

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 28, 2022**

AGENDA

9:30	Done	Presentations
9:30	Done	History Commission Annual Report
9:30	Done	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
9:30	Done	Matters Presented by Board Members
9:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Approval of Streets into the Secondary System (Dranesville District)
2	Approved	Authorization to Advertise a Public Hearing to Lease County-Owned Property at 7936 Telegraph Road to STC Three, LLC (Lee District)
3	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Pole Road Crosswalk Improvements (Mount Vernon District)
4	Approved	Authorization to Advertise a Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments
5	Approved	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Grove Avenue (Dranesville District)
6	Approved	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Highland Avenue (Dranesville District)

ACTION ITEMS

1	Approved	Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Multifamily Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$8,000,000 to Finance the 44-Unit Four Percent Low-Income Housing Tax Credits Portion of the Proposed 80-Unit Braddock Apartments (Braddock District)
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 28, 2022**

**ACTION ITEMS
(continued)**

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| 2 | Approved | Approval of Fence Height Modification for the Archaeology and Collections Storage Facility - Building W-35 (Mount Vernon District) |
| 3 | Approved | Approval of the One-Year Action Plan for the Use of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program Funds (HOME) in FY 2023 |
| 4 | Approved | Authorization of Appropriation from Economic Opportunity Reserve Fund to Establish the Fairfax Founders Fund, a Grant and Technical Assistance Program |
| 5 | Approved | Authorization of Economic Opportunity Reserve Funding to the Tysons Partnership for Community Activation (Providence and Hunter Mill Districts) |
| 6 | Approved | Endorsement of the Virginia Department of Transportation Six-Year Secondary System Construction Program for Fiscal Years 2023 Through 2028 |
| 7 | Approved | Authorization to Execute a Funding Agreement with Congressional School, Inc. for an Exit Improvement Project on Sleepy Hollow Road (Mason District) |
| 8 | Approved | Approval and Authorization to Execute a Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Trail Improvements on Random Hills Road and Post Forest Drive (Braddock and Springfield Districts) |
| 9 | Approved | Authorization to Sign a New Memorandum of Understanding (MOU) with the Washington Metropolitan Area Transit Authority (WMATA) to Continue and Expand Free Student Buss Pass Program on Metrobus |

CLOSED SESSION

Done Closed Session

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 28, 2022**

**PUBLIC
HEARINGS**

3:30	Approved	Public Hearing on SEA 99-P-34 (Tysons Park Place II, LLC and Tysons Park, Inc) (Providence District)
3:30	Approved	Public Hearing on RZ 2021-SU-017 Concurrent with PCA 78-S-063-12 (K. Hovnanian at Gallery Park at Westfields, LLC) (Sully District)
3:30	Approved	Public Hearing on Proposed Plan Amendment (PA) 2021-IV-S1, Inova Springfield HealthPlex, Located on the Franconia-Springfield Parkway Between Walker Lane and Beulah Street (Lee District)
4:00	Approved	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic
4:00	Approved	Public Hearing to Consider a Temporary Uncodified Ordinance that will Provide for up to a Two Dollar Per-Trip Emergency Taxicab Fuel Surcharge from June 29, 2022, Through December 29, 2022
4:00	Approved	Public Hearing on Proposed Plan Amendment 2020-CW-3CP, Airport Noise Policy
4:00	Held	Public Comment



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
June 28, 2022

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the members of the Joint Environmental Task Force for their work and contributions to the community. Requested by Chairman McKay and Supervisors Gross and Storck.
- RESOLUTION — To recognize the Fort Hunt Warriors Rugby Team for their state championship victory. Requested by Supervisors Herrity and Storck.
- RESOLUTION — To recognize Jane Miscavage for her service as a member of the Fairfax County Library Board of Trustees and contributions to the community. Requested by Chairman McKay.
- RESOLUTION — To recognize the Herndon-Reston FISH Bargain Loft on its 40th anniversary, for its contributions to the community. Requested by Supervisors Foust and Alcorn.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs

Board Agenda Item
June 28, 2022

9:30 a.m.

Presentation of the History Commission Annual Report

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County History Commission 2021 Annual Report

PRESENTED BY:

Cheryl Repetti, Chair, Fairfax County History Commission



*The Armorial Bearings and Supporters of
THOMAS 6TH LORD FAIRFAX
as recorded at the College of Arms London*

*A. C. G. G. G. G.
Windsor Herald and Registrar*

Fairfax County History Commission

2021 Annual Report



Preserving and Promoting our History

ABOUT US

Following the Landmarks Preservation Committee of 1965, the Fairfax County Board of Supervisors established the History Commission in 1969 with members appointed by the Board of Supervisors. The 21-member Commission helps to identify, document, record, and preserve the County's historic past.

The purpose of the History Commission is to advise the County Government and to promote and encourage public interest in all matters bearing on the history of Fairfax County.

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EXECUTIVE SUMMARY

Despite the challenges of the COVID-19 environment, the History Commission made impressive gains in support of its mission. Additionally, we continue to experience unprecedented demand for our expertise in a range of efforts.

Achievements:

- In early 2021, we began the African American History Inventory (AAHI) initiative.
- We continued to disseminate and raise awareness of the Confederate Names Inventory Report.
- We served on the African American Historical Marker Project, the Fairfax County Semiquincentennial, the Confederate Names Task Force, and the Hollin Hills HOD and Holmes Run Acres HOD Work Groups.
- We participated in a community outreach session for Fort Belvoir, at the invitation from the Department of Defense.
- We provided commentary and support for the preservation of the Fairfax County Courthouse, the Lake Anne Village Center, and Wellington at River Farm.
- We are currently a consulting party on four federal Section 106 reviews.

Our sustained efforts included: two new additions to the Inventory of Historic Sites; five oral history interviews with former public leaders; the installation of a new historical roadside marker and replacement of another. In addition, the 17th Annual History Conference, *We Are Fairfax County - Part I*, featured early indigenous Native American and African American history of Fairfax County. Finally, the History Commission presented *Distinguished Service Awards* to Maura Keaney and Jeff Clark, from the Fairfax County School System (FCPS), to honor their contributions to promoting and preserving County history.

Looking Ahead and Recommendations: We expect the increased demand for our expertise to continue in 2022. In addition, we plan to publish the AAHI data as a web-based searchable database that we will continue to update and expand. Our oral history project will promote the use of the oral history methodology to document the stories of Fairfax County’s diverse immigrant communities, a theme that will also be reflected in the annual History Conference as it continues to explore “We Are Fairfax - Part II.”

To successfully continue our mission and meet increased demand for our expertise, the History Commission requests the Board of Supervisors’ backing for our request for additional dedicated staff support.

Our partners: The Commission thanks the Department of Planning and Development, the Architectural Review Board (ARB), the Park Authority, the Virginia Room of the Fairfax County Public Library system, and Channel 16 for working with us toward shared goals of historic preservation and education. Toward these common ends, the Commission provides periodic financial support to the Department of Planning and Development’s Heritage Resources Branch, the Virginia Room, and to the Park Authority’s Archaeology and Collections activities.

The History Commission and its volunteer members are proud of their contributions to preserve and promote the history of Fairfax County. We thank the Board of Supervisors (BoS) for giving this opportunity and for their continued support.

Sincerely,



Cheryl-Ann Repetti
Chairperson, History Commission

MAJOR INITIATIVES

AFRICAN AMERICAN HISTORY INVENTORY

In October 2020, the Fairfax County History Commission (FCHC) approved a major new initiative to develop a research inventory, by Supervisory District, that provides information on the histories of African American communities in Fairfax County.



AAHI Template

FCHC established the African American History Inventory (AAHI) Committee in January 2021 to address the mandate of the new initiative. The Commission appointed Phyllis Walker-Ford and Mary Lipsey as co-chairs to lead this effort. The African American History Inventory Committee has 15 members.

FCHC Commission members researched and collected information on an initial 150 historical assets¹ in 2021 and published the draft [Fairfax County African American History Inventory Report](#), a [General Resources Guide](#) and suggested [Research Topics](#) on its website in early 2022. The Inventory was also shared with FCPS to assist with the development of materials for the BoS initiative, the History Marker Project, and the overall timeline for research and publication of the AAHI was adjusted to support the History Marker Project. County residents

are encouraged to contact their district’s Commission members with additional information to expand the inventory.

CONFEDERATE NAMES INVENTORY

In June 2020, the BoS asked the History Commission to prepare an inventory of Confederate street names, monuments, and public places in Fairfax County. FCHC formed the Confederate Names Inventory Committee under the leadership of Barbara Naef. The seven-member committee completed its 500+-page report, [The Confederate Names Inventory](#), in 2020 and presented it to the BoS in December 2020.

Members of the committee were requested in 2021 to make presentations and to provide information regarding the report. Using the report as a resource, some communities in the County are considering changing the names of roads and/or places, including the town of Vienna that created an *ad hoc* committee of citizens to reconsider the name of Wade Hampton Drive.

¹ Including physical sites, collection of printed materials, digital resources, oral histories, church and school histories, historical roadside markers, and family/private records.

OUTREACH

EXPERTISE AND CONSULTATION

Semiquincentennial Work Group: Gretchen Bulova and Mary Lipsey represented the Commission on the Fairfax County seven-member Semiquincentennial Work Group. The Work Group reported its recommendations to the Board in July 2021 which included adopting the term “commemoration” to describe the County activities surrounding the anniversary of the American Revolution, the Revolutionary War, and the Independence of the United States of America and transitioning to a more broadly inclusive 250th Commission that will function through 2027. Ms. Bulova, Carole Herrick, and Subhi Mehdi serve on the 250th Commission. Ms. Bulova also leads the FCHC Semiquincentennial Committee.

Hollin Hills and Holmes Run Acres Historic Overlay District Studies: Elise Ruff Murray attended meetings of the Hollin Hills Work Group. The Group began meeting in the spring of 2019 and aided County staff with defining the area’s history, architecture, and boundaries for a proposed Hollin Hills Historic Overlay District. Sue Kovach Shuman participated in similar meetings for the potential Holmes Run Acres Historic Overlay District.

Confederate Names Task Force: In September 2021, Cheryl-Ann Repetti and Sue Kovach Shuman were appointed to the Confederate Names Task Force which was considering changing the names of Lee Highway and Lee Jackson Memorial Highway. In November, the FCHC, in the spirit of the Confederate Names Inventory and One Fairfax, voted unanimously that both Lee Highway and Lee Jackson Memorial Highway be renamed. The FCHC also unanimously recommended to the BoS that an appropriate consultant develop a public history project to document and share the history of these roadways.

African American Historical Marker Project: Mary Lipsey, Tammy Mannarino, and Cheryl-Ann Repetti represented the FCHC on two committees of the BoS- initiated Historical Marker Project. Ms. Lipsey shared detailed resource lists and the other FCHC members assisted in defining the project and determining logistics to communicate them to teachers, community leaders, and students across the County. They liaised between FCHC’s AAHI program and the Historical Marker Project to ensure that the Inventory and other research materials are available to support the project.

Fort Belvoir: In September 2021, the FCHC was invited to participate as a stakeholder in a Fort Belvoir meeting with the Naming Commission tasked under the National Defense Authorization Act with renaming military assets that have names associated with the Confederate States of America. The FCHC decided to remain neutral on the issue of renaming but committed to participate in the process by raising awareness of the varied history of Fort Belvoir for use in the deliberations of the Naming Commission and the BoS. The Naming Commission Historian briefed the FCHC as a private citizen in November 2021, and Tammy Mannarino and Cheryl-Ann Repetti provided their research on the 1935 name change to the Naming Commission.

Historic Courthouse: In October 2021, in response to staff and community concerns for the integrity of the 1800 historic Fairfax County Courthouse building, the FCHC wrote to the BoS requesting that needed repairs be addressed in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Lake Anne: ARB Chairman, Christopher Daniel, presented the status of the Lake Anne Village Center to the History Commission in December 2021. In response, the FCHC provided a letter to the BoS supporting the ARB’s position that appropriate steps be taken to conduct a supplementary study of the Center to assist in maintaining and preserving the site in accordance with the U.S. Secretary of the Interior’s standards.

Wellington at River Farm: In January 2021, the FCHC voted unanimously to partner with the “Save River Farm” Campaign. The FCHC wrote to the American Horticultural Society (AHS) expressing its concern and requesting that AHS give priority to buyers who intend to maintain the historic nature of the property and are committed to providing access to the public. FCHC also supported the creation of the Wellington at River Farm Historic Overlay District. Tammy Mannarino supported County staff in preparing the history section of the staff report and provided significant photographs, blueprints, and research. Throughout the approval process, the FCHC and individual Commission members provided written, oral, and video testimony to the Planning Commission and the BoS in support of the District.

SECTION 106 CONSULTATION

Within the National Historic Preservation Act of 1966, Section 106 requires federal agencies to consider the effects of any changes they approve to historic properties. If a federal or federally-assisted project can potentially affect historic properties, a Section 106 review takes place. The History Commission periodically serves as a consulting party on these projects. In 2021, FCHC provided expertise on four such consultations:

The Soapstone Connector is a Federal Highway Administration funded project providing a connection between Sunset Hills Road and Sunrise Valley Drive in Reston. The Association Drive Historic District is a group of nine modern and postmodern office buildings, built between 1972 and 1991, that represent the initial concept, planning, and implementation of the Reston Plan—a significant mid-twentieth century, planned community in the suburbs of Washington, D.C. The District has been determined to be eligible for the National Register by the Secretary of the Interior. In 2021, FCHC participated in the consultation process designed to identify and agree upon measures that would mitigate the adverse effect of the Soapstone Connector on the Association Drive Historic District. Separately, Preservation Virginia, the largest historic preservation membership organization in Virginia, included the district in its 2021 *Ten Most Endangered Historic Properties*.

The Richmond Highway Bus Rapid Transit Project is an approved transit system that will include nine stations connecting employment centers, shopping centers, and residential communities along the Richmond Highway Corridor. Construction of two segments will entail significant widening of the roadway to provide lanes for bus traffic and pedestrian throughways. The Highway has a long history and, therefore, historic buildings and communities are found along this route that contain many assets, including the Penn Daw Fire station, Walsh Hall, a Catholic Chapel that was formerly a one-room schoolhouse, the antebellum African American Community of Gum Springs, the Original Mount Vernon High School, and a replica of Mount Vernon that was once a tourist home and now serves as a bank. The History Commission has been serving as a consulting party on this project since 2019, advocating for National Register recognition for these properties and voicing concern regarding negative effects on the historic buildings and impacts for the citizens of these historic areas .

The Sky Chefs Building at Washington Dulles International Airport (IAD) was determined by the Virginia Department of Historic Resources to be a contributing resource to the Dulles Airport Historic District, listed on

the National Register of Historic Places. The Metropolitan Washington Airports Authority, as owner and operator of IAD, is proposing demolition of the building due to structural and safety deficiencies. No new construction is currently proposed as part of the Proposed Action. In July 2021, the History Commission requested and received Consulting Party Status from the Federal Aviation Administration (FAA). In November, the Commission detailed its concerns and requested additional information on the undertaking, including the basis on which the FAA determined the building had to be demolished.

The Capitol One Lounge is also part of the Dulles Airport Historic District. It was originally the Dulles restaurant with a mid-twentieth century aesthetic, designed by Eero Saarinen, and was included in his 1964 Master Plan. It is currently being updated to meet the needs of modern-day travelers while still maintaining connections to mid-century design. FCHC accepted the invitation to serve as a Consulting Party on the project in December 2021. While the Commission applauds some of the efforts made in the update, it has concerns that some of the modifications may adversely affect the historic integrity of the architect’s vision for it.

SUSTAINED EFFORTS

INVENTORY OF HISTORIC SITES

The Fairfax County Inventory of Historic Sites is one of the History Commission’s longest standing responsibilities. It serves as a valuable planning reference guide when used in conjunction with Fairfax County’s Comprehensive Plan (CP). The County’s CP includes these historic sites in the Heritage Resources section of each Planning District.

As of December 2021, the Inventory stood at approximately 350 listings, including the 2021 additions below:

Goldsmith, William H. House
2758 Chain Bridge Road, Vienna
Parcel Number: 0481 01 0023 2021
Supervisory District: Providence

Pride of Fairfax County Lodge #298
7809 Fordson Road, Alexandria
Parcel Number: 1021 01 0098
Supervisory District: Mount Vernon



Goldsmith House, Trulia.com

The current Inventory, along with its background, nomination forms, and research guidelines is accessible to staff and the general public on the [History Commission website](#). The Inventory of Historical Sites Committee is chaired by Elise Murray and has seven members.

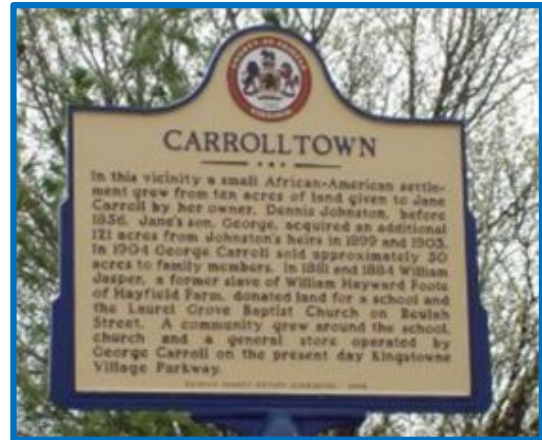
ETHNIC HISTORY

FCHC formed the Ethnic Committee in 1997 in response to the increasing demographic diversity of Fairfax County's population. This diversity is evidenced by the fact that there are about 100 languages spoken in the county schools and it is estimated that in less than 50 years, the county's White population will drop below 50 percent. The goal of this Committee is to encourage ethnic populations to record their community and personal histories. In 2004, at the suggestion of then-Chairman Connolly, FCHC formed a subcommittee of the Ethnic Committee to create a program for recording and presenting oral history in Fairfax County.

In partnership with the County's Channel 16, the Oral History Project interviewed eight former County leaders for a television program, of which five were completed in 2021. The Committee has also been developing materials to encourage ethnic populations to record their community and personal histories since arriving in Northern Virginia, in cooperation with the Virginia Room, which will serve as a repository for the oral history records. The Ethnic History Committee is chaired by Esther McCullough and has 10 members.

HISTORICAL ROADSIDE MARKERS

Fairfax County's Historical Roadside Marker Program began in January 1998 when the History Commission approved the design and funding of a distinctive roadside marker. While this marker is modeled after Virginia's roadside markers, by state code it has its own distinctive appearance. With colors derived from George Washington's Fairfax Militia uniform, the buff and blue roadside marker, emblazoned with the Fairfax County seal, stands ten feet from ground level. Since the inception of the program, FCHC approved the installation of over 60 historical roadside markers (including six state markers). The Historical Marker Committee, chaired by Mary Lipsey, reviews all marker requests for historical accuracy and significance, before submitting to the entire FCHC for approval. The public may request that the History Commission fund approximately fifty percent of the roadside marker and installation.



Carrolltown Marker

In 2021, FCHC approved and supervised the installation of a marker for the James Lee Elementary School, and a replacement marker with updated text, for Carrolltown, a small 19th century African American settlement in the modern-day Alexandria section of Fairfax County. (Mary Lipsey, Tammy Mannarino, and Cheryl-Ann Repetti also represented the FCHC on two committees of the BoS-initiated Historical Marker Project as discussed in the preceding Outreach section of this report.)

PRESERVATION OF HISTORICAL CEMETERIES

The Cemetery Committee is chaired by Mary Lipsey and has five members. Since the spring of 2020, the History Commission's Cemetery Committee, the Fairfax County Cemetery Preservation Association (a private non-profit), and the County have been pursuing a formal partnership. In 2021, in response to a recommendation from the County Attorney's Office, the parties began drafting a Memorandum of Agreement which will be reviewed in 2022.

THE 17TH ANNUAL FAIRFAX COUNTY HISTORY CONFERENCE

Reflecting the spirit of Fairfax County's *One Fairfax* policy, the FCHC is chronologically examining the diverse peoples who lived here, in four consecutive annual history conferences. The 17th (2021) Annual History Commission Conference, *WE Are Fairfax County! – Part I* looked at the lesser-told stories of early indigenous Native Americans of the County -- the Pamunkey and the Tauxenent, and the African Americans, brought here as enslaved persons from across the Atlantic Ocean.

The conference was dedicated to the memory of John Rutherford, long-time Fairfax County Staff Archaeologist. Guest speakers included Jeff McKay, the Chairperson of the Fairfax County Board of Supervisors, and Gerry Connolly, U.S. Congressman 11th District of Virginia. Representative Connolly provided an overview of the County's early days and presented Distinguished Service Awards to two County staff. The presentation of these awards is included in the Congressional Record of the United States.

At the launch of the conference, local citizen and Native American, Rose Powhatan (Pamunkey/Tauxenent, Native American Historian, and Lecturer) offered a *Land Acknowledgement* – honoring the people of the past, their gifts and talents, and gratitude for the Holy Creator. Other presenters included D. Brad Hatch, PhD, who spoke on *Eel Pots and Carp Pens: Contemporary Links to Patowomeck Indian Fishing Traditions* – a presentation that focused on the skills of his Pamunkey ancestors. Alisa Pettitt, PhD, Fairfax County Staff Archaeologist, spoke on *Exploring Early Virginia via Virtual Immersion*.

Fairfax County's African American historical stories were told by Judge Rohulamin Quander, now a Retired Senior Administrative Judge for the District of Columbia. Judge Quander, who traces his family history to the 1670s, spoke on *Seed and Blood: Slavery and the Violence of Cotton Capitalism*. Ron Chase, President of the Gum Springs Museum, presented on *Meet the Gum Springs Neighborhood of Alexandria, Virginia*. Gum Springs is a 178-year-old community formed by many of the emancipated slaves that had served Mount Vernon. Presenter Marion Ransell Cohen was born into the once beautiful and thriving African American community of *The Pines*. She is a well-known ethnographer, oral historian, public speaker, educator, and living history interpreter. She spoke on *Fairfax Virginia: A Seventh Generation, African American Story*. The finale of the day



Conference hosts McCullough and Garvey-Hodge

was Linneall Naylor, local historian and descendant of numerous African American blood lines hailing from Clifton, Manassas, and other parts of Virginia. Ms. Naylor gave an inspiring lecture entitled, *Meet My People!* Fairfax County's Channel 16 produced the conference, expertly resolving the challenges of live-streaming, remote presenters, pre-taping, or presenting at the studios. All the conference session video are available at the [Fairfax County History Commission website](#). Conference hosts Lynne Garvey-Hodge and Esther McCullough served as the morning and afternoon *masters of ceremonies*. The Annual History Conference Planning Committee is a 14-member body, chaired by Lynne Garvey-Hodge.

AWARDS

The Fairfax County History Commission executes awards programs to honor research and achievements in Fairfax County history and historic preservation. These programs are open to the public. At the 2021 Annual History Conference, *Distinguished Service Awards* were given to:

Maura Keaney, who proactively involved her students in the Juneteenth 2021 unveiling of the *Ona Judge Historical Marker* adjacent to the grounds of the Mount Vernon Estate. This marker is evidence of Ms. Keaney's passion for educating and including students in the study of the history of Fairfax County, our community, state, and nation. She encouraged her students "to hunt for the history all around us" and taught them to think critically and quantitatively, examining the people and events being commemorated and who and what might be left out of the public eye. Ms. Keaney was recognized for being a life-long promoter of the history and preservation of Fairfax County's vast and rich history in the United States of America.

Jeff Clark, for his prodigious portfolio of work completed in the past 21 years as the Video Producer/Director of Communication and Community Relations for the Fairfax County Public School (FCPS) system. Considered the "official historian" of the FCPS, Mr. Clark's body of work includes: over 200 videos describing the names and histories of the FCPS and Centers; a series describing the de-segregation of the FCPS in articles, papers and YouTube videos; presentations on the FCPS's first African American high school, the Luther Jackson High School; a website documenting the history of the FCPS and the district schools of the FCPS: Centreville, Dranesville, Falls Church, Lee, Mt. Vernon, Providence, the Schools of Burke, the Crouch School, the Laurel Grove School and the Navy School; and the presentations on *Forgotten Fairfax: Lost Towns and Communities*, *The Forgotten "33" Fairfax County Schoolhouse Survivors*, and *Confederate Names of FCPS*.

RESIDENT CURATOR PROGRAM

The Resident Curator Program (RCP) preserves publicly owned historic buildings within the County. It rehabilitates and maintains underutilized historic properties and provides periodic public access to appreciate the historical significance of the properties.

The RCP continues to oversee four curator-leased properties, with three of the properties currently under rehabilitation. The occupied properties include Stempson House in Lorton (2017), Turner Farmhouse in Great Falls (2018) and Hannah P. Clark Enyedi House (2019), while the fourth leased property is Ellmore Farmhouse (2021). The curator for Ellmore Farmhouse received Special Exception approval by the Board of Supervisors for its nonprofit use of the farmhouse and a final lease signing will occur Spring 2022 before work begins.

One application for the White Gardens property in Falls Church is under review by the RCP evaluation team, which includes a representative from the History Commission’s RCP Committee. The RCP Committee is a four-person body chaired by Robert Beach.

ADVOCACY

FCHC’s Advocacy program enables the Commission to share its objectives and accomplishments with the Board of Supervisors and the community, and to encourage the development of effective historic preservation tools and programs within the County. The Advocacy Committee is chaired by Anne Stuntz and has seven members. In 2021, FCHC defined its advocacy mission as:

- Promoting and encouraging interest in history to the public (events, press releases).
- Advising and informing the BoS on matters of history (responding to queries, attending events, periodic check-ins, annual report).
- Advocating for the preservation of our County’s past (researching possible incentives for historic property owners).

In 2021, FCHC also conducted an in-depth review and update of its website. A close examination of usage data revealed that the public spent the most time on the Historical Road Markers page in the last quarter of the year.



The *Sankofa* bird teaches us that we must look back to our roots to move forward.

The Akan People of Western Africa

BUDGET

History Commission Fiscal Year 2021 Budget Report

	FY 2021 Actual	FY 2022 Estimate	First Half FY 2022
Balance (July 1)	\$59,218.79	\$46,386.16	\$46,867.43*
Income:			
Fairfax County	\$21,013.00	\$21,013.00	\$21,013.00
Interest, Fees, etc.	\$1,657.19	\$1,500.00	\$515.75
Marker Contribution	\$1,350.00		\$2,700.00
Budget Adjustment	\$190.00		\$2,695.85
Total Income	\$24,210.19	\$22,513.00	\$26,924.60
Total Available	\$83,428.98	\$68,899.16	\$73,792.03
Operating Expenses	\$37,042.82	\$24,732.00	\$16,014.20
Ending Balance (June 30)	\$46,386.16		

*Balance reported June 25, 2021

- The funds of the Fairfax County History Commission are maintained through FOCUS and administered by staff of the Department of Planning and Development and the Fairfax County Park Authority.
- The History Commission saw changes in our normal financial activity in FY2021 due to the transition of the History Conference from in-person to virtual for the second year in a row and significant support of equipment for the Archaeology and Collections Branch of FCPA (via the Park Foundation). Markers and minutes recording and transcription continue as a major routine annual expense.
- Unspent funds from previous years are committed to historical roadside marker maintenance, archaeology grants, publications, and preservation and oral history programs.

COMMISSION MEMBERS

The History Commission, and its volunteer members, are proud of their contributions to preserving and promoting the history of Fairfax County. The members offer rich knowledge and expertise in local history and a very diverse background.

BRADDOCK DISTRICT

Mary Lipsey: Ms. Lipsey was raised in Fairfax County. She received a BA in History and Sociology from Mary Washington College and a Masters in Middle School Education from Virginia Tech. She retired after 30 years of teaching seventh grade American History for FCPS. She has been a volunteer docent for the American History Museum of the Smithsonian and for the National Archives. Her interest in local and women’s history led her to author four books and lead programs for senior and community organizations concerning these areas of history. She is one of the directors of the Fairfax County Cemetery Preservation Association, Inc., whose goal is to preserve and protect family cemeteries in Fairfax County. She has supported over 50 preservation projects in county cemeteries and has made many presentations about historic cemeteries and how to preserve them. As a member of the Commission, she serves on the Roadside Marker, AAHI, and Cemetery Committees.



Gretchen M. Bulova: Ms. Bulova brings a wealth of museum experience to the Commission. She is the Director for the Office of Historic Alexandria in Alexandria, Virginia, and has been active in the regional museum community for more than 30 years. She is the Past President of the Virginia Association of Museums, President of the Historic House Museums Consortium of Washington, D.C., and a Governor appointee to the American Revolution 250 Commission. Ms. Bulova is committed to the preservation of local history and inspiring the next generation to love museums and our nation’s rich heritage. She chaired the FCHC from 2012-2014, as well as the Fairfax County 275th Commemoration Committee.

DRANESVILLE DISTRICT



Carole Herrick: As a nationally ranked tennis player, Ms. Herrick attended Los Angeles State College, where she received her BA in History. In 2012, she was inducted into the National Women’s Intercollegiate Tennis Hall of Fame. She served 12 years on the Governing Board of the McLean Community Center, chaired the Fairfax County History Commission 2015-2017, and is currently president of the McLean Historical Society. Ms. Herrick received numerous accolades including *The Heartbeat of Rotary* and the *Friend in Deed* awards. In 2016, she was the honorary chair for the 50th anniversary of the Women’s Club of McLean. The following year, she received the *Mary Kingman – Pillar of McLean* award presented by McLean Chamber of Commerce. In 2018 was the recipient of the *Jean Tibbetts History Award* and was *Lady Fairfax* representing the Dranesville District. Ms. Herrick is a highly regarded speaker and has written numerous articles for publication about the Northern Virginia area, along with authoring nine books.



Subhi A. Mehdi: Ms. Mehdi retired from the U.S. Senior Executive Service in 2015 with a 30-year public service career with the U.S. Departments of Veterans Affairs, Health and Human Services, and the Agency for International Development. She is a 40-year resident of Fairfax County, and actively volunteers in numerous national and local organizations. Ms. Mehdi is passionate about ancient history, especially the origins of the Abrahamic faiths and UNESCO World Heritage sites. At the History Commission, she volunteers in the Committees on Advocacy, Ethnic History, and African American History Inventory. She also represents Dranesville District at the American Revolution 250 Year Commission. Ms. Mehdi has a BA from Sweet Briar College, an MA from American University, and an MPH from George Washington University. She attended executive leadership programs at the Federal Executive Institute, the Brookings Institute, Harvard University, the Center for Creative Leadership, and the Foreign Service Institute.

HUNTER MILL DISTRICT

Elise Ruff Murray: Ms. Murray was born in Key West, Florida, grew up in Vienna, Virginia and resides in Vienna again. She earned a BA in History from the University of Virginia and is interested in archaeology, history, and preservation. After working for a year and a half on an archaeology project in Northeastern Mississippi, she worked as an economic consultant advising on anti-trust and commercial litigation matters for over 20 years. A member of the Fairfax County History Commission since 1983, Ms. Murray has served as the Commission's ex-officio member of the Architectural Review Board since 1992. On the Commission, she served as chairman, treasurer, and vice chairman. She is the chair of the Inventory of Historic Sites Committee and serves on the Awards, Bylaws, Markers and Publications Committees. Ms. Murray serves on the boards of the Historical Society of Fairfax County and the Friends of the Virginia Room. In addition, she coordinates the Fairfax History area at Celebrate Fairfax.



Barbara M. Naef: A resident of Reston since 1968, Ms. Naef earned a BA in History from Duke University and a MA in American History from the University of Delaware. She retired in 2002 after 23 years working to preserve and interpret our county history at the Fairfax County Park Authority. She became supervisor of the county archaeology program when it was transferred to the Park Authority in 1996. She continues to advocate for Park Authority historic site programs, support local history groups, including the Reston Museum & Historic Trust. The Archaeologist Representative on the Commission, she maintains close contact with Dr. Elizabeth Crowell, who heads the County Archaeology functions through the Park Authority. In 2021 she was honored by the Park Authority Board with the *Mayo Stuntz Cultural Stewardship Award* "in recognition of her dedication to the long-term preservation and stewardship of cultural and historic resources throughout Fairfax County". In 2021 she continued to serve on the Inventory of Historic Sites Committee, Budget Committee, the History Conference Committee, and the Resident Curator Program Committee. She also served on the African American History Inventory Committee that was established by the Commission in 2021.



Anne Stuntz: Ms. Stuntz grew up in Vienna, Virginia and comes from a family of historians and genealogists. She has a degree in art history from Princeton University and an MBA from Columbia University. After a career in finance on Wall Street and in the City of London, Anne returned to her historic family home in Vienna with her husband and three sons, and is devoted to preserving the history of the area. She is president of Historic Vienna, Inc., Secretary Treasurer of the Flint Hill Cemetery Association, and Secretary of the Friends of the Virginia Room at the Fairfax library. She is on the Sully Foundation and the board of the Historical Society of Fairfax County. She is a member of the Fitzhugh Families of Virginia and the NSDAR. She served as Vice Chairman of the History Commission from 2015-2017 and as Chairman in 2018-2020.

LEE DISTRICT



Steven Sherman: Sherman was born in Washington, D.C. and raised in Arlington, Virginia. He has lived in Northern Virginia for over 60 years and attended Morris Harvey College in Charleston, West Virginia and Northern Virginia Community College in Annandale, Virginia, where he majored in Accounting and History. He is President/Broker of Sherman Properties, Inc., located in Franconia and has been in the real estate business for the past 40 years. Since 1984, he has owned the historic “Five Oaks Estates” manor house built in 1910 located off Blake Lane in Fairfax County. Steve is the president of HMS Productions, which made a 90-minute documentary “Mosby’s Combat Operations in Fairfax County.” He is the former secretary of the Board of

Directors of Celebrate Fairfax, served on the Board of Directors of the Franconia Museum for 13 years and is a past president. Mr. Sherman served as the Commission’s secretary in 2011, served as Vice Chairman from 2012 through 2014, and as the Commission’s Secretary 2015-2017 and again 2020-2022.



Phyllis Walker-Ford: Ms. Walker-Ford was appointed to the commission February 2009, earned a BA in Business Administration from Bluefield State University, Bluefield, West Virginia, and an MBA from Trinity University, Washington, DC. She is President of Laurel Grove School Association, the governing body of Laurel Grove School Museum located in Franconia, Virginia. She serves as Vice President of Virginia Africana Associates, a network of museum, history, and preservation professionals. Ms. Walker-Ford is a current member of the History Commission Marker Committee and Conference Planning Committee. She, along with Mary Lipsey, co-chairs the African American History Inventory Committee.

MASON DISTRICT



Barbara Peters: Ms. Peters who joined the Commission in 2017, has been a Fairfax County resident for 40 years. She received her BA from Oakland University in Rochester, Michigan, and an MA in Library Science from the University of Michigan in Ann Arbor, MI. Before settling in Fairfax, she resided in Paraguay, Venezuela, and Thailand. She has been active in local civic activities for 30 years including service as an Election Officer. She retired in 2016 as the branch manager of the Thomas Jefferson Library in Fairfax County.

MOUNT VERNON DISTRICT

Anne M. Barnes: Ms. Barnes is a longtime Fairfax County resident who lives on Mason Neck, Virginia. She received a BS in Criminal Law from Savannah State College, and an MA in Government from Johns Hopkins University. She worked on an archeological project in South Carolina in the mid-1980s. She is a former Marine Corps Officer, U.S. Congressional staffer, American History teacher, and is currently the Resource Director for a federal and strategic training center. She served as Vice Chairman of the History Commission in 2006-2008 and as Treasurer in 2010-2012. She is currently the chairman of the Bylaws and Budget Committees.



Sallie Lyons: Born North Carolinian, she was raised in University Park, Maryland. She received a BA in Art History from Duke University. Ms. Lyons worked at the Library of Congress and held a teaching assistantship in anthropology at the University of Maryland. She was deeply influenced by urban archaeological excavation in Winchester, capital of Saxon England. She came to Mount Vernon District in 1970, living on Brick Yard Point in Wellington Villa, and moved to Colchester on Mason Neck in 1984. Living on two archaeological sites, Ms. Lyons became keenly aware of history and preservation in the Mount Vernon area. She has spent over 25 years supporting preservation and research in Colchester, Mason Neck, and Lorton. With her late husband, Gerald Lyons, she founded Lyonshare Studios, LLC, a technical computer graphics, writing and editing company. She founded the Friends of Fairfax County Archaeology and Cultural Resources, and, with former FCHC member Glenn Fatzinger, founded the Mount Vernon Regional Historical Society, of which she is the vice president. Ms. Lyons is also an active member of the Northern Virginia Chapter of the Archaeological Society of Virginia, the Lorton Heritage Society, and the Seeds of Independence Committee of Gunston Hall.



Tammy Mannarino: Ms. Mannarino enjoyed the nomadic childhood of a “Navy-brat” living in 8 different homes around the country before her family settled in Fairfax County more than 40 years ago. She graduated from James Madison University with a degree in English and Political Science and a minor in Russian Area Studies. She worked for the National Security Agency from 1987-2000, primarily in the field of Information Systems Security. Ms. Mannarino holds Master’s Degrees in Telecommunications and Systems Engineering. She lives in the Mount Vernon area where she and her husband have raised 4 boys. Ms. Mannarino researches, writes, and presents local history and manages her own website, BackyardMountVernon.com. In 2017, she worked with others to form the Mount Vernon Regional Historical Society where she holds the position of Secretary. She was appointed to the Fairfax County History Commission in January 2020 and serves on the Advocacy, Ethnic History, Inventory of Historic Sites and African American History Inventory committees.

PROVIDENCE DISTRICT



Sue Kovach Shuman: Ms. Shuman was appointed to the history commission in 2020. A journalist with newspapers in Pennsylvania, Minnesota, and the Washington metro area, she worked 20 years in news at The Washington Post, as well as for the American Embassy in Paris. She holds a B.A. in Journalism from Penn State, M.A. in Journalism with Urban Studies minor from the University of Maryland, a Public History and Historic Preservation certificate from Northern Virginia Community College, and a Virginia Association of Museums management certification. She is a research historian and author of the book *Mantua*. She completed 19 USDA Forest Service volunteer projects in historic preservation, archaeology, and paleontology. For

activities including conducting interviews for the Providence Perspectives oral history project, she was honored as a county *Lady Fairfax*.

SPRINGFIELD DISTRICT



Lynne Garvey-Hodge: Ms. Garvey-Hodge is a 37-year resident of Fairfax County, and a 20+ year resident of Clifton, Virginia. She is extremely active in preserving the historicity of Clifton and Fairfax County. Ms. Garvey-Hodge has a Bachelor of Fine Arts and a Master’s in Public Administration from the University of Colorado, and a Master’s in Theological Studies from Wesley Theological Seminary, Washington, DC.

Ms. Garvey-Hodge’s historic re-enactment activities include: a) progressive era suffragist, Mrs. Robert Walker, *Meet Suffragist Robert Walker*; b) Angelina Grimké, an early 19th century Abolitionist and Quaker women’s rights activist from South

Carolina, *One Woman Against a Nation*; c) a historic character from America's Gilded Age and early days of our railroad industry, Antoinette "Nettie" Devereux, wife of Henry Devereux, a railroad magnate and the Civil War Railroad "General" for whom the town of Clifton was once named, in a performance called, *Railroads: Rough & Regal Times—Meet Mrs. John Henry Devereux*; d) a character named *Starshine*, Ms. Garvey-Hodge's most recently created, researched and performed character, that debuted at the Jewish Community Center in August, 2019. *Starshine* is a Woodstock hippie who tells the story of the year 1969. Ms. Garvey Hodge also presents on cemetery iconography and Victorian mourning customs. (See: www.suffragistmrsrobertwalker.org)

Ms. Garvey-Hodge published a book for Arcadia Publishers' Images of America Series, *Clifton*, 2009, and is in her seventh term on the History Commission. She served as Chair in 2004 and 2005. Ms. Garvey-Hodge spearheaded efforts to launch the First Annual Fairfax County History Conference in 2005 and has chaired the History Conference Committee since 2006. She led the Commission's second virtual conference which was filmed, recorded, and broadcast by Channel 16. She is also chair of the Awards Committee and sits on the Ethnic History and Advocacy Committees.

Ms. Garvey-Hodge is the co-founder and an officer of the Fairfax County Cemetery Preservation Association, Inc. and sits on the National Board of the Turning Point Suffragist Memorial. She is a member of the Bull Run Civil War Round Table, Historic Centreville Society, Clifton Community Woman's Club, the Burke Historical Society, and the Fairfax Station Railroad Museum. Ms. Garvey-Hodge is President of her own Leadership Consulting practice, LGH, Inc. where for the past 33 years, she has provided leadership consulting and executive coaching to profit and non-profit organizations, government agencies, and the military service.



Jordan Tannenbaum: Mr. Tannenbaum grew up in Morristown, NJ but has lived in Fairfax County for the past 25 years. He earned a BA in History from Brandeis University in Waltham, MA, a JD from the Washington College of Law, and is a member of the DC Bar. Following a decade working for the U.S. Advisory Council on Historic Preservation (ACHP), he transitioned to the Development (fundraising) field working, for his undergraduate alma mater. He held senior positions at Georgetown University, the Wharton School, the National Trust for Historic Preservation, the Hillel Foundation, and is currently the Chief Development Officer for the U.S. Holocaust Memorial

Museum. Tannenbaum spent 27 years in the JAG Corps, U.S Army Reserve retiring as a lieutenant colonel. He has been a member of the ACHP since 2016, and in 2021 was appointed to the position of Vice Chairman. He currently serves on the following boards: The Army Historical Foundation, the Rosenwald NHP Initiative, and the ACHP Foundation. Mr. Tannenbaum is on the History Conference and the Awards Committees.

SULLY DISTRICT



Esther W. McCullough: Ms. McCullough grew up in Longview, Texas and received her Bachelor of Science in Clothing and Textiles from North Texas State University (now The University of North Texas). After moving to Fairfax County in 1996, she could not find information on the history of African Americans in the area, so she created a brochure, *African American Sites in Fairfax County before 1900*. She is the chair of the Ethnic Committee and sits on the Marker Committee and the History Conference Committee. She served as the Secretary of the Commission from 2004–2007. Esther has been a host at two history conferences and spoke at one. She has led sessions on oral history at more than one History Conference. Scrapbooking memories, designing greeting cards, and preserving history are things that she values. She has led workshops for senior citizens in nursing homes using scrapbooking techniques and card classes. Esther volunteers throughout Fairfax County. She works tirelessly with history and the senior ministry at her church, the First Baptist Church of Vienna, planning and presenting programs for seniors.



Cheryl-Ann Repetti: Ms. Repetti joined the Commission in 2019 and has lived in Fairfax County since 1982 and in Centreville since 1990. She holds a PhD in Sociology from George Washington University and a Bachelor of Fine Arts from The Cooper Union in New York City. Ms. Repetti is the Historical Interpreter and Site Coordinator for Historic Huntley in Huntley Meadows Park and is a member of the board of directors of the Historic Centreville Society and the Friends of Historic Centreville. The latter group organizes Centreville Day each year, a community festival celebrating the area's rich and diverse heritage. The event is held in Historic Centreville Park in the Centreville Historic Overlay District. She started her term as Chairperson of the History Commission in Jan 2021.

CITY OF FAIRFAX



David L. Meyer: Mr. Meyer is serving his third term as Mayor of the City of Fairfax. He served five terms on the City Council (2008-17) before being elected Mayor in 2017. A city resident since 1981, Mr. Meyer has maintained a lifelong interest in local history and historic preservation, and is a co-author of the book *Fairfax, Virginia: A City Traveling Through Time*. He also authored *Pilgrimages of Faith, Histories of Churches in Vienna, Virginia*. Mr. Meyer retired in 2016 from the U.S. Nuclear Regulatory Commission, where he was a career member of the Senior Executive Service and was awarded the commission's Meritorious Service Award. He earned a B.A. in political science from Randolph-Macon College and an M.P.A. from American University. Meyer also attended the Federal Executive Institute in Charlottesville, Va., and the Executive Education Program at the Kennedy School of Government in Boston.

AT LARGE



Robert E. Beach: Mr. Beach received a Bachelor of Architecture from Pratt Institute and practiced architecture in several notable New York City and Washington, DC area architecture firms before starting an architectural practice which provides design services for historic restorations at the Local, State and National levels. Mr. Beach serves as the Architect for the Commission, from 2000 to present. He was Vice Chair in 2004 and 2005, and Chair from 2006 to 2008. He is Chair of the Resident Curator Program Committee, serves on the Curator Evaluation Team and served multiple times as a Juror for the Fairfax County Exceptional Design Awards. As a member of the AIA and served as a director at the local and state levels. He is also a LEED, AP, BD+C and a member of the USGBC. Mr. Beach received the Distinguished Achievement “Citizen Architect” Award from AIA Virginia and a Pratt Institute Alumni Achievement Award. He is the Architect for the Turning Point Suffragist Memorial.



Riverbend Indian Festival, Fairfax County Park

Board Agenda Item
June 28, 2022

9:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard June 28, 2022

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

FINAL COPY

**APPOINTMENTS TO BE HEARD JUNE 28, 2022
(ENCOMPASSING VACANCIES PROJECTED THROUGH **JULY 1, 2022**)**
(Unless otherwise noted, members are eligible for reappointment)

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

<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 1/10-7/21 by Foust) Term exp. 1/22	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Mary Frances Tunick; appointed 10/20-3/21 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<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
Renko R. Hardison (Appointed 6/18 by McKay) Term exp. 5/22	Citizen 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
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Grant J. Nelson Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10- 9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96- 5/01 by Hanel; 6/04- 5/01-10/07 by Connolly; 6/10—9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
Jayant Reddy (Appointed 1/16-7/18 by Bulova) Term exp. 8/21	At-Large #4 Representative		By Any Supervisor	At-Large

ANIMAL SERVICES ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christina Anderson (Appointed 1/18-2/20 by Gross) Term exp. 2/22	Mason District Representative		Gross	Mason

ATHLETIC COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason
Michael W. Thompson (Appointed 1/09-6/20 by Herrity) Term exp. 6/22	Springfield District Principal Representative		Herrity	Springfield
Hillary Richardson (Appointed 9/20 by Alcorn) Term exp. 6/22	Women's Sports Alternate Representative	Hillary Richardson (Alcorn)	By Any Supervisor	At-Large
Jenni R. Cantwell (Appointed 9/10-6/20 by Herrity) Term exp. 6/22	Women's Sports Principal Representative		By Any Supervisor	At-Large

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ken Balbuena (Appointed 9/11-7/19 by Bulova; 7/20-6/21 by McKay) Term exp. 6/22	At-Large Chairman's Representative		McKay	At-Large Chairman's
Raymond K. Smith (Appointed 7/20-6/21 by Walkinshaw) Term exp. 6/22	Braddock District Representative	Raymond K. Smith	Walkinshaw	Braddock

Continued on next page

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Marie Colturi (Appointed 9/19 by Hudgins; 9/19-6/21 by Alcorn) Term exp. 6/22	Hunter Mill District Representative	Marie Colturi	Alcorn	Hunter Mill
Saud Hasan Shah (Appointed 5/21 by Lusk) Term exp. 6/22	Lee District Representative	Saud Hasan Shah	Lusk	Lee
Abby L. Block (Appointed 7/21 by Gross) Term exp. 6/22	Mason District Representative	Abby L. Block	Gross	Mason
Roberta Kelley Paul (Appointed 7/17-6/21 by Storck) Term exp. 6/22	Mount Vernon District Representative	Roberta Kelley Paul	Storck	Mount Vernon
Emilie F. Miller (Appointed 7/05-7/19 by Smyth; 7/20-7/21 by Palchik) Term exp. 6/22	Providence District Representative	Emilie F. Miller	Palchik	Providence
Kim S. Farington (Appointed 1/19-6/21 by Herrity) Term exp. 6/22	Springfield District Representative		Herrity	Springfield
Debbie Kilpatrick (Appointed 6/18-6/21 by smith) Term exp. 6/22	Sully District Representative	Debbie Kilpatrick	Smith	Sully

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)
 NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Dolores Quintela; appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Amer Bayoumi; appointed 1/21 by Alcorn) Term exp. 3/22 <i>Resigned</i>	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
L. Eric Marx (Appointed 12/20 by Foust) Term exp. 5/22	Dranesville District Representative	L. Eric Marx	Foust	Dranesville
VACANT (Formerly held by Andrea C. McCarthy; appointed 6/20 by Alcorn) Term exp. 5/22 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Joseph Hansen; appointed 9/20 by Storck) Term exp. 5/22 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
James R. Kirkpatrick (Appointed 9/08-6/20 by Herrity) Term exp. 5/22	Springfield District Representative		Herrity	Springfield

CIVIL SERVICE COMMISSION (2-year terms)
 NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Vanessa Jordan (Appointed 6/20 by Walkinshaw) Term exp. 12/21	At-Large #8 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large Chairman's
NEW POSITION	Transgender Woman Representative		McKay	At-Large Chairman's

COMMISSION ON AGING (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kathleen Hoyt (Appointed 12/16-2/21 by Gross) Term exp. 5/22	Mason District Representative		Gross	Mason

COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Holly Seibold; appointed 6/20 by Alcorn) Term exp.2/23 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill

CONSUMER PROTECTION COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Wes Callender (Appointed 9/14-7/18 by Foust) Term exp. 7/21	Fairfax County Resident #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Daton Lynch; appointed 9/18 by Smith) Term exp. 7/21 <i>Resigned</i>	Fairfax County Resident #7 Representative	Pratik J. Kharat (Smith)	By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Christopher Boeder; appointed 9/18 by Smyth) Term exp. 8/21 <i>Resigned</i>	Providence District Representative		Palchik	Providence
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 10/20 by McKay) Term exp. 7/1/22	At-Large #3 Citizen Representative		By Any Supervisor	At-Large
Ronald C. Johnson (Appointed 11/1-6/02 by Hanley; 7/06 by Connolly; 6/10-7/18 by Bulova) Term exp. 7/1/22	At-Large #4 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard J. Guba; appointed 6/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard J. Weisman (Appointed 3/08-7/13 by Frey; 9/16-6/19 by Smith) Term exp. 6/22	Sully District Representative	Richard J. Weisman	Smith	Sully

CONFIRMATION NEEDED:

- Mr. Jacob Hammond as the Student Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

(3-year terms - limited to 2 full terms)

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Melanee J. Canady; Appointed 9/20 by McKay) Term exp. 11/23 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Mary Pauline Jones; appointed 9/17-11/18 by Herrity) Term exp. 11/21 <i>Resigned</i>	Springfield District Representative	Michael Ritter	Herrity	Springfield

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD
(3-year terms - limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Cherylyn Harley LeBon (Appointed 6/19 by Cook) Term exp. 6/22	Braddock District Representative		Walkinshaw	Braddock
Jo LaBrecque-French (Appointed 6/19 by Foust) Term exp. 6/22	Dranesville District Representative		Foust	Dranesville
Matthew Briney (Appointed 2/20 by Storck) Term exp. 6/22	Mount Vernon District Representative	Matthew Briney	Storck	Mount Vernon

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT
SYSTEM BOARD OF TRUSTEES (4-year terms)**

CONFIRMATION NEEDED:

- Mr. Daniel McGraw as the Fairfax County Public School Employee Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

(3-year terms – 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>
Anne Whipple (Appointed 2/20 by McKay) Term exp. 6/22	At-Large #2 Representative	Anne Whipple (McKay) <i>(Nomination announced on May 24, 2022)</i>	By Any Supervisor	At-Large
Sheila Coplan Jonas (Appointed 4/16-6/19 by Gross) Term exp. 6/22	Mason District Representative	Sheila Coplan Jonas <i>(Nomination announced on May 24, 2022)</i>	Gross	Mason
Garrett McGuire (Appointed 5/19 by Storck) Term exp. 6/22	Mount Vernon District Representative	Garrett McGuire <i>(Nomination announced on May 24, 2022)</i>	Storck	Mount Vernon
Daniel Sherrange (Appointed 6/20 by Smith) Term exp. 6/22	Sully District Representative	Daniel Sherrange <i>(Nomination announced on May 24, 2022)</i>	Smith	Sully

HUMAN SERVICES COUNCIL (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lanita R. Thweatt; appointed 6/19-7/20 by Storck) Term exp. 7/24 <i>Resigned</i>	Mount Vernon District #1 Representative		Storck	Mount Vernon

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jan B. Reitman appointed 7/14-1/20 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

LIBRARY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jane Miscavage; appointed 1/18-7/19 by Bulova) Term exp. 7/23 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's

**NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD
(4-year terms- limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jennifer C. McGarey (Appointed 1/13-6/18 by Cook) Term exp. 6/22 <i>Not eligible for reappointment</i>	Fairfax County #2 Representative		By Any Supervisor	At-Large

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

<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
Sarah McCue (Appointed 3/19 by Alcorn) Term exp. 6/21	Hunter Mill District Representative		Alcorn	Hunter Mill
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

Continued on next page

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

POLICE CIVILIAN REVIEW PANEL (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Shirley A. Norman- Taylor appointed 2/19 by Bulova; 2/20 by McKay) Term exp. 2/23 <i>Resigned</i>	Seat #3 Representative		By Any Supervisor	At-Large

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James E. Bitner (Appointed 5/17- 10/18 by Bulova) Term exp. 6/22	Citizen At-Large #3 Representative		By Any Supervisor	At-Large

**RESTON TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (4-year terms)**

<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
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Marvin Powell (Appointed 10/04-11/12 by Frey; 1/16-12/18 by Smith) Term exp. 12/21	Sully District Representative	Prince D. Howard	Smith	Sully

TENANT LANDLORD COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Vincent J. Fusaro; appointed 1/20 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
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
VACANT (Formerly held by 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 Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Stiven Foster (Appointed 1/18 by Smyth; 1/20 by Palchik) Term exp. 1/22	Providence District Representative		Palchik	Providence
Karl D. Liebert (Appointed 9/17-1/20 by Herrity) Term exp. 1/22	Springfield District Representative		Herrity	Springfield

TRANSPORTATION ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Linda D. Sperling (Appointed 12/17-6/18 by Bulova; 6/20 by McKay) Term exp. 6/22	At-Large Representative		By Any Supervisor	At-Large
Kevin Morse (Appointed 6/10-6/18 by Cook; 7/20 by Walkinshaw) Term exp. 6/22	Braddock District Representative	Kevin Morse	Walkinshaw	Braddock
Michael D. Champness (Appointed 9/13-6/20 by Foust) Term exp. 6/22	Dranesville District Representative	Michael D. Champness	Foust	Dranesville
VACANT (Formerly held by Kelley Westenhoff; appointed 9/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill

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TRANSPORTATION ADVISORY COMMISSION (2-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Alexis Glenn (Appointed 9/20 by Lusk) Term exp. 6/22	Lee District Representative		Lusk	Lee
Roger L. Hoskin (Appointed 5/96-6/20 by Gross) Term exp. 6/22	Mason District Representative	Roger L. Hoskin	Gross	Mason
Peter Sitnik (Appointed 9/19-6/20 by Storck) Term exp. 6/22	Mount Vernon District Representative	Peter Sitnik	Storck	Mount Vernon
Jeremy Hancock (Appointed 9/20 by Palchik) Term exp. 6/22	Providence District Representative	Jeremy Hancock	Palchik	Providence
Eric D. Thiel (Appointed 3/04-6/06 by McConnell; 6/08- 6/20 by Herrity) Term exp. 6/22	Springfield District Representative		Herrity	Springfield
David Skiles (Appointed 6/20 by Smith) Term exp. 6/22	Sully District Representative	David Skiles	Smith	Sully

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/18 by Foust) Term exp. 10/21	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Catherine C. Ledec; appointed 10/16-10/20 by Storck) Term exp. 10/23 <i>Resigned</i>	Mount Vernon District Representative	Elaine D. Kolish	Storck	Mount Vernon
Karen T. Campblin (Appointed 2/16-6/19 by Smith) Term exp. 6/22	Sully District Representative	Perry E. Rhodes	Smith	Sully

**TYSONS TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (2-year terms)**

<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

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Shaughnessy Glennon Pierce (Appointed 9/13-6/18 by Hudgins) Term exp. 6/22	Citizen Appointed by BOS #2 Representative		By Any Supervisor	At-Large
Maria Teresa Valenzuela (Appointed 7/16- 11/17 by Bulova) Term exp. 10/21	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

VOLUNTEER FIRE COMMISSION (2 years)

CONFIRMATIONS NEEDED:

- Mr. Gerald B. Strider as the Zone I Representative
- Mr. Sean R. McLaren as the Zone II Representative
- Mr. Adam J. Searle as the Volunteer Fire and Rescue Association #1 Representative

WATER AUTHORITY (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Cheryl Ginyard-Jones (Appointed 3/21 by Foust) Term exp. 6/22	Dranesville District Representative	Cheryl Ginyard-Jones	Foust	Dranesville
Nancy Colleton (Appointed 2/20 by Alcorn) Term exp. 6/22	Hunter Mill District Representative	Nancy Colleton	Alcorn	Hunter Mill
Richard Dotson (Appointed 9/09-7/19 by Smyth) Term exp. 6/22	Providence District Representative	Richard Dotson	Palchik	Providence
Philip W. Allin (Appointed 7/92-7/13 by Frey; 6/16-6/19 by Smith) Term exp. 6/22	Sully District Representative	Philip W. Allin	Smith	Sully

WETLANDS BOARD (5-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anita Van Breda; appointed 12/13-2/16 by Bulova; 5/18/21 by McKay) Term exp. 12/25 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large

YOUNG ADULTS ADVISORY COMMITTEE
(2-year terms - limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sarah Bufano; appointed 7/20-1/22 by Walkinshaw) Term exp. 1/24 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Kiana Simpkins; appointed 9/20 by Foust) Term exp. 1/22 <i>Resigned</i>	Dranesville District Representative	Pranav Choudhary	Foust	Dranesville
VACANT (Formerly held by Ana McCoy) appointed 9/20 by Lusk) Term exp. 1/22 <i>Resigned</i>	Lee District Representative	Timothy S. Klein	Lusk	Lee
VACANT (Formerly held by Jessica Sun; appointed 6/20-2/22 by Palchik) Term exp. 1/24 <i>Resigned</i>	Providence District Representative		Palchik	Providence

NEW BOARDS

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Molly Bensing-Lacy (Appointed 9/21 by Walkinshaw) Term exp. 6/22	Braddock District Representative	Molly Bensing-Lacy	Walkinshaw	Braddock
RJ Narang (Appointed 7/21 by Foust) Term exp. 6/22	Dranesville District Representative	RJ Narang	Foust	Dranesville
NEW POSITION	Mason District Representative		Gross	Mason
VACANT (Formerly held by Michael Perez; appointed 7/21 by Herrity) Term exp. 6/23 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

CONFIRMATIONS NEEDED:

- Mr. David Levine as the Advocacy Group #1 Representative
- Ms. Shelley Murphy as the Affordable Housing Developer/Owner Representative
- Mr. Joe Fay as the Alliance for Human Services Representative
- Mr. John Boylan as the Business, Economic Development, Health #1 Representative
- Ms. Ava Nguyen as the Business, Economic Development, Health #2 Representative
- Mr. Ken McMillon as the Community Action Advisory Board Representative
- Ms. Tara Ruskowski as the Faith Community Representative

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AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)
Continued from previous page

CONFIRMATIONS NEEDED:

- Mr. Nicholas Bracco as the For-Profit Real Estate Industry Representative
- Ms. Mary Paden as the NAACP Representative
- Ms. Michelle Krocker as the Northern Virginia Affordable Housing Alliance Representative

FAIRFAX COUNTY 250TH COMMISSION (6-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Bobbi Bowman; appointed 10/21 by McKay) Term exp. 6/27 <i>Resigned</i>	At-Large Chairman’s Representative		McKay	At-Large Chairman’s

HISTORICAL MARKER PROJECT VOTING COMMITTEE (6-month terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	At-Large Chairman’s Representative		McKay	At-Large Chairman’s
NEW POSITION	Springfield District Representative		Herrity	Springfield
NEW POSITION	Black Chamber of Commerce Representative		Confirmed by the Board	Confirmation

Board Agenda Item
June 28, 2022

9:30 a.m.

Matters Presented by Board Members

Board Agenda Item
June 28, 2022

9:30 a.m.

Items Presented by the County Executive

Board Agenda Item
June 28, 2022

ADMINISTRATIVE – 1

Approval of Streets into the Secondary System (Dranesville District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Summerhouse Landing	Dranesville	Marmion Drive & Boscobel Court
Rockland Farms	Dranesville	Rockland Terrace

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

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

Street Acceptance Form For Board Of Supervisors Resolution

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS</p> <p>REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 4548-SD-001</p> <p>SUBDIVISION PLAT NAME: Summerhouse Landing</p> <p>COUNTY MAGISTERIAL DISTRICT: Dranesville</p>
<p>VDOT PERMITS MANAGER: Robert H. Burton</p> <p>BY: <u><i>Nadia Alphonse</i></u></p>	<p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>VDOT INSPECTION APPROVAL DATE: <u><i>05/03/2022</i></u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Marmion Drive	CL Sugarland Road, Route 604 - 554' W CL Liberty Meeting Court, Route 8856	1,243' N/W to End of Cul-de-Sac	0.24
Boscobel Court	CL Marmion Drive - 226' N CL Sugarland Road, Route 604	961' W to End of Cul-de-Sac	0.18

NOTES:	TOTALS:	0.42
Marmion Drive: 5' Concrete Sidewalk on the West/South (Left) Side to be maintained by VDOT.		
Boscobel Court: 5' Concrete Sidewalk on the North (Right) Side to be maintained by VDOT.		

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.	VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. PLAN NUMBER: 437-SD-01 SUBDIVISION PLAT NAME: Rockland Farms COUNTY MAGISTERIAL DISTRICT: Dranesville
VDOT PERMITS MANAGER: Robert H. Burton BY: <u><i>Nadia Alphonse</i></u>	FOR OFFICIAL USE ONLY VDOT INSPECTION APPROVAL DATE: <u><i>05/06/2022</i></u>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Rockland Terrace	Existing Rockland Terrace - 534' E/S CL Somerset Drive, Route 1979	297' S to End of Cul-de-Sac	0.06

NOTES:	TOTALS:
	0.06

Board Agenda Item
June 28, 2022

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 7936 Telegraph Road to STC Three, LLC (Lee District)

ISSUE:

Authorization to advertise a public hearing to amend a lease with STC THREE, LLC for the County-owned property at Kingstowne Fire Station located at 7936 Telegraph Road, for the expansion of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on July 19, 2022 at 4:30 p.m.

TIMING:

Board action is requested on June 28, 2022, to provide sufficient time to advertise the proposed public hearing on July 19, 2022 at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of the Kingstowne Fire Station facility located at 7936 Telegraph Road on a County-owned parcel identified as Tax Map Number 100-1 ((1)) 16. The site is currently improved with a 150-foot telecommunications monopole positioned at the rear of the property. The County has an existing lease with STC Three, LLC, for an 864 square foot compound located at the base of the monopole.

Crown Castle, the property manager for Lessee, has approached the County about Lessee's desire to sublease space in the telecommunications compound to direct-broadcast satellite provider DISH TV. To accommodate the ground equipment that DISH TV will need to install in the compound, Crown Castle has negotiated for an expansion of the leasing footprint by 35 square feet for a total leased area of 899 square feet. In exchange, Lessee will contribute thirty percent (30%) of any payments it receives from DISH TV under the sublease to the County as additional rent owed under the master lease.

Crown Castle and County Facilities Management have reviewed the site plan for the DISH TV equipment with staff from the Fire and Rescue Department. As is their current practice, Crown Castle will coordinate its visits to the compound with station personnel beforehand to avoid any impact on public safety operations.

Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may lease its real property.

Board Agenda Item
June 28, 2022

FISCAL IMPACT:

The lease currently generates \$51,000 in annual rent revenue. This lease amendment will generate approximately \$3,600 in additional rent during the first year the amendment is in effect. All revenue will be deposited into the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map 1001 01 0016

STAFF:

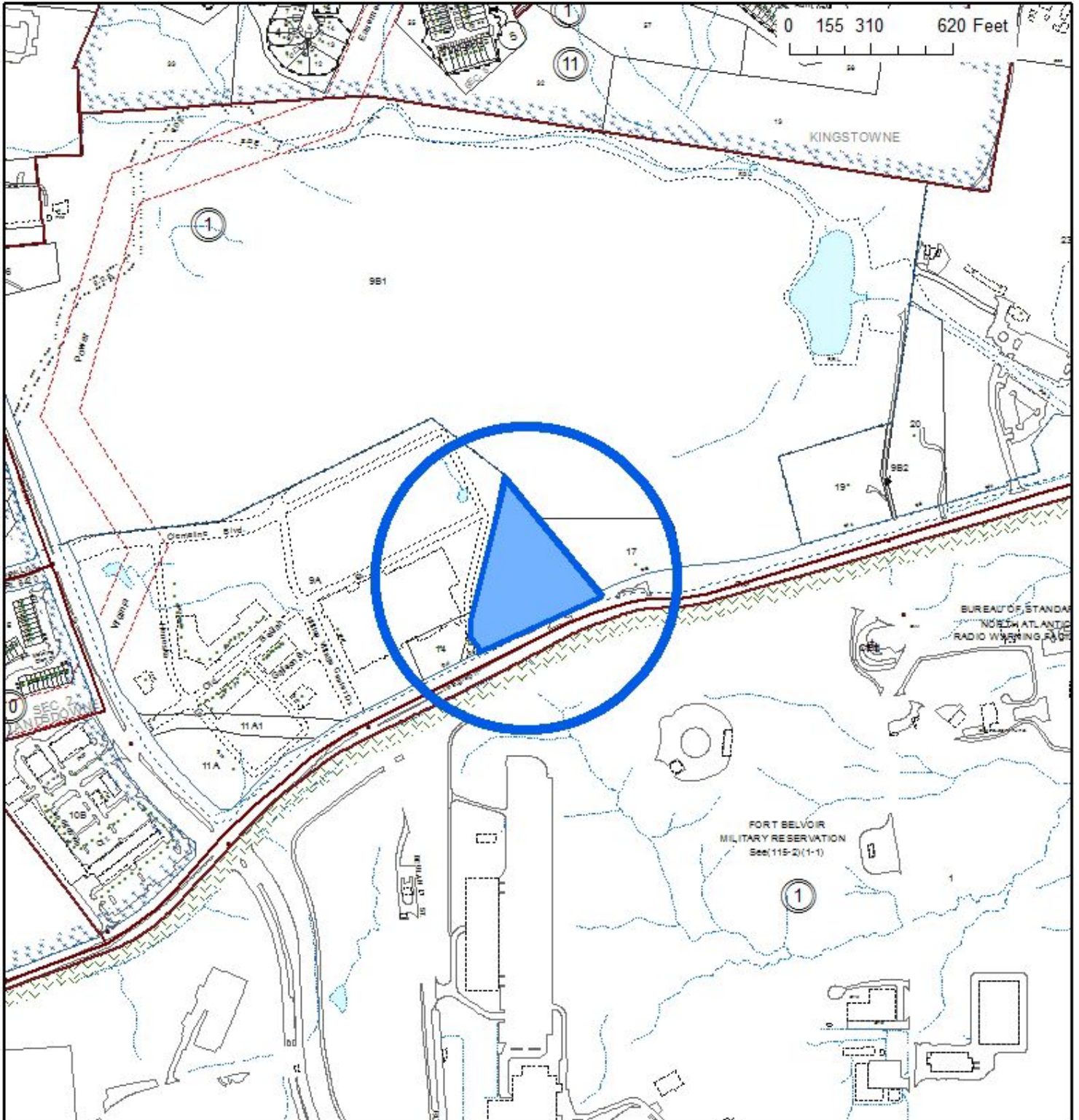
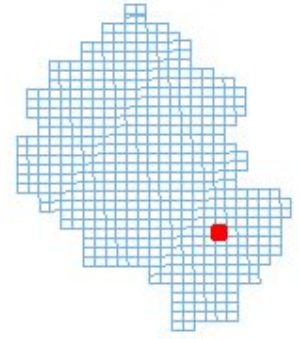
Ellicia L. Seard-McCormick, Deputy County Executive of Administration
José A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

Rick Dzubin, Assistant County Attorney

Kingstowne Fire Station

County Tax Map No.
100-1 ((1)) Parcel 16
Lee District
3.5 Acres



Board Agenda Item
June 28, 2022

ADMINISTRATIVE – 3

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Pole Road Crosswalk Improvements (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-083, Pole Road Crosswalk Improvements, Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for July 19, 2022, commencing at 4:00 p.m.

TIMING:

Board action is requested on June 28, 2022, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of constructing infrastructure improvements at the intersection of Pole Road and Sacramento Drive; it includes adding three high-visibility crosswalks, modifications to an existing pedestrian refuge island to provide a cut through to the crosswalk, new or rebuilt curb ramps at the northeast, southeast and southwest quadrants, and a sidewalk connection across the median between Pole Road and the Pinewood Lawns Condominiums access road. The design will also include adding advanced/enhanced pedestrian warning signage for the Pole Road crosswalk.

Land rights for these improvements are required on one property. The construction of this project requires a Dedication for Public Street Purposes.

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

Board Agenda Item
June 28, 2022

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 2G40-088-000, County Six-Year Bike and Pedestrian Program, Fund 40010, County and Regional Transportation Projects. This project is included in the Adopted FY 2023 – FY 2027 Capital Improvement Program (with future Fiscal Years to FY 2032), 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 - Listing of Affected Properties
Attachment C - Notice of Public Hearing

STAFF:

Rachel Flynn, Deputy County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Tom Biesiadny, Director, Department of Transportation
Carey Needham, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

F. Hayden Codding, Assistant County Attorney



POLE ROAD CROSSWALK IMPROVEMENTS

Project: 2G40-088-083

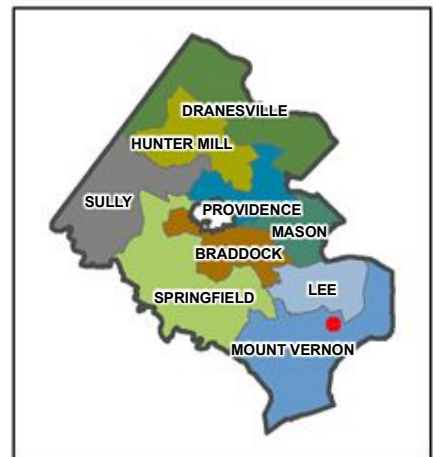
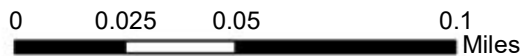
Mount Vernon District

Tax Map: 100-4-03-Condo Association

Affected Properties:



Proposed Improvements:



ATTACHMENT B

LISTING OF AFFECTED PROPERTIES
Project 2G40-088-083, Pole Road Crosswalk Improvements
(Mount Vernon District)

<u>PROPERTY OWNERS</u>	<u>TAX MAP NUMBER</u>
1. Pinewood Lawns Council of Co-Owners Address: N/A Mailing Address: 5601 Pole Rd, Alexandria, VA 22309	100-4-03-CONDO

A Copy – Teste:

Jill Cooper
Clerk to the Board of Supervisors

NOTICE OF PUBLIC HEARING

Public hearing will be held commencing at 4:00 p.m., on Tuesday, July 19, 2022, in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on the acquisition of certain land rights necessary for the construction of Project 2G40-088-083, Pole Road Crosswalk Improvements (Mount Vernon District).

This project consists of construction of infrastructure improvements at the intersection of Pole Road and Sacramento Drive; it includes adding three high visibility crosswalks, modifications to an existing pedestrian refuge island to provide a cut through to the crosswalk, new or rebuilt curb ramps at the northeast, southeast and southwest quadrants, and a sidewalk connection across the median between Pole Road and the Pinewood Lawns Condominiums access road. The design will also include adding advanced/enhanced pedestrian warning signage for the Pole Road crosswalk.

Plans and plats describing the work proposed to be done and the property interests to be acquired for this project are on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia 22035. Any person desiring to speak at the public hearing may call the Clerk to the Board at 703-324-3151 or may appear and be heard.

Board Agenda Item
June 28, 2022

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments

ISSUE:

The Commonwealth of Virginia adopted the Virginia Statewide Fire Prevention Code (SFPC) which went into effect on July 1, 2021. Any local governing body may adopt regulations that are more restrictive or more extensive in scope than the SFPC within certain parameters. Chapter 62 of the Code of the County of Fairfax (attachment 1) are the local amendments to the SFPC.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Chapter 62 of the Code of the County of Fairfax on August 2nd, 2022, at 4:30 pm.

TIMING:

Board action is requested on August 2, 2022.

BACKGROUND:

The (SFPC) is a maintenance code which is enforced once a structure receives a certificate of occupancy and contains the regulations which must be complied with for the protection of life property from the hazards of fire and explosion. Enforcement of the SFPC is at the option of the local governments. Fees may be charged by both the local enforcing agencies and the State Fire Marshal's Office. The SFPC contains enforcement procedures that must be used by the enforcing agency. Any local governing body may adopt regulations that are more restrictive or more extensive in scope than the SFPC within certain parameters. Chapter 62 of the Code of the County of Fairfax are the local amendments to the SFPC.

FISCAL IMPACT:

None.

Board Agenda Item
June 28, 2022

CREATION OF POSITIONS:

There will be no new position(s) created.

ENCLOSED DOCUMENTS:

Attachment 1 – Chapter 62

STAFF:

Thomas Arnold, Deputy County Executive
John S. Butler, Fire Chief, Fire and Rescue
John L. Walser, Deputy Chief, Fire and Rescue

ASSIGNED COUNSEL:

Patrick V. Foltz, Assistant County Attorney

1 **CHAPTER 62. – Fire Protection**

2

3 **Article 1. – In General**

4

5 **Section 62-1-1. – Penalty.**

6

7 Any person, firm, or corporation who shall violate any of the Sections of this Chapter

8 or any provisions of the Fire Prevention Code of Fairfax County adopted by [Section 62-2-6](#) or

9 shall fail to comply therewith, or who shall violate or fail to comply with any order made

10 thereunder, or who shall fail to comply with such an order within the time fixed therein shall

11 separately for each and every such violation and noncompliance respectively, be guilty of a

12 violation of this Chapter and the violation shall be deemed a Class 1 misdemeanor, and shall,

13 upon conviction, be punishable by imprisonment not to exceed twelve (12) months or by a

14 fine not to exceed two thousand five hundred dollars (\$2,500.00) or both. Each day that a

15 violation continues after a service of notice as provided for in this Code shall be deemed a

16 separate offense.

17

18 **Section 62-1-2. – Use of fire apparatus, equipment, etc., within Fairfax County.**

- 19
- 20 a. It shall be unlawful for any person to operate or cause to be operated, upon a public
- 21 highway or street in the County, any vehicle or equipment used, intended to be
- 22 used, or designed to be used for the purpose of fighting fires, unless such vehicle or
- 23 equipment is owned by a recognized firefighting company of the County.
- 24 b. For the purpose of this Section, a recognized ~~fire fighting~~ **firefighting** company
- 25 of the County shall be construed to mean one that has been recognized as such
- 26 by resolution of the Board of Supervisors.
- 27 c. This Section shall not apply to the operation of ~~fire fighting~~ **firefighting** vehicles
- 28 and equipment owned by any ~~fire fighting~~ **firefighting** company outside of the
- 29 County when such vehicle or equipment is traveling in or through the County for a
- 30 parade or other non-firefighting purposes or in response to a call from the ~~fire~~
- 31 ~~alarm headquarters~~ **Fairfax County Department of Public Safety**
- 32 **Communications.**
- 33

34 **Section 62-1-3. – Damage or injury to fire department equipment or personnel.**

35

36 It shall be unlawful for any person to damage or deface, or attempt, or conspire to

37 damage or deface any fire department vehicle at ~~anytime~~ **any time**, or to injure, or attempt

38 to injure, or conspire to injure fire department personnel while such personnel are in the

39 performance of departmental duties.

40

41 **Section 62-1-4. – Unlawful boarding or tampering with fire department vehicles.**

42

43 It shall be unlawful for any person, without proper authorization from the fire department

44 officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or

45 swing upon any fire department vehicle, whether such vehicle is in motion or at rest, or to

46 sound any warning device thereon, or to manipulate, tamper with or destroy, or attempt to

1 manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump, or
 2 any equipment, protective clothing, or tool on or a part of such fire department vehicle.

3
 4 **ARTICLE 2. – Fire Marshal**

5
 6 **Section 62-2-1. County Fire Marshal and Deputy Fire Marshal – Creation of office;
 7 appointment; powers and duties generally.**

8
 9 The Fairfax County Office of the Fire Marshal is hereby created. The County Executive
 10 shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this
 11 Chapter.

12
 13 **Section 62-2-2. – Same – Tenure.**

14
 15 ~~The Office of County Fire Marshal~~The County Fire Marshal shall not be appointed
 16 for a definite tenure but shall continue contingent upon and subject to the personnel rules of
 17 the County.

18
 19 **Section 62-2-3. Oaths of Fire Marshal and Technical Assistants to the Fire Marshal.**

20
 21 The County Fire Marshal, Deputy County Fire Marshal, and Technical Assistants to
 22 the Fire Marshal, before entering upon their duties, shall, respectively, take an oath, before
 23 any officer authorized to administer oaths, faithfully to discharge the duties of their office.

24
 25 **Section 62-2-4. Investigation and notification of fires and injuries.**

- 26
 27 a. The Fire Marshal shall investigate or cause to be investigated, every fire or explosion
 28 occurring within the County that is of a suspicious nature, or which involves the loss of
 29 life, or causes injury to persons, or causes destruction of or damage to property. Such
 30 investigation shall be made at the time of the fire or at a subsequent time, depending
 31 on the nature and circumstances of the fire. The Fire Marshal shall take charge
 32 immediately of the physical evidence, and in order to preserve any physical evidence
 33 relating to the cause or origin of such fire or explosion, take means to prevent access
 34 by any person or persons to such building, structure, or premises until such evidence
 35 has been properly processed. The appropriate police department, upon request of the
 36 County Fire Marshal, shall assist in the investigation, as needed. The results of any
 37 such investigation shall be forwarded by the Fire Marshal to the Commonwealth's
 38 Attorney for proper disposition.
- 39 b. A medical professional who is primarily responsible for the treatment of an individual
 40 for a burn injury described below shall, as soon as practicable, notify the Fairfax
 41 County Fire Marshal and the Department of Public Safety Communications. The
 42 treating physician or designee shall be responsible for giving the notice required by
 43 this section.
 44

- 1 1. The provisions of this subsection apply to:
 - 2
 - 3 i. any burn injury from the result of direct flame contact causing 2nd degree
 - 4 burns (partial thickness) to 5 percent or more of the patient's body and all
 - 5 3rd degree burns (full thickness), regardless of the percentage of burned
 - 6 area.
 - 7 ii. all chemical burns regardless of severity.
 - 8 iii. any upper respiratory burn injury requiring advanced airway intervention
 - 9 and/or support.
 - 10 iv. any burn injury which causes death or
 - 11 v. any burn injury which is likely to cause death.
 - 12
- 13 2. The provisions of this section do not apply to sunburn.
- 14
- 15 3. Notice under this section shall include:
 - 16
 - 17 i. The name and address of the patient, if known.
 - 18 ii. A description of the burn injury.
 - 19 iii. The reported cause of the burn injury, if given.
 - 20 iv. The patient's prognosis.
 - 21 v. Any other fact concerning the burn injury which may assist in determining
 - 22 the origin and cause of the fire.
 - 23

24 **Section 62-2-5. — Powers of arrest.**

25

26 The Fire Marshal and all members of the Fire Marshal 's staff permitted under Title 27 of

27 the Code of Virginia to do so shall have the same police powers as a regular member of the

28 County Police Department in the investigation and prosecution of all offenses involving fires,

29 fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to

30 such offenses, possession and manufacture of explosive devices, substances, and fire bombs,

31 storage, use, and transportation of hazardous materials and hazardous waste, environmental

32 crimes, and other offenses involving the calling or summoning of fire or rescue equipment

33 without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and

34 other criminal or civil offenses arising out of or incidental to the investigation of the enumerated

35 offenses.

36

37 **Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention**

38 **Codes.**

39

40 The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code

41 promulgated by the Board of Housing and Community Development of the Commonwealth of

42 Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia

43 Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax shall

44 be enforced by the County Fire Marshal, and, under the authority of the Fire Marshal, by the

45 Deputy County Fire Marshal and members of the Fire Marshal's staff, also herein referred to

46 as the Office of the Fire Marshal, Fire Marshal's Office, the Fire Marshal, members of the Fire

1 Marshal's staff, the Fire Prevention Division, code official, fire code official, or the fire official.
2 The Fire Marshal, the Deputy Fire Marshal, and members of the Fire Marshal's staff shall
3 have all the powers of the local fire official and the local arson investigator and the local fire
4 marshal and their assistants set forth in Title 27 of the Code of Virginia, and all of the powers
5 of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention
6 Code and the Fire Prevention Code of the County of Fairfax.

7
8 **Section 62-2-7. – Fairfax County Fire Prevention Code.**

9
10 The regulations set forth herein shall be known as the Fire Prevention Code of the
11 County of Fairfax and shall be herein referred to as such or as this Code.

12
13 **Section 62-2-8. – Amendments, additions, deletions to the Virginia Statewide Fire**
14 **Prevention Code.**

15
16 The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant
17 to Section 27-97 of the Code of Virginia in the following respects:

18
19 **106.3.2 Inspection by others.** Add Subsection as follows: **106.3.2 Inspection by**
20 **others.** The Chief of the Fire Department may designate such other persons as they deem
21 necessary to make fire safety inspections. Such persons shall use the Virginia Statewide
22 Fire Prevention Code and this Code as the basis for such inspections.

23
24 **106.8 Summoning the fire marshal.** Add Subsection as follows: **106.8 Summoning**
25 **the fire marshal.** The fire department officer-in-charge of any fire, explosion, or incident scene
26 shall immediately summons the fire marshal to such scene to investigate the circumstances
27 involved where such circumstances require investigation as outlined in Section 62-2-4 of this
28 Code.

29
30 **106.9 Notification of fire department.** Add Subsection as follows: **106.9 Notification**
31 **of fire department.** In any building, when a fire or evidence of a fire is discovered, even
32 though it has apparently been extinguished, it shall be immediately reported to the chief of the
33 fire department, or his designee. This shall be the duty of the owner, manager, or person in
34 control of such building at the time of discovery. This requirement shall not be construed to
35 forbid the owner, manager, or person in control of said building from using all diligence
36 necessary to extinguish such fire prior to the arrival of the fire department.

1 **Table 107.2.** Delete and Substitute as follows: **Table 107.2.** Duration of permit is 365
 2 days, unless otherwise noted. Amended as follows:
 3

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies				
1	5101.2	Aerosol Products, Level 2 or 3. An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	\$150	
2	107.2	Amusement Buildings: Permanent. An operational permit is required to operate a special amusement building.	\$150	
3	107.2 403.12.2	Amusement Buildings: Temporary or Mobile. An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60-day permit)	\$150	
4	2001.3	Aviation Facilities. An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	\$150	
5	107.2	Assembly, Indoor (to include Exhibits and Trade Shows). An operational permit is required to operate exhibits and trade shows. Permit is valid for up to 30 days, but not past event date.	\$150	
6	107.2 403.12.2 403.12.3	Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals). An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. Permit is valid for up to 30 days, but not past event date.	\$150	
7	107.2	Assembly, Place of or Education – Occupant Load 50 or Greater	\$150	
8	601.2 608.1	Battery Systems, Stationary Storage An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 6.	\$150	
9	301.2	Cellulose Nitrate Film: An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	\$150	
10	2201.2	Combustible Dust-Producing Operations. An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	\$150	
11	107.2	Combustible Fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet. Exception: An operational permit is not required for agricultural storage.	\$150	
12	609.3	Commercial Kitchen Operation Requiring a Type I Hood. An operational permit is required for the operation of a commercial kitchen requiring a Type I hood. Exceptions: 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	\$150	
13	5301.2 5001.5 5401.2	Compressed Gas: Corrosive. An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP). Exception: <i>Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</i>	\$150	

4

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee																				
14	5301.2 5801.2 5001.5	Compressed Gas: Flammable. An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP). Exceptions: 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	\$150																					
15	5301.2 6001.2 5001.5	Compressed Gas: Toxic or Highly Toxic. An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	\$150																					
16	5301.2 5001.5	Compressed Gas: Inert or Simple Asphyxiant. An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperate and pressure (NTP). Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150																					
17	5301.2 6301.2 5001.5	Compressed Gas: Oxidizing (including Oxygen). An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150																					
18	5301.2 6401.2 5001.5	Compressed Gas: Pyrophoric. An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	\$150																					
19	107.2	Covered and open mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	\$150																					
20	5501.2 2301.2 5001.5 5801.2	Cryogenic Fluids. An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below. Exception: Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading. <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Type of Cryogenic Fluid</th> <th style="text-align: center;">Inside Building (gallons)</th> <th style="text-align: center;">Outside Building (gallons)</th> <th></th> </tr> </thead> <tbody> <tr> <td>Flammable</td> <td style="text-align: center;">More than 1</td> <td style="text-align: center;">60.....</td> <td style="text-align: right;">\$150</td> </tr> <tr> <td>Inert</td> <td style="text-align: center;">60</td> <td style="text-align: center;">500.....</td> <td style="text-align: right;">\$150</td> </tr> <tr> <td>Oxidizing (Includes oxygen)</td> <td style="text-align: center;">10</td> <td style="text-align: center;">50.....</td> <td style="text-align: right;">\$150</td> </tr> <tr> <td>Physical or health hazard not indicated above</td> <td style="text-align: center;">Any amount</td> <td style="text-align: center;">Any amount.....</td> <td style="text-align: right;">\$150</td> </tr> </tbody> </table>	Type of Cryogenic Fluid	Inside Building (gallons)	Outside Building (gallons)		Flammable	More than 1	60.....	\$150	Inert	60	500.....	\$150	Oxidizing (Includes oxygen)	10	50.....	\$150	Physical or health hazard not indicated above	Any amount	Any amount.....	\$150		
Type of Cryogenic Fluid	Inside Building (gallons)	Outside Building (gallons)																						
Flammable	More than 1	60.....	\$150																					
Inert	60	500.....	\$150																					
Oxidizing (Includes oxygen)	10	50.....	\$150																					
Physical or health hazard not indicated above	Any amount	Any amount.....	\$150																					
21	2101.2	Dry Cleaning Plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	\$150																					

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
22	601.2	Electrified Security Fence	\$150	
23	5601.2	Explosives: Explosives Use, Each Site or Location (6 Month Permit).	\$180	
24	5601.2	Explosives: Firm or Company License.	\$150	
25	5601.2	Explosives: Storage and Display of Black Powder or Smokeless Propellant Indoors Exception: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.	\$150	
26	5601.2	Explosives: Laboratory Use (6 Month Permit).	\$150	
27	3308.2	Fire Prevention Program Manager: A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations. Exception: Building less than 5 stories above average grade plane and less than 50,000 square feet in size.	\$0	
28	5701.4	Flammable and combustible liquids. An operational permit is required: 1. To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems. 2. Class I: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building. Exceptions: a. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition. b. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days. 3. Class II or IIIA: Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.	\$150 \$150 \$150 \$150 \$150 \$150	

1

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
29	5701.4	<p>Flammable/Combustible Liquid Tank. An operational permit is required for the following:</p> <p>a. Underground Storage, with or without dispensing equipment..... \$150</p> <p>b. Above-ground Storage, with or without dispensing equipment..... \$150</p> <p>c. Bulk Storage Facility – in Excess of 100,000 Gallons..... \$150</p> <p>d. Installation, Above ground or Underground Tank (90 Day Permit)..... \$150</p> <p>e. Alter or Relocate an Existing Tank (90 Day Permit)..... \$150</p> <p>f. Place Temporarily Out of Service..... \$150</p> <p>g. Underground Abandonment (90 Day Permit)..... \$150</p> <p>h. Underground Removal (Commercial - 90 Day Permit)..... \$150</p> <p>i. Underground Removal (Residential - 90 Day Permit)..... \$150</p> <p>j. Above-ground Removal (Commercial - 90 Day Permit)..... \$150</p> <p>k. Above-ground Removal (Residential - 90 Day Permit)..... \$150</p> <p>l. Install Product Lines/Dispensing Equipment (90 Day Permit)..... \$150</p> <p>m. Manufacture, Process, Blend, or Refine..... \$150</p> <p>Note: Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.</p>		
30	2401.3	Floor finishing: An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	\$78	
31	2501.2	Fruit or crop-ripening: An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	\$150	
32	2601.2	Fumigation, thermal insecticidal and fogging: An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15-day permit).	\$150	
33	5001.5	Hazardous Materials. An operational permit is required to store, transport on site , dispense, use or handle hazardous materials in excess of the amounts shown below:		
34		Combustible Liquids: refer to flammable and combustible liquids		
35		Corrosive Gases: refer to Compressed Gases		
36	5401.2	Corrosive Liquids: greater than 55 Gallons	\$150	
37	5401.2	Corrosive Solids: greater than 1000 Pounds	\$150	
38		Explosives: refer to Explosive Materials		
39		Flammable Gasses: refer to Compressed Gases		
40		Flammable Liquids: refer to Flammable and Combustible Liquids		
41	5901.2	Flammable Solids: greater than 100 Pounds	\$150	
42		Highly Toxic Gases: refer to Compressed Gases		
43	6001.2	Highly Toxic Liquids: any amount	\$150	
44	6001.2	Highly Toxic Solids: any amount	\$150	
45		Oxidizing Gases: refer to Compressed Gases		

1

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
46	6301.2	Oxidizing Liquids: a. Class 4: any amount..... b. Class 3: greater than 1 gallon..... c. Class 2: greater than 10 gallons..... d. Class 1: greater than 55 gallons.....	\$150 \$150 \$150 \$150	
47	6301.2	Oxidizing Solids: a. Class 4: any amount..... b. Class 3: greater than 10 pounds..... c. Class 2: greater than 100 pounds..... d. Class 1: greater than 500 pounds.....	\$150 \$150 \$150 \$150	
48	6201.2	Organic Peroxides, Liquid a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 1 gallon..... d. Class IV: greater than 2 gallons..... e. Class V: no permit required.....	\$150 \$150 \$150 \$150	
49	6201.2	Organic Peroxides, Solids: a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 10 pounds..... d. Class IV: greater than 20 pounds..... e. Class V: no permit required.....	\$150 \$150 \$150 \$150 \$150	
50	6401.2	Pyrophoric Material: a. Gas: any amount..... b. Liquid: any amount..... c. Solid: any amount.....	\$150 \$150 \$150	
51	6001.2	Toxic Materials: a. Gases: refer to compressed gases..... b. Liquids: 10 gallons..... c. Solids: 100 pounds.....	\$150 \$150 \$150	
52	6601.2	Unstable (Reactive) Materials: Liquids: a. Class 1: greater than 10 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: any amount..... d. Class 4: any amount..... Solids: a. Class 1: greater than 100 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount..... d. Class 4: any amount.....	\$150 \$150 \$150 \$150 \$150 \$150 \$150 \$150	

1

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
53	6701.2	Water-reactive Materials: Liquids: a. Class 1: greater than 55 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: greater than any amount..... Solids: a. Class 1: greater than 500 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount.....	\$150 \$150 \$150 \$150 \$150 \$150	
54	5001.5	Hazardous Production Facilities (HPM): An operational permit is required to store, handle or use hazardous production materials.	\$150	
55	3201.2	High Piled Storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	\$150	
56	3501.2	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	\$78	
57	3501.2	Hot Work and Welding: An operational permit is required for: a. Small Scale Hot Work b. Fixed-Site Hot Work Equipment (Example: Welding Booth)..... c. Cutting or Welding, All Locations..... d. Open Flame Device Roofing Operation, to include Rubberized Asphalt Melter Operations (Each Site/Location – 90 Day permit)..... e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit).....	\$150 \$150 \$150 \$150 \$78	
58	3001.2	Industrial Ovens: An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$150	
59	2801.2	Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft ³) (236 m ³).	\$150	
60	109.1	Live/Work Units: An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.	\$150	
61	6101.2	LP-Gas: An operational permit is required for: a. Storage or use of LP-gas, (inside or outside any structure).	\$150	
62	6101.2	LP-Gas: An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30-day permit). Exception: Single-and two-family dwellings.	\$78	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
63	6106 6109	LP-Gas: An operational permit is required for: a. Dispensing and Cylinder Refill Location b. Retail cylinder exchange location..... c. Automated cylinder exchange location.....	\$150 \$150 \$150	
64	315.2	Miscellaneous Combustible Storage: Storage inside any building or upon any premises - in excess of 2500 cubic feet.	\$150	
65	107.2	Mobile food preparation vehicle: A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.	\$150	
66	301.2	Open Burning: An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit)..... b. Silvicultural / Controlled Burning (90 Day Permit).....	\$150 \$150	
67	301.2	Open Flame and Candles. An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event)..... b. Assembly areas or dining areas of restaurants or drinking establishments.....	\$78 \$150	
68	2901.2	Organic Coatings: An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	\$150	
69	107.2	Private Fire Hydrant – An operational permit is required for the removal from service, use or operation of private fire hydrants.	\$150	
70	5601.2	Pyrotechnics and Fireworks: An operational permit is required for: a. Outdoor Fireworks Display (Aerial Audience) (One Day Permit)	\$480	
71	5601.2	Pyrotechnics and Fireworks. An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks – Any Amount (45-day permit).	\$720	
72	5601.2	Pyrotechnics and Fireworks. An operational permit is required for Wholesale Sales of Permissible Fireworks – Any Amount (21-day permit. With a minor site plan, up to 45-day permit).	\$720	
73	6501.2	Pyroxylin Plastic: Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	\$150	
74	601.2	Refrigeration Equipment: An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$150	
75	2301.2	Repair garages and service stations: An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	\$150	
76	2001.3	Rooftop Heliports: An operational permit is required to operate a rooftop heliport.	\$150	
77	601.2	Solar photovoltaic power systems. An operational permit is required for the installation and operation of a solar photovoltaic power system.	\$150	
78	2401.3	Spraying or dipping operations: An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation..... b. Flammable/Combustible Liquid Dip Tank Operation..... c. Application of Combustible Powders/Spray/Fluidized d. Organic Peroxides and Dual-component coatings.....	\$150 \$150 \$150 \$150	
79	5001.5	Swimming Pool Operation: The operation of a public or community pool requires an operational permit.	\$150	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
80	3103.2	Temporary membrane structures and tents , (6 Month Permit). Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.	\$150	
81	3401.2	Tire-rebuilding Plants: An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$150	
82	3401.2	Tire Storage (scrap tires and tire byproducts): An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	\$150	
83	107.2	Waste Handling: An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	\$150	
84	2801.2	Wood Products: An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	\$150	
Note: All permit fees are per line item that applies				
Section 2 – Plan Review Fees				
85	3201.4	Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.		\$156
86	3201.3	High-piled Storage Plan Review		\$156
87	2803.7	Lumber Yard or Woodworking Facility Plan Review		\$156
88	6109	Site and Installation Plan Review for LP-gas Cylinder Exchange Program		\$156
89	5001.5.1	Hazard Communication: Hazardous Material Management Plan Review		\$156
90	5001.6.3	Hazardous Material Facility Closure Plan Review		\$156
91	5001	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.	\$100	
92	5001	Tier II submissions, per chemical, to a maximum of \$200.	\$25	
Section 3 - Inspection and Testing Fees				
93	107.10	County and State Licensing Fire Inspections (each inspection).	\$25	
94	107.10	Certificate of Occupancy Inspections (Towns of Vienna and Herndon).		\$156
95	107.10	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re-inspections.		\$156
96	107.10	Fire Code Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List – Each Inspector).		\$156
97	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector).		\$156
98	907.8.5	Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.		\$156

1
2 **107.4.1 Duration of permit.** Add Subsection as follows: **107.4.1 Duration of permit.**
3 Permits shall remain in effect for 12 months from the date issued unless otherwise specified by
4 Table 107.2 or unless suspended or revoked in accordance with this Code.
5

6 **108.4 Revocation.** Delete and substitute as follows: **108.4 Revocation.** The fire
7 official is authorized to revoke an operational permit issued under the provisions of this Code
8 when it is found by inspection or otherwise, but not limited to, any one of the following:
9

- 1 1. The permit is used for a location or establishment other than that for which it was
- 2 issued.
- 3 2. The permit is used for a condition or activity other than listed on the permit.
- 4 3. Conditions and limitations set forth in the permit have been violated.
- 5 4. Inclusion of any false statements or misrepresentation as to a material fact in the
- 6 application for permit or plans submitted or a condition of the permit.
- 7 5. The permit is used by a different person or firm than the person or firm for which it
- 8 was issued.
- 9 6. The permittee failed, refused, or neglected to comply with orders or notices duly
- 10 served in accordance with the provisions of this code or any other code or county
- 11 ordinance within the time provided herein.
- 12 7. The permit was issued in error or in violation of an ordinance, a regulation, or this
- 13 code.
- 14 8. The Certificate of Occupancy and/or Use Permit has been revoked or suspended.
- 15 9. The building has been deemed unsafe, uninhabitable, or presents a hazardous
- 16 condition to occupants.
- 17

18 **109.4 Approvals.** Add Subsection as follows: **109.4 Approvals.** Approval as the
19 result of an inspection shall not be construed to be an approval of a violation of the provisions
20 of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority
21 to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not
22 be valid.

23
24 **109.5 Follow-up inspections resulting from noncompliance.** Add Subsection as
25 follows: **109.5 Follow-up inspections resulting from noncompliance.** Where follow-up
26 inspections are required as a result of noncompliance with this Code, fees shall be assessed
27 as listed under Table 107.2.

28
29 **109.6 Inspections performed outside business hours.** Add Subsection as follows:
30 **109.6 Inspections performed outside business hours.** Inspections may be performed
31 outside business hours at the sole discretion of the fire official. Fees for these inspections shall
32 be assessed at twice the rate listed under Table 107.2. Fees shall be assessed in 30-minute
33 increments.

34
35 **110.5.1 Imminent threat to human health or safety or to property. 110.5.1**
36 **Imminent threat to human health or safety or to property.** If the fire official shall adjudge
37 that the violation creates an imminent threat to human health or safety or to property, the fire
38 official may restrain, correct, or abate such violation and institute appropriate legal proceeding
39 to collect the full cost of such response from the owner and the tenant or other person in
40 control of the premises.

41
42 **112.1.1 Fairfax County Board of Fire Prevention Code Appeals. 112.1.1 Fairfax**
43 **County Board of Fire Prevention Code Appeals.** The Fairfax County Board of Building
44 Code Appeals is the Local Board of Fire Prevention Code Appeals (BFPCA) for Fairfax
45 County.

1 **Section 202, DEFINITIONS.** Add as follows:
2

3 **Section 202**
4 **GENERAL DEFINITIONS**
5

6 **ELECTRIFIED SECURITY FENCE.** Any fence, other than used in an agricultural setting,
7 that meets the following requirements:
8

- 9 1. The fence is powered by an electrical energizer with both of the following output
10 characteristics:
11 a. The impulse repetition rate does not exceed 1 hertz (hz).
12 b. The impulse duration does not exceed 10 milliseconds, or $10/10000$ of a second.
13
14 2. The fence is used to protect and secure commercial or industrial property.
15

16 **FIRE LANE.** Areas which shall remain unobstructed at all times, whether on public or private
17 property, to ensure ready ingress and egress as well as operational access for firefighting
18 and rescue equipment, facilities, and operations.
19

20 **FIRE LANE MARKINGS.** The methods by which areas required to be kept available for use
21 by fire department vehicles are denoted.
22

23 **FIRE MARSHAL'S OFFICE.** The County Fire Marshal, and, under the authority of the Fire
24 Marshal, the Deputy Fire Marshal and members of the Fire Marshal's staff, also referred to
25 as the Fire Prevention Division, fire code official, or the fire official.
26

27 **LEGAL OFFICER.** County Attorney or the Commonwealth's Attorney for the County of
28 Fairfax.
29

30 **OCCUPANT.** Any person physically located or situated in or on any property, structure,
31 space, or vehicle irrespective of the length of time or the reason for such occupancy.
32

33 **RUBBERIZED ASPHALT MELTER (MELTER).** Portable equipment used for the heating of
34 rubberized asphalt material. The term applies only if both the material being heated is a mix of
35 asphalt and inert material and when an indirect method of heating is used. An indirect method
36 of heating refers to a fully enclosed double-shell oil or air system that transfers heat from a
37 burner(s) or electric heating element(s) to the oil or air jacket around the outside of a material
38 vat which then heats the rubberized asphalt material. Melters can be fueled by means of diesel
39 or electric means. Melters are not considered asphalt (tar) kettles or pots as addressed in
40 Section 303.
41

42 **304.2.1 Handling readily combustible materials.** Add Subsection as follows: **304.2.1**
43 **Handling readily combustible materials.** No person producing, using, storing, or having
44 charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw
45 or other combustible waste material, shall neither fail nor neglect, at the close of each day, to
46 cause all such material which is not compactly baled and stacked in an orderly manner to be

1 removed from the building or stored in suitable vaults or in metal, metal-lined, or approved
 2 noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the
 3 fire official shall be installed in stores, apartment buildings, factories, and other buildings where
 4 accumulations of paper and waste materials are not removed at least every day.

5
 6 **305.4.1 Mischievous fire play.** Add Subsection as follows: **305.4.1 Mischievous**
 7 **fire play.** It shall be unlawful for any person to ignite or use fire or other ignition sources in a
 8 deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous play or
 9 reckless experimentation.

10
 11 **307.2 Permit required.** Delete and substitute as follows: **307.2 Permit required.** If
 12 under the requirements of the Commonwealth of Virginia or the County of Fairfax Air Pollution
 13 Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be
 14 obtained from the fire official, in accordance with Section 107.2, prior to kindling a fire for
 15 recognized silvicultural or range or wildlife management practices, prevention or control of
 16 disease or pests, or a bonfire. Application for such approval shall only be presented by and
 17 permits issued to the *owner* of the land upon which the fire is to be kindled.

18
 19 **Exceptions:**

- 20 1. Recreational fires.
 21 2. Fire set for the training of firefighters under the direction of the Chief of the Fire
 22 Department.
 23 3. Fire set by a public health or safety officer where a health or fire hazard cannot be
 24 abated by any other means.

25
 26 **307.4.4 Outdoor solid fuel burning devices.** Add Subsection as follows: **307.4.4**
 27 **Outdoor solid fuel burning devices.** Outdoor fireplaces, fire pits, chimineas, and other
 28 similar portable devices designed for outdoor use shall not be operated or stored on a
 29 balcony or deck of any structure or within 15 feet of combustible construction or a residential
 30 occupancy.

31
 32 **Exception:** Detached one- and two- family dwellings and townhouses.

33
 34 **307.5.1 Endangering other property.** Add Subsection as follows: **307.5.1 Endangering**
 35 **other property.** No person shall kindle, authorize to be kindled, or maintain any permitted fire in
 36 such a manner that will endanger the property of another.

37
 38 **307.6 Negligence.** Add Subsection as follows: **307.6 Negligence.** If any person shall
 39 carelessly or negligently set fire to, burn or cause to be burned any property, either real or
 40 personal, whether the property be his or that of another, he shall be subject to the penalties set
 41 forth in Section 62-1-1 of this Code.

42
 43 **308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations.**
 44 Delete and substitute as follows: **308.1.3 Torches for removing paint, sweating pipe joints,**
 45 **or roofing operations.** Persons utilizing a torch or other flame-producing device for removing
 46 paint from a structure, sweating pipe joints, or roofing operations, shall provide a minimum of

1 one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two
2 portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the
3 water supply on the premises where such burning is done. Combustible material in close
4 proximity to the work shall be protected against ignition by shielding, wetting, or other approved
5 means. The person doing the burning shall remain on the premises 1 hour after the torch or
6 flame-producing device is utilized.

7
8 **308.1.3.1 Permit.** Add Subsection as follows: **308.1.3.1 Permit.** A permit in accordance
9 with Section 107.2 shall be secured from the fire official prior to the utilization of a torch or
10 flame-producing device in or on any building or structure.

11
12 **308.1.4 Open-flame cooking devices.** Delete and substitute as follows: **308.1.4**
13 **Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices
14 fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored
15 on a balcony or deck of any structure or within 15 feet of combustible construction or
16 residential occupancy.

17
18 **Exceptions:**

- 19 1. Detached one-and two-family dwellings and townhouses.
20 2. Cooking devices using electricity as a heating source and listed by a recognized
21 testing authority.

22
23 **308.1.4.1 Notification of tenants.** Add Subsection as follows: **308.1.4.1 Notification**
24 **of tenants.** The management of multi-family residential occupancies which have balconies,
25 decks, or patios shall notify their tenants in writing of the prohibitions outlined in section
26 308.1.4 of this Code when the tenant or occupant initially occupies the building and
27 periodically thereafter as may be necessary to ensure compliance.

28
29 **308.3 Group A occupancies.** Add exception as follows: **308.3 Group A occupancies.**

30
31 **Exceptions:**

- 32 1.4. Where used in an approved manner to maintain the temperature of prepared food
33 items, on a table used only to serve food.

34
35 Add Section as follows:
36
37

SECTION 320**RUBBERIZED ASPHALT MELTERS FOR ROOF DECK SYSTEMS**

320.1 General. The provisions of this section shall apply to any type of fully enclosed chassis-mounted or portable *rubberized asphalt melter* using indirect heating of a mix of asphalt and inert material for application on roof decks. There shall be no direct burner or flame impingement on the material vat with indirect heating. Temperature rise in the material vat is gradual and controlled.

320.2 Permits. Permits shall be required in accordance with Section 107.2 and Chapter 35.

320.2.1 Torches. Any use of torches or burners shall require a separate permit in accordance with Chapter 35.

320.3 Location. The melter shall be located and operated in a controlled area. The area shall be as designated by the *fire code official* and identified by the use of traffic cones, barriers, and other suitable means. Where *rubberized asphalt melters* are staged and operated on roof decks, the design load of the roof deck shall be capable of supporting the weight of the *rubberized asphalt melter* where loaded to capacity with rubberized asphalt material. The design load of the roof deck shall be as determined on building drawings or by a design professional as approved by the *fire code official*. *Rubberized asphalt melters* shall be chocked in place on the roof deck at locations identified by the design professional and as approved by the *fire code official*. Rubberized asphalt cakes for use in *rubberized asphalt melters* shall be located on the roof at a location agreed upon by the applicant and the *fire code official*.

320.3.1 Buildings. Rubberized asphalt melters shall not be located inside buildings.

320.3.2 Air intakes. Air intakes into the building in the area of work shall be identified and shut off and an alternate supply of outdoor air into the building shall be coordinated, such as by temporarily covering air intakes to make them smoke and odor proof.

320.3.3 Exits. *Rubberized asphalt melters* shall not be located within 20 feet of any exit or combustible material. *Rubberized asphalt melters* shall not block any means of egress.

320.3.4 Combustible materials. Combustible materials on the roof deck shall be protected in accordance with Section 3504.

320.4 Fire Extinguishers. Not less than two approved 4-A:40-B:C fire extinguishers complying with Section 906 shall be provided and maintained within 25 ft. of the *rubberized asphalt melter*. A minimum of one approved 4-A:40-B:C fire extinguisher shall be provided in close proximity to the roofing material application. Each employee shall be instructed on the proper use of fire extinguishers and in the event of a fire to turn off all *rubberized asphalt melter* power supply, engines, and burners. Employees shall notify the fire department.

1
2 **320.5 Attendant Supervision.** An operating *rubberized asphalt melter* shall be
3 attended by an employee who is knowledgeable and solely dedicated to the operation of the
4 equipment and associated hazards. The employee shall always be within sight of the
5 melter. The employee shall remain in the area of the melter for a minimum of one-hour after
6 the device is shut down in compliance with Section 3504.2.

7
8 **320.6 Minimum Melter Design Requirements.** A *Rubberized asphalt melter* shall
9 be operated as a complete unit as designed and built by the manufacturer. Field changes
10 that override controls or safety features are prohibited. Material vats shall be a permanent
11 integral part of the *rubberized asphalt melter* unit. The *rubberized asphalt melter* chassis
12 shall be substantially constructed and capable of carrying the load imposed upon it whether
13 it is standing still or being transported.

14
15 **320.6.1 Lids.** *Rubberized asphalt melter* shall have lids permanently attached. The
16 lids shall be kept closed at all times, except to add rubberized asphalt membrane cakes to
17 the *rubberized asphalt melter*. Loading doors shall be designed as a safety door integral to
18 the roofing material tank and shall be provided with handles that allow rubberized asphalt
19 cakes to be lowered into the tank without operator exposure to the vat material.

20
21 **320.7 Melter Operation.** *Rubberized asphalt melters* shall be operated according to
22 manufacturer instructions. *Rubberized asphalt melters* shall operate using integral control
23 systems that include shut off controls for the electric or diesel-fired burner, temperature
24 controls for the oil or air system, and the material vat. Where a diesel burner is utilized, it
25 shall fire into a burner flue assembly for the oil or air jacketed shell for uniform heat transfer
26 to the material vat. There shall be no open flame devices on *rubberized asphalt melters*. All
27 *rubberized asphalt melters* shall have an approved, working visible temperature gauge(s)
28 that indicate the temperature of the rubberized material being heated and, in the case of oil
29 jacketed *rubberized asphalt melters*, the temperature of the heat transfer oil heating the
30 material vat. The *rubberized asphalt melter* shall have limit switches that prevent the
31 material vat from heating beyond 400 degrees F.

32
33 **320.8 Fuel System and containers.** Fuel containers for diesel-powered melters
34 shall be constructed and approved for the use for which they were designed. *Rubberized*
35 *asphalt melter* fuel tanks shall be attached to the frame of the melter. Portable fuel tanks
36 shall not be utilized to power *rubberized asphalt melters*. Diesel tanks and engines integral
37 to *rubberized asphalt melters* shall be maintained in accordance with manufacturer
38 instructions.

39
40 **320.8.1 Refueling.** Refueling of diesel tanks shall be performed when the *rubberized*
41 *asphalt melter* is off. A refueling and spill prevention plan approved by the *fire code official*
42 shall be utilized. Refueling shall be conducted using approved safety cans. No open flames
43 shall be present within 20 feet of the refueling operation.

44
45 **320.9 Maintenance.** *Rubberized asphalt melters* and integral working parts shall be
46 in good working condition and shall be maintained free of excessive residue.

1
2 **320.10 Transporting.** *Rubberized asphalt melters* shall not be transported over a
3 highway, road, or street when the heat source for the melter is operating.
4

5 **401.9 Promulgation of fire safety instructions.** Add Subsection as follows: **401.9**
6 **Promulgation of fire safety instructions.** The fire official shall issue regulations which
7 require the owner, lessor, or management agent of buildings to post signs where, in the
8 professional judgment of the fire official, such signs are deemed to be effective in minimizing
9 the danger to persons and property in case of fire.
10

11 **401.9.1 Elevator warning signs.** Add Subsection as follows: **401.9.1 Elevator**
12 **warning signs.** Elevator lobby call stations on each floor and on all elevator cars shall be
13 marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE –
14 DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings.
15 Elevators installed in use group R-5 shall be exempt from the provisions of this section.
16

17 **401.9.2 Posting of signs.** Add Subsection as follows: **401.9.2 Posting of signs.** It
18 shall be unlawful for the owner of any building which is leased to another or the lessor or
19 management agent of any such building, to fail to post the signs required by the preceding
20 paragraphs.
21

22 **CHAPTER 5**
23 **Section 502 Definitions**
24

25 **FIRE LANE MARKING**
26

27 **503.1.1 Buildings and Facilities** Add Subsection as follows: **503.1.1 Buildings and**
28 **Facilities** Approved fire apparatus access roads shall be provided for every facility, building,
29 or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire
30 apparatus access road shall comply with the requirements of this section and shall extend to
31 within 150 feet (45,720 mm) of all portions of the facility and all portions of the *exterior walls* of
32 the first story of the building as measured by an *approved* route around the exterior of the
33 building or facility. The *fire code official* shall require to be designated fire lanes on public
34 streets and on private property where necessary for the purpose of preventing parking in front
35 of or adjacent to fire hydrants and fire department connections and to ensure access to
36 buildings and structures for firefighting and rescue apparatus.
37

38 **Exceptions:**

- 39 i. The *fire code official* is authorized to increase the dimension of 150 feet
40 (45,720 mm) where any of the following conditions occur:
41

42 1.1 The building is equipped throughout with an *approved automatic sprinkler*
43 *system* in accordance with the applicable NFPA13, NFPA 13R, or NFPA13D
44 standard.
45

1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or other similar conditions, and an *approved* alternative means of fire protection is provided.

1.3 There are not more than two Group R-3 or Group U occupancies.

- ii. Where approved by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.2.1.1 Required markings and parking prohibitions. Add Subsection as follows:
503.2.1.1 Required markings and parking prohibitions. Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1. This shall apply to both one- and two-way designated streets.

Table 503.2.1.1

Street width	Parking	Fire lane markings
< 28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 to 36 feet	Parallel parking allowed on one side as determined by the <i>fire code official</i>	One side marked as a fire lane
> 36 feet	Parallel parking allowed on both sides	No fire lane markings required Exception: Required access to pools, fire department apparatus access roads, and similar areas shall be marked as fire lanes

503.2.5 Dead ends. Delete and substitute as follows: **503.2.5 Dead ends.** Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus.

503.3.1 Responsibility. Add Subsection as follows: **503.3.1 Responsibility.** The property or building owner shall supply, install, and maintain all signs and other required markings to delineate fire lanes, as directed and approved by the *fire code official*.

503.3.2 Marking specifications. Add Subsection as follows: **503.3.2 Marking specifications.** Fire lane markings shall conform to the following:

1. Approved fire lane signs must meet the following specifications:
 - a. Metal construction, dimensions 12 inches wide by 18 inches high.
 - b. Red letters on a reflective white background with three-eighths inch red trim strip around the entire outer edge of the sign.

- c. There shall be a one inch spacing between lines “No Parking” and “or”. There shall be a one inch spacing between the lines “or” and Standing”. There shall be a three-inch space between the lines “Standing” and “Fire Lane”. Lettering size to be as follows:

"NO PARKING" 2 inches
 "OR" 1 inch
 "STANDING" 2 inches
 "FIRE LANE" 2½ inches

Arrow (if required) 1 inch by 6 inches with a solid head 1 ½ inches wide by 2 inches deep.

2. Sign types.

- i. Sign type “A”. Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.1).



Figure 503.3.1.2.1

- ii. Sign Type “C.” Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.2).



Figure 503.3.1.2.2

1 tents, rides, and other equipment, buildings, and structures used as part of or in conjunction
2 with the carnival or circus.

3
4 **503.9 Pool access.** Add Subsection as follows: **503.9 Pool access.** Stretcher
5 access for a 24-inch x 84-inch stretcher must be provided from the fire department vehicular
6 access to the pool deck.

7
8 **Exception:** Individually owned pools located on single-family lots.

9
10 **506.3 Number and labeling of required keys.** Add Subsection as follows:
11 **506.3 Number and labeling of required keys.** In buildings with fire command centers, 15
12 sets of common keys shall be provided for access to building services and systems regulated
13 by Section 601 of this Code and to all storage, trash and utility rooms, roof access doors, and
14 doors to other secured areas. In all other buildings required to provide fire department
15 access, 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as
16 to function and each set of keys shall be individually tagged in a manner approved by the fire
17 official.

18
19 **506.4 Height of key boxes.** Add Subsection as follows: **506.4 Height of key boxes.**
20 Required key boxes shall be installed at the primary fire department entrance, in a visible and
21 accessible position, 42 inches to 54 inches above finished grade. For new or renovated
22 buildings, fire department key boxes must be installed prior to occupancy.

23
24 **507.5.5 Clear space around hydrants and fire department connections.** Add
25 Subsection as follows: **507.5.5 Clear space around hydrants and fire department**
26 **connections.** A 4-foot clear space shall be maintained around the circumference of fire
27 hydrants, and a 5-foot clear space shall be maintained on each side of a fire department
28 connection, except as otherwise required or approved.

29
30 **601.2 Permits.** Delete and substitute as follows: **601.2 Permits.** Permits shall be
31 obtained for refrigeration systems, battery systems, solar photovoltaic power systems,
32 commercial kitchen hood suppression systems, rubberized asphalt melters and electrified
33 security fences as set forth in Sections 107.2.

34
35 **609.5 Type I hood fire protection records.** Add Subsection as follows: **609.5 Type**
36 **I hood fire protection records.** The occupant shall maintain on premises a copy of all
37 literature issued by the system manufacturers at time of installation and an approved plan of
38 the fire protection system covering the cooking appliances. These items shall be made
39 available to the *fire code official* on request.

40
41 Add definition to list as follows: 602.1 DEFINITIONS
42
43

1 **ELECTRIFIED SECURITY FENCE**

2
3 Add Section as follows:

4
5 **Section 612**
6 **Electrified Security Fence**

7
8 **612.1 General.** Notwithstanding any other state, local or other legal requirements, the
9 installation of an electrified security fence shall comply with 2006 international standards and
10 specifications of the International Electrotechnical Commission for electric fence energizers
11 in "International Standard IEC 60335, Part 2-76." Installation of the electrified security fence
12 must conform to the requirements of this Code and other pertinent laws and ordinances.

13
14 **612.2 Electrification.** The energizer for electric fences must be driven by a
15 commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is
16 charged primarily by a solar panel. However, the solar panel may be augmented by a
17 commercial trickle charger. The electric charge produced by the fence upon contact shall not
18 exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of
19 IEC Standard No. 60335-2-76.

20
21 **612.3 Perimeter fence or wall.** No electric fence shall be installed or used unless it is
22 completely surrounded by a non-electrical fence or wall that is not less than six feet tall.
23 There shall be a space of four (4) to twelve (12) inches between the electric fence and the
24 perimeter fence or wall.

25
26 **612.4 Height.** Electric fences shall have a minimum height of 8 feet and a maximum
27 of 10 feet.

28
29 **612.5 Warning signs.** Electric fences shall be clearly identified with warning signs
30 that read: "Warning-Electric Fence" and contain icons that are universally understood at
31 intervals of not less than thirty feet.

32
33 **612.6 Hours of activation.** Electric fences must only be energized during hours
34 when the public does not have legal access to the protected property, except when
35 personnel is available on-site to deactivate the electric fence.

36
37 **612.7 Key Box.** Electric fences shall have installed a key box system in accordance
38 with this Code.

39
40 **612.7.1 Controller and key location.** The electric fence controller and rapid entry
41 key box for the electric fence must be located in a single accessible location for the entire
42 fence.

43
44 **807.5.2.4 Furniture, furnishings and displays.** Add Subsection as follows:
45 **807.5.2.4 Furniture, furnishings and displays.** Furniture, furnishings, displays or other
46 objects shall be prohibited in exit corridors serving Group E occupancies.

1 **Exception:** Furniture, furnishings, displays, and other objects shall be permitted in
 2 exit corridors when secured in place and not located in any portion of the required 72-
 3 inch exit corridor width or other required element of the means of egress. Upholstered
 4 furniture shall meet the requirements for Class I when tested in accordance with NFPA
 5 260.

6
 7 **901.14 Unwanted or Nuisance alarms.** Add Subsection as follows: **901.14 Unwanted**
 8 **or Nuisance alarms.** Inspection fees shall be as in Table 107.2 and 109.6. Whenever
 9 unwanted nuisance fire alarm activations occur in any occupancy exceed three in a 90- day
 10 period, the fire official may require the owner or occupant to conduct a test of the fire protection
 11 system causing the nuisance alarm. Testing shall be in accordance with section 901.6.3.

- 12
 13 1. For the purpose of this section, an unwanted or nuisance alarm is deemed to occur
 14 whenever the fire official or fire department officer in charge responding to a fire
 15 alarm call shall determine, after investigation, that faulty equipment initiated the
 16 alarm.
 17 2. As soon as possible following the unwanted or nuisance alarm determination, the
 18 responding officer in charge shall cause the Office of the Fire Marshal to be notified
 19 in writing of the facts and circumstances supporting the determination that faulty fire
 20 protection equipment initiated the alarm.
 21 3. Whenever an owner or occupant is required by this section to conduct testing of a
 22 fire protection system, the fire official shall notify the owner or occupant in writing
 23 and prescribe a certified test consistent with standard procedures and a report of
 24 such testing shall be provided to the fire official upon request.

25
 26 **907.8.6 Posting of central station monitoring company and point of contact.** Add
 27 Subsection as follows: **907.8.6 Posting of central station monitoring company and point**
 28 **of contact.** The name, telephone number, and account number of the current central station
 29 monitoring company shall be posted and maintained inside the fire alarm control panel.
 30 Information for an alternate contact such as the building owner or representative shall also be
 31 posted. If the fire alarm system is not monitored, that fact shall be posted and maintained
 32 inside the fire alarm control panel, along with the building owner or representative contact
 33 information.

34
 35 **2006.11.5 Notification of the fire department.** Delete and substitute as follows:
 36 **2006.11.5 Notification of the fire department.** The fire department shall be notified of any
 37 fuel spill that is considered a hazard to people or property or which meets one or more of the
 38 following criteria:

- 39 1. Any dimension of the spill is greater than 10 feet (3048 mm).
 40 2. The spill area is greater than 50 square feet (4.65 m²).
 41 3. The fuel flow is continuous in nature.
 42 4. The procedures as set forth in section 5003.3.1 shall also be followed.

43 **3103.2 Approval required.** Delete and substitute as follows: **3103.2 Approval**
 44 **required.** Tents and membrane structures having an area in excess of 900 square feet

1 (84 m²) shall not be erected, operated or maintained for any purpose without first obtaining
 2 a permit and approval from the fire code official in accordance with Table 107.2.

3
 4 **Exception:**

- 5 1. Tents used exclusively for recreational camping purposes.
 6

7 **3104.2.1 Cooking tents, flame propagation performance treatment.** Add Subsection
 8 as follows: **3104.2.1 Cooking tents, flame propagation performance treatment.** Where
 9 cooking is performed intents and membrane structures, tents and membrane structures and
 10 their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting, and combustible
 11 decorative materials and effects, including sawdust where used on floors or passageways, shall
 12 be composed of material meeting the flame propagation performance criteria of Test Method 1
 13 or Test Method 2, as appropriate, of NFPA 701 or shall be treated with a flame retardant in an
 14 *approved* manner and meet the flame propagation performance criteria of Test Method 1 or
 15 Test Method 2, as appropriate, of NFPA 701.
 16

17 **3104.5 Fireworks.** Add Subsection as follows: **3104.5 Fireworks.** Fireworks shall not
 18 be manufactured stored, sold, displayed, or used inside or within 100 feet of tents or membrane
 19 structures.
 20

21 **3308.2 Fire prevention program manager.** Delete and substitute as follows: **3308.2**
 22 **Fire prevention program manager.** The owner shall designate a person to be the fire
 23 prevention program manager who shall be responsible for the fire prevention program and
 24 ensure that it is carried out through completion of the project. The fire prevention program
 25 manager shall have the authority to enforce the provisions of this chapter and other provisions
 26 as necessary to secure the intent of this chapter. Where guard service is provided in
 27 accordance with NFPA 241, the manager shall be responsible for the guard service.
 28

29 **3308.3 Pre-fire plans.** Delete and substitute as follows: **3308.3 Pre-fire plans.** The
 30 fire prevention program manager shall develop and maintain an approved pre-fire plan in
 31 cooperation with the fire chief. The fire chief and the *fire code official* shall be notified of
 32 changes affecting the utilization of information contained in such pre-fire plans.
 33

34 **3308.4 Training.** Delete and substitute as follows: **3308.4 Training.** Training of
 35 responsible personnel in the use of fire protection equipment shall be the responsibility of the
 36 fire prevention program manager. Records of training shall be kept and made a part of the
 37 written plan for the fire prevention program.
 38

39 **3308.5 Fire protection devices.** Delete and substitute as follows: **3308.5 Fire**
 40 **protection devices.** The fire prevention program manager shall determine that all fire
 41 protection equipment is maintained and serviced in accordance with this code. The quantity
 42 and type of fire protection equipment shall be approved. Fire protection equipment shall be
 43 inspected in accordance with the fire protection program.
 44

1 **3308.6 Hot work operations.** Delete and substitute as follows: **3308.6 Hot work**
 2 **operations.** The fire prevention program manager shall be responsible for supervising the
 3 permit system for hot work operations in accordance with Chapter 35.
 4

5 **3308.10 Daily fire safety inspection.** Delete and substitute as follows: **3308.10 Daily**
 6 **fire safety inspection.** The fire prevention program manager shall be responsible for
 7 completion of a daily fire safety inspection at the project site. Each day, all building and
 8 outdoor areas shall be inspected to ensure compliance with the inspection list in this section.
 9 The results of each inspection shall be documented and maintained on site until a certificate
 10 of occupancy has been issued. Documentation shall be immediately available on site for
 11 presentation to the *fire code official* upon request.
 12

13 Failure to properly conduct, document and maintain documentation required by this section
 14 shall constitute an unlawful act in accordance with Section 110.1 and shall result in the
 15 issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program
 16 manager. Upon the third offense, the *fire code official* is authorized to issue a stop work
 17 order in accordance with Section 112, and work shall not resume until satisfactory assurances
 18 of future compliance have been presented to and approved by the *fire code official*.
 19

- 20 1. Any contractors entering the site to perform hot work each day have been
 21 instructed in hot work safety requirements in Chapter 35 and hot work is only
 22 performed in areas approved by the fire prevention manager.
- 23 2. Temporary heating equipment is maintained away from combustible materials
 24 in accordance with the equipment manufacturer's instructions.
- 25 3. Combustible debris, rubbish and waste material is removed from the building
 26 in areas where work is not being performed.
- 27 4. Temporary wiring does not have exposed conductors.
- 28 5. Flammable liquids and other hazardous materials are stored in locations that
 29 have been approved by the fire prevention manager when not involved in work
 30 that is being performed.
- 31 6. Fire apparatus access roads required by Section 3310 are maintained clear of
 32 obstructions that reduce the width of the usable roadway to less than 20 feet.
- 33 7. Fire hydrants are clearly visible from access roads and are not obstructed.
- 34 8. The location of fire department connections to standpipe and in-service sprinkler
 35 systems are clearly identifiable from the access road and such connections are
 36 not obstructed.
- 37 9. Standpipe systems are in service and continuous to the highest work floor, as
 38 specified in Section 3313.
- 39 10. Portable fire extinguishers are available in locations required by Section 3315
 40 and 3317.3.
 41

42 **3603.3 Flammable or combustible liquid spills.** Delete and substitute as follows:
 43 **3603.3 Flammable or combustible liquid spills.** Spills of flammable or *combustible liquids*
 44 at or upon the water shall be reported immediately to the fire department or jurisdictional
 45 authorities. Notification and remediation procedures of unauthorized discharges shall also be
 46 made as directed in 5003.3.1.

1
2 **5001.5.2 Hazardous Materials Inventory Statement (HMIS).** Delete and substitute as
3 follows: **5001.5.2 Hazardous Materials Inventory Statement (HMIS).** Where required by the
4 *fire code official*, an application for a permit shall include an HMIS, such as Superfund
5 Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other approved
6 statement. The HMIS shall include the following information:

- 7
8 1. Product name.
9 2. Component.
10 3. Chemical Abstract Service (CAS) number.
11 4. Location where stored or used.
12 5. Container size.
13 6. Hazard classification.
14 7. Amount in storage.
15 8. Amount in use-closed systems.
16 9. Amount in use-open systems.

17
18 The HMIS shall be maintained onsite or readily available through another means where
19 approved by the *fire code official* for use by emergency responders and shall be updated not
20 less than annually.

21
22 **5601.1 Scope.** Delete and substitute as follows: **5601.1 Scope.** The provisions of this
23 chapter shall govern the possession, manufacture, transportation, storage, handling, sale and
24 use of *explosives*, *explosive materials*, fireworks and small arms ammunition.

25
26 **Exceptions:**

- 27 1. The Armed Forces of the United States, Coast Guard or National Guard.
28 2. *Explosives* in forms prescribed by the official United States Pharmacopoeia.
29 3. The possession, storage and use of small arms ammunition where packaged
30 in accordance with DOTn packaging requirements.
31 4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of
32 commercially manufactured sporting black powder, 20 pounds (9 kg) of
33 smokeless powder and any amount of small arms primers for hand loading of
34 small arms ammunition for personal consumption.
35 5. The use of *explosive materials* by federal, state and local regulatory, law
36 enforcement and fire agencies acting in their official capacities.
37 6. Special industrial *explosive* devices that in the aggregate contain less than 50
38 pounds (23 kg) of *explosive materials*.
39 7. The possession, storage and use of blank industrial-power load cartridges where
40 packaged in accordance with DOTn packaging regulations.
41 8. Transportation in accordance with DOTn 49 CFR Parts 100—185.
42 9. Items preempted by federal regulations.
43 10. The storage, handling, or use of explosives or blasting agents pursuant to the
44 provisions of Title 45.1 of the Code of Virginia.

1 11. The display of small arms primers in Group M when in the original manufacturer's
2 packaging.

3 12. The possession, storage and use of not more than 50 pounds (23 kg) of
4 commercially manufactured sporting black powder, 100 pounds (45 kg) of
5 smokeless powder, and small arms primers for hand loading of small arms
6 ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg)
7 of smokeless powder when stored in the manufacturer's original containers in
8 detached Group U structures at least 10 feet (3048 mm) from inhabited buildings
9 and are accessory to Group R-3 or R-5.

10
11 **5601.1.6 Manufacture of explosives.** Add Subsection as follows:

12 **5601.1.6 Manufacture of explosives.** The manufacture of explosives in Fairfax County
13 shall be prohibited. This shall not apply to hand loading of small arms ammunition for
14 personal use when not for resale, the assembly of two component explosives for use on
15 site, or the mixing of blasting agents for use on site.

16
17 **5601.2.4 Explosives insurance required.** Add Subsection as follows: **5601.2.4**

18 **Explosives insurance required.** Before a permit is issued for the storage, transportation,
19 disposal, or use of explosives or blasting agents, the applicant shall file with the Office of the
20 Fire Marshal a certificate of insurance which shows that the applicant has liability insurance in
21 the amount of at least \$5,000,000 combined single limit for bodily injury and property damage.
22 This insurance policy shall be available for the payment of any damage arising from the acts or
23 omissions of the applicant, his agents, or his employees in connection with the storage,
24 transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure
25 that the insurance policy is in effect at the time of the commencement of the operations or
26 activities authorized by the permit and remains continuously in effect until such operations or
27 activities are completed.

28
29 **5602.1 Definitions.**

30
31 Add as follows:

32
33 **BLASTING.** The process of moving, heaving, breaking, or shattering soils and rocks, or
34 doing other work, such as the demolition of structures or research and testing, that generates
35 seismic waves through the use of energetic materials in chemical reactions, explosions, or
36 other detonations or deflagrations.

37
38 **CONGESTED AREA.** An urban, suburban, or industrialized area in which multiple structures
39 may be impacted by the effects of blasting operations.

40
41 **FLYROCK.** Any dirt, mud, stone, fragmented rock, or other material that is displaced from
42 the blast area in an uncontrolled or unplanned manner by the effects of a blast.

43
44 **MISFIRE.** Any explosive material, explosive charge, blast, or portion thereof which failed to
45 function as intended.

1 **RETAILER.** Any persons selling fireworks or explosive materials and/or offering fireworks or
2 explosive materials for retail sale.

3
4 **TEMPORARY STORAGE (OF EXPLOSIVES).** Storage of explosive materials for not more
5 than 24 hours.

6
7 **WHOLESALE.** A person, firm, or corporation offering explosive materials for sale or
8 explosive materials to a retailer. Such term also includes a manufacturer of explosive
9 materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman
10 of any description dealing in explosive materials, any of whom shall sell or offer to sell
11 explosive materials to a retailer within the County.

12
13 **5603.1 General.** Delete and substitute as follows: **5603.1 General.** Records of the
14 receipt, handling, use, sale or disposal of *explosive materials*, and reports of any accidents,
15 thefts or unauthorized activities involving *explosive materials* shall conform to the
16 requirements of this section.

17
18 **5603.2 Transaction record.** Delete and substitute as follows: **5603.2 Transaction**
19 **record.** The permittee shall maintain a record of all transactions involving receipt, removal,
20 use, sale or disposal of *explosive materials*. Such records shall be maintained for a period
21 of 5 years.

22
23 **Exception:** Where only Division 1.4G (consumer fireworks) are handled,
24 records need only be maintained for a period of 3 years.

25
26 **5603.4.1 Accidents with no injuries or property damage.** Add Subsection as
27 follows: **5603.4.1 Accidents with no injuries or property damage.** Any blasting misfires,
28 malfunctions, injuries or other unintended blasting related events or accidents involving the
29 use of explosives, explosive materials, or fireworks which do not involve injuries or property
30 damage shall be reported to the fire official immediately.

31
32 **5603.8 Improper storage.** Add Subsection as follows: **5603.8 Improper storage.** If
33 at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly
34 stored in a magazine, it shall immediately be reported to the Fairfax County Office of the Fire
35 Marshal.

36
37 **5604.1 General.** Delete and substitute as follows: **5604.1 General.** Storage
38 and transportation of explosives and explosive materials, small arms ammunition, small
39 arms primers, propellant-actuated cartridges and smokeless propellants in magazines
40 shall comply with the provisions of this section.

41
42 **5604.1.1 Overnight Storage.** Add Section as follows: **5604.1.1 Overnight Storage.**
43 The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.
44

Exceptions:

1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.
2. Explosive materials used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the *fire code official* and stored in compliance with the magazine requirements of section 5604.3.
3. Explosive materials in storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the *fire code official*. Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.
4. Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds total explosive material.
5. The temporary storage of fireworks at display sites in accordance with 5608.5 and NFPA 1123 or NFPA 1126.

5604.1.2 Enforcement. Delete and substitute as follows: **5604.1.2 Enforcement.** The Fairfax County Office of the Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

5604.1.3 Notification. Delete and substitute as follows: **5604.1.3 Notification.** Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.

5604.1.3 Transfer of explosive materials. Delete and substitute as follows: **5604.1.3 Transfer of explosive materials.** The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.
3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease, and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

1 **5604.2.1 Control in wholesale and retail stores.** Delete and substitute as follows:
 2 **5604.2.1 Control in wholesale and retail stores.** The storage or display of explosives and
 3 blasting caps in wholesale and retail stores is prohibited unless in a magazine.
 4

5 **5604.3 Magazines.** Add as follows: **5604.3 Magazines.** The storage of *explosives*
 6 and *explosive materials* in magazines shall comply with Table 5604.3. Explosive materials in
 7 overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as
 8 approved by the *fire code official*. Regardless of magazine type, storage of explosives in non-
 9 sprinklered buildings is prohibited.
 10

11 **5604.3 Magazines.** Delete and substitute as follows: **5607.3 Blasting in congested**
 12 **areas or in close proximity.** When blasting is done in a congested area or in close proximity
 13 to a structure, railway or highway, or any other installation, precautions in the loading,
 14 delaying, initiation, and confinement of blasts shall be taken to minimize earth vibrations, air
 15 blast effects, and fragments from being thrown. Sufficient burden, spacing, stemming,
 16 blasting mats, or other protective means shall be used to prevent fragments from being
 17 thrown.
 18

19 **5607.3.1 Pre-blast surveys.** Add section as follows: **5607.3.1 Pre-blast surveys.** A
 20 pre-blast survey shall be performed on each structure located within a minimum of 150 feet
 21 and any well located within a minimum of 250 feet of the blast site. Written confirmation that
 22 the pre-blast survey has been done shall be maintained by the blasting contractor. Requests
 23 for access to structures for pre-blast surveys shall be made by certified mail to the last known
 24 address of the owner(s) of any structures located within the pre-blast survey areas as defined
 25 herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine
 26 the pre-blast conditions of these structures. A minimum of 14 days' notice shall be provided
 27 for the scheduling of the pre-blast survey. Documentation consisting of a written
 28 acknowledgement that the survey has been performed or declined by the property owner and
 29 a map depicting the above referenced 150- and 250-foot radius, shall be provided to the *fire*
 30 *code official* at the time of the Explosive Use Site Permit Inspection meeting.
 31

32 **5607.3.2 Pre-blast notification.** Add Subsection as follows: **5607.3.2 Pre-blast**
 33 **notification.** All structures located within a minimum of 300 feet of the blast site shall be
 34 notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until
 35 such notice has been given.
 36

37 **5607.5 Utility notification.** Delete and substitute as follows: **5607.5 Utility**
 38 **notification.** Whenever blasting is being conducted in the vicinity of utility lines or rights-of-
 39 way, the blaster shall notify the appropriate representatives of the utilities at least 5 business
 40 days in advance of blasting, specifying the location and intended time of such blasting.
 41 Verbal notices shall be confirmed with written notices. Blasting operations will not proceed
 42 until the owners/operators of utilities have been contacted and measures for safe control have
 43 been taken.
 44

45 **Exception:** When approved by the *fire code official* the time limit shall not apply
 46 in emergency situations.

1 **5607.7 Nonelectric Detonator Precautions.** Delete and substitute as follows:
 2 **5607.7 Nonelectric Detonator Precautions.** Precautions shall be taken to prevent
 3 accidental initiation of nonelectric detonators from stray currents induced by lightning or
 4 static electricity. Blast initiation devices shall not be connected to non-electric systems
 5 until the blast area is secured, traffic is stopped if necessary, and audible warnings have
 6 been sounded.

7
 8 **5607.8 Blasting area security.** Delete and substitute as follows: **5607.8 Blasting**
 9 **area security.** Beginning at the time that explosive materials arrive on site, only authorized
 10 persons engaged in loading operations or otherwise authorized to enter the site shall be
 11 allowed at the blast site. Beginning with the time that individual loaded boreholes are
 12 connected together, only authorized persons engaged in blasting operations or otherwise
 13 authorized to enter the area shall be allowed within the blast area. No activity of any nature
 14 other than that which is required for loading holes with explosives shall be permitted within the
 15 blast area. The blast site and blast area shall be guarded or barricaded and posted. Blast
 16 area security shall be maintained until after the post-blast inspection has been completed.

17
 18 **5607.9 Drill Holes.** Delete and substitute as follows: **5607.9 Drill Holes.** Holes
 19 drilled for the loading of *explosive* charges shall be made and loaded in accordance with
 20 NFPA 495. Loaded boreholes shall not be left unattended.

21
 22 **5607.9.1 Equipment for loading and stemming.** Add Subsection as follows:
 23 **5607.9.1 Equipment for loading and stemming.** Only equipment and machinery
 24 necessary to load boreholes shall be allowed within the blast site after the arrival of
 25 explosives. Said equipment or machinery shall not be operated over loaded
 26 boreholes or at any location where there is a potential to contact explosive materials.
 27 Equipment and machinery used to stem loaded boreholes shall not be operated within
 28 the blast site once loading operations begin.

29
 30 **5607.9.2 Stemming of loaded boreholes.** Add Subsection as follows: **5607.9.2**
 31 **Stemming of loaded boreholes.** All boreholes loaded with explosives shall be stemmed to
 32 the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet
 33 unless otherwise approved. Stemming will be stone appropriately sized to the borehole
 34 diameter. Drill cuttings shall not be used as stemming material.

35
 36 **5607.13 Firing control.** Delete and substitute as follows: **5607.13 Firing control.**
 37 No blast shall be fired until the blaster in charge has made certain that all surplus explosive
 38 materials are in a safe place in accordance with Section 5607.10, all persons and equipment
 39 are removed from the blast area or protected under approved cover, and that an adequate
 40 warning signal audible throughout the blast area has been given.

41
 42 **5607.16 Blast records.** Delete and substitute as follows: **5607.16 Blast records.** A
 43 record of each blast shall be created immediately following the blast and retained for at least
 44 five years and shall be available for inspection by the *fire code official*. When required by the
 45 *fire code official*, the diameter and depth of boreholes, type and amount of explosives, and

1 explosives per delay period shall be listed for each individual borehole and not averaged over
 2 the entire site. The record shall contain the following minimum data:

- 3
- 4 1. Name of contractor.
- 5 2. Location and time of blast.
- 6 3. Name of certified blaster in charge.
- 7 4. Type of material blasted.
- 8 5. Number of holes bored and spacing.
- 9 6. Diameter and depth of holes.
- 10 7. Type and amount of explosives.
- 11 8. Amount of explosive per delay of 8 milliseconds or greater.
- 12 9. Method of firing and type of circuit.
- 13 10. Direction and distance in feet to nearest dwelling, public building, school,
 14 church, commercial building, institutional building, or other installation.
- 15 11. Weather conditions.
- 16 12. Whether or not mats or other precautions were used.
- 17 13. Type of detonator and delay period.
- 18 14. Type and height of stemming.
- 19 15. Seismograph record when utilized.

20
 21 **Exception:** Items 8 and 13 of this section are not applicable to restricted
 22 blasters.

23
 24 **5607.17 Blasting in asbestos rock.** Add Subsection as follows: **5607.17 Blasting in**
 25 **asbestos rock.** Blasting operations conducted in rock or soils that present a hazard to public
 26 health through dust generation or other effects of drilling and blasting must be reported as
 27 such to the *fire code official* and the blaster-in-charge must obtain and maintain all necessary
 28 health, safety, and environmental permits or approvals.

29
 30 **5607.18 Blast effects monitoring.** Add Subsection as follows: **5607.18 Blast**
 31 **effects monitoring.** All blasts occurring within the County will be monitored by at least one
 32 seismograph placed in proximity to the nearest structure to the blast. The seismograph
 33 must be capable of monitoring both ground vibration and air overpressure and the blaster in
 34 charge must be able to provide the results of blast monitoring on-site immediately following
 35 the blast. Additional seismographs may be required by the *fire code official* as conditions at
 36 the blast warrant.

- 37
- 38 1. All seismographs will be properly calibrated by a qualified firm. Annually,
 39 calibration records shall be presented to the *fire code official* upon request.
- 40 2. Adequate trigger levels shall be set for the blast being conducted but at no
 41 time less sensitive than:
 - 42 a. Ground vibration: 0.05 inches per second peak particle velocity
 - 43 b. Air blast: 100 decibels
 - 44 c. Recording time: 5 seconds.
- 45 3. GPS coordinates documenting the location of each seismograph used in
 46 mineral mining will be included in the blasting records required in 5607.16.

1 **5607.19 Detonating cord and safety fuse.** Add Subsection as follows: **5607.19**
 2 **Detonating cord and safety fuse.** The use of detonation cord in blasting and explosives
 3 operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a)
 4 through (j). Safety fuse shall be used only where approved by the fire official. The use of
 5 safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).

6
 7 **5608.1 General.** Delete and substitute as follows: **5608.1 General.** Outdoor
 8 fireworks displays, use of pyrotechnics before a *proximate audience* and pyrotechnic
 9 special effects in motion picture, television, theatrical and group entertainment productions
 10 shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126. The
 11 manufacture of fireworks is prohibited within the County. The display, sale, or discharge of
 12 fireworks shall comply with the requirements of this chapter.

13
 14 **5608.1.1 Unlawful activities.** Add Subsection as follows: **5608.1.1 Unlawful**
 15 **activities.** Except as hereinafter provided, it shall be unlawful for any person, firm, or
 16 corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or
 17 to buy, use, ignite, or explode any fireworks.

18
 19 **5608.2.1.1 Permit required for display of aerial fireworks.** Add Subsection as
 20 follows: **5608.2.1.1 Permit required for display of aerial fireworks.** The Office of the
 21 Fire Marshal may issue permits, upon application in writing, for the display of aerial
 22 fireworks, commonly known as pyrotechnic displays, for fair associations, amusement
 23 parks, or by any organization, individual, or group of individuals; provided such display is in
 24 general accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in
 25 chapter 80 of this Code. After such permit has been issued, sales of fireworks may be
 26 made for use under such permit and the association, organization, group, or individual to
 27 which it is issued may make use of such fireworks under the terms and conditions of such
 28 permit. No permit shall be issued until the applicant files with the Fire Marshal's Office a
 29 certificate of insurance which shows that the applicant has liability insurance in the amount
 30 of at least \$5,000,000 combined single limit for bodily injury and property damage. This
 31 insurance policy shall become available for the payment of any damage arising from the
 32 acts or omissions of the applicant, his agents, or his employees in connection with the
 33 display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect
 34 at the time of the commencement of the activities authorized by the permit and remains
 35 continuously in effect until such activities are completed.

36
 37 **5608.2.3 Permit required for sale of fireworks.** Add subsection as follows:
 38 **5608.2.3 Permit required for sale of fireworks.** It shall be unlawful for any person, firm,
 39 or corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks
 40 within the county without a permit from the Fire Marshal's Office. This permit shall be valid
 41 for the period June 1 to July 15 of each year. Such permit shall be issued only after the
 42 applicant files with the Fire Marshal's Office a certificate of insurance which shows that the
 43 applicant has liability insurance in the amount of at least \$5,000,000 combined single limit
 44 for bodily injury and property damage.

1 This insurance policy shall be available for the payment of any damage arising from the
2 acts or omissions of the applicant, his agents, or his employees in connection with the
3 activities authorized by the permit. The applicant shall ensure that the insurance policy is in
4 effect at the time of the commencement of the activities authorized by the permit and
5 remains continuously in effect until such activities are completed.

6
7 **5608.11 Retail display and sale.** Add subsection as follows: **5608.11 Retail**
8 **display and sale.** In addition to the restrictions set forth in section 5601.2.2, retail sales of
9 permissible fireworks shall only be conducted from approved, fixed locations. Such
10 locations shall comply with all Fairfax County rules and regulations applicable to such sites.
11 The sale or storage of any fireworks shall be prohibited on the property of another without
12 the express written permission of the owner. Staff selling permitted, permissible fireworks
13 shall be 18 years or older.

14
15 **5608.11.1 Precautions.** Add subsection as follows: **5608.11.1 Precautions.**
16 Fireworks displayed for retail sale shall not be made readily accessible to the public. A
17 minimum of one pressurized water fire extinguisher complying with section 906 shall be
18 located not more than 15 feet and not less than 10 feet from the retail sale location. "NO
19 Smoking" signs complying with section 310 shall be conspicuously posted in areas where
20 fireworks are stored or displayed for retail sale.

21
22 **5608.11.2 Sales to minors.** Add subsection as follows: **5608.11.2 Sales to**
23 **minors.** The sale of permissible fireworks to persons under the age of 18 shall be
24 prohibited unless the person is accompanied by a parent or legal guardian.

25
26 **5608.11.3 Records to be kept by wholesaler and retailer.** Add subsection as
27 follows: **5608.11.3 Records to be kept by wholesaler and retailer.** Each wholesaler
28 shall maintain full and complete records of all purchases and sales of fireworks and each
29 retailer shall maintain full and complete records of all purchases of fireworks. The Fairfax
30 County Fire Marshal or his designated agent is authorized to examine the books and
31 records of any wholesaler or retailer documenting the purchases and sales of fireworks
32 within the county.

33
34 **5608.12 Approval of permissible fireworks.** Add Subsection as follows: **5608.12**
35 **Approval of permissible fireworks.** Persons engaged in the business of selling or offering
36 to sell fireworks at wholesale shall submit to the Office of the Fire Marshal a list of fireworks
37 for approval. Persons engaged in the business of selling fireworks at wholesale may be
38 required to submit to the Office of the Fire Marshal at least 5 samples of each firework
39 intended to be sold or delivered by such wholesaler, together with complete specifications
40 including the manufacturer and trade name of such fireworks and a chemical analysis of
41 each such fireworks submitted. Samples, specifications, and chemical analysis shall be
42 submitted to the Fire Marshal's Office no later than 120 days prior to the proposed sale
43 date in the county. No wholesaler or retailer shall sell or deliver in the county any fireworks
44 other than those approved by the State Fire Marshal's Office.

1 **5704.2.7.10 Leak reporting.** Add Subsection as follows **5704.2.7.10 Leak reporting.**
2 A consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall
3 be reported immediately to the fire department, the *fire code official* and other authorities
4 having jurisdiction. The procedures as set forth in section 5003.3.1 shall also be followed.

Board Agenda Item
June 28, 2022

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Grove Avenue (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing, to be held on Tuesday, August 2, 2022, at 4:00 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Grove Avenue between Haycock Road in Fairfax County and N. West Street in the City of Falls Church

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Grove Avenue between Haycock Road and N. West Street, to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on June 28, 2022, to provide sufficient time for advertisement of the proposed public hearing scheduled for August 2, 2022, at 4:00 p.m.

BACKGROUND:

On November 12, 2021, the Dranesville District Supervisor's Office requested that staff work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Grove Avenue between Haycock Road and N. West Street. A portion of Grove Avenue is within the City of Falls Church and currently has a restriction on trucks with a vehicular weight exceeding 7,500 pounds. A reasonable alternate route has been identified in Fairfax County for Grove Avenue, starting at Haycock Road, then traveling along Haycock Road to West Broad Street, continuing on West Broad Street into the City of Falls Church until N. West Street, and then continuing on N. West Street in the City of Falls Church to reach Grove Avenue (Attachment I).

On Wednesday, April 20, 2022, the Fairfax County Department of Transportation received an email from the City of Falls Church Department of Public Works staff indicating support for the requested restriction.

Board Agenda Item
June 28, 2022

Section 46.2-809 of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a portion of this road (Attachment II) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the restriction request.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Area Map of Proposed Through Truck Traffic Restriction

Attachment II: Proposed Resolution to Restrict Through Truck Traffic on Grove Avenue

STAFF:

Rachel Flynn, Deputy County Executive

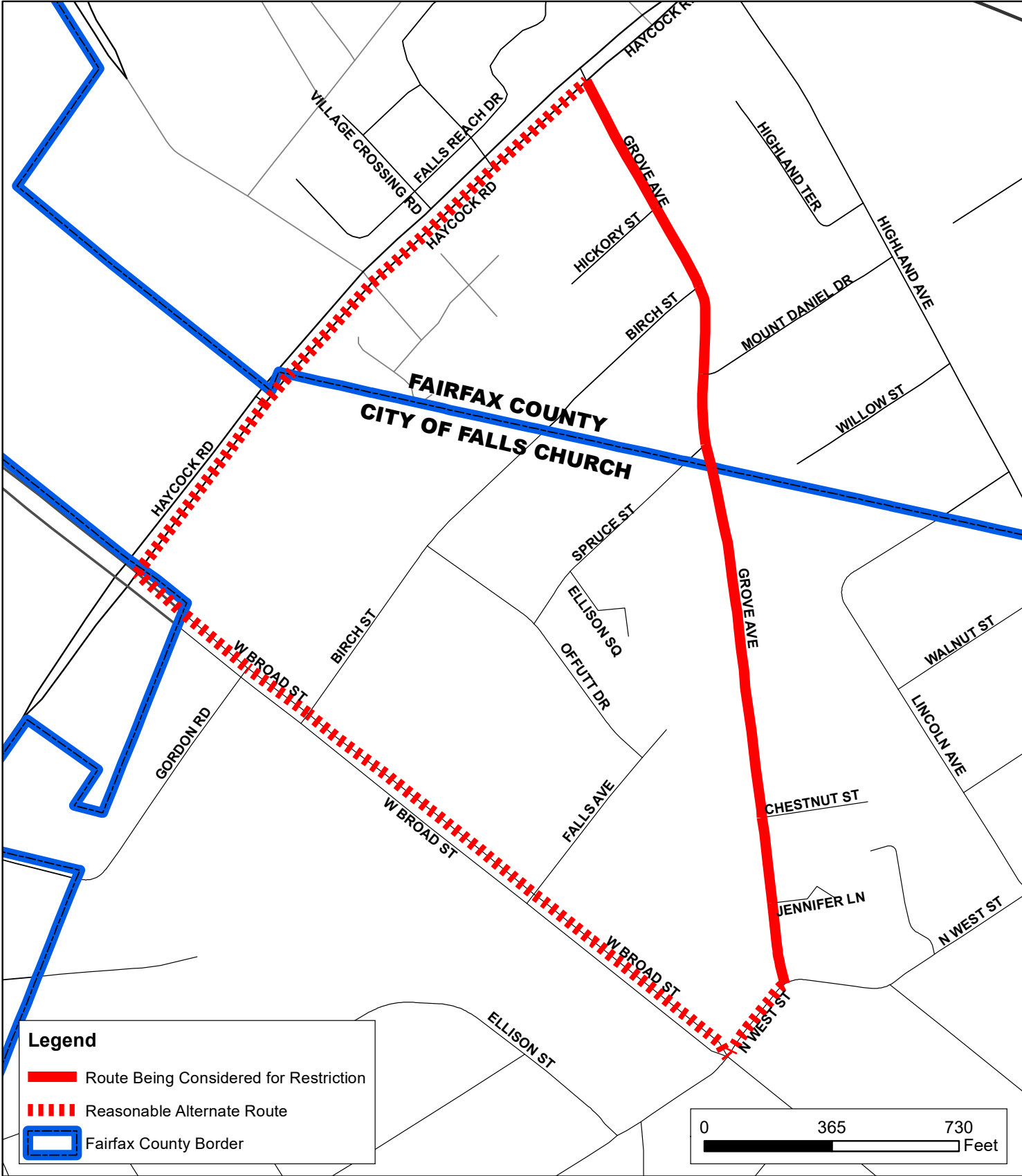
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

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



Tax Map:40-3, 40-4

May 2022

Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Through Truck Restriction
 Grove Avenue
 Dranesville District



RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
GROVE AVENUE
DRANESVILLE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, August 2, 2022, at which a meeting quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents of Fairfax County who live along Grove Avenue have expressed concerns regarding the negative impacts associated with through truck traffic on this road in Fairfax County; and

WHEREAS, the residents of the City of Falls Church who live along Grove Avenue have also expressed concerns regarding the negative impacts associated with through truck traffic on this road in the City of Falls Church; and

WHEREAS, a reasonable alternate route has been identified in Fairfax County for Grove Avenue, starting at Haycock Road, then traveling along Haycock Road to West Broad Street, continuing on West Broad Street into the City of Falls Church until N. West Street, and then continuing on N. West Street in the City of Falls Church to reach Grove Avenue; and

WHEREAS, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction in Fairfax County be enforced by the Fairfax County Police Department; and

WHEREAS, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Grove Avenue in Fairfax County, as part of the County's Residential Traffic Administration Program (RTAP).

FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

ADOPTED this 2nd day of August, 2022.

A Copy Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

Board Agenda Item
June 28, 2022

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Highland Avenue (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing, to be held on Tuesday, August 2, 2022, at 4:00 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Highland Avenue between Haycock Road in Fairfax County and N. West Street in the City of Falls Church

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Highland Avenue between Haycock Road and N. West Street, to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on June 28, 2022, to provide sufficient time for advertisement of the proposed public hearing scheduled for August 2, 2022, at 4:00 p.m.

BACKGROUND:

On November 12, 2021, the Dranesville District Supervisor's Office requested that staff work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Highland Avenue between Haycock Road and N. West Street. A portion of Highland Avenue is within the City of Falls Church. A reasonable alternate route has been identified in Fairfax County for Highland Avenue, starting at Haycock Road, then traveling along Haycock Road to Great Falls Street, continuing on Great Falls Street into the City of Falls Church until N. West Street, and then continuing on N. West Street in the City of Falls Church to reach Highland Avenue (Attachment I).

On Wednesday, April 20, 2022, the Fairfax County Department of Transportation received an email from the City of Falls Church Department of Public Works staff indicating support for the requested restriction.

Board Agenda Item
June 28, 2022

Section 46.2-809 of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a portion of this road (Attachment II) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the restriction request.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Area Map of Proposed Through Truck Traffic Restriction

Attachment II: Proposed Resolution to Restrict Through Truck Traffic on Highland Avenue

STAFF:

Rachel Flynn, Deputy County Executive

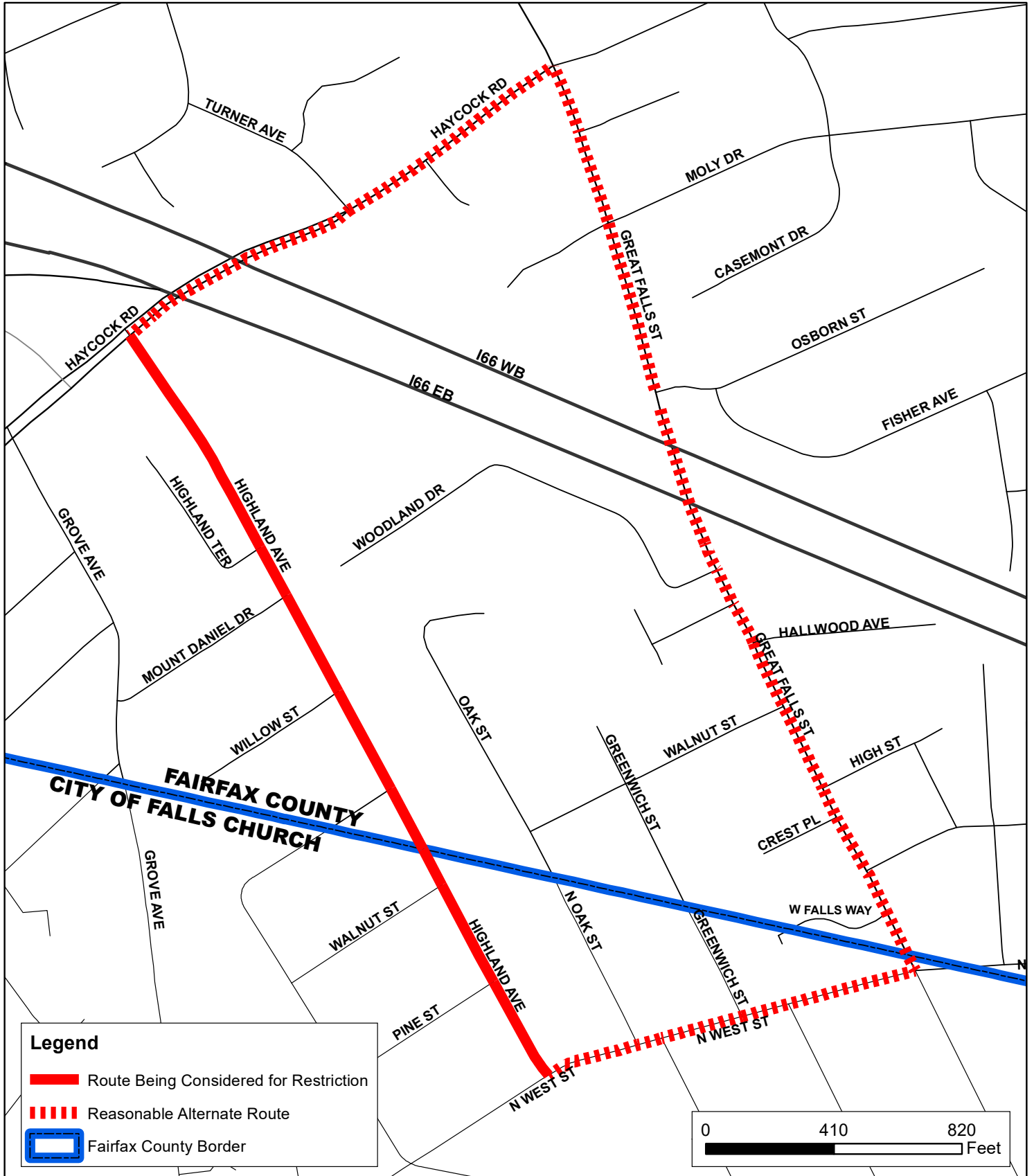
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

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



Tax Map: 40-4

May 2022

Fairfax County Department of Transportation
 Residential Traffic Administration Program
 Through Truck Restriction Map
 Highland Avenue
 Dranesville District



RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
HIGHLAND AVENUE
DRANESVILLE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, August 2, 2022, at which a meeting quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents of Fairfax County who live along Highland Avenue have expressed concerns regarding the negative impacts associated with through truck traffic on this road in Fairfax County; and

WHEREAS, the residents of the City of Falls Church who live along Highland Avenue have also expressed concerns regarding the negative impacts associated with through truck traffic on this road in the City of Falls Church; and

WHEREAS, a reasonable alternate route has been identified in Fairfax County for Highland Avenue, starting at Haycock Road, then traveling along Haycock Road to Great Falls Street, continuing on Great Falls Street into the City of Falls Church until N. West Street, and then continuing on N. West Street in the City of Falls Church to reach Highland Avenue; and

WHEREAS, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction in Fairfax County be enforced by the Fairfax County Police Department; and

WHEREAS, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Highland Avenue in Fairfax County, as part of the County's Residential Traffic Administration Program (RTAP).

FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

ADOPTED this 2nd day of August, 2022.

A Copy Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

ACTION - 1

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Multifamily Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$8,000,000 to Finance the 44-Unit Four Percent Low-Income Housing Tax Credits Portion of the Proposed 80-Unit Braddock Apartments (Braddock District)

ISSUE:

Board authorization for the FCRHA to issue tax-exempt bonds in an aggregate amount not to exceed \$8,000,000 as part of the overall financing plan for the development of the Braddock Four Project.

RECOMMENDATION:

The County Executive recommends the following as part of the overall financing of the Project:

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 \$8,000,000.

TIMING:

Board action is requested on June 28, 2022, in order to secure VADHCD private activity bond allocation and meet the desired August 2022 Braddock Four Project closing.

BACKGROUND:

The Developer of the Braddock Apartments (Project) is Arlington Partnership for Affordable Housing, Inc (APAH). The Project will include 44 apartment units restricted to households with incomes of 50 percent and 60 percent of Area Median Income (AMI) that will be financed with both tax-exempt bonds and four percent Low-Income Housing Tax Credits (LIHTC) (Braddock Four Project). The same building will also include an additional 36 apartment units restricted to 30 percent, 50 percent and 60 percent of AMI that will be separately financed with nine percent LIHTC (Braddock Nine Project). All 80 apartment units will be built concurrently and share amenities. The Project is located at 10055 Braddock Road, Fairfax, VA 22032, in the Braddock District.

Board Agenda Item
June 28, 2022

Braddock Four Limited Partnership (BFLP) will be the ownership entity and borrower with respect to the Four Percent Project, of which Braddock Four Development LLC (BFD LLC) is the General Partner. A subsidiary of Truist Bank, the LIHTC investor, will be the limited partner.

The site is part of the former Northern Virginia Training Center (NVTC) property, currently owned by Woodleigh Chase LLC, a subsidiary of Erickson Living (Erickson). As part of the land entitlement process, Erickson proffered the donation of a portion of the site to a non-profit for the construction of senior affordable housing. Erickson subsequently entered into an agreement with the non-profit, APAH, for the senior affordable housing.

APAH will develop the overall Braddock project with two components as follows:

1. Braddock Four Project developed by Braddock Four Limited Partnership.
2. Braddock Nine Project developed by Braddock Nine Limited Partnership.

A more detailed summary is attached to this item as Attachment 2.

SUMMARY OF ANTICIPATED PROJECT FINANCING:

APAH is proposing to use a combination of financing sources to develop the overall Project. Each will have a separate plan of financing as follows:

Braddock Four Project:

- Four percent LIHTC
- FCRHA long-term tax-exempt Bonds not to exceed \$8,000,000
- Deferred Developer Fee of approximately \$723,500
- Virginia (VA) Housing Trust Fund Loan of \$700,000
- APAH sponsor loan/equity

Braddock Nine Project:

- Nine percent low-income housing tax credits (LIHTC); awarded in 2021
- Taxable mortgage loan from Truist Bank or affiliate
- Virginia DHCD Housing Innovations in Energy Efficiency (HIEE) loan of \$555,000
- Virginia Housing Trust Fund Loan of \$700,000

A detailed summary of the financing sources and uses for both components of the overall Braddock project is attached to this item as Attachment 3.

THE BONDS TO BE AUTHORIZED:

This authorization of Bonds/Notes is specifically for the Braddock Four Project, which requires issuance in an amount not to exceed \$8,000,000 (50 percent of eligible basis plus land). The final bond amount will be determined before closing and upon completion of full underwriting. The FCRHA will request an allocation for private activity tax-exempt bond volume cap from VADHCD.

APAH has indicated that it intends to use construction-to-permanent financing through Freddie Mac's Direct Purchase Tax-Exempt Loans Program, with Truist Bank being the construction lender during the construction phase and Freddie Mac being the permanent lender after the Four Percent Project converts to the permanent phase.

If this action is approved, the FCRHA will issue the requested Bonds in the original principal amount not to exceed \$8,000,000. The Bonds will be nonrecourse to the FCRHA.

TIMELINE:

The estimated timetable for the Bond closing is as follows:

Tax Equity and Fiscal Responsibility Act (TEFRA) Advertisement #1	May 5, 2022
TEFRA Advertisement #2	May 12, 2022
Loan Underwriting Committee Meeting	May 12, 2022
Issuance of a Declaration of Intent (Inducement Resolution)	May 12, 2022
TEFRA public hearing & FCRHA Approval of Bond Issuance	May 19, 2022
Board of Supervisors approval of bond issuance	June 28, 2022
Private activity bond application approved and allocation awarded by VADHCD	Mid-July 2022
FCRHA Final Bond Resolution	July 21, 2022
Bond Closing	August 2022

FISCAL IMPACT:

For the Four Percent Project, the FCRHA will receive an upfront bond issuance fee at the time of closing in August 2022, as well as an ongoing monitoring fee for the Bonds according to the following table. All of the fees will be placed into Fund 81000, FCRHA General Operating.

Board Agenda Item
June 28, 2022

One-time Fee (At Closing)		Recurring Fee (Annual)	
Bond Application Fee	\$5,000	Bond Monitoring Fee commencing Year 1 after construction	0.25% of outstanding balance of bonds (subject to negotiation)
Bond Issuance Fee	\$80,000		
Total	\$85,000		

ENCLOSED DOCUMENTS:

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

STAFF:

Christopher A. Leonard, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Teresa Lepe, Special Assistant to the Director, HCD
Seema Ajrawat, Director of Finance, Financial Management, HCD
Debashish Chakravarty, Senior Real Estate Finance Officer, REFGM, HCD

ASSIGNED COUNSEL:

Ryan Wolf, Assistant County Attorney

Resolution

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds or Notes in an Amount Not to Exceed \$8,000,000 to Finance the 44-Unit Four Percent Low-Income Housing Tax Credits Portion of the Proposed 80-Unit Braddock Apartments (Braddock District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, June 28, 2022, 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 multifamily housing revenue bonds or notes (Bonds) in a principal amount not to exceed \$8,000,000 to provide financing for the Project described below; and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Virginia Code (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 44 residential units comprising the Braddock Four Apartments project (the Project); and

WHEREAS, the FCRHA held a public hearing on May 19, 2022, for which public notice was duly given on May 5, 2022 and republished on May 12, 2022; 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) ; 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 Bonds for the Project in a principal amount not to exceed \$8,000,000. 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 or other instrument (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 28th day of June, 2022, by the Fairfax County Board of Supervisors

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

**PROJECT SUMMARY
Braddock**

GENERAL:

The development will include the following:

- Braddock Four Project to be owned by Braddock Nine Limited Partnership:
 - Construction of 36-units for seniors aged 62 and up with incomes restricted to 50 percent and 60 percent of Area Median Income (AMI)
- Braddock Nine Project to be owned by Braddock Four Limited Partnership:
 - Construction of 44-units for seniors aged 62 and up with incomes restricted to 30 percent, 50 percent and 60 percent of AMI
- Site Donation:
 - The site is currently owned by Woodleigh Chase, LLC and will be donated to APAH
- Parking Spaces:
 - 79 total parking spaces: 34 for the Braddock Four Project and 45 to be used interchangeably between Braddock Four and Braddock Nine

PROJECT BENEFITS:

- The project adds 80 units of affordable senior housing in the highly cost-burdened Fairfax/Fairfax City area. According to the American Community Survey, there will be a 51 percent increase in the 65 and older age group in Fairfax County between 2010 and 2030, so there will be a great need for affordable senior housing.
- Good access to transit and low neighborhood poverty levels, this project will create new opportunities for affordable housing and enable vulnerable households to age in place.

SUSTAINABILITY, UNIVERSAL DESIGN AND ACCESSIBILITY:

- The project is designed to achieve Earthcraft Gold, EnergyStar Multifamily Certification, and Zero Energy Ready Homes (ZERH).
- The project is designed to be solar ready, and budget allowing, will feature rooftop solar panels.
- The project follows VHDA's Universal Design Standards.
- A total of 9 units (11%) across both Components will be fully accessible and UFAS/504/ADA compliant.

SUPPORT SERVICES:

- Onsite bilingual (English and Spanish) resident services team to support low-income residents to successfully age in place, maintain health and stability, and continue active engagement in the wider community.
- One of the APAH Resident Services team members to formally focus on supporting seniors and develop and implement a services plan for the project.
- Third-party providers to provide additional services that will help residents increase job skills, improve health and well-being, participate in financial education counseling/mentoring, and strengthen their leadership roles in community engagement.
- Free Wi-Fi services to all residents at the project with access to trainings on computer literacy and internet safety.

APARTMENT AMENITIES:

- ENERGYSTAR fridge, dishwasher, and microwave.
- In-unit washer/dryers and free high-speed Wi-Fi.
- Central AC and Heating.

COMMON AREA AMENITIES:

- Extensive community amenities will be located on the ground floor, including community rooms, onsite leasing and property management, a flexible business center/space, dedicated resident services space, fitness room and wellness suite, and landscaped patio.

APPRAISED VALUE:

An appraisal has been provided by APAH from a third-party appraiser. The Department of Tax Administration has reviewed the appraisal for the approved values as well as the methodology used to determine the values, and found the methodology used to be appropriate and the valuation conclusions, under market rent and restricted rent scenarios, to be reasonable.

PROPOSED RENTS AND AFFORDABILITY RESTRICTIONS:

The project contains the rent structure for three AMI levels, 30%, 50%, and 60% AMI, showing the breakdown of the gross rent, utility allowances offered by APAH, and the resulting net rent.

Nine Percent Project

	# Units	Gross Rent	Utility Allowance*	Net Rent
30% AMI Units				
One Bedroom	3	\$725	\$104	\$621
Two Bedroom	1	\$870	\$131	\$739
Total/Average	4	\$761	\$111	\$651
50% AMI Units				
One Bedroom	13	\$1,209	\$104	\$1,105
Two Bedroom	1	\$1,451	\$131	\$1,320
Total/Average	14	\$1,226	\$106	\$1,120
60% AMI Units				
One Bedroom	16	\$1,451	\$104	\$1,347
Two Bedroom	2	\$1,741	\$131	\$1,610
Total/Average	18	\$1,483	\$107	\$1,376
TOTAL UNITS:	36			

*Utility allowances includes a/c, heat, hot water, water, sewer, cooking, and other.

Four Percent Project

	# Units	Gross Rent	Utility Allowance*	Net Rent
50% AMI Units				
One Bedroom	6	\$1,209	\$104	\$1,105
Two Bedroom	2	\$1,451	\$131	\$1,320
Total/Average	8	\$1,270	\$111	\$1,159
60% AMI Units				
One Bedroom	34	\$1,451	\$104	\$1,347
Two Bedroom	2	\$1,741	\$131	\$1,610
Total/Average	36	\$1,467	\$106	\$1,362
TOTAL UNITS	44			

*Utility allowances includes a/c, heat, hot water, water, sewer, cooking, and other utilities.

**CURRENT ESTIMATED FINANCING SOURCES AND USES
BRADDOCK APARTMENTS**

Braddock Four Percent

Permanent Sources	Sources
Freddie Mac Tax-Exempt Loan	\$4,692,778
VA Housing Trust Fund	\$700,000
Virginia HIEE	\$655,000
Tax Credit Equity	\$6,647,281
Deferred Developer Fee	\$723,500
APAH Sponsor Loan/Equity	\$1,074,387
Erickson Site Work	\$39,247
Total Permanent Sources	\$14,532,193
Summarized Uses	Uses
Acquisition Costs	\$65,000
Construction Costs	\$9,020,572
Construction Costs Contingency	\$547,117
Architecture and Engineering	\$521,503
Soft Costs	\$1,793,727
Financing/Interest	784,256
Reserves	\$352,323
Development Fee	\$1,447,695
Total Uses	\$14,532,193

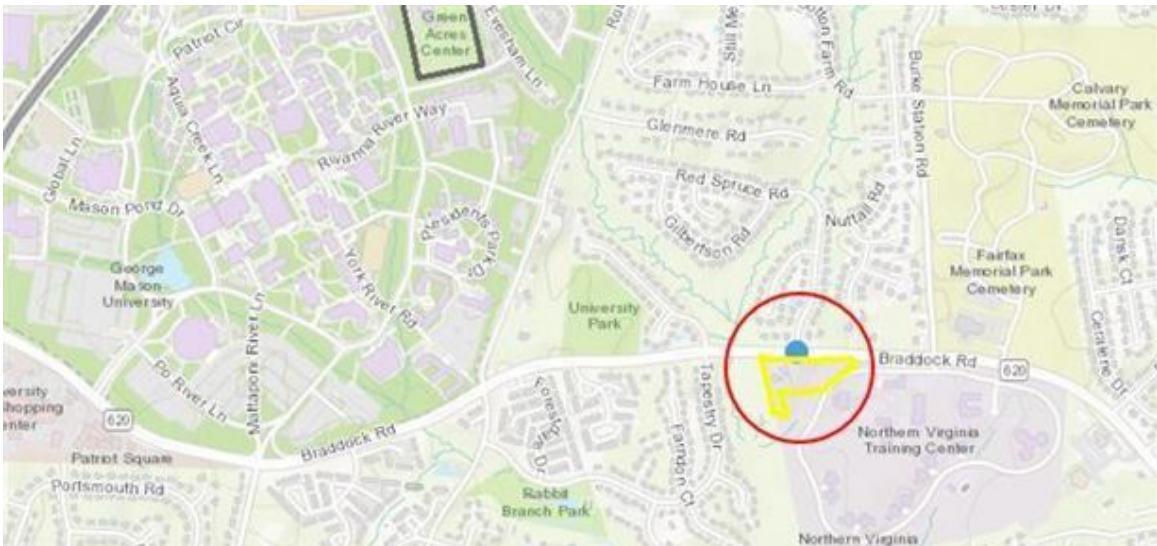
Braddock Nine Percent

Permanent Sources	Sources
First Mortgage	\$2,991,219
Tax Credit Equity	\$9,214,079
Virginia HIEE	\$555,000
Virginia Housing Trust Fund	\$700,000
Erickson Site Work	\$32,112
Total Permanent Sources	\$13,492,409
Summarized Uses	Uses
Acquisition Costs	\$447,000
Construction Costs	\$7,687,289
Construction Costs Contingency	\$447,641
Architecture and Engineering	\$426,685
Soft Costs	\$1,769,696
Financing/Interest	\$868,660
Reserves	\$273,920

Development Fee	\$1,571,518
Total Uses	\$13,492,409

VICINITY MAP Braddock Senior Affordable Housing Project

The site of Braddock Senior Affordable Housing Project, comprised of both Braddock Four and Braddock Nine, is located on a 0.36-acre parcel at 10055 Braddock Road in the Braddock District. The site is approximately 1.6 miles from George Mason University and 5.5 miles from the Vienna/Fairfax-GMU Metro station.



ACTION - 2

Approval of Fence Height Modification for the Archaeology and Collections Storage Facility - Building W-35 (Mount Vernon District)

ISSUE:

Existing Building W-35 is located within the northwest corner of the Fairfax County DPWES I-95 Complex (I-95 Complex) at Tax Map 113-1((1))14, and is zoned R-C. This building will be redeveloped into an Archaeology and Collections Storage Facility, separated from the I-95 Complex by realignment of an existing perimeter security fence (see Attachment 1), and incorporated into the adjacent Lorton Workhouse Arts Center Campus. Because Building W-35 is located within R-C zoning, the maximum allowed fence height is 7' per Table 4102.4 of the Zoning Ordinance. However, the existing fence surrounding the perimeter of the I-95 Complex is 8' high.

To maintain a secure perimeter around the I-95 Complex, and to match existing perimeter fencing, the realigned portion of the perimeter fence is proposed to be 8' high instead of 7' high. Per subsection 4102.7.A(7)(b)(3) of the Zoning Ordinance, "For a public use, a fence or wall which is to be provided in conjunction with the use may be of such height and location as approved by the Board."

RECOMMENDATION:

The County Executive recommends, pursuant to subsection 4102.7.A(7)(b)(3) of the Zoning Ordinance, the Board approve the use of an 8' high chain link fence for the realigned portion of the perimeter security fence serving the I-95 Complex.

TIMING:

Board action is requested on June 28, 2022.

BACKGROUND:

In 2003, the Park Authority commissioned a study to define requirements to sustain long-term housing and protection of archaeological and historical collections. The study determined that existing storage conditions were overcrowded with no growth capacity, had inadequate space for staff and storage of field equipment, and lacked climate control systems designed to meet preservations standards. Technical requirements and industry standards were identified to provide an environmentally controlled space, building-wide security, and fire protection, and specialized electrical, plumbing, and fume extraction systems. The report determined that based on 25 to 30 years of

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projected growth, an approximately 30,000 square foot facility would be required to provide long-term housing and protection for archaeological and historical collections.

Park Authority staff explored development options to store county archaeological and museum collections. This process included visits to various candidate sites and comparable collections facilities, discussions with museum and collections professionals, and evaluation of various scenarios for development of an appropriate facility. The project team evaluated several potential development options throughout the county, including adaptive reuse of buildings within or abutting the Lorton Workhouse Arts Center, and selected Building W-35 as the top-rated option. Park Authority and Facility Management staff concluded Building W-35, subject to a lease agreement, is a suitable location for the development of an Archaeology and Collections Storage Facility.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Fence Realignment Exhibit

STAFF:

Christopher A. Leonard, Deputy County Executive

Jai Cole, Executive Director, Fairfax County Park Authority

Aimee Vosper, Acting Director of Planning and Development, Fairfax County Park Authority

Michael Lambert, Assistant Director of Facility Management

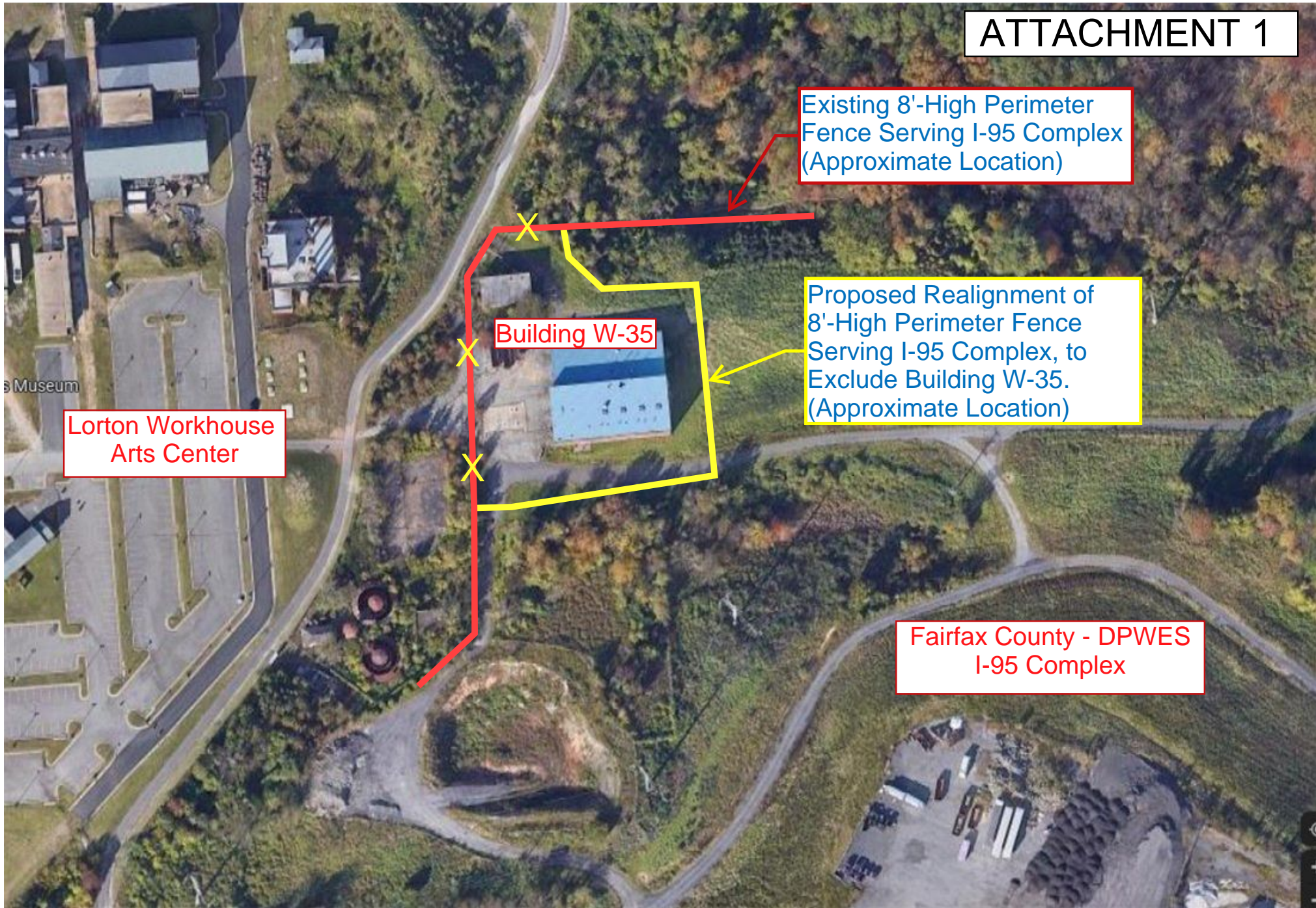
Hans Christensen, Solid Waste Operations Division Director, Solid Waste Management

Eric Forbes, Division Director Solid Waste Compliance, Solid Waste Management

Carmen Bishop, Assistant Zoning Administrator, Zoning Administration Division

Yvonne Goh, Planner, Department of Planning & Development, Zoning Administration Division

ATTACHMENT 1



Existing 8'-High Perimeter Fence Serving I-95 Complex (Approximate Location)

Proposed Realignment of 8'-High Perimeter Fence Serving I-95 Complex, to Exclude Building W-35. (Approximate Location)

Building W-35

Lorton Workhouse Arts Center

Fairfax County - DPWES I-95 Complex

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ACTION - 3

Approval of the One-Year Action Plan for the Use of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program Funds (HOME) in FY 2023

ISSUE:

Final action by the Fairfax County Board of Supervisors (Board) on the One-Year Action Plan for FY 2023 (the Plan).

RECOMMENDATION:

The County Executive recommends the Board (1) adopt the Plan with funding allocations outlined below; (2) authorize signature of the Plan certifications and federal funding application forms (SF-424s); and (3) authorize submission of the Plan with the certifications and SF-424s by July 12, 2022, as required by the U.S. Department of Housing and Urban Development (HUD).

TIMING:

Board action is required on June 28, 2022, to maintain the schedule for the Annual Action Plan process, which is included in the Grantee Unique Appendices section of the Plan and to ensure timely submission of the Plan to HUD.

BACKGROUND:

The Plan contains the proposed uses of funding for three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funds. In accordance with federal requirements, the Plan includes several certifications, including drug-free workplace, affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements. If the Board approves this item and the Plan, each of the certifications will be signed by the County Executive.

Funding levels previously described in the Plan and released for public comment were based on FY 2022 funding levels, because the County had not yet received notification from HUD of the actual grant levels at the time the Consolidated Community Funding Advisory Committee (CCFAC) released the document. HUD notified the County of the actual grant levels on May 13, 2022, and the funding levels incorporated into the Plan are based on the actual funding levels. The \$8,905,292 actual total entitlement funding

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recommended in this item for the three programs is \$93,319 more than estimated in the draft Plan when released for public comment. The \$5,918,926 actual CDBG funding is \$209,223 less than estimated; the \$2,471,231 actual HOME funding is \$295,760 more than estimated; and the \$515,135 actual ESG funding is \$6,782 more than estimated. The Plan also includes estimates of \$139,186 in CDBG program income and \$152,708 in HOME program income.

In accordance with the Board-adopted Citizen Participation Plan for the Consolidated Plan process, the draft Plan was made available and circulated for review and comment by residents, service providers, and other interested parties during the formal public comment period, which ended with a public hearing held by the Board on March 22, 2022. Following the public comment period, all comments were considered and summarized in the Plan. Pursuant to this item, the CCFAC now forwards the Plan to the Board with a recommendation for final approval on June 28, 2022.

STAFF IMPACT:

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

FISCAL IMPACT:

Total anticipated entitlement funding of \$8,905,292 has been recommended in this item:

- \$5,918,926 in CDBG (Fund 50800, Community Development Block Grant)
- \$2,471,231 in HOME (Fund 50810, HOME Investment Partnerships Program)
- \$515,135 in ESG (Fund 50000, Federal-State Grant Fund)

As part of the *FY 2022 Carryover Review*, an estimated total of \$4,331,772, to include \$2,423,366 in CDBG (Fund 50800) and \$1,908,406 in HOME (Fund 50810) funds, will be recommended to be carried forward for ongoing CDBG and HOME activities, as well as previously programmed funding for ongoing capital projects.

An estimated \$291,894 in FY 2022 program income will be available for use in FY 2023, including \$139,186 in CDBG (Fund 50800) program income and \$152,708 in HOME (Fund 50810) program income.

ENCLOSED DOCUMENT:

Attachment 1: [One-Year Action Plan for FY 2023](https://www.fairfaxcounty.gov/housing/data/consolidated-plan) with Appendices (available online at <https://www.fairfaxcounty.gov/housing/data/consolidated-plan>.)

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STAFF:

Christopher Leonard, Deputy County Executive

Thomas Fleetwood, Director, HCD

Teresa Lepe, Special Assistant to the Director, Real Estate, Finance and Development,
HCD

Seema Ajrawat, Director of Finance, HCD

Laura O. Lazo, Associate Director, Grants Management (GM), HCD

Beverly A. Moses, Senior Program Manager, GM, HCD



PROPOSED ONE-YEAR ACTION PLAN FOR COUNTY FY 2023 (FEDERAL FY 2022)

***Approved by the Fairfax County Board of Supervisors
on June 28, 2022***

Prepared with community participation and under the guidance of the Consolidated Community Funding Advisory Committee.

FY 2023 One-Year Action Plan (Federal FY 2022)

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Executive Summary of this Fairfax County One-Year Action Plan for FY 2023 (FY 2023 One-Year Action Plan) is intended to help facilitate citizen review of the intended uses of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) funds (collectively, the Federal Funds), as well as the housing and community development goals and priorities to be achieved during the period July 1, 2022 through June 30, 2023. FY 2023 will be the second year of the county's implementation of the Five-Year Consolidated Plan for FY 2022-FY 2026 (Consolidated Plan). This FY 2023 One-Year Action Plan describes how Fairfax County intends to use the Federal Funds to meet the needs established in the Consolidated Plan and is based on the goals and strategies established in the Consolidated Plan.

2. Summarize the objectives and outcomes identified in the Plan

The priority housing needs identified for this Action Plan are consistent with those identified in the [Consolidated Plan](#), [Fairfax County's Communitywide Housing Strategic Plan](#), and [Housing Blueprint](#). Other important plans and policy documents that support the creation of a sufficient supply of housing also guide the approaches discussed. These include the 2015 Strategic Plan to Facilitate the Economic Success of Fairfax County to shape a strong economic development strategy, 2017 [One Fairfax Policy](#) for racial and social equity to affirm county goals of inclusivity and shared prosperity for all county residents, as well as the 2017 Analysis of Impediments to Fair Housing Choice, which is anticipated to be updated by a new Regional Analysis of Impediments in fall 2022.

The Housing Blueprint identifies those with the greatest need as follows:

- 1) individuals and families who are homeless;
- 2) persons with low- and extremely low incomes;
- 3) persons with disabilities; and
- 4) low-income seniors.

The identified affordable housing priorities respond to three critical elements of the affordable housing crisis in Fairfax County. First is severity of need. Second is the limited and dwindling supply of affordable housing, in both the owner-occupied and renter-occupied sectors. The overall shortage of housing is making more units unaffordable through rent and price escalation. Third is the increase in the number of households with low incomes who need these units. Households with low-moderate incomes are often unable to find affordable housing because it is occupied by households with higher incomes. The severity of the housing problem for people experiencing homelessness and the need for renewed vigor in providing basic shelter warrants a high priority for people experiencing homelessness. Low-income households, particularly those below 30 percent of AMI (i.e., extremely low income), are the most disadvantaged in finding and keeping housing in the current market. Economic downturns may put hard-working families at risk of homelessness as they struggle with multiple jobs and uncertain income. Service providers and housing advocates are being challenged more than ever to prevent homelessness.

The elderly represent the fastest-growing age segment in Fairfax County and are projected to be 21.7 percent of the county's population by the year 2035. Elderly low-income households with housing problems (including cost burden) include a significant number of homeowners.

Persons with physical or mental disabilities require special attention as they are likely to need both services and housing. Over two-thirds of renters with disabilities and nearly two-thirds of owners with incomes less than 80 percent of AMI had at least one of the following housing problems: (1) greater than 30 percent cost burden, (2) over-crowdedness, or (3) the lack of a complete kitchen or bathroom facilities. In addition, the American Disabilities Act (ADA) and the Olmstead decision provide legal protections for persons with physical, intellectual, or mental disabilities that must be honored.

Finding ways to ensure that housing is affordable for all residents is essential to the long-term economic health of Fairfax County. An adequate supply of workforce housing (i.e., housing that is affordable to essential workers) is critical to meet the demands of projected job growth and to ensure that the county can keep workers who provide critical services that to all residents.

3. Evaluation of past performance

The Consolidated Annual Performance and Evaluation Report (CAPER) evaluates the county's use of CDBG, HOME, and ESG program funds during the immediately past fiscal year which ended on June 30. It provides a summary of accomplishments and an accounting of the allocation and expenditure of funds in that past fiscal year, in relation to what was planned in the applicable consolidated plan and one-year action plan. The CAPER also reports on other key county efforts and funding that support affordable housing, community development, and targeted public services activities.

The funding and accomplishment goals for FY 2021 were established in the [Consolidated Plan for 2016-2020, which was extended to include FY 2021](#). Key funding uses and accomplishments reported in the FY 2021 CAPER include:

- The Fairfax County Board of Supervisors (Board) adopted the [Countywide Strategic Plan](#) in 2021 to establish priority areas and set 15-year affordable housing production, retention and financing goals. *A copy of the Countywide Housing Strategic Plan Phase I may be found in the Grantee Unique Appendices section.*
- The Board adopted the [Countywide Strategic Plan](#) in October 2021 that identified Housing and Neighborhood Livability as a priority outcome area with eight strategies to expand housing affordability, five strategies to develop housing supportive policies, two strategies to end homelessness and three strategies to expand innovative funding opportunities.
- The Board adopted a Comprehensive Plan Amendment to provide private developer incentives to include units for households with low- and moderate-incomes within their market-rate residential development projects.
- ESG funds, used to prevent homelessness and provide rapid re-housing to households experiencing homelessness, were supplemented by Emergency Solutions Grant – Coronavirus funds (ESG-CV) under the federal CARES Act to provide additional housing relocation and

stabilization services, financial assistance and rapid re-housing, as well as to create temporary emergency shelter locations.

- Supplemental CDBG – Coronavirus (CDBG-CV) funding was primarily used to provide emergency rent and utility assistance to income-eligible households negatively impacted by the coronavirus pandemic.
- The Home Repair for the Elderly Program (HREP) completed 166 projects to provide services to 96 households.
- Veterans Affairs Supportive Housing Vouchers and Family Unification Program vouchers, as well as CDBG and HOME funds, were used by nonprofit partners to provide permanent housing for 34 formerly homeless households.
- Housing was provided to 17,456 individuals by using HCV or RAD-PBV rent subsidies, or FCRP units.
- Tenant Based Rental Assistance (TBRA) program provided rental assistance to 55 families.
- Total progress toward the [DHCD Housing Strategic Plan](#) goals to produce 10,000 new units affordable to households earning up to 60 percent AMI by 2034, and to preserve existing units includes the production of 1,753 additional units that are in the pipeline to be produced, and the preservation 628 units with 600 additional units in the pipeline to be preserved. The reported units in the pipeline to be produced and preserved are based on “point-in-time” snapshots at the time of the reporting. The Board Chairman’s Task Force on Equity and Opportunity released the following recommendations that directly address housing and community development:
 - Implement policies to enable public safety personnel to live in and come from the communities they serve.
 - Aggressively pursue strategies to increase the amount of affordable housing and address the affordability of housing for low-income residents.
 - Promote the use of social impact funds or other investment opportunities to attract capital investment in the built environment to improve and expand housing stock and other neighborhood amenities to avoid displacement as neighborhoods change.
- The Board approved the re-chartering of the Affordable Housing Advisory Council (AHAC) (formerly the Affordable Housing Advisory Committee) to include a new [Continuum of Care](#) (CoC) Committee of the Council and redefine the purpose, structure, and duties of both AHAC and [CoC](#) members. Among the updated duties of the AHAC are to monitor and provide advice on the [Countywide Strategic Plan](#), recommend preservation and creation priorities; and monitor affordable housing funds. Among the duties of the CoC duties are to develop, monitor, and update the CoC plan; track progress of efforts to end homelessness; and monitor funding uses.

4. Summary of Citizen Participation Process and consultation process

Fairfax County is committed to ensuring that residents, advocacy groups, service providers, public and private agencies, community leaders, and stakeholders have opportunities to participate in the development and implementation of the Consolidated Plan. The Board adopted [Fairfax County’s Citizen Participation Plan](#) (hereafter, the “CPP”) on December 8, 1997 and most recently amended it on March 23, 2021. *A copy of the CPP may be found in the Grantee Unique Appendices.* The CPP is locally developed and sets forth policies and procedures for public input and participation during the Consolidated Plan process.

Per the CPP, the county encourages and provides opportunities for citizen participation from all sectors of the community. Emphasis is placed on participation by low- and moderate-income individuals; residents of areas in which federal funds are used or are proposed to be used; and minority and non-English-speaking residents as well as by persons with disabilities and other special needs. The county also works closely with the FCRHA to encourage participation by residents of public and assisted housing developments.

The Consolidated Community Funding Advisory Committee (CCFAC) is a citizen group established by the Board to monitor and advise the Board on the development and implementation of each Five-Year Consolidated Plan and One-Year Action Plan (hereafter, “the Plans”). The CCFAC holds at least one annual public hearing (hereafter, “CCFAC Public Hearing”) to receive citizen input on current and needed housing, community development, and public services, and receives comments on the Plans submitted at or prior to the close of the public hearing held by the Board (hereafter, “Board Public Hearing”). The CCFAC is composed of representatives from human services provider groups, consumer and community organizations, and other boards, authorities, and commissions involved in human services.

Numerous county agencies and local groups were involved in developing the Plans, and the County consulted with state agencies, neighboring jurisdictions, and a variety of community-based organizations.

Citizens were notified of the opportunity to provide citizen input for the CCFAC Public Hearing on the housing, community development and other human services needs, held on November 9, 2021. In addition, a Draft FY 2023 One-Year Action Plan was released and distributed on February 9, 2022 for public review and comment in writing or in person on or prior to March 22, 2022 hereafter, the “Public Comment Period”). Written comments on the Draft FY 2023 One-Year Action Plan were made to DHCD Grants Management, 3700 Pender Drive, Suite 329, Fairfax, VA 22030.

Summary of public comments

Notices that the CCFAC Public Hearing would be held on November 9, 2021, were provided through newspaper publications with diverse circulations, as well as through a variety of social media platforms, social services agencies, nonprofit providers of affordable housing and human services, community networks, public libraries, and community and recreation centers.

The CCFAC received testimonies at the public hearing from and on behalf of the following organizations: the Literacy Council of Northern Virginia; and the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons. *A summary of the testimony presented at the CCFAC Public Hearing and copies of the written testimonies submitted may be found the Citizens Participation Comments Appendix section.*

The public had access to and opportunities to provide comments on the Draft FY 2023 One-Year Action Plan beginning on February 9, 2022 and ending on March 22, 2022 (Public Comment Period). The Public Comment Period ended at the conclusion of the Board Public Hearing held on March 22, 2022, at which the Board received testimony on the Draft FY 2023 One-Year Action Plan and the proposed uses of federal and local funding to advance affordable housing and human services countywide. *Written and oral public comments received during the Public Comment Period and at the Board Public Hearing are summarized in the Citizens Participation Comments Appendix section.*

Summary of comments or views not accepted and the reasons for not accepting them

All oral and written public comments presented before or during the CCFAC Public Hearing and Board Public Hearing were accepted and included in the final draft of the FY 2023 One-Year Action Plan submitted to the Board for approval.

5. Summary

All of comments and concerns received for the CCFAC Public Hearing and the Board Public Hearing about the needs and priorities identified in the FY 2023 One-Year Action Plan are addressed by the Annual Goals and Objectives, described in AP-20.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	Fairfax County	DHCD
HOME Administrator	Fairfax County	DHCD
ESG Administrator	Fairfax County	DHCD

Table 1 – Responsible Agencies

Narrative

Fairfax County's CDBG-, HOME- and ESG-funded affordable housing and community development programs are administered by DHCD. In addition to its role as a department of the county government which reports to the County Executive and the Board, DHCD also serves as staff for the Fairfax County Redevelopment and Housing Authority (FCRHA). The FCRHA is a separate political body whose members are appointed by the Board, and which possesses specific powers granted by the Code of Virginia.

Every five years, the Board adopts a Consolidated Plan describing the county's needs, gaps in service and priorities for affordable housing, community service, homeless assistance, community development, neighborhood preservation and revitalization, employment and economic opportunity services, as well as the resources and strategies to be used to meet the needs identified. Each year, the Board also approves a One-Year Action Plan which sets forth how the county will utilize Federal Funds to meet the needs and priorities identified in the Consolidated Plan. The Consolidated Plans and One-Year Action Plans are prepared by DHCD staff through an intensive citizen participation process under the leadership of the CCFAC. Annually, a CAPER is submitted to HUD detailing how Federal Funds were spent and the accomplishments achieved.

Consolidated Plan Public Contact Information

Fairfax County Department of Housing and Community Development
 3700 Pender Drive, Suite 300
 Fairfax, Virginia 22030
 Thomas E. Fleetwood, Director
 Telephone: (703) 246-5100 or TTY: 711

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The county worked closely with the FCRHA to solicit the input of area housing and service providers through a variety of means. Examples include:

- **Housing Blueprint:** The County and the FCRHA coordinates the development of the Housing Blueprint with the Affordable Housing Advisory Committee, which includes representatives of the FCRHA, the Fairfax-Falls Church Community Services Board (CSB), the Disability Services Board, the county's Homelessness Governing Board, representatives of a number of non-profit housing providers, the business community and others.
- **Moving to Work:** The FCRHA works directly with its MTW Advisory Committee on the development and implementation of activities related to the FCRHA's Moving to Work designation. Most recently, the MTW Advisory Council was instrumental in assisting the FCRHA with policies that address a variety of needs among residents in the FCRHA’s federal housing programs, such as a program that will set aside funds for residents with a hoarding disability.
- **Consolidated Community Funding Pool (CCFP):** CDBG Targeted Public Services funds are combined with Community Services Block Grant funds (CSBG and local county funds to support programs funded through the competitive Consolidated Community Funding Pool (CCFP) request for proposal (RFP) process. Department of Procurement and Material Management staff work closely with the CCFAC and other county agencies in all aspects of the administration of the CCFP and the competitive funding process. In response to direction by the Board, the CCFP competitive funding process was bifurcated to ensure continued and uninterrupted support for emergency food and housing services. Beginning with the FY 2023 – FY 2024 award cycle, there will be 2 CCFP RFPs, the first of which will award \$8.8 million to programs for the following outcomes: build self-sufficiency; provide health services; assist with financial stability; encourage positive behaviors; or build strong social networks. The second RFP will award \$5 million to programs that provide emergency food or housing assistance in all areas of the county. Both RFPs were released in the fall of 2021 to solicit bids for funding awards that were made in the spring of 2022 based on the recommendations of an all citizen voluntary selection advisory committee.

These three venues, and numerous others like them, provided opportunities for input.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Office to Prevent and End Homelessness (OPEH), within DHCD, manages, coordinates, and monitors day-to-day implementation of the Plan to End Homelessness. As part of this responsibility, OPEH assures coordinated execution of the work of the CoC and the many interagency workgroups functioning within the [CoC](#).

OPEH collaborates with an array of providers, including professional staff and volunteers from government, nonprofits, and faith communities, to address the specific needs of families and individuals experiencing homelessness, such as those who chronically experience homelessness, families with children, veterans, and unaccompanied youth. Significant initiatives recently implemented include the coordinated response to the COVID-19 pandemic to establish non-congregate shelters, the ongoing enhancement of the Coordinated Entry policies and procedures, and the launch of a cross-jurisdictional effort to develop a more racially equitable approach to ending homelessness

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Office to Prevent and End Homelessness (OPEH) within the Department of Housing and Community Development manages, coordinates, and monitors day-to-day implementation of the plan to end homelessness. As part of this responsibility, OPEH assures coordinated execution of the work of the [CoC](#) and leads collaborative decision-making efforts in the use of federal homeless assistance funding, including the Emergency Solutions Grant (ESG). Important partners in the process of using ESG funds include a number of community-based nonprofit organizations that provide emergency shelter, homelessness prevention and rapid rehousing assistance. Through collaborative discussions this partnership makes important decisions around the type of programs to be supported, the organizations that will utilize the funding and what policies and procedures must be developed in line with federal regulations to ensure effective and efficient use of ESG funding. Performance standards and evaluation outcomes are developed by OPEH and community partners to support and complement homeless system performance measures as defined by HUD.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Fairfax County Redevelopment and Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Unaccompanied youth
2	Agency/Group/Organization	Consolidated Community Funding Advisory Committee
	Agency/Group/Organization Type	Housing Human Services Advocacy Groups Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Economic Development Market Analysis Anti-poverty Strategy
3	Agency/Group/Organization	Fairfax County Affordable Housing Advisory Committee
	Agency/Group/Organization Type	Housing Regional organization

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
4	Agency/Group/Organization	Fairfax-Falls Church Community Partnership on Ending Homelessness
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
5	Agency/Group/Organization	FCRHA Move To Work Advisory Committee
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs – Chronically homeless Homeless Needs – Families with children Homelessness Needs – Veterans Homelessness Needs – Unaccompanied youth

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Department of Housing and Community Development	The metrics set forth in the county's homelessness plan are tied directly to the Housing Blueprint and are reflected in the FY 2023 One-Year Action Plan.

Housing Blueprint (local)	FCRHA/Department of Housing and Community Development	The FCRHA Strategic Plan goals are directly driven by the goals and metrics identified in the Housing Blueprint. <i>A copy of the FY 2022 Housing Blueprint may be found in the Grantee Unique Appendices section.</i>
Moving to Work (federal)	FCRHA/Department of Housing and Community Development	The Strategic Plan is consistent with the FCRHA's Moving to Work program.
FCRHA Strategic Plan/Action Plan (local)	FCRHA/Department of Housing and Community Development	The activities described in the FCRHA Strategic Plan/Action Plan are largely derived from the Housing Blueprint, and serve as a yearly work plan for the agency.
Countywide Housing Strategic Plan (local)	Department of Housing and Community Development	Under the direction of the Board, the Housing Strategic Plan is a comprehensive effort to preserve and create affordable housing options by both identifying near term goals that can be accomplished with currently available resources and identifying the resources necessary to meet needs by 2034.
Plan to Prevent & End Homelessness (local)	FCRHA/Department of Housing and Community Development	The metrics set forth in the county's homelessness plan are tied directly to the Housing Blueprint and are reflected in the FY 2023 One-Year Action Plan.
Fairfax County Comprehensive Plan/Zoning Ordinance	Fairfax County Department of Planning and Development	The Comprehensive Plan and Zoning Ordinance provide the policy and regulatory framework for the preservation and creation of affordable housing, as described in the FY 2023 One-Year Action Plan. This includes elements such as the Affordable Dwelling Unit and Workforce Housing programs.
One Fairfax Policy	Fairfax County Equity Officer	The One Fairfax Policy , adopted by the Board on November 21, 2017, and by the FCRHA on March 7, 2019, defines expectations for consideration of racial and social equity, and, meaningful community involvement when planning, developing and implementing policies, practices and initiatives. The policy provides a framework to advance equity in alignment with the stated visions and priorities of the county and the FCRHA. The policy informs all other policies and applies to all publicly delivered services in Fairfax County Government, the FCRHA and Fairfax County Public Schools.

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal setting

The Board adopted a [Citizen Participation Plan](#) on December 8, 1997 (hereafter, “CPP”), and it was most recently amended in 2021. The CPP guides public input and participation in the consolidated planning process. A summary of the citizen participation process is provided at AP-05, paragraph 4. *The full text of the CPP may be found in the Grantee Unique Appendices section.*

Continuing efforts are made to broaden citizen participation by expanding the methods of providing public notices of citizen participation opportunities. A televised notice was broadcast on the Fairfax County cable station for the first time in FY 2018, including a plain English summary explanation of the Consolidated Plans, the One-Year Action Plans and opportunities for citizen participation. Notices about public hearings are distributed via news release, posted on the county website, and published in a newspaper of general circulation as well as minority and non-English speaking publications. In addition, notices are distributed to county agencies, boards, commissions and advisory groups and potentially affected stakeholder organizations in the county. These groups are also encouraged to share the notice with clients, other agencies, and community groups in the county. Input provided via email, letter, and telephone also are welcomed as part of the county’s outreach efforts. Comments received in writing and orally at the public hearings are considered in the development of the annual action plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish, Vietnamese</p> <p>Persons with disabilities</p> <p>Nontargeted/broad community</p> <p>Residents of Public and Assisted Housing</p> <p>Persons with incomes at or below the poverty level</p>	<p>Representatives of the CCFAC, the FCRHA and the public attended the CCFAC Public Hearing on November 9, 2021. All the oral and written citizen comments that were submitted at the CCFAC Public Hearing were accepted and included in the Draft FY 2023 One-Year Action Plan. The needs identified and discussed at the CCFAC Public Hearing are addressed by the Annual Goals and Objectives described in AP-20.</p>	<p><i>The public comments received at or for the CCFAC Public Hearing are summarized in "Citizen Participation Comments" found in the Grantee Unique Appendices section.</i></p>	<p>N/A</p>	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
2	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish, Vietnamese</p> <p>Persons with disabilities</p> <p>Nontargeted/broad community</p> <p>Persons with incomes at or below the poverty level</p>	<p>The Board provided an opportunity for public comments at the Board Public Hearing on March 22, 2022. There were no comments presented at the hearing, orally or in writing. All the public comments received during the Public Comment Period about needs and programs addressed in the Draft FY 2023 One-Year Action Plan are addressed by the Annual Goals and Objectives described in AP-20.</p>	<p>Public comments submitted for the Board Public Hearing and at any time during the Public Comment Period are summarized in the <i>"Citizen Participation Comments"</i> found in the <i>Grantee Unique Appendices</i> section.</p>	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The recommended allocations of CDBG, ESG, and HOME funding (Federal Funding) and income earned from prior uses of Federal Funding (Program Income) that were used in the Draft FY 2023 One-Year Action Plan were based on estimates. The CCFAC adopted and recommended a contingency plan to provide instructions for adjusting the recommended allocations when the actual amounts of Federal Funding and Program Income are determined. *The WAG Contingency Plan may be found in the Grantee Unique Appendices section.*

Notification of the actual awards for FY 2023 was received on May 13, 2022.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	5,918,926	139,186	3,376,517	9,434,629	18,174,336	Notification of the actual awards for FY 2023 was received on May 13, 2022. The Program Income allocation is based on projections from current activities.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	2,471,231	152,708	746,324	3,370,263	7,871,817	Notification of the actual awards for FY 2023 was received on May 13, 2022. The Program Income allocation is based on projections from current activities.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	515,135	0	0	515,135	1,545,405	Notification of the actual awards for FY 2023 was received on May 13, 2022.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied.

Fairfax County leverages the federal CDBG, HOME and ESG funds with a variety of local resources, including private investments, donations and other county funds.

CDBG-funded targeted public services activities are supported by private cash and in-kind donations, as well as other county funds. The gaps between CDBG funding for non-profit sponsored affordable housing capital projects and the total acquisition, renovation and leasing costs are funded by equity investments, private financing and/or other local funds, as well as by donations of cash, services and materials.

Fairfax County meets and exceeds its HOME Match requirement through non-federal cash resources contributed to fund the Rental Subsidy and Services Program, the activities of which are eligible for HOME funding.

Additionally, the county created a Housing Trust Fund (HTF) in FY 1990, which is used to encourage and support the acquisition, preservation, development and redevelopment of affordable housing by the FCRHA, non-profit sponsors and private developers. The majority of all units developed with HTF financing are HOME eligible. Housing Trust Fund awards are anticipated in FY 2023. HOME and CHDO funds invested in nonprofit sponsored capital projects also are leveraged by equity investments, private financing and/or other local funds, as well as by donations of cash, services and materials to nonprofit affordable housing providers.

Fairfax County invests local General Funds to provide a one-to-one match for the ESG funding. The local matching funds are appropriated on an annual basis as a part of the normal Fairfax County budget cycle, typically in April or May.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Fairfax County and the FCRHA have a long and successful track record of utilizing public land for the development of housing to meet a continuum of needs identified in this FY 2023 One-Year Action Plan. Projects that are expected to be completed, under construction or in planning during the time covered by this FY 2023 One-Year Action Plan include the following:

Residences at North Hill: The development will create 216 multifamily affordable housing units and 63 affordable senior housing units on one third of the 34-acre site located at the intersection of Dart Drive and Richmond Highway. The second third of the site was sold to a market-rate developer to construct 175 market-rate townhouses. The sale proceeds will fund the site infrastructure for the affordable housing development. The final third of the site is to be used to create a public park. The FCRHA closed on the deal in June 2020 and the project was awarded Low Income Housing Tax Credits (LIHTC) by Virginia Housing (VH) in May 2017. Construction began in June 2020 and is scheduled to be completed in the fourth quarter 2022.

Oakwood Senior Housing: The FCHRA has partnered with the Arlington Partnership for Affordable Housing to develop 150 affordable independent senior housing units on FCRHA property located at the intersection of South Van Dorn Street and Oakwood Road. The project was awarded Low Income Housing Tax Credits (LIHTC) by VH in June 2020. Project construction began in October 2021 and is anticipated to be completed in May 2023.

One University Redevelopment: The FCRHA has partnered with Stratford Capitol Group and Rise Real Estate Company to redevelop FCRHA property located proximate to George Mason University with 333 student housing units, 120 affordable housing units and 120 senior housing units. The project was awarded LIHTC by Virginia Housing in June 2020. The development financial closing and construction began in December 2021.

Autumn Willow Senior Housing: The FCRHA solicited development proposals to create up to 150 senior housing units on FCRHA property located at the intersection of Stringfellow Road and Autumn Willow Drive. The Michael's Development Company was selected as the development partner. The project was awarded LIHTC by Virginia Housing in June 2021. Project construction is projected to commence in October 2022.

Little River Glen Redevelopment/New Construction: The FCRHA is undertaking the combined rehabilitation of 120 units of affordable senior rental constituting the Little River Glen, Phase I community, as well as the new construction of 60 additional senior units on the site, to be known as Little River Glen, Phase IV. Staff has selected a LIHTC syndicator/investor, construction and permanent lenders, and a design/development consultant for the project. The FCRHA will be bidding out the general contract services for the project in June 2022, with an anticipated financial closing date of October 2022.

Stonegate Village Apartments Renovation: The development project will renovate 234 affordable housing units located in Reston near the intersection of Reston Pkwy and Glade Drive. The renovation scope includes site improvements and a comprehensive interior rehabilitation, such as kitchen and bathroom modernization, flooring, painting, window replacement, and accessibility upgrades. The property condition needs assessment was completed in October 2020, and the design phase was initiated in December 2020. The FCRHA is projecting to submit the LIHTC application in 2023, with the financial closing expected by late 2024.

Housing at Route 50/West Ox Road: The Board of Supervisors has transferred ownership of the property to the FCRHA to create affordable housing for persons with special needs. The FCRHA received an unsolicited developer proposal through the PPEA process to design, develop, construct, own, and operate of up to 34 units specially designed for single individuals needing permanent, secure, well-designed, and sustainable housing. The FCRHA solicited competing proposals for the development and the original proposal from Cornerstones Housing Corporation was selected in September 2021. The developer has begun land use planning for the project.

Residences at the Government Center II: The Board of Supervisors has transferred ownership of two parking lots on the Government Center campus to the FCRHA to create affordable housing. The FCRHA solicited proposals to design, develop, construct, own, and operate an affordable multi-family residential community of approximately 275 low to moderate-income units pursuant to a long-term, nominal fee

ground lease to the FCRHA. Lincoln Avenue Capital was selected as the developer in February 2022. The developer has begun land use planning for the project.

Future affordable housing sites: The Board of Supervisors has set the precedence of transferring county-owned properties to the FCRHA to create affordable housing. Oakwood and Autumn Willow (mentioned previously) are two recent examples of leveraging county-owned land to address the affordable housing needs identified in the plan. The staff has identified several other county-owned properties for creating additional affordable housing. Due diligence is underway to determine the feasibility of development of each site.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Homelessness	FY 2023	FY 2023	Homeless	Countywide	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing Community Services	CDBG: \$140,000 HOME: \$540,000 ESG: \$515,135	Homelessness Prevention: 180 households Rapid Rehousing: 450 households Rental Units Constructed: 3
2	Special Needs	FY 2023	FY 2023	Affordable Housing Non-Homeless Special Needs	Countywide	Affordable Rental Housing Homeownership Access and Rehabilitation Community Services	CDBG: \$5405,000 HOME: \$1,291,000 ESG: \$0	Tenant-Based Rental Assistance: 55 Households Rental Units Constructed: 3 Rental Units Rehabilitated: 260
Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Low-Income Working Families	FY 2023	FY 2023	Affordable Housing	Countywide	Affordable Rental Housing Homeownership Access and Rehabilitation Community Services	CDBG: \$1,140,000 HOME: \$540,000 ESG: \$0	Rental Units Constructed: 7

4	Moderate-Income Workforce Housing	FY 2023	FY 2023	Affordable Housing	Countywide	Affordable Rental Housing Homeownership Access and Rehabilitation	CDBG: \$1,710,700 HOME: \$0 ESG: \$0	Homeowner Housing Rehabilitated: 299 Direct Financial Assistance to Homebuyers: 48
5	Human Service System	FY 2023	FY 2023	Non-Housing Community Development	Countywide	Community Services Administration and Planning	CDBG: \$440,000 HOME: \$0 ESG: \$0	Public Services Activities Other Than Low/Moderate Income Housing Benefit: 100
6	Poverty Reduction/Self Sufficiency	FY 2023	FY 2023	Non-Housing Community Development	Countywide	Community Services	CDBG: \$440,000 HOME: \$0 ESG: \$0	Public Service Activities Other Than Low/Moderate Income Housing Benefit: 300 Public Service Activities for Low/Moderate Income Housing Benefit: 30
7	Reinvestment	FY 2023	FY 2023	Non-Housing Community Development	Countywide	Administration and Planning	CDBG: \$150,000 HOME: \$0 ESG: \$0	Other: 1 Other
8	Community Input	FY 2023	FY 2023	Institutional	Countywide	Administration and Planning	CDBG: \$150,000 HOME: \$150,000 ESG: \$0	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Homelessness
	Goal Description	Prevent and end homelessness through a variety of county programs and activities.
2	Goal Name	Special Needs
	Goal Description	Provide affordable housing options in several ways to special-needs populations, including households with low- to extremely low-income, seniors, and persons with physical or mental disabilities.
3	Goal Name	Low-Income Working Households
	Goal Description	Increase affordable housing for low-income working households through creative partnerships and public policy.
4	Goal Name	Moderate-Income Working Households
	Goal Description	Increase affordable housing for moderate-income working households through creative partnerships and public policy.
5	Goal Name	Human Service System

	Goal Description	Maintain and strengthen a safe, healthy and vibrant community through a human service system that is responsive to all populations and their diverse needs including children, the elderly, persons with disabilities, or those with other special needs, with emphasis on benefiting low- and moderate-income persons and households. The county will: <ul style="list-style-type: none"> • identify gaps and strategies to meet current and emerging service needs, and encourage and support a public and private network of community services that fosters stability and maximizes self-sufficiency; • encourage and support a coordinated public and private network of community services that fosters stability and maximizes independence for individuals and families; and • encourage best practices, sensitivity to cultural differences and enhanced performances in service delivery to ensure residents receive high quality services, as needed.
6	Goal Name	Poverty Reduction/Self Sufficiency
	Goal Description	Reduce poverty and foster self-sufficiency for program participant by using public and private resources to provide essential training and support services, and by encouraging employment opportunities.
7	Goal Name	Reinvestment
	Goal Description	In commercial and residential areas that are vulnerable to instability, facilitate reinvestment, encourage business development, promote public and private investment and reinvestment, preserve affordable housing and prevent or eliminate the negative effects of disinvestment. The county will continue to implement the Strategic Plan to Facilitate Economic Success of Fairfax County, which focuses on four fundamentals – people, places, employment and governance. In terms of places, Fairfax County will focus on infrastructure, mobility, redevelopment and fostering the retail industrial and other emerging uses.
8	Goal Name	Community Input
	Goal Description	Ensure broad community input throughout the development and implementation of the Consolidated Plan and One-Year Action Plans, build public/private partnerships to implement the Plans, and monitor and evaluate the goals, strategies and program outcomes. The county will implement the Citizen Participation Plan and evaluate the effectiveness of community outreach and citizen participation.

Projects

AP-35 Projects – 91.220(d)

Introduction

All Federal Funds and any subsequent leveraging of local and private resources for FY 2023 will be invested in the following 13 projects. Project #6-Targeted Public Services also receives an allocation of local general and CSBG funds totaling approximately \$12.5 million.

Projects

#	Project Name
1	Section 108 Loan Payments
2	Fair Housing
3	Planning
4	General Administration (CDBG)
5	HOME Administration
6	Targeted Public Services (CCFP TPS)
7	Home Repair for the Elderly & Community Rehabilitation Programs
8	Tenant Based Rental Assistance (TBRA) and Other Rental Assistance
9	FCRHA and Fairfax County Properties- Rehabilitation or Acquisition
10	Homeownership Program
11	CHDO Set-Aside
12	Emergency Solutions Grant
13	CDBG/HOME Affordable Housing Request for Proposals

Table 1 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The housing goals established in the Five-Year Consolidated Plan for FY 2022–2026 (Consolidated Plan) are as follows:

Goal 1: To address the challenge of homelessness

Goal 2: To provide affordable housing options to special-needs populations

Goal 3: To meet the affordable housing needs of low-income working households; and

Goal 4: To increase workforce housing through creative partnerships and public policy

The Consolidated Plan reflects the overarching goals and is the product of the input received through the process of gathering county officials and staff, representatives from the nonprofit community and for-profit development sector, and the citizens of Fairfax County, supplemented by data compiled from local sources, HUD, and the U.S. Census Bureau. To accomplish these goals, Fairfax County is leveraging community and private sector resources through partnerships. The county will complete projects already in the pipeline as well as embark on new initiatives.

The philosophy driving the priority needs in the Consolidated Plan is that affordable housing is a continuum ranging from the needs of the homeless to those of first-time buyers. Included in this range are the diverse housing needs of hard-working but low-paid families; senior citizens; persons with physical or mental disabilities; and the workforce across Fairfax County.

The main obstacle faced by the county is the affordable housing gap for low- and moderate-income residents. The bulk of all proposed projects endeavor to combat the shortage of affordable units in the county.

AP-38 Projects Summary

Projects Summary Information

1	Project Name	Section 108 Loan Payments
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families
	Needs Addressed	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing Community Services
	Funding	CDBG: \$434,267
	Description	Funding will be used to make annual payments on one loan under Section 108 of the Housing and Community Development Act of 1974, as amended. Loan proceeds have been used by the FCRHA for affordable housing development and preservation; reconstruction of Washington Plaza in Reston and Olley Glen; and road and storm drainage improvements in five Conservation Areas (Bailey's, Fairhaven, Gum Springs, James Lee, and Jefferson Manor). The loan applications were approved by the Board, who pledged future CDBG funds for the payment

		of annual interest and principal premiums due on the notes.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	All beneficiary data related to each of the projects was reported in the CAPER for the year in which the project was completed.
	Location Description	Not applicable.
	Planned Activities	Matrix Code- 19F Planned Repayments of Section 108 Loans Matrix Code- 24A Payment of Interest on Section 108 Loans
2	Project Name	Fair Housing
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families Human Service System
	Needs Addressed	Community Services Administration and Planning
	Funding	CDBG: \$206,594 HOME: \$25,116

	Description	Funding will be used by the Fairfax County Office of Human Rights and Equity Programs to support fair housing testing performed by contractors, to conduct fair housing outreach and education activities, and to investigate fair housing complaints. In addition, funds will be used in FY 2023 for activities that affirmatively further fair housing for county residents, including FCRHA clients and tenants.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	General fair housing outreach and education will be made available to all county residents, businesses and organizations. Beneficiary demographics will be tracked as activities are completed and will be reported in the CAPER for FY 2023.
	Location Description	Not applicable.
	Planned Activities	Matrix Code- 21D Fair Housing Activities (subject to Admin Cap)
3	Project Name	Planning
	Target Area	Countywide

Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families Human Service System Reinvestment Community Input
Needs Addressed	Administration and Planning
Funding	CDBG: \$305,729
Description	Funding will support planning and implementation of the county's housing and community development programs. Funding supports activities required to meet CDBG and HOME regulations and local procedures, prepare and process the county's Consolidated Plan and related citizen participation and public input processes, prepare community plans, and implement housing and community development programs, and identify and pursue funding sources to match and leverage entitlement funding. Planning will include FCRHA activities to affirmatively further fair housing.
Target Date	6/30/2023
Estimate the number and type of families that will benefit from the proposed activities	Planning is a required administrative function of the CDBG entitlement that is not limited to a specific number and type of beneficiaries.

	Location Description	Not applicable.
	Planned Activities	Matrix Code- 20 Planning
4	Project Name	General Administration (CDBG)
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families Human Service System Community Input
	Needs Addressed	Administration and Planning
	Funding	CDBG: \$1,520,321

	Description	Funding for the general administration of the county's CDBG and HOME-funded programs and projects, as well as projects funded under the Section 108 and Economic Development Initiative. Funding provides for administration of housing and community development programs and projects, including contract management for projects and programs funded through the CCFP, required local, state, and federal reports and preparation of documents, provision of technical assistance, financial management, and administrative and professional support to the CCFAC and various citizen participation processes. General Administration will include FCRHA activities that will affirmatively further fair housing. Funding provides for salaries and fringe benefits plus related operating and equipment costs.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	The required administrative function of the CDBG entitlement is not limited to a specific number and type of beneficiaries.
	Location Description	Not applicable.
	Planned Activities	Matrix Code- 21A General Program Administration
5	Project Name	HOME Administration
	Target Area	Countywide

	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families Community Input
	Needs Addressed	Administration and Planning
	Funding	HOME: \$317,202
	Description	Funding will support the operation of the HOME Program and projects receiving HOME funding. The funding will be used to support salaries and fringe benefits, plus related operating and equipment costs.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	This is a required administrative function of the HOME entitlement that is not limited to a specific number and type of beneficiaries.
	Location Description	To be determined.
	Planned Activities	See Description.
6	Project Name	Targeted Public Services (CCFP TPS)
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families Human Service System Poverty Reduction/Self Sufficiency

	Needs Addressed	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing Homeownership Access and Rehabilitation Community Services
	Funding	CDBG: \$887,838
	Description	Funding allocated to the CCFP for Targeted Public Services will be awarded to eligible nonprofit organizations for the delivery of public services in accordance with CDBG eligibility criteria and the CCFP priorities adopted by the Board. Funding for specific programs and activities is subject to appropriations by the Board.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	The number of families and individuals assisted will vary. Beneficiary demographics will be tracked as services are provided and will be reported in the CAPER for FY 2023.
	Location Description	To be determined.
	Planned Activities	Funding allocated to the CCFP for TPS will support programs provided in FY 2023. TPS programs typically provide a variety of services aimed at promoting stability and self-sufficiency, preventing homelessness and/or meeting basic needs, including case management, training in life skills, employment, financial management, ESOL and limited direct financial assistance and in-kind donations.

7	Project Name	Home Repair for the Elderly & Community Rehabilitation Programs
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families Human Service System
	Needs Addressed	Homeownership Access and Rehabilitation
	Funding	CDBG: \$1,278,296
	Description	Funding will be used for affordable housing preservation services by HREP and similar programs in the City of Falls Church and the Town of Herndon, as well as to provide support to mobile homeowners for needed repairs. HREP provides up to one week of labor and \$1,000 in material expenses for minor home repairs made by HREP crew for eligible homeowners who are low-income seniors or persons with disabilities at no cost to the homeowners. Proposed funding supports HREP salaries and fringe benefits plus related operating and equipment costs. The CDBG funds for HREP are supplemented by county funds generated from the Elderly Housing Program budget. Funding will also be used to support the provision of technical assistance,

	<p>training, referral services, rehabilitation materials and other activities for the preservation of affordable single and multi-family housing units in the City of Falls Church and the Town of Herndon. Services and materials provided under this activity may be used to assist in renovations needed to ensure the integrity of the exterior (roof, siding, windows, caulking, etc.), comply with local codes, install accessibility features and/or correct deficiencies necessary to preserve housing or prevent homelessness. HUD's <i>Uncapped Low and Moderate Income Summary Data for Exception CDBG Grantees</i> will be used to determine the eligible benefit areas in the City of Falls Church and the Town of Herndon.</p>
Target Date	6/30/2023
Estimate the number and type of families that will benefit from the proposed activities	<p>Approximately 100 elderly households are expected to be served by HREP. The numbers of households and individuals assisted in the City of Falls Church and the Town of Herndon, as well as mobile homeowners will vary depending on the requests for assistances and the specific activities. All program beneficiary demographics will be tracked as services are provided and will be reported in the CAPER for FY 2023.</p>
Location Description	To be determined.

	Planned Activities	Matrix Codes- 14A Rehab: Single-Unit Residential; 14B Rehab: Multi-Unit Residential; 14H Rehabilitation Administration.
8	Project Name	TBRA and Other Rental Assistance
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families
	Needs Addressed	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing
	Funding	HOME: \$1,377,830
	Description	Funding will provide TBRA vouchers and other rental assistance to prevent families/individuals from becoming homeless, help families/individuals experiencing homelessness obtain permanent housing, support stable housing for persons with special needs, respond to reasonable accommodation requests, and subsidize units for clients of the Progress Center.
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	Approximately 50 families or individuals are expected to receive TBRA vouchers. Other rental assistance will be provided to households and individuals in the City of Falls Church. Beneficiary demographics will be tracked as services are provided and will be reported in the CAPER for FY 2023.
	Location Description	To be determined
	Planned Activities	Provision of TBRA vouchers and other rental assistance
9	Project Name	FCRHA and Fairfax County Properties - Rehabilitation or Acquisition
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families Human Service System
	Needs Addressed	Affordable Rental Housing Community Services
	Funding	CDBG: \$2,413,640
	Description	Funding will be used by the FCRHA/County to acquire properties to be used for affordable housing or public facilities, or to rehabilitate residential properties or public facilities owned by the FCRHA/County to maintain safety and quality

		of life. Funding also may be used to purchase ADUs or other properties for affordable housing.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	The number of families and individuals who will benefit from the activities will be determined by the projects. Beneficiary demographics will be tracked as services are provided and will be reported in the CAPER for FY 2023.
	Location Description	To be determined.
	Planned Activities	Matrix Codes – 3 Public Facilities and Improvements; 14D Rehab: Other Public-Owned Residential Buildings; 14G Rehab: Acquisition
10	Project Name	Homeownership Program
	Target Area	Countywide
	Goals Supported	Moderate-Income Working Families
	Needs Addressed	Homeownership Access and Rehabilitation
	Funding	CDBG: \$1,160,829
	Description	Funding will be used to provide activities related to the First-Time Homebuyer Program, including financial assistance to homebuyers when available. Uncapped income limits, as provided by HUD, will be used to qualify household eligibility for homebuyer assistance.
	Target Date	6/30/2023

	Estimate the number and type of families that will benefit from the proposed activities	This program is expected to benefit approximately 50 families who are currently housed but not on the certified eligible applicant waiting list and approximately 200-250 families who are on the waiting list. Approximately 6,000 additional families will be served through orientations and other marketing activities. Beneficiary demographics will be tracked as services are provided and will be reported in the CAPER for FY 2023.
	Location Description	To be determined.
	Planned Activities	Matrix Code- 13A Housing Counseling for Homeownership Assistance; 13B Direct Homeownership, excluding Housing Counseling.
11	Project Name	CHDO Set-Aside
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families
	Needs Addressed	Affordable Rental Housing Homeownership Access and Rehabilitation
	Funding	HOME: \$697,006
	Description	CHDO set-aside funding will be used to acquire and/or rehabilitate existing affordable housing or develop additional affordable housing units for homebuyers and renters.

	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	This project is expected to serve one family at or below 50% AMI. Beneficiary demographics will be tracked as services are provided and will be reported in the CAPER for FY 2023.
	Location Description	To be determined based on applications.
	Planned Activities	Typical CHDO projects in the past have included the acquisition and rehabilitation of housing units for use as affordable rental housing for persons with income at or below 50% AMI.
12	Project Name	Emergency Solutions Grant
	Target Area	Countywide
	Goals Supported	Homelessness
	Needs Addressed	Homelessness Prevention and Rapid Re-Housing
	Funding	ESG: \$515,135
	Description	Pursuant to the HEARTH Act, the Emergency Solutions Grant (ESG) will continue to be used to fund activities that have an emphasis on preventing homelessness and rapidly re-housing people experiencing homelessness.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	More than 2,000 individuals are estimated to benefit from the ESG funded programs in FY 2023. Beneficiary demographics will be tracked as services are provided and will be reported in the CAPER for FY 2023.

	Location Description	To be determined.
	Planned Activities	ESG funds will be used to support homelessness prevention and rapid rehousing assistance to persons who are at-risk of homelessness and those experiencing homelessness. Funded activities will provide housing relocation and stabilization services, as well as short-to medium-term rental assistance to help program participants regain stability in current permanent housing or move into other more suitable permanent housing in order to achieve stability. Services also will include case management for housing stability, housing search and placements, and financial assistance for rental application fees, security deposits, last month's rents, utility deposits and payments, and moving costs.
13	Project Name	CDBG/HOME Affordable Housing Request for Proposals
	Target Area	Countywide
	Goals Supported	Homelessness Special Needs Low-Income Working Families Moderate-Income Working Families
	Needs Addressed	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing Homeownership Access and Rehabilitation
	Funding	CDBG: \$1,258,234

		HOME: \$2,115,191
	Description	The FY 2023 CDBG/HOME Affordable Housing RFP will be used to fund the acquisition, preservation and/or rehabilitation of housing units and the development of new affordable housing units for income-eligible homebuyers or renters. Notice of funding availability will coincide with CHDO funding availability for FY 2023.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	<p>The number and type of beneficiaries will be determined based on the activities completed by the non-profit recipients of the RFP funding. In most recent past RFPs, scoring preference was given to projects that could be completed in an expedited manner; provided beneficiaries with direct access to public transportation, community retail centers or supportive services; and served populations such as.</p> <ul style="list-style-type: none"> • elderly persons ages 62 and older who are 30% AMI or below; • youth transitioning out of foster care who are 60% AMI or below; • homeless (or at risk of homelessness) who are 60% AMI or below; • persons with disabilities (physical, mental, intellectual, or sensory) who are 60% AMI or below; • veterans who are at 60% AMI or below; and

		<ul style="list-style-type: none"> • survivors of domestic violence who are at 80% AMI or below. <p>Beneficiary demographics will be tracked as activities are completed and will be reported in the CAPER for FY 2023.</p>
	Location Description	To be determined.
	Planned Activities	Typical projects funded through past RFPs have included the acquisitions and rehabilitation of housing units to be used to provide affordable rental housing for persons with income at or below 60% AMI.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Consistent with the principles of the [One Fairfax Policy](#), Fairfax County is opportunity-driven in the allocation of affordable housing resources while working actively to promote the de-concentration of poverty, particularly in FCRHA programs. The FCRHA finances the acquisition, preservation, and development of properties countywide and will continue to operate its program on a countywide basis.

Geographic Distribution

Target Area	Percentage of Funds
Countywide	100

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The goals represented below are taken from the Housing Blueprint. A copy of the draft Housing Blueprint for FY 2022 may be found in the Grantee Unique Appendices section.

One Year Goals for the Number of Households to be Supported	
Homeless	348
Non-Homeless	858
Special-Needs	163
Total	1,369

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	806
The Production of New Units	400
Rehab of Existing Units	0
Acquisition of Existing Units	163
Total	1,369

Table 10 - One Year Goals for Affordable Housing by Support Type

AP-60 Public Housing – 91.220(h)

Introduction

Actions planned during the next year to address the needs to public housing

The Atrium - refurbishment of catwalks and garden area concrete, replacement of vanity cabinets and tub surrounds. Cost Estimate: \$89,733.

Colchester Towne - HVAC unit replacement. Cost Estimate: \$40,000.

Greenwood - exterior painting, replacement of asphalt roof shingles, kitchen cabinets and HVAC. Cost Estimate: \$270,000.

Kingsley Park replacement of bathroom flooring and entrance doors. Cost Estimate: \$114,240.

Ragan Oaks replacement of sliding glass doors, painting exterior and balconies. Cost Estimate: \$106,838.

Rosedale - repairs to exterior walls and metal fence, and replacement of balcony panels. Cost Estimate: \$41,203.

The Park – vinyl siding replacement. Cost Estimate: \$27,104.

Waters Edge - replacement roof, sliding doors in units and entry doors. Cost estimate: \$40,425.

Westford – replacement of refrigerators, vanities and medicine cabinets. Cost Estimate: \$81,764.

Westglade – replacement of kitchen cabinets, countertops, roofing and HVAC units. Cost Estimate: \$118,029.

Total planned FY 2023 capital funding expenditures is \$929,336.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The FCRHA coordinates a MTW Advisory Committee, consisting of RAD-PBV and HCV participants. The council meets approximately two to three times per year to advise the FCRHA about its MTW objectives and plays a policy development role with the FCRHA's annual MTW Plans.

The Fairfax County Homeownership and Relocation Division (HRD) conducts intake and counseling for RAD-funded residents who are aspiring homeowners. On March 7, 2019, the FCRHA amended its homeownership preference points policy to provide one point for each year of uninterrupted, unduplicated time in FCRHA rental program, including HCV, RAD, or FCRHA self-sufficiency programs. The policy allows for a maximum of three points and is an equivalency for families on the First-Time Homebuyers Program eligibility list. The policy helps residents in these programs have an equal FY 2023 One-Year Action Plan (Federal FY 2022)

opportunity to purchase a home through the FCRHA ADU program. Residents moving from these FCRHA programs to homeownership will get the best long-term “deal” if they are able to purchase a unit provided through the FTHB program.

In late FY 2019, the FCRHA implemented a down-payment assistance program for very low-income families purchasing FTHB units. Eighty-four families were served through this program in the two fiscal years following FCRHA approval of the program. Participants are required to set and achieve goals towards economic self-sufficiency, including completing financial literacy courses, budgeting, establishing savings, paying down debts, and increasing credit scores. Completing these steps, along with the benefits of accessing escrow on program completion, place graduates in a unique position to pursue homeownership opportunities.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Fairfax County is committed to ensuring that every family and individual has an affordable, stable place to call home. This commitment is reflected in the Fairfax County Board of Supervisors' adoption of the local Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in 2008. The following strategies are established by the Blueprint: preventing homelessness owing to economic crisis and disability; preserving and increasing the supply of affordable housing to prevent and end homelessness; delivering appropriate support services to obtain and maintain stable housing; and creating a management system in collaboration with the public and private sectors to implement a plan that ensures adequate financial resources and accountability.

The Communitywide Strategic Plan was presented to the Board of Supervisors by the County Executive in early 2020. Adoption of the plan was initially deferred due to the COVID-19 pandemic; however, it was adopted by the Board of Supervisors on October 5, 2021. The plan is to make Fairfax County a place where all people live in communities that foster safe, enjoyable, and affordable living expenses, and nine priority areas are identified, including housing and neighborhood livability. The housing and neighborhood livability priority area includes the following strategies to strive to end homelessness:

1. Expand the availability of permanent supportive housing units and services for people experiencing homelessness, including both individuals and families.
2. Provide incentives so that nonprofit and for-profit housing developers and landlords will set aside units for people experiencing homelessness.

Federal housing programs, such as the CoC and the ESG, are essential resources for local efforts to end homelessness. Fairfax County therefore strives to utilize these resources in the most effective and efficient way possible.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Fairfax County CoC established a coordinated system that sets standards for eligibility and prioritized access to homeless assistance programs, referral procedures, and common assessment tools. The system ensures that families and individuals who are experiencing or at risk of homelessness can access the most-appropriate assistance in a manner that is fair and efficient.

Most people seeking assistance contact a centralized, telephone-operated information and referral hotline operated by the Fairfax County Department of Neighborhood and Community Services' Coordinated Services Planning office before being referred to emergency shelters or homelessness prevention and rapid rehousing assistance providers. Homeless outreach services staffed by local

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nonprofit case managers, nurses from the Health Department, and mental health workers from the Community Services Board work to engage unsheltered individuals. All homeless families and individuals are assessed in a manner that is consistent across programs using many standardized questions and tools, such as the Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT). The assessments provide valuable information to homeless assistance providers and the system in making decisions as to where families and individuals should be referred to for assistance and who is prioritized for the most resource-intensive programs.

Addressing the emergency shelter and transitional housing needs of homeless persons

Using funding from a 2016 bond, three shelters are slated to be renovated or replaced in the coming years: the Patrick Henry Family Shelter, the Eleanor U. Kennedy Shelter, and the Embury Rucker Community Shelter. These buildings are dated, lack accessibility, and have major mechanical system deficiencies. They also lack sufficient space to provide a wide array of onsite services for guests of the shelters or unsheltered individuals that visit during the day to receive basic needs including food, showers, and laundry. Improvements through their redevelopment will ensure that the emergency shelters are safe for people experiencing housing crises and support guests' return to stability.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

In support of the strategies established in the 2008 Blueprint and 2020 Countywide Strategic Plan, Fairfax County will continue to increase the number of permanent supportive housing units through the renovation or replacement of its emergency shelters. Like Mondloch Place and the Baileys Shelter and Supportive Housing facilities, redevelopment creates an opportunity to incorporate new permanent supportive housing units into new design and construction.

Rapid rehousing will continue to be an important part of the continuum of homeless assistance. Rapid rehousing is effective in reducing the average length of homelessness and increasing the percentage of people exiting shelters to permanent housing. Efforts to improve local programs include using data to better target assistance to families and individuals who need it most; training service providers on best practices; increasing landlord outreach and engagement; and standardizing effective and efficient operations.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services,

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employment, education, or youth needs

Fairfax County prioritizes the commitment of resources to homelessness prevention and shelter diversion assistance in the form of direct financial and rental assistance as well as community case management and housing location. Local data from the Homeless Management Information System will be used to improve the targeting of limited homelessness prevention resources to assist those households who are most likely to become homeless. Increased training for service providers and newly developed procedures on shelter diversion will ensure that families and individuals who are at imminent risk of homelessness can be effectively served.

AP-75 Barriers to affordable housing – 91.220(j)

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The Fairfax County Board of Supervisors adopted the following affordable housing goals as part of the Housing Blueprint:

- Goal 1:** Address the challenge of homelessness.
- Goal 2:** Provide affordable housing options to special-needs populations.
- Goal 3:** Meet the affordable housing needs of low-income working households.
- Goal 4:** Increase workforce housing through creative partnerships and public policy.

The principles of the [One Fairfax Policy](#) are intended to be upheld through these goals, including ensuring that opportunities are available to all who live or work in Fairfax County to purchase or rent safe, decent, and affordable housing within their means. Affordable housing should be located as close as possible to employment opportunities without adversely affecting quality of life standards, a vital element in high density and mixed-use development communities, encouraged in revitalization areas, and promoted through flexible zoning wherever possible.

The following policies demonstrate the breadth and depth of the county’s commitment to removing regulatory impediments and to creating affordable housing opportunities for its citizens (including those groups identified as having priority needs):

- Develop a minimum of 10,000 new units of housing affordable at 60% of AMI by 2034.
- Provide bonus densities in exchange for affordable housing via the ADU and WDU programs.
- Increase community understanding and desire to ensure sufficient housing affordability for all throughout the county.
- Do not approve residential rezoning above the low end of the Comprehensive Plan range unless an appropriate commitment of land, dwelling units, and/or a cash contribution to the HTF is provided.
- Capitalize the HTF and the Tysons HTF so that they can be used as a mechanism to fund the development of affordable housing throughout the county, specifically in the Tysons area.
- Encourage affordable housing as a development option for infill sites, particularly in commercial areas and near employment concentrations.
- Prioritize using county and other government-owned buildings and land as sites for the provision of affordable housing.

- Promote and facilitate innovative site design and construction techniques and encourage the use of manufactured housing and manufactured housing components to provide affordable housing.
- Support the efforts of the FCRHA in producing a portion of these affordable housing units through the use of county resources and the approval of suitable housing sites.

AP-85 Other Actions – 91.220(k)

The following describes other actions to be taken as part of this FY 2023 One-Year Action Plan.

Actions planned to address obstacles to meeting underserved needs

To increase the supply of housing available to special populations, including those with physical and mental disabilities, people experiencing homelessness, low-income seniors, and large families, the county employs the following policies:

- Locate housing resources for special populations in all parts of the county to improve accessibility to employment opportunities, county services, and cultural and recreational amenities.
- Facilitate the development of single-room occupancy residences and other types of permanent housing for persons and families experiencing homelessness as well as others in need of such housing options.
- Enforce fair housing laws and nondiscriminatory practices in the sale and rental of housing to all citizens.
- Promote housing that is conveniently located to public transportation, community services, and amenities for seniors and people with disabilities.
- Encourage the creation of accessible or easily modifiable housing units for use by persons with disabilities.
- Participate in Virginia Housing’s Virginia Housing Registry, which serves as an information clearinghouse for landlords with and persons searching for accessible housing (see accessibility).
- Redesign the Domestic Violence service system, making sheltering services community-based.

The county will use regional approaches to address the impact of government regulations on the overall housing supply. Fairfax County advocates “fair growth” within the region, which is a strategy that requires regional cooperation to assure that sufficient land is planned and zoned for residential development. The strategy also reduces the reliance on land use planning and rezoning as a technique to control development.

Predicted job growth through 2032 will continue to increase competition for the supply of housing in Fairfax County. The goal is to develop a minimum of 10,000 new units in 15 years to address this predicted growth by identifying opportunities for increased housing development despite a decreasing supply of developable land (i.e., vacant land suitable for development) owing to the continued build-out of the county.

As Fairfax County becomes increasingly built out, it is increasing the housing supply by promoting mixed-income, transit-oriented residential development and through mixed-use commercial redevelopment.

Actions planned to foster and maintain affordable housing

The county is committed to encouraging the provision of affordable housing in all parts of the county. The following policies implement this objective:

- Expand housing opportunities in or near mixed-use centers to help persons employed in the county live near their jobs.
- Promote the development of multifamily housing in both mixed-use centers and existing residential areas to diversify the housing stock and expand lower-cost housing options (the Countywide Land Use policy adopted the Locational Guidelines for Multifamily Residential Development).
- Promote affordable housing opportunities throughout the county, particularly in areas where existing supply is low.
- Encourage the creation of affordable housing for persons with special needs via the zoning ordinance independent living provisions and voucher programs available for individuals with special needs.

Fairfax County strives to conserve stable neighborhoods and encourage rehabilitation and other initiatives that will help revitalize and promote the stability of older neighborhoods. Policies implementing this objective include the following:

- Ensure no net loss of affordable housing through market-affordable and committed affordable units.
- Help low- and moderate-income seniors and homeowners with disabilities stay in their homes via the Home Repair for the Elderly Program.
- Encourage redevelopment through tax abatement (details on the tax-abatement revitalization program are provided later).
- Improve and maintain existing housing and neighborhood quality by upgrading substandard housing and improving physical community facilities (e.g., streets, sidewalks, and lighting) in existing neighborhoods.
- Maintain housing quality in existing neighborhoods and preserve neighborhood stability through the abatement of “spot” blight.
- Facilitate improvement and maintenance of existing neighborhoods by initiating community development programs with as little displacement as possible and by incorporating affordable housing units as part of all major housing rehabilitation efforts.
- Retain existing below-market-rental housing through acquisition and subsidies such as rehabilitation assistance.
- Facilitate the retention of existing mobile home and manufactured housing communities identified in the area plans as appropriate for mobile home and manufactured housing use (the Countywide Land Use policy adopted the Guidelines for Mobile Home Retention).

Actions planned to reduce lead-based paint hazards

Fairfax County provides telephone consultation, literature, and private lead testing company referrals to citizens who seek information regarding lead-based paint or other potential environmental lead hazards in the community. The Fairfax County website displays a lead poisoning prevention page (<https://www.fairfaxcounty.gov/health/environment/lead>), which defines some of the major sources of lead in people's homes: dust from deteriorating lead-based paint primarily owing to opening and closing windows in pre-1978 homes, residual lead dust in residential soils, and lead pipes. In addition, the Fairfax County Health Department educates household members about reducing lead exposure. To reduce the risk of lead poisoning, the county recommends that residents remove peeling paint and chips from the home, not allow children to be present when scraping or cleaning up paint chips, minimize dust through frequent damp mopping of floors and using wet cloths to wipe down windows, and discourage children from playing in bare soil surrounding the home.

Actions planned to reduce the number of poverty-level families

Fairfax County has one of the highest median household incomes in the nation (estimated \$122,227 in 2018); however, ACS data indicates that an estimated 67,258 persons were living below the poverty level in 2018. Although the percentage of the population below the poverty level in Fairfax County is among the lowest of Virginia jurisdictions (5.9 percent), the number is the largest. Providing sufficient housing affordability to all income levels is key to reducing the number of housings at or below the poverty level in the county. Therefore, creating a minimum of 5,000 units of affordable housing in 15 years and no net loss of affordability are key components to reducing poverty in the county.

The CAAB advises the Fairfax County Board of Supervisors on the needs, concerns, and aspirations of low-income persons and recommends policies that promote meaningful change. The following are goals established by CAAB:

- Identify, review, and develop policies for low-income residents.
- Support increases in programs and services providing the greatest support to low-income families and individuals as well as actions minimizing reductions to such programs.
- Maximize opportunities to provide input based on identified priority areas.
- Oversee the disposition of CSBG funds, including researching and assessing community needs; facilitating public hearings for public input on low-income families and individuals; allocating funds; approving programs and contracts with community organizations serving low-income persons; and educating the Board of Supervisors and other county officials, other agencies and civic groups, the low-income community, and Fairfax County citizens in support of the CAAB mission.

Specific CAPs administered by Fairfax County that help reduce the number of poverty-level families include HCV, Transitional Housing, Permanent Supportive Housing, and the Family Unification Program.

The FCRHA's PROGRESS Center undertakes family self-sufficiency initiatives and links the FCRHA's residents with county resources to prevent eviction, assist with family crises, meet lease obligations, access mental health services, and participate in economic self-sufficiency programs.

The Fairfax County DHCD also administers the Rental Subsidy and Services Program, a locally funded rental subsidy program operated through a consortium of nonprofit organizations. The collaborative provides rental subsidies and an array of supportive services to program participants. Rental Subsidy and Services Program is intended to be a gateway to the county's Housing Continuum as part of the FCRHA's Moving to Work program.

Actions planned to develop institutional structure

Gaps and strengths related to the institutional structure were identified in SP-40 of the Consolidated Plan portion of this document. The county plans the following actions to address some of the gaps and weaknesses:

Strategy #1: Stimulate alternative affordable housing opportunities through development of a roommate referral program.

Those with disabilities and very low incomes who are not homeless but live in precarious housing situations and are unable to get on housing waitlists need other affordable alternatives. The county or a contracted entity can match between individuals who need housing and persons with safe, decent rooms to rent. Individuals could receive guidance on what to look for in a housemate, what questions to ask, how to check references, and how to develop a rental agreement.

Strategy #2: Expand the Housing Locator program to serve non-homeless individuals with disabilities in precarious housing situations.

Persons with low income and disabilities that live in precarious housing situations who are not homeless need assistance finding affordable alternatives that meet their needs. The county's Housing Locator Network prioritizes working with homeless populations, which keeps the program generally operating at capacity. Adding staff resources to serve non-homeless persons with disabilities living in unsafe, overcrowded, or unaffordable housing reduces the odds that these individuals become homeless.

Actions planned to enhance coordination between public and private housing and social service agencies

Human and social services agencies coordinate services in Fairfax County to help combat poverty and help low-income residents become self-sufficient. The CCFP is a countywide grant process for funding private community-based human services programs that meet community-identified needs. Beginning in 1997, the CCFP has been leveraging Fairfax County General Fund dollars with CDBG and CSBG to support programs that provide affordable housing and public services to low-income households and residents with special needs. The CCFP provides funding for programs and services that meet Fairfax

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County priorities, were developed based on community input, and reflect the most critical needs for a continuum of services and opportunities for stability, connectedness, well-being, and self-sufficiency for individuals and families. Critical needs include housing, literacy, educational development, financial stability, and health and support networks. Programs funded through the CCFP with CSBG funds are specifically targeted toward households with incomes at or below the poverty level.

The FCRHA, DHCD, DFS, and CAAB share responsibilities in combating poverty. The DHCD and DFS have entered into a cooperative agreement to make client referrals, share information about mutual clients (e.g., for determining rents), coordinate the provision of specific social and self-sufficiency services and programs to eligible families, and provide joint administration of programs.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The use of CDBG, HOME and ESG entitlement funds in Fairfax County are guided by the following Vision and Mission:

Vision

- A community that cares about its children, the elderly, persons with physical or mental disabilities, and those less able to meet their basic needs;
- A community that values creative endeavors, arts and diversity which creates a strong, diverse and vibrant community that cares about the strengths and needs of its residents, where all can live to the best of their abilities in thriving, supportive neighborhoods;
- A community that adequately supports its human services system to ensure optimal service delivery;
- A community that actively participates in the planning, needs assessment, priority setting and decision-making processes to allocate community resources to meet the needs of its citizens; and
- A community that addresses these needs by building dynamic, flexible partnerships among the public, private, and non-profit sectors, and community volunteers.

Mission Statement

The mission of the county is to maximize the effective and efficient use of resources in the Consolidated Plan through a citizen-driven, staff-supported process to develop and preserve affordable housing, promote healthy, thriving and safe neighborhoods, and provide quality, accessible human services that meet essential existing and emerging needs throughout Fairfax County.

A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70 percent of CDBG funds is used to benefit persons of low and moderate income. For CDBG, Fairfax County uses a three-year average to ensure compliance with the low moderate-income benefit. The three years to which this FY 2023 One-Year Action Plan is applicable are: 2021, 2022 and 2023.

The county program specific requirements for CDBG, HOME and ESG are listed below.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	139,186
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	139,186

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.	95.00%

Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70 percent of CDBG funds is used to benefit persons of low and moderate income.

HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(l)(2)

1. *A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:*

The county has no plan or required HUD approval to utilize other forms of investment not specifically eligible under Section 92.205.

2. *A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:*

The county has no plan to utilize HOME funding in FY 2021 for FCRHA direct homebuyer assistance activities under 92.254.

3. *A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:*

The county has no plan to utilize HOME funding in FY 2021 for FCRHA direct homebuyer assistance activities under 92.254.

4. *Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:*

Fairfax County does not currently utilize HOME funds to refinance existing debt.

Emergency Solutions Grant (ESG) Reference 91.220(l)(4)

1. *Include written standards for providing ESG assistance (may include as attachment)*

The Fairfax County CoC established a set of policies and procedures for the provision of financial and rental assistance that is funded by the federal ESG and other homeless assistance programs. These written standards were developed in collaboration for public and private partners from the CoC and are designed to follow the authorizing laws, regulations, and Federal Register Notices for the ESG program.

2. *If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.*

The Fairfax County CoC has established a coordinated assessment system described in detail in a document entitled "Coordinated Entry Policies & Procedures, 2nd Edition," which was published in March 2019. The manual details the written standards, policies, and procedures regarding the core elements of the CoC's Coordinated Entry System. It includes the standards for eligibility and the prioritization process for programs, policies for access and assessment, procedures for referrals and applications, tools, and requirements for filling vacancies. The system ensures that families and individuals who are experiencing or are at risk of homelessness can access the most appropriate assistance in a manner that is fair and efficient.

Most people seeking assistance contact a centralized, telephone-operated information and referral hotline operated by the Fairfax County Department of Neighborhood and Community Services' CSP office before being referred to emergency shelters or homelessness prevention and rapid rehousing assistance providers Homeless outreach services staffed by local nonprofit case managers, nurses from the Health Department, and mental health workers from the CSB work to engage unsheltered individuals. All homeless families and individuals are assessed in a manner that is consistent across programs using many standardized questions and tools, such as the VI-SPDAT. The assessments provide valuable information to homeless assistance providers and the system in making decisions as to where families and individuals should be referred to for assistance and who is prioritized for

the most resource-intensive programs.

3. *Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).*

ESG sub-awards to support Fairfax County contracts for emergency shelter, homelessness prevention, and rapid rehousing assistance were established through formal Fairfax County procurement processes. The allocations of ESG resources among the eligible program components is set by the CoC Collaborative Applicant in local government (i.e., the DHCD Office to Prevent and End Homelessness) in planning with the CoC membership and contracting nonprofit organizations.

4. *If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.*

As required by federal regulations, the Fairfax CoC includes formerly homeless individuals as members of the CoC board. In addition, a consumer advisory council reviews important policies and procedures with staff from the Office to Prevent and End Homelessness and provides valuable feedback based on the perspective of formerly homeless individuals.

5. *Describe performance standards for evaluating ESG.*

ESG program funding is primarily used to support homelessness prevention and rapid rehousing assistance in the Fairfax County CoC. A web-based Homeless Management Information System database application is used to record, measure, and evaluate data related to ESG-funded programs. There are four primary performance standards used to evaluate ESG-supported programs: (1) the number of families and individuals served over the course of a fiscal year; (2) the length of time that services are provided; (3) the housing destination of families and individuals exiting the program; and (4) the number of people that return to homelessness after being assisted with rapid rehousing. To increase the effectiveness and efficiency of homeless assistance programs, the goal is to increase the number of people assisted each year, reduce the length of time that services are provided, increase the number of people exiting programs to permanent housing destinations, and reduce the number of people that return to homelessness each year.



GRANTEE UNIQUE APPENDICES & ATTACHMENTS





County of Fairfax, Virginia

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

June 28, 2022

Mr. Chuck Bean, Executive Director
Metropolitan Washington Council of Governments
777 North Capitol Street, NE, Suite 300
Washington, DC 20002

RE: Executive Order 12372 Compliance

Dear Mr. Bean:

Pursuant to procedures outlined in Executive Order (E.O.) 12372 as issued by the U.S. Department of Housing and Urban Development (HUD), the Fairfax County Department of Housing and Community Development (HCD) is informing you that Fairfax County has no new public improvement projects, involving road and storm drainage system improvements, that it plans to implement under HUD's Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) awards and carryover funds for July 1, 2022 - June 30, 2023.

Attached is a copy of the Fairfax County Consolidated Plan One-Year Action Plan for FY 2023, which describes other activities the County plans to implement with CDBG and HOME funds.

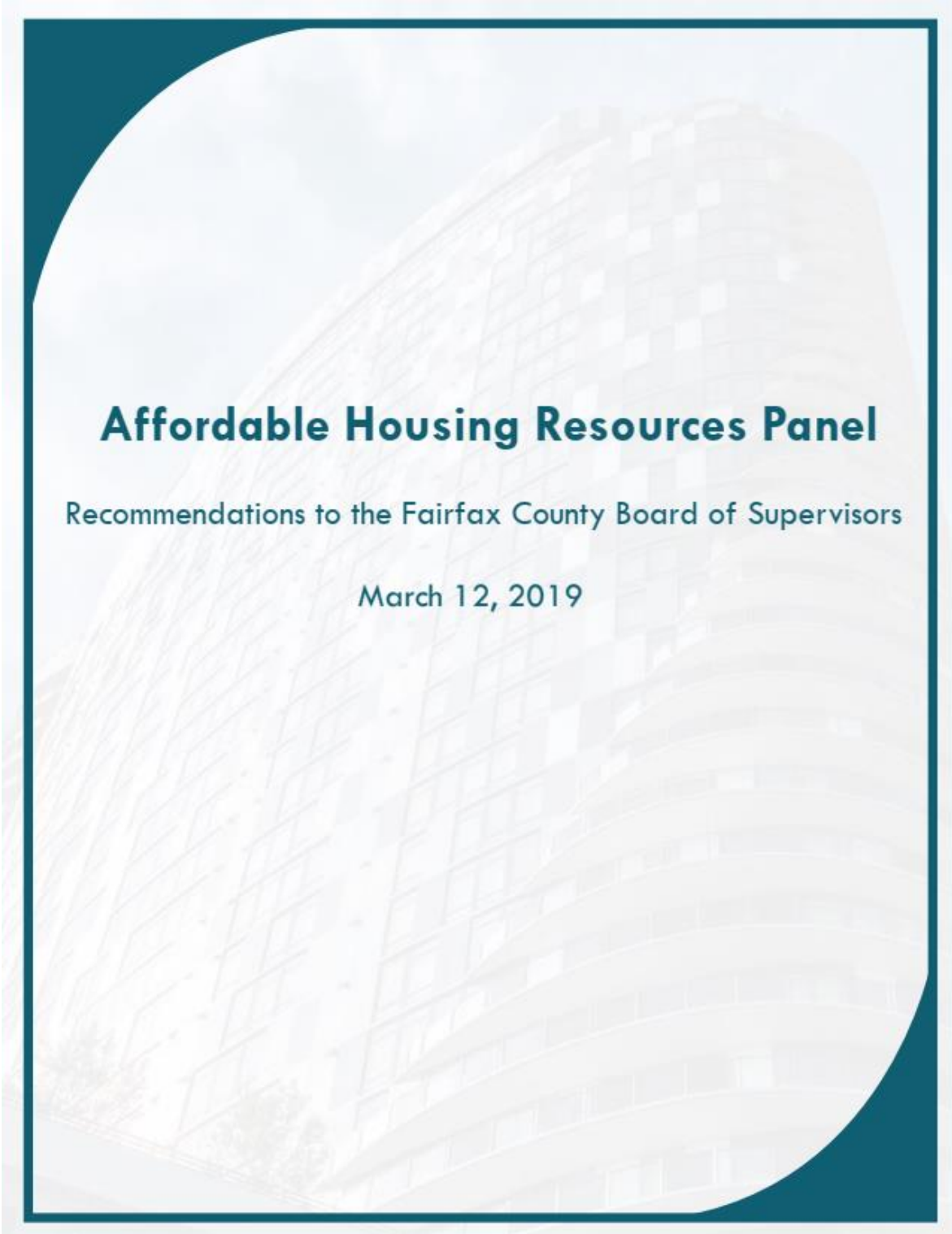
Should you have any questions, please contact me at 703-246-5166.

Sincerely,

DocuSigned by:
Laura Lazo
072F08C814AA8
Laura O. Lazo
Associate Director, Grants Management

cc: Michael D. Rose, Director, Community Planning and Development,
District of Columbia Field Office, HUD

Department of Housing and Community Development
3700 Pender Drive, Suite 300
Fairfax, Virginia 22030-6039
Tel. 703-246-5100 • Fax 703-246-5115 • TTY 703-385-3578
www.fairfaxcounty.gov/ha



Affordable Housing Resources Panel

Recommendations to the Fairfax County Board of Supervisors

March 12, 2019

The graphic features a background image of a modern, multi-story apartment building with a curved facade and many windows. The image is framed by a dark teal border with rounded corners. The text is centered on the page.

Affordable Housing Resources Panel

Co-chairs:

Kevin Greenlief
C. Melissa Jonas

Members:

Tom Bash
David Bowers
John Boylan
Carol Bradley
Mark Carrier
Karen Corbett Sanders
Sharron Dreyer
Bailey Edelson
Jim Edmondson
Rick Edson
Sol Glasner
Verdia Haywood
Edythe Kelleher
Stanley Koussis
Michelle Krockner
Rodney Lusk
Kamilah McAfee
Ava Nguyen
Mary Paden
Adam Parnes
John Payne
Soledad Portilla
Carmen Romero
Phil Rosenthal
Robert Schwanager
Nancy Scott
Tim Thompson
Mark Viani
Kerrie Wilson

**RECOMMENDATIONS OF THE AFFORDABLE HOUSING RESOURCES PANEL
Presented to the Board of Supervisors' Budget Committee on March 12, 2019**

OVERVIEW

In 2016, the Fairfax County Board of Supervisors (the Board) requested the development of a strategic plan for housing that would reflect the needs of the community, identify ways to meet future demand, and support economic growth. Based on this charge, the Communitywide Housing Strategic Plan (the Plan) was developed in two phases. Phase 1, created with oversight from the Affordable Housing Advisory Committee, identifies 25 specific strategies that can be implemented in the near future to strengthen the production and preservation of affordable and workforce housing (see Appendix 1). Phase 2 of the Plan, launched in the fall of 2018 and summarized in this document, outlines goals and long-term implementation strategies to build and preserve affordable housing which rely on additional resources for implementation.

To help guide the development of Phase 2 of the Plan, the Board appointed members to the Affordable Housing Resources Panel (AHRP). The AHRP was comprised of representatives from the nonprofit, private and public sectors and was charged with: 1) identifying a numeric goal of the number of housing units, affordable to households earning 60 percent or less of the Area Median Income (AMI), that should be preserved and developed over the next 15 years; and 2) developing recommendations on the resource investments needed to meet this numeric housing goal. The AHRP met monthly from October 2018 to February 2019 and was asked to submit recommendations to the Board in time for consideration of the Fiscal Year 2020 budget cycle, as part of the budget guidance.

Recommendations developed by the AHRP are organized under five strategic categories:

- Need, new production goals, and resources
- Preservation of affordable housing units
- Land use policies and regulations
- Institutional capacity
- Community awareness and legislative priorities

It is important to recognize that recommendations included in Phase 2 of the Plan were developed in conjunction with other community-led initiatives, including the Embark Richmond Highway Housing Advisory Group and the recommendations included in Phase 1 of the Plan. Of critical importance to achieving the housing goal recommended by the AHRP is the implementation of the One Fairfax policy, an overarching approach to ensure an inclusive community for all residents, and inclusion of affordable housing as a core component in Fairfax County's upcoming Countywide Strategic Plan. While the AHRP was not specifically charged with reviewing land use policies and regulations, these topics were discussed and are included in the Phase 2 recommendations as they are fundamental to addressing the shortage of affordable housing units in Fairfax County over the long term.

Finally, this report is born of the recognition that housing – affordable, inclusive housing – must truly be a top priority for Fairfax County, along with education, public safety and transportation. Like these other essential priorities, a healthy and inclusive housing market in Fairfax County will require sustained investment of public and private resources, innovation, and strong community engagement.

THE RECOMMENDATIONS

STRATEGIC CATEGORY ONE: NEED, NEW PRODUCTION GOALS, AND RESOURCES

The Headlines

- AHRP recommends a goal of producing a minimum of 5,000 new homes, as a floor, affordable to households earning up to 60 percent of the Area Median Income (AMI) over the next fifteen years
- AHRP recommends that the Board of Supervisors commit the equivalent of an additional penny on the real estate tax rate to support this production, starting in FY 2021

Behind the headlines: Phase I of the Communitywide Housing Strategic Plan identified the need for approximately 15,000 additional homes, affordable to households earning up to 60 percent of the Area Median Income (AMI) over the next 15 years, based on projected job and population growth in the county. Since its inception in the fall of 2018, the AHRP worked on strategies to address this need. Given the high cost of housing production in the county and recognizing the fiscal constraints, the AHRP agreed to recommend a goal of 5,000 new units, affordable to those at 60 percent or less of AMI, over the next 15 years. The AHRP also agreed that this goal is a “floor, not a ceiling” to be supplemented with additional financing mechanisms and tools to potentially increase the new production of affordable units above the goal of 5,000 units, with the aspiration of fulfilling the demand of 15,000 units.

The AHRP makes the following recommendations regarding resourcing and producing at least 5,000 new units, affordable at 60 percent or less of AMI, over the next 15 years (“5k by 15”):

- ***Primary Recommendation:*** Increase the “Penny for Affordable Housing Fund” by the equivalent of one additional cent on the real estate tax rate (in addition to the current half penny). Currently, the Board dedicates revenue commensurate with the value of one-half cent from the Real Estate tax rate to the fund, which equates to \$12.2 million in FY 2019. If enacted, the additional full penny would equate to approximately \$24.4 million (in current dollars) on an annual basis for the development of new affordable housing. The AHRP recommends the following conditions on the use of this revenue:
 - Funds must be used for capital purposes to support the creation of new homes that are affordable
 - Funds should be used primarily as Fairfax County Redevelopment and Housing Authority (FCRHA) loans for the private sector (for profit/nonprofit organizations), similar to how loans are made through the current Housing Blueprint funding process through the Affordable Housing Partnership Program (AHPP) platform.
 - Projects funded with these resources will be consistent with the goals of the Housing Blueprint; priority should be given to projects that incorporate housing opportunities for individuals emerging from homelessness and/or people with other special needs. Realizing that serving these categories requires more deeply subsidized units, opportunities to pair new development with project-based subsidies, such as federal Housing Choice Vouchers will be pursued.

- Funds will only be used directly by the FCRHA, for FCRHA projects, under the following conditions:
 - For acquisition/new construction housing for seniors and persons with special needs.
 - For acquisition of land for the purposes of facilitating a public/private partnership project such as North Hill, Residences at the Government Center, and The Fallstead.
 - For housing projects that are identified as a priority by the Board of Supervisors
- **Other critical recommendations:**
 - Proactively identify opportunities to co-locate affordable housing with bond-funded county capital facilities: The County should identify further opportunities, similar to the new Bailey's shelter, to co-locate affordable housing with bond-funded county capital facilities. As with the Bailey's shelter example, such opportunities are important to provide housing for vulnerable populations requiring permanent supportive housing. Opportunities for co-location with Fairfax County facilities should also be explored.
 - Consider a countywide proffer policy on commercial contributions that are used for affordable housing production. This recommendation prioritizes Strategy C3 in Phase 1 of the Communitywide Housing Strategic Plan, which calls for Fairfax County to assess its current policy for commercial contributions and re-visit the issue of a countywide commercial linkage policy. The AHRP recommends that staff explore a commercial linkage policy on a countywide basis, and that such policy consider and account for the unique investment needs of the county's revitalization areas.
 - Consider a policy directing the buyouts from ADUs and WDUs be used to support the production of new affordable housing units. This recommendation identifies an opportunity to ensure that any developer buyouts from Affordable Dwelling Units and Workforce Dwelling Unit obligations, which currently go into the Housing Trust Fund, be specifically directed to new housing production. Currently, proceeds from any buyouts may be used for a variety of eligible capital activities, including preservation and renovation of affordable housing properties, including those owned by the FCRHA. Consider changes to the baseline requirements in the ADU program, relative to applicability.
 - Redirect funds from the Housing Trust Fund into new production. This recommendation prioritizes Strategy C7 in Phase 1 of the Communitywide Housing Strategic Plan, which calls for Fairfax County to review option for restructuring the Housing Trust Fund (HTF). Currently, the HTF prioritizes several different types of projects; this recommendation calls for the Board to focus this funding entirely on the production of new affordable housing.

- Consider using the County's Economic Development Support Fund/Economic Opportunity Reserve to finance fees related to regulatory requirements and possibly other pre-development activities. In FY 2016, the Board directed staff to develop an Economic Development Support Fund (EDSF) to facilitate investments from the Economic Opportunity Reserve. It is recommended that the Board consider allowing the EDSF to provide loans through the FCRHA to finance development fees and other predevelopment costs which may prevent the county's development partners from pursuing an otherwise attractive affordable housing development opportunity. These funds could be made available through the FCRHA's already-existing Affordable Housing Partnership Program (AHPP) apparatus established by the FCRHA for the use of the Penny for Affordable Housing fund. The AHPP has the capacity to provide predevelopment loans, but has not had a source of capital to do so for several years. The EDSF presents such an opportunity.
- Proactively attract private capital for the development of affordable housing. As opportunities arise, the county should take advantage of programs or mechanisms for attracting private capital for affordable housing development, such as Opportunity Zones and tax-credit equity.
- Explore nonprofit developer tax relief from real estate taxes. Nonprofit developers, when assessing the practicalities of individual affordable housing projects, must account for real estate taxes. The county should explore the possibility of relief from these taxes for nonprofit developers and potentially their partners, so they can use those savings to provide for a higher number of affordable units per project.

STRATEGIC CATEGORY TWO: PRESERVATION OF EXISTING AFFORDABLE UNITS

The Headlines

- ***The AHRP recommends aspiring to achieve no net loss of "market affordable" rental apartments***
- ***The AHRP recommends committing the existing "half penny" with a priority for preservation projects***

Behind the headlines: According to research conducted by the Virginia Center for Housing Research at Virginia Tech, as of December 2018, there are approximately 9,500 housing units in Fairfax County that are considered "market affordable." For the purpose of this document, "market affordable" means apartments in rental complexes that are affordable to households earning 60 percent of AMI and below, and which are not subsidized or otherwise subject to rent restrictions.

The AHRP makes the following recommendations regarding the preservation of existing units that are affordable to households earning 60 percent or less of AMI:

- Reaffirm the commitment to no net loss of existing market affordable units in Fairfax County. The county's stock of "market affordable" rental homes is facing three critical pressures:
 - 1) Redevelopment of older apartment complexes;
 - 2) The renovation and/or "repositioning" of previously affordable properties, and, most significantly,
 - 3) Incomes are not able to keep pace with the increases in rent.

It is recommended that the Board adopt a principle that, to the extent feasible, there should be **no net loss of market affordable housing units in the county**, recognizing that the preservation of these resources can take many forms that commit them as affordable. Preservation can include: the preservation and renovation of an existing development, the provision of replacement units, and other options. The Board should commit to preserving or replacing as many of the 9,500 market affordable units as is feasible, and direct staff to track the status of the county's market affordable rental complexes and report to the Board on a regular basis.

- Prioritize the current funding of a "half penny" in the Penny for Affordable Housing Fund to support preservation. As previously described, the Board currently dedicates revenue commensurate with the value of one-half cent from the Real Estate tax rate to the Penny for Affordable Housing Fund. The Board should commit that this revenue, currently valued at approximately \$12.5 million per year, will be used to support efforts to preserve affordable housing similar to how the FCRHA preserved units at the Parkwood and Huntington Gardens projects. These funds would be provided in the form of loans through the FCRHA. The use of this funding should be opportunity driven and made available on a "rolling" basis through the AHPP platform, as was the case with the original allocations of the Penny for Affordable Housing fund.

STRATEGIC CATEGORY THREE: LAND USE POLICIES AND REGULATIONS

The Headlines

- *AHRP recommends that the development of a package of innovative land use policies be developed to further facilitate the development of affordable housing beyond the "floor" of 5,000 units*
- *The land use package should be a top priority of the new Deputy County Executive for Planning and Development*
- *AHRP-developed menu of land use options recommended for consideration by staff*

Behind the headlines: Although it was not charged by the Board to provide recommendations on land use policies and regulations, the AHRP strongly feels that affordable housing should be considered a top

priority relative to land use planning. **AHRP recommends that the Board direct county staff to develop a package of innovative land use policies to further facilitate the development of affordable housing beyond the stated goal of 5,000 units.** The Board should further identify as a top priority of the new Deputy County Executive (overseeing land development services and planning and zoning) the development and implementation of a package of such policies. Implementation of some of these policies could be effectuated through a concerted effort, led by the new Deputy County Executive, to modernize the Housing Policy Plan in Fairfax County's Comprehensive Plan. The suggested menu of options for consideration includes:

- A regulatory toolbox, including items such as flexibility in parking regulations, decreased processing time, moderation and/or bonding of development fees.
- A land use toolbox, including items such as:
 - *Recommendations of the Affordable Housing Advisory Committee's (AHAC) Land Use Work Group* – In March 2017, AHAC's Land Use Work Group issued high-level recommendations that are intended to assist the county in meeting the needs for affordable housing opportunities (see Appendix 2).
 - *Exploring a transfer of development rights program to facilitate the preservation and development of new affordable housing* – Transferable development rights are those which can be voluntarily transferred or sold by respective landowners from their land to any other developer who can use these rights to increase the density of development at another agreed upon location.
 - *Bonus density and height exceptions* – Incentives such as density bonuses and height exceptions have been successful regulatory and policy tools. Staff should evaluate existing density bonus provisions and pursue identifying potential new programs to account for the replacement of affordable housing to potentially include discounting such housing from density calculations that are near Metro stations.
 - *Decreased parking expectations for affordable housing developments* – The county should explore reduced parking for affordable housing developments, or providing an incentive to produce more affordable housing in exchange for parking reductions. As an alternative, the county may wish to consider a sliding scale depending on a development's proximity to a Metro station.
 - *Tax Increment Financing to offset infrastructure and other development costs* – Tax Increment Financing allocates future increases in property taxes from a designated area to pay for public improvements within that area. These improvements could include affordable housing as part of a larger development effort.
 - *Partnerships with houses of worship* – Houses of worship often have underutilized land that could be appropriate for housing, particularly housing for vulnerable populations. Working with regional partners, the county should increase education and awareness about opportunities for housing development on land owned by faith communities, and connect these communities with available technical and financial assistance.

STRATEGIC CATEGORY FOUR: INSTITUTIONAL CAPACITY

The Headlines

- *The AHRP recommends that the Board evaluate the personnel capacity of the county's regulatory agencies relative to affordable housing, and make specific new investments in the Department of Housing and Community Development*

Behind the headlines: The AHRP recognizes that more institutional capacity is needed within the county's agencies that support the creation of affordable housing at the level required to meet and exceed the recommended goal of 5,000 new units in fifteen years. This will be particularly true if the county increases the Penny for Affordable Housing Fund. **The AHRP makes the following recommendations regarding institutional capacity within the county's workforce:**

- Evaluate the need for additional investment in the personnel capacity of the county's regulatory agencies to assist affordable housing land use policy and regulatory issues.
- Commit to an investment in personnel capacity in the Department of Housing and Community Development (HCD) to provide funding for at least three positions that will provide additional coordination, expertise/capacity in development, preservation and sustainability. Positions would be supported by General Funds at approximately \$375,000 per year. These resources would establish 1) a "housing in all policies" manager to coordinate with the county's planning and regulatory/development agencies in a manner similar to the Health In All Policies manager at the Health Department, and 2) create additional staff capacity within HCD to administer existing programs. These dedicated resources are especially important given the expectation of new production, the complexity of the issues and the types of skills necessary to achieve the goals.

STRATEGIC CATEGORY FIVE: COMMUNITY AWARENESS AND LEGISLATIVE PRIORITIES

The Headlines

- *The AHRP recommends that the Board ensure that affordable housing has a prominent place in its annual legislative program, and continues to be a focus of the county's federal legislative efforts*
- *The AHRP also recognizes that community awareness of and support for housing affordability is essential to sustained success*

Behind the headlines: As evidenced by the development of the Communitywide Housing Strategic Plan, the Board has demonstrated its commitment and understanding that affordable housing is critical to economic development, family self-sufficiency, and the success of all children in Fairfax County. The AHRP calls for the Board to continue to elevate this issue – legislatively, economically, and across all industry sectors. For example, legislation that promotes affordable housing (e.g., exploring the implementation of authorizing legislation relative to development fees) should be a key focus of the

Board of Supervisors, as should actively pursuing affordable housing funding opportunities and supporting legislation opportunities that preserve or enhance the Board's local land use authority. The Virginia General Assembly should be encouraged to make efforts to provide more funding (e.g., increasing its allocation to the Housing Trust Fund) and allow local jurisdictions more revenue authority and flexibility in order to better address critical needs such as affordable housing. Therefore, affordable housing should be even more prominently featured as a priority in the Board's annual state legislative program.

We, as a community, also learned during the recent federal shutdown that our ability to deliver housing supports to the most vulnerable individuals and families in the county are deeply dependent on the continued availability of federal housing resources. The county should continually emphasize the importance of the federal programs that we use so effectively in our community with our federal elected officials, and help them advocate for more resources. These federal programs, including but not limited to Housing Choice Vouchers, the Continuum of Care, Emergency Solutions Grant, Community Development Block Grant, and HOME, all help make our community more livable for the most vulnerable among us.

The Board must also ensure that that the progress on these issues is tracked and reported regularly, to ensure continued community engagement in this issue. The AHRP recommends that staff develop a "dashboard" that provides a high-level summary of progress on these recommendations. The dashboard should also be used for the 25 strategies that were developed in Phase 1 of the Communitywide Housing Strategic Plan, which must not be forgotten (The Phase 1 Report is included as an Appendix to this document). It is also recommended that the Affordable Housing Advisory Committee (AHAC) be reconstituted and charged with monitoring progress and providing advice as these issues move forward, and that the AHRP (or a group like it) be reconvened in five years to reassess the recommendations in this report.

Finally, the AHRP recognizes that local government cannot solve this issue on its own. Our residents, and the business, faith, and nonprofit communities must come together to meet and exceed the "5k by 15" goal. Concerted efforts must be undertaken to bring all parties to the table. By adopting the recommendations made by the AHRP, Fairfax County is leading the way. The Board must ensure that we are leveraging current investments, helping our taxpayers and the business community understand the economic development advantages of affordable housing development, and working hand-in-hand with nonprofit partners to create an environment where all households can live and work in Fairfax County.

APPENDIX 1



Communitywide Housing Strategic Plan



June 2018
A Fairfax County, Va publication

Executive Summary:

Fairfax County is a great place to live and to do business. However, a lack of housing options is putting the County's well-being and future prosperity at risk. One in five renters in the County pay more than 50 percent of their income for housing, requiring them to make difficult choices among what necessities they are able to afford. In the next 15 years, over 18,000 new housing units will be needed for households earning less than 80 percent of the Area Median Income. These are just two examples that illustrate the need for more price-appropriate housing in Fairfax County.

Without a sufficient supply of housing—affordable to individuals and families all along the income spectrum—Fairfax County will not be able to reach its full economic development potential and remain a first-class community. The Fairfax County community has come together in recent years to develop the *Strategic Plan to Facilitate the Economic Success of Fairfax County* to support a strong economic development strategy, and the *One Fairfax Policy* to support inclusivity and shared prosperity. This **Communitywide Housing Strategic Plan** (the Plan) marks a continuation of Fairfax County's emphasis on building and maintaining a vibrant, resilient community.

The Board of Supervisors requested the Plan and it was developed by the Department of Housing and Community Development (HCD) and the Affordable Housing Advisory Committee (AHAC) to address the significant need for price-appropriate housing options for current and projected residents of Fairfax County. **Phase 1** of the Plan identifies 25 short-term strategies that can be implemented without major policy changes or significant sources of new revenue to start the process of creating more housing options for future and current County residents and workers. **Phase 2** of the plan, to be developed subsequent to Board approval of Phase 1, will include longer-term strategies for developing new tools, policies, and resources to support the production, preservation and access to housing that is affordable to all who live and work in our community.

This document accomplishes Phase 1 of this communitywide effort – 25 strategies that represent near-term, measurable action items that will have a significant impact. They are organized under four broad categories:

- **Modernizing FCRHA / HCD Administration and Processes:** making existing processes more efficient, using existing resources more innovatively, and leveraging partnerships to support the development and preservation of the continuum of affordable housing
- **Land Use and Zoning Tools:** identifying ways to use land more creatively to build partnerships and expand housing options
- **Funding Sources and Uses:** deploying existing resources more efficiently and focusing existing efforts on those most in need
- **Housing for Vulnerable Populations:** ensuring the continuum of housing options through making affordable and accessible housing options available for persons with disabilities, seniors, and extremely low-income individuals and families, including those transitioning from homelessness

These strategies are immediate steps that can be taken to address the need for more price-appropriate housing in one to two years. It is clear, however, that Phase 2 of the Plan – a long-range implementation and resource plan – will be necessary to address the 62,184 new housing units that will be needed in Fairfax County in the next 15 years. The market, alone, will not produce the necessary housing options for Fairfax County's future.

The Fairfax County Department of Housing and Community Development and the Fairfax County Affordable Housing Advisory Committee are proud to share Phase 1 of the Fairfax County Communitywide Housing Strategic Plan.



Why a Strategic Plan for Housing?

Fairfax County is an extraordinary community with an exceptionally strong local economy and high quality of life. The median income for a household of four is \$110,300, making it one of the highest-income areas in the country. However, in a county of approximately 1.2 million people, thousands and thousands of households are living paycheck-to-paycheck due in large part to severe lack of price-appropriate housing. "Price-appropriate housing" means housing that costs 30 percent of the household's annual gross income or less. In other words, all households in Fairfax County, regardless of income, should have a variety of housing options they can afford.

Fairfax County's reputation as an exceptional place to live, and its position as a place where businesses want to locate and stay, is threatened by the lack of price-appropriate housing for all of its residents and workers. When everyone has access to housing that is affordable for them:



Positive outcomes are more likely for families and children, including better educational outcomes for children and better health outcomes for people of all ages¹

People have better prospects for upward economic mobility and self-sufficiency



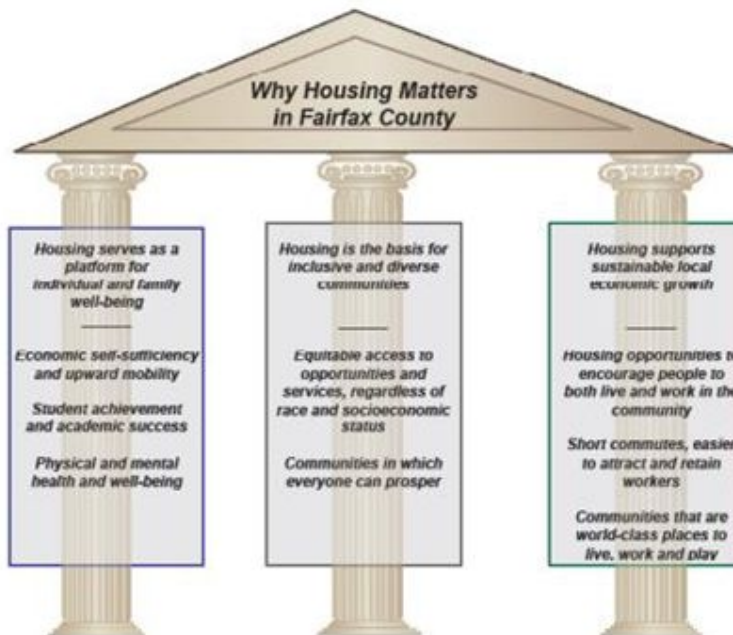
Employers can hire workers who are able to live close to where they work, and there is less congestion on our roads

Persons with disabilities have access to housing that is appropriate for their needs and the elderly are more able to age in place



Simply put, Fairfax County is at a crossroads. Wage growth is not keeping pace with the cost of and demand for housing and families, particularly those that would be considered low- or moderate-income, are falling further and further behind. The economic viability of Fairfax County is at stake, as evidenced by Fairfax County's 2015 *Strategic Plan to Facilitate the Economic Success of Fairfax County*. Furthermore, the lack of a range of price-appropriate housing in the county hinders the full implementation of the county's *One Fairfax* policy, which calls for equitable access to communities of high-opportunity.

¹See, for example, Brennan, Maya, Lisa Sturtevant and Patrick Reed. 2014. *The Impacts of Affordable Housing on Education*. Washington DC: National Housing Conference; and Viveiros, Janet, Mindy Ault and Nabihah Maqbool. 2015. *The Impacts of Affordable Housing on Health: A Research Summary*. Washington DC: National Housing Conference.



How Housing Supports the County's Plan for Economic Success

Housing affordability is critically important for ensuring that businesses want to locate to Fairfax County and then stay here. The Economic Success plan lays out six broad goals to maintain, diversify, and enhance the strong and vital Fairfax County community in order to sustain and grow our economic prosperity:

1. Further Diversify our Economy
2. Create Places Where People Want to Be
3. Improve Speed, Consistency and Predictability of the Development Review Process
4. Invest in Natural and Physical Infrastructure
5. Achieve Economic Success through Education and Equity
6. Increase Agility of County Government

Housing is an important element in every single goal. When advocating as a community for more price-appropriate housing, we fail to effectively communicate why it is important. We fail to discuss its value; how it is the foundational element of economic resilience and competitiveness in local communities. How it improves the local tax base and stabilizes family units. How communities benefit from public investments; ensuring that opportunities for individuals and families of all income levels are available.



The Urban Land Institute reports that more than half of the large companies with more than 100 employees cite a lack of price-appropriate housing near their business as a significant challenge; and 58 percent of the companies claim to have lost employees due to burdensome commutes. By having housing that is affordable, employees are able to live where they work and support the local economy. In addition, having a larger pool of waged workers makes for a more attractive location for businesses to relocate, which in turn, improves the commercial tax base so that local government is less reliant on residential real estate property taxes. It's all connected.



It is time we start the conversation about the economic benefits of having price-appropriate housing in our communities. It is time to start showing that it is more than housing assistance; that it is a valuable economic resource that benefits us all. Price-appropriate housing is good for the local economy, improves the local tax base, stabilizes family units, allows workers to live where they work, and provides opportunities for individuals and families of all income levels. It is not just an issue for the lower-income and underserved populations - it benefits us all.

How Housing Promotes Equity

In addition to the connection between housing and the county's economic success, price-appropriate housing is directly connected to the success of households at the individual level. National research bears out the correlations – having homes that are affordable correlates to better mental health, less stress for our children, more economic mobility; just to name a few examples. One connection that is particularly important in Fairfax County is the one between housing and the ability to ensure equitable access to communities of opportunity.



The Fairfax County Board of Supervisors and the Fairfax County School Board adopted the One Fairfax racial and social equity policy in 2017, to ensure all individuals in our community have an opportunity to reach their highest level of personal achievement. Stable, affordable and high-quality housing is the key to increasing access to opportunities and ensuring all residents can prosper.

As a community, we can agree that where a person lives – and the associated opportunities and services present in that neighborhood – should not be a leading determinant in the health of their family. In fact, a person's ZIP code is a stronger predictor of his or her overall health than other factors, including race and genetics. And it's not just life expectancy – access to care, access to health information, and quality of life are all affected by where one lives. Fairfax County policymakers, as well as affordable housing developers, have an opportunity to create a comprehensive and thoughtful approach to the planning for new housing that can play a role in driving socioeconomic integration, reversing racial disparity trends, eliminating institutional or structural racism, and ensuring that outcomes and opportunities for all people in our community are no longer predicted by where a person lives.

In fact, a person's ZIP code is a stronger predictor of his or her overall health than other factors, including race and genetics. And it's not just life expectancy – access to care, access to health information, and quality of life are all affected by where one lives.²

Objectives of the Strategic Plan

The Fairfax County Board of Supervisors requested the development of the strategic plan for housing in 2016, and the Affordable Housing Advisory Committee (AHAC) took primary responsibility for overseeing the development of the plan. AHAC led a communitywide effort that benefited from input from residents and employers through numerous public meetings, one-on-one conversations, and an online survey. More than five thousand members of our community contributed their voices to the plan over the past year. As a result, the plan reflects the shared desire to maintain and grow our extraordinary community.



There were several objectives for this strategic planning process:

- To create a **shared community vision** of how housing supports local economic growth and community sustainability
- To **quantify the housing needed** to accommodate future growth and support the County's economic sustainability
- To develop **specific, measurable, and actionable strategies** for meeting Communitywide housing goals
- To identify the **program and policies, and specific funding sources**, that will be required to address housing needs in **5, 10, and 15 years even as we experience current housing shortages**

It is anticipated that this document will be the first step in a two-part process, identifying the need in our community, setting targets for housing production, and suggesting initial implementation steps that can be addressed in the next one to two years. The second, and more challenging step, will be identifying long-term implementation strategies, and the additional resources needed to carry out those strategies.

² Graham, Garth, Ostrowski, MaryLynn and Alyse Sabina. Defeating The ZIP Code Health Paradigm: Data, Technology, And Collaboration are Key.

Housing Needs

More price-appropriate housing is needed in Fairfax County at a range of income levels, in both the rental and homeownership markets. The national post-recession recovery has been slow and has had a particularly strong impact on Fairfax County due to housing costs that have continued to rise even as incomes have stayed flat or risen moderately; and due to the region's dependence on federal government contracting. In fact, it has become increasingly difficult for many households to find housing they can afford in Fairfax County. Between 2010 and 2015, the average rent in Fairfax County has increased 17 percent and typical home prices for single-family homes, town homes and condominiums were up 15, 23 and 27 percent respectively. Over the same period, the average household income in the County increased by only 10 percent and for many low-wage workers incomes did not increase at all.

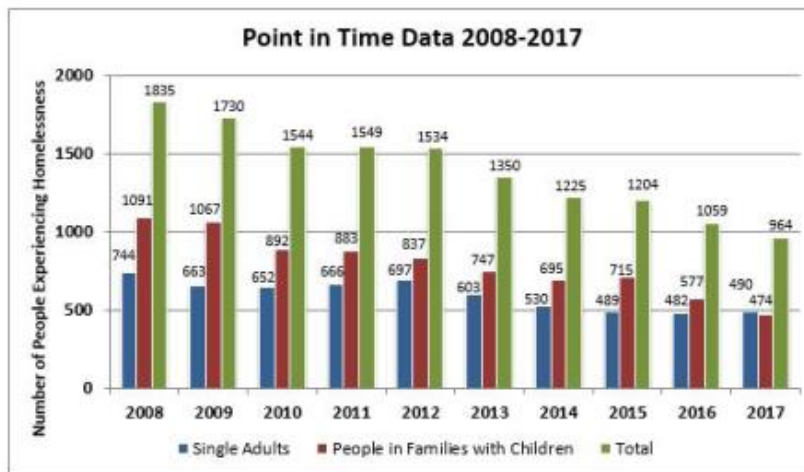


There are more individuals in the County who are cost-burdened due to housing (115,000) than over 90 percent of the total populations of counties in the Commonwealth of Virginia.

As housing costs, particularly rents, increase more than incomes, households find themselves more likely to be cost-burdened. The U.S. Department of Housing and Urban Development (HUD) defines "cost-burdened" as any household that spends more than 30 percent of household income for mortgage costs or gross rent. Households spending more than 50 percent are considered to be "severely cost-burdened." In Fairfax County, according to the most recent American Community Survey, 44.3 percent of renters (more than 55,000 households) and 22.9 percent of homeowners (more than 60,000 households) in Fairfax County spend more than 30 percent of their income on housing. This means that there are more people in the County who are cost-burdened (115,000) than over 90 percent of the total populations of counties in the Commonwealth of Virginia.

Current Housing Needs for Vulnerable Households

While the cost-burden situation is problematic for any household that pays more than 30 percent of their income in housing costs, it can become a crisis for those households with extremely low-incomes or those with fixed incomes. For example, the lack of price-appropriate housing in the county has a direct connection to the cause of much of the homelessness in Fairfax County. The Fairfax County Board of Supervisors recognized this when they endorsed the "Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community" in 2007. Much progress has been made since then in reducing the overall number of homeless households in our community and yet our most vulnerable residents continue to be at risk of housing instability and homelessness. On the night of the January 2017 Point in Time count, nearly 1,000 people in Fairfax County were homeless³. Low incomes and expensive housing are the main reasons for homelessness.



In addition to those households that are experiencing homelessness, more than 70,000 Fairfax County residents have a disability. Data shows that individuals with disabilities are much more likely to have extremely low-incomes and often face a compounded problem - finding housing that is price-appropriate AND has the accessibility features they need to live comfortably in their homes. Similarly, our elderly neighbors, many of whom have worked in Fairfax County throughout their careers and have contributed to their communities and the local economy, are having difficulty affording their homes on fixed incomes. Compared to all households in Fairfax County, a larger proportion of households with at least one person who is 75 or older have very low-incomes. Elderly households present the second greatest need for more affordable housing, behind small family households and singles. As housing costs increase, more senior households will likely become cost burdened or more cost burdened, since many elderly households have relatively fixed incomes.



³ Metropolitan Washington Council of Governments. 2017. Homelessness in Metropolitan Washington Results and Analysis from the Annual Point-in-Time (PIT) Count of Homeless Persons

Current Housing Needs for Low- and Moderate-Wage Workers

Individuals and families with the lowest incomes face the greatest challenges finding housing they can afford. These households include many workers who are essential to the Fairfax County community. For example, a typical retail salesperson in the County earns less than \$30,000 per year. Restaurant workers, housekeepers, childcare providers, home-health aides, bus drivers and security guards in Fairfax County also have an average income of around \$30,000⁴. Working households earning \$30,000 per year can only afford to pay \$750 per month for housing, but the average rent in Fairfax County is more than \$1,700⁵.

Many public sector workers who serve the Fairfax County community cannot afford to live here.

The average monthly rent in Fairfax County was \$1,764 in 2015. You need an income of at least \$70,560 to afford the typical rent.

	Teacher Starting Salary - \$47,046 Would need to work 11 years before earning enough to rent the average one bedroom unit.
	Police Officer Starting Salary - \$50,265 Would need to work 5 years before earning enough to rent the average one bedroom unit.
	Public Health Nurse Starting Salary - \$51,254 Would need to work 6 years before earning enough to rent the average one bedroom unit.

Sources: U.S. Census Bureau, 2015 American Community Survey; Economic, Demographic and Statistical Research, Fairfax County Department of Neighborhood and Community Services

These workers are a critical component of our local economy and they deserve to have an opportunity to live and work in Fairfax County. What happens when working families earning low wages cannot find housing they can afford? In many cases, they live in overcrowded housing or commute to Fairfax County from other jurisdictions. Overcrowded housing continues to be a critical challenge in Fairfax County, with a total of 4,640 households overcrowded (1.01-1.5 people per room), and nearly 1,900 households severely overcrowded (more than 1.51 people per room). The majority of overcrowded households include at least one child and have incomes below 50 percent of Area Median Income (AMI). Given the prevalence of children in overcrowded households, families in our community may be "outgrowing" their housing units, but at the same time are unable to afford a larger home they can afford.

The majority of overcrowded households include at least one child and have incomes below 50 percent of AMI.

4 National Housing Conference, Paycheck to Paycheck 2016
5 2015 American Community Survey

The Challenge of Homeownership

In addition to the difficulty in finding price-appropriate housing options in the rental market, increasingly, high housing costs in Fairfax County burden households with middle and higher incomes and put homeownership opportunities out of reach. Households with higher incomes occupy many of the homes that would be affordable to low-income households. For example, 67 percent of the owned or for-sale housing stock that would be affordable to very low-, low- and moderate-income households is occupied by households with income greater than is required to comfortably afford those units, indicating that homebuyers with lower incomes face intense competition for affordable homes from households with higher incomes.

Many workers, including Millennials and young families, find they are not able to afford to buy a home in our community. The ability of young households to purchase a home in Fairfax County has dropped precipitously over a ten-year period. In 2005, more than half of 25- to 34-year olds in Fairfax County (52.9 percent) were homeowners. In 2015, only 38 percent of young adults in their late 20s and early 30s living in Fairfax County own a home. Recent research has shown that the desire for homeownership among young adults is as strong now as it has ever been, but this cohort faces new obstacles—including rising debt and fewer affordable homeownership options—which are leading to delays in home buying⁶.



Future Housing Needs

Our community already faces a deficit of more than 31,000 rental homes affordable to low-income individuals and families. Over time, the gap between the need and the supply will grow considerably without new approaches for expanded housing availability and affordability. Over the next 15 years, the County is expected to add more than 62,000 households, primarily working households⁷. These are household projections based on the County's analysis of recent growth and the capacity for residential development based on current land use and zoning. To support sustainable population growth and bolster our economy, it is important to think about how we plan for price-appropriate housing to address the current housing gap and to meet the needs of the growing workforce.

⁶ See, for example, Thompson, Derek. 2016. *Millennials: The Mobile and the Stuck*. The Atlantic. August 24.
⁷ For background on the County's forecasts, see *Demographics Report 2016 County of Fairfax, Virginia*, available online <https://www.fairfaxcounty.gov/demograph/demrpt/report/ldrpt.pdf>.

As our community grows—it will need to grow in order to ensure economic vitality and prosperity—the County will add workers and families all along the income spectrum. Based on projections from the County and George Mason University (GMU), over the next 15 years, the County is expected to add:

- **4,591 extremely low-income households (income <30% AMI)**
- **8,443 very low-income households (30-50% AMI)**
- **5,588 low-income households (50-80% AMI)**
- **9,048 moderate-income households (80-100% AMI)**
- **11,929 households with incomes between 100 and 120% of AMI**
- **22,585 households with incomes above 120% of AMI⁸**

While housing production has been on the rise since the Great Recession, Fairfax County is not producing enough housing to close the existing housing gap and will not be able to meet future housing needs. The County would need to add 4,146 new units each year for 15 years to meet the 2032 target above, but the County issued building permits for only 3,720 units in 2004 at the height of building in the 1992-2016 period, before heading into the housing bubble. Without incentives or other changes that reduce the cost of building or removal of disincentives for building, the opportunity for the County to deliver more than 3,720 units in a single year seems unlikely.

These forecasts also suggest that over the next 15 years, there will be demand for 18,622 homes affordable to households with incomes below 80 percent of AMI (29.9% of total new homes needed). Given housing market conditions in the Washington DC region and in Fairfax County, it is challenging to build new housing with rents or prices that are affordable to households at this income range without some form of subsidy. There are several reasons why lower-cost housing isn't produced in our community:

- High costs of land and construction make it difficult to provide sufficient housing at more moderate prices and rents;
- Federal, state and local regulations add to the cost of building housing, and these added costs are passed along to residents in the form of higher rents and prices; and
- Opposition to new construction or increased density from existing Fairfax County residents results in too little housing being built, limiting supply and putting upward pressure on prices and rents.

The private market meets the demand for housing for higher-income households; however, housing for low-income households is difficult and expensive to provide. In order to develop new housing—or often to preserve existing housing—at rents or prices that are affordable to our community's low- and moderate-income residents and workers, it is necessary for there to be some type of subsidy, either a financial subsidy provided in the form of a low-interest loan, grant or tax credit, a subsidy in the form of reduced land costs, an incentive in the form of an increase in the allowable density, a reduction in development approval requirements—or all of the above.

⁸ See Appendix for details on methodology.

Strategies to Expand Housing Options in Fairfax County

In order to ensure that our community remains vibrant and diverse, and that our economy is strong and resilient, we must take action to ensure that there is enough housing—of the right types and at rents and prices that are affordable—to support growth in the County’s workforce and broader community, and that current and anticipated housing needs are met.

Fairfax County’s Housing Blueprint was a first step in achieving this vision, as it has focused affordable housing policies and resources on serving those with the greatest need, including homeless families and individuals, persons with special needs, and households with extremely low-incomes. The overarching principle of the Blueprint is that home affordability refers to a continuum of income and ability. The research and outreach conducted as a part of this strategic plan has re-affirmed this principle and the four main goals of the Blueprint:

1. To end homelessness in ten years;
2. To provide affordable housing options to special needs populations;
3. To meet the affordable housing needs of low-income working families; and
4. To increase workforce housing through creative partnerships and public policy

To meet the full range of housing needs in our community, and particularly the housing needs of individuals and families who earn below 80 percent of AMI, it will be necessary for the County, the Fairfax County Redevelopment and Housing Authority (FCRHA), non-profits, the faith community, and local businesses and employers to come together to find ways to help fill the gap between what it costs to build housing in our community and the prices and rents that our workers, seniors, vulnerable populations and others can afford.

In Fairfax County there already exists a range of policies, programs and partnerships designed to address the community’s needs as identified in the County’s Housing Blueprint⁹, examples of which include:

TO END HOMELESSNESS IN TEN YEARS

- Administering the Bridging Affordability Program
- Providing a homeless preference in the FCRHA’s federal rental programs

TO PROVIDE AFFORDABLE HOUSING OPTIONS TO SPECIAL NEEDS POPULATIONS

- Facilitating home repairs for older individuals to help them stay in their residences
- Providing affordable adult housing and assisted living facilities
- Providing state-funded rental assistance to persons with developmental disabilities
- Owning and managing 818 senior and specialized housing units

TO MEET THE AFFORDABLE HOUSING NEEDS OF LOW-INCOME WORKING FAMILIES

- Assisting individuals in crisis, to ensure they can maintain their housing assistance
- Owning and managing over 3,000 affordable multifamily rental units

TO INCREASE WORKFORCE HOUSING THROUGH CREATIVE PARTNERSHIPS AND PUBLIC POLICY

- Fostering the creation of affordable and workforce units by non-profit and for-profit developers
- Administering the First-Time Homebuyers Program to assist low- and moderate-income prospective buyers with information on homeownership and opportunities to meet with lenders

⁹ The Housing Blueprint was created in the wake of the 2007 recession to focus affordable housing policies and resources on serving those with the greatest need, including homeless families and individuals, persons with special needs, and households with extremely low-incomes.

Phase 1 of the Communitywide Housing Strategic Plan contains 25 specific strategies Fairfax County can take within one to two years and with no new additional public resources to begin to produce and preserve more affordable and workforce housing. However, it is clear that in the mid- and longer-term, new and substantial resources will be required to ensure that all County residents and workers who want to live in the County—including those with the lowest incomes and the most vulnerable economic situations—can have access to safe, stable and affordable housing. These Phase 1 strategies are intended to be adopted as a full package of actionable steps; will require inter-departmental coordination and participation from the business and non-profit communities; and will set the groundwork for longer-term, more comprehensive strategies that will be detailed in the forthcoming Phase 2 of the Plan.

A. Modernizing FCRHA/HCD Administration and Processes

Within the Fairfax County Department of Housing and Community Development (HCD) and the Fairfax County Redevelopment and Housing Authority (FCRHA), there are opportunities to make existing processes more efficient and to use existing resources more innovatively to leverage partnerships, bringing non-local money to the County to support the development and preservation of housing. These recommendations involve modifications to existing procedures within HCD and the FCRHA, as well as a move towards re-positioning FCRHA assets to use them more efficiently.

A1. Streamline the Housing Blueprint Application Process to Better Align with the LIHTC Application Process. The Low Income Housing Tax Credit (LIHTC) program is the primary way that new affordable housing developments are financed and is a source of substantial non-local funding for new and preserved housing in Fairfax County. With small changes to its Housing Blueprint application process and with increased communication with the developer community, the County/FCRHA-supported projects can be better able to compete for LIHTC dollars to support the development of housing for low- and moderate-income working families in the County.

A2. Maximize the Potential of FCRHA-Owned Properties. The FCRHA has significant resources in terms of the land and properties it owns. While not all FCRHA assets can or should be re-positioned, the FCRHA should continue to evaluate which sites have the greatest potential for development/redevelopment at higher densities and with non-profit and for-profit developer partners. Potential redevelopment and expansion of FCRHA-owned properties offers opportunities for innovative public-private partnerships.

A3. Plan for Reinvestment of Savings from the Refinancing and/or Maturing of Debt Service of Wedgewood and Crescent Properties. As refinancing opportunities become available and/or the debt service on these properties is paid down, a strategy should be developed to determine how to reallocate eventual savings for other affordable housing priorities. Currently, nearly half of the amount in the County's Affordable Housing Fund ("Penny Fund") are allocated for debt service on Wedgewood and Crescent.

A4. Develop a Plan to Expand Use of FCRHA Bonds. The FCRHA has the authority to issue bonds to support the development and preservation of affordable housing. The FCRHA should create a more aggressive outreach program to better publicize FCRHA bond financing to support the goals of the community.

A5. Examine the FCRHA's Deep Subsidy Programs to Better Align Resources to Serve Those Most in Need. As federal resources remain constrained, it is important that the County is directing those resources to meet its overarching principles of ensuring a continuum of housing and to serve residents with the greatest needs. The FCRHA should review existing Federal housing preferences and evaluate how well existing programs meet residents' needs.

A6. Incorporate the One Fairfax Policy into the FCRHA's Policymaking Process. *One Fairfax* commits the County and Schools to intentionally consider equity when making policies or delivering programs and services. As part of the FCRHA's regular consideration of policy and funding decisions, develop an equity lens that enables staff to evaluate how its recommendations meet the vision of *One Fairfax*.

B. Land Use and Zoning Tools

There are many ways in which changes to land use or zoning, or new approaches to uses on certain types of land, could significantly increase the supply and availability of housing affordable to the Fairfax County workforce. The County is currently undertaking a comprehensive update of its Zoning Ordinance and there are also planning efforts underway for particular neighborhoods in the County (e.g. the Route 1 corridor). These recommendations build off the County's current and recent land use and zoning studies, and go further to identify ways to use land more creatively to build partnerships and expand housing options.

B1. Update the Affordable Dwelling Unit (ADU) and Workforce Dwelling Unit (WDU)

Programs. Both the ADU and WDU programs have been effective at generating new affordable housing in Fairfax County. However, there is a need for updating and revising both programs to respond to housing needs and current market conditions. As part of the Zoning Ordinance update, the County should work with a comprehensive group of stakeholders to make improvements to the ADU and WDU programs.

B2. Create Guidelines for Adaptive Reuse of Commercial Space for Affordable Housing.

Housing created through the reuse of commercial buildings, or through the use of land currently zoned for commercial uses, can create more opportunities for mixed-income housing. The County should build off of the recommendations from the Office Building Repositioning and Repurposing Task Force and move forward to develop policy direction and a pilot for creating new housing options through adaptive reuse.

B3. Develop a Preservation Strategy. Preserving existing subsidized and "market affordable" housing is vital to meeting the needs of low- and moderate-income individuals and families. The County should develop a comprehensive strategy that includes principles and guidelines around affordable housing preservation.

B4. Streamline the Process for Public-Private Partnerships that Make Use of Publicly-Owned

Land. Making vacant or underutilized publicly-owned land available for affordable and mixed-income housing is an important way to expand housing options without direct public financial subsidy. These public land projects necessarily involve public-private partnerships. The County should review the Public Private Education and Infrastructure Act (PPEA) framework and consider moving to a more streamlined process for public land projects that involve affordable housing.

B5. Incorporate Guidelines for Public Land into the Capital Improvement Program(CIP)

Process. Co-locating housing with new and/or redeveloped public facilities is an effective way to create affordable housing options in mixed-use settings. The County's CIP process should be amended so an assessment of the appropriateness of co-locating housing is done in all projects involving building new public facilities or redeveloping existing facilities.

B6. Modify the Accessory Dwelling Unit Policy. Within the larger Zoning Ordinance update, the County should review the current requirements for creating accessory units. Working with a broad set of stakeholders, improve the accessory dwelling unit requirements to allow for the creation of more accessory units.

B7. Explore Zoning Districts that Allow for “Missing Middle” Housing. As part of the Zoning Ordinance update, identify zoning districts where flexibility in housing types would be appropriate. “Missing middle” refers to a range of multi-unit or clustered housing types (e.g., duplexes, triplexes, etc.) compatible in scale with single-family homes that help meet the growing demand for walkable urban living. Review other local jurisdictions’ policies on “missing middle” housing and explore options for Fairfax County.

B8. Integration with the Zoning Ordinance Modernization Project. In 2017 the Office of Community Revitalization and the Department of Planning and Zoning initiated an effort to modernize the County’s Zoning Ordinance to restructure it to make it more user friendly, and to prioritize key amendments for updating the Ordinance. Changes to the Ordinance might affect the ability to develop certain types of housing in specified areas of the County, and improvements to the Ordinance could enable more innovative housing preservation and development opportunities. The County should ensure that the preservation and development of affordable housing is considered during each relevant phase of the Zoning Ordinance Modernization process.

C. Funding Sources and Uses

While the short-term strategies presented in this report do not include recommendations for dedicated funding for housing, it will be important in the mid- and longer-term to identify new resources to support housing development and preservation. In the short-term, there are ways the County and the FCRHA can deploy their existing resources more efficiently and to explore ways to shift certain resources to be used for those most in need. At the same time, the County should be planning for ways to identify new resources to support the development and preservation of affordable and workforce housing.

C1. Preserve Existing Affordable Housing Resources. Currently, Fairfax County has several resources that are dedicated to the acquisition and preservation of affordable housing, including the Housing Trust Fund and the Penny for Affordable Housing Fund. These are critical, local funding streams that allow Fairfax County to provide capital funding to private and nonprofit affordable housing developers. Given the expected demand for price-appropriate housing as the population of Fairfax County continues to increase, these resources must be maintained at current levels and should be considered for further expansion.

C2. Create Guidelines for the Tysons Housing Fund. The Tysons Plan recommended contributions from commercial development to a housing trust fund which would be dedicated to supporting affordable and workforce housing options in Tysons. The County should formalize guidelines for the use for these funds to ensure that they are used as efficiently as possible to serve low- and moderate-income workers in the Tysons area.

C3. Assess a Commercial Contribution Policy. The link between job growth and housing availability and affordability is clear. Commercial contributions to the Affordable Housing Fund can be an efficient way for employers to support housing development that benefits the workforce. The County should assess its current policy of commercial contributions and re-visit the countywide commercial linkage policy in transit-oriented development areas to determine whether a new commercial contribution policy should be adopted.

C4. Explore Using Existing Tax Incremental Financing (TIF) Policies to Promote Housing Affordability. TIF allocates future increases in property taxes from a designated area to pay for improvements within that area, which could include affordable housing. Explore the use of the county's existing authority to implement TIF and associated policies as a means to promote affordable housing development and preservation.

C5. Dedicate Resources to Expand the Scope of Local Rental Housing Subsidy. With the decline in Federal housing resources and, in particular, with insufficient Federal commitment to the Housing Choice Voucher program, Fairfax County needs to expand the scope of its local rental housing subsidy program, known as Bridging Affordability, to assist its lowest-income families find housing they can afford. The Bridging Affordability program should be re-focused on meeting the needs of people with disabilities and other special needs (including victims of domestic violence, and those experiencing homelessness) and should allow for "project basing" of subsidies in affordable rental units.

C6. Provide Downpayment and Closing Cost Assistance. Use proceeds from the sale of ADUs that are currently contributing to the Affordable Housing Fund to expand assistance to moderate-income first-time homebuyers in the County. In addition, look for ways to partner with County employers to expand employer downpayment assistance programs.

C7. Review Options for Restructuring the County's Housing Trust Fund. Evaluate the structure of the Housing Trust Fund in light of the processes, funding and procedures of local trust funds in neighboring and comparable communities. Develop a plan for moving forward on changes that will create an efficient and effective trust fund.

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D. Housing for Vulnerable Populations

As part of its commitment to ensuring that Fairfax County has a continuum of housing options, the community will continue to work to make affordable and accessible housing options available for persons with disabilities, seniors, and extremely low-income individuals and families, including those at risk of or transitioning from homelessness.

D1. Expand Access to Housing Options for Persons with Special Needs. Finding affordable, appropriate housing is a particular challenge in Fairfax County for persons with special needs, many of whom are in some type of crisis (including victims of domestic violence, and those experiencing homelessness) or have a disability that prevents them from attaining full employment. The County should make efficient use of existing resources to create housing options, including transitional housing where appropriate, and should develop a plan with partners, such as the Governing Board of the Fairfax-Falls Church Partnership to Prevent and End Homelessness for connecting individuals with affordable and appropriate housing.

D2. Support Aging in Place. The vast majority of older adults would prefer to age in their homes. However, it can be increasingly challenging to maintain a home as mobility declines. Property taxes can also make staying in a home unaffordable. The County should support programs and services to help enable seniors to remain in their homes by providing education and outreach to residents and connecting residents with existing privately-run programs.

D3. Facilitate Opportunities for Faith Communities to Develop Affordable Housing. Houses of worship in Fairfax County—including churches, temples, synagogues and mosques—often have underutilized land that could be appropriate for housing, particularly housing for vulnerable populations. Working with regional partners, the County should increase education and awareness about opportunities for housing development on land owned by faith communities, and connect these communities with available technical and financial assistance.

D4. Continue to Address the Efficiency of Fairfax County's Existing Homeless and Housing Supports Networks. As the Office to Prevent and End Homelessness works with its Governing Board and community to establish new goals, and as the 10 Year Plan comes to an end, a broader focus on housing for all will be established in the Health and Human Services system. This focus will include housing for homeless, mental health and domestic violence. It is clear that additional housing resources are needed that provide solutions to some of our most vulnerable residents.



FUTURE HOUSING NEEDS APPENDIX

Estimates of Numeric Targets

A key component of the Communitywide Housing Strategic Plan is to develop short-term and long-term numeric targets for housing. These targets are designed to be consistent with the goals identified in the Housing Blueprint and the Strategic Plan for Economic Success, and build off of existing population, housing and employment forecasts that have been completed by the County and the George Mason University Center for Regional Analysis (GMU). The short-term (i.e. annual) numeric targets are intended to replace the annual targets that are part of the current Blueprint for Housing. As part of the Strategic Plan, specific and actionable strategies, along with funding sources, will be developed and will be tied directly to these numeric targets.

Overall Household Growth and Housing Needs

- Over the next 15 years, between 2017 and 2032, the County is expected to add 62,185 households, reflecting an annual growth rate of 1.0%. These are household projections based on the County's analysis of recent growth and the capacity for residential development based on current land use and zoning. Between 2000 and 2016, the County added households at an annual rate of 0.9% which means that the County is forecasting a slight acceleration in household growth over the next 15 years, with somewhat slower growth in the first five-year period and somewhat faster growth in the 10-year and 15-year period.
- Over the next 15 years, the County will add households all along the income spectrum. Based on forecasts of housing demand produced by GMU, between 2017 and 2032, the County is expected to add:
 - 4,591 extremely low income households (income <30% AMI)
 - 8,443 very low income households (30-50% AMI)
 - 5,588 low income households (50-80% AMI)
 - 9,048 moderate income households (80-100% AMI)
 - 11,929 households with incomes between 100 and 120% AMI
 - 22,585 households with incomes above 120% AMI
- These forecasts suggest that over the next 15 years, there will be demand for:
 - 18,622 homes affordable to households with incomes **below 80% AMI** (29.9% of total new homes needed)
 - 39,600 homes affordable to households with income **below 120% AMI** (63.7% of total new homes needed)

5-10-15 Year Numeric Targets based on Household Income and Other Characteristics

	2017 (est.)	2022	2027	2032
Total Households	405,161	420,917	444,266	467,346
Household Income				
ELI (<30% AMI)	34,741	35,782	37,589	39,332
VLI (30-50% AMI)	31,107	33,050	36,280	39,550
LI (50-80% AMI)	55,828	57,052	59,280	61,416
MI (80-100% AMI)	42,161	44,395	47,810	51,209
100-120% AMI	38,986	41,855	46,330	50,915
120+ % AMI	202,338	208,783	216,978	224,923

1-Year Targets – Housing Needed to Serve Expected Households in 2017-2018

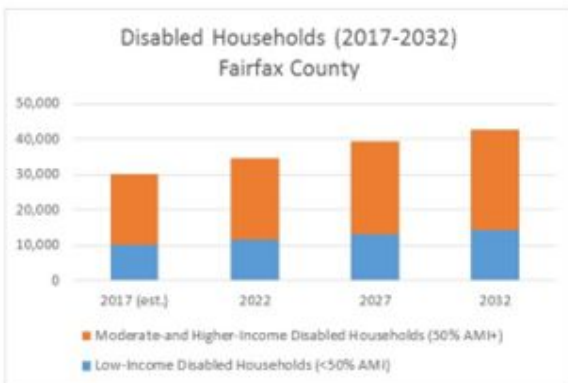
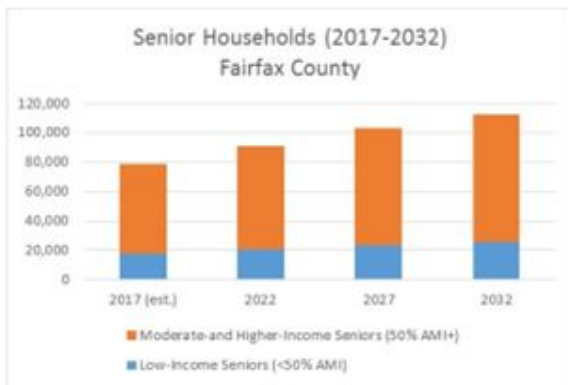
Total Housing Units to Accommodate Household Growth	3,151
Affordable to:	
ELI (<30% AMI)	208
VLI (30-50% AMI)	389
LI (50-80% AMI)	245
MI (80-100% AMI)	447
100-120% AMI	574
120+ % AMI	1,289

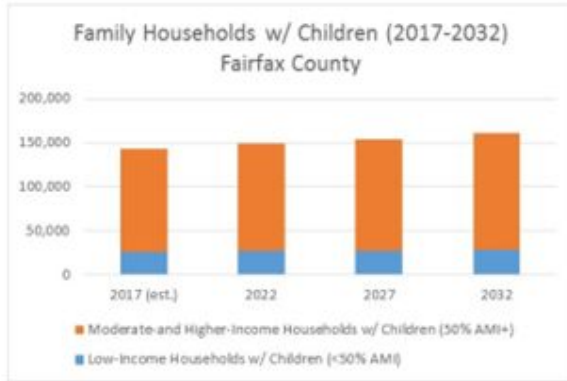
As a result of the growing population and changing demographics, the characteristics of households in Fairfax County—and their housing needs—will change over the 15-year period.

Key Changes to Household Characteristics

- In 2017, senior households (age 65+) make up an estimated 19.5 percent of all households in the County. By 2032, it is expected that 24.0 percent of households will be age 65 or older. It is estimated that 22.8 percent of senior households in Fairfax County will be low-income households.
- In 2017, households with a disabled member (including individuals with a physical or intellectual disability) make up an estimated 7.4 percent of all households. By 2032, it is expected that 9.1 percent of Fairfax County households will include a disabled individual.
- In 2017, it is estimated that families with children make up 35.4 percent of all households in the County. By 2032, it is expected that families with children will comprise 34.4 percent of County households.

[See charts below.]





Methodology for Developing Numeric Targets

1. The overall 2017, 2022, 2027 and 2032 household counts are from the County's January 2016 population and household forecasts obtained from Anne Cahill.

2. The estimates of household income for 2017 are estimated based on our analysis of the 2012-2014 American Community Survey public use microdata (PUMS). Using income data from the ACS microdata along with income limits from HUD, we estimated that percentage of households in 2012-2014 that would fall in the income categories specified. We then applied those percentages to the 2017 total household figure, assuming that the income distribution was unchanged between 2012/2014 and 2017.

The forecasts of households by income group for 2022, 2027 and 2032 are based loosely on the [recent housing demand forecasts](#) produced by GMU. The GMU forecasts include estimates of household growth between 2011 and 2023 by income group. These forecasts are based on an analysis of regional employment growth, wage distribution, workers per household, trends in the non-working population, among other factors. For these numeric targets, we examined GMU's expected annual percentage change in households by income groups for Fairfax County between 2011 and 2023. We adjusted GMU's annual percent changes based on the County's overall forecasts. The County's forecasts suggest overall households will grow at an average annual rate of 1.0% between 2017 and 2022, while GMU is forecasting an annual percent change of 0.8%. Therefore, we adjust slightly upward the growth rates for each of the income categories to reflect that slightly faster growth.

GMU only forecasts out to 2023. We assume the same annual growth rates for the 2022-2027 and 2027-2032 periods, as a simplifying assumption.

3. The 2017 senior households are based on analysis of the 2015 American Community Survey data. In 2015, the ACS estimates that 19.5% of households in Fairfax County are headed by someone age 65 or older. We assume that 19.5% of the 2017 total households are therefore headed by someone age 65 or older.

The data on lower income senior households (<60% AMI) are based on analysis of the 2012-2014 ACS microdata. We assumed that the share of senior households that have incomes below 60% AMI is the same in 2017 that it was in 2012/2014.

The forecasts of senior households are based on the County's forecasts of population by age. We examined the annual percent change in the 65+ population between 2016-2020, 2020-2025, 2025-2030, and 2030-2035. We used these annual percent changes in the population age 65+ to estimate the number of senior households in 2022, 2027 and 2032. We assume the same share of senior households would have incomes below 60% AMI in the future as they do in 2017, as a simplifying assumption.

4. The 2017 disabled households are based on estimates from the 2015 ACS of the percentage of the total population that is disabled. In 2015, 7.4% of the Fairfax County population had at least one disability. We assumed that 7.4% of all households in 2017 had a person with a disability. This may understate the number of households with a person with a disability if disabled persons are more likely to live alone. We used data from the 2012-2014 ACS microdata to estimate the share of disabled persons living in households with incomes less than 60% AMI and applied that share to the 2017 households.

To forecast the number of households with a disabled person, we assume the same growth rates that we used for the senior household forecasts. The aging of the population is a primary driver of the growth of the disabled population and seemed like a reasonable approach to estimating the growth of the disabled household population.

5. The number of families with children is actually the total number of households with related children, by definition in the ACS. We used data from the 2015 ACS to estimate the share of households that included related children and we applied that share to the 2017 households. So, according to the 2015 ACS, 35.4% of all households in Fairfax County included children. We assumed that 35.4% of 2017 households would also be households with children.

To forecast the number of households with children, we used the County's forecasts by age and assumed that the number of households with children would increase at the same rate as the under 15 population. This method could overstate/understate the growth in the number of households with children if family sizes increase/decrease notably over time.

6. Finally, the number of homeless individuals in 2017 is based on the 2016 point in time (PIT) count. The 2017 PIT count should be available, so we can update this data with new information. The target related to homelessness is based on the target specified in the FY2017 Blueprint.

APPENDIX 2

The Affordable Housing Advisory Committee Land Use Work Group Recommendations

May 12, 2017

The Affordable Housing Advisory Committee Land Use Work Group (Work Group) was charged by Co-Chair of the Affordable Housing Advisory Committee (AHAC), Kerrie Wilson, and by the Director of the Fairfax County Department of Housing and Community Development (HCD), Thomas Fleetwood, to identify high-level land use recommendations that would assist the county in meeting its needs for the provision of affordable housing opportunities that contribute to its quality of life and the needs of its future workforce.

The Work Group's recommendations below are high-level and intended to provide focus for future work by AHAC, HCD, and the Department of Planning and Zoning (DPZ). Implementation of many of the recommendations will require changes in the Comprehensive Plan, the Zoning Ordinance and/or County policy guidance. It is anticipated that the Board of Supervisors' Housing Committee will review the recommendations and determine which to pursue and include in the Countywide Housing Strategic Plan.

Except where otherwise specified below, the Work Group's recommendations seek to promote mixed-income communities with a higher proportion of affordable and workforce housing than currently established by existing requirements and expectations. It will be necessary for the County to establish quantifiable thresholds for these new requirements and expectations.

These recommendations are reality-based and were crafted to support important community goals such as protecting stable residential neighborhoods and enforcement of existing regulations. The work group also recognized the critical role of partnerships among Fairfax County, non-profit housing corporations and private developers in achieving the County's housing goals.

Finally the Work Group encourages the County to undertake a clear communication strategy directed toward informing the public on how the implementation of the Countywide Housing Strategic Plan benefits the county as a whole and acts as a positive force on other issues such as overcrowding, neighborhood improvement and achieving a better quality of life for all. This communication strategy should also include a clear definition and explanation of what the term "affordable housing" means in the Fairfax County context.

Recommendations:

- 1. Incorporate residential developments into office, commercial and industrial areas where appropriate. Specific strategies include:**
 - Use undeveloped or under-developed land that is currently zoned for commercial or industrial uses for residential developments that include significant ¹affordable housing.

¹ For example, while certain terms throughout this document still need to be quantified in this case the term "affordable" housing would be targeted toward the utilization of financing programs for affordable housing available at the time such as the Low Income Housing Tax Credit Program, Tax Exempt Multifamily Bonds, local, state, and federal housing trust funds and/or similar programs..]

- Consider offering incentives to developers, particularly for land that allows for affordable housing that is close to amenities and transit.
- Focus efforts on areas of the county that are more amenable to residential development and avoid areas with heavy industrial uses and those characterized by a high degree of truck traffic such as warehousing.
- Develop a list of preferred characteristics of commercial and industrial areas that seek to be mixed income/affordable housing development, such as areas zoned for uses that will minimize land use conflicts with residential use, and areas adjacent to residential, etc.
- Add mixed income affordable housing to older commercial and retail sites while ensuring that the affordable housing will be well-integrated with the existing development.
- Look for opportunities to allow extraordinary affordable housing projects by-right in certain non-residential zoning districts or provide a streamlined approval process in certain circumstances (see criteria TBD above) to encourage through faster approval processes, mixed-income housing with a significant affordable component that would not reduce existing commercial/industrial use potential
 - Perhaps create a special exception for affordable housing in such circumstances so that a rezoning is not required.
 - Perhaps make small-scale affordable housing development by-right; consider a size threshold.
- Support efforts of the Fairfax County Building Repositioning Workgroup to promote adaptive reuse of vacant or underutilized commercial buildings, including their use for affordable housing serving a spectrum of income levels

2. Use Publicly Owned Land for Mixed-Use Communities

- Consider use of County-owned property for projects that provide a significant amount of affordable housing.
- Identify and provide opportunities to use or trade County land for significant or extraordinary affordable housing commitments, such as the recent workforce housing project at the County Government Center.
- Develop a policy that establishes a minimum percentage of affordable housing on any County-owned land that is traded or used for residential development. For example see the “The Disposition of District Land for Affordable Housing Amendment Act” from Washington, D.C.
- Include language in various County policies and procedures associated with the Capital Improvement Program process to encourage the inclusion and co-location of affordable housing with future development or redevelopment of public facilities such as fire stations, community centers, and libraries.

3. Preserve Existing Market-Rate Affordable Housing

- Develop an inventory of existing market-based affordable housing. Document affordability based on rents and the percentage of Area Median Income being served.

- Develop an approach for preservation of such housing stock that balances leaving all existing affordable housing as-is against total redevelopment of the site. Pilot an approach where both preservation of market-based affordable units and redevelopment are priorities.
- Explore special exception opportunities to incentivize affordable housing preservation and rehabilitation. Incorporate language into planning and zoning policies that encourage the preservation and rehabilitation of existing affordable housing.

4. Improve Code Enforcement

- Strengthen efforts to enforce regulations that limit overcrowding and ensure quality management of affordable housing in order to build community trust and openness to developing additional affordable housing and flexible housing options.
- Clarify the rights and responsibilities of residents of affordable housing units.
- Provide code enforcement support, education and outreach to residential communities and neighborhood associations.

5. Proffer Contributions

- For projects that include extraordinary affordable housing components, consider establishing different proffer guidelines than those in effect for market rate developments, particularly those related to cash contributions for schools, parks and other facilities that add to development costs. Develop explicit guidance for these proffer requests and identify where the funding will come from to pay for the impact to county services. This should not be seen as a precedent for other types of projects that provide a public benefit.
- The aforementioned proffer guidance should not undermine basic health, safety and environmental commitments.

AHAC Land Use Task Force Members:

*Walter Alcorn, Chair
 Marlene Blum
 Bailey Edelson
 Rob Jackson
 Michelle Krockner
 Michael Scheurer
 Lynn Strobel*

County Staff

*Abdi Hamud, HCD
 Fred Selden, DPZ*

COUNTY OF FAIRFAX, VIRIGINA

CITIZEN PARTICIPATION PLAN
FOR CONSOLIDATED PLANNING

Adopted by the Board of Supervisors
December 8, 1997

Last Amended by the Board of Supervisors
March 23, 2021

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Applicability

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

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

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

1. Encouragement of Citizen Participation and Consultation

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

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

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

- local and regional institutions;
- Continuums of Care;
- businesses and developers;
- public, private and nonprofit organization (including philanthropic, community-based and faith based organizations, public and assisted housing agencies, health services providers, social services providers);
- community- and regionally-based organizations that represent protected class members;

FY 2023 One-Year Action Plan (Federal FY 2022)

- organizations that enforce fair housing laws;
- other local governments and metropolitan planning organizations;
- broadband internet service providers and organizations engaged in narrowing the digital divide; and
- agencies primarily responsible for the management of flood prone areas and public land/water resources, and emergency management agencies.

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

2. Consolidated Community Funding Advisory Committee

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

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

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

3. Information Available and Displacement

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

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

4. Availability to the Public

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

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

a. Proposed Documents

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

- Proposed Citizen Participation Plan
- Proposed Citizen Participation Plan substantial amendments
- Proposed Five-Year Consolidated Plan
- Proposed Five-Year Consolidated Plan substantial amendments
- Proposed Annual Action Plan
- Proposed Annual Action Plan substantial amendments
- Proposed Consolidated Annual Performance and Evaluation Report

b. Approved/Accepted Documents

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

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

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

5. Technical Assistance

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

6. Public Notices

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

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

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

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

7. Public Hearings

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

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

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

8. Citizen Comments

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

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

9. Complaints

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

10. Substantial Amendments and Revisions

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

1. carry out a project, using funds from any of the federal HUD programs covered by the Plans (including program income) not previously described in the Plans; or
2. eliminate a project from any of the federal programs covered by the Plans (including program income) for funds previously approved by the Board; or

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3. the amount of program money for an activity such that the funding level of the activity would change by more than 10 percent.

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

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

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

b. Citizen Participation Plan Amendments

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

11. Performance Reports

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

12. Waivers; Public Emergencies

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

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

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

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

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

Community Input Appendix

CCFAC Public Needs Hearing (November 9, 2021)

The CCFAC held a public hearing on November 9, 2021, to receive community input on the performance of the Fairfax County Consolidated Plan and Citizen Participation Plan, as well as on the county's housing and community development needs to be addressed in the One-Year Action Plan for FY 2023. In particular, CCFAC was interested in hearing from residents who need, or are receiving, affordable housing and/or other human services assistance; and from local community or faith-based organizations and private enterprises that provide direct services to, and/or advocate for, individuals and families.

Participants had the opportunity to make presentations, as well as provide feedback in three areas:

- 1) What are their household's housing and/or human services needs and how well are those needs being met?
- 2) What are specific housing and/or human services needs in the area where they live in the county or where their organization is located? What needs are projected to exist in FY 2022-FY 2026 and will current affordable housing and human services be sufficient to meet those needs?
- 3) Have they experienced any discrimination in accessing housing or housing-related needs? If so, how?

A written request was submitted that consideration be given for additional programs for persons who are aging into hearing loss.

Public Comment Period on the Draft One-Year Action Plan for FY 2023

The county released the Draft One-Year Action Plan for FY 2023 on February 9, 2022 for public and stakeholder review and comment. Seven individuals provided comments via the online process on the following issues:

- 1) Housing needs, resources and affordability for people experiencing homelessness, county workers, and seniors, including those in need of assisted living facilities;
- 2) Use of tiny houses for affordable housing;
- 3) Need for on-site laundry facilities and responsive landlords in low-income communities;
- 4) increased property taxes

One of the commentators touched on a very large number of topics for which resources were provided for the requested information.

Board of Supervisors Public Hearing (March 22, 2022)

The Board of Supervisors held a public hearing on March 22, 2022 to obtain public and stakeholder feedback on the Draft One-Year Action Plan for FY 2023. There were no testimonies presented at the public hearing.

FY 2023 One-Year Action Plan (Federal FY 2022)



HOUSING BLUEPRINT: AT A GLANCE - FY 2022

GOALS

Address the Challenge of Homelessness	To Provide Affordable Housing Options to Special Needs Population	Meet the Affordable Housing Needs of Low Income Working Families	To Increase Workforce Housing through Creative Partnerships and Public Policy
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NEW PROGRAM ADMISSIONS/TURNOVER

FCRHA Federal Resources:	71	FCRHA - Fairfax County Rental Program (Seniors):	40	FCRHA - Fairfax County Rental Program:	254
Rental Subsidy and Services Program:	55	FCRHA Federal/State Resources:	42	FCRHA Federal Resources:	110
Continuum of Care Program Permanent Supportive Housing (turnover):	20	Rental Subsidy and Services Program:			
		• Persons with physical/sensory disabilities:	10		
		• Persons with CSB eligible disabilities:	20		
		• Households leaving domestic violence situations:	15		

NEW UNITS DEVELOPED

Emergency Housing Vouchers:	169	Non-Profits: Federally-Funded Group Home Beds:	6	Non-profit acquisitions/federal resources:	4	Workforce Dwelling Units (WDU) (estimate):	200
With Federal Funding:	3					Affordable Dwelling Units (ADU) (estimate):	50

BLUEPRINT PROJECT

It is anticipated that at least \$23.5 million will be made available for approximately 200 units of acquisition or construction. Approximately ten percent of the units produced will be available for projects serving the Homelessness goal, and ten percent for the Special Needs goal. This is separate from the approximate \$9 million set-aside within the Tysons Trust Fund.

FY 2022 TARGETS

348	163	608	250
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FY 2022 NET INCREASE

202	36	244	250
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ON THE HORIZON/UNDER CONSTRUCTION

ON THE HORIZON	UNDER CONSTRUCTION	ON THE HORIZON	UNDER CONSTRUCTION	ON THE HORIZON	UNDER CONSTRUCTION
<ul style="list-style-type: none"> ◦ Route 50/West Ox (Sully District) – Up to 34 units of permanent supportive housing for vulnerable singles ◦ Shelter rebuild, renovation, including Eleanor Kennedy shelter replacement in combination with a range of housing options ◦ Implementation of updated Rental Subsidy and Services Program (formerly known as Bridging Affordability) 		<ul style="list-style-type: none"> ◦ Autumn Willow (Springfield District) – 150 senior units ◦ Life River Glen IV (Braddock District) – up to 60 senior units ◦ Oakwood (Lee District) – 150 senior units ◦ One University (Braddock District) – 120 senior units 	<ul style="list-style-type: none"> ◦ North Hill (Mount Vernon District) – 63 senior units ◦ New Lake Anne Village (Hunter Hill District) – 240 units 	<ul style="list-style-type: none"> ◦ FCRHA property renovations: Stonegate and Rental Assistance Demonstration (RAD) properties ◦ One University (Braddock District) – 120 units ◦ Residences at Government Center II (Braddock District) – up to 250 units ◦ Residences at Lee District Office (Lee District) – up to 160 units 	<ul style="list-style-type: none"> ◦ Arden project (Mount Vernon District) – 126 units ◦ North Hill (Mount Vernon District) – 216 units ◦ Arrowbrook (Droneseville District) – 274 units
					◦ Implementation of reformed Workforce Dwelling Unit policy

CROSS-CUTTING INITIATIVES

- Implementation of Diversion First
- Implementation of pandemic recovery funds and programs, including housing stability opportunities and expansion of housing development
- Identify new funding opportunities for affordable housing development
- Lease newly awarded Federal Emergency Housing Vouchers to individuals or families who are homeless, at risk of homelessness, fleeing, or attempting to flee domestic violence situations, or were recently homeless or have a high risk of housing instability
- Apply for additional Family Unification Program, Veterans Affairs Supportive Housing, and Foster Youth to Independence vouchers
- Explore increased flexibility in policies concerning serving persons graduating from permanent supportive housing
- Explore expanded project-basing of State Rental Assistance Program assistance
- Implement development-fee relief for affordable housing development
- Consider tax exemption for developers providing housing affordable to extremely low-income households (30 percent of area median income and below)
- Identify opportunities to expand FCRHA income
- Address hoarding situations in the FCRHA properties using Moving to Work policy flexibility
- Implementation of recommendations made by the Affordable Housing Preservation Task Force
- Facilitate affordable studio development countywide
- Health and Human Services System Integration
- One Fairfax Policy

COMMUNITY GOAL: At least 5k New Affordable Homes by 2034

WAG Contingency Plan for FY 2023

Adopted November 17, 2021

Federal Funding Allocations for FY 2023

The recommended allocations of FY 2023 CDBG, ESG and HOME funding (Federal Funding) and program income earned from prior uses of Federal Funding (Program Income) were based on estimates. If there is greater than a 10 percent difference between the estimated and actual CDBG, ESG and/or HOME funding awarded for FY 2023, the County's Board of Supervisors reserves the right to reconsider the proposed funding allocations. If there is no more than a 10 percent (10%) difference between the estimated and the actual funding awarded, Fairfax County will utilize the following contingency provision governing the use of the Federal Funds:

CDBG

- A. If the actual CDBG funding amount is lower than the estimated funding, all CDBG-funded activities are to be proportionally decreased from the estimated funding levels to match the actual CDBG award amount, with the following exceptions:
- The Section 108 Loan Payment will remain as represented in the plan.
 - The total allocation for General Administration, Planning, Fair Housing, and Homeownership Administration will be capped at 20 percent (20%) of the CDBG award based on HUD limits.
 - The Targeted Public Services (CCFP TPS) allocation will be capped at 15 percent (15%) of the CDBG award based on HUD limits. The allocation to the Targeted Public Services will be 15% of the actual CDBG award.
 - Funding allocations for Section 108 Loan, General Administration, Planning, Fair Housing, Homeownership Administration and CCFP TPS will be made prior to any other proportional adjustments to the remaining CDBG-funded activities.
- B. If the actual CDBG funding amount is greater than the estimated funding, all CDBG-funded activities are to be funded as represented in the plan, with the following exceptions:
- The Section 108 Loan Payment will remain as represented in the plan.
 - The total allocation for General Administration, Planning, Fair Housing, and Homeownership Administration will be capped at 20 percent (20%) of the CDBG award based on HUD limits.
 - The CCFP TPS allocation will be increased to an amount that is 15% of the actual CDBG award.

FY 2023 One-Year Action Plan (Federal FY 2022)

- The unallocated balance of the CDBG funding available as a result of the funding increase will be allocated as follows:
 - 30% to the RFP; and
 - 70% to FCRHA and Fairfax County Rehabilitation and Acquisitions

HOME

- A. If the actual HOME funding amount is lower than the estimated funding, all HOME-funded activities are to be proportionally decreased from the estimated funding levels to match the actual HOME award amount, with the following exceptions:
- The total allocation for HOME Administration and Fair Housing will be capped at 10% of the HOME award based on HUD limits.
 - Federal regulations require that jurisdictions set-aside a minimum of 15% of the HOME award each year for Community Housing Development Organization (CHDO) investment. The CHDO set-aside will be 15% of the actual HOME award.
 - Funding allocations for HOME Administration, Fair Housing and CHDO are to be made prior to all other proportional adjustments to the remaining HOME funded activities.
- B. If the actual HOME funding amount is greater than the estimated funding, all HOME-funded activities are to be funded as represented in the plan, with the following exceptions:
- The total allocation for HOME Administration and Fair Housing will be capped at 10% of the HOME award based on HUD limits.
 - The CHDO set-aside will be 15% of the actual HOME award.
 - The unallocated balance of the HOME funding available as a result of the funding increase will be allocated to the RFP.

ESG

All ESG-funded activities are proportionally increased or decreased from the estimated funding levels to match the actual ESG award amount.

Program Income Available for Use in FY 2023

All Program Income received from activities funded with CDBG and/or HOME in excess of the estimates for FY 2023 is to be allocated as follows:

- Program Income (i.e., net operating income) received from FCRHA-owned properties that were acquired as part of the Affordable Dwelling Units (ADU) program will be allocated to FCRHA and Fairfax County Rehabilitations and Acquisitions.
- All excess CDBG Program Income will be allocated to FCRHA and Fairfax County Rehabilitations and Acquisitions.
- All excess HOME Program Income will be allocated to the RFP.

ACTION - 4

Authorization of Appropriation from Economic Opportunity Reserve Fund to Establish the Fairfax Founders Fund, a Grant and Technical Assistance Program

ISSUE:

Board of Supervisors (Board) authorization to appropriate \$1,000,000 from the Economic Opportunity Reserve Fund (EOR) to create the Fairfax Founders Fund, (Fund), a grant and technical assistance program for promising startup Fairfax County firms in emerging technology industries. The Fund would be established to respond to a lack of capital for innovative early-stage businesses in the County, to foster job growth and economic development within the County, and to promote the resources and advantage of the County. The Fund would further seek to connect grantees with technical assistance and other area partnerships to bolster the County startup ecosystem; it will also be marketed broadly so as to ensure its availability to a diverse population of founders. Authorization is also requested for the County Executive or his designee to enter into a memorandum of understanding (MOU) with the Fairfax County Economic Development Authority (EDA) regarding the Fund.

RECOMMENDATION:

The County Executive recommends that the Board approve the appropriation and conveyance of \$1,000,000 from the EOR to establish the Fund and authorize the County Executive or his designee to enter into an MOU with the EDA regarding the Fund. This authorization includes such other documents as may be reasonably necessary to assist with the establishment and implementation of the Fund. These authorizations would be subject to approval of the Fund and of the MOU by the EDA.

TIMING:

Board action is requested on June 28, 2022, to launch the grant program in Fall 2022.

BACKGROUND:

Via a Board Matter on July 13, 2021, the Board directed the County Executive to review and identify programs that could address our region's lack of early-stage equity capital that inhibits local entrepreneurs' ability to start and scale their businesses and subsequently inhibits the County's economic growth. The EOR was identified as a source of funding for program development. The Board Matter further highlighted that

female and minority businesses have historically had less access to capital and diverse founders have traditionally been underrepresented in equity funding.

At the County Executive's direction, the Department of Economic Initiatives (DEI) and the EDA have developed the concept of the Fairfax Founders Fund Grant and Technical Assistance Program. The Fund would be a targeted grant and technical assistance program to support promising emerging technology companies that have the potential to access institutional investment or awards and are inclusive of a scalable, disruptive technology or platform. The core goals of the Fund would be:

- To bolster economic development in Fairfax County by growing innovation-based businesses and jobs and preparing young companies for local angel investment, commercialization grants, and later stage investment;
- To promote the resources and advantages of Fairfax County by establishing a program that will connect startup businesses with area partnerships and developing competitive technology clusters in the County; and
- To foster economic mobility by providing a new source of early-stage capital to small Fairfax County businesses with high growth potential and ensuring that these funds are broadly accessible to entrepreneurs of all backgrounds.

A targeted outreach and engagement effort will be essential to reach underrepresented and diverse founders, such as women, people of color, veterans, and other groups underrepresented in the technology-based business community. Studies by the Kaufman Foundation have shown that although diverse teams create more profitable companies, women, Latinx, and Black populations are underrepresented as start-up executives. COVID-19 has also had an impact: while venture investments increased nationally by 16.2 percent in 2020, investments in female-founded businesses fell by 3 percent. Inclusive and intentional outreach and marketing will provide a more robust pipeline and provide opportunity to access the diversity of entrepreneurial talent in the County.

Recipients will be able to use the funds to support commercialization and market entry goals, such as prototype development, market research, technology validation, engineering services, or legal costs relating to intellectual property. Neither the EDA nor the County would take ownership of intellectual property that may result from the performance of the award. Grantees will be required to have their principal place of business in Fairfax County for a period of 24 months following the grant award; if a grantee fails to do so, the return of a prorated amount of the grant funds would be sought.

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Grants will be made in amounts up to \$50,000, depending on the technical needs and maturity of the applicant companies. The application process will include review by, and input from, representatives with technology subject matter and/or local venture capital expertise (Advisors). An applicant may be required to use a portion of its grant award to fund participation in a technical assistance program (e.g., incubator or accelerator).

Requirements for eligibility include that the company be an early-stage, high-growth product company in high-growth technology and innovation sectors, headquartered in Fairfax County, and have the potential for institutional investment or award in the future. Applicant companies will be required to provide a 50 percent match of any grant award; this match may be made in the form of “in-kind” contributions of hours worked / “sweat equity”. The attached (Attachment 1) Fund guidelines include additional detail.

Grant recipients will be asked to sign a grant agreement with the EDA; the County will be a third party beneficiary to this agreement with enforcement rights. Grant recipients will also provide reports to the EDA and the County on their technological and commercial progress over a 5-year timeframe. Program measures of success will include:

- Sales/revenue
- Full and part-time employees
- Follow on funding
- IP created
- Liquidity events

DEI staff will also track the levels of engagement with and support of diverse/underrepresented founders and the interactions between grant recipients and related services and technical assistance providers in the region.

DEI has developed the concept of the Fund with input from The Virginia Innovation Partnership Corporation (VIPIC); Virginia Innovation Commercialization Assistance Program (ICAP); Smart City Works; 1863 Ventures; Citrine Angels; Black Girl Ventures; Osage Ventures; and others. It is anticipated that representatives from several of these entities would be Advisors. Advisors may be required to sign non-disclosure agreements regarding any confidential materials provided by applicants and to indemnify the EDA and the Board for any breach of such confidentiality.

County and EDA staff will develop an MOU, pursuant to which the Board will provide the funds to the EDA on an as-needed basis, and the EDA will disburse funds through a third-party grant administrator to the individual grant awardees and be a counterparty to the grant agreements. Further, the MOU will set forth the parameters of the program (e.g., grantee eligibility, terms of grant agreement) and specific provisions regarding the

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transfer of funds and sharing of Fund information, all in substantial conformance with the terms of this item and the attached Fund guidelines.

FISCAL IMPACT:

This item will result in the allocation of \$1,000,000 from Fund 10015: Economic Opportunity Reserve. Administrative costs – including those to create the intake portal, create the application and technical assistance process, and create the marketing materials to promote the program – will not exceed 10 percent (i.e., \$100,000) of this amount; this figure for administrative costs is estimated to cover the first two years of the Fund's operations. Staff will provide updates on program expenditures annually through memos or as part of a committee presentation.

EQUITY IMPACT:

In support of the One Fairfax Policy Area of Focus, "*Community and economic development policies and programs that promote wealth creation and ensure fair access for all people*", the Fund has the potential to advance equity in the community.

Studies by the Kaufman Foundation have shown that although diverse teams create more profitable companies, women, Latinx, and Black populations are underrepresented as start-up executives. COVID-19 has also had an impact: while venture investments increased nationally by 16.2 percent in 2020, investments in female-founded businesses fell by 3 percent.

In addition, traditional loan requests by black founders are three times more likely to be denied than similar requests by white founders, even with net worth and credit history accounted for. Overall, new black-owned businesses start with an average of one third the overall capital (\$35,205 compared to \$106,720) than new white-owned businesses.

The COVID-19 pandemic added additional burden to small businesses, with lost revenue and reductions in staff nation-wide. In Northern Virginia, minority-owned businesses experienced the greatest level of risk due to the pandemic, due to smaller sizes, concentration in higher-risk industries, and reduced access to capital.

Inclusive and intentional outreach and marketing will provide a more robust pipeline and provide opportunity to access the diversity of entrepreneurial talent in the County.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Fairfax Founders Fund Grant and Technical Assistance Program Guidelines

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June 28, 2022

STAFF:

Rachel Flynn, Deputy County Executive

Rebecca Moudry, Director, Department of Economic Initiatives

Scott Sizer, Catalytic Development Manager, Department of Economic Initiatives

Jamie Gaucher, Division Manager, Economic Innovation & Strategy, Department of Economic Initiatives

Eta Nahapetian, Manager, Smart Community Innovation & Strategy, Department of Economic Initiatives

ASSIGNED COUNSEL:

Ryan A. Wolf, Assistant County Attorney

Fairfax Founders Fund - Grant and Technical Assistance Program “Grant Program Guidelines”

Grant Awards

The Fairfax Founders Fund, a Grant and Technical Assistance Program (the Fund) will provide early, pre-Series A capital, via grants, to start-up companies that are on the trajectory to apply for and access Series A institutional investment or a U.S. Small Business Administration Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) award.

The goals of the Fund are to:

- To bolster economic development in Fairfax County by growing innovation-based businesses and jobs and preparing young companies for local angel investment, commercialization grants and later stage investment;
- To promote the resources and advantages of Fairfax County by establishing a program that will connect startup businesses with area partnerships and developing competitive technology clusters in the County; and
- To foster economic mobility by providing a new source of early-stage capital to small Fairfax County businesses with high growth potential and ensuring that these funds are broadly accessible to entrepreneurs of all backgrounds.

There will be targeted marketing to underrepresented and diverse founders, such as women, people of color, veterans, and other underrepresented groups. To be eligible, an applicant must be an early-stage, high-growth, product company in the technology and innovation sectors.

Use of Funds

Grant funds may be used to support companies' commercialization and market entry efforts. Applicants must designate a specific project and type of technical assistance for which any grant funds will be used. Each project will have a unique set of milestones leading to project completion. Project examples could include but are not limited to the following:

- Product & prototype development
- Customer acquisition
- Market intelligence and business model validation
- Pilot project or proof of concept
- Intellectual property strategy development

Each applicant will be required to illustrate a minimum of 50% match of the requested Fund dollars. Any such match may include funds that may have already been provided to the company in the last six months and may also include “in-kind” contributions, such as founder / owner sweat equity.

Applicant Eligibility

Minimum eligibility for grant awards includes that the applicant:

1. Must be a legally existing entity registered to do business in Virginia and have one or more location(s), including the principal place of business (based on employment, revenue, or other factors) in Fairfax County. Fairfax County includes the Towns of Herndon, Vienna, and Clifton, and the Cities of Falls Church, and Fairfax.
2. Have a valid Business, Professional and Occupational Licenses (BPOL) issued by Fairfax County or one of the aforementioned municipalities.
3. Applicant must be in good standing with Fairfax County and the Commonwealth (i.e.: indebtedness or breach of material obligation).
4. Must be or intend to become an innovative and disruptive product-focused technology enterprise.
5. Must be able to articulate the potential commercial value of the product.
6. Pre-series A entity.
7. No more than \$250,000 gross revenue in last 12 months

Application Process and Review

There will be a multi-step application process to the Program. Initially, applicants will be required to electronically submit details about their company and proposed project. Secondly, after a review for completeness and program eligibility, applicants will be invited to an interview with DEI staff. The interview may also include EDA staff and venture capital professionals and technology subject matter experts able to evaluate an innovative technology and the potential of commercial success via a business built around that technology.

Terms and Conditions

Prior to the disbursement of any funds to a grantee, an agreement will be executed by the EDA and the applicant, with the County as a third-party beneficiary. The agreement will include a reporting schedule, a revised proposal with milestones, and a budget. Neither the EDA nor the County will take ownership of intellectual property that may result from the performance of the Program award and successful applicants will retain the title to equipment purchased with Fund dollars. If an applicant removes its principal place of business from Fairfax County before 24 months following the Program award date, a pro-rata portion of grant funds must be repaid.

Program Outcomes

In an effort to measure the effectiveness of the Fund, the following statistics will be tracked over a period of time determined in the performance agreement:

- Applicant sales and/or revenue figures
- Applicant full and part-time employees
- Applicant follow-on funding: private investment/ commercialization grants/ contracts
- Number of market offerings – existing products and/or those under development
- Intellectual Property created by awardee
- Facilities enhanced and/or expanded via investment

Staff will also track:

- Number of businesses engaged and supported with underrepresented founders by the program
- Company/entrepreneur referrals to technical assistance services by the program

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ACTION - 5

Authorization of Economic Opportunity Reserve Funding to the Tysons Partnership for Community Activation (Providence and Hunter Mill Districts)

ISSUE:

Board of Supervisors' authorization to allocate \$125,000 from the Economic Opportunity Reserve (EOR) Fund to the Tysons Partnership to continue efforts to implement branding initiatives and organizational improvements that are underway.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) authorize the use of funding from the EOR Fund for this purpose.

TIMING:

Board action is requested on June 28, 2022, to capitalize on the investments made to date by the Tysons Partnership and meet the direction to staff provided by the Board on June 7, 2022.

BACKGROUND:

The Tysons Partnership was established in 2012 as the Implementation Entity for the County's Comprehensive Plan for Tysons and to partner with Fairfax County to support the redevelopment of Tysons. It is a 501(c)(4) organization, the membership of which includes employers, retailers, residential communities, and landowners.

On December 3, 2019, the Board approved up to \$1,000,000 in funds from the County's EOR Fund to assist the Tysons Partnership in developing and launching a multi-phase branding campaign for Tysons. The County funding was awarded as an equal match to funds raised by the Tysons Partnership. The capital campaign ended with the onset of the COVID-19 emergency measures with a total EOR Fund contribution of \$630,000.

The funds raised by the Tysons Partnership, and matched by Fairfax County EOR Fund contributions, were used to develop a new Tysons logo and brand guide, a Tysons Activation Guide, and an [updated website](#) and community outreach, which included marketing of Tysons.

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On December 1, 2020, the Board directed staff to work with the Tysons Partnership to collaborate on the future of the Tysons Partnership (Attachment 1). The Board also directed staff to evaluate a nomination for the use of up to \$1,000,000 from the EOR Fund to provide resources to the Tysons Partnership for short term initiatives designed to support organizational development, stakeholder outreach, and engagement through community events. At the January 12, 2021, Budget Policy Committee, staff from the Tysons Partnership provided an overview of their request for funding from the EOR Fund ([Attachment 2](#)).

On July 27, 2021, the Board approved an allocation of \$250,000 out of the nominated \$1,000,000 from the EOR Fund. These funds were used to establish a mural pilot project at 8508 Leesburg Pike, implement Tysons promotional activities, and continue the organizational development and collaboration with Fairfax County to modify the underlying business and financial model of the Tysons Partnership. All the approved activities have been completed for the approved scope.

At the May 17, 2022, Economic Initiatives Committee, staff from Fairfax County, Tysons Partnership members, and participants from the Tysons Vision Work Group provided an update on the efforts to refine the Tysons Partnership, or subsequent community organization, to be a catalyst for the continuing transformation of the Tysons community ([Attachment 3](#)). The presentation focused on the need to continue to invest in place-led economic development activities to ensure the success of communities, such as Tysons, in Fairfax County going forward. The Tysons Partnership has been a critical partner in working with County staff in co-designing the framework for a subsequent community organization.

On June 7, 2022, the Board highlighted the urgency to continue work on development of a new community organization for Tysons (Attachment 4). The proposed \$125,000 of additional funding from the EOR Fund would be used to develop the infrastructure and legal documents to ensure the work product is available for the Board to consider establishing the new organization later this year, as detailed in Attachment 4.

These tasks will be undertaken in cooperation with County staff, members of the Tysons Vision Work Group, and a draft board of directors for the proposed organization. The funding would be paid out to the Tysons Partnership upon receipt of invoices for eligible expenses.

It is anticipated that a final proposal of the new community organization for Tysons will be brought to the Board in Fall 2022.

County staff will return to the Board with a follow-on Action Item if the Tysons Partnership were to request any additional future funds.

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FISCAL IMPACT:

This item will result in the expenditure of up to \$125,000 from Fund 10015, Economic Opportunity Reserve. If approved, this action will bring the total funding from the EOR Fund to the Tysons Partnership to \$1,005,000.

ENCLOSED DOCUMENTS:

Attachment 1 – December 1, 2020, Board Matter on Expansion of Tysons Partnership's Role

Attachment 2 – January 12, 2021, Initial Project Evaluation Presentation

https://www.fairfaxcounty.gov/budget/sites/budget/files/assets/documents/budget%20committee%20meeting/2021/jan-12/eor_tysons_partnership.pdf

Attachment 3 – May 17, 2022, Place-Led Economic Development Presentation

https://www.fairfaxcounty.gov/economic-initiatives/sites/economic-initiatives/files/assets/eic_materials/may_17_2022/2022-05-17.place-led-economic-development-presentation.final_.pdf

Attachment 4 – June 7, 2022, Board Matter on Next Steps for an Anchor Organization in the Tysons Community

STAFF:

Rachel Flynn, Deputy County Executive

Rebecca Moudry, Director, Department of Economic Initiatives

Evan Braff, Countywide Coordinator, Office of the County Executive

Scott Sizer, Manager, Catalytic Development, Department of Economic Initiatives



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December 1, 2020

Joint Board Matter with Chairman McKay, and Supervisors Alcorn and Foust

Expansion of Tysons Partnership's Role

Members of the Board,

Since its inception, the Tysons Partnership has played a key role in the success that Tysons has seen. As the Board heard on November 10th at the Economic Initiatives Committee, the Partnership serves as the implementation entity called out in the Comprehensive Plan for Tysons. To that end, the Partnership's mission is to assist in the acceleration of the transformation of Tysons. Specifically, it serves as a convener, a voice and a catalyst for the people who live, work, and do business in Tysons. Here is the link to the presentation we saw on November 10th :

<https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2020/nov10-economic-initiatives-tysons-partnership-roadshow.pdf>

Since the establishment of Tysons as a special tax district effective January 1, 2013, assessed values in Tysons have grown steadily from just over \$11 billion to almost \$17 billion. The projected trajectory for Tysons is robust and we need to do whatever we can to ensure that it is maximized. As we work to take advantage of previous Board investments and decisions, the Partnership is poised to expand and enhance its role. Again, as we heard on November 10th, the Partnership would expand its role in partnership with the county in such areas as research, planning and economic development, transportation and mobility, placemaking and activation, communication and place branding as we move ahead to the next generation of Tysons.

This expanded role, described as Tysons Partnership 3.0, has prompted conversations about governance, metrics to verify progress, and a sustainable funding stream. There are models outside of Fairfax, such as in Rosslyn and National Landing, from which we can take lessons learned to help inform what we do in Tysons. Ultimately this model may also be applied in other parts of the County to cement the partnership

between County government and the community stakeholders who have the shared vision of economic growth and successful development.

Therefore, I move, in collaboration with Chairman McKay, and Supervisors Alcorn and Foust, that the Board of Supervisors direct that staff and the Partnership work to identify what the next generation of the Partnership looks like. The work of this group should include a plan spelling out the role, major activities, financing, and value proposition provided to the Tysons community and Fairfax County overall. It shall focus on governance, metrics of success and a sustainable funding stream. Recognizing that this process will take some time, I would set the FY 2023 budget as the timeframe for any recommendations to be implemented. In the preparation for this recommendation, the conversation should look at best practices in Virginia and beyond, engage local businesses, community members, and other stakeholders in Tysons beyond the Partnership membership, as well as provide regular reporting to the Board via memos and Committee meeting conversations.

I also move the nomination of \$1 million from the Economic Opportunity Reserve to provide resources for short term initiatives designed to support the priorities identified above. These would include things like wayfinding, promotion of Tysons events and businesses and connectivity through community events. This nomination begins the established process for review by staff and the Board prior to any allocation of funds. We will hear more of these initiatives from the Partnership as we discuss this nomination in the coming months.

Tyson's

JANUARY 12 2021

EOR Nomination for Tyson's Partnership

Board Of Supervisors / Budget Policy Committee

PRESENTED BY

Josh White

Tyson's Partnership
Chair

Sol Glasner

Tyson's Partnership
President & CEO

EOR NOMINATION

**To Advance a
Community-led Vision**

NOVEMBER 2019

Board of Supervisors approved
an EOR match up to \$1M

Funds deployed positioned
Tysons Partnership to
launch new “3.0” phase

**Nomination for
additional \$1M EOR
Investment to fund:**

TRANSITION TO TYSONS PARTNERSHIP 3.0
by January 1, 2023

PROGRAM INITIATIVES

DATA-DRIVEN TYSONS GROWTH STRATEGY
Coordination & catalyzation

PRIOR EOR INVESTMENT HISTORY



Success!

- Collected **2019 Q3–2020 Q2**
- \$630K County EOR
- \$630K “Tysons 2020” Investors

~\$1M

*Projected spend through
Q1 2021*

~\$250K

*Investment balance to be applied
to pandemic deferred initiatives*

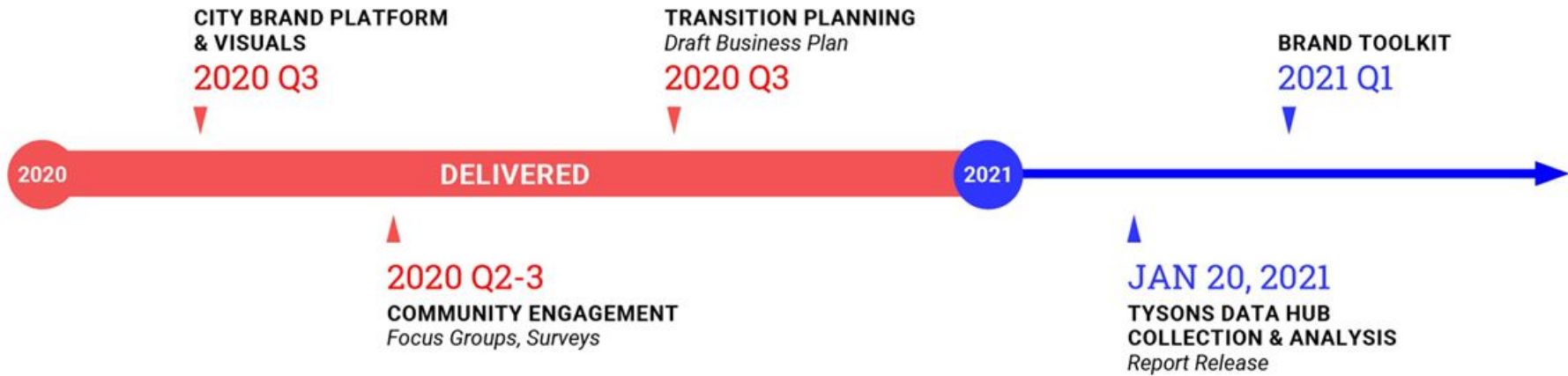
\$370K

*Remainder of 2019 authorized EOR
to be released*

TYSONS 2020 INVESTORS



PRIOR EOR INVESTMENT HISTORY (Con't)



Public Convenings & Place Activations Deferred

LAUNCHING PROGRAMS & INITIATIVES IN KEY DOMAINS



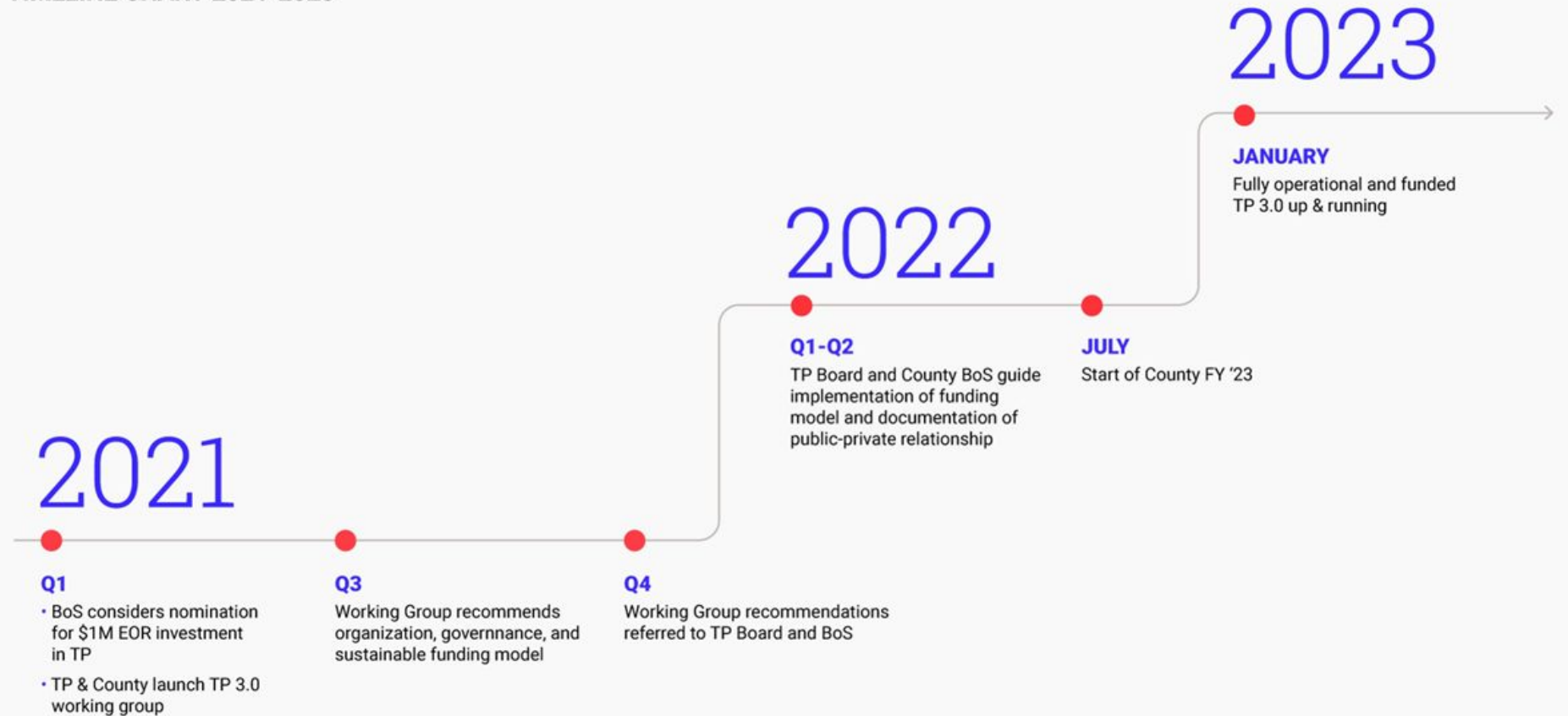
TYSONS PARTNERSHIP POSITIONED
to Coordinate, Launch & Catalyze

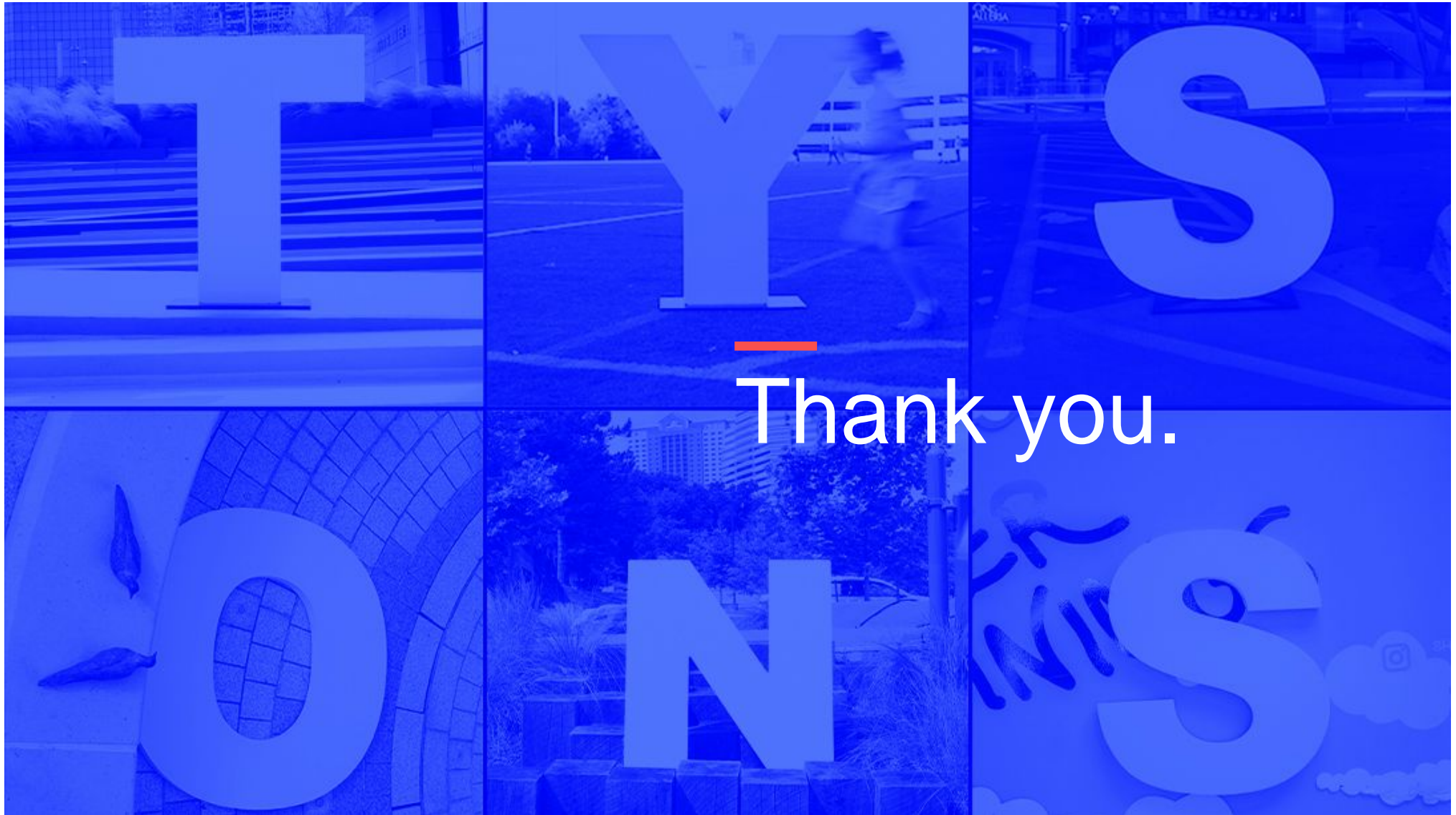
<p>Data-driven growth & reopen strategy development</p>	<p>Placemaking Events & Place Activations</p> <ul style="list-style-type: none">• Conditioned by public health circumstances• Metrics to track and demonstrate increased local business & residential engagement
<p>Mobility solutions</p>	<p>“Tysons Comes Alive” Campaign</p> <ul style="list-style-type: none">• Social• Earned & paid media• Multimedia comms platform• Marketing & promo push

**Transition to
Tysons Partnership 3.0
by January 1, 2023**

**Timeline facilitates broader & deeper
County & community engagement

TIMELINE CHART 2021-2023





Place-Led Economic Development

Board of Supervisors
Economic Initiatives Committee

May 17, 2022



Agenda



Background and Process



Needs and Opportunities



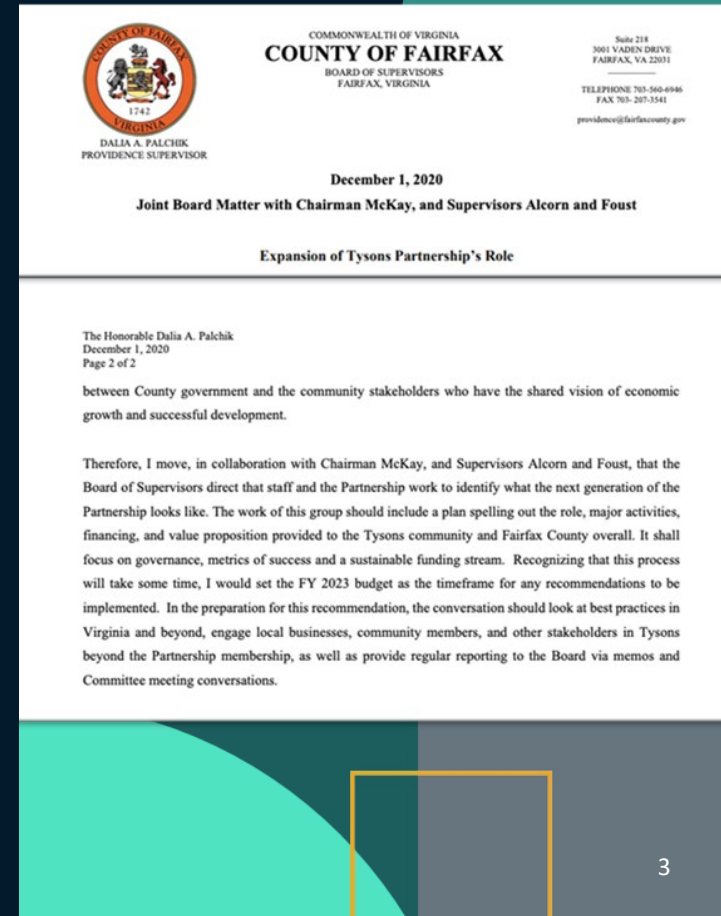
Models and Best Practices



Next Steps

Background

- 2010** ● Fairfax County adopted the Tysons Comprehensive Plan Amendment to transform the area
- 2011** ● Creation of the Tysons Partnership to facilitate initiatives by private and public sector entities and help drive placemaking, mobility, events, and economic growth.
- 2020** ● Board matter to support 'the next generation of the Tysons Partnership' to meet community needs and develop a model that could be applied to other places in Fairfax County
- 2021** ● Tysons Vision Work Group created to generate recommendations for a public-private "anchor organization" for Tysons



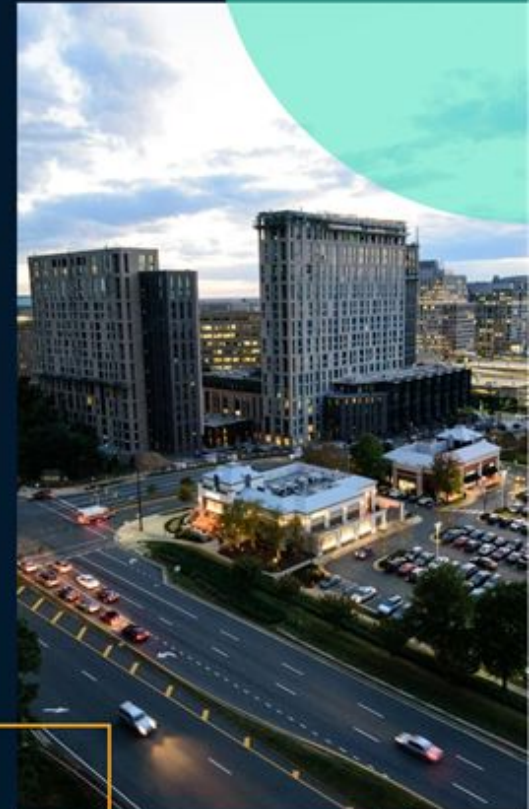
Tysons Vision Work Group

The Tysons Vision Work Group has a broad representation of stakeholders

- Includes residents, government, property owners, businesses, community and economic development stakeholders
- Held facilitated meetings between November 2021 to January 2022

Tysons Vision Work Group Deliverables

- Evaluate Best-Practices
- Develop a Vision, Mission and proposed Scope for Tysons
- Model a process and solution that could be applied to other communities in Fairfax County



Application Across Communities

- The work in Tysons applies countywide to facilitate place-led economic development
- Informs a comprehensive, strategic initiative addressing place-led economic development that meets individual community needs
- Provides an example of how this approach can be implemented in other communities within Fairfax County

Alignment with Countywide Initiatives



FY 2023
Proposed Budget

Stimulating economic growth and development through community investments



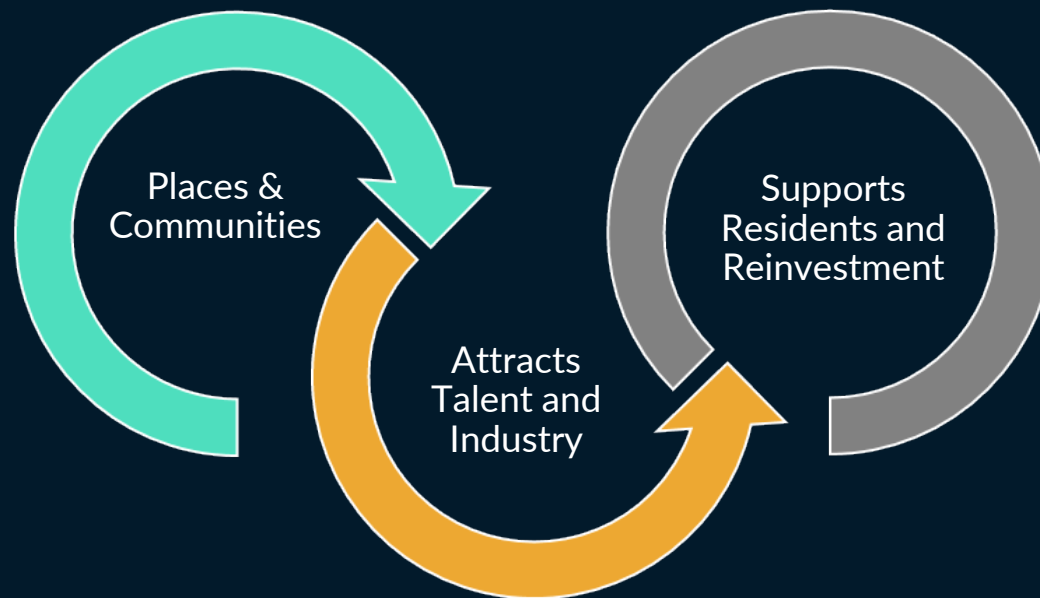
Supports the Economic Opportunity Community Outcome Area and the following Indicators of Success:

- Promoting innovation in the Local Economy
- Promoting Economic Vibrancy in all parts of the county



Ensuring all community voices are heard and included

Place: The New Economic Development Paradigm



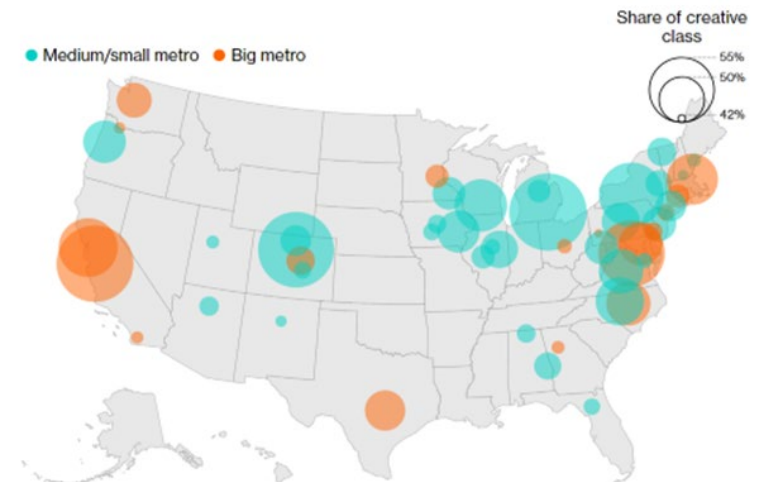
Competition is National...

Places support and attract *people* → *business follows*

- Workers are increasingly choosing smaller and medium-sized metros
- Unique bundles of amenities continue to be attractive to workers, residents, and visitors
- Offerings in less expensive metros are driving growth

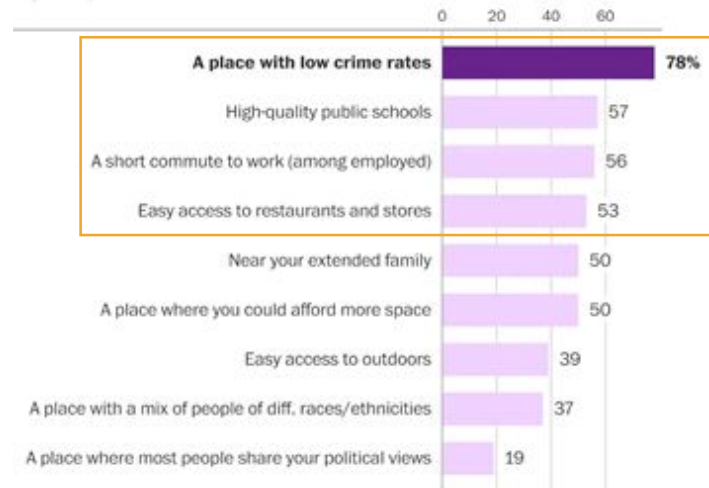
Top 50 Metro Areas for Creative Class Work

Share of the workforce in knowledge, professional and creative class occupations, as of 2019.



D.C.-area residents prioritize living in places with low crime rates, good schools and short commutes

Q: Imagine that you are moving to another community. In deciding where to live, how important would each of the following be to you. (Percent saying "extremely" or "very" important)



Note: "Moderately important," "Not very important," "Not at all important" and "No opinion" not shown.

Source: July 6-21, 2021, Washington Post-Schar School of Policy and Government poll of 500 D.C.-area residents with a margin of error of +/- 6 percentage points and 651 D.C.-area workers with an error of margin of +/- 5 points.

EMILY GUSKIN/THE WASHINGTON POST

... And Regional

- **Within the D.C. region – place matters**
- Safe communities with opportunities for work and recreation
- Opportunities and assets exist within communities across Fairfax

Community Assets

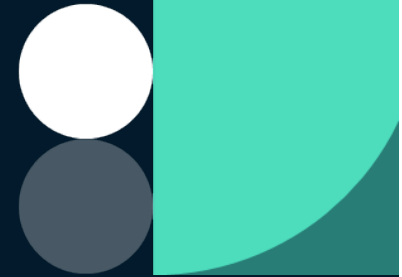
Every community in Fairfax County has unique assets; continued action is required to build on them.

- What are existing strengths and barriers?
- How can assets be developed and connected?
- Who leads and is part of the effort?



What makes a Great Place?
Project for Public Spaces

Survey of Models & Best Practices



10
Areas
Benchmarked

MIDTOWN Atlanta Powered by Midtown Alliance	GEORGETOWN ★ DC	
DOWNTOWN WICHITA	ROSSLYN	
CORTEX Innovation community	BUCKHEAD COALITION	CHERRY CREEK & NORTH
NATIONAL LANDING PENTAGON CITY CRYSTAL CITY POTOMAC YARD	CAPITOL RIVERFRONT	KING OF PRUSSIA DISTRICT



Existing Models

Though specifics vary by context, two regionally-familiar modes are:

✔ Business Improvement District (BID)

- **Origin:** Often begin as commercial associations, then form a taxing district
- **Funding:** Predictable; often ad valorem tax based
- **Leadership:** Largely drawn from business / commercial property owners; can include residential elements

✔ Partnership / Main Street Program

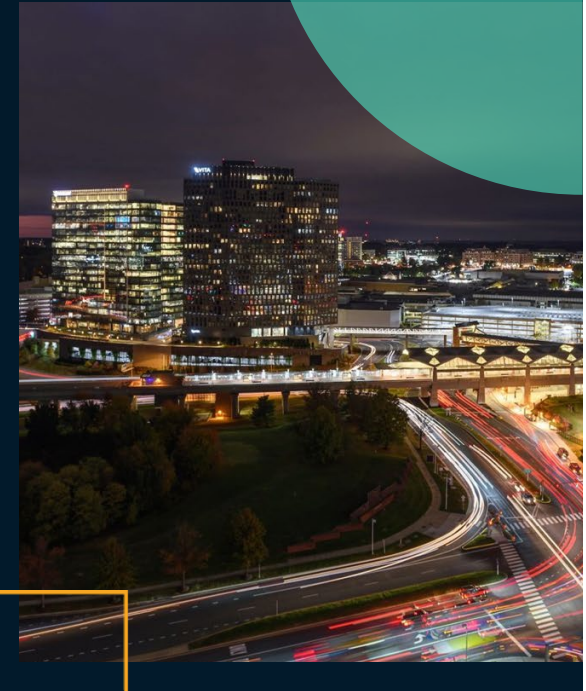
- **Origin:** Often begin as commercial associations of local non-profits, with government participation
- **Funding:** Variable - member dues, grants, government awards
- **Leadership:** Largely drawn from business community and community leaders, may include small businesses

✔ Both Models

- **Leadership:** Government helps steer function, funding, participation
- **Funding:** Use of tax dollars, grants and/or contracts, parking revenues

Best Practices + Lessons Learned

- Start with a goal and know you will scale up
- Ability to be nimble and adapt is important
- Encompass the knowledge of government with the sense of urgency of private industry
- Establish a predictable funding stream
- Performance-driven and accountable
- Almost all organizations' budgets grew and changed as their scopes matured
- Be apolitical as possible while still advocating
- “Happy People on Foot”



Best Practices: Activities



PROMOTE THE VALUE/ BRAND OF THE AREA

- Communication through social, earned, owned and paid media.
- Produce and leverage events.
- Community outreach and engagement.
- Promote all entity programs and projects.
- Support executive and board.



ACTIVATE THE PUBLIC REALM

- Facilitate community and business engagement in public space
- Pilot projects to ensure inclusion and support before any full roll out.
- Activate public space through cultural partnerships.
- Support local government plans through stakeholder partnerships.



CHAMPION A LIVABLE COMMUNITY

- Facilitate community and business engagement in introducing mobility.
- Foster implementation of mobility solutions.
- Promote multi-modal improvements like pedestrian, bicycle and transit.
- Promote and actively support Transportation Demand Management planning practices.



MEASURE THE RETURN ON INVESTMENT

- Invest in research and data-driven models to support public and private sector.
- Serve as a thinktank and facilitate growth strategies with public and private stakeholders
- Provide updated area specific economic and market data to entice new business and industry

Example Activities: Tysons



PROMOTE THE VALUE/ BRAND OF THE AREA

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- **Produce and leverage events.**
- **Community outreach and engagement.**
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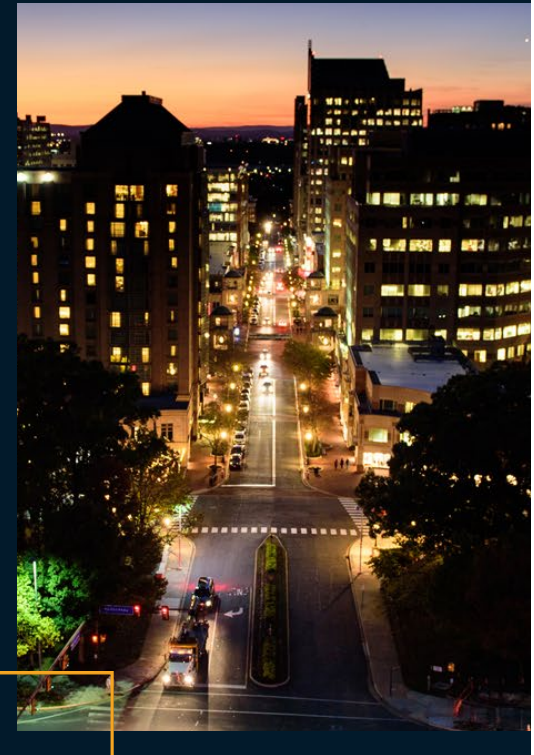
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Draft Vision & Scope: Tysons Anchor

Draft Vision: To be a catalyst for the continuing transformation of Tysons, Virginia into an inclusive, vibrant, globally attractive urban center where all thrive.

1. **Champion Livability through Walkability and Connectivity** (Transportation and Mobility)
2. **Activate the Public Realm through Events and Pop-Up Spaces** (Placemaking, Place Management)
3. **Tell Tysons' Story** (Communications and Branding)
4. **Catalyze Inclusive Economic Growth** (Research and Business Support)



Interesting Programs + Initiatives



GEORGETOWN DC

Cracks and hazards in Georgetown's famous brick sidewalks challenged its image as a pedestrian destination, until the **Georgetown BID** took over managing repairs. DC government needed to amass enough repairs to justify a purchase order, but the nimble BID can now get to small fixes faster before they become big problems. Vacant retail space is an example of "broken bricks": of Tysons: The perfect opportunity for a quick-moving organization to make a big difference where government can't.



The Crystal City BID relaunched as **National Landing BID** in 2020, to reflect expanded boundaries and "foster a more cohesive identity for the entire National Landing area." A new "visual identity" includes branding and multimedia storytelling that highlights "little-known angles of the neighborhood and the easy urban lifestyle possible here."



Downtown Wichita won grants from the NEA for professional public art projects creating "front doors" from downtown business to the public domain.



Next Steps

- Continue to refine Tysons anchor organization
- Return to the Board of Supervisors with proposed:
 - Activities
 - Governance
 - Resources
- Invitation to visit individual Board of Supervisor members





DALIA A. PALCHIK
PROVIDENCE SUPERVISOR

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
BOARD OF SUPERVISORS
FAIRFAX, VIRGINIA

Suite 218
3001 VADEN DRIVE
FAIRFAX, VA 22031

TELEPHONE 703-560-6946
FAX 703- 207-3541

providence@fairfaxcounty.gov

June 7, 2022

**Joint Board Matter with Chairman McKay,
and Supervisors Alcorn and Foust**

**Next Steps for an Anchor Organization in the Tysons Community
Economic Opportunity Reserve Funding**

Members of the Board,

Following our robust discussion at the Economic Initiatives Committee on May 17, 2022, and the support expressed by the Board at that time, we would like to continue moving forward with the establishment of an anchor organization for Tysons. Specifically, we are proposing an additional expenditure of the existing December 1, 2020 Economic Opportunity Reserve Board nomination to the Tysons Partnership.

As previously discussed, additional work is needed to set the stage for a new community organization for Tysons. The Tysons Partnership has been a tremendous partner for the County over the last decade, and it is time to build on the work they have done to ensure success over the next decades.

More details on the governance and funding model for the organization, as well as the identification of an appropriate name, are in the works. Staff have reached out to your offices to schedule individual conversations with you to answer questions and receive additional feedback on the process and ideas shared. The comprehensive documents drafted by the working group have also been shared

We therefore propose that the following work be initiated as quickly as possible in order to maintain our current momentum, and not delay this important work. The primary tasks are:

1. Establish a new nonprofit corporation;
2. Develop administrative, financial, and personnel management systems;
3. Create a preliminary action agenda and initial work plan program; and
4. Prepare a communication plan and platform, building off the Tysons Partnership branding effort and previous County investments.

Completion of these activities is contingent on final approval of the new organization by the Board of Supervisors, but may take several months to complete. To maintain momentum, it is proposed we immediately allocate funding, in order to not lose time while working toward final Board approval. As the Board will recall, there is a previous Tysons Partnership nomination of up to \$1,000,000 from the Economic Opportunity Reserve. To date only \$250,000 of this amount has been approved. To facilitate this additional priority work of the Board, it is proposed that another \$125,000 be allocated from the remaining proposed \$750,000 for the purpose of moving this initiative work forward.

A proposed breakdown of this \$125,000 is attached. These tasks would be undertaken in cooperation with a County-established implementation task force and a new board of directors for the organization, once established.

Therefore, I move, in collaboration with Chairman McKay, and Supervisors Alcorn and Foust, that the Board direct staff to return to the Board with an Action Item on June 28, 2022 for the expenditure of \$125,000 from the Economic Opportunity Reserve to the Tysons Partnership to provide resources for the short-term initiatives attached. Given the previous conversations that have occurred on this nomination in committee and at the dais, the motion would also forgo the need to return for further discussion in committee on this expenditure.

Attachment:

Proposed Tysons Anchor Organization Workplan

1. Establish a new corporation – To create a new operating entity, there are a number of important legal tasks to be completed. These include, among others:
 - Incorporation
 - Creating by-laws
 - Identifying a Board of Directors and convening meetings
 - Creating organizational policies and practices
 - Filing of all needed business certificates and operating licenses
 - Developing a memorandum of understanding or operating agreement between the new organization and the County

(Estimated cost \$50,000)

2. Develop administrative, financial and personnel management systems - There are a set of organizational systems that are needed to assure robust functional capacity. These include:
 - Putting in place bookkeeping and financial management procedures and system
 - Establishing banking relationships
 - Designing and adopting operational policies and procedures
 - Developing position descriptions for executive staff and organize search process

(Estimated cost \$25,000)

3. Create a preliminary action agenda and initial work plan program - To expedite the delivery of initial services of the new organization and establish a presence,

work will be undertaken to frame a set of initial actions. This will require proposal of a short-range strategic plan. Activities would include:

- Identifying initial key needs and opportunities through surveys and interviews
- Establishing priority actions to meet needs and take advantage of opportunities
- Developing an initial work plan

(Estimated cost \$25,000)

4. Prepare a communication plan and platform - Taking advantage of previous investments in brand development for Tysons, a new communications plan, including updated messaging, should be developed. In parallel, a more robust social media platform should be developed and launched. Activities would include:

- Developing a communications plan
- Designing and implementing a social media platform
- Creating an interactive community engagement program

(Estimated cost \$25,000)

Board Agenda Item
June 28, 2022

ACTION - 6

Endorsement of the Virginia Department of Transportation Six-Year Secondary System Construction Program for Fiscal Years 2023 Through 2028

ISSUE:

Board endorsement the Virginia Department of Transportation (VDOT) Secondary Six Year Program (SSYP) for Fiscal Years (FY) 2023 through 2028.

RECOMMENDATION:

The County Executive recommends that the Board endorse the attached Secondary Six Year Program for FY 2023 through 2028 (Attachment 1) and approve the resolution (Attachment 2) required by VDOT.

TIMING:

The Board is requested to act on this item on June 28, 2022.

BACKGROUND:

The SSYP has been prepared by VDOT pursuant to Section 33.2-331 of the *Code of Virginia*. This is an update of the previous Program which the Board endorsed on July 27, 2021.

Roadway funding in Virginia is now largely allocated through the Commonwealth's Smart Scale and State of Good Repair programs. Consequently, the secondary road fund has been shrinking and only nominal secondary road funds are expected in the future. The Commonwealth's Biennial Budget specifies that these changes will not affect the expenditure of the secondary funds that were allocated by July 1, 2019, if they are committed and expected to be expended as of January 1, 2020. Those secondary funds that remain unspent as of January 1, 2020, will be deallocated and transferred to the State of Good Repair Program, unless such funds are allocated to a fully funded and active project. Therefore, the County can continue to utilize those secondary funds already allocated to projects.

The County initiated legislation during the 2019 General Assembly Session that would limit the requirements for the SSYP Update. Specifically, HB 2578 (Plum) / SB 1684 (Petersen), changes the Code of Virginia to require that a governing body hold a public hearing on the SSYP only when the locality has a proposed new funding allocation greater than \$100,000. Both bills passed the General Assembly unanimously, were

signed by the Governor, and become effective on July 1, 2019. Therefore, a public hearing will only be required in years when a new funding allocation is greater than \$100,000.

Table B shows the changes in the Six-Year Secondary Construction Program amounts from the FY 2003 – FY 2008 Program through the current Program.

Table B: Secondary Program Comparison

2003-2008	\$138,335,526
2004-2009	\$153,442,084
2005-2010	\$113,686,186
2006-2011	\$131,445,086
2007-2012	\$78,270,291
2008-2013	\$119,121,972
2009-2014	\$10,994,320
2010-2015	\$1,443,761
2011-2016	\$11,798
2012-2017	\$19,591
2013-2018	\$11,382
2014-2019	\$25,680
2015-2020	\$51,480
2016-2021	\$33,275
2017-2022	\$36,860
2018-2023	\$41,750
2019-2024	\$43,073
2020-2025	\$43,600
2021-2026	\$43,393
2022-2027	\$46,822
2023-2028	\$54,199

FISCAL IMPACT:

There is no impact to the General Fund. As individual projects are constructed, the County may send VDOT any related funds that have been collected for a particular project by the County through proffers, construction escrows and/or other local funds.

Board Agenda Item
June 28, 2022

ENCLOSED DOCUMENTS:

Attachment 1: Secondary System Construction Program for FY 2023 through FY 2028

Attachment 2: Resolution Approving Program.

STAFF:

Rachel Flynn, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Ray Johnson, Coordination and Funding Division, FCDOT

Secondary System
Fairfax County
Construction Program
Estimated Allocations

Fund	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	Total
TeleFee	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$11,724	\$8,270	\$8,270	\$8,645	\$8,645	\$8,645	\$54,199
Total	\$11,724	\$8,270	\$8,270	\$8,645	\$8,645	\$8,645	\$54,199

Board Approval Date:

Residency Administrator

Date

County Administrator

Date

District: Northern Virginia

County: Fairfax County

Board Approval Date:

2023-24 through 2027-28

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date	Traffic Count Scope of Work FHWA # Comments
4008 100373 NOT APPLICABLE S 0000.04	1204008 COUNTYWIDE RIGHT OF WAY ENGR. VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	PE \$0 RW \$38,633 CN \$0 Total \$38,633 3/1/2011	0 Right of Way 16016 USE WHEN IMPARTIAL TO OPEN A PROJECT: ATTORNEY FEES and ACQUISITION COST.
0638 5559 RAAP CONTRACT STP Migration 0002.03	ROLLING ROAD 0638029156 ROLLING ROAD - RTE 638 - WIDEN TO 4 LANES - PH II 0.369 MI. N. RTE. 286 (FAIRFAX COUNTY PARKWAY) RTE. 6723 (KENWOOD AVENUE) 1.4	PE \$8,448,767 RW \$23,058,949 CN \$41,712,323 Total \$73,220,039 9/18/2023	18000 Reconstruction w/ Added Capacity 44003 MPO Project.
0000 -26200 NOT APPLICABLE 9999.99	000096A656 NOVA Secondary Allocations	PE \$0 RW \$0 CN \$0 Total \$0	
9999 -25341 NOT APPLICABLE 9999.99	9999029545 FAIRFAX COUNTY - FUTURE UNPAVED SECONDARY FUNDING	PE \$0 RW \$0 CN \$0 Total \$0	
9999 -11514 NOT APPLICABLE 9999.99	999996A441 District Closeout Balance Entry - Northern Virginia	PE \$0 RW \$0 CN \$0 Total \$0	
11680 RAAP CONTRACT NH/STPBD PRIMARY - ONE HEARING DESIGN 9999.99	FAIRFAX CO. PKWY R000029249 FAIRFAX COUNTY PARKWAY - CONSTRUCT 4 & 6 LANES 0.417 MILE NORTH OF BARON CAMERON AVENUE 0.436 MILE SOUTH OF ROUTE 7 (WBL) 2.5	PE \$0 RW \$4,314,556 CN \$21,808,384 Total \$26,122,940 8/4/1998	New Construction Roadway 4A101 Construction complete - awaiting financial closure. Balance to be redistributed.
7100 95718 NON VDOT NH/S 9999.99	7100029881 GEC Oversight of Fairfax County Parkway Extension Project Fullerton Road Rolling Road	PE \$2,722,000 RW \$0 CN \$0 Total \$2,722,000	New Construction Roadway _E101

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on Tuesday, June 28, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

**SECONDARY SIX YEAR
PROGRAM ENDORSEMENT RESOLUTION**

WHEREAS, Sections 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, the Commonwealth Transportation Board (CTB) approved the Six-Year Plan for Secondary Roads (FY2023 through FY2028) in June 2022,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County Virginia, endorses CTB approval of the Secondary Six-Year Plan (FY2023 through FY2028), and authorizes the County Executive to execute the approved Secondary Six-Year Plan (FY2023 through FY2028).

Adopted this 28th day of June, 2022, Fairfax, Virginia

ATTEST

Jill G. Cooper
Clerk to the Board of Supervisors

ACTION - 7

Authorization to Execute a Funding Agreement with Congressional School, Inc. for an Exit Improvement Project on Sleepy Hollow Road (Mason District)

ISSUE:

Board approval of a funding agreement between Fairfax County and Congressional School, Inc. The agreement commits Congressional to contribute all necessary land rights for improvements to the exit from its property onto Sleepy Hollow Road and up to \$61,476 to widen its exit from one to two lanes.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors authorize the Director of the Department of Transportation to execute the funding agreement with Congressional School, Inc., on behalf of the County, in substantial form as Attachment 1.

TIMING:

The Board of Supervisors should act on this item on June 28, 2022, so that the County can begin construction of this project during Summer 2022.

BACKGROUND:

Fairfax County was approached by Congressional during the land acquisition phase of the Sleepy Hollow Road Sidewalk Project to request the County's support for the widening of its existing exit to improve traffic flow from its property onto Sleepy Hollow Road. The Congressional School exit is currently configured to allow a single lane of traffic to exit from the property. During peak traffic periods, at student drop-off and pick-up, motorists on Sleepy Hollow Road regularly experience significant delays.

Congressional proposed to partner with the County to widen the school exit to allow vehicles from the school property onto both Northbound and Southbound Sleepy Hollow Road at the same time. Widening the exit to accommodate two travel lanes will allow vehicles to exit the property more efficiently which is expected to reduce delays to the general public traveling on Sleepy Hollow Road.

The proposed project will remove the existing stone column and wall, provide full depth pavement, new curb, and sidewalk to accommodate a second lane exiting the property. In addition to the exit work, the agreement will provide the land rights for the project. All

Board Agenda Item
June 28, 2022

design elements proposed for the project will be consistent with VDOT and County standards.

Congressional acknowledges the need for both the County and private landowners to work together to maximize the benefit to the community, and therefore, is prepared to fully contribute funds necessary to construct the widened exit. An initial down payment of fifty percent of the design proposal cost from the consultant, agreed to by Congressional, will be provided to the County to initiate the design. In addition, an initial down payment of fifty percent of construction costs, agreed to by Congressional, will be provided to the County within 30 days of the County issuing a notice to proceed to its contractor.

FISCAL IMPACT:

This proposed funding agreement will provide funding in an amount not to exceed \$61,476 (\$26,476 for design and \$35,000 for construction), to widen the existing exit, improve traffic flow from the Congressional School property onto Sleepy Hollow Road and thereby alleviating significant delays during the peak traffic periods. There is no General Fund impact.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Agreement between Fairfax County and Congressional School, Inc.

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation, FCDOT
W. Todd Minnix, Chief, Transportation Design Division (TDD), FCDOT
Sonia Shahnaj, Project Manager, TDD, FCDOT
Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), FCDOT
Ray Johnson, Chief, Funding Section, CFD, FCDOT
Smitha Chellappa, CFD, FCDOT

ASSIGNED COUNSEL:

Richard Dzubin, Assistant County Attorney

CONTRIBUTION AND LAND RIGHTS AGREEMENT

THIS CONTRIBUTION AND LAND RIGHTS AGREEMENT (this “Agreement”) is made this ____ day of _____, 2022 by the **FAIRFAX COUNTY BOARD OF SUPERVISORS**, a body politic and corporate (the “County”) and **CONGRESSIONAL SCHOOL, INC**, a Virginia nonstock corporation (“Congressional”) (collectively the “Parties”), and shall be effective as of the date it is signed by both Parties.

RECITALS

WHEREAS, Congressional is the owner of property located in Fairfax County with an address of 3229 Sleepy Hollow Road, Falls Church, Virginia 22042;

WHEREAS, there exists currently a two-lane street exit to Sleepy Hollow Road from Congressional, which narrows to one lane after passing the existing stone gate (the “Existing Exit”);

WHEREAS, the County and Congressional have discussed the possibility of widening the Existing Exit from one lane to two lanes consistent with the design attached hereto as Exhibit A, which will improve traffic flow on the Congressional property (the “Project”);

WHEREAS, Congressional is prepared to contribute funds to the County in connection with the construction of the Project.

NOW, THEREFORE, in consideration of the obligations set forth below and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

AGREEMENT

1. **Incorporation of Recitals.** The Recitals above are incorporated into and made a part of this Agreement as if set forth in their entirety.

2. **Land Rights.** The Parties agree that in order for the Project to be completed, Congressional must grant certain land rights in its property (“Land Rights”) to the County. Those Land Rights are more fully described on the attached Exhibit A and are anticipated to be a grading easement and temporary construction easement for the Project.

3. **The County’s Obligations.** The County shall:

(a) Procure a change order proposal from the Contractor to complete the work proposed in Exhibit A (the “Construction Change Order”);

(b) Draft and submit all construction plans and any other required documents for the Project to VDOT and County plan reviewers;

(c) Upon approval, provide a copy of the project permit revision, from VDOT, that authorizes the County to begin construction on the Project (“Project Permit”) to Congressional within 30 days of receipt from VDOT;

(d) Coordinate with VDOT and any outside contractors regarding any issues related to the Project;

(e) Manage and oversee all construction on the Project to completion;

(f) Coordinate final acceptance of the Project, by VDOT, for work within the public right of way following Project completion. VDOT will maintain Project features proposed within the public right of way;

(g) Upon substantial completion of the Project, submit a detailed invoice to Congressional showing all actual costs incurred on the Project, including all third-party costs relating to change orders and any third-party costs relating to testing and inspections and any third-party miscellaneous construction costs.

(h) Apply all funds received from Congressional solely to the actual costs of the Project (which may include third-party engineering/design and third-party utility work); and

(i) Promptly refund any funds received from Congressional back to Congressional following the Project’s final completion for any such funds that have not been applied solely to the actual costs for the Project.

(j) Obtain from the contractor a Certificate of Insurance naming Congressional as an additional insured, with the insured amounts and coverage types equal to or greater than the amounts in the contractor’s policy that lists the County as an additional insured.

4. **Congressional’s Obligations.** Congressional shall:

(a) **Design Phase Financial Contribution.** Congressional shall pay the County fifty percent (50%) of the design proposal amount from Jacobs, attached as Exhibit B, in the amount of \$13,238 to initiate the design of the Project. Congressional is responsible for any additional unknown costs related the the project. The remainder of the design costs, including stormwater management nutrient credit fees, are due following the receipt of the permit revision from VDOT or if Congressional decides not to proceed with the Project, whichever occurs first.

(b) **Construction Phase Financial Contribution.** Any Construction Change order equal to, or less than \$35,000.00, shall be deemed approved by Congressional. In the event the Construction Change Order exceeds \$35,000.00, the County shall, prior to approving the Construction Change Order, submit it to Congressional for its approval. Upon submission of a Construction Change Order exceeding \$35,000.00, Congressional shall have ten (10) business days to either approve or reject the Construction Change Order; if Congressional does not timely approve or reject the Construction Change Order, its lack of a response shall be deemed a rejection.

For Construction Change Order approved by Congressional, Congressional shall pay the County fifty percent (50%) of the initial Construction Change Order, as submitted by the

contractor, prior to Notice to Proceed for construction activities. Upon substantial completion of the Project, the County will submit a detailed invoice to Congressional as set forth in Section 3(g) above. Within 30 days of the County submitting the invoice, Congressional will pay the County its Final Financial Contribution. The Final Financial Contribution will be one hundred percent (100%) of the actual total Project cost, less the amount of previous contributions for the Project, provided that any costs above an approved Construction Change Order have been pre-approved by Congressional.

(c) **Grant Land Rights.** If additional land rights are necessary for completion of the Project, Congressional shall grant such land rights to the County at no additional cost.

(d) **Maintenance.** Congressional is responsible for the maintenance of all facilities installed outside of the public right of way, on Congressional Property.

5. **Termination.**

(a) **Termination for Convenience.** The County shall have the right to terminate this Agreement without cause upon 30 days prior written notice to Congressional. In such event, the County will refund to Congressional any and all funds that Congressional provided, as well as any land rights granted, pursuant to the terms of this Agreement.

(b) **Termination for Non-Appropriation.** Funding by the County for the Project shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors. Nothing in this Agreement shall require or obligate the County to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by the Board of Supervisors. In the event sufficient funds shall not be appropriated which may lawfully be applied to the County's financial obligations towards the Project, the County may terminate this Agreement. In such event, the County will refund to Congressional any and all funds that Congressional provided, as well as any land rights granted, pursuant to the terms of this Agreement.

6. **No Partnership.** Nothing contained herein shall have the effect of establishing or creating any joint venture or partnership between the Parties.

7. **Liability of Parties; No Rights in Third Parties.** The Parties agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, any right as a third-party beneficiary hereunder, or authorize any person or entity, not a Party hereto, to maintain any action for personal injury, property damage, or breach of contract pursuant to the terms of this Agreement or otherwise. No Party shall be liable to any third party for any claims, liabilities, or expenses arising out of the acts or omissions of the other Party to this Agreement. Notwithstanding anything to the contrary set forth in this Agreement, including this Section 7, the County acknowledges and agrees that Congressional's sole liability under this Agreement is for the payments to the County set forth in Sections 4(a) and 4(b), the grant of Land Rights under Section 4(c), and the maintenance duties described in 4(d). No provision of this Agreement shall create any other covenant, obligations, responsibilities or liabilities whatsoever between Congressional and the County and/or Congressional and any third parties.

8. **No Waiver of Sovereign Immunity.** Nothing herein shall be considered as a waiver of the sovereign immunity of the County of Fairfax. Notwithstanding the foregoing, this agreement shall be interpreted and enforced as a contract by the parties.

9. **No Personal Liability.** Nothing herein shall be considered to create any personal liability on behalf of any official, employee, agent, or representative of the County or any employees, members, agents, or representatives of Congressional.

10. **Condemnation or Casualty.** In the event that all or any part of the Project shall be taken or condemned by a public authority or rendered a total loss by fire or any other casualty, or is no longer suitable for use through no fault of the County, then such portion of the proceeds from any insurance or condemnation payment shall be used for the construction of a replacement Project if such replacement is commercially feasible. To the extent that such construction is commercially feasible at or near the site of the Project, then this Agreement shall continue in effect as to such replacement Project unless otherwise mutually agreed by the Parties, provided however that the Parties agree that Congressional shall not be responsible for contributing any funds to the replacement Project, if Congressional has fulfilled its funding obligations for the original Project. If a replacement Project is not feasible, this Agreement shall terminate automatically effective as of the date of such taking, condemnation, or damage by fire or any other casualty without further obligation on the part of any Party. Except as set forth herein, the County shall not have any obligation to repair or restore the Project. Congressional shall not have any right or claim to any condemnation award or insurance proceeds payable to the County as a result of any such condemnation, fire or any other casualty, unless Congressional has already contributed funds to the County for the Project in which case, Congressional shall be entitled to be reimbursed from the condemnation award or insurance funds, that percentage of funds it had contributed to the actual costs of the Project, so long as there was no resulting replacement Project. In the event such a condemnation or casualty occurs, the County will consult with Congressional about possible alternative arrangements for the replacement Project.

11. **Notice.** All notices and other communications required or permitted under this Agreement shall be in writing and shall be hand delivered, sent by first class U.S. Mail, postage prepaid, or sent prepaid by nationally recognized express courier service.

If to Congressional:

Congressional School, Inc.
3229 Sleepy Hollow Road
Falls Church, Virginia 22042
Attn: Lisa Singleton

With copies to:

Walsh, Colucci, Lubeley & Walsh, P.C.
4310 Prince William Parkway, Suite 300
Prince William, Virginia 22192
Attn: Michael J. Coughlin, Esquire

If to the County:

Tom Biesiadny
Director, Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, Virginia 22033

With copies to:

County Attorney
Fairfax County
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035

12. **Governing Law; Venue.** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without reference to conflict of laws principles. Any dispute between the Parties which is not otherwise resolved by agreement of the parties shall be resolved by a court of competent jurisdiction located in Fairfax County, Virginia.

13. **Entire Agreement; Amendment.** This Agreement constitutes the entire agreement between the Parties with respect to the Project and shall supersede all prior oral or written understandings. This Agreement may not be modified unless in writing signed by both Parties.

14. **Headings.** The headings contained in this Agreement are for reference purposes only and shall in no way affect the meaning or interpretation of this Agreement.

15. **Counterparts.** This Agreement may be executed in counterparts, which, taken together, shall constitute one agreement.

IN WITNESS WHEREOF, the Parties execute this Agreement as of the dates set forth below:

FAIRFAX COUNTY BOARD OF SUPERVISORS

Signature: _____
Tom Biesiadny
Director
Fairfax County Department of Transportation

Date: _____

CONGRESSIONAL SCHOOL, INC.

Signature: _____
NAME
TITLE

Date: _____

Board Agenda Item
June 28, 2022

ACTION – 8

Approval and Authorization to Execute a Project Administration Agreement with the Virginia Department of Transportation for the Implementation of Trail Improvements on Random Hills Road and Post Forest Drive (Braddock and Springfield Districts)

ISSUE:

Board of Supervisors' approval and authorization for the Director of the Fairfax County Department of Transportation (FCDOT) to execute a Project Administration Agreement (PAA), substantially in the form of Attachment 2, for the implementation of trail improvements along Post Forest Drive and Random Hills Road.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution (Attachment 1), authorizing the Director of FCDOT to execute a PAA with the Virginia Department of Transportation (VDOT), substantially in the form of Attachment 2, for the implementation of the project.

TIMING:

The Board should act on this item on June 28, 2022, so that VDOT can proceed with the implementation of the project.

BACKGROUND:

Post Forest Drive (Route 7435) and Random Hills Road (Route 656) are undivided urban major collectors. Both roadways have some existing pedestrian and cyclist accommodations, but they lack unification and connectivity to adjacent facilities. The project will build a ten-foot-wide shared use path along Random Hills Road from just west of Black Ironwood Drive to Random Hills Road and then along Post Forest Drive the Monument Drive Transit Center. To accommodate the ten-foot-wide shared-use path, Post Forest Drive will be restriped without bicycle lanes, and curb and gutter will be modified as needed.

The project also includes pedestrian improvements at West Ox Road/Post Forest Drive and Post Forest/Random Hills intersections including crosswalks on all four legs and installing American with Disabilities Act (ADA) curb ramps. The project will complete an

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off-corridor segment of the I-66 Parallel Trail, connecting bicyclists and pedestrians to the Monument Drive Transit Center that is currently under construction.

FISCAL IMPACT:

The current total project estimate is \$9.24 million, and currently has \$4.88 million in Congestion Mitigation Air Quality (CMAQ), and Regional Surface Transpiration Program (RTSP) funds allocated to it. The balance of \$4.36 million is needed to fully fund the project. Staff has identified \$601,257 in proffer funds, Fund 30040 – Contributed Roadway Improvements, and \$3.76 million in Fund 40010 - County and Regional Transportation Projects construction reserve (Project 2G40-001-000) to fully fund the project.

Staff has applied for Northern Virginia Transportation Commission's I-66 Commuter Choice grant funding for FY2023-FY2024. Additionally, the County has submitted a federal community project funding request in the amount of \$2 million. If awarded, the agreement will be revised to reflect any new revenues received. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to Execute a Project Administration Agreement with the Virginia Department of Transportation

Attachment 2: Project Administration Agreement for Post Forest Drive and Random Hills Road Shared-Use-Paths (including Related Appendices)

STAFF:

Rachel Flynn, Deputy County Executive

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

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

Ray Johnson, Chief, Funding Section, CFD, FCDOT

Smitha Chellappa, Senior Transportation Planner, CFD, FCDOT

Michael J. Guarino, Chief, Capital Projects Section, Capital Projects and Traffic Engineering Division (CPTED), FCDOT

Chris Wells, Active Transportation, CPTED, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, June 28, 2022, 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 Post Forest Drive and Random Hills Road Shared-Use-Path 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 Post Forest Drive and Random Hills shared-use-path project (VDOT project # 9999-029-457, UPC 117083) (“Project”).

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

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

Adopted this 28th day of June 2022, Fairfax, Virginia

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

**VDOT ADMINISTERED – LOCALLY FUNDED
PROJECT ADMINISTRATION AGREEMENT**

Project Number	UPC	Local Government
9999-029-457	117083	FAIRFAX COUNTY

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20__, 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. The DEPARTMENT and the LOCALITY are collectively referred to as the “Parties”.

WITNESSETH

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

WHEREAS, the funds as shown in Appendix A have all been allocated by the LOCALITY to finance the Project; and

WHEREAS, the LOCALITY has requested that the DEPARTMENT design and construct this project in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT's administration of the project identified in this Agreement and its associated Appendices A and B in accordance with applicable federal, state, and local law and regulations; and

WHEREAS, the LOCALITY’s governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement; and

WHEREAS, Section 33.2-338 of the Code of Virginia authorizes both the DEPARTMENT and the LOCALITY to enter into this Agreement;

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

- A. The DEPARTMENT shall:
1. Complete said work as identified in Appendix B, advancing such diligently, and all work shall be completed in accordance with the schedule established by both parties.
 2. Perform or have performed, and remit all payments for, all preliminary engineering, right-of-way acquisition, construction, contract administration, and inspection services activities for the project(s) as required.

3. Provide a summary of project expenditures to the LOCALITY for charges of actual DEPARTMENT cost.
 4. Notify the LOCALITY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the LOCALITY prior to performing those activities.
 5. Return any unexpended funds to the LOCALITY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
- B. The LOCALITY shall:
1. Provide funds to the Department for Preliminary Engineering (PE), Right of Way (ROW) and/or Construction (CN) in accordance with the payment schedule outlined in Appendix A.
 2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the LOCALITY and modification of this Agreement.
- C. Funding by the LOCALITY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. 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.
- E. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of

such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- F. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and LOCALITY funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the LOCALITY, the LOCALITY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in 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 upon mutual agreement of both parties.

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

COUNTY OF FAIRFAX, VIRGINIA:

Typed or Printed Name of Signatory

Date

Title

Signature of Witness

Date

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

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A (UPC 117083)

Appendix B (UPC 117083)

Appendix B

Project Number: 9999-029-457 (UPC117083) Locality: FAIRFAX COUNTY

Project Scope	
Work Description:	POST FOREST DRIVE AND RANDOM HILLS ROAD SHARED USE PATHS - Upgrade existing sidewalk on Random Hills Road from under Monument Drive to Post Forest Drive to 10' shared use path. Eliminate existing bike lane on south side of Post Forest Drive from Random Hills Road to West Ox Road and construct 10' shared use path.
From:	Under Monument Drive over I-66
To:	West OX Road
Locality Project Manager Contact Info: Will Steinhilber 703-877-5783 august.steinhilber@fairfaxcounty.gov Department Project Coordinator Contact Info: Ha Hong 703-259-2907 Hong.Ha@VDOT.Virginia.gov	

Detailed Scope of Services
<p>Design Phase to include: Post Forest Drive from West Ox Road to Random Hills Road</p> <ul style="list-style-type: none"> • Eliminate existing on-road bike lanes (both directions) between Black Ironwood Drive and Random Hills Road. • Design and construct a 10' wide Shared Use Path (SUP) on the south side of Post Forest Drive from just west of Black Ironwood Drive to the intersection with Legato Road / Random Hills Road. This work will require shifting the existing curb line on the south side of Post Forest Dr. into the existing road (reducing the overall pavement width) to accommodate the SUP. The resultant typical section on Post Forest Drive will consist of one (1) through lane in each direction, with left turn lanes at Black Ironwood Drive/Lincoln Crest Street, Cedar Forest Drive and Random Hills Road. • A right turn lane from eastbound Post Forest Drive onto southbound Legato Road will be provided, consistent with existing conditions. • Existing Post Forest Drive within the project limits will be re-paved (milled and overlaid) and re-striped. • Modify the existing storm sewer system as necessary to accommodate the relocated curb line and new SUP. • Relocate the existing bus stop east of Black Ironwood Drive. • The design will honor the existing brick retaining wall along the southern frontage of Post Forest Drive. • Post Forest Drive east of the Legato Road / Random Hills Road intersection will be re-striped as necessary to align with the new lane configuration west of the intersection. • Intersection improvements at West Ox Road and Post Forest Drive to include: <ul style="list-style-type: none"> ○ Adding crosswalks along the north and west sides of the intersection ○ High visibility crosswalks across all approaches ○ Enhancing Americans with Disabilities Act (ADA) curb ramps

Random Hills Road from Post Forest Drive to Monument Drive

- Design and construct a 10’ wide Shared Use Path (SUP) on the east side of Random Hills Rd. from its intersection with Post Forest Drive, connecting to the existing SUP just beyond the Monument Drive overpass.
- Add a crosswalk along the north side of the Post Forest Drive and Random Hills Road intersection, as well as enhancing ADA curb ramps.
- High visibility crosswalks across all approaches
- Existing street lights on Random Hills Road in the vicinity of the Monument Drive Bridge will be relocated or replaced, as necessary.
- Bicycle lane “slip ramp”

It will be necessary to remove street trees to construct the Project. Impacts to the existing landscaping will be evaluated at the right of way phase.

Right of Way Phase to include:

- Land rights will be acquired and existing utilities will be relocated as necessary

Construction Phase to include:

- Compilation of final plans, specifications and estimate into a bid proposal package
- Bid proposal bid-ability review
- Administration and advertisement of proposal
- Administration of bidder questions
- Receipt of bids
- Administration of Contract award
- Administration and oversight of construction
- Construction engineering services
- Construction project close-out

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

Authorized Locality Official and date

Residency Administrator/PE Manager/District Construction Engineer
Recommendation and date

Typed or printed name of person signing

Typed or printed name of person signing

VDOT Administered, Locally Funded Appendix A

Date: 4/26/2022

Project Number: 9999-029-457 UPC: 117083 CFDA# 20.205 Locality: FAIRFAX COUNTY

Project Location ZIP+4: 22030-7707	Locality DUNS #074837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, Va. 22033-2895
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Project Narrative	
Work Description:	POST FOREST DRIVE AND RANDOM HILLS ROAD SHARED USE PATHS - Upgrade existing sidewalk on Random Hills Road from under Monument Drive to Post Forest Drive to 10' shared use path. Eliminate existing bike lane on south side of Post Forest Drive from Random Hills Road to West Ox Road and construct 10' shared use path.
From:	Under Monument Drive over I-66
To:	West OX Road
Locality Project Manager Contact info:	Will Steinhilber 703-877-5783 august.steinhilber@fairfaxcounty.gov
Department Project Manager Contact Info:	Ha Hong 703-259-2907 Hong.Ha@VDOT.Virginia.gov

Project Estimates	
Phase	Estimated Project Costs
Preliminary Engineering	\$1,226,920
Right of Way & Utilities	\$3,453,391
Construction	\$4,561,147
Total Estimated Cost	\$9,241,458

Project Cost				
Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Preliminary Engineering	\$1,226,920	RSTP	0%	\$0
Total PE	\$1,226,920			\$0
Right of Way & Utilities	\$523,080	RSTP	0%	\$0
	\$2,930,311	CMAQ	0%	\$0
Total RW	\$3,453,391			\$0
Construction	\$199,689	CMAQ	0%	\$0
	\$4,361,458	Local Funds	100%	\$4,361,458
Total CN	\$4,561,147			\$4,361,458
Total Estimated Cost	\$9,241,458			\$4,361,458

Total Maximum Reimbursement / Payment by Locality to VDOT	\$4,361,458
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Project Financing				
RSTP	CMAQ	Local Funds		Aggregate Allocations
\$1,750,000	\$3,130,000	\$4,361,458		\$9,241,458

Payment Schedule			
FY 2025			
\$4,361,458			

Program and Project Specific Funding Requirements
<ul style="list-style-type: none"> This is a limited funds project. The locality shall be responsible for any additional funding in excess of \$4,880,000. All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation. 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. This project is funded with federal-aid Congestion Mitigation and Air Quality Program (CMAQ) funds. These funds must be obligated within 12 months of allocation and expended within 36 months of the obligation. At Construction Award, VDOT will invoice the LOCALITY for their share of the project costs. The LOCALITY shall make one lump sum payment in the amount of \$4,361,458 to VDOT, no later than 30 days after receipt of VDOT's invoice, and prior to the occurrence of any Construction work.

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

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Typed or printed name of person signing

ACTION - 9

Authorization to Sign a New Memorandum of Understanding (MOU) with the Washington Metropolitan Area Transit Authority (WMATA) to Continue and Expand Free Student Bus Pass Program on Metrobus

ISSUE:

Board of Supervisors' approval of MOU with WMATA to continue and expand high school student access and participation in the Free Student Bus Pass Program on Metrobuses beginning School Year (SY) 2022-2023.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of the Department of Transportation to execute the agreement (Attachment I) with WMATA in substantial form, and to implement the expansion of program to additional high schools, following review and approval by the Office of the County Attorney.

TIMING:

Board approval is requested on June 28, 2022, to allow time for the WMATA Board to approve the MOU prior to program expansion. Full implementation of the Student Bus Pass + Metrobus expansion is planned for Fall 2022.

BACKGROUND:

In September 2015, Fairfax Connector launched a pilot program to provide a Free Student Bus Pass to middle and high school students in Fairfax County. Since inception Fairfax Connector has provided more than 2 million trips to Fairfax County students. As of April 2022, student ridership accounts for over 7% of the total Fairfax Connector ridership with a marked increases year over year, apart from March 2020 – September 2021(COVID-19 Pandemic).

As students returned to school full time in August 2021, monthly student ridership is roughly 60% of pre-COVID ridership with students taking an average of 27,000 trips each month and nearly 900 trips per day.

Fairfax County Public Schools (FCPS) students can, through this innovative program, access extracurricular activities, stay after school for support and tutoring, access after school jobs and internships, visit libraries, museums, and other recreational activities.

The Free Student Bus Pass is helping prepare students and familiarize them

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with public transportation, so they will be more comfortable choosing transit as a primary mode of transportation as a lifestyle choice as they become adults. This is critical to reducing congestion; reducing the high cost of fuel and commuting for residents; as well as improving mobility throughout the region in the future.

While this program is successful, some high schools and centers are only served by Metrobus. Therefore, the ability for students from these schools to use the Free Student Bus Pass program has been limited.

In 2018, the Board of Supervisors authorized a pilot program to allow Justice High School students to ride a select number of Metrobus routes in Virginia.

Currently, nearly 50% of all Justice High School students have a specially programmed Metrobus enabled Free Student Bus Pass. To date, Justice High School students have taken over 100,000 trips on Metrobus. With this card students can ride approved Metrobus routes for free. The card has no cash value, students cannot add value to the card, and they cannot use the card to ride Metrorail.

Based on feedback on the Justice High School Pilot, the Board authorized the expansion of the Metrobus Pilot to the following schools:

- Annandale High School
- Falls Church High School
- Marshall High School
- Davis Center

This expansion will allow free rides on Metrobus for these high school students who have limited access to Fairfax Connector bus service in their communities. Staff will market the expansion as, *“Free Student Bus Pass + Metrobus.”*

According to school administrators, students attending these schools lack access to affordable, reliable transportation options. Absenteeism affects their school accreditation. Students who miss the school bus in the morning often have limited transportation options available to them. The ready access to Metrobus allows students the option to arrive at school, rather than be absent the entire day. Student Bus Pass + Metrobus allows students to develop independence and self-reliance, while improving their access to school and internship programs.

WMATA requested a new MOU to include the expansion of the Metrobus pilot in SY 2022-2023 and to establish a new fare buydown payment procedure for the program beginning with School Year 2023-2024/ Fiscal Year 2025.

To prepare this action item, FCDOT staff worked closely with WMATA, Fairfax County

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Public Schools Transportation Office staff, and the principals of each identified school.

The expansion will use the existing customized SmarTrip®.

The customized cards allow access to Fairfax Connector, City of Fairfax CUE and Northern Virginia Metrobus routes. Annandale High School, Davis Center, Falls Church High School, Justice High School, and Marshall High School, are currently the only eligible schools to receive Metrobus enabled SmarTrip® cards.

Metrobus access is limited to Northern Virginia routes ONLY and excludes routes that terminate in DC or Maryland or operate solely within Washington D.C. or Maryland (See Attachment II).

FISCAL IMPACT:

Funding for the expansion of the Student Bus Pass program is included in the existing FY 2023 Fairfax Connector budget (Fund 40000 – County Transit Systems). No additional General Fund dollars will be required. Total cost estimates for SmarTrip card expansion and the one-year Metrobus pilot are not expected to exceed \$75,000 annually.

ENCLOSED DOCUMENTS:

Attachment I – Second WMATA MOU

Attachment II -- Allowed Metrobus Routes

Attachment III - June 14, 2022, Board Transportation Committee Student Pass Update (Power Point Presentation)

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

Todd Wigglesworth, Division Chief, FCDOT

Dwayne Pelfrey, Division Chief, FCDOT

Michael Felschow, Section Chief, FCDOT

Kala Quintana, Communication Specialist III, FCDOT

**FAIRFAX COUNTY FREE STUDENT BUS PASS PROGRAM AGREEMENT
BETWEEN
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
AND FAIRFAX COUNTY**

This Second Agreement is made by and between the Washington Metropolitan Area Transit Authority (“WMATA” or “Authority”) and Fairfax County, (“the County”) acting by and through Fairfax County Department of Transportation (collectively, “the Parties”) for the Fairfax County Free Student Bus Pass Program (FSBPP).

RECITALS

WHEREAS, in 2018, the Fairfax County Board of Supervisors authorized the County to provide WMATA Metrobus service at no cost to eligible students at Justice High School located at 3301 Peace Valley Lane, Falls Church, VA 22044;

WHEREAS, the WMATA Board of Directors adopted Resolutions 2018-29 and 2019-26 authorizing a free student bus pass pilot program for Fairfax students with eligibility determined in County’s sole discretion;

WHEREAS, the launch of the Fairfax County Free Student Bus Pass Program (FSBPP) has resulted in eligible Justice High School students taking nearly 91,000 Metrobus trips to date;

WHEREAS, the County seeks inclusion of more eligible students into the Program to advance One Fairfax principles to promote equitable access and opportunity to fully participate in the region’s economic vitality, contribute to students’ readiness for the future, and to connect students to assets and resources; and

WHEREAS, the County has requested to expand FSBPP to additional schools including, but not limited to, Annandale High School located at 4700 Medford Drive, Annandale, Virginia 22003; Davis Center located at 7731 Leesburg Pike, Falls Church, VA 22043; Falls Church High School located at 7521 Jaguar Trail, Falls Church, VA 22042; and Marshall High School located at 7731 Leesburg Pike, Falls Church, VA 22043; and

WHEREAS, both the County and WMATA intend to fully cooperate in the achievement of their common goals, including advancing transit equity by implementing the Free Student Bus Pass Program with replacement of lost revenues and costs to WMATA by the County in accordance with the terms and conditions herein; and

NOW, THEREFORE, in consideration of the promises and other good and valuable consideration, the Parties hereby agree:

RIGHTS AND RESPONSIBILITIES

Article I – Definitions

- A. “Confidential Information” means the WMATA issued Card Serial Number (CSN).
- B. “Fare Buydown Agreement” means an Agreement with a third-party payor, such as the County, of fare for a transit rider.
- C. “Free Student Bus Pass Program” or “FSBPP” means a program established by the County whereby certain Fairfax County students receive Metrobus, Fairfax Connector and City of Fairfax CUE transit service at no cost to students for trips authorized by the County.
- D. “Free Student Bus Pass Program Students” or “FSBPP Students” means students identified by the County as approved to participate in FSBPP.
- E. “FSBPP Fare Media” means a WMATA-issued SmarTrip® Card that includes a FSBPP Fare Product.
- F. “FSBPP Fare Product” means a WMATA-issued electronic pass that allows unlimited travel on certain Metrobus and Fairfax Connector (in the event that fare collection is underway, then City of Fairfax CUE system) as further specified in Exhibit A.
- G. “Hot-listing” means the process of identifying and deactivating Fare Media no longer assigned to a student or not authorized for use.

Article II – General Roles and Responsibilities:

- A. In addition to its other responsibilities under this Agreement, WMATA shall:
 - 1. Provide reimbursement billing through the end of the 2022-2023 School Year, and then in subsequent school years beginning in 2023-2024 School Year, WMATA shall invoice the County in accordance with WMATA processes and procedures for subsidy billing;
 - 2. Seek approvals and authorizations from the WMATA Board of Directors as may be required;
 - 3. Program the FSBPP Fare Product to provide access to select Metrobus routes as specified by the County and at no cost to the student; and

4. Assist with card registration as may be requested by the County.
- B. In addition to its other responsibilities under this Agreement, the County shall:
1. Submit timely payment to WMATA within 45 days of receipt of invoice;
 2. Promulgate eligibility criteria, user rules and regulations as necessary for the FSBPP Program and provide a copy thereof to WMATA;
 3. Request such approvals of the County Board of Supervisors as may be necessary to implement this Agreement;
 4. Enforce FSBPP individual and trip eligibility rules; and
 5. Seek funding appropriations by the County as set forth in this Agreement.

Article III – Program Requirements

- A. Free Student Bus Pass Program
1. County shall specify the Metrobus route numbers to be programmed for the FSBPP Fare Product at the time an order for FSBPP Fare Media is placed with WMATA. The FSBPP Fare Product shall not permit access to the Metrorail system or any other WMATA provided service. No stored value may be loaded onto FSBPP Fare Media. Activated FSBPP Fare Product will be programmed onto each FSBPP Fare Media requested by the County.
 2. WMATA will fulfill County FSBPP Fare Media orders as soon as possible. Customized FSBPP Fare Media in WMATA's inventory shall be delivered to the County within 14 business days. The County acknowledges that customized FSBPP Fare Media not in WMATA's current inventory may take up to six (6) months to receive due to manufacturer supply chain matters beyond WMATA's control.
 3. The County shall be responsible for distributing and registering the FSBPP Fare Media to each FSBPP Student; provided, that the County may request that WMATA provide assistance in distributing and registering the FSBPP Fare Media, and the County shall be responsible for solely funding fees up to \$5,000 for WMATA to provide such assistance. The County shall provide a written request

not less than 30 days in advance to WMATA outlining the requested distribution and registration assistance desired.

4. Receipt of a FSBPP Fare Media shall be available only to persons who are identified by the County as eligible FSBPP Students.
5. The County shall provide appropriate notice to each FSBPP Student, Students' parents/guardians and school administration that:
 - a. FSBPP Students must "tap to ride" and that WMATA will not provide any service in the absence of a valid fare media being properly used on Metrobus routes;
 - b. FSBPP students must use FSBPP Fare Media when using the Metrobus for FSBPP Program purposes;
 - c. FSBPP students must only use FSBPP Fare Media on Metrobus routes specified in FSBPP Fare Media information developed by the County. Such FSBPP Fare Media is not a valid, accepted Fare Media for Metrorail service. FSBPP students must use a different form of fare payment to ride Metrobus routes not included;
 - d. WMATA has a "No Card; No Ride" policy;
 - e. FSBPP Fare Media are not transferrable to any other person;
 - f. Transportation on approved Metrobus routes shall be available only to FSBPP Students who possess a valid FSBPP Fare Media;
 - g. FSBPP Fare Media does not permit cash value to be added or stored onto the card.
6. The County acknowledges and agrees that WMATA has no responsibility for monitoring the use of the Metrobus System for compliance with FSBPP Program eligibility terms and conditions the County imposed individual and trip eligibility requirements, including Metrobus routes and the hours of usage. WMATA is required to provide transportation to persons who present, through tapping, working Fare Media with a valid Fare Product. WMATA is required to enforce its Tariff on the Ridership Rules and Guidelines as well as local and federal laws pertaining to face masks and social distancing.

B. Card Use Verification Process; Deactivation of Lost, Damaged, Stolen, and Misused Cards

1. The County shall register FSBPP Fare Media in order to verify use and abuse of such FSBPP Fare Media. Written instructions on FSBPP Fare Media can be found in the SmarTrip® Online User Guide, also attached as Exhibit B.
2. If the County determines that a FSBPP Fare Media should be deactivated because of loss, theft, misuse or any other reason, the County shall flag the serial number of the Fare Media immediately in the Registration system. WMATA will then deactivate the Fare Media within two (2) business days.
3. Damaged cards, including but not limited to manufacturer and technological defects, shall be returned to WMATA by the County. As soon as practicable, WMATA, in its sole discretion, will provide to the County either a full refund of purchase price for each damaged card or a replacement card for each damaged card.

Article IV --- FSBPP Billing

A. Reimbursement Invoice for 2022-2023 School Years

For School Years 2022-2023, WMATA shall invoice the County as a separate line item on the Jurisdictional Subsidy invoice on a quarterly basis in an amount equal to fare costs associated with actual rides made using the FSBPP Fare Media during the prior quarter. Actual rides will be calculated based on WMATA ridership reports and data. Such reports shall be provided to the County upon request. School Years 2022-2023 student rides are calculated for as follows: number of actual student rides boarded using FSBPP Fare Media during the previous quarter multiplied by the then current cost for Metrobus fare, (presently \$2). The cost of fare shall be determined at the time such ride is taken.

B. Fare Buydown Invoice for Subsequent School Years

For school years beginning 2023-2024 and all subsequent School Years, WMATA shall invoice the County on a quarterly basis shown as a separate line item on the Jurisdictional Subsidy invoice for the FSBPP. Such invoice shall be provided at least forty-five (45) days before the beginning of each quarter in an amount equal to the estimated use of FSBPP Fare Media as the form of payment for rides taken pursuant to this Agreement for the current school year. Estimated ridership for the current year shall be calculated with the aggregate number of actual rides provided under the

Program for the previous school year multiplied by the then current fare divided into four equal quarterly payments.

- C. The aggregate costs for the FSBPP shall be as follows:
1. Number of FSBPP Fare Media issued by WMATA to the County under this Agreement multiplied by the then current rate for Fare Media (currently \$2.00). Such payment shall become due and payable on the first day of the new quarter.
 2. The fare cost for FSBPP Fare Media for the current school year with actual rides calculated pursuant to Article IV A or estimated rides actual rides calculated pursuant to Article IV B to be invoiced and paid quarterly.
 3. Actual cost of County-requested FSBPP Fare Media registration and/or distribution support (if any) provided by WMATA shall be added to the estimated quarterly payment.

Article V --- Cost of Goods and Services

Total cost for goods and services under this Agreement shall be determined by the County according to the amount approved by the Board of Supervisors. To the extent that the County requests goods or services anticipated to exceed its appropriated funds, WMATA shall have no obligation to provide such goods or services until the County has identified and agreed to provide additional funding to cover the request for goods and services.

Article VI – Reconciliation

- A. Process
1. WMATA shall complete a fiscal year-end reconciliation on or about by or before June 30 of each school year based on actual riders taken with FSBPP Fare Media and shall apply any difference toward the FSBPP Program costs in the next occurring school year.
 2. Reconciliation shall not include any return, refund or cost reduction for customized FSBPP Fare Media provided under this Agreement.
 3. For the purposes of this calculation, the Reconciliation Amount shall be equal to the difference between the amount paid by the County pursuant to Article IV(B) and the cost of actual rides taken with FSBPP Fare Media during the then current school year subtracted by the number of such rides that qualified for free transfers with the sum multiplied by the then current fare rate.

4. Based upon the reconciliation, WMATA shall apply a credit or debit to the County equal to the Reconciliation Amount, if any.

B. Interest

Within thirty (30) days after the end of WMATA's fiscal year, the County shall receive an interest credit from WMATA for any Credit Amount pursuant to the WMATA Interest Policy as approved by the WMATA Board of Directors, as allowed by law.

Article VII - Data Sharing

A. WMATA shall monitor and provide the following information to the County:

1. The average cost per ride using the FSBPP Fare Product shall be calculated and included with the quarterly invoice.
2. The number of actual boardings on Metrobus routes using the FSBPP Fare Media shall be provided on a monthly basis.
3. The County may request additional aggregated data that the County may need from time to time related to the FSBPP Program, provided the information is available for WMATA to produce. WMATA data, records and reports shall be the official records for all purposes related to Article IV herein.
4. WMATA's books and records may be audited by the County not more than once per year and not later than three (3) years after the year of expenditure.

B. Limitation on Use

WMATA and the County are sharing Confidential Information solely for the purposes of the Parties and their employees or contractors performing their obligations under the Free Student Bus Pass Program, for the purposes of providing information to Program participants about their FSBPP Fare Media to allow them to utilize that Fare Media fully; to evaluate the efficiency and effectiveness of the Program; to help ensure the success of the Program; to help address or prosecute fraud or abuse; and to help ensure that County funds are expended efficiently and effectively (the "Authorized Purposes"). The Parties agree to use the Confidential Information solely for the aforementioned Authorized Purposes. Any other requested use of Confidential Information will require advance written approval by the Party providing the information.

C. Limitation on Disclosure

The Parties agree to limit dissemination of the Confidential Information to those personnel who are working on Authorized Purposes. All personnel to whom the Confidential Information is disclosed shall be apprised of its confidential nature and the general terms of this Agreement.

D. Required Disclosure

Nothing in this Agreement shall prohibit either Party from disclosing Confidential Information if legally required to do so by judicial or governmental order or in a judicial or governmental proceeding ("Required Disclosure"), provided that the Discloser then shall (i) give the other Party prompt notice of such Required Disclosure prior to disclosure; (ii) cooperate with the other Party in the event that that Party elects to contest such disclosure or seek a protective order with respect thereto, and (iii) in any event only disclose the exact Confidential Information, or portion thereof, specifically requested by the Required Disclosure.

E. Duty of Care

Each Party will use the same degree of care to avoid unauthorized disclosure of Confidential Information that is employed with respect to its/his/her own confidential information of like importance and take any steps as are reasonably requested by the Discloser to prevent or stop a breach or threatened breach of this Agreement.

F. Unauthorized Disclosure

Each Party shall immediately notify the other Party if it becomes aware of any unauthorized use, access, copying, or disclosure of any of the other Party's Confidential Information.

G. Remedies

In the event of any unauthorized disclosure of the Confidential Information, relief may be obtained in accordance with applicable law.

H. Return/Destruction

Except as specified below or in accordance with applicable law, within ten (10) business days of receipt of a written request, either Party will return all tangible forms of the Confidential Information (including all hard and electronic copies thereof) to the disclosing Party along with all copies and portions thereof, or certify in writing that all Confidential Information has been destroyed in accordance with industry best practices for destruction

of such material, as elected by the disclosing Party. Notwithstanding the preceding, within thirty (30) business days of completion, cancellation, or any other termination of the Free Student Bus Pass Program, each Party shall return all tangible forms of the Confidential Information (including all hard and electronic copies thereof), along with all copies and portions thereof, or may choose to destroy all tangible forms of such Confidential Information in accordance with industry best practices for destruction of such material, and certify such destruction to the other Party.

I. Services Unique

It is expressly understood and agreed that the rights and benefits granted to the County hereunder are of a special, unique, unusual, extraordinary character, giving them a peculiar value, the loss of which cannot be reasonably or adequately compensated in damages in an action at law, and the County's failure or refusal to perform its obligations hereunder would cause irreparable harm or damage. Should the County fail or refuse to perform such obligations, WMATA shall be entitled to seek injunctive or other equitable relief against the County to prevent the continuation of such failure or refusal or to prevent the County from performing services for or granting rights to others in violation of this Agreement.

Article VIII – General Matters

A. Dispute Resolution

In the event of a dispute under the Agreement, the Parties agree to “meet and confer” to ascertain if the dispute can be resolved without the need of a third party or judicial intervention. Fairfax County's Department of Transportation Director and WMATA's designee shall be authorized to conduct negotiations on behalf of their respective entities.

Any disputes between the County and WMATA arising out of this Agreement may be disposed of by the Parties by written agreement and/or amendment of this Agreement.

If the Parties cannot resolve the dispute, then the Party seeking a resolution shall provide written notice of the nature of the dispute and the issue(s) to the other Party. The other Party may respond within thirty (30) days. If the dispute is not resolved within thirty (30) days following the response or if there is no response within thirty (30) days, the dispute may be resolved as discussed in Article VIII, Section B.

B. Court Jurisdiction

Either Party may commence a civil action for resolution of the dispute in the United States District Court for the Eastern District of Virginia or the District of Columbia as may be appropriate.

C. Governing Law

This Agreement shall be governed by the laws of the Commonwealth of Virginia or the District of Columbia as may be appropriate, except that in the event of any conflict of law, the WMATA Compact shall govern.

D. Amendments

This Agreement may not be amended or modified in any respect except by an instrument in writing signed by both Parties.

E. Term

This Agreement shall be effective on the date the last signature is affixed and shall continue in effect until August 1, 2027 or five (5) years from the execution date, unless terminated earlier under the terms of this Agreement.

The County may extend the period of this Second Agreement by exercising a maximum of five (5) one-year option periods for a maximum of ten (10) years. The County shall provide WMATA with written notice of its intent to exercise an option period on or before June 30 of the year in which expiration is scheduled to occur. Extensions of this Second Agreement exercised by option are subject to appropriation by the Fairfax County Board of Supervisors and if in any event such funding is depleted, WMATA shall have no obligation to provide service or any other obligation under this Second Agreement. WMATA may accept or reject an exercise of each option in its sole discretion.

F. Termination

This Agreement may be terminated for convenience by either Party upon providing 90 days' written notice, or unless sooner terminated in accordance with this Agreement.

G. Assignment

No transfer or assignment of this Agreement, or of any part thereof or interest therein, directly or indirectly, voluntarily or involuntarily, shall be made unless consent for such transfer or assignment is first approved in writing by the Parties.

H. Notices

Any notice required or permitted under this Agreement shall be in writing and shall be delivered electronically, sent by courier or prepaid registered or certified mail with return receipt requested and addressed as appropriate to the following addresses (or to such other or further addresses as the Parties may designate by notice given in accordance with this paragraph). Such correspondence shall be deemed delivered, upon the earlier to occur of the following: the day delivered by email or courier; the third day following the day on which the same shall have been mailed by U.S. registered or certified mail, return receipt requested, with all postal charges prepaid, to the respective addresses set forth below; or actual receipt at the Parties' addresses.

Washington Metropolitan Area Transit Authority

Robert M. Haas
Acting Treasurer and Vice President
300 Seventh St. SW
Washington, DC 20024
Email: RMHaas@wmata.com

General Counsel
PO BOX 44390
Washington, D.C. 20026-4390

Chief Financial Officer
300 Seventh St. SW
Washington, D.C. 20024
Email: DAnosike@wmata.com

Director, Customer Service, Sales and Fare Media
600 Fifth Street, N.W. Washington, D.C. 20001

Fairfax County Department of Transportation:

Tom Biesiadny, Director
Fairfax County Department of Transportation
4050 Legato Road
Fairfax, VA 22033
Email: tom.biesiadny@fairfaxcounty.gov

Division Chief, Coordination & Funding Division
Fairfax County Department of Transportation
4050 Legato Road

Fairfax, VA 22033

with a copy to:

County Attorney
Fairfax County
12000 Government Center Parkway
Fairfax, VA 22035

I. Sovereign Immunity

Nothing herein shall be deemed to be a waiver of the Party's sovereign immunity or other applicable immunity, privilege or protection.

J. Limitation of Liability

EXCEPT IN THE CASE OF FRAUD, NEITHER PART SHALL BE LIABLE TO THE OTHER FOR LOSS OF PROFITS, OR ANY SPECIAL, CONSEQUENTIAL OR INCIDENTAL DAMAGES, HOWEVER CAUSED, KNOWN OR UNKNOWN, ANTICIPATED OR UNANTICIPATED, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

K Independent Contractors

The Parties are and shall be independent contractors to one another, and nothing herein shall be deemed to create an agency, partnership, employment or joint venture between the Parties. Each Party's personnel shall be considered solely employees or agents of that Party and not employees or agents of the other Party. Neither Party has the authority to bind the other to any third party nor otherwise to act in any way as the representative of the other, unless otherwise expressly agreed to in writing and signed by both Parties. Further, nothing in this Agreement shall be construed as creating any rights or benefits for any third person or entity.

L. Title VI Obligations.

This Second Agreement is between WMATA and the County of Fairfax only and the Parties agree that no separate Title VI obligations on behalf of WMATA are created solely pursuant to this Agreement. The Parties further agree that any Title VI obligations created solely pursuant to this Agreement, including but not limited to a public hearing in the event of a discontinued special fare, are the obligations of the County.

M. Agent Liability

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee or agent of the Parties.

N. Non-Discrimination

The Parties shall abide by the provisions of Executive Order 11246, as amended; Title VI of the Civil Rights Act of 1964, as amended (78 Stat. 252; 42 U.S.C. §§ 2000d et seq.); Title V, Section 504 of the Rehabilitation Act of 1973, as amended (87 Stat. 394; 29 U.S.C. § 794); the Americans With Disabilities Act (104 Stat. 327; 42 U.S.C. §§ 12103 et seq.), the Age Discrimination Act of 1975, as amended (89 Stat. 728; 42 U.S.C. §§ 6101 et seq.); and with all other federal laws and regulations prohibiting discrimination on the grounds of race, color, national origin, disability, religion, or sex, in employment and in providing facilities and services to the public. Nothing in the advertising for employees shall be done which prevent those covered by these laws from qualifying for employment.

O. Severance of Terms and Compliance with Applicable Law

The Parties shall comply with all applicable laws, regulations, and rules. This Agreement is subject to all applicable laws, regulations, and rules governing the Parties hereinafter enacted or promulgated. If any term or provision of this Agreement is held to be invalid or illegal, such term or provision shall not affect the validity or enforceability of the remaining terms and provisions of this Agreement. Meeting the terms of this Agreement shall not excuse any failure to comply with all applicable laws, regulations, and rules, whether or not these laws and regulations are specifically listed in this Agreement.

P. Captions

The headings throughout this Agreement are for convenience and reference only and shall in no way be held to explain, modify, amplify or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

Q. Counterparts

This Agreement may be signed in one or more identical counterparts, whether transmitted by electronic mail or otherwise. Original signatures transmitted and received via facsimile or other electronic transmission of a scanned document, (e.g., .pdf or similar format) are true and valid signatures for all purposes hereunder and shall bind the Parties to the same extent as that of an original signature. Each such counterpart shall be deemed an original for purposes of this Agreement.

R. Representations and Warranties

1. WMATA represents and warrants:

- a) It has the power and authority to enter into this Agreement, execute, deliver, and perform the Agreement.
- b) During the Term, WMATA shall comply with all applicable laws that are associated with WMATA's performance of its obligations and rights granted to Counterparty under this Agreement.
- c) The execution, delivery, and performance of this Agreement by WMATA does not and will not result in any violation of any laws applicable to WMATA.
- d) **DISCLAIMER OF WARRANTIES. EXCEPT FOR THE SPECIFIC WARRANTIES SET FORTH IN THIS SECTION 23.1, WMATA DISCLAIMS ANY AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

2. The County represents and warrants:

- a) It has the power and authority to enter into this Agreement, execute, deliver, and perform the Agreement.
- b) During the Term, the County shall comply with all applicable laws that are associated with the County's performance of its obligations under this Agreement.
The execution, delivery, and performance of this Agreement by the County does not and will not result in any violation of any laws applicable to the County.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the date therein written.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

By _____ Date _____
Robert M Haas
Acting Treasurer and Vice President

FAIRFAX COUNTY

By _____ Date _____
Tom Biesiadny, Director
Fairfax County Department of Transportation

ATTACHMENT II

Approved Metrobus Routes for the Fairfax County Free Student Bus Pass Program (FSBPP)

Effective June 2022

Please note: ALL routes and service are subject to change without notice.
Please check www.wmata.com for the most up-to-date route availability
and information.

- 1A, 1B,1C
- 2A, 2B
- 4B
- 7A, 7M,
- 8W
- 10A, 10B
- 11C
- 16A, 16C, 16E, 16G, 16H, 16Y (to Arlington ONLY)
- 17B, 17G, 17K, 17M
- 18G, 18J, 18P
- 21C
- 22A, 22F
- 23A, 23B, 23T
- 25B
- 26A
- 28A, 28F
- 29G, 29K, 29N
- REX (Richmond Highway Express)
- Metroway Alexandria-Arlington

**Students are not permitted to leave the Commonwealth of Virginia
using a Free Student Bus Pass.**

The image shows the exterior of a modern building with large glass windows and concrete columns. A circular seal of Fairfax County, Virginia, is mounted on the wall. The seal features a central figure, likely a Native American, surrounded by the text 'COUNTY OF FAIRFAX' and 'VIRGINIA' with the year '1792' at the bottom. The background is a clear blue sky.

Free Student Bus Pass Program Update & Expansion Efforts

June 14, 2022

Kala Leggett Quintana & Saul Cieza
Department of Transportation

Program Highlights

- Over 2 million student trips taken as of May 2022
- Pre-Covid students represent ~6.5% of total Fairfax Connector ridership
- Post-Covid student riders ~7.6% (As of April 2022)
- Preparing for Metrobus expansion in September 2022
 - *Over 100,000 student trips on Metrobus since Fall 2018*
- New MOU with WMATA for consideration by BOS and WMATA Board June 2022
- New Student Pass Coordinator
 - Thank you for supporting



Justice High School Metrobus Pilot

- ~50% of Justice High School students have a Metrobus enabled SmarTrip cards
- Pre-Covid (averaging 4,500 trips per month in SY 19-20)
- Post-Covid 52.18% of Justice HS students actively use their Student Bus Pass cards.
- Students are still following the rules and riding the approved routes (*in Virginia*)



SY 2021- 2023

- 20,000 passes distributed to schools;
- 8,500 passes in hands of students
 - 30 high schools
 - 23 middle schools
 - 6 secondary schools
 - 9 centers for students with different needs and abilities
- Metrobus Expansion Schools – September 2022
 - Annandale HS, Davis Center, Falls Church HS, and Marshall HS
 - Justice HS – September 2018



FY 2023 Expansion Event, Marketing & Outreach

- Expansion Launch Event September 2022
 - Coordinated new MOU with WMATA
 - Ordered new cards
 - Multi-school/FCPS Coordination
 - Media/Kick-off event at Marshall HS
 - Mini promotional events at each school to follow
- 2D video animation and modified materials for Davis Center
 - [Student Bus Pass Video \(English\)](#)



- Discussion & Questions

Are there additional partnerships and methods staff should consider using to promote this program expansion?

Program Benefits



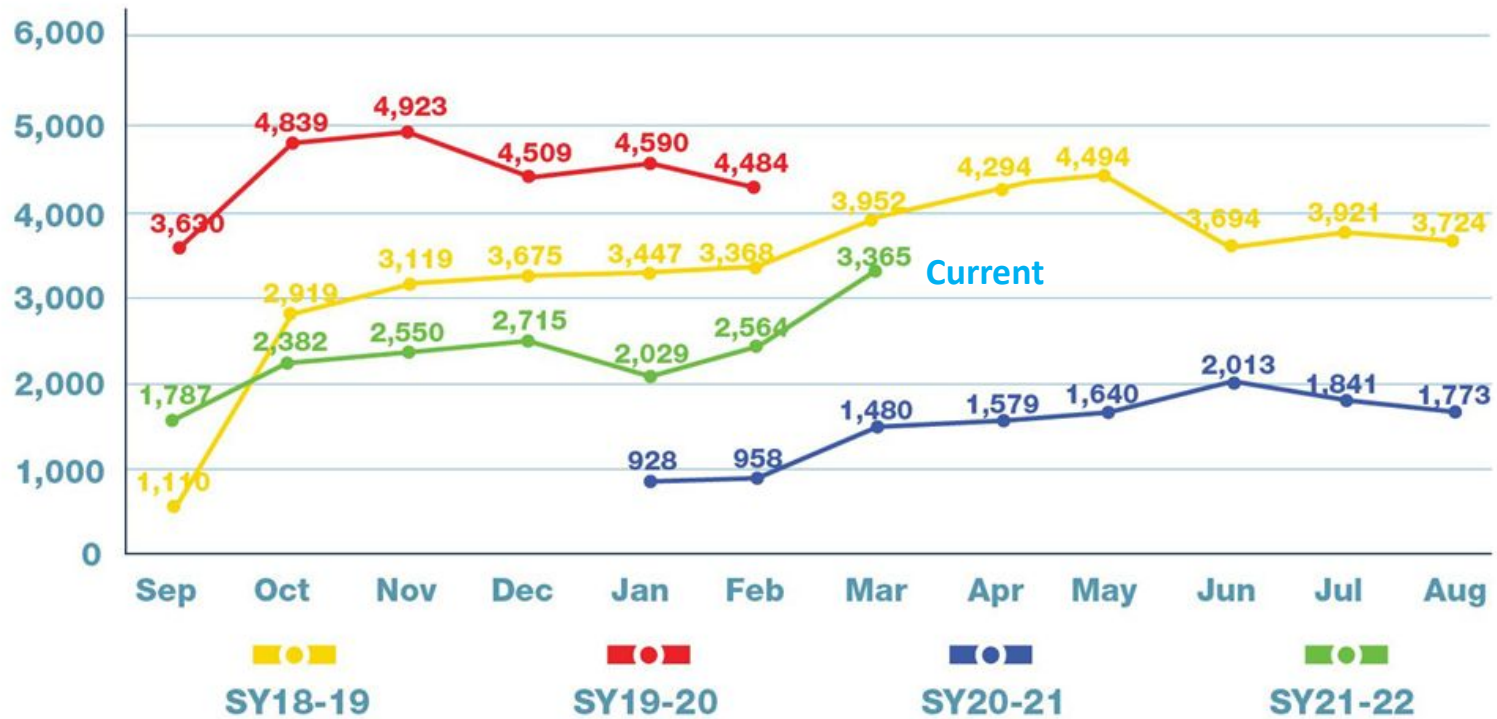
- Helps reduce traffic congestion
 - 2 million fewer car trips taken by teens (potential 4 million trip reduction in two-way car trips) over 7 years
- Generates long-term transit ridership
 - Increases confidence riding the bus and transit in general; Creates loyalty to our system and encourages use within families of students
- ONE Fairfax - Creates equity in socio-economic opportunities
 - Access to jobs, after school and social activities
- Encourages citizenship and participation in local government and transit planning
 - Students serving as a voice for youth interests and needs through participation in working groups for Fairfax Connector planning efforts

Year-over-Year Fairfax Connector Student Ridership



**Fairfax Connector was "Fare Free" May – December 2020*

Justice High School Ridership



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. *Jane Doe v. Michael O. Barbazette, Jason J. Mardocco, James Baumstark, Vincent Scianna, Edwin C. Roessler, Fairfax Police Officers ##3-10, and Fairfax County, Virginia*, Case No. 1:21-cv-1150 (E.D. Va.)
 - 2. *Jason Schmidt v. Fairfax County*, Case No. 1:21-cv-00998 (E.D. Va.)
 - 3. *Al's Towing and Storage, Inc. v. Fairfax County Board of Supervisors*, CL-2022-0006750 (Fx. Co. Cir. Ct.)
 - 4. *Road Runner Wrecker Service, Inc. v. Fairfax County*, CL-2022-0006761 (Fx. Co. Cir. Ct.)
 - 5. *David Berry, Carol A. Hawn, Helen H. Webb, and Adrienne A. Whyte v. Board of Supervisors of Fairfax County*, Case No. CL-2021-0003366 (Fx. Co. Cir. Ct.) (Countywide)
 - 6. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Anders Larsen Trust, Jason Hein, and Matthew Desch v. Virginia Health Operations, LLC, d/b/a Newport Academy, Monroe RE, LLC, and Board of Supervisors of Fairfax County, Virginia; Victor T. Tsou and Janet C. Tsou v. Monroe RE, LLC, Virginia Health Operations, LLC, d/b/a Newport Academy, and Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2020-0005490 and CL-2020-0005521 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 7. *In Re: October 21, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Jeffrey V. Reynolds, Mark J. Lane, Drainage & Erosion Solutions, LLC, and Custom Stonescaping, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2020-0018282 (Fx. Co. Cir. Ct.) (Providence District)

8. *In Re: May 26, 2021, Decision of the Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2021-0009367 (Fx. Co. Cir. Ct.) (Providence District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. Hadrian Management Limited Liability Company*, Case No. GV21-017487 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Springfield Golf and Country Club, Inc.*, Case No. GV22-005270 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
11. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Jingwen Xu and Min Li*, Case No. CL-2022-0007407 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Deck Dream, LLC d/b/a Virginia Deck Builders*, Case No. GV21-016560 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Aubrey Vaughan*, Case No. GV22-007336 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Denise E. Fauteux*, Case No. GV22-007507 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Chuanhao Jin and Yanguang Jin*, Case No. CL-2022-0001856 (Fx. Co. Cir. Ct.) (Hunter Mill District)
16. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
17. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. The Doris W. Wood Amended Trust*, Case No. GV22-003150 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Franconia Center LLC and Gates of Heaven Ministries*, Case No. CL-2020-0000583 (Fx. Co. Cir. Ct.) (Lee District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Anna Sara Lutz*, Case No. CL-2022-0001573 (Fx. Co. Cir. Ct.) (Lee District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Hever Joel Rosales and Margarita Rosales*, Case No. CL-2022-0006511 (Fx. Co. Cir. Ct.) (Lee District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ramiro Cespedes and Delmy R. Teran*, Case No. CL-2020-0007408 (Fx. Co. Cir. Ct.) (Mason District)

22. *Board of Supervisors of Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Admada Xiuya Zheng*, Case No. CL-2022-0007410 (Fx. Co. Cir. Ct.) (Mason District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Bao Quoc Nguyen and Bang Si Nguyen*, Case No. GV22-007334 (Fx. Co. Gen. Dist. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Jonis Alvarado Hernandez and Sandra Noemi Callejas Guillen*, Case No. GV22-008249 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Kyong S. Song*, Case No. GV22-008246 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas 2817 LLC, and Robert Barr*, Case No. CL-2021-0008874 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Douglas 2817 LLC, and Robert Barr*, Case No. CL-2022-0007405 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Charlotte A. Brunner*, Case No. CL-2022-0007309 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Hector M. Perez Campos and Delmy A. Rodriguez*, Case No. GV22-016149 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Springfield South, LLC*, Case No. GV21-019369 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. National Glass and Metals LLC*, Case No. GV22-019282 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Henry Wayne Huang*, Case No. GV22-006981 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 9140 Sama Group, LLC*, Case No. GV22-007333 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

34. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. David Sisson*, Case No. GV22-008186 (Fx. Co. Gen. Dist. Ct. (Mount Vernon District))
35. *In re: Appeal of Clark Construction Group and JCM Associates*, Appeal No. 22-01 (State Building Code Technical Review Board) (Providence District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Marisol Ferrel*, Case No. CL-2022-0016388 (Fx. Co. Cir. Ct.) (Providence District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barbara F. Eastridge and Wuf Partners, LLC, d/b/a Dude's Dog House & Spa*, Case No. CL-2022-0006658 (Fx. Co. Cir. Ct.) (Providence District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Street Properties*, Case No. GV22-006447 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. JMD JMD LLC*, Case No. GV22-007662 (Fx. Co. Gen. Dist. Ct. (Providence District))
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ernest G. Therhorn*, Case No. GV22-008046 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. William M. O'Rourke and Dorothy J. Z. O'Rourke*, Case No. CL-2021-0013479 (Fx. Co. Cir. Ct.) (Sully District)
42. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Teresa Summers Hardy*, Case No. CL-2022-0004467 (Fx Co. Cir. Ct.) (Sully District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pinnacle Education Services, Inc*, Case No. CL-2022-0006867 (Fx. Co. Cir. Ct.) (Sully District)

Board Agenda Item
June 28, 2022

3:30 p.m.

Public Hearing on SEA 99-P-34 (Tysons Park Place II, LLC and Tysons Park, Inc.) to Amend SE 99-P-034 to Permit an Increase in Building Height from 135.5 ft. to a Maximum of 175 ft. for Parcel 5C and Associated Modifications to Site Design and Development Conditions, Located on Approximately 7.64 Acres of Land (Providence District)

This property is located at 7926 and 7930 Jones Branch Drive. Tax Map 29-4 ((7)) 5C and 5B.

PLANNING COMMISSION RECOMMENDATION:

On June 8, 2022, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of SEA 99-P-034 subject to the development conditions dated June 1, 2022;
- Modification of the front yard setback requirement pursuant to subsection 5100.2.D(11)(b) to allow a setback of 41 feet (33 feet post right-of-way dedication) in lieu of the required 54 feet on Parcel 5C;
- Modification of subsection 6101.3 of the Zoning Ordinance on the required number of loading spaces to allow 8 total spaces in lieu of the required 10 spaces between the two buildings;
- Waiver of subsection 8100.7.E(3)(b) in the Zoning Ordinance requiring interparcel access to adjoining parcels;
- Reaffirmation of a waiver of subsection 8100.7.E(4) in the Zoning Ordinance on the 75-foot setback from Interstate 495 (Capital Beltway) on Parcel 5B to that shown on the SE Plat;
- Reaffirmation of a waiver of the front yard setback pursuant to subsection 5100.2.D(1)(f) in the Zoning Ordinance to that shown on the SE Plat;
- Reaffirmation of a modification of subsection 5108.6 in the Zoning Ordinance on the transitional screening and barrier requirement along the east property line to that shown on the SE Plat;

Board Agenda Item
June 28, 2022

- Reaffirmation of a modification of subsection 5108.5.B in the Zoning Ordinance on the peripheral and interior parking lot landscaping for parking garage to that shown on the SE Plat: and
- Reaffirmation of an authorization of alternative location for off-street parking spaces pursuant to subsection 6100.6.C.1 in the Zoning Ordinance.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Sharon Williams, Planner, DPD

Board Agenda Item
June 28, 2022

3:30 p.m.

Public Hearing on RZ 2021-SU-017 (K. Hovnanian at Gallery Park at Westfields, LLC) to Rezone from I-4, AN, and WS to PDH-16, AN, and WS to Permit Residential Development with an Overall Floor Area Ratio (FAR) of 0.59 Inclusive of Bonus Density for Affordable Housing and Approval of the Conceptual Development Plan, Located on Approximately 10.76 Acres of Land (Sully District) (Concurrent with PCA 78-S-063-12)

and

Public Hearing on PCA 78-S-063-12 (K. Hovnanian at Gallery Park at Westfields, LLC) to Amend the Proffers for RZ 78-S-063 Previously Approved for Light Intensity Industrial Uses to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.59 Inclusive of Bonus Density for Affordable Housing, Located on Approximately 10.76 Acres of Land (Sully District) (Concurrent with RZ 2021-SU-017)

This property is located on the S. side of Old Lee Rd., W. side of Stonecroft Blvd. and N. side of Northridge Dr. Tax Map 43-2 ((2)) 29G3.

This property is located on the S. side of Old Lee Rd., W. side of Stonecroft Blvd., and N. side of Northridge Dr. Tax Map 43-2 ((2)) 29G3.

PLANNING COMMISSION RECOMMENDATION:

On May 18, 2022, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting. Commissioner Sargeant recused himself from the vote) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2021-SU-017 and PCA 78-S-063-12, subject to the execution of proffered conditions consistent with those dated May 17, 2022;
- Waiver of private street width from 24 feet to 20 feet in favor of that shown on the CDP/FDP; and
- Waiver of the 600-foot maximum length of private streets in favor of that shown on the CDP/FDP.

Board Agenda Item
June 28, 2022

In related action, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting. Commissioner Sargeant recused himself from the vote.) to approve FDP 2021-SU-017, subject to the development conditions dated May 17, 2022, and the Board of Supervisors' approval of the associated rezoning.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Emma Estes, Planner, DPD

Board Agenda Item
June 28, 2022

3:30 PM

Public Hearing on Proposed Plan Amendment (PA) 2021-IV-S1, Inova Springfield HealthPlex, Located on the Franconia-Springfield Parkway Between Walker Lane and Beulah Street (Lee District)

ISSUE:

Plan Amendment (PA) 2021-IV-S1 considers amending the Comprehensive Plan recommendation for approximately 21.6 acres of land in the Franconia-Springfield Transit Station Area (TSA) in the Springfield Planning District for a medical campus to include up to one million square feet of hospital, medical office, and ancillary uses. The subject area is owned by Inova Health Care Services (“Inova”), who proposes to build a regional-serving medical campus. The subject property, located on the north side of the Franconia-Springfield Parkway between Walker Lane and Beulah Street, is currently planned for up to 296,000 square feet of medical care, medical office, and ancillary uses on the western portion of the property, where the Inova HealthPlex at Franconia-Springfield is currently located, and mixed use office, retail, hotel, and multifamily residential development at an intensity of 1.5 floor-area ratio (FAR), or 879,000 square feet, on the eastern portion of the property, where the previously entitled Liberty View development is located.

PLANNING COMMISSION RECOMMENDATION:

On June 8, 2022, the Planning Commission voted 12-0 to recommend to the Board of Supervisors adoption of staff’s recommendation for PA 2021-IV-S1 as found in the staff report dated May 18, 2022.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation.

TIMING:

Board of Supervisors’ (Board) action on June 28, 2022 will facilitate processing the concurrent rezoning application RZ/FDP 2021-LE-0008.

Board Agenda Item
June 28, 2022

BACKGROUND:

On February 9, 2021, the Board authorized the consideration of a Comprehensive Plan amendment for the subject area to consider hospital, medical office and ancillary uses up to an intensity of 1.5 FAR, or approximately 1,412,000 square feet, on Tax Map Parcels 91-1 ((1)) 11A, 91-1 ((4)) 1-11, 1A-11A, 13-25, 13A-24A, 500, 500A, 501 and 91-1 ((32)) 1. This plan amendment is being processed concurrently with rezoning application RZ/FDP 2021-LE-00018, submitted by Inova. The rezoning application proposes a medical campus program totaling 985,000 square feet. Inova requested the consideration of a comparable intensity in the Plan amendment, which would be less than the original authorized intensity.

The proposed revisions to the Comprehensive Plan would add an option for development of a full-service medical campus, including medical care, medical office, and related ancillary uses to support patients, visitors, and employees up to one million square feet or 1.0 FAR on the subject area. The recommendation, along with conditions about site connectivity, multimodal access, and mitigating impacts to the surrounding land uses and watershed would ensure development that is consistent the overall vision and planning objectives for transit-oriented development within the Franconia-Springfield TSA.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

A recording of the Planning Commission public hearing from June 8, 2022 is available online at: http://video.fairfaxcounty.gov/ViewPublisher.php?view_id=10

The Staff Report for PA 2021-IV-S1, dated May 18, 2022 is included as Attachment 1. It has been previously furnished and is also available online at:

<https://www.fairfaxcounty.gov/planning-development/plan-amendments/staff-reports>

STAFF:

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

Leanna H. O'Donnell, Director, Planning Division (PD), DPD

Meghan Van Dam, Branch Chief, Policy & Plan Development Branch (PPDB), PD, DPD

Ryan J. Stewart, Senior Planner, PPDB, PD, DPD



PROPOSED COMPREHENSIVE PLAN AMENDMENT

ITEM: PA 2021-IV-S1
May 18, 2022

GENERAL LOCATION: North side of Franconia-Springfield Parkway between Walker Lane and Beulah Street.

SUPERVISOR DISTRICT: Lee

PLANNING AREA: Area IV

PLANNING DISTRICT: Springfield Planning District

SPECIAL PLANNING AREA: Beulah (S9), Franconia-Springfield Area, Franconia-Springfield Transit Station Area Land Units S (part) and U

PARCEL LOCATION: Tax Map Parcels 91-1 ((4)) ALL; 91-1 ((1)) 11A; and 91-1 ((32)) 1

PLANNING COMMISSION PUBLIC HEARING:
Wednesday, June 8, 2022 @ 7:30 PM

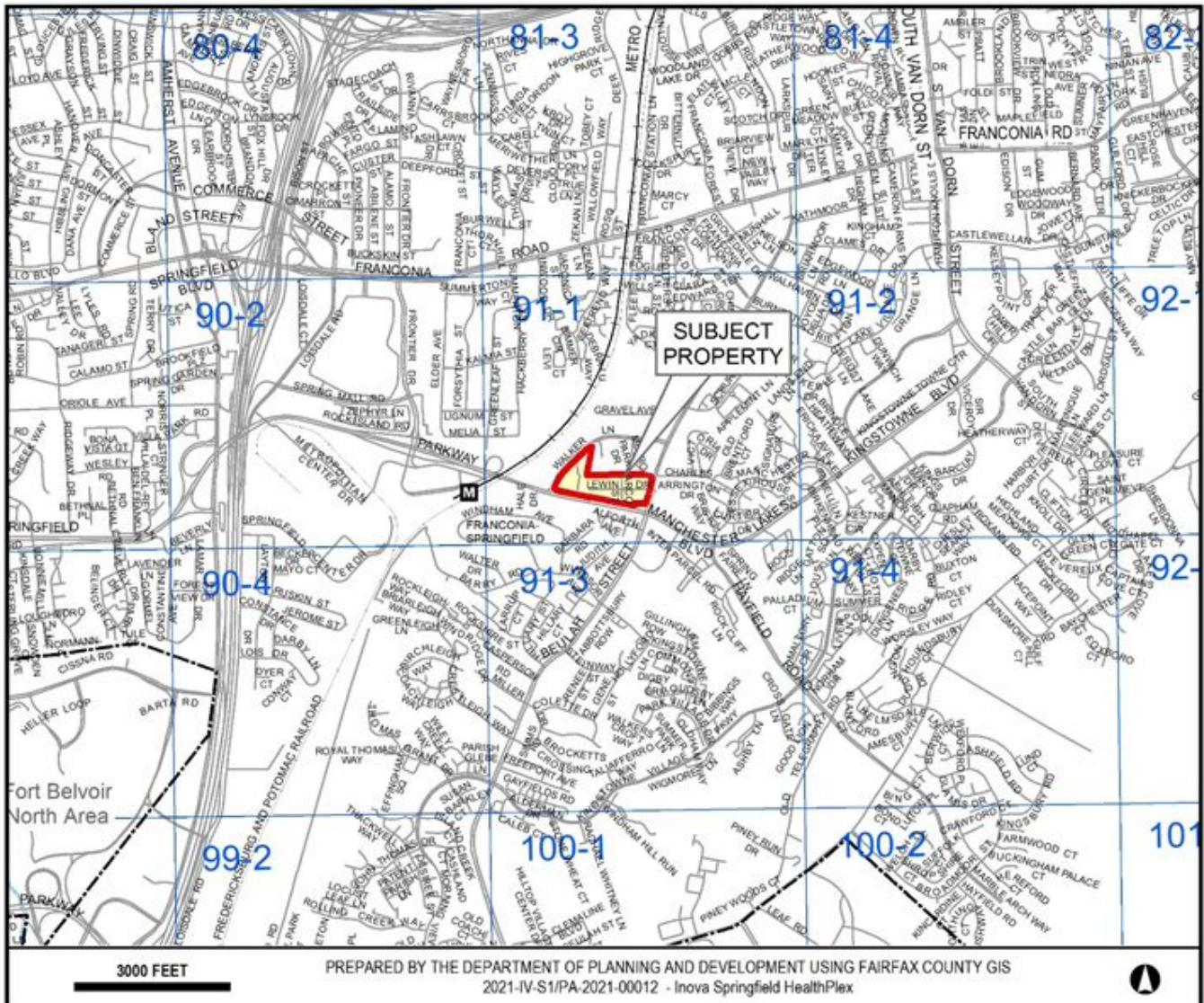
BOARD OF SUPERVISORS PUBLIC HEARING:
Tuesday, June 28, 2022 @ 3:30 PM

PLANNING STAFF DOES RECOMMEND THIS ITEM FOR PLAN AMENDMENT

For additional information about this amendment call (703) 324-1380.






Reasonable accommodation is available upon 48 hours notice. For additional information about accommodation call the Planning Commission office at (703) 324-2865, or the Board of Supervisors office at (703) 324-3151.



CURRENT PLAN AND PROPOSED CHANGE
 PARCEL LOCATION MAP SHOWING CURRENT PLAN AND PROPOSED CHANGE FOR
 SUBJECT PROPERTIES AND CURRENT PLAN MAP FOR ADJACENT AREAS

ITEM:
PA 2021-IV-S1

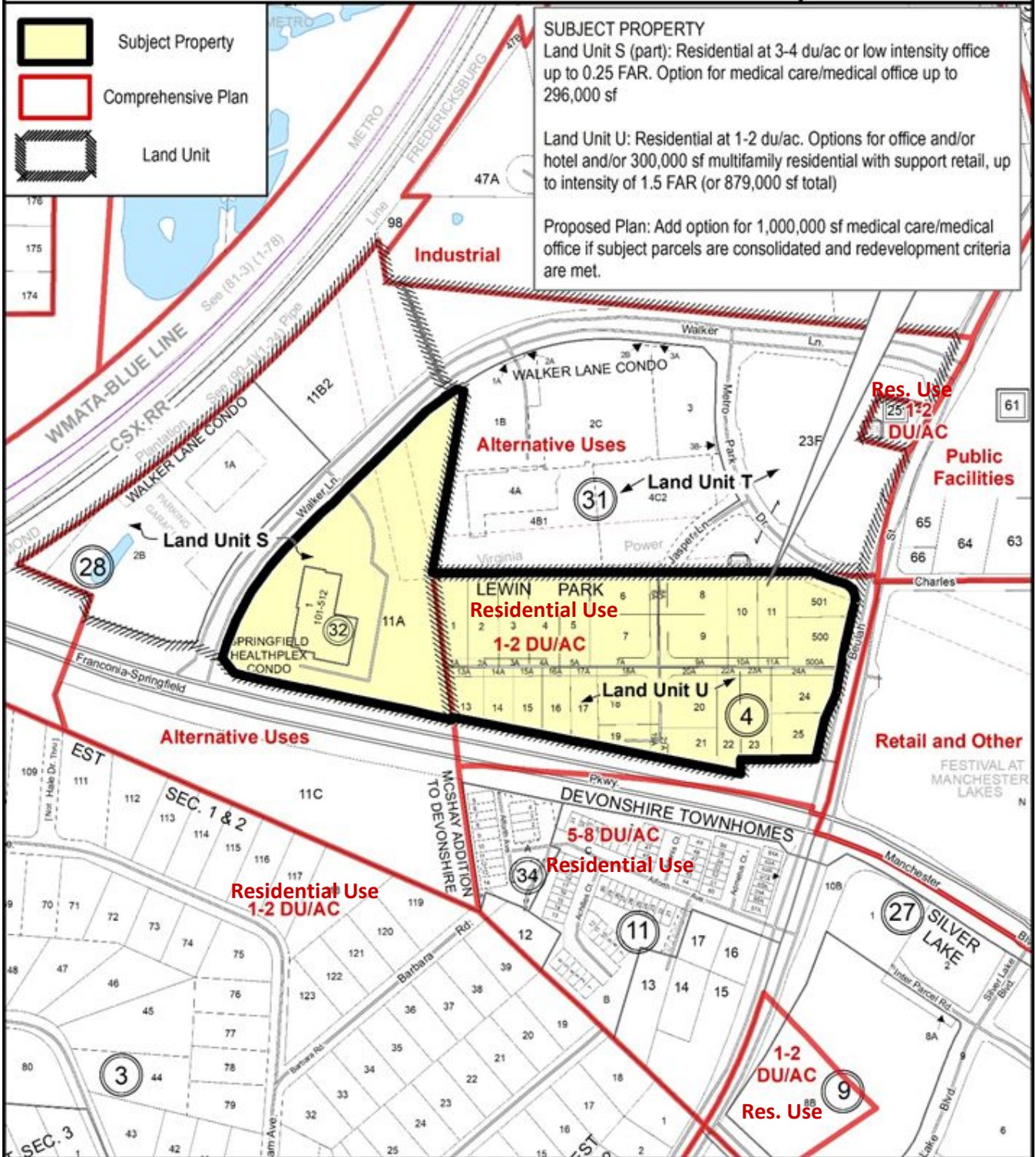
-  Subject Property
-  Comprehensive Plan
-  Land Unit

SUBJECT PROPERTY

Land Unit S (part): Residential at 3-4 du/ac or low intensity office up to 0.25 FAR. Option for medical care/medical office up to 296,000 sf

Land Unit U: Residential at 1-2 du/ac. Options for office and/or hotel and/or 300,000 sf multifamily residential with support retail, up to intensity of 1.5 FAR (or 879,000 sf total)

Proposed Plan: Add option for 1,000,000 sf medical care/medical office if subject parcels are consolidated and redevelopment criteria are met.



400 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT USING FAIRFAX COUNTY GIS
 PARCEL INFORMATION CURRENT TO NOVEMBER 2021

G:\projects\ocppdf\OTPA_GRAPHICS PLUS_PA-2021-00012



STAFF REPORT FOR PLAN AMENDMENT 2021-IV-S1

BACKGROUND

On February 9, 2021, the Fairfax County Board of Supervisors (Board) authorized Plan Amendment (PA) 2021-IV-S1¹ for Tax Map Parcels 91-1 ((4)) 1, 1A, 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11, 11A, 13, 13A, 14, 14A, 15, 15A, 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 20A, 21, 21A, 22, 22A, 23, 23A, 24, 24A, 25, 500, 500A, and 501; 91-1 ((1)) 11A; and 91-1 ((32)) 1, along the north side of Franconia Springfield Parkway between the intersections with Walker Lane and Beulah Street, which comprises the Inova HealthPlex at Franconia-Springfield site at 6355 Walker Lane and adjacent parcels to the east. The subject properties are planned within Land Units S and U of the Franconia-Springfield Transit Station Area (TSA), in the Springfield Planning District of the Area IV volume of the Comprehensive Plan (Plan). Tax Map Parcels 91-1((1))11A, 91-1((32))1, 91-1 ((4)) 1 and 1A comprise the existing Inova HealthPlex site; Land Unit U, with the exception of parcels 1 and 1A, is the former Lewin Park neighborhood, previously entitled for mixed-use development as “Liberty View.”

The Board authorized staff to consider an amendment to the adopted Plan guidance for the subject properties to evaluate land use options for hospital, medical office, and ancillary uses up to an intensity of 1.5 floor area ratio (FAR). The parcels are owned by Inova Health Care Services (“Inova”) who proposes to consolidate the existing Inova HealthPlex site and Land Unit U, thus expanding its existing footprint to allow for development of a hospital and regional-serving medical campus, offices, and emergency facilities. This proposal is referred to herein as the “Medical Campus Option.”

This Plan Amendment is being considered concurrently with rezoning case RZ/FDP 2021-LE-00018 ([PLUS link](#)) to rezone the subject properties from the PDC (Planned Development Commercial) and I-4 (Medium Intensity Industrial) Districts to the PDC District.² During the rezoning review process, Inova proposed a Medical Campus Option program totaling 985,000 square feet (0.95 FAR)³ and requested staff consider a comparable intensity for the subject properties in the concurrent Plan amendment. Accordingly, staff is evaluating an FAR of 1.06 or 1,000,000 total square feet as part of the Plan amendment, rather than the 1.5 FAR authorized by the Board.

CHARACTER OF THE SITE

The subject area comprises numerous parcels totaling approximately 21.60 acres on the north side of the Franconia-Springfield Parkway between Walker Lane and Beulah Street. Aerial

¹ This Plan Amendment is identified as PA-2021-00012 in Fairfax County’s Planning and Land Use System (PLUS).

² Any recommendation for this Plan amendment should not be construed as a favorable recommendation by the Board, the Planning Commission, or staff on any proposed zoning application(s) and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards.

³ Per RZ 2021-LE-00018, applicant’s submission dated April 4, 2022.

photography of the subject site and immediate area is shown in Figure 1. The site is within a 10 to 15-minute walking time to the Franconia Springfield Station to the west, providing access to Metrorail, the Virginia Railway Express (VRE), bus, and other public transit options.

The 8.16-acre portion of the site adjacent to Walker Lane is developed with the 5-story, 146,000-square foot Inova HealthPlex medical condominium, operated under a ground lease from Inova to its affiliate Springfield HealthPlex Condominium Development, LLC. The remainder of the western portion serves as surface parking to the HealthPlex, landscaping, and open space; a Virginia Power overhead line and its easement bisect the northern part of the property and continue along the northern boundary of the eastern portion. This existing Inova HealthPlex site is planned for up to 296,000 square feet for medical care, medical office, and ancillary uses, or approximately 151,000 square feet more than is currently developed.

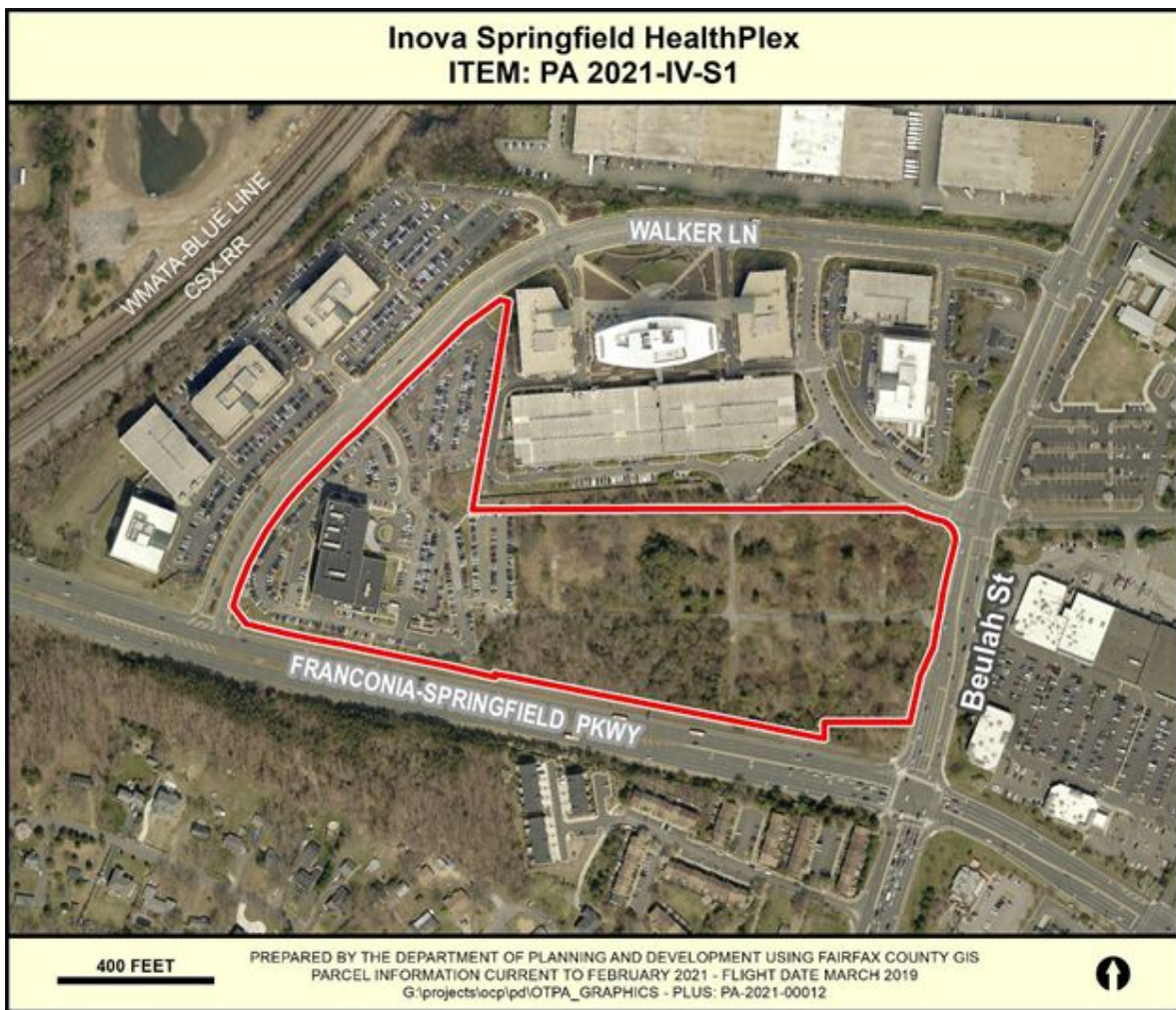


Figure 1: Area Conditions, Aerial Photography

The eastern 13.45-acre portion of the site in Land Unit U is the former Lewin Park neighborhood. While the residential structures were removed between 2011 and 2013, neighborhood streets Arco Street and Lewin Drive remain. Entrance points are via Beulah Street

and Jasper Lane; no vehicular connection exists between Land Units S and U, per adopted Plan guidance. The topography slopes gently toward the Franconia Springfield Parkway and the site is characterized by mature tree cover and open space typical of a former, older, low density residential neighborhood. Tax Map Parcels 91-1 ((4)) 1 and 1A in the northwestern corner of Land Unit U serve as surface parking ancillary to the HealthPlex and contains an underground stormwater management facility providing detention for two- and ten-year storm events and sand filters for water quality.

Plan amendments and rezoning actions since 1999 have created new development options for Land Unit U beyond its base Plan recommendation of 1-2 dwelling units per acre (du/ac). Currently, Lewin Park is planned and approved for the Liberty View development with options for office, hotel, and/or multifamily residential with support retail uses up to an intensity of 1.5 FAR.

The site is in the Accotink Creek watershed, draining westward into Long Branch, then Accotink Creek, and ultimately the Potomac River and Chesapeake Bay.

CHARACTER OF THE AREA

The Franconia-Springfield TSA, shown in Figure 2, is in the southern portion of Fairfax County and is generally bounded by Interstate 95 on the west, Franconia Road on the north, railroad right-of-way and Beulah Street on the east, and the Devonshire Townhomes and Windsor Estates single family subdivisions on the south. The subject area of this proposed Plan amendment is in the easternmost portion of the TSA in Land Units S and U, on the west side of Beulah Street. Properties on the opposite side of Beulah Street fall within the Rose Hill Planning District of Area IV. The land unit map is shown in Figure 3.

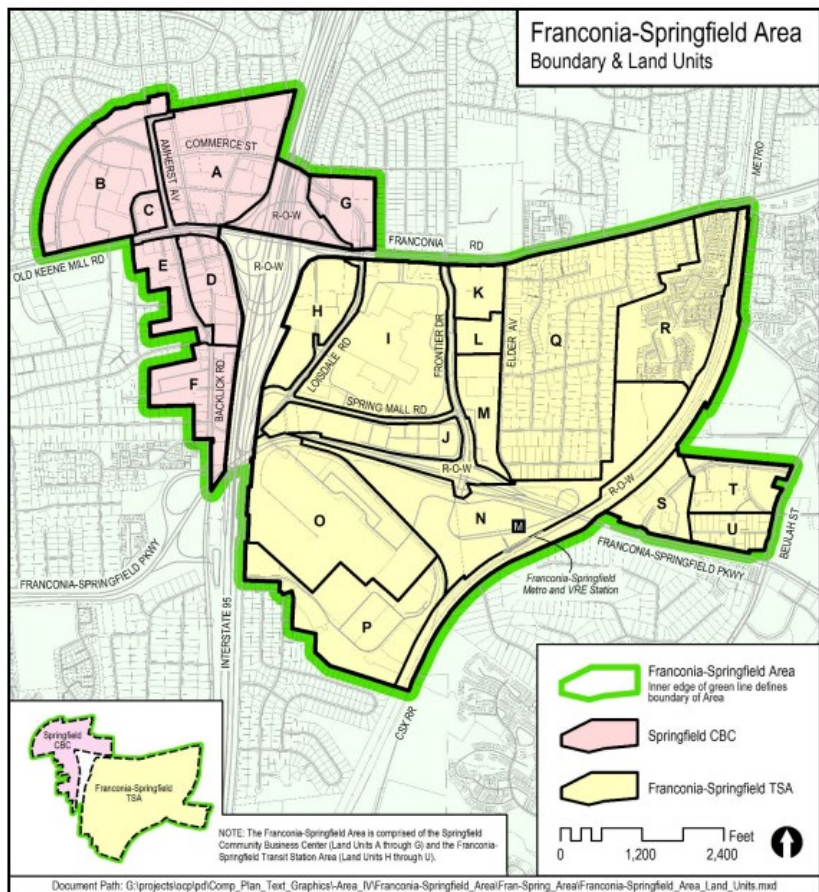


Figure 2: The Franconia-Springfield Area, showing the Franconia-Springfield TSA in yellow. The subject properties in Land Units S and U are in the easternmost area of the TSA.

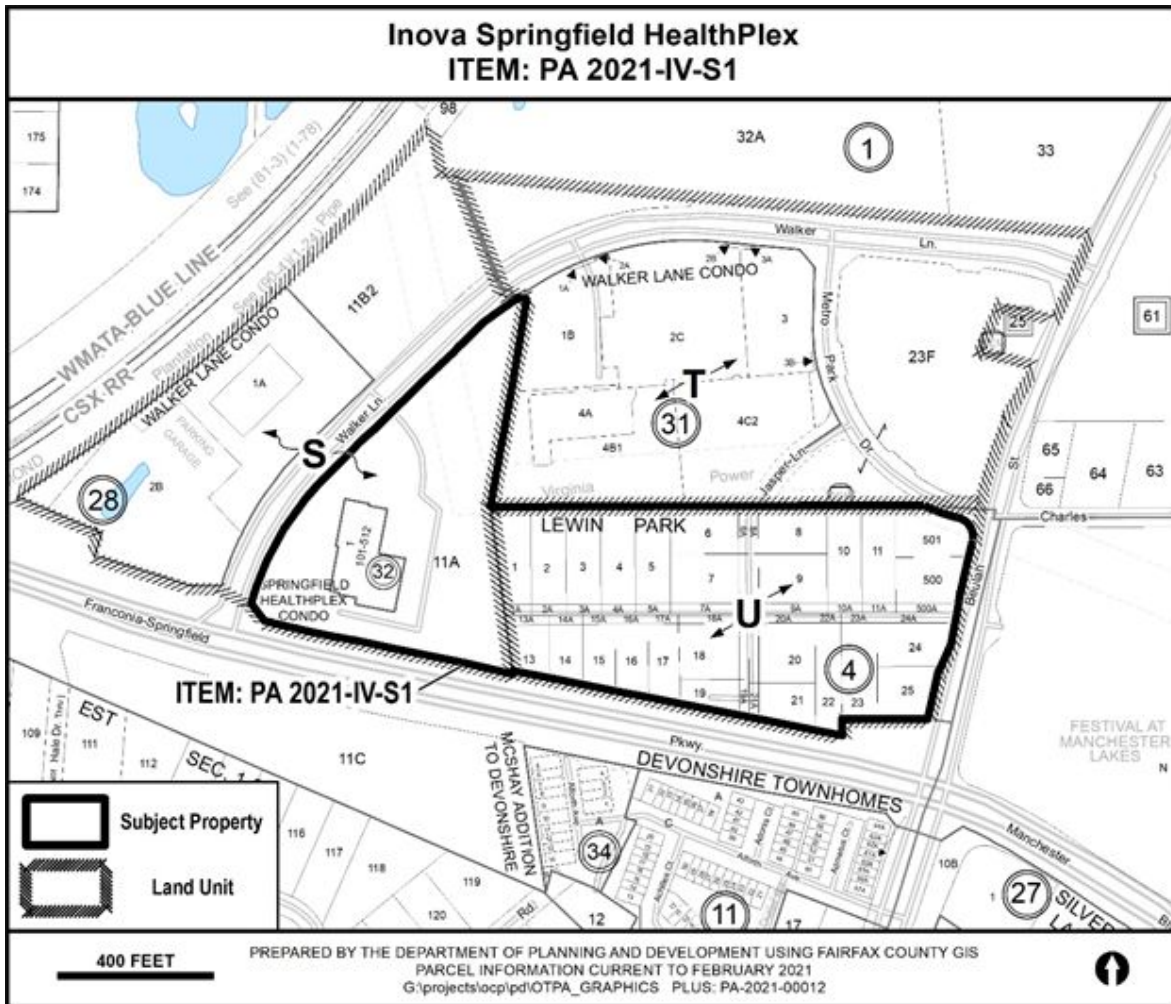


Figure 2: Subject Site and Land Unit Designations

North: The area immediately to the north of the site is in Land Unit T, planned at a baseline of low-density residential uses at 3-4 du/ac with an option for office or hotel use at 0.25 FAR; per the adopted Plan guidance for consolidation with Land Unit S, which recommends office and support retail uses up to 0.55 FAR, it has been developed as the MetroPark office park and is zoned to the PDC District.⁴ Additionally, Tax Map Parcel 91-1 ((1)) 25, the site of the historic Laurel Grove Baptist Church on Beulah Street, is surrounded on three sides by Land Unit T, but is not included in Land Unit T or the TSA.

East: The area to the northeast across Beulah Street is planned for public facilities, government, and institutional uses and, to the east, retail uses. The parcels planned for public facilities are zoned R-3 and developed with a church. The parcels planned for traditional shopping center retail use are zoned C-6 and developed with the Festival at

⁴ The option for office use and support retail in Land Units S and T (exclusive of this Plan Amendment’s site) was approved under RZ/FDP 1998-LE-048, as amended.

Manchester Lakes shopping plaza. Immediately southeast of the Franconia-Springfield Parkway/Beulah Street intersection is the planned site of the 90,000 square foot Kingstowne Consolidated Facility, a county community center envisioned to house the Lee District Supervisor’s office, a regional library, police station, adult and children’s daycare, and other community-serving amenities. This facility is included in the County’s FY 2021-2025 adopted Capital Improvement Program.

South: The area immediately to the south across the Franconia-Springfield Parkway is planned for residential uses at a density of 5-8 du/ac. Residential parcels are zoned R-8 and developed with the Devonshire Townhomes community. Further south is the lower density Windsor Estates subdivision. Tax Map Parcel 91-1 ((1)) 11C, immediately south of the existing HealthPlex, was dedicated to the Board as permanent open space, per the proffers approved with Rezoning/Final Development Plan applications RZ/FDP 1998-LE-048, the MetroPark development, and the associated density credit transferred to Land Unit S outside of this Plan amendment’s subject area.

West: The parcels immediately to the west across Walker Drive are planned for alternative uses, office and retail at 0.55 FAR, zoned PDC, and developed as part of the Metro Park office complex. Further west adjacent to Land Unit S is a CSX railroad right-of-way. The nearby Franconia-Springfield station to the west and south of the subject properties provides connections to Metrorail’s Blue Line, Virginia Railway Express commuter rail, and local and regional bus service.

PLANNING HISTORY

On February 28, 1994, the Board adopted Plan Amendment S93-CW-1CP, creating the Franconia-Springfield Area Plan. This area includes both the Springfield Community Business Center and the Franconia-Springfield TSA. At that time, Land Units S, T, and U were not located within the boundaries of the TSA; rather the land units were designated A, B, and C of the adjacent S9- Beulah Community Planning Sector of the Springfield Planning District, as shown in Figure 4. Prior to 1999, Plan guidelines in Land Unit A recommended residential use at 3-4 du/ac; Plan guidance for Land Units B and C recommended residential uses at a density of up to 1-2 du/ac.

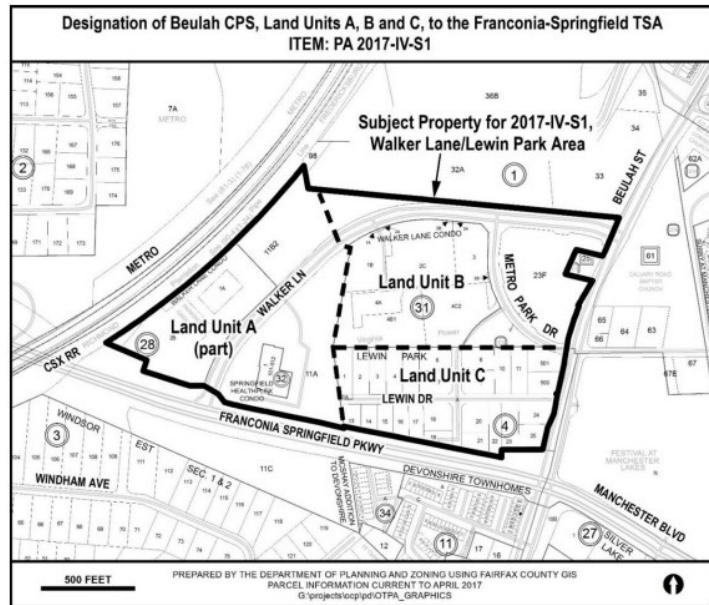


Figure 3: Land Units A, B, and C, prior to their incorporation into the Franconia-Springfield TSA as S, T, and U, per PA 2017-IV-S1.

Consolidation options increased the potential density to a maximum of 5-8 du/ac with complete parcel consolidation in Land Unit C.

On July 12, 1999, the Board adopted Plan Amendment S98-IV-S1, altering the land use recommendations in Land Units A, B, and C. Land Unit A retained the base recommendation of residential use at 3-4 du/acre, and an option was included for low-intensity office use up to 0.25 FAR. Land Unit C also retained its base recommendation of residential uses at a density of 1-2 du/ac, but an option was included to allow land uses similar to any office redevelopment in Land Units A and B, up to an intensity of 0.55 FAR. At the time, adopted language specified that “[g]iven the unique characteristics of the site, additional planning objectives for this area [Land Units A, B, and C] are to resolve the issue of land use compatibility and promote transit oriented development at this location.”⁵

As part of the Base Realignment and Closure Area Plans Review (BRAC APR), the Board adopted BRAC APR item 08-IV-10S on August 3, 2009, which increased the maximum recommended intensity to 1.5 FAR in Land Unit C provided that certain development conditions are met.⁶ These conditions cover coordinated design, transportation, building heights, structured parking, pedestrian links, on-site open space, light mitigation, green building, and other elements.

On April 26, 2011, the Board approved RZ 2010-LE-009, to rezone Land Unit C/the Lewin Park neighborhood from R-1 to PDC. A development plan of five office buildings with support retail and associated parking was approved. The development concept included an option for one of the five buildings to be a hotel. Development of the subject property is subject to proffers regarding density, use, design, transportation, environmental conditions, and green building consistent with Plan guidance for the area wide and land unit recommendations for the vision of Franconia-Springfield.

On October 24, 2017, the Board adopted Plan Amendment 2017-IV-S1 to incorporate Land Units A, B, and C into the Franconia-Springfield TSA as Land Units S, T, and U.

On March 19, 2019, the Board adopted Plan Amendment 2018-IV-S1, adding a development option to Land Unit U that would substitute up to 300,000 square feet of planned office use for multifamily residential use with ground floor retail, under certain land use, design, and transportation conditions. The planned maximum intensity up to 1.5 FAR did not change.

ADOPTED COMPREHENSIVE PLAN TEXT

The Comprehensive Plan’s Policy Plan and sections within the Area IV Plan, the Springfield Planning District, and the Franconia-Springfield TSA provide guidance for the evaluation of the Plan amendment. The following Plan citations are most relevant to this Plan Amendment, although this is not an all-inclusive index of all applicable Plan guidance.

⁵ Per Plan Amendment S98-IV-S1, adopted as Amendment No. 95-47, June 12, 1999.

⁶ Per Plan Amendment BRAC APR# 08-IV-10S, adopted as Amendment No. 2007-16, August 3, 2009.

Policy Plan Citations

Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Land Use, amended through February 23, 2021, pages 5-12:

- “Objective 6: Fairfax County should have a land use pattern which increases transportation efficiency, encourages transit use and decreases automobile dependency.
- ...
- Policy b. Concentrate most future development in mixed-use Centers and Transit Station Areas to a degree which enhances opportunities for employees to live close to their workplace.
- ...
- Objective 14: Fairfax County should seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental, and other impacts created by potentially incompatible uses.
- Policy a. Locate land uses in accordance with the adopted guidelines contained in the Land Use Appendix.
- Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area and that can be supported by adequate public facilities and transportation systems.
- Policy c. Achieve compatible transitions between adjoining land uses through the control of height and the use of appropriate buffering and screening.
- ...
- Policy e. Stabilize residential neighborhoods adjacent to commercial areas through the establishment of transitional land uses, vegetated buffers and/or architectural screens, and the control of vehicular access.
- Policy f. Utilize urban design principles to increase compatibility among adjoining uses.
- ...
- Policy h. Utilize landscaping and open space along rights-of-way to minimize the impacts of incompatible land uses separated by roadways.
- Policy i. Minimize the potential adverse impacts of the development of frontage parcels on major arterials through the control of land use, circulation, and access.
- Policy l. Regulate the amount of noise and light produced by nonresidential land uses to minimize impacts on nearby residential properties.

...

Objective 16: Fairfax County should encourage Transit-Oriented Development (TOD) with focused growth near certain planned and existing rail transit stations as a way to create opportunities for compact pedestrian- and bicycle- friendly, neighborhood centers accessible to transit.

Policy b. Development applications that propose a substantial change in use, intensity or density near designated rail transit stations should be consistent with the adopted TOD guidelines in the Land Use Appendix.”

Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Economic Development, amended through March 4, 2014, page 1:

“BOARD OF SUPERVISORS GOALS

Fairfax County has adopted a specific goal for *Economic Development and Employment Opportunities*. Additionally, economic development is touched on in many other goals ranging from Transportation to Housing, and included as one of several components in the county’s Quality of Life goal. The more specific goal that provides additional direction and guidance for economic development is as follows:

Economic Development and Employment Opportunities – Fairfax County should maintain its prosperous economic climate and varied employment opportunities by continuing to develop and pursue a broad range of actions, including public/private partnerships, designed to enhance its long-term competitive position in regional, national, and international economic development. At the same time, the county should enhance those systems that support the employability of the population for its economic betterment.”

Guidance from the Springfield Planning District pertaining to issues discussed in the Analysis section of this staff report can be found in the **Fairfax County Comprehensive Plan, 2017 Edition, Area IV, Springfield Planning District, amended through February 23, 2021, pages 1-14**, and excerpted as follows:

“CONCEPT FOR FUTURE DEVELOPMENT

....

The Franconia-Springfield Transit Station Area (TSA) is located to the east, adjacent to the Springfield CBC and encompasses the Joe Alexander Transportation Center. The Transportation Center encompasses the Virginia Railway Express (commuter rail) Springfield Station, the Greyhound Bus Station, and the Franconia-Springfield Metrorail Station. Recommendations for

the development of this area are intended to take advantage of these transportation opportunities while maintaining the viability of nearby land uses.

...

The primary planning objectives in the Springfield Planning District are the following:

...

- Develop the Franconia-Springfield Transit Station Area given existing access and environmental constraints;
- ...
- Establish land use and urban patterns in the Springfield Area that support mass transit and ridership;
- In the Springfield Area, incorporate and give priority to mass transit in the design of all major public and private projects;
- Develop trails and mass transit resources to provide access to the Van Dorn Metrorail Station and the Joseph Alexander Transportation Center;
- Improve circulation in and around the community by the management of existing transportation facilities and by promoting alternatives to single-occupant vehicle use;
- Protect stable residential neighborhoods from any adverse impacts associated with adjacent nonresidential development;
- ...
- Identify, preserve and promote awareness of heritage resources through research, survey and community involvement.”

Areawide guidance from the Franconia-Springfield Area Plan pertaining to issues discussed in the Analysis section of this staff report can be found in the **Fairfax County Comprehensive Plan, 2017 Edition, Area IV, Franconia-Springfield Area and Fort Belvoir North Area, Franconia-Springfield Area Area-wide Recommendations, amended through February 23, 2021, pages 11-33**, and excerpted as follows:

“Urban Design and Streetscape Guidelines

...

Buildings

Buildings should be designed at a scale that encourages pedestrian and street activity. The buildings should create an enjoyable, attractive, and safe environment to walk, bike, and ride public transit... Architectural design features such as façade variations of window or building details should be encouraged. Loading areas and rear-façades should be treated in such a way that does not detract from the street experience.

...

Public Art

The identity of the Franconia-Springfield Area should be established through the presentation and distribution of public art throughout the area. Artwork should create an inviting and attractive place for residents, employees, and visitors to inhabit. Redevelopment projects and public spaces should include works of public art in their design. These pieces of

art should be selected based on factors, including, but not limited to, aesthetic, historic, cultural, or functional value. An opportunity for community input should be sought in the selection process.

Parking

The vision of the Franconia-Springfield Area speaks to the transformation of an auto-oriented, mostly surface-parked, minimally landscaped area into a dynamic, multi-modal place. Parking is critical to this transformation. Parking should be consolidated into structures and integrated into the streetscape. On-street and underground parking should be given preference over other forms of parking, such as surface parking lots or structured parking garages. On-street parking lots could be used as teaser parking for ground-floor, retail shops. Surface parking lots should be avoided or located in the rear of the buildings when necessary. In this case, space for trees and other landscaping features should be accommodated. The redesign and consolidation of existing, private, surface parking lots should be encouraged.”

...

As a critical element to the creation of animated and active streetscapes, structured parking should not be visible from major pedestrian, bicycle, or vehicular thoroughfares. These structures should be accessible from side streets or exterior passageways between buildings. However, if site constraints prevent this design and the structure must be visible from such a roadway, then the design of the structure should be integrated into the streetscape. In this case, the façade treatment of the structures should contribute to the visual appeal of the streetscape. Façades should be attractive and inviting from both pedestrian and vehicular perspectives and should incorporate architectural elements to provide visual interest.

...

Noise

Given the proximity to I-95, Franconia-Springfield Parkway and other roadways, significant noise impacts are likely in some parts of the Franconia-Springfield Area. Current Comprehensive Plan policies recommend against new residential development and other noise-sensitive uses in areas where current and future noise levels exceed 75 decibel (dBA) day-night loudness (DNL)... Such noise sensitive uses in these locations may be considered only with the completion of a noise study during the review of the development, noise mitigation measures, and, potentially, the provision of disclosure statements and a post-development noise study. The noise study during development review should clearly define the noise levels impacting the proposed uses as a measure of dBA DNL. The noise study should include noise contours with current noise levels and future noise levels based on a minimum 20-year traffic volume projection for the roadway and other transportation noise sources.”

Finally, Plan guidance specific to Land Units S and U, of which this subject area is a part, is found in the **Fairfax County Comprehensive Plan, 2017 Edition, Area IV, Franconia-**

Springfield Area Land Unit Recommendations, amended through February 23, 2021, pages 57-61:

“Land Unit S

At the baseline, Land Unit S, located east of the CSX Railroad tracks, north of the Franconia-Springfield Parkway, and at the terminus of Lewin Drive, is planned for residential use at 3-4 dwelling units per acre or for low-intensity office use up to .25 FAR.

...

Tax Map parcel 91-1((1))11A is the location of the Springfield Inova Healthplex. As an option, the health care facility is planned for expansion to include medical care facilities, medical office use, and ancillary uses up to 296,000 square feet of total development at such time that the rezoning of Land Unit U (Lewin Park) is approved for nonresidential use.^[7] Medical office use may include administrative services, related to the medical care facilities and medical office uses. In order to foster consistent standards for development, this option should be implemented using the conditions for redevelopment at the optional level of Land Unit U, including high-quality design, connectivity, circulation, urban parks, and park features.^[8] Building heights should not exceed 8 stories or a maximum of 100 feet with the height of above-ground parking structures limited to a maximum of 60 feet. Stormwater management should be enhanced on the site through infiltration, retention, and other Low Impact Development techniques, including rain gardens and green roofs, or, if this cannot be accommodated, off-site through contributions to stormwater management pond retrofits. Green building/energy efficient certification, such as Leadership in Energy and Environmental Design, is encouraged. Development should connect internal pedestrian circulation facilities to onsite amenities, adjacent uses, and the existing major paved trail parallel to the Franconia-Springfield Parkway to facilitate pedestrian and bicycle access to the Joe Alexander Transportation Center. Vehicular conflicts with pedestrian traffic should be minimized. Development also should contribute toward necessary off-site transportation improvements in the area.

Any development, either under the base or the option, should provide well-designed interior circulation with no direct vehicular access through Land Unit U (the Lewin Park community) or to the Parkway. Access from the Parkway for emergency vehicles associated with an urgent care facility and a shuttle bus linking the Metro Station, and a right-in/right-out vehicular connection from Land Unit S to the Parkway may be appropriate provided that such are approved by the Commonwealth Transportation Board and reviewed by the Fairfax County Department of Transportation. Attention should be paid to proper siting of structures to enhance the relationship to the transportation center.

...

⁷ Nonresidential uses were approved in Land Unit U per PA S98-IV-S1 at 0.55 FAR (1999) and RZ 2010-LE-009 (2011).

⁸ Land Unit U is currently planned at an intensity of up to 1.5 FAR, with conditions, per BRAC APR#08-IV-10S (2009). Per this statement, the redevelopment conditions found in the guidance for Land Unit U are to be applied when redeveloping Tax Map parcel 91-1((1))11A.

Land Unit U

The Lewin Park community is planned for residential use at 1-2 dwelling units per acre. Land Unit S, to the west, is planned for residential use with an option for office use, while Land Unit T, to the north, is recommended for residential use with office uses as an option. If the optional uses for Land Unit T are approved through a rezoning,^[9] then office and/or hotel and/or up to 300,000 square feet of multifamily residential with support retail uses at up to 1.5 FAR may be appropriate for Land Unit U if the following conditions are satisfied:^[10]

Land Use/Design:

- The parcels in the land unit are substantially and logically consolidated. If all parcels cannot be consolidated, it must be demonstrated that the unconsolidated parcel(s) can be compatibly integrated into the existing development;
- The development features a coordinated plan which provides for high quality architecture, design, and building materials to foster development that is compatible with existing and planned development in Land Units S and T;
- The building heights are a maximum of approximately 8 stories or a maximum of 100 feet, tapering down to a maximum of 60 feet for structures set back 101-150 feet from the existing centerline of Beulah Street and a maximum of 40 feet for structures set back 100 feet or closer from the existing centerline of Beulah Street;
- The height for above ground parking structures is limited to a maximum of 60 feet;
- Shared structured parking may be appropriate if designed and located in a manner that concentrates parking to the interior of the Metro Park development. This parking may be physically connected to adjacent parking structure(s) in Land Units S and T;
- The development minimizes front yard setbacks and avoids surface parking along the internal roadway system, promotes porosity around public spaces, and provides a pedestrian circulation system that interconnects buildings and provides an attractive pedestrian link to the Franconia-Springfield Parkway trail;
- Usable open space such as a landscaped plaza, courtyard with seating, or an on-site recreational amenity is provided; well-designed and integrated on-site public park space such as active pocket parks, urban plazas, or open lawns are encouraged; Structures are well landscaped with trees and shrubs in order to provide a buffer to the existing Devonshire townhouse development located

⁹ Optional uses were approved and developed for Land Unit T per RZ/FDP 1998-LE-048, as amended.

¹⁰ See prior reference to these development conditions within the Land Unit S text. These conditions are to also be applied when redeveloping Tax Map parcel 91-1((1))11A.

across from the subject property on the south side of the Franconia-Springfield Parkway;

- Lighting is located, directed, and designed to reduce glare and minimize impact onto existing Devonshire townhouse development;
- Support retail uses located in the ground-level of buildings is encouraged but not required in every building, and is encouraged to be in proximity to provided public park spaces;
- Mitigation of the impact on parks and recreation per policies contained in Objective 6 of the Parks & Recreation section of the Policy Plan and Springfield District standards;
- Provision of environmental elements into the design, including buildings designed to meet the criteria for LEED Silver green building certification;
- Buildings should be designed to accommodate telecommunications antennas and equipment cabinets in a way that is compatible with the building's architecture and conceals the antennas and equipment from surrounding properties and roadways by flush mounting or screening antennas and concealing related equipment behind screen walls or building features.

Transportation/Access

- Right-of-way is dedicated for the planned Beulah Street/Franconia-Springfield Parkway interchange and as may be needed along Beulah Street to support this option;
- A Transportation Demand Management Program (TDM) is implemented that reduces trips and mitigates traffic on surrounding streets, including Beulah Street, by encouraging the use of transit, carpooling, or other alternatives to single occupant vehicle commuting. This TDM program should address on and off site parking management strategies including but not limited to charging for parking, limiting the amount of parking to the extent feasible, and affording opportunities for shared parking. Use of shared parking facilities connected to adjacent parking structure(s) in Land Units S and T may be an appropriate offsite parking strategy;
- The development should provide shuttle service to the Joe Alexander Transportation Center and/or other destinations in the nearby area until such time that a circulator, described in Land Unit T of the Franconia-Springfield Transit Station Area, is operational. At such time, redevelopment should participate in the circulator's management and operation. Options for development are feasible only if the private sector contributes a proportional share of transportation improvements (road fund) and/or funding to meet the transportation needs of the area;

- Support for high-quality and safe pedestrian connectivity to the Joe Alexander Transportation Center may include contribution(s) to maintain and improve sidewalks and landscaping along portions of Franconia-Springfield Parkway Trail that serve the subject property, as denoted in the Fairfax County Countywide Trails Plan Map;
- Coordination with any existing TDM program and existing shuttle bus service in Land Units S and T is encouraged;
- Primary access is via Metro Park Drive, Jasper Lane, Walker Lane, or other internal roads with no direct access from the Franconia-Springfield Parkway (VA-7900).”

PROPOSED PLAN AMENDMENT

As discussed in this report’s introduction, the proposed Plan amendment considers a Plan option for the site for up to 1,000,000 gross square feet (approximately 1.06 FAR) of medical care, medical office, and ancillary uses on the portion of Land Unit S that comprises the Inova HealthPlex at Franconia-Springfield and Land Unit U (formerly the Lewin park neighborhood, currently the “Liberty View” development as approved) of the Franconia-Springfield Transit Station Area; this is a reduction in intensity from the Board’s authorization and coincides with the property owner’s request for a reduced intensity in the concurrent rezoning application.

Table 1 summarizes the adopted and proposed development options. As adopted, the Inova HealthPlex and Liberty View sites are planned for a total 1,176,000 square feet. The proposed medical campus option would consolidate the two sites with a total planned square footage to 1,000,000 square feet.

ANALYSIS

Land Use

Intensity and Use:

As shown in Table 1, maximum planned intensities for the subject site are approximately 0.84 FAR for the area within Land Unit S and 1.5 FAR in Land Unit U (or 296,000 and 879,000 square feet, respectively). If consolidated and developed as a 1,000,000 square foot medical campus, the maximum intensity would be approximately 1.06 FAR across the 21.60-acre site, not considering any prior street dedications. As noted in the applicant’s concurrent rezoning application, no further development at the existing Inova HealthPlex site is proposed; however, the proposed parking structure (Phase I) and medical office building (Phase II) are sited in both Land Units S and U. Thus, the proposed effective intensity for the existing HealthPlex site (exclusive of the structured parking and office building) would remain as developed at 146,000

square feet; the remaining 855,000 square feet would be sited east of the HealthPlex. Figure 5 details the proposed site layout as provided by the rezoning applicant.

Land Unit	Size (sq. ft. / acres)	Existing Use	Adopted Comprehensive Plan Potential	Proposed Plan Potential: 21.6-acre Medical Campus
Land Unit S (Inova HealthPlex Site)	355,000 / 8.15	Medical Care/Medical Office/Ancillary Uses, 146,000 sq ft. (~0.41 FAR)	Medical Care/Medical Office/Ancillary Uses, 296,000 sq ft. (~0.84 FAR)	Medical Care/Medical Office/Ancillary Uses 1,000,000 sq ft. (~1.06 FAR)
Land Unit U (Lewin Park/Liberty View)	586,000 / 13.45	Vacant (Formerly Single Family Residential)	Options for Office, Hotel, Retail, and Multifamily Residential, 879,000 sq ft. (1.5 FAR)	
Total	941,000 / 21.6		1,176,000 sq ft.	

Table 1: Quantification of Existing, Adopted, and Proposed Uses



Figure 4: Applicant's notional medical campus layout per RZ/FDP 2021-LE-00018; submission dated April 4, 2022. For illustrative purposes only.

This overall intensity for the Medical Campus Option would be appropriate with the consolidation of the land units, provided that site design and development expressly further the

Plan's goals, vision and design recommendations for the Franconia-Springfield TSA and satisfactorily address any impacts to the transportation network and surrounding land uses.

Regarding a change in land uses from office/hotel/residential, staff has no concerns over the proposed medical uses on the subject properties.

Connectivity, Urban Design, and Open Space:

The site is situated within the Franconia-Springfield TSA, where the Plan's guidance emphasizes incorporating and prioritizing mass transit in the design of all major public and private development projects, decreasing dependence on single-occupancy vehicle trips, and considering urban design, streetscape, and architectural elements in creating a connected, cohesive, and pedestrian-scale environment.

The site is located within the assemblage of Land Units S, T, and U, where past Plan amendments and rezoning actions, including those associated with the MetroPark office complex and Liberty View mixed-use development, have reflected the location's importance within a development center, its proximity to public transit, and the desire for it to develop in a complementary manner with the surrounding land uses.

While the eastern portion of the site is outside of the ½-mile radius of the Franconia Springfield Metrorail station platform, the site as a whole is a suitable candidate for Transit-Oriented Development (TOD), and it is anticipated that future employees and patients would access the site via public transit, on foot, or by other non-motorized means.

To this end, the redevelopment of the site should include implementation of TOD principles as a key element in the design and should foster multimodal and pedestrian connectivity between the site and the Joe Alexander Transportation Center.¹¹ TOD has been encouraged for Land Units S, T, and U since at least 1999, even though the site was not formally introduced into the TSA until recently.¹² As adopted in the Plan, TOD principles encourage shifting public behaviors away from single-occupancy automobile use in favor of walking, biking, and use of public transit, benefiting public health, wellness, and the environment, and encourage economic development proximate to transit. TOD examples may include, but not be limited to, concentrating the highest density of the site closest to the station, decreasing reliance on surface parking, orienting buildings to leverage proximity to transit, and discouraging single-occupancy vehicle trips, regardless of the ultimate use. Further, the Plan recommends that off-site improvements to enhance the safety, user experience, and desirability of the existing and planned multimodal network should be considered, particularly for sites within a ½ mile of the station platform.¹³

¹¹ As defined in the area's Concept for Future Development and throughout the adopted text, the Joe Alexander Transportation Center encompasses Center encompasses the Virginia Railway Express (commuter rail) Springfield Station, the Greyhound Bus Station, and the Franconia-Springfield Metrorail Station, and other transit amenities.

¹² Per Plan Amendment S98-IV-S1, adopted as Amendment No. 95-47, June 12, 1999. At the time, Land Units S, T, and U were designated Land Units A, B, and C of the Beulah Community Planning Sector (S9).

¹³ Transit-Oriented Development principles are detailed in the Policy Plan, Land Use element, Appendix 11. Page 34 et seq.

Similarly, in concert with the connectivity vision for the Franconia-Springfield Area,¹⁴ site design should demonstrate a shift towards interconnectivity, where pedestrians and bicyclists are accommodated through safe, accessible routes, both internal to the site and to the surrounding community. Plan guidance for Land Units S and U recommend development patterns and mitigation measures to provide a buffer to pedestrians on the existing paved trail and to the residents of the Devonshire neighborhood south of the subject site.

Based on TOD-oriented site design principles, it is envisioned that the intersection of Franconia-Springfield Parkway and Walker Drive and its proximity to the existing trail network and sidewalk, as the site’s closest points to Metrorail access, would become de-facto entry points to the property. As appropriate, future development should consider improvements to this corner that leverage its location, such as a gateway, or other features that complement the vision of the Franconia-Springfield Area and provide desirable access to the trail network.

As recommended in the adopted plan for Land Units S and U, the proposed Medical Campus Option’s future development should include a coordinated plan which provides for high quality architecture, design, and building materials to foster cohesive development across the medical campus. These considerations should be made in the context of providing a cohesive and connected pedestrian experience within the TSA. It is recommended that the current recommendations be carried forward, amended as appropriate for the nature of the medical campus.

With the introduction of a hospital and expanded patient care on the site, development plans should incorporate usable open space, plazas, gardens, and outdoor areas that would provide opportunities for exercise, recreation, respite, and wellbeing. Such areas should be an integral component of the site’s design and distributed throughout the site to maximize the benefits to the site’s patients, visitors and employees. The adopted Plan guidance speaks to the importance of public art within the Franconia Springfield Area, which also should be considered in the design of the site’s outdoor spaces. Previously approved development plans and proffers for Liberty View in Land Unit U included enhancements to the pedestrian trail along Franconia-Springfield Parkway and a “gateway” plaza area at the intersection of the Parkway and Beulah Street, as illustrated by Figure 6A.¹⁵ In its rezoning application, the applicant has



Figure 5A: Illustrative trail improvements and gateway plaza at Franconia Springfield Parkway and Beulah Street, CDPA/FDPA 2010-LE-009, Liberty View, January 14, 2020

¹⁴ See the Plan’s Franconia-Springfield Area Areawide Guidance, page 6.

¹⁵ See the plans and proffers under RZ 2010-LE-009, approved April 26, 2011, and modified by CDPA/FDPA/PCA 2010-LE-009, January 14, 2020.

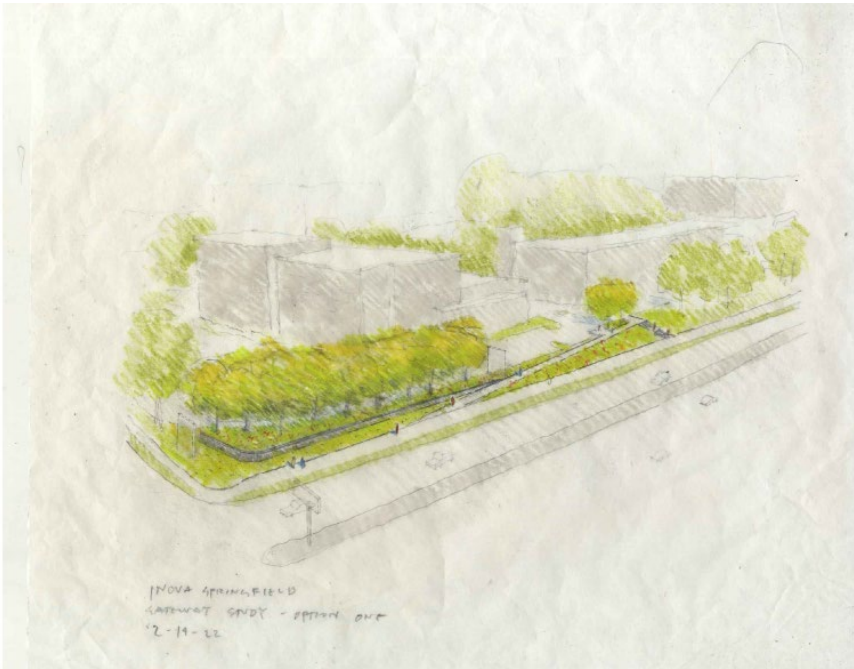


Figure 6B: Illustrative pedestrian gateway features along Franconia Springfield Parkway and signage at the intersection of Walker Lane and the Parkway, as shown in the applicant's submission, RZ 2021-LE-00018, dated April 4, 2022.

shifted this gateway plaza to the east and has proposed enhancements to the existing trail connections to the property. This pedestrian entrance is anticipated to make use of attractive landscaping, wayfinding signage, and other gateway features, as broadly illustrated in Figure 6B. To serve the eastern portion of the property the applicant has proposed replacing the trail enhancements along Beulah Street with a linear park feature, the “Woodland

Walk” connecting the proposed outpatient center with the trail network. These features are proposed to connect the pedestrian network to the hospital campus in an attractive yet functional way.

Structured parking, if provided, should be situated to be convenient to employees, patients, and visitors to the campus. Plans should include architectural treatment, vegetative screening, or other methods. This design would lessen the visual impacts and improve the visual aesthetic from the Parkway and surrounding land uses.

As currently planned, new and existing buildings should generally adhere to a 100-foot height maximum and parking structures to 60 feet; however, 125-feet may be appropriate if such an increase is necessary to accommodate a building’s medical uses and rooftop structures and equipment and can be accomplished without undue impacts to the area. Adopted Plan language guides the compatibility of building heights with surrounding land uses; recognizing the nature of the medical use, however, modifications are recommended to this guidance to address this flexibility.

Transportation

The existing HealthPlex is accessed via Walker Lane, which accesses the Franconia Springfield Parkway via a right-in/right-out intersection and Beulah Street via a fully signalized intersection. The HealthPlex can also be accessed via Metro Park Drive at a fully signalized intersection at

Beulah Street. There is a median break on the Parkway at Walker Lane, but use is limited to eastbound left-turn access to the HealthPlex for emergency vehicles only; this is in conformance with the adopted Plan recommendations. Ingress and egress points for the remainder of the subject site in Land Unit U are located on Jasper Lane, Metro Park Drive and Beulah Street; however, there is no interparcel connection to the existing HealthPlex. This mirrors the adopted Plan guidance for Land Unit S, which was intended to limit traffic impacts to the then-residentially developed Lewin Park neighborhood. Plan language regarding access to the site is recommended to accommodate the medical use.

Trip Generation

A trip generation comparison between the land uses approved in the current Comprehensive Plan and those proposed is provided in Table 2. Note that these figures are planning level, representing estimated gross trip generation and do not reflect potential trip reductions, such as for mode split or internal capture. Also note that the proposed development program below is slightly lower than the one million square feet considered in this Plan Amendment. The data are from the applicant’s rezoning proposal and provide a proxy to estimate the number of trips generated from the medical campus use.

Land Use (ITE Code)	Quantities	Daily Trips	AM			PM		
			In	Out	Total	In	Out	Total
Adopted Comprehensive Plan								
HealthPlex (Existing)								
Hospital (610)	40 KSF	431	22	11	33	12	22	34
Medical Office (720)	106 KSF	4,447	201	53	254	128	300	428
Future Growth								
General Office (710)	879 KSF	7,689	955	130	1,085	171	838	1,009
Medical Office Expansion (720)	151 KSF	6,380	276	73	349	183	428	611
Total Trips Generated	1,176 KSF	18,947	1,454	267	1,721	494	1,588	2,082
Proposed Program								
HealthPlex (Existing - To Stay)								
Hospital (610)	40 KSF	431	22	11	33	12	22	34
Medical Office (720)	106 KSF	4,447	201	53	254	128	300	428
Future Growth								
Hospital (610)	688 KSF	7,410	378	186	564	207	385	592
Medical Office Expansion (720)	151 KSF	6,380	276	73	349	183	428	611
Total Trips Generated	985 KSF	18,668	877	323	1,200	530	1,135	1,665
Gross Impact Over Comprehensive Plan		-279	-577	56	-521	36	-453	-417

Table 2: Trip Generation Comparison. Trip generation estimates are derived from the Institute of Traffic Engineers (ITE) Trip Generation Manual, 11th edition, web-based app. Trip generation estimates are for general, order-of-magnitude comparisons, only, and do not account for pass-by, internal capture or mode split trip reductions due to alternative modes and proximity to transit stations.

The trip generation estimates indicate that the proposed plan, when compared to the current Comprehensive Plan, would result in a slight decrease in daily trips by 279 trips and decreases in morning (AM) and evening (PM) peak hour trips by 521 and 471 trips, respectively. This is mainly because the proposed plan would replace a higher amount (879,000 square feet) of general office uses with 688,000 square feet of hospital uses.

Access

A traffic impact analysis has been submitted by Inova in connection with its rezoning application; it has been reviewed by County staff and the Virginia Department of Transportation (VDOT) to assess possible alternative access points to serve the proposed medical campus. A proposal of this magnitude for this will require multiple access points to effectively disperse site trips. Existing access points should be preserved to the maximum extent feasible. Additional access points and controls are also under consideration and will need to be shown to operate efficiently and not create congestion and/or safety issues.

Franconia-Springfield Parkway is a limited-access arterial that provides regional connections between the Kingstowne area and Springfield, and to points further east and west. Access points are limited to maximize traffic flow and move people and goods more effectively. Due to the limited-access nature of the Parkway, any new access points or controls (such as at the Parkway/Walker Lane intersection, for example) would need to be approved by VDOT, Northern Virginia District and Central Office.

Roadway Projects:

The adopted Plan includes a recommendation for a grade-separated interchange at the intersection of Franconia-Springfield Parkway/Beulah Street/Manchester Boulevard. This improvement, while long-range in terms of timing, should be considered when making decisions related to access and traffic flow. Any new, proposed area improvements that would be affected by the eventual construction of the interchange should be considered interim, to be removed or altered at the time of interchange implementation, as needed.

The interchange improvement may be seen to potentially contradict the multimodal/interconnected transportation network goals within the TSA by bifurcating pedestrian/bicycle access at this critical intersection. Special attention and consideration of how this interchange improvement could be implemented while balancing the multimodal priorities within the Comprehensive Plan and TSA will be required at time of rezoning.

Pedestrian Connections and Trails:

The Fairfax County Parkway Trail, an asphalt facility that connects the area to the west, including the Joe Alexander Transportation Center, currently exists along the site's Franconia-Springfield Parkway frontage. This trail, particularly west of Walker Lane, is overgrown and, in some places, in need of serious repair and rehabilitation.

Concrete sidewalks exist along both sides of Beulah Street between the Franconia Springfield Parkway and Charles Arrington Drive/Metro Park Drive. North of Charles Arrington Drive/Metro Park Drive, concrete sidewalks extend along the west side of Beulah Street past Walker Lane; on the east side of Beulah Street, an asphalt trail extends further north to Schurtz Street. Sidewalks also exist along both sides of Walker Lane, Jasper Lane and Metro Park Drive. A ten-foot asphalt paved trail exists along the north side of the Parkway.

Several marked crosswalks and other pedestrian enhancements have been installed at key intersections proximate and adjacent to the subject property. For example, marked crosswalks and/or pedestrian heads are provided on all approaches at the Beulah Street intersections with Walker Lane, Metro Park Drive and the Franconia Springfield Parkway. The only exception to this is the westbound approach at the intersection of Beulah Street and Walker Lane, where only a marked crosswalk is available; no pedestrian head signal is provided for this cross movement.

The Countywide Trails Plan, adopted by the Board on October 28, 2014, and amended through July 1, 2018, shows a major regional paved trail along the Franconia Springfield Parkway, i.e., the Fairfax County Parkway Trail, extending eastward to Kingstowne. A major paved trail is also shown along Beulah Street, extending to the north and south.

Providing pedestrian infrastructure and access is essential to ensuring adequate access to transit, pedestrian safety, and a high quality of life. To reduce single occupant vehicle trips and encourage access to the site by alternative modes, it is critical that enhanced bicycle and pedestrian facilities be provided to and from nearby activity centers and transportation hubs, like Kingstowne, Hilltop, and the Van Dorn Metrorail Station and the Joe Alexander Transportation Center.

Any development of the subject area should facilitate an effective pedestrian circulation system that interconnects interior sections of the new and existing developments with destinations and places at the edges or surrounding the property. Each major development should adopt a pedestrian circulation plan to integrate pedestrian circulation on the site with areas exterior to the development. Development or enhancement of the network of pedestrian facilities should be done in coordination with the County's ongoing active transportation planning efforts.

Bicycle Routes:

As mentioned, above, the Fairfax County Parkway Trail currently connects the subject site to points west, including the Joe Alexander Transportation Center. Beulah Street currently has on-road bicycle lanes, as does Walker Lane.

The Fairfax County Bicycle Map¹⁶ depicts current biking conditions, with respect to the level of comfort and safety issues on all the roadways within the County. The map shows that it is “less comfortable” to bike along Beulah Street and Walker Lane and “somewhat comfortable” to bike along Metro Park Drive. The map depicts that biking along Franconia Springfield Parkway needs caution.

¹⁶ Available at <https://www.fairfaxcounty.gov/transportation/bike/map>

On-road bicycle lanes are provided on Walker Lane, portions of Metro Park Drive, and Beulah Street. Walker Lane was previously striped with four travel lanes and no bike lanes; however, a road diet planned by Fairfax County and implemented by VDOT in 2019 converted the outer travel lanes to bike lanes. As part of the same roadway restriping, bike lanes (along with the retention of on-street parking) were established on Metro Park Drive.

The Bicycle Master Plan provides guidance and recommendations for accommodating bicycle friendly roadways and facilities, compliant with safety standards. Bicycle facility standards and best practices are constantly evolving and some recommendations in the Bicycle Master Plan are outdated. Bicycle recommendations are being revisited, Countywide, with the ongoing ActiveFairfax planning effort.

The Bicycle Master Plan currently recommends sharrows along Walker Lane, but, as mentioned previously, on-road bike lanes were implemented instead. On-road bike lanes are considered appropriate if vehicular volumes on Walker Lane do not get too high. On-road bike lanes are recommended on Beulah Street and have, for the most part, been implemented. The Plan also recommends bike lanes along Franconia Springfield Parkway.

Any development of the subject area should facilitate safe bicycle connections to the surrounding street network. As mentioned above, in order to reduce single occupant vehicle trips and encourage access to the site by alternative modes, it is critical that enhanced bicycle and pedestrian facilities be provided to and from nearby activity centers and transportation hubs. Development or enhancement of the network of pedestrian facilities should be done in coordination with the County's ongoing active transportation planning efforts.

Transit Services

On January 4, 2021, the Fairfax Connector launched new bus service. Transportation Association of Greater Springfield (TAGS) Routes 350 and 351, *the Springfield Business Circulator*, replaced the former TAGS Routes S80 and S91, then operated by the Washington Metropolitan Area Transit Authority (WMATA). These new routes provide weekday and weekday peak hour service to multiple points within greater Springfield, such as the Joe Alexander Transportation Center, Metro Park and the Inova Healthplex, Springfield Town Center, Hilton Springfield, Northern Virginia Community College Medical Education Campus. As of this staff report, the fare between the Joe Alexander Transportation Center and Metro Park is free of charge.

Fairfax Connector Routes 231 and 232, *the Kingstowne Circulator*, provide weekday peak hour services only to the Van Dorn and Franconia-Springfield VRE/Metrorail Stations via Beulah Street and the Franconia-Springfield Parkway. Fairfax Connector Routes 321 and 322, the Greater Springfield Circulator, provide weekday, Saturday, and Sunday service to the Van Dorn and Joe Alexander Transportation Center via Franconia-Springfield Parkway. Similar to the need for enhanced bike and pedestrian facilities, these bus services should be maintained and upgraded, as needed, in order to provide critical, direct transit connections to and from the site, the neighboring MetroPark office park, and the Van Dorn and Joe Alexander Transportation Center. Encouraging alternative modes to single occupant vehicles is an important element to

maintaining an attractive and efficient transportation system.

In addition to the Fairfax Connector bus service, Prince William Metro Express (OmniRide) provides weekday and Saturday service between the OmniRide Transit Center and the Joe Alexander Transportation Center. Additional bus services such as Alexandria's DASH, BestBus and Greyhound stops are also located at the Transportation Center.

General Transportation Matters

Transportation issues associated with development of the subject parcels, particularly those associated with access, will need to be adequately addressed as part of the rezoning review process. The development plan should address overall circulation patterns, turning movements, signalization, parcel consolidation, pedestrian circulation, safety issues and transit amenities and the potential need for noise mitigation due to the proximity of the interchange ramps. Existing policy covers the need to mitigate these impacts.

Noise

The Comprehensive Plan recommends minimizing human exposure to unhealthful levels of transportation-generated noise, including highway traffic, aircraft operations and railroads, and Metrorail. These guidelines establish maximum acceptable levels of exposure at DNL 65 dBA¹⁷ in outdoor spaces, DNL 50 dBA for office environments, and DNL 45 dBA for residences, schools, theatres, and other noise sensitive uses.

The subject site is within 1.2 miles of Interstate Highway 95/395, within 1,000 feet of the railway and Metrorail Blue Line, and adjacent to the Franconia Springfield Parkway. As a result, noise is expected to impact the proposed medical uses. The Plan anticipates new development with noise-sensitive uses in this area due to the "compact, urban nature of the Franconia Springfield Area Plan;" however, the Plan recognizes that specific impacts and appropriate mitigation measures should be determined as part of a future rezoning process. Limited medical transport via helicopter is proposed as part of the rezoning application. No aircraft would be stored or maintained at the site. The Environmental element of the Policy Plan addresses noise mitigation and will be considered at time of rezoning.

Tree Preservation

Adopted Plan guidance highlights the importance of conservation and restoration of existing tree cover with new developments. The western portion of the subject site contains an existing building, surface parking, and some landscaped trees, while the eastern portion is largely wooded. Tree canopy and vegetative diversity should be evaluated as part of any future rezoning application for the subject site, in consultation with the County's Urban Forestry Management Division. This evaluation should inventory and assess the condition of the site's vegetation and inform the locations of tree save areas and other measures to conserve and restore tree cover.

¹⁷ DNL refers to the Day-Night Average Sound Level, expressed as average decibels (dBA).

Future development should consider incorporating new plantings to the maximum extent possible, particularly in concert with reducing impervious surfaces, and the use of shade trees in the outdoor plazas, open spaces, and parking areas. The Countywide guidance in the Environmental element of the Policy Plan sufficiently addresses this need; no change is recommended to the adopted Plan guidance.

Green Buildings

The Environment element of the Policy Plan recommends green building practices and standards applicable to the County's TSAs. Further, the adopted Plan guidance for the Franconia-Springfield Area recognizes that long-term environmental sustainability in planning and design would be a key consideration in evaluating redevelopment. The Plan recommendations for the area are intended to promote increased quality of life for the public and natural resources.¹⁸ Adopted guidance for Land Unit U recommends that buildings be designed to meet the criteria of LEED Silver green building certification. Staff recommends retaining this recommendation and applying this language or similar to new medical campus development.

Water Quality and Stormwater Management

The subject site drains into Long Branch, the Accotink Creek Watershed and, ultimately, the Potomac River and Chesapeake Bay. Both Long Branch and Accotink Creek are impaired from urban runoff and sediment due to the amount of impervious surface lacking adequate stormwater detention in the watershed. Land Unit U contains tree cover and open space, and any development would increase the site's impervious surface area and stormwater runoff.

The Comprehensive Plan speaks to the need for stormwater sustainability within the Franconia-Springfield Area and, specifically, the use of Low-Impact Development (LID) techniques. No specific change to these provisions is recommended; however, the proposed medical campus development should address stormwater quality and quantity controls above the minimum requirements to minimize impacts to the watershed. This recommendation is reflected in the proposed conditions for the Medical Campus Option. To the extent feasible, water quality requirements should be met on site. Where appropriate, site plans should consider the reduction of pervious surfaces on site to reduce surface runoff.

Sanitary Sewer and Water

Sanitary sewer flow from the subject area is conveyed in two different directions: westward across Walker Lane and southward across Franconia-Springfield Parkway. The latter also serves the Devonshire townhomes and Windsor neighborhoods.

The land uses and development intensity proposed in this Plan amendment would place additional demand on the existing public sanitary sewer network. It is therefore appropriate

¹⁸ Franconia-Springfield Area Areawide Recommendations, page 32.

that, as part of a rezoning application, a capacity study be conducted to ensure adequate sanitary sewer capacity. This study is underway at the time of this report’s publication.

The subject site is served by Fairfax Water. Under the proposed medical uses, average and maximum daily demand is anticipated to increase approximately 21% when compared to the adopted Plan’s uses and intensities (Table 3). Prior evaluation under PCA/FDPA 2010-LE-009 (Liberty View) showed that Land Unit U is served by two 8-inch water mains located along Lewin Drive and Arco Street; additional water main extensions may be necessary to adequately serve the proposed development. It is anticipated that all water supply and quality matters will be addressed through the rezoning and at time of site plan.

	Average Day Demand (gallons per day)	Maximum Day Demand (gallons per day)
Existing Use	13,000	20,800
Adopted Plan	105,000	168,000
Proposed Plan	127,000	203,000

Table 3: Demand on Public Water Supply

Heritage Resources

There are no extant buildings on the subject properties that would be eligible for heritage resource protection; however, there are significant resources adjacent to and in the vicinity, including the Devers-Tyler cemetery on Tax Map Parcel 91-1 ((1)) 23F bordering the north end of the subject site, southeast of Jasper Lane; and the Laurel Grove Baptist Church and Laurel Grove School to the north, both of which are listed on the Fairfax County Inventory of Historic Sites.

Because of the proximity of the Devers-Tyler cemetery abutting Tax Map Parcels 91-1 ((4)) 8, 10, and 11, unknown archaeological resources may be extant on Land Unit U. Both a Phase I archaeological study and a field assessment of the cemetery’s southern boundary have been performed in connection with the prior Liberty View rezoning. The CDP/FDP submitted with Inova’s concurrent rezoning provides for clearing limits that buffer the boundary of the application site, and staff has determined that no further archaeological work is warranted.

CONCLUSION

The proposed Medical Campus Option for 1,000,000 square feet of medical care, medical office, and ancillary uses in Land Units S and U would help to address the healthcare needs of the region’s residents and creates an opportunity to promote Transit-Oriented Development at this location, in keeping with the vision and objectives of the Franconia-Springfield TSA. The adopted Plan recommendations have detailed land use, urban design, transportation, and environmental guidelines under existing land use options; however, modifications to the existing text are proposed to accommodate the intended change in land use and intensity, minimize impacts to surrounding land uses, and encourage well-designed development within the context of the TSA.

Accordingly, this Plan Amendment, if approved, would add an option for a cohesive campus-style medical development. As a result, Land Units S and U would have three development options beyond the base residential uses, as follows. Options 1 and 2 reflect current Plan options and Option 3 below reflects the new option proposed with this Plan amendment.

Option 1: Expansion of the Inova HealthPlex as previously approved for Land Unit S, consisting of up to 296,000 square feet, or approximately 0.84 FAR of medical care, medical office, and ancillary uses, per the adopted Plan;

Option 2: Development of Land Unit U at approximately 1.5 FAR, consisting of office, retail, hotel, and potentially multifamily development, per the adopted Plan; or

Option 3: Consolidated development of the existing Inova HealthPlex site and Land Unit U as a regional medical campus at 1,000,000 square feet, or approximately 1.06 FAR, per the proposed Plan Amendment.

These scenarios and their proposed conditions are detailed in the subsequent recommended Plan modifications.

RECOMMENDATION

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined (text proposed to be added that would be underlined is shown as double-underlined) and text proposed to be deleted is shown with a ~~strikethrough~~. Text shown to be replaced is noted as such.

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area IV, Franconia-Springfield Areawide Recommendations, Land Unit Recommendations, amended through February 23, 2021, page 57:

“Land Unit S

At the baseline, Land Unit S, located east of the CSX Railroad tracks, north of the Franconia-Springfield Parkway, and at the terminus of Lewin Drive, is planned for residential use at 3-4 dwelling units per acre or for low-intensity office use up to .25 FAR. Tax Map parcel 91-1((1))11C, located south of the Franconia Springfield Parkway and outside the extent of the Franconia-Springfield Area and Transit Station Area, was dedicated to the county for open space with the intensity associated with this parcel shifted to property in Land Unit S.

Tax Map parcels 91-1 ((1)) 11A, 91-1 ((32)) 1, 91-1 ((4)) 1 and 1A (the latter two parcels being in Land Unit U) ~~is~~ are the location of the Inova Springfield Inova HealthPlex at Franconia-Springfield (the “Inova HealthPlex site”). As an

option, the health care facility is planned for expansion to include medical care facilities, medical office use, and ancillary uses up to 296,000 square feet of total development ~~at such time that the rezoning of Land Unit U (Lewin Park) is approved for nonresidential use within the Inova HealthPlex site.~~ Medical office use may include administrative services, related to the medical care facilities and medical office uses. ~~In order to~~To foster consistent standards for development, this option should be implemented using the conditions for redevelopment at the optional level of Land Unit U, including high-quality design, connectivity, circulation, urban parks, and park features. Building heights should not exceed 8 stories or a maximum of 100 feet with the height of above-ground parking structures limited to a maximum of 60 feet.

...

Development of the Inova HealthPlex site under the base or the aforementioned expansion option Any development, either under the base or this option, should provide well-designed interior circulation with no direct vehicular access through Land Unit U (the former Lewin Park community) or to the Parkway. Access from the Parkway for emergency vehicles associated with ~~an urgent care facility~~ approved medical uses and a shuttle bus linking the Metro Station, and a right-in/right-out vehicular connection from Land Unit S to the Parkway (i.e. Walker Lane) may be appropriate provided that such are approved by the Commonwealth Transportation Board and reviewed by the Fairfax County Department of Transportation. Attention should be paid to proper siting of structures to enhance the relationship to the transportation center.

Medical Campus Option for Inova HealthPlex Site and Land Unit U:

As an option, the approximately 21.59 acres consisting of Tax Map Parcels 91-1 ((1)) 11A, 91-1 ((4)) 1-11, 1A-11A, 13-25, 13A-24A, 500, 500A, 501 and 91-1 ((32)) 1 may be consolidated for medical care, medical office, and ancillary uses up to approximately 1,000,000 square feet. Development of a medical campus at this site should support the policy goals for transit-oriented development, economic vitality, and the well-being of the local community by providing opportunities for access to health services and skilled jobs in the construction and operation of the campus. The development should leverage its proximity to public transit, the local workforce, residential neighborhoods, and Kingstowne Consolidated Facility to maximize its benefit to the community. This Medical Campus Option should create a cohesive, campus-style, development and adheres to the following criteria, in addition to the areawide guidance. For purposes of this option, “New Development” refers to improvements made above the existing 146,000 square foot Inova HealthPlex facility (as of April 2022).

- The subject parcels are substantially and logically consolidated and developed under a coordinated plan for redevelopment. New Development should include high quality architecture, design, and building materials. Interim conditions should be identified if the development is phased.

- Visual impacts to the nearby residential uses and to the Franconia-Springfield Parkway are appropriately mitigated. Building heights should generally be limited to a maximum of 100 feet per the office mixed use development option; however, building heights may increase up to 125 feet in certain areas to accommodate mechanical equipment and screening or to support the medical use. Impacts from structured parking, cooling towers, and similar ancillary uses should be minimized through the provision of architectural screening, vegetative screening, and/or other methods. Lighting should be located, directed, and designed to reduce glare and minimize impacts to the existing Devonshire community.
- Impervious surfaces are balanced with a substantial amount of green space, supplemented by natural landscaping practices and other solutions, such as green stormwater infrastructure (i.e., stormwater planters, rain gardens, and/or green roofs) to offset the impacts of runoff from impervious coverage on the site. Stormwater management controls should be provided on-site and above the minimum standards to the extent feasible. New surface parking should be designed to contribute to onsite stormwater management by using elements such as planter areas and permeable paving in the parking stall areas. Additional measures may be considered to exceed minimum standards in consultation with DPWES.
- New Development provides for environmental elements in the design, including buildings designed to meet the criteria for LEED-Silver green building certification or equivalent.
- Urban parks are integrated within the site to serve employees, patients and visitors to the campus.
- Transit-Oriented Development principles are reflected as a key element of the site's connectivity. New Development should minimize the creation of new surface parking and promote modes of transportation as an alternative to single-occupancy vehicle trips.
- The design facilitates an effective pedestrian circulation system that interconnects the interior of the campus with destinations and places external to the site, such as the Joe Alexander Transportation Center. Safe, functional and attractive bicycle, pedestrian, and multimodal connections to the surrounding street and trails network should be provided. Off-site improvements to enhance the safety, user experience, and desirability of the existing and planned active transportation network should be considered.
- Attractive, well-designed, and functional streetscape improvements and landscaping are provided, with particular attention on the Franconia-Springfield Parkway frontage and improved pedestrian crossings at Beulah

Street and to the Joe Alexander Transportation Center to the west.

- Access points existing prior to New Development are preserved to the maximum extent feasible. Additional access points and traffic controls to serve the medical campus, if provided, should operate efficiently and not create congestion or safety issues. Connectivity between Land Units S and U should be considered to promote efficient campus circulation.
- Interim improvements to the intersection of the Franconia-Springfield Parkway at Walker Lane are provided. Improvements may include an all-vehicle, left-in vehicular connection from the Parkway to Walker Lane, provided any development proposal achieves approvals from the Commonwealth Transportation Board and review by the Fairfax County Department of Transportation. Any interim improvements may be removed or redesigned in coordination with the planned interchange at the intersection of the Franconia-Springfield Parkway and Manchester Boulevard with Beulah Street.

...

Land Unit U

The Lewin Park community is planned for residential use at 1-2 dwelling units per acre. Land Unit S, to the west, is planned for residential use with an option for office use, while Land Unit T, to the north, is recommended for residential use with office uses as an option. ~~If the optional uses for Land Unit T are approved through a rezoning, then~~

As specified in the guidance for Land Unit S, the Inova HealthPlex Site and Land Unit U may be consolidated and developed under the Medical Campus Option.

Without consolidation with the Inova HealthPlex Site, office and/or hotel and/or up to 300,000 square feet of multifamily residential with support retail uses at up to 1.5 FAR (approximately 879,000 sq ft.) may be appropriate for Land Unit U if the following conditions are satisfied:
..."

COMPREHENSIVE LAND USE PLAN MAP:

The Comprehensive Land Use Plan Map will not change.

TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.

Board Agenda Item
June 28, 2022

4:00 p.m.

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 82-1-6, 82-6-25, and 82-6-26.

RECOMMENDATION:

The County Executive recommends the approval of the proposed amendments to Chapter 82.

TIMING:

On June 7, 2022, the Board authorized a public hearing to consider this matter on June 28, 2022, at 4:00 p.m.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law), Section 82-6-25 (Flag or light at end of load), and Section 82-6-26 (Exhaust system in good working order required) have been amended to reflect changes made to the *Code of Virginia* by the 2022 General Assembly. A summary of the changes as a result of the 2022 General Assembly amendments affecting Chapter 82 are provided in Attachments 2 and 4.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic, Article 1, In General.

Attachment 2 - Summary of 2022 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic, Article 1, In General.

Attachment 3 – Proposed Amendments to Chapter 82, Motor Vehicles and Traffic, Article 6, Equipment.

Attachment 4 – Summary of 2022 General Assembly Amendments Affecting Chapter

Board Agenda Item
June 28, 2022

82, Motor Vehicles and Traffic, Article 6, Equipment.

STAFF:

Thomas Arnold, Deputy County Executive
Colonel 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, ~~2024~~ 2022, 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, ~~2024~~ 2022, except where otherwise noted.

18.2-266	18.2-269	46.2-203.1
18.2-266.1	18.2-270	46.2-208
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	46.2-301
18.2-268.3	18.2-271.1	46.2-301.1
18.2-268.4	18.2-272	46.2-302
18.2-268.5	46.2-100	46.2-329
18.2-268.6	46.2-102	46.2-334.001
18.2-268.7	<u>46.2-104</u>	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	<u>46.2-684.2*</u>	<u>46.2-816.1</u>
46.2-341.28	46.2-704	46.2-817
46.2-345.3	46.2-711	46.2-818.1
46.2-346	46.2-715	46.2-818.2
46.2-349	46.2-716	46.2-819.4
46.2-371	46.2-724	46.2-820
46.2-373	<u>46.2-730</u>	46.2-821
46.2-376	46.2-800	46.2-822
46.2-379	46.2-801	46.2-823
46.2-380	46.2-802	46.2-824
46.2-391.01	46.2-803	46.2-825
46.2-391.2	46.2-804	46.2-826
46.2-391.3	46.2-805	46.2-827
46.2-391.4	46.2-806	46.2-828
<u>46.2-392</u>	46.2-807	46.2-828.2
46.2-393	46.2-808	46.2-829
46.2-398	46.2-808.1	46.2-830
46.2-602.3	46.2-808.2	46.2-831
46.2-612	46.2-810	46.2-832
46.2-613	46.2-811	46.2-833
46.2-616	46.2-812	46.2-833.1
46.2-617	46.2-814	46.2-834
46.2-618	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
46.2-839	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	46.2-936	46.2-1024
46.2-908.1	46.2-937	46.2-1025
46.2-909	46.2-940	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	46.2-1003	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	46.2-1013	46.2-1038
46.2-921	46.2-1014	46.2-1039
46.2-922	46.2-1015	46.2-1040
46.2-923	46.2-1016	46.2-1041
46.2-924	46.2-1017	46.2-1043
46.2-926	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
46.2-1052	46.2-1079	46.2-1120
46.2-1053	46.2-1080	<u>46.2-1121**</u>
46.2-1054	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	46.2-1157
<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	<u>46.2-1219.3</u>
46.2-1077	46.2-1115	46.2-1231

46.2-1234	46.2-1309	46.2-2910
46.2-1240	46.2-1508.2	
46.2-1242	46.2-1552	
46.2-1250	46.2-1561	

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*.

* To become effective on July 1, 2023, per 2022 Acts of General Assembly Chapter 51.

** To become effective on July 1, 2023, per 2022 Acts of General Assembly Chapter 50.

(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; 13-21-82.)

ATTACHMENT 2

SUMMARY OF 2022 GENERAL ASSEMBLY AMENDMENTS AND REPEAL AFFECTING CHAPTER 82

The information presented below summarizes changes to 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*.

Be it enacted by the General Assembly of Virginia:

An Act to amend and reenact § [46.2-1049](#) of the Code of Virginia, relating to exhaust systems; excessive noise. Makes offenses related to loud exhaust systems that are not in good working order primary offenses, allowing law-enforcement officers to stop vehicles for such violations.

An Act to amend and reenact § [46.2-1030](#) of the Code of Virginia, relating to vehicles equipped with warning lights. Requires certain vehicles equipped with warning lights to display those lights when responding to traffic incidents in addition to the circumstances previously required, such as responding to emergency calls or towing disabled vehicles.

An Act to amend and reenact §§ [46.2-816.1](#) and [46.2-392](#) of the Code of Virginia, relating to careless driving; vulnerable road users. Provides that a person is guilty of a Class 1 misdemeanor if he operates a vehicle in a careless or distracted manner and causes the death or serious bodily injury of a vulnerable road user. This Act also allows a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for up to six months.

An Act to amend and reenact § [46.2-905](#) of the Code of Virginia, relating to bicycles and certain other vehicles; riding two abreast. Prohibits persons riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or motorized skateboards or scooters two abreast from impeding the normal and reasonable movement of traffic and requires such persons to move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle.

An Act to amend and reenact § [46.2-104](#) of the Code of Virginia, relating to electronic vehicle titling and registration. The Act clarifies that an operator of any motor vehicle, trailer, or semitrailer being operated on the highways in the Commonwealth shall have in their possession a physical registration card.

An Act to amend and reenact § [46.2-1063](#) of the Code of Virginia, relating to front and rear bumper height limits. Provides that no passenger car, pickup or panel

truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper.

An Act to amend and reenact § [46.2-730](#) of the Code of Virginia, relating to antique motor vehicles and antique trailers; license plates. Provides that license plate numbers for antique motor vehicles and antique trailers may be issued a number combination that is not currently registered on license plates embossed with the year matching the plate being requested and only one license plate with the same number combination has been issued for use after 1973, or 1976 if the plate requested is for a motorcycle.

An Act to amend and reenact § [46.2-1121](#) of the Code of Virginia, relating to projecting vehicle loads; flagging. Provides any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or beyond the rear of a vehicle by more than four feet to have the extremities of the load marked by one or more red or orange fluorescent warning flags at least 18 inches both in length and width. This Act has a delayed effective date of July 1, 2023.

An Act to enact § [46.2-684.2](#) of the Code of Virginia, relating to permanent farm use placards. Requires an owner or lessee of a vehicle claiming a farm use exemption from the registration, licensing, and decal requirements for a motor vehicle, trailer, or semi-trailer to obtain a nontransferable permanent farm use placard and to always display the farm use placard on the vehicle. This Act has a delayed effective date of July 1, 2023.

An Act to enact § [46.2-1219.3](#) of the Code of Virginia, relating to parking of vehicles in parking spaces reserved for charging plug-in electric vehicles. Prohibits a vehicle not capable of receiving an electric charge, or a plug-in electric vehicle that is not in the process of charging, from parking in a space clearly marked as reserved for charging plug-in electric vehicles.

ATTACHMENT 3

Proposed Amendments to Chapter 82, Motor Vehicles and Traffic

ARTICLE 6. - Equipment.

Section 82-6-25. - Flag or light at end of load.^[131]

[Effective until June 30, 2023]

Whenever the load on any vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load, a red flag not less than twelve (12) inches, both in length and width, except that between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise, there shall be displayed at the end of such load a red light, plainly visible in clear weather at least five hundred (500) feet to the sides and rear of such vehicle. (3-13-63; 1961 Code, § 16-162.)

[Effective on July 1, 2023]

(a) Whenever the load on any vehicle other than a commercial motor vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load, a red flag not less than ~~twelve (12)~~ inches, both in length and width, ~~except that between one-half ($\frac{1}{2}$) hour after sunset and one-half ($\frac{1}{2}$) hour before sunrise,~~

(b) Any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or more than four feet beyond the rear of the vehicle shall have the extremities of the load marked with a red or orange fluorescent warning flag. Any such warning flag shall be at least 18 inches, both in length and width. If the projecting load is two feet wide or less, there shall be at least one flag at the extreme rear. If the projecting load is wider than two feet, there shall be at least two warning flags at the extreme rear. Any such flag shall be located to indicate the maximum widths or any load that extends beyond the sides or rear of the commercial motor vehicle.

(c) On any vehicle subject to the provisions of subsections (a) or (b), between sunset and sunrise, there shall be displayed at the end of such load a red light, plainly visible in clear weather at least five hundred (500) feet to the sides and rear of such vehicle. (3-13-63; 1961 Code, § 16-162.)

Footnotes:

--- (131) ---

123. For similar state law, see Va. Code Ann., § 46.2-1121.

Section 82-6-26. - Exhaust system in good working order required.^[133]

- (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 in good working order and in constant operation to prevent excessive or unusual levels of noise, 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.
- (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; 13-21-82.)

Footnotes:

--- (133) ---

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

ATTACHMENT 4

SUMMARY OF AMENDMENTS AND REPEAL AFFECTING CHAPTER 82

The information presented below summarizes changes to 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*.

Section [82-6-25](#) of the Traffic Code of Fairfax County, Virginia, related to a flag or light at end of a load, § [46.2-1121](#) of the Code of Virginia. Provides any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or beyond the rear of a vehicle by more than four feet to have the extremities of the load marked by one or more red or orange fluorescent warning flags at least 18 inches both in length and width. This amendment has a delayed effective date of July 1, 2023.

Section [82-6-26](#) of the Traffic Code of Fairfax County, Virginia, related to an exhaust system in good working order, § [46.2-1049](#) of the Code of Virginia and exhaust systems; excessive noise. This amendment updates enforcement related to the legislative change from a secondary offense to a primary offense, allowing law-enforcement officers to stop vehicles for such violations.

Board Agenda Item
June 28, 2022

4:00 p.m.

Public Hearing to Consider a Temporary Uncodified Ordinance that Will Provide for up to a Two Dollar Per-Trip Emergency Taxicab Fuel Surcharge from June 29, 2022, Through December 29, 2022

ISSUE:

Public hearing to consider a temporary uncodified ordinance that will provide for up to a two dollar (\$2.00) per-trip emergency taxicab fuel surcharge from June 29, 2022, through December 29, 2022.

RECOMMENDATION:

The County Executive recommends approval of a temporary uncodified ordinance that will provide for a taxicab fuel surcharge of up to \$2.00 per-trip from June 29, 2022, through December 29, 2022.

TIMING:

On June 7, 2022, the Board authorized advertisement of a public hearing on June 28, 2022, at 4:00 p.m. to consider a temporary uncodified ordinance that will provide for up to a \$2.00 per-trip emergency taxicab fuel surcharge (Attachment 1). If adopted, the ordinance would be effective June 29, 2022, through December 29, 2022.

BACKGROUND:

In response to a request for emergency taxicab rate relief submitted on March 17, 2022, by Old Dominion Transportation Group, Inc. (ODTG), the Board adopted an emergency uncodified ordinance providing for a per-trip taxicab fuel surcharge of one dollar (\$1.00) pursuant to Fairfax County Code Section 84.1-6-2 (Attachment 2). This surcharge is effective through June 11, 2022. At the time of Board action on April 12, 2022, the American Automobile Association (AAA) Daily Report for the Washington, DC (VA Only) retail price for regular gasoline averaged \$4.06. Previously for this area, gasoline prices had peaked on March 11, 2022, at \$4.34 per gallon. However, on May 9, 2022, this area broke that record and the AAA Daily Report average retail price in Fairfax County as of May 25 is \$4.767 per gallon. The current emergency taxicab fuel surcharge of \$1.00 only covers an increase in fuel cost up to \$4.30 per gallon.

As gasoline prices increase, drivers absorb greater costs. With retail gas prices in Fairfax County now averaging \$4.767 per gallon, taxicab drivers incur additional

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monthly expenses of \$304, or \$3,653 per year. These levels of non-reimbursed expenses continue to pose an economic hardship to the taxicab drivers in Fairfax County.

Staff has analyzed the need for an emergency taxicab fuel surcharge and, for the reasons set forth in the attached staff report, recommends extending the emergency surcharge beyond the previously approved expiration date of June 11 and increasing it to a \$2.00 per-trip emergency taxicab fuel surcharge (Attachment 3). This surcharge of \$2.00 per-trip will continue to provide relief to current taxicab drivers who are suffering economic hardships resulting from high gasoline prices.

The proposed six-month emergency taxicab fuel surcharge will expire on December 29, 2022, unless rescinded sooner. Staff will continue to monitor gasoline prices during the next several months and may seek continued relief if prices remain high. Similarly, staff may recommend that the proposed emergency surcharge be rescinded prior to December 29, 2022, if prices fall significantly.

At its meeting on May 17, 2022, the Consumer Protection Commission (CPC) voted unanimously to authorize an advertisement of a public hearing to be held at its meeting on June 21, 2022, at 7:30 p.m., to consider a temporary uncodified ordinance that will provide for up to a \$2.00 per-trip emergency taxicab fuel surcharge from June 29, 2022, through December 29, 2022. Action taken by the CPC on June 21, will be included in staff's report to the Board on June 28, 2022.

Several surrounding jurisdictions have also reviewed similar requests for emergency taxicab fuel surcharges in response to sustained high gasoline prices and are continuing to monitor the impact on drivers that operate in their jurisdictions. Prince William County approved a \$1.00 surcharge, effective March 15, for 60 days and has since extended the surcharge through July 13, 2022. Washington, DC approved a \$1.00 surcharge, effective March 16, 2022, that will stay in place for 120 days unless rescinded sooner. The City of Alexandria approved a \$1.00 surcharge on March 31, for one year. Arlington County approved a \$1.00 surcharge, effective May 14, for six months.

The County and Fairfax County Public Schools (FCPS) have several contracts with taxicab companies for special needs transportation. Payments under these contracts are in accordance with the current rates set forth in County Code Section 84.1-6-3. While both organizations will experience an operational impact from the temporary emergency fuel surcharge, the retention of taxicab drivers is vital in maintaining transportation for students with disabilities and special needs to and from school and

transportation options for eligible older adults, persons with disabilities, and those with limited income.

FISCAL IMPACT:

Based on a six-month emergency taxicab fuel surcharge, the Department of Neighborhood and Community Services (DNCS) estimates an operational impact of \$1,608 based on 134 taxicab trips per month in their TOPS – Transportation, Options, Programs & Services program. TOPS connects riders with a variety of transportation modes and options, enabling them to travel affordably, safely, and independently. While the program participants are responsible for the full cost of the transportation fare, the TOPS program provides subsidized transportation funds for eligible residents of Fairfax County, the City of Fairfax, and the City of Falls Church.

FCPS estimates an operational impact of \$15,000 based on current monthly usage and indicates they can absorb the increased costs within their FY 2022 and FY 2023 budget appropriations.

EQUITY IMPACT:

This action supports a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health, a One Fairfax Policy Area of Focus.

The on-demand availability of safe and reliable taxicab services supports the *County's Strategic Outcome Area: Mobility and Transportation* and is important to the public well-being, especially for those consumers unable to use public transportation and who rely on taxicab service for their basic transportation needs. In Fairfax County, 4.4 percent of the 398,653 households have no vehicle available.¹ In 2020, taxicabs provided service to over 327,000 passengers including 2,769 wheelchair accessible trips.

The retention of taxicab drivers is also vital in maintaining transportation for approximately 90 students with disabilities and special needs to and from school. Taxicab drivers also provide transportation services through the TOPS – Transportation Options, Programs & Services program which provides subsidized transportation funds for eligible participants who live in Fairfax County, the City of Fairfax, and the City of Falls Church. This program serves approximately 1,400 eligible residents and supports the *County's Strategic Outcome Area: Empowerment and Supporting Residents Facing Vulnerability* by using the existing taxicab framework to cross-collaborate with County and School efforts to provide residents with transportation services, enabling them to travel affordably, safely, and independently.

¹ United States Census Bureau: [Census - Table Results](#)

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The \$2.00 per-trip emergency taxicab fuel surcharge will continue to provide relief to the taxicab drivers who are suffering an economic hardship from increased fuel costs. This increase may also help retain current drivers and recruit new drivers, supporting the *County's Strategic Outcome Area: Economic Opportunity*.

ENCLOSED DOCUMENTS:

Attachment 1 – Temporary Uncodified Ordinance
Attachment 2 – Fairfax County Code Section 84.1-6-2
Attachment 3 – Staff Report on Emergency Rate Relief

STAFF:

Ellicia Seard-McCormick, Deputy County Executive
Rebecca L. Makely, Acting Director, Department of Cable and Consumer Services

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney

1 **AN UNCODIFIED ORDINANCE TO PROVIDE EMERGENCY TAXICAB RATE**
2 **RELIEF**

3
4
5 AN UNCODIFIED ORDINANCE to impose an emergency fuel surcharge of up to
6 two dollars per trip, in addition to the existing rates and charges for transportation
7 and other services rendered to passengers in the County by taxicabs, from June
8 29, 2022, through December 29, 2022.

9
10
11 **Draft of May 17, 2022**

12
13
14 Be it ordained by the Board of Supervisors of Fairfax County:

15
16 **1. That the following uncodified ordinance is hereby adopted:**

17
18 **A. Authority for Emergency Rate Relief**

19
20 1. Fairfax County Code Section 84.1-6-2(g) permits requests for emergency
21 rate relief if dire financial needs exist as a result of circumstances beyond
22 the taxicab industry’s control. A petition for emergency rate relief was
23 submitted to the County by a certificate holder operating within the
24 County. Dire financial needs exist due to the rapid increase in gasoline
25 prices that could not have been predicted and thus are not addressed by
26 the current taxicab rates and charges set forth in County Code Section
27 84.1-6-3.

28
29 2. Virginia Code § 46.2-2062 authorizes the governing body of any county to
30 regulate by ordinance the rates and charges for taxicab service in such
31 county.

32
33 **B. Taxicab Fuel Surcharge**

34
35 1. In addition to the rates, fares and surcharges otherwise described in
36 Fairfax County Code Section 84.1-6-3, there may be imposed an
37 emergency fuel surcharge of up to two dollars (\$2.00) per trip.

38
39 2. No such emergency fuel surcharge shall be imposed after December 29,
40 2022, unless the Board of Supervisors readopts this ordinance.

41

- 1 **2. That this ordinance will take effect on June 29, 2022, and extend**
2 **through December 29, 2022, unless sooner rescinded by the Board.**
3

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12

GIVEN under my hand this ____ day of June, 2022.

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

Section 84.1-6-2. Changes to rules, regulations, rates, fares, and charges; procedures.

- (a) Changes in any rule, regulation, rate, fare, charge, and or practice thereto, for taxicab services rendered by certificate holders, may be approved by the Board after notice and hearing held by the Commission or upon recommendation of the Director.
- (b) On an annual basis the Board may consider changes in rates, fares or charges, upon petition by a certificate holder or a driver association. Any petition filed by a certificate holder or driver association for changes in rates, fares or charges must be filed simultaneously with the Clerk to the Board and the Director by June 30. A copy of such requests must be sent by the Director to the Commission, certificate holders, and any driver association within seven calendar days of submission to the Clerk to the Board.
- (c) Any petition for a change in rates, fares or charges will contain the following:
 - (1) The rates, fares or charges which are proposed for approval; and
 - (2) A sample billing analysis which will show the cost to riders for trips ranging from one mile to 20 miles in one-mile increments, using existing rates and proposed rates, including for each increment, the percent change.
- (d) Rate change petitions will be analyzed by the Director, using information submitted under Section 84.1-5-2 and other relevant data. The Director will use the following standard in consideration of whether the request is justified: the change in the Fairfax County Taxicab Industry Price Index since the last adoption of rates (plus or minus two percent). The Fairfax County Taxicab Industry Price Index is in the following form:

Fairfax County Taxicab Industry Price Index

Taxicab Cost Element	BLS Index	Weight
Salaries, Wages, and Profits	CPI-U (All Items)	0.62
Vehicle Purchase	New Vehicles	0.14
Fuel	Motor Fuel	0.11
Insurance and Other	Private Transportation Services	0.08
Maintenance, Parts, and Equipment	Motor Vehicle Maintenance and Repairs	0.05
TOTAL COMPOSITE INDEX		1.00

- (e) The Commission will review all recommendations or petitions for rate changes, along with the report of the Director, and the Commission will hold a hearing to consider evidence related to such recommendations or petitions for changes in rates, fares and charges, or any rule, regulation, or practice thereto, as soon as analysis and scheduling permit. After holding a public hearing and after such further investigation as the Commission may deem advisable, the Director will convey the recommendations of the Commission and the Director concerning the appropriate taxicab rates to the Board for consideration.
- (f) Except for emergency rate relief, certificate holders will provide notice to the public of proposed changes in fares, rates, or charges, by means of a sign posted in a conspicuous place in each of their vehicles operated as taxicabs in Fairfax County. Such notice will be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and will contain substantially the following legend:

Notice of Proposed Rate Change
(Insert the Name of the Certificate Holder)

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

The proposed taxicab rate change will be considered by the Consumer Protection Commission at a public hearing on (insert date, time, and location). Any interested person may appear before the Commission 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 703-222-8435.

Notices with respect to the request for a rate change will be posted at least 15 calendar days prior to the Consumer Protection Commission public hearing and the Board of Supervisor's public hearing and will remain posted until the change in rates is denied or becomes effective.

- (g) Emergency rate relief requests will be considered in as timely a manner as possible, under the same procedures and criteria as set forth herein, except that emergency rate relief petitioners must demonstrate that dire financial needs as a result of circumstances beyond their control necessitate an increase prior to the next annual filing period. The filing date requirement found in 84.1-6-2(b) does not apply to an emergency rate relief request. A rate review according to Section 84.1-6-2, Subsections (a) through (f) will supersede any rate change granted on an emergency basis.

(4-00-84.1; 56-08-84.1; 39-16-84.1.)

STAFF REPORT ON EMERGENCY RATE RELIEF**SUMMARY:**

In response to a request for emergency taxicab rate relief submitted on March 17, 2022, by Old Dominion Transportation Group, Inc. (ODTG), the Board adopted an emergency uncodified ordinance providing for a per-trip taxicab fuel surcharge of up to one dollar (\$1.00). This surcharge is effective through June 11, 2022. At the time of Board action on April 12, 2022, the American Automobile Association (AAA) Daily Report for the Washington, DC (VA Only) retail price for regular gasoline averaged \$4.06. Previously for this area, gasoline prices had peaked on March 11, 2022, at \$4.34 per gallon. On May 9, 2022, this area broke that record and the AAA Daily Report average retail price in Fairfax County as of May 25 is \$4.767 per gallon. The current emergency taxicab fuel surcharge of \$1.00 only covers an increase in fuel cost up to \$4.30 per gallon.

As a result of this analysis, staff recommends extending the emergency taxicab fuel surcharge beyond the previously approved expiration date of June 11 and increasing it to a two dollar (\$2.00) per-trip taxicab fuel surcharge to offset the additional financial burden presently being absorbed by the taxicab drivers in Fairfax County. The taxicab companies have confirmed that 100 percent of the surcharge will go directly to the taxicab drivers.

PREVIOUS BOARD ACTIONS TO ADJUST TAXICAB FARES:

On June 7, 2022, the Board of Supervisors authorized the advertisement of a public hearing on June 28, 2022, at 4:00 p.m. to consider a temporary uncodified ordinance providing for an emergency taxicab fuel surcharge of up to \$2.00 per-trip effective June 29, 2022, through December 29, 2022.

Previously on April 12, 2022, the Board of Supervisors adopted an emergency uncodified ordinance to provide for a per-trip taxicab fuel surcharge of \$1.00. This current surcharge is effective through June 11, 2022.

Prior to April 2022, the last time the Board approved an emergency taxicab fuel surcharge was in August 2008, which imposed an additional \$1.00 surcharge on top of an earlier \$1.00 surcharge, bringing the total surcharge to \$2.00. This surcharge was in effect until October 14, 2008.

Permanent taxicab fares were last increased in November 2014, when the cost of regular unleaded gasoline in the Metropolitan Washington area was \$3.66 per gallon.

TAXICAB INDUSTRY IN FAIRFAX COUNTY:

Two operators, managing four taxicab companies, hold certificates in Fairfax County and operate 150 taxicabs.

Company	Taxicab Certificates
Fairfax Yellow Cab ¹	90
Springfield Yellow ¹	30
Fairfax Red Top ¹	10
White Top Cab	20
Total	150

¹ Owned and operated by Old Dominion Transportation Group, Inc.

Current taxicab rates are based on a gasoline cost of \$3.66 per gallon from July 2014. Since the last permanent rate increase in 2014, the taxicab industry has experienced significant changes. The chart below demonstrates several impacts over the last eight years as reported by the taxicab companies' most recent reports filed in 2021.

	2013	2020¹	Change
Taxicab Certificates	654	150	-77.1%
Taxicab Drivers	820	200	-75.6%
Trips	2,292,232	274,736	-88.0%
Passengers	2,732,894	327,032	-88.0%
Revenue	\$40,821,451	\$5,529,465	-86.5%

¹ As last reported by the companies in 2021.

The taxicab industry in Fairfax County is staffed by taxicab drivers who are independent contractors associated with one of the two certificate holders; the drivers are not company employees. Taxicab drivers either lease their cabs from the taxicab companies or own their own cabs and pay "stand dues" to a company. Lease fees/car payments and fuel represent most of the operating expenses for most drivers.

As independent operators, individual driver income is highly variable depending upon factors including the number of hours and days a driver chooses to work, the number of calls received by dispatch, a driver's awareness of market opportunities and ability to cultivate repeat customers, and economic growth and development within the County.

The industry is currently reporting that taxicab drivers work 5.7 days a week and 25 days a month and average 6.8 trips per day with a trip length of approximately eight miles.

GASOLINE COSTS AND TRENDS: NATIONAL AND REGIONAL PERSPECTIVE:

As shown in Table 1, the AAA's Daily Report the Washington, DC (VA Only) retail price for regular gasoline averaged \$4.610 as of May 25, 2022, \$1.597 higher than prices a year ago. Table 1 now also includes the average retail price in Fairfax County as of May 25 which is \$4.767 per gallon.

Factors identified by U.S. Energy Information Administration (EIA) in their *Short-Term Energy Outlook*¹ dated May 10, 2022, as major factors driving energy supply uncertainty include how sanctions affect Russia's oil production, the production decisions of OPEC+, and the rate at which U.S. oil and natural gas producers increase drilling.

IMPACT OF ADDITIONAL GAS COSTS ON DRIVERS:

According to company data, taxicab drivers in this area typically use approximately 11 gallons of gasoline per day. Other than lease fees, gasoline is the only operating expense most drivers face. As gasoline prices increase, drivers must absorb greater costs. Using the July 2014 (last permanent rate increase) gasoline price of \$3.66 per gallon as a baseline, compared to the currently retail price in Fairfax County of \$4.767 per gallon, taxicab drivers will incur additional monthly expenses of \$304, or \$3,653 per year. These levels of non-reimbursed expense continue to pose an economic hardship to the taxicab drivers in Fairfax County.

SURCHARGE AMOUNT REQUIRED TO OFFSET THE INCREASED COSTS OF GASOLINE:

Table 2 displays actual per-gallon gasoline prices, and the corresponding surcharge that allows drivers to recoup their added costs of gasoline. A \$2.00 per-trip surcharge would offset a retail price up to \$4.93 per gallon.

SURROUNDING JURISDICTIONS:

Several surrounding jurisdictions have also reviewed similar requests for emergency taxicab fuel surcharges in response to sustained high gasoline prices and are continuing to monitor the impact on drivers that operate in their jurisdictions. Results of that survey are summarized in Table 3.

IMPACT OF A FUEL SURCHARGE ON THE COST OF A TRIP:

Table 4 contains sample billings when a per-trip fuel surcharge of \$1.50 and \$2.00 are added to trips ranging from one mile to 20 miles. For an eight-mile trip, which company data indicates is the current average trip duration, a \$2.00 surcharge would increase the average fare from \$20.78 to \$22.78, or 9.6 percent.

While the percentage increase on any of the potential emergency taxicab fuel surcharge amounts are proportionately much higher for short trip fares, the enactment of an emergency taxicab fuel surcharge will provide an incentive for taxicab drivers to seek short trips, and thus to provide better service to the community.

¹ EIA, *Short Term Energy Outlook* (5/10/22), available at [Short-Term Energy Outlook - U.S. Energy Information Administration \(EIA\)](#)

DURATION OF SURCHARGE:

During 2005 and 2008, the Board approved a series of temporary surcharges that typically lasted about six months. In this case, the proposed six-month emergency taxicab fuel surcharge will expire on December 29, 2022, unless rescinded sooner. Staff will continue to monitor gasoline prices during the next several months and may seek continued relief if prices remain high.

Similarly, staff may recommend that the proposed emergency surcharge be rescinded prior to December 29, 2022, if prices fall significantly.

FINDINGS:

It is staff's opinion that this economic impact satisfies the requirement of Section 84.1-6-2(g) of "dire financial need" that it is "as a result of circumstances beyond [the taxi drivers'] control."

A temporary per-trip fuel surcharge of \$2.00 is intended to offset drivers' increased operating expenses attributable to increased gasoline prices. As noted, area gasoline prices averaged \$4.610 per gallon on May 25, with the average retail price in Fairfax County at \$4.767 per gallon which is \$1.107 per gallon more than the \$3.66 per gallon average gasoline price in 2014 when taxicab rates were last permanently increased.

The on-demand availability of safe and reliable taxicab services is important to the public well-being, especially for those consumers unable to use public transportation and who rely on taxicab service for their basic transportation needs. The \$2.00 per-trip emergency taxicab fuel surcharge will provide continued relief to the taxicab drivers who are suffering an economic hardship from increased fuel costs. This increase may also help retain current drivers and aid in the effort to add new taxicab drivers, to the public's benefit.

RECOMMENDATIONS:

1. Staff recommends that the Board of Supervisors approve a \$2.00 per-trip taxicab fuel surcharge.
2. The \$2.00 per-trip fuel surcharge is designed to (a) cover the added costs of gasoline at pricing levels of approximately \$4.767 per gallon, thereby temporarily compensating drivers for increased gasoline costs; and (b) provide a sufficient incentive to retain and recruit drivers operating in Fairfax County, to the public's benefit.
3. The emergency taxicab fuel surcharge would expire on December 29, 2022, unless rescinded sooner by the Board of Supervisors.

ATTACHMENTS:

Table 1: AAA Local Gasoline Price Trends

Table 2: Surcharge Amount Required to Offset Increased Fuel Cost

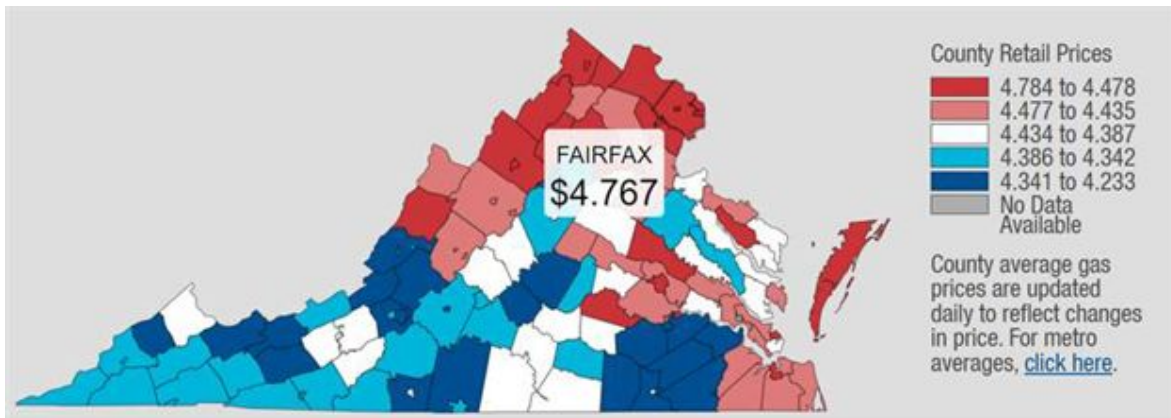
Table 3: Comparison of Taxicab Rates in Local Jurisdictions

Table 4: Sample Billing Analysis – June 2022

Table 1: Local Gasoline Price Trends¹

Washington, DC, (VA Only)				
	Regular	Mid	Premium	Diesel
Current Avg.	\$4.610	\$5.053	\$5.358	\$5.680
Yesterday Avg.	\$4.612	\$5.040	\$5.354	\$5.678
Week Ago Avg.	\$4.575	\$4.981	\$5.301	\$5.678
Month Ago Avg.	\$4.080	\$4.543	\$4.832	\$5.072
Year Ago Avg.	\$3.013	\$3.428	\$3.721	\$3.092

HIGHEST RECORDED AVERAGE PRICE		
	Price	Date
Regular Unleaded	\$4.612	5/24/22



Source: [American Automobile Association](#)

¹ As of May 25, 2022

Table 2: Surcharge Amount Required to Offset Increased Fuel Cost

Gasoline Prices Per Gallon¹	Washington DC Metro Region (VA Only)						Fairfax			
	\$4.061 4/12/22	\$4.089 4/26/22	\$4.234 5/5/22	\$4.390 5/12/22	\$4.575 5/18/22	\$4.610 5/25/22	\$4.734 5/18/22	\$4.767 5/25/22	\$4.77 Estimate	\$4.93 Estimate
Average cost of gas July 2014	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66	\$3.66
Per gallon difference	\$0.401	\$0.429	\$0.574	\$0.730	\$0.915	\$0.950	\$1.074	\$1.107	\$1.11	\$1.27
Average gallons used per day	11	11	11	11	11	11	11	11	11	11
Additional daily cost of gas	\$4.41	\$4.72	\$6.31	\$8.03	\$10.07	\$10.45	\$11.81	\$12.18	\$12.25	\$13.97
Average number of daily trips ²	7	7	7	7	7	7	7	7	7	7
Surcharge required to offset increased fuel cost	\$0.63	\$0.67	\$0.90	\$1.15	\$1.44	\$1.49	\$1.69	\$1.74	\$1.75	\$2.00

¹ Source: [American Automobile Association](#)

² Source: Company data provided March 21, 2022.

Note: Weekly costs reflect 5.7 working days, monthly costs reflect 25 working days.

Table 3: Comparison of Taxicab Rates in Local Jurisdictions

Jurisdiction	Initial Charge	Mileage Charge	First Mile Charge	Fuel Surcharge	Average Trip Charge
Fairfax County	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$0.00	\$20.78
Fairfax County Proposal	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$2.00	\$22.78
Arlington County	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$1.00 approved May 14, 2022, effective June 1, 2022 for six months	\$21.78
City of Alexandria	\$3.00	\$0.36 per 1/6 mile	\$5.16	\$1.00 approved on 3/31/22 for one year	\$21.28
Prince William County	\$3.00	\$0.20 per 1/10 mile	\$5.00	\$1.00 approved 3/15/22 for 60 days. \$1.00 extended to 7/13/22.	\$20.00
Montgomery County, MD	\$4.00	\$0.50 per 1/4 mile	\$6.00	No request by industry	\$20.00
Washington, DC	\$3.50	\$0.36 per 1/6 mile	\$5.66	\$1.00 approved 3/16/22 for 120 days	\$21.78
Uber	N/A	N/A	N/A	\$0.45-\$0.55 approved 3/16/22 for 60 days	N/A
Lyft	N/A	N/A	N/A	\$0.55 approved 3/21/22 for 60 days	N/A

Note: Average trip length is approximately eight (8) miles as provided by company data on March 21, 2022.

Table 4: Sample Billing Analysis: June 2022

Proposed Fuel Surcharge of \$1.50				
Mileage	Current	Surcharge	Proposed	Increase
1	\$5.66	\$1.50	\$7.16	26.5%
2	\$7.82	\$1.50	\$8.32	19.2%
3	\$9.98	\$1.50	\$11.48	15.0%
4	\$12.14	\$1.50	\$13.64	12.4%
5	\$14.30	\$1.50	\$15.80	10.5%
6	\$16.46	\$1.50	\$17.96	9.1%
7	\$18.62	\$1.50	\$20.12	8.0%
8	\$20.78	\$1.50	\$22.28	7.2%
9	\$22.94	\$1.50	\$24.44	6.5%
10	\$25.10	\$1.50	\$26.60	6.0%
11	\$27.26	\$1.50	\$28.76	5.5%
12	\$29.42	\$1.50	\$30.92	5.1%
13	\$31.58	\$1.50	\$33.08	4.7%
14	\$33.74	\$1.50	\$35.24	4.4%
15	\$35.90	\$1.50	\$37.40	4.2%
16	\$38.06	\$1.50	\$39.56	3.9%
17	\$40.22	\$1.50	\$41.72	3.7%
18	\$42.38	\$1.50	\$43.88	3.5%
19	\$44.54	\$1.50	\$46.04	3.4%
20	\$46.70	\$1.50	\$48.20	3.2%

Proposed Fuel Surcharge of \$2.00				
Mileage	Current	Surcharge	Proposed	Increase
1	\$5.66	\$2.00	\$7.66	35.3%
2	\$7.82	\$2.00	\$9.82	25.6%
3	\$9.98	\$2.00	\$11.98	20.0%
4	\$12.14	\$2.00	\$14.14	16.5%
5	\$14.30	\$2.00	\$16.30	14.0%
6	\$16.46	\$2.00	\$18.46	12.2%
7	\$18.62	\$2.00	\$20.62	10.7%
8	\$20.78	\$2.00	\$22.78	9.6%
9	\$22.94	\$2.00	\$24.94	8.7%
10	\$25.10	\$2.00	\$27.10	8.0%
11	\$27.26	\$2.00	\$29.26	7.3%
12	\$29.42	\$2.00	\$31.42	6.8%
13	\$31.58	\$2.00	\$33.58	6.3%
14	\$33.74	\$2.00	\$35.74	5.9%
15	\$35.90	\$2.00	\$37.90	5.6%
16	\$38.06	\$2.00	\$40.06	5.3%
17	\$40.22	\$2.00	\$42.22	5.0%
18	\$42.38	\$2.00	\$44.38	4.7%
19	\$44.54	\$2.00	\$46.54	4.5%
20	\$46.70	\$2.00	\$48.70	4.3%

Note: Average trip length is approximately eight (8) miles as provided by company data on March 21, 2022.

“Current trip cost” includes base-rate charges only.

Board Agenda Item
June 28, 2022

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2020-CW-3CP, Airport Noise Policy

ISSUE:

Plan Amendment (PA) 2020-CW-3CP proposes to amend the Land Use and Environment Elements of the Policy Plan and certain portions of the Area III section of the Comprehensive Plan so that, as a matter of policy, new residential uses could be considered in the area between the 60 and 65 DNL airport noise contours with commitments to noise mitigation measures, notification requirements, and construction techniques for any such uses.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission Public Hearing was held Wednesday, May 18, 2022, at 7:30 pm and decision was deferred until Wednesday, June 8, 2022, at 7:30 pm. On June 8, 2022, the Planning Commission voted 10-0-2 (Commissioner Strandlie and Chairman Murphy abstained from the vote) to recommend to the Board of Supervisors the adoption of the staff recommendation for Plan Amendment 2020-CW-3CP, as found in the staff report dated April 27, 2022, and as amended by the Planning Commission alternative document dated May 16, 2022. The Planning Commission's recommendation and meeting action for this amendment can be viewed at: <https://www.fairfaxcounty.gov/planningcommission/pcaction-home>

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation.

TIMING:

Routine

BACKGROUND:

On July 28, 2020, the Board directed staff to consider a Comprehensive Plan amendment for the relevant Policy Plan and Area Plan sections of the Plan to consider allowing new residential uses in areas located between the 60 and 65 DNL airport noise contours, with commitments to noise mitigation measures, notification requirements, and appropriate construction techniques. These recommendations bring the Comprehensive Plan into alignment with the Zoning Ordinance and are consistent with land use policies of most jurisdictions with international airports.

Board Agenda Item
June 28, 2022

This Plan amendment does not propose changes to planned land uses within the 60 and 65 DNL airport noise contours. If the Comprehensive Plan is amended to permit consideration of new residential uses within the 60-65 DNL noise contours, prior to redevelopment, future site-specific plan amendments would be needed to consider residential uses within areas that are not currently planned for new residential uses. Since the authorization of this Plan Amendment, staff has conducted 23 virtual outreach meetings with industry groups; County staff, advisory committees and District land use committees; community open houses; joint meetings with the Planning Commission Land Use and Environment Committee; and Board of Supervisors Land Use Policy Committee.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

The Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

The Staff Report for PA 2020-CW-3CP, is included as Attachment 1 and is also available online at: <https://www.fairfaxcounty.gov/planning-development/plan-amendments/staff-reports>

The Planning Commission alternative document dated May 16, 2022 is included as Attachment 2 and is also available online at: [Planning Commission alternative Plan text document dated May 16, 2022 \(fairfaxcounty.gov\)](#)

STAFF:

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

Leanna H. O'Donnell, Director, Planning Division (PD), DPD

Kelly M. Atkinson, Branch Chief, Environment and Development Review Branch (EDRB)
PD, DPD

Joseph C. Gorney, Planner IV, EDRB, PD, DPD

Corinne K. Bebek, Planner III, EDRB, PD, DPD

ASSIGNED COUNSEL:

T. David Stoner, Deputy County Attorney

Laura Gori, Senior Assistant County Attorney



PROPOSED COMPREHENSIVE PLAN AMENDMENT

ITEM: PA 2020-CW-3CP
April 27, 2022

<p>GENERAL LOCATION: Countywide</p> <p>SUPERVISOR DISTRICT: All</p> <p>PLANNING AREA: All</p> <p>PLANNING DISTRICT: All</p> <p>SUB-DISTRICT DESIGNATION: All</p> <p>PARCEL LOCATION: All</p> <p>Airport Noise Policy For additional information about this amendment call (703) 324-1380.</p>	<p>PLANNING COMMISSION PUBLIC HEARING: Wednesday, May 18, 2022 @ 7:30 PM</p> <p>BOARD OF SUPERVISORS PUBLIC HEARING: Tuesday, June 28, 2022 @ 4:00 PM</p> <p>PLANNING STAFF <u>DOES</u> RECOMMEND THIS ITEM FOR PLAN AMENDMENT</p> <p> Reasonable accommodation is available upon 48 hours notice. For additional information about accommodation call the Planning Commission office at (703) 324-2865, or the Board of Supervisors office at (703) 324-3151.</p>
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STAFF REPORT FOR PLAN AMENDMENT 2020-CW-3CP

BACKGROUND

Authorization

On July 28, 2020, the Board of Supervisors (Board) authorized consideration of a Comprehensive Plan Amendment for the relevant Policy Plan and Area Plan sections of the Plan to allow new residential uses in the area between the 60 and 65 DNL airport noise contours. The proposed amendment would amend the Environment and Land Use elements of the Policy Plan and certain portions of the Area III section of the Plan so that, as a matter of policy, new residential uses could be considered in the area between the 60 and 65 DNL airport noise contours with commitments to noise mitigation measures, notification requirements, and appropriate construction techniques. This Plan amendment does not propose changes to planned land uses within the 60 and 65 DNL airport noise contours. If the Comprehensive Plan is amended to permit consideration of new residential uses within the 60-65 DNL noise contours, prior to redevelopment, future site-specific plan amendments would be needed to consider residential uses within areas that are not currently planned for new residential uses.

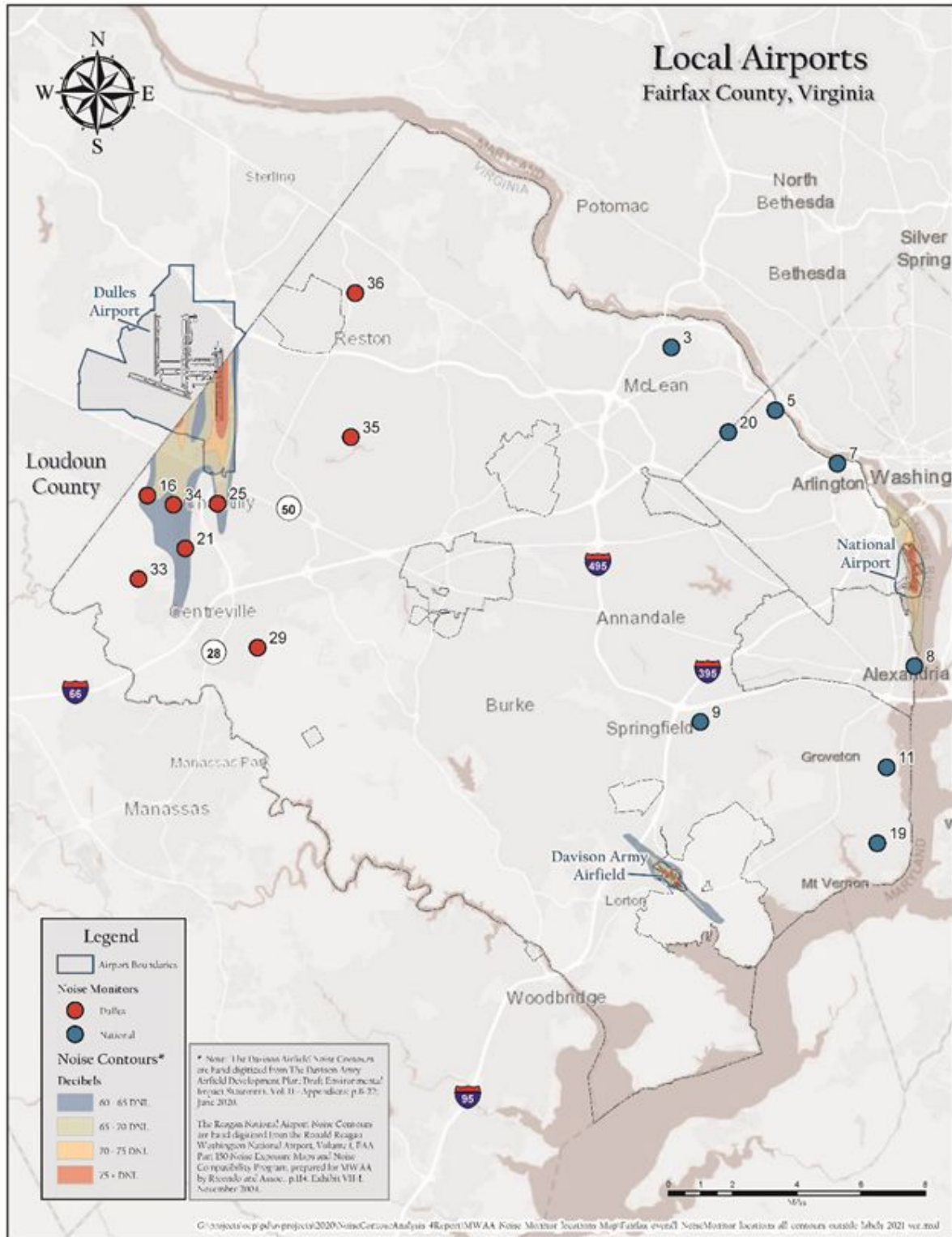
Issues Paper

[An issues paper, dated November 1, 2021](#), was developed in response to the Board authorization. The paper was intended to provide background information and to identify potential considerations and noise mitigations for the Plan amendment.

Local Airports

There are two airports located within Fairfax County: Washington Dulles International Airport (Dulles) and the Davison Army Airfield (Davison) associated within Fort Belvoir. The Board has adopted noise contours associated with Dulles; these are located to the east and south of the airport within Planning Area III, as defined by the Comprehensive Plan. There are no Board adopted noise contours associated with Davison. The majority of the unadopted noise contours for Davison are restricted to Fort Belvoir, although a small area extends into portions of Fairfax County northwest of the airfield and outside of Fort Belvoir. The Washington Reagan National Airport (National) is located outside of the County. While flights from National generate noise in Fairfax County, particularly in areas near the Potomac River, no mapped noise contours associated with the airport extend into the County. Figure 1 depicts the three airports, their associated noise contours and noise monitoring locations.

Figure 1: Local Airports, Associated Noise Contours and Noise Monitors

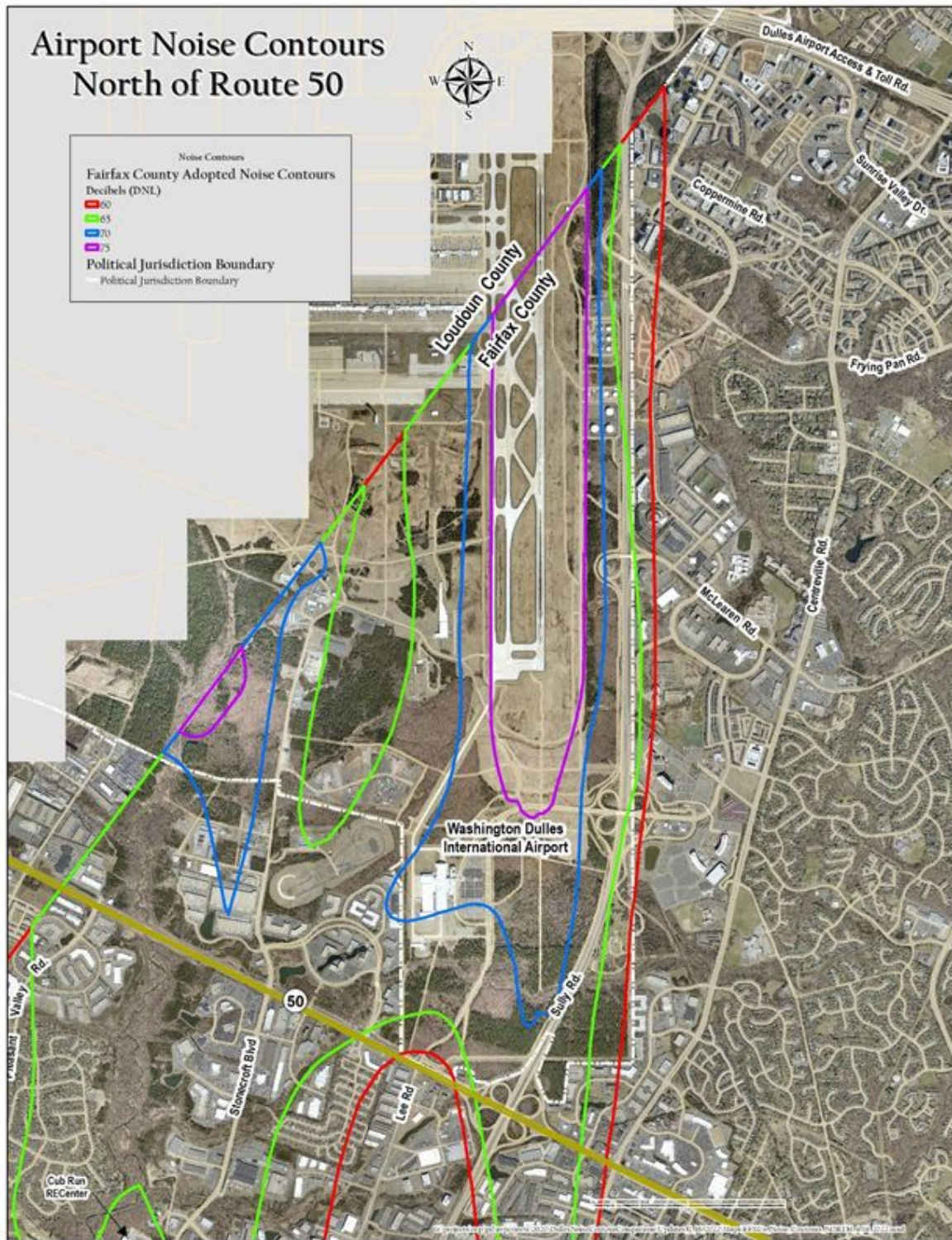


Source: Fairfax County Department of Planning and Development

Planning History

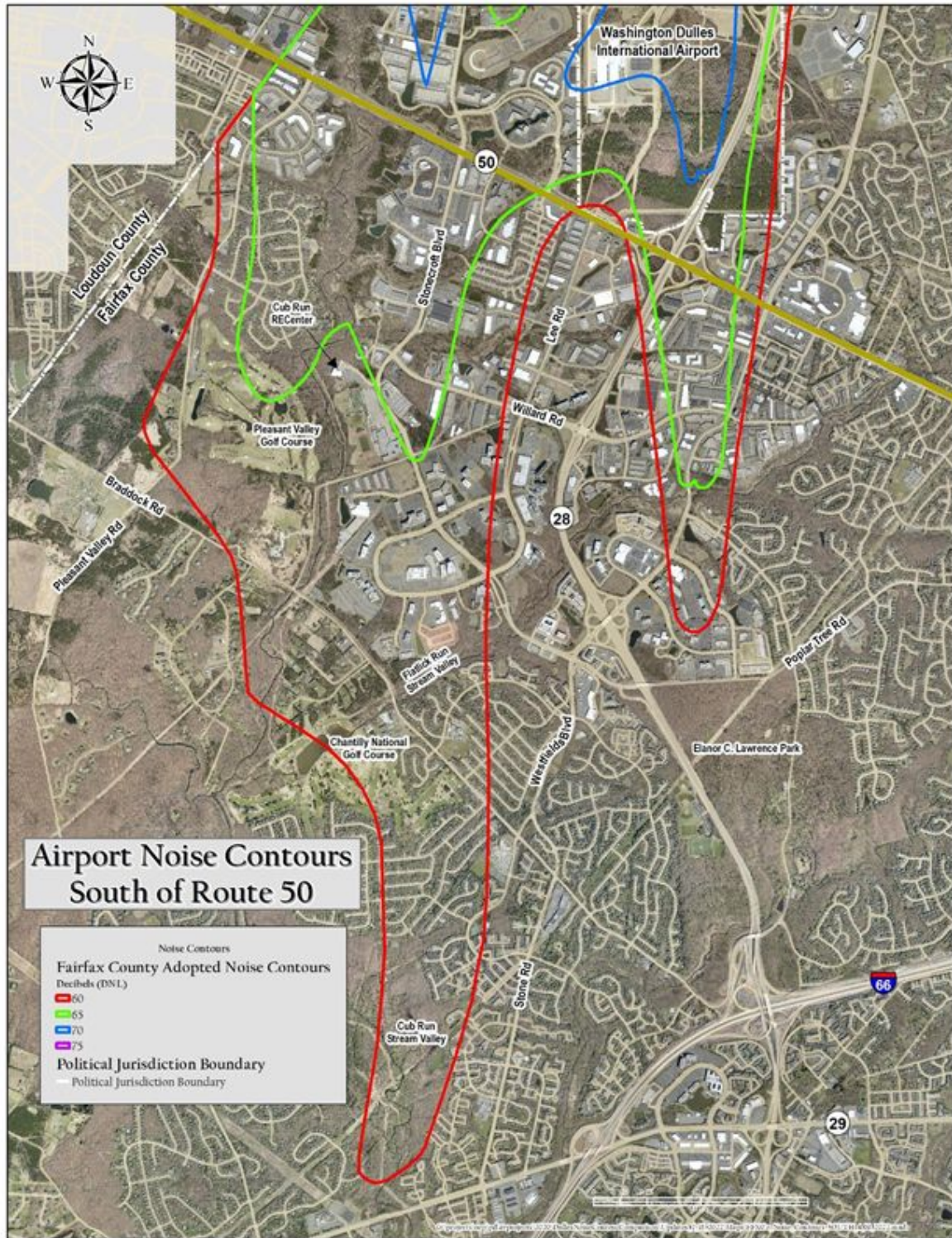
Fairfax County adopted Comprehensive Plan policies, Zoning Ordinance requirements, and/or overlay updates for the noise contours for Dulles Airport in 1979, 1982, 1984, and 1997. The existing airport-related Plan text was adopted on March 24, 1997, as part of Plan Amendment S96-CW-4CP (Revisions to Noise and Land Use Compatibility Guidance in the Dulles Airport Noise Impact Area - Policy Plan Volume; Area III Volume; and Comprehensive Plan Map). That plan amendment established a noise contour area of DNL 60-65 dBA for the first time for Dulles and added related policies for the DNL 60-65 dBA contour area, including the establishment of DNL 60 dBA as a threshold above which new residential development would not be recommended. Prior to that time, the county used contours of only 65 DNL and greater. Like the previous contours, the contours adopted in 1997 were developed by the Metropolitan Washington Airports Authority (MWAA), and reflect the full buildout of the airport, based on MWAA's 1993 model assumptions. Figures 2 and 3 below depict the Board adopted airport noise contours. (Note: unless stated otherwise, the airport noise contours referenced in this document refer to the contours adopted by Fairfax County in 1997).

Figure 2: Board Adopted Airport Noise Contours North of Route 50



Source: Fairfax County Department of Planning and Development

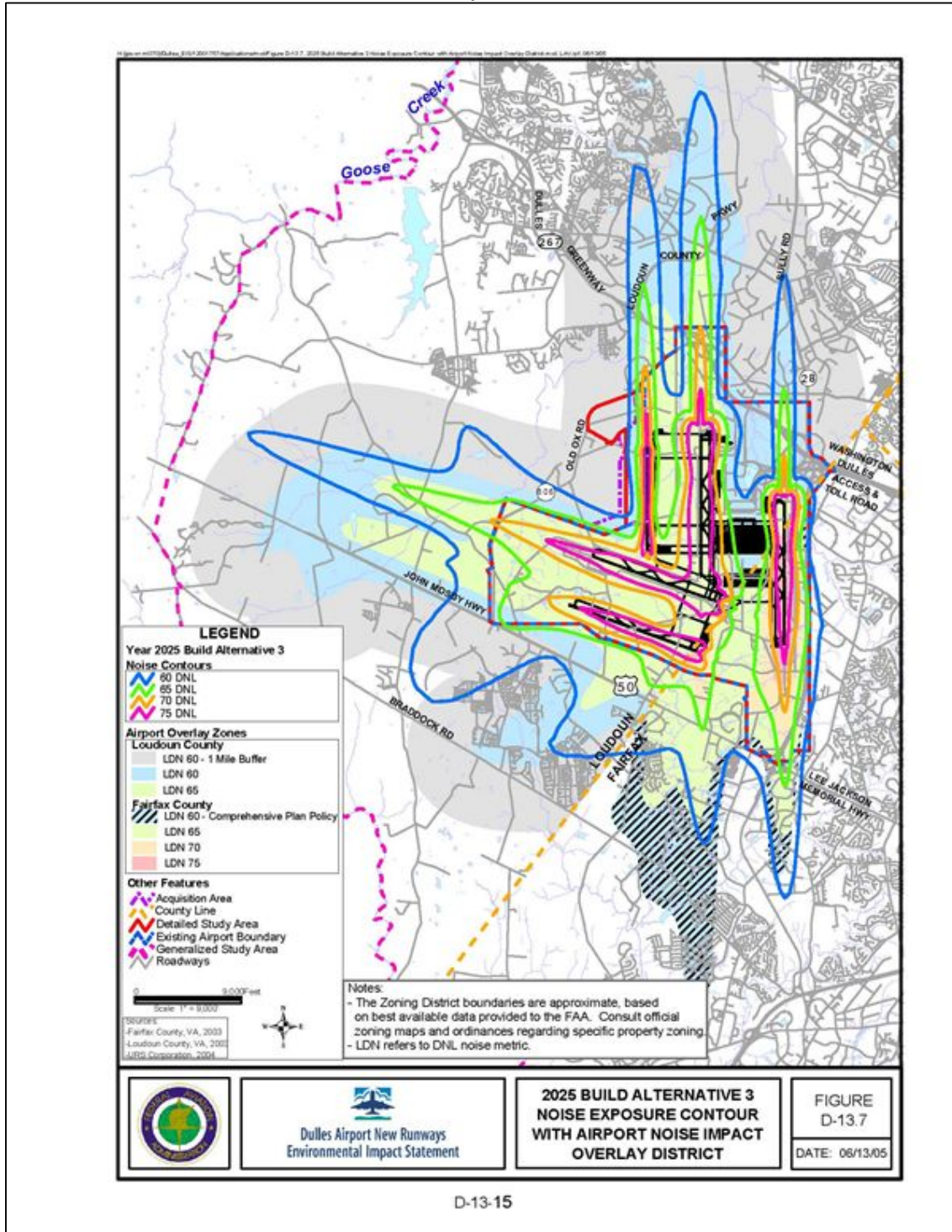
Figure 3: Board Adopted Airport Noise Contours South of Route 50



Source: Fairfax County Department of Planning and Development

In 2005, MWAA completed an Environmental Impact Statement (EIS) for the construction of two new runways (01L/19R & 12R/30L) consistent with the Dulles Airport Layout Plan that was completed in 2004. In conjunction with this EIS, MWAA generated a map depicting year 2025 noise contours (Figure 4) for the preferred option of seven evaluated, in which a fourth runway (Runway 01L/19R) would be constructed west of and parallel to Runway 01C/19C and a fifth runway (Runway 12R/30L) would be constructed southwest of and parallel to existing Runway 12/30. Runway 01C/19C has since been constructed, while Runway 12R/30L has not yet been constructed and is commonly referred to as the “5th runway.” MWAA did not request that the Boards of Fairfax County and Loudoun County adopt these contours, and neither did.

Figure 4: 2025 Build Alternative 3 Noise Exposure Contour with Airport Noise Impact Overlay District



D-13-15

Source: Dulles Airports New Runways EIS, MAAA

Plan Amendment 2018-III-DS1 was adopted by the Board on May 7, 2019, for Land Unit J of the Dulles Suburban Center (generally the Westfields area). This amendment added residential use as an option in the Plan within the Board adopted 60-65 DNL airport noise contour area under certain conditions, including mitigation of airport noise impacts. This plan amendment was consistent with federal policy wherein the federal government recognizes that noise impacts may occur at levels below DNL 65 dBA but has established DNL 65 dBA as the level above which residential uses would not be considered compatible with an airport. At that same time, the Board directed staff to present possible next steps regarding airport noise issues related to Dulles, including obtaining input from an independent consultant regarding the recently updated MWA 2019 noise contours. In response, the County hired Johnson Aviation, which provided a review of the MWA 2019 contours. A report was produced that included the methodology used to develop the updated contours, as well as input related to the consideration of permitting new residential uses within the Board adopted 60-65 DNL contours. ([Microsoft Word – 031520 Fairfax County-Dulles Aircraft Noise Peer Review-Johnson Aviation](#)).

With the exception of Land Unit J of the Dulles Suburban Center, the Comprehensive Plan currently discourages new residential development within the 60-65 DNL noise contour area, although residential uses currently exist within that area.

The majority of the policy guidance related to airport noise can be found in the following sections of the Plan: (i) Policy Plan (Environment Element) ([2017 Edition of the Policy Plan – Environment \(fairfaxcounty.gov\)](#): see Objective 4); (ii) Area III Overview ([2017 Comprehensive Plan – Area Plan Overview \(fairfaxcounty.gov\)](#): see Pages 19-24); and (iii) the Dulles Suburban Center, which is located within Area III ([2017 Edition of the Comprehensive Plan - Dulles Suburban Center \(fairfaxcounty.gov\)](#)). The Policy Plan provides Countywide guidance while the Area III and the Dulles Suburban Center policies apply to defined areas.

Zoning Ordinance

The existing airport noise zoning regulations were adopted in 1997 and pertain solely to Dulles. The Zoning Ordinance text and map address airport noise through the establishment of an Airport Noise Impact Overlay District (ANIOD), which regulates land uses within the 65-70 DNL noise contour area and greater but does not regulate land uses in areas with noise impacts below 65 DNL.

The ANIOD includes three Airport Noise Impact Areas. The purpose of the establishment of three Airport Noise Impact Areas is to distinguish between the levels of noise impact so that appropriate land uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise to protect the public health, safety, and welfare. The three levels are: greater than the Day-Night Average Sound Level (DNL) of 75 dBA; DNL 70-75 dBA; and DNL 65-70 dBA.

Uses within this overlay district are permitted only in accordance with the Noise Compatibility Table included in the Overlay District regulations ([Document Viewer | Zoning Ordinance \(encodeplus.com\)](#)): subsection 3103.2 and Table 3103.1). The table identifies the uses, the Airport Noise Impact Areas, and, where applicable, the respective interior noise level standards and acoustical treatment measures for each land use in a given Impact Area. Consideration of

changes to the Comprehensive Plan to permit consideration of new residential uses within the 60-65 DNL noise contours would not require changes to the Zoning Ordinance, which only addresses areas of 65 DNL and greater and contains no land use restrictions for those areas with impacts of less than 65 DNL.

ANALYSIS

Sound and Noise

The following technical information is presented to assist in an understanding of sound and noise as they relate to residential use in the 60-65 DNL contour.

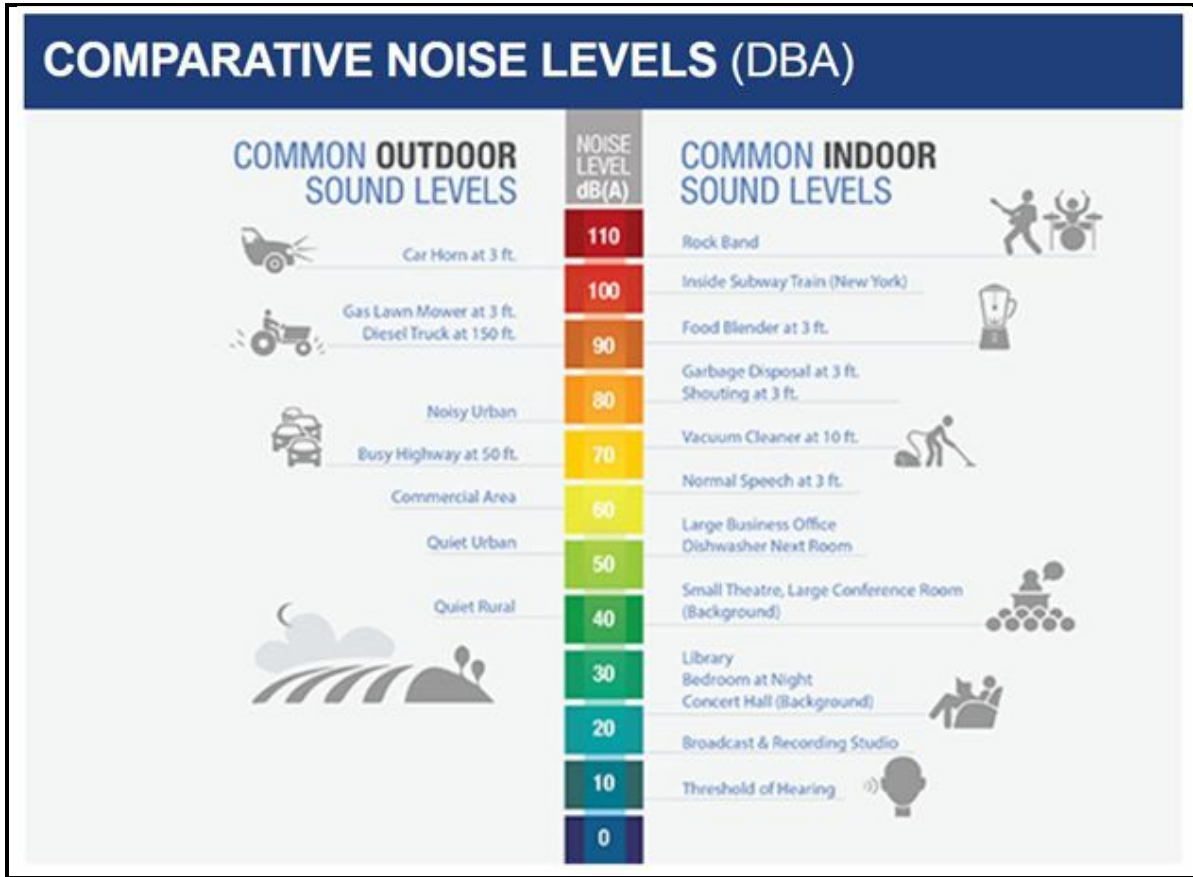
Fundamentals of Sound and Noise

Sound intensity or level is measured by a logarithmic unit called a decibel (dB). Environmental noise measurements are usually made on an “A-weighted” scale that filters out very low and very high frequencies to better replicate human sensitivity. It is common to add the “A” to the measurement unit name to indicate that the measurement has been made using this filtering process (i.e., dBA). The A-weighted noise level approach has been adopted by the Federal Aviation Administration (FAA) as the accepted measure to consider aircraft noise.

A sound level of 0 dBA is approximately the threshold of human hearing and is barely audible under extremely quiet conditions. Normal speech has a sound level of approximately 60 dBA. Figure 5 below illustrates comparative noise levels. The minimum change in the sound level of individual events that an average human ear can detect is about 3 dBA. On average, a person perceives a change in sound level of 10 dBA as a doubling (or halving) of the sound’s loudness and equates to a ten-fold increase in sound energy.

Noise may become an issue when it exceeds the ambient or background sound. Ambient background noise in metropolitan, urbanized areas typically varies from 60 to 70 dB and can be as high as 80 dB or greater; quiet suburban neighborhoods experience ambient sound levels of approximately 45-50 dB (U.S. Environmental Protection Agency 1978).

Figure 5: Comparative Noise Levels



Source: [Fundamentals of Noise and Sound \(faa.gov\)](https://www.faa.gov)

Combining Roadway and Aircraft Sound

Given that sound is measured on a logarithmic scale, sound levels cannot be added together using typical arithmetic rules. As an example, two sounds of the same intensity will result in a sound level increase of 3 dBA (e.g., 60 dBA + 60 dBA = 63 dBA) and, if two sounds differ by 10 dBA, the resultant sound level will be only slightly more than the higher of the two (e.g., 60 dBA + 70 dBA = 70.4 dBA). If two sounds differ by 16 dBA or greater the cumulative sound is the same as that of the higher level (e.g., 60 dBA + 76 dBA = 76 dBA).

Noise Metrics

The day-night average sound level (DNL) is the standard noise metric used for FAA studies of aviation noise exposure. DNL is also the standard noise metric used by the U.S. Department of Housing and Urban Development (HUD), the U.S. Environmental Protection Agency (USEPA), and the Department of Defense. When used in the context of airports, the DNL noise metric reflects exposure to sound over a 24-hour period, expressed as the noise level for the average day of the year based on annual aircraft operations. The DNL metric assigns a 10 dBA penalty for noise events occurring between 10 p.m. and 7 a.m. DNLs can be transferred onto maps as a

visual representation of lines connecting points of the same decibel, resulting in noise contour lines. This approach is similar to topographical maps showing the elevation of terrain in an area. The location of points experiencing the same noise impacts and the resultant noise contours depend on many variables and are influenced by factors such as aircraft arrival and departure routes. The FAA has adopted DNL 65 dBA as the threshold of significant noise exposure.

Sources:

https://www.faa.gov/regulations_policies/policy_guidance/noise/basics/
<https://home.army.mil/belvoir/index.php/about/Garrison/directorate-public-works/environmental-division>. (See Pages 3-31 to 3-39 of the Draft EIS (No Appendices) for the DAAF ADP).

<https://www.noisequest.psu.edu/noisebasics.html>

Metropolitan Washington Airports Authority (MWAA) Noise Event Data

Modernization upgrades to aircraft avionics, radar, satellite, and control systems have increased efficiencies and optimized aircraft traffic flows across the airspace, resulting in more consistent and precise flight paths for aircraft operating into and out of airports. Noise monitoring stations are used to help understand these impacts over time, including the effects of the concentration of aircraft over particular areas.

In January 2015, MWAA became the first U.S. airport system to upgrade its noise monitoring software using a new and improved noise source classification methodology that accounts for quieter aircraft and higher background noise levels. The modeling software is known as the Aircraft Noise Event Extraction Methodology (ANEEM). ANEEM provides a detection methodology for distinguishing aircraft noise from other noise sources experienced in neighboring communities. Information collected and/or calculated through MWAA's noise monitoring system includes flight numbers; departure and arrival runways; the time, duration, and maximum noise level (L_{max}) for each noise exposure; the number of noise exposures; DNL; and dBA. For peak noises, the ANEEM system captures L_{max}-Min (the lowest peak noise); L_{max}-Max (the highest peak noise); and L_{max}-Modal (the most common whole number peak). Figures 1 and 4 depict the noise monitor locations associated with Dulles Airport.

Source: <https://www.flydulles.com/iad/iad-dulles-intl-noise-event-data>.

Federal Aviation Administration (FAA) Adopted DNL Metric and Neighborhood Environmental Survey

Through the Aviation Safety and Noise Abatement Act (ASNA) of 1979, Congress directed the FAA to establish a single metric for assessing land use compatibility with respect to noise from aircraft operations and to establish standards and methods for assessing the noise environment associated with ongoing aircraft operations near airports. In 1981, the FAA implemented the ASNA provisions, which are published at 14 Code of Federal Regulations (CFR), Part 150. This regulation adopted the DNL metric, established land use compatibility guidelines for aircraft noise, specified DNL 65 dBA as a threshold of non-compatibility for certain land uses including residential, and established standardized methods for assessing the noise environment. The FAA uses DNL 65 dBA to support a variety of policy objectives, including the assessment,

identification, and mitigation of noncompatible land uses in the vicinity of civil airports, and the evaluation of environmental consequences that would occur if changes to aircraft operations or airfield infrastructure near an airport were implemented.

Research published by Schultz (1978) currently informs several aspects of aviation noise policy in the United States, including land-use compatibility guidelines around airports and the factors that determine noise mitigation funding. Schultz developed a correlation between transportation noise exposure levels in terms of a relatively large range of Day-Night Average Sound Levels (DNL) and the percentage of the population highly annoyed (the so-called “Schultz curve”) using social surveys on noise annoyance conducted in the 1960s and 1970s from a variety of countries.

While the Schultz Curve remains the accepted standard for describing transportation noise exposure-annoyance relationships, its original supporting scientific evidence and social survey data were based on information that was available in the 1970s; included multi-modal transportation (air, rail, and road); and, was conducted at a time when aircraft operations were louder and less frequent. The last in-depth review and revalidation of the Schultz Curve was conducted in 1992 by the Federal Interagency Committee on Noise (FICON). More recent analyses have shown that aviation noise results in higher annoyance than other modes of transportation. Recent international social surveys have also generally shown higher annoyance than the Schultz Curve. These analyses and survey data indicate that the Schultz Curve may not reflect the current U.S. public perception of aviation noise.

Additionally, the FAA has noted that the number of commercial enplanements has increased from approximately 200 million in 1975 to approximately 930 million in 2018. In recent years, as aviation growth has led to an increase in operations, the number of people and the size of the areas experiencing significant aircraft noise has expanded. The introduction of Performance Based Navigation (PBN) procedures, needed to safely and efficiently modernize the national air transportation system, has provided noise benefits by allowing new and more efficient flight paths, but has, in some places, resulted in community concerns particularly related to an increased concentration of flights. In response, the FAA has developed and begun implementing a comprehensive and strategic approach to transform and enhance FAA community involvement practices, including the use of airport community roundtables, to equitably discuss opportunities to shift or, when possible, reduce aircraft noise exposure.

To ensure that the FAA’s continued efforts to reduce the effects of aircraft noise exposure on communities is based upon accurate information, the FAA conducted a nationwide survey to measure the relationship between aircraft noise exposure and annoyance in communities near airports. This survey was intended to capture the community response to a modern fleet of aircraft as they are being flown today and to use best practices in terms of noise analysis and data collection. The responses from the survey have been used to create a new National Curve.

The Survey results show that there has been a substantial change in the public perception of aviation noise relative to the Schultz Curve which may ultimately inform future FAA noise initiatives. On January 13, 2021, The FAA posted a summary on the Federal Register of the research programs it sponsors on civil aircraft noise, which could potentially inform future aircraft noise policy. The public was invited to submit comments on the scope and applicability

of the research initiatives in addressing aircraft noise. The FAA stated that comments could assist the agency in assessing how resources should be directed to better understand and manage the factors underlying the concern from aircraft noise exposure.

A significant component of the FAA research is the Neighborhood Environmental Survey (NES), a multi-year research effort whose overall goal was to produce an updated and nationally representative dose-response curve that quantifies the relationship of peoples’ surveyed annoyance to aircraft noise in the United States so that the FAA has the scientific background to make informed decisions regarding aviation noise. As part of the effort to produce an updated and nationally representative dose-response curve, the NES surveyed people living near 20 airports in the United States. By combining survey results with modeled aircraft noise exposures in terms of DNL at each respondent’s location, a nationally applicable dose-response relationship between aircraft noise and annoyance was developed. As shown in the following table, the national curve results in approximately 49 percent of the people surveyed being Highly Annoyed at DNL 60 dBA and 65 percent being Highly Annoyed at DNL 65 dBA.

Table 1: Predicted Percent Highly Annoyed (HA)

DNL Value (dBA)	Predicted Percent HA	Standard Error	Lower 95% Confidence Limit	Upper 95% Confidence Limit
50	19.1	1.9	15.4	23.4
55	32.1	2.2	27.8	36.8
60	48.8	2.4	43.8	53.7
65	65.7	2.6	60.1	70.9
70	79.4	2.4	73.8	84.0

Note: For a more detailed description of the Neighborhood Environmental Survey, see the FAA website ([Neighborhood Environmental Survey \(faa.gov\)](https://www.faa.gov/neighborhood-environmental-survey))

Fairfax County provided comments regarding the FAA summary of the research programs on March 9, 2021 ([Fairfax County Response to FAA Research Programs Related to Civil Aircraft Noise](#)), which included recommendations regarding future aircraft noise policy.

The FAA has stated that it will not make any determinations based on the findings of these research programs for the FAA’s noise policies, including any potential revised use of the Day-Night Average Sound Level (DNL) noise metric, until it has carefully considered public and other stakeholder input along with any additional research needed to improve the understanding of the effects of aircraft noise exposure on communities.

Land Use within the 60-65 DNL Dulles Noise Contours

The policy amendment being considered would be applicable to areas within the 60-65 DNL noise contours associated with Dulles. Based on the Board adopted contours, this area encompasses approximately 2,500 acres within Fairfax County, the majority of which is located to the south of the eastern north-south runway (Runway 01R/19L) and the center north-south runway (Runway 01C/19C). The 60-65 DNL noise contours associated with Runway 01R/19L

extend from approximately 2.9 to 3.6 miles south of the runway. The 60-65 DNL noise contours associated with Runway 01C/19C extend from approximately 3.8 to 7.2 miles south of the runway.

Figure 1 (provided earlier in the staff report) shows the noise contours associated with Dulles; Figures 6 and 7 and Table 2 show the existing land uses within that area and Figures 8 and 9 and Table 3 show the base land use recommendations of the Comprehensive Plan for the same area.

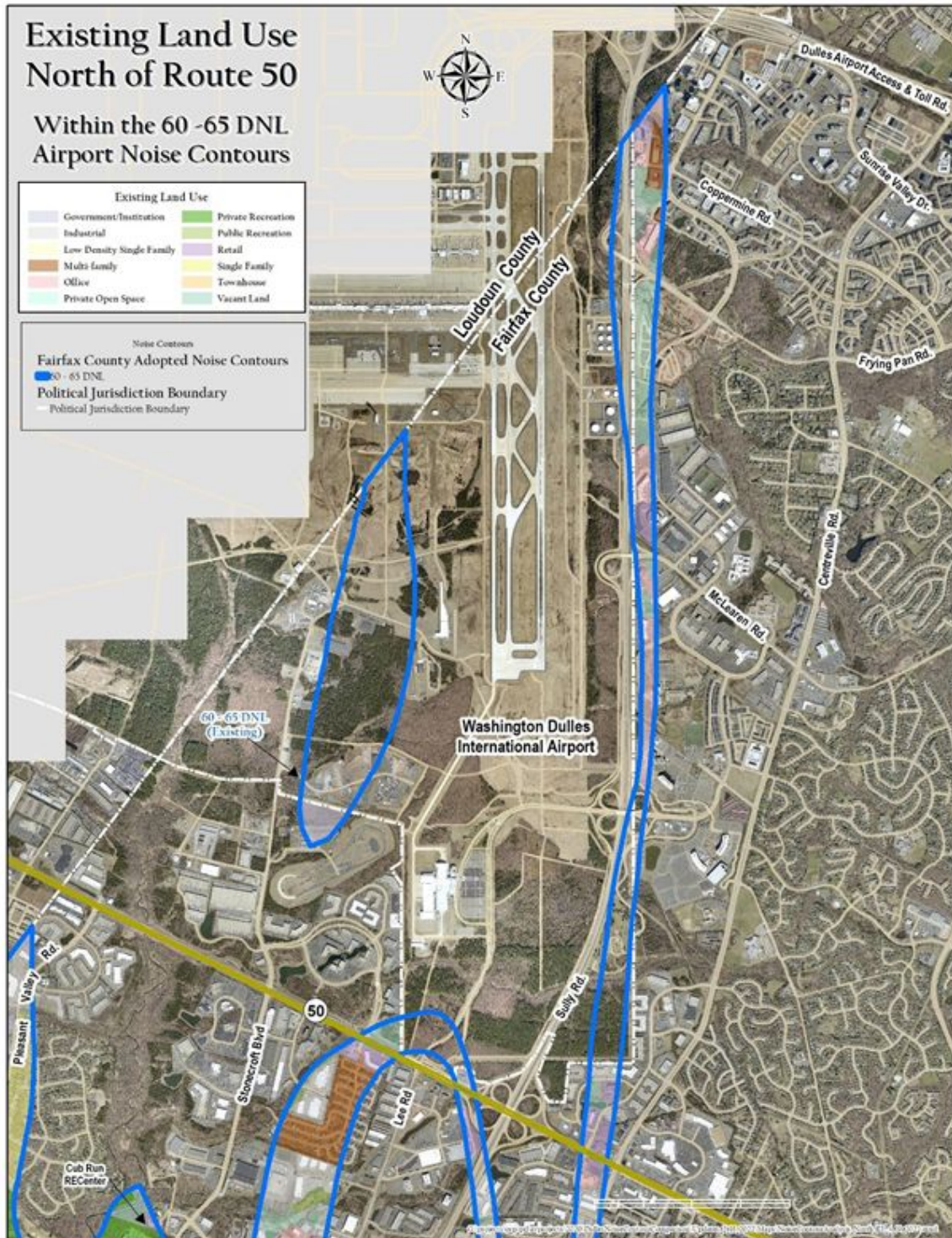
Table 2 shows that approximately 85% of the land area within the 60-65 DNL contours is already developed. Developed areas include approximately 22% residential uses (559.3 acres) and 78% non-residential uses (1,561.1 acres). Vacant land accounts for approximately 15% of the land area (385.1 acres) within the 60-65 DNL contours. Almost all of the existing residential uses were entitled and/or constructed prior to the adoption of the initial airport noise Plan policies and ultimate noise contours in 1979.

Table 3 shows that approximately 22% of the 60-65 DNL contour areas is planned for residential uses (593.8 acres); 24% for Mixed Uses (646.8 acres), which may in certain instances include options for residential uses; and 54% for other, non-residential, uses (1,456.3 acres).

As noted, Figures 8 and 9 depict the planned land use recommendation within the 60-65 DNL contours. There are approximately 3,117 acres of land within the 60-65 DNL contours. Excluding areas that are developed; contain parks, recreation, public facilities; recently approved entitlements; and Land Unit J of the Dulles Suburban Center, approximately 237 acres (or 8% of the total acreage within the contours) may be available for redevelopment subject to future site-specific Comprehensive plan amendments. However, some of this acreage potentially available for redevelopment already has a current Plan recommendation for residential use and, some of this acreage may not be suitable for residential use for other reasons. Therefore, the impacts of this Plan amendment are minimal.

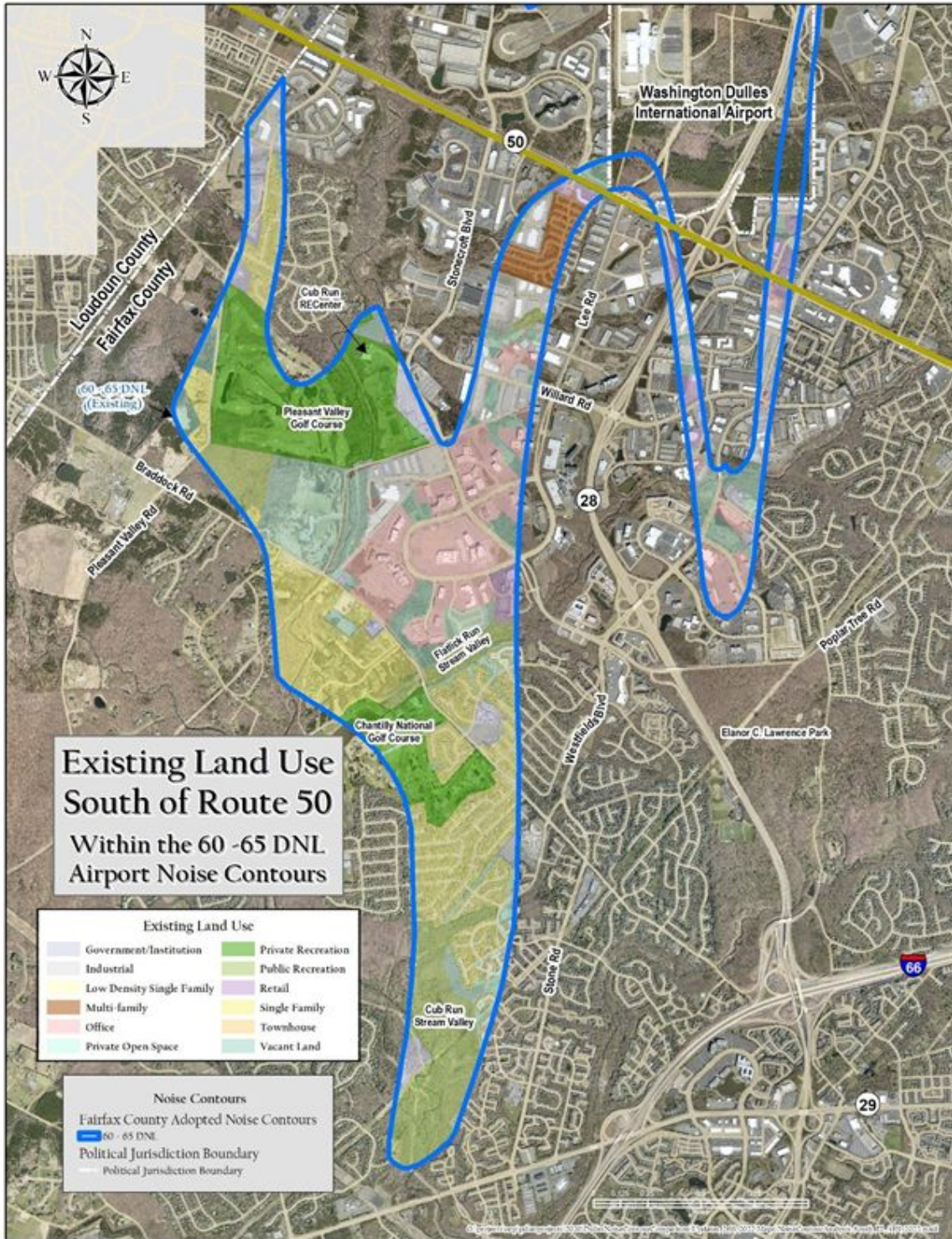
Figure 10 and Table 4 show Land Units within the Dulles Suburban Center that currently include an option for residential uses in the Plan. The Plan recommendations for Land Unit J include an option for residential use that applies to the entirety of Land Unit J. Land Unit J totals 1,156 acres, of which approximately 45 percent is within the 60-65 DNL airport noise contours. Within Land Unit J, two rezonings for residential uses were approved prior to the adoption of PA 2018-III-DS1; three rezonings for residential uses have been approved subsequent to the adoption of PA 2018-III-DS1; and one proposed rezoning for residential uses is in review. As of December 2020, Land Unit J has been approved for 704 dwellings, some of which are under construction at that time of this staff report. The total number of dwellings (existing + potential) recommended in the Plan for Land Unit J is 5,496 dwellings. The total number of dwellings (existing + entitled) in Land Unit J is 1,867 dwellings.

**Figure 6: Existing Land Uses within the Board Adopted 60-65 DNL Airport Noise Contours, North of Route 50
Washington Dulles International Airport**



Source: Fairfax County Department of Planning and Development

**Figure 7: Existing Land Uses within the Board Adopted 60-65 DNL Airport Noise Contours, South of Route 50
Washington Dulles International Airport**



Source: Fairfax County Department of Planning and Development

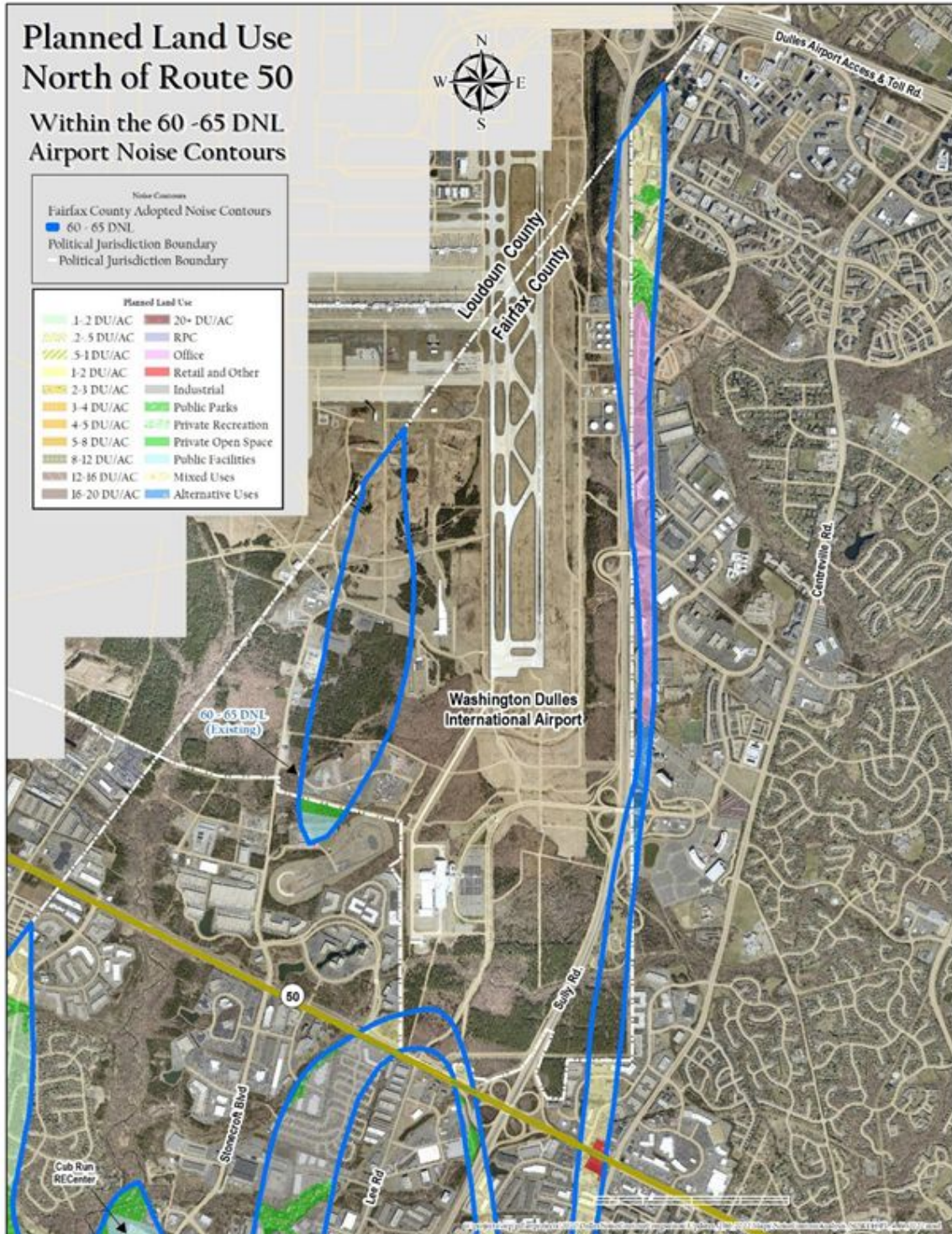
**Table 2: Existing Land Uses within the Board Adopted 60-65 DNL Noise Contours,
by Parcel/Lot Area
Washington Dulles International Airport**

Existing Use	Area (acres)	Percentage
Government/Institutional	125.3	5.0%
Industrial	198.6	7.9%
Office	391.1	15.6%
Private Open Space	73.0	2.9%
Private Recreation	421.2	16.8%
Public Recreation	278.0	11.1%
Retail	73.9	3.0%
Multi-Family	63.0	2.5%
Single Family	481.8	19.2%
Townhouse	14.5	0.6%
Vacant Land	385.1	15.4%
TOTAL	2,505.5	100.0%

Note 1: Data within the Existing Land Uses table reflects information drawn from the Department of Tax Administration (DTA) database. Data may not precisely match the Planned Land Use data derived from GIS spatial queries due to differences in how land areas are assigned to land uses within the DTA database. While the Planned Land Uses data includes public rights-of-way, the Existing Land Uses data does not.

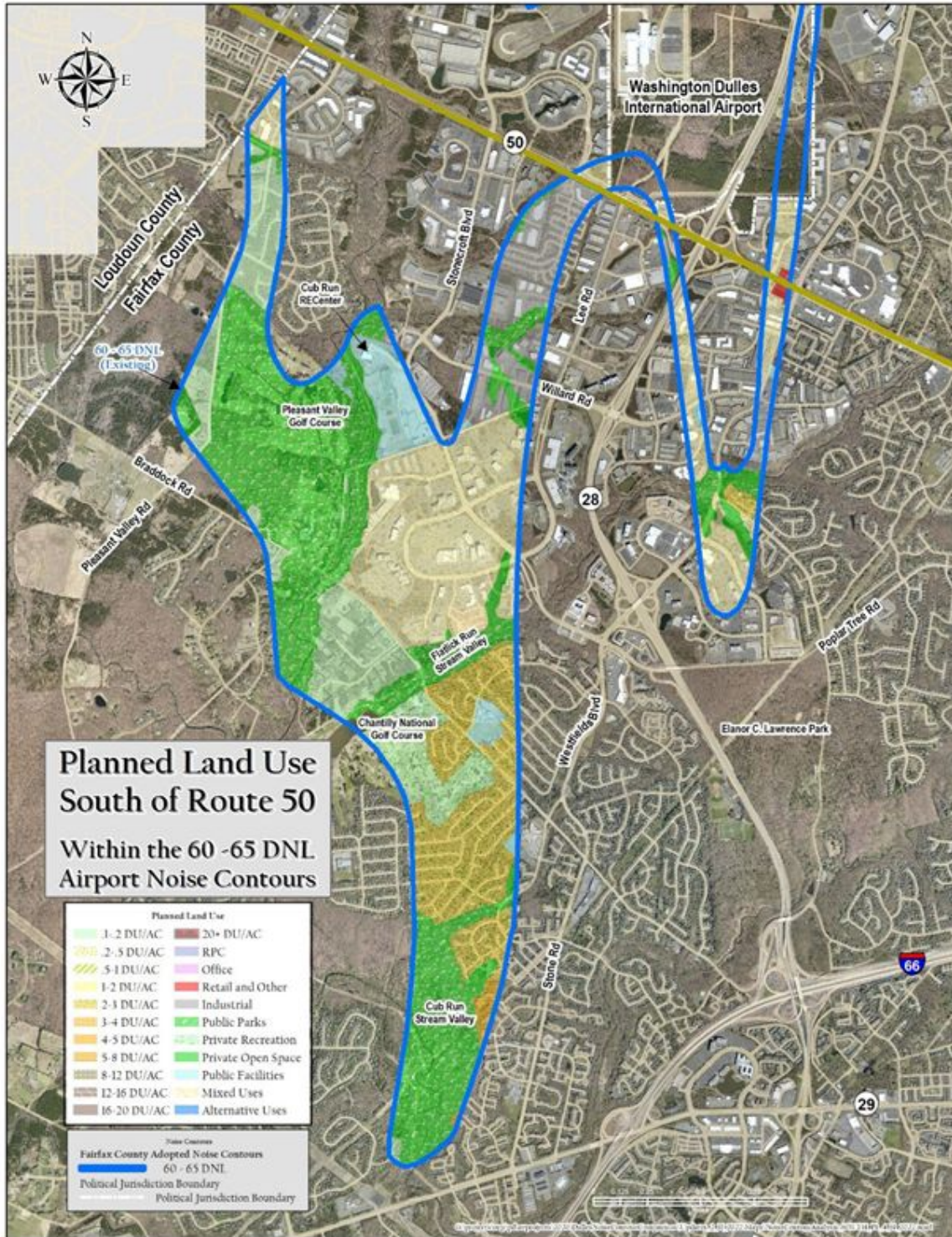
Note 2: The total of all residential uses (multi-family; single family, & townhouse) is 559.3 acres and 22.3%.

**Figure 8: Planned Land Uses within the Board Adopted 60-65 DNL Airport Noise Contours, North of Route 50
Washington Dulles International Airport**



Source: Fairfax County Department of Planning and Development

**Figure 9: Planned Land Uses within the Board Adopted 60-65 DNL Airport Noise Contours, South of Route 50
Washington Dulles International Airport**



Source: Fairfax County Department of Planning and Development

**Table 3: Planned Land Use within the Board Adopted 60-65 DNL Noise Contours,
by Land Area
Washington Dulles International Airport**

Existing Use	Area (acres)	Percentage
Public Facilities	118.68	4.4%
Industrial	184.93	6.9%
Office	80.58	3.0%
Private Open Space	108.87	4.0%
Private Recreation	101.61	3.7%
Public Parks	841.13	31.2%
Retail and Other	4.52	0.2%
Mixed Uses	646.84	24.0%
16-20 DU/AC ¹	2.20	0.1%
0.1-0.2 DU/AC ²	253.27	9.4%
2-3 DU/AC ³	322.09	11.9%
5-8 DU/AC ⁴	16.12	0.6%
Alternative Uses	16.01	0.6%
TOTAL	2,696.85	100.0%

¹ Reflects typical multi-family residential density.

² Reflects typical large-lot single family residential density.

³ Reflects typical suburban single family residential density.

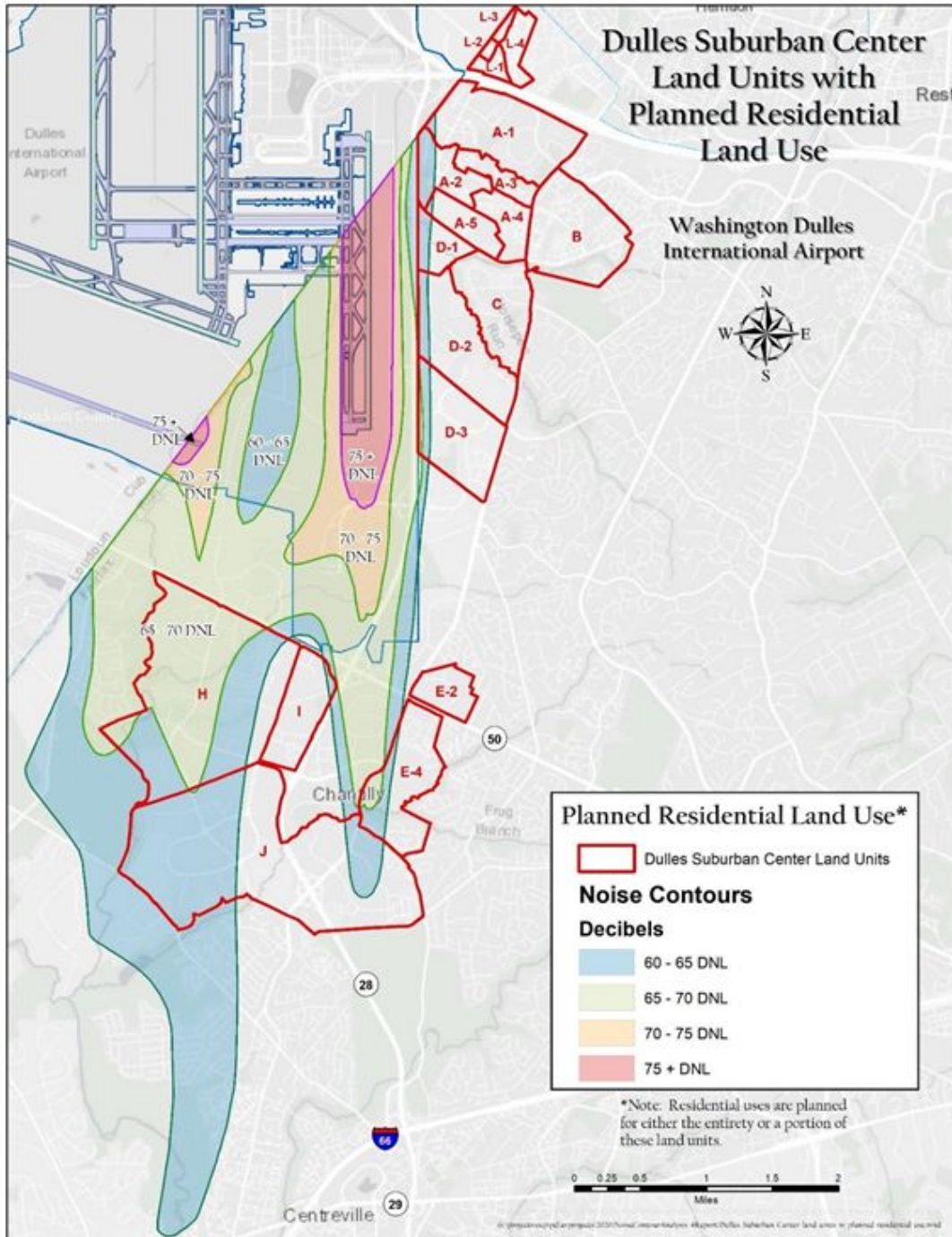
⁴ Reflects typical townhouse density.

Note 1: "DU/AC" = dwelling units per acre.

Note 2: Data within the Planned Land Use table reflects information drawn from GIS spatial queries. Data may not precisely match the Existing Land Uses data derived from the Department of Tax Administration (DTA) database due to differences in how land areas are assigned to land uses within the DTA database. While the Planned Land Uses data includes public rights-of-way, the Existing Land Uses data does not.

Note 3: The total of all residential uses (multi-family; single family, & townhouse) is 593.68 acres and 22%.

Figure 10: Land Units within the Dulles Suburban Center with Residential Development Options Near the Washington Dulles International Airport (overlaid with the Board Adopted 60-65 DNL Airport Noise Contours)



Source: Fairfax County Department of Planning and Development

Table 4: Planned Land Uses - Dulles Suburban Center

Land Unit	Planned Land Uses*
A1	Transit-oriented development with a mix of residential and non-residential uses.
A2	A mix of land uses including office, hotel, support retail, and residential uses.
A3	Residential uses at a density of 8-12 dwelling units per acre (du/ac); expected to maintain the existing character, uses, and intensities.
A4	Residential uses at a density of 12-16 du/ac.
A5	Mixed use, which may include residential, office, hotel, and community serving retail.
B	Mix of residential, commercial retail, office, and public park uses.
C	Single-family detached residential uses at 1-2 dwelling units per acre, public park, and public facilities.
D1	Public park, open space, office, hotel, recreational facilities, support service retail uses, and residential uses up to 5 du/ac.
D2	Light industrial, industrial/flex, office, retail, hotel, and mixed-use development (hotel, conference center, trade or cultural facilities, school (existing), and residential (existing)).
D3	Office, mixed use (office, retail, recreation, and residential).
E2	Retail, ancillary office, mix of uses (residential, retail, hotel, and office).
E4	Industrial, industrial/flex, retail, office, residential, public facility, institutional, and governmental.
H	Industrial, research and development, industrial/flex uses, public and/or private recreational uses, and mobile home park (existing).
I	Light industrial, industrial/flex, hotel, office, tourist and employment-related uses, retail, restaurant, recreational facilities, private recreation, mix of uses (residential and office with community-serving retail).
J	Office, conference center/hotel, industrial/flex, industrial, residential, and retail.
L1	Institutional (existing) and office. Rail Transit Option: office, research and development, hotel, retail, and residential.
L2	Office and research and development. Rail Transit Option: office, research and development, hotel, retail, and residential.
L3	Office and research and development. Rail Transit Option: office, research and development, hotel, retail, and residential.
L4	Multifamily residential, office, and retail.

* Land uses may reflect baseline, existing, and optional uses and may be parcel-specific. See Comprehensive Plan for further details regarding planned land uses: (2017 Edition of the Comprehensive Plan - Dulles Suburban Center (fairfaxcounty.gov)).

Consideration of New Residential Uses Within the 60-65 DNL Noise Contour Area

Most jurisdictions in the United States with international airports, including Loudoun County, permit residential uses within the 60-65 DNL noise contours. The Johnson Aviation Report (March 15, 2020) ([Microsoft Word – 031520 Fairfax County-Dulles Aircraft Noise Peer Review-Johnson Aviation](#): Pages 31-36) highlights the experiences of several airports, including Dulles, Denver, and Minneapolis-Saint Paul in managing aircraft noise.

Allowing for the consideration of new residential uses in the 60-65 DNL airport noise contour area would be consistent with the policies of most jurisdictions and with the policies of Land Unit J of the Dulles Suburban Center section of the Plan. The consideration of new residential uses within the 60-65 DNL airport noise contour area, specifically in areas proximate to Dulles, could, with appropriate noise mitigation, enhance economic development opportunities, provide additional housing, and provide opportunities for residents to live and work in a mixed use area with reasonable commutes along the Route 28, I-66, and Dulles Tollway corridors. Allowing new residential uses within the 60-65 DNL airport noise contour area would also allow the conversion of under-performing, single-use, non-residential uses, such as office parks, into residential and mixed-use developments with a mix of amenities that could keep these areas economically viable.

The Board’s Economic Success Strategic Plan (ESSP), updated in 2019, and the Countywide Strategic Plan, adopted in 2021, focus on ensuring the economic health of the County, the provision of housing, and placemaking - *“creating environments where people can thrive, where members of the community want to gather, and where businesses want to locate and grow.”* (Countywide Strategic Plan, Page 8). The ESSP notes that *“[c]reating places where people want to be is an overarching focus for Fairfax County. We are growing our activity centers, investing in transformational multi-modal transportation systems, and focusing on creating unique and energized public spaces.”* (ESSP, Page 15).

Goal 2.1 of the Economic Success Strategic Plan discusses focusing planning and development activities around the creation of mixed use communities, primarily in activity centers served by multi-modal transportation options and containing vibrant retail entertainment employment opportunities and a mix of housing types serving all income levels. (ESSP, Page 16). Given the proximity of areas within the 60-65 DNL contours to Dulles and the commuting corridors of Route 28, I-66, and Route 50, the consideration of additional residential uses may support the established uses in the area and further the goals of these county initiatives.

If the Comprehensive Plan is changed to permit consideration of new residential uses within the 60-65 DNL noise contours, prior to redevelopment, future site-specific plan amendments would be needed to consider residential uses within areas that are not currently planned for new residential uses. During that process, as well as the subsequent entitlement process, proposals for residential uses would need to address how noise impacts could be adequately mitigated and would need to ensure that future residents would be fully aware of current and future airport operations. As noted above, there are approximately 3,117 acres of land within the 60-65 DNL contours; however, 92% of this area is already developed or subject to previously approved Plan amendments and entitlements. Further, some of these areas have a current Plan recommendation for residential use or may not be suitable for residential use for other reasons. While the impacts

of this Plan amendment are minimal, adoption of this Plan amendment would now align the Comprehensive Plan with the Zoning Ordinance and other jurisdictions that permit residential in the 60-65 DNL noise contours.

Potential Development Criteria

The following criteria are the basis for development of draft Plan language to permit consideration of new residential uses within the 60-65 DNL contours. These items are consistent with existing Plan guidance and were used for the review of recent residential rezoning applications within Land Unit J of the Dulles Suburban Center:

- Noise studies/measurements
- Interior noise attenuation
- Exterior spaces
- Airport noise disclosures and avigation easements

Noise Studies/Measurements

Noise studies are generally submitted for land use proposals with identified noise sources and address the expected noise impacts to the proposed land uses. Noise sources include heavily traveled roads, aircraft operations, and railway activity. Noise studies typically assess noise using the DNL metric, which provides an average of the projected noise impacts. As stated previously, the DNL metric is required by the FAA for aircraft noise exposure analyses and noise compatibility planning and is the standard used by airports around the country when dealing with noise impacts. DNL is also used by the County for land use planning for those areas impacted by traffic noise.

As stated previously, MWAA collects data regarding aircraft noise levels for both the western and eastern portions of the County through a network of noise monitors, whose locations were determined by the Metropolitan Washington Council of Governments. (See the previous section titled “Metropolitan Washington Airports Authority Noise Event Data”). Monitor locations are included on Figures 1 and 4.

While data from these monitoring stations provides useful information, these monitoring stations are limited in number and may not be located in places that can be used to determine projected noise impacts for a particular development. As an alternative, field studies can be used for a particular location, although field measurements to determine noise impacts for a particular site may be challenging. While the state-of-the-art MWAA noise modeling program is able to differentiate between community background noise and aircraft overflight noise, field measurements generally are unable to do so. Additionally, unlike relatively uniform roadway traffic, discrete aircraft operations can vary greatly during testing periods depending on weather, the number of flight operations, and air traffic control procedures. To address this, the DNL average noise level is applied as a noise metric. A combination of data from MWAA noise monitors and pre-development field noise studies can be used to assess sound levels experienced in particular locations for noise sensitive uses.

Current Plan guidance states that post-development field noise studies should be conducted if requested in order to evaluate the effectiveness of noise mitigation measures. Such post-construction studies might be expensive and challenging to implement. However, the greatest concern is that it might be problematic to implement remedial measures post-construction, should noise attenuation goals not be achieved.

As an alternative, noise modeling and certification of building materials and construction techniques could substitute for or be in addition to post-development noise studies. This is a well-established practice that is conducted prior to construction and results in the actual construction materials and techniques being agreed upon prior to construction. These noise models allow a consultant or builder to model building components with various Sound Transmission Class (STC) ratings to determine how to best achieve the desired noise attenuation. If necessary, modeled floorplans can be modified to reduce exposure to aircraft noise. In order to ensure that building components with the appropriate STC ratings are installed within a particular building, builders could submit verification letters, specification sheets, or testing reports, demonstrating that the installed building components meet the modeled STC ratings.

Consideration should be given to conditions that require pre-development noise studies, pre-construction noise modeling for building components, and the submission of verification letters, certifying that the noise-modeled components have been properly installed. Additionally, post-development noise studies should be conducted if requested in order to evaluate the effectiveness of noise mitigation measures.

Interior Noise Attenuation

County policies anticipate that noise attenuation measures will be implemented to achieve an interior noise level of no more than DNL 45 dBA. Noise mitigation typically includes increased Sound Transmission Class (STC) ratings for building components to include windows, doors, roofs, walls, and sealants. Typical building construction (with windows closed) can be expected to attenuate noise impacts by approximately 20 dBA. Therefore, it can be expected that the interiors of any new residences built within the 60-65 DNL contour would be attenuated to an average 45 DNL standard through normal construction practices.

While the County could develop prescriptive STC ratings for various building components for particular noise mitigation standards, such an approach might not always be practical or appropriate, largely due to the number of variables and the complexity of determining an overall noise reduction in a site specific basis. As an alternative, noise studies related to specific development proposals could include the outdoor aircraft noise level that would need to be mitigated and a specific performance standard for an acceptable interior noise level. A building “shell” analysis could then be performed to define the desired STC ratings and noise attenuation for each building component to achieve the desired interior noise level for a particular building. A building shell analysis is a study by a noise consultant of the noise-reducing effects of certain building components, including roofs, walls, windows, and doors, with attention to floorplans, particularly bedroom locations, so that interior noise levels are attenuated (reduced) to acceptable levels and so that building floorplans are designed to mitigate the greatest noise impacts.

In regard to building types (single-family detached houses, townhouses, or apartments), noise consultants have related that building materials and STC ratings are more critical than building types that might be permitted within the 60-65 DNL contours when considering noise impacts. While certain building materials, such as cementitious siding and brick, have some additional noise attenuation benefits, windows are generally the limiting factor in noise attenuation. Walls with a higher percentage of glazing (window surfaces) will generally perform more poorly than walls with less glazing. Given that the amount of glazing and the type of construction materials are the most critical factors in noise attenuation, multi-family buildings do not offer any particular noise mitigation advantage over single-family attached housing.

To inform the development of Plan guidance, consideration was given to Plan conditions that would require commitments to construction standards and materials that mitigate interior noise levels to 45 dBA, regardless of the building type.

As stated previously, the DNL metric is typically used to identify those areas most likely to be affected by aircraft noise. It should be recognized that DNL is an indicator of average noise levels. Recent noise studies for proposed residential developments within Land Unit J have demonstrated that the maximum noise that is most often experienced during aircraft overflights may be 10 dBA higher than the DNL levels.

Typical construction techniques can be expected to reduce outside-to-inside noise levels by 20 decibels, which would meet the County's general noise standard of an average of 45 decibels within residences within the 60–65 DNL contours. If there is a desire to enhance attenuation to account for increased noise levels during individual overflights, the County could adopt as part of this plan amendment the goal of achieving an outside-to-inside noise reduction of 25 decibels or more. A similar method has been applied by various jurisdictions, including High Point, North Carolina; Chandler, Arizona; Orlando, Florida; Eloy, Arizona; and Kent County, Delaware.

Construction costs can be expected to increase with enhanced noise reduction methods and materials, although an additional 5 dBA of noise attenuation beyond that achieved through normal construction methods (25 dBA total) was estimated to be approximately \$5,000 in 2020, depending on the type and size of the residential unit, but could vary depending on other factors. However, the cost of noise attenuation starts to increase significantly for noise attenuation of 30 dBA and greater. It is expected that this additional cost would be passed on to home purchasers.

Exterior Spaces

Current Plan guidance states that new development should not expose people to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. Portions of various outdoor fields, recreation areas, parks, and schools are already located within the DNL 60-65 dBA contours associated with Dulles. This Plan amendment does not consider placing outdoor recreation areas of homes in the 65 DNL contour and would be consistent with current Plan guidance.

Airport Noise Disclosures and Avigation Easements

Commitments to disclosure measures are often sought to help ensure that prospective purchasers and renters are aware of the presence of an airport and its potential associated impacts. Disclosure measures may include copies of legally binding documents, such as recorded avigation easements, and notices in promotional materials, such as brochures and displays.

Promotional materials may be useful for initial purchasers or renters of a residence to understand that the residence may be impacted by aircraft-generated noise from a nearby airport. However, such information might not be available to subsequent purchasers or renters. To help ensure that all purchasers and renters are aware of nearby aircraft operations and the potential impacts of those operations, such information could also be included in homeowner association (HOA) documents as well as in leasing materials.

Avigation easements are legal recorded documents (typically between a landowner and an airport authority or other airport operator) that run with the land and are passed to prospective purchasers and future homeowners to make them aware of the potential impacts from aircraft operations and of the right of aircraft to overfly the property. Avigation easements would be recorded in the land records and contained in the HOA documents, such that all successive purchasers would be made aware of an easement and its terms. The FAA generally requires that avigation easements be recorded for affected properties whenever federal funds are used for noise mitigation measures, particularly for properties located within areas of 65 DNL and greater.

MWAA has developed an Avigation Easement template and has requested that local jurisdictions, including Fairfax County, utilize this template. County staff have reviewed the MWAA template, which is generally consistent with, but not identical to, the Avigation Easements provided by developers in recent Land Unit J cases. The County has coordinated with MWAA regarding potential edits to the template and MWAA is agreeable to these edits. Furthermore, Avigation Easements submitted in recent Land Unit J cases included a metes and bound description of the area of the easement but did not include a plat; plats showing the location of the easement should be included as part of future Avigation Easements submitted to the County.

Consideration should be given to Plan conditions that would require commitments such that adequate assurances are provided by the property owner at the time of rezoning to ensure that future residents are aware of the airport and the associated noise impacts prior to purchasing or renting homes and to the rights of the airport regarding its operations. These should include the following:

- Marketing information, such as marketing site plans, home brochures, and standard features lists, which note that the property is impacted by noise from overflying aircraft, should be located in sales and leasing offices;
- All promotional and marketing materials and leasing and purchasing agreements include disclosure statements that disclose the presence of the airport and potential associated impacts, as well as a map of Dulles Airport, the DNL 65 dBA noise contour line, and general

locations of residential units and private active recreation spaces. Such disclosure statements, as well as a map of Dulles Airport and the DNL 65 dBA noise contour line are included in any community association documents and recorded in the land records. Notice of such statements, maps, and noise contours are made to all initial and subsequent lessors and purchasers; and

- Adequate assurances are provided by the property owner at the time of rezoning to include such things as recorded aviation easements/plats, hold harmless agreements, and/or similar assurances.

The Fairfax County Department of Planning and Development – Planning Division maintains a webpage regarding community noise, which includes information regarding airport noise ([Noise - Issues and Resources | Planning Development \(fairfaxcounty.gov\)](#)). This information could also be considered as part of the marketing information. Questions regarding this information can be addressed to the Planning Division.

Loudoun County Airport Noise Policies And Regulations

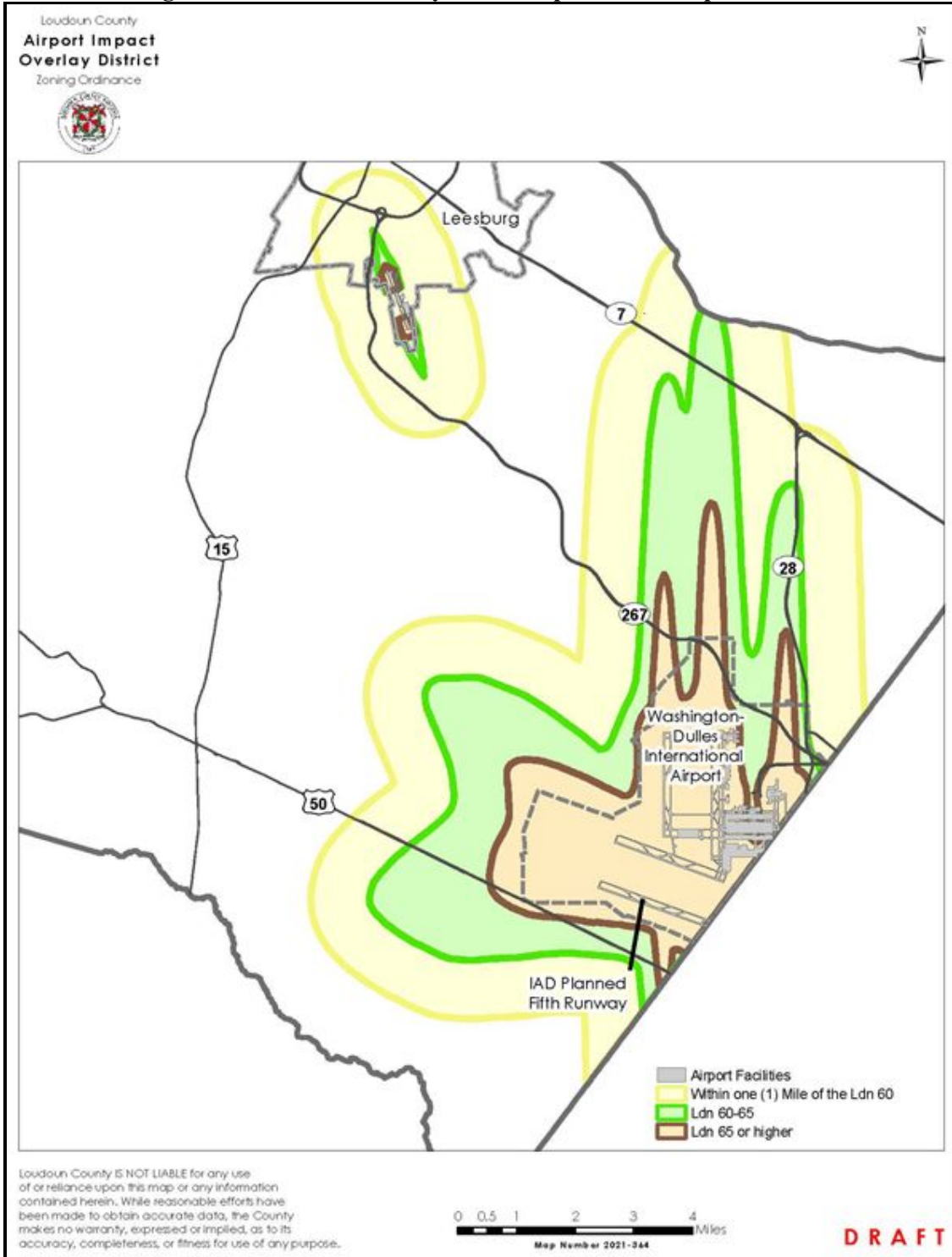
Loudoun County uses airport noise contours to determine where residential development can occur. Residential uses are allowed within the 60-65 Day-Night Average Sound Level (Ldn) area, in accordance with Loudoun County’s Airport Impact Overlay District (AIOD) for the Dulles and for the Leesburg Executive Airports, provided that requirements related to disclosure, acoustical treatment, and aviation easements are met. New residential and other noise-sensitive uses are not permitted within the 65+ Ldn impact area and greater

Loudoun County proposes three coordinated actions to update the maps, policies, and zoning text related to the AIOD. A Comprehensive Plan Amendment (CPAM-2021-0001) proposes to amend the Airport Noise Impact Area (ANIA) map of the Loudoun County 2019 General Plan. The map provides the basis for administering the 2019 Plan policies that address airport noise impacts and for establishing the Airport Impact Overlay District (AIOD) of the Zoning Ordinance. The Comprehensive Plan Amendment proposes to update the ANIA map by replacing the noise contours for Dulles based on the 2019 Washington Dulles International Noise Contour Map Update provided by the MWAA. Additional amendments to associated content and policy statements are also proposed as part of the Amendment. The Zoning Map Amendment (ZMAP-2021-0011) and the Zoning Ordinance Amendment (ZOAM-2021-0002) propose corresponding Zoning Ordinance updates to the map of the overlay district and to the zoning regulation text, respectively, to maintain consistency with the CPAM.

If the new contours are adopted as proposed, Loudoun County anticipates that 7.78 acres would be added to the area currently designated as 65+ Ldn, while 18.60 acres would be removed from this area. Overall, the adoption of the new contours would result in a net reduction of 10.82 acres within the 65+ Ldn impact area. Public hearings are currently scheduled for June 2022.

Depicted below is the draft map of Loudoun County’s proposed airport noise contours.

Figure 11: Loudoun County Draft Airport Noise Impact Areas



Source: Loudoun County

COMMUNITY OUTREACH

An [Airport Noise Issues Paper](#) was published and posted on-line in November 2021. The issues paper was intended to provide background information to the community regarding aircraft noise and to identify noise mitigations that could be considered to accommodate consideration of new residential uses between the 60 and 65 DNL airport noise contours.

A total of twenty-three (23) outreach meetings were held related to the Plan amendment. Nine (9) meetings were held following authorization and through March 2021 to discuss the authorization with the following groups: an Acoustic Engineering Working Group (comprised of representatives from local acoustical engineering firms); land use attorneys; the Northern Virginia Building Industry Association/Commercial Real Estate Development Association (NVBIA/NAIOP); the Metropolitan Washington Airports Authority (MWAA); and planners from Loudoun County. Twelve (12) outreach meetings were held, beginning in January 2022, with the Fairfax County Airports Advisory Committee; the Acoustic Engineering Working Group; NVBIA/NAIOP; the Joint Sully District Land Use and Transportation Committee (comprised of members of the Sully District Council of Citizens Associations (SDCCA) and West Fairfax County Citizens Association (WFCCA)); the Mount Vernon Council of Citizens' Associations; the Environmental Quality Advisory Council; the Braddock District Land Use and Environment Committee; the McLean Citizens' Association; MWAA; and individual Supervisor District offices. Meetings were offered to all land use committees. Additionally, two virtual open house meetings were held in January 2022 to solicit community input. A dedicated email address was also created to solicit input (DPDAirportNoisePA@fairfaxcounty.gov). A summary of stakeholder comments can be found at: [Plan Amendment 2020-CW-3CP | Planning Development \(fairfaxcounty.gov\)](#).

The Planning Commission Land Use and Environment Committees met jointly in February and March 2022 to discuss the proposed plan amendment. The Board's Land Use Policy Committee discussed the proposed plan amendment at its March 15, 2022 meeting.

CONCLUSION

Most international airports in the United States are located within areas with significant existing development and most jurisdictions with international airports permit residential uses within the 60-65 DNL and focus on noise abatement measures for noise-sensitive uses within those areas to help ensure the economic viability of the airports. The consideration of new residential uses within the 60-65 DNL airport noise contour area could, with appropriate noise mitigation, enhance economic development opportunities, provide housing, and provide opportunities for residents to live and work in a mixed use area, with reasonable commutes along the Route 28, I-66, and Dulles Tollway corridors. There are approximately 3,117 acres of land within the 60-65 DNL contours; however, 92% of this area is already developed or subject to previously approved Plan amendments and entitlements. If the Comprehensive Plan is changed to permit consideration of new residential uses within the 60-65 DNL noise contours for the minimal areas not currently developed, planned or entitled, prior to redevelopment, future site-specific plan amendments would be needed. However, some of these areas have a current Plan recommendation for residential use or may not be suitable for residential use for other reasons.

During that process, as well as the subsequent entitlement process, proposals for residential uses would need to address how noise impacts could be adequately mitigated and would need to ensure that future residents would be fully aware of current and future airport operations. Allowing for the consideration of residential uses in the 60-65 DNL area would also align the Comprehensive Plan more closely with the Zoning Ordinance, which does not currently regulate land uses within the 60-65 DNL airport noise contour area.

RECOMMENDATION

Staff recommends that the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined. Text proposed to be deleted is shown with a ~~striketrough~~.

PROPOSED REVISIONS

COMPREHENSIVE PLAN 2017 Edition

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strike through~~.

There are no proposed changes to the planned land uses within the DNL 60-65 dBA contour.

Policy Plan – Environment

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, Amended through 11-9-2021, Pages 11-12:

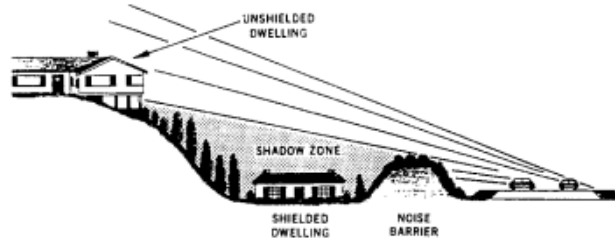
Noise

Transportation-generated noise impacts the lives of many who live in the county. Some county residents are subjected to unhealthful levels of noise from highway traffic, aircraft operations, and railroads, including WMATA's Metrorail (See Figure 3). Federal agencies with noise mitigation planning responsibilities have worked with the health community to establish maximum acceptable levels of exposure (Guidelines for Considering Noise in Land Use Planning and Control). These guidelines, expressed in terms of sound pressure levels, are: DNL 65 dBA for outdoor activity areas; DNL 50 dBA for office environments; and DNL 45 dBA for residences, schools, theaters, and other noise-sensitive uses. While federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, while the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they are not ~~proscriptive as they relate to local land use decisions. Further, it is known that adverse noise impacts can still occur at levels below DNL 65 dBA. Planning goals supporting new residential development in the DNL 60-65 dBA airport noise contours could be supported under specified conditions, and that there may be variability among communities in responses to such noise.~~

Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

Policy b: Reduce noise impacts in areas of existing development.



EFFECT OF ACOUSTIC BARRIER

Explanatory Note: This figure illustrates the function of an acoustical barrier. The shadow zone indicates a mitigated area that is sheltered by a noise barrier and is therefore relatively quiet.

Source: American Association of State Highway and Transportation Officials, 1995, *Guide on the Evaluation and Attenuation of Traffic Noise*, p. 2.

FIGURE 3

New development should not expose people in their homes, or other noise-sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards, new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA or projected aircraft noise exposures exceeding DNL 65 dBA. ~~Because recreation areas cannot be screened from aircraft noise and because adverse noise impacts can occur at levels below DNL 65 dBA, in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA.~~

In order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, where new residential development does occur is considered in the DNL 60-65 dBA aircraft noise contours near Washington Dulles International Airport, the following should be fulfilled:

- A noise study that documents the expected noise impacts is conducted during the development review process.

- Commitments to construction standards and materials are provided during the development review process to ensure that noise levels within interior living spaces do not exceed 45 dBA.
- Pre-construction noise modeling for building components is conducted and documentation submitted to the County for review and approval prior to building permit issuance to ensure noise levels within interior living spaces do not exceed 45 dBA.
- Verification letters are submitted to the County certifying that the noise-modeled components have been properly installed prior to issuance of a Residential Use Permit.
- Post-development noise studies are conducted, if requested by Fairfax County prior to issuance of a Residential Use Permit in order to evaluate the effectiveness of the noise mitigation measures.
- Adequate assurances are provided by the property owner at the time of rezoning to address potential conflicts or threats to the long-term viability of, Dulles Airport. These assurances may include such things as recorded avigation easements/plats, hold harmless agreements, and/or similar assurances.
- All promotional and marketing materials and leasing and purchasing agreements include disclosure statements that disclose the presence of the airport and potential associated impacts, as well as a map of Dulles Airport, the DNL 65 dBA noise contour line, and general locations of residential units and private active recreation spaces. Such disclosure statements, as well as a map of Dulles Airport and the DNL 65 dBA noise contour line are included in any community association documents and recorded in the land records. Notice of such statements, maps, and noise contours are made to all initial and subsequent lessors and purchasers.

Policy Plan – Land Use

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Land Use – Appendix, Amended through 02-23-2021, Page 14:

“Guidelines for Suburban Neighborhoods:

5. Environmental concerns should be considered in site selection. Multifamily development is not appropriate in areas designated as Low Density Residential Areas. Environmental Quality

Corridors and areas subject to airport noise greater than DNL ~~60~~ 65 dBA generally should be avoided.”

Area III

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Area Plan Overview, Amended through 10-16-2018, Introduction, Pages 19-24:
“Land Use Planning within the Dulles Airport Noise Impact Area

Due to the location of runways, the type and frequency of various aircraft using the airport, as well as airport operating procedures, portions of Fairfax County in the vicinity of Dulles Airport are either currently, or are projected to be, subjected to levels of aircraft noise which may be incompatible with residential development and other noise-sensitive land uses.

Considerable research has been done to determine to what extent there is a direct relationship between periods of exposure to certain levels of noise (particularly aircraft noise) and identifiable, adverse effects on people. The effects of noise have been researched and while complete causal relationships have not been definitively established for nonauditory effects, empirical observation has documented that noise can affect exposed individuals indirectly by disturbing the general environment in which they live. Federal agencies with noise mitigation planning responsibilities have worked with the health community to establish maximum acceptable levels of exposure (Guidelines for Considering Noise in Land Use Planning and Control). These guidelines, expressed in terms of sound pressure levels, are: DNL 65 dBA for outdoor activity areas, DNL 50 dBA for office environments, and DNL 45 dBA for residences, schools, theaters and other noise-sensitive uses. Federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA. ~~While the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they are not proscriptive as they relate to local land use decisions. Further, it is known that adverse noise impacts can occur at levels below DNL 65 dBA and that there may be variability among communities in responses to such noise.~~

A zoning overlay district (the Airport Noise Impact Overlay District) has been established to require noise mitigation for those noise-sensitive uses that are established in the impacted area. Fairfax County has delineated the noise contours and boundaries of the Airport Noise Impact Overlay District based on noise contour maps provided by the Metropolitan Washington Airports Authority (MWAA), shown in Figure 4, below.

~~There are several reasons for the selection of the noise exposure contours provided by MWAA:~~

~~1. These contours represent the latest, best available and most appropriate noise impact assessment contours for land use planning purposes. They have been developed by MWAA through the use of the Federal Aviation Administration’s Integrated Noise Model, using~~

information and projections regarding the locations of average flight tracks, the frequency of use of each runway and average flight track, aircraft operating procedures, and average number of daily operations by type of aircraft and time of day.

2. Assumptions regarding future airport improvements (e.g. additional runways) and projected airport operations that were used in the determination of MWAAs noise contour maps most realistically reflect MWAAs goals for Dulles Airport expansion. This permits a full examination of the implications of Dulles Airport expansion as envisioned by its proprietor and does not prematurely place the county in the position of implicitly recommending the curtailment of the Dulles Airport expansion.

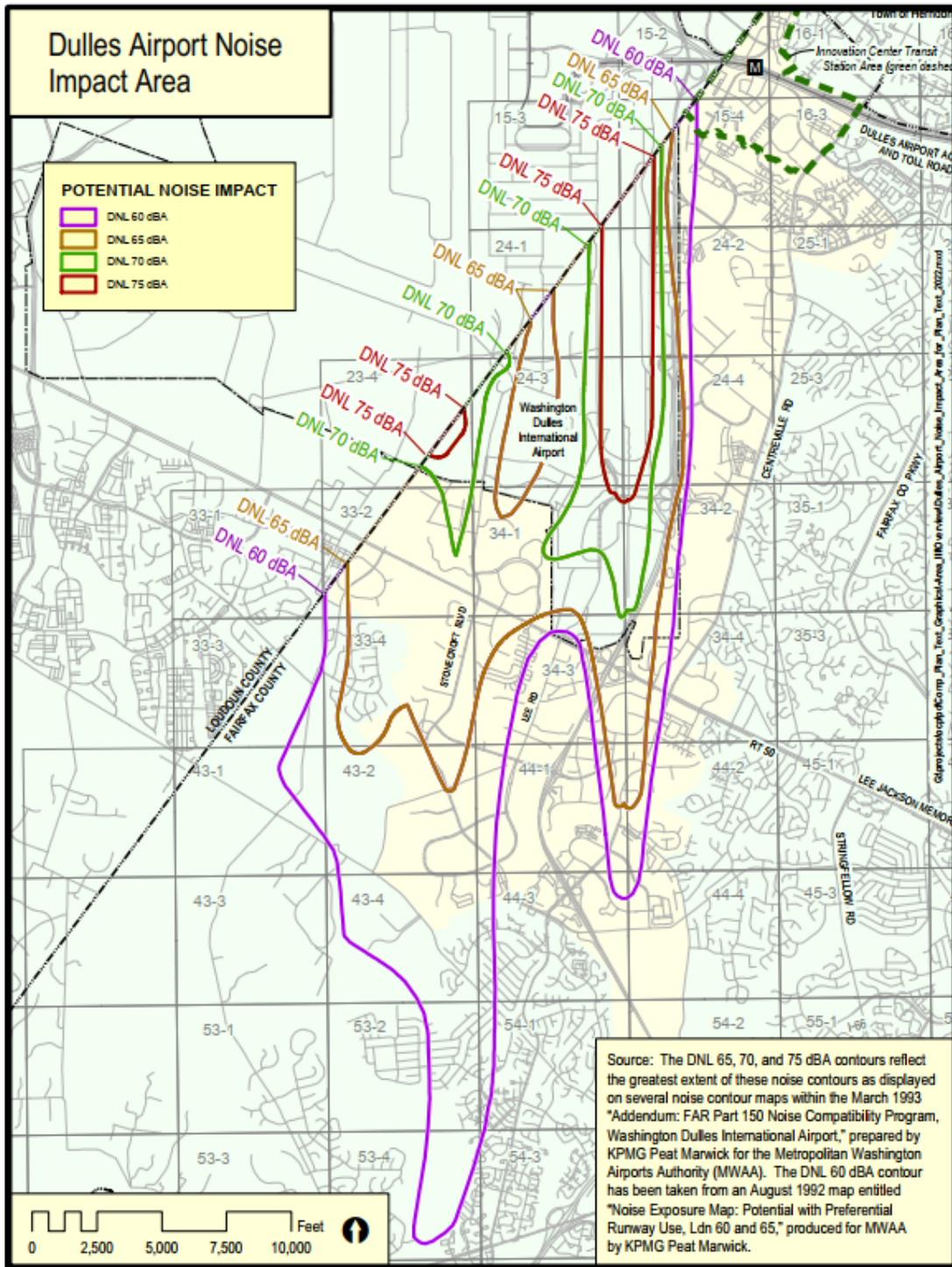
3. The noise contour maps provided by MWAAs are based on the most current information regarding aviation activity forecasts; they consider existing operations and projected operations through the year 2000 and beyond. This timeframe represents the longest planning period considered in the development of the set of contours presented. Land use planning considerations based on the set of contours developed by MWAAs will provide for the highest level of protection of the public health, safety and welfare based upon the most current, best available information.

Recognizing that the objective of the county is to minimize, to the fullest extent the potential for adverse aircraft noise impacts upon its citizens, the county has selected noise contours which consider both existing conditions, near-term future projected conditions, as well as ultimate "potential" conditions which reflect the long-term potential Dulles Airport activity level. As new appropriate noise contours become available, this information will be brought before the Board of Supervisors so that appropriate modifications can be made, if necessary, to the Comprehensive Plan to reflect the most recent and most appropriate delineation of the Dulles Airport Noise Impact Area to which land use compatibility policies will be applied.

Figure 4 illustrates the updated County-adopted noise contours for Dulles International Airport. The DNL 65 dBA, DNL 70 dBA, and DNL 75 dBA contours reflect the greatest extent of these contours as displayed on several noise contour maps within the 1993 Addendum. The DNL 60 dBA contour was taken from a long-term potential DNL 60 dBA contour map provided to the county by MWAAs. Related to these contours are the land use compatibility guidelines set forth in Table 2. This table establishes the basis for land use decisions within the designated Dulles Airport Noise Impact Area.

The basis for the airport land use compatibility guidelines outlined in Table 2 can be found in existing federal regulations and guidelines. In 1980 the Federal Interagency Committee on Urban Noise published "Guidelines for Considering Noise in Land Use Planning and Control" to encourage compatible land utilization patterns for housing and other municipal needs in noise-impacted areas. These guidelines were affirmed in a 1992 report issued by the Federal Interagency Committee on Noise (FICON) entitled "Federal Agency Review of Selected Airport Noise Analysis Issues." The Federal Interagency Committee on Aviation Noise (FICAN) was formed in 1993 as a standing federal interagency committee to fulfill a FICON recommendation to provide a forum for noise-related discussions. U.S. Department of Housing and Urban Development (HUD) noise standards may be found in 24 CFR Part 51, Subpart B (Noise Abatement and Control). For proposed new construction in high noise areas, projects must incorporate noise mitigation features. Noise is also to be considered in the acquisition of

undeveloped land and existing development. Airports may collaboratively address noise near airports by using a voluntary program called “Airport Noise Compatibility Planning,” or Part 150, which was created through the Aviation Safety and Noise Abatement Act of 1979 under 14 CFR Part 150. The program began in 1981 and provides a structured approach for airport operators, airlines, pilots, neighboring communities, and the FAA to work together to reduce the number of people who live in significantly noise-impacted areas. The program provides financial assistance to airport owners to assess noise impacts and to identify and carry out noise-reduction measures. FAR Part 150 establishes requirements for airport owners who choose to submit noise exposure maps and develop noise compatibility planning programs to the FAA for review and approval. The Department of Housing and Urban Development (HUD) in Noise Abatement and Control Standards (Circular 1390.2, August 4, 1971), and the Federal Interagency Committee on Urban Noise in Guidelines for Considering Noise in Land Use Planning and Control (1980) have published noise compatibility guidelines to encourage land utilization patterns for housing and other municipal needs in noise impacted areas. These guidelines have been applied within Federal Aviation Regulations and have been affirmed within a 1992 report issued by the Federal Interagency Committee on Noise. They are intended to separate uncontrollable noise sources from residential and other noise sensitive areas. Federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA; however, While the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they have been developed to guide federal noise compatibility efforts and are not proscriptive as they relate to local land use decisions. Further, it is known that adverse noise impacts can occur at levels below DNL 65 dBA and that there may be variability among communities in responses to such noise. As a result, and because in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, Since outdoor recreation areas cannot be screened from aircraft noise, new residential development is not recommended in areas with projected aircraft noise exposures exceeding DNL 60 65 dBA. In order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, where new residential development does occur near Washington Dulles International Airport, the guidance found in Objective 4 of the Environment Element of the Comprehensive Plan Policy Plan should be followed.”



**TABLE 2
Land Use Compatibility Guidelines
Within The Dulles Airport Noise Impact Area**

Activities and/or Land Uses	Greater than DNL 75 dBA	DNL 70-75 dBA	DNL 65-70 dBA	DNL 60-65	Less than DNL 60 dBA
Residential	Not Recommended	Not Recommended	Not Recommended	Compatible with mitigation Not Recommended	Compatible
Educational and Institutional ¹	Not Recommended	Not Normally Recommended	Conditionally Compatible	Compatible	Compatible
Auditoriums, Concert Halls	Not Recommended	Not Recommended	Not Recommended	Compatible	Compatible
Offices, Personal, Business and Professional Services, Retail Commercial Uses, Movie Theaters, Restaurants ²	Conditionally Compatible	Conditionally Compatible	Compatible	Compatible	Compatible
Transient Lodging (Hotels, Motels)	Not Recommended	Conditionally Compatible	Conditionally Compatible	Compatible	Compatible
Sports Arenas, Outdoor Spectator Sports	Not Recommended	Not Recommended	Compatible	Compatible	Compatible
Playgrounds, Neighborhood Parks	Not Recommended	Not Recommended	Compatible	Compatible	Compatible
Golf Courses, Driving Ranges, Water Recreation, Cemeteries ³	Compatible	Compatible	Compatible	Compatible	Compatible
Commercial Wholesale and Selected Retail, Industrial/Manufacturing, Transportation Communication and Utilities ⁴	Compatible	Compatible	Compatible	Compatible	Compatible
Animal-related services ⁵	Not Recommended	Compatible	Compatible	Compatible	Compatible
Agricultural	Compatible	Compatible	Compatible	Compatible	Compatible

Footnotes to Activities and/or Land Uses:

- ¹ School classrooms, libraries, churches, hospitals.
- ² Professional and financial offices, banks, savings and loan associations, mortgage bankers, insurance offices, real estate offices, architects, engineers, attorneys-at-law, decorators, medical and dental clinics and labs, funeral homes and mortuaries, retail stores, clothing stores, department stores, food and dairy markets, cafes, restaurants (enclosed and drive-in), cafeterias, barber shops, beauty shops, new and used car sales, country clubs.
- ³ Swimming pools, shooting ranges, miniature golf courses.
- ⁴ Auto salvage and wrecking yards, industrial metal and waste salvage yards, manufacturing facilities, gasoline service stations, ambulance services, automotive repair garages, public storage garages, taxi dispatch offices, automobile washing stations, lumber yards, warehousing, motor freight terminals, railway passenger and freight stations, airport services.
- ⁵ Animal grooming services, dog kennels, veterinarians and veterinarian hospitals.

Allowable Height of Structures in the Vicinity of Dulles Airport

The Federal Aviation Administration (FAA) has established criteria for formal notice to FAA of certain proposed construction or alterations of structures near airports. It also has established standards in what are commonly known as the FAA Part 77 regulations, for determining what may be obstructions in navigable airspace. Once an obstruction has been identified, the FAA will undertake an aeronautical study to determine whether the structure will have a substantial adverse effect on the safe and efficient utilization of the airspace--i.e., whether the structure would be deemed a hazard to air navigation.

It is the policy of the Board of Supervisors not to permit the erection of structures which have been determined by FAA to pose a hazard to air navigation. It is further the policy of the Board of Supervisors to carefully evaluate all proposed structures which, if constructed, would constitute an obstruction (as defined by an application of FAA Part 77 obstruction standards to Dulles International Airport's facility configuration, technical characteristics, and surrounding terrain).

In order to implement these policies, ~~the public is~~ developers are advised to undertake official notification of the FAA Regional Office of the proposed construction of any structure meeting any of the following criteria:

1. The construction or alteration will be more than 200 feet in height above ground level at its site.
2. The construction will be in an instrument approach area, available information indicates it might exceed an obstruction hazard standard, and the FAA makes a specific request for notice. ~~or~~
3. The construction penetrates an imaginary surface that extends outward and upward from the nearest point of the runway at a 100:1 slope, for a distance of 20,000 feet.

In order to further implement the policies of the Board of Supervisors, the county will utilize FAA's obstruction standards, as applied to Dulles Airport and contiguous land, as guidance in making its own determinations as to the allowable height of structures. The three relevant obstruction standards are (i.e., an obstruction will be found if it is higher than any of the following):

1. A height of 500 feet above ground level at the site.
2. Two hundred feet above ground level or the "established airport elevation" (312 feet), whichever is higher, within three nautical miles of the "established reference point" (near the bottom of the westerly north-south runway, 19R-1L), with that height increasing 100 feet for each additional mile from the reference point up to a maximum of 500 feet. ~~or~~
3. An imaginary surface, 1,000 feet wide, extending from the end of the runway, at a slope of 50:1, for 10,000 horizontal feet, and at 40:1 for an additional 40,000 horizontal feet, with its outermost edge being 16,000 feet wide.

It should be noted that the standards presented here are simplified from FAA's Part 77 regulations. There are "imaginary" or geometric surfaces described in the regulations that apply in the analysis for the potential for obstruction, and the piercing of any of these surfaces by a structure will cause a finding that such is an obstruction. Whether an actual hazard is created will still remain within the purview of the FAA.

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Amended through 02-23-2021, Dulles Suburban Center Overview, Page 8:

“Future Growth of Dulles Airport

Growth of Washington Dulles International Airport is a major factor affecting planning for the Dulles Suburban Center and the quality of life in western Fairfax County. The airport serves as a regional economic focal point. It is one of the region's major employers. Passenger service and cargo operations are major contributors to the region's economic well-being.

Planning should reflect and accommodate the potential increase in airport operations. ~~The Airport Master Plan calls for five runways which, on completion will permit flight operations of up to 750,000 flights per year.~~

While airport employment may be expected to increase, and additional growth may be induced by the international character of the airport, fundamental estimates of future employment, commercial office facilities, and industrial services are uncertain. Factors that may influence the rate of growth within the next twenty to fifty years include changes in aviation technology, level of investment needed, and changes in land use in the region.

Airport operations present constraints to development in terms of allowable building heights within flight paths and noise impacts. Policies related to building heights may be found in the Area III Plan Overview in the section “Allowable Height of Structures in the Vicinity of Dulles Airport.” ~~To provide for a healthy living environment, Fairfax County has adopted a policy which states that new residential development is not recommended in areas with projected aircraft noise exceeding DNL 60 dBA.~~ Fairfax County has also established an “Airport Noise Impact Overlay District” (ANIOD) around Dulles Airport. Consistent with Federal Aviation Administration (FAA) policy, the ANIOD does not prohibit residential uses in areas with noise impacts below DNL 65 dBA. Location of noise contours around Dulles Airport is calculated by a computer model of airport operations and shown in the Comprehensive Plan and Zoning Ordinance.

History

The ANIOD boundaries shown on the 1986 and 1992 Comprehensive Plan map were adopted for planning purposes in 1983. These boundaries were based on data related to “Stage 2” aircraft, which generate relatively high noise levels, and on estimates of future flight operations that were developed in the late 1970s. Because of federal legislation requiring U.S. airlines to phase in a new generation of quieter aircraft (“Stage 3” aircraft), and because of changes in projected future aviation operations at Dulles Airport, in 1993 the Metropolitan Washington Airports Authority revised its noise contour projections for the area around Dulles Airport. ~~The~~

~~updated noise contour lines are substantially smaller in geographic extent than the corresponding contours shown on the 1986 and 1992 Comprehensive Plan map. Plan policy recommends a higher standard than indicated by the FAA, recommending that new residential development not be located in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Consistent with FAA policy, the plan recommends new residential development not be located in areas with projected aircraft noise exposures exceeding DNL 65 dBA. Where new residential development does occur is considered in the DNL 60-65 dBA aircraft noise contours near Washington Dulles International Airport, the guidance found in Objective 4 of the Environment Element of the Comprehensive Plan Policy Plan should be followed.~~

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Amended through 02-23-2021, Dulles Suburban Center Overview, Page 11:

“Residential Development in the Tax District

Residential development in portions of the Dulles Suburban Center would help create a greater mix of uses, provide more housing close to employment centers, and provide for a use that generates less peak-hour traffic than might occur if land is developed by-right under the existing zoning. However, under the current structure of the Tax District, residentially zoned properties are not subject to the tax surcharge that has been established for owners of nonresidential property to fund roadway improvements. The Tax District legislation includes a mechanism by which contributions may be accepted to allow residential development without increasing the financial burden on other Tax District landowners or the county.”

~~A factor which currently limits housing opportunities within the Tax District is the impact of airport noise. Much of the land within the Tax District located to the south of Dulles Airport is within the adopted DNL 60 dBA airport noise contour.”~~

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Amended through 02-23-2021, Dulles Suburban Center Area-Wide Recommendations, Page 30:

“Airport Noise

Much of the Dulles Suburban Center is included within the Airport Noise Impact Overlay District (ANIOD) of the Zoning Ordinance. The ANIOD was established to ensure the achievement of interior noise guidelines suggested within federal noise compatibility documents for residential and other uses that are constructed within ANIOD and to prohibit residential and certain other noise-sensitive uses from areas subject to particularly severe impacts from aircraft noise. New residential development with appropriate acoustical treatment and other mitigation measures is permitted within the ANIOD. ~~Nonetheless,~~ Plan guidance does not recommend such development in areas with projected aircraft noise exposures exceeding DNL ~~60~~ 65 dBA. Where new residential development ~~does occur~~ is considered in the DNL 60-65 dBA aircraft noise contours near Washington Dulles International Airport, the guidance found in Objective 4 of the Environment Element of the Comprehensive Plan Policy Plan should be followed. Figure 5 presents a map of the Dulles Airport noise contours as they relate to the boundaries of the Dulles

Suburban Center. The DNL 65 dBA, DNL 70 dBA, and DNL 75 dBA contours reflect the greatest extent of these contours as displayed on several noise contour maps within the March 1993 Addendum: FAR Part 150 Noise Compatibility Program, Washington Dulles International Airport prepared for the Metropolitan Washington Airports Authority (MWAA). ~~The DNL 60 dBA contour was taken from the long term potential DNL 60 dBA contour map provided to the county by MWAA.~~

A more extensive discussion of noise compatibility planning and Dulles Airport noise impacts is contained in the Area Plan Overview for Area III under the heading “Land Use Planning Within the Dulles Airport Noise Impact Area.”

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Amended through 02-23-2021, Dulles Suburban Center Land Unit A Recommendations, Pages 60-61:

“Land Unit A-5

Noise

Proposed residential uses, outdoor activity areas and other noise-sensitive uses may be affected by proximity to the Dulles Toll Road and Metrorail. In addition, a small portion of the Land Unit near Route 28 is located within an area ~~where projected aircraft noise exposures exceed DNL 60 dBA and~~ where current and/or projected future highway noise levels exceed DNL 75 dBA (a day-night weighted average noise level).

Broader planning goals for the Innovation Center TSA may suggest that sites near the Dulles Toll Road and Metrorail would be appropriate for residential development and/or other noise-sensitive uses, even where projected noise impacts may exceed DNL 75 dBA. However, design approaches may be available that would shield noise-sensitive areas from these impacts. Efforts should be taken to design noise-sensitive uses to minimize, if not avoid, the exposure of facades of noise-sensitive interior spaces to noise levels above DNL 75 dBA.

Where residential or other noise-sensitive uses are proposed near rail and major highways, such proposals should only be considered with the provision of a noise study during the review of the development, appropriate commitments to noise mitigation measures and potentially commitments to the provision of disclosure statements and may necessitate a post-development noise study if feasible. The noise study during development review should clearly define the noise levels impacting the proposed uses as a measure of dBA DNL. The noise study should include noise contours and/or noise impacts at each façade of each affected building with current noise levels and future noise levels based on a minimum 20-year traffic volume projection for the roadway and other transportation noise sources. In addition, the noise study should identify differing noise levels that may affect building facades at different elevations.

For those studies that indicate noise levels in excess of DNL 65 dBA on proposed noise-sensitive uses, appropriate mitigation measures should be provided with the goal of achieving DNL 45 dBA for interior space and DNL 65 dBA for outdoor recreation areas. Attenuation may include siting and orientation of the noise-sensitive use, as well as the use of appropriate building

materials and noise barriers.

In areas where projected noise impacts at affected building facades will exceed DNL 75 dBA, and for dwelling units where outdoor spaces including balconies will be projected to be exposed to noise levels that exceed DNL 65 dBA, disclosure statements should be provided to potentially affected residents and users within the impacted uses or units, which clearly identify the mitigated and unmitigated noise levels for interior space and the noise levels for any affected balconies in addition to noise mitigation for interior space and outdoor recreational areas. Post-development noise studies should be conducted in order to help staff evaluate the effectiveness of noise mitigation measures.”

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Amended through 02-23-2021, Dulles Suburban Center Land Unit H Recommendations, Page 116:

“Land Unit H

Land Unit H also contains the Meadows of Chantilly Mobile Home Park. The mobile home park provides important affordable housing; a portion of this community is located within the DNL 65-70 dBA noise contour associated with projected operations at Dulles Airport. ~~however, the majority of this community is located inside the DNL 60 dBA noise contour associated with projected operations at Dulles Airport.~~

...

4. The Meadows of Chantilly Mobile Home Park is a viable residential area. This residential neighborhood should be protected; transitional screening requirements on adjacent industrially planned parcels should neither be waived nor modified. ~~The Meadows of Chantilly Mobile Home Park should not be because it is largely within the airport noise impact area.~~ If the Mobile Home Park is redeveloped to other uses, then relocation assistance to the tenants of the park should be provided in accord with the guidelines of the Policy Plan.”

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Amended through 2-23-2021, Dulles Suburban Center Land Unit J Recommendations, Page 125:

“Land Unit J

Noise

Residential and other noise-sensitive uses that are proposed within the DNL 60-65 dBA airport noise contours should address the guidance found in Objective 4 of the Environment Element of the Policy Plan.”

~~• While Comprehensive Plan policy discourages certain uses within the DNL 60-65 dBA aircraft noise contour, other planning goals support residential and other noise sensitive uses under the following conditions:~~

~~o A noise study that documents the expected noise impacts is submitted during the development review process for all noise sensitive uses.~~

~~o Commitments are provided during the development review process to construction standards and materials that mitigate interior auditory impacts to ensure that interior noise levels within living spaces do not exceed 45 dBA. Post development noise studies should be conducted if requested in order to help staff evaluate the effectiveness of noise mitigation measures.~~

~~o Adequate assurances are voluntarily provided by the property owner at the time of rezoning to ensure that residential development in this area will not conflict with, or pose any threat to the long term viability of, Dulles Airport. These assurances may include such things as recorded avigation easements, hold harmless agreements, and the like.~~

~~o Mitigation to 65 dBA is encouraged for private active recreation uses, such as placement of facilities indoors, and/or enclosing facilities with a flexible or rigid structure, such as a dome.~~

~~o Disclosure statements, as well as a map of Dulles Airport, the DNL 60 dBA noise contour line, and general locations of residential units and private active recreation spaces, are included in all promotional and marketing materials and leasing and purchase agreements for residential and noise sensitive uses, and are recorded in the land records, that state that a property is located within an area that will be impacted by aircraft noise. Notice should be made to all initial and subsequent lessors and purchasers.”~~

MODIFY: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Amended through 02-23-2021, Dulles Suburban Center Land Unit L Recommendations, Page 146-147:

“Land Unit L

Noise

Proposed residential uses, outdoor activity areas and other noise-sensitive areas may be affected by proximity to the Dulles Toll Road. ~~Portions of the area are also located within one-half mile of the DNL 60 noise contour for Washington Dulles International Airport.~~ Furthermore, some of the area may be affected by noise from the quarry located to the northwest in Loudoun County.

Noise studies may be required to demonstrate that these impacts will be addressed. Provision should be made to notify future residents of the area that they may be impacted by quarry operations. The use of planted terraces, maintenance of tree canopy through the areas under consideration, the use of planted roof gardens and planted sound absorption walls have been found effective management techniques for developments near airports.”

COMPREHENSIVE LAND USE PLAN MAP:

The Comprehensive Land Use Plan Map will not change.

COUNTYWIDE TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.

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PROPOSED PLANNING COMMISSION ALTERNATIVE PLAN LANGUAGE

Airport Noise Policy – Comprehensive Plan Amendment 2020-CW-3CP

The following editorial corrections are recommended.

Recommended modifications to the Proposed Revisions shown in the Staff Report dated April 27, 2022 are shown as ***bold italics with a yellow highlight***.

Modify: Proposed Revisions as contained in Staff Report dated April 27, 2022, Page 32:

“Noise

Transportation-generated noise impacts the lives of many who live in the county. Some county residents are subjected to unhealthful levels of noise from highway traffic, aircraft operations, and railroads, including WMATA's Metrorail (See Figure 3). Federal agencies with noise mitigation planning responsibilities have worked with the health community to establish maximum acceptable levels of exposure (Guidelines for Considering Noise in Land Use Planning and Control). These guidelines, expressed in terms of sound pressure levels, are: DNL 65 dBA for outdoor activity areas; DNL 50 dBA for office environments; and DNL 45 dBA for residences, schools, theaters, and other noise-sensitive uses. ***While*** federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, ~~While the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they are not~~ ***proscriptive as they relate to local land use decisions. Further, it is known that adverse noise impacts can still occur at levels below DNL 65 dBA. Planning goals supporting new residential development in the DNL 60-65 dBA airport noise contours could be supported under specified conditions, and that there may be variability among communities in responses to such noise.***”

Modify: Proposed Revisions as contained in Staff Report dated April 27, 2022, Page 33:

“In order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, ~~W~~ where new residential development ~~does occur~~ is considered in the DNL 60-65 dBA aircraft noise contours near Washington Dulles International Airport ***disclosure measure should be provided***, the following should be fulfilled:”

Modify: Proposed Revisions as contained in Staff Report dated April 27, 2022, Pages 36-37:

“***In general,*** The basis for the airport land use compatibility guidelines outlined in Table 2 can be found in existing federal regulations and guidelines. In 1980 the Federal Interagency Committee on Urban Noise published “Guidelines for Considering Noise in Land Use Planning

and Control” to encourage compatible land utilization patterns for housing and other municipal needs in noise-impacted areas. These guidelines were affirmed in a 1992 report issued by the Federal Interagency Committee on Noise (FICON) entitled “Federal Agency Review of Selected Airport Noise Analysis Issues.” The Federal Interagency Committee on Aviation Noise (FICAN) was formed in 1993 as a standing federal interagency committee to fulfill a FICON recommendation to provide a forum for noise-related discussions. U.S. Department of Housing and Urban Development (HUD) noise standards may be found in 24 CFR Part 51, Subpart B (Noise Abatement and Control). For proposed new construction in high noise areas, projects must incorporate noise mitigation features. Noise is also to be considered in the acquisition of undeveloped land and existing development. Airports may collaboratively address noise near airports by using a voluntary program called “Airport Noise Compatibility Planning,” or Part 150, which was created through the Aviation Safety and Noise Abatement Act of 1979 under 14 CFR Part 150. The program began in 1981 and provides a structured approach for airport operators, airlines, pilots, neighboring communities, and the FAA to work together to reduce the number of people who live in significantly noise-impacted areas. The program provides financial assistance to airport owners to assess noise impacts and to identify and carry out noise-reduction measures. FAR Part 150 establishes requirements for airport owners who choose to submit noise exposure maps and develop noise compatibility planning programs to the FAA for review and approval. The Department of Housing and Urban Development (HUD) in Noise Abatement and Control Standards (Circular 1390.2, August 4, 1971), and the Federal Interagency Committee on Urban Noise in Guidelines for Considering Noise in Land Use Planning and Control (1980) have published noise compatibility guidelines to encourage land utilization patterns for housing and other municipal needs in noise-impacted areas. These guidelines have been applied within Federal Aviation Regulations and have been affirmed within a 1992 report issued by the Federal Interagency Committee on Noise. They are intended to separate uncontrollable noise sources from residential and other noise sensitive areas. Federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA; however, While the federal guidelines consider all land uses to be compatible with noise levels below DNL 65 dBA, they have been developed to guide federal noise compatibility efforts and are not proscriptive as they relate to local land use decisions. Further, it is known that adverse noise impacts can occur at levels below DNL 65 dBA and that there may be variability among communities in responses to such noise. As a result, and because **recreation areas cannot be screened from aircraft noise**, in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, **new residential development is not recommended**. Since outdoor recreation areas cannot be screened from aircraft noise, **new residential development is not recommended** in areas with projected aircraft noise exposures exceeding DNL 60 65 dBA. **In order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided** the guidance found in Objective 4 of the Environment Element of the Comprehensive Plan Policy Plan should be followed.”

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Modify: Proposed Revisions as contained in Staff Report dated April 27, 2022, Pages 41-42:

“History

The ANIOD boundaries shown on the 1986 and 1992 Comprehensive Plan map were adopted for planning purposes in 1983. These boundaries were based on data related to “Stage 2” aircraft, which generate relatively high noise levels, and on estimates of future flight operations that were developed in the late 1970s. Because of federal legislation requiring U.S. airlines to phase in a new generation of quieter aircraft (“Stage 3” aircraft), and because of changes in projected future aviation operations at Dulles Airport, in 1993 the Metropolitan Washington Airports Authority revised its noise contour projections for the area around Dulles Airport. ~~The updated noise contour lines are substantially smaller in geographic extent than the corresponding contours shown on the 1986 and 1992 Comprehensive Plan map. Plan policy recommends a higher standard than indicated by the FAA, recommending that new residential development not be located in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Consistent with FAA policy, the plan recommends new residential development not be located in areas with projected aircraft noise exposures exceeding DNL 65 dBA.~~ Where new residential development ~~does occur~~ is considered in the DNL 60-65 dBA aircraft noise contours near Washington Dulles International Airport, the guidance found in Objective 4 of the Environment Element of the Comprehensive Plan Policy Plan **disclosure measures should be provided** should be followed.”

Modify: Proposed Revisions as contained in Staff Report dated April 27, 2022, Pages 42-43:

“Airport Noise

Much of the Dulles Suburban Center is included within the Airport Noise Impact Overlay District (ANIOD) of the Zoning Ordinance. The ANIOD was established to ensure the achievement of interior noise guidelines suggested within federal noise compatibility documents for residential and other uses that are constructed within ANIOD and to prohibit residential and certain other noise-sensitive uses from areas subject to particularly severe impacts from aircraft noise. New residential development with appropriate acoustical treatment and other mitigation measures is permitted within the ANIOD. ~~Nonetheless,~~ Plan guidance does not recommend such development in areas with projected aircraft noise exposures exceeding DNL ~~60~~ 65 dBA. Where new residential development ~~does occur~~ is considered in the DNL 60-65 dBA aircraft noise contours near Washington Dulles International Airport, the guidance found in Objective 4 of the Environment Element of the Comprehensive Plan Policy Plan **disclosure measures should be provided** should be followed. Figure 5 presents a map of the Dulles Airport noise contours as they relate to the boundaries of the Dulles Suburban Center. The DNL 65 dBA, DNL 70 dBA, and DNL 75 dBA contours reflect the greatest extent of these contours as displayed on several noise contour maps within the March, 1993 Addendum: FAR Part 150 Noise Compatibility Program, Washington Dulles International Airport prepared for the Metropolitan Washington

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Airports Authority (MCAA). ~~The DNL 60 dBA contour was taken from the long term potential DNL 60 dBA contour map provided to the county by MCAA.~~”

Modify: Proposed Revisions as contained in Staff Report dated April 27, 2022, Page 44:

“Land Unit H

Land Unit H also contains the Meadows of Chantilly Mobile Home Park. The mobile home park provides important affordable housing; a portion of this community is located within the DNL 65-70 dBA noise contour associated with projected operations at Dulles Airport. ~~however, the majority of this community is located inside the DNL 60 dBA noise contour associated with projected operations at Dulles Airport.~~

...

4. The Meadows of Chantilly Mobile Home Park is a viable residential area. This residential neighborhood should be protected; transitional screening requirements on adjacent industrially planned parcels should neither be waived nor modified. ~~The Meadows of Chantilly Mobile Home Park should not be **expanded** because it is largely within the airport noise impact area. If the Mobile Home Park is redeveloped to other uses, then relocation assistance to the tenants of the park should be provided in accord with the guidelines of the Policy Plan.~~”

Board Agenda Item
June 28, 2022

4:00 p.m.

Public Comment on Issues of Concern