

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 23, 2021**

AGENDA

- | | | |
|------|-------------|---|
| 1:00 | Done | Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 1:00 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|---|
| 1 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Nicotine Trail (Mount Vernon District) |
| 2 | Approved | Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2021 Revised Budget Plan |
| 3 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Greenway Downs Residential Permit Parking District, District 13 (Providence District) |

ACTION ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Approval of the Economic Incentive Program Application of KIW Skyline 1, LLC; KIW Skyline 2, LLC; and KIW Skyline 3, LLC (Mason District) |
| 2 | Approved | Approval of the Amended Fairfax County Citizen Participation Plan |
| 3 | Approved | Approval of Memorandum of Agreement Between the Fairfax County Board of Supervisors and the Northern Virginia Regional Commission Regarding Implementation of the County's MS4 Program on Educating Residents of Northern Virginia |
| 4 | Approved | Approval of Rate Adjustments to Fairfax Center, Centreville, Tysons, Tysons-Wide, Tysons Grid of Streets, and Reston Road Funds (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts) |
| 5 | Approved | Approval of Fairfax Connector July 10, 2021, Service Changes |
| 6 | Approved | Authorization to Amend the Interim Agreement and Right of Entry Agreement with Alpine-X LLC for Fairfax Peak Development at I-95 Lorton Landfill (Mount Vernon District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 23, 2021**

1:00	Done	Matters Presented by Board Members
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CLOSED SESSION

Done	Closed Session
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**PUBLIC
HEARINGS**

3:30	Approved	Public Hearing on SE 2020-SP-009 (HHP Holdings, LLC) (Springfield District)
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3:30	Approved	Public Hearing on SE 2020-SU-005 (Sheetz, Inc) (Sully District)
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3:30	Approved	Public Hearing on RZ 2019-HM-011 (Sakthivel Chinnasamy and Nandakumar Sreenivasan) (Hunter Mill District)
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3:30	Approved	Public Hearing to Consider Amendments to Chapter 4, Articles 14, 15, and 16.1 of the Fairfax County Code
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4:00	Approved	Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 to Rename the Polling Places for Pioneer Precinct in the Lee District and Hidden Meadow Precinct in the Sully District; and to Relocate the Polling Places for Skyline Precinct in the Mason District, Belleview Precinct in the Mount Vernon District, Oak Marr Precinct in the Providence District, and Centerpointe Precinct in the Springfield District
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4:00	Approved	Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-3-2 to Establish an Additional Voter Satellite Office at Burke Centre Library
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4:00	Approved	Public Hearing on Proposed Amendments to Chapters 107 (Problem Soils), 112 (Zoning Ordinance), and 122 (Tree Conservation Ordinance) of the Code of the County of Fairfax, Virginia (County Code) to Remove the Tree Commission and Geotechnical Review Board Provisions from Article 19 of the Zoning Ordinance and Incorporate Them into Chapters 122 and 107 of the County Code, Respectively
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4:00	Approved	Public Hearing to Consider Parking Restrictions on Gunston Cove Road (Mount Vernon District)
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4:00	Approved	Public Hearing on a Proposal to Vacate and Abandon a Portion of Solutions Drive (Formerly Goodridge Drive) / Route 6054 (Providence District)
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 23, 2021**

**PUBLIC
HEARINGS
(continued)**

4:30	Public Hearing held; action deferred	Public Hearing on the Draft Proposed Five-Year Consolidated Plan for FY 2022 – FY 2026 and One-Year Action Plan for FY 2022
4:30	Approved	Public Hearing to Sublease Clark-Enyedi House at 10605 Furnace Road in Connection with the Resident Curator Program (Mount Vernon District)
4:30	Approved	Decision Only on a New and Modernized Zoning Ordinance to Replace the Current Zoning Ordinance
4:30	Held	Public Comment

Board Agenda Item
March 23, 2021

1:00 p.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard March 23, 2021

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

March 23, 2021

FINAL COPY

**APPOINTMENTS TO BE HEARD MARCH 23, 2021
(ENCOMPASSING VACANCIES PROJECTED THROUGH **APRIL 30, 2021**)**
(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>
Clifford L. Fields (Appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly; 2/09- 1/20 by Bulova) Term exp. 1/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (appointed 1/10-1/20 by Foust) Term exp. 1/21	Dranesville District Representative		Foust	Dranesville
Deborah A. Woolen (Appointed 11/20 by Lusk) Term exp. 1/21	Lee District Representative		Lusk	Lee
Mary Frances Tunick (Appointed 10/20 by Gross) Term exp. 1/21	Mason District Representative	Mary Frances Tunick	Gross	Mason

Continued

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

Continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Douglas M. Salik (Appointed 1/20 by Storck) Term exp. 1/21	Mount Vernon District Representative		Storck	Mount Vernon
Ernestine Heastie (Appointed 2/04-2/19 by L. Smyth; 1/20 by Palchik) Term exp. 1/21	Providence District Representative		Palchik	Providence

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>
VACANT (Formerly held by Kendal Vahovius; appointed 12/20 by Storck) Term exp. 9/24 <i>Resigned</i>	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)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Carol Hawn (Appointed 1/97-1/03 by Hanley; 1/06 by Connolly; 2/09-1/18 by Bulova) Term exp. 1/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
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)
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<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

ATHLETIC COUNCIL (2 years)				
<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brian Luwis (Appointed 7/19 by Foust) Term exp. 3/21	Dranesville District Alternate Representative		Foust	Dranesville
Gregory Beckwith (Appointed 7/13-5/19 by Foust) Term exp. 3/21	Dranesville District Principal Representative		Foust	Dranesville
Harold Leff (Appointed 6/17-3/19 by Hudgins) Term exp. 3/21	Hunter Mill District Alternate Representative	Harold Leff	Alcorn	Hunter Mill
James Richard Elder (Appointed 6/17-3/19 by Hudgins) Term exp. 3/2	Hunter Mill District Principal Representative		Alcorn	Hunter Mill
Lisa MicKey (Appointed 11/14-3/19 by McKay) Term exp. 3/21	Lee District Principal Representative		Lusk	Lee
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 Resigned	Mason District Alternate Representative		Gross	Mason
Lester Munson (Appointed 6/19 by Storck) Term exp. 3/21	Mount Vernon District Alternate Representative	Lester Munson	Storck	Mount Vernon
Mark E. Abbott (Appointed 4/03-3/05 by Frey; 5/17-3/19 by Smith) Term exp. 3/21	Sully District Alternate Representative	Mark E. Abbott	Smith	Sully

Continued

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gary Flather (Appointed 3/16-3/19 by Smith) Term exp. 3/21	Sully District Principal Representative	Gary Flather	Smith	Sully

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 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
David Anthony Beale (Appointed 1/10-7/17 by Bulova) Term exp. 2/21	Design Professional #3 Representative	Wayne Bryan (McKay)	By Any Supervisor	At-Large
Wayne Bryan (Appointed 6/13-2/17 by Bulova) Term exp. 2/21	Alternate #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

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)
(3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Douglas Dane (Appointed 2/09-2/18 by Bulova) Term exp. 2/21	At-Large Chairman's Representative		McKay	At-Large Chairman's

CONFIRMATION NEEDED:

- Ms. Whitney Richardson as the Junior League of Northern Virginia Representative

CONSUMER PROTECTION COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Daton Lynch (Appointed 9/18 by Smith) Term exp. 7/21 <i>Resigned</i>	Fairfax County Resident #7 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Abigail Hochberg Shannon (Appointed 3/19 by Hudgins) Term exp. 2/21	Hunter Mill District Representative		Alcorn	Hunter Mill
Ricardo E. Coleman (Appointed 9/16-3/18 by Gross) Term exp. 2/21	Mason District Representative	Ricardo E. Coleman	Gross	Mason
Brian D. Leclair (Appointed 10/13 by Hyland; 10/16-7/19 by Storck) Term exp. 4/22 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

**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

CONFIRMATION NEEDED:

- Mr. Andrew J. Czekaj, as the Town of Herndon #2 Representative

ECONOMIC ADVISORY COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Justin Mark Brown (Appointed 9/15-12/17 by McKay) Term exp. 12/20	Lee District Representative		Lusk	Lee
Alfred Thieme Appointed 1/09-12/17 by Gross) Term exp. 12/20	Mason District Representative		Gross	Mason

CONFIRMATION NEEDED:

- Councilmember Pradip Dhakal as the Herndon Town Council Representative
- Honorable Steve Potter as the Vienna Town Council Representative
- Mr. Michael Hewitt as the Metropolitan Washington Airports Authority Representative

ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Howard J. Guba (Appointed 6/18 by Bulova) Term exp. 3/21	Citizen #2 Representative		By Any Supervisor	At-Large
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>
Kenneth J. Lanfear (Appointed 11/14-1/18 by Hudgins) Term exp. 1/21	Hunter Mill District Representative	Kenneth J. Lanfear	Alcorn	Hunter Mill
Richard J. Healy (Appointed 3/15-1/18 by Mason) Term exp. 1/21	Mason District Representative	Richard J. Healy	Gross	Mason

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	Brandis L. Ruise	Alcorn	Hunter Mill
Ayman Eldarwish (Appointed 10/17 by Gross) Term exp. 11/20	Mason District Representative		Gross	Mason
Kelley Brooks Simoneaux (Appointed 3/19 by L. Smyth; 1/20 by Palchik) Term exp. 11/22	Providence District Representative		Palchik	Providence

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>
Steve Sherman (Appointed 10/09-12/17 by McKay) Term exp. 12/20	Citizen #4 Representative		By Any Supervisor	At-Large
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 Resigned</i>	Historian #1 Representative		By Any Supervisor	At-Large
Gregory P. Wilson (Appointed 5/19 by Foust) Term exp. 12/20	Historian #3 Representative	Subhi Mehdi (Foust)	By Any Supervisor	At-Large

**INFORMATION TECHNOLOGY POLICY ADVISORY
COMMITTEE (ITPAC) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Steven Lam (Appointed 5/09-12/17 by Cook) Term exp. 12/12/20	Braddock District Representative	William R. Berg	Walkinshaw	Braddock

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Patience H. Samson (Appointed 1/18-1/19 by Bulova) Term exp. 1/21	At-Large Chairman's Representative	Chris M. Jones	McKay	At-Large Chairman's
VACANT (Formerly held by Caroline C. Kerns; appointed 2/02-1/15 by Frey; 1/17-1/19 by Smith) Term exp. 1/21 <i>Resigned</i>	Sully District Representative		Smith	Sully

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

Continued

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING (3 years)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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 Resigned	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 Resigned	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

POLICE CIVILIAN REVIEW PANEL (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert E. Cluck; appointed 9/18 by Bulova; 2/20 by McKay) Term exp. 2/23 <i>Resigned</i>	Seat #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Hollye Doane; appointed 2/17-2/18 by Bulova) Term exp. 2/21 <i>Resigned</i>	Seat #4 Representative	Cheryl Belkowitz (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Atchuthan Sriskandarajah; appointed 9/19 by Bulova) Term exp. 2/22 <i>Resigned</i>	Seat #6 Representative	Dirck Hargraves (McKay)	By Any Supervisor	At-Large

REDEVELOPMENT AND HOUSING AUTHORITY (4 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kristen Robinson (Appointed 11/20 by McKay) Term exp. 4/21	At-Large #2 Representative		By Any Supervisor	At-Large
Richard J. Kennedy (Appointed 8/09-03/17 by Hudgins) Term exp. 4/21	Hunter Mill District Representative		Alcorn	Hunter Mill
Matthew J. Bell (Appointed 2/15 by Hyland; 5/17 by Storck) Term exp. 4/21	Mount Vernon District Representative		Storck	Mount Vernon
Kenneth G. Feng (Appointed 1/17 by Herrity) Term exp. 4/21	Springfield District Representative	Kenneth G. Feng	Herrity	Springfield

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>
VACANT (Formerly held by Anne Mader; appointed 9/17 by Hudgins) Term exp. 9/21 <i>Resigned</i>	Commercial or Retail Ownership #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Mark S. Ingrao; appointed 9/17 by Hudgins) Term exp. 9/21 <i>Resigned</i>	Reston Chamber of Commerce lessees on Non-Residential Space Representative		By Any Supervisor	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>
Marcus Wadsworth (Appointed 6/09-1/20 by McKay) Term exp. 12/20	At-Large #3 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

SMALL BUSINESS COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Nalin Jain (Appointed 1/19 by L. Smyth) Term exp. 12/20	Providence District Representative		Palchik	Providence

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gerald Padmore (Appointed 04/13- 03/19 by Hudgins) Term exp. 03/21	Fairfax County #4 Representative	Gerald Padmore (Alcorn)	By Any Supervisor	At-Large
Maryam Ovissi (Appointed 01/17- 03/19 by Hudgins) Term exp. 03/21	Reston Association #4 Representative	Maryam Ovissi (Alcorn)	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>
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
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

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)
--

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sally Horn (Appointed 2/13-2/19 by Bulova) Term exp. 2/21	Adjacent Community Member #2 Representative	Sally Horn (McKay)	By Any Supervisor	At-Large
James D. Policaro (Appointed 2/13-2/19 by Bulova) Term exp. 2/21	Commercial or Retail Ownership #1 Representative	James D. Policaro (McKay)	By Any Supervisor	At-Large

Continued

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Cory Scott (Appointed 1/16-2/19 by Smyth) Term exp. 2/21	Commercial or Retail Ownership #2 Representative	Cory Scott (Palchik)	By Any Supervisor	At-Large
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
Mark Zetts (Appointed 2/13-2/19 by Foust) Term exp. 2/21	Dranesville District Representative	Mark Zetts	Foust	Dranesville
Christopher M. Auth (Appointed 2/15-2/19 by L. Smyth) Term exp. 2/21	Providence District Representative #1	Christopher M. Auth	Palchik	Providence
VACANT (Formerly held by Irene Shin; appointed 1/20 by Palchik) Term exp. 2/21 <i>Resigned</i>	Providence District Representative #2		Palchik	Providence
Douglas M. Doolittle (Appointed 6/15-3/19 by L. Smyth) Term exp. 2/21	Residential Owners and HOA/Civic Association #2 Representative	Douglas M. Doolittle	Palchik	Providence

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (4 years)

CONFIRMATIONS NEEDED:

- Mr. Michael McGrath as the Fairfax County #2 Representative
- Ms. Eleanor Ku Coddling as the Fairfax County #2 Alternate Representative

WATER AUTHORITY (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Armand B. Weiss; appointed 6/10-6/19 by Foust) Term exp. 6/22 <i>Deceased</i>	Dranesville District Representative	Cheryl Ginyard- Jones	Foust	Dranesville

WETLANDS BOARD (5 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anita Van Breda (Appointed 12/13- 2/16 by Bulova) Term exp. 12/20	At-Large #2 Representative		By Any Supervisor	At-Large

ADDITIONAL BOARD**DISTRICT OF COLUMBIA (DC) WATER AND SEWER AUTHORITY****CONFIRMATIONS NEEDED:**

- Ms. Eleanor Ku Coddling, Deputy Director, Fairfax County Department of Public Works and Environmental Services (DPWES), as the Principal Representative
- Ms. Sarah Motsch, Wastewater Planning and Monitoring Division, DPWES, as the Alternate Representative

Board Agenda Item
March 23, 2021

1:00 p.m.

Items Presented by the County Executive

Board Agenda Item
March 23, 2021

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Nicotine Trail (Mount Vernon District)

ISSUE:

Authorization of a public hearing on a proposal to vacate and abandon a portion of Nicotine Trail.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject right-of-way.

TIMING:

The Board should take action on March 23, 2021, to provide sufficient time to advertise the public hearing for May 4, 2021, at 4:00 p.m.

BACKGROUND:

The applicant, Gerald A. Hish, on behalf of his clients, Levi and Brianna Bingman, is requesting that a portion of Nicotine Trail 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 to construct a single family detached dwelling on their client's property. The vacation of the subject portion of Nicotine Trail would alleviate setback requirements on the Bingman's property, currently being induced by the unbuilt portions of Nicotine Trail and Gunston Road Way.

The subject portion of Nicotine Trail, east of the intersection of Gunston Road Way, is currently unbuilt and is part of the County's Chapter 2 Road inventory. Nicotine Trail was originally dedicated in 1929 as a public road as part of the Gunston Manor subdivision. This unconstructed portion of Nicotine Trail does not provide vehicular connection between Gunston Road Way and the constructed portion of Nicotine Trail. Following the vacation and abandonment of the subject right-of-way, private ownership of the land would be held by the adjacent landowners as follows; Murray (owner of lot 41 and new "Parcel A"), Bingman (owner of lots 1, 9, 10, 11, and new "Parcel C"), and Majdak (owner of lots 36 through 40, and new "Parcel B"), as shown on the vacation plat (Attachment VI). During the review of this vacation request it was determined that a permanent turnaround would be required by VDOT. The applicant has worked with

Board Agenda Item
March 23, 2021

VDOT, and the owners of the neighboring properties to design an acceptable turnaround that has minimal impacts to the surrounding properties while accommodating the requirements for VDOT as shown on the paved turnaround exhibit (Attachment VIII).

Traffic Circulation and Access

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

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 indicate any opposition to the proposal.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter
Attachment II: Notice of Intent to Abandon & Vacate
Attachment III: Order of Abandonment
Attachment IV: Ordinance of Vacation
Attachment V: Metes and Bounds Description
Attachment VI: Vacation and Abandonment Plat
Attachment VII: Vicinity Map
Attachment VIII: Paved Turnaround Exhibits

Board Agenda Item
March 23, 2021

STAFF:

Rachel Flynn, Deputy County Executive

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

Jeff Hermann, Chief, FCDOT-Site Analysis & Transportation Planning Division

Gregory Fuller, Chief, FCDOT-Site Analysis Section (SAS)

Michelle Guthrie, FCDOT-SAS

Jeffrey Edmondson, FCDOT-SAS

Gavin Derleth, FCDOT-SAS

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney

ATTACHMENT I

Hish and Company LLC
Civil Engineering Professionals

June 5, 2020

Fairfax County Department of Transportation
4050 Legato Road
Suite 400
Fairfax, Virginia 22033-2895
Attn: Mr. Jeffrey Edmondson

Re: Vacation and abandonment of a part of Nicotine Trail (Chapter 2 Road), Mount Vernon District,
Fairfax County, Virginia

Dear Mr. Edmondson:

On behalf of my Clients, Levi and Brianna Bingman, I am submitting this Letter of Request and Justification for the abandonment and vacation of a portion of Nicotine Trail adjacent to their residential property identified as Fairfax County Tax Map (TM) Nos. 119-4 ((2)) (18), Parcels 1, 3, 9, 11 & 23, as shown on the attached **Property Map (Exhibit 1)**. For information, I have also included the property identification for the adjacent parcels owned by Foxley (TM No. 119-4 ((2)) (21), Parcels 34 & 38) and Murray (TM No. 119-4 ((2)) (21), Parcel 41A).

As can readily be seen the Bingman's property actually consists of 11 "railroad" lots in the Gunston Manor area of the County. The parcels are located along two Chapter 2 roads identified as Nicotine Trail and Gunston Road Way. Neither of these roads is currently constructed in front of the property. The landowners wish to establish a single family detached dwelling on the site as their family residence. Both Mr. and Mrs. Bingman are employees of Fairfax County (fireman and school teacher) and this property will allow them to own a home in the County which employs them.

Under preliminary engineering efforts on the site, a septic system for a 4 bedroom home has received preliminary approval from Fairfax County, site surveys have been completed and layout planning for the residence has been prepared. Since the property is located at the intersection of the two Chapter 2 roads, it appears to constitute a corner lot and, accordingly, includes two front yards of 50' of depth. This setback requirement and the setbacks for the septic system components, completely eliminate the potential for the planned residence on the property. See **Exhibit 2, Available Building Envelope**.

In our efforts to resolve this dilemma, the owners and their engineer have met with representatives of both the Fairfax LDS (Messrs. BJ Sistani, Ken Williams and Walter Hamilton) and Fairfax DOT (Ms. Michelle Guthrie and yourself) to identify options which may be available and it has been determined that the vacation of one of the Chapter 2 road rights-of-way (R.O.W.) would allow a new residence to be constructed on the property. Studies have been performed to evaluate the impacts of the vacation of a portion of Nicotine Trail along the entire frontage of the Bingman tract from (absent the crossing by Gunston Road Way).

The proposed vacation and abandonment of Nicotine Trail provides the maximum building envelope for the construction of the proposed house and:

- Provides significant flexibility for the orientation and location of the residence;

1914 Association Drive Suite 202
Reston, Virginia 20191
Cell (703) 945-5452 ghishsr@msn.com

ATTACHMENT I

Bingman Property – Nicotine Trail
June 5, 2020

- Provides the greatest separation between the house and significant environmental features (e.g., wetlands, RPA and an active bald eagle's nest) in the area;
- Eliminates for both the landowners and the County the expense of future road construction which may never occur;
- Is desired by existing residents on this segment of Nicotine Trail to preserve their existing access features; and
- ~~Permits the construction of a private driveway to serve the Bingman site within the Gunston Road way R.O.W. directly out to Mallow Trail.~~

The landowners understand the requirement for an access easement and private maintenance for any new driveway within the R.O.W. Additional informal meetings and discussions with the County's Facilities Management and Zoning personnel have been supportive of the goals for the site.

As a result of the evaluation above, the current plan has been developed which involves the vacation of the segments of Nicotine Trail along the Bingman, Foxley and Murray tracts. In this way, the vacated right-of-way (conveyed in equal area to each side) is available for the house siting and the yard requirement against the vacated Nicotine Trail frontage becomes a side yard requirement of 20' and allows a proper house siting to be accomplished. ~~Further, the Bingman's can construct a private driveway within the Gunston Road Way R.O.W. to a connection with Mallow Trail as shown on the Exhibit 3, Aerial View with Proposed Solution provided.~~

With this proposal, however, we note that the adjacent parcels, particularly the property shown as the Foxley tract [TM # 119-4, ((2)) (21) Parcels 34 and 40], will be impacted in regard to its frontage along Nicotine Trail. As shown in **Exhibit 3**, this parcel currently accesses Nicotine Trail from a gravel surfaced cul-de-sac on lots 32 and 34 via a driveway within the R.O.W. With only three (3) lots utilizing this Chapter 2 road for access, the road is not eligible for inclusion in VDOT's secondary road system and does not comply with VDOT standards. In discussions with the three landowners which access Nicotine Trail (5801 Streufert, 5817 Scheid and 5860 Foxley), Mr. Bingman has been advised that all of them are opposed to the creation of a state-maintained road within Nicotine Trail due to the increased VDOT standards which would be constructed. Since all of the other parcels (excluding the three noted) along Nicotine Trail currently access the parallel Mallow Trail, it is unlikely, at best, that the road will ever become a VDOT maintenance responsibility. Since it appears that the existing Foxley parcels consist of seven (7) lots with 25' of frontage on Nicotine Trail each and lot 34 will not change (i.e., will retain 25' of frontage and in fact gain an additional 50') under the proposed vacation, we have received a Zoning Determination from the County, which finds that the proposed vacation is fully permissible under the Zoning Ordinance. Attached as **Exhibit 4**.

I trust that you find this letter adequate justification for the proposed vacation of this section of Nicotine Trail and that your office can support our request. Should you, however, identify any issues or concerns, I am prepared to speak or meet with you at your convenience.

ATTACHMENT I

Bingman Property – Nicotine Trail
June 5, 2020

Please do not hesitate to contact me with any request. With the current health safety constraints, I am prepared to send whatever additional data you may wish and arrange conference calls to avoid large groups. Let me know what you need.

Sincerely,



Gerald A. Hish, Sr., P.E.
President



Attachments: ~~Exhibit 1, Property Map~~
~~Exhibit 2, Allowable Building Envelope~~
~~Exhibit 3, Aerial View with Proposed Solution~~
~~Exhibit 4, Zoning Determination for Bingman Property dated April 13, 2020~~

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

NICOTINE TRAIL

MOUNT VERNON DISTRICT,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold an electronic public hearing (due to the State of Emergency caused by the COVID-19 pandemic), on May 4, 2021, at 4:00 PM during its regular meeting, pursuant to Virginia Code Ann. § 15.2-2204, vacating a part of the plat of NICOTINE TRAIL, Gunston Manor Subdivision, recorded in Deed Book N-1, at Page 501, on which is shown the 50 foot wide street dedication for Nicotine Trail from a point on the centerline at a distance of 7 feet east and 25 feet south of the southwestern corner of Block 21, Parcel 36, to the northwestern corner of Block 18, Parcel 1, a distance of 179.87 feet along said centerline; AND the proposed abandonment of the same, pursuant to Virginia Code § 33.2-909. The road is located on Tax Map 119-4 and is described and shown on the metes and bounds schedule and plat prepared by CRES Surveys, dated June 1, 2020, and revised December 21, 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

NICOTINE TRAIL

MOUNT VERNON DISTRICT,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), this 4th day of May, 2021, 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 Nicotine Trail from a point on the centerline at a distance of 7 feet east and 25 feet south of the southwestern corner of Block 21, Parcel 36 to the northwestern corner of Block 18, Parcel 1, a distance of 179.87 feet along said centerline, located on Tax Map 119-4, and described and shown on the metes and bounds schedule and plat prepared by CRES Surveys, dated June 1, 2020, and revised December 21, 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 currently 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 to the Board

§33.2-909

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

NICOTINE TRAIL

MOUNT VERNON DISTRICT,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on May 4, 2021, 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 NICOTINE TRAIL, Gunston Manor Subdivision recorded in Deed Book N-1, at Page 501, on which is shown the 50 foot wide street dedication for Nicotine Trail from a point on the centerline at a distance of 7 feet east and 25 feet south of the southwestern corner of Block 21, Parcel 36, to the northwestern corner of Block 18, Parcel 1, a distance of 179.87 feet along said centerline, located on Tax Map 119-4, and described and shown on the metes and bounds schedule and plat prepared by CRES Surveys, dated June 1, 2020, and revised December 21, 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 currently 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 to the Board of Supervisors

§15.2-2272(2)



**Cres Surveys
(CRES II, LTD.)
174 Garber Lane
Suite 1
Winchester, VA 22602**

**June 1, 2020
Revised: December 21, 2020**

**Description
Parcel "A"
Being a Portion of
Nicotine Trail
Deed Book: N-10, Page: 501
Mount Vernon District
Fairfax County, Virginia**

Beginning an Iron Pipe Set on the east right-of-way line of Gunston Road Way, (un-improved), 50 feet wide, said Pipe being the south west property corner of Lot 41, Block 21, Section "A" Gunston Manor ; Thence, departing Gunston Manor Way and running with the south property line of said Lot 41, S 88° 58' 00" E a distance of 84.19 feet to an Iron Pipe Found at the south west property corner of Lot 40, Block 21, Section "A" Gunston Manor being the south east property corner of said Lot 41; Thence, departing said property corner of Lots 40, 41 and running through Nicotine Trail, (un-improved), 50 feet wide, S 01° 02' 00" W a distance of 25.00 feet to an Iron Pipe Set and N 88° 58' 00" W a distance of 72.87 feet to an Iron Pipe Set on the east right-of-way line of said Gunston Manor Way; Thence, running with the east right-of-way line of Gunston Manor Way , N 23° 19' 00" W a distance of 27.44 feet to the point of beginning and containing 1,963 square feet of land.



**Cres Surveys
(CRES II, LTD.)
174 Garber Lane
Suite 1
Winchester, VA 22602**

**June 1, 2020
Revised: December 21, 2020**

**Description
Parcel "B"
Being a Portion of
Nicotine Trail
Deed Book: N-10, Page: 501
Mount Vernon District
Fairfax County, Virginia**

Beginning an Iron Pipe Found at the common south property corner of Lots 40 and 41, Block 21, Section "A" Gunston Manor, said Pipe being 84.19 feet in an east direction from the east right-of-way line of Gunston Road Way; Thence, departing said common property corner of Lots 40, 41 and running with south property line of Lots 40, 39, 38, 37 and 36, Block 21, Section "A" Gunston Manor, S 88° 58' 00" E a distance of 107.00 feet to an Iron Pipe Set on the south property line of said Lot 36; Thence, departing Lot 36 and running through Nicotine Trail, (un-improved), 50 feet wide, S 01° 02' 00" W a distance of 25.00 feet to an Iron Pipe set on the centerline of Nicotine Trail; Thence, running with the centerline of Nicotine Trail, N 88° 58' 00" W a distance of 107.00 feet to an Iron Pipe Set on said centerline; Thence, departing the centerline of Nicotine Trail and running through the right-of-way of Nicotine Trail, N 01° 02' 00" E a distance of 25.00 feet to the point of beginning and containing 2,675 square feet of land.

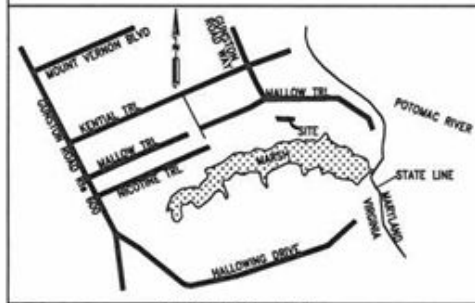
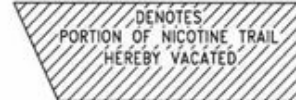


**Cres Surveys
(CRES II, LTD.)
174 Garber Lane
Suite 1
Winchester, VA 22602**

**June 1, 2020
Revised: December 21, 2020**

**Description
Parcel "C"
Being a Portion of
Nicotine Trail
Deed Book: N-10, Page: 501
Mount Vernon District
Fairfax County, Virginia**

Beginning an Iron Pipe Found on the east right-of-way line of Gunston Road Way, (un-improved), 50 feet wide, said Pipe being the north west property corner of Lot 1, Block 18, Section "A" Gunston Manor; Thence, departing said Lot 1 and running with the east right-of-way line of Gunston Road Way, N 23° 19' 00" W a distance of 27.44 feet to an Iron Pipe Set on the centerline of Nicotine Trail; Thence, departing Gunston Manor Way and running with the centerline of Nicotine Trail, (un-improved), 50 feet wide S 88° 58' 00" E a distance of 179.87 feet to an Iron Pipe Set on said centerline, Thence, departing the centerline of Nicotine Trail and running through the right-of-way of Nicotine Trail, S 01° 02' 00" E a distance of 25.00 feet to an Iron Pipe Set on the north property line of Lot 11, Block 21, Section "A" Gunston Manor; Thence, running with the north property line of Lots 11, 10, 9 and 1, Block 18, Section "A", Gunston Manor, N 88° 58' 00" W a distance of 168.55 feet to the point of beginning and containing 4,355 square feet of land.



VICINITY MAP
SCALE: 1"=1,000'

PARCEL CONVEYANCE

PARCEL "A" TO BE CONVEYED TO THE OWNERS OF LOT 41, BLOCK 21, SECTION A, GUNSTON MANOR.
PARCEL "B" TO BE CONVEYED TO THE OWNERS OF LOTS 36 THRU 40, BLOCK 21, SECTION A, GUNSTON MANOR.
PARCEL "C" TO BE CONVEYED TO THE OWNERS OF LOTS 1 THRU 3 AND LOTS 9 THRU 11, BLOCK 18, SECTION A, GUNSTON MANOR.

NOTES

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP #119-4.
2. I.P.S.~ DENOTES: IRON PIPE SET.
3. I.P.F.~ DENOTES: IRON PIPE FOUND.

VACATION
PORTION OF NICOTINE TRAIL
BLOCK 18 AND BLOCK 21, SECTION "A"
GUNSTON MANOR
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=20'
JUNE 1, 2020
DECEMBER 21, 2020~REVISED



CRES II, LTD
174 GARBER LANE
SUITE 1
WINCHESTER VIRGINIA 22602
(703) 742-9105
(703) 742-9104 FAX

TITLE

SHEET 1 OF 1



A Fairfax County, Virginia Publication

Vicinity Map

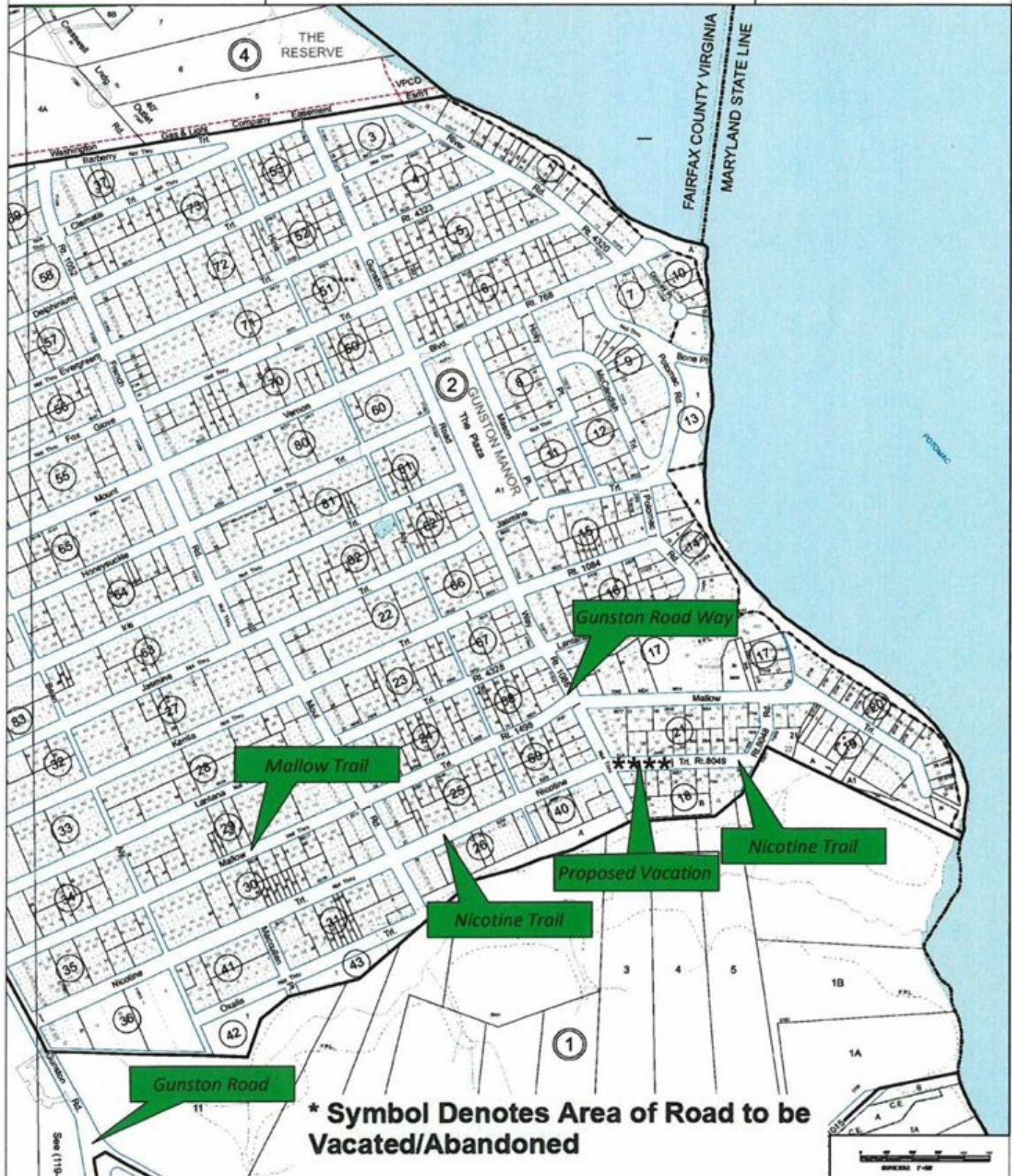
Proposed Vacation of Right-of-way (ROW)

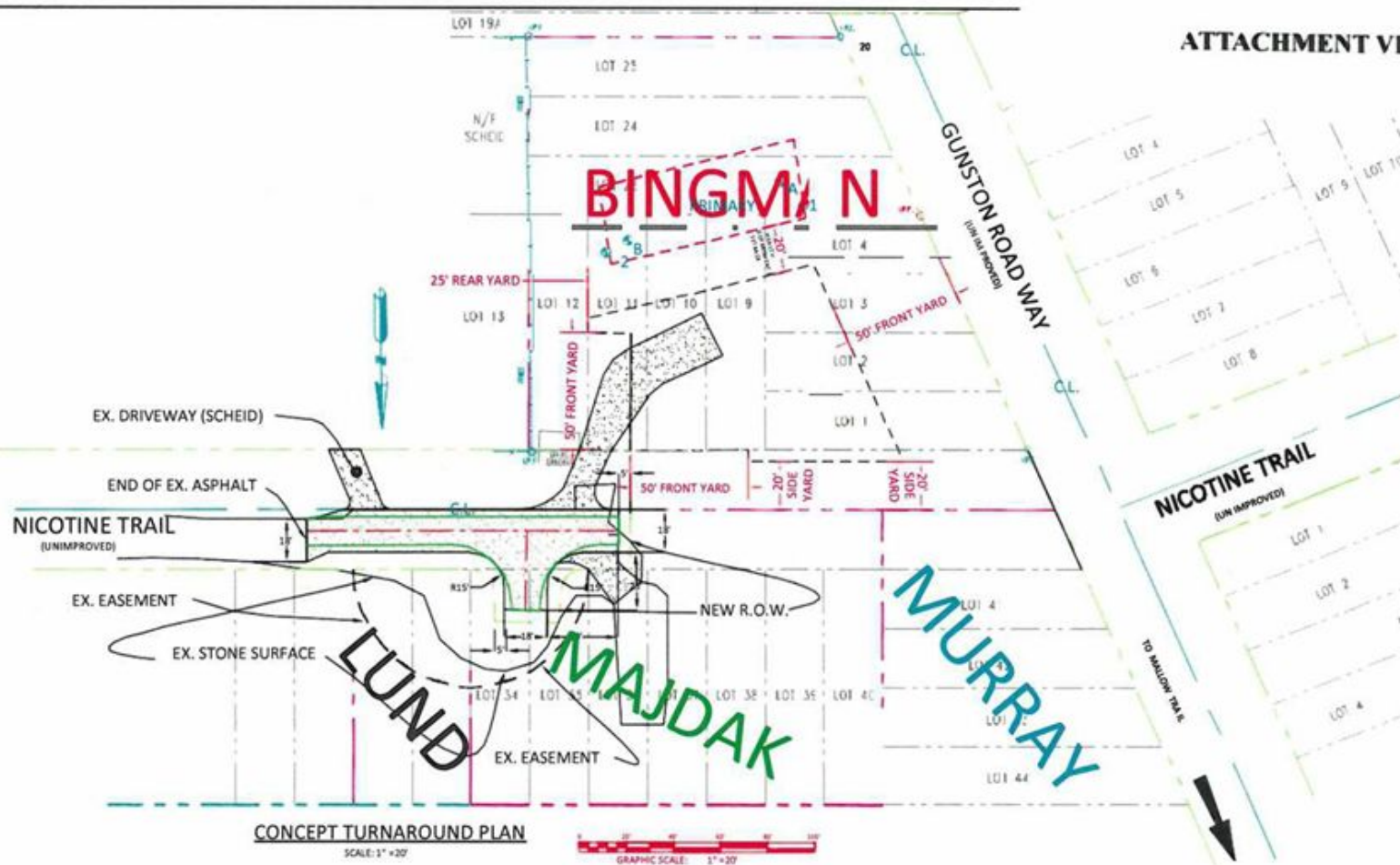
Nicotine Trail, Mason Neck, Tax Map 119-4

ATTACHMENT VII



119-1 119-2
119-3 119-4
122-1 122-2
+
SHEET INDEX



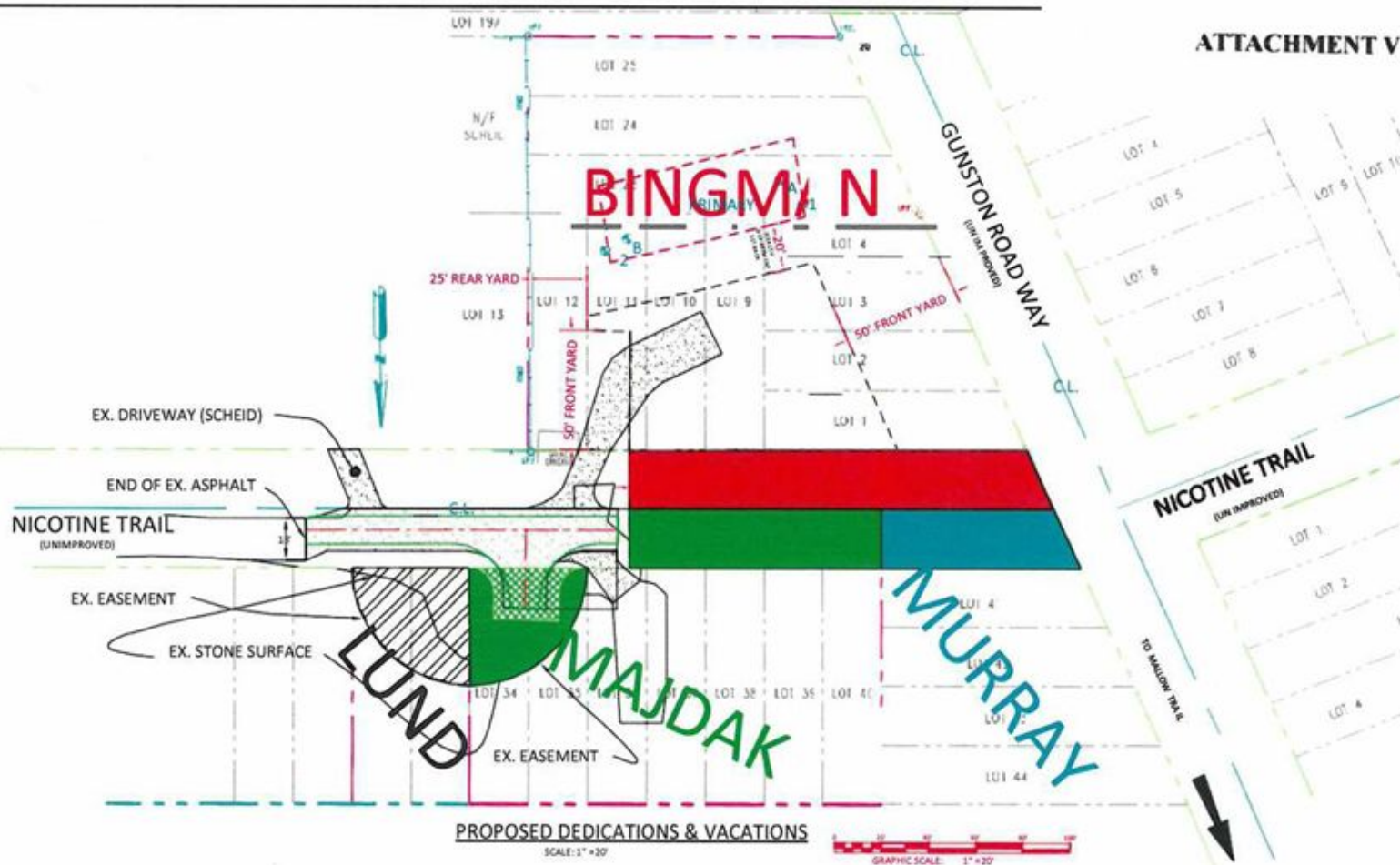


REVISED 12 / 07 / 2020 -- REVISED PER FCDOT & VDOT DISCUSSIONS.
VDOT ALTERNATIVE TURNAROUND, ROAD DESIGN MANUAL,
FIGURE 4, APPENDIX B-1, PAGE 25.

Gerald A. Hish, Sr. Digitally signed by Gerald A. Hish, Sr.
Date: 2021.01.12 14:17:04 -05'00'

[illegible]

ATTACHMENT VIII



REVISED 12 / 07 / 2020 -- REVISED PER FCDOT & VDOT DISCUSSIONS.
 VDOT ALTERNATIVE TURNAROUND, ROAD DESIGN MANUAL,
 FIGURE 4, APPENDIX B-1, PAGE 25.

Gerald A. Hish, Sr.

Digitally signed by Gerald A.
 Hish, Sr.
 Date: 2021.01.12 14:16:04 -05'00'

Hish and Company, LLC Civil Engineering Professionals 1704 Association Drive Suite 200 Blacksburg, Virginia 24060-9407 Cell: 540.864.6459 gish@hish.com	
PAVED TURNAROUND BINGMAN RESIDENCE MAP NO. 112-4-2 (3.03), LOT 1 & 2, 12/20/20 MOUNT VERNON DISTRICT FRANKLIN COUNTY, VIRGINIA	SCALE: GRAPHIC DATE:
FILE NO.	SHEET NO.

Board Agenda Item
March 23, 2021

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2021 Revised Budget Plan

ISSUE:

Board approval of an advertisement for a public hearing to adjust the FY 2021 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2021 Third Quarter Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:

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

TIMING:

Board Action is requested on March 23, 2021 to provide sufficient time to advertise the proposed public hearing on April 13, at 4:00 p.m. and April 14 and 15, 2021 at 3:00 p.m.

BACKGROUND:

As the *FY 2021 Third Quarter Review* includes proposed adjustments in appropriation greater than one percent of total expenditures, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement.

ENCLOSED DOCUMENTS:

These attachments will be available online on Monday, March 22, 2021:

www.fairfaxcounty.gov/budget/fy-2021-third-quarter-review

Attachment A – Proposed advertisement for public hearing

Attachment B – Memorandum to the Board of Supervisors dated March 23, 2021 from Bryan Hill, County Executive, with attachments, transmitting the County's *FY 2021 Third Quarter Review* with appropriation resolutions and the Fairfax County Public Schools *FY 2021 Third Quarter Review* as approved by the School Board on March 18, 2021.

Board Agenda Item
March 23, 2021

STAFF:

Bryan Hill, County Executive

Joseph Mondoro, Chief Financial Officer

Christina Jackson, Director, Department of Management and Budget

Philip Hagen, Deputy Director, Department of Management and Budget

Board Agenda Item
March 23, 2021

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance
Expanding the Greenway Downs Residential Permit Parking District, District 13
(Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Greenway Downs Residential Permit Parking District (RPPD), District 13.

RECOMMENDATION:

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

TIMING:

The Board of Supervisors should take action on March 23, 2021, to provide sufficient time for advertisement of the public hearing on April 13, 2021, at 2:30 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 of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Board Agenda Item
March 23, 2021

On November 6, 2019, a peak parking demand survey was conducted for the requested area. The results of this survey verified that the designated block face met or exceeded the requirements to qualify for RPPD inclusion according to Section 82-5A-4(b) of the Fairfax County Code. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated to be \$800. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Deputy Director, 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 COUNSEL:

Patrick Foltz, Assistant County Attorney

Proposed Amendment

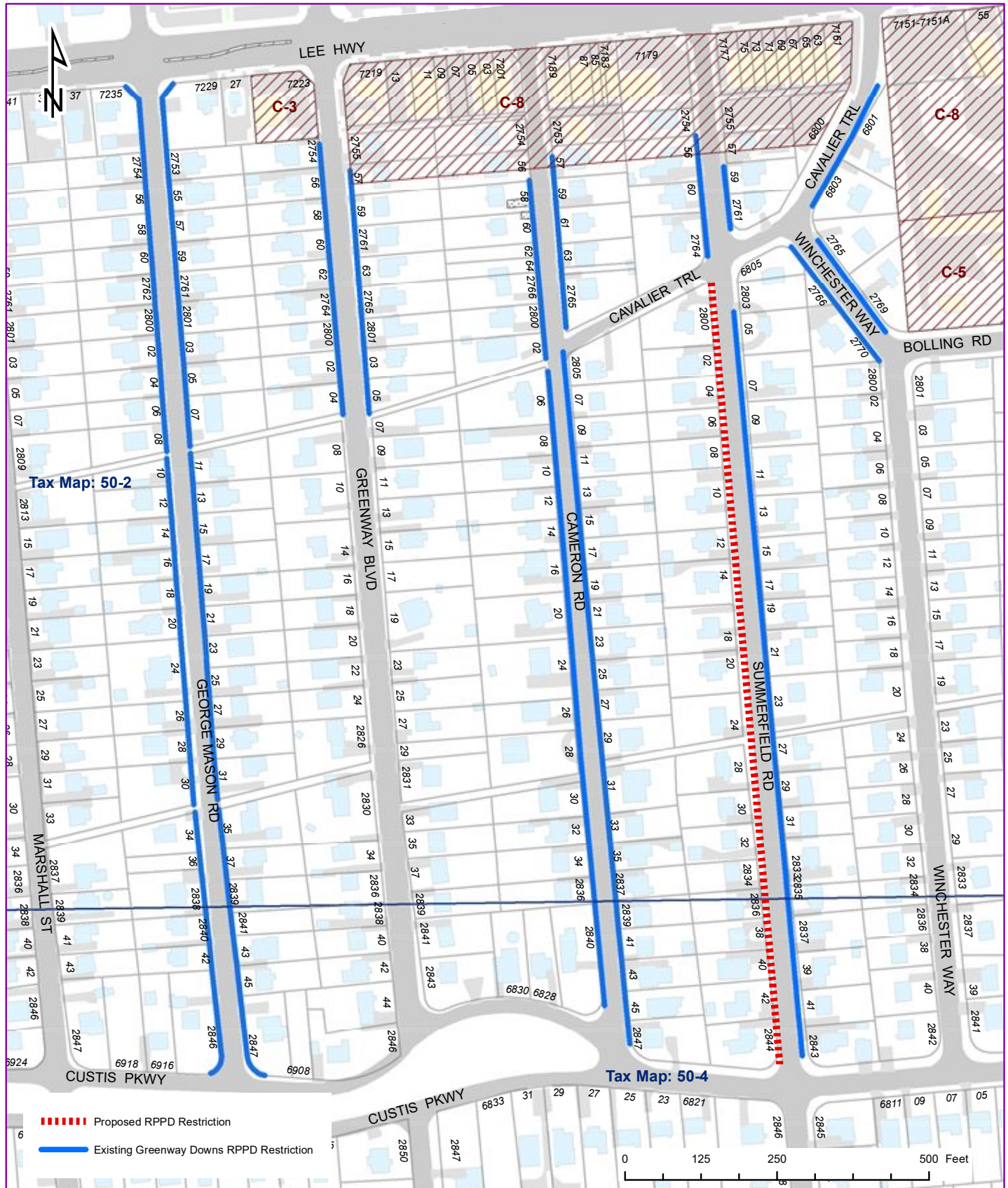
Amend *The Code of the County of Fairfax, Virginia*, by modifying the following street in Appendix G-13, Section (b), (2), Greenway Downs Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Summerfield Road (Route 1713):

~~From the northern property boundary of 2756 Summerfield Road to
Cavalier Trail; west side only~~

~~From the northern property boundary of 2759 Summerfield Road to Custis
Parkway; east side only~~

From the northern property boundaries of 2756 and 2759 Summerfield
Road to Custis Parkway



FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL PERMIT PARKING DISTRICT
GREENWAY DOWNS (13)
PROVIDENCE DISTRICT



Board Agenda Item
March 23, 2021

ACTION - 1

Approval of the Economic Incentive Program Application of KIW Skyline 1, LLC; KIW Skyline 2, LLC; and KIW Skyline 3, LLC (Mason District)

ISSUE:

Board consideration of an application for the Economic Incentive Program (EIP) for an assemblage and repurposing of property located in the Baileys Crossroads/Seven Corners EIP Area at 5205, 5203, and 5201 Leesburg Pike, Falls Church, VA and owned by KIW Skyline 1, LLC, KIW Skyline 2, LLC, and KIW Skyline 3, LLC, respectively. Approval would result in the development being designated a “Qualifying Property” under the Economic Incentive Program Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the application of eligibility for the Economic Incentive Program of KIW Skyline 1, LLC; KIW Skyline 2, LLC; and KIW Skyline 3, LLC.

TIMING:

Board action is requested on March 23, 2021, which will provide sufficient assurances that the applicant is entitled to program benefits as it continues to proceed to obtain all permits needed for the completion of this project.

BACKGROUND:

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

In order to qualify for the program, an applicant must demonstrate that their development project meets the eligibility criteria of the program. To be eligible, an

Board Agenda Item
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applicant would need to have newly assembled a minimum of two parcels not previously approved for the same rezoning or site plan that collectively would comprise at least two acres in size, be zoned to permit commercial, industrial or multifamily residential development, be in conformance with all laws and policies related to the provision and preservation of affordable housing, and be in conformance with the uses and consolidation recommendations in the Comprehensive Plan. In addition to new development or redevelopment, existing development may be repurposed to an eligible use.

The Comprehensive Plan recommends that the Baileys Crossroads Community Business Center (CBC) be redeveloped into a high-quality, pedestrian oriented, mixed-use community. Sub-Unit F-1 of the Baileys East District, in which the subject property is located, is planned for mixed use development at its existing use and intensity. Since Skyline Center Buildings 1, 2, and 3 have incurred high vacancy rates for most of the last decade, these buildings are good candidates to implement Policy Plan recommendations to repurpose underutilized commercial office buildings.

The conversion of the existing vacant office space into live/work units, and proposed mix of ground floor uses provides similar uses to surrounding development, while the general character and quality of the enhancements to the open spaces surrounding these buildings will enhance the character and enliven the Skyline Center. Thus, the proposed development is seen as being compatible with the existing development as well as the Plan recommendations for surrounding development. In addition, the development addresses County affordable/workforce housing policies by providing six percent (6%) of the total live/work units as "Live/Work Workforce Dwelling Units (WDUs) (43 WDUs) and price the units to serve households with incomes up to 100 percent (100%) Area Median Income (AMI) for the Washington Standard Metropolitan Statistical Area. The project will also provide a marketing program for the property targeted to small business owners and entrepreneurs having a household income that is no more than 120 percent (120%) of AMI.

The eligibility process requires the applicant to submit a formal application with all owners as a party to the application. The applicant has submitted an application for property located in the Baileys Crossroads/Seven Corners EIP Area consisting of five parcels and three owners totaling 6.536 acres. Specifically, the assemblage consists of a 1.488 acre parcel (62-3-01-0033) located at 5205 Leesburg Pike, Falls Church, VA owned by KIW Skyline I, LLC; parcels (62-301-0030) at 1.488 acres and (62-3-01-0045) at 0.912 acres located at 5203 Leesburg Pike, Falls Church, VA and owned by KIW Skyline 2, LLC; and, parcels (62-3-01-0035) at 1.570 acres and (62-3-01-0035A) at 1.078 acres, located at 5201 Leesburg Pike, Falls Church, VA and owned by KIW Skyline 3, LLC. Thus, the development is located within the territorial limits of an EIP Area and complies with the assemblage, size, and ownership criteria of the EIP.

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The applicant received Board approval for PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15 on September 15, 2020, following Board adoption of the ordinance establishing the EIP. The approved zoning permits the repurposing of three existing office buildings in the Skyline development into live/work units. Thus, staff finds that the intended use is eligible under the EIP land use criteria and that the development constitutes a new rezoning not previously approved by the County because the new use is sufficiently different from prior rezoning approvals for the site.

Staff has reviewed the applicant's application dated January 26, 2021, for conformance with the eligibility criteria and issued a letter to each owner on February 5, 2021, (see Attachment 5) stating that the development as proposed appears to conform with the statutory requirements of the program and is therefore eligible for submission to the Board for consideration of approval.

FISCAL IMPACT:

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

The Department of Tax Administration has determined that the 2021 base assessed value of the property is \$22,717,260 million, generating real estate taxes of \$261,248.49 per year, with a tax rate of \$1.15 per \$100 of assessed value. Assuming a post development assessed value of \$155,650,941 million, as provided by the applicant, the partial tax abatement would be calculated on the \$132,933,681 million increment or difference between pre- and post-development values. Thus, with a tax rate of \$1.15 per \$100 of assessed value, the total tax abatement would be \$1,528,737.33 per year for a maximum tax abatement of \$15,287,373.31 over the maximum 10-year life of the program.

ENCLOSED DOCUMENTS:

Attachment 1 – EIP Area Map – Bailey's Crossroads
Attachment 2 – KIW Skyline 1, LLC; KIW Skyline 2, LLC; and KIW Skyline 3, LLC EIP Eligibility Application Form
Attachment 3 – Project Locator Map
Attachment 4 - Zoning Application Affidavit
Attachment 5 – Staff Determination Letters (1,2, & 3)

Board Agenda Item
March 23, 2021

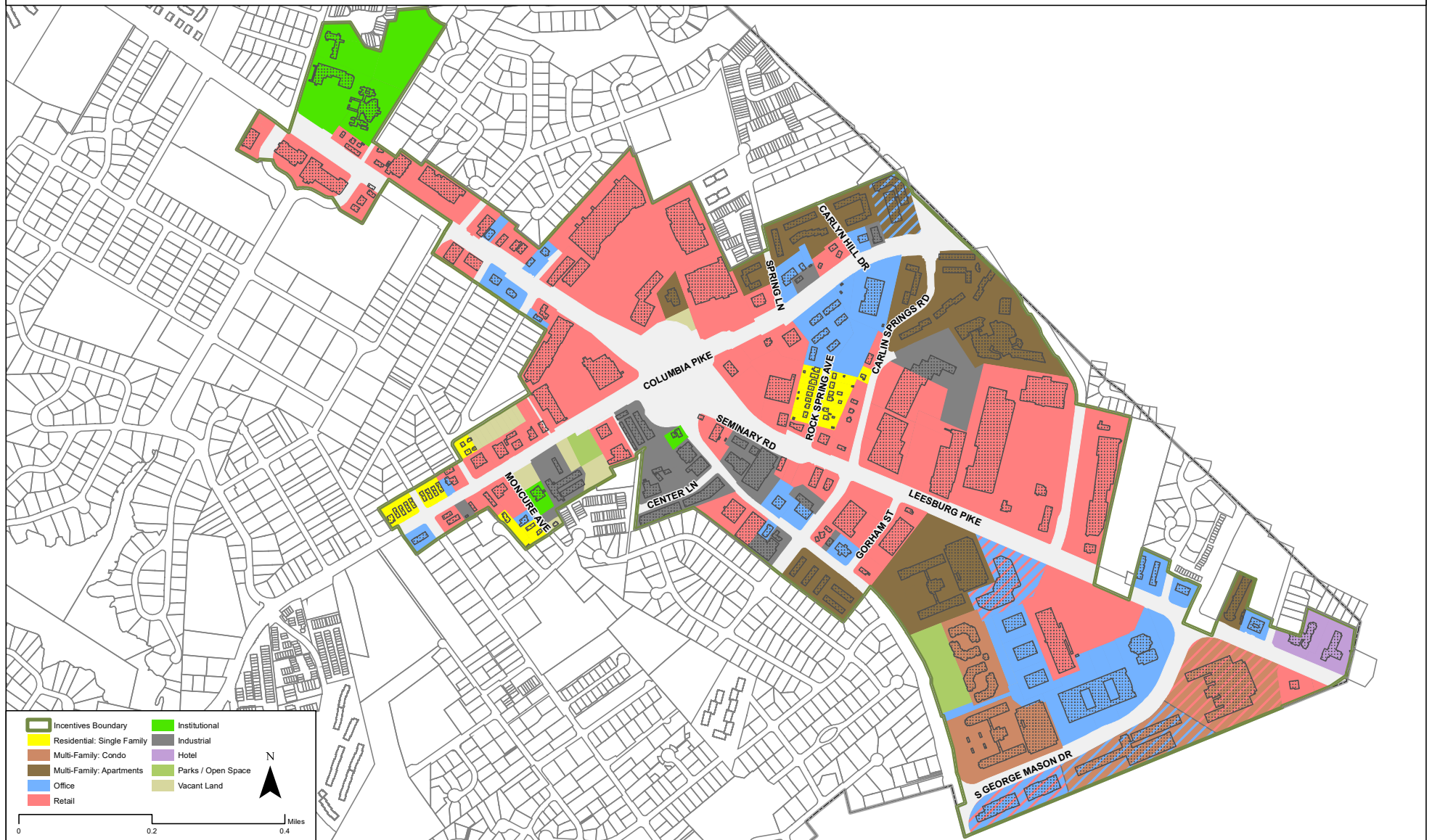
STAFF:

Rachel Flynn, Deputy County Executive
Barbara A. Byron, Director, Department of Planning and Development (DPD)
Elizabeth A. Hagg, Director, Community Revitalization Section, DPD
Jay Doshi, Director, Department of Tax Administration
Bill Hicks, Director, Land Development Services

ASSIGNED COUNSEL:

Corinne N. Lockett, Senior Assistant County Attorney
Cherie L. Halyard, Assistant County Attorney

Bailey's Crossroads Economic Incentive Program Area



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

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



Telephone: 703-324-9300
TTY: 711
FAX: 703-653-1799
Visit our Web Site: www.fcrcvit.org

Prior to filing this application, contact the Community Revitalization Section (CRS) of the Department of Planning and Development (DPD) staff to review the ordinance eligibility requirements to determine if the proposed development may qualify. Improvements made prior to the Department of Tax Administration's (DTA) base value appraisal inspection are not eligible for the partial tax abatement. Refer to the application procedures for additional information.

Only properties located within an Economic Incentive Area are eligible. Refer to the ordinance or contact CRS for assistance in verifying whether your property is located in a designated location.

This application must include be complete and include two copies of the plan for development as well as any additional schedules, plans, specifications that support the request, as well as an estimated fair market value of the proposed development once completed.

Property Information

Tax Map Reference #(s):	Lot Size:	Current Zoning:	Proposed Zoning:	Estimated Project Future Fair Market Value
<i>See attached</i>				

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

Owner Information

Tax Map Reference: <u> <i>See attached</i> </u> Owner's Name: _____ Contact Person/Title: _____ Property Address: _____ Mailing Address: _____ _____ Work Phone Number: _____ E-mail: _____
--

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

Note: Attach extra sheets, if necessary, for additional properties or owners.

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

Proposed Project:

1. What type of zoning application would the proposal require? Check all that apply.

Rezoning/Proffered Condition Amendment: _____ Special Exception: _____
 Special Permit: _____ Site Plan: _____

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

PCA C-052-09 (APPROVED)
CDPA C-052-02 (APPROVED)
FDPA C-052-15 (APPROVED)
MINOR SITE PLAN: 4237-MSP-014 (PENDING)

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

The property consists of 5 parcels, 3 owners, and a total of 6.536 acres.

4. Describe the proposed project. Please include details related to proposed uses, density/intensity, existing buildings to be retained, demolished and /or repurposed, and new buildings proposed. Please include additional sheets as necessary to fully describe the application. Please attach **2 copies** of the proposed development plan (either the rezoning application or site plan). If the project will be built in phases, provide a phasing plan including estimated timeframes for completion of each phase.
The project consists of (3) existing 16 story office buildings that have been substantially vacant for the majority of the past decade. On 9/15/2020, the Board of Supervisors approved a zoning Proffer Condition Amendment that enables the three office buildings to be repurposed into up to 720 live/work units. As with the 5600 Columbia Pike project, each live/work unit may be utilized at all times, at the user's discretion, as either live/work dwelling units, residential units, or offices. The ground plane will be reactivated with both private and public outdoor spaces, as well as mixed public and private uses on the interior ground level. We have attached for your convenience our approved PCA application. Included in that package is a phasing plan on sheet S-02 that outlines the proposed project phasing.

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

Please Explain: _____

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

The redevelopment of the Skyline office park represents one of the most important redevelopment opportunities in Fairfax County today. With over 1.6 Million Square Feet of BRAC related vacant office space in the center today, this application will immediately remove almost 900,000 sf of vacancy from the submarket (thereby enhancing the remaining office space) while also infusing the center with a highly desirable live/work product that will continued to enhance both the emergence of Bailey's Crossroads into Fairfax County's Innovation Corridor while providing an innovative real estate solution that will be of increasing importance as the nation moves past the current pandemic related challenges. By providing a product that allows people to do more things in one space, live/work units meaningfully reduce the cost of taking risks, thereby spurring new business creation, while also revivifying stranded assets in a manner that reduces the cost and impacts of single occupant vehicle trips and other negative environmental externalities associated with more traditional real estate typologies.

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

_____ Yes X No

Please Explain: The economic challenges caused by the Pandemic coupled with the high cost and risk associated with transitioning three empty buildings, and extensive garage repairs would have made this project a practical financing impossibility absent the county's foresight in helping limit near term operating costs. We applaud the County for its foresight and vision in helping bring new life to these valuable and underutilized resources.

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

SIGNATURE:

KIW SKYLINE 1, LLC

By: KIW Falls Church Venture, LLC, its Manager

By: KFCV Wolff Member, LLC, its Administrative Manager

By: Jordan Hafen, Secretary

 (signature)

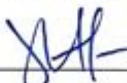
DATE: 01/25/2021

KIW SKYLINE 2, LLC

By: KIW Falls Church Venture, LLC, its Manager

By: KFCV Wolff Member, LLC, its Administrative Manager

By: Jordan Hafen, Secretary

 (signature)

DATE: 01/25/2021

KIW SKYLINE 3, LLC

By: KIW Falls Church Venture, LLC, its Manager

By: KFCV Wolff Member, LLC, its Administrative Manager

By: Jordan Hafen, Secretary

 (signature)

DATE: 01/25/2021

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

OFFICE USE ONLY

Application #: _____
Date Application Submitted: __/__/__
Economic Incentive Area: _____
DPD Approval Date: __/__/__

Rezoning Case # _____
Rezoning Approval Date: __/__/__

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

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



SKYLINE - FAIRFAX COUNTY APPLICATION FOR PARTIAL TAX EXEMPTION

11.9.2020

PROPERTY INFORMATION

TAX MAP REFERENCE #S	LOT SIZE	OR	LOT SIZE	CURRENT ZONING	PROPOSED ZONING	ESTIMATED FUTURE FAIR MARKET VALUE
Skyline						
Lot 30 (62-3-01-0030)	64,800 SF	or	1.488 AC	PDC	PDC (same)	\$52,354,243
Lot 33 (62-3-01-0033)	64,800 SF	or	1.488 AC	PDC	PDC (same)	\$48,945,305
Lot 35 (62-3-01-0035)	68,400 SF	or	1.570 AC	PDC	PDC (same)	\$49,850,763
Lot 35A (62-3-01-0035A)	46,975 SF	or	1.078 AC	PDC	PDC (same)	\$2,065,000
Lot 45 (62-3-01-0045)	39,734 SF	or	0.912 AC	PDC	PDC (same)	\$2,435,630
	284,709 SF		6.536 AC			\$155,650,941

OWNER INFORMATION

Skyline 1

Tax Map Reference:	(62-3-01-0033)
Owner's Name:	KIW SKYLINE 1, LLC
Contact Person/Title:	Rob Seldin, agent
Property Address:	5205 Leesburg Pike, Falls Church, VA 22041
Mailing Address:	6710 E. Camelback Rd. Suite 100, Scottsdale, AZ 85251
Work Phone Number:	678-428-6889
E-mail:	robseldin@highlandsquareholdings.com

Skyline 2

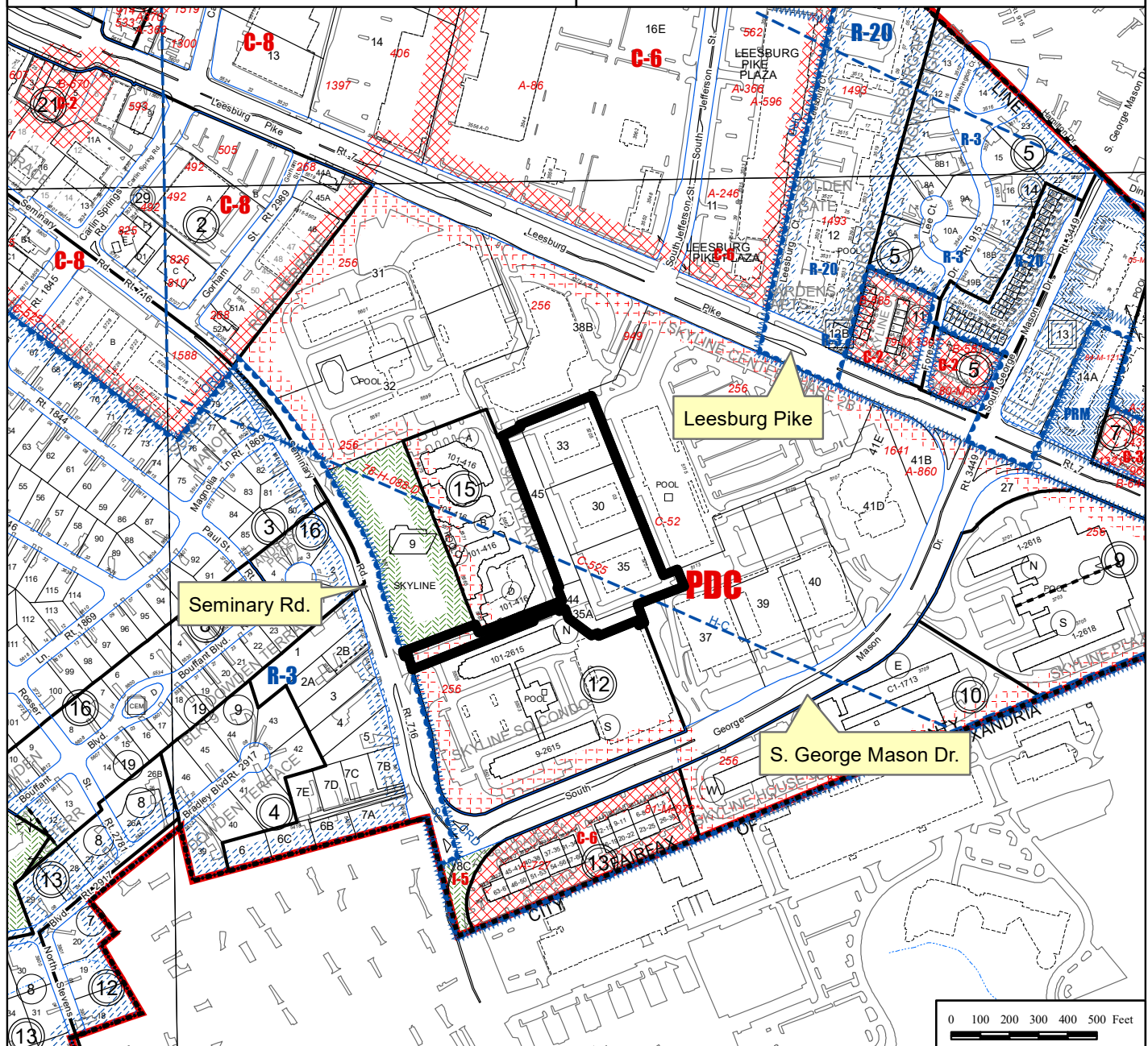
Tax Map Reference:	(62-3-01-0030) and (62-3-01-0045)
Owner's Name:	KIW SKYLINE 2, LLC
Contact Person/Title:	Rob Seldin, agent
Property Address:	5203 Leesburg Pike, Falls Church, VA 22041
Mailing Address:	6710 E. Camelback Rd. Suite 100, Scottsdale, AZ 85251
Work Phone Number:	678-428-6889
E-mail:	robseldin@highlandsquareholdings.com

Skyline 3

Tax Map Reference:	(62-3-01-0035) and (62-3-01-0035A)
Owner's Name:	KIW SKYLINE 3, LLC
Contact Person/Title:	Rob Seldin, agent
Property Address:	5201 Leesburg Pike, Falls Church, VA 22041
Mailing Address:	6710 E. Camelback Rd. Suite 100, Scottsdale, AZ 85251
Work Phone Number:	678-428-6889
E-mail:	robseldin@highlandsquareholdings.com

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

Conceptual Development Plan Amendment		Proffered Condition Amendment	
CDPA -C -052-02		PCA -C -052-09	
Applicant:	KIW SKYLINE 1, LLC, KIW SKYLINE 2, LLC AND KIW SKYLINE 3, LLC	Applicant:	KIW SKYLINE 1, LLC, KIW SKYLINE 2, LLC AND KIW SKYLINE 3, LLC
Accepted:	02/03/2020	Accepted:	02/03/2020
Proposed:	AMEND THE CONCEPTUAL DEVELOPMENT PLAN ASSOCIATED WITH RZ C-052	Proposed:	AMEND PROFFERS AND CONDITIONS ASSOCIATED WITH RZ C-052
Area:	6.45 AC; DISTRICT - MASON	Area:	6.45 AC; DISTRICT - MASON
Zoning Dist Sect:		Zoning Dist Sect:	
Located:	EAST SIDE OF SEMINARY ROAD, SOUTH OF LEESBURG PIKE AND NORTH OF SOUTH GEORGE MASON DRIVE	Located:	EAST SIDE OF SEMINARY ROAD, SOUTH OF LEESBURG PIKE AND NORTH OF SOUTH GEORGE MASON DRIVE
Zoning:	PDC	Zoning:	PDC
Overlay Dist:	CRD SC EX HC	Overlay Dist:	CRD SC EX HC
Map Ref Num:	062-3- /01/ /0030 /01/ /0033 /01/ /0035 /01/ /0035A /01/ /0045	Map Ref Num:	062-3- /01/ /0030 /01/ /0033 /01/ /0035 /01/ /0035A /01/ /0045



REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated June 9, 2020 for the application of
(enter date of affidavit)

KIW Skyline 1, LLC, KIW Skyline 2, LLC, KIW Skyline 3, LLC
(enter name(s) of applicant(s))

in Application No(s): PCA-C-052-09, CDPA-C-052-02, FDPA-C-052-15
(enter application number(s))

I, Sheri L. Akin, do hereby state that I am an

(check one) ☐ applicant (must be listed in Par. 1(a) of the above-described affidavit)

☒ applicant's authorized agent (must be listed in Par. 1(a) of the above-described affidavit)

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

(check one) ☐ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of
(enter today's date)

☒ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

☐ Paragraph 1(a)

☐ Paragraph 2

☐ Paragraph 1(b)

☐ Paragraph 3

☒ Paragraph 1(c)

WITNESS the following signature:
(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Sheri L. Akin, Sr. Land Use Planner

(Type or print first name, middle initial, last name and title of signer)

Subscribed and sworn to before me this 25th day of August, 2020 in the
State/Commonwealth of Virginia, County/City of Fairfax

Grace E. Chae
Notary Public

My Commission expires: _____



REZONING AFFIDAVIT

DATE: AUG 25 2020
(enter date affidavit is notarized)

I, Sheri L. Akin, do hereby state that I am an
(enter name of applicant or authorized agent)

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

in Application No.(s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

=====

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
KIW Skyline 1, LLC Agent: Joseph Jay Petkunas H. Curtis Keller	6710 E. Camelback Road Scottsdale, AZ 85251	Co-Applicant/Title Owner of Tax Map 62-3 ((1)) 33
KIW Skyline 2, LLC Agent: Joseph Jay Petkunas H. Curtis Keller	6710 E. Camelback Road Scottsdale, AZ 85251	Co-Applicant/Title Owner of Tax Map 62-3 ((1)) 30, 45
KIW Skyline 3, LLC Agent: Joseph Jay Petkunas H. Curtis Keller	6710 E. Camelback Road Scottsdale, AZ 85251	Co-Applicant/Title Owner of Tax Map 62-3 ((1)) 35, 35A

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

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

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

Rezoning Attachment to Par. 1(a)DATE: AUG 25 2020
(enter date affidavit is notarized)for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Highland Square Holdings, LLC Agent: Robert M. Seldin	4101 Lorcom Lane Arlington, VA 22207	Agent for Applicant
Lessard Design, Inc. Agent: Christian J. Lessard Ulises Montes De Oca Luz Del Mar Rosado Christopher E. Boone	8521 Leesburg Pike, Suite 700 Vienna, VA 22182	Architect/Agent for Applicant
McGuireWoods LLP Agents: Scott E. Adams Steven M. Mikulic Jonathan P. Rak Gregory A. Riegler Sheri L. Akin Lori R. Greenlief Michael D. Van Atta	1750 Tysons Boulevard, Suite 1800 Tysons, VA 22102	Attorney/Agent for Applicant Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
Davis Carter, Scott Ltd. Agent: Jasna Bijelic Jim E. Hitrik Anita Sircar	8614 Westwood Center Drive, Suite 800 Tysons, VA 22182	Architect/Agents for Applicant
Gorove/Slade Associates, Inc. Agent: Maria C. Lashinger Christopher M. Tacinelli Kayla M. Ord Sonya I. Viera	3914 Centreville Road, Suite 330 Chantilly, VA 20151	Traffic Engineer/Agent for Applicant

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

Rezoning Attachment to Par. 1(a)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Michael Blier / Landworks Inc. dba Landworks Studio, Inc. Agent: Michael J. Blier Christopher A. MacFarlane Katalin Glasscock-Szabo Thu Ngan Han	83 North Street Salem, MA 01970	Landscape Architect/Agent for Applicant
VIKA Virginia, LLC Agent: John F. Amatetti Shawn T. Frost Jeff N. Peterson Lisa M. Goodwin Jessica L. Mack	8180 Greensboro Drive, Suite 200 Tysons, VA 22102	Civil Engineer/Agent for Applicant
VIKA, Incorporated Agent: John F. Amatetti Shawn T. Frost Jeff N. Peterson Lisa M. Goodwin	8180 Greensboro Drive, Suite 200 Tysons, VA 22102	Civil Engineer/Agent for Applicant (former)
Streetsense Consulting, LLC Agent: Bruce Leonard Marlon Roxas Michael D. Smith John Huntzinger	3 Bethesda Metro Center, Suite 140 Bethesda, MD 20814	Retail Consultants/Agent for Applicant

(check if applicable)

☐

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

REZONING AFFIDAVIT

DATE: AUG 25 2020
(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

KIW Skyline 1, LLC
6710 E. Camelback Road
Scottsdale, AZ 85251

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Managers: Skyline KW Development 1, LLC; Skyline KW Development 2, LLC; Skyline KW Development 3, LLC; Skyline KW Development 4, LLC; Skyline KW Development 5, LLC; Skyline KW Development 6, LLC; Skyline KW Development 7, LLC; Skyline KW Development 8, LLC; Skyline KW Development 9, LLC; Skyline KW Development 10, LLC; Skyline KW Development 11, LLC**

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

Joseph Jay Petkunas, CEO; H. Curtis Keller, Secretary

**None of the manager entities listed owns 10% or more of the title owner entities.

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

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

Rezoning Attachment to Par. 1(b)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

KIW Skyline 2, LLC
 6710 E. Camelback Road
 Scottsdale, AZ 85251

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Managers: Skyline KW Development 1, LLC; Skyline KW Development 2, LLC; Skyline KW Development 3, LLC; Skyline KW Development 4, LLC; Skyline KW Development 5, LLC; Skyline KW Development 6, LLC; Skyline KW Development 7, LLC; Skyline KW Development 8, LLC; Skyline KW Development 9, LLC; Skyline KW Development 10, LLC; Skyline KW Development 11, LLC**

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

Joseph Jay Petkunas, CEO; H. Curtis Keller, Secretary

**None of the manager entities own 10% or more of the title owner entities.

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

KIW Skyline 3, LLC
 6710 E. Camelback Road
 Scottsdale, AZ 85251

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Managers: Skyline KW Development 1, LLC; Skyline KW Development 2, LLC; Skyline KW Development 3, LLC; Skyline KW Development 4, LLC; Skyline KW Development 5, LLC; Skyline KW Development 6, LLC; Skyline KW Development 7, LLC; Skyline KW Development 8, LLC; Skyline KW Development 9, LLC; Skyline KW Development 10, LLC; Skyline KW Development 11, LLC**

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

Joseph Jay Petkunas, CEO; H. Curtis Keller, Secretary

**None of the manager entities own 10% or more of the title owner entities.

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

Rezoning Attachment to Par. 1(b)

DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

Highland Square Holdings, LLC
4101 Lorcom Lane
Arlington, VA 22207

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Amy R. Seldin, sole member

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

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

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

Lessard Design, Inc.
8521 Leesburg Pike, Suite 700
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Christian J. Lessard

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

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

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

Rezoning Attachment to Par. 1(b)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

Davis, Carter, Scott Ltd.
8614 Westwood Center Drive, Suite 800
Tysons, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Douglas N. Carter	Marcia K. Calhoun
Lena I. Scott	Kyujin Choi
Patricia A. Appleton	Christopher L. Garwood
Claude Robert Atkinson	Alan K. Houde

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)****NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Gorove/Slade Associates, Inc.
3914 Centerville Road, Suite 330
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Christopher M. Tacinelli	Tushar A. Awar
Chad A. Baird	Kevin D. Sitzman
Daniel B. VanPelt	
Erwin N. Andres	

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

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

Rezoning Attachment to Par. 1(b)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

Michael Blier / Landworks Inc. dba Landworks Studio, Inc.
 83 North Street
 Salem, MA 01970

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Michael J. Blier

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

John F. Amatetti	P. Christopher Champagne
Charles A. Irish, Jr.	Michael D. Benton
Robert R. Cochran	Edmund J. Ignacio
Kyle U. Oliver	

=====

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

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

Rezoning Attachment to Par. 1(b)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

VIKA, Incorporated (former)
 8180 Greensboro Drive, Suite 200
 Tysons, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

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

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

John F. Amatetti	P. Christopher Champagne
Charles A. Irish, Jr.	Michael D. Benton
Robert R. Cochran	Edmund J. Ignacio
Kyle U. Oliver	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.**President, Vice-President, Secretary, Treasurer, etc.)****NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Streetsense Consulting, LLC
 3 Bethesda Metro Center, Suite 140
 Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Streetsense, LLC

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

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

Rezoning Attachment to Par. 1(b)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

Streetsense, LLC
 3 Bethesda Metro Center, Suite 140
 Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

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

CBRE, Inc. (a publicly traded company)
 Streetsense Partners Holdings, LLC

=====

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

=====

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

Streetsense Partners Holdings, LLC
 3 Bethesda Metro Center, Suite 140
 Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Herbert A. Heiserman

=====

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

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

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DATE: AUG 25 2020
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for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

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

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

Equity Partners of McGuireWoods LLP

Adams, John D.	Barrett, John M.	Brantley, Bryan C.
Allen, Joel S.	Becker, Scott L.	Brooker, Jeffrey D.
Anderson, Arthur E., II	Beldner, Sabrina A.	Brooks, Edwin E.
Anderson, James M., III	Bell, Craig D.	Brose, R. C.
Anderson, Mark E.	Bilik, R. E.	Browning, Jeffrey K.
Atty, Lisa A.	Bittman, Robert J.	Buckley, Holly (nmi)
Austin, Bradley S.	Blank, Jonathan T.	Burk, Eric L.
Bagley, Terrence M.	Blydenburgh, Candace A.	Busch, Stephen D.
Bancroft, Josiah A.	Boardman, J. K.	Butcher, Peter C.
Barger, Brian D.	Brackett, Alexander J.	Callahan, Timothy P.

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

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

Rezoning Attachment to Par. 1(c)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

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

(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Carna, Anthony J.	Farley, Peter N.	Griset, Jill C.
Carter, Jean G.	Farrell, Thomas M.	Haas, Cheryl L.
Cason, Alan C.	Finger, Jon W.	Hager, Kristen F.
Chaffin, Rebecca S.	Finkelson, David E.	Hampton, Charles B.
Chapman, Jeffrey J.	Fitzgerald, Matthew A.	Hardey, Kate W.
Checkovich, Tennille J.	Flannery, Diane P.	Harmon, Jonathan P.
Clark, Jeffrey C.	Foley, Douglas M.	Harmon, T. C.
Cockrell, Geoffrey C.	Franchina, David A.	Hartsell, David L.
Collins, Darren W.	Frank, Hannah T.	Hatch, Benjamin L.
Cook, Jason W.	Fratkin, Bryan A.	Hayes, Dion W.
Cowley, Jason H.	Freedlander, Mark E.	Hedrick, James T., Jr.
Cramer, Robert W.	French, Taylor W.	Hilton, Robert C.
Cromwell, Richard J.	Fuhr, Joy C.	Holladay-Tobias, Sara F.
Croteau, Anne E.	Gambill, Michael A.	Horne, Patrick T.
Cullinane, Lee (nmi)	Glassman, Margaret M.	Hornyak, David J.
Daglio, Michael R.	Goldsamt, Seth T.	Hosmer, Patricia F.
De Ridder, Patrick A.	Gopalan, Rakesh (nmi)	Howard, Justin D.
DeLuca, Katherine K.	Goydan, William E.	Hsu, Yuan-Ying
deVyver, Kristopher I.	Grant, Richard S.	Jaber, Makram B.
Dossa, Mehboob R.	Green, Joshua K.	Jackson, J. B.
Egan, Christina M.	Greene, Adam J.	Justus, J. B.
Ensing, Donald A.	Greene, Christopher K.	Kahn, Brian A.
Evans, Gregory L.	Greenspan, David L.	Kane, Matthew C.
Ewing, James W.	Greenstein, Louis D.	Kannensohn, Kimberly J.
Ey, Douglas W., Jr.	Grieb, John T.	Katsantonis, Joanne (nmi)

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

Rezoning Attachment to Par. 1(c)DATE: AUG 25 2020

(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15

(enter County-assigned application number (s))

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

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

(check if applicable) ☒ The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Keeler, Steven J.	Mathews, Eugene E., III	Oostdyk, Scott C.
Keene, D. B.	McCollough, Aaron G.	Padgett, John D.
Kelly, Brian J.	McCormick, Durham C., Jr.	Perzek, Philip J.
Kelly, Noreen A.	McDonald, John G.	Peyton, Daniel L.
Kilpatrick, Gregory R.	McFarland, Robert W.	Phillips, Michael R.
Kinghorn, Mark W.	McGinnis, Kevin A.	Pivnick, David J.
Kobayashi, Naho (nmi)	McIntyre, Charles W.	Powell, David C.
Konia, Charles A.	McKinnon, Michele A.	Pumphrey, Brian E.
Kromkowski, Mark A.	McLean, David P.	Purpura, Ryan T.
Krueger, Kurt J.	McNab, S. K.	Pusateri, David P.
Kutrow, Bradley R.	McRill, Emery B.	Rak, Jonathan P.
La Fratta, Mark J.	Mensi, Dennis W.	Reid, Joseph K., III
Lamb, Douglas E.	Michalik, Christopher M.	Riegle, Gregory A.
Lapp, David R.	Miles, Perry W., IV	Riopelle, Brian C.
Lawson, Jodie H.	Milianti, Peter A.	Roach, Derek A.
Lias-Booker, Ava E.	Muckenfuss, Robert A.	Roberts, Manley W.
Link, Vishwa B.	Mullins, Patrick T.	Rogers, Marvin L.
Little, Nancy R.	Nahal, Hardeep S.	Rohman, Thomas P.
Lukitsch, Bethany G.	Namazie, Hamid R.	Rothschild, Jeffrey L.
Maddock, John H., III	Natarajan, Rajsekhar (nmi)	Rowan, J.P.
Madriz, Yasser A.	Neale, James F.	Rusher, Mary Nash K.
Manning, Amy B.	Neighbors, Kenneth M.	Russo, Angelo M.
Marshall, Harrison L., Jr.	Nesbit, Christopher S.	Rust, Dana L.
Marsico, Leonard J.	Newberg, Brad R.	Sanderson, William I.
Martin, Cecil E., III	O'Grady, John B.	Satterwhite, Rodney A.
Martinez, Peter W.	Older, Stephen E.	Scheurer, Philip C.

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

Rezoning Attachment to Par. 1(c)

DATE: AUG 25 2020

(enter date affidavit is notarized)
for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15
(enter County-assigned application number (s))

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

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

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

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

Sethi, Akash D.	VanHoutan, Tyler T.
Shaw, Jarrod D.	Vaughn, Scott P.
Spitz, Joel H.	Viola, Richard W.
Spitzer, Mark A.	Visconsi Law Corporation, John R.*
Stallings, Thomas J.	Walker, Barton C.
Stearman, Jennifer J.	Walker, John T., IV
Steen, Bruce M.	Walker, W. K., Jr.
Steggerda, Todd R.	Walsh, Amber M.
Stone, Jacquelyn E.	Westwood, Scott E.
Swett, Brian I.	Whelpley, David B., Jr.
Symons, Noel H.	White, Harry R., III
Szurley, Peter S.	Wilburn, John D.
Tarry, Samuel L., Jr.	Wood, Allison D.
Taylor, R. T.	Woodard, Michael B.
Thanner, Christopher J.	Yilma, Gerum (nmi)
Thomas, Gerald V., II	Zacharias, Penny E.
Townshend, Gretchen E.	Zahn, Thomas E.
Tysse, G. W.	Zielinski, Sarah A.
Vance, Robin C.	

*Does not own 10% or more
of McGuireWoods LLP

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

REZONING AFFIDAVIT

DATE: AUG 25 2020
(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: AUG 25 2020
(enter date affidavit is notarized)

for Application No. (s): PCA-C-052-09/CDPA-C-052-02/FDPA-C-052-15
(enter County-assigned application number(s))

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

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

5600 Columbia Owner LLC donated in excess of \$100 to Supervisor Gross. While 5600 Columbia Owner LLC is not a party to this application, Robert M. Seldin is the sole shareholder of 5600 Columbia Owner LLC and is an Agent for Applicant listed under Par. 1(a).

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

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

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

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Sheri L. Akin, Senior Land Use Planner

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25th day of August 2020, in the State/Comm. of Virginia, County/City of Fairfax

Grace E. Chae
Notary Public

My commission expires: _____





County of Fairfax, Virginia

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

February 5, 2021

Jordan Hafen, Secretary
The Wolff Company
6710 Camelback Road
Suite 100
Scottsdale, AZ 85251

Tax Map Reference: (62-3-01-0033)
Property Address: 5205 Leesburg Pike
Falls Church, VA 22041
Owner: KIW Skyline 1, LLC
Tax Abatement Case #: MA-001 2021

Dear Mr. Hafen:

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

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

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

Sincerely,

Barbara Byron, Director
Department of Planning and Development

cc:
Jay Doshi, Director, Department of Tax Administration



PLANNING & DEVELOPMENT

Department of Planning and Development

Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799

www.fairfaxcounty.gov/planning-development



County of Fairfax, Virginia

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

February 5, 2021

Jordan Hafen, Secretary
The Wolff Company
6710 Camelback Road
Suite 100
Scottsdale, AZ 85251

Tax Map Reference: (62-3-01-0030) and (62-3-01-0045)

Property Address: 5203 Leesburg Pike
Falls Church, VA 22041

Owner: KIW Skyline 2, LLC

Tax Abatement Case #: MA-001 2021

Dear Mr. Hafen:

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

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

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

Sincerely,

Barbara Byron, Director
Department of Planning and Development

cc.

Jay Doshi, Director, Department of Tax Administration



PLANNING & DEVELOPMENT

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County of Fairfax, Virginia

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

February 5, 2021

Jordan Hafen, Secretary
The Wolff Company
6710 Camelback Road
Suite 100
Scottsdale, AZ 85251

Tax Map Reference: (62-3-01-0035) and (62-3-01-0035A)

Property Address: 5201 Leesburg Pike
Falls Church, VA 22041

Owner: KIW Skyline 3, LLC

Tax Abatement Case #: MA-001 2021

Dear Mr. Hafen:

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

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

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

Sincerely,

Barbara Byron, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration



PLANNING & DEVELOPMENT

Department of Planning and Development

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Phone 703-324-9300
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www.fairfaxcounty.gov/planning-development

Board Agenda Item
March 23, 2021

ACTION - 2

Approval of the Amended Fairfax County Citizen Participation Plan

ISSUE:

Board of Supervisors (Board) approval to amend Fairfax County's Citizen Participation Plan to update and streamline the document's policies and procedures.

RECOMMENDATION:

The County Executive recommends the Board adopt the proposed amendments to Fairfax County's Citizen Participation Plan (CPP).

TIMING:

Immediate. Approval of the proposed amendments to the CPP is required to ensure sufficient time to include the amended CPP in Fairfax County's submission of its proposed Five-Year Consolidated Plan for FY 2022 – FY 2026 (FY 2022-2026 Consolidated Plan) and One-Year Action Plan for FY 2022 (FY 2022 Action Plan) to the U.S. Department of Housing and Urban Development (HUD). The proposed FY 2022-2026 Consolidated Plan and FY 2022 Action Plan will be presented to the Board on May 4, 2021 for final approval before submission to HUD. The Board should note that the amended CPP shall become effective upon the Board's approval of the document, and not upon HUD's approval of the proposed FY 2022-2026 Consolidated Plan and FY 2022 Action Plan.

BACKGROUND:

A CPP is required by HUD to receive federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships Program (HOME) funding. It is a locally developed guide that sets forth policies and procedures for public input and participation during the HUD-required Consolidated Planning processes, which include the development of the County's Consolidated Planning documents: Five-Year Consolidated Plans, Annual Action Plans, Consolidated Annual Performance and Evaluation Reports (CAPER) and CPP.

Board Agenda Item
March 23, 2021

Fairfax County's CPP was first adopted by the Board on December 8, 1997 and amended in 2002, 2007, and most recently in 2020 to incorporate expedited procedures in response to the COVID-19 pandemic.

The County's current Consolidated Planning cycle provided an opportunity to update the CPP. The proposed amendments are primarily:

- Clarifying the definitions of "minor" and "substantial" amendments applicable to all approved Consolidated Plans and Annual Action Plans;
- Adding a list of locations in which public notices will be advertised by the County for all proposed Consolidated Plans and Annual Action Plans;
- Adding a new Appendix table summarizing the public participation requirements applicable to each Consolidated Planning document; and
- Reorganizing document sections and condensing lengthy paragraphs or reoccurring text to improve readability.

The amendments proposed above were advertised for a 30-day public comment period, which ended on March 12, 2021. All public comments provided have been considered and, as applicable, incorporated into the amended CPP. If approved, the amended CPP will impact the development of future Consolidated Planning documents. The FY 2022-2026 Consolidated Plan and FY 2022 Action Plan currently under development are both governed by the current CPP. The Board should note that the development of these two plans would have complied with the terms of both the current CPP and the proposed CPP.

The complete CPP with proposed amendments is available in Attachment 1.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amended Fairfax County Citizen Participation Plan

Board Agenda Item
March 23, 2021

STAFF:

Christopher A. Leonard, Deputy County Executive

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

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

Laura O. Lazo, Associate Director, Real Estate Finance and Grants Management (REFGM), HCD

Jenny Hsu, Grants Program Manager, REFGM, HCD

ASSIGNED COUNSEL:

Ryan A. Wolf, Assistant County Attorney

Proposed Amended Fairfax County Citizen Participation Plan

COUNTY OF FAIRFAX, VIRIGINA

**CITIZEN PARTICIPATION PLAN
FOR CONSOLIDATED PLANNING**

Adopted by the Board of Supervisors
December 8, 1997

Amended by the Board of Supervisors
February 11, 2002
April 30, 2007
May 12, 2020

*Proposed for Amendment by the Board of Supervisors
March 23, 2021*

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1. Applicability

As an Urban County, Fairfax County receives the following federal program funds provided through the U.S. Department of Housing and Urban Development (HUD):

- Community Development Block Grant (CDBG)
- Emergency Solutions Grants (ESG)
- HOME Investment Partnerships Program (HOME)

To receive these resources, federal regulations require the County to undergo a consolidated planning process, which includes the submission of documents that cover the planning, application and reporting of such resources. These consolidated documents include the: Five-Year Consolidated Plans, Annual Action Plans, Consolidated Annual Performance Evaluation Report (CAPER), and the Citizen Participation Plan (CPP). In accordance with the consolidated planning process, the County must adopt a CPP which sets forth the policies and procedures for citizen participation and consultation in the development, revision, implementation and amendment of these consolidated planning documents.

2. Encouragement of Citizen Participation and Consultation

Fairfax County's CPP provides guidance for reasonable and accessible public input and participation in the consolidated planning process, and encourages citizen participation in defining the housing, community development and public service needs in the community. This includes public services to be provided by community-based organizations, as well as funding priorities supported by funds provided through the County's Five-Year Consolidated Plan and Annual Action Plan ("Plans"). The CPP encourages participation by all residents and stakeholders during the development and implementation of the Plans, but especially by:

- members of low- and moderate-income households;
- residents of public/assisted housing, including resident boards/councils/corporations;
- minorities;
- persons who are non-English speakers;
- persons with disabilities;
- residents of predominantly low- and moderate-income neighborhoods;
- residents of designated revitalization and/or slum/blighted areas; and
- residents of areas where program funds are proposed to be used.

Additionally, the CPP encourages the participation of public and private agencies, such as:

- local and regional institutions;
- Continuums of Care;
- businesses and developers;

- public, private and nonprofit organization (including philanthropic, community-based and faith based organizations, public and assisted housing agencies, health services providers, social services providers);
- community- and regionally-based organizations that represent protected class members;
- organizations that enforce fair housing laws;
- other local governments and metropolitan planning organizations;
- broadband internet service providers and organizations engaged in narrowing the digital divide; and
- agencies primarily responsible for the management of flood prone areas and public land/water resources, and emergency management agencies.

Additionally, the County will consult with the Fairfax County Redevelopment and Housing Authority (FCRHA) to encourage the participation of residents of public and assisted housing and/or targeted revitalization areas during the consolidated planning process. Information on the housing and community development activities relevant to the FCRHA will be provided to the housing authority so that such information can be made available during the FCRHA annual public hearing.

3. Consolidated Community Funding Advisory Committee

The Consolidated Community Funding Advisory Committee (CCFAC) is a citizen group established by the Fairfax County Board of Supervisors (Board) to monitor and advise the Board on the development and implementation of the Plans. CCFAC submits the Plans to the Board for review and approval. Additional roles of the CCFAC may include providing comments on the Consolidated Community Funding Pool (CCFP) RFP funding process and funding recommendations that are forwarded by the Selection Advisory Committee (SAC) to the Board, and coordinating with the Community Action Advisory Board (CAAB) in the Community Services Block Grant (CSBG) funding process.

CCFAC will receive citizen input on current and needed housing, community development, and public services, including housing and services to be provided by community-based organizations, annually at one or more public hearings to be held before the CCFAC. CCFAC will receive citizen input through written and oral comments presented at or prior to the close of the public hearing before the Board.

Members are appointed by the County Executive to serve for a term of three years. Membership may include representatives of human services provider groups, consumer and community organizations and other boards, authorities, and commissions, which are involved in human services, including, but not limited to, the FCRHA, the Human Services Council, the Community Action Advisory Board, the Fairfax-Falls Church Community Services Board, the Fairfax County Alliance for Human Services, and the schools community.

4. Information Available and Displacement

The County will encourage citizen participation by providing the public with adequate information concerning the Plans: the amount of funds expected to be available; the proposed range of activities that may be undertaken with those funds, including the amount that will benefit members of very low- and low-income households; and the plans to minimize displacement and to assist any persons who are displaced, other important program requirements, and proposed and approved uses of funds.

Information on the Plans' public notice and public hearing(s) schedule will be disseminated to local agencies, community-based organizations and nonprofit organizations working with or in the interests of residents who are minority, non-English speaking, physically impaired, and/or the faith-based community in order to provide the opportunity for full citizen participation to as many people as possible.

5. Availability to the Public

There are two types of documents available to the public, each with their own timeframes and requirements: Proposed Documents and Approved/Accepted Documents. The documents will be available to the public in one or more of the following ways:

- Online at: <https://www.fairfaxcounty.gov/housing/>
- At the Department of Housing and Community Development located at 3700 Pender Drive, Fairfax, Virginia 22030
- At the information desk of the County Government Center at 12000 Government Center Parkway, Fairfax Virginia 22035
- At the information desk of branches of the Fairfax County Public Library system.

a. Proposed Documents

Prior to submission to HUD, citizens will have an opportunity to comment on proposed documents at public hearings, meetings, or by directly contacting the appropriate County agency staff, according to the advertised public notice. Proposed documents are available during their respective comment periods and upon adoption and/or acceptance by HUD, the final versions will be retained on file. During the comment periods listed in the Appendix, the following proposed documents will be available:

- Proposed Citizen Participation Plan
- Proposed Citizen Participation Plan substantial amendments
- Proposed Five-Year Consolidated Plan
- Proposed Five-Year Consolidated Plan substantial amendments
- Proposed Annual Action Plan
- Proposed Annual Action Plan substantial amendments

- Proposed Consolidated Annual Performance and Evaluation Report

b. Approved/Accepted Documents

The County will provide residents, public agencies, and other interested parties with reasonable and timely access to records for the preceding five years. The documents available include:

- Citizen Participation Plan, as adopted
- Five-Year Consolidated Plans, as adopted
- Annual Action Plans, as adopted
- Consolidated Annual Performance and Evaluation Reports accepted by HUD

A reasonable number of free paper copies of the Plans will be available upon request. The Citizen Participation Plan may be provided in a format accessible to persons with disabilities and those with limited English proficiency, upon request. Any persons requesting such copies should contact the Fairfax County Department of Housing and Community Development (DHCD) at (703) 246-5101 or the TTY number 711.

6. Technical Assistance

The County will provide technical assistance to groups representing members of very low- and low-income households, as well as to community-based organizations and interested residents, upon request for such assistance with the development and submission of proposals for funding under any federal or local funding sources covered by the Plans. Any persons requiring technical assistance should contact DHCD at (703) 246-5101 or the TTY number 711.

7. Public Notices

Upon the publication of the proposed Plans, CAPER, CPP and any substantial amendments or revisions to these documents, a public notice with a summary of the proposed document will be advertised according to the table described in the Appendix.

For the Plans, a public notice with a summary of the proposed document will be advertised:

- online at www.fairfaxcounty.gov/housing;
- in the lobby of the Department of Housing and Community Development;
- at the information desk of the County Government Center;
- in a newspaper(s) of general circulation and in at least one non-English publication;
- in branches of the County Library system; and
- reasonable and timely efforts will be made to provide notice in County community centers and senior centers, as well as online through County-managed websites, social

media and other communication platforms and e-mail distribution lists available to the County.

The summary provided with the public notice will describe the contents and purpose of the document, the duration of the public comment period, and a list of the locations where the entire document may be examined. Comments for each proposed document will be accepted according to the time frames described in the Appendix.

8. Public Hearings

A minimum of two public hearings will be held prior to the submission of the Plans to HUD:

1. CCFAC Public Needs Hearing on Proposed Plans: Held by the CCFAC, this public needs hearing informs the development of the Plans prior to the beginning of the consolidated planning process and solicits public comments from the community regarding housing and community development needs, public service needs, proposed activities, and program performance. Community input may also be gathered by the CCFAC or County staff through a variety of means, such as internet-based citizen input.
2. Board of Supervisors Public Hearing on Proposed Plans: Prior to the submission of the Plans to HUD, a second public hearing will be held by the Board on the proposed Plans, as recommended by the CCFAC. Final approval of program priorities and funding recommendations included in the Plans will be made by the Board.

All public hearings will be held after adequate notice to the public (at least 15 calendar days prior to the date of the public hearing), at times and locations convenient to County citizens and organizations, as well as for potential and actual beneficiaries of the programs funded. These public hearings will also accommodate for persons with disabilities and residents who are non-English speaking, such as providing an interpreter whenever a significant number of persons who are non-English speaking are expected to participate.

9. Citizen Comments

Comments received from citizens as a result of public hearings or other activities to gather community input will be given serious consideration in the preparation of the final Plan document, amendments to the Plans, or the CAPER.

The County will prepare a summary of written and verbal comments received from citizens, public hearings, focus groups, community meetings, and other methods when preparing the Plans or CAPER, and any amendments to these consolidated planning documents. This summary will be attached to the final Plans or CAPER.

10. Complaints

Timely written responses to citizen complaints and grievances will be provided within 15 business days of the County's receipt, where practicable. If additional time is required, written notice will be provided.

11. Substantial Amendments and Revisions

The Plans may be amended with the approval of the Fairfax County Board of Supervisors. The County will amend the approved Plans whenever it makes one of the following decisions representing a substantial change or adjustment to:

1. carry out a project, using funds from any of the federal HUD programs covered by the Plans (including program income) not previously described in the Plans; or
2. eliminate a project from any of the federal programs covered by the Plans (including program income) for funds previously approved by the Board; or
3. the amount of program money for an activity such that the funding level of the activity would change by more than 10 percent.

A minor amendment is any change that does not meet the threshold of a Substantial Amendment and does not require public input and, in most circumstances, do not require Board approval.

a. Five-Year Consolidated Plan and Annual Action Plan Amendments

In general, any substantial change or adjustment to a Plan's project budget will be treated as an amendment subject to 30-day public notice, review, and comment through a County budget review process. Adjustments required to project budgets will be included in a budget review and will be subject to public comment during the public hearing process held on each of these reviews. In some circumstances, changes to the Plan program objectives may be addressed through the appropriation of funds outside of the budget review process for an activity not previously approved in the Plan. In such cases, public notice will be given before the Board is scheduled to take action on such an appropriation.

b. Citizen Participation Plan Amendments

Proposed changes to the CPP will be advertised for public comment at least 30 calendar days prior to the adoption or amendment of the CPP by the Board. The proposed revisions to the CPP will become effective upon the date of the Board approval.

12. Performance Reports

The County prepares an annual performance report called the Consolidated Annual Performance and Evaluation Report (CAPER), which requires the completion of a public participation process before the CAPER is submitted to HUD. Public participation includes reasonable public notice and the opportunity for public comment, as described in the Appendix.

13. Waivers; Public Emergencies

All of the requirements in the CPP are subject to change in the event of guidance or waivers issued by HUD. During times of public emergencies, the County may establish expedited or revised procedures to draft, propose, or amend the Plans, CAPER and CPP.

For example, under expedited or revised procedures and in the interest of public safety, in-person public hearings would not be held, hard copies of documents might not be placed in all physical locations, and Fairfax County may meet federal public notice and public meeting requirements virtually if:

1. the County's expedited and revised procedures adhere to, and comply with, HUD guidance and/or waivers;
2. national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and
3. virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

14. Appendix - Summary of Notice, Comment and Hearing Timelines

	Public Notice	Comment Period (HUD may alter)	Public Hearing
Citizen Participation Plan (CPP)	Includes a summary of the contents, purpose, duration of public comment period, list of locations where document is available.	30 calendar day period prior to the adoption of the proposed CPP by the Board.	N/A.
CPP Amendments	Contains summary of the contents, purpose, duration of public comment period, list of locations where document is available.	30 calendar day period prior to the adoption of the proposed CPP amendment by the Board.	N/A
Five-Year Consolidated Plan/Annual Action Plans ("Plans")	Includes summary of the contents, purposed duration of public comment period, list of locations where document is available, the amount of assistance expected, the range of activities undertaken, estimated amount that will benefit low/mod residents.	30 calendar day period prior to the submission of the Board-adopted Plan to HUD.	During the planning process to receive comments on housing, community development, and human services needs in the community. During the development of proposed activities to receive comments on the Proposed Plans.
Substantial Amendments to the Plans	Includes summary of the contents, purpose, duration of public comment period, list of locations where document is available.	30 calendar day period prior to the submission of the Board-adopted substantial amendment to HUD.	N/A
Consolidated Annual Performance and Evaluation Report (CAPER)	Includes summary of the contents, purpose, duration of public comment period, list of locations where document is available	15 calendar day period prior to the submission of the CAPER to HUD.	N/A

Board Agenda Item
March 23, 2021

ACTION - 3

Approval of Memorandum of Agreement Between the Fairfax County Board of Supervisors and the Northern Virginia Regional Commission Regarding Implementation of the County's MS4 Program on Educating Residents of Northern Virginia

ISSUE:

Establishing and maintaining a coordinated stormwater education program in the Northern Virginia region. Northern Virginia Clean Water Partners is comprised of a group of local governments, public school systems, institutions of higher education, drinking water and sanitation authorities, and businesses that work together to inform the public about the pollution potential of common activities to encourage individuals to take direct action to reduce stormwater pollution.

RECOMMENDATION:

The County Executive recommends that the enclosed Memorandum of Agreement (MOA) between the Fairfax County Board of Supervisors and the Northern Virginia Regional Commission's Clean Water Partners be approved by the Board and that the County contribute \$57,300 as its share for the regionwide coordinated stormwater education and outreach program.

TIMING:

Board action is requested no later than March 23, 2021.

BACKGROUND:

The Clean Waters Partners, which is coordinated and managed by the Northern Virginia Regional Commission, collaborate to implement the Regional Stormwater Education Campaign, which is a cost-effective method that is used by the County to further the stormwater outreach and education requirements in the County's Municipal Separate Storm Sewer System permit. The campaign utilizes resources and information from numerous jurisdictions in the Northern Virginia area for the purposes of:

- Educating residents and developing strategies to promote water quality improvement practices.
- Conducting market research to develop common messages for promotion by the education campaign and by each Clean Water Partner.
- Reaching out to minority communities through bi-lingual advertising and products.

Board Agenda Item
March 23, 2021

- Measuring the level of behavior change using surveys.

Fairfax County has been a member of the Northern Virginia Clean Water Partners since 2005, which has enabled Northern Virginia jurisdictions to pool funds to implement a regional stormwater education campaign that includes online advertising through social media and search engines, radio advertising, and the “Only Rain Down the Storm Drain” website to distribute messages linked specifically to stormwater problems. The MOA formalizes the roles and responsibilities of each entity for implementation and funding of the regional education campaign. The agreement reviews in greater detail the items discussed above regarding the campaign.

FISCAL IMPACT:

In FY 2021, the County will allocate \$57,300 from the Stormwater Service District budget as its share as a member of the Northern Virginia Clean Water Partners. This amount is \$0.05 per capita based on the most recent decennial census unless more current population estimates are available from the Weldon Cooper Center for Public Service of the University of Virginia. The County will contribute to this campaign annually based on the \$0.05 per capita formula, unless the County withdraws its membership, which it can do at any time. Additionally, the County is not required to pay its share until it approves the budget for the partnership.

ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Agreement between the Fairfax County Board of Supervisors and the Northern Virginia Regional Commission

STAFF:

Rachel Flynn, Deputy County Executive
Randy Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Christina Jackson, Director, Department of Management and Budget

ASSIGNED COUNSEL:

Marc Gori, Assistant County Attorney

NORTHERN VIRGINIA
CLEAN WATER PARTNERS PROGRAM

MEMORANDUM OF AGREEMENT

In order to establish an effectively coordinated stormwater education and outreach program, the parties whose authorized agents are signatories to the Memorandum of Agreement do hereby enter into the following Memorandum of Agreement.

SECTION I PURPOSE OF MEMORANDUM

The purpose of this Memorandum is to establish and maintain a coordinated stormwater education program in the Northern Virginia region, hereinafter referred to as the "Program". The signatories, hereinafter referred to as the "Northern Virginia Clean Water Partners," or "Partners," comprise a group of local governments, public school systems, institutions of higher education, drinking water and sanitation authorities, and businesses that choose to work together to inform individuals about the pollution potential of common activities, so that individuals can take direct action to reduce stormwater pollution. To meet this goal, the Partners work together to:

- Identify high priority water quality issues for the region;
- Identify the target audience(s) for outreach;
- Educate the region's residents on simple ways to reduce pollution around their homes;
- Monitor changes in behavior through surveys and other data collection techniques; and
- Pilot new cost-effective opportunities for public outreach and education.

By working together the Partners are able to leverage their funds and services to develop and place English and Spanish bilingual educational products with common messages and themes, thereby extending the campaign's reach.

SECTION II GENERAL DEFINITIONS

The term "Northern Virginia" refers to the area comprising the Northern Virginia planning district, as specified in Section III.

The terms "Clean Water Partners," "Partners," "Participants," and "Partnership" refer to all entities which enter into this Agreement and abide by its terms.

“Contributing Partners” refers to those partners who contribute direct funds to the Program.

SECTION III AREA OF COVERAGE

Contribution and Participation in this Agreement and Program is available to any local government, public authority or institution of higher education within the confines of the Northern Virginia planning district, or adjacent planning districts. The Northern Virginia Planning District or Northern Virginia Regional Commission (NVRC) is a regional council of fourteen member local governments in the northern part of Virginia. According to Virginia’s Regional Cooperation Act, NVRC is a political subdivision (a government agency) within the Commonwealth. The member local governments include the counties of Arlington, Fairfax, Loudoun, and Prince William, the independent cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, as well as the incorporated towns of Herndon, Dumfries, Leesburg, and Vienna.

SECTION IV OPERATIONAL ARRANGEMENTS

A. Staff Services

Northern Virginia Regional Commission (NVRC) is a signatory and will provide staff support for the Program, to the extent that funds are available. This may include procuring multi-media advertising services and behavior change surveys, coordinating and hosting meetings, and maintaining website hosting and domain services. All contracts and administrative agreements approved by the Partnership must be submitted to the NVRC Board for review and execution. The Executive Director of NVRC will be the chief administrative agent of the Partnership and in this capacity is responsible to the Partnership for managing its staff support.

Upon the conclusion of each fiscal year, NVRC must prepare an annual report summarizing the status, progress, and effectiveness, to the extent possible, of all significant outreach efforts during the previous fiscal year. This report must include a preliminary work program for the upcoming fiscal year, and the report and preliminary work program will be presented to the Partnership for review. The report will be prepared so that it can be used to support individual permit requirements.

B. Meeting Space

NVRC will provide adequate space and facilities for the meeting of the Program participants.

C. Budget

An annual budget for the Program will be developed and funded by the Contributing Partners. NVRC will include the Program in its annual operating budget. The annual operating budget must be submitted by the NVRC staff to each Participant for its approval. The budget is approved when written or verbal consent is made to NVRC. Upon approval, NVRC will procure services in accordance with the work plan

and budget. NVRC will not issue an invoice to a participating local government until its allocated share of program costs has been approved by its governing body.

The funding formula for the Program is as follows: \$ 0.05 per capita based on the most recent decennial census unless more current population estimates are available from the Weldon Cooper Center for Public Service of the University of Virginia.

SECTION V TERMS

This Memorandum is subject to amendment or dissolution in accordance with the following provisions:

A. Amendments

This Agreement may be amended at any time by the concurrence of all Participants. Proposed amendments may be presented in writing to the NVRC staff and must be approved unanimously by all Participants.

The acceptance of additional Parties to this Agreement does not require an amendment to this Agreement, but does require the consent of a simple majority of the Partners. Each new Participant will be bound to the terms of this Agreement as evidenced by the signature of its authorized agent.

B. Severability

Each paragraph and provision of this Agreement is severable from the entire Agreement and if any provision is declared invalid or unenforceable the remaining provisions remain in effect.

C. Dissolution

This Agreement may be dissolved at any time by majority agreement of all participant Partners.

If a single Partner unit wishes to withdraw from the Agreement, notice of intent to withdraw must be provided at least six months prior to the end of the fiscal year, in order to provide the remaining parties with an opportunity to make any necessary budget adjustments.

This Agreement takes effect after appropriate action by ordinance, resolution or otherwise pursuant to the law of the governing body of each participating political subdivision.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the _____ and NVRC have caused this document to be executed as of the date of the last signature shown:

Approved as to Form:

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

NORTHERN VIRGINIA REGIONAL COMMISSION

By:  _____

Title: Exec. Director

Date: 8/6/2020

Board Agenda Item
March 23, 2021

ACTION - 4

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

ISSUE:

Adjustments needed to Fairfax Center Area, Centreville Area, Tysons, Tysons-wide, Tysons Grid of Streets, and Reston Road Fund rates to compensate for inflation in project construction costs, in accordance with the Consumer Price Index for all urban consumers (CPI-U).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached rate schedule (Attachment 1), including a 1.4 percent adjustment of the existing contribution rates in all fund areas with the new rate effective April 1, 2021.

TIMING:

Board action is requested on March 23, 2021, so that the new rates can take effect on April 1, 2021.

BACKGROUND:

One of the principles of the Comprehensive Plan for each of the road fund areas is that development above the baseline level established in the plan may be approved, if the developer mitigates the impact of such increased density or intensity by contributing to a fund for the provision of off-site road improvements. All road funds function in this manner.

Attachment 1 reflects the increase in developer contribution rates as calculated with the 1.4 percent inflation since 2020. The 1.4 percent is derived from the CPI-U as required by the Code of Virginia. The rate increase is necessary to keep pace with inflationary project construction cost increases. The last rate increase was effective April 1, 2020.

Attachment 2 includes language for all current road funds in the County and has been included as a reference. No change for road fund language or procedures is being proposed.

Board Agenda Item
March 23, 2021

FISCAL IMPACT:

Adoption of the revised rates will increase the funds contributed by developers to Fund 30040, Contributed Roadway Improvements, by 1.4 percent over previously anticipated amounts. However, the primary effects of the increase will be felt in future years. This is because the contribution amount for each development is determined by the effective rate at the time of the land use action (rezoning, special exception, special permit) approval by the Board. The contribution rate at the time of approval will remain effective for a period of two years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within two years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total contribution required.

ENCLOSED DOCUMENTS:

Attachment 1: Calculation of Revised Contribution Rate for 2021

Attachment 2: Current Road Funds Guidelines Approved March 2019

STAFF:

Rachel Flynn, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Ray Johnson, Chief, Funding Section, FCDOT

Smitha Chellappa, Senior Transportation Planner, Funding Section, FCDOT

Mei Fang, Transportation Planner, FCDOT

Jeffrey C. Hermann, Chief, Site Analysis and Transportation Planning Division, FCDOT

CALCULATION OF REVISED CONTRIBUTION RATE – 2021

Inflation rate for 2021 based on the Consumer Price Index published by the US Department of Labor, Bureau of Labor Statistics (not seasonally adjusted)

Proposed 2021 Contribution Rate

Road Fund Area	Type	2020 Rate	Inflationary Increase 2021	Proposed Rate 2021
Tysons	non-residential	\$4.77	1.014	\$4.84
	residential	\$1,059.10	1.014	\$1,073.93
Tysons-Wide	non-residential	\$6.44	1.014	\$6.53
	residential	\$1,141.61	1.014	\$1,157.59
Tysons-Grid of Streets	non-residential	\$7.35	1.014	\$7.45
	residential	\$1,141.61	1.014	\$1,157.59
Fairfax Center	non-residential	\$6.49	1.014	\$6.58
	residential	\$1,437.20	1.014	\$1,457.32
Centreville	non-residential	\$6.97	1.014	\$7.07
	residential	\$2,754.28	1.014	\$2,792.84
Reston	non-residential	\$10.24	1.014	\$10.38
	residential	\$2,237.27	1.014	\$2,268.59

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

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

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

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

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

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

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

ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

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

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

CONTRIBUTION FORMULA

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

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

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

Transit-related purposes are defined as the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CENTREVILLE AREA ROAD FUND ACCOUNT

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

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

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

APPENDIX A

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

STEP 1: Total Recommended Contribution:

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

STEP 2: Anticipated Land Credits (If Applicable):

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

STEP 3: Anticipated In-Kind Contributions:

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

STEP 4: Total Recommended Contribution less Creditable Improvements

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

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

APPENDIX B

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

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

The package should include the following:

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

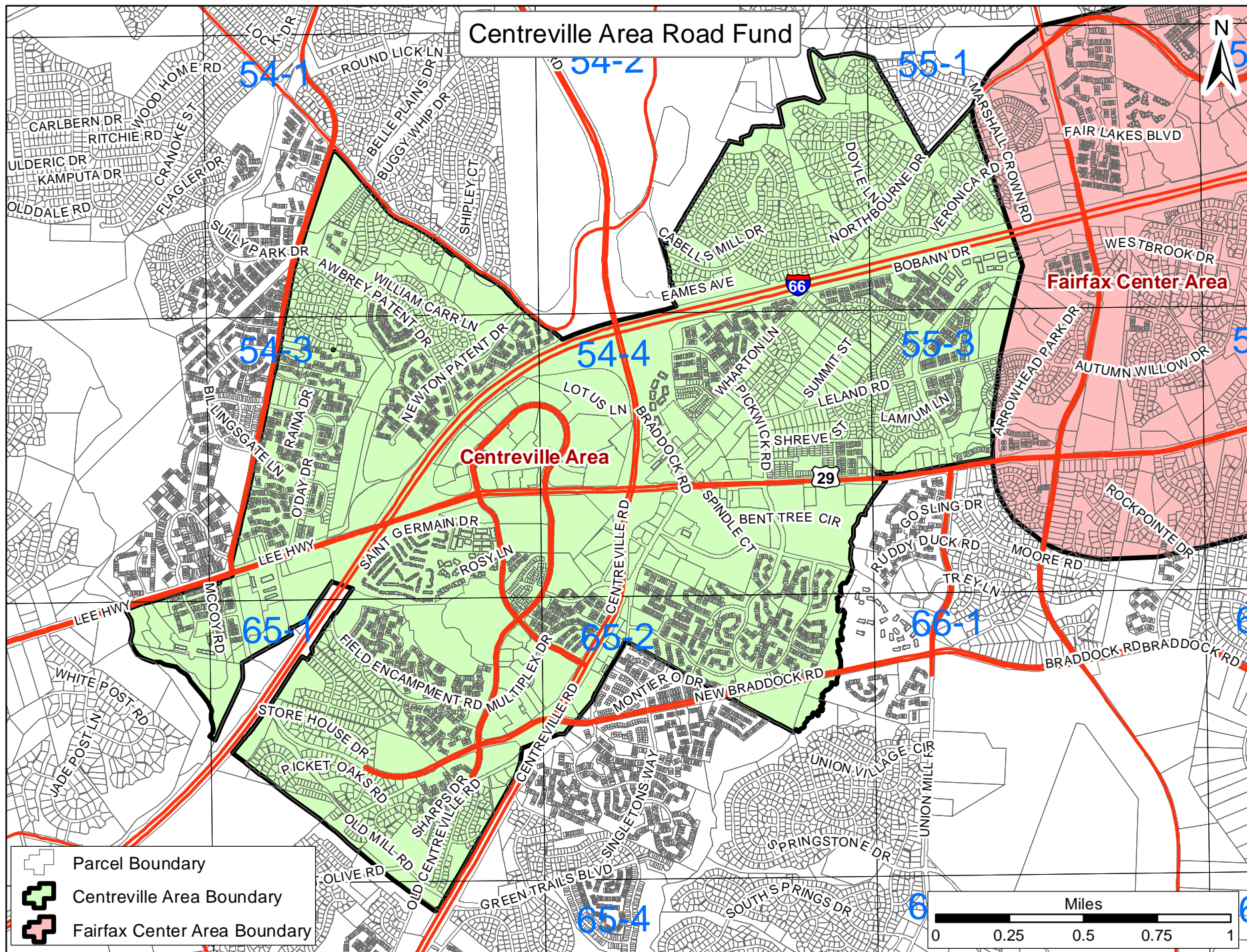
After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after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

APPENDIX C

CENTREVILLE ROAD FUND RATE ADJUSTMENT HISTORY*

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

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



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

ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA

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

A. MAINTENANCE / REVIEW OF LAND USE DATA

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

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

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

B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

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

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

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

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

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

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

C. CONTRIBUTION FORMULA

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

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

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

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

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

Transit-related purposes are defined as the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

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

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

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

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

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

E. ROAD FUND ACCOUNT

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

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

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

APPENDIX A

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

STEP 1: Total Recommended Contribution:

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

STEP 2: Anticipated Land Credits (If Applicable):

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

STEP 3: Anticipated In-Kind Contributions:

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

STEP 4: Total Contribution less Approved Creditable Improvements

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

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

APPENDIX B

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

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

The package should include the following:

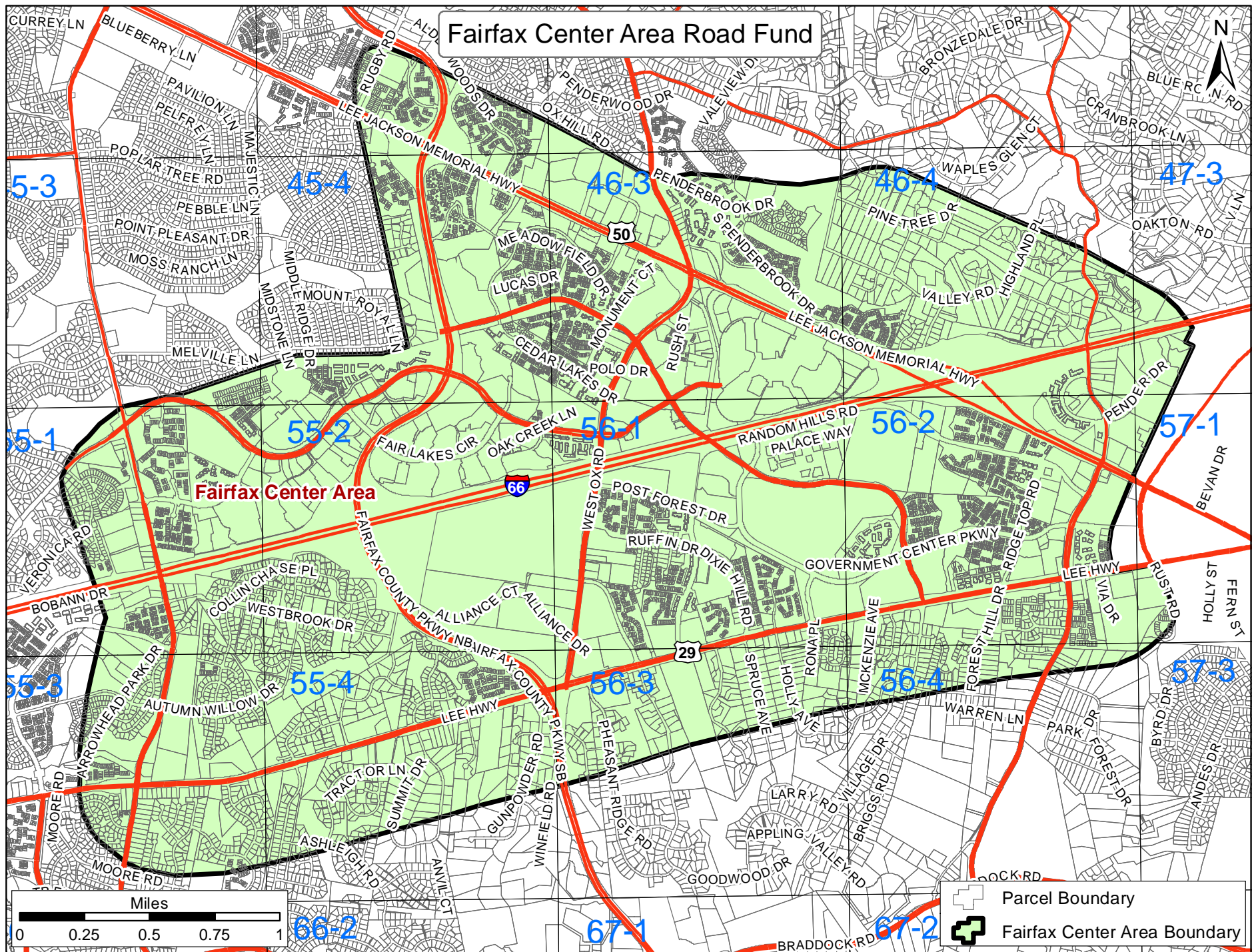
- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction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

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

APPENDIX C**FAIRFAX CENTER AREA RATE ADJUSTMENT HISTORY**

Effective Date	Percent Increase	Non-Residential Rate per square foot	Residential Rate per unit
January 27, 1992	0	\$3.97	\$883
March 1, 1993	1.75	\$4.04	\$898
March 1, 1994	0.5	\$4.06	\$902
April 1, 1995	0.5	\$4.08	\$906
June 28, 1999	0	\$4.08	\$906
January 8, 2001	2.5	\$4.18	\$928
March 18, 2002	2	\$4.26	\$946
March 24, 2003	3	\$4.39	\$974
March 15, 2004	2	\$4.48	\$993
February 28, 2005	6	\$4.75	\$1,053
September 24, 2007	3.2	\$5.07	\$1,124
October 1, 2008	3.6	\$5.25	\$1,164
December 1, 2010	1.3	\$5.32	\$1,179
January 1, 2012	3.89	\$5.53	\$1,225
January 1, 2013	2.88	\$5.69	\$1,260
February 1, 2014	1.98	\$5.80	\$1,285

February 1, 2015	2.18	\$5.93	\$1,313
February 3, 2016	0.25	\$5.94	\$1,316
March 1, 2017	2.04	\$6.06	\$1,342
March 1, 2018	2.50	\$6.21	\$1,376
April 1, 2019	1.90	\$6.33	\$1,402



GUIDELINES FOR THE RESTON ROAD FUND, Adopted February 28, 2017, Amended through March 19, 2019

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

The Reston Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Reston Transit Station Areas pursuant to any rezoning, proffered condition amendment, Special Exception, or Special Permit applications (collectively “Land Use Actions”) in these areas that proposes a change in use, or zoning district, or an increase in density (number of dwelling units) and/or intensity (amount of building square footage). The boundaries of the Reston TSAs are defined in the Fairfax County Comprehensive Plan, 2013 Edition, Area III - Reston, as Amended. Any Land Use Action that is subject to the provisions of Va. Code § 15.2-2303.4, as amended, must be dealt with on a case-by-case basis and not under these guidelines.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Reston. Projects constructed under the Reston Road Fund are expected to be street links that will enhance overall transportation capacity and functionality within Reston. The street sections constructed utilizing Reston Road Fund monies will accommodate pedestrian and bicycle facilities and include on-street parking in their design. The street sections will also accommodate transit use and facilities. Illustrations of the expected cross-sections for the Grid of Streets (“Grid”) are included with the Comprehensive Plan text and are further defined by Appendix B2 of the VDOT Road Design Manual and VDOT approved design standards for each of the Reston TSA areas.

The Grid described within the Comprehensive Plan is needed to provide convenient connections within Reston, distribute multi-modal traffic efficiently, and enhance the quality of the network through the implementation of a “complete streets” design. The Grid is generally comprised of the street network that provides site access and circulation within Reston. The Comprehensive Plan for the TSAs and the Reston Transportation Funding Plan recommend that the private sector be responsible for construction of the portions of the Grid network and intersection improvements that are within and immediately adjacent to properties to be redeveloped as well as for contributions to the Reston Road Fund to support the construction of off-site portions of the Grid.

These guidelines were adopted by the Board of Supervisors on February 28, 2017.

RESTON ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Reston Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines in order to fulfill the objectives of the Reston Transportation Funding Plan is as follows:

For any Land Use Action application proposing a change in use, change in zoning district, or increases in density and/or intensity, the contribution will be \$9.56 per gross square foot

("GSF") of building structure of the total proposed new non-residential space and \$2,090 per unit of the proposed new residential uses.

The amount of the recommended financial contribution for each Land Use Action application will be identified prior to its approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total recommended contribution. Prior to approval of a Land Use Action or an approval of a site plan for the approved Land Use Action, the total financial contribution may be adjusted to reflect the deduction of any applicable credit and/or applicable "in-kind" contribution. Creditable improvements will be applicable to the entire Land Use Action application. In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of "off-site" Grid projects as defined below.

An applicant may elect at Land Use Action to construct or to provide sufficient funds to construct a portion(s) of a qualifying off-site Grid transportation project(s). An applicant's election is subject to approval by FCDOT and the approving authority for the land use action. If this is approved and the applicant requests credit against the contribution, the applicant will provide a cost estimate to FCDOT and Land Development Services (LDS) for review and comment consistent with bonding practice prior to site plan approval.

For non-residential development, the applicant will be asked to contribute 25% of the total recommended financial contribution, less applicable credits, to be paid prior to or upon site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 75% of the total financial contribution, less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Reston Grid network before occupancy of the new development.

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

The contribution formula does not apply to public use facilities.

Applicants for Land Use Action in the Reston TSAs may receive credit against their contribution to the Reston Road Fund under specific circumstances (Creditable Improvements). Creditable Improvements will apply to the entire Land Use Action application. Creditable Improvements are defined as:

- Those portions of streets identified for construction in the Reston Comprehensive Plan, approved by the Board of Supervisors on February 11, 2014, as amended, internal to the Reston TSAs that are off-site from, not within or immediately adjacent to the boundaries of the development site.
- Construction of capacity and/or operational improvements to the Grid and/or intersection improvements that are not otherwise required to address the impact of site-generated traffic, as determined by a site-specific Traffic Impact Analysis (TIA) completed at the time of the Land Use Action AND are not within or immediately adjacent to the boundaries of the development site.

- Traffic signals for Grid intersections that are not otherwise required to address the impact of site generated traffic as determined by a site-specific TIA data at the time of the Land Use Action AND are not within the boundaries of or directly adjacent to the development site.
- Advanced Off-site land acquisition for construction of Grid and intersection improvements.
- Construction of on-site Grid sections in the first phase of a multi-phase development which are not necessary for first phase development access or traffic mitigation as approved by FCDOT prior to approval of a Land Use Action.
- Dedication of land or right-of-way for off-site Grid projects for which density credit has not been granted for the land to be dedicated. Right-of-way will be valued based on the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved, Virginia state board licensed MAI or SRA American Institute designated general appraiser.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as those above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

RESTON ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. If accrued, any interest expended from the fund for administration will be reported annually to the Reston Service District Advisory Board (created April 4, 2017). The monies in this account will be used to help fund and implement Grid and intersection improvement projects in the Reston Transit Station Areas.

Annual Review

An annual review shall be conducted by the Department of Transportation and submitted to the Reston Service District Advisory Board for review of the Reston Road Fund, the Grid and intersection improvement projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Reston, as well as the construction schedule, funding status, and the funding mechanisms for Reston's transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding

mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders.

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

Sunset Provision

The Reston Road Fund will be discontinued upon completion of construction of all Grid and intersection improvements identified in the Reston Phase I Comprehensive Plan Amendment approved by the Fairfax County Board of Supervisors on February 11, 2014.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE RESTON ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON February 28, 2017, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of Gross Square Footage (and/or # dwelling units) multiplied by the current Reston Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid and intersection improvement projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Recommended Contribution Less Creditable Improvements

Dollar value in Step 1 less the sum of Step 2 will result in the net contribution due the Reston Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Reston Road Fund obligations.)

STEP 4: Reconciliation of the Reston Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Reston Road Projects

Upon completion of Reston Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained in Appendix B, for final reconciliation of the Reston Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

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

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

The package should include the following:

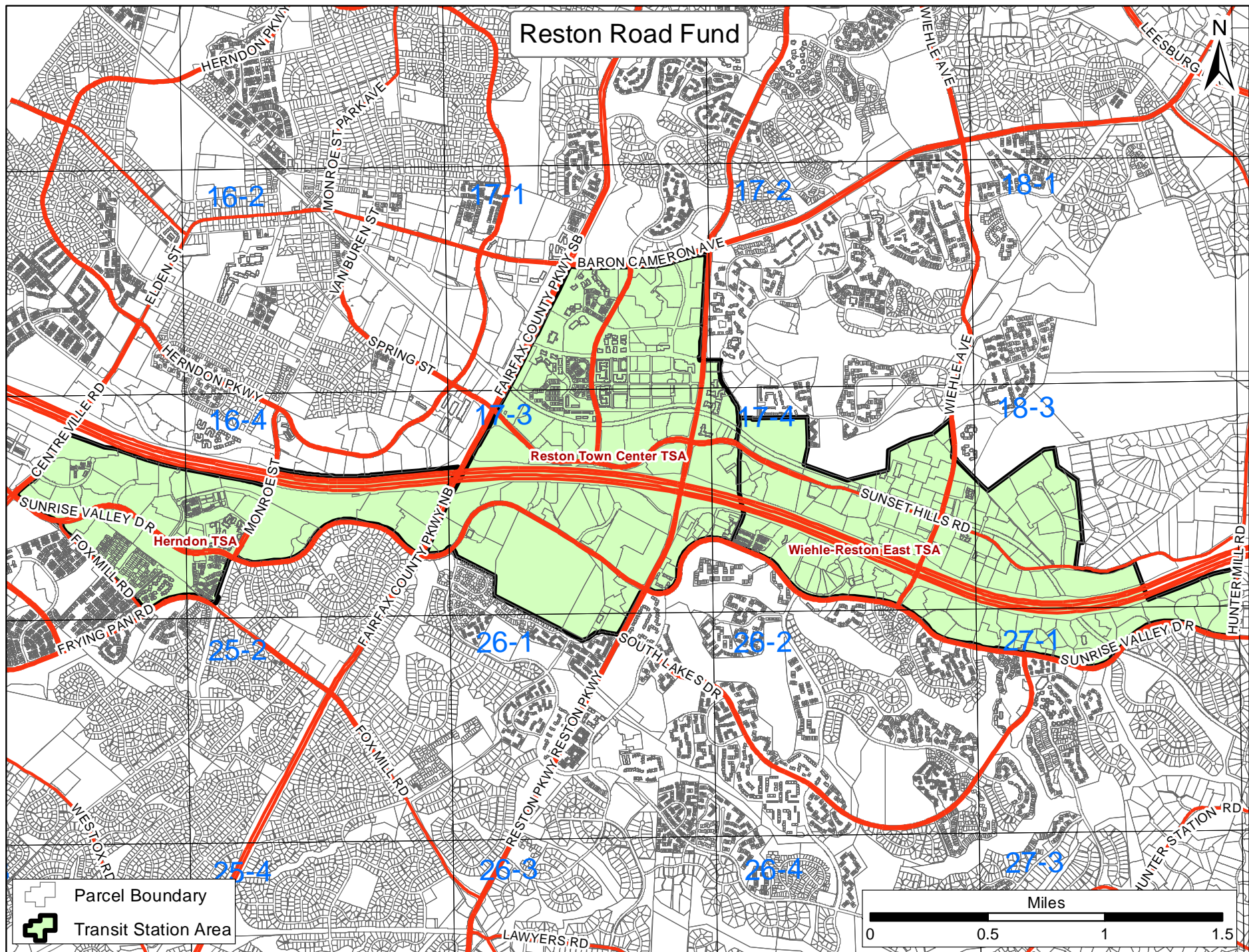
- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction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

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

APPENDIX C

Reston Road Fund Rate Adjustment History

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
March 1, 2017	Initial Rate	\$9.56	\$2,090
March 1, 2018	2.50%	\$9.80	\$2,142
April 1, 2019	1.90%	\$9.99	\$2,183



GUIDELINES FOR THE TYSONS ROAD FUND, Adopted March 19,2019

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

The fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center Area. The boundaries of the Tysons Corner Urban Center are defined in the Fairfax County Comprehensive Plan, 2017 Edition, Area II - Tysons Corner Urban Center, as amended.

The collection of money for the fund may occur, when permitted by law, as part of any zoning application approved prior to the creation of the Planned Tysons Corner Urban District (PTC) on June 22, 2010, or any proffered condition amendment, Special Exception, or Special Permit application (collectively “Land Use Actions”) involving non-PTC zoned property that proposes an increase in density (number of dwelling units) and/or intensity (amount of building square footage).

The fund will be used to construct or implement road improvements, as described below, in the Tysons Corner Urban Center that cannot otherwise be built through private development in Tysons. These improvements are considered off-site improvements. Projects constructed under the fund are expected to be street links that will enhance transportation service within Tysons.

Road improvement projects constructed using Tysons Road Fund monies will include pedestrian, bicycle, and on-street parking facilities in their design as recommended in the Tysons Comprehensive Plan (TCP).

Illustrations of the expected cross-sections for road improvements and grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets in the Tysons Corner Urban Center, executed September 13, 2011, as amended;
- The Tysons Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

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

ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The cash contribution rate for the Tysons Road Fund is reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States

Department of Labor, or Bureau of Labor Statistics. The adjusted rate is submitted to the Board of Supervisors for approval.

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

CONTRIBUTION FORMULA

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

- o Those projects which include major improvements to interstate and non-interstate primary facilities.
- o Improvements to secondary roadways functioning as arterial roadways.
- o Bridges and interchanges on interstate and primary roadways.
- o Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- o Those portions of roads identified for construction in the Tysons Comprehensive Plan internal to the Tysons Corner Urban Center that are not within the boundaries of or adjacent to sites subject to development.
- o Dedication of land or right-of-way from the applicable site for road projects specifically that are not for site access or otherwise are not required to directly address the impact of site generated traffic.

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

Transit-related purposes are defined as the following:

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

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

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

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

- o For any application requesting a level of development above the baseline, the contribution will be \$4.66 per gross square foot of building structure of the total proposed non-residential space and \$1,033 per unit of the total proposed residential uses.
- o Up to one-third of the total contribution required can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects provided no density credits have been granted for the same right-of-way.
- o The total contribution requirement can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

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

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

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

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

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs,

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

once verified and accepted by LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

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

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

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

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

TYSONS ROAD FUND ACCOUNT

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

The monies in this account will be used to help fund and implement roadway projects in the Tysons Corner Urban Center.

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

APPENDIX A

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

STEP 1: Total Recommended Contribution:

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

STEP 2: Anticipated Land Credits (If Applicable):

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

STEP 3: Anticipated In-Kind Contributions:

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

STEP 4: Total Recommended Contribution less Creditable Improvements

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

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

APPENDIX B

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

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

The package should include the following:

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

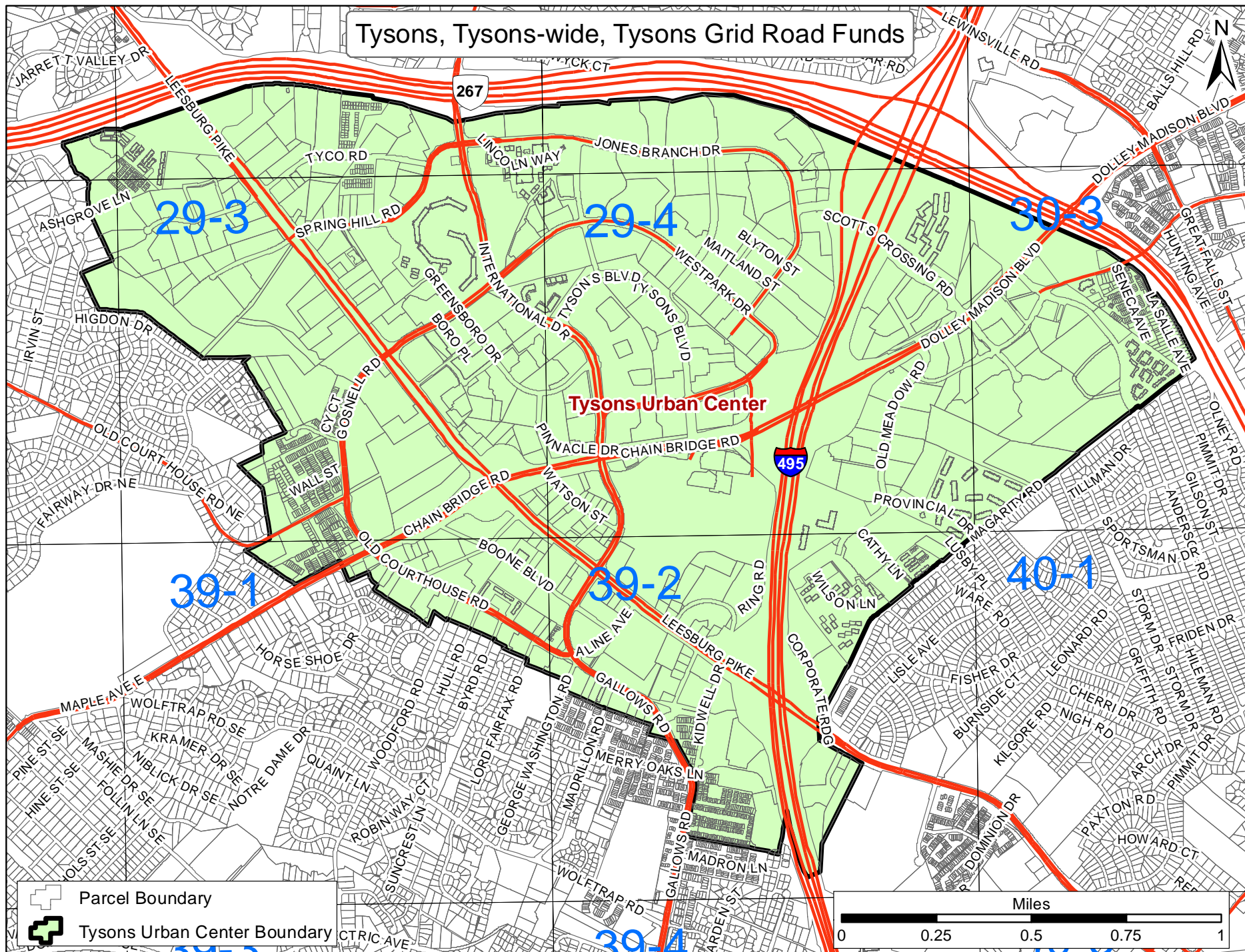
After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after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

APPENDIX C

TYSONS ROAD FUND RATE ADJUSTMENT HISTORY*

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 1, 2013	2.88%	\$4.19	\$929
February 1, 2014	1.98%	\$4.27	\$947
February 1, 2015	2.18%	\$4.36	\$968
February 3, 2016	0.25%	\$4.37	\$970
March 1, 2017	2.04%	\$4.46	\$989
March 1, 2018	2.50%	\$4.57	\$1,014
April 1, 2019	1.90%	\$4.66	\$1,033

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



**GUIDELINES FOR THE TYSONS GRID OF STREETS ROAD FUND (THE TYSONS GRID FUND),
Adopted January 8, 2013, Amended through March 29, 2019**

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

The Tysons Grid of Streets Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively “Land Use Actions”) that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects constructed using these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian, bicycle, and on-street facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS GRID OF STREETS ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons Grid of Streets Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the fund.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$6.44 per gross square foot (“GSF”) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution for each application will be estimated before the Land Use Action approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid. Creditable improvements will be applicable to the entire rezoning application.

If an applicant elects at Land Use Action to construct or provide sufficient funds to construct a portion or portions of off-site Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and must be reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

For non-residential development, the applicant will contribute 25 percent of the total recommended contribution amount based on the actual GSF, minus any approved applicable credits, to be paid before or at time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The remaining 75 percent, less any further approved applicable credits, will be paid before occupancy permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid of Streets improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total recommended contribution based on the actual number of units in each building, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons Grid of Streets Road Fund under one or more specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire rezoning application and include the following off-site street grid projects:

- Those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within or adjacent to the boundaries of the area subject to the proposed development.
- Construction of capacity and/or operational improvements to grid streets which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Traffic signals for grid street connections which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Advance off-site land acquisition for construction of grid streets.
- Construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT.
- Dedication of land or right-of-way for off-site Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

TYSONS GRID OF STREETS ROAD FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be used to help fund and implement grid roadway projects in the Tysons Urban Center.

Annual Review

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid of Streets Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid street projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid of Streets Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Road Fund obligations.)

STEP 4: Reconciliation of the Tysons Grid of Streets Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons Grid of Streets Projects

Upon completion of Grid of Streets Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained herein, for final reconciliation of the Tysons Grid of Streets Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

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

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

The package should include the following:

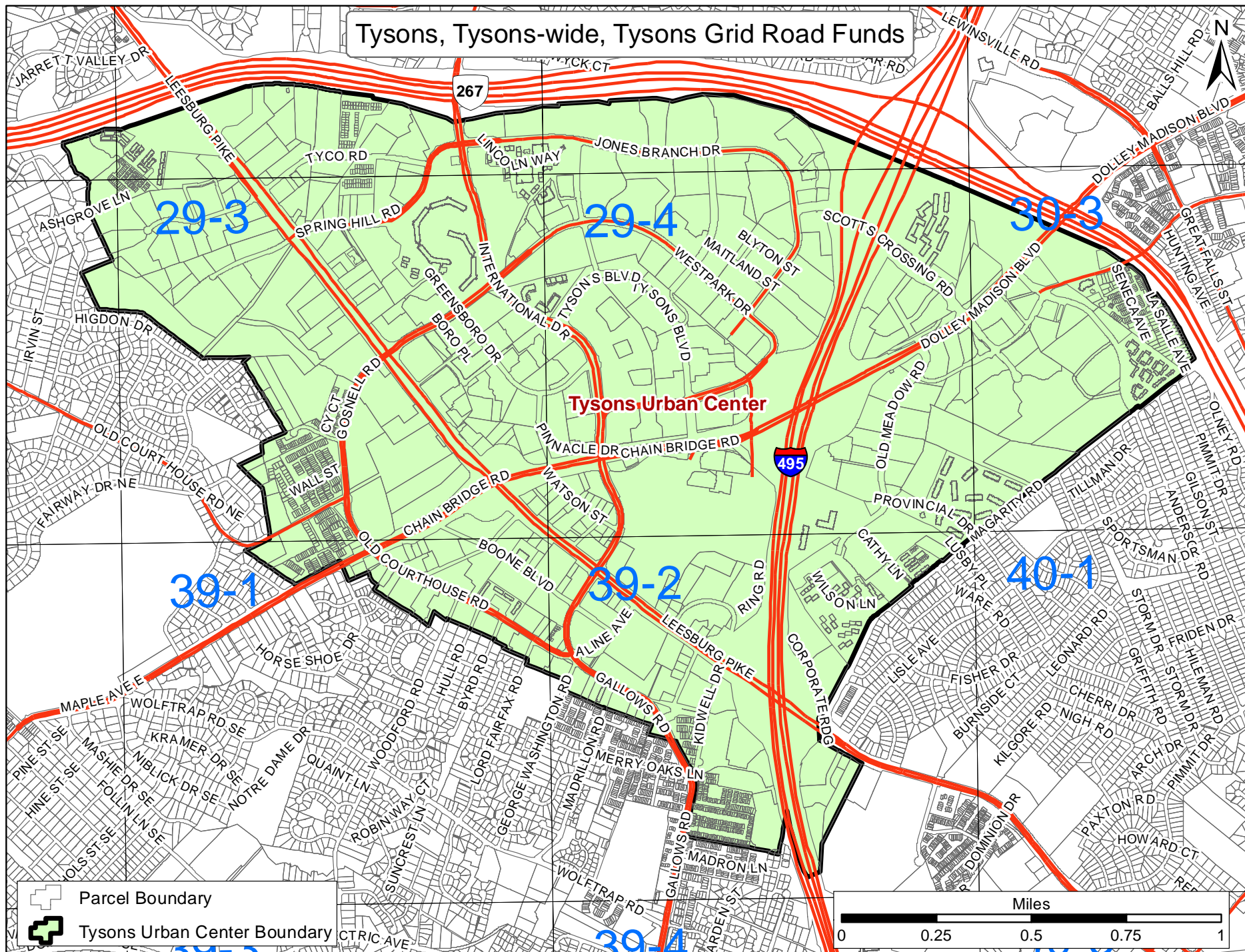
- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction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

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

Appendix C

TYSONS GRID OF STREETS ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$6.44	\$1,000
February 1, 2014	1.98%	\$6.57	\$1,020
February 1, 2015	2.18%	\$6.71	\$1,042
February 3, 2016	0.25%	\$6.73	\$1,045
March 1, 2017	2.04%	\$6.87	\$1,066
March 1, 2018	2.5%	\$7.04	\$1,093
April 1, 2019	1.9%	\$7.17	\$1,114



GUIDELINES FOR THE TYSONS-WIDE ROAD FUND (THE TYSONS-WIDE FUND), Adopted January 8, 2013, Amended through March 19, 2019

The following guidelines shall be used to establish, implement, and operate a fund for Tysons-wide road improvements listed in Table 7 of the Comprehensive Plan. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons-wide Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively with rezonings, “Land Use Actions”) that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

Commitments to provide monetary contributions to the fund are anticipated from Land Use Actions for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as “Tysons-wide” in Table 7.

The street sections constructed using Tysons-wide Road Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for road improvements are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS-WIDE ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons-wide Road Fund improvements, provided by the private sector, has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the fund.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as “Tysons-wide Road Improvements” in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-wide Road Fund represents part of the private

sector's participation in the funding and implementation of road projects that serve a broader public transportation function.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$5.63 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The amount of the financial contribution anticipated from each Land Use Action application will be estimated prior to the Land Use Action approval. The contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the design and construction of qualifying Tysons-wide road projects.

Credit for land dedicated for the described purposes will be based upon the County's assessed value in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to Land Use Action approval, must indicate its intent to either seek credit for a Tysons-wide dedication or density credit. Dedication of land for site access improvements (i.e., turn lanes at driveways) will not be eligible for credit toward the financial contribution.

If an applicant elects at Land Use Action approval to construct or provide sufficient funds to construct a portion or portions of Tysons-wide transportation project(s), beyond improvements identified and proffered in the zoning review as necessary to offset site-generated traffic, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and will be reviewed and, if acceptable, approved by FCDOT consistent with bonding practice before site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

The applicant will contribute 100 percent of the total recommended contribution amount for each building, less applicable credits, at the time non-residential use permits (Non-RUPs) or residential use permits (RUPs) are issued, based on the actual GSF and/or number of units in each building, subject to applicable provisions in the Virginia Code, including, without limitation, Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons-wide Road Fund under specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire Land Use Action application and include the following:

- Construction of road projects specifically identified in Appendix C that are not otherwise required to address the impact of site generated traffic (construction credit)
- Dedication of land or right-of-way from the applicable site for road projects specifically identified in Appendix C (dedication credit) that are not for site access or otherwise are not required to address directly the impact of site generated traffic. Right-of-way will be based on the County's assessed value at the time of site plan submission. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia state board licensed MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal
- Acquisition of off-site land for construction of road projects specifically identified in Appendix C. Land that receives acquisition credit is not eligible for dedication credit.
- Construction of road projects specifically identified in Appendix C in advance of the development timelines negotiated and approved by FCDOT.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used for determining credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

TYSONS-WIDE ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not to the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January 8, 2013). The monies in this account will be used to help fund and implement Tysons-wide projects in the Tysons Area.

Annual Review

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons-wide Road Fund, Tysons-wide projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and, that the

pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS-WIDE ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ORIGINALLY ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

The cost to construct a portion or portions of off-site Tysons-wide projects, or costs associated with other Creditable Improvements, as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site approval. Plus, if applicable, the value of right-of-way to be dedicated according to the procedures in the guidelines.

STEP 3: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-wide Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons-wide Road Fund obligations.)

STEP 4: Reconciliation of the Tysons-wide Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons-wide Road Projects

Upon completion of Tysons-wide Creditable Improvement projects, an applicant shall follow the Creditable Improvements Guide, contained herein, for final reconciliation of the Tysons-wide Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

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

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

The package should include the following:

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

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

APPENDIX C

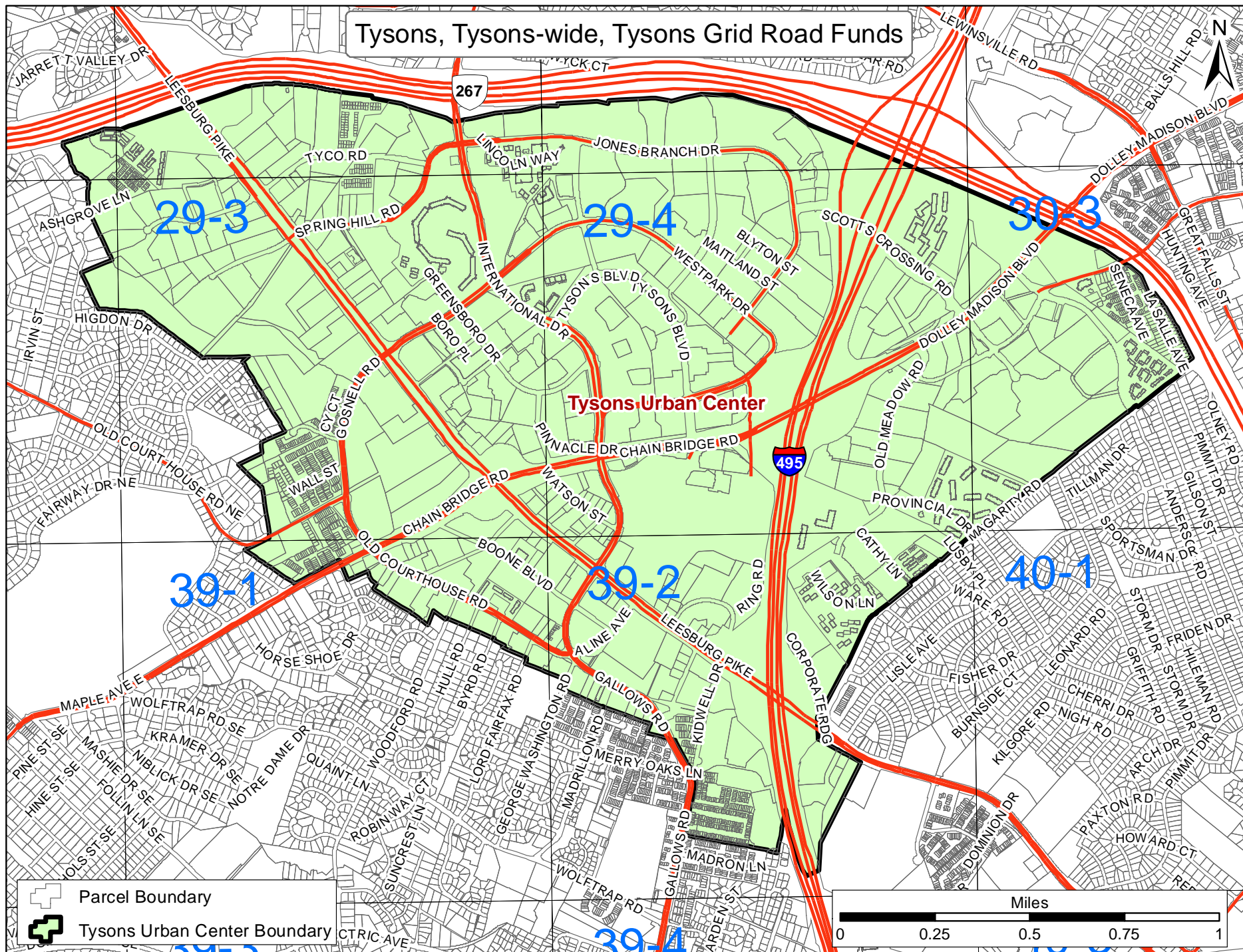
TYSONS-WIDE TRANSPORTATION COSTS: 2012-2051 (DECEMBER 4, 2012 ESTIMATE)

	Project	Estimate (2012)
1	Rt.7 Widening from Rt.123 to 1-495	\$22,000,000
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	\$126,000,000
3	Extension of Jones Branch Connection to inside 1-495 (Jones Branch Connector to Route 123)	\$41,000,000
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	\$300,000,000
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	\$58,000,000
6	Dulles Toll Road Ramp to Greensboro Drive Extension	\$28,000,000
7	Dulles Toll Road Westbound Collector Distributor	\$124,000,000
8	Dulles Toll Road Eastbound Collector Distributor	\$62,000,000
9	Dulles Toll Road Ramp to Boone Blvd Extension	\$79,000,000
10	Rt.123 Widening from Rt.7 to 1-495	\$20,000,000
11	Rt.123 Widening from Old Courthouse Road to Rt.7	\$8,000,000
12	Rt.7 Widening between 1-495 and 1-66	\$71,000,000
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	\$63,000,000
14	1-495 Overpass at Tysons Corner Center	\$18,000,000
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	\$94,000,000
16	1-495 Additional Lane (Outer Loop between Rt. 7 and 1-66)	\$74,000,000
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	\$38,000,000
	Total for road projects	\$1,226,000,000

APPENDIX D

TYSONS-WIDE ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$5.63	\$1,000
February 1, 2014	1.98%	\$5.74	\$1,020
February 1, 2015	2.18%	\$5.87	\$1,042
February 3, 2016	0.25%	\$5.90	\$1,045
March 1, 2017	2.04%	\$6.02	\$1,066
March 1, 2018	2.50%	\$6.17	\$1,093
April 1, 2019	1.90%	\$6.29	\$1,114



Board Action Item
March 23, 2021

ACTION - 5

Approval of Fairfax Connector July 10, 2021, Service Changes

ISSUE:

The Fairfax County Department of Transportation (FCDOT) is seeking the Board of Supervisors' approval of Fairfax Connector's July 10, 2021, service changes.

RECOMMENDATION:

The County Executive recommends the Board approve Fairfax Connector's July 10, 2021, service change proposals outlined below.

TIMING:

Board approval is requested on March 23, 2021, to allow for implementation on July 10, 2021.

BACKGROUND:

Fairfax Connector staff proposes service changes for implementation on July 10, 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 II.

PROPOSAL SUMMARY:

Route 171: Richmond Highway

To improve connectivity between the Huntington Metrorail Station and the Army Museum on the weekends, staff recommends a minor deviation of Route 171 from Fairfax County Parkway into the Museum. This deviation will result in minor schedule changes.

- Route 171 will continue to provide weekday and weekend service between the Huntington Metrorail Station and the Lorton Virginia Railway Express Station. A map of Route 171 is included in Attachment III.
- The buses will operate with 30-minute frequency.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.

Route 422: Boone Boulevard – Howard Avenue

Staff recommends discontinuing Route 422, which operates as a circulator between Boone Boulevard and the Tysons Corner Metrorail Station. This route has low ridership and duplicates service of Routes 401, 402, 462, and 467.

- The estimated total annual reduction in revenue hours is 3,500.
- The estimated total annual savings in operational cost is \$430,000

Route 462: Dunn Loring – Tysons Corner

To improve connectivity between the Dunn Loring and Tysons Corner Metrorail Stations, as well as provide access to employment centers and activity centers along Maple Avenue, staff recommends a minor operational adjustment on Route 462, which maintains an interconnection between the shared vehicles of Routes 462 and 467.

- Route 462 provides weekday peak-period service between the Dunn Loring and Tysons Corner Metrorail Stations. A map of Route 462 is included in Attachment III.
- The buses will operate with 30-minute frequency.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.

Route 467: Dunn Loring – Tysons Corner

To improve connectivity between the Dunn Loring and Tysons Corner Metrorail Stations, as well as provide access to employment centers and activity centers along Maple Avenue, staff recommends realigning Route 467, adding Sunday service, and improving the span of service and frequency. These adjustments will restore the improved service levels that were operated during the closure of the Cedar Lane Bridge.

- Route 467 will provide weekday midday and evening service and weekend service between the Dunn Loring and Tysons Corner Metrorail Stations. The realigned route will service Maple Avenue, as well as Old Courthouse Road to Gallows Road. A map of Route 467 is included in Attachment III.
- The buses will operate with 40-minute frequency.
- The estimated total annual revenue hours are 8,160.
- The estimated total annual operating cost is \$998,800.

Route 630: Stringfellow Road – Centreville

To improve connectivity along Stringfellow Road, as well as improve access and mobility for a new senior living facility at Stringfellow Road and Autumn Willow Drive, staff recommends a minor realignment of Route 630. This realignment will result in minor schedule changes.

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- Route 630 will continue to provide midday and weekend service along Stringfellow Road between Lee Highway (Route 29) and the Stringfellow Road Park-and-Ride Lot. A map of Route 630 is included in Attachment III.
- There will be no adjustment to frequency or span of service.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.

Transfer of Metrobus Routes to Fairfax Connector

Fairfax Connector will assume operations of five Metrobus routes, of which four are not currently operating, detailed in the following sections. These routes serve key areas of Fairfax County, linking several communities to the McLean, East Falls Church, West Falls Church, and Pentagon Metrorail Stations. If these routes are not implemented, it would impact approximately 69,000 residents and limit access to over 36,000 jobs within the County. Without this service, residents along the proposed routes would have approximately a one-mile walk to access the nearest transit service. To improve connectivity, staff recommends implementing the following routes to replace the five Metrobus routes.

Route 703: Pimmit Hills – West Falls Church

To improve connectivity, staff recommends implementing the new Route 703 that will replace the existing Metrobus Route 3T, which is currently not operating and is planned to be eliminated in July 2021.

- Route 703 will provide weekday and Saturday service, linking Pimmit Hills and Tysons to the McLean and West Falls Church Metrorail Stations. A map of Route 703 is included in Attachment III.
- The buses will operate with 30-minute frequency during weekday peak periods and 60-minute frequency during weekday off-peak periods and Saturday.
- The estimated total annual revenue hours are 6,715.
- The estimated total annual operating cost is \$825,800.
- The estimated capital cost is \$150,000 for three used buses from Metrobus.

Route 715: East Falls Church – Dolly Madison

To improve connectivity, staff recommends implementing the new Route 715 that will replace the existing Metrobus Route 15K, which is currently not operating and is planned to be eliminated in July 2021.

- Route 715 will provide peak-period service, linking McLean, Salona Village, and Chesterbrook Gardens to the East Falls Church Metrorail Station. A map of Route 715 is included in Attachment III.
- The buses will operate with 30-minute frequency.
- The estimated total annual revenue hours are 3,255.

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- The estimated total annual operating cost is \$400,365.
- The estimated capital cost is \$150,000 for three used buses from Metrobus.

Route 803: Annandale Road – East Falls Church

To improve connectivity, staff recommends implementing the new Route 803, which will replace the existing Metrobus Route 3A. Route 3A is currently operating with reduced levels of service compared to service levels in 2019, which has negatively impacted the access and mobility of Fairfax County residents.

- Route 803 will provide weekday and Saturday service, linking Lake Barcroft, Annandale, and North Springfield to the East Falls Church Metrorail Station. A map of Route 803 is included in Attachment III.
- The buses will operate with 30-minute frequency during weekday peak periods, 40 to 60-minute frequency during weekday off-peak periods, and 45-minute frequency on weekends.
- The estimated total annual revenue hours are 12,110.
- The estimated total annual operating cost is \$1.49 million.
- The estimated capital cost is \$150,000 for three used buses from Metrobus.

Route 834: Pentagon – Northern Virginia Community College’s Annandale Campus

To improve connectivity, staff recommends implementing the new Route 834 that will replace the existing Metrobus Route 29C, which is currently not operating and is planned to be eliminated in July 2021.

- Route 834 will provide peak-period service, linking the Northern Virginia Community College, Annandale, and Lincolnia to the Pentagon Metrorail Station. A map of Route 834 is included in Attachment III.
- The buses will operate with 30-minute frequency.
- The estimated total annual revenue hours are 1,290.
- The estimated total annual operating cost is \$158,670.
- There will be no capital cost for vehicles on this route since the vehicles will be shared with Route 835.

Route 835: Braeburn Drive – Pentagon

To improve connectivity, staff recommends implementing the new Route 835 that will replace the existing Metrobus Route 29W, which is currently not operating and is planned to be eliminated in July 2021.

- Route 835 will provide peak-period service, linking the Northern Virginia Community College and Willow Woods communities to the Pentagon Metrorail Station. A map of Route 835 is included in Attachment III.
- The buses will operate with 30-minute frequency.
- The estimated total annual revenue hours are 3,070.

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- The estimated total annual operating cost is \$377,600.
- The estimated capital cost is \$150,000 for three used buses from Metrobus, which will be shared with the reverse commute on Route 834.

Public Involvement

To inform the public of the July 10, 2021, service changes and receive feedback from passengers, staff posted detailed information on the Fairfax Connector website and social media accounts, conducted an online survey, distributed flyers on all buses, and hosted a public 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 316 comments received, 256 comments were in favor of the service changes. A summary of the public feedback and responses is provided in Attachment IV.

TITLE VI:

The service changes, proposed for implementation on July 10, 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 route elimination and the new routes did meet the threshold for major service change. However, the analysis showed the proposed service changes will not create a negative disparate impact on minority riders or a disproportionate burden on low-income riders. Instead, they will result in an overall service improvement for Fairfax Connector's riders and the communities served. As a result, no Title VI impacts were found for any of these service changes. The Title VI analysis is provided in Attachment V.

FISCAL IMPACT:

The operational and capital costs of these service changes are included in the County's FY 2022 Advertised Budget Plan in Fund 40000, County Transit Systems. The service adjustments to Routes 462 and 467 will be offset by the elimination of Route 422. The capital cost is estimated to be no more than \$650,000 for the purchase of 12 buses from WMATA and an additional \$400,000 is required to incorporate them into the Connector fleet. There will be no budget impact to the General Fund for the operation of these service changes or the capital expenses.

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ENCLOSED DOCUMENTS:

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

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Michael Felschow, Chief, Planning Section, Transit Services Division, FCDOT
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Chief, Funding Section, Coordination and Funding Division, FCDOT
Brent Riddle, Coordination and Funding Division, FCDOT



NEWS RELEASE

Attachment I

Public Input Sought on Fairfax Connector July 2021 Service Changes

For Immediate Release

Dec. 22, 2020

Fairfax County Department of Transportation (FCDOT) is seeking public input on [Fairfax Connector](#) proposed service changes for July 2021 that aim to enhance customer service. **FCDOT will hold a virtual community input meeting on the proposed changes on January 7, 2021 at 7 p.m.** Staff will give a presentation on the proposed changes and answer questions. The public is encouraged to give feedback on the proposed changes via an online survey, email, mail and by phone. After receiving and reviewing public feedback, FCDOT staff will present the final proposed changes to the [Fairfax County Board of Supervisors](#) by March 2021. If approved, the changes will go into effect no later than July 31, 2021.

- [View the meeting presentation](#)
- Take the online survey ([English](#)) ; ([Español](#))

Join Us for a Virtual Community Meeting!

Thursday, Jan. 7 at 7:00 p.m.

Join by phone: 1-844-621-3956

Access code: 179 225 4943

[Register Now!](#)

Highlights of the Proposed Changes

- **Route 171- Richmond Highway:** This change would add service to the National Museum of the United States Army on weekends, operating every 30 minutes. The museum is currently served by [Route 334](#) on weekdays.
- **Route 422- Boone Blvd. – Howard Avenue:** This route would be eliminated due to low ridership and because it will duplicate the new service proposed for Route 467 that will provide service to Old Courthouse and Gallows roads.
- **Route 462- Dunn Loring-Navy Federal-Tysons:** This route would continue to serve Old Courthouse Rd. and Gallows Rd. operating every 30 minutes, during rush hour, presently being served by Route 422. The route is now linked to Route 467.

- **Route 467 – Dunn Loring – Tysons:** This change would add service to Old Courthouse Road and Gallows Road, add Sunday service and improve frequency, operating every 40 minutes, 7 days a week.
- **Route 630 – Stringfellow Rd. - Centreville:** This minor adjustment improves service, with travel along Centreville Farms Road eastbound and along Leland Road westbound.

Fairfax Connector is proposing five routes that would replace service that has been provided by Metrobus.

Route 703 – Pimmit Hills: This route would replace Metrobus 3T and provide service between the West Falls Church Metrorail and McLean Metrorail stations, operating Monday–Friday + Saturday.

- **Route 715- Chain Bridge Rd.:** This route would replace Metrobus 15K on weekdays only. The first southbound trip starts at Langley and would eliminate a section of the current Metrobus 15K route between Rosslyn and Langley.
- **Route 803 – Annandale Rd.:** This route would replace Metrobus 3A and operate 7-days a week. Weekday rush hour service would operate every 30 minutes, non-rush hour service would improve to every 40 minutes, and weekend service would improve to every 45 minutes. The service operates from Seven Corners on weekends.
- **Route 834 - Annandale:** This route would replace Metrobus 29C, providing rush hour service only every 30 minutes (westbound in A.M. and eastbound in P.M.) and will make schedule adjustments to improve efficiency and performance.
- **Route 835 – Braeburn Dr. – Pentagon Express:** This route would replace Metrobus 29W, providing rush hour service every 30 minutes (eastbound in A.M. and westbound in P.M.).

Take the Online Survey!

Public comments will be accepted until Friday, January 22, 2021.

- Take the online survey ([English](#)) ; ([Español](#))
- Mail your written comments: July 2021 Service Change c/o FCDOT Planning, 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 (M-F, 5 a.m.-10 p.m.; Sat.-Sun., 7 a.m.- 9 p.m.)
- Email us at Fairfaxconnector@fairfaxcounty.gov
- To receive notifications for your bus route, sign up for [BusTracker email or text alerts](#)
- Follow us on [Twitter](#) & [Facebook](#)
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Media Relations

Robin P. Geiger, Head of Communications, [Fairfax County Department of Transportation](#), via [e-mail](#)

Call 703-877-5602, TTY 711 (direct) | 703-826-6457 (cell) | 703-268-8953 (after hours)

Accessibility

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA).

If you need this information in an alternate format or would like to request reasonable accommodations for persons with disabilities or limited English proficiency for events, contact FCDOT at 703-877-5600, TTY 711. Requests for assistance must be received at least 7 business days in advance of an event.

Background Information and Proposal Details

Route 171: Richmond Highway

In August 2020, Fairfax Connector staff adjusted Route 334 to deviate from Fairfax County Parkway to serve the new Army Museum on weekdays from 5:00 A.M. to 10:30 P.M. After meeting with the Army Museum administration, Fairfax Connector staff recommends a minor deviation of Route 171 to improve connectivity between the Huntington Metrorail Station and the Army Museum on the weekends. The buses will turn off Fairfax County Parkway onto Liberty Drive, traveling 2,500 feet to the bus stop in front of the Museum's main entrance, this deviation will result in minor schedule changes. Route 171 will continue to provide weekday and weekend service between the Huntington Metrorail Station and the Lorton Virginia Railway Express Station.

- The buses will operate with 30-minute frequency.
- Title VI populations will not be impacted.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.
- The Route 171 adjustments are anticipated to be implemented on July 10, 2021.

Route 422: Boone Boulevard – Howard Avenue

Staff recommends discontinuing Route 422, which operates as a circulator between Boone Boulevard and the Tysons Corner Metrorail Station via Old Courthouse Road. The route was established in 2014 in coordination with the opening of the Metrorail Silver Line Phase 1 and was last modified in June 2016. Route 422 has low ridership and largely duplicates service of Routes 401, 402, 462, and 467.

- Title VI populations will not be impacted.
- The estimated total annual reduction in revenue hours is 3,500.
- The estimated total annual savings in operational cost is \$430,000.
- Route 422 is anticipated to be discontinued on July 10, 2021.

Route 462: Dunn Loring – Tysons Corner

Route 462 provides peak-period service between the Dunn Loring and Tysons Corner Metrorail Stations. The route also serves Maple Avenue, Chain Bridge Road, Old Courthouse Road, and Gallows Road. Route 462 has maintained approximately 130 to 160 passengers per day, with very stable service in the Vienna area of Fairfax County. To improve connectivity between the Dunn Loring and Tysons Corner Metrorail Stations, as well as provide access to employment centers and activity centers along Maple Avenue, staff recommends a minor operational adjustment on Route 462, which maintains an interconnection between the shared vehicles of Routes 462 and 467.

- The buses will operate with 30-minute frequency.
- Title VI populations will not be negatively impacted.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.
- The Route 462 adjustments are anticipated to be implemented on July 10, 2021.

Route 467: Dunn Loring – Tysons Corner

Route 467 will provide weekday midday and evening service and weekend service between the Dunn Loring and Tysons Corner Metrorail Stations. To improve connectivity between the Dunn Loring and Tysons Corner Metrorail Stations, as well as provide access to employment centers and activity centers along Maple Avenue, staff recommends realigning Route 467, adding Sunday service, and improving the span of service and frequency. The realigned route will service Maple Avenue, as well as Old Courthouse Road to Gallows Road. This adjustment will restore the improved service levels that were operated during the closure of the Cedar Lane Bridge.

- The buses will operate with 40-minute frequency during off peak.
- The improved span of service on Saturday will be from 6:20 A.M. to 11:00 P.M.
- Sunday service will be added from 8:20 A.M. to 8:20 P.M.
- Title VI populations will not be negatively impacted.
- The estimated total annual revenue hours are 8,160.
- The estimated total annual operating cost is \$998,800.
- The Route 467 adjustments are anticipated to be implemented on July 10, 2021.

Route 630: Stringfellow Road – Centreville

Staff met with representatives for the Autumn Willow development, a new senior living facility at Stringfellow Road and Autumn Willow Drive. Fairfax Connector staff recommends a minor realignment of Route 630 (described below) to improve connectivity along Stringfellow Road, as well as improve access and mobility for the future residents of the new Autumn Willow development. This realignment will result in minor schedule changes. Route 630 will continue to provide midday and weekend service along Stringfellow Road between Lee Highway (Route 29) and the Stringfellow Road Park-and-Ride Lot.

- Route 630 will travel along Centreville Farms in the eastbound direction and Leland Road in the westbound direction.
- There will be no adjustment to frequency or span of service.
- Title VI populations will not be impacted.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.
- The Route 630 adjustments are anticipated to be implemented on July 10, 2021.

Route 703: Pimmit Hills – West Falls Church

Metrobus Route 3T is currently not operating and is planned to be eliminated in July 2021 by the Washington Metropolitan Area Transit Authority (WMATA) due to budget constraints. Fairfax Connector will assume operations of Route 3T and renumber it Route 703. This route serves a key area of Fairfax County, linking Pimmit Hills and Tysons to the McLean and West Falls Church Metrorail Stations. If this route is not implemented, it would impact approximately 19,500 residents and limit access to over 13,000 jobs. Without this service, residents along the proposed route would have approximately a 0.8-mile walk to access the nearest transit service. To improve connectivity, staff recommends implementing the new Route 703, which will replace Metrobus Route 3T.

- The route will operate on weekdays from 5:35 A.M. to 9:35 P.M., with 30-minute frequency during peak periods and 60-minute frequency during off-peak periods.
- The route will operate on Saturdays from 6:35 A.M. to 9:35 P.M. with 60-minute frequency.
- Title VI populations will not be negatively impacted.
- The estimated total annual revenue hours are 6,715.
- The estimated total annual operating cost is \$825,800.
- The capital cost is \$150,000 for three used buses from Metrobus.
- The new Route 703 is anticipated to be implemented on July 10, 2021.

Route 715: East Falls Church – Dolly Madison

Metrobus Route 15K is currently not operating and is planned to be eliminated in July 2021 by WMATA due to budget constraints. Fairfax Connector will assume operations of Route 15K and renumber it Route 715. This route serves a key area of Fairfax County, linking McLean, Salona Village, and Chesterbrook Gardens to the East Falls Church Metrorail Station. If this route is not implemented, it would impact approximately 8,800 residents and limit access to over 4,000 jobs. Without this service, residents along the proposed route would have approximately a 1.5-mile walk to access the nearest transit service. To improve connectivity, staff recommends implementing the new Route 715, which will replace the existing Metrobus Route 15K.

- The route will operate during peak periods only, with 30-minute frequency.
- Title VI populations will not be negatively impacted.
- The estimated total annual revenue hours are 3,255.
- The estimated total annual operating cost is \$400,365.
- The capital cost is \$150,000 for three used buses from Metrobus.
- The new Route 715 is anticipated to be implemented on July 10, 2021.

Route 803: Annandale Road – East Falls Church

Service levels on Metrobus Route 3A have been reduced by WMATA due to budget constraints. Fairfax Connector will assume operations of Route 3A and renumber it Route 803. This route serves a key area of Fairfax County, linking Lake Barcroft, Annandale, and North Springfield to the East Falls Church Metrorail Station. If this route is not implemented, it would impact approximately 21,800 residents and limit access to over 5,000 jobs. Without this service, residents along the proposed route would have approximately a 0.9-mile walk to access the nearest transit service. To improve connectivity, staff recommends implementing the new Route 803, which will replace the existing Metrobus Route 3A.

- The route will operate on weekdays from 5:35 A.M. to 9:15 P.M., with 30-minute frequency during peak periods and 40 to 60-minute frequency during off-peak periods.
- The route will operate on Saturdays / Sundays from 6:57 A.M. to 7:57 P.M. with 45-minute frequency.
- Title VI populations will not be negatively impacted.
- The estimated total annual revenue hours are 12,110.
- The estimated total annual operating cost is \$1.49 million.

- The capital cost is \$150,000 for three used buses from Metrobus.
- The new Route 803 is anticipated to be implemented on July 10, 2021.

Route 834: Pentagon – Northern Virginia Community College’s Annandale Campus
 Metrobus Route 29C is currently not operating and is planned to be eliminated in July 2021 by WMATA due to budget constraints. Fairfax Connector will assume operations of Route 29C and renumber it Route 834. This route serves a key area of Fairfax County, linking the Northern Virginia Community College, Annandale, and Lincolnia to the Pentagon Metrorail Station. If this route is not implemented, it would impact approximately 12,300 residents and limit access to over 2,500 jobs within the County and over 23,000 jobs at the Pentagon. Without this service, residents along the proposed route would have approximately a 1-mile walk to access the nearest transit service. Route 834 will offer commuter service from the Pentagon to Annandale in the morning and from Annandale to the Pentagon in the evening. To improve connectivity, staff recommends implementing the new Route 834, which will replace the existing Metrobus Route 29C.

- The route will operate during peak periods only, with 30-minute frequency.
- The route will travel outbound from the Pentagon during the morning and inbound to the Pentagon during the afternoon.
- Title VI populations will not be impacted.
- The estimated total annual revenue hours are 1,290.
- The estimated total annual operating cost is \$158,670.
- There will be no capital cost for this route since the vehicles on this route will be shared with Route 835.
- The new Route 834 is anticipated to be implemented on July 10, 2021.

Route 835: Braeburn Drive – Pentagon

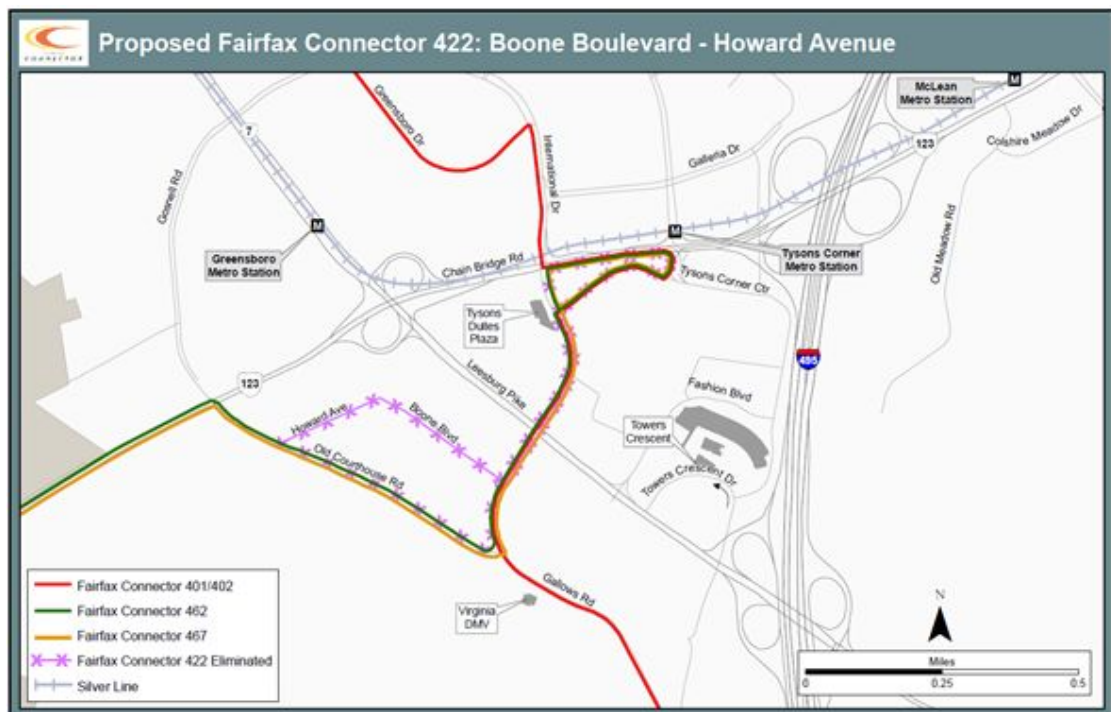
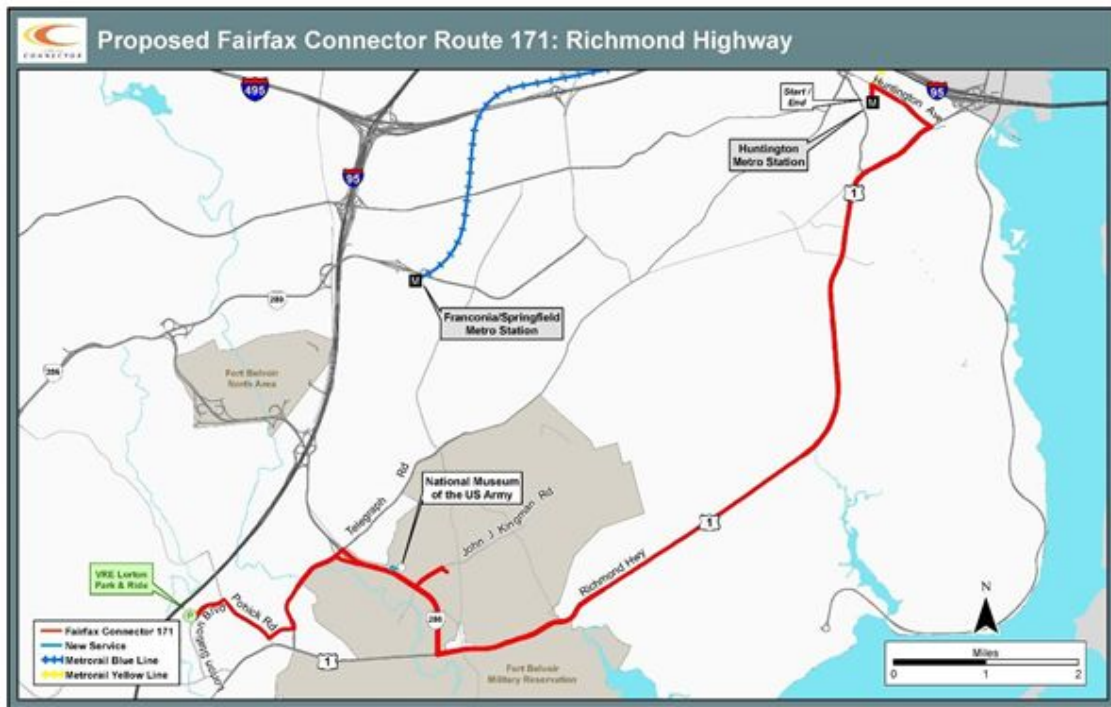
Metrobus Route 29W is currently not operating and is planned to be eliminated in July 2021 by WMATA due to budget constraints. Fairfax Connector will assume operations of Route 29W and renumber it Route 835. This route serves a key area of Fairfax County, linking the Northern Virginia Community College and Willow Woods to the Pentagon Metrorail Station. If this route is not implemented, it would impact approximately 12,300 residents and limit access to over 2,500 jobs within the County and over 23,000 jobs at the Pentagon. Without this service, residents along the proposed route would have approximately a 1-mile walk to access the nearest transit service. Route 835 will operate peak direction from Annandale to the Pentagon in the morning and from the Pentagon to Annandale in the evening. To improve connectivity, staff recommends implementing the new Route 835, which will replace the existing Metrobus Route 29W.

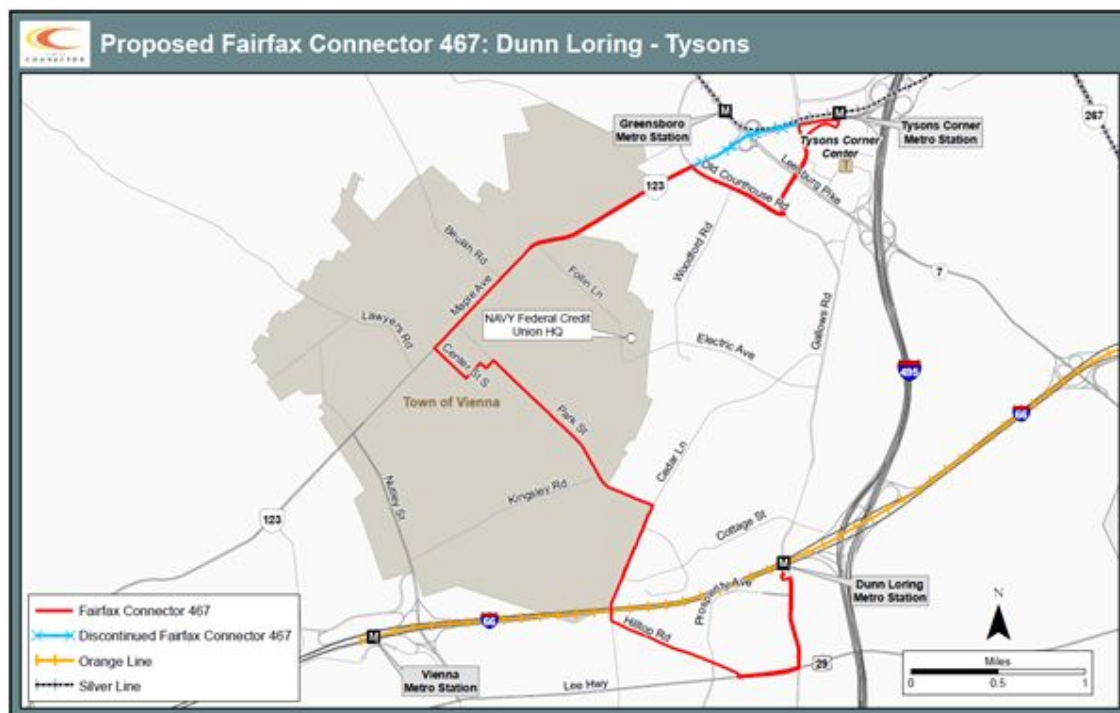
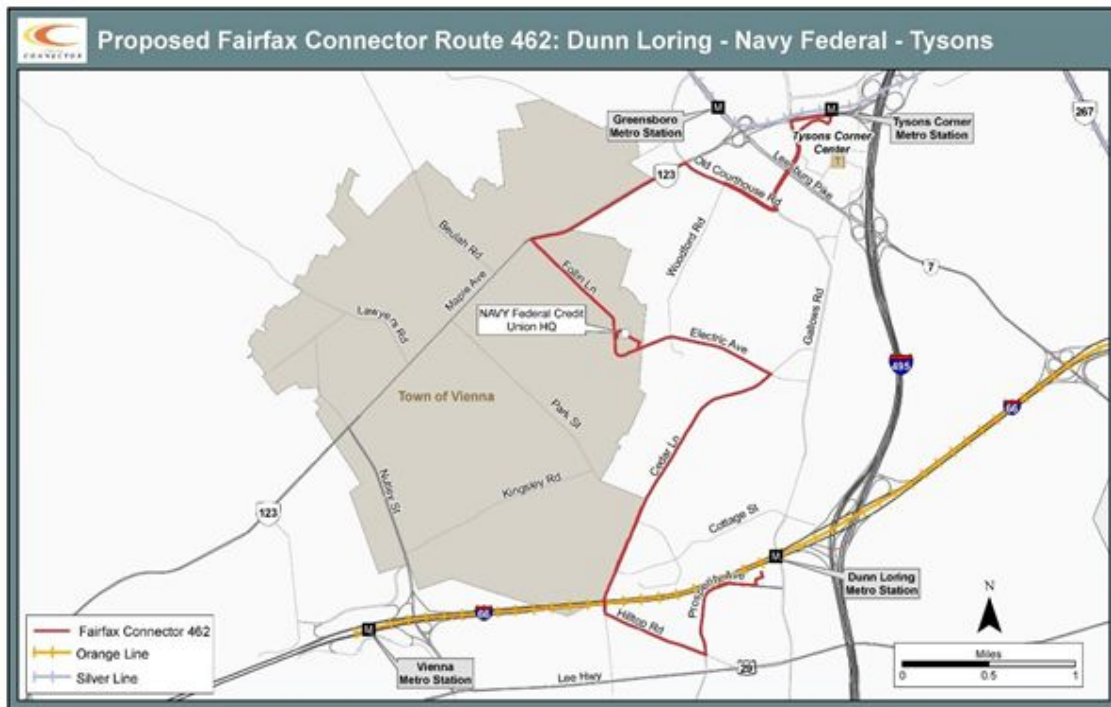
- The route will operate during peak periods only, with 30-minute frequency.
- The route will travel inbound from the Pentagon during the morning and outbound to the Pentagon during the afternoon.
- Title VI populations will not be impacted.
- The estimated total annual revenue hours are 3,070.
- The estimated total annual operating cost is \$377,600.

- The capital cost is \$150,000 for three used buses from Metrobus, which will be shared with the reverse commute on Route 834.
- The new Route 835 is anticipated to be implemented on July 10, 2021.

The following table presents the capital cost for the new routes.

Route	Number of Buses	Estimated Capital Cost
703	3	\$150,000
715	3	\$150,000
803	3	\$150,000
834 and 835	3	\$150,000

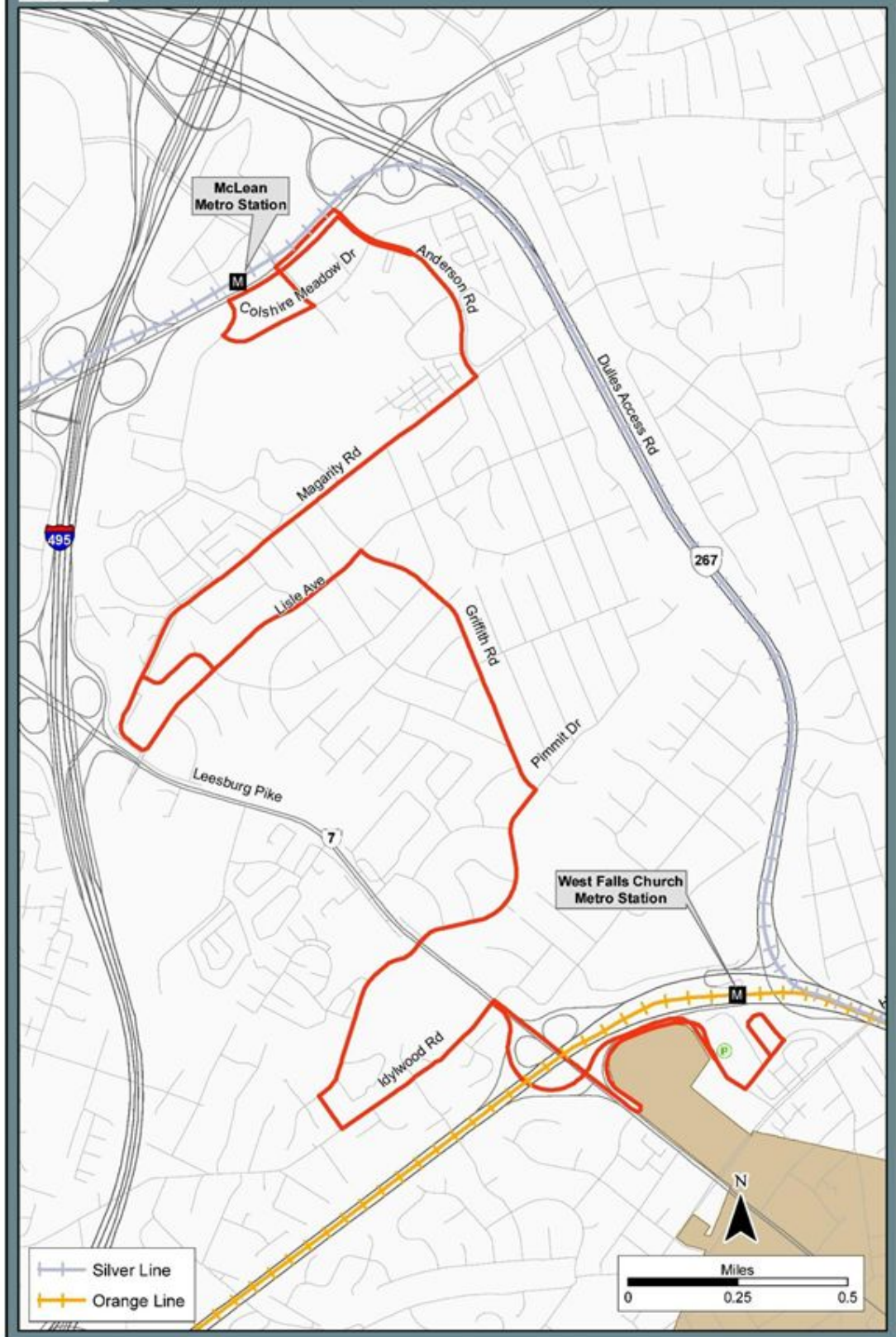






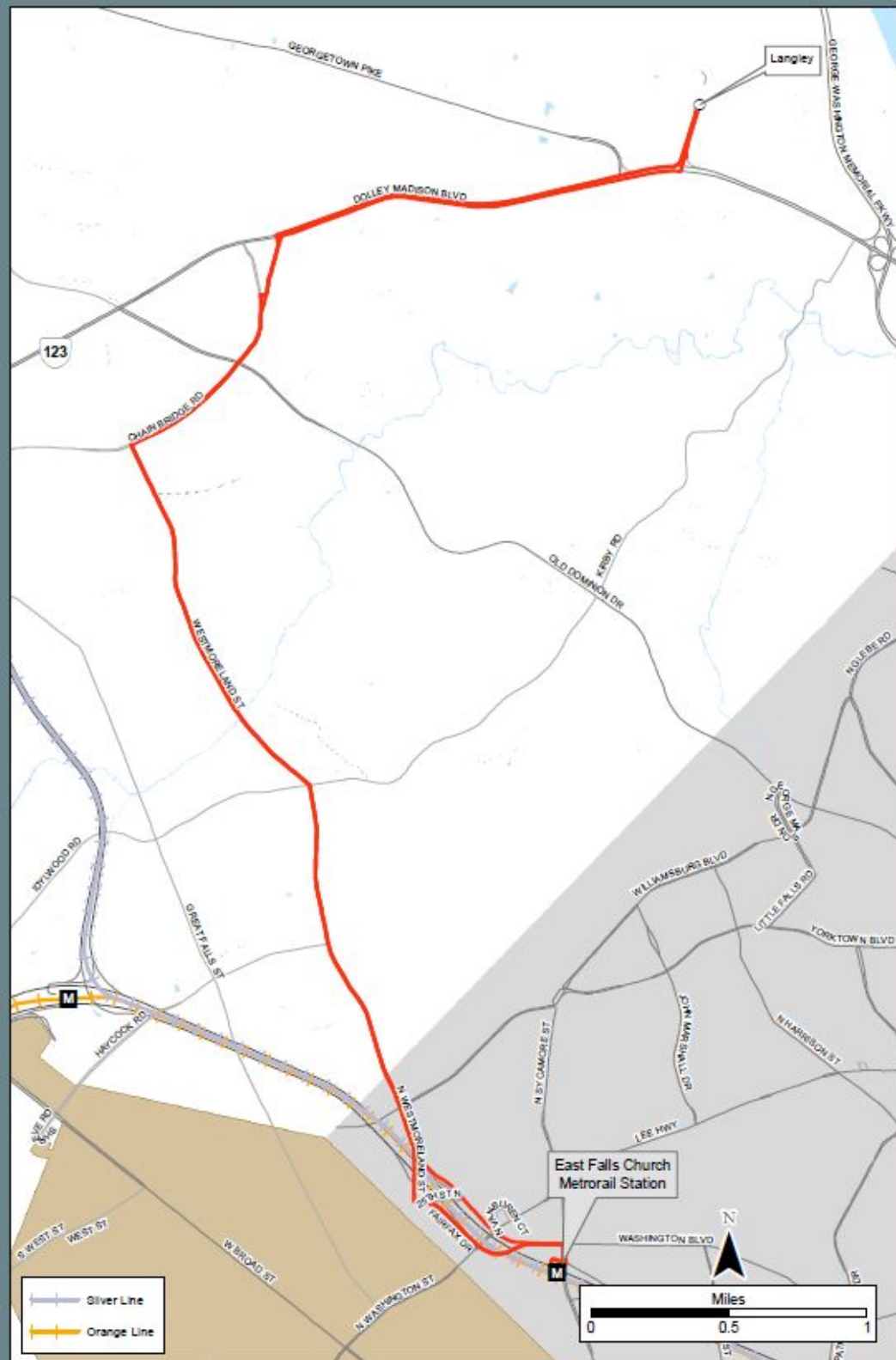


Proposed Fairfax Connector Route 703: Pimmit Hills



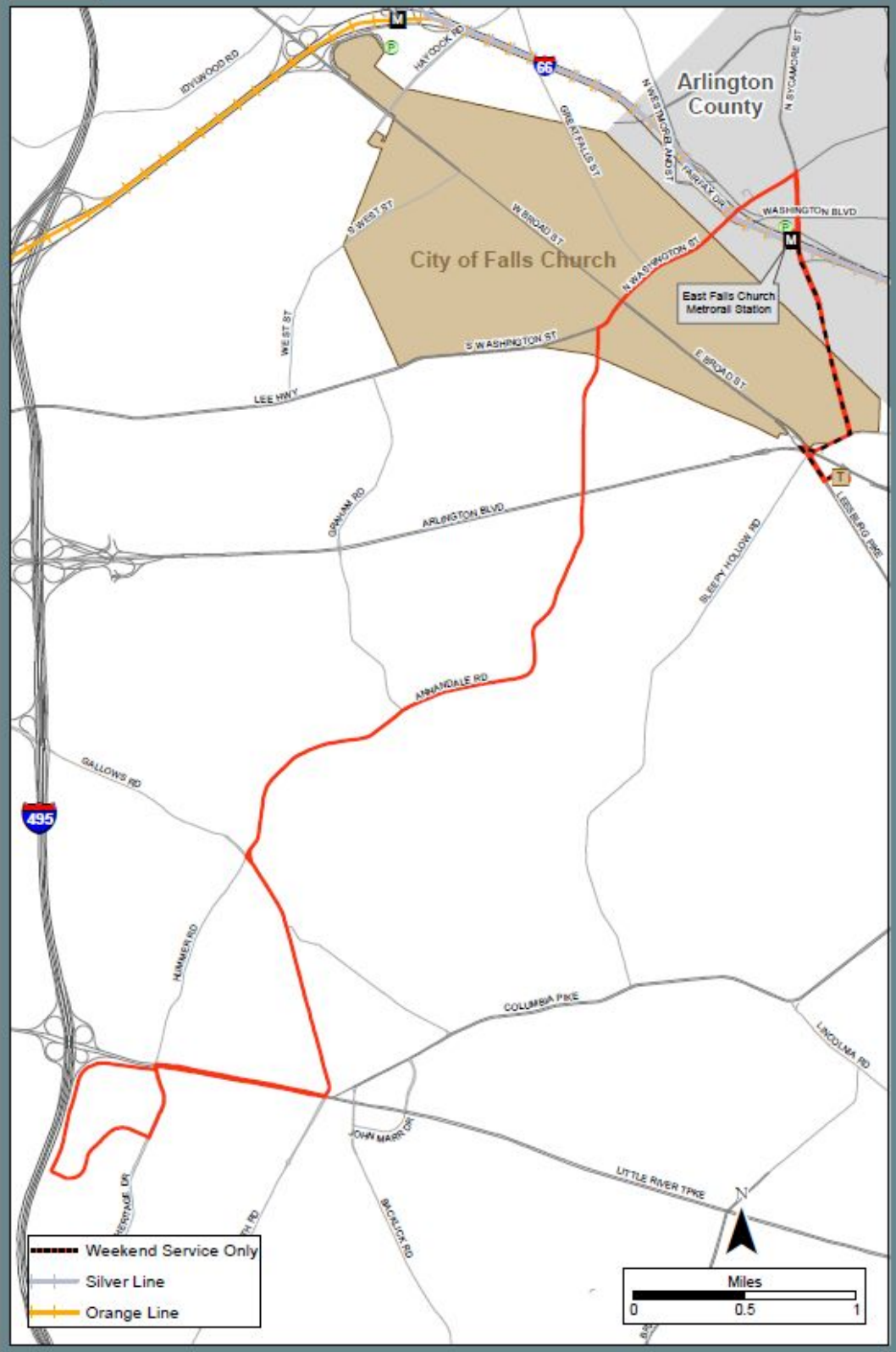


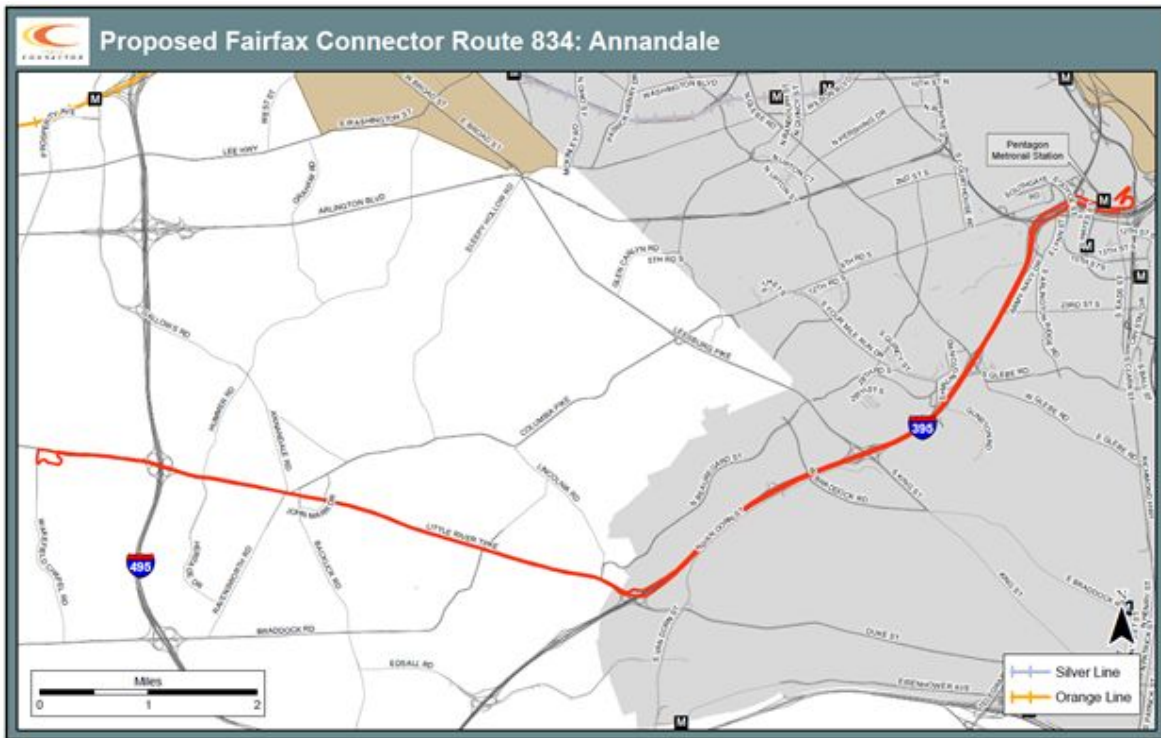
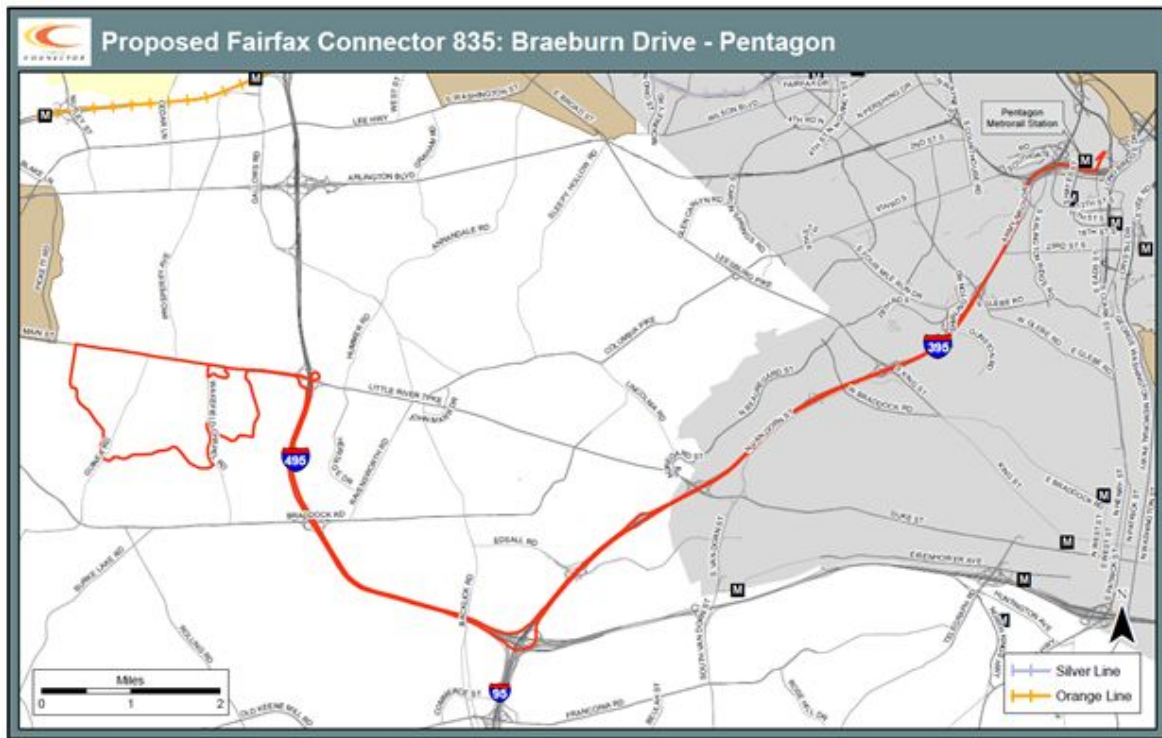
Proposed Fairfax Connector Route 715: Chain Bridge Road





Proposed Fairfax Connector Route 803: Annandale Road





Public Comments Summary

The following is a public comments summary regarding the July 10, 2021, service change proposals. The comments were derived from the online public meeting, emails, mail, and online survey due to the COVID-19 health crisis.

Public meeting

Route(s)	Comment	Summary Response
835	Is Route 835 exactly the same as the current Route 29W?	The route alignment will be the same, but the last trip of the day will be eliminated.
835	I am looking forward to Route 835 coming online!	
835	Wondering if the pandemic is not over, will Route 835 be implemented?	Yes.
835	What would the fares be for Route 835?	The fare will be \$4.25.
835	Fairfax Connector Route 835 covers exactly the same stops as Route 29W?	Yes.
	Recommendations are approved in March and if it is approved, when will they be implemented?	The service changes are proposed for implementation on July 10, 2021.
	Does Fairfax Connector utilize the Metro Smart Card?	Yes, the Metro Smart Trip card is accepted on all Fairfax Connector routes.

Email

Route(s)	Comment	Summary Response
715	I hope this email finds you well. I moved to Fairfax County in May 2020 with the expectation of taking Route 15K to commute to work. It is my understanding that Route 15K connecting McLean to the East Falls Church Metrorail Station has been suspended (indefinitely) by WMATA. Will Fairfax County be willing to restore Route 15K within the Fairfax Connector System? I will greatly appreciate your feedback. Kind Regards.	Fairfax County is proposing to take over this bus route in July 2021. The route would be rebadged as Fairfax Connector Route 715, providing service between Langley and the East Falls Church Metrorail Station. Route 715 will feature a 30-minute rush-hour frequency.
715	I am writing to express support for the Fairfax Connector changes, especially for the new Route 715 due to the elimination of Route 15K. Route 715 will serve a largely residential area that currently lacks a public transportation alternative to the nearest Metrorail Station. Much appreciation for your work. Thank you.	
835	I am submitting a comment in support of creating Route 835. Without Route 29W, we would have no public transportation options.	

Route(s)	Comment	Summary Response
	Replacing it with Route 835 would continue to provide us with options.	
835	<p>Fairfax Connector Friends,</p> <p>I am writing to let you know I enthusiastically support the proposed Route 835 to replace the WMATA Route 29W. As long as Route 29W was run in 2019 and 2020, I was a daily rider from the Rutherford Neighborhood to my workplace in the Pentagon. I expect to be a daily rider post-pandemic.</p> <p>I attended a WMATA public hearing in January 2020 to advocate for Route 29W to remain in service, along with approximately 75 other regular 29W riders, including my neighbor. I first heard about Pentagon bus routes while stationed in Korea from fellow service-members and my family based our home-buying decision on two criteria – quality of schools and access to public transportation to the Pentagon. I would have bought a different home were it not for good access to a Pentagon express bus route.</p> <p>Thank you for engaging to keep this access available for those living on or near Route 29W and the proposed Route 835.</p>	
835	<p>Regarding Fairfax Connector's proposal to replace WMATA Route 29W with the Connector Route 835: This route is a critical route that I rely on to get to work. The next closest route is a mile and half from my home and very crowded. Elimination of Route 29W deeply impacted several hundreds of residents in this area! We dealt with a work stoppage on this route as the result of striking WMATA contractor services, and the impact from that was a punishing blow to many. That impact continues now as WMATA cancelled it completely. The metrics WMATA utilized to determine Route 29W had "low ridership" were flawed with faulty skewed data. I am certain many residents would welcome the return of this route under the Fairfax Connector as Route 835 especially once we all get through this pandemic and work schedules normalize. In fact, I have been wondering how I will get to work after my temporary COVID arrangements expire.</p>	

Mail

Route(s)	Comment	Summary Response
462 / 467	I agree with changing the Route 462 / 467 bus to add Sunday service and replacing Route 422 due to low ridership.	
703	I agree with Route 703 replacing Metrobus Route 3T in Pimmit Hills and Tysons. Please provide Sunday service on that route.	Route 703 is proposed to operate on Monday through Saturday, as funding to operate Sunday service is not currently available.

Online survey

Route(s)	Comment	Summary Response
171	A total of 20 surveys provided comments on Route 171. All 20 supported the proposed service change. One suggested coordinating the implementation with "Visit Fairfax" and the United States Army Museum.	
422	A total of 18 surveys provided comments on Route 422. Eleven supported the proposed service change. One suggested weekend service. Six were neutral. One opposed the proposed service change because it could disproportionately affect Route 422 riders.	
462	A total of 14 surveys provided comments on Route 462. Seven supported the proposed service change. One suggested providing more service in the Tysons and Vienna areas. Seven were neutral.	
467	A total of 18 surveys provided comments on Route 467. Twelve supported the proposed service change. One suggested increasing the weekend span of service to 40 minutes, and one suggested lowering the frequency to 20 minutes for social distancing. Six were neutral.	
630	A total of 13 surveys provided comments on Route 630. Five supported the proposed service change. One suggested transit service in the Clifton area. Seven were neutral. One opposed the proposed service change, preferring the current route structure.	
703	A total of 19 surveys provided comments on Route 703. Twelve supported the proposed service change. One suggested keeping the route portion between the East Falls Church and West Falls Church Metrorail Stations, and one suggested more transit service in the Pimmit Hills area. Five were neutral. Two opposed the proposed service change.	
715	A total of 16 surveys provided comments on Route 715. Ten supported the proposed	

Route(s)	Comment	Summary Response
	service change. One suggested more transit service to the Langley and McLean areas. Five were neutral. One opposed the proposed service change.	
803	<p>A total of 19 surveys provided comments on Route 803. Thirteen supported the proposed service change. One suggested more transit service outside of the Seven Corners area. Four were neutral. One opposed the proposed service change. One opposed with the following comment:</p> <p>Instead of cutting schedules, maybe you should consider a mixed fleet of large buses and mini-buses or large vans. Running vans in non-rush hour would be more fuel efficient, traffic friendly, and quicker, which allows you to cover more routes for an expanded passenger base. We want to encourage using public transportation, not discourage it. A full-sized bus for 5 passengers seems unsustainable, so a smaller vehicle may be the way to go.</p>	
834	A total of 21 surveys provided comments on Route 834. Seventeen supported the proposed service change. One suggested more transit service in the Annandale area. Four were neutral.	
835	A total of 146 surveys provided comments on Route 835. 144 supported the proposed service change. One suggested replacing the Metrobus Routes 17K and 17L to provide an express bus to the Pentagon from Kings Park West, southwest of Lake Royal. One was neutral. One opposed the proposed service change.	

**Title VI Service Equity Analysis
Proposed July 10, 2021, Fairfax Connector Service Changes**

Summary of Analysis Results

The service changes proposed for implementation on July 10, 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 analysis showed the proposed service changes to Routes 171, 462, and 630 did not meet the major service change threshold, so no further analysis is required. Routes 422, 467, 703, 715, 803, 834 and 835 did meet the major service change threshold; however, the analysis suggested these routes would not result in a disproportionate burden, and only the new Route 715 could result in a disparate impact for minority riders. However, Route 715 would replace Route 15K which was suspended by Metrobus, so there is currently no bus service available along Westmoreland Street. The proposed Route 715 would provide access to jobs and other activities if taking Metrorail service is not a viable option. Overall, the proposed service changes would 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 in 2020.

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.

An adverse effect occurs when the proposed service incorporates any of the following modifications:

- Service is eliminated.
- Headways are modified by at least 20 percent and 10 minutes.
- The span of service is modified by at least 10 percent and two hours.
- New service is implemented.

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. "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)

The Fairfax County Department of Transportation (FCDOT) measured the percentages of minority and low-income riders impacted by the proposed service changes and then compared those percentages to the system-wide profile for Fairfax Connector (48.7 percent minority and 16.8 percent low-income) to determine whether the service changes would cause a DI or a DB.

Overview

The service changes proposed for implementation on July 10, 2021, include Routes 171, 422, 462, 467, 630, 703, 715, 803, 834, and 835.

Route 171: Richmond Highway

Route 171 would have a minor deviation into the Museum to provide weekend service between the Huntington Metrorail Station and the Army Museum. The Army Museum is currently served by Route 334 on weekdays.

Route 422: Boone Boulevard – Howard Avenue

Route 422 would be eliminated due to low ridership and because it largely duplicates service on Routes 401, 402, 462, and 467.

Route 462: Dunn Loring – Tysons Corner

Route 462 would have improved span of service. The route provides weekday peak-period service between the Dunn Loring and Tysons Corner Metrorail Stations.

Route 467: Dunn Loring – Tysons Corner

Route 467 would be realigned to service Maple Avenue, as well as Old Courthouse Road to Gallows Road. The route would also add Sunday service and would have improved span of service and frequency. Route 467 would provide weekday midday and evening service and weekend service between the Dunn Loring and Tysons Corner Metrorail Stations. These adjustments will restore the improved service levels that were operated during the closure of the Cedar Lane Bridge.

Route 630: Stringfellow Road – Centreville

Route 630 would be realigned to improve access and mobility for a new senior living facility at Stringfellow Road and Autumn Willow Drive. The route provides midday and weekend service along Stringfellow Road between Lee Highway (Route 29) and the Stringfellow Road Park-and-Ride Lot.

Route 703: Pimmit Hills – West Falls Church

The new Route 703 would replace Metrobus Route 3T to provide weekday and Saturday service between the McLean and West Falls Church Metrorail Stations.

Route 715: East Falls Church – Dolly Madison

The new Route 715 would replace Metrobus Route 15K to provide peak-period service from McLean and Langley to the East Falls Church Metrorail Station.

Route 803: Annandale Road – East Falls Church

The new Route 803 would replace Metrobus Route 3A to provide weekday and Saturday service from Annandale to the East Falls Church Metrorail Station.

Route 834: Pentagon – Northern Virginia Community College’s Annandale Campus

The new Route 834 would replace Metrobus Route 29C to provide peak-period service from the Northern Virginia Community College to the Pentagon Metrorail Station.

Route 835: Braeburn Drive – Pentagon

The new Route 835 would replace Metrobus Route 29W to provide peak-period service from the Northern Virginia Community College to the Pentagon Metrorail Station.

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 only Routes 422, 467, 703, 715, 803, 834 and 835 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.
171	0%	-1%	2%	0%	2%	3%
422	-100%	N/A	N/A	-100%	N/A	N/A
462	0%	N/A	N/A	0%	N/A	N/A
467	16%	240%	100%	16%	240%	100%
630	0%	0%	0%	0%	0%	0%
703	100%	100%	N/A	100%	100%	N/A
715	100%	N/A	N/A	100%	N/A	N/A
803	100%	100%	100%	100%	100%	100%
834	100%	N/A	N/A	100%	N/A	N/A
835	100%	N/A	N/A	100%	N/A	N/A

Table 2 shows the detailed adverse effects for the proposed route changes that met the major service change threshold. Route 422 is proposed to be eliminated, and Routes 703, 715, 803, 834, and 835 are proposed new routes. For Route 467, the headway is proposed to improve by 35 minutes (i.e., 47%) on weekends, and the span of service will increase by 8 hours (i.e., 85%) on Saturday and by 3 hours (i.e., 35%) on Sunday.

Table 2: Adverse Effects

Route	Service Elimination	New Service	Headway Modified by at least 20% and 10 mins				Span of service modified by at least 10% and 2 hours		
			Weekday Peak ¹	Weekday Midday	Saturday Core	Sunday Core	Weekday	Saturday	Sunday
422	Yes	-	-	-	-	-	-	-	-
467	-	New Sunday service	-	-	Reduced by 35 mins (47%)	-	-	Increased by 8 hours (85%)	-
703	-	Yes	-	-	-	-	-	-	-
715	-	Yes	-	-	-	-	-	-	-
803	-	Yes	-	-	-	-	-	-	-
834	-	Yes	-	-	-	-	-	-	-
835	-	Yes	-	-	-	-	-	-	-

Data Sources

Data on the minority population by census block group is from Table B03002 from the American Community Survey, 2014–2018 five-year estimates. The minority population is defined as all persons who are not within the non-Hispanic white population. Data on the low-income households by census block group is from Table B19001 from the American Community Survey, 2014–2018 five-year estimates. Low-income households are defined as households making under \$50,000 annually.

Route 422: Boone Boulevard – Howard Avenue

Route 422 is proposed to be eliminated. However, riders affected by the elimination of Route 422 would have other transit options available such as Routes 401, 402, 462, and 467.

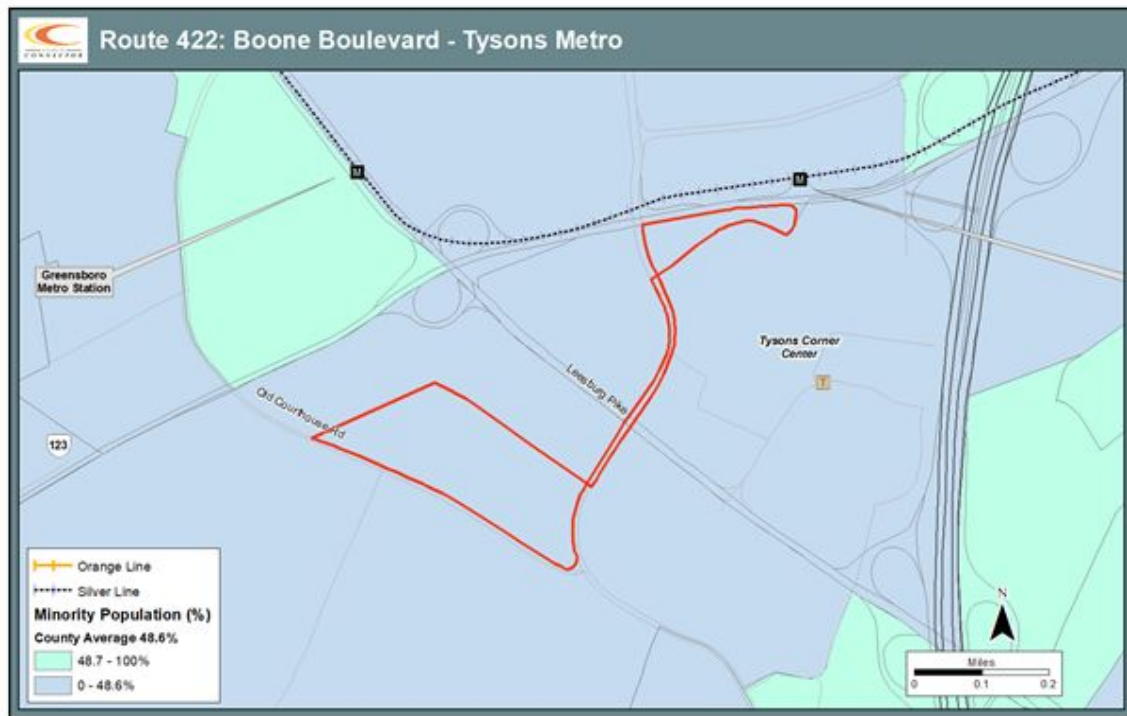
Disparate Impact (DI): Within the service area of Route 422, the minority population is 38 percent, which is 11 percent lower than the system average (see Table 3). Since this difference does not exceed the positive 10 percent threshold, there is no DI for minority riders. Figure 1 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 3: Route 422 Disparate Impact

Route	Add / Remove Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference over Threshold
422	Remove	2,155	816	38%	49%	-11%	10%	No

¹ The time periods used in this analysis were defined as follows: Weekday Peak 6:00-9:00 A.M. and 3:00-6:00 P.M., Weekday Midday: 9:00 A.M. - 3:00 P.M., Saturday Core: 8:00 A.M. - 5:00 P.M., and Sunday Core 8:00 A.M. -5:00 P.M.

Figure 1: Route 422 Minority Population Map

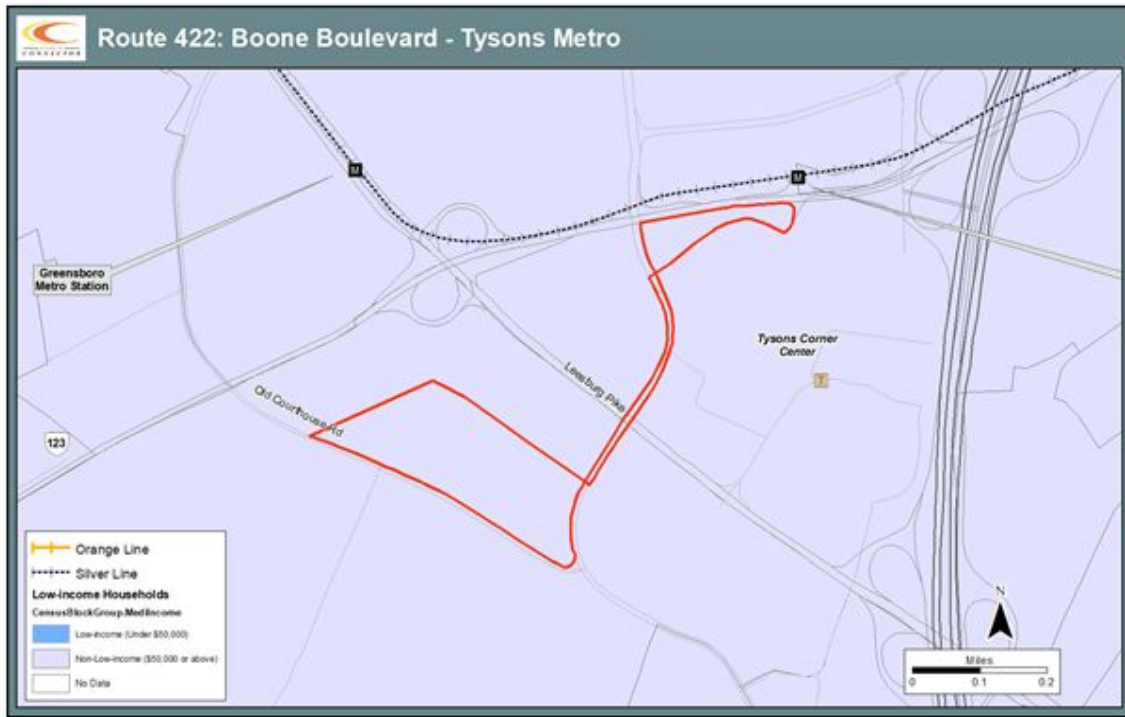


Disproportionate Burden (DB): Within the service area of Route 422, the low-income households are 9 percent, which is 8 percent lower than the system average (see Table 4). Since this difference does not exceed the positive 10 percent threshold, there is no DB for low-income riders. Figure 2 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 4: Route 422 Disproportionate Burden

Route	Add / Remove Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent	System Low-Income Households Percent	Difference	Threshold	Difference Over Threshold
422	Remove	862	75	9%	17%	-8%	10%	No

Figure 2: Route 422 Low-income Households Map



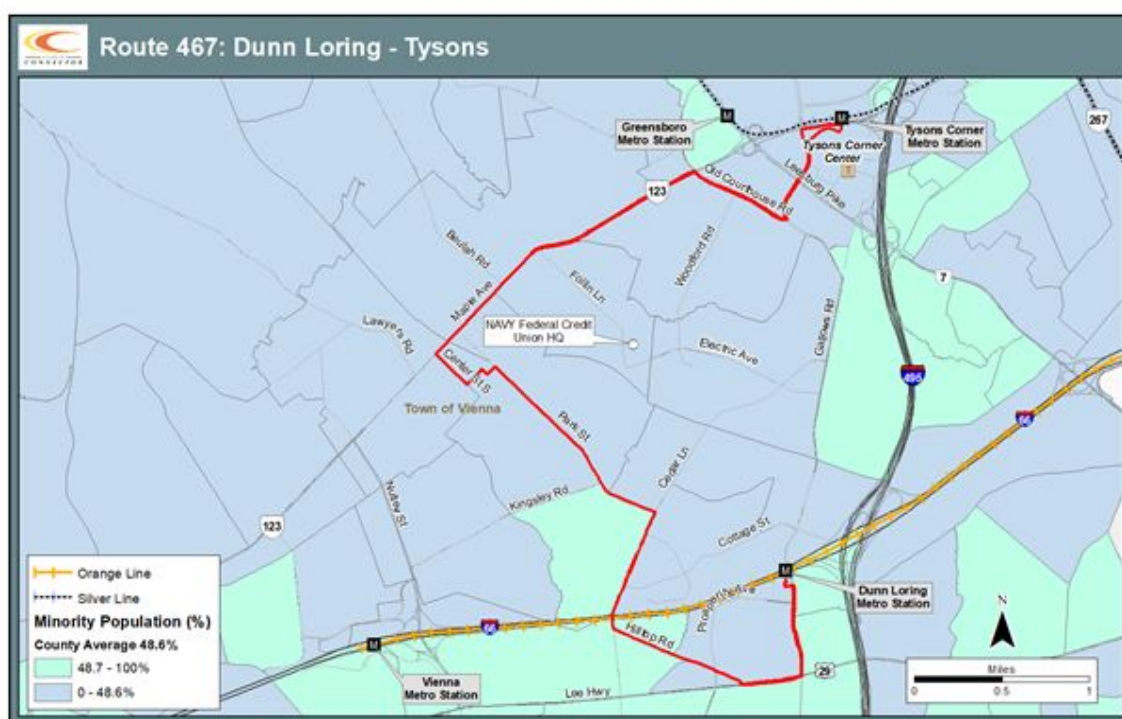
Route 467: Dunn Loring – Tysons Corner

Disparate Impact (DI): Within the service area of Route 467, the minority population is 42 percent, which is 7 percent lower than the system average (see Table 5). Since this difference does not exceed the negative 10 percent threshold, there is no DI for minority riders. Figure 3 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 5: Route 467 Disparate Impact

Route	Add / Remove Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference over Threshold
467	Add	16,219	6,738	42%	49%	-7%	-10%	No

Figure 3: Route 467 Minority Population Map

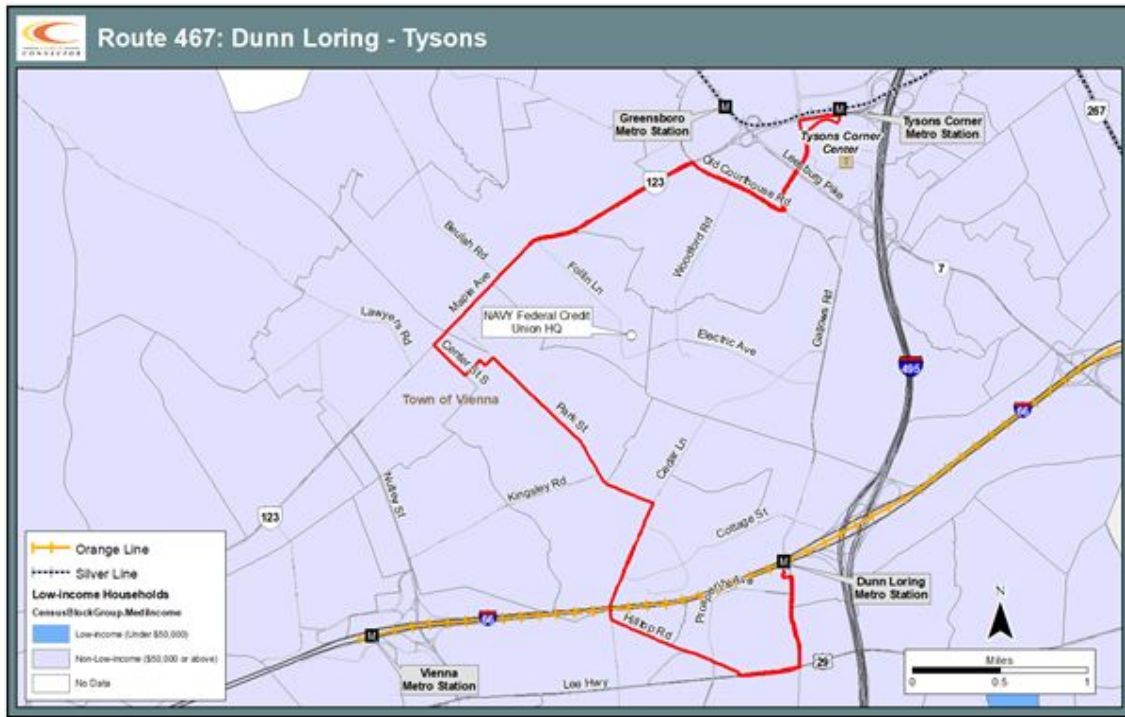


Disproportionate Burden (DB): Within the service area of Route 467, the low-income households are 15 percent, which is 2 percent lower than the system average (see Table 6). Since this difference does not exceed the negative 10 percent threshold, there is no DB for low-income riders. Figure 4 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 6: Route 467 Disproportionate Burden

Route	Add / Remove Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent	System Low-Income Households Percent	Difference	Threshold	Difference over Threshold
467	Add	6,521	985	15%	17%	-2%	-10%	No

Figure 4: Route 467 Low-income Households Map



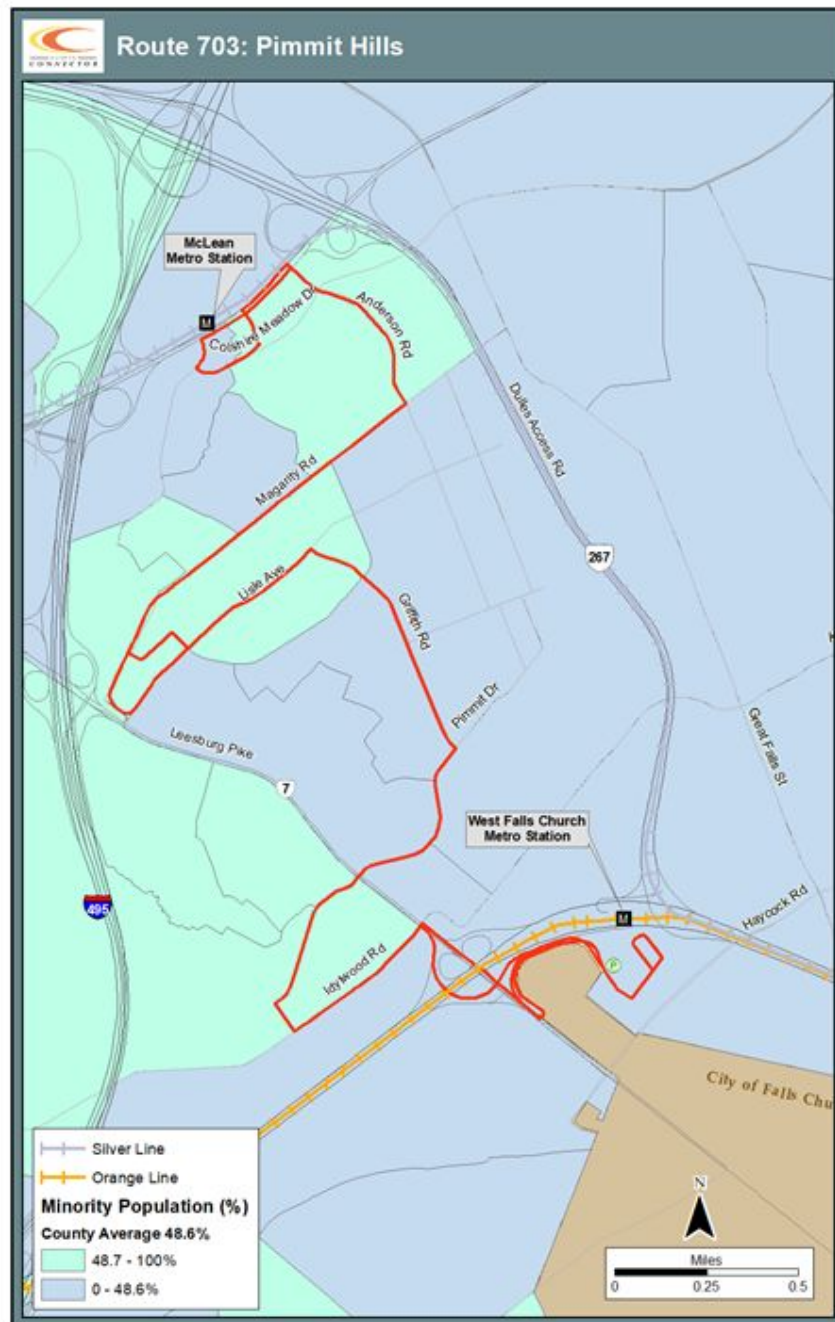
Route 703: Pimmit Hills – West Falls Church

Disparate Impact (DI): Within the service area of Route 703, the minority population is 51 percent, which is 2 percent higher than the system average (see Table 7). Since the proposed new route will benefit more low-income riders than the system average, there is no DI for minority riders. Figure 5 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 7: Route 703 Disparate Impact

Route	Add / Remove Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference over Threshold
703	Add	19,535	9,976	51%	49%	2%	-10%	No

Figure 5: Route 703 Minority Population Map



Disproportionate Burden (DB): Within the service area of Route 703, the low-income households are 18 percent, which is 1 percent higher than the system average (see Table 8). Since the proposed new route will benefit more low-income riders than the system average, there is no DB for low-income riders. Figure 6 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 8: Route 703 Disproportionate Burden

Route	Add / Remove Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent	System Low-Income Households Percent	Difference	Threshold	Difference over Threshold
703	Add	7,556	1,323	18%	17%	1%	-10%	No

Figure 6: Route 703 Low-income Households Map



Route 715: East Falls Church – Dolly Madison

Disparate Impact (DI): Within the service area of Route 715, the minority population is 29 percent, which is 20 percent lower than the system average (see Table 9). As the difference exceeds the negative 10 percent threshold, the new route 715 could result in a DI for minority riders. Figure 7 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 9: Route 715 Disparate Impact

Route	Add / Remove Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference over Threshold
715	Add	8,570	2,493	29%	49%	-20%	-10%	Yes

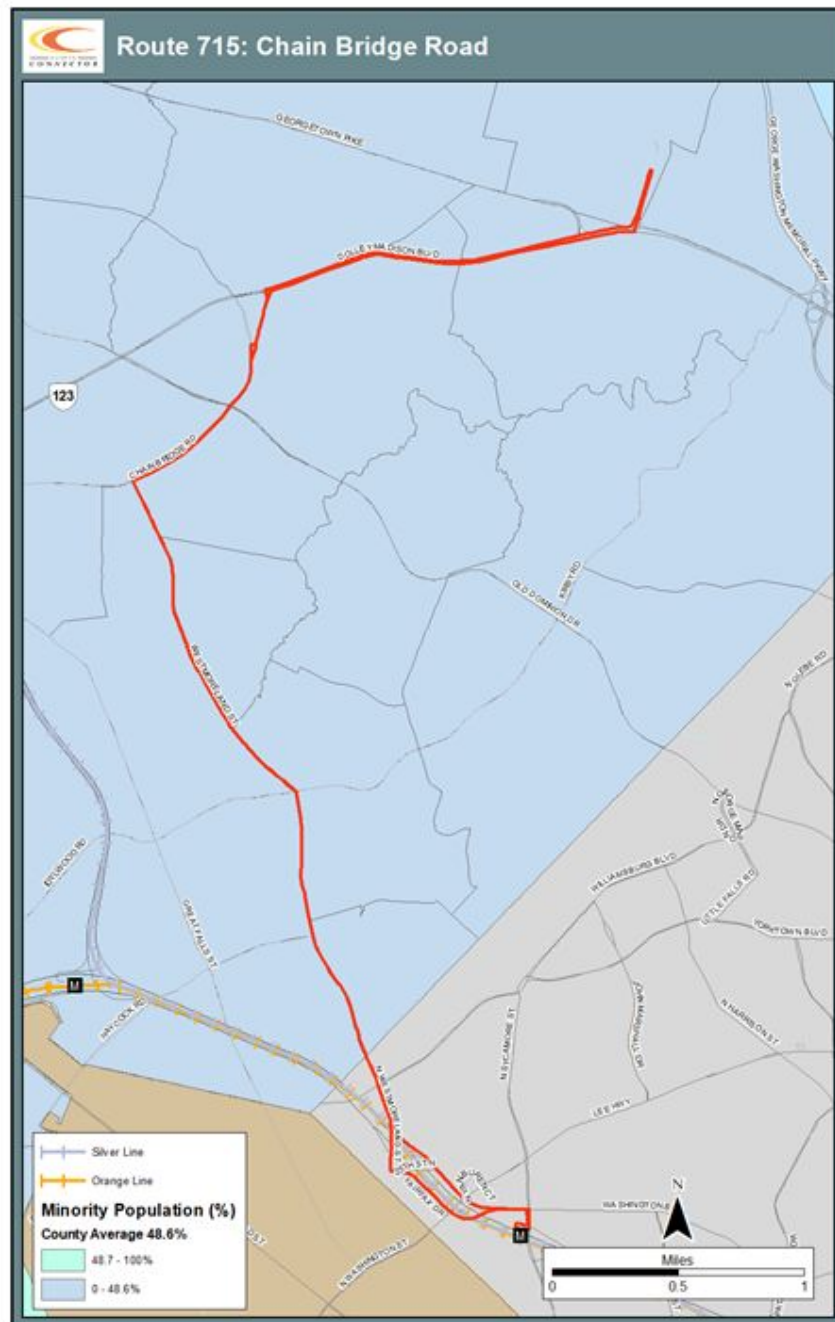
Per the FTA Title VI Circular, Fairfax Connector may implement a proposed service change that will result in a DI for minority populations if the Connector:

- (1) has a substantial legitimate justification for the proposed change, and
- (2) can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish Connector's legitimate program goals.

The new Route 715 was proposed to restore bus services that were previously provided by Metrobus Route 15K. Since Route 15K was eliminated in spring 2020, residents along Westmoreland Street would have to walk approximately 1.5 miles to access other transit services. The proposed Route 715 would fill this service gap by connecting the East Falls Church Metrorail Station, McLean Metrorail Station, and Langley and providing residents transit access to several Fairfax County public schools, major employment centers, and Metrorail Stations. Overall, the proposed new route would increase access to major regional employment centers and schools, improve connectivity to the public transit network, and improve service for Fairfax Connector riders and the communities served.

There is a substantial legitimate justification for the proposed new Route 715, as it offers the only available bus service to this area since Metrobus eliminated Route 15K.

Figure 7: Route 715 Minority Population Map

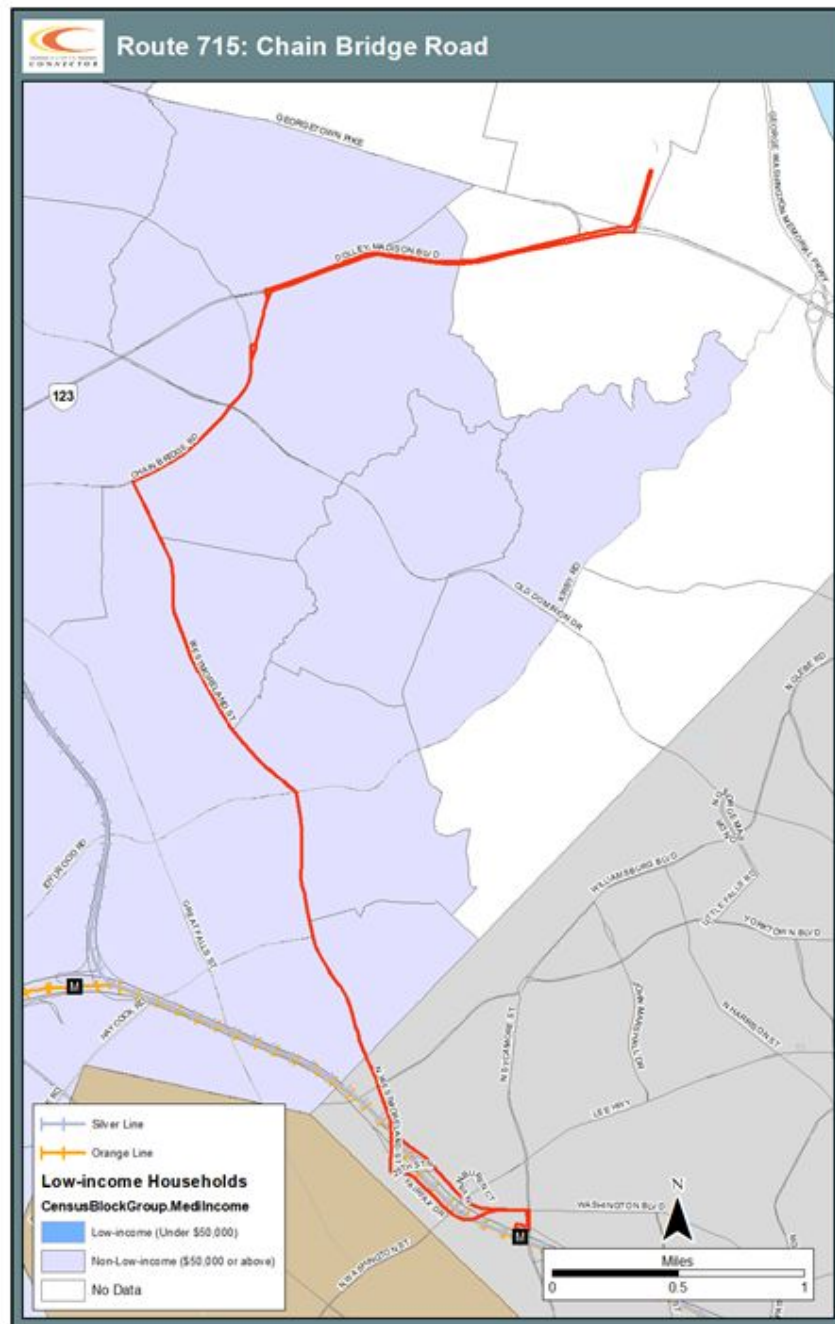


Disproportionate Burden (DB): Within the service area of Route 715, the low-income households are 15 percent, which is 2 percent lower than the system average (see Table 10). Since this difference does not exceed the negative 10 percent threshold, there is no DB for low-income riders. Figure 8 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 10: Route 715 Disproportionate Burden

Route	Add / Remove Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent	System Low-Income Households Percent	Difference	Threshold	Difference over Threshold
715	Add	3,236	495	15%	17%	-2%	-10%	No

Figure 8: Route 715 Low-income Households Map



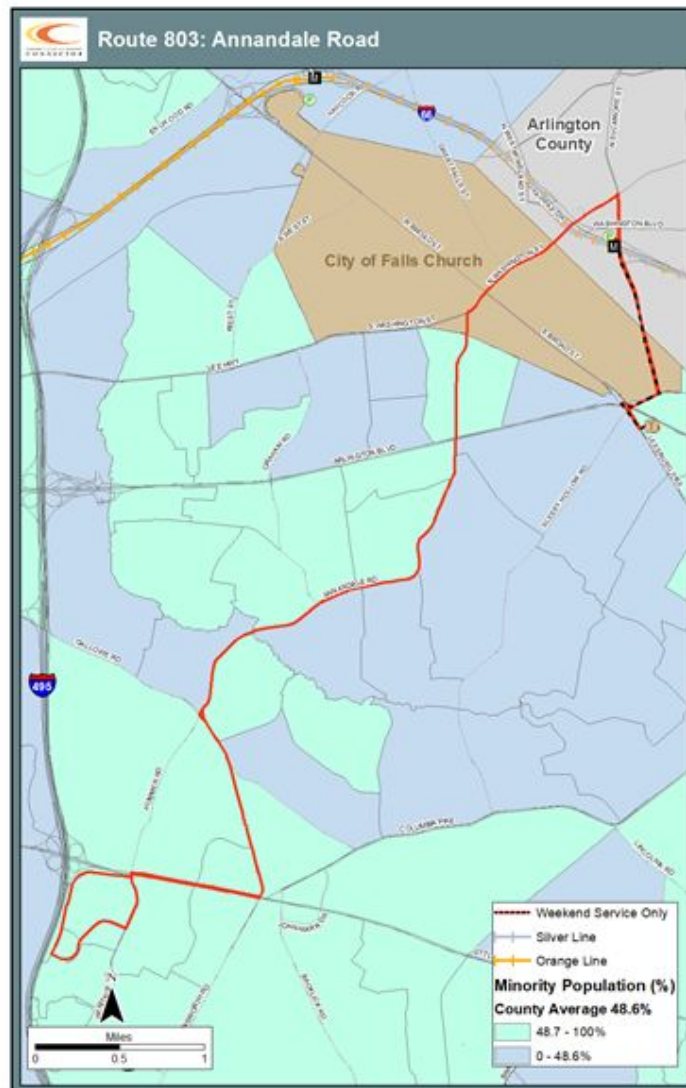
Route 803: Annandale Road – East Falls Church

Disparate Impact (DI): Within the service area of Route 803, the minority population is 69 percent, which is 20 percent higher than the system average (see Table 11). Since the proposed new route will benefit more minority riders than the system average, there is no DI for minority riders. Figure 9 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 11: Route 803 Disparate Impact

Route	Add / Remove Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference over Threshold
803	Add	21,371	14,779	69%	49%	20%	-10%	No

Figure 9: Route 803 Minority Population Map



Disproportionate Burden (DB): Within the service area of Route 803, the low-income households are 31 percent, which is 14 percent higher than the system average (see Table 12). Since the proposed new route will benefit more low-income riders than the system average, there is no DB for low-income riders. Figure 10 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 12: Route 803 Disproportionate Burden

Route	Add / Remove Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent	System Low-Income Households Percent	Difference	Threshold	Difference over Threshold
803	Add	7,061	2,183	31%	17%	14%	-10%	No

Figure 10: Route 803 Low-income Households Map

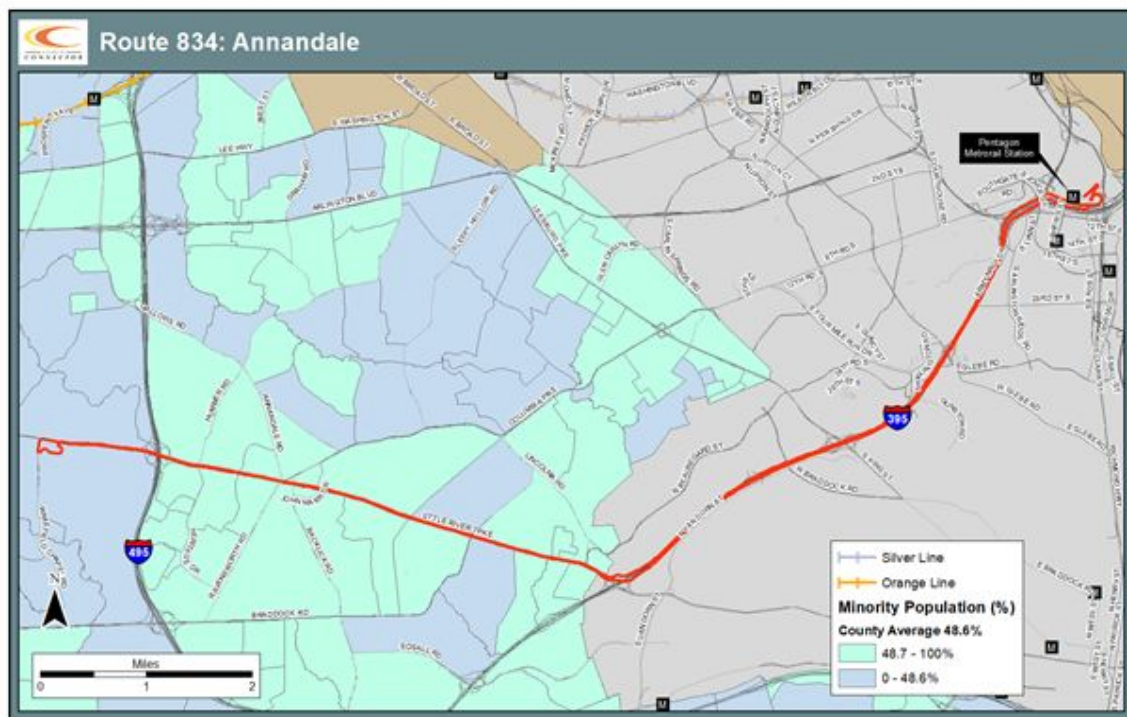


Route 834: Pentagon – Northern Virginia Community College’s Annandale Campus
Disparate Impact (DI): Within the service area of Route 834, the minority population is 71 percent, which is 22 percent higher than the system average (see Table 13). Since the proposed new route will benefit more minority riders than the system average, there is no DI for minority riders. Figure 11 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 13: Route 834 Disparate Impact

Route	Add / Remove Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference over Threshold
834	Add	18,132	12,823	71%	49%	22%	-10%	No

Figure 11: Route 834 Minority Population Map

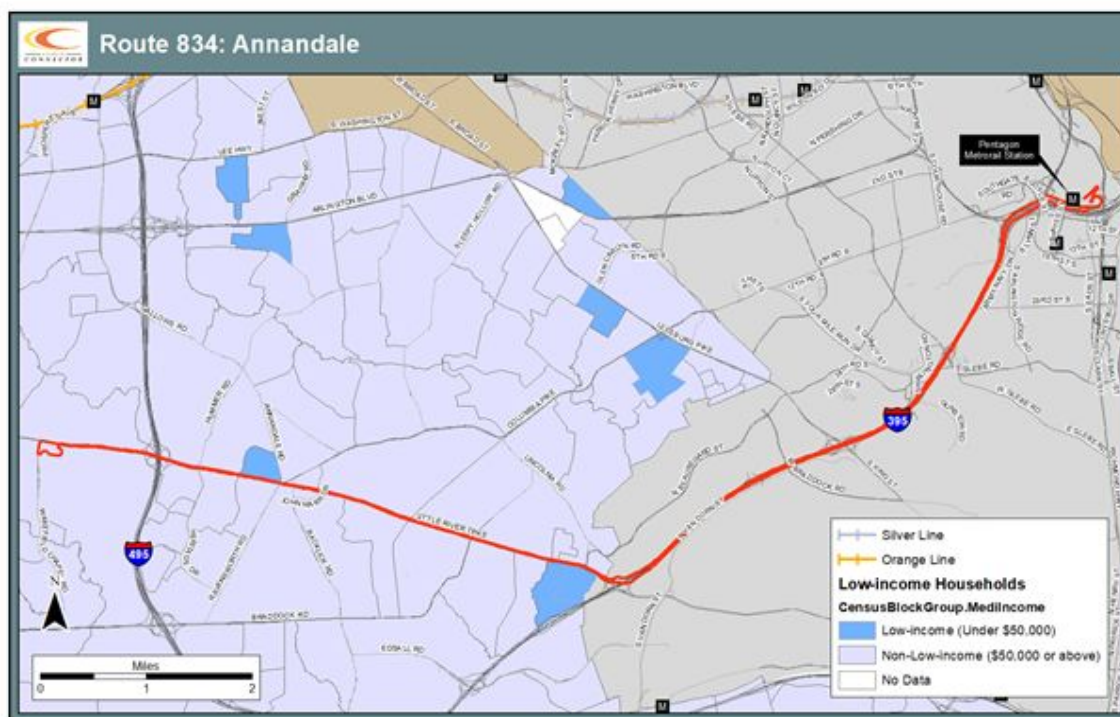


Disproportionate Burden (DB): Within the service area of Route 834, the low-income households are 32 percent, which is 15 percent higher than the system average (see Table 14). Since the proposed new route will benefit more the low-income riders than the system average, there is no DB for low-income riders. Figure 12 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 14: Route 834 Disproportionate Burden

Route	Add / Remove Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent	System Low-Income Households Percent	Difference	Threshold	Difference over Threshold
834	Add	5,902	1,878	32%	17%	15%	-10%	No

Figure 12: Route 834 Low-income Households Map



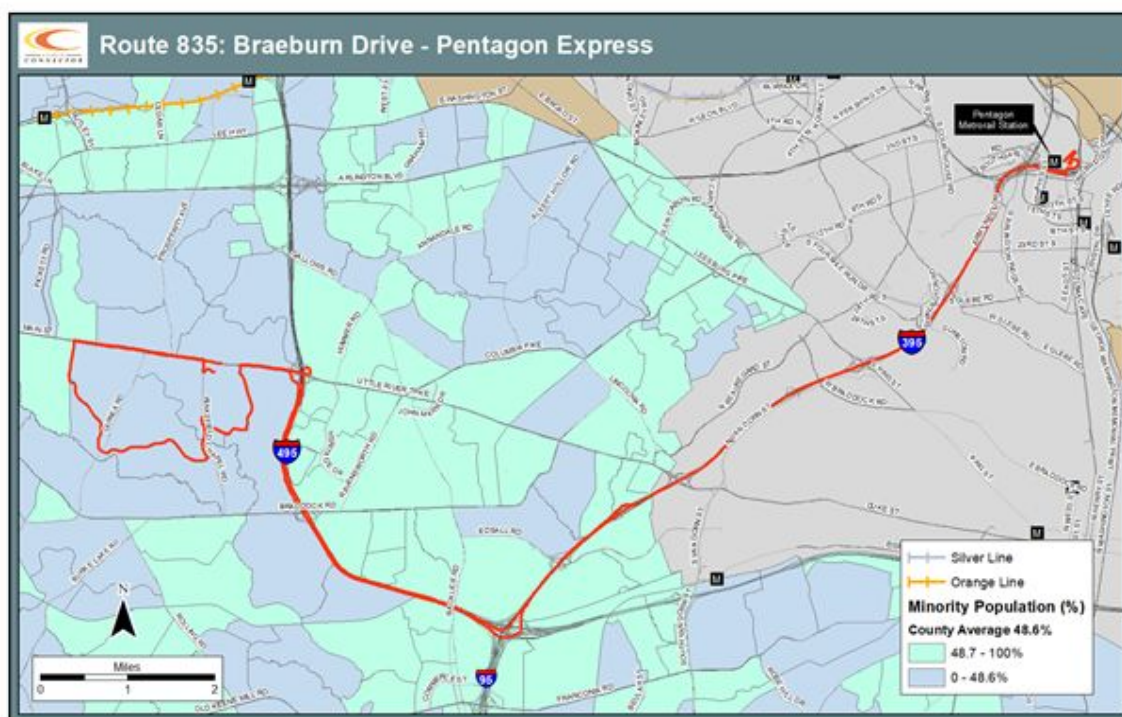
Route 835: Braeburn Drive – Pentagon

Disparate Impact (DI): Within the service area of Route 835, the minority population is 41 percent, which is 8 percent lower than the system average (see Table 15). Since this difference does not exceed the negative 10 percent threshold, there is no DI for minority riders. Figure 13 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 15: Route 835 Disparate Impact

Route	Add / Remove Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference over Threshold
835	Add	12,297	5,086	41%	49%	-8%	-10%	No

Figure 13: Route 835 Minority Population Map

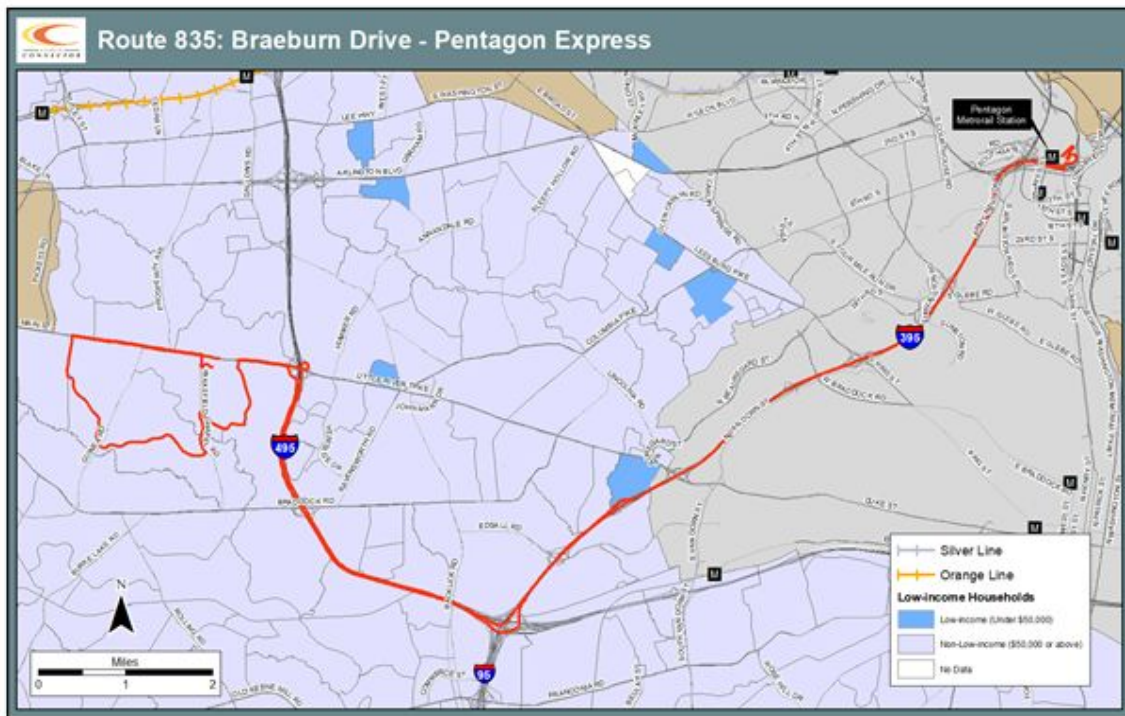


Disproportionate Burden (DB): Within the service area of Route 835, the low-income households are 19 percent, which is 2 percent higher than the system average (see Table 16). Since the proposed new route will benefit more low-income riders than the system average, there is no DB for low-income riders. Figure 14 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 16: Route 835 Disproportionate Burden

Route	Add / Remove Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent	System Low-Income Households Percent	Difference	Threshold	Difference over Threshold
835	Add	4,151	791	19%	17%	2%	-10%	No

Figure 14: Route 835 Low-income Households Map



Conclusion

The Title VI analysis showed the proposed service changes to Routes 171, 462, and 630 did not meet the major service change threshold; therefore, no DI or DB analysis was conducted on these routes. Routes 422, 467, 703, 715, 803, 834, and 835 met the major service change threshold. The analysis suggested Routes 422, 467, 703, 803, 834, and 835 would not result in a DI or DB. Route 715 would not result in a DB but could result in a DI. However, there is a substantial legitimate justification for the new Route 715, as it restores bus service eliminated by Metrobus and will continue to provide residents transit access to several Fairfax County public schools, major employment centers, and Metrorail Stations. Route 715 connects to Route 803 and the East Falls Church Metrorail Station, thereby allowing for regional connectivity. Overall, the proposed service changes will increase access to regional employment centers, improve connectivity to the regional public transit network, and improve service for Fairfax Connector riders and the communities served.

ACTION - 6

Authorization to Amend the Interim Agreement and Right of Entry Agreement with Alpine-X LLC for Fairfax Peak Development at I-95 Lorton Landfill (Mount Vernon District)

ISSUE:

Board of Supervisors (Board) authorization of the County Executive to amend the Interim Agreement and Right of Entry Agreement between the Board and Alpine-X LLC regarding an indoor ski facility and related development on the I-95 Lorton landfill, located on Fairfax County Tax Map 113-1 ((1)), Parcel 14 (the Site).

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to execute the attached amendment with Alpine-X LLC.

TIMING:

Board action is requested to allow Alpine-X LLC to continue with their next phase of site studies.

BACKGROUND:

On December 21, 2018, Alpine-X LLC (Developer) submitted an unsolicited proposal (Proposal) to the County for the redevelopment of portions of the Board-owned I-95 Lorton landfill, pursuant to the Public Private Education Facilities and Infrastructure Act of 2002, Virginia Code Ann. §§ 56-575.1 et seq., as amended (PPEA).

The Proposal named the project “Fairfax Peak” and generally envisions the construction of an indoor ski facility, hotel and commercial development, and other complimentary recreational facilities (Project), as listed below:

- Multiple ski slopes, inside a structure, at approximately a 20-degree angle, including a slope compliant with the Fédération Internationale de Ski’s standards, ensuring it can be used for competitions;
- A specially designed area for skiing and snowboarding with a variety of ramps, jumps, rails, boxes and other features, capable for use in national snowboarding and freestyle skiing competitions;

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- A bunny slope for beginners, snow tubing run and area for skiers and snowboarders to perform tricks;
- Restaurants, ski shop and dining terrace at the summit;
- A 100-plus room hotel at the base of the indoor snow facility;
- A gravity-powered, mountain coaster that will slide from the summit to Occoquan Regional Park; and,
- A ropes course and other outdoor activity areas.

The proposal also envisions other amenities that could be added in the future, including a water park, a “gravity ropes course” and passive recreation areas. Additional detail on the Project scope can be found online (Attachment 1).

Due to the complexity of the Project, the Developer needs to perform feasibility and other studies to confirm the construction viability of the Project. To that end, the County approved a Right of Entry Agreement on May 11, 2020 (“ROE”) to permit the Developer and its contractors to enter onto portions of the Property and to perform limited initial due diligence work on the site through December 31, 2020.

An Interim Agreement (Attachment 2) was approved by the Board of Supervisors on November 17, 2020, to allow certain additional terms to allow the Developer to advance its due diligence for the Project. Those included:

- Extended the term of the ROE until December 31, 2021.
- Confirmed the potential area of study for the Project (Attachment 3);
 - The Agreement also allowed – upon mutual agreement of the County and the Developer – to expand the study area to the remainder of Parcel 14 as well as the adjacent Parcel 15.
- Provided an exclusive negotiation period in which the County agreed not convey nor lease any portion of the Project Area to a third party before December 31, 2021;
 - The County and the Developer may mutually agree to extend the exclusive period, as well as the ROE term, for up to one year, through December 31, 2022.
 - The Developer also acknowledges the County is considering the use of land adjacent to the Project for a solar power generation facility.

To date the Developer has begun a number of studies under the approved Interim Agreement. These include: settlement analysis and monitoring, ALTA Survey, unmanned aerial vehicle topographical survey, and review of existing utilities.

The Developer is seeking an amendment to the Interim Agreement and Right of Entry Agreement (Amendment) that would allow for test drilling as part of diligence work to

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potentially reach into the landfill subgrade and/or bedrock (Attachment 4). The existing documentation with the Developer prohibits such drilling; the intent of the prohibition was to have the Developer start with less intrusive diligence work, which it has now done.

The Developer currently proposes eight (8) cone penetrometer tests (CPT) and four (4) standard penetration tests (SPT) at various locations at the landfill, which will extend up to 15 feet below the current bottom of the landfill waste at two (2) locations. The proposed Amendment would also allow for additional drilling, subject to additional provisions that may be deemed necessary to protect the County's interests.

The Amendment requires County approval of proposed boring locations prior to drilling, as well as notice to the Virginia Department of Environmental Quality of the time and location of the drilling activity.

Future development of the project will be contingent on the Developer successfully achieving future regulatory review and permission for the Project. Such permission will include any required land use approvals and state regulatory requirements. These approvals are not included in the scope of the proposed Amendment, and no rights to apply for these are granted to the Developer at this time under the Interim Agreement.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment 1 – Alpine-X Unsolicited PPEA Proposal can be found online at:

<https://www.fairfaxcounty.gov/procurement/ppea/fairfaxpeak/alpinexproposal>

Attachment 2 – Approved Interim Agreement between Board of Supervisors and Alpine-X LLC

Attachment 3 – Extent of Area within the Approved Interim Agreement

Attachment 4 – Proposed First Amendment to the Interim Agreement and Right of Entry Agreement

Board Agenda Item
March 23, 2021

STAFF:

Rachel Flynn, Deputy County Executive
Randy Bartlett, Director, Dept. of Public Works and Environmental Services (DPWES)
Rebecca Moudry, Director, Department of Economic Initiatives
John Kellas, Deputy Director, Solid Waste Management, DPWES
Eric Forbes, Division Director, Solid Waste Compliance, DPWES
Scott Sizer, P3/Joint-Venture Policy Coordinator, Department of Economic Initiatives

ASSIGNED COUNSEL:

Cynthia Bailey, Deputy County Attorney
Ryan Wolf, Assistant County Attorney

INTERIM AGREEMENT

THIS **INTERIM AGREEMENT** ("Agreement") is made this ____ day of November, 2020 ("Effective Date"), by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia ("County"), and **ALPINE-X LLC**, a Virginia limited liability company ("Developer"; together with the County, the "Parties").

RECITALS

- R-1. The County is the fee simple owner of an approximately 490-acre parcel of land located in Fairfax County, Virginia, having Fairfax County Tax Map # 113-1 ((1)), parcel 14 and further described on Exhibit A ("Parcel 14") and an adjacent, approximately 418-acre parcel of land located in Fairfax County, Virginia, having Fairfax County Tax Map # 113-1 ((1)), parcel 15 and further described on Exhibit B ("Parcel 15"; together with Parcel 14, the "Property").
- R-2. The County acquired the Property, together with other property, from the federal government, acting through the General Services Administration ("GSA") pursuant to that certain Quitclaim Deed dated July 11, 2002, and recorded among the Fairfax County land records in Deed Book 13112, at Page 2169 (the "GSA Master Deed").
- R-3. The County currently uses Parcel 14 as the I-95 Landfill Complex and has ground leased the majority of Parcel 15 to the Northern Virginia Regional Park Authority ("NVRPA") for use as a regional park, pursuant to that certain Deed of Ground Lease, dated December 22, 2010 and recorded among the Fairfax County land records in Deed Book 21521 at Page 1147 (as such lease may be amended from time to time, the "NVRPA Lease").
- R-4. On December 21, 2018, Developer submitted an unsolicited proposal to the County for the redevelopment of portions of the Property (the "Proposal"), pursuant to the Public Private Education Facilities and Infrastructure Act of 2002, Virginia Code Ann. §§ 56-575.1 et seq., as amended ("PPEA"). The Proposal preliminarily named the project "Fairfax Peak" and generally envisioned the construction of an indoor ski facility and related hotel and commercial space, as well as other recreational facilities, such as a wave pool, a ropes course, and zip lines (collectively, the "Project").
- R-5. In May of 2019, the County formally accepted the Proposal for review. Pursuant to the PPEA, the County then issued a "Request for Competing Proposals" also in May of 2019 (the "RCP"). The RCP sought competing proposals for the development of recreational uses on portions of the Property. The County did not receive any responsive responses to the RCP.
- R-6. The Parties entered into that certain Right of Entry Agreement on May 11, 2020 ("ROE") to permit the Developer and its contractors to enter onto portions of the Property and to perform certain initial due diligence work on the site.

- R-7. The Parties desire to enter into this Agreement to initiate certain additional actions, set forth below, in furtherance of the Proposal and the Project and the negotiations conducted to date. In recognition of the complexity of the Proposal and the Project, the Parties wish to begin these efforts prior to entering into a final Comprehensive Agreement pursuant to the PPEA.

NOW, THEREFORE, in consideration of the mutual promises in this Agreement, and other valuable consideration, the receipt and legal sufficiency of which are acknowledged by the Parties, the Parties agree to the following:

Section 1: Property & Project Area.

- A. Project Area. The development area for the Project will be limited to those portions of the Parcel 14 as described on Exhibit C (the "Project Area"). The Parties may agree in writing to expand the Project Area to the remainder of Parcel 14 and/or – with the consent of NVRPA, to the extent required by the NVRPA Lease – some or all of Parcel 15.
- B. Solar Project. The Developer acknowledges that the County is considering the possibility of developing land adjacent to the Project Area (and/or potentially portions of the Project Area) as a solar power generation facility (the "Solar Project"), as further described in the Landfill Solar Feasibility Memo from HDR Engineering, Inc., dated July 3, 2019 (the "Solar Memo"), and that Developer has received a copy of the Solar Memo from the County. In designing the Project, the Developer will not seek any easements or other rights through the Solar Project area, except as may be specifically approved by the County in writing. In designing the Solar Project, the County reserves the right to locate the Solar Project and/or easements or other rights supporting the Solar Project through the Project Area. The County will provide regular updates on the Solar Project to the Developer and promptly notify the Developer of any potential encroachments of the Solar Project onto the Project Area.
- C. NVRPA Lease. The County has leased a portion of Parcel 15 to NVRPA pursuant to the NVRPA Lease. Developer acknowledges that it has received a copy of the NVRPA Lease and that, except for certain limited development rights retained by the County, it will need to obtain NVRPA's approval for any portion of the Project to be located on land subject to the NVRPA Lease. The Parties agree to coordinate on outreach to NVRPA regarding the Project.
- D. DEQ Coordination. Developer acknowledges that the Project will require the Virginia Department of Environmental Quality ("DEQ") to approve a "Major Permit Modification" for the Property. The Parties agree to coordinate on outreach to DEQ regarding the Project.
- E. GSA Master Deed. Developer acknowledges that the Property is subject to the GSA Master Deed. The Parties agree to coordinate on outreach to the applicable entities regarding the Project as may be required by the GSA Master Deed.

Section 2: Exclusive Negotiation Period.

- A. **No County Transfer.** Except as permitted in Section 2(A)(i) below, the County will neither convey or lease nor agree to convey or lease any portion of the Project Area to a third party before December 31, 2021 (the "Outside Date"), without the prior written consent of the Developer.
- i. Notwithstanding Section 2(A), the County may (a) convey such interests in the Project Area as are reasonably necessary in connection with the Solar Project, as discussed in Section 1(B) above, (b) so long as the term of such agreement is not extended past March 1, 2023, agree to allow the Northern Virginia Radio Control Club (the "Airplane Club") the use of the runway, "pits area", and parking area identified in that certain "Memorandum of Agreement-RC Model Aircraft Use at the I-95 Sanitary Landfill", dated February 23, 2015 (collectively, the "Airplane Area") for radio controlled airplane uses, and (c) convey such interests in the Project Area as may be reasonably necessary in connection with the operation of the landfill.
 - ii. The County and the Developer may mutually agree to extend the Outside Date for up to one year (i.e., up to December 31, 2022), neither party being under any obligation to do so.
- B. **Exclusive Negotiation Period.** The County will not negotiate with any third party regarding the development of the Project Area until December 31, 2021. For purposes of this Section 2(B), "the County" means each of Scott Sizer, P3 / Joint-Ventures Policy Coordinator, Office of Economic Initiatives; John Kellas, Deputy Director of Solid Waste Management, Department of Public Works and Environmental Services; and Jose Comayagua, Director, Department of Facilities Management.
- C. The Parties intend to negotiate in good faith to reach subsequent agreements regarding the actual development of the Property. Neither the County nor the Developer, however, is under no obligation to enter into any subsequent agreement. It is anticipated that further development of the Project will involve at least two separate additional agreements. The first agreement, which is anticipated to be an amendment to this Agreement ("Second Interim Agreement"), will address the pursuit of the land use actions for the Project. While land use approvals are pursued under the terms of the Second Interim Agreement, the Parties will negotiate in good faith to reach a Comprehensive Agreement for the actual physical implementation of the redevelopment. The Second Interim Agreement and the Comprehensive Agreement (which may consist of one or more contracts) will be presented to the Board of Supervisors for approval in accordance with the provisions of the PPEA.

Section 3: Developer Diligence Work in Project Area.

- A. **ROE.** The ROE is attached to this Agreement as Exhibit D and remains in full force and effect in accordance with its terms, except (i) that its term shall be extended to the

Outside Date (as may be extended pursuant to Section 2(A)(ii)), and (ii) in accordance with Section 3(B) of this Agreement.

- B. Coordination with Airplane Club regarding Airplane Area. Notwithstanding anything in the ROE, the Developer will use reasonable efforts to avoid performing Feasibility Studies in the Airplane Area. If the Developer nonetheless determines that it must perform one or more of the Feasibility Studies in the portion of the Airplane Area that is within the Project Area, it will provide the County with at least seven (7) business days' advance notice. The Developer acknowledges that if Developer is required by the ROE to restore any portion of the Airplane Area that is within the Project Area to its pre-existing condition following a Feasibility Study, that the pre-existing condition of such area (e.g., runway) may be different than elsewhere on the Project Area site.

Section 4: Notice.

- A. Except as set forth in Paragraph 3 of the ROE, all notices, demands or other communications sent under this Agreement ("Notice") must be in writing. Notices must be given by (i) personal delivery or (ii) a nationally recognized, next-day courier service, addressed as follows:

If to the County:

Fairfax County Department of Public Works & Environmental Services
12000 Government Center Parkway, Suite 548
Fairfax, VA 22035
Attention: John Kellas, Director of Solid Waste & Recycling
john.kellas@fairfaxcounty.gov

With a copy to:

Fairfax County Facilities Management Department
12000 Government Center Parkway, Suite 424
Fairfax, VA 22035
Attention: Michael Lambert, Assistant Director
michael.lambert@fairfaxcounty.gov

and

Office of the County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Attention: County Attorney
ryan.wolf@fairfaxcounty.gov

If to the Developer:

Niels ten Berge
1308 Vincent Place
McLean, VA 22101
Niels@alpine-X.com

and:

Brad Ryan
1308 Vincent Place
McLean, VA 22101
Brad@alpine-X.com

With a copy to:

Cooley LLP
11951 Freedom Drive, Suite 1400
Reston, VA 20190
Attention: Mark C. Looney
mlooney@cooley.com

- B. A Notice given in accordance with this Agreement will be effective upon receipt or refusal by the Party to which it is given.
- C. For convenience, Notices may be sent via email; however, such email Notice will not be considered effective until the original Notice is received by the Party to which it is given pursuant to one of the delivery methods described in Section 11(a) above.
- D. Either Party may change its Notice address from time to time by informing the other Party in writing of such new address.

Section 5: Miscellaneous.

- A. **Entire Agreement.** This Agreement, together with its Recitals and the attached Exhibits, all of which are incorporated by reference, is the entire agreement between the Parties. The terms of this Agreement may be amended or modified only by a written instrument executed by the Parties.
- B. **Severability.** If any provision of this Agreement or its application to any party or circumstances is determined by any court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Agreement or the application of such provision to such person or circumstances, other than those as to which it is so determined invalid or unenforceable, will not be affected, and each provision of this Agreement will be valid and will be enforced to the fullest extent permitted by law.
- C. **Applicable Law.** This Agreement and any dispute, controversy, or proceeding arising out of or relating to this Agreement (whether in contract, tort, common or statutory law, equity

or otherwise) will be governed by Virginia law, without regard to conflict of law principles of Virginia or of any other jurisdiction that would result in the application of laws of any jurisdiction other than Virginia.

- D. Venue. All claims and litigation arising out of or related to this Agreement must be brought and resolved in the courts of the Commonwealth of Virginia located in the County of Fairfax, Virginia, or U.S. District Court for the Eastern District of Virginia, Alexandria Division.
- E. Assignability. The Developer does not have the right to assign this Agreement. An "assignment" for purposes of this Section 5(E) will include any change in the direct or indirect control of the Developer.
- F. Captions; Interpretation. The captions of this Agreement are for reference only and do not describe the intent of this Agreement or otherwise alter the terms of this Agreement. When a reference is made in this Agreement to an Article, a Section, or an Exhibit, such reference is to an Article of, a Section of, or an Exhibit to this Agreement. Whenever the words "include," "includes," or "including" are used in this Agreement, they will be deemed to be followed by the words "without limitation." The definitions contained in this Agreement are applicable to the singular as well as to the plural forms of such terms and to the masculine, feminine, and non-genders of such terms. Whenever the context requires, any pronouns used in this Agreement include the corresponding masculine, feminine, or non-gender forms.
- G. No Partnership. Nothing contained in this Agreement will be construed to create a partnership or joint venture between the Parties or their successors or permitted assigns.
- H. Time of Essence. Time is of the essence with respect to the performance of the obligations of the Parties under this Agreement.
- I. Counterparts and Distribution. This Agreement may be executed and delivered in any number of counterparts, in the original or by electronic transmission, each of which so executed and delivered will be deemed to be an original and all of which will constitute one and the same instrument.
- J. Waiver. No waiver of any breach of this Agreement will be deemed a waiver of any preceding or succeeding breach under this Agreement or any other agreement. No extension of time for the performance of any obligation or act will be deemed an extension of time for the performance of any other obligation or act.
- K. Business Days. If any date set forth in this Agreement for the performance of any obligations by the Parties or for the delivery of any instrument or notice falls on a Saturday, Sunday, Legal Holiday, or day in which Fairfax County governmental offices are closed, the compliance with such obligations or delivery will be deemed acceptable on the next business day following such Saturday, Sunday, Legal Holiday, or closing. The term "Legal

Holiday” will mean any Fairfax County, Commonwealth of Virginia, or federal holiday on which post offices are closed in Virginia.

- L. Waiver of Jury Trial. The Parties each waive all rights to a trial by jury in any claim, action, proceeding or counterclaim arising out of or in any way connected with this Agreement.
- M. Disclosure of Materials and Studies. Unless approved in writing by the County, the Developer may not sell or give to any individual or organization (exempting the Developer’s consultants, partners, and agents involved in the Project and its design) any information, reports, or other materials given to, prepared or assembled by the Developer or its consultants under this Agreement or otherwise publicize Developer’s role and involvement with the Property. Any public announcement of the proposed Project must be fully coordinated with the County.
- N. Americans with Disabilities Act.
 - 1. Fairfax County Government is fully committed to the Americans with Disabilities Act (ADA) which guarantees non-discrimination and equal access for persons with disabilities in employment, public accommodations, transportation, and all County programs, activities, and services. Fairfax County government contractors, subcontractors, vendors, and suppliers are subject to this ADA policy. The Developer must make the same commitment and the Developer’s execution of this Agreement is an express acknowledgement of the Developer’s commitment and compliance with ADA.
 - 2. Fairfax County is committed to a policy of nondiscrimination in all County programs, services, and activities and will provide reasonable accommodations upon request. Anyone requesting special accommodations should call the Department ADA representative at 703-324-3201 or TTY 1-800-828-1140. Please allow seven working days in advance of the event to make the necessary arrangements.
- O. Authorization to Conduct Business in the Commonwealth. In accordance with mandatory County policy, the Developer shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the *Code of Virginia* or as otherwise required by law. The Developer shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50, to be revoked or cancelled at any time during the term of this Agreement. Fairfax County may void any contract with a business entity if the business entity fails to remain in compliance with the provisions of this Section.
- P. Drug Free Workplace. During the performance of this Agreement, the Developer agrees to (i) provide a drug-free workplace for the Developer’s employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or

use of a controlled substance or marijuana is prohibited in the Developer's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Developer that the Developer maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this Section, "drug-free workplace" means a site for the performance of work done in conjunction with a specific contract awarded to the Developer in accordance with this Section, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of this Agreement.

- Q. Immigration Reform and Control Act. The Developer agrees that it does not, and shall not during the performance of this Agreement in the Commonwealth, knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and Control Act of 1986.
- R. Survival. All representations, warranties, and indemnities contained in this Agreement or in any instrument, document, or agreement delivered pursuant to this Agreement will survive termination of this Agreement unless otherwise provided herein.

Signatures appear on the following page.

[Signature Page to Interim Agreement – Fairfax Peak]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.


COUNTY:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,
a body corporate and politic

By: _____

Name: _____

Title: _____


Bryan J. Hill
County Executive

DEVELOPER:

ALPINE-X LLC,
a Virginia limited liability company

By: _____

Name: _____

Title: _____

[Signature Page to Interim Agreement – Fairfax Peak]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.

COUNTY:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,
a body corporate and politic

By: _____
Name:
Title:

DEVELOPER:

ALPINE-X LLC,
a Virginia limited liability company

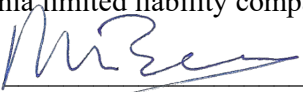
By:  _____
Name: Niels ten Berge
Title: CEO

EXHIBIT A – PARCEL 14

Please see the attached document.



GENERAL CIVIL
TRANSPORTATION
ENVIRONMENTAL
GEOGRAPHIC SCIENCES

January 10, 2002

**METES AND BOUNDS DESCRIPTION OF
PARCEL "H"
LORTON CORRECTIONAL COMPLEXES (LCC)
PLAT OF DIVISION
BASED ON THE BOUNDARY SURVEY PREPARED BY
GREENHORNE & O'MARA, INC.
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a corner to the lands of George M. Neall II, Trustee ~ Deed Book 7139 at Page 1987, said point also being the northwest corner of Lot 27, Section 1, Shirley Acres ~ Deed Book 966 at Page 128, and a corner of Parcel "E" of the Plat of Division; thence departing said lands of George M. Neall II, Trustee, and said Parcel "E", and with said Shirley Acres, Section 1, and then with the lands of Edward Katz, Trustee, ~ Deed Book 7198 at Page 1068, and then with the lands of Furnace Associates, Inc. ~ Deed Book 4777 at Page 164,

South 03°09'19" East, a distance of 1899.18 feet (passing through a found concrete monument at 343.62 feet, through a found concrete monument at 693.62 feet, through a found concrete monument at 1099.25 feet, and through a found concrete monument at 1499.13 feet) to a point, said point being South 60°39'16" East, 2.00 feet from a twin Maple tree; thence continuing with said lands of Furnace Associates, Inc.

South 37°21'19" West, a distance of 2387.36 feet (passing through a set concrete monument at 600.00 feet, through a set concrete monument at 1195.74 feet, through a found concrete monument at 1242.11 feet, through a found concrete monument at 1422.24 feet, and through a found concrete monument at 1922.24 feet) to an iron pipe set, said pipe being a corner to Parcel "T" of the Plat of Division; thence departing the lands of Furnace Associates, Inc. and with the lands of said Parcel "T" the following thirty four (34) courses and distances:

North 55°56'38" West, a distance of 271.77 feet; thence
South 37°54'47" West, a distance of 295.00 feet; thence
North 52°30'56" West, a distance of 229.91 feet; thence
South 88°23'40" West, a distance of 520.61 feet; thence
South 24°59'42" West, a distance of 1418.18 feet; thence
South 47°46'12" East, a distance of 480.18 feet; thence
South 37°20'28" West, a distance of 42.32 feet; thence
South 52°24'19" East, a distance of 57.08 feet; thence

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Page 2
 Parcel "H"
 Lorton Correctional Complexes (LCC)
 January 10, 2002

North 37°51'08" East, a distance of 41.01 feet; thence
 South 37°16'07" East, a distance of 28.10 feet; thence
 South 20°08'55" West, a distance of 543.64 feet; thence
 South 67°27'15" West, a distance of 533.64 feet; thence
 North 50°35'38" West, a distance of 91.54 feet; thence
 North 74°44'56" West, a distance of 545.00 feet; thence
 South 84°42'12" West, a distance of 538.01 feet; thence
 South 07°27'10" West, a distance of 256.37 feet; thence
 North 79°31'19" West, a distance of 300.26 feet; thence
 North 08°45'40" East, a distance of 166.22 feet; thence
 South 80°24'03" West, a distance of 212.78 feet; thence
 South 76°40'38" West, a distance of 54.54 feet; thence
 South 67°24'52" West, a distance of 98.52 feet; thence
 South 19°26'56" West, a distance of 45.63 feet; thence
 South 62°32'56" West, a distance of 71.18 feet; thence
 North 54°36'03" West, a distance of 139.55 feet; thence
 South 85°11'41" West, a distance of 63.29 feet; thence
 North 43°07'53" West, a distance of 357.74 feet; thence
 North 14°48'40" West, a distance of 364.50 feet; thence
 North 03°49'08" East, a distance of 539.91 feet; thence
 North 12°05'16" East, a distance of 1020.06 feet; thence
 North 19°46'56" East, a distance of 664.11 feet; thence
 North 10°21'43" East, a distance of 221.13 feet; thence
 North 05°08'31" West, a distance of 228.25 feet; thence
 North 15°14'38" West, a distance of 607.84 feet; thence

North 22°24'06" East, a distance of 568.17 feet to an iron pipe set, said pipe being a corner to Parcel "G" of the Plat of Division; thence departing the lands of said Parcel "T" and with the lands of said Parcel "G" the following four (4) courses and distances:

North 00°29'44" West, a distance of 290.34 feet; thence
 North 06°53'35" West, a distance of 261.70 feet; thence
 North 55°15'02" East, a distance of 486.80 feet; thence

North 01°42'33" West, a distance of 445.36 feet to an iron pipe set, said pipe being a corner to Parcel "E" of the Plat of Division; thence departing the lands of said Parcel "G" and with the lands of said Parcel "E" the following three (3) courses:

South 89°16'28" East, a distance of 980.05 feet; thence
 South 77°59'25" East, a distance of 1633.25 feet; thence

Page 3
Parcel "H"
Lorton Correctional Complexes (LCC)
January 10, 2002

North 59°16'42" East, a distance of 1291.92 feet to a point in the centerline of Furnace Road ~ Virginia State Route #611 ~ 30' prescriptive right-of-way, thence departing centerline of said Furnace Road and continuing with the lands of said Parcel "E",

North 80°18'59" East, a distance of 1122.32 feet to the Point of Beginning

Containing 512.6690 ACRES of land, more or less.

DMD/em

EXHIBIT B – PARCEL 15

Please see the attached document.



GENERAL CIVIL
TRANSPORTATION
ENVIRONMENTAL
GEOGRAPHIC SCIENCES

January 10, 2002

**METES AND BOUNDS DESCRIPTION OF
PARCEL "T"
LORTON CORRECTIONAL COMPLEXES (LCC)
PLAT OF DIVISION
BASED ON THE BOUNDARY SURVEY PREPARED BY
GREENHORNE & O'MARA, INC.
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point in the centerline of Ox Road ~ Virginia State Route #123 ~ 30' prescriptive right-of-way, said point being a corner to the lands of Fairfax County Water Authority and Parcel "G" of the Plat of Division; thence departing the centerline of said Ox Road and the lands of said Fairfax County Water Authority and with the lands of said Parcel "G" the following two (2) courses:

South 77°50'42" East, a distance of 33.77 feet; thence

South 64°43'24" East, a distance of 923.51 feet to an iron pipe set, said pipe being a corner to Parcel "H" of the Plat of Division; thence departing said Parcel "G" and with the lands of said Parcel "H" the following thirty five (35) courses and distances:

South 22°24'06" West, a distance of 568.17 feet; thence
South 15°14'38" East, a distance of 607.84 feet; thence
South 05°08'31" East, a distance of 228.25 feet; thence
South 10°21'43" West, a distance of 221.13 feet; thence
South 19°46'56" West, a distance of 664.11 feet; thence
South 12°05'16" West, a distance of 1020.06 feet; thence
South 03°49'08" West, a distance of 539.91 feet; thence
South 14°48'40" East, a distance of 364.50 feet; thence
South 43°07'53" East, a distance of 357.74 feet; thence
North 85°11'41" East, a distance of 63.29 feet; thence
South 54°36'03" East, a distance of 139.55 feet; thence
North 62°32'56" East, a distance of 71.18 feet; thence
North 19°26'56" East, a distance of 45.63 feet; thence
North 67°24'52" East, a distance of 98.52 feet; thence
North 76°40'38" East, a distance of 54.54 feet; thence
North 80°24'03" East, a distance of 212.78 feet; thence
South 08°45'40" West, a distance of 166.22 feet; thence

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Page 2
Parcel 'T'
Lorton Correctional Complexes (LCC)
January 10, 2002

South 79°31'19" East, a distance of 300.26 feet; thence
North 07°27'10" East, a distance of 256.37 feet; thence
North 84°42'12" East, a distance of 538.01 feet; thence
South 74°44'56" East, a distance of 545.00 feet; thence
South 50°35'38" East, a distance of 91.54 feet; thence
North 67°27'15" East, a distance of 533.64 feet; thence
North 20°08'55" East, a distance of 543.64 feet; thence
North 37°16'07" West, a distance of 28.10 feet; thence
South 37°51'08" West, a distance of 41.01 feet; thence
North 52°24'19" West, a distance of 57.08 feet; thence
North 37°20'28" East, a distance of 42.32 feet; thence
North 47°46'12" West, a distance of 480.18 feet; thence
North 24°59'42" East, a distance of 1418.18 feet; thence
North 88°23'40" East, a distance of 520.61 feet; thence
South 52°30'56" East, a distance of 229.91 feet; thence
North 37°54'47" East, a distance of 295.00 feet; thence

South 55°56'38" East, a distance of 271.77 feet to an iron pipe set in the line of the lands of Furnace Associates, Inc. ~ Deed Book 4777 at Page 164; thence departing said Parcel "H" and with the lands of said Furnace Road Associates,

South 37°21'19" West, a distance of 35.13 feet to a set concrete monument; thence continuing with said lands of Furnace Associates, Inc. the following two (2) courses and distances:

South 41°58'22" East, a distance of 443.56 feet; thence

South 42°25'22" East, a distance of 673.99 feet (passing 1.27 feet right of a found concrete monument at 299.87 feet, and through a set concrete monument at 650.00 feet) to a point in the centerline of Furnace Road ~ Virginia State Route #611 ~ variable width and prescriptive right-of-way; thence with the centerline of said Furnace Road the following five (5) courses and distances:

South 01°18'52" East, a distance of 105.29 feet; thence
South 05°01'05" East, a distance of 95.61 feet; thence
South 07°31'01" East, a distance of 100.92 feet; thence
South 12°48'08" East, a distance of 98.08 feet; thence

South 22°37'27" East, a distance of 66.96 feet to a point; thence departing the centerline of said Furnace Road, and with the lands of W. & N. Company ~ Deed Book 6404 at Page 331, and then with another parcel of the lands of W. & N. Company ~ Deed Book 6404 at Page 331,

Page 3
 Parcel "T"
 Lorton Correctional Complexes (LCC)
 January 10, 2002

South 41°44'13" West, a distance of 950.11 feet (passing through a found iron pipe at 16.69 feet, and through a found concrete monument at 450.17 feet) to a point, said point being North 42°31'18" East, 0.26 feet from a found iron pipe; thence continuing with the lands of W. & N. Company, and then with another parcel of the lands of Furnace Associates, Inc. ~ Deed Book 5227 at Page 780,

South 82°20'26" East, a distance of 1123.85 feet (passing through a found concrete monument at 79.84 feet, through a found concrete monument at 500.01 feet, 0.22 feet left of a disturbed found concrete monument at 975.47 feet, and through a found concrete monument at 1100.46 feet) to a point in the centerline of the aforesaid Furnace Road; thence with the centerline of said Furnace Road the following eight (8) courses and distances:

South 27°39'53" East, a distance of 30.20 feet; thence
 South 30°07'37" East, a distance of 329.82 feet; thence
 South 31°46'16" East, a distance of 259.93 feet; thence
 South 29°54'30" East, a distance of 83.90 feet; thence
 South 23°59'33" East, a distance of 92.22 feet; thence
 South 19°40'27" East, a distance of 91.41 feet; thence
 South 16°27'08" East, a distance of 85.45 feet; thence

South 13°52'07" East, a distance of 37.20 feet to a point; thence departing the centerline of said Furnace Road, and with the lands of Colchester Land Company, L.L.C. ~ Deed Book 9445 at Page 109, the following twenty-one (21) courses and distances:

South 53°09'11" West, a distance of 3130.36 feet (passing through a found concrete monument at 21.29 feet, through a found concrete monument at 351.61 feet, through a found concrete monument at 745.88 feet, through a found concrete monument at 1107.55 feet, through a found concrete monument at 1515.88 feet, through a found concrete monument at 2000.95 feet, through a found concrete monument at 2516.05 feet, and through a found concrete monument at 3085.37 feet; thence

North 14°46'18" West, a distance of 183.98 feet; thence
 North 27°03'12" West, a distance of 81.00 feet; thence
 North 05°56'12" West, a distance of 82.17 feet; thence
 North 61°47'22" West, a distance of 30.14 feet; thence
 North 60°50'42" West, a distance of 192.62 feet; thence
 North 76°29'42" West, a distance of 156.75 feet; thence
 North 55°30'02" West, a distance of 84.25 feet; thence
 North 65°47'22" West, a distance of 272.55 feet; thence
 North 37°39'02" West, a distance of 203.48 feet; thence
 North 81°58'02" West, a distance of 32.17 feet; thence
 South 45°58'28" West, a distance of 91.19 feet; thence

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 Parcel "P"
 Lorton Correctional Complexes (LCC)
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South 18°27'48" West, a distance of 135.13 feet; thence
 South 67°16'38" West, a distance of 148.76 feet; thence
 South 30°44'52" East, a distance of 428.59 feet; thence
 South 65°03'12" East, a distance of 54.00 feet; thence
 South 31°54'32" East, a distance of 206.66 feet (passing through a found concrete monument at 156.66 feet); thence
 South 82°54'18" West, a distance of 64.78 feet; thence
 South 29°00'18" West, a distance of 355.81 feet; thence
 South 13°20'38" West, a distance of 167.10 feet; thence

South 46°50'32" East, a distance of 182.95 feet to a point on the shore line of the Occoquan River;
 thence with the shore line of said Occoquan River the following thirty-four (34) courses and distances:

North 82°20'12" West, a distance of 230.20 feet; thence
 North 68°37'22" West, a distance of 257.19 feet; thence
 North 88°19'02" West, a distance of 187.17 feet; thence
 North 75°52'52" West, a distance of 227.31 feet; thence
 North 58°11'57" West, a distance of 276.78 feet; thence
 North 41°22'51" West, a distance of 105.87 feet; thence
 North 01°56'11" East, a distance of 211.90 feet; thence
 North 00°21'53" East, a distance of 89.79 feet; thence
 North 21°36'37" West, a distance of 306.42 feet; thence
 North 06°31'39" East, a distance of 106.97 feet; thence
 North 06°46'42" West, a distance of 194.29 feet; thence
 North 15°38'46" West, a distance of 94.85 feet; thence
 North 02°02'48" West, a distance of 214.07 feet; thence
 North 31°12'18" West, a distance of 240.82 feet; thence
 North 18°46'13" West, a distance of 92.58 feet; thence
 North 29°19'35" West, a distance of 132.29 feet; thence
 North 50°10'28" West, a distance of 124.39 feet; thence
 North 24°50'24" West, a distance of 129.16 feet; thence
 North 59°56'35" West, a distance of 86.38 feet; thence
 North 28°31'35" West, a distance of 99.93 feet; thence
 North 44°57'08" West, a distance of 114.06 feet; thence
 North 46°54'20" West, a distance of 122.60 feet; thence
 North 38°49'36" West, a distance of 460.53 feet; thence
 North 27°20'38" West, a distance of 70.45 feet; thence
 North 39°30'51" West, a distance of 132.59 feet; thence
 North 38°32'03" West, a distance of 334.42 feet; thence
 North 22°40'25" West, a distance of 166.84 feet; thence
 North 41°56'50" West, a distance of 87.14 feet; thence
 North 47°42'17" West, a distance of 58.00 feet; thence
 North 47°00'18" West, a distance of 78.64 feet; thence

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Parcel "T"
Lorton Correctional Complexes
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North 52°12'39" West, a distance of 61.84 feet; thence
North 44°09'33" West, a distance of 243.03 feet; thence
North 52°25'52" West, a distance of 169.70 feet; thence

North 60°04'15" West, a distance of 123.27 feet to a point on the eastern right-of-way line of Ox Road ~ Virginia State Route #123 ~ variable right-of-way and prescriptive right-of-way; thence departing shoreline of said Occoquan River, and with eastern right-of-way line of said Ox Road the following six (6) courses and distances:

North 05°55'12" East, a distance of 144.04 feet; thence
North 23°00'49" East, a distance of 142.57 feet; thence
North 04°24'36" West, a distance of 153.14 feet; thence
North 02°39'12" West, a distance of 284.03 feet; thence
North 05°33'04" East, a distance of 239.80 feet; thence

North 01°27'04" West, a distance of 45.60 feet to a found concrete monument, said monument being a corner of the lands of Newton Asphalt Company Incorporated of Virginia ~ Deed Book 5431 at Page 1105; thence departing eastern right-of-way line of said Ox Road, and with lands of said Newton Asphalt Company Incorporated of Virginia and then with the lands of Virginia Public Service Company ~ Deed Book C-11 at Page 279,

North 24°15'38" East, a distance of 1959.29 feet (passing through a set concrete monument at 458.62 feet, through a found concrete monument at 958.55 feet, and through a found concrete monument at 1458.51 feet) to a found concrete monument; thence continuing with the lands of said Virginia Public Service Company,

North 65°07'31" West, a distance of 553.88 feet to a point in the centerline of the aforesaid Ox Road, said point also being a corner of the lands of Fairfax County Water Authority ~ Deed Book 10373 at Page 1122; thence departing said Virginia Public Service Company and with the centerline of said Ox Road and the lands of said Fairfax County Water Authority the following ten (10) courses and distances:

North 17°25'01" East, a distance of 135.23 feet; thence
North 08°58'36" East, a distance of 140.49 feet; thence
North 01°57'18" West, a distance of 94.46 feet; thence
North 05°25'49" West, a distance of 237.79 feet; thence
North 08°37'53" West, a distance of 66.29 feet; thence
North 18°54'17" West, a distance of 107.03 feet; thence
North 25°41'36" West, a distance of 84.80 feet; thence
North 20°25'45" West, a distance of 61.62 feet; thence
North 07°47'07" West, a distance of 51.65 feet; thence
North 06°41'12" East, a distance of 48.34 feet to the Point of Beginning

Containing 417.5254 ACRES of land, more or less.

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EXHIBIT C – PROJECT AREA

The “Project Area” is the area within the yellow boundary on the attached document.

EXHIBIT D – RIGHT OF ENTRY AGREEMENT

Please see the attached document.

EFFECTIVE DATE: May 11, 2020

**FAIRFAX COUNTY
RIGHT OF ENTRY AGREEMENT**

RE: I-95 Landfill Complex, Lorton

THIS RIGHT OF ENTRY AGREEMENT (“Agreement”) by and between **THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (the “County”) and **ALPINE-X LLC** (the “Developer”).

RECITALS

WHEREAS, the County owns that certain parcel of real property having Fairfax County Tax Map Parcel Number 113-1 ((1)), Parcel 14 (“Parcel 14”); and

WHEREAS, Developer desires to enter that portion of Parcel 14 contained within the golden boundary line on graphic on the attached Exhibit A (such portion, the “Property”) for the purpose of performing certain Feasibility Studies (as defined below) in anticipation of negotiating an agreement with the County for the development of the Property pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002, Chapter 22.1 of Title 56 of the Virginia Code (“PPEA”).

NOW, THEREFORE, in consideration of the Recitals, which are incorporated into this Agreement by reference, the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Right of Entry. Subject to the terms and conditions of this Agreement, starting on the Effective Date and continuing until the Expiration Date, the County grants the Developer and its employees, agents, contractors, and invitees (collectively, “Agents”) the right to enter the Property at any time during daylight hours Monday through Saturday for performing the tasks described on Exhibit B to this Agreement (the “Feasibility Studies”). For clarity, the Property includes only those portions of Parcel 14 within the golden boundary line on the graphic on Exhibit A; it does not include other areas within Parcel 14 that are outside the golden line on Exhibit A. Other than the Feasibility Studies, Developer shall make no other use of the Property and shall perform no other activities on the Property without the County’s prior written approval.

2. Expiration; Termination. This Agreement will automatically expire (without further action by the County) at 11:59 p.m. on December 31, 2020 (the “Expiration Date”). The County and the Developer may mutually agree in writing to extend the Expiration Date, but neither party is under any obligation to do so. Notwithstanding the foregoing, the County may revoke this Agreement

at any time by notice delivered to Developer at the address set forth in Section 11 of this Agreement.

3. Prerequisites to Entry. Before entering the Property for each component of the Feasibility Studies (whether conducted individually or collectively), Developer must:

a. Provide proof of insurance as required in Section 10 of this Agreement; and

b. Provide advance notice (via email to each of John Kellas (john.kellas@fairfaxcounty.gov), Eric Forbes (eric.forbes@fairfaxcounty.gov), and Robert Glenn (robert.glenn@fairfaxcounty.gov)) and receive the County's approval (by email from one of the three named recipients) to proceed, such approval not to be unreasonably withheld or delayed.

4. Performance of Feasibility Studies.

a. During initial clearing and grubbing, Developer and its Agents will identify all County monitoring wells, whether active or abandoned, that are located within the areas of actual work or investigation pursuant to the Feasibility Studies and surround them with orange construction fencing to prevent disturbance.

b. If, as a result of Developer's Feasibility Studies, subsurface trash or waste is disturbed or exposed, Developer will document, photograph, and locate via GPS each area of exposed trash, including the depth discovered and the surface area of the waste. The Developer will remove at its cost any such exposed or disturbed trash to an active portion of the landfill, if any, the adjacent resource recovery facility, or to another facility appropriate to receive the material(s). Developer and its Agents will use its best efforts to cap areas of exposed waste by the end of each working day with clay or synthetic material to seal the waste areas. The cap will comply with the Property's closure plan and applicable permits. When daily cap repair is not practically achievable, the Developer will provide a temporary cover of either 6" of dirt, a tarp or other approved material to minimize infiltration and prevent surface litter, provided that such temporary measure is replaced with a permanent cap within three (3) days. No stock piling of waste is authorized. Developer and its Agents must notify the County at the close of business of each working day of the discovery of any subsurface waste or trash disturbed or exposed by Developer or its Agents.

c. The Developer and its Agents will coordinate with the County to allow the County to arrange for site inspection during all work associated with the Feasibility Studies. The Developer and its Agents will, upon request, (i) allow the County and its designated consultant(s) (as identified by the County to the Developer) such access to the Feasibility Study work areas as the County or its consultant may deem necessary from time to time to monitor the work of the Feasibility Studies and (ii) provide the County's consultant with such information regarding the work of the Feasibility Studies as the consultant may reasonably require.

d. Developer and its Agents will coordinate with the County for any temporary modifications to the existing drainage systems if impacted by the Feasibility Studies. Developer

and/or its Agents will modify and connect any underground pipes that become exposed to daylight by new slopes to new project drainage features that meet County and DEQ requirements.

e. Encountering methane should be expected. When conducting the Feasibility Studies, Developer and its Agents will employ appropriate methane detection and mitigation measures at all times in accordance with industry standards for comparable studies or investigative work.

f. The County will provide Developer with a copy of the I-95 safety plan. Developer and its Agents must immediately stop work upon notification from County staff that work is being conducted in an unsafe manner and, in the view of the County, poses a risk to the Property and/or the surrounding area. In such event, Developer and its Agents may not resume work until County staff and the Developer agree upon modifications or measures intended to address the alleged deficiencies.

g. Developer and its Agents will comply with all applicable laws, ordinances and OSHA safety protocols related to construction-related activities while conducting the Feasibility Studies on the Property. Developer and its Agents will provide and adequately maintain any barricades, fences, signs, lanterns and other suitable devices as deemed necessary by OSHA guidelines for employee and public safety with respect to the Feasibility Studies performed under this Agreement.

h. During periods of actual work related to the Feasibility Studies, Developer and its Agents will maintain the security of each of its work sites on the Property to the reasonable satisfaction of the County for the purpose of limiting access to the Feasibility Study work areas to only Developer and its Agents. Developer and its Agents will each maintain all its work areas on the Property in a clean and presentable manner.

i. The County and the Developer may add to the scope of the Feasibility Studies by amending this Agreement (including Exhibits A and B) in writing, neither party being under any obligation to do so.

j. Notwithstanding anything in this Agreement to the contrary, Developer and its Agents will not dig or drill to, or otherwise disturb, existing subgrade or landfill base. If the depth of the subgrade and/or landfill base cannot be determined at given location, Developer and its Agents will not dig or drill in or otherwise disturb such location without the County's prior written approval.

5. Restoration. Except as provided in Section 4 above regarding the potential installation of new caps, Developer, at its own expense, will promptly restore, as near as reasonably possible, those portions of the Property disturbed by Developer and/or its Agents to their original condition(s) in accordance with the Property's closure plan and applicable permits. Developer and its Agents will coordinate with the County before commencing any such restoration work.

6. Hazardous Materials.

a. Developer acknowledges that the Property is the site of a closed landfill and may contain Hazardous Materials (as defined below). If Developer or its Agents discovers any Hazardous Materials on the Property that would not otherwise reasonably be expected to be discovered when conducting the Feasibility Studies on a closed landfill, such as evidence of potential chemical contamination or leak, it or they will immediately notify the County.

b. "Hazardous Materials" means (a) asbestos and any asbestos containing material and any substance that is then defined or listed in, or otherwise classified pursuant to, any Environmental Law (as defined below) or any other applicable law as a "hazardous substance," "hazardous material," "hazardous waste," "infectious waste," "toxic substance," "toxic pollutant" or any other formulation intended to define, list or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, toxicity, reproductive toxicity or Toxicity Characteristic Leaching Procedure (TCLP) toxicity; (b) any petroleum and drilling fluids, produced waters and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal resources; and (c) any petroleum product, polychlorinated biphenyls, urea formaldehyde, radon gas, radioactive material (including any source, special nuclear or by-product material), medical waste, chlorofluorocarbon, lead or lead-based product and any other substance the presence of which could be detrimental to the Property or hazardous to health or the environment.

i. "Environmental Law" means any present and future law and any amendments (whether common law, statute, rule, order, regulation or otherwise), permits and other requirements or guidelines of governmental authorities applicable to the Property and relating to the environment and environmental conditions or to any Hazardous Material (including, without limitation, CERCLA, 42 U.S.C. § 9601 et seq.; the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq.; the Hazardous Materials Transportation Act, 49 U.S.C. § 1801 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.; the Clean Air Act, 42 U.S.C. § 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; the Safe Drinking Water Act, 42 U.S.C. § 300f et seq.; the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 1101 et seq.; the Occupational Safety and Health Act, 29 U.S.C. § 651 et seq.; and any so-called "Super Fund" or "Super Lien" law, any law requiring the filing of reports and notices relating to hazardous substances, environmental laws administered by the Environmental Protection Agency and any similar state and local Laws, all amendments thereto and all regulations, orders, decisions and decrees now or hereafter promulgated thereunder concerning the environment, industrial hygiene or public health or safety

7. Election Not to Proceed; Reports. In the event either the County or the Developer notifies the other of its intent not to proceed with execution of a Interim Agreement pursuant to the PPEA process, Developer must, promptly following such notice, deliver to the County or destroy all materials or reports in Developer's possession prepared or obtained through the Feasibility Studies and must deliver to the County a certified statement that all work that could give rise to a lien against the Property has been paid in full. Before any such notice, the County may request information and/or reports prepared or obtained through the Feasibility Studies as part of PPEA negotiations.

8. Equipment.

a. Developer and its Agents may store equipment on the Property during the term of this Agreement; provided, however, that Developer and its Agents shall be solely responsible for securing such equipment on the Property, and the County will not be liable for any theft or damage to any equipment stored by Developer on the Property.

b. At the expiration or termination of this Agreement, the Developer will remove all tools, equipment, and other personal property from the Property at its sole cost. This provision survives the expiration or earlier termination of this Agreement.

9. Indemnification. Developer will indemnify and hold harmless the County and its officials, officers, employees, and agents:

a. From and against any and all claims, demands, damages, suits, actions, proceedings, judgments, decrees, orders, fines, costs, and expenses (including reasonable attorney's fees) due to any damage to property, injury or death of any person, or otherwise as a result of the entry upon or activities within the Property by the Developer, its employees, Agents, or independent contractors occurring in connection with, or arising out of the performance of the work permitted by this Agreement; provided, however, the foregoing indemnity shall exclude any claims or liabilities caused by the gross negligence or willful misconduct of the County;

b. From all liabilities, remedial costs, environmental claims, fees, or other expenses directly related to, arising from, or attributable to (i) any Hazardous Materials introduced by the Developer on the Property or (ii) Developer's activities involving Hazardous Materials on the Property, to the extent that Developer is either negligent in such activities or in breach of the terms of this Agreement (e.g., failure to appropriately install a cap). The foregoing indemnity excludes any claims or liabilities caused by the gross negligence or willful misconduct of the County; and

c. From any claims by contractors or subcontractors who perform any activity on the Property; provided, however, the foregoing indemnity shall exclude any claims or liabilities caused by the gross negligence or willful misconduct of the County. This Agreement must not be construed as granting the Developer or any contractor of the Developer the right to place any lien, mechanic's lien, or any charge on the Property.

10. Insurance.

a. Developer and/or its Agents will obtain and maintain throughout the term of this Agreement the following types of insurance:

i. Statutory Workers' Compensation and Employer's Liability insurance in limits of not less than \$1,000,000 to protect from any liability or damages for any injuries (including death and disability) to any and all of its employees, including any and all liability or damage which may arise by virtue of any statute or law in force within the Commonwealth of Virginia.

ii. Commercial General Liability insurance in the amount of \$1,000,000 per occurrence/aggregate, to protect the Developer, its Agents, and the interest of the County, its officers and employees against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the Contract or in connection with the contracted work.

iii. Owned, non-owned, and hired Automobile Liability insurance, in the amount of \$1,000,000 per occurrence/aggregate, including property damage, covering all owned, non-owned, borrowed, leased, or rented vehicles operated by the Developer or its Agents. In addition, all mobile equipment used by the Developer or its Agents in connection with the contracted work, will be insured under either a standard Automobile Liability policy, or a Commercial General Liability policy.

b. The County and its officials, officers, employees, and agents will be named as “additional insured” on the General Liability and automobile policies.

c. Each of the insurance policies required by this Section 10 must be issued by companies licensed and authorized to do business in the Commonwealth of Virginia and having a Best’s Key Rating of at least A:VII.

d. For so long as this Agreement remains effective, Developer may not cancel, terminate or modify (except to increase the amount of coverage) the required insurance policies without providing thirty (30) days’ prior written notice from Developer to the County. If the required insurance policies should be canceled, terminated, or modified, so that the insurance is not in full force and effect, then the County may terminate this Agreement immediately, without prior notice or right to cure by the Developer

e. Evidence of the requisite insurance policies in the form of certificates of insurance must be submitted to the County before entry by Developer or its Agents onto the Property and from time to time at the County’s request. The insurance certificates must state that the coverage “is primary to all other coverage the County may possess.”

11. Notice.

a. Except as set forth in Paragraph 3 above, all notices, demands or other communications sent under this Agreement (“Notice”) must be in writing. Notices must be given by (i) personal delivery or (ii) a nationally recognized, next-day courier service, addressed as follows:

If to the County:

Fairfax County Department of Public Works & Environmental Services
12000 Government Center Parkway, Suite 548
Fairfax, VA 22035
Attention: John Kellas, Director of Solid Waste & Recycling
john.kellas@fairfaxcounty.gov

With a copy to:

Fairfax County Facilities Management Department
12000 Government Center Parkway, Suite 424
Fairfax, VA 22035
Attention: Michael Lambert, Assistant Director
michael.lambert@fairfaxcounty.gov

and

Office of the County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Attention: County Attorney
ryan.wolf@fairfaxcounty.gov

If to the Developer:

Niels ten Berge
1308 Vincent Place
McLean, VA22101
Niels@alpine-X.com

and:

Brad Ryan
1308 Vincent Place
McLean, VA22101
Brad@alpine-X.com

With a copy to:

Cooley LLP
11951 Freedom Drive, Suite 1400
Reston, VA 20190
Attention: Mark C. Looney
mlooney@cooley.com

b. A Notice given in accordance with this Agreement will be effective upon receipt or refusal by the party to which it is given.

c. For convenience, Notices may be sent via email; however, such email Notice will not be considered effective until the original Notice is received by the party to which it is given pursuant to one of the delivery methods described in Section 11(a) above.

d. Either party may change its Notice address from time to time by informing the other party in writing of such new address.

12. Miscellaneous.

a. Governing Law. This Agreement shall be governed by and construed under the laws of the Commonwealth of Virginia without regard to its conflict of laws statutes.

b. Survival. The obligations of Sections 4(b), 5, 8(b), and 9 will survive the expiration or other termination of this Agreement.

c. Waiver, Modification. Failure by either party to insist upon or enforce any of its rights hereto shall not constitute a waiver thereof, except where non-action is expressly described herein as such a waiver. This Agreement shall not be modified, amended, or altered except by a written agreement signed by the County and the Developer.

d. No Right, Title, or Interest. Nothing contained in this Agreement and no action or inaction by the County shall be deemed or construed to mean that the County has granted the Developer any right, power, or permission to do any act or make any agreement that may create, give rise to, or be the foundation for any right, title, interest, lien, or charge to the Property, including, but not limited to, the grant of an easement in the Property.

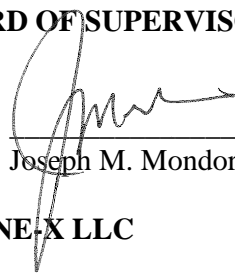
e. Time. With respect to all time periods contained in this Agreement, it is expressly understood that time is of the essence.

f. Appropriations. To the extent this Agreement is construed to impose any financial obligations upon the County, any such financial obligations shall be binding to the extent of appropriations by the Fairfax County Board of Supervisors.

g. Counterparts; Electronic Signature. This Agreement may be executed and delivered in any number of counterparts, in the original or by electronic transmission, each of which so executed and delivered will be deemed to be an original and all of which will constitute one and the same instrument.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By:



Joseph M. Mondoro, Chief Financial Officer

ALPINE-X LLC

By:

Niels ten Berge, Chief Executive Officer

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d. No Right, Title, or Interest. Nothing contained in this Agreement and no action or inaction by the County shall be deemed or construed to mean that the County has granted the Developer any right, power, or permission to do any act or make any agreement that may create, give rise to, or be the foundation for any right, title, interest, lien, or charge to the Property, including, but not limited to, the grant of an easement in the Property.

e. Time. With respect to all time periods contained in this Agreement, it is expressly understood that time is of the essence.

f. Appropriations. To the extent this Agreement is construed to impose any financial obligations upon the County, any such financial obligations shall be binding to the extent of appropriations by the Fairfax County Board of Supervisors.

g. Counterparts; Electronic Signature. This Agreement may be executed and delivered in any number of counterparts, in the original or by electronic transmission, each of which so executed and delivered will be deemed to be an original and all of which will constitute one and the same instrument.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: _____
Joseph M. Mondoro, Chief Financial Officer

ALPINE-X LLC

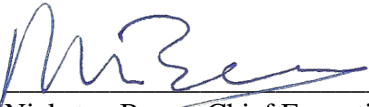
By:  _____
Niels ten Berge, Chief Executive Officer

EXHIBIT A

DESCRIPTION OF PROPERTY

Please see attached graphic.



EXHIBIT B

SCOPE OF WORK

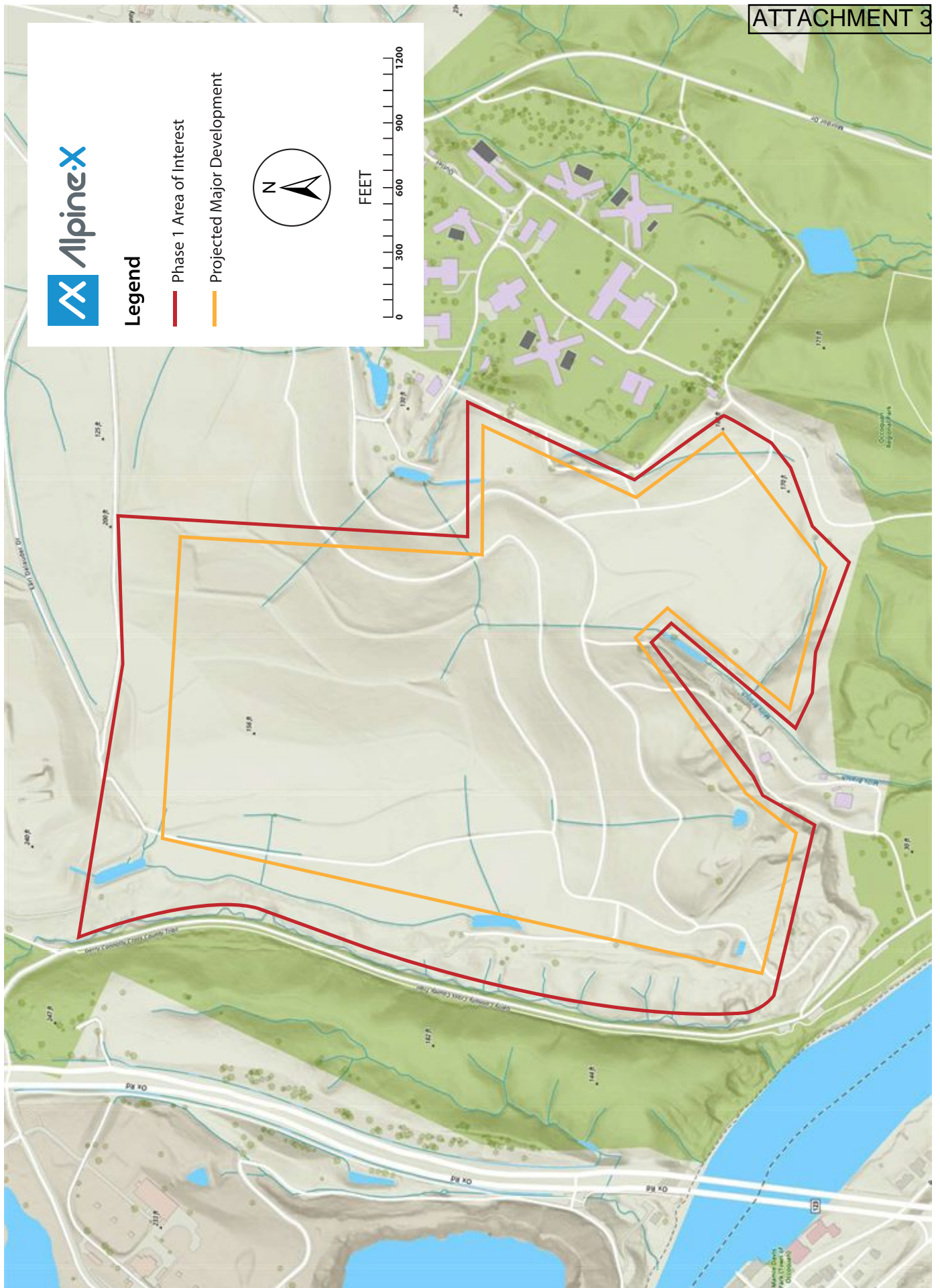
Please see attached document.



The current scope of the project is marked with the burgundy red line. The yellow area will be used for further exploration of the feasibility of building large construction on the landfill.

Expected Feasibility Surveys:

- ALTA (American Land Title Association) Survey
- UAV (unmanned aerial vehicle) topographical survey
- Ground Penetrating Radar (GPR) and Electrical Resistivity Testing
- Cone penetrometer test (CPT)
- Standard Penetration Testing
- Test pits (not expected)
- Geotechnical sampling of waste properties
- In-situ Permeability Testing and Evaluation (Pumping Tests)
- Soil/Groundwater/Surface Water/Leachate Sampling and Analysis
- Confirm access to utilities (grey water, water, heat, sewer, etc.)
- Groundwater and Seepage Analysis and Design
- Lateral Earth Pressure Estimates (Field Load Tests)
- Settlement Analyses and Monitoring
- Hydrologic Investigation and Analyses
- Erosion Inspections
- Hydraulic Analyses of Pipes, Channels, Ditches, etc.
- Phase 1 ESA (Environmental Site Assessments)



FIRST AMENDMENT TO INTERIM AGREEMENT & RIGHT OF ENTRY AGREEMENT

THIS **FIRST AMENDMENT TO INTERIM AGREEMENT & RIGHT OF ENTRY AGREEMENT** ("Amendment") is dated as of _____, 2021 ("Effective Date"), by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia ("County"), and **ALPINE-X LLC**, a Virginia limited liability company ("Developer"; together with the County, the "Parties").

RECITALS

- R-1. The Parties entered into the Interim Agreement, dated November 18, 2020 ("Interim Agreement"), regarding the potential development by the Developer of the Project, portions of which are proposed to be atop, along and near the County-owned I-95 Landfill Complex located on the Property ("Landfill"). (Each capitalized term used but not defined in this Amendment will have the definition given to such term in the Interim Agreement.)
- R-2. The Parties had previously entered into the Right of Entry Agreement, dated May 11, 2020 (as amended by the Interim Agreement, the "ROE"), to permit the Developer and its contractors to enter onto portions of the Property and perform certain initial, non-invasive due diligence work ("Initial Due Diligence"). The Interim Agreement extended the term of the ROE and amended certain of its other provisions.
- R-3. Because the Parties intended for the Developer to initially focus on the Initial Due Diligence, Section 4(j) of the ROE expressly prohibits the Developer and its Agents (as defined in the ROE) from drilling to, or otherwise disturbing, the existing subgrade or landfill base as part of the Initial Due Diligence.
- R-4. The Developer now seeks to perform, and the County wishes to provide access for, certain testing and assessment activities involving invasive methods such as drilling into, probing, and sampling, and otherwise disturbing or penetrating, the existing subgrade of certain portions of the Landfill cap, cover, contents and base, as well as subjacent and adjacent soils and bedrock, subject to and in accordance with the terms, conditions, and processes set forth in this Amendment (such activities, collectively, "Initial Subgrade Testing").

NOW, THEREFORE, in consideration of the mutual promises in this Amendment, and other valuable consideration, the receipt and legal sufficiency of which are acknowledged by the Parties, the Parties agree to the following amendments to the Interim Agreement and ROE:

1. Subject to the terms and conditions of this Amendment, the Developer and its Agents may perform the Initial Subgrade Testing as described herein at Developer's sole cost, expense, and risk. The Initial Subgrade Testing shall constitute part of the Feasibility Studies.

2. Except as expressly provided or contemplated herein, (a) all terms and conditions of this Amendment shall be considered additional to and not a substitute of the terms and conditions of the Interim Agreement and ROE, and (b) all terms and conditions of the Interim Agreement and ROE shall otherwise remain in effect and pertain to the Initial Subgrade Testing.

3. Developer shall plan, perform, and complete the Initial Subgrade Testing in accordance with the following conditions and procedures:

a. The Initial Subgrade Testing shall comply with and otherwise follow and abide by:

i. the I-95 Fairfax County Sanitary Landfill Solid Waste Permit 103, as amended (“Landfill Permit”), issued by the Virginia Department of Environmental Quality (“DEQ”);

ii. the current Post-Closure Care Plan for the Landfill (“Post-Closure Care Plan”), copies of which have been provided to the Developer and which Developer hereby affirms have been read and understood;

iii. all applicable laws, regulations, ordinances and rules, including without limitation the Virginia Waste Management Act, Va. Code §§ 10.1-1400 *et seq.*; the Virginia Solid Waste Management Regulations (9VAC20-81); the Virginia State Water Control Law, Va Code §§ 62.1-44.2 *et seq.*; the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAV25-31); and local ordinances pertaining to erosion and sediment control and construction stormwater management;

iv. Landfill health and safety rules and procedures as set forth in the Facility Rules & Regulations for the I-95 Landfill Complex, attached as Exhibit A and incorporated herein by this reference;

v. the Interim Agreement;

vi. the ROE;

vii. the document titled “Work Plan: Field Investigations at I-95 Landfill, Fairfax County, Virginia – Proposed Fairfax Peak Active Lifestyle Complex,” prepared by SCS Engineers (“SCS”), dated September 8, 2020, revised October 23, 2020, and may be revised in the future subject to County approval, which is attached to this Amendment as Exhibit B and incorporated herein by this reference (“Work Plan”), including the number and diameter of proposed borings; and

viii. the recommendations set forth in the memorandum dated November 9, 2020 from HDR Inc., the County’s consulting engineering firm (“HDR”), to the County and attached to this Amendment as Exhibit C and incorporated herein by this reference (“HDR Memo”).

b. Notwithstanding any provision of the Work Plan:

i. the Initial Subgrade Testing shall avoid penetration or damage to (A) any leachate collections system components or conveyances, (B) methane gas well, ventilation and safety systems, and (C) the concrete culvert structure over the preexisting stream located under the Landfill as described in the Landfill Permit and located on Landfill plans, and Developer shall coordinate the planning and implementation of the Initial Subgrade Testing with the County to minimize the risks of such situations; and

ii. if such situation does arise or occur, the Developer and its consulting engineers shall take all appropriate measures to mitigate and correct any such penetration and damage, consistent with Sections 4.b and 5 of the ROE.

c. Before performing any Initial Subgrade Testing activities at the Property: (i) the Developer must provide written notice to the County of the proposed location of each Initial Subgrade Testing activity and any related boring or sampling point and the expected dates over which such activity will occur; (ii) upon receipt of such notice from Developer, the County will promptly notify DEQ of such Initial Subgrade Testing activity proposed locations and dates, and (iii) the County must approve the Developer's proposed locations and dates for Initial Subgrade Testing and related activity, with officials from the County's Solid Waste Management Program of the Department of Public Works & Environmental Services specifically authorized to make on-site, in-field and appropriate adjustments to the final locations of the proposed Initial Subgrade Testing sites necessary to protect the Landfill Complex subsurface facilities (as enumerated in 3.b.i herein). If the County denies a proposed location or date, the County will provide a reasonable explanation for such denial.

d. Consistent with and without limiting in any manner Developer's obligations pursuant to Section 4.b of the ROE, upon suspension or completion of any Initial Subgrade Testing activity involving the penetration or disturbance of any portion or component of the Landfill, Developer shall, consistent with the terms of Section 5 of the ROE, install or perform such measures or best management practices as are contemplated by the Landfill Permit, the Post-Closure Care Plan, the Work Plan, and the HDR Memo to ensure that no boring, penetration, excavation, or disturbance of the Landfill is left open and unstabilized so as to allow erosion, settling, or other adverse impacts or effects to occur, including without limitation the repair of any cap, liner or other Landfill element or component, filling and closing of any borings using appropriate fill/closure material, and revegetation of disturbed surface area. Developer will have no further liability for surface conditions except for those identified in writing to the Developer by the County by 60 days after the later of (i) completion of all Initial Subgrade Testing and (2) vegetation stabilization. There will be no such 60 day notice or time limitation, as described in the preceding sentence, on Developer's liability for subsurface conditions.

e. The Developer will promptly provide the County with (i) the results of the analysis of the Initial Subgrade Testing, (ii) reporting of all repair work done in connection with the Initial Subgrade Testing and (iii) all other written deliverables either required by the HDR Memo or otherwise produced by SCS (or any subcontractors of SCS) in connection with the Initial Subgrade Testing.

4. Developer hereby acknowledges and agrees that DEQ or any other agency with jurisdiction over the Initial Subgrade Testing activities and the Landfill may seek access to observe and inspect Initial Subgrade Testing, that the County may provide such access, and that Developer shall provide such access; provided, however, that any such observation and inspection shall be consistent with applicable laws, the Landfill Permit, and applicable health and safety plans for the Initial Subgrade Testing and any published Landfill safety procedures that have been provided in writing to the Developer, and shall occur only with accompaniment by County personnel or otherwise upon consent by the County. Unless otherwise required by law or the Landfill Permit, Developer shall notify the County in advance of any such proposed observation or inspection so that County personnel have a reasonable opportunity to accompany agency personnel in this regard.

5. Without limiting in any respect the obligations of Developer pursuant to Section 9 of the ROE: (a) Developer shall be solely and fully responsible for any adverse impacts or effects to the Landfill or the remainder of the Property resulting from its Initial Subgrade Testing activities; and (b) Developer shall indemnify, defend, and hold harmless the County in connection with same pursuant to Section 9 of the ROE.

6. In addition to the insurance requirements set forth in Section 10.a of the ROE, Developer shall obtain and maintain, or shall have its Agents performing the Initial Subgrade Testing obtain and maintain, throughout the term of the ROE pollution legal liability insurance, pollution remediation insurance, and or contractor environmental coverages for legal liability for and cleanup of releases, discharges, emissions of Hazardous Material, solid waste, leachate or methane gas resulting from the Initial Subgrade Testing that occurs beyond the designed limits of the Landfill, into any surface or groundwater, or otherwise beyond the boundaries of the Property in a manner that would be considered an unpermitted or unlawful release, discharge, or emission or that causes injury to any person or property. Such coverages shall be at levels and with limits reasonably acceptable to the County. All other provisions of Section 10 of the ROE shall be met as well. Developer will provide the proposed insurance policies and/or coverages to the County for approval; the County must approve the proposed policies and/or coverages before Developer may commence the Initial Subgrade Testing.

7. If the Developer wishes to perform additional drilling activity or other geotechnical work beyond the Initial Subgrade Testing as contemplated herein (any such work, "Subsequent Subgrade Testing"), then the Developer must first prepare a proposed work plan for such additional drilling and submit the plan to the County for approval. The County may condition its approval of a plan for Subsequent Subgrade Testing as it deems necessary to address the risks posed by the plan. Any such Subsequent Subgrade Testing will be treated as part of the Feasibility Studies, and Developer will perform any such work in accordance with and subject to the terms and conditions of the Interim Agreement, the ROE, and any further conditions specified by the County in its approval of the Subsequent Subgrade Testing, which may include, among other things, DEQ approval.

8. Developer shall immediately notify the County of and refer to the County any inquiries about the Subsurface Testing by members of the press or any other persons.

9. This Amendment may be executed and delivered in any number of counterparts, in the original or by electronic transmission, each of which so executed and delivered will be deemed to be an original and all of which will constitute one and the same instrument.

[Signatures appear on the following page.]

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed by their duly authorized representatives as of the Effective Date.

COUNTY:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA,
a political subdivision of the Commonwealth of Virginia,

By: _____
Name:
Title:

DEVELOPER:

ALPINE-X LLC,
a Virginia limited liability company

By: _____
Name:
Title:

EXHIBIT A – LANDFILL RULES & REGULATIONS

Please see attached document.



County of Fairfax, Virginia

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

Facility Rules & Regulations for the I-95 Landfill Complex

I-95 LANDFILL COMPLEX & ENERGY/RESOURCE RECOVERY FACILITY RULES AND REGULATIONS

9850 Furnace Road, Lorton, Virginia 22079
(Effective February 2020)
703-690-1703

In order to provide efficient and economical disposal service, the following rules will be strictly enforced at Fairfax County's I-95 Landfill Complex.

AREAS OF THE I-95 LANDFILL COMPLEX

Collection and disposal companies will deliver their municipal solid waste (MSW) into the Energy/Resource Recovery Facility (E/RRF) for processing. Companies may bring materials such as yard waste, brush and metals to the Recycling and Disposal Center (RDC) and tires to the tire pad.

Residents of Fairfax County and Commercial Cash (CC) customers will dispose of waste and deliver recyclable material to the RDC.

Residents who wish to dispose of household hazardous waste will use the Household Hazardous Waste facility.

It is the responsibility of the customer to immediately remove any unauthorized solid waste discharged at the I-95 RDC.

ENERGY/RESOURCE RECOVERY FACILITY

Covanta Fairfax, Inc. (CFI) owns the Energy Resource Recovery Facility (E/RRF). CFI publishes a separate set of rules and regulations for use of its facility (see attached document). CFI personnel may restrict access or suspend any customer from entering the E/RRF. CFI posts its most important rules on signs at the entrance to the E/RRF. If there is a question about any of the CFI rules, please call County personnel at 703-324-5230.

I-95 RECYCLING and DISPOSAL CENTER

Clean brush, yard waste and metals/white goods will be delivered to the I-95 Recycling and Disposal Center (RDC) areas designated for such materials. Yard waste consists of leaves, grass and twigs. Clean brush is the woody portion of yard waste, such as tree trimmings (including Christmas trees). The I-95 RDC can accept a branch and/or trunk with a diameter of 20 inches

**Department of Public Works and Environmental Services
Solid Waste Management Program**

12000 Government Center Parkway, Suite 458
Fairfax, Virginia 22035

Phone: 703-324-5230, TTY: 711, Fax: 703-324-3950
www.fairfaxcounty.gov/dpwes



I-95 LANDFILL COMPLEX & ENERGY/RESOURCE RECOVERY FACILITY

or less. Metals/white goods include, but not limited to, appliances such as stoves, refrigerators, washing machines, clothes dryers, and hot water heaters. Other metal objects include aluminum siding, metal shelving, metal lawn furniture and smaller objects that are primarily made of metal.

CONSTRUCTION & DEMOLITION DEBRIS

Dirt, concrete, asphalt, rock, shingles, drywall and other similar material will be accepted in moderate amounts.

CUSTOMERS AT THE I-95 LANDFILL COMPLEX

Customers must obey the following rules in order to ensure the safe and efficient operation of the I-95 Landfill Complex. Failure to comply may result in the suspension of the individual(s) and the company from using the facility. The I-95 Superintendent or his representative will determine the duration of any such suspension. At the option of the I-95 Superintendent or his representative, the restriction may begin immediately or be scheduled based upon the circumstances. The I-95 Superintendent or his representative will telephone or email the company owner/representative to relay the specific circumstances and duration of any suspension.

GENERAL REGULATIONS

- 1) All individuals entering the I-95 Landfill Complex must conduct themselves in an orderly manner and follow the oral/written instructions of County personnel.
- 2) County solid waste decals must be clearly displayed on both sides of collection and disposal vehicles.
- 3) The speed limit is 25 mph in the I-95 Landfill Complex and 10 mph on the E/RRF tipping floor. *Drive safely* and minimize your speed when entering or leaving the facility. Follow road signs and adjust driving speeds to road conditions during inclement weather. Road maintenance and snow removal equipment have the RIGHT-OF-WAY.
- 4) All commercial vehicles entering the I-95 Landfill Complex are subject to random waste inspections by County personnel. In the event of a solid waste inspection, drivers are to remain with their vehicle until informed by County personnel that they may proceed to exit the I-95 Landfill Complex.
- 5) All persons/vehicles enter the I-95 Landfill Complex at their own risk.
- 6) No person will use or possess intoxicating beverages or illegal drugs of any kind while on the I-95 Landfill Complex.
- 7) The County of Fairfax assumes no liability for damages to vehicles or injuries to individuals on the I-95 Landfill Complex premises. Report any accident immediately to the I-95 Superintendent or his representative.
- 8) Fairfax County reserves the right to change or modify these rules without written notice.

I-95 LANDFILL COMPLEX & ENERGY/RESOURCE RECOVERY FACILITY

VEHICLE REGULATIONS

- 9) Waste disposal vehicles are restricted to using public roads to reach the site, such as I-95/Route 1 and the portion of Furnace Road leading to Mordor Drive (formerly Landfill Access Road).
- 10) Waste disposal vehicles are strictly prohibited from entering the complex next to the former DC Youth Center 1. In addition, U-turns at the former DC Youth Center or the I-95 RDC are prohibited.
- 11) Tailgates are not to be unlatched at the scale area. Tailgates are to be opened and closed only at the designated disposal area unless otherwise instructed.
- 12) All waste disposal vehicles entering the I-95 Landfill Complex must have a tow hook or bar so that in the event a vehicle breaks down in a high traffic area, it may be temporarily removed.
- 13) All waste disposal vehicles with materials that could blow out of the vehicle must be covered during transport. This includes empty open-body type vehicles that have finished disposal and may contain loose refuse. The cover may only be removed at the disposal area.
- 14) All open top or roll off containers, including compactors, must have the county's "Box Number" prominently displayed. Box Numbers are obtained at the scalehouse.
- 15) Drivers must remain with their vehicle. Vehicles may not be repaired or abandoned at the I-95 Landfill Complex. Any abandoned vehicle will be towed at the owner's expense.
- 16) The County of Fairfax assumes no liability for the towing of any vehicle.
- 17) All solid waste collection vehicles using the I-95 Landfill Complex must have operating back-up alarms.

DRIVER'S REGULATIONS

- 18) **Drivers are not allowed to walk within 15 feet of the pit on the tipping floor of the E/RRF where refuse is discharged. All tailgate unlocking and cleaning must be done away from the pit area.**
- 19) Drivers are reminded not to allow their vehicles to roll within six feet of the pit.
- 20) Drivers must pay attention to directions. When using the Covanta scales, drivers are not to exit the scale until instructed to do so by the scale operator. Failure to do so could result in charging the penalty rate to that load of trash.
- 21) Drivers must enter and exit the scales slowly and stop smoothly to prevent damage to the scale equipment.
- 22) Drivers must state ORIGIN and TYPE OF MATERIAL of the waste to be disposed. ORIGIN means where the waste was collected
- 23) Drivers who have routes or collection locations that include a medical facility, clinic, medical complex, or doctor's offices where medical procedures are performed must alert the scale house when entering the I-95 Landfill Complex.
- 24) Drivers are responsible for the removal of any litter from their vehicles left on the roads.

I-95 LANDFILL COMPLEX & ENERGY/RESOURCE RECOVERY FACILITY

- 25) Drivers of trucks with hydraulic leaks will be responsible for their own spills.
- 26) **Drivers and all other personnel must wear safety vests with reflective material, or clothing with reflective markings (orange or yellow), while out of their vehicles at the I-95 Landfill Complex or E/RRF.**
- 27) Drivers may not use cell phones, AM-FM, CB, and/or two-way radios at the I-95 Landfill Complex, and should limit their use at all other times while at the I-95 Landfill Complex.
- 28) **Drivers must notify scale personnel immediately in the event of a vehicle fire/hot load and follow the instructions given by County Personnel.**
- 29) It is the responsibility of the driver/permit holder to immediately remove any unacceptable waste discharged at the I-95 Landfill Complex.
- 30) If potential violations are noted during random or scheduled inspections, drivers must sign the inspection form used to document the issue for recordkeeping purposes. Signature does not indicate agreement with the alleged rules violation.
- 31) Drivers will not dispose of recyclable materials, brush, yard waste, or other special or prohibited waste on the E/RRF tipping floor.

SUSPENSION OF DISPOSAL PRIVILEGES

The Solid Waste Management Program (SWMP) reserves the right to immediately suspend disposal privileges or charge a higher penalty rate for loads in the event of:

- Nonpayment of solid waste disposal fees or delinquent accounts.
- Disposal of unacceptable or hazardous waste.
- Failure to have a vehicle properly permitted and inspected.
- Operating vehicle and/or container with safety deficiencies or in an unsafe manner.
- Salvaging and/or removal of unauthorized items from discharged waste.
- Noncompliance with rules and regulations concerning the I-95 Landfill Complex or Chapter 109.1 of the Fairfax County Code.
- Disposal of items, which, at the discretion of the I-95 Landfill Complex Superintendent or his representative, may impede operations or are considered hazardous to personnel.
- Unacceptable behavior, as determined by County operations staff.
- Mixing recyclable materials with municipal solid waste.
- Driver giving incorrect information about the origin or type of waste being disposed.

I-95 LANDFILL COMPLEX & ENERGY/RESOURCE RECOVERY FACILITY

FACILITY INFRACTIONS

Offense	1 st Action	2 nd Action	3 rd Action	Comments
Mis-Identification of Waste, Origin & Material Type	1 Load @ \$100/Ton	3 Loads @ \$100/Ton	6 Loads @\$100/Ton	4 th Action – Mandatory Meeting with LIS Branch Chief at County's Discretion
Unsatisfactory Waste Inspections	1 Load @ \$100/Ton	3 Loads @ \$100/Ton	6 Loads @\$100/Ton	4 th Action – Mandatory Meeting with LIS Branch Chief at County's Discretion
Non-Compliance with Other Facility Rules & Regulations	1 Load @ \$100/Ton	3 Loads @ \$100/Ton	6 Loads @\$100/Ton	Facility Manager Discretion
Failure to Attend Mandatory Meetings	1 Load @ \$100/Ton	3 Loads @ \$100/Ton	6 Loads @\$100/Ton	Directory Review and Signature at 2 nd and 3 rd Action
Failure to Comply with WD/DA	1 Load @ \$100/Ton	3 Loads @ \$100/Ton	6 Loads @\$100/Ton	4 th Action – Mandatory Meeting with LIS Branch Chief at County's Discretion

I-95 LANDFILL COMPLEX & ENERGY/RESOURCE RECOVERY FACILITY

MATERIALS PROHIBITION LIST

Some commercial recyclable materials, as noted, are accepted elsewhere at the I-95 Landfill Complex. Residents, see RDC brochures for additional services.

Recyclable Materials Accepted at the I-95 Landfill Complex
<input type="checkbox"/> Yard Waste
<input type="checkbox"/> Brush
<input type="checkbox"/> Tires
<input type="checkbox"/> Ferrous Metal/White Goods
<input type="checkbox"/> Cardboard

Materials Accepted at the I-95 Landfill Complex (Only by permission of I-95 Landfill Superintendent)
<input type="checkbox"/> Stone/Gravel/Rock
<input type="checkbox"/> Concrete/Cement
<input type="checkbox"/> Brick/Block
<input type="checkbox"/> Asphalt/Tar

Not Accepted at E/RRF (see attached for additional details)
<input type="checkbox"/> Storage Tanks
<input type="checkbox"/> Dirt/Soil/Sand
<input type="checkbox"/> Stumps/Sawdust
<input type="checkbox"/> Creosote Treated Lumber
<input type="checkbox"/> Empty Metal or Plastic Drums
<input type="checkbox"/> Offal/Dead Animals
<input type="checkbox"/> Shingles/Roofing Materials
<input type="checkbox"/> Friable Asbestos/Asbestos Rock
<input type="checkbox"/> Floor Tile/Asbestos
<input type="checkbox"/> Dry Wall/Plaster
<input type="checkbox"/> Petroleum Contaminated Soil
<input type="checkbox"/> Hazardous Waste
<input type="checkbox"/> Explosives
<input type="checkbox"/> Medical Waste
<input type="checkbox"/> Radioactive Material
<input type="checkbox"/> Porcelain Fixtures
<input type="checkbox"/> Sludge/Sewage/Manure

I-95 LANDFILL COMPLEX & ENERGY/RESOURCE RECOVERY FACILITY

CUSTOMER SERVICE OR EMERGENCY CONTACT

In the event that a customer has a problem that is unresolved by scalehouse staff, or if an emergency arises, customers should contact the I-95 Landfill Complex management for resolution of the matter at 703-690-1703.

Authorized Company Representative: _____

Date: _____

J:\MSW\LIS\Permits\Facility Rules & Regulations\I-95 2018 Rules & Regulations.doc

EXHIBIT B – WORK PLAN

Please see attached document.



Work Plan:
Field Investigations at I-95 Landfill,
Fairfax County, Virginia
Proposed Fairfax Peak Active Lifestyle
Complex



1308 Vincent Place
McLean, VA 22101
703-509-2811

SCS ENGINEERS

Project Number 02220011.00 | September 8, 2020
(Revised October 23, 2020)

11260 Roger Bacon Dr Ste 300
Reston, VA 20190
703-471-6150

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Attachments

Attachment A Geotechnical Testing Map

1 INTRODUCTION

SCS has prepared this Work Plan for initial field investigations at the I-95 Landfill Complex in support of the development plans of the proposed Fairfax Peak Active Lifestyle Complex. Field activities proposed for this phase of the work and covered by this Work Plan include (1) installation of seven settlement plates located on the surface of the landfill, (2) Cone Penetration Testing (CPT) at eight locations that extend through the final cover and into the waste column, (3) Standard Penetration Testing (SPT) at four locations that involve auger borings into the waste near select CPT locations, and (4) reporting of results. The settlement plates will be installed and monitored later this year, with CPT and SPT testing beginning next spring 2021.

Site activities undertaken by SCS will be performed pursuant to the Right of Entry (ROE) agreement, executed May 11, 2020 between Fairfax County and Alpine-X, LLC.

2 FIELD ACTIVITIES

GENERAL

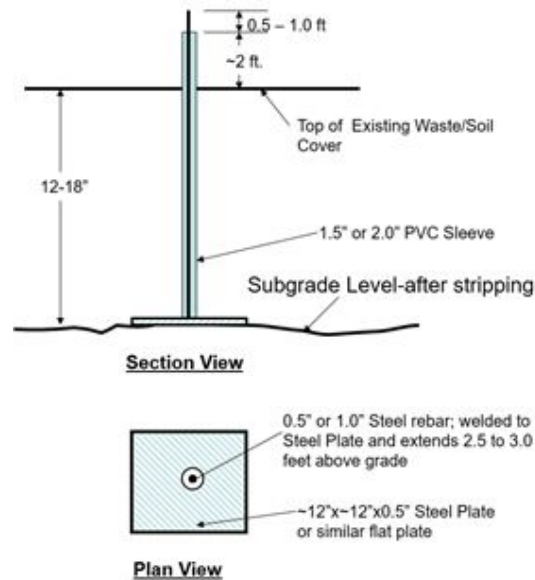
To the extent field activities will take place near monitoring wells or similar features, SCS will surround such features with orange construction fencing to prevent disturbance. If subsurface trash or waste is exposed, SCS will remove such trash or waste, if any, to an active area of the landfill, the adjacent resource recovery facility, or to another facility appropriate to receive the material(s).

SETTLEMENT PLATES

SCS proposes to install seven (7) settlement plates on the surface of the I-95 landfill as the initial activity. The purpose of these settlement plates is to allow measurement of the rate of compression (i.e., surface settlement) of the existing waste column due to on-going decomposition for the anticipated range of waste depths of about 25 to 120 feet. By measuring the rate of settlement, we will be able to more accurately evaluate how it could impact the planned development by Alpine X. Since the waste is relatively old, and a significant amount of gas has been generated by the decomposing waste, we do not expect settlement to be more than a few inches over the next 6 to 12 months, but over a period of 20 years or more, such settlement is cumulative and may reach several feet. Generally, the rate and magnitude of settlement will occur where the waste is thicker and younger in age.

The settlement plates are simple devices, as shown below, and will be fabricated and installed by SCS Field Services. The base of the settlement plate will be a metal plate that will lay parallel to the ground surface, set between 12 and 18 inches below grade, but above any geomembrane cap liner that might be present. Extending perpendicular to and welded to the metal plate will be a length of steel rebar or metal pipe that will extend above the ground surface. The metal pipe will be protected by a section of PVC pipe, and the top of the metal pipe will be the point we will survey over the course of six or more months. Figure 1 is a detail of the settlement plate.

Figure 1. Typical Settlement Plate



A map depicting the proposed locations of the settlement plates can be found in **Attachment A**.

Overall, we are planning to install seven settlement plates, distributed between the soil cap areas and the geomembrane cap areas. Surveys will occur immediately after installation and approximately every six weeks thereafter, for at least six months. Elevations will be taken by a licensed land surveyor utilizing an existing bench mark near the landfill, but off of any waste areas. Elevation data will be plotted against time to establish the rate of settlement. Table 1 shows the approximate surface elevation at each settlement plate, as well as the approximate depth of waste from available information. Although some horizontal movement of the plates is possible due to normal slope creep, the elevation data are the most relevant.

Table 1. Planned Settlement Plate Coordinates and Elevations

Test No.	Northing	Easting	Elevation (ft)	Approx. Waste Depth (ft)
SET-1	6,936,596	11,839,449	286	120
SET-2	6,935,922	11,839,330	239	108
SET-3	6,934,989	11,839,158	141	30
SET-4	6,937,376	11,840,136	260	55
SET-5	6,936,671	11,840,496	181	90
SET-6	6,935,743	11,840,495	154	75
SET-7	6,934,884	11,840,541	152	20

*Locations will be field adjusted to avoid roads and obstructions.

At the end of the six month period, we will compile the data and develop a plot of settlement vs. time to calculate the rate of movement in inches per year. This information, coupled with information on the average age of waste, and the depth and composition of waste placed in the landfill, will be

valuable in projecting future settlement of the landfill due to on-going waste decomposition over the next 20 or more years. Along with structural loading information, and grading plans, long term settlement rates will be useful in evaluating and designing foundation systems for the proposed structures, as well as roads and parking areas.

If any of the settlement plates are damaged by weather or equipment, broken-off, bent, or tilted over by more than about 20-degrees, SCS should be notified as soon as possible to decide if it can be repaired or not, or if a re-survey is needed. Since there are no landfill operations occurring in the area where the plates will be installed, it is unlikely they will be disturbed or damaged by operations.

CONE PENETROMETER TEST (CPT)

We propose to perform eight (8) CPTs at various locations at the landfill as shown on **Attachment A** and Table 2. CPT-1, located near the high peak of the ski slope (and coincidentally where the waste appears to be deepest) would be at least 100 feet deep, and up to 140 feet if feasible with CPT equipment to reach the bottom of the waste. CPT-2, located near the mid-point of the ski slope, will be approximately 100 feet deep, if feasible, and which approximates the waste depth shown on available maps. At the other locations (CPT-3 through 8), CPTs would extend to the bottom of the waste which we anticipate will be in the 5 to 50 foot deep range.

Table 2. Planned CPT Coordinates and Elevations

Test No.	Northing	Easting	Elevation (ft)	Approx. Waste Depth (ft)	Planned Test Depth (ft)
CPT-1	6,936,342	11,839,324	263	140	100 to 140
CPT-2	6,935,979	11,839,341	245	100	100
CPT-3	6,935,200	11,839,020	172	20	20
CPT-4	6,934,930	11,839,124	132	30	30
CPT-5	6,935,110	11,839,812	110	50	50
CPT-6	6,934,608	11,840,301	137	N/A	20
CPT-7	6,934,886	11,840,608	151	5	20
CPT-8	6,935,303	11,840,561	132	5	20

*Locations will be field adjusted to avoid roads and obstructions

SCS will be contracting with ConeTec from Richmond, Virginia, to perform the CPTs and provide a report with the results of CPT testing. When performing each CPT, the data is recorded at frequent depth intervals using a depth wheel attached to the push cylinders, or by using a spring-loaded rubber depth wheel that is held against the cone rods. The typical recording intervals are either 2.5 cm or 5.0 cm. The system displays the CPTu data in real time and records the following parameters to a digital storage media during penetration:

- Depth of probe
- Uncorrected tip resistance (q_c)
- Sleeve friction (f_s)
- Ratio of q_c/f_s
- Dynamic pore pressure (u)

- Temperature
- Seismic shear wave or compression wave testing may be performed at several locations, but this is done as part of normal CPT operations and will be a field decision.

All testing will be performed in accordance with *ConeTec's* CPT standard operating procedures, which are in general accordance with the current ASTM D5778 standard. (These procedures can be provided under separate cover, if requested). Detailed CPT logs including SBT designations will be provided upon completion of the field work. All safety procedures will be followed when on site and during testing. If the cab of the *ConeTec* rig is enclosed, *ConeTec* will monitor methane gas levels in the cab, and, if elevated levels are detected, active ventilation or other engineering controls will be implemented.

In areas where a geomembrane cover liner is present, the CPT can penetrate through the liner easily but a small hole, about 1 inch in diameter, will be created. Should the County or VDEQ ask us to repair holes with a small piece of geomembrane over the hole, we will provide qualified personnel for patching. However, based on the small size of the hole, and limited potential for environmental impact, we believe a small plug of bentonite is appropriate to seal the hole with the area marked for reference. There are also specialized adhesive tapes that are used to seal geomembrane holes that could be used in lieu of bentonite.

No backfilling of the CPT probe hole will be necessary as the small probe hole will resolve itself due to lateral forces and relatively high compressibility of the waste. In other words, the hole will heal itself.

CONVENTIONAL BORING WITH STANDARD PENETRATION TESTS (SPT)

We will perform four conventional auger borings with Standard Penetration Testing (SPT), as shown in **Attachment A** and Table 3 below. These borings will be advanced using conventional 6 or 8-inch diameter hollow stem augers (HSA) or flight augers, and will be performed after completion of the CPT probes. After obtaining written approval from the County, we propose to extend the borings to the bottom of the waste, or as close to the bottom as is feasible. In areas where waste is more than about 50 or 60 feet, full penetration of the waste may be difficult due to obstructions and drilling resistance. In those areas, we would likely terminate the borings before reaching the bottom, especially if deeper penetration requires significant time and effort, or if a larger drill rig is needed.

Table 3. Planned SPT Coordinates and Elevations

Test No.	Northing*	Easting*	Approx. Elevation (ft)	Approx. Waste Depth (ft)	Planned Test Depth (ft)
SPT-1	6,936,478	11,839,521	282	140	100 to 140
SPT-2	6,934,999	11,839,072	140	30	30
SPT-3	6,934,790	11,840,281	118	N/A	20
SPT-4	6,934,948	11,840,545	148	10	20

*Locations will be field adjusted to avoid roads and obstructions

Conventional auger borings will allow the collection of waste samples using SPT (or split-barrel testing, SBT) methods in accordance with ASTM D1587 at intervals of 5 feet. The split barrel sampler is able to recover waste samples (depending on the size and composition of the waste) and also provides a numerical measure of compactness through the blow counts, or N-values on a per

foot basis. The N-values represent the number of blows of a 140-pound drop hammer falling 30 inches to penetrate one foot. N-values are recorded for each of three, 6-inch intervals of penetration.

By collecting actual samples of the waste, and comparing them to the Soil Behavior Type (SBT) designations derived from the CPT tests, we will be able to better understand the relative characteristics of the waste, including degree of decomposition, moisture content, density, shear strength and compressibility. While we do not propose performing actual shear strength or compression tests on waste samples in this phase of the field work, the SPT tests coupled with CPT probes will provide key information for preliminary foundation evaluation analyses.

Gas will be continuously monitored with a handheld meter to prevent buildup in the testing equipment. If there is buildup of landfill gas, we will evacuate the equipment/vehicles, open doors, and allow it to vent into the atmosphere before returning to the testing. We will monitor ambient air in the area or inside the equipment cab to evaluate levels before resuming work.

After drilling is completed, we will backfill the bottom of each hole with bentonite to plug the hole, and backfill the remainder of the hole with clean backfill. Waste cuttings will be collected and removed to an active area of the landfill, to the adjacent resource recovery facility, or to another facility appropriate to receive the material. Areas capped with a geomembrane cap will require hand digging to the geomembrane to expose and cut out a section of the geomembrane cap prior to drilling to prevent shearing of the cap elsewhere. Geomembrane capped areas include from top to bottom: 24 inches of vegetative support layer and topsoil; 6 ounce non-woven geotextile; 12 inch thick drainage layer, and a 40 mil thick VLDPE (very low density polyethylene) geomembrane. Since VLDPE is no longer available or being used in landfill cap systems, we will obtain 40 mil thick LLDPE (linear low density polyethylene), a very similar material, for patching the geomembrane after drilling and testing have been completed. As we are hand digging to the geomembrane, we will segregate vegetative layers and drainage layer materials for re-use, if possible. Similar to replacing the 40 mil thick VLDPE geomembrane with 40 mil thick LLDPE, we will obtain a minimum 6 ounce/square yard non-woven geotextile for patching the geotextile. Backfilling of the vegetative support and topsoil will be to existing grades prior to drilling.

3 REPORTING

After the completion of each of the above testing, SCS will prepare a report that highlights the analysis and results, including detailed boring and probe logs.

The settlement plates, survey results, calculations, and analysis will also be compiled into a single report that will be delivered to Alpine X upon completion. We will compile detailed logs and related information from ConeTec, as well as logs from the geotechnical drilling firm, SPT N-values, and observations during the drilling. The report will include a site map of test locations, test boring logs with descriptions and depths of materials encountered, liquid levels observed, obstructions (if present), geographic grid coordinates and elevations of the test locations, and other observations as are applicable.

SCS will summarize the results of test borings, including descriptions of waste materials encountered and their relative properties, liquid levels observed, conclusions and recommendations for additional investigations and suggestions for design of the planned development.

4 HEALTH AND SAFETY PLAN

The safety of everyone involved in the project is of utmost importance. A written Health and Safety (H&S) Plan will be prepared by SCS in advance of our field activities, and a copy of our Plan will be provided to Alpine-X LLC and Fairfax County for review. We will also review and consider specific elements of the I-95 safety plan, which we will obtain from Fairfax County prior to implementing field activities.

The SCS Plan will be prepared in general conformance to the applicable requirements of OSHA 29 CFR Part 1910.120, and will include the following topics at a minimum:

- Organizational structure of the key team members, with a specific chain of command established. Personal roles and responsibilities will be described, and emergency contact information will be provided, including directions to and information on the nearest hospital or clinic in proximity to the Site.
- Work Plan, describing the site-specific work scope in detail and the potential environmental, physical, and natural hazards that may be encountered. This section will include development of applicable job-task safety assessments (JTSA, or job hazard analyses) taking into account the specific task, potential hazards, critical actions to be taken, and necessary personal protective equipment (PPE). For the proposed work, potential hazards foreseen at this time include possible exposure to decomposition gases, working in uneven terrain (slips, trips, and falls), working around heavy equipment, and encountering biological hazards such as snakes, ticks, and bees.
- Summary of the training requirements for site workers and contractors.
- Medical surveillance program, if required, for those covered by the H&S Plan.
- Health and safety standard operating procedures to be followed.

The site-specific elements of the Plan may address additional topics, as needed. These include: specific air monitoring techniques (i.e., procedure for personal and ambient air monitoring) to evaluate for airborne hazards; specific site control measures; decontamination procedures; and emergency response procedures. SCS subcontractors will be required to provide copies of their safety plans, and provide evidence of applicable H&S training for their staff, prior to mobilizing to the Site.

SCS typically holds a daily safety meeting prior to the onset of work for that day. The daily safety meetings review the specific work scopes anticipated for that day, potential biological and physical hazards, landfill gas, drill-rig safety, and requisite PPE and monitoring. The daily safety meetings provide a forum to ask questions, or to clarify a scope step, procedures, or response.

We anticipate that SCS staff conducting field work on this project will have current H&S training consistent with the 24-hour or 40-hour OSHA HAZWOPER training requirements.

COVID-19 Planning

In light of COVID-19, SCS has procedures in place to safely execute field work for the foreseeable future. Prior to engaging in-person, we will screen SCS employees who will be conducting field work or attending meetings in-person, as well as SCS subcontractor staff, regarding whether such persons

have within the past 14 days: tested positive for COVID; if test results are pending; experienced COVID symptoms; or traveled out of the area or internationally. For field work and in-person meetings, we will practice heightened personal hygiene and worksite cleanliness, including use of disposable gloves, frequent hand washing, use of face coverings, and social distancing.

Right of Entry Agreement

Site activities undertaken by SCS will be performed pursuant to the Right of Entry (ROE) agreement, executed May 11, 2020 between Fairfax County and Alpine-X, LLC.

5 QUALITY ASSURANCE

Each stage of the work will be covered by a Quality Assurance Plan (QAP) consistent with SCS's internal requirements and as required by Alpine X and the County. At a minimum, the QAP will address the following:

- Observation and monitoring: a representative of SCS Engineers will be present during settlement plate installation, as well as during CPT and SPT testing. Our representative will confirm the testing location and numerical designations.
- Detailed CPT and SPT logs will be prepared by the respective driller (CPT and SPT) including location, probe or boring designation, site conditions, weather conditions, field crew names, drilling equipment model, and other observations. SCS's representative will review the logs for completeness and accuracy.
 - CPT data will be recorded digitally and in real-time by ConeTec and provided at the completion of testing
 - SPT blow count data (N-values) will be recorded in the field and transferred to paper logs that will be prepared by the driller
- Elevations and coordinates of the CPT and SPT locations will be verified in the field BEFORE drilling operations begin (by surveyors) and used to confirm, as closely as possible, the depth to the bottom of the waste column based on available data. (Note: since we intend to penetrate through the waste, and thus penetrate the bottom soil liner if one exists, SCS's in-house protocols that guard against drilling through a liner will be adjusted for this project).
- Daily logs will be maintained that document work performed, weather conditions, equipment usage, personnel and other observations.
- Photos will be taken at each CPT and SPT location to document pre- and post-drilling conditions.
- SCS representatives will communicate directly with designated I-95 Landfill Complex and Fairfax County personnel prior to arrival at the site, during the field activities, and at the conclusion of activities.
- During the course of the work, SCS will maintain communications with Alpine X personnel as to the progress of the work and preliminary findings.

- CPT and SPT test locations will be field marked with a numbered stake and flagging for future reference.

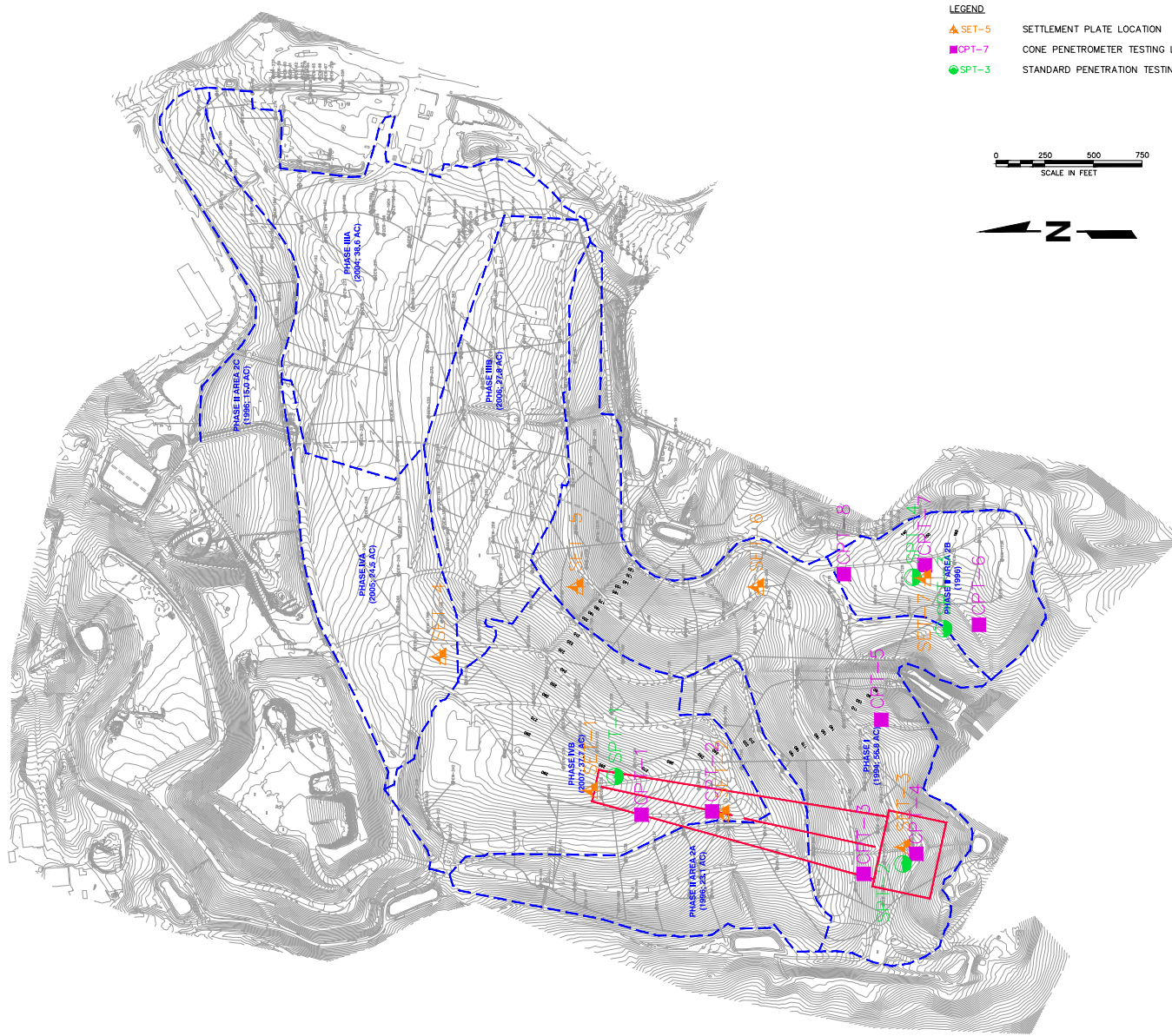
6 SCHEDULE OF ACTIVITIES

Based on our discussions, it is understood the settlement plate activities are likely to commence later this year, with CPT and SPT work to occur next spring 2021.

To facilitate the settlement plate installations, we suggest performing a brief site visit with the surveyor and County operations representative to observe conditions around the proposed settlement plate locations, and to finalize the locations to avoid conflicts with access roads, ditches, gas well heads, and other site features. The areas will then be prepared for settlement plate installation. CPT activities are expected to take 3 to 4 days to complete, and SPT activities will take one or two weeks, depending on depth and difficulty of drilling into waste.



Attachment A
Geotechnical Testing Map



<div>SCS ENGINEERS</div> <div>STEARNS, CONRAD AND SCHMIDT</div> <div>CONSULTING ENGINEERS, INC.</div> <div>1182 ROGER BACON DRIVE, RESTON, VA 20190</div> <div>PH: (703) 571-1500 FAX: (703) 571-4020</div> <div>WWW.SCS-ENG.COM</div>	CLIENT		ALPINE X, LLC		SHEET TITLE		NO.	REVISION	DATE
	CADD FILE: TESTING MAP		DATE: OCT 2020		PROJECT TITLE				
	DRAWING NO.		1		of 1		ALPINE X SITE DEVELOPMENT		
	SCALE: 1" = 250'		DATE: OCT 2020		PROJECT TITLE				
	DRAWING NO.		1		of 1				

EXHIBIT C – HDR MEMORANDUM

Please see attached document.

Memo

Date: Monday, November 09, 2020

Project: I-95 Landfill Proposed Ski Slope – Due Diligence Review
Recommendations for Exploratory Boring Cap Repairs

To: Mr. Eric Forbes, Director
Recycling, Engineering and Environmental Compliance
Fairfax County Solid Waste Management Program

From: Jeff Murray, P.E., BCEE

Subject: Recommendations for Exploratory Boring Cap Repairs

HDR has reviewed SCS Engineers document entitled *Work Plan: Field Investigations at I-95 Landfill, Fairfax County, Virginia, Proposed Fairfax Peak Active Lifestyle Complex* dated September 8, 2020 (Revised October 23, 2020). We have no further comments with respect to the revised work plan except for offering the following recommendations for plugging and patching the exploratory CPT soundings and SPT boreholes where they penetrate the existing final cover systems.

Soil Only Final Cover System

HDR recommends that the CPT sounding holes be plugged with bentonite extending through the design thickness of the final cover system (i.e. upper 24 inches).

HDR recommends that the SPT boring holes be backfilled with cement-bentonite grout extending through the design thickness of the final cover system (i.e. upper 24 inches). Soil backfill may be used beneath the final cover system. The grout should be allowed to set for at least one day and any remaining space resulting from grout settlement backfilled with compacted soil. Provide temporary barricades at each borehole until backfilling is complete.

Geosynthetic Final Cover System

HDR recommends that both CPT sounding and SPT boring penetrations of the 40-mil textured VLDPE liner be patched with 40-mil textured LLDPE liner in general accordance with the procedures described by SCS Engineers in the revised work plan for the SPT borings. Prior to patching, the existing geomembrane should be exposed by hand excavation to the extent required for the repairs. Patching should include the following procedures:

- Ensure boreholes are adequately backfilled with compacted soil to provide a firm surface to support the geomembrane patch.
- Thoroughly clean the exposed geomembrane patch to provide suitable surface for welding.
- Cut patches to extend a minimum of 6 inches of overlap in all directions.
- Patches shall have rounded corners.
- Extrusion weld patches to existing geomembrane.

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- Perform vacuum tests on all seams per ASTM D5641.
- Repair any patches that do not pass the vacuum test.

As stated in the revised work plan, the various soil materials used for final cover construction should be segregated during patch excavation to allow reconstruction after patching with like materials and new 6 oz/sy non-woven geotextile should be used to patch the existing geotextile located over the 12-inch bedding layer.

Site Restoration

CPT sounding and SPT boring locations shall be restored to original condition or better. Any vegetated areas that are disturbed shall be seeded and mulched. Erosion control blankets should be used to protect seeded areas that may be prone to washouts. SCS Engineers shall be responsible for repairing any areas that are not restored to the satisfaction of Fairfax County.

CQA/CQC Recommendations

HDR recommends that SCS Engineers provide full-time observation during plugging, patching and site restoration activities. These activities should be documented in a final report addressed to Fairfax County. At a minimum, the report should include the following:

- Date and location of repairs (gps coordinates).
- Narrative of repair procedures used.
- Results of vacuum testing.
- Photo documentation to include pre- and post-plugging conditions, exposed geomembrane after excavation, completed patches, site restoration.

Board Agenda Item
March 23, 2021

1:00 p.m.

Matters Presented by Board Members

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. *Marty Matthews v. Fairfax County, Virginia*, Case No. 1:20-cv-01469 (E.D. Va.)
 - 2. *Joseph A. Glean v. Fairfax County Board of Supervisors*, Case No. CL-2020-19378 (Fx. Co. Cir. Ct.)
 - 3. *Sophia D. Alford, et al. v. Fairfax County Department of Family Services – Children, Youth and Families, et al.*; Case No. CL-2021-0002095 (Fx. Co. Cir. Ct.)
 - 4. *Hua Xu aka Eileen Hua Xu Weithers v. The County of Fairfax, Virginia*, Case No. CL-2021-0001014 (Fx. Co. Cir. Ct.)
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norman J. Fry and Laura A. Fry*, Case No. CL-2020-0011752 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Norman J. Fry and Laura A. Fry*, Case No. CL-2021-0000352 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sunil Chacko and Tomoko Fujimoto*, Case No. GV20-013295 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
 - 8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
 - 9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ha Thi Truoc*, Case No. CL-2020-0013745 (Fx. Co. Cir. Ct.) (Mason District)
 - 10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ferdous Hakim and Saliea Hakim*, Case No. CL-2021-0003251 (Fx. Co. Cir. Ct.) (Mason District)

11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Vincent Carter*, Case No. CL-2020-0011167 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *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)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey V. Reynolds, Mark J. Lane, Drainage & Erosion Solutions, LLC, and Custom Stonescaping, LLC*, Case No. CL-2021-0002840 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Morgan and Nyaint Morgan*, Case No. CL-2019-0013580 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lois Foley, William F. Foley, David L. Foley and G&C Fleet Service, L.L.C.*, Case No. CL-2019-0016449 (Fx. Co. Cir. Ct.) (Sully District)

Board Agenda Item
March 23, 2021

3:30 p.m.

Public Hearing on SE 2020-SP-009 (HHP Holdings, LLC) to Permit a Kennel and Permit an Increase in Fence Height to 8 Feet, Located on Approximately 4.84 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 12605 Braddock Rd., Fairfax, 22030. Tax Map 66-2 ((3)) 3.

On March 9, 2021, the Board of Supervisors deferred this public hearing to March 23, 2021, at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On January 27, 2021, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of SE 2020-SP-009, subject to the proposed development conditions dated January 26, 2021;
- Modification of screening requirements in Sect. 13-303 of the Zoning Ordinance to modify the transitional screening buffer in the western and eastern side yards in favor of that shown on the SE Plat; and
- Waiver of the barrier requirements of Sect. 13-304 of the Zoning Ordinance along the south, east, and west yards.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

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

Emma Estes, Planner, DPD

Board Agenda Item
March 23, 2021

3:30 p.m.

Public Hearing on SE 2020-SU-005 (Sheetz, Inc) to Permit a Service Station, Quick Service Food Store and Restaurant with Drive Through, Located on Approximately 2.7 Acres of Land Zoned I-5 and WS (Sully District)

This property is located at 13850 McLearen Rd., Herndon, 20171. Tax Map 24-4 ((1)) 1(pt.).

PLANNING COMMISSION RECOMMENDATION:

On March 3, 2021, the Planning Commission voted 11-0-1 (Commissioner Cortina abstained from the vote) to recommend to the Board of Supervisors approval of SE 2020-SU-005, subject to the development conditions dated February 16, 2021; and approval of a waiver of the requirement to construct a vehicular travel lane, service drive or other access connection to and from adjacent property to the south as set forth in Par. 3 of Sect. 17-201 of the Zoning Ordinance.

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)
Kelly Atkinson, Planner, DPD

Board Agenda Item
March 23, 2021

3:30 p.m.

Public Hearing on RZ 2019-HM-011 (Sakthivel Chinnasamy and Nandakumar Sreenivasan) to Rezone from R-1 to R-2 to Permit Residential Development with a Total Density of 1.90 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.

The application was originally filed requesting to rezone from R-1 to R-3 to permit residential development (three lots) at a density of 2.85 du/ac.

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, to allow the applicant and community to work through issues related to site layout and density. On October 20, 2020, the Board furthered deferred the decision to November 17, 2020, at 3:00 p.m. The applicant subsequently indicated their intention to amend the application to request rezoning to the R-2 District. This amendment requires a new public hearing, and on November 17, 2020, the Board of Supervisors requested that the public hearing for this case be readvertised for January 26, 2021. On January 26, 2021, the Board of Supervisors deferred this case to March 23, 2021.

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>

Board Agenda Item
March 23, 2021

STAFF:

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

Joseph Onyebuchi, Planner, DPD

Board Agenda Item
March 23, 2021

3:30 p.m.

Public Hearing to Consider Amendments to Chapter 4, Articles 14, 15, and 16.1 of the Fairfax County Code

ISSUE:

A public hearing to consider amendments to Chapter 4, Article 14, 15, and 16.1 of the Fairfax County Code, that would change the annual tax relief deadlines for real estate tax relief, certain personal property tax relief, and rent relief from April 1 to May 1 of each year. This amendment also makes other minor housekeeping changes to conform the language of the ordinance with the existing requirements in and current County practice under state code.

RECOMMENDATION:

The County Executive recommends that, after holding a public hearing, the Board adopts the proposed amendments to Chapter 4, Articles 14, 15, and 16.1 of the Fairfax County Code.

TIMING:

On February 23, 2021, the Board authorized advertisement of a public hearing to be held on March 23, 2021, at 3:30 p.m.

BACKGROUND:

Pursuant to Virginia Code §§ 58.1-3210 through -3217, Virginia Code §§ 58.1-3503 – 3506.2, Virginia Code §§ 58.1-3506.1 through -3506.8, and Virginia Code § 63.2-802, Fairfax County provides income and asset-based tax relief and rent relief to qualified individuals who are at least 65 years of age and/or permanently and totally disabled. For calendar Year 2020, the County's tax relief program received approximately 7,100 real estate and 2,500 personal property applications. Additionally, the rent relief program received approximately 700 applications.

Annually, the tax relief and rent relief programs receive about 1,500 applications after the current April 1 filing deadlines. Approximately 50 percent of these late applications fall between April 1 and May 1, of each year. The proposed amendments to Fairfax County Code Sections 4-14, 4-15, and 4-16.1 permanently extend the due date from April 1 to May 1. Many of the individuals who file their applications after the April 1 due date do so because they have not filed their federal and state income tax returns,

Board Agenda Item
March 23, 2021

which are normally due on April 15 and May 1, respectively. The proposed date change will put the tax relief deadlines in line with these return filing deadlines and provide applicants additional flexibility.

The proposed amendments also make housekeeping changes to conform the language of the ordinance with state code.

FISCAL IMPACT:
No fiscal impact.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Ordinance change to amend and readopt Chapter 4, Article 14, 15, and 16.1 of the Fairfax County Code.

STAFF:
Joseph M. Mondoro, Chief Financial Officer
Jaydeep "Jay" Doshi, Director, Department of Tax Administration (DTA)
Gregory A. Bruch, Director, Revenue Collection Division, DTA
Justin K. Nejad, Management Analyst, Revenue Collection Division, DTA

ASSIGNED COUNSEL:
Corinne N. Lockett, Senior Assistant County Attorney

**AN ORDINANCE AMENDING
ARTICLES 14, 15, and 16.1 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE,
RELATING TO APPLICATIONS FOR TAX RELIEF ON REAL ESTATE TAXES,
RENT RELIEF FOR THE LOW-INCOME ELDERLY AND THE DISABLED, and
ALTERNATIVE TAX RATES FOR PERSONAL PROPERTY TAXES ON VEHICLES
FOR THE LOW-INCOME ELDERLY AND THE DISABLED.**

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 4-14-1, 4-14-2, 4-14-3, 4-14-6, 4-15-1, 4-15-2, 4-15-4, 4-15-5, and 4-15-6, 4-16.1-1, 4-16.1-2, 4-16.1-5, 4-16.1-6 4-16.1-7, and 4-16.1-8 in Articles 14, 15, and 16.1 to change the annual filing deadlines for real estate tax real estate tax relief, alternative tax rates for personal property taxes on vehicles for the low-income elderly and the disabled, and rent relief tax from April 1 to May 1 each year and to make other minor changes to conform with the Virginia Code.

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

- 1. That Sections 4-14-1, 4-14-2, 4-14-3, 4-14-6, 4-15-1, 4-15-2, 4-15-4, 4-15-5, 4-15-6, 4-16.1-1, 4-16.1-2, 4-16.1-5 4-16.1-6, 4-16.1-7 and 4-16.1-8 of the Fairfax County Code are amended and readopted, as follows:**

ARTICLE 14. - Exemption of Real Estate Taxes.

Section 4-14-1. - Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

- (1a)** *Director* means the Director of the Fairfax County Department of Tax Administration or the designated agent of the Director.
- (2b)** *Net combined financial worth* means all assets of the owners of the dwelling and the spouse of the owner who resides therein, including equitable interests, excluding furniture, household appliances and other items typically used in a home and the value of the dwelling and the land in an amount not to exceed one acre upon which that dwelling is located.
- (3c)** *Total combined income* means gross income from all sources of owners of the dwelling residing therein and any relative of the owner who resides in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, provided that the first \$7,500.00 of any income received by an owner who is permanently and totally disabled and the first \$6,500.00 of income of each relative, other than the spouse of the owner or owners who is living in the dwelling, shall not be included in such total. If a relative subject to this subsection **(3c)** is permanently and totally disabled, any disability income received by such person shall not be included in the calculation of total combined income.

46
47 Section 4-14-2. - Eligibility for exemptions.
48

49 A-a Any persons not less than 65 years of age or any person permanently and totally
50 disabled as provided in Section 4-14-3, or any person or husband and wife who
51 owns a dwelling jointly wherein at least one spouse is not less than 65 or is
52 permanently and totally disabled, by December 31 of the year preceding the date
53 of the application, who owns, or partially owns, a dwelling as the sole dwelling
54 and residence of that person or persons during the year for which the exemption
55 is sought, shall be eligible for, and may apply for, an exemption from real estate
56 taxes specified in Section 4-14-5 on such dwelling and the land, not exceeding
57 one acre, upon which that dwelling is located; provided that the applicant or
58 applicants satisfy the conditions of subsection C of this Section.

59 B-b Notwithstanding the provisions of subsection A of this Section, if during the
60 calendar year a person reaches the age of 65 or is certified as being permanently
61 and totally disabled in accordance with Section 4-14-3, and if any such person is
62 otherwise eligible for the tax relief benefits provided by this Article, then that
63 person may apply to the Director for tax relief benefits for the remaining portion of
64 the calendar year. All such benefits shall be prorated on monthly basis from the
65 month in which the applicant became eligible to the end of the calendar year
66 unless there is a disqualifying change in ownership, income, or financial worth as
67 provided in Section 4-14-4. In the event that there is such a disqualifying change,
68 then the benefits shall be limited in the manner specified by Section 4-14-4.

69 C-c (1) In order to receive a 100 percent exemption from real estate taxes, the
70 total combined income during the immediately preceding year shall not be
71 greater than \$52,000.00. In order to receive a 50 percent exemption from
72 real estate taxes, the total combined income during the immediately
73 preceding year shall be greater than \$52,000.00, but shall not be greater
74 than \$62,000.00. In order to receive a 25 percent exemption from real
75 estate taxes, the total combined income shall be greater than \$62,000.00
76 but shall not be greater than \$72,000.00.

77 (2) The net combined financial worth, as defined in Section 4-14-1, as of
78 December 31 of the immediately preceding year, shall not exceed
79 \$340,000.00.
80

81 Section 4-14-3. - Application for exemption; affidavit.
82

83 Application for exemption provided for by this Article shall be made not later than
84 April-May 1 of each year for which exemption is sought, except this date may be
85 extended by the Director to December 31 of the year following the year that application
86 was due, if the applicant is applying for relief for the first time or if hardship conditions
87 exist which through no fault of the applicant prohibit applying by April-May 1, and if
88 proper application is made along with sworn affidavit that failure to apply was due to
89 reasons beyond the control of the applicant.

90 All applications for exemption shall be made to the Director on application forms
91 provided by the Director. Each application shall be accompanied by an affidavit or
92 written statement, setting forth the names of all owners and relatives-related persons
93 occupying such dwelling real estate as specified in Va. Code § 58.1-3212 and stating
94 that the total combined net worth and the combined income from all sources does not
95 exceed the limits set forth in Section 4-14-2(c) -and the net combined financial worth of
96 as well as all such persons and such other information required by the Director to
97 administer the provisions of this Article. If the application is made by an owner filing for
98 exemption because of permanent and total disability, or if the owner is seeking
99 exclusion from total combined income of the disability income of a relative living in the
100 residence, the application shall also be accompanied by affidavits made in accordance
101 with Code of Virginia Code § 58.1-3213 stating that such owner or relative, as the case
102 may be, meets the definition of permanently and totally disabled specified by Code of
103 Virginia Code § 58.1-3217. The Director may require an applicant to answer questions
104 under oath concerning the requirements under this Article and/or to produce for
105 inspection certified federal income tax returns for the preceding three (3) years to
106 establish the total combined income or net combined financial worth as defined in
107 Section 4-14-1.

108 ~~Beginning January 1, 1997, applications~~ Applications for real estate tax relief
109 shall be filed on a three-year cycle. Applicants approved for real estate tax relief for
110 1996, or for any year thereafter pursuant to the filing of an application for exemption,
111 shall file a certification in each of the two (2) years following the approval year attesting
112 that no information contained on the last previous years application has changed in a
113 way that would exceed the limitations and conditions prescribed herein pertinent to the
114 eligibility for tax relief. The annual certification shall be filed no later than April-May 1
115 each year. The deadline to file a certification may be extended by the Director to
116 December 31 of the year following the calendar year in which the certification was due,
117 if hardship conditions existed where, through no fault of the applicant, the applicant was
118 prohibited from filing the certification by the April-May 1 due date. Failure to file an
119 application or certification as specified in this section shall result in denial of tax relief.

120
121
122 Section 4-14-6. - Certification to Director of Finance.

123
124 The Director ~~of the Department of Tax Administration~~ shall certify to the Director
125 of Finance annually those persons who qualify under this Article for an exemption and
126 the amounts thereof. The Director of Finance shall deduct the amount of exemption
127 from the applicant's real estate tax bill for that year.

128
129
130 ARTICLE 15. - Rent Relief for the Low-Income Elderly and the Disabled.

131
132 Section 4-15-1. - Definitions.

(a) For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (1) *Affidavit* shall mean the rental grant affidavit.
- (2) *Applicant* shall mean the person who applies for rent relief.
- (3) *County* shall mean Fairfax County, Virginia.
- (4) *County Board* shall mean the Fairfax County Board of Supervisors.
- (5) *County Executive* shall mean the County Executive of Fairfax County, Virginia, or any of his duly authorized deputies or agents.
- (6) *Dwelling* shall mean the full-time residence of the person or persons seeking a grant.
- (7) *Grant* shall mean a financial assistance payment made to any meeting the requirements of this Article.
- (8) *Grant year* shall mean the calendar year for which a grant is sought.
- (9) *Rent* shall mean the monetary consideration paid for occupation of the dwelling unit, and shall include the monetary stipend paid to a cooperative housing association by its residents.
- (10) *Tenant* shall mean the one who resides in a dwelling, for the privilege of which rent is paid

Section 4-15-2. - Grants authorized; persons qualified.

Grants in varying amounts according to the terms of this Article are provided for qualified tenants who are residents of the County and who are not less than sixty-five (65) years of age or permanently and totally disabled as provided in Section 4-15-6(b) and (c). Persons qualifying for grants are deemed to bear an extraordinary burden in rent costs in relation to their income and net worth and are in need of public relief. Such persons thus qualify for general relief as provided in Code of Virginia, Section Virginia Code § 63.1-10663.2-802.

Section 4-15-6. - Claiming of grant.

- (a) Annually, but not later than April-May 1 of the year following the grant year, the person claiming a grant shall file with the County Executive a rental grant affidavit and other such information as required according to procedure set forth by the County Executive except this date may be extended to December 31 if the applicant is applying for rental grant for the first time or if hardship conditions exist which, through no fault of the applicant, prohibits applying by April-May 1 and if proper application is made along with sworn affidavit that failure to apply was due to reasons beyond the control of the applicant. No extension shall be made beyond December 31 of the year following the year for which the grant is sought.

- (b) The affidavit shall set forth in a manner prescribed by the County Executive, the names of the related persons sharing the same dwelling with the applicant, their gross combined income, and the financial worth of the applicant and spouse.
- (c) If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification made in accordance with ~~Code of Virginia, Section~~Virginia Code § 58.1-3213, that such person is permanently and totally disabled, as defined ~~by Code of Virginia, Section~~Virginia Code § 58.1-3217.

ARTICLE 16.1. - Alternative Tax Rates for Personal Property Taxes on Vehicles for the Low-Income Elderly and the Disabled.

Section 4-16.1-1. - Purpose.

The Board of Supervisors of Fairfax County finds that persons who are elderly, or permanently and totally disabled, bear an extraordinary tax burden on certain tangible personal property in relation to their income and financial worth. Therefore, the Board hereby ordains that any such tangible personal property owned and used primarily by or for such qualifying individuals as herein after defined shall be eligible to be taxed in accord with the provisions of ~~Code of Virginia, Section~~ Virginia Code § 58.1-3506 et seq. and this Article, and at the rate established annually by the Board.

Section 4-16.1-2. - Definitions.

- (a) Elderly ~~shall mean~~s an individual who has attained the age of sixty-five (65) or older on or before January 1 of the year for which relief is sought under this Article.
- (b) *Disabled* ~~shall mean~~s an individual who is permanently and totally disabled so as to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or which can be expected to last for the duration of such person's life. A person who is receiving benefits from the Social Security Administration pursuant to 42 U.S.C. Section 423(d) shall be deemed to be disabled, so long as the person remains eligible for such Social Security benefits.
- (c) *Net financial worth* ~~shall mean~~s the dollar value of all assets, including the present worth of all equitable interests. For purposes of this definition, the value of the applicants home and up to one (1) acre of land upon which the house is situated shall be excluded. Assets shall also exclude furniture, household appliances and other items typically used in a home. Net financial worth shall be computed by aggregating the assets of a husband and wife who reside in the same dwelling and shall be applied to any owner of the motor vehicle who seeks the benefits of the preferential tax rate permitted under this Article, irrespective of how such motor vehicle may be titled.
- (d) *Vehicle* ~~shall mean~~s a private passenger automobile or van, or a pickup truck with a gross vehicle weight not to exceed fourteen thousand (14,000) pounds.

(e) *Income* ~~shall mean~~s the gross income from all sources of the owners of the vehicle for which application is made under this Article. Income shall be computed by aggregating the income of ~~a husband and wife~~married individuals who reside in the same dwelling and shall be applied to any owner of the motor vehicle who seeks the benefits of the preferential tax rate permitted under this Article, irrespective of how such motor vehicle may be titled.

Section 4-16.1-5. - Application requirements.

(a) Application for personal property taxation under this Article shall be made on forms prescribed by the Director of the Department of Tax Administration. Any application made under this Article shall be made under oath and filed with the Director of the Department of Tax Administration on or before ~~April~~May 1 of each year. The deadline to file an application may be extended to December 31 when the applicant is applying for the first time or if hardship conditions existed where, through no fault of the applicant, the applicant was prohibited from filing by the ~~April~~May 1 due date.

(b) ~~Beginning January 1, 1997, applications~~Applications for personal property tax relief shall be filed on a three-year cycle. Applicants approved for personal property tax relief for 1996, or for any year thereafter pursuant to the filing of an application for exemption, shall file a certification in each of the two years following approval attesting that no information contained on the last ~~previous years~~ application has changed to violate the limitations and conditions prescribed herein pertinent to the eligibility for tax relief. The annual certification shall be filed no later than ~~April~~May 1 of each year. The deadline to file a certification may be extended to December 31 of the year following the year in which the application was due if hardship conditions existed where, through no fault of the applicant, the applicant was prohibited from filing by the ~~April~~May 1 due date. Failure to file a fully completed application or certification as specified in this section shall result in denial of tax relief.

(c) Applicants requesting an extension due to hardship must submit an application along with a signed affidavit stating the reason for the requesting of such an extension and that failure to apply by the due date was due to reasons unpreventable by the applicant. The Director of the Department of Tax Administration shall make reasonable inquiry into the nature of the hardship and shall be the sole authority in approving any extension. Any determination of hardship made by the Director of the Department of Tax Administration hereunder shall be deemed final, and no extension shall be made beyond December 31 of the year following the year in which the application was due. Except as set out above, an application filed late shall bar the applicant from receiving the preferential tax relief rate for the current year.

(d) The application shall contain an affidavit that the owner or, if applicable, the owner's spouse, satisfies the age or disability requirements; that the vehicle is primarily used by or for the owner or spouse whose age or disability is the basis upon which relief is sought; that the owner and the spouse of the owner satisfy the income and net worth limitations set forth in this Article; and that the applicant

reasonably expects to continue to satisfy the net income and worth limitation and, if applicable, the disability requirement, throughout the tax year for which relief is sought.

(e) The application shall also contain a complete copy of the federal and Virginia income tax returns of the individuals whose income is subject to the limitations set forth in Section 4-16.1-4(2) for the calendar year preceding the tax year for which relief is sought. If such tax returns are not available when the application is required to be filed, the copies shall be provided to the Director of the Department of Tax Administration immediately after they have been filed with the appropriate tax officials. No applications will be acted upon until such time as the required tax returns are received.

(f) If relief is sought on the basis of the disability of the owner or spouse, the application shall contain a certification by the Social Security Administration, the Department of Veteran Affairs or the Railroad Retirement Board. If the owner and spouse are ineligible for certification by any of these agencies, the application shall contain a sworn affidavit by two medical doctors who are either licensed to practice medicine in Virginia or are military officers on active duty who practice medicine with the United States Armed Forces, that the owner or the owner's spouse is permanently and totally disabled, as defined in ~~the Code of Virginia, Section Virginia Code §~~ 58.1-3506.3. The affidavit of at least one of the doctors may be based upon medical information contained in the record of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

(g) The Director of the Department of Tax Administration shall make any other reasonable inquiry, including, if need be, requiring the questions be answered under oath, for the purpose of determining if the owner is eligible for the relief provided under this section. In accordance with the Virginia Code §§ 58.1-3109 - 3110, any applicant may be required to furnish any additional information or records requested by the Director necessary to determine the applicant's status or eligibility under this Article. Failure to comply with any such request may lead to the denial of the application made under this Article.

Section 4-16.1-6. - Changes in financial status; exemption nullified.

Except as provided in Section 4-16.1-3, ~~and any~~ change in respect to total combined income, net combined financial worth, ownership of the vehicle, or other applicable factors, which occur during the year for which the application is filed, and which have the effect of exceeding or violating the limitations and conditions of this Article, shall nullify any exemption for the current taxable year and the taxable year immediately following.

Section 4-16.1-7. - Personal property tax.

Vehicles for which the owner has met the terms and conditions of this Article shall be taxed at the personal property tax relief rate adopted by the Board of Supervisors each year in accord with ~~Code of Virginia, Section Virginia Code §~~ 58.1.3506.1.

303 Section 4-16.1-8. - Vehicles equipped for the handicapped.

304 Nothing contained in this Article shall prevent owners of motor vehicles specially
305 equipped for the transportation of the handicapped to qualify for any reduced personal
306 property tax rate which may be adopted in accord with ~~Code of Virginia Section Virginia~~
307 Code § 58.1-3506(12).

308

309 **2. That the provisions of this ordinance shall take effect immediately upon adoption.**

310

311 GIVEN under my hand this _____ day of _____, 2021.

312

313

314

315

Jill G. Cooper

316

Clerk for the Board of Supervisors

317

Department of Clerk Services

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319

320

Board Agenda Item
March 23, 2021

4:00 p.m.

Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 to Rename the Polling Places for Pioneer Precinct in the Lee District and Hidden Meadow Precinct in the Sully District; and to Relocate the Polling Places for Skyline Precinct in the Mason District, Belleview Precinct in the Mount Vernon District, Oak Marr Precinct in the Providence District, and Centerpointe Precinct in the Springfield District

ISSUE:

Public Hearing to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-13 to rename the polling places for Pioneer Precinct and Hidden Meadow Precinct; and to relocate the polling places for Skyline Precinct, Belleview Precinct, Oak Marr Precinct, and Centerpointe Precinct.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

On February 23, 2021, the Board authorized a public hearing to be held on March 23, 2021, at 4:00 p.m. to consider this ordinance. Board action on March 23, 2021, will provide sufficient time to notify voters who are affected by these changes in advance of the next election, which is currently set for Tuesday, June 8, 2021, but may change depending on COVID-19 restrictions or action by the General Assembly related to redistricting.

BACKGROUND:

The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310, and 24.2-310.1. If approved, the proposed ordinance will make the following changes:

In Lee District, on July 23, 2020, the Fairfax County School Board voted to change the name of Lee High School to Lewis High School. All voters affected by this change have already been notified through the Virginia Election and Registration Information System (VERIS). Staff recommends recognizing and adopting this change.

Board Agenda Item
March 23, 2021

In Mason District, staff recommends moving the polling place for the Skyline precinct from Three Skyline Place located at 5201 Leesburg Pike, Falls Church, to the Bailey's Community Center, 5920 Summers Lane, Falls Church. Three Skyline Place has been sold and will no longer be available for voting.

In Mount Vernon District, staff recommends moving the polling place for the Belleview precinct from the Martha Washington Library, located at 6614 Fort Hunt Road, Alexandria, to the Belle View Elementary School, 6701 Fort Hunt Road, Alexandria. In April 2019, Belle View Elementary underwent renovation. Due to repurposing of spaces within the school as a result of the construction, the area designated for voting was needed for educational purposes and was unavailable for voting. Construction was completed ahead of schedule, allowing the polling place to temporarily relocate at Belle View Elementary School for the November 3, 2020, General and Special Elections. This recommendation will permanently move the polling place back to Belle View Elementary School.

In Providence District, staff recommends moving the polling place for the Oak Marr precinct from the Oak Marr Recreation Center, located at 3200 Jermantown Road, Oakton, to the Oakton Library, 10304 Lynnhaven Place, Oakton. This proposed change will provide a more accessible and convenient facility for the voters in this precinct.

In Springfield District, staff recommends moving the polling place for the Centerpointe precinct from The Waterford at Fair Oaks, located at 12025 Lee Jackson Memorial Highway, Fairfax, to the Herrity Building, 12055 Government Center Parkway, Fairfax. The Waterford at Fair Oaks has been closed permanently and will no longer be available for voting.

In Sully District, on August 14, 2020, the Junior Warden of Epiphany Episcopal Church informed the Office of Elections that Episcopal Church of the Epiphany changed its name to Epiphany Episcopal Church. All voters affected by this change have already been notified through the Virginia Election and Registration Information System (VERIS). Staff recommends recognizing and adopting this change.

FISCAL IMPACT:

Insignificant. Funding for polling place change notifications is provided in the agency's FY 2021 Adopted Budget.

Board Agenda Item
March 23, 2021

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2: Summary of Proposed Changes
Attachment 3: Descriptions and Maps of Proposed Changes
Attachment 4: Proposed Ordinance

STAFF:

Gary D. Scott, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-307 (in part). Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#); 2020, c. [1268](#).

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ [24.2-304.3](#) and [30-264](#), and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

2008, c. [112](#); 2018, cc. [778](#), [779](#); 2020, Sp. Sess. I, c. [56](#).

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#)

for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

Attachment 2: Summary of Proposed Changes

March 2021 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES							
SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
LEE	409 PIONEER	4,468	Lee High School	409 PIONEER	4,468	Lewis High School	Recognize the change in the name of the polling place.
MASON	520 SKYLINE	3,111	Three Skyline Place	520 SKYLINE	3,111	Bailey's Community Center	Move polling place due to sale of Three Skyline Place.
MOUNT VERNON	602 BELLEVIEW	2,606	Martha Washington Library	602 BELLEVIEW	2,606	Belle View Elementary School	Move the polling place back to renovated Belle View Elementary School.
PROVIDENCE	732 OAK MARR	4,186	Oak Marr Recreation Center	732 OAK MARR	4,186	Oakton Library	Move polling place to provide a facility with improved accessibility for voters.
SPRINGFIELD	844 CENTERPOINTE	3,731	The Waterford at Fair Oaks	844 CENTERPOINTE	3,731	Herrity Building	Move polling place due to the permanent closure of The Waterford at Fair Oaks.
SULLY	908 HIDDEN MEADOW	2,488	Episcopal Church of the Epiphany	908 HIDDEN MEADOW	2,488	Epiphany Episcopal Church	Recognize the change in the name of the polling place.

* VERIS registered voters as of 021821_Reports Library_Statistics_Registrant_Counts_By_Locality

Commonwealth of Virginia
COUNTY OF FAIRFAX

LEE DISTRICT

DESCRIPTION:

Beginning at the intersection of Accotink Creek and the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with the Capital Beltway (I-495), thence with the Capital Beltway in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-395), thence with the Shirley Memorial Highway in a northerly direction to its intersection with the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with the west corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southerly, then easterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a southwesterly direction to its intersection with North Kings Highway, thence with North Kings Highway in a generally southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a southerly, then southwesterly direction to its intersection with Frye Road, thence with Frye Road in a northerly direction to its intersection with the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southwesterly direction to its intersection with the northeast boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a northwesterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a southwesterly direction to its intersection with Beulah Street, thence with Beulah Street in a northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a westerly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a southerly direction to its intersection with Newington Road, thence with Newington Road in a westerly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a northwesterly direction to its intersection with Alban Road, thence with Alban Road in a southwesterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a northwesterly direction to its intersection with Fullerton Road, thence with Fullerton Road in a westerly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally northwesterly direction to its intersection with the Norfolk Southern Railroad, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Beulah, Bush Hill, Cameron East, Cameron West, Crestwood, Fairfield, Franconia, the northeastern portion of Garfield, Groveton East, Groveton West, Hayfield, Kingstowne, Lynbrook, Mount Eagle Central, Mount Eagle North, Mount Eagle South, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and the northern portion of Woodlawn.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Beulah, Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Groveton, Hayfield, Huntley, Kingstowne, Lynbrook, Mount Eagle, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

NOTES: On August 6, 2001, Cameron East, Cameron West, Mount Eagle North, and Mount Eagle Central, were renamed Cameron, Clermont, Mount Eagle and Wilton, respectively. The “northeastern portion of Garfield” was renamed Garfield.

The “northern portion of Woodlawn” was combined with Groveton West, a small portion of Hayfield and the southern portion of Virginia Hills to form Huntley precinct. Mount Eagle South was combined with the existing Groveton East precinct to form Groveton precinct.

As amended, recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Beulah, Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Kingstowne, Lynbrook, Mount Eagle, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

NOTES: On March 24, 2003, Garfield was divided to form Greenspring precinct. Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

NOTES: On March 8, 2004, Beulah precinct was renamed and divided to form “Lane” and “Island Creek” precincts.

As amended by the Board of Supervisors on March 27, 2006

NOTES: On March 27, 2006, the description of Franconia precinct was amended and readopted to change the name of the polling place [facility] to the “Snyder Center.”

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Woodlawn precinct (Mount Vernon District) to create a new precinct named “Pinewood” and moved Pinewood precinct into Lee District. The polling place for Pinewood was established at Mount Vernon Woods Elementary School.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Hybla Valley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, and Virginia Hills.

NOTES: On July 26, 2011, the Groveton precinct was divided to form the Hybla Valley precinct. The Groveton precinct polling place was moved to Groveton Elementary School and the Hybla Valley precinct was established at Hybla Valley Elementary School.

The boundaries of Fairfield, Hayfield, Mount Eagle, Pinewood, Rose Hill and Villages precincts were adjusted and Wilton precinct was abolished. The polling places for Franconia precinct and Van Dorn precincts were moved to Edison High School and Key Middle School, respectively.

As amended and readopted by the Board of Supervisors on June 23, 2015

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Forestdale, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Hybla Valley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, and Virginia Hills.

NOTES: On June 23, 2015, the Pioneer precinct was divided to form the Forestdale precinct. The polling place for Forestdale precinct was established at Forestdale Elementary School.

As amended and readopted by the Board of Supervisors on July 12, 2016

NOTES: On July 12, 2016, the Board moved the polling place for Huntley precinct to St. Mark's Episcopal Church.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board recognized the name change of the polling place for Pioneer precinct from Lee High School to Lewis High School.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Lee District

PRECINCT 409: PIONEER

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH
HOUSE OF DELEGATES DISTRICT: THIRTY-NINTH

DESCRIPTION:

Beginning at the intersection of the Shirley Memorial Highway (I-395/I-95) and the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with the west corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southerly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a generally southwesterly direction to its intersection with Franconia Road, thence with Franconia Road in a westerly direction to its intersection with Frontier Drive, thence with Frontier Drive in a southerly direction to its intersection with the Franconia-Springfield Parkway (Route 289), thence with the Franconia-Springfield Parkway in a southeasterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a generally southwesterly direction to its intersection with Newington Road, thence with Newington Road in a southwesterly direction to its intersection with the Shirley Memorial Highway, thence with the Shirley Memorial Highway in a northerly direction to its intersection with the Norfolk Southern Railroad, point of beginning.

POLLING PLACE: ~~Lee~~ Lewis High School
6540 Franconia Road, Springfield

MAP GRIDS: 80-2, 80-4, 81-1, 81-2, 81-3, 90-2, 90-4, 91-1, 99-1, 99-2

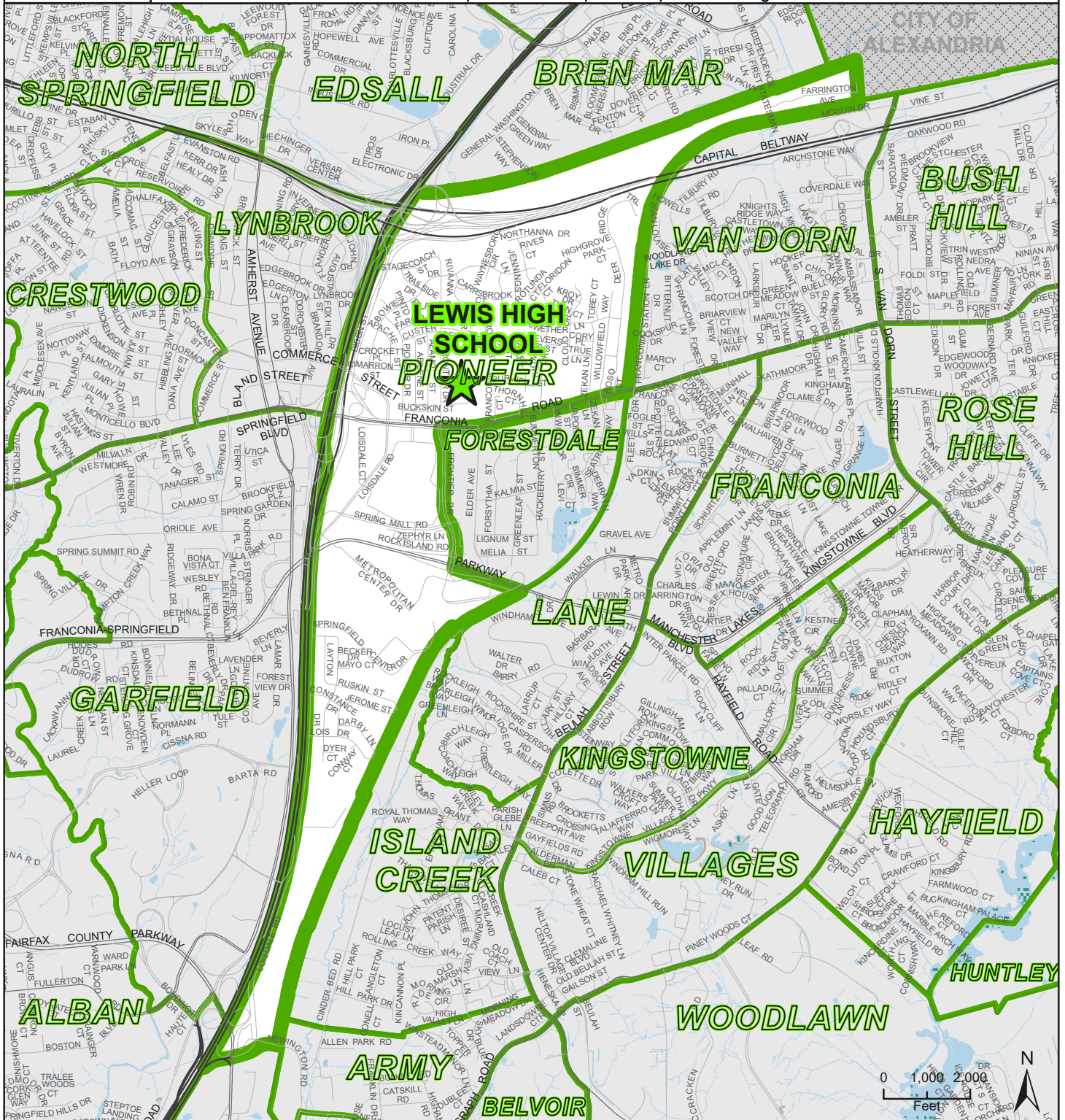
NOTES: Established 1960
Combined with Forest precinct - May 1994
Precinct description revised and readopted – March 2003
Delegate District changed from 43rd to 39th – July 2011
Precinct divided – June 2015
Polling place renamed – March 2021



Commonwealth of Virginia County of Fairfax



Lee District Attachment 3: Descriptions and Maps of Proposed Changes



Proposed Polling Place Change for: 409 Pioneer

March 2021

★ **Current name & address:** Lee High School, 6540 Franconia Rd, Springfield

★ **Proposed name & address:** Lewis High School, 6540 Franconia Rd, Springfield

Commonwealth of Virginia
COUNTY OF FAIRFAX

MASON DISTRICT

DESCRIPTION:

Beginning at the intersection of Holmes Run (stream) and Arlington Boulevard (Route 50), thence with Arlington Boulevard in a northeasterly direction to its intersection with the south corporate boundary of the City of Falls Church, thence with corporate boundary of the City of Falls Church in an easterly, then northerly direction to its intersection with the Arlington County/Fairfax County Line, thence with the Arlington County/Fairfax County Line in a southeasterly direction to its intersection with the west corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in southwesterly, then generally southerly direction to its intersection with the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a southwesterly direction to its intersection with the Shirley Memorial Highway (I-395), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with the Capital Beltway (I-495), thence with the Capital Beltway in a northwesterly direction to its intersection with Backlick Road, thence with Backlick Road in a northerly direction to its intersection with Leesville Boulevard, thence with Leesville Boulevard in a westerly direction to its intersection with Backlick Run (stream), thence with the meanders of Backlick Run in a northwesterly direction to its intersection with Braddock Road, thence with Braddock Road in a westerly direction to its intersection with Ravensworth Road, thence with Ravensworth Road in a northeasterly direction to its intersection with Heritage Drive, thence with Heritage Drive in a northwesterly, then northerly direction to its intersection with Little River Turnpike (Route 236), thence with Little River Turnpike in a northwesterly direction to its intersection with Glenbrook Road, thence with Glenbrook Road in a northerly direction to its intersection with Crook Branch (stream), thence with the meanders of Crook Branch in an easterly direction to its intersection with Prosperity Avenue, thence with Prosperity Avenue in a southerly direction to its intersection with Leroy Place, thence with Leroy Place in an easterly direction to its intersection with Woodburn Road, thence with Woodburn Road in a northeasterly, then easterly direction to its intersection with Gallows Road, thence with Gallows Road in a southeasterly direction to its intersection with Annandale Road, thence with Annandale Road in a northeasterly direction to its intersection with Holmes Run (stream), thence with the meanders of Holmes Run in a generally northwesterly direction to its intersection with Arlington Boulevard, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Brook Hill, Camelot, Columbia, Edsall, Glen Forest East, Glen Forest West, Holmes East, Holmes West, Hummer, Lincolnia, Masonville, the northeastern portion of North Springfield No. 3, Parklawn, Poe, Ravenwood, Ridgelea, Skyline, Sleepy Hollow, Saint Albans, Walnut Hill No. 1, Westlawn, Weyanoke, Whittier and Willston.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Brook Hill, Camelot, Columbia, Edsall, Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1, Holmes No. 2, Hummer, Leewood, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill No. 1, Westlawn, Weyanoke, Whittier and Willston.

NOTES: On August 6, 2001, Glen Forest East, Glen Forest West, Holmes East and Holmes West were renamed Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1 and Holmes No. 2, respectively. The “northeastern portion of North Springfield No. 3” was renamed Leewood.

The boundary between Brook Hill and Poe precincts was adjusted to conform to the boundary between the Thirty-Eighth and Thirty-Ninth House of Delegates Districts.

As recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Brook Hill, Camelot, Columbia, Edsall, Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1, Holmes No. 2, Hummer, Leewood, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill No. 1, Westlawn, Weyanoke, Whittier and Willston.

NOTES: On March 24, 2003, revised and updated descriptions of the precincts were formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance. No voters were affected by these changes.

As amended by the Board of Supervisors on July 7, 2003

NOTES: On July 7, 2003, the description of Walnut Hill No. 1 precinct was amended and readopted to change the name of the polling place [facility] to the “Alan Leis Instructional Center at Walnut Hill.”

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the polling place for Lincolnia precinct was moved to the Green Spring Gardens Park.

As amended by the Board of Supervisors on March 9, 2010

NOTES: On March 9, 2010, the polling place for Masonville precinct was temporarily moved to the Westminster School, and the polling place for Skyline precinct was moved to the National Association of Power Engineers training facility.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1, Holmes No. 2, Hummer, Leewood, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill No. 1, Walnut Hill No. 2, Westlawn, Weyanoke, Whittier and Willston.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that moved the Bristow precinct from Braddock District to Mason District and moved the Walnut Hill No. 2 precinct from Providence District to Mason District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest, Holmes, Hummer, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

REDISTRICTING NOTES: On July 26, 2011, the Board adjusted the boundaries of Glen Forest No. 1 and Skyline precincts and moved the polling place for Skyline precinct to the Goodwin House Bailey's Crossroads, effective for the August 23, 2011, primary elections.

The Board adjusted the boundaries of Barcroft, Edsall, Masonville, Ravenwood, Skyline, Sleepy Hollow, and Weyanoke precincts. Additionally, Holmes No. 1 and Holmes No. 2, Glen Forest #1 and Glen Forest No. 2, and Walnut Hill No. 1, Walnut Hill No. 2, and Whittier precincts were consolidated to form Holmes, Glen Forest and Walnut Hill precincts, respectively. These changes were effective September 1, 2011.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the polling place for Masonville precinct was moved from the temporary location at Westminster School to the new Mason Crest Elementary School.

As amended and readopted by the Board of Supervisors on July 9, 2013

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest, Holmes, Hummer, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

NOTES: On July 9, 2013, Skyline was divided to form "Plaza" precinct. The polling place for Plaza precinct was established at the Skyline Plaza Residential Towers.

As amended and readopted by the Board of Supervisors on November 18, 2014

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Crossroads, Edsall, Glen Forest, Holmes No. 1, Holmes No. 2, Hummer, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

NOTES: On November 18, 2014, Skyline was divided to form Crossroads precinct and Holmes was divided to form Holmes No. 1 and Holmes No. 2. The polling place for Skyline was moved to Three Skyline Place and the polling place for Crossroads was established at Goodwin House Bailey's Crossroads.

As amended by the Board of Supervisors on December 8, 2015

NOTES: On December 8, 2015, the Board moved the polling place for Holmes No. 1 precinct to the Woodrow Wilson Library.

As amended by the Board of Supervisors on December 4, 2018

NOTES: On December 4, 2018, the Board recognized the name change of the polling place for Ravenwood from Lee High School to Justice High School.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling place for Skyline precinct to the Bailey's Community Center.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mason District

PRECINCT 520: SKYLINE

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FIFTH
HOUSE OF DELEGATES DISTRICT: FORTY-NINTH

DESCRIPTION:

Beginning at the intersection of Seminary Road and Leesburg Pike (Route 7) thence with Leesburg Pike in a southeasterly direction to its intersection with South George Mason Drive, thence with South George Mason Drive in a southwesterly direction to its intersection with an unnamed parking lot access road along the southwestern boundary of the Skyline Plaza property, thence with the access road and a projection of the access road along the Skyline Plaza property line in a southeasterly direction to its intersection with the corporate boundary of the City of Alexandria, thence with the Corporate Boundary of the City of Alexandria in a southwesterly direction to its intersection with Seminary Road, thence with Seminary Road in a generally northwesterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: ~~Three Skyline Place~~ Bailey's Community Center
~~5201 Leesburg Pike~~, 5920 Summers Lane, Falls Church

MAP GRIDS: 61-2, 61-4, 62-1, 62-3

NOTES: Established July 1981
Polling place moved from Skyline Mall – March 2003
Precinct description revised and readopted – March 2003
Polling place moved – March 2010
Boundary adjusted, polling place moved – July 2011
Senate District changed from 31st to 35th – July 2011
Delegate District changed from 46th to 49th – July 2011
Precinct divided – July 2013
Precinct divided – November 2014
Polling place moved – March 2021

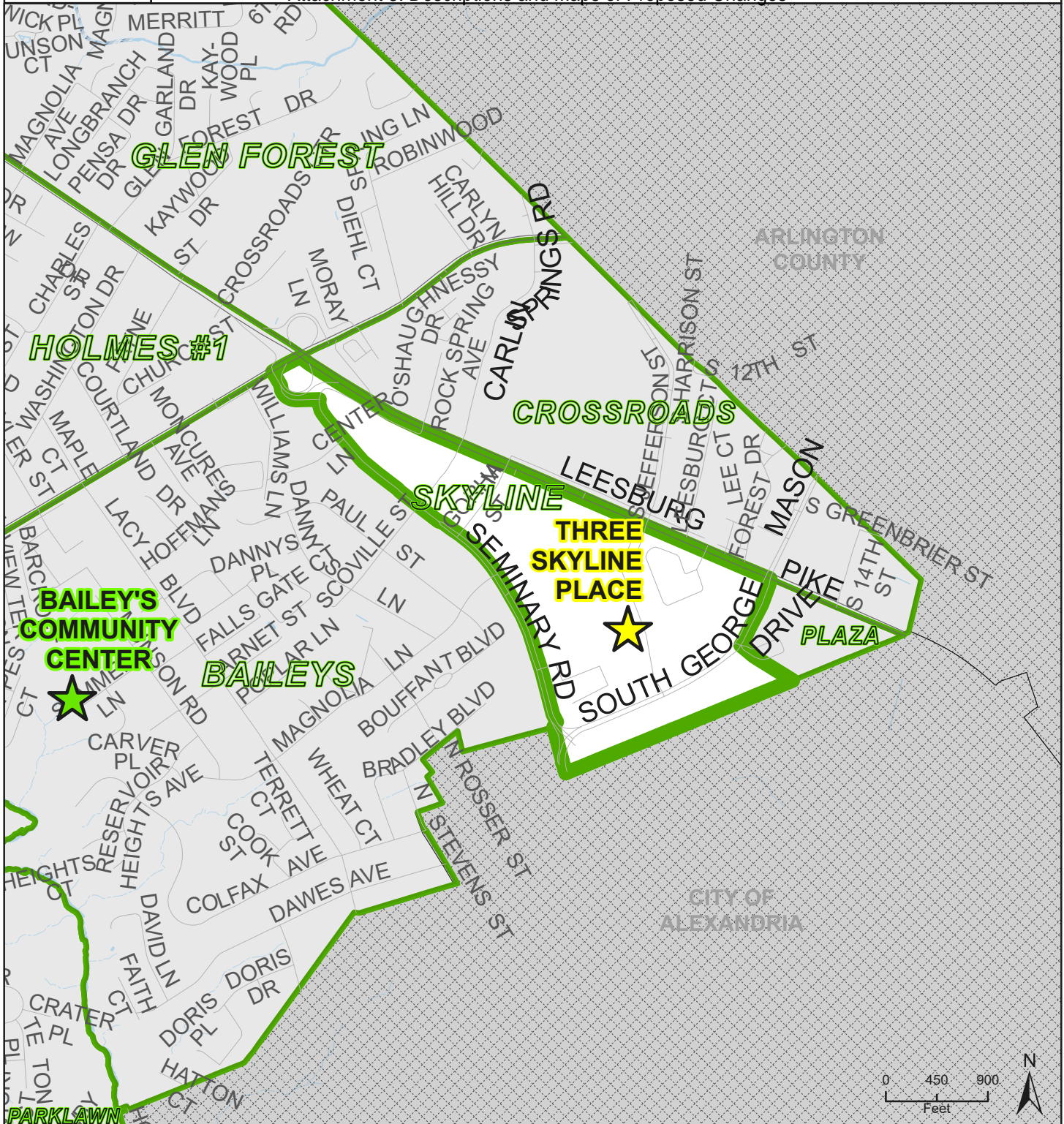


Commonwealth of Virginia County of Fairfax



Mason District

Attachment 3: Descriptions and Maps of Proposed Changes



Proposed Polling Place Change for: 520 Skyline

March 2021

★ **Current name & address:** Three Skyline Place, 5201 Leesburg Pike, Falls Church

★ **Proposed name & address:** Bailey's Community Center, 5920 Summers Lane, Falls Church

Commonwealth of Virginia
COUNTY OF FAIRFAX

MOUNT VERNON DISTRICT

DESCRIPTION:

Beginning at the intersection of Telegraph Road and the south corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southeasterly direction to its intersection with the Maryland/Virginia State Line (Potomac River), thence with the Maryland/Virginia State Line in a southerly, then generally southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northeasterly direction to its intersection with Hooes Road, thence with Hooes Road in a northerly direction to its intersection with Pohick Road, thence with Pohick Road in a generally southeasterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a generally northerly direction to its intersection with the Fairfax County Parkway (Route 7100), thence with the Fairfax County Parkway in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a southeasterly direction to its intersection with the north boundary of the Ft. Belvoir Military Reservation-North Area (old Proving Grounds), thence with the boundary of the Ft. Belvoir Military Reservation in a generally easterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southeasterly direction to its intersection with Fullerton Road, thence with the Fullerton in a generally easterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a southeasterly direction to its intersection with Alban Road, thence with Alban Road in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with Newington Road, thence with Newington Road in an easterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Beulah Road, thence with Beulah Road in a southeasterly, then easterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the northeast boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a southeasterly direction to its intersection with the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southeasterly, then northeasterly

direction to its intersection with Frye Road, thence with Frye Road in a southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a northeasterly, then northerly direction to its intersection North Kings Highway, thence with North Kings Highway in a northerly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the south corporate boundary of the City of Alexandria, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Belle Haven, Belleview, Belvoir, Bucknell, DeLong, Fort Hunt, the southwestern portion of Garfield, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Run East, Pohick Run West, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, the southern portion of Woodlawn, and Woodley.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On August 6, 2001, Pohick Run East and Pohick Run West precincts were renamed Pohick Church and Pohick Run, respectively. The “southwestern portion of Garfield” was named Alban and the “southern portion of Woodlawn” was named Woodlawn. DeLong precinct was combined with Saratoga precinct and abolished.

As recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 24, 2003, the boundary between Hollin Hall and Waynewood precincts was adjusted to conform to the boundary between the Eighth and Eleventh Congressional Districts.

The boundary between the Mount Vernon and Lee Districts and their respective Belvoir and Pioneer precincts was adjusted to conform to the realignment of Newington Road between Backlick Road and the RF&P Railroad tracks. No voters were affected by the adjustment.

Revised and updated descriptions of the precincts were formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 8, 2004, Pohick Church precinct was renamed “Lorton Center” and its polling place was moved to the Lorton Station Recreation Center. The Pohick Run precinct was renamed “Lorton Station” and its polling place was moved to the new Lorton Station Elementary School.

As amended by the Board of Supervisors on June 21, 2004

NOTES: On June 21, 2004, the polling place for the Lorton Center precinct was moved to the Lorton Station Elementary School.

As amended and readopted by the Board of Supervisors on March 27, 2006

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 27, 2006, Lorton precinct was divided to form “Laurel Hill” precinct. The polling place for Laurel Hill precinct was established at the South County Secondary School and the polling place for Lorton precinct was moved to the Lorton Library.

Also, on March 27, 2006, the polling place for the Lorton Center precinct was moved to the Grace Bible Church.

As amended by the Board of Supervisors on March 26, 2007

NOTES: On March 26, 2007, the polling place for the Grosvenor precinct was moved to the Huntington Community Center.

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the polling place for the Marlan precinct was temporarily moved to the Paul Spring Retirement Community.

The United States Postal Service address for the Lorton Station polling place was updated.

As amended and readopted by the Board of Supervisors on January 12, 2009

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On January 12, 2009, Laurel Hill precinct was divided to form South County precinct. The polling place for both precincts is the South County Secondary School.

As amended by the Board of Supervisors on July 27, 2010

NOTES: On July 27, 2010, the polling place for the Marlan precinct was permanently moved to the Paul Spring Retirement Community.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Woodlawn precinct along Frye Road to create a new precinct named “Pinewood Lake” and moved the Pinewood Lake precinct into Lee District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 26, 2011, the Board renamed Whitman precinct “Riverside” and adjusted the boundaries of Belle Haven, Belleview, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Sherwood, Stratford, and Westgate precincts.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the Board moved the polling place for South County precinct to the South County Middle School and renamed the polling place for Laurel Hill precinct from “South County Secondary School” to “South County High School.”

As amended by the Board of Supervisors on July 9, 2013

NOTES: On July 9, 2013, the Board adjusted the boundaries between Alban and Saratoga precincts; moved the polling place for Laurel Hill precinct to the Laurel Hill Elementary School; moved the polling place for South County precinct to the South County High School; and moved the polling place for Woodlawn precinct to the Knights of Columbus #5998.

As amended by the Board of Supervisors on November 18, 2014

NOTES: On November 18, 2014, the Board adjusted the boundaries between Belvoir and Woodlawn precincts.

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Army, Belle Haven, Bellevue, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 11, 2017, the Board consolidated Lorton Center precinct into the southern portion of Belvoir precinct, and established its polling location at the Newington DVS Facility.

The Board also created a new precinct, "Army", from the northern portion of Belvoir precinct with its polling location at the Kingstowne Library.

As amended by the Board of Supervisors on December 4, 2018

NOTES: On December 4, 2018, the description of Belvoir precinct was amended and readopted to change the address of the polling place [facility] from 6900 Newington Road to 8201 Cinder Bed Road.

As amended by the Board of Supervisors on April 9, 2019

NOTES: On April 9, 2019, the Board relocated the polling place for Bellevue precinct to the Martha Washington Library.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling place for Bellevue precinct back to Belle View Elementary School. The polling place was temporarily relocated in April 2019 while Belle View Elementary School underwent renovation.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mount Vernon District

PRECINCT 602: BELLEVIEW

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTIETH
HOUSE OF DELEGATES DISTRICT: FORTY-FIFTH

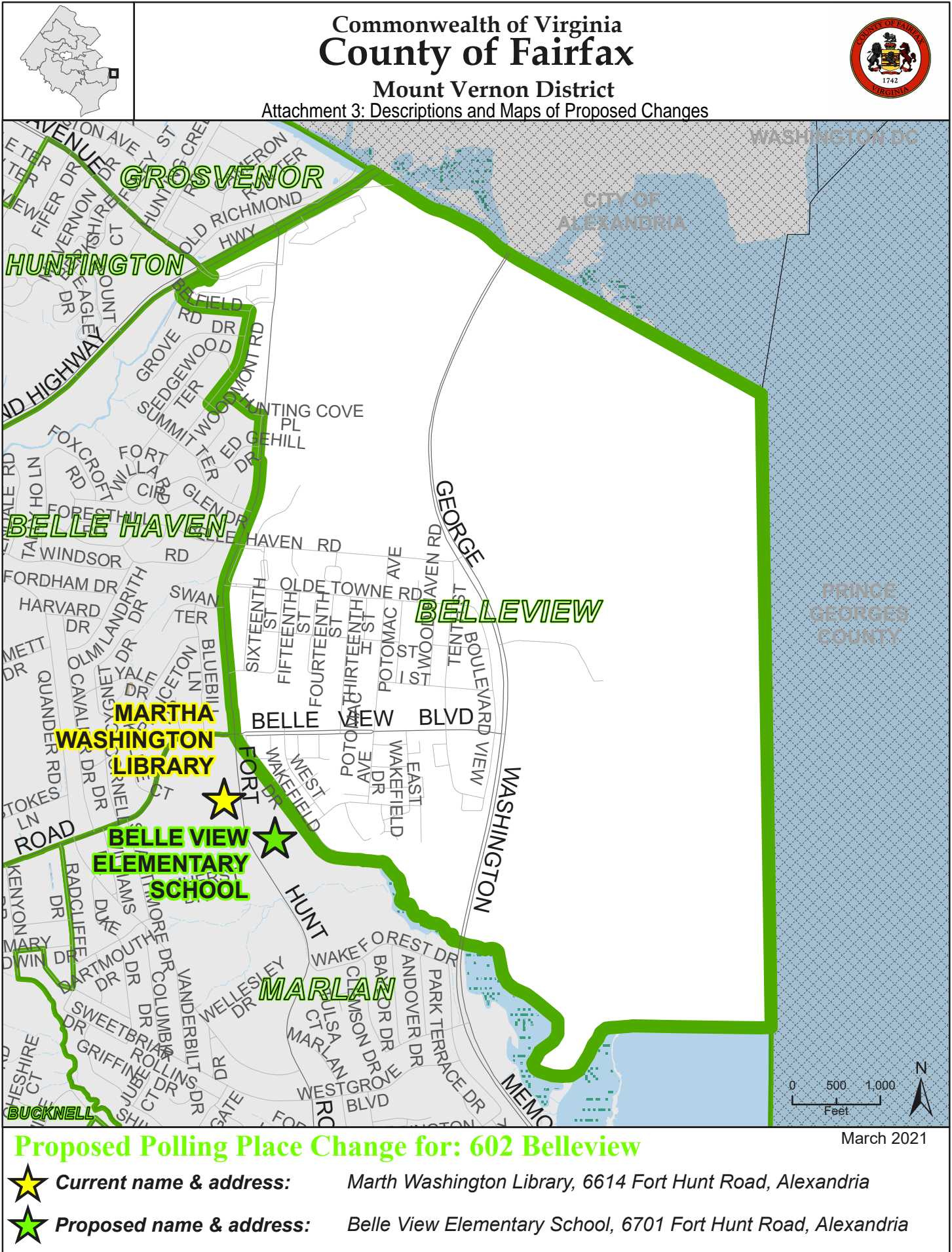
DESCRIPTION:

Beginning at the intersection of Richmond Highway (Route 1) and the south corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southeasterly direction to its intersection with the Maryland/Virginia State Line (Potomac River), thence with the Maryland/Virginia State Line in a southerly direction to its intersection with the projection of an unnamed stream (crosses the George Washington Parkway north of Wake Forest Drive), thence with this projection and the unnamed stream, into and through Dykes Marsh, in a northwesterly direction to its intersection with Fort Hunt Road at Belle View Boulevard, thence with Fort Hunt Road in a northerly direction to its intersection with Hunting Cove Place, thence with Hunting Cove Place in a northwesterly, then southwesterly direction to its intersection with Vernon Terrace, thence with Vernon Terrace in a northwesterly direction to its intersection with Woodmont Road, thence with Woodmont Road in a northeasterly direction to its intersection with Belfield Road, thence with Belfield Road and an extension of Belfield Road in a westerly direction to its intersection with an unnamed stream, thence with the unnamed stream in a northeasterly direction to its intersection with Huntington Avenue, thence with Huntington Avenue in a northwesterly direction to its intersection with Richmond Highway, thence with Richmond Highway in a northeasterly direction to its intersection with the south corporate boundary of the City of Alexandria, point of beginning.

POLLING PLACE: ~~Martha Washington Library~~ Belle View Elementary School
6614 6701 Fort Hunt Road, Alexandria

MAP GRIDS: 83-2, 83-3, 83-4, 93-1, 93-2

NOTES: Established 1957
Precinct description revised and readopted – March 2003
Precinct boundary adjusted with Belle Haven – July 2011
Polling place moved – April 2019
Polling place moved – March 2021



Commonwealth of Virginia
COUNTY OF FAIRFAX

PROVIDENCE DISTRICT

DESCRIPTION:

Beginning at the intersection of Leesburg Pike (Route 7) and the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in an easterly direction to its intersection with Magarity Road, thence with Magarity Road in a southwesterly direction to its intersection with Leesburg Pike, thence with Leesburg Pike in a southeasterly direction to its intersection with the west corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in a southwesterly, then generally southeasterly direction to its intersection with Arlington Boulevard (Route 50) at Seven Corners, thence with Arlington Boulevard in a southwesterly direction to its intersection with Holmes Run (stream), thence with Holmes Run in a generally southeasterly direction to its intersection with Annandale Road, thence with Annandale Road in a southwesterly direction to its intersection with Gallows Road, thence with Gallows Road in a northwesterly direction to its intersection with Woodburn Road, thence with Woodburn Road in a westerly, then southwesterly direction to its intersection with Leroy Place, thence with Leroy Place in a westerly direction to its intersection with Prosperity Avenue, thence with Prosperity Avenue in a northerly direction to its intersection with Crook Branch (stream), thence with the meanders of Crook Branch in a westerly direction to its intersection with a projection of Glenbrook Road, thence with this projection and Glenbrook Road in a southerly direction to its intersection with Little River Turnpike (Route 236), thence with Little River Turnpike in a northwesterly direction to its intersection with the east corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a northerly, then generally westerly direction to its intersection with the Lee-Jackson Memorial Highway (Route 50), thence with the Lee-Jackson Memorial Highway in a northwesterly direction to its intersection with West Ox Road, thence with West Ox Road in a northwesterly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a generally southeasterly direction to its intersection with Difficult Run (stream), thence with the meanders of Difficult Run in a northeasterly direction to its intersection with Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Hunter Mill Road, thence with Hunter Mill Road in a northerly direction to its intersection with Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Lakevale Drive, thence with Lakevale Drive in a southwesterly direction to its intersection with Babcock Road, thence with Babcock Road, a projection of Babcock Road and Babcock Road in a southeasterly direction to its intersection with Chain Bridge Road (Route 123), thence with Chain Bridge Road in a northeasterly direction to its intersection with the west corporate boundary of the Town of Vienna, thence with the corporate

boundary of the Town of Vienna in a generally southeasterly, and then northeasterly, then northerly direction to its intersection with Chain Bridge Road, thence with Chain Bridge Road in a northeasterly direction to its intersection with Leesburg Pike, thence with Leesburg Pike in a northwesterly direction to its intersection with the Washington Dulles Access and Toll Road, point of beginning.

Providence District also includes a non-contiguous section of Fairfax County that is surrounded by Fairfax City and contains the governmental complex, including the property on which the Fairfax County Public Safety Center (Massey Building and Annex), the Judicial Center (Jennings Building), the Adult and Juvenile Detention Centers, the Police Annex Building and the Fairfax County Public Schools Burkholder Center are located.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, Walnut Hill No. 2, and Woodburn.

As amended, re-codified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, Walnut Hill No. 2, and Woodburn.

NOTES: On March 24, 2003, Freedom Hill was divided to form Kilmer precinct. Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended by the Board of Supervisors on July 7, 2003

NOTES: On July 7, 2003, the description of Walnut Hill No. 2 precinct was amended and readopted to change the name of the polling place [facility] to the “Alan Leis Instructional Center at Walnut Hill.”

For Board of Supervisors Information on June 21, 2004

NOTES: On August 5, 2002, the Board of Supervisors adopted an ordinance to temporarily relocate the polling place for Fort Buffalo precinct until such time as the renovations to the James Lee Community Center were completed. On June 21, 2004, the Board of Supervisors was informed that the renovations were completed and that the polling place was to be returned to its permanent location at the James Lee Community Center.

As amended by the Board of Supervisors on September 10, 2007

NOTES: On September 20, 2007, the boundaries of the Blake, Nottoway, and Oak Marr precincts were adjusted to reduce the number of voters in Nottoway precinct.

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the description of Oakton precinct was amended and readopted to change the name of the polling place [facility] to the “Unitarian Universalist Congregation of Fairfax.”

As amended by the Board of Supervisors on March 9, 2010

NOTES: On March 9, 2010, the polling place for Greenway precinct was temporarily moved to the Timber Lane Elementary School.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that moved the Walnut Hill No. 2 precinct from Providence District to Mason District and divided Nottoway precinct to move the Town of Vienna portion of the Nottoway into the Vienna No. 6 precinct in Hunter Mill District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

REDISTRICTING NOTES: On July 26, 2011, the Board divided the Mosby precinct to create Hunters Branch precinct and established the polling place for Hunters Branch precinct at the Regent's Park Clubhouse. In addition, the Board adjusted the boundaries of Fort Buffalo and Greenway precincts and moved the polling place for Tysons precinct to the Providence Committee Meeting Room

As amended and readopted by the Board of Supervisors on July 10, 2012

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 10, 2012, the Board combined Graham and Greenway into one precinct and moved the polling place to the new Graham Road Elementary School. In addition, the Board adjusted the boundaries of Magarity and Tysons precincts to conform to the boundary between the 8th and 11th Congressional Districts.

As amended by the Board of Supervisors on November 18, 2014

NOTES: On November 18, 2014, the description of Marshall precinct was amended to conform to the new boundary between Fairfax County and the City of Falls Church.

As amended by the Board of Supervisors on June 23, 2015

NOTES: On June 23, 2015, the polling place for Hunters Woods precinct was moved to the Providence Community Center, and Stenwood precinct was combined with Thoreau precinct and Stenwood was abolished.

As amended and readopted by the Board of Supervisors on July 12, 2016

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Rotonda, Shreve, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 12, 2016, the Board divided the Tysons precinct to create Rotonda precinct and established the polling place for Rotonda precinct at the Rotonda Condominiums Community Center.

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Gallows East, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Rotonda, Shreve, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 11, 2017, the Board divided the Merrifield precinct to create "Gallows East" precinct and established its polling place at the Gatehouse Administration Center.

Attachment 3: Descriptions and Maps of Proposed Changes

The Board also adjusted and corrected a boundary between the Rotonda and Tysons precincts.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling place for Oak Marr precinct to the Oakton Library.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Providence District

PRECINCT 732: OAK MARR

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

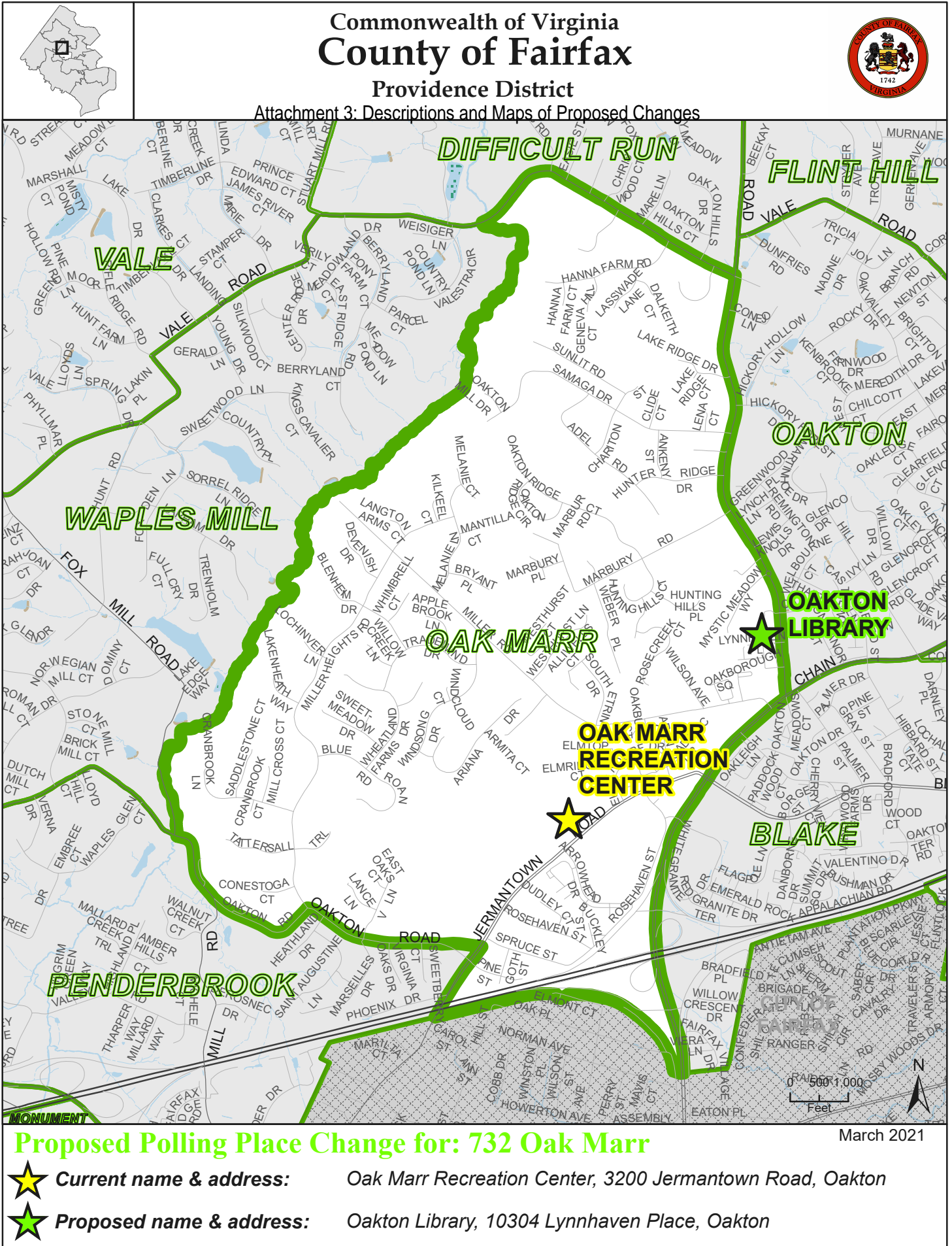
DESCRIPTION:

Beginning at the intersection of Difficult Run (stream) and Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Hunter Mill Road, thence Hunter Mill Road in a generally southerly direction to its intersection with Chain Bridge Road (Route 123), thence with Chain Bridge Road in a southwesterly direction to its intersection with the north corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a northwesterly direction to its intersection with Jermantown Road, thence with Jermantown Road in a northeasterly direction to its intersection with Oakton Road, thence with Oakton Road in a generally westerly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a northwesterly direction to its intersection with Difficult Run, thence with the meanders of Difficult Run in a northeasterly direction to its intersection with Vale Road, point of beginning.

POLLING PLACE: ~~Oak Marr Recreation Center~~ Oakton Library
~~3200 Jermantown Road~~, 10304 Lynnhaven Place, Oakton

MAP GRIDS: 37-1, 37-2, 37-3, 37-4, 47-1, 47-2, 47-3, 47-4, 46-2, 46-4

NOTES: Established February 1996
Precinct description revised and readopted – March 2003
Precinct boundary adjusted with Blake – January 2008
Polling place moved – March 2021



Commonwealth of Virginia
COUNTY OF FAIRFAX

SPRINGFIELD DISTRICT

DESCRIPTION:

Beginning at the intersection of Stringfellow Road and the Lee-Jackson Memorial Highway (Route 50), thence with Lee-Jackson Memorial Highway in a southeasterly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with Monument Drive, thence with Monument Drive in a southeasterly direction to its intersection with Random Hills Road, thence with Random Hills Road in a southwesterly direction to its intersection with Legato Road at Post Forest Drive, thence with Legato Road in a southwesterly direction to its intersection with Lee Highway (Route 29), thence with Lee Highway in a southwesterly direction to its intersection with the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in a southeasterly direction to its intersection with Braddock Road, thence with Braddock Road in a generally easterly direction to its intersection with Ox Road (Route 123), thence with Ox Road in a southerly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a southeasterly direction to its intersection with Burke Lake Road, thence with Burke Lake Road in a northeasterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a northerly direction to its intersection with an unnamed stream on the northwest side of the Burke Village Center, thence with the meanders of the unnamed stream in a northerly direction to its intersection with the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a southeasterly direction to its intersection with Old Keene Mill Road, thence with Old Keene Mill Road in an easterly direction to its intersection with Carrleigh Parkway, thence with Carrleigh Parkway in a northerly direction to its intersection with Winslow Avenue, thence with Winslow Avenue in a westerly direction to its intersection with Roxbury Avenue, thence with Roxbury Avenue in a northwesterly direction to its intersection with Oakford Drive, thence with Oakford Drive in a northwesterly direction to its intersection with Forrester Boulevard, thence with Forrester Boulevard in an easterly direction to its intersection with Carrleigh Parkway, thence with Carrleigh Parkway in an easterly direction to its intersection with Greeley Boulevard, thence with Greeley Boulevard in a generally southeasterly direction to its second intersection with Bardu Avenue, thence with Bardu Avenue in a southwesterly direction to its intersection with Old Keene Mill Road, thence with Old Keene Mill Road in a southeasterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southerly direction to its intersection with the north boundary of the Ft. Belvoir Military Reservation, thence with the boundary of the Ft. Belvoir Military Reservation in a westerly, then northwesterly, then southwesterly direction to its intersection with Rolling Road, thence with Rolling Road in a

northwesterly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a westerly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a southerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power easement in a westerly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a southwesterly direction to its intersection with Hooes Road, thence with Hooes Road in a southerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a westerly, then southwesterly direction to its intersection with the Prince William County/Fairfax County Line, thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with Centreville Road (Route 28), thence with Centreville Road in a northerly direction to its intersection with Compton Road, thence with Compton Road in a southeasterly direction to its intersection with Little Rocky Run (stream), thence with the meanders of Little Rocky Run in a northeasterly direction to its intersection with New Braddock Road, thence with New Braddock Road in an easterly direction to its intersection with Braddock Road, thence with Braddock Road in an easterly direction to its intersection with a projection of Old Clifton Road, thence with this projection and Old Clifton Road in a northeasterly direction to its intersection with Clifton Road, thence with Clifton Road in a northerly direction to its intersection with Stringfellow Road at Lee Highway (Route 29), thence with Stringfellow Road in a northerly direction to its intersection with Lee-Jackson Memorial Highway, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cherry Run, Clifton, Fairfax Station, Greenbriar East, Greenbriar West, Irving, Leehigh, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster North, Sangster South, Silverbrook, Valley, West Springfield, White Oaks, Willow Springs, Woodyard North, and Woodyard South.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cherry Run, Clifton, Fairfax Station, Fair Lakes, Fair Ridge, Fountainhead, Greenbriar East, Greenbriar West, Irving, Leehigh, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs and Woodyard.

NOTES: On August 6, 2001, the Board divided Greenbriar East and Greenbriar West precincts to form Fair Ridge and Fair Lakes precincts, respectively, in response to population growth in the area.

Sangster North, Sangster South, Woodyard North and Woodyard South were renamed Sangster, South Run, Woodyard and Fountainhead, respectively.

The boundary of Silverbrook was adjusted with Fountainhead (Woodyard South) to reduce the size of Silverbrook and to allow for growth in the area.

As amended, recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cherry Run, Clifton, Fairfax Station, Fair Lakes, Fair Ridge, Fountainhead, Greenbriar East, Greenbriar West, Irving, Leehigh, Monument, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On March 24, 2003, the Board divided Leehigh precinct to form Monument precinct in response to population growth in the area.

Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended by the Board of Supervisors on May 5, 2003

NOTES: On May 5, 2003, the Board amended and readopted the description of Leehigh precinct to change the name of the polling place [facility] to “Fair Oaks Academy Gym.”

As amended by the Board of Supervisors on March 27, 2006

NOTES: On March 27, 2006, the Board amended and readopted the description of Leehigh precinct to update the polling place address to include the street number.

As amended by the Board of Supervisors on March 26, 2007

NOTES: On March 26, 2007, the Board moved the polling place for Fair Ridge precinct to the Centerpointe Church, and the precinct was renamed “Centerpointe.”

As amended and readopted by the Board of Supervisors on September 10, 2007

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Centerpointe, Cherry Run, Clifton, Eagle View, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Irving, Monument, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On September 10, 2007, the Board divided Monument and Leehigh precincts to form Eagle View precinct in response to population growth in the area. Leehigh was renamed “Fair Oaks.”

As amended and readopted by the Board of Supervisors on January 12, 2009

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Centerpointe, Cherry Run, Clifton, Eagle View, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Irving, Monument, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On January 12, 2009, the Board divided Newgate precinct to form Newgate North and Newgate South precincts. The polling place for both precincts is the Centreville High School.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Centerpointe, Cherry Run, Clifton, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt, Irving, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Willow Springs precinct along Stringfellow Road. The portion of the precinct west of Stringfellow Road was moved into the Powell precinct in Sully District. The Board also moved Eagle View and Monument precincts from Springfield to Braddock District and moved Hunt precinct from Mount Vernon to Springfield District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cedar Lake, Centerpointe, Cherry Run, Clifton, Colchester, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt, Hunt Valley, Irving, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On July 26, 2011, the Board divided Popes Head precinct to create Colchester, divided Centerpointe precinct to create Cedar Lake, created Hunt Valley from portions of Pohick and Hunt, adjusted boundaries of Fair Oaks, Willow Springs, Fairfax Station, Woodyard, South Run, and Silverbrook, and moved the polling place for Clifton precinct.

As amended and readopted by the Board of Supervisors on July 10, 2012

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cedar Lake, Centerpointe, Cherry Run, Clifton, Colchester, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt Valley, Irving, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Sydenstricker, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On July 10, 2012, the Board moved the polling place for Cedar Lake precinct, moved the polling place for Hunt precinct, and renamed the precinct "Sydenstricker," and corrected the description of Burke precinct.

As amended by the Board of Supervisors on December 8, 2015

NOTES: On December 8, 2015, the Board moved the polling place for Fountainhead precinct to Christ Church.

As amended by the Board of Supervisors on July 12, 2016

NOTES: On July 12, 2016, the Board changed the name of the polling place of Fair Oaks precinct to the "Expectation Church Rec Center."

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cedar Lake, Centerpointe, Cherry Run, Clifton, Colchester, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt Valley, Irving, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Sydenstricker, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On July 11, 2017, the Board combined Newgate North and Newgate South precincts and renamed the precinct "Newgate." The polling location will remain at Centreville High School. The Board also moved the polling place for Fair Oaks precinct to the Virginia Department of Transportation Building.

As amended by the Board of Supervisors on December 4, 2018

NOTES: On December 4, 2018, the Board moved the polling location for Centerpointe precinct to the Waterford at Fair Oaks. The Board also moved the polling location for Cedar Lake precinct to the Michael R. Frey Animal Shelter.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling location for Centerpointe precinct to the Herrity Building.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Springfield District

PRECINCT 844: CENTERPOINTE

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

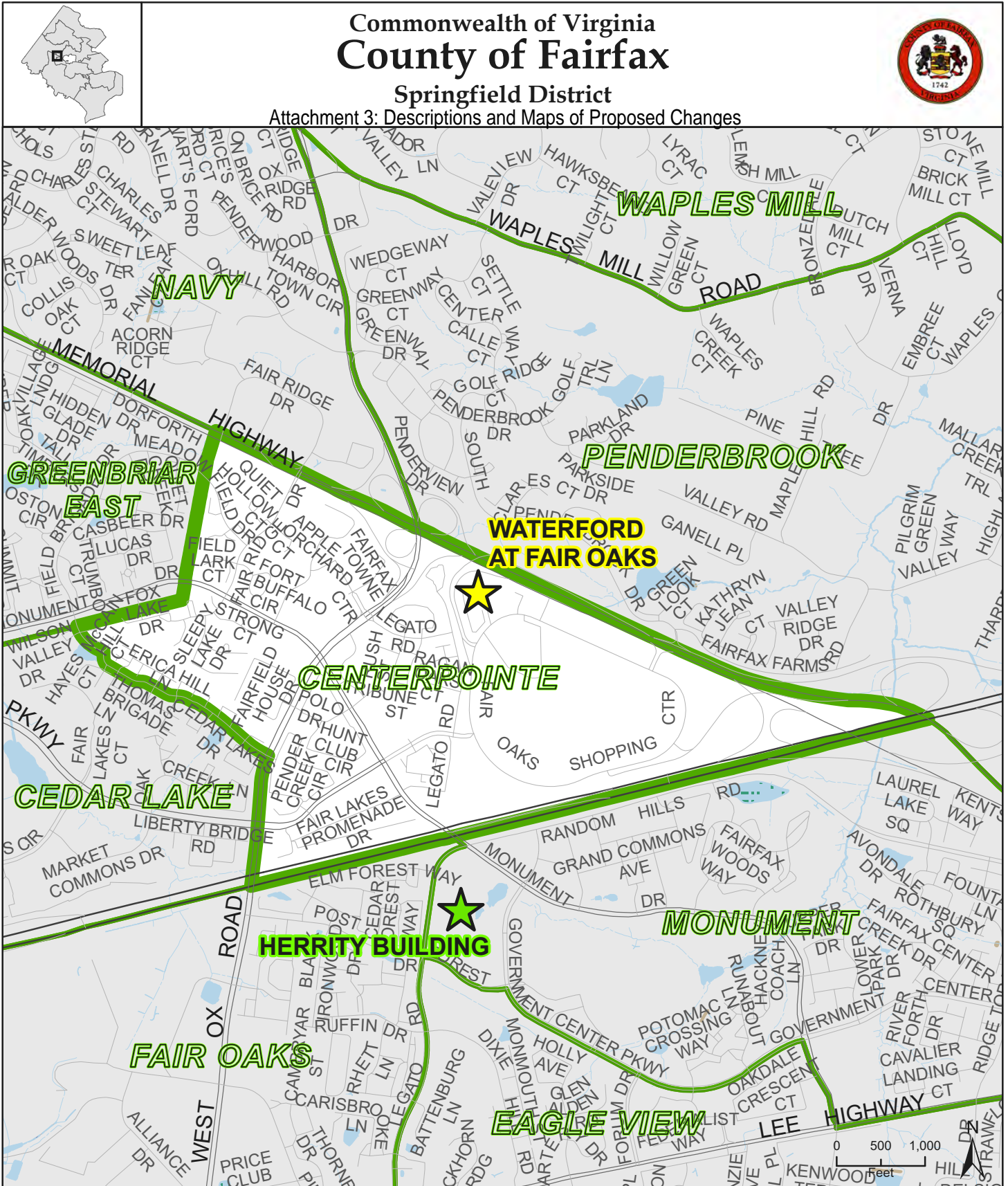
DESCRIPTION:

Beginning at the intersection of the Virginia Power Easement and the Lee-Jackson Memorial Highway (Route 50), thence with Lee-Jackson Memorial Highway in a southeasterly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with West Ox Road, thence with West Ox Road in a northerly direction to its intersection with Cedar Lakes Drive, thence with Cedar Lakes Drive in a northwesterly direction to its intersection with Fields Brigade Road, thence with Fields Brigade Road in a northwesterly direction to its intersection with the Virginia Power Easement (along Monument Drive,) thence with the Virginia Power Easement in an easterly, then northeasterly direction to its intersection with the Lee-Jackson Memorial Highway, point of beginning.

POLLING PLACE: ~~The Waterford at Fair Oaks~~ Herrity Building
 ~~12025 Lee Jackson Memorial Highway~~
 12055 Government Center Parkway, Fairfax

MAP GRIDS: 45-4, 46-3, 46-4, 56-1, 56-2

NOTES: Established August 2001
 Precinct description revised and readopted – March 2003
 Polling place relocated and precinct name changed – March 2007
 Precinct divided – July 2011
 Senate District changed from 37th to 34th – July 2011
 Delegate District changed from 67th to 35th – July 2011
 Congressional District changed from 10th to 11th – January 2012
 Polling place moved – December 2018
 Polling place moved – March 2021



Proposed Polling Place Change for: 844 Centerpointe

March 2021

★ **Current name & address:** Waterford at Fair Oaks, 12025 Lee Jackson Memorial Highway, Fairfax

★ **Proposed name & address:** Herrity Building, 12055 Government Center Parkway, Fairfax

Commonwealth of Virginia
COUNTY OF FAIRFAX

SULLY DISTRICT

DESCRIPTION:

Beginning at the intersection of the Loudoun County/Fairfax County Line and Horsepen Run (stream), thence with the meanders of Horsepen Run in a generally southeasterly direction to its intersection with West Ox Road, thence with West Ox Road in a southeasterly direction to its intersection with Folkstone Drive at Lawyers Road, thence with Folkstone Drive in an easterly direction to its intersection with Fox Mill Road, thence with Fox Mill Road in a southeasterly direction to its intersection with Little Difficult Run (stream), thence with the meanders of Little Difficult Run in a generally northeasterly direction to its intersection with Difficult Run (stream), thence with Difficult Run in a northeasterly direction to its intersection with Lawyers Road, thence with Lawyers Road in a southeasterly direction to its intersection with Hunter Mill Road, thence with Hunter Mill Road in a southeasterly, then southerly direction to its intersection with Vale Road, thence with Vale Road in a northwesterly, then southwesterly direction to its intersection with Difficult Run, thence with the meanders of Difficult Run in a southwesterly direction to its intersection with Fox Mill Road, thence with Fox Mill Road in a southerly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a generally westerly direction to its intersection with West Ox Road, thence with West Ox Road in a southerly direction to its intersection with the Lee-Jackson Memorial Highway (Route 50), thence with the Lee-Jackson Memorial Highway in a northwesterly direction to its intersection with Stringfellow Road, thence with Stringfellow Road in a southerly direction to its intersection with Clifton Road at Lee Highway (Route 29), thence with Clifton Road in a southerly direction to its intersection with Old Clifton Road, thence with Old Clifton Road and a projection of Old Clifton Road to its intersection with Braddock Road, thence with Braddock Road in a westerly direction to its intersection with New Braddock Road, thence with New Braddock Road in a westerly direction to its intersection with Little Rocky Run (stream), thence with the meanders of Little Rocky Run in a southwesterly direction to its intersection with Compton Road, thence with Compton Road in a northwesterly direction to its intersection with Centreville Road (Route 28), thence with Centreville Road in a southerly direction to its intersection with the Prince William County/Fairfax County Line (Bull Run), thence with the Prince William County/Fairfax County Line in a westerly, then generally northwesterly direction to its intersection with the Loudoun County/Fairfax County Line, thence with the Loudoun County/Fairfax County Line in a northeasterly direction to its intersection with Horsepen Run, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Centre Ridge, Centreville, Chantilly, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner, London Towne East, London Towne West, Navy, Rocky Run, Stone, Vale, Virginia Run, and Waples Mill.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Bull Run, Centre Ridge, Centreville, Chantilly, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner, London Towne East, London Towne West, Navy, Old Mill, Rocky Run, Stone, Trinity, Vale, Virginia Run, and Waples Mill.

NOTES: On August 6, 2001, the Centre Ridge, Centreville and Virginia Run precincts were divided to form Old Mill, Trinity and Bull Run precincts, respectively, in response to population growth in the area.

A small portion of Centre Ridge precinct was moved into Bull Run precinct to unite a divided neighborhood along Bull Run Drive and a portion of Navy precinct was moved into Lees Corner precinct to provide a more convenient polling place for the Chantilly Farms neighborhood.

Boundaries of the Franklin, Kinross and Lees Corner precincts were also adjusted to conform to the new boundaries of the Thirty-Sixth, Sixty-Seventh and Eighty-Sixth House of Delegates Districts.

As amended, recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Centre Ridge, Centreville, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner East, Lees Corner West, London Towne East, London Towne West, Navy, Old Mill, Poplar Tree, Rocky Run, Stone, Trinity, Vale, Virginia Run, and Waples Mill.

NOTES: On March 24, 2003, Lees Corner precinct was divided to form Lees Corner East and Lees Corner West. Chantilly and Rocky Run precincts were divided to form Poplar Tree precinct and Chantilly was renamed “Brookfield.”

Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Centre Ridge, Centreville, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner East, Lees Corner West, London Towne East, London Towne West, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Stone, Vale, Virginia Run, and Waples Mill.

NOTES: On March 8, 2004, Trinity precinct was renamed “Powell” and its polling place was moved to the Powell Elementary School.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Centre Ridge, Centreville, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner East, Lees Corner West, London Towne East, London Towne West, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Stone, Vale, Virginia Run, and Waples Mill.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Willow Springs precinct (Springfield District) along Stringfellow Road. The portion of the precinct west of Stringfellow Road was moved into the Powell precinct in Sully District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, Dulles, Franklin, Green Trails, Kinross East, Kinross West, Lees Corner No. 1, Lees Corner No. 2, London Towne No. 1, London Towne No. 2, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Stone North, Stone South, Vale, Virginia Run, and Waples Mill.

NOTES: On July 26, 2011, the Board moved the polling place for Lees corner East and renamed the precinct Chantilly. The Board divided the Franklin, Green Trails and Vale precincts to create the new precincts of Carson, Colchester and Difficult Run and established their polling places at Carson Middle School, Centreville Elementary Schools, and the Church of the Good Shepherd, respectively.

The Kinross, Lees Corner West, and Stone precincts were divided and renamed to create Kinross East, Kinross West, Lees Corner No. 1 and Lees Corner No.2, Stone North, Stone South, precincts. The boundaries of Vale and Waples Mill precincts were realigned and the polling place for Waples Mill was moved to Crossfield Elementary School. The boundaries of London Towne East and London Towne West were realigned and the precincts were renamed London Towne No. 1 and London Towne No. 2.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the Board adjusted the boundaries of Center Ridge, Green Trails and Old Mill precincts to conform to the new boundary of the 10th and 11th Congressional Districts.

As amended by the Board of Supervisors on March 19, 2013

NOTES: On March 19, 2013, the Board changed the name of Dulles precinct to “Stonecroft” and moved its polling place to the Cub Run Recreation Center.

As amended and readopted by the Board of Supervisors on November 18, 2014

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, Dulles, Franklin, Green Trails, Kinross East, Kinross West, Lees Corner No. 1, Lees Corner No. 2, London Towne, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Spindle, Stone North, Stone South, Vale, Virginia Run, and Waples Mill.

NOTES: On November 18, 2014, the Board adjusted the boundaries between Centre Ridge and London Towne No. 2, changed the name of London Towne No. 2 to “Spindle” and moved its polling place to the Centreville Regional Library and changed the name of London Towne No. 1 to “London Towne.”

As amended and readopted by the Board of Supervisors on June 23, 2015

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Armfield, Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, Dulles, Franklin, Green Trails, Hidden Meadow, Lees Corner, London Towne, Navy, Oak Hill, Old Mill, Poplar Tree, Powell, Rocky Run, Spindle, Stone North, Stone South, Vale, Virginia Run, and Waples Mill.

NOTES: On June 23, 2015, the Board (1) changed the name of Lees Corner No. 1 to “Armfield” and moved its polling place to Franklin Middle School, (2) changed the name of Lees Corner No. 2 to “Lees Corner,” (3) changed the name of Kinross East to “Hidden Meadow” and moved its polling place to the Episcopal Church of the Epiphany, and (4) changed the name of Kinross West to “Oak Hill.”

As amended by the Board of Supervisors on July 11, 2017

NOTES: On July 11, 2017, the Board recognized the name change of the polling location for Centreville precinct to “Mountain View High School.”

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board recognized the name change of the polling place for Hidden Meadow precinct from Episcopal Church of the Epiphany to “Epiphany Episcopal Church.”

Commonwealth of Virginia
COUNTY OF FAIRFAX
Sully District

PRECINCT 908: HIDDEN MEADOW

CONGRESSIONAL DISTRICT: TENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: SIXTY-SEVENTH

DESCRIPTION:

Beginning at the intersection of the Fairfax County Parkway (Route 286) and West Ox Road, thence with West Ox Road in a southeasterly, then southerly direction to its intersection with Franklin Farm Road, thence with Franklin Farm Road in a generally westerly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a northeasterly direction to its intersection with West Ox Road, point of beginning.

POLLING PLACE: ~~The Episcopal Church of the~~ Epiphany Episcopal Church
3301 Hidden Meadow Drive, Herndon

MAP GRIDS: 25-3, 25-4, 35-1, 35-2

NOTES: Established May 1995
Boundary adjusted to conform to House of Delegates Districts - August 2001
Precinct description revised and readopted – March 2003
Senate District changed from 33rd to 32nd – July 2011
Precinct divided and renamed – July 2011
Precinct renamed and polling place moved – June 2015
Polling place renamed – March 2021

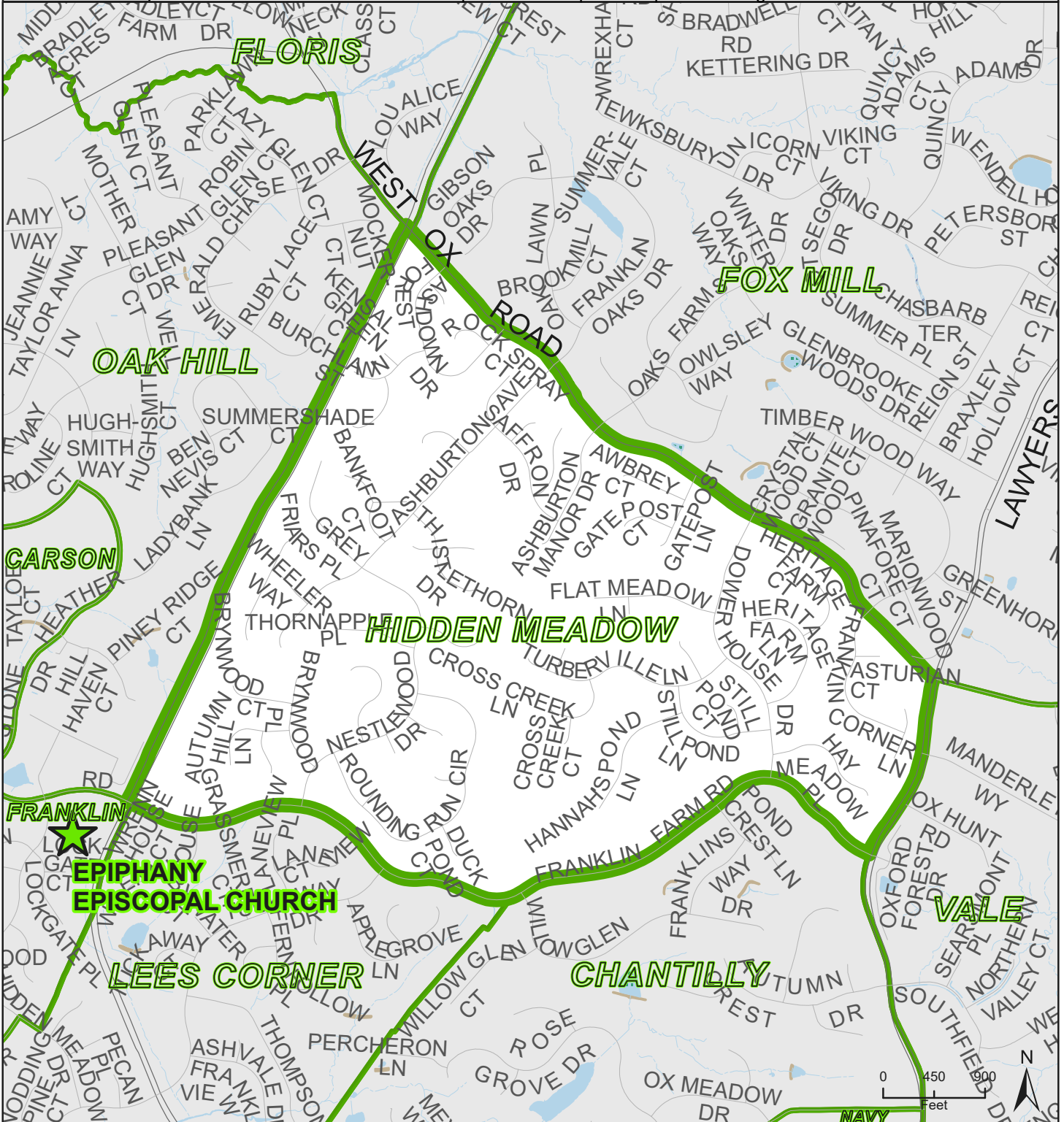


Commonwealth of Virginia County of Fairfax



Sully District

Attachment 3: Descriptions and Maps of Proposed Changes



Proposed Polling Place Change for: 908 Hidden Meadow

March 2021

★ **Current name & address:** Episcopal Church of the Epiphany, 3301 Hidden Meadow Dr, Herndon

★ **Proposed name & address:** Epiphany Episcopal Church, 3301 Hidden Meadow Dr, Herndon

ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-2-13 AND RENAME THE POLLING PLACES FOR PIONEER PRECINCT IN THE LEE DISTRICT AND HIDDEN MEADOW PRECINCT IN THE SULLY DISTRICT; AND TO RELOCATE THE POLLING PLACES FOR SKYLINE PRECINCT IN THE MASON DISTRICT, BELLEVIEW PRECINCT IN THE MOUNT VERNON DISTRICT, OAK MARR PRECINCT IN THE PROVIDENCE DISTRICT, AND CENTERPOINTE PRECINCT IN THE SPRINGFIELD DISTRICT

Draft of As Adopted on March 23, 2021

AN ORDINANCE to amend and readopt Fairfax County Code Section 7-2-13 and rename the polling places for Pioneer Precinct in the Lee District and Hidden Meadow Precinct in the Sully District; and to relocate the polling places for Skyline Precinct in the Mason District, Belleview Precinct in the Mount Vernon District, Oak Marr Precinct in the Providence District, and Centerpointe Precinct in the Springfield District.

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

- 1. That Section 7-2-13 of the Fairfax County Code is amended and readopted:**

Section 7-2-13. - General provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8, 2015, July 12, 2016, July 11, 2017, March 20, 2018, December 4, 2018, and April 9, 2019, December 3, 2019, ~~and March 24, 2020,~~ and March 23, 2021, and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

- 2. That the election polling places for the following existing precincts are established at:**

44	<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
45			
46	Lee District	Pioneer	From:
47		(polling place renamed)	Lee High School
48			6540 Franconia Road
49			Springfield, VA 22150
50			
51			To:
52			Lewis High School
53			6540 Franconia Road
54			Springfield, VA 22150
55			
56			
57	Mason District	Skyline	From:
58		(polling place moved)	Three Skyline Place
59			5201 Leesburg Pike
60			Falls Church, VA 22041
61			
62			To:
63			Bailey's Community Center
64			5920 Summers Lane
65			Falls Church, VA 22041
66			
67			
68	Mount Vernon	Bellevue	From:
69		(polling place moved)	Martha Washington Library
70			6614 Fort Hunt Road
71			Alexandria, VA 22307
72			
73			To;
74			Belle View Elementary School
75			6701 Fort Hunt Road
76			Alexandria, VA 22307
77			
78			
79	Providence	Oak Marr	From:
80		(polling place moved)	Oak Marr Recreation Center
81			3200 Jermantown Road
82			Oakton, VA 22124
83			
84			To:
85			Oakton Library
86			10304 Lynnhaven Place
87			Oakton, VA 22124
88			

89 Springfield Centerpointe From:
90 (polling place moved) The Waterford at Fair Oaks
91 12025 Lee Jackson Highway
92 Fairfax, VA 22033
93
94 To:
95 Herrity Building
96 12055 Government Center Parkway
97 Fairfax, VA 22035
98
99

100 Sully District Hidden Meadow From:
101 (polling place renamed) Episcopal Church of the Epiphany
102 3301 Hidden Meadow Drive
103 Herndon, VA 20170
104
105 To:
106 Epiphany Episcopal Church
107 3301 Hidden Meadow Drive
108 Herndon, VA 20170
109
110
111
112

113 **3. That this ordinance shall become effective upon adoption.**
114
115

116 **4. That the Clerk for the Board of Supervisors shall send a certified copy**
117 **of this ordinance, with GIS maps and boundary descriptions, to the**
118 **Fairfax County Electoral Board, the Department of Elections, and the**
119 **Division of Legislative Services, as required under Va. Code**
120 **§ 24.2-306(C).**
121
122

123 GIVEN under my hand this _____ day of _____, 2021.
124
125
126

127 _____
128 Jill G. Cooper
129 Clerk for the Board of Supervisors
130 Department of Clerk Services

Board Agenda Item
March 23, 2021

4:00 p.m.

Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-3-2 to Establish an Additional Voter Satellite Office at Burke Centre Library

ISSUE:

Public Hearing to consider an ordinance that proposes to amend Fairfax County Code Section 7-3-2 to establish an additional voter satellite office for absentee voting in person at Burke Centre Library.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

On February 23, 2021, the Board authorized a public hearing to be held on March 23, 2021, at 4:00 p.m. to consider this ordinance. Board action on March 23, 2021, will ensure sufficient time to inform voters of all voter satellite office locations no later than 55 days prior to next election which is anticipated to be the June Primary on Tuesday, June 8, 2021, but may change depending on COVID-19 restrictions or action of the General Assembly.

BACKGROUND:

On July 1, 2020, concurrent with the establishment of “no excuse” absentee voting in Virginia, Virginia Code Section 24.2-701.2 now requires the governing body of each county and city to establish the locations of voter satellite offices by ordinance, if any such offices are desired.

Under the new law, the Board of Supervisors may establish as many voter satellite offices as it deems necessary to support countywide absentee voting in person, subject to the physical and accessibility requirements of Virginia Code Section 24.2-701.2.

In the November 2020 Election, Fairfax County’s Central Absentee Precinct accounted for 8% of the total votes cast in the Commonwealth of Virginia. Approximately 33% of the total ballots cast in Fairfax County for this election were cast early in person at one of the fourteen voter satellite offices or at the Fairfax County Government Center. The trend of absentee/early voting in person in Fairfax County is expected to increase.

Board Agenda Item
March 23, 2021

If approved, the proposed ordinance would approve and establish an additional voter satellite office at the following location:

Burke Centre Library
5935 Freds Oak Road
Burke, Virginia 22015

FISCAL IMPACT:

Approval of an additional voter satellite office requires an increase of approximately \$35,000 over the amount budgeted under the current FY 2021 Budget.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Voter Satellite Offices
Attachment 2: Map of Proposed Additional Voter Satellite Office
Attachment 3: Proposed Ordinance

STAFF:

Gary D. Scott, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.

Any registered voter offering to vote absentee in person shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § [24.2-706](#).

Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § [24.2-643](#). If he does not show one of the forms of identification specified in subsection B of § [24.2-643](#), he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § [24.2-1016](#), that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § [24.2-649](#), may be assisted in preparation of this statement in accordance with that section. The provisions of § [24.2-649](#) regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § [24.2-653](#). The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to § [24.2-653.01](#) and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar or a voter satellite office established pursuant to § [24.2-701.2](#). For purposes of this chapter, such office shall be open to the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

D. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection C are located in the office of the general registrar or voter satellite office and (ii) the general registrar or an assistant registrar is present.

E. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § [24.2-653](#). The identification requirements of subsection B of § [24.2-643](#) and subsection A of § [24.2-653](#) shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § [24.2-653.01](#) and this section.

2019, cc. [278](#), [668](#), [669](#); 2020, cc. [735](#), [856](#), [1064](#), [1065](#), [1149](#), [1151](#), [1201](#).

§ 24.2-701.2. Absentee voting in person; voter satellite offices.

A. The governing body of any county or city may establish, by ordinance, voter satellite offices to be used in the locality for absentee voting in person. The governing body may establish as many offices as it deems necessary. No change in, including the creation or abolishment of, any voter satellite office shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the locality once a week for two successive weeks.

B. Any voter satellite office shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ [24.2-701](#) and [24.2-706](#). Any such location shall have adequate facilities for the protection of all elections

materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

C. Voter satellite offices shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the acts.

D. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each voter satellite office for the conduct of elections.

E. Not later than 55 days prior to any election, the general registrar shall post notice of all voter satellite office locations in the locality and the dates and hours of operation of each location in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee voting in person is available. If the county or city does not have an official website, such notice shall be published in a newspaper of general circulation in the county or city at least once prior to the election but not later than 55 days prior to such election.

F. If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar shall provide an alternative voter satellite office, subject to the approval of the State Board, and shall give notice of the change in the location of the voter satellite office. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

G. The provisions of subsection E of § [24.2-310](#) providing certain limited circumstances in which a local electoral board may approve an exception to the prohibition on the distribution of campaign materials inside the prohibited area outside of a polling place shall apply to voter satellite offices and the building in which such offices may be located.

H. A voter satellite office established pursuant to this section shall be deemed to be the equivalent of an office of the general registrar for purposes of completing an application for an absentee ballot in person pursuant to §§ [24.2-701](#), [24.2-701.1](#), and [24.2-706](#).

2020, cc. [856](#), [1149](#), [1151](#), [1201](#).

**AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION
7-3-2 AND ESTABLISH A VOTER SATELLITE OFFICES AT BURKE CENTRE
LIBRARY**

Draft of As Adopted on March 23, 2021

**AN ORDINANCE to amend and readopt Fairfax County Code Section 7-3-2
and establish an additional voter satellite office at Burke Centre Library
pursuant to Virginia Code Section 24.2-701.2.**

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

- 1. That Section 7-3-2 of the Fairfax County Code is amended and
readopted, as follows:**

Section 7-3-2. – Voter Satellite Offices.

Voter satellite offices are hereby established at the following locations:

(a). – Burke Centre Library

5935 Freds Oak Road, Burke, Virginia 22015

(ab). – Centreville Regional Library

14200 Saint Germain Drive, Centreville, Virginia 20121

(bc). – Franconia Governmental Center

6121 Franconia Road, Alexandria, Virginia 22310

(cd). – Great Falls Library

9830 Georgetown Pike, Great Falls, Virginia 22066

(de). – Herndon Fortnightly Library

768 Center Street, Herndon, Virginia 20170

(ef). – Laurel Hill Golf Club

8701 Laurel Crest Drive, Lorton, Virginia 22079

(fg). – Mason Governmental Center

6507 Columbia Pike, Annandale, Virginia 22003

(gh). – McLean Governmental Center

1437 Balls Hill Road, McLean, Virginia 22101

(hi) – Mount Vernon Governmental Center
2511 Parkers Lane, Alexandria, Virginia 22306

(ij). – North County Governmental Center
1801 Cameron Glen Drive, Reston, Virginia 20190

(jk). – Providence Community Center
3001 Vaden Drive, Fairfax, Virginia 22031

(kl). – Sully Governmental Center
4900 Stonecroft Boulevard, Chantilly, Virginia 20151

(lm). – Thomas Jefferson Library
7415 Arlington Boulevard, Falls Church, Virginia 22042

(mn). Tysons-Pimmit Regional Library
7584 Leesburg Pike, Falls Church, Virginia 22043

(no). – West Springfield Governmental Center
6140 Rolling Road, Springfield, Virginia 22152

2. That this ordinance shall become effective upon adoption.

GIVEN under my hand this _____ day of _____, 2021.

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

Board Agenda Item
March 23, 2021

4:00 p.m.

Public Hearing on Proposed Amendments to Chapters 107 (Problem Soils), 112 (Zoning Ordinance), and 122 (Tree Conservation Ordinance) of the Code of the County of Fairfax, Virginia (County Code) to Remove the Tree Commission and Geotechnical Review Board Provisions from Article 19 of the Zoning Ordinance and Incorporate Them into Chapters 122 and 107 of the County Code, Respectively

ISSUE:

Board of Supervisors (Board) adoption of proposed amendments to remove the Tree Commission and Geotechnical Review Board (GRB) provisions from Article 19 of the Zoning Ordinance and incorporate them into Chapters 122 and 107 of the County Code, respectively.

PLANNING COMMISSION RECOMMENDATION:

On February 24, 2021, the Planning Commission voted 11-0 (Commissioner Niedzielski-Eichner was absent from the meeting) to recommend to the Board of Supervisors adoption of the proposed amendments to Chapters 107 (Problem Soils), 112 (Zoning Ordinance), and 122 (Tree Conservation Ordinance) of the County Code as set forth in the Staff Report dated January 26, 2021.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments as recommended by the Planning Commission (Attachment 1) with the minor edits and additional background information provided for clarity as set forth in the revised Staff Report dated March 12, 2021.

The proposed amendments have been prepared by Land Development Services (LDS) and coordinated with the Department of Planning and Development (DPD), Department of Public Works and Environmental Services (DPWES), and the Office of the County Attorney.

TIMING:

Board action is requested on March 23, 2021, at 4:00 p.m. On January 26, 2021, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on February 24, 2021 at 7:30 p.m. If adopted, the proposed amendments will become effective on March 24, 2021, at 12:01 a.m.

Board Agenda Item
March 23, 2021

BACKGROUND:

The Tree Commission was established by the Board on June 18, 1973. The GRB was established by the Board on May 12, 1975. At the time of their establishment, neither the Tree Conservation nor the Problem Soils Ordinances had been adopted.

The Tree Commission advises the Board of Supervisors relative to the county's administration and implementation of the provisions of Chapter 122 (Tree Conservation Ordinance) and the landscaping and screening requirements in the Zoning Ordinance. It also assists the Urban Forest Management Division and LDS with the development and maintenance of technical specifications and guidelines. The provisions of the Tree Commission, its appointments, membership, and powers and duties are outlined in Part 5 of Article 19 of the Zoning Ordinance.

The GRB applies Chapter 107 (Problem Soils) to analyze soil reports and associated plans located within areas of problem soils and gives advice and recommendations to the Director of LDS concerning these reports and plans. The provisions of the GRB, its appointments, membership, and powers and duties are outlined in Part 6 of Article 19 of the Zoning Ordinance.

This amendment proposes to move the provisions of the Tree Commission and GRB into the chapters of the county code that they administer, and which closely align with each body's purpose. This amendment is consistent with the establishment of the Exception Review Committee (ERC) under the Chesapeake Bay Preservation Ordinance, Chapter 118 of the County Code, which codifies the duties and membership criteria of the ERC.

PROPOSED AMENDMENTS:

The proposed amendments are necessary to remove the Tree Commission and GRB provisions (Parts 5 and 6 of Article 19 of the Zoning Ordinance) and incorporate them into a new Article 9 of Chapter 122 (Tree Conservation Ordinance) and Article 3 of Chapter 107 (Problem Soils). Minor edits are proposed to clarify ordinance provisions and update organization names.

A copy of the proposed amendments is available online at:

<https://www.fairfaxcounty.gov/landdevelopment/public-facilities-manual-and-code-amendments>.

REGULATORY IMPACT:

None

Board Agenda Item
March 23, 2021

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:

Attachment 1 - Planning Commission Meeting February 24, 2021, Verbatim Excerpt is available online at:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2021%20verbatim/verbatim22421codeamendmentchapters107and112and122.pdf>

Attachment 2 - Staff Report dated January 26, 2021, revised March 12, 2021, is available online at:

<https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/pdf/pfm/staff-report-geotech-review-board-tree-commission-charters.pdf>

Also, Attached to the Staff Report:

Attachment A - Amendment to Chapter 112 (Zoning Ordinance)

Attachment B - Amendments to Chapter 107 (Problem Soils) and Chapter 122 (Tree Conservation) of the County Code

STAFF:

Rachel Flynn, Deputy County Executive

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

Leslie B. Johnson, Zoning Administrator, DPD

Randolph W. Bartlett, P.E., Director, DPWES

Brian Keightley, Director, Urban Forestry Management Division (UFMD), DPWES

ASSIGNED COUNSEL:

Marc Gori, Assistant County Attorney

Board Agenda Item
March 23, 2021

4:00 p.m.

Public Hearing to Consider Parking Restrictions on Gunston Cove Road (Mount Vernon District)

ISSUE:

Proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Gunston Cove Road in the Mount Vernon District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R of the Fairfax County Code. The amendment will prohibit commercial vehicles, recreational vehicles and trailers as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50) from parking on portions of Gunston Cove Road from 6:00 p.m. to 6:00 a.m., seven days per week.

TIMING:

On February 23, 2021, the Board of Supervisors authorized the Public Hearing for March 23, 2021, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

Representatives of the properties along Gunston Cove Road contacted the Mount Vernon District office seeking relief from the long-term parking that is occurring and impacting their businesses. They requested that parking restrictions be posted on the west side of Gunston Cove Road, where applicable, prohibiting all commercial vehicles, recreational vehicles, and all trailers from 6:00 p.m. to 6:00 a.m., seven days per week, as shown on the attached map (Attachment II).

Staff has viewed this area over a period of more than 30 days and has observed long term parking of out-of-area large commercial vehicles, recreational vehicles, and trailers.

Board Agenda Item
March 23, 2021

FISCAL IMPACT:

The cost of sign installation is estimated to be \$900. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy 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

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Gunston Cove Road (Route 600).

Commercial vehicles, recreational vehicles, and trailers as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50), shall be restricted from parking on the west side of Gunston Cove Road from Lorton Road to the end from 6:00 p.m. to 6:00 a.m., seven days per week.

Fairfax County
Department of Transportation
Proposed Parking Restrictions
Mt Vernon District



Tax Map: 107-4

— Proposed Parking Restriction
(Gunston Cove Rd)
No Parking Commercial Vehicles, Recreational
Vehicles, and Trailers 6:00 pm to 6:00 am

Board Agenda Item
March 23, 2021

4:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon a Portion of Solutions Drive
(Formerly Goodridge Drive) / Route 6054 (Providence District)

ISSUE:

Public hearing on a proposal to vacate and abandon a portion of Solutions Drive (formerly Goodridge Drive) / Route 6054.

RECOMMENDATION:

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

TIMING:

On February 9, 2021, the Board authorized the public hearing to consider the proposed abandonment and vacation for March 23, 2021, at 4:00 p.m.

BACKGROUND:

The Applicant, TMG TMC 4 L.L.C., is requesting that a portion of Solutions Drive (formerly Goodridge Drive) / Route 6054 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 to meet the street acceptance and bond release requirements of Site Plan No. 0826-SP-010 The Boro Buildings C2 & C3. Furthermore, north of the cul-de-sac area to be vacated and abandoned, there is an encroachment of a private retaining wall into public right-of-way and this vacation and abandonment will resolve the issue to the Virginia Department of Transportation's satisfaction.

The subject portion of Solutions Drive is a part of the cul-de-sac that is currently not constructed. Solutions Drive was originally dedicated as Goodridge Drive in 1978 as a public road as part of the Leasco Office Park and is in the VDOT Secondary System of Highways. This unconstructed portion of Solutions Drive does not function as a cul-de-sac as originally intended. The property adjacent to the existing right-of-way to be vacated and abandoned is currently occupied by TMG TMC 4 L.L.C., to which the land would revert 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
March 23, 2021

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 indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter
Attachment II: Notice of Intent to Abandon & Vacate
Attachment III: Order of Abandonment
Attachment IV: Ordinance of Vacation
Attachment V: Metes and Bounds Description
Attachment VI: Vacation and Abandonment Plat
Attachment VII: Vicinity Map
Attachment VIII: The Boro Buildings C2 & C3 Site Plan

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Site Analysis & Transportation Planning, Division Chief, FCDOT
Gregory Fuller, Site Analysis, Section Chief, FCDOT
Michelle Guthrie, FCDOT
Jeffrey Edmondson, FCDOT
Gavin Derleth, FCDOT

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney



**WALSH COLUCCI
LUBELEY & WALSH PC**

H. Mark Goetzman
Phone: 703.528.4700 x5452
Fax: 703.528.6050
mgoetzman@thelandlawyers.com

Revised
January 5, 2021

BY COURIER AND ELECTRONIC MAIL

Michelle Guthrie and Jeffrey Edmondson
Fairfax County Department of Transportation
4050 Legato Rd, Ste 400
Fairfax, VA 22033-2895

Re: Revised request for Proposed Vacation and Abandonment of a Portion of
Solutions Drive (Route 6054), Providence District, Fairfax County,
Virginia

Dear Michelle and Jeffrey:

This letter constitutes a revised request and statement of justification to vacate and abandon a portion of Solutions Drive (formerly Goodridge Drive), Route 6054, Fairfax County, Virginia, originally filed on June 16, 2020 and revised on July 10, 2020. This revised letter seeks to update the total area to be vacated and abandoned as requested in the Fairfax County Department of Transportation electronic mail dated January 4, 2021, and our understanding is that all comments have been addressed. The portion of Solutions Drive to be vacated and abandoned is located in the Providence Magisterial District (hereinafter referred to as the "Vacation and Abandonment Area"). The overlay exhibit (previously enclosed with our prior letter dated July 10, 2020) addresses the Virginia Department of Transportation's ("VDOT") inquiry about the possibility of the vacation and abandonment impeding traffic, as the exhibit shows that the Vacation and Abandonment area is not located within an area that would impede any vehicle traffic. This request is made on behalf of TMG TMC 4, L.L.C., a Delaware limited liability company, owner of Tax Map #029-3-15-0003C (the "Property"), which is adjacent to the Vacation and Abandonment Area.

The Vacation and Abandonment Area to be vacated and abandoned is shown on the plat entitled "Vacation and Abandonment of a Portion of Solutions Drive – Route 6054" prepared by VIKA Virginia LLC dated October 15, 2019, revised June 15, 2020, October 13, 2020, and further revised on October 27, 2020.

To offer some background, the Vacation and Abandonment Area was dedicated for public street purposes, by virtue of that certain Deed of Dedication and Easement recorded in Deed Book 4959 at Page 44, among the land records of Fairfax County, Virginia. The purpose of requesting the vacation and abandonment of the Vacation and Abandonment Area is to meet the street acceptance and bond release requirements of Site Plan No. 0826-SP-010. The Vacation and Abandonment Area runs along the northern side of a portion of the Property, where an office building is located. Our understanding is that this portion of Solutions Drive is now surplus. Additionally, there is a slight encroachment of a private retaining wall into the right-of-way, and this vacation and abandonment will alleviate the situation to the Virginia Department of Transportation's satisfaction, as shown in the enclosed overlay exhibit. We spoke with Mike Wing in Supervisor Palphik's office and he suggested we proceed with the application.

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

{A0951736.DOC / 1 Justification Letter (Revised 1.4.21) (CL) 000721 000084}

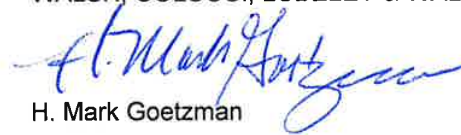
The vacation and abandonment of the Vacation and Abandonment Area is requested pursuant to Virginia Code Sections 15.2-2006 and 33.2-909.

The total area to be vacated and abandoned is 1,273 square feet.

I request your final review of this application as soon as possible. We greatly appreciate all the help and cooperation you have provided in this matter thus far. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



H. Mark Goetzman

cc: Mike Wing
Alysia Yi
Pam Pelto
Russell James
Joe Amatetti
Frank Jenkins
Lisa Goodwin

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

(Solutions Drive – State Route 6054)

Providence District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold an electronic public hearing (due to the State of Emergency caused by the COVID-19 pandemic), on March 23, 2021, at 4 PM during its regular meeting, pursuant to Virginia Code Ann. § 15.2-2204, vacating and abandoning a part of the plat, recorded in Deed Book 4959, at Page 44, on which is shown Solutions Drive (formerly Goodridge Drive) – State Route 6054. The road is located adjacent to Tax Map 029-3-15-0003C and is described and shown on the metes and bounds schedule dated June 15, 2020, and revised October 27, 2020, and on the plat dated October 15, 2019, and revised October 27, 2020, each prepared by VIKA Virginia, LLC, 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.

PROVIDENCE DISTRICT.

§ 15.2-2272(2)

§ 33.2-909

**ORDER OF ABANDONMENT OF
PORTION OF EXISTING SOLUTIONS DRIVE**

PROVIDENCE DISTRICT,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), this 23rd day March, 2021, 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 portion of the 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 the portion of existing Solutions Drive (Route 6054) comprising a total area of 956 square feet, located adjacent to Tax Map 029-3-15-0003C, described on the metes and bounds schedule dated June 15, 2020, and revised October 27, 2020, and on the plat dated October 15, 2019 and revised October 27, 2020, each prepared by VIKA Virginia, LLC, attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

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

A Copy Teste:

By: Jill G. Cooper
Clerk for the Board

§33.2-909

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

(Solutions Drive – Route 6054)

Providence District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on March 23, 2021, 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 Showing Street Dedication of Goodridge Drive, recorded in Deed Book 4959 at Page 44, on which is shown Solutions Drive (formerly Goodridge Drive), comprising a total area of 956 square feet, located adjacent to Tax Map 029-3-15-0003C, and described and shown on the metes and bounds schedule dated June 15, 2020 and revised October 27, 2020, and on the plat dated October 15, 2019 and revised October 27, 2020, each prepared by VIKA Virginia, LLC, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2006.

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

§15.2-2006

**JUNE 15, 2020
REVISED OCTOBER 27, 2020**

**DESCRIPTION OF
A PORTION OF
SOLUTIONS DRIVE – ROUTE 6054
(FORMERLY GOODRIDGE DRIVE)
DEED BOOK 4959 PAGE 44
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Being a portion of Solutions Drive – Route 6054 (formerly Goodridge Drive) as recorded in Deed Book 4959 at Page 44 among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a PK nail found marking the common corner between the property of TMG TMC 5, LLC as recorded in Deed Book 26192 at Page 190, and the property of TMG TMC 4, LLC as recorded in Deed Book 24956 at Page 1498 all among the Land Records of Fairfax County, Virginia; thence running with said property of TMG TMC 4, LLC the following three (3) courses and distances

1. South 51°58'14" West, 128.40 feet to an iron pipe found marking a point of curvature (tangent); thence
2. 16.09 feet along the arc of a curve to the left having a radius of 25.00 feet and a chord bearing and distance of South 33°32'09" West, 15.81 feet to a point of reverse curvature; thence
3. 75.34 feet along the arc of a curve to the right having a radius of 50.00 feet and a chord bearing and distance of South 58°15'53" West, 68.41 feet to a point (non-tangent); thence leaving the aforesaid property of TMG TMC 4, LLC (DB 24956 Pg 1498) and running so as to cross and include a portion of aforesaid Solutions Drive – Route 6054 (DB 4959 Pg 44) the following two (2) courses and distances
4. North 51°58'14" East, 211.42 feet to a point; thence
5. South 37°32'23" East, 2.50 feet to the point of beginning and containing 1,273 square feet or 0.02922 acres, more or less, and being the same property shown on a plat entitled "Plat Showing Vacation and Abandonment of a Portion of Solutions Drive – Route 6054 Deed Book 4959 Page 44, prepared by VIK A Virginia, LLC dated 10/15/2019 (Last Revised: 10/27/2020).

P:\projects\6021\6021_3\CADD\SURVEYS\LEGAL DESCRIPTIONS\Solutions VACT Description.docx

GREENSBORO DRIVE-RTE. 5063
(VARIABLE WIDTH PUBLIC ROW)

2,676 SF OR 0.06143 AC
PREVIOUSLY DEDICATED FOR
PUBLIC STREET PURPOSES
DB 25018 PG 936

IPFF

TM# 029-3-15-0003A
TMG TMC 3, LLC
DB 24956 PG 1494
ZONE: C-4, H-C, SC
USE: GEN MED/
HI RISE OFFICE

EX 10' SAN ESMT
DB 4034, PG 467
DB 4047, PG 87

EX 10' SAN SEW ESMT
DB 5112 PG 188
DB 5473, PG 884

TM# 029-3-15-0003B
TMG TMC 5, LLC
DB 26192 PG 190
ZONE: C-4, H-C, SC HIGH
DENSITY OFFICE
USE: GENERAL MED/HI RISE
OFFICE

EX CRANE SWING ESMT
DB 25020 PG 101

EX 15' STM DRN ESMT
DB 5112 PG 193
DB 5473, PG 884

TM# 029-3-15-0003C
TMG TMC 4, LLC
DB 24956 PG 1498
ZONE: C-4, H-C, SC
USE: OFFICE

EX SAN SEW ESMT
DB 9371, PG 1101

EX 15' STM DRN ESMT
DB 9371, PG 1101

EX 10' STORM DRAINAGE ESMT
DB 4959, PG 44

1,273 SF OR 0.02992 AC
PREVIOUSLY DEDICATED FOR
PUBLIC STREET PURPOSES
DB 4959 PG 44
(HEREBY VACATED AND ABANDONED)

EX PUBLIC ACCESS ESMT
DB 23970 PG 2035

EX SAN SEW ESMT
DB 6828, PG 1552

EX 7.2m INGRESS/EGRESS ESMT
DB 11058 PG 1014

EX 10' SAN SEW ESMT
DB 6943, PG 490

EX PUBLIC ACCESS ESMT
DB 23970 PG 1386

EX 40' STM DRN ESMT
DB 4870, PG 392

SOLUTIONS DRIVE-RTE. 6054
(PUBLIC RIGHT OF WAY)
DB 4959 PG 44

N51°38'14"E 307.31' (TIE)

IPFF

30.00'

S37°32'23"E 2.50'

POB

PKNF

N 7021667.0570
E 11843572.5312

27.50'

N51°38'14"W 128.40'

S51°38'14"E 211.40'

IPFF

N 7021536.8090
E 11843405.9979

307.00'

029-3-36-0001A
029-3-36-0001B
029-3-36-0002
029-3-36-0003
029-3-36-0004A
029-3-36-0004B
THE BORO PARCEL C2
CONDOMINIUM
DB 25137 PG 1838
ZONE: PTC, H-C, SC
USE: VACANT LAND

029-3-15-0004E2
BORO STATION
TOWER 1, LLC
DB 25370 PG 404
ZONE: PTC, H-C, SC
USE: GEN MED/
HI RISE OFFICE

EX INGRESS/EGRESS ESMT
DB 11568, PG 733

TM 029-3-15-0007H
BORO STATION LAND, LLC
DB 25531 PG 7
ZONE: PTC, H-C, SC
USE: VACANT LAND

EX INGRESS/EGRESS ESMT
DB 10510 PG 803

EX INGRESS/EGRESS ESMT
DB 7010 PG 1242

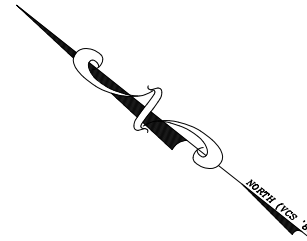
029-3-15-0004D2
BORO STATION LAND, LLC
DB 25370 PG 399
ZONE: PTC, H-C, SC
USE: GARAGE

BROAD STREET
60' PUBLIC RIGHT OF WAY
DB 25018 PG 936

EX INGRESS/EGRESS ESMT
DB 7010 PG 1242

EX PUBLIC ACCESS ESMT
DB 23970 PG 1366

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BRG	CHORD
C1	16.09'	25.00'	036°52'12"	8.33'	S33°32'09"W	15.81'
C2	75.34'	50.00'	086°19'40"	46.89'	S58°15'53"W	68.44'
C3	64.39'	50.00'	073°46'47"	37.53'	N41°40'54"W	60.00'



40 0 20 40 80

(IN FEET)

1 inch = 40 ft.



VIKA VIRGINIA LLC
8180 GREENSBORO DRIVE SUITE 200 ■ TYSONS, VIRGINIA 22102
(703) 442-7800 ■ FAX (703) 761-2787
WWW.VIKA.COM

Solutions Drive Vacation/Abandonment

Providence District

ATTACHMENT VII

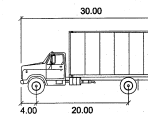


*** Denotes Area to be Vacated and Abandoned**

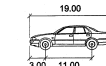
Tax Map 29-3

[illegible]

FRONT TIRES _____
 REAR TIRES _____
 VEHICLE BODY _____



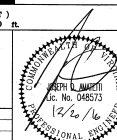
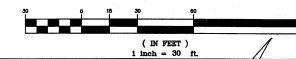
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Track	: 8.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.8



P	feet
Width	: 7.00
Track	: 6.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.8



NORTH (VCS 83)
GRAPHIC SCALE



NO.	DATE	DESCRIPTION
REVISIONS		

THE BORO
BUILDING C2 & C3 SITE PLAN

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

**AUTOTURN EXHIBIT
DESIGN VEHICLE**

VIKA REVISIONS

2ND SUB 12/19/2016
06.14.2016 100% CDS
05.02.2016 Issue for Permit
04.04.2016 Foundation and Footing Permit
1ST SUB 01/29/2015

DATE: JANUARY, 2016	
DES.	DWN.

SCALE: 1" = 30'

PROJECT/FILE NO.
VV6021_3

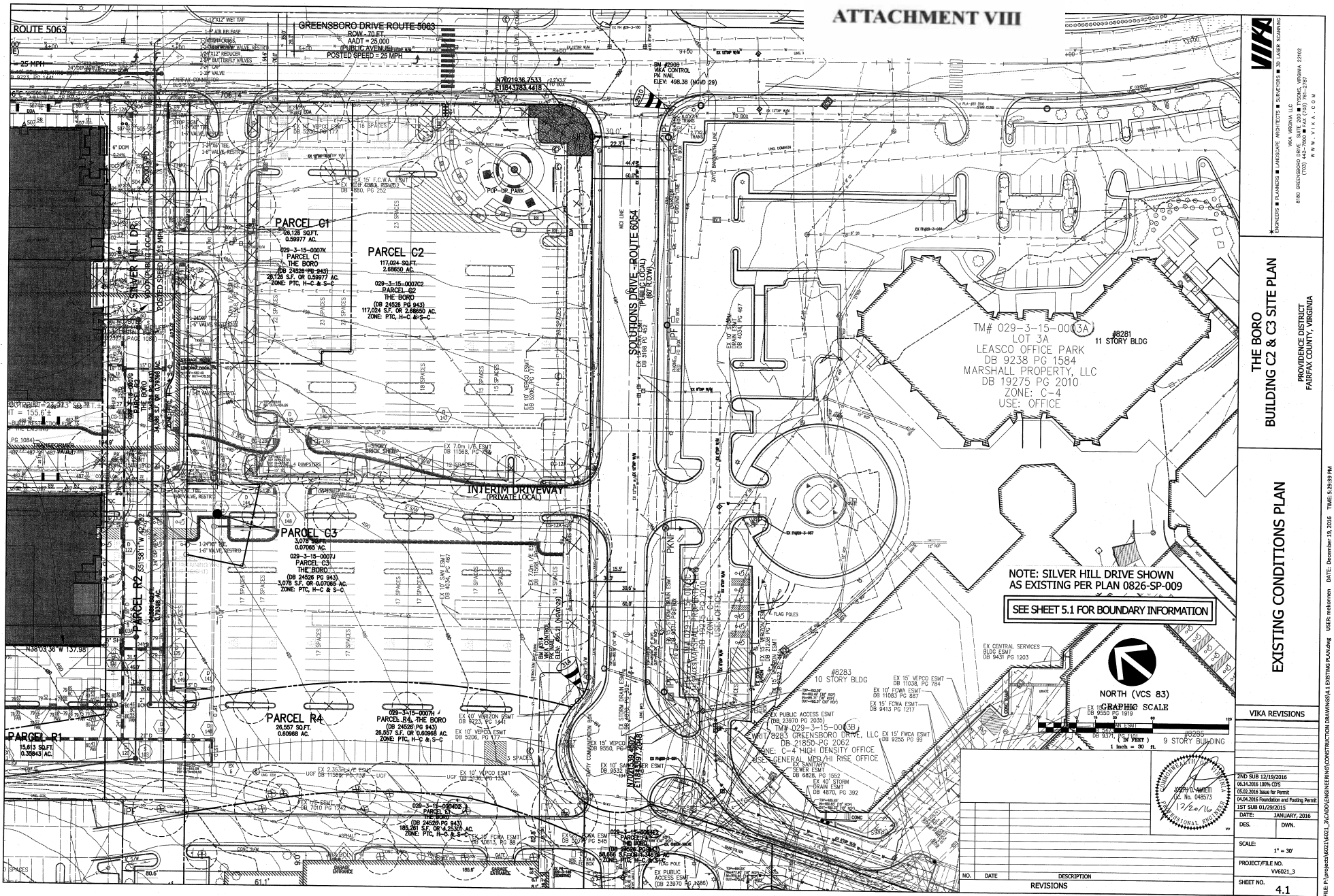
SHEET NO. 3.6

FILE: P:\projects\6021\6021_3\CADD\ENGINEERING\CONSTRUCTION DRAWINGS\3.6 AUTOTURN EXHIBIT SU-30.dwg USER: Nguyen DATE: October 13, 2016 TIME: 2:32:17 PM

V I K A

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ 3D USER SCANNING

V I K A URSINA LLC
8180 GREENSBORO DRIVE, SUITE 200 ■ TYSONS, VIRGINIA 22102
(703) 442-7850 ■ FAX (703) 761-2787
WWW.VIKA.COM



ATTACHMENT VIII

THE BORO
BUILDING C2 & C3 SITE PLAN

EXISTING CONDITIONS PLAN

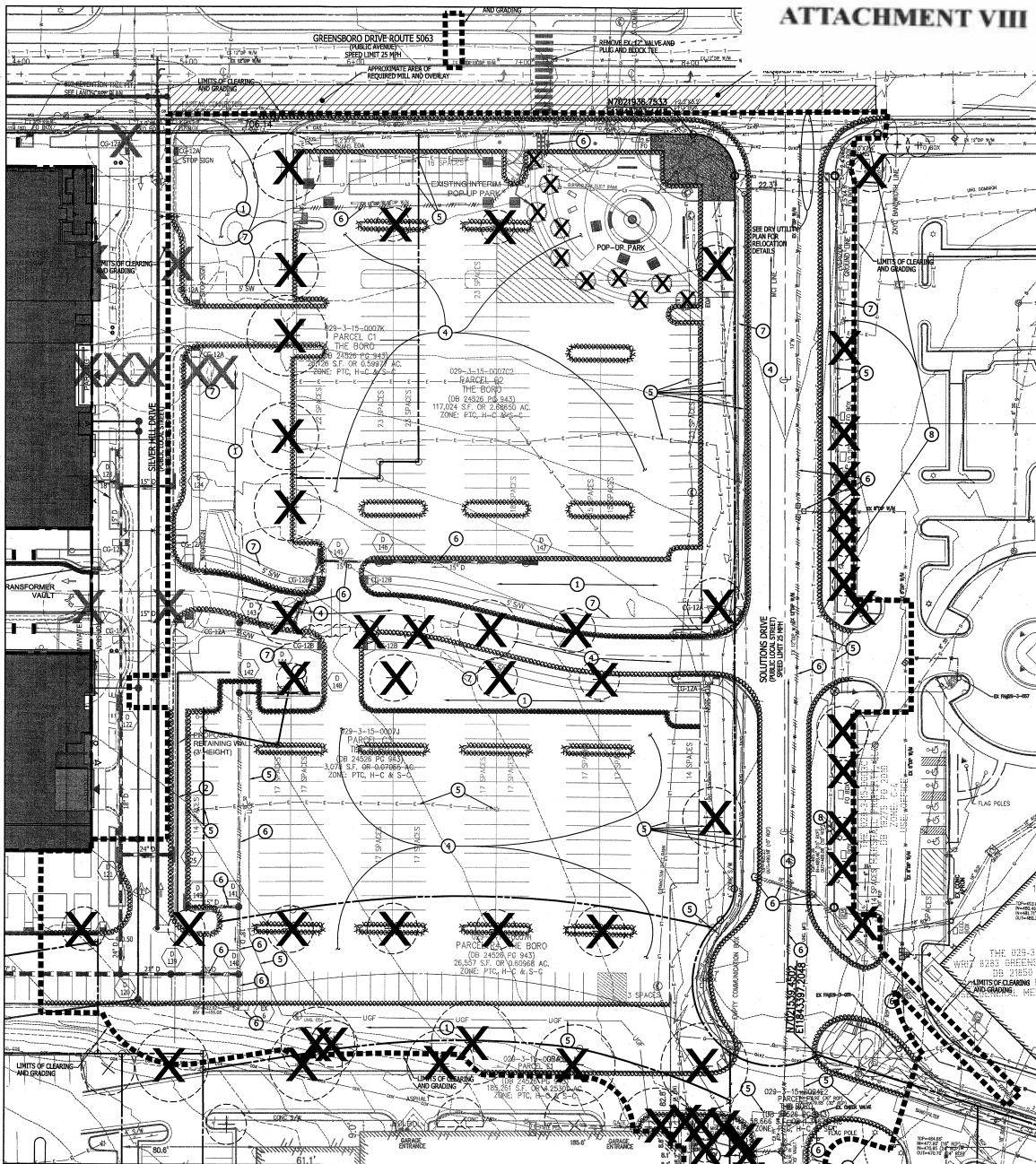
VKA REVISIONS

2ND SUB 12/19/2016
06.14.2016 100% CDS
05.02.2016 Issue for Permit
04.04.2016 Foundation and Footing Permit
1ST SUB 01/29/2015
DATE: JANUARY, 2016
DES. DWN.
SCALE: 1" = 30'
PROJECT/FILE NO. VV6021_3
SHEET NO. 4.1



VKA VIRGINIA LLC
8180 GREENSBORO DRIVE, SUITE 200 • FARMERS, VIRGINIA 22102
(703) 442-7600 • FAX (703) 791-2797
WWW.VKALLC.COM

FOR CONTINUATION SEE THIS SHEET



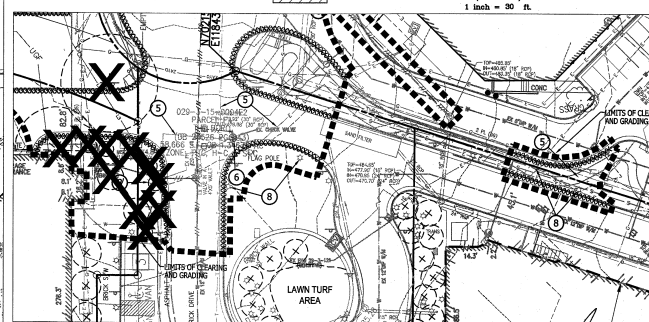
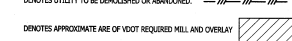
DENOLITION NOTES

1. THE CONTRACTOR SHALL COORDINATE WITH FAIRFAX COUNTY (DRAINAGE, WASTEWATER, GAS, VERIZON, CABLE, CO, AND DWP) TO PROPERLY TERMINATE ANY EXISTING SEWER SERVICE CONNECTIONS TO THE SITE. SERVICES TO ALL EXISTING BUILDINGS WHICH ARE LOCATED ON THIS PROJECT SITE ARE TO BE PROPERLY TERMINATED AND REMOVED.
2. THE CONTRACTOR SHALL MAINTAIN THE SITE AND LANDSCAPE THROUGHOUT WITH THE SCOPE OF DEMOLITION REQUIRED. ALL DEMOLITION WORK REQUIRED TO DEMOLISH EXISTING STRUCTURES, IMPROVEMENTS SHALL BE PROVIDED BY THE CONTRACTOR TO THE ZONING ADMINISTRATOR.
3. THE CONTRACTOR SHALL PROVIDE A PHOTOGRAPHIC RECORD OF DEVELOPMENT COMMENCING WITH A RECORD OF THE SITE AS IT APPEARS BEFORE DEMOLITION IS BEGUN. AFTERWARDS, A PHOTOGRAPHIC RECORD SHALL BE MAINTAINED DURING CONSTRUCTION AND ENDING WITH A PHOTOGRAPHIC RECORD OF THE DEVELOPMENT AS IT APPEARS AFTER COMPLETION OF CONSTRUCTION. THE CONTRACTOR SHALL OBTAIN A PHOTOGRAPHIC RECORD OF THE SITE AS IT APPEARS BEFORE DEMOLITION. THIS RECORD SHALL BE DELIVERED TO THE ZONING ADMINISTRATOR PRIOR TO THE ISSUANCE OF A DEMOLITION PERMIT. THE REMAINING RECORDS SHALL BE DELIVERED TO THE ZONING ADMINISTRATOR PRIOR TO THE ISSUANCE OF A MASTER PLAT.
4. REMOVAL SHALL INCLUDE BUT NOT BE LIMITED TO THE EXCAVATION, HAULING AND DISPOSAL OF CONCRETE PADS, FOUNDATIONS, SLABS, STEPS AND STRUCTURES, UNKOWNED UTILITIES, BUILDINGS, PAVEMENT, JACKS, VESTIBULES, AND ALL MATERIALS EXCEPT GRASS/GRUBBED.
5. THE CONTRACTOR SHALL PROTECT ALL ADJACENT PROPERTY AND STRUCTURES AND UTILITIES ON THE PROPERTY NOT TO BE DEMOLISHED.
6. ALL INVOICING BUILDING SERVICES MAY NOT BE INDICATED ON THE DEMOLITION PLAN. ALL SERVICES SHALL BE LOCATED AND REMOVED BY THE CONTRACTOR TO THE POINT OF UTILITY COMPANY CUT OFF OF PUBLIC UTILITY MAINLINE.
7. ELECTRIC, TELEPHONE, SANITARY SEWER, WATER AND STORM DRAINAGE UTILITIES THAT SERVICE OFF-SITE PROPERTIES SHALL BE MAINTAINED DURING THE CONSTRUCTION PROCESS. MAINTENANCE SHALL BEING TEMPORARY BURNING WITH THE APPROVAL OF THE TOWNSHIP OFFICIAL JURISDICTION AND THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS) MAY BE REQUIRED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER DISPOSITION OF ALL UTILITIES. ANY REMOVAL OR REPAIR REQUIRED AS NECESSARY AT THE SITE.
8. EXISTING CURB AND LIGHT FIXTURES, AND UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY MUST NOT TO BE RECONSTRUCTED SHALL BE MAINTAINED, PROTECTED AND UNDISTURBED DURING CONSTRUCTION.
9. CONTRACTOR SHALL ERECT ALL NECESSARY PROTECTIVE DEVICES AROUND THE UTILITIES OF DEMOLITION AND PROVIDE TO ALL PEDESTRIAN AND VEHICULAR TRAFFIC CONTROL. MEASURES DURING CONSTRUCTION AS DETERMINED BY FAIRFAX COUNTY.
10. THE CONTRACTOR SHALL PROVIDE SMOOTH SHUT OFF OF EXISTING PIPELINES, CURBS AND GUTTER, AND SIDEWALK TO BE DEMOLISHED.
11. THE ENTIRE SITE SHALL BE PROVIDED WITH A TEMPORARY FENCE BY THE CONTRACTOR TO PREVENT INGRESS/BYSS BY THE GENERAL PUBLIC DURING CONSTRUCTION. FENCE SHALL BE AT LEAST 4' HIGH CHAIN LINK.
12. ALL ALLOCATIONS OF EXISTING WATER A SEWER CONNECTIONS ARE APPROXIMATE AND BASED ON AVAILABLE BUT NOT LIMITED TO WATER, SANITARY SEWER, STORM SEWER, GAS, TELEPHONE AND ELECTRIC.
13. THE CONTRACTOR SHALL CONTACT MISSISSIPPI TO DEMOLITION OR REPAIR.
14. ALL EXISTING TREES WITHIN THE LIMITS OF CLEARANCE AND GRADING SHALL BE REMOVED UNLESS OTHERWISE NOTED. REFER TO TREE PROTECTION PLAN FOR TREE SIZE AND TYPE FOR TREE.
15. ALL EXISTING UTILITIES SERVICES TO THE EXISTING BUILDINGS TO BE DEMOLISHED SHALL BE TERMINATED IN ACCORDANCE WITH FAIRFAX COUNTY PPM STANDARDS AND SPECIFICATIONS.
16. ALL UTILITIES INDICATED TO BE DEMOLISHED SHALL BE DEMOLISHED BY THE CONTRACTOR. UTILITIES NOT SPECIFICALLY IDENTIFIED TO BE ABANDONED IN PLACE, UTILITY SYSTEMS ABANDONED IN PLACE SHALL BE FILLED WITH GROUT AS SPECIFIED BY FAIRFAX COUNTY PPM SPECIFICATIONS.
17. THE CONTRACTOR SHALL DEMOLISH AND REMOVE ALL EXISTING SITE IMPROVEMENTS INCLUDING EXISTING DRIVEWAY ENTRANCES, AND REMOVE/ADJUST IMPROVEMENTS IN ACCORDANCE WITH THE SPECIFICATIONS AS REQUIRED FOR NEW CONSTRUCTION. CONTRACTOR TO COORDINATE FOR ALL UTILITY SHUT OFFS AND PROVIDE ASSISTANCE AND OTHER IMPROVEMENTS REQUIRED FOR DEMOLITION PLAN.

SITE DEMOLITION LEGEND:

- 1 CONTRACTOR TO CLEAR, GRUB, REMOVE AND DISPOSE OF OFF-SITE ALL
VEGETATION WITHIN THE LINES OF CLEARING AND GRADING.
- 2 CONTRACTOR TO DEMOLISH EXISTING RETAINING WALLS/STRUCTURES.
- 3 CONTRACTOR TO DEMOLISH EXISTING CONCRETE GARDEN AND GUTTERS AS DELINEATED X X
X X X X TO THE EXISTING NEIGHBORHOOD, AS WELL AS ALL ON-SITE CURB & GUTTERS, TO
INSTALL NEW IMPROVEMENTS. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE FOR ALL
APPROPRIATE FLAT TO ALLOW DRAINAGE TO CONTINUE CONTINUOUSLY.
- 4 CONTRACTOR TO DEMOLISH EXISTING PAVEMENT TO THE EXISTENT NEIGHBORHOOD TO INSTALL
NEW IMPROVEMENTS.
- 5 CONTRACTOR TO RECONSTRUCT/REDO DRIVE DETAILS TO THE EXISTING NECESSARY TO INSTALL NEW
IMPROVEMENTS SEE DETAIL UTILITY PLAN FOR DETAILS. CONTRACTOR TO ALSO REMOVE DR. STREET
LIGHTS.
- 6 CONTRACTOR TO DEMOLISH AND REMOVE EXISTING UTILITIES AND ASSOCIATED
APPURTEANCES TO THE EXISTING NECESSARY TO INSTALL NEW IMPROVEMENTS. ALL
EXISTING UTILITIES TO REMAIN ACTIVE LINES. THE REPLACEMENT UTILITIES HAVE BEEN
CONSTRUCTED, TESTED, AND ACCEPTED.
- 7 CONTRACTOR TO INSTALL EXISTING SIDEWALK/PAVEMENT TO THE EXISTING NECESSARY
TO INSTALL NEW IMPROVEMENTS.
- 8 CONTRACTOR TO ADJUST EXISTING STREET LIGHTS TO FINISH GRADE AS REQUIRED.

DEMOTES UTILITY TO BE DEMYNUSED OR ABANDONED



LEGEND

-  EXISTING TREE TO BE PRESERVED
 EXISTING TREE TO BE REMOVED
 EXISTING TREE PREVIOUSLY REMOVED WITH APPROVED PLAN. SEE PFX. CO. PLANS 0826-RGP-005, 0825-SP-003.

[illegible]

THE BORO
BUILDING C2 & C3 SITE PLAN

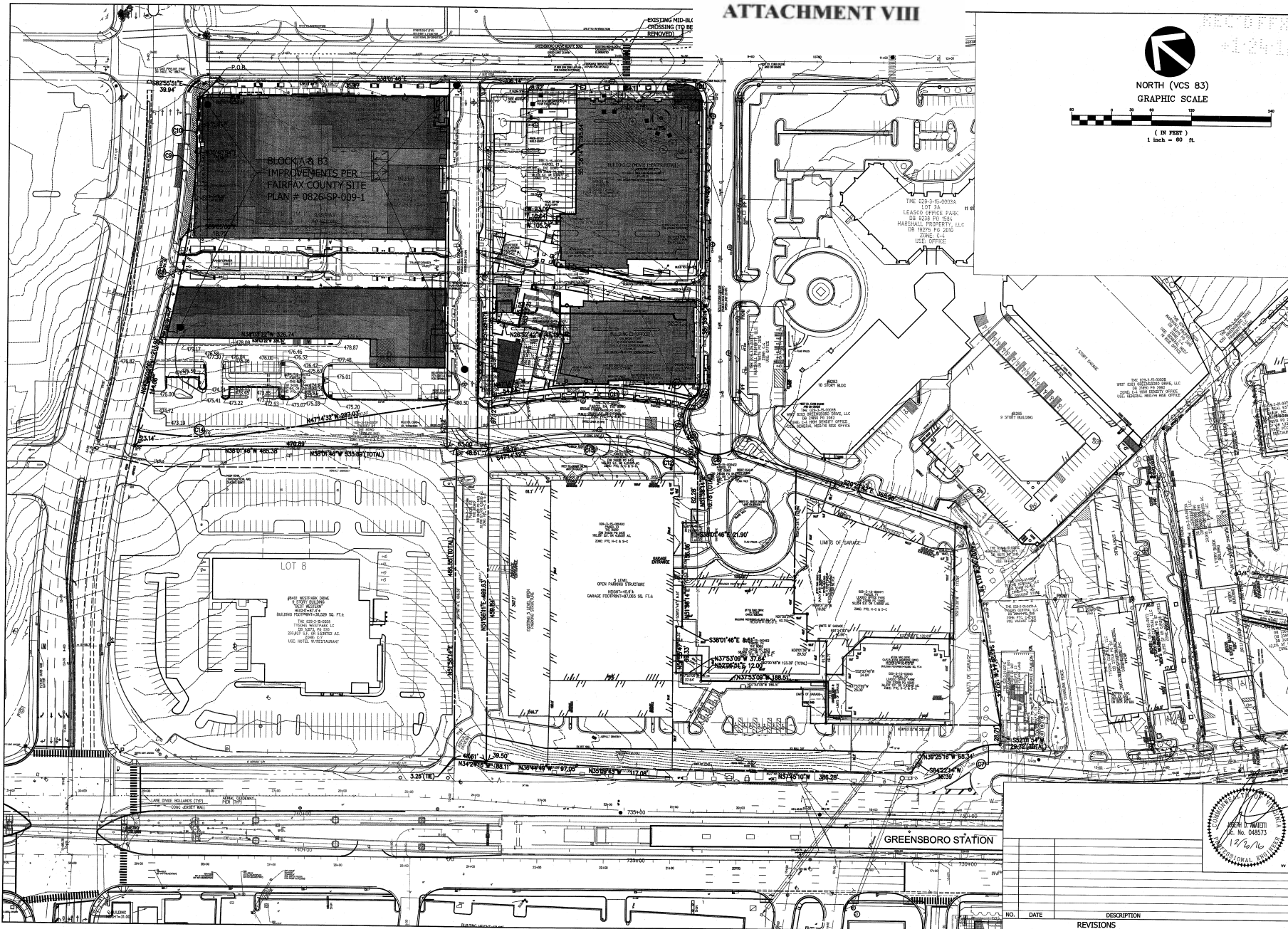
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

DEMOLITION PLAN

VIKA REVISIONS

SUB 12/19/2016	
2016 100% CDS	
2016 Issue for Permit	
2016 Foundation and Footing Permit	
SUB 01/29/2015	
DATE:	JANUARY, 2016
S.	DWN.
SCALE: 1" = 30'	
PROJECT/FILE NO. VV6021_3	
SHEET NO. 42	

ATTACHMENT VIII



Vika Engineering, Inc.
 ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • 3D LIDAR SCANNING
 6100 GREENSBORO DRIVE, SUITE 200 FORT WORTH, TEXAS 76102
 (755) 442-7855 • FAX (755) 761-2287
 WWW.VIKAE.COM

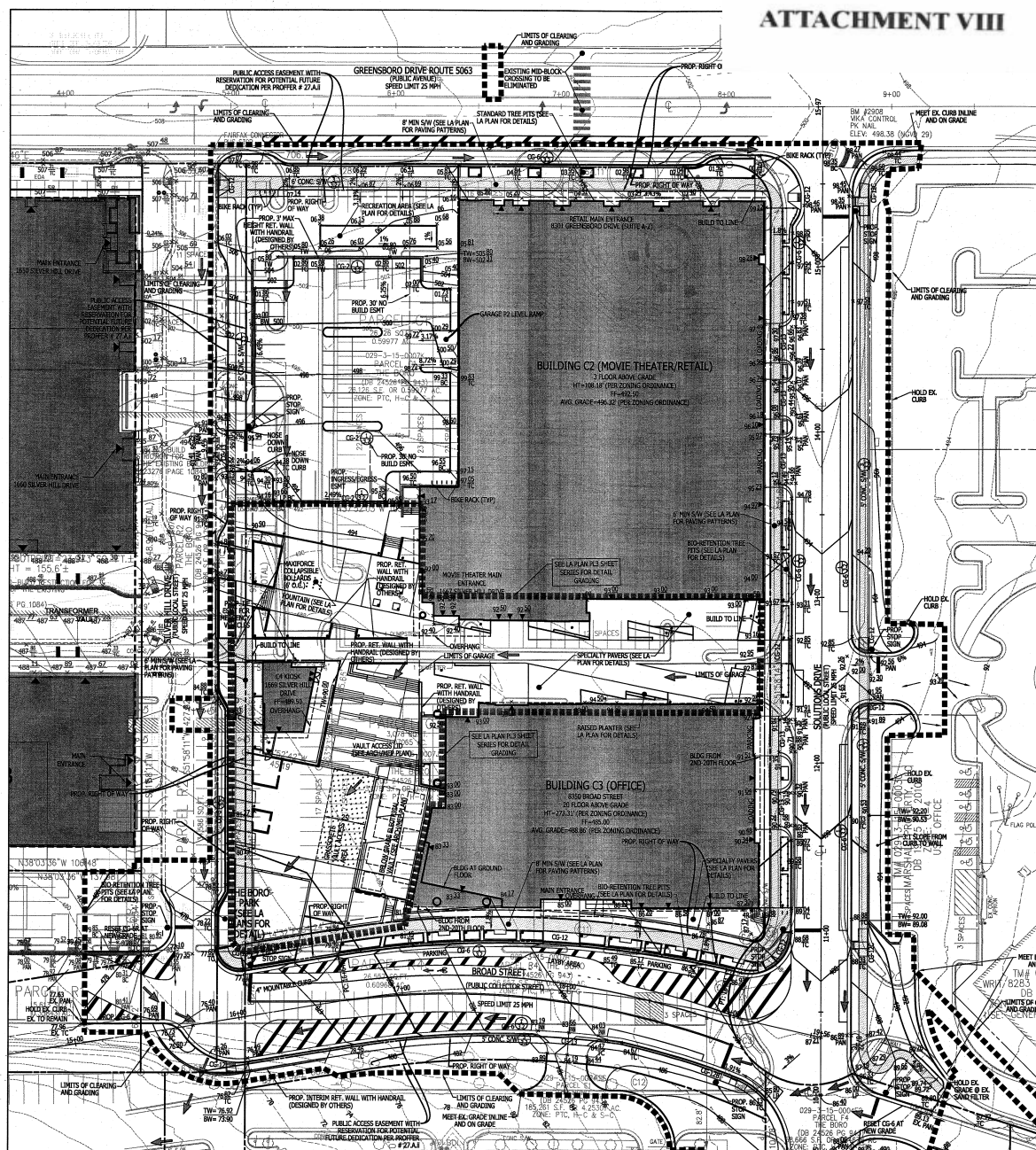
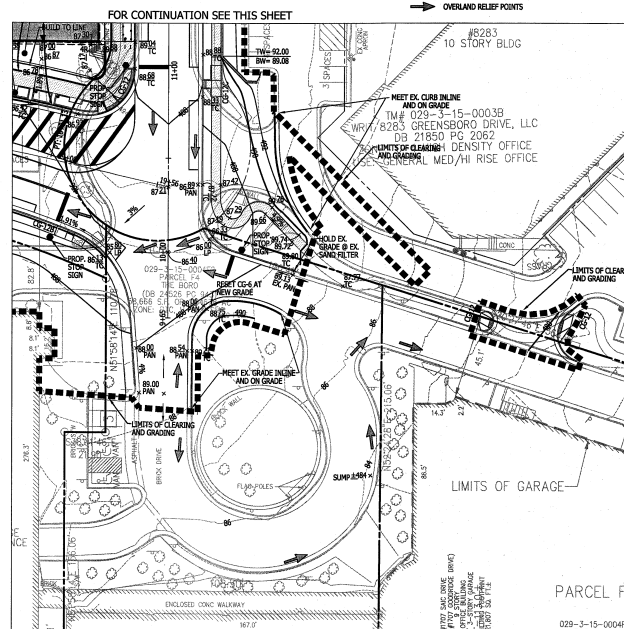
THE BORO
BUILDING C2 & C3 SITE PLAN
 PROUDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

OVERALL PLAN

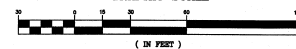
VIKA REVISIONS	
NO.	DATE
1	1/2/16

2ND SUB 12/19/2016
 06.14.2016 100% CPS
 06.02.2016 Issue for Permit
 04.05.2016 Foundation and Parking Permit
 1ST SUB 01/28/2015
 DATE: JANUARY, 2016
 DES: DWN.
 SCALE: 1" = 60'
 PROJECT/FILE NO.: V6021_3
 SHEET NO.: 5.1

FOR CONTINUATION SEE THIS SHEET

[illegible]

NORTH (VCS 83)
GRAPHIC SCALE



NO.	DATE	DESCRIPTION
REVISIONS		

THE BORO
BUILDING C2 & C3 SITE PLAN

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

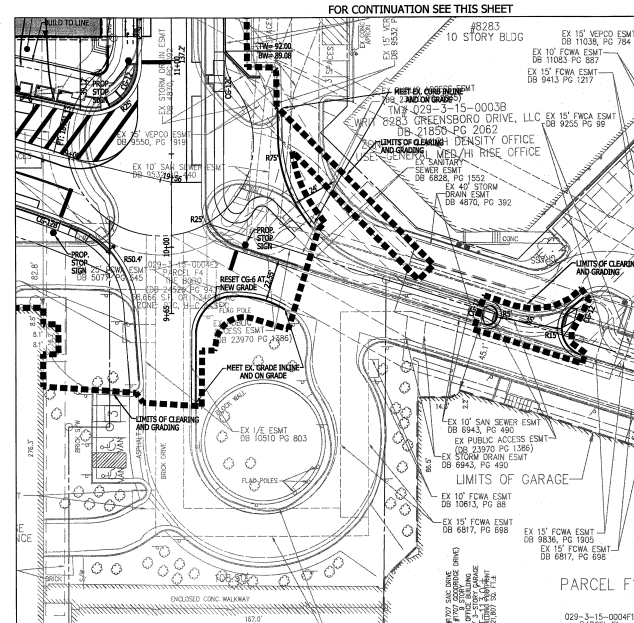
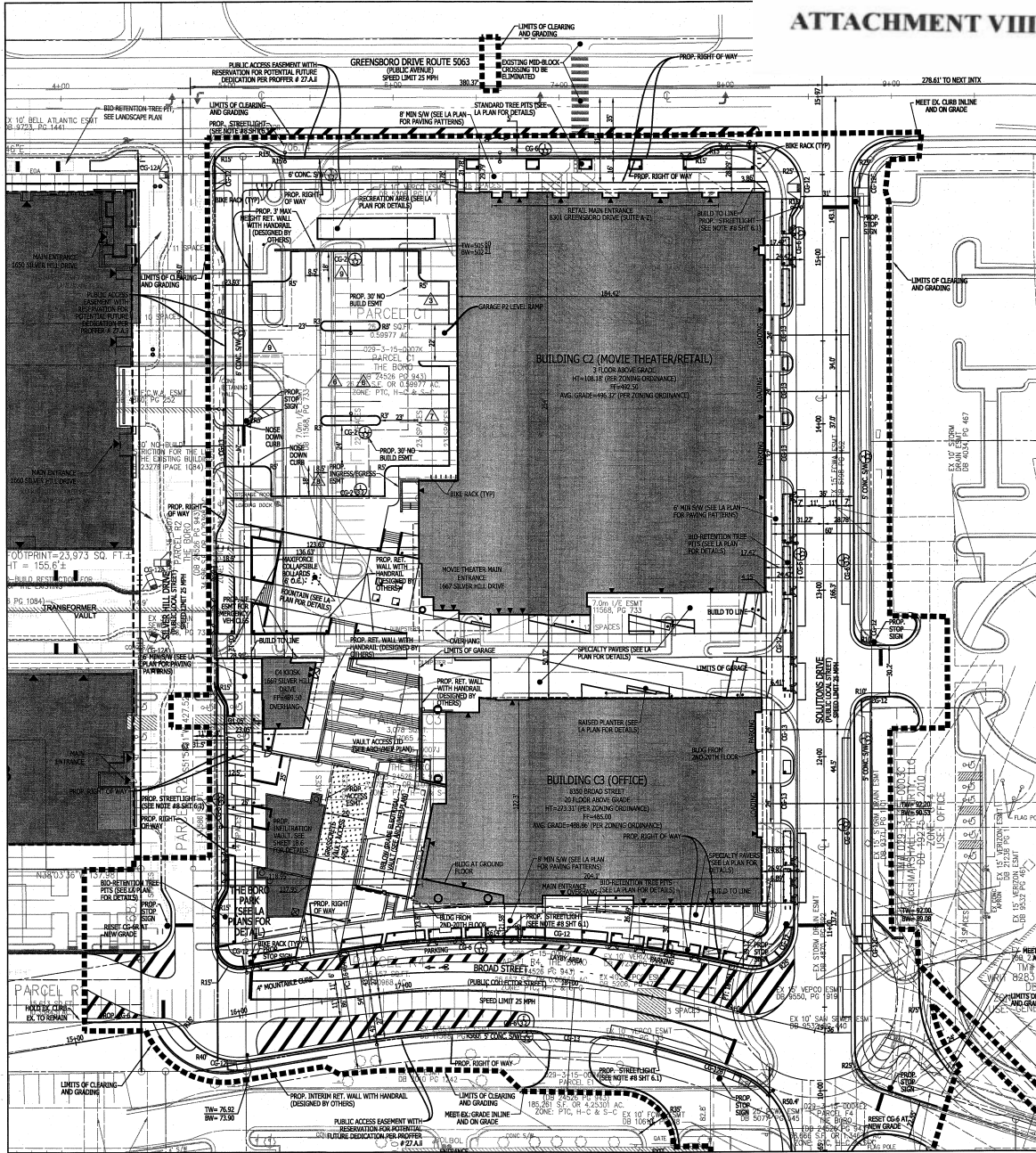
GRADING PLAN

VIKA REVISIONS

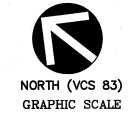
INSERTS 02/06/2017 2ND SUB 12/19/2016 06.14.2016 100% CDS 05.02.2016 Issue for Permit 04.04.2016 Foundation and Footing Perm 1ST SUB 01/29/2015	
DATE: JANUARY, 2016	
DES.	DWN.
SCALE: 1" = 30'	
PROJECT/FILE NO. VV6021_3	
SHEET NO. 6.2	

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ATTACHMENT VIII



ROADWAY	AREA OF DEDICATION
BROAD STREET	6.90 SQ. FT.
SILVER HILL DRIVE	21,555.95 SQ. FT.
GREENSBORO DRIVE	3,058 SQ. FT.
TOTAL	30,826 SQ. FT.



NO.	DATE	DESCRIPTION

VIA
VIA, VIRGINIA, LLC
BIO GREENSBORO, 4400 SILVER HILL DRIVE, SUITE 200
(703) 442-7600 • FAX (703) 700-2077
WWW.VIA-VA.COM

THE BORO
BUILDING C2 & C3 SITE PLAN
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

GEOMETRIC PLAN

VIA REVISIONS

DATE: 02/06/2017
2ND SUB 12/19/2016
06.14.2016 100% CTS
05.02.2016 Issues for Permit
04.04.2016 Foundation and Footing Permit
1ST SUB 01/29/2015
DATE: JANUARY, 2016
DES: DWN.
SCALE: 1" = 30'
PROJECT/FILE NO.: VV6021_3
SHEET NO.: 6.3

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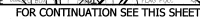


3D LASER SCANNING

THE BORO
BUILDING C2 & C3 SITE PLAN

UTILITY PLAN

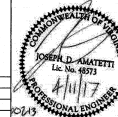
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[illegible]

INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION, ELEVATIONS, SIZES, AND MATERIALS OF EX UTILITIES BY DIGGING TEST PITS BY HAND AT ALL POINTS OF CONNECTION AND AT CROSSINGS. RESULTS FROM THESE TEST PITS SHALL BE SUBMITTED TO VDK, INC. PRIOR TO COMMENCING CONSTRUCTION AND BEING RECORDED IN THE FINAL AS-BUILT.



(IN FEET)
1 inch = 30 ft.



INSERTS 04/11/2017
 INSERTS 02/06/2017
 ND SUB 12/19/2016
 5.14.2016 100% CDS
 5.02.2016 Issue for Permit
 4.04.2016 Foundation and Footing Permit
 ST SUB 01/29/2015

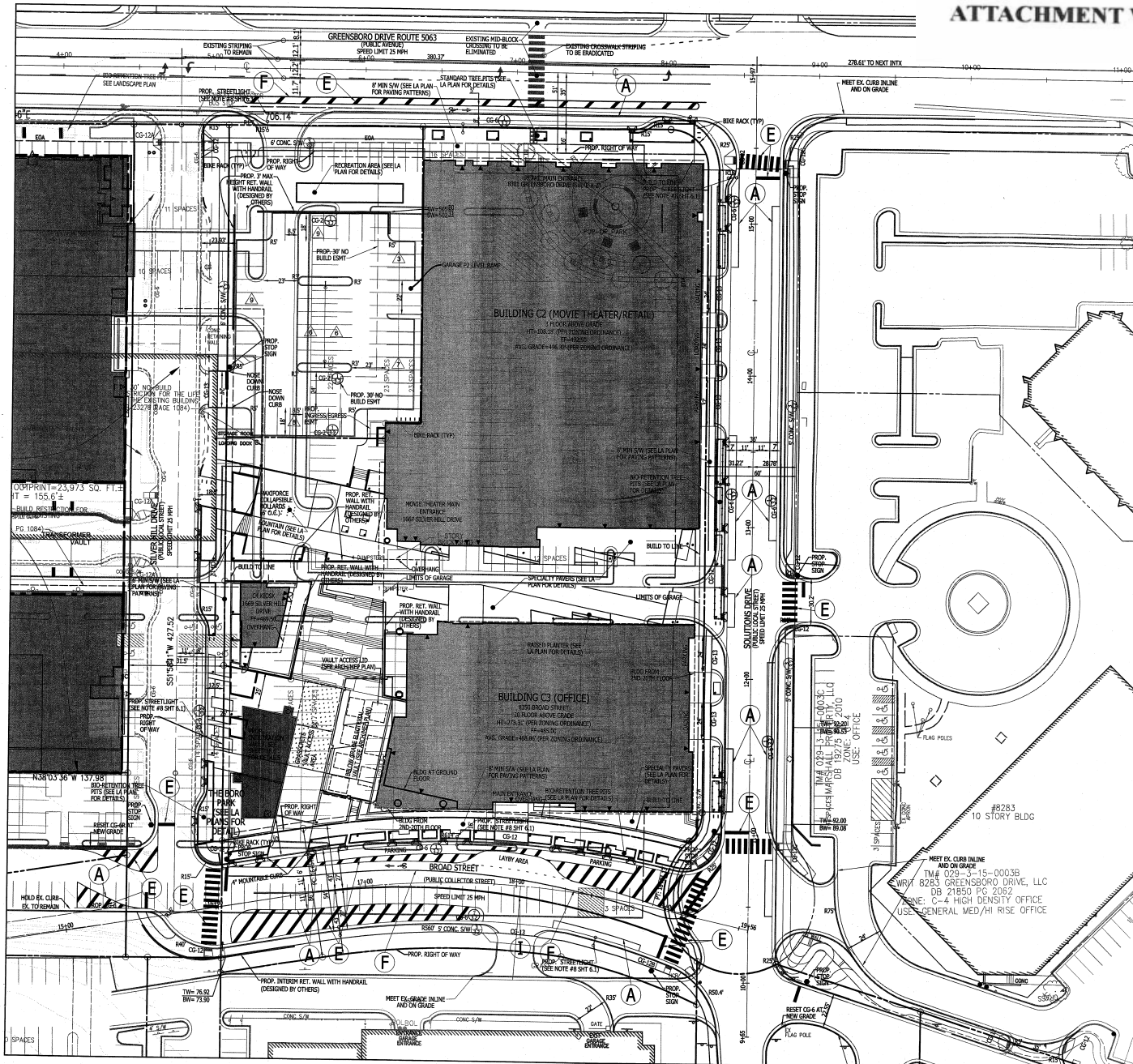
DATE:	JANUARY, 2016
DES.	DWN.

SCALE:
1" = 30'

PROJECT/FILE NO.
VV6021_3

SHEET NO. 6.4

ATTACHMENT VIII



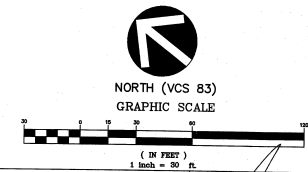
- REMARKS:**
1. STANDARD HIGHWAY SIGNING HANDBOOK (FHWA, 2001 EDITION)
 2. STANDARD ALPHABET FOR HIGHWAY SIGNS (FHWA, 2001 EDITION)
 3. STANDARD ALPHABET FOR HIGHWAY SIGNS (FHWA, 2001 EDITION)
 4. ANY EXISTING PAVEMENT MARKINGS WHICH WILL CONFLICT WITH PROPOSED PAVEMENT MARKINGS SHALL BE ERASED.
 5. LIMITS SHOWN OF PROPOSED PAVEMENT MARKINGS ARE APPROXIMATE AND SHALL BE MODIFIED IN THE FIELD TO INSURE THAT PROPOSED PAVEMENT MARKINGS CONTINUE UNTIL EXISTING PAVEMENT MARKINGS CAN BE MATCHED.
 6. ALL SIGNS SHALL BE CONSTRUCTED FROM ENCAPSULATED LENS SHEETING.
 7. ADDITIONAL STRIPING AND SIGNAGE MAY BE REQUIRED WHICH SHALL BE DETERMINED DURING THE FINAL INSPECTION PROCESS.

NOTES:

1. SIGNAGE AND STRIPING SHOWN IS FOR IMPROVEMENT WITHIN VDOT R-O-W. ADDITIONAL SIGNAGE AND STRIPING MAY BE REQUIRED PER VDOT TRAFFIC ENGINEERING AND VDOT INSPECTORS. STRIPING AND SIGNAGE ON PRIVATE PROPERTY IS NOT INCLUDED ON THESE PLANS.

- GENERAL NOTES:**
1. UNLESS OTHERWISE APPROVED BY THE ENGINEER OR INDICATED IN THE MAINTENANCE OF TRAFFIC AND SEQUENCE OF CONSTRUCTION PLANS, EXISTING TRAFFIC SIGNS WHICH ARE TO BE RELOCATED SHALL REMAIN IN PLACE UNTIL THE NEW SIGN STRUCTURE IS IN PLACE.
 2. THE REMOVAL OR MODIFICATION OF EXISTING SIGN PANELS, STRUCTURES, OR FOUNDATIONS SHALL CONFORM TO THE SPECIFICATIONS.
 3. NEW MATERIALS AND ITEMS REQUIRED TO COMPLETE THE REMOVAL OR MODIFICATION OF EXISTING ITEMS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL IN ACCORDANCE WITH THE SPECIFICATIONS. ALL EXISTING AND PROPOSED SIGN LOCATIONS ARE APPROXIMATE AND SHALL.
 4. BE FIELD IDENTIFIED BY THE CONTRACTOR. ALL PROPOSED SIGN LOCATIONS SHALL BE STAKED BY THE CONTRACTOR AND APPROVED BY THE ENGINEER.
 5. ALL STRIPING, WHERE MATCHING TO EXISTING, SHALL BE DONE IN A MANNER APPROVED BY THE ENGINEER.
 6. EXISTING PAVEMENT MARKINGS THAT CONFLICT WITH THE PROPOSED MARKINGS SHOWN HEREIN SHALL BE ERASED.
 7. INTERSECTION STRIPING SHALL BE COORDINATED WITH THE TRAFFIC SIGNAL INSTALLATIONS.
 8. STOP LINES SHALL BE 24" IN WIDTH AND SHALL BE LOCATED AS SHOWN ON THE PLANS.
 9. THE CONTRACTOR SHALL STAKE ALL PROPOSED SIGN RELOCATIONS FOR REVIEW AND APPROVAL BY THE VDOT TRAFFIC ENGINEER PRIOR TO ANY INSTALLATION OR RELOCATION.
 10. LIMITS SHOWN OF PROPOSED PAVEMENT MARKINGS ARE APPROXIMATE AND SHALL BE MODIFIED IN THE FIELD TO INSURE THAT PROPOSED PAVEMENT MARKINGS CONTINUE UNTIL EXISTING PAVEMENT MARKINGS CAN BE MATCHED.

- STANDARD PAVEMENT MARKING LEGEND:**
- TYPE B CLASS 1 WHITE 4" WIDTH
 - TYPE B CLASS 2 WHITE 6" WIDTH, 10' LONG, 30' SPACING
 - TYPE B CLASS 3 WHITE 6" WIDTH, 2' LONG, 4' SPACING
 - TYPE B CLASS 4 WHITE 18" WIDTH
 - TYPE B CLASS 5 WHITE 36" WIDTH
 - TYPE B CLASS 6 WHITE 6" WIDTH
 - TYPE B CLASS 7 YELLOW 4" WIDTH, 10' LONG, 30' SPACING
 - TYPE B CLASS 8 YELLOW 6" WIDTH
 - TYPE B CLASS 9 YELLOW 4" WIDTH, DOUBLE LINE, 4' SPACING
 - TYPE B CLASS 10 WHITE 6" WIDTH 10' SPACING 645 DEGREE
 - TYPE B CLASS 11 WHITE SINGLE ARROW
 - TYPE B CLASS 12 WHITE COMBINATION ARROW
 - TYPE B CLASS 13 WHITE 6" LETTERS
 - TYPE B CLASS 14 WHITE 6" WIDTH, 2' LONG, 18' SPACING
 - TYPE B CLASS 15 WHITE 12" WIDTH, 30' SPACING 645 DEGREE
 - TYPE B CLASS 16 YELLOW 12" WIDTH, 30' SPACING 645 DEGREE



NO.	DATE	DESCRIPTION
1	12/19/2016	2ND SUB 12/19/2016
2	01/14/2016	01/14/2016 100% CDS
3	05/02/2016	05/02/2016 Issue for Permit
4	04/04/2016	04/04/2016 Foundation and Footing Permit
5	10/11/2016	10/11/2016 Foundation and Footing Permit
6	10/11/2016	10/11/2016 Foundation and Footing Permit
7	10/11/2016	10/11/2016 Foundation and Footing Permit
8	10/11/2016	10/11/2016 Foundation and Footing Permit
9	10/11/2016	10/11/2016 Foundation and Footing Permit
10	10/11/2016	10/11/2016 Foundation and Footing Permit

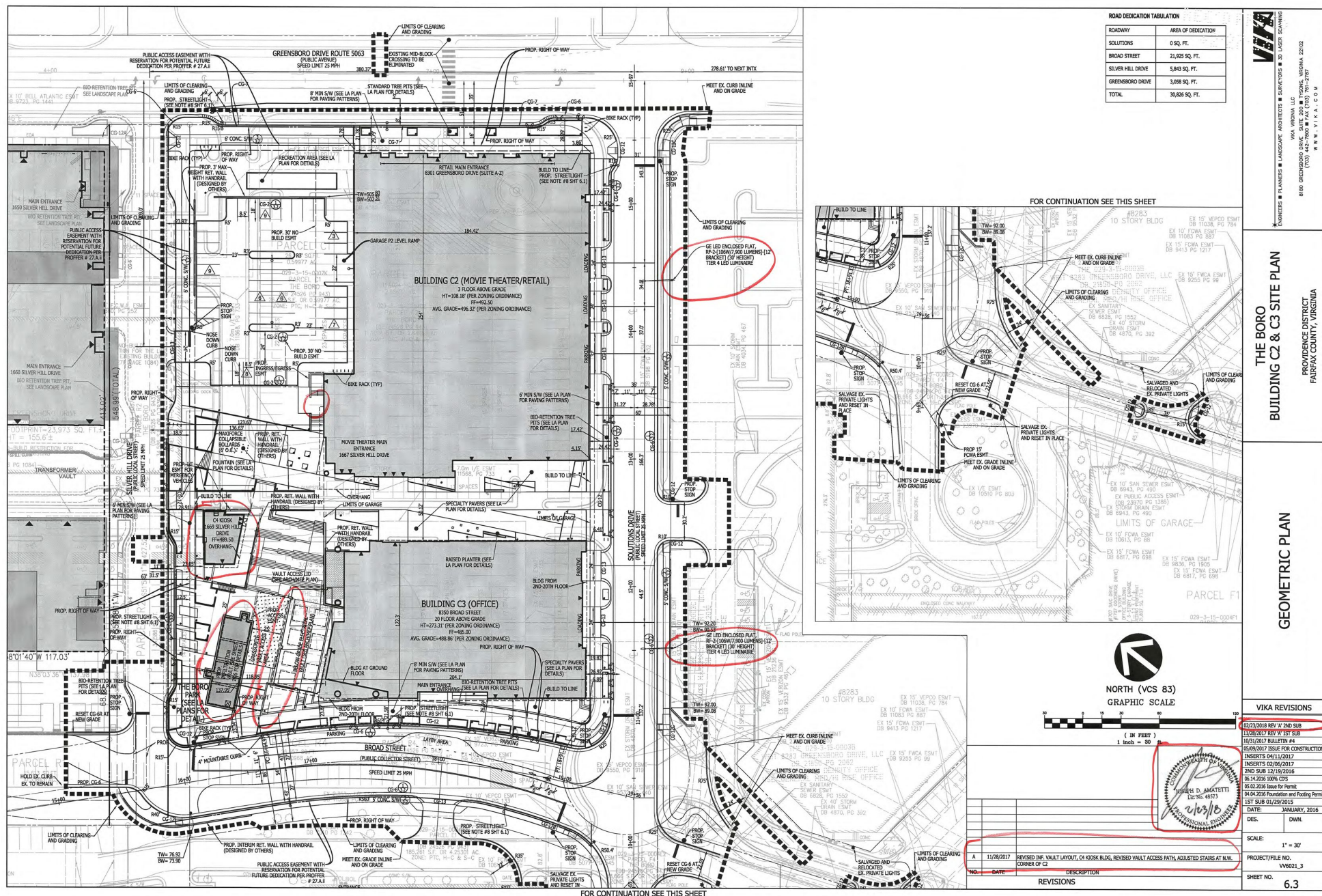
Vika Engineering, Inc.
1800 GREENSBORO DRIVE, SUITE 200 • TYSONS, VIRGINIA 22102
(703) 441-1100
WWW.VIKAI.COM

THE BORO
BUILDING C2 & C3 SITE PLAN
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SIGNAGE AND MARKING PLAN

VIKA REVISIONS

NO.	DATE	DESCRIPTION
1	12/19/2016	2ND SUB 12/19/2016
2	01/14/2016	01/14/2016 100% CDS
3	05/02/2016	05/02/2016 Issue for Permit
4	04/04/2016	04/04/2016 Foundation and Footing Permit
5	10/11/2016	10/11/2016 Foundation and Footing Permit
6	10/11/2016	10/11/2016 Foundation and Footing Permit
7	10/11/2016	10/11/2016 Foundation and Footing Permit
8	10/11/2016	10/11/2016 Foundation and Footing Permit
9	10/11/2016	10/11/2016 Foundation and Footing Permit
10	10/11/2016	10/11/2016 Foundation and Footing Permit



Board Agenda Item
March 23, 2021

4:30 p.m.

Public Hearing on the Draft Proposed Five-Year Consolidated Plan for FY 2022 – FY 2026 and One-Year Action Plan for FY 2022

ISSUE:

Public hearing before the Fairfax County Board of Supervisors (Board) on the draft of the Proposed Five-Year Consolidated Plan for FY 2022 – FY 2026 and One-Year Action Plan for FY 2022 (Consolidated Plan and Annual Action Plan, respectively), as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board forward comments received on the draft Consolidated Plan and Annual Action Plan to the CCFAC for its consideration before the CCFAC makes its final recommendation to the Board for action on May 4, 2021.

TIMING:

Board action on the proposed Consolidated Plan and Annual Action Plan is scheduled for May 4, 2021.

BACKGROUND:

Fairfax County (County) is required to prepare a five-year consolidated plan (a consolidated plan) to disclose to County residents and to the U.S. Department of Housing and Urban Development (HUD) the County's affordable housing and community development goals during the period and the intended uses of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funds (collectively, the Federal Funds) to achieve the identified goals. The County is also required to file a one-year action plan (an annual action plan) for each year covered by the consolidated plan to disclose the County's intended use of the Federal Funds expected to be available for use in the year and the consolidated plan goals that are expected to be achieved in that year. The consolidated plan and annual action plan each identify and describe a wide range of needs, current programs and strategies, and gaps and priorities for housing, community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County.

Board Agenda Item
March 23, 2021

On January 12, 2021, the CCFAC authorized the release of the draft Consolidated Plan and Annual Action Plan for a public comment period. On February 9, 2021, the Board authorized advertisement and scheduling of a public hearing on the draft Consolidated Plan and Annual Action Plan to be held on March 23, 2021, at which citizens may express their views on housing and community development goals, priorities, and needs in the Consolidated Plan and the proposed use of funds as described in the Annual Action Plan. The public comment period will end at the conclusion of the Board's public hearing.

Funding estimates used in the draft Annual Action Plan are based on the grant awards received from HUD for FY 2021. The estimates are used to allow citizen participation in the preparation of the proposed Consolidated Plan and Annual Action Plan pending receipt of HUD notification of the actual funding awards for FY 2022. The draft Annual Action Plan also includes a HUD-mandated contingency plan (Contingency Plan) that describes how the allocations of the estimated Federal Funds are to be adjusted after HUD notice of the actual awards for FY 2022 has been received. Upon receipt of the HUD notice, HCD staff will make the adjustments to the draft Annual Action Plan based on instructions provided in the Contingency Plan.

The draft Annual Action Plan includes a total \$8,595,533 estimated allocation of Federal Funds to the County for FY 2022, as follows:

- \$5,960,799 in CDBG
- \$2,141,854 in HOME
- \$492,880 in ESG.

The draft Annual Action Plan further includes a total \$509,137 in estimated funding, as follows:

- \$82,000 in CDBG carryover
- \$427,137 in appropriated program income, which includes:
 - \$380,137 in CDBG
 - \$47,000 in HOME

After the end of the public comment period, the CCFAC will consider all comments received and will forward its Proposed Consolidated Plan and Annual Action Plan to the Board for final action on May 4, 2021.

STAFF IMPACT:

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

Board Agenda Item
March 23, 2021

FISCAL IMPACT:

Funds identified in the draft Annual Action Plan include estimated new CDBG (\$5,960,799), HOME (\$2,141,854), and ESG (\$492,880) allocations for FY 2022. The draft Annual Action Plan also includes estimated total program income (\$427,137) received in FY 2021 to be designated for use in FY 2022, including estimated CDBG (\$380,137) and HOME (\$47,000). In addition, an undetermined amount of previously allocated Federal Funds are included in the draft Annual Action Plan to be carried over for use in FY 2022 as previously allocated, including already identified CDBG funds (\$82,000).

ENCLOSED DOCUMENTS:

Attachment 1: The Draft Proposed Consolidated Plan and Annual Action Plan is available online at <https://www.fairfaxcounty.gov/housing/data/consolidated-plan>.

STAFF:

Christopher Leonard, Deputy County Executive

Thomas Fleetwood, Director, HCD

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

Laura O. Lazo, Associate Director, Grants Management (GM), HCD

Beverly A. Moses, Senior Program Manager, GM, HCD

Board Agenda Item
March 23, 2021

4:30 p.m.

Public Hearing to Sublease Clark-Enyedi House at 10605 Furnace Road in Connection with the Resident Curator Program (Mount Vernon District)

ISSUE:

Public hearing to sublease property owned by the Fairfax County Park Authority (FCPA) at 10605 Furnace Road (Clark-Enyedi House) in connection with the Resident Curator Program.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to sublease FCPA-owned property at 10605 Furnace Road in connection with the Resident Curator Program.

TIMING:

On February 23, 2021, Board authorized the advertisement of a public hearing to sublease FCPA-owned property at 10605 Furnace Road.

BACKGROUND:

In accordance with enabling legislation enacted by the Commonwealth, the Board approved the creation of the Resident Curator Program (Program) to address underutilized, publicly-owned historic properties by entering into long-term leases with qualified tenants who pledge to rehabilitate the property in accordance with federal standards established for the treatment of historic properties. The tenant under the lease (Resident Curator) agrees to complete the rehabilitation and provide ongoing maintenance and upkeep of the property for the duration of the lease in exchange for rent-free accommodation. The program is managed by the FCPA.

The state legislation requires that the Board serve as the landlord under the lease. Consequently, the FCPA will lease the property selected through the screening process established in the Program to the Board (Lease), and the Board will concurrently sublease the property to the Resident Curator (Sublease). The Sublease will contain the detailed provisions on the rehabilitative workplan for the property; however, the responsibility for monitoring the Resident Curator's progress with the workplan and the Program will remain with the FCPA per the terms of the Lease.

Board Agenda Item
March 23, 2021

The third property selected by the FCPA for inclusion in the Program is the 1,250 square-foot Hannah Potter Clark-Enyedi house. The house is located at 10605 Furnace Road (Tax Map No. 1133 01 0019A) on one and one-quarter acre of land within Old Colchester Park and Preserve. The Clark-Enyedi House's features include vertical-peeled log framing construction and a living room with exposed ceiling beams. The period of significance for the house is 1876 to 1925, when Hannah P. Clark constructed and resided in the house during Virginia's Reconstruction Period after the Civil War. The grounds also include a 1986 outbuilding used as a studio by artist Janos Enyedi.

During the first phase of the twelve-year term of the sublease, the Resident Curator will rehabilitate the Clark-Enyedi House in accordance with a building condition and treatment report prepared for the FCPA and an approved work plan. The subsequent maintenance phase will require the Resident Curator to make improvements and repairs in line with the Program's duties.

In accordance with Board Policy and Section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the leasing of any property owned or leased by the Board.

FISCAL IMPACT:

None. Any expenses associated with the Program or acting as landlord under the Sublease shall be borne by the FCPA.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map
Attachment 2 – Draft Sublease Agreement
Attachment 3 – Photographs of Clark-Enyedi House

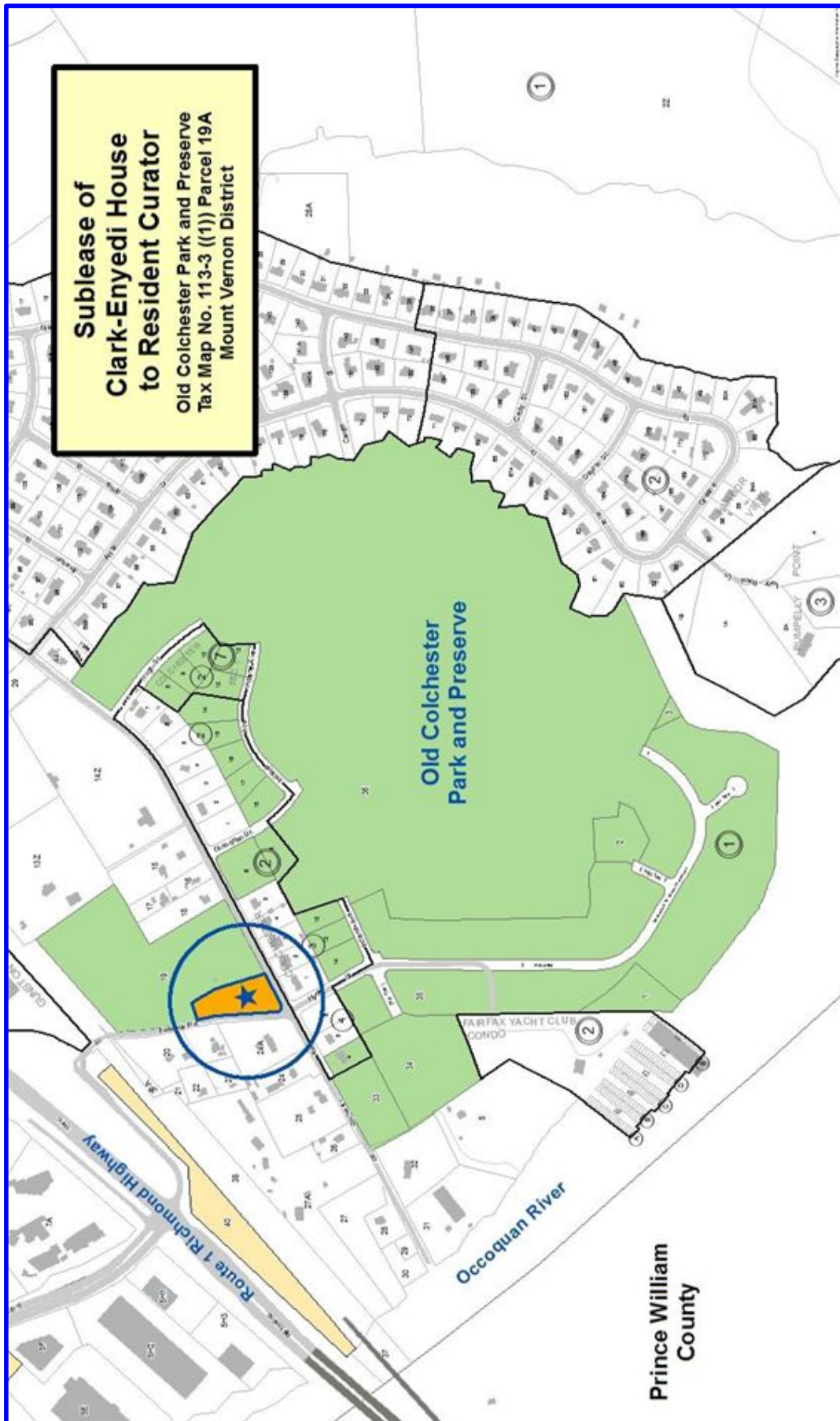
Exhibits to the Sublease Agreement are available online at:
<https://www.fairfaxcounty.gov/parks/rcp/>

STAFF:

Joseph M. Mondoro, Chief Financial Officer
Rachel Flynn, Deputy County Executive
Sara Baldwin, Acting Executive Director, Fairfax County Park Authority
Jose A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

Richard Dzubín, Assistant County Attorney



RESIDENT CURATOR DEED OF LEASE

EFFECTIVE DATE

_____, 2021

between

BOARD OF SUPERVISORS OF FAIRFAX COUNTY as LESSOR (“LESSOR”)
and

AMY MCAULEY and STACY GILTNER as LESSEE (“RESIDENT CURATOR”)

on Property owned by the

FAIRFAX COUNTY PARK AUTHORITY (“PROPERTY OWNER”)

at the

Hannah P. Clark/Enyedi House
10605 Furnace Road
Lorton, Virginia 22079

in

OLD COLCHESTER PARK AND PRESERVE

Tax Map # 113-3 ((1)) 19A

RESIDENT CURATOR LEASE

THIS DEED OF LEASE (“Lease”) made this ____ day of _____, 2021 (the “Lease Effective Date”) by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY (“BOS”)**, 12000 Government Center Parkway, Suite 424, Fairfax, Virginia 22035, as **Lessor (“Lessor”)**, and **AMY MCAULEY and STACY GILTNER**, together as **Lessee (“Resident Curator”)**, on property owned by the **FAIRFAX COUNTY PARK AUTHORITY (“FCPA”)**, a body corporate and politic, as **Property Owner (“Property Owner”)**.

RECITALS

R-1 Property Owner is the owner of certain real estate that is identified in the Fairfax County Tax Administration records as Tax Map 113-3((1))19A (“Parcel”), which is approximately 1.4507 acres in size and considered part of OLD COLCHESTER PARK AND PRESERVE (“Park”) in the Mt. Vernon Magisterial District. Lessor desires to lease to the Resident Curator, and Resident Curator desires to lease from Lessor, approximately 0.76 acres of the Parcel that includes the HANNAH P. CLARK/ENYEDI HOUSE (“Clark/Enyedi House”), 10605 Furnace Rd, Lorton, VA 22079, and the ENYEDI STUDIO (“Enyedi Studio”), an outbuilding, collectively referred to as the **(“Leased Property”)** as shown on **Exhibit A**. Resident Curator’s use of the Leased Property will be in accordance with Property Owner’s Old Colchester Park and Preserve Master Plan **(“Master Plan”)** that was approved on May 27, 2015, other approvals by the BOS for the Leased Property, and the terms of this Lease. Property Owner leased the Leased Property to Lessor pursuant to a Lease dated _____, 2021 **(“FCPA-BOS Lease”)**.

R-2 The Resident Curator Program Ordinance, Chapter 125, of *The Code of the County of Fairfax Virginia*, established a Resident Curator Program **(“Resident Curator Program”)** to preserve and maintain historic properties owned or leased by Fairfax County by leasing historic properties to individuals or businesses for the purposes of maintaining and improving leased properties in accordance with the Secretary of the Interior’s Standards for Historic Rehabilitation as shown on **Exhibit B**.

R-3 The Resident Curator responded to an Invitation to Submit Application **(“ISA”)** for participation in the Resident Curator Program at Clark/Enyedi House, and the Lessor and the Property Owner accepted the Resident Curator’s Response to the ISA **(“Resident Curator’s**

Response to ISA”) attached as **Exhibit C** and incorporated by reference into this Lease, and appointed the Resident Curator as the Resident Curator of the Leased Property under this Lease.

R-4 Lessor desires to enter into this Lease with the Resident Curator to fulfill the requirements of the Resident Curator Program, to include: (a) rehabilitating the Clark/Enyedi House as a residence, and (b) holding an open house for the public, one time per year, on the Leased Property. Resident Curator’s performance of the requirements of the Resident Curator Program and this Lease will be subject to monitoring and review by Property Owner’s staff.

R-5 Resident Curator will perform all of the required Resident Curator duties and maintain the grounds in accordance with the Resident Curator’s Response to the ISA, the Resident Curator Maintenance Guidelines and Checklist (**“Maintenance Guidelines”**) attached hereto as **Exhibit D** and incorporated into this Lease, the Clark/Enyedi House Treatment Plan (**“Treatment Plan”**) attached hereto as **Exhibit E** and incorporated into this Lease, and the Approved Work Plan for the Main House (**“Approved Work Plan”**) attached hereto as **Exhibit F** and incorporated into this Lease. The Resident Curator’s Response to the ISA, Maintenance Guidelines, Treatment Plan, and Approved Work Plan are collectively referred to as the Clark/Enyedi House Curator Program (**“Curator Program”**).

R-6 This Lease shall incorporate as applicable Additional Non-Discretionary Improvements (**“Additional Non-Discretionary Improvements”**) pursuant to Section 8, and Additional Discretionary Improvements (**“Additional Discretionary Improvements”**) pursuant to Section 9. The creation and performance of all documents, plans, responsibilities, and improvements for the Curator Program, Additional Non-Discretionary Improvements, and Additional Discretionary Improvements are collectively referred to as **Curator Program Duties** (**“Curator Program Duties”**) and must be in compliance with the Master Plan, and applicable local, state or federal law and regulation.

R-7 The Lessor delegated certain responsibilities to the Property Owner to effectuate efficient administration of the Resident Curator Program per a March 29, 2016 memorandum and Property Owner will monitor Resident Curator’s compliance with this Lease pursuant to the Master Lease.

R-8 Lessor, the Resident Curator, and the Property Owner will collectively be referred to as the Parties (“**Parties**”).

R-9 Resident Curator entered into a One (1) Year Interim Term Deed of Lease (“**Interim Lease**”) with the Property Owner for reasons related to the COVID-19 pandemic. Terms and conditions covered by the Interim Lease will remain in effect until the Interim Lease Scheduled Termination Date which is April 30, 2021.

NOW, THEREFORE, the parties hereto mutually agreed as follows:

1. GRANT OF LEASED PROPERTY. Lessor does hereby lease unto Resident Curator and Resident Curator does hereby lease from Lessor the Leased Property, including nonexclusive access to the Leased Property via the driveway shown on **Exhibit A**. It is agreed that by occupying the Leased Property, Resident Curator acknowledges that it has had full opportunity to examine the Leased Property and is fully informed, independent of any statements by Lessor and Property Owner, as to the character, construction and structure of the Leased Property. All amenities and appliances, if any, are in "AS IS" condition and Lessor and Property Owner shall have absolutely no obligation whatsoever to repair such items or to replace any such amenities at the end of their useful life. It is agreed that by occupying the Leased Property, Resident Curator agrees that there are no requirements imposed upon Lessor or Property Owner to perform improvements or repairs to the Leased Property. Resident Curator and Lessor acknowledge that this Lease, including the agreement that Lessor and Property Owner have no requirement to perform repairs or otherwise maintain the Leased Property, is entered into in good faith and that Resident Curator’s agreement to perform the maintenance and repairs required under this Lease support the purpose of the Resident Curator Program permitted under Va. Code § 15.2-2306.

2. OCCUPANCY and ACCEPTANCE OF POSSESSION. The Clark/Enyedi House is ready for occupancy and the Enyedi Studio is usable. The Property Owner obtained an assessment of the Clark/Enyedi House electrical, mechanical, and plumbing systems (“**House Systems Assessment**”). The House Systems Assessment was completed in 2017 and a copy of the findings was provided to the Resident Curator and Resident Curator represents that they had the opportunity to review the findings before entering into this Lease. Lessor shall deliver possession of the Leased

Property to Resident Curator under this Lease at 12:00 noon on _____ day of _____, 2021 (“**Commencement Date**”) and Resident Curator shall accept possession of the Leased Property in its “**AS IS**” condition on the Commencement Date.

3. **TERM and SCHEDULED TERMINATION DATE.** The term of this Lease (the “**Term**”) shall be for a period of twelve (12) years, commencing on 12:00 noon on the Commencement Date and will expire on the last day of the one-hundred forty fourth (144th) month following the Commencement Date which is the 30th of April , 2033 (“**Scheduled Termination Date**”) unless otherwise agreed by the Parties in writing or subject to any early termination as permitted in this Lease. At the expiration of the tenancy hereby created, or upon any re-entry by Lessor into the Leased Property pursuant to any provision herein, Resident Curator will surrender the Leased Property and, all residents will vacate the Clark/Enyedi House and Enyedi Studio and remove all of their possessions. Resident Curator does not have any right to extend or renew this Lease except as provided for herein.

4. **CURATOR SCHEDULE and MILESTONES.** Resident Curator, at Resident Curator’s sole expense, must timely perform and complete the Curator Program Duties in accordance with corresponding schedules and performance milestones herein referred to as (“**Curator Schedules and Milestones**”). The Curator Program Duties documents are set forth in detail sufficient to satisfy Lessor and Property Owner of the items, methodology and timeframes for the development, redevelopment, remediation, repair, replacement, refurbishment, renovation, rehabilitation, and maintenance of the Leased Property. The Resident Curator and Lessor acknowledge that this Lease, including the agreement that Lessor and Property Owner have no requirement to perform repairs or otherwise maintain the Leased Property is entered into in good faith and that the Resident Curator’s agreement to perform the maintenance and repairs required under this Lease support the purpose of the Resident Curator Program permitted under Va. Code § 15.2-2306.

5. **EARLY TERMINATION.** No party has the right to terminate this Lease prior to the Scheduled Termination Date unless it is terminated in accordance with the terms of this Lease or the parties enter into a separate written agreement.

6. **RENT, FAIR MARKET RENTAL VALUE.** Residents Curator’s consideration for the

Lease is the performance of the Curator Program requirements as set forth in R-5, in accordance with all schedules and milestones imposed on Resident Curator under this Lease, and that the parties agree, have an estimated cost of one hundred ninety thousand, four hundred eighty-one dollars and no/100 (\$190,481.00) and the parties agree that the adjusted (“**Fair Market Rental Value**”) for the Term is one hundred ninety thousand, four hundred eighty-one dollars and no/100 (\$190,481.00) as shown on **Exhibit G** which is incorporated into this Lease. The total approved costs accounted for under the Interim Lease, including the required Fair Market Rental Value for fifteen thousand dollars and no/100 (\$15,000.00), shall be a portion of the (\$190,481.00) consideration. The Fair Market Rental Value will be provided by the Resident Curator through the performance of the Curator Program requirements set forth in R-5 and not in the form of any regular rent payments to Lessor or to Property Owner. Any adjustments to the Fair Market Rental Value must be agreed to by the Parties in writing.

7. WORK-IN-PROGRESS and APPROVED INSTALLED IMPROVEMENTS. The Parties anticipate there will be the following three categories of improvements that the Resident Curator will make to the Leased Property pursuant to this Lease: (1) improvements required by the Curator Program ("**Curator Program Improvements**"), (2) Additional Non-Discretionary Improvements, and (3) Additional Discretionary Improvements. All plan submissions, plan approvals, permitting, rehabilitation, construction, installation, inspections, and corrective action for the Curator Program Improvements, Additional Non-Discretionary Improvements, and Additional Discretionary Improvements shall be collectively referred to as ("**Work-In-Progress**") until deemed an approved installed improvement as defined in this Section.

7.1 Construction, rehabilitation or installation of improvements that result in plan closeout, permit closeout, bond release, occupancy, or similar final approval for the Curator Program Improvements, the Additional Non-Discretionary Improvements, or the Additional Discretionary Improvements shall be collectively referred to as "**Approved Installed Improvements**" and the date of final action that qualifies Work-In-Progress as an Approved Installed Improvement shall be referred to as the "**Approved Improvement Date**".

7.2 In the event of Early Termination or Event of Default, as defined in this Lease, Property Owner, in its sole discretion through Lessor, may require that Work-In-Progress be cured or removed at Resident Curator's cost especially if Work-In-Progress creates an unsafe condition.

8. **ADDITIONAL NON-DISCRETIONARY IMPROVEMENTS.** Resident Curator and Lessor acknowledge that there may be certain improvements that are necessary, that affect the structure of the Leased Property, that were unknown to the Parties at the execution of this Lease, that are not included in the Curator Schedules and Milestones and that are capital in nature; these improvements are defined as “**Additional Non-Discretionary Improvements**”.

8.1 If Resident Curator determines that it is required to perform such Additional Non-Discretionary Improvements, then it must provide written notice to Lessor and Property Owner of all such Additional Non-Discretionary Improvements. If Lessor and Property Owner agree that the improvements listed on that written notice qualify as Additional Non-Discretionary Improvements, then they shall (a) notify Resident Curator in writing that they agree the improvements qualify as Additional Non-Discretionary Improvements, and (b) advise Resident Curator in writing whether they consent to Resident Curator performing the Additional Non-Discretionary Improvements. Resident Curator may not commence work on Additional Non-Discretionary Improvements until it receives consent in writing from Lessor and Property Owner.

8.2 The Parties may agree to add the cost of the Additional Non-Discretionary Improvements to the estimated cost of the Curator Program requirements if, before commencement of the Additional Non-Discretionary Improvements, (a) the Resident Curator gives written notice to Lessor and Property Owner of any intent to add the cost of the Additional Non-Discretionary Improvements (b) the Resident Curator provides a cost accounting of all labor and materials to Lessor and Property Owner and (c) Lessor and Property Owner agree in writing to add the cost of the Additional Non-Discretionary Improvements to the estimated cost of the Curator Program requirements. Additional Non-Discretionary Improvements covered in this Section shall be accounted for according to the template attached as **Exhibit H** and incorporated in this Lease, and if agreed to in

writing by the Parties, the term of the Lease may be extended in accordance therewith. Lessor and Property Owner reserve the right to refuse all or any part of such cost accounting.

9. ADDITIONAL DISCRETIONARY IMPROVEMENTS. “Additional Discretionary Improvements” are those improvements, capital or otherwise, that the Resident Curator decides to undertake for its own convenience or desire, and that are not considered a part of the Curator Program or considered Additional Non-Discretionary Improvements. Resident Curator may not perform any Additional Discretionary Improvements unless it has the written consent of Property Owner, which consent may be withheld in its absolute discretion. Resident Curator understands that it makes any such Additional Discretionary Improvements at its own risk and expense, and such Additional Discretionary Improvements become the property of Property Owner at Property Owner’s sole discretion. At the sole discretion of Property Owner and Lessor, Additional Discretionary Improvements may be required to be removed upon the expiration or termination of this Lease and costs for removal, including offsite disposal or any necessary restoration (per approval by the Property Owner) will be the responsibility of the Resident Curator. Improvements to the Enyedi Studio may be considered Additional Discretionary Improvements if requested by Resident Curator and approved by the written consent of Lessor and Property Owner in accordance with this lease.

10. CONDITIONS FOR WORK-IN-PROGRESS and APPROVED INSTALLED IMPROVEMENTS. The Resident Curator must fulfill the Curator Program Duties as defined in R-6 in accordance with this Lease and must obtain all required governmental approvals and permits for such work. As part of the Curator Program Duties, Resident Curator must submit applicable documents to Property Owner for review and written approval of Work-In-Progress. Preliminary testing, construction, and other related activity may not commence until Property Owner has determined that the Work-In-Progress will have “no adverse effect” on the historic integrity of the Leased Property and Property Owner has given final written approval.

10.1 APPROVAL, DISAPPROVAL. In order to obtain written approval for Work-In-Progress, Resident Curator must provide to Property Owner the following support information: (a) narrative summary of proposed improvements; (b) representative photos

(digital or print) that clearly indicate the proposed project area; (c) a site map indicating the project area; and (d) any supporting material, material samples, plans, schematics and specifications that Property Owner determines is pertinent to review the project. Property Owner shall review the plans and specifications for conformity with the terms of this Lease, and Property Owner shall, within thirty (30) business days after receipt thereof, either approve the submissions, or notify the Resident Curator in writing of disapproval including specifying the respects in which the submissions do not conform to the terms of this Lease. If Property Owner fails to respond within thirty (30) business days, such plans and specifications for Curator Program Improvements Additional Non-Discretionary Improvements and Additional Discretionary Improvements, individually or any combination thereof, shall be deemed disapproved.

10.2 RESUBMISSION. In the event of disapproval, the Resident Curator shall modify the plans and specifications to conform to the terms of this Lease in those respects specified by Property Owner as the grounds for disapproval provided the Resident Curator may elect not to pursue and therefore not to modify and resubmit the plans and specifications for Additional Non-Discretionary Improvements. If the plans and specifications were deemed disapproved due to Property Owner's failure to respond within 30 days pursuant to Section 10.1 above, Resident Curator must re-submit the plans and specifications to Property Owner. Any re-submission under this Section 10.2 shall be subject to review and approval by Property Owner in accordance with the procedure provided above for an original submission, until the plans and specifications have been approved by Property Owner.

10.3 ADDITIONAL REVIEW. If the Work-In-Progress requires review by the **Fairfax County Architectural Review Board ("ARB")**, or by another regulatory entity, then the Resident Curator will prepare required documents in accordance with the governing regulations and submit required documents to the ARB or other applicable regulatory entity for review with a copy to Property Owner. Resident Curator will inform Lessor and Property Owner of any regulatory entity determination(s). In the event of a determination of adverse effect, Resident Curator must follow and fulfill any prescribed mitigation requirements if the Work-In-Progress proceeds as proposed and when such additional regulatory review is required, Work-In-Progress will only be allowed to proceed

if Property Owner consents in writing and the ARB or other regulatory entity determines that there will be no adverse effect on the Leased Property's historic or archaeological resources.

10.4 COMPLIANCE. Work-In-Progress undertaken by or for the Resident Curator at the Leased Property, and any future changes thereto, and all Approved Installed Improvements shall be in material conformity with all applicable Laws, including, without limitation, the Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101, et seq. and the Resident Curator's insurance policies.

10.5 DUE DILIGENCE, PERMITS. The Resident Curator's Work-In-Progress and Approved Installed Improvements must comply with all applicable laws. The Resident Curator must obtain and pay for the preparation and approval of required engineering, architectural or other plans, permits, and inspections for any renovation, replacement and/or construction work undertaken by or for the Resident Curator on the Leased Property. Any architect or engineer undertaking any of the Work-In-Progress must carry professional liability insurance naming the Resident Curator, Lessor, and Property Owner as additional insureds, and the Resident Curator must provide proof of such insurance to Lessor and Property Owner.

10.6 CONSTRUCTION. The term **Contractor ("Contractor")** means any person or entity, including the Resident Curator, that provides labor, materials or both for the Curator Program Duties whether or not paid by the Resident Curator. Contractor must provide evidence of any required license ("**License**"), bond ("**Bond**") and insurance ("**Contractor's Insurance**") for Work-In-Progress performed by Contractor in accordance with all applicable local, state and federal laws and regulations and this Lease. During Work-In-Progress, Resident Curator must maintain or require its Contractor(s) to maintain worker's compensation insurance in the amounts required by applicable law (or reasonably comparable insurance if such insurance is no longer available); builder's risk insurance (or such reasonably comparable insurance) on an "all risk" basis (including collapse) insuring against casualty to such construction for full replacement value of the work performed and the equipment, supplies and materials furnished and stored, unless

such insurance coverage is provided under policies carried by Resident Curator; automobile liability in the minimum amounts required by law; and public liability insurance within limits in an amount reasonably satisfactory to Lessor and Property Owner.

10.7 GENERAL PROVISIONS. Contractor may not commence Work-In-Progress until all required permits, certificates, or other approvals have been issued and are in effect. Once commenced, the Work-In-Progress must be prosecuted continuously and with diligence in accordance with the Curator Schedules and Milestones. Work-In-Progress must be of high quality and performed in a workmanlike manner, free from faults and defects. Resident Curator must dispose of all waste and debris that result from the demolition of existing structures or other Work-In-Progress performed on the Leased Property, and such disposal must be performed in accordance with applicable laws and regulations.

10.8 PAYMENT FOR WORK-IN-PROGRESS. Resident Curator must pay the entire cost of all Work-In-Progress in cash or its equivalent, promptly, within the time periods specified in its Contractor contract(s) or other business contract, unless the Parties agree in writing to allow a different payment arrangement.

10.9 CURATOR EXPENSE REPORTING. The Resident Curator must submit an Hours & Expense Tracking Form using the template found in **Exhibit I** or a similar agreed upon template incorporating the same information found in **Exhibit I (“Tracking Form”)**. Tracking Form must be submitted monthly to record work hours and material, rental, and contractor expenses.

10.9.1. MATERIALS. Material expenses which are credited towards the curator's total investment and must be recorded in the Tracking Form include durable materials which do not exceed a cost of twenty-five dollars and no/100 (\$25.00) and consumable materials. Credit for durable materials exceeding twenty-five dollars and no/100 (\$25.00) require prior approval in writing by Property Owner. Durable (non-expendable) products are supplies and materials that are not consumed in one use, retaining their original identity during a period of use

(unique tools and equipment). Consumable (expendable) products are materials and supplies which are consumed in one use (ie, paint, nails, caulk, lumber). For each reported expense, a corresponding receipt or invoice must be submitted.

10.9.2. WORK TASK. Each work task in the Approved Work Plan has a unique Computerized Maintenance Management System ID (“ID”) that is shown on **Exhibit F**. To track the expense of each task, the Resident Curator will assign each reported expense (material, rental, contractor, work hours) to the appropriate ID in Tracking Form.

10.9.3. ADMINISTRATION. The hours spent on administrative bookkeeping/receipt paperwork do not count towards the cost of the rehabilitation investment and cannot be reported on the Tracking Form.

10.9.4. TRACKING FORM. The Tracking Form is due on the 7th of the month after the work is completed, or the first business day after the 7th if the 7th is a weekend or holiday. Expenses claimed more than 30 days after the work is completed or without receipt (except labor) may not be honored. A new Tracking Form shall be used for each monthly submittal. The completed Tracking Form with receipts shall be emailed to the Property Owner Contact.

10.10 INSPECTION OF WORK-IN-PROGRESS. Lessor and Property Owner will enter upon the Leased Property from time to time upon reasonable notice to Resident Curator and without material interruption to the Work-In-Progress, for the purpose of reviewing the Work-In-Progress being performed by or on behalf of Resident Curator, and such entry shall not be construed to be a violation of Resident Curator’s right to the Leased Property.

10.11 TIME FOR COMPLETION OF WORK-IN-PROGRESS. Notwithstanding any provision of this Lease, including any applicable cure period for a default or Force Majeure, the Work-In-Progress must be completed in accordance with the Curator Schedules and Milestones.

10.12 APPROVED INSTALLED IMPROVEMENTS. The Work-In-Progress will be considered an Approved Installed Improvement for the purposes of this Lease only when Resident Curator can demonstrate completion of plumbing, electrical, mechanical, structural, site, or other elements, proper offsite removal and disposal of construction debris, proof that all governmental inspections have been completed, and proof of issuance of required permits, approvals, and the like, necessary for the lawful use and occupancy of such portion of the Leased Property impacted by the Work-In-Progress or any portion thereof, including any temporary or permanent certificates of occupancy, copies of which must be delivered by Resident Curator to Property Owner.

10.13 WARRANTY. All Contractors must provide a warranty (“**Warranty**”) for labor for at least one (1) year after Approved Improvement Date. Warranties for materials shall be in accordance with the manufacturer’s warranty. Resident Curator must place user manuals and warranty documents for materials, equipment, appliances, and the like in a three (3) ring binder and store the binder in a safe place with easy access should Lessor or Property Owner request a review of the documents, which request must be granted by Resident Curator. The Binder will become the property of Property Owner upon any Early Termination or Scheduled Termination of this Lease.

10.14 RECORD SET OF DRAWINGS. Resident Curator must furnish Lessor and Property Owner with a complete record set of any final plans and specifications for Approved Installed Improvements constructed by or for Resident Curator as part of the Curator Program Duties, together with copies of all final permits and approvals issued by plumbing, gas, electrical, building, health department, or other inspectors.

10.15 MECHANICS’ LIENS. No mechanics, materialmen or similar lien shall attach against Lessor or Property Owner’s interest in or to the Leased Property for any Work-In-Progress or Approved Installed Improvements performed by or for Resident Curator. If, as part of the Curator Program Duties, any lien relating to the Work-In-Progress or Approved Installed Improvements is filed against Lessor, Property Owner or Resident Curator’s interest in the Leased Property, and such lien is not removed within sixty (60) days after the date for payment under the contract for such Curator Program Duties, then

Resident Curator must discharge the same by payment or by filing any necessary bond within fifteen (15) days after the expiration of such sixty (60) day period.

10.16 CONTROL OF WORK-IN-PROGRESS and OWNERSHIP OF APPROVED INSTALLED IMPROVEMENTS. Property Owner will continue to have title to the Leased Property and Resident Curator, subject to the terms of this Lease, will have control of the Work-In-Progress within the Leased Property. Upon the expiration or termination of this Lease, all Approved Installed Improvements will become the property of Property Owner with no compensation to Resident Curator for any Approved Installed Improvements which may have been paid for by or on behalf of Resident Curator.

11. UTILITIES and SERVICE. Resident Curator is responsible for securing accounts with local utility companies in order to activate service of all utilities as of the Commencement Date and is responsible for payment of all utility usage commencing on the Commencement Date. Utilities and services used at the Leased Property must be consistent with this Lease. Unless otherwise noted in this Lease, Resident Curator is responsible for costs associated with extending utilities or other services within the Leased Property for utilities or services that support the Curator Program Duties.

12. USE OF LEASED PROPERTY. This Section sets forth the only permitted uses of the Leased Property (“Permitted Uses”). The Leased Property may not be used for any use other than the Permitted Uses without the prior written permission of Property Owner.

12.1 RESIDENT CURATOR PROGRAM. Resident Curator will use the Leased Property to perform and fulfill the Curator Program Duties.

12.2 USE OF CLARK/ENYEDI HOUSE and ENYEDI STUDIO FOR RESIDENTIAL PURPOSES. Resident Curator may use the Leased Property for its primary residence and in accordance with the terms of this Lease and subject to applicable Fairfax County zoning regulations. If Resident Curator would like additional individual(s) to reside in the Clark/Enyedi House, a request must be made in writing and Property Owner must consent in writing. Resident Curator shall carry applicable insurance pursuant to Section 19.

13. SIGNS AND MARKETING. Lessor and Property Owner will have the right to install one or more Signs or Kiosks (“**Signs**”) on the Leased Property on the exterior and in the interior of the buildings provided that such Signs do not unreasonably interfere with Resident Curator’s use of the Leased Property.

13.1 Property Owner shall have the right to install a plaque or other designating signage on the Leased Property in order to indicate the name of Clark/Enyedi House and its inclusion in the Resident Curator Program. No signage, whether exterior or interior, that is visible from the exterior shall include any commercial advertising beyond the identification of Resident Curator and the Leased Property. Resident Curator agrees that Lessor’s or Property Owner’s name and logo shall be included in major signage such as entrance signage.

14. PARK USE and CONTACTS. Resident Curator acknowledges that the Leased Property is located in a public park and, therefore, (a) is subject to inconveniences due to the public nature of the grounds surrounding the Leased Property, and (b) is subject to Fairfax County Park Authority Regulations (“**Park Authority Regulations**”) attached hereto as **Exhibit J** and incorporated into this Lease. The Park Authority Regulations are subject to change and if they change, Property Owner will provide a copy of the revised Park Authority Regulations to Resident Curator. Upon receipt of the revised Park Authority Regulations by Resident Curator, the revised Park Authority Regulations will be deemed incorporated in this Lease. Resident Curator must provide a two (2) week advanced written notification (email notification is acceptable) to Property Owner Contact and the Park Contact for any activities that could potentially impact or interfere with Park operations or management. Property Owner may, in its absolute discretion, prohibit any such activity. Resident Curator shall adjust Work-In-Progress or other activities that could potentially impact or interfere with Park operations or management if required by Property Owner.

14.1 RESIDENT CURATOR CONTACT:

Amy McAuley
oculuswindow@gmail.com, (503) 740-6222

Stacy Giltner
Laine.stacy@gmail.com

14.2 PROPERTY OWNER CONTACT:

David Buchta, Heritage Conservation Branch Manager, Resource Management Division
David.Buchta@fairfaxcounty.gov, (703) 324-8586

14.3 PARK CONTACTS:

Phil Hager, Area 3 Manager, Park Operations Division
Philip.Hager@fairfaxcounty.gov, (703) 765-6020

Robin Ramey, Heritage Resource Specialist II
Robin.Ramey@fairfaxcounty.gov, (703) 246-5767

14.4 LESSOR CONTACT:

Mike Lambert, Assistant Director, Facilities Management
Michael.Lambert@fairfaxcounty.gov, (703) 324-2825

The contacts listed in this Section may be changed by any party through the Notice process set forth in in this lease.

15. PUBLIC ACCESS. Public Access will be subject to prevailing social distancing practices throughout the term of this Lease. Resident Curator shall allow public access to the Leased Property consistent with the historic property's nature and use as agreed upon by the Parties in writing (email confirmation is acceptable) pursuant to the Resident Curator Program, provided such access is consistent with Resident Curator's reasonable expectations of privacy and control of the Clark/Enyedi House as a residence, and does not impact or interfere with Resident Curator's Permitted Uses of the Leased Property. Resident Curator will offer one open house opportunity annually in agreement with the Property Owner, which open house opportunity may be waived if social distancing requirements do not permit an open house. Workshops as proposed in the Resident Curator's Response to ISA, Exhibit C, are not permitted on the property. If there are no social distancing restrictions, a failure to allow the public access required in this Section for two consecutive years will be considered an Event of Default.

16. MEETINGS. Meetings are subject to prevailing social distancing practices, which may allow remote electronic meetings. The Parties shall meet quarterly or more frequently at the request of any party, at a location determined by the Property Owner, starting on the Commencement Date of this Lease. The Property Owner's representative is David Buchta or his designee or successor. Meetings shall be set up with Contacts identified in Section 14 of this Lease.

17. ANNUAL REPORT. Within ninety (90) days after the end of the first year of the Term, and after the end of every year of the term thereafter, Resident Curator shall submit to Property Owner a written Annual Report (“**Annual Report**”) that summarizes the progress and status of the Resident Curator Program at the Leased Property for the then-ended term year. The Annual Report shall demonstrate to Lessor’s and Property Owner’s reasonable satisfaction that Resident Curator is rehabilitating and maintaining the Leased Property in compliance with the Resident Curator Program and this Lease. The Annual Report shall also note the nature and dates for any public and community activities at the Leased Property, and the number of visitors participating in each event. The Annual Report must contain a financial statement accounting for all Approved Installed Improvements completed to date as well as the value of any Work-In-Progress. Resident Curator will certify each Annual Report under the penalty of perjury, as being accurate, true, and complete, to the best of Resident Curator’s knowledge, belief, and ability to ascertain. Resident Curator’s failure to file the Annual Report within the time limits prescribed hereunder shall be considered an Event of Default.

18. AUDIT. All reports, financial statements, analyses and other documentation provided by Resident Curator shall be subject to verification and audit by Lessor, Property Owner, agents or assigns. Resident Curator must provide additional documents upon request if required as part of an audit.

19. LEASE AND CONTRACT INSURANCE PROVISIONS.

19.1 The Resident Curator shall be responsible for the Curator Program Duties and its work and every part thereof, and for all materials, tools, equipment, appliances, and property of any and all description used in connection therewith. The Resident Curator assumes all risk of direct and indirect damage or injury to the property or persons used or employed on or in connection with the work to be performed under this Lease, and of all damage or injury to any person or property wherever located, resulting from any action, omission, commission or operation under the Lease.

19.2 The Resident Curator shall, during the continuance of all work under the Lease, provide the following:

- a. Maintain statutory Workers' Compensation and Employer's Liability insurance in limits of not less than \$1,000,000 to protect the Resident Curator from any liability or damages for any injuries (including death and disability) to any and all of its employees, including any and all liability or damage which may arise by virtue of any statute or law in force within the Commonwealth of Virginia. If the Resident Curator is exempt from this requirement based on Virginia Law they should send confirmation of this waiver.
- b. Commercial General Liability insurance in the amount of \$1,000,000 per occurrence/aggregate, to protect the Resident Curator, and the interest of the Lessor and Property Owner their officers and employees against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the Lease or in connection with the work to be performed under the Lease or as a result of the condition of the Leased Premises.
- c. Owned, non-owned, and hired Automobile Liability insurance, in the amount of \$1,000,000 per occurrence/aggregate, including property damage, covering all owned, non-owned, borrowed, leased, or rented vehicles operated by the Resident Curator. In addition, all mobile equipment used by the Resident Curator in connection with the work to be performed under the Lease, will be insured under either a standard Automobile Liability policy, or a Commercial General Liability policy. The Garage Keeper's Liability coverage shall also be maintained where appropriate.
- d. If the Resident Curator is an organization, Directors & Officers Insurance in the amount of \$1,000,000 per occurrence/aggregate.

19.3 After a period of five (5) years from Lease Effective Date, the Lessor may reasonably require higher limits of insurance or additional insurance coverage against other hazards for which insurance is reasonably obtainable and which, at the time, are commonly insured against in the case of similar properties conducting similar activities within the geographic area of the Leased Property, whether or not such additional insurance requirements are otherwise described or contemplated herein.

19.4 Any deductibles and/or self-insured retentions greater than \$10,000 must be disclosed to and approved by the Lessor's Risk Manager prior to the commencement of services. Use of large deductibles and/or self-insured retentions will require proof of financial ability as determined by the Lessor.

19.5 Liability insurance may be arranged by General Liability and Automobile Liability policies for the full limits required, or by a combination of underlying Liability policies for lesser limits with the remaining limits provided by an Excess or Umbrella Liability policy.

19.6 The Resident Curator agrees to provide insurance issued by companies admitted within the Commonwealth of Virginia, with the Best's Key Rating of at least A:VII.

19.7 European markets including those based in London, and the domestic surplus lines markets that operate on a non-admitted basis are exempt from this requirement provided that the Resident Curator's broker can provide financial data to establish that a market is equal to or exceeds the financial strengths associated with the A.M. Best's rating of A: VII or better.

19.8 Hold-harmless and Indemnification: The Resident Curator hereby agrees to indemnify and hold harmless, the Lessor, Property Owner, Fairfax County, Virginia, their officers, agents and all employees and volunteers, from any and all claims for bodily injury, and personal injury and/or property damage, including cost of investigation, all expenses of litigation, including reasonable attorney fees, and the cost of appeals arising out of any claims or suits which result from the condition of the Leased Property errors, omissions, or negligent acts of the Resident Curator, their contractors and each of their agents and employees".

19.9 The Resident Curator will provide an original, signed Certificate of Insurance citing the contract number and such endorsements as prescribed herein.

19.10 The Resident Curator will secure and maintain all insurance certificates of its contractors and their subcontractors, which shall be made available to the Lessor on demand.

19.11 The Resident Curator will provide on demand certified copies of all insurance policies related to the Lease within ten business days of demand by the Lessor. These certified copies will be sent to the Lessor from the Resident Curator's insurance agent or representative to dofcoi@fairfaxcounty.gov and to David.buchta@fairfaxcounty.gov.

19.12 No change, cancellation, or non-renewal shall be made in any insurance coverage without a thirty (30) day written notice to the Lessor. The Resident Curator shall furnish a new certificate prior to any change or cancellation date. The failure of the Resident Curator to deliver a new and valid certificate will be considered an Event of Default pursuant to Section 23.

19.13 Compliance by the Resident Curator and all of their contractors and subcontractors with the foregoing requirements as to carrying insurance shall not relieve the Resident Curator and all of their liabilities provisions of the Lease.

19.14 Contractual and other liability insurance provided under this Lease shall not contain a supervision, inspection or engineering services exclusion that would preclude the Lessor from supervising and/or inspecting the project as to the end result. The Resident Curator shall assume all on-the-job responsibilities as to the control of persons directly employed by them and of their contractors.

19.15 The Resident Curator shall be as fully responsible to the Lessor and Property Owner for the acts and omissions of its contractors and subcontractors and of persons employed by them as it is for acts and omissions of person directly employed by them.

19.16 Precaution shall be exercised at all times for the protection of persons (including employees) and property.

19.17 The Resident Curator and all of their contractors and subcontractors are to comply with the Occupational Safety and Health Act of 1970, Public Law 91-596, as it may apply to this Lease.

19.18 Lessor, Property Owner and each of their officers and employees shall be named as an "additional insured" in the Automobile and General Liability policies and it shall be stated on the Insurance Certificate that this coverage "is primary to all other coverage the Lessor may possess."

20. NO HAZARDOUS CONDITIONS. Resident Curator shall not permit any hazardous materials, explosives, combustible, corrosive or erosive materials, as defined by the Fire Marshal, on the Leased Property or perform any action, or fail to perform any action, which would increase the cost of fire or other hazard insurance on the Leased Property.

21. PARTICIPATION IN ILLEGAL ACTIVITIES. If the Lessor or Property Owner determines that the Resident Curator has participated in or in any manner permitted any criminal activities on the Leased Property, Lessor or Property Owner reserves the right immediately to declare an Event of Default and Lessor shall thereafter have the immediate right to terminate this Lease.

22. EXPIRATION OR TERMINATION OF LEASE. Upon the expiration or other termination of this Lease, Resident Curator shall quit and surrender to Property Owner the Leased Property with all Approved Installed Improvements, broom-cleaned and in such order and condition as Resident Curator is required to maintain the same hereunder and must vacate the Leased Property. Resident Curator must remove all movable personal property therefrom to the extent that such personal property does not constitute a fixture to the Leased Property, failing which, such moveable personal property will be deemed to have been abandoned.

23. DEFAULT AND LESSOR'S RIGHT TO REPOSSESS.

23.1 EVENT OF DEFAULT. An Event of Default ("Event of Default") will exist if any of the following situations occur:

23.1.1 FAILURE TO COMPLETE WORK. If Resident Curator does not achieve benchmarks in accordance with the Curator Schedules and Milestones and has not commenced the required Work-In-Progress within thirty (30) days' notice of a failure to achieve a benchmark and/or does not diligently pursue such Work-In-Progress to completion.

23.1.2 BANKRUPTCY. If the Resident Curator files any petition or answer seeking any reorganization, arrangement, liquidation, dissolution, or similar relief for Resident Curator under the United States Bankruptcy Code, as then in effect, or any other present or future federal, state, or other statute, law, or regulation, or if Resident Curator seeks, consent to or acquiesce in the appointment of any trustee, receiver, or liquidator of Resident Curator or of all or any substantial part of Resident Curator's properties, or makes any general assignment for the benefit of creditors.

23.1.3 CHANGE OF RESIDENT CURATOR STATUS. If the Resident Curator no longer maintains Clark/Enyedi House as the primary residence.

23.1.4 FAILURE TO PERFORM LEASE REQUIREMENTS. In addition to the Events of Default defined above, and except as provided herein, if any party fails to perform or observe any covenants, terms or conditions in this Lease after thirty (30) days written notice thereof from the non-defaulting party, then such a failure to perform or observe shall also be considered an Event of Default; provided that if compliance requires more than thirty (30) days to perform, such additional time for performance shall be allowed as long as the defaulting party diligently pursues the performance to completion.

At the expiration of the tenancy hereby created pursuant to an Event of Default, Resident Curator shall surrender the Leased Property will vacate the Clark/Enyedi House, and will remove all pets, if they have been allowed, from the Leased Property within thirty (30) days of such expiration of the tenancy.

23.2 REMEDY OF DEFAULT. In addition to its remedies under this Lease, a non-defaulting party shall have all available rights and remedies at law and in equity. The failure of one party to the action in case of a breach of the Lease, or the failure of a party to enforce its rights hereunder shall not be deemed a waiver of any breach of this Lease. In the absence of written notice or consent, any such breach shall be a continuing one. This Section however shall not be construed as a waiver of any defenses that one party may assert against the other under the Lease. The non-defaulting party has the right to terminate this Lease in the Event of Default by providing written notice to the defaulting party that the Lease will be terminated (**“Notice of Termination”**). The Notice of Termination must set forth the date on which the Lease will terminate (**“Default Termination Date”**), which date must be at least thirty (30) calendar days after the date the Notice of Termination is served on the defaulting party. If Lessor serves Resident Curator with a Notice of Termination, then after the Default Termination Date and notwithstanding any former breach of covenant or waiver of the benefit hereof or consent in a former instance, Lessor lawfully may, in addition to any and all rights and remedies otherwise available to Lessor at law, enter into and upon the Leased Property and repossess the same and expel Resident Curator and those claiming through or under Resident Curator or otherwise in occupancy and remove their effects (forcibly if necessary) without being deemed guilty of any manner of trespass, and without prejudice to any rights or remedies to which Lessor might otherwise be entitled, for arrears of rent or preceding breach of covenant.

23.3 LESSOR’S RIGHTS. Resident Curator covenants and agrees regardless of any entry or re-entry by Lessor whether by summary proceedings, termination or otherwise, that Resident Curator is, and will remain, liable for any obligations of Resident Curator under the Lease. If Resident Curator has not achieved completion of Curator Program Duties at the date of re-entry by Lessor or termination of the Lease, then Lessor and Property Owner each have the right to finish the Work-In-Progress at Resident Curator’s expense. Lessor and Property Owner will have no obligation to mitigate damages upon the occurrence of an Event of Default. Resident Curator acknowledge that the Leased Property belongs to Property Owner.

24. NOTICES. Whenever it is provided herein that notice, demand, request or other communication shall or may be given to, or served upon, either of the parties by the other, and/or whenever either of the parties shall desire to give or serve upon the other any notice, demand, request or other communication with respect hereto or with respect to the Leased Property, each such notice, demand, request or other communication shall be in writing and, any law or statute to the contrary notwithstanding, shall not be effective for any purpose unless the same shall be given or served as follows:

24.1 IF TO LESSOR:

Director, Facilities Management Department
12000 Government Center Parkway, Suite 424
Fairfax, Virginia 22035

24.2 IF TO PROPERTY OWNER:

Director, Fairfax County Park Authority
12055 Government Center Parkway, Suite 927
Fairfax, Virginia 22035

24.3 IF TO RESIDENT CURATOR:

Amy McAuley and Stacy Giltner, Resident Curator
10605 Furnace Road
Lorton, Virginia 22079

24.4 Every such notice, demand, request or other communication hereunder shall be deemed to have been given or served for all purposes hereunder on the date on which it is received or referred by the party to whom it was sent.

24.5 Wherever in this Lease notice or requests to Lessor and a response is required within a specified period of time, the envelope containing the notice or request shall bear on the outside thereof and the first page of such notice at the top of such page, the following legend, printed in bold-face type in a font of at least fourteen (14) points in size:

NOTICE

THIS NOTICE REQUIRES REPLY WITHIN [] DAYS

with the blank in such legend filled in with the number of days for notice or request referred to in the applicable Section of this Lease, as appropriate.

25. DAMAGE BY CASUALTY. Resident Curator must give prompt notice to Lessor of any damage or loss by fire or other casualty to the Leased Property. If the Leased Property shall be partially or completely damaged by fire or other cause and the damage renders the Leased Property or the approaches thereto unfit for use and occupancy, or if repairs to fix the damage are not financially feasible, each of which as determined by Lessor or Resident Curator in their sole respective discretions, Lessor or Resident Curator shall have the right to terminate this Lease. Lessor and Property Owner are not responsible for Resident Curator's personal goods lost or damaged during any fire or fire suppression activity, and Lessor and Property Owner shall have no obligation to replace such items or compensate Resident Curator in any way for such loss or damage. Resident Curator may obtain insurance for any real or personal property not owned by Lessor and Property Owner but is under no obligation to obtain such coverage.

26. WAIVERS. No waiver or oversight of any breach of covenant, condition, or agreement herein contained, or compromise of settlement relating to such a breach, shall operate as a waiver of the covenant, condition, or agreement itself, or of any subsequent breach thereof. Each property insurance policy obtained in connection with this Lease shall include a waiver by the insurer of all rights of subrogation against whichever party, if any, is not an insured under such policy. Resident Curator acknowledges that Lessor and Property Owner are not required to procure or maintain insurance of any kind on or with respect to the Leased Property under this Lease.

27. ASSIGNMENT AND SUBLEASE. Resident Curator may not assign, transfer, convey, encumber, sublease, or dispose of its right or interest in the whole or any part of the Leased Property, all and each of which shall be considered an impermissible transfer of Resident Curator's interest in the Leased Property.

28. INTERPRETATION. All nouns used herein shall be interpreted and construed to include the singular, plural, masculine, feminine, or neuter forms in any place or places in which the context may require to indicate such interpretation and construction.

29. **ENTIRE AGREEMENT.** This Lease constitutes the entire agreement between Lessor and Resident Curators with respect to the Leased Property. This Lease shall not be changed or modified in any manner except by an instrument in writing executed by the Parties hereto.

30. **KEYS AND SECURITY.** Property Owner shall furnish Resident Curator with two (2) sets of keys. Each key provides access to both the Clark/Enyedi House and the Enyedi Studio. Property Owner shall have the right to retain sets of keys as Property Owner deems appropriate for maintenance and emergency purposes as provided herein.

31. **ANIMALS.** Typical pets are permitted under this Lease, including, without limitation, service animals as defined in the Americans with Disabilities Act, 42 U.S.C. § 12101, *et. seq*; provided such pets are permitted by and remain in compliance with all applicable laws and do not interfere with Park use and the public access to the Leased Property permitted under this Lease. Resident Curator must provide written notice (email is acceptable) to Property Owner regarding any animals that will be allowed inside the Clark/Enyedi House.

32. **GROUND DISTURBANCE.** Resident Curator may not dig on the Leased Property unless it has the written consent of the Property Owner, which consent may be withheld in its absolute discretion.

33. **SMOKING.** Smoking is prohibited inside the Clark/Enyedi House and the Enyedi Studio and on the Leased Property.

34. **SAFETY, SECURITY.** Resident Curator is responsible for ensuring adequate law enforcement at the Leased Property when breach of the peace can be reasonably anticipated, or when required by the Park Authority Regulations. When applicable, Resident Curator shall develop and maintain safety and security plans for its own activities subject to Lessor's and Property Owner's prior written approval.

35. **NONDISCRIMINATION.** Resident Curator agrees that Resident Curator will not, because of race, color, national origin, ancestry, age, sex, religion, physical or mental handicap or sexual orientation, discriminate against any qualified employee, applicant for employment, contractor, subcontractor, or person or firm seeking to provide goods or services to Resident

Curators, or deny any person access to the Leased Property or to any activities or programs carried out upon the Leased Property. Resident Curator must comply with all applicable laws prohibiting discrimination in employment or public accommodation.

36. REAL ESTATE TAXES. (“Real Estate Taxes”) means real estate taxes levied, assessed, or imposed against the Leased Property or the leasehold interest created pursuant to this Lease. Resident Curator acknowledges the leasehold created pursuant to this Lease will be assessed for Real Estate Taxes and that Resident Curator will pay timely all Real Estate Taxes imposed during the term of this Lease; provided, Resident Curator reserves the right (i) to apply for and participate in any County program that provides reductions in real estate taxes, and (ii) to appeal any real estate assessment of the leasehold interest as permitted by and in accordance with applicable law.

37. LIABILITY. No official, employee or consultant of Lessor or Property Owner will be personally liable to Resident Curator or to any successor in interest or person claiming through or under Resident Curator in the Event of Default or breach of this Lease by Resident Curator or for any amount which may become due or on any claim, cause or obligation whatsoever under the terms of this Lease.

38. ESTOPPEL. Lessor and Resident Curator agree, at any time and from time to time, upon not less than fifteen (15) days prior written request by the other, to execute, acknowledge and deliver to the other either a statement in writing certifying that this Lease is unmodified and in full force and effect or if there have been modifications, that the Lease is in full force and effect as modified, and stating the modifications, and that either under the Lease there is no default and no event has occurred which, with the passage of time or the giving of notice or both, would constitute a default, or that a default exists under this Lease and specifying the nature and status thereof, and the dates to which the rent and other charges have been paid in advance.

39. AMENDMENTS. This Lease may be modified or altered only by agreement in writing by Amendment (“Amendment”) between Lessor and Resident Curator after review and consent by Property Owner.

40. GOVERNING LAW. Lessor and Resident Curator agree to be bound by the Laws of the Commonwealth of Virginia in any proceeding, whether in law or in equity, with respect to any

dispute arising under this Lease. The only proper jurisdiction and venue for any lawsuit arising out of or relating to this Lease shall be the Circuit Court of Fairfax County or the United States District Court for the Eastern District of Virginia.

41. FORCE MAJEURE. In any case where Resident Curator is required to do any act other than the payment of money, delays caused by or resulting from Acts of God, war, civil commotion, fire, flood or other casualty, strikes, unavailability of materials or equipment, unusually severe weather or other causes beyond the reasonable control of Resident Curator, herein referred to as Force Majeure ("**Force Majeure**"), such Force Majeure event shall not be counted in determining the time when the performance of such act must be completed. The period of time for completion shall be extended by the same number of days as lost due to the Force Majeure event. If Resident Curator claims any delay was caused by Force Majeure, it must provide written notification to Property Owner within seven (7) days of the first day of delay caused by Force Majeure. This written notification ("**Force Majeure Notification**") must set forth the basis for the claim of Force Majeure, the delay that was caused and the length of the delay. If the delay continues for a period of time longer than seven (7) days, then Resident Curator must provide a Force Majeure Notification to Property Owner every seven (7) days until the delay no longer exists.

42. AGREEMENT AND COVENANT. Every term, condition, agreement, or provision contained in this Lease that imposes any obligation on Resident Curator or Lessor shall be deemed to be also a covenant by Resident Curator or Lessor.

43. NO PARTNERSHIP. Nothing contained in this Lease shall be deemed or construed to create a partnership or joint venture of or between Lessor and Resident Curator, or to create any other relationship between the parties hereto other than that of Lessor and Resident Curator.

44. RECITALS. Recitals R-1 through R-9, above, are incorporated into this Lease and are binding on Lessor and Resident Curator.

45. JOINT AND SEVERAL LIABILITY OF RESIDENT CURATORS. Amy McAuley and Stacy Giltner, each a Resident Curator under this Lease, will be held jointly and severally liable for all terms and obligations under this Lease.

46. **SIGNATURES.** This Lease may be executed in any number of counterparts and by the Parties hereto in separate counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

47. **LESSOR'S FINANCIAL OBLIGATIONS.** To the extent there are any financial obligations of Lessor under this Lease, such financial obligations are subject to appropriations by the BOS to satisfy payment of such obligations.

[SIGNATURES ON FOLLOWING PAGES]

Witness the following signatures and seals:

LESSOR:

**BOARD OF SUPERVISORS OF
FAIRFAX COUNTY**

By: _____
Joseph M. Mondoro
Chief Financial Officer
Fairfax County

Commonwealth of Virginia :

County of Fairfax :

The foregoing Lease was acknowledged before me this ____ day of _____, 2021
by Joseph M. Mondoro, in his capacity as the Chief Financial Officer of the Board of
Supervisors of Fairfax County, the Lessor hereunder.

Notary Public

My Commission expires: _____

Registration Number: _____

Witness the following signatures and seals:

LESSEE:

AMY MCAULEY

By: _____
Amy McAuley
Resident Curator

Commonwealth of Virginia :
County of Fairfax :

The foregoing Lease was acknowledged before me this _____ day of _____, 2021 by
Amy McAuley, in her capacity as the Resident Curator.

_____ My Commission expires: _____
Notary Public

Registration Number: _____

Witness the following signatures and seals:

LESSEE:

STACY GILTNER

By: _____
Stacy Giltner
Resident Curator

Commonwealth of Virginia :
County of Fairfax :

The foregoing Lease was acknowledged before me this _____ day of _____, 2021
by Stacy Giltner, in her capacity as the Resident Curator.

Notary Public

My Commission expires: _____

Registration Number: _____

CLARK-ENYEDI HOUSE



Board Agenda Item
March 23, 2021

4:30 p.m.

Decision Only on a New and Modernized Zoning Ordinance to Replace the Current Zoning Ordinance

ISSUE:

With the assistance of consultant services, staff has prepared a new, modernized Zoning Ordinance to replace the current Zoning Ordinance in its entirety. The Zoning Ordinance regulates the use of land in the County in accordance with State Code to promote the health, safety, and general welfare of the public and to implement the Comprehensive Plan. The proposed new Ordinance is presented in a modernized format and structure with tables and illustrations, uses plain language that is easily understandable, and updates land uses and their associated regulations.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on January 28, 2021 and deferred the decision to February 10, 2021. The Planning Commission also held a public hearing on the proposed changes to flags and flagpoles on February 10, 2021, which will be included in the public hearing on the new Zoning Ordinance before the Board. On February 10, 2021, the Planning Commission deferred their decision on the new and modernized Zoning Ordinance as well as the proposed changes to flags and flagpoles to February 24, 2021. On February 24, 2021, the Planning Commission deferred their decision to March 3, 2021. On March 3, 2021, the Planning Commission recommended denial of the proposed changes for flags and flagpoles, retaining the current limit of three flags per lot. The Commission recommended approval of the repeal of Chapter 112 and replacement with Chapter 112.1, concurring with the staff recommendations where options were presented, except for the following: (1) For Accessory Living Units, the Planning Commission recommended (a) retaining the special permit review process for all accessory living units; (b) removing the age or disability requirement; and (c) allowing the ALU to occupy the entire basement or cellar, but only up to the size of the basement or cellar existing as of the effective date of this Ordinance; and (2) For Home-Based Businesses, the Planning Commission recommended (a) allowing zero customers at a time and zero customers per day with an administrative permit, except with respect to instructional activities associated with a specialized instruction center or a health and exercise facility, for which up to four students at a time and eight in a day would be allowed, but otherwise requiring special permit approval to allow customers; and (b) requiring approval of the Fairfax County Health Department prior to approval of an administrative permit or special permit if the property is served by a well or septic system. The Planning Commission also recommended several follow-on motions as shown in the verbatim included as Attachment 5.

RECOMMENDATION:

The County Executive recommends the Board adopt a new and modernized Zoning Ordinance with a delayed effective date of 12:01 a.m. on July 1, 2021. A comparison table that outlines the differences between the staff recommendations as set forth in the public hearing draft dated February 17, 2021, the Commission's recommendations, and the range of advertised options is enclosed for the Board's consideration. (See Attachment 6.)

TIMING:

The Board of Supervisors authorized advertisement of the public hearings on December 1, 2020. The Planning Commission held a public hearing on January 28, 2021 and deferred its decision to February 10, 2021. On February 10, 2021, the Planning Commission also held a public hearing on proposed changes to flags and flagpoles. On February 10, 2021, the Planning Commission deferred its decision on the new and modernized Zoning Ordinance as well as the proposed changes to flags and flagpoles to February 24, 2021. On February 24, 2021, the Planning Commission deferred its decision to March 3, 2021.

On March 9, 2021, the Board of Supervisors held a public hearing, and the decision only was deferred to March 23, 2021 at 4:30 p.m.

It is anticipated that the new Zoning Ordinance will have a delayed effective date of July 1, 2021.

BACKGROUND:

The Zoning Ordinance Modernization project (zMOD) has been included on the Zoning Ordinance Amendment Work Program since 2016. The goals of this project are to modernize the County's Zoning Ordinance, to make the regulations easier for all stakeholders to understand, to modernize uses, and to remove inconsistencies, gaps, and ambiguities that have found their way into the Ordinance since initial adoption of the current Ordinance in 1978. In addition to creating a new, more intuitive format and organization, creating new graphics, and editing the text for readability, this Phase I of the modernization effort has focused on certain revisions to the uses, including adding new use names, consolidating uses, creating new uses where appropriate, developing updated definitions, and making revisions to some of the use regulations. Fewer non-editorial changes are proposed to the other parts of the Ordinance. Certain additional substantive changes are expected to be the focus of Phase II updates (such as an amendment to the parking regulations, which is a separate topic on the Work Program) and which will undergo their own community outreach and engagement processes. After adoption, the Ordinance will be made available in a new online format that will be responsive to different types of devices from a cell phone to a tablet and desktop.

The proposed Zoning Ordinance consolidates the current 20 articles and six appendices into nine articles and one appendix. An overview of the content included in the new articles is provided below:

Article 1 – General Provisions

Article 1 lays the groundwork for the Ordinance, including the enabling legislation, the structure, and the purpose statements.

Article 2 – Zoning Districts

Article 2 includes the specific zoning districts and associated regulations, including aerial imagery and tables describing key lot and building dimension standards (e.g., height and setbacks).

Article 3 – Overlay and Commercial Revitalization Districts

Article 3 incorporates information currently located in Article 7 and separate appendices into the body of the Ordinance. Regulations related to Historic Overlay Districts, Commercial Revitalization Districts, and other overlays are included in this article.

Article 4 – Use Regulations

Article 4 includes all land uses, how they are permitted in the various zoning districts, and their associated use regulations. This article contains revisions from today's regulations, including new and consolidated uses, changes in some permissions, and revisions to use-specific standards that, depending on the use, may change the way that the use is established in the various zoning districts.

The proposed Ordinance arranges uses into two use tables, which are organized according to a three-tiered hierarchy. The new structure groups similar uses together as follows:

- Use Classifications: Each use is grouped under one of seven broad classifications: Agricultural; Residential; Public, Institutional, and Community; Commercial; Industrial; Accessory; and Temporary.
- Use Categories: Categories are subgroups within each use classification that have common functional or physical characteristics. For example, the Recreation and Entertainment category falls under the Commercial Uses classification, and the Household Living category falls under the Residential Uses classification.
- Uses: Uses are the specific land uses that can be established within a category, such as a Banquet or Reception Hall within the Recreation and Entertainment category or a Stacked Townhouse within the Household Living category.

There is a use table for the conventional districts and one for the planned districts. In both tables, the uses are listed along the left-hand column and ultimately will be

hyperlinked to their definitions. Along the right-hand column, the use-specific standards are listed and will also be hyperlinked. Each district is listed across the top, and the planned district table further distinguishes principal and secondary uses, as well as the areas for the PRC District.

Since the publication of the November 24, 2020, Public Hearing Draft, a new subsection on flags and flagpoles has been added to Article 4. Under these provisions, flagpoles and monuments would no longer be exempt from maximum height regulations, and additional standards limiting the height, location, number, and size of flags and flagpoles have been included. The definition of a flag, included in Article 9, has also been revised. These changes are described in detail in Attachment 3.

Article 5 – Development Standards

The new Article 5 includes sections on the following topics:

- Lot, Bulk, and Open Space Regulations (including setbacks and permitted extensions)
- Affordable Dwelling Unit Program
- Earthborn Vibration Standards
- Water and Sewer Facility Requirements
- Grading, Erosion, Sediment Control, and Drainage
- Floodplain Regulations
- Common Open Space and Improvements
- Private Streets
- Landscaping and Screening
- Outdoor Lighting

Most of the current Zoning Ordinance provisions have been carried forward without substantive change, including the Affordable Dwelling Unit program.

Article 6 – Parking and Loading

This article includes the parking and loading standards from the current Article 11. Parking rates have been updated where needed to correspond to the new uses. A review of parking rates will take place as a separate amendment.

Article 7 – Signs

This article carries forward without any substantive changes the current sign regulations that were adopted in March 2019.

Article 8 – Administration, Procedures, and Enforcement

Article 8 includes the following sections:

- Review Procedures
- Submission Requirements
- Fee Schedule

- Review and Decision-Making Bodies
- Nonconformities
- Condominiums, and Condominium and Cooperative Conversions
- Enforcement, Violations, and Penalties

The standards have been reorganized from the current Ordinance to bring together related provisions and reduce repetition where possible.

Article 9 – Definitions and Ordinance Interpretation

Article 9 includes interpretations of words and terms used in the Ordinance, a list of abbreviations, and the definitions. All land uses are defined, as opposed to the current Ordinance, where only some of the uses are defined. The use definitions have been simplified where appropriate and any detailed regulations are contained in the use-specific standards. This approach, along with the classification and category structure, will assist with general understanding of the regulations as well as in issuing use determinations as the market develops new uses.

Appendix 1 – Provisions Relating to Previous Approvals

Unlike the appendices to the current Ordinance, Appendix 1 will not be part of the Ordinance but is provided for reference to include the general and specific provisions for when uses and structures are allowed to continue under the regulations of previous approvals.

A more detailed discussion of the proposed changes is contained in the November 24, 2020, Executive Summary included as Attachment 1. Additional edits were made subsequent to the release of the November 24, 2020, draft to incorporate additional comments received from stakeholders and to make clarifying edits. These changes are described in two memorandums to the Planning Commission dated January 19, and February 17, 2021, included as Attachment 2. The February 17, 2021, memo also contains a link to an annotated version with footnotes. More information about the proposed changes for flags and flagpoles is contained in the report included as Attachment 3. A link to the proposed new Ordinance is provided as Attachment 4.

OUTREACH:

Extensive public outreach has been a hallmark of the zMOD project, which has employed a variety of ways to inform and engage the public. The feedback received during outreach has resulted in many substantive revisions to the proposed Ordinance.

- **Meetings** – Both in-person and remote meetings have been conducted by the consultant, Clarion Associates, and by County staff throughout the process and will continue until the Board's public hearing and decision on the revised Ordinance. There have been meetings for the general public, as well as presentations to specific community groups, including land use committees in all nine magisterial districts. Certain meetings have been streamed live on

Facebook to provide an avenue for participation for those who could not attend in person, and those videos are archived on the zMOD website. Presentations have been given to elected and appointed officials, including the Board of Supervisors' Land Use Policy Committee, the Planning Commission's Land Use Process Review Committee, the Board of Zoning Appeals, the Architectural Review Board, and the History Commission. Videos of the Board of Supervisor's Land Use Policy Committee are available [online](#).

- **Website** – zMOD has a dedicated [website](#) that includes contact information and posted drafts, presentations, and videos, and lists of previous and upcoming meetings.
- **Email** – zMOD has a dedicated email address. Many comments have been submitted to this email address, and staff responds to questions raised. zMOD also has an email Listserv for announcements.
- **Social Media and Channel 16** – Notices of the release of drafts, upcoming meetings, and surveys have been posted to Facebook and Nextdoor. The zMOD project has also been featured on Channel 16 through a public service announcement on the Consolidated Draft, as well as twice on the Planning Commission Roundtable show.
- **Videos** – Clarion Associates created videos that provide an overview of the individual releases of the use regulations. Videos for the Consolidated Draft are available in English and Spanish. Channel 16 created videos to summarize and accompany the surveys for accessory living units and home-based businesses.
- **Newsletters** – Information about drafts and meetings has been included in the Supervisor's individual newsletters.
- **Surveys** – An initial survey about ways to improve the current Ordinance was conducted in early 2018 and the results were posted on February 26, 2018. This spring, surveys were conducted on accessory living units and home-based businesses; information about these survey results was included in a memorandum to the Board and posted on the zMOD website.
- **Work Groups** – Three informal work groups (one each for citizens, industry, and land use attorneys) have been created to provide a sounding board for continued discussions. These members also serve as liaisons with their other community groups and contacts to help disseminate project information.

REGULATORY IMPACT:

As noted above, the proposed new Ordinance will replace the current Zoning Ordinance in its entirety. Most of the provisions of the current Ordinance are carried forward in the revised format. Instances where there are substantive changes are highlighted in the Executive Summary included in Attachment 1 and the Memorandum in Attachment 2.

FISCAL IMPACT:

The fiscal impacts of this effort are difficult to quantify. The modernized Ordinance will be easier for staff, residents, businesses and industry, and other stakeholders to understand and implement. The more easily understandable regulations may save staff time in interpreting the Ordinance, as well as responding to stakeholder inquiries, allowing additional time to be spent on daily zoning work. No fee increases are proposed, although several fees are proposed to be reduced to align with other similar fees. The application fee to amend a previously approved rezoning to delete land area is proposed to be reduced from ½ to ¼ of the applicable fee. In addition, the following three special exception application fees are proposed to be reduced from \$16,375 to \$8,180: an addition to or replacement of an existing single family detached dwelling in a floodplain; congregate living facility; and quasi-public park, playground, or athletic field. A special exception application for a Waiver of Certain Sign Regulations is proposed to be reduced from \$16,375 to \$8,260 to match the current fee for a Comprehensive Sign Plan application. In the past three years, there have been 14 of these types of special exception applications.

The new home-based business use consolidates the current administrative home occupation permit and the special permits for a home professional office and a barbershop or beauty parlor in the home. The proposed use could be approved administratively if it meets the applicable standards or by special permit to exceed certain standards. The administrative permit is proposed to be \$100, which is an increase from the current \$50 home occupation permit. The \$16,375 special permit fee for a home professional office and a barbershop or beauty parlor in the home is proposed to be reduced to \$435 to be in line with other special permits that generally apply to individual homeowners. The proposed \$200 administrative permit for an interior accessory living unit is a reduction from the current special permit fee of \$435. The proposed revisions to the standards for accessory living units may result in an increase in the number of administrative permits and inspections. Staff anticipates that initially any increase in staff time can be accommodated within current resources.

In addition, the cost to put the Ordinance in an online, searchable, interactive platform is anticipated to be a one-time fee of approximately \$67,000 and an annual fee of \$7,000.

The potential revenue impacts will be minor, assuming the Board adopts the fee levels recommended by staff. Once implemented, staff will continue to monitor revenues in collaboration with the Department of Management and Budget, and will adjust budgeted revenues, if necessary.

ENCLOSED DOCUMENTS:

Attachment 1 – The Executive Summary dated November 24, 2020, can be found online at: <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/executive-summary.pdf>

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Attachment 2 – The Memorandum dated January 19, 2021, can be found online at: <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/pc-zmod-memo-1-19.pdf>, and the Memorandum dated February 17, 2021, including a Link to Annotated Proposed Ordinance can be found online at: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/Assets/documents/zmod/PC%20Memo_2021-02-17.pdf#page=1

Attachment 3 – The Flags and Flagpoles Report can be found online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/flags-flagpoles.pdf>

Attachment 4 – The Proposed Zoning Ordinance can be found online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/phd-2-17-2021.pdf#page=1>

Attachment 5 – The Planning Commission Verbatim can be found online under March 03, 2021, at: <https://www.fairfaxcounty.gov/planningcommission/verbatim-home>

Attachment 6 – Advertised Options and Recommendations can be found online at: <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/advertising-options.pdf#page=1>

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4:30 p.m.

Public Comment on Issues of Concern