

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 18, 2021**

AGENDA

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

**ADMINISTRATIVE
ITEMS**

- 1 Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic
- 2 Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 5, Offenses
- 3 **Pulled** Designation of Plans Examiner Board Member Status Under the Expedited Land Development Review Program
- 4 Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment to New Chapter 112.1 Re: Special Permit Fees and Other Minor Revisions
- 5 Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Uniformed Retirement System Ordinance
- 6 Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Providence District)
- 7 Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Plaza Lane (Springfield District)
- 8 Approval of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Braddock District)
- 9 Authorization to Advertise a 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 the South County Government Center

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 18, 2021**

**ADMINISTRATIVE
ITEMS
(continued)**

- 10 Approval of Supplemental Appropriation Resolution AS 21302 for the Department of Family Services to Accept Grant Funding from the Virginia Community College System for the WIOA Dislocated Worker COVID-19 Disaster Recovery Grant
- 11 Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 1, General Provisions
- 12 Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2021 Revised Budget Plan

ACTION ITEMS

- 1 Approval of Memorandum of Understanding Between Fairfax County and Dominion Energy Virginia Regarding Electric Distribution Ductbank Permitting in the Tysons Corner Urban Center (Providence and Hunter Mill Districts)
- 2 Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds in an Aggregate Amount Not to Exceed \$20,000,000 to Finance the 79-Unit Oakwood North Four Apartments in Alexandria, Virginia (Lee District)
- 3 Authorization of Phase I Design Development Agreement Between the Fairfax County Board of Supervisors and the City of Fairfax Regarding the Joint Redevelopment of the Willard Health Center Campus and the Sherwood Community Center (**Braddock and Providence Districts**)
- 4 Approval of Supplemental Appropriation Resolution 21294 to Accept Grant Funding and Authorization to Execute an Amendment to the Existing Standard Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Cinder Bed Road Bikeway (Lee District)

**INFORMATION
ITEMS**

- 1 Consolidated Plan Certification for the Fairfax County Redevelopment and Housing Authority Moving to Work Plan for Fiscal Year 2022

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 18, 2021**

**INFORMATION
ITEMS
(continued)**

- | | |
|---|--|
| 2 | Conveyance of Parcels to the Virginia Department of Transportation for the Transform 66 Project (Sully and Braddock Districts) |
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CLOSED SESSION

Closed Session

- | | |
|-----------------------|--|
| 4:00 p.m.
Action 5 | Board Approval of a Minor Variation Request for RZ 76-S-021 by West Springfield Center, LLC, to Modify References in Proffers 4, 5 and 6 to the Description of the Architectural Design and Character for One of the One-Story Commercial Office and Retail Structures from “Townhouse” Style to “Transitional” (Springfield District) |
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**PUBLIC
HEARINGS**

- | | | |
|------|-----------------------|---|
| 4:00 | | Public Hearing on SE 2020-SP-021 (Milestone Tower Limited Partnership IV and Trustees of the Virginia Korean Baptist Church) (Springfield District) |
| 4:00 | To Be Deferred | Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment – Apломado Drive to Parakeet Drive (Springfield District) |
| 4:00 | | Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Rock Hill Rd Walkway (Sterling to Astoria) (Dranesville District) |
| 4:00 | | Public Comment |

Board Agenda Item
May 18, 2021

1:00 p.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard May 18, 2021

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

May 18, 2021

DRAFT

**APPOINTMENTS TO BE HEARD MAY 18, 2021
(ENCOMPASSING VACANCIES PROJECTED THROUGH MAY 31, 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>
VACANT (Formerly held by 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 <i>Resigned</i>	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	Deborah A. Woolen	Lusk	Lee
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 PLANS EXAMINER BOARD (4 years)
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CONFIRMATIONS NEEDED:

- Mr. Shahab Baig as the County Employee Representative
- Mr. James H. Scanlon as the Professional Engineer/Surveyor #1 Representative
- Mr. Jeffrey J. Stuchel as the Professional Engineer/Surveyor #2 Representative

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 Julie Shepard; appointed 10/20 by Lusk) Term exp. 9/24	Lee District Representative		Lusk	Lee
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
VACANT (Formerly held by Marcela Lievano Martinez; appointed 7/20 by Palchik) Term exp. 9/21 <i>Resigned</i>	Providence District Representative		Palchik	Providence

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi- Family) Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
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

CONFIRMATION NEEDED:

- Ms. Morgan Jameson as the Federation of Citizens Associations Representative

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
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

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
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

COMMISSION ON AGING (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Catherine S. Cole (Appointed 9/16- 5/19 by Bulova) Term exp. 5/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
Michael Perel (Appointed 7/16- 5/19 by Cook) Term exp. 5/21	Braddock District Representative		Walkinshaw	Braddock
Kay Larmer (Appointed 1/12- 5/19 by Foust) Term exp. 5/21	Dranesville District Representative		Foust	Dranesville
Joseph A. Heastie (Appointed 2/05- 5/19 by L. Smyth) Term exp. 5/21	Providence District Representative		Palchik	Providence
Thomas B. Bash (Appointed 5/11- 5/19 by Herrity) Term exp. 5/21	Springfield District Representative	Thomas B. Bash	Herrity	Springfield

**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

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
Umair Javed (Appointed 2/17-1/19 by L. Smyth) Term exp. 7/21 <i>Resigned</i>	Fairfax County Resident #13 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
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

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

CONFIRMATIONS NEEDED:

- Mr. Edward V. Zaptin as the National Association of Industrial and Office Properties Representative

ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)

<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

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>
VACANT (Formerly held by Elizabeth John; appointed 7/19 by Foust) Term exp. 11/21 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Ayman Eldarwish (Appointed 10/17 by Gross) Term exp. 11/20	Mason District Representative		Gross	Mason
VACANT (Formerly held by Kelley Brooks Simoneaux; appointed 3/19 by L. Smyth; 1/20 by Palchik) Term exp. 11/22 <i>Resigned</i>	Providence District Representative		Palchik	Providence

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**(3 years – limited to 3 full terms)**

[NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment."

Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Daria Akers (Appointed 11/16-6/18 by Bulova) Term exp. 6/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
Karen Abraham (Appointed 2/20 by Walkinshaw) Term exp. 6/21	Braddock District Representative		Walkinshaw	Braddock
Bettina Lawton (Appointed 1/16-9/18 by Hudgins) Term exp. 6/21	Hunter Mill District Representative		Alcorn	Hunter Mill

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

**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>
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
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by L. Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence

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>
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

REDEVELOPMENT AND HOUSING AUTHORITY (4 years)

<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

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)
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<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 District

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>
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Irene Shin; appointed 1/20 by Palchik) Term exp. 2/21 <i>Resigned</i>	Providence District Representative #2		Palchik	Providence

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Najma Mohamud; appointed 11/20 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

Board Agenda Item
May 18, 2021

1:00 p.m.

Matters Presented by Board Members

Board Agenda Item
May 18, 2021

1:00 p.m.

Items Presented by the County Executive

Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic

ISSUE:

Public Hearing on amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Sections 82-1-2, 82-1-3, 82-1-31, 82-3-14, 82-5-1, 82-5-32, 82-5-41, 82-6-15, 82-6-16, 82-6-26, 82-6-56, 82-6-33, 82-6-41, 82-6-42, 82-6-49, 82-7-1, 82-9-1, and 82-9-3.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments On May 18, 2021; the Board of Supervisor's public hearing scheduled for June 8, 2021 at 4:30 p.m.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2020 General Assembly Special Session I, 2021 General Assembly Session, and the 2021 General Assembly Special Session I. A summary of the changes as a result of the General Assembly amendments affecting Chapter 82 is provided in Attachment 2. An additional housekeeping to Chapter 82, portions of Section 82-1-2 (Definitions), 82-1-3 (Enforcement by County officers; officers to be uniformed), 82-1-31 (Arrest for misdemeanors; release on summons and promise to appear; admitting to bail; violations), 82-3-14 (Inspection of vehicles), 82-5-1 (Parking prohibited in Specified Places), 82-5-32 (Removal, immobilization, and disposition of vehicles unlawfully parked on private or county property), 82-5-41 (Removal or immobilization of motor vehicles), 82-6-15 (Signs on windshields, etc.), 82-6-16 (Suspension of objects or alteration of vehicle so as to obstruct view of driver), 82-6-26 (Exhaust system in good working order required), 82-6-33 (Illegal use of defective or unsafe equipment), 82-6-41 (Rear lamps), 82-6-42 (Stop lamps), 82-6-49 (When lights to be lighted; number of lights to be lighted at any time; use of warning lights), 82-6-56 (Signs on windshields, etc.) 82-7-1 (Width of vehicles and exception as to size), 82-9-1

Board Agenda Item
May 18, 2021

(Pedestrians crossing highways or streets), and 82-9-3 (Pedestrians stepping into highway or street where they cannot be seen) update legal citations and language.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic 82-1-6

Attachment 2 - Summary of 2020 General Assembly Special Session I, 2021 General Assembly Session, and the 2021 General Assembly Special Session Amendments Affecting Chapter 82, Motor Vehicles and Traffic

Attachment 3 – Proposed Amends to Chapter 82, Motor Vehicles and Traffic 82-1-2, 82-1-3, 82-1-31, 82-3-14, 82-5-1, 82-5-32, 82-5-41, 82-6-15, 82-6-16, 82-6-26, 82-6-56, 82-6-33, 82-6-41, 82-6-42, 82-6-49, 82-7-1, 82-9-1, and 82-9-3

Attachment 4 – Summary of citation updates and language changes

STAFF:

David M. Rohrer, Deputy County Executive
Kevin Davis, Chief of Police

ASSIGNED COUNSEL:

Kimberly P. Baucom, Senior Assistant County Attorney

Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Article 1. – In General.

Section 82-1-6. Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2020~~ 2021, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2020~~ 2021.

18.2-266	18.2-269	46.2-203.1
18.2-266.1	18.2-270	<u>46.2-208</u>
18.2-267	18.2-270.01	46.2-218
18.2-268.1	18.2-270.1	46.2-300
18.2-268.2	18.2-271	<u>46.2-301</u>
18.2-268.3	<u>18.2-271.1</u>	<u>46.2-301.1</u>
18.2-268.4	18.2-272	46.2-302
18.2-268.5	<u>46.2-100</u>	46.2-329
18.2-268.6	46.2-102	46.2-334.001
18.2-268.7	46.2-104	46.2-341.20:5
18.2-268.8	46.2-108	46.2-341.26:2
18.2-268.9	46.2-109	46.2-341.26:3
18.2-268.10	46.2-110	46.2-341.26:4
18.2-268.11	46.2-111	46.2-341.26:7
18.2-268.12	46.2-112	46.2-341.26:9

46.2-341.27	46.2-618	46.2-816.1
46.2-341.28	46.2-704	46.2-817
<u>46.2-345.3</u>	46.2-711	46.2-818.1
<u>46.2-346</u>	46.2-715	46.2-818.2
46.2-349	46.2-716	46.2-819.4
46.2-357	46.2-724	46.2-820
46.2-371	46.2-730	46.2-821
46.2-373	46.2-800	46.2-822
46.2-376	46.2-801	46.2-823
46.2-379	46.2-802	46.2-824
46.2-380	46.2-803	46.2-825
46.2-391.01	46.2-804	46.2-826
46.2-391.2	46.2-805	46.2-827
46.2-391.3	46.2-806	46.2-828
46.2-391.4	46.2-807	46.2-828.2
46.2-392	46.2-808	46.2-829
46.2-393	46.2-808.1	46.2-830
46.2-398	46.2-808.2	46.2-831
46.2-602.3	46.2-810	46.2-832
46.2-612	46.2-811	46.2-833
46.2-613	46.2-812	46.2-833.1
46.2-616	46.2-814	46.2-834
46.2-617	46.2-816	46.2-835

46.2-836	46.2-861	46.2-880
46.2-837	46.2-861.1	46.2-882
46.2-838	46.2-862	46.2-882.1
<u>46.2-839</u>	46.2-863	46.2-883
46.2-841	46.2-864	46.2-884
46.2-842	46.2-865	46.2-885
46.2-842.1	46.2-865.1	46.2-886
46.2-844	46.2-866	46.2-887
46.2-845	46.2-868	46.2-888
46.2-846	46.2-868.1	46.2-889
46.2-848	46.2-869	46.2-890
46.2-849	46.2-870	46.2-891
46.2-850	46.2-871	46.2-892
46.2-851	46.2-872	46.2-893
46.2-852	46.2-873	46.2-894
46.2-853	46.2-874	46.2-895
46.2-854	46.2-876	46.2-896
46.2-855	46.2-877	46.2-897
46.2-856	46.2-878	46.2-898
46.2-857	46.2-878.1	46.2-899
46.2-858	46.2-878.2	46.2-900
46.2-859	46.2-878.3	46.2-902
46.2-860	46.2-879	46.2-903

46.2-904	46.2-929	46.2-1021
46.2-904.1	46.2-930	46.2-1022
<u>46.2-905</u>	46.2-932	46.2-1023
46.2-906	<u>46.2-936</u>	46.2-1024
46.2-908.1	46.2-937	46.2-1025
46.2-909	<u>46.2-940</u>	46.2-1026
46.2-910	46.2-942	46.2-1027
46.2-911.1	46.2-1001.1	<u>46.2-1030</u>
46.2-912	46.2-1001	46.2-1031
46.2-914	46.2-1002	46.2-1032
46.2-915	<u>46.2-1003</u>	46.2-1033
46.2-915.2	46.2-1004	46.2-1034
46.2-918	46.2-1010	46.2-1035
46.2-919	46.2-1011	46.2-1036
46.2-919.1	46.2-1012	46.2-1037
46.2-920	<u>46.2-1013</u>	46.2-1038
46.2-921	<u>46.2-1014</u>	46.2-1039
46.2-922	46.2-1015	46.2-1040
<u>46.2-923</u>	46.2-1016	46.2-1041
46.2-924	46.2-1017	46.2-1043
<u>46.2-926</u>	46.2-1018	46.2-1043.1
46.2-927	46.2-1019	46.2-1044
46.2-928	46.2-1020	46.2-1047

<u>46.2-1049</u>	46.2-1077.01	46.2-1116
46.2-1050	46.2-1078	46.2-1118
<u>46.2-1052</u>	46.2-1079	46.2-1120
46.2-1053	46.2-1080	46.2-1121
<u>46.2-1054</u>	46.2-1081	46.2-1130
46.2-1055	46.2-1082	46.2-1137
46.2-1056	46.2-1083	46.2-1150
46.2-1057	46.2-1084	46.2-1151
46.2-1058	46.2-1088	46.2-1154
46.2-1059	46.2-1088.1	46.2-1155
46.2-1060	46.2-1088.2	46.2-1156
46.2-1061	46.2-1088.5	<u>46.2-1157</u>
<u>46.2-1063</u>	46.2-1088.6	46.2-1158
46.2-1064	46.2-1090	46.2-1158.01
46.2-1065	46.2-1091	46.2-1158.02
46.2-1066	46.2-1092	46.2-1158.1
46.2-1067	46.2-1093	46.2-1172
46.2-1068	46.2-1102	46.2-1173
46.2-1070	46.2-1105	46.2-1216
46.2-1071	46.2-1110	46.2-1218
46.2-1072	46.2-1111	46.2-1219.2
46.2-1076	46.2-1112	46.2-1231
46.2-1077	46.2-1115	46.2-1234

46.2-1240	46.2-1309	46.2-1561
46.2-1242	46.2-1508.2	46.2-2910
46.2-1250	46.2-1552	

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18.2-272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

(20-83-82; 25-84-82; 14-85-82; 16-87-82; 29-88-82; 20-89-82; 30-89-82; 18-90-82; 36-90-82; 23-91-82; 37-91-82; 37-92-82; 46-92-82; 33-93-82; 27-94-82; 17-95-82; 35-95-82; 25-96-82; 41-96-82; 18-97-82; 21-98-82; 20-99-82; 27-00-82; 25-01-82; 24-02-82; 33-02-82; 26-03-82; 25-04-82; 22-05-82; 18-06-82; 21-07-82; 45-08-82; 52-08-82; 41-09-82; 21-10-82; 22-11-82; 13-12-82; 15-12-82; 48-13-82; 27-14-82; 21-15-82; 21-16-82; 11-17-82; 21-18-82; 21-19-82; [10-20-82](#).)

ATTACHMENT 2

SUMMARY OF 2020 GENERAL ASSEMBLY SPECIAL SESSION I, 2021 GENERAL ASSEMBLY, AND 2021 GENERAL ASSEMBLY SPECIAL SESSION I AMENDMENTS AND REPEAL AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

An Act to amend § 18.2-271.1 of the Code of Virginia relating to restricted operators licenses. Removes the requirement that an individual eligible for a restricted operator's license as a result of a Driving While Intoxicated offense pay their fines and costs before being issued a restricted operator's license.

An Act to amend and reenact §§ [46.2-301](#), and [46.2-301.1](#), of the Code of Virginia and to repeal § [46.2-357](#) of the Code of Virginia, relating to habitual offenders; repeal. Repeals the remaining provisions of the Habitual Offender Act.

An Act to amend and reenact §§ [46.2-839](#) and [46.2-905](#) of the Code of Virginia, relating to overtaking a bicycle or certain other vehicles. Requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The amendment also removes the limitations on riding bicycles and certain other vehicles two abreast.

An Act to amend and reenact § [46.2-346](#) of the Code of Virginia, relating to identification privilege cards; penalties. Adds identification privilege cards issued under § [46.2-345.3](#) to be included as a credential issued under Chapter 3 of Title 46.2 of the Code of Virginia and apply to the unlawful acts enumerated in the statute. This amendment has a delayed effective date of January 1, 2022.

An Act to amend and reenact §§ [46.2-100](#) and [46.2-208](#) of the Code of Virginia, relating to privileged information. Limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The amendment requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The amendment requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information

to any third party unless explicitly permitted to do so in the entity's agreement with the DMV.

An Act to amend and reenact § [46.2-1063](#) of the Code of Virginia, relating to the bumper height of registered passenger motor vehicles. The amendment repeals § [46.2-747](#) of the Code of Virginia, relating to the bumper height of motor vehicles bearing street rod license plates.

An Act to amend and reenact §§ [46.2-936](#) and [46.2-940](#) of the Code of Virginia, relating to the promise to appear after the issuance of a summons for violations of Title 46.2 punishable as a misdemeanor. Provides that if any person refuses to give a written promise to appear, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release the person from custody. Under current law, any person refusing to give such written promise to appear is required to be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction.

An Act to amend and reenact § [46.2-1049](#) of the Code of Virginia, relating to exhaust systems. No law-enforcement officer shall stop a motorcycle, moped, motorized skateboard, scooter, or motor vehicle for a violation of this section.

An Act to amend and reenact § [46.2-923](#) of the Code of Virginia, relating to how and where pedestrians are to cross highways. No law-enforcement officer shall stop a pedestrian for a violation of this section.

An Act to amend and reenact § [46.2-926](#) of the Code of Virginia, relating to pedestrians stepping into the highway. No law-enforcement officer shall stop a pedestrian for a violation of this section.

An Act to amend and reenact § [46.2-1003](#) of the Code of Virginia, relating to a motor vehicle operating on a highway with defective equipment. Requires that the equipment be both defective and unsafe. No law-enforcement officer shall stop a motor vehicle for a violation of this section.

An Act to amend and reenact § [46.2-1013](#) of the Code of Virginia, relating to tail lights. Requires that all required tail lights be constructed and so mounted in their relation to the rear license plate as to illuminate the license plate and be of an approved type. No law-enforcement officer shall stop a motor vehicle for a violation of this section.

An Act to amend and reenact § [46.2-1014](#) of the Code of Virginia, relating to brake lights. No law-enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no required brake lights.

An Act to amend and reenact § [46.2-1030](#) of the Code of Virginia, relating to when lights are to be lighted, the number of lights to be lighted at any time, and the use of warning lights. No law-enforcement officer shall stop a motor vehicle for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection A of the statute.

An Act to amend and reenact § [46.2-1052](#) of the Code of Virginia, relating to tinting films, signs, decals, and stickers on windshields. No law-enforcement officer shall stop a motor vehicle for a violation of this section.

An Act to amend and reenact § [46.2-1054](#) of the Code of Virginia, relating to the suspension of objections or alteration of vehicles so as to obstruct the driver's view. The amendment clarifies that the prohibition only applies to suspended objects that substantially obstruct the driver's view. No law-enforcement officer shall stop a motor vehicle for a violation of this section.

An Act to amend and reenact § [46.2-1157](#) of the Code of Virginia, relating to required inspection of motor vehicles. No law-enforcement officer shall stop a motor vehicle due to an expired inspection sticker until the first day of the fourth month after the original expiration date.

ATTACHMENT 3

Proposed Amendments to Chapter 82, Motor Vehicles and Traffic

ARTICLE 1. - In General.

Section 82-1-2. - Definitions. [¶](#)

- (a) The following words and phrases, when used in this Chapter, shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:
- (1) *Antique motor vehicle.* Every motor vehicle, as herein defined, which was actually manufactured, or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five (25) years prior to January 1 of each calendar year and is owned solely as a collector's item, and is used for participation in club activities, exhibits, tours, parades, and similar uses, but in no event used for general transportation, may be classified by the Commissioner as an antique motor vehicle.
 - (2) *Bicycle* shall include pedal bicycles with helper motors rated less than one brake horsepower, which produce only ordinary pedaling speeds up to a maximum of twenty (20) miles per hour, provided such bicycles so equipped shall not be operated upon any highway or public vehicular area of this State by any person under the age of sixteen (16) years.
 - (3) *Business district.* The territory contiguous to a highway where seventy-five percent (75%) or more of the total frontage, or both sides of the highway, for a distance of three hundred (300) feet or more is occupied by buildings actually in use and operation for business purposes.
 - (4) *Camping trailer.* Every vehicle which has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.
 - (5) *Chapter.* The word "Chapter" as used herein shall mean and refer to this Ordinance.
 - (6) *Chauffeur.* Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.
 - (7) *Commission* shall mean the State Corporation Commission.
 - (8) *Commissioner* shall mean the Commissioner of the Division of Motor Vehicles of this State.
 - (9) *County* shall mean Fairfax County, Virginia.
 - (10) *Dealer.* Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers and semitrailers in this County and who has an established place of business for such purpose in this County and at which place of business the books and records of such dealer are kept and at which a substantial part of the business of such dealer is conducted.
 - (11) *Division* shall mean the Division of Motor Vehicles of this State.
 - (12) *Essential parts.* All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity of a vehicle.
 - (13) *Farm tractor.* Every motor vehicle designed and used as a farm, agricultural or horticultural implement for drawing plows, moving machines and other farm, agricultural or horticultural

machinery and implements, including self-propelled mowers designed and used for mowing lawns.

- (14) *Financial responsibility.* Ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use or operation of a motor vehicle, in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of any one person and, subject to such limit for one person, in the amount of Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one accident, and in the amount of Ten Thousand Dollars (\$10,000.00) because of injury to or destruction of property in any one accident.
- (15) *Foreign vehicles.* Every motor vehicle, trailer or semitrailer which shall be brought into the State otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in the State.
- (16) *Highway.* The entire width between boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this County, including the streets, alleys and publicly maintained parking lots in the County, and for law enforcement purposes only the entire width between boundary lines of all private roads or private streets located within any residential development containing five hundred (500) or more lots.
- (17) *Intersection.*
 - (A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
 - (B) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.
 - (C) For purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.
- (18) *License plate.* A device containing letters, numerals or a combination of both, attached to a motor vehicle, trailer or semitrailer to indicate that such motor vehicle, trailer or semitrailer is properly registered with the Division.
- (19) *Manufacturer.* Every person engaged in the business of constructing or assembling motor vehicles, trailers or semitrailers at an established place of business in this State.
- (20) *Metal tires.* All tires, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
- (21) *Mobile home.* Every vehicle not otherwise classified herein which has noncollapsible sides, which contains sleeping quarters and may or may not contain bathing and cooking facilities and every trailer not designed for the transportation of property but used primarily for office space and is designed to be drawn by a motor vehicle.
- (22) *Motorcycle.* Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower, except any such vehicle as may be included within the term "farm tractor" as defined in this Section.
- (23) *Motorhome.* Every private motor vehicle with a normal seating capacity of not more than ten (10) persons, including the driver, designed primarily for use as living quarters for human beings.
- (24) *Motor vehicle.* Every vehicle as defined in this Section which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed

to a motor vehicle to provide a mobile dwelling, sleeping place, office of commercial space, shall be considered a part of a motor vehicle. For the purpose of this Chapter, any device herein defined as a bicycle shall be deemed not to be a motor vehicle.

- (25) *Nonresident.* Every person who is not domiciled in this State, except:
 - (A) Any foreign corporation which is authorized to do business in this State by the State Corporation Commission shall be deemed a resident of this State for the purpose of this Chapter; provided, however, that in the case of corporations incorporated in this State but doing business without the State, only such principal place of business or branches located within this State shall be dealt with as residents of this State.
 - (B) A person who becomes engaged in a gainful occupation in this State for a period exceeding sixty (60) days, shall be deemed a resident for the purposes of this Chapter.
 - (C) A person other than a nonresident student as defined in paragraph (20) of this Section who has actually resided in this State for a period of six (6) months, whether employed or not, or who has registered a motor vehicle, listing an address within this State in the application for registration, shall be deemed a resident for the purposes of this Chapter.
- (26) *Nonresident student.* Every nonresident person who is enrolled as a full-time student in an accredited institution of learning in this State and who is not gainfully employed.
- (27) *Operation or use for rent or for hire, etc.* The terms operation or use for rent or for hire, and the term *business of transporting persons or property*, wherever used in this title, shall mean any owner or operator of any motor vehicle, trailer or semitrailer operating over the highways of this State who accepts or receives compensation for the service, directly or indirectly; but such terms shall not be construed to mean a "truck lessor" as defined herein.
- (28) *Operator.* Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- (29) *Owner.* A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Chapter, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle and the vehicle shall be subject to such requirements of this Chapter as are applicable to vehicles operated for compensation; provided, however, that a "truck lessor" as defined in *Code of Virginia*, Section 46.2-100(36), shall be regarded as the owner, and his vehicles shall be subject to such requirements of this Chapter as are applicable to vehicles of private carriers.
- (30) *Peace or police officer.* Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (31) *Person.* Every natural person, firm, partnership, association or corporation.
- (32) *Pickup or panel truck.* Every motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less.
- (33) *Pneumatic tires.* All tires inflated with compressed air.
- (34) *Private road or driveway.* Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- (35) *Reconstructed vehicle.* Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

- (36) *Rescue vehicle.* The term "rescue vehicle" is defined as any vehicle designed or utilized for the principal purposes of supplying resuscitation or other emergency relief where human life is endangered.
- (37) *Residence district.* The territory contiguous to a highway not comprising a business district where seventy-five percent (75%) or more of the total frontage, on both sides of the highway, for a distance of three hundred (300) feet or more is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.
- (38) *Road tractor.* Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.
- (39) *Roadway* shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or unpaved area.
- (40) *Safety zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (41) *School bus.* Any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is:
- (i) Designed and used primarily for the transportation of pupils to and from public, private or parochial schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; and
 - (ii) Painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and
 - (iii) Is equipped with warning devices prescribed in Section 46.2-1090, *Code of Virginia*. School buses manufactured prior to July 1, 1974, may continue to have the words "Stop, State Law" in black letters of specified size on front and rear.
- (42) *Semitrailer.* Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.
- (43) *Shoulder* shall mean that part of a highway between the portion regularly travelled by vehicular traffic and the lateral curb line or ditch.
- (44) *Solid rubber tires.* Every tire made of rubber other than a pneumatic tire.
- (45) *Specially constructed vehicles.* Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as defined in this Section.
- (46) *Street.* Such term shall have the same meaning as the term "highway," as defined in this Section.
- (47) *Superintendent* shall mean the Superintendent of the Department of State Police of this State.
- (48) *Tractor truck.* Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.
- (48.1) *Traffic infraction* shall mean any violation of any provision of this Chapter, or of any rules or regulations established thereunder, not expressly defined as a felony or misdemeanor, and otherwise not punishable by incarceration or by a fine of more than One Hundred Dollars (\$100.00). The term "traffic infraction", used in any other Chapter of this Code, or in any rule or regulation adopted pursuant to any provision of this Chapter, shall have this same meaning and effect.

- (49) *Traffic lane or lane.* shall mean that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.
- (50) *Trailer.* Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.
- (51) *Truck.* Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a gross weight in excess of seven thousand five hundred (7,500) pounds.
- (52) *Truck lessor.* A person who holds the legal title to any motor vehicle, trailer or semitrailer which is the subject of a bona fide written lease for a term of one (1) year or more to another person, provided that:
 - (A) Neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in *Code of Virginia*, Section 56-273; and
 - (B) The leased motor vehicle, trailer or semitrailer is used exclusively for the transportation of property of the lessee; and
 - (C) The lessor is not employed in any capacity by the lessee; and
 - (D) The operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and
 - (E) A true copy of such lease, verified by affidavit of the lessor, is filed with the Commissioner.
- (53) *Vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks and except any vehicle as may be included within the term bicycle as herein defined. (3-13-63; 1961 Code, § 16-2; 37-76-82; 9-78-82; 34-78-82; 19-79-82; 26-81-82; 30-89-82.)

Footnotes:

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2. For similar state law, see Va. Code Ann. ~~§46.1-4~~ 46.2-100.

Section 82-1-3. - Enforcement by County officers; officers to be uniformed.

- (a) Every police officer shall enforce the provisions of this Chapter; provided that such officer shall be uniformed at the time of such enforcement or shall display his badge, or other sign of authority; and provided further, that all officers making arrests incident to the enforcement of this ~~Title-Chapter~~ shall be paid fixed and determined salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this ~~Title- Chapter~~.
- (b) With the consent of the landowner, any such officer or other uniformed employee of the police department may patrol the landowner's property to enforce State or County motor vehicle registration and licensing requirements.
- (c) Any law enforcement officer may patrol the streets and roads within subdivisions of real property or within a condominium pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.) or land submitted to a horizontal property regime pursuant to the Horizontal Property Act (§ 55.1-2000 et seq.). ~~Code of Virginia, Chapter 4.1 (§ 55-79.1 et seq.) or 4.2 (§ 55-79.39 et seq.) of Title 55,~~ which streets and roads are maintained by the owners of the lots or parcels of land within ~~any such the~~ subdivision or the owners of condominium units within any ~~such~~ horizontal property regime or any association of such owners, on the request or with the consent of the owners or association of

owners, to enforce the provisions of Title 46.2 of the Code of Virginia punishable as felonies, misdemeanors, or traffic infractions. Code of Virginia, Chapters 1 through 4 (§§ 46.1-1 through 46.2-347) of Title 46-4. (3-13-63; 1961 Code, § 16-3; 37-76-82; 26-81-82.)

Section 82-1-31. - Arrest for misdemeanors; release on summons and promise to appear; admitting to bail; violations.

- (a) Whenever any person is detained by or in the custody of an arresting officer ~~arrested~~, including an arrest on a warrant, for a violation of any provision of this Chapter, ~~except of Section 82-4-17,~~ the arresting officer shall, except as otherwise provided in Section 82-1-34 or any other Section of this Chapter, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five (5) days after such arrest unless the person arrested shall demand an earlier hearing and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four (24) hours at a convenient hour, and before a court having jurisdiction. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody.
- (b) For purposes of arrest, traffic infractions shall be treated as misdemeanors. Except as otherwise provided by this Chapter, the authority and duties of arresting officers shall be the same for traffic infractions as for misdemeanors.
- (c) ~~Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this Chapter. If any person refuses to give such written promise to appear under the provisions of this section, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody.~~
- (d) Any person who willfully violates his written promise to appear or fails to appear at the time and place specified in such summons or notice issued, ~~given~~ in accordance with this Section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.
- (e) Any officer violating any of the provisions of this Section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This Section shall not be construed to limit the removal of a police officer for other misconduct in office. (3-13-63; 1961 Code, § 16-30; 37-76-82; 9-78-82.)

Section 82-3-14. - Inspection of vehicles.

- (a) The Superintendent may at any time compel, by proclamation of the Governor or otherwise, the owner or operator of any motor vehicle, trailer or semitrailer operated or parked on the ~~upon a~~ highways ~~within this in the~~ Commonwealth to submit such vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, and any such owner or operator who fails to submit a motor vehicle, trailer or semitrailer operated or parked on ~~upon~~ the highways of this State to such inspection or who fails or refuses to correct or have corrected in accordance with the requirements of this title any mechanical defects found by such inspection to exist shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 46.2-113 of the *Code of Virginia*, and each day upon which such motor vehicle, trailer or semitrailer is operated over any highway of this State after failure to comply with this law shall constitute a separate offense; provided, that the penalty provided herein shall not be imposed upon

any owner or operator for operation of a motor vehicle, trailer or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station, for the purpose of having the same inspected pursuant to a prior appointment with such station for such inspection.

- (b) The provisions of this Section shall not apply to any vehicle for transporting well-drilling machinery licensed under *Code of Virginia*, Section 46.2-700 or to any vehicle as defined under *Code of Virginia*, Section 46.2-100 and licensed pursuant to *Code of Virginia*, Section 46.2-730.
- (c) No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. (1950 Va. Code, § 46-317; 1950, h. 691; 1958, c. 541; 3-13-63; 1961 Code, § 16-51; 37-76-82; 9-78-82; 34-78-82.)

Footnotes:

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32. For similar state law, see Va. Code Ann., § 46.2-1157.

Section 82-5-1. - Parking prohibited in Specified Places.

- (a) No person shall park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
 - (1) On a sidewalk;
 - (2) In front of, or within ten feet to either side of, a public or private driveway;
 - (3) In or within 20 feet of an intersection;
 - (4) Within 15 feet of a fire hydrant located on private or public property or within a fire lane as defined in chapter 62 (Fire Protection), of the Code of the County of Fairfax;
 - (5) In or within 20 feet of a crosswalk;
 - (6) Repealed;
 - (7) Within 30 feet upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
 - (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;
 - (9) Within 50 feet of the nearest rail of a railroad grade crossing;
 - (10) Within 20 feet of the driveway entrance to any fire station and on the street opposite the entrance to any fire station within 75 feet of the entrance when properly ~~sign~~ posted;
 - (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
 - (12) On the roadway side of any vehicle parked at the edge or curb of the street;
 - (13) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;
 - (14) At any place where official signs prohibit parking;
 - (15) Repealed; or

- (16) So as to prevent the use of curb ramps located on public property or on privately owned property open to the public.
- (b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle or shift, change or move the levers, brake, starting device, gears, or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so. (3-13-63; Code, § 16-121; 14-74-16; 37-76-82; 38-76-82; 28-80-82; 17-83-82; 34-84-82; 31-91-82; 49-93-82; 18-97-82; 48-09-82.)

Section 82-5-32. - Removal, immobilization, and disposition of vehicles unlawfully parked on private or county property.

- (a) *Applicability.* Section 82-5-32 establishes the minimum requirements for all trespass towing initiated in Fairfax County. Fairfax County Code shall also apply to a trespassing vehicle towed from Fairfax County and stored outside the County.
- (b) *Definitions.* The following words and phrases shall have the meanings respectively ascribed to them in this section:

"Advisory Board" means the Fairfax County Trespass Towing Advisory Board.

"Board" means the Fairfax County Board of Supervisors.

"Commission" means the Fairfax County Consumer Protection Commission.

"County" means the County of Fairfax, Virginia.

"Department" or "DCCS" means the Fairfax County Department of Cable and Consumer Services.

"Director" means the Director of the Fairfax County Department of Cable and Consumer Services or the duly assigned agent of the Director of the Department.

"Driver" means a person who drives or is in actual physical control of a tow truck. A driver shall have obtained all required documents issued by the state in order to operate a tow truck while providing towing services.

"Drop fee" means a fee that is charged a vehicle owner for disconnecting a tow truck from a vehicle prior to leaving private property.

"Equipment" means any tow truck, vehicle or related machinery or tools used to provide towing.

"Immobilize" means a procedure or piece of equipment, such as a boot, used to prevent a vehicle from moving. Immobilization does not include attachment to a tow truck.

"Law-enforcement officer" means any officer authorized by law to direct or regulate traffic, or to make arrests for violations of the Code of Virginia or local ordinances.

"Locality" means the geographical area of control of a county, city, or town.

"Locality permit" means a document indicating an operator has been approved to immobilize or trespass tow vehicles in Fairfax County and store vehicles both inside and outside of Fairfax County.

"Operator" or "towing and recovery operator" means any person, including a business, corporation, or sole proprietor, offering services involving the use of a tow truck and services incidental to the use of a tow truck.

"Personal property" means any property in a vehicle which is not attached to or considered to be necessary for the proper operation of the vehicle.

"Property owner" means the owner, operator, authorized agent, or lessee of any land, space, or area used for parking, including any county, city, or town, or authorized agent of the person having control of such premises.

"Registration certificate" means a document indicating an operator has been approved to trespass tow and store vehicles within Fairfax County.

"State" means the Commonwealth of Virginia.

"Storage site" means a location where vehicles are taken until the owner reclaims the vehicle or it is sold. The location must meet all requirements specified in this section.

"Tow" or "towed" means when the tow truck has engaged a vehicle by a physical or mechanical means that causes the towed vehicle to be removed from private property.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus, and (ii) having a manufacturer's gross vehicle weight rating (GVWR) of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."

"Trespass tow" means requests for towing services made by the owner, manager, or lessee of private property, or the authorized agent thereof, or under contract between such person and a towing and recovery operator that specifies what tows are to be made from the property when a vehicle is on the property in violation of law or rules promulgated by the owner, manager, or lessee of the private property.

"Vehicle" means every device in, on, or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

"Vehicle owner" means the owner, operator, authorized agent, or lessee of a vehicle.

(c) *Exclusions.*

(1) This section shall not apply to:

- (A) Police, fire, or public health vehicles, or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another at the direction of police, fire or public health officials.
- (B) Vehicle repossession activities.
- (C) Vehicles towed, moved, or stored at the request of a law-enforcement officer.

(2) The provisions of this section shall not be construed to prohibit vehicles from being towed when such towing is otherwise permitted by law.

(d) *Signs.*

(1) Permanent signs, clearly visible during daytime and nighttime hours, shall be posted at all entrances to the parking area that conspicuously disclose that such vehicle shall be towed or immobilized.

(2) Such signs, at a minimum, shall: (all measurements are approximate)

- (A) Be made of metal.
- (B) Be 18 inches high and 12 inches wide.
- (C) Contain reflective red letters and red reflective graphics on a reflective white background, with a $\frac{3}{8}$ inch reflective red trim strip $\frac{3}{8}$ inch in from the entire outer edge of the sign.
- (D) Contain the international Towing symbol that is at least 5 inches high by 11 inches wide as found in the Federal Highway Administration, "*Manual on Uniform Traffic Control Devices*".

- (E) Use Series B or Clearview lettering found in the Federal Highway Administration, "*Manual on Uniform Traffic Control Devices*".
 - (F) Contain "Towing Enforced" in a font size of two inch letters.
 - (G) Contain "If towed Call 703-691-2131" in a font size of one inch letters, which is the Fairfax County Department of Public Safety Communications (DPSC) telephone number. However, if the tow originated in the Town of Vienna, the sign shall contain, "If Towed Call 703-255-6366" and if the tow originated in the Town of Herndon, the sign shall contain, "If Towed Call 703-435-6846".
 - (H) Paragraphs (2)(A) through (2)(F) shall be effective January 1, 2015.
- (3) Signs posted in a government road right-of-way must meet Virginia Department of Transportation standards and all applicable Virginia laws to include the bottom of the sign mounted at least seven feet above the ground. Signs posted on private property are not required to meet this height requirement as long as they are clearly visible.
 - (4) Sign contents may also include additional information such as, but not limited to, the name of the property or name and telephone number of the designated operator in a font size of 19/32 inch letters.
 - (5) In addition to the mandatory entrance signs, other area signs may be used to specify any other requirements for parking.
 - (6) The requirement for signs shall not apply to single-family residence properties not subject to common interest community regulations (as defined in Va. Code § ~~55-528~~ 54.1-2354.1, as amended).
 - (7) No signage of the type required in this section shall be required to effect the towing of a vehicle unlawfully parked in a spot reserved for persons with disabilities or in a "Fire Lane" that is approved and marked in accordance with County and state requirements.
 - (8) Trespassing vehicle on property not marked by signs.
 - (A) Non-residential properties. A notice must be conspicuously affixed to a trespassing vehicle with a warning the vehicle is liable to be towed 48 hours after such notice is posted.
 - (i) The notice must contain the date and time of posting.
 - (ii) A vehicle found to be trespassing a second time on the same unmarked property may be towed immediately. A warning notice is not required.
 - (B) Vehicles trespassing on single-family residence properties not subject to common interest community regulations may be towed immediately. No notice is required.
- (e) *Property owner.*
- (1) A property owner may have a vehicle towed to a storage site or immobilized without the permission of the vehicle owner if the vehicle is occupying property without permission of the property owner, and if conditions set forth in this section are met.
 - (A) The property owner has executed a contract with a towing and recovery operator that specifies what tows are to be made from the property when a vehicle is parked on the property in violation of law, or rules promulgated by the owner, manager, or lessee of the private property. Such contract shall clearly state the terms under which towing and recovery operators may monitor private lots on behalf of property owners.
 - (B) Copies of such written contracts shall be retained for three years after the date of the last tow or immobilization approved by the agreement.
 - (2) In lieu of having such vehicle towed or immobilized, the property owner on which the vehicle is located may request a law enforcement officer issue, on the premises, a citation to the vehicle owner.

(f) *Operator.* Trespass tow operators must comply with all requirements of this section.

(1) *Registration certificate.*

- (A) All operators engaged in immobilizing or towing vehicles without the consent of the vehicle owner in Fairfax County must register with the Department of Cable and Consumer Services prior to the initiation of any such operations, and by January 31 of each subsequent year.
- (B) To obtain a registration certificate, the following information and documents must be provided to the Department:
 - (i) Name, address and telephone number of the business engaged in immobilizing or towing;
 - (ii) Name and telephone number of the business owner or chief executive officer (CEO);
 - (iii) Copy of the operator's business license;
 - (iv) Address, telephone number, and vehicle storage capacity of each storage site to which vehicles will be towed;
 - (v) Copy of each office and storage site Non-Residential Use Permit and,
 - (vi) Number of tow trucks to be operated in Fairfax County.
 - (vii) Proof of insurance as required by Va. Code § 46.2-2143, as amended, and shall include provisions for notice by the insurance carrier to the Director prior to termination of such coverage.
- (C) Application shall be made on forms provided by the Department.
- (D) The department must be notified of any changes to information previously provided by the operator within 30 calendar days of the change.

(2) *Locality permit.*

- ~~(A)~~ (A) All operators engaged in towing vehicles without the consent of the vehicle owner in Fairfax County and storing those vehicles outside of Fairfax County must obtain an approved locality permit prior to the initiation of any such operations and by January 31 of each subsequent year.
 - (i) The initial application and annual renewal fee for each operator shall be \$150.00.
 - (ii) The initial inspection fee for each storage site outside of Fairfax County shall be \$450.00.
- (B) To obtain a locality permit, the following information and documents must be provided to the Department:
 - (i) Name, address and telephone number of the business engaged in immobilizing or towing;
 - (ii) Name and telephone number of the business owner or chief executive officer (CEO);
 - (iii) Copy of the operator's business license issued by the jurisdiction in which the operator is headquartered;
 - (iv) Address, telephone number, and vehicle storage capacity of each storage site to which vehicles will be towed;
 - (v) Copy of each office and storage site occupancy permit issued by the zoning agency in the jurisdiction in which the storage site is located.
 - (vi) Number of tow trucks to be operated in Fairfax County.

- (vii) Proof of insurance as required by Va. Code 46.2-2143, as amended, and shall include provisions for notice by the insurance carrier to the Director prior to termination of such coverage. —
- (C) Application shall be made on forms provided by the Department.
- (D) The Department must be notified of any changes to information previously provided by the operator within 30 calendar days of the change.
- (3) *Registration certificates and locality permits.*
 - (A) It shall be unlawful for any person to procure, or assist another to procure, through theft, fraud, or other illegal means, a registration certificate or locality permit from the Department. Any violation of any provision of this section shall be punishable as a Class 2 misdemeanor.
 - (B) Any person or entity other than the Department that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a registration certificate or locality permit to conduct a trespass towing business in Fairfax County is guilty of a Class 1 misdemeanor.
- (4) *Operational requirements.*
 - (A) The operator shall be open for business 24 hours a day and seven days per week, unless the operator has no vehicles immobilized or stored at an approved storage site.
 - (B) All tow truck safety devices must be operational, used, and comply with local, state, and federal laws and regulations.
 - (C) An operator shall not tow a vehicle from private property or immobilize a vehicle on private property unless the vehicle is parked on the property in violation of law or rules promulgated by the owner, manager, or lessee of the private property.
 - (D) All tow trucks shall have the following identifying markings of a contrasting color to the truck body on both sides of each tow truck:
 - (i) The operator's business name as registered with the Department in a font not less than three inches in height.
 - (ii) The operator's telephone number in a font not less than three inches in height.
 - (iii) Truck number in a font not less than four inches in height.
 - (E) Each tow truck, while trespass towing, shall have a copy of the current Fairfax County trespass towing registration certificate or locality permit in the tow truck.
 - (F) Each immobilization device shall have a label, clearly visible while the device is in position immobilizing a vehicle, that lists the operator's name and telephone number, immobilization fee, and the Department's name and telephone number.
 - (G) The Fairfax County Department of Public Safety Communications (DPSC) shall be notified no later than 30 minutes after initiating the immobilization or towing of a vehicle. However, whenever a vehicle is towed or immobilized from sites within the Town of Herndon or the Town of Vienna, the operator, shall notify the law enforcement agency in those localities as applicable.
 - (H) Such notification shall include the:
 - (i) Operator name and driver employee number who towed or immobilized the vehicle;
 - (ii) Make, model, color, year, vehicle identification number of the towed or immobilized vehicle;
 - (iii) License plate type (such as passenger car, truck, dealer, taxi, disabled), number, state, and year of license of the towed or immobilized vehicle;

- (iv) Address where the vehicle was towed or immobilized from;
 - (v) Reason for the tow or immobilization;
 - (vi) Time such tow or immobilization was initiated; and
 - (vii) Storage site address where the vehicle is located and the operator's telephone number.
- (I) It shall be unlawful to fail to report a tow or immobilization as required by this section. Violation of the reporting requirements of this section shall constitute an invalid tow resulting in no charge to the owner for the release of the vehicle.
- (J) Any tow truck driver who tows a vehicle that is occupied by an unattended companion animal, as defined by Va. Code § 3.2-6500, as amended, shall, upon such removal, immediately notify the Animal Services Division of the Fairfax County Police Department (FCPD). Such notification should be made to the Fairfax County DPSC non-emergency telephone number.
- (K) Upon leaving private property, a driver must tow each vehicle directly to a storage site registered with the Department. Changing the towing vehicle shall not be permitted unless the original towing vehicle becomes non-operational.
 - (i) The vehicle must remain in that lot for 30 calendar days if the owner fails to claim the vehicle.
 - (ii) A vehicle towed outside of Fairfax County may not be towed more than ten miles from the origin of the tow, and must remain in the Commonwealth. The straight line ten-mile radius from a storage site outside of Fairfax County shall be determined by the Director using the Fairfax County GIS & Mapping Services Branch data.
- (L) Photographic evidence clearly substantiating the vehicle's condition, location, and reason for the vehicle's tow or immobilization must be made prior to connecting the tow truck to the vehicle.
- (M) While being towed, vehicles shall be properly secured in accordance with all laws, regulations, and tow truck vehicle manufacturer recommendations.
- (N) Nothing in this section shall release the operator from liability for failure to use reasonable care to prevent the load from shifting or falling.
- (O) Records. An operator shall maintain written and electronic records for each towed or immobilized vehicle for a period of three years after such tow or immobilization. Records to be retained shall include:
 - (i) A record of the property owner's approval;
 - (ii) The information required to be provided to the DPSC and other local law enforcement agencies pursuant to this section;
 - (iii) A legible copy of the receipt provided to vehicle owner; and
 - (iv) Photographs and any other documentation supporting the tow.
- (5) *Storage site requirements.*
 - (A) Every site to which trespassing vehicles are towed, stored, and available for return to the vehicle owner shall comply with the following requirements:
 - (i) A storage site must be staffed, and open for business 24 hours per day and seven days per week, unless the operator has no vehicles towed from a location in Fairfax County stored at the storage site.
 - (ii) Each storage site must be properly zoned and approved for storage of towed vehicles, as evidenced by an occupancy permit issued by the zoning agency in the

jurisdiction in which the storage site is located. Each storage site must also be registered with the Department.

- (iii) A storage site shall be lighted during the hours of darkness to afford clear visibility to all portions of the storage site.
- (iv) A towed vehicle shall not be stored more than a reasonable walking distance from the area where towing and storage fee payments are received.
- (v) The operator shall exercise reasonable care to keep the towed vehicle and its contents safe and secure at all times, which shall include appropriate permanent fencing.
- (vi) No operator may take a vehicle to a storage site which does not meet these standards and all other applicable ordinances and regulations:
 - (a) A clearly visible sign must be posted at the entrance of the storage site that provides the operator's name and telephone number; and
 - (b) The telephone for the posted number shall be answered 24 hours a day.
 - (c) A clearly visible sign with a list of all of the operator's fees for trespass immobilization, towing and storage services, and the operator's contact information.
 - (d) A clearly visible sign available from the Department of Cable and Consumer Services, listing the Department's web site, office address, and telephone number.

(6) *Personal property.*

- (A) Nothing shall be removed from the vehicle without the express consent of the vehicle owner.
- (B) Personal property must be released immediately upon the vehicle owner's request without charge, and it shall be the duty of the operator to return it to the vehicle owner if the vehicle owner claims the items prior to release or disposition of the vehicle. Any lien created under this section shall not extend to any personal property.

(7) *Vehicle release.*

- (A) If the vehicle owner of the vehicle is present and removes the vehicle from the property or corrects the violation before the vehicle is connected to the tow truck, no fee shall be charged the vehicle owner;
- (B) If the vehicle has been connected to the tow truck and has not yet left private property, the vehicle shall not be towed upon request of the vehicle owner. The vehicle owner shall be liable for a drop fee, as set forth in this section, in lieu of towing, provided that the vehicle owner or representative is present and ready, willing, and able to pay the required drop fee and removes the vehicle from the property or corrects the violation.
- (C) An immobilized or a towed vehicle moved to a storage site shall be immediately available for release at the request of the vehicle owner.
- (D) The operator shall accept the following forms of payment for any trespass towing fees:
 - (i) Cash;
 - (ii) Two major national credit cards;
 - (iii) MasterCard or Visa debit cards; and
 - (iv) Personal checks shall be accepted when credit/debit card machines are not available or are inoperable.

- (E) In all cases when a vehicle is immobilized, towed, or fees charged, the operator shall provide the vehicle owner with a receipt that bears the:
 - (i) Complete name, address, and telephone number of the operator that towed the vehicle;
 - (ii) Time the vehicle was towed;
 - (iii) Address from which the vehicle was towed;
 - (iv) Authority for the tow (entity or person authorizing the tow);
 - (v) Reason for the tow;
 - (vi) Driver employee number; (the corresponding driver's name shall be provided to the FCPD; and/or the Director upon request)
 - (vii) Time the vehicle was released;
 - (viii) An itemized list of all fees assessed in the immobilization, towing, storage, and/or release of the vehicle;
 - (ix) The printed name of the person to whom the vehicle was released; and
 - (x) The name and telephone number of the Department where vehicle owners may file a consumer complaint.
- (F) If any requirements of this section are not met, for such immobilization or tow, no fee shall be charged.
- (8) *Compliance.*
 - (A) The operator shall provide to the vehicle owner, upon request, a copy of the authority for the tow; including, without limitation, photographs and other documentation supporting the tow.
 - (B) Right of entry. Whenever it is necessary for the purposes of this section, the duly authorized agent of the Director may enter any trespass towing business, business establishment, or storage site property to obtain information, conduct surveys, audits, compliance reviews, or investigations.
- (g) *Rates and charges.*
 - (1) *Change to rates and charges.*
 - (A) Changes in rates and charges for trespass towing services rendered by operators shall be approved by the Board.
 - (B) The Board may consider changes in rates or charges upon recommendation of the Director or the Advisory Board.
 - (C) The Director shall conduct a review of rates every two years.
 - (D) Any review of rate changes as well as any recommended change to any rule, regulation, or practice thereto shall come before the Advisory Board pursuant to a public hearing, which shall be scheduled as soon as analysis, investigation, and administration allow. All recommendations of the Advisory Board and the Director shall be conveyed to the Board for its consideration and determination.
 - (E) Whenever the Director or Advisory Board determines a rate change is warranted, all registered operators shall provide notice to the public of proposed changes in rates and charges thereto, by means of a sign posted in a clearly visible place at each of their fixed places of business in Fairfax County. Such notice shall be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and shall contain substantially the following information:

Notice of Proposed Rate Change

A proposed change in trespass towing rates is under consideration by the Fairfax County government. The proposed rates are: (Insert description of the proposed changes).

The proposed trespass towing rate change shall be considered by the Trespass Towing Advisory Board at a public hearing. The date, time and location of the public hearing may be obtained by calling the Department of Cable and Consumer Services. Any interested person may appear before the Advisory Board to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Cable and Consumer Services at 703-324-5966.

- (F) Notices with respect to a proposed rate change shall be posted within ten days of the staff report for such change and shall remain posted until the change in rates is denied or becomes effective.

(2) *Rates and charges.*

- (A) It shall be unlawful for an operator to charge any fees exceeding the fees set forth in this section.
 - (i) Immobilization. An operator may charge a vehicle owner a maximum fee of \$75.00 for the release of a vehicle when it is immobilized. No other fee of any type may be charged.
 - (ii) Drop fee. An operator may charge a vehicle owner a maximum fee of \$50.00 for the release of a vehicle prior to towing the vehicle from private property. No other fee of any type may be charged.
 - (iii) Hookup and initial towing fee shall not exceed:
 - (I) \$135.00 for vehicles with GVWR of 7,500 pounds or less.
 - (II) \$250.00 for vehicles with GVWR of 7,501 pounds through 10,000 pounds.
 - (III) \$500.00 for vehicles with GVWR greater than 10,000 pounds.
 - (IV) For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, a maximum additional fee of \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle.
 - (V) . No other fees or charges shall be imposed during the first 24 hour period.
 - (iv) Storage fee for the safekeeping of vehicles:
 - (I) No charge shall be made for storage and safekeeping of a vehicle for the first 24 hours the vehicle is on the storage site.
 - (II) After the vehicle is on the storage site for more than 24 hours, a vehicle storage fee may be charged for each subsequent 24-hour period, or any portion thereof, at a rate not to exceed \$50.00 for any vehicle 22 feet or less in length, or \$5.00 per foot for any vehicle over 22 feet in length.
 - (v) If an administrative fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed \$75.00. This fee may only apply after the vehicle is on the storage site over three full business days. If an administrative fee is charged, a copy of the Virginia Department of Motor Vehicles report shall be attached to the receipt given to the vehicle owner.
 - (vi) No other fees shall be charged unless expressly set forth herein.
- (B) Upon vehicle release, the operator shall give the vehicle owner a receipt itemizing all charges.

- (C) An operator shall not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.
- (h) *Penalties and remedies for violations.*
 - (1) *All trespass towing.*
 - (A) It shall be unlawful for any person to violate any of the provisions of this section, or any regulation adopted pursuant to this section. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor.
 - (B) It shall be unlawful for any person to make or cause to be made any false statement in writing for the purpose of procuring a registration certificate or locality permit, or to make any false statements or entry on records required to be kept by this section.
 - (C) An operator shall be suspended if the operator's insurance is no longer in effect. Suspension shall be in accordance with Section 82-5-32(h)(2)(B) and (D).
 - (2) *Locality permit operators.*
 - (A) *Denial.*
 - (i) The Director may deny an operator's locality permit application to conduct a trespass towing business in Fairfax County if the operator:
 - (I) Does not have an approved storage site; or
 - (II) Does not possess a valid business license; or
 - (III) Is not properly licensed by the state; or
 - (IV) Provides false information on the application.
 - (ii) The operator may reapply after application deficiencies are corrected. If the denial is based on 82-5-32(h)(2)(A)(i)(IV), the denial shall remain in force for one year from the date of denial.
 - (B) *Suspension.*
 - (i) The Director may suspend an operator's Fairfax County locality permit for a period of one to 60 days and/or until proof of compliance is provided to the satisfaction of the Director for any of the following reasons, but not limited to:
 - (I) Operating a tow vehicle that fails to meet federal, state, and local codes.
 - (II) Any violations of this section which regulate conduct, reporting, and record-keeping.
 - (III) Occurrence of any of the grounds for denial of a registration application or locality permit, listed in Section 82-5-32(h)(2)(A).
 - (IV) Failure to maintain the storage site(s) and/or operation(s) in good order and repair.
 - (V) Failure to pay all fees and taxes imposed insofar as such fees relate to operation of a trespass towing business.
 - (VI) Failure to maintain proper insurance.
 - (VII) Valid consumer complaints regarding trespass towing operation.
 - (ii) Any suspension for a violation of Sections 82-5-32(h)(2)(B)(i)(I) and (VI) shall become effective upon the date of any such violation without notification pursuant to paragraph (d) below.

(C) *Revocation.*

- (i) An operator's locality permit may be revoked by the Director for, but not limited to, any of the following reasons:
 - (I) If an operator fails to correct deficiencies for which the operator was suspended;
 - (II) The operator makes or causes or allows to be made any false statement in writing for the purpose of procuring a locality permit;
 - (III) If an operator makes or causes or allows to be made any false statement or entry on records required to be kept by this section;
 - (IV) Conducts operations in the County while under suspension; or
 - (V) At the discretion of the Director for multiple violations by the locality permit holder of any of the provisions of this section within a twelve-month period.

(D) *Notification.*

- (i) Written notice of any denial, suspension, or revocation under the above provisions of this section shall be given by the Director to the operator in person, or by email, and by certified mail. Such suspension or revocation shall be effective seven calendar days after the deposit of such notice in the US mail unless otherwise specified in this section.
- (ii) Locality permits that have been suspended or revoked shall be returned to the Director within seven calendar days from the effective date of the suspension or revocation, provided such suspension was ordered for more than seven calendar days.

(E) *Appeal.* Procedure for appeal of action by the Director.

- (i) If the Director denies, suspends or revokes any operator's locality permit, any party aggrieved thereby may appeal such decision to the Commission.
- (ii) An appeal shall be filed with the Department of Cable and Consumer Services by the appellant or by the legal representative of the appellant. Appeals shall be in writing, and appeals shall include a brief statement of the reasons thereof. Appeals shall be filed within 45 calendar days of receipt of the notice of denial, suspension, or revocation, and signed by the appellant or the legal representative of the appellant.
- (iii) Upon receipt of notice of appeal, the Commission shall set a time and place for such hearing and shall give the appellant or legal representative and the Director reasonable notice thereof. All hearings on appeals shall be scheduled and determined as promptly as practicable and in no event more than 60 calendar days from the date the notice of appeal is filed.
- (iv) An appeal may be withdrawn at any time by the appellant or his agent prior to the Commission meeting by giving written notice to the Director.
- (v) An appeal may also be administratively withdrawn by the Director if it is determined that the appeal was the result of an error.
- (vi) The Commission shall consider the case record as well as the statements offered by any interested party and shall consider the matter *de novo*, and the Commission shall, upon the basis of the record before it, affirm, modify or reverse the decision of the Director.
- (vii) If the Commission affirms the decision of the Director to suspend or revoke an operator's a locality permit, then the suspension or revocation shall be effective from the date of the Commissioner's order.

- (viii) If the Commission reverses the decision of the Director, the Director shall issue or restore the operator's locality permit, in accordance with its order.
 - (ix) Except as otherwise provided in this section, an appeal of the decision of the Director to suspend or revoke an operator's locality permit shall stay the effective date of the suspension or revocation.
 - (x) However, if any suspension or revocation of an operator's locality permit is based on failure to follow appropriate safety procedures or falsifying documents, then the order of the Director shall remain in effect until the Commission has rendered its decision on the appeal.
- (F) The provisions of this section are not exclusive and do not relieve the parties or the contracts subject thereto from compliance with all other applicable provisions of law.
- (G) *Code or regulatory conflict.* In the event of a conflict between an action of the state and the County, the County ordinance shall be controlling, provided such provisions are no less stringent than requirements imposed by action of the state. (3-13-63; 1961 Code, § 16-135; 34-78-82; 19-79-82; 30-89-82; 1-94-82, § 1; 19-06-82; 05-12-82; 04-13-82; 20-14-82; 51-17-82.)

Section 82-5-41. - Removal or immobilization of motor vehicles against which there are outstanding parking violations.

- (a) Any motor vehicle parked on a public highway or public ground against which there are three or more unpaid or otherwise unsettled parking violation notices may be removed, by towing or otherwise, to a place within Fairfax County or in an adjacent locality designated by the chief law-enforcement officer for the temporary storage of the vehicle, or the vehicle may be immobilized in a manner which will prevent its removal or operation except by authorized law-enforcement personnel.
- (b) Any motor vehicle parked upon private property, including privately owned streets and roads, may be removed or immobilized in the manner provided in paragraph (a) above, provided the following conditions are met:
 - (1) No motor vehicle may be removed or immobilized from property that is owned or occupied as a single-family residence.
 - (2) The owner of the property or an association of condominium or apartment ~~or condominium~~ owners formed pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Horizontal Property Act (§ 55.1-2000 et seq.) ~~Va. Code §§ 55-79.1, et seq., or Va. Code §§ 55-79.39, et seq.,~~ has given written authorization to enforce this section.
 - (3) The Fairfax County Board of Supervisors has provided written assurance to the property owner that he will be held harmless from all loss, damage or expense, including costs and attorney's fees, which may be incurred as a result of the removal or immobilization of the vehicle.
- (c) The removal or immobilization of the vehicle shall be by or under the direction of an officer or employee of the police department or sheriff's office.
- (d) The law-enforcement officer or employee removing or immobilizing the motor vehicle, or directing the removal or immobilization, shall inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the unsettled parking violation notices for which the vehicle was removed or immobilized.
- (e) If the motor vehicle is immobilized, there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.

- (f) The owner of an immobilized vehicle, or other person acting on his behalf, shall be allowed at least twenty-four hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of law-enforcement personnel.
- (g) The owner of a removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the immobilization, removal, and storage of the vehicle, and the efforts to locate the owner of the vehicle.
- (h) If the owner fails or refuses to pay the fines and costs identified in (g) above, or should the identity or whereabouts of the owner be unknown and unascertainable, the motor vehicle may be sold in accordance with the procedures set forth in *Va. Code* § 46.2-1213, after giving notice to the owner at his last known address and to the holder of any lien of record with the office of the Virginia Department of Motor Vehicles. (20-02-82.)

Section 82-6-15. - Signs on windshields, etc.

- (a) It shall be unlawful for any person to operate any motor vehicle upon a highway with any sign, poster or other nontransparent material ~~upon the front on the~~ windshield, ~~sideshields-front or rear side windows,~~ or rear windows of such motor vehicle other than a certificate or other paper required to be placed by law or which may be permitted by the Superintendent. The size and placement location of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent.
- (b) Notwithstanding the provisions of Subsection (a) of this Section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle so located as to reflect to the operator of such vehicle a view of the highway for a distance of not less than two hundred (200) feet to the rear of such vehicle, any or all of the following shall be lawful:
 - (1) To operate a motor vehicle equipped with one (1) optically grooved clear plastic right-angle rear view lens, attached to one (1) rear window of such motor vehicle, not exceeding eighteen (18) inches in diameter in the case of a circular lens or not exceeding eleven (11) inches by fourteen (14) inches in the case of a rectangular lens, which enables the operator of the motor vehicle to view below the line of sight as viewed through the rear window ~~provided such vehicle is equipped with a mirror on each side of such vehicle so located as to reflect to the operator a view of the highway for a distance of not less than two hundred (200) feet to the rear of such vehicle;~~
 - (2) To have affixed to the rear window, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or
 - ~~(3) To have affixed to the rear window or windows of a motor vehicle any sunshading material; or~~
 - ~~(4)~~
 - (3) To operate a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.
- (c) Nothing in this section shall be construed as prohibiting the affixing to the rear window of a motor vehicle of a single sticker no larger than ~~a circle four (4) inches in diameter~~ 20 square inches if such sticker is totally contained within the lower five inches of the glass of the rear window, nor shall the provisions of Subsection (b) of this Section be applied to a motor vehicle to which but one (1) such sticker is so affixed.

(d) No law-enforcement officer shall stop a motor vehicle for a violation of this section. (3-13-63; 1961 Code, § 16-152; 34-78-82.)

Footnotes:

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112. For similar state law, see Va. Code Ann., § 46.2-1052.

Section 82-6-16. - Suspension of objects or alteration of vehicle so as to obstruct view of driver.

(a) It shall be unlawful for any person to operate a motor vehicle upon a highway with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of such motor vehicle in such a manner as to substantially obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window, or to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield; ~~provided~~ However, that this Section shall not apply when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the operator a view of the highway for a distance of not less than two hundred (200) feet to the rear of such vehicle.

(b) No law-enforcement officer shall stop a motor vehicle for a violation of this section. (3-13-63; 1961 Code, § 16-153.)

Footnotes:

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113. For similar state law, see Va. Code Ann., § 46.2-1054.

Section 82-6-26. - Exhaust system in good working order required.

(a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust system ~~of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment,~~ in good working order and in constant operation to prevent excessive or unusual levels of noise, ~~annoying smoke and escape of excessive gas, steam or oil~~ provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger vehicles or trucks of standard make.

(b) The term "exhaust system," as used in this Section, means all the parts of a motor vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

(c) Chambered pipes shall not be deemed to be an effective muffling device to prevent excessive or unusual noise as required in Subsection (a).

- (d) No law-enforcement officer shall stop a motor vehicle for a violation of this section. (3-13-63; 1961 Code, § 16-163.)

Footnotes:

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125. For similar state law, see Va. Code Ann., § 46.2-1049.

Section 82-6-33. - Illegal use of defective or unsafe equipment.

- (a) It shall be unlawful for any person to use or have as equipment upon a motor vehicle operated on a highway any device or equipment mentioned in Section 82-6-32 which is defective and in unsafe condition.
- (b) No law-enforcement officer shall stop a motor vehicle for a violation of this section. (3-13-63; 1961 Code, § 16-171.)

Section 82-6-41. - ~~Rear lamps~~ Tail lights.

- (a) Every motor vehicle, trailer or semitrailer which is being drawn at the end of one or more other vehicles, ~~or motorcycles,~~ shall carry at the rear ~~a lamp capable of exhibiting a two~~ red lights plainly visible in clear weather from a distance of five hundred (500) feet to the rear of such vehicle and such rear lamp shall be constructed and so mounted in its relation to the rear license plate as to illuminate by a white light such license plate so that the same may be read from a distance of fifty (50) feet to the rear of such vehicle; or a separate white light shall be so mounted as to illuminate and make visible such rear license from a distance of fifty (50) feet to the rear of such vehicle, such rear light or special white light to be of a type that has been approved by the Superintendent.
- (b) In any instance where the rear lamp is to be installed on a boat trailer and the boat extends beyond the end of the trailer or to the end of the trailer, an approved portable light assembly or assemblies may be attached to the exposed rear of the boat; provided such installation complies with the visibility requirements of this Section.
- (c) No law-enforcement officer shall stop a motor vehicle for a violation of subsection (a). (3-13-63; 1961 Code, § 16-177.)

Section 82-6-42. - ~~Stop lamps~~ Brake lights.

- (a) Every motor vehicle, trailer or semitrailer, except an antique vehicle not originally equipped with a ~~stop lamp~~ brake light, registered in this State and operated on the highways in this State shall be equipped with at least ~~one (1) stop lamp~~ two brake lights of a type approved by the Superintendent which automatically exhibits a red or amber light plainly visible in clear weather from a distance of five hundred (500) feet to the rear of such vehicle when the ~~foot brake pedal is actuated~~ brake is applied. ~~(1976.)~~
- (b) No law-enforcement officer shall stop a motor vehicle, trailer, or semitrailer for a violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no brake lights that meet the requirements set forth in subsection (a).

Section 82-6-49. - When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

- (a) Every vehicle in operation upon a highway shall display lighted head lamps and illuminating devices as required by this Article from ~~a half (½) hour after sunset to a half (½) hour before~~ (i) sunset to sunrise; (ii) during any other time when because of rain, smoke, fog, snow, sleet, and at any other time when, due to insufficient light or other unfavorable atmospheric conditions, persons in vehicles on the highway are not clearly visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of five hundred (500) feet.
- (b) Not more than four (4) lamps used to provide general illumination ahead of the vehicle, including at least two (2) head lamps and any other combination of fog lamps, ~~passing lamps, driving lamp~~ or other auxiliary lamp approved by the Superintendent shall be lighted at any time; provided, however, this limitation shall not preclude the display of such warning lights as may be authorized in Section 82-6-48, nor such lights as may be authorized by the Superintendent for purposes of identification, other than warning lights.
- (c) Vehicles equipped with warning lights authorized in Section 82-6-48 shall display such lights at all times when engaged in emergency calls, and if engaged in towing disabled vehicles or in constructing, repairing and maintaining public highways or utilities on or along public highways, such lights shall be displayed during the periods prescribed in paragraph (a) of this Section.
- (c) No law enforcement officer shall stop a motor vehicle for a violation of this section, except that a law enforcement officer may stop a vehicle if it displays no lighted head lamps during the time periods set forth in subsection (a). (3-13-63; 1961 Code, § 16-184.)

Footnotes:

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132. For similar state law, see Va. Code Ann., § 46.2-1030.

Section 82-6-56. - Lights on parked vehicles.

Whenever a vehicle is parked or stopped upon a highway, whether attended or unattended, during the period from ~~a half (½) hour after sunset to a half (½) hour before~~ sunrise, there shall be displayed upon such ~~vehicle~~ vehicle one or more lamps projecting a white or amber light visible in clear weather from a distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear. No lights need be displayed upon any such vehicle when legally parked. (3-13-63; 1961 Code, § 16-191.)

Section 82-7-1. - Width of vehicles and exceptions as to size.

- (a) No vehicle, including any load thereon, but excluding the mirror required by Section 82-6-13 shall exceed a total outside width as follows:
 - (1) Repealed;
 - (2) Passenger bus operated in an incorporated city or town when authorized under Va. Code Ann., § ~~46-2-180~~ 46.2-1300, one hundred two (102) inches;

- (3) Other vehicles, ninety-six (96) inches; and
- (4) School buses one hundred (100) inches wide while in motion and one hundred eighteen (118) inches wide when stopped to pick up or discharge students. (3-13-63; 1961 Code, § 16-193; 19-79-82.)

Footnotes:

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139. For similar state law, see Va. Code Ann., § 46.2-1105.

Section 82-9-1. - Pedestrians crossing highways or streets.

- (a) When crossing highways ~~or streets~~, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross whenever possible only at intersections or marked crosswalks. Where any intersection of highways ~~or streets~~ contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.
- (b) Pedestrians may cross at an intersection diagonally when all traffic entering the intersection has been halted by lights, ~~semaphores or signals by a peace or police officer~~ other control devices, or by a law-enforcement officer.
- (c) No law-enforcement officer shall stop a pedestrian for a violation of this section. (3-13-63; 1961 Code, § 16-221.)

Footnotes:

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160. For similar state law, see Va. Code Ann., § 46.2-923.

Section 82-9-3. - Pedestrians stepping into highway ~~or street~~ where they cannot be seen.

- (a) No Pedestrians pedestrian shall ~~not~~ step into ~~that portion of~~ a highway ~~or street~~ open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, -except to board a passenger bus or to enter a safety zone, in which event they shall cross the highway or street only at right angles.
- (b) No law-enforcement officer shall stop a pedestrian for a violation of this section. (3-13-63; 1961 Code, § 16-223.)

Footnotes:

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162. For similar state law, see Va. Code Ann., § 46.2-926.

ATTACHMENT 4

SUMMARY OF AMENDMENTS AND REPEAL AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2, Title 46.2, Title 54.1 and Title 55.1 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

Section 82-1-2 related to definitions. Updates the referenced citation in footnote 2 to § [46.2-100](#) of the Code of Virginia.

Section 82-1-3 related to enforcement by County officer; officers to be uniformed. Updates related to enforcement referenced Code of Virginia, Chapter 4.1 (§ 55-79.1 et seq.) or 4.2 (§55-79.39 et seq.) of title 55 to the [Virginia Condominium Act](#) (§ 55.1-1900 et seq.) or the [Horizontal Property Act](#) (§ 55.1-2000 et seq.). Updates language regarding a request or consent to enforce the provisions of Title 46.2 of the Code of Virginia.

Section 82-1-31 related to the promise to appear after the issuance of a summons for violations of a traffic offense punishable as a misdemeanor under § [46.2-936](#) of the Code of Virginia. Provides that if any person refuses to give a written promise to appear, the arresting officer shall give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release the person from custody.

Section 82-3-14 related to vehicle inspections. Updates language related to § [46.2-1157](#) of the Code of Virginia and prohibits law-enforcement from stopping a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original date.

Section 82-5-1 related to parking prohibited in specified places. Clarification update to subsection (a)(10) from the prohibited parking from being properly signed to being properly posted.

Section 82-5-32 related to removal, immobilization, and disposition of vehicles unlawfully parked on private or county property. Updates Subsection (d)(6) referenced citation to § [54.1-2354](#) of the Code of Virginia.

Section 82-5-41 related to regulation of parking areas designated as bus stops for public transportation; authority; penalties for violation. Updates related to enforcement referenced Code of Virginia, Chapter 4.1 (§ 55-79.1 et seq.) or 4.2 (§55-79.39 et seq.) of title 55 to the [Virginia Condominium Act](#) (§ 55.1-1900 et seq.) or the [Horizontal Property Act](#) (§ 55.1-2000 et seq.). Updates language regarding a request or consent to enforce the provisions of Title 46.2 of the Code of Virginia.

Section 82-6-15 related to signs on windshield. Updates language related to § [46.2-1052](#) of the Code of Virginia and prohibits law-enforcement from stopping a motor vehicle for a violation of this section.

Section 82-6-16 related to suspension of objects or alterations that obstruct the view of the driver of a motor vehicle. Updates language related to § [46.2-1054](#) of the Code of Virginia and prohibits law-enforcement from stopping a motor vehicle for a violation of this section.

Section 82-6-26 related to exhaust systems in good working order. Updates language related to § [46.2-1049](#) of the Code of Virginia to allow the use of a comparable design or other equipment approved by listed organizations, and prohibits law-enforcement from stopping a motor vehicle for a violation of this section.

Section 82-6-33 related to defective or unsafe motor vehicle equipment. Updates language related to § [46.2-1003](#) of the Code of Virginia and prohibits law-enforcement from stopping a motor vehicle for a violation of this section.

Section 82-6-41 related to tail lights. Updates language related to § [46.2-1013](#) of the Code of Virginia and prohibits law-enforcement from stopping a motor vehicle for a violation of this section.

Section 82-6-42 related to brake lights. Updates language related to § [46.2-1014](#) of the Code of Virginia and prohibits law-enforcement from stopping a motor vehicle, trailer, or semitrailer for a violation of this section, except that a vehicle may be stopped if it displays no brake lights.

Section 82-6-49 related to when lights may be lighted and the number of lights. Updates language related to § [46.2-1030](#) of the Code of Virginia.

Section 82-6-56 related to lights on parked vehicles. Corrects typographical spelling and updates language related to § [46.2-1037](#) of the Code of Virginia.

Section 82-7-1 related to width of vehicles and exceptions as to size. Updates the referenced statute to § [46.2-1300](#) of the Code of Virginia.

Section 82-9-1 related to pedestrians crossing highways or streets. Updates language related to § [46.2-923](#) of the Code of Virginia and prohibits law-enforcement from stopping a pedestrian for a violation of this section.

Section 82-9-3 related to pedestrians stepping into the highway or street. Updates language related to § [46.2-926](#) of the Code of Virginia and prohibits law-enforcement from stopping a pedestrian for a violation of this section.

Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 5, Offenses

ISSUE:

Public Hearing on amendments to the Code of the County of Fairfax, Chapter 5, Offenses, Section 5-1-1.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendments to Chapter 5.

TIMING:

Authorization to advertise the proposed amendments on May 18, 2021; Board of Supervisors' public hearing scheduled for June 8, 2021, at 4:30 p.m.

BACKGROUND:

As a housekeeping measure to update Chapter 5, Section 5-1-1 (Drunkenness and profane swearing) have been amended to reflect changes made to the Code of Virginia by the 2020 General Assembly. A summary of the change as a result of the General Assembly amendment affecting Chapter 5 is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendment to Chapter 5, Offenses, Section 5-1-1 (Drunkenness).

Attachment 2 - Summary of 2020 General Assembly Special Amendment.

STAFF:

David M. Rohrer, Deputy County Executive
Kevin Davis, Chief of Police

ASSIGNED COUNSEL:

Kimberly P. Baucom, Senior Assistant County Attorney

Proposed Amendment to
Chapter 5, Offenses

Article 1. – Offenses Against Public Peace and Safety

Section 5-1-1.- Drunkenness and ~~profane swearing.~~

~~(a) If any person profanely curse or swear or be~~ is drunk in public he ~~shall be deemed~~
is guilty of a Class 4 misdemeanor.

In any area in which there is located court-approved detoxification center, a law enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

~~(b) If any person shall be convicted for being drunk in public three (3) times within one~~
~~(1) year, such person shall be guilty of a Class 3 misdemeanor. (1961 Code, § 17-~~
~~2; 35-86-5.)~~

ATTACHMENT 2

SUMMARY OF 2020 GENERAL ASSEMBLY, AMENDMENTS AND REPEAL AFFECTING CHAPTER 5

The information presented below summarizes changes to Title 18.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 5 of the *Code of the County of Fairfax*.

An Act to amend and reenact § [18.2-388](#) of the Code of Virginia relating to intoxication in public. Updated to remove profanely, curses or swears from the Code of Virginia.

Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 3

Designation of Plans Examiner Board Member Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to re-appoint three individuals to the Advisory Plans Examiner Board (APEB) to participate in the Expedited Land Development Review Program pursuant to the adopted criteria and recommendation of the Engineers and Surveyors Institute (ESI).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

- Re-appoint the following individuals to the APEB to serve a four-year term. The extended term will expire on February 28, 2025:

Shahab Baig	(Term Expired 2/28/2021)
James H. Scanlon	(Term Expired 2/28/2021)
Jeffrey Stuchel	(Term Expired 2/28/2021)

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Department of Land Development Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Board Agenda Item
May 18, 2021

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of their application and credentials, ESI has found that the three candidates listed above satisfies these requirements. This finding was documented in a letter dated March 15, 2021, from the Executive Director of the Engineers and Surveyors Institute, Jeffrey L. Blackford, P.E., to Chairman Jeffrey McKay.

Staff concurs with these recommendations as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Letter dated March 15, 2021, from the Executive Director of the Engineers and Surveyors Institute to the Chairman of the Board of Supervisors.

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



Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

Board of Directors

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Kevin E. Murray, P.E.
Tri-Tek Engineering

Vice Chairman
Kayvan Jaboori, P.E.
KJ & Associates

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Dewberry

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J2 Engineering

Phillip DeLeon, P.E.
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Ann O. Germain, PE
christopher consultants, ltd.

Lee Ann Hall, P.E.
Virginia Department of Transportation

Lathasha Hinton
City of Alexandria, T&ES

Bryan James
Bohler Engineering, P.C.

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Charles P. Johnson & Associates, Inc.

R.J. Keller, L.S.
R.C. Fields & Associates, P.C.

Matthew K. Koirtyohann
Bowman Consulting Group

J. Keith Sinclair, Jr., P.E.
A. Morton Thomas & Associates, Inc.

Blake A. Smith, P.E.
Smith Engineering

Ross Stilling
Fairfax Water

Dennis M. Thomas, P.E.
Burgess & Niple, Inc.

Anita M. Tierney
Loudoun County, B&D

Clayton C. Tock, P.E.
Urban, Ltd.

Patrick Veltri
USE Consultants, Inc.

Robert W. Walker, P.E., CLA
Gordon

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Current Past Chairman
John Cummings, P.E.
Rinker Design Associates, P.C.

Executive Director
Jeffrey L. Blackford, P.E.

March 15, 2021

Hon. Jeffrey C. McKay Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

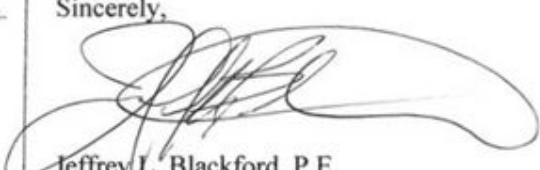
Dear Chairman, McKay,

The Board of Directors of the Engineers and Surveyors Institute submits the following nomination for the Fairfax County Advisory Plans Examiner Board for reappointment of three individuals.

- Reappoint M. Shahab Baig, whose term expires on February 28, 2021 to serve a four-year term to expire on February 28, 2025
- Reappoint James H. Scanlon, whose term expires on February 28, 2021 to serve a four-year term to expire on February 28, 2025
- Reappoint Jeffrey Stuchel, whose term expires on February 28, 2021 to serve a four-year term to expire on February 28, 2025.

It is respectfully requested that the above action be taken by the Fairfax Board of Supervisors at their next scheduled meeting in 2021

Sincerely,


Jeffrey L. Blackford, P.E.
Executive Director
Engineers and Surveyors Institute



Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 4

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment to New Chapter 112.1 Re: Special Permit Fees and Other Minor Revisions

ISSUE:

With the adoption of the new and modernized Zoning Ordinance, four special permit application types, including one for an increase in flagpole height, were created. Because specific application fees were not established for these special permit types, they are subject to the general fee of \$16,375 for special permit uses. Therefore, an amendment is needed to establish application fees commensurate with the fees of other similar types of special permit applications. The amendment also restores permissions for three uses and proposes several clarifications and editorial revisions.

RECOMMENDATION:

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

TIMING:

Board action is requested on May 18, 2021, to provide sufficient time to advertise the proposed Planning Commission public hearing on June 16, 2021, at 7:30 p.m., and the proposed Board of Supervisors public hearing on July 13, 2021, at 4:00 p.m.

BACKGROUND:

On March 23, 2021, the Board of Supervisors adopted a new and modernized Zoning Ordinance that will take effect on July 1, 2021. As part of this new Ordinance, the Board adopted standards regulating the height of flagpoles. On a lot developed with a single-family dwelling or a manufactured home, flagpoles height is limited to 25 feet, and on a lot with another use, flagpole height is limited to 60 feet. The Board also included a provision for the Board of Zoning Appeals to approve an increase in flagpole height by a special permit. However, because a fee for this special permit had not been specifically advertised, the Board directed staff to process a separate amendment to establish a fee that is commensurate with other similar fees in the Zoning Ordinance. The Board also directed that the amendment should proceed expeditiously, given the July 1, 2021, effective date for the new Zoning Ordinance.

The proposed fee changes include establishing a fee for the Increase in Flagpole Height, and similar to flagpoles, establishing fees for three other special permit

Board Agenda Item
May 18, 2021

application types that were added with the new Ordinance without an advertised fee, including: Increase in the Height of a Freestanding Accessory Structure, Increase in the Cumulative Square Footage of Freestanding Accessory Structures, and Accessory Structures on Through Lots. The omission of separate fees for these application types was inadvertent and this amendment proposes fees that are compatible with other similar application types for residential lots.

The proposed changes include corrections to certain permissions in Use Table 4101.1, corrections in the Fee Schedule to include certain application types that had been inadvertently omitted, and a correction to a cross-reference in the Summary of Special Permits table in subsection 8100.4.A. Other revisions include: a) restoring the provisions regulating at-grade attached or detached patios and decks in the front yard to those of the previous Zoning Ordinance, exempting these patios and decks from the limits on encroachment only in the side and rear yard; b) replacing the term “setback” with “yard” to restore the provisions requiring parking in in the R-1 through R-4 Districts on a lot of 36,000 square feet or less to occur on a surfaced area in the front yard; and c) other editorial revisions.

A more detailed discussion is contained in the Staff Report (Attachment 2).

REGULATORY IMPACT:

The proposed amendment establishes fees for four special permit application types and corrects certain other provisions.

FISCAL IMPACT:

The proposed amendment establishes a special permit application fee of \$435 for an Increase in Flagpole Height, and a fee of \$910 for the following special permit applications: Increase in the Height of a Freestanding Accessory Structure, Increase in the Cumulative Square Footage of Freestanding Accessory Structures, and Accessory Structures on Through Lots. A range of \$435 to \$910 will be advertised for Board consideration for each of the fees. These four special permit application types were added with the new and modernized Zoning Ordinance. These fees are commensurate with the application fees of other similar special permit and variance applications. It is expected that the revenue impact of these changes will be minor as staff anticipates receiving a limited number of each of these application types per year.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

Board Agenda Item
May 18, 2021

STAFF:

Rachel Flynn, Deputy County Executive
Barbara Byron, Director, Department of Planning and Development (DPD)
Leslie B. Johnson, Zoning Administrator, DPD
Carmen Bishop, Deputy Zoning Administrator, DPD
Casey Judge, Senior Planner, DPD

ASSIGNED COUNSEL:

T. David Stoner, Deputy County Attorney
Laura S. Gori, Senior Assistant County Attorney

RESOLUTION

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 18, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors directed staff to process a Zoning Ordinance amendment to establish an application fee for the new special permit to allow an Increase in Flagpole Height that is commensurate with the fees for other similar application types; and

WHEREAS, there are three other new special permit applications, Increase in the Height of a Freestanding Accessory Structure, Increase in the Cumulative Square Footage of Freestanding Accessory Structures, and Accessory Structures on Through Lots, similar to the increase in flagpole height, for which a separate fee was not established and would be subject to the general fee of \$16,375; and

WHEREAS, these special permit applications should have fees that are commensurate with other similar application types; and

WHEREAS, certain revisions are needed to correct and restore the Use Table permissions to those of the current Zoning Ordinance for Farmers Market, Single-Family Attached Dwellings in an Affordable Dwelling Unit Development, and Multifamily Dwellings in an Affordable Dwelling Unit Development; and

WHEREAS, certain revisions are needed to correct and restore application types in the Fee Schedule, provisions from the current Zoning Ordinance regulating decks and patios in the front yard, and requiring parking in low and medium-density residential districts on lots of 36,000 square feet or less to occur on a surfaced area in the front yard; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112.1 (Zoning Ordinance) of the County Code.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

FAIRFAX COUNTY



ZONING ORDINANCE MODERNIZATION PROJECT

PROPOSED ZONING ORDINANCE AMENDMENT

SPECIAL PERMIT FEES AND OTHER MINOR REVISIONS

MAY 18, 2021

Public Hearing Dates

Planning Commission: June 16, 2021 at 7:30 p.m.

Board of Supervisors: July 13, 2021 at 4:00 p.m.

Background

On March 23, 2021, the Board of Supervisors adopted a new and modernized Zoning Ordinance (zMOD) that will take effect on July 1, 2021. As part of this new Ordinance, the Board adopted standards regulating the height of flagpoles. On lots developed with single-family dwellings or manufactured homes, flagpoles are limited to 25 feet in height; on lots with other uses, flagpoles are limited to 60 feet in height. The Board also included provisions to allow an increase in flagpole height with approval of a special permit from the Board of Zoning Appeals. However, because a fee for this special permit had not been specifically advertised, the Board directed staff to process a separate amendment to establish a fee that is commensurate with other similar fees in the Zoning Ordinance. The Board also directed that the amendment should proceed expeditiously, given the July 1, 2021, effective date for the new Zoning Ordinance.

The proposed changes outlined below include a fee for the increase in height for a flagpole, as well as fees for three other special permit application types that were added in the new Ordinance without an advertised fee, and several other corrections that have been identified.

Proposed Changes

The proposed changes are discussed below and are shown in Appendix 1.

- ❖ **Application Fees.** New fees are proposed to be added to subsection 8102.1, Table 8102.1, for the four special permit (SP) application types listed below. These special permits were added with zMOD and absent a specific fee, the general fee of \$16,375 applies. The review time based on the complexity of these application types is unlikely to support the need for the \$16,375 fee, and other



applications for special permits that apply to residential lots are typically in the range of \$435 to \$910.

- *Increase in Flagpole Height* (subsection 4102.7.A(16)) – This SP allows an increase in flagpole height above 25 feet on a lot developed with a single-family dwelling or manufactured home and above 60 feet for a lot developed with another use. A fee of \$435 is recommended for this application based on the limited staff review anticipated.
- *Increase in the Height of a Freestanding Accessory Structure* (subsection 4102.7.A(6)(c)) – This SP allows the height of an enclosed freestanding accessory structure on a lot of 36,000 square feet or less and developed with a single-family detached dwelling to exceed 20 feet. An application fee of \$910 is recommended. This SP and the following one involve the review of additional bulk and coverage on a lot and are similar to the SP application for a reduction of setbacks and increase in rear yard coverage, which also have a fee of \$910.
- *Increase in the Cumulative Square Footage of Freestanding Accessory Structures* (subsection 4102.7.A(6)(d)) – This SP allows the cumulative square footage of enclosed freestanding accessory structures to exceed 50 percent of the gross floor area of the principal dwelling on a lot of 36,000 square feet or less and developed with a single-family detached dwelling. As discussed above, an application fee of \$910 is recommended.
- *Accessory Structures on Through Lots* (subsection 5100.2.D(7)(b)) – This SP allows freestanding accessory structures in the front yard that functionally serves as the rear yard of a through lot. A fee of \$910 is also recommended for this application. Under the previous Ordinance, a variance would be required to approve accessory structures in a front yard which has an application fee of \$910.

A range of \$435 to \$910 will be advertised for Board consideration for each of the fees. No changes to the standards associated with these special permit applications are proposed. Additionally, a minor edit is proposed to the name of the SP application fee for an increase in fence or wall height in the Fee Schedule to coincide with the name used elsewhere in the Ordinance.

Several additional revisions have been made in the Fee Schedule to correct inadvertent omissions. The special permit for a Reduction of Required Setbacks for a Single-Family Lot and the special exception for a Home Day Care Facility have been included. In the portion of the table for amendments to pending applications and extensions of time, the reference to administrative permit (AP) applications has been deleted from the heading, and in the fees for amendments to previously approved and currently valid applications, the table has been revised to correct the application types.

- ❖ **Use Table Permissions.** The permissions for three uses were inadvertently omitted in subsection 4101.3, Table 4101.1, due to a formatting error. The proposed amendment restores the permissions in the previous Zoning Ordinance to allow a Farmers Market by administrative permit (AP) in the R-A District, Single-Family Attached Dwellings in an Affordable Dwelling Unit Development by right (P) in the R-2, R-3, and R-4 Districts, and Multifamily Dwellings in an Affordable Dwelling Unit Development by right in the R-5 and R-8 Districts.



- ❖ **Deck and Patio Extensions.** As part of zMOD, a provision was added in subsection 5100.2.D(5)(c)4 to allow decks or patios that are eight inches or less in height, whether they are attached or detached, to extend into any setback. This change was intended to exempt these at grade features from the limits on extensions that otherwise apply to decks and patios. However, it was intended that this exemption apply only in the side and rear yards. At grade patios and decks that are attached to the dwelling should continue to be subject to the front yard extension provisions. Detached decks and patios have, by long-standing interpretation, been considered to be freestanding accessory structures and would only be permitted in a front yard on a lot larger than 36,000 square feet per the freestanding accessory structure regulations in subsection 4102.7.A. The proposed change restores the previous interpretation for the front yard by clarifying that the exemption for at grade decks or patios applies in the side and rear yards only.
- ❖ **Front Yard Driveway Surfacing.** In the previous Zoning Ordinance, parking was required to be on a surfaced area, except on a temporary basis, in the front yard on a lot of 36,000 square feet or less and developed with a single-family detached dwelling in the R-1 through R-4 Districts. With zMOD, in subsection 6100.2.B(2), the provision was inadvertently changed to apply to the front setback instead of the entire front yard. The proposed revision replaces the word “setback” with the word “yard” to restore the previous provision.
- ❖ **PDC District Standard.** A minor edit is proposed to delete an extraneous word from subsection 2105.4.C(1)(a)1. This edit has no impact on the meaning of the provision.
- ❖ **Summary of Special Permits.** Article 8 includes Table 8100.2, which lists the various types of special permit applications that are not included in the use tables together with a cross-reference to the use-specific standards for that special permit. The cross-reference for one of the special permits, Certain Additions to an Existing Single-Family Detached Dwelling, has been corrected.

Summary

The proposed amendment establishes application fees for four special permits that were added with zMOD to establish fees that are commensurate with the fees of other similar special permit applications. The amendment also corrects several permissions, application types in the Fee Schedule, and other standards. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

Appendix

Appendix 1 – Proposed Text



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

In the revisions shown below, text to be deleted is identified with strike-through and highlighting and text to be added is shown in red and underlined.

INSTRUCTION: Revise subsection 2105.4.C(1)(a)1 by deleting the word “for” in the second sentence as shown below.

Article 2 – Zoning Districts

2105. Planned Districts

4. PDC Planned Development Commercial District

C. Additional Standards

(1) Secondary Uses

(a) Secondary uses are only permitted in a PDC District containing one or more principal uses. Unless the Board modifies the gross floor area in conjunction with a conceptual development plan approval to implement the comprehensive plan, the gross floor area is limited as follows:

1. The gross floor area of dwellings may not exceed 50 percent of the gross floor area of all principal uses in the development, except for floor area for affordable and market rate dwelling units that comprise the increased density in accordance with Section 5101. The floor area for dwellings is determined in accordance with the gross floor area definition, except for the following features are not included:

- a. Balconies, porches, decks, breezeways, stoops, and stairs that may be covered but have at least one open side; and
- b. Breezeways that may be covered but have two open ends.
- c. For the purpose of this subsection, an open side or open end has no more than 50 percent of the total area between the side(s), roof, and floor enclosed with railings, walls, or architectural features.

INSTRUCTION: Revise Table 4101.1: to add a “P” to allow Dwelling, Multifamily – ADU Development as a permitted use in the R-5 and R-8 Districts and to allow Dwelling, Single Family Attached – ADU Development as a permitted use in the R-2, R-3, and R-4 Districts; and to add an “AP” to allow an administrative permit for Farmers Market in the R-A District, as shown below.

Article 4 – Use Regulations

4101. Use Tables

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts													Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5		I-6
RESIDENTIAL USES																													
Household Living: uses characterized by residential occupancy of a dwelling unit that functions as a single household																													
Dwelling, Multifamily										P	P	P	P																
Dwelling, Multifamily – ADU Development								P	P	P	P	P	P																
Dwelling, Single-Family Attached								P	P	P	P	P																	4102.3.B
Dwelling, Single-Family Attached - ADU Development					P	P	P	P	P	P	P	P																	
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	P					P															4102.3.C
TEMPORARY USES																													
Community Garden	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	A AP SP		A AP SP	A AP SP	A AP SP	A AP SP	A AP SP	4102.1.I 4102.8.B
Construction Site Office and Storage		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP		AP	AP	AP	AP	AP	4102.1.I 4102.8.C
Farmers Market	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP		AP	AP	AP	AP	AP	4102.1.I 4102.8.D
Food Truck		AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.1.I 4102.8.E

INSTRUCTION: Revise subsection 5100.2.D(5)(c)4. by adding “side or rear” before setback in the first sentence as shown below.

Article 5 – Development Standards

5100. Lot, Bulk, and Open Space Regulations

2. Lot and Bulk Regulations

D. Setback Regulations

(5) Permitted Extensions into Minimum Required Setbacks

(c) Extensions for Decks or Patios

Table 5100.1 below summarizes the extensions allowed for decks or patios by structure type. For the purposes of this table, the following applies:

1. Height is measured from the lowest point of finished ground level adjacent to the structure to the highest part of the deck floor.
2. “Not closer than” is in reference to location from the lot line.
3. The extension that is most restrictive applies.
4. An attached or detached deck or patio is permitted to encroach into any side or rear setback if it is less than or equal to eight inches above finished ground level. A deck or patio greater than 8 inches above finished ground level is subject to the permitted extensions in Table 5100.1. The standards in subsections 7 and 8 below do not apply to detached decks or patios; any screening or design features on detached decks or patios are subject to the applicable regulations for fences or freestanding accessory structures.

INSTRUCTION: Revise subsection 6100.2.B(2) by deleting “setback” and replacing it with “yard” as shown below.

Article 6 – Parking and Loading

6100. Off-Street Parking

2. Off-Street Parking Standards, Layout, and Design

B. Parking in Residential Districts

- (2) In the R-1, R-2, R-3, and R-4 Districts, for single-family detached dwellings on lots containing 36,000 square feet or less, all parking for vehicles or trailers in a front setback yard must be on a surfaced area, except for temporary parking on an unsurfaced area in a front setback yard for a period not to exceed 48 hours for loading, unloading, cleaning, or repair of vehicles or trailers.

INSTRUCTION:

1. In subsection 8100.4.A, Table 8100.2, Summary of Special Permits, replace the subsection cross-reference for Certain Additions to an Existing Single-Family Detached Dwelling with a reference to subsection 5100.2.D(11)(f).
2. Revise the portion of the fee schedule, Table 8102.1, relating to special permits by adding fees for special permits for Accessory Structures on Through Lots, Increase in the Cumulative Square Footage of Accessory Structures, Increase in Flagpole Height, and Increase in the Height of Freestanding Accessory Structures; by reordering the words to read, "Fence or Wall"; and by listing the fee for Reduction of Required Setbacks for a Single-Family Lot, as shown below.
3. Revise the portion of the fee schedule relating to special exceptions by listing the fee for Home Day Care Facility; and by deleting an incorrect and unnecessary reference and correcting a typographical error, as shown below.
4. Revise the portion of the fee schedule relating to pending amendments and extensions of time by deleting the reference to "AP," specifying the types of applications that the fees for amending a previously approved application apply to, and by correcting a typographical error, as shown below.

Article 8 – Administration, Procedures, and Enforcement

8102. Fee Schedule

1. Fee Schedule

TABLE 8102.1: FEE SCHEDULE

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE [1]
SPECIAL PERMITS [2]		
Standard fees for special permit approvals are listed below.		
General Fee Unless Otherwise Listed		\$16,375
Principal Uses		
Community Swim, Tennis and Recreation Club		\$4,085
Group Household or Religious Group Living		\$1,100
Marina, Private Noncommercial		\$4,085
Religious Assembly		\$1,100
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,100
	Private School, Specialized Instruction Center, or Child Care	\$11,025

	Center with 100 children or more	
Stable, Riding or Boarding		\$8,180
Accessory and Temporary Uses		
Accessory Living Unit	Special Permit	\$435
	Renewal Fee	\$70
Community Garden		\$435
Home Day Care Facility		\$435
Home-Based Business		\$435
Other Special Permits		
<u>Accessory Structures on Through Lots</u>		<u>\$910</u> [Advertised range: \$435 - \$910]
<u>Increase in the Cumulative Square Footage of Freestanding Accessory Structures</u>		<u>\$910</u> [Advertised range: \$435 - \$910]
Increase in <u>Fence or Wall or Fence</u> Height	Dwelling, Single-Family	\$435
	All Other Uses	\$2,500
<u>Increase in Flagpole Height</u>		<u>\$435</u> [Advertised range: \$435 - \$910]
<u>Increase in the Height of a Freestanding Accessory Structure</u>		<u>\$910</u> [Advertised range: \$435 - \$910]
Increase in Percentage of Rear Setback Coverage		\$910
Installation or Modification of a Noise Barrier on a Single Residential Lot		\$910
Modification of Grade for Single-Family Detached Dwelling		\$910
Modification of Limits to Keeping of Animals		\$435
Modification of Minimum Setback Requirements	Error in Building Location	\$910
	Certain Existing Structures and Uses	\$910
	Certain Additions to Existing Single-Family Detached Dwelling	\$910
	<u>Reduction of Required Setbacks for a Single-Family Lot</u>	<u>\$910</u>
	All Other Uses	\$8,180
SPECIAL EXCEPTIONS [2]		
Accessory Uses and Other Special Exceptions		
<u>Home Day Care Facility</u>		<u>\$435</u>
Modification of Shape Factor		\$8,180
Modification of Grade for Single-Family Detached Dwellings		\$910
Modification of Minimum Setback Requirements <u>per Sect. 5100.2.D(1)(g)</u>	Certain Existing Structures and Uses	\$910
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0
AMENDMENTS TO PENDING APPLICATIONS AND EXTENSIONS OF TIME [4][5]		
Applications for Variances or AP, SP, or SE Approvals		
Extension of Time for a Special Permit or Special Exception Per Subsection 8100.3.D(3) or 8100.4.D(3)		1/8 of Application Fee
Amendment to a Pending Application for a Variance, Special Permit, or Special Exception		1/10 of Application Fee

Amendment to a Previously Approved and Currently Valid Special Permit <u>Application</u>	Change of Permittee Only <u>(SP)</u>	\$500 or 1/2 of Application Fee, Whichever is Less
	With No New Construction <u>(Variance, SP, or SE)</u>	1/2 of New Application Fee
	With New Construction <u>(Variance, SP, or SE)</u>	New Application Fee

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Uniformed Retirement System Ordinance

ISSUE:

Authorization to advertise a public hearing on proposed amendments to Article 3 of Chapter 3 of the Code of the County of Fairfax, which sets forth the ordinance for the Fairfax County Uniformed Retirement System (URS).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing regarding the proposed amendments to the URS ordinance for the purpose of changing certain provisions with respect to service-connected disabilities. The URS Board of Trustees has reviewed and supports the proposed amendments.

TIMING:

Board action is requested on May 18, 2021, to provide a time to advertise for a public hearing on June 22, 2021, at 4:00 p.m.

BACKGROUND:

At the March 2, 2021, meeting of its Personnel Committee, the Board was presented with several proposed amendments to service-connected provisions in the URS ordinance relating to alternative placement. In response, the Board directed that these amendments be scheduled as soon as possible for a public hearing.

PROPOSED AMENDMENTS:

The proposed URS ordinance amendments would:

- Enable a member of the URS who has reached full-service retirement eligibility but who has sustained a work-related injury/illness, the ability to continue working (at same rank and benefits) through the alternative placement program.
- Enable a member of the URS in DROP who sustains a work-related injury/illness to participate in the alternative placement program (at same rank and benefits) for the remainder of their DROP period.

Board Agenda Item
May 18, 2021

FISCAL IMPACT:

These changes do not represent benefit enhancements, would not impact the URS's funded status, and would not require an increase in the County's contribution to URS.

ENCLOSED DOCUMENTS:

Attachment 1: Amendments to Chapter 3, Article 3 (with changes noted)

Attachment 2: March 3, 2021 Letter from Cheiron Regarding Actuarial Impact on the URS Change Regarding Service-Connected Disability During DROP

STAFF:

Joseph Mondoro, Chief Financial Officer

Jeff Weiler, Executive Director, Fairfax County Retirement Systems

Catherine Spage, Director, Department of Human Resources

ASSIGNED COUNSEL:

Benjamin R. Jacewicz, Assistant County Attorney

Section 3-3-36. - Service-connected disability retirement.

- (a) Any member in service may, at any time before his or her **normal** retirement date, retire on account of disability which is due to injury by accident and/or disease(s) which arose out of and in the course of the member's service. The Board shall determine a member is disabled due to injury by accident and/or disease(s) which arose out of and in the course of a member's service. In making this determination, the Board shall consult the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia which applied or construed language under the Virginia Workers' Compensation Act. Furthermore, in making this determination, the Board shall consider any medical record or information and/or any further tests or examinations required pursuant to Section 3-3-10.1.
- (b) The member or his or her employer shall be required to submit a written application setting forth at what time the retirement is to become effective; provided, that such effective date shall be after the last day of service but shall not be more than 90 days prior to the date of such application. Prior to submitting such application, the member shall be required to apply for workers' compensation to which he or she may be entitled. The member shall be required to submit to the Board copies of the dispositions as made of his or her workers' compensation claim and any subsequent awards or other documents reflecting any modification or termination of such benefits. With respect to the determination of a member's eligibility for retirement under this Section, the Board shall give great weight to the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the Virginia Workers' Compensation Act; and the Board may modify its prior determination of eligibility under this Section in light of any such decision within 90 days after the date such decision becomes final.
- (c) Any member otherwise eligible for ordinary disability retirement under Section 3-3-34, who applies for retirement pursuant to this Section, and whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to Section 3-3-34.
- (d) Any member who applied for service-connected disability retirement on or before (effective date of amendment [December 16, 1985]) shall have his or her eligibility for such retirement governed by the provisions of this Section in effect on that date. Members applying thereafter shall have their eligibility determined by the provisions of this Section.
- (e) When an application for service-connected disability retirement has been submitted by a member or on his or her behalf by his or her employer, the appointing authority for the agency in which the member is employed shall certify whether or not there exist any vacant positions within the agency the essential physical job functions of which the member could perform, with or without reasonable accommodation; this certification shall be provided to the member and to the Board. The appointing authority shall have a continuing obligation to notify the member and the Board if any such position becomes vacant between the time of the appointing authority's initial certification and the Board's action on the member's retirement application. A member who has applied for service-connected disability retirement who meets the physical requirements for such position, with or without reasonable accommodation, and who can be retrained to fulfill the other requirements for any such position shall be given the option to accept such position and withdraw his or her application for service-connected disability retirement or to decline such position and proceed with his or her application for service-connected disability retirement. A member shall have seven days from the date of the appointing authority's certification that a position is available to make his or her election as to whether he or she shall accept the position or proceed with his or her retirement application; the failure of the member to make such election shall constitute an election to proceed with his or her application for retirement. In the event that the member elects not to accept a position for which he or she has received notification, the appointing authority shall have no further duty to notify the member and the Board of any further positions that may subsequently become available. In the event that no such positions are vacant or the member elects not to accept a vacant position, the application for service-connected disability retirement shall proceed to a determination by the Board. The certification by an appointing authority that no such positions exist within the member's agency

constitutes an application of specific County personnel policies, procedures, rules and regulations. (1961 Code, § 9-106; 11-74-9; 20-81-3; 24-85-3; 48-96-3; 34-04-3; 3-16-3; 22-18-3.)

Section 3-3-56. - Deferred retirement option program.

Effective October 1, 2003, there is hereby established a Deferred Retirement Option Program (DROP) for eligible members of the System. Members of the System in service who are eligible for normal service retirement are eligible to elect to participate in this program.

(a) Definitions.

- (1) *DROP period* shall mean the three-year period immediately following the commencement of the member's participation in the DROP.
- (2) *Eligible member* shall mean any member who is, or shall become within 60 days, eligible for normal service retirement benefits as those are defined in Section 3-3-33(a).

(b) Election to participate.

- (1) An eligible member may participate in the DROP only once. An eligible member who desires to participate in the DROP must file an application with the Fairfax County Retirement Administration Agency not less than 60 days prior to the date of the commencement of the member's participation in the DROP.
- (2) A member's election to participate in the DROP is irrevocable, with the exception that a member who elects to participate in the DROP may revoke that election prior to the commencement of his or her DROP period; once revoked, a member may not then elect to participate in the DROP for a period of at least 12 months from the date of his or her revocation.
- (3) At the time of an eligible member's election to participate in the DROP, he or she must make an election in writing pursuant to Section 3-3-33(c) as to whether or not to receive a reduced retirement allowance in order to provide a retirement allowance for his or her spouse after the member's death.
- (4) An eligible member who elects to participate in the DROP shall agree to do so for a period of three years.
- (5) Subject to any limitation on the number of accrued sick leave hours that may be converted to creditable service as provided in Section 3-3-2(a)(2), an eligible member who elects to participate in the DROP shall, at the time of his or her election to participate in the DROP, make an election in writing as to whether he or she wishes to convert all of his or her available accrued sick leave to creditable service or to convert all but 40 hours of his or her accrued sick leave to creditable service. Sick leave that is either carried over or that accrues during the DROP period shall not be converted to creditable service at the conclusion of the DROP period.

(c) Continued employment.

- (1) A participating DROP member shall, upon commencement of his or her DROP period, continue to work for the County in the position he or she held before the effective date of his or her election to participate in the DROP. Thereafter, the participating DROP member shall perform the services of that position or any other position to which he or she is promoted or transferred.
- (2) A participating DROP member shall continue to accrue annual and sick leave and, if eligible, compensatory time during the DROP period. At the conclusion of the DROP period, the member shall receive the payment for his or her accrued annual and compensatory leave that he or she would have received upon retirement. In no case shall a participating DROP member receive payment for his or her accrued annual and compensatory leave at the commencement of the member's participation in the DROP.

- (3) A participating DROP member shall continue to remain eligible for health and life insurance benefits provided by the County to its employees and shall remain eligible to participate in the County's deferred compensation plan. The deductions from the salary of a participating DROP member for health and life insurance benefits shall be the same deductions that would have been taken had the participating DROP member been an active County employee, not the deductions that would be taken from the retirement allowances and benefits of a retiree.
 - (4) All County personnel policies and regulations shall continue to apply to a participating DROP member after the commencement of his or her DROP period. A participating DROP member shall remain eligible for annual merit pay increments and promotions during the DROP period. However, a participating DROP member's salary during his or her DROP period shall not be included in the computation of the member's average final compensation. A participating DROP member is also subject to the County's disciplinary policies and regulations.
 - (5) If a participating DROP member's continued employment with the County is interrupted by military service, there shall be no interruption of the member's participation in the DROP. During the period of the participating DROP member's military service, the member's retirement allowances and benefits shall continue to be paid into the participating member's DROP account until the member's DROP period ends. At the end of the DROP period, the member's DROP account balance shall be paid to the member whether or not he or she has returned to his or her former County position, and the member shall begin to receive his or her normal retirement benefits.
 - (6) Except as otherwise set forth herein, a participating DROP member's continued service shall be deemed to be normal service retirement and shall not count as creditable service with the System.
 - (7) Upon commencement of a participating DROP member's DROP period, the County shall cease to withhold contributions to the System from the participating DROP member's salary.
 - (8) The salary received by a participating DROP member during his or her DROP period shall not be included by the County in the base that is used to determine the amount of the County's employer contributions to the System.
- (d) DROP account.
- (1) Upon commencement of the participation of a member of Plans A, B, C, and D in the DROP, the member's service retirement allowance pursuant to Section 3-3-33(a) and the additional retirement allowance pursuant to Section 3-3-55 shall be paid into the member's DROP account. Upon commencement of the participation of a member of Plan E, in the DROP, the member's service retirement allowance pursuant to Section 3-3-33(a) shall be paid into the member's DROP account; the additional retirement benefits provided for in Section 3-3-33(a)(3) shall not be credited to the DROP accounts of members of Plan E, although members of Plan E shall remain eligible to receive the additional retirement benefits provided for in Section 3-3-33(a)(3) upon the completion of their DROP period, if they then meet the requirements for eligibility for such benefits set forth in Section 3-3-33(a)(3). Upon commencement of the participation of a member of Plan F in the DROP, the member's service retirement allowance pursuant Section 3-3-33(a) shall be paid into the member's DROP account, the additional retirement benefits provided for in Section 3-3-33(d) and Section 3-3-55(d) shall not be credited to the DROP accounts of members of Plan F.
 - (2) The initial monthly amount shall be increased each July 1 based upon the annual cost-of-living adjustment provided to retirees pursuant to Section 3-3-45. Any other changes that occur during the DROP period that would result in an alteration of the participating DROP member's retirement allowances and benefits if he or she were retired shall also result in

adjustments to the monthly amount credited to a participating DROP member's DROP account.

- (3) The participating DROP member's DROP account shall be credited with interest at an annual rate of five percent, compounded monthly. Interest shall not be pro-rated for any period less than a full month.
 - (4) Contributions by the County and the participating DROP member into the System for the participating DROP member shall cease.
 - (5) Amounts credited to a participating DROP member's DROP account shall not constitute annual additions under Section 415 of the Internal Revenue Code.
 - (6) A participating DROP member's DROP account shall not be an account that is separate and distinct from the assets of the System; a participating DROP member's DROP account balance shall remain part of the assets of the System.
- (e) Cessation of County employment.
- (1) At the conclusion of a participating DROP member's DROP period, the member's County employment shall automatically cease. The participating DROP member shall then begin to receive normal service retirement allowances and benefits computed based upon his or her average final compensation at the time of the commencement of the DROP period and his or her creditable service at the time of the commencement of the DROP period, plus cost-of-living increases provided to retirees and any other benefit improvements that may have been granted to retirees during the participating DROP member's DROP period. At least 60 days prior to the conclusion of a participating DROP member's DROP period, the member shall make one of the following elections concerning payment of his or her DROP account balance:
 - (A) The member may receive payment of his or her DROP account balance as a lump sum.
 - (B) The member may elect to roll over his or her DROP account balance into an "eligible retirement plan," as defined in Section 3-3-54(b)(2).
 - (C) The member may elect to receive payment of a portion of his or her DROP account balance and roll over the remaining portion into a qualified retirement plan, such as an IRA. If the member elects this method of receiving his or her DROP account balance, he or she must specify, in writing, the specific amount to be paid as a lump sum and the specific amount to be rolled over.
 - (D) The member may elect to use his or her DROP account balance to increase his or her monthly retirement benefits and allowances. The amount of the increase shall be determined based on the actuarial equivalent of the member's DROP account balance.
 - (E) The member may divide his or her DROP account balance in half, and may then elect to use 50 percent of his or her DROP account balance to increase his or her monthly retirement allowances and benefits, and to receive the remainder in any manner listed in Subparagraphs (A), (B) and (C) above.

In the event that the participating DROP member does not make the election required by this Subsection, the member shall receive payment of his or her DROP account balance as a lump sum.

- (2) A participating DROP member may terminate his or her County employment at any time, in which case the effective date of the member's termination of his or her County employment shall be treated as the end of the DROP period for all purposes of this Section.
- (3) In the event that the employment of a participating DROP member is terminated by the County during the DROP period for any reason, the effective date of the member's

separation from County service shall be treated as the end of the DROP period for all purposes of this Section.

(f) Death or disability during DROP period.

- (1) (A) If a participating DROP member dies during the DROP period, the participating DROP member's designated beneficiary on record with the System shall receive payment of the member's DROP account balance and the member's accumulated contributions; if there is no designated beneficiary on record with the System, payment of these amounts shall be made to the participating DROP member's estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of Section 3-3-33(c), the participating DROP member's surviving spouse shall receive payment of the participating DROP member's DROP account balance and shall begin to receive allowances and benefits pursuant to the joint and last survivor option election of the participating DROP member.
- (B) If a participating DROP member dies during the DROP period, and the participating DROP member's death is a service-connected accidental death as set forth in Section 3-3-38, the member's beneficiary shall receive the benefits provided for in Section 3-3-38(a)(1); if there is no designated beneficiary on record with the System, payment of these amounts shall be to the member's estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of Section 3-3-33(c), the participating DROP member's surviving spouse shall receive the benefits provided for in Section 3-3-38(a)(1)(B) and the participating DROP member's DROP account balance, and shall begin to receive allowances and benefits pursuant to the joint and last survivor election of the participating DROP member.
- (2) If a participating DROP member becomes disabled during the DROP period, the participating DROP member shall receive:
 - (A) In the case that a participating DROP member suffers a disability that would be considered an ordinary disability as defined in Section 3-3-35, the effective date of the member's disability shall be treated as the end of the participating DROP member's DROP period.
 - (B) In the case that a participating DROP member suffers a service-connected disability as set forth in Section 3-3-36 ~~or a severe service-connected disability as set forth in Section 3-3-37.2~~, the participating DROP member may elect either: (i) to receive the service-connected disability retirement allowances and benefits ~~or the severe service-connected disability retirement allowances and benefits~~ to which he or she would otherwise be entitled; (ii) to continue his or her DROP period by accepting a position pursuant to Section 3-3-36(e); or (iii) to receive the normal service retirement benefits and allowances to which he or she would be entitled plus his or her DROP account balance. An election to receive service-connected disability retirement allowances and benefits or severe service-connected disability retirement benefits shall constitute a waiver of the member's right to receive any amounts credited to his or her DROP account balance.
 - (C) In the case that a participating DROP member suffers a severe service-connected disability as set forth in Section 3-3-37.2, the participating DROP member may elect either: (i) to receive the severe service-connected disability retirement allowances and benefits to which he or she would otherwise be entitled; or (ii) to receive the normal service retirement benefits and allowances to which he or she would be entitled plus his or her DROP account balance. An election to receive severe service-connected disability retirement benefits shall constitute a waiver of the member's right to receive any amounts credited to his or her DROP account balance.

- (g) Execution of documents and adoption of rules and regulations. The County Executive is authorized to execute all documents necessary or appropriate to operate the DROP including, but not limited to, the establishment of a trust within which the participating DROP members' DROP accounts shall be held and administered. The Board of Trustees is also authorized to adopt rules and regulations governing the DROP. Any documents executed by the County Executive shall be approved for form by the County Attorney prior to execution. (36-03-3; 41-08-3; 27-10-3; 01-11-3; 27-12-3; 3-16-3; 10-19-3.)

***Via Electronic Mail***

March 3, 2021

Mr. Jeff Weiler
 Fairfax County Uniformed Retirement System
 12015 Lee Jackson Memorial Highway, Suite 350
 Fairfax, Virginia 22033

***Re: Actuarial Impact on the Uniformed Retirement System
 Change Regarding Service-Connected Disability During DROP***

Dear Jeff:

We are writing to provide information on the potential changes to the Fairfax County Uniformed Retirement System (URS). The change would be to allow for those who are participating in the DROP program, and who subsequently suffer a service-connected disability but are able to secure a Section 3-3-36(e) position, to continue with their DROP participation rather than forfeiting their DROP balance to receive a disability benefit. It further allows for those who suffer a severe service-connected disability to elect to receive their normal retirement benefit and DROP balance in lieu of the severe service-connected disability benefit.

We do not believe that such a change would result in any actuarial cost impact to the URS. This is because the valuation assumptions used in valuing DROP members does not assume any disability will occur between the DROP entry and DROP exit dates and so the proposed alternatives for those suffering service-connected disability while in DROP are what is already being valued under this System.

This letter was prepared for Fairfax County Retirement Systems for the purposes described herein. This cost estimate is not intended to benefit any third party, and Cheiron assumes no duty or liability to any such party.

Assumptions and Statement of Reliance

This cost estimate was prepared using the same actuarial assumptions and methods as described in our June 30, 2020 actuarial valuation report.

This letter and its contents have been prepared in accordance with generally recognized and accepted actuarial principles and practices and our understanding of the Code of Professional Conduct and applicable Actuarial Standards of Practice set out by the Actuarial Standards Board as well as applicable laws and regulations. Furthermore, as a credentialed actuary, I meet the Qualification Standards of the American Academy of Actuaries to render the opinion contained in this letter. This letter does not address any contractual or legal issues. I am not an attorney, and our firm does not provide any legal services or advice.

Mr. Jeff Weiler
Fairfax County Uniformed Retirement System
March 3, 2021
Page 2

Please call if you have any questions or comments.

Sincerely,
Cheiron

A handwritten signature in blue ink, reading "Fiona E. Liston", with a long horizontal flourish extending to the right.

Fiona E. Liston, FSA, EA
Principal Consulting Actuary



Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 6

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Blake Lane between Jermantown Road and Sutton Road (Providence District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on May 18, 2021, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Blake Lane, between Jermantown Road and Sutton Road (Providence District), meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding Signs.” On April 20, 2021, FCDOT received verification from the Providence District Supervisor’s office confirming community support.

Board Agenda Item
May 18, 2021

FISCAL IMPACT:

For the “\$200 Additional Fine for Speeding” signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: “\$200 Additional Fine for Speeding” Signs Resolution – Blake Lane

Attachment II: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Blake Lane

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

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

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
BLAKE LANE
PROVIDENCE DISTRICT

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 Tuesday, May 18, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Blake Lane from Jermantown Road to Sutton Road. Such road also being identified as a Minor Arterial Road; and

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

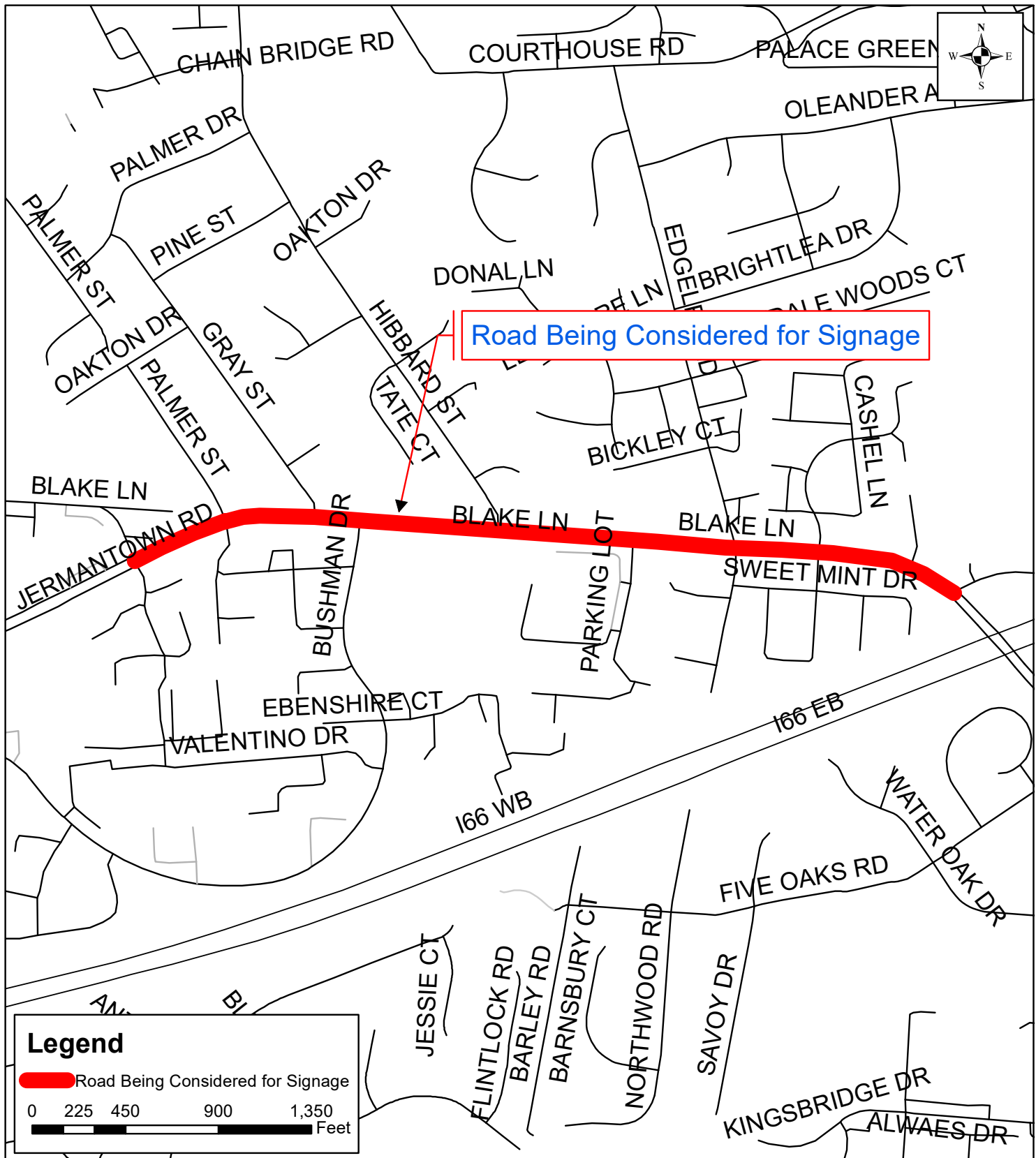
NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Blake Lane from Jermantown Road to Sutton Road.

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

ADOPTED this 18th day of May, 2021.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 47-2, 47-4, 48-1, 48-3

Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
PROPOSED \$200 FINE FOR SPEEDING
 Blake Lane from Jermantown Road to Sutton Road
 Providence District

April 2019



A Fairfax Co. Va., publication

Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Plaza Lane (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Plaza Lane in the Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 22, 2021, at 4:00 p.m., to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R. This 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 the east side of Plaza Lane.

TIMING:

The Board of Supervisors should act on May 18, 2021, to provide sufficient time for advertisement of the public hearing on June 22, 2021, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(4) authorizes the Board of Supervisors to designate restricted parking on the non-residential side of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street. This designation can be made provided the restriction would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community.

In 2010, the Board of Supervisors approved the Springfield District Large Area Community Parking District (CPD). As a result, recreational vehicles and all trailers are prohibited from parking in areas zoned residential throughout the district. Shenandoah Crossing, a residential community, abuts the west side of Plaza Lane, and is thereby restricted by the Springfield District CPD.

Board Agenda Item
May 18, 2021

The property management representative of Greenbriar Corporate Center contacted the Springfield District office seeking assistance to restrict commercial vehicles, recreational vehicles and trailers from parking on the unrestricted east side of Plaza Lane, which sits across Plaza Lane from the residential community.

In keeping with the residential character that is present on the west side of Plaza Lane, and to equally serve the interests of the adjacent businesses, staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and trailers on the east side of Plaza Lane along the commercially zoned area that is across the street from a residentially zoned district.

FISCAL IMPACT:

The cost of sign installation is estimated to be \$200. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the 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, 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 V. Foltz, 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:

Plaza Lane (Route 7163).

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 east side of Plaza Lane, from Lee Jackson Memorial Highway to the southern commercial property driveway.

Fairfax County
Department of Transportation
Proposed Parking Restrictions
Springfield District



Tax Map: 45-1



LEE JACKSON MEMORIAL HWY

PLAZA LN

R-20

C-6

13135

BLUEBERRY LN

LEAFCREST LN

Proposed Parking Restriction
(Plaza Lane)

No Parking Commercial Vehicles, Recreational
Vehicles, and Trailers

ADMINISTRATIVE - 8

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Braddock District)

ISSUE:

Board endorsement of “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- Two “Watch for Children” signs on Adare Drive (Braddock District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” signs as soon as possible.

TIMING:

Board action is requested on May 18, 2021, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices.

On April 19, 2021, FCDOT received verification from the Braddock District Supervisor’s Office confirming community support for “Watch for Children” signs on Adare Drive.

FISCAL IMPACT:

Funding in the amount of \$600 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

Board Agenda Item
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ENCLOSED DOCUMENTS:

None

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

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

Board Agenda Item
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ADMINISTRATIVE - 9

Authorization to Advertise a 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 the South County Government Center

ISSUE:

Authorization to advertise a public hearing on 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 the South County Government Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, June 22, 2021, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on May 18, 2021, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on June 22, 2021, at 4:00 p.m. Adoption on this date will ensure sufficient time to prepare the newly approved voter satellite office for use; secure all equipment and retain staff needed to operate the office; and inform voters of the office location no later than 55 days prior to the November 2, 2021, General Election.

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

Board Agenda Item
May 18, 2021

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.

If approved, the proposed ordinance would establish an additional voter satellite office at the following location:

South County Government Center

8350 Richmond Highway
Alexandria, Virginia 22309

FISCAL IMPACT:

Funding is available in the agency's FY 2022 Adopted 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:

Scott O. Konopasek, 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.

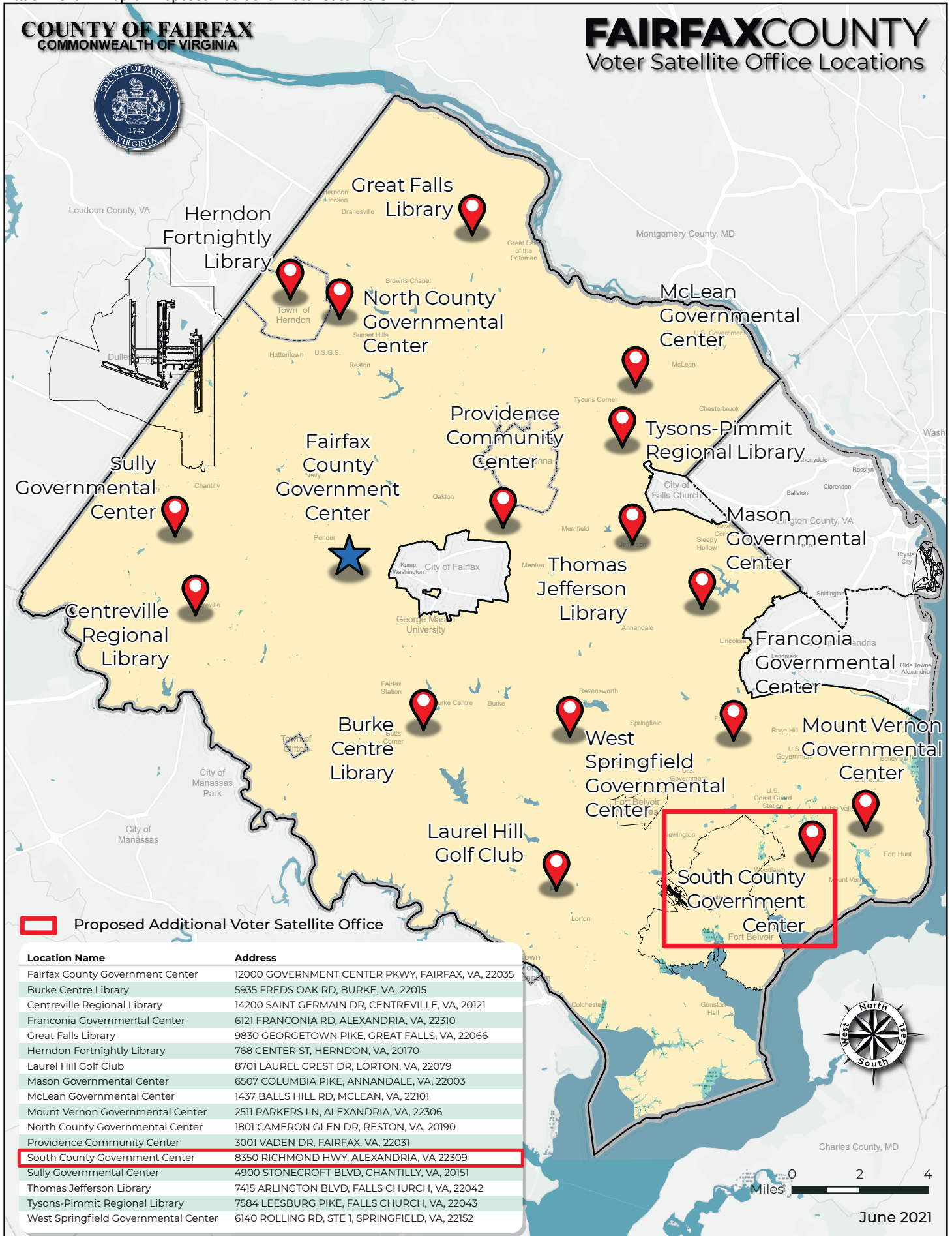
E. Not later than 55 days prior to any election, the general registrar shall post notice of all voter satellite office locations in the locality and the dates and hours of operation of each location in the office of the general registrar and on the official website for the county or city. Such notice 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 OFFICE AT THE SOUTH COUNTY
GOVERNMENT CENTER**

Draft of June 22, 2021

**AN ORDINANCE to amend and readopt Fairfax County Code Section 7-3-2
and establish an additional voter satellite office at the South County
Government Center 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
- (b). – Centreville Regional Library**
14200 Saint Germain Drive, Centreville, Virginia 20121
- (c). – Franconia Governmental Center**
6121 Franconia Road, Alexandria, Virginia 22310
- (d). – Great Falls Library**
9830 Georgetown Pike, Great Falls, Virginia 22066
- (e). – Herndon Fortnightly Library**
768 Center Street, Herndon, Virginia 20170
- (f). – Laurel Hill Golf Club**
8701 Laurel Crest Drive, Lorton, Virginia 22079
- (g). – Mason Governmental Center**
6507 Columbia Pike, Annandale, Virginia 22003
- (h). – McLean Governmental Center**
1437 Balls Hill Road, McLean, Virginia 22101

(i). – Mount Vernon Governmental Center

2511 Parkers Lane, Alexandria, Virginia 22306

(j). – North County Governmental Center

1801 Cameron Glen Drive, Reston, Virginia 20190

(k). – Providence Community Center

3001 Vaden Drive, Fairfax, Virginia 22031

(l). – South County Government Center

8350 Richmond Highway, Alexandria, Virginia 22309

(lm). – Sully Governmental Center

4900 Stonecroft Boulevard, Chantilly, Virginia 20151

(mn). – Thomas Jefferson Library

7415 Arlington Boulevard, Falls Church, Virginia 22042

(no). – Tysons-Pimmit Regional Library

7584 Leesburg Pike, Falls Church, Virginia 22043

(op). – 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

ADMINISTRATIVE - 10

Approval of Supplemental Appropriation Resolution AS 21302 for the Department of Family Services to Accept Grant Funding from the Virginia Community College System for the WIOA Dislocated Worker COVID-19 Disaster Recovery Grant

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 21302 for the Department of Family Services (DFS) to accept grant funding from the Virginia Community College System (VCCS) in the amount of \$500,000. VCCS has authorized additional funding for dislocated workers through the Workforce Innovation and Opportunity Act (WIOA) to address Virginia's recovery from the COVID-19 disaster. The \$500,000 will increase the existing WIOA COVID-19 Disaster Recovery grant from \$215,000 to \$715,000 and will provide employment opportunities and training for workers displaced by the pandemic. Specifically, the increase in funding will support the County's COVID-19 vaccination equity strategy developed by the Health Department (included as Attachment 3 for reference) as well as training and supportive services to dislocated workers in specific career sectors impacted by the COVID-19 pandemic. The grant period is from July 1, 2020 to February 28, 2022. When grant funding expires, the County is under no obligation to continue funding the program. No Local Cash Match is required. In an effort to access funding as quickly as possible, the Chairman of the Board of Supervisors signed the grant agreement on May 3, 2021. Formal Board approval is needed to appropriate the funding in the Federal-State Grant fund.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 21302 for the Department of Family Services to accept grant funding from VCCS in the amount of \$500,000. Funding will support the County's COVID-19 vaccination equity strategy as well as training and supportive services to dislocated workers in specific career sectors impacted by the COVID-19 pandemic. No Local Cash Match is required and there are no positions associated with this funding.

TIMING:

Board action is requested on May 18, 2021.

BACKGROUND:

The Workforce Innovation and Opportunity Act is funded by the U.S. Department of Labor through VCCS. WIOA funding provides comprehensive employment and training services to area employers, job seekers, and youth. Fairfax County is the WIOA grant recipient for the Virginia Career Works-Northern Region that is comprised of Fairfax, Loudoun, and Prince William counties and the Cities of Fairfax, Falls Church, Manassas, and Manassas Park. SkillSource Group, Inc. is a separate nonprofit entity and the fiscal agent for WIOA funds for the Virginia Career Works-Northern Region.

In March, VCCS announced the availability of additional funding for the WIOA Dislocated Worker COVID-19 Disaster Recovery Grant. SkillSource Group, Inc. worked with the County and submitted a request totaling \$500,000 to address the following:

- New funding of \$383,536 to support the County's COVID-19 vaccination equity strategies developed by the Health Department,
- Supplemental funding of \$73,811 for the Department of Family Services to assist approximately 23 more jobseekers displaced by the pandemic, and
- New funding of \$42,653 for SkillSource Group, Inc. jobseeker outreach and administrative costs.

Funding will specifically be used to hire benefits-eligible support to increase vaccination rates among racial and ethnic minority populations. Such staffing would draw from workers displaced by the pandemic who qualify for WIOA funding. The funding will enhance the capacity of the Health Department in conjunction with its community partners to: effectively and appropriately reach out to and assist residents in historically underserved and marginalized communities; help identify and address barriers and hesitancy; and support local health care practices in planning and administering community-based vaccine clinics. Grant funding is critical to build this capacity within these practices and ensure that future vaccine shipments are not interrupted and/or delayed by improper and/or untimely data entry.

FISCAL IMPACT:

Grant funding in the amount of \$500,000 is available from VCCS for the WIOA Dislocated Worker COVID-19 Disaster Recovery Grant. No Local Cash Match is required. As the designated fiscal agent for Virginia Career Works-Northern Region, funding will be administered by the SkillSource Group, Inc. This grant permits the recovery of administration costs by SkillSource Group. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated grant awards in FY 2021.

Board Agenda Item
May 18, 2021

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Notice of Obligation for Virginia-COVID-19 Disaster Recovery Dislocated Worker Grant from VCCS

Attachment 2: SAR 21302

Attachment 3: Fairfax County COVID-19 Vaccination Equity Strategy and Report – April 23, 2021 Memo to the Board of Supervisors

STAFF:

Christopher A. Leonard, Deputy County Executive

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

Dr. Gloria Addo-Ayensu, Director, Health Department

Lisa Tatum, Division Director, Self Sufficiency, DFS

Christopher J. Revere, Deputy Director for Innovation and Planning, Health Department

VIRGINIA COMMUNITY COLLEGE SYSTEM

Arboretum III - 300 Arboretum Place, Third Floor, Suite 200

Richmond, Virginia 23236

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

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

PASS-THROUGH ENTITY: VIRGINIA COMMUNITY COLLEGE SYSTEM

ISSUED DATE: April 1, 2021

Grant Number: DW-34697-20-60-A-51

NOTICE OF OBLIGATION

Virginia-COVID-19 Disaster Recovery DWG

Period of Performance: July 1, 2020-February 28, 2022

Subrecipient: Fairfax County
DUNS #: 074837626

NOO No.: DWG COVID 11-02
Effective Date: July 1, 2020
Program Code: 2100

<u>CFDA</u>	<u>Fund Type</u>	<u>Prior Level</u>	<u>CHANGE</u>	<u>New Level</u>
17.277	WIOA National Dislocated Worker	\$ 215,000.00	\$ 500,000.00	\$ 715,000.00

This Notice of Obligation awards additional U.S. Department of Labor Workforce Innovation and Opportunity Act (WIOA) National Dislocated Worker funds to undertake activities in the attached Local Area's COVID19 Revised Proposal submitted in March 2021 in accordance with the Virginia Disaster DWG Request for Proposals Addendum #1. This Agreement is made subject to the availability of WIOA National Dislocated Worker funds and the allocation thereof by the VCCS.

Terms and Conditions:

- Certification that all disaster relief employment positions (including Temperature Takers) meet the WIOA Title I Dislocated Worker Eligibility, with an emphasis being placed on recruiting and hiring individuals into these positions who have been dislocated as a result of COVID-19
 - o All Temperature Taker Positions must have training in appropriate cleaning and sanitization activities to enable them to perform other activities when not actively conducting standard temperature taking activities
 - o In the case that any disaster relief employee terminates employment for any reason, any new subsequent hire for that position must meet the WIOA Title I Dislocated Worker Eligibility for Disaster Relief Employment.
- Monitoring and Follow Up: All Project Operators and/or employers of record shall provide appropriate oversight and supervision of the disaster relief employees in accordance with all applicable state and federal law, and the operators own internal employment policies and practices.
 - o All project operators and/or employers of record will maintain timesheets that reflect the work performed by the employees, the same as time and effort reporting required under other federal programs and grants
 - o Sub-recipients (the LWDBs) will provide proper oversight and monitoring of employers of record, including (at minimum) bi-weekly reviews to ensure disaster relief employment activities are continuing
- In the case that work sites where disaster relief employees are shut down as the result of a COVID-19 outbreak or general worsening of the COVID-19 pandemic conditions:
 - o The project operator and/or employer of record will notify employees funded by disaster relief funds the same as they would employees not funded by this grant
 - o The project operator and/or employer of record will pay for work performed by the disaster relief employees as appropriate. Ex. if the employment site is shut down and no work is performed, the impacted employees cannot be paid by these funds as no work has been performed.
- On a monthly basis, sub-recipients will submit a written narrative report, utilizing a template provided by VCCS, to provide information on disaster relief employment activities (including the hiring or removal of disaster relief employees) and updates on enrollment and training activities.

The subrecipient must adhere to COVID-19 Disaster Recovery National Dislocated Worker Grant Federal Award Terms, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 Code of Federal Regulations (CFR) Part 200, U.S. Department of Labor exceptions codified at 2 CFR Part 2900, and the provisions as stated in the original RFP and RFP Addendum.

By my signature, I accept the Terms and Conditions of this subaward and agree to use the funds as outlined.


Authorized Signature

JEFFREY MCKAY
(Print Name)
CHAIRMAN, BOS
(Print Title)

5/3/2021
Date

Authorized Signature

George Taratsas
Director WIOA Title I Administration and Compliance
VCCS Academic and Workforce Programs
(804) 819-5387

Date

cc: Northern Virginia Workforce Development Board
SkillSource Group, Inc.
County of Fairfax, Department of Administration for Human Services

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21302

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 18, 2021, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2021, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G6767, Department of Family Services	
Grants:	1670100-2021, WIOA COVID-19 Disaster Recovery	\$500,000

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$500,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Community College System (VCCS), \$500,000

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

DATE: April 23, 2021

TO: Board of Supervisors

FROM: Bryan J. Hill
County Executive *[Signature]*

SUBJECT: Fairfax County COVID-19 Vaccination Equity Strategy and Report

Nationwide and in Fairfax County, COVID-19 has had a disproportionate impact on Black, Indigenous, and people of color (BIPOC) communities. While anyone can contract COVID-19, we know that there are social and economic conditions that make some individuals and communities more vulnerable to the effects of the disease than others, often tied to the conditions people live in and the opportunities they have for housing, jobs, transportation, education, health care, and more. With vaccination providing an opportunity to end the pandemic, our goal is to achieve equity in COVID-19 vaccination in BIPOC communities in Fairfax County. This goal is based on the recognition that communities that have been most affected by the pandemic should be vaccinated at least equal to their proportion in the population. Moreover, for a sufficient proportion of the population to become immune to COVID-19 – to achieve herd immunity – high levels of immunity must be achieved in each community because ongoing spread of infection in one community poses a risk to all communities.

Fairfax County remains committed to equity as we strive to vaccinate everyone who chooses to receive vaccines and we are following these five overarching principles:

1. Engage sector and community leaders to understand and address the unique situations facing residents most at risk.
2. Communicate with residents in various formats and in ways that are relevant to their life situations.
3. Connect residents to services and supports.
4. Foster cross-sector planning and partnerships, recognizing no single agency or sector can handle this complex situation alone.
5. Expand availability of vaccinations to targeted populations.

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Building upon these principles, a vaccine equity strategy has been devised, and at this time has three primary components:

1. Continue and expand vaccine equity clinics.
2. Facilitate vaccination scheduling using VaccineFinder.
3. Engage with BIPOC communities to address vaccine hesitancy and other barriers.

While our Health Department is leading our public health response to COVID-19, we are taking a whole county approach to fighting the pandemic, deploying our assets across agencies, and leveraging the insights and resources existing within our community to inform and refine our strategy and support our efforts. Federal and State strategy have been key influences on our local strategy and as they continue to evolve and shift, the county and our partners will need to be nimble in adjusting what we are doing locally. Also, as with our general vaccination distribution effort, our vaccine equity strategy will continue to be influenced by dynamics outside of the local control of Fairfax County. Still, we must maintain our commitment to ensuring the equitable distribution of vaccine to the populations and areas most vulnerable to COVID-19 in Fairfax County.

Please find attached a COVID-19 Vaccine Equity Report covering information through March 2021 and the Fairfax County Vaccine Equity Strategy as of April 16, 2021 which adds additional context to the report and sets our direction for the future. The COVID-19 Vaccine Equity Report will be shared monthly with the Board and the community and the Fairfax County Vaccine Equity Strategy will be updated and shared at least monthly, or as needed, to reflect changes in strategy as our local situation evolves. In addition, you will find a list of our current Vaccine Equity Partners and a list and map of vaccination locations, to include Vaccine Equity Sites.

Attachments

cc: Joseph M. Mondoro, Chief Financial Officer
Rachel Flynn, Deputy County Executive
Christopher A. Leonard, Deputy County Executive
David M. Rohrer, Deputy County Executive
Dr. Gloria Addo-Ayensu, Director, Health Department
Karla Bruce, Chief Equity Officer

FAIRFAX COUNTY VACCINE EQUITY STRATEGY

April 16, 2021

INTRODUCTION

Nationwide and in Fairfax County, COVID-19 has had a disproportionate impact on Black, Indigenous, and people of color (BIPOC) communities. While COVID-19 is a public health crisis, Fairfax County recognizes that health is tied to the conditions people live in and the opportunities they have for housing, jobs, transportation, education, health care, and more. While anyone can contract COVID-19, social and economic conditions make some individuals and communities more vulnerable to the effects of the disease than others. With vaccination providing an opportunity to end the pandemic, our goal is to achieve equity in COVID-19 vaccination in BIPOC communities in Fairfax County. This goal is based on the recognition that communities that have been most affected by the pandemic should be vaccinated at least equal to their proportion in the population. Moreover, for a sufficient proportion of the population to become immune to COVID-19 – to achieve herd immunity – high levels of immunity must be achieved in each community because ongoing spread of infection in one community poses a risk to all communities.

Fairfax County is committed to equity as we strive to vaccinate everyone who chooses to receive vaccine. We are following these five overarching principles:

1. Engage sector and community leaders to understand and address the unique situations facing residents most at risk
2. Communicate with residents in various formats and in ways that are relevant to their life situations
3. Connect residents to services and supports
4. Foster cross-sector planning and partnerships, recognizing no single agency or sector can handle this complex situation alone
5. Expand availability of vaccinations to targeted populations

There are three primary components to our vaccine equity strategy at this time:

1. Continue and expand vaccine equity clinics
2. Facilitate vaccination scheduling using VaccineFinder
3. Engage with BIPOC communities to address vaccine hesitancy and other barriers

CONTEXT AS OF APRIL 2021

RECENT CHANGES IN PANDEMIC RESPONSE

The COVID-19 pandemic response continues to evolve. Major changes in Fairfax County during April 2021 are the following:

1. An increase in the population eligible for the COVID-19 vaccine – all individuals in Virginia age 16 and older will be eligible on April 18.
2. An anticipated increase in overall vaccine supply with some doses coming to the Fairfax County Health Department and other doses sent directly to safety net sites, healthcare providers, and pharmacies from state or federal allocations, though currently, demand still exceeds vaccine supply.
3. An increase in the number of locations where vaccine is available, such as pharmacies and physicians' offices, meaning that the Health Department is one of many vaccine providers rather than a primary vaccine provider.

FAIRFAX COUNTY VACCINE EQUITY STRATEGY

April 16, 2021

4. Changes in how people register for and schedule their vaccinations: after April 18, people will go to vaccinefinder.org, choose a site where they would like to receive a vaccine, and then schedule an appointment where space is available for them. People will no longer register into the county's pre-registration queue.

As these changes occur, the County remains focused on two goals: vaccinating eligible adults as quickly as possible to protect the population and achieve levels of immunity that will provide "community immunity"; and moving toward equity in who is vaccinated by characteristics such as race, ethnicity, and geographic area of the county.

CURRENT DATA

We are using data from [COVID-19 Case Data for Fairfax Health District | COVID19 \(fairfaxcounty.gov\)](#), the [Fairfax County COVID-19 Vulnerability Index \(arcgis.com\)](#), and the [COVID-19 Vaccine and Registration Data | Health \(fairfaxcounty.gov\)](#) to inform our vaccine equity strategy.

At this point in time, based on the county's appointment scheduling data, the proportion of African Americans and Hispanics vaccinated among those age 65+ years and for all adults are less than would be expected based on their proportion of the population. These data do not include vaccinations delivered outside of the county's registration queue (e.g., from pharmacies) and do not include doses delivered at the vaccine equity clinics. Unfortunately, due to technical glitches, there are no data available from the Virginia Immunization Information System (VIIS) on the race and ethnicity of who is vaccinated in Fairfax County. Geographic data shows substantial variation in vaccination by zip code with lower coverage in areas that are more disadvantaged. See the Vaccine Equity Report for more information.

CONSTRAINTS

Factors limiting our ability to fully implement the vaccine equity strategy include the following:

1. Supply of vaccinators (staffing and partners)
2. Availability of vaccines
3. Space large enough to serve as 200+ daily dose COVID-19 vaccination sites in the highest priority zip codes
4. Vaccine hesitancy
5. Incomplete data (e.g., state data has race/ethnicity reported for only about half of people receiving vaccines)
6. Balancing the need to vaccinate as many people as quickly as possible with the need to achieve greater equity

CONTINUE AND EXPAND VACCINE EQUITY CLINICS

Vaccine equity clinics, focused on the highest risk and most impacted populations, are a strategy for reaching those less likely or less able to take advantage of other vaccine registration and administration channels. We will continue to use data and work with community organizations and sites, including houses of worship, to hold vaccine equity clinics for Black and Hispanic populations and in areas with lower rates of vaccination. See the map for locations of vaccine equity clinics and other vaccination sites overlaid with the COVID-19 Vulnerability Index and COVID-19 cases. The biweekly HHHS Report will provide routine information to Supervisors on vaccine equity clinic sites in the county.

FAIRFAX COUNTY VACCINE EQUITY STRATEGY

April 16, 2021

ANCHOR VACCINATION PARTNERS FOR VACCINE EQUITY CLINICS

The Health Department has successfully worked with partners to implement vaccine equity clinics across the county. Anchor vaccination partners for these clinics include Neighborhood Health, HealthWorks, the Adams Compassionate Healthcare Network, the Inova Cares Clinic for Families, and Safeway Pharmacy. Recently, additional vaccinators have been brought on for equity clinics including a Health Department Field Vaccination Team, GMU's Mason and Partners Clinic, and MedsPack Pharmacy. To expand capacity and to ensure smooth clinic operations, these anchor vaccinator providers are supplemented with Medical Reserve Corps volunteers serving as additional vaccinators and non-medical volunteers. In addition, other community organizations have assisted as interpreters and clinic navigators.

LOWERING BARRIERS TO VACCINE ACCESS AT VACCINE EQUITY CLINICS

CONVENIENT & TRUSTED LOCATIONS

Clinic locations are recommended in collaboration with safety net vaccination providers, the Department of Neighborhood and Community Services (NCS), Fairfax County Public Schools, and community partners with convenience, safety, and proximity in mind. To ensure that times are convenient for those coming to get vaccinated, vaccine equity clinics are available outside of regular business hours, including evenings and weekends. See the accompanying document on trusted partners and houses of worship for more information.

OUTREACH, ENGAGEMENT, & REGISTRATION

Once a vaccine equity clinic is established, NCS staff and the Health Department's Outreach Team work with local community leaders (faith leaders, non-profits, local influencers) to register people within the community the clinic is intended to serve and to engage trusted place-based partners from the nearby walkable community as well as broader countywide partners (nonprofit multi-cultural and advocacy organizations) to ensure that hard-to-reach residents can register for and access vaccination. Faith leaders and community organizations also reach out to the populations they serve and others in their communities to identify and register eligible adults for vaccination. This outreach allows people who do not have access to internet to be registered to receive the vaccine. See the accompanying document on trusted partners and houses of worship for more information.

LANGUAGE ACCESS

The Health Department Outreach Team, NCS staff, and trusted partners have helped to identify the primary languages of residents we anticipate at vaccine equity clinics. We seek to provide language support through Medical Reserve Corps deployment or through trusted partners. In recent vaccine equity clinics, there were Spanish, Chinese, Korean, Amharic, and Vietnamese volunteers and staff providing interpretation services. In the event in-person interpretation for a particular language is not available, Health Department staff access the Language Line resource.

TRANSPORTATION & MOBILITY

The county provides ride service to vaccination sites for older adults, people with disabilities, or others for whom transportation to the site is a barrier. Many vaccine equity sites can be reached via public transportation. When

FAIRFAX COUNTY VACCINE EQUITY STRATEGY

April 16, 2021

transportation options are not available for residents, NCS, through their Human Services Transportation Office, provides taxis for anyone who needs transportation to vaccine equity clinics.

In addition, Fairfax County has been coordinating the delivery of vaccine to group homes, older adult independent living facilities, and low-income senior housing communities. By working closely with Federal Pharmacy Partners to schedule vaccine clinics on-site at independent living facilities and in low-income senior housing, we are further reducing the barrier to access for our most vulnerable residents. Using staff resources from the Health Department and from the Fire and Rescue Department, the county is also deploying mobile vaccine teams for individuals who are homebound and residing in group homes.

Vaccination sites approved by the Health Department are fully ADA compliant, have plain language and accessible signage, and are easy to navigate and comfortable for people of all abilities, with access to restrooms. NCS and the Department of Family Services have provided supplemental wheelchair equipment on-site. Medical Reserve Corps volunteers serve as parking flow control and site assistants to provide wheelchair support.

FACILITATE VACCINATION SCHEDULING USING VACCINEFINDER

After April 18, adult residents will go to vaccinefinder.org, choose a site where they would like to receive a vaccine, and then schedule an appointment where space is available for them. People will no longer register into the county's pre-registration queue. In Phase 2, the larger pool of community vaccination sites allows us to shift to this new process, which will allow greater flexibility and choice of where residents receive their vaccine. Each provider may have different processes to sign up to get an appointment through VaccineFinder.

Because most COVID-19 vaccines administered in Fairfax Health District and the most options for vaccination locations will be scheduled through VaccineFinder, an important component of the equity strategy is to promote and facilitate the use of this system by Black/African American, Hispanic, and other vulnerable county residents. This strategy includes the following:

- Since VaccineFinder is only in English, in-language tutorial videos are being produced to show speakers of languages other than English how to navigate the site and how to change the language based on their needs. The tutorials will be available in the coming weeks in Spanish, Urdu, Arabic, Chinese, Vietnamese, and Korean.
- People who need assistance in another language or have difficulty using the online system may call the Fairfax County Health Department Vaccine Call Center at 703-324-7404.
- The paid media campaign described below (see Communications/Media) will include direct links to VaccineFinder across all ads, including those placed in in-language media.
- Several cadres will be trained and work in targeted communities as navigators providing assistance in scheduling vaccinations. Navigators may go door-to-door or attend community events such as food distribution or worship services. Cadres that will work in these roles include:
 - Health Department grant funded vaccine registration outreach staff
 - Health Department Community Health Workers
 - Partner organization staff

FAIRFAX COUNTY VACCINE EQUITY STRATEGY

April 16, 2021

ENGAGE WITH BIPOC COMMUNITIES TO ADDRESS VACCINE HESITANCY & OTHER BARRIERS

PARTNERS

COMMUNITY PARTNERS

Community partners play key roles in providing information on COVID-19, vaccines, and vaccine equity clinics; registering eligible adults for vaccination; and identifying sites for and assisting with vaccine equity clinics. The Health Department and the Department of Neighborhood and Community Services (NCS) collaborate with community-based leaders and organizations in the faith, nonprofit, and civic sectors with connections to the highest risk communities, equipping them with information and tools to enable these trusted messengers to provide early notification of registration opportunities and other necessary support for people to get vaccinated.

BUSINESS PARTNERS

The Health Department proactively engaged small businesses who employ frontline essential workers, in advance of their eligibility to register, by providing information and resources to address vaccine hesitancy in the workplace and vaccine access in our community. In addition to direct engagement with workers, the Health Department shares COVID response and vaccination information with employers and business organizations. For example, through a partnership with the Virginia Hispanic Chamber of Commerce, a webinar was held in Spanish to share vaccine information with employers who speak Spanish.

MULTICULTURAL OUTREACH STAFF & COMMUNITY CHAMPIONS

Outreach workers around the county help connect to residents who serve as community champions in their neighborhoods. These champions serve as trusted messengers within their communities to provide information on vaccination.

MEDICAL HOME & HEALTHCARE PROVIDERS

Healthcare providers, community partners, and the Health Department's Outreach Team are actively working to build confidence and support residents in making an informed decision about the vaccine. Recognizing that private healthcare providers, with their relationships and knowledge of their patients can best overcome vaccine hesitancy, since October 2020, the Health Department has encouraged providers to register with the Virginia Department of Health and to meet the requirements to provide COVID-19 vaccine. During Phase 2, a Health Advisory for all physicians in the county will be sent out asking providers to contact their patients who are eligible to receive vaccine, to address their questions and concerns, and to encourage them to register for vaccination.

COMMUNICATIONS

In the early days of the pandemic, the Health Department's Outreach Team quickly supported the development of a [robust multi-language messaging portal](#) with written, infographic, radio, and video messaging resources in Spanish, Vietnamese, Chinese, Korean, Urdu, Amharic, and Farsi. The County continues to provide communications messages and materials in multiple languages to address information needs about vaccine and to counter misinformation.

FAIRFAX COUNTY VACCINE EQUITY STRATEGY

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The County seeks to deliver communications in the right place and context. This might be a placing a news story in a Spanish-language media outlet, a flyer about how to get vaccinated at a barbershop, an article about vaccine registration for a newsletter, a brochure in a food delivery bag, or a tweet. When messaging is created, county staff work with trusted partners for cultural competency checks.

MEDIA

Three components support the vaccine equity strategy: owned, earned, and paid media. A culturally competent lens is applied to all communications. Owned media includes websites, social media platforms, videos, podcasts, newsletters, and printed materials owned by Fairfax County. Earned media includes press coverage Fairfax County receives in the news. This provides third-party verification of the county's message. Paid media is advertising or paid messaging placements.

BLACK/AFRICAN AMERICAN COMMUNITY

- **Earned Media:** Fairfax County secured a weekly 'equity segment' on FOX 5 D.C. The segment addresses current concerns around vaccine in the local Black/African American community. Topics covered include the role of barbershops and salons in engaging the Black community, vaccine equity 101, and other vaccine updates. The stories are broadcast, shared across social media, and repurposed by outreach workers to the Black/African American communities.
- **Owned Media:** Fairfax County's blog and social media accounts regularly share information relevant to the vaccine rollout, including registration news and updates. Our vaccine stories playlist on YouTube strives to include multicultural stories about Fairfax residents and their vaccination.
- **Paid Media:** Beginning next month, Fairfax is participating in a Northern Virginia regional campaign about vaccine. One key target audience is our local African American audience.

HISPANIC COMMUNITY

- **Earned Media:** Subject matter experts are frequent contributors to Telemundo and Univision, including the Health Department's Dr. Rene Najera.
- **Owned Media:** Fairfax has extensive owned media assets in Spanish: Spanish website, Spanish blog, Spanish Facebook page and live broadcasts, Spanish language videos. We use these assets as the primary 'content home' for announcements and information. County outreach workers amplify this information.
- **Paid Media:** Beginning next month, Fairfax is participating in a Northern Virginia regional campaign about vaccine. One key target audience is our local Spanish speakers.

ENGAGEMENT WITH BLACK/AFRICAN AMERICAN AND HISPANIC COMMUNITIES

The Health Department's Community Health Outreach Team – a team of multicultural staff – in partnership with other county and community partners, have sought to develop strong relationships and build capacity with numerous nonprofits and community-based organizations that support our diverse and hardest to reach residents. The Outreach Team regularly provides public health guidance and resources to many countywide and place-based partners including NCS; faith, community-based, nonprofit, and multicultural advocacy organizations; Fairfax County Public Schools parent liaisons; residential management companies; and grass-roots community organizers and are always working to connect with new partners. These partner organizations support vaccination by

FAIRFAX COUNTY VACCINE EQUITY STRATEGY

April 16, 2021

providing information in their communities, addressing concerns about the vaccines, registering people for vaccine appointments, and countering misinformation.

BLACK/AFRICAN AMERICAN COMMUNITY

As a key institution supporting the Black/African American community, initial community outreach has been supported by the pastors of Mt. Olive Baptist Church in Centreville, First Baptist Church of Vienna in Vienna, and Bethlehem Baptist Church near the Richmond Highway Corridor in coalition as the Voices of Black Fairfax. The pastors have participated in conversations on vaccine hesitancy, getting information out, community engagement, and vaccine equity clinic site identification. They have been registering people for vaccine equity clinics since February 2021. Bethlehem Baptist Church, First Baptist Church of Vienna and Mt. Olive Baptist Church have all held equity clinics. We are actively seeking to expand their capacity as ongoing equity vaccination locations.

In addition, the Health Department is holding community conversations with Black Greek organizations, the Fairfax County NAACP, and others, and is also implementing a strategy for Black/African American 18–45-year-olds who are undecided or unsure about getting a vaccine. The purpose of the ‘Real Talk for the Culture’ Campaign is to promote confidence in younger Black adults in making a vaccine decision and to continue to grow and nurture partnerships beyond the pandemic. This campaign was recently [featured on FOX 5](#). The key components of the campaign include ‘Real Talk’ conversations in small groups and ‘Real Talk’ infographics. Key partners include local Black barber shops/salons, Black-owned businesses, and nonprofits serving the Black community.

Fairfax County’s Black Mental Health Committee, spearheaded by the Health Department, is planning three town halls in April for Black adults ages 18-50 that will include a panel of influencers and those who have been affected by COVID-19. Each event will involve a discussion on what COVID recovery looks like in the Black community, dispel myths about the vaccine, and help participants feel in control and empowered to take steps toward COVID-19 recovery.

HISPANIC COMMUNITY

The Health Department is working with over 40 organizations that serve the Hispanic population to provide information about the vaccine and to register people for vaccination. The Health Department’s Outreach Team has three people who work directly with the Hispanic community who do individual outreach and focus on partnerships with the Hispanic community. As part of community conversations, the Health Department works with schools, childcare providers, and other partners to provide information in Spanish about the vaccine and how to get vaccinated.

NEXT STEPS

Monitoring progress on our vaccine equity strategy will include mapping the locations of the vaccine equity clinics, analyzing and reviewing the number of people vaccinated overall and by race and ethnicity, and tracking the partners that have collaborated for vaccine registration and administration. More generally, we also will track vaccinations administered countywide by age, race and ethnicity, and zip code. These data will be reported monthly. Data will be used to assess progress toward greater equity, and to identify areas where additional work may be needed to address disparities. Other information sources, including blogs from the Health Department, will highlight the county’s equity work.



COVID -19 VACCINE EQUITY REPORT

March 2021



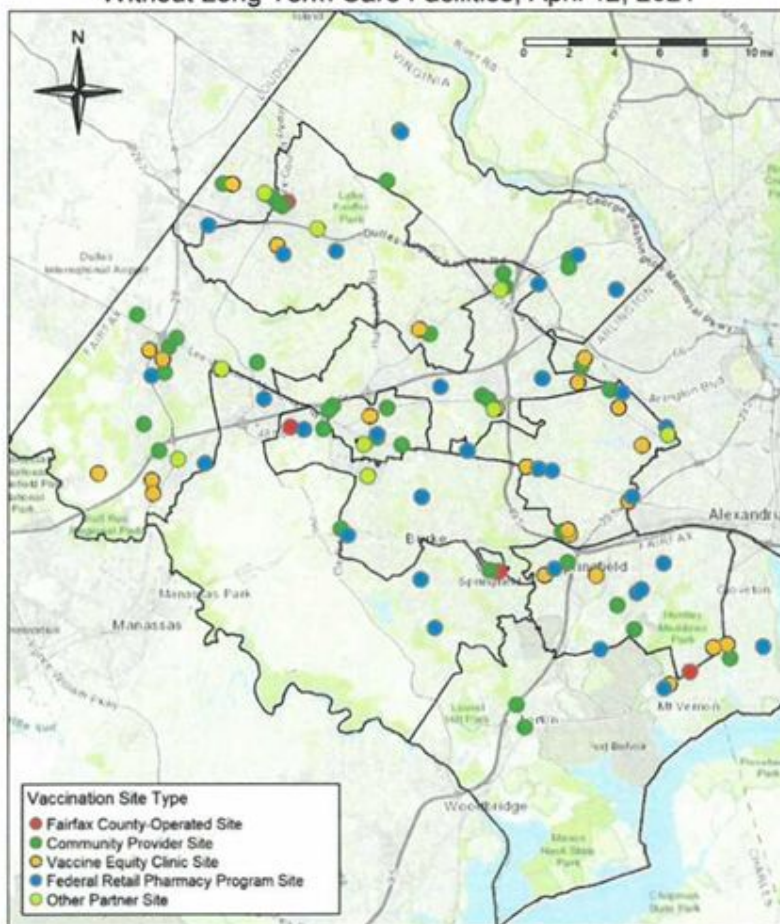
PART 1. OVERVIEW

Fairfax County's COVID-19 vaccination program has two goals: vaccinate residents with all available vaccine supply to more rapidly provide direct protection and reach immunity levels consistent with herd immunity, and to promote greater equity in vaccine delivery recognizing that individuals in communities of color and those economically disadvantaged face additional barriers in getting vaccinated. As of April 20, a total of 703,078 doses of COVID-19 vaccine have been administered in Fairfax Health District, over 400,000 more than any other jurisdiction in the state. Vaccinations are delivered by Fairfax County Health Department (FCHD), Inova, Kaiser, George Mason University, safety net clinics, urgent care

centers, pharmacies, and healthcare providers at sites distributed across the county. Registration and scheduling for vaccinations are done through a county system for FCHD and several other sites, and proprietary systems for pharmacies and some other partners.

The Vaccine Equity program engages the county's Chief Equity Officer and One Fairfax team as well as a number of Fairfax County agencies including FCHD, Neighborhood and Community Services (NCS), the Office to Prevent and End Homelessness (OPEH), and the Office of Public Affairs (OPA) to

Fairfax Health District Vaccination Sites
Without Long Term Care Facilities, April 12, 2021



address the multitude of compounding factors that make getting vaccinated more of a challenge for people of color and those who are economically disadvantaged.

- Numerous surveys show greater vaccine hesitancy, particularly among African Americans – both due to specific vaccine concerns and less trust in government
- Concerns about sharing personal information by immigrants, particularly those who are undocumented
- Misinformation and myths about COVID-19 vaccines (e.g., they contain a tracking microchip)
- Limited access to technology to register online
- Language barriers for those with limited English proficiency
- Work schedules that do not facilitate taking time for vaccination
- Transportation challenges

Multiple activities have been implemented to address each of these challenges. The equity team regularly provides guidance and resources to many countywide and place-based partners including faith, community-based, nonprofit, and multicultural advocacy organizations; Fairfax County Public Schools parent liaisons; residential management companies; and grass-roots community organizers and are always working to connect with new partners. These partner organizations support vaccination by providing information in their communities, addressing concerns about the vaccines, registering people for vaccine appointments, and countering misinformation. For example:

- In the African American community, FCHD outreach staff have implemented the “Real Talk for the Culture” campaign to promote confidence in younger Black adults in making a vaccine decision and to continue to grow and nurture partnerships beyond the pandemic. This campaign was recently featured on FOX 5. The key components of the campaign include ‘Real Talk’ conversations in small groups and ‘Real Talk’ infographics. Key partners include local Black barber shops/salons, Black-owned businesses, and nonprofits serving the Black community.
- In the Hispanic community, we have engaged with over 40 organizations that serve the Hispanic population; been frequent contributors to Telemundo and Univision; developed extensive Spanish language media assets including a Spanish website, Spanish blog, Spanish Facebook page and live broadcasts, and Spanish language videos; as well as engaging with faith-based and other trusted community leaders and organizations to provide information and support decision-making by individuals in their communities.

Where access to technology is a problem, we have promoted vaccine registration through the county’s call center and have enabled community organizations to register clients they serve. To address transportation issues, vaccinations have been provided at an increasing number of sites in the community including houses of worship, schools, and community centers. Many of the vaccination clinics take place on the weekend and after working hours. Vaccinations also have been provided in low-income housing for older adults. Transportation assistance to and from a vaccination site has been coordinated by NCS’s Human Services Transportation team, where necessary, including through the provision of taxi vouchers. Vaccine registration through the county’s system is available in Spanish and language assistance is provided through the call center. Materials on the county’s website are presented in multiple languages.

Equity clinics are strategically held in areas disproportionately affected by pandemic disease, that include a high proportion of people of color and significant social and economic disadvantage, and where early analysis of vaccination rates suggests that additional focus is needed. The objectives of these clinics are to supplement the broader efforts around the county and to catalyze increased engagement by partners, who lead the outreach and registration efforts for these clinics.

The next sections of this report provide quantitative data on COVID-19 vaccinations at the equity clinics and countywide for March 2021. It is important to note that vaccinations at equity clinics have increased substantially in April as additional vaccinating partners have been identified and vaccine supply has increased. In addition, there are several key limitations to the data that affect what quantitative analyses can be undertaken at this time.

PART 2. VACCINE EQUITY CLINICS

In March 2021, we partnered with five vaccinating organizations and numerous other partners to implement fifty-one vaccination events, for which 9,501 people were either scheduled or received a COVID-19 vaccine. Target racial and ethnic groups comprised 77% of Fairfax Health District residents who received or were scheduled for vaccination.¹



Clinic Locations

During March, vaccine equity clinics were held at 16 sites throughout the Fairfax Health District. Sites were selected based on their location; access and acceptability for target communities; and their size/capacity and suitability for safe delivery of vaccinations. Sites included community centers, schools, houses of worship, and partner clinic locations. All sites were in areas with high rates of disease and lower rates of vaccination.

Vaccinator Organization, Clinic Site, and Number Scheduled or Vaccinated in March 2021		
Vaccinator Organization	Clinic Site (see map below)	Total Scheduled/Vaccinated
Neighborhood Health (NH)	1 Bailey's Community Center	5,765*
	2 Knights of Columbus	
	3 Graham Road Community Center	
	4 James Lee Community Center	
	5 Southgate Community Center	

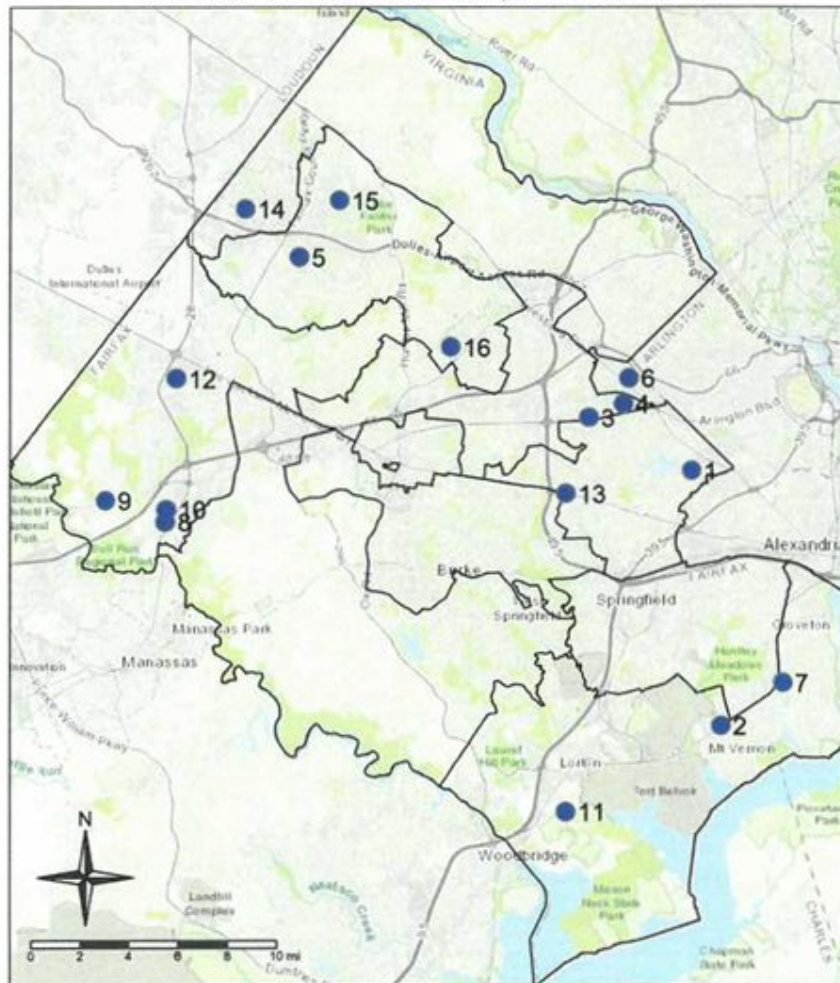
¹ Data for some partners came from registration/scheduling data and for others from vaccinations administered.

Safeway (SW)	6 Falls Church Community Center 7 Bethlehem Baptist Church 8 Mt. Olive Baptist Church 9 Korean Central Presbyterian Church** 10 Centre Ridge Elementary School 11 Gunston Elementary School	1,687
Adam's Compassionate Healthcare Network (ACHN)	12 Adam's Compassionate Health Care Clinic	1,035
Inova Cares Clinic for Families (ICCF)	13 Inova Cares Clinic for Families	392
Healthworks	14 Healthworks Herndon 15 Healthworks Reston 16 First Baptist of Vienna	622

*Neighborhood Health also held clinics in Alexandria and Arlington and some Fairfax Health District residents attended. In total, 6,992 Fairfax Health District residents attended clinics at Neighborhood Health for the month of March 2021.

**No race and ethnicity or zip code data was received from this clinic site.

Vaccine Equity Clinic Sites Fairfax Health District, March 2021



Race/Ethnicity²

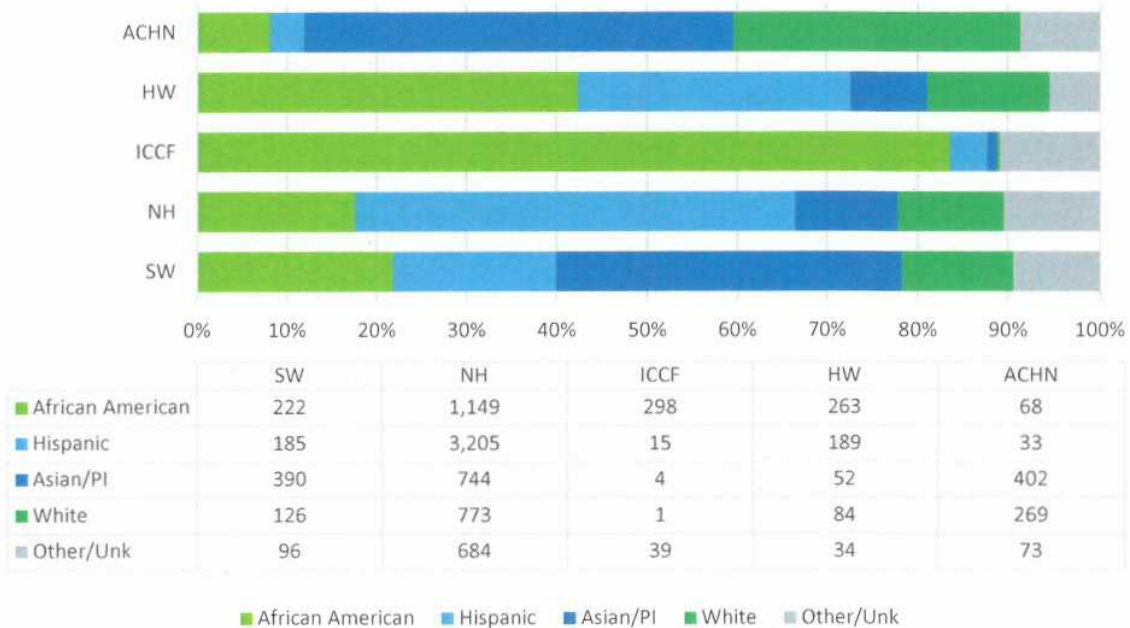
Overall, 77% of Fairfax Health District residents vaccinated by equity partners identified as either Black/African American, Hispanic, or Asian/Pacific Islander. The largest population served was Hispanic (38%).

All but one of the vaccinator organizations reported between 78-89% of vaccine recipients as either Black/African American, Hispanic, or Asian/Pacific Islander (PI). Adams Compassionate Healthcare Network reported a large white population but does serve a significant proportion of Middle Eastern clients who typically select "White" for race.

² For this document, groups defined by race (White, African American, Asian/PI) all are non-Hispanic; all Hispanics are included in that ethnicity category.

Total Number and Percent of Individuals Scheduled/Vaccinated
by Vaccine Organization and Race/Ethnicity

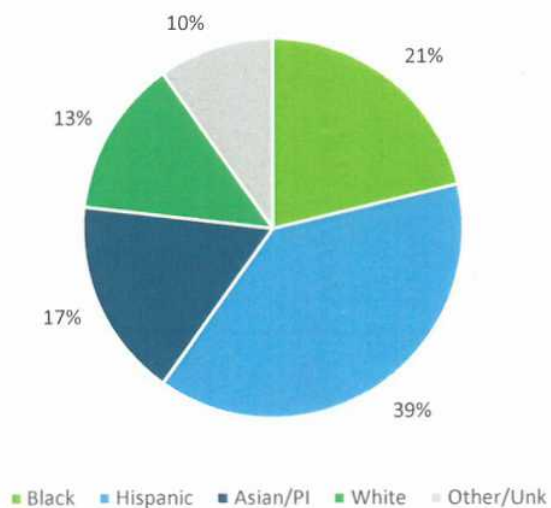
N= 9398



*Race and ethnicity for 437 individuals from Neighborhood Health was not reported.

Percent Scheduled/Vaccinated by
Race/Ethnicity

N= 9398



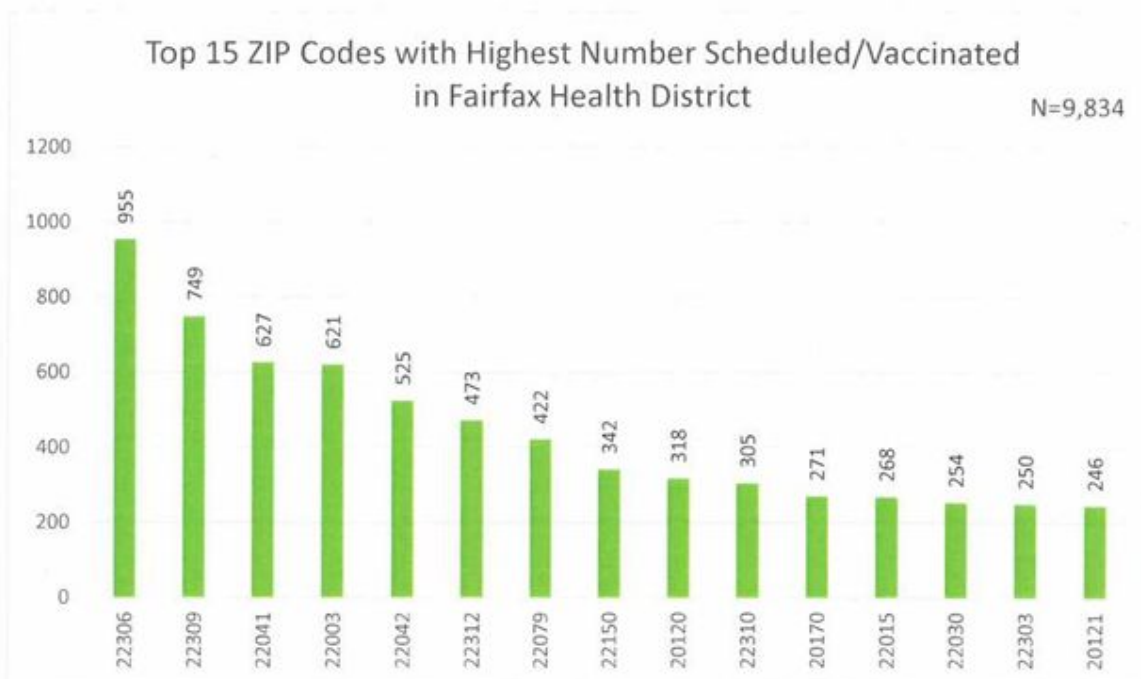
Race and Ethnicity by % in Fairfax Health District and % Schedule/Vaccinated at Vaccine Equity Clinics		
Race/Ethnicity	Population Proportion in Fairfax Health District*	Vaccine Equity Clinics
Hispanic	15.3%	38.6%
Black/African American	9.8%	21.3%
Asian/PI	19.8%	16.9%
Non-Hispanic White	55.0%	13.3%
Other/Unknown	--	9.9%

Hispanic residents comprise 15.3% of the population in the county age 15 or older, approximating the population potentially eligible for vaccination, yet they comprised 38.6% of the Fairfax Health District residents by equity clinic partners in March. A similar overrepresentation was observed in Black/African American residents.

*Aged 15 years and older to approximate the age group potentially eligible for vaccination.

ZIP Code

A total of 9,834 Fairfax Health District residents scheduled/vaccinated at an equity partner vaccine clinic reported their ZIP code. Two-thirds (67%) lived in one of 15 ZIP codes shown below.



PART 3. COUNTY DATA

In March, vaccine equity clinics reached a substantial number of Fairfax Health District residents and were well targeted by race, ethnicity, and geography. At the same time, much larger efforts were focused on vaccinating County residents in Phases 1a and b at Health Department and partner sites.

Unfortunately, several critical factors limit our ability to analyze the data to assess vaccine equity.

- There are no population counts of individuals by race, ethnicity or geography who are in the Phase 1a and 1b groups so we cannot characterize overall disparities.
- The large registration queue meant that most people who were vaccinated in March through the County's system had registered earlier so that the "snapshot", in fact, would reflect an earlier time period for vaccination decision-making and registration.
- Finally, the Health Department has data on the race and ethnicity of individuals who registered through the county's system and were offered vaccination appointments. However, data on the race and ethnicity of all vaccinated residents in the Health District are only maintained in the Virginia Immunization Information System (VIIS), and errors

in this database have led to race/ethnicity being classified as unknown or other for more than half the records in the system. While the Virginia Department of Health is attempting to correct this problem, we cannot assess overall vaccination by race/ethnicity.

To minimize the impact of these limitations, we analyzed data for vaccination of persons 65 years old and older where population denominators by race, ethnicity and ZIP code are available, and where recommendations for vaccination across this age spectrum were made on January 18 so that by the end of March, there had been over 2 months of eligibility for vaccination.

Race/Ethnicity

Because of differences in life expectancy among different racial and ethnic groups, population proportions by race/ethnicity for people age 65+ differ from the entire adult population in Fairfax Health District. The table, below, shows for each race and ethnicity their proportion of the overall age 65+ population; the proportion of individuals in this age group who had been scheduled for vaccination through the County's system between January 18 (when persons aged 65-74 first became eligible) and March 31; and how much each group is over or under-represented among the vaccinated population. These data show that while African Americans comprised 6.6% of the age 65+ population, they only comprised 3.2% of those who were vaccinated, which is 48.5% of expected if they had been vaccinated in proportion to their population percentage. Hispanics also were less likely to be vaccinated than expected while age 65+ Asian/PI and non-Hispanic Whites were more likely to be vaccinated than expected based on their population proportion. A limitation to this analysis is that only persons who registered through the County system and were scheduled to be vaccinated are included and some older adults were vaccinated at nursing homes and other long-term care facilities, and at sites using a different registration system, including healthcare organizations and the vaccine equity clinics.

Race and Ethnicity by Percent of Population Age 65+ in Fairfax Health District and Percent Scheduled to Receive a First Dose of COVID-19 Vaccine in the FCHD system, January 18 – March 31			
Race/Ethnicity	% of Population	% Scheduled for vaccination	% of Expected
Asian/PI	16.7%	17.2%	103.0%
Black/African American	6.6%	3.2%	48.5%
Hispanic	7.0%	5.2%	74.3%
Non-Hispanic White	69.4%	71.6%	103.2%
Other/Unknown	0.3%	4.2%	

ZIP Code

We also can analyze vaccination of persons age 65+ by ZIP code of residence using VIIS data, which include all vaccinations received by individuals in this age group. Overall, among Fairfax Health District residents age 65+, 77.8% had been vaccinated as of March 31. As shown, proportions vaccinated ranged from below 60% in ZIP codes 22312 and 22150 to over 90% in ZIP codes 20194, 20171, and 22039.

ZIP CODE	Vaccinated	Total Pop	% Vaccinated	ZIP CODE	Vaccinated	Total Pop	% Vaccinated
22312	1,917	3,373	56.8%	22027	267	341	78.3%
22150	3,209	5,392	59.5%	22308	1,950	2,444	79.8%
22044	1,205	1,914	63.0%	22181	1,933	2,414	80.1%
22310	2,717	4,189	64.9%	22030	5,436	6,656	81.7%
22041	2,641	4,032	65.5%	20170	3,490	4,258	82.0%
22306	2,348	3,564	65.9%	22182	3,594	4,371	82.2%
22151	2,048	2,897	70.7%	22124	2,616	3,173	82.4%
22309	2,766	3,894	71.0%	22101	5,155	6,198	83.2%
22303	1,273	1,776	71.7%	22032	4,111	4,940	83.2%
22079	2,518	3,505	71.8%	22015	5,597	6,709	83.4%
22043	2,300	3,165	72.7%	22046	2,135	2,553	83.6%
22102	2,912	3,944	73.8%	22033	3,490	4,139	84.3%
22066	2,688	3,625	74.2%	22153	3,667	4,315	85.0%
22307	1,491	2,007	74.3%	20120	3,319	3,893	85.3%
20121	1,692	2,258	74.9%	20151	1,894	2,213	85.6%
22152	3,267	4,347	75.2%	20124	2,020	2,306	87.6%
20191	3,643	4,822	75.5%	22180	2,784	3,134	88.8%
22003	6,913	9,039	76.5%	22039	3,077	3,302	93.2%
22315	2,395	3,131	76.5%	20171	3,832	4,041	94.8%
20190	2,511	3,253	77.2%	20194	1,536	1,465	104.8%
22031	3,049	3,906	78.1%	Total	120,604	154,984	77.8%
22042	3,198	4,086	78.3%				

A limitation of these data is that the presence of Skilled Nursing and Assisted Living Facilities in some ZIP codes could inflate the proportion vaccinated among those age 65+ due to the high rates (median of over 97%) achieved at these facilities.

CONCLUSIONS

During March 2021, FCHD, the Department of Neighborhood and Community Services, and community partners vaccinated 9,501 individuals, many in the age 65+ group, at clinics targeting populations disproportionately affected by the pandemic and from populations where initial vaccination rates were lower. In the first two weeks of April, the number of clinics and the number of people vaccinated at vaccine equity clinics increased, and the number of organizations providing vaccinations is also increasing. Data on vaccination coverage by ZIP code has already informed decisions on clinic locations, with many of the ZIP codes with lower vaccination rates among the 65+ group among the leading ZIP codes for equity clinic vaccinations. Moreover, these data continue to guide equity clinic locations. For example, data showing lower vaccination rates in ZIP codes 22312 and 22150 among people age 65+ has led to the scheduling of upcoming equity clinics at Lerner Tower and the First Baptist Church of Springfield, respectively.

As the Fairfax Health District transitions to Phase 2, vaccine eligibility will be extended to everyone 16 years or older. Substantial communications, outreach, community engagement, and partnership with community organizations and leaders will continue to increase to provide information and support decision-making and we will continue to refine our three-pronged vaccine equity strategy:

1. Continue and expand vaccine equity clinics
2. Facilitate vaccination scheduling using VaccineFinder
3. Engage with communities of color and those who are economically disadvantaged to address vaccine hesitancy and other barriers

While these efforts take time to have an impact, this community-level work is critical to change attitudes and behaviors. Some disparities may, in part, reflect a “wait and see” attitude that will change as people get more information and see others in their communities who have been vaccinated. Given the additional population that is eligible for vaccination in Phase 2, it is important that outreach activities continue to identify and engage new partners to better understand unresolved issues to inform messaging and engagement.

The Health Department and its partners remain committed to moving toward greater equity in COVID-19 vaccination and will continue to monitor progress and use data to guide our response.

Vaccine Equity Partners

As of April 16, 2021

Outreach & Registration

These are trusted partners who have supported the work of the vaccine equity clinics (VECs) with outreach to our diverse population and helped to register residents for vaccine equity clinics throughout the county.

ADAMS Center	Kinship Family Institute
Anthem Health Keepers Plus	Koinonia
Arlington Boulevard Community Development (ABCD)	Korean American Outreach Group
Asia American CC	Korean Community Service Center
Beloved Church of Christ	Korean Presbyterian Central Church
Bent Tree Apartments	Lafayette Apartments
Bethlehem Baptist Church	Layton Hall Apartments
Boat People SOS	LCAC
Britepaths	Lee Overlook Apartments
Casa De Virginia	Legal Aid Justice Center
CCCVA at Springfield	Madison Ridge Apartments
Centreville Immigration Forum	McLean Bible Church
Chinese American Community Health Service	Meadows of Chantilly
Chinese Christian Church of Virginia at Springfield	Mt. Olive Baptist Church
Church of the Living God	Muslim Faith Leaders
Comunidad	NAKASEC (National Korean American Service & Education Consortium)
Consulate of Guatemala	National Collation of 100 Black Women, Inc., Northern Virginia Chapter
Consulate of Honduras	Neighborhood School Readiness Team
Cornerstones	Nepal America Society
Consulate of Columbia	Nha Vietnam
Culmore Clinic	Northern Virginia Literacy Council
Culmore Seventh Day Adventist Church	Oakton Park Apartments
Culmore United Methodist Church	Ox Hill Baptist Church
Dar-Al Hijrah	Perfections Barbershop
Dulles Chamber of Commerce	Rebuilding Together
ECHO	Resurrection Church
Edu Futuro	Reston Community Center
Emmanuel Worship Center - Seventh Day Adventist Church	School Readiness Team
Emmerson Community Clinic	Second Story
Enterprise Stonybrooke (Housing)	Service Source
FACETS	Shepherds Center of Western Fairfax
Fairfax County NAACP	Silver Light Senior Association

Vaccine Equity Partners

As of April 16, 2021

Fairfax County Public Schools (Social Workers and Family Engagement Department)	Society of Nepalese Nurses
Fairfax Village Apartment	St. Marks Church
FCPS Parent Liaisons	Tenant Workers United
First Baptist Church Merrifield	The Counseling Center of Greater Washington
First Baptist of Springfield	The Family Counseling Center of Greater Washington
First Baptist of Vienna	The Fields of Chantilly
Formed Family Forward	The nZone
Foxcroft Colony Apartments	Townhomes of Gunston
Grace Covenant Church	Tzu Chi
HACAN	Viet American Center
Hai Hua Community Center	Vietnamese Resettlement Association
Harvest Chinese Christian Church	VLAC
Heritage Fellowship Church	West Wood Oaks Apartments
Herndon Community Center	Western Fairfax Christian Ministries
Herndon Senior Center	Wheelhouse Apartments of Fair oaks
Iglesia Santa Maria	Winter Hill Apartments
Justice4All	

Staff from government entities have supported VECs through community education sessions, registering residents, and providing logistical support for the VECs. This includes staff from the following:

City of Falls Church
 Fairfax-Falls Church Community Services Board
 Fairfax County Board of Supervisor (Staff)
 Fairfax County Department of Family Services
 Fairfax County Department of Neighborhood and Community Services
 Fairfax County Public Schools
 Town of Herndon

Vaccine Equity Partners

As of April 16, 2021

Vaccine Equity Clinic Sites at Houses of Worship

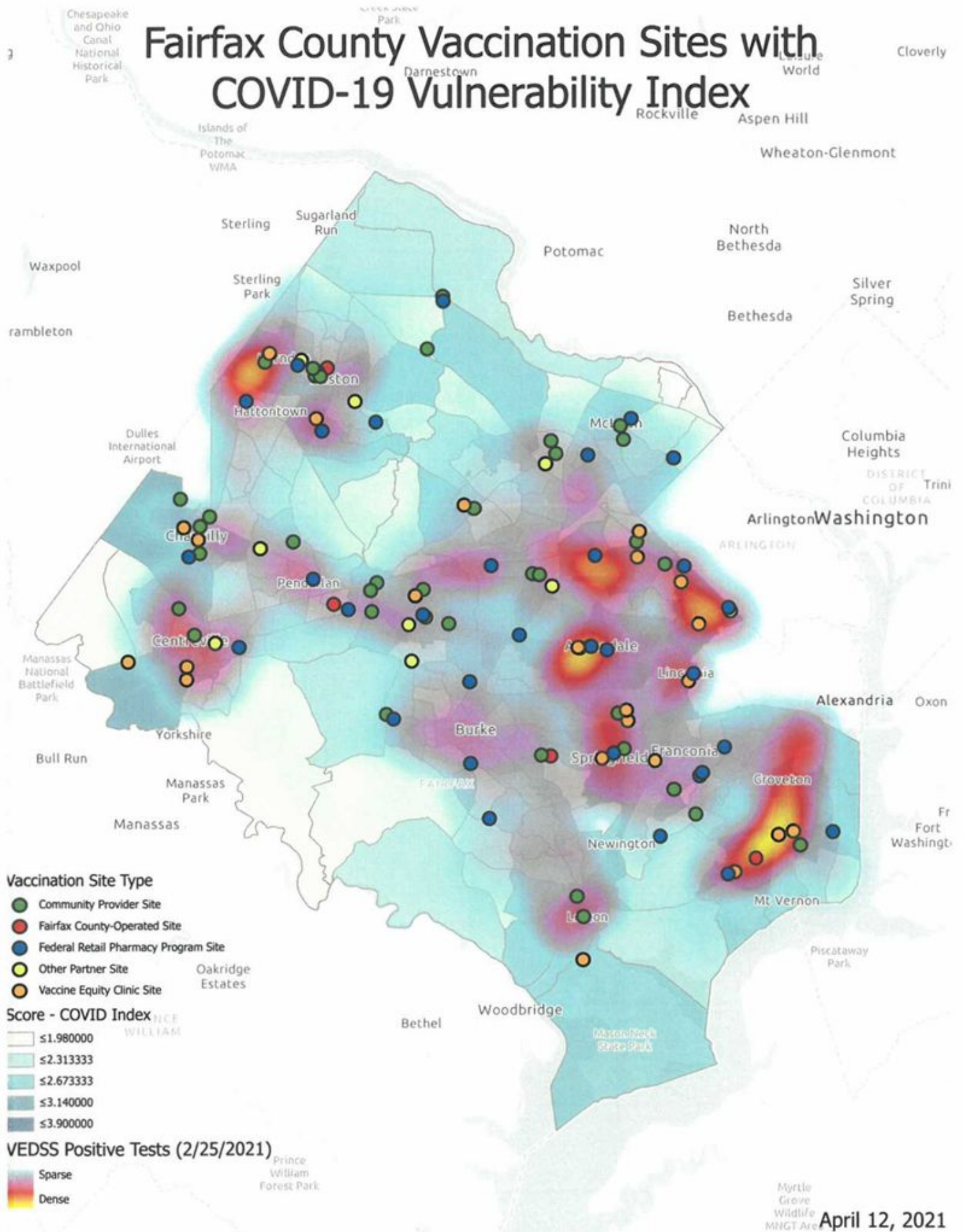
House of Worship	Zip Code	FCHD Site Visit	Vaccine Clinic Type/Anchor Vaccinator
ADAMS Compassionate Health Network	20151		Vaccine Equity Clinic (VEC)/Safety Net
Amanuel Ethiopian Evangelical Church	22310		Private/Independent Pharmacy
Bethlehem Baptist Church	22306	X	VEC/Safeway
Dar Al Hijrah	22044	X	*
First Baptist Springfield	22150	X	VEC/Field Vaccine Team
First Baptist of Vienna	22180		VEC/HealthWorks
Korean Central Presbyterian Church	20121		VEC/Safeway
Mustafa Center	22003		Private/Independent Pharmacy
Mount Olive Baptist Church	20121	X	VEC/Safeway
St Mark's Church	22150	X	*
St Mark's Coptic Orthodox Church	22030		Private/Independent Pharmacy
The Journey Church	22150	X	*
Woodlawn Faith	22306	X	*

*FCHD site visit conducted; however, site does not support a revised minimum of 120 doses over 3 hours.

Houses of Worship Expressing Interest in Serving as a Vaccine Equity Clinic Site

House of Worship	Zip Code
Burke United Methodist Church	22015
Centerville Baptist Church	20120
Centerville United Methodist Church	20121
Cornerstone Church	22003
Durga Temple	22039
Good Shepherd Catholic Church	22309
Great Falls United Methodist Church	22066
Grace Covenant Church Chantilly	20151
Heritage Fellowship	20191
Holy Cross Lutheran	20170
Holy Trinity Church	22042
King of Kings Lutheran Church	22033
Temple Rodef Shalom	22043
Rising Hope Mission Church	22309
Mubarak Mosque	20151
Celebration Center for Spiritual Living	22042
Sikh Foundation of Virginia	22039

Fairfax County Vaccination Sites with COVID-19 Vulnerability Index



Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 1, General Provisions

ISSUE:

Public Hearing on amendments to the Code of the County of Fairfax, Chapter 1, Offenses, Section 1-1-15.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendments to Chapter 1.

TIMING:

Authorization to advertise the proposed amendments on May 18, 2021; Board of Supervisors' public hearing scheduled for June 8, 2021 at 4:30 p.m.

BACKGROUND:

As a housekeeping measure to update Chapter 1, Section 1-1-15 (Issuance and service of summons in place of warrant in misdemeanor case; failure to appear separate violation.) has been amended to reflect changes made to the Code of Virginia by the 2021 General Assembly Special Session. A summary of the change as a result of the General Assembly amendment affecting Chapter 1 is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendment to Chapter 1, General Provisions, Section 1-1-15 (Issuance and service of summons in place of warrant in misdemeanor case; failure to appear separate violation).

Attachment 2 - Summary of 2021 General Assembly Special Session Amendment.

Board Agenda Item
May 18, 2021

STAFF:

David M. Rohrer, Deputy County Executive
Kevin Davis, Chief of Police

ASSIGNED COUNSEL:

Kimberly P. Baucom, Senior Assistant County Attorney

Proposed Amendment to
Chapter 1, General Offenses

Article 1. – General Provisions.

Section 1-1-15. - Issuance and service of summons in place of warrant in misdemeanor case; failure to appear separate violation.

- (a) Whenever any person is arrested for a violation of any provision of this Code punishable as a misdemeanor, except as otherwise provided in [Section 82-1-31](#), or provided in *Code of Virginia*, Title 46.2, or Section 18.2-266, as amended, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.
- (b) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction, who shall proceed according to provisions of *Code of Virginia*, Section 19.2-123, as amended.
- (c) Any person who willfully violates his written promise to appear, given in accordance with this Section, shall be guilty of a Class 1 misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.
- (d) Anything in this Section to the contrary notwithstanding, if any person is believed by the arresting officer to be likely to disregard a summons issued under the provisions of this Section, the arresting officer shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as he may determine proper.
- (e) Notwithstanding the above, if any person is reasonably believed by the arresting officer to be likely to cause harm to himself or to any other person, the officer may take such person before a magistrate or other issuing authority of the County and request the issuance of a warrant. (32-76-1.)

ATTACHMENT 2

SUMMARY OF 2021 GENERAL ASSEMBLY, AMENDMENTS AFFECTING CHAPTER 1

The information presented below summarizes changes to Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 1 of the *Code of the County of Fairfax*.

An Act to amend and reenact [Section 1-1-15](#) of the County Code as it relates to § [46.2-936](#) of the Code of Virginia and the arrest for misdemeanor and the release of persons on a summons. Updated to add an exception as otherwise provided in [Section 82-1-31](#) of the County Code to allow a persons to be forthwith released on a summons without a written promise to appear.

Board Agenda Item
May 18, 2021

ADMINISTRATIVE - 12

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 to reflect Coronavirus State and Local Fiscal Recovery Funds received through the American Rescue Plan. 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 May 18, 2021, to provide sufficient time to advertise the proposed public hearing on June 8, 2021, at 3:30 p.m.

BACKGROUND:

Fairfax County will receive \$222,894,638 in emergency funding through the American Rescue Plan (ARPA) Coronavirus State and Local Fiscal Recovery Funds to respond to the COVID-19 emergency. This funding will be provided in two tranches, with the first half of the funding provided in May 2021 and the second half provided no earlier than 12 months later. An increase of \$111,447,319 to the FY 2021 appropriation is proposed to recognize the receipt of the first half of this funding and to allow the Board to begin to identify uses of these funds. As this proposed adjustment in appropriation is 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:

Attachment A – Proposed advertisement for public hearing

Board Agenda Item
May 18, 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

NOTICE OF A PROPOSED ADOPTION OF A RESOLUTION
 APPROPRIATING SUPPLEMENTAL FUNDS FOR FAIRFAX COUNTY, VIRGINIA
 FOR THE TWELVE-MONTH PERIOD BEGINNING JULY 1, 2020
 AND ENDING JUNE 30, 2021

Notice is hereby given in accordance with Section 15.2-2507 of the Code of Virginia that at a regular meeting of the Urban County Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on Tuesday, May 18, 2021, it was proposed to adopt a supplemental appropriation of funds for Fairfax County, Virginia for the twelve-month period beginning July 1, 2020, and ending June 30, 2021, and Clerk for said Board was directed to advertise the proposed resolution with notice that the Board will hold a public hearing on the same at a regular meeting to be held in the Board Auditorium of the Fairfax County Government Center on June 8, 2021, at 3:30 p.m., at which meeting, persons affected may be heard on said resolution.

The following summarizes the proposed amendments to the FY 2021 Budget Plan to recognize funds received through the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds. Those funding adjustments included below are recommendations to revise funding levels in existing agencies and programs.

Current General Fund Expenditures	\$1,807,758,755
Proposed Changes	\$111,447,319
Proposed General Fund Expenditures	\$1,919,206,074

All persons wishing to present their views on these subjects may use the form at <https://www.fairfaxcounty.gov/bosclerk/speakers-form> or call the Office of the Clerk to the Board at (703) 324-3151, TTY 711 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as other documents relating to the aforementioned subjects, are on file and available for review at the Office of the Clerk for the Board of Supervisors and on the County's website at www.fairfaxcounty.gov. To make arrangements to view the documents, please contact the Office of the Clerk for the Board of Supervisors at 703-324-3151.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities and supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. All televised government meetings are closed captioned. Reasonable accommodation is available upon 48 hours advance notice by calling 703-324-3151 or TTY 711.

Board Agenda Item
May 18, 2021

ACTION - 1

Approval of Memorandum of Understanding Between Fairfax County and Dominion Energy Virginia Regarding Electric Distribution Ductbank Permitting in the Tysons Corner Urban Center (Providence and Hunter Mill Districts)

ISSUE:

Board of Supervisors (Board) approval of and authorization for the County Executive to execute a Memorandum of Understanding (MOU) with Dominion Energy Virginia (Dominion) concerning the permitting of electric distribution ductbanks and related equipment in the Tysons Corner Urban Center (Tysons).

RECOMMENDATION:

The County Executive recommends the Board approve the MOU with Dominion and authorize the County Executive to execute the MOU on its behalf.

TIMING:

Board action is requested on May 18, 2021. The MOU will be effective upon execution by both parties.

BACKGROUND:

The Tysons Corner Comprehensive Plan Amendment adopted by the Board of Supervisors in June 2010 envisions a grid of streets in Tysons that offers multi-modal transportation opportunities for employees, residents, and visitors. The grid will be built over time with new development and will include existing streets, streets with modified cross-sections and newly built streets. Pursuant to a 2011 Memorandum of Agreement (MOA) with the Virginia Department of Transportation (VDOT) entitled "Design Standards and Related Responsibilities for Maintenance of Streets in the Tysons Corner Urban Center," VDOT commits to accepting these grid streets into the VDOT maintenance program provided conditions in the 2011 MOA are met.

Dominion is also updating its electric distribution infrastructure in Tysons in conjunction with new development. Developers agree to install new distribution ductbanks and related equipment connecting to their proposed buildings, consistent with Dominion's updated infrastructure. The facilities run parallel to existing streets, streets with modified cross-sections, or newly built streets, typically underneath sidewalk areas or parking lanes as specified in Attachment D of the 2011 MOA.

Board Agenda Item
May 18, 2021

VDOT will not accept new streetscape areas that include easements, and Dominion requires easements where distribution ductbanks and related equipment are installed outside of vehicular lanes. Dominion is not a signatory to the 2011 MOA. Thus, there is uncertainty for developers about Dominion permitting their installations and VDOT accepting the streetscape areas above those installations for maintenance.

SUMMARY OF MOU:

This MOU between Fairfax County and Dominion intends to improve certainty for developers in Tysons. The county will agree to pay for future relocations of distribution ductbanks and related equipment that are needed by the county or by VDOT, provided certain requirements are met. Dominion will pay for any relocation Dominion proposes. Private developers will continue to pay for new ductbanks and relocations caused by their developments. This arrangement prevents Dominion from requiring easements in streetscape areas intended as county right-of-way, thereby ensuring ultimate acceptance by VDOT into its secondary street system, pursuant to the 2011 MOA.

VDOT is not a signatory to this agreement but endorses this MOU and pledges to continue honoring the 2011 MOA. The MOU includes an endorsement letter from VDOT.

FISCAL IMPACT:

Developers will pay for relocation and installation of distribution ductbanks and related equipment during ongoing Tysons development. With this MOU, the county will pay for future relocation of distribution ductbanks and related equipment that are needed for county or VDOT projects. For the following reasons, staff does not anticipate a significant fiscal impact.

First, roadway improvements in Tysons that are constructed by VDOT are designed and implemented in close coordination with Fairfax County Department of Transportation (FCDOT). FCDOT staff will have discretion to assess the extent of utility relocations and economize costs accordingly. Those planned transportation projects within Tysons that are not yet built (See Table 7 of the Tysons Comprehensive Plan) are of a size and scale such that any and all associated utility relocation needs (including those in addition to Dominion) are considered within the project budget when moving forward.

Second, because ongoing development will implement design standards for the rigorously optimized traffic flows that the Tysons Consolidated Traffic Impact Analyses (CTIA) established in 2013, future needs for the county or VDOT to widen streets and relocate distribution ductbanks should be minimal. As described in the "Tysons 2019-2020 Progress Report," The three CTIAs have collectively examined how Tysons can be transformed into a walkable urban center through redevelopment of land and development of a corresponding grid of streets that would offer alternative paths for

travel within Tysons.” (Page 174) The CTIA established the future widths (number of lanes) for streets within the grid. Since these future requirements have been identified, county staff does not anticipate significant widening (if any) beyond the widths established in the CTIA. Once redevelopment occurs, Dominion’s distribution infrastructure should not require relocation to accommodate a traffic related concern.

The Dominion MOU causes increased exposure by the county to relocate infrastructure, made more complex by the crowding of different utilities into smaller spaces due to urbanization. Unintended consequences may occur. Staff is pursuing a closer partnership with Dominion to better anticipate electric distribution requirements for developers’ proposals in the redevelopment of Tysons.

REGULATORY IMPACT:

By providing certainty to developers that ductbank facilities located under sidewalks in the right-of way do not require a Dominion easement, this MOU has a beneficial regulatory impact. Further, this MOU increases the likelihood of distribution ductbanks and related equipment being located under proposed parking lanes where available, as envisioned in the Design Standards of the 2011 MOA. Currently, Dominion approves installations under sidewalk areas, while the 2011 MOA expects installations underneath parking lanes where available. Dominion’s willingness to approve ductbanks under sidewalks or under parking lanes, pursuant to the MOU, improves developers’ flexibility during site design.

ENCLOSED DOCUMENTS:

Attachment I – Memorandum of Understanding with Dominion Energy Virginia

- Attachment A – Tysons Corner Urban Center Boundary
- Attachment B – Streetscape Cross-section with Manhole and Ductbank
- Attachment C – Tysons Development Ductbank Spacer Detail
- Attachment D – Tysons Development Manhole Detail
- Attachment E – Dominion MOU Clear Zone Graphic

Attachment II – Endorsement letter from VDOT

STAFF:

Rachel Flynn, Deputy County Executive

Randy Bartlett, Director, Department of Public Works and Environmental Services

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

William D. Hicks, P.E., Director, Land Development Services (LDS)

William Marsh, Tysons Urban Center Coordinator, LDS

Gregory Fuller, Transportation Planner V, FCDOT

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

MEMORANDUM OF UNDERSTANDING
Between
Board of Supervisors of Fairfax County, Virginia
And
Virginia Electric and Power Company d/b/a Dominion Energy Virginia
For
LOCATING DUCTBANKS AND NEW ELECTRIC DISTRIBUTION FACILITIES IN THE
RIGHT-OF-WAY

THIS MEMORANDUM OF UNDERSTANDING (hereinafter “**MOU**”), made and entered into as of this 18th day of May 2021, by and between THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, hereinafter referred to as the “**COUNTY**,” and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in the Commonwealth of Virginia as DOMINION ENERGY VIRGINIA, hereinafter referred to as “**DOMINION**.” The COUNTY and DOMINION are sometimes hereinafter referred to individually as “**Party**” or jointly as “**Parties**.” This MOU also references the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the “**DEPARTMENT**.”

RECITALS:

- A. The DEPARTMENT is responsible for the operation and maintenance of all State-maintained streets in Fairfax County which have been accepted into the Secondary System of State Highways, hereinafter referred to as “System,” pursuant to the Code of Virginia.
- B. The COUNTY has adopted an amendment to the Fairfax County Comprehensive Plan for the Tysons Corner Urban Center, as identified in Attachment A and hereinafter referred to as “Area,” that provides for a highly urban environment.
- C. The COUNTY and the DEPARTMENT have entered into a Memorandum of Agreement dated September 13, 2011, in which various design and maintenance standards for the System in the Area were adopted.
- D. The COUNTY desires that streets lying within the Area have a distinctly urban character that creates a pedestrian friendly environment and actively promotes multi-modal and non-motorized travel modes.
- E. A critical component of the Comprehensive Plan for this Area is the creation of an urban street grid that is characterized by small grid blocks and high street connectivity in all directions.

Attachment I – Dominion Energy MOU

- F. The implementation of such a grid will occur in stages as new development and redevelopment occurs. As part of such new development and redevelopment, the COUNTY will typically receive dedication of land and improvements constructed as a portion of the urban street grid, to include sidewalks. The DEPARTMENT will then accept these dedicated street grid spaces, which meet its standards, into its System for maintenance.
- G. The creation of an urban street grid, which will be phased in as new development and redevelopment occurs, establishes a public benefit and the necessity of acceptance of phased and stubbed streets into the System for maintenance.
- H. The COUNTY desires that the streets within the Area, including phased and stubbed streets, be maintained by the DEPARTMENT and have ownership and usage rights comparable to other State maintained streets in the County.
- I. The COUNTY in partnership with the DEPARTMENT has developed Transportation Design Standards for the Tysons Corner Urban Center, dated September 13, 2011, hereinafter referred to as “Tysons Standards.”
- J. Pursuant to the Memorandum of Agreement referenced in C above, the DEPARTMENT agreed to special non-VDOT construction in the right-of-way that complies with all applicable safety standards, as long as the improvements are not maintained by the DEPARTMENT.
- K. DOMINION provides electrical power to its customers in the County and will need to install and maintain its facilities within the Area and the System to provide electricity. If proposed facilities comply with the DEPARTMENT’s standards, then the DEPARTMENT will grant DOMINION, or a developer, a permit to construct underground concrete ductbanks and their related facilities for DOMINION’s services (collectively, the “Ductbank Facilities”) in places that the DEPARTMENT has accepted or will accept into the System. After completion of the Ductbank Facilities, the DEPARTMENT will grant DOMINION a permit to operate and maintain the Ductbank Facilities and install new electrical distribution facilities (the “New Electric Distribution Facilities”) within and to the Ductbank Facilities.
- L. Attachment D of the Tysons Standards, “Transportation Design Standards for Tysons Corner Urban Center,” recommends locations for Ductbank Facilities that are part of the street grid space.
- M. The Ductbank Facilities will be installed as approximately shown on the example of the typical cross section and plan view of the Facilities attached as Attachments B through E.
- N. Ductbank Facilities that are installed as described in Recital M are located where the COUNTY receives the area as dedication. Typically, these Ductbank Facilities are relocated into the parking lane or sidewalk areas due to land development. The COUNTY recognizes the Ductbank Facilities installed within

the parking lane or sidewalk areas as described in Recital M as indication of prior rights of DOMINION.

- O. The urban street grid built pursuant to the Comprehensive Plan and the Tysons Standards will create an equilibrium of multi-modal traffic that would mitigate the need for future road widening, thereby minimizing the need to relocate Ductbank Facilities.
- P. This MOU does not interfere with, modify, abrogate, vacate or annul any easements, covenants, or other agreements between the Parties.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- 1. The foregoing recitals and attachments are hereby incorporated by reference.
- 2. DOMINION will, to the best of its abilities, perform all operations within the System in a manner that will minimally interfere with the multi-modal flow of traffic and minimally disturb the right-of-way, subject to all applicable safety considerations.
- 3. If either or both of the Ductbank Facilities or New Electric Distribution Facilities within parking lane or sidewalk areas conflict with any future improvement project and necessitate the relocation of all or part of the Ductbank Facilities or New Electric Distribution Facilities:
 - a. The Party (COUNTY or DOMINION) requesting the relocation will pay all of the costs associated with relocating the Ductbank Facilities or New Electric Distribution Facilities.
 - b. Any future improvement project undertaken by a private developer will be paid by that developer.
 - c. If the DEPARTMENT requests the relocation as part of a DEPARTMENT project, the DEPARTMENT's Permittee (DOMINION) will pay all the costs associated with relocating the Ductbank Facilities and/or New Electric Distribution Facilities. The COUNTY will reimburse the Permittee (DOMINION) for DOMINION's costs of replacing and relocating such Facilities of the same size and scope as those originally located in the System so long as the COUNTY has had an opportunity to review and comment upon the plans and cost estimate for the replacement or relocation at least 30 business days prior to initiation of work. The COUNTY will act in good faith to appropriate all necessary funds to accomplish the reimbursements contemplated herein.
 - d. If an entity other than those described in paragraph numbers a – c of this section requests that the DEPARTMENT permit a relocation, this MOU does not apply.

Attachment I – Dominion Energy MOU

4. If the COUNTY agrees to compensate DOMINION for a relocation in accordance with this MOU, DOMINION will proactively involve the COUNTY in the permitting process with the DEPARTMENT, enabling the COUNTY to economize relocation costs.
5. DOMINION will be responsible for maintenance of the Ductbank Facilities and the New Electric Distribution Facilities.
6. This MOU and the covenants contained herein are binding upon the Parties' successors in interest.
7. All notices must be in writing, addressed as provided below. All notices will be made, and be deemed effective, when personally delivered, given by prepaid United States registered or certified mail, return receipt requested, addressee only, or given by overnight mail service, accepted by the addressee or by an employee at the addressee's office. Notices may also be given to such other address or contact person as the respective Parties may direct in writing.

If to COUNTY:

County Executive
County of Fairfax, Virginia
12000 Government Center Pkwy, Suite 552
Fairfax, Virginia 22035

With a copy to:
Director
Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, Virginia 22033

If to DEPARTMENT:

District Administrator
Northern Virginia District
Virginia Department of Transportation
4975 Alliance Drive
Fairfax, Virginia 22030

If to DOMINION:

Design Supervisor
Dominion Energy Virginia
3072 Centreville Road
Herndon, Virginia 20171

8. This MOU contains the entire understanding of the Parties. No representations, inducements or agreements, oral or otherwise, between the Parties not contained in this MOU are of any force or effect.

Attachment I – Dominion Energy MOU

9. This MOU must be construed, interpreted and applied according to the laws of the Commonwealth of Virginia.
10. Each provision of this MOU is to be valid and must be enforced to the fullest extent permitted by law. If any provision of this MOU or the application thereof is held invalid or unenforceable by a court of competent jurisdiction, then the remaining provisions will not be affected thereby.
11. Nothing in this MOU may be construed as a waiver of the COUNTY's sovereign immunity.
12. All of the obligations of the COUNTY, as the case may be, under this MOU are subject to the annual appropriation of funds by the Fairfax County Board of Supervisors, as applicable, for the purpose of satisfying the payment and performance of such obligations; however, the COUNTY agrees to act in good faith when considering appropriations to meet its obligations hereunder.
13. No provision of this MOU may be construed as either Party's, explicitly or implicitly, agreeing to indemnify or hold harmless the other Party or any third party for liability of any nature, except to the extent permitted by Virginia law and required by the laws and regulations of the Commonwealth.
14. In entering into this MOU, the Parties mutually agree and acknowledge that the individuals acting on behalf of the Parties are acting within the scope of their official authority and nothing herein may subject any official, officer, employee or agent of either Party to any personal liability.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their respective duly authorized representatives as of the day and year first above written.

Attachment I – Dominion Energy MOU

COUNTY:

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

BY: _____

Name: Bryan J. Hill
Title: County Executive

Commonwealth of Virginia:
County of Fairfax, to wit:

The foregoing MOU was acknowledged before me by Bryan J. Hill, County Executive,
on behalf of the Board of Supervisors of Fairfax County, Virginia, on this _____
day of _____ 2021.

Notary Public

My Commission Expires: _____

Notary Registration Number: _____

Attachment I – Dominion Energy MOU

DOMINION:

VIRGINIA ELECTRIC AND POWER
COMPANY, a Virginia public service
corporation doing business in the
Commonwealth of Virginia as DOMINION
ENERGY VIRGINIA

BY: _____
Name: _____
Title: _____

Commonwealth of Virginia:
County of Fairfax, to wit:

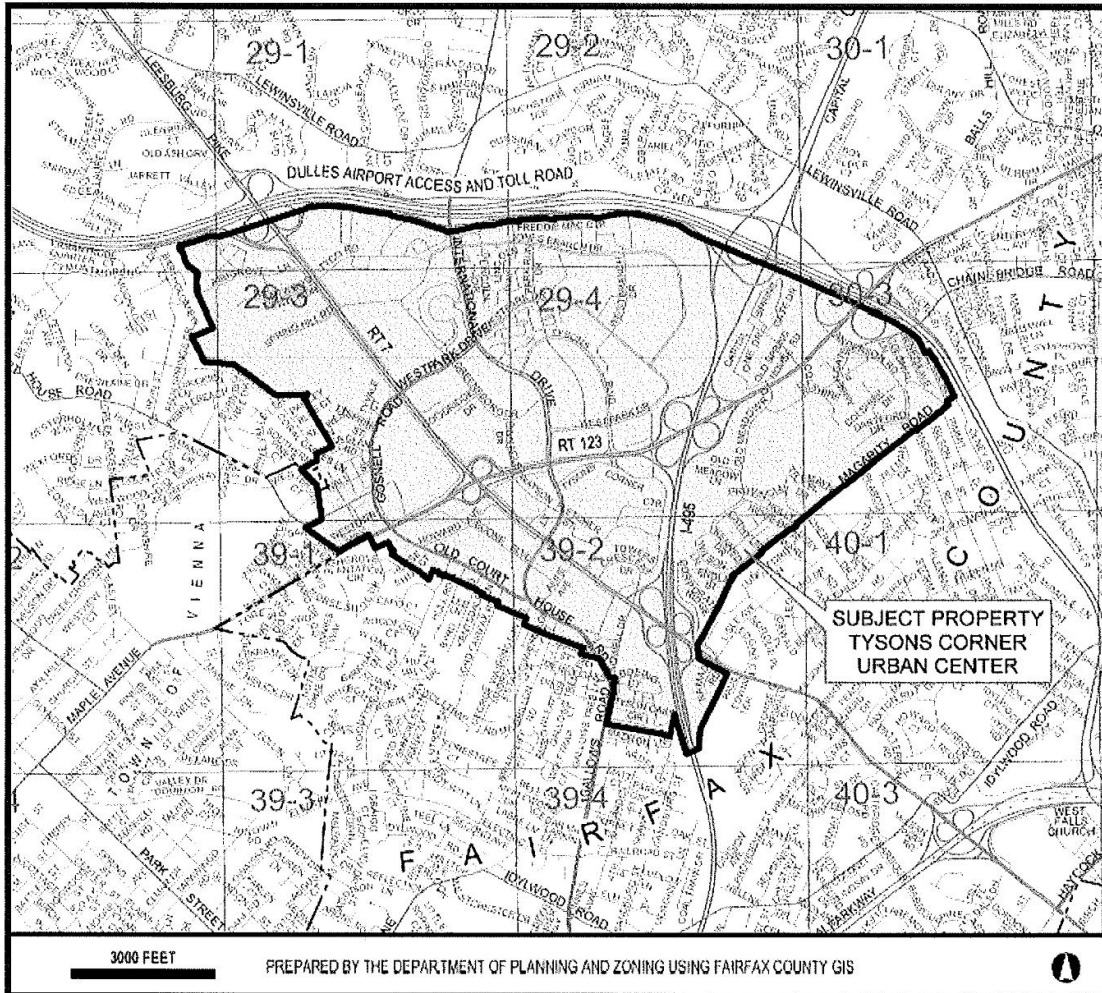
The foregoing MOU was acknowledged before me by _____,
_____, on behalf of Virginia Electric and Power Company
d/b/a Dominion Energy Virginia on this _____ day of _____
2021.

Notary Public

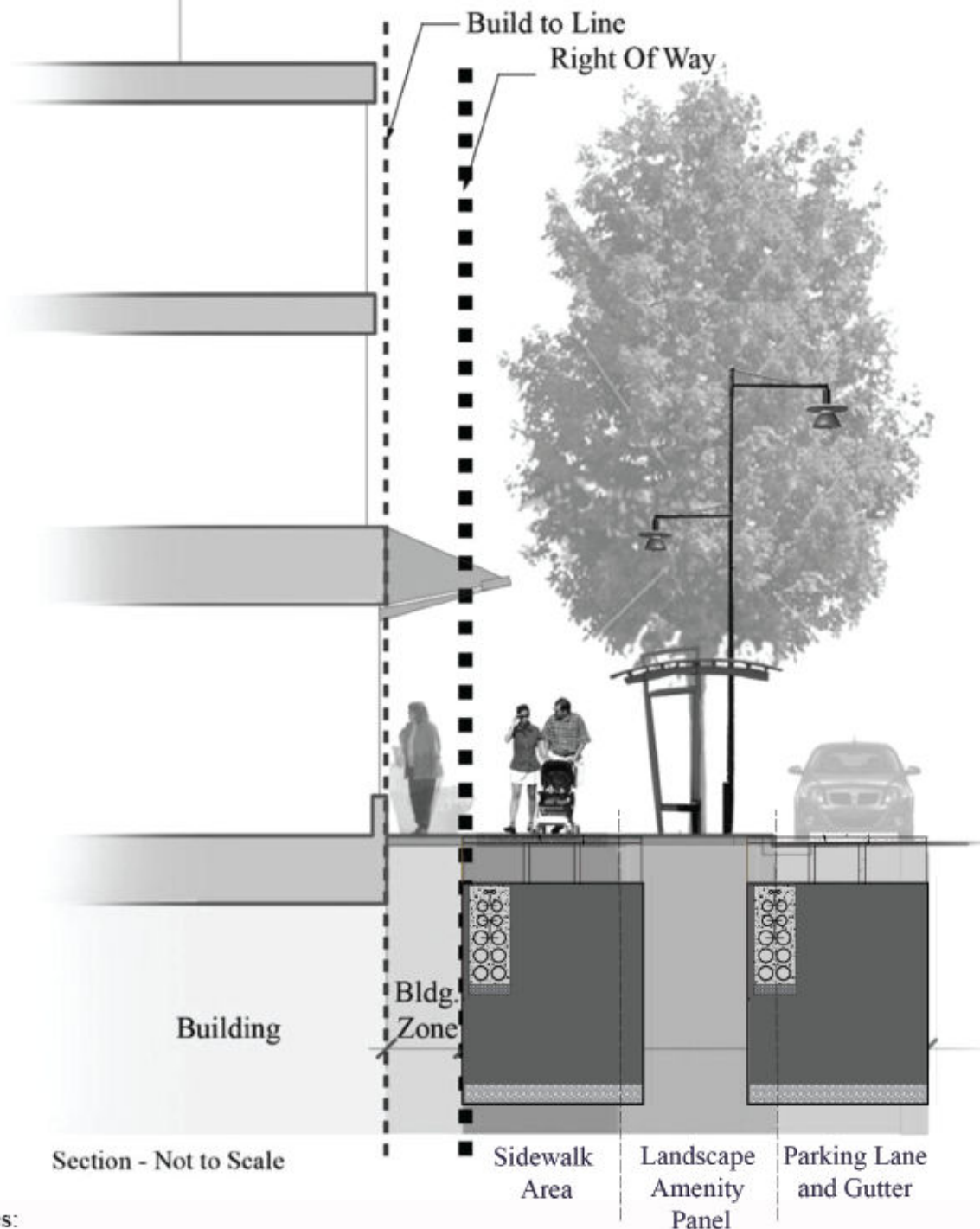
My Commission Expires: _____

Notary Registration Number: _____

**Tysons Corner Urban Center Boundary
As contained in the Fairfax County Comprehensive Plan**



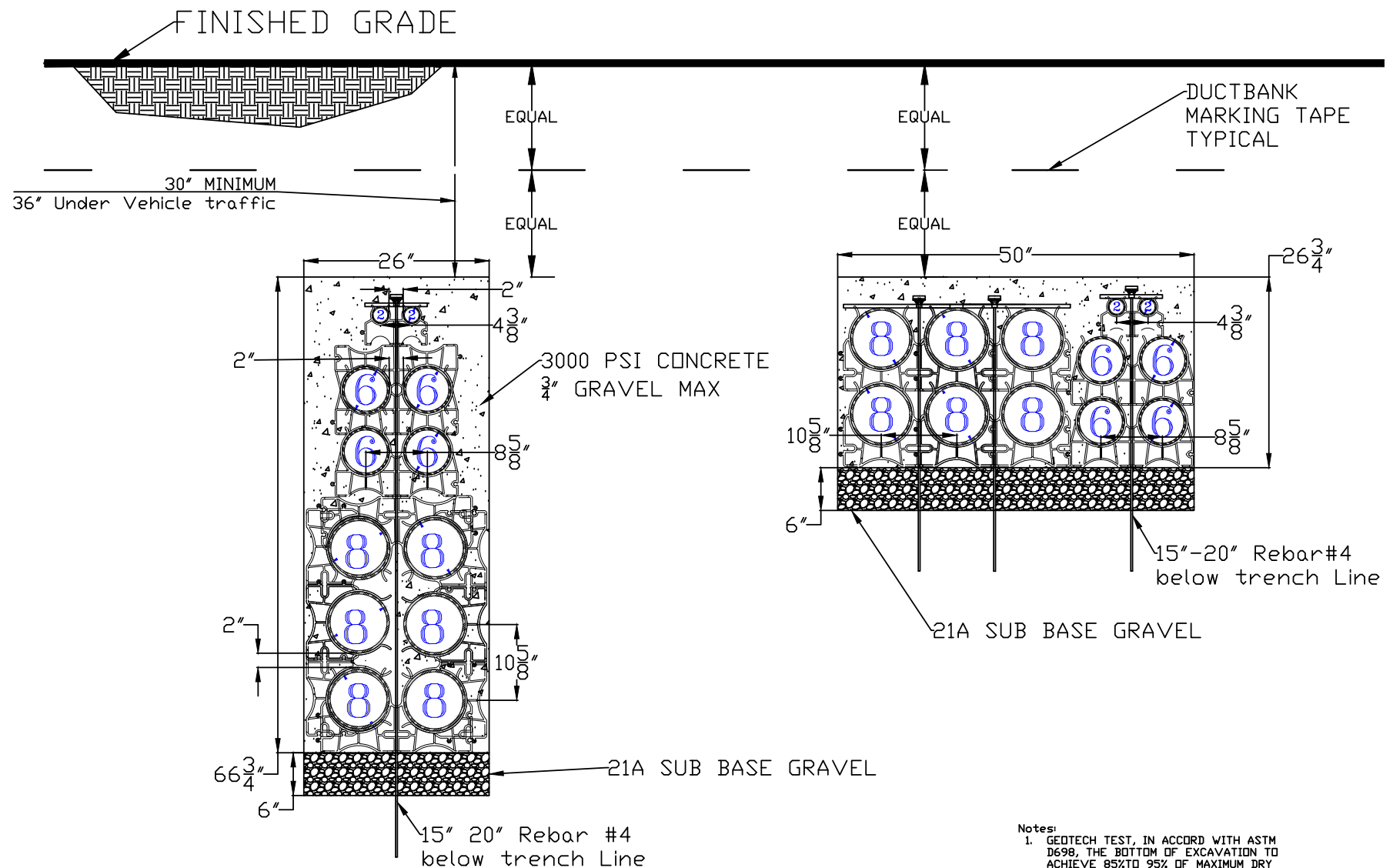
Attachment B: Streetscape Cross Section with Manhole and Ductbank



Notes:

1. Dominion manholes and ductbanks shall be placed as shown in this attachment, either under the parking lane and gutter or sidewalk area. The Transportation Design Standards for Tysons Corner Urban Center (page DS-30) should be used in determining the appropriate location, based on the characteristics of the adjacent roadway.
2. Placement of manholes, ductbanks, and electric lines shall not conflict with the tree root zones, prohibit soil volumes from being achieved, or preclude other streetscape elements from being implemented.

TYSON DEVELOPMENT AREA DUCTBANK DETAIL



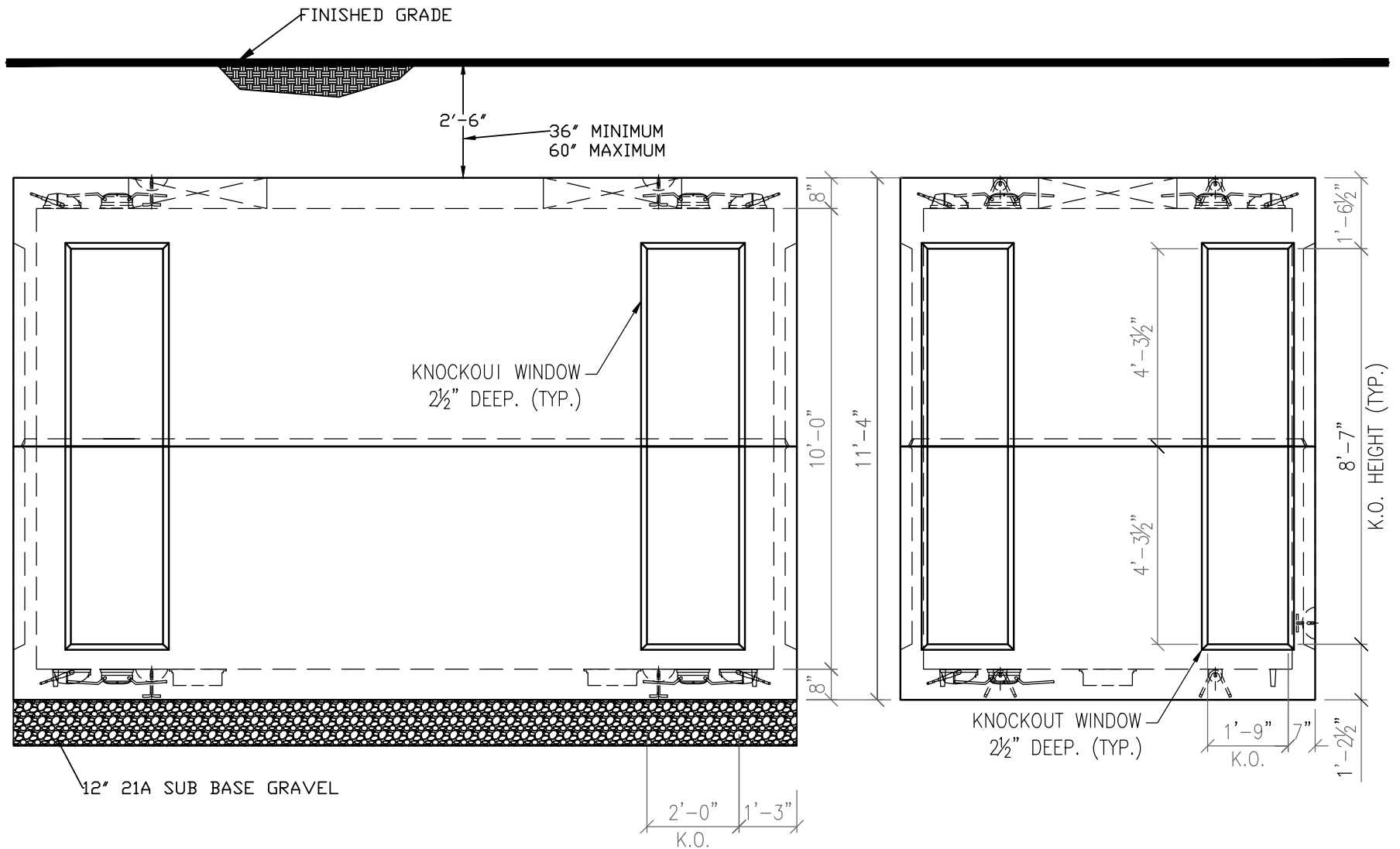
○ 12-WAY DUCTBANK DETAIL
NO SCALE

- Notes:
1. GEOTECH TEST, IN ACCORD WITH ASTM D698, THE BOTTOM OF EXCAVATION TO ACHIEVE 85% TO 95% OF MAXIMUM DRY DENSITY, PRIOR TO CONCRETE PLACEMENT.

Notes:

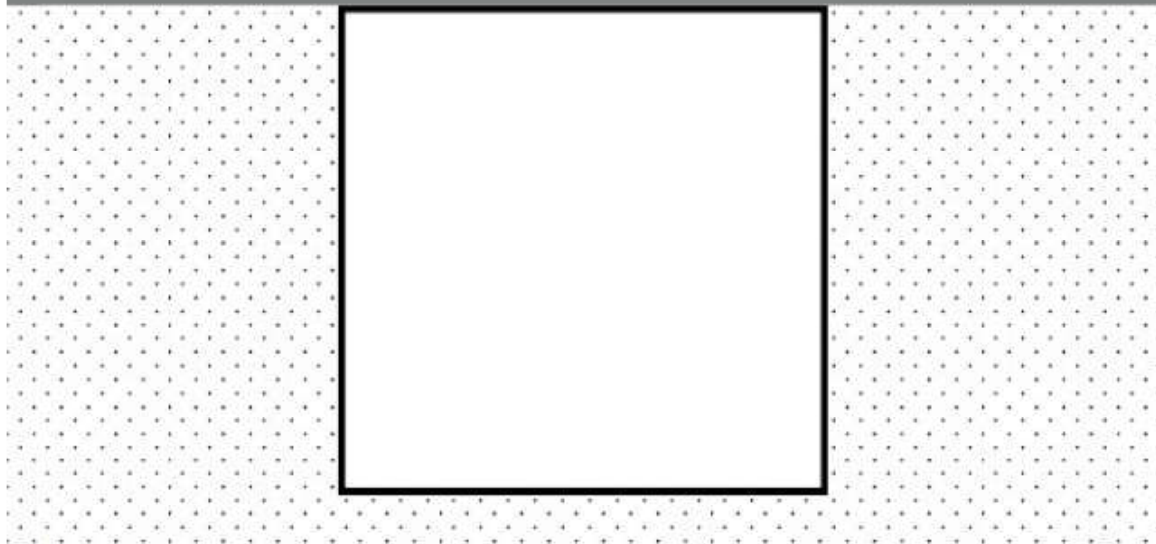
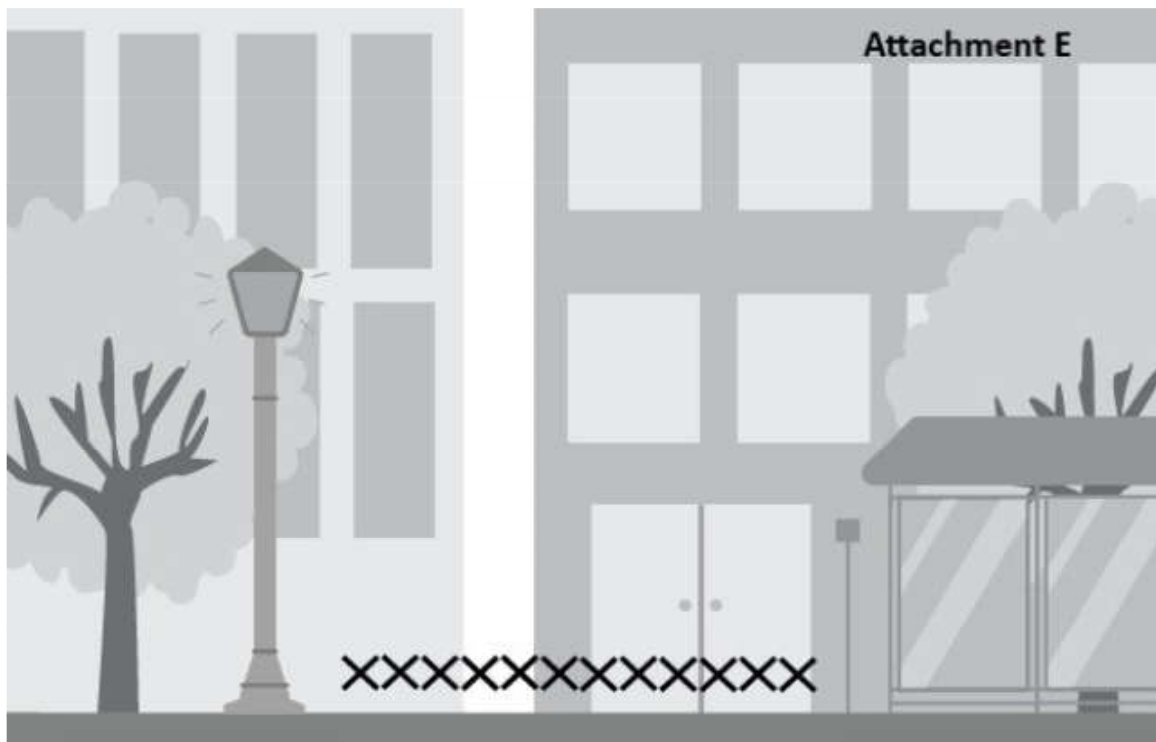
1. This attachment represents the typical Dominion electric duct bank for Tysons
2. Installation of this infrastructure will be consistent with the Transportation Design Standards for Tysons Corner Urban center, as shown on pages DS-28 FIGURE 9 "Streetscape zone diagram" and DS-30 table 16 "Utility Placement," including supporting relevant footnotes.

TYSON DEVELOPMENT AREA MANHOLE DETAIL



Notes:

1. This attachment represents the typical Dominion electric Man Hole for Tyson Development Area
2. Manholes require vehicle access
3. knock out windows should be clear of obstructions for no less than 25'



Notes:

The location above Dominion manholes should be clear of physical structures, including but not limited to plantings, lighting, and bus shelters, in order to allow for unimpeded maintenance access.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

STEPHEN C. BRICH, P.E.
COMMISSIONER

February 5, 2021

Mr. Bryan J. Hill,
Fairfax County Executive
12000 Government Center Parkway
Fairfax, VA 22053

Re: Memorandum of Understanding between the Fairfax County Board of Supervisors and Dominion Energy Related to Locating Ductbanks and New Electric Distribution Facilities in the Right-of-Way
Scotts Run Station South – East Land Bay
Johnson 1 Building C & D Operational Analysis

Dear Mr. Hill:

The Virginia Department of Transportation (VDOT) has reviewed the Memorandum of Understanding (MOU) agreed to between Fairfax County and Dominion Energy related to the location of distribution ductbank facilities or new electric distribution facilities under parking lanes and sidewalk areas in Tysons dated March 2021. VDOT has no objections to the terms of the Agreement between Fairfax County and Dominion Energy. The terms of the Agreement are consistent with the relevant design standards set forth in Attachment D of the 2011 MOA between VDOT and Fairfax County.

After approval by the County of this MOU, VDOT will continue to review permit applications and accept streets in Tysons pursuant to the 2011 MOA between Fairfax County and VDOT. Specifically, the permitting process for Secondary streets applies, as further described in the May 5, 2014, "Nova District – Fairfax Permits Guidelines for Permitting and Street Acceptance Process in Tysons Urban Center."

For Dominion-related work that VDOT evaluates and issues permits for in Tysons, VDOT will continue the following practices:

1. Dominion requests Permit
2. VDOT grants permit to Dominion facilities provided that the new facilities are in compliance with VDOT standards for issuance of a permit

3. Dominion installs lines under the areas that are designated as acceptable in the 2011 MOA between Fairfax County and VDOT
4. In the future, VDOT and/or FCDOT may develop plans for road improvements that require relocation of the Dominion utilities
5. VDOT (DEPARTMENT) is not responsible for relocating the Dominion lines. Dominion is responsible for relocating the Dominion lines, with this MOU assigning cost responsibility to either the County or Dominion as stipulated in clause (c) of this MOU (reprinted below)
 - c. If the DEPARTMENT requests the relocation as part of DEPARTMENT project, the DEPARTMENT's Permittee (DOMINION) will pay all the costs associated with relocating the Ductbank Facilities and/or New Electric Distribution Facilities. The COUNTY will reimburse the Permittee (DOMINION) for DOMINION's costs of replacing and relocating such Facilities of the same size and scope as those originally located in the VDOT right-of-way so long as the COUNTY has had an opportunity to review and comment upon the plans and cost estimate for the replacement or relocation at least 30 business days prior to initiation of work. The COUNTY will act in good faith to appropriate all necessary funds to accomplish the reimbursements contemplated herein.

As noted above, VDOT has no objections to the Agreement between Fairfax County and Dominion Energy regarding the location and permitting of ductbanks and new electric distribution facilities in the right-of-way in Tysons.

Sincerely,



Helen Cuervo
VDOT Northern Virginia District Administrator

cc: William Marsh, Fairfax County
Abraham Lerner, VDOT

ACTION - 2

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds in an Aggregate Amount Not to Exceed \$20,000,000 to Finance the 79-Unit Oakwood North Four Apartments in Alexandria, Virginia (Lee District)

ISSUE:

Board authorization for the FCRHA to issue tax-exempt bonds in an aggregate amount not to exceed \$20,000,000 as part of the overall financing plan for the development of Oakwood Senior Apartments.

RECOMMENDATION:

The County Executive recommends the following as part of the overall financing of the Oakwood Senior Apartments:

1. Authorize the FCRHA to submit an application to the Virginia Department of Housing and Community Development (VADHCD) for the necessary private activity bond allocation.
2. Approve FCRHA's issuance of private activity tax-exempt bonds in an aggregate amount not to exceed \$20,000,000.

TIMING:

Board action is requested on May 18, 2021, in order to secure VADHCD private activity bond allocation and meet the desired August 2021 Oakwood project closing.

BACKGROUND:

In March 2020, the FCRHA approved entering into a Comprehensive Agreement under the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002, as amended (PPEA) with Arlington Partnership for Affordable Housing Oakwood LLC for the construction of a 150-unit affordable multifamily development to be known as Oakwood Senior Apartments on FCRHA-owned property located at 5815, 5839, 5901, and 5907 South Van Dorn Street, Alexandria, Virginia 22310, in the Lee District.

Oakwood North Four LP (the "Borrower") and Oakwood South Nine LP are the two members of Arlington Partnership for Affordable Housing Oakwood LLC. The former will be the Borrower with respect to the Oakwood North Four Project and the latter will be the Borrower with respect to the Oakwood South Nine Project.

The Oakwood Senior Project will be for seniors aged 62 or older with incomes of not more than 60 percent of Area Median Income ("AMI").

SUMMARY OF ANTICIPATED PROJECT FINANCING:

Arlington Partnership for Affordable Housing Inc. ("APAH") is proposing to use a variety of financing sources to develop the Oakwood North Four Project and the Oakwood South Nine Project. Each such project, as well as the related site work, will have a separate plan of financing as follows:

Site Work:

- APAH sponsor loan/equity
- \$5,250,000 Housing Blueprint Loan (Blueprint) previously approved by the FCRHA and the Fairfax County Board of Supervisors, which will be funded at the completion of construction. A bridge/construction loan will be used to fund the site work, and the Blueprint loan will be used to pay off that bridge loan.

Oakwood South Nine Project:

- Nine percent Low-Income Housing Tax Credit (LIHTC) equity
- First lien mortgage loan from Berkadia
- Deferred Developer Fee of approximately \$652,000

Oakwood North Four Project:

- Four percent LIHTC equity
- FCRHA Bonds not to exceed \$20,000,000
- Deferred Developer Fee of approximately \$323,000
- Virginia (VA) Housing Trust Fund Loan of \$900,000
- APAH sponsor loan/equity

THE BONDS TO BE AUTHORIZED:

Based on the information provided, APAH will need the Bonds to be issued in an amount not to exceed \$20,000,000 (50 percent of eligible basis plus land), of which the final bond amount will be determined before the closing and upon completion of full underwriting. The FCRHA will request an allocation for private activity tax-exempt bond volume cap from the VADHCD.

The bonds will be publicly offered, rated and 100 percent cash collateralized by the proceeds of a construction loan obtained by APAH, among other sources, with no risk to the FCRHA.

If this action is approved, the FCRHA will issue the requested Bonds in the original principal amount not to exceed \$20,000,000. The Bonds will be nonrecourse to the FCRHA.

Board Agenda Item
May 18, 2021

TIMELINE:

The estimated timetable for the Bond closing is as follows:

Issuance of a Declaration of Intent (Inducement Resolution)	April 5, 2021
Loan Underwriting Committee Meeting	April 5, 2021
Tax Equity and Fiscal Responsibility Act (TEFRA) Advertisement #1	March 31, 2021
TEFRA Advertisement #2	April 7, 2021
TEFRA public hearing & FCRHA Approval of Bond Issuance	April 15, 2021
Board of Supervisors approval of bond issuance	May 18, 2021
Private activity bond application approved & allocation awarded by VADHCD	June 11, 2021
FCRHA Final Bond Resolution	July 15, 2021
Bond Closing	August 2021

STAFF IMPACT:

None

FISCAL IMPACT:

For the four percent condo, the FCRHA will receive an upfront bond issuance fee at the time of closing as well as ongoing monitoring fees for the Bonds and Blueprint loan according to the following table. All of the fees will go into Fund 81000, FCRHA General Operating Fund at the anticipated time of closing in August 2021.

One-time Fee (At closing)		Recurring Fee (Annual)	
Bond Application Fee	\$5,000	Bond Monitoring Fee commencing Year 1 after construction	TBD based on final bond resolution
Bond Issuance Fee	\$140,000	Housing Blueprint Monitoring Fee for 30 years commencing Year 1 after closing	\$5,000
Bond Monitoring Fee (construction period)	TBD based on final bond resolution		

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Project Summary
Attachment 3 – Sources and Uses
Attachment 4 – Vicinity Map

Board Agenda Item
May 18, 2021

STAFF:

Chris Leonard, Deputy County Executive

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

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

Ryan Sherriff, Director, Real Estate Finance and Grants Management (REFGM), HCD

Jyotsna Sharma, Associate Director, REFGM, HCD

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

ASSIGNED COUNSEL:

Cynthia A. Bailey, Deputy County Attorney

Alan Weiss, Assistant County Attorney

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds in an Aggregate Amount not to Exceed \$20,000,000 to Finance the 79-Unit Oakwood North Four Apartments in Alexandria, Virginia (Lee District)

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 Tuesday, May 18, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt and/or taxable Multifamily Housing Revenue Bonds (Oakwood North Four Apartments) (Bonds) in an aggregate principal amount not to exceed \$20,000,000; and

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

WHEREAS, the proceeds of the Bonds will be used to finance the construction and development of 79 residential units comprising the Oakwood North Four Apartments in Alexandria, Virginia (the Project) as part of the overall financing plan for the development of the 150 unit Oakwood Senior Apartments; and

WHEREAS, the FCRHA held a public hearing electronically due to the COVID-19 pandemic, on April 15, 2021, for which public notice was duly given on March 31, 2021 and republished on April 7, 2021; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), as well as Va. Code Ann. § 15.2-2606; and

WHEREAS, in order to assist in the Board's approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

1. For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt and/or taxable bonds for the Project in an aggregate principal amount not to exceed \$20,000,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

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

This Resolution shall take effect immediately.

Adopted the 18th day of May, 2021, by the Fairfax County Board of Supervisors

A Copy Teste:

[SEAL]

Jill Cooper
Clerk for the Board of Supervisors

PROJECT SUMMARY OAKWOOD

GENERAL:

The development will include the following:

- The **Nine Percent Condo:**
 - Construction by APAH of a 71-unit apartment building for seniors aged 62 and up with incomes not more than 60 percent of AMI
- The **Four Percent Condo:**
 - Construction by APAH of a 79-unit apartment building for seniors aged 62 and up with incomes not more than 60 percent of AMI
- The **Site Work:**
 - Construction by APAH of the associated sitework for the 150-unit apartment building including an underground stormwater management and water quality system
- Ground Lease:
 - APAH intends to enter into a long-term unsubordinated Ground Lease with the FCRHA for a term of 75 years

PROJECT BENEFITS:

- Adds 150 units of affordable senior housing in the highly cost-burdened Fairfax/Alexandria City area.
- Provides an affordability period of at least 30 years pursuant to the Extended Use Regulatory Agreement with Virginia Housing, and thereafter pursuant to the Ground Lease will remain affordable for an additional 45 years (for an aggregate total of 75 years).
- Promotes economic development through construction jobs, permanent staff positions, increased business, and ongoing real estate tax revenues.

UNIVERSAL DESIGN AND ACCESSIBILITY:

- All units will meet Universal Design Specifications.
- Project will incorporate Earthcraft Gold design features.
- Project includes accessible units (four accessible units in the four percent condo, two of which are physically-impaired accessible, and two that are both physically-impaired and visual and hearing-impaired accessible; eight physically-impaired accessible units in the nine percent condo) as required by Uniform Federal

Accessibility Standards, the International Building Code, and the 2010 Americans with Disabilities Act.

SUPPORT SERVICES:

A variety of support services are under consideration, including:

- Resident Services Coordinator(s) who will utilize a holistic framework in the implementation of programs that prioritize stability, wellness and social engagement.
- Work with the County's Department of Family Services – Older Adults, Health Department, and/or Department of Neighborhood and Community Services to provide access to services and benefits, including classes and meals.
- Volunteer Manager to recruit volunteers in the area to help facilitate localized programs and services.
- Partnerships with service providers to best meet the needs of older adults with disabilities.
- Eight Project-Based Vouchers (PBVs) to assist seniors with extremely low-incomes.

COMMON AREA AMENITIES:

- Resident services offices and meeting space, in addition to services and programs that support all residents.
- Communal multipurpose spaces to allow for computer/library and meeting areas, wellness programs and activities for the senior residents.
- Indoor/outdoor greenhouse programming.
- Free wi-fi access for the building.

APPRAISED VALUE:

An updated appraisal provided by an independent appraiser confirmed that the Housing Blueprint Loan is still fully collateralized. The Fairfax County Department of Tax Administration (DTA) has reviewed the appraisal and found the methodology used to be appropriate and the value conclusions to be within a reasonable range.

PROPOSED RENTS AND AFFORDABILITY RESTRICTIONS:

The project contains two rent rate structures: LIHTC rents set by Virginia Housing and PBV rents established by the FCRHA, using a U.S. Department of Housing and Urban Development regulatory structure. The regulatory structure dictates the gross rent that a landlord can receive when using a project-based voucher. The gross rents shown in the charts below are higher for the PBV units than the non-PBV units because the rent is calculated under those federal regulations. When the voucher is applied to each unit,

the tenant's portion of the gross rent will not exceed the maximum LIHTC (non-PBV) rents.

Nine Percent Condo

30% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	9	\$708	\$98	\$610
Two Bedroom	4	\$850	\$121	\$729
Total/Average	13	\$725		\$647
50% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	18	\$1,181	\$98	\$1,083
Two Bedroom	8	\$1,417	\$121	\$1,296
Total/Average	26	\$1,254		\$1,149
60% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	20	\$1,417	\$98	\$1,319
Two Bedroom	4	\$1,701	\$121	\$1,580
Total/Average	24	\$1,464		\$1,363
PBV Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom (50% AMI)	6	\$1,650	\$98	\$1,552
Two Bedroom (60% AMI)	2	\$1,878	\$121	\$1,757
Total/Average	8	\$1,707		\$1,603
TOTAL UNITS:	71			

Four Percent Condo

30% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	2	\$708	\$98	\$610
Two Bedroom				
Total/Average	2	\$708		\$610
50% AMI Units				
One Bedroom	27	\$1,181	\$98	\$1,083
Two Bedroom	1	\$1,417	\$121	\$1,296
Total/Average	28	\$1,189		\$1,091
60% AMI Units				
One Bedroom	25	\$1,417	\$98	\$1,319

Attachment 2

Two Bedroom	24	\$1,701	\$121	\$1,580
Total/Average	49	\$1,556		\$1,447
TOTAL UNITS	79			

- 1) FCRHA awarded eight Project-Based Vouchers at 50 percent AMI and 60 percent AMI to the nine percent Condo portion of the Oakwood Senior Project
- 2) Utility allowance includes electric, water, and sewer

**CURRENT ESTIMATED FINANCING SOURCES AND USES
OAKWOOD**

CONSTRUCTION PERIOD SOURCES AND USES

Oakwood Nine Percent Condo

Construction Sources	Sources
Construction Loan	\$17,165,907
Tax Credit Equity	5,057,074
Total Construction Sources	\$22,222,981
Summarized Uses	Uses
Acquisition Costs	\$2,829,660
Construction Costs	12,369,193
Construction Costs Contingency	878,263
Architecture and Engineering	1,186,805
Soft Costs	2,093,346
Financing/Interest	1,512,597
Reserves	53,117
Development Fee	1,300,000
Total Construction Uses	\$22,222,981

Oakwood Four Percent Condo

Construction Sources	Sources
Construction Loan	\$14,688,324
Tax Credit Equity	3,656,452
APAH Sponsor Loan/Equity	3,345,694
Total Construction Sources	\$21,690,470
Summarized Uses	Uses
Acquisition Costs	\$155,340
Construction Costs	13,764,745
Construction Costs Contingency	977,353
Architecture and Engineering	1,307,298
Soft Costs	1,961,285
Financing/Interest	1,987,551
Reserves	204,398
Development Fee	1,332,500
Total Construction Uses	\$21,690,470

PERMANENT SOURCES AND USES

Oakwood Nine Percent Condo

Permanent Sources	Sources
First Mortgage	\$5,825,952
Tax Credit Equity	16,856,912
Deferred Developer Fee	750,425
Total Permanent Sources	\$23,433,289
Summarized Uses	Uses
Acquisition Costs	\$2,829,660
Construction Costs	12,369,193
Construction Costs Contingency	878,263
Architecture and Engineering	1,186,805
Soft Costs	2,108,346
Financing/Interest	1,564,095
Reserves	496,927
Development Fee	2,000,000
Total Permanent Uses	\$23,433,289

Oakwood Four Percent Condo

Permanent Sources	Sources
First Mortgage	\$8,080,055
VA Housing Trust Fund	900,000
Tax Credit Equity	10,447,005
Deferred Developer Fee	224,575
APAH Sponsor Loan/Equity	3,345,694
Total Permanent Sources	\$22,997,329
Summarized Uses	Uses
Acquisition Costs	\$155,340
Construction Costs	13,764,745
Construction Costs Contingency	977,353
Architecture and Engineering	1,307,297
Soft Costs	1,961,285
Financing/Interest	2,031,616
Reserves	749,693
Development Fee	2,050,000
Total Permanent Uses	\$22,997,329

Oakwood Site Work

Permanent Sources	Sources
Housing Blueprint Loan	\$5,250,000
APAH Sponsor Loan/Equity	389,306
Total Permanent Sources	\$5,639,306
Summarized Uses	Uses
Construction Costs	\$5,358,005
Financing/Interest	281,301
Total Permanent Uses	\$5,639,306

Oakwood Apartments

Attachment 4

5815-5907 South Van Dorn Street, Alexandria, Virginia 23310

Oakwood Road / South Van Dorn Street



ACTION - 3

Authorization of Phase I Design Development Agreement Between the Fairfax County Board of Supervisors and the City of Fairfax Regarding the Joint Redevelopment of the Willard Health Center Campus and the Sherwood Community Center (Braddock and Providence Districts)

ISSUE:

The Board of Supervisors' (Board) authorization for the County Executive to execute a Phase I Design Development Agreement (Agreement) with the City of Fairfax (City), substantially in the form of Attachment 1, to support the joint redevelopment of the Joseph Willard Health Center (Willard Center) site located at 3750 Old Lee Highway, City of Fairfax (Tax Map No. 57-2-02-172) and portions of the City's Stacy C. Sherwood Community Center Complex with a new multi-agency facility with shared parking.

RECOMMENDATION:

The County Executive recommends Board approval of the Agreement, as the next step in the redevelopment of the Willard Center, in order to establish the framework to jointly fund and proceed with the Phase I design development.

TIMING:

Board action is requested on May 18, 2021, to facilitate the development timeline.

BACKGROUND:

The Board owns and operates the Willard Center located at 3750 Old Lee Highway in the City of Fairfax (Tax Map No. 57-2-02-172). The Willard Center property is approximately 2.5 acres. The current facility, which was built in 1954 totals approximately 30,000 square feet with 67 surface parking spaces. The Willard Center is a licensed facility that offers medical, nursing, dental, pharmacy, speech and hearing, and X-ray services. It also houses the Fairfax County Health Department Vital Records and their Central Reproduction area. The Willard Center serves as one of four locations that offer the Infant and Toddler Connection program and one of nine that offer the Women Infants and Children program. Due to its central location, the Willard Center is a designated Continuity of Operations site for the Health Department. Redevelopment is needed to replace aging building systems and infrastructure, as well as to meet current and future operational needs of the health and human services at the Willard Center. This project is included in

FY 2021-FY 2025 Adopted Capital Improvement Program (With Future Fiscal Years to 2030).

The City Complex, located to the north of the Willard Center on property owned by the City, contains the Sherwood Community Center, the City Police Department Headquarters, and Van Dyck Park. The City had identified the Sherwood Center and Van Dyck Park sites to locate additional programs for a centrally located new community center to address the recreational needs of the community, based on their Green Acres Feasibility Study.

On August 17, 2017, a Letter of Agreement was executed between the County and the City to explore the potential for a joint redevelopment of the Willard Center and portions of the City Complex. The agreement authorized a conceptual master plan study to accommodate both County and City programs as well as associated parking. The study was completed with participation of representatives from Health and Human Services, Office for Children, Department of Public Works and Environmental Services, Department of Economic Initiatives, and the City. The concept option of a single combined facility located on the Willard Center site with a potential parking structure was chosen for further consideration. (The redeveloped parking may include changes to the parking that currently serves the Joanne Jorgenson Laboratory.)

On January 31, 2019, a second Letter of Agreement was executed to further refine the preferred concept by developing floor plans of the combined facility to include both County and City programs on the Willard Center site with options for below-grade and above-grade parking.

On January 26, 2021, the Board passed a Resolution indicating the County's commitment to working with the City to finalize the scope of the joint redevelopment project. The resolution directed County staff to work with City staff to finalize the project scope of work, budget and timeline for completion of the project, identify appropriate funding, and prepare a joint development agreement or equivalent, in order to proceed with the project.

In furtherance of this Resolution, County staff has negotiated a form of Phase I Design Development Agreement with the City (Attachment 1) to allow staff to jointly select an Architectural/Engineering (A/E) consulting firm and begin work on the project design.

The Phase I Design Development Agreement will provide for:

- Issuance of a Request for Qualifications for A/E services for full design and construction administration of the project.

- Formation of a Selection Advisory Committee, consisting of County and City staff for selection of the A/E firm.
- Preparation of Phase I Scope of Services, and contract negotiations with the A/E.
- Further development of concept design including programming, site layout with associated parking, building layout, and cost estimate, to determine overall project scope, budget and schedule.

During Phase I, County and City staff will continue working toward a Phase II Development Agreement to include final scope, budget and cost share, timeline, operational and ownership aspects for the overall joint redevelopment project.

FISCAL IMPACT:

This action will enable the County to enter into the Agreement with the City to jointly fund the Phase I design development. A/E services under the Agreement are anticipated to be \$500,000, shared equally between the County and the City. Funding in the amount of \$58,000,000, for the County's portion of the total joint development, has been approved in the 2020 Health and Human Services Bond Referendum.

ENCLOSED DOCUMENTS:

Attachment 1- Agreement

STAFF:

Rachel Flynn, Deputy County Executive

Chris Leonard, Deputy County Executive

Samantha Hudson, Manager, Planning and Capital Projects Section, Office of Strategy Management for Health and Human Services

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

Carey F. Needham, Director, DPWES, Building Design and Construction Division (BDCD)

Tiya Raju, Chief, DPWES, BDCD, Building Design Branch

Vrushali Oak, Senior Section Manager, DPWES, BDCD, Building Design Branch

ASSIGNED COUNSEL:

Cynthia Bailey, Deputy County Attorney

Susan Timoner, Assistant County Attorney

**JOINT WILLARD/SHERWOOD REDEVELOPMENT
PHASE I DESIGN DEVELOPMENT AGREEMENT**

THIS PHASE I DESIGN DEVELOPMENT AGREEMENT (this “Agreement”) is entered into on this ____ day of _____, 2021 (the “Agreement Date”), by the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, acting in its proprietary capacity and not in its governmental or regulatory capacity (the “County”) and the **CITY OF FAIRFAX, VIRGINIA**, a Virginia municipal corporation (the “City”). The County and the City may each be referred to in this Agreement as a “Party,” and collectively as the “Parties.”

RECITALS

- R-1 The County owns approximately 2.5311 acres of land at 3750 Old Lee Highway, Fairfax Virginia 22030, more particularly identified as City Tax Map No. 57-2-02-172, on a portion of which is located the Joseph Willard Health Center (the “Willard Center”). The County property is further described on the attached Exhibit A.
- R-2 The City owns approximately 14 acres of land at 3730 Old Lee Highway, Fairfax Virginia 22030, more particularly identified as City Tax Map No. 57-2-02-175A, on a portion of which is located the Stacy C. Sherwood Community Center (the “Sherwood Center”). The City property is further described on the attached Exhibit A.
- R-3 The County and the City entered into a Letter of Agreement dated August 17, 2017, under which the Parties directed Lemay Erickson Willcox Architects (“LEWA”) to prepare a master plan conceptual study (the “LEWA Study”) for the potential joint redevelopment of the Willard Center and portions of the Fairfax City Community Center Complex, which contains the Sherwood Center, the City Police Department Headquarters, and Van Dyck Park.
- R-4 After reviewing the LEWA Study, the County and the City staff chose as the preferred option a combined facility including the Willard Center and the Sherwood Center programs on the County-owned Willard Center site (the “Project”).
- R-5 The County and the City entered into a second Letter of Agreement dated January 28, 2019, to direct LEWA to further develop the combined facility concept by adding program adjacencies and floor plan layouts, including options for a below-grade or above-grade parking garage.
- R-6 The County’s Department of Public Works and Environmental Services will be the contracting entity. A core project management team led by the County and made up of representatives from the County and the City will be established to jointly address Project matters, participate in Project reviews, and work together to advance the Project in the mutual interests of both Parties, as more particularly described in this Agreement.

R-7 The County and the City desire to enter into this Agreement, as joint development partners, to: (i) proceed with and to finalize Project design, (ii) determine next steps of the joint redevelopment, and (iii) outline each of their respective responsibilities for the Project.

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:

Article I

Selection of Architect/Engineer

Section 1.1 Request for Qualification. The County will be responsible for the procurement and recommendation of, and coordination, administration, monitoring, and management of, an architect/engineer (the “A/E”) for the Project, with input from the City, as set forth below. The County will draft a Request for Qualification (the “RFQ”) for the A/E. The draft RFQ will be provided to the City for input, and such input will be discussed by the Parties and reflected in the final RFQ if agreed to by the Parties. The Parties intend to release the RFQ by June 1, 2021.

Section 1.2 Selection Advisory Committee. The County will establish a selection advisory committee (the “SAC”) to evaluate the submissions received to the RFQ. The SAC will include representatives from both the County and the City. The SAC will perform the following functions:

- (a) Review and evaluate all RFQ submissions;
- (b) Determine those submissions to receive interviews;
- (c) Prepare evaluation criteria and conduct interviews;
- (d) Select the A/E for the Project.

Article II

Preparation and Administration of A/E Contract

Section 2.1 Phase I Scope of Services. The County will draft the scope of services to be included in the County’s standard A/E contract. The County will negotiate with the chosen A/E and prepare the draft contract, including the scope of services. The draft contract will be provided to the City for input, and such input will be discussed by the Parties and reflected in the contract if agreed to by the Parties. The scope of services will include but not be limited to an existing conditions assessment, space programming, cost estimates, and concept designs.

Section 2.2 A/E Fee. The County will negotiate the A/E fee, with input from and agreement by the City. The Parties anticipate that the fee for Phase I A/E services will not exceed \$500,000, split equally between the Parties.

Article III
Project Schedule and Budget

Section 3.1 Preliminary Timeline. The Parties have prepared a preliminary timeline attached to this Agreement as Exhibit B. The dates on Exhibit B are best estimates as of the date of this Agreement and the Parties acknowledge that the dates are subject to change throughout the Project.

Section 3.2 Schedule. During the term of this Agreement, the Parties will work to finalize a full Project schedule.

Section 3.3 Budget. During the term of this Agreement, the Parties will work together to prepare a Project budget.

Article IV
Project Considerations

Section 4.1 Construction Manager At Risk. During the term of this Agreement, the Parties will evaluate the possibility for procuring a construction manager at risk (CMAR) for the construction of the Project.

Section 4.2 Certifications/Standards. The Parties will work together to incorporate as appropriate any applicable County and City programs or standards, including by way of example the County Sustainability Policy and the City Design Standards.

Article V
Agreement Term

Section 5.1 Term. The term of this Agreement is from the Agreement Date until the Parties have received and evaluated the deliverables under the A/E contract. During the Term, the Parties will work together to prepare a Phase II Development Agreement.

Section 5.2 A decision by either Party to not continue with the Project does not preclude the other Party from redeveloping its property without the inclusion of the other Party's property.

Article VI
Defaults and Remedies

Section 6.1 Default. Either Party will be in default of this Agreement if such Party fails to perform any material obligation or requirement under this Agreement or fails to comply with any material term or provision of this Agreement and such default remains uncured for 30 days after receipt of written notice of such failure from the non-defaulting Party. If the defaulting Party fails to timely cure any default, and the Parties have attempted to resolve the issue under Section 6.2 below, the non-defaulting Party will have the following remedies:

- (a) Cure the defaulting Party's default, at the defaulting Party's sole cost and expense. The defaulting Party will reimburse the non-defaulting Party its undisputed reasonable and

actual out-of-pocket costs for such cure within 30 days after written demand therefor with reasonable supporting documentation; or

- (b) Terminate this Agreement.

Section 6.2 Dispute Resolution. In the event of a dispute between the County and the City regarding any matters arising under this Agreement, the County and the City agree to first engage in good faith negotiations with the other in an attempt to promptly resolve such dispute before availing itself of any other remedy hereunder.

Article VII **Miscellaneous**

Section 7.1 Recitals. The recitals to this Agreement are true and correct and are incorporated in this Agreement by reference.

Section 7.2 Final Agreement. This Agreement and its Exhibits embody the final agreement between the Parties as to the matters that are the subject hereof, and to the extent that this Agreement and its Exhibits conflict or are inconsistent with prior agreements between the Parties regarding the Project, this Agreement and its Exhibits supersede and control over all such prior agreements. The terms of this Agreement may be amended or otherwise modified only by a written instrument duly executed by the Parties.

Section 7.3 Notices.

- (a) All notices, demands or other communications between the Parties (“Notice”) must be in writing. Any election to terminate this Agreement requires written notice to the other Party within the time frames described. Notices must be given by (i) personal delivery or (ii) a nationally-recognized, next-day courier service, addressed as follows:
- (1) If to the County, to: Fairfax County
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035
Attn: Rachel Flynn, Deputy County Executive
- with a copy to: Fairfax County
Office of the County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, VA 22035-0064
Attn: County Attorney
- (2) If to the City, to: City of Fairfax, Virginia
10455 Armstrong Street
Fairfax, VA 22030
Attn: City Manager and City Attorney

- (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, any communication other than a Notice alleging a breach of this Agreement or a Notice to terminate may be sent via email to the primary point of contact in Section 7.4.
- (d) Either Party may change its Notice address from time to time by informing the other Party in writing of such new address.

Section 7.4 Points of Contact. The County and the City will each designate a primary point of contact for day-to-day communications. The initial points of contact for the parties are:

Fairfax County: Vrushali Oak
Vrushali.Oak@fairfaxcounty.gov
City of Fairfax: Brooke Hardin
brooke.hardin@fairfaxva.gov

If the designated point of contact resigns or is removed, then the Party will designate a new primary contact within five business days thereafter.

Section 7.5 Governing Law; Venue. 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 those of Virginia. 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.

Section 7.6 Waivers. Each Party has the right by notice in writing to the other Party to waive any of the provisions of this Agreement that are for the sole benefit of the waiving Party. Any failure of a Party to insist upon strict compliance with any, or all, of the terms and conditions of this Agreement will not be construed as a waiver of such terms and conditions or of the right of such Party to insist at any time thereafter upon such strict compliance.

Section 7.7 Counterparts. 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.

Section 7.8 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 party 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.

Section 7.9 Dates for Performance. If the expiration of any time period set forth in this Agreement shall fall on a Saturday, Sunday, or legal holiday in the Commonwealth of Virginia, Fairfax County, or the City of Fairfax, such period shall be automatically extended to the next business day. All dates for performance (including cure) shall expire at 5:00 p.m. on the performance or cure date.

Section 7.10 Headings. The headings of this Agreement are for reference only and do not describe the intent of this Agreement or otherwise alter the terms of this Agreement.

Section 7.11 Transfer of Title. This Agreement shall not be construed or considered to transfer any title to the Property, legal or equitable.

Section 7.12 Rules of Construction.

- (a) 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 unless otherwise indicated.
- (b) Whenever the words “include,” “includes,” or “including” are used in this Agreement, they shall be deemed to be followed by the words “without limitation.”
- (c) 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 neuter genders 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.

Section 7.13 Recordation. This Agreement may not be recorded by either Party at any time.

Section 7.14 Third Parties. No person shall be deemed to be a third-party beneficiary of this Agreement or any portion hereof.

Section 7.15 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.

Section 7.16 Jury Trial. The County and the City each waives 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.

Section 7.17 Funding Contingency. The Parties acknowledge and agree that each of the Parties’ financial obligations hereunder are subject to appropriations by the Fairfax County Board of Supervisors and the City Council of the City of Fairfax, as applicable. To the extent this Agreement is construed to impose any financial obligations upon the County and/or the City, any such financial obligations shall be binding to the extent of appropriations by the Fairfax County Board of Supervisors and/or the City Council of the City of Fairfax, as applicable.

Section 7.18 Definition of the County. Whenever the term, the “County,” is used in this Agreement, unless the term is followed by, “in its governmental capacity,” “in its regulatory capacity,” or words of similar import, the term means, “the County, in its proprietary capacity.”

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above-written.

COUNTY:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, in its proprietary capacity

By: _____
Bryan J. Hill
County Executive

Approved as to form:

Assistant County Attorney

CITY:

CITY OF FAIRFAX, VIRGINIA

By: _____
Robert A. Stalzer, City Manager

Approved as to form:

City Attorney

Exhibit A

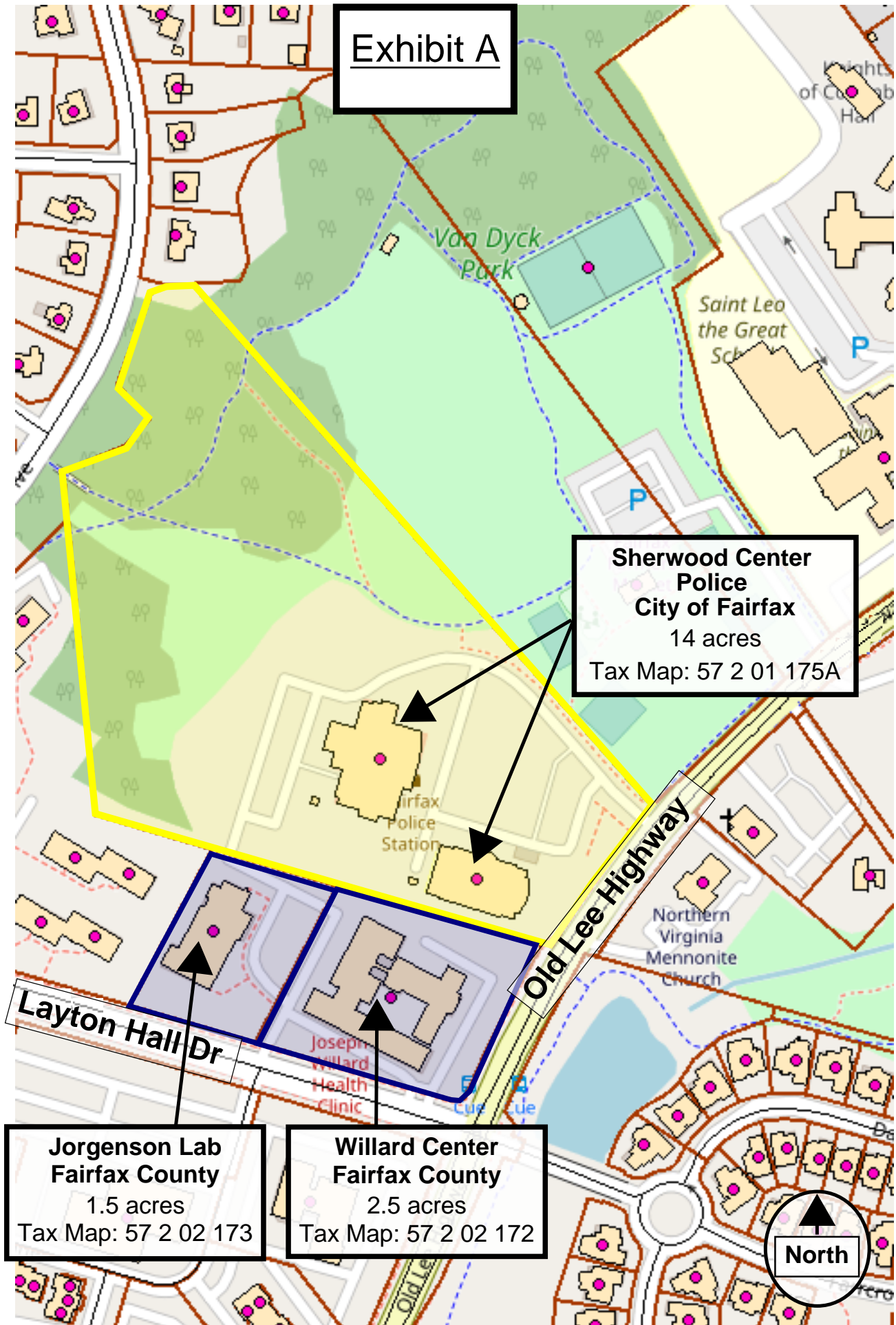
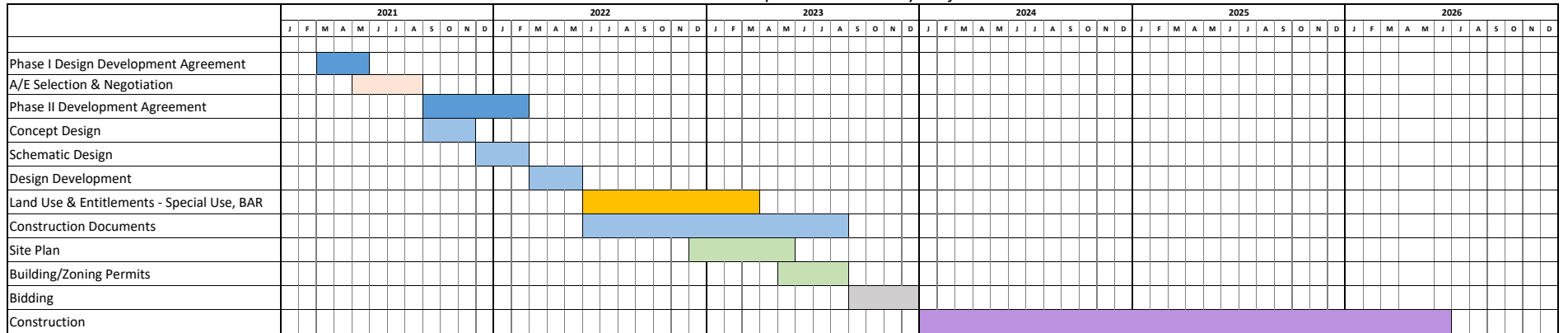


Exhibit B

Willard-Sherwood Joint Development Preliminary Project Timeline



ACTION - 4

Approval of Supplemental Appropriation Resolution 21294 to Accept Grant Funding and Authorization to Execute an Amendment to the Existing Standard Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Cinder Bed Road Bikeway (Lee District)

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 21294 (Attachment 1) for the Department of Transportation to accept funding from the Virginia Department of Transportation (VDOT) in the amount of \$2,763,242 for the Cinder Bed Road Bikeway project. The Total Project Estimate (TPE) is now \$14.8 million; this is an increase of \$8.6 million over the current TPE of \$6.2 million. This project is funded through a combination of Regional Surface Transportation Program (RSTP) grant funding in Fund 50000, Federal-State Grant Fund, and funding in Fund 40010, County and Regional Transportation Projects. The \$8.6 million increase will be funded through a combination of the new grant received and approved through this Board item, as well as a reallocation from the Construction Reserve project in Fund 40010, County and Regional Transportation Projects.

The original Standard Project Administration Agreement was approved by the Board on February 17, 2015, and remains in effect (Attachment 3); however, this Board item also amends the existing Appendix A associated with UPC 106143 (Attachment 4) and seeks Board approval of a resolution for the Director of the Fairfax County Department of Transportation (FCDOT) to execute a new Appendix A associated with UPC 118128 (Attachment 5).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors:

- Approve Supplemental Appropriation Resolution AS 21294 to accept funding from VDOT in the amount of \$2,763,242 for the Cinder Bed Road Bikeway.
- Endorse the TPE of \$14.8 million which is an increase of \$8.6 million from the current TPE of \$6.2 million. The \$8.6 million increase will be funded through the new grant approved by this Board item, as well as a reallocation from the Construction Reserve in Fund 40010, County and Regional Transportation Projects.
- Approve a resolution (substantially in the form of Attachment 2) authorizing the Director of FCDOT to execute a new Appendix A associated with UPC 118128 (substantially in the form of Attachment 5).

Board Agenda Item
May 18, 2021

TIMING:

Board approval is requested on May 18, 2021, so that FCDOT can continue implementation of the project.

BACKGROUND:

The Cinder Bed Road Bikeway project will provide a new bicycle and pedestrian facility approximately three miles in length from Newington Road to Barry Road near the Franconia-Springfield Metrorail Station. The facility will be a combination of on-road bike lanes and shared use paths that, in combination with existing on-road bike lanes along Newington Road, will connect the Franconia-Springfield Metrorail Station and the Springfield Community Business Center to Fort Belvoir, and other activity centers to the south.

The current TPE is \$14.8 million. The preliminary engineering phase of this project is estimated at \$2.0 million. Full funding for this phase was provided by Transportation Alternatives (TA) grant funding in the amount of \$1.5 million, (including Local Cash Match) and \$0.5 million by Fund 40010, County and Regional Transportation Projects. A revised Appendix A (Attachment 4) associated with UPC 106143 which covers the preliminary engineering phase will be executed by the Director of FCDOT upon approval of this Board item. The revised Appendix A associated with UPC 106143 maintains the grant funding at \$1.5 million but shifts resources between the state and County. It also breaks out the Right-of-Way & Utilities and Construction phases to UPC 118128. Costs for these two phases are estimated at \$12.8 million. A new Appendix A (Attachment 5) associated with UPC 118128 will also be executed by the Director of FCDOT upon approval of this Board item. Both UPC 106143 and UPC 118128 will be governed by the original Standard Project Administration Agreement approved by the Board on February 17, 2015.

FISCAL IMPACT:

Grant funding of \$2,763,242 is available from VDOT. Appropriation to the Federal-State Grant Fund totals \$2,584,297 as VDOT expenses are not accounted for in the County's financial system. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards in FY 2021. This grant does not allow the recovery of indirect costs. No new Local Cash Match is required; however, there is a local contribution needed to fully fund right-of-way & utilities, and construction. This funding in the amount of \$5.8 million has been identified in Fund 40010, County and Regional Transportation Projects, in Project 2G40-176-000, Cinder Bed Road Bikeway, and in Project 2G40-001-000, Construction Reserve.

Board Agenda Item
May 18, 2021

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution AS 21294

Attachment 2 – Resolution to Authorize Staff to Execute an Amendment of the Project Administration Agreement with the Virginia Department of Transportation for the Cinder Bed Road Bikeway UPC 118128

Attachment 3 – Standard Project Administration Agreement

Attachment 4 – Appendix A Associated with UPC 106143 (Amendment No. 3)

Attachment 5 – Appendix A Associated with UPC 118128

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

Todd Minnix, Chief, Transportation Design Division, FCDOT

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Ray Johnson, Chief, Funding Section, FCDOT

Christina Farrar, Transportation Planner II, FCDOT

ASSIGNED COUNSEL:

Richard F. Dzubin, Assistant County Attorney

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21294

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 18, 2021, at which meeting a quorum was present and voting, the following resolution was adopted.

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

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency: G4040, Department of Transportation \$2,584,297

Grant: 1400137-2015, Cinder Bed Road Bikeway

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses \$2,584,297

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: Virginia Department of Transportation, \$2,584,297

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Fairfax County Board of Supervisors Resolution

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 Tuesday, May 18, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT EXECUTION RESOLUTION

A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF
FAIRFAX, VIRGINIA
AS AN ENDORSEMENT OF THE
Cinder Bed Road Bikeway
PROJECT

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

NOW, THEREFORE, BE IT RESOLVED, that the County of Fairfax requests the Commonwealth Transportation Board to establish a project(s), if not already established, for the implementation of the Cinder Bed Road Bikeway project (VDOT project #EN14-029-107, UPC 118128) (“Project”).

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to provide its share of the local contribution, in accordance with the new Appendix A for UPC 118128, executed pursuant to this Resolution.

BE IT FURTHER RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County’s Department of Transportation to execute, on behalf of the County of Fairfax, the Appendix A with the Virginia Department of Transportation for the implementation of the Project to be administered by Fairfax County, and any subsequent updates should additional federal and/or state funding be identified to reduce the local funding required to complete the project.

Adopted this 18th day of May 2021, Fairfax, Virginia

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

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN14-029-107, P101, R201, C501	106143	Fairfax County Cinder Bed Road Bikeway

THIS AGREEMENT, made and executed in triplicate this 18th day of March, 2015, by and between the COUNTY of FAIRFAX, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

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

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

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

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

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

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

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over

\$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements

agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be

reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.


THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

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

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

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

COUNTY OF FAIRFAX, VIRGINIA:



Tom B. Bieda

Typed or printed name of signatory

Director, Department of
Transportation

Date 2/27/15

Title



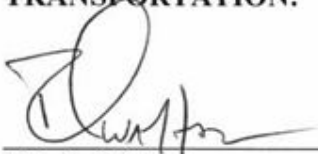
Date 2/27/15

Signature of Witness

Date

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

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



Chief of Policy
Commonwealth of Virginia
Department of Transportation

3/18/15
Date



Signature of Witness

3/18/2015
Date

Attachments

Appendix A

Appendix A

Project Number: EN14-029-107, P101,
R201, C501

UPC: 106143

Fairfax County
Locality: Cinder Bed Road Bikeway

Project Location ZIP+4: 22033

Locality DUNS# 74837626

Locality Address (incl ZIP+4): 4050 Legato Road
Suite 400, Fairfax VA 22033-2895

Project Narrative

Scope: Preliminary engineering for the proposed Cinder Bed Road bikeway connecting Fort Belvoir with the Franconia-Springfield Metrorail Station. Preliminary work will include preparation of a location study, environmental coordination and preliminary plans (up to 30%).

From: Fairfax County Parkway in vicinity of Cinder Bed Road

To: Franconia-Springfield Metrorail Station (south side)

Locality Project Manager: Charlie Strunk - Bicycle Program Coordinator, Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895

Contact info: Bill Harrell (703) 877-5600 charlie.strunk@fairfaxcounty.gov

william.harrell@fairfaxcounty.gov

Department Project Coordinator Contact Info: Bud Siegel - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2118
Bud.Siegel@VDOT.Virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$785,000	\$115,000	\$3,075,000	\$3,975,000
Estimated VDOT Project Expenses	\$15,000		\$10,000	\$25,000
Estimated Total Project Costs	\$800,000	\$115,000	\$3,085,000	\$4,000,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$500,000	Transportation Alternatives	20%	\$100,000	\$400,000	
	\$300,000	Local Funds	100%	\$300,000	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$800,000			\$400,000	\$400,000	\$385,000
Right of Way & Utilities	\$115,000	Local Funds	100%	\$115,000	\$0	
				\$0	\$0	
Total RW	\$115,000			\$115,000	\$0	\$0
Construction	\$3,085,000	Local Funds	100%	\$3,085,000	\$0	
			0%	\$0	\$0	
Total CN	\$3,085,000			\$3,085,000	\$0	-\$10,000
Total Estimated Cost	\$4,000,000			\$3,600,000	\$400,000	\$375,000

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

\$400,000

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

\$375,000

Project Financing

Transportation Alternatives	Local Match	Local Funds		Aggregate Allocations (A+B+C+D+E+F)
\$400,000	\$100,000	\$3,500,000		\$4,000,000

Program and project Specific Funding Requirements

• This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.

• Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests

• This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: **\$400,000**

• Total project allocations: **\$4,000,000**

Any ineligible items identified throughout project development will not be reimbursable. Note that federal TAP funds cannot be used exclusively for feasibility and/or location studies; if this project does not proceed to construction within 10 years (federal maximum), any federal funds expended may be subject to repayment to FHWA.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the \$400,000 federal Alternatives allocation expended by October 1, 2018 or the project may be subject to de-allocation.

Authorized Locality Official and date

Tom Biesiedny
Typed or printed name of person signing

Authorized VDOT Official and date

Renee Liston 3/10/15
Typed or printed name of person signing

Version 8/19/11

Appendix A - Agreement Amendment No. 1

Project Number: EN14-029-107, P101,
R201, C501

UPC: 106143

Locality: Fairfax County
Cinder Bed Road Bikeway

Project Location ZIP+4: 22033 Locality DUNS# 74837826 Locality Address (incl ZIP+4): 4050 Legato Road
Suite 400, Fairfax VA 22033-2895

Project Narrative

Scope: Preliminary engineering for the proposed Cinder Bed Road bikeway connecting Fort Belvoir with the Franconia-Springfield Metrorail Station. Preliminary work will include preparation of a location study, environmental coordination and preliminary plans (up to 30%).

From: Fairfax County Parkway in vicinity of Cinder Bed Road

To: Franconia-Springfield Metrorail Station (south side)

Locality Project Manager Bill Harrell - Transportation Planner, Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895 (703) 877-5600 william.harrell@fairfaxcounty.gov

Department Project Coordinator Contact Info: Jeff Daily - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2993 Jeff.Daily@VDOT.Virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$785,000	\$115,000	\$3,075,000	\$3,975,000
Estimated VDOT Project Expenses	\$15,000		\$10,000	\$25,000
Estimated Total Project Costs	\$800,000	\$115,000	\$3,085,000	\$4,000,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$800,000	Transportation Alternatives	20%	\$160,000	\$640,000	
	\$0	Local Funds	100%	\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$800,000			\$160,000	\$640,000	\$625,000
Right of Way & Utilities	\$115,000	Transportation Alternatives	20%	\$23,000	\$92,000	
				\$0	\$0	
Total RW	\$115,000			\$23,000	\$92,000	\$92,000
Construction	\$85,000	Transportation Alternatives	20%	\$17,000	\$68,000	
	\$3,000,000	Local Funds	100%	\$3,000,000	\$0	
Total CN	\$3,085,000			\$3,017,000	\$68,000	\$58,000
Total Estimated Cost	\$4,000,000			\$3,200,000	\$800,000	\$775,000

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

\$800,000

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

\$775,000

Project Financing

Transportation Alternatives	Local Match	Local Funds				Aggregate Allocations (A+B+C+D+E+F)
80%	20%	100%				
\$800,000	\$200,000	\$3,000,000				\$4,000,000

Program and project Specific Funding Requirements

• This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.

• Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests

• **This is a limited funds project. The Locality shall be responsible for any additional funding in excess of:** **\$800,000**

• Total project allocations: \$4,000,000

Any ineligible items identified through project development will not be reimbursable. Note that federal TAP funds cannot be used exclusively for feasibility and/or location studies; if this project does not proceed to construction within 10 years (federal maximum), any federal funds expended may be subject to repayment to FHWA.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project of have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the **\$800,000** federal Alternatives allocation expended by **October 1, 2018** or the project may be subject to de-allocation.

Tom Bicsiadny
Authorized Locality Official and date

Tom Bicsiadny
Typed or printed name of person signing

Pamela Lister
Authorized VDOT Official and date

Pamela Lister
Typed or printed name of person signing
Version 8/19/11

Appendix A - Agreement Amendment No. 2

Project EN14-029-107, P101, R201,
Number: C501

UPC: 106143

CFDA# 20.205

Locality: Fairfax County
Cinder Bed Road Bikeway

Project Location ZIP+4: 22033	Locality DUNS# 74837626	Locality Address (incl ZIP+4): Fairfax Department of Transportation, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895
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Project Narrative

Scope:	Construction of approximately 3.1 miles of the Cinder Bed Bikeway connecting Fort Belvoir with the Franconia-Springfield Metrorail Station. The project will be a combination of 10' asphalt trails, segments being constructed on an abandoned railroad alignment, as well as on-road bike lanes.
From:	Fairfax County Parkway in vicinity of Cinder Bed Road
To:	Franconia-Springfield Metrorail Station (south side)
Locality Project Manager	Todd Minnix - Fairfax County DOT, 4050 Legato Road, Suite 400, Fairfax VA 22033-2895 (703) 877-5600
Contact Info:	wesley.minnix@fairfaxcounty.gov
Department Project Coordinator Contact	Jeff Daily - VDOT Northern Va District Office, 4975 Alliance Drive, Fairfax VA 22030 (703) 259-2993
Info:	Jeff.Daily@VDOT.Virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$760,000	\$113,000	\$3,035,000	\$3,908,000
Estimated VDOT Project Expenses	\$40,000	\$2,000	\$50,000	\$92,000
Estimated Total Project Costs	\$800,000	\$115,000	\$3,085,000	\$4,000,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement	Estimated Reimbursement to Locality
Preliminary Engineering	\$800,000	Transportation Alternatives	20%	\$160,000	\$640,000	
	\$0	Local Funds	100%	\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$800,000			\$160,000	\$640,000	\$600,000
Right of Way & Utilities	\$115,000	Transportation Alternatives	20%	\$23,000	\$92,000	
				\$0	\$0	
Total RW	\$115,000			\$23,000	\$92,000	\$90,000
Construction	\$585,000	Transportation Alternatives	20%	\$117,000	\$468,000	
	\$2,500,000	Local Funds	100%	\$2,500,000	\$0	
Total CN	\$3,085,000			\$2,617,000	\$468,000	\$418,000
Total Estimated Cost	\$4,000,000			\$2,800,000	\$1,200,000	\$1,108,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$1,200,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$1,108,000

Project Financing

Transportation Alternatives	Local Match	Local Funds				Aggregate Allocations (A+B+C+D+E+F)
80%	20%	100%				
\$1,200,000	\$300,000	\$2,500,000				\$4,000,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects (LAP) Manual and the Transportation Alternatives Program Guide.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests

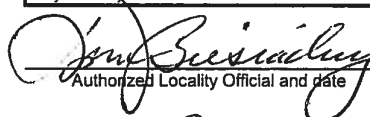
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of: **\$1,200,000**
- Total project allocations: **\$4,000,000**

Any ineligible items identified through project development will not be reimbursable. Note that federal TAP funds cannot be used exclusively for feasibility and/or location studies; if this project does not proceed to construction within 10 years (federal maximum), any federal funds expended may be subject to repayment to FHWA.


The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project of have it maintained in a manner satisfactory to the Department or its authorized representatives and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

In accordance with CTB policy, the project must be completed and the \$1,200,000 federal Alternatives allocation expended by **October 1, 2018** or the project may be subject to de-allocation.

 12/1/10
Authorized Locality Official and date

Tom Biesiedny
Typed or printed name of person signing


Authorized VDOT Official and date

Pamela Lister
Typed or printed name of person signing

Version 8/19/11

Appendix A - Amendment No. 3

Date: 3/2/2021

Project Number: EN14-029-107 Cinder Bed Road Bikeway	UPC: 106143	CFDA # 20.205	Locality: Fairfax County
Project Location ZIP+4: 22079	Locality DUNS # 74837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, VA 22033-2895	
Project Narrative			
Work Description:	Construction of approximately 3.1 miles of the Cinder Bed Bikeway connecting Fort Belvoir with the Franconia-Springfield Metrorail Station. The project will be a combination of 10' asphalt trails, segments being constructed on an abandoned railroad alignment, as well as on-road bike lanes.		
From:	Fairfax County Parkway in vicinity of Cinder Bed Road		
To:	Franconia-Springfield Metrorail Station (south side)		
Locality Project Manager Contact info:	Todd Minnix 703-877-5600 Wesley.Minnix@fairfaxcounty.gov		
Department Project Coordinator Contact Info:	Jeff Daily 703-259-2993 Jeff.Daily@vdot.virginia.gov		

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$1,850,212	\$0	\$0	\$1,850,212
Estimated VDOT Project Expenses	\$149,788	\$0	\$0	\$149,788
Estimated Total Project Costs	\$2,000,000	\$0	\$0	\$2,000,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$1,500,000	Transportation Alternatives	20%	\$300,000	\$1,200,000	
	\$500,000	Local Funds	100%	\$500,000	\$0	
				\$0	\$0	
Total PE	\$2,000,000			\$800,000	\$1,200,000	\$1,050,212
Right of Way & Utilities						
Total RW						\$0
Construction						
Total CN						\$0
Total Estimated Cost	\$2,000,000			\$800,000	\$1,200,000	\$1,050,212

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$1,200,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$1,050,212

Project Financing					
Transportation Alternatives (80%)	Local Match (20%)	Local Funds (100%)			Aggregate Allocations
\$1,200,000	\$300,000	\$500,000			\$2,000,000

<p align="center">Program and Project Specific Funding Requirements</p> <ul style="list-style-type: none"> This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual and Transportation Alternatives Program Guide. Eligible VDOT Project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests. This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$1,200,000 Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program. Any ineligible items identified throughout Project development will not be reimbursable. Note that federal TAP funds cannot be used exclusively for feasibility and/or location studies. If this project does not proceed to construction within 10 years (federal maximum), any federal funds expended may be subject to repayment to FHWA. The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the LOCALITY and deducted from the Project funds. For Transportation Alternatives (TA) Projects, the LOCALITY shall maintain the Project or have it maintained in a manner satisfactory to the DEPARTMENT for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TA funded improvement prior to the expectations as identified in the TA Guide, may require repayment of federal funds. All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation. In accordance with CTB policy, the Project must be under construction by 07/1/2022 or the federal Transportation Alternatives (TA) funding may be subject to de-allocation. This Appendix A updates the estimate, funding, and TA performance deadline for reaching CN startup, and supersedes all previous versions signed by VDOT and the LOCALITY. The RW and CN phases will be performed under breakout UPC 118128,
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This attachment is certified and made an official attachment to this document by the parties to this agreement.

_____ Authorized Locality Official Tom Biesiadny Typed or printed name of person signing	_____ Date Revised: February 1, 2019	_____ Authorized VDOT Official Ray Burkhardt Typed or printed name of person signing	_____ Date
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Appendix A

Date: 3/16/2021

Project Number: EN14-029-107 UPC: 118128 CFDA # 20.205 Locality: Fairfax County
Cinder Bed Road Bikeway

Project Location ZIP+4: 22079	Locality DUNS # 74837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, VA 22033-2895
Project Narrative		
Work Description:	Construction of approximately 3.1 miles of the Cinder Bed Bikeway connecting Fort Belvoir with the Franconia-Springfield Metrorail Station. The project will be a combination of 10' asphalt trails, segments being constructed on an abandoned railroad alignment, as well as on-road bike lanes.	
From:	Fairfax County Parkway in vicinity of Cinder Bed Road	
To:	Franconia-Springfield Metrorail Station (south side)	
Locality Project Manager Contact info:	Todd Minnix 703-877-5600 Wesley.Minnix@fairfaxcounty.gov	
Department Project Coordinator Contact Info:	Jeff Daily 703-259-2993 Jeff.Daily@vdot.virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$0	\$1,468,281	\$11,160,562	\$12,628,843
Estimated VDOT Project Expenses	\$0	\$31,719	\$89,438	\$121,157
Estimated Total Project Costs	\$0	\$1,500,000	\$11,250,000	\$12,750,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering						
Total PE						\$0
Right of Way & Utilities	\$1,500,000	RSTP	0%	\$0	\$1,500,000	
				\$0	\$0	
Total RW	\$1,500,000			\$0	\$1,500,000	\$1,468,281
Construction	\$1,263,242	RSTP	0%	\$0	\$1,263,242	
	\$9,986,758	Local Funds	100%	\$9,986,758	\$0	
				\$0	\$0	
Total CN	\$11,250,000			\$9,986,758	\$1,263,242	\$1,173,804
Total Estimated Cost	\$12,750,000			\$9,986,758	\$2,763,242	\$2,642,085

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$2,763,242
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$2,642,085

Project Financing						
RSTP	State Match	Local Funds (100%)				Aggregate Allocations
\$2,210,594	\$552,648	\$9,986,758				\$12,750,000

<p align="center">Program and Project Specific Funding Requirements</p> <ul style="list-style-type: none"> • This Project shall be administered in accordance with VDOT's Locally Administered Projects Manual • This is a limited funds project. The LOCALITY shall be responsible for any additional funding in excess of \$2,763,242 • Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program. • Any ineligible items identified throughout Project development will not be reimbursable. Note that federal TAP funds cannot be used exclusively for feasibility and/or location studies. If this project does not proceed to construction within 10 years (federal maximum), any federal funds expended may be subject to repayment to FHWA. • The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the LOCALITY and deducted from the Project funds. • For Transportation Alternatives (TA) Projects, the LOCALITY shall maintain the Project or have it maintained in a manner satisfactory to the DEPARTMENT for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TA funded improvement prior to the expectations as identified in the TA Guide, may require repayment of federal funds. • This Project is funded with federal-aid Regional Surface Transportation Program (RSTP) funds. These funds must be obligated within 12 months of allocation and expended within 36 months of the obligation. • All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation. • In accordance with CTB policy, the Project must be under construction by 07/1/2022 or the federal Transportation Alternatives (TA) funding may be subject to de-allocation. • This project is a breakout from UPC 106143 and covers only the RW and CN phases. Upon execution, this Appendix A will be appended to the agreement for parent UPC 106143. The PE phase will be performed under the parent UPC.
--

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

Authorized Locality Official Date

Tom Biesiadny
Typed or printed name of person signing

Authorized VDOT Official Date

Ray Burkhardt
Typed or printed name of person signing

Revised: February 1, 2019

Board Agenda Item
May 18, 2021

INFORMATION - 1

Consolidated Plan Certification for the Fairfax County Redevelopment and Housing Authority Moving to Work Plan for Fiscal Year 2022

On May 20, 2021, the Fairfax County Redevelopment and Housing Authority (FCRHA) is expected to give final approval for the submission of its Moving to Work Plan for Fiscal Year 2022 to the U.S. Department of Housing and Urban Development (HUD). Certification that the plan is consistent with the Fairfax County Consolidated Plan is part of the required submission due to HUD by May 28, 2021. County policy requires that the Board of Supervisors (Board) be informed of Consolidated Plan certifications.

The Moving to Work Plan articulates the FCRHA's mission to serve the housing needs of low-income and very low-income households in its federal rental assistance programs (Housing Choice Voucher and Rental Assistance Demonstration Project-Based Voucher), and the FCRHA's strategy for addressing those needs. The plan is presented in a HUD-mandated format and has had extensive review by the FCRHA and the public. The FCRHA made the plan available for public comment from April 5, 2021, through May 5, 2021, and held the required public hearing on April 15, 2021. The draft Moving to Work Plan for Fiscal Year 2022 was initially due to HUD in April 2021; however, HUD provided an extension through May 28, 2021, due to the COVID-19 pandemic.

The draft Moving to Work Plan for Fiscal Year 2022, as released by the FCRHA, is available online at www.fairfaxcounty.gov/housing/initiatives/moving-to-work.

Unless directed otherwise by the Board, the County Executive will sign the Certification of Consistency with the Consolidated Plan and provide it to the FCRHA for inclusion in the Moving to Work Plan for Fiscal Year 2022 to be submitted to HUD.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Certification of Consistency with the Consolidated Plan

Board Agenda Item
May 18, 2021

STAFF:

Christopher Leonard, Deputy County Executive

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

Amy Ginger, Deputy Director, Operations, HCD

Vincent Rogers, Director, FCRHA Policy and Compliance, HCD

ASSIGNED COUNSEL:

Susan Timoner, Assistant County Attorney

**Certification of Consistency
with the Consolidated Plan****U.S. Department of Housing
and Urban Development****Attachment 1**

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan. (Type or clearly print the following information:)

ApplicantName: Fairfax County Redevelopment and Housing Authority

ProjectName: Moving to Work

Location of the Project: Fairfax County, Virginia

Name of the Federal
Program to which the
applicant is applying: Moving to Work

Name of
Certifying Jurisdiction: Fairfax County, Virginia

Certifying Official
of the Jurisdiction
Name: Bryan J. Hill

Title: County Executive

Signature:

Date:

INFORMATION - 2

Conveyance of Parcels to the Virginia Department of Transportation for the Transform 66 Project (Sully and Braddock Districts)

The Transform 66 Outside the Beltway project (Transform 66 Project) will upgrade Interstate 66 into a multimodal corridor that enhances commuting time reliability and provides new travel options. The Transform 66 Project will culminate in creating dynamically tolled express lanes that will enable 2,000 to 4,000 more people per hour to travel through the corridor. The project was launched by a public-private partnership between the Virginia Department of Transportation (VDOT), the Department of Rail and Public Transportation (DRPT), and their private partner, I-66 Express Mobility Partners (EMP). The new express lanes are scheduled to be completed by late 2022. Fairfax County is a participant and beneficiary of the Transform 66 Project.

As part of its participation, the County possesses some of the necessary land rights needed for construction of the highway improvements that were received in anticipation of this project. To assist in the completion of these improvements, Fairfax County will transfer to VDOT specified portions of the following County-owned parcels dedicated previously for public street purposes or other public uses, as outlined in the table below.

VDOT ID #	Tax Map Number(s)	Land Rights to be Conveyed	Districts
Parcel 178	0543 21 B & 0543 21 C	1.6 acres in fee simple	Sully
Parcel 202	0543 21 D	0.72 acres in fee simple	Sully
Parcel 207	0443 06 0021A1	0.2 acres in fee simple	Sully
Parcel 289	0561 15 0006	298 square feet in fee simple; permanent utility easement	Braddock
Parcel 236	0551 03 C1 & 0551 01 0015	1.2 acres in fee simple; permanent drainage and water easements	Sully
Parcel 635	0551 01 0018	Permanent water easement	Sully

FISCAL IMPACT:
None.

Board Agenda Item
May 18, 2021

ENCLOSED DOCUMENTS:
Attachment A – Plats

STAFF:

Rachel Flynn, Deputy County Executive
Joseph M. Mondoro, Chief Financial Officer
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
José A. Comayagua, Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department
Eric Teitelman, P.E., Chief, Capital Projects and Traffic Engineering Division, FCDOT
Martha Coello, Chief, Special Projects Division, FCDOT
Valerie Pini, Sr. Right of Way Agent, Capital Projects and Traffic Engineering Division, FCDOT

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney

NOTES

1. THE SURVEYED PROPERTIES DELINEATED HEREON ARE LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP AS #0561-15-0006 AND ARE ZONED PDM-20 (RESIDENTIAL 2000/AC).
2. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
3. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
4. THE PROPERTY IS LOCATED IN THE FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND FLOOD ZONE A, AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 4 S099800000, SEPTEMBER 11, 2010.
5. THE PROPERTY AS SHOWN HEREON IS SUBJECT TO ALL COVENANTS AND RESTRICTIONS OF RECORD AND THOSE RECORDED HEREWITH. BOWMAN CONSULTING GROUP, LTD. WAS PROVIDED A PRELIMINARY TITLE REPORT FROM CARTERET TITLE LLC. TITLE EXAMINATION COVERS A PERIOD FROM JANUARY 3, 1927 TO NOVEMBER 12, 2018.
6. ALL UNDERLYING EASEMENTS MAY NOT BE INDICATED ON THIS PLAT.
7. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
8. ALL EASEMENTS PROVIDED FOR ROADWAY PURPOSES ARE TO BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION ONLY TO THE EXTENT NECESSARY TO SOME ROADWAY PURPOSES.
9. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983, NORTH ZONE AND COMPUTED FROM A FIELD SURVEY WHICH TIES THE BOUNDARY OF RECORD TO MONUMENTATION FOUND PREVIOUSLY BY RICE ASSOCIATES, INC. AS PART OF AN OVERALL 1-66 EXPANSION PROJECT.
10. NO GRAVES, BURIAL GROUNDS OR HISTORICAL SITES ARE KNOWN TO EXIST.

CONVEYANCE AREA TABLE

VDOT RIGHT OF WAY HEREBY DEDICATED	PROPOSED TEMPORARY CONSTRUCTION EASEMENT	PROPOSED PERMANENT VDOT UTILITY EASEMENT
TOTAL AREA TO BE CONVEYED	TOTAL AREA TO BE CONVEYED	TOTAL AREA TO BE CONVEYED
298 SQ. FT.	510 SQ. FT.	3,318 SQ. FT.

OWNER'S CONSENT AND DEDICATION

THE PLATTING OR DEDICATION OF THE LAND SHOWN HEREON AND AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS, AND TRUSTEES, IF ANY. THE UNDERSIGNED HEREBY EXPRESSLY CONSENTS TO THE DEDICATION TO THE BOARD OF COUNTY SUPERVISORS, IN THE SIMPLE RESOLUTION, OF ALL AREAS SHOWN ON THIS PLAT FOR ROADS, STREETS, ALLEYS, SCHOOLS, PARKS AND OTHER SUCH PUBLIC USES AS MAY BE IDENTIFIED BY SPECIFIC USE OF NAMED OR BY THE GENERAL DESIGNATION "FOR PUBLIC USE", AND FURTHER CONSENTS TO THE DEDICATION OF ANY EASEMENT INDICATED ON SUCH PLAT FOR PUBLIC RIGHTS OF PASSAGE, STORM DRAINAGE, OR EXPRESSLY IDENTIFIED FOR THE INSTALLATION OF SEWER, WATER OR OTHER UTILITY LINES OR FOR ACCESS THEREON OR FOR CONSTRUCTION EASEMENTS TEMPORARY OR PERMANENT ULTIMATELY TO BE OWNED, OPERATED OR MAINTAINED BY ANY PUBLIC AUTHORITY.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20____.

OWNER: _____ DATE: _____

NOTARY CERTIFICATION

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA, _____ COUNTY, WHOSE COMMISSION WILL EXPIRE ON _____, DO HEREBY CERTIFY THAT _____, WHOSE NAME IS SIGNED TO THE FOREGOING OWNER'S DEDICATION DATED _____, HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY STATE AND COUNTY AFORESAID.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC: _____

CERTIFICATE OF APPROVAL

THIS DEDICATION OF A PERMANENT VDOT UTILITY EASEMENT, TEMPORARY CONSTRUCTION EASEMENT ALONG WITH A VDOT RIGHT OF WAY TO BE CONVEYED, ON THE PROPERTY OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, TAX ASSESSMENT MAP #0561-15-0006, IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING REGULATIONS AND MAY BE COMMITTED TO RECORD AND THE COUNTY ACCEPTS ALL DEDICATIONS AND VACATIONS.

COUNTY ADMINISTRATOR OR AGENT
OF THE COUNTY BOARD OF SUPERVISORS

DATE: _____

VIRGINIA DEPARTMENT OF TRANSPORTATION
ADMINISTRATOR OR AGENT

DATE: _____



VICINITY MAP
SCALE: 1" = 2,000'

PARCEL AREA TABLE

TAX MAP #	ORIGINAL AREA	RIGHT OF WAY DEDICATION	NEW REMAINING AREA
#0561-15-0006	297,281 SQ. FT./9,120.32 AC.	298 SQ. FT./0.0068 AC.	296,983 SQ. FT./9,113.48 AC.

SURVEYOR'S CERTIFICATION

I, CRAIG MACAULAY, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LANDS SHOWN HEREON (TAX ASSESSMENT MAP #0561-15-0006) ARE NOW IN THE NAME OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA AS ACQUIRED BY DEED BOOK 5284, PG. 85 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND THAT THE BEARINGS SHOWN HEREON ARE REFERENCED TO VIRGINIA STATE COORDINATE SYSTEM 1983 (VCS 1983), NORTH ZONE.

DATE OF PLAT OR MAP: FEBRUARY 17, 2021 CRAIG MACAULAY, L.S. [LIC. NO. 31324]

PLAT SHOWING
PROPOSED PERMANENT VDOT UTILITY
EASEMENT AND TEMPORARY CONSTRUCTION
EASEMENT ALONG WITH A VDOT RIGHT OF WAY
AND LIMITED ACCESS DEDICATION
ON THE PROPERTY OF
THE BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA
TAX MAP #0561-15-0006
DEED BOOK 5284 PAGE 85
BRADDOCK TRANSPORTATION DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

DATE: FEBRUARY 17, 2021



REVISION	

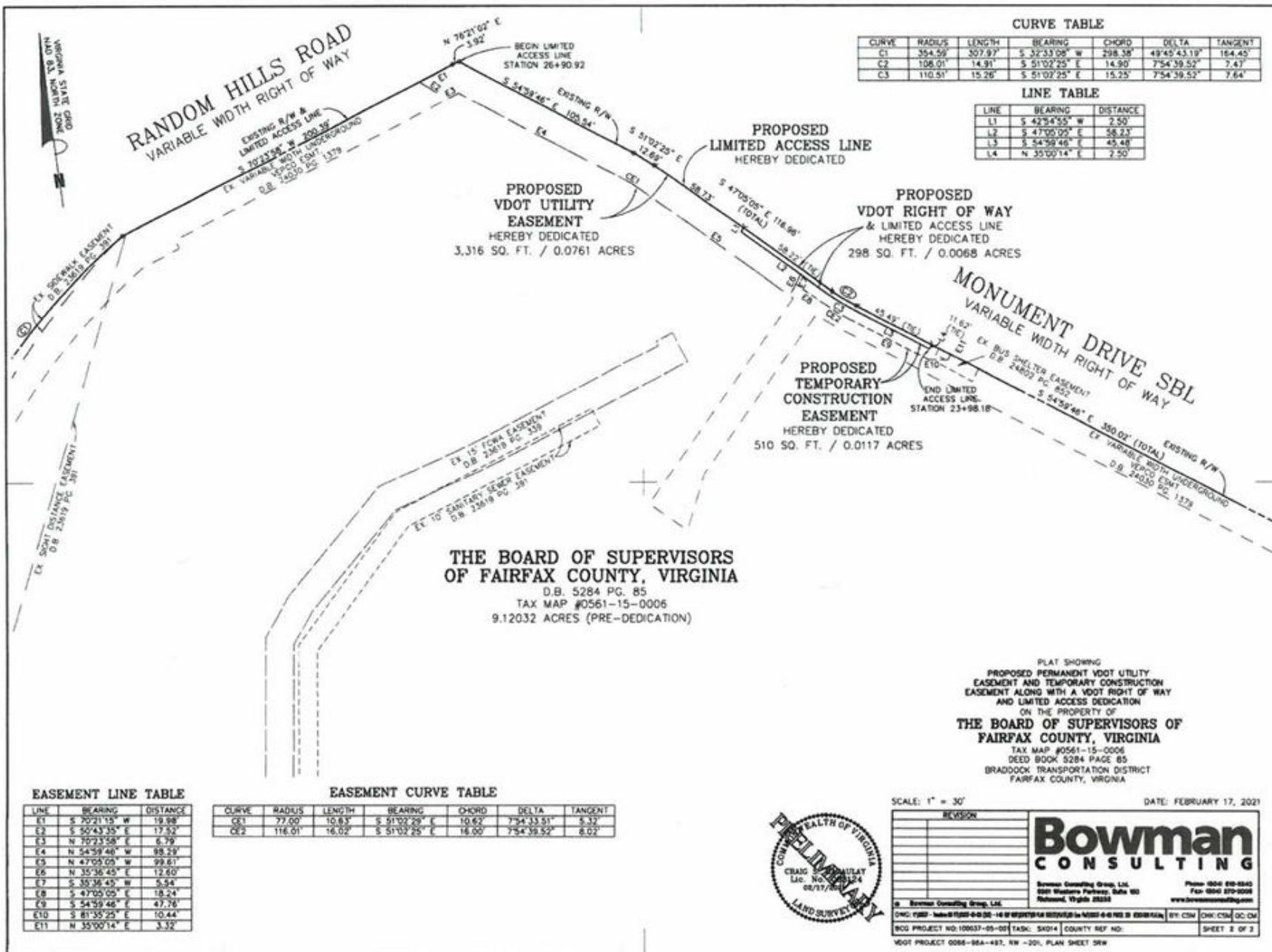
Bowman CONSULTING

Bowman Consulting Group, Ltd.
280 Western Parkway, Suite 100
Richmond, Virginia 23220
Phone (804) 800-8240
Fax (804) 370-8000
www.bowmanconsulting.com

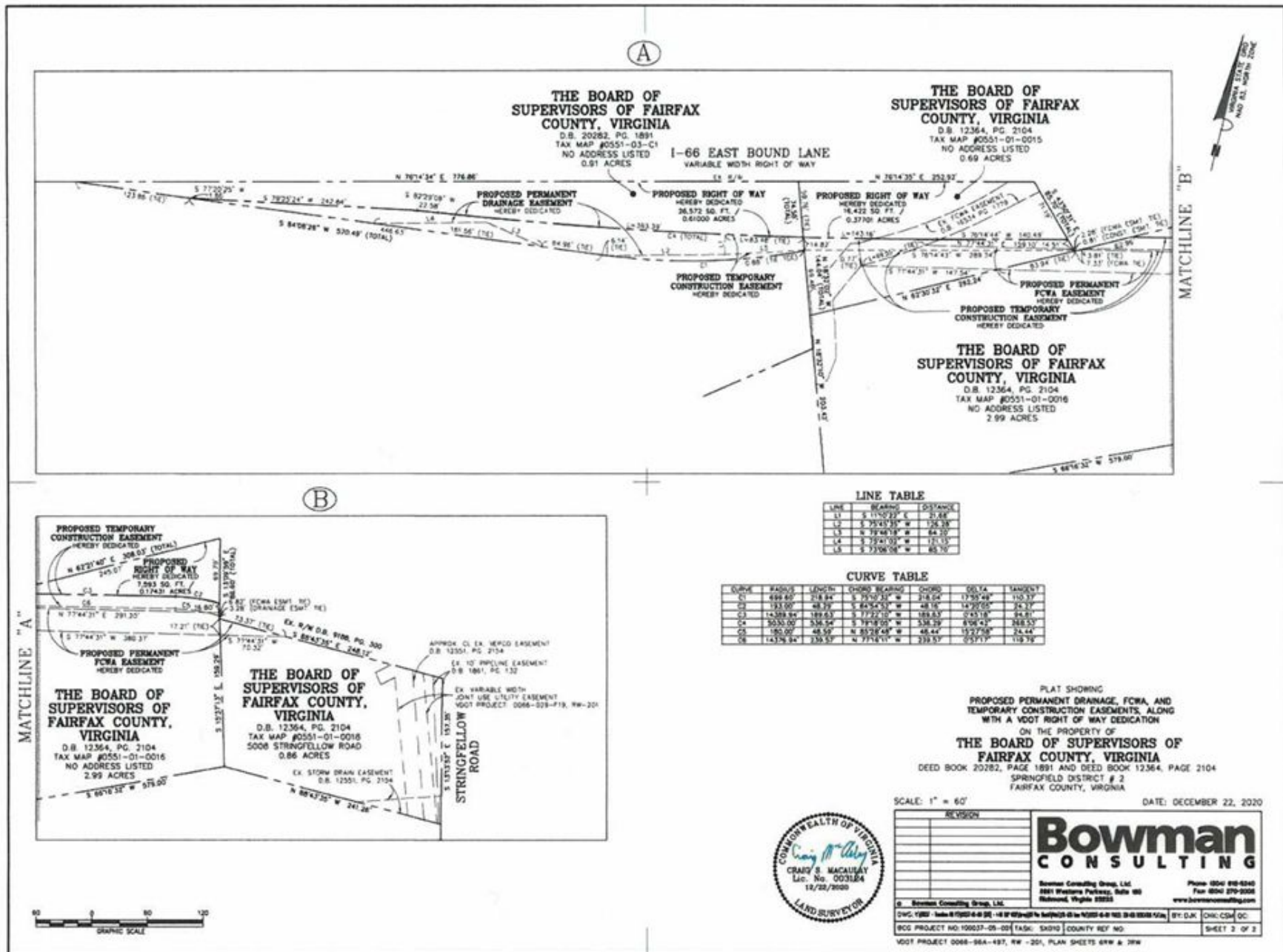
B. Bowman Consulting Group, Ltd.
CRAIG MACAULAY L.S. NO. 31324 02/17/2021
CRAIG MACAULAY L.S. NO. 31324 02/17/2021

BCC PROJECT NO. 100037-05-00 TASK: SMO-4 COUNTY REF NO. SHEET 2 OF 2
VDOT PROJECT 0088-95A-437, RW -201, PLAN SHEET 24W

100037-C-001 Parcel 289



100037-C-001 Parcel 289



NOTES

1. THE SURVEYED PROPERTY DELINEATED HEREON IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP AS #0443-06-0021A1 AND IS ZONED I-3 (INDUSTRIAL LIGHT INTENSITY).
2. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
3. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
4. THE PROPERTY IS LOCATED IN THE FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL #01090C0230E, SEPTEMBER 17, 2016.
5. THE PROPERTY AS SHOWN HEREON IS SUBJECT TO ALL COVENANTS AND RESTRICTIONS OF RECORD AND THOSE RECORDED HEREIN. FOWMAN CONSULTING GROUP, LLC, HAS PROVIDED A PRELIMINARY TITLE REPORT FROM CARTERET TITLE LLC. TITLE EXAMINATION COVERS A PERIOD FROM NOVEMBER 18, 1958 TO SEPTEMBER 14, 2017.
6. ALL UNDERLYING EASEMENTS MAY NOT BE INDICATED ON THIS PLAT.
7. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
8. ALL EASEMENTS PROVIDED FOR ROADWAY PURPOSES ARE TO BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION ONLY TO THE EXTENT NECESSARY TO SOME ROADWAY PURPOSES.
9. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE PLAT OF RECORD FOUND IN DEED BOOK 16326, PAGE 2189.
10. NO GRAVES, BURIAL GROUNDS OR HISTORICAL SITES ARE KNOWN TO EXIST.

CERTIFICATE OF APPROVAL

THIS DEDICATION OF RIGHT OF WAY ON THE PROPERTY OF 350 SOUTH WASHINGTON LLC, TAX ASSESSMENT MAP #0443-06-0021A1, IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING REGULATIONS AND MAY BE COMMITTED TO RECORDS AND THE COUNTY ACCEPTS ALL DEDICATIONS.

COUNTY ADMINISTRATOR OR AGENT
OF THE COUNTY BOARD OF SUPERVISORS

DATE

VIRGINIA DEPARTMENT OF TRANSPORTATION
ADMINISTRATOR OR AGENT

DATE



VICINITY MAP
SCALE: 1" = 2,000'

OWNER'S CONSENT AND DEDICATION

THE PLATTING OR DEDICATION OF THE LAND SHOWN HEREON AND AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS, AND TRUSTEES, IF ANY. THE UNDERSIGNED HEREBY (EXPRESSLY OR IMPLY) TO THE DEDICATION TO THE BOARD OF COUNTY SUPERVISORS, IN FEE SIMPLE ABSOLUTE, OF ALL AREAS SHOWN ON THIS PLAT FOR ROADS, STREETS, ALLEYS, SCHOOLS, PARKS AND OTHER SUCH PUBLIC USES AS MAY BE IDENTIFIED BY SPECIFIC USE OF NAMED OR BY THE GENERAL DESIGNATION "FOR PUBLIC USE", AND FURTHER CONSENT(S) TO THE DEDICATION OF ANY EASEMENT INDICATED ON SUCH PLAT FOR PUBLIC RIGHTS OF PASSAGE, STORM DRAINAGE, OR EXPRESSLY IDENTIFIED FOR THE INSTALLATION OF SEWER, WATER OR OTHER UTILITY LINES OR FOR ACCESS THEREON OR FOR CONSTRUCTION EASEMENTS TEMPORARY OR PERMANENT ULTIMATELY TO BE OWNED, OPERATED OR MAINTAINED BY ANY PUBLIC AUTHORITY.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 2016.

OWNER: _____ DATE: _____

NOTARY CERTIFICATION

I, _____, A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA,
COUNTY, WHOSE COMMISSION WILL EXPIRE ON _____,
DO HEREBY CERTIFY THAT _____, WHOSE NAME IS SIGNED TO THE
FOREGOING OWNER'S DEDICATION DATED _____, HAS ACKNOWLEDGED THE SAME
BEFORE ME IN MY STATE AND COUNTY AFORESAID.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATION

I, CRAIG S. MACALUSAY, A DUTY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA,
DO HEREBY CERTIFY THAT THE LANDS SHOWN HEREON (TAX ASSESSMENT MAP #0443-06-0021A1) ARE
NOW IN THE NAME OF 350 SOUTH WASHINGTON LLC AS ACQUIRED BY DEED BOOK 16422, PG. 311
AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND THAT THE BEARINGS SHOWN HEREON
ARE REFERENCED TO VIRGINIA STATE COORDINATE SYSTEM 1983 (VCS 1983), NORTH ZONE.

DATE OF PLAT OR MAP: JANUARY 17, 2019

CRAIG S. MACALUSAY, L.S. (LIC. NO. 3728)



SCALE: N/A

DATE: JANUARY 17, 2019

PLAT SHOWING
DEDICATION OF RIGHT OF WAY
ON THE PROPERTY OF
350 SOUTH WASHINGTON LLC
TAX MAP #0443-06-0021A1
D.B. 16422, PG. 311
SULLY MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

REVISION	

Bowman CONSULTING

Bowman Consulting Group, LLC
2801 Western Parkway, Suite 500
Richmond, Virginia 23220

Phone (804) 470-0040
Fax (804) 470-0000
www.bowmanconsulting.com

BY: CH [Signature] DATE: 01/17/2019

BY: CH [Signature] DATE: 01/17/2019

BY: CH [Signature] DATE: 01/17/2019

PROJECT NO: 100037-00-001 TASK: COUNTY REF NO: SHEET 1 OF 2

N/T
WNH LLC
D.B. 16382, PG. 955
TAX MAP #0443-06-0021A7
5005 WESTONE PLAZA

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 32°34'30" E	10.00
L2	S 54°05'19" W	38.74

CURVE TABLE

CURVE	RADIUS	LENGTH	BEARING	CHORD	DELTA	TANGENT
C1	695.34	207.89	S 62°00'41" E	362.56	32°48'28"	224.87
C2	724.30	78.45	N 74°16'18" W	79.41	81°17'15"	38.74
C3	863.47	299.00	N 54°13'00" W	296.47	25°42'21"	152.08

350 SOUTH
WASHINGTON LLC
D.B. 16422, PG. 311
TAX MAP #0443-06-0021A1
5003 WESTONE PLAZA

N/T
WNH LLC
D.B. 24539, PG. 1449
TAX MAP #0443-06-0021E2
4995 WESTONE PLAZA

EASEMENT LEGEND

- EX. 15' FONA EASEMENT
D.B. 14000, PG. 97
- EX. 10' STORM DRAIN EASEMENT
D.B. 16320, PG. 2169
- EX. 15' STORM DRAIN EASEMENT
D.B. 16320, PG. 2169
- EX. 10' STORM DRAIN EASEMENT
D.B. 17393, PG. 229
- EX. 10' SANITARY EASEMENT
D.B. 16320, PG. 2169
- EX. 10' SANITARY SEWER EASEMENT
D.B. 18024, PG. 1657
- EX. 10' VERIZON EASEMENT
D.B. 19506, PG. 2152
- EX. 40' LANDSCAPE EASEMENT
D.B. 7011, PG. 1310
- EX. 10' PUBLIC ACCESS EASEMENT
D.B. 16320, PG. 2169
- EX. SIGHT DISTANCE EASEMENT
D.B. 16320, PG. 2169
- EX. AREA OF RESERVATION FOR PUBLIC STREET PURPOSES
D.B. 16320, PG. 2169
- EX. SLOPE EASEMENT
D.B. 16320, PG. 2169
- EX. VARIABLE WIDTH VEPGO EASEMENT
D.B. 19759, PG. 973
- EX. VARIABLE WIDTH INGRESS/EGRESS EASEMENT
D.B. 16320, PG. 2169

SPRING HILL IMPROVEMENTS LLC
D.B. 21413, PG. 502
TAX MAP #0413-06-0001C
5001 WESTONE PLAZA

D.B. 16320, PG. 2169
(PLAT)

N/T
4700 CENTREVILLE LLC
D.B. 23593, PG. 1510
TAX MAP #0443-01-0003
4700 CENTREVILLE RD

EXISTING AREA OF RESERVATION
FOR PUBLIC STREET PURPOSES
D.B. 16320, PG. 2169
HEREBY DEDICATED
7,480 SQ. FT. / 0.17173 ACRES

PLAT SHOWING
DEDICATION OF RIGHT OF WAY
ON THE PROPERTY OF
350 SOUTH WASHINGTON LLC
TAX MAP #0443-06-0021A1
D.B. 16422, PG. 311
SULLY MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

DATE: JANUARY 17, 2019



REVISION			
Bowman Consulting Group, LLC 200 Westmore Parkway, Suite 800 Falls Church, Virginia 22046 Phone: (703) 819-5540 Fax: (703) 819-5540 www.bowmanconsulting.com			
BY: CH		CHK: CSM	QC: NH
BOG PROJECT NO: 100037-05-001 TASK:		COUNTY REF NO:	SHEET 2 OF 2



100037-C-001 Parcel 207

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. *Joseph A. Glean v. Fairfax County Board of Supervisors*, Case No. GV21-004904 (Fx. Co. Gen. Dist. Ct.)
 - 2. *Great Falls Crossing Community Association, Inc. v. Alan Mandelblat, Board of Supervisors of Fairfax County, Fairfax County Department of Housing and Community Development, Capital One Bank, Great Seneca Financial Corporation, Unifund CCR Partners, Fairfax Oral and Maxillofacial Surgery, PC, and Cavalry Investments, LLC*, Case No. CL-2021-0004351 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 3. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kim-Dung T. Nguyen and Ted Nguyen*, Case No. CL-2021-0005644 (Fx. Co. Cir. Ct.) (Braddock District)
 - 4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John M. Winbery*; Case No. GV21-006503 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 5. *Hiba Aziz, Building Code Official for Fairfax County, Virginia v. Fairfax Property Management Corporation*, Case No. GV21-006507 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 - 6. *Elaine M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
 - 7. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gabriel Marcelo Gamarra*, Case No. CL-2021-0006025 (Fx. Co. Cir. Ct.) (Lee District)
9. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra*, Case No. GV21-004429 (Fx. Co. Gen. Dist. Ct.) (Mason District)
10. *Hiba Aziz, Code Official for Fairfax County, Virginia v. Jian Liu*, Case No. GV21-004457 (Fx. Co. Gen. Dist. Ct.) (Mason District)
11. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Khin W. Myint*, Case No. GV21-006750 (Fx. Co. Gen. Dist. Ct.) (Mason District)
12. *Hiba Aziz, Acting Building Official for Fairfax County, Virginia v. Oscar Maravilla*, Case No. GV21-006287 (Fx. Co. Gen. Dist. Ct.) (Mason District)
13. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Majeed Sanori and Farah Sanori*, Case No. GV21-006749 (Fx. Co. Gen. Dist. Ct.) (Mason District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. A.H. Ghafoor Company, LLC*, Case No. CL-2019-0012459 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *In re: March 10, 2021, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Harmony Hills Equestrian Center, Inc., and Terry Abrams v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0004806 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Potomac Crossroads, LLC*, Case No. CL-2020-0012959 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Hiba Aziz, Acting Building Official for Fairfax County, Virginia v. Francisco Sanchez and Maria Micaela Trejos Campos*, Case No. GV21-006285 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thomas F. Bligh Jr. and Miyoko Bligh*, Case No. GV21-006503 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas F. Bligh Jr. and Miyoko Bligh*; Case Number GV21-006503 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
21. *Hiba Aziz, Acting Building Official for Fairfax County, Virginia v. PS Business Parks LP*, Case No. GV21-006215 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Hiba Aziz, Building Code Official for Fairfax County, Virginia v. Fahad Razzaq and Ruth Elizabeth Razzaq*, Case No. GV21-006506 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
23. *Hiba Aziz, Building Official v. Sean and Helen Vermillion*, Case No. GV21-6747 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon)
24. *Hiba Aziz, Acting Building Official for Fairfax County, Virginia v. Marisol Ferrel*, Case No. GV21-006286 (Fx. Co. Gen. Dist. Ct.) (Providence District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy F. Showalter*; Case No. GV21-006505 (Fx. Co. Gen. Dist. Ct.) (Providence District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald M. Douglas and Louise L. Douglas*, Case No. CL-2013-0003838 (Fx. Co. Cir. Ct.) (Springfield District)
27. *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)
28. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Prem K. Mishra and Nimish Mishra*, Case No. GV21-006751 (Fx. Co. Gen. Dist. Ct.) (Sully District)
29. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Garrett M. Sefrin and Emily R. Sefrin*, Case No. GV21-006752 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Action Item
May 18, 2021



4:00 p.m.

ACTION - 5

Board Approval of a Minor Variation Request for RZ 76-S-021 by West Springfield Center, LLC, to Modify References in Proffers 4, 5 and 6 to the Description of the Architectural Design and Character for One of the One-Story Commercial Office and Retail Structures from “Townhouse” Style to “Transitional” (Springfield District)

ISSUE:

Request for a minor variation to RZ 76-S-021 under Zoning Ordinance Section 18-204(5) to modify references in Proffers 4, 5 and 6 to the description of the architectural design and character for one of the one-story commercial office and retail structures from “townhouse” style to “transitional”.

RECOMMENDATION:

The County Executive recommends that the Board, in accordance with Zoning Ordinance Sect. 18-204(5) and Virginia Code Sect. 15.2-2302, waive the requirement of a public hearing and approve the modification of references in Proffers 4, 5 and 6 to the description of the architectural design and character for one of the one-story commercial office and retail structures as shown on the exhibit to the minor variation statement dated April 23, 2021 from “townhouse” style to “transitional”.

TIMING:

Routine.

BACKGROUND:

Under Par. 5 of Sect. 18-204 of the Zoning Ordinance, the Board may approve certain requests for minor variations to proffered conditions without a public hearing when such requests do not materially affect proffered conditions of use, density, or intensity. Specifically, Par. 5(A)(6) permits a request to modify architectural design, character, color, features, or materials for buildings and signs if the modifications are of equivalent quality and do not have a materially adverse impact on adjacent properties.

On July 25, 1977, the Board of Supervisors approved RZ 76-S-021, subject to proffers (see Proffers in Attachment 2). The application rezoned the subject property from the RE-1 and RM-2G districts to the C-D district, which is now the C-6 district. The Board’s

Board Action Item
May 18, 2021

approval of RZ 76-S-021 permitted a mix of commercial retail and office uses in one-story buildings including both an inline building and two separate structures along Bauer Drive and surface parking internal to the site. The property is located near the southwest quadrant of the intersection of Rolling Road and Bauer Drive on approximately 1.79 acres of land at Tax Map 79-3 ((4)) 42 (see Locator Map in Attachment 1).

On March 19, 2021, the Department of Planning and Development (DPD) received a letter dated March 17, 2021, from Kathryn Taylor, agent for the applicant, requesting a minor variation to modify references in Proffers 4, 5 and 6 to the description of the architectural design and character for one of the one-story commercial office and retail structures along Bauer Drive from “townhouse” style to “transitional”. The applicant states that the property, West Springfield Center, was developed as a retail center for a mix of commercial, retail, and office uses in three separate one-story buildings. The proffers specifically require the two buildings along Bauer Drive to be constructed as “townhouse type” structures, where the “townhouse character” of the commercial structures would act as a transition between the existing residential area and the retail shopping center (see Attachment 2).

Elevations of this “townhouse” architectural style were not provided as part of the record of the case. The word “townhouse” in the proffers is not a defined term in the Zoning Ordinance and is also not specifically defined in the record of the case. While not defined, a “townhouse” style is commonly understood to consist of a residential pattern where the building would appear to be constructed as separate units, with different articulations of the façade or the roof, and possibly the use of contrasting materials.

The applicant seeks to replace one of the two one-story commercial office and retail structures along Bauer Drive in order to attract new tenants and update the aesthetics. Essentially, the applicant would like to have greater flexibility in the approved architectural character for one of the buildings along Bauer Drive. The applicant therefore, proposes to remove one of the existing buildings along Bauer Drive and replace it with a one-story retail building that will still provide the transitional architecture expected by the proffers, but with a less residential character that is not specifically a “townhouse” style. The other townhouse type building will remain, without changes.

The proposed building would provide the architectural transition through its massing and the integration of residential architectural elements such as a gabled roof and a residential rhythm of smaller windows along the façade fronting Bauer Drive. The materials, design, and fenestration proposed continue to complement the approved general character and style, including the commitment to be no more than one-story, and will be comparable and compatible in height, scale, and mass with the existing building to the west (see Attachment 3).

Board Action Item
May 18, 2021

The proposed building will not materially affect the design of the approved development, will generally remain within the existing building footprint with no increase in square footage. The proposal will not decrease the amount of open space, add additional parking, or modify setbacks to peripheral lot lines. The applicant has also provided a Minor Variation Statement agreeing that the subject property will be developed otherwise in substantial conformance with the governing proffers (see Attachment 4).

Staff has reviewed RZ 76-S-021 and the request to modify references in Proffers 4, 5 and 6 to the description of the architectural design and character of one of the one-story commercial office and retail structures along Bauer Drive, and has determined the proposed change will not have a materially adverse impact on adjacent properties. The replacement retail building will remain one-story and remain visually compatible with the existing architectural features and transitional nature onsite along Bauer Drive as referenced in the Minor Variation Statement. Staff believes that approval of this minor variation request meets the requirements of the Zoning Ordinance and recommends its approval.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Proffers for RZ 76-S-021

Attachment 3: Conceptual Design Exhibits

Attachment 4: Minor Variation Statement

Attachment 5: Letter from applicant's agent to Zoning Evaluation Division dated March 17, 2021

Attachment 6: Affidavit available online at:

<https://www.fairfaxcounty.gov/planning-development/zoning/minor-variations>

STAFF:

Rachel Flynn, Deputy County Executive

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

Tracy D. Strunk, Director, Zoning Evaluation Division (ZED), DPD

Suzanne Wright, Chief, Conformance Review and Acceptance Branch, ZED, DPD

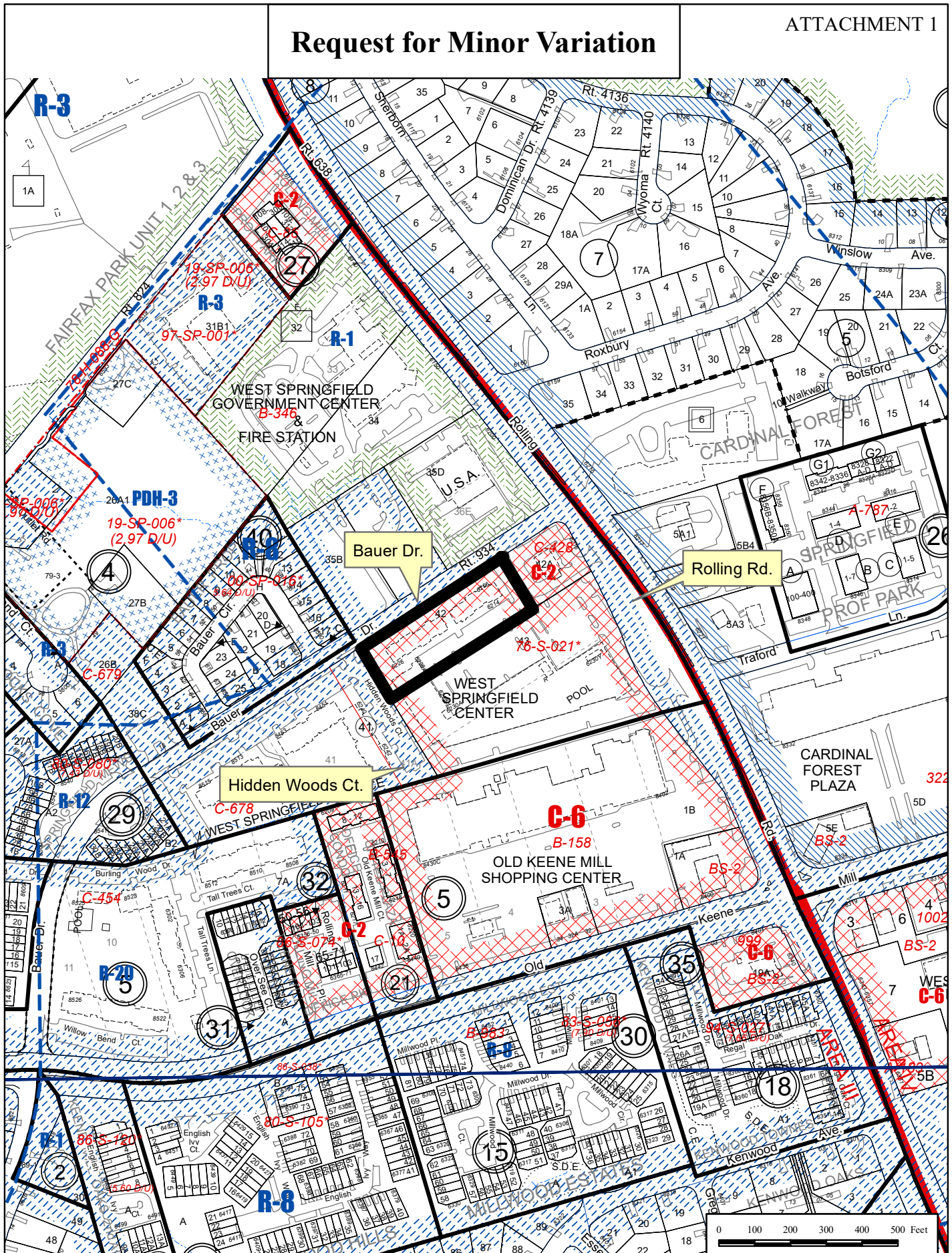
Laura O'Leary, Staff Coordinator, ZED, DPD

ASSIGNED COUNSEL:

Sara Silverman, Assistant County Attorney

Request for Minor Variation

ATTACHMENT 1



FRIED, FRIED & KLEWANS
ATTORNEYS AND COUNSELLORS AT LAW
ALEXANDRIA NATIONAL BANK BUILDING
6592 SPRINGFIELD MALL
P. O. BOX 215
SPRINGFIELD, VIRGINIA 22150

B. MARK FRIED
BARBARA J. FRIED*
SAMUEL N. KLEWANS
GREGORY N. HARNEY
JANE BECKER SMITH
JOEL M. GREENFELD
*ALSO MEMBER OF FLORIDA BAR

(703) 451-1011
OF COUNSEL
SAMUEL H. LEVINE

June 28, 1977

Mr. Richard Faubian
Plan Implementation Branch
Office of Comprehensive Planning
4100 Chain Bridge Road
Fairfax, Virginia 22030

Re: Rezoning Application
76-S-021

Dear Dick:

This zoning case was deferred until July 25, 1977 in order for the Applicant to obtain the signatures on these proffers of all of the property owners. Accordingly, the Applicant, who in conjunction with the Staff has arrived at the following mutually agreed upon proffers, in conjunction with the record owners hereby proffers as follows:

1. There shall be no free-standing individual commercial retail or office uses whether they are highway oriented or not.
2. All parcels will be developed as a consolidated unit.
3. Access to Bauer Drive from these consolidated parcels will be located across from the U.S. Postal Office property, (as close to the Virginia National Bank Building as possible).
4. Only one-story townhouse type structures for retail and office uses along Bauer Drive shall be built and these uses will be buffered by a 50' set-back, measured from 25' dedication line, keeping existing trees (if possible) and planting new material.
5. The facades and front entrances to the "townhouse" commercial office and retail structures will be oriented to the interior of the development and no signs shall be displayed in windows fronting on Bauer Drive or in the area between the buildings and Bauer Drive.

FRIED, FRIED & KLEWANS

Dick Faubian
June 28, 1977
Page Two

6. The commercial office and retail uses which are to orient toward Bauer Drive will be constructed prior to the retail shopping center unit or at the same time in order to assure that the townhouse character of the commercial structures will act as a transition between the existing residential area and the retail shopping center.

7. Applicant will construct the Rolling Road frontage of its parking lot so as to connect with the frontage of the existing shopping center to the south.

8. Applicant will submit preliminary site plans for commercial development to the Board for its review and approval.

9. Dedication of right-of-way for Bauer Drive to 30' from centerline. (Building setbacks measured from 25' dedication line).


As you know, the preliminary site plan was submitted to the Department of Environmental Management approximately one month ago. Therefore, at the July 25 Board meeting it is respectfully requested that the Board of Supervisors also be asked to approve the preliminary site plan.

Very truly yours,


B. MARK FRIED
Applicant

BMF/jac

FLORENCE I. TORREGROSSA
Record Owner


CATHERINE B. RATHWICK
Record Owner

PATRICIA A. LAWSON
Record Owner


FRANCIS M. RATHWICK
Record Owner

NORMA B. HALL
Record Owner

WEST SPRINGFIELD CENTER - BAUER DRIVE

CONCEPT PACKAGE

6228 Rolling Road, Springfield, VA 22152

March 12, 2021

21003.00





mv+a

West Springfield Center - Bauer Drive
6228 Rolling Road, Springfield, VA 22152
21003.00

Existing View on Bauer Drive (from NE) - Google Earth
March 12, 2021

| 2



West Springfield Center - Bauer Drive
6228 Rolling Road, Springfield, VA 22152
21003.00

Conceptual View on Bauer Drive (from NE)
March 12, 2021



mv+a

West Springfield Center - Bauer Drive
6228 Rolling Road, Springfield, VA 22152
21003.00

Existing View on Bauer Drive (from SW) - Google Earth
March 12, 2021

| 4



mv+a

West Springfield Center - Bauer Drive
6228 Rolling Road, Springfield, VA 22152
21003.00

Conceptual View on Bauer Drive (from SW)

March 12, 2021

| 5



mv+a

West Springfield Center - Bauer Drive
6228 Rolling Road, Springfield, VA 22152
21003.00

Conceptual View from the shopping center parking lot
March 12, 2021

| 6



Conceptual Elevation from Bauer Drive



Conceptual Elevation from Shopping center parking lot

MINOR VARIATION STATEMENT

West Springfield Center, LLC

RZ 76-S-021

April 23, 2021

Under Section 18-204(5)(A)(6) of the Zoning Ordinance, the property owner, West Springfield Center, LLC, hereby requests approval of a Minor Variation to Proffers 4, 5, and 6 of RZ 76-S-021 governing Tax Map 79-3 ((4)) 42 to allow a modification of the description of the architectural design and character for one of the one-story commercial office and retail structures along Bauer Drive.

In lieu of the “townhouse-type” structures and “townhouse character” required by the proffers, one of the one-story commercial office and retail structures along Bauer Drive will be constructed with a transitional character as follows:

The proposed structure will remain one story, and no signs will be displayed in windows fronting on Bauer Drive or in the area between the buildings and Bauer Drive. In addition, the proposed design will continue to provide an architectural transition to the existing residential area to the west and the retail shopping center by maintaining elements such as the massing, gabled roof, and fenestration as generally depicted on the Exhibit titled “West Springfield Center – Bauer Drive” prepared by mv+a architects and dated March 12, 2021, consisting of seven (7) sheets. The modification is of an equivalent quality in terms of materials and building design in order to not have a materially adverse impact on adjacent properties. The final design will be determined at the time of site plan review.

All remaining proffers dated June 28, 1977 will continue to govern the use of the Property, and the development of the Property will continue to meet the use limitations contained in the Zoning Ordinance.

[SIGNATURE PAGE TO FOLLOW]

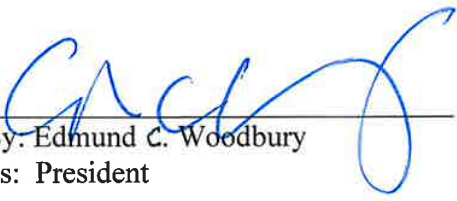
Applicant/Title Owner of Tax Map
79-3 ((4)) 42

WEST SPRINGFIELD CENTER, LLC

By: McCaffery Loudoun/Fairfax Virginia Venture, LLC,
Its Sole Member

By: McCaffery Loudoun/Fairfax Virginia Member, LLC,
its Managing Member

By: McCaffery Interests, Inc., its Manager



By: Edmund C. Woodbury
Its: President



**WALSH COLUCCI
LUBELEY & WALSH PC**

Kathryn R. Taylor
(703) 528-4700 Ext. 5826
ktaylor@thelandlawyers.com

March 17, 2021

Via E-mail and Hand Delivery

Tracy D. Strunk, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Development
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

**Re: Application for Minor Variation associated with RZ 76-S-021
West Springfield Center, LLC (the "Applicant")
Tax Map 79-3 ((4)) 42 (the "Application Property")**

Dear Ms. Strunk:

Please accept this letter as a statement of justification for a proposed minor variation to an approved rezoning in accordance with Paragraph 5 of Section 18-204 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The Application Property is located in the southwest quadrant of the intersection of Rolling Road (Route 638) and Bauer Drive (Route 934). According to the Fairfax County tax assessment records, the Application Property consists of approximately 1.79 acres and is zoned to the C-6 (Community Retail Commercial) District. Located in the Springfield Magisterial District, the Application Property is part of a larger property that is developed as the West Springfield Center. The Application Property is bounded by a Post Office and residential uses to the north of Bauer Drive; commercial and retail uses to the east and south; and residential uses to the west.

On July 25, 1977, the Fairfax County Board of Supervisors (the "Board") approved a rezoning application, referenced as RZ 76-S-021, which rezoned approximately 6.94 acres of land, inclusive of the Application Property, from the RE-1 and RM-2G Districts to the C-D District. After the Board adopted the current Zoning Ordinance in 1978, the C-D District was rezoned to the C-6 District. The Board granted the approval subject to proffers listed in a letter dated June 28, 1977 (the "Proffers"). While a development plan, labeled as a Schematic Land Use Plan and dated March 24, 1977 (the "Schematic Plan"), was included in the rezoning application, it was not proffered. The Schematic Plan illustrates a retail center with a mix of commercial, retail, and office uses in three separate one-story buildings. One of the buildings is a traditional larger "L-shape" and intended to be occupied by multiple retail tenants. The

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

and “shops” on the Application Property, and the Proffers specifically identify these two buildings as “townhouse type” structures, where the “townhouse character” of the commercial structures would “act as a transition between the existing residential area and the retail shopping center.”

For your convenient reference, I have attached a copy of the Proffers and the Schematic Plan as Exhibits A and B, respectively.

West Springfield Center was constructed in 1979 in accordance with the rezoning approval. The Applicant acquired West Springfield Center in 2007. In order to attract new tenants and improve existing conditions, the Applicant seeks to refurbish and upgrade the exterior façades of West Springfield Center, inclusive of the two smaller existing buildings located on the Application Property. Historically, the occupancy rate of these two existing buildings has been low, and outdated design features, such as lack of ADA accessibility, have made them difficult to market. The Applicant proposes to remove one of these two existing buildings on the Application Property and replace it with a retail building that will retain a residential character primarily through the use of architectural features and building materials typically used with residential development. The proposed building will continue to provide an architectural transition to the residential uses to the west, as contemplated by the Proffers.

In order to make these improvements, the Applicant requests a minor variation to the Proffers. Specifically, the Applicant seeks to modify the appearance of one of the two smaller existing buildings on the Application Property in a manner that does not materially affect the approved uses or intensity of the approved Proffers. In review of the Proffers, while a “townhouse” type or character has been identified in terms of design for the two buildings on the Application Property, the Proffers do not offer a specific definition for “townhouse.” In addition, elevations were not provided. However, what is clear in the Proffers is that the commercial structures are to “act as a *transition* between the existing residential area and the retail shopping center” (emphasis added). The Applicant will maintain this transitional nature with the modified architectural design proposed for one of the two existing buildings in accordance with Section 18-204.5.A(6) of the Zoning Ordinance, which allows for such modifications when they are of equivalent quality and do not have a materially adverse impact on adjacent properties.

I have attached Exhibit C, titled “West Springfield Center – Bauer Drive” prepared by mv+a architects and dated March 12, 2021, consisting of seven (7) sheets. As shown on Exhibit C, the townhouse retail building on the west side of the Application Property will remain, and the townhouse retail building to the east will be demolished and replaced with a building that will maintain a transitional architectural design, as described in the Proffers. The proposed building will integrate residential architectural elements, such as a gable roof and fenestration along the façade fronting Bauer Drive. The Applicant will utilize building materials that will be of equivalent or higher quality than that of the existing building it replaces on the Application Property. Such materials will continue to complement the general character and style of both the

adjacent building that will remain and the balance of the West Springfield Center. Constructed to comply with current building code requirements, the proposed building will be comparable and compatible in height, scale, and mass with the existing building to the west. In addition, the proposed building will provide the appropriate transition to both the residential area to the west and the existing retail shopping center. The proposed building will have a similar scale and mass to the building it is replacing, as it will generally remain within the existing building footprint with no increase in square footage. Additionally, the new building will not decrease the amount of open space nor will it modify setbacks to peripheral lot lines. Existing landscaping will be retained. While Exhibit C generally depicts the transitional design for the proposed building, the final design, incorporating the architectural elements as described herein, will be determined at time of site plan. As the proposed building maintains transitional design elements equivalent to the building it is replacing in terms of quality, size, style, and location, the minor variation request is appropriate.

Furthermore, the proposal will not create a materially adverse impact on adjacent properties. The proposed building will be surrounded by commercial or office uses to the east, south, and west. Along the northern property line is Bauer Drive, with a Post Office located on the opposite side of the street. While there are residential homes proximate the Application Property, they are located to the west of the site and opposite the existing building that is to remain. Because the Applicant does not propose to modify the westernmost existing building, both the existing and the proposed buildings will continue to serve as a transition between the existing residential area to the west and West Springfield Center, as the Proffers contemplate. Consequently, the request for the minor variation to modify the architectural character for the proposed building will not materially affect the use nor the intensity of the approved development. Rather, the Applicant proposes a new building that will be constructed with a high-quality, transitional architectural design that remains consistent with the character of the approved development and will not impact adjacent properties.

The Applicant has the opportunity to reinvigorate and activate an aging shopping center with a new, high-quality building that will serve the surrounding community. The proposed improvements represent an economic investment in this portion of the Springfield District and will invite a diverse population of consumers. The requested minor variation will not materially affect the approved uses or intensity of the approval granted by the Board in conjunction with RZ 76-S-021. Specifically, the proposed improvements will generally remain within the approved building footprint, and there will be no changes to the parking, open space, setbacks, or other elements that would adversely affect surrounding residents. The overall character of the West Springfield Center will remain the same. The granting of this minor variation request will allow the Applicant to make much needed improvements to a neighborhood center that will ensure that this development remains vibrant and community-serving.

Page 4 of 4

In accordance with the requirements of the Zoning Ordinance, I have enclosed a check in the amount of \$520.00 payable to Fairfax County that represents the filing fee for minor variation request. Should you have any questions regarding this request or require additional information, please do not hesitate to contact me.

As always, I appreciate your consideration in this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.


Kathryn R. Taylor

Attachments

cc: Travis Westmoreland
Ed Woodbury
Lynne J. Strobel

A0963740.DOC / 1 Ltr. to Strunk re: Request for Minor Variations SOJ 03-17-21 (cln) 002592 000028

Board Agenda Item
May 18, 2021

4:00 p.m.

Public Hearing on SE 2020-SP-021 (Milestone Tower Limited Partnership IV and Trustees of the Virginia Korean Baptist Church) to Permit a Telecommunication Facility, Located on Approximately 13.54 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 7200 Ox Rd., Fairfax Station, 22039. Tax Map 87-4 ((1)) 1A.

PLANNING COMMISSION RECOMMENDATION:

On April 28, 2021, the Planning Commission voted 9-0 (Commissioners Cortina, Strandlie, and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2020-SP-021, subject to the development conditions dated April 14, 2021.

In a related action, the Planning Commission voted 9-0 (Commissioners Cortina, Strandlie, and Ulfelder were absent from the meeting) to find that the facility proposed under 2232-S20-4 satisfies the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, and therefore, is substantially in accord with the provisions of the Comprehensive Plan.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Emma Estes, Planner, DPD

Board Agenda Item
May 18, 2021

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment – Aplomado Drive to Parakeet Drive (Springfield District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive, in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On March 9, 2021, the Board authorized advertisement of a public hearing to be held on April 13, 2021, at 2:30 p.m. On April 13, 2021, the Board of Supervisors deferred this public hearing to May 18, 2021, at 4:00 p.m.

BACKGROUND:

This project consists of the realignment of Burke Road to eliminate the hazardous curve between Heritage Square Drive and Mill Cove Court and includes replacement of the existing storm drainage pipe at the stream crossing, improving both safety and sight distance, while minimizing roadway flooding. This project also includes the installation of ADA-compliant ramps, pedestrian sidewalk, asphalt trail, and a connection to the existing Liberty Bell Trail along the project length of Burke Road from Aplomado Drive to Parakeet Drive.

Land rights for these improvements are required on thirteen properties, seven of which have been acquired by the Land Acquisition Division. The construction of this project requires the acquisition of Street Dedication, Sight Distance, Storm Drainage, Fairfax County Water Authority, Verizon, Virginia Electric and Power Company, and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with several owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board

Board Agenda Item
May 18, 2021

to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project 2G40-087-000, Spot Program in Fund 40010, County and Regional Transportation Projects. This project is included in the Advertised FY 2022 – FY 2026 Capital Improvement Program (with future Fiscal Years to FY 2031) and is included in the Board's Transportation Priorities Plan adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 4A).

STAFF:

Rachel Flynn, Deputy County Executive

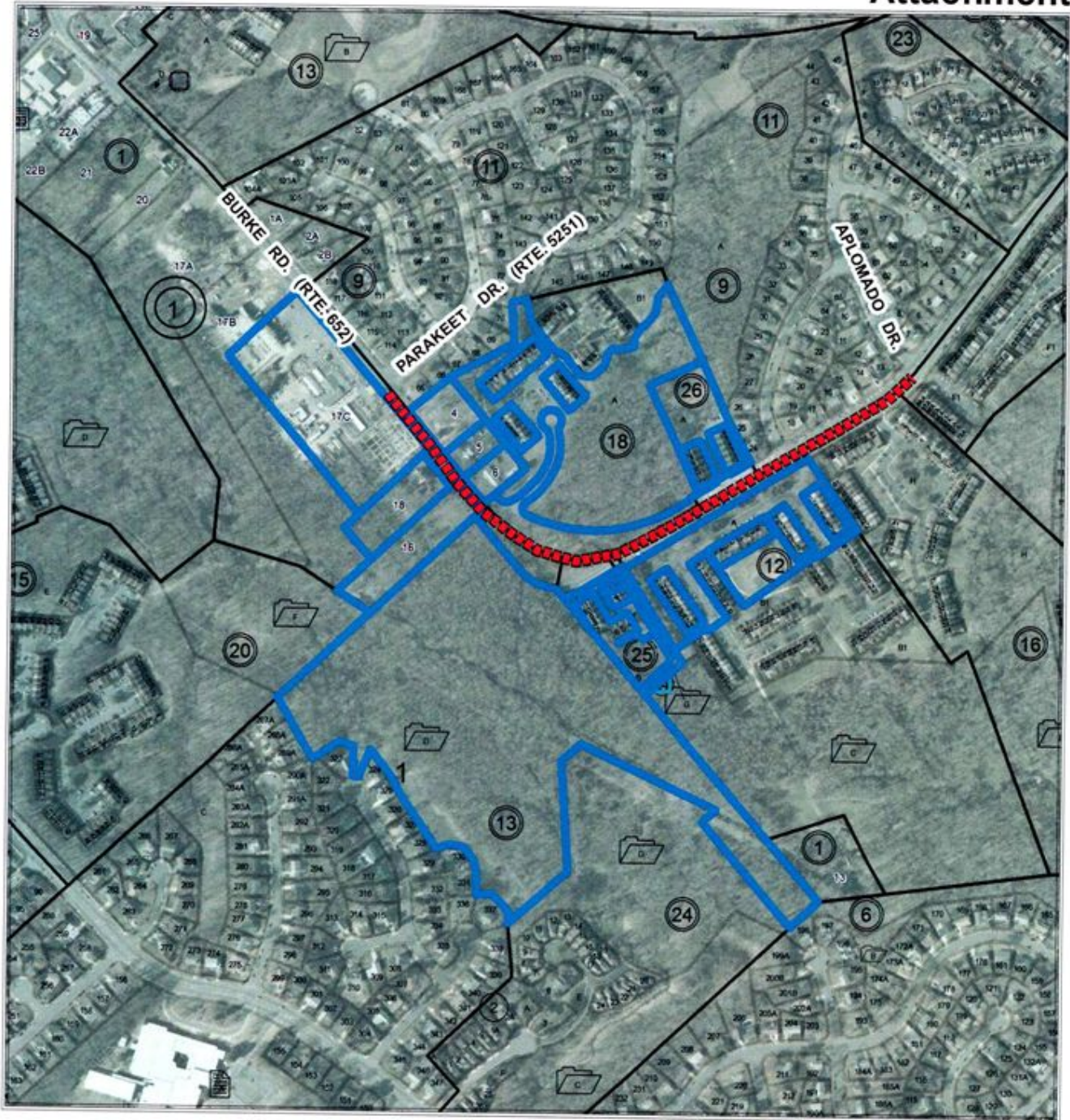
Tom Biesiadny, Director, Fairfax County Department of Transportation

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney



BURKE RD REALIGNMENT APLOMADO DR TO PARAKEET DR

Project: 2G40-087-003

Tax Map: 078-4

Springfield District

Affected Properties:

Proposed Improvements:

0 5 10 20
Miles



ATTACHMENT B

RESOLUTION

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 Tuesday, May 18, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than June 30, 2021.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 4A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the realignment of Burke Road to eliminate the hazardous curve between Heritage Square Drive and Mill Cove Court and includes replacement of the existing storm drainage pipe at the stream crossing, improving both safety and sight distance, while minimizing roadway flooding. The

project also includes the installation of ADA-compliant ramps, pedestrian sidewalk, asphalt trail, and a connection to the existing Liberty Bell Trail along the project length of Burke Road from Aplomado Drive to Parakeet Drive as shown and described in the plans of Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or after June 18, 2021, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES

Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive
(Springfield District)

	<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1.	Darrell C. and Carol A. Marshall, Trustees Address: 9319 Burke Road, Burke VA 22015	078-4-01-0016
2.	Ronald A. and Leta DeAngelis Address: 9401 Burke Road, Burke VA 22015	078-4-01-0017-C
3.	Darrell C. and Carol A. Marshall, Trustees Address: 9325 Burke Road, Burke VA 22015	078-4-01-0018
4.	Heritage Square North HOA Address: Common area at Burke Road @ Heritage Square Drive	078-4-18-0000-A

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0016
Street Address: 9319 Burke Road, Burke VA 22015
OWNER(S): Darrell C. and Carol A. Marshall, Trustees

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication and Conveyance – 7,133 sq. ft.
Grading Agreement and Temporary Construction Easement – 2,150 sq. ft.
Dominion Virginia Easement – 1,863 sq. ft.
Verizon Easement – 1,863 sq. ft.
Cox Easement – 1,863 sq. ft.

VALUE

Estimated value of interests and damages:

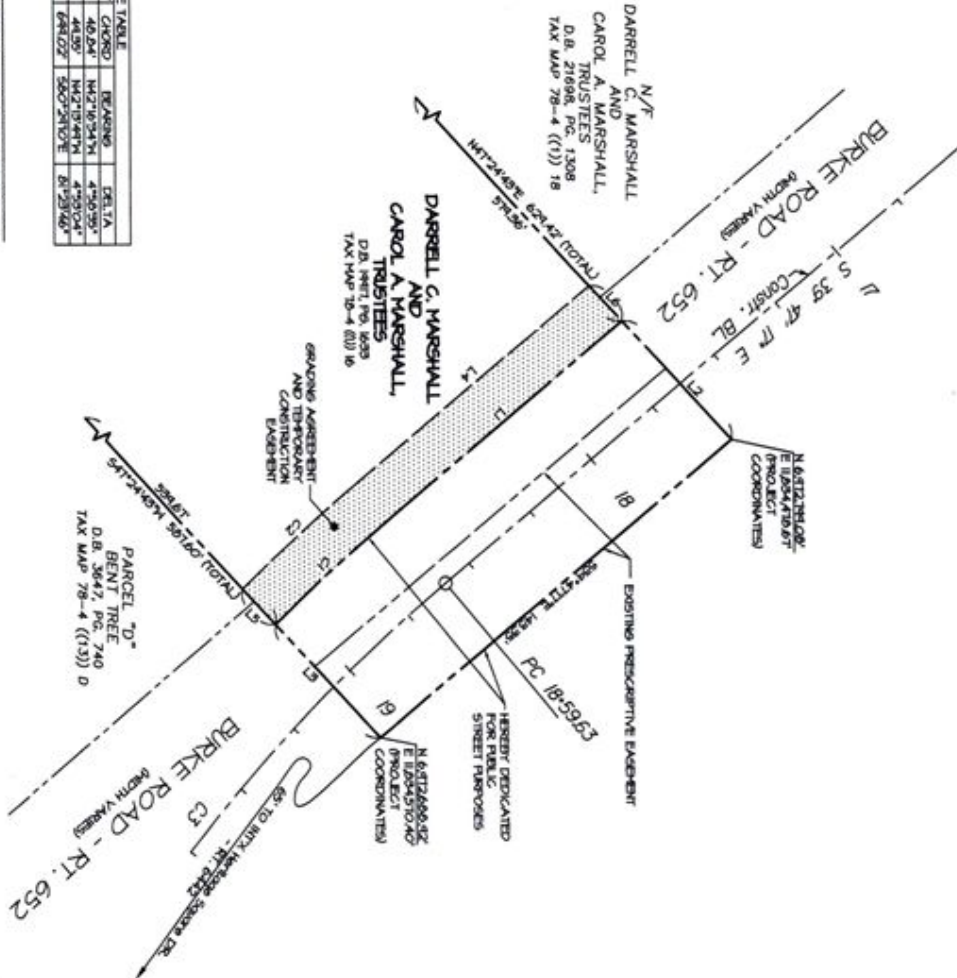
TEN THOUSAND TWO HUNDRED NINETY DOLLARS (\$10,290.00)

CURVE TABLE				
CURVE	RADIUS	LENGTH	TANGENT	CHORD
C1	562.50'	49.09'	24.44'	40.04'
C2	578.00'	44.98'	24.70'	44.98'
C3	556.00'	38.46'	16.00'	64.02'

GRAPHIC SCALE



DEDICATION AREA DETAIL
DEDICATION FOR PUBLIC STREET PURPOSES = 4,900 SQ. FT.
WITHIN PRESCRIPTIVE RIGHT-OF-WAY
DEDICATION FOR PUBLIC STREET PURPOSES = 2,893 SQ. FT.
OUTSIDE PRESCRIPTIVE RIGHT-OF-WAY



NOTES:

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE RECORDS OF THE RECORDS AMONG THE LAND RECORDS OF THE CLERK OF THE COUNTY. ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET IMPROVEMENTS ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DECKERED AND SHOWN ON THIS PLAT.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD SURVEY BOUNDARY SURVEY.

ALL PERSONS WHO RECEIVED BENEFIT OF ANY EASEMENT, OR OTHER INTEREST OF THE COUNTY, SHALL REMAIN IN FULL FORCE AND EFFECT IN THE OTHER CORRELATIVE SPECIALLY SHOWN HEREON.

THE PROPERTY DEPICTED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 76-4-10(1) 66.

BURKE ROAD - APLOMADO DRIVE TO PARAKEET DRIVE

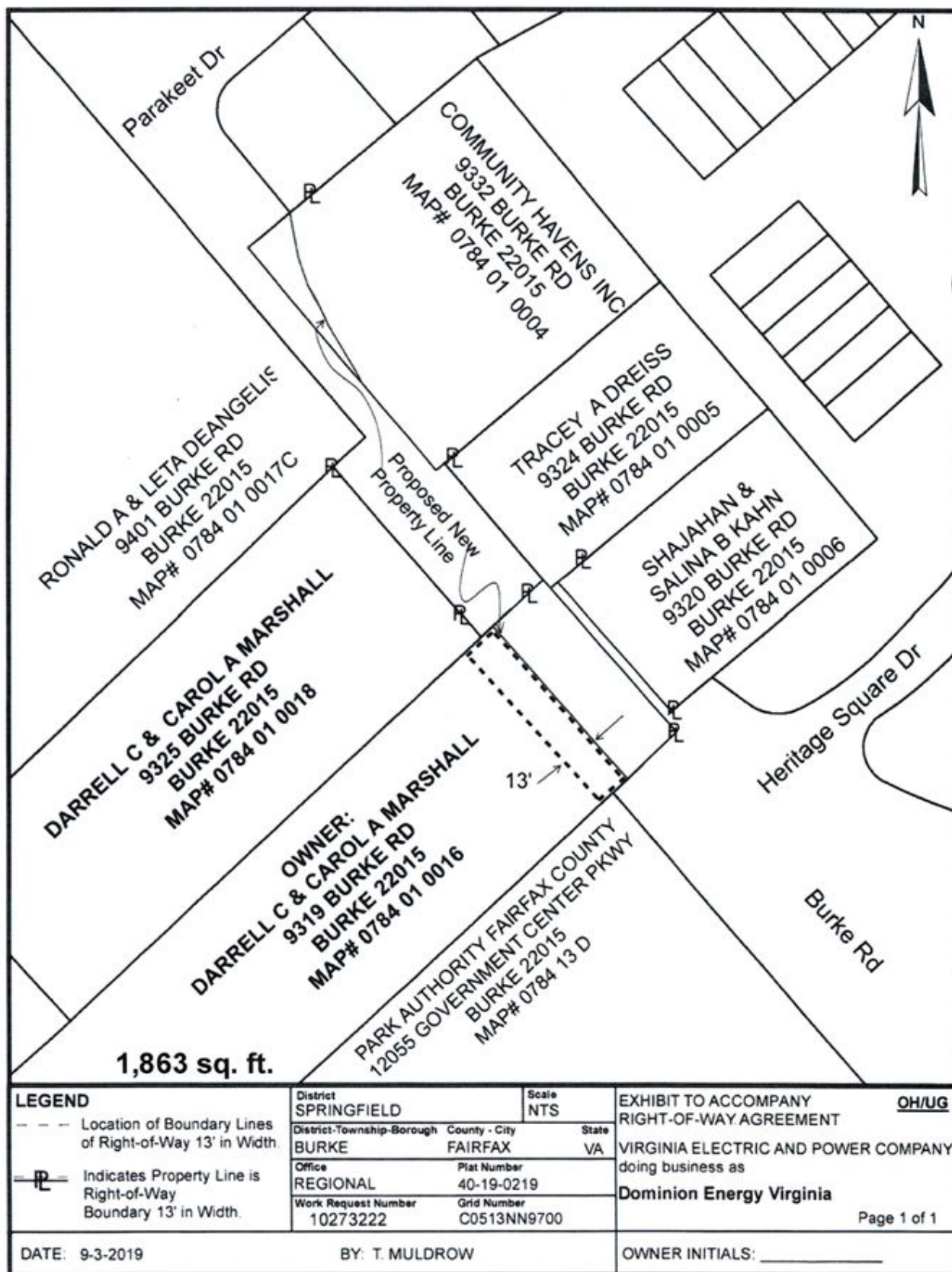
DEDICATION FOR PUBLIC STREET PURPOSES
AND
GRADING IMPROVEMENT AND
TEMPORARY CONSTRUCTION EVIDENT
THROUGH THE PROPERTY OF
DARRELL C. MARSHALL
AND
CAROL A. MARSHALL,
HUSBAND AND WIFE

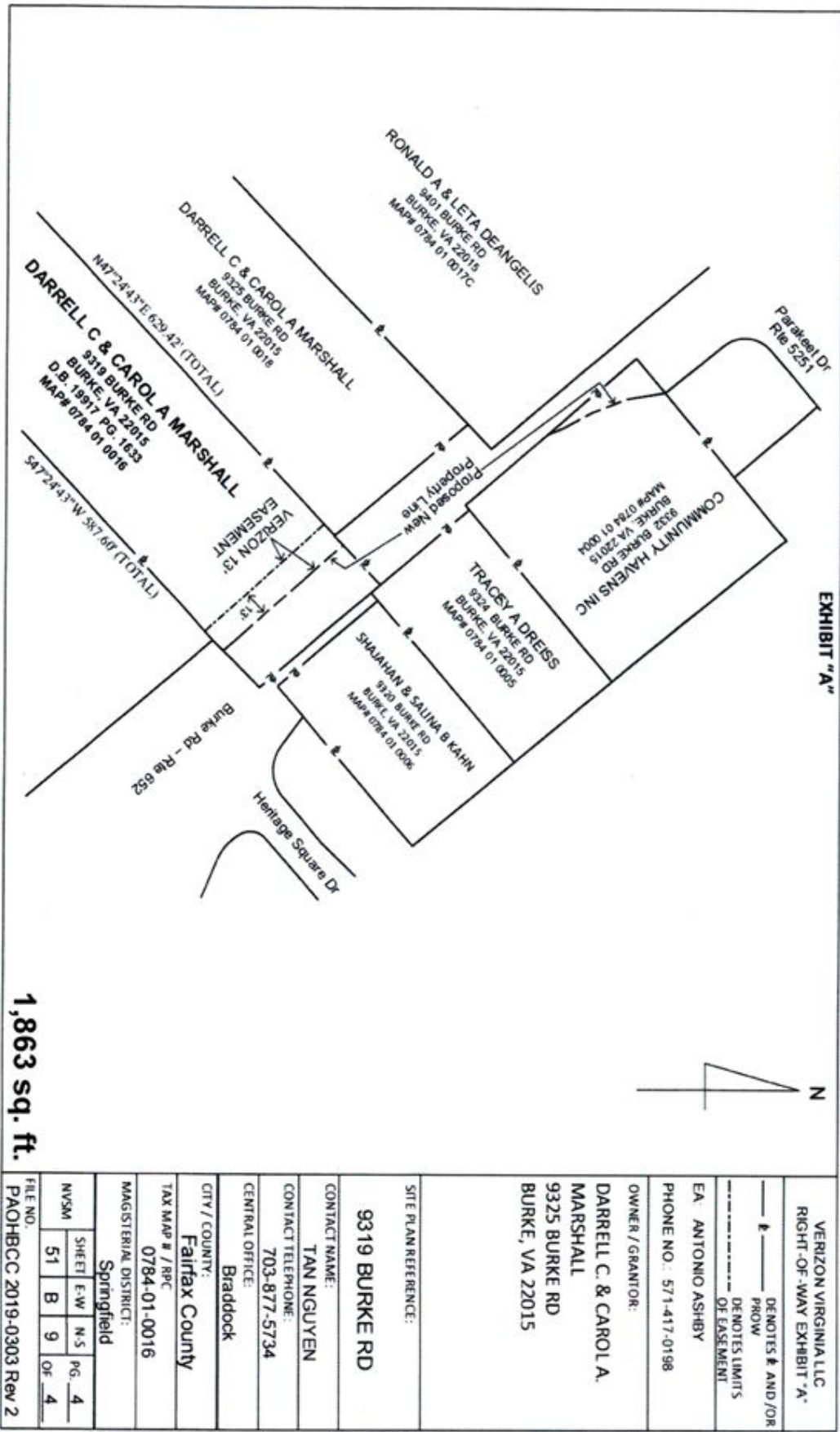
D.B. HART, JR. 6633
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
COURT 1, CR 1

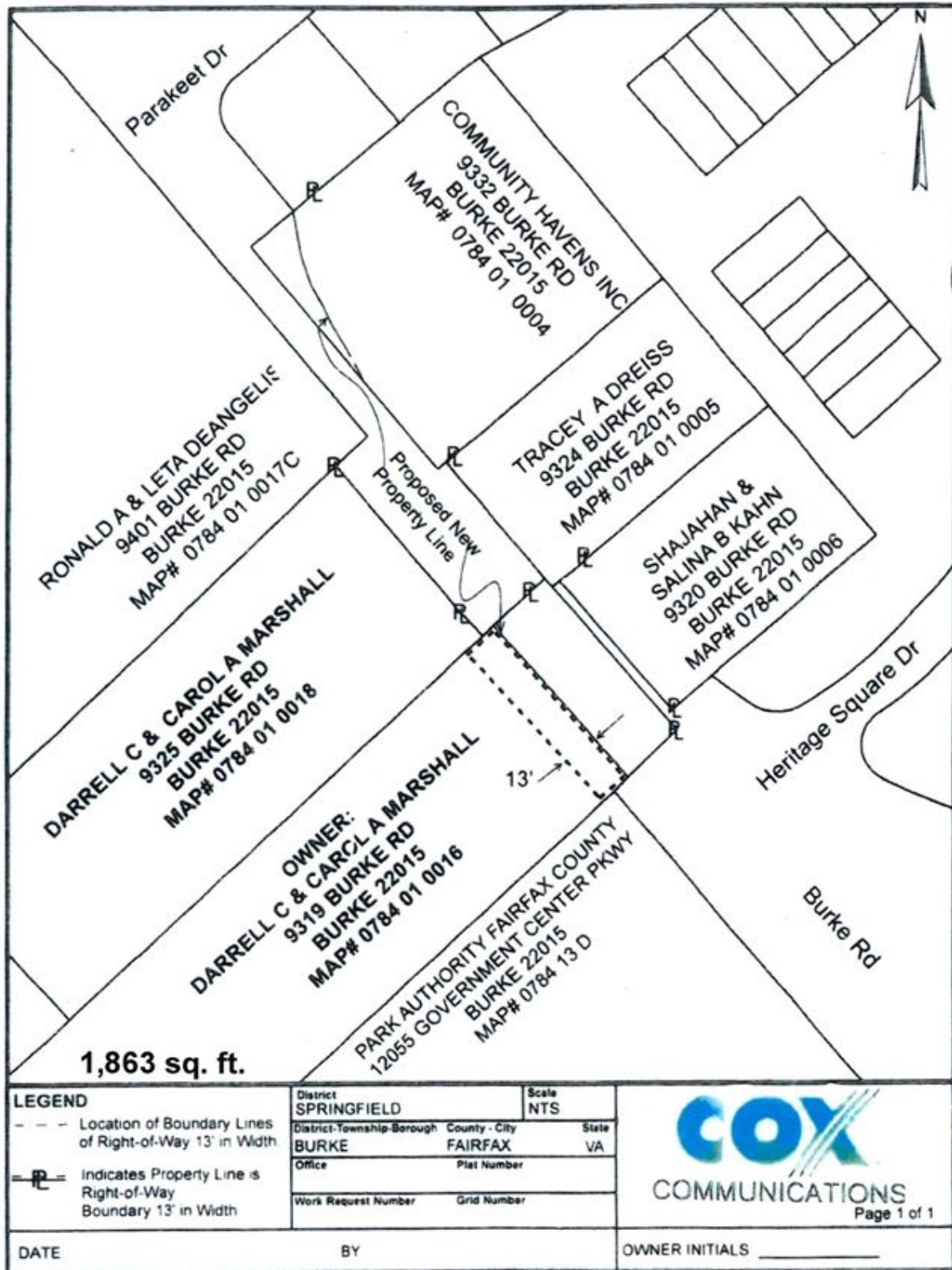
SCALE: 1"=25'	DATE: 7/26/91	DRAWN BY: JLO
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Rinker Design Associates, P.C.

Engineering * Surveying * Land Planning * Transportation * Environmental Services
9385 Discovery Boulevard, Suite 200, Manassas VA, 20109
Telephone: (703) 368-7373 Fax: (703) 257-6443







AFFECTED PROPERTY

Tax Map Number: 078-4-01-0017-C

Street Address: 9401 Burke Road, Burke VA 22015

OWNER(S): Ronald A. and Leta DeAngelis

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication and Conveyance – 18,684 sq. ft.

Grading Agreement and Temporary Construction Easement – 6,469 sq. ft.

VALUE

Estimated value of interests and damages:

SIXTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$63,500.00)

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0018

Street Address: 9325 Burke Road, Burke VA 22015

OWNER(S): Darrell C. and Carol A. Marshall, Trustees

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement – 3,771 sq. ft.

Dominion Virginia Easement – 225 sq. ft.

Verizon Easement – 225 sq. ft.

Cox Easement – 225 sq. ft.

VALUE

Estimated value of interests and damages:

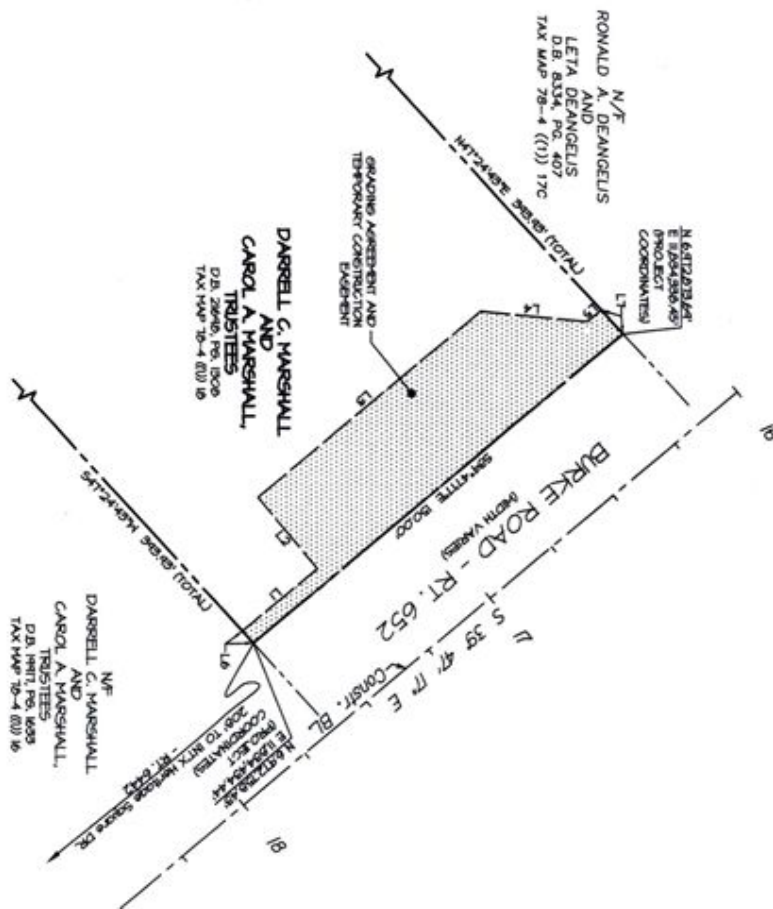
SIXTEEN THOUSAND THREE HUNDRED EIGHTY DOLLARS (\$16,380.00)



LINE TABLE	
LINE	DISTANCE
L1	30.56"
L2	28.76"
L3	40.17"
L4	33.49"
L5	5.63"
L6	5.07"
L7	10.01"

EASEMENT AREA	
GRADING AGREEMENT AND	
TEMPORARY CONSTRUCTION EASEMENT	= 3,711 SQ. FT.

GRAPHIC SCALE



NOTES

THIS PLAN IS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT THEREON. THEREFORE NOT ALL ENCLAVEMENTS TO THE PROPERTY ARE RECORDED. A SMOKE HORN.

THE LAND SHOWN ON THIS PLAN IS NOW HELD AS NOTED IN THE TITLE RECORD, HENDERSON AND RECORDED ALONG THE LAND RECORDS OF PULASKY COUNTY. ALL ENCLAVEMENTS AND DEDICATIONS FOR PUBLIC PURPOSES, INCLUDING THE SMOKE HORN, ARE SHOWN ON THIS PLAN, AS DESCRIBED AND SHOWN ON THIS PLAN.

THE INFORMATION SHOWN ON THIS PLAN WAS OBTAINED FROM EXISTING RECORDS AND IS NOT GUARANTEED TO BE CORRECT. THE RESULTS OF AN AERIAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHT-OF-WAYS, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL, WITHOUT FORCE AND EFFECT, BE DELETED OR OTHERWISE SET ASIDE, SMOKE HORN.

THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON A662559-BENH. MAP 39-4-(00) 16.

BURKE ROAD - APLOMADO DRIVE TO PARAKEET DRIVE

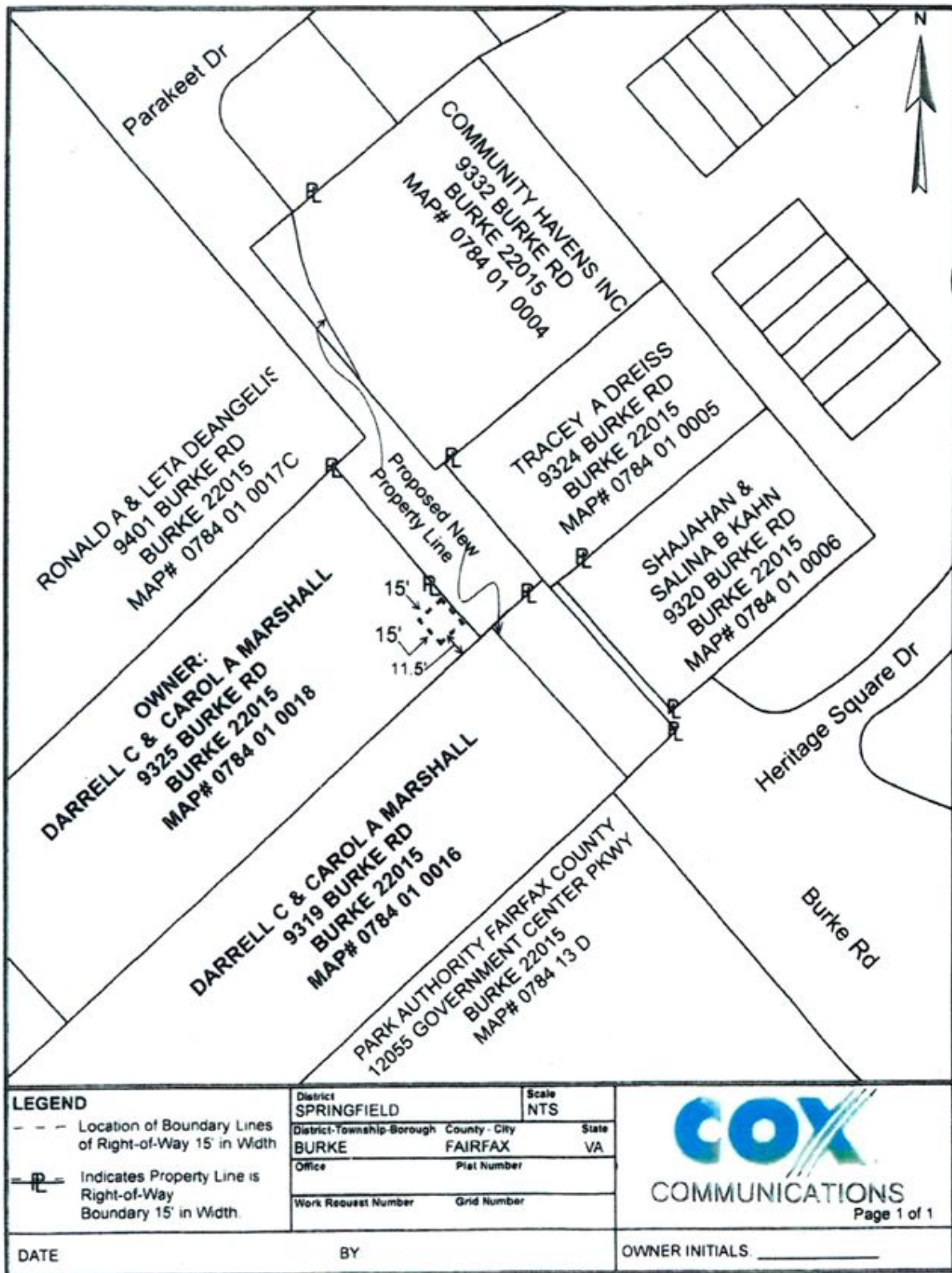
DRIVE
NUMBER 2640-001-001

FAIRFAX COUNTY, VIRGINIA
DEPARTMENT OF PUBLIC WORKS

DEPARTMENT OF PUBLIC WORKS
4 ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PARKWAY

GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENT
THROUGH THE PROPERTY OF
DARRELL C. MARSHALL
AND
CAROL A. MARSHALL,
HUSBAND AND WIFE

P.O. Box 100
Springfield District
Fairfax County, Virginia
22034-0100



AFFECTED PROPERTY

Tax Map Number: 078-4-18-0000-A

Street Address: Common area at Burke Road @ Heritage Square Drive

OWNER(S): Heritage Square North HOA

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Storm Drainage Easement – 370 sq. ft.

Grading Agreement and Temporary Construction Easement – 1,279 sq. ft.

VALUE

Estimated value of interests and damages:

ONE THOUSAND FIVE HUNDRED EIGHTY DOLLARS (\$1,580.00)

VA STATE GRID NORTH
VCS 83, NORTH ZONE

LINE	BEARING	DISTANCE
L1	N 82°26'00" E	10.00
L2	N 82°26'00" E	10.00
L3	N 82°26'00" E	10.00
L4	N 82°26'00" E	10.00
L5	N 82°26'00" E	10.00

LINE	BEARING	DISTANCE	DELTA
C1	N 82°26'00" E	10.00	0.00
C2	N 82°26'00" E	10.00	0.00
C3	N 82°26'00" E	10.00	0.00
C4	N 82°26'00" E	10.00	0.00
C5	N 82°26'00" E	10.00	0.00
C6	N 82°26'00" E	10.00	0.00
C7	N 82°26'00" E	10.00	0.00
C8	N 82°26'00" E	10.00	0.00
C9	N 82°26'00" E	10.00	0.00
C10	N 82°26'00" E	10.00	0.00
C11	N 82°26'00" E	10.00	0.00

EASEMENT AREAS

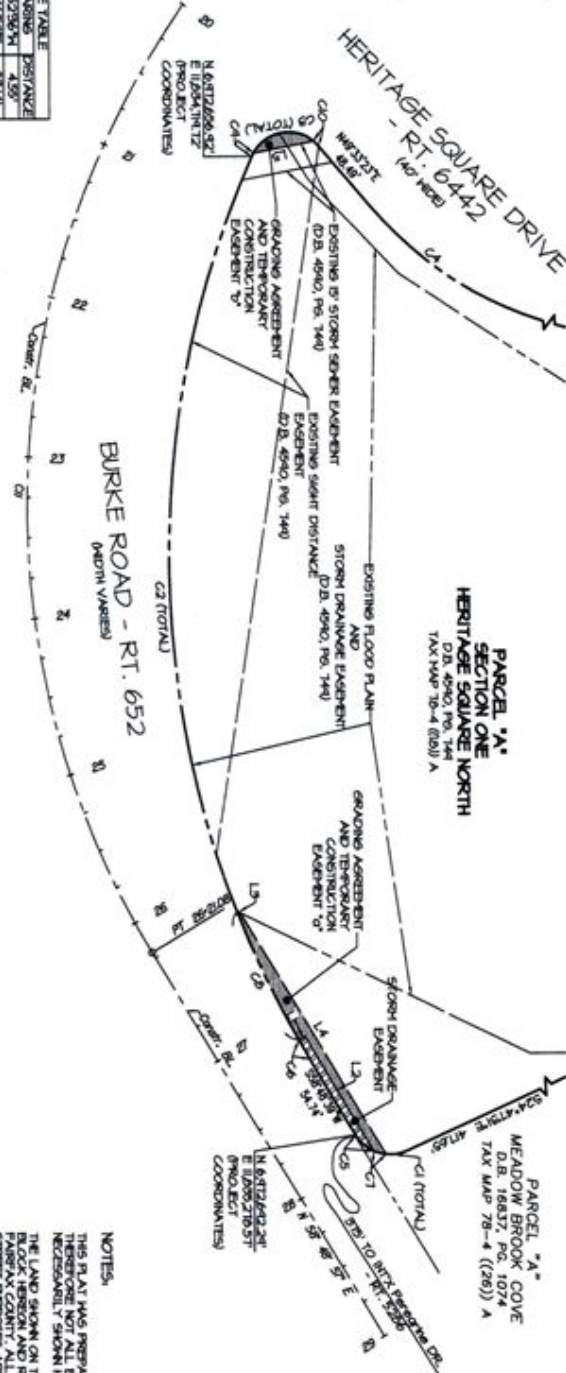
STORM DRAINAGE EASEMENT = 370 SQ. FT.

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "a" = 1043 SQ. FT.

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "b" = 236 SQ. FT.

TOTAL GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT = 1279 SQ. FT.

GRAPHIC SCALE



NOTES:

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOT HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AROUND THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND ENCUMBRANCES FOR PUBLIC UTILITIES, TELEPHONE, GAS, WATER, AND OTHER SERVICES, AS DESCRIBED AND SHOWN ON THIS PLAT.

THE INFORMATION SHOWN ON THIS PLAT WAS OBTAINED FROM EXISTING LAND RECORDS AND SURVEY. THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHT-OF-WAY EASEMENTS OR OTHER INTERESTS IN THE LAND SHOWN ON THIS PLAT SHALL BE VOID AND EFFECT LESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 78-4 (100) A.

BURKE ROAD - A FLOWAGE DRIVE TO PARAKEET DRIVE

PROJECT NUMBER: 2000-001-003

FAIRFAX COUNTY, VIRGINIA
DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
CAPITAL FACILITIES LAND SURVEY BRANCH
10000 GOVERNMENT CENTER PARKWAY
FALLS CHURCH, VIRGINIA 22041

STORM DRAINAGE EASEMENT AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH

PARCEL "A" HERITAGE SQUARE NORTH
SECTION ONE
HERITAGE SQUARE NORTH
D.B. 4990, PG. 144
PROPERTY BEING IN THE NAME OF HERITAGE SQUARE NORTH HOMEOWNERS ASSOCIATION

PARCEL "A" MEADOW BROOK COVE
D.B. 16837, PG. 1074
TAX MAP 78-4 (126) A

SCALE: 1"=50'

DATE: 7/26/19

DRAWN BY: JLG

PROJECT: 2000-001-003

FAIRFAX COUNTY, VIRGINIA

DEPARTMENT OF PUBLIC WORKS

& ENVIRONMENTAL SERVICES

CAPITAL FACILITIES LAND SURVEY BRANCH

10000 GOVERNMENT CENTER PARKWAY

FALLS CHURCH, VIRGINIA 22041

STORM DRAINAGE EASEMENT AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH

PARCEL "A" HERITAGE SQUARE NORTH

SECTION ONE

HERITAGE SQUARE NORTH

D.B. 4990, PG. 144

PROPERTY BEING IN THE NAME OF HERITAGE SQUARE NORTH HOMEOWNERS ASSOCIATION

PREPARED BY: JLG

DATE: 7/26/19

FAIRFAX COUNTY, VIRGINIA

SHEET 1 OF 1

Board Agenda Item
May 18, 2021

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the
Construction of Rock Hill Rd Walkway (Sterling to Astoria) (Dranesville District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-062, Rock Hill Rd Walkway (Sterling to Astoria), Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On April 13, 2021, the Board authorized advertisement of a public hearing to be held on May 18, 2021, at 4:00 p.m.

BACKGROUND:

The County is planning to construct 525 linear feet (LF) of curb and gutter with 5' wide concrete sidewalk and 125 LF of retaining wall along the east side of Rock Hill Road. Storm sewer pipe will be installed along with the replacement of the existing culvert with a triple 38" x 24" elliptical pipe culvert.

Land rights for these improvements are required on three properties, one of which has been acquired by the Land Acquisition Division (LAD). The construction of the project requires the acquisition of storm drainage and the grading agreement and temporary construction easements.

Negotiations are in progress with several owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
May 18, 2021

FISCAL IMPACT:

Funding is currently available in Project 2G40-088-000, County Six Year Plan (CSYP) Bike and Pedestrian Program, Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2021 – FY 2025 Adopted Capital Improvement Program (with future Fiscal Years to 2030) and is included in the Board's Transportation Priorities Plan (TPP) adopted on January 28, 2014, and as amended on December 3, 2019. No additional funds are required at this time for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 2A).

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney



**ROCK HILL ROAD WALKWAY
STERLING TO ASTORIA**
Project 2G40-088-062

Tax Map: 016-1

Dranesville District

Affected Properties:

Proposed Improvements:

0 5 10 20
Miles



RESOLUTION

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 Tuesday, May 18, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 2G40-088-062, Rock Hill Rd Walkway had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than May 31, 2021.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 2A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for constructing 525 linear feet (LF) of curb and gutter with 5' wide concrete sidewalk and 125 LF of retaining wall along the east side of Rock Hill Road. Storm sewer pipe will be installed along with the replacement of the existing culvert with a triple 38" x 24" elliptical pipe culvert as shown and described in the plans of Project 2G40-088-062, Rock Hill Rd Walkway (Sterling to

Astoria) on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or after June 18, 2021, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES

Project 2G40-088-062, Rock Hill Rd Walkway (Sterling to Astoria)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. Frederick M. Bush, Edwin Bush, Randolf Bush, Elva E. Williams, Ruth Bush, Vanassa Bush, Elouise Mary Bushrod, June Holmes, Louis Albert Bush, III, Howard Bush and/or Unknown Owners and Heirs Address: 2124 Rock Hill Road, Herndon, VA 20170	016-1-01-0004A
2. Dulles Greene Gardens, LLC, 247 Dulles Greene, LLC, CR Dulles Greene, LLC, LIDO Dulles Greene, LLC, MJG Dulles Greene, LLC, MJG II Dulles Greene, LLC Address: 2150 Astoria Circle, Herndon, VA 20170	016-1-01-0005B

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

AFFECTED PROPERTY

Tax Map Number: 016-1-01-0004A

Street Address: 2124 Rock Hill Road, Herndon, VA 20170

OWNER(S): Frederick M. Bush
Edwin Bush,
Randolf Bush,
Elva E. Williams,
Ruth Bush,
Vanassa Bush,
Elouise Mary Bushrod,
June Holmes,
Louis Albert Bush, III,
Howard Bush
and/or Unknown Owners and Heirs

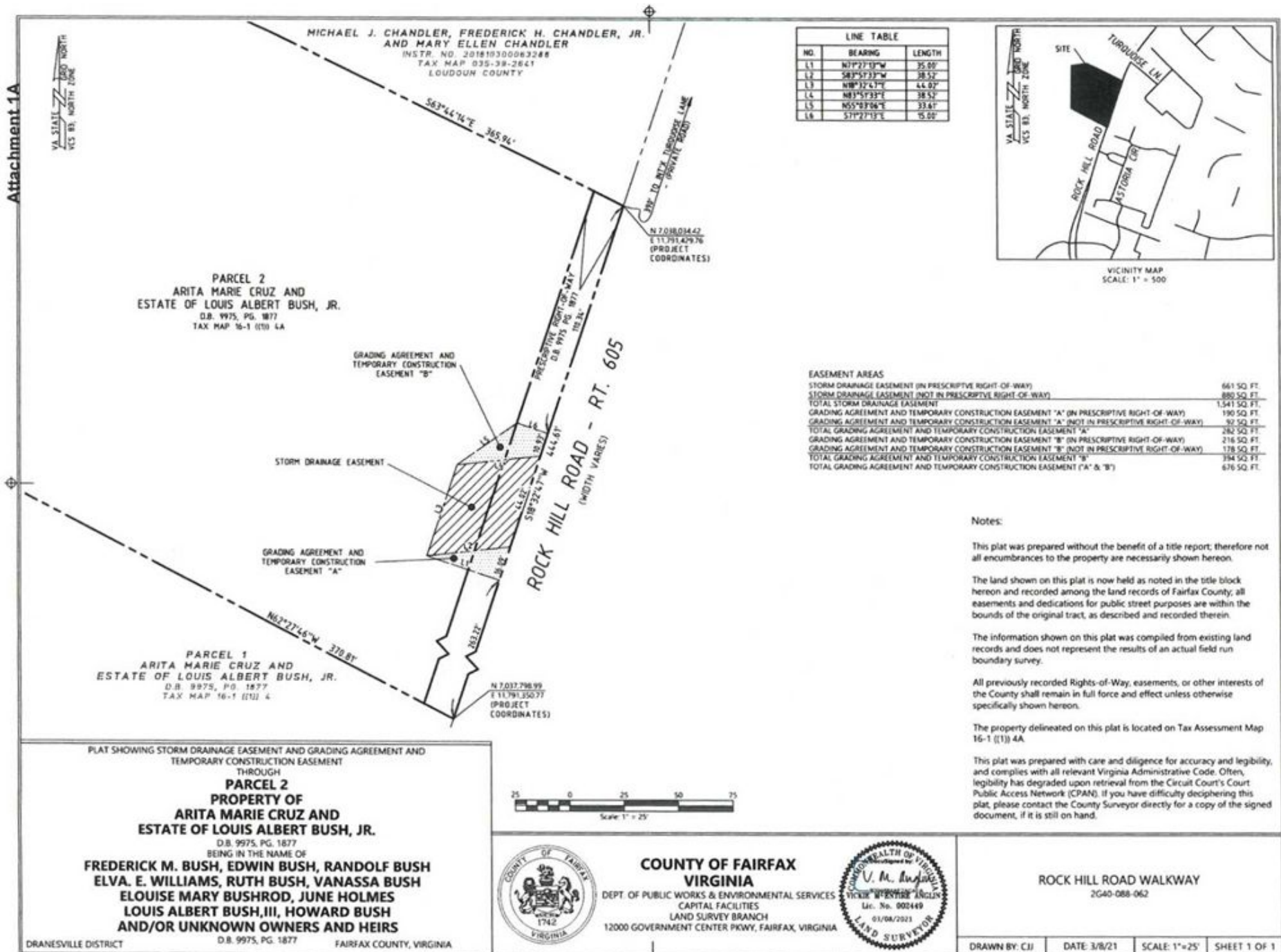
INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Storm Drainage Easement (In Prescriptive Right-Of-Way) – 661 sq. ft.
Storm Drainage Easement (Not In Prescriptive Right-Of-Way) – 880 sq. ft.
Total Storm Drainage Easement – 1,541 sq. ft.
Grading Agreement and Temporary Construction Easement "A" (In Prescriptive Right-Of-Way) – 190 sq. ft.
Grading Agreement and Temporary Construction Easement "A" (Not In Prescriptive Right-Of-Way) – 92 sq. ft.
Total Grading Agreement and Temporary Construction Easement "A" – 282 sq. ft.
Grading Agreement and Temporary Construction Easement "B" (In Prescriptive Right-Of-Way) – 216 sq. ft.
Grading Agreement and Temporary Construction Easement "B" (Not In Prescriptive Right-Of-Way) – 178 sq. ft.
Total Grading Agreement and Temporary Construction Easement "B" – 394 sq. ft.
Total Grading Agreement and Temporary Construction Easement ("A" & "B") – 676 sq. ft.

VALUE

Estimated value of interests and damages:

ONE THOUSAND ONE HUNDRED TEN DOLLARS (\$1,110.00)



AFFECTED PROPERTY

Tax Map Number: 016-1-01-0005B

Street Address: 2150 Astoria Circle, Herndon, VA 20170

OWNER(S): Dulles Greene Gardens, LLC,
247 Dulles Greene, LLC,
CR Dulles Greene, LLC,
LIDO Dulles Greene, LLC,
MJG Dulles Greene, LLC,
MJG II Dulles Greene, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement "A" – 667 sq. ft.
Grading Agreement and Temporary Construction Easement "B" – 300 sq. ft.
Grading Agreement and Temporary Construction Easement "C" – 155 sq. ft.
Total Grading Agreement and Temporary Construction Easement – 1,122 sq. ft.

VALUE

Estimated value of interests and damages:

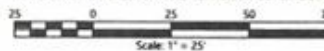
ONE THOUSAND NINE HUNDRED THIRTY DOLLARS (\$1,930.00)

VA STATE ZONE
VCS 83, NORTH ZONE

LINE TABLE		
NO.	BEARING	LENGTH
1.1	S70°57'30"E	5.00'
1.2	N70°57'30"W	5.00'
1.3	S48°07'24"E	7.64'
1.4	S80°27'07"W	20.87'
1.5	N71°12'59"W	7.00'

EASEMENT AREAS

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A" 667 SQ. FT.
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "B" 300 SQ. FT.
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "C" 155 SQ. FT.
 TOTAL GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 1,122 SQ. FT.



PLAT SHOWING GRADING AGREEMENT AND
 TEMPORARY CONSTRUCTION EASEMENT
 THROUGH

**DULLES GREENS
 LAND BAY 1**

D.B. 10259, PG. 900
 BEING IN THE NAME OF

DULLES GREENE GARDENS, LLC (UNDIVIDED 95.21295958% INTEREST)
247 DULLES GREENE, LLC (UNDIVIDED 1.94151195% INTEREST)
CR DULLES GREENE, LLC (UNDIVIDED 1.18310886% INTEREST)
LIDO DULLES GREENE, LLC (UNDIVIDED 1.21344497% INTEREST)
MJG DULLES GREENE, LLC (UNDIVIDED 0.22448732% INTEREST)
MJG II DULLES GREENE, LLC (UNDIVIDED 0.22448732% INTEREST)

D.B. 25526, PG. 1239

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA



**COUNTY OF FAIRFAX
 VIRGINIA**

DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
 CAPITAL FACILITIES
 LAND SURVEY BRANCH
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA



ROCK HILL ROAD WALKWAY
 2G40-088-062

DRAWN BY: CJJ DATE: 9/9/20 SCALE: 1"=25' SHEET 1 OF 1

ROCK HILL ROAD - RT. 605
 (WIDTH VARIES)

**DULLES GREENS
 LAND BAY 1**
 D.B. 10259, PG. 900
 TAX MAP 16-1 (10) 5B

**PARCEL "A-1"
 SECTION ONE
 ROCK HILL**
 D.B. 11042, PG. 93
 TAX MAP 16-1 (124) A1



VICINITY MAP
 SCALE: 1" = 500'

Notes:

This plat was prepared without the benefit of a title report; therefore not all encumbrances to the property are necessarily shown hereon.

The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County, all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.

The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.

All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.

The property delineated on this plat is located on Tax Assessment Map 16-1 (11) 5B.

This plat was prepared with care and diligence for accuracy and legibility, and complies with all relevant Virginia Administrative Code. Often, legibility has degraded upon retrieval from the Circuit Court's Court Public Access Network (CPAN). If you have difficulty deciphering this plat, please contact the County Surveyor directly for a copy of the signed document, if it is still on hand.

Board Agenda Item
May 18, 2021

4:00 p.m.

Public Comment on Issues of Concern