

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 10, 2022**

AGENDA

9:30	Done	Presentations
9:30	Adopted	Board Adoption of the FY 2023 Budget Plan
9:30	Done	Matters Presented by Board Members
9:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Extension of Review Period for 2232 Application (Mason District)
2	Approved	Streets into the Secondary System (Hunter Mill and Providence Districts)
3	Approved	Proposed Addition of a Portion of Richmond Highway (U.S. Route 1) to the Primary System of State Highways (Mount Vernon District)
4	Approved	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Olin Drive, Munson Hill Road and Row Street (Mason District)
5	Approved	Authorization for the Department of Transportation to Apply for Grant Funding from the United States Department of Transportation's 2022 Multimodal Project Discretionary Grant Program (Lee, Mount Vernon, and Springfield Districts)

ACTION ITEMS

1	Approved	Board Endorsement of Post Forest Drive and Random Hills Road Shared-Use Path Project (Braddock and Springfield Districts)
2	Approved	Approval of Fairfax Connector Shuttle to Wolf Trap Performances: Third Amendment Extending the Term of the Existing License Agreement (Hunter Mill District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 10, 2022**

**ACTION ITEMS
(continued)**

- | | | |
|---|-----------------|--|
| 3 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority to Approve the Financing Plan for the Redevelopment of the Little River Glen Project, Which Includes i) the Issuance of Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$40,000,000; ii) the Approval of the Seller Takeback Note not to Exceed \$19,000,000 in Fairfax, Virginia; and iii) Approval of the Creation of LRG Apartments Limited Partnership and LRG Limited Liability Company (Braddock District) |
| 4 | Approved | Board Endorsement of Safe Streets for All Program |

**CONSIDERATION
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Approval of Amendments to the Fairfax County History Commission Bylaws |
| 2 | Approved | Approval of Amendments to the Architectural Review Board Bylaws |

**INFORMATION
ITEMS**

- | | | |
|---|--------------|--|
| 1 | Noted | Fairfax-Falls Church Community Services Board Fee Schedule |
|---|--------------|--|

CLOSED SESSION

Done Closed Session

**PUBLIC
HEARINGS**

- | | | |
|------|--------------------------------------|--|
| 3:30 | Approved | Public Hearing on PCA 2009-MV-018 (Scannell Properties #117, LLC and Scannell Properties #82, LLC) (Mount Vernon District) |
| 3:30 | Approved | Public Hearing on SE 2021-SP-008 (Burke Community Church), (Springfield District) |
| 3:30 | Decision Deferred to 6/7/2022 | Public Hearing on SEA 84-V-035-03 (Huntwood, L.L.C.) (Mount Vernon District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 10, 2022**

**PUBLIC
HEARINGS
(continued)**

3:30	Approved	Public Hearing on SEA 2021-PR-00200 (FFI Virginian Owner LLC) (Providence District)
4:00	Approved	Public Hearing on PCA/CDPA 2005-LE-021 (Truealty Van Dorn, LLC) (Lee District)
4:00	Approved	Public Hearing to Consider Proposed Amendment to the Uniformed Retirement System Ordinance
4:00	Approved	Public Hearing to Amend and Readopt the Large Area Community Parking Districts to Reflect 2021 Redistricting of Election/Magisterial Districts (Lee, Mason, Mount Vernon, and Springfield Districts)
4:00	Approved	Public Hearing for the De-Creation/Re-Creation of a Small and Local Sanitary District for the Removal of Vacuum Leaf Collection Services (Mount Vernon District)
4:30	Approved	Public Hearing on SE 2018-PR-014 (United Real Estate LLC) (Providence District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
May 10, 2022

9:30 a.m.

PRESENTATIONS

- PROCLAMATION — To designate May 9-15, 2022 as National Salvation Army Week. Requested by Supervisor Walkinshaw and Supervisor Smith.
- RESOLUTION — To recognize the Langley High School Saxons Club ice hockey team for winning the Northern Virginia School Hockey League championship. Requested by Chairman McKay and Supervisor Foust.
- PROCLAMATION — To designate May 2022 as Teacher Appreciation Month. Requested by Chairman McKay.
- PROCLAMATION— To designate May 2022 as Lyme Disease Awareness Month. Requested by Supervisor Herrity.
- PROCLAMATION— To designate May 2022 as Fight the Bite Awareness Month. Requested by Supervisor Herrity.

STAFF:

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

Board Agenda Item
May 10, 2022

9:30 a.m.

Board Adoption of the FY 2023 Budget Plan

ENCLOSED DOCUMENTS:

Attachment 1 - FY 2023 Budget package will be available online on Tuesday, May 10, 2022, at: <http://www.fairfaxcounty.gov/budget>

STAFF:

Bryan J. Hill, County Executive

Christina Jackson, Chief Financial Officer

Philip Hagen, Deputy Director, Department of Management and Budget

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May 10, 2022

9:30 a.m.

Matters Presented by Board Members

Board Agenda Item
May 10, 2022

9:30 a.m.

Items Presented by the County Executive

Board Agenda Item
May 10, 2022

ADMINISTRATIVE - 1

Extension of Review Period for 2232 Application (Mason District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2022-MA-00004.

TIMING:

Board action is requested on May 10, 2022, and is required by May 11, 2022, to extend the review period for the application noted above before its expiration date.

BACKGROUND:

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

PROJECT DESCRIPTION:

Replacement of the Patrick Henry Shelter from a 9,500 square feet facility to a 24,000 square feet facility.

The review period for the following application should be extended:

Board Agenda Item
May 10, 2022

2232-2022-MA-00004 Board of Supervisors
Patrick Henry Shelter
Tax Map No. 51-3 ((36)) 101, 51-3 ((36)) 102, 51-3 ((36))
201, 51-3 ((36)) 202, 51-3 ((36)) 301, 51-3 ((36)) 302, 51-3
((36)) (80) 101, 51-3 ((36)) (80) 102, 51-3 ((36)) (80) 201,
and 51-3 ((36)) (80) 202
3080 Patrick Henry Drive, Falls Church, VA
Mason District
Accepted March 12, 2022
Extended to August 10, 2022

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive
Barbara A. Byron, Director, Department of Planning and Development (DPD)
Michelle K. Stahlhut, Chief, Facilities Planning Branch, Planning Division (PD), DPD
Salem Bush, Planner, Facilities Planning Branch, PD, DPD

Board Agenda Item
May 10, 2022

ADMINISTRATIVE - 2

Streets into the Secondary System (Hunter Mill and Providence Districts)

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>
Oakton Hollows	Hunter Mill	Coulter Lane
Eskridge Road	Providence	Eskridge Road

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: 0561-SP-002</p>		
	<p>SUBDIVISION PLAT NAME: Eskridge Road</p>		
	<p>COUNTY MAGISTERIAL DISTRICT: Providence</p>		
<p>VDOT PERMITS MANAGER: Robert H. Burton</p> <p>BY: <u>Nadia Alphonse</u></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>02/28/2022</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Eskridge Road **	CL Lee Highway, Route 29 - 1.285' W CL Gallows Road, Route 650	1,913' S to Existing Eskridge Road	0.36
NOTES:			TOTALS:
** VDOT Maintenance Limit ends at 18" behind the face of curb on each side of the road.			0.36

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<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 THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 1644-SD-01</p> <p>SUBDIVISION PLAT NAME: Oakton Hollows</p> <p>COUNTY MAGISTERIAL DISTRICT: Hunter Mill</p>
<p>ENGINEERING 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>DATE OF VDOT INSPECTION APPROVAL: <u><i>03/01/2022</i></u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Coulter Lane	CL Stuart Mill Road, Route 669 - 723' SW CL Oakmont Court, Route 7539	450' N to Beginning of Temporary Turnaround	0.09

NOTES:	TOTALS:
	0.09

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May 10, 2022

ADMINISTRATIVE - 3

Proposed Addition of a Portion of Richmond Highway (U.S. Route 1) to the Primary System of State Highways (Mount Vernon District)

ISSUE:

Board adoption of the attached resolution supporting the addition of a portion of Richmond Highway to the Primary System of State Highways.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) supporting that a portion of Richmond Highway (Attachment II) be added to the Primary System of State Highways pursuant to Virginia Code Section §33.2-310.

TIMING:

Routine.

BACKGROUND:

The Virginia Department of Transportation (VDOT) requests the support for the addition of a portion of Richmond Highway to the Primary System of State Highways as part of the completion of VDOT construction project #0001-029-001 C501. This project realigned Richmond Highway (U.S. Route 1) and a portion of Woodlawn Road. The subject portion of Richmond Highway to be added to the Primary System of Highways is currently constructed and in use.

The Fairfax County Department of Transportation (FCDOT) requests Board adoption of the attached resolution to facilitate the addition of the portion of Richmond Highway (Attachment III) into the Primary System of State Highways.

FISCAL IMPACT:

None.

Board Agenda Item
May 10, 2022

ENCLOSED DOCUMENTS:

Attachment I: Resolution
Attachment II: Exhibit Depicting the Addition
Attachment III: Richmond Highway Road Link Sheet
Attachment IV: Location Map

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Division Chief, FCDOT-Site Analysis & Transportation Planning Division
Gregory Fuller Jr., Section Chief, FCDOT-Site Analysis Section (SAS)
Michelle Guthrie, Transportation Planner III, FCDOT-SAS
Jeffrey Edmondson, Transportation Planner II, FCDOT-SAS

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center in Fairfax, Virginia, on May 10, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the construction and improvement of a portion of Richmond Highway (U.S. Route 1) is complete; as indicated and as shown on the exhibit titled “FAIRFAX COUNTY Route 1, Project: 0001-029-001 C501” and dated August 2021, inserted as **Attachment II** of this document,

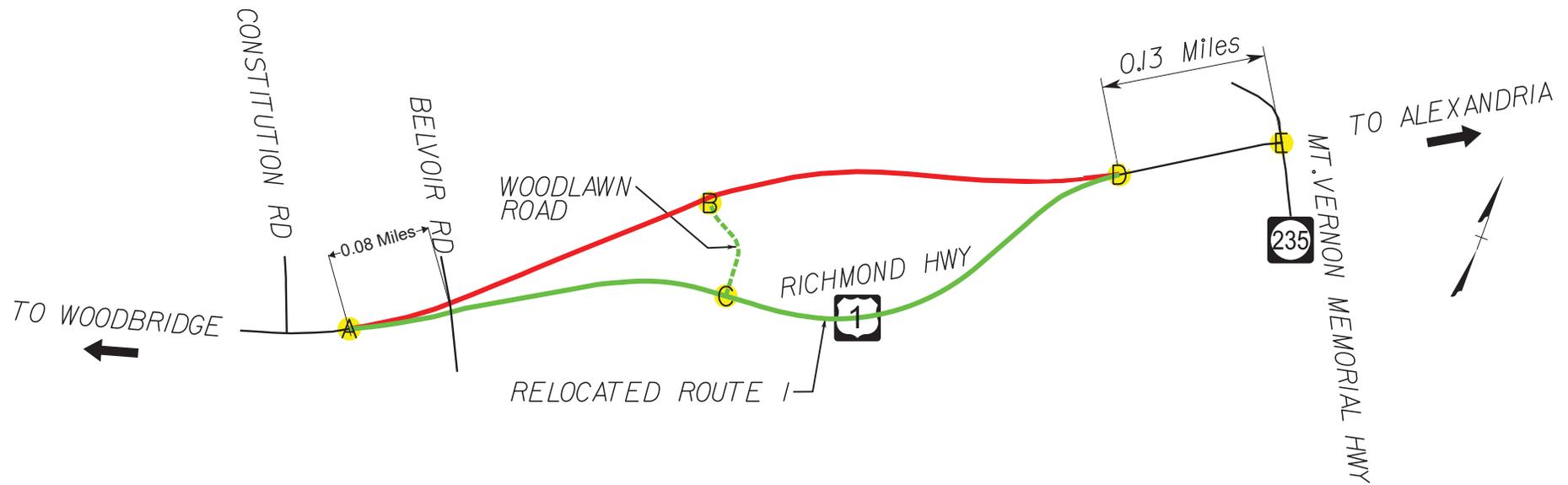
AND WHEREAS, the Virginia Department of Transportation will add the realigned and improved portion of Richmond Highway, U.S. Route 1, to the Primary System of State Highways pursuant to the Code of Virginia Section §33.2.310,

NOW THEREFORE BE IT RESOLVED, that this Board hereby supports the addition to the Primary System as depicted on the Attachment II.

ADOPTED this 10th day of May, 2022.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Fairfax County Letter of Support Date: _____
 VDOT Acceptance Date: _____
 Maintenance AHQ: 7 Newington

Fairfax County - Mount Vernon District
 Tax Map 109-1 & 109-2
 DB 27014 PG 828 - 862

ROUTE	ACTION	SEGMENT	LENGTH
Route 1	Abandonment	A to D	0.64 Miles
Route 1	Addition	A to C	0.30 Miles
Route 1	Addition	C to D	0.36 Miles
Woodlawn Road	Addition	C to B	0.09 Miles

VDOT
 Northern Virginia District
 AUGUST, 2021

UPC 103073

SCALE
 0 200' 400'

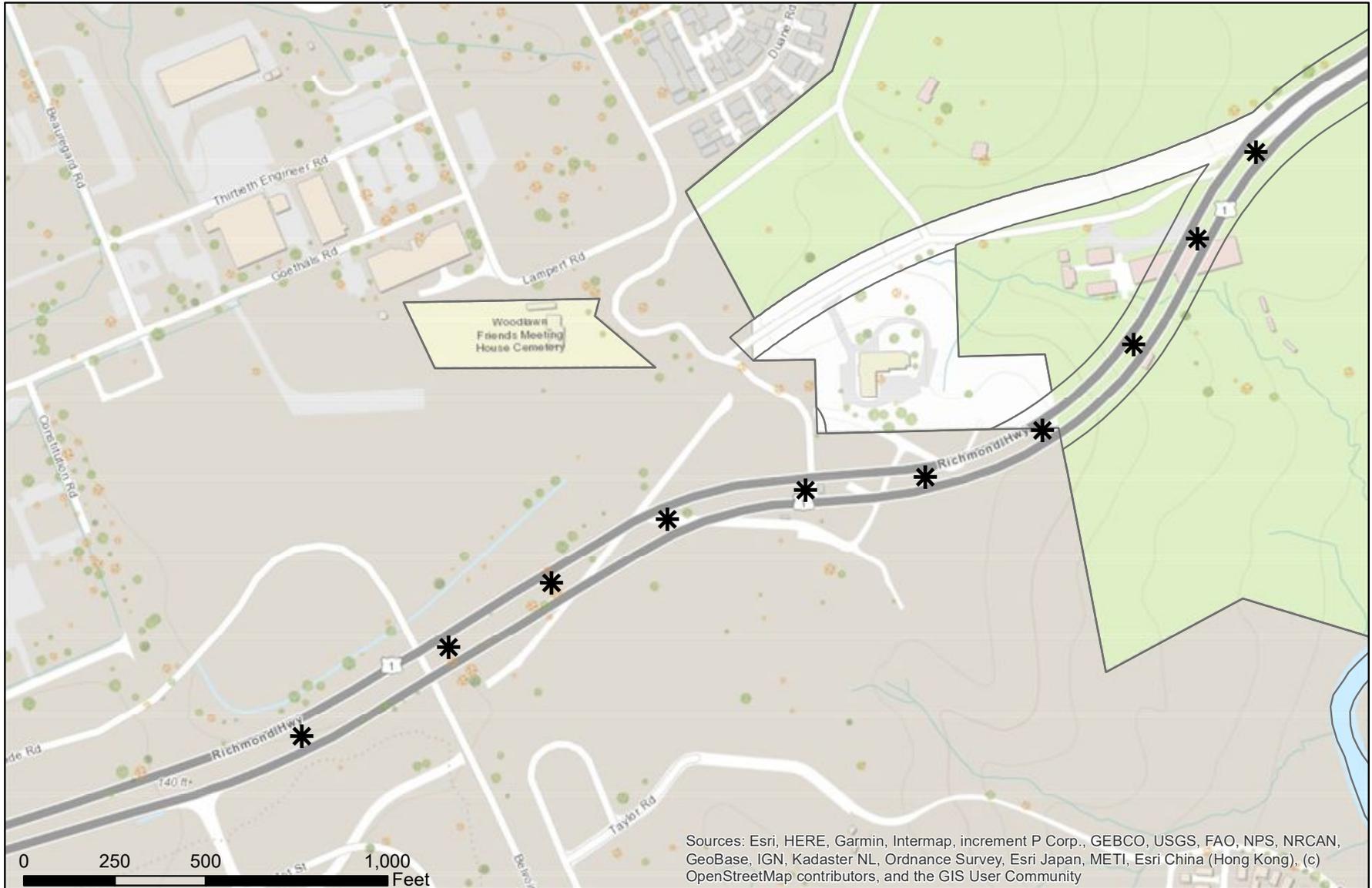
FAIRFAX COUNTY
 Route 1, Project: 0001-029-001
 Changes to Primary and Secondary Systems

- Segment of Primary to be Abandoned
- Segment of Primary to be Added
- - - - Segment of Secondary to be Added

Route 1 Addition

Mount Vernon District

ATTACHMENT IV



Tax Map Number: 109-2

*** Symbol Denotes Area of Street to be Added**

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Olin Drive, Munson Hill Road and Row Street (Mason District)

ISSUE:

Board authorization to advertise a public hearing, to be held on Tuesday, June 7, 2022, at 4:00 p.m., for the purpose of endorsing the following roads to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Olin Drive, a portion of Munson Hill Road, and Row Street between Arlington Boulevard (Route 50) Service Road and Leesburg Pike (Route 7)

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Olin Drive, Munson Hill Road (a portion) and Row Street between Arlington Boulevard (Route 50) Service Road and Leesburg Pike (Route 7), to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on May 10, 2022, to provide sufficient time for advertisement of the proposed public hearing scheduled for June 7, 2022, at 4:00 p.m.

BACKGROUND:

On June 1, 2021, the Mason District Supervisor's Office requested that staff work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Olin Drive, Munson Hill Road (a portion) and Row Street between Arlington Boulevard Service Road and Leesburg Pike. The request stemmed from safety concerns of residents in the area related to increased truck traffic utilizing these roadway segments as a shortcut after a weight restriction was removed from a bridge on Olin Drive. A possible alternate route, starting at Row Street and Leesburg Pike, traveling along Leesburg Pike to the intersection of Leesburg Pike and Patrick Henry Drive, continuing on Patrick Henry Drive to the intersection of Patrick Henry Drive and Arlington Boulevard Service Road, and then continuing on Arlington Boulevard Service Road to the intersection of Arlington Boulevard Service Road and Olin Drive (Attachment I), has been identified.

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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 Olin Drive, Munson Hill Road and Row Street

STAFF:

Rachel Flynn, Deputy County Executive

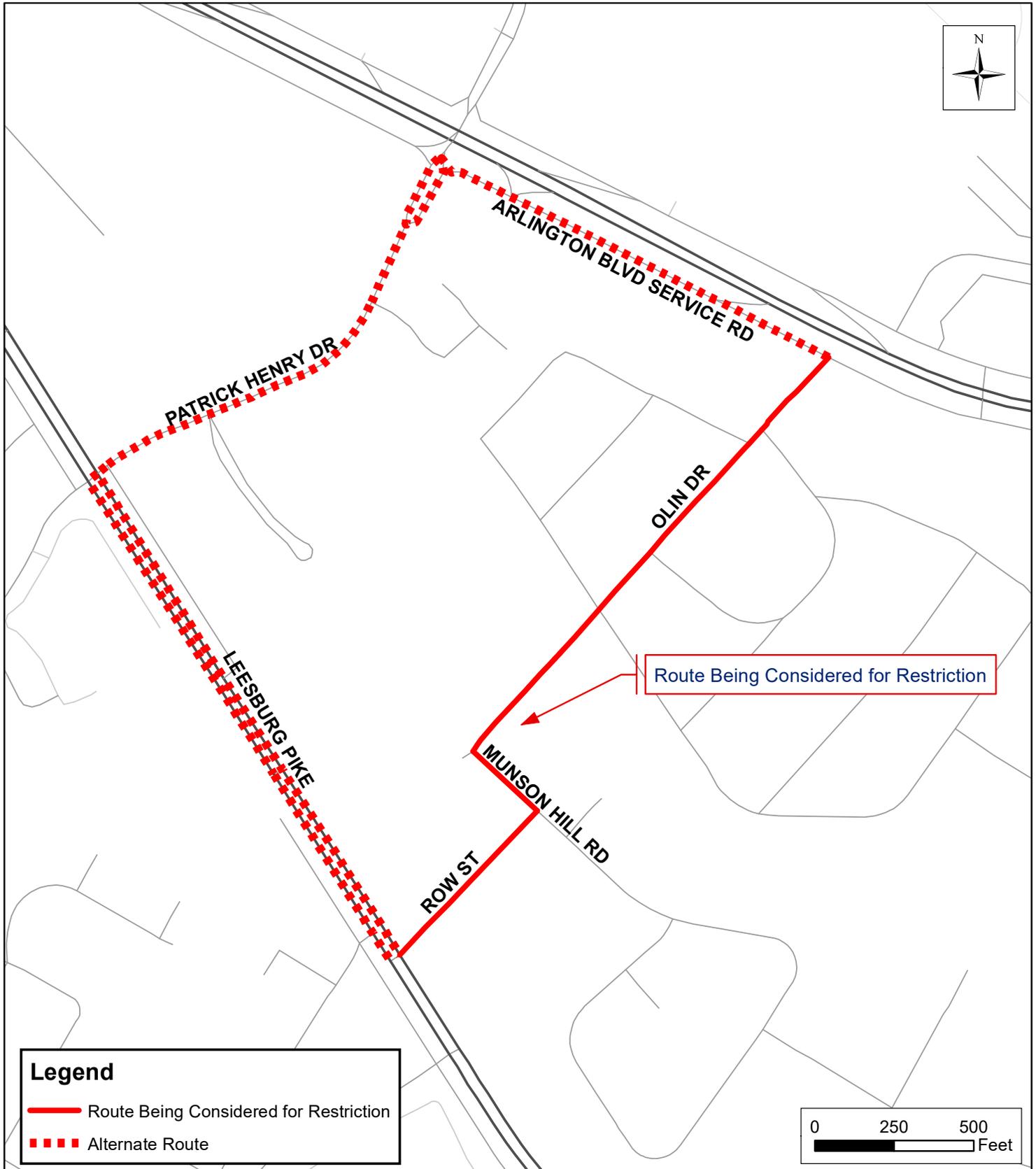
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Gregg Steverson, Deputy Director, FCDOT

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

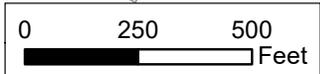
Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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



Legend

- Route Being Considered for Restriction
- - - Alternate Route



Tax Map: 51-3, 51-4, 61-1, 61-2

April 2022

Fairfax County Department of Transportation
Residential Traffic Administration Program
Through Truck Restriction Map
Olin Drive, Munson Hill Road, Row Street
Mason District



RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
THROUGH TRUCK TRAFFIC RESTRICTION
OLIN DRIVE, MUNSON HILL ROAD AND ROW STREET
MASON 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, June 7, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents who live along Olin Drive, Munson Hill Road and Row Street, between Arlington Boulevard (Route 50) Service Road and Leesburg Pike (Route 7), have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

WHEREAS, a reasonable alternate route has been identified for Olin Drive, Munson Hill Road and Row Street starting at Row Street and Leesburg Pike, traveling along Leesburg Pike to Patrick Henry Drive, continuing on Patrick Henry Drive to Arlington Boulevard Service Road, and then continuing on Arlington Boulevard Service Road to Olin Drive; and

WHEREAS, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction 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 Olin Drive, a portion of Munson Hill Road, and Row Street, between Arlington Boulevard Service Road and Leesburg Pike, 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 7th day of June, 2022.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
May 10, 2022

ADMINISTRATIVE - 5

Authorization for the Department of Transportation to Apply for Grant Funding from the United States Department of Transportation's 2022 Multimodal Project Discretionary Grant Program (Lee, Mount Vernon, and Springfield Districts)

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for grant funding from the United States Department of Transportation's (USDOT) Multimodal Project Discretionary Grant Program opportunity. The requested grant funding amount of up to \$150 million would be used for the implementation of the Richmond Highway Widening project (Sherwood Hall Lane to Jeff Todd Way, up to \$100 million), and the Fairfax County Parkway at Popes Head Road Interchange project (up to \$50 million). A 20 percent Local Cash Match (LCM) of up to \$30 million is required if both grants are awarded. Northern Virginia Transportation Authority (NVTA) 70 percent regional funding, currently programmed for both projects, will be used to satisfy the LCM requirement. The grant submission deadline is May 23, 2022, and awards should be made this fall. There are no positions associated with this grant funding. If awarded, staff will return to the Board requesting approval of grant agreements.

The project applications require a project endorsement resolution (Attachment 1) from the local governing body; therefore, Board approval of Attachment 1 (in substantial form) is also requested.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the FCDOT to apply for grant funding from the USDOT in an amount up to \$150 million for the Richmond Highway Widening project (up to \$100 million), and the Fairfax County Parkway at Popes Head Road Interchange project (up to \$50 million).

TIMING:

Board approval is requested on May 10, 2022, to meet the USDOT deadline of May 23, 2022.

BACKGROUND:

The USDOT has recently published a Notice of Funding Opportunity (NOFO) for \$2.9 billion in grant funding under the Infrastructure Investment and Jobs Act (IIJA). Under this NOFO, three major discretionary grant programs will be combined into one Multimodal Projects Discretionary Grant (MPDG) opportunity. The three discretionary grant programs are Infrastructure for Rebuilding America (INFRA), National Infrastructure Project Assistance (MEGA), and Rural Surface Transportation Grant Program (RURAL). Staff is proposing to apply for funding through MPDG, which would allow our project submissions to be considered for INFRA and MEGA funding. Fairfax County does not qualify for the RURAL program. Up to 60 percent of a project's costs are eligible for federal INFRA or MEGA funding, and total federal funding is capped at 80 percent.

The existing INFRA program seeks to advance the Administration's priorities of rebuilding America's infrastructure and creating jobs by funding highway, multimodal freight, and rail projects. Projects should improve safety, generate economic benefits, reduce congestion, enhance resiliency, eliminate supply chain bottlenecks and improve critical freight movements. Approximately \$1.55 billion will be made available through this NOFO.

The MEGA program was recently created IIJA to fund major projects that are too large or complex for traditional funding programs. The program provides grants on a competitive basis to support multijurisdictional projects of national or regional significance that may also cut across multiple modes of transportation. Eligible projects could include highway, bridge, freight, port, passenger rail, and public transportation projects of national and regional significance. Successful projects will emphasize equity, emissions reduction, and improving environmental justice. USDOT will award 50 percent of funding to projects greater than \$500 million in cost, and 50 percent to projects greater than \$100 million but less than \$500 million in cost. The program will receive up to \$1 billion this year alone and be able to provide multi-year funding to projects.

Some of the eligible project types for both INFRA and MEGA programs include:

- a highway freight project carried out on the National Highway Freight Network (23 U.S.C. 167)
- a highway or bridge project carried out on the National Highway System (NHS) including projects that add capacity on the Interstate System to improve mobility or projects in a national scenic area
- a railway-highway grade crossing or grade separation project; or
- a freight project.

The INFRA program emphasizes project readiness and will consider factors influencing

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readiness (based on the status of an environmental review), and a construction start date within 18 months of obligation of INFRA funds. The MEGA program has its own requirements, and financial capacity to carryout construction and cover cost increases is critical. Due to these requirements, staff recommends submitting applications through the MPDG program and requesting consideration for INFRA and MEGA funding. The funding request is up to \$100 million for Richmond Highway Widening, and up to \$50 million for the Fairfax County Parkway at Popes Head Road Interchange projects. The project descriptions, and funding breakdown is provided in Attachment 2. Although Attachment 2 shows the interchange project as fully funded, the Virginia Department of Transportation is currently reviewing the cost estimate, and an increase is anticipated. This funding request for the interchange project is intended to address any cost increases on the interchange project.

FISCAL IMPACT:

Grant funding in an amount up to \$150 million is being requested from the USDOT for the design and construction of the Richmond Highway Widening project (up to \$100 million) and the Fairfax County Parkway at Popes Head Road Interchange project (up to \$50 million). A Local Cash Match of up to \$30 million would be required if both grants are received. NVTVA 70 percent regional funding for both projects would be used to satisfy the LCM requirement. This grant does not allow for the recovery of indirect costs. If grant funding is awarded, staff will return to the Board requesting approval of grant agreements, including agreements with the Virginia Department of Transportation (VDOT), which would receive the grant funds and regional funds to administer both projects on behalf of the County.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant request.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution for Project Endorsement

Attachment 2 – Project Descriptions

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STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

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

Lisa Witt, Chief, Administration Services, FCDOT

Michael Guarino, Chief, Capital Projects Section, FCDOT

Ray Johnson, Chief, Funding Section, FCDOT

Christina Cain, Funding Section, FCDOT

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, May 10, 2022, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves submissions to the United States Department of Transportation's Multimodal Project Discretionary Grant Program for up to \$100 million in funding for the Richmond Highway Widening project (Sherwood Hall Lane to Jeff Todd Way), and up to \$50 million in funding for the Fairfax County Parkway at Popes Head Road Interchange project.

Adopted this 10th day of May 2022, Fairfax, Virginia

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

Richmond Highway Widening Project and Funding

Description: The Richmond Highway widening project is 3.1 miles in length and is located between Jeff Todd Way and Sherwood Hall Lane. This project will provide a six lane facility complementing the recently completed Richmond Highway project from Telegraph Road to Jeff Todd Way. This project includes pedestrian and bicycle facilities and preserves right-of-way for future Bus Rapid Transit (BRT). This segment is the last stretch of four lane Richmond Highway in Fairfax County.

COST ESTIMATE*	PROGRAMMED FUNDING	FUNDING GAP & PROPOSED SOURCES	FUNDING SOURCES
\$453,600,000	\$248,388,000 \$92,200,000 \$10,000,000 \$3,300,000 \$2,200,000	\$20,000,000	NVTA 70% (FY 15-16, 18-23, 20-25) RSTP (Federal)** Revenue Sharing Local Funds (C&I)
		\$77,512,000	<i>SMART SCALE, NVTA 70%, and/or Federal Discretionary Sources</i>
TOTAL	\$356,088,000	\$97,512,000	

Italics indicates funding gaps and potential funding sources to address funding gaps. FCDOT applied for \$60.2 million to NVTA for FY 22-27 regional funding. NVTA's Board will not act on the FY 22-27 until July 2022. FCDOT staff should have a better idea if this project will receive NVTA funding prior to the INFRA/MEGA submission date of May 23. If NVTA funding is likely to be awarded, staff will adjust the INFRA/MEGA request down to approximately \$20 million.

*Cost estimates subject to refinement as project design progresses.

**There is an additional \$20M in FY28 RSTP that has been approved by NVTA's Board. CTB approval is anticipated Summer 2022.

Fairfax County Parkway at Popes Head Road Interchange Project and Funding

Description: Construction of an interchange at the intersection of Fairfax County Parkway, Popes Head Road and future Shirley Gate Road Extension. The project includes a grade-separated interchange in the vicinity of the Popes Head Road intersection and the future Shirley Gate Road extension. The project will provide for the future connection to Shirley Gate Road to the east, which was identified to improve regional north-south travel in this area of the County and alleviate congestion along the parallel Route 123 to the east. It is anticipated that the Shirley Gate Road extension will be built as a separate project after the interchange project is completed; however, the portion of the roadway from Fairfax County Parkway to the future Fairfax County Park Access Road entrance would be built as part of the interchange project. The project also includes shared use paths on Fairfax County Parkway.

COST ESTIMATE*	PROGRAMMED FUNDING	FUNDING GAP & PROPOSED SOURCES	FUNDING SOURCES
\$87,600,000	\$37,030,000		NVTA 70% (FY 15/16, 17, 18-23)
	\$50,570,000		Smart Scale
		<i>TBD</i>	<i>Federal Discretionary Sources</i>
TOTAL	\$87,600,000	<i>TBD</i>	

Italics indicates funding gap. VDOT is currently reviewing the cost estimate, and an increase is likely. Staff will adjust the INFRA/MEGA request to satisfy this funding gap.

*Cost estimates subject to refinement as project design progresses.

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ACTION - 1

Board Endorsement of Post Forest Drive and Random Hills Road Shared-Use Path Project (Braddock and Springfield Districts)

ISSUE:

Board endorsement of the Virginia Department of Transportation (VDOT) Design Public Hearing plans for the Post Forest Drive and Random Hills Road Shared-Use Path Project.

RECOMMENDATION:

The County Executive recommends that the Board endorse the design plans for the Post Forest Drive and Random Hills Road Shared-Use Path Project administered by VDOT as generally presented at the December 14, 2021, Design Public Hearing and authorize the Director of the Fairfax County Department of Transportation (FCDOT) to transmit the Board's endorsement to VDOT (Attachment 1).

TIMING:

The Board should take action on this matter on May 10, 2022, to allow VDOT to proceed with final design plans to keep the project on schedule.

BACKGROUND:

The purpose of this project is to add a ten-foot-wide Shared-Use Path (SUP) along Post Forest Drive and Random Hills Road to connect the existing SUPs at each end of the project. This project is a part of the I-66 Parallel Trail which will run from Gallows Road to Centreville. The project will complete an off-corridor segment of the I-66 Parallel Trail, connecting bicyclists and pedestrians to the Monument Drive Transit Center that is currently under construction. It will improve pedestrian safety, accessibility, and connectivity along I-66 bicycle and connect to the local pedestrian network.

Post Forest Drive (Route 7435) and Random Hills Road (Route 656) are undivided urban major collectors in Fairfax County. Both roadways have some existing pedestrian and cyclist accommodations, but they lack connectivity to adjacent facilities. The project will build a ten-foot-wide shared use path along Post Forest Drive from just west of Black Ironwood Drive to Random Hills Road and then along Random Hills Road to the Monument Drive Commuter Parking Garage and Transit Center. To accommodate the ten-foot-wide shared-use path, the bike lanes on Post Forest Drive will be removed, and

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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 curb ramps.

After the public hearing, the following modification is being incorporated into the final design:

“A new storm drain bypass system is proposed to meet the stormwater requirements for the project. The bypass system will utilize one inlet on Random Hills Road and a series of manholes to convey runoff away from Random Hills and into the I-66 system.”

PUBLIC HEARING COMMENTS:

In accordance with the Code of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Design Public Hearing was held on Tuesday, December 14, 2021. Thirteen residents attended the Design Public Hearing. VDOT received 11 combined written and oral comments received. The comments were generally in favor of the project, and none opposed the project. A copy of the Design Public Hearing brochure is attached (Attachment 2). The comments are currently being addressed by VDOT.

Summary of public hearing comments received:

- Two emailed comments provided support for the project.
- Five comments were related to the roadway design about travel lane configuration, shared-use path, and bike lane under Monument Drive Bridge.
- One comment was related to the roadway design of the curb ramps.
- One comment was related to traffic with wayfinding for the I-66 Parallel Trail.
- One comment was related to traffic with dedicated signalized left turn lane at the intersection of Post Forest Drive and Random Hill / Legato Road.
- One comment was related to programming on the pending funding.

After reviewing the project design plans, County staff recommends that the Board of Supervisors endorse the plans.

PROJECT SCHEDULE:

Virtual Public Hearing Meeting:	December 14, 2021
Design Approval:	Spring 2022
Begin ROW Acquisition and Utility relocation:	Early 2023
Construction Begins:	Early 2025
Construction Ends:	Early 2026

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FISCAL IMPACT:

The total project estimate is approximately \$9.2 Million and will be funded partly by Regional Surface Transportation Program funding (\$1,750,000) and Congestion Mitigation and Air Quality funding (\$3,130,000) totaling \$4,880,000. The County has identified the additional funding required to fully fund the project in the amount of \$3.76 million in Fund 40010, County and Regional Transportation Projects, in Project 2G40-001-000, Construction Reserve, and \$603,257 in Fund 30040, Contributed Roadway Improvements. No impact to the general fund is expected.

ENCLOSED DOCUMENTS:

Attachment 1: Letter transmitting Board of Supervisors' Endorsement of the Post Forest Drive and Random Hills Road Shared-Use Path Project

Attachment 2: December 14, 2021, Design Public Hearing Brochure

STAFF:

Rachel Flynn, Deputy County Executive

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

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

Michael J. Guarino, Chief, Capital Projects Section (CPS), FCDOT

Tad Borkowski, Transportation Planner IV, CPS, FCDOT

Nick Alexandrow, Transportation Planner III, CPS, FCDOT

Will Steinhilber, Transportation Planner II, CPS, FCDOT



County of Fairfax, Virginia

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

Mr. John D. Lynch, P.E.
District Administrator
Northern Virginia District
Virginia Department of Transportation
4975 Alliance Drive
Fairfax, Virginia 22030

Subject: Board of Supervisors Endorsement of Post Forest Drive and Random Hills Road Shared-Use Path Project, UPC 117083

Dear Mr. Lynch:

On May 10, 2022, the Fairfax County Board of Supervisors endorsed the design plans of Post Forest Drive and Random Hills Road Shared-Use Path, as presented at the December 14, 2021, virtual public hearing. This project will add a ten-foot-wide Shared-Use Path (SUP) along Post Forest Drive and Random Hills Road to connect the existing SUPs at each end of the project. The project also includes pedestrian improvements at West Ox Road/Post Forest Drive and Post Forest Drive/Random Hills Road intersections including crosswalks on all four legs and installing curb ramps. The project is an off-corridor segment of the I-66 Parallel Trail, connecting bicyclists and pedestrians to the Monument Drive Commuter Parking Garage and Transit Center.

Please call Will Steinhilber at (703) 877-5783 or me at (703) 877-5663, if you have any questions or need additional information. Thank you for your assistance with this important project.

Sincerely,

Tom Biesiadny
Director

cc: Members, Board of Supervisors
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Andrew Beacher, Manager, Preliminary Engineering, VDOT
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



VIRTUAL DESIGN PUBLIC HEARING

Join Us Online

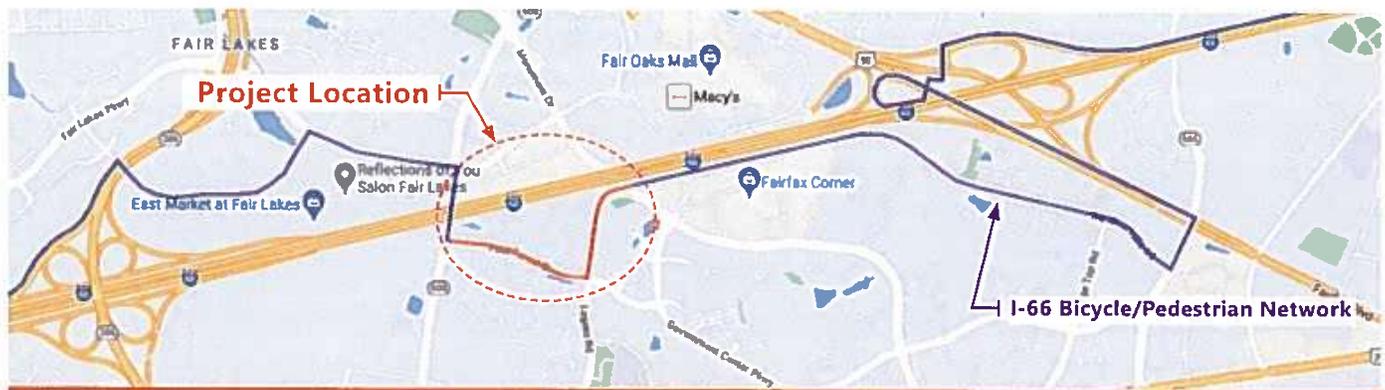
Tuesday, December 14, 2021 at 7 p.m.



Learn about VDOT's Post Forest Drive and Random Hills Road Shared-Use Paths Project

Find out about planned improvements along Post Forest Drive from West Ox Road to Random Hills Road, and along Random Hills Road from Post Forest Drive to Monument Drive to improve bicyclist and pedestrian safety, accessibility and connectivity to the I-66 bicycle/pedestrian network. The sidewalk along the south side of Post Forest Drive will be upgraded to a ten-foot-wide shared-use path from just west of Black Ironwood Drive to Random Hills Road. In order 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 existing sidewalk along the east side of Random Hills Road will be upgraded to a ten-foot-wide shared-use path from Post Forest Drive to the existing shared-use path just beyond the Monument Drive overpass. The project also includes pedestrian improvements at the West Ox Road/Post Forest Drive and Post Forest Drive/Random Hills Road intersections.





Northern Virginia District
4975 Alliance Drive
Fairfax, VA 22030

This public hearing is an opportunity for residents and stakeholders to learn about the project and proposed design plans. To participate in the virtual design public hearing register online at virginiadot.org/PostForest.

GIVE YOUR COMMENTS BY JANUARY 3, 2022

- **Online:** During the virtual public hearing or via online comment form on the project website
- **Via Email: Meetingcomments@vdot.virginia.gov**
(please reference "Post Forest Drive and Random Hills Road Shared-Use Paths" in the subject line)
- **By Mail:** Ms. Hong Ha, P.E., Virginia Department of Transportation, 4975 Alliance Drive, Fairfax, VA 22030
- **In Person by Request:** During business hours at VDOT's Northern Virginia District Office, 4975 Alliance Drive, Fairfax VA 22030. Please call ahead at (703) 259-2907 or TTY/TDD 711 to make an appointment.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT Civil Rights at 703-259-1775.

Board Agenda Item
May 10, 2022

ACTION - 2

Approval of Fairfax Connector Shuttle to Wolf Trap Performances: Third Amendment Extending the Term of the Existing License Agreement (Hunter Mill District)

ISSUE:

Board approval of a Third Amendment to extend the term of the existing License Agreement between Fairfax County and the Wolf Trap Foundation for the Performing Arts that permits Fairfax Connector buses to board and discharge passengers at a designated bus stop within Wolf Trap premises.

RECOMMENDATION:

The County Executive recommends that the Board approve, in substantial form of Attachment 1, the Third Amendment to the existing License Agreement (Attachment 2) between Fairfax County and the Wolf Trap Foundation for the Performing Arts; and authorize the Director of the Fairfax County Department of Transportation to execute the Third Amendment on behalf of Fairfax County.

TIMING:

Board action is requested on May 10, 2022, to authorize Fairfax Connector bus service to serve Wolf Trap employees and patrons from May 2022 until May 31, 2027.

BACKGROUND:

In 2009, the County and the Wolf Trap Foundation for the Performing Arts entered into a License Agreement to operate bus service at the Wolf Trap Filene Center. The term of the original License Agreement has been extended twice. A Third Amendment is now required to extend the term of the License Agreement until May 31, 2027. This Third Amendment will permit Fairfax Connector buses to continue to access this major entertainment center and provide bus service to a significant number of the Wolf Trap Foundation for the Performing Arts employees and patrons.

As part of the Third Amendment, the parties will extend the term of the License Agreement for a period of five years.

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FISCAL IMPACT:

There is no fiscal impact from extending the term of the License Agreement. All costs of Connector bus service are reimbursed under the Operating Agreement between the parties.

ENCLOSED DOCUMENTS:

Attachment 1: Third Amendment to the Original License Agreement.

Attachment 2: Original License Agreement.

STAFF:

Rachel Flynn, Deputy County Executive

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

Dwayne Pelfrey, Chief, Transit Services Division, FCDOT

John Zarbo, Chief, Operations Section, FCDOT

Sarah Husain, Transportation Planner III, Operations Section, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

THIRD AMENDMENT TO LICENSE AGREEMENT

This Third Amendment to the License Agreement (“Third Amendment”) is made and entered into this ____ day of May 2022, by and between the Wolf Trap Foundation for The Performing Arts, as the authorized representative for the United States Department of the Interior with respect to the property known as Wolf Trap National Park (the “Licensor”), whose address is 1551 Trap Road, Vienna, Virginia 22182 and the Board of Supervisors of Fairfax County, Virginia (“the “Licensee”) whose address is 12000 Government Center Parkway, Fairfax, Virginia 22035. Each of the aforementioned parties shall be referred to hereinafter as a “Party.”

A. On April 20, 2009, the above-named parties entered into a License Agreement (referred to here as the “Agreement”).

B. The Agreement term was originally extended with a First Amendment dated February 9, 2010, and then a Second Amendment dated March 23, 2015. Licensor and Licensee desire to amend the terms of the Agreement to once more extend the term.

NOW THEREFORE, Licensor and Licensee agree to amend the terms and conditions of the Agreement as follows:

- B1. Section 4 of the Agreement is amended to provide that the License Period is extended for a period of five (5) years commencing on May ____, 2022, and terminating May 31, 2027, unless terminated earlier pursuant to the provisions of the Agreement.
- B2. In the event of any inconsistencies between this Third Amendment and the Agreement, the terms of this Third Amendment shall control.
- B3. This Third Amendment may be executed in any number of counterparts, all of which taken together shall constitute one agreement.
- B4. All requirements for funding by Fairfax County under the Agreement and this Third Amendment are subject to annual appropriations by the Board of Supervisors of Fairfax County, Virginia.
- B5. All other terms and conditions of said Agreement are hereby ratified and shall remain unchanged and in full force and effect.
- B6. All notices, demands, requests, consents, or other communications which the Agreement contemplates or requires or permits any Party to give to another Party shall be in writing and shall be personally delivered or sent by registered or certified mail, return receipt requested, addressed to the respective Party as follows:

Licensee: Fairfax County Government
Thomas Biesiadny, Director
Department of Transportation
County of Fairfax
4050 Legato Road, Suite 400
Fairfax, VA 22033

Licensor: Wolf Trap Foundation for the Performing Arts
Attn: Chris Eckert, Vice President
Wolf Trap Foundation for the Performing Arts Management Office
1645 Trap Road
Vienna, VA 22182

This Third Amendment is entered into as of the day and year first written above.

By: _____
Chris Eckert, Vice President
Authorized Representative on behalf of Licensor

Print Name

By: _____
Thomas Biesiadny, Director
Authorized Signatory on behalf of Licensee

Print Name

LICENSE AGREEMENT

This License Agreement ("Agreement") is entered into this DC) day of April, 2009, by and between Wolf Trap Foundation for The Performing Arts, as the authorized representative for the United States Department of the Interior with respect to the property known as Wolf Trap National Park, (Exhibit A) whose address is 1551 Trap Road, Vienna, Virginia 22182 and the Board of Supervisors of Fairfax County, Virginia ("Fairfax County") whose address is 12000 Government Center Parkway, Fairfax, Virginia 22035. The aforementioned shall be referred to hereinafter as ("Party").

RECITALS:

WHEREAS, Wolf Trap Foundation for the Performing Arts is the authorized representative for the owner of Wolf Trap National Park (Exhibit A) located at 1551 Trap Road, Vienna, VA 221 82, which includes, but is not limited to, portions of the surrounding parking lot and Trap Road entrance to the Wolf Trap Filene Center.

WHEREAS, Fairfax County is desirous of utilizing a specific portion of the ticket entrance area at the Wolf Trap Filene Center to operate a bus stop.

WHEREAS, Fairfax County acknowledges and agrees that the Parks and Recreational Area is and shall continue to be federal property.

WHEREAS, Wolf Trap Foundation for the Performing Arts acknowledges that a public transportation service to and from the Parks and Recreational Area results in a benefit to the Parks and Recreational Area's commercial enterprise.

NOW, THEREFORE, in consideration of the above recitals, which are hereby incorporated into this Agreement, and of the mutual covenants made by the Parties hereto, the Parties hereby agree as follows:

1. LICENSED PREMISES.

Wolf Trap Foundation for the Performing Arts hereby grants a non-exclusive license ("License") to Fairfax County for the purposes of utilizing its interest in the Trap Road portion of the facility and interior roadways within the Parks and Recreational Area, as designated on the attached Exhibits B1 and 132, so as to allow ingress and egress by Fairfax Connector bus coaches ("Coaches") as may be operated from time to time by private and or public entities on Fairfax County's behalf and of utilizing a portion of the Parks and Recreational Area ticket entrance area to operate the bus stop ("Bus Stop") as designated on attached Exhibits Bland B2 shall hereinafter be referred to as the ("Licensed Premises").

20 CONDITION OF LICENSED PREMISES.

- (a) Subject to its pre-acceptance inspection rights as set forth in paragraph (2) (b) below, Fairfax County shall accept the right to use the Licensed Premises granted herein in an "as is" condition and acknowledges and agrees that the Licensed Premises are adequate to meet Fairfax County's needs.
- (b) Fairfax County will be permitted to conduct a pre-acceptance inspection of the Licensed Premises. If, as a result of its pre-acceptance inspection, Fairfax County determines the existence of any unsafe conditions on the Licensed Premises, it shall promptly provide Wolf Trap Foundation for the Performing Arts with written notice of any unsafe condition, and, thereafter, Wolf Trap Foundation for the Performing Arts shall either remedy or cause to be remedied any such unsafe condition within 45 (forty-five) days from receipt of such written notice or shall give notice of cancellation of this License.
- (c) Upon expiration or termination of this Agreement, Fairfax County's License shall be extinguished, and Fairfax County shall leave the Licensed Premises and the Parks and Recreational Area in as good a condition as existed prior to its use of the Licensed Premises, normal wear and tear excepted.
- (d) In the event of any damage to the Licensed Premises and or to the Parks and Recreational Area caused by Fairfax County, then subject to annual appropriations by the Fairfax County Board of Supervisors, Fairfax County shall be responsible for all costs and expenses associated with the repairs, which shall be completed according to the full satisfaction of Wolf Trap Foundation for the Performing Arts.
- (e) Throughout the term of this License Agreement, the Wolf Trap Foundation for the Performing Arts agrees to maintain or cause to be remedied the Licensed Premises in a condition substantially similar to the condition agreed to by the parties upon final acceptance by Fairfax County after completion of the inspection provided in paragraph 2 (b) above, provided that the sole remedy of Fairfax County hereunder shall be termination of this Agreement on thirty (30) days notice.

3. PERMITTED USES.

The Licensed Premises shall be used solely and exclusively for the purpose of allowing Fairfax County Connector Buses to load and unload passengers only from its coaches at the designated Bus Stop and to utilize a portion of the interior roadways within the Parks and Recreational Area for the purpose of ingress and egress. Fairfax County acknowledges and agrees that the Parks and Recreational Area is not to be used as a "park and ride" location for passengers and for the parking and or storage of Coaches and or other vehicles and equipment. Fairfax County will, however, be permitted to use the Licensed Premises for "standing time" as required for the schedule adherence of the coaches. Fairfax County acknowledges and agrees that it will not use,

nor permit any of its employees to use, any other portion of the Parks and Recreational Area, except for the Licensed Premises, except as may be permitted by any future agreements to which Fairfax County and Wolf Trap Foundation for The Performing Arts may become parties.

4. TERM.

The term of this Agreement shall commence on 2009, and shall terminate one (1) year from such date ("License Period"), unless terminated earlier pursuant to the provisions of this Agreement.

5. PUBLIC TRANSPORTATION ROUTE.

Fairfax County shall only be permitted to enter and exit the Parks and Recreational Area according to Wolf Trap Foundation for the Performing Arts approved routings as indicated on the attached Exhibits B1 and B2, unless otherwise directed by authorized persons of Wolf Trap Foundation for the Performing Arts. Fairfax County shall be responsible for causing the operators of its coaches to utilize only such areas within the Licensed Premises for purposes of ingress and egress to and from the designated Bus Stop and within the Parks and Recreational Area.

Fairfax County shall not alter or modify the initial routings without the prior written consent of Wolf Trap Foundation for the Performing Arts. Fairfax Connector shall enter and exit the Parks and Recreational Area and Licensed Premises only according to those route numbers, days of operation, service levels and number of trips as designated on the attached Exhibits C and D. Notwithstanding anything herein to the contrary, it is understood that Fairfax County may be required, from time to time, to alter the routes and schedule to provide for a more efficient, cost-effective operation of the public transportation system. In such event, Fairfax Connector shall provide Wolf Trap Foundation for the Performing Arts with thirty 30 days prior written notice of its requested change, for which Wolf Trap Foundation for the Performing Arts shall not unreasonably withhold approval of such route and/or schedule changes.

6. NATURE OF LICENSE.

No legal title, easement or other possessory interest in real estate, including any leasehold interest in the Licensed Premises and/or the Parks and Recreational Area, or any appurtenances thereto, shall be deemed or construed to have been created or vested in Fairfax County by anything contained in this Agreement.

7. INSURANCE.

Subject to annual appropriations by the Fairfax County Board of Supervisors, throughout the License Period as may be applicable to Fairfax County's use of the Licensed Premises

hereunder. Fairfax County shall maintain the following minimum insurance coverage and shall be solely responsible for the payment of any deductible(s) contained in its insurance policies. Prior to the commencement of this Agreement and annually on the anniversary thereof, Fairfax County shall provide a certificate of insurance statement to Wolf Trap IFoundation for the Performing Arts that evidence the following:

(a) Commercial General Liability with the following minimum coverage and limits on a per location basis:

- \$2,000,000 Per Occurrence for bodily injury and property damage
- \$2,000,000 General Aggregate

(b) Commercial Auto Liability insurance — in compliance with any and all statutes requiring such coverage in the State of Virginia, covering employees.

Fairfax County shall obtain and keep in force throughout the duration of this agreement a Commercial General Liability Insurance policy in the limit of \$2,000,000 per occurrence and in aggregate, and an excess coverage with a \$10,000,000 limit. Claims, suits or actions brought on account of any injury or damage sustained to any person, or to the property of any person, while utilizing the Fairfax Connector buses or as a direct result of utilizing the Fairfax Connector buses should be directed to:

Virginia Transit Liability Pool c/o
The Risk Management Center
P.O. Box 245
Crozier, VA 23039
804-784-7269

The Commercial General Liability insurance policy shall name the Wolf Trap Foundation for The Performing Arts as additional insured's and shall provide 30 days prior written notice of cancellation to owner from Virginia Transit Liability Pool, an authorized Local Government Group Self Insurance Pool. It is expressly agreed that the Fairfax County does not indemnify or hold harmless owner Wolf Trap Foundation for the Performing Arts for or against any claim brought by any party against the Wolf Trap Foundation for the Performing Arts

The certificate of insurance must designate that all coverage is primary and not contributing with any other insurance available to the additional insured's and that coverage is applicable to all services required under this Agreement with the insured. Insurance coverage shall be

maintained with the Virginia Transit Liability Pool, an authorized Local Government Group Self Insurance Pool licensed and admitted to do business in the state in which the Parks and Recreational Area is located.

All policies shall be issued by the Virginia Transit Liability Pool. Licensee shall furnish to Licensor, on or prior to the Commencement Date, certificates evidencing such coverage. Such certificates shall provide that (i) the insurance listed above is in full force and effect, (ii) Licensor and Wolf Trap Foundation for the Arts are listed as additional insured's, and (iii) not less than thirty (30) days' written notice shall be given to Licensor prior to cancellation or material change of any policy. Prior to Licensee entering upon the License Area, Licensee shall cause such certificates to be mailed or delivered to the address for notices set forth in Paragraph 12.

Regardless of whether Licensee is self insured, Licensee agrees to require any and all private entities operating bus coaches on Fairfax County's behalf to maintain insurance in the amounts and on the terms set out above naming as additional insured's Wolf Trap Foundation for the Performing Arts as the authorized representative. All insurance coverage shall stipulate that such coverage shall not be materially reduced, cancelled or not renewed unless the insurer shall give thirty (30) days prior written notice to all insured parties.

8. TERMINATION.

(a) The occurrence of any of the following events at any time during the License Period shall permit Wolf Trap Foundation for the Performing Arts to terminate this Agreement upon thirty (30) days written notice to Fairfax County according to Section 12 herein:

1. Any breach or failure of Fairfax County to observe and perform any provision of this Agreement, for which such breach or failure continues for a minimum of twenty (20) days after receipt of written notice by Wolf Trap Foundation for the Performing Arts ;

2. Fairfax County shall fail to use the Licensed Premises for a thirty (30) day consecutive period;

3. The operation of the routes and/or bus stop interferences, in the sole and absolute judgment of Wolf Trap Foundation for the Performing Arts, with the commercial activity

of the Parks and Recreational Area, including without limiting the generality of the foregoing, the use and enjoyment of the Parks and Recreational Area by its customers;

4. Any future expansion of the Parks and Recreational Area; however, the parties agree that, upon any future expansion of the Parks and Recreational Area; they will use good faith efforts to relocate the Licensed Premises to an alternate location or area of the Parks and Recreational Area.

5. The whole or partial taking of any portion of the Licensed Premises and/or the by any governmental authority.

6. The circumstances described in Section 2(b) above.

(b) The occurrence of the following events at any time during the term of the License Agreement shall permit Fairfax County to terminate this License Agreement upon thirty days written notice to Wolf Trap Foundation for The Performing Arts:

1. A determination of insolvency of Wolf Trap Foundation for the Performing Arts or the filing of bankruptcy by Wolf Trap Foundation for the Performing Arts;

2. Destruction of or damage to the Licensed Premises or bus stop not caused by Fairfax County or persons or entities acting on its behalf, which is not repaired or remedied to a condition acceptable to Fairfax County within thirty (30) days from the date of the event;

3. Any situation whereby Fairfax County Coaches are denied reasonable use of the Licensed Premises for a period of in excess of twenty (20) days;

4. Fairfax County decides to terminate, or change the routing of, the route which serve the Parks and Recreational Area including but not limited to reasons related to Work Stoppage, Acts of God or Force Majeure.

5. The circumstances described in Section 2(c) above.

9. Nothing contained in this License Agreement shall be construed to constitute a waiver of the sovereign immunity of the County of Fairfax.

10.SUCCESSORS AND ASSIGNS.

This Agreement shall be binding upon and inure to the benefit of each of the Parties hereto and to their respective successors and assigns; provided, however, that Fairfax County and Wolf Trap Foundation for The Performing Arts shall not assign either of its respective rights under this agreement without the prior written consent of either party.

11.INDEPENDENT CONTRACTORS.

Nothing in this agreement shall be deemed or construed by the Parties hereto as to create any partnership, joint venture or employer/employee relationship between the Parties.

12. NOTICES.

All notices, demands, requests, consents or other communications which this Agreement contemplates, or requires or permits any Party to give to another Party shall be in writing and shall be personally delivered or sent by registered or certified mail, return receipt requested, addressed to the respective Party as follows:

Fairfax County: Katharine D Ichter, P.E., Director
 Department of Transportation
 County of Fairfax
 4050 Legato Road, Suite 400
 Fairfax, VA 22033

Wolf Trap Foundation for The Performing Arts:
 Attn: Chris Eckert, Director of Operations
 Wolf Trap Foundation for the Performing Arts Management Office
 1645 Trap Road
 Vienna, VA 22182

Notices may be given at such other address as any Party may from time to time designate by written notice to the other Parties, as prescribed in this paragraph. Notice by registered or certified mail shall be deemed to have been given from the time posted.

13. GOVERNING LAW.

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, if any provision of this Agreement is ruled invalid or

unenforceable by a court of proper jurisdiction, then the remainder of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

All other terms and conditions of said Agreement are hereby ratified and shall remain unchanged in full force and effect.

14. ENTIRE AGREEMENT: AMENDMENTS.

This Agreement, together with any exhibits hereto, represents the entire Agreement between the Parties and supersedes all prior negotiations, representations, writings or agreements between the Parties, whether oral or written. No amendment or modification to this Agreement shall be binding unless it shall be in writing and signed by all the parties. This Agreement is not binding and effective unless signed by the Parties hereto.

115. COUNTERPARTS.

This Agreement may be executed in any number of counterparts, each of which shall be deemed, an original, all of which together shall constitute one and the same instrument.

This Agreement entered into as of the day and year first written above.

Date: 4/20/09

Wolf Trap Foundation of the Performing Arts
A District of Columbia Non-Profit
Corporation Terrence D. Jones, President and
CEO 1645 Trap Road

Vienna, VA 22182

Date: 4/20/09

Katharine D. Ichter, P.E., Director

By: Katharine D. Ichter
Katharine D. Ichter, P.E., Director

Department of Transportation
County of Fairfax
4050 Legato Road, Suite 400
Fairfax, VA 22033

Board Agenda Item
May 10, 2022

ACTION - 3

Authorization for the Fairfax County Redevelopment and Housing Authority to Approve the Financing Plan for the Redevelopment of the Little River Glen Project, Which Includes i) the Issuance of Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$40,000,000; ii) the Approval of the Seller Takeback Note not to Exceed \$19,000,000 in Fairfax, Virginia; and iii) Approval of the Creation of LRG Apartments Limited Partnership and LRG Limited Liability Company (Braddock District)

ISSUE:

Board authorization for the FCRHA to approve the financing plan to rehabilitate 120 senior affordable units at Little River Glen I (LRG I) and construct 60 new senior affordable units at Little River Glen IV (LRG IV), jointly known as the Little River Glen Project (the Project), in the Braddock District.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCRHA to approve the following:

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 \$40,000,000.
3. \$19,000,000 Seller Takeback Note. (FCRHA-Approved)
4. Authorize creation of LRG Apartments Limited Partnership and LRG Limited Liability Company.

TIMING:

Board action is requested on May 10, 2022, in order to secure financing and VADHCD private activity bond allocation, to meet the desired October 2022 Little River Glen project closing.

BACKGROUND:

The FCRHA owns LRG I, constructed in 1990, which includes 120 units of senior affordable housing and the Senior Center. Adjacent is a 2.93-acre FCRHA-owned

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property with a vacant portion approved for the development of 60 units of new senior affordable housing. The Project includes the rehabilitation of 120 existing units and upgrades to the Senior Center (LRG I) and construction of 60 new units (LRG IV). Both LRG I and LRG IV will be restricted to seniors [62 or older] with incomes at or below 60 percent of Area Median Income (AMI).

The project is being developed through the creation of a limited partnership, LRG Apartments Limited Partnership (LRGALP). LRGALP will be controlled by a single-purpose entity General Partner structured as a limited liability company (LLC), in this case, LRG Limited Liability Company, with the FCRHA being its sole controlling member. LRGALP will serve as the borrower for the loans on the Project. LRG I and the land for LRG IV will be conveyed to LRGALP through two separate ground leases.

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

SUMMARY OF ANTICIPATED PROJECT FINANCING:

Refer to Attachment 3 - Financing Plan

THE BONDS TO BE AUTHORIZED:

The overall financing plan also requires FCRHA authorization of the Bonds for the Project in an amount not to exceed \$40,000,000 (which constitutes at least 50 percent of eligible basis plus land), with the final bond amount to be determined before closing and upon completion of full underwriting. The FCRHA will request an allocation of tax-exempt private activity bond volume cap from the Virginia Department of Housing and Community Development (VADHCD) after approval from the Fairfax County Board of Supervisors (Board).

The Bonds will support both a construction loan, likely to be provided by an institutional lender, and a permanent loan, likely to be provided through a Freddie Mac or Fannie Mae loan program. The Bonds will be nonrecourse to the FCRHA.

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TIMELINE:

The estimated timetable for financial closing is as follows:

Issuance of a Declaration of Intent (Inducement Resolution)	March 16, 2022
Loan Underwriting Committee Meeting	March 16, 2022
Tax Equity and Fiscal Responsibility Act (TEFRA) Advertisement #1	March 17, 2022
TEFRA Advertisement #2	March 24, 2022
TEFRA Public Hearing	March 31, 2022
FCRHA Approval of Financing	April 28, 2022
BOS approval of Financing Plan and Bond Issuance	May 10, 2022
Approval of 4% Low-Income Housing Tax Credits by Virginia Housing	June 2022
Submission of private activity bond application to VADHCD	July 2022
Private activity bond application approved and allocation awarded by VADHCD	August 2022
FCRHA Final Bond Resolution (3P Committee Meeting)	September 7, 2022
FCRHA Final Bond Resolution (Full FCRHA Meeting)	September 15, 2022
Bond Pricing and Purchase Contract Execution	October 2022
Official Statement	October 2022
Financial Closing	October 2022

STAFF IMPACT:

None.

FISCAL IMPACT:

The FCRHA will receive upfront bond issuance and monitoring fees at the time of closing as well as ongoing monitoring fees for the Bonds according to the following table. All of the fees will be deposited into Fund C81000, FCRHA General Operating Fund, starting at the anticipated time of closing in October 2022.

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One-time Fee (At closing)		Recurring Fee (Annual)	
Bond Application Fee	N/A	Bond Monitoring Fee commencing Year 1 after construction	0.25% of outstanding balance of bonds
Upfront Bond Monitoring Fee	0.25% of outstanding balance of bonds during construction period, capitalized at closing	FCRHA Loan Monitoring Fee	\$5,000, escalating at 3% annually
Bond Issuance Fee	\$280,000		

The \$19,000,000 Seller Takeback Note will have no actual immediate fiscal impact on the FCRHA. This does not represent the actual transfer of money, but rather an obligation owed by LRGALP to the FCRHA for the acquisition of land and improvements for the Project. Principal and interest will be paid by LRGALP to the FCRHA on an annual basis from available cash flow according to the terms stated in the respective resolution for this note (Attachment 2). These funds are intended to be deposited in Fund C81000, FCRHA General Operating Fund.

Note that funding of \$9,900,000 has already been approved for the Project as follows:

1. \$7,000,000 from Fund C81510, FCRHA-Section 8/Housing Choice Voucher Program, available to be used for the Project by the FCRHA through its status as a Moving to Work Authority
2. \$1,500,000 from Fund C81000, FCRHA General Operating Fund.
3. \$1,400,000 from Fund C30300 Affordable Housing Development and Investment Fund, Project HF-000116.

ENCLOSED DOCUMENTS:

- Attachment 1 – Bond Resolution
- Attachment 2 – Project Summary
- Attachment 3 – Financing Plan
- Attachment 4 – Vicinity Map

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STAFF:

Christopher A. Leonard, Deputy County Executive

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

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

Seema Ajrawat, Division Director, Financial Management, HCD

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

ASSIGNED COUNSEL:

Cynthia A. Bailey, Deputy County Attorney

Alan Weiss, Assistant County Attorney

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds or Notes in an Aggregate Amount Not to Exceed \$40,000,000 to Finance the Rehabilitation of 120 Units of Senior Affordable Housing at Little River Glen I, and the Construction of 60 New Units of Senior Affordable Housing at Little River Glen IV in Fairfax, Virginia (Braddock District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, May 10, 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 and/or taxable Multifamily Housing Revenue Bonds (Little River Glen Apartments) (Bonds) in a principal amount not to exceed \$40,000,000; and

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

WHEREAS, the proceeds of the Bonds will be used to finance the rehabilitation of 120 senior residential units comprising Little River Glen I and the construction of 60 new senior residential units at Little River Glen IV in Fairfax, Virginia (the Project); and

WHEREAS, the FCRHA held a public hearing on March 31, 2022, for which public notice was duly given on March 17, 2022 and republished on March 24, 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), as well as Va. Code Ann. § 15.2-2606; and

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

NOW THEREFORE BE IT RESOLVED that the Board:

1. For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt and/or taxable bonds for the Project in a principal amount not to exceed \$40,000,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

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

This Resolution shall take effect immediately.

Adopted the 10th day of May, 2022, by the Fairfax County Board of Supervisors.

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

PROJECT SUMMARY

Little River Glen

GENERAL:

The development will include the following:

- Little River Glen I (LRG I):
 - Rehabilitation of 120 units across four buildings (30 units each) for seniors aged 62 and up with incomes not more than 60 percent of AMI, and renovation of the senior center.
- Little River Glen IV (LRG IV):
 - Construction of two 30-unit apartment buildings for seniors aged 62 and up with incomes not more than 60 percent of AMI.
- Ground Lease:
 - Both LRG I and LRG IV will be conveyed by the Fairfax County Redevelopment and Housing Authority (FCRHA) through two separate, 99-year ground leases to LRG Apartments Limited Partnership, the ownership entity that will be responsible for applying for tax credits, overseeing construction and managing the day-to-day operations of the property.
- Parking Spaces:
 - Both LRG I and LRG IV will share parking spaces with Olley Glen and the surrounding senior community. In addition, 14 new parking spaces will be constructed for LRG IV.

PROJECT BENEFITS:

- Preserves 120 units and adds 60 units of affordable senior housing in the highly cost-burdened Braddock District.
- Provides senior units at 60 percent of Area Median Income (AMI) or below for low-income residents.
- Upgrades accessible site features (such as accessible routes and accessible parking) and improves site signage and site lighting.
- Corrects drainage issues identified in the Site Assessment Report.
- Updates Senior Center at LRG I.

UNIVERSAL DESIGN AND ACCESSIBILITY:

- All units at LRG IV will meet Universal Design Specifications and are designed to meet EarthCraft certification.
- Six Americans with Disabilities Act (ADA) compliant units are currently at LRG I and three ADA units will be built at LRG IV.

SUPPORT SERVICES:

- Services provided by current vendors will get extended to the new units including services to best meet the needs of older adults with disabilities.

APARTMENT AMENITIES:

- The renovation of the units at LRG I will include new cabinetry, kitchen appliances, toilets and bathtubs, light fixtures, and new HVAC systems. The new units at LRG IV are designed with an open space layout and will include the latest appliances and interior amenities.

COMMON AREA AMENITIES:

- Both LRG I and LRG IV will share an upgraded Senior Center that will feature a multi-purpose room, residential-grade full kitchen, and gym. Activities for residents are also regularly provided at the Senior Center by the Fairfax County Department of Community Services.
- In addition to the existing walking path, park and seating area at LRG I, the construction of LRG IV will add covered walkways, a pond, open recreation area, and paved trails.

APPRAISED VALUE:

Updated appraisals have been provided for both LRG I and LRG IV from a third-party appraiser to confirm that the Moving to Work Loan and FCRHA Loans are fully collateralized. The Fairfax County Department of Tax Administration has reviewed the appraisals and has confirmed that the approved values are reasonable and the methodology used to determine those values are within industry standards.

PROPOSED RENTS AND AFFORDABILITY RESTRICTIONS:

The project contains a rent structure using LIHTC rents set by Virginia Housing, as shown below:

Little River Glen I:

Model A Units	# Units	Gross* Rent	Utility Allowance	Net Rent
One Bedroom	48	\$834	N/A	\$834
Total/Average	48	\$834		\$834
Model B Units	# Units	Gross* Rent	Utility Allowance	Net Rent
One Bedroom	8	\$865	N/A	\$865
Total/Average	8	\$865		\$865
Model C Units	# Units	Gross* Rent	Utility Allowance	Net Rent
One Bedroom	48	\$995	N/A	\$995
Total/Average	48	\$995		\$995
Model D Units	# Units	Gross* Rent	Utility Allowance	Net Rent
One Bedroom	16	\$1,200	N/A	\$1,200
Total/Average	16	\$1,200	N/A	\$1,200
TOTAL UNITS:	120			

*All units at LRG I are limited to a maximum LIHTC rent affordable to households at or below 60% AMI. However, the rents reflected in this matrix represent the current in-place rents, which in general the FCRHA maintains below the maximum allowable level in order to provide affordability to residents at lower income levels.

Little River Glen IV

60% AMI Units	# of Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	60	\$1,451	N/A	\$1,451
Total/Average	60	\$1,451		\$1,451
TOTAL UNITS	60			

PROJECT RISKS AND CONCERNS:

1. **Interest rate:** The interest rate for the first-lien mortgage will be established at the time of closing, and therefore may be higher than current rates. In that event,

FCRHA would have to seek additional sources of funds or identify cost savings in the development budget.

2. Tax credit equity price: Currently, the project is expected to close by October 15, 2022 at a tax credit rate of \$0.975/credit dollar. Should equity prices fall below current levels or the project does not close on time, the FCRHA will have to identify additional funds or cost savings in the development budget.
3. First mortgage commitment risk: If first mortgage commitment is not received in time for closing in Fall 2022, the timing for the project will need to be re-evaluated.

**FINANCING PLAN
Little River Glen**

The Fairfax County Redevelopment and Housing Authority (FCRHA) is proposing to finance the development using a four percent Low-Income Housing Tax Credit (LIHTC) structure using one ownership entity, LRG Apartments Limited Partnership, and will be financed using first mortgage financing, funds from the FCRHA, tax-exempt bond financing, a Moving to Work (MTW) Loan, a Community Development Block Grant (CDBG) Loan, Seller Takeback Note, and Deferred Developer Fee.

In August 2021, the FCRHA received approval from the United States Department of Housing and Urban Development (HUD) to use its Moving to Work (MTW) authority to allocate \$7,000,000 in Housing Choice Voucher funds (HCV) as a loan for the development of the Project.

All sources are estimated and may vary with any Project budget adjustments prior to closing. However, HCD staff has performed a thorough analysis to ensure there is a very low possibility that the amounts noted for the FCRHA sources will be exceeded. Third-party sources, such as the first-lien mortgage loan and LIHTC equity, however, may increase in order to preserve FCRHA resources.

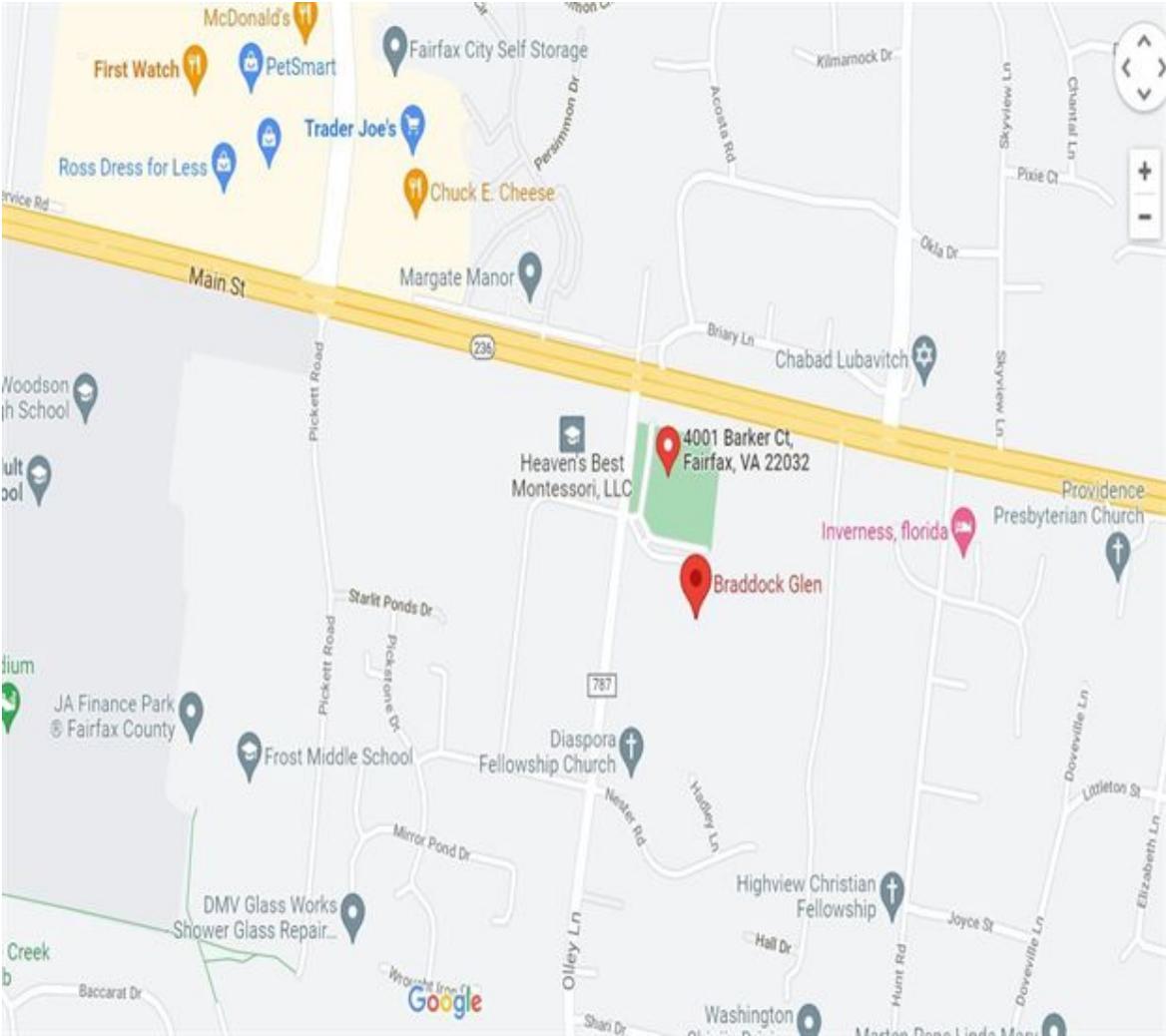
Little River Glen: Sources and Uses

Construction Phase Sources	Sources
Tax-Exempt Construction Loan*	\$32,048,708
Tax Credit Equity*	\$5,338,061
MTW Loan (HCV Reserve)	\$7,000,000
AHDI Loan (HF-000116)	\$1,400,000
FCRHA Operating Fund Loan	\$1,500,000
Deferred Developer Fee	\$1,500,000
Capitalized Interim Income	\$500,000
Seller Takeback Note	\$19,000,000
CDBG Loan	\$1,200,000
Total Permanent	\$69,486,769
Permanent Phase Sources	Sources
GSE First Mortgage Loan	\$9,100,261
Tax Credit Equity	\$28,007,252
MTW Loan	\$7,000,000
AHDI Loan	\$1,400,000
CDBG Loan	\$1,200,000
Deferred Developer Fee	\$1,500,000
Capitalized Interim Income	\$500,000
Seller Takeback Note	\$19,000,000
FCRHA Operating Fund Loan	\$1,500,000

FHA Insurance Escrow	\$279,256
Total Permanent	\$69,486,769
Summarized Uses	Uses
Acquisition Costs	\$20,450,000
Construction Costs	\$28,465,390
Hard Cost Contingency	\$6,259,613
Soft Costs	\$7,526,790
Financing/Interest	\$2,208,874
Soft Cost Contingency	\$300,000
Reserves	\$1,276,102
Developer Fee	\$3,000,000
Total Uses	\$69,486,769

** The tax-exempt construction loan and LIHTC equity will be used to collateralize or otherwise support the issuance of up to \$40,000,000 in FCRHA bonds. This construction loan will be paid off by the permanent tax-exempt loan and additional LIHTC equity after construction completion and lease-up/stabilization.*

Little River Glen Vicinity Map



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ACTION - 4

Board Endorsement of Safe Streets for All Program

ISSUE:

Board endorsement of the Safe Streets for All Program (Attachment I), including the initial tasks recommended (Attachment II).

RECOMMENDATION:

The County Executive recommends that the Board endorse the Safe Streets for All Program and the initial tasks recommended for implementation as part of the program (Attachment I).

TIMING:

Board action is requested on May 10, 2022, to support staff's work on beginning implementation of the recommended initial tasks.

BACKGROUND:

On January 28, 2020, Supervisors Lusk and Alcorn introduced a Joint Board Matter regarding a Countywide Pedestrian and Bicycle Safety Initiative, asking staff to evaluate "the ability of the County to establish and achieve measurable safety goals such as Vision Zero." In response through the ActiveFairfax Transportation Plan project, staff developed recommendations for a new stand-alone Safe Streets for All Program in Fairfax County (Attachment I). The program recommendations were reviewed with the Board of Supervisors at the Board Transportation Committee meetings on February 1, 2022, and March 1, 2022.

The purpose of the Safe Streets for All Program is to improve transportation safety in Fairfax County, particularly for active transportation users. The program framework includes systemic education, policy, planning, programmatic and design strategies. Some of the strategies could be implemented as pilots; others require close coordination and support from stakeholder agencies. Implementation will occur in a phased approach as staff capacity and resources allow. Tasks that staff recommends implementing initially are included in Attachment II. Other recommendations included in Attachment I will be further evaluated and considered for implementation as the program advances.

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FISCAL IMPACT:

Board endorsement of the Safe Streets for All Program for Fairfax County will not have an immediate impact on the General Fund budget. However, implementation of the recommendations will require future additional staff and funding over time.

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Safe Streets for All Program Recommendations

Attachment II: Tasks Recommended for Initial Implementation

STAFF:

Rachel Flynn, Deputy County Executive

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

Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Michael J. Guarino, Chief, Capital Projects Section, FCDOT

Chris Wells, Active Transportation Program Manager, FCDOT

Lauren Delmare, Active Transportation Engineer, FCDOT



FAIRFAX COUNTY

Safe Streets for All

Program Recommendations

April 2022





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Introduction

This document provides a framework for a Fairfax County Safe Streets for All Program designed to address systemic transportation safety issues with a focus on active transportation users and equity on roads in Fairfax County. The framework includes proposed education, policy, planning, programmatic and design strategies that can be implemented in a phased approach. Some of the strategies could be implemented as pilots; others require close coordination and support from stakeholder agencies, or will need one-time or recurring funding. Implementation will occur in a phased approach as staff capacity and resources allow.

Potential strategies are presented within the following framework:

- **Proposed Program Recommendations** – A list of potential strategies that would help advance active transportation safety in Fairfax County.
- **Stakeholders** – Key stakeholders that the Fairfax County Department of Transportation will need to coordinate with to implement the recommendation.
- **Implementation Cost** – Recommendations are assigned a likely implementation cost depending on complexity, construction needs and stakeholder buy-in.

The strategies are not presented in order of priority.

Key Stakeholders

- BOS – Board of Supervisors
- CTB – Commonwealth Transportation Board
- DEI – Department of Economic Initiatives
- DMB – Department of Management and Budget
- DPD – Department of Planning and Development
- DPWES – Department of Public Works and Environmental Services
- CEX – Office of the County Executive
- FCDOT – Department of Transportation
- FCCA – Park Authority
- FPCD – Police Department
- FCPS – Public Schools
- HD – Health Department
- LDS – Land Development Services
- NCS – Neighborhood Community Services
- NPS – National Park Service
- OPA – Office of Public Affairs
- VDOT – Virginia Department of Transportation



Prioritizing Safety

Complete streets aim to prioritize safety for all users, regardless of mode of transportation, age, race, income, or ability. While the status quo accepts traffic deaths and injuries as inevitable, safe streets programs work towards eliminating traffic injuries and fatalities through a combination of engineering, education, policy, and planning. Reducing traffic-related deaths in Fairfax County will require a data-driven approach to project implementation and prioritization of investments.

Nationally, pedestrians and bicyclists are more likely to be involved in a traffic collision that results in a severe or fatal injury. Communities of color and low-income communities experience traffic crashes disproportionately.

In Fairfax county, during the five-year study period, from 2014 – 2018, there was an

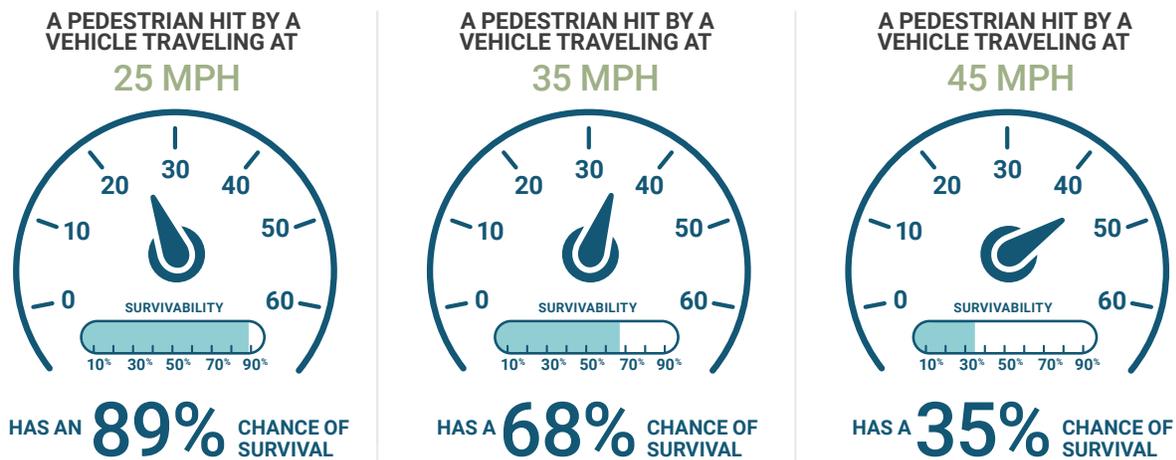


average of 189 pedestrian crashes and 68 cyclist crashes per year.

The maps on the following pages show the distribution of all pedestrian and bicycle crashes throughout Fairfax county, highlighting where clusters and fatal crashes occurred.

Speed is a factor in many of these instances. The one recorded fatal cyclist collision occurred on a road with a speed limit between 36 and 50 miles per hour. For pedestrian collisions, roadways with a speed limit of 25 miles per hour or lower had the lowest rate of fatal or severe crashes. This is consistent with findings that suggest that speed is one of the most significant determinates of severe and fatal collisions involving pedestrians. At 25 miles per hour, nearly nine in ten pedestrians will survive the collision. At 40 miles per hour, only 35% of pedestrians will survive.

Furthermore, the perception of safety by the public can be a significant barrier in encouraging



Tefft, B. C. Impact speed and a pedestrian's risk of severe injury or death. Accident Analysis & Prevention 50 (2013) 871-878.

active transportation. People who choose to drive might have otherwise walked or biked, but felt that the current infrastructure prioritizes people who travel in cars, and puts active transportation users at risk. Complete streets not only directly addresses unsafe street design, but can indirectly address traffic safety by reducing the number of motor vehicles on the road.

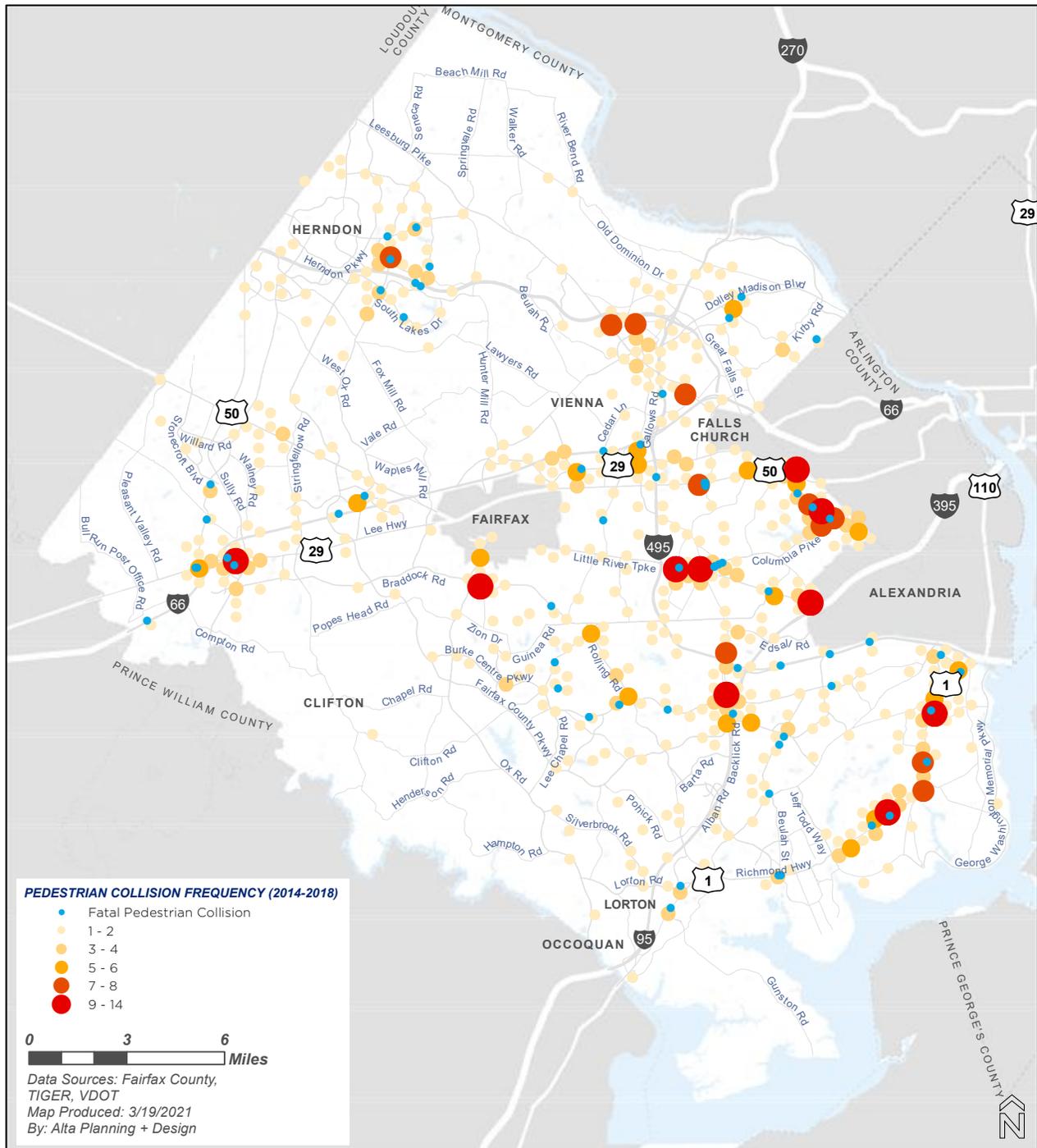


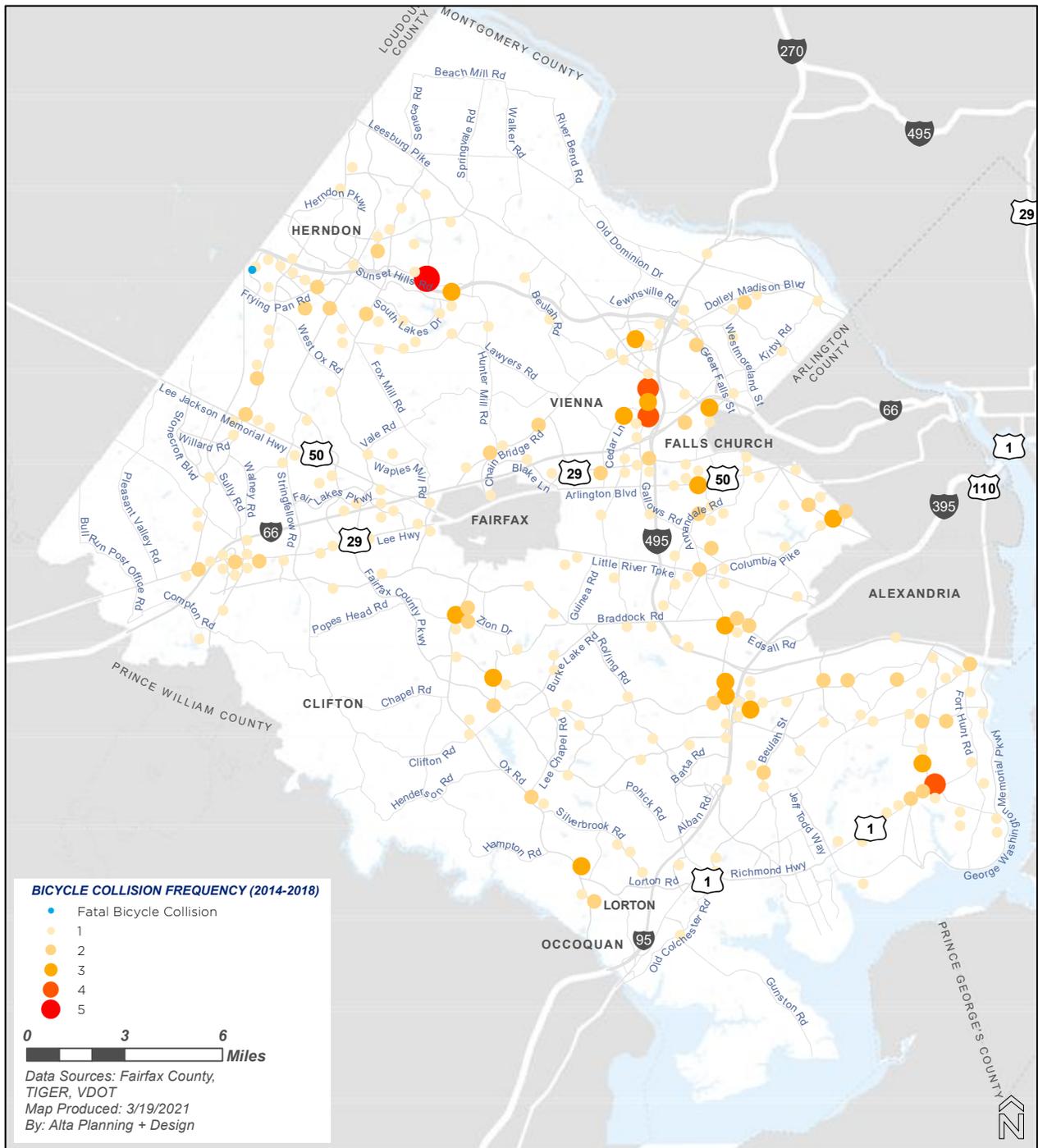
When asked to describe their experience using active transportation in Fairfax county, 27% of public survey respondents (265 of 999) stated that the current active transportation network feels unsafe.

The following comments are a sample of responses to the ActiveFairfax public survey that asked users to describe their experience walking, or riding a bike, scooter or another small vehicle in Fairfax County.

- I purposely chose my neighborhood because of its sidewalks. I can walk to the grocery stores, library, bus stops, church, etc.
- "I tried biking in my area, but I gave up because I don't feel that it's safe. Walking is fairly safe, but drivers seldom yield to pedestrians even when pedestrians are in the crosswalk and have the right of way."
- "It is frustrating and dangerous. Even with marked, dedicated bike lanes and sharrows vehicles do not yield/acknowledge bicycles. And I am not referring to just distracted drivers: at least six drivers in the past year have deliberately targeted me on my bicycle with harassment and physical threats."









Principles of a Safe Streets for All Approach

- Traffic deaths and serious injuries are avoidable and should not be accepted.
- Protecting human life is the highest priority.
- The people who design, build, and manage roads have a shared responsibility to prevent crashes that result in serious injury or death.
- All road users have a shared responsibility to prevent crashes that result in serious injury or death.
- Rather than waiting for crashes to occur and reacting, a proactive approach should be taken to make the transportation system safe for all users including pedestrians, cyclists, and people traveling in vehicles.
- A safe system means a system that is designed for all ages and abilities, including youth and elders, and individuals with physical, visual, or cognitive disabilities.
- Lack of safety should not be a trade-off for faster mobility. Pedestrians and cyclists are particularly vulnerable, and speed is a fundamental predictor of crash survival. Rather, the transportation system should be both safe and efficient for all users.



Funding + Staff Capacity Building

Proposed Program Recommendations	Stakeholders	Implementation Cost
Establishment of a Safe Streets for All program focused on the implementation of the proposed recommendations below.	FCDOT; BOS; CEX; DEI; VDOT	\$\$
Establishment of an interdisciplinary Task Force to provide oversight of the Safe Streets for All Program.	Various agencies and community organizations	\$
Creation of at least one staff position to run the Safe Streets for All Program and monitor performance. Grow staff capacity as needed.	FCDOT; BOS; DMB	\$\$
Allocation of adequate funding and maintenance of safety related equipment, marking and signage such as Rapid Flashing Beacons, Pedestrian Hybrid Beacons, crosswalk markings, Yield to Pedestrian signage, street and walkway lighting, etc.	FCDOT; VDOT; DPWES; BOS; DMB	\$\$
Requirement of every transportation-related project (studies, capital projects, comprehensive plan amendments; etc.) to include an active transportation expert on the consultant team.	FCDOT; VDOT	\$
Prioritization of maintenance and active transportation capital improvements along high-risk pedestrian and bicycle corridors and to provide access to major activity centers.	FCDOT; DPWES; BOS; VDOT	\$
Allocation of dedicated funding for the Safe Streets for All Program for implementation of pilot projects, studies and other safety-related non-capital efforts such as educational campaigns.	FCDOT; BOS	\$\$

Funding + Staff Capacity Building, cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a locally funded Safe Routes to School program in partnership with FCPS. Creation of at least one staff position to run the Safe Routes to School Program serving students K-12 and provision of dedicated funding for programming and studies. Scale up staff capacity as needed.	FCDOT; FCPS; BOS; NCS; HD; DMB	\$\$
Development of a Safe Routes to Parks, Trails and Community Services program in partnership with FCPA, NOVA Parks and NPS, NCS, and the HD.	FCDOT; FCPA; NOVA Parks; NPS; BOS; NCS; HD	\$\$
Determination of maintenance responsibility for all sidewalk and trail segments. Allocation of adequate funding, staffing and equipment to clear sidewalks, bikeways and transportation trails of hazards, debris and obstructions.	FCDOT; VDOT; BOS; DPWES; DMB ; FCPA; NOVA Parks; FCPD; General Assembly, CTB	\$\$
Allocation of adequate funding for sidewalks, bikeways and transportation trails for resurfacing, restriping and reconstruction.	FCDOT; BOS; DPWES; DMB; FCPA; NOVA Parks; NPS; VDOT; General Assembly, CTB	\$\$
Development of an inclusive Slow Streets Program to supplement the Traffic Calming Program and provide dedicated funding.	FCDOT; DMB; VDOT; BOS	\$\$
Allocation of adequate funding to expedite building out the active transportation network.	FCDOT; BOS; FCPA; NOVA Parks; NPS	\$\$\$



Policy + Planning

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a Safe Streets for All Policy that prioritizes the protection of human life in the planning, design, and operation of Fairfax County's roadway network. Set short-, medium- and long-term targets.	FCDOT; VDOT; FCPD; HD; BOS; DPD; LDS	\$
Development of a comprehensive Complete Streets Policy to provide the transportation and land use connection.	FCDOT; VDOT; DPD; BOS; LDS	\$
Development of strategies that prioritize active transportation safety in planning and funding efforts using data, targets, and metrics.	FCDOT; VDOT; DPD; BOS	\$\$
Development of a policy that encourages public and private sector employers to provide safe and convenient access for active transportation users and transit riders to their main building entrance from the public street, sidewalk or trail, as well as secure bike parking.	FCDOT; DEI; Employers	\$
Identification of potential updates to the Comprehensive Plan Transportation Plan Map and the Transportation Policy Plan Transportation Element to reflect a Safe Streets for All approach.	FCDOT; VDOT; DPD; BOS	\$\$
Development of a walkway maintenance and snow/ice removal regulation, adopt a sidewalk, and a trail maintenance and snow/ice removal policy that directs property owners to keep sidewalks and trails along roads in front of their property free of debris, vegetation, snow and ice. Provide a needs-based waiver system for low-income residents and develop a plan to do the maintenance work at these locations.	FCDOT; VDOT; DPWES; NPS; OCA; BOS	\$\$
Development of a county-wide lighting plan based on equity, environmental and safety factors.	FCDOT; VDOT; DPWES; FCPA; NOVA Parks; NPS; BOS	\$\$

Policy + Planning , cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a policy that would reduce the speed limit on local streets in residential and business districts to 15 mph on the state-maintained network.	VDOT; FCDOT; BOS; General Assembly; CTB	\$
Completion of an active transportation safety audit within a mile of each public school and provide adequate funding for safety improvements, prioritizing high risk/high traffic areas.	FCDOT; FCPS; NCS; HD; DMB	\$\$\$
Completion of an active transportation safety audit within a mile of each public park, community service location, and high capacity transit route. Provide adequate funding for safety improvements, prioritizing high risk/high traffic areas.	FCDOT; FCPA; NOVA Parks; NPS; NCS; HD; DMB; VRE; WMATA	\$\$\$
Pursue revisions of Virginia state laws and policies related to multi-modal transportation safety including policies addressing topics such as distracted driving, 15mph speed limit, reduction of vehicle miles traveled, in-vehicle safety technology, and storage of snow/ice on walkway, bikeways and ramps.	FCDOT; VDOT; DPD; DEI; OCA; BOS; Advocates; General Assembly; CTB	\$
Development of a policy that would require new developments (rezoning and by-right) to provide adequate and safe access to their property for active transportation users, including improvements to the closest safe street crossing.	FCDOT; VDOT; LDS; DPD; DEI; General Assembly	\$



Street Design + Traffic Engineering

Proposed Program Recommendations	Stakeholders	Implementation Cost
Consistent application of design solutions that simplify and narrow intersections, reduce conflicts for all users, and prioritize the safety of active transportation users.	FCDOT; DPD; DEI; VDOT	\$
Consistent implementation of planned active transportation facilities and any streetscaping requirements including providing crosswalks on all four legs of an intersection. Ensure that streetscaping does not encroach on active transportation facilities.	FCDOT; VDOT; DPD; LDS; DEI; Development Community; BOS; FCPS; DPWES; FCPA; NOVA Parks; NPS	\$
Design of new active transportation facilities prioritizing safety, comfort and convenience for facility users, using a complete streets design approach (narrow medians, travel lanes and/or reduce number of travel/turn lanes before reducing the recommended widths of the planned active transportation facility).	FCDOT; DPD; VDOT; BOS	\$
Design of new and improved existing public facilities such as schools, parks and community services to prioritize safety, comfort and convenience for people accessing the facility using active transportation. If applicable, provide access from several directions.	FCDOT; DPWES; FCPS; FCPA; LDS; NCS; NOVA Parks; VDOT	\$
Implementation of technological innovations to address traffic safety issues.	FCDOT; VDOT; DEI	\$\$
Reduction of posted speed limits and operational vehicle speeds on roadways that provide direct access to residential, commercial, institutional, recreational, or civic land uses and transit stations, and along bus transit and high-risk corridors.	FCDOT; VDOT; General Assembly	\$\$
Development of a county-wide Complete Streets Design Guide that reflects best practices in Safe Streets for All design, context sensitive design (transportation-land use connection), active transportation facility design, and placemaking principles. Incorporation of guidance on how to implement the county-wide trail network in a variety of land use contexts and quick-build interim implementation strategies.	FCDOT; VDOT; DPD; DEI; HD	\$\$

Street Design + Traffic Engineering , cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Review of bus stop locations to ensure that they can be safely accessed from both sides of the street. Relocation of bus stops as needed and construction of sidewalks or trails to bus stops from surrounding neighborhoods. Implementation of amenity improvements such as lighting, shelters, benches, trash cans, and bike racks to high ridership bus stops.	FCDOT; VDOT; WMATA	\$\$\$
Identification of a pilot high-risk corridor to implement a safety study that analyzes crashes, engages stakeholders and residents, identifies appropriate countermeasures and implements quick-build strategies. This pilot will serve as a guide to refine the project delivery process and test the durability of quick-build solutions.	FCDOT; VDOT; DPD; DEI ; NCS	\$\$
Design of new roads with design speeds not to exceed the target operational speeds, which should be informed by the land use context, potential left turn conflicts and pedestrian activity in the area.	FCDOT; VDOT	\$
Application of design techniques to control speeds on collectors and arterials, prioritizing high-risk corridors, residential areas and commercial areas.	FCDOT; VDOT	\$\$\$
Review of VDOT Road Design Manual for opportunities to improve design standards to better meet active transportation needs and Safe Streets for All principles, and work with VDOT to make updates as needed.	FCDOT; VDOT	\$\$
Establishment of grade separated or signalized crossings for trails at uncontrolled interchange ramps.	FCDOT; VDOT	\$\$\$



Equity + Social Justice

Proposed Program Recommendations	Stakeholders	Implementation Cost
Collection of race, ethnicity, and disability data of pedestrian and bicycle crash victims and analyze data for disparities.	FCDOT; FCPD; DMV	\$\$
Prioritization of maintenance and capital improvements in high need areas in close partnership with the affected community, especially the most at-risk populations.	FCDOT; VDOT; FCPS; FCPA; NOVA Parks; NCS; HD; DPWES	\$
Prioritization of engagement of people experiencing vulnerabilities and groups disproportionately impacted by bicycle and pedestrian crashes in community engagement efforts, including studies and capital projects. Development of measures to assess impact.	FCDOT; VDOT; FCPS; NCS; HD	\$\$
Creation of walk and bicycle audits in partnership with communities, especially the most at-risk populations, to determine community-identified safety concerns and develop solutions. Allocation of adequate funding to implement recommendations.	FCDOT; VDOT; FCPS; NCS; HD; FCPA ; FCPD	\$\$

Education + Traffic Safety Culture

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development and implementation of a communications strategy for the Safe Streets for All program.	FCDOT	\$
Provision of staff training on planning and design approach to Safe Streets for All best practices, including active transportation accommodations through work zones.	FCDOT; VDOT; LDS; DPWES	\$
Creation of regular and targeted campaigns in multiple languages using culturally appropriate strategies to educate the public about traffic safety and safe travel behaviors, especially as related to the highest collision factors.	FCDOT; WMATA; COG; FCPS; NCS; FCPA; NPS; NOVA Parks; OPA; HD; FCPD; VDOT	\$\$
Encouragement of private and public sector employers to provide road safety education to all employees.	FCDOT; Employers	\$
Creation of multi-modal traffic safety education to students K-12 (as part of the curriculum or through special events).	FCDOT; FCPS; Private Schools	\$\$
Creation of multi-modal traffic safety education to adults through subsidized classes. Evaluation multi-modal safety education in Drivers Ed courses and Driving Schools, providing additional guidance if necessary, and monitoring implementation.	FCDOT; FCPA; NCS; DMV; Community Partners	\$\$
Creation of a web page on the Fairfax County website that serves as an interactive “clearinghouse” for road safety information.	FCDOT; OPA	\$
Creation of engaging public outreach experiences, through temporary street and intersection redesigns that develop community awareness of the benefits of road safety interventions.	FCDOT; Community Groups; FCPS; VDOT; DPD	\$\$
Implementation of speed feedback signage at high collision locations, along high-risk corridors, and in school zones.	FCDOT; VDOT; FCPD	\$



Monitoring + Evaluation

Proposed Program Recommendations	Stakeholders	Implementation Cost
Identification of multi-modal road safety performance measures and set short, medium and long term targets.	FCDOT; VDOT; FCPD	\$
Identification of the most common factors (i.e. alcohol, time of day, speeding, turning, distracted drivers, land use, type of available infrastructure, etc.) related to pedestrian, bicycle, and vehicular crashes and the most affected populations (i.e. age, race, etc.)	FCDOT; FCPD; VDOT; HD	\$
Collection and review of multi-modal near-miss and minor crash data to identify potential crash locations.	FCDOT; Community Organizations	\$
Establishment of an interactive web map to systematically collect transportation safety concerns from residents. Consider a corresponding hot line.	FCDOT; FCPA; NOVA Parks; NPS; NCS; HD; DIT	\$
Development of active transportation performance measures that are appropriate for the county and also for specific projects (safety, comfort, convenience).	FCDOT; HD; DPD;	\$
An Annual Safe Streets for All Report Card.	FCDOT	\$
Installation of additional permanent automated counters at key locations to track active transportation facility usage over time.	FCDOT; VDOT	\$
Establishment of manual or automated spot counts of active transportation users at a defined set of locations to identify and track gender gaps over time.	FCDOT	\$
Take advantage of technological innovations such as AI cameras or private vehicle sensors to analyze traffic safety or maintenance issues and monitor effectiveness of countermeasures after implementation.	FCDOT; VDOT	\$\$
Evaluation of the effectiveness of transportation safety improvements before and after implementation.	FCDOT; VDOT; FCPD; DPWES; HD ; FCPD	\$



February 2022

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). To request this information in an alternate format, contact FCDOT at 703-877-5600, TTY 711.

Safe Streets for All Program Tasks Recommended for Initial Implementation

The following tasks are recommended by Fairfax County Department of Transportation staff for initial implementation of the Safe Streets for All Program using existing staff capacity.

Program Framework Areas

Funding and Staff Capacity Building
Policy and Planning
Street Design and Traffic Engineering
Equity and Social Justice
Education and Traffic Safety Culture
Monitoring and Evaluation

Key Stakeholders

BOS – Board of Supervisors
CTB – Commonwealth Transportation Board
DEI – Department of Economic Initiatives
DMB – Department of Management and Budget
DPD – Department of Planning and Development
DPWES – Department of Public Works and Environmental Services
CEX – Office of the County Executive
FCDOT – Department of Transportation
FCPA – Park Authority
FCPD – Police Department
FCPS – Public Schools
HD – Health Department
LDS – Land Development Services
NCS – Neighborhood Community Services
NPS – National Park Service
OPA – Office of Public Affairs
VDOT – Virginia Department of Transportation



Initially Recommended Tasks

Proposed Program Recommendations	Stakeholders	Framework Area
Establishment of a Safe Streets for All program focused on the implementation of the proposed recommendations below.	FCDOT; BOS; CEX; DEI; VDOT	Funding and Staff Capacity Building
Establishment of an interdisciplinary Task Force to provide oversight of the Safe Streets for All Program.	Various agencies and community organizations	Funding and Staff Capacity Building
Creation of at least one staff position to run the Safe Streets for All Program and monitor performance. Grow staff capacity as needed.	FCDOT; BOS; DMB	Funding and Staff Capacity Building
Requirement of every transportation-related project (studies, capital projects, comprehensive plan amendments; etc.) to include an active transportation expert on the consultant team.	FCDOT; VDOT	Funding and Staff Capacity Building
Prioritization of maintenance and active transportation capital improvements along high-risk pedestrian and bicycle corridors and to provide access to major activity centers.	FCDOT; DPWES; BOS; VDOT	Funding and Staff Capacity Building
Development of a Safe Streets for All Policy that prioritizes the protection of human life in the planning, design, and operation of Fairfax County's roadway network. Set short-, medium- and long-term targets.	FCDOT; VDOT; FCPD; HD; BOS; DPD; LDS	Policy and Planning
Provision of staff training on planning and design approach to Safe Streets for All best practices, including active transportation accommodations through work zones.	FCDOT; VDOT; LDS; DPWES	Education and Traffic Safety Culture
Establishment of an interactive web map to systematically collect transportation safety concerns from residents. Consider a corresponding hot line.	FCDOT; FCPA; NOVA Parks; NPS; NCS; HD; DIT	Monitoring and Evaluation

Board Agenda Item
May 10, 2022

CONSIDERATION - 1

Approval of Amendments to the Fairfax County History Commission Bylaws

ISSUE:

Approval of proposed, amended bylaws for the Fairfax County History Commission (the "Commission").

TIMING:

Board consideration is requested on May 10, 2022.

BACKGROUND:

At its August 4, 2021, meeting, the Commission adopted the attached, proposed bylaws to refer to its adopted policies manual, which includes a policy adopted in September of 2020 related to participating as a Consulting Party in the Section 106 review and consultation process under the National Historic Preservation Act.

The Commission adopted other changes to their bylaws including: (1) bringing the Commission's bylaws into conformance with the County's model bylaws; (2) altering the name of the Audit Committee to the Financial Review Committee; (3) amending the composition of the Financial Review Committee from the Executive Committee to four regular members of the Commission; and (4) amending the method of providing notice of and amendment to the bylaws to the Commission members to permit electronic delivery, and other minor changes.

Further, staff sent a memo to the Board on February 16, 2022, outlining the Section 106 process and its relation to the Commission proposed bylaws and policies (Attachment 4).

FISCAL IMPACT:

None.

Board Agenda Item
May 10, 2022

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County History Commission Bylaws
Attachment 2: Fairfax County History Commission Bylaws - strikethrough
Attachment 3: Fairfax County History Commission Adopted Policies Manual
Attachment 4: Memo to BOS dated February 16, 2022

STAFF:

Rachel Flynn, Deputy County Executive
Barbara Byron, Director, Department of Planning and Development (DPD)
Leanna H. O'Donnell, Director, Planning Division (PD), DPD
Laura Arseneau, Branch Chief, Heritage Resources and Plan Development Branch, PD,
DPD
Denice Dressel, Principal Heritage Resources Planner, PD, DPD

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

FAIRFAX COUNTY HISTORY COMMISSION BYLAWS

Draft of August 4, 2021

ARTICLE I: NAME

The name of this commission is the Fairfax County History Commission, hereinafter referred to as the "Commission."

These bylaws replace and supersede the Commission bylaws adopted on December 3, 2019 and are effective as of May 10, 2022.

ARTICLE II: PURPOSE

The purposes of the Commission are to advise the County Government and generally to promote public interest in all matters bearing on the history of Fairfax County. In pursuance of these purposes, the Commission shall:

- (A) Prepare for publication a survey list of sites, areas and structures having historic, archaeological, and architectural value in Fairfax County.
- (B) Advise the Board of Supervisors ("Board") and appropriate agencies of County Government in the carrying out of existing projects and the maintenance of existing County-operated sites and buildings that are important in the history of the County. The Commission may proffer its advice to County agencies without request by such agencies; and County agencies have been instructed by the Board to seek the Commission's advice when appropriate and to consider the Commission's advice whenever it is submitted.
- (C) Promote the establishment of volunteer citizen special-interest groups, including especially the creation of trusts or endowments which will preserve and restore historic sites and buildings, as well as seek to provide for historic preservation using tax incentives and other legal instruments.
- (D) Encourage activities at all education levels which will stimulate interest in the archaeological and historic background of Fairfax County.
- (E) Provide liaison with public and private historic agencies in the County and on the State and National level in accordance with adopted policies appearing in the Commission's Adopted Policies Manual.

ARTICLE III: MEMBERSHIP

Appointments. The membership of the Commission shall consist of three membership categories:

A. Regular Members

There shall be 21 regular members who shall have the power to vote and who shall be appointed by the Board for three-year terms. The membership of the Commission shall

49 include at least one member who is a resident from each supervisor election district of
50 the Board. The membership of the Commission shall include at least one member of a
51 racial minority group. The membership of the Commission shall include at least one
52 member who is a professional historian, at least one member who is a professional
53 archaeologist, and at least one member who is a professional architect with competence
54 in historic architecture. The membership of the Commission shall include one City of
55 Fairfax nominee, subject to appointment by the Board for three-year terms. Except for
56 the City of Fairfax regular member, all regular members shall be residents of Fairfax
57 County.

58 **B. Advisory Members**

59 Nonvoting advisory members, who shall serve without compensation, may be
60 appointed by the Commission for a term of one calendar year. They shall be experts in
61 such field as the Commission's work requires. Advisory members need not be
62 residents of Fairfax County.

63 **C. Honorary Members**

64 The Board may appoint nonvoting, honorary members who shall serve without
65 compensation. Honorary members need not be residents of Fairfax County.

66
67 Resignations and Vacancies. In the event a Regular Member cannot serve or resigns from
68 office, then the Chair, the Secretary, or the County staff coordinator shall advise the Clerk for
69 the Board of Supervisors of the vacancy in writing. Any vacancies among Regular Members
70 shall be filled by the Board for the balance of the unexpired term with due regard for the
71 membership requirements stated above.

72
73 Holdovers. In the event a Regular Member completes his or her term of office, remains
74 qualified to serve as a Regular Member, and the Board has not reappointed that member to
75 another term or appointed a successor member, then that person may continue to serve until
76 such time as the member is reappointed or a successor member is appointed.

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79 **ARTICLE IV: OFFICERS**

80
81 The officers of the Commission shall be the Chair, the Vice-Chair, Secretary, and Treasurer.
82 They shall be elected from among nominees selected by the Nominating Committee and/or by
83 nominations received during a meeting of the Commission. They shall be elected annually at
84 the last meeting of the calendar year by majority vote of the Commission present at the meeting
85 and serve a term of one year, beginning the following January. No officer shall serve more than
86 three consecutive terms in the same office. The duties of the officers shall be:

87
88 **Chair:** The Chair shall preside at all meetings, and be responsible for the promotion
89 and implementation of the Commission's purposes. The Chair shall set an agenda for
90 each meeting and shall serve as an ex-officio member of all committees except the
91 Nominating Committee.

92
93 **Vice-Chair:** The Vice-Chair shall perform all the duties of the Chair in the absence of
94 the Chair and shall serve as Chair if necessary until the annual election of officers.

95
96 **Secretary:** The Secretary shall handle outgoing correspondence at the direction of the

97 Commission and Chair, and shall maintain the records of the Commission with the
98 exception of those records maintained by the Treasurer. The records shall include, but
99 not be limited to, rosters, correspondence, committee minutes, draft meeting minutes,
100 approved meeting minutes, and any additional materials required by the Virginia
101 Freedom of Information Act, subject to the requirements of Article V below. The
102 Secretary will also ensure that the original approved copy of all meeting minutes and
103 all records of the Commission are deposited in the official repository in the Virginia
104 Room. The Secretary shall be responsible for maintaining the Adopted Policies
105 Manual.
106

107 **Treasurer:** The Treasurer shall oversee all monies of the Commission. The
108 Treasurer shall have custody of the financial records, and shall report on the financial
109 status of the Commission at each meeting. The Treasurer shall make the records
110 available for an annual review by the Financial Review Committee. In the event the
111 Treasurer’s office becomes vacant, the Chair shall assume the responsibilities of the
112 Treasurer until the office is filled in accordance with this section.
113

114 **Replacement Officers:** If any office becomes vacant for any reason, it shall be filled by
115 an election at the next regular meeting of the Commission. The newly elected officer
116 shall complete the unexpired term of the officer succeeded. Prior to the election of any
117 replacement officer, all members shall be provided with notice of the proposed election
118 before the meeting at which the replacement is elected.
119

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121 **ARTICLE V: MEETINGS**

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123 VFOIA. All meetings shall be open to the public except as provided under the Virginia
124 Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA").
125 Pursuant to Virginia Code § 2.2-3701, “meeting” or “meetings” means the meetings including
126 work sessions, when sitting physically, or through electronic communication means pursuant to
127 the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage
128 of (i) as many as three members or (ii) a quorum, if less than three, of the constituent
129 membership, wherever held, with or without minutes being taken, whether or not votes are cast,
130 of any public body. The Commission may hold public hearings and report its findings to the
131 Board on Commission issues that affect the public interest.
132

133 Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under
134 the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and
135 location of each meeting. Notice of regular Commission meetings, including the date, time, and
136 place thereof, shall be announced to Commission members and the public one month prior to
137 the meeting. Notice of committee meetings shall be announced at least three working days prior
138 to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be
139 given contemporaneously with the notice provided to Commission members. Notices of all
140 meetings shall be provided to the Office of Public Affairs for posting at the Government Center
141 and on the County Web site.
142

143 Frequency. The Commission shall meet monthly or as determined by the Chair. Meetings shall
144 be held at a time agreed to by a majority of the Commission’s members, and at a place arranged

145 by the staff of the supporting County department.
146

147 Voting. A quorum is necessary for a vote. A majority of the voting membership of the
148 Commission shall constitute a quorum. In making any recommendations, adopting any plan, or
149 approving any proposal, action shall be taken by a majority vote of the Commission's voting
150 members present and voting. Upon the request of any voting member, the vote of each voting
151 member on any issue shall be recorded in the minutes. All votes shall be taken during a public
152 meeting, and no vote shall be taken by secret or written ballot or by proxy.
153

154 Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be
155 conducted in accordance with *Robert's Rules of Order, Newly Revised*. Except as specifically
156 authorized by the VFOIA or other applicable Virginia law, no meeting shall be conducted
157 through telephonic, video, electronic, or other communication means where the members are
158 not all physically assembled to discuss or transact public business.
159

160 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless
161 exempt under the VFOIA, all materials furnished to Commission members shall be made
162 available for public inspection at the same time such documents are furnished to the
163 Commission members. Pursuant to the VFOIA, any person may photograph, film, record, or
164 otherwise reproduce any portion of a meeting required to be open, but such actions may not
165 interfere with any Commission proceedings.
166

167 Records. The Secretary shall ensure that minutes of meetings, as prepared by the Clerk to the
168 Commission, are recorded as required under the VFOIA. Minutes prepared by the Clerk shall
169 include: (1) the date, time, and location of each meeting; (2) the members present and absent;
170 (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record
171 of any votes taken. Such minutes are public records and subject to inspection and copying by
172 citizens of the Commonwealth or by members of the news media. The supporting County
173 department shall provide staff support to review and confirm that the records and minutes of the
174 meetings comply with the VFOIA prior to their submission to the Virginia Room.
175

176 Attorney-Client Privilege. Records containing legal advice from counsel to the Commission,
177 and advice provided in closed session by legal counsel to the Commission, are protected by the
178 attorney-client privilege and from disclosure under the VFOIA. Any such records or advice
179 should not be disclosed by members of the Commission to any third party, or the privilege
180 against disclosure may be waived. Questions regarding the handling of records or advice
181 subject to attorney-client privilege should be directed to the Commission's legal counsel.
182

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184 **ARTICLE VI - ATTENDANCE AND PARTICIPATION**
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186 Any Commission member who misses three consecutive meetings, more than half of the
187 scheduled meetings within a 12-month period, or who fails to participate in the work of the
188 Commission, without good cause acceptable to a majority of the other Commission members,
189 may be subject to removal from the Commission.
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192 **ARTICLE VII - REMOVAL**

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Any Commission member(s) may be recommended to the Board of Supervisors for removal from the Commission for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of the Commission’s voting members present and voting. The members’ authority to recommend removal under these bylaws neither limits nor waives the Board’s authority to remove members from the Commission as provided by law.

ARTICLE VIII: COMMITTEES

The Chair shall appoint all Standing Committees, except the Nominating Committee and the Executive Committee. Standing Committees shall be made up of members of the History Commission.

The Standing Committees shall include, but not be limited to, the following:

A. Budget Committee

At the close of the fiscal year, the Budget Committee shall prepare and present an operational budget for the coming fiscal year.

B. Nominating Committee

The Nominating Committee shall present a slate of officers in preparation for the annual election of officers in accordance with Article IV. The Chair shall call for three members of the Commission to volunteer each year at the October meeting to serve on the Nominating Committee.

C. Bylaws Committee

The Bylaws Committee shall ensure that the bylaws are current and shall recommend amendments when changes are appropriate, doing so in accordance with the procedures in Article X.

D. Financial Review Committee

The Financial Review Committee shall meet with the Treasurer to conduct an annual review of the financial records and submit a report to the Commission within two months of the close of the fiscal year, which is June 30th. The Financial Review Committee shall consist of four regular members of the Commission, excluding the Treasurer.

E. Executive Committee

The Executive Committee shall be composed of the officers of the Commission. The immediate past Chair shall be a non-voting member of the Executive Committee for a period of one year immediately following the end of their term. If the immediate past Chair is not a member of the Commission, then they will be a non-voting Advisory Member. The Executive Committee shall recommend to the Commission organizational and operating procedures, annual goals, and objectives for adoption.

239 All committee meetings shall comply with the notice and other requirements of the VFOIA. To
240 the extent practicable, any such committees shall be composed of at least four members. In
241 addition to the meetings requirements noted above, committee meetings may be held at the call
242 of the Chair or at the request of two members, with notice to all members.
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245 **ARTICLE IX – COMPLIANCE WITH LAW AND COUNTY POLICY**

246

247 The Commission shall comply with all Virginia laws, including, but not limited to, the VFOIA,
248 and the Virginia State and Local Government Conflict of Interests Act, Virginia Code
249 § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies
250 concerning the activities of its boards, authorities, and commissions. In case of a conflict
251 between a provision of these bylaws and any applicable ordinance or law, the provisions of the
252 applicable ordinance or law, as the case may be, shall control. In the case of a conflict between
253 the Adopted Policies Manual and these bylaws, any applicable ordinance, or law, the provisions
254 of the applicable bylaw, ordinance, or law, as the case may be, shall control.
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257 **ARTICLE X – AMENDMENT OF BYLAWS**

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259 These bylaws may be proposed for amendment at any regular meeting of the Commission by a
260 two-thirds majority vote by those members present and voting, provided notice of the proposed
261 amendment has been given to members at the previous regular meeting or has been delivered
262 by mail or electronically to members at least ten days prior to the meeting. Upon approval of
263 any bylaw amendments by the Commission, the bylaws shall be submitted to the Board for
264 their approval. Any such amendments shall become effective upon approval by the Board.
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267 **These bylaws were approved by the Board of Supervisors on May 10, 2022.**

268

270 GIVEN under my hand this _____ day of _____, 2022

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

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FAIRFAX COUNTY HISTORY COMMISSION BYLAWS

Draft of August 4, 2021

ARTICLE ~~I~~: NAME

The name of this commission ~~shall be~~ the Fairfax County History Commission, hereinafter referred to as ~~the~~ "Commission."

~~ARTICLE II: PURPOSE~~

~~The purpose of~~
~~These bylaws replace and supersede the Commission shall be~~ bylaws adopted on December 3, 2019 and are effective as of May 10, 2022.

ARTICLE II: PURPOSE

The purposes of the Commission are to advise the County Government and generally to promote and encourage public interest in all matters bearing on the history of Fairfax County. In pursuance of these purposes, the Commission shall:

- (A) Prepare for publication a survey list of sites, areas and structures having historic, archaeological, and architectural value in Fairfax County.
- (B) Advise the Board of Supervisors ("Board") and appropriate agencies of County Government in the carrying out of existing projects and the maintenance of existing County-operated sites and buildings that are important in the history of the County. The Commission may proffer its advice to County agencies without request by such agencies; and County agencies have been instructed by the Board to seek the Commission's advice when appropriate and to consider the Commission's advice whenever it is submitted.
- (C) Promote the establishment of volunteer citizen special-interest groups, including especially the creation of trusts or endowments which will preserve and restore historic sites and buildings, as well as seek to provide for historic preservation using tax incentives and other legal instruments.
- (D) Encourage activities at all education levels which will stimulate interest in the archaeological and historic background of Fairfax County.
- (E) Provide liaison with public and private historic agencies in the County and on the State and National level in accordance with adopted policies appearing in the Commission's Adopted Policies Manual.

ARTICLE ~~II~~III: MEMBERSHIP

Appointments. The membership of the Commission shall consist of three membership categories:

A. Regular Members

There shall be 21 regular members, ~~including one member from each Supervisor's election district. Regular members who~~ shall have the power to vote and ~~who~~ shall be appointed by the Board of Supervisors, herein referred to as the "Board," ~~for for~~ three years. ~~In year terms. The membership of the event a~~ Commission shall include at least ~~one member cannot serve or resigns who is a resident from office, then each supervisor election district of the chairman or Board. The membership of the corresponding secretary, or the County staff coordinator~~ Commission shall advise the Clerk to the Board ~~include at least one member of Supervisors a racial minority group. The membership of the vacancy in writing and the Board~~ Commission shall fill any vacancies for the balance of the term. ~~In the event a~~ include at least one member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, then that person may continue to serve as a member until such time as the member is reappointed or a successor member is appointed. ~~One regular member of the Commission should be who is a professional historian, at least one regular member who is a professional archaeologist, and at least one regular member who is a professional architect with competence in historic architecture. The membership of the Commission shall include one City of Fairfax nominee, subject to appointment by the Board for three-year terms. Except for the City of Fairfax regular member, all regular members shall be residents of Fairfax County.~~

B. Advisory Members

Nonvoting advisory members, ~~who shall serve without compensation,~~ may be appointed by the Commission ~~or by the Board, and shall serve without compensation~~ for a term of one calendar year. They shall be experts in such ~~fields, field~~ as the ~~Commission's~~ Commission's work requires. ~~They~~ Advisory members need not be residents of Fairfax County.-

C. Honorary Members

~~Nonvoting~~ The Board may appoint nonvoting, honorary members ~~may be appointed by the Board and who~~ shall serve without compensation. ~~They~~ Honorary members need not be residents of Fairfax County.

Resignations and Vacancies. In the event a Regular Member cannot serve or resigns from office, then the Chair, the Secretary, or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing. Any vacancies among Regular Members shall be filled by the Board for the balance of the unexpired term with due regard for the membership requirements stated above.

Holdovers. In the event a Regular Member completes his or her term of office, remains qualified to serve as a Regular Member, and the Board has not reappointed that member to another term or appointed a successor member, then that person may continue to serve until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV: OFFICERS

The officers of the Commission shall be the ~~Chairman~~ Chair, the Vice-~~Chairman, Recording Secretary, Corresponding~~ Chair, Secretary, and Treasurer. They shall be elected from among nominees selected by the Nominating Committee and/or by nominations received during a

96 meeting of the Commission. They shall be elected annually at the last meeting of the calendar
97 year by majority vote of the Commission present at the meeting and serve a term of one year,
98 beginning the following January. No officer shall serve more than three consecutive terms in
99 the same office. The duties of the officers shall be:

100 ~~Chairman~~

101 ~~Chair:~~ The ~~Chairman~~Chair shall preside at all meetings, and be responsible for the
102 promotion and implementation of the Commission's ~~purpose~~purposes. The
103 ~~Chairman~~Chair shall set an agenda for each meeting and shall serve as an ex-officio
104 member of all committees except the Nominating Committee ~~and the Audit-~~
105 ~~Committee.~~

106
107 ~~Vice-Chairman~~Chair: The Vice-~~Chairman~~Chair shall perform all the duties of the
108 ~~Chairman~~Chair in the absence of the ~~Chairman~~Chair and shall serve as ~~Chairman~~Chair
109 if necessary until the annual election of officers.

110 ~~Corresponding~~

111 ~~Secretary:~~ The ~~Corresponding~~ Secretary shall handle outgoing correspondence at the
112 direction of the Commission; and ~~Chairman~~Chair, and shall maintain the records of the
113 ~~History~~ Commission; with the exception of those records maintained by the Treasurer.
114 The records shall include, but not be limited to, rosters, correspondence, committee
115 minutes, draft meeting minutes, approved meeting minutes, and any additional
116 materials ~~require~~required by the Virginia Freedom of Information Act. ~~Ensure, subject~~
117 ~~to the requirements of Article V below. The Secretary will also ensure~~ that the original
118 approved copy of ~~the all meeting~~ minutes ~~is and all records of the Commission are~~
119 deposited in the official repository in the Virginia Room. The ~~Corresponding~~ Secretary
120 shall ~~assume the duties of the Recording Secretary as needed and~~ be responsible for
121 maintaining the ~~Standing Operating Procedures of the Commission~~Adopted Policies
122 Manual.

123 ~~Recording Secretary:~~ The ~~Recording Secretary shall take minutes and maintain records of the~~
124 ~~Commission meetings. The Recording Secretary shall record accurately all motions made and~~
125 ~~voted upon, and have the minutes printed and distributed by regular mail or email to members~~
126 ~~of the Commission no later than one week prior to the next meeting. If a clerk has been hired to~~
127 ~~record, print and distribute the minutes to the Commission member, the Office of the Recording~~
128 ~~Secretary may remain vacant.~~

129 ~~Treasurer:~~ The Treasurer shall oversee all monies of the Commission. The
130 Treasurer shall have custody of the financial records, and shall report on the financial
131 status of the Commission at each meeting. The Treasurer shall make the records
132 available for an ~~annual review by an audit committee composed of Commission~~
133 ~~members~~annual review by the Financial Review Committee. In the event the
134 Treasurer's office becomes vacant, the Chair shall assume the responsibilities of the
135 Treasurer until the office is filled in accordance with this section.

136
137 Replacement Officers: If any office becomes vacant for any reason, it shall be filled by
138 an election at the next regular meeting of the Commission. The newly elected officer
139 shall complete the unexpired term of the officer succeeded. Prior to the election of any
140 replacement officer, all members shall be provided with notice of the proposed election
141 before the meeting at which the replacement is elected.
142
143

144 **ARTICLE V: MEETINGS** *A. Regular Meetings*

145 ~~1) The date, time and place of regular meetings shall be announced to the Commission~~
146 ~~members and the public one month in advance. All meetings of the Commission~~
147 ~~shall be open to the public.~~

148
149 VFOIA. All meetings shall be open to the public except as provided under the Virginia
150 Freedom of Information Act, Virginia Code § 2.2-3700 et seq., as amended ("VFOIA").
151 Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including
152 work sessions, when sitting physically, or through electronic communication means pursuant to
153 the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage
154 of (i) as many as three members or (ii) a quorum, if less than three, of the constituent
155 membership, wherever held, with or without minutes being taken, whether or not votes are cast,
156 of any public body. The Commission may hold public hearings and report its findings to the
157 Board on Commission issues that affect the public interest.

158
159 Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under
160 the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and
161 location of each meeting. Notice of regular Commission meetings, including the date, time, and
162 place thereof, shall be announced to Commission members and the public one month prior to
163 the meeting. Notice of committee meetings shall be announced at least three working days prior
164 to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be
165 given contemporaneously with the notice provided to Commission members. Notices of all
166 meetings shall be provided to the Office of Public Affairs for posting at the Government Center
167 and on the County Web site.

168
169 Frequency. ~~The names of Commission members who are Commission shall meet monthly or as~~
170 determined by the Chair. Meetings shall be held at a time agreed to by a majority of the
171 Commission's members, and at a place arranged by the staff of the supporting County
172 department.

173
174 Voting. A quorum is necessary for a vote. A majority of the voting membership of the
175 Commission shall constitute a quorum. In making any recommendations, adopting any plan, or
176 approving any proposal, action shall be taken by a majority vote of the Commission's voting
177 members present and voting. Upon the request of any voting member, the vote of each voting
178 member on any issue shall be recorded in the minutes. All votes shall be taken during a public
179 meeting, and no vote shall be taken by secret or written ballot or by proxy.

180
181 Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be
182 conducted in accordance with *Robert's Rules of Order, Newly Revised*. Except as specifically
183 authorized by the VFOIA or other applicable Virginia law, no meeting shall be conducted
184 through telephonic, video, electronic, or other communication means where the members are
185 not all physically assembled to discuss or transact public business.

186
187 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless
188 exempt under the VFOIA, all materials furnished to Commission members shall be made
189 available for public inspection at the same time such documents are furnished to the
190 Commission members. Pursuant to the VFOIA, any person may photograph, film, record, or

191 otherwise reproduce any portion of a meeting required to be open, but such actions may not
192 interfere with any Commission proceedings.

193
194 Records. The Secretary shall ensure that minutes of meetings, as prepared by the Clerk to the
195 Commission, are recorded as required under the VFOIA. Minutes prepared by the Clerk shall
196 include: (1) the date, time, and location of each meeting; (2) the members present and absent;
197 (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record
198 of any votes taken. Such minutes are public records and subject to inspection and copying by
199 citizens of the Commonwealth or by members of the news media. The supporting County
200 department shall provide staff support to review and confirm that the records and minutes of the
201 meetings comply with the VFOIA prior to their submission to the Virginia Room.

202
203 Attorney-Client Privilege. Records containing legal advice from counsel to the Commission,
204 and advice provided in closed session by legal counsel to the Commission, are protected by the
205 attorney-client privilege and from disclosure under the VFOIA. Any such records or advice
206 should not be disclosed by members of the Commission to any third party, or the privilege
207 against disclosure may be waived. Questions regarding the handling of records or advice
208 subject to attorney-client privilege should be directed to the Commission's legal counsel.

209
210
211 **ARTICLE VI** ~~for~~ - ATTENDANCE AND PARTICIPATION

212
213 Any Commission member who misses three consecutive meetings, more than half of the
214 scheduled meetings within a 12-month period, or who fails to participate in the work of the
215 Commission, without good cause shall be transmitted to the Office of the Clerk of the
216 Board acceptable to a majority of the other Commission members, may be subject to removal
217 from the Commission.

218 2) Written minutes of every regular meeting shall be recorded. One copy of the
219 Minutes shall be deposited and preserved as a permanent record by the Fairfax
220 County Public Library.

221 **B. Regular, Closed or Committee Meetings**

222 Regular, Closed or Committee meetings of the full Commission shall be in accordance with the
223 Virginia Freedom of Information Act, Virginia Code, Section 2.2-3700, et al.

224
225 **ARTICLE VII - REMOVAL**

226
227 Any Commission member(s) may be recommended to the Board of Supervisors for removal from
228 the Commission for cause, including but not limited to cause as set forth in Article VI, by a two-
229 thirds majority vote of the Commission's voting members present and voting. The members'
230 authority to recommend removal under these bylaws neither limits nor waives the Board's authority
231 to remove members from the Commission as provided by law.

232
233
234 **ARTICLE VIII**

235 ~~ARTICLE VI~~: **COMMITTEES**

236
237 The ~~Chairman~~ Chair shall appoint all Standing Committees, except the Nominating
238 Committee and the Executive Committee. Standing Committees shall be made up of

239 members of the History Commission.

240
241 The Standing Committees shall include, but not be limited to ~~those set forth here., the~~
242 following:

243
244 **A. Budget Committee**

245 At the close of the fiscal year, the Budget Committee shall prepare and present
246 an operational budget for the coming fiscal year.

247
248 **B. Nominating Committee**

249 The Nominating Committee shall ~~meet in November of each year to nominate~~present a
250 slate of officers in preparation for the ~~December~~annual election of officers in
251 accordance with Article IV. The Chair shall call for three members of the ~~History-~~
252 Commission to volunteer each year at the October ~~Meeting~~meeting to serve on the
253 Nominating Committee.

254
255 **C. Bylaws Committee**

256 The Bylaws Committee shall ensure that the ~~Bylaws~~bylaws are current and shall
257 recommend amendments when changes are appropriate, ~~doing so in accordance with~~
258 the procedures in Article X.

259
260 **D. ~~Audit~~Financial Review Committee**

261 The ~~Audit~~Financial Review Committee shall meet with the Treasurer to conduct an
262 annual review of the financial records and submit a report to the Commission within
263 two months of the close of the fiscal year, which is June 30th. The ~~Audit~~Financial
264 Review Committee shall consist of four regular members of the Commission,
265 excluding the ~~Chairman, Vice-Chairman, Corresponding Secretary, Recording-~~
266 ~~Secretary and~~ Treasurer.

267
268 **E. Executive Committee**

269 The Executive Committee shall be composed of the officers of the Commission. The
270 immediate past ~~Chairman~~Chair shall be a non-voting member of the Executive
271 Committee for ~~the~~ period of one year immediately following the end of their term. If
272 the immediate past Chair is not a member of the Commission, then ~~he/she~~they will be
273 a non-voting Advisory Member. The Executive Committee shall recommend to the
274 Commission organizational and operating procedures, annual goals, and objectives
275 for adoption. ~~The Executive Committee shall meet as necessary.~~

276
277 All committee meetings shall comply with the notice and other requirements of the VFOIA. To
278 the extent practicable, any such committees shall be composed of at least four members. In
279 addition to the meetings requirements noted above, committee meetings may be held at the call
280 of the Chair or at the request of two members, with notice to all members.

281
282
283 **ARTICLE VII: PARLIAMENTARY AUTHORITYIX – COMPLIANCE WITH LAW AND**
284 **COUNTY POLICY**

285 ~~The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall~~

~~govern the Commission in all cases to which they are applicable, and in which they are not inconsistent with the Bylaws and any special rules of order the Commission may adopt.~~

~~The Commission shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control. In the case of a conflict between the Adopted Policies Manual and these bylaws, any applicable ordinance, or law, the provisions of the applicable bylaw, ordinance, or law, as the case may be, shall control.~~

~~ARTICLE VIII: AMENDMENTS~~ **X – AMENDMENT OF BYLAWS**

~~The Bylaws~~

~~These bylaws~~ may be ~~amended~~ proposed for amendment at any regular meeting of the Commission by a two-thirds majority vote by those members present and voting, provided notice of the proposed amendment has been given to members at the previous regular meeting or has been ~~mailed~~ delivered by mail or electronically to members at least ten days prior to the meeting. Upon approval of any ~~Bylaw~~ bylaw amendments by the Commission, the ~~Bylaws~~ bylaws shall be submitted to the Board ~~of Supervisors~~ for their approval. Any such amendments shall become effective upon approval by the Board.

~~ARTICLE IX: DISSOLUTION~~

~~In the event of dissolution of this Commission, all remaining assets derived from County funding after payment of all obligations shall be returned to Fairfax County Government. No funds shall inure to the benefit of any individual member of the Commission.~~

~~Amended and~~

~~These bylaws were approved 3 December 2019 by the Fairfax County Board of Supervisors.~~ **on May 10, 2022.**

GIVEN under my hand this _____ day of _____, 2022

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

FAIRFAX COUNTY HISTORY COMMISSION

POLICIES MANUAL

2021

HISTORY COMMISSION ADOPTED POLICY FOR PARTICIPATING IN THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106 PROCESS AS A CONSULTING PARTY

The Fairfax County History Commission will notify, in writing, the Chairman of the Fairfax County Board of Supervisors (BOS) and the Supervisor of the affected Magisterial District, when it has been invited and agreed to become a Consulting Party in accordance with Section 800.2(c) of the U.S. Advisory Council on Historic Preservation's regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108). The Commission further agrees to keep the Chairman of the BOS and the Supervisor of the affected Magisterial District informed of its comments throughout the Section 106 review process.

The History Commission Bylaws will be amended to include the consulting party policy.

Adopted by unanimous vote – September 2, 2020

FAIRFAX COUNTY HISTORY COMMISSION ADOPTED TELECOMMUNICATIONS FACILITY REVIEW PROCESS - SECTION 106

The Fairfax County History Commission (Commission) often receives requests for comments on proposed telecommunications facilities as part of the Section 106 review process. Section 106 refers to a section of the National Historic Preservation Act of 1966 (NHPA), as amended, which requires federal agencies to take into account the effects of their undertakings on properties on or eligible for the National Register of Historic Places (also known as “historic properties”). These undertakings refer to projects, activities or programs that are carried out with federal assistance and those requiring a Federal permit, license or approval.

Telecommunications facilities are licensed by the Federal Communications Commission (FCC) and therefore any actions regarding these facilities must comply with Section 106. The FCC is responsible for ensuring that this compliance is carried out, although the work is often undertaken by the cell phone companies (“licensees” and “applicants”) who are erecting or co-locating a tower or antenna.

The Department of Planning and Development (DPD) processes proposed telecommunications facility applications in Fairfax County. DPD Heritage Resources staff reviews the applications for compliance with the Comprehensive Plan, Policy Plan with regard to heritage resources and provides comments including the need for compliance with Section 106 and, if necessary, notification of the Virginia Department of Historic Resources for guidance. Staff also considers whether the towers are near sites listed in the Fairfax County Inventory of Historic Sites and their potential effects on these sites.

As part of the Section 106 process, the FCC must also identify other interested parties and afford them the opportunity to comment on the undertaking. In order to ensure the Commission has sufficient time to review and comment on the undertaking and comply with the FCC’s established review period, the FCC applicants and licensees will send the Commission project information at the same time such information is sent to the DPZ staff.

In order to standardize the way the Commission handles proposed telecommunications facility review requests, the following procedure should be followed.

REVIEW PROCESS

The Commission receives request for review of undertaking from entity representing the cell phone company asking for comments.

Request is sent to Commission member(s) in magisterial district where the proposed project is located.

REVIEW AND REQUEST FOR ADDITIONAL INFORMATION

Commission member(s) reviews the request and decides additional information is needed concerning the identification of historic properties. Commission member sends a request for additional information to the entity representing the cell phone company with a copy to the FCC.

REVIEW AND NO HISTORIC PROPERTIES AFFECTED

Commission member(s) reviews the undertaking, determines that no historic properties are present or that if they are, they will not be affected and by the undertaking. Commission member

Adopted unanimously – January 13, 2021

sends a letter to that effect to the entity representing the cell phone company within the 30 day review period and to the Chairman of the Commission.

Commission member mentions at the next regularly scheduled meeting of the Commission that the project was reviewed, and a determination of No Historic Properties was made.

REVIEW AND DETERMINATION OF EFFECT

Commission member notifies the entity representing the cell phone company that that there appears to be an effect on an historic property(ies) within the 30 day review period with copies to the Commission Chairman, the FCC, DPD and the Supervisor representing the magisterial district involved.

The Commission member contacts the Commission Chairman to add the undertaking to the next Commission meeting for discussion.

The Commission discusses at the next meeting.

Adopted unanimously – January 13, 2021

**THE FAIRFAX COUNTY HISTORY COMMISSION POLICY FOR
PARTICIPATION IN MEETINGS BY ELECTRONIC COMMUNICATION**

1. **AUTHORITY AND SCOPE.**

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

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

2. **DEFINITIONS.**

a. “FCHC” means the Fairfax County HISTORY COMMISSION.

b. “**Member**” means any member of the HISTORY COMMISSION.

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

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

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

3. **MANDATORY REQUIREMENTS**

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

Adopted August 4, 2021

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

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

4. **PROCESS TO REQUEST REMOTE PARTICIPATION**

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the FCHC Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance or (iii) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the Director of the Department providing staff service to the FCHC of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely due to a temporary or permanent disability or other medical condition or that of a family member that requires the member to provide care.

d. The requesting member is not obligated to provide independent verification regarding the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.

Adopted August 4, 2021

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

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

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

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

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

6. **RECORDING IN MINUTES:**

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

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and the remote location from which the member participated.

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

7. **CLOSED SESSION**

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

Adopted August 4, 2021

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

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

Adopted August 4, 2021



County of Fairfax, Virginia

MEMORANDUM

DATE: February 16, 2022

TO: Board of Supervisors

FROM: Barbara Byron, Director 
Department of Planning and Development

SUBJECT: Architectural Review Board Bylaws and History Commission Bylaws and Policy Regarding Section 106¹

On May 10, 2022, staff from the Department of Planning and Development (DPD) anticipate requesting Board of Supervisors action on the History Commission's bylaws and on its policy updates, as well as on updates to the Architectural Review Board's (ARB) bylaws. This memo provides background information ahead of that request. Staff is available to meet with any Board members to discuss any questions or concerns.

In August 2021, the History Commission updated its bylaws to refer to its adopted policies manual, which includes a policy adopted in September of 2020 related to participating as a Consulting Party in the Section 106 process. This policy manual, among other things, addresses the History Commission's process to request Consulting Party status in the Section 106 process including: (1) notifying the Chairman of the Board and the Supervisor of the affected District when the History Commission has been invited and agreed to become a Consulting Party; and (2) forwarding to the Chairman of the Board and the Supervisor of the affected District the History Commission's comments throughout the Section 106 review and consultation process, but not necessarily in advance of the comments' submission. The proposed revised bylaws and the adopted policies manual are included as Attachments 1 and 2.

¹ "Section 106" is part of the National Historic Preservation Act of 1966 which requires Federal agencies to consider the effects of their undertakings (financially backed projects or permits) on historic properties. Section 106 requires the federal agency to consult with the Advisory Council on Historic Preservation, the state historic preservation office (SHPO) and any other interested parties or stakeholders also called consulting parties. (Source: <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>, page 4)



PLANNING & DEVELOPMENT

Department of Planning and Development
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Fax 703-653-9447
www.fairfaxcounty.gov/planning-development

In September 2021, the ARB updated its bylaws to include a description of the process followed to request Consulting Party status in the Section 106 process. The ARB process includes: (1) notification to the Board of its recommendation to be identified as a Consulting Party; and (2) forwarding to the Board any comments the ARB plans to provide on the Section 106 project. This communication includes outreach to the Chairman of the Board, the District Supervisor in which the project is located, and the Office of the County Attorney. The marked-up version of the proposed new set of bylaws is included as Attachment 3.

It is noted that the History Commission and the ARB have taken slightly different approaches in the process under which they request Consulting Party status, as summarized highlighted above. It is further noted that the County as a whole (represented by the Board) can be a “consulting party” in the Section 106 process separate and apart from another County agency or agencies. As a result, there is the potential for those agencies to have differing positions from the County’s, which circumstance has occurred in the recent past.

For your information but unrelated to the Section 106 policies, both the History Commission and the ARB made other changes to their bylaws. Changes to the History Commission’s bylaws include: (1) bringing the Commission’s bylaws into conformance with the County’s model bylaws; (2) recognizing and referencing the Commission’s adopted policies manual; (3) altering the name of the Audit Committee to the Financial Review Committee; (4) amending the composition of the Financial Review Committee from the Executive Committee to four regular members of the Commission; and (5) amending the method of providing notice of and amendment to the bylaws to the Commission members to permit electronic delivery.

Changes to the ARB bylaws include: (1) updating the Zoning Ordinance references to reflect the County’s revised Zoning Ordinance; and (2) amending the Attendance at Meetings section to include a process for responding to member absences.

If you have any questions or require additional information, please reach out to Laura Arseneau, Laura.Arseneau@fairfaxcounty.gov 703-324-1380.

Attachments:

- 1) History Commission bylaws revision August 2021
- 2) History Commission adopted policies manual revision September 2020
- 3) ARB bylaws revision September 2021

CC: Bryan Hill, County Executive
Rachel Flynn, Deputy County Executive
Leanna O’Donnell, Director, Planning Division, DPD
Laura Arseneau, Branch Chief, Heritage Resources & Plan Development Branch, DPD
Denice Dressel, Principal Heritage Resources Planner, Heritage Resources & Plan Development Branch
Christopher Daniel, Chair, Architectural Review Board
Cheryl Repetti, Chair, History Commission

Board Agenda Item
May 10, 2022

CONSIDERATION - 2

Approval of Amendments to the Architectural Review Board Bylaws

ISSUE:

Approval of proposed amendments to the Bylaws of the Fairfax County Architectural Review Board (ARB).

TIMING:

Board consideration is requested on May 10, 2022.

BACKGROUND:

The ARB approved its attached proposed bylaws at its September 9, 2021, meeting. The ARB revised these bylaws to align them with the standards regarding the content of bylaws contained in the new Zoning Ordinance adopted on July 1, 2021, and to reflect changes in the ARB's current operations.

The principal amendments to the ARB Bylaws include:

- Minor revisions to update Zoning Ordinance references;
- Revisions to the meeting attendance requirements;
- Creation of a new section that outlines the ARB role as a Consulting Party; and pursuant to Section 106 of the National Historic Preservation Act.

These changes are reflected in the strikethrough copy of the draft bylaws included in Attachment 2.

The Board received a memo from staff on February 16, 2022 outlining the Section 106 processes and its relation to the proposed modification of the ARB by-laws (Attachment 3).

The ARB Bylaws were originally adopted in April 2008 and approved by the Board in June 2008. The ARB Bylaws were last modified and approved by the Board in December 2017.

FISCAL IMPACT:

None.

Board Agenda Item
May 10, 2022

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Fairfax County Architectural Review Board Bylaws
Attachment 2: Proposed Fairfax County Architectural Review Board Bylaws-
strikethrough
Attachment 3: Memo to BOS dated February 16, 2022

STAFF:

Rachel Flynn, Deputy County Executive
Barbara Byron, Director, Department of Planning and Development (DPD)
Leanna H. O'Donnell, Director, Planning Division (PD), DPD
Laura Arseneau, Branch Chief, Heritage Resources and Plan Development Branch, PD
DPD
Denice Dressel, Principal Heritage Resources Planner, Heritage Resources and Plan
Development Branch, PD, DPD

ASSIGNED COUNSEL:

Cherie Halyard Mack, Assistant County Attorney

DRAFT ARB BYLAWS
TENTATIVE BOS DATE: MAY 10, 2022
CONTACT: LAURA ARSENEAU

FAIRFAX COUNTY ARCHITECTURAL REVIEW BOARD

BYLAWS

Date of Original Adoption: June 2008
Date of Revisions Adoption: May 10, 2022

The Fairfax County Architectural Review Board adopts these Bylaws for its rules and procedures for the transaction of its business for the benefit and convenience of the citizens of Fairfax County ("County").

ARTICLE I.
NAME

The official name of this board is the Fairfax County Architectural Review Board hereinafter referred to as "ARB."

ARTICLE II.
ORIGIN, AUTHORITY AND PURPOSE FOR THE ARB

2.1. Origin and Authority. The ARB was authorized by vote of the Board of Supervisors of Fairfax County ("Board of Supervisors") on November 22, 1967, to oversee and administer Fairfax County regulations concerning certain physical changes and uses within Historic Overlay Districts in Fairfax County as designated by the Board of Supervisors, and to assist the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County, pursuant to Section 15.1-503.2 of the Code of Virginia (the current citation is Va. Code § 15.2-2306 (2012)), which authorized local governments to establish such historic districts and review boards. The ARB was established as Article 8, subsection 8103.4 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"); the Zoning Ordinance itself is Chapter 112 of the 1976 Code of the County of Fairfax.

2.2. Purpose of the Architectural Review Board Pursuant to Article 8, subsection 8103.4 of the Zoning Ordinance, the purpose of the ARB is to administer the regulations of Historic Overlay Districts under Article 3, subsection 3101 of the Zoning Ordinance, and to advise and assist the Board of Supervisors in its efforts to preserve and protect historic, architectural, and

archaeological resources in Fairfax County. To carry out those purposes, the ARB has the following duties and powers pursuant to Article 8, subsection 8103.4 f the Zoning Ordinance:

- (a) In a Historic Overlay District, to hear and decide applications for building permits and sign or small cell facility permits as provided for in Article 3, subsection 3101the Zoning Ordinance.
- (b) To review and make recommendations on all applications for rezoning, special permit, special exception and variance, and any site plan, subdivision plat, and grading plan in Historic Overlay Districts.
- (c) To propose, as deemed appropriate, the establishment of additional Historic Overlay Districts and revisions to existing Historic Overlay Districts.
- (d) To assist and advise the Board of Supervisors, the Fairfax County Planning Commission, and other County departments and agencies in matters involving historically, architecturally, culturally, or archaeologically significant sites and buildings such as appropriate land usage, parking facilities, and signs.
- (e) To advise owners of historic buildings or structures on problems of preservation.
- (f) To formulate recommendations concerning the establishment of an appropriate system of markers for Historic Overlay Districts and selected historic sites and buildings, including proposals for the installation and care of such markers.
- (g) To cooperate with and enlist assistance from the Fairfax County History Commission, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic, cultural or archaeological buildings, sites, or areas in the County.
- (h) To make available to the Fairfax County Library, on request, copies of reports, maps, drawings, and other documents bearing on the historical significance and architectural history of landmarks considered by or brought to the attention of the ARB, and permit copies thereof to be made for permanent keeping in the library's historical collection.
- (i) To employ secretarial assistance and pay salaries, wages, and other incurred necessary expenses, pursuant to appropriations by the Board of Supervisors.

2.3. Purpose of Historic Overlay Districts. At the time of adoption of these Bylaws,

Fairfax County has fourteen (14) Historic Overlay Districts. In addition, pursuant to a Memorandum of Agreement regarding the disposal of the Lorton Correctional Complex finalized June 28, 2001, the area identified as the National Register-eligible Historic District is subject to the jurisdiction of the ARB as if it were a Fairfax County designated historic overlay district.

As provided in Article 3, subsection 3101.1 of the Zoning Ordinance, Historic Overlay Districts are specifically delineated general areas or individual structures and premises of the County that have been officially designated by the Board of Supervisors as having historical, cultural, architectural, or archaeological significance and which are created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places, and areas.

Regulations within historic districts are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archaeological heritage of the County; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced. The historic overlay district regulations are intended to encourage uses that will lead to the continuance, conservation, and improvement of such significant areas, structures, and premises within the districts in accordance with the following purposes specified in Article 3, subsection 3101.1 of the Zoning Ordinance:

- (a) To preserve and improve the quality of life for residents of the County by protecting and preserving familiar visual elements in the district.
- (b) To promote tourism by protecting heritage resources attractive to visitors to the County and thereby supporting local business and industry.
- (c) To promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.
- (d) To educate residents of the County about the heritage resources within the district and to foster a sense of pride in this heritage.
- (e) To foster local heritage resource identification and preservation efforts and to encourage the nomination by their owners of qualified properties for listing on the National Register of Historic Places and the Virginia Landmarks Register.
- (f) To prevent, within the district, the encroachment of new buildings or structures, and additions or attachments, which are architecturally incongruous with the visual and historic character of the district.

- (g) To ensure that new development within the district is appropriate and that new structures are well designed.

**ARTICLE III.
MEMBERSHIP AND TERM OF OFFICE**

3.1. Appointment of Members. Members of the ARB are appointed by vote of the Board of Supervisors in accordance with Article 8, subsection 8103.4 f the Zoning Ordinance. The ARB shall be composed of eleven (11) voting Members who shall be residents of the County. Ten (10) of the Members shall be appointed by the Board of Supervisors as follows:

- A. Two (2) licensed architects, at least one of whom must meet the Secretary of the Interior’s Professional Qualification Standards for Historic Architecture as published in 36 CFR Part 61.
- B. One (1) licensed landscape architect.
- C. One (1) lawyer who is an active member in good standing with the Virginia State Bar.
- D. One (1) archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for Archaeology as published in 36 CFR Part 61.
- E. One (1) historian who meets the Secretary of the Interior’s Professional Qualification Standards for History as published in 36 CFR Part 61 or one (1) architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards for Architectural History as published in 36 CFR Part 61.
- F. The other Members appointed by the Board of Supervisors shall be drawn from the ranks of related professional groups such as historians, architectural historians, architects, landscape architects, archaeologists, engineers, land-use planners, lawyers, and real estate brokers.

The eleventh Member shall be an ex officio Member from, and shall be chosen by, the Fairfax County History Commission, who shall be drawn from the ranks of related professional groups or who meets the Secretary of the Interior’s Professional Qualification Standards for one of the disciplines cited in A, D, or E.

3.2. Term of Office. Members shall serve for such term or terms as established by the Board of Supervisors. Members other than the Member from the History Commission, who is chosen by the History Commission, shall be appointed to serve for a term of three (3) years or until their successor has been appointed. Terms shall be staggered with three (3) Members appointed every year except that four (4) Members shall be appointed every third year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

3.3. Vacancies. In the event a Member cannot serve or resigns from office, then the Chairperson, the Recording Secretary, or the County staff Administrator to the ARB shall advise the Clerk to the Board of Supervisors of the vacancy in writing. If a Member completes his or her term of office, remains qualified to serve as a Member, and the Board of Supervisors has not reappointed that Member to another term or appointed a successor Member, then that person may continue to serve as a Member until such time as the Member is reappointed or a successor Member is appointed.

ARTICLE IV. OFFICERS AND DUTIES

4.1. Officers. The ARB shall elect a Chairperson, Vice-Chairperson, and Recording Secretary, and may elect a Treasurer. Officers shall be elected by a majority vote of all voting Members. Each term of office will be one-year, and officers may be elected to successive terms except as stated in Section 4.2. A vacancy occurring during an officer's term shall be filled in the same manner, but the replacement shall be elected only to serve the unexpired balance of the term. Prior to the election of any replacement officer, the Fairfax County Staff Administrator to the ARB will provide all Members with notice of the proposed election before the meeting at which the replacement is to be elected. The officers' duties are as follows:

- (a) Chairperson. The Chairperson shall preside at all meetings and decide all points of order and procedure, subject to these Bylaws, unless directed otherwise by a majority vote of the ARB Members properly in session at the time. As and to the extent stated in Article VIII below, the Chairperson shall appoint all committees.
- (b) Vice-Chairperson. The Vice-Chairperson shall serve as acting Chairperson in the absence of the Chairperson, and at such times the Vice-Chairperson shall have the same powers and duties as the Chairperson.
- (c) Recording Secretary. The Recording Secretary shall take minutes of the ARB meetings. The Recording Secretary shall record accurately all motions made and voted upon, and have the minutes distributed through the Fairfax County ARB Staff Administrator to Members of the ARB no later than one week prior to the next meeting. The Recording Secretary need not be a Member of the ARB.
- (d) Treasurer. If the ARB chooses to elect a Treasurer, the Treasurer shall advise membership and County staff, as required, on the ARB budget and expenditure of funds.

4.2. Term Limitations. No Member shall serve as Chairperson for more than four (4) consecutive one-year terms.

4.3. Terms and Elections. Terms for officers shall begin in January of each calendar year. Election of officers for the succeeding calendar year shall take place no later than the regular December meeting of the ARB.

ARTICLE V. MEETINGS AND VOTING

5.1. Meetings. The ARB shall have regular monthly meetings on the second Thursday of each month at 6:30 p.m. at the Fairfax County Government Center or at such other time and/or place designated by the ARB, and shall have such other special meetings from time to time at the times and places designated by the Chairperson of the ARB. The ARB may change the time and place of regular monthly meetings as it deems appropriate. The Fairfax County ARB Staff Administrator shall notify all Members of the ARB of the time and place of any special meetings at least five (5) days in advance of the meeting. All meetings shall be conducted in accordance with the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 through -3714, as amended (“VFOIA”), and except for closed sessions, all meetings shall be open to the public. Pursuant to Virginia Code § 2.2-3701, “meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or § 2.2-3708.1, as a body or entity, or as an informal assemblage of as many as three members of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.

The Fairfax County ARB Staff Administrator shall give at least three (3) working days’ prior public notice of the date, time, and location of its meetings in accordance with Virginia Code § 2.2-3707. Notice, reasonable under the circumstances of special or emergency meetings, shall be given by the Fairfax County ARB Staff Administrator contemporaneously with the notice provided to Members of the ARB. Notice of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Internet site. Also, notices for all meetings shall be placed at a prominent public location by the Fairfax County ARB Staff Administrator. All meetings shall be conducted in places that are accessible to persons with disabilities, and all meetings shall be conducted in public buildings whenever practical.

At any meeting, at least one copy of the agenda and, unless exempt under the VFOIA, all materials furnished to Members of the ARB shall be made available for public inspection at the same time such documents are furnished to the Members. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but no person broadcasting, photographing, filming or recording any open meeting may interfere with any of the proceedings.

Minutes of all regular and special meetings of the ARB shall be approved by majority vote of the voting Members present. The minutes shall include: (1) the date, time, and location of each meeting; (2) the Members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public

records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

5.2. Quorum. A quorum of six (6) voting Members present is required for consideration of any matter.

5.3. Voting. Any action taken shall require the affirmative vote of a majority of the voting Members present during consideration of a properly called matter. All votes of Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or proxy. All voting Members who are present at the meeting, including the Chairperson, may vote at any meeting.

5.4. Expenditures. All expenditures shall be in furtherance of the purposes of the ARB, and shall include costs of training and education of the Members as approved by the ARB. No expenditure shall inure to the private interest of any Member. No expenditure of ARB funds shall be made without prior approval of the ARB.

5.5. Conflicts of Interest. A Member shall exempt himself or herself from taking part in the hearing, consideration, or determination of any matter before the ARB in which the Member has a personal interest such that he or she is disqualified from participation under the Virginia Conflicts of Interest Act (“COIA”), including but not limited to § 2.2-3112 of the COIA addressing prohibited conduct, or that would qualify as a conflict of interest as defined in any rule, regulation, or guideline of the Virginia Department of Historic Resources or of the National Park Service.

5.6. Attendance at Meetings. Members are expected to attend all regular and special meetings of the ARB unless excused. Members may request to be excused from a meeting following submission of a valid excuse in advance to the Chairperson or Vice Chairperson, when requested by the Chairperson.

Absences from ARB meetings does not exclude Members from providing comments on action and administrative items in the meeting agenda. If a member has comments and cannot attend the meeting, the requesting Member must provide written comments to the Chairperson and ARB Administrator in advance of the meeting so their comments can be included in the record.

Members with three unexcused absences in any twelve-month period will be reminded by the Chairperson in writing of the importance of full participation in ARB meetings and activities. After four unexcused absences in a twelve-month period, the Chairperson shall notify the Clerk to the BOS and the appropriate appointing Supervisor, of the Member’s repeat absences. After five unexcused absences in a twelve-month period, the Member's position shall be declared vacant. The determination of an excused absence for valid reason shall be made by the Chairperson, subject to review by the full ARB for an appeal of a determination by the Chairperson that a Member’s absence is not excused.

5.7. Conduct of Meetings.

(a) Order of Meeting: The order of business at regular meetings shall be as follows:

1. Determination of quorum
2. Declaration of purpose of the ARB
3. Approval of agenda
4. Consent Agenda items requiring board action
5. Application or other Agenda items requiring ARB action 6.
Workshop sessions with prospective applicants
7. Other items, such as:
 - Treasurer's Report
 - Staff Report
 - Other
8. Adjourn

(b) Consideration of Applications: Applicants or other interested persons may appear in person or by agent at the meeting. The order of business for consideration of applications for action by the ARB shall be as follows:

1. The Chairperson, or such person as she or he shall direct, shall give a preliminary statement concerning the application;
2. The applicant may present statements in support of his or her application;
3. Members of the public other than the applicant either in favor or opposed to granting the application may present statements concerning the application;
4. Statements or arguments submitted by any official, commission, or department of the County of Fairfax, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the Chairperson;
5. ARB Members, including the Chairperson, may discuss the application;
6. An ARB Member, other than the Chairperson, may introduce a motion. The names of the ARB Members making and seconding motions shall be recorded.
7. The ARB may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision.

8. In the event that facts other than those presented at a meeting at which an application has been considered are relied upon to support a decision, such facts shall be stated for the record.
9. Decisions of the ARB may be accompanied by such conditions and/or recommendations as may be reasonable under the circumstances to effectuate the purposes of the Zoning Ordinance.
10. Procedures may be modified by the ARB.

ARTICLE VI. RULES GOVERNING ACTIONS OF THE BOARD

The ARB is governed by the following:

6.1. Ordinances/Regulations. The ARB shall be governed by the Zoning Ordinance Article 3, subsection 3101, specifically as applicable to Historic Overlay Districts and generally by Historic District Guidelines adopted from time to time for each historic overlay district pursuant to the Zoning Ordinance, by other applicable provisions of the 1976 Code of the County of Fairfax, Virginia, and by the Code of Virginia.

6.2. Rules of Procedure. Procedural matters of the ARB, including the rules for conducting public meetings of the ARB, which are not otherwise governed by these By-Laws, ordinance, regulation, or statute, shall be carried out in accordance with *Roberts Rules of Order, Newly Revised*. Except as specifically authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the Members are not all physically assembled to discuss or transact public business.

6.3 Participation as Consulting Party. The ARB shall notify the BOS in advance of any request to be identified as a consulting party, pursuant to Section 106 of the National Historic Preservation Act (54 USC § 306108) (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). When the ARB has identified an interest in a proposed Federal undertaking that has the potential to cause effects on historic properties within Fairfax County, the ARB shall notify the Clerk of the BOS, the Chairman of the Board, the appropriate District Supervisor, and the County Attorney of its intent to be identified as a consulting party at least fifteen days prior to transmitting any such correspondence to the lead Federal agency responsible for conducting the Section 106 review. The ARB's participation as a consulting party does not preclude or modify the County's ability to participate as a consulting party.

If identified as a consulting party, the ARB through representation by its Members may participate in consultation meetings and provide comments on determinations of eligibility, findings of effect, and measures to resolve adverse effects. Formal comments conveyed in writing by the ARB shall be shared with the Chairman of the BOS, the Clerk to the BOS and appropriate District Supervisor and the County Attorney prior to conveying them to the lead Federal agency.

Further, the ARB through signature of the Chairperson or Vice Chairperson may elect to sign an agreement document developed pursuant to the Section 106 process as a concurring party.

ARTICLE VII. GENERAL PRINCIPLES GOVERNING DECISIONS

Subject to the terms of Article VI, in making its decisions the ARB will consider all standards, criteria, and considerations required under Article 3, subsection 3101f the Fairfax Zoning Ordinance, guidelines established for specific historic overlay districts, and the following factors and general principles as applicable to particular applications:

7.1. Factors Considered:

- (a) The historical or architectural value and significance of a building or structure and its relationship to or congruity with the historic value of the land, place, or area in the historic area upon which it is proposed to be located, constructed, reconstructed, altered, or repaired.
- (b) The appropriateness of the exterior architectural features of such building or structure to such land, place, or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings, or structures in the historic area and environs.
- (c) The general exterior design, arrangement, textures, materials, planting, and color proposed to be used in the location, construction, alteration, or repair of the building, structure, or improvement, and the types of windows, exterior doors, lights, landscaping, and parking viewed from a public street, public way, or other public place and their relationship to or congruity with the other factors to be considered by the ARB.

7.2. Principles: Keeping in mind the purposes and objectives of the Historic Overlay Districts and the above-stated factors, decisions of the ARB are governed by the following general principles:

- (a) Architectural Variety: The beauty of a district depends upon contrast, complexity, and variety, rather than upon uniformity.
- (b) Architectural Integrity: Because buildings vary widely, what is appropriate for one building may be inappropriate for another. The ARB treats each building as having its own integrity and, thus, gives each building individual consideration.
- (c) Preservation: Preservation of historically significant features within an historic overlay district is a goal of the ARB, under the following guidelines:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place over the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent, to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and

additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (d) Improvement: The goal of the ARB is to approve design, materials, and construction techniques that improve a property, rather than diminishing its character or value.
- (e) Architectural Congruity: The ARB oversees districts rather than simply individual structures and therefore seeks to preserve, improve, and encourage harmonious visual relationships among the buildings within each district. The ARB stresses the role that design elements play in making buildings within a given area harmonize, including but not limited to consideration of the following design elements:
- Scale
 - Fenestration (window size, number, style, and arrangement)
 - Roof pitch
 - Proportions of building
 - Placement and shape of entrance
 - Detailing
 - Color
 - Materials
 - Set backs

ARTICLE VIII. COMMITTEES

All Committees shall be appointed by the Chairperson, except the Nominating Committee which shall be appointed by majority vote of the Members. The ARB may establish as many committees as may be required to perform its function. All meetings of any committees shall comply with the notice and other requirements of the VFOIA, as per paragraph 5.1 above. To the extent practicable, any such committees shall be composed of at least four Members.

8.1. Purposes and Establishment of Committees. Committees may be established to investigate any matters before the ARB, as determined by a majority vote of the ARB.

8.2. Nominating Committee. The Nominating Committee shall meet in November of each year to nominate a slate of officers in preparation of the December election.

8.3. Bylaws Committee. The Bylaws Committee shall ensure that the Bylaws are current and shall recommend amendments when changes are appropriate.

**ARTICLE IX.
ANNUAL REPORT**

The ARB shall prepare an annual written report to the Board of Supervisors that describes the actions and activities conducted in the previous year and any plans and/or recommendations for future action and activities. The Chairperson shall provide the report to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

**ARTICLE X.
COMPLIANCE WITH LAW AND COUNTY POLICY**

The ARB and its Members shall comply with all Virginia laws, including, but not limited to, the VFOIA and COIA, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions.

**ARTICLE XI.
AMENDMENTS TO BYLAWS**

These Bylaws may be amended at any regular meeting of the ARB by a two-thirds majority vote by those Members present and voting, provided notice of the proposed amendment has been given to Members at the previous regular meeting or has been mailed to Members at least ten days prior to the meeting. Upon approval of any bylaws amendments by the ARB, the bylaws shall be submitted to the Board of Supervisors for its approval.

**ARTICLE XII.
DISSOLUTION**

In the event of dissolution of the ARB, all remaining assets derived from County funding after payment of all obligations shall be returned to Fairfax County Government. No funds shall inure to the benefit of any individual Member of the ARB.

Date of ARB Approval: September 9, 2021

Date of Board of Supervisors Adoption: May 10, 2022

GIVEN under my hand this _____ day of _____, 2022

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

DRAFT ARB BYLAWS
TENTATIVE BOS DATE: MAY 10, 2022
CONTACT: LAURA ARSENEAU

FAIRFAX COUNTY ARCHITECTURAL REVIEW BOARD

BYLAWS

Date of Original Adoption: June 2008

Date of Revisions Adoption: ~~December 2017~~ May 10, 2022

The Fairfax County Architectural Review Board adopts these Bylaws for its rules and procedures for the transaction of its business for the benefit and convenience of the citizens of Fairfax County ("County").

**ARTICLE I.
NAME**

The official name of this board is the Fairfax County Architectural Review Board hereinafter referred to as "ARB."

**ARTICLE II.
ORIGIN, AUTHORITY AND PURPOSE FOR THE ARB**

2.1. Origin and Authority. The ARB was authorized by vote of the Board of Supervisors of Fairfax County ("Board of Supervisors") on November 22, 1967, to oversee and administer Fairfax County regulations concerning certain physical changes and uses within Historic Overlay Districts in Fairfax County as designated by the Board of Supervisors, and to assist the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County, pursuant to Section 15.1-503.2 of the Code of Virginia (the current citation is Va. Code § 15.2-2306 (2012)), which authorized local governments to establish such historic districts and review boards. The ARB was established as ~~Part 3 of Article 19~~ Article 8, subsection 8103.4 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"); the Zoning Ordinance itself is Chapter 112 of the 1976 Code of the County of Fairfax.

2.2. Purpose of the Architectural Review Board Pursuant to Article 8, subsection 8103.4 ~~Section 19-301~~ of the Zoning Ordinance, the purpose of the ARB is to administer the regulations of Historic Overlay Districts under ~~Part 2 of Article 7 (Overlay District Regulations)~~ Article 3, subsection 3101 of the Zoning Ordinance, and to advise and assist the Board of Supervisors in its efforts to preserve and protect historic, architectural, and archaeological

resources in Fairfax County. To carry out those purposes, the ARB has the following duties and powers pursuant to [Article 8, subsection 8103.4](#) ~~Section 19-307~~ of the Zoning Ordinance:

- (a) In a Historic Overlay District, to hear and decide applications for building permits and sign or small cell facility permits as provided for in [Article 3, subsection 3101](#) ~~Section 7-204~~ of the Zoning Ordinance.
- (b) To review and make recommendations on all applications for rezoning, special permit, special exception and variance, and any site plan, subdivision plat, and grading plan in Historic Overlay Districts.
- (c) To propose, as deemed appropriate, the establishment of additional Historic Overlay Districts and revisions to existing Historic Overlay Districts.
- (d) To assist and advise the Board of Supervisors, the Fairfax County Planning Commission, and other County departments and agencies in matters involving historically, architecturally, culturally, or archaeologically significant sites and buildings such as appropriate land usage, parking facilities, and signs.
- (e) To advise owners of historic buildings or structures on problems of preservation.
- (f) To formulate recommendations concerning the establishment of an appropriate system of markers for Historic Overlay Districts and selected historic sites and buildings, including proposals for the installation and care of such markers.
- (g) To cooperate with and enlist assistance from the Fairfax County History Commission, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic, cultural or archaeological buildings, sites, or areas in the County.
- (h) To make available to the Fairfax County Library, on request, copies of reports, maps, drawings, and other documents bearing on the historical significance and architectural history of landmarks considered by or brought to the attention of the ARB, and permit copies thereof to be made for permanent keeping in the library's historical collection.
- (i) To employ secretarial assistance and pay salaries, wages, and other incurred necessary expenses, pursuant to appropriations by the Board of Supervisors.

2.3. Purpose of Historic Overlay Districts. At the time of adoption of these Bylaws, Fairfax County has ~~thirteen (13)~~fourteen (14) Historic Overlay Districts. In addition, pursuant to a Memorandum of Agreement regarding the disposal of the Lorton Correctional Complex finalized June 28, 2001, the area identified as the National Register-eligible Historic District is subject to the jurisdiction of the ARB as if it were a Fairfax County designated historic overlay district.

As provided in Article 3, subsection 3101.1~~Section 7-201~~ of the Zoning Ordinance, Historic Overlay Districts are specifically delineated general areas or individual structures and premises of the County that have been officially designated by the Board of Supervisors as having historical, cultural, architectural, or archaeological significance and which are created for the purpose of promoting the general welfare, education, economic prosperity, and recreational pleasure of the public, through the identification, preservation, and enhancement of those buildings, structures, neighborhoods, landscapes, places, and areas.

Regulations within historic districts are intended to protect against destruction of or encroachment upon such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archaeological heritage of the County; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced. The historic overlay district regulations are intended to encourage uses that will lead to the continuance, conservation, and improvement of such significant areas, structures, and premises within the districts in accordance with the following purposes specified in Article 3, subsection 3101.1~~Section 7-201~~ of the Zoning Ordinance:

- (a) To preserve and improve the quality of life for residents of the County by protecting and preserving familiar visual elements in the district.
- (b) To promote tourism by protecting heritage resources attractive to visitors to the County and thereby supporting local business and industry.
- (c) To promote the upkeep and rehabilitation of significant older structures and encourage appropriate land use planning and development that will enhance both the economic viability and historic character of the district.
- (d) To educate residents of the County about the heritage resources within the district and to foster a sense of pride in this heritage.
- (e) To foster local heritage resource identification and preservation efforts and to encourage the nomination by their owners of qualified properties for listing on the National Register of Historic Places and the Virginia Landmarks Register.

- (f) To prevent, within the district, the encroachment of new buildings or structures, and additions or attachments, which are architecturally incongruous with the visual and historic character of the district.
- (g) To ensure that new development within the district is appropriate and that new structures are well designed.

**ARTICLE III.
MEMBERSHIP AND TERM OF OFFICE**

3.1. Appointment of Members. Members of the ARB are appointed by vote of the Board of Supervisors in accordance with [Article 8, subsection 8103.4](#) ~~Section 19-303~~ of the Zoning Ordinance. The ARB shall be composed of eleven (11) voting Members who shall be residents of the County. Ten (10) of the Members shall be appointed by the Board of Supervisors as follows:

- A. Two (2) licensed architects, at least one of whom must meet the Secretary of the Interior's Professional Qualification Standards for Historic Architecture as published in 36 CFR Part 61.
- B. One (1) licensed landscape architect.
- C. One (1) lawyer who is an active member in good standing with the Virginia State Bar.
- D. One (1) archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology as published in 36 CFR Part 61.
- E. One (1) historian who meets the Secretary of the Interior's Professional Qualification Standards for History as published in 36 CFR Part 61 or one (1) architectural historian who meets the Secretary of the Interior's Professional Qualification Standards for Architectural History as published in 36 CFR Part 61.
- F. The other Members appointed by the Board of Supervisors shall be drawn from the ranks of related professional groups such as historians, architectural historians, architects, landscape architects, archaeologists, engineers, land-use planners, lawyers, and real estate brokers.

The eleventh Member shall be an ex officio Member from, and shall be chosen by, the Fairfax County History Commission, who shall be drawn from the ranks of related professional groups or who meets the Secretary of the Interior's Professional Qualification Standards for one of the disciplines cited in A, D, or E.

3.2. Term of Office. Members shall serve for such term or terms as established by the

Board of Supervisors. Members other than the Member from the History Commission, who is chosen by the History Commission, shall be appointed to serve for a term of three (3) years or until their successor has been appointed. Terms shall be staggered with three (3) Members appointed every year except that four (4) Members shall be appointed every third year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

3.3. Vacancies. In the event a Member cannot serve or resigns from office, then the Chairperson, the Recording Secretary, or the County staff Administrator to the ARB shall advise the Clerk to the Board of Supervisors of the vacancy in writing. If a Member completes his or her term of office, remains qualified to serve as a Member, and the Board of Supervisors has not reappointed that Member to another term or appointed a successor Member, then that person may continue to serve as a Member until such time as the Member is reappointed or a successor Member is appointed.

ARTICLE IV. OFFICERS AND DUTIES

4.1. Officers. The ARB shall elect a Chairperson, Vice-Chairperson, and Recording Secretary, and may elect a Treasurer. Officers shall be elected by a majority vote of all voting Members. Each term of office will be one-year, and officers may be elected to successive terms except as stated in Section 4.2. A vacancy occurring during an officer's term shall be filled in the same manner, but the replacement shall be elected only to serve the unexpired balance of the term. Prior to the election of any replacement officer, the Fairfax County Staff Administrator to the ARB will provide all Members with notice of the proposed election before the meeting at which the replacement is to be elected. The officers' duties are as follows:

- (a) Chairperson. The Chairperson shall preside at all meetings and decide all points of order and procedure, subject to these Bylaws, unless directed otherwise by a majority vote of the ARB Members properly in session at the time. As and to the extent stated in Article VIII below, the Chairperson shall appoint all committees.
- (b) Vice-Chairperson. The Vice-Chairperson shall serve as acting Chairperson in the absence of the Chairperson, and at such times the Vice-Chairperson shall have the same powers and duties as the Chairperson.
- (c) Recording Secretary. The Recording Secretary shall take minutes of the ARB meetings. The Recording Secretary shall record accurately all motions made and voted upon, and have the minutes distributed through the Fairfax County ARB Staff Administrator to Members of the ARB no later than one week prior to the next meeting. The Recording Secretary need not be a Member of the ARB.

(d) Treasurer. If the ARB chooses to elect a Treasurer, the Treasurer shall advise membership and County staff, as required, on the ARB budget and expenditure of funds.

4.2. Term Limitations. No Member shall serve as Chairperson for more than four (4) consecutive one-year terms.

4.3. Terms and Elections. Terms for officers shall begin in January of each calendar year. Election of officers for the succeeding calendar year shall take place no later than the regular December meeting of the ARB.

ARTICLE V. MEETINGS AND VOTING

5.1. Meetings. The ARB shall have regular monthly meetings on the second Thursday of each month at 6:30 p.m. at the Fairfax County Government Center or at such other time and/or place designated by the ARB, and shall have such other special meetings from time to time at the times and places designated by the Chairperson of the ARB. The ARB may change the time and place of regular monthly meetings as it deems appropriate. The Fairfax County ARB Staff Administrator shall notify all Members of the ARB of the time and place of any special meetings at least five (5) days in advance of the meeting. All meetings shall be conducted in accordance with the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 through -3714, as amended (“VFOIA”), and except for closed sessions, all meetings shall be open to the public. Pursuant to Virginia Code § 2.2-3701, “meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or § 2.2-3708.1, as a body or entity, or as an informal assemblage of as many as three members of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.

The Fairfax County ARB Staff Administrator shall give at least three (3) working days’ prior public notice of the date, time, and location of its meetings in accordance with Virginia Code § 2.2-3707. Notice, reasonable under the circumstances of special or emergency meetings, shall be given by the Fairfax County ARB Staff Administrator contemporaneously with the notice provided to Members of the ARB. Notice of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Internet site. Also, notices for all meetings shall be placed at a prominent public location by the Fairfax County ARB Staff Administrator. All meetings shall be conducted in places that are accessible to persons with disabilities, and all meetings shall be conducted in public buildings whenever practical.

At any meeting, at least one copy of the agenda and, unless exempt under the VFOIA, all materials furnished to Members of the ARB shall be made available for public inspection at the same time such documents are furnished to the Members. Any person may photograph, film,

record, or otherwise reproduce any portion of a meeting required to be open, but no person broadcasting, photographing, filming or recording any open meeting may interfere with any of the proceedings.

Minutes of all regular and special meetings of the ARB shall be approved by majority vote of the voting Members present. The minutes shall include: (1) the date, time, and location of each meeting; (2) the Members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

5.2. Quorum. A quorum of six (6) voting Members present is required for consideration of any matter.

5.3. Voting. Any action taken shall require the affirmative vote of a majority of the voting Members present during consideration of a properly called matter. All votes of Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or proxy. All voting Members who are present at the meeting, including the Chairperson, may vote at any meeting.

5.4. Expenditures. All expenditures shall be in furtherance of the purposes of the ARB, and shall include costs of training and education of the Members as approved by the ARB. No expenditure shall inure to the private interest of any Member. No expenditure of ARB funds shall be made without prior approval of the ARB.

5.5. Conflicts of Interest. A Member shall exempt himself or herself from taking part in the hearing, consideration, or determination of any matter before the ARB in which the Member has a personal interest such that he or she is disqualified from participation under the Virginia Conflicts of Interest Act (“COIA”), including but not limited to § 2.2-3112 of the COIA addressing prohibited conduct, or that would qualify as a conflict of interest as defined in any rule, regulation, or guideline of the Virginia Department of Historic Resources or of the National Park Service.

5.6. Attendance at Meetings. Members are expected to attend all regular and special meetings of the ARB unless excused. [Members may request to be excused from a meeting following submission of a valid excuse in advance to the Chairperson or Vice Chairperson, when requested by the Chairperson.](#)

[Absences from ARB meetings does not exclude Members from providing comments on action and administrative items in the meeting agenda. If a member has comments and cannot attend the meeting, the requesting Member must provide written comments to the Chairperson and ARB Administrator in advance of the meeting so their comments can be included in the record.](#)

Members with three unexcused absences in any twelve-month period will be reminded by the Chairperson in writing of the importance of full participation in ARB meetings and activities. After four unexcused absences in a twelve-month period, the Chairperson shall notify the Clerk to the BOS and the appropriate appointing Supervisor, of the Member's repeat absences. After five unexcused absences in a twelve-month period, the Member's position shall be declared vacant. The determination of an excused absence for valid reason shall be made by the Chairperson, subject to review by the full ARB for an appeal of a determination by the Chairperson that a Member's absence is not excused.

5.7. Conduct of Meetings.

(a) Order of Meeting: The order of business at regular meetings shall be as follows:

1. Determination of quorum
2. Declaration of purpose of the ARB
3. Approval of agenda
4. Consent Agenda items requiring board action
5. Application or other Agenda items requiring ARB action 6.
Workshop sessions with prospective applicants
7. Other items, such as:
 - Treasurer's Report
 - Staff Report
 - Other
8. Adjourn

(b) Consideration of Applications: Applicants or other interested persons may appear in person or by agent at the meeting. The order of business for consideration of applications for action by the ARB shall be as follows:

1. The Chairperson, or such person as she or he shall direct, shall give a preliminary statement concerning the application;
2. The applicant may present statements in support of his or her application;
3. Members of the public other than the applicant either in favor or opposed to granting the application may present statements concerning the application;
4. Statements or arguments submitted by any official, commission, or department of the County of Fairfax, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the Chairperson;

5. ARB Members, including the Chairperson, may discuss the application;
6. An ARB Member, other than the Chairperson, may introduce a motion. The names of the ARB Members making and seconding motions shall be recorded.
7. The ARB may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision.
8. In the event that facts other than those presented at a meeting at which an application has been considered are relied upon to support a decision, such facts shall be stated for the record.
9. Decisions of the ARB may be accompanied by such conditions and/or recommendations as may be reasonable under the circumstances to effectuate the purposes of the Zoning Ordinance.
10. Procedures may be modified by the ARB.

ARTICLE VI. RULES GOVERNING ACTIONS OF THE BOARD

The ARB is governed by the following:

6.1. Ordinances/Regulations. The ARB shall be governed by the Zoning Ordinance [Article 3, subsection 3101](#), specifically as applicable to Historic Overlay Districts and generally by Historic District Guidelines adopted from time to time for each historic overlay district pursuant to the Zoning Ordinance, by other applicable provisions of the 1976 Code of the County of Fairfax, Virginia, and by the Code of Virginia.

6.2. Rules of Procedure. Procedural matters of the ARB, including the rules for conducting public meetings of the ARB, which are not otherwise governed by these By-Laws, ordinance, regulation, or statute, shall be carried out in accordance with *Roberts Rules of Order, Newly Revised*. Except as specifically authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the Members are not all physically assembled to discuss or transact public business.

6.3 Participation as Consulting Party. [The ARB shall notify the BOS in advance of any request to be identified as a consulting party, pursuant to Section 106 of the National Historic Preservation Act \(54 USC § 306108\) \(NHPA\) and its implementing regulations, "Protection of Historic Properties" \(36 CFR Part 800\). When the ARB has identified an interest in a proposed Federal undertaking that has the potential to cause effects on historic properties within Fairfax](#)

County, the ARB shall notify the Clerk of the BOS, the Chairman of the Board, the appropriate District Supervisor, and the County Attorney of its intent to be identified as a consulting party at least fifteen days prior to transmitting any such correspondence to the lead Federal agency responsible for conducting the Section 106 review. The ARB's participation as a consulting party does not preclude or modify the County's ability to participate as a consulting party.

If identified as a consulting party, the ARB through representation by its Members may participate in consultation meetings and provide comments on determinations of eligibility, findings of effect, and measures to resolve adverse effects. Formal comments conveyed in writing by the ARB shall be shared with the Chairman of the BOS, the Clerk to the BOS and appropriate District Supervisor and the County Attorney prior to conveying them to the lead Federal agency. Further, the ARB through signature of the Chairperson or Vice Chairperson may elect to sign an agreement document developed pursuant to the Section 106 process as a concurring party.

ARTICLE VII. GENERAL PRINCIPLES GOVERNING DECISIONS

Subject to the terms of Article VI, in making its decisions the ARB will consider all standards, criteria, and considerations required under Article 3, subsection 3101~~Section 7-204~~ of the Fairfax Zoning Ordinance, guidelines established for specific historic overlay districts, and the following factors and general principles as applicable to particular applications:

7.1. Factors Considered:

- (a) The historical or architectural value and significance of a building or structure and its relationship to or congruity with the historic value of the land, place, or area in the historic area upon which it is proposed to be located, constructed, reconstructed, altered, or repaired.
- (b) The appropriateness of the exterior architectural features of such building or structure to such land, place, or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings, or structures in the historic area and environs.
- (c) The general exterior design, arrangement, textures, materials, planting, and color proposed to be used in the location, construction, alteration, or repair of the building, structure, or improvement, and the types of windows, exterior doors, lights, landscaping, and parking viewed from a public street, public way, or other public place and their relationship to or congruity with the other factors to be considered by the ARB.

7.2. Principles: Keeping in mind the purposes and objectives of the Historic Overlay Districts and the above-stated factors, decisions of the ARB are governed by the following general principles:

- (a) Architectural Variety: The beauty of a district depends upon contrast, complexity, and variety, rather than upon uniformity.
- (b) Architectural Integrity: Because buildings vary widely, what is appropriate for one building may be inappropriate for another. The ARB treats each building as having its own integrity and, thus, gives each building individual consideration.
- (c) Preservation: Preservation of historically significant features within an historic overlay district is a goal of the ARB, under the following guidelines:
 - 1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - 2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - 3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - 4. Changes which may have taken place over the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
 - 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual

qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent, to any project.
 9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (d) Improvement: The goal of the ARB is to approve design, materials, and construction techniques that improve a property, rather than diminishing its character or value.
- (e) Architectural Congruity: The ARB oversees districts rather than simply individual structures and therefore seeks to preserve, improve, and encourage harmonious visual relationships among the buildings within each district. The ARB stresses the role that design elements play in making buildings within a given area harmonize, including but not limited to consideration of the following design elements:
- Scale
 - Fenestration (window size, number, style, and arrangement)
 - Roof pitch
 - Proportions of building
 - Placement and shape of entrance
 - Detailing
 - Color
 - Materials
 - Set backs

**ARTICLE VIII.
COMMITTEES**

All Committees shall be appointed by the Chairperson, except the Nominating Committee which shall be appointed by majority vote of the Members. The ARB may establish as many committees as may be required to perform its function. All meetings of any committees shall comply with the notice and other requirements of the VFOIA, as per paragraph 5.1 above. To the extent practicable, any such committees shall be composed of at least four Members.

8.1. Purposes and Establishment of Committees. Committees may be established to investigate any matters before the ARB, as determined by a majority vote of the ARB.

8.2. Nominating Committee. The Nominating Committee shall meet in November of each year to nominate a slate of officers in preparation of the December election.

8.3. Bylaws Committee. The Bylaws Committee shall ensure that the Bylaws are current and shall recommend amendments when changes are appropriate.

**ARTICLE IX.
ANNUAL REPORT**

The ARB shall prepare an annual written report to the Board of Supervisors that describes the actions and activities conducted in the previous year and any plans and/or recommendations for future action and activities. The Chairperson shall provide the report to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

**ARTICLE X.
COMPLIANCE WITH LAW AND COUNTY POLICY**

The ARB and its Members shall comply with all Virginia laws, including, but not limited to, the VFOIA and COIA, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions.

**ARTICLE XI.
AMENDMENTS TO BYLAWS**

These Bylaws may be amended at any regular meeting of the ARB by a two-thirds majority vote by those Members present and voting, provided notice of the proposed amendment has been given to Members at the previous regular meeting or has been mailed to Members at

least ten days prior to the meeting. Upon approval of any bylaws amendments by the ARB, the bylaws shall be submitted to the Board of Supervisors for its approval.

**ARTICLE XII.
DISSOLUTION**

In the event of dissolution of the ARB, all remaining assets derived from County funding after payment of all obligations shall be returned to Fairfax County Government. No funds shall inure to the benefit of any individual Member of the ARB.

Date of ARB Approval: ~~October 12, 2017~~ September 9, 2021
Date of Board of Supervisors Adoption: May 10, 2022 ~~December 5, 2017~~



County of Fairfax, Virginia

MEMORANDUM

DATE: February 16, 2022

TO: Board of Supervisors

FROM: Barbara Byron, Director 
Department of Planning and Development

SUBJECT: Architectural Review Board Bylaws and History Commission Bylaws and Policy Regarding Section 106¹

On May 10, 2022, staff from the Department of Planning and Development (DPD) anticipate requesting Board of Supervisors action on the History Commission's bylaws and on its policy updates, as well as on updates to the Architectural Review Board's (ARB) bylaws. This memo provides background information ahead of that request. Staff is available to meet with any Board members to discuss any questions or concerns.

In August 2021, the History Commission updated its bylaws to refer to its adopted policies manual, which includes a policy adopted in September of 2020 related to participating as a Consulting Party in the Section 106 process. This policy manual, among other things, addresses the History Commission's process to request Consulting Party status in the Section 106 process including: (1) notifying the Chairman of the Board and the Supervisor of the affected District when the History Commission has been invited and agreed to become a Consulting Party; and (2) forwarding to the Chairman of the Board and the Supervisor of the affected District the History Commission's comments throughout the Section 106 review and consultation process, but not necessarily in advance of the comments' submission. The proposed revised bylaws and the adopted policies manual are included as Attachments 1 and 2.

¹ "Section 106" is part of the National Historic Preservation Act of 1966 which requires Federal agencies to consider the effects of their undertakings (financially backed projects or permits) on historic properties. Section 106 requires the federal agency to consult with the Advisory Council on Historic Preservation, the state historic preservation office (SHPO) and any other interested parties or stakeholders also called consulting parties. (Source: <https://www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf>, page 4)



Board of Supervisors
February 16, 2022
Page 2

In September 2021, the ARB updated its bylaws to include a description of the process followed to request Consulting Party status in the Section 106 process. The ARB process includes: (1) notification to the Board of its recommendation to be identified as a Consulting Party; and (2) forwarding to the Board any comments the ARB plans to provide on the Section 106 project. This communication includes outreach to the Chairman of the Board, the District Supervisor in which the project is located, and the Office of the County Attorney. The markedup version of the proposed new set of bylaws is included as Attachment 3.

It is noted that the History Commission and the ARB have taken slightly different approaches in the process under which they request Consulting Party status, as summarized highlighted above. It is further noted that the County as a whole (represented by the Board) can be a “consulting party” in the Section 106 process separate and apart from another County agency or agencies. As a result, there is the potential for those agencies to have differing positions from the County’s, which circumstance has occurred in the recent past.

For your information but unrelated to the Section 106 policies, both the History Commission and the ARB made other changes to their bylaws. Changes to the History Commission’s bylaws include: (1) bringing the Commission’s bylaws into conformance with the County’s model bylaws; (2) recognizing and referencing the Commission’s adopted policies manual; (3) altering the name of the Audit Committee to the Financial Review Committee; (4) amending the composition of the Financial Review Committee from the Executive Committee to four regular members of the Commission; and (5) amending the method of providing notice of and amendment to the bylaws to the Commission members to permit electronic delivery.

Changes to the ARB bylaws include: (1) updating the Zoning Ordinance references to reflect the County’s revised Zoning Ordinance; and (2) amending the Attendance at Meetings section to include a process for responding to member absences.

If you have any questions or require additional information, please reach out to Laura Arseneau, Laura.Arseneau@fairfaxcounty.gov 703-324-1380.

Attachments:

- 1) History Commission bylaws revision August 2021
- 2) History Commission adopted policies manual revision September 2020
- 3) ARB bylaws revision September 2021

CC: Bryan Hill, County Executive
Rachel Flynn, Deputy County Executive
Leanna O'Donnell, Director, Planning Division, DPD
Laura Arseneau, Branch Chief, Heritage Resources & Plan Development Branch, DPD
Denice Dressel, Principal Heritage Resources Planner, Heritage Resources & Plan
Development Branch
Christopher Daniel, Chair, Architectural Review Board
Cheryl Repetti, Chair, History Commission

Board Agenda Item
May 10, 2022

INFORMATION - 1

Fairfax-Falls Church Community Services Board Fee Schedule

Since its establishment in 1969, the Fairfax-Falls Church Community Services Board (CSB) has complied with Section 37.2-504 (A) (7) of the Code of Virginia, which states the CSB shall prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the CSB Board and establish procedures for the collection of the same.

The CSB ensures compliance with the Code of Virginia by: (1) conducting a review of fee-related materials by CSB staff, in consultation with CSB Board Members; (2) reviewing publicly during CSB Board meetings and accepting written comments regarding proposed changes; and (3) accepting comments during multiple public CSB Board meeting. In accordance with the CSB's Memorandum of Agreement with the Board of Supervisors as well as State regulations, on March 23, 2022, the CSB Board approved a Fee Schedule with revisions to selected service charges.

The services on the Fee Schedule include outpatient, residential, and ancillary services. Fees for Virginia Medicaid State Plan Option services are set at the Medicaid reimbursement rate. Fees for outpatient services are traditionally cost-based and recorded in increments that are consistent with Current Procedural Terminology (CPT) maintained by the American Medical Association to uniformly describe medical (including psychiatric), surgical, and diagnostic services. Fees for residential services are based on Medicaid set rates, and in some cases income-based due to the extended length of stay for residential treatment or the permanency of a community-living setting for individuals with an intellectual disability. Ancillary charges include usual and customary fees such as those to cover administrative costs such as copying records or returned checks and as prescribed by Fairfax County Code and/or the Code of Virginia.

The current proposed changes to the CSB Fee Schedule are primarily attributable to revising Medicaid and Medicare reimbursement rates for services.

Unless otherwise directed by the Board of Supervisors, the County Executive will direct staff to proceed with the implementation of the revised Fee Schedule. Sufficient advance notice of fee changes must be given to consumers.

Board Agenda Item
May 10, 2022

FISCAL IMPACT:

The fee related documents provide the CSB with uniform mechanisms to maximize revenues from clients, Medicaid, Medicare, and other health insurance plans. The FY 2022 Revised Budget Plan for the CSB includes \$21 million in estimated fee revenues.

ENCLOSED DOCUMENTS:

Attachment 1 – CSB Fee Schedule

Attachment 2 – Summary of Changes to CSB 2022-2023 Fee Schedule

STAFF:

Christopher Leonard, Deputy County Executive

Daryl Washington, Executive Director, Fairfax-Falls Church Community Services Board (CSB)

Daniel Herr, Deputy Executive Director of Administrative Operations, Fairfax-Falls Church CSB

Sebastian Tezna, Director of Behavioral Health Operations, Fairfax-Falls Church CSB

FY23 Final Fee Schedule

Service	Service Code	Revenue Code (Facility Billing Only)	Subject to Ability to Pay Scale	Previous Rate	New Rate	Unit	Change
Interactive Complexity* add on to other clinic services when there is a factor that complicates the psychiatric service or increases the work intensity of the psychotherapy service	90785		Yes	\$16.47	\$16.33	per event	(\$0.14)
Initial Evaluation/Assessment	90791		Yes	\$199.30	\$197.19	per event	(\$2.11)
Psychiatric Evaluation, Medical Services	90792		Yes	\$223.16	\$221.80	per event	(\$1.36)
Individual Therapy/Counseling (16 to 37 minutes)	90832		Yes	\$85.48	\$85.67	per event	\$0.19
Psychotherapy w/Pt w/E&M (16 to 37 minutes) - add on	90833		Yes	New	\$78.81	per event	New
Individual Therapy/Counseling (38 to 52 minutes)	90834		Yes	\$113.62	\$113.11	per event	(\$0.51)
Psychotherapy w/Pt w/E&M (38 to 52 minutes) - add on	90836		Yes	New	\$99.40	per event	New
Individual Therapy/Counseling (53 minutes or greater)	90837		Yes	\$167.71	\$165.87	per event	(\$1.84)
Psychotherapy w/Pt w/E&M (53 minutes or greater) - add on	90838		Yes	New	\$130.74	per event	New
Crisis Intervention - non-Medicaid	90839		Yes	\$159.80	\$158.89	per hour	(\$0.91)
Crisis Intervention - Addl 30 Min	90840		Yes	\$75.54	\$79.74	each add't 30 min	\$4.20
Psychoanalysis	90845		Yes	New	\$107.15	per event	New
Family Therapy w/out client (50 minutes)	90846		Yes	\$107.42	\$106.54	per event	(\$0.88)
Family Therapy w/ client (50 minutes)	90847		Yes	\$111.10	\$110.19	per event	(\$0.91)
Multi-Family Group Therapy	90849		Yes	\$39.85	\$39.95	per event	\$0.10
Group Therapy/Counseling (per group, per person)	90853		Yes	\$30.37	\$30.12	per event	(\$0.25)
Injection Procedure	96372		Yes	\$16.62	\$16.91	per event	\$0.29
Urine Collection & Drug Screen- Retests Only (Specimen Handling)	99000		Yes	\$25.00	\$3.68	per event	(\$21.32)
Office Outpatient New 15-29 Min	99202		Yes	\$55.95	\$85.86	per event	\$29.91
Psychiatric Evaluation & Management Low Complexity - New Patient 30-44 Min	99203		Yes	\$130.74	\$130.99	per event	\$0.25
Psychiatric Evaluation & Management Moderate Complexity - New Patient 45-59 Min	99204		Yes	\$193.99	\$193.70	per event	(\$0.29)
Office Outpatient New High 60-74 min	99205		Yes	\$255.71	\$255.77	per event	\$0.06
Nursing Subsequent Care - Established Patient	99211		Yes	\$27.34	\$27.97	per event	\$0.63
Office Outpatient Established 10-19 Min	99212		Yes	\$40.51	\$66.74	per event	\$26.23
Psychiatric Evaluation & Management Low Complexity - Established Patient 20-29 Min	99213		Yes	\$106.24	\$105.79	per event	(\$0.45)
Psychiatric Evaluation & Management Moderate Complexity - Established Patient 30-39 Min	99214		Yes	\$150.25	\$148.55	per event	(\$1.70)
Office Outpatient Established High 40-54 min	99215		Yes	\$209.07	\$209.06	per event	(\$0.01)
Preventative Visit Estimated Age 18-39	99395		Yes	\$86.72	\$86.23	per event	(\$0.49)
Preventative Visit Estimated Age 40-64	99396		Yes	\$89.89	\$79.95	per event	(\$9.94)
Preventative Visit Estimated Age 65+ (negotiated)	99397		Yes	\$95.00	\$95.00	per event	\$0.00
Prolonged Office Outpatient ea 15 min	99417		Yes	\$45.00	\$22.34	per 15 min	(\$22.66)
Complex E/M visit add on	G2211		Yes	\$45.00	\$45.00	per event	\$0.00
Prolonged Outpatient Office Visit	G2212		Yes	\$45.00	\$37.32	per event	(\$7.68)
Case Management - SA	H0006		Yes	\$243.00	\$273.38	per month	\$30.38
Residential Treatment	H0010 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes	\$393.50	\$423.32	per day	\$29.82
Intensive Outpatient - SA	H0015	Revenue Code 905 or 906	Yes	\$250.00	\$281.25	per day	\$31.25
Behavioral Health Short Term Residential (TDOs)	H0018 - HK		Yes	\$657.96	\$657.96	per event	\$0.00
Behavioral Health Outreach Service (Case Management - MH)	H0023		Yes	\$326.50	\$367.31	per month	\$40.81
Community Psychiatric Supportive Treatment	H0036		Yes	\$30.79	\$34.64	per 15 min	\$3.85
Intensive Community Treatment	H0039/ H0040		Yes	\$153.00	\$172.13	per hour	\$19.13
Crisis Intervention - Medicaid	H2011		Yes	\$30.79	\$31.06	per 15 min	\$0.27
Therapeutic Behavioral Services	H2019		Yes	\$89.00	\$100.13	per 15 min	\$11.13
Crisis Stabilization - Adult Residential (Therapeutic Behavioral Services)	H2019	Revenue Code(s) 1001, and DRG(s) 876, 880-887	Yes	\$583 (Facility only)	\$583 (Facility only)	per day	None
Turning Point Program	H2020		Yes	\$146.22	\$164.50	per day	\$18.28
Detoxification, Medical, Residential-setting	H2036 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes	\$393.50	\$423.32	per day	\$29.82
Detoxification, Social, Residential-setting	H2036 - HB	Revenue Code(s) 1002, and DRG(s) 894-897	Yes	\$393.50	\$423.32	per day	\$29.82
Drop-In Support Services, ID	None		Yes	Rate set by vendor(s) but no less than \$2 per hour and for those with incomes above 150% of FPL, apply 20% liability (based on ATP Scale) of the CSB contracted negotiated rate. If below 150% of FPL, charge \$2 per hour.	Rate set by vendor(s) but no less than \$2 per hour and for those with incomes above 150% of FPL, apply 20% liability (based on ATP Scale) of the CSB contracted negotiated rate. If below 150% of FPL, charge \$2 per hour.	per hour	None

Late Cancellation or No Show (commercial insurance coverage only)	None		Yes	\$25.00	\$25.00	per appointment	\$0.00
Residential Fee ID Community Living Services	None		No	75%	75%	of monthly gross income	\$0.00
Residential Fee MH/SA Community Living Services	None		No	30%	30%	of monthly gross income	\$0.00
Returned Check (due to insufficient funds or closed account)	None		No	\$50.00	\$50.00	per check	\$0.00
Transportation	None		No	\$100.00	\$100.00	per month	\$0.00
Partial Hospitalization Psychiatric Patient	S0201	Revenue Code 912	Yes	\$500.00	\$562.50	per diem	\$62.50
Partial Hospitalization Substance Abuse Patient	S0201	Revenue Code 913	Yes	\$500.00	\$562.50	per diem	\$62.50
Release of Information: Research	S9981		No	\$10.00	\$10.00	per event	\$0.00
Release of Information: Per Page	S9982		No	\$.37 per pg up to 50 pgs; \$.18 per pg > = 51 pgs; \$6.00 per CD	\$.37 per pg up to 50 pgs; \$.18 per pg > = 51 pgs; \$6.00 per CD	per pages/CD	Varies

Summary of Changes to CSB 2021-2022 Fee Schedule

Fee Schedule

- The CSB has adopted the use of the national standard for rate development used by Medicare to determine reimbursement rates. The following structure has been adopted to allow for the Schedule to be updated annually with a standard methodology that can be validated with transparency.
 - First, use of CMS Medicare code/rate structure for Fairfax County
 - Second, if code/rate not available, use Virginia Department of Medical Assistance (DMAS) Fee Schedule
 - Third, if code/rate not available, use CSB negotiated rate with payers
- All codes validated against CMS service table to ensure accuracy of code/service description.
- Units of service validated by AMA coding manuals.

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).
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- 1. *Megan Field v. Fairfax County, Virginia*, EEOC Charge No.: 570-2019-00143
 - 2. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer*, Case No. 1:21-cv-35 (E.D. Va.)
 - 3. *Curtiss Davis v. Edwin C. Roessler Jr. et al.*, Case No. 22-1179 (United States Court of Appeals for the Fourth Circuit)
 - 4. *Samira Koussa v. Edwin C. Roessler Jr. and John Doe Officers*, Case No. CL-2020-0010604 (Fx. Co. Cir. Ct.)
 - 5. *City of Eugene, Or, et al. v. Federal Communications Commission, et al.*, Record No. 21-661 (U.S. Sup. Ct.)
 - 6. *Randy E. Jacobs v. State Farm Mutual Automobile Insurance Company, Nationwide Property & Casualty Insurance Company, County of Fairfax, Corvel Corporation and Maurice Jett*; Case No. CL 2022-0004592 (Fx. Co. Cir. Ct.)
 - 7. *Ho Chul Sihh v. Syed Ahmed and Fairfax County Police Department*; Case No. CL-2022-0001100 (Fx. Co. Cir. Ct.)
 - 8. *Pamela Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*; Case No. GV21014412-00 (P.W. Co. Gen. Dist. Ct.); and *Christopher Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*; Case No. GV21014411-00 (P.W. Co. Gen. Dist. Ct.)
 - 9. *Mario Corado v. William Fisher*, Case No. GV21-014229 (Fx. Co. Gen. Dist. Ct.) and *Alma Duran v. William Fisher*, Case No. GV21-014230 (Fx. Co. Gen. Dist. Ct.)
 - 10. *Kimberly Molitor, by GEICO (subrogee) v. Tiffany Hope Horton*; Case No. GV21-003424 (Stafford Co. Gen. Dist. Ct.)

11. *Henry Reuter v. Tiffany Hope Horton*; Case No. GV22-000290 (Stafford Co. Gen. Dist. Ct.)
12. *Lisah Smith v. Tina Spurlock*, Case No. GV22-001235 (Fx. Co. Gen. Dist. Ct.)
13. *NS Reston, LLC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County Planning Commission*, Case No. CL-2019-0015831 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *In re: September 23, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia in the matter of Appeal Application A 2019-SU-018*; Case No. CL-2020-0016508; and *In re: September 23, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia in the matter of Appeal Application A 2019-SU-019*; Case No. CL-2020-0016509 (Fx. Co. Cir. Ct.) (Sully District)
15. *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)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Daquan Zhou*, Case No. GV22-001884 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
17. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Randal S. Cordes*, Case No. CL-2022-0004466 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Yon Chol Pak and Sun Yee Pak*, Case No. CL-2022-0000780 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Kittredge D. Seely and Marlene Czajkowski Seely*, Case No. CL-2022-0004465 (Fx. Co. Cir. Ct.) (Hunter Mill District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Qadeer Malik and Shahnaz Malik*, Case No. GV21-016561 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John M. Petruncio*, Case No. GV22-001321 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Travis G. Galey and Melinda M. Galey*, Case No. CL-2020-0018286 (Fx. Co. Cir. Ct.) (Lee District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Antonio Rivas and Leonidas Rivas, Case No. CL-2022-0004136 (Fx. Co. Cir. Ct.) (Lee District)*
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sysmall I. Warfield, Case No. CL-2021-0011520 (Fx. Co. Cir. Ct.) (Lee District)*
25. *Jay Riat, Building Official for Fairfax County, Virginia v. New Life Investments LLC, Case No. GV22-017486 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Arsenio Suyo, Case No. GV21-019314 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Julio Montufar and Mia F. Mishan-Rivera, Case No. GV22-000241 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Karem Vanessa Ibanez Padilla, Case No. GV22-001885 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Kham, Case No. GV22-001604 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Nelly Pena, Anabel Garcia & Amindo Valera, Case No. GV22-004179 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
31. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Ethel C. Jackson, Case No. GV22-003835 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Sujit Kumar Barua and Rina Barua, Case No. GV22-004894 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Stephen K. Num, Case No. GV22-004888 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
34. *Jay Riat, Building Official for Fairfax County, Virginia v. Rizwan Shah, Case No. GV22-004891 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Khorsandi and Djamshid Khorsandi, Case No. CL-2022-0000431 (Fx. Co. Cir. Ct.) (Mason District)*
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Jorge Andia, Case No. GV21-017504 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
37. *Jay Riat, Building Official for Fairfax County, Virginia v. Neyba Karla Pena, Case No. GV21-017525 (Fx. Co. Gen. Dist. Ct.) (Mason District)*

38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Claudia Antionette Baya*, Case No. GV21-018000 (Fx. Co. Gen. Dist. Ct.) (Mason District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bertha Gonzalez, Vladimir A. Gonzalez, and Marlene F. Farell*, Case No. GV21-018004 (Fx. Co. Gen. Dist. Ct.) (Mason District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bryce A. Schwarzmans*, Case No. CL-2012-0006422 (Fx. Co. Cir. Ct.) (Mason District)
41. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Bryce A. Schwarzmans*, Case No. GV21-018007 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Oscar Maravilla*, Case No. GV21-019442 (Fx. Co. Gen. Dist. Ct.) (Mason District)
43. *Jay Riat, Building Official for Fairfax County, Virginia v. Markham Management, LLC and Hanshin Pocha*, Case No. GV22-001887 (Fx. Co. Gen. Dist. Ct.) (Mason District)
44. *Jay Riat, Building Official for Fairfax County, Virginia v. V-Beltway Associates, LLC and Spec Drive LLC*, Case No. GV22-004078 (Fx. Co. Gen. Dist. Ct.) (Mason District)
45. *Jay Riat, Building Official for Fairfax County, Virginia v. DAA Constructors, LLC*, Case No. GV22-004766 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Jay Riat, Building Official for Fairfax County, Virginia v. Juan Carlos Cadima*, Case No. GV22-005089 (Fx. Co. Gen. Dist. Ct.) (Mason District)
47. *Jay Riat, Building Official for Fairfax County, Virginia v. Charbel C. Markhoul and Rita A. Douaihy*, Case No. GV21-013768 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
48. *Jay Riat, Building Official for Fairfax County, Virginia v. Fullerton Lot Two Associates*, Case No. GV21-013717 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
49. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. GV22-002475 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
50. *Jay Riat, Building Official for Fairfax County, Virginia v. Jeffrey S. Chown*, Case No. GV22-004389 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
51. *Jay Riat, Building Official for Fairfax County, Virginia v. Ethiorun LCC and MEDI, LLC*, Case No. GV22-004772 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

52. *Jay Riat, Building Official for Fairfax County, Virginia v. Unlimited Amlock, LLC and Papa & John's*, Case No. GV22-004768 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
53. *Jay Riat, Building Official for Fairfax County, Virginia v. AYR Properties SEP, LLC*, Case No. GV22-005333 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Branden Beasley*, Case No. GV22-005382 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
55. *Jay Riat, Building Official for Fairfax County, Virginia v. Ariel Ward and Paul Bruce Ward II*, Case No. GV22-001886 (Fx. Co. Gen. Dist. Ct.) (Providence District)
56. *Jay Riat, Building Official for Fairfax County, Virginia v. Waseem Q. Chaudhry and Seemi Gull*, Case No. GV22-0015885 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
57. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph McLoughlin*, Case No. GV22-001886 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
58. *Jay Riat, Building Official for Fairfax County, Virginia v. Mario Amaro*, Case No. GV22-002474 (Fx. Co. Gen. Dist. Ct.) (Sully District)
59. *Jay Riat, Building Official for Fairfax County, Virginia v. Massis Investments, LLC*, Case No. GV22-003837 (Fx. Co. Gen. Dist. Ct.) (Sully District)
60. *Jay Riat, Building Official for Fairfax County, Virginia v. Alert Eagle Enterprises, LLC*, Case No. GV22-003838 (Fx. Co. Gen. Dist. Ct.) (Sully District)
61. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beatrice C. Garcia*, Case No. CL-2022-0004261 (Fx. Co. Cir. Ct.) (Sully District)
62. *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)
63. *Jay Riat, Building Official for Fairfax County, Virginia v. Gail Harris*, Case No. GV22-005090 (Fx. Co. Gen. Dist. Ct.) (Sully District)
64. *Jay Riat, Building Official for Fairfax County, Virginia v. Shun Tak Property, LLC*, Case No. GV22-005088 (Fx. Co. Gen. Dist. Ct.) (Sully District)
65. *Jay Riat, Building Official for Fairfax County, Virginia v. White Bear, LLC*, Case No. GV22-005087 (Fx. Co. Gen. Dist. Ct.) (Sully District)

66. *Board of Supervisors of Fairfax County, Virginia, v. Long & Foster Real Estate – Reston, Case No. GV22-01889 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*

Board Agenda Item
May 10, 2022

3:30 p.m.

Public Hearing on PCA 2009-MV-018 (Scannell Properties #117, LLC and Scannell Properties #82, LLC) to Amend the Proffers for RZ 2009-MV-018 Previously Approved for Office and Industrial Uses to Permit a Second Motor Freight Distribution hub in a Second Location and Associated Modifications to Proffers with an Overall Floor Area Ratio (FAR) of 0.09, Located on Approximately 117.75 Acres of Land Zoned I-5 (Mount Vernon District)

This property is located N. of Telegraph Rd., W. of Fairfax County Parkway, and S. of Cinder Bed Rd. Tax Map 108-1 ((12)) 6, 7A1, 7B1, 7C; 99-4 ((8)) 1, 2, 3B, 4 and 5.

PLANNING COMMISSION RECOMMENDATION:

On March 16, 2022, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of PCA 2009-MV-018, subject to the execution of proffered conditions consistent with those dated March 10, 2022.

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)

Lauren Hall, Planner, DPD

Board Agenda Item
May 10, 2022

3:30 p.m.

Public Hearing on SE 2021-SP-008 (Burke Community Church) to Permit a College or University with a Total Daily Enrollment of 60 Students, Located on Approximately 12.65 Acres of Land Zoned R-1 (Springfield District)

This property is located at 9900 Old Keene Mill Rd., Burke, 22015. Tax Map 88-1 ((1)) 7A.

PLANNING COMMISSION RECOMMENDATION:

On March 16, 2022, the Planning Commission voted 11-0 (Commissioner Sargeant recused himself from the vote) to recommend to the Board of Supervisors approval of SE 2021-SP-008, subject to the proposed development conditions dated March 16, 2022.

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
May 10, 2022

REVISED

3:30 p.m.

Public Hearing on SEA 84-V-035-03 (Huntwood, L.L.C.) to Amend SE 84-V-035 Previously Approved for an Increase in Building Height to Allow for Addition of Land Area, Increase in Floor Area Ratio (FAR), Increase in Office Use, Site Modifications and Uses in Floodplain, Located on Approximately 4.67 Acres of Land Zoned C-8, HC and CRD (Mount Vernon District)

This property is located at 5845 and 5863 Richmond Hwy., Alexandria, 22303. Tax Map 83-4 ((1)) 8, 9, 10 and 11.

PLANNING COMMISSION RECOMMENDATION:

On May 4, 2022, the Planning Commission voted 11-1 (Commissioner Cortina voted in opposition) to recommend to the Board of Supervisors approval of SEA 84-V-035-03, subject to the development conditions dated May 3, 2022.

In related actions, the Planning Commission voted 8-3 (Commissioner Sargeant was not present for the vote and Commissioners Strandlie, Cortina, and Niedzielski-Eichner voted in opposition) to recommend to the Board of Supervisors approval of Resource Protection Area Encroachment Exception #6216-WRPA-001-5 and Water Quality Impact Assessment #6216-WQ-001-5, subject to the development conditions contained in Attachment A of Appendix 4 in the staff report dated March 25, 2022.

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)

Curtis Rowlette, Planner, DPD

Board Agenda Item
May 10, 2022

3:30 p.m.

Public Hearing on SEA 2021-PR-00200 (FFI Virginian Owner LLC) to Amend SE 200 Previously Approved for an Independent Living Facility and Medical Care Facility to Permit Modifications to Site Design and Development Conditions, Located on Approximately 32.27 Acres of Land Zoned R-1 (Providence District)

This property is located at 9225 and 9229 Arlington Blvd., Fairfax. Tax Map 48-4 ((1)) 10 and 50.

PLANNING COMMISSION RECOMMENDATION:

On March 23, 2022, the Planning Commission voted 11-0 (Commissioner Murphy was absent from the meeting) to recommend to the Board of Supervisors approval of SEA 2021-PR-00200, subject to the proposed development conditions dated March 8, 2022.

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)

Curtis Rowlette, Planner, DPD

Board Agenda Item
May 10, 2022

4:00 p.m.

Public Hearing on PCA/CDPA 2005-LE-021 (Truealty Van Dorn, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2005-LE-021, Previously Approved for 17 Single Family Attached Dwellings at a Density of 7.23 Dwelling Units per Acre and Allow Associated Modifications to Site Design and Proffers, Located on Approximately 2.35 Acres of Land Zoned PDH-8 (Lee District)

This property is located on the E. side of Van Dorn St., approx. 1,200 ft. N. of Franconia Rd. Tax Map 81-4 ((1)) 37, 38 and 39.

PLANNING COMMISSION RECOMMENDATIONS:

On March 30, 2022, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of PCA 2005-LE-021, subject to the execution of proffered conditions consistent with those dated March 25, 2022.

In a related action, the Planning Commission voted 12-0 to approve FDPA 2005-LE-021, subject to the Board of Supervisors' approval of PCA 2005-LE-021.

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)

Kimia Zolfagharian, Planner, DPD

Board Agenda Item
May 10, 2022

4:00 p.m.

Public Hearing to Consider Proposed Amendment to the Uniformed Retirement System Ordinance

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed amendment to the URS ordinance for the purpose of changing the provision concerning severe service-connected disabilities. The URS Board of Trustees has reviewed and supports the proposed amendment.

TIMING:

On April 12, 2022, the Board authorized advertisement of a public hearing on May 10, 2022, at 4:00 p.m.

BACKGROUND:

At the February 1, 2022, meeting of its Personnel Committee, the Board was presented with a proposed amendment to severe service-connected provisions in the URS ordinance that have been requested by the URS Board of Trustees. In response, the Board directed that the amendment be scheduled as soon as possible for a public hearing.

The URS has two levels of service-connected disability benefits. Ordinary service-connected disability pays 40 percent of the salary the individual would receive at retirement, while severe service-connected disability pays 90 percent. These levels of service-connected disabilities were enacted in response to a 1996 comprehensive study of URS disability benefits.

Board Agenda Item
May 10, 2022

Members currently are only eligible to be considered for the higher severe service-connected disability benefit if they have one of the following 11 impairments suffered while on duty:

- Loss of both hands or both feet;
- Loss of one hand and one foot;
- Loss of one hand and the sight of one eye;
- Loss of one foot and the sight of one eye;
- Loss of the sight of both eyes;
- Paralysis, either paraplegia or quadriplegia;
- Cancers determined to be compensable by the Virginia Workers' Compensation Commission which were caused by documented contact with a toxic substance, pursuant to Section 65.2-402(c) of the Virginia Code;
- Loss of speech;
- Loss of hearing;
- A mental incapacity that meets the criteria for disability benefits under the Federal Old-Age Survivors' and Disability Insurance Act,
- Chronic Hepatitis C determined to be compensable by the Virginia Workers' Compensation Commission which was caused by documented exposure to HCV-positive blood or other potentially infectious material (OPIM) in the workplace or during work-related activities; or
- Occupational Asthma, Occupational Hypersensitivity Pneumonitis, or Chronic Obstructive Pulmonary Disease (COPD) determined to be compensable by the Virginia Workers' Compensation Commission which was caused by documented exposure to a toxic substance in the workplace or during work-related activities.

PROPOSED AMENDMENTS:

The proposed URS ordinance amendment, if adopted, would be effective on July 1, 2022. The proposed change would add persistent burn injuries caused by documented exposure/injury in the workplace or during work related activities to the current list of impairments that qualify for severe service-connected disability;

FISCAL IMPACT:

The change does not represent benefit enhancements, would not impact the URS's funded status, and would not require an increase in the County's contribution to URS.

ENCLOSED DOCUMENTS:

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

Board Agenda Item
May 10, 2022

STAFF:

Christina Jackson, Chief Financial Officer

Jeff Weiler, Executive Director, Fairfax County Retirement Systems

ASSIGNED COUNSEL:

Benjamin R. Jacewicz, Assistant County Attorney

SECTION 3-3-37.2. Severe service-connected disability retirement.

- (a) Any member in service may, at any time before his or her normal retirement date, be retired on account of a severe disability which is due to injury by accident and/or disease(s) which arose out of and in the course of the member's service. The Board shall determine whether a member has suffered a severe disability as defined herein due to injury by accident and/or disease(s) which arose out of and in the course of a member's service. In making this determination, the Board shall consult the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia which applied or construed language under the Virginia Workers' Compensation Act. Furthermore, in making this determination, the Board shall consider any medical record or information and/or any further tests or examinations required pursuant to Section 3-3-10.1.
- (b) When a member or his or her employer submits a written application for service-connected disability retirement as set forth in Section 3-3-36, the Board shall determine whether the member meets the requirements for qualification to receive severe service-connected disability as set forth in this Section. Prior to submitting such application, the member shall be required to apply for workers' compensation to which he or she may be entitled. The member shall also be required to submit to the Board copies of the dispositions as made of his or her workers' compensation claim and any subsequent awards or other documents reflecting any modification or termination of such benefits. With respect to the determination of a member's eligibility for retirement under this Section, the Board shall give great weight to the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the Virginia Workers' Compensation Act; and the Board may modify its prior determination of eligibility under this Section in light of any such decision within 90 days after the date such decision becomes final.
- (c) Any member otherwise eligible for ordinary disability retirement under Section 3-3-34 whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to Section 3-3-34. Any member otherwise eligible for service-connected disability retirement under Section 3-3-36 whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to Section 3-3-36.
- (d) *Severe disability* shall mean an impairment from the list below that permanently incapacitates the member from performing the necessary duties of the position in which he or she had been employed prior to sustaining the impairment.
- (1) Schedule of impairments:
- (A) Loss of both hands or both feet;
 - (B) Loss of one hand and one foot;
 - (C) Loss of one hand and the sight of one eye;
 - (D) Loss of one foot and the sight of one eye;
 - (E) Loss of the sight of both eyes;
 - (F) Paralysis, either paraplegia or quadriplegia;
 - (G) Cancers determined to be compensable by the Virginia Workers' Compensation Commission which were caused by documented contact with a toxic substance, pursuant to Section 65.2402(c) of the *Virginia Code*;
 - (H) Loss of speech;
 - (I) Loss of hearing;

- (J) A mental incapacity that meets the criteria for disability benefits under the Federal Old-Age Survivors' and Disability Insurance Act;
 - (K) Chronic Hepatitis C determined to be compensable by the Workers' Compensation Commission which was caused by documented exposure to HCV-positive blood or other potentially infectious material (OPIM) in the workplace or during work-related activities, as described in Section 65.2402.1.(a) of the Virginia Code;
 - (L) Occupational Asthma, Occupational Hypersensitivity Pneumonitis, or Chronic Obstructive Pulmonary Disease (COPD) determined to be compensable by the Virginia Workers' Compensation Commission which was caused by documented exposure to a toxic substance in the workplace or during work-related activities, as described in Section 65.2-402(c) of the Virginia Code, or otherwise determined to be compensable as an injury by accident by the Virginia Workers' Compensation Commission. This condition, added on {date} is to be applied retroactively to any service-connected disability applications submitted on or after June 1, 2019; or
 - (M) Persistent burn injuries caused by documented exposure/injury in the workplace or during work related activities, as described in section 65.2-402 (c) of the Virginia Code which render an employee unable to do meaningful work, including those which involve (1) 3rd degree or higher burns over more than 30% of body surface area, and/or (2) extensive and debilitating skin lesions, and/or (3) burns which result in the loss of meaningful use of more than one limb, and/or (4) multisystem injuries (e.g., severe pulmonary burns with loss of diffusion capacity) and/or (5) conditions that may not meet the precise definitions of above clauses 1-5 but are accompanied by one or more of the following: substantial disfigurement, chronic debilitating pain, or other symptoms of a severity which would substantially limit an employee's ability to routinely and efficiently perform community-based work
- (2) Loss shall mean:
- (A) With respect to a hand or foot, the dismemberment by severance through or above the wrist or ankle joint, or the partial dismemberment resulting in the loss of functional use of the partially dismembered hand or foot.
 - (B) With respect to sight, central acuity of 20/200 or less with the use of correcting lenses or visual acuity greater than 20/200 if accompanied by a limitation in the field of vision that the widest diameter of the visual field subtends an angle no greater than 20 degrees. These standards apply to the affected eye if sight loss is claimed for one eye in combination with loss of a hand or foot, or to the better eye if sight loss is claimed for both eyes.
 - (C) With respect to hearing, a severe and irreversible bilateral loss of hearing that is not correctable with either the use of hearing aids or with corrective surgery.
- (e) For the purpose of this Section only, *member in service* shall include a member who has not reached his or her normal retirement date and who has been retired on account of a service-connected disability pursuant to the terms of Section 3-3-36.
 - (f) A member for whom an application for severe service-connected disability is approved by the Board shall not be required to submit to medical re-evaluations as required by Section 3-3-40. (48-96-3; 19-01-3; 7-03-3; 3404-3; 3-16-3; 22-18-3; 04-20-3.).

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4:00 p.m.

Public Hearing to Amend and Readopt the Large Area Community Parking Districts to Reflect 2021 Redistricting of Election/Magisterial Districts (Lee, Mason, Mount Vernon, and Springfield Districts)

ISSUE:

Public hearing to consider proposed amendments to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to reflect redistricting in the large area Lee, Mason, Mount Vernon, and Springfield Community Parking Districts (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendments to the Fairfax County Code shown in Attachment I to amend and readopt the large area Lee, Mason, Mount Vernon, and Springfield CPD's to reflect the 2021 election/magisterial district boundaries.

TIMING:

The public hearing was authorized on April 12, 2022, for May 10, 2022, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

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parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a large area CPD if the proposed District contains all of a magisterial district, while certain areas that meet minimum size requirements may be excluded.

The Board of Supervisors approved the redistricting plan for Fairfax County on December 7, 2021. As required by voting rights legislation, the Virginia Attorney General certified the redistricting plan for Fairfax County on January 12, 2022.

The purpose of the public hearing is to amend and readopt the large area Community Parking Districts (CPD) in accordance with the new 2021 election/magisterial district boundaries. The large area Lee, Mason, Mount Vernon, and Springfield CPDs encompass their entire election/magisterial districts and should be reestablished to reflect their new boundaries. In addition, previously established petition based CPDs located within a large area CPD are included in the amendment of each large area CPD, reflected in Appendix M.

FISCAL IMPACT:

Signage associated with petition based CPDs may be installed or removed depending on circumstance. The cost of sign installation/removal is estimated to be \$2,500. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Large Area CPD Boundaries based on 2021 Redistricting

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

F. Hayden Codding, Assistant County Attorney

PROPOSED CODE AMENDMENT(S)

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

Amend and readopt Appendix M-46 of *The Code of the County of Fairfax, Virginia*, concerning the Mount Vernon Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Mount Vernon Community Parking District.
- (2) Blocks included in the Mount Vernon Community Parking District are described below:

All public secondary streets in residential areas within the Mount Vernon Election/Magisterial District. This includes the previously established CPDs of Beechwood, Landsdowne, Newington, Newington II, Riverview and Southrun.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Mount Vernon Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Mount Vernon Community Parking District will not be installed. (38-11-M-46.)

Amend and readopt Appendix M-68 of *The Code of the County of Fairfax, Virginia*, concerning the Lee Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Lee Community Parking District.
- (2) Blocks included in the Lee Community Parking District are described below:

All public secondary streets in residential areas within the Lee Election/Magisterial District. This includes the previously established CPDs of Davenry, Grove at Huntley Meadows, Hayfield View, Island Creek, Kingstowne, Lackawanna, Landsdowne, Manchester Lakes, Potters Glen, Runnymede, St. John and West Hampton.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Lee Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Lee Community Parking District will not be installed. (45-09-M-68.)

Amend and readopt Appendix M-72 of *The Code of the County of Fairfax, Virginia*, concerning the Springfield Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Springfield Community Parking District.
- (2) Blocks included in the Springfield Community Parking District are described below:

All public secondary streets in residential areas within the Springfield Election/Magisterial District. This includes the previously established CPDs of Burke Station Square, Burgoyne Forest, ~~Cardinal Forest (portion)~~, Caroline Oaks, Cedar Lakes, Cherry Run, ~~Davenry~~, Green Trails (portion), Greentree Village, Hillside, Keene Mill Village IV, North Lake Village, Old Mill, Orange Hunt, Penderbrook, Somerset, South Run Crossing, Stone Creek Crossing, Timber Ridge, and White Oaks.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Springfield Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Springfield Community Parking District will not be installed. (04-10-M-72.)

Amend and readopt Appendix M-85 of *The Code of the County of Fairfax, Virginia*, concerning the Mason Large Area Community Parking District, in accordance with Article 5B of Chapter 82, as follows:

(a) *District Designation.*

- (1) The restricted parking area is designated as the Mason Community Parking District.
- (2) Blocks included in the Mason Community Parking District are described below:

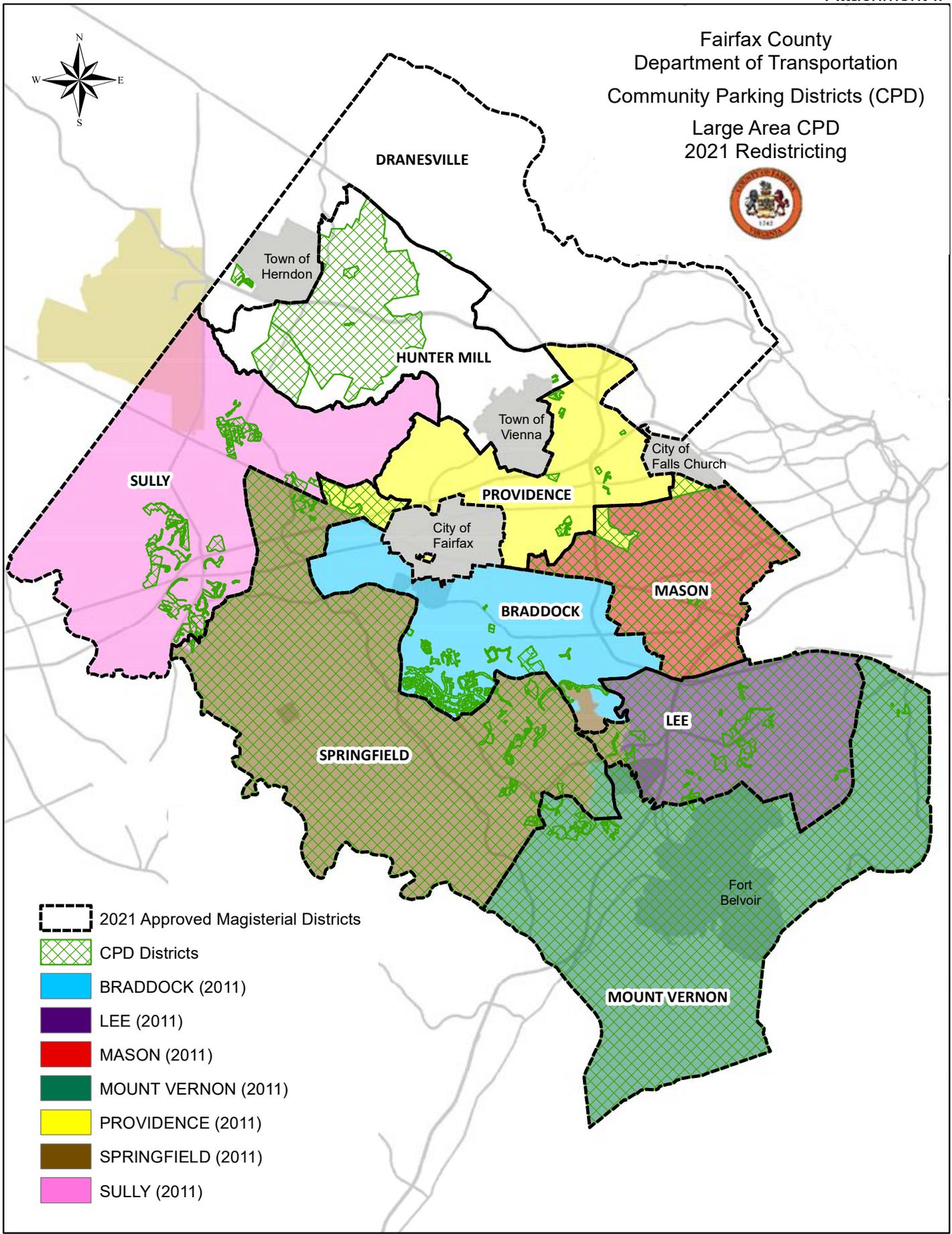
All public secondary streets in residential areas within the Mason Election/Magisterial District. This includes the previously established CPDs of Pinecrest and Old Columbia Pike.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4 is prohibited at all times on the streets within the Mason Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

(c) *Signs.* Signs delineating the Mason Community Parking District will not be installed. (19-15-M-85.)

Fairfax County
Department of Transportation
Community Parking Districts (CPD)
Large Area CPD
2021 Redistricting



Board Agenda Item
May 10, 2022

4:00 p.m.

Public Hearing for the De-Creation/Re-Creation of a Small and Local Sanitary District for the Removal of Vacuum Leaf Collection Services (Mount Vernon District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petition to change sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's Adopted Criteria for the Creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 1 Within Mount Vernon District (Waynewood Area)	De-Create/ Re-Create	Remove Vacuum Leaf	Approve

TIMING:

Board of Supervisors' authorized to advertise on March 22, 2022, for a Public Hearing to be held on May 10, 2022, at 4:00 p.m.

BACKGROUND:

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

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Staff recommends that the de-creation/re-creation in the Waynewood Area for the removal of vacuum leaf collection, be approved. If approved, the modification will become permanent on July 1, 2022.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

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

STAFF:

Rachel Flynn, Deputy County Executive

Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)

John W. Kellas, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following small Sanitary District for refuse/recycling and/or leaf collection service:

1. De-Create/Re-Create DTA Small District 1 within Mount Vernon District for the purpose of removing vacuum leaf collection service to the Waynewood area.

DATA SHEET
De-Create/Re-Create
DTA Small District 1
Within the Mount Vernon District

Purpose: To remove County vacuum leaf collection service from the Waynewood area small Sanitary District.

- Petition requesting service received March 19, 2021.
- Petition Area: 82 Properties.
- 51 Property Owners in favor.
- 16 property owners opposed.
- 15 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, service will be terminated effective July 1, 2022.

ADOPTION OF A RESOLUTION
TO DE-CREATE/RE-CREATE
DTA SMALL DISTRICT 1
WITHIN MOUNT VERNON DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 22nd day of March, 2022, it was proposed by said Board to adopt a resolution to de-create/re-create a small district known as Small District 1 within Mount Vernon District for the purpose of removing vacuum leaf collection services in the Waynewood area to be effective July 1, 2022, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board is to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
May 10, 2022
COMMENCING AT 4:00 P.M.

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

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

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

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

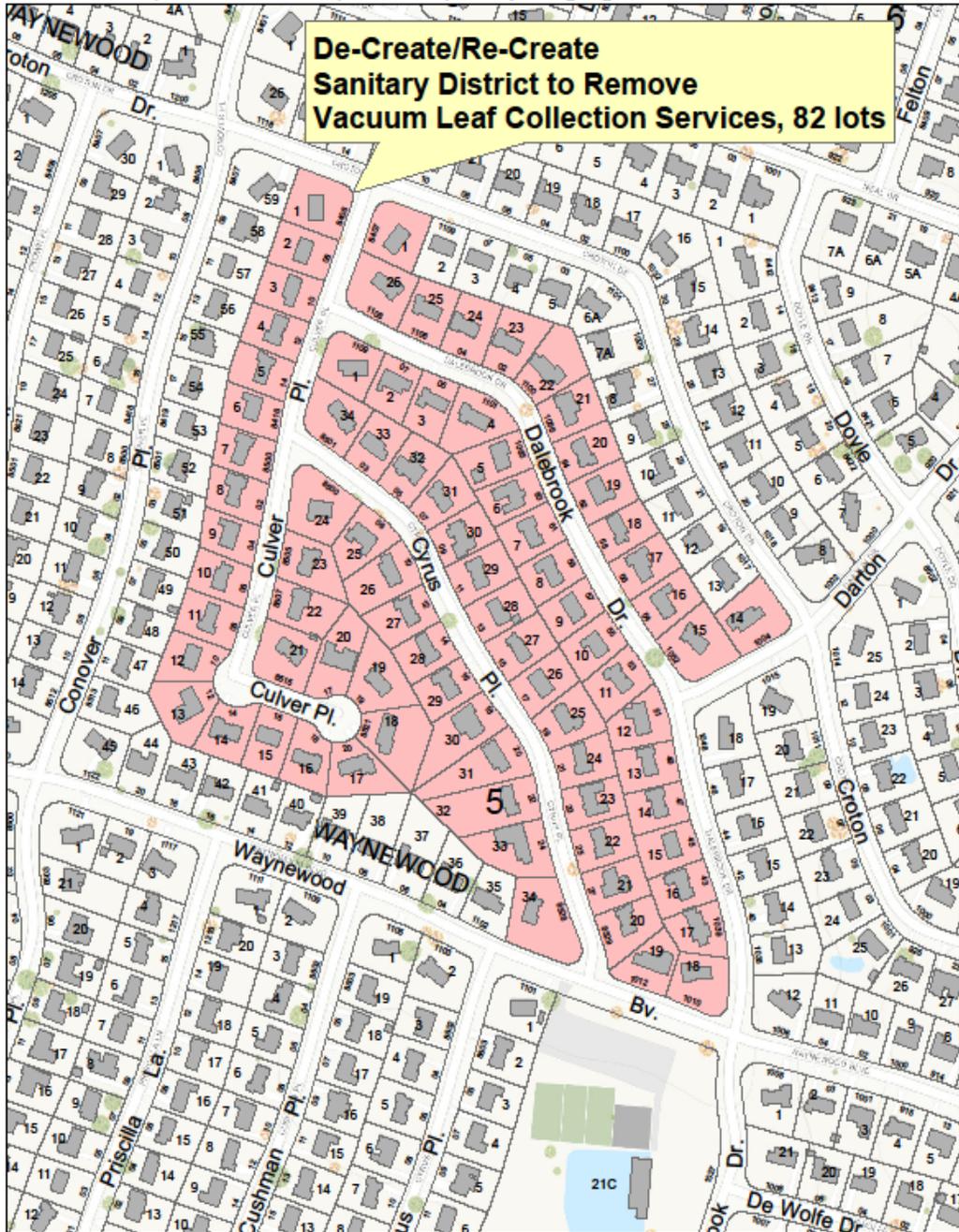
The de-creation/re-creation of Small District 1 within Mount Vernon District to include Waynewood area located in the County of Fairfax, Virginia, and as shown on the attached map.

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

To remove vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of May, 2022

Jill G. Cooper
Clerk for the Board Supervisors



TAX MAP: 102-4

WAYNEWOOD AREA

Board Agenda Item
May 10, 2022

4:30 p.m.

Public Hearing on SE 2018-PR-014 (United Real Estate LLC) to Permit Uses in Floodplain, Located on Approximately 20,437 Square Feet of Land Zoned R-4 (Providence District)

This property is located at 6801 Custis Pkwy., Falls Church, 22042. Tax Map 50-4 ((5)) 450.

On April 12, 2022, the Board of Supervisors deferred this public hearing to May 10, 2022, at 4:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On March 2, 2022, the Planning Commission voted 8-0-1 (Commissioners Clarke and Sargeant were absent from the meeting, Commissioner Cortina abstained from the vote, and Commissioner Strandlie was not present for the vote) to recommend to the Board of Supervisors approval of SE 2018-PR-014, subject to the proposed development conditions dated February 23, 2022.

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)

Alexis Robinson, Planner, DPD