the current fiscal year Fairfax Water budget based on the methodology contained in Exhibits 1-3 attached hereto (the "Estimated Cost"). In July of each year, after the annual audit for Fairfax Water's previous fiscal year is available, Fairfax Water will make an adjustment in the amount owed by or to the County for sewer billing in the County's preceding fiscal year to account for any difference between the Estimated Cost and the actual cost. Any additional payment due to Fairfax Water or any credit due to the County will be applied or adjusted on the next regular bill issued by Fairfax Water. The Parties acknowledge and agree that

Exhibits 1-3 may be updated and revised from time to time during the Term by mutual consent of the General Manager of Fairfax Water and the County Executive of the County and that, upon such mutual consent, the newly-revised exhibits will thereafter be deemed to be incorporated herein and will supersede and replace the previous exhibits.

2. **Monthly Invoices.** Fairfax Water will bill the County on a monthly basis for services rendered pursuant to this Agreement, based on the Estimated Cost and the actual number of bills rendered during the preceding month. The County must pay Fairfax Water for each monthly, quarterly, adjusted and final bill that incorporates sewer charges. Reminder notices and final notices will not be regarded as bills.

E. TERM OF AGREEMENT

1. **Term; Termination.** The term of this Agreement will be a period of five (5) years commencing on the Effective Date and ending on the fifth anniversary of the Effective Date (the "Initial Term"). Unless a Party provides written notice of termination to the other Party a minimum of twelve (12) months in advance of the expiration of the then-current Initial Term or Renewal Term (as defined below), this Agreement will renew automatically for successive terms of one (1) year (each, a "Renewal Term," and together with the Initial Term, collectively referred to herein as the "Term").

2. **Post-Termination Readings.** In the event of termination of this Agreement, and if so requested by the County, Fairfax Water will provide meter readings in a form suitable for the County's use; provided, however, that the County agrees to assume and pay the reasonable costs associated with Fairfax Water providing the County with such readings.

F. GENERAL MATTERS

1. **Notices.** All notices and other communications hereunder shall be in writing and shall be hand delivered, sent by email (with a duplicate copy transmitted by another method of delivery authorized hereunder), sent by first class mail, postage prepaid, or sent by nationally recognized express courier service. Such notices and other communications shall be effective upon receipt if hand delivered or sent by email (with a duplicate copy transmitted by another method of delivery authorized hereunder), three (3) days after mailing if sent by mail, and one (1) day after dispatch if sent by express courier, to the addresses and/or emails set forth below:

If to the County:

Fairfax County, Department of Public Works & Environmental Services
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035

Attn: Director of Wastewater Planning and Monitoring Division
Email: Shahram.Mohsenin@fairfaxcounty.gov

If to Fairfax Water:

Fairfax County Water Authority
8570 Executive Park Avenue
Fairfax, VA 22031

Attn: Director of Finance
Email: finance@fairfaxwater.org

Either Party may designate, by written notice given to the others in the manner prescribed herein, any further or different addresses and/or email addresses to which subsequent notices will be sent.

2. **Dispute Resolution; Venue; Waiver of Jury Trial.** Any issue or dispute arising under this Agreement will be resolved, in the first instance, by the Parties. Thereafter, any issue or dispute arising hereunder that is not otherwise resolved by the Parties hereto will be decided by a court of competent jurisdiction in the Commonwealth of Virginia. Each hereby knowingly, voluntarily, and intentionally waives any right it may have to a trial by jury of any issue or dispute arising under or relating in any way to this Agreement.

3. **Entire Agreement; Authority.** This Agreement constitutes the entire agreement of the Parties with respect to its subject matter and supersedes all prior agreements and undertakings, both written and oral, between the Parties with respect to the subject matter hereof, including but not limited to the Original Sewer Billing Agreement, which is superseded in its entirety by this Agreement from and after the Effective Date. Each Party hereby represents and warrants to the other that it: (i) possesses full legal right, power and authority to enter into this Agreement and to fulfill its obligations hereunder; and (ii) has received all required approvals and authorizations needed to enter into this Agreement.

4. **No Assignment; No Amendment.** This Agreement may not be assigned by either Party without the express written consent of the other Party, and any such assignment or attempted assignment without such consent will be void. This Agreement may not be amended or modified, except by an instrument in writing signed by, or on behalf of, the duly authorized representatives of both Parties.

5. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without giving effect to any choice of law provision or rule.

6. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

7. **Captions; Incorporation of Exhibits.** The captions, headings, and subheadings used in this Agreement are solely for convenience of reference and do not constitute a part of this Agreement. The Exhibits to this Agreement (as the same may be updated and revised from time to time in accordance with Section D(1) above) constitute a part of this Agreement and are deemed to be incorporated herein.

[Signatures follow below.]

Executed and approved on behalf of the County of Fairfax, Virginia, by the authority granted by the Fairfax County Board of Supervisors.

Attest:

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

County Clerk

By: _____

Approved as to form:

County Attorney

Executed and approved on behalf of the Fairfax County Water Authority, by the authority granted by its Board of Directors.

Attest:

Richard Dotz

FAIRFAX COUNTY WATER AUTHORITY

By: Philip W. Allin
Philip W. Allin
Chairman of the Board

**FAIRFAX COUNTY WATER AUTHORITY
FORMULA FOR COMPUTING SEWER SERVICE BILLING CHARGE**

Exhibit 1

(1)	Customer Accounts Expenses	\$
(2)	Administrative and General Expenses [Total \$_____ * ____%] ⁽¹⁾	\$
(3)	Allowance for Purchase of Capitalized Equipment [[(1) + (2)] * 10%] ⁽²⁾	\$ _____
(4)	Total Water and Sewer Billing Expense [(1) + (2) + (3)]	\$
(5)	Total Number of Bills Issued during Fairfax Water's Fiscal Year	
(6)	Average Quarterly Billing Expense [(4) / (5)]	\$
(7)	Sewer Billing Expense Per Bill Rendered [(6) * 31%] ⁽³⁾	\$
(8)	Total Number of County Sewer Only and Water/Sewer Bills during the County's Fiscal Year	
(9)	Total Sewer Service Billing Expense [(7) * (8)]	\$
(10)	Charges for Bills Rendered During County's Fiscal Year for Sewer Billing Charges ⁽⁴⁾	\$ _____
(11)	Amount due to or from Fairfax County (to be included in billing for July - Invoiced in August)	\$

⁽¹⁾ Percentage to be derived as follows:

Personal Services Expense

(a) Customer Accounts Personal Services Expense

(b) All Other Revenue Fund Personal Services Exclusive of Administrative and General

(c) Total = [(a) + (b)]

Percentage calculation = [(a) / (c) * 100]

⁽²⁾ To allow an amount for the purchase of capital equipment and major improvements such as meter reader trucks, etc., not included in Revenue Fund Charges. Exhibit 3 shows the derivation of the charges.

⁽³⁾

Allocation of Customer Service Costs to Water and Sewer					
	Total Cost*	Pro-Rata			
		Water		Sewer	
		%	Share	%	Share
Meter Reading	10	50	5.0	50	5.0
Meter Maintenance & Repair	10	50	5.0	50	5.0
Customer Service	50	80	40.0	20	10.0
Billing, Collecting, Accounting	30	65	19.5	35	10.5
Totals	100		69.5		30.5

*Exhibit 2 presents an analysis of 2018 costs for the customer service function.

⁽⁴⁾ Excludes previous year's adjustment (charge or credit)

FAIRFAX COUNTY WATER AUTHORITY
SEWER SERVICE BILLING CHARGE
RETAIL CUSTOMER ACCOUNTS
ANALYSIS OF COSTS - 2018

Exhibit 2

November 30, 2019

Cost Center	Meter Reading	Meter Maintenance and Repair	Customer Service	Billing, Collecting, Accounting	Total
210	\$ -	\$ -	\$ 74,475	\$ -	\$ 74,475
242	\$ -	\$ 693	\$ -	\$ -	\$ 693
260	\$ -	\$ -	\$ -	\$ 336,453	\$ 336,453
331	\$ -	\$ -	\$ 1,449,873	\$ 966,582	\$ 2,416,455
332	\$ -	\$ -	\$ 133,287	\$ 88,858	\$ 222,145
334	\$ -	\$ 985,299	\$ -	\$ -	\$ 985,299
335	\$ 921,854	\$ -	\$ -	\$ -	\$ 921,854
336	\$ -	\$ -	\$ 1,504,488	\$ -	\$ 1,504,488
550	\$ -	\$ -	\$ -	\$ 619,311	\$ 619,311
552	\$ -	\$ -	\$ -	\$ 364,588	\$ 364,588
563	\$ 79,805	\$ -	\$ 79,805	\$ 638,438	\$ 798,048
610	\$ -	\$ -	\$ 1,476	\$ -	\$ 1,476
641	\$ -	\$ -	\$ 358,536	\$ -	\$ 358,536
642	\$ -	\$ -	\$ 761,081	\$ -	\$ 761,081
644	\$ -	\$ -	\$ 423,320	\$ -	\$ 423,320
665	\$ -	\$ -	\$ 166,134	\$ -	\$ 166,134
Total	\$ 1,001,659	\$ 985,992	\$ 4,952,474	\$ 3,014,230	\$ 9,954,354
Percentage of Total	10%	10%	50%	30%	100%

FAIRFAX COUNTY WATER AUTHORITY
SEWER SERVICE BILLING CHARGE
DERIVATION OF CAPITAL COST ALLOCATION

Exhibit 3

November 30, 2019

	Annual Cost	Percentage Allocated to Customer Service	Annual Amount
(1) Office Building	\$ 1,127,325	40%	\$ 450,930
(2) Northern Maintenance Yard	\$ 208,886	20%	\$ 41,777
(3) Southern Maintenance Yard	\$ 509,448	20%	\$ 101,890
(4) Central Maintenance Yard	\$ 730,824	20%	\$ 146,165
(5) Vehicles (51 @ \$28,000 @ 6 yrs)	\$ 238,000	100%	\$ 238,000
(6) Office Equipment	\$ 25,000	50%	\$ 12,500
(7) Other Equipment	\$ 25,000	50%	<u>\$ 12,500</u>
(8) Total Capital Expense			\$ 1,003,762
(9) 2018 Total Retail Customer Accounts Expense			\$ 9,954,354
(10) <u>Allocation Percentage</u> Capital Expense / Retail Customer Account Expense			10%

ACTION - 5

Adoption of a Resolution Supporting Placement of the Springhill Substation
Transmission Line Underground (Providence District)

ISSUE:

Whether the Board of Supervisors should adopt a resolution supporting the placement of the transmission line between the Tysons Substation and the Springhill Substation underground.

RECOMMENDATION:

That County Executive recommends that the Board adopt a resolution (Attachment 3) supporting the placement of an existing overhead transmission line to be relocated underground in order to support the economic development priorities of the County and the Commonwealth and to serve the best interests of the County and its residents.

TIMING:

The Board is requested to act on this item on March 24, 2020, so that Virginia Electric and Power Company (Dominion) may include the resolution in its request to participate in the State Corporation Commission's (SCC) pilot program for underground transmission lines.

BACKGROUND:

In 2018, the General Assembly adopted Va. Code § 56-585.1:5, which established a pilot program to further the understanding of underground electric transmission lines in regard to electric reliability, construction methods and related cost and timeline estimating, and the probability of meeting such projections. Under the new law, two qualifying electrical transmission line projects can be included in the pilot program. Before a project can be included in the pilot program, a resolution from the governing body for the locality in which the line is located must be adopted, expressing the governing body's support for the underground placement.

On July 2, 2018, Dominion filed a Request to Participate in the Pilot Program with the SCC, requesting that its proposed 230-kilovolt transmission line project in Haymarket, Virginia (Prince William County) be included in the pilot program. The SCC approved Dominion's request on July 26, 2018. This leaves one remaining opening in the pilot program.

Board Agenda Item
March 24, 2020

In the 2020 General Assembly session, House Bill 576 was introduced to propose amendments to Va. Code § 56-585.1:5, specifically to expand the SCC's underground pilot program to also study the "benefits of undergrounding existing electric transmission lines to promote economic development within the Commonwealth." As part of HB 576, the pilot program was expanded to include as a qualifying project the "relocation or conversion of an existing 230-kilovolt overhead line to an underground line" if such a project would support the economic development priorities and comprehensive plan of a locality.

Tysons is the County's urban center. With the expansion of the Silver Line, there are now four new metro rail stops in Tysons connecting Dulles International Airport to the region's metro center. Projected development plans for Tysons shows that there will be 100,000 residents and 200,000 jobs by 2050. Tysons generates \$206,533,200 in real estate taxes, or nearly 7% of the \$3.02B Countywide Real Estate Tax Dollars (2020 Assessment). These taxes are expected to significantly rise as more development in Tysons comes on line. Statewide, in FY 2018, Fairfax County contributed 22% (nearly \$6.5B) of the Commonwealth's \$29.9B total taxes levied.

As part of the growth of the County in general, and Tysons specifically, Dominion has received approval from the County for a new transmission line from the Idylwood Substation to the Tysons Substation, as well as the ability to expand the Tysons Substation to accommodate the new line. That segment of the transmission line will be located underground. In addition, Dominion has received approval from the County to construct a new Substation to be known as the Springhill Substation. Currently, there is an overhead transmission line running from the Tysons Substation to the Reston Substation. When the new Springhill Substation is completed, this line will connect through the new Springhill Substation. (See Map in Attachment 1). The current alignment of the overhead line cuts through portions of Tysons that are planned for the highest densities due to their proximity to the Springhill Metro Station (See Map on Attachment 2). The overhead line is visually obtrusive and is inconsistent with the pedestrian oriented, visually attractive, high quality development that the Comprehensive Plan envisions for Tysons. Placing this portion of the line underground would be consistent with the vision contained in the Comprehensive Plan and would help foster economic development opportunities.

As an existing 230-kilovolt overhead transmission line, placing a portion of the line underground would qualify as a project to be included in the SCC's pilot program.

The attached resolution (Attachment 3) expresses the Board's strong support for undergrounding this transmission line between the Tysons Substation and the Springhill Substation. The adopted Comprehensive Plan for the County clearly calls for the undergrounding of utilities in Tysons to position it to serve as "urban downtown" of the

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County and the economic engine of the region and of the Commonwealth as a whole. An underground alignment is also superior due to safety considerations. Finally, the underground placement is endorsed and supported by the Tysons Partnership, the non-profit organization representing the full spectrum of stakeholders that comprise the Tysons community. The Tysons Partnership states that "Overhead lines are visually obtrusive and fundamentally at odds with the pedestrian oriented, urban type of development envisioned for Tysons under the County's Comprehensive Plan. Underground placement is more compatible with the Plan's intent and helps foster economic development. Undergrounding of utilities better positions Tysons as the County's 'urban downtown,' which also reinforces its position as the region's "economic engine."

FISCAL IMPACT:

There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Map Showing Transmission Line between Tysons Substation and Springhill Substation

Attachment 2: Map Showing Conflict between Existing Transmission Line and Proposed Development

Attachment 3: Resolution

STAFF:

Rachel Flynn, Deputy County Executive

Barbara A. Byron, Director, Department of Planning and Development

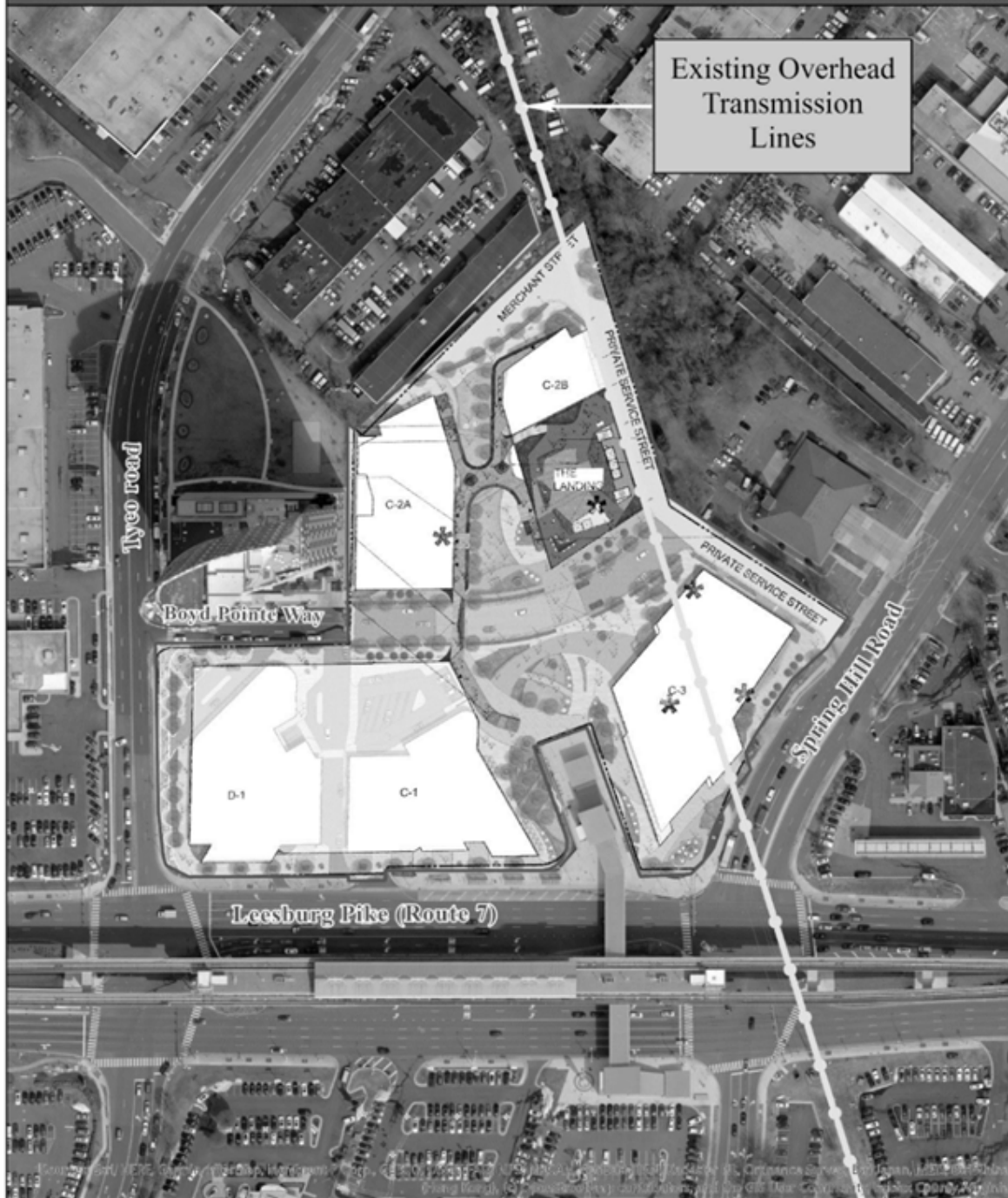
ASSIGNED COUNSEL:

Joanna L. Faust, Assistant County Attorney

Transmission Line between Tysons Substation and Springhill Substation



Undergrounding Tysons Substation to Springhill Substation Resolves Conflicts with Development Proposals



At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in Conference Room 11 in the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, March 24, 2020, at which meeting a quorum was present and voting, the following resolution was adopted.

Fairfax County Board of Supervisors Resolution

WHEREAS, the General Assembly established a pilot program pursuant to Virginia Code § 56-585.1:5 in order to further the understanding of underground electric transmission lines in regard to electric reliability, construction methods and related cost and timeline estimating, the probability of meeting such projects, and the benefits of undergrounding existing electric transmission lines to promote economic development within the Commonwealth; and

WHEREAS, one qualifying project in Haymarket, Virginia has already been accepted into the pilot program;

WHEREAS, one qualifying project under the pilot program shall be the relocation or conversion of an existing 230-kilovolt overhead transmission line to an underground line in order to promote the economic development priorities and the comprehensive plan of the governing body of the locality; and

WHEREAS, in connection with the construction of the new Springhill Substation in Fairfax County, Virginia, an existing 230-kilovolt overhead transmission line is proposed to be connected to the new Substation (the Project);

WHEREAS, the Board of Supervisors supports the placement of that transmission line underground and the County has identified general community support for the Project; and

WHEREAS, the Project would support the economic development priorities of the Commonwealth, including the Board's economic development priorities and Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County supports the Project as one that best serves the interests of Fairfax County and its residents and would support economic development priorities of the Commonwealth, including the economic development priorities and comprehensive plan.

Adopted this 24th day of March 2020, Fairfax, Virginia

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

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ACTION - 6

Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to Make a Housing Blueprint Loan to New Lake Anne House LP, in the Amount Not to Exceed \$3,000,000, to Finance the Development of New Lake Anne House, Reston, Virginia (Hunter Mill District)

ISSUE:

The Board of Supervisors (the Board) is requested to authorize the Fairfax County Redevelopment and Housing Authority (FCRHA) to make a Housing Blueprint Loan in the amount not to exceed \$3,000,000 for New Lake Anne House LP (New Lake Anne) to finance the development of 240 units of affordable senior housing, known as New Lake Anne House Apartments (the Project), in the Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCRHA to make the proposed loan in the amount not to exceed \$3,000,000 to New Lake Anne.

TIMING:

Immediate. New Lake Anne has applied for and received an allocation of tax-exempt bonds from the Virginia Housing Development Authority (VHDA) and intends to close on its construction financing and begin construction in May 2020.

BACKGROUND:

In July 2019, the Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for Housing Blueprint Funds of \$14,745,237. The response to the NOFA included the current request from Community Preservation and Development Corporation (CPDC) and Fellowship Square Foundation, Inc. (FSF) for a loan in the amount of \$3,000,000 to develop the New Lake Anne House.

After reviewing their application for Housing Blueprint Funds, HCD staff recommends an award in the amount not to exceed \$3,000,000 in Housing Blueprint Funds for Fiscal Year (FY) 2020 to CPDC and FSF for the development of the Project.

Ownership:

FSF owns and operates Lake Anne Fellowship House (Fellowship House), a 240-unit U.S. Department of Housing and Urban Development (HUD) assisted affordable

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independent living community that was developed in two phases during the early 1970s. Fellowship House comprises two parcels (11448 North Shore Drive and 11450 North Shore Drive). The Project is proposed to be built on the vacant portion of 11448 North Shore Drive. The property is currently tax-exempt.

Applicant:

The applicant is a joint venture of FSF and CPDC. CPDC is a non-stock non-profit corporation that was formed in 1989 to preserve and revitalize communities throughout the Mid-Atlantic region. Over the course of three decades, CPDC developed more than 30 affordable housing properties, representing more than 5,000 apartment homes in Virginia, Maryland and the District of Columbia. CPDC has successfully completed two highly impactful projects in Fairfax County: Island Walk in the Hunter Mill District and Stony Brook in the Lee District.

As of January 1, 2020, CPDC has merged with Enterprise Homes, Inc., a successful Maryland-based non-profit developer, to form Enterprise Community Development (ECD). ECD is the single largest non-profit owner of affordable senior housing in the mid-Atlantic with more than 5,000 units of affordable senior housing.

ECD and its affiliates have a professional staff of more than 350, focused on real estate development, property management, resident services, finance, and community relations. Its real estate team is highly experienced and is a recognized industry leader in affordable housing finance and development.

FSF is a 501(c)(3) non-profit established in 1966 for the purpose of providing affordable housing for very low-income seniors and persons with disabilities. For more than 50 years, FSF has served the community with housing and services to enable vulnerable seniors to live independently and with dignity. FSF opened its first building of 140 units at Lake Anne in Reston in 1972 and added another 100 units to the property in 1976. FSF owns three other communities: Hunters Woods Fellowship House in Reston (222 units); Lake Ridge Fellowship House in Woodbridge (99 units), and Largo Landing in Upper Marlboro, MD (105 units). FSF currently serves more than 800 residents providing safe and dignified housing and offering hundreds of programs and activities to keep them healthy, active and engaged in their community.

Project Description:

Fellowship House was developed in two phases during the early 1970s and has continuously provided high-quality affordable independent living opportunities for very low-income older adults. However, the buildings' systems (especially the heating and cooling system) are antiquated and in need of constant repair. Further, the buildings do not include any apartments that would meet current standards of accessibility. FSF

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believes the existing buildings are physically and functionally obsolete and need replacement.

The applicant intends to redevelop the entire Fellowship House property into a mixed-income mixed-tenure community. The development will be pursued in three phases: First, the applicant will construct Lake Anne House on a vacant portion of the site. Second, the applicant will relocate the residents of Fellowship House to the newly constructed building and demolish Fellowship House. Finally, FSF will sell the cleared land to a home builder for the development of 36 new townhomes, and the proceeds of the land sale to retire construction financing for New Lake Anne House.

The Board approved the Planned Residential Community Application for the Project on October 16, 2018.

This Project will replace the affordable units at Fellowship House on a one-for-one basis. However, the new building will feature a more marketable unit mix:

Unit Type	Existing	Proposed
Studio	122	56
One Bedroom	115	178
Two Bedroom	3	6
TOTAL UNITS:	240	240

The Project will also be much more livable than Fellowship House: 100 percent of the units, and all of the common areas, are designed to Universal Design standards. Further, 54 of the units are designed to be fully accessible under the Uniform Federal Accessibility Standards, which is nearly double the accessibility code requirement. The units will be built to EarthCraft standards of energy efficiency.

Fellowship House currently has a “two-pipe” central heating and cooling system, but the units in the new building will each have efficient, individually controlled HVAC systems. To encourage energy conservation, the apartments will be individually metered for electricity. The residents will receive a utility allowance as part of their rent calculation.

The Project will include extensive amenity spaces, including a business center, garden center, arts and crafts room, wellness room, game room and cybercafé. The Project includes an approximately 8,000 square-foot private outdoor terrace for the residents as well as an interactive tot lot and pocket park which will be available to the community at large.

Resident Services:

At the Project, CPDC's Community Impact Strategies department will implement extensive resident service programs with a goal of enabling the residents to successfully age in their community. CPDC will work with community partners, including organizations it has successfully worked with at Island Walk and Stony Brook, to provide access to services and benefits, including classes and meals.

Potential Benefits:

- The Project replaces 240 units of obsolete affordable senior housing with an equal number of new, highly livable homes in an increasingly unaffordable area.
- The Project will allow for the addition of 36 new townhomes to Fairfax County's housing stock, creating homeownership opportunities for families, and bringing new residents with disposable income to support the businesses in Lake Anne Village Center (directly across the street) to help jump start Lake Anne's revitalization.
- The Project will continue the provision of extensive resident services for extremely low-income seniors.
- With 100 percent rental subsidy and 100 percent universal design (along with 54 fully accessible units), the Project will allow extremely low-income residents to successfully age in place.
- The Project's "build-first" phased redevelopment plan will allow the new homes to be constructed with zero displacement of current residents.
- The Project will remain affordable for at least 30 years pursuant to the Extended Use Regulatory Agreement with VHDA.
- The Project promotes economic development through construction jobs, increased business, and new real estate tax revenues.

Appraised Value:

The Applicant engaged an independent appraiser who confirmed that the appraised value of the completed property fully collateralizes the FCRHA Housing Blueprint Loan.

The Department of Tax Administration (DTA) has reviewed the appraisal and found the methodology used to be appropriate and the multiple valuation conclusions, under market rent and restricted rent scenarios, to be reasonable.

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Assessed Value:

11448 North Shore Drive: Land = \$7,680,000; Building: \$10; Total: \$7,680,010

11450 North Shore Drive: Land = \$5,400,000; Building: \$10; Total: \$5,400,010

Affordability; Financing Plan; Terms of Housing Blueprint Loan

See Attachment 2.

Closing:

The loan will be closed following approvals by the FCRHA and the Board of Supervisors. However, requirements for the closing include, but are not limited to, the following items being completed:

1. First mortgage loan, Housing Blueprint Loan and tax-exempt bond financing closing and disbursement of funds
2. Reservation of tax credits from VHDA
3. Commitment and disbursement from tax credit investor
4. Tax-exempt Bonds issued by VHDA
5. Final underwriting by HCD staff
6. A satisfactory appraisal of the leasehold interest that collateralizes the loan
7. Receipt and approval of all third-party reports by HCD staff
8. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County
9. The anticipated date to close on all of financing is May 2020.

Risks and Concerns:

1. **Interest rate risk on the first mortgage:** The interest rate will not be fixed until the bonds are sold in early March, and if the rate were to rise above the expected rate, the Applicant would have to seek additional sources of funds or identify cost savings in the development budget.
2. **Townhome Land Sale Price:** In order to repay the land sale bridge loan, FSF must timely sell the townhome land to a developer for at least \$200,000 per lot. If the sales prices fall short of this measure, FSF or CPDC would have find other sources to repay the loan.

FISCAL IMPACT:

Funding of approximately \$3,000,000 will be allocated from funds identified as part of the Fiscal Year 2020 Housing Blueprint Project in Fund C30300, Affordable Housing Development and Investment Fund, project 2H38-180-000 with a project balance of \$3,008,237 as of February 20, 2020.

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The FCRHA will receive an ongoing monitoring fee of \$5,000 from the Applicant, escalating at three percent annually for a period of at least thirty years for the Housing Blueprint Loan. All the fees will go into Fund 81000, FCRHA General Operating Fund at the time of closing in spring 2020.

ENCLOSED DOCUMENTS:

Attachment 1 – Vicinity Map

Attachment 2 – Affordability; Financing Plan; Terms of Housing Blueprint Loan

Attachment 3 – Housing Blueprint Loan Term Sheet

STAFF:

Tisha Deeghan, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)

Teresa Lepe, Deputy Director, Real Estate, Finance and Development, HCD

Jyotsna Sharma, Associate Director, Real Estate Finance and Grants Management (REFGM), HCD

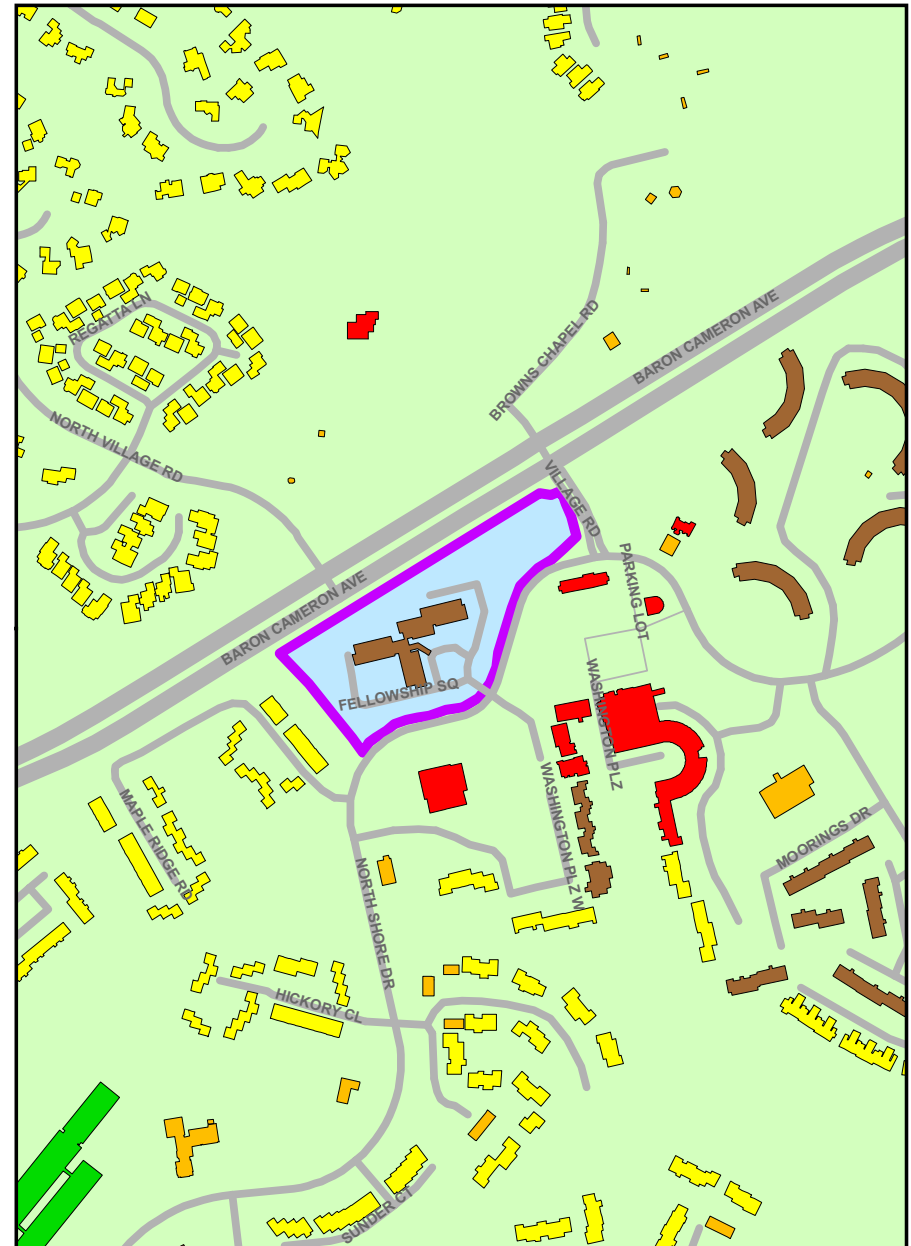
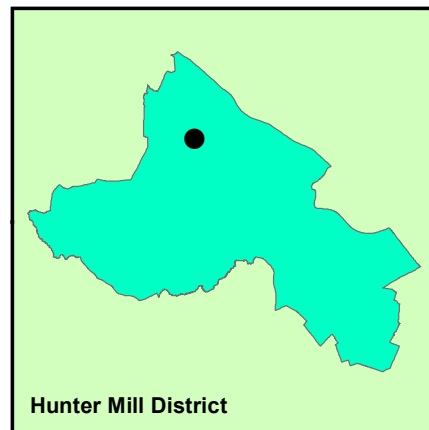
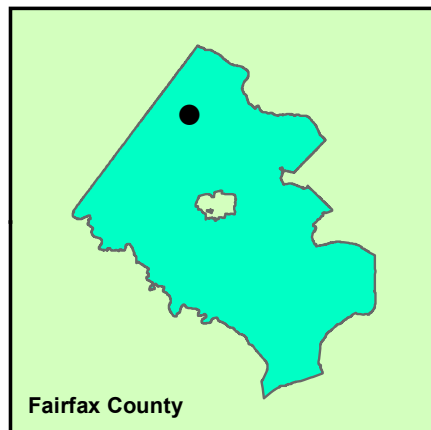
Debashish Chakravarty, Senior Real Estate Finance Officer, REFGM, HCD

ASSIGNED COUNSEL:

Cynthia A. Bailey, Deputy County Attorney

Alan Weiss, Assistant County Attorney

Lake Anne Fellowship House 11450 North Shore Drive, Reston, VA 20190



Affordability; Financing Plan; Terms of Housing Blueprint Loan

Rents and Affordability Restrictions:

Of the 240 units at Fellowship House, 118 are currently supported by project-based rental subsidy from U.S. Department of Housing and Urban Development (HUD); 27 of the units are supported by the original Section 8 Housing Assistance Payment contract, while 91 units are supported by a 2017 Rental Assistance Demonstration (RAD) contract. Fellowship Square Foundation, Inc. (FSF) has also applied for and received from HUD an allocation of project-based Tenant Protection Vouchers (TPV) which will be administered by the Fairfax County Redevelopment and Housing Authority (FCRHA).

FSF has applied for and been selected for two awards of Project Based Vouchers (PBV) for the Project from FCRHA: In 2017, the Applicant was awarded 20 PBVs and in January, 2020, the Applicant was awarded 102 PBVs.

The original 27-unit Section 8 contract and the 91-unit RAD contract will be transferred to the new Project. However, the TPVs will not transfer. When the residents of Fellowship House who are currently covered by the TPV contract move to the Project, their vouchers will be surrendered to the FCRHA, but they will be covered by the new PBV contract. As a result, 100 percent of the current residents of Fellowship House who move to the Project will receive rental subsidy, and 100 percent of the units will be affordable to residents at or below 30 percent of the Area Median Income (AMI).

As indicated above, the Applicant has proffered that if the rental subsidies are no longer available, not less than 12 units will remain affordable at 50 percent AMI and 24 units will remain affordable at 70 percent AMI. However, because the entire Project is being financed with low income housing tax credits, 100 percent of the units will be rent and income-restricted to residents with incomes at or below 60 percent of AMI for at least 30 years, regardless of whether the rental vouchers or subsidies are available.

The following table shows the range of rents that will apply to the units in the Project.

60% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
Studio	56	\$1,602 - \$1,951	\$51	\$1,551 - \$1,950
One Bedroom	78	\$1,659 - \$2,139	\$59	\$1,600 - \$2,070
Two Bedroom	6	\$1,877	\$79	\$1,798
Total Units	240			

Gross rents represent the maximum allowable rent under the various project-based subsidy contracts. Each resident will pay no more than 30 percent of their income toward their housing costs, including rent and a utility allowance. Utility allowances includes, air conditioning, cooking, lighting, and hot water.

Financing Plan:

In addition to the requested Housing Blueprint Fund Loan, the Applicant will finance the Project with a tax-exempt first mortgage loan from the Virginia Housing Development Authority, a seller loan plus transfer of reserves from FSF, a sponsor loan from FSF (representing the proceeds of the eventual sale of the land for the townhouses), a Virginia Housing Trust Fund loan and deferred developer fee.

Because the townhome site will not be sold until after the Project is completed, the Applicant will receive a bridge loan from the Enterprise Community Loan fund to finance a portion of the construction. This loan is not secured by the Project but will be guaranteed by Community Preservation and Development Corporation.

The following table shows the Applicant's proposed permanent sources and uses of funds:

SOURCES	
Tax Credit Equity	\$21,538,620
First Mortgage Loan	46,500,000
Housing Blueprint Loan	3,000,000
Virginia Housing Trust Fund Loan	700,000
Seller Loan	5,017,455
Transferred Reserves from Fellowship House	410,347
Sales Proceeds Loan	5,822,189
Deferred Developer Fee	2,300,000
Total	\$85,288,611
DEVELOPMENT COSTS	
Acquisition Costs	\$5,139,137
Construction	62,644,690
A&E Design/Supervision	1,721,207
Professional Services and Fees	1,954,437
Financing Costs	2,432,857
Partnership Expenses	30,000
Construction Period Interest	2,610,000
Carrying Costs	1,575,941
Operating Reserve	2,180,342
Development Fee	5,000,000
Total	\$85,288,611

Terms of Housing Blueprint Loan:

The Housing Blueprint Loan, the subordinate loan, will be closed simultaneously with all other permanent funding sources for the Project, but will be funded at the time the new building is placed into service. The interest rate for the Housing Blueprint Loan will be two percent simple interest per annum, which will begin to accrue when the loan is funded. Attachment 3 provides detailed terms for the Housing Blueprint Loan.

Housing Blueprint Loan Term Sheet:

Borrower: New Lake Anne House LP

Address: Reston, Fairfax County, Virginia

Amount: \$3,000,000, subject to terms and conditions

Interest Rate: A minimum rate of 2% simple interest per annum with a maximum rate equal to the Applicable Federal Rate (AFR). Interest rate during construction will be 0% per annum.

Project: A 240-unit affordable elderly housing project to be built at 11448 North Shore Drive, Reston, Virginia.

Amortization: N/A - will be deferred for repayment as provided below

Term: The payment of all principal and interest (in the event of default and as provided in the Housing Blueprint Loan documents) will be deferred and simple interest will accrue for 30 years or such other term as is coterminous with the primary loan from a third-party lender, whichever is greater, but the entire indebtedness will become due and payable upon transfer of the Project, without the prior approval of the FCRHA, refinancing, or failure to comply with the Housing Blueprint and/or loan document requirements. The annual loan payments shall be payable only from fifty percent (50%) of the cash flow remaining after operating expenses, first mortgage debt service, \$7,000 annual debt service to the Virginia Housing Trust and repayment of the deferred developer fee. At the end of the 30-year term or such other term as is co-terminous with the primary loan, whichever is greater, the outstanding principal balance along with any accrued interest shall become due and payable. During the 30-year term or such other term as is co-terminous with the primary loan, whichever is greater, refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. In the event that the Housing Blueprint Loan is paid off before maturity of the loan, the developer shall maintain the affordability period according to the Housing Blueprint goals, for a minimum term of thirty (30) years or for a term coterminous with the first mortgage, whichever is greater.

Security: Second Lien Deed of Trust on the Project, or such other lower priority lien position necessary to avoid reallocation of the tax credits under IRC Section 42 of the Internal Revenue Code, with reasonable assurance that the value of the Project exceeds the aggregate debt of the higher

priority loans and the Housing Blueprint loan.

Conditions:

- 1) This Housing Blueprint Loan is for the specific purpose of providing a loan associated with the Borrower's Project consisting of 240 senior rental units located in Reston (Fairfax County) (Tax Map Number: 0172 01 0002).
- 2) The Housing Blueprint Loan will close simultaneously with the permanent mortgage lender(s) and the low-income housing tax credit equity provider.
- 3) There will be no further subordinate debt permitted to be placed on the Project, other than the loans represented in the application for this loan, without the permission of the FCRHA.
- 4) Borrower will pay an annual monitoring fee of \$5,000, for monitoring the property, after payment of the must-pay debt service and before payment to the Borrower or any affiliate of the Borrower.
- 5) Borrower and FCRHA shall execute a Right of First Refusal Agreement. The FCRHA will have the Right of First Refusal (ROFR), subordinate to the developer's ROFR, under the same terms and conditions that the developer has under the Limited Partner's Partnership Agreement. Should the developer exercise their right under the ROFR, the developer will make sure that the minimum affordability requirements under the loan documents are met as well as the requirements set forth in the unsubordinated Ground Lease.
- 6) In case of any material default under the senior lien Deed of Trust, terms acceptable to the FCRHA negotiator shall be provided to assist in the protection of the Housing Blueprint loan value which may include, but not be limited to, the right to cure or to acquire ownership of the senior debt or of the property or both rights.
- 7) Borrower will maintain the Project as affordable housing for households with 100 percent of the units rent and income-restricted to residents with incomes at or below 60 percent of area median income (AMI) for at least 30 years, regardless of whether the rental vouchers or subsidies are available. If the rental subsidies are no longer available, the applicant has proffered not less than 12 units will remain affordable at 50 percent AMI and 24 units will remain affordable at 70 percent AMI. The term "affordable" shall mean that no more than 30% of the household's gross income is paid for housing costs. These restrictions shall be established in the deed of trust

for the Housing Blueprint Loan and by a recorded regulatory agreement and shall be in place and run with the land of the Project for at least 30 years.

8) And the following conditions are required for loan closing and release of funds:

- a. Loan Terms.** Loan will (1) not exceed \$3,00,000, (2) the loan will have an interest rate of no less than 2% per annum or a maximum rate of AFR, (3) The annual loan payments shall be payable only from fifty percent (50%) of the cash flow remaining after operating expenses, must pay debt service, and deferred developer fee, and (4) During the 30 years or such other term as is co-terminous with the primary loan, whichever is greater, refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. Borrower will provide satisfactory construction commitments prior to closing.
- b. Loan Disbursement.** The initial 50% of the loan will be disbursed for New Lake Anne House L.P. after the achievement of 50% completion of the original construction contract amount plus amendments and change orders, and upon satisfaction of the following:
 - i. Architect's 50% completion certificate certifying that at least 50% of the original construction contract sum, adjusted in accordance with approved change orders, has been paid to the contractor along with title bring down and appropriate lien waivers
 - ii. Interim Affidavit and Agreement for contractor
 - iii. Payment and Performance Bond provided ("with FCRHA as named insured") and/or satisfactory Letter of Credit provided. Letter of Credit, which guarantees funding, will only be used toward final completion of the project as defined by Architect's Completion Certificate, final lien release, and Occupancy Certificate (if applicable).
 - iv. Construction Progress Schedule (HUD 5372 form or equivalent) showing 50% completion as measured by payment to the contractor of at least 50% of the original contract price, plus amendments and change orders
 - v. 50% of other funding sources, aside from Tax-Credit Equity, have been disbursed
 - vi. No outstanding or pending defaults on the project
 - vii. Mutually acceptable Inter Creditor Agreement (ICA), if applicable
 - viii. Compliance with all lenders (construction and disbursement requirements)

The remaining 50% of the loan for New Lake Anne House L.P. will be disbursed at 100% construction completion. Documents needed to confirm construction completion before the balance can be disbursed

include the following: The Architect's Completion Certificate, final lien release, and Occupancy Certificate (if applicable).

- c. **Construction Completion.** Documents needed to confirm construction completion before the balance can be disbursed at construction completion include the following: The Architect's Completion Certificate, final lien release, and Occupancy Certificate (if applicable).
- d. **Lien Position.** The Housing Blueprint Loan is anticipated to be secured by a Deed of Trust in second lien position encumbering the Project, subject only to the first priority Deed of Trust securing the primary loan.
- e. **Title.** Borrower will provide (1) satisfactory title and judgment search of Project and (2) satisfactory lender's title insurance commitments for the benefit of the FCRHA including, among other things, affirmative mechanics lien coverage, as prepared by a title company selected by the FCRHA.
- f. **Loan Documentation.** All senior loans and all Housing Blueprint Loan terms and any lease agreement terms, conditions, and documentation shall be acceptable to the FCRHA's authorized negotiator/representative and its counsel.
- g. **Conditions to Disburse Funds.** The Housing Blueprint Loan closing and disbursement of funds will take place only with the approval of any Assistant Secretary of the FCRHA.
- h. **Other Conditions to Close.** Closing will not take place until the following have been accomplished in form and substance acceptable to HCD on behalf of the FCRHA:
 - i. Appraisal accepted and approved by the FCRHA.
 - ii. Environmental reviews accepted and approved by the FCRHA.
 - iii. Market Study accepted and approved by the FCRHA.
 - iv. Reservation of all needed low-income housing tax credits.
 - v. Primary loan commitment from a third-party lender for both construction and permanent financing.
 - vi. Commitment from tax credit investor.
 - vii. Final underwriting by the HCD Staff.
 - viii. Zoning letter issued by the Fairfax County Department of Planning and Zoning with respect to the real property and the Lake Anne House project.
 - ix. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County.
- i. **Note:**
 - i. The lien position is subject to the satisfaction of the senior lender and tax credit investors.
 - ii. Any savings in the development budget, at the discretion of the FCRHA and provided it does not impact the tax credit basis, will be used to reduce the Housing Blueprint Loan.

ACTION - 7

Approval of Revised Financing Plan for the Renovation of Murraygate Village Apartments and Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to: 1) Issue Tax-Exempt Bonds in an Amount Not to Exceed \$4,000,000; and 2) Submit an Application to Virginia Department of Housing and Community Development for Tax-Exempt Bond Allocation for Murraygate Village Apartments (Lee District)

ISSUE:

Board of Supervisors (Board) approval to take the necessary steps to finance the preservation and rehabilitation of Murraygate Village Apartments (the "Project") in the Lee District. Specifically, Board approval is requested for the:

- 1) Revised financing plan for the Project; and
- 2) FCRHA issuance of supplemental private activity short-term tax-exempt bonds in an amount not to exceed \$4,000,000 for the rehabilitation of the Project.

RECOMMENDATION:

The County Executive recommends: 1) approving the proposed, revised Project financing plan; 2) issuance by the FCRHA of private activity tax-exempt bonds in an amount not to exceed \$4 million for the rehabilitation of Murraygate Village Apartments; and 3) authorizing the submission of an application to Virginia Department of Housing and Community Development (VADHCD) for tax-exempt bond allocation for Murraygate Village Apartments rehabilitation, as part of the overall financing for the renovation of the Property.

TIMING:

Immediate. The Project has encountered unexpected conditions during the renovation of the property. It is anticipated that the total amount of the construction cost increases for the entire property once completed will be approximately \$5.8 million. As a result of encountering these unforeseen conditions, construction has been delayed by approximately six months and the completion date is now anticipated to be January 2021.

BACKGROUND:

In December 2015, the FCRHA approved the initial project financing plan and authorized a commitment of Affordable Housing Development and Investment Funds in the amount of approximately \$7.54 million and \$1.55 million from the Housing Trust Fund. In March 2016, HCD was unsuccessful in winning the nine (9) percent tax credits from the Virginia Housing and Development Authority (VHDA). Subsequently, in March 2017, the revised financing plan utilizing a short-term tax-exempt bond structure with FHA taxable financing and four percent LIHTC's was approved by the FCRHA. In this revised financing plan, an FHA-insured first mortgage of \$15.8 million from Wells Fargo, a \$7.6 million seller takeback note, a \$3.68 million Housing Blueprint loan, \$12.5 million in four percent LIHTC equity syndicated by R4 Capital, and other sources, were secured for a total project budget of approximately \$40.8 million. In addition, \$20 million in short term tax-exempt bonds (the Original Bonds) were issued by the FCRHA to meet the guidelines for the 50 percent test and as a part of the four percent LIHTC financing structure. This transaction was closed in December 2018. The Original Bonds have a scheduled remarketing date of August 1, 2020 and a final maturity date of February 1, 2021. Construction is currently underway and numerous issues have come up with the renovation scope that have led to cost increases.

Scope of Rehabilitation and Change Orders

The rehabilitation of the property is comprehensive in nature and will promote long-term sustainability and energy efficiency. The original renovation plan was divided between Phase I and Phase II.

Phase I was completed in 2018 and consisted of upgrading the electrical services in each unit and the replacement of the existing transformers with larger ones to accommodate the larger electric loads.

Phase II, which is currently underway, includes the following:

- Replace existing central plant HVAC system with individual heat pumps for each unit that will allow for improved energy efficiency and individually metered utilities;
- Renovate kitchens with new cabinets, countertops, and installation of dishwashers;
- Renovate bathrooms with new toilets, sinks, and floor-to-ceiling finishes;
- Increase the number of accessible apartments from eight (8) to ten (10) in order to comply with the applicable accessibility standards;
- Replace flooring, windows, doors, interior paint of all units;
- Replace canvas awnings at the entry to each building and parking lot improvements;
- Install some landscaping; and
- Limited parking lot improvements.

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During demolition, a significant amount of unforeseen conditions were encountered that required correction. Specifically, the sanitary drainpipe system was originally not built properly and is leaking throughout. In addition, there were damaged bathroom subfloors, ceiling and HVAC ducting and other items did not meet current fire code requirements. Other items of work have also been added to the Project scope include door hardware replacement, parking lot repairs, and additional asbestos removal.

Relocation

The relocation process is progressing as planned, with all units in the first six buildings of the Project, 7811, 7812, 7814, 7816, 7818, and 7820, Belford Drive, completed and re-leased to the residents. As previously mentioned, the remaining Relocation funds that were budgeted at closing are now being used to pay for the construction cost overruns, and remaining relocation costs are being paid outside of the Partnership.

About the Revised Financing Plan

The increased costs, reallocations of existing contingencies/uses, and new sources required to fund the project given the increased development costs are summarized in the below chart:

Summary of Increased Costs and Sources	
Total Expected Change Orders ¹	5,800,000
Existing Contingency ¹	(1,561,771)
Reallocated Relocation ¹	(271,290)
Reallocated Tenant Improvements	(595,529)
Repay Working Capital ¹	(316,000)
Net Change Orders ¹	3,055,410
Increased Financing Costs	1,423,296
Increased Development Fee	817,645
Net Cost Increase	5,296,351
Increase Deferred Developer Fee	(521,351)
Additional LIHTC Equity	(1,275,000)
Gap Funding Need¹	3,500,000

The original Project budget had approximately \$1.56 million available in contingency funds to pay for the change orders and cost overruns. Additional Tenant Improvements of \$595,529 was also originally meant to pay for change orders and cost overruns. The \$271,290 in closed financing previously allocated to "Relocation" has also been reallocated to paying for change order costs. Additionally, the project will have its United States Housing and Urban Development (HUD) Working Capital of \$316,000 returned during the flow of funds, freeing up that amount in permanent financing to cover

construction cost overruns. If the working capital is released later than Final Rental Achievement, or December, 2021, the amount of developer fee received at that time would be reduced by \$316,000, and the developer would receive those funds when the Working Capital is repaid. For more detail, refer to the Sources and Uses schedule in Attachment 2: Revised Financing Plan.

Furthermore, it has become necessary to issue supplemental tax-exempt bonds in the amount of \$4 million to meet the federal guidelines for the Low-Income Housing Tax Credit (LIHTC) program, which specifies that at least 50 percent of construction costs need to be paid for with tax exempt bonds or the property will not generate LIHTCs and the project will be at risk of default.

Benefits of Revised Financing Plan

- a) By issuing the supplemental bonds, the Project can now meet the 50 percent test, as discussed previously.
- b) By including the cost overruns (change orders etc.) in eligible basis, the Project can generate additional tax credit equity and therefore additional permanent sources of funds.
- c) Increasing the eligible basis through change orders allows the FCRHA to get an increased developer fee, which can be used for other FCRHA purposes.
- d) Having additional FCRHA funds provided to the Project as a loan allows FCRHA to recoup the funds from future cash flow after construction completion.

Risks and Concerns

1. **Interest rate risk on the bonds:** There is a chance that the interest rate on the Supplemental Bonds will not match that of the \$20 million of Original Bonds. If that is the case, the Project will incur some amount of negative arbitrage. This is not viewed as a significant risk.
2. **Tax credit pricing:** The Limited Partnership Agreement (LPA) has a limit on total amount of tax credit equity that the syndicator/investor is required to contribute to the Project per the LPA equal to 105 percent of the original total capital contributions. The syndicator has preliminarily priced the amount of the tax credit equity over the five percent cap at 0.59/tax credit dollar. There are ongoing negotiations with R4 to increase this pay rate and this is a worst-case scenario.
3. **50 Percent Test Compliance:** If the Supplemental Bonds are not issued, the 50 percent test will not be met and as a result, the entire Project will default per the terms of the LPA.

Timeline

Certain formal actions need to be undertaken by the FCRHA in connection with the supplemental bond issuance. HCD's Loan Underwriting Committee (LUC) approved the issuance on February 19, 2020 and the Declaration of Intent was executed on the same

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date, evidencing the FCRHA's intent to issue the bonds. The Declaration of Intent, however, does not obligate the FCRHA to issue bonds. To proceed, pursuant to federal law, the FCRHA must hold the federally required Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing. The Board of Supervisors will consider the financing plan and determine whether to give the necessary approval. For the issuance of the bonds, an application will be made by the FCRHA to VADHCD for a tax-exempt financing allocation under the state volume cap. Prior to actually issuing the supplemental bonds, the FCRHA must authorize a final bond resolution.

The estimated timetable of proposed actions is as follows:

Loan Underwriting Committee Meeting Done	February 19, 2020
TEFRA Advertisement #1 Done	February 18, 2020
TEFRA Advertisement #2 Done	February 25, 2020
FCRHA Finance Committee Done	February 26, 2020 (Cancelled)
FCRHA Approval of Financing Plan, Supplemental bond issuance, reallocation of funding for collateral, and TEFRA Hearing Done	March 5, 2020
BOS approval of additional bonds	March 24, 2020
VADHCD approval for volume cap	After BOS approval, prior to final bond resolution
Final Bond Resolution with FCRHA:	June 11, 2020

Next Steps

The issuance of FCRHA Bonds requires:

1. The issuance of a Declaration of Intent (Reimbursement Resolution) (**Done**)
2. Two public advertisements of the TEFRA hearing and the Project (**Done**)
3. TEFRA hearing (**Done**)
4. Private activity bond application approved by VADHCD
5. Bond allocation awarded

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6. Bond counsel drafts/amends documents required for issuance (i.e. Bond Indenture, Loan Agreement, etc.)
7. Issuer-passed bond resolution
8. Underwriter prices and contracts for selling the bonds
9. Supplement to Final Official Statement
10. Bond Purchase Agreement
11. Supplemental bond issuance/closing

Closing

The anticipated date of the Supplemental Bond issuance will be at the same time as the remarketing of the Original Bonds in August 2020.

FISCAL IMPACT:

Financing will include the issuance by the FCRHA of tax-exempt bonds for \$4,000,000 to be held by a bank trustee with initial short-term interest rate anticipated to be no greater than 225 basis points, or 2.25 percent. The \$500,000 will come from Fund 30300, project 2H38-194-000, the Affordable Housing Development and Investment Fund; and \$1.55 million will come from Fund 40300, project 2H38-068-000, the Housing Trust Fund. The latter funds were previously allocated by the Board for Murraygate but not included in the previous financing plan. An additional \$1.5 million will come from Fund 81000, the FCRHA General Operating Fund.

Because of the increase in development costs, HCD anticipates that approximately \$1.73 million of additional tax credits will be available and result in approximately \$1.275 million of additional tax credit equity being contributed to the Project. Additionally, it is anticipated that the Project will be eligible to increase the developer fee by approximately \$800,000, which will be deferred and payable from cash flow after Project completion. The additional cash flow as a result of the deferred developer fee can be used by FCRHA for other purposes.

A bridge loan of approximately \$1.5 million will likely be necessary from Fund 81050, the FCRHA Private Financing Fund during the rehabilitation of the Project, and such a bridge loan bears zero interest and will be paid back to the FCRHA by the tax credit equity received at rental achievement, which is anticipated to be December 2021.

After construction completion, an annual monitoring fee of \$5,000 will be paid to Fund 81000, FCRHA General Operating Fund.

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ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Revised Financing Plan
Attachment 3 – Map of Murraygate Village
Attachment 4 – Housing Blueprint Loan Term Sheet
Attachment 5 – Housing Trust Fund Loan Term Sheet
Attachment 6 – FCRHA Operating Fund Loan Term Sheet

STAFF:

Tisha Deeghan, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development,
(HCD)
Teresa Lepe, Deputy Director, Real Estate, Finance and Development, HCD
Jyotsna Sharma, Associate Director, Real Estate Finance (REF), HCD
Debashish Chakravarty, Senior Real Estate Finance Officer, REF, HCD

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in Conference Room 11 of the Government Center at Fairfax, Virginia on Tuesday, March 24, 2020, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (Authority) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt Multifamily Housing Revenue Bonds (Murraygate Village Project) Series A and B 2020 (Bonds) in an aggregate principal amount not to exceed \$4,000,000; and

WHEREAS, the Authority issued Series 2018 bonds in the amount of \$20,000,000, but additional construction costs have arisen since then necessitating a supplemental bond issuance of \$4,000,000; and

WHEREAS, the Authority was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Va. Code Ann., the Authority is authorized, among others, to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation project, or a rehabilitation district; and

WHEREAS, the proceeds of the Bonds will be used to finance the rehabilitation of 204 units at Murraygate Village Apartments (the Project); and

WHEREAS, the Authority held a public hearing at 4500 University Drive, Fairfax, Virginia, on March 5, 2020 for which public notice was duly given on February 18, 2020, and February 25, 2020, being no fewer than 14 days prior to the date of the public hearing as required under the regulations applicable to Section 147(f) of the Internal Revenue Code of 1986, as amended. The Board of Supervisors has received from the Authority a summary of statements made at the hearing and an extract of minutes of the meeting of the Authority relative to its proposed issuance of tax-exempt revenue bonds to pay all or a portion of the cost of the Project.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors:

For the purposes and only for the purposes of compliance with Section 147(f)(2)(B) of the Internal Revenue Code of 1986, as amended, the Board of Supervisors does hereby approve the issuance of tax-exempt bonds for the Project in an aggregate principal amount not to exceed \$4,000,000.

The Board of Supervisors in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the Authority and payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

This Resolution is adopted by a majority of a quorum of the Board of Supervisors present and voting. Those members voting in favor of the resolution are:

Those members opposed to the resolution are:

Those members absent from the meeting are:

Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Revised Financing Plan

As mentioned above, the total amount of construction change orders to complete the entire Project is now estimated to be approximately \$5.8 million. In addition to the construction cost overruns, there will be additional financing costs of approximately \$1.4 million consisting of construction loan interest and amortization, other financing and legal costs. In order to complete the Project FCRHA will need to provide additional funds on a permanent basis of approximately \$3.5 million. Lastly, FCRHA needs to provide the Project a short-term bridge loan of approximately \$1.5 million dollars for 18 to 24 months that will be repaid with future permanent sources of financing including LIHTC capital contributions.

HCD staff recommends that the total permanent funding requirement of \$3.5 million be financed through a combination of sources which include (i) the remaining FCRHA funds authorized for the Project in December 2015 comprised of \$500,000 remaining in Affordable Housing Development and Investment Fund (AHDH) and (ii) \$1.55 million from the Housing Trust Fund, and also (iii) approximately \$1.5 million from the FCRHA Operating Fund.

The additional funds from the AHDH Fund will be added onto the existing Housing Blueprint Loan of \$3.68 million, and the funds from the Housing Trust Fund and the FCRHA Operating Fund will be contributed to the partnership as two additional subordinate loans with the same terms as the Housing Blueprint Loan. HCD is currently in negotiations with R4 Capital on credit pricing and timing of this equity inflow based on construction milestones. We also anticipate the need for a bridge loan of up to \$1.5 million from the FCRHA Revolving Development Fund because the proposed inflow of funds from the equity investor and the construction payments will not align based on the new construction schedule. The bridge loan will be repaid at the final tax credit equity contribution, currently anticipated to occur in December 2021.

The revised financing plan also requires \$4 million in short-term tax-exempt bonds, as an increase to the \$20 million in short-term tax-exempt bonds included in the original financing structure (the Original Bonds), in order to meet the 50 percent test guidelines, which specify that at least 50 percent of eligible basis (construction costs), acquisition, and land needs to be financed from tax-exempt bond proceeds. The principal of the bonds will be held in a Project account by a trustee and used to pay basis-eligible costs, and other sources of permanent financing (221d4 proceeds, LIHTC equity, Housing Blueprint funds, etc) will cash-collateralize these bonds.

The Supplemental Bonds will be issued at the same time as the Original Bonds will be remarketed on August 1, 2020. Both the Original Bonds and the Supplemental Bonds will mature on February 1, 2021. This presents a challenge of paying for change order (the "Supplemental Bond") costs in the interim. HCD staff recommends paying the vendors from the AHDH Fund and Housing Trust Fund until the bond issuance date.

After such date, the Supplemental Bonds will be allocated either to reimburse for Project costs already paid or pay directly for in-basis Project costs. At all times, such bonds will be fully collateralized and secured either by the proceeds thereof or by permanent sources provided for such purpose. The Supplemental Bonds will be structured so that the FCRHA, the County, and the bond holders will not be at risk. No mortgage lien will secure the Supplemental Bonds. Furthermore, these bonds will be nonrecourse to the FCRHA. The Supplemental Bonds will bear interest at an initial short-term fixed interest rate, currently estimated to not exceed 225 basis points (2.25 percent). The Supplemental Bonds will be publicly offered by Stifel, the Original Bond underwriter, as part of the remarketing of the Original Bonds. Additionally, the Supplemental Bonds will be rated by a rating agency.

After the Fairfax County Board of Supervisors approves the \$4 million Supplemental Bond issuance, HCD staff will request an allocation for private activity tax-exempt bond volume cap from the Virginia Department of Housing and Community Development.

Sources and Uses Summary:

	Closing			Current			Difference
	200 Units	per unit	% of total	200 Units	per unit	% of total	
Acquisition	19,800,000	99,000	48%	19,800,000	99,000	43%	0
Hard Construction Costs	11,046,028	55,230	27%	13,821,909	69,110	30%	2,775,881
Construction Contingency	1,561,771	7,809	4%	1,561,771	7,809	3%	0
Additional Contingency*	0	0	0%	866,819	4,334	2%	866,819
Soft Costs**	2,073,216	10,366	5%	1,801,926	9,010	4%	(271,290)
Financing/Interest	2,381,869	11,909	6%	3,805,165	19,026	8%	1,423,296
Reserves	1,003,966	5,020	2%	687,966	3,440	1%	(316,000)
Development Fee	3,000,000	15,000	7%	3,817,645	19,088	8%	817,645
Total Uses	40,866,850	204,334	100%	46,163,201	230,816	100%	5,296,351
LIHTC Capital Contributions	12,537,000	62,685	31%	13,812,000	69,060	30%	1,275,000
First Mortgage Loan	15,800,000	79,000	39%	15,800,000	79,000	34%	0
Blueprint Housing Fund (Approved)	3,680,766	18,404	9%	3,680,766	18,404	8%	0
Seller Note	7,860,121	39,301	19%	7,860,121	39,301	17%	0
NOI During Construction	296,361	1,482	1%	296,361	1,482	1%	0
Additional Need for Gap Funds	0	0	0%	3,500,000	17,500	8%	3,500,000
Deferred Development Fee	692,602	3,463	2%	1,213,953	6,070	3%	521,351
Total Sources	40,866,850	204,334	100%	46,163,201	230,816	100%	5,296,351

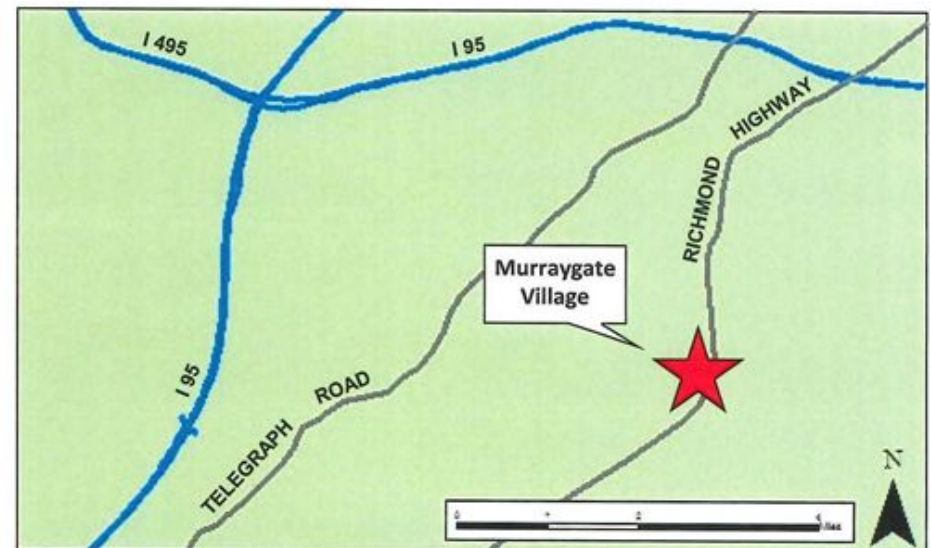
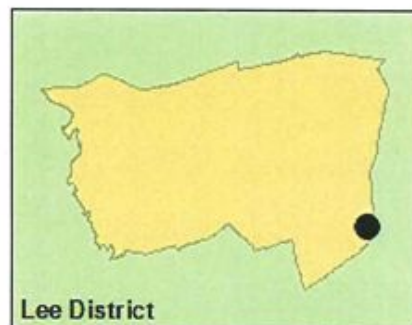
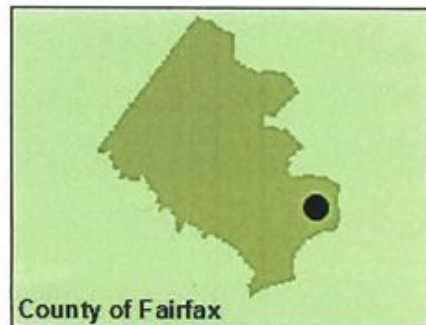
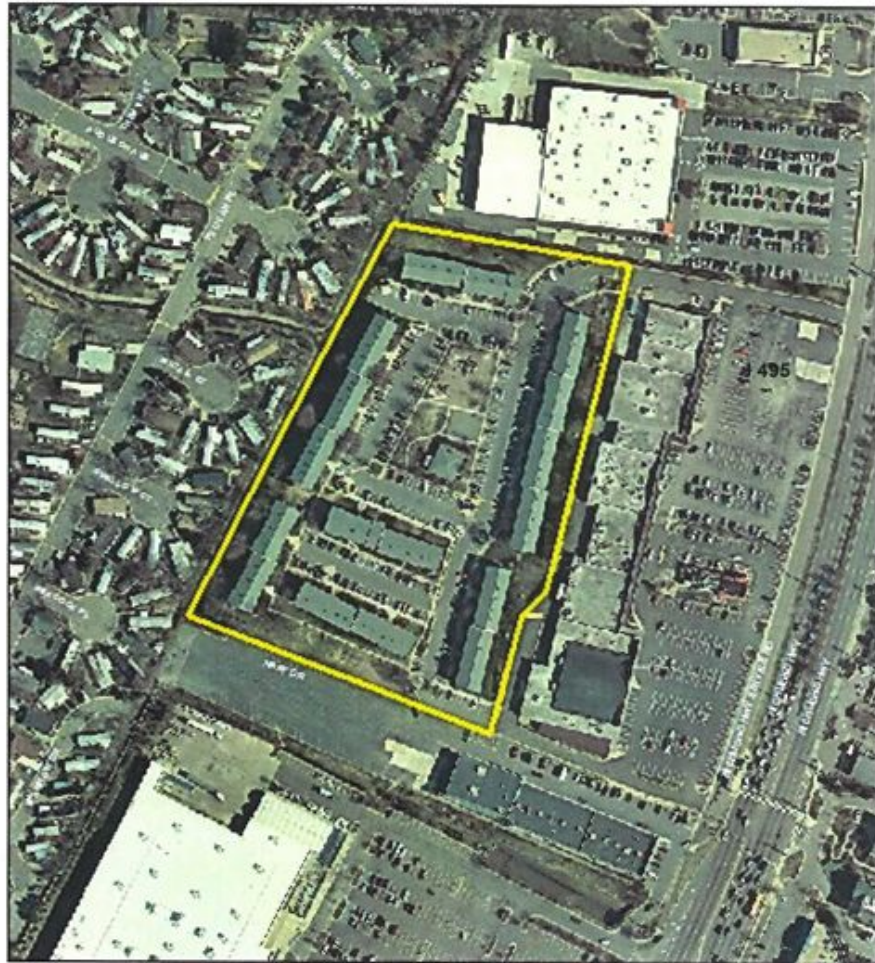
*Remaining funds originally budgeted for "Relocation" and "Additional Tenant Improvements" now paying for change orders

**Reduced by the amount of funds remaining that were previously budgeted for "Relocation," which is now Additional Contingency

Attachment 2

Please refer to the summary chart on page 2 of the item, which matches the Net Cost Increase and the Additional Need for Gap Funds shown in the detailed Sources and Uses above.

Murraygate Village



Housing Blueprint Loan Term Sheet:

Borrower: Murraygate Village Limited Partnership

Address: 7800 Belford Drive, Alexandria, VA 22036 (Property)

Amount: Not to exceed \$500,000, subject to terms and conditions

Interest Rate: A minimum rate of two percent (2%) simple interest per annum with a maximum rate equal to the Applicable Federal Rate (AFR). Interest rate during construction will be 0% per annum.

Amortization: N/A - will be deferred for repayment as provided below

Term: The payment of all principal and interest (in the event of default and as provided in the Housing Blueprint loan documents) will be deferred and simple interest will accrue for 30 years or such other term as is coterminous with the first mortgage loan from a third party lender but the entire indebtedness will become due and payable upon transfer of the Property without the prior approval of the Fairfax County Redevelopment and Housing Authority (FCRHA), refinancing, or failure to comply with the Housing Blueprint and/or loan documents requirements. *Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, the Note will be paid in the order and priority (subject to future negotiations between FCRHA and the investor limited partner), as set forth in the Amended and Restated Agreement of Limited Partnership (the "Partnership Agreement"), as executed at closing. Any cash flow ultimately paid to the Note and will get applied to the accrued interest of 2% annually, with the principal deferred. Subject to the requirements of the Partnership Agreement, any remaining cash flow will get applied to the Seller Takeback Note and once the Seller Takeback Note is paid off, the cash flow can be used to pay principal on the Blueprint Loan.* At the end of the term of 30 years (or such other term as is coterminous with the first mortgage loan), the outstanding principal balance along with any accrued interest shall become due and payable. The annual loan payments shall be payable only from the cash flow remaining after payment of the deferred developer's fee in full. During the 30-year term or such other term as is coterminous with the first mortgage loan, refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. In the event that the Housing Blueprint Loan is paid off before maturity of the loan, the developer shall maintain the affordability

Security: period according to the Housing Blueprint goals, for a minimum term of thirty (30) years or for a term coterminous with the first mortgage Second Lien Deed of Trust on the building, or such other lower priority lien position necessary to avoid reallocation of the tax credits under IRC Section 42 of the Internal Revenue Code, with reasonable assurance that the value of the Property exceeds the aggregate debt of the first mortgage loan and the Housing Blueprint loan.

Conditions:

- 1) This Housing Blueprint Loan is for the specific purpose of providing a loan associated with the Borrower's building consisting of 200 rental units located at 7800 Belford Drive, Alexandria (Fairfax County), VA 22306.
- 2) There will be no further subordinate debt, other than the Seller Takeback Loan, permitted to be placed on the Property, other than the loans represented in the application for this loan, without the permission of the FCRHA.
- 3) In case of any material default under the senior lien Deed of Trust, terms acceptable to the FCRHA negotiator shall be provided to assist in the protection of the Housing Blueprint loan value which may include, but not be limited to, the right to cure or to acquire ownership of the senior debt or of the property or both rights.
- 4) Borrower will maintain the Property as affordable housing for households where the initial household income for 48 percent (%) of the units does not exceed 40 percent (%) of the area median income (AMI), the initial household income for 19 percent (%) of the units does not exceed 50 percent (%) of AMI, the initial household income for 2 percent (%) of the units does not exceed 60 percent (%) AMI, 20 percent (%) of the units have Project-Based Rental Assistance (PBRAs) attached at 50 percent (%) of AMI, and 12 percent (%) of the units are currently vacant. The property shall be occupied by such households where the household income limits do not exceed the above limits. The term "affordable" shall mean that no more than 30 percent (%) of the household's gross income is paid for housing costs. These restrictions shall be established in the deed of trust for the Housing Blueprint Loan and/or by a recorded regulatory agreement and shall be in place and run with the land of the Property for at least 30 years.
- 5) And the following conditions are required for loan closing and release of funds:
 - a. **Loan Terms.** Loan will (1) not exceed \$500,000, (2) the loan will have an interest rate of no less than 2% per annum or a maximum rate of AFR, and (3) the payment of all principal and interest (which shall accrue) will be deferred for 30 years (or such other term as is co-terminus with the first

mortgage loan) but will become due and payable upon transfer of all or any part of the Property without the prior approval of the FCRHA, refinancing, or failure to comply with the Housing Blueprint or loan document requirements. *Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, the Note will be paid in the order and priority (subject to future negotiations between FCRHA and the investor limited partner), as set forth in the Partnership Agreement, as executed at closing. Subject to the requirements of the Partnership Agreement, any cash flow ultimately paid to the Note will get applied first to the accrued interest, and then to the principal after full payment of the Seller Takeback Loan.* The annual loan payments shall be payable only from the cash flow remaining after payment of the deferred developer's fee in full. During the 30 years (or such other term as is coterminous with the first mortgage loan), refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. Borrower will provide satisfactory construction commitments prior to closing.

- b. **Lien Position.** The Housing Blueprint Loan is anticipated to be secured by a Deed of Trust in second lien position encumbering the Property, subject only to the first priority Deed of Trust securing the first mortgage loan.
- c. **Title.** Borrower will provide (1) satisfactory title and judgment search of Property and (2) satisfactory lender's title insurance commitments for the benefit of the FCHRA including, among other things, affirmative mechanics lien coverage, as prepared by a title company selected by the FCRHA.
- d. **Loan Documentation.** All senior loan(s) and all Housing Blueprint Loan terms and any lease agreement terms, conditions, and documentation shall be acceptable to the FCRHA's authorized negotiator/representative and its counsel.
- e. **Conditions to Disburse Funds.** The Housing Blueprint Loan closing and disbursement of funds will take place only with the approval of any Assistant Secretary of the FCRHA.
- f. **Note:**
 - i. The lien position is subject to the satisfaction of the senior lender and tax credit investors.
 - ii. Any savings in the development budget, at the discretion of the FCRHA and provided it does not impact the tax credit basis, will be used to reduce the Housing Blueprint loan.

Housing Trust Fund Loan Term Sheet:

Borrower: Murraygate Village Limited Partnership

Address: 7800 Belford Drive, Alexandria, VA 22036 (Property)

Amount: Not to exceed \$1,550,000, subject to terms and conditions

Interest Rate: A minimum rate of two percent (2%) simple interest per annum with a maximum rate equal to the Applicable Federal Rate (AFR). Interest rate during construction will be 0% per annum.

Amortization: N/A - will be deferred for repayment as provided below

Term: The payment of all principal and interest (in the event of default and as provided in the FCRHA Operating Fund Loan documents) will be deferred and simple interest will accrue for 30 years or such other term as is coterminous with the first mortgage loan from a third party lender but the entire indebtedness will become due and payable upon transfer of the Property without the prior approval of the Fairfax County Redevelopment and Housing Authority (FCRHA), refinancing, or failure to comply with the Subordinate and/or loan documents requirements. *Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, the Note will be paid in the order and priority (subject to future negotiations between the FCRHA and the investor limited partner), as set forth in the Amended and Restated Agreement of Limited Partnership (the "Partnership Agreement"), as executed at closing. Any cash flow ultimately paid to the Note will get applied to the accrued interest of 2% annually first, with any remaining amount going to principal. Subject to the requirements of the Partnership Agreement, any remaining cash flow will get applied to the Seller Takeback Note and once the Seller Takeback Note is paid off, the cash flow can be used to pay principal on the Blueprint Loan, and once the Blueprint Loan is paid off, the cash flow can be used to pay principal and interest on the Housing Trust Fund Loan. At the end of the term of 30 years (or such other term as is coterminous with the first mortgage loan), the outstanding principal balance along with any accrued interest shall become due and payable. The annual loan payments shall be payable only from the cash flow remaining after payment of the deferred developer's fee in full. During the 30-year term or such other term as is*

coterminous with the first mortgage loan, refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. In the event that the Subordinate Loan is paid off before maturity of the loan, the developer shall maintain the affordability period for a minimum term of thirty (30) years or for a term coterminous with the first mortgage.

Security: Third Lien Deed of Trust on the building, or such other lower priority lien position necessary to avoid reallocation of the tax credits under IRC Section 42 of the Internal Revenue Code, with reasonable assurance that the value of the Property exceeds the aggregate debt of the first mortgage loan, the Housing Blueprint loan, and the Subordinate loan.

Conditions:

- 1) This Subordinate Loan is for the specific purpose of providing a loan associated with the Borrower's building consisting of 200 rental units located at 7800 Belford Drive, Alexandria (Fairfax County), VA 22306.
- 2) There will be no further subordinate debt, other than the Seller Takeback Loan, permitted to be placed on the Property, other than the loans represented in the application for this loan, without the permission of the FCRHA.
- 3) In case of any material default under the senior lien Deed of Trust, terms acceptable to the FCRHA negotiator shall be provided to assist in the protection of the Subordinate loan value which may include, but not be limited to, the right to cure or to acquire ownership of the senior debt or of the property or both rights.
- 4) Borrower will maintain the Property as affordable housing for households where the initial household income for 48 percent (%) of the units does not exceed 40 percent (%) of the area median income (AMI), the initial household income for 19 percent (%) of the units does not exceed 50 percent (%) of AMI, the initial household income for 2 percent (%) of the units does not exceed 60 percent (%) AMI, 20 percent (%) of the units have Project-Based Rental Assistance (PBRAs) attached at 50 percent (%) of AMI, and 12 percent (%) of the units are currently vacant. The property shall be occupied by such households where the household income limits do not exceed the above limits. The term "affordable" shall mean that no more than 30 percent (%) of the household's gross income is paid for housing costs. These restrictions shall be established in the deed of trust for the Subordinate Loan and/or by a recorded regulatory agreement and shall be in place and run with the land of the Property for at least 30 years.
- 5) And the following conditions are required for loan closing and release of funds:

- a. **Loan Terms.** Loan will (1) not exceed \$1,550,000, (2) the loan will have an interest rate of no less than 2% per annum or a maximum rate of AFR, and (3) the payment of all principal and interest (which shall accrue) will be deferred for 30 years (or such other term as is co-terminus with the first mortgage loan) but will become due and payable upon transfer of all or any part of the Property without the prior approval of the FCRHA, refinancing, or failure to comply with the loan document requirements. *Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, the Note will be paid in the order and priority (subject to future negotiations between the FCRHA and the investor limited partner), as set forth in the Partnership Agreement, as executed at closing. Any cash flow ultimately paid to the Note will get applied to the accrued interest of 2% annually first, with any remaining amount going to principal. Subject to the requirements of the Partnership Agreement, any remaining cash flow will get applied to the Seller Takeback Note and once the Seller Takeback Note is paid off, the cash flow can be used to pay principal on the Blueprint Loan, and once the Blueprint Loan is paid off, the cash flow can be used to pay principal and interest on the Housing Trust Fund Loan.* The annual loan payments shall be payable only from the cash flow remaining after payment of the deferred developer's fee in full. During the 30 years (or such other term as is coterminous with the first mortgage loan), refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. Borrower will provide satisfactory construction commitments prior to closing.
- b. **Lien Position.** The Subordinate Loan is anticipated to be secured by a Deed of Trust in third lien position encumbering the Property, subject to the first priority Deed of Trust securing the first mortgage loan and the second priority Deed of Trust securing the Housing Blueprint Loan.
- c. **Title.** Borrower will provide (1) satisfactory title and judgment search of Property and (2) satisfactory lender's title insurance commitments for the benefit of the FCRHA including, among other things, affirmative mechanics lien coverage, as prepared by a title company selected by the FCRHA.
- d. **Loan Documentation.** All senior loans and all Subordinate Loan terms and any lease agreement terms, conditions, and documentation shall be acceptable to the FCRHA's authorized negotiator/representative and its counsel.
- e. **Conditions to Disburse Funds.** The Subordinate Loan closing and disbursement of funds will take place only with the approval of any Assistant Secretary of the FCRHA.

- f. **Note:**
 - i. The lien position is subject to the satisfaction of the senior lender and tax credit investors.
 - ii. Any savings in the development budget, at the discretion of the FCRHA and provided it does not impact the tax credit basis, will be used to reduce the Subordinate Loan.

FCRHA Operating Fund Loan Term Sheet:

Borrower: Murraygate Village Limited Partnership

Address: 7800 Belford Drive, Alexandria, VA 22036 (Property)

Amount: Not to exceed \$1,500,000, subject to terms and conditions

Interest Rate: A minimum rate of two percent (2%) simple interest per annum with a maximum rate equal to the Applicable Federal Rate (AFR). Interest rate during construction will be 0% per annum.

Amortization: N/A - will be deferred for repayment as provided below

Term: The payment of all principal and interest (in the event of default and as provided in the FCRHA Operating Fund Loan documents) will be deferred and simple interest will accrue for 30 years or such other term as is coterminous with the first mortgage loan from a third party lender but the entire indebtedness will become due and payable upon transfer of the Property without the prior approval of the Fairfax County Redevelopment and Housing Authority (FCRHA), refinancing, or failure to comply with the Subordinate and/or loan documents requirements. *Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, the Note will be paid in the order and priority (subject to future negotiations between the FCRHA and the investor limited partner), as set forth in the Amended and Restated Agreement of Limited Partnership (the "Partnership Agreement"), as executed at closing. Any cash flow ultimately paid to the Note will get applied to the accrued interest of 2% annually first, with any remaining amount going to principal. Subject to the requirements of the Partnership Agreement, any remaining cash flow will get applied to the Seller Takeback Note and once the Seller Takeback Note is paid off, the cash flow can be used to pay principal on the Blueprint Loan, and once the Blueprint Loan is paid off, the cash flow can be used to pay principal and interest on the Housing Trust Fund Loan. Once the Housing Trust Fund Loan is paid off, the remaining cash flow can be used to pay principal and interest on the FCRHA Operating Fund Loan. At the end of the term of 30 years (or such other term as is coterminous with the first mortgage loan), the outstanding principal balance along with any accrued interest shall*

become due and payable. The annual loan payments shall be payable only from the cash flow remaining after payment of the deferred developer's fee in full. During the 30-year term or such other term as is coterminous with the first mortgage loan, refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. In the event that the Subordinate Loan is paid off before maturity of the loan, the developer shall maintain the affordability period for a minimum term of thirty (30) years or for a term coterminous with the first mortgage.

Security: Third Lien Deed of Trust on the building, or such other lower priority lien position necessary to avoid reallocation of the tax credits under IRC Section 42 of the Internal Revenue Code, with reasonable assurance that the value of the Property exceeds the aggregate debt of the first mortgage loan, the Housing Blueprint loan, and the Subordinate loan.

Conditions:

- 1) This Subordinate Loan is for the specific purpose of providing a loan associated with the Borrower's building consisting of 200 rental units located at 7800 Belford Drive, Alexandria (Fairfax County), VA 22306.
- 2) There will be no further subordinate debt, other than the Seller Takeback Loan, permitted to be placed on the Property, other than the loans represented in the application for this loan, without the permission of the FCRHA.
- 3) In case of any material default under the senior lien Deed of Trust, terms acceptable to the FCRHA negotiator shall be provided to assist in the protection of the Subordinate loan value which may include, but not be limited to, the right to cure or to acquire ownership of the senior debt or of the property or both rights.
- 4) Borrower will maintain the Property as affordable housing for households where the initial household income for 48 percent (%) of the units does not exceed 40 percent (%) of the area median income (AMI), the initial household income for 19 percent (%) of the units does not exceed 50 percent (%) of AMI, the initial household income for 2 percent (%) of the units does not exceed 60 percent (%) AMI, 20 percent (%) of the units have Project-Based Rental Assistance (PBRAs) attached at 50 percent (%) of AMI, and 12 percent (%) of the units are currently vacant. The property shall be occupied by such households where the household income limits do not exceed the above limits. The term "affordable" shall mean that no more than 30 percent (%) of the household's gross income is paid for housing costs. These restrictions shall be established in the deed of trust for the Subordinate Loan and/or by a recorded

regulatory agreement and shall be in place and run with the land of the Property for at least 30 years.

5) And the following conditions are required for loan closing and release of funds:

- a. **Loan Terms.** Loan will (1) not exceed \$1,500,000, (2) the loan will have an interest rate of no less than 2% per annum or a maximum rate of AFR, and (3) the payment of all principal and interest (which shall accrue) will be deferred for 30 years (or such other term as is co-terminus with the first mortgage loan) but will become due and payable upon transfer of all or any part of the Property without the prior approval of the FCRHA, refinancing, or failure to comply with the loan document requirements. *Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, the Note will be paid in the order and priority (subject to future negotiations between the FCRHA and the investor limited partner), as set forth in the Partnership Agreement, as executed at closing. Any cash flow ultimately paid to the Note will get applied to the accrued interest of 2% annually first, with any remaining amount going to principal. Subject to the requirements of the Partnership Agreement, any remaining cash flow will get applied to the Seller Takeback Note and once the Seller Takeback Note is paid off, the cash flow can be used to pay principal on the Blueprint Loan, and once the Blueprint Loan is paid off, the cash flow can be used to pay principal and interest on the Housing Trust Fund Loan. Once the Housing Trust Fund Loan is paid off, the remaining cash flow can be used to pay principal and interest on the FCRHA Operating Fund Loan.* The annual loan payments shall be payable only from the cash flow remaining after payment of the deferred developer's fee in full. During the 30 years (or such other term as is coterminous with the first mortgage loan), refinancing may occur at the discretion of the FCRHA and as allowed by FCRHA policies. Borrower will provide satisfactory construction commitments prior to closing.
- b. **Lien Position.** The Subordinate Loan is anticipated to be secured by a Deed of Trust in third lien position encumbering the Property, subject to the first priority Deed of Trust securing the first mortgage loan and the second priority Deed of Trust securing the Housing Blueprint Loan.
- c. **Title.** Borrower will provide (1) satisfactory title and judgment search of Property and (2) satisfactory lender's title insurance commitments for the benefit of the FCRHA including, among other things, affirmative mechanics lien coverage, as prepared by a title company selected by the FCRHA.

- d. **Loan Documentation.** All senior loans and all Subordinate Loan terms and any lease agreement terms, conditions, and documentation shall be acceptable to the FCRHA's authorized negotiator/representative and its counsel.
- e. **Conditions to Disburse Funds.** The Subordinate Loan closing and disbursement of funds will take place only with the approval of any Assistant Secretary of the FCRHA.
- f. **Note:**
 - i. The lien position is subject to the satisfaction of the senior lender and tax credit investors.
 - ii. Any savings in the development budget, at the discretion of the FCRHA and provided it does not impact the tax credit basis, will be used to reduce the Subordinate Loan.

ACTION - 8

Approval of Rate Adjustments to Fairfax Center Area, Centreville Area, Tysons, Tysons-Wide, Tysons Grid of Streets, and Reston Road Funds (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)

ISSUE:

Adjustments needed to Fairfax Center Area, Centreville Area, Tysons, Tysons-wide, Tysons Grid of Streets, and Reston Road Fund rates are to compensate for inflation, as calculated, in accordance with the guidelines, by referring to the Consumer Price Index for all urban consumers (CPI-U), to keep pace with increases in construction costs for which the fund areas were established (Attachment 1).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached rate schedule (Attachment 1), including a 2.5 percent adjustment of the existing contribution rates in all fund areas with the new rate effective April 1, 2020.

TIMING:

Board action is requested on March 24, 2020, so that the new rates can take effect on April 1, 2020.

BACKGROUND:

One of the principles of the Comprehensive Plan for each of the road fund areas is that development above the baseline level established in the plan may be approved, if the developer mitigates the impact of such increased density or intensity by contributing to a fund for the provision of off-site road improvements. All road funds function in this manner. Attachment 2 of this Board Item includes language for all current road funds in the County and has been included as reference.

Attachment 1 reflects the increase in developer contribution rates as calculated with the 2.5 percent inflation since 2019. The 2.5 percent is taken from the CPI-U as required by the Code of Virginia. The rate increase is necessary to keep pace with inflationary construction cost increases. The last rate increase was effective April 1, 2019.

Board Agenda Item
March 24, 2020

FISCAL IMPACT:

Adoption of the revised rates will increase the funds contributed by developers to Fund 30040, Contributed Roadway Improvements, by 2.5 percent over previously anticipated amounts. However, the primary effects of the increase will be felt in future years. This is because the contribution amount for each development is determined by the effective rate at the time of the land use action (rezoning, special exception, special permit) approval by the Board. The contribution rate at the time of approval will remain effective for a period of two years. If a site plan of subdivision plan (i.e. preliminary or final plat) is not submitted within two years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total contribution required.

ENCLOSED DOCUMENTS:

Attachment 1: Calculation of Revised Contribution Rates for 2020

Attachment 2: Current Road Funds Guidelines Approved March 2019

STAFF:

Rachel Flynn, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Ray Johnson, Chief, Funding Section, FCDOT

Mei Fang, Transportation Planner, FCDOT

Jeffrey C. Hermann, Section Chief, Site Analysis Section, FCDOT

CALCULATION OF REVISED CONTRIBUTION RATE – 2020

Inflation rate for 2019 based on the Consumer Price Index published by the US Department of Labor, Bureau of Labor Statistics (not seasonally adjusted)

Proposed 2020 Contribution Rate

Road Fund Area	Type	Current Rate	Inflationary Increase	Proposed Rate 2020
Tysons	non-residential	\$4.66	1.025	\$4.77
	residential	\$1,033.27	1.025	\$1,059.10
Tysons-Wide	non-residential	\$6.29	1.025	\$6.44
	residential	\$1,113.77	1.025	\$1,141.61
Tysons-Grid of Streets	non-residential	\$7.17	1.025	\$7.35
	residential	\$1,113.77	1.025	\$1,141.61
Fairfax Center	non-residential	\$6.33	1.025	\$6.49
	residential	\$1,402.14	1.025	\$1,437.20
Centreville	non-residential	\$6.80	1.025	\$6.97
	residential	\$2,687.10	1.025	\$2,754.28
Reston	non-residential	\$9.99	1.025	\$10.24
	residential	\$2,182.70	1.025	\$2,237.27

GUIDELINES FOR THE CENTREVILLE AREA ROAD FUND, Adopted March 19, 2019

The following guidelines shall be used to establish, implement, and operate the Centreville Area Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The fund is intended to collect monies in conjunction with an application for residential development that is within the Centreville Area and exempt from or otherwise not subject to the provisions of Va. Code § 15.2-2303.4 ("exempt residential development") and to collect monies in conjunction with non-residential development of property within the Centreville Area. The boundaries of the Centreville Area are defined in the Fairfax County Comprehensive Plan, 2017 Edition, Area III - Centreville Area and Suburban Center, as amended (and as shown in the attached map).

The collection of money for the fund may occur, when permitted by law, as part of any rezoning, proffered condition amendment, Special Exception, or Special Permit application (collectively "Land Use Actions") in this area that proposes a change in use, a change in zoning district, or an increase in intensity (amount of building square footage), and in limited circumstances an increase in density (number of dwelling units/acre).

The fund will be used to construct roadway improvements that cannot otherwise be built through private development in the Centreville Area. These improvements are considered off-site improvements. Projects constructed under the fund are expected to result in improvements that will enhance overall transportation capacity and functionality within the Centreville Area. The road improvements constructed using Centreville Area Road Fund monies will accommodate pedestrian and bicycle facilities in their design. The improvements will also accommodate transit use and facilities.

The Transportation Section of the Centreville Area and Suburban Center Plan includes roadway improvements within the planning boundary where these funds can be applied to improvement projects. These improvements, described within the Comprehensive Plan, are needed to provide convenient connections within the Centreville Area, distribute multi-modal traffic efficiently, and enhance the quality of the network for all modes of transportation. The Comprehensive Plan for the Centreville Area and Suburban Center recommends that the private sector be responsible for construction of roadway improvements that are within and immediately adjacent to properties to be redeveloped and also provide contributions to the Centreville Area Road Fund.

These guidelines were adopted by the Board of Supervisors on March 19, 2019.

ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The cash contribution rate for the Centreville Area Road Fund is reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics. The adjusted rate is submitted to the Board of Supervisors for approval.

Changes to these guidelines, as appropriate, may be submitted with the annual adjustment.

CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as construction of roadway improvements that cannot otherwise be built through private development in the Centreville Area and include projects such as the following:

- Those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 28.
- Improvements to secondary roadways functioning as arterial roadways, including Braddock Road, New Braddock Road, and Stone Road.
- Bridges and interchanges on interstate and primary roadways.
- Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- Those portions of roads internal to the Centreville Area which are not within the boundaries of or adjacent to sites subject to development.
- Dedication of land or right-of-way from the applicable site for road projects specifically that are not for site access and otherwise are not required to directly address the impact of site generated traffic.

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Centreville Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- Rail stations and facilities peripheral to their function.
- Park-n-ride lots.
- Bus transit transfer stations and facilities peripheral to their function.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

¹ Turning lanes and traffic signals provided on major arterials non-interstate primary facilities are considered to be off-site improvements.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines was as follows²:

- For any application requesting a level of development above the baseline, the contribution will be \$6.80 per gross square foot (GSF) of building structure of the total proposed non-residential space and \$2,687 per dwelling unit of the total proposed exempt residential development.
- Up to one-third of the total recommended contribution can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects, if no density credits have been granted for the same right-of-way.
- The total recommended contribution can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action.

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway

² Contribution amounts to the fund have subsequently been modified. A track of previous revisions since 2013 is provided at the end of the document.

construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits, subject to applicable provisions in the Virginia Code. This contribution approach is intended to facilitate the construction of Centreville Area transportation improvements.

For exempt residential development, when applicable, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Centreville Area Road Fund has been met.

Right-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

CENTREVILLE AREA ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received for the Centreville Area Road Fund will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be used to help fund and implement roadway projects in the Centreville Area.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE CENTREVILLE AREA ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON MARCH 19, 2019, AS AMENDED

STEP 1: Total Recommended Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate =
total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

sq. feet of land dedicated for off-site and/or transit-related projects
multiplied by the per foot assessed value of the land at time of site plan
submission or final subdivision plan submission*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-
related projects consistent with bonding practices and verified and accepted
by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3)
will result in the net contribution due the Centreville Area Road Fund. (Note: if
the sum of Creditable Improvements meets or exceeds the value of Step 1,
then the commitment to the fund is met with dedication of right-of way and in-
kind construction.)

***NOTE:** This value cannot exceed one-third of the total contribution calculated in
Step 1 and cannot include land for which density credits have been granted.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

CENTREVILLE ROAD FUND RATE ADJUSTMENT HISTORY*

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Exempt Residential Rate per Dwelling Unit
January 1, 2013	2.88%	\$6.10	\$2,414
February 1, 2014	1.98%	\$6.22	\$2,462
February 1, 2015	2.18%	\$6.36	\$2,516
February 3, 2016	0.25%	\$6.38	\$2,522
March 1, 2017	2.04%	\$6.51	\$2,573
March 1, 2018	2.50%	\$6.67	\$2,637
April 1, 2019	1.90%	\$6.80	\$2,687

*For rates effective before January 1, 2013, please contact the Department of Transportation.

**GUIDELINES FOR THE FAIRFAX CENTER AREA ROAD FUND, Adopted November 22, 1982,
Amended through March 19, 2019**

ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA

The following guidelines will be used to establish, implement, and operate the Fairfax Center Area Road Fund. These procedures were adopted by the Board of Supervisors on November 22, 1982, and have been revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for a proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

A. MAINTENANCE / REVIEW OF LAND USE DATA

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition, the Department of Planning and Zoning and the Department of Land Development Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- o the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and
- o the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information for presentation to the Board of Supervisors.

B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- o identification of total funds contributed by the private sector and the funds contributed over the previous year(s);
- o review of trends in roadway construction costs reflecting inflation (or deflation) rates;
- o listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);
- o examination of the development pipeline toward re-assessment of programming of roadway projects; and
- o discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as:

- o Those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50.
- o Improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road.
- o Bridges and interchanges on interstate and primary roadways.
- o Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- o Those portions of roads internal to the Fairfax Center Area that are not within the boundaries of or adjacent to sites subject to development.

These off-site roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those

improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- o Rail stations and facilities peripheral to their function.
- o Park-n-ride lots.
- o Bus transit transfer stations and facilities peripheral to their function.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines is as follows²:

- o For any application requesting a level of development above the baseline, the contribution will be \$2.50 per gross square foot (GSF) of building structure of the total proposed non-residential space and \$577 per dwelling unit of the total proposed residential uses.
- o Up to one-third of the total recommended contribution can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects, if no density credits have been granted for the same right-of-way.
- o The total recommended contribution can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other).

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private

¹ Turning lanes and traffic signals provided on non-interstate primary facilities (e.g. Route 29) are considered to be off-site improvements.

² Contribution amounts to the fund have subsequently been modified. A track record of previous revisions is provided at the end of the document.

sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant, should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of Fairfax Center Area transportation improvements.

For residential development, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule of roadway improvements will be established. However, rights-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: strikethrough indicates completed project.)

- o Advanced right-of-way acquisition for:
 - ~~Monument Drive west of Fields Brigade Road~~
 - ~~Stringfellow Road relocation~~
- o At-grade improvements/construction:
 - ~~West Ox Road / Route 29 at-grade improvements~~
 - ~~Completion of Monument Drive west of Fields Brigade Road~~
 - ~~Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
 - ~~Widen Route 50 to 6 lanes east of Stringfellow Road~~
 - ~~Waples Mill Road / Route 50 at-grade improvements~~
 - ~~Widening of Waples Mill Road to six lanes between Route 50 and Route 29~~
 - ~~Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50~~
 - Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
 - Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development
- o Interchanges:
 - ~~Fairfax County Parkway / Route 29 / West Ox Road~~
 - ~~Fairfax County Parkway / Route 50~~
 - Waples Mill Road / Route 50
 - ~~Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50~~
- o Route 29 reconstruction:
 - East of West Ox Road, including interchanges at Shirley Gate Road Monument Drive, and Legato Road
 - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road
- o Fairfax County Parkway widening:
 - ~~Construction of 4 lanes between Route 29 and Braddock Road~~
 - ~~Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive~~
 - Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of

development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

E. ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received for the Fairfax Center Area Road Fund, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982, AS AMENDED

STEP 1: Total Recommended Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate =
total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

sq. feet of land dedicated for off-site and/or transit-related projects
multiplied by the per foot assessed value of the land at time of site plan
submission or final subdivision plan submission*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-
related projects consistent with bonding practices and verified and accepted
by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Contribution less Approved Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3)
will result in the net contribution due the Fairfax Center Area Road Fund.
(Note: if the sum of Creditable Improvements meets or exceeds the value of
Step 1, then the commitment to the fund is met with dedication of right-of way
and in-kind construction.)

***NOTE:** This value cannot exceed one-third of the total contribution calculated in Step
1 and cannot include land for which density credits have been granted.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

FAIRFAX CENTER AREA RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per square foot	Residential Rate per unit
January 27, 1992	0	\$3.97	\$883
March 1, 1993	1.75	\$4.04	\$898
March 1, 1994	0.5	\$4.06	\$902
April 1, 1995	0.5	\$4.08	\$906
June 28, 1999	0	\$4.08	\$906
January 8, 2001	2.5	\$4.18	\$928
March 18, 2002	2	\$4.26	\$946
March 24, 2003	3	\$4.39	\$974
March 15, 2004	2	\$4.48	\$993
February 28, 2005	6	\$4.75	\$1,053
September 24, 2007	3.2	\$5.07	\$1,124
October 1, 2008	3.6	\$5.25	\$1,164
December 1, 2010	1.3	\$5.32	\$1,179
January 1, 2012	3.89	\$5.53	\$1,225
January 1, 2013	2.88	\$5.69	\$1,260
February 1, 2014	1.98	\$5.80	\$1,285

February 1, 2015	2.18	\$5.93	\$1,313
February 3, 2016	0.25	\$5.94	\$1,316
March 1, 2017	2.04	\$6.06	\$1,342
March 1, 2018	2.50	\$6.21	\$1,376
April 1, 2019	1.90	\$6.33	\$1,402

GUIDELINES FOR THE RESTON ROAD FUND, Adopted February 28, 2017, Amended through March 19, 2019

The following guidelines will be used to establish, implement, and operate the Reston Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Reston Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Reston Transit Station Areas pursuant to any rezoning, proffered condition amendment, Special Exception, or Special Permit applications (collectively "Land Use Actions") in these areas that proposes a change in use, or zoning district, or an increase in density (number of dwelling units) and/or intensity (amount of building square footage). The boundaries of the Reston TSAs are defined in the Fairfax County Comprehensive Plan, 2013 Edition, Area III - Reston, as Amended. Any Land Use Action that is subject to the provisions of Va. Code § 15.2-2303.4, as amended, must be dealt with on a case-by-case basis and not under these guidelines.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Reston. Projects constructed under the Reston Road Fund are expected to be street links that will enhance overall transportation capacity and functionality within Reston. The street sections constructed utilizing Reston Road Fund monies will accommodate pedestrian and bicycle facilities and include on-street parking in their design. The street sections will also accommodate transit use and facilities. Illustrations of the expected cross-sections for the Grid of Streets ("Grid") are included with the Comprehensive Plan text and are further defined by Appendix B2 of the VDOT Road Design Manual and VDOT approved design standards for each of the Reston TSA areas.

The Grid described within the Comprehensive Plan is needed to provide convenient connections within Reston, distribute multi-modal traffic efficiently, and enhance the quality of the network through the implementation of a "complete streets" design. The Grid is generally comprised of the street network that provides site access and circulation within Reston. The Comprehensive Plan for the TSAs and the Reston Transportation Funding Plan recommend that the private sector be responsible for construction of the portions of the Grid network and intersection improvements that are within and immediately adjacent to properties to be redeveloped as well as for contributions to the Reston Road Fund to support the construction of off-site portions of the Grid.

These guidelines were adopted by the Board of Supervisors on February 28, 2017.

RESTON ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Reston Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines in order to fulfill the objectives of the Reston Transportation Funding Plan is as follows:

For any Land Use Action application proposing a change in use, change in zoning district, or increases in density and/or intensity, the contribution will be \$9.56 per gross square foot

("GSF") of building structure of the total proposed new non-residential space and \$2,090 per unit of the proposed new residential uses.

The amount of the recommended financial contribution for each Land Use Action application will be identified prior to its approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total recommended contribution. Prior to approval of a Land Use Action or an approval of a site plan for the approved Land Use Action, the total financial contribution may be adjusted to reflect the deduction of any applicable credit and/or applicable "in-kind" contribution. Creditable improvements will be applicable to the entire Land Use Action application. In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of "off-site" Grid projects as defined below.

An applicant may elect at Land Use Action to construct or to provide sufficient funds to construct a portion(s) of a qualifying off-site Grid transportation project(s). An applicant's election is subject to approval by FCDOT and the approving authority for the land use action. If this is approved and the applicant requests credit against the contribution, the applicant will provide a cost estimate to FCDOT and Land Development Services (LDS) for review and comment consistent with bonding practice prior to site plan approval.

For non-residential development, the applicant will be asked to contribute 25% of the total recommended financial contribution, less applicable credits, to be paid prior to or upon site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 75% of the total financial contribution, less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Reston Grid network before occupancy of the new development.

For residential development, the applicant will be asked to contribute 100% of the total recommended financial contribution, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

The contribution formula does not apply to public use facilities.

Applicants for Land Use Action in the Reston TSAs may receive credit against their contribution to the Reston Road Fund under specific circumstances (Creditable Improvements). Creditable Improvements will apply to the entire Land Use Action application. Creditable Improvements are defined as:

- Those portions of streets identified for construction in the Reston Comprehensive Plan, approved by the Board of Supervisors on February 11, 2014, as amended, internal to the Reston TSAs that are off-site from, not within or immediately adjacent to the boundaries of the development site.
- Construction of capacity and/or operational improvements to the Grid and/or intersection improvements that are not otherwise required to address the impact of site-generated traffic, as determined by a site-specific Traffic Impact Analysis (TIA) completed at the time of the Land Use Action AND are not within or immediately adjacent to the boundaries of the development site.

- Traffic signals for Grid intersections that are not otherwise required to address the impact of site generated traffic as determined by a site-specific TIA data at the time of the Land Use Action AND are not within the boundaries of or directly adjacent to the development site.
- Advanced Off-site land acquisition for construction of Grid and intersection improvements.
- Construction of on-site Grid sections in the first phase of a multi-phase development which are not necessary for first phase development access or traffic mitigation as approved by FCDOT prior to approval of a Land Use Action.
- Dedication of land or right-of-way for off-site Grid projects for which density credit has not been granted for the land to be dedicated. Right-of-way will be valued based on the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved, Virginia state board licensed MAI or SRA American Institute designated general appraiser.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as those above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

RESTON ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. If accrued, any interest expended from the fund for administration will be reported annually to the Reston Service District Advisory Board (created April 4, 2017). The monies in this account will be used to help fund and implement Grid and intersection improvement projects in the Reston Transit Station Areas.

Annual Review

An annual review shall be conducted by the Department of Transportation and submitted to the Reston Service District Advisory Board for review of the Reston Road Fund, the Grid and intersection improvement projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Reston, as well as the construction schedule, funding status, and the funding mechanisms for Reston's transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding

mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

Sunset Provision

The Reston Road Fund will be discontinued upon completion of construction of all Grid and intersection improvements identified in the Reston Phase I Comprehensive Plan Amendment approved by the Fairfax County Board of Supervisors on February 11, 2014.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE RESTON ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON February 28, 2017, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of Gross Square Footage (and/or # dwelling units) multiplied by the current Reston Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid and intersection improvement projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Recommended Contribution Less Creditable Improvements

Dollar value in Step 1 less the sum of Step 2 will result in the net contribution due the Reston Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Reston Road Fund obligations.)

STEP 4: Reconciliation of the Reston Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Reston Road Projects

Upon completion of Reston Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained in Appendix B, for final reconciliation of the Reston Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvements expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

Reston Road Fund Rate Adjustment History

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
March 1, 2017	Initial Rate	\$9.56	\$2,090
March 1, 2018	2.50%	\$9.80	\$2,142
April 1, 2019	1.90%	\$9.99	\$2,183

GUIDELINES FOR THE TYSONS ROAD FUND, Adopted March 19,2019

The following guidelines will be used to establish, implement, and operate the Tysons Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center Area. The boundaries of the Tysons Corner Urban Center are defined in the Fairfax County Comprehensive Plan, 2017 Edition, Area II - Tysons Corner Urban Center, as amended.

The collection of money for the fund may occur, when permitted by law, as part of any zoning application approved prior to the creation of the Planned Tysons Corner Urban District (PTC) on June 22, 2010, or any proffered condition amendment, Special Exception, or Special Permit application (collectively "Land Use Actions") involving non-PTC zoned property that proposes an increase in density (number of dwelling units) and/or intensity (amount of building square footage).

The fund will be used to construct or implement road improvements, as described below, in the Tysons Corner Urban Center that cannot otherwise be built through private development in Tysons. These improvements are considered off-site improvements. Projects constructed under the fund are expected to be street links that will enhance transportation service within Tysons.

Road improvement projects constructed using Tysons Road Fund monies will include pedestrian, bicycle, and on-street parking facilities in their design as recommended in the Tysons Comprehensive Plan (TCP).

Illustrations of the expected cross-sections for road improvements and grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets in the Tysons Corner Urban Center, executed September 13, 2011, as amended;
- The Tysons Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were originally adopted by the Board of Supervisors on March 19, 2019.

ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The cash contribution rate for the Tysons Road Fund is reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States

Department of Labor, or Bureau of Labor Statistics. The adjusted rate is submitted to the Board of Supervisors for approval.

Changes to these guidelines, as appropriate, may be submitted with the annual adjustment.

CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as construction of roadway improvements that cannot otherwise be built through private development in the Tysons Corner Urban Center and include projects such as the following:

- o Those projects which include major improvements to interstate and non-interstate primary facilities.
- o Improvements to secondary roadways functioning as arterial roadways.
- o Bridges and interchanges on interstate and primary roadways.
- o Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- o Those portions of roads identified for construction in the Tysons Comprehensive Plan internal to the Tysons Corner Urban Center that are not within the boundaries of or adjacent to sites subject to development.
- o Dedication of land or right-of-way from the applicable site for road projects specifically that are not for site access or otherwise are not required to directly address the impact of site generated traffic.

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Tysons Corner Urban Center where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- o Rail stations and facilities peripheral to their function.
- o Park-n-ride lots.
- o Bus transit transfer stations and facilities peripheral to their function.

¹ Turning lanes and traffic signals provided on major arterials are considered to be off-site improvements.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines was as follows²:

- o For any application requesting a level of development above the baseline, the contribution will be \$4.66 per gross square foot of building structure of the total proposed non-residential space and \$1,033 per unit of the total proposed residential uses.
- o Up to one-third of the total contribution required can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects provided no density credits have been granted for the same right-of-way.
- o The total contribution requirement can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action.

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs,

² Contribution amounts to the fund have subsequently been modified. A track of previous revisions since 2013 is provided at the end of the document.

once verified and accepted by LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payments must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Tysons transportation improvements prior to occupancy of the new development.

For residential development, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Tysons Road Fund has been met.

Right-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

TYSONS ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received for the Tysons Road Fund will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be used to help fund and implement roadway projects in the Tysons Corner Urban Center.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON MARCH 19, 2019, AS AMENDED

STEP 1: Total Recommended Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate =
total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

sq. feet of land dedicated for off-site and/or transit-related projects
multiplied by the per foot assessed value of the land at time of site plan
submission or final subdivision plan submission*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-
related projects consistent with bonding practices and verified and accepted
by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3)
will result in the net contribution due the Tysons Road Fund. (Note: if the sum
of Creditable Improvements meets or exceeds the value of Step 1, then the
commitment to the fund is met with dedication of right-of way and in-kind
construction.)

***NOTE:** This value cannot exceed one-third of the total contribution calculated in Step
1 and cannot include land for which density credits have been granted.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenditures. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit for project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

TYSONS ROAD FUND RATE ADJUSTMENT HISTORY*

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 1, 2013	2.88%	\$4.19	\$929
February 1, 2014	1.98%	\$4.27	\$947
February 1, 2015	2.18%	\$4.36	\$968
February 3, 2016	0.25%	\$4.37	\$970
March 1, 2017	2.04%	\$4.46	\$989
March 1, 2018	2.50%	\$4.57	\$1,014
April 1, 2019	1.90%	\$4.66	\$1,033

*For rates effective before January 1, 2013, please contact the Department of Transportation.

**GUIDELINES FOR THE TYSONS GRID OF STREETS ROAD FUND (THE TYSONS GRID FUND),
Adopted January 8, 2013, Amended through March 29, 2019**

The following guidelines shall be used to establish, implement and operate the Tysons Grid of Streets Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons Grid of Streets Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively "Land Use Actions") that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects constructed using these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian, bicycle, and on-street facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS GRID OF STREETS ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons Grid of Streets Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the fund.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$6.44 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution for each application will be estimated before the Land Use Action approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid. Creditable improvements will be applicable to the entire rezoning application.

If an applicant elects at Land Use Action to construct or provide sufficient funds to construct a portion or portions of off-site Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and must be reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

For non-residential development, the applicant will contribute 25 percent of the total recommended contribution amount based on the actual GSF, minus any approved applicable credits, to be paid before or at time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The remaining 75 percent, less any further approved applicable credits, will be paid before occupancy permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid of Streets improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total recommended contribution based on the actual number of units in each building, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons Grid of Streets Road Fund under one or more specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire rezoning application and include the following off-site street grid projects:

- Those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within or adjacent to the boundaries of the area subject to the proposed development.
- Construction of capacity and/or operational improvements to grid streets which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Traffic signals for grid street connections which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Advance off-site land acquisition for construction of grid streets.
- Construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT.
- Dedication of land or right-of-way for off-site Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

TYSONS GRID OF STREETS ROAD FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be used to help fund and implement grid roadway projects in the Tysons Urban Center.

Annual Review

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid of Streets Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid street projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid of Streets Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Road Fund obligations.)

STEP 4: Reconciliation of the Tysons Grid of Streets Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons Grid of Streets Projects

Upon completion of Grid of Streets Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained herein, for final reconciliation of the Tysons Grid of Streets Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

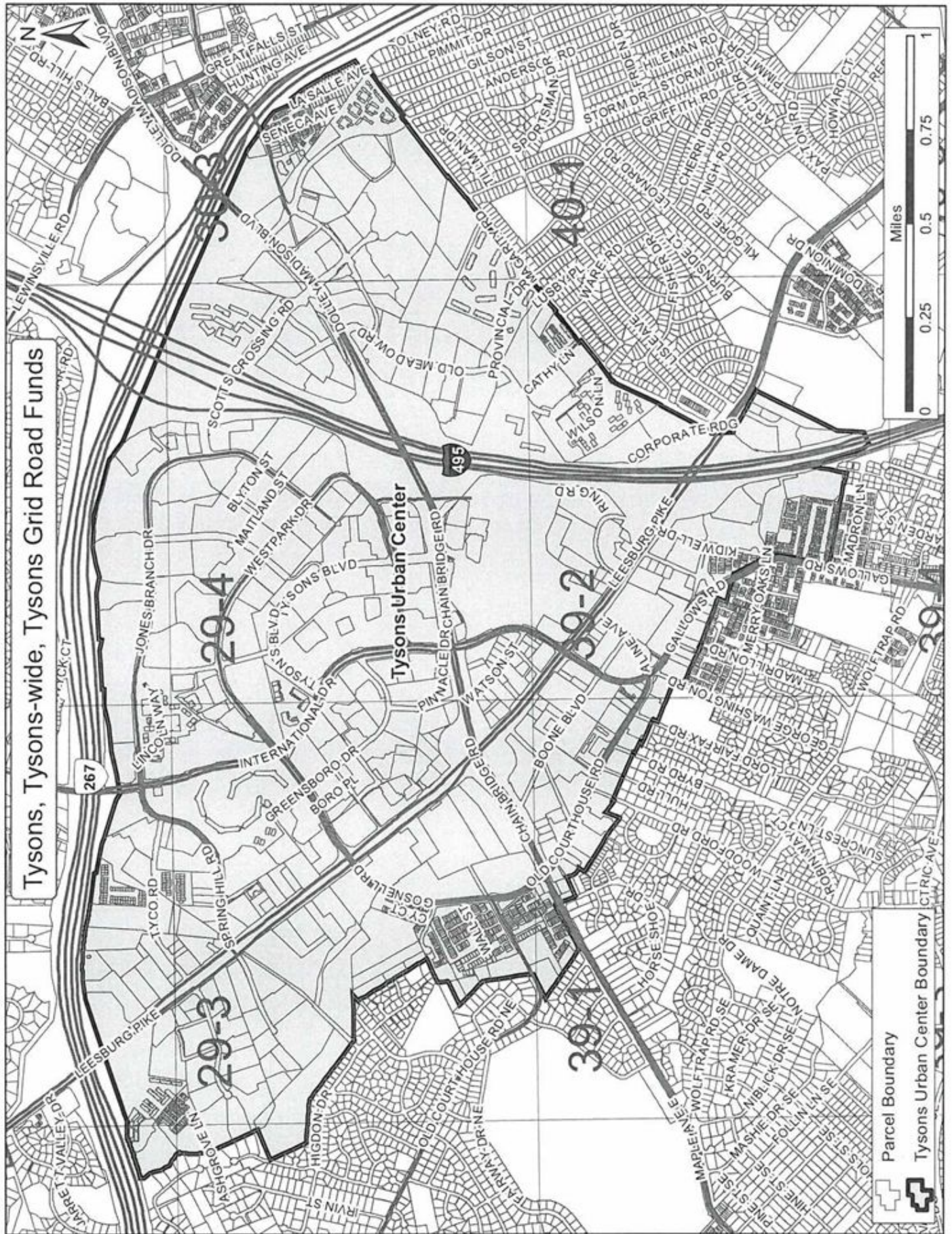
- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

Appendix C

TYSONS GRID OF STREETS ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$6.44	\$1,000
February 1, 2014	1.98%	\$6.57	\$1,020
February 1, 2015	2.18%	\$6.71	\$1,042
February 3, 2016	0.25%	\$6.73	\$1,045
March 1, 2017	2.04%	\$6.87	\$1,066
March 1, 2018	2.5%	\$7.04	\$1,093
April 1, 2019	1.9%	\$7.17	\$1,114



GUIDELINES FOR THE TYSONS-WIDE ROAD FUND (THE TYSONS-WIDE FUND), Adopted January 8, 2013, Amended through March 19, 2019

The following guidelines shall be used to establish, implement, and operate a fund for Tysons-wide road improvements listed in Table 7 of the Comprehensive Plan. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons-wide Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively with rezonings, "Land Use Actions") that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

Commitments to provide monetary contributions to the fund are anticipated from Land Use Actions for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as "Tysons-wide" in Table 7.

The street sections constructed using Tysons-wide Road Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for road improvements are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS-WIDE ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons-wide Road Fund improvements, provided by the private sector, has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the fund.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as "Tysons-wide Road Improvements" in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-wide Road Fund represents part of the private

sector's participation in the funding and implementation of road projects that serve a broader public transportation function.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$5.63 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The amount of the financial contribution anticipated from each Land Use Action application will be estimated prior to the Land Use Action approval. The contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the design and construction of qualifying Tysons-wide road projects.

Credit for land dedicated for the described purposes will be based upon the County's assessed value in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to Land Use Action approval, must indicate its intent to either seek credit for a Tysons-wide dedication or density credit. Dedication of land for site access improvements (i.e., turn lanes at driveways) will not be eligible for credit toward the financial contribution.

If an applicant elects at Land Use Action approval to construct or provide sufficient funds to construct a portion or portions of Tysons-wide transportation project(s), beyond improvements identified and proffered in the zoning review as necessary to offset site-generated traffic, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and will be reviewed and, if acceptable, approved by FCDOT consistent with bonding practice before site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

The applicant will contribute 100 percent of the total recommended contribution amount for each building, less applicable credits, at the time non-residential use permits (Non-RUPs) or residential use permits (RUPs) are issued, based on the actual GSF and/or number of units in each building, subject to applicable provisions in the Virginia Code, including, without limitation, Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons-wide Road Fund under specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire Land Use Action application and include the following:

- Construction of road projects specifically identified in Appendix C that are not otherwise required to address the impact of site generated traffic (construction credit)
- Dedication of land or right-of-way from the applicable site for road projects specifically identified in Appendix C (dedication credit) that are not for site access or otherwise are not required to address directly the impact of site generated traffic. Right-of-way will be based on the County's assessed value at the time of site plan submission. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia state board licensed MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal
- Acquisition of off-site land for construction of road projects specifically identified in Appendix C. Land that receives acquisition credit is not eligible for dedication credit.
- Construction of road projects specifically identified in Appendix C in advance of the development timelines negotiated and approved by FCDOT.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used for determining credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

TYSONS-WIDE ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not to the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January 8, 2013). The monies in this account will be used to help fund and implement Tysons-wide projects in the Tysons Area.

Annual Review

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons-wide Road Fund, Tysons-wide projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and, that the

pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS-WIDE ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ORIGINALLY ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

The cost to construct a portion or portions of off-site Tysons-wide projects, or costs associated with other Creditable Improvements, as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site approval. Plus, if applicable, the value of right-of-way to be dedicated according to the procedures in the guidelines.

STEP 3: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-wide Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons-wide Road Fund obligations.)

STEP 4: Reconciliation of the Tysons-wide Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons-wide Road Projects

Upon completion of Tysons-wide Creditable Improvement projects, an applicant shall follow the Creditable Improvements Guide, contained herein, for final reconciliation of the Tysons-wide Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

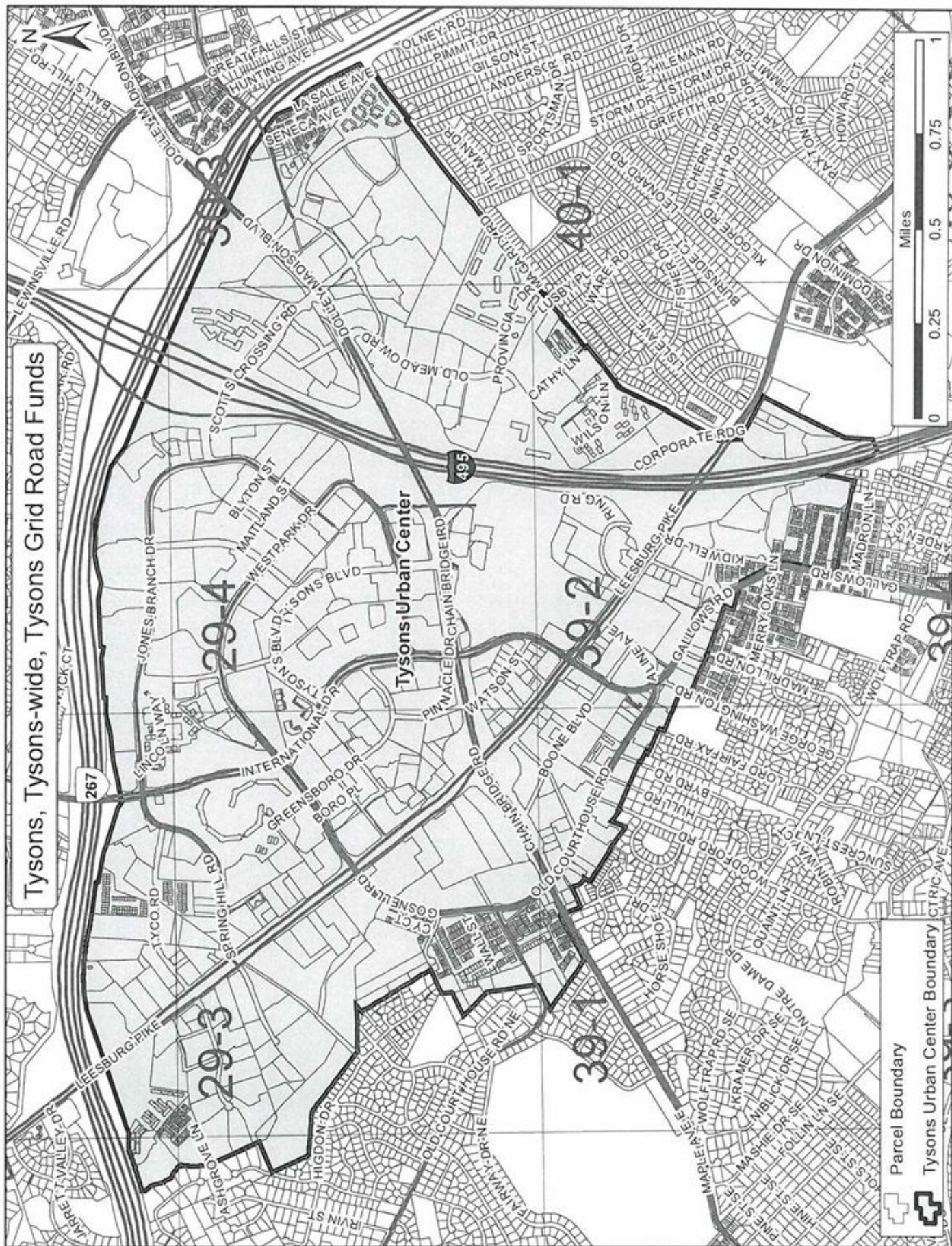
TYSONS-WIDE TRANSPORTATION COSTS: 2012-2051 (DECEMBER 4, 2012 ESTIMATE)

	Project	Estimate (2012)
1	Rt.7 Widening from Rt.123 to 1-495	\$22,000,000
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	\$126,000,000
3	Extension of Jones Branch Connection to inside 1-495 (Jones Branch Connector to Route 123)	\$41,000,000
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	\$300,000,000
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	\$58,000,000
6	Dulles Toll Road Ramp to Greensboro Drive Extension	\$28,000,000
7	Dulles Toll Road Westbound Collector Distributor	\$124,000,000
8	Dulles Toll Road Eastbound Collector Distributor	\$62,000,000
9	Dulles Toll Road Ramp to Boone Blvd Extension	\$79,000,000
10	Rt.123 Widening from Rt.7 to 1-495	\$20,000,000
11	Rt.123 Widening from Old Courthouse Road to Rt.7	\$8,000,000
12	Rt.7 Widening between 1-495 and 1-66	\$71,000,000
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	\$63,000,000
14	1-495 Overpass at Tysons Corner Center	\$18,000,000
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	\$94,000,000
16	1-495 Additional Lane (Outer Loop between Rt. 7 and 1-66)	\$74,000,000
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	\$38,000,000
	Total for road projects	\$1,226,000,000

APPENDIX D

TYSONS-WIDE ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$5.63	\$1,000
February 1, 2014	1.98%	\$5.74	\$1,020
February 1, 2015	2.18%	\$5.87	\$1,042
February 3, 2016	0.25%	\$5.90	\$1,045
March 1, 2017	2.04%	\$6.02	\$1,066
March 1, 2018	2.50%	\$6.17	\$1,093
April 1, 2019	1.90%	\$6.29	\$1,114



Board Agenda Item
March 24, 2020

ACTION - 9

Approval of Resolutions to Extend the Deadline to File Personal Property Taxes and Real Estate Taxes

ISSUE:

Two separate resolutions are proposed. The first resolution will extend the deadline to file returns for Personal Property Taxes by both individuals and businesses to June 1, 2020. The second will extend the deadline to pay the first half of Real Estate taxes to August 28, 2020. Both these resolutions are intended to alleviate the negative impact threatened by the potential spread of COVID-19. If approved, the resolutions will assist residents and businesses in Fairfax County.

RECOMMENDATION:

The County Executive recommends that the deadline to file returns for Personal Property Taxes by both individuals and businesses be extended to June 1, 2020. Additionally, the County Executive recommends that the deadline to pay the first half of Real Estate taxes be extended to August 28, 2020.

TIMING:

Board action is requested on March 24, 2020.

BACKGROUND:

As a result of the potential spread of COVID-19, a communicable disease of public health threat, the Governor of Virginia declared a state of emergency on March 12, 2020, and directed local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible. On March 17, 2020, the Board met in an emergency session to approve a local Declaration of Emergency considering the COVID-19 pandemic. In response to Board direction and input from the community, staff has been looking for ways to assist County businesses and residents. The two proposed resolutions reflect steps that provide relief to those who may need it.

FISCAL IMPACT:

The fiscal impact is primarily one of timing as there will be a delay in receipt of tax

Board Agenda Item
March 24, 2020

revenue. Other impacts on revenues (in terms of penalties and interest) of the two resolutions are unknown but are offset by the benefit to County businesses and residents.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution to Extend the Filing Deadline of Personal Property Tax Returns for Tangible Personal Property and Machinery and Tools

Attachment 2 - Resolution to Extend the First Installment Payment of Real Property Taxes

STAFF:

Joseph M. Mondoro, Chief Financial Officer

Christina Jackson, Director, Department of Management and Budget

Jaydeep “Jay” Doshi, Director, Department of Tax Administration (DTA)

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

Juan B. Rengel, Director, Personal Property and Business License Division, DTA

ASSIGNED COUNSEL:

Erin L. Blanch, Assistant County Attorney

Corinne N. Lockett, Senior Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in Conference Room 11 in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on Tuesday, March 24, 2020, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, as a result of the potential spread of COVID-19, a communicable disease of public health threat, the Governor of Virginia declared a state of emergency on March 12, 2020, and directed local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency beginning March 1, 2020, due to the outbreak of COVID-19; and,

WHEREAS, on March 17, 2020, in response to cases of COVID-19 confirmed in the Fairfax Health District and to prevent or alleviate the damage, loss, hardship, or suffering threatened by the potential spread of COVID-19, the Board declared a local emergency that continues until the Board takes appropriate action to end the declared emergency; and,

WHEREAS, pursuant to authority granted by Section 58.1-3916 of the Virginia Code, the Board has established by ordinance a due date of May 1 for the filing of returns for all tangible personal property, including motor vehicles and business tangible personal property, and machinery and tools, with a situs in Fairfax County as of January 1, and pursuant to that section, the Board may further provide by resolution for reasonable extensions of time, not to exceed 90 days, for the filing of such returns whenever good cause exists; and

WHEREAS, the public health threat of a potential spread of COVID-19 resulting in national, state, and local declarations of emergency constitutes good cause; now, therefore be it

RESOLVED, by the Board of Supervisors of Fairfax County, Virginia, hereby extends the May 1, 2020 due date for the filing of personal property tax returns for tangible personal property and machinery and tools until June 1, 2020 in accordance with its authority in Section 58.1-3916 of the Virginia Code.

Given under my hand on this day _____ of _____, 2020.

Jill G. Cooper
Clerk for the Board of Supervisors

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in Conference Room 11 of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on Tuesday, March 24, 2020, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, as a result of the potential spread of COVID-19, a communicable disease of public health threat, the Governor of Virginia declared a state of emergency on March 12, 2020, and directed local governments to render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency beginning March 1, 2020, due to the outbreak of COVID-19; and,

WHEREAS, on March 17, 2020, in response to cases of COVID-19 confirmed in the Fairfax Health District and to prevent or alleviate the damage, loss, hardship, or suffering threatened by the potential spread of COVID-19, the Board declared a local emergency that continues until the Board takes appropriate action to end the declared emergency; and,

WHEREAS, pursuant to authority granted by Section 58.1-3916 of the Virginia Code, the Board has established by ordinance a due date of July 28 for the first of two equal installment payments of real property taxes, and pursuant to that section, the Board may further provide by resolution for reasonable extensions of time, not to exceed 90 days, for the payment of such taxes whenever good cause exists; and

WHEREAS, the public health threat of a potential spread of COVID-19 resulting in national, state, and local declarations of emergency constitutes good cause; now, therefore be it

RESOLVED, by the Board of Supervisors of Fairfax County, Virginia, hereby extends the July 28, 2020 due date for the first installment payment of real property taxes until August 28, 2020, in accordance with its authority in Section 58.1-3916 of the Virginia Code.

Given under my hand on this day _____ of _____, 2020.

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:00
p.m.**

3:30 p.m.

Public Hearing on AF 2019-DR-004 (Mane Manor LLC and Normandy Farm LLC) to Permit the Creation of an Agricultural and Forestal District, Located on 31.54 Acres of Land Zoned R-E (Dranesville District)

This property is located generally surrounding 9640 Georgetown Pike, and at the terminus of Rossmore Ct., Great Falls. Tax Map 13-1 ((1)) 39B, 40, 50B, 50C; 13-1 ((6)) E; 8-3 ((1)) 41A and 41B.

PLANNING COMMISSION RECOMMENDATION:

On March 11, 2020, the Planning Commission voted 10-0 (Commissioners Bennett and Strandlie were absent from the meeting) to recommend to the Board of Supervisors approval of AF 2019-DR-004 to amend Appendix F of the Fairfax County Code to establish the Normandy Farm and Mane Manor Local Agricultural and Forestal District, subject to the proposed ordinance provisions dated March 4, 2020.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Ellen Alster, Planner, DPD

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:00
p.m.**

3:30 p.m.

Public Hearing on RZ 2019-LE-015 (TPC Van Dorn LC) to Rezone from R-1, R-3 and C-8 to C-8 to Permit a Vehicle Sales, Rental and Ancillary Service Establishment with an Overall Floor Area Ratio of 0.20, Located on Approximately 5.88 Acres of Land (Lee District) (Concurrent with SE 2019-LE-020)

and

Public Hearing on SE 2019-LE-020 (TPC Van Dorn LC) to Permit a Vehicle Sales, Rental and Ancillary Service Establishment and a Waiver of Certain Sign Regulations, Located on Approximately 5.88 Acres of Land Zoned C-8 (Lee District) (Concurrent with RZ 2019-LE-015)

This property is located in the S.W. quadrant of McGuin Dr. and South Van Dorn St. Tax Map 81-2 ((2)) 2; 81-2 ((3)) 5, 5A, 5B, 6, 7, and McGuin Dr. public right-of-way to be vacated and/or abandoned.

This property is located at 5636 and 5644 South Van Dorn St. and 5816, 5820, 5900 and 5906 McGuin Dr., Alexandria, 22310. Tax Map 81-2 ((2)) 2; 81-2 ((3)) 5, 5A, 5B, 6, 7, and McGuin Dr. public right-of-way to be vacated and/or abandoned.

PLANNING COMMISSION RECOMMENDATION:

On March 11, 2020, the Planning Commission voted 10-0 (Commissioners Bennett and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2019-LE-015, subject to the execution of proffered conditions consistent with those dated February 24, 2020; and
- Approval of SE 2019-LE-020, subject to the proposed development conditions dated February 25, 2020.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:00
p.m.**

STAFF:

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

Daniel Creed, Planner, DPD

Board Agenda Item
March 24, 2020

**To Be Deferred to
5/5/20 at 3:30 p.m.**

3:30 p.m.

Public Hearing on RZ 2018-PR-021 (Georgelas, LLC) to Rezone from C-8, I-4 and HC to PTC and HC to Permit Mixed Use Development with an Overall Floor Area Ratio of 4.05, Located on Approximately 7.08 Acres of Land (Providence District) (Concurrent with RZ 2018-PR-022)

and

Public Hearing on RZ 2018-PR-022 (Georgelas, LLC) to Rezone from I-5, C-7, SC and HC to PTC, SC and HC to Permit Mixed Use Development with an Overall Floor Area Ratio of 4.73, Located on Approximately 7.32 Acres of Land (Providence District) (Concurrent with RZ 2018-PR-021)

This property is located on the N. side of Tyco Rd., E. of its intersection with Leesburg Pike. Tax Map 29-1 ((25)) 1 and 2.

This property is located on the N.E. side of Leesburg Pike and N.W. side of Tyco Rd. Tax Map 29-1 ((1)) 17, 17B, 17C and 29-3 ((1)) 55.

The Board of Supervisors deferred these public hearings at the October 15, 2019 meeting until January 28, 2020, at 3:30 p.m. On January 14, 2020, the Board of Supervisors further deferred these public hearings to March 24, 2020, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On October 10, 2019, the Planning Commission voted 10-0 (Commissioners Murphy and Tanner were absent from the meeting) to defer decision only on the applications to a date certain of December 11, 2019. On December 11, 2019, the Planning Commission voted 12-0 to defer decision only on the applications to a date certain of March 11, 2020. On March 11, 2020, the Planning Commission voted 10-0 (Commissioners Bennett and Strandlie were absent from the meeting) to defer decision only on the applications to a date certain of April 22, 2020. The Planning Commission recommendation will be forwarded following decision.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

Board Agenda Item
March 24, 2020

**To Be Deferred to
5/5/20 at 3:30 p.m.**

STAFF:

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

Stephen Gardner, Planner, DPD

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:00
p.m.**

3:30 p.m.

Public Hearing on RZ 2019-SU-009 (Elm Street Communities, Inc.) to Rezone from I-3, AN and WS to PDH-8, AN and WS to Permit Residential Development with an Overall Density of 7.88 Dwelling Units per Acre Including Density Associated with Affordable Housing and Approval of the Conceptual Development Plan, Located on Approximately 19.92 Acres of Land (Sully District) (Concurrent with PCA 78-S-063-09, PCA 85-S-061-06 and PCA 86-S-039)

and

Public Hearing on PCA 78-S-063-09 (Elm Street Communities, Inc.) to Amend the Proffers for RZ 78-S-063, Previously Approved for Light Intensity Industrial Uses, to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.435, Located on Approximately 11.07 Acres of Land Zoned I-3, WS and AN (Sully District) (Concurrent with RZ 2019-SU-009, PCA 85-S-061-06 and PCA 86-S-039)

and

Public Hearing on PCA 85-S-061-06 (Elm Street Communities, Inc.) to Amend the Proffers for RZ 85-S-061, Previously Approved for Light Intensity Industrial Uses, to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.435, Located on Approximately 0.53 Acres of Land Zoned I-3, WS and AN (Sully District) (Concurrent with RZ 2019-SU-009, PCA 78-S-063-09 and PCA 86-S-039)

and

Public Hearing on PCA 86-S-039 (Elm Street Communities, Inc.) to Amend the Proffers for RZ 86-S-039, Previously Approved for Light Intensity Industrial Uses, to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.435, Located on Approximately 6.18 Acres of Land Zoned I-3, WS and AN (Sully District) (Concurrent with RZ 2019-SU-009, PCA 78-S-063-09 and PCA 85-S-061-06)

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16.

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16 (pt.).

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16 (pt.).

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16 (pt.).

PLANNING COMMISSION RECOMMENDATION:

On February 12, 2020, the Planning Commission voted 8-0-1 (Commissioner Strandlie abstained from the vote and Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2019-SU-009 and its associated Conceptual Development Plan (CDP), subject to the execution of proffered conditions consistent with those dated February 7, 2020;
- Approval of PCA 78-S-063-09;
- Approval of PCA 85-S-061-06;
- Approval of PCA 86-S-039;
- Modification of Par. 2 of Sect. 6-407 of the Zoning Ordinance to modify the 200-square foot privacy yard requirement to allow a minimum 4-foot minimum rear yard as shown on the CDP/Final Development Plan (FDP); and
- Modification of Par. 2 of Sect. 11-302 of the Zoning Ordinance to permit private streets in the proposed development to exceed the maximum 600-foot length limitation as shown on the CDP/FDP.

In a related action, the Planning Commission voted 8-0-1 (Commissioner Strandlie abstained from the vote and Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to approve FDP 2019-SU-009, subject to the development conditions dated December 31, 2019, as amended, and subject to the Board's approval of the concurrent applications.

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:00
p.m.**

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Emma Estes, Planner, DPD

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:00
p.m.**

3:30 p.m.

Public Hearing on RZ 2015-PR-014 (1690 Old Meadow Holdings, LLC) to Rezone from C-7, R-30, I-4 and H-C to PTC and H-C to Permit Office Development with an Overall Floor Area Ratio of 5.02 and Approval of the Conceptual Development Plan, Located on Approximately 1.31 Acres of Land (Providence District) (Concurrent with SE 2015-PR-029)

and

Public Hearing on SE 2015-PR-029 (1690 Old Meadow Holdings, LLC) to Permit an Increase in Floor Area Ratio from 2.50 to 5.02 in the PTC Zoning District, Located on Approximately 1.31 Acres of Land Zoned C-7, R-30, I-4 and H-C (Providence District) (Concurrent with RZ 2015-PR-014)

This property is located on the S. side of Dolley Madison Boulevard and W. side of Old Meadow Road. Tax Map 29-4 ((6)) 101B and a portion of the former Dolley Madison Blvd., public right-of-way, recently conveyed to the applicant.

This property is located at 1690 Old Meadow Road, McLean, 22102. Tax Map 29-4 ((6)) 101B and a portion of the former Dolley Madison Blvd., public right-of-way, recently conveyed to the applicant.

The Board of Supervisors deferred this public hearing on April 9, 2019, to May 7, 2019. On May 7, 2019, the Board of Supervisors deferred the public hearing indefinitely.

This application was filed on land area inclusive of VDOT right-of-way which was in the process of being acquired by the applicant. While VDOT on behalf of the Commonwealth concurred in the filing of the application, they generally will not sign the proffers, and would not in this case. Signed proffers are not required for the Planning Commission public hearing, but are required for the Board of Supervisors public hearing. Therefore, this case was heard by the Planning Commission and then deferred by the applicant until such time as they were able to complete the acquisition of the land and amend the application to reflect the new ownership.

No substantive changes have been made to the application since the case was considered by the Planning Commission.

PLANNING COMMISSION RECOMMENDATION:

On April 3, 2019, the Planning Commission voted 9-0-1 (Commissioner Sargeant abstained from the vote. Commissioners Strandlie and Tanner were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2015-PR-014, subject to the execution of proffered conditions consistent with those dated March 6, 2019;
- A modification of Section 2-505 of the Zoning Ordinance to permit structures and/or plantings on a corner lot at an intersection as shown on the CDP/FDP and as proffered;
- A modification of Section 2-506 of the Zoning Ordinance to permit parapet walls, cornices, or similar projections up to a maximum height of four feet;
- A waiver of Section 6-506 of the Zoning Ordinance to permit a district size of less than ten acres;
- A modification of Section 10-104 of the Zoning Ordinance to increase the maximum allowable fence height up to six feet in height along Route 123 and up to twelve feet in height facing the internal service drive;
- A modification of Sections 11-201 and 11-203 of the Zoning Ordinance to permit the minimum number of required loading spaces as shown on the CDP/FDP;
- Approval of SE 2015-PR-029, subject to the development conditions dated March 12, 2019; and
- That staff be directed to identify and create concrete and achievable steps to accelerate areawide transportation improvements that will mitigate traffic and queuing on Old Meadow Road. In identifying improvements and solutions, staff should coordinate with stakeholders on Old Meadow Road, including residents and business owners and property owners. Improvements to consider include, but are not limited to, the Metropolitan Washington Airports Authority (MWAA) realignment of Old Meadow Road and Route 123 intersection, the construction of Lincoln Street and Roosevelt Street from Old Meadow Road to Magarity Road, the acceleration of previously approved proffered transportation commitments such as the traffic signal at the intersection of Old Meadow Road and Colshire Meadow Road, and the Tysons East grid of streets. This analysis should be done

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:00
p.m.**

on an expedited basis with an update provided to the Planning Commission and the Board of Supervisors.

In a related action, the Planning Commission voted 9-0-1 to approve FDP 2015-PR-014, subject to the development conditions dated March 12, 2019 and subject to the Board of Supervisors' approval of RZ 2015-PR-014.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

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

Stephen Gardner, Planner, DPD

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:30
p.m.**

4:00 p.m.

Public Hearing on PCA 2002-HM-043-04/CDPA 2002-HM-043-03 (Arrowbrook Centre, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2002-HM-043, previously approved for Mixed-Use Development, to Permit Site Design Modifications and Revisions to Proffers at a Floor Area Ratio of 3.01, Located on Approximately 3.37 Acres of Land Zoned PDC (Dranesville District)

This property is located on the W. side of Centreville Rd., N. of Arrowbrook Centre Dr. and S. of Dulles Airport Access Rd. Tax Map 16-3 ((20)) 5 (pt.), 7C (pt.), 4A and 16-3 ((20)) (1) D(pt.).

PLANNING COMMISSION RECOMMENDATION:

On February 12, 2020, the Planning Commission voted 9-0 (Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2002-HM-043-04 and the associated Conceptual Development Plan Amendment, subject to the execution of proffered conditions consistent with those dated February 10, 2020;
- Reaffirmation of the modification of Sect. 2-506 of the Zoning Ordinance to allow a parapet wall, cornice or similar project to exceed the established height limit by more than three feet as shown on the CDPA/FDPA;
- Reaffirmation of the modification of Sect. 6-206 of the Zoning Ordinance to allow the maximum residential gross floor area (secondary use) permitted in the PDC District of 50 percent of principal uses to increase to 62 percent of the development in accordance with the uses shown on the CDPA and the proffered conditions;
- Reaffirmation of the modification of Par. 2 of Sect. 6-207 of the Zoning Ordinance requiring a minimum 200 square foot privacy yard for each single-family attached dwelling in favor of the rooftop terraces and open space areas shown on the CDPA and FDPA;
- Reaffirmation of the modification of the private street limitation in Sect. 11-302 of the Zoning Ordinance;

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:30
p.m.**

- Reaffirmation of the modification of the transitional screening yard and barrier requirements within the property and to uses adjacent to the north in favor of the streetscape and landscaping shown on the CDPA/FDPA;
- Reaffirmation of the modification of the loading requirement in favor of the load spaces depicted on the CDPA/FDPA;
- Reaffirmation of the Public Facilities Manual Standards 12-0310.4E (9) to permit a reduction of the minimum planting width requirement from eight feet to a minimum of four feet as shown on the CDPA/FDPA and described in the proffers;
- Waiver of Sect. 16-403 of the Zoning Ordinance requiring a final development plan as a prerequisite to a site or public improvement plan in the PDC District to permit the construction of the trailside park depicted on the CDPA; and
- Waiver of Sect. 13-202 and 12-203 of the Zoning Ordinance for interim surface parking lots prior to construction of parking garages or buildings.

In a related action, the Planning Commission voted 9-0 (Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to approve FDPA 2002-HM-043-06, subject to the development conditions dated February 12, 2020.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Zachary Fountain, Planner, DPD

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:30
p.m.**

4:00 p.m.

Public Hearing on PCA 87-V-064-03 (McDonald's USA, LLC) to Amend the Proffers for RZ 87-V-064, Previously Approved for a Retail Shopping Center, to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of .09, Located on Approximately 39,999 Square Feet of Land Zoned C-8 (Mount Vernon District) (Concurrent with SEA 94-V-030)

and

Public Hearing on SEA 94-V-030 (McDonald's USA, LLC) to Amend SE 94-V-030, Previously Approved for a Restaurant with Drive Through, to Permit Associated Modifications to Site Design and Development Conditions, Located on Approximately 39,999 Square Feet of Land Zoned C-8 (Mount Vernon District) (Concurrent with PCA 87-V-064-03)

This property is located on the W. side of Richmond Hwy., N. of Armistead Rd. and S. of Lorton Rd. Tax Map 108-3 ((1)) 25.

This property is located at 9398 Richmond Hwy., Lorton, 22079. Tax Map 108-3 ((1)) 25.

PLANNING COMMISSION RECOMMENDATION:

On March 11, 2020, the Planning Commission voted 10-0 (Commissioners Bennett and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 87-V-064-03, subject to the execution of proffered conditions consistent with those dated February 18, 2020, and contained in Appendix 1 of the Staff Report; and
- Approval of SEA 94-V-030, subject to the proposed development conditions dated February 19, 2020, and contained in Appendix 2 of the Staff Report.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:30
p.m.**

STAFF:

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

Joseph Onyebuchi, Planner, DPD

Board Agenda Item
March 24, 2020

**To Be Deferred to
4/14/2020 at 2:30
p.m.**

4:00 p.m.

Public Hearing on PCA 84-L-083-02 (The United Community of Muslims of the United States of America) to Amend the Proffers for RZ 84-L-083, Previously Approved for a Warehouse and Storage Yard, to Permit a Place of Worship and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.20, Located on Approximately 1.14 Acres of Land Zoned I-5 (Lee District)

This property is located on the E. side of Cinder Bed Rd., approx. 370 ft. S. of the Terminus of Cinder Bed Rd. Tax Map 99-2 ((1)) 20.

PLANNING COMMISSION RECOMMENDATION:

On February 12, 2020, the Planning Commission voted 9-0 (Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 84-L-083-02, subject to the execution of proffered conditions consistent with those dated February 7, 2020;
- Waiver of peripheral parking lot landscaping requirements for the southern portion of the parking lot; and
- Modification of the transitional screening requirements along the portion of the northern property line in favor of that shown on the Generalized Development Plan.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Daniel Creed, Planner, DPD

Board Agenda Item
March 24, 2020

4:00 p.m.

Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and Relocate the Polling Places for the Lorton Precinct in the Mount Vernon District and the Nottoway Precinct in the Providence District

ISSUE:

Public Hearing to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-13, relating to election precincts and polling places, to move the polling places for the Lorton precinct and the Nottoway precinct.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

On February 25, 2020, the Board authorized a public hearing to be held on March 24, 2020, at 4:00 p.m. to consider this ordinance. Board action on March 24, 2020, will allow adequate time to notify voters who are affected by these changes in advance of the next election subsequent to the Board's decision on March 24, 2020, which is expected to be the June 9, 2020, Party Primary Elections.

BACKGROUND:

The Electoral Board voted unanimously in support of these changes at its February 20, 2020, meeting.

The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310, and 24.2-310.1. If approved, the proposed ordinance will make the following changes:

In Mount Vernon District, staff recommends moving the polling place for the Lorton precinct from the Lorton Library located at 9520 Richmond Highway, Lorton, to the Lorton Station Elementary School, 9298 Lewis Chapel Road, Lorton, where it will be co-located with the Lorton Station precinct. The current polling place, Lorton Library, will be closing for renovation on April 11, 2020. The polling place for Lorton precinct is expected to return to the Lorton Library when it reopens in 2021.

Board Agenda Item
March 24, 2020

In Providence District, staff recommends moving the polling place for the Nottoway precinct from the Hunter House at Nottoway Park located at 9601 Courthouse Road, Vienna, to the Marshall Road Elementary School, 730 Marshall Road Southwest, Vienna. This proposed change will provide a more accessible and convenient facility for the voters in this precinct.

FISCAL IMPACT:

Insignificant. Funding for precinct and polling place change notifications is provided in the agency's FY 2020 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2: Summary of Proposed Changes
Attachment 3: Descriptions and Maps of Proposed Changes
Attachment 4: Proposed Ordinance

STAFF:

Gary D. Scott, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#).)

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § [24.2-307](#) shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ [24.2-304.3](#) and [30-264](#), and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

2008, c. [112](#); 2018, cc. [778](#), [779](#).

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#)

for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

Attachment 2: Summary of Proposed Changes

March 2020 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES							
SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
MOUNT VERNON	617 LORTON	2,737	Lorton Library	617 LORTON	2,737	Lorton Station Elementary School	Temporarily move polling place due to renovation of Lorton Library
PROVIDENCE	729 NOTTOWAY	3,885	Hunter House at Nottoway Park	729 NOTTOWAY	3,885	Marshall Road Elementary School	Move polling place to provide a facility with more accessibility for voters.

* VERIS registered voters as of 02192020_Reports Library_Statistics_Registrant_Counts_By_Locality

Commonwealth of Virginia
COUNTY OF FAIRFAX

MOUNT VERNON DISTRICT

DESCRIPTION:

Beginning at the intersection of Telegraph Road and the south corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southeasterly direction to its intersection with the Maryland/Virginia State Line (Potomac River), thence with the Maryland/Virginia State Line in a southerly, then generally southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northeasterly direction to its intersection with Hooes Road, thence with Hooes Road in a northerly direction to its intersection with Pohick Road, thence with Pohick Road in a generally southeasterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a generally northerly direction to its intersection with the Fairfax County Parkway (Route 7100), thence with the Fairfax County Parkway in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a southeasterly direction to its intersection with the north boundary of the Ft. Belvoir Military Reservation-North Area (old Proving Grounds), thence with the boundary of the Ft. Belvoir Military Reservation in a generally easterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southeasterly direction to its intersection with Fullerton Road, thence with the Fullerton in a generally easterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a southeasterly direction to its intersection with Alban Road, thence with Alban Road in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with Newington Road, thence with Newington Road in an easterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Beulah Road, thence with Beulah Road in a southeasterly, then easterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the northeast boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a southeasterly direction to its intersection with the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southeasterly, then northeasterly

direction to its intersection with Frye Road, thence with Frye Road in a southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a northeasterly, then northerly direction to its intersection North Kings Highway, thence with North Kings Highway in a northerly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the south corporate boundary of the City of Alexandria, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Belle Haven, Belleview, Belvoir, Bucknell, DeLong, Fort Hunt, the southwestern portion of Garfield, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Run East, Pohick Run West, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, the southern portion of Woodlawn, and Woodley.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On August 6, 2001, Pohick Run East and Pohick Run West precincts were renamed Pohick Church and Pohick Run, respectively. The “southwestern portion of Garfield” was named Alban and the “southern portion of Woodlawn” was named Woodlawn. DeLong precinct was combined with Saratoga precinct and abolished.

As recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 24, 2003, the boundary between Hollin Hall and Waynewood precincts was adjusted to conform to the boundary between the Eighth and Eleventh Congressional Districts.

The boundary between the Mount Vernon and Lee Districts and their respective Belvoir and Pioneer precincts was adjusted to conform to the realignment of Newington Road between Backlick Road and the RF&P Railroad tracks. No voters were affected by the adjustment.

Revised and updated descriptions of the precincts were formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 8, 2004, Pohick Church precinct was renamed “Lorton Center” and its polling place was moved to the Lorton Station Recreation Center. The Pohick Run precinct was renamed “Lorton Station” and its polling place was moved to the new Lorton Station Elementary School.

As amended by the Board of Supervisors on June 21, 2004

NOTES: On June 21, 2004, the polling place for the Lorton Center precinct was moved to the Lorton Station Elementary School.

As amended and readopted by the Board of Supervisors on March 27, 2006

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

Attachment 3: Descriptions and Maps of Proposed Changes

NOTES: On March 27, 2006, Lorton precinct was divided to form “Laurel Hill” precinct. The polling place for Laurel Hill precinct was established at the South County Secondary School and the polling place for Lorton precinct was moved to the Lorton Library.

Also, on March 27, 2006, the polling place for the Lorton Center precinct was moved to the Grace Bible Church.

As amended by the Board of Supervisors on March 26, 2007

NOTES: On March 26, 2007, the polling place for the Grosvenor precinct was moved to the Huntington Community Center.

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the polling place for the Marlan precinct was temporarily moved to the Paul Spring Retirement Community.

The United States Postal Service address for the Lorton Station polling place was updated.

As amended and readopted by the Board of Supervisors on January 12, 2009

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On January 12, 2009, Laurel Hill precinct was divided to form South County precinct. The polling place for both precincts is the South County Secondary School.

As amended by the Board of Supervisors on July 27, 2010

NOTES: On July 27, 2010, the polling place for the Marlan precinct was permanently moved to the Paul Spring Retirement Community.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Woodlawn precinct along Frye Road to create a new precinct named “Pinewood Lake” and moved the Pinewood Lake precinct into Lee District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 26, 2011, the Board renamed Whitman precinct “Riverside” and adjusted the boundaries of Belle Haven, Belleview, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Sherwood, Stratford, and Westgate precincts.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the Board moved the polling place for South County precinct to the South County Middle School and renamed the polling place for Laurel Hill precinct from “South County Secondary School” to “South County High School.”

As amended by the Board of Supervisors on July 9, 2013

NOTES: On July 9, 2013, the Board adjusted the boundaries between Alban and Saratoga precincts; moved the polling place for Laurel Hill precinct to the Laurel Hill Elementary School; moved the polling place for South County precinct to the South County High School; and moved the polling place for Woodlawn precinct to the Knights of Columbus #5998.

As amended by the Board of Supervisors on November 18, 2014

NOTES: On November 18, 2014, the Board adjusted the boundaries between Belvoir and Woodlawn precincts.

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Army, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 11, 2017, the Board consolidated Lorton Center precinct into the southern portion of Belvoir precinct, and established its polling location at the Newington DVS Facility.

The Board also created a new precinct, “Army”, from the northern portion of Belvoir precinct with its polling location at the Kingstowne Library.

As amended by the Board of Supervisors on December 4, 2018

Section 7-2-9. Mount Vernon District

NOTES: On December 4, 2018, the description of Belvoir precinct was amended and readopted to change the address of the polling place [facility] from 6900 Newington Road to 8201 Cinder Bed Road.

As amended by the Board of Supervisors on April 9, 2019

Section 7-2-9. Mount Vernon District

NOTES: On April 9, 2019, the Board relocated the polling place for Belleview precinct to the Martha Washington Library.

As amended by the Board of Supervisors on March 24, 2020

Section 7-2-9. Mount Vernon District

NOTES: On March 24, 2020, the Board relocated the polling place for Lorton precinct to the Lorton Station Elementary School.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mount Vernon District

PRECINCT 617: LORTON

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH
HOUSE OF DELEGATES DISTRICT: FORTY-SECOND / FORTY-THIRD

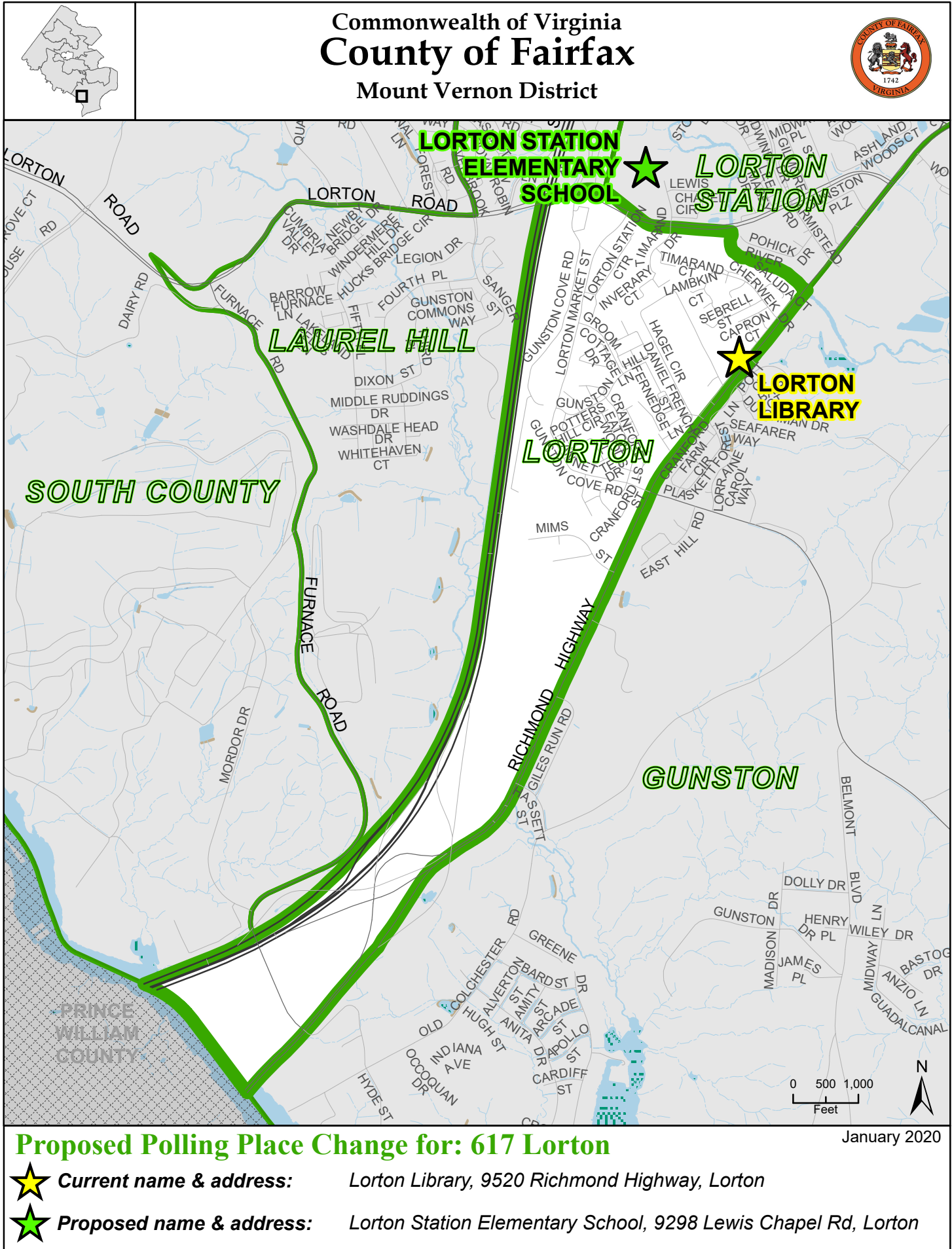
DESCRIPTION:

Beginning at the intersection of the Shirley Memorial Highway (I-95) and Lorton Road, thence with Lorton Road in an easterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a southeasterly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a northwesterly direction to its intersection with the Shirley Memorial Highway, thence with the Shirley Memorial Highway in a northeasterly, then northerly direction to its intersection with Lorton Road, point of beginning.

POLLING PLACE: Lorton Library Station Elementary School
~~9520 Richmond Highway~~ 9298 Lewis Chapel Road, Lorton

MAP GRIDS: 107-4, 113-1, 113-2, 113-3, 113-4

NOTES: Established June 1991
Boundary originally followed the District of Columbia Department of Corrections (Lorton Prison) property line. When the prison closed in 2001, the Fairfax County Park Authority acquired a portion of the property.
Precinct description revised and readopted – March 2003
Precinct divided and polling place changed – March 2006
Congressional District changed from 11th to 8th – January 2012
Polling place moved – March 2020



Commonwealth of Virginia
COUNTY OF FAIRFAX

PROVIDENCE DISTRICT

DESCRIPTION:

Beginning at the intersection of Leesburg Pike (Route 7) and the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in an easterly direction to its intersection with Magarity Road, thence with Magarity Road in a southwesterly direction to its intersection with Leesburg Pike, thence with Leesburg Pike in a southeasterly direction to its intersection with the west corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in a southwesterly, then generally southeasterly direction to its intersection with Arlington Boulevard (Route 50) at Seven Corners, thence with Arlington Boulevard in a southwesterly direction to its intersection with Holmes Run (stream), thence with Holmes Run in a generally southeasterly direction to its intersection with Annandale Road, thence with Annandale Road in a southwesterly direction to its intersection with Gallows Road, thence with Gallows Road in a northwesterly direction to its intersection with Woodburn Road, thence with Woodburn Road in a westerly, then southwesterly direction to its intersection with Leroy Place, thence with Leroy Place in a westerly direction to its intersection with Prosperity Avenue, thence with Prosperity Avenue in a northerly direction to its intersection with Crook Branch (stream), thence with the meanders of Crook Branch in a westerly direction to its intersection with a projection of Glenbrook Road, thence with this projection and Glenbrook Road in a southerly direction to its intersection with Little River Turnpike (Route 236), thence with Little River Turnpike in a northwesterly direction to its intersection with the east corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a northerly, then generally westerly direction to its intersection with the Lee-Jackson Memorial Highway (Route 50), thence with the Lee-Jackson Memorial Highway in a northwesterly direction to its intersection with West Ox Road, thence with West Ox Road in a northwesterly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a generally southeasterly direction to its intersection with Difficult Run (stream), thence with the meanders of Difficult Run in a northeasterly direction to its intersection with Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Hunter Mill Road, thence with Hunter Mill Road in a northerly direction to its intersection with Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Lakevale Drive, thence with Lakevale Drive in a southwesterly direction to its intersection with Babcock Road, thence with Babcock Road, a projection of Babcock Road and Babcock Road in a southeasterly direction to its intersection with Chain Bridge Road (Route 123), thence with Chain Bridge Road in a northeasterly direction to its intersection with the west corporate boundary of the Town of Vienna, thence with the corporate

boundary of the Town of Vienna in a generally southeasterly, and then northeasterly, then northerly direction to its intersection with Chain Bridge Road, thence with Chain Bridge Road in a northeasterly direction to its intersection with Leesburg Pike, thence with Leesburg Pike in a northwesterly direction to its intersection with the Washington Dulles Access and Toll Road, point of beginning.

Providence District also includes a non-contiguous section of Fairfax County that is surrounded by Fairfax City and contains the governmental complex, including the property on which the Fairfax County Public Safety Center (Massey Building and Annex), the Judicial Center (Jennings Building), the Adult and Juvenile Detention Centers, the Police Annex Building and the Fairfax County Public Schools Burkholder Center are located.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, Walnut Hill No. 2, and Woodburn.

As amended, re-codified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, Walnut Hill No. 2, and Woodburn.

NOTES: On March 24, 2003, Freedom Hill was divided to form Kilmer precinct. Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended by the Board of Supervisors on July 7, 2003

NOTES: On July 7, 2003, the description of Walnut Hill No. 2 precinct was amended and readopted to change the name of the polling place [facility] to the “Alan Leis Instructional Center at Walnut Hill.”

For Board of Supervisors Information on June 21, 2004

NOTES: On August 5, 2002, the Board of Supervisors adopted an ordinance to temporarily relocate the polling place for Fort Buffalo precinct until such time as the renovations to the James Lee Community Center were completed. On June 21, 2004, the Board of Supervisors was informed that the renovations were completed and that the polling place was to be returned to its permanent location at the James Lee Community Center.

As amended by the Board of Supervisors on September 10, 2007

NOTES: On September 20, 2007, the boundaries of the Blake, Nottoway, and Oak Marr precincts were adjusted to reduce the number of voters in Nottoway precinct.

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the description of Oakton precinct was amended and readopted to change the name of the polling place [facility] to the “Unitarian Universalist Congregation of Fairfax.”

As amended by the Board of Supervisors on March 9, 2010

NOTES: On March 9, 2010, the polling place for Greenway precinct was temporarily moved to the Timber Lane Elementary School.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that moved the Walnut Hill No. 2 precinct from Providence District to Mason District and divided Nottoway precinct to move the Town of Vienna portion of the Nottoway into the Vienna No. 6 precinct in Hunter Mill District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

REDISTRICTING NOTES: On July 26, 2011, the Board divided the Mosby precinct to create Hunters Branch precinct and established the polling place for Hunters Branch precinct at the Regent's Park Clubhouse. In addition, the Board adjusted the boundaries of Fort Buffalo and Greenway precincts and moved the polling place for Tysons precinct to the Providence Committee Meeting Room

As amended and readopted by the Board of Supervisors on July 10, 2012

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 10, 2012, the Board combined Graham and Greenway into one precinct and moved the polling place to the new Graham Road Elementary School. In addition, the Board adjusted the boundaries of Magarity and Tysons precincts to conform to the boundary between the 8th and 11th Congressional Districts.

As amended by the Board of Supervisors on November 18, 2014

NOTES: On November 18, 2014, the description of Marshall precinct was amended to conform to the new boundary between Fairfax County and the City of Falls Church.

As amended by the Board of Supervisors on June 23, 2015

NOTES: On June 23, 2015, the polling place for Hunters Woods precinct was moved to the Providence Community Center, and Stenwood precinct was combined with Thoreau precinct and Stenwood was abolished.

As amended and readopted by the Board of Supervisors on July 12, 2016

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Rotonda, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 12, 2016, the Board divided the Tysons precinct to create Rotonda precinct and established the polling place for Rotonda precinct at the Rotonda Condominiums Community Center.

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Gallows East, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Rotonda, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

Attachment 3: Descriptions and Maps of Proposed Changes

NOTES: On July 11, 2017, the Board divided the Merrifield precinct to create “Gallows East” precinct and established its polling place at the Gatehouse Administration Center. The Board also adjusted and corrected a boundary between the Rotonda and Tysons precincts.

As amended by the Board of Supervisors on March 24, 2020

NOTES: On March 24, 2020, the polling place for Nottoway precinct was moved to the Marshall Road Elementary School.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Providence District

PRECINCT 729: NOTTOWAY

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

DESCRIPTION:

Beginning at the intersection of Courthouse and Chain Bridge Road (Route 123), thence with Chain Bridge Road in a northeasterly direction to its intersection with the western corporate boundary of the Town of Vienna, thence with the corporate boundary of the Town of Vienna in a generally southeasterly direction, then generally easterly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with Blake Lane, thence with Blake Lane in a westerly direction to its intersection with Edgelea Road, thence with Edgelea Road in northerly direction to its intersection with Courthouse Road, thence with Courthouse Road in a westerly direction to its intersection with Chain Bridge Road, point of beginning.

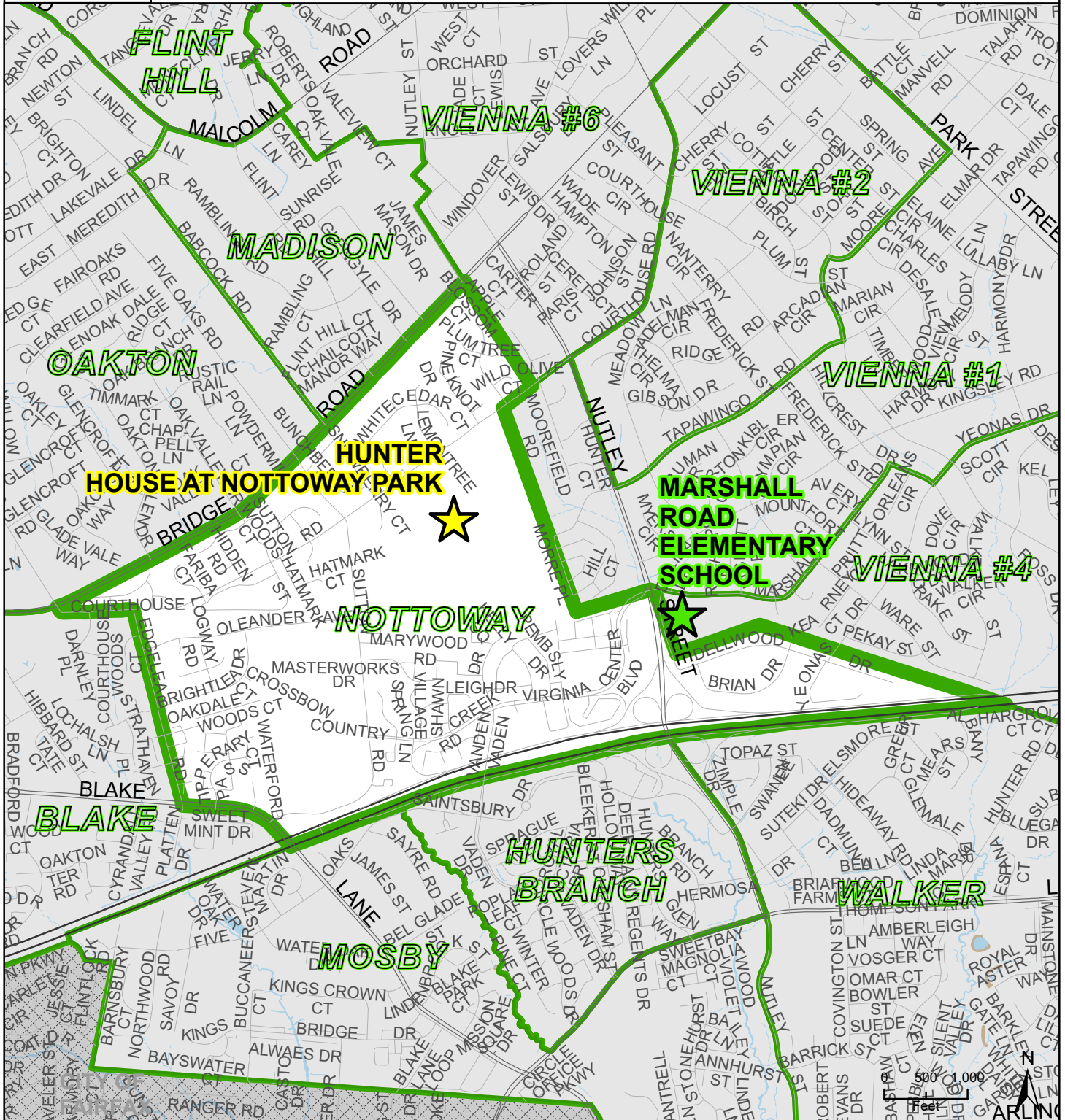
POLLING PLACE: ~~Hunter House at Nottoway Park~~ Marshall Road Elementary School
 ~~9601 Courthouse~~ 730 Marshall Road Southwest, Vienna

MAP GRIDS: 38-3, 48-1, 48-2, 47-2

NOTES: Established May 1987
 Precinct description revised and readopted – March 2003
 Precinct boundary adjusted with Blake Precinct – January 2008
 Precinct boundary adjusted with Vienna #6 Precinct – April 2011
 Polling place moved – March 2020



Commonwealth of Virginia
County of Fairfax
Providence District



Proposed Polling Place Change for: 729 Nottoway

January 2020

- ★ **Current name & address:** Hunter House at Nottoway Park, 9601 Courthouse Rd, Vienna
- ★ **Proposed name & address:** Marshall Road Elementary School, 730 Marshall Road SW, Vienna

**ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-2-13
AND RELOCATE THE POLLING PLACES FOR THE LORTON PRECINCT IN THE
MOUNT VERNON DISTRICT AND THE NOTTOWAY PRECINCT IN THE PROVIDENCE
DISTRICT.**

~~Draft of February 25, 2020~~ As Adopted on March 24, 2020

AN ORDINANCE to amend and readopt Fairfax County Code Section 7-2-13 and relocate the polling places for the Lorton precinct in the Mount Vernon District and the Nottoway Precinct in the Providence District.

Be it ordained that the Board of Supervisors of Fairfax County:

1. That Section 7-2-13 of the Fairfax County Code is amended and readopted:

Section 7-2-13. - General provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8, 2015, July 12, 2016, July 11, 2017, March 20, 2018, December 4, 2018, April 9, 2019, and December 3, 2019, and March 24, 2020, and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

2. That the election polling place for the following existing precincts are established at:

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Mount Vernon District	Lorton (polling place relocated)	From: Lorton Library 9520 Richmond Highway Lorton, VA 22079 To: Lorton Station Elementary School 9298 Lewis Chapel Road Lorton, VA 22079

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<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Providence District	Nottoway (polling place relocated)	From: Hunter House at Nottoway Park 9601 Courthouse Road Vienna, VA 22181 To: Marshall Road Elementary School 730 Marshall Road Southwest Vienna, VA 22180

- 3. That this ordinance shall become effective upon adoption.**
- 4. That the Clerk for the Board of Supervisors shall send a certified copy of this ordinance, with GIS maps and boundary descriptions, to the Fairfax County Electoral Board, the Department of Elections, and the Division of Legislative Services, as required under Va. Code § 24.2-306(C).**

GIVEN under my hand this _____ day of _____, 2020.

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

Board Agenda Item
March 24, 2020

4:00 p.m.

Public Hearing on the Draft Consolidated Plan One-Year Action Plan for FY 2021

ISSUE:

Public hearing before the Fairfax County Board of Supervisors (Board) on the draft Consolidated Plan One-Year Action Plan for FY 2021 (Action Plan), as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board forward comments received on the draft Action Plan to the CCFAC for its consideration before making its final recommendation to the Board for action on May 5, 2020.

TIMING:

Board action on the Action Plan is scheduled for May 5, 2020.

BACKGROUND:

Fairfax County (County) is required to prepare a multi-year consolidated plan (Consolidated Plan) to disclose to county residents and to the U.S. Department of Housing and Urban Development (HUD) the county's affordable housing and community development goals during the period and the intended uses of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grants (ESG) funds (collectively, the Federal Funds) to achieve the identified goals. The County is also required to file a one-year action plan for each year covered by the Consolidated Plan to disclose the county's intended use of the Federal Funds expected to be available for use in the year and the Consolidated Plan goals that are expected to be achieved.

A draft Action Plan was released by the CCFAC for public review and comment on January 14, 2020. On February 11, 2020 the Board authorized advertisement and scheduling of a public hearing on the draft Action Plan to be held on March 24, 2020, at which citizens may express their views on housing and community development needs, fair housing, and the county's community development programs. The public comment period will end at the conclusion of the Board's public hearing.

Funding estimates used in the draft Action Plan are based on the grant awards

Board Agenda Item
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received from HUD for FY 2020. The estimates are used to allow citizen participation in the preparation of the draft Action Plan pending receipt of HUD notification of the actual funding awards for FY 2021. The draft Action Plan also includes a HUD-mandated contingency plan (Contingency Plan) that describes how the allocations of the estimated Federal Funds are to be adjusted after HUD notice of the actual awards for FY 2021 has been received. HCD staff will make the adjustments based on instructions provided in the Contingency Plan.

The draft Action Plan includes a total \$8,023,043 estimated allocation of Federal Funds to the County for FY 2021, as follows:

- \$5,609,339 in CDBG
- \$1,940,695 in HOME
- \$473,009 in ESG.

The draft Action Plan further includes a total \$277,033 in estimated funding, as follows:

- \$106,543 in CDBG carryover
- \$170,490 in appropriated program income, which includes:
 - \$122,490 in CDBG
 - \$48,000 in HOME.

After the end of the public comment period, the CCFAC will consider all comments received and will forward its recommended Action Plan to the Board for final action on May 5, 2020.

FISCAL IMPACT:

Funds identified in the draft Action Plan include CDBG (\$5,609,339), HOME (\$1,940,695), and ESG (\$473,009). A total of \$106,543 in allocated CDBG funds is recommended to be carried forward from FY 2020 for use in FY 2021, 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 \$170,490, including CDBG program income of \$122,490 and HOME program income of \$48,000, also will be programmed for use in FY 2021 through this action.

ENCLOSED DOCUMENTS:

The draft Consolidated Plan One-Year Action Plan for FY 2021 is available online at: https://www.fairfaxcounty.gov/housing/sites/housing/files/assets/documents/consolidated%20plan/public_comment_draft.pdf.

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STAFF:

Tisha Deeghan, Deputy County Executive

Thomas Fleetwood, Director, HCD

Teresa Lepe, Deputy Director, Real Estate, Finance and Development, HCD

Laura O. Lazo, Associate Director, Grants Management (GM), HCD

Beverly A. Moses, Senior Program Manager, GM, HCD

Board Agenda Item
March 24, 2020

**To Be Deferred to
5/5/2020 at 3:30
p.m.**

4:30 p.m.

Public Hearing on PCA 89-D-007-02 (Milestone Tower Limited Partnership IV D/B/A Milestone; Fairfax County School Board) to Amend the Proffers for RZ 89-D-007, Previously Approved for Public Uses to Permit a Telecommunications Facility and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.24, Located on Approximately 40.68 Acres of Land Zoned R-3 (Dranesville District) (Concurrent with SE 2019-DR-012)

and

Public Hearing on SE 2019-DR-012 (Milestone Tower Limited Partnership IV D/B/A Milestone; Fairfax County School Board) to Permit a Telecommunications Facility, Located on Approximately 40.68 Acres of Land Zoned R-3 (Dranesville District) (Concurrent with PCA 89-D-007-02)

This property is located on N. side of Bennett St. and E. side of Dranesville Rd. Tax Map 10-2 ((1)) 6A.

This property is located at 700 Bennett St., Herndon, 20170. Tax Map 10-2 ((1)) 6A.

The Board of Supervisors deferred this public hearing at the February 25, 2020, meeting until March 10, 2020, at 3:30 p.m. On March 10, 2020, the Board of Supervisors deferred this public hearing until March 24, 2020, at 4:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On February 26, 2020, the Planning Commission voted 12-0 to defer the decision only on these applications to a date certain of March 4, 2020. On March 4, 2020, the Planning Commission voted 12-0 to further defer the decision to a date certain of March 18, 2020. The March 18, 2020 Planning Commission Meeting was cancelled on March 17, 2020. The decision for this case is now scheduled for April 22, 2020. The Planning Commission's recommendation will be forwarded following decision.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

Board Agenda Item
March 24, 2020

**To Be Deferred to
5/5/2020 at 3:30
p.m.**

STAFF:

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

Jerrell Timberlake, Planner, DPD

4:30 p.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. Potential Refund of Bank Franchise Tax Based on Determination of Virginia Tax Commissioner
 - 2. *Kevin Kissal v. Fairfax County Police Department and Officer P.F.C. Pullicino* (Case No. GV20-004300 (Fx. Co. Gen. Dist. Ct.))
 - 3. *Anna Elena Gordon, by GEICO, subrogee v. Kevin Lee Keyes*, Case No. GV20-001213 (Fx. Co. Gen. Dist. Ct.)
 - 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dennis L. Molina and Pamela G. Molina*, Case No. GV20-000829 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kathy A. Hale*, Case No. GV20-004394 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ronald S. Pandolfi and Aliyah Nisa Pandolfi*, Case No. GV20-004254 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 - 7. *NS Reston, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County Planning Commission*, Case No. CL-2019-0015831 (Hunter Mill District)
 - 8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert Dunn and Phyllis Dunn*, Case No. CL-2018-0013755 (Fx. Co. Cir. Ct.) (Lee District)
 - 9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julio C. Lazo and Sonia M. Lazo*, Case No. CL-2019-0013844 (Fx. Co. Cir. Ct.) (Lee District)

10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Bobbie A. Scott*, Case No. CL-2020-0003632 (Fx. Co. Cir. Ct.) (Lee District)
11. *In Re: Appeal of ZAAKI Restaurant and Café LLC*, Appeal No. 19-11 (State Building Code Technical Review Board) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andrea J. Billewicz*, Case No. CL-2020-0003195 (Fx. Co. Cir. Ct.) (Mason District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Saul Garcia-Ramirez*, Case No. CL-2019-0010619 (Fx. Co. Cir. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. William L. Stewart*, Case No. CL-2019-0016177 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. LZ Investments, LLC*, Case No. GV20-004253 (Fx. Co. Gen. Dist. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John A. McEwan and Mary Lou McEwan*, Case No. CL-2019-0008365 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Conrad Grundlehner, Marietta F. Grundlehner, and Marietta K. Grundlehner*, Case No. CL-2019-0011294 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia Joyce Saltess*, Case No. CL-2019-0001906 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cameron Enterprise Associates, LLC*, Case No. CL-2019-0012576 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Reyna Alvarez*, Case No. CL-2019-0013268 (Fx. Co. Cir. Ct.) (Providence District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Delfin Farfan and Mary I. Farfan*, Case No. GV20-004305 (Fx. Co. Gen. Dist. Ct.) (Providence District)

23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Saleh M. Alkadi and Lulwhah Al Mosairie*; Case No. GV20-004553 (Fx. Co. Gen. Dist. Ct.) (Providence District)