

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 20, 2020**

AGENDA

- 2:00 Presentations
- 2:00 Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
- 2:00 Matters Presented by Board Members
- 2:00 Items Presented by the County Executive

ACTION ITEMS

- 1 Approval of the Final Disposition of the John Quincy Marr Monument, Two Dahlgren Howitzers, and the Virginia Department of Historic Resources (VDHR) Historical Marker #262 at the Fairfax County Judicial Complex (Providence District)
- 2 Approval of Fairfax Connector's January 4, 2021, Service Changes (Lee and Springfield Districts)
- 3 Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Public Safety Facilities

PUBLIC HEARINGS

- 3:30 Decision Only on RZ 2019-HM-011 (Sakthivel Chinnasamy and Nandakumar Sreenivasan) (Hunter Mill District)
- 3:30 Public Hearing on PCA/CDPA 2016-MA-022 (EYA Development LLC) (Mason District)
- 3:30 Public Hearing to Consider Adoption of Amendments to an Uncodified Ordinance to Provide a Method to Assure Continuity in Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency by Temporarily Approving Outdoor Dining and Outdoor Fitness and Exercise Activities Subject to Certain Conditions, Thereby Suspending Any Requirement for Individualized Approvals of Such Activities
- 3:30 Public Hearing to Amend a Lease of County-Owned Property at 4600-A West Ox Road and 6140 Rolling Road with CoxCom LLC (Springfield District)
- 3:30 Public Hearing to Amend a Lease of County-Owned Property at 2610 Reston Parkway with CoxCom LLC (Hunter Mill District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 20, 2020**

**PUBLIC
HEARINGS
(continued)**

- 3:30 Public Hearing to Lease County-Owned Properties for the Purpose of Installing Solar Facilities (Braddock, Hunter Mill, Mason, Mount Vernon, Providence and Springfield Districts)
- 4:00 Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) Regarding the “PFM Flexibility Project,” a Fairfax First Initiative to Improve the Speed, Consistency and Predictability of the County’s Land Development Review Process
- 4:00 Public Hearing for the Enlargement and De-Creation of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services (Mason District)
- 4:00 Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services (Providence District)
- 4:00 Public Hearing for the De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services (Lee District)
- 4:00 Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and/or Vacuum Leaf Collection Services (Dranesville District)
- 4:30 Public Hearing to Consider Adopting an Ordinance Establishing the Scotts Run Residential Permit Parking District, District 48 (Dranesville District)
- 4:30 Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Virginia— Chapter 30 (Minimum Private School and Child Care Facility Standards), Article 3 (Home Child Care Facilities)
- 4:30 Public Hearing on a Proposal to Vacate and Abandon a Portion of White Spruce Way (Mount Vernon District)
- 4:30 Public Comment
- 4:30 Closed Session



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
October 20, 2020

2:00 p.m.

Virginia Association of Counties Achievement Award

- Presentation of the Virginia Association of Counties Achievement Award to Vivian Watts, member of the Virginia House of Delegates. Requested by Chairman McKay.

PRESENTATIONS

- RESOLUTION — To recognize Laurie DiRocco, mayor of Vienna, for her years of service. Requested by Chairman McKay and Supervisor Alcorn.
- RESOLUTION — To recognize Lisa Merkel, mayor of Herndon, for her years of service. Requested by Chairman McKay and Supervisor Foust.

STAFF:

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

Board Agenda Item
October 20, 2020

2:00 p.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard October 20, 2020

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

NOTE: A revised list will be distributed immediately prior to the Board meeting.

**APPOINTMENTS TO BE HEARD OCTOBER 20, 2020
(ENCOMPASSING VACANCIES PROJECTED THROUGH **OCTOBER 31, 2020**)
(Unless otherwise noted, members are eligible for reappointment)**

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Joseph W. Blackwell (Appointed 1/06-1/08 by Kauffman; 1/09- 1/19 by McKay) Term exp. 1/20	Lee District Representative		Lusk	Lee
Eileen J. Garnett (Appointed 1/03-2/17 by Gross) Term exp. 1/18	Mason District Representative		Gross	Mason

ADVISORY SOCIAL SERVICES BOARD (4 years – limited to 2 full consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Larysa M. Kautz (Appointed 5/18 by McKay) Term exp. 9/20	Lee District Representative		Lusk	Lee
Storme Gray (Appointed 3/19 by Storck) Term exp. 9/20	Mount Vernon District Representative		Storck	Mount Vernon

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrew Martin Concannon; appointed 9/15-1/17 by Gross) Term exp. 1/20 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Frieda A. Tatem; appointed 10/93-10/96 by Davis; 9/99-10/02 by Hanley; 10/05-10/08 by Connolly; 11/11-10/17 by Bulova) Term exp. 10/20 Deceased	At-Large #1 Representative		By Any Supervisor	At-Large
Richard O. Bolger (Appointed 4/14-11/17 by Bulova) Term exp. 10/22	At-Large #5 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Douglas Phung; appointed 12/17 by Bulova) Term exp. 12/19 <i>Resigned</i>	Diversity-At-Large Principal Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 Resigned	Mason District Alternate Representative		Gross	Mason
Clarke Gray (Appointed 1/08-10/18 by Smyth) Term exp. 9/20	Providence District Representative		Palchik	Providence

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Barbara Glakas (Appointed 1/12-6/19 by Foust) Term exp. 6/20	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Linda J. Waller; appointed 9/16-6/18 by McKay) Term exp. 6/19 <i>Resigned</i>	Lee District Representative		Lusk	Lee
VACANT (Formerly held by Judith Fogel; appointed 6/12-5/15 by Gross) Term exp. 6/16 <i>Resigned</i>	Mason District Representative		Gross	Mason

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)
(No official, technical assistant, inspector or other employee of the DPWES, DPZ, or FR shall serve as a member of the board.)

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

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph W. Blackwell, appointed 2/05-1/08 by Kauffman; 12/09-12/17 by McKay) Term exp. 12/20 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(2 years – limited to 3 consecutive terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Karen Pica (Appointed 10/14-9/18 by McKay) Term exp. 9/20 <i>Not eligible for reappointment</i>	At-Large #1 Representative		By Any Supervisor	At-Large
Joan Marie Dec (Appointed 10/18 by Smith) Term exp. 9/20	At-Large #2 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Grant Sitta; appointed 9/10-9/15 by Gross) Term exp. 9/19 <i>Resigned</i>	Mason District Representative		Gross	Mason

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by William J. McKenna; appointed 6/16-5/18 by Foust) Term exp. 5/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

CIVIL SERVICE COMMISSION (2 years)

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

Current Membership: Males: 7 Females: 3 Minorities: 4

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lee Ellen Helfrich; appointed 2/14-1/20 by Gross) Term exp. 12/21 <i>Resigned</i>	At-Large #9 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Phylcia L. Woods (Appointed 1/20 by Palchik) Term exp. 10/20	Providence District Representative		Palchik	Providence
Chelsea H. Smith (Appointed 2/20 by Herrity) Term exp. 10/20	Springfield District Representative		Herrity	Springfield
VACANT (Formerly held by Barbara Lippa; appointed 10/13 by Frey; 10/16 by Smith) Term exp. 10/19 <i>Deceased</i>	Sully District Representative		Smith	Sully

COMMISSION ON AGING (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kathleen Hoyt (Appointed 12/16-5/18 by Gross) Term exp. 5/20	Mason District Representative		Gross	Mason

CONSUMER PROTECTION COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Dirck A. Hargraves (Appointed 2/06 by Kauffman; 10/08-7/17 by McKay) Term exp. 7/20	Fairfax County Resident #5 Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James D. Policaro (Appointed 3/10-3/16 by Smyth) Term exp. 3/20	At-Large Representative #1		By Any Supervisor	At-Large
Peter M. Rosen (Appointed 3/04-3/16 by Smyth) Term exp. 3/20	At-Large #2 Representative		By Any Supervisor	At-Large
Jeffrey L. Kovach (Appointed 6/12-3/16 by Smyth) Term exp. 3/20	At-Large #3 Representative		By Any Supervisor	At-Large

**DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT ADVISORY BOARD, PHASE II (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gregory W. Trimmer (Appointed 1/12-1/16 by Bulova) Term exp. 1/20	BOS At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 6/18 by Bulova) Term exp. 7/1/2020	At-Large #1 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 05/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Debra Jacobson; appointed 3/18-11/18 by Foust) Term exp. 11/21 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

FAIRFAX AREA DISABILITY SERVICES BOARD
(3 years- limited to 2 full consecutive terms per MOU, after initial term)

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michele Hymer Blitz (Appointed 6/06-3/16 by Hudgins) Term exp. 11/18 <i>Not eligible for reappointment</i>	Hunter Mill District Representative		Alcorn	Hunter Mill

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert C. Carlson (Appointed 10/17 by Bulova) Term exp. 7/20	At-Large #3 Representative		By Any Supervisor	At-Large

HEALTH CARE ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Christ Trahos (Appointed 7/12-5/16 by Bulova) Term exp. 6/20	At-Large Chairman's Representative		McKay	At-Large Chairman's

**HEALTH SYSTEMS AGENCY BOARD
(3 years - limited to 2 full terms, may be reappointed after 1-year lapse)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jacqueline Hixson (Appointed 6/17 by Hudgins) Term exp. 6/20	Consumer #2 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 1	Springfield - 2
Hunter Mill - 3	Mount Vernon - 3	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Naomi D. Zeavin; appointed 1/95 by Trapnell; 1/96-11/13 by Gross) Term exp. 12/16 <i>Mason District</i> <i>Resigned</i>	Historian #1 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kimberley Alton; appointed 3/19 by McKay) Term exp. 9/19 <i>Resigned</i>	At-Large #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Raul Torres; appointed 6/18 by Bulova) Term exp. 9/20 <i>Resigned</i>	At-Large #9 Representative		By Any Supervisor	At-Large
Shahid S. Malik (Appointed 3/12-09/17 by Bulova) Term exp. 9/20	At-Large #11 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Itoro Ibia; appointed 1/18-7/18 by Hudgins) Term exp. 7/22 <i>Resigned</i>	Hunter Mill District #1 Representative		Alcorn	Alcorn

**INDUSTRIAL DEVELOPMENT AUTHORITY
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert J. Surovell (Appointed 11/76-10/20 by Conf.; 9/84 by Scott; 11/88-12/12 by Hyland; 10/16 by Storck) Term exp. 10/20	At-Large #1 Representative	Robert J. Surovell (Storck)	By Any Supervisor	At-Large
VACANT (Formerly held by Charles Watson; appointed 3/05-10/16 by Smith) Term exp. 10/20	At-Large #7 Representative		By Any Supervisor	At-Large

**NORTHERN VIRGINIA REGIONAL PARK AUTHORITY
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Stella M. Koch (Appointed 3/10-11/16 by Bulova) Term exp. 10/20	Fairfax County #2 Representative		By Any Supervisor	At-Large

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Annette Koklauner (Appointed 1/16 by Bulova) Term exp. 6/19	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by L. Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

REDEVELOPMENT AND HOUSING AUTHORITY (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ezra Rosser (Appointed 9/18 by Bulova) Term exp. 4/20	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sharisse Yerby; appointed 11/17 by Bulova) Term exp. 4/21 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large
Albert J. McAloon (Appointed 7/95 by Alexander; 3/96-3/00 by Kauffman; 4/04-4/16 by McKay) Term exp. 4/20	Lee District Representative		Lusk	Lee

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD
 The Board of Supervisors established the advisory board on April 4, 2017
 There will be 14 members on this advisory board. The appointees would serve for 4-year terms from April 4, 2017

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Residential Owners and HOA/Civic Association #1 Representative		Foust or Alcorn	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #2 Representative		Foust or Alcorn	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		Foust or Alcorn	At-Large

ROAD VIEWERS BOARD (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by L. Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
Micah D. Himmel (Appointed 12/11-1/18 by L. Smyth) Term exp. 12/18	At-Large #5 Representative		By Any Supervisor	At-Large

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Luis Ortiz Lopez (Appointed 10/16-3/18 by Hudgins) Term exp. 3/20	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christopher Lee Kocsis (Appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Angelina Panettieri; appointed 6/11-1/15 by L. Smyth) Term exp. 1/18	Tenant Member #1 Representative		By Any Supervisor	At-Large
Amy Purnell (Appointed 9/16-1/17 by Bulova) Term exp. 1/20	Tenant Member #2 Representative		By Any Supervisor	At-Large

TREE COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Monica Billger (Appointed 12/17 by Bulova) Term exp. 10/20	At-Large Chairman's Representative		McKay	At-Large Chairman's
Catherine C. Ledec (Appointed 10/16-10/17 by Storck) Term exp. 10/20	Mount Vernon District Representative	Catherine C. Ledec	Storck	Mount Vernon
Laura L. Beaty (Appointed 5/19 by Smyth) Term exp. 10/20	Providence District Representative		Palchik	Providence

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		McKay	At-Large

NEW BOARD

YOUNG ADULTS ADVISORY COUNCIL (YAAC) (2 YEARS)
The Board of Supervisors established the Council on January 28, 2020
 (There will be a total of 15 members. The appointees must be 20-34 years and
 would serve for 2-year terms limited to 2 full consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Mason District Representative		Gross	Mason

Board Agenda Item
October 20, 2020

2:00 p.m.

Matters Presented by Board Members

Board Agenda Item
October 20, 2020

2:00 p.m.

Items Presented by the County Executive

ACTION - 1

Approval of the Final Disposition of the John Quincy Marr Monument, Two Dahlgren Howitzers, and the Virginia Department of Historic Resources (VDHR) Historical Marker #262 at the Fairfax County Judicial Complex (Providence District)

ISSUE:

The Board of Supervisors' approval of the final disposition of the granite monument commemorating the death of John Quincy Marr, two Dahlgren howitzers, and the Virginia Department of Historic Resources (VDHR) historical marker #262, all located at the Fairfax County Judicial Complex.

RECOMMENDATION:

The County Executive will provide a recommendation prior to the October 20, 2020 Board meeting. **recommends that the Board approve the return of the VDHR historical marker #262 to the State, transfer the ownership of the John Quincy Marr monument to the Stuart Mosby Historical Society, and transfer the ownership of the two Dahlgren howitzers to the Manassas National Battlefield Park.**

TIMING:

Board action is requested on October 20, 2020.

BACKGROUND:

On September 15, 2020, the Board of Supervisors held a public hearing to consider the potential removal, relocation, contextualization, or covering of the publicly owned Civil War related monuments or memorials located at the Fairfax County Judicial Complex, Tax Map numbers 57-4 ((1)) 14 and 57-3((1)) 17. After receiving public input, the Board voted to remove the granite obelisk commemorating the death of John Quincy Marr, the two Dahlgren howitzers, and the VDHR historical marker #262, entitled "First Confederate Officer Killed." The Board directed staff to offer the monument and howitzers, for a period of 30 days, to appropriate museums, historical societies, governments, or military battlefields for relocation and placement. The Board further directed staff to work with staff from VDHR to determine whether the State wanted the historical maker returned, and if not, to offer the marker, to appropriate museums, historical societies, governments, or military battlefields for relocation and placement. Staff was directed to return to the Board on October 20, 2020, to advise the Board of

the museums, historical societies, governments, and military battlefields which have requested the John Quincy Marr monument, or the Dahlgren howitzers, or both, for relocation and placement. Further, staff was directed to return and to advise the Board if VDHR wishes that the historical marker be returned to the State, and for the Board to make a determination for the final disposition of the John Quincy Marr monument, the two Dahlgren howitzers, and the VDHR marker.

Staff reached out to the following organizations prior to the September public hearing to confirm County ownership of the artifacts, and to inform them of the public hearing:

- United Daughters of the Confederacy – both local chapter and national organization
- Sons of Confederate Veterans – local chapter

Staff reached out to the following organizations prior to the September public hearing to inquire about their potential interest in receiving either the Marr monument or the howitzers, or both, if the Board chose to remove the monument or howitzers. **After advising the organizations of the Board's vote, staff learned the following:**

- City of Fairfax – **not interested**
- Town of Warrenton/Warrenton Cemetery – **not interested**
- Department of the Navy, **Naval History and Heritage Command – interested in receiving the howitzers**
- Virginia Military Institute museum system, **Virginia Museum of the Civil War – interested in receiving the howitzers**

Staff reached out to the following organizations after the September public hearing to inquire about their potential interest in receiving either the Marr monument or the howitzers, or both:

- Fauquier County Historical Society – **interested in receiving the Marr monument**
- NOVA Parks – **not interested**

Through citizen outreach efforts, staff learned that The American Civil War Museum is unable to accept the Marr monument due to a lack of storage space.

Staff was contacted by the following organizations after the September public hearing expressing interest in receiving either the Marr monument, the Dahlgren howitzers, or both:

- **Stuart Mosby Historical Society, operating the** Stuart Mosby Cavalry Museum in Centreville – **interested in receiving both the Marr monument and the howitzers**

- Manassas **National** Battlefield Park, **National Park Service (NPS)**-NPS – **interested in receiving the howitzers**
- Historic Ships in Baltimore – **interested in receiving the howitzers**
- Veterans of Foreign Wars, Post 9274 – **interested in receiving the howitzers**
- Army Navy Country Club Foundation – **interested in receiving the howitzers**
- Isle of Wight County Historical Society-**Virginia Military Preservation Association** – **interested in receiving the howitzers**
- **Dahlgren Heritage Foundation, operating the Dahlgren Heritage Museum in King George County** – **interested in receiving the howitzers**
- **The New York Division of Military and Naval Affairs** – **interested in receiving the howitzers**

In order to evaluate the capacity of the interested organizations to receive, relocate, and place the Marr monument and howitzers, and their ability to manage and maintain the monument and howitzers, staff developed the following set of questions which were sent to all organizations expressing an interest in receiving either the Marr monument, the howitzers, or both.

1. Are you an individual or do you represent an organization? If you are a representative, what organization do you represent?
2. What is your affiliation with the organization? Has the organization authorized you to request the monument(s) and if so, through what process did it authorize you?
3. What is the mission of the organization?
4. Are you interested in receiving the Marr Monument, the howitzers, or both the Monument and the howitzers?
5. Where are you proposing to relocate the object(s)?
6. What is your proposed use (Display? Storage?) for the object(s)?
7. Do you propose to interpret the object(s)?
8. How do you propose to move the object(s)? Would you be able to move the object(s) yourself, or would you be requesting assistance from the County?
9. Would you be willing to enter into a Memorandum of Agreement, license agreement, or other written agreement, with the County for the purposes of removing the object(s)?
10. Do you have insurance that would cover the County with respect to your removal of the object(s) and, if not, would you be willing to purchase insurance to protect the County in connection with the removal of the object(s)?
11. Removal of the object(s) will require coordination with Fairfax City traffic control, FCPA Archeology and Collections Branch, among other agencies. What

experience do you or your organization have with the removal and replacement of similar objects?

~~The deadline for receiving inquiries is October 15, 2020. Staff will provide a recommendation to the Board based on the responses to these questions.~~

Most responding organizations were interested in receiving only the howitzers. Two organizations requested the Marr monument: the Fauquier County Historical Society, and the Stuart Mosby Historical Society. The Stuart Mosby Historical Society requested both the Marr monument and the two howitzers.

An Evaluation Team was formed, consisting of County staff and two members of the History Commission. The team met on October 13, 2020, to review proposals from the responding organizations. The team considered such things as the final proposed location of the objects once removed, the organization's mission, whether the organization was an accredited museum, whether the objects were proposed to be displayed or stored, whether and how the objects were proposed to be interpreted, and the ability of the requesting organization to preserve and maintain the objects in perpetuity.

Taking these considerations into account, the Evaluation Team recommends that the Board offer the John Quincy Marr monument to the Stuart Mosby Historical Society for relocation to Centreville; and that the Board offer the two Dahlgren howitzers to the Manassas National Battlefield Park for relocation to Manassas.

The Evaluation Team recommends that the Board direct staff to request each organization that accepts a memorial ensures that the interpretation of each object reflect, in some way, the history of the objects in the County - their installation, subsequent removal, and final donation - as part of the story of Fairfax County.

If historically accurate and interpretively appropriate, the Evaluation Team recommends that the Board direct staff to request that the Manassas National Battlefield Park ensure that one or both howitzers be installed in the Fairfax County Historic Overlay District of Bull Run Stone Bridge, which overlays a portion of Manassas National Battlefield Park.

VDHR historical marker

Staff reached out to the VDHR staff to inform them of the Board's decision to remove the historical marker #262. If the Board plans to remove the State marker, VDHR advised that the marker could either be returned to the State, or the County could present a proposal for a new location for the marker to be installed **to VDHR, for its review, with** a new location **where** the marker **could** be installed. Staff reached out to

the City of Fairfax, as a coparticipant in the marker's creation, to establish if the City would like to propose relocating the marker to City-owned property. The City declined interest in relocating the VDHR marker.

Staff recommends returning VDHR historical marker #262 to the State.

Staff is working with the History Commission's Marker Committee to address the Board's follow on motion to work with VDHR to obtain information on the process for preparing one or more markers to fully describe the historic context of the actions at the Fairfax Courthouse. The History Commission's response will be provided to the Board as a Not in Package (NIP) Information Item prior to the October 20, 2020 Board meeting.

FISCAL IMPACT:

The cost to remove, and relocate to a storage facility, the Marr monument, the two howitzers and their carriages is estimated to be \$19,562.

~~The following organizations have offered to pay for the removal of the Marr monument, or the howitzers, or both the monument and howitzers, at no cost to the County:~~

Due to logistical and public safety considerations, staff recommends that removal and relocation of the objects be coordinated and executed by the County. The objects will be relocated to a County storage facility where the receiving organizations may make arrangements to take possession of the objects and for transportation to their respective facilities.

The cost to remove and return to the State the VDHR maker is estimated to be \$100.00.

ENCLOSED DOCUMENTS:

None

STAFF:

Rachel Flynn, Deputy County Executive

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

Leanna O'Donnell, Director, Planning Division, DPD

Laura Arseneau, Chief, Heritage Resources and Plan Development Branch, PD, DPD

Denice Dressel, Senior Heritage Resources Planner, Heritage Resources and Plan Development Branch, PD, DPD

ASSIGNED COUNSEL:

Daniel Robinson, Assistant County Attorney

Board Agenda Item
October 20, 2020

ACTION - 2

Approval of Fairfax Connector's January 4, 2021, Service Changes (Lee and Springfield Districts)

ISSUE:

The Fairfax County Department of Transportation (FCDOT) is seeking the Board of Supervisors' approval of the Fairfax Connector's January 4, 2021, service changes.

RECOMMENDATION:

The County Executive recommends the Board approve the Fairfax Connector's January 4, 2021, service change proposals outlined below.

TIMING:

Board approval is requested on October 20, 2020, to allow for implementation on January 4, 2021.

BACKGROUND:

Fairfax Connector staff proposes service changes for implementation on January 4, 2021, to improve the customer experience and increase ridership through improved connectivity, on-time performance, service reliability, and effectiveness. The proposed service changes are described below. Additional background information and proposal details are provided in Attachment III.

PROPOSAL SUMMARY:

Route 350: Springfield Circulator

To maintain service after elimination of Metrobus Route S80, staff recommends transferring the Transportation Association of Greater Springfield (TAGS) route to Fairfax Connector as Route 350:

- Route 350 will provide weekday service to the new Transportation Security Administration (TSA) headquarters, Metro Park, Springfield Mall, and the Franconia – Springfield Metrorail Station. A map of Route 350 is included in Attachment II.
- The buses will operate with 15-minute frequency during peak periods and 20-minute frequency during off-peak periods.

Board Agenda Item
October 20, 2020

- The fare between the Franconia – Springfield Metrorail Station and Springfield Town Center will be \$0.50. The fare between the Franconia – Springfield Metrorail Station and Metro Park will be free, consistent with past agreements with TAGS and associated proffers.
- The estimated total annual revenue hours are 10,600.
- The estimated total annual operating cost is \$1,303,500.
- The initial capital cost is \$1 per bus for the purchase of the five Metrobuses currently operating on Route S80.
- The buses will undergo mid-life overhauls in accordance with the Connector's mid-life bus rehabilitation program.
- This route is anticipated to be implemented on January 4, 2021.

Route 351: Springfield Peak-Hour Circulator

To improve service after elimination of Metrobus Route S91, staff recommends transferring the TAGS route to Fairfax Connector as Route 351:

- Route 351 will provide weekday peak-period express service between the Franconia – Springfield Metrorail Station and new TSA headquarters. A map of Route 351 is included in Attachment II.
- The buses will operate with 15-minute frequency.
- This route will operate as a free shuttle, consistent with past agreements with TAGS and associated proffers.
- The estimated total annual revenue hours are 1,400.
- The estimated total annual operating cost is \$172,000.
- The initial capital cost is \$1 for the purchase of the one Metrobus currently operating on Route S91.
- The bus will undergo mid-life overhaul in accordance with the Connector's mid-life bus rehabilitation program.
- This route is anticipated to be implemented on January 4, 2021.

Public Involvement

To inform the public of the service changes and receive feedback, staff posted detailed information on the Fairfax Connector website and social media accounts, conducted an online survey, hosted an online meeting to directly engage the public, and reviewed and responded to public comments and questions. The public comments were incorporated into the proposal, where feasible. Of the total six comments received, five comments were in favor of the service changes and one comment was neutral. A summary of the public feedback and responses is provided in Attachment IV.

TITLE VI:

The service changes proposed for implementation on January 4, 2021, were reviewed as mandated by the Federal Transit Administration (FTA) in *Circular C4702.1B: Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The Title VI analysis showed the new Routes 350 and 351 did meet the major service change threshold. However, the analysis suggested these routes would not result in a Disparate Impact (DI) or Disproportionate Burden (DB). Overall, the proposed service changes will increase access to major regional employment centers, improve connectivity to the public transit network, and improve service for Fairfax Connector riders and the communities served. The Title VI analysis is provided in Attachment V.

FISCAL IMPACT:

Sufficient funds to operate TAGS Routes 350 and 351 for a partial year of service in FY 2021 were included in Fund 40000 (County Transit Systems) as part of the FY 2020 Carryover Review.

The County will purchase the existing six buses that Metro uses to operate these TAGS routes for \$1 per bus. The buses will undergo mid-life overhauls in accordance with the Fairfax Connector's mid-life bus rehabilitation program to ensure their full useful life is attained. Setup costs will include fareboxes and other intelligent technology systems (ITS) required to integrate the buses into the Connector fleet. The estimated cost for mid-life rehabilitation of the vehicles and the ITS integration is approximately \$140,000 per vehicle, which will be covered by the Connector's vehicle rehabilitation budget.

For FY 2021, the estimated operational cost is \$737,750. For FY 2022 and beyond, there is an annual cost of approximately \$1,475,500 to support these routes, partially offset by proffered contributions from developers. If approved, these routes would be funded along with the existing Connector service, which is supported by a combination of a transfer from the General Fund, commercial and industrial (C&I) tax revenue transferred from Fund 40010 (County and Regional Transportation Projects), state aid received at the Northern Virginia Transportation Commission (NVTC), and fare revenue collected from riders.

ENCLOSED DOCUMENTS:

- Attachment I - News Release
- Attachment II - Route Maps
- Attachment III - Background Information
- Attachment IV - Public Comments Summary
- Attachment V - Service Equity (Title VI) Analysis

Board Agenda Item
October 20, 2020

STAFF:

Rachel Flynn, Deputy County Executive

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

Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT

Michael Felschow, Planning Section Chief, Transit Services Division, FCDOT

Todd Wigglesworth, Division Chief, Coordination and Funding Division, FCDOT

Ray Johnson, Funding Section Chief, Coordination and Funding Division, FCDOT

Brent Riddle, Coordination and Funding Division, FCDOT



NEWS RELEASE

Attachment I

Public Input Sought on Fairfax Connector Fall 2020 Service Changes

For Immediate Release

May 22, 2020

Fairfax County Department of Transportation (FCDOT) is seeking public input on [Fairfax Connector](#) proposed service changes for Fall 2020 that aim to enhance customer service. FCDOT normally conducts several community input meetings on proposed changes to Fairfax Connector service, but because of Governor Northam's current public gathering restrictions due to COVID-19, transit staff recorded the presentation and made it available for viewing. The public is encouraged to view the presentation and give feedback on the proposed changes via an online survey, email, mail and by phone.

- [View the video presentation](#)
- [View the PowerPoint presentation](#)
- [Take the online survey](#)

Highlights of the Proposed Changes

- [Route 334: DLA Circulator](#) (Peak and Off-Peak) – Directly serves the TSA headquarters via Springfield Center Drive and Metropolitan Center Drive with weekday service between the Franconia Springfield Metrorail Station, the Defense Logistics Agency, and Army Museum on John Kingman Drive. Buses will serve the TSA headquarters on both northbound and southbound trips every 30 minutes during peak service and hourly during off-peak service.
- [Routes 340/341: Patriot Ridge-Saratoga](#) – Includes minor route adjustments to maintain efficiency.
- ***NEW* Route 350: Springfield Circulator** – Replaces weekday service after Metrobus route elimination of the TAGS S80. Route 350 will operate every 15 minutes during peak hours and every 20-minute during off-peak hours.
- ***NEW* Route 351: Springfield Peak-Hour Circulator** – Replaces peak weekday service after Metrobus route elimination of TAGS S91. The Springfield Peak-Hour Circulator will provide weekday express every 15 minutes during morning and afternoon peak hours between the Franconia Metrorail Station and the Transportation Security Administration (TSA).
- [Route 721: Chain Bridge Road–McLean Metrorail Station](#) – Includes expanded service with peak service every 20 minutes from the McLean Metrorail Station to the George Bush Center for Intelligence (GBCI) headquarters in Langley. The buses will operate every 30-minutes during off-peak and evening hours.

- ***NEW* Route 722: McLean Metrorail Station-GBCI** – Includes new weekday express service every 15 minutes during morning and afternoon peak hours between the McLean Metrorail Station and the GBCI Headquarters in Langley.

Provide Feedback

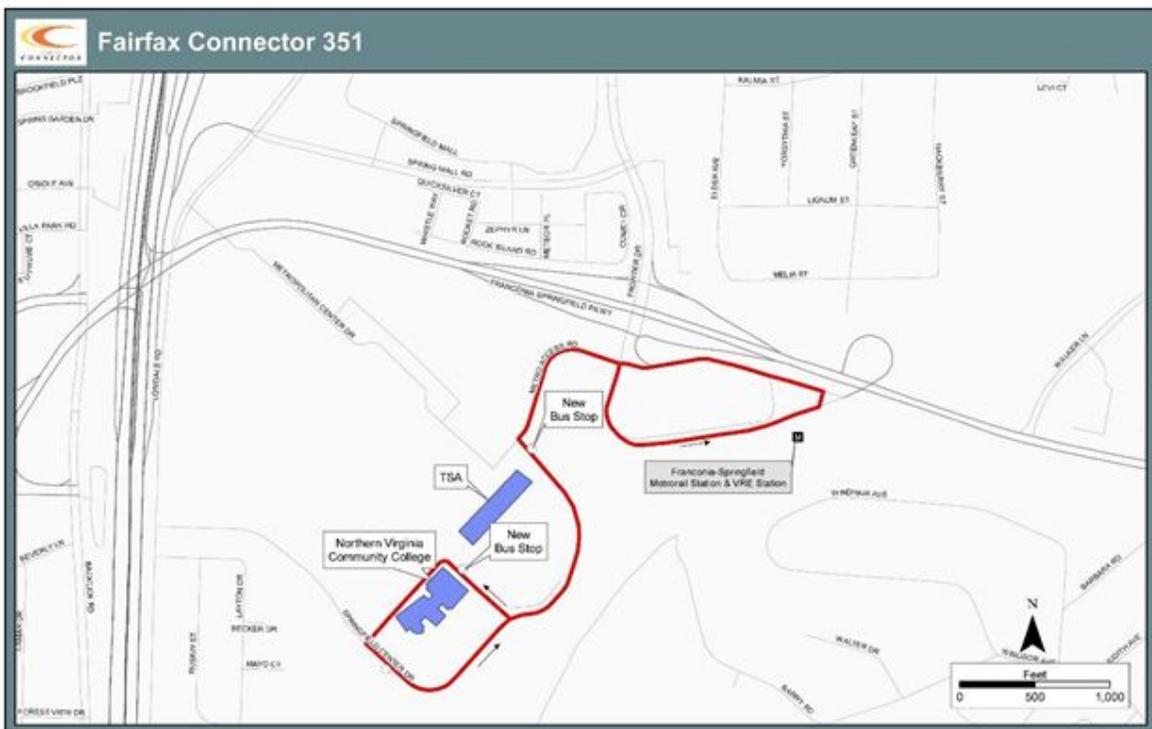
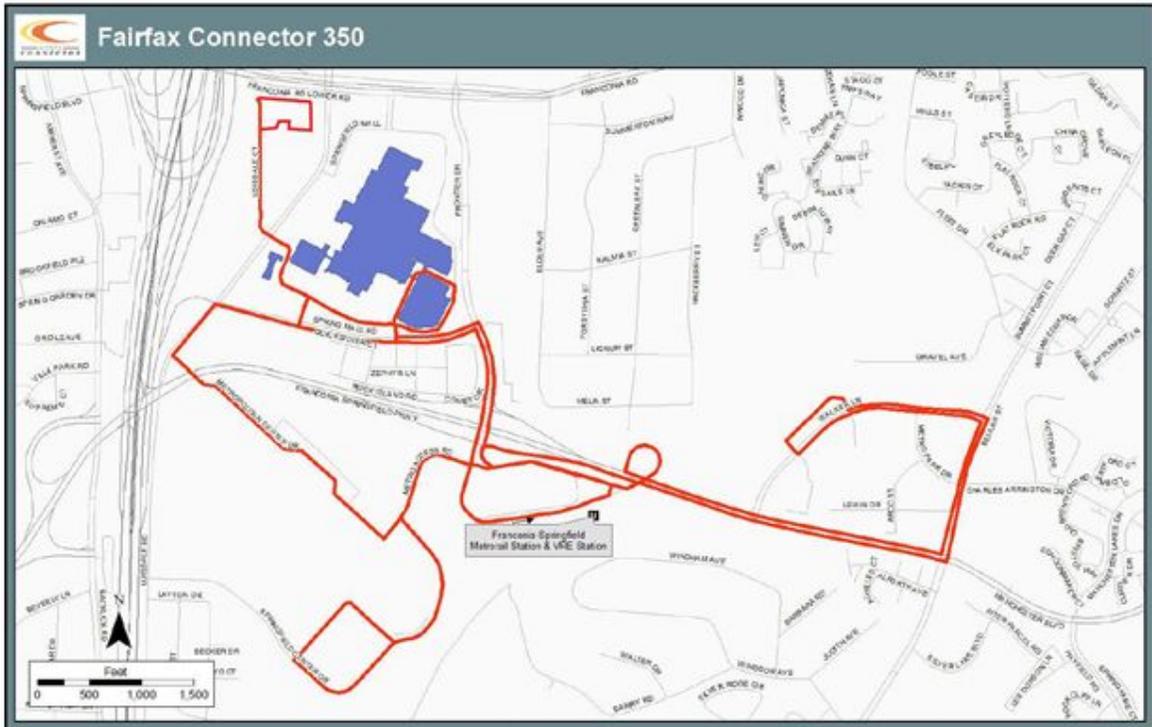
Public comments will be accepted until Friday, June 5, 2020. After receiving and reviewing public feedback, FCDOT staff will present the final proposed changes to the [Fairfax County Board of Supervisors](#) in July 2020. If approved, the changes will go into effect no later than October 31, 2020.

- [Take the online survey](#)
- Mail your written comments to: September 2020 Service Change c/o FCDOT Marketing Communications 4050 Legato Road #400 Fairfax, VA 22033-2895
- E-mail fairfaxconnector@fairfaxcounty.gov
- Call 703-339-7200, TTY 703-339-1608

Stay Connected with Fairfax Connector

- Visit www.fairfaxconnector.com
- Call 703-339-7200, TTY 703-339-1608 (Mon.-Fri., 5 a.m.- 10 p.m.; Sat.-Sun., 7 a.m.- 9 p.m.)
- Email Fairfaxconnector@fairfaxcounty.gov
- To receive notifications for your bus route, sign up for [BusTracker email or text alerts](#)
- Follow us on [Twitter](#) & [Facebook](#)
- Visit a [Connector Transit Store](#)

###



Background Information and Proposal Details

Route 350: Springfield Circulator

Metrobus Route S80 (Springfield Circulator) is being eliminated by the Washington Metropolitan Area Transit Authority (WMATA) due to budget constraints. Fairfax Connector will assume operations of the Transportation Association of Greater Springfield (TAGS) route and renumber it Route 350. The route serves a key area of Fairfax County, including the new Transportation Security Administration (TSA) headquarters with thousands of employees located just south of the Franconia – Springfield Metrorail Station. A map of Route 350 is included in Attachment II.

To maintain service after elimination of Metrobus Route S80, staff recommends transferring the route to Fairfax Connector as Route 350:

- Route 350 will provide weekday service to the new TSA headquarters, Metro Park, Springfield Mall, and the Franconia – Springfield Metrorail Station.
- The buses will operate with 15-minute frequency during peak periods and 20-minute frequency during off-peak periods.
- The fare between the Franconia – Springfield Metrorail Station and Springfield Town Center will be \$0.50. The fare between the Franconia – Springfield Metrorail Station and Metro Park will be free, consistent with past agreements with TAGS and associated proffers.
- Title VI populations will not be impacted.
- The estimated total annual revenue hours are 10,600.
- The estimated total annual operating cost is \$1,303,500.
- The initial capital cost is \$1 per bus for the purchase of the five Metrobuses currently operating on Route S80.
- The buses will undergo mid-life overhauls in accordance with the Connector's mid-life bus rehabilitation program, at an estimated cost of \$140,000 per vehicle.
- This route is anticipated to be implemented on January 4, 2021.

Route 351: Springfield Peak-Hour Circulator

Metrobus Route S91 (Springfield Peak-Hour Circulator) is being eliminated by WMATA due to budget constraints. Fairfax Connector will assume operations of the TAGS route and renumber it Route 351. The route serves a key area of Fairfax County, including the new TSA headquarters with thousands of employees located just south of the Franconia – Springfield Metrorail Station. A map of Route 351 is included in Attachment II.

To improve service after elimination of Metrobus Route S91, staff recommends transferring the route to Fairfax Connector as Route 351:

- Route 351 will provide weekday peak-period express service between the Franconia – Springfield Metrorail Station and new TSA headquarters.
- The buses will operate with 15-minute frequency.
- This route will operate as a free shuttle, consistent with past agreements with TAGS and associated proffers.
- Title VI populations will not be impacted.
- The estimated total annual revenue hours are 1,400.
- The estimated total annual operating cost is \$172,000.
- The initial capital cost is \$1 for the purchase of the one Metrobus currently operating on Route S91.
- The bus will undergo mid-life overhaul in accordance with the Connector's mid-life bus rehabilitation program, at an estimated cost of \$140,000.
- This route is anticipated to be implemented on January 4, 2021.

Public Comments Summary

The following is a public comments summary regarding the January 4, 2021, service change proposal. All comments were derived from the online survey due to the COVID-19 health crisis.

Route	Comment	Summary Response
350	I would like to see the same level of bus serving this route. Bus timing and bus quality should remain the same.	It is staff's intent to accomplish this, but there may be minor adjustments.
350	Yes, patients going to Multiplex need this bus. I am not sure if the arrival times are acceptable.	Staff will monitor this route and may make minor adjustments.
350	This is critical for TSA employees to be able to reach the new facility, and to help get them to the Town Center for lunch or shopping.	
351	Shuttle service is very important.	
351	I do not know what the Transportation Security Administration is, or where it is located. However, the people who work there certainly need it.	
351	This is critical for TSA employees to be able to reach the new facility.	

**Title VI Service Equity Analysis
Proposed January 4, 2021, Fairfax Connector Service Changes**

Summary of Analysis Results

The service changes proposed for implementation on January 4, 2021, were reviewed as mandated by the Federal Transit Administration (FTA) in *Circular C-4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The new Routes 350 and 351 did meet the major service change threshold. However, the analysis suggested these routes would not result in a Disparate Impact (DI) or Disproportionate Burden (DB). Overall, the proposed service changes will increase access to major regional employment centers, improve connectivity to the public transit network, and improve service for Fairfax Connector riders and the communities served.

Relevant Fairfax County Title VI Program Elements

A service equity analysis may require the evaluation of as many as four items depending on the route's nature, proposed changes, and served environment. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors on July 25, 2017.

A major service change is defined as either an increase or decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

A disparate impact (DI) occurs when the difference between minority riders and non-minority riders affected by a proposed service change or fare change is 10 percent or greater.

A disproportionate burden (DB) occurs when the difference between low-income riders and non-low-income riders affected by a proposed service change or fare change is 10 percent or greater.

An adverse effect occurs when the proposed service change meets any of the following criteria for minority or low-income populations:

- *New or additional service*: if other service was eliminated to release resources
- *Headway change*: if headway increased by at least 20 percent
- *Alignment change*: if at least 15 percent of the alignment is eliminated or modified
- *Span of service change*: if the span of service decreases by at least 10 percent
- *Elimination of entire route*

"If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of

the proposed service change, the transit provider may implement the service change *only* if:

- “the transit provider has a substantial legitimate justification for the proposed service change; and
- “the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider’s legitimate program goals.” (*Circular C-4702.1B*, page IV-16.)

FCDOT measured and compared the percentages of minority and non-minority populations living within the service area of the proposed route alignment to determine whether the service change would cause a DI. Additionally, FCDOT measured and compared the percentages of low-income and non-low-income households within the service area of the proposed route alignment to determine whether the service change would cause a DB.

Overview

The service changes proposed for implementation on January 4, 2021, include Routes 350 and 351.

Route 350: Springfield Circulator

The new Route 350 will replace Metrobus Route S80 to provide service to the new TSA headquarters, Metro Park, Springfield Mall, and the Franconia – Springfield Metrorail Station.

Route 351: Springfield Peak-Hour Circulator

The new Route 351 will replace Metrobus Route S91 to provide express service between the Franconia – Springfield Metrorail Station and new TSA headquarters.

Major Service Change Evaluation

Each of the above routes included in the proposed service changes was evaluated against the major service change threshold defined in the County’s Title VI Program. Table 1 shows the new Routes 350 and 351 met the major service change threshold and required further DI and DB analysis.

Table 1: Proposed Service Changes

Route	Proposed Change in Revenue Hours (%)			Proposed Change in Revenue Miles (%)		
	Weekday	Sat.	Sun.	Weekday	Sat.	Sun.
350 (new)	100%	N/A	N/A	100%	N/A	N/A
351 (new)	100%	N/A	N/A	100%	N/A	N/A

Route 350: Springfield Circulator

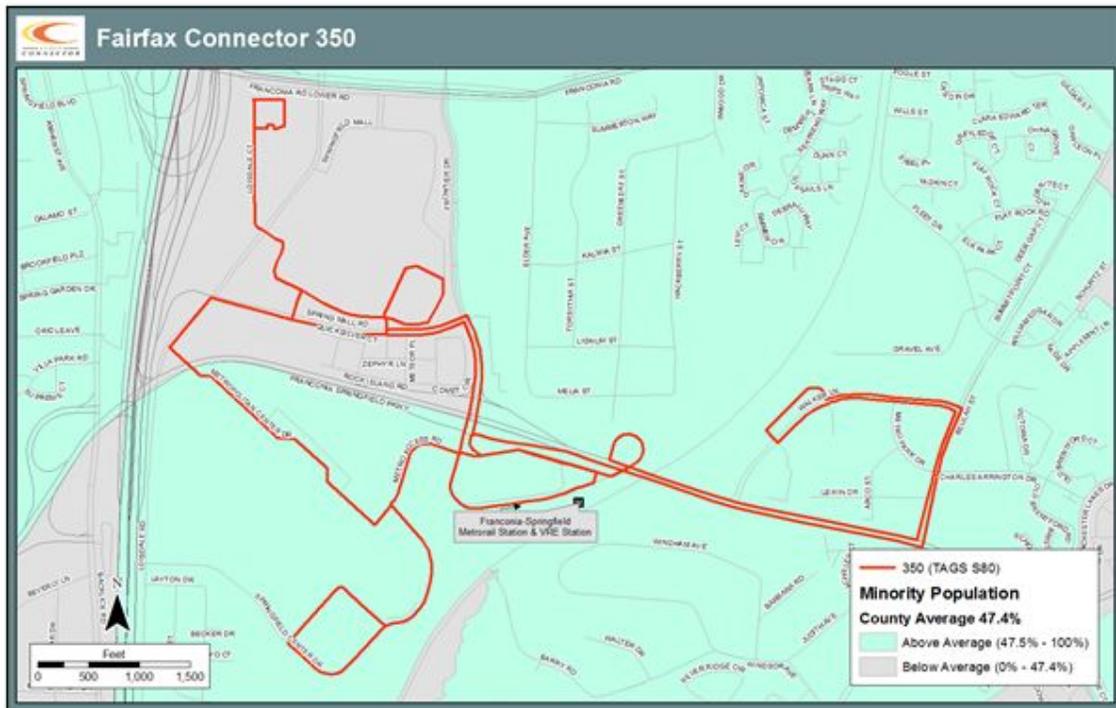
Disparate Impact (DI): Within the service area of Route 350, the minority population is 56 percent, which is 9% higher than the system average (see Table 2). There is no DI since the route will benefit a higher proportion of minority population than the system average. As well, Route 350 will maintain the existing level of service that Metrobus

Route S80 provided. Figure 1 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 2: Route 350 Disparate Impact

Route	System Minority Average	Total Population Along the Route	Total Minority Population Along the Route	% of Minority Population Along the Route	Difference	DI
350	47%	9,329	5,211	56%	9%	No

Figure 1: Route 350 Minority Population Map

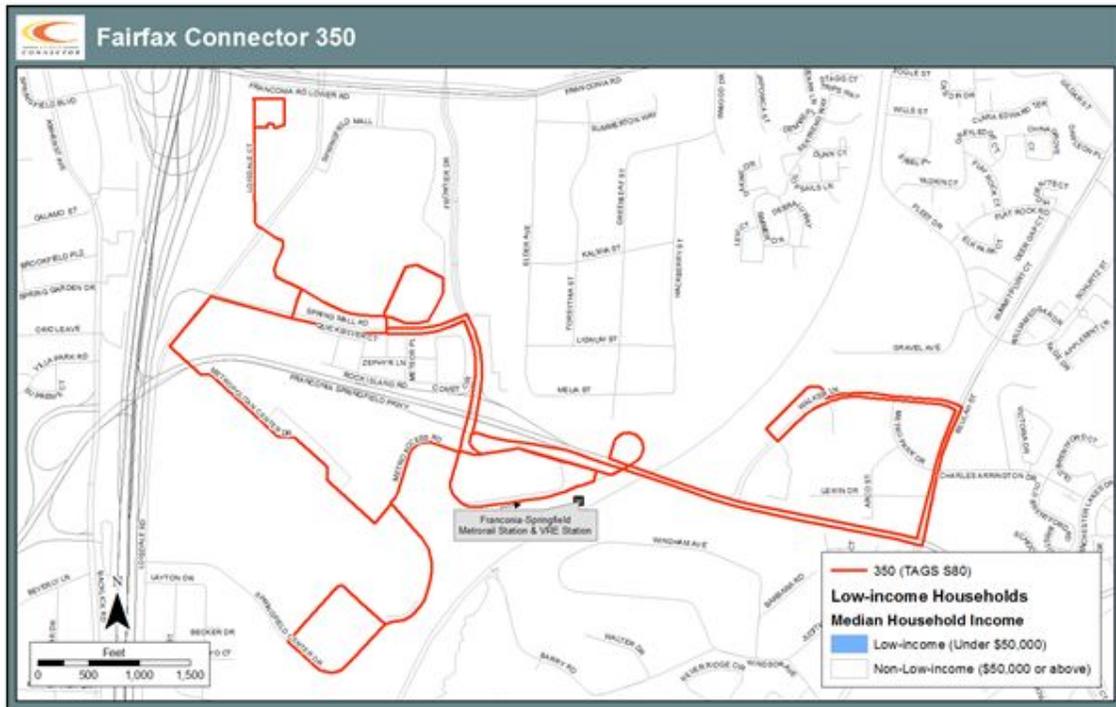


Disproportionate Burden (DB): Within the service area of Route 350, the low-income households are 22 percent, which is 4 percent higher than the system average of low-income households (see Table 3). There is no DB since the route will benefit a higher proportion of lower-income households than the system average. Figure 2 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 3: Route 350 Disproportionate Burden

Route	System Low-income Average	Total Households Along the Route	Total Low-income Households Along the Route	% of Low-income Households Along the Route	Difference	DB
350	18%	3,564	782	22%	4%	No

Figure 2: Route 350 Low-income Households Map



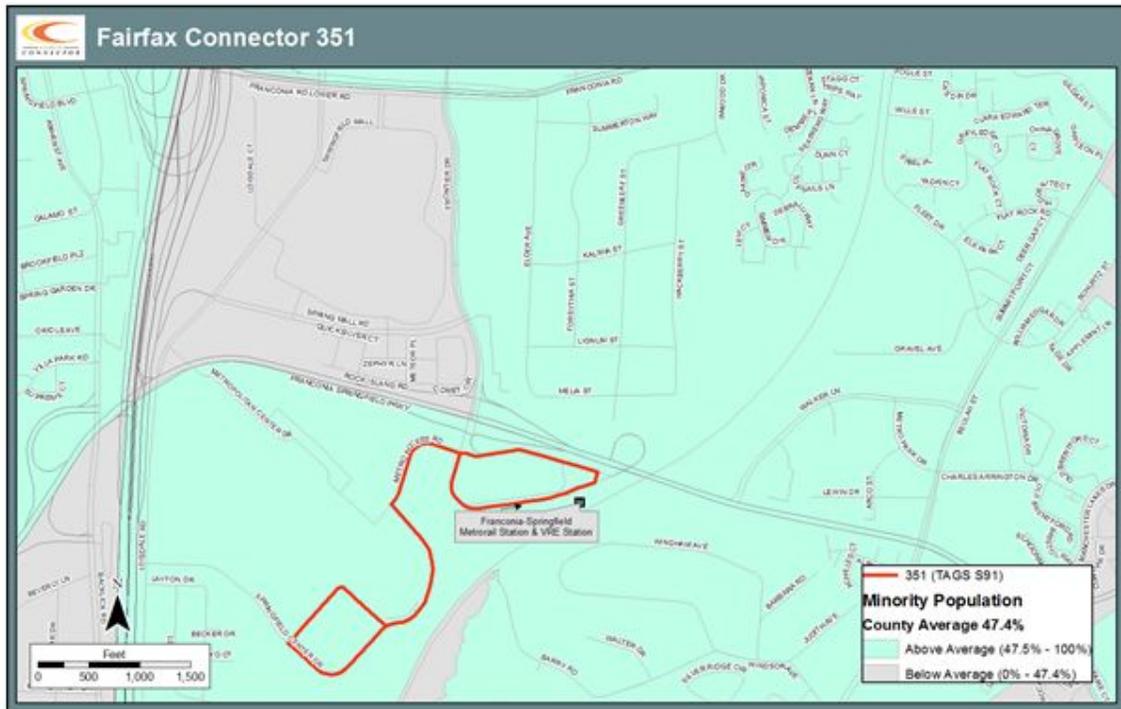
Route 351: Springfield Peak-Hour Circulator

Disparate Impact (DI): Within the service area of Route 351, the minority population is 58 percent, which is 11 percent higher than the system minority average (see Table 4). There is no DI since the route will benefit a higher proportion of minority population than the system average. While the percentage of minority population in the service area is greater than 10 percent of the system-wide minority population, the resources for this new route have not been released from other services. As well, the route will increase access and mobility for the minority population to a major employment center. Figure 3 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 4: Route 351 Disparate Impact

Route	System Minority Average	Total Population Along the Route	Total Minority Population Along the Route	% of Minority Population Along the Route	Difference	DI
351	47%	1,951	1,130	58%	11%	No

Figure 3: Route 351 Minority Population Map

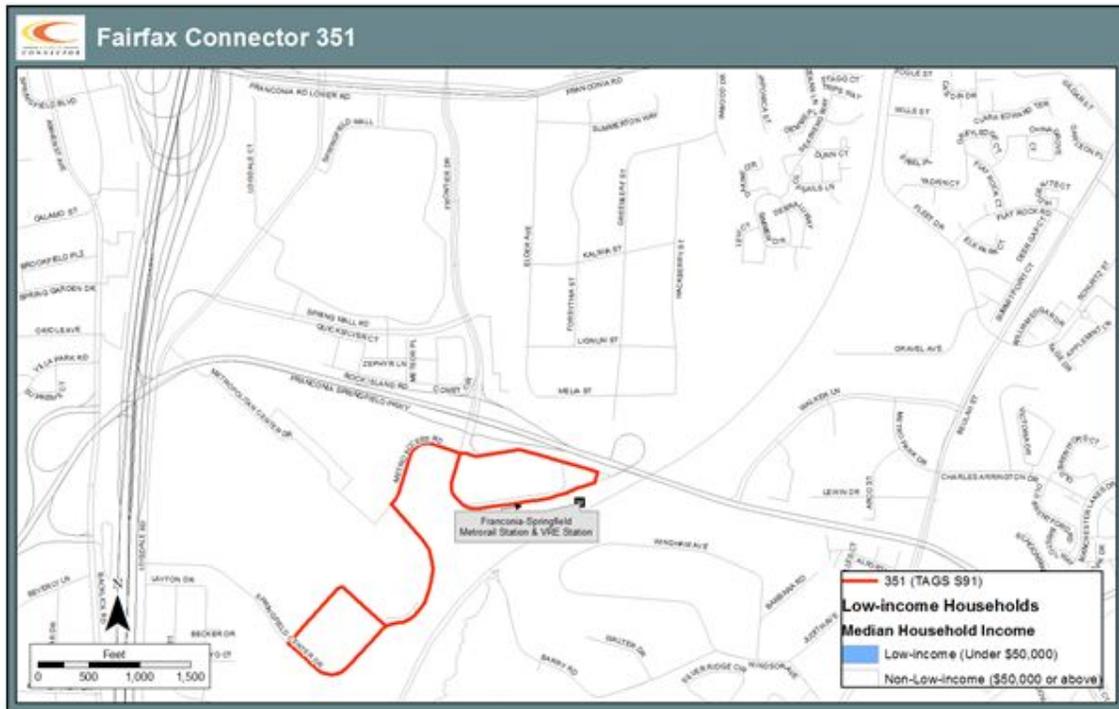


Disproportionate Burden (DB): Within the service area of Route 351, the low-income households are 21 percent, which is 3 percent higher than the system average of low-income households (see Table 5). There is no DB since the route will benefit a higher proportion of low-income households than the system average. Figure 4 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 5: Route 351 Disproportionate Burden

Route	System Low-income Average	Total Households Along the Route	Total Low-income Households Along the Route	% of Low-income Households Along the Route	Difference	DB
351	18%	661	141	21%	3%	No

Figure 4: Route 351 Low-income Households Map



Conclusion

The Title VI analysis showed the proposed new Routes 350 and 351 did meet the major service change threshold. However, the analysis suggested these routes would not result in a DI or DB. Overall, the proposed service changes will increase access to major regional employment centers, improve connectivity to the public transit network, and improve service for Fairfax Connector riders and the communities served.

Board Agenda Item
October 20, 2020

ACTION - 3

Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Public Safety Facilities

ISSUE:

Board approval of a resolution requesting the Circuit Court to order an extension of time for issuance of County General Obligation Bonds for Public Safety Facilities.

RECOMMENDATION:

The County Executive recommends Board approval of the enclosed resolution requesting the Circuit Court to order a two-year extension of the period for issuance of County bonds for public safety facilities authorized on November 6, 2012, from eight years to ten years. This recommendation is consistent with the extension of the 2012 Library bonds approved by the Board of Supervisors on September 29, 2020.

TIMING:

Board action is requested on October 20, 2020.

BACKGROUND:

In 1991, the Virginia Code was amended to include a limitation on the authorization time period for local government bonds approved by referendum after 1991. More specifically, Virginia Code Section 15.2-2611 states in pertinent part:

Bonds authorized by a referendum may not be issued by a locality more than eight years after the date of the referendum; however, this eight-year period may, at the request of the governing body of the locality, be extended to up to ten years after the date of the referendum by order of the circuit court of the locality, ... entered before the expiration of the eight-year period. The court shall grant such extension unless the court is shown by clear and convincing evidence that the extension is not in the best interests of the locality.

At the regular election on November 6, 2012, Fairfax County voters approved the issuance of bonds totaling \$55 million for Public Safety Facilities. These bonds were provided for renovations/replacements at Baileys Crossroads Fire Station (\$9 million), Herndon Fire Station (\$12 million), Jefferson Fire Station (\$14 million), and Courtroom Renovations (\$20 million).

Board Agenda Item
October 20, 2020

Currently, there is \$18.51 million in bonds authorized but unissued from the 2012 Public Safety Facilities Bond Referendum. Courtroom renovations constitute the majority of the funds remaining due to the nature of the work. The timeframe for completion of the courtroom renovations and payment of related expenses are affected by the amount of renovation work that can occur annually while minimizing operational disruptions to daily court proceedings. The current project timeline corresponds to the original construction phasing. Additionally, the fire station projects experienced longer than expected project timelines due to delays associated with contractor performance and a litigation issue. As a result, the fire station projects have final punch list items that still need to be paid out. The two-year extension of the bonds will ensure funding is available to address the aforementioned items for each of the respective projects.

FISCAL IMPACT:

Staff recommends selling the remaining \$18.51 million 2012 Public Safety Facilities bond balance as part of the County's anticipated General Obligation bond sales in January 2021 and January 2022. The corresponding debt service costs have been incorporated into the County's long-term debt ratio projections and are referenced in the FY 2021 – FY 2025 Adopted Capital Improvement Program (With Future Fiscal Years to 2030).

ENCLOSED DOCUMENT:

Attachment 1: Extension Resolution

STAFF:

Rachel Flynn, Deputy County Executive
Joseph Mondoro, Chief Financial Officer
Randy Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Carey Needham, Director, Building Design and Construction Division, DPWES
Christina Jackson, Director, Department of Management and Budget
Joseph LaHait, Debt Manager, Department of Management and Budget

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

1 At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the
2 Board Room in the Fairfax County Government Center at Fairfax, Virginia, on October 20,
3 2020, at which meeting a quorum was present and voting, the following resolution was adopted:
4

5 **A RESOLUTION REQUESTING THE CIRCUIT COURT OF**
6 **FAIRFAX COUNTY, VIRGINIA, TO ORDER AN**
7 **EXTENSION FOR ISSUANCE OF THE COUNTY'S PUBLIC**
8 **SAFETY FACILITIES BONDS, AUTHORIZED AT**
9 **REFERENDUM ON NOVEMBER 6, 2012, FROM EIGHT**
10 **YEARS TO TEN YEARS FROM THE DATE OF SUCH**
11 **REFERENDUM AUTHORIZING THE BONDS**
12

13 WHEREAS, the Board of Supervisors of Fairfax County, Virginia adopted a resolution
14 on May 22, 2012, requesting the Circuit Court of Fairfax County, Virginia, to order an election
15 on the question of contracting a debt, borrowing money and issuing bonds of Fairfax County,
16 Virginia, in addition to the public safety facilities bonds previously authorized, in the maximum
17 aggregate principal amount of \$55,000,000 for the purpose of providing funds, with any other
18 available funds, to finance the cost of providing public safety facilities, including the
19 construction, reconstruction, enlargement, renovation and equipment of civil and criminal justice
20 facilities, police training facilities and stations, fire and rescue training facilities and stations,
21 including fire and rescue stations owned by volunteer organizations, and the acquisition of
22 necessary land; and
23

24 WHEREAS, such resolution was duly filed with the Circuit Court of Fairfax County,
25 Virginia pursuant to the provisions of the Public Finance Act of 1991, Chapter 26, Title 15.2,
26 Code of Virginia, 1950, as amended; and
27

28 WHEREAS, on June 8, 2012, the Circuit Court of Fairfax County, Virginia, entered an
29 order requiring the regular election officers of Fairfax County, Virginia, to open the polls on
30 November 6, 2012, at all the voting places in the County to take the sense of the qualified voters
31 of Fairfax County, Virginia, on the question whether the Board of Supervisors should be
32 authorized to issue bonds in the maximum aggregate principal amount of \$55,000,000 to provide
33 funds for public safety facilities construction and improvements; and
34

35 WHEREAS, on November 6, 2012, the referendum was conducted in accordance with
36 the order of the Court, and on November 11, 2012, the Fairfax County Electoral Board certified
37 that 371,015 votes were counted for the question, and 126,199 votes were counted against the
38 question; and
39

40 WHEREAS, pursuant to Virginia Code § 15.2-2611, bonds authorized by a referendum
41 may not be issued by a locality more than eight years after the date of the referendum; however
42 by order of the circuit court, the eight-year period may, at the request of the governing body of
43 the locality, be extended to up to ten years after the date of the referendum, which extension shall
44 be granted unless clear and convincing evidence is provided showing that such extension is not
45 in the best interests of the locality; and
46

47 WHEREAS, the Public Safety Facilities Bonds issued to date provided funds for facilities
48 work that is completed or underway at the Baileys Crossroads Fire Station, Herndon Fire Station,
49 Jefferson Fire Station, and the Fairfax County Courthouse; and
50

51 WHEREAS, the work at the Fairfax County Courthouse is proceeding on schedule but is
52 not yet completed, and the work on the fire stations faced unanticipated construction delays but
53 is now near completion; and
54

55 WHEREAS, there remains approximately \$18.51 million in authorized bonds that have
56 not been issued;
57

58 WHEREAS, an extension from eight to ten years is necessary to issue the \$18.51 million
59 authorized but unissued balance of the Public Safety Facilities Bonds, and such extension is in
60 the best interests of the County to provide support and final payments for the above-referenced
61 projects;
62

63 BE IT RESOLVED by the Board of Supervisors of Fairfax County Virginia:
64

65 Section 1. For the reasons stated above, the Fairfax County Board of Supervisors
66 hereby requests the Circuit Court of Fairfax County to enter an order to extend for a period of
67 two years the time within which the remaining authorized but unissued Public Safety Facilities
68 Bonds may be issued.
69

70 Section 2. The Board hereby directs the County Attorney to present a petition to the
71 Circuit Court setting forth this request.
72

73 A copy teste.
74

75 GIVEN under my hand this _____ day of _____, 2020.
76
77

78 _____
79 Jill G. Cooper
80 Clerk for the Board of Supervisors
81 Department of Clerk Services
82

Board Agenda Item
October 20, 2020

3:30 p.m.

Decision Only on RZ 2019-HM-011 (Sakthivel Chinnasamy and Nandakumar Sreenivasan) to Rezone from R-1 to R-3 to Permit Residential Development with a Total Density of 2.85 Dwelling Units per Acre, Located on Approximately 1.05 Acres of Land (Hunter Mill District)

This property is located on the N. side of Old Courthouse Rd., approx. 300 ft. E. of Irvin St. Tax Map 28-4 ((1)) 28.

On September 29, 2020, the Board of Supervisors held the public hearing and deferred decision on this case to a date certain of October 20, 2020.

PLANNING COMMISSION RECOMMENDATION:

On July 22, 2020, the Planning Commission voted 11-0-1 (Commissioner Strandlie abstained from the vote) to recommend to the Board of Supervisors denial of RZ 2019-HM-011. Furthermore, the Planning Commission voted 11-0-1 (Commissioner Strandlie abstained from the vote) to recommend that the Land Use Map and the text in the Comprehensive Plan should be revised as soon as possible to indicate that the density for all the lots along Irvin Street should be recommended for 1-2 dwelling units per acre, as indicated in the Plan Text, instead of the 2-3 dwelling units per acre shown on the Plan Map.

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)
Joe Onyebuchi, Planner, DPD

3:30 p.m.

Public Hearing on PCA/CDPA 2016-MA-022 (EYA Development LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2016-MA-022, Previously Approved for Mixed Use Development, to Permit 177 Single Family Attached Units and Associated Modifications to Proffers and Site Design at a Floor Area Ratio of 0.60, Located on Approximately 18.16 Acres of Land Zoned PDC (Mason District)

This property is located on the S. side of Arlington Blvd. and W. side of Graham Rd. Tax Map 50-3 ((1)) 5 and 5A.

PLANNING COMMISSION RECOMMENDATION:

On October 14, 2020, the Planning Commission voted 11-0 (Chairman Murphy was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2016-MA-022 and the associated Conceptual Development Plan, CDPA 2016-MA-022, subject to the execution of proffered conditions consistent with those dated October 14, 2020;
- Reaffirmation of a modification of Sect. 6-206.5 of the Zoning Ordinance to allow other secondary uses in PDC to exceed 50% of the principal gross floor area proposed;
- Reaffirmation of the waiver of a Comprehensive Plan trails requirement for a major paved trail along Graham Road;
- Waiver of the barrier requirement and modification of the transitional screening requirements in favor of that shown on the CDPA/FDPA; and
- Waiver of Sect. 6-207.2 requiring a 200-foot privacy yard to be located on each single family attached lot.

In a related action, the Planning Commission voted 11-0 (Chairman Murphy was absent from the meeting) to approve FDPA 2016-MA-022, subject to the proposed development conditions dated September 22, 2020, and the Board of Supervisors' approval of PCA 2016-MA-022.

Board Agenda Item
October 20, 2020

REVISED

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)
Sharon Williams, Planner, DPD

Board Agenda Item
October 20, 2020

3:30 p.m.

Public Hearing to Consider Adoption of Amendments to an Uncodified Ordinance to Provide a Method to Assure Continuity in Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency by Temporarily Approving Outdoor Dining and Outdoor Fitness and Exercise Activities Subject to Certain Conditions, Thereby Suspending Any Requirement for Individualized Approvals of Such Activities

ISSUE:

Virginia Code § 15.2-1413 authorizes the County to adopt ordinances that “provide a method to assure continuity in its government” in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute. This ordinance temporarily approves outdoor dining and outdoor fitness and exercise activities subject to certain conditions, thereby temporarily suspending the need for individualized approvals for such activities, and thus enables County agencies and deliberative bodies to devote their limited resources to maintaining continuity in government.

RECOMMENDATION:

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

TIMING:

Board action is requested on October 20, 2020.

BACKGROUND:

As this Board is aware, on March 12, the Governor declared a State of Emergency due to COVID-19, and on March 30, he ordered all individuals in Virginia to remain at their place of residence until June 10. He also extended prior orders limiting gatherings to no more than ten people and closing certain businesses until that same date. The Governor later extended the State of Emergency indefinitely.

On May 8, 2020, the Governor issued Executive Order 61, introducing Phase One in the state’s strategy to ease some of the temporary restrictions instituted in Second Amended Executive Order 53 and Executive Order 55 (orders referred to collectively as Phase Zero). On May 12, 2020, the Governor issued Executive Order 62 extending

Board Agenda Item
October 20, 2020

Phase Zero for Northern Virginia through May 28, 2020. That order was amended on May 14, 2020, to extend Phase Zero for certain other jurisdictions.

As part of Phase One, restaurants are permitted to reopen to the extent they have seating in outdoor spaces with limited capacity and adequate spacing. Phase One also allows fitness and exercise facilities to reopen for outdoor activities only. The Governor's executive orders have provided additional procedural and regulatory discretion to the Virginia Alcoholic Beverage Control Authority, which has issued guidance for outdoor dining in Topic 16.

With the impending expiration of Phase Zero in Northern Virginia, the Board held a special meeting on May 28 to consider an uncodified emergency ordinance to provide a method to assure continuity in Fairfax County government during the COVID-19 emergency by temporarily approving outdoor dining and outdoor fitness and exercise activities subject to certain conditions, thereby suspending any requirement for individualized approvals of such activities. The Board adopted the emergency ordinance, which would have expired after 60 days unless repealed or readopted.

The Governor allowed Amended Executive Order 62 to expire, moving Northern Virginia into Phase One on May 28, 2020. In Executive Order 65, issued on June 2, the Governor ordered that most of the Commonwealth, but not including Northern Virginia, would move into Phase Two on June 5. Under Phase Two, among other things, indoor dining and indoor fitness and exercise activities are allowed subject to capacity limits; given these limits, the continued allowance for outdoor dining and outdoor fitness and exercise activities remains critical to sustain these businesses. On June 9, 2020, the Governor amended Executive Order 65 to order Northern Virginia's entry into Phase Two on June 12.

In Executive Order 67, issued on June 30, the Governor ordered the Commonwealth's entry into Phase Three. While Phase Three further relaxes restrictions on indoor dining and on indoor fitness and exercise activities, they are not completely lifted. In addition, there is no assurance against a tightening of state restrictions—as happened with the Eastern Region of the Commonwealth in Executive Order 68, issued on July 28 and not lifted until September 10. In addition, some patrons might choose to dine or exercise outdoors rather than indoors.

At a regular meeting on July 14, the Board held a public hearing and adopted this ordinance. As originally adopted, the ordinance allowed only tents with all sides open. With impending cold fall and winter weather, however, establishments will need to be

able to enclose tents for the comfort of their patrons and staff. Allowing tents to be enclosed and expressly allowing the use of heaters will promote the ability of establishments to continue in business while following social distancing requirements.

But for this ordinance, under current County ordinances and regulations, business owners would typically be required to pursue a range of applications to allow outdoor dining and outdoor fitness and exercise activities. In the midst of the COVID-19 emergency, the cost and time to meet such requirements would compound the stress on economically challenged businesses, hinder the opportunity presented by relaxed state restrictions to revitalize the County's economy, and likely result in the de facto closure of such businesses. At the same time, processing and deciding such a multitude of applications on an urgent basis would be extremely difficult, if not impossible, for the County government and would consume extraordinary amounts of time and attention on the part of the County's staff and its deliberative bodies, at a time when they are also strained by the emergency. These factors, separately and collectively, would threaten the County's continuity in government if the emergency ordinance were to expire and not be replaced.

The amendments now proposed, among other things, clarify the circumstances when a permit from the fire official is required for a tent or group of tents, allow tents to be closed on one or more sides, and add provisions regarding the use of heaters, both inside and outside tents.

Virginia Code § 15.2-1413 expressly authorizes the adoption of the attached ordinance, which provides a means for assuring continuity in the operations of various County agencies and deliberative bodies that would otherwise be involved in processing and deciding individualized applications to allow the outdoor uses the ordinance would automatically allow. An ordinance providing for continuity in government must be limited in its effect for no more than six months after the disaster and must provide a method for the resumption of normal government authority by the end of the six-month period. The proposed ordinance amendments reiterate that the ordinance will remain in effect no longer than six months after the Board of Supervisors terminates the local Declaration of Emergency. Within that six-month period, the Board will restore normal governmental authority by repealing the ordinance.

FISCAL IMPACT:

There is no anticipated direct fiscal impact on the FY 2020 or 2021 County budget; however, it is likely that failure to adopt the proposed amendments—and thus clarify and relax the ordinance's restrictions on outdoor dining and outdoor fitness and exercise activities—the ability of those businesses' to operate would be severely

Board Agenda Item
October 20, 2020

affected by cold weather, and they would be forced to seek numerous individualized approvals that would subject various County agencies and deliberative bodies to extraordinary demands.

ENCLOSED DOCUMENTS:

Attachment 1— Proposed Amendments to Uncodified Ordinance to Provide a Method to Assure Continuity in Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency by Temporarily Approving Outdoor Dining and Outdoor Fitness and Exercise Activities Subject to Certain Conditions, Thereby Suspending Any Requirement for Individualized Approvals of Such Activities

STAFF:

Barbara A. Byron, Director, Department of Planning and Development (DPD)
William D. Hicks, P.E., Director, Department of Land Development Services (LDS)
John L. Walser, Battalion Chief, Fire and Rescue Department
Brian F. Foley, P.E., C.B.O., Building Official, LDS
Leslie B. Johnson, Zoning Administrator, DPD

ASSIGNED COUNSEL:

Elizabeth D. Teare, County Attorney
T. David Stoner, Deputy County Attorney

1 **AMENDMENTS TO AN UNCODIFIED ORDINANCE TO PROVIDE A METHOD**
2 **TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING**
3 **THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY BY**
4 **TEMPORARILY APPROVING OUTDOOR DINING AND OUTDOOR FITNESS**
5 **AND EXERCISE ACTIVITIES SUBJECT TO CERTAIN CONDITIONS,**
6 **THEREBY SUSPENDING ANY REQUIREMENT FOR INDIVIDUALIZED**
7 **APPROVALS OF SUCH ACTIVITIES**

8
9
10 AMENDMENTS TO AN UNCODIFIED ORDINANCE to provide a method to
11 assure continuity in Fairfax County government during the COVID-19
12 Emergency, as authorized by Virginia Code § 15.2-1413, by temporarily
13 approving outdoor dining and outdoor fitness and exercise activities subject to
14 certain conditions, thereby temporarily suspending the need for individualized
15 approvals for such activities.

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

17 **1. That the following amendments to the uncodified ordinance are hereby**
18 **adopted:**

19 **A. Purpose of the Ordinance.**

20 This ordinance is intended to provide a method to assure continuity in Fairfax
21 County government during the COVID-19 emergency. Fairfax County
22 government comprises not only the Board of Supervisors, but also numerous
23 County agencies and deliberative bodies that fulfill essential government
24 functions and provide essential government services within the locality. These
25 provisions are intended to sustain the County’s economy and ensure the
26 continued ability of County agencies and deliberative bodies to carry out their
27 functions during this emergency without compromising public safety.

28 This ordinance is being adopted in response to the COVID-19 outbreak. The
29 World Health Organization declared COVID-19 a global pandemic on March 11,
30 2020. On March 13, 2020, the President of the United States declared that the
31 COVID-19 outbreak in the United States constitutes a National Emergency
32 beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued
33 a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19).
34 The Governor declared the emergency “to continue to prepare and coordinate
35 our response to the potential spread of COVID-19, a communicable disease of
36 public health threat” and he found that “[t]he anticipated effects of COVID-19
37 constitute a disaster as described in § 44-146.16 of the Code of Virginia.” The

38 Governor's Declaration of a State of Emergency remains in effect indefinitely,
39 until amended or rescinded. Effective March 16, 2020, Governor Northam and
40 the State Health Commissioner jointly issued an Order declaring a state public
41 health emergency. On March 17, 2020, the Fairfax County Director of
42 Emergency Management, with the consent of the Board of Supervisors, declared
43 a local state of emergency due to the potential spread of COVID-19. The local
44 Declaration of Emergency remains in effect until the Board of Supervisors takes
45 appropriate action to end the declared emergency.

46 The Public Health Emergency Order issued jointly by the Governor and the State
47 Health Commissioner effective March 16, 2020, consistent with all other expert
48 opinions, observes that COVID-19 spreads from person to person, transmitted
49 via respiratory droplets, and can be spread from an infected person who does not
50 have symptoms to another person. The Order states that no vaccine or known
51 treatment options exist at this time.

52 On March 23, 2020, the Governor issued Executive Order 53, which ordered all
53 public and private schools closed for the remainder of the 2019–20 school year
54 and imposed temporary restrictions on restaurants, recreational entertainment,
55 public and private gatherings, and non-essential retail businesses. By virtue of
56 amendments on April 15 and May 4, 2020, the restrictions on restaurants and
57 non-essential businesses remained in effect until May 14, 2020. On March 30,
58 2020, the Governor issued Executive Order 55, which ordered all individuals in
59 Virginia to remain at their places of residence until June 10, 2020, except as set
60 forth in that order and Executive Order 53.

61 On May 8, 2020, the Governor issued Executive Order 61, introducing Phase
62 One in the state's strategy to ease some of the temporary restrictions instituted in
63 Second Amended Executive Order 53 and Executive Order 55 (orders referred to
64 collectively as Phase Zero). On May 12, 2020, the Governor issued Executive
65 Order 62 extending Phase Zero for Northern Virginia through May 28, 2020.
66 That order was amended on May 14, 2020, to extend Phase Zero for certain
67 other jurisdictions.

68 As part of Phase One, restaurants are permitted to reopen to the extent they
69 have seating in outdoor spaces with limited capacity and adequate spacing.
70 Phase One also allows fitness and exercise facilities to reopen for outdoor
71 activities only. The Governor's executive orders have provided additional
72 procedural and regulatory discretion to the Virginia Alcoholic Beverage Control
73 Authority, which has issued guidance for outdoor dining in Topic 16.

74 With the impending expiration of Phase Zero in Northern Virginia, the Board held
75 a special meeting on May 28 to consider an uncodified emergency ordinance to
76 provide a method to assure continuity in Fairfax County government during the
77 COVID-19 emergency by temporarily approving outdoor dining and outdoor
78 fitness and exercise activities subject to certain conditions, thereby suspending
79 any requirement for individualized approvals of such activities. The Board
80 adopted the emergency ordinance, which ~~will~~ would have expired after 60 days
81 unless repealed or readopted.

82 The Governor allowed Amended Executive Order 62 to expire, moving Northern
83 Virginia into Phase One on May 28, 2020. In Executive Order 65, issued on
84 June 2, the Governor ordered that most of the Commonwealth, but not including
85 Northern Virginia, would move into Phase Two on June 5. Under Phase Two,
86 among other things, indoor dining and indoor fitness and exercise activities ~~are~~
87 were ~~now~~ allowed subject to capacity limits; given these limits, the continued
88 allowance for outdoor dining and outdoor fitness and exercise activities ~~remains~~
89 remained critical to sustain these businesses. On June 9, 2020, the Governor
90 amended Executive Order 65 to order Northern Virginia's entry into Phase Two
91 on June 12.

92 In Executive Order 67, issued on June 30, the Governor ordered the
93 Commonwealth's entry into Phase Three. While Phase Three further relaxes
94 restrictions on indoor dining and on indoor fitness and exercise activities, they
95 are not completely lifted. In addition, there is no assurance against a
96 resumption of tightening of previous state restrictions, — as happened with the
97 Eastern Region of the Commonwealth in Executive Order 68, issued on July 28
98 and not lifted until September 10. In addition, and some patrons might choose to
99 dine or exercise outdoors rather than indoors.

100 At a regular meeting on July 14, the Board held a public hearing and adopted this
101 ordinance. As originally adopted, the ordinance allowed only tents with all sides
102 open. With impending cold fall and winter weather, however, establishments will
103 need to be able to enclose tents for the comfort of their patrons and staff.
104 Allowing tents to be enclosed will promote the ability of establishments to
105 continue in business while following social distancing requirements.

106 But for this ~~emergency~~ ordinance, under current County ordinances and
107 regulations, business owners would typically be required to pursue a range of
108 applications to allow outdoor dining and outdoor fitness and exercise activities.
109 In the midst of the COVID-19 emergency, the cost and time to meet such
110 requirements would compound the stress on economically challenged

111 businesses, hinder the opportunity presented by ~~Phases One and Two~~relaxed
112 state restrictions, and beyond, to revitalize the County's economy, and likely
113 result in ~~a continued~~the de facto closure of such businesses. At the same time,
114 processing and deciding such a multitude of applications on an urgent basis
115 would be extremely difficult, if not impossible, for the County government and
116 would consume extraordinary amounts of time and attention on the part of the
117 County's staff and its deliberative bodies, at a time when they are also strained
118 by the emergency. These factors, separately and collectively, would threaten the
119 County's continuity in government if the emergency ordinance were to expire and
120 not be replaced.

121 The Board of Supervisors desires to continue reducing these COVID-19
122 emergency impacts to business owners, to the communities those businesses
123 serve and who wish to support them, and to County government. To that end,
124 this ordinance, like the emergency ordinance it ~~replaces~~replaced, automatically
125 approves outdoor dining and outdoor fitness and exercise activities that meet
126 certain conditions, including those established by the Governor in Phases One,
127 ~~and Two, and Three.~~

128 It is not the intent of this ordinance to infringe on the ability of any town—Clifton,
129 Herndon, or Vienna—to provide a method to assure continuity in its own
130 government. For that reason, the ordinance will not apply in any of those towns
131 unless and until the town's governing body, by ordinance, decides to be subject
132 to this ordinance.

133 **B. Virginia Statutory Authority for the Ordinance.**

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

140 The Virginia Attorney General has defined “continuity in government” as
141 coordinated efforts undertaken to assure the continuation of local government's
142 essential functions during an emergency.

143 **C. Definitions.**

144 “Continuity in Fairfax County government” includes, without limitation, those
145 actions, and the coordination of actions, that are necessary to assure the

146 continuation of the County’s essential functions and services. By way of example
147 and not limitation, such necessary actions include those related to (1) the
148 County’s finances, such as the public hearings and adoption of the FY 2021
149 budget, tax rate, and utilities fees; appropriations of funds; and funding requests;
150 (2) contracts that need Board action; (3) applications, appeals, or other requests
151 that are subject to mandatory or directory time frames for action; (4) satisfying
152 due process or other constitutional requirements; (5) public safety; and
153 (6) measures that help sustain the County’s economy.

154 “Emergency” means the outbreak of the respiratory illness referred to as the
155 novel coronavirus or COVID-19, as described in the Governor’s Declaration of a
156 State of Emergency and the local Declaration of Emergency, and the spread and
157 effects of COVID-19, which constitute a disaster as defined in Virginia Code
158 § 44-146.16.

159 “Outdoor dining” means delivery, takeout, and outdoor dining and beverage
160 services operated by any restaurant, as defined in this ordinance. The term does
161 not include outdoor entertainment.

162 “Restaurant” includes any restaurant, dining establishment, food court, brewery,
163 microbrewery, distillery, winery, or tasting room.

164 “Fitness and exercise activities” means fitness and exercise activities conducted
165 by any fitness center, gymnasium, recreation center, sports facility, or exercise
166 facility.

167 **D. Expansion of Outdoor Dining and Outdoor Fitness and Exercise**
168 **Activities.**

169 1. The Board of Supervisors hereby approves, without the need for any
170 individualized determinations, the expanded use of outdoor space for
171 outdoor dining and for fitness and exercise activities, all subject to the
172 following conditions:

173 a. This approval is valid only for establishments located in zoning districts
174 where they are already approved to operate by right, by a proffer
175 condition, by special exception, by special permit, or by other
176 development approval. No further administrative approval, proffer
177 condition amendment, special exception amendment, special permit
178 amendment, or any other development approval is required as long as
179 the outdoor activity complies with all of the conditions of this ordinance.
180 Further, no temporary special permit or other zoning permit is required

- 181 to close one or more private streets for the purpose of allowing outdoor
 182 dining or outdoor fitness and exercise activities. To qualify under this
 183 ordinance, an establishment must have a valid Non-Residential Use
 184 Permit/Certificate of Occupancy and, in the case of outdoor dining, a
 185 Food Establishment Permit.
- 186 b. This emergency approval automatically expires upon the repeal of this
 187 ordinance.
- 188 c. Occupancy of the outdoor dining area(s) for any single establishment
 189 may not exceed 50% of the lowest occupancy load specified on the
 190 establishment's Non-residential Use Permit/Certificate of Occupancy or
 191 Maximum Occupancy Certificate. For any outdoor dining area(s)
 192 serving multiple establishments, total seating must be no more than
 193 50% of the total combined lowest occupancy loads for all the
 194 establishments.
- 195 d. Seating area(s) must be accessible for disabled patrons.
- 196 e. Any area used for outdoor dining or for fitness and exercise activities
 197 must be clearly delineated by cordon, marking or other means.
- 198 f. If a tent is no larger than 900 square feet and is at least 12 feet from any
 199 another tent, it requires no permit. If a tent is larger than 900 square feet, it
 200 requires a permit from the fire official, through the Office of the Fire
 201 Marshal. If multiple tents are separated by less than 12 feet but their
 202 combined area does not exceed 900 square feet, no permit is required. If
 203 multiple tents are separated by less than 12 feet and their combined area
 204 exceeds 900 square feet, a permit from the fire official is required. For
 205 any tent or tent area (aggregate area of multiple tents separated by
 206 less than 12 feet) that is larger than 900 square feet. The normal fee
 207 for such a permit is hereby waived for any establishment applying
 208 under this ordinance. If the fire official has issued a permit for one or more
 209 tents but there is a single, temporary tent no larger than 900 square
 210 feet does not require a permit. Any material change in or to what was
 211 approved tent, including closure on any side, requires a new plan
 212 review and approval by the Office of the Fire Marshal permit is required.
- 213 g. Any tent must (1) be flame resistant with appropriate labeling affixed to
 214 the tent material, (2) remain open on all sides, (3) be located at least
 215 20 feet from any building that is on a separate lot, and (4) be
 216 securely anchored to prevent collapse or uplift during inclement

- 217 weather. Any tent or tent area larger than 900 square feet must be
218 flame resistant with appropriate labeling affixed to the tent material.
- 219 h. No cooking or open flame is permitted under any tent unless approved
220 by the ~~Office of the Fire Marshal~~ fire official. One or more heaters are
221 allowed as long as they are listed by a nationally recognized testing
222 laboratory for the use and comply with the requirements of the
223 Statewide Fire Prevention Code. Those requirements include, but are
224 not limited to, that any such heater be maintained at least 10 feet from
225 any tent exit or combustible material.
- 226 i. All tables, chairs, umbrellas, tents, lighting, and other accessories must
227 be removable and maintained in good visual appearance and
228 condition. The outdoor area must be kept free of trash and debris, and
229 any trash containers must be removed or appropriately stored at the
230 end of each business day.
- 231 j. Any heater used outdoors must comply with the Statewide Fire
232 Prevention Code and the Uniform Statewide Building Code, as
233 applicable. In particular, portable outdoor gas-fired heating appliances,
234 known as patio heaters, are allowed subject to those regulations,
235 which include such requirements as not using the heater within 20 feet
236 of a tent; not storing the heater within a tent; maintaining a five-foot
237 clearance from buildings, combustibles, and exits; ensuring it is a
238 device listed by a nationally recognized testing laboratory; and
239 ensuring that it is used with an integral fuel tank.
- 240 ~~j-k.~~ No outdoor dining area, outdoor fitness and exercise area, or
241 associated equipment or activity may obstruct a fire lane or fire
242 equipment, such as fire hydrants and fire department connections; any
243 building entrance or exit or any other area marked or designated for life
244 safety or ADA accessibility; or pedestrian passage on any trail, right-of-
245 way, or sidewalk, without adequate alternative pedestrian passage.
246 Street access must be maintained for fire department vehicular
247 response.
- 248 ~~k-l.~~ Any outdoor dining area must be located entirely on impervious
249 surfaces, such as existing patios, sidewalks, or paved parking spaces.
250 No additional physical alteration—including, for example, addition or
251 enlargement of any deck or paved surface—may be made to the site to
252 accommodate outdoor dining or fitness and exercise. Outdoor fitness

253 and exercise activities are allowed on impervious surfaces and on
254 adjacent open space as appropriate.

255 ~~l.m.~~ Adequate onsite parking must be maintained for onsite users. This
256 ordinance does not permit any reduction in the number or accessibility
257 of parking spaces designated for individuals with disabilities.
258 Relocation of any such space requires approval by the County's
259 ~~Building building~~ Official official, must not compromise accessibility, and
260 must not violate any other legal requirement.

261 ~~m.n.~~ No additional business sign or advertisement is permitted except as
262 permitted under Article 12 (Signs) of the Zoning Ordinance.

263 ~~n.o.~~ Before using any outdoor area for outdoor dining or for fitness and
264 exercise activities under this ordinance, each establishment is
265 responsible for ensuring that it has the necessary right to do so under
266 this ordinance and that it has permission from the property owner.
267 Each property owner is also responsible for ensuring that no such use
268 occurs on the owner's property without permission.

269 ~~o.p.~~ The use must comply with all other requirements of any executive
270 order of the Governor (including but not limited to requirements for
271 social distancing, use of face coverings, and cleaning and disinfection);
272 any rules promulgated by the Virginia Alcoholic Beverage Control
273 Authority (including but not limited to Topic 16); and any other
274 applicable code or ordinance.

275 2. No establishment may operate under this ordinance unless it fully
276 complies with the ordinance and with all other applicable requirements as
277 referenced in paragraph 1(o). Any establishment that fails to fully comply
278 may be subject to criminal and/or civil enforcement, including injunctive
279 relief.

280 **E. Scope of Application.**

281 It is not the intent of this ordinance to infringe on the ability of any town—Clifton,
282 Herndon, or Vienna—under Virginia Code § 15.2-1413 to provide a method to
283 assure continuity in its own government. For that reason, the ordinance will not

284 apply in any of those towns unless and until the town's governing body, by
285 ordinance, decides to be subject to this ordinance.

286 **F. Supersession of Inconsistent Requirements.**

287 The provisions of this Ordinance apply notwithstanding any contrary provision of
288 law, general or special, as authorized in Virginia Code § 15.2-1413.

289 **2. That these ordinance amendments will become effective upon adoption.**

290 **3. That this ordinance will remain in effect no longer than six months after**
291 **the Board of Supervisors terminates the local Declaration of**
292 **Emergency. Within that six-month period, the Board will resume normal**
293 **governmental authority in accordance with Virginia Code § 15.2-1413 by**
294 **repealing this ordinance in compliance with Virginia Code § 15.2-1427.**

295 **4. That the sections, subsections, paragraphs, sentences, clauses,**
296 **phrases, and words of this ordinance are severable. If any section,**
297 **subsection, paragraph, sentence, clause, phrase, or word is declared**
298 **unconstitutional or otherwise invalid by the lawful judgment or decree**
299 **of any court of competent jurisdiction, its unconstitutionality or**
300 **invalidity shall not affect the validity of any of the remaining sections,**
301 **subsections, paragraphs, sentences, clauses, phrases, and words of**
302 **this ordinance, since the same would have been enacted by the Board**
303 **of Supervisors without and irrespective of any unconstitutional or**
304 **otherwise invalid section, subsection, paragraph, sentence, clause,**
305 **phrase or word being included.**

306 GIVEN under my hand this _____ day of _____ 2020.

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

Board Agenda Item
October 20, 2020

3:30 p.m.

Public Hearing to Amend a Lease of County-Owned Property at 4600-A West Ox Road and 6140 Rolling Road with CoxCom LLC (Springfield District)

ISSUE:

Public hearing to amend a lease with CoxCom LLC regarding antenna towers on County-owned property located at 4600-A West Ox Road and 6140 Rolling Road for the provision of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to amend leases of County-owned properties at 4600-A West Ox Road and 6140 Rolling Road with CoxCom LLC.

TIMING:

On September 29, 2020, the Board authorized the advertisement of a public hearing to be held on October 20, 2020 to amend leases of County-owned properties at 4600-A West Ox Road and 6140 Rolling Road with CoxCom LLC.

BACKGROUND:

Beginning in 1983, Media General Cable held a non-exclusive franchise from the Board of Supervisors to provide cable services to County households and businesses (Franchise). The Board entered into separate ground leases for various sites on County-owned land to permit Media General to construct, operate and own antenna towers for the transmission of cable services. These sites included a 300-foot lattice tower at the Elaine N. McConnell Public Safety and Transportation Operations Center at the I-66 Transfer Station, with an address of 4600-A West Ox Road and on a parcel identified by Tax Map No. 0561 01 0002 (West Ox Tower), and a 140-foot lattice tower at West Springfield Government Center, with an address of 6140 Rolling Road on parcels referenced by Tax Map Nos. 0793 04 0032 and 0034 (Rolling Road Tower). These ground leases also permitted Media General to accommodate telecommunication facilities on the towers that were not involved in the distribution of cable services, provided that the cable company paid compensation to the County for the right to host equipment from these commercial telecom providers. The revenue-sharing provisions have served as a significant dampener on the company's willingness

Board Agenda Item
October 20, 2020

to allow other commercial entities to have access to the transmission capabilities of the radio towers.

In 1999, CoxCom LLC, d/b/a Cox Communications Northern Virginia (Cox), purchased all of the assets of Media General and took over the Franchise. Beginning in 2002, Cox rebuilt the cable system so that delivery of cable services no longer had to rely on transmissions between microwave dishes mounted on the towers. However, the tower facilities continued to play an integral role in the County's public safety communications network. With this access to on-demand, real-time data from its telecommunications equipment on the towers, the County is able to coordinate emergency response services by sharing the information with other government agencies and utility providers. One of the County's primary public safety partners in responding to emergencies involving natural gas leaks is Washington Gas.

Recently, Washington Gas has approached Cox about placing telecommunications antennas on the West Ox Tower. The County believes the co-location of Washington Gas' telecom equipment on the tower will greatly enhance the information sharing abilities of the two organizations. To incentivize Cox to accommodate this equipment, the County has agreed to amend the existing ground leases with Cox to eliminate the requirement that Cox must share a portion of the revenue stream from subleases with Washington Gas or any other future subtenants.

Given the structural and space limitations on the towers and within the tower compounds, County staff believes that the potential revenue to be earned from such subleases is minimal in any event. The West Ox Tower could support the equipment of at most one additional carrier (proposed to be Washington Gas) before extensive upgrades to the tower's structure would need to occur. For the Rolling Road Tower, the small size of the existing compound means that any future sublessees would have to approach the County about leasing additional ground outside the compound to house their equipment cabinets. Consequently, any revenue sacrificed by the County in consenting to the amendment of the Rolling Road Tower lease with Cox would be partly or entirely compensated for by the potential revenue from the ground leases with the telecom companies.

FISCAL IMPACT:

The amendment of the tower leases will not result in a significant impact to the General Fund.

Board Agenda Item
October 20, 2020

ENCLOSED DOCUMENTS:

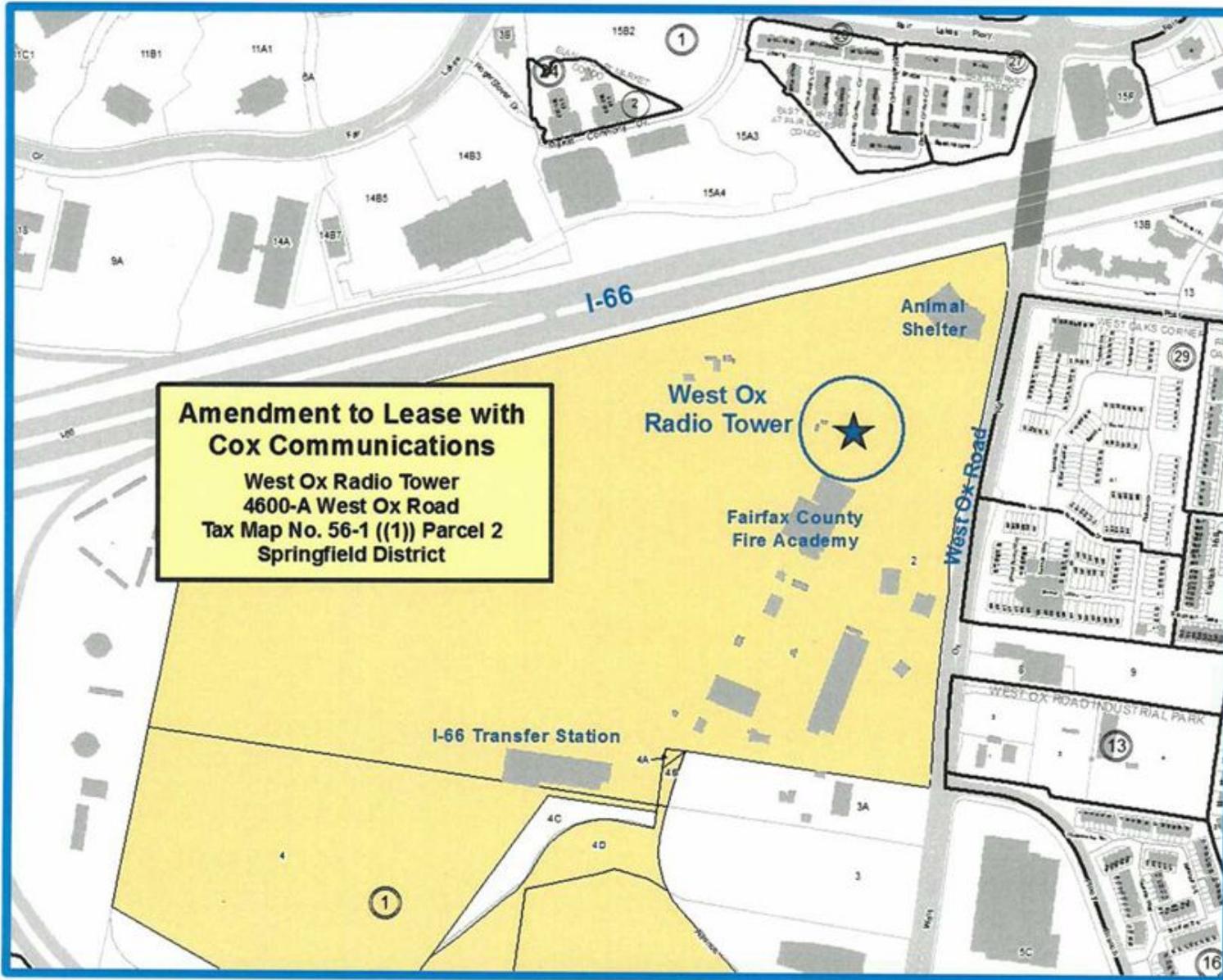
Attachment 1 – Location Map 0561 01 0002
Attachment 2 – Draft Lease Amendment for West Ox Tower
Attachment 3 – Location Map 0793 04 0032 and 0034
Attachment 4 – Draft Lease Amendment for Rolling Road Tower

STAFF:

Joseph M. Mondoro, Chief Financial Officer
José A. Comayagua, Jr., Director, Facilities Management Department (FMD)
Gregory Scott, Director, Department of Information Technology (DIT)
Harjit S. Chawla, Infrastructure Program Manager, DIT
Mike Lambert, Assistant Director, FMD

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney



ATTACHMENT 1

**AMENDMENT OF THE EXTENSION OF LEASE AGREEMENT FOR
COXCOM, LLC dba COX COMMUNICATIONS NORTHERN VIRGINIA
McCONNELL PUBLIC SAFETY and TRANSPORTATION OPERATIONS
CENTER (MPSTOC), 4600 WEST OX, FAIRFAX VA 22030**

THIS AMENDMENT OF THE EXTENSION OF LEASE AGREEMENT, dated _____, 2020, by and between COXCOM LLC, a Delaware limited liability company, d/b/a COX COMMUNICATIONS NORTHERN VIRGINIA, (the "Tenant"), and THE BOARD OF SUPERVISORS FOR FAIRFAX COUNTY, VIRGINIA, a body politic and corporate of the Commonwealth of Virginia (the "Landlord").

RECITAL

WHEREAS, by Lease Agreement dated July 14, 1983 (the "Lease"), the Landlord leased ground to Tenant to install, operate, and maintain a telecommunications tower site to operate and maintain a high speed internet hub station and related telecommunications equipment at the McConnell Public Safety and Transportation Operations Center (MPSTOC) facility, 4600 West Ox Road, Fairfax, Virginia 22030 (the "Premises"); and

WHEREAS, Landlord and Tenant have executed a County-wide Cable Franchise Agreement approved by the Landlord at a public hearing on May 14, 2013 (the "Agreement") that, *intra alia*, addressed extending the Lease for the duration and term of the Agreement that was further memorialized in the Extension of Lease Agreement dated July 31, 2013 (the "Lease Extension"); and

WHEREAS, Landlord has expressed support for Tenant to accommodate the placement of certain communications facilities owned by Washington Gas upon Tenant's telecommunications tower, and Tenant has indicated its willingness to accommodate placement of such facilities upon its telecommunication tower at 4600A West Ox, Fairfax Virginia 22030 in exchange for; (1) rents, fees and other terms and conditions negotiated separately between Washington Gas and Tenant, and; (2) adoption of this Amendment of the Lease Extension (the "Amendment").

NOW THEREFORE, for and in consideration of the covenants herein contained and other good and valuable considerations, the receipt and adequacy of which are confessed and acknowledged by each of the parties hereto, it is mutually agreed as follows:

1. Paragraph 3 of the Lease Extension is replaced with: To the extent that Tenant uses the Premises for commercial purposes not directly related to either the Cable System or Cable Service (as such terms are defined in the Agreement), such use and occupancy of the Premises shall continue to be subject to all Fairfax County policies, laws and regulations in effect from time to time relating to the Premises, including any compensation and collocation requirements; provided that the Landlord shall not be due any compensation with respect to sub-tenants of Tenant, and provided further that

any collocation requirements shall not interfere with Tenant's current or proposed operations or the rights of any sub-tenant.

2. Paragraph 4 of the Lease Extension is replaced with: Except as expressly modified in this Amendment, the applicable terms, covenants, conditions and modifications of both the Extension, dated July 31, 2013, and the Lease, dated July 14, 1983, shall be binding on the parties hereto, and are hereby ratified and affirmed.
3. Paragraph 15 of the Lease is replaced with: The Lessee shall have the right to mortgage, give any security interest in this Lease and its interest and estate hereunder and/or sell its improvements. Provided, however, that this Lease shall not be assigned to a third party without approval of Lessor, which approval shall not be unreasonably withheld or conditioned on the payment of monetary or other consideration.
4. All references to the address 4618 West Ox Road, Fairfax, Virginia 22030 within the Lease are hereby replaced with the address 4600A West Ox Road, Fairfax, Virginia 22030.

IN WITNESS WHEREOF, the parties hereto have set their hand and seal the day and year first above written and declare this Amendment to be binding on them, their respective successors and permitted assigns.

TENANT:

COXCOM, LLC

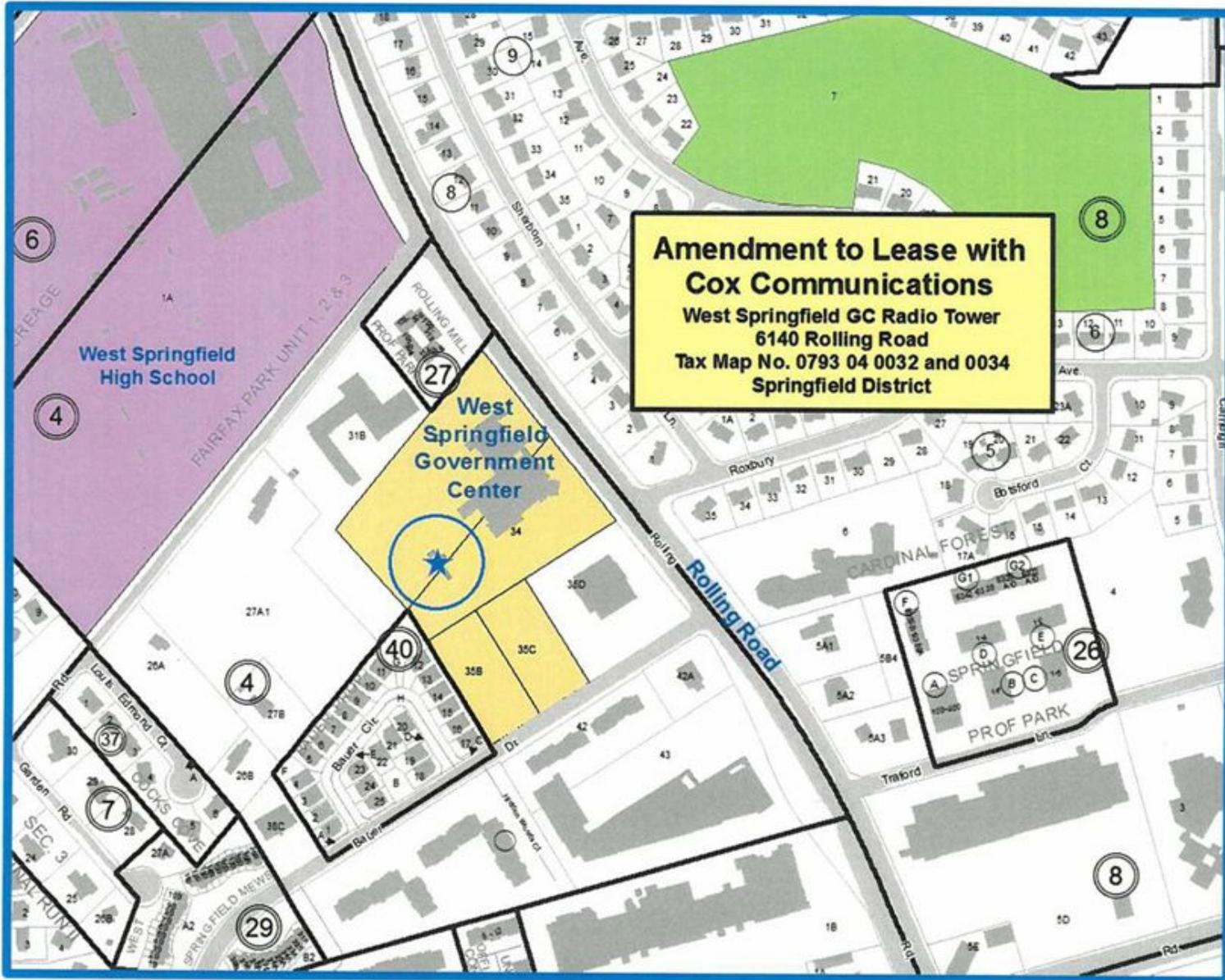
ATTEST: _____ By: _____

LANDLORD

THE BOARD OF SUPERVISORS FOR
FAIRFAX COUNTY, VIRGINIA

WITNESS: _____ By: _____

Cox Communications Northern Virginia
Site Name: McConnell Public Safety and Transportation Operations Center (MPSTOC)
Site Address: 4600A West Ox Road, Fairfax, Virginia 22030



ATTACHMENT 3

**AMENDMENT OF THE EXTENSION OF LEASE AGREEMENT FOR
COXCOM, LLC dba COX COMMUNICATIONS NORTHERN VIRGINIA
WEST SPRINGFIELD GOVERNMENT CENTER, 6140 ROLLING ROAD,
SPRINGFIELD VA 22152**

THIS AMENDMENT OF THE EXTENSION OF LEASE AGREEMENT, dated _____, 2020, by and between COXCOM LLC, a Delaware limited liability company, d/b/a COX COMMUNICATIONS NORTHERN VIRGINIA, (the "Tenant"), and THE BOARD OF SUPERVISORS FOR FAIRFAX COUNTY, VIRGINIA, a body politic and corporate of the Commonwealth of Virginia (the "Landlord").

RECITAL

WHEREAS, by Lease Agreement dated July 14, 1983 (the "Lease"), the Landlord leased ground to Tenant to install, operate, and maintain a telecommunications tower site to operate and maintain a high speed internet hub station and related telecommunications equipment at the West Springfield Government Center, 6140 Rolling Road, Springfield, Virginia 22152 (the "Premises"); and

WHEREAS, Landlord and Tenant have executed a County-wide Cable Franchise Agreement approved by the Landlord at a public hearing on May 14, 2013 (the "Agreement") that, *intra alia*, addressed extending the Lease for the duration and term of the Agreement that was further memorialized in the Extension of Lease Agreement dated July 31, 2013 (the "Lease Extension"); and

WHEREAS, Landlord has expressed support for Tenant to accommodate the placement of certain communications facilities owned by Washington Gas upon Tenant's telecommunications tower, and Tenant has indicated its willingness to accommodate placement of such facilities upon its telecommunication tower at 4600 West Ox, Fairfax Virginia 22030 in exchange for; (1) rents, fees and other terms and conditions negotiated separately between Washington Gas and Tenant, and; (2) adoption of this Amendment of the Lease Extension (the "Amendment").

NOW THEREFORE, for and in consideration of the covenants herein contained and other good and valuable considerations, the receipt and adequacy of which are confessed and acknowledged by each of the parties hereto, it is mutually agreed as follows:

1. Paragraph 3 of the Lease Extension is replaced with: To the extent that Tenant uses the Premises for commercial purposes not directly related to either the Cable System or Cable Service (as such terms are defined in the Agreement), such use and occupancy of the Premises shall continue to be subject to all Fairfax County policies, laws and regulations in effect from time to time relating to the Premises, including any compensation and collocation requirements; provided that the Landlord shall not be due any compensation with respect to sub-tenants of Tenant, and provided further that

any collocation requirements shall not interfere with Tenant's current or proposed operations or the rights of any sub-tenant.

2. Paragraph 4 of the Lease Extension is replaced with: Except as expressly modified in this Amendment, the applicable terms, covenants, conditions and modifications of both the Extension, dated July 31, 2013, and the Lease, dated July 14, 1983, shall be binding on the parties hereto, and are hereby ratified and affirmed.
3. Paragraph 15 of the Lease is replaced with: The Lessee shall have the right to mortgage, give any security interest in this Lease and its interest and estate hereunder and/or sell its improvements. Provided, however, that this Lease shall not be assigned to a third party without approval of Lessor, which approval shall not be unreasonably withheld or conditioned on the payment of monetary or other consideration.

IN WITNESS WHEREOF, the parties hereto have set their hand and seal the day and year first above written and declare this Amendment to be binding on them, their respective successors and permitted assigns.

TENANT:

COXCOM, LLC

ATTEST: _____ By: _____

LANDLORD

THE BOARD OF SUPERVISORS FOR
FAIRFAX COUNTY, VIRGINIA

WITNESS: _____ By: _____

Cox Communications Northern Virginia
Site Name: West Springfield Government Center
Site Address: 6140 Rolling Road, Springfield VA 22152

Board Agenda Item
October 20, 2020

3:30 p.m.

Public Hearing to Amend a Lease of County-Owned Property at 2610 Reston Parkway with CoxCom LLC (Hunter Mill District)

ISSUE:

Public hearing to amend a lease with CoxCom LLC regarding antenna towers on County-owned property located at 2610 Reston Parkway for the provision of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to amend a lease of County-owned property at 2610 Reston Parkway with CoxCom LLC.

TIMING:

On September 29, 2020, the Board authorized the advertisement of a public hearing to be held on October 20, 2020 to amend a lease of County-owned property at 2610 Reston Parkway with CoxCom LLC.

BACKGROUND:

Beginning in 1983, Media General Cable held a non-exclusive franchise from the Board of Supervisors to provide cable services to County households and businesses (Franchise). The Board entered into separate ground leases for various sites on County-owned land to permit Media General to construct, operate and own antenna towers for the transmission of cable services. These sites included a 175-foot lattice tower at the Fox Mill Fire Station, with an address of 2610 Reston Parkway and on a parcel identified by Tax Map No. 0263 01 0022 (Fox Mill Tower). These ground leases also permitted Media General to accommodate telecommunication facilities on the towers that were not involved in the distribution of cable services, provided that the cable company paid compensation to the County for the right to host equipment from these commercial telecom providers. The revenue-sharing provisions have served as a significant dampener on the company's willingness to allow other commercial entities to have access to the transmission capabilities of the radio towers.

In 1999, CoxCom LLC, d/b/a Cox Communications Northern Virginia (Cox), purchased all of the assets of Media General and took over the Franchise. Beginning in 2002, Cox rebuilt the cable system so that delivery of cable services no longer had to rely on

Board Agenda Item
October 20, 2020

transmissions between microwave dishes mounted on the towers. However, the tower facilities continued to play an integral role in the County's public safety communications network. With this access to on-demand, real-time data from its telecommunications equipment on the towers, the County is able to coordinate emergency response services by sharing the information with other government agencies and utility providers. One of the County's primary public safety partners in responding to emergencies involving natural gas leaks is Washington Gas.

Recently, Washington Gas has approached Cox about placing telecommunications antennas on the transmission tower at the I-66 Transfer Station at 4600-A West Ox Road in Springfield District (West Ox Tower). The County believes the co-location of Washington Gas' telecom equipment on the tower will greatly enhance the information sharing abilities of the two organizations. To incentivize Cox to accommodate this equipment, the County has agreed to amend the existing ground leases with Cox (including the agreement for Fox Mill Fire Station in Hunter Mill District) to eliminate the requirement that Cox must share a portion of the revenue stream from subleases with Washington Gas or any other future subtenants.

Given the structural and space limitations on the towers and within the tower compounds, County staff believes that the potential revenue to be earned from such subleases is minimal in any event. The West Ox Tower could support the equipment of at most one additional carrier (proposed to be Washington Gas) before extensive upgrades to the tower's structure would need to occur. For the Fox Mill Tower, the small size of the existing compound means that any future sublessees would have to approach the County about leasing additional ground outside the compound to house their equipment cabinets. Consequently, any revenue sacrificed by the County in consenting to the amendment of the Fox Mill Tower lease with Cox would be partly or entirely compensated for by the potential revenue from the ground leases with the telecom companies.

FISCAL IMPACT:

The amendment of the tower leases will not result in a significant impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map 0263 01 0022

Attachment 2 – Draft Lease Amendment for Fox Mill Tower

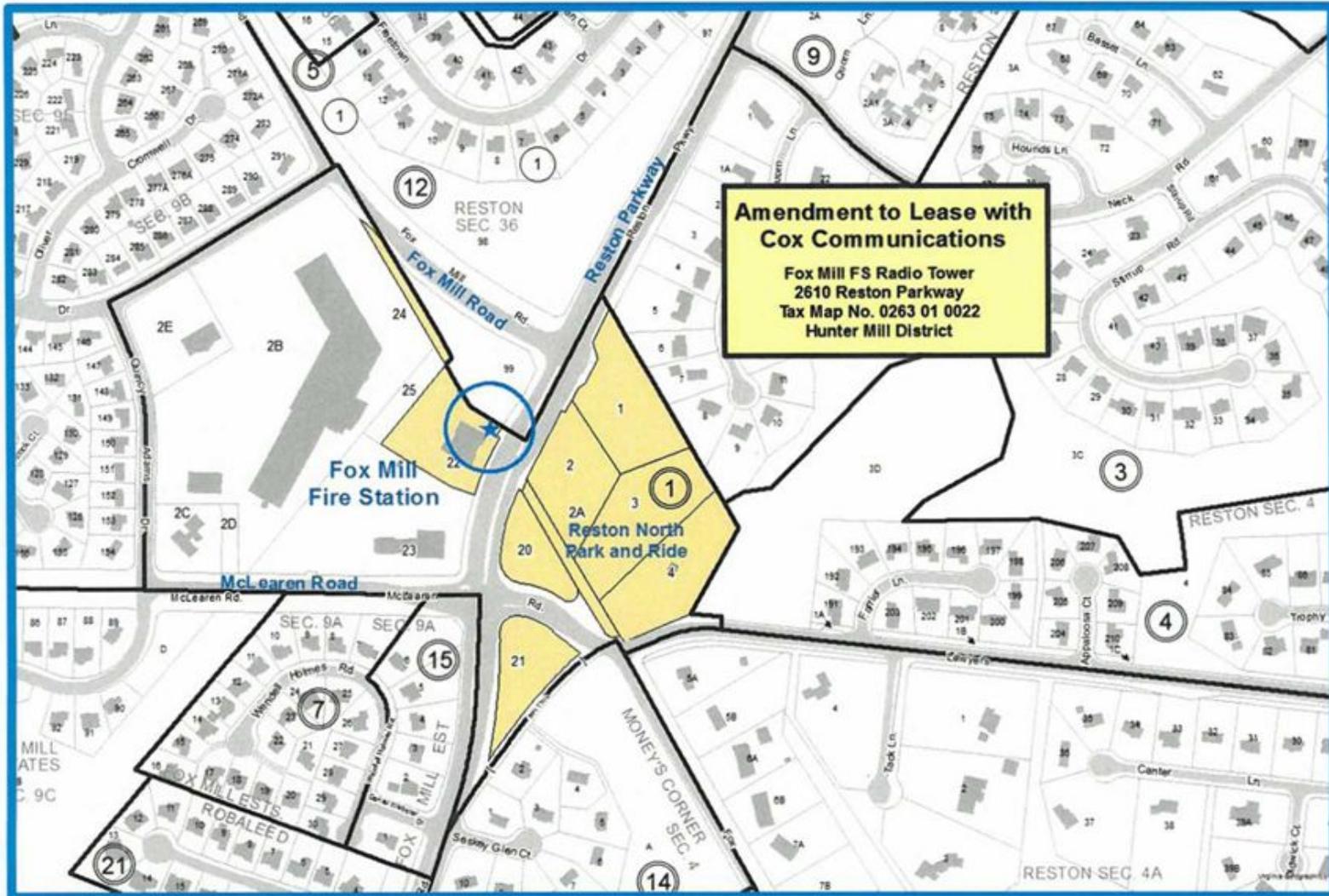
Board Agenda Item
October 20, 2020

STAFF:

Joseph M. Mondoro, Chief Financial Officer
José A. Comayagua, Jr., Director, Facilities Management Department (FMD)
Gregory Scott, Director, Department of Information Technology (DIT)
Harjit S. Chawla, Infrastructure Program Manager, DIT
Mike Lambert, Assistant Director, FMD

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney



**Amendment to Lease with
Cox Communications**
 Fox Mill FS Radio Tower
 2610 Reston Parkway
 Tax Map No. 0263 01 0022
 Hunter Mill District

**Fox Mill
Fire Station**

**Reston North
Park and Ride**

McLearen Road

ATTACHMENT 1

**AMENDMENT OF THE EXTENSION OF LEASE AGREEMENT FOR
COXCOM, LLC dba COX COMMUNICATIONS NORTHERN VIRGINIA
FOX MILL FIRE STATION (Fire Station #31) 2610 RESTON PARKWAY,
RESTON VA 20171**

THIS AMENDMENT OF THE EXTENSION OF LEASE AGREEMENT, dated _____, 2020, by and between COXCOM LLC, a Delaware limited liability company, d/b/a COX COMMUNICATIONS NORTHERN VIRGINIA, (the "Tenant"), and THE BOARD OF SUPERVISORS FOR FAIRFAX COUNTY, VIRGINIA, a body politic and corporate of the Commonwealth of Virginia (the "Landlord").

RECITAL

WHEREAS, by Lease Agreement dated July 14, 1983 (the "Lease"), the Landlord leased ground to Tenant to install, operate, and maintain a telecommunications tower site to operate and maintain a high speed internet hub station and related telecommunications equipment at the Fox Mill Fire Station (Fire Station #31), 4610 Reston Parkway, Reston Virginia 20171 (the "Premises"); and

WHEREAS, Landlord and Tenant have executed a County-wide Cable Franchise Agreement approved by the Landlord at a public hearing on May 14, 2013 (the "Agreement") that, *intra alia*, addressed extending the Lease for the duration and term of the Agreement that was further memorialized in the Extension of Lease Agreement dated July 31, 2013 (the "Lease Extension"); and

WHEREAS, Landlord has expressed support for Tenant to accommodate the placement of certain communications facilities owned by Washington Gas upon Tenant's telecommunications tower, and Tenant has indicated its willingness to accommodate placement of such facilities upon its telecommunication tower at 4600 West Ox, Fairfax Virginia 22030 in exchange for; (1) rents, fees and other terms and conditions negotiated separately between Washington Gas and Tenant, and; (2) adoption of this Amendment of the Lease Extension (the "Amendment").

NOW THEREFORE, for and in consideration of the covenants herein contained and other good and valuable considerations, the receipt and adequacy of which are confessed and acknowledged by each of the parties hereto, it is mutually agreed as follows:

1. Paragraph 3 of the Lease Extension is replaced with: To the extent that Tenant uses the Premises for commercial purposes not directly related to either the Cable System or Cable Service (as such terms are defined in the Agreement), such use and occupancy of the Premises shall continue to be subject to all Fairfax County policies, laws and regulations in effect from time to time relating to the Premises, including any compensation and collocation requirements; provided that the Landlord shall not be due any compensation with respect to sub-tenants of Tenant, and provided further that

any collocation requirements shall not interfere with Tenant's current or proposed operations or the rights of any sub-tenant.

2. Paragraph 4 of the Lease Extension is replaced with: Except as expressly modified in this Amendment, the applicable terms, covenants, conditions and modifications of both the Extension, dated July 31, 2013, and the Lease, dated July 14, 1983, shall be binding on the parties hereto, and are hereby ratified and affirmed.
3. Paragraph 15 of the Lease is replaced with: The Lessee shall have the right to mortgage, give any security interest in this Lease and its interest and estate hereunder and/or sell its improvements. Provided, however, that this Lease shall not be assigned to a third party without approval of Lessor, which approval shall not be unreasonably withheld or conditioned on the payment of monetary or other consideration.

IN WITNESS WHEREOF, the parties hereto have set their hand and seal the day and year first above written and declare this Amendment to be binding on them, their respective successors and permitted assigns.

TENANT:

COXCOM, LLC

ATTEST: _____ By: _____

LANDLORD

THE BOARD OF SUPERVISORS FOR
FAIRFAX COUNTY, VIRGINIA

WITNESS: _____ By: _____

Cox Communications Northern Virginia
Site Name: Fox Mill Fire Station (Fire Station #31)
Site Address: 4610 Reston Parkway, Reston VA 20171

Board Agenda Item
October 20, 2020

3:30 p.m.

Public Hearing to Lease County-Owned Properties for the Purpose of Installing Solar Facilities (Braddock, Hunter Mill, Mason, Mount Vernon, Providence and Springfield Districts)

ISSUE:

Public hearing to lease County-owned property to Sigora Solar for the installation, operation and maintenance of solar photovoltaic panels for the purpose of on-site electric generation at the Herrity Building at 12055 Government Center Parkway, Pennino Building at 12011 Government Center Parkway, North County Government Center at 1801 Cameron Glen Drive, Reston Community Center at 2310 Colts Neck Road, Springfield Warehouse at 6800 Industrial Road, Lab Building at the Noman M. Cole Pollution Control Plant at 9399 Richmond Highway, Providence Community Center at 3001 Vaden Drive, and I-66 Transfer Station, Worker's Facility Building and Truck Wash Building at 4500 West Ox Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to lease County-owned property at 12055 Government Center Parkway, 12011 Government Center Parkway, 1801 Cameron Glen Drive, 2310 Colts Neck Road, 6800 Industrial Road, 9399 Richmond Highway, 3001 Vaden Drive, and 4500 West Ox Road to Sigora Solar.

TIMING:

On September 29, 2020, the Board authorized a public hearing to lease County-owned property at 12055 Government Center Parkway, 12011 Government Center Parkway, 1801 Cameron Glen Drive, 2310 Colts Neck Road, 6800 Industrial Road, 9399 Richmond Highway, 3001 Vaden Drive, and 4500 West Ox Road to Sigora Solar.

BACKGROUND:

The Board of Supervisors is the owner of the Herrity Building, Pennino Building, North County Government Center, Reston Community Center, Springfield Warehouse, the Lab Building at the Noman M. Cole Pollution Control Plant, Providence Community Center, and the I-66 Transfer Station, Worker's Facility Building and Truck Wash Building. Maps of each property are included in Attachments 1-8, and site-specific information is provided for each property below:

Board Agenda Item
October 20, 2020

- The Herrity Building is located at 12055 Government Center Parkway on a County-owned parcel identified as Tax Map Number 0561 15 0007. A 247,000 square foot building, which primarily operates as a government center, is located on the property.
- The Pennino Building is located at 12011 Government Center Parkway on a County-owned parcel identified as Tax Map Number 0561 15 0008. A 281,810 square foot building, which primarily operates as a government center, is located on the property.
- The North County Government Center is located at 1801 Cameron Glen Drive on a County-owned parcel identified as Tax Map Number 0171 01 0014B. A 37,049 square foot building, which primarily operates as a public safety facility and government center, is located on the property.
- The Reston Community Center is located at 2310 Colts Neck Road on a County-owned parcel identified as Tax Map Number 0261 07 003D. A 49,850 square foot building, which primarily operates as a cultural and entertainment center and community meeting facility, is located on the property.
- The Springfield Warehouse is located at 6800 Industrial Road on a County-owned parcel identified as Tax Map Number 0802 07 H. A 211,297 square foot building, which primarily operates as an industrial warehouse and storage facility for Fairfax County Government and Fairfax County Public Schools, is located on the property.
- The Lab Building at the Noman M. Cole Pollution Control Plant is located at 9399 Richmond Highway on a County-owned parcel identified as Tax Map Number 1083 01 0023. A 11,300 square foot building, which primarily operates as a laboratory, is located on the property.
- The Providence Community Center is located at 3001 Vaden Drive on a County-owned parcel identified as Tax Map Number 0483 49 0002G. A 31,884 square foot building, which primarily operates as a government center and community meeting facility, is located on the property.
- The I-66 Transfer Station, Worker's Facility Building and Truck Wash Building are located at 4500 West Ox Road on a County-owned parcel identified as Tax Map Number 0561 01 0002. A 49,045 square foot building, which primarily operates as a processing facility for municipal solid waste, a 8,375 square foot building, which primarily operates as an administrative building for employees of the I-66 Transfer Station, and a 2,625 square foot building, which primarily operates as a truck washing facility, are located on the property.

Sigora Solar designs and installs solar photovoltaic panels and is a solar power purchase agreement (PPA) service provider. In December 2019, Fairfax County announced a contract with Sigora Solar for rooftop solar PPA installations on buildings owned by Fairfax County Government, Fairfax County Public Schools, Fairfax County Park Authority, and Fairfax County Redevelopment and Housing Authority (collectively,

Board Agenda Item
October 20, 2020

the “Fairfax Entities”). Under the contract, Sigora Solar will design, permit, install and operate rooftop solar panels at facilities that participate in the PPA program and sell the electricity generated by the solar panels to the participating facility at a fixed rate and over a fixed term (e.g. 25-28 years). The contract with Sigora Solar allows Fairfax County to purchase on-site renewable energy with little or no upfront or operational costs. Participation in the solar PPA program is expected to reduce the County’s greenhouse gas emissions and electricity costs.

Sigora Solar requires access to and use of rooftop space at the Herrity Building, Pennino Building, North County Government Center, Reston Community Center, Springfield Warehouse, the Lab Building at the Noman M. Cole Pollution Control Plant, Providence Community Center, and the I-66 Transfer Station, Worker’s Facility Building and Truck Wash Building to install, operate and maintain solar photovoltaic panels over the course of the PPA program (an expected 25-28 year-term).

The eight locations that are the subject of the October 20, 2020 public hearing do not represent a complete list of the sites at which Sigora Solar will install solar facilities. The 2019 request for proposal (RFP) for solar PPA services and contract awards contemplated a phased approach to solar installations at facilities owned by Fairfax County Government and the other Fairfax Entities. The RFP listed a total of 247 possible projects in two phases, with Phase I including 113 possible projects. Of these 113 projects, 24 pertained to facilities owned by Fairfax County Government; the remaining 89 Phase I projects were proposed by the three other Fairfax Entities. The October 20, 2020 public hearing will address six of the 24 Phase I Fairfax County Government sites as well as two additional sites that were not among the 113 Phase I projects: the West Ox I-66 Transfer Station and the Noman M. Cole Pollution Control Plant.

These eight locations are the first tranche of locations for which lease approvals are requested and include only those sites where staff and Sigora Solar are ready to move forward with implementation of roof-mounted solar installations. Staff will be returning to the Board at a later date with the 18 remaining Fairfax County Government-owned facilities listed in the RFP as Phase I projects as well as any additional County government-owned facilities that may be identified.

The public hearing requirement applies only to localities. As such, it applies only to Fairfax County Government and not the other Fairfax Entities. The other Fairfax Entities have their own procedures for lease approvals.

FISCAL IMPACT:

Electricity costs for facilities at which PPA solar projects are installed are expected to

Board Agenda Item
October 20, 2020

decrease as soon as the solar photovoltaic panels are activated. Under its contract with Fairfax County, Sigora Solar offered a fixed rate of \$0.069 per kWh delivered for a 25-year contract term. The County-owned properties included in this request to authorize a public hearing are located in a service territory in which the current average cost of utility-delivered electric power is approximately \$0.085 per kilowatt hour (kWh). At this cost, the County would save about \$0.016 per kWh of delivered electric power. As the average cost of utility-delivered electric power is expected to increase over time, the savings are expected to increase, as well.

ENCLOSED DOCUMENTS:

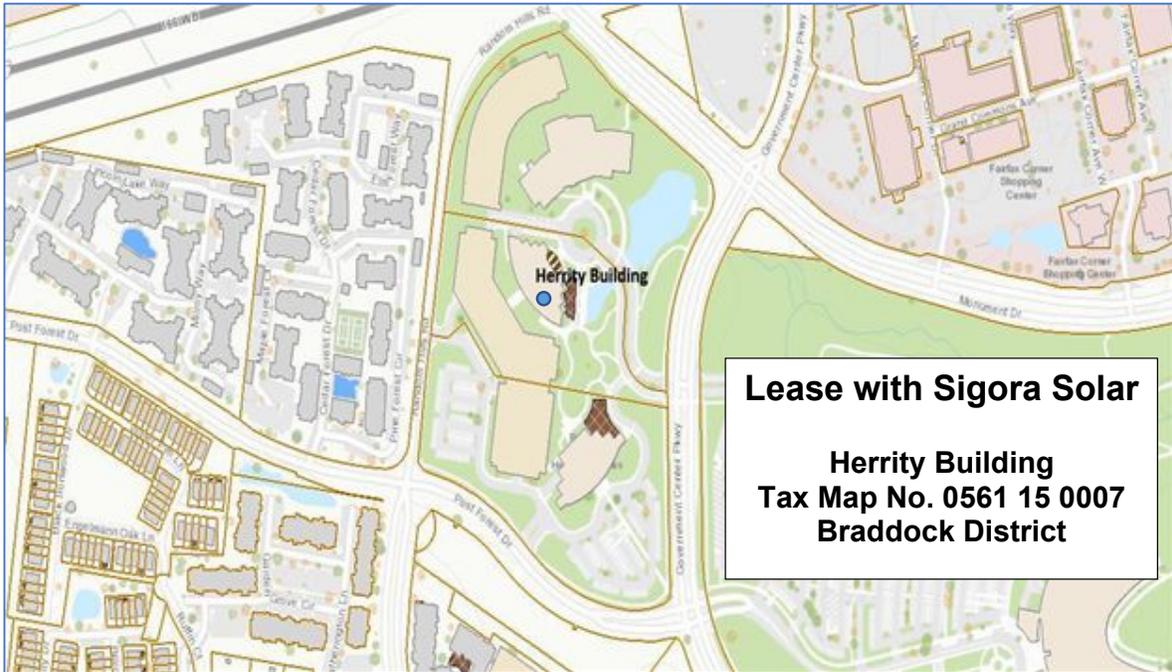
Attachment 1 – Location Map 0561 15 0007
Attachment 2 – Location Map 0561 15 0008
Attachment 3 – Location Map 0171 01 0014B
Attachment 4 – Location Map 0261 07 003D
Attachment 5 – Location Map 0802 07 H
Attachment 6 – Location Map 1083 01 0023
Attachment 7 – Location Map 0483 49 0002G
Attachment 8 – Location Map 0561 01 0002
Attachment 9 – Draft Lease Agreement

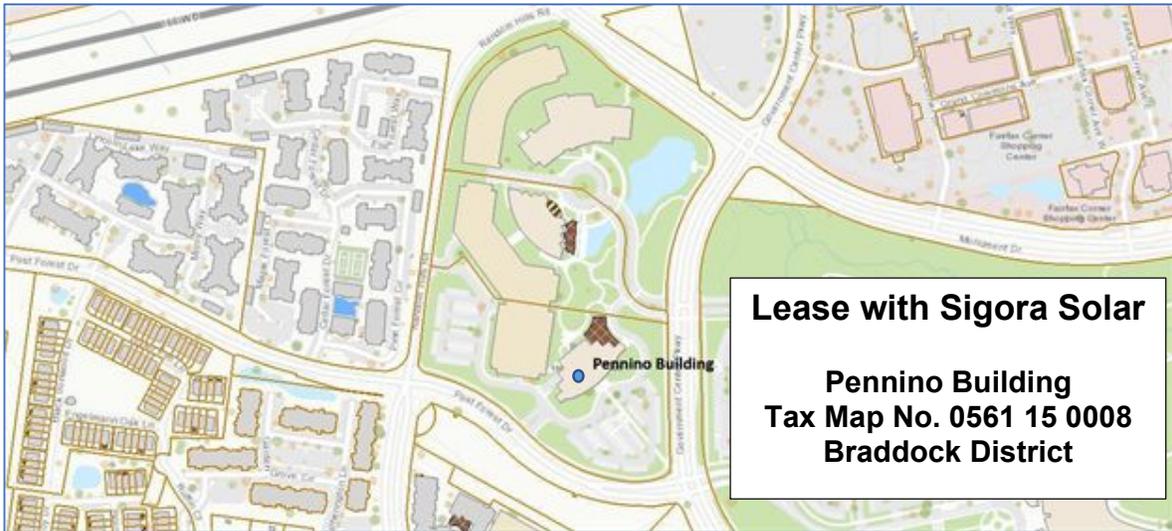
STAFF:

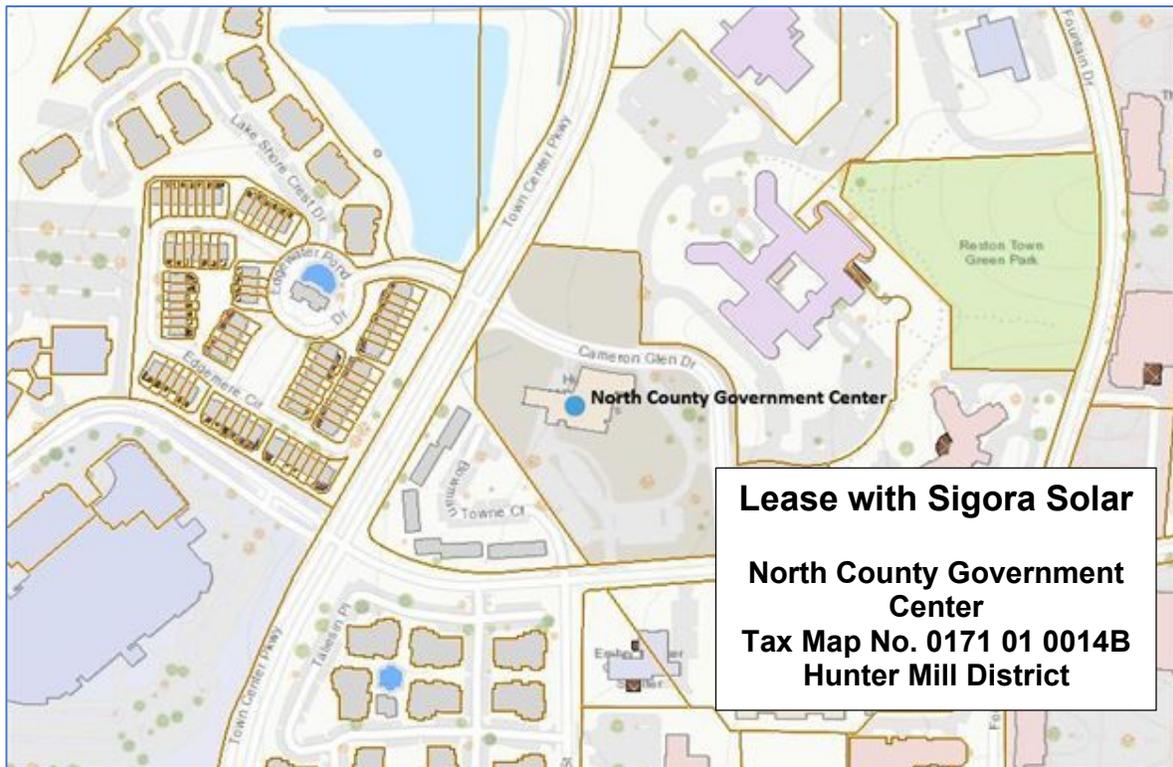
Joseph M. Mondoro, Chief Financial Officer
Kambiz Agazi, Director, Office of Environmental and Energy Coordination
Susan Hafeli, Deputy Director, Office of Environmental and Energy Coordination

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

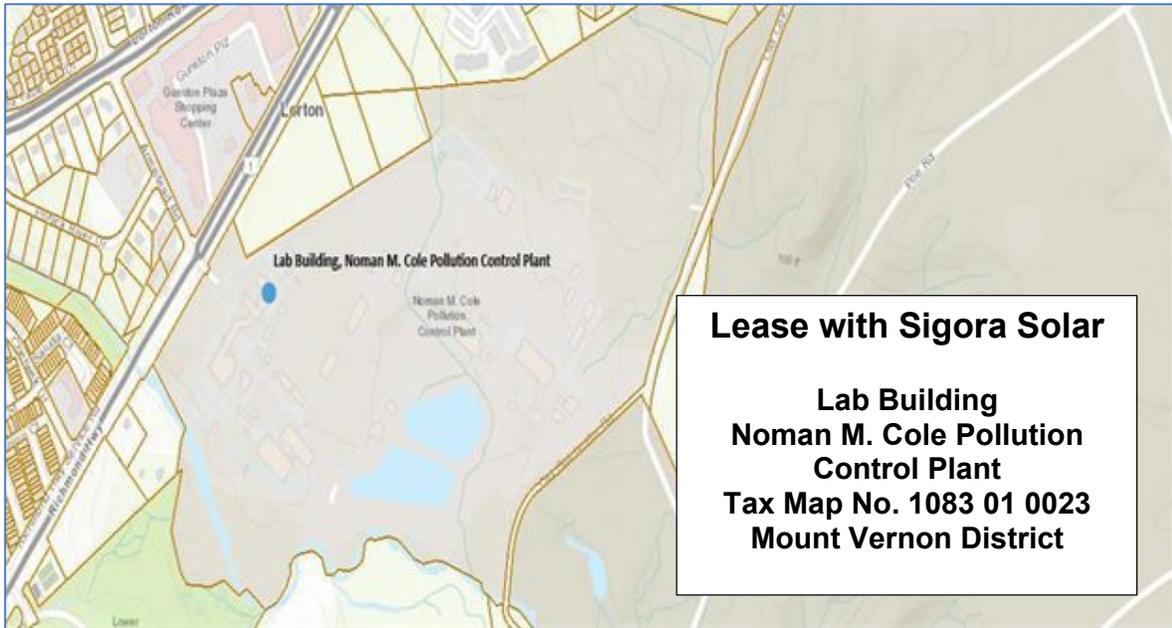


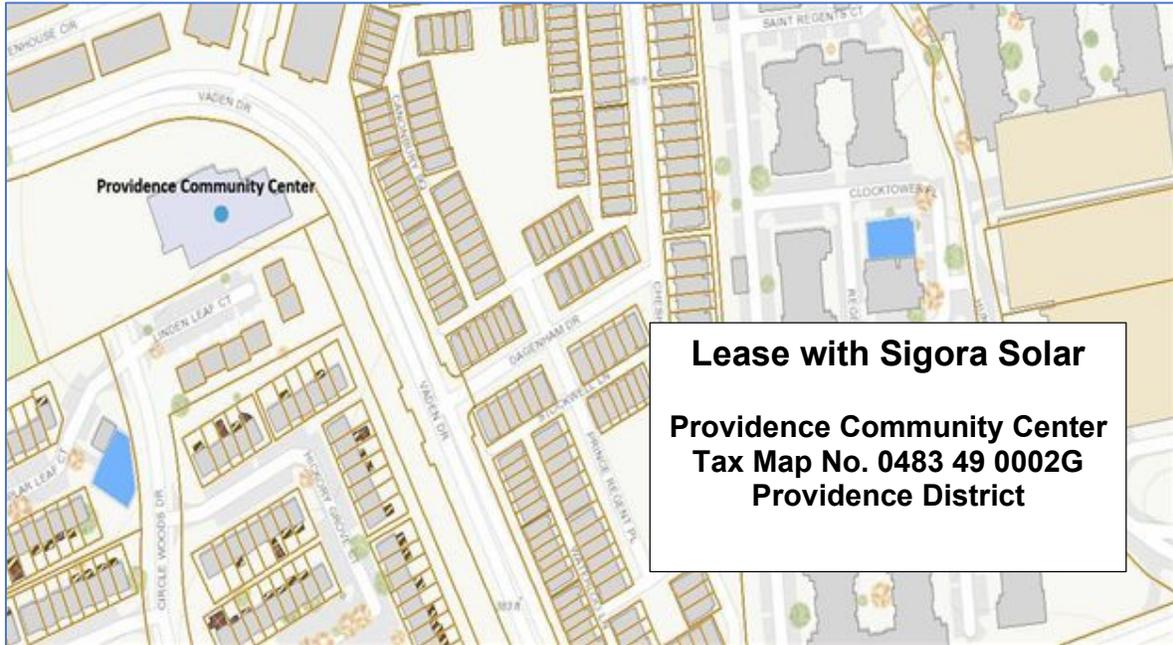


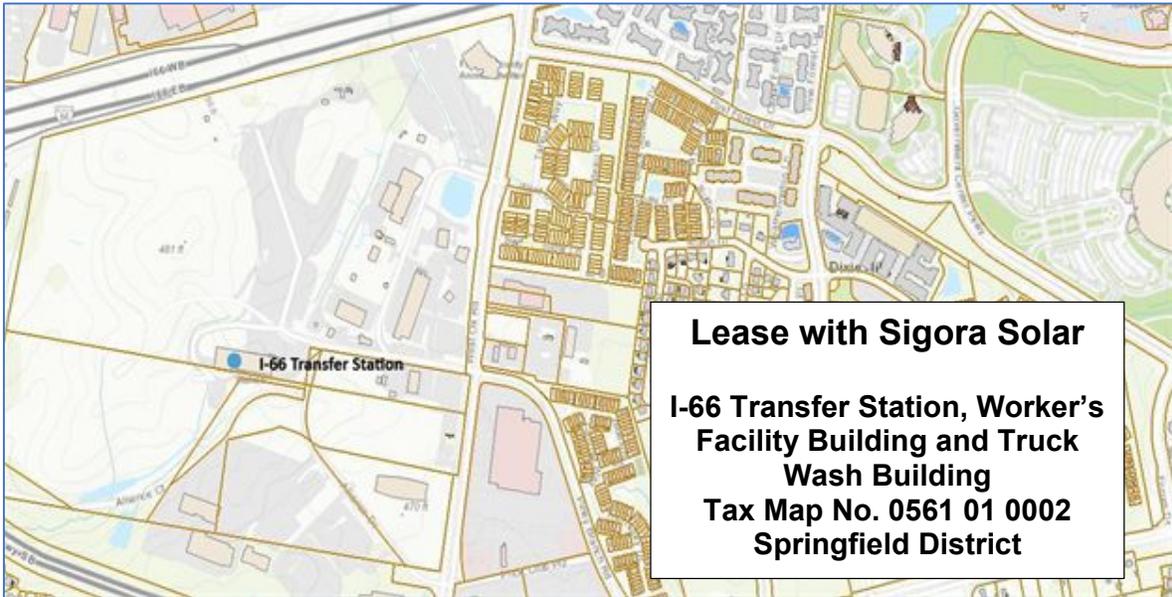












**FORM OF
DEED OF ROOF LEASE AGREEMENT
[PROJECT SITE]**

BY AND BETWEEN

**[FAIRFAX ENTITY]
("LESSOR")**

AND

**[SOLAR POWER PROVIDER]
("LESSEE")**

DATED: _____

DEED OF ROOF LEASE AGREEMENT
[PROJECT SITE]

THIS DEED OF ROOF LEASE AGREEMENT (this “Lease”), dated as of [•] (the “Effective Date”), is made by and between [FAIRFAX ENTITY] (“Lessor”), and [SOLAR POWER PROVIDER], a [•] (“Lessee”). Lessor and Lessee may each be referred to herein as the “Party”, or collectively as the “Parties”, as the usage of such term may require.

RECITALS

WHEREAS, Lessor is the [owner] of that certain building commonly known as [•] (the “Building”), and located at [•], Fairfax County, Virginia (the “Project Site”);

WHEREAS, pursuant to that certain Solar Power Purchase Agreement by and between Lessor and Lessee dated as of [•] (as amended, modified, or supplemented from time to time, the “PPA”), Lessor has selected and engaged Lessee to design, install, own, operate, and finance a grid connected solar photovoltaic energy system, as more particularly described in the PPA (the “System”), on the roof of the Building and to sell the Output produced by such System to Lessor, all in accordance with the terms of the PPA;

WHEREAS, in connection with the foregoing, Lessee desires that Lessor lease, and Lessor desires to lease to Lessee, the Demised Premises (as defined below), all in accordance with the terms and conditions set forth herein; and

WHEREAS, capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the PPA.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements herein contained, and intending to be legally bound hereby, Lessee and Lessor hereby agree as follows:

1. Lease of Demised Premises; Additional Property Rights.

(a) Demised Premises. Lessor hereby leases to Lessee, in accordance with the terms and conditions set forth herein, up to a maximum of [•] square feet of the roof of the Building, generally as shown on Exhibit A attached hereto and made a part hereof, where the System will be installed, operated and maintained (the “Demised Premises”).

(b) Lessee’s Ancillary Rights. In connection with Lessor’s leasing the Demised Premises to Lessee, Lessor hereby grants to Lessee, for a period co-terminus with this Lease, the non-exclusive right to use portions of access drives, parking lots and other areas of the Project Site as shown on Exhibit B (“Facility Exterior Access”), and access routes in the interior of the Building as shown on Exhibit C (“Facility Interior Access”). Lessor may change the Facility Exterior Access and the Facility Interior Access at any time with reasonable prior Notice to Lessee. The Facility Interior Access and Facility Exterior Access are provided for the purpose of accessing the Demised Premises for installation, operation, maintenance, and decommissioning of the System and to locate any auxiliary equipment necessary to install, operate, or maintain the System on the Demised Premises and for the purposes of interconnecting the System with the Project Site’s mechanical and electrical systems as agreed by Lessor and Lessee in accordance with the PPA. Lessee shall not install any improvements that would prevent access to or prevent use of the Building by Lessor or any occupant of the Building, or any holders of easements across the Project Site or any governmental or public utility personnel (e.g., fire, police, public

utility providers, etc.) or other similar parties. Furthermore, Lessee shall utilize the Facility Exterior Access and the Facility Interior Access in a manner as to not unreasonably interfere with the use of the Building and the Building's mechanical and electrical systems by Lessor or any occupant or invitee of the Building.

(c) Signage. Lessee shall not place any signage on or at the Project Site (other than as required by Applicable Law) unless approved in advance in writing by Lessor.

2. Term.

(a) Term. The term of this Lease shall commence on the Effective Date and shall terminate as provided in Section 2.1 of the PPA (the "Term"). The Term may be extended pursuant to Section 2.2 of the PPA.

(b) Termination. Notwithstanding anything contained herein to the contrary, this Lease shall automatically terminate if the PPA is terminated for any reason whatsoever.

(c) Access After Termination. Notwithstanding the foregoing, for a period of [sixty (60)] Days following the expiration or earlier termination of this Lease, Lessee shall have the right to access the Demised Premises for the purpose of decommissioning and removing the System in accordance with Section 8.1 of the PPA. The provisions of this Section 2(c) will survive the expiration or termination of this Lease.

3. Utilities. During the Term, Lessor shall have no obligation to provide any utilities to Lessee for Lessee's use in connection with the installation, operation, and maintenance of the System on the Demised Premises. To the extent that, during the Term, Lessee requires any utilities in connection with the installation, operation, and maintenance of the System on the Demised Premises, Lessee further acknowledges and agrees that Lessee shall be responsible, at its sole cost and expense, for providing or obtaining such utilities and that Lessee's inability to provide or obtain any such utilities shall not relieve Lessee from the performance of Lessee's obligations under this Lease or the PPA.

4. Annual Rent. Commencing on the Effective Date and continuing thereafter for the remainder of the Term, Lessee shall pay to Lessor annual rent for the Demised Premises in the amount of One and No/100 Dollars (\$1.00) per year ("Annual Rent"). The Annual Rent for the first year of the Term shall be due and payable by Lessee to Lessor within ten (10) Business Days of the Effective Date, and Annual Rent for each succeeding year of the Term shall be due and payable by Lessee to Lessor, without notice or demand, on or before each anniversary of the Effective Date during the Term. The Annual Rent shall be payable by Lessee to Lessor at the address for the Lessor set forth in the PPA or at such other address as shall be designated in writing by Lessor.

5. System Installation. The System shall be installed in accordance with Section 5 of the PPA.

6. Liens.

(a) To the extent permitted by Applicable Law, all of Lessee's contracts with Subcontractors shall provide that no Lien shall attach to or be claimed against the Demised Premises or any interest therein by Lessee or its Subcontractors as a result of supplying goods or services pertaining to the Demised Premises, and Lessee shall use reasonable efforts to cause all subcontracts let thereunder to contain the same provision.

(b) Lessee shall indemnify and hold Lessor, the Board and Lessor's agents, officers, subcontractors, employees, invitees, and contractors harmless from, and defend against (with legal counsel reasonably acceptable to Lessor) all Losses of every kind, nature, and description which may arise out of or in any way be connected with such work. Lessee shall not permit the Demised Premises to become subject to any mechanics', laborers', or materialmen's lien on account of labor, material or services furnished to Lessee or claimed to have been furnished to Lessee (either directly or through Subcontractors) in connection with work of any character performed or claimed to have been performed for the Demised Premises by, or at the direction or sufferance of Lessee, and if any such Liens are filed against the Demised Premises, Lessee shall promptly and at its cost and expense discharge the same; provided, however, that Lessee shall have the right to contest, in good faith and with reasonable diligence, the validity of any such lien or claimed lien if Lessee shall give to Lessor, within [ten (10)] Business Days after demand, such security as may be reasonably satisfactory to Lessor to assure payment thereof and to prevent any sale, foreclosure, or forfeiture of Lessor's interest in the Demised Premises by reason of non-payment thereof; provided, further, that on final determination of the Lien or claim for Lien, Lessee shall immediately pay any judgment rendered, with all proper costs and charges, and shall have the lien released and any judgment satisfied. If Lessee fails to post such security or does not diligently contest such lien, Lessor may, without investigation of the validity of the lien claim, after [ten (10)] Days' Notice to Lessee, discharge such Lien and Lessee shall reimburse Lessor upon demand for all costs and expenses incurred in connection therewith, which expenses shall include any attorneys' fees and any and all other costs associated therewith, including litigation through all trial and appellate levels and any costs in posting bond to effect a discharge or release of the lien.

(c) Nothing contained in this Lease shall be construed as a consent on the part of Lessor to subject the Demised Premises to liability under any lien law now or hereafter existing.

7. System Operation, Ownership, Use and Removal.

(a) Operation, Maintenance and Removal of System. Lessee shall operate, maintain, decommission, and remove the System in accordance with Section 6 of the PPA and in accordance with all Applicable Laws and in such a manner as will not unreasonably interfere with Lessor's or, if there are any other occupants of the Building, such occupants' operation or maintenance of the Project Site.

(b) Ownership of System. Lessor acknowledges and agrees that (i) notwithstanding that the System may be a fixture under Applicable Laws, as between the Parties, the System shall be deemed to be personal property, and (ii) Lessee is the exclusive owner and operator of the System.

(c) Use of Demised Premises. Lessee shall use the Demised Premises solely for the installation, operation, and maintenance of the System, but for no other uses.

8. Access to Demised Premises.

(a) Subject to the notice and security requirements set forth in Section 9 below, Lessor shall provide Lessee with access to the Demised Premises as reasonably necessary to allow Lessee to perform the Services, including ingress and egress rights through the Building within the Facility Interior Access and across the Project Site within the Facility Exterior Access.

(b) Lessor shall at all times have access to and the right to observe the Services, including without limitation, installation of the System.

(c) During all activities involving the System or the Demised Premises, including but not limited to installation, maintenance, repairs, decommissioning and removal of the System, Lessor's property manager for the Building ("Building Manager") must be present onsite at all times.

(d) Lessee shall have access to the Demised Premises under the following conditions:

(i) Building Access. Lessee's employees, contractors, and Subcontractors must use the front entrance of the Building to obtain access to the Demised Premises.

(ii) Normal Business Hours. During normal business hours [(Monday through Friday 8:00 a.m. – 5:00 p.m.)] for routine maintenance of the System, provided that Lessee shall give the Building Manager at least [seventy-two (72)] hours' prior notice of the need for such access.

(iii) Outside Normal Business Hours; Emergency. Outside normal business hours and in the event of an emergency, Lessee shall contact the Building Manager, who will provide access to the Demised Premises.

(e) Any requested utility outages must be scheduled to occur on Sundays. Requests for outages shall be submitted to the Building Manager a minimum of two (2) weeks in advance of the requested date for the outage for either approval or rejection.

(f) All of Lessee's employees, contractors or agents must park their vehicles in the areas designated by Lessor and shall not park in any loading docks for the Building.

9. Identification, Security and Access Requirements.

(a) Identification. All of Lessee's employees and Subcontractors shall display Lessor-issued identification badges above the waist at all times that such individuals are on the Project Site. Any employee, contractor, or Subcontractor of Lessee who arrives at the Project Site without required identification will be dismissed from the Project Site. All such employees, contractors, and Subcontractors must pass to the satisfaction of Lessor a Fairfax County Criminal History Check. Notwithstanding the foregoing, Lessor disclaims any liability with respect to the accuracy or completeness of the Criminal History Checks. Lessee shall be solely responsible for all costs associated with such identification badges and Criminal History Checks.

(b) Inspection. All supplies, materials, and equipment for use at the Project Site are subject to security inspection by Lessor.

(c) Additional Security and Access Requirements. Lessee shall, and shall cause all of its Subcontractors to, at all times comply with the identification, security, and other access requirements set forth on Exhibit D attached hereto.

(d) Amendments to Security and Access Procedures. Lessor reserves the right to amend and/or update its security and access requirements or procedures relative to the Project Site, including Exhibit D, from time to time upon at least twenty-four (24) hours' Notice to Seller.

10. Insurance. Lessee covenants and agrees, from and after the Effective Date, to carry and maintain, at its sole cost and expense, the insurance required under Section 9 of the PPA.

11. Taxes. Lessee shall pay, on or before the due date thereof, all personal property taxes, business, and license taxes and fees, service payments in lieu of such taxes or fees, annual and periodic license and use fees, excises, assessments, bonds, levies, fees, and charges of any kind which are assessed, levied, charged, confirmed, or imposed by any Governmental Authority due to Lessee's occupancy and use of the Demised Premises (or any portion or component thereof) or the ownership and use of the System thereon, including but not limited to any real property taxes and assessments attributable the System improvements on the Building.

12. Indemnification.

(a) Indemnification. Lessee shall indemnify, defend, and hold harmless Purchaser Indemnified Parties from and against any liability for violations or alleged violation of any Applicable Law and Losses (including claims for property damage and claims for injury to or death of persons, including any claim or amounts recovered under "workers compensation laws" or any other Applicable Laws) arising in connection with, or out of, or resulting from (i) the negligent acts or omissions or willful misconduct of Lessee, its agents, officers, directors, employees, Subcontractors, or contractors; or (ii) the breach by Lessee of any of its obligations under this Lease. The obligation to indemnify shall extend to and encompass all costs incurred by Lessor and any Lessor Indemnitee in defending such claims, demands, lawsuits, or actions, including, but not limited to, attorney, witness, and expert witness fees, and any other litigation related expenses. This provision is intended to apply even if the injury or damage is caused in part by any act or omission or default of Purchaser Indemnified Parties, except that Lessee shall not be required to defend or indemnify Purchaser Indemnified Parties for a Loss to the extent any such Loss results solely from the negligence of a Purchaser Indemnified Party. The provisions of this Section 12(a) will survive the expiration or termination of the Lease.

(b) Exclusion of Certain Damages. EXCEPT FOR LIABILITY IN RESPECT OF (A) LESSEE'S INTENTIONAL OR WILLFUL MISCONDUCT, FRAUD OR RECKLESSNESS OR (B) CLAIMS FOR BODILY INJURY, INCLUDING DEATH, AND DAMAGE TO REAL PROPERTY OR TANGIBLE PERSONAL PROPERTY RESULTING FROM THE NEGLIGENCE OF LESSEE OR ANY AGENT OR EMPLOYEE OF LESSEE, NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY, IN CONTRACT OR IN TORT (INCLUDING NEGLIGENCE), OR UNDER ANY OTHER LEGAL THEORY (INCLUDING STRICT LIABILITY), FOR ANY INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL OR SIMILAR DAMAGES, INCLUDING DAMAGES FOR LOST PROFITS, LOST REVENUES, LOST TAX BENEFITS, OR ENERGY CREDITS, OR INTERRUPTION OF BUSINESS, ARISING OUT OF OR IN CONNECTION WITH THIS LEASE, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH CLAIMS OR DAMAGES.

13. Lessee Default.

(a) The occurrence of any one or more of the following shall constitute an event of default of Lessee (a "Lessee Default"):

(i) The failure of Lessee to pay the Annual Rent or other sums due hereunder that is not cured within [ten (10)] Days after Notice thereof to Lessee;

(ii) Any representation or warranty of Lessee hereunder provides to be false or misleading in any material respect;

(iii) The inability, failure, or refusal of Lessee to perform timely any material obligations under this Lease, unless such failure or refusal is caused by a Force Majeure Event, a Lessor

Default or Purchaser Event of Default; provided, however, such failure continues for [ten (10)] Business Days after Lessor shall have given Notice demanding that such failure to perform be cured; or

(iv) A Seller Event of Default under Section 12 of the PPA, which default continues beyond any applicable notice and cure period contained in the PPA.

(b) Upon the occurrence of a Lessee Default, Lessor shall have the following rights: (i) to terminate this Lease by Notice to Lessee, and (ii) to pursue any other remedy under the PPA or now or hereafter existing at law or in equity. No termination of this Lease resulting from a Lessee Default shall relieve Lessee of its liability and obligations under this Lease, and such liability and obligations shall survive any such termination.

14. Lessor Default.

(a) The occurrence of the following shall constitute an event of default of Lessor (a "Lessor Default"):

(i) The failure of Lessor to perform any material obligations under this Lease, unless such failure is caused by a Force Majeure Event, a Lessee Default or Seller Event of Default; provided, however, such failure continues for [fifteen (15)] Business Days after Lessee shall have given Notice demanding that such failure to perform be cured; or

(ii) A Purchaser Event of Default under Section 12 of the PPA, which default continues beyond any applicable notice and cure period contained in the PPA.

(b) Upon the occurrence of a Lessor Default, Lessee may pursue any remedies it may have under the terms of Section 12 of the PPA.

15. Casualty. Notwithstanding anything to the contrary contained herein, in the event of a casualty or condemnation to all or any portion of the Project Site, Lessor shall have no duty or liability to Lessee to restore the Project Site. If Lessor elects not to restore the Project Site, it shall give Lessee Notice of such election within thirty (30) Days after the occurrence of such casualty or condemnation, and, upon its receipt of such Notice, Lessee may, at its option, elect to terminate this Lease upon Notice to Lessor. Lessor shall be entitled to receive the entire award paid by the condemning authority for the Project Site, without deduction therefrom for any estate vested in Lessee by this Lease, and Lessee shall receive no part of such award.

16. Miscellaneous.

(a) Governing Law. The law of the Commonwealth of Virginia shall govern the validity, interpretation, construction, and performance of this Lease, including the Parties' obligation under this Lease, the performance due from each Party under it and the remedies available to each Party for breach of it. Any jurisdiction's choice of law, conflict of laws, rules, or provisions, including those of the State that would cause the application of any laws other than those of the Commonwealth of Virginia shall not apply.

(b) Assignment. Lessee shall not have the right to assign this Lease, or any of its rights, duties, or obligations hereunder, except in accordance with Section 14.2 of the PPA.

(c) Authority of Purchasing Agent. Lessee acknowledges and agrees that County's Purchasing Agent or his or her duly authorized representative or agent has the sole responsibility and authority to execute this Lease and any amendment or modification hereto on behalf of Lessor. Any

execution, amendment, or modification of this Lease by a Person other than the County's Purchasing Agent or his or her duly authorized representative or agent shall be null and void and of no force and effect.

(d) Dispute Resolution.

(i) County Purchasing Resolution. All claims, disputes, controversies, causes of action and other matters involving a question of fact between the Parties arising out of or relating to this Lease (collectively or individually, the "Dispute") which is not disposed of by the applicable terms of this Lease shall be decided by the County Purchasing Agent, who shall reduce his or her decision to writing and mail or otherwise forward a copy thereof to Lessee within ninety (90) Days. The decision of the County Purchasing Agent shall be final and conclusive unless Lessee appeals within six (6) months of the date of the final written decision by instituting legal action as provided in the Code of Virginia. Lessee may not institute legal action prior to receipt of the County Purchasing Agent's decision on the Dispute, unless the County Purchasing Agent fails to render such decision within the time specified. Lessee shall not institute any legal action until all statutory requirements have been met.

(ii) Venue. Any and all Disputes arising out of or in connection with this Lease or any performance hereunder, shall be brought in the Circuit Court of Fairfax County, Virginia or in the United States District Court, Eastern District of Virginia, Alexandria Division.

(e) Due Authorization. Each Party represents and warrants to the other Party that it (i) has been duly authorized to enter into this Lease by all necessary action, and (ii) the execution and delivery of this Lease and the performance by such Party of its obligations hereunder will not result in a default under any agreement to which it is a party.

(f) Notices. Notices shall be given in accordance with Section 14.6 of the PPA.

(g) Successors and Permitted Assignees. This Lease is binding on and inures to the benefit of successors and permitted assignees.

(h) Survivability. Any term, condition, covenant, or obligation that requires performance by a Party subsequent to termination or expiration of this Lease, whether specifically identified herein or not, shall remain enforceable against such Party subsequent to such termination or expiration.

(i) Negotiated Terms. The Parties agree that the terms and conditions of this Lease are the result of negotiations between the Parties and that this Lease shall not be construed in favor of or against any Party by reason of the extent to which any Party or its professional advisors participated in the preparation of this Lease.

(j) Further Assurances. Each Party agrees to, and shall use all reasonable efforts to, provide such information, execute, and deliver any instruments and documents and take such action as may be reasonably necessary or reasonably requested by the other Party that are not inconsistent with the provisions of this Lease and which do not involve the assumption of obligations other than those provided for in this Lease in order to give full effect to this Lease and to carry out the intent of this Lease.

(k) Waivers. No delay in exercising or failure to exercise any right or remedy accruing to or in favor of either Party shall impair any such right or remedy or constitute a waiver thereof. Every right and remedy given hereunder or by Applicable Law may be exercised from time-to-time and as often as may be deemed expedient by the Parties. Neither this Lease nor any provision hereof may be

changed, modified, amended, or waived except by a written instrument signed by a duly authorized officer of the Party against whom enforcement of such change, modification, amendment, or waiver is sought. If any representation, warranty, or covenant contained in this Lease is breached by either Party and thereafter waived by the other Party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach under this Lease.

(l) Relationship of the Parties. Nothing in this Lease shall be deemed to constitute either Party a partner, agent, employee, or legal representative of the other Party or to create any fiduciary relationship between the Parties. In addition, nothing in this Lease shall be deemed or construed as creating any contractual relationship between any Subcontractor and Lessor. The Parties agree that Lessee shall be fully responsible for the acts and omissions of any Subcontractor.

(m) Entire Agreement. This Lease, the recitals herein, together with the Exhibits attached to this Lease and the PPA, constitutes the entire and complete agreement and commitment of the Parties with respect to this Lease. All prior or contemporaneous understandings, arrangements, negotiations, or commitments, or any or all of the foregoing with respect to this Lease, whether oral or written, have been superseded by this Lease and the PPA.

(n) Amendments. No amendment, modification, or change to this Lease shall be effective unless the same shall be in writing and duly executed by an authorized person of each Party, which, in the case of Lessor, shall be by [County Purchasing Agent], or his or her duly authorized representative or agent, consistent with Section 16(c).

(o) No Third-Party Beneficiaries. Except as otherwise expressly provided herein, this Lease and all rights hereunder are intended for the sole benefit of the Parties hereto, and the Financing Parties to the extent provided in the PPA or in any other agreement between a Financing Party and Lessee or Lessor, and do not imply or create any rights on the part of, or obligations to, any other Person.

(p) Headings. Captions and headings in this Lease are for convenience of reference only and do not constitute a part of this Lease.

(q) Counterparts. This Lease may be executed in more than one counterpart, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

(r) Severability. If any provision, portion, or application of this Lease is, for any reason, held to be invalid, illegal, or unenforceable in any respect by any court of competent jurisdiction, the Parties shall negotiate in good faith and agree to such amendments, modifications, or supplements of or to this Lease or such other appropriate actions as shall, to the maximum extent practicable, in light of such determination, implement, and give effect to the intentions of the Parties as reflected herein, and the other terms of this Lease, as so amended, modified, supplemented, or otherwise affected by such action, shall remain in full force and effect.

(s) Liability of Officers and Employees. No member of the Board nor any director, officer, agent, consultant, representative, or employee of either Party shall be charged personally by the other or held contractually liable thereto under any term or provision of this Lease, because of either Party's execution or attempted execution of this Lease or because of any breach or alleged breach thereof; provided, however, that all Persons remain responsible for any of their own criminal actions.

(t) No Conflict of Interest. Lessee shall not enter into any agreements that would conflict with Lessee's performance of its obligations under this Lease, or the other transactions contemplated herein, without receiving prior written authorization from Lessor.

(u) Authorization to Conduct Business in the State. At all times during the Term, Lessee shall be authorized to transact business in the State as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia, as amended, or as otherwise required by law. Lessee shall not allow its existence to lapse or its certificate of authority or registration to transact business in the State, if so required under Title 13.1 or Title 50 of the Code of Virginia, as amended, to be revoked or cancelled at any time during the Term.

(v) Immigration Reform and Control Act. Lessee represents and warrants to Lessor that it does not, and Lessee covenants that it shall not during the performance of the Lease, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

(w) Estoppel Certificates. Lessor and Lessee shall execute and deliver to each other, within [fifteen (15)] Business Days after receipt of a written request therefore, a certificate evidencing whether or not (i) this Lease is in full force and effect; (ii) this Lease has been modified or amended in any respect and describing such modifications or amendments, if any; and (iii) there are any existing defaults thereunder to the knowledge of the party executing the certificate, and specifying the nature of such defaults, if any. If either Party shall fail to deliver said certificate within fifteen (15) business days from request therefor it shall be concluded that this Lease is in full force and effect, unmodified and without default.

(x) Remedies Cumulative. No remedy herein conferred upon or reserved to Lessee or Lessor shall exclude any other remedy herein or by law provided, but each shall be cumulative and in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

(y) Attorneys' Fees. Lessee shall bear its own attorneys' fees, costs, and expenses in connection with negotiating and/or reviewing this Lease, including any amendments, and any additional documents relating to the System.

(z) Brokers. Each Party represents and warrants to the other Party that it has not engaged or had any conversations or negotiations with any broker, finder, or other third party concerning the leasing of the Demised Premises to Lessee who would be entitled to any commission or fee based on the execution of this Lease.

(aa) Time is of the Essence. Time is of the essence of this Lease.

(bb) Memorandum. Lessor and Lessee agree that at the request of either, each will execute a short form memorandum of this Lease in form satisfactory for recording in the Clerk's Office that shall be recorded on or promptly following the Effective Date at the cost of the Party seeking to record the same. Upon the expiration or earlier termination of this Lease, the Parties shall promptly execute any release or termination that may be required to release such memorandum of record.

(cc) Deed of Lease. The Parties intend for this Lease to be deemed a deed of lease and a conveyance of a leasehold interest real property by a sealed writing pursuant to Virginia Code Sections 55-2 and 11-3.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have executed this Lease on the day and year first above written.

LESSOR:

[FAIRFAX ENTITY]

By: _____ (SEAL)
Name: _____
Title: _____

LESSEE:

[SOLAR POWER PROVIDER],

a _____

By: _____ (SEAL)
Name: _____
Title: _____

EXHIBIT A

**ROOFTOP SURVEY DEPICTING
DEMISED PREMISES**

[TO BE ATTACHED]

EXHIBIT B

DEPICTION OF FACILITY EXTERIOR ACCESS

[TO BE ATTACHED]

EXHIBIT C

DEPICTION OF FACILITY INTERIOR ACCESS

[TO BE ATTACHED]

EXHIBIT D

ADDITIONAL SECURITY/ACCESS REQUIREMENTS

[FOR PUBLIC SAFETY AND JUDICIAL FACILITIES: Security Requirements for Public Safety and Judicial Facilities. The following additional security requirements shall apply for access to the Demised Premises:

(i) All of Lessee's employees, contractors, and Subcontractors must pass to the satisfaction of Lessor an additional criminal history check, which will be processed by the Fairfax County Police Department of Fairfax County Sheriff's Department ("Sheriff's Department").

(ii) Lessee must be accompanied by a representative of Lessor; however, Lessee must be accompanied by personnel from the Sheriff's Department if passage through a secured area of the Building is necessary.

(iii) If the Sheriff's Department places the Building under lockdown as a result of a security threat, Lessee shall not have access to the Building or Demised Premises and any of Lessee's agents or contractors within the Building and/or Demised Premises may be asked to immediately leave without gathering any equipment or personal belongings.]

[FOR PUBLIC SCHOOLS: Security Requirements for Public Schools.

(i) Lessee certifies to Lessor as follows:

(A) No employee, contractor or Subcontractor of Lessee who will have direct contact with students has been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and

(B) Unless prior Notice has been given to Lessor, no employee, contractor or Subcontractor of Lessee who has been convicted of a crime of moral turpitude will have direct contact with students.

(ii) The foregoing certifications shall be binding on Lessee throughout the Term, and Lessee hereby covenants and agrees to provide Lessor and Fairfax County Public Schools ("FCPS") with immediate Notice of any event or circumstance that renders such certification untrue. Lessee hereby covenants and agrees that it will require this certification to be included in all contracts or subcontracts that Lessee enters into related to the Project Site in order that the provisions contained herein shall be binding on each contractor and Subcontractor.

(iii) Lessee will ensure that no employees, contractors, or Subcontractors shall perform any work as prescribed under this Lease or the PPA in occupied areas of the Project Site during school hours unless FCPS has previously agreed to such work in writing and proper safety precautions have been exercised to isolate the area of any such work.

(iv) All of Lessee's employees, contractors, and Subcontractors shall check in and out at the main office for the Building each day and shall wear any additional identification badges as may be required. All such employees, contractors, and Subcontractors are required to present photo identification upon request. Lessee shall also provide all such employees, contractors, and Subcontractors with a form of identification reflecting their employment status with Lessee, and displaying such individual's name and photograph.

(v) Alcoholic beverages, illegal drugs and weapons are prohibited at the Project Site and shall constitute ground for immediate removal from the Project Site. The Lessee shall ensure that neither its employees, nor those of any contractor or Subcontractor, shall fraternize in any manner with any student of FCPS at the site of the Project. Lessor shall have the right to remove from the Project Site any person whose presence Lessor deems detrimental to the best interests of the FCPS. Any individual who is removed from the Project Site pursuant to this Section may not return to the Project Site or any other FCPS site without prior written permission from FCPS.]

Board Agenda Item
October 20, 2020

4:00 p.m.

Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) Regarding the "PFM Flexibility Project," a Fairfax First Initiative to Improve the Speed, Consistency and Predictability of the County's Land Development Review Process

ISSUE:

Board of Supervisors' (Board) adoption of proposed amendments to the PFM to make technical updates.

PLANNING COMMISSION RECOMMENDATION:

On October 7, 2020, the Planning Commission voted 12-0 to recommend to the Board of Supervisors adoption of the proposed amendments to the PFM, as set forth in the Staff Report dated July 28, 2020, with the exception of proposed section 8-0301.1(I), related to tot lot surfaces.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments as recommended by the Planning Commission (Attachment 2).

The proposed amendments have been prepared by Land Development Services (LDS) and coordinated with the Department of Public Works and Environmental Services (DPWES), Fairfax County Department of Transportation (FCDOT), the Department of Planning and Development (DPD), Fairfax County Park Authority (FPCA), and the Office of the County Attorney (OCA). The PFM amendments have been recommended for approval by the Engineering Standards Review Committee (ESRC).

TIMING:

Board action is requested on October 20, 2020 at 4 p.m. On July 28, 2020, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on September 17, 2020 at 7:30 p.m. and deferred decision to October 7, 2020. If adopted, the proposed amendments will become effective on October 21, 2020, at 12:01 a.m.

BACKGROUND:

The proposed amendments are necessary to make technical updates to the PFM. This effort is a result of goal three of the *Strategic Plan for Economic Success in Fairfax County*: to improve the speed, consistency, and predictability of the land development review process. This effort has been dubbed the “PFM Flex Project.”

The PFM Flex Project is being implemented in two phases of amendments. Phase 1 amendments were adopted by the Board on December 4, 2018. Phase 1 incorporated technical edits that were thoroughly researched and vetted by industry as well as non-technical edits to improve the clarity and interactivity of the PFM. Users will find that the PFM is significantly easier to use and understand due to the added links directing users to the related regulations at both the local and state level.

On May 1, 2018, the Board adopted an amendment to the PFM which granted additional flexibility to the Director of LDS when applying the PFM. Added flexibility was also incorporated in the Phase 1 amendments, allowing numerous sections of the PFM to be modified, with adequate justification, as a part of the plan review process and not with separate modifications or waivers.

Phase 2 includes multiple amendments with varying implementation and board adoption dates. The initial Phase 2 amendment (“Spring Package”) was on a fast-track for implementation and was adopted by the Board on May 1, 2019. The Spring Package modernized street light fixtures to LEDs and allowed polypropylene pipe for storm sewer applications.

Phase 2 amendments in this board package primarily focus on technical issues. Overall, the amendments are necessary to incorporate flexibility and innovation into the PFM while updating the PFM to align it with specific requirements set forth in the Virginia Code, the County Code, and other county documents, such as the Comprehensive Plan, the Countywide Trails Plan, and the Urban Design Guidelines. LDS will make further updates to the PFM including the planting densities in Resource Protection Areas, the storm drainage details, and the trail and sidewalk requirements.

Coordination Efforts

The PFM Project staff coordinated review and vetting efforts for each of the chapter amendments with county, land development industry, and citizen stakeholder groups.

County stakeholder groups include technical advisory committees, a steering committee, the Board of Supervisor’s Land Use Aides, the Planning Commission’s Land Use Process Review Committee, and the Board of Supervisor’s Development Process Committee. Land development industry stakeholder groups include the Engineering Standards Review Committee (ESRC), a stakeholder committee, the Zoning Ordinance

Board Agenda Item
October 20, 2020

Modification (zMOD) Land Use Attorneys, the Engineers and Surveyors Institute (ESI), the Commercial Real Estate Development Association (NAIOP), and the Northern Virginia Building Industry Association (NVBIA). Citizen stakeholder groups include the Citizens Working Group, the Zoning Ordinance Listserv, five citizen members of the ESRC (representing three citizens-at-large, the Fairfax County Federation of Citizens Associations, and the League of Women Voters), the Environmental Quality Advisory Council (EQAC), the Geotechnical Review Board (GRB), and the Tree Commission.

In addition to these stakeholder groups, the [PFM Project](#) website acts as an information hub for anyone interested in participating in or following the updates of the PFM Project. Information posted to the PFM Project website includes proposed PFM chapter amendments, PowerPoint presentations, handouts, background information, and public hearing dates. The PFM Project website also includes a call-out box where anyone interested in commenting on the proposed amendments could provide feedback via a feedback form or by contacting the PFM Project team directly via email.

PROPOSED AMENDMENTS:

The specific changes to the PFM include:

1. Chapter 2: General Subdivision and Site Plan Information

The proposed amendments to Chapter 2 (General Subdivision and Site Plan Information) update the PFM to incorporate the [Urban Design Guidelines](#) for proposed development proposals located in Commercial Revitalization Districts and Areas and Mixed-Use Centers; and incorporate a legislative amendment to decommission solar facilities.

2. Chapter 4: Geotechnical Guidelines

The proposed amendments to Chapter 4 (Geotechnical Guidelines) incorporate standards for the use of lime stabilization; set residential basement floor elevations above the groundwater table; add exploration requirements for deep foundations; and clarify the validity of geotechnical reports previously approved by the county.

3. Chapter 6: Storm Drainage

The proposed amendments to Chapter 6 (Storm Drainage) update the regional pond policy language; enhance the submission requirements for water quality computations; update storm values for the design of dams; add the requirement for “silt tight” joints for storm sewer pipe; update the existing standards for polypropylene pipe; and update the pressure flow requirements for storm sewer.

4. Chapter 7: Streets, Street Lights, Parking and Driveways

The proposed amendments to Chapter 7 (Streets, Street Lights, Parking and Driveways) point to current VDOT standards, specifications and policies to facilitate design and review of streets; allow an alternative driveway entrance subject to approval by VDOT; and require additional information on preliminary plan submissions to ensure proposed street network connectivity to adjoining properties, pedestrian and bike facilities and street right-of way widths are compliant with the Comprehensive Plan and the Transportation Design Standards for the Tysons Urban Center as approved via a Memorandum of Agreement between Fairfax County and the Virginia Department of Transportation.

5. Chapter 8: Sidewalks, Trails, and Recreation

The proposed amendments to Chapter 8 (Sidewalks, Trails and Recreation) update trails information to reflect the Countywide Trails Plan and Bicycle Network Map; incorporate bicycle parking guidelines in accordance with the Comprehensive Plan; adjust concrete trail widths to accommodate bike users; clarify the different trail requirements for trails located within the right-of-way for acceptance by VDOT; enhance the trail design standards to accommodate positive drainage; incorporate a legislative amendment to clarify the State Code subdivision provisions for sidewalks that front along existing roadways; and update the safety standards for tot lots.

6. Chapter 10: Sewage and Solid Waste Disposal

The proposed amendments to Chapter 10 (Sewage and Solid Waste Disposal) elevate manhole covers to prevent inflow; reduce the unit flow factor for single-family attached and detached dwellings; remove outdated provisions such as concrete pipe; increase and update PVC pipe specifications; and add ductile iron pipe lining requirements.

7. Chapter 12: Tree Conservation

The proposed amendments to Chapter 12 (Tree Conservation) clarify and enhance critical root zone requirements; reduce minimum caliper size requirements for replacement trees to improve survivability; and update and reorganize the tree selection tables.

See Attachment 1 for a copy of the proposed amendments.

REGULATORY IMPACT:

The proposed amendments streamline the ability to use the Urban Design Guidelines for best practices and recommended streetscape standards for proposed urban

Board Agenda Item
October 20, 2020

developments located in Commercial Revitalization Districts and Areas and Mixed-Use Centers. Designers are encouraged to apply the Guideline's recommendations to facilitate plan review and approval by the county.

To facilitate plan design and review, the proposed amendments establish the minimum requirements for geotechnical exploration of deep foundations and codify the requirement to validate the applicability of an original soils report. The long-term practices for the use of lime for soil stabilization and the elevation of basements above the seasonal high-water table are being formalized. Design engineers must evaluate the proposed basement floor elevation or the lowest finished floor elevation as compared to the seasonal high water table (SHWT) elevation and include appropriate mitigation on the plans to address potential problems with groundwater intrusion into basements and impacts on the site and adjacent or downstream properties.

The proposed amendments include higher standards for storm sewer pipe joints to align with VDOT's standards, and PVC pipe materials allowed for use in sanitary sewer systems.

The proposed amendments allow use of an alternative driveway entrance subject to approval by VDOT and require additional roadway information on preliminary plan submissions to comply with the Comprehensive Plan.

The proposed amendments clarify the difference between what constitutes a trail and a sidewalk. The proposed amendments point to VDOT standards for trails located within the right-of-way for acceptance by VDOT versus PFM trails; provide an option for developers to construct a wider concrete trail to accommodate bike users; and update the tot lot safety standards.

The proposed amendments reduce the minimum caliper size requirement for replacement trees to increase survivability and update and reorganize the tree selection tables for clarity.

Overall, the proposed updates contribute to creating consistent land development codes. This promotes a faster and more predictable outcome and time to market. In this way the county will continue to attract the talent and businesses that keep our economy growing.

FISCAL IMPACT:

There is no fiscal impact to the county. The proposed amendments will not require any additional staff to implement, though training will be required for site development review, inspection, and maintenance staff.

Board Agenda Item
October 20, 2020

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report with Attached Chapter and Plate Amendments, dated July 28, 2020, is available online at:

<https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/pdf/pfm/final-pfm-project-p2-board-package.pdf>

Attachment 2 – The Planning Commission’s October 7, 2020 Meeting Verbatim Excerpt is available online at:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2020%20verbatim/verbatim10720pfmprojectphase2update-deonly.pdf>

STAFF:

Rachel Flynn, Deputy County Executive

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

Eleanor K. Codding, Acting Director, Site Development and Inspections Division, LDS

ASSIGNED COUNSEL:

David Stoner, Deputy County Attorney

Board Agenda Item
October 20, 2020

4:00 p.m.

Public Hearing for the Enlargement and De-Creation of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services (Mason District)

ISSUE:

Board of Supervisors' to conduct a Public Hearing for the Enlargement and De-Creation of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petitions to change small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Mason District (Falls Gate Area)	De-Create	Refuse, Recycling, & Vacuum Leaf	Approve
Small District 4 Within Mason District (6467 Overlook Drive)	Enlarge	Refuse, Recycling, & Vacuum Leaf	Approve

TIMING:

Board of Supervisors' authorized to advertise on September 15, 2020, for a Public Hearing on October 20, 2020, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and

Board Agenda Item
October 20, 2020

Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petition has been reviewed, and it has been determined that the petitions meet the Board of Supervisors' Adopted Criteria. Staff recommends that both the enlargement and de-creation of small and/or local sanitary districts for refuse/recycling and/or leaf collection be approved. If approved, the modification will become permanent on January 1, 2021. The Falls Gate area owners will be provided a refund for the two years of service through the Department of Tax Administration.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Summary Sheet
Attachment 2: Data Sheet with Proposed Resolution and Map (Falls Gate Area)
Attachment 3: Data Sheet with Proposed Resolution and Map (6467 Overlook Drive)

STAFF:
Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
John W. Kellas, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following small and local sanitary districts for refuse/recycling and/or leaf collection service:

1. De-Create Mason District for the purpose of discontinuing refuse/recycling and vacuum leaf Collection Services to Falls Gate Area.
2. Enlarge Small District 4 within Mason District for the purpose of providing refuse/recycling and vacuum leaf Collection Services to 6467 Overlook Drive.

DATA SHEET
De-Create
Mason District
Within the Mason District

Purpose: To discontinue County Refuse/Recycling and Vacuum Leaf Collection Service to the Falls Gate Area.

- Petition requesting service received March 25, 2020.
- Petition Area: 19 Properties.
- 17 Property Owners in favor.
- 0 property owners opposed.
- 2 Non-responsive / unable to contact.
- The owners will be provided a refund for the two years of service through the Department of Tax Administration.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO DE-CREATE MASON DISTRICT
FOR DISCONTINUING REFUSE, RECYCLING, AND VACCUM LEAF
COLLECTION SERVICES
WITHIN MASON DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to de-create a district known as Mason District within Mason District to include Falls Gate Area for the purpose of discontinuing refuse/recycling and vacuum leafcollection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed sanitary district will be benefited by de-creating the sanitary district for the purpose of discontinuing for refuse/recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed de-creation of a sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Mason District within Mason District, Fairfax County, Virginia, which said de-creation of the sanitary district shall be described as follows:

The de-creation of Mason District within Mason District to include Falls Gate Area located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Mason District within Mason District is hereby created to wit:

To discontinue refuse/recycling and vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board

DATA SHEET
Enlarge
Small District 4
Within the Mason District

Purpose: To provide County Refuse/Recycling and Vacuum Leaf Collection Service to 6467 Overlook Drive.

- Petition requesting service received August 26, 2019.
- Petition Area: 1 Property.
- 1 Property Owners in favor.
- 0 property owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO ENLARGE SMALL DISTRICT 4
FOR REFUSE, RECYCLING, AND VACCUM LEAF COLLECTION SERVICES
WITHIN MASON DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to enlarge a small district known as Small District 4 within Mason District to include 6467 Overlook Drive for the purpose of providing for refuse/recycling and vacuum leaf collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by enlarging the small sanitary district for the purpose of providing for refuse/recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 4 within Mason District, Fairfax County, Virginia, which said enlargement of the small sanitary district shall be described as follows:

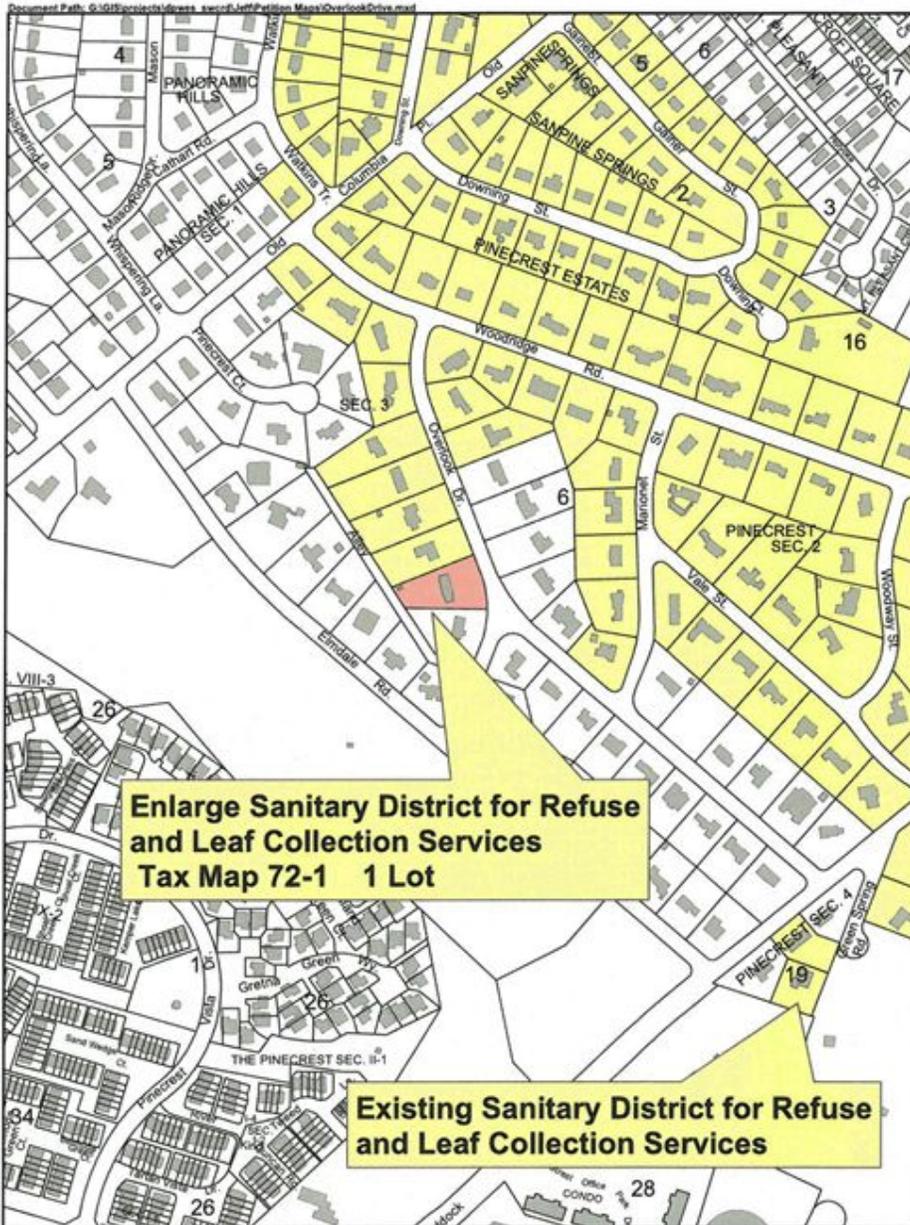
The enlargement of Small District 4 within Mason District to include 6467 Overlook Drive located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 4 within Mason District is hereby created to wit:

To provide refuse/recycling and vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



TAX MAP 72-1

6467 OVERLOOK DRIVE

Board Agenda Item
October 20, 2020

4:00 p.m.

Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services (Providence District)

ISSUE:

Board of Supervisors' to conduct a Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petitions to change small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 8 Within Providence District (2421 Williams Avenue)	Enlarge	Refuse, Recycling, & Vacuum Leaf	Approve

TIMING:

Board of Supervisors' authorized to advertise on September 15, 2020, for a Public Hearing on October 20, 2020, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

Board Agenda Item
October 20, 2020

The submitted petition has been reviewed, and it has been determined that the petition meets the Board of Supervisors' Adopted Criteria. Staff recommends the approval for the enlargement of small and/or local sanitary districts for providing refuse/recycling and/or leaf collection be approved. If approved, the modification will become permanent on January 1, 2021.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map

STAFF:

Rachel Flynn, Deputy County Executive

Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

John W. Kellas, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following small and local sanitary districts for refuse/recycling and/or leaf collection service:

1. Enlarge Small District 8 within Providence District for the purpose of providing refuse/recycling and vacuum leaf Collection Services to Stonewall Manor - 2421 Williams Avenue.

DATA SHEET
Enlarge
Small District 8
Within the Providence District

Purpose: To provide County Refuse/Recycling and Vacuum Leaf Collection Service to Stonewall Manor - 2421 Williams Avenue.

- Petition requesting service received November 1, 2019.
- Petition Area: 1 Property.
- 1 Property Owner in favor.
- 0 Property Owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO ENLARGE SMALL DISTRICT 8
FOR REFUSE, RECYCLING, AND VACCUM LEAF COLLECTION SERVICES
WITHIN PROVIDENCE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to enlarge a small district known as Small District 8 within Providence District to include Stonewall Manor - 2421 Williams Avenue for the purpose of providing for refuse/recycling and vacuum leaf collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
October 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by enlarging the small sanitary district for the purpose of providing for refuse/recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 8 within Providence District, Fairfax County, Virginia, which said enlargement of the small sanitary district shall be described as follows:

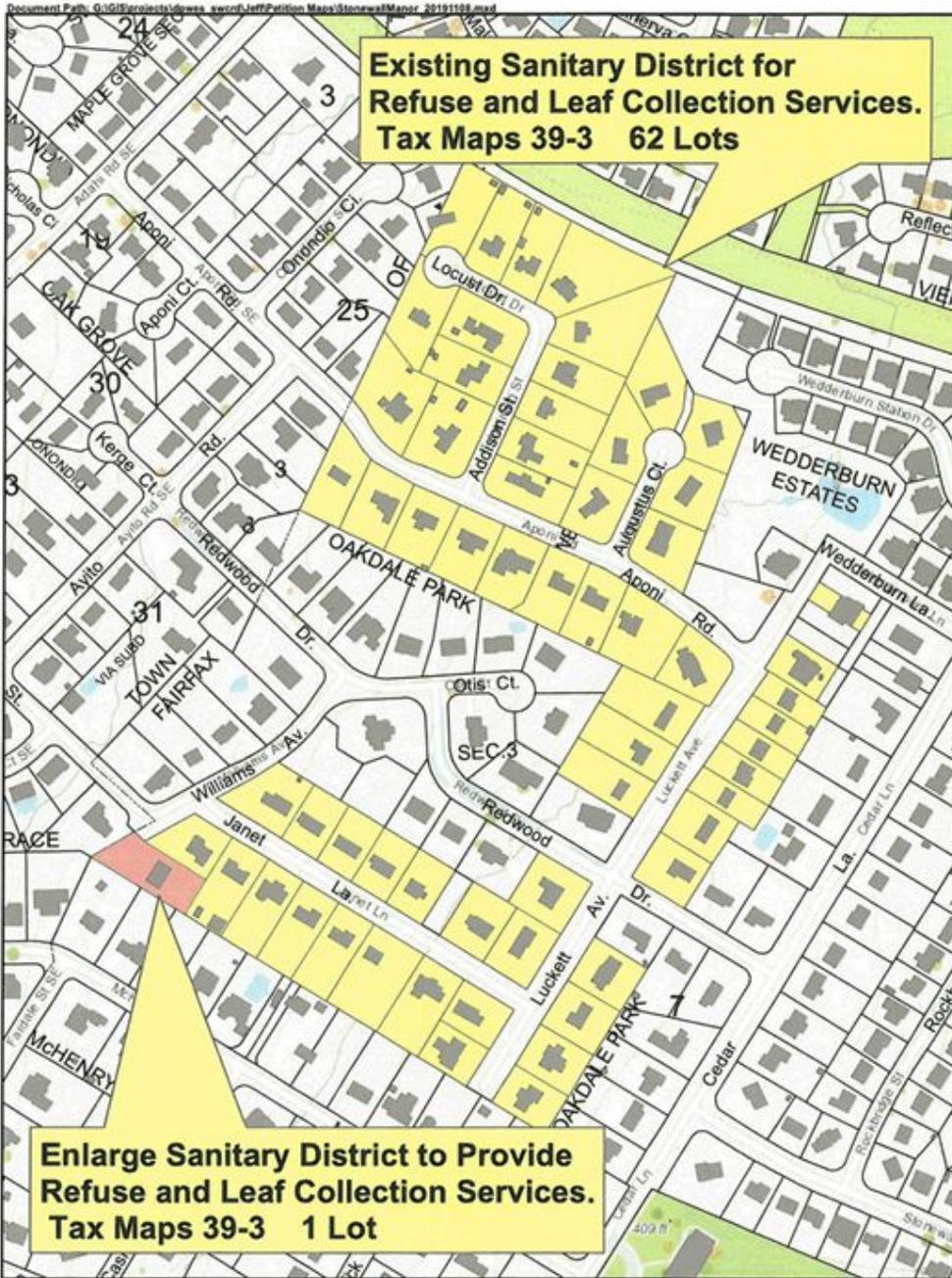
The enlargement of Small District 8 within Providence District to include Stonewall Manor - 2421 Williams Avenue located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 8 within Providence District is hereby created to wit:

To provide refuse/recycling and vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



Tax Maps 39-3

STONEWALL MANOR

Board Agenda Item
October 20, 2020

4:00 p.m.

Public Hearing for the De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services (Lee District)

ISSUE:

Board of Supervisors' to conduct a Public Hearing for the De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and Vacuum Leaf Collection Services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petitions to change small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1-B Within Lee District (5403 Hopark Drive)	De-Create/ Re-Create	Refuse, Recycling, & Adding Vacuum Leaf	Approve
Local District 1-B Within Lee District (5402 Hopark Drive)	De-Create/ Re-Create	Refuse, Recycling, & Adding Vacuum Leaf	Approve

TIMING:

Board of Supervisors' authorized to advertise on September 15, 2020, for a Public Hearing on October 20, 2020, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished

Board Agenda Item
October 20, 2020

through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petitions have been reviewed, and it has been determined that the petitions meet the Board of Supervisors' Adopted Criteria. Staff recommends that both de-creation/re-creation of small and/or local sanitary districts for refuse/recycling and/or leaf collection be approved. If approved, the modification will become permanent on January 1, 2021.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map (5403 Hopark Drive)

Attachment 3: Data Sheet with Proposed Resolution and Map (5402 Hopark Drive)

STAFF:

Rachel Flynn, Deputy County Executive

Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

John W. Kellas, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following small and local sanitary districts for refuse/recycling and/or leaf collection service:

1. De-Create/Re-Create Local District 1-B within Lee District for the purpose of providing refuse/recycling and adding vacuum leaf Collection Services to 5403 Hopark Drive.
2. De-Create/Re-Create Local District 1-B within Lee District for the purpose of providing refuse/recycling and adding vacuum leaf Collection Services to 5402 Hopark Drive.

DATA SHEET
De-Create/Re-Create
Local District 1-B
Within the Lee District

Purpose: To provide County Refuse/Recycling and add Vacuum Leaf Collection Service to 5403 Hopark Drive.

- Petition requesting service received February 19, 2020.
- Petition Area: 1 Property.
- 1 Property Owners in favor.
- 0 Property Owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO DE-CREATE/RE-CREATE LOCAL DISTRICT 1-B
FOR ADDING VACUUM LEAF COLLECTION SERVICES
WITHIN LEE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to de-create/re-create a local district known as Local District 1-B within Lee District to include 5403 Hopark Drive for the purpose of providing for refuse/recycling and adding vacuum leaf collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed local sanitary district will be benefited by de-creating/re-creating the local sanitary district for the purpose of providing for refuse/recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed de-creation/re-creation of a local sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Local District 1-B within Lee District, Fairfax County, Virginia, which said de-creation/re-creation of the local sanitary district shall be described as follows:

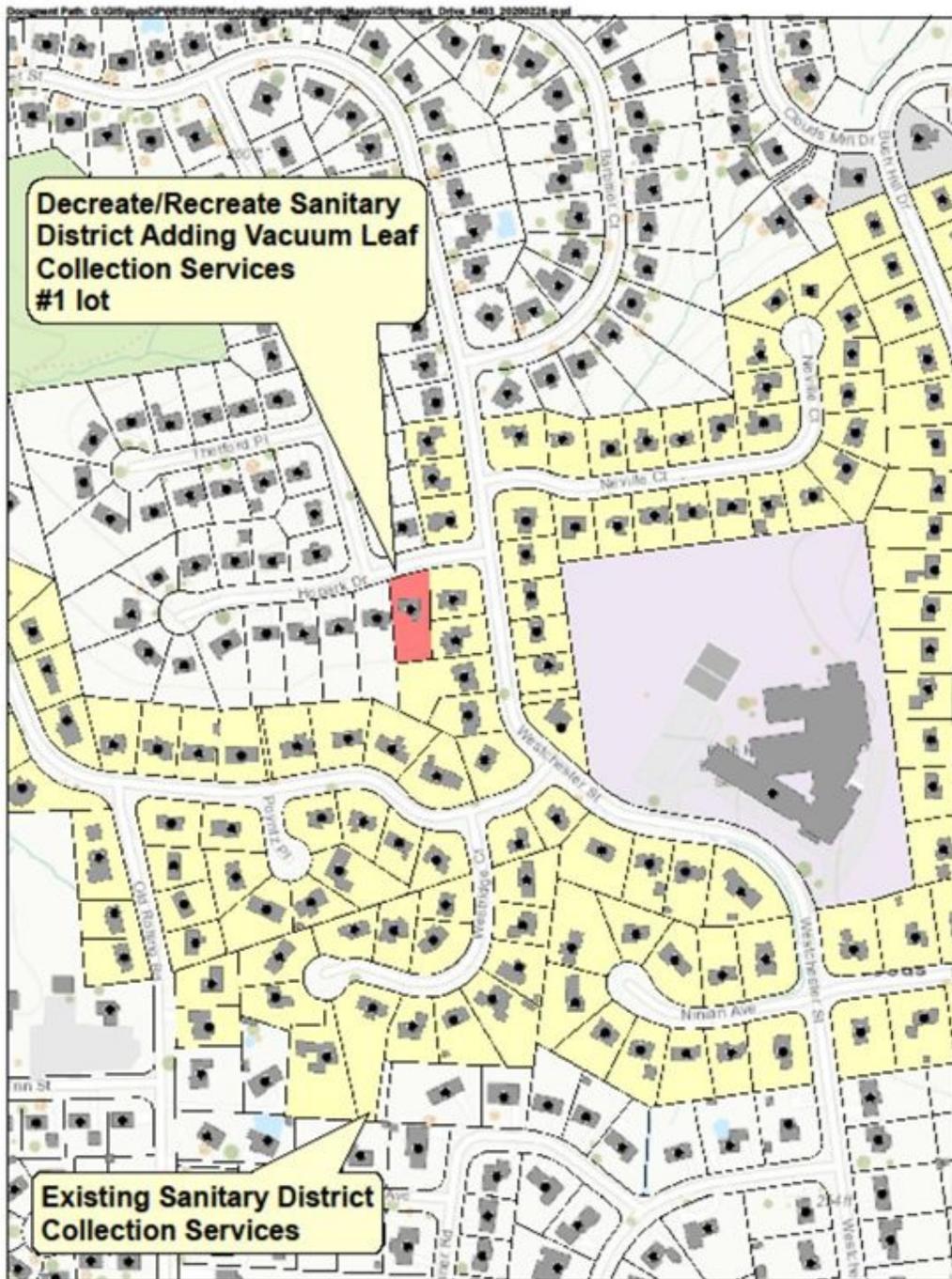
The de-creation/re-creation of Local District 1-B within Lee District to include 5403 Hopark Drive located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Local District 1-B within Lee District is hereby created to wit:

To provide refuse/recycling and adding vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



Tax Maps 81-4

5403 Hopark Drive

DATA SHEET
De-Create/Re-Create
Local District 1-B
Within the Lee District

Purpose: To provide County Refuse/Recycling and add Vacuum Leaf Collection Service to 5402 Hopark Drive.

- Petition requesting service received December 5, 2019.
- Petition Area: 1 Property.
- 1 Property Owners in favor.
- 0 Property Owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO DE-CREATE/RE-CREATE LOCAL DISTRICT 1-B
FOR ADDING VACUUM LEAF COLLECTION SERVICES
WITHIN LEE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to de-create/re-create a local district known as Local District 1-B within Lee District to include 5402 Hopark Drive for the purpose of providing for refuse/recycling and adding vacuum leaf collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed local sanitary district will be benefited by de-creating/re-creating the local sanitary district for the purpose of providing for refuse/recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed de-creation/re-creation of a local sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Local District 1-B within Lee District, Fairfax County, Virginia, which said de-creation/re-creation of the local sanitary district shall be described as follows:

The de-creation/re-creation of Local District 1-B within Lee District to include 5402 Hopark Drive located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Local District 1-B within Lee District is hereby created to wit:

To provide refuse/recycling and adding vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of October 2020

Jill G. Cooper
Clerk for the Board

Board Agenda Item
October 20, 2020

4:00 p.m.

Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and/or Vacuum Leaf Collection Services (Dranesville District)

ISSUE:

Board of Supervisors' to conduct a Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and/or Vacuum Leaf Collection Services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petitions to change small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 7 Within Dranesville District (Boxwood and Beacon Area)	Enlarge	Refuse, Recycling, & Vacuum Leaf	Approve
Small District 11 Within Dranesville District (Cliff Edge Drive Area)	Enlarge	Refuse & Recycling	Approve
Small District 13 Within Dranesville District (El Nido Area)	Enlarge	Refuse & Recycling	Approve
Local District 1-Y Within Dranesville District (Churchill Area)	Enlarge	Refuse & Recycling	Approve
Local District 1-A1 Within Dranesville District (Birchwood Area)	Enlarge	Refuse & Recycling	Approve

Board Agenda Item
October 20, 2020

TIMING:

Board of Supervisors' authorized to advertise on September 15, 2020, for a Public Hearing on October 20, 2020, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petitions have been reviewed, and it has been determined that the petitions meets the Board of Supervisors' Adopted Criteria. Staff recommends the approval for the enlargement of small and/or local sanitary districts for providing refuse/recycling and/or leaf collection be approved. If approved, the modification will become permanent on January 1, 2021.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map (Boxwood and Beacon Area)

Attachment 3: Data Sheet with Proposed Resolution and Map (Cliff Edge Area)

Attachment 4: Data Sheet with Proposed Resolution and Map (El Nido Area)

Attachment 5: Data Sheet with Proposed Resolution and Map (Churchill Area)

Attachment 6: Data Sheet with Proposed Resolution and Map (Birchwood Area)

STAFF:

Rachel Flynn, Deputy County Executive

Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

John W. Kellas, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following small and local sanitary districts for refuse/recycling and/or leaf collection service:

1. Enlarge Small District 7 within Dranesville District for the purpose of providing refuse/recycling and vacuum leaf Collection Services to Boxwood and Beacon Area.
2. Enlarge Small District 11 within Dranesville District for the purpose of providing refuse and recycling Collection Services to Cliff Edge Drive Area.
3. Enlarge Small District 13 within Dranesville District for the purpose of providing refuse and recycling Collection Services to El Nido Area.
4. Enlarge Local District 1-Y within Dranesville District for the purpose of providing refuse and recycling Collection Services to Churchill Area.
5. Enlarge Local District 1-A1 within Dranesville District for the purpose of providing refuse and recycling Collection Services to Birchwood Area.

DATA SHEET
Enlarge
Small District 7
Within the Dranesville District

Purpose: To provide County Refuse/Recycling and Vacuum Leaf Collection Service to the Boxwood and Beacon Area.

- Petition requesting service received October 8, 2019.
- Petition Area: 5 Properties.
- 5 Property Owners in favor.
- 0 Property Owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO ENLARGE SMALL DISTRICT 7
FOR REFUSE, RECYCLING, AND VACUUM LEAF COLLECTION SERVICES
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to enlarge a small district known as Small District 7 within Dranesville District to include Boxwood and Beacon Area for the purpose of providing for refuse/recycling and vacuum leaf collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by enlarging the small sanitary district for the purpose of providing for refuse/recycling and vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 7 within Dranesville District, Fairfax County, Virginia, which said enlargement of the small sanitary district shall be described as follows:

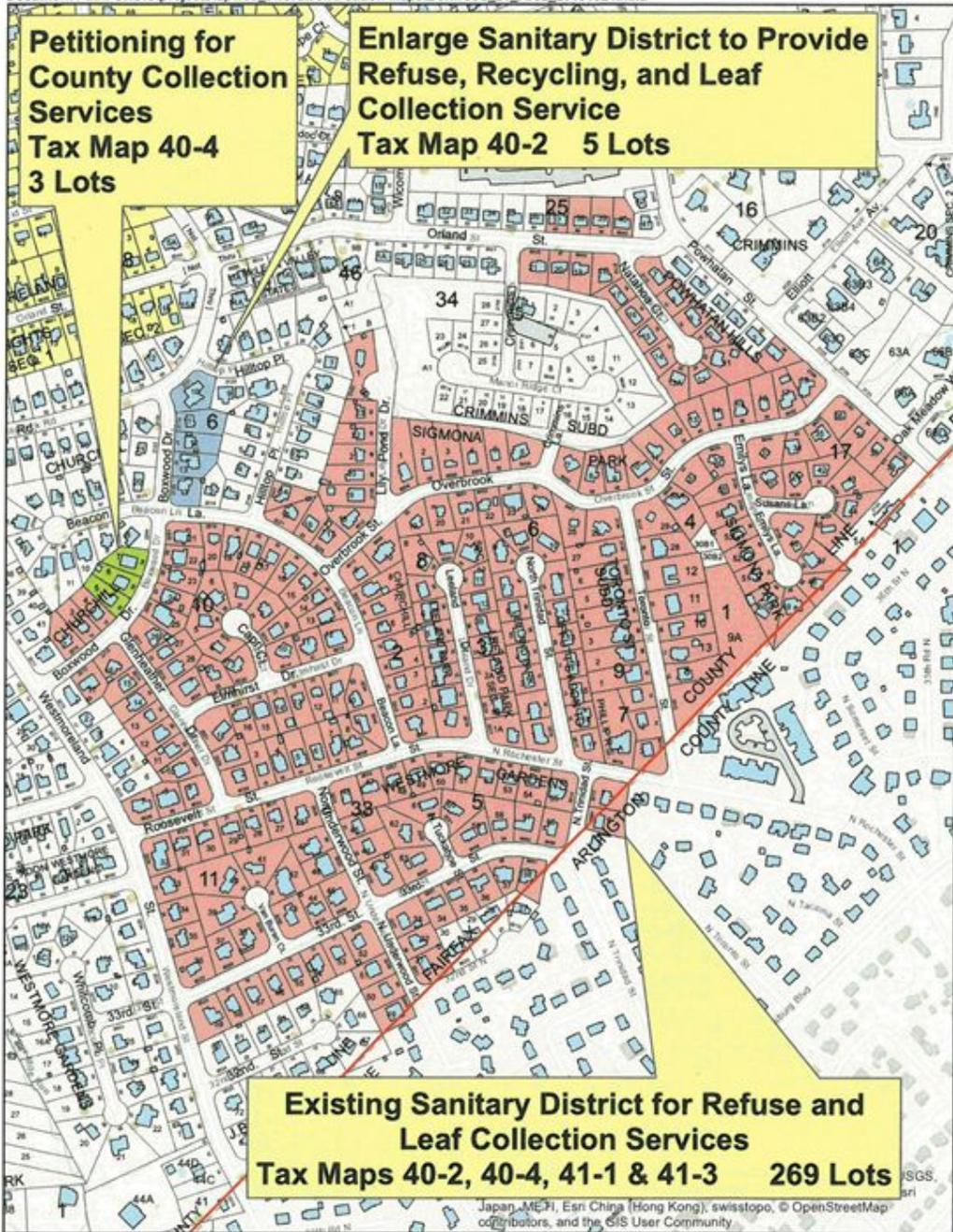
The enlargement of Small District 7 within Dranesville District to include Boxwood and Beacon Area located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 7 within Dranesville District is hereby created to wit:

To provide refuse/recycling and vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



TAX MAP 40-2, 40-4, 41-1 & 41-3

BOXWOOD AND BEACON AREA

DATA SHEET
Enlarge
Small District 11
Within the Dranesville District

Purpose: To provide County Refuse and Recycling Collection Service to the Cliff Edge Drive Area.

- Petition requesting service received July 10, 2019.
- Petition Area: 7 Properties.
- 5 Property Owners in favor.
- 0 Property Owners opposed.
- 2 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO ENLARGE SMALL DISTRICT 11
FOR REFUSE AND RECYCLING COLLECTION SERVICES
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to enlarge a small district known as Small District 11 within Dranesville District to include Cliff Edge Drive Area for the purpose of providing for refuse and recycling collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by enlarging the small sanitary district for the purpose of providing for refuse and recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 11 within Dranesville District, Fairfax County, Virginia, which said enlargement of the small sanitary district shall be described as follows:

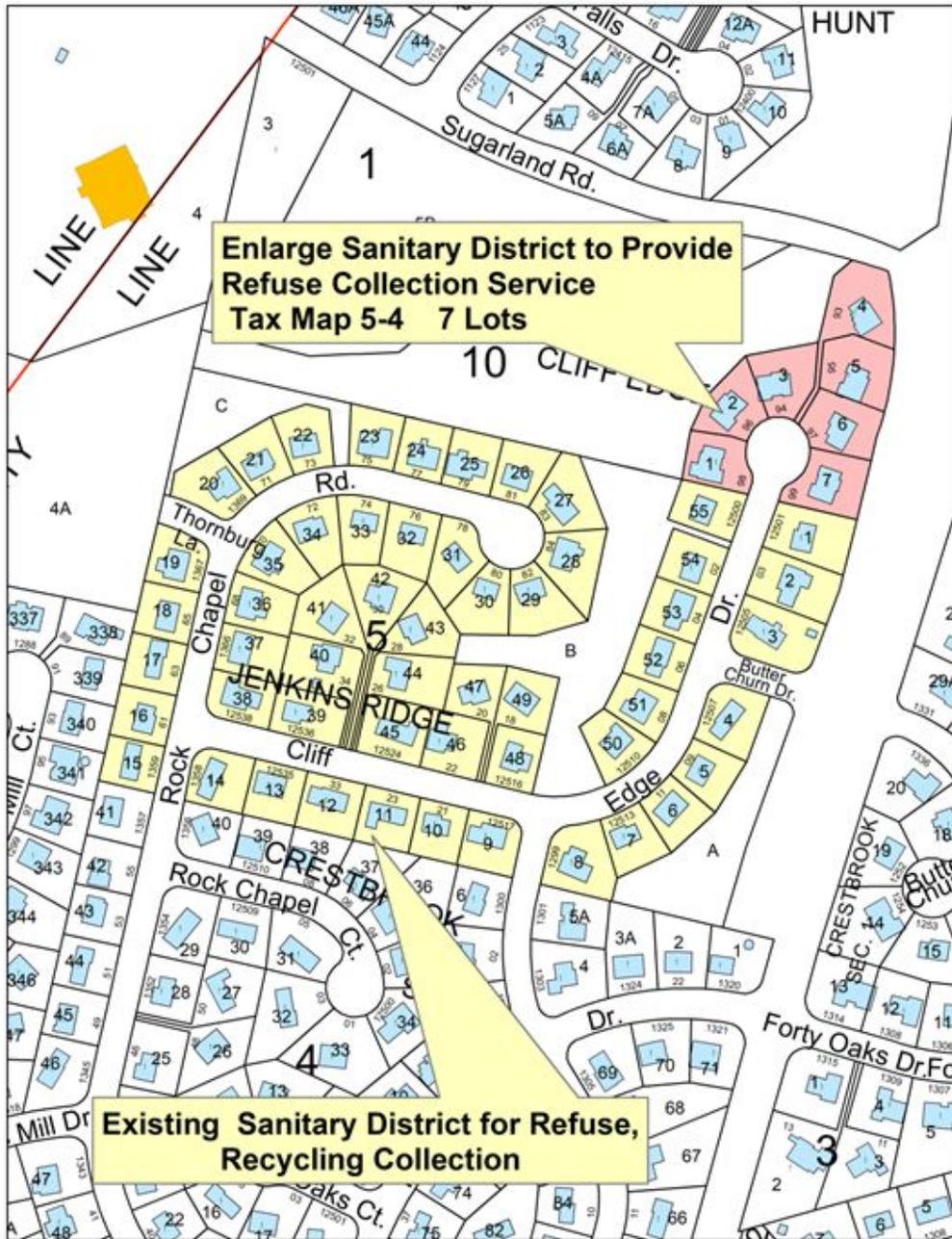
The enlargement of Small District 11 within Dranesville District to include Cliff Edge Drive Area located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 11 within Dranesville District is hereby created to wit:

To provide refuse and recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



TAX MAP 5-4

CLIFF EDGE DR AREA

DATA SHEET
Enlarge
Small District 13
Within the Dranesville District

Purpose: To provide County Refuse and Recycling Collection Service to El Nido Area.

- Petition requesting service received August 27, 2019.
- Petition Area: 20 Properties..
- 11 Property Owners in favor.
- 4 Property Owners opposed.
- 5 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO ENLARGE SMALL DISTRICT 13
FOR REFUSE AND RECYCLING COLLECTION SERVICES
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to enlarge a small district known as Small District 13 within Dranesville District to include El Nido Area for the purpose of providing for refuse and recycling collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by enlarging the small sanitary district for the purpose of providing for refuse and recycling and collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 13 within Dranesville District, Fairfax County, Virginia, which said enlargement of the small sanitary district shall be described as follows:

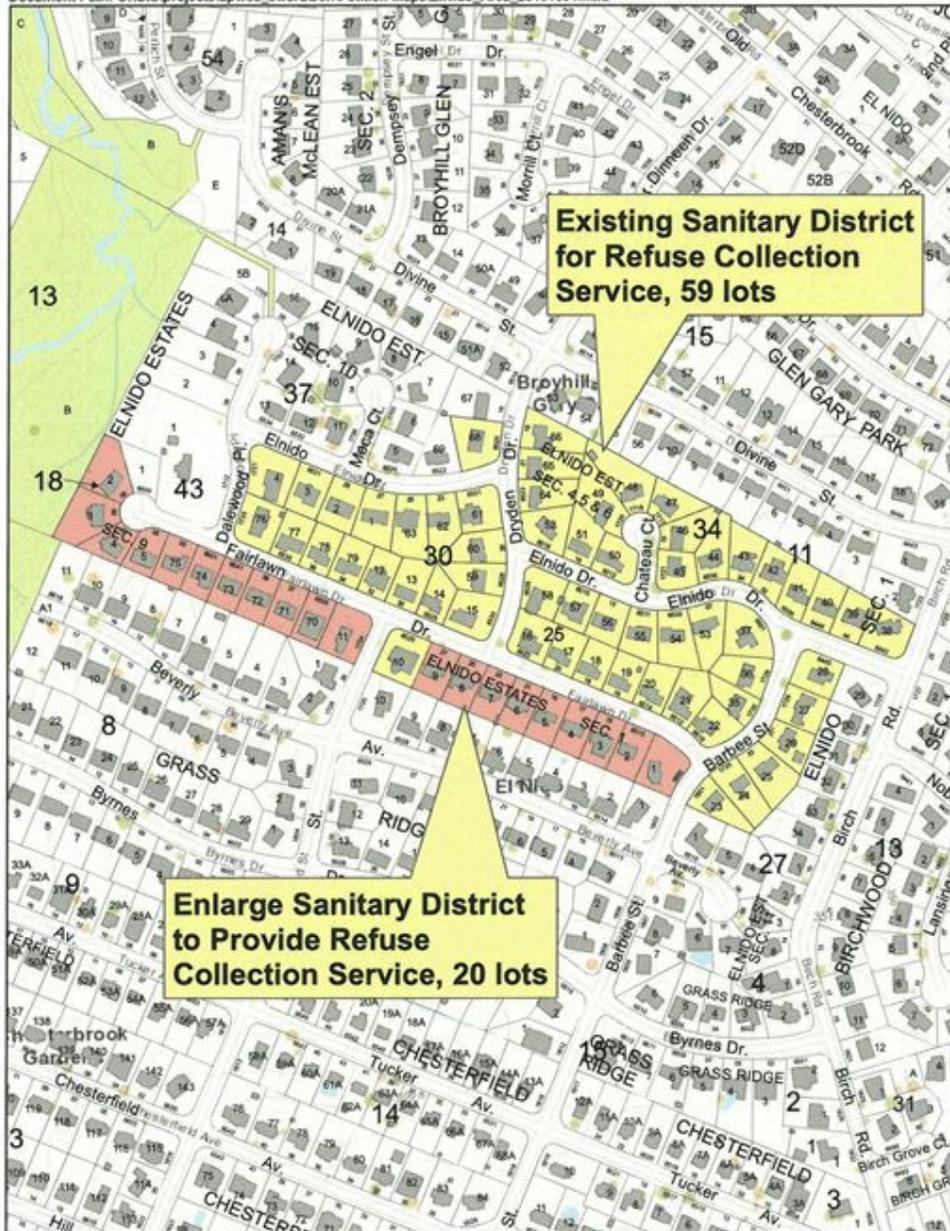
The enlargement of Small District 13 within Dranesville District to include El Nido Area located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 13 within Dranesville District is hereby created to wit:

To provide refuse and recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



TAX MAPS; 30-4 & 31-3

EL NIDO AREA

DATA SHEET
Enlarge
Local District 1-Y
Within the Dranesville District

Purpose: To provide County Refuse and Recycling Collection Service to the Churchill Area.

- Petition requesting service received September 9, 2019.
- Petition Area: 3 Properties.
- 3 Property Owners in favor.
- 0 Property Owners opposed.
- 0 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO ENLARGE LOCAL DISTRICT 1-Y
FOR REFUSE AND RECYCLING COLLECTION SERVICES
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to enlarge a local district known as Local District 1-Y within Dranesville District to include Churchill Area for the purpose of providing for refuse and recycling collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed local sanitary district will be benefited by enlarging the local sanitary district for the purpose of providing for refuse and recycling collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a local sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Local District 1-Y within Dranesville District, Fairfax County, Virginia, which said enlargement of the local sanitary district shall be described as follows:

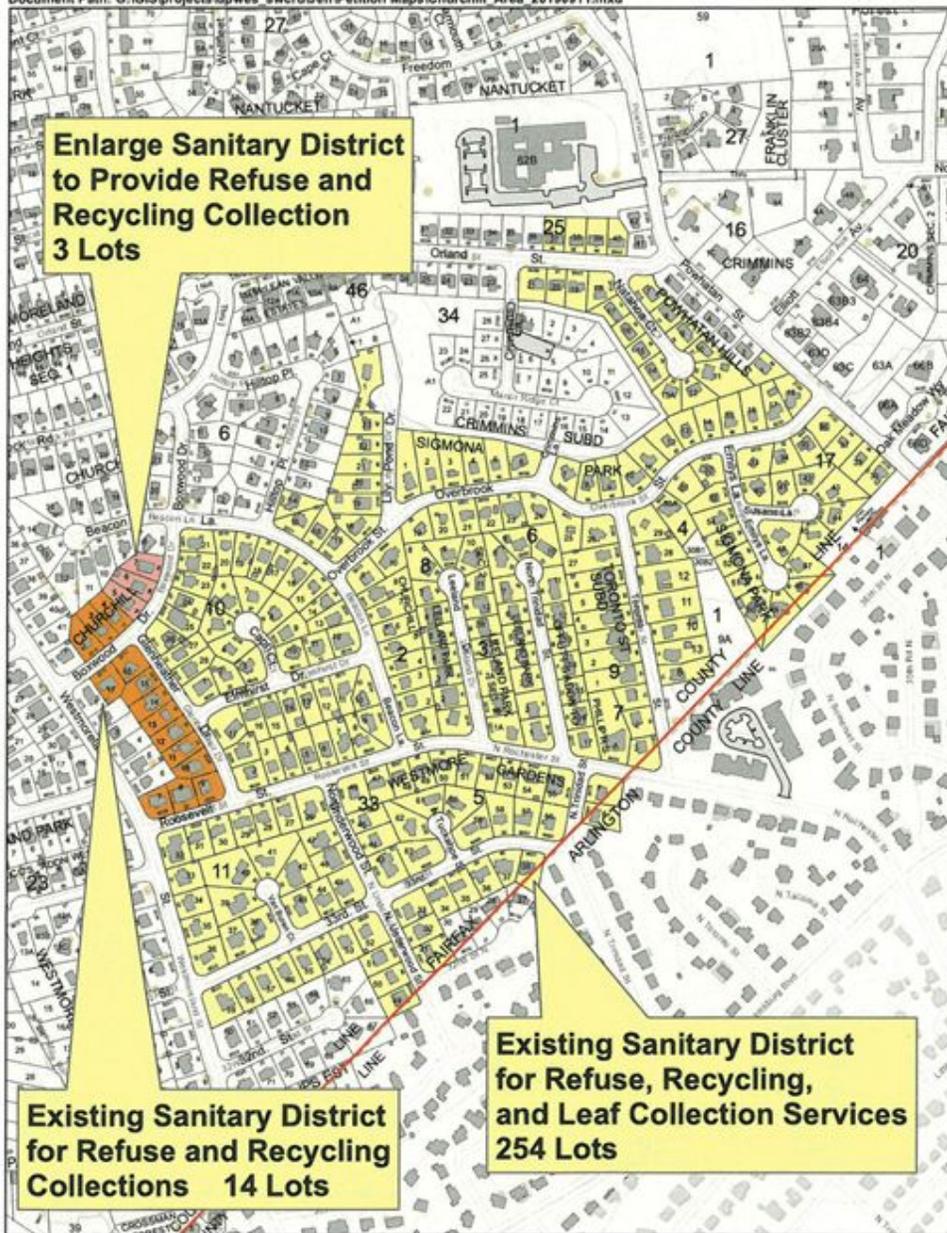
The enlargement of Local District 1-Y within Dranesville District to include Churchill Area located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Local District 1-Y within Dranesville District is hereby created to wit:

To provide refuse and recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



TAX MAPS; 40-2, 40-4, 41-1 & 41-3

CHURCHILL AREA

DATA SHEET
Enlarge
Local District 1-A1
Within the Dranesville District

Purpose: To provide County Refuse and Recycling Collection Service to Birchwood Area.

- Petition requesting service received October 25, 2019.
- Petition Area: 9 Properties.
- 7 Property Owners in favor.
- 1 Property Owners opposed.
- 1 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved effective January 1, 2021.

ADOPTION OF A RESOLUTION
TO ENLARGE LOCAL DISTRICT 1-A1
FOR REFUSE AND RECYCLING COLLECTION SERVICES
WITHIN DRANESVILLE DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 15th day of September, 2020, it was proposed by said Board to adopt a resolution to enlarge a local district known as Local District 1-A1 within Dranesville District to include Birchwood Area for the purpose of providing for refuse and recycling collection to be effective January 1, 2021, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
OCTOBER 20, 2020
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed local sanitary district will be benefited by enlarging the local sanitary district for the purpose of providing for refuse and recycling and collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed enlargement of a local sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Local District 1-A1 within Dranesville District, Fairfax County, Virginia, which said enlargement of the local sanitary district shall be described as follows:

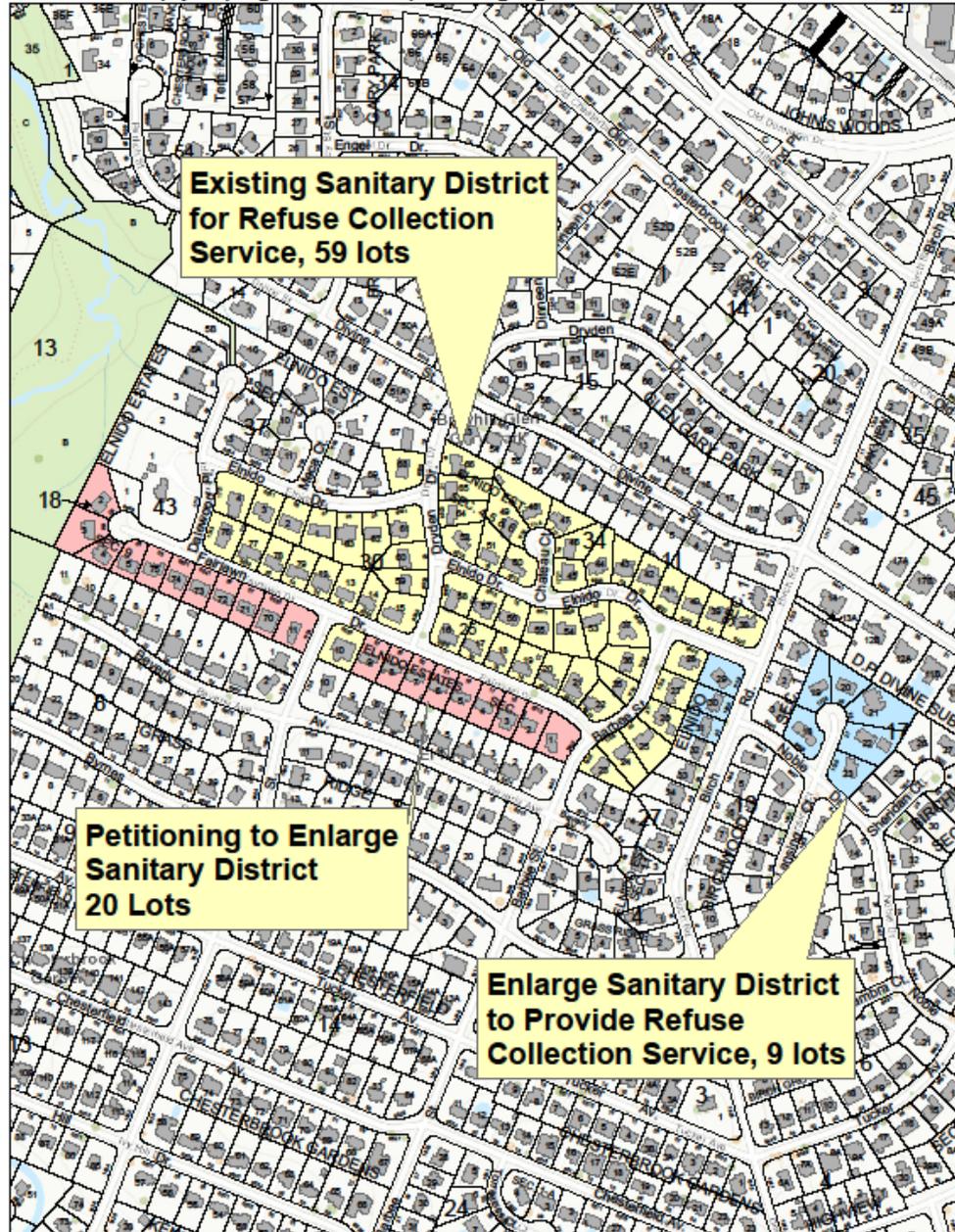
The enlargement of Local District 1-A1 within Dranesville District to include Birchwood Area located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Local District 1-A1 within Dranesville District is hereby created to wit:

To provide refuse and recycling collection service for the citizens who reside therein.

Given under my hand this ____ day of October, 2020

Jill G. Cooper
Clerk for the Board



TAX MAPS; 30-4 & 31-3

BIRCHWOOD AREA

Board Agenda Item
October 20, 2020

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Establishing the Scotts Run Residential Permit Parking District, District 48 (Dranesville District)

ISSUE:

Public Hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Scotts Run Residential Permit Parking District (RPPD), District 48.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of the Fairfax County Code, to expand the Scotts Run RPPD, District 48.

TIMING:

On September 29, 2020, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on October 20, 2020, at 4:30 p.m.

BACKGROUND:

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

Board Agenda Item
October 20, 2020

A peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of those petitioning block faces. All other requirements to establish the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,500 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code

Attachment II: Map Depicting Proposed Limits of New RPPD

STAFF:

Rachel Flynn, Deputy County Executive

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNCIL:

Patrick Foltz, Assistant County Attorney

Appendix G

G-48 Scotts Run Residential Permit Parking District.

- (a) *Purpose and Intent.* The Scotts Run Residential Permit Parking District is established to protect this residential area from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of these areas from unreasonable burdens in gaining access to their property; and to preserve the residential character of the area and the property values therein.
- (b) *District Designation.*
- (1) The Scotts Run Residential Permit Parking District is designated as Residential Permit Parking District 48, for the purposes of signing and vehicle decal identification.
 - (2) Blocks included in the Scotts Run Residential Permit Parking District are shown on the Official Residential Permit Parking District map and are described below:

Georgetown Court (Route 6033):
From Georgetown Pike to the cul-de-sac inclusive.

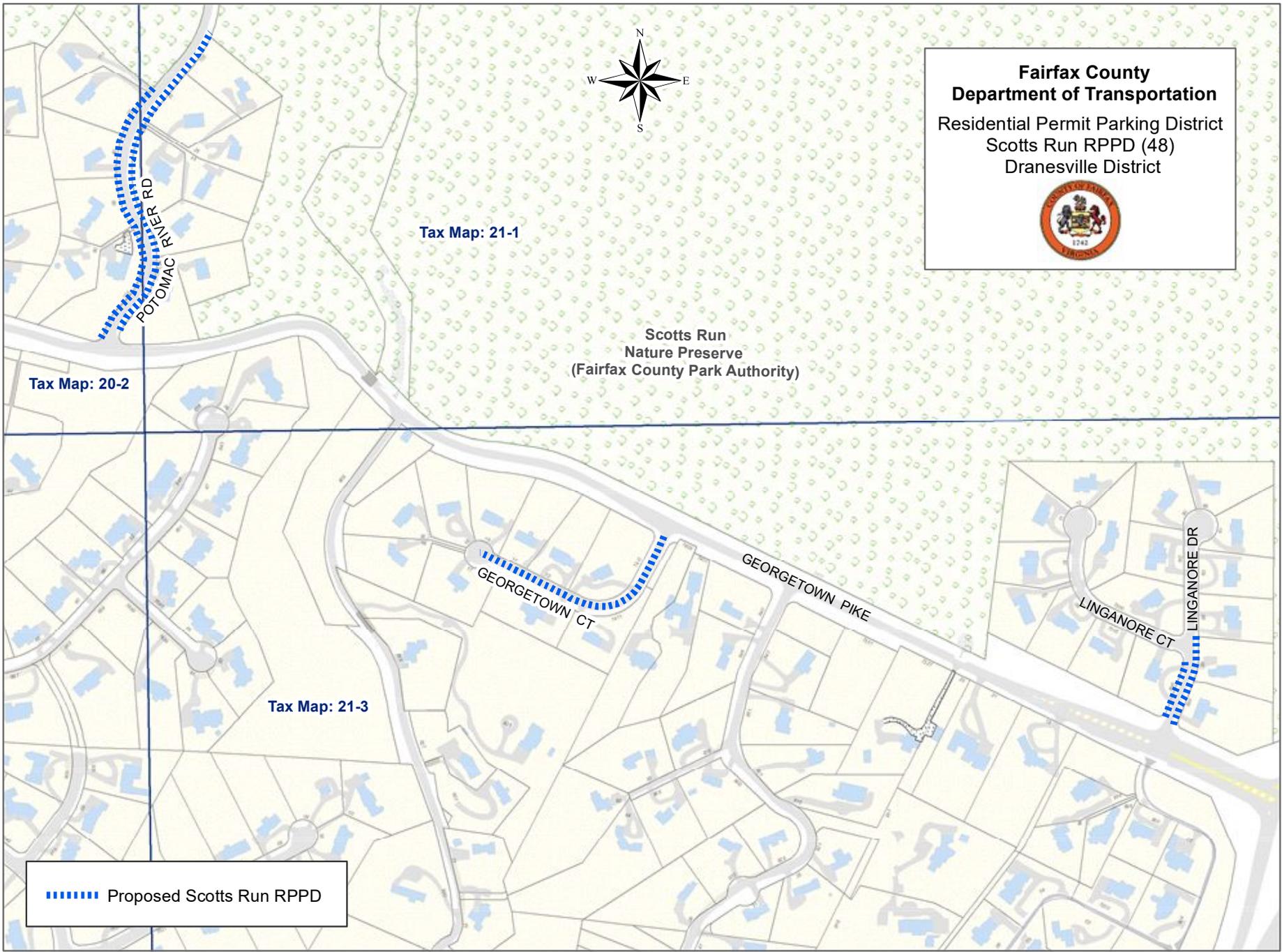
Linganore Drive (Route 6472):
From Georgetown Pike to Linganore Court.

Potomac River Road (Route 6037):
From Georgetown Pike to the northern property boundaries of 705 Potomac River Road, east side, and 710 Potomac River Road, west side, at the Scotts Run Nature Preserve (FCPA) boundary.
- (c) *District Provisions.*
- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5A of Chapter 82.
 - (2) Within the Scotts Run Residential Permit Parking District, parking is prohibited at all times, except as permitted by the provisions of Article 5A of Chapter 82.
 - (3) One (1) transferable visitor pass per address shall be issued in the name of a bona fide resident of said address. However, visitor passes shall not be issued to multifamily or townhouse addresses, which have off-street parking provided.
 - (4) Owners of property in the District who are not bona fide residents of said District may obtain a temporary visitor

- parking pass for a period not to exceed two (2) weeks.
- (5) All permits and visitor passes for the Scotts Run Residential Permit Parking District shall expire on October 31, 2021. Thereafter, all permits and visitor passes may be renewed in accordance with Article 5A of Chapter 82 and the renewal procedures established by Fairfax County Department of Transportation.
- (d) *Signs.* Signs delineating the Scotts Run Residential Permit Parking District shall indicate the following:

NO PARKING
ANYTIME
Except by Permit
District 48

**Fairfax County
Department of Transportation**
Residential Permit Parking District
Scotts Run RPPD (48)
Dranesville District



Proposed Scotts Run RPPD

Board Agenda Item
October 20, 2020

4:30 p.m.

Public Hearing on Proposed Amendments to the Code of the County of Fairfax,
Virginia— Chapter 30 (Minimum Private School and Child Care Facility Standards),
Article 3 (Home Child Care Facilities)

ISSUE:

Public hearing to consider amendments to The Code of the County of Fairfax, Virginia Chapter 30, Article 3. The amendments will add requirements for additional out of state criminal background checks and sex offender registry searches for any adult who has lived in another state in the preceding five years.

RECOMMENDATION:

The County Executive recommends adoption of the proposed amendments to Chapter 30, Article 3 of the Fairfax County Code.

TIMING:

On September 15, 2020, the Board of Supervisors authorized a public hearing to take place on October 20, 2020 to consider amendments to the Fairfax County Code, Chapter 30, Article 3. This ordinance would become effective immediately upon adoption.

BACKGROUND:

Chapter 30, Article 3, of the County Code regulates Home Child Care Facilities in which a person cares for four or fewer children. Section 30-3-2 of this Chapter sets forth the requirements for the applicant of a proposed home child care facility and each adult resident in the facility.

In 2018, the County Code was amended to replace the background check requirement with a new fingerprint based national background check. This amendment was made in response to changes in the state child care licensing requirements at that time. Recently the 2020 General Assembly updated the background check requirements for state child care licensing to include an additional criminal history record information check and sex offender registry search maintained by any other state in which the applicant or adult resident resided in the preceding five years.

Board Agenda Item
October 20, 2020

Section 30-3-2 of the County Code currently requires a fingerprint-based national background check every five years for each applicant and adult resident in the facility. This background check includes a Virginia state criminal history name check and a search of the state sex offender registry. The proposed amendment to Section 30-3-2 authorizes the Office for Children to obtain a copy of the results of a criminal history record information check and sex offender registry search maintained by any other state in which the applicant or adult resident has resided in the preceding five years. If the state where the individual previously resided participates in the National Fingerprint File (NFF) program through the FBI, the additional criminal background check is not required and only the search of the sex offender registry needs to be completed. This proposed amendment will align the County Code with new state child care licensing requirements, and reflects federal and state requirements for background checks for child care facilities.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendments to *The Code of the County of Fairfax*, Chapter 30, Article 3.

STAFF:

Tisha Deeghan, Deputy County Executive

Christopher A. Leonard, Director, Department of Neighborhood and Community Services (NCS)

Anne-Marie D. Twohie, Director, Office for Children, NCS

ASSIGNED COUNSEL:

Daniel Robinson, Assistant County Attorney

1 AN ORDINANCE AMENDING
2 ARTICLE 3 OF CHAPTER 30 OF THE FAIRFAX COUNTY CODE, RELATING TO
3 HOME CHILD CARE FACILITIES
4

5 Draft of August 3, 2020
6

7 AN ORDINANCE to amend the Fairfax County Code by amending and
8 readopting Section 30-3-2, relating to home child care facilities.
9

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

11 1. That Section 30-3-2 of the Fairfax County Code is amended and readopted as
12 follows:

13 Article 3. – Home Child Care Facilities.
14

15 Section 30-3-2. - Annual permit application, issuance or denial.

16 (a) A person proposing to operate a home child care facility, and each adult who resides in the
17 proposed facility, shall submit to fingerprinting and shall provide personal descriptive
18 information to be forwarded along with each individual's fingerprints through the Central
19 Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of
20 obtaining criminal history record information regarding each such person. The applicant shall
21 also submit an application on a form prepared by the Director of the Office for Children, which
22 shall include:

- 23 (i) The name and address of the home child care facility;
- 24 (ii) The name of the applicant;
- 25 (iii) A statement of whether the applicant currently holds or previously held a home child
26 care facility permit in the County;
- 27 (iv) The names of all persons who reside in the home;
- 28 (v) A sworn statement from the applicant and each adult who resides in the proposed facility
29 stating whether he or she has ever been convicted of or is the subject of any pending
30 charges for any offense within or outside the Commonwealth and consent forms signed
31 by the applicant and each adult who resides in the proposed facility allowing the Director
32 of the Office for Children to obtain the results of the criminal history record search
33 conducted in accordance with Section 30-3-2(b)(iii). The applicant must provide consent
34 forms signed by the applicant and each adult who resides in the proposed facility
35 authorizing the Director of the Office for Children to obtain the results of a criminal
36 history record information check and sex offender registry check from any state in which
37 the applicant or any adult who resides in the proposed facility has lived in the 5 years
38 prior to the date of the application. The applicant must pay any fee or fees required in
39 connection with any such criminal history investigation or sex offender registry
40 investigation for each person making disclosures and providing consent forms;

- 41 (vi) A sworn statement from the applicant and each adult who resides in the proposed
42 facility stating the names of all states in which he or she has lived in the 5 years prior to
43 the date of the application and stating whether he or she has been the subject of a founded
44 complaint of child abuse or neglect within or outside the Commonwealth of Virginia and
45 consent forms signed by the applicant and each adult who resides in the proposed facility
46 giving consent to the Director of the Office for Children to obtain a copy of the results of
47 a search of the central registry maintained pursuant to Va. Code § 63.2-1515, and any
48 child abuse and neglect registry or equivalent registry maintained by any other state in
49 which the applicant or any adult who resides in the proposed facility has resided in the
50 previous five years for any founded complaint of child abuse or neglect; the applicant
51 shall also provide sworn statements from a parent, guardian or legal custodian on behalf
52 of all minors age 14 and older who reside in the proposed facility stating whether the
53 minor has been the subject of a founded complaint of child abuse or neglect and consent
54 forms signed the parent, guardian or legal custodian of all minors age 14 and older who
55 reside in the proposed facility, giving consent to the Director of the Office for Children
56 to obtain a copy of the results of a search of the central registry maintained pursuant to
57 Va. Code § 63.2-1515 for any founded complaint of child abuse or neglect;
- 58 (vii) Copies of the applicant's current certifications in first aid and cardiopulmonary
59 resuscitation (CPR);
- 60 (viii) Proof of the applicant's compliance with the training requirements established in
61 Section 30-3-4(b), which shall consist of records provided by the trainer or, if none are
62 provided by the trainer, records maintained by the applicant;
- 63 (ix) A description of the structure in which the home child care facility is proposed to be
64 operated, including a description of all places and areas to which the children shall have
65 access;
- 66 (x) The proposed hours of operation;
- 67 (xi) A statement of whether the applicant is 18 or more years old;
- 68 (xii) A certificate from a physician, physician's designee, or Health Department official
69 stating that acceptable screening methods (tuberculin skin test and/or tuberculosis risk
70 and symptom screen and/or chest X-ray), singly or in combination as determined
71 appropriate by the signatory, indicate that the applicant and all adult household residents
72 are currently free from communicable tuberculosis. The screen must be performed every
73 two years or more frequently as recommended by a physician or the local health
74 department;
- 75 (xiii) A written policy describing what the applicant will do with children in care who are
76 sick and a written emergency preparedness plan;
- 77 (xiv) Such other information, including, but not limited to, information concerning
78 applicant's child care training and special skills, as the Director of the Office for Children
79 may deem appropriate;
- 80 (xv) The application fee of \$14, which is in addition to any business or occupation license
81 tax imposed by the County, and any other taxes or fees that may be required to engage in
82 the business.

83 If the information the provider submits in accordance with subsections (iv), (v), (vi), and (xii)
84 changes during the term of the permit, the provider must report the change to the Director of the
85 Office for Children within 21 days and must promptly submit updated information and documents.

86 (b) Upon submission of an application to the Office for Children:

87 (i) The Director of the Office for Children shall inspect the proposed facility to determine
88 whether it is in compliance with this Article and all applicable Virginia law that may
89 affect the health and safety of the children who may attend or be present at the facility.

90 (ii) The Fire Code Official shall conduct a fire safety inspection of the proposed facility and
91 advise the Director of the Office for Children of any noncompliance with this Article or
92 any applicable Virginia law that may affect the health and safety of the children who may
93 attend or be present at the facility.

94 (iii) If the applicant does not hold a permit under this Article at the time of the application,
95 the Director of the Office for Children shall require that the fingerprints and personal
96 descriptive information for the applicant and each adult who resides in the proposed
97 facility be forwarded to the Central Criminal Records Exchange and request a search of
98 the Central Criminal Records Exchange and a national criminal history search by the
99 Federal Bureau of Investigation to determine whether the applicant or any persons who
100 reside in the home have committed any crimes that constitute barrier offenses. If the
101 applicant does not hold a permit under this Article at the time of the application, the
102 Director of the Office for Children shall request a copy of the results of a criminal history
103 record information check and sex offender registry check from any other state in which
104 the applicant or any adult who resides in the proposed facility has resided in the preceding
105 five years for the applicant and all adults who reside in the proposed facility; however, if
106 the applicant or other adult who resides in the proposed facility resided during the
107 preceding five years in a state that participates in the National Fingerprint File through
108 the Federal Bureau of Investigation then the Director is not required to request a copy of
109 the criminal history record information check from that state. Otherwise, the Director
110 may request a criminal records search if five or more years have passed since the last
111 records search on an individual, or upon receipt of new information submitted in
112 accordance with this section, or as the Director deems appropriate in extenuating
113 circumstances.

114 (iv) If the applicant does not hold a permit under this Article at the time of the application,
115 the Director of the Office for Children shall request a copy of the results of a search of
116 the central registry maintained pursuant to Va. Code § 63.2-1515 for the applicant and all
117 individuals age 14 and older that reside in the proposed facility, and a copy of the results
118 of a search of any child abuse and neglect registry or equivalent registry maintained by
119 any other state in which the applicant or any adult who resides in the proposed facility
120 has resided in the preceding five years for the applicant and all adults who reside in the
121 proposed facility, for any founded complaint of child abuse or neglect. Otherwise, the
122 Director may request a copy of the central registry maintained pursuant to Va. Code §
123 63.2-1515 if five or more years have passed since the last records search on an individual,
124 or upon receipt of new information submitted in accordance with this section, or as the
125 Director deems appropriate in extenuating circumstances.

126 (c) The Director of the Office for Children shall issue a permit to an applicant if the Director
 127 determines from the information contained in the permit application, the facility inspections,
 128 and the records searches that (i) the applicant is an adult; (ii) neither the applicant nor any
 129 person who resides in the facility has committed any barrier offense; and (iii) both the
 130 applicant and the proposed facility are in compliance with this Article and all applicable
 131 Virginia laws that may affect the health and safety of the children who may attend or be
 132 present at the proposed facility. The permit shall be displayed in the home child care facility
 133 by the provider.

134 (d) The Director of the Office for Children shall deny a permit to any applicant if the Director
 135 determines from the information contained in the permit application, the facility inspections,
 136 and the records searches that (i) the applicant is not an adult; (ii) the applicant or any person
 137 who resides in the facility has committed any barrier offense; or (iii) either the applicant or
 138 the proposed facility is not in compliance with this Article and all applicable Virginia laws
 139 that may affect the health and safety of the children who may attend or be present at the
 140 proposed facility. If the denial is based on the results of the searches of the records of the
 141 Central Criminal Records Exchange, the national criminal background check, or the
 142 Department of Social Services, the Director shall provide the applicant a copy of the
 143 information upon which the denial was based.

144

145 **2. All providers that are permitted under Article 3 of Chapter 30 of the Fairfax County**
 146 **Code on the effective date of this ordinance, and all adults who reside in the provider's**
 147 **facility, must provide the consent forms required in Fairfax County Code Section 30-3-**
 148 **2(a)(v) authorizing the Director of the Office for Children to obtain the results of the**
 149 **criminal history record information check and sex offender registry check from any state**
 150 **in which the applicant or any adult who resides in the proposed facility lived five years**
 151 **prior to the date of the consent form, as well as any applicable fee required thereunder, to**
 152 **the Office for Children by December 31, 2020. The failure to comply with this requirement**
 153 **will result in a suspension of the provider's permit. Upon receipt of the sworn statements**
 154 **and forms, the Director will request the criminal history record information checks and sex**
 155 **offender registry checks required in Section 30-3-2(b)(iii).**

156 **3. That the provisions of this ordinance are severable, and if any provision of this**
 157 **ordinance or any application thereof is held invalid, that invalidity shall not affect the other**
 158 **provisions or applications of this ordinance that can be given effect without the invalid**
 159 **provision or application.**

160 **4. That this Ordinance will become effective upon adoption.**

161

162

163

GIVEN under my hand this _____ day of _____, 2020

164

165

166

 Jill G. Cooper

167

Clerk for the Board of Supervisors

Board Agenda Item
October 20, 2020

4:30 p.m.

Public Hearing on a Proposal to Vacate and Abandon a Portion of White Spruce Way
(Mount Vernon District)

ISSUE:

Public hearing on a proposal to vacate and abandon a portion of White Spruce Way.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment IV) for abandonment and ordinance (Attachment V) for vacation of the subject right-of-way.

TIMING:

On September 15, 2020, the Board authorized the public hearing to consider the proposed abandonment and vacation for October 20, 2020, at 4:30 p.m.

BACKGROUND:

The applicant, McGuire Woods LLP, is requesting that a portion of White Spruce Way be vacated under §15.2-2272(2) of the Virginia Code and abandoned under Virginia Code §33.2-909. The applicant is seeking this request as part of the Laurel Hill Adaptive Reuse development (RZ 2012-MV-008 & PCA 2012-MV-008). This vacation request is part of the implementation of the proffers approved with RZ 2012-MV-008 & PCA 2012-MV-008.

The subject portion of White Spruce Way, west of the intersection of White Spruce Way and Silverbrook Road, is currently improved and continues to Mountain Larkspur Drive. The construction of the subject portion of White Spruce Way was proffered as part of a preceding development application for the Laurel Hill Adaptive Reuse project (RZ 2002-MV-040). The subject portion of White Spruce Way is in the VDOT Secondary System of Highways. The subject portion of White Spruce Way will be incorporated in the surrounding Laurel Hill Adaptive Reuse project as a privately maintained street after the vacation and abandonment.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access.

Board Agenda Item
October 20, 2020

Easements

The project manager has certified that all easement requirements for the project have been met.

The proposal to vacate and abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Development, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these indicated any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter and Justification/Background
Attachment II: Notice of Intent to Abandon
Attachment III: Notice of Intent to Vacate
Attachment IV: Order of Abandonment
Attachment V: Ordinance of Vacation
Attachment VI: Metes and Bounds Description of Vacation
Attachment VII: Metes and Bounds Description of Abandonment
Attachment VIII: Vacation and Abandonment Plats
Attachment IX: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Division Chief, FCDOT
Marc Dreyfuss, FCDOT
Michelle Guthrie, FCDOT
Jeffrey Edmondson, FCDOT

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney

McGuireWoods LLP
 1750 Tysons Boulevard
 Suite 1800
 Tysons, VA 22102-4215
 Phone: 703.712.5000
 Fax: 703.712.5050
 www.mcguirewoods.com

Scott Adams
 Direct: 703.712.5461

McGUIREWOODS

sadams@mcguirewoods.com

February 25, 2020

Michelle Guthrie
 Fairfax County Department of Transportation
 4050 Legato Road, 4th Floor
 Fairfax, Virginia 22033

Re: Vacation/Abandonment of White Spruce Way

Dear Ms. Guthrie:

Enclosed please find the required documents to accompany this request to vacate and abandon a portion of White Spruce Way in conformance with Code of Virginia Sections 15.2-2272(1) and 33.2-909. White Spruce Way was dedicated pursuant to the Deed of Dedication recorded in Deed Book 16772, at Page 1059, among the land records of Fairfax County, Virginia (the "Land Records").

The portion of White Spruce Way for which the vacation/abandonment is requested is located on the site of the former Lorton Penitentiary and is part of Laurel Hill. This area is shown as a new private road on the approved CDPA/FDPA associated with PCA 2012-MV-008, approved by the Board of Supervisors on February 20, 2018. This new private road will connect the surrounding property to Silverbrook Road. Easements for ingress and egress and existing utilities will be granted to Fairfax County as part of the site plan process. A record plat showing these easements has already been submitted to Plan Control. Replacement of the public street with a private street will not impact access to Spring Hill. The Spring Hill development already has a primary access on Laurel Crest Drive and will continue to have access to Silverbrook Road via the new private street.

Enclosed with this request, please find the following:

- One (1) copy of the Deed of Dedication recorded in Deed Book 16772, Page 1059 dedicating White Spruce Way.
- \$150.00 Processing Fee
- Recordable Plat (18 copies) showing the location of all known utilities within the subject area and County Assessment Map Reference Number
- Metes and Bounds legal description of the area to be vacated (18 copies)
- Combined Notice of Public Hearing (Original + 18 copies)
- Vacation Ordinance (Original + 18 copies)
- Order of Abandonment (Original + 18 copies)

- Vicinity Map/Fairfax County Assessment Map (18 copies)
- Accompanying site plan/development plan (18 copies)

Please let me know if you have any questions regarding this request or if additional information is required.

Sincerely,

Scott Adams

Enclosures: A/S

White Spruce Way Vacation and Abandonment – Background/Justification

On May 5, 2003, the Board of Supervisors approved RZ 2002-MV-040 which allowed the development of senior housing on property located to the northwest of what is now White Spruce Way. The development is currently known as Spring Hill. The property was owned by the Board of Supervisors at the time of the rezoning and the development was proceeding as part of the PPEA for the Laurel Hill Adaptive Reuse project. The right-of-way for White Spruce Way was shown on the approved development plan and construction of the road/cul-de-sac was committed to in the proffers associated with RZ 2002-MV-040.

On June 3, 2014, the Board of Supervisors approved RZ 2012-MV-008 for the portion of the Laurel Hill Adaptive Reuse development known as Liberty, adjacent to Spring Hill. The vacation of White Spruce Way was proposed with the development of Liberty and the adopted proffers commit to the vacation of White Spruce Way prior to the issuance of any residential or non-residential use permit for the development.

On February 20, 2018, the Board of Supervisors approved PCA 2012-MV-008 which altered the trigger for the vacation of White Spruce Way in order that certain residential use and non-residential use permits could be issued prior to the vacation.

The vacation of White Spruce Way was intensively reviewed during the processing of both RZ 2012-MV-008 and PCA 2012-MV-008. This request is merely the implementation of the proffers which were the result of those public hearing processes.

NOTICE OF INTENT TO ABANDON

(White Spruce Way)

Mount Vernon DISTRICT,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on October 20, 2020, at 4:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204 on the proposed abandonment of a public road known as White Spruce Way, from Silverbrook Road to Mountain Larkspur Drive, a distance of approximately 169.35 feet, pursuant to Virginia Code § 33.2-909. The road is located on Tax Map - 107-1, and is described and shown on the metes and bounds schedule and plat prepared by Walter L. Phillips, Incorporated, dated June 23, 2020, both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

MOUNT VERNON DISTRICT.

§ 33.2-909

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(White Spruce Way)

Mount Vernon District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on October 20, 2020, at 4:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204, vacating a part of the plat of White Spruce Way, recorded in Deed Book 16772, at Page 1059, on which is shown White Spruce Way from Silverbrook Road to Mountain Larkspur Drive, a distance of approximately 169.35 feet. The road is located on Tax Map 107-1 and is described and shown on the metes and bounds schedule and plat prepared by Walter L. Phillips, Incorporated, dated August 4, 2020, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600. All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.

MOUNT VERNON DISTRICT.

§ 15.2-2272(2)

ORDER OF ABANDONMENT

(White Spruce Way)

Mount Vernon DISTRICT
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 20th day of October 2020, it was duly moved and seconded that:

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

WHEREFORE, BE IT ORDERED:

That White Spruce Way from Silverbrook Road to Mountain Larkspur Drive, a distance of 169.35 feet, located on Tax Map107-1, and described on the plat and metes and bounds schedule prepared by Walter Phillips, Incorporated dated June 23, 2020, which is attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

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

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

§33.2-909

ADOPTION OF AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(White Spruce Way)

Mount Vernon District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Governmental Center in Fairfax County, Virginia, on October 20, 2020, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Part of the Plat of White Spruce Way, recorded in Deed Book 16772 at Page 1059, on which is shown White Spruce Way, from Silverbrook Road, to Mountain Larkspur Drive, a distance of 169.35 feet, located on Tax Map 107-1, and described and shown on the metes and bounds schedule and plat prepared by Walter Phillips, Incorporated, dated August 4, 2020, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2272(2).

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

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

§15.2-2272(2)

Description of a portion of White Spruce Way, a dedicated public street as recorded in Deed Book 16772 at Page 1059, proposed to be vacated, Mount Vernon District, Fairfax County, Virginia:

"Beginning at a point in the west right-of-way line of Silverbrook Road – Route 600, as widened in Deed Book 16772 at Page 1059, said point being the southeast corner of Parcel E, Phase I, Spring Hill Senior Campus as recorded in Deed Book 16822 at Page 1709; thence with the west right-of-way line of Silverbrook Road – Route 600 and continuing with the right-of-way line of White Spruce Way, 4.40 feet with the arc of a curve bearing to the left having a radius of 857.00 feet (tangent length 2.20 feet, chord length 4.40 feet, chord bearing S 44° 48' 49" E); thence 68.62 feet with the arc of a curve bearing to the right and having a radius of 40.00 feet (tangent length 46.25 feet, chord length 60.51 feet, chord bearing S 04°11'12" W) to the True Point of Beginning; thence through White Spruce Way, S 36° 39' 58" E, 56.00 feet to a point; thence the right-of-way line of White Spruce Way – Route 10402, a distance of 72.73 feet with the arc of a curve bearing to the right and having a radius of 563.00 feet (tangent length 36.42 feet, chord length 72.68 feet, chord bearing S 57° 02' 06" W) to a point; thence 28.72 feet with the arc of a curve bearing to the left and having a radius of 25.00 feet (tangent length 16.18 feet, chord length 27.16 feet, chord bearing S 27° 49' 44" W) to a point; thence 137.96 feet with the arc of a curve bearing to the right and having a radius of 55.00 feet (tangent length 167.84 feet, chord length 104.53 feet, chord bearing S 66° 46' 44" W) to a point; thence 17.28 feet with the arc of a curve bearing to the left and having a radius of 25.00 feet (tangent length 9.00 feet, chord length 16.94 feet, chord bearing N 61° 09' 52" W) to a point; thence N 80° 57' 53" W, 6.32 feet to a point; thence N 09° 02' 07" E, 84.00 feet to a point, said point being in the south line of Parcel E, Phase I, Spring Hill Senior Campus as recorded in Deed Book 16822 at Page 1709; thence continuing with the right-of-way line of White Spruce Way, S 80° 57' 53" E, 26.15 feet to a point; thence 13.98 feet with the arc of a curve bearing to the left and having a radius of 25.00 feet (tangent length 7.18 feet, chord length 13.80 feet, chord

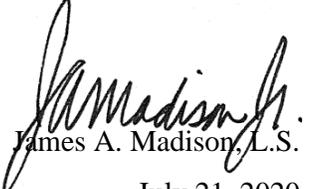


Description of a portion of White Spruce Way, a dedicated public street as recorded in Deed Book 16772 at Page 1059, proposed to be vacated, Mount Vernon District, Fairfax County, Virginia:

Page 2

bearing N 83° 01' 03" E) to a point; thence 120.92 feet with the arc of a curve bearing to the left and having a radius of 507.00 feet (tangent length 60.75 feet, chord length 120.64 feet, chord bearing N 60° 10' 00" E) to the True Point of Beginning and containing an area of 15,605 square feet, or 0.3582 acres, more or less."

This description does not constitute a vacation of the aforesaid property.


James A. Madison, L.S.
July 21, 2020



ESTABLISHED 1945

Description of a portion of White Spruce Way, a dedicated public street as recorded in Deed Book 16772 at Page 1059, proposed to be abandoned, Mount Vernon District, Fairfax County, Virginia:

"Beginning at a point at the intersection of the the west right-of-way line of Silverbrook Road – Route 600, as widened in Deed Book 16772 at Page 1059, with the north right-of-way line of White Spruce Way, a dedicated public street as recorded in Deed Book 16772 at Page 1059; thence 52.11 feet with the arc of a curve bearing to the left and having a radius of 850.69 feet, (tangent length 26.07 feet, chord length 52.11 feet, chord bearing S 46°42'43" E) to a point; thence S 48°27'16" E, 56.79 feet to a point; thence 25.40 feet with the arc of a curve bearing to the left and having a radius of 39.85 feet, (tangent length 13.15 feet, chord length 24.97 feet, chord bearing S 67°55'08" W) to a point; thence 108.86 feet with the arc of a curve bearing to the right and having a radius of 563.00 feet, (tangent length 54.60 feet, chord length 108.69 feet, chord bearing S 55°11'47" W) to a point; thence 28.72 feet with the arc of a curve bearing to the left and having a radius of 25.00 feet, (tangent length 16.18 feet, chord length 27.16 feet, chord bearing S 27°49'44" W) to a point; thence 137.96 feet with the arc of a curve bearing to the right and having a radius of 55.00 feet, (tangent length 167.84 feet, chord length 104.53 feet, chord bearing S 66°46'44" W) to a point; thence 17.28 feet with the arc of a curve bearing to the left and having a radius of 25.00 feet, (tangent length 9.00 feet, chord length 16.94 feet, chord bearing N 61°09'52" W) to a point; thence N 80°57'53" W, 6.32 feet to a point; thence N 09°02'07"E, 84.00 feet to a point; thence S 80°57'53" E, 26.15 feet to a point; thence 13.98 feet with the arc of a curve bearing to the left and having a radius of 25.00 feet, (tangent length 7.18 feet, chord length 13.80 feet, chord bearing N 83°01'03" E) to a point; thence 120.92 feet with the arc of a curve bearing to the left and having a radius of 507.00 feet, (tangent length 60.75 feet, chord length 120.64 feet, chord bearing N 60°10'00" E) to a point; thence 68.63 feet with the arc of a curve bearing to the left and having a radius of 40.00 feet, (tangent length 46.26 feet, chord length 60.52 feet, chord bearing N 04°10'56" E) the point of beginning and containing an area of 19,088 square feet or 0.4382 acres, more or less."

James A. Madison, L.S.

July 21, 2020

CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS
ARBORISTS

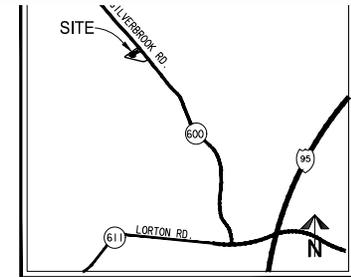
207 PARK AVENUE
FALLS CHURCH, VA 22046
PHONE: (703) 532-6163
FAX: (703) 533-1301
WWW.WLPINC.COM

NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX MAP 107-1 AND IS ZONED PDC.
2. THIS PROPERTY IS SUBJECT TO ALL DEDICATIONS, EASEMENTS, COVENANTS AND RESTRICTIONS EXISTING IN THE CHAIN OF TITLE.
3. ENGINEERING, GEOLOGY AND/OR SOILS REPORTS HAVE BEEN REVIEWED AND APPROVED BY THE DIRECTOR FOR THE PROPERTY DESCRIBED HEREIN AND ARE AVAILABLE FOR REVIEW IN THE LAND DEVELOPMENT SERVICES (LDS). SITE CONDITIONS ARE OF SUCH NATURE THAT LAND SLIPPAGE OR FOUNDATION PROBLEM POSSIBILITIES REQUIRED THE SUBMITTAL OF SOIL REPORTS. A COPY OF SOIL REPORT 1183-SR-035-1, APPROVED OCTOBER 10, 2019, IS AVAILABLE FROM LDS.
4. THIS PROPERTY IS SUBJECT TO PROFFERS AS SET FORTH IN REZONING CASE NUMBER RZ 2012-MV-008 APPROVED JANUARY 11, 2017.
5. THE PRIVATE STREET IN THIS DEVELOPMENT DOES NOT MEET THE STANDARDS NECESSARY FOR INCLUSION IN THE SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR FAIRFAX COUNTY, AND ARE NOT ELIGIBLE FOR RURAL ADDITION FUNDS OR ANY OTHER FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY OF VIRGINIA AND ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD.*
6. THERE ARE NO RPAS LOCATED ON THIS SITE PER CHESAPEAKE BAY PRESERVATION AREA MAP NUMBER 107-1 DATED AUGUST 1, 2005.
7. THIS PLAT IS BASED ON EXISTING RECORDS (DEED BOOK 16772 AT PAGE 1059). THE BOUNDARY OF THE LAND DELINEATED HEREON HAS A MATHEMATICAL CLOSURE THAT MEETS THE REQUIREMENT SET FORTH IN FAIRFAX COUNTY CODE 101-2-5.(C)(3).
8. ANY FUTURE EASEMENT OR AUTHORIZATION FOR ELECTRIC, CABLE, TELEPHONE OR GAS SERVICE TO BE FURNISHED TO THE PROPERTY MUST COMPLY WITH THE PROVISIONS OF VIRGINIA CODE 15.2-2241(6).
9. INDIVIDUAL PARCELS SHALL BE DEVELOPED IN ACCORDANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN FOR THE SUBDIVISION.
10. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983, [NAD 83(2011) (EPOCH:2010.0000)] AS COMPUTED FROM A FIELD RUN BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THIS BOUNDARY TO NOAA/NGS MONUMENT PID NUMBER HV2419; SILVER RM 2. THE COMBINED FACTOR APPLIED TO THE FIELD DISTANCES TO DERIVE THE REFERENCED COORDINATES IS 0.99994373. THE FOOT DEFINITION USED FOR CONVERSION OF THE MONUMENT COORDINATES AND IN THE PERFORMANCE OF THIS SURVEY IS THE U.S. SURVEY FOOT.
11. THE PERIMETER OF THE LAND HEREON PLATTED WILL BE MONUMENTED USING IRON PIPE OR OTHER PERMANENT MARKERS.
12. THIS PLAT IS ASSOCIATED WITH PLAN NUMBER 1183-SP-026.

AREA TABULATION

WHITE SPRUCE WAY VACATION 15,605 SQ.FT. OR 0.3583 ACRES



VICINITY MAP SCALE: 1"=2000'

ADJOINING OWNERS:

PARCEL E: LORTON AL INVESTORS, LLC
DEED BOOK 24625 PAGE 1497

PARCEL H-4: LAUREL HILL RETAIL, INC.
DEED BOOK 25546 PAGE 1234

APPROVED COUNTY OF FAIRFAX	
LAND DEVELOPMENT SERVICES ADDRESSING REVIEW	
BY _____	Addressing Reviewer
Date _____	
FINAL PLAT	
RECOMMENDED FOR APPROVAL FAIRFAX COUNTY LAND DEVELOPMENT SERVICES	
ALL STREET LOCATIONS AND/OR EASEMENTS CONFORM TO THE REQUIREMENTS OF THIS OFFICE.	
THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER.	
BY _____	Director, Site Development and Inspection Division or Agent
Date _____	
APPROVED FOR BOARD OF SUPERVISORS FAIRFAX COUNTY, VIRGINIA	
BY _____	Director, Land Development Services or Agent
Date _____	
APPROVAL VOID IF PLAT IS NOT OFFERED FOR RECORD ON OR BEFORE _____	

SURVEYOR'S CERTIFICATE

I, JAMES A. MADISON, JR., A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED ON THIS PLAT OF SUBDIVISION, THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE PROPERTY IS IN THE NAME OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, AS RECORDED IN DEED BOOK 16772 AT PAGE 1059 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

THIS PLAT IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM: VCS 1983 - NORTH ZONE.

GIVEN UNDER MY HAND THIS 4TH DAY OF AUGUST, 2020



WETLANDS PERMITS CERTIFICATION

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING WITH LAND DISTURBING ACTIVITIES.

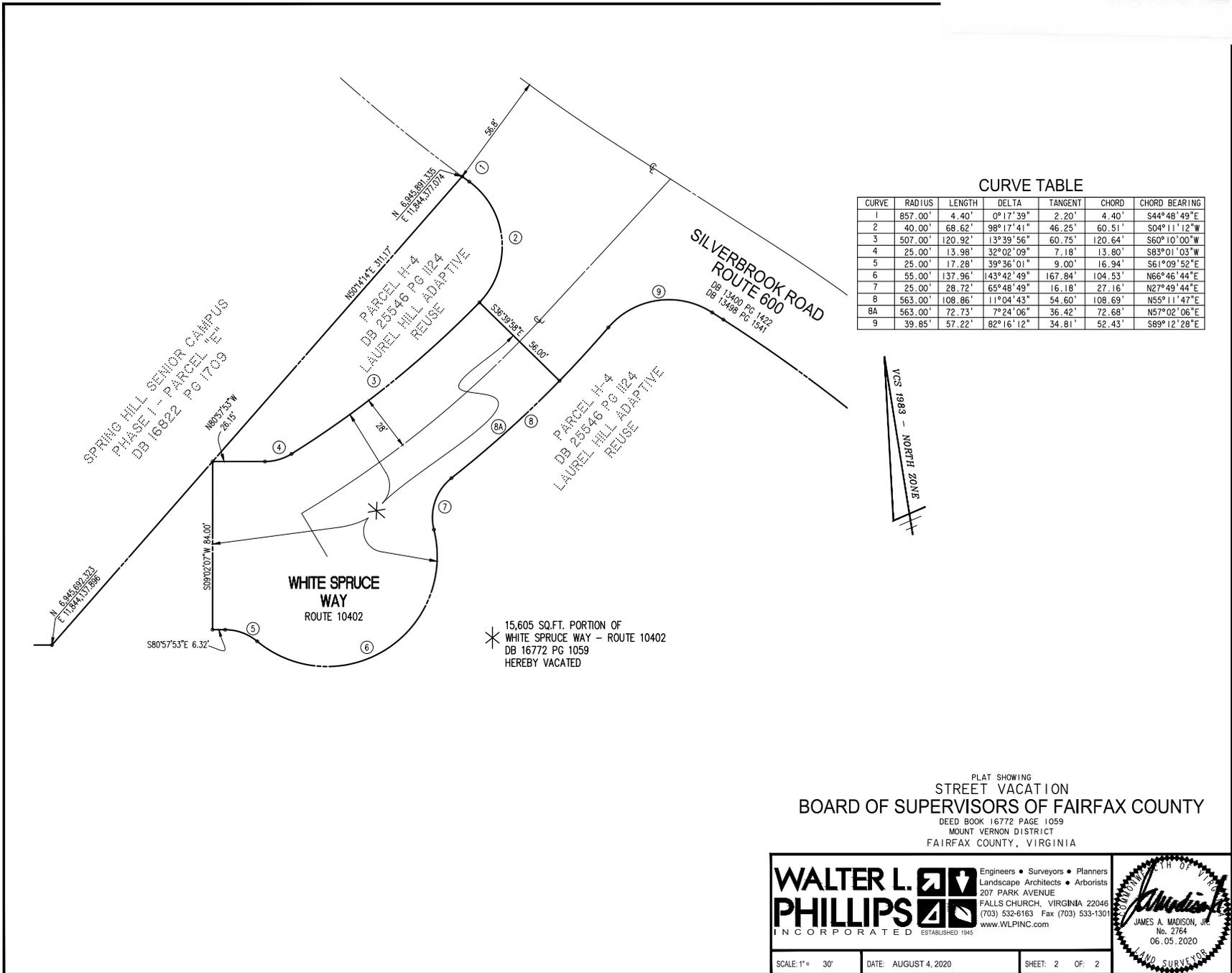
OWNER/DEVELOPER James K. Perry Vice-President Elm Creek Communications, Inc.
NAME

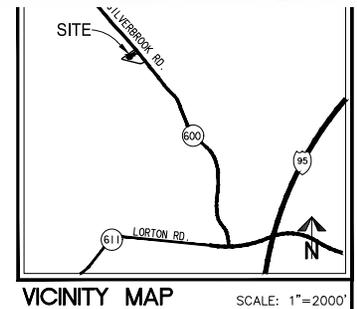
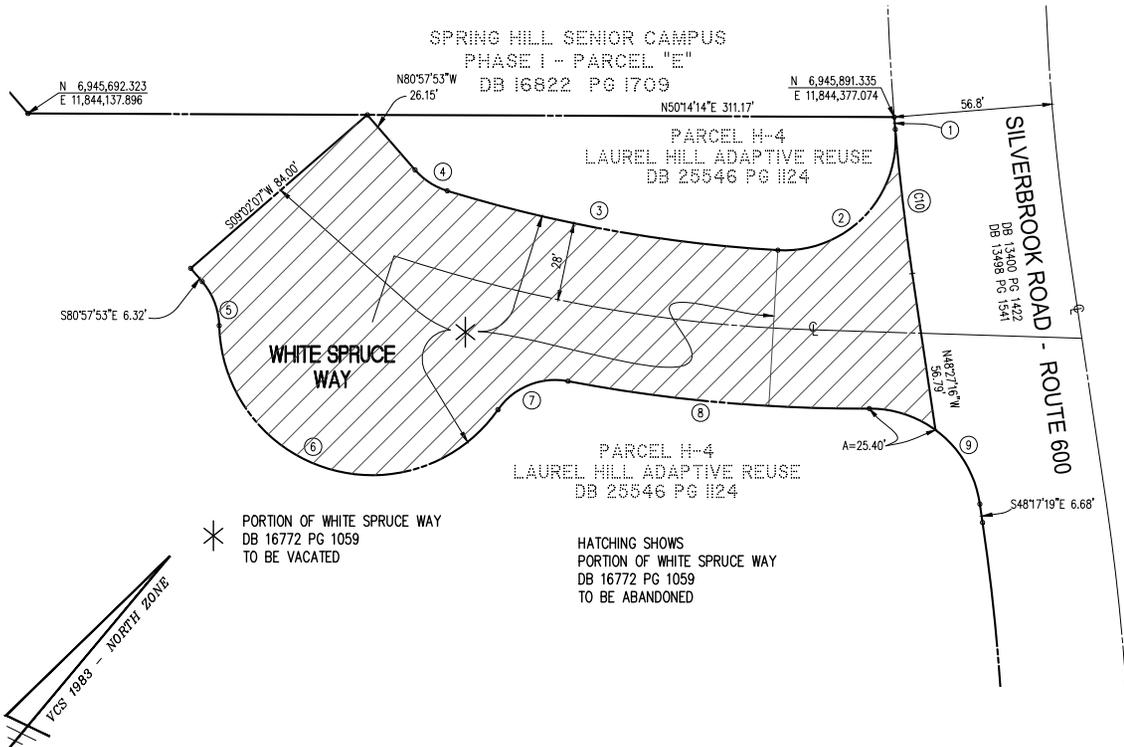
NOTE: PERMITS MUST BE PRESENTED TO THE COUNTY INSPECTOR PRIOR TO LAND DISTURBANCE.

PLAT SHOWING
STREET VACATION
BOARD OF SUPERVISORS OF FAIRFAX COUNTY
DEED BOOK 16772 PAGE 1059
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

WALTER L. PHILLIPS INCORPORATED ESTABLISHED 1945		Engineers • Surveyors • Planners Landscape Architects • Arborists 207 PARK AVENUE FALLS CHURCH, VIRGINIA 22046 (703) 532-6163 Fax (703) 533-1301 www.WLPINC.com

SCALE: 1"= 30' DATE: AUGUST 4, 2020 SHEET: 1 OF 2





NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON FAIRFAX COUNTY TAX MAP 107-1.
2. THIS PLAT IS BASED ON EXISTING RECORDS (DEED BOOK 16772 AT PAGE 1059).
3. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983, [NAD 83(2011) (EPOCH:2010.0000)] AS COMPUTED FROM A FIELD RUN BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THIS BOUNDARY TO NOAA/NGS MONUMENT PID NUMBER HV2419; SILVER RM 2. THE COMBINED FACTOR APPLIED TO THE FIELD DISTANCES TO DERIVE THE REFERENCED COORDINATES IS 0.99994373. THE FOOT DEFINITION USED FOR CONVERSION OF THE MONUMENT COORDINATES AND IN THE PERFORMANCE OF THIS SURVEY IS THE U.S. SURVEY FOOT.
4. THIS PLAT IS ASSOCIATED WITH FAIRFAX COUNTY PLAN NUMBER 1183-SP-026.

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
1	857.00'	4.40'	0°17'39"	2.20'	4.40'	S44°48'49"E
2	40.00'	68.62'	98°17'41"	46.25'	60.51'	S04°11'12"W
3	507.00'	120.92'	13°39'56"	60.75'	120.64'	S60°10'00"W
4	25.00'	13.98'	32°02'09"	7.18'	13.80'	S83°01'03"W
5	25.00'	17.28'	39°36'01"	9.00'	16.94'	S61°09'52"E
6	55.00'	137.96'	143°42'49"	167.84'	104.53'	N66°46'44"E
7	25.00'	29.72'	65°48'49"	16.18'	27.16'	N27°49'44"E
8	563.00'	108.86'	11°04'43"	54.60'	108.69'	N55°11'47"E
9	39.85'	57.22'	82°16'12"	34.81'	52.43'	S89°12'28"E

CURVE TABLE

NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C10	856.83'	52.11'	03°29'05"	26.06'	52.10'	N46°42'44"W

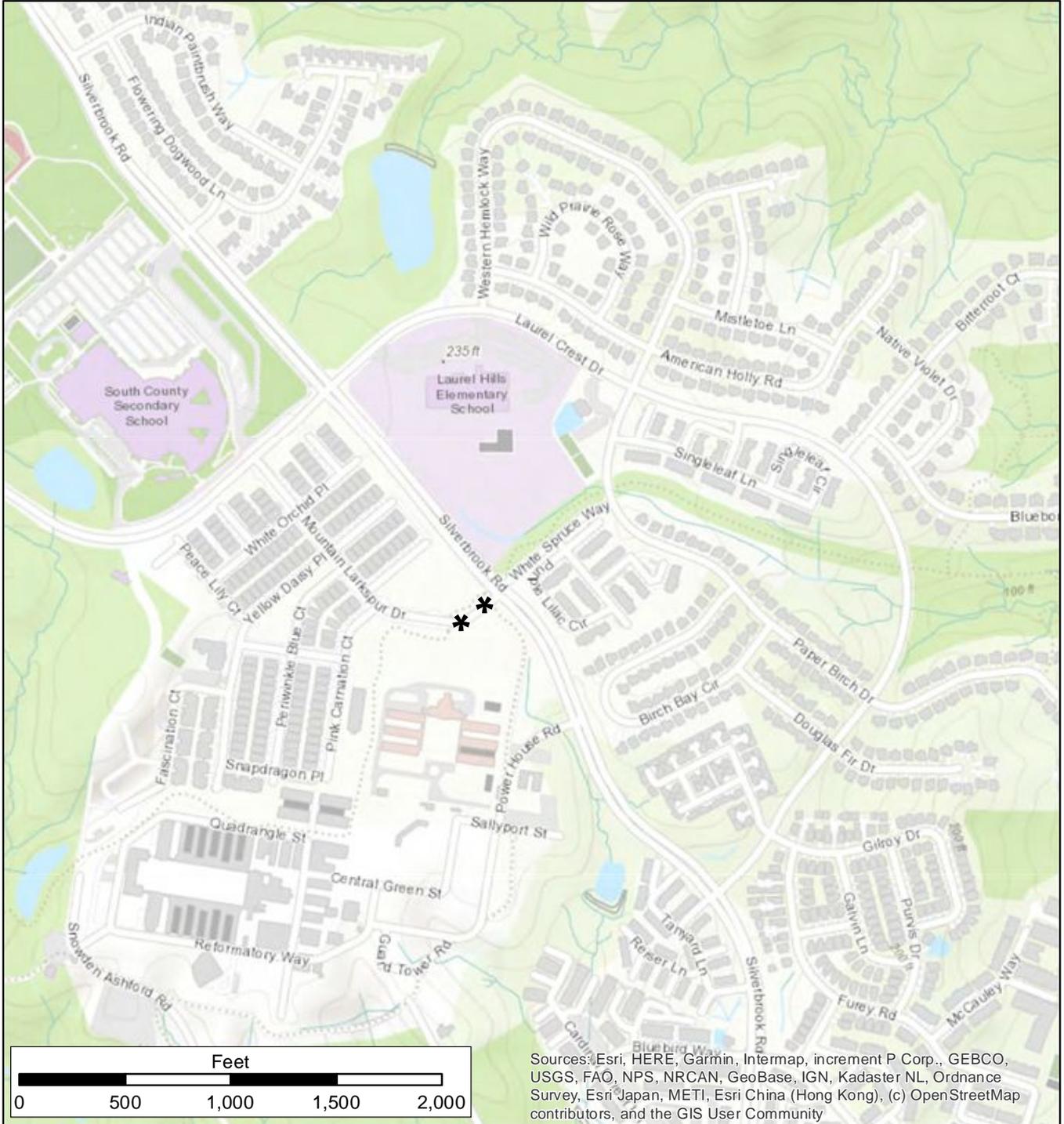
PLAT SHOWING
AREA OF ABANDONMENT
PROPERTY OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY
KNOWN AS WHITE SPRUCE WAY
DEED BOOK 16772 PAGE 1059
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

WALTER L. PHILLIPS
INCORPORATED ESTABLISHED 1945

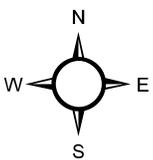
Engineers • Surveyors • Planners
Landscape Architects • Arborists
207 PARK AVENUE
FALLS CHURCH, VIRGINIA 22046
(703) 532-6163 Fax (703) 533-1307
www.WLPINC.com

SCALE: 1"= 30' DATE: JUNE 23, 2020 SHEET: 1 OF: 1

White Spruce Way Right-of-Way Vacation/Abandonment Mount Vernon District



Tax Map 107-1



* Symbol Denotes Area of Right-of-Way to be Vacated

Board Agenda Item
October 20, 2020

4:30 p.m.

Public Comment on Issues of Concern

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. *Peter Massaro v. Fairfax County Police Department*, Court No. 1:20-cv-00929 (E.D.Va.)
 - 2. *Ruth Taye v. Fairfax County Public Schools & Fairfax County Police Department*; Case No. CL-2020-0013857 (Fx. Co. Cir. Ct.) / Case No. 1:20-cv-01158 (E.D. Va.)
 - 3. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Anders Larsen Trust, Jason Hein, and Matthew Desch v. Virginia Health Operations, LLC, d/b/a Newport Academy, Monroe RE, LLC, and Board of Supervisors of Fairfax County, Virginia; Victor T. Tsou and Janet C. Tsou v. Monroe RE, LLC, Virginia Health Operations, LLC, d/b/a Newport Academy, and Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2020-0005490 and CL-2020-0005521 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura Winfield Berkebile and Julia Berkebile Fazio*, Case No. CL-2020-0013578 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bijun Chen and Hongbing Song*, Case No. CL-2020-0014698 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 7. *Qiaoe Chen and Guangzhong Chen v. Board of Supervisors of Fairfax County*, Case No. CL-2020-0012240 (Fx. Co. Cir. Ct.) (Dranesville District)

8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 1521 Dranesville, LLC* Case No. CL-2020-0008120 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Leslie B. Johnson, Zoning Administrator v. Yen Anh Bui and Thi A Doan*, Case No. CL- 2020-0013871 (Fx. Co. Cir. Ct.) (Mason)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Iftikhar Khan*, Case No. CL-2019-0003971 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julio C. Paredes*, Case No. CL-2020-0004236 (Fx. Co. Cir. Ct.) (Mason District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Le Restaurant, Inc., and Anh Ngoc Le*, Case No. CL-2020-0011750 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abid A. Awan*, Case No. CL-2020-0008403 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JJN Realty, LLC, Envirogrow Lawn & Landscaping, Inc., Mayberry Street Terminal, LLC, Ransell Road Terminal, LLC, and Tysons Service Corporation of Virginia*, Case No. CL-2020-0014699 (Fx. Co. Cir. Ct.) (Providence District)
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. CL-2020-0008131 (Fx. Co. Cir. Ct.) (Providence District)