

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 21, 2023**

AGENDA

- | | | |
|-------|--------------------------|--|
| 9:30 | Done | Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 9:30 | Adopted Report #3 | Report on General Assembly Activities |
| 9:30 | Done | County Executive's Presentation of the Proposed FY 2024 and FY 2025 Multi-Year Budget Plan |
| 10:00 | Done | Matters Presented by Board Members |
| 10:00 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Extension of Review Period for 2232 Application (Mason District) |
| 2 | Approved | Extension of Review Period for 2232 Application (Franconia District) |
| 3 | Approved | Authorization for a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-7, 7-2-10, 7-2-12, and 7-2-13 Relating to Election Precincts and Polling Places to Rename Precincts in the Franconia District; Divide, Create, and Rename Precincts, and Relocate Polling Places in the Providence District; and Relocate and Rename Precincts in the Sully District |
| 4 | Approved | Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2023 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program (Dranesville, Franconia, Hunter Mill, and Mount Vernon Districts) |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Consider Approval of the Economic Incentive Program Application of Skyline 4 LLC and 5111 Leesburg LLC (Mason District) |
| 2 | Approved | Resolution to Apply for a Waiver to Administer Pioneer and Garfield Precincts in the Franconia District, and the Penderbrook and Burke No. 2 Precincts in the Springfield District, as Split Precincts Pursuant to Virginia Code Section 24.2-307 |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 21, 2023**

**ACTION ITEMS
(continued)**

- | | | |
|---|-----------------|---|
| 3 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority to Make Loans to Subsidiaries of Lincoln Avenue Capital up to an Aggregate Amount of \$14,000,000 to Finance Phase I of the Residences at Government Center II Development (Braddock District) |
| 4 | Approved | Approval of an Amended Agreement Between the Town of Vienna and Fairfax County to Design and Construct the Tapawingo/Kingsley Urban Bioretention Project (Hunter Mill District) |
| 5 | Approved | Board Endorsement of Changes to Limited Access Lines Required for the Frontier Drive Extension Project (Franconia District) |
| 6 | Approved | Approval of Comments on Washington Metropolitan Area Transit Authority's (WMATA) Proposed FY 2024 Operating and FY 2024-2029 Capital Improvement Program |
| 7 | Approved | Endorsement of Comments on the I-495 Southside Transit/Transportation Demand Management Draft Executive Summary (Mason, Franconia, and Mount Vernon Districts) |
| 8 | Approved | Approval of Release of Reversionary Interests on Various Properties Conveyed by the Board of Supervisors to the Fairfax County Redevelopment and Housing Authority (FCRHA) |

**CONSIDERATION
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Approval of Amended Bylaws for the Young Adults Advisory Council |
|---|-----------------|--|

CLOSED SESSION

Done Closed Session

**PUBLIC
HEARINGS**

- | | | |
|------|--|---|
| 3:30 | Public Hearing
Deferred to
04/11/2023 at
2:30p.m. | Public Hearing on SEA 95-M-029-02 (McDonald's Corporation) (Mason District) |
|------|--|---|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 21, 2023**

**PUBLIC
HEARINGS
(continued)**

3:30	Approved	Public Hearing on SE 2022-MA-00026 (Wesley Housing Development Corporation) (Mason District)
3:30	Approved	Public Hearing on PCA-C-052-10/CDPA-C-052-03/FDPA-C-052-016 (RZPA 2022-MA-00054) (Skyline 4 LLC, and 5111 Leesburg LLC) (Mason District)
3:30	Approved	Public Hearing on RZ 2022-PR-00011 (Carter V Boehm, Trustee) (Providence District)
3:30	Approved	Public Hearing on PCA 86-W-001-14/CDPA 86-W-001-05 (RZPA 2022-BR-00086) (LACM VA, LLC) (Braddock District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance to Establish the Covington Community Parking District (Providence District)
4:00	Held	Public Comment

Board Agenda Item
February 21, 2023

9:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard February 21, 2023

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

February 21, 2023

FINAL COPY

**APPOINTMENTS TO BE HEARD FEBRUARY 21, 2023
(ENCOMPASSING VACANCIES PROJECTED THROUGH FEBRUARY 28, 2023)**
(Unless otherwise noted, members are eligible for reappointment)

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly; 2/09-1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (Appointed 1/10-7/21 by Foust) Term exp. 1/22	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Deborah Woolen; appointed 11/20-3/22 by Lusk) Term exp. 1/23 <i>Resigned</i>	Franconia District Representative	Renko Hardison	Lusk	Franconia

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**A. HEATH ONTHANK MEMORIAL AWARD
SELECTION COMMITTEE (1-year term)**
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Catherine Shaw; appointed 1/20-2/22 by Alcorn) Term exp. 1/23 <i>Resigned</i>	Hunter Mill District Representative	Paul Davis	Alcorn	Hunter Mill

**ADVISORY SOCIAL SERVICES BOARD
(4-year terms – limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held David Jonas; appointed 10/19 by Bulova; 9/20 by McKay) Term exp. 9/24 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
Renko Hardison (Appointed 6/18 by McKay) Term exp. 5/22	Citizen Representative	Renko Hardison (Lusk)	By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
New Position	Mason District Representative		Gross	Mason

CONFIRMATION NEEDED:

- Ms. Abrar Omeish as the Fairfax County Public School Board Representative

AIRPORTS ADVISORY COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert K. Ackerman (Appointed 1/08-1/20 by Foust) Term exp. 1/23	Dranesville Business Representative		Foust	Dranesville
VACANT (Formerly held by Edward Robichaud; appointed 2/11-11/17 by Hudgins; 1/20 by Alcorn) Term exp. 1/23 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Kristi Stolzenberg; appointed 6/21 by Gross) Term exp. 1/23 <i>Resigned</i>	Mason District Representative		Gross	Mason

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Grant J. Nelson Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10- 9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96- 5/01 by Hanley; 6/04- 10/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jayant Reddy; appointed 1/16-7/18 by Bulova) Term exp. 8/21 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Richard Bolger; appointed 1/21 by McKay) Term exp. 10/23 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason
VACANT (Formerly held by Kelly Ego-Osuala; appointed 1/21 by Palchik) Term exp. 9/24 <i>Resigned</i>	Providence District Alternate Representative		Palchik	Providence

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Raymond Smith; appointed 7/20-6/22 by Walkinshaw) Term exp. 6/23 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)

NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
Amado Fernandez (Appointed 6/16-2/19 by Smith) Term exp. 2/23	Alternate #3 Representative	Amado Fernandez (Smith)	By Any Supervisor	At-Large
Michael R. Sanio (Appointed 1/19 by Hudgins) Term exp. 2/23	Alternate #4 Representative	Michael R. Sanio (Alcorn)	By Any Supervisor	At-Large
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large
David R. Conover (Appointed 1/16-6/19 by Foust) Term exp. 2/23	Design Professional #2 Representative		By Any Supervisor	At-Large
George Page (Appointed 1/18-2/19 by Hudgins) Term exp. 2/23	Design Professional #4 Representative	George Page (Alcorn)	By Any Supervisor	At-Large

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BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)

NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Daren Shumate; appointed 2/16-7/20 by Gross) Term exp. 2/24 <i>Resigned</i>	Design Professional #5 Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Asim Elfaki (Appointed 5/18-12/18 by Bulova; 1/21 by McKay) Term exp. 12/22	At-Large #1 Representative	Asim Elfaki (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Maria Dolores Quintela; appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large
Noelle M. Holmes (Appointed 5/06-12/08 by Connolly; 12/10-12/18 by Smyth; 12/20 by Palchik) Term exp. 12/22	Professional #4 Representative		By Any Supervisor	At-Large

CHILD CARE ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gita D'Souza Kumar (Appointed 7/12-3/15 by Frey; 6/17-2/21 by Smith) Term exp. 2/23	Sully District Representative	Gita D'Souza Kumar	Smith	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrea C. McCarthy; appointed 6/20 by Alcorn) Term exp. 5/22 <i>Resigned</i>	Hunter Mill District Representative	Eileen Kragie	Alcorn	Hunter Mill
VACANT (Formerly held by Joseph Hansen; appointed 9/20 by Storck) Term exp. 5/22 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Nathaniel Baldwin; appointed 7/20-5/24 by Palchik) Term exp. 5/24 <i>Resigned</i>	Providence District Representative		Palchik	Providence

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah A. Woolen (Appointed 7/19 by McKay; 12/20 by Lusk) Term exp. 12/22	At-Large #2 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
April Hall (Appointed 8/22 by Alcorn) Term exp. 2/23	Hunter Mill District Representative	April Hall	Alcorn	Hunter Mill
Jim Edwards-Hewitt (Appointed 10/05-2/20 by Gross) Term exp. 2/23	Mason District Representative		Gross	Mason

CONFIRMATIONS NEEDED:

- Ms. Nermin AbdelWahab as the Elected - South Target Area #3 Representative
- Ms. Hawa Hassan as the Elected - Central Target Area #2 Representative
- Ms. Alice Yam as the George Mason University Representative

CONSUMER PROTECTION COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Theodore Fee; appointed 7/97-9/16 by Bulova; 7/21 by McKay) Term exp. 7/24 <i>Resigned</i>	Fairfax County Resident #10 Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Derrick Robinson; appointed 7/21-9/22 by Storck) Term exp. 8/25 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

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

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

ECONOMIC ADVISORY COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Hillary Zahm; appointed 9/20 by Palchik) Term exp. 12/23 <i>Resigned</i>	Providence District Representative	Jesse Benites	Palchik	Providence

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 10/20 by McKay) Term exp. 7/22	At-Large #3 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah K. Hammer (Appointed 3/16-1/20 by Storck) Term exp. 11/22 <i>Not eligible for reappointment</i>	Mount Vernon District Representative		Storck	Mount Vernon

HEALTH SYSTEMS AGENCY BOARD (3-year terms -limited to 2 full terms)

NOTE: Members may be reappointed after 1 year break

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Zlotnick; appointed 6/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Provider #4 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3-year terms)

NOTE: The Commission shall include at least one member who is a resident from each District.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Phyllis Walker Ford; appointed 1/09-1/17 by McKay; 1/20 by Lusk) Term exp. 12/22 <i>Franconia District Resigned</i>	At-Large #3 Representative	Russell Brooks (Lusk)	By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Emanuel Solon (Appointed 9/95-7/01 by Connolly; 9/04- 9/19 by Smyth) Term exp. 9/22	At-Large #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Abigail Shannon; appointed 10/20 by McKay) Term exp. 9/23 <i>Resigned</i>	At-Large #9 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert Faherty (Appointed 9/99-7/02 by Kauffman; 7/06- 7/18 by McKay) Term exp. 7/22	Franconia District #2 Representative	Robert Faherty	Lusk	Franconia
VACANT (Formerly held by Lanita R. Thweatt; appointed 6/19-7/20 by Storck) Term exp. 7/24 <i>Resigned</i>	Mount Vernon District #1 Representative		Storck	Mount Vernon
VACANT (Formerly held by Leah Ganssle; appointed 9/19 by Supervisor Smith) Term exp. 7/23 <i>Resigned</i>	Sully District #2 Representative		Smith	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Chris M. Jones (Appointed 3/21 by McKay) Term exp. 1/23	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Deborah Woolen; appointed 9/20-3/22 by Lusk) Term exp. 1/24 <i>Resigned</i>	Franconia District Representative		Lusk	Franconia
VACANT (Formerly held by Jan B. Reitman appointed 7/14-1/20 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative	Colin D. Bagwell	Gross	Mason

POLICE CIVILIAN REVIEW PANEL (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Bryon L. Garner (Appointed 1/22 by McKay) Term exp. 2/23	Seat #2 Representative	Bryon L. Garner (McKay)	By Any Supervisor	At-Large
William Ware (Appointed 12/22 by McKay) Term exp. 2/23	Seat #3 Representative	William Ware (McKay)	By Any Supervisor	At-Large
Janell Wolfe (Appointed 1/22 by McKay) Term exp. 2/23	Seat #5 Representative	Janell Wolfe (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by William Ware; appointed 2/21 by McKay) Term exp. 2/24 <i>Resigned</i>	Seat #9 Representative	Fazia Deen (McKay)	By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brendan D. Harold (Appointed 5/05- 11/14 by Hyland; 12/18 by Storck) Term exp. 12/22	Citizen At-Large #2 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Daren Shumate; appointed 10/19- 12/21 by Gross) Term exp. 12/24 <i>Resigned</i>	Mason District Representative		Gross	Mason

TENANT-LANDLORD COMMISSION (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kenneth Reid; appointed 10/25 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Shahana Begum Islam; appointed 6/20 by Palchik) Term exp. 1/23 <i>Resigned</i>	Condo Owner Representative		By Any Supervisor	At-Large

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TENANT-LANDLORD COMMISSION (3-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Christopher Lee Kocsis; appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Paula Park; appointed 2/14-1/20 by Foust) Term exp. 1/23 <i>Resigned</i>	Landlord Member #3 Representative		By Any Supervisor	At-Large
Perez Otonde (Appointed 5/21 by McKay) Term exp. 1/23	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/18 by Foust) Term exp. 10/21	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Laura Beaty; appointed 5/19 by Smyth; 11/20 by Palchik) Term exp. 10/23 <i>Resigned</i>	Providence District Representative		Palchik	Providence

TRESPASS TOWING ADVISORY BOARD (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Theodore Fee; appointed 6/06-9/07 by Connolly; 9/10- 0/19 by Bulova) Term exp. 9/22 <i>Resigned</i>	Citizen Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Linda Colbert (Appointed 2/21 by McKay) Term exp. 2/23	Adjacent Community Member #1 Representative		By Any Supervisor	At-Large
Sally Horn (Appointed 2/13-2/19 by Bulova; 3/21 by McKay) Term exp. 2/23	Adjacent Community Member #2 Representative	Sally Horn (McKay)	By Any Supervisor	At-Large
James D. Policaro (Appointed 2/13-2/19 by Bulova; 3/21 by McKay) Term exp. 2/23	Commercial or Retail Ownership #1 Representative	James D. Policaro (McKay)	By Any Supervisor	At-Large
Cory Scott (Appointed 1/16-2/19 by Smyth; 3/21 by Palchik) Term exp. 2/23	Commercial or Retail Ownership #2 Representative	Cory Scott (Palchik)	By Any Supervisor	At-Large
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large
Mark Zetts (Appointed 2/13-3/21 by Foust) Term exp. 2/23	Dranesville District Representative	Mark Zetts	Foust	Dranesville
VACANT (Formerly held by Brad Swanson; appointed 2/21-2/21 by Alcorn) Term exp. 2/23 <i>Resigned</i>	Hunter Mill District #1 Representative		Alcorn	Hunter Mill

Continued on next page

**TYSONS TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (2-year terms)**
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Raymond Baxter (Appointed 2/13-3/19 by Hudgins; 2/21 by Alcorn) Term exp. 2/23	Hunter Mill District #2 Representative	Raymond Baxter	Alcorn	Hunter Mill
Christopher Auth (Appointed 2/15-2/19 by Smyth; 3/21 by Palchik) Term exp. 2/23	Providence District #1 Representative	Christopher Auth	Palchik	Providence
Donald Garrett (Appointed 6/21 by Palchik) Term exp. 2/23	Providence District #2 Representative		Palchik	Providence
Erika Yalowitz (Appointed 1/20-2/21 by Palchik) Term exp. 2/23	Residential Owners and HOA/Civic Association #1 Representative	Erika Yalowitz (Palchik)	By Any Supervisor	At-Large
Douglas Doolittle (Appointed 6/15-3/19 by Smyth; 3/21 by Palchik) Term exp. 2/23	Residential Owners and HOA/Civic Association #2 Representative	Douglas Doolittle	Palchik	Providence
Claudia Diamond (Appointed 2/13-3/19 by Hudgins; 2/21 by Alcorn) Term exp. 2/23	Residential Owners and HOA/Civic Association #3 Representative	Claudia Diamond	Alcorn	Hunter Mill

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Teresa Valenzuela; appointed 7/16-11/17 by Bulova) Term exp. 10/21 <i>Resigned</i>	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

WETLANDS BOARD (5-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Deana Crumbling; appointed 1/14-10/18 by Bulova; 1/22 by McKay) Term exp. 7/26 <i>Resigned</i>	Alternate #1 Representative	Bryan Campbell (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Douglas Kleine; appointed 5/18 by Storck) Term exp. 12/22 <i>Resigned</i>	Mount Vernon District #1 Representative		Storck	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jessica Sun; appointed 6/20-2/22 by Palchik) Term exp. 1/24 <i>Resigned</i>	Providence District Representative	Neel Daugherty- Shrivastava	Palchik	Providence

Board Agenda Item
February 21, 2023

9:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

Documents available online at <https://www.fairfaxcounty.gov/boardofsupervisors/>, under "2023 Board Legislative Reports," by February 20, 2023.

PRESENTED BY:

Supervisor James R. Walkinshaw, Chairman, Board of Supervisors' Legislative Committee

Bryan J. Hill, County Executive

Board Agenda Item
February 21, 2023

9:30 a.m.

County Executive's Presentation of the Proposed FY 2024 and FY 2025 Multi-Year Budget Plan

ENCLOSED DOCUMENTS:

Materials will be available online after 1:00 p.m. on February 21, 2023, at:
<https://www.fairfaxcounty.gov/budget/advertised-budget-plan>.

PRESENTED BY:

Bryan J. Hill, County Executive

Board Agenda Item
February 21, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
February 21, 2023

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
February 21, 2023

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: 2232-2023-MA-00001.

TIMING:

Board action is requested on February 21, 2023, to extend the review period for the application prior to expiration of the initial 60-day period on March 11, 2023.

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 full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

PROJECT DESCRIPTION:

Electric and Power CO Virginia (Dominion Energy) is requesting 2232 approval for expansion of the Wescott substation to support equipment modernizations and upgrades. The request states that the State Corporation Commission has mandated technology updates at the existing facility due to its age (built circa 1950), new energy grid needs (citing EV vehicle charging loads, residential solar panels, etc.), and overall reliability. The application was accepted on January 10, 2023, and an extension is requested to ensure that adequate time is provided for the applicant to conduct community outreach and for county agency review of the proposal.

The review period for the following application should be extended:

Board Agenda Item
February 21, 2023

2232-2023-MA-00001 Electric and Power CO Virginia (Dominion Energy)
Wescott Substation
Tax Map No. 60-2 ((30)) A
3474 Rose Lane, Falls Church, VA
Mason District
Accepted January 10, 2022
Extend to December 19, 2023

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

STAFF:
Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Salem Bush, Branch Chief, Facilities and Plan Development Branch, Planning Division,
(DPD)
Stephen Waller, Planner III, Facilities and Plan Development Branch, Planning Division,
(DPD)

Board Agenda Item
February 21, 2023

ADMINISTRATIVE - 2

Extension of Review Period for 2232 Application (Franconia 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: 2232-2023-FR-00002.

TIMING:

Board action is requested on February 21, 2023, to extend the review period for the application prior to expiration of the initial 60-day period on March 12, 2023.

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 full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

PROJECT DESCRIPTION:

The Fairfax County Park Authority is requesting the addition of baseball field lighting for Fields #3 and 4 at Trailside Park. Lighting already exists in the park on Fields #1 and 2. The Park Authority Board approved an amended Trailside Park Master Plan on December 14, 2022, to depict the additional field lighting.

The review period for the following application should be extended:

2232-2023-FR-00002	Fairfax County Park Authority Trailside Park Tax Map No. 80-4 ((1)) 24 6000 Trailside Drive, Springfield, VA Franconia District Accepted January 18, 2023 Extend to May 20, 2023
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Board Agenda Item
February 21, 2023

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Tracy Strunk, Director, Department of Planning and Development (DPD)

Salem Bush, Branch Chief, Facilities and Plan Development Branch, Planning Division,
(DPD)

ADMINISTRATIVE - 3

Authorization for a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-7, 7-2-10, 7-2-12, and 7-2-13 Relating to Election Precincts and Polling Places to Rename Precincts in the Franconia District; Divide, Create, and Rename Precincts, and Relocate Polling Places in the Providence District; and Relocate and Rename Precincts in the Sully District

ISSUE:

Authorization to advertise a Public Hearing to consider an ordinance that proposes to amend and readopt *Fairfax County Code* § 7-2-7, 7-2-10, 7-2-12, and § 7-2-13 to rename the polling place for Franconia #1 precinct and Franconia #2 precinct in the Franconia District; divide the Tysons precinct to create Jones Branch precinct and relocate the polling place for Tysons precinct; and rename the Oak Marr precinct in the Providence District; relocate the polling place for Difficult Run precinct; relocate the Spindle #2 precinct and rename this precinct; and rename Spindle #1 precinct in the Sully District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, March 7, 2023, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on February 21, 2023, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 7, 2023, at 4:00 p.m. This will allow adequate time to notify voters who are affected by these changes in advance of the next election, which is expected to be the June 20, 2023, Primary Election.

BACKGROUND:

The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of *Virginia Code Sections 24.2-307, 24.2-310, and 24.2-310.1*.

Virginia Code § 24.2-129 also requires that certain “covered practices” go through either a statutorily specified public comment process or receive a Certification of No Objection

Board Agenda Item
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from the Attorney General before the practices can be given effect. The public comment process takes a minimum of 75 days to complete, while the Attorney General process takes a maximum of 60 days to complete.

Among the “covered practices” identified are any changes that adjust the boundaries of precincts and that relocate polling places in the County. The Board must first adopt an ordinance making the required polling place changes. If and after the Board adopts the ordinance, the County Attorney will file a request for a Certification of No Objection with the Virginia Attorney General, in accordance with *Virginia Code § 24.2-129(D)*.

If approved, the proposed ordinance will make the following changes:

In the Franconia District, staff recommends renaming precincts Franconia #1 and Franconia #2 to Edison #1 and Edison #2. This name change will avoid voter confusion resulting from the renaming of the magisterial district from Lee to Franconia. Both precincts will continue to co-locate and vote at Edison High School, 5801 Franconia Road, Alexandria.

In the Providence District, the Tysons precinct now contains more than 5,000 registered voters. Staff recommends dividing Tysons precinct to create Jones Branch precinct. Jones Branch precinct will continue to vote at Providence Committee Meeting Room, 7921 Jones Branch Drive. Staff further recommends that the polling place for Tysons precinct be moved to a County-owned facility, The Parc at Tysons. This building is well-situated in the Tysons precinct at 8508 Leesburg Pike, Vienna, and will accommodate the continued growth in this area.

In the Providence District, in March 2021 the polling place for Oak Marr precinct was relocated from the Oak Marr Rec Center to the Oakton Library to provide the 4,000 voters a more accessible voting location. After redistricting, a small precinct, Island Pond, was created with its polling place established at Oak Marr Rec Center. Because the Oak Marr voters no longer vote at the Oak Marr Rec Center, staff recommends renaming the Oak Marr precinct to Oaktree Crossing.

In the Sully District, on September 12, 2021, the Church of the Good Shepherd, 2351 Hunter Mill Road, Vienna, the current polling place for Difficult Run precinct, notified the Office of Elections that the church would no longer be available for voting. Because notification was within sixty days of the November 8, 2022, General Election, the polling place for Difficult Run was temporarily relocated to U. U. Congregation of Fairfax, 2709 Hunter Mill Road, Oakton, under the emergency provisions provided in *Va. Code §24.2-310(D)*. Staff recommends moving the Difficult Run precinct permanently to the U. U. Congregation of Fairfax, a facility within one mile of the precinct boundary. The U. U. Congregation has agreed to provide separate voting rooms for its regular precinct, Oakton, as well as Difficult Run, a small precinct with 650 voters.

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In the Sully District, Spindle #1 and Spindle #2 precincts are co-located and vote at Centreville Regional Library, 14200 St. Germain Drive, Centreville. After the November 2022 election, the election teams reported that the library cannot logistically support co-located precincts. Staff recommends moving Spindle #2 precinct to Bull Run Elementary School, 15301 Lee Highway, Centreville, a facility within one mile of the precinct boundary, and to avoid voter confusion, rename the precinct Robinson Mill. Staff further recommends that Spindle #1 be renamed Spindle, and this precinct will continue to vote at Centreville Regional Library.

FISCAL IMPACT:

The one-time cost to add a new precinct is \$23,865. This amount includes provision of voting equipment, election supplies, and the notice to voters affected by this change. The ongoing cost is \$4,800 per annum which covers the number of election officers required to staff the new precinct for a minimum of two elections.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2: Summary of Proposed Changes
Attachment 3: Descriptions and Maps of Proposed Changes
Attachment 4: Proposed Ordinance

STAFF:

Katherine K. Hanley, Chairman, Fairfax County Electoral Board
Eric L. Spicer, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

Attachment 1: Virginia Code Pertaining to Election Polling Places

§ 24.2-307 (in part). Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#); 2020, c. [1268](#).

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary, unless a waiver has been granted pursuant to subsection G. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot

to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

G. The general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements of subsection A in the event that there is no suitable building that could be used within the precinct or within one mile of the precinct boundary. The Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#); 2022, c. [5](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

1993, c. 904, § 24.1-37.1; 1993, c. 641.

§ 24.2-129. Covered practices; actions required prior to enactment or administration.

A. For the purposes of this section:

"Certification of no objection" means a certification issued by the Attorney General that there is no objection to the enactment or administration of a covered practice by a locality because the covered practice neither has the purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

"Covered practice" means:

1. Any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;
2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American Community Survey data;
3. Any change to the boundaries of election districts or wards in the locality, including changes made pursuant to a decennial redistricting measure;
4. Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or that limits or impairs the creation or distribution of voting or election materials in any language other than English; or
5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.

"Voting age population" means the resident population of persons who are 18 years of age or older, as determined by the most recent American Community Survey data available at the time any change to a covered practice is published pursuant to subsection B.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall cause to be published on the official website for the locality the proposed covered practice and general notice of opportunity for public comment on the proposed covered practice. The governing body shall also publicize the notice through press releases and such other media as will best serve the purpose and subject involved. Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment. Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail, fax, or email, or through an online public comment forum on the official website for the locality if one has been established. The governing body shall conduct at least one public hearing during this period to receive public comment on the proposed covered practice. The governing body may make changes to the proposed covered practice in response to public comment received. If doing so, the revised covered practice shall be published and public comment shall be accepted in accordance with this subsection, except the public comment period shall be no fewer than 15 days.

C. Following the public comment period or periods prescribed in subsection B, the governing body shall publish the final covered practice, which shall include a plain English description of the practice and the text of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials, and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person who will be subject to or affected by the covered practice may challenge in the circuit court of the locality where the

covered practice is to be implemented the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of following the provisions of subsections B and C, may submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect until the Attorney General has issued such certification. A certification of no objection shall be deemed to have been issued if the Attorney General does not interpose an objection within 60 days of the governing body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. An affirmative indication by the Attorney General that no objection will be made or the absence of an objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

2021, Sp. Sess. I, cc. [528](#), [533](#).

Attachment 2: Summary of Proposed Changes

February 2023 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES							
SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
FRANCONIA	404 Franconia #1	1,998	Edison High School	404 Edison #1	1,998	Edison High School	Rename the precinct to eliminate confusion resulting from the name change of the magisterial district from Lee to Franconia.
FRANCONIA	432 Franconia #2	3,766	Edison High School	432 Edison #2	3,766	Edison High School	Rename the precinct to eliminate confusion resulting from the name change of the magisterial district from Lee to Franconia.
PROVIDENCE	731 Tysons	5,257	Providence Committee Meeting Room	731 Tysons	2,793	The Parc at Tysons	Divide Tysons precinct and establish a new polling place to allow for additional growth in the area.
PROVIDENCE	731 Tysons	5,257	Providence Committee Meeting Room	738 Jones Branch	2,464	Providence Committee Meeting Room	Create new precinct to reduce size of Tysons precinct.
PROVIDENCE	732 Oak Marr	4,239	Oakton Library	732 Oaktree Crossing	4,239	Oakton Library	Rename the precinct to eliminate confusion after the polling place moved from Oak Marr Rec Center to Oakton Library
SULLY	929 Difficult Run	586	The Church of the Good Shepherd	929 Difficult Run	586	U.U. Congregation of Fairfax	Relocate a polling place because the current polling place will no longer be available for voting.
SULLY	924 Spindle #1	2,631	Centreville Regional Library	924 Spindle	2,631	Centreville Regional Library	Rename the precinct because the current polling place cannot support co-located precincts.
SULLY	935 Spindle #2	993	Centreville Regional Library	935 Robinson Mill	993	Bull Run Elementary School	Relocate the polling place and rename the precinct because the current polling place cannot support co-located precincts.

* VERIS registered voters as of 010723_Reports Library_Statistics_Registrant_Counts_By_Locality

Attachment 3: Descriptions and Maps of Proposed Changes

Commonwealth of Virginia
COUNTY OF FAIRFAX
FRANCONIA DISTRICT

PRECINCT: **404 FRANCONIA EDISON #1**
CONGRESSIONAL DISTRICT: **8**
VIRGINIA SENATORIAL DISTRICT: **34**
HOUSE OF DELEGATES DISTRICT: **17**

DESCRIPTION:

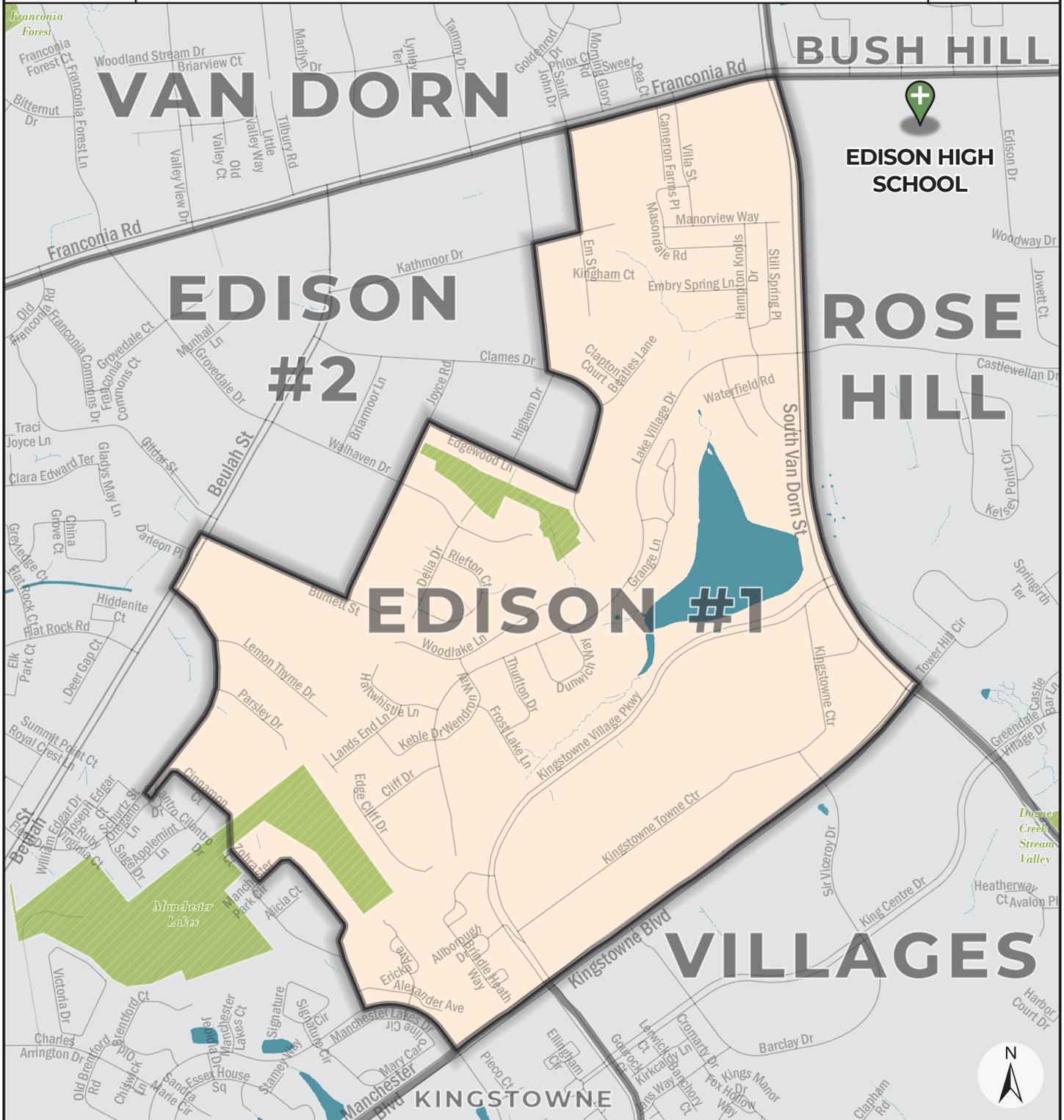
Beginning with the intersection of Franconia Road and Em Street, thence with Franconia Road in an easterly direction to its intersection with South Van Dorn Street; thence South Van Dorn Street in a southerly direction to Kingstowne Boulevard; thence with Kingstowne Boulevard in a southwesterly direction where it becomes Manchester Boulevard; thence Manchester Boulevard in a southwesterly direction to its intersection with Manchester Lakes Drive; thence with Manchester Lakes Drive in a northwesterly direction to its intersection with Manchester Parks Circle; follow Manchester Parks Circle east, north, then west to its intersection with Zohra Court; follow Zohra Court northwest to its end; then cross Manchester Lakes Park in a northeasterly direction to get to Cinnamon Court; thence with Cinnamon Court in a northwesterly direction to where it turns into Oregano Lane; thence with Oregano Lane in a southwest direction to its intersection with Cilantro Drive; follow Cilantro Drive north to its intersection with Schurtz Street; thence with Schurtz Street in a northerly direction following the Schurtz Street arc to Beulah Street; thence with Beulah Street in a northeasterly direction to its intersection with Burnett Street; go southeast on Burnett Street to its intersection with Joyce Road; thence with Joyce Road in a northeasterly direction to its intersection with Edgewood Lane; thence with Edgewood Lane in a southeasterly direction to Clames Drive; thence with Clames Drive in a north-northwestern direction to its intersection with Higham Drive; thence with Higham Drive in a northerly direction to its intersection with Kathmoor Drive; thence with Kathmoor Drive in an easterly direction to its intersection with Em Street; thence with Em Street in a northerly direction to its intersection with Franconia Road, the point of beginning.

POLLING PLACE: Edison High School
5801 Franconia Rd, Alexandria

NOTES: Established May 1993
Precinct description revised and readopted – March 2003
Polling place (facility) renamed – March 2006
Polling place moved – July 2011
Senate District changed from 39th to 36th – July 2011
Senatorial and House Districts changed – December 2021
Precinct split into Franconia #1 and Franconia #2 – March 2022
Precinct renamed – March 2023

Commonwealth of Virginia County of Fairfax

Franconia District



Current Precinct Name, Polling Place and Address:

March 2023

404 Franconia #1, Edison High School, 5801 Franconia Rd

Proposed Precinct Name, Polling Place and Address:

404 Edison #1, Edison High School, 5801 Franconia Rd



Commonwealth of Virginia
COUNTY OF FAIRFAX
FRANCONIA District

PRECINCT: **432 FRANCONIA EDISON #2**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **34**
HOUSE OF DELEGATES DISTRICT: **17**

DESCRIPTION:

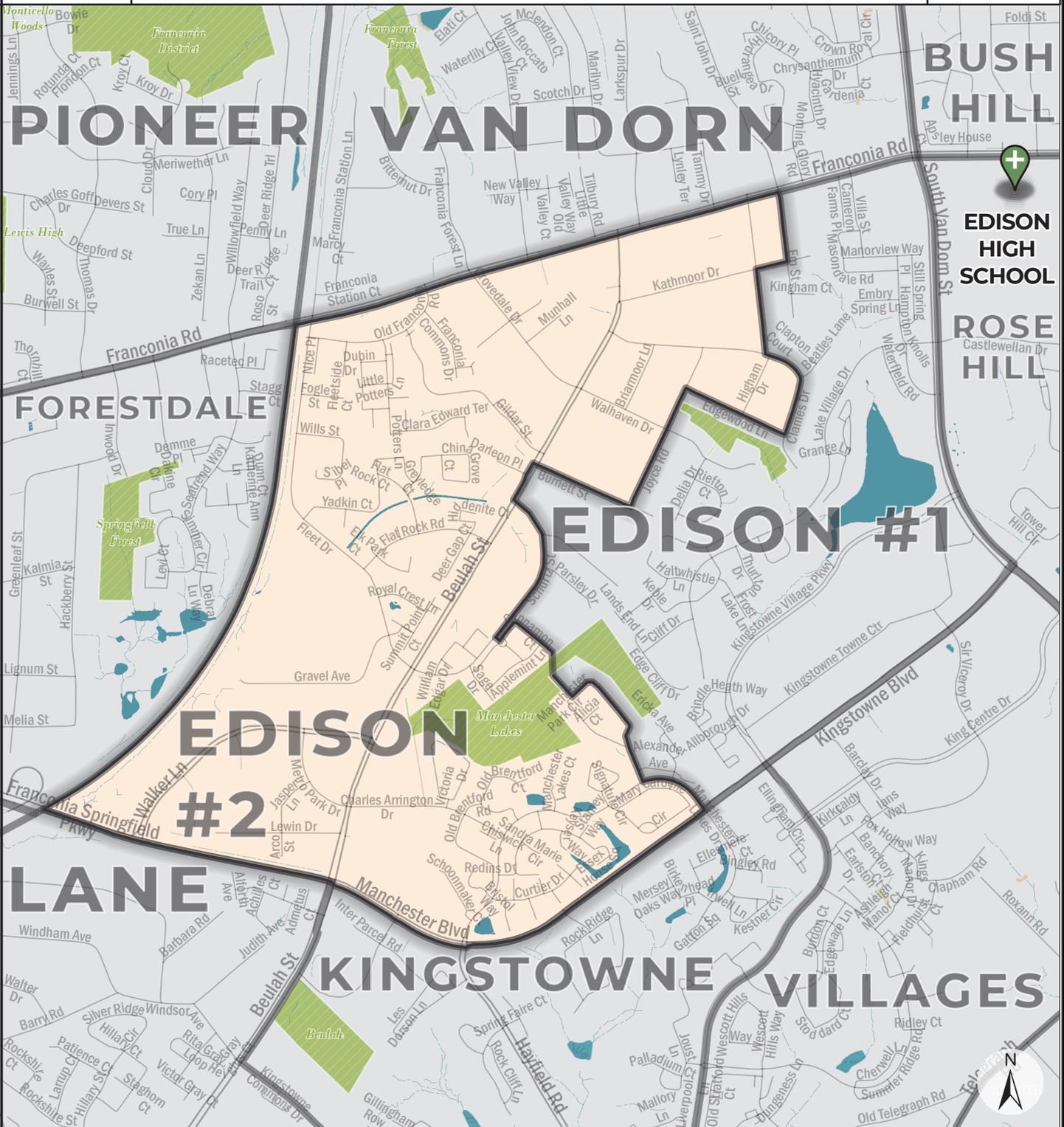
Beginning at the intersection of the Richmond, Fredericksburg and Potomac Railroad and Franconia Road, thence with Franconia Road in an easterly direction to its intersection with Em Street; thence with Em Street in southerly direction to its intersection with Kathmoore Drive; follow Kathmoore Drive west to its intersection with Higham Drive; thence with Higham Drive in a southerly direction to its intersection with Clames Drive; thence with Clames Drive in an easterly then southerly direction to its intersection with Edgewood Lane; thence with Edgewood Lane in a northwesterly direction to its intersection with Joyce Road; thence with Joyce Road in a southwesterly direction to its intersection with Burnett Street; thence with Burnett Street in a northwesterly direction to its intersection Buelah Street; go southwest on Buelah Street to its intersection with Schurtz Street; follow Schurtz Street going south then southwest to its intersection with Cilantro Drive; thence with Cilantro Drive in a southeasterly direction to its intersection with Oregano Drive; thence Oregano Drive in a northeasterly direction where it changes to Cinnamon Court; thence with Cinnamon Court in southeasterly direction then southwesterly direction across Manchester Lakes Park to Zohra Court; thence with Zohra Court in a southerly direction to its intersection with Manchester Park Circle; follow Manchester Park Circle northeast, then southeast to its intersection with Manchester Lakes Drive; follow Manchester Lakes Drive southeast to Manchester Boulevard; follow Manchester Boulevard southwest then west to its intersection with the Richmond, Fredericksburg and Potomac Railroad, the point of beginning.

POLLING PLACE: Edison High School
5801 Franconia Rd, Alexandria

NOTES: Established March 2022
Precinct renamed – March 2023

Commonwealth of Virginia County of Fairfax

Franconia District



Current Precinct Name, Polling Place and Address:

March 2023

432 Franconia #2, Edison High School, 5801 Franconia Rd

Proposed Precinct Name, Polling Place and Address:

432 Edison #2, Edison High School, 5801 Franconia Rd



Commonwealth of Virginia
COUNTY OF FAIRFAX
PROVIDENCE District

PRECINCT: **731 TYSONS**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **37**
HOUSE OF DELEGATES DISTRICT: **12**

DESCRIPTION:

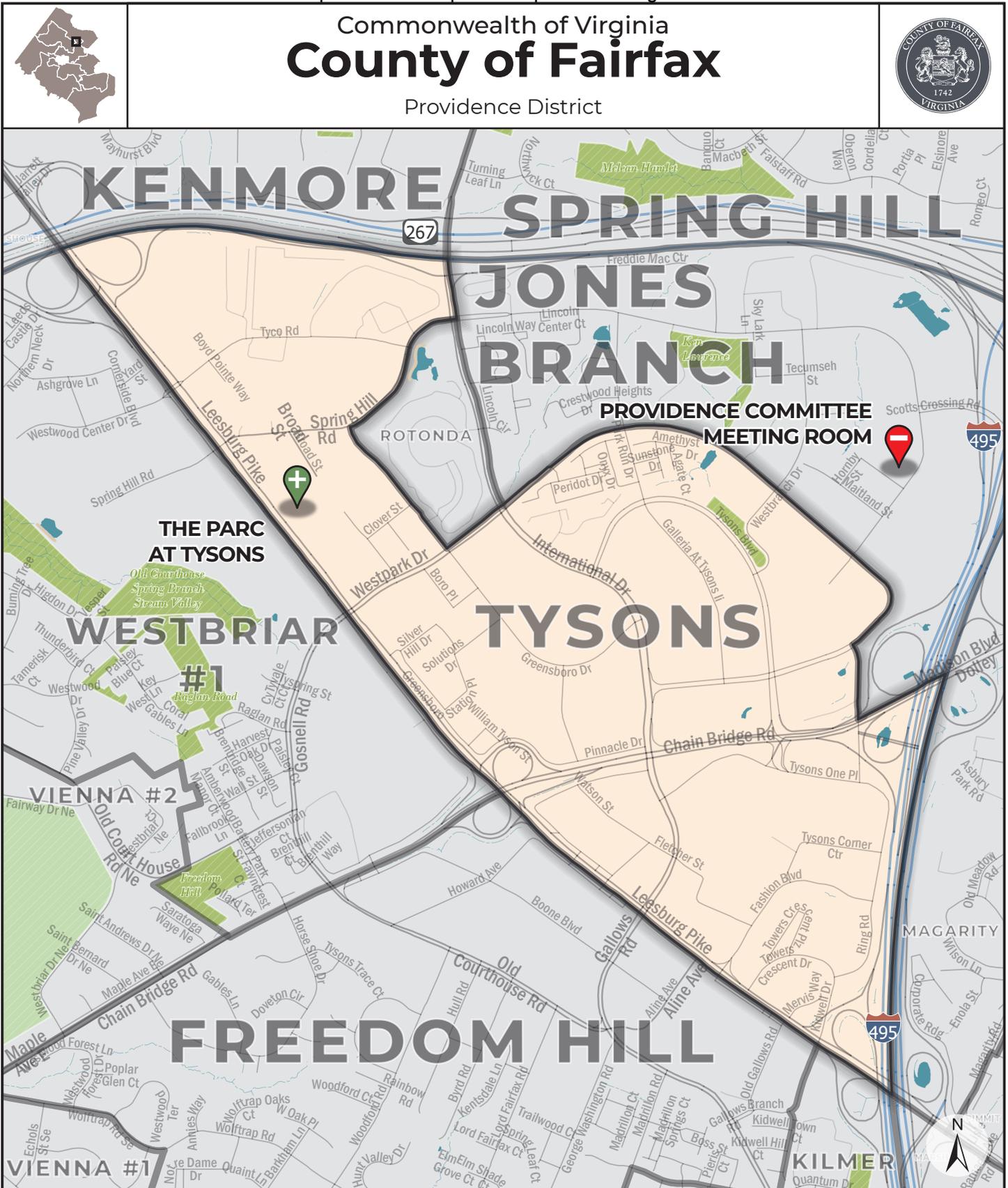
Beginning at the intersection of Leesburg Pike (Route 7) and the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in an easterly direction to its intersection with ~~the Capital Beltway (I-495)~~ Spring Hill Road, thence with Spring Hill Road in a southerly and then westerly direction to its intersection with Greensboro Drive, thence with Greensboro Drive in a southerly direction to its intersection with Westpark Drive, thence with Westpark Drive in a northeasterly and then southeasterly and then southerly direction to its intersection with Chain Bridge Road, thence with Chain Bridge Road in a northeasterly direction to its intersection with the Capital Beltway (Interstate 495), thence with the Capital Beltway in a southerly direction to its intersection with Leesburg Pike, thence with Leesburg Pike in a northwesterly direction to its intersection with the Washington Dulles Access and Toll Road, point of beginning.

POLLING PLACE: ~~Providence Committee Meeting Room~~ The Parc at Tysons
~~7921 Jones Branch Rd, McLean~~ 8508 Leesburg Pike, Vienna

NOTES: Established June 1991
Precinct description revised and readopted – March 2003
Polling place moved – July 2011
Boundary adjusted to conform to Congressional District line – July 2012
Delegate District changed from 34th to 35th - July 2011
Congressional District changed from 8th to 11th – July 2012
Precinct divided – July 2016
Boundary adjusted – July 2017
Senatorial and House Districts changed – December 2021
Precinct divided – March 2023
Polling place moved – March 2023

Commonwealth of Virginia County of Fairfax

Providence District



Current Precinct Name, Polling Place and Address:

March 2023

 731 Tysons, Providence Committee Meeting Room, 7921 Jones Branch Dr

Proposed Precinct Name, Polling Place and Address:



 731 Tysons, The Parc at Tysons, 8508 Leesburg Pike

Commonwealth of Virginia
COUNTY OF FAIRFAX
PROVIDENCE District

PRECINCT: **738 JONES BRANCH**

CONGRESSIONAL DISTRICT: **11**

VIRGINIA SENATORIAL DISTRICT: **37**

HOUSE OF DELEGATES DISTRICT: **12**

DESCRIPTION:

Beginning at the intersection of the Washington Dulles Access and Toll Road and Spring Hill Road, thence with Spring Hill Road in a southerly direction to its intersection with Westpark Drive, thence with Westpark Drive in a northeasterly and then southeasterly and then southerly direction to its intersection with Chain Bridge Road, thence with Chain Bridge Road in a northeasterly direction to its intersection with the Capital Beltway (Interstate 495), thence with the Capital Beltway in a northeasterly direction to its intersection with the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in a westerly direction to its intersection with Spring Hill Road, point of beginning,

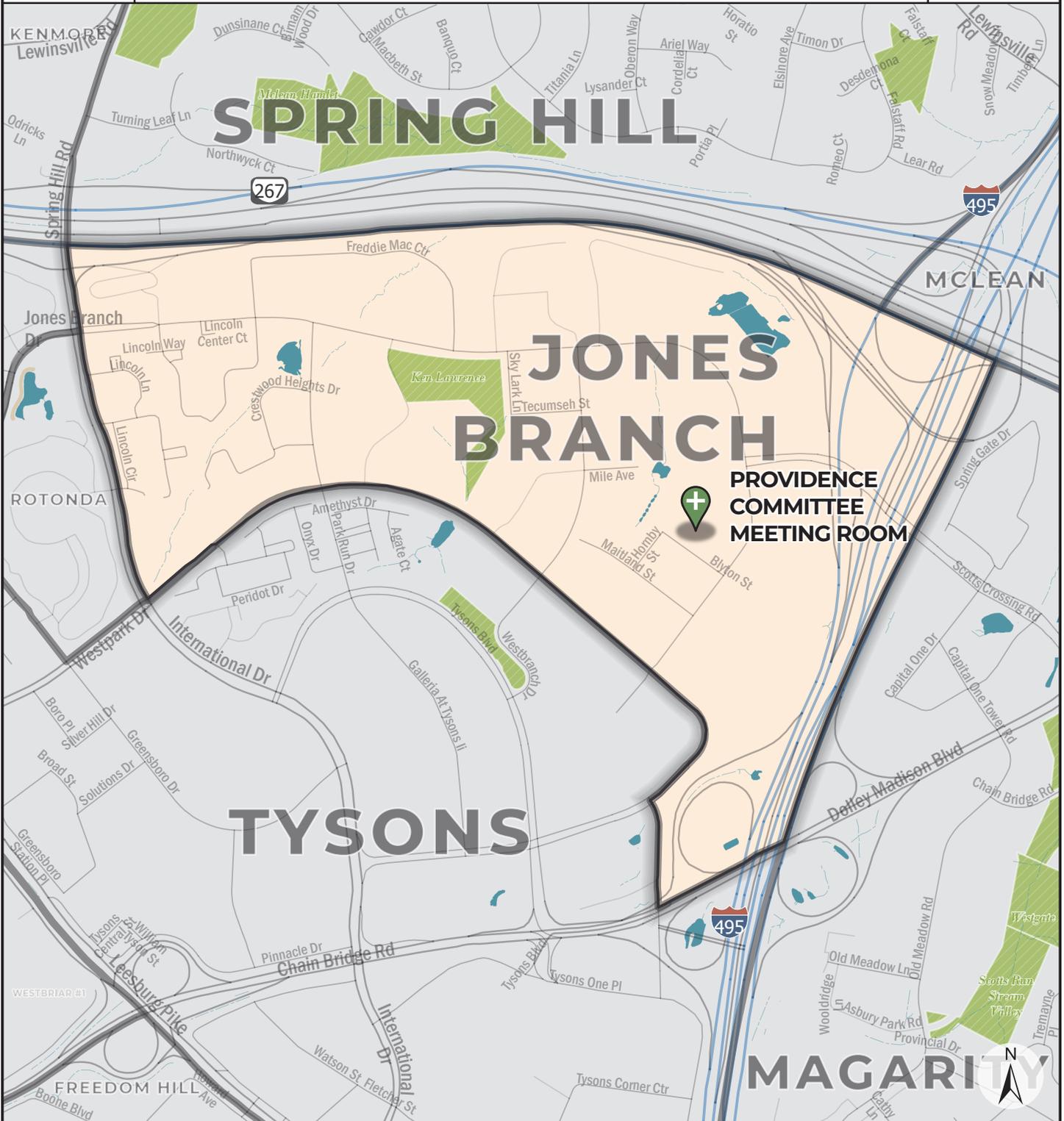
POLLING PLACE: Providence Committee Meeting Room
7921 Jones Branch Drive, McLean

NOTES: Established June 1991
Precinct description revised and readopted – March 2003
Polling place moved – July 2011
Boundary adjusted to conform to Congressional District line – July 2012
Delegate District changed from 34th to 35th - July 2011
Congressional District changed from 8th to 11th – July 2012
Precinct divided – July 2016
Boundary adjusted – July 2017
Senatorial and House Districts changed – December 2021
Precinct established – March 2023



Commonwealth of Virginia County of Fairfax

Providence District



Current Precinct Name, Polling Place and Address:

March 2023

731 Tysons, Providence Committee Meeting Room, 7921 Jones Branch Dr



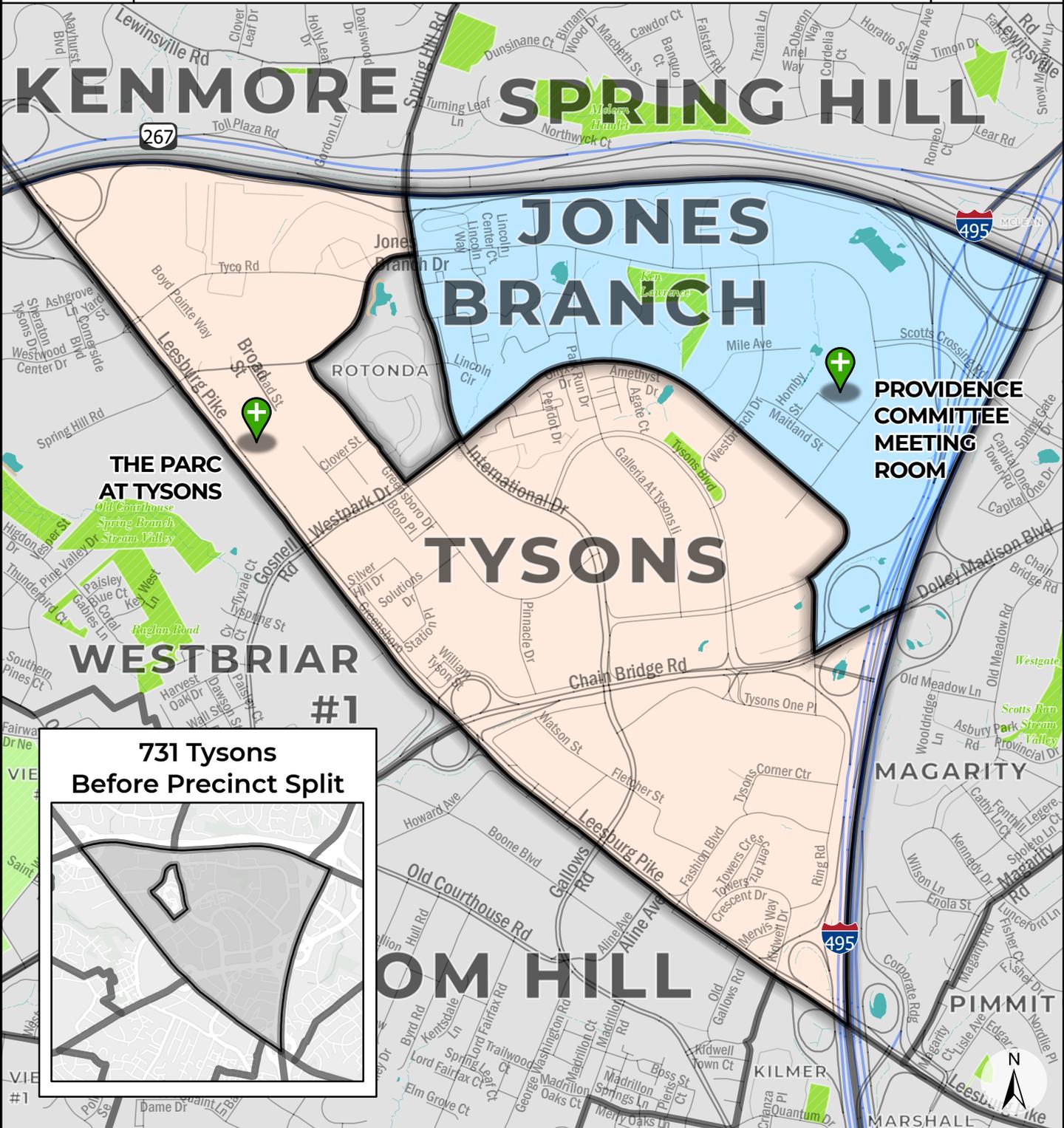
Proposed Precinct Name, Polling Place and Address:

738 Jones Branch, Providence Committee Meeting Room, 7921 Jones Branch Dr

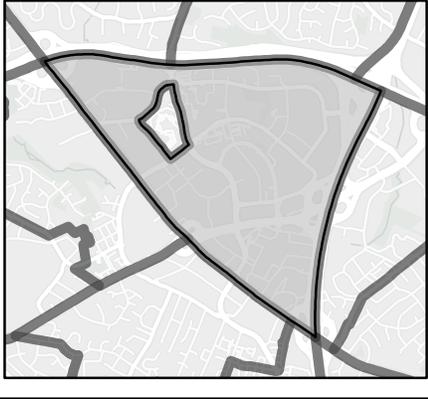


Commonwealth of Virginia County of Fairfax

Providence District



**731 Tysons
Before Precinct Split**



731 Tysons
The Parc at Tysons, 8508 Leesburg Pike



738 Jones Branch
Providence Committee Meeting Room, 7921 Jones Branch Dr

March 2023



Commonwealth of Virginia
COUNTY OF FAIRFAX
PROVIDENCE District

PRECINCT: **732 ~~OAK MARR~~ OAKTREE CROSSING**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **37**
HOUSE OF DELEGATES DISTRICT: **11**

DESCRIPTION:

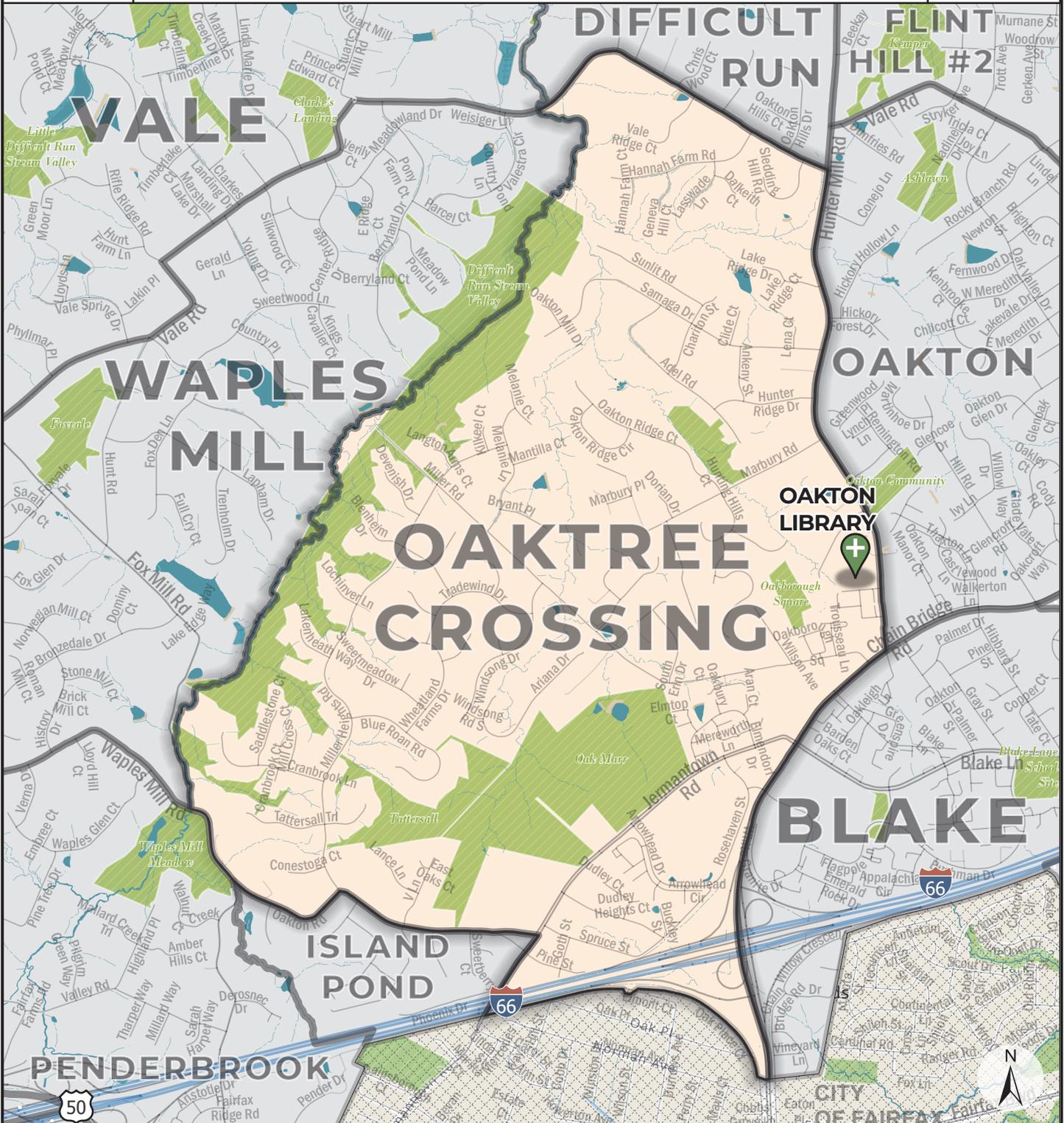
Beginning at the intersection of Difficult Run (stream) and Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Hunter Mill Road, thence Hunter Mill Road in a generally southerly direction to its intersection with Chain Bridge Road (Route 123), thence with Chain Bridge Road in a southwesterly direction to its intersection with the north corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a northwesterly direction to its intersection with Jermantown Road, thence with Jermantown Road in a northeasterly direction to its intersection with Oakton Road, thence with Oakton Road in a generally westerly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a northwesterly direction to its intersection with Difficult Run, thence with the meanders of Difficult Run in a northeasterly direction to its intersection with Vale Road, point of beginning.

POLLING PLACE: Oakton Library
10304 Lynnhaven Place, Oakton

NOTES: Established February 1996
Precinct description revised and readopted – March 2003
Precinct boundary adjusted with Blake – January 2008
Polling place moved – March 2021
Senatorial and House Districts changed – December 2021
Precinct renamed – March 2023

Commonwealth of Virginia County of Fairfax

Providence District



Current Precinct Name, Polling Place and Address:

📍 732 Oak Marr, Oakton Library, 10304 Lynnhaven Pl

Proposed Precinct Name, Polling Place and Address:

📍 732 Oaktree Crossing, Oakton Library, 10304 Lynnhaven Pl

March 2023



Commonwealth of Virginia
COUNTY OF FAIRFAX
SULLY District

PRECINCT: **929 DIFFICULT RUN**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **37**
HOUSE OF DELEGATES DISTRICT: **11**

DESCRIPTION:

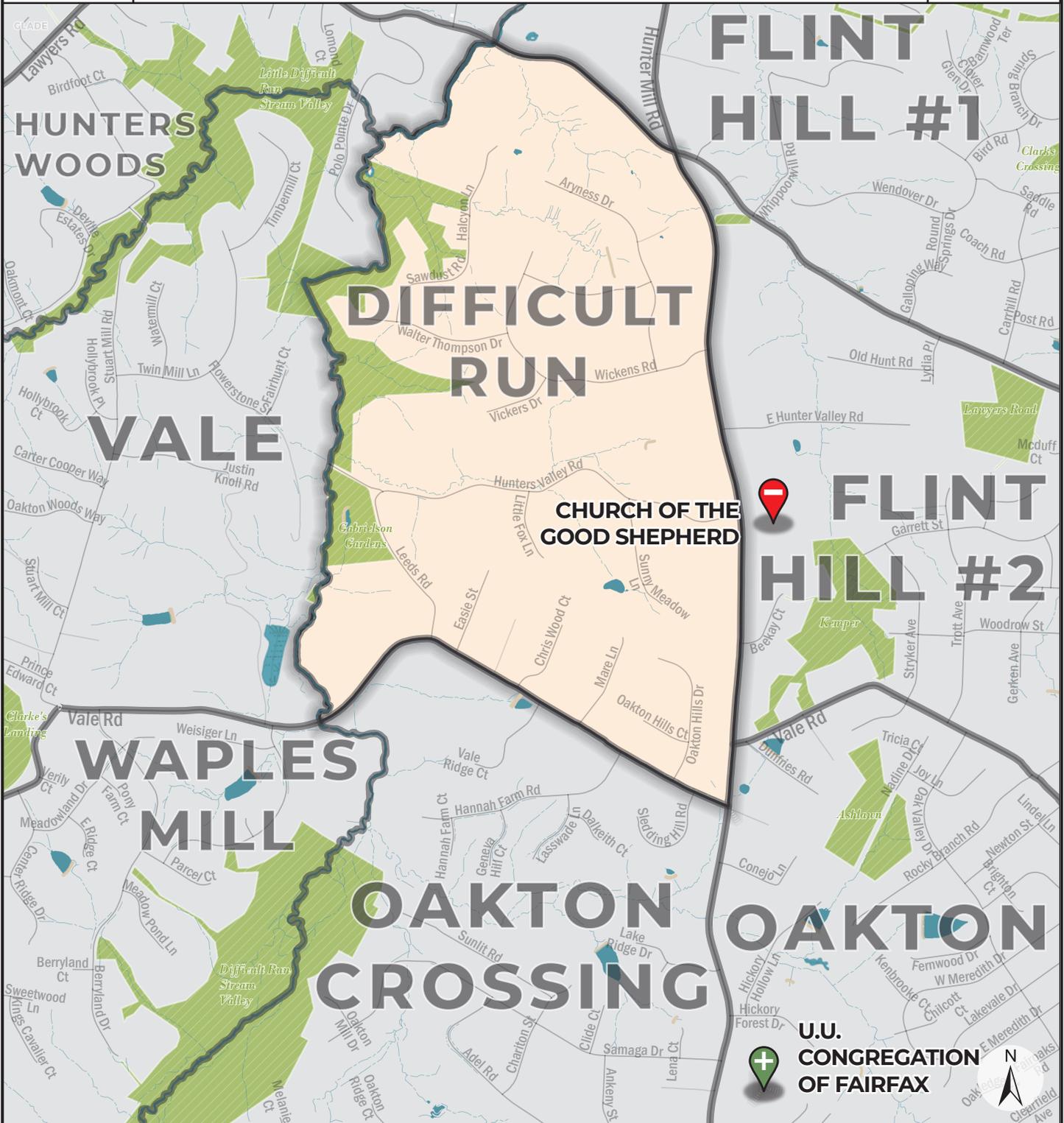
Beginning at the intersection of Difficult Run (stream) and Lawyers Road, thence with Lawyers Road in a southeasterly direction to its intersection with Hunter Mill Road, thence with Hunter Mill Road in a southerly direction to its intersection with Vale Road, thence with Vale Road in a generally westerly direction to its intersection with Difficult Run(stream), thence with the meanders of Difficult Run (stream) in a generally northly direction to its intersection with Lawyers Road, point of beginning.

POLLING PLACE: ~~The Church of the Good Shepherd~~ U.U. Congregation of Fairfax
~~2351~~ 2709 Hunter Mill Road, Vienna Oakton

NOTES: Established July 2011
Congressional District changed from 11th to 10th – January 2012
Congressional, Senatorial, and House Districts changed – December 2021
Polling place moved – March 2023

Commonwealth of Virginia
County of Fairfax

Sully District



Current Precinct Name, Polling Place and Address:

March 2023

929 Difficult Run, Church of the Good Shepherd, 2351 Hunter Mill Rd

Proposed Precinct Name, Polling Place and Address:

929 Difficult Run, U. U. Congregation of Fairfax, 2709 Hunter Mill Rd



Commonwealth of Virginia
COUNTY OF FAIRFAX
SULLY District

PRECINCT: **924 SPINDLE #1**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **36**
HOUSE OF DELEGATES DISTRICT: **10**

DESCRIPTION:

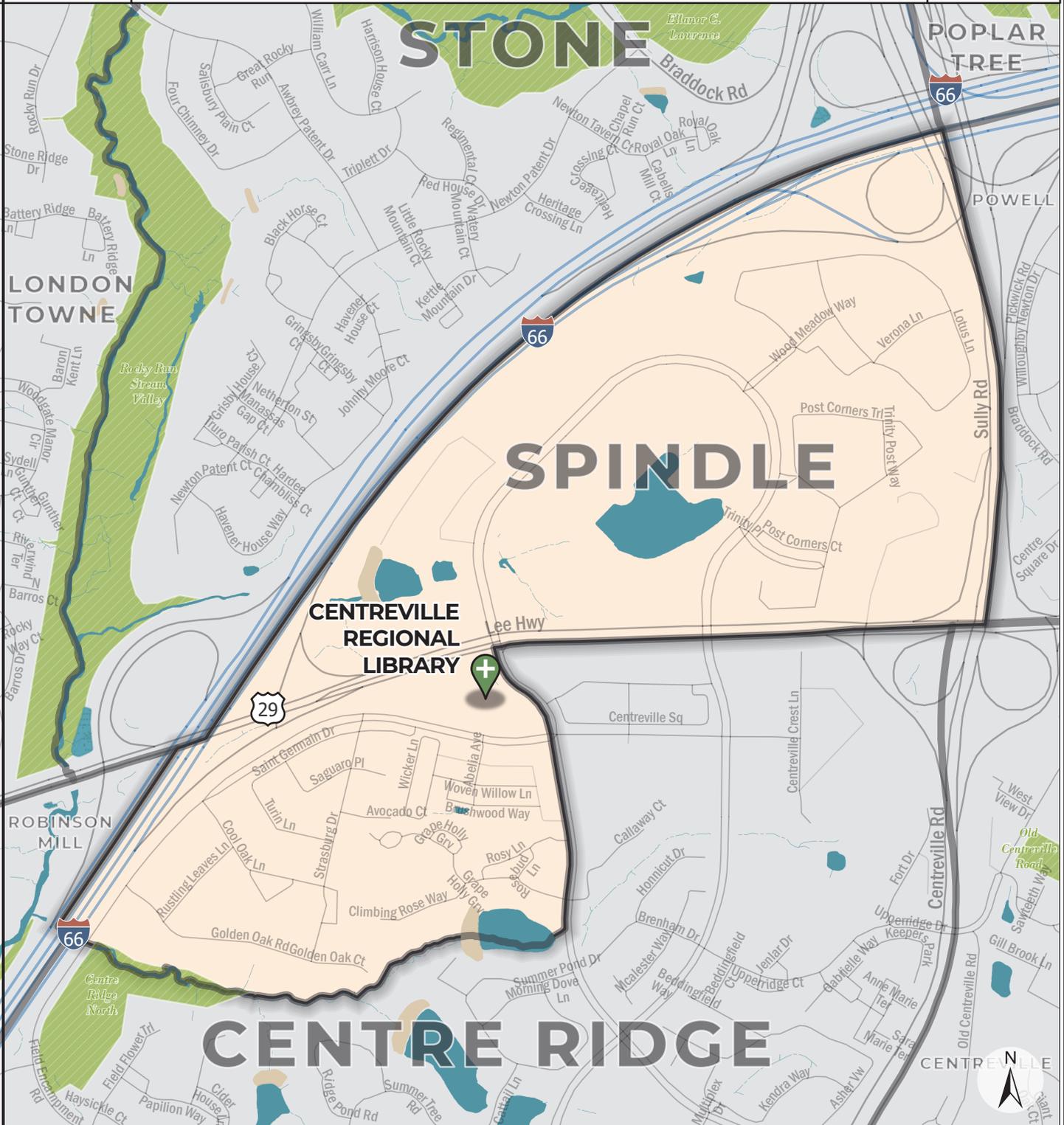
Beginning at the intersection of Custis Memorial Highway (Interstate 66) and Sully Road, thence with Sully Road in a southerly direction to its intersection with Lee Highway (Route 29), thence with Lee Highway in a westerly direction to its intersection with Machen Road, thence with Machen Road in a southerly direction to its intersection with an unnamed tributary of Big Rocky Run (stream) to the south of Climbing Rose Way, thence with the unnamed tributary in a westerly direction to its intersection with Custis Memorial Highway, thence with Custis Memorial Highway in a northerly direction to its intersection with Sully Road, point of beginning.

POLLING PLACE: Centreville Regional Library
14200 St. Germain Drive, Centreville

NOTES: Established May 2001
Precinct description revised and readopted – March 2003
Precinct boundary adjusted and precinct renamed – July 2011
Congressional District changed from 10th to 11th – January 2012
Precinct boundary adjusted and precinct renamed – November 2014
Senatorial and House Districts changed – December 2021
Precinct split into Spindle #1 and Spindle #2 – March 2022
Precinct renamed – March 2023

Commonwealth of Virginia County of Fairfax

Sully District



Current Precinct Name, Polling Place and Address:

March 2023

924 Spindle #1, Centreville Regional Library, 14200 St. Germain Dr

Proposed Precinct Name, Polling Place and Address:

0 0.07 0.14

924 Spindle, Centreville Regional Library, 14200 St. Germain Dr

Miles

Commonwealth of Virginia
COUNTY OF FAIRFAX
SULLY District

PRECINCT: **935 ~~SPINDLE #2~~ ROBINSON MILL**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **36**
HOUSE OF DELEGATES DISTRICT: **9**

DESCRIPTION:

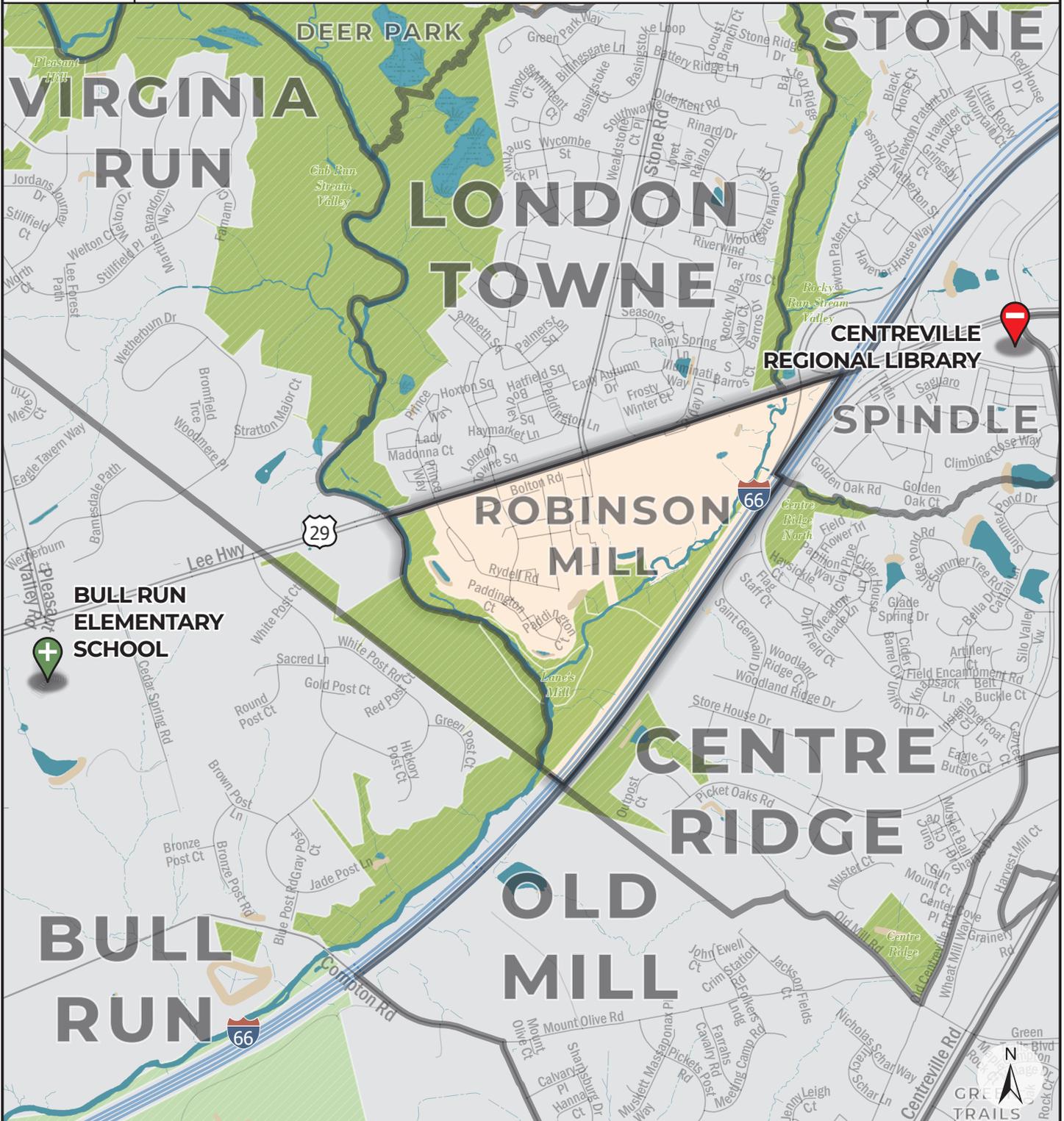
Beginning at the intersection of Cub Run (stream) and Lee Highway (Route 29), thence with Lee Highway in a northeasterly direction to its intersection with Custis Memorial Parkway (Route 66), thence with Custis Memorial Parkway (Route 66) in a southwesterly direction to its intersection with the Southern border of the Virginia Columbia Liquefied Natural Gas Easement, thence along the southern border of the Virginia Columbia Liquefied Natural Gas Easement in a northwesterly direction to its intersection with Cub Run (stream), thence with the north then northwesterly meanders of Cub Run to its intersection with Lee Highway, point of beginning.

POLLING PLACE: ~~Centreville Regional Library~~ Bull Run Elementary School
~~14200 St. Germain Dr,~~ 15301 Lee Highway, Centreville

NOTES: Established March 2022
Precinct renamed – March 2023
Polling place moved – March 2023

Commonwealth of Virginia
County of Fairfax

Sully District

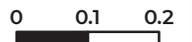


Current Precinct Name, Polling Place and Address:

March 2023

935 Spindle #2, Centreville Regional Library, 14200 St. Germain Dr

Proposed Precinct Name, Polling Place and Address:



935 Robinson Mill, Bull Run Elementary School, 15301 Lee Highway

Miles

Attachment 4: Proposed Ordinance

1 **AN ORDINANCE to amend and readopt Fairfax County Code Sections 7-2-7,**
 2 **7-2-10, 7-2-12, and 7-2-13 relating to election precincts and polling places; to**
 3 **rename precincts in the Franconia District; to divide, create, and rename**
 4 **precincts and relocate a polling place in the Providence District; and to**
 5 **relocate and rename precincts in the Sully District.**

6
 7
 8 **Draft of February 21, 2023**

9
 10 AN ORDINANCE to amend and readopt Fairfax County Code §§ 7-2-7, 7-2-10, 7-
 11 2-12, and 7-2-13 to rename polling places in the Franconia District; divide, create,
 12 and rename precincts, and relocate a polling place in the Providence District; and
 13 relocate and rename polling places in the Sully District.

14
 15 **Be it ordained that the Board of Supervisors of Fairfax County:**

16
 17 **1. That Sections 7-2-7, 7-2-10, 7-2-12, and 7-2-13 of the Fairfax County Code**
 18 **are amended and readopted, as follows:**

19 **Section 7-2-7. Franconia District.**

20 The Franconia District shall consist of these election precincts: Bush Hill,
 21 Cameron, Clermont, Crestwood, Edison No. 1, Edison No. 2, Fairfield, Forestdale,
 22 ~~Franconia No. 1~~, ~~Franconia No. 2~~, Garfield, Greenspring, Groveton, Hayfield,
 23 Huntley, Hybla Valley, Island Creek, Kingstowne, Lane, Lynbrook No. 1, Lynbrook
 24 No. 2, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, Virginia
 25 Hills, and West Springfield.

26 **Section 7-2-10. Providence District.**

27 The Providence District shall consist of these election precincts: Bedford,
 28 Blake, Fairfax Court (that part of Fairfax County containing the governmental
 29 complex which is surrounded by Fairfax City), Freedom Hill, Gallows East,
 30 Graham-Greenway, Hunters Branch, Jones Branch, Kilmer, Magarity, Mantua,
 31 Marshall, Merrifield, Mosby No. 1, Mosby No. 2, Nottoway, ~~Oak Marr~~, Oakton,
 32 Oaktree Crossing, Pine Ridge, Pine Spring, Price, Rotonda, Shreve, Thoreau,
 33 Timber Lane, Tysons, and Walker.

34 **Section 7-2-12. Sully District.**

35 The Sully District shall consist of these election precincts: Armfield, Brookfield,
 36 Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Cub Run, Deer Park,
 37 Difficult Run, Fox Valley, Franklin, Green Trails, Hidden Meadow, London Towne,
 38 Navy, Oak Hill, Old Mill, Poplar Tree, Powell, Robinson Mill, Rocky Run, Spindle
 39 ~~No. 1~~, ~~Spindle No. 2~~, Stone, Stonecroft, Vale, Virginia Run, and Waples Mill.

40

41 **Section 7-2-13. - General provisions.**

42

43 All references to election precincts shall refer to those precincts, together with the
44 descriptions and maps of the boundaries and polling places for each of those
45 precincts, which were adopted by the Board of Supervisors on March 24, 2003, as
46 amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007,
47 September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27,
48 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19,
49 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8, 2015, July
50 12, 2016, July 11, 2017, March 20, 2018, December 4, 2018, and April 9, 2019,
51 December 3, 2019, March 24, 2020, March 23, 2021, June 22, 2021, March 8,
52 2022, ~~and~~ June 7, 2022, and March 7, 2023, kept on file with the clerk to the Board
53 of Supervisors. Whenever a road, a stream, or other physical feature describes the
54 boundary of a precinct, the center of such road, stream, or physical feature shall be
55 the dividing line between that precinct and any adjoining precinct.

56

57 **2. That the polling place location for the newly created precinct identified in**
58 **the first clause of this ordinance is established at:**

59

60 <u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
62 Providence	63 Jones Branch 64 (new)	65 Providence Committee 66 Meeting Room 67 7921 Jones Branch Drive 68 McLean, VA 22102

66

67 **3. That the election polling places for the following existing precincts are**
68 **established at:**

69

70 <u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
72 Providence	73 Tysons 74 (polling place 75 relocated)	76 From: 77 Providence Committee 78 Meeting Room 79 7921 Jones Branch Drive 80 McLean, VA 22102 81 To: 82 The Parc at Tysons 83 8508 Leesburg Pike 84 Vienna, VA 22182

82

83

84

130 **6. That the Clerk for the Board of Supervisors shall send a certified copy of**
131 **this ordinance, with maps and boundary descriptions, to the Fairfax**
132 **County Electoral Board, the Virginia Department of Elections, the**
133 **Secretary of the Commonwealth, and the Division of Legislative Services,**
134 **as required under Va. Code § 24.2-306(C).**

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GIVEN under my hand this _____ day of _____, 2023.

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

ADMINISTRATIVE - 4

Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2023 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program (Dranesville, Franconia, Hunter Mill, and Mount Vernon Districts)

ISSUE:

Board of Supervisors authorization is requested for the Department of Transportation (FCDOT) to apply for and accept grant funding, if received, from the United States Department of Transportation's (USDOT) FY 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program. FCDOT is applying for \$25.0 million for the implementation of the Richmond Highway Bus Rapid Transit (BRT) project and \$13.5 million for the Sunrise Valley Drive Cycle Track project for a total of \$38.5 million. The 20 percent Local Cash Match requirement of \$7.7 million will be met with NVTVA 30 percent funds from Fund 40010, County and Regional Transportation Projects. The project application requires a project endorsement resolution (Attachment 1) from the local governing body; therefore, Board approval of Attachment 1 is also requested.

If the actual award(s) received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Director of the Department of Transportation to enter into the grant agreement(s) and any other related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Transportation to apply for and accept grant funding, if received, from the USDOT in the amount of \$38.5 million. The County Executive recommends that the Board of Supervisors adopt the project endorsement resolution in substantial form of Attachment 1.

The County Executive also recommends the Board authorize the Director of the Department of Transportation to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

Board Agenda Item
February 21, 2023

TIMING:

Board approval is requested on February 21, 2023, to meet the submission deadline of February 28, 2023. Awards should be announced in Summer/Fall 2023.

BACKGROUND:

The USDOT has published a Notice of Funding Opportunity (NOFO) for \$1.5 billion in grant funding for the FY 2023 RAISE discretionary grant program. The program helps communities around the country carry out projects with significant local or regional impact. The RAISE Grant Program is a successor to the Better Utilizing Investments to Leverage Development (BUILD), and Transportation Investment Generating Economic Recovery (TIGER) grant programs.

The FY 2023 RAISE grants are for capital investments in surface transportation that will have a significant local or regional impact. Eligible projects include, but are not limited to:

- Highway, bridge, or other road projects
- Public transportation projects
- Passenger and freight rail transportation projects
- Port infrastructure investments
- Intermodal projects
- Transportation facilities on tribal land
- Planning and pre-construction activities for any of the above

RAISE grant applications will be evaluated based on the following criteria: safety, environmental sustainability, quality of life, economic competitiveness, community connectivity, state of good repair, innovation, and partnership. USDOT is encouraging applicants to consider how their projects can address climate change, ensure racial equity, and remove barriers to opportunity.

The FY 2023 Appropriations Act states that FY 2023 RAISE funds are only available for obligation (secured funding agreement) through September 30, 2027, and must be expended by September 30, 2032.

FCDOT staff reviewed the program's criteria and recommends applying for the Richmond Highway BRT and Sunrise Valley Drive Cycle Track projects. These projects have been previously approved as priorities of the Board in the Transportation Priorities Plan, and Herndon Metrorail Station Access Management Study. The following is a brief description of the projects:

- The Richmond Highway BRT project will construct a mixed-traffic running BRT system from the Washington Metropolitan Area Transit Authority's

Board Agenda Item
February 21, 2023

(WMATA) Huntington Metrorail Station along North Kings Highway to the Penn Daw Community Business Center (centered around the intersection of North Kings Highway/ South Kings Highway and Richmond Highway) and then median-running from Penn Daw on Richmond Highway (i.e., U.S. Route 1) to U.S. Army Fort Belvoir (Fort Belvoir). It includes nine new transit stations, facilities for bicycles and pedestrians, roadway improvements for vehicle travel, and bus loop renovations at the Huntington Metrorail Station. The improvements around the Huntington Metrorail Station are also expected to include a transit oriented mixed-use urban designed development plan to construct new public facilities, residential, retail, and office spaces, and a community center and parks area to promote walking and biking to and from the Metrorail station.

- The Sunrise Valley Drive Cycle Track project will reconstruct Sunrise Valley Drive to include a one-way separated bike lane in each direction from Fairfax County Parkway to Innovation Metrorail Station. Sunrise Valley Drive is a challenge for pedestrians and bicyclists due to conditions such as wide intersections and high vehicular volumes. Traffic is expected to increase due to the opening of Silver Line Phase 2. Separated bike lanes will significantly improve the safety of bicyclists at intersections where there is a high volume of turning motor vehicles crossing the bikeway.

The current project estimate for Richmond Highway BRT project is \$937.0 million, and the planning level estimate for the Sunrise Valley Drive Cycle Track project is \$23.6 million. To date, the County has secured approximately \$445.3 million and \$10.1 million, respectively, to support these projects. The applications in this Board item are for grant funding in the amounts of \$25.0 million for Richmond Highway BRT and \$13.5 million for Sunrise Valley Drive Cycle Track from USDOT.

FISCAL IMPACT:

Grant funding from the USDOT in the amount of \$25.0 million is being requested for the implementation of the Richmond Highway BRT project and \$13.5 million for the Sunrise Valley Drive Cycle Track project for a total of \$38.5 million. The 20 percent Local Cash Match requirement of \$7.7 million (\$5.0 million for the Richmond Highway BRT project and \$2.7 million for the Sunrise Valley Drive Cycle Track project) is available in Fund 40010, County and Regional Transportation Projects, in project 2G40-107-000, Construction Reserve NVTA 30 Percent. No new General Fund resources are required. This grant does not allow the recovery of indirect costs. If grant funding is awarded, formal budget appropriation will be requested at a quarterly review once the Grant Agreements have been fully executed.

Board Agenda Item
February 21, 2023

POSITIONS:

No positions will be created by this grant submission.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution of Endorsement for FY2023 United States Department of Transportation RAISE Grant Program Applications

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Department of Transportation (DOT)

Noelle Dominguez, Chief, Coordination and Funding Division (CFD), DOT

Ray Johnson, Chief, Funding Section, CFD, DOT

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, February 21, 2023, 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 a submission to the United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program for \$25,000,000 in funding for the Richmond Highway Bus Rapid Transit and \$13,500,000 in funding for the Sunrise Valley Drive Cycle Track projects.

Adopted this 21st of February 2023, Fairfax, Virginia

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

Board Agenda Item
February 21, 2023

ACTION - 1

Consider Approval of the Economic Incentive Program Application of Skyline 4 LLC and 5111 Leesburg LLC (Mason District)

ISSUE:

Board consideration of an application for the Economic Incentive Program (EIP) for an assemblage and redevelopment of property located in the Baileys Crossroads/Seven Corners Revitalization District and within the Baileys Crossroads EIP Area. Approval would result in the development being designated as a “Qualifying Property” under the Economic Incentive Program Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve the application by Skyline 4 LLC and 5111 Leesburg LLC for inclusion in the EIP.

TIMING:

Board action is requested on February 21, 2023, which will provide sufficient assurances that the applicant is entitled to program benefits as it continues to proceed to obtain approvals and permits needed for the completion of this project.

BACKGROUND:

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

In order to qualify for the program, an applicant must demonstrate that their development project meets the eligibility criteria of the program. To be eligible, an applicant needs to have newly assembled a minimum of two parcels not previously approved for the same rezoning or site plan that collectively comprise an area at least two acres in size; are located within the territorial limits of an EIP area; are zoned to

Board Agenda Item
February 21, 2023

permit commercial, industrial or multifamily residential development; are in conformance with all laws and policies related to the provision and preservation of affordable housing; and are in conformance with the use and consolidation recommendations in the Comprehensive Plan.

The application property is located within the Baileys Crossroads EIP Area. It contains two parcels owned by two different property owners. The 4.79 acre site is located on tax maps 62-3 ((1)) 37B and 62-3 ((1)) 39B. The property is included in zoning application PCA C-052-10/FDPA C-052-16. The eligibility process requires the applicant to submit a formal application with all owners as parties to the application. The EIP application meets that requirement.

Current development on the property consists of two nine-story commercial office buildings totaling 572,724 square feet (SF) plus underground parking. The EIP application is accompanied by rezoning application PCA C-042-10 / CDPA C-052-03 / FDPA C-052-16 that is proposing to repurpose these buildings into up to 510 live/work units and up to 30,000 SF of ground floor retail use. Pursuant to the adopted EIP Ordinance, repurposed office to live/work and retail uses are eligible uses under the program.

The proposed assemblage has not been previously zoned for the proposed repurposing of office buildings. Thus, staff finds that the proposed development constitutes a new zoning not previously approved by the County.

The subject property is in the Baileys East District, Land Unit F (Sub-unit F-1), of the Baileys Crossroads Community Business Center (CBC). Sub-unit F-1 is planned for mixed-use development largely as at its existing use and intensity. In keeping with the County's adopted Workforce Dwelling Unit (WDU) Administrative Policy Guidelines, eight percent (8%) of the total number of units on the property will be designated and administered as WDU live/work units. The Live/Work WDUs will be priced such that 2% of the units serve households with an income of up to 60% Area Median Income for the Washington Standard Metropolitan Statistical Area (AMI), 2% of the units serve households with an income of up to 70% AMI, and 4% of the total units serve households with an income of up to 80% AMI, and in accordance with the corresponding rents established for WDUs by Fairfax County. Thus, the proposed development is in conformance with the Comprehensive Plan recommendations for provision of affordable housing.

In conclusion, the development is located within the territorial limits of an EIP Area, constitutes a new zoning not previously approved by the County, and complies with the assemblage, size, and ownership criteria of the EIP. The staff concludes that the development is generally consistent with the Comprehensive Plan regarding uses and consolidation requirements.

Board Agenda Item
February 21, 2023

Staff reviewed the applicant's application dated December 1, 2022, for conformance with the eligibility criteria and issued a letter to each owner on January 10, 2023, (see Attachment 5) stating that the development as proposed appears to conform with the statutory requirements of the program and is therefore eligible for submission to the Board for consideration of approval.

EQUITY IMPACT:

The Skyline 4 LLC and 5111 Leesburg LLC development will provide needed rental opportunities in an area of Fairfax County with a high demand for housing. The site is accessible by bus and is on a route planned for a future BRT line. The proposed repurposing will provide eight percent of the total dwelling units as Workforce Dwelling Units (WDU) at income tiers in accordance with the Board's adopted policy. The Economic Incentive Program will benefit the applicant with a partial real estate tax abatement for the multi-family portion of the property. The goal of this program is to facilitate economic development consistent with the Comprehensive Plan and is reserved for areas in the County that are striving to foster revitalization. The EIP allows for the repurposing of this property in a manner that aligns with the Comprehensive Plan goals for this site, including land use, economic vitality, streetscape improvements, enhanced stormwater facilities, and provision of new park spaces—all to the benefit of the community.

Affordable housing opportunities in the Baileys Crossroads Area are traditionally in rental housing. The additional affordable rental units at the Skyline 4 LLC and 5111 Leesburg LLC development will help achieve the County's goal of increasing the supply of affordable housing with a minimum of 5,000 new units by 2034, to meet the needs of working families. The delivery of the Skyline 4 LLC and 5111 Leesburg LLC development will provide crucial housing for families earning from 60 percent to 80 percent of the Area Median Income (\$82,300 for a family of four). Further, the location of the proposed units in the Baileys Crossroads CBC aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. The Skyline 4 LLC and 5111 Leesburg LLC development project will promote opportunities for everyone to fully participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

FISCAL IMPACT:

Qualifying developments receive economic benefits including a reduction in site plan review fees of 10 percent and a partial tax exemption on the real estate tax, calculated as the difference between the pre-redevelopment (base) assessed value and the post-

Board Agenda Item
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development assessed value in accordance with Virginia Code. As the County will continue to receive real estate tax revenues on the base (pre-redevelopment) assessed value of the site, the partial tax exemptions of the real estate tax will not reduce the General Fund.

The Department of Tax Administration has determined that the 2022 base assessed value of the application property is \$34,875,310, generating real estate taxes of \$387,116 per year, with a base tax rate of \$1.11 per \$100 of assessed value. The applicant has estimated the post-development assessed value of the property to be \$192 million. The partial tax abatement would be calculated on the \$157,124,690 increment or difference between pre- and post-development values of the portion of the development. Thus, with a base tax rate of \$1.11 per \$100 of assessed value, the total tax abatement would be \$1,744,084 per year for a maximum tax abatement of \$17,440,840 over the maximum 10-year life of the program. However, it is noted that the eligibility period for the Baileys Crossroads/Seven Corners EIP area commenced on July 1, 2022. Thus, it is not possible for the applicant to avail themselves of the full ten-year abatement period. Rather, it is more likely that the applicant will be eligible for approximately eight-years of the remaining tax abatement period, which is estimated to be equivalent to a total of \$13,952,672.

ENCLOSED DOCUMENTS:

- Attachment 1 – The EIP Eligibility Application Form
- Attachment 2 – Project Locator Map
- Attachment 3 – Zoning Application Affidavit
- Attachment 4 – Staff Determination Letters

STAFF:

- Rachel Flynn, Deputy County Executive
- Elizabeth A. Hagg, Director, Community Revitalization Section, DPD
- Tracy Strunk, Director, Department of Planning and Development
- Jay Doshi, Director, Department of Tax Administration (DTA)
- David Pellegrino, Assistant Director, Real Estate Division, DTA
- William D.Hicks, Director, Department of Land Development Services

ASSIGNED COUNSEL:

- Cherie Halyard Mack, Assistant County Attorney

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

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



Telephone: 703-324-9300
 TTY: 711
 FAX: 703-653-1799

Visit our Web Site: www.fcrevite.org

Prior to filing this application, contact the Community Revitalization Section (CRS) of the Department of Planning and Development (DPD) staff to review the ordinance eligibility requirements to determine if the proposed development may qualify. Improvements made prior to the Department of Tax Administration's (DTA) base value appraisal inspection are not eligible for the partial tax abatement. Refer to the application procedures for additional information. Only properties located within an Economic Incentive Program (EIP) area are eligible. Refer to the ordinance at www.fcrevite.org/economic-incentive-program or contact CRS for assistance in verifying whether the project property is located in a designated EIP area. This application must be complete and include a paper or electronic copy of the plan for development as well as any additional schedules, plans, specifications that support the request, and an estimated fair market value of the proposed development once completed.

Property Information

Tax Map Reference #s):	Lot Size:	Current Zoning:	Proposed Zoning:	Estimated Project Future Fair Market Value
62-3 ((1)) 37B	3.001 AC	PDC	PDC	\$192Million (Post Stabilization, combined sites)
62-3 ((1)) 39B	1.799 AC	PDC	PDC	

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

Owner Information

Tax Map Reference: <u>62-3 ((1)) 37B</u>
Owners' Name: <u>Skyline 4 LLC</u>
Contact Person/Title: <u>Robert Seldin, Managing Principal</u>
Property Address: <u>5113 Leesburg Pike, Falls Church, VA 22041</u>
Mailing Address: <u>1000 Maine Avenue, SW, Suite 300, Washington, DC 20024</u>
Work Phone Number: <u>(678) 428-6889</u>
E-mail: <u>robseldin@2hsq.com</u>

Tax Map Reference: 62-3. (1) 39B
 Owners' Name: 5111 Leesburg LLC
 Contact Person/Title: Robert Seldin, Managing Principal
 Property Address: 5111 Leesburg Pike, Falls Church, VA. 22042
 Mailing Address: 1000 Maine Avenue, SW, Suite 300, Washington, DC. 20024
 Work Phone Number: (678) 428-6889
 E-mail: robseldin@2hsq.com

Note: See page 5 for extra forms to attach, if necessary, for additional properties or owners.
 Note: Contact Person needs to be the person that DTA can call to arrange on-site inspections.

Proposed Project:

1. What type of zoning application would this project require? Check all that apply.
 Rezoning/Proffered Condition Amendment:
 Special Exception:
 Special Permit:
 Site Plan:

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

Original rezoning: RZ C-052
Governing zoning: PCA C-052-07
Pending zoning application: PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
As-Built Site Plan: #4237-SP-01-02

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

The proposed consolidation consists of two separate parcels, two different owners, and well exceeds the two-acre minimum.

4. Describe the proposed project. Please include details related to proposed uses, density/intensity, existing buildings to be retained, demolished and /or repurposed, and new buildings proposed. Please include additional sheets as necessary to fully describe the application. Please attach or send electronically one (1) copy of the proposed development plan (either the rezoning application or site plan). If the project will be built in phases, provide a phasing plan including estimated time frames for the completion of each phase. Electronic copies can be sent to Revitalization@fairfaxcounty.gov.

The property consists of two vacant office buildings that will be repurposed to include up to 510 live/work units with supportive ground floor uses and extensive site design improvements. No additional density is proposed. It is generally assumed that the buildings and related improvements will be completed within the same phase. Please see attached statement of justification and pending conceptual/final development plan for more information.

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

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

The subject property is located directly adjacent to the Skyline 1,2,3 project that is currently under construction by other owners and that received approval for an EIP tax abatement in 2020 for a repurposing and conversion from vacant office buildings to a similar live/work strategy.

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

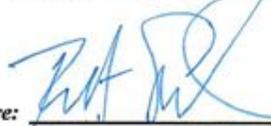
Yes No Please explain briefly how this incentive made the project possible:

The costs and complexity associated with the conversion of empty office buildings is considerable and when combined with the historic material and labor inflation we have experienced over the past year and the additional challenge of rising interest rates and real estate cap rates, receipt of an EIP tax abatement will be necessary in order to achieve the successful capitalization of this project, which in turn will help advance the continued goals of revitalization and improvement of the greater Bailey's CRD and stabilization of the overall Skyline complex after nearly 10 years of continued high vacancy.

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

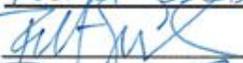
SIGNATURES:

Date of Application: 12/1/22

Owner's or Agent's Signature: 

Print Name: ROBERT SELDIN - SKY4 LLC

Date of Application: 12/1/22

Owner's or Agent's Signature: 

Print Name: ROBERT SELDIN - SKY4 LLC

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

Date of Application: _____

Owner's or Agent's Signature: _____

Print Name: _____

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

OFFICE USE ONLY

Application #: _____

Date Application Submitted: _____

Economic Incentive Area: Annandale EIP _____

DPD Approval Date: _____

Rezoning Case #: _____

Rezoning Approval Date: _____

Site Plan Case #: _____

Site Plan Approval Date: _____

Site Plan Fee Reduction: Yes or No

Amount of Reduction: _____

Date Issued: _____

Application/Attachments to DTA: Yes or No

BOS Approval Date: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____

Work Phone Number: _____
E-mail: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____

Work Phone Number: _____
E-mail: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
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Contact Person/Title: _____
Property Address: _____
Mailing Address: _____

Work Phone Number: _____
E-mail: _____

Tax Map Reference: _____
Owners' Name: _____
Contact Person/Title: _____
Property Address: _____
Mailing Address: _____

Work Phone Number: _____
E-mail: _____



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: January 9, 2023

TO: Sharon Williams, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Development

FROM: Jo Ellen Groves, Paralegal 
Office of the County Attorney

SUBJECT: Affidavit
Application No.: PCA-C-052-010/CDPA-C-052-003/FDPA-C-052-016
Applicant: Skyline 4 LLC and 5111 Leesburg Pike LLC
PC Hearing Date: 2/8/23
BOS Hearing Date: Not yet scheduled.

REF.: 168244

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 1/9/23, which bears my initials and is numbered 168244a, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Julia Nimeth, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Development

REZONING AFFIDAVIT

DATE: January 9, 2023
 (enter date affidavit is notarized)

168244a

I, Gregory A. Riegler, do hereby state that I am an
 (enter name of applicant or authorized agent)

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

in Application No.(s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Skyline 4 LLC Agent: Jim Evans	c/o Madison Marquette 1000 Maine Avenue, SW, Suite 300 Washington, DC 20024	Applicant/Property Owner of Parcel 62-3 ((1)) 37B
5111 Leesburg LLC Agent: Jim Evans	c/o Madison Marquette 1000 Maine Avenue, SW, Suite 300 Washington, DC 20024	Applicant/Property Owner of Parcel 62-3 ((1)) 39B
MTP-Skyline MTF Dev LLC Agents: Jonathon R. Reeser, Fergus M. Campbell	c/o Somera Road Inc., Attn: J. Reeser 130 W. 42nd Street, Suite 2200 New York, NY 10036	Property Owner of Parcel 62-3 ((1)) 40B1
Lessard Design, Inc. Agents: Christian J. Lessard Ulises Montes De Oca (former) Luz Del Mar Rosado (former) Christopher E. Boone Maurice D. Mead Brandon J. Newcomer Van B. Ly	8521 Leesburg Pike, Suite 700 Vienna, VA 22182	Architect/Agent for Applicant

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: January 9, 2023
 (enter date affidavit is notarized)

168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
 (enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
McGuireWoods LLP Agents: Scott E. Adams Steven M. Mikulic Gregory A. Riegler Matthew J. Weinstein Jonathan P. Rak (former) Sheri L. Akin Lori R. Greenlief Michael D. Van Atta	1750 Tysons Boulevard, Suite 1800 Tysons, VA 22102	Attorney/Agent for Applicant Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
Gorove/Slade Associates, Inc. Agents: Maria C. Lashinger Christopher M. Tacinelli Kayla M. Ord Sonya I. Viera	3914 Centreville Road, Suite 350 Chantilly, VA 20151	Traffic Engineers/Agent for Applicant
Michael Blier / Landworks Inc. dba Landworks Studio, Inc. Agents: Michael J. Blier Christopher A. MacFarlane Katalin Glasscock-Szabo (former) Thu Ngan Han (former) Susana C. Ribas Ricardo J. Terra	83 North Street Salem, MA 01970	Landscape Architect/Agent for Applicant
VIKA Virginia, LLC Agents: John F. Amatetti Shawn T. Frost Nicholas D. Richardson Michael D. Benton Stephen E. Crowell Dennis D. Dixon Jacob B. Johnson	8180 Greensboro Drive, Suite 200 Tysons, VA 322102	Engineer/Agent for Applicant

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

REZONING AFFIDAVIT

DATE: January 9, 2023
(enter date affidavit is notarized)

168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

Skyline 4 LLC
c/o Madison Marquette
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Skyline 4 Mezz LLC

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

None

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

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

Rezoning Attachment to Par. 1(b)

DATE: January 9, 2023
(enter date affidavit is notarized)

168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

Skyline 4 Mezz LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Skyline VA Holding LLC, sole member

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

None

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

5111 Leesburg LLC
c/o Madison Marquette
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

5111 Leesburg Mezz LLC, sole member

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

None

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

Rezoning Attachment to Par. 1(b)

168244a

DATE: January 9, 2023
(enter date affidavit is notarized)

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

5111 Leesburg Mezz LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Skyline VA Holding LLC, sole member

=====

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

None

=====

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

Skyline VA Holding LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

MM Highland Co-Investment LLC, sole member

=====

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

None

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

Rezoning Attachment to Par. 1(b)

168244a

DATE: January 9, 2023
(enter date affidavit is notarized)

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

MM Highland Co-Investment LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

MM LWL Co-Investment LLC, managing member	Highland Management Residual LLC, member
Highland Skyline Investor LLC, member	MM LWL Management Residual LLC, member

=====

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

Non-Member Manager: MM Highland Manager LLC

=====

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

MM Highland Manager LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Madison Investment Portfolio LLC, sole member

=====

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

Amer Hammour, President	David C. Brainerd, Vice President
Vincent J. Costantini, Executive Vice President	Victoria H. Lambert, Chief Financial Officer & Treasurer
Robert M. Seldin, Vice President	William E. Sudow, Vice President and Secretary

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

Rezoning Attachment to Par. 1(b)

DATE: January 9, 2023
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for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

MM LWL Co-Investment LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Madison Investment Portfolio LLC, member
Madison Realty Partnership LLC, member

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

None

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

MM LWL Management Residual LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Madison Investment Portfolio LLC, sole member

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

None

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

Rezoning Attachment to Par. 1(b)

DATE: January 9, 2023
(enter date affidavit is notarized)

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for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

Madison Investment Portfolio LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

CG Real Estate Inc., , sole member

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

None

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

Madison Realty Partnership LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

CG Real Estate Inc., , sole member

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

None

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

Rezoning Attachment to Par. 1(b)

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(enter County-assigned application number (s))

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

CG Real Estate Inc.
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Capital Guidance America Inc.

=====

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

None

=====

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

Capital Guidance America Inc.
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Capital Guidance (Holding) Ltd.

=====

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

None

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

Rezoning Attachment to Par. 1(b)

DATE: January 9, 2023
(enter date affidavit is notarized)

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for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

Capital Guidance (Holding) Ltd.
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

None

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

Highland Skyline Investor LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Robert M. Seldin, sole member

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

None

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

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for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

Highland Management Residual LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Robert M. Seldin, sole member

=====

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

None

=====

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

MTP-Skyline MTF Dev LLC
c/o SomeraRoad Inc., Attn: J. Reeser
130 W. 42nd Street, Suite 2200
New York, NY 10036

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Skyline 4-6 PROPCO OZBE, LLC, member

=====

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

Fergus M. Campbell, Authorized Signatory
Ian L. Ross, Authorized Signatory

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

Rezoning Attachment to Par. 1(b)

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for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

Skyline 4-6 PROPCO OZBE, LLC
c/o SomeraRoad Inc., Attn: J. Reeser
130 W. 42nd Street, Suite 2200
New York, NY 10036

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Somera Skyline 4-6 OZ Fund, LLC, member
SomeraRoad Investment Management, LLC, promote-member manager

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

None

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

Somera Skyline 4-6 OZ Fund, LLC
130 W. 42nd Street, Suite 2200
New York, NY 10036

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Ian L. Ross, member
Fergus M. Campbell, member

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

None

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

Rezoning Attachment to Par. 1(b)

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for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

SomeraRoad Investment Management, LLC
130 W 42nd Street, Suite 2200
New York, NY 10036

DESCRIPTION OF CORPORATION: (check one statement)

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

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

SomeraRoad Holdings, LLC, member

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

Ian L. Ross, non-member manager

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

SomeraRoad Holdings, LLC
130 W 42nd Street, Suite 2200
New York, NY 10036

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Fergus M. Campbell, member
Furman Investments LLC, member

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

SomeraRoad Inc., non-member manager
Ian L. Ross, sole shareholder for SomeraRoad, Inc.

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

Rezoning Attachment to Par. 1(b)

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(enter County-assigned application number (s))

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

Furman Investments LLC
130 West 42nd Street, Floor 22
New York, NY 10036

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Ian L. Ross, manager
The Ross Perpetual Trust u/a/d 4/21/2020 f/b/o Virginia C. Ashe and minor children

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

None

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

SomeraRoad, Inc.
130 West 42nd Street, Suite 2200
New York, NY 10036

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Ian L. Ross, sole shareholder

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

None

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

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(enter County-assigned application number (s))

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

John F. Amatetti
Charles A. Irish, Jr.
Robert R. Cochran
P. Christopher Champagne

=====

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

=====

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Christian J. Lessard

=====

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

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

Rezoning Attachment to Par. 1(b)

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168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

Gorove/Slade Associates, Inc.
3914 Centreville Road, Suite 350
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Michael J. Blier

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

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

REZONING AFFIDAVIT

DATE: January 9, 2023
(enter date affidavit is notarized)

168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

(check if applicable) [X] The above-listed partnership has no limited partners.

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

- Adams, John D. Bittman, Robert J. Burk, Eric L.
Allen, Joel S. Blank, Jonathan T. Butcher, Peter C.
Anderson II, Arthur E. Blydenburgh, Candace A. Callahan, Timothy P.
Anderson III, James M. Boardman, J. Kevin Carna, Anthony J.
Anderson, Mark E. Brackett, Alexander J. Cason, Alan C.
Atty, Lisa A. Brantley, Bryan C. Chaffin, Rebecca S.
Ayanian, John V. Brooker, Jeffrey D. Chapman, Jeffrey J.
Baiardo, Alicia A. Brooks, Edwin E. Clark, Jeffrey C.
Barger, Brian D. Brophy, Rebecca A. Cockrell, Geoffrey C.
Barrett, John M. Brose, R. Christian Collins, Darren W.
Beldner, Sabrina A. Browning, Jeffrey K. Cook, Jason W.
Bell, Craig D. Bruno, Thomas W. Costa, John D.
Bilik, R. Eric Buckley, Holly Cowley, Jason H.

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

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

Rezoning Attachment to Par. 1(c)

168244a

DATE: January 9, 2023
(enter date affidavit is notarized)

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

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

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

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

- | | | |
|------------------------|-------------------------|---|
| Cromwell, Richard J. | Goydan, William E. | Jackson, J. Brian |
| Croteau, Anne E. | Grant, Richard S. | Justus, J. Brent |
| Daglio, Michael R. | Green, Joshua K. | Kahn, Brian A. |
| De Ridder, Patrick A. | Greene, Adam J. | Kannensohn, Kimberly J. |
| DeLuca, Katherine K. | Greene, Christopher K. | Katsantonis, Joanne |
| deVyver, Kristopher I. | Greenspan, David L. | Keene, D. Brennan |
| Dingman, Michael S. | Greenstein, Louis D. | Kelly, Brian J. |
| Dossa, Mehboob R. | Grieb, John T. | Kelly, Noreen A. |
| Dressel, Todd J. | Griset, Jill C. | Kilpatrick, Gregory R. |
| Egan, Christina M. | Guilbert Jr., Shelby S. | Kim, Evelyn M. |
| Ellis, Jonathan Y. | Haas, Cheryl L. | Kinghorn, Mark W. |
| Ensing, Donald A. | Hager, Brian L. | Kobayashi, Naho |
| Evans, Gregory L. | Hager, Kristen F. | Konia, Charles A. |
| Ewing, James W. | Hampton, Charles B. | Kutrow, Bradley R. |
| Farley, Peter N. | Hardey, Kate W. | Lamb, Douglas E. |
| Farrell, Thomas M. | Harmon, Jonathan P. | Lapp, David R. |
| Finger, Jon W. | Harmon, T. Craig | Lawson, Jodie H. |
| Finkelson, David E. | Hatch, Benjamin L. | Lias-Booker, Ava E. |
| Fitzgerald, Matthew A. | Hawver, Gregory P. | Liggins Law Group, PC, Demetra Liggins* |
| Flannery, Diane P. | Hayes, Dion W. | Link, Vishwa B. |
| Foley, Douglas M. | Hedrick Jr., James T. | Maddock III, John H. |
| Franchina, David A. | Herring, Michael N. | Madriz, Yasser A. |
| Frank, Hannah T. | Hilton, Robert C. | Manning, Amy B. |
| Fratkin, Bryan A. | Holladay, Sara F. | Marcuss, Elena D. |
| Freedlander, Mark E. | Horne, Patrick T. | Marshall Jr., Harrison L. |
| French, Taylor W. | Hornyak, David J. | Martin III, Cecil E. |
| Fuhr, Joy C. | Hosmer, Patricia F. | Martinez, Peter W. |
| Gambill, Michael A. | Howard, Justin D. | Mathews III, Eugene E. |
| Goldsamt, Seth T. | Hsu, Yuan-Ying | McCollough, Aaron G. |
| Gopalan, Rakesh | Jaber, Makram B. | McCormick Jr., Durham C. |

* Does not own 10% or more of McGuireWoods LLP

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

Rezoning Attachment to Par. 1(c)

DATE: January 9, 2023
(enter date affidavit is notarized)

168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number (s))

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

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

(check if applicable) [X] The above-listed partnership has no limited partners.

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

- List of partner names including McDonald, John G., McFarland, Robert W., McGinnis, Kevin A., etc.

* Does not own 10% or more of McGuireWoods LLP

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

REZONING AFFIDAVIT

DATE: January 9, 2023
(enter date affidavit is notarized)

168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number(s))

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

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

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

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

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

None

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

REZONING AFFIDAVIT

DATE: January 9, 2023
(enter date affidavit is notarized)

168244a

for Application No. (s): PCA C-052-10 / CDPA C-052-03 / FDPA C-052-16
(enter County-assigned application number(s))

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

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

None

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[X] Applicant's Authorized Agent

Gregory A. Riegler, Attorney/Agent

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

Subscribed and sworn to before me this 9th day of January 2023, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires _____



Katherine Coppola Embrey
Notary Public



County of Fairfax, Virginia

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

January 10, 2023

5111 Leesburg Pike LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

Tax Map Reference: 62-3 ((1)) 39B
Property Address: 5111 Leesburg Pike,
Falls Church, VA 22042
Owner: 5111 Leesburg Pike LLC
Tax Abatement Case #: MA-001 2023

Dear Mr. Seldin:

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

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

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

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
Thomas Reed, Director of Real Estate, Department of Tax Administration
David Pellegrino, Assistant Director, Department of Tax Administration



Department of Planning and Development
Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799
www.fairfaxcounty.gov/planning-development



County of Fairfax, Virginia

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

January 10, 2023

Skyline 4 LLC
1000 Maine Avenue, SW, Suite 300
Washington, DC 20024

Tax Map Reference: 62-3 ((1)) 37B
Property Address: 5113 Leesburg Pike,
Falls Church, VA 22041
Owner: Skyline 4 LLC
Tax Abatement Case #: MA-001 2023

Dear Mr. Seldin:

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

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

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

Sincerely,

Tracy Strunk, Director
Department of Planning and Development

cc:

Jay Doshi, Director, Department of Tax Administration
Thomas Reed, Director of Real Estate, Department of Tax Administration
David Pellegrino, Assistant Director, Department of Tax Administration



Department of Planning and Development
Director's Office
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035-5507
Phone 703-324-9300
Fax 703-653-1799
www.fairfaxcounty.gov/planning-development

Board Agenda Item
February 21, 2023

ACTION - 2

Resolution to Apply for a Waiver to Administer Pioneer and Garfield Precincts in the Franconia District, and the Penderbrook and Burke No. 2 Precincts in the Springfield District, as Split Precincts Pursuant to Virginia Code Section 24.2-307

ISSUE:

A resolution to apply to the State Board of Elections (State Board) for a waiver to administer Pioneer and Garfield precincts in the Franconia District, and Penderbrook and Burke No. 2 precincts in the Springfield District, as split precincts for all elections in 2023, as required by *Virginia Code Section 24.2-307*, and authorizing Office of Elections staff to submit a waiver application on behalf of the Board of Supervisors.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution, confirming its decision to apply to the State Board for a waiver to administer the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts as split precincts for all elections in 2023, and authorizing Office of Elections staff to submit an application on behalf of the Board.

TIMING:

Board action is requested on February 21, 2023, to allow sufficient time request and receive a split precinct waiver before the June 20, 2023, primary election.

BACKGROUND:

Virginia Code Section 24.2-307 requires that each County election precinct be wholly contained within a single Congressional, Senate, House of Delegates, and local election district. If complying with that requirement results in a precinct with fewer than 100 voters, then *Section 24.2-307* instead requires that the Board of Supervisors apply to the State Board for a waiver to administer a split precinct for the year in which the waiver is granted. The State Board may grant the waiver or may require the locality to operate a precinct with fewer than the minimum number of voters otherwise required. The Virginia Department of Elections (ELECT) has established a website for submission of such applications, which requires attachment of a resolution or motion confirming the governing body's decision to seek a waiver.

The 2021 decennial redistricting effectively created four precincts, Pioneer, Garfield, Penderbrook, and Burke No. 2, that are split between Congressional, Virginia House of

Board Agenda Item
February 21, 2023

Delegates, and/or Virginia Senate districts. Eliminating any of these splits would result in the creation of precincts with no voters.

In 2022, the Board of Supervisors applied for, and the State Board granted, a waiver to administer Pioneer, Garfield, Penderbrook, and Burke No. 2 as split precincts. Because a split precinct waiver only applies for elections held in the year the waiver was granted, staff now requests that the Board of Supervisors confirm its decision to again seek a split precinct waiver to administer Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts for all 2023 elections, via adoption of the attached resolution (Attachment 2). The resolution also authorizes Office of Elections staff to file the waiver application on behalf of the Board of Supervisors.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2: Resolution to Apply for a Waiver to Administer Pioneer and Garfield Precincts in the Franconia District and Penderbrook and Burke No. 2 Precincts in the Springfield District as a Split Precincts.

STAFF:

Katherine K. Hanley, Chairman of the Fairfax County Electoral Board
Eric L. Spicer, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney
John Dorsey, Assistant County Attorney

Attachment 1: Virginia Code Pertaining to Election Polling Places

§ 24.2-307 (in part). Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#); 2020, c. [1268](#).

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary, unless a waiver has been granted pursuant to subsection G. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot

to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

G. The general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements of subsection A in the event that there is no suitable building that could be used within the precinct or within one mile of the precinct boundary. The Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#); 2022, c. [5](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

1993, c. 904, § 24.1-37.1; 1993, c. 641.

§ 24.2-129. Covered practices; actions required prior to enactment or administration.

A. For the purposes of this section:

"Certification of no objection" means a certification issued by the Attorney General that there is no objection to the enactment or administration of a covered practice by a locality because the covered practice neither has the purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

"Covered practice" means:

1. Any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;
2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American Community Survey data;
3. Any change to the boundaries of election districts or wards in the locality, including changes made pursuant to a decennial redistricting measure;
4. Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or that limits or impairs the creation or distribution of voting or election materials in any language other than English; or
5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.

"Voting age population" means the resident population of persons who are 18 years of age or older, as determined by the most recent American Community Survey data available at the time any change to a covered practice is published pursuant to subsection B.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall cause to be published on the official website for the locality the proposed covered practice and general notice of opportunity for public comment on the proposed covered practice. The governing body shall also publicize the notice through press releases and such other media as will best serve the purpose and subject involved. Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment. Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail, fax, or email, or through an online public comment forum on the official website for the locality if one has been established. The governing body shall conduct at least one public hearing during this period to receive public comment on the proposed covered practice. The governing body may make changes to the proposed covered practice in response to public comment received. If doing so, the revised covered practice shall be published and public comment shall be accepted in accordance with this subsection, except the public comment period shall be no fewer than 15 days.

C. Following the public comment period or periods prescribed in subsection B, the governing body shall publish the final covered practice, which shall include a plain English description of the practice and the text of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials, and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person who will be subject to or affected by the covered practice may challenge in the circuit court of the locality where the

covered practice is to be implemented the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of following the provisions of subsections B and C, may submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect until the Attorney General has issued such certification. A certification of no objection shall be deemed to have been issued if the Attorney General does not interpose an objection within 60 days of the governing body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. An affirmative indication by the Attorney General that no objection will be made or the absence of an objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

2021, Sp. Sess. I, cc. [528](#), [533](#).

Attachment 2: Proposed Resolution

RESOLUTION TO APPLY FOR A WAIVER TO ADMINISTER PIONEER AND GARFIELD PRECINCTS IN THE FRANCONIA DISTRICT, AND THE PENDERBROOK AND BURKE NO. 2 PRECINCTS IN THE SPRINGFIELD DISTRICT AS SPLIT PRECINCTS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia (“Board of Supervisors”) held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on February 21, 2023, the following resolution was adopted:

WHEREAS, Virginia Code Section 24.2-307 requires each precinct to be wholly contained within a single congressional, Senate, House of Delegates, and local election district throughout the County for each election year, and

WHEREAS, in accordance with Virginia Code Section 30-399 and following the 2021 decennial census, the Virginia Supreme Court entered an order approving and adopting a plan reapportioning the House of Delegates, State Senate, and Virginia Congressional districts in Fairfax County on December 28, 2021, and

WHEREAS, the Pioneer and Garfield precincts in the Franconia District now contain a district line split resulting from the district boundaries established by the Virginia Supreme Court’s redistricting of state and Congressional districts, and

WHEREAS, the Penderbrook and Burke No. 2 precincts in the Springfield District now contain a district line split resulting from the district boundaries established by the Virginia Supreme Court’s redistricting of state and Congressional districts, and

WHEREAS, those four split precincts include a portion of a state or Congressional district with no registered voters, and

WHEREAS, Virginia Code Section 24.2-307 further requires that County precincts have no fewer than 100 registered voters, and

WHEREAS, Virginia Code Section 24.2-307 further requires that a locality’s governing body apply to the State Board of Elections for a waiver to administer a split precinct if a split cannot be eliminated without creating a precinct that has fewer than the permitted, minimum number of voters, and

WHEREAS, eliminating the splits in the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts would result in precincts containing fewer than 100 registered voters, and

WHEREAS, the State Board of Elections will permit Office of Elections staff to submit such a waiver application on behalf of the Board of Supervisors if the Board has adopted a resolution confirming its decision to seek a waiver, and

WHEREAS, Virginia Code Section 24.2-307 further requires that the Board of Supervisors apply to the State Board for a waiver to administer a split precinct for the year in which the waiver is granted,

WHEREAS, on April 12, 2022, the State Board of Elections granted such a waiver to administer Pioneer, Garfield, Penderbrook, and Burke No. 2 as split precincts for all elections held in 2022,

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors, in accordance with Virginia Code Section 24.2-307, shall apply to the State Board of Elections for a waiver to administer the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts as split precincts for any elections held in 2023; and

BE IT FURTHER RESOLVED that Office of Elections staff may file the Board’s waiver application, in accordance with the procedures of the State Board of Elections.

GIVEN under my hand this ____ day of _____, 2023.

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

Board Agenda Item
February 21, 2023

ACTION – 3

Authorization for the Fairfax County Redevelopment and Housing Authority to Make Loans to Subsidiaries of Lincoln Avenue Capital up to an Aggregate Amount of \$14,000,000 to Finance Phase I of the Residences at Government Center II Development (Braddock District)

ISSUE:

Board of Supervisors (Board) authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to provide gap financing loans – using Housing Blueprint funds (Blueprint), American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds (ARPA), and/or other local funds – up to an aggregate amount of \$14,000,000, to subsidiaries of Lincoln Avenue Capital (LAC) for the first phase of the Residences at Government Center II development in the Braddock District.

RECOMMENDATION:

The County Executive recommends the Board authorize the FCRHA to make the proposed gap financing loans for the development up to an aggregate amount not to exceed \$14,000,000.

TIMING:

Board approval is requested on February 21, 2023. LAC must be able to demonstrate approval of the gap financing needed for the development to be able to apply for nine percent Low-Income Housing Tax Credits (LIHTC). The nine percent LIHTC application is due to Virginia Housing in March 2023.

BACKGROUND:

Previous Actions:

The FCRHA entered into an Interim Agreement with a subsidiary of LAC on June 7, 2022 after their selection in a competitive process under the Virginia Public-Private Educational Facilities Infrastructure Act (PPEA) for the redevelopment of parking lots on the Government Center property. The FCRHA approved the Comprehensive Agreement on January 19, 2023, outlining the details of the partnership between the FCRHA and LAC.

Board Agenda Item
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Developer:

LAC, founded in 2016, is a privately held affordable housing developer headquartered in Santa Monica, California, focused on creating quality affordable and workforce rental residences. With a portfolio of over 100 properties across the country, LAC possesses extensive experience in working with local housing authorities, non-profits, and government entities. Examples of projects where LAC partnered with housing authorities and other entities include: Gateway at Lake Jackson, a 80-unit multifamily community in the Houston Metro Area, Texas, and Southern Highlands, a 151-unit multifamily community in National City, California.

Project Description:

The Fairfax County Board of Supervisors (Board) conveyed Parking Lots G and H at the Fairfax County Government Center to the FCRHA for development as affordable housing. The development proposed by LAC and selected by the FCRHA is called Residences at the Government Center II (Development) and includes 279 units of affordable housing in two five-story buildings serving residents from 30 percent to 70 percent of area median income. The Development will also contain an approximately 15,000 square foot community space that will be used to provide a daycare facility and other resident and community-based services.

The Development is planned to be financed and constructed in two phases, with each building comprising a “phase”. The north building (Phase I) will include nine percent and a four percent LIHTC components; and the south building (Phase II) will also include 9 percent and a four percent LIHTC components. Each component will be conveyed to a distinct subsidiary of LAC under a long-term ground lease where the FCRHA is the landlord and maintains ownership of the underlying fee interest in the property.

Phase I is planned to consist of approximately 144 units, roughly evenly divided between the two components.

The project financing plan is further described in Attachment 2 and anticipates nine percent LIHTC equity, four percent LIHTC bonds, senior/first-position debt, and gap financing from the FCRHA to construct the Development.

Requested Loans:

In July 2022, the FCRHA released its Fiscal Year 2023 Notice of Funding Availability (NOFA), noting the availability of funds from various sources for affordable housing development. In October 2022, LAC applied for \$25,000,000 in FY23 NOFA funds for gap financing for all four components of the Development. At the time, the amount of

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that request exceeded the amount of funds remaining available pursuant to the FY23 NOFA.

Accordingly, LAC elected to break the Development up into Phases and submitted a revised loan application for Phase I of the Development for \$14,000,000 of gap financing. Specifically, LAC seeks \$6,000,000 for the nine percent component of Phase I and \$8,000,000 for the four percent component of Phase I, though the exact amounts for each component may change so long as the aggregate amount remains at or below \$14,000,000.

On December 6, 2022, the Board allocated an additional \$15,000,000 of ARPA funds for affordable housing development, and on December 14, 2022 the Department of Procurement and Material Management issued an addendum to the FY23 NOFA (NOFA Addendum) noting the availability of the additional funds. If approved by the Board, this action would allow the subordinate loans for the Development to be funded from a combination of Blueprint, ARPA and/or other local sources as may be available.

It should be noted that the FY23 NOFA did not originally envision the use of ARPA funds as loans. When the FY23 NOFA was first issued on July 1, 2022, the then-existing federal guidance made the use of ARPA funds as loans practically unworkable. In late July 2022, however, the United States Departments of Treasury and of Housing and Urban Development (“HUD”) issued new guidance enabling jurisdictions to more easily use ARPA funds as loans for affordable housing development. Accordingly, the NOFA Addendum also stated that ARPA funds made available under the FY23 NOFA could be provided as loans.

The loans – whether made solely with ARPA funds or a mixture of ARPA and Blueprint funds – would generally mirror standard Blueprint terms. The borrowers would repay the loans out of net cash flow and unpaid principal would bear two percent interest. Borrowers are required to operate the Project as affordable housing.

ARPA regulations and guidance would require some unique terms. First, since ARPA funds must be obligated by December 31, 2024 and disbursed by December 31, 2026. If LAC does not obtain an award of nine percent LIHTC in 2023, then the FCRHA will have the right to terminate the loan commitment, since LAC would be unlikely to meet those ARPA deadlines without a nine percent LIHTC award in 2023. Further, to meet the expenditure deadlines, the ARPA funds may be disbursed entirely before conversion to permanent financing, or otherwise earlier than is typical for Blueprint loans. Please see the loan Term Sheet at Attachment 3 for more details regarding the loan terms.

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Expected Benefits:

- a) 144 units of affordable multifamily housing in the highly cost-burdened Braddock District of Fairfax County, VA.
- b) Serving 11 percent of residents at or below 30 percent of Area Median Income (AMI), six percent of residents at or below 40 percent of AMI, 14 percent of residents at or below 50 percent of AMI, 63 percent of residents at or below 60 percent of AMI, and six percent of residents at or below 70 percent of AMI.
- c) Property amenities include a business center, fitness facility, on-site management, community rooms as well as other active and passive recreational amenities.
- d) On-site pedestrian promenade will be added to create access to and from the County Government Center buildings as well as to create more private exterior resident amenities. Existing mature trees lining the perimeter of the site will be preserved.
- e) Provides a daycare facility operated by Fairfax County based 501c3 service provider, Cornerstones.
- f) Affordability for a period of 99 years per the Ground Lease, subject to lender requirements and FCRHA obligations under Title 36 of the Code of Virginia in the event of foreclosure
- g) EarthCraft Gold or equivalent Certification and Universal Design in all units.
- h) 30 Americans with Disabilities Act (ADA) compliant units.
- i) 16 Project-Based Vouchers (PBVs), with eight in the nine percent condo of the project and eight in the four percent condo.

Appraised Value:

The independent appraiser, Robert Paul Jones, Inc., confirmed that the appraised value of the property fully collateralizes the gap financing loan(s). The Department of Tax Administration (DTA) has reviewed the appraisal for approved values as well as the methodology used to determine those values and has found the methodology to be appropriate and the values to be reasonable.

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Financing Plan; Ground Lease; Proposed Rents; Terms of Supplemental Loan
Please see Attachment 2.

Closing:

Assuming a nine percent LIHTC award in 2023, the anticipated date to close on financing for Phase I is quarter two calendar 2024. Requirements for the closing include, but are not limited to, completion of the following:

1. Disbursement of funds from the first mortgage loan, gap financing loan(s), and tax-exempt bond
2. Commitment and disbursement from tax credit investor
3. Final underwriting by HCD Staff
4. Satisfactory appraisal of the property that fully collateralizes the loan(s)
5. Receipt and approval of all third-party reports by HCD staff
6. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County

FISCAL IMPACT:

The aggregate loan amount of \$14,000,000 is anticipated to come from the following sources: the Fiscal Year 2023 Housing Blueprint Project in Fund 300-C30300, Affordable Housing Development and Investment Fund, Project 2H38-180-000, Blueprint, with a current available balance of \$4,420,505; and the Fiscal Year 2023 funding allocated in Fund 100-C10088, Coronavirus Local Fiscal Recovery Fund (ARPA). It should be noted that other local funding sources as may be subsequently identified by the Board may be substituted for the above enumerated sources.

The FCRHA will receive an ongoing loan monitoring fee of \$10,000, or \$5,000 from the nine percent component and \$5,000 from the four percent component escalating at three percent annually for the loans.

ENCLOSED DOCUMENTS:

Attachment 1 – Vicinity Map

Attachment 2 – Ground Lease Summary, Financing Plan, and Terms of Housing
Blueprint Loan

Attachment 3 – Housing Blueprint Loan Term Sheet

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STAFF:

Christopher A. Leonard, Deputy County Executive

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

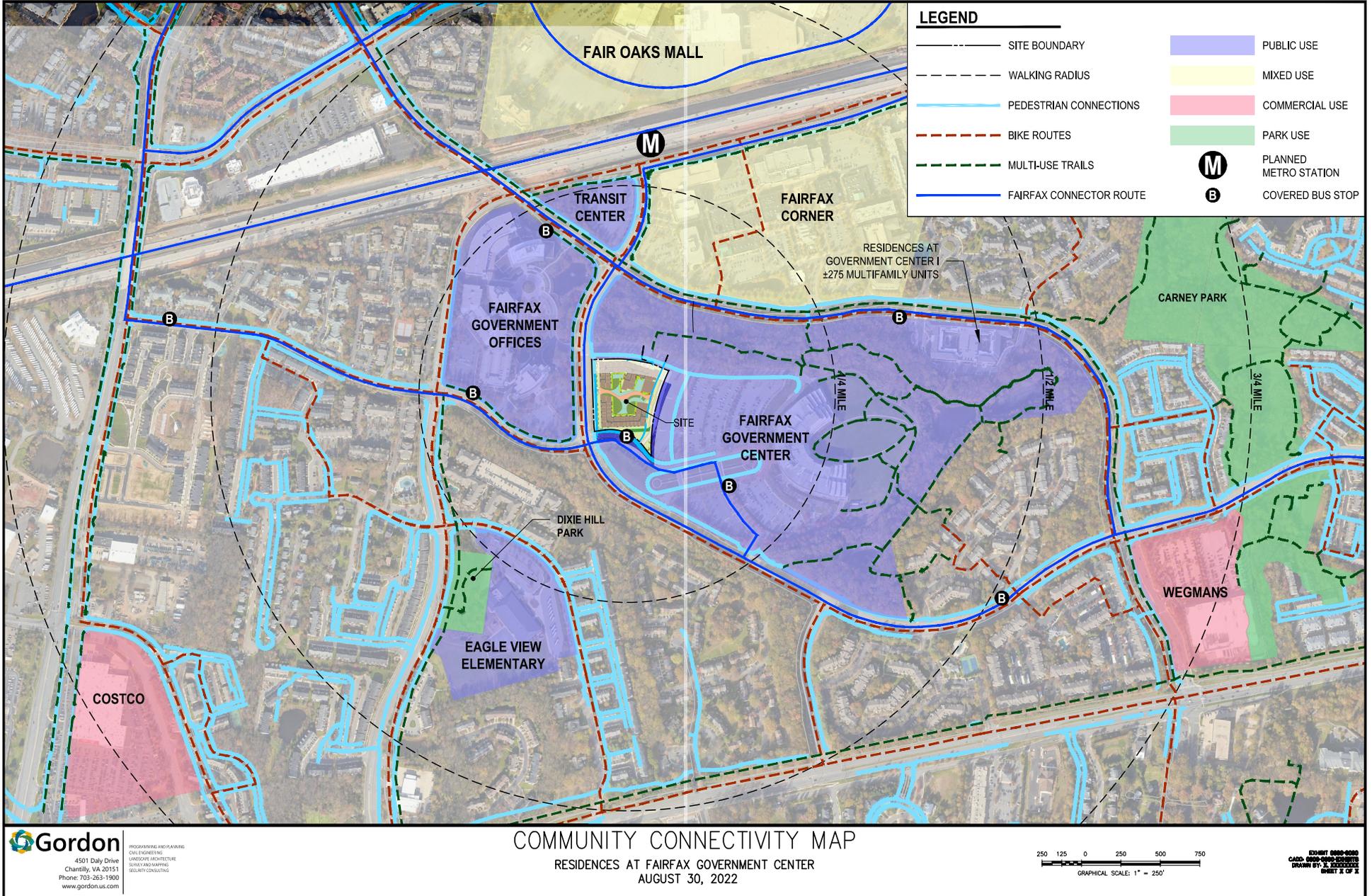
Anna Shapiro, Deputy Director, Real Estate, Finance and Development, HCD

Debashish Chakravarty, Associate Director, Real Estate Finance (REF), HCD

Julie Chen, Senior Real Estate Finance Manager, REF, HCD

ASSIGNED COUNSEL:

Ryan Wolf, Assistant County Attorney



Appraised Value, Ground Lease, and Financing Plan:Appraised Value:

The independent appraiser, Robert Paul Jones, Inc., confirmed that the appraised value of each component of Phase I of the Project fully collateralizes the applicable Fairfax County Redevelopment and Housing Authority (FCRHA) gap financing loan(s). According to the appraisal dated December 30, 2022, the 'forced liquidation decontrol value' is \$59,782,200 (\$29,305,000 for the nine percent component and \$30,477,200 for the four percent component). The loan funds in both the four percent and nine percent components are collateralized by the decontrol value of the property. The Department of Tax Administration (DTA) has reviewed the appraisal for approved values as well as the methodology used to determine those values and has found the methodology to be appropriate and the values to be reasonable.

Ground Lease

A subsidiary of Lincoln Avenue Capital (LAC) will enter into a Ground Lease with the FCRHA for each component of the Project for a term of 99 years.

Proposed Rents

The project contains two rent rate structures: Low-Income Housing Tax Credits (LIHTC) rents set by Virginia Housing and Project-Based Voucher (PBV) rents established by the FCRHA, using a U.S. Department of Housing and Urban Development regulatory structure. The regulatory structure dictates the gross rent that a landlord can receive when using a project-based voucher. When the voucher is applied to each unit, the tenant's portion of the rent will not exceed the maximum LIHTC (non-PBV) rents.

Four Percent Condo

40% AMI Units (PBV Units)	# Units	Gross Rent
One Bedroom	3	\$1,724
Two Bedroom	3	\$1,964
Three Bedroom	2	\$2,486
Total/Average	8	\$2,004
60% AMI Units	# Units	Gross Rent
One Bedroom	24	\$1,602
Two Bedroom	28	\$1,921
Three Bedroom	6	\$2,220
Total/Average	58	\$1,820

70% AMI Units	# Units	Gross Rent
One Bedroom	3	\$1,869
Two Bedroom	3	\$2,241
Three Bedroom	2	\$2,590
Total/Average	8	\$2,189
TOTAL UNITS:	74	

Nine Percent Condo

30% AMI Units (PBV Units)	# Units	Gross Rent
One Bedroom	2	\$1,724
Two Bedroom	4	\$1,964
Three Bedroom	2	\$2,486
Total/Average	8	\$2,034
30% AMI Units	# Units	Gross Rent
One Bedroom	2	\$798
Two Bedroom	4	\$957
Three Bedroom	2	\$1,107
Total/Average	8	\$955
50% AMI Units	# Units	Gross Rent
One Bedroom	4	\$1,330
Two Bedroom	13	\$1,596
Three Bedroom	3	\$1,845
Total/Average	20	\$1,580
60% AMI Units	# Units	Gross Rent
One Bedroom	3	\$1,596
Two Bedroom	23	\$1,915
Three Bedroom	8	\$2,214
Total/Average	34	\$1,957
TOTAL UNITS:	70	

Financing Plan:

LAC is proposing to finance the development using both nine percent and four percent LIHTC using two separate long term ground leases, both of which will be financed using first mortgage financing from either Freddie Mac, Fannie Mae, or Virginia Housing, subordinate financing from the FCRHA, and Deferred Developer Fee. The aggregate amount of gap financing provided by the FCRHA will not exceed \$14,000,000, however, the financing structure and breakdown between the two transactions may be revised before closing subject to market conditions to reach an optimal financing structure.

Sources and Uses:**Four Percent Component**

Sources	Construction Sources	Permanent Sources
Permanent Tax-Exempt Loan	\$0	\$12,180,000
Construction Loan	\$16,160,000	\$0
Equity Bridge Loan	\$7,582,058	\$0
Tax Credit Equity	\$2,209,049	\$11,045,246
Housing Blueprint Funds Loan	\$4,000,000	\$8,000,000
General Partner Capital Contribution	\$100	\$100
Deferred Developer Fee	\$0	\$1,956,616
Total Sources	\$29,951,207	\$33,181,962
Uses	Construction uses	Permanent uses
Acquisition	\$0	\$0
Construction Costs	\$22,473,732	\$22,473,732
Construction Costs Contingency	\$1,153,595	\$1,153,595
Sitework	\$1,755,314	\$1,755,314
Soft Costs	\$1,042,342	\$1,042,342
Financing Costs	\$1,065,119	\$1,065,119
Operating Reserve	\$0	\$476,170
Other Reserves	\$45,499	\$213,849
Developer Fee	\$269,836	\$2,856,071
Construction Interest	\$2,145,768	\$2,145,768
Total Uses	\$29,951,207	\$33,181,962

Nine Percent Component

Sources	Construction Sources	Permanent Sources
Permanent Taxable Loan	\$0	\$10,330,000
Construction Loan	\$17,300,000	\$0
Equity Bridge Loan	\$8,179,941	\$0
Tax Credit Equity	\$3,496,000	\$17,480,000
Housing Blueprint Loan	\$3,000,000	\$6,000,000
General Partner Capital Contribution	\$100	\$100
Deferred Developer Fee	\$0	\$1,196,507
Total Sources	\$31,976,041	\$35,006,607
Uses	Construction uses	Permanent uses
Acquisition	\$0	\$0
Construction	\$24,024,680	\$24,024,680
Construction Costs Contingency	\$1,261,026	\$1,261,026
Sitework	\$2,363,229	\$2,363,229
Soft Costs	\$1,173,055	\$1,173,055
Financing Costs	\$740,384	\$740,384
Operating Reserve	\$0	\$418,503
Other Reserves	\$44,892	\$204,142
Developer Fee	\$538,417	\$2,991,230
Construction Interest	\$1,830,357	\$1,830,357
Total Uses	\$31,976,041	\$35,006,607

FY23 NOFA - Loan Term Sheet:

- Borrower:** Two (2) to-be-established subsidiaries of Developer.
- Developer:** Lincoln Avenue Capital.
- Project Address:** Government Center Parkway; Fairfax County Tax Map # 56-1 ((15)), parcel 14B. To-be-constructed “north” building, consisting of two separate leaseholds, one financed with 9% low-income housing tax credits (LIHTC) and one with 4% LIHTC.
- Amount:** Up to aggregate total of \$14,000,000. Anticipate \$8,000,000 to the 4% component and \$6,000,000 to the 9% component; individual component figures may change, subject to aggregate maximum of \$14,000,000.
- Each component may receive funding from Housing Blueprint program and/or American Rescue Plan Act (ARPA) funds. If a component receives funding from both sources, each source will comprise a separate loan.
- Interest Rate:** 2% simple interest per annum. Interest will accrue on funds actually disbursed.
- Amortization:** Loan will be repaid from 50% of annual net cash flow (NCF). NCF includes cash flow remaining after payment of must-pay debt service, operating expenses, operating reserves, deferred developer fee, and such other expenses as the FCRHA may reasonably approve. Payments made will be applied first to accrued interest, then to principal. All outstanding principal and accrued but unpaid interest will be due on the maturity date.
- If a component receives both a Blueprint loan and an ARPA loan, payments will go first to amounts owed on the Blueprint loan; once Blueprint loan is fully repaid, payments would go to amounts owed under ARPA loan.
- Term:** Term will be the longer of (i) term of first-position permanent loan and (ii) 30 years following conversion to permanent financing.
- Security:** Second position deed of trust against the property, or such lower priority lien position as the FCRHA may accept in its sole discretion. (If a project component is funded with both Blueprint and ARPA funds, then the Blueprint loan will be in second position, and the ARPA loan will be in third position.) At Loan Closing (and not as an ongoing requirement to release loan proceeds), the value of the

property, as determined by an appraisal acceptable to the FCRHA and consistent with the terms of the Notice of Funding Availability, must exceed the aggregate debt of the NOFA loan(s) together with all higher priority loans.

Affordability:

Borrower (9%) will rent approximately 16 units to households with an initial household income of no more than 30% of the area median income (AMI); approximately 20 units to households with an initial household income of no more than 50% of AMI, and approximately 34 units to households with an initial household income of no more than 60% of AMI.

Borrower (4%) will rent approximately 8 units to households with an initial household income of no more than 40% of the area median income (AMI); approximately 58 units to households with an initial household income of no more than 60% of AMI, and approximately 8 units to households with an initial household income of no more than 70% of AMI.

Unit counts may shift from one component (9%/4%) to the other.

After initial qualification and occupancy, a household's income may not exceed 140% of the imputed maximum income restriction on that unit in accordance with LIHTC program regulations.

Borrower may not charge more than one-twelfth of 30% of the applicable AMI tier for rent. If tenants will pay their own utilities, then Borrower may not charge more for rent than one-twelfth of 30% of the applicable AMI tier, minus a utility allowance determined in accordance an engineering study pursuant to LIHTC program regulations, except that, for PBV units, the utility allowance will be as required by the PBV program. The FCRHA will not unreasonably withhold approval of a Borrower request to use the utility allowances resulting from the engineering study for PBV units.

Blueprint affordability restrictions will appear in one or more agreements recorded in the land records for the property and will run with the land for the greater of 30 years or the term of the first position permanent loan, even if the NOFA loan(s) are repaid before such time.

Option & ROFR:

Borrower will provide FCRHA with an option to purchase the property and a right of first refusal for the property. The ROFR price will be for the greater of the third-party-offered price or the customary debt plus exit taxes structure. The option will be exercisable at year 15 for one year at the then-current fair market

value. Each of the FCRHA's option and ROFR rights will be subordinate to senior debt financing and will not apply to offers where the purchaser is related to the Developer.

- Developer Fee:** Borrower may pay a developer fee to Developer, the total and deferred amounts of which are subject to the approval of the FCRHA. Borrower may recoup its deferred developer fee in full before making amortization payments on the Blueprint loan, but subject to terms to be finalized between FCRHA and Borrower.
- Borrower will make no other payments to Developer (or affiliates of Developer) without the prior consent of the FCRHA.
- Monitoring Fee:** Borrower will pay to the FCRHA an annual monitoring fee of \$5,000, escalating at 3% annually, for each project component for monitoring project compliance with Blueprint/ARPA affordability requirements. (If a project component is funded with both Blueprint and ARPA funds, the monitoring fee will be \$5,000 (plus escalation) across all loans on that project component.) The monitoring fee is "must pay" and not cash flow dependent.
- Reserves:** At Funding, Borrower will establish a repair and replacement reserve in the amount required by Borrower's first position lender and/or investors.
- Transfers:** Borrower may not transfer the property, in whole or in part, by operation of law or otherwise, without the prior approval of the FCRHA, not to be unreasonably withheld. Borrower may, however, transfer the property to an affiliate under common control, provided that Borrower must notify the FCRHA in advance and that the transferee assumes the loan(s).
- No interests in the Borrower may be transferred without the prior approval of the FCRHA, not to be unreasonably withheld, except (i) for cause, as set forth in Borrower's partnership/operating agreement; (ii) for transfers of the investor's interests in the Borrower to Borrower's general partner / managing member (or to a commonly controlled affiliate) after the end of the LIHTC compliance period; and (iii) for transfers of general partner / managing member interests to a commonly controlled affiliate of Developer, so long as Developer's chief executive officer remains the same.
- Senior Loan:** The first position loan must have a fixed interest rate, provided that the FCRHA may approve a variable rate senior construction loan in its reasonable discretion (including management of the risk of variable rates). Upon conversion to permanent financing, the first

position loan must amortize.

First position lender must enter into intercreditor / subordination agreement with FCRHA on terms reasonably acceptable to the FCRHA including, without limitation, the right to cure defaults, to acquire the senior debt, and to acquire ownership of the property.

Other Loans: Other than the loans represented in the application for this Blueprint loan, Borrower may not subject the property to any deed of trust or other lien, whether senior or subordinate to the NOFA loan(s), without the prior approval of the FCRHA, except as specifically permitted in the loan documents.

Borrower may not obtain any unsecured loans without the prior approval of the FCRHA, except for an unsecured loan that is cash flow dependent and the repayment of which would come after annual payment of the NOFA loan(s) in priority of payment from NCF, except as specifically permitted in the loan documents.

Refinancing: Loans funded with Blueprint funds will become due on any refinancing of the senior loan. The FCRHA, in its reasonable discretion, may agree to keep the Blueprint loan in place on a refinancing of the senior loan upon such terms and conditions as it may negotiate.

Loans funded with ARPA funds will remain in place in connection with any refinancing. Borrower may not refinance senior debt on a project component subject to an ARPA loan without FCRHA's reasonable consent.

FCRHA Termination Right: If 9% Borrower does not obtain an award of 9% LIHTC in 2023, the FCRHA reserves the right to terminate the loan commitment for both components and funding sources.

ARPA Terms: Borrower may not prepay any ARPA-funded loan.

Borrower must waive its right to a qualified contract under the LIHTC program.

Borrower will repay any ARPA-funded loan if the project becomes non-compliant with any LIHTC program requirements, including if the project ceases to meet the requirements of a "qualified low-income housing project" or "qualified residential rental project" or if the project fails to comply with the terms of the extended use agreement (or similar document) with Virginia Housing.

Borrower will provide such information as reasonably requested by

FCRHA in connection with ARPA reporting obligations.

Borrower will comply with all applicable ARPA regulations.

Closing & Funding: Subject to certain conditions, Borrower will execute NOFA loan documents concurrently with closing on its construction loan documents (Closing).

Subject to certain conditions, the FCRHA will fund 50% of the maximum loan at 50% completion of construction (Early Funding) and will fund up to the remainder concurrently with the closing on and funding of Borrower's permanent loan (Funding), provided that the FCRHA may disburse the portion of the remainder consisting of APRA funds before Funding as reasonably necessary to meet federal expenditure deadlines.

When project construction is completed, if there are savings in the development budget, then at the discretion of the FCRHA such savings may be used to reduce the amount of the NOFA loan(s) provided at Funding, so long as such reduction would not impact the project's basis under LIHTC regulations.

Closing Conditions: Closing on any ARPA-funded loan must occur on or before December 31, 2024.

Fully executed construction loan documents and construction contract.

Fully executed partnership/operating agreement of Borrower, with admission of investor.

Fully executed loan commitment for permanent loan, and all necessary approvals for any other permanent and/or ongoing funding sources.

If not already provided, a satisfactory appraisal (see "Security", above), dated no earlier than 6 months before Closing.

Lender's title insurance policy for the benefit of the FCRHA, from a title company acceptable to the FCRHA.

If not already provided as part of Borrower's loan application, the following items, as the FCRHA may reasonably deem necessary: zoning letter from Fairfax County Department of Planning and Zoning, site plan, building permits, description of significant litigation, Borrower organizational documents (including good standing certificate and authorizing resolutions), ALTA survey

reasonably satisfactory to the FCRHA, and legal opinion of Borrower's counsel.

All site control, equity, and non-FCRHA loan documents must be reasonably acceptable to FCRHA.

Final underwriting acceptable to the FCRHA, including sources and uses, development budget, annual operating expenses, 15-year cash flow analysis, development schedule.

FCRHA loan documents fully negotiated and in final form.

Such other items and information as the FCRHA may reasonably require.

Early Funding Conditions:

Certification of architect that at least 50% of the construction contract price has been expended.

Payment and performance bond specifying the FCRHA as a named insured.

Mutually acceptable intercreditor agreement with construction lender.

No outstanding defaults under any loan, construction, or other project-related agreement.

Such other items and information as the FCRHA may reasonably require.

Funding Conditions: Funding of any ARPA-funded loan must occur by no later than December 31, 2026.

Completion of construction, evidenced by FCRHA's receipt of all of certificate of substantial completion from project architect, final construction lien releases, all occupancy permits, and a set of as-built drawings for the project.

Satisfactory title bringdown.

Execution by an Assistant Secretary of the FCRHA.

Such other items and information as the FCRHA may reasonably require.

Use of Insurance Proceeds After

After a casualty event, Borrower must restore so long as restoration is reasonably practicable. Borrower's first-position lender may not

Casualty: have unilateral ability to repay itself from casualty insurance
 proceeds after all casualty events.

The FCRHA may permit full or partial exceptions to any provision in this term sheet in its
sole discretion. In the event of any conflict between this term sheet and any fully
executed FCRHA loan document, the terms of the FCRHA loan document will control.
No third party may rely on the contents of this term sheet.

FCRHA:

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

By: _____
Name:
Title:

BORROWER:

[]

By: _____
Name:
Title:

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ACTION – 4

Approval of an Amended Agreement Between the Town of Vienna and Fairfax County to Design and Construct the Tapawingo/Kingsley Urban Bioretention Project (Hunter Mill District)

ISSUE:

Board of Supervisors' (Board) authorization is requested for Fairfax County (County) to amend an agreement with the Town of Vienna (Town) to provide additional funding for the construction of the Tapawingo/Kingsley Urban Bioretention Project, which is located in the Town and the Accotink Creek watershed.

RECOMMENDATION:

The County Executive recommends that the Board approve and authorize the County Executive or his designee to sign the amended agreement with the Town to provide additional funding for the construction of the Tapawingo/Kingsley Urban Bioretention Project (Project).

TIMING:

Board approval is requested on February 21, 2023.

BACKGROUND:

On October 29, 2018, the County entered into an agreement with the Town to contribute \$200,000 toward the design and construction of the Project. The Project will provide nutrient reduction and improved water quality in the Accotink Creek watershed. The County has disbursed \$200,000; however, the total project cost, based on the lowest responsible construction bid, has increased by \$54,000.

The increased Project cost is attributable to rising construction costs and larger bioretention cells needed to maximize water quality benefits. The Town has requested an additional \$54,000 from the County, resulting in a total Project cost of \$254,000.

Under the Cooperative Agreement between the Fairfax County Board of Supervisors, the Town of Vienna, and the Town of Herndon to Share Certain Stormwater Service District Fees and Responsibility for Related Projects, the parties will use the project benefits towards compliance with their respective Municipal Separate Storm Sewer System permits and Chesapeake Bay Total Maximum Daily Load reduction

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requirements. Consistent with the framework of the Cooperative Agreement, the County may contribute funds for the design and construction of the Project. The Town will administer the design and construction of the Project. In addition to improving the environment and water quality, this partnership with the Town of Vienna also is an example of implementation of effective and efficient government practices consistent with the County's Strategic Plan. Partnering with the Town on this project will save the County the time and administrative costs that would be incurred if the County were to implement the Project under its stormwater program.

EQUITY IMPACT:

There is no adverse equity impact. This project entails the construction of stormwater bioretention cells in a residential community in headwaters of the Accotink Creek watershed. Current conditions allow for stormwater to convey from this sub watershed into a stormwater wet pond known as Nutley Pond, the location of a dredging and restoration project, and then Hunters Branch, the location of a stream restoration project. From here, the water enters Accotink Creek, which is designated as an Impaired Stream. Unmanaged water quantity causes erosion in Accotink Creek, and unimproved water quality concentrates pollutants downstream. Approximately two miles downstream of this project are communities with "High" Vulnerability Index ratings of 3.38 and 3.13. Downstream communities will benefit from the Town/County assuming responsibility for stormwater management on-site instead of its conveyance to areas that may be vulnerable to becoming pollution corridors. With community feedback, the Town is committed to implementing additional bioretention facilities in 2023. Such an approach implements multiple smaller stormwater control measures as management moves higher upstream in the watershed, working to protect downstream ponds, creeks, streams and thus communities. Following four community meetings, an open Town Council meeting and feedback from the Transportation Safety Commission, the Tapawingo/Kingsley site was chosen because of upstream proximity to watershed restoration efforts at Nutley Pond, Hunters Branch and Accotink Creek. Green stormwater controls are not only an aesthetic benefit provided by integrating nature into the urban built environment, but also planted cells are effective at removing nitrogen, phosphorous and in remediating metals that pose health impacts to aquatic life. For this reason, alternatives such as underground storage basins that offer limited infiltration and water quality improvement were not preferred. As space is constrained in this developed community, this site was also selected as the 30-foot-wide street allowed for its placement to be in the road as a bump-out. This bump-out serves as a traffic calming measure highly desired by those neighboring the project.

FISCAL IMPACT:

The estimated total design and construction cost of the Project is \$254,000. The County funded \$200,000 in FY 2019. The County will fund an additional \$54,000 to the

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Town in FY 2023 for the Project. The County has the discretion to pay construction cost overruns, but in an amount not to exceed ten percent of the total estimated project cost. County funds can only be used for the design and construction of the Project. The Town will reimburse the County funds that are not expended in accordance with the terms of the attached agreement. Funding is currently available in Project Number SD-000031, Streams and Water Quality, Fund 400-C40100 (Fund 125), for the County's obligation to this Project.

CREATION OF POSITIONS:
No positions will be created.

ENCLOSED DOCUMENTS:
Attachment 1: Amended Agreement between the Board of Supervisors of Fairfax County, Virginia and the Town of Vienna

STAFF:
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Eleanor Ku Coddling, Deputy Director, Stormwater and Wastewater Divisions, DPWES
Craig Carinci, Director, Stormwater Planning Division, DPWES

TAPAWINGO/KINGSLEY URBAN BIORETENTION PROJECT
AMENDED FUNDING AGREEMENT

This Agreement (“Agreement”) made and entered into this _____ day of _____, 2022, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (the "County"), a body politic, and the **TOWN OF VIENNA** (the “Town”) (collectively, the “Parties”).

WITNESSETH:

WHEREAS, the County and Town previously entered an agreement on October 29, 2018 (the “2018 Agreement”), to fund the construction of the Tapawingo/Kingsley Urban Bioretention Project (the “Project”) within the boundaries of the Town, which will consist of two bioretention areas to treat stormwater runoff entering into Hunter’s Branch in the Accotink Creek watershed; and

WHEREAS, at the time the 2018 Agreement was executed, the cost to design and implement the project was estimated to be two hundred thousand dollars (\$200,000); and

WHEREAS, under the terms of the 2018 Agreement, the County distributed two hundred thousand dollars (\$200,000) for the design and construction of the Project; and

WHEREAS, the construction cost for stormwater improvements, based on the successful construction bid, was estimated to cost one hundred ninety-seven thousand one hundred and seventeen dollars (\$197,117); and

WHEREAS, the Project is now estimated to cost two hundred fifty-four thousand dollars (\$254,000) (the “Total Project Cost”); and

WHEREAS, the location of the Project is within the Vienna Right-of-Way at the intersection of Tapawingo Road Southwest and Meadow Lane Southwest, and Kingsley Road Southwest and Meadow Land Southwest, respectively at Longitude 38.887060N and Latitude 77.267808W and 38.884836N and 77.267808W and as shown on the Fairfax County Tax Map No. 48-2; and

WHEREAS, the Project is within the Chesapeake Bay, Potomac River, and Accotink Creek watersheds; and

WHEREAS, the Town is part of the County’s Stormwater Service District, and the County, Town, and the Town of Herndon have entered into an agreement known as

the “Cooperative Agreement Between the Fairfax County Board of Supervisors, the Town of Vienna, and Town of Herndon to Share Certain Stormwater Service District Fees and Responsibility for Related Projects” (the “Cooperative Agreement”) to share funds and responsibility to maintain, operate, and improve stormwater systems to meet the Chesapeake Bay Total Maximum Daily Load (“TMDL”) and other water quality goals.; and

WHEREAS, under the Cooperative Agreement, annually, the County pays the Town a percentage of the Stormwater Service District Fees that are collected from residents of the Town (the “Paid Vienna Revenues”); and

WHEREAS, the Town and County agree that under the Cooperative Agreement, Stormwater Service District funds can be used to implement the Project, because the Project meets the water quality objectives of each locality and their respective Chesapeake Bay TMDL obligations; and

WHEREAS, the County and Town intend for this Amended Agreement to supersede and replace the 2018 Agreement; and

WHEREAS, the County intends to fund the design and construction of the Project from the Stormwater Budget; and,

WHEREAS, the Town intends to dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein as if restated as binding provisions of this agreement, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties hereto further agree as follows:

1. This Amended Agreement supersedes and replaces the 2018 Agreement for this Project.
2. The County has disbursed two hundred thousand dollars (\$200,000) to the Town under the terms of the 2018 Agreement and that amount is deducted from the Total Project Cost.
3. Upon execution of this Amended Agreement, the County must grant to the Town funds in the amount of fifty-four thousand (\$54,000) (the “Additional Construction

Funds”) in Fiscal Year 2023, to be paid with monies from the County’s Stream and Water Quality Improvement Project (fund I/O 2G25-029-001) of the Stormwater Budget (fund 400-C40101, Stormwater Services). The Additional Construction Funds plus the amount granted to the Town under the 2018 Agreement (\$200,000) equals two hundred fifty-four thousand (\$254,000) (the “County Contribution”).

4. The County Contribution must not be charged against the PAID VIENNA REVENUES as set forth in the Cooperative Agreement, but rather, are a separate grant to the Town from the County.

5. The Town must dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

6. The Town must expend the Total Contribution for the purpose of supporting the design and construction of the Project.

7. The County Contribution must be used and expended solely for the purpose of design and constructing the Project and not for the cost of any feasibility study or acquisition of any lands or easements necessary for the completion of the Project.

8. The Town must acquire, at its sole expense, any and all land or easements, or other interests in real property, if any, that are necessary to complete the Project.

9. The Town, at its sole expense, must administer the design and construction contracts, obtain approval of all plans, and obtain all permits necessary for the completion of the Project.

10. The Town must notify the County if the Town, at any time, modifies the scope of the Project, which is generally described herein above. If the scope of the Project’s design, in the sole judgment of the County, significantly deviates from the design scope described in the Plan, the Town must, within 30 days after notification by the County of such deviation, reimburse to the County the amount of the County Contribution.

11. The Town must provide to the County a copy of the final site plan for the Project.

12. The Town must retain all invoices and all records of payments for any and all services rendered for the design, construction, and any related expenses for

completion of the Project, and copies of any such invoices and records of payments must be provided to the County upon request within three business days after such a request.

13. If at any time the Town abandons or otherwise ceases the Project for any reason, the Town must immediately return any amount of the County Contribution not expended in accordance with this agreement and all invoices and records of payments. "Abandon," as used herein, includes, but is not limited to, the failure to initiate or the termination of the design or construction before the Project's completion.

14. If the Town is awarded federal-issued or state-issued grant funds for the Project, the Town will remit to the County an amount equal to the value of such grant.

15. The County, in its sole discretion, may agree to pay cost overruns that exceed the County Contribution (\$254,000), including construction costs that exceed the current estimate, change orders and/or related costs that arise during construction of the Project, but only to the extent that funds are available in the County's Stream and Water Quality Improvements Project (Project SD-000031, Stream and Water Quality Improvements) of the Stormwater Budget (Fund 40100, Stormwater Services) and are not more than 10% of the estimated Project Cost of \$254,000.

16. The Town must complete the Project not later than two years after this Amended Agreement is executed.

17. The Project is subject to the Cooperative Agreement, and, as such, the total pollutant load reduction credits for the Project will be apportioned among the parties as established pursuant to the terms of the Cooperative Agreement or any amendments or attachments thereto.

18. This agreement can only be modified in writing and signed by both parties.

[Signatures appear on following page]

TOWN OF VIENNA

By: _____
Mayor Linda J. Colbert

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by Mayor Linda J. Colbert of the Town of Vienna, this _____ day of _____ 2022, on behalf of the Town of Vienna.

Notary Public

My commission expires: _____
Notary Registration Number: _____

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ACTION - 5

Board Endorsement of Changes to Limited Access Lines Required for the Frontier Drive Extension Project (Franconia District)

ISSUE:

Board endorsement of changes to the Limited Access Lines for the Franconia-Springfield Parkway proposed by the Virginia Department of Transportation (VDOT) as part of the Frontier Drive Extension project (VDOT UPC 106742).

RECOMMENDATION:

The County Executive recommends that the Board endorse the Limited Access Line changes to the Franconia-Springfield Parkway as part of the Frontier Drive Extension project administered by VDOT as presented in Attachment 1.

TIMING:

The Board should act on this matter on February 21, 2023, to allow VDOT to proceed with obtaining the required CTB approval for changes in Limited Access Lines as a result of the Frontier Drive project. These changes will also facilitate design endorsement by the Board at a later date.

BACKGROUND:

The Frontier Drive Extension project includes an extension to Loisdale Drive, mostly along the alignment of Springfield Center Drive as a four-lane divided roadway with shared-use paths (SUPs) on both sides of the roadway. The project also improves access to the Franconia-Springfield Metrorail Station and includes new braided ramps at the interchange with the Franconia-Springfield Parkway. This multimodal project is intended to reduce congestion, improve access to the Metrorail station, improve safety, enhance traffic operations, and provide facilities for pedestrians and bicyclists. To accommodate the Frontier Drive project, the Limited Access Line along the Franconia-Springfield Parkway will need to be adjusted in a few locations. These adjustments require Board endorsement prior to Commonwealth Transportation Board (CTB) approval.

The changes are shown in Attachment 1 and are as follows:

1. Along Frontier Drive at the north end of the project (at Spring Mall Road intersection) – new Right-of-Way (R/W) lines were established on each side to

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accommodate the widened sidewalk/path, and these new lines are designated as both R/W and Limited Access (L/A) lines to be representative of the conditions along Frontier. This is shown on sheet 1 of Attachment 1.

2. In the southeast quadrant of Frontier Drive / Franconia-Springfield Parkway interchange, just south of the ramp from the Metrorail station Ring Road to eastbound Franconia-Springfield Parkway – the existing R/W and L/A line was shifted south to accommodate the new configuration of the ramp from Ring Road to eastbound Franconia-Springfield Parkway. This is shown on sheet 2 of Attachment 1.
3. North and east of the braided ramp interchange – much of the existing interchange falls on Washington Metropolitan Area Transit Authority (WMATA) property, so the project's proposed R/W lines follow the existing property lines north of the interchange (south edge of the properties that front Melia Street) and then run along the west side of the WMATA tracks on the east side of the braided ramps. The new R/W line was designated as R/W and L/A, with a break on the east side to accommodate a tie to the existing trail that runs along the north side of the WMATA tracks. This is shown on sheets 3 through 6 of Attachment 1.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Exhibits illustrating the Limited Access Line changes prepared by VDOT

STAFF:

Rachel Flynn, Deputy County Executive

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

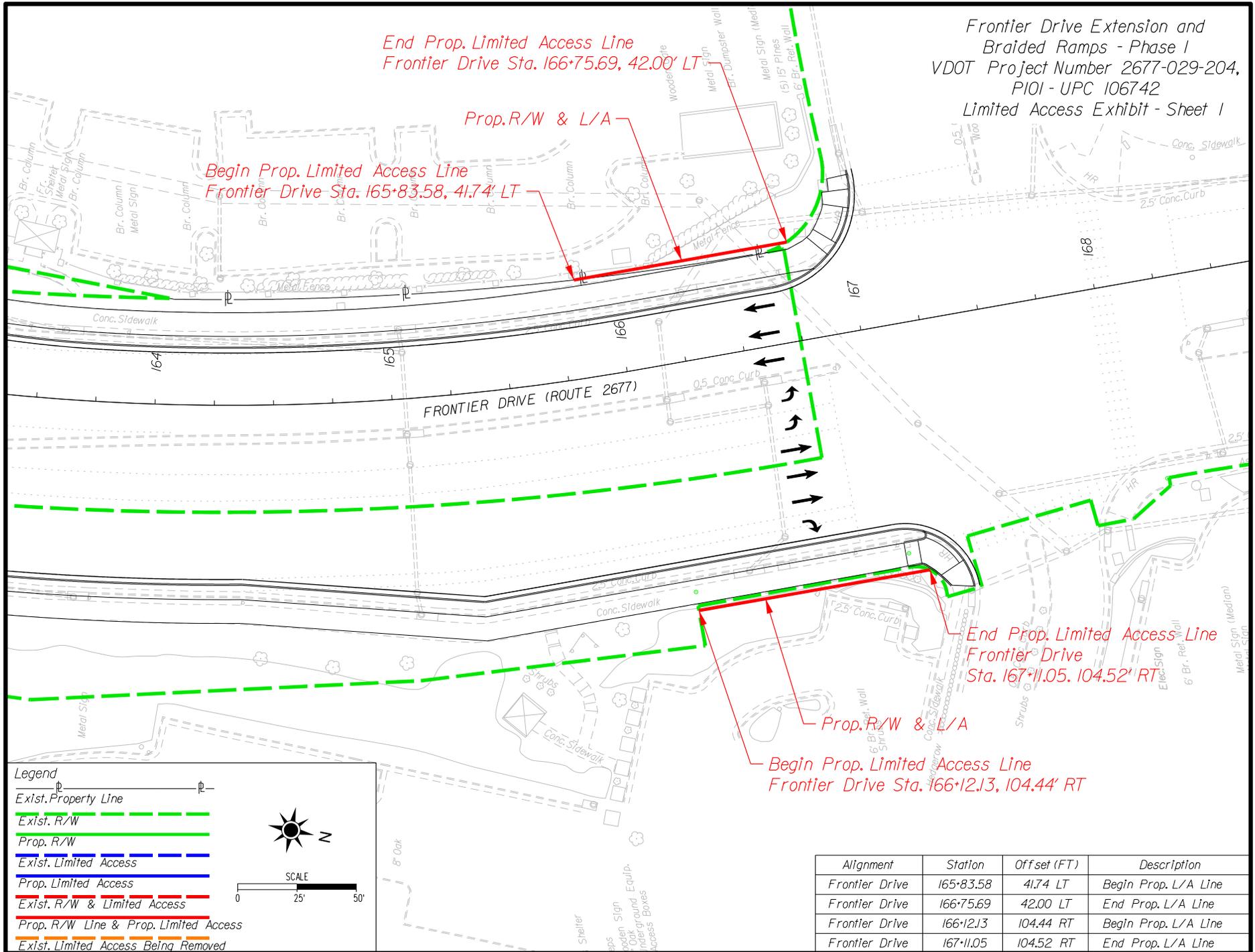
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

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

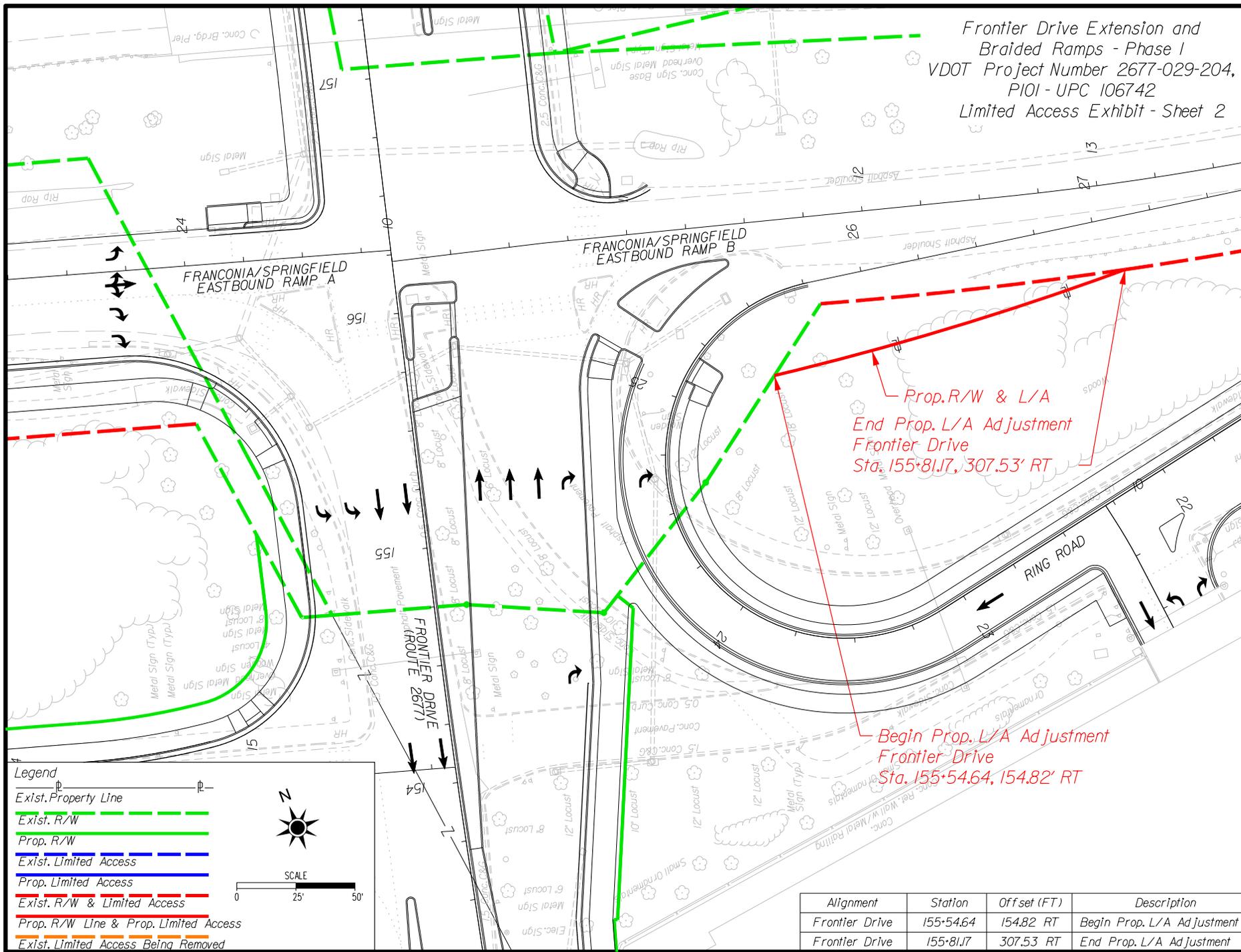
Tad Borkowski, Transportation Planner IV, CPS, FCDOT

Nick Alexandrow, Transportation Planner III, CPS, FCDOT

Frontier Drive Extension and Braided Ramps - Phase I
 VDOT Project Number 2677-029-204,
 P101-UPC 106742
 Limited Access Exhibit - Sheet 1



Frontier Drive Extension and Braided Ramps - Phase I
 VDOT Project Number 2677-029-204,
 PI01 - UPC 106742
 Limited Access Exhibit - Sheet 2

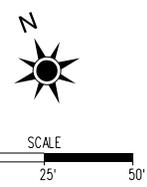


Prop. R/W & L/A
 End Prop. L/A Adjustment
 Frontier Drive
 Sta. 155+81.7, 307.53' RT

Begin Prop. L/A Adjustment
 Frontier Drive
 Sta. 155+54.64, 154.82' RT

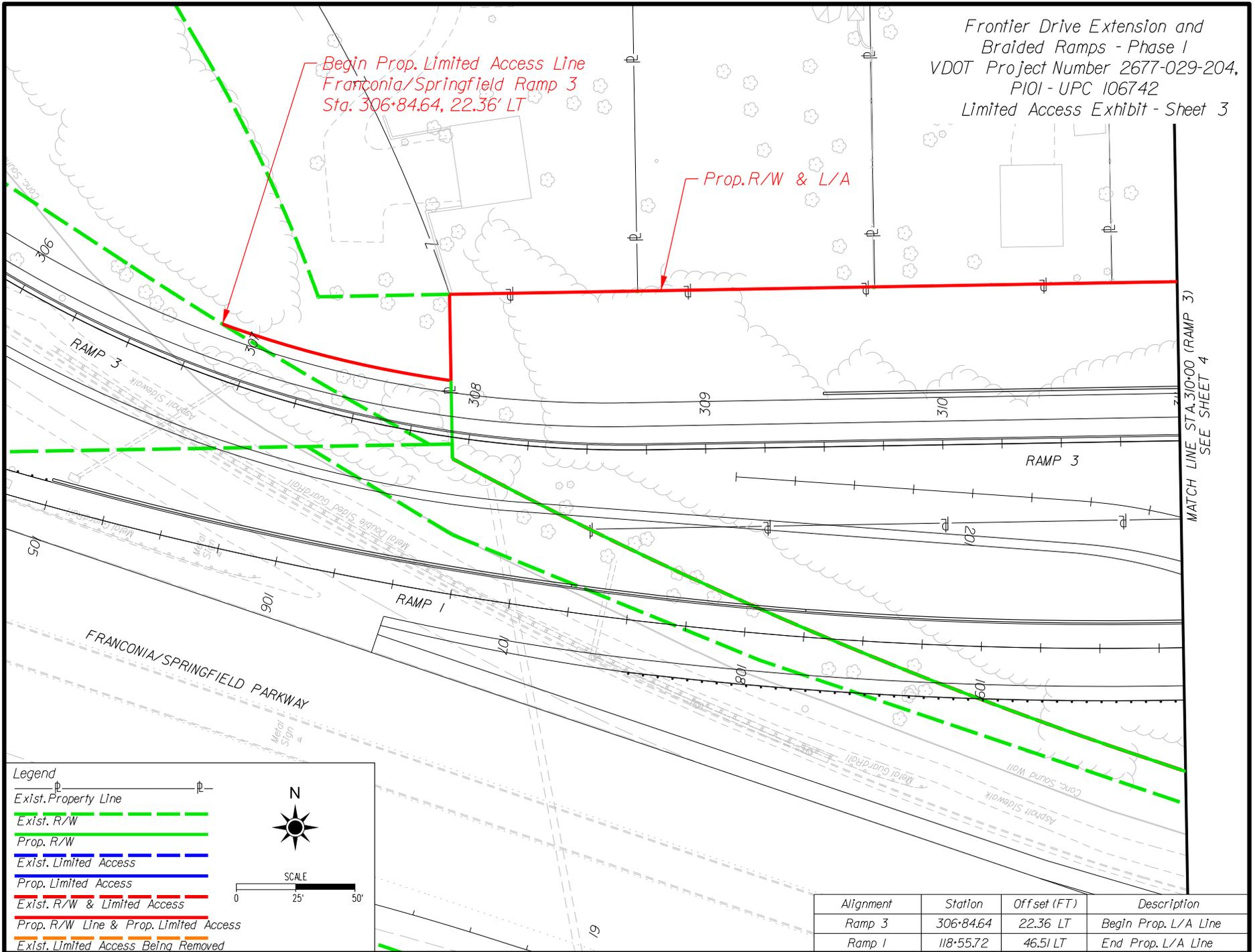
Legend

- Exist. Property Line
- Exist. R/W
- Prop. R/W
- Exist. Limited Access
- Prop. Limited Access
- Exist. R/W & Limited Access
- Prop. R/W Line & Prop. Limited Access
- Exist. Limited Access Being Removed



Alignment	Station	Offset (FT)	Description
Frontier Drive	155+54.64	154.82 RT	Begin Prop. L/A Adjustment
Frontier Drive	155+81.7	307.53 RT	End Prop. L/A Adjustment

Frontier Drive Extension and Braided Ramps - Phase I
 VDOT Project Number 2677-029-204,
 PI01 - UPC 106742
 Limited Access Exhibit - Sheet 3



Legend

- P — P — Existing Property Line
- - - - - Existing R/W
- Existing R/W
- - - - - Existing Limited Access
- Existing Limited Access
- - - - - Existing R/W & Limited Access
- Existing R/W & Limited Access
- - - - - Existing Limited Access Being Removed

N

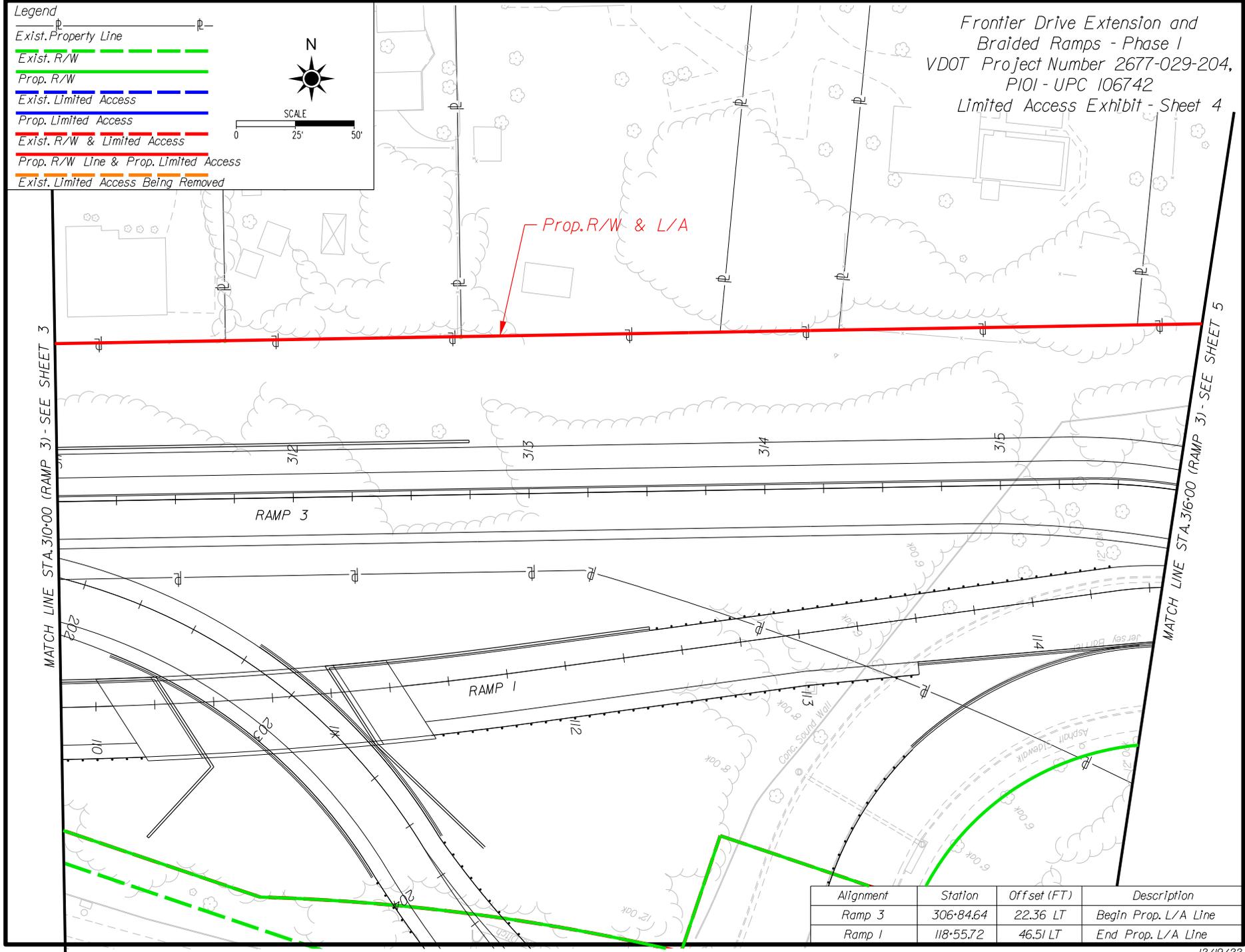
SCALE
0 25' 50'

Alignment	Station	Offset (FT)	Description
Ramp 3	306+84.64	22.36 LT	Begin Prop. L/A Line
Ramp 1	118+55.72	46.51 LT	End Prop. L/A Line

MATCH LINE STA. 310+00 (RAMP 3)
SEE SHEET 4

Frontier Drive Extension and Braided Ramps - Phase I
 VDOT Project Number 2677-029-204,
 P101 - UPC 106742
 Limited Access Exhibit - Sheet 4

- Legend**
- Exist. Property Line
 - Exist. R/W
 - Prop. R/W
 - Exist. Limited Access
 - Prop. Limited Access
 - Exist. R/W & Limited Access
 - Prop. R/W Line & Prop. Limited Access
 - Exist. Limited Access Being Removed



MATCH LINE STA. 310+00 (RAMP 3) - SEE SHEET 3

MATCH LINE STA. 316+00 (RAMP 3) - SEE SHEET 5

Alignment	Station	Offset (FT)	Description
Ramp 3	306+84.64	22.36 LT	Begin Prop. L/A Line
Ramp 1	118+55.72	46.51 LT	End Prop. L/A Line

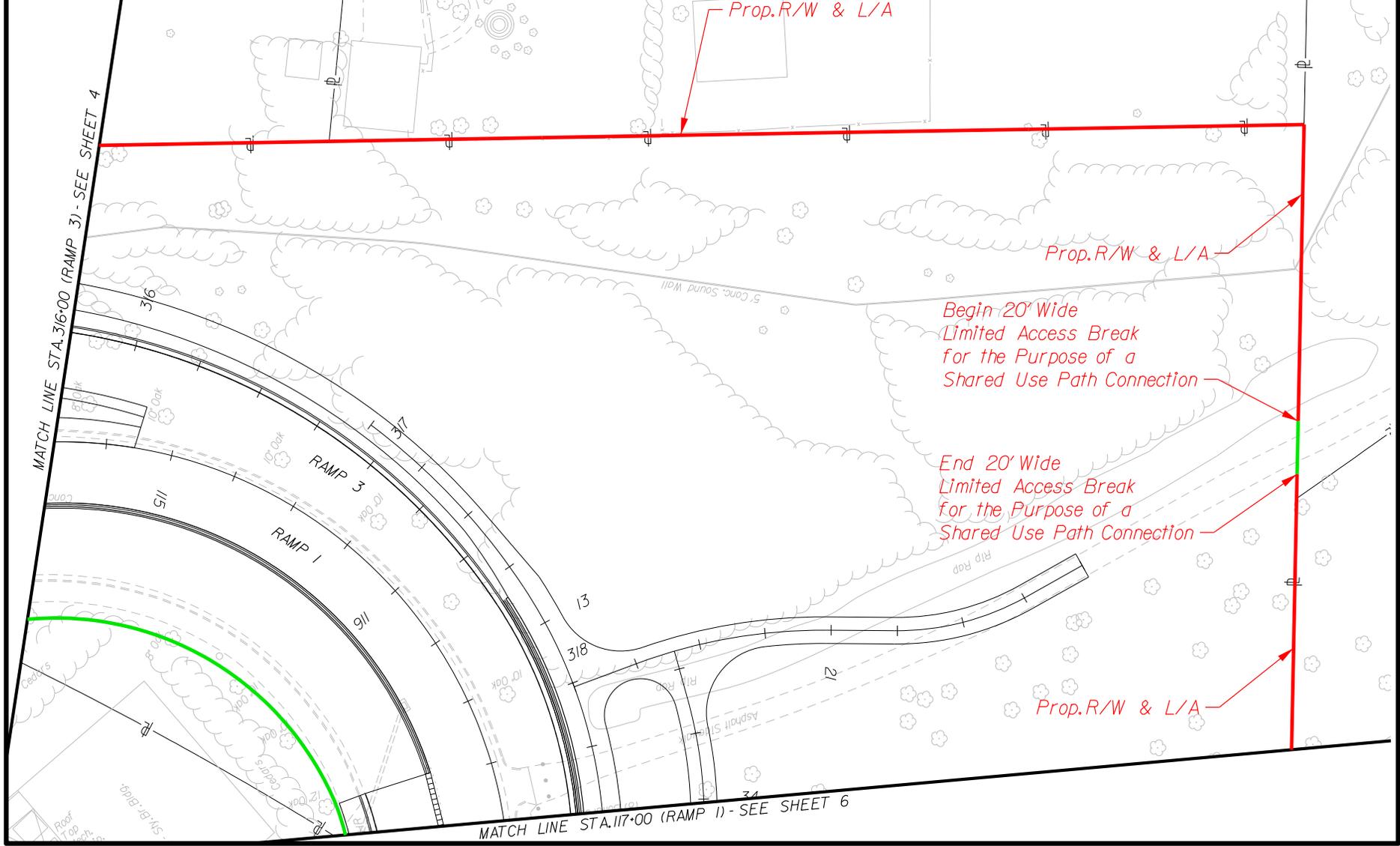
12/19/22

Legend

- Exist. Property Line
- Exist. R/W
- Prop. R/W
- Exist. Limited Access
- Prop. Limited Access
- Exist. R/W & Limited Access
- Prop. R/W Line & Prop. Limited Access
- Exist. Limited Access Being Removed

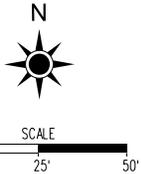
Alignment	Station	Offset (FT)	Description
Ramp 3	306+84.64	22.36 LT	Begin Prop. L/A Line
Ramp 1	118+55.72	46.51 LT	End Prop. L/A Line

Frontier Drive Extension and Braided Ramps - Phase I
 VDOT Project Number 2677-029-204,
 PI01 - UPC 106742
 Limited Access Exhibit - Sheet 5



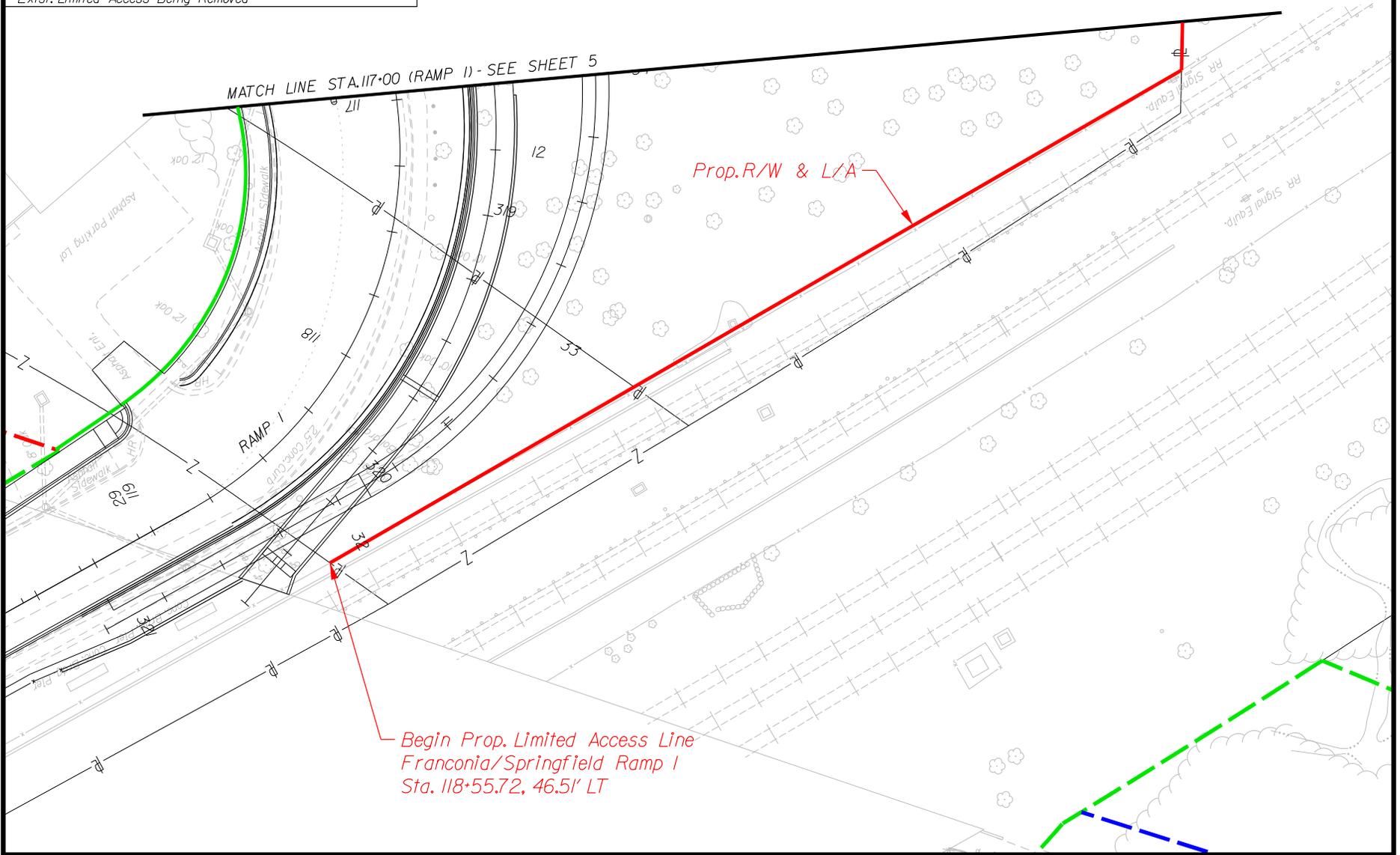
Legend

- Exist. Property Line
- Exist. R/W
- Prop. R/W
- Exist. Limited Access
- Prop. Limited Access
- Exist. R/W & Limited Access
- Prop. R/W Line & Prop. Limited Access
- Exist. Limited Access Being Removed



Alignment	Station	Offset (FT)	Description
Ramp 3	306+84.64	22.36 LT	Begin Prop. L/A Line
Ramp 1	118+55.72	46.51 LT	End Prop. L/A Line

Frontier Drive Extension and Braided Ramps - Phase I
 VDOT Project Number 2677-029-204,
 PI01 - UPC 106742
 Limited Access Exhibit - Sheet 6



Board Agenda Item
February 21, 2023

ACTION - 6

Approval of Comments on Washington Metropolitan Area Transit Authority's (WMATA) Proposed FY 2024 Operating and FY 2024-2029 Capital Improvement Program

ISSUE:

Board approval of comments on WMATA's proposed FY 2024 Operating Budget and FY 2024-2029 Capital Improvement Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a letter (Attachment 1) conveying Fairfax County's comments on the proposed FY 2024 Operating Budget and FY 2024-2029 Capital Improvement Program to WMATA.

TIMING:

Board action is requested on February 21, 2023, because the public comment period for the FY 2024 Operating Budget and FY 2024-2029 Capital Improvement Program ends on March 17, 2023.

BACKGROUND:

WMATA's proposed FY 2024 operating budget totals \$2.32 billion. It includes a base operating budget that is within the three percent subsidy growth cap mandated by the Commonwealth of Virginia plus costs that are allowed to be excluded. The total proposed subsidy for all jurisdictions is \$1.25 billion.

The proposed FY 2024 Operating Budget makes the following fare and service recommendations.

Metrorail

- Reduce the Base Fare from \$2.50 to \$2.00 (\$.40 per mile after 3 miles)
- Increase Max Fare from \$6.00 to \$6.50
- Maintain the Late Night and Weekend fares at \$2.00
- Eliminate Peak Fares
- 50% off for Supplemental Nutrition Assistance Program (SNAP) recipients
- Increase Green and Yellow Line Frequencies from 10 to 6 Minutes
- Increase Orange Line Frequencies from 10 to 7.5 Minutes
- Maintain Blue and Silver Line Frequencies at 10 Minutes

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Metrobus

- Maintain \$2.00 Fare
- 50% off for SNAP recipients
- Maintain 12-Minute Frequencies on 20 Lines
- Maintain 20-Minute Frequencies on 16 Lines
- Improve Services – 16M and 11Y (VA), B2 (DC), A12 (MD)

Metro rail and Metrobus ridership continue to grow as commuters slowly return to the system as the onset of COVID-19 pandemic recedes. To provide adequate levels of service for increasing ridership and partially offset a projected funding gap due to lagging fare and non-fare revenue collections, the FY 2024 budget proposes using the remaining \$561 million in federal American Rescue Plan Act (ARPA) funds to balance the budget. In addition, WMATA proposes to close the remainder of the funding gap through increased passenger revenues (\$11.4 million), non-passenger revenues, including joint development and advertising (\$17.1 million), expense reductions (\$10 million), and Board policy decisions, including fare optimization strategies and the use of federal Infrastructure Investment and Jobs Act (IIJA) formula funding for maintenance (\$146.2 million).

The legislatively excluded initiatives that are above the mandated three percent subsidy growth cap account for \$24.3 million of the proposed budget. These initiatives include approximately \$300,000 for the Potomac Yard Metro rail Station, \$5.1 million for new bus services, and \$18.92 million for new rail services.

The proposed FY 2024 operating budget is achievable due in part to the last of the federal rescue funds and other strategies. For FY 2025, however, WMATA is currently projecting a \$730 million funding gap, and it worsens each subsequent year. Comments to the WMATA Board from the Fairfax County Board express a strong sense of urgency about working throughout the upcoming fiscal year with jurisdictional partners to address this looming challenge.

Additional comments regarding WMATA's proposed FY 2024 Operating Budget and FY 2024-2029 Capital Improvement Program are contained in Attachment 1. Highlights include:

- Commending WMATA for working with the Washington Metro rail Safety Commission (WMSC) on devising and implementing a plan to bring all the 7000 series railcars back online. The 7000 series cars are critical to the investments that the County has made in the newly opened Silver Line Phase 2 and the Metro rail system in general. Such cooperation should continue to ensure that the Metro rail system operates safely, but still address the region's transportation needs.

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- Supporting the base fare on Metrorail being reduced from \$2.25 to \$2.00, which will help attract entirely new Metrorail riders.
- Supporting bus fares and weekend fares on Metrorail remaining at \$2.00. These policies benefit County residents and are already paying dividends, as ridership is up significantly on buses and on Metrorail at these times.
- Favoring the proposed 50% discount of all Metrobus and Metrorail fares for riders that qualify for federal Supplemental Nutrition Assistance Program (SNAP) benefits. This proposal complements the County's own low-income pilot program for Connector riders.
- Disagreeing with the proposed increase in the max fare for Metrorail riders from \$6.00 to \$6.50. This fare increase will disproportionately impact Fairfax County residents and others that travel from stations further out from the regional core. A dramatic increase may dissuade long-distance commuters from using Metrorail. The Board encourages WMATA to consider gradually phasing this increase over two years, at a minimum.
- Expressing disappointment that the proposed budget did not include a reduction in parking fees at Metrorail stations, which might also spur additional ridership.
- Regarding operations, fully supporting the proposal to increase frequencies systemwide, especially reducing headways on the Yellow and Orange Lines from 10 minutes to 6 minutes and 7.5 minutes respectively during the morning and evening peak.
- Encouraging WMATA, to examine increasing peak frequencies on the Blue and Silver Lines beyond the proposed 10 minutes. With the opening of Phase 2 and the connection to Dulles Airport, coupled with ongoing and planned developments, the Silver Line requires more frequent service. Similarly, developments along the Blue Line, particularly adjacent to the Franconia-Springfield Station, warrant more frequent service.
- Regarding Metrobus, supporting the two proposed routes included in the budget that impact Fairfax County – 1) the 16M bus service that begins in the County and operates on Columbia Pike to Crystal City, and 2) the 11Y, which currently operates during the ongoing Yellow Line shutdown as the DC3.
- Believing that the County already pays for 11Y service. It and many other Metrobus routes operating in Fairfax County, were suspended in March of 2020, although the County's jurisdictional subsidy was never reduced. Subsequent

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budgets have continued to use each of the previous year's approved budgets as the baseline for increasing the overall jurisdictional allocations throughout Northern Virginia, which has increased without fail by 3 percent.

FISCAL IMPACT:

There is no fiscal impact for providing these comments, However, the County Executive's proposed budget fully funds the County's share of WMATA's proposed FY 2024 budget by maintaining the General Fund contribution of \$47.4 million.

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Board of Supervisors' Comments on WMATA's FY 2024 Operating Budget and FY 2024-2029 Capital Improvement Program and Associated Fare and Service Changes

STAFF:

Rachel Flynn, Deputy County Executive

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

Noelle Dominguez, Chief, Coordination and Funding Section, FCDOT

Brent Riddle, Transportation Planner IV, FCDOT



JEFFREY C. MCKAY
CHAIRMAN

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
BOARD OF SUPERVISORS
FAIRFAX, VIRGINIA 22035

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12000 GOVERNMENT CENTER PARKWAY
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TELEPHONE 703- 324-3151
FAX 703- 324-3955

chairman@fairfaxcounty.gov

February 21, 2023

Mr. Randy Clarke
General Manager and Chief Executive Officer
Washington Metropolitan Area Transit Authority
300 Seventh Street, S.W.
Washington, DC 20001

Reference: Washington Metropolitan Area Transit Authority (WMATA's) FY 2024 Operating Budget and FY 2024-2029 Capital Improvement Program (CIP) and Associated Fare and Service Changes

Dear Mr. Clarke:

On behalf of the Fairfax County Board of Supervisors, I am writing to share our comments and concerns regarding WMATA's proposed FY 2024 Operating Budget and FY 2024-2029 Capital Improvement Program and Associated Fare and Service Changes.

After several very difficult years due to the COVID-19 pandemic, and service issues with the 7000 series railcars, we note that system ridership, on Metrorail, and Metrobus in particular, is slowly increasing toward pre-pandemic levels. We acknowledge that the system is still far from operating at pre-pandemic levels and much more needs to be done to encourage ridership. Hopefully, FY 2024 will see a continuation and acceleration of the return to transit. To that end, we believe the FY 2024 Operating Budget, with associated fare and service changes, and the FY 2024-2029 CIP constitute steps in the right direction, although we do not agree with all that is proposed.

We would like to commend WMATA for working with the Washington Metrorail Safety Commission (WMSC) on devising and implementing a plan to return all the 7000 series railcars to service. The 7000 series cars are critical to the investments that we all made in the newly opened Silver Line Phase 2 and the Metrorail system in general. Moreover, the proposed FY 2024 Operating Budget is not feasible without them. We trust that continued adherence to the return to service plan and cooperation with the WMSC will guarantee safe operations, while addressing the region's transportation needs.

The Board notes that the proposed operating budget reflects WMATA's efforts to attract ridership through various fare-based strategies. Recognizing that COVID-19 has changed the commuting landscape for at least the short-term, we agree that peak period pricing does not make as much sense as it once did and are in favor of streamlining and simplifying fare policy. We support the base fare on Metrorail being reduced from \$2.25 to \$2.00. This may attract new riders, especially those in the system's core, thus increasing revenues. We also support bus fares and weekend fares remaining at \$2.00. These policies benefit Fairfax County riders and are already paying dividends, as ridership is

up significantly on buses and on Metrorail at these times. The Board is also in favor of the proposed 50% discount on all Metrobus and Metrorail fares for riders that qualify for federal Supplemental Nutrition Assistance Program (SNAP) benefits. This proposal complements the County's own low-income pilot program for Connector riders. However, the Board disagrees with the proposed increase in the maximum fare for Metrorail riders from \$6.00 to \$6.50. This fare increase will disproportionately impact Fairfax County residents and others that travel from stations further out from the regional core. We understand that fares have not risen in many years, but such a dramatic increase all at once may dissuade long-distance commuters from using Metrorail. We encourage WMATA to consider gradually phasing this increase over two years, at a minimum. We were also disappointed that the proposed budget did not address parking fees at Metrorail stations. A nominal reduction in parking fees could encourage additional ridership, especially by those paying the maximum fare.

The Board fully supports WMATA's proposal to increase frequencies systemwide, which will make both Metrorail and Metrobus more reliable and attractive to riders. Reducing headways on the Yellow and Orange Lines from 10 minutes to 6 minutes and 7.5 minutes, respectively, during the morning and evening peak will facilitate and encourage ridership on those lines. However, we would encourage WMATA to consider also increasing peak frequencies on the Blue and Silver Lines beyond the proposed 10 minutes. As you know, the Silver Line was experiencing the most growth in ridership in the entire system prior to the pandemic. With the opening of Phase 2 and the connection to Dulles Airport, coupled with ongoing and planned developments, we believe that the Silver Line requires more frequent service. Similarly, planned and ongoing developments along the Blue Line, particularly adjacent to the Franconia-Springfield Station, should warrant improved headways.

Regarding Metrobus, the Board supports inclusion in the budget of two proposed routes that impact Fairfax County. The proposed 16M premium bus service that begins in the County and operates on Columbia Pike to Crystal City, serves a significant transit dependent area and resembles the Columbia Pike Streetcar, a previous initiative that the County fully embraced. Reinstitution of the 11Y route is another priority of this Board. The 11Y, currently operating as the DC3, is a well-used, low-cost transit alternative from Mount Vernon into Washington, DC, as evidenced by the ongoing Yellow Line shutdown. The Board strongly disagrees, however, that the County and our regional partners should have to pay extra in FY 2024 for the 11Y service. The 11Y, and several other Metrobus routes operating in Fairfax County, were suspended in March 2020. Despite the suspensions of service for the next several years, the County's jurisdictional subsidy was never reduced. We paid the full amount that was calculated at the beginning of the fiscal year. Subsequent budgets have continued to use each compact partner's previous year's budgets as the baseline for increasing the overall jurisdictional allocation, which has continued to increase without fail by three percent.

Although this Board is generally supportive of the proposed FY 2024 budgets, we remain deeply concerned about FY 2025 and future WMATA budgets. The current financial path is clearly unsustainable. The Board encourages the WMATA Board to work even more closely with jurisdictional partners about how best to address this looming challenge. One way to continue to increase farebox revenues is for WMATA to maintain on-going dialogues with large employers in Fairfax County and the region to determine when, and to what degree, they plan to encourage employees to return to work sites and to promote transit options for workers and customers.

Mr. Randy Clarke
February 21, 2023
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Furthermore, we would also encourage WMATA to redouble efforts to identify and secure non-fare revenues, especially through joint development projects and advertising. In short, much more time and attention should be given throughout FY 2024 to jointly find financial solutions that work for all members of the WMATA compact. The region's citizens and our economic viability depend on a fully functional Metro system.

While the Board acknowledges the need to maintain all aspects of WMATA in a state of good repair, the timing and communication regarding the summer repair effort is regrettable. As a critical funding partner to WMATA, Fairfax County and other jurisdictional staff should be involved in the decision-making process related to system shutdowns, particularly ones that impact our riders. We understand that planning for this work has been ongoing for several years, but we are only learning of this project just days before it was publicly announced and six months before it begins. At a minimum, the County should have been informed about these plans before they were finalized. We encourage you to identify ways to maintain Silver Line service to the greatest extent possible, even if it creates a less efficient construction project.

In closing, the Fairfax County Board of Supervisors understands that WMATA confronts significant challenges after the last several years to fully rebuild ridership and restore confidence in the system, including but not limited to fixing remaining issues with the 7000 series railcars, on-going state of good repair issues, converting the bus fleet to zero emissions, and ultimately addressing the system's financial model. It is therefore imperative that WMATA communicate regularly and often with jurisdictional partners, who stand ready to work with and for WMATA.

Thank you for your consideration of the Fairfax County Board's comments. We request a formal response to this letter and assurance that you and your staff will make every effort to maintain robust lines of communication through the adoption of the FY 2024 budget. If you have any questions, please call Brent Riddle at (571) 393-0183 or me at (703) 324-2321.

Sincerely,

Jeffrey C. McKay
Chairman

cc: Members, Fairfax County Board of Supervisors
The Honorable Tim Kaine, Senator, United States Senate
The Honorable Mark Warner, Senator, United States Senate
The Honorable Donald Beyer, Congressman, United States House of Representatives
The Honorable Gerry Connolly, Congressman, United States House of Representatives
The Honorable Jennifer Wexton, Congresswoman, United States House of Representatives
Members, Fairfax County Delegation to the Virginia General Assembly
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Noelle Dominguez, Chief, Coordination and Funding Division, Department of Transportation

Mr. Randy Clarke
February 21, 2023
Page 4 of 4

Brent Riddle, Transportation Planner IV, Department of Transportation

Board Agenda Item
February 21, 2023

ACTION – 7

Endorsement of Comments on the I-495 Southside Transit/Transportation Demand Management Draft Executive Summary (Mason, Franconia, and Mount Vernon Districts)

ISSUE:

Board endorsement of comments on the draft Executive Summary of the I-495 Southside Transit/Transportation Demand Management (TDM) Study conducted by the Virginia Department of Rail and Public Transportation (DRPT).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Attachment I, endorsing comments on the draft Executive Summary of the I-495 Southside Transit/TDM Study.

TIMING:

Board approval is requested on February 21, 2023, to be incorporated into the final report of the I-495 Southside Transit/TDM Study. Comments are due by February 22, 2023.

BACKGROUND:

The Virginia Department of Transportation (VDOT) initiated an environmental study in Spring 2022 to potentially extend the Express Lanes on the southern section of I-95/I-495 (Capital Beltway). Concurrently, DRPT started a separate transit/TDM study to identify a range of current and future multimodal solutions that could reduce congestion, improve trip reliability and regional connections, and enhance multimodal mobility and connectivity in the study area with a potentially expanded Express Lanes system. The findings from the DRPT study will inform the National Environmental Policy Act (NEPA) process for the VDOT study, which is currently expected to be completed in Fall 2023/Winter 2024.

The I-495 Southside Transit/TDM study focused on the same corridor along I-495 as the VDOT environmental study, between the Springfield interchange (I-95/I-395/I-495) in Fairfax County, Virginia, and the Maryland Route 210 interchange in Prince George's County, Maryland. The transit/TDM study area also included the Metrorail and Virginia Railway Express (VRE) lines between Springfield and Alexandria that parallel I-495.

Board Agenda Item
February 21, 2023

The transit/TDM study was multifaceted and inventoried existing rail transit service, bus transit service, park-and-ride facilities, and TDM programs in the study area. The study also identified new transportation alternatives through transit and TDM enhancements that could increase mobility; prioritized near-, mid-, and long-term transit and TDM service improvements; identified ways to maximize use of multimodal facilities; and identified opportunities to use technology to support new travel options.

The proposed schedule of implementing the selected future service routes is listed below in three phases.

Near-Term Bus Routes: Present-day through construction of the potential I-495 Southside Express Lanes (prior to 2030).

- Alexandria – Tysons
- Central -West Prince George's County – Tysons (via Eisenhower Avenue)

Mid-Term Bus Routes: In conjunction with the opening of the potential Express Lanes in 2030 to 2045.

- Southwest Prince George's County – Capitol Riverfront
- North Charles and Southwest Prince George's Counties – Rosslyn
- North Charles County – Northern Massachusetts Avenue, DC
- Southeast Fairfax County and Alexandria – Dunn Loring/Merrifield
- Central – West Prince George's County – Tysons (via Oxon hill)
- Metrobus NH1 – Increase frequency
- Metrobus NH2 – Increase frequency

Long-Term Bus Routes: Following the opening of the potential Express Lanes in years beyond 2045.

- North Charles County – D.C. Core
- Central-West Fairfax County – Carlisle/Eisenhower East
- East Prince William County – Southwest Waterfront

Staff's comments on the DRPT Executive Summary includes recommendations on further transit analysis to address concerns regarding level of service for preferred routes, future service improvements that interconnect with the County's existing and planned routes, bus bay capacity issues, and sufficient outreach during refinement of the recommended routes. The comments also recommend ongoing coordination between local and regional stakeholders regarding the cost of operating future service routes and ensuring adequate funding.

More detailed comments are included in Attachment I.

Board Agenda Item
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FISCAL IMPACT:

There is no fiscal impact to Fairfax County.

ENCLOSED DOCUMENTS:

Attachment I – Letter Endorsing Comments on the draft I-495 Southside
Transit/Transportation Demand Management Executive Summary

Attachment II – Draft I-495 Southside Transit/TDM Executive Summary

Attachment III – I-495 Southside Transit/TDM Presentation to Board Transportation
Committee, January 31, 2023

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

Dwayne Pelfrey, Chief, Transit Services Division, FCDOT

Martha Coello, Chief, Special Projects Division, FCDOT

Michael Felschow, Chief, Transit Planning Section, FCDOT

Sean Schweitzer, Transportation Planner III, Special Projects Division, FCDOT



JEFFREY C. MCKAY
CHAIRMAN

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chairman@fairfaxcounty.gov

February 21, 2023

The Honorable W. Sheppard Miller III
Secretary of Transportation
P.O. Box 1475
Richmond, Virginia 23218

Reference: Fairfax County Comments on the Draft DRPT I-495 Southside Transit/TDM Study
Executive Summary

Dear Secretary Miller:

On February 21, 2023, the Fairfax County Board of Supervisors approved comments regarding the draft I-495 Transit/Transportation Demand Management (TDM) Study Executive Summary. The Board continues to support the Commonwealth’s efforts for enhanced express bus services along the Beltway and more efficient connections between major activity centers, which will help reduce congestion, improve trip reliability, and provide additional travel choices in this region. The study’s proximity to the anticipated Richmond Highway Bus Rapid Transit (BRT) corridor and the Woodrow Wilson Bridge also signifies that improvements in the corridor will have lasting effects on accessibility and increased economic opportunity for surrounding communities in Fairfax County. The County has been engaged with this study from its inception and appreciates DRPT’s efforts to address many of the comments raised during the study. It is also imperative that VDOT and other local and state agencies effected by the proximity of the study, in both Virginia and Maryland, continue to coordinate as the study advances.

The Board offers the following comments regarding the draft study summary recommendations released in December 2022. These comments should not be construed as a County endorsement of the study.

- **Study Recommendations:** Significant transit analysis and implementation planning will still be needed to define and refine the level of service for the most promising routes. Additionally, further refinement of routes and stop locations will be needed before any implementation plan can be agreed upon. Bus bay capacity issues at potential terminals and transfer locations also need to be examined. This refinement will be necessary to fully quantify the level of funding needed. Sufficient outreach should be conducted, and public input should be collected during refinement of the recommended routes after VDOT’s study is completed.
- **Implementing Agency and Funding:** A key issue is which agency or agencies would implement this type of interstate transit service. Funding levels need to be determined to understand the cost of the implementation plan and the recommended level of service. It will be critical that the Commonwealth secure the appropriate funding to ensure that near-term recommendations will be implementable during the construction of any future Express Lanes project and that a funding source is also in place for the mid and long-term recommendations. The County would be willing

to implement the appropriate recommended transit services that interconnect with the County's existing and planned routes if sufficient designated capital and operating funds is provided.

Additional comments can be found in Attachment A. Fairfax County appreciates the work that has been undertaken through this study and the opportunity to provide comments. We also look forward to working closely with the Commonwealth in developing a transit/TDM plan that benefits both County residents and the region.

If you have any questions or need additional information, please contact Sean Schweitzer of the Department of Transportation at: Sean.Schweitzer@fairfaxcounty.gov or 703-877-5843.

Sincerely,

Jeffery McKay
Chairman

Enclosure:

Attachment A: I-495 Southside Transit/TDM Study Executive Summary Draft Staff Comments

cc: Members, Fairfax County Board of Supervisors
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Martha Coello, Chief, Department of Transportation
John Lynch, District Administrator, VDOT, Northern Virginia
Susan Shaw, Megaprojects Director, VDOT
Todd Horsley, Director of Northern Virginia Transit Programs, Virginia Department of Rail and Public Transportation

I-495 Southside Transit/TDM Study Executive Summary Draft Staff Comments

- To improve travel times on these proposed routes and focus on interjurisdictional travel markets, the County recommends service be more point-to-point without mid-line stops along the routes (i.e., Van Dorn and Eisenhower Metrorail Stations). Where needed, the new express service could be interconnected with both limited express and local service to provide access to intermediate locations.
- The impact to local bus routes in the Tysons area needs to be reviewed to determine appropriate service levels and interconnectivity.
- Additional metrics are needed on the level of ridership (such as passengers per trip and passengers per hour), total daily and annual revenue hours, and deadhead hours to accurately estimate costs.
- More information on parking and facilities should be developed to further identify trip generation potential.
- If toll funding is available to transit service as part of the I-495 south express lanes project, this funding could be used to implement identified services in the County Transit Strategic Plan (which is currently under development), thereby enhancing the connectivity of these proposed express routes.
- This study and future refinement on the recommended routes should not preclude rail along the Woodrow Wilson Bridge.
- Transit connections to the Amtrak and VRE stations in Springfield, VA should be considered for further analysis.
- The near-term bus route from Central-West Prince George's County to Tysons should consider not diverting from the Beltway onto Eisenhower Avenue due to significant delay to the service.

I-495 Southside Transit/TDM Study

Executive Summary - DRAFT

December 2022



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Special Thanks to our Project Stakeholder Group

Study Overview and Purpose

Introduction

The purpose of the I-495 Southside Transit/Transportation Demand Management (TDM) Study was to identify a range of current and future multimodal solutions that could be implemented to reduce congestion, improve trip reliability and regional connections, and enhance existing and planned multimodal mobility and connectivity in the study area with a potentially expanded express lanes system. The study was conducted by the Virginia Department of Rail and Public Transportation (DRPT) to inform the National Environmental Policy Act (NEPA) process underway for the I-495 Southside Express Lanes Study by the Virginia Department of Transportation (VDOT). The transit/TDM study was multifaceted and inventoried existing rail transit service, bus transit service, park and ride facilities, and TDM programs in the study area. The study also identified new transportation alternatives through transit and TDM enhancements that could increase mobility; prioritized near-, mid-, and long-term transit and TDM service improvements; identified ways to maximize use of multimodal facilities; and identified opportunities to utilize technology to support new travel options.

Corridor Needs

-  Provide and Promote Convenient and Flexible Travel Choices for All
-  Reduce Congestion and Improve Trip Reliability
-  Improve Safety
-  Accommodate Future Regional Growth
-  Provide Consistency with Local and Regional Plans

Study Area

The study area focused on I-495 between the Springfield interchange (I-95/I-395/I-495) in Fairfax County, Virginia and the MD 210 interchange in Prince George's County, Maryland. The study area also included the Metrorail and Virginia Railway Express (VRE) lines between Springfield and Alexandria that parallel I-495.

Background

VDOT I-495 Southside Express Lanes Study

VDOT is conducting an environmental study to potentially extend the express lanes system on the southern section of I-95/I-495 (Capital Beltway). The study area was identified in the Commonwealth Transportation Board's adopted I-95 Corridor Improvement Plan as an area for additional study. The study is also included in VDOT's current Six-Year Improvement Plan and the National Capital Region's Visualize 2045 Constrained Long Range Transportation Plan. The DRPT I-495 Southside Transit/TDM Study will inform the NEPA process for the VDOT study.



Woodrow Wilson Memorial Bridge

The current Woodrow Wilson Memorial Bridge, which opened in 2006, extends from the City of Alexandria, Virginia along the west bank of the Potomac River to National Harbor along the east bank in Maryland. It is the only Potomac River crossing between the I-395 14th Street bridges to the north and the US 301 Harry W. Nice Memorial Bridge, approximately 35 miles to the south. Today, the bascule bridge consists of four spans with a total of 12 lanes of width, a barriered pedestrian facility along the north edge of the north span, and accommodation for potential future rail transit.

The Federal Highway Administration (FHWA) record of decision for the Woodrow Wilson Bridge indicated each bridge should include four general use lanes, one high-occupancy vehicle (HOV)/express bus/rail transit lane, and one merging/diverging lane. Additionally, the bridge was constructed to accommodate HOV/express bus/rail transit lanes on the mainline, if determined to be needed in the future. Furthermore, the interchanges, lanes, and medians were designed to not preclude the future conversion to Washington Metropolitan Area Transit Authority (WMATA) rail transit use when deemed appropriate by WMATA.

Existing Services

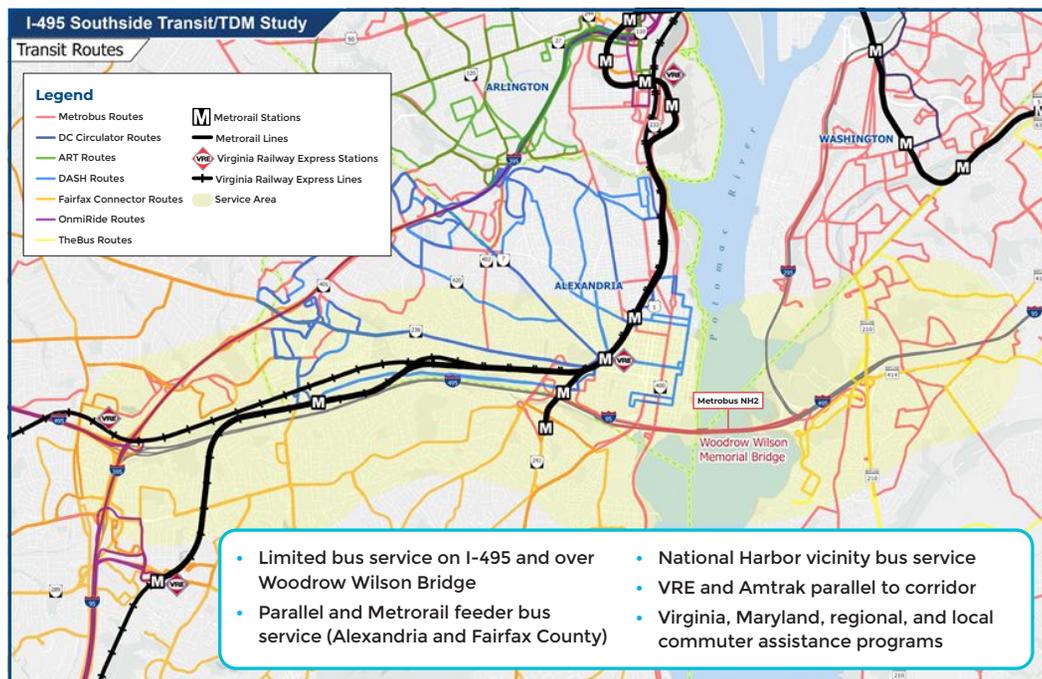
Rail

Existing rail service is oriented for travel towards Washington, DC, from the surrounding counties in Virginia and Maryland. The Metrorail Blue Line and VRE commuter rail/Amtrak service run parallel to a portion of I-495 in Virginia. The Metrorail Yellow Line joins with Blue Line and VRE to parallel the Route 1 corridor in Alexandria and Arlington. The Metrorail Green Line serves Prince George's County northeast of the study area.



Local and Commuter Bus Service

Within the study area, there are several local bus services operating among jurisdictions in each state. However, there is limited service between Virginia and Maryland across the Bridge–Metrobus NH2 which connects Alexandria and National Harbor is the only service. The current congested conditions on the bridge offer little to no time savings for potential transit service.



Park-and-Ride Lots

There are several park and ride facilities located along the I-95 and I-495 corridors in Virginia that provide parking for Metrorail, commuter rail, and existing bus routes. There are limited park and ride opportunities in areas along I-495 in Maryland. The only Maryland park and ride facility in the study area is in Oxon Hill, but additional facilities exist further outside the study area.

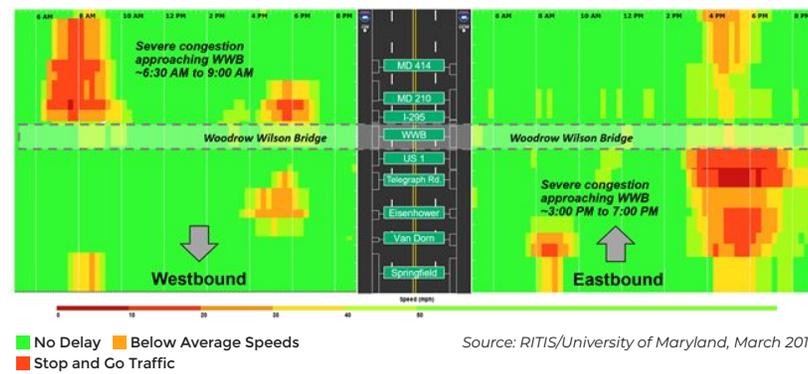
Commuter Assistance Program

There are a variety of programs provided by Commuter Connections, the Metropolitan Washington Council of Governments' (MWCOC) regional network of TDM organizations, that promote alternative travel options and incentives to commuters in the region. Each of the study area jurisdictions also has programs that coordinates with Commuter Connections to provide information about available travel options. However, there is no coordinated effort or programming that specifically targets travel in the I-495 Southside corridor.

Operation and Maintenance Facilities

Operators for new potential transit routes have not been identified at this point. Several of the existing providers of transit service in the study area have nearby operation and maintenance facilities such as Metrobus and DASH. Fairfax Connector, OmniRide, TheBus, and Maryland Transit Administration (MTA) have facilities further outside of the study area. Once operators have been identified for new and enhanced transit service, a capacity and needs analysis should be conducted to determine any constraints on their operations.

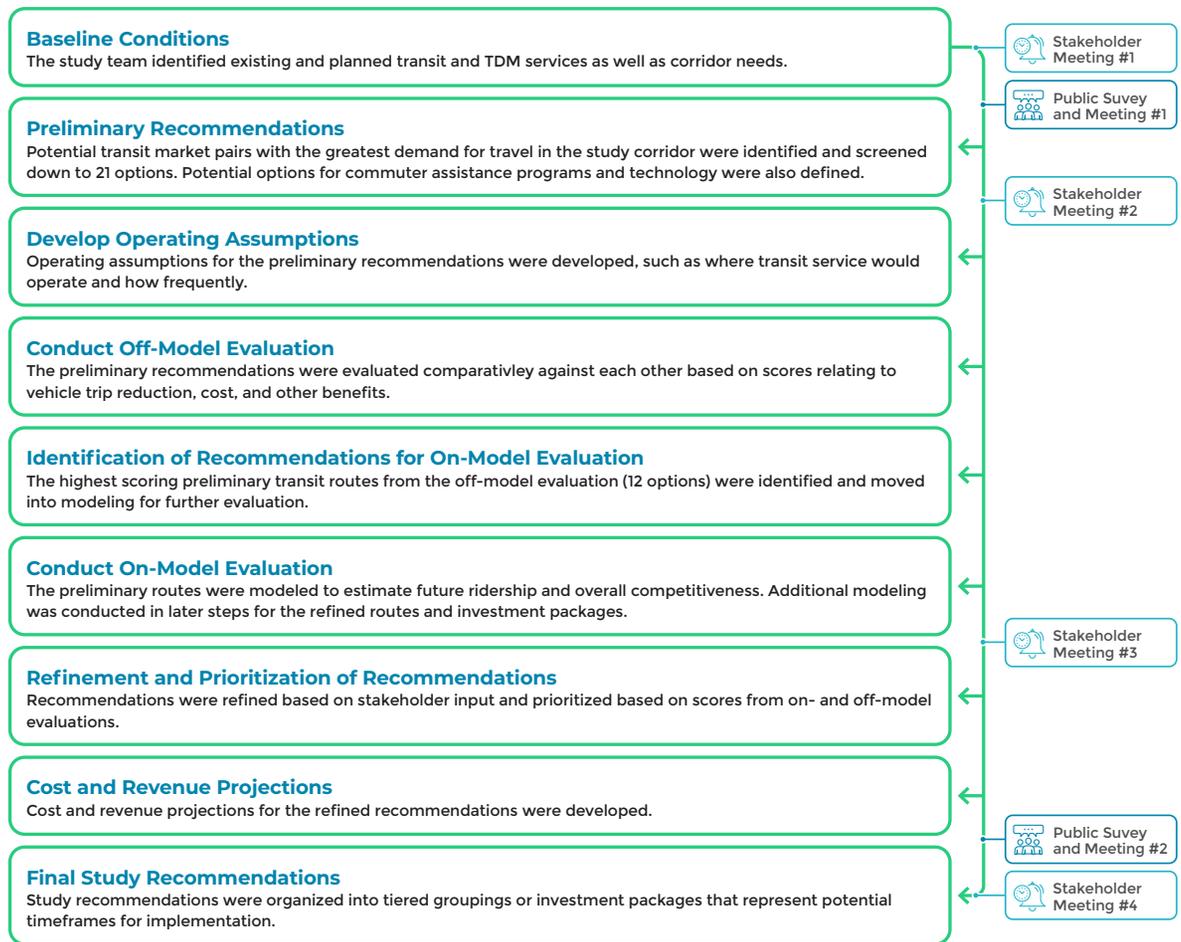
Typical average travel speeds through the entire study area are as low as 30 mph during the AM and PM peak periods





Recommendations Development

To develop potential recommendations, the process below was followed. It began by identifying options to address corridor needs that meet the purpose of the study. Throughout the process, the study team met with a group of stakeholders and gathered feedback through two rounds of public outreach. Additionally, public feedback was gathered through the VDOT I-495 Southside Express Lanes Study. The DRPT transit/TDM study was conducted in close coordination with the VDOT study.



Public and Stakeholder Input Related to Multimodal Travel

Themes

- Strong interest and support for more transportation options
- Importance of fast, reliable travel time
- Importance of connections to multimodal facilities
- Interest in dedicated bus infrastructure and expanded rail service
- Interest in improved bicycle and pedestrian connections
- Coordination with VDOT Study is crucial to project success
- Emphasis on suitable route frequency to make transit services convenient and attractive
- Interest in enhancements to existing services in addition to new services

Sources of Input

- Stakeholder coordination meetings throughout the study
- Pop-up events in Springfield, Alexandria, and Oxon Hill in July and December 2022
- Virtual public meetings in July and December 2022
- Study survey #1 in July 2022
- Study survey #2 in December 2022
- Public comment on VDOT's I-495 Southside Express Lanes Study

Potential study recommendations were identified in three categories:



Transit



TDM Commuter Assistance Programs



Technology

Transit Recommendation Refinement

Transit recommendations consist of new or enhanced transit services that could benefit from the reliability of an expanded express lanes network in the I-495 Southside corridor. They focus on the origins and destinations with the highest travel demand, and are in addition to other planned improvements such as more frequent commuter rail service, the future Richmond Highway Bus Rapid Transit system, and other local bus improvements in the area.

Potential transit connections were identified by evaluating market pairs with the greatest demand for travel in the study corridor to reach regional activity centers. Pairs that could be served by existing or other planned transit or that do not have sufficient future demand to support future transit were screened out.

Potential Transit Modes

- **Express bus** for services that would operate all-day with fewer stops
- **Commuter bus** for services that would operate during peak commuting times with fewer stops
- **Local bus** for services that would operate all-day with more stops

Assumptions

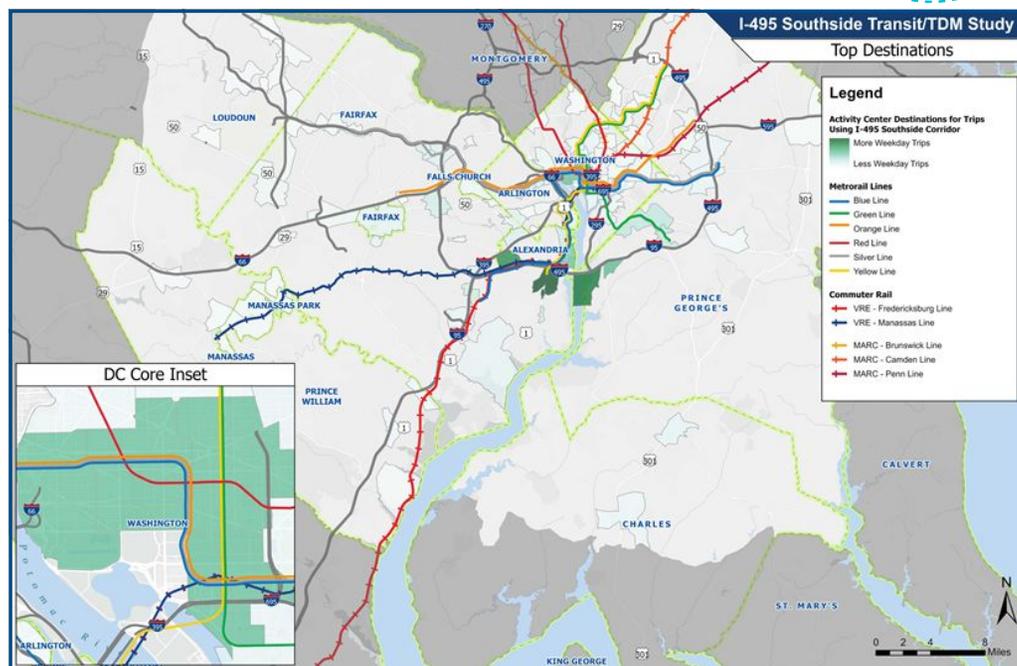
- Funding and potential operators for transit service have not been identified.
- Storage and maintenance facility locations, needs, and associated costs have not been identified.
- Estimates of ridership and person-trips are based on 2045 MWCOG Model runs and represent daily riders (AM and PM peak periods plus off-peak). Forecasts developed using the MWCOG Travel Demand Model are based on future regional cooperative land use forecasts and existing regional travel behaviors.
- Stop locations and routing within a general area were identified to show feasibility and should be refined closer to implementation.

Potential Facility Needs

New transit services will require facility availability and connectivity to operate efficiently and provide the most reliable experience for riders. Potential future facility needs were assessed for:

- **Bicycle and Pedestrian Connectivity:** Park and ride locations that would benefit from improved bicycle and/or pedestrian connectivity were identified considering existing and planned networks and future recommended transit services.
- **Bus Bay Capacity:** Facilities that may experience future capacity constraints for bus layovers were identified considering current bus bay assignments and future recommended transit services.
- **Parking Capacity:** Park and ride locations that may experience future capacity constraints were identified considering historical parking occupancy and future forecasted ridership and lot use.

The identified needs were not considered fatal flaws that would preclude a transit route recommendation from advancing but they will require further planning and stakeholder coordination in the future. New maintenance facilities or expansion of existing facilities may also be needed to advance recommendations and is dependent on operator.



This map shows top activity center destinations for trips using the corridor based on 2022 travel data. Darker shades of green represent a greater number of trips traveling to this location via I-495 Southside. Both existing and forecasted future 2045 travel demand were considered when developing transit recommendations.

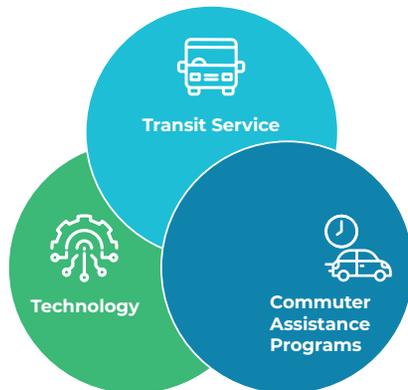
Transit service options were evaluated based on:

- Future residential access
- Future job access
- Trip capture potential
- Transit propensity and equity measures
- Operational cost
- Capital cost
- Facility availability at origin and destination
- Express lane use and compatibility with potential access points
- Travel time and time savings
- Daily riders
- Cost per rider
- Riders per bus



Additional Multimodal Strategies

Additional recommendations were identified to encourage people to use alternative modes of transportation. Commuter assistance programs and technology enhancements complement the transit service recommendations. These strategies are preliminary in nature and would require close coordination with stakeholders for more detailed planning and analysis before implementation.



Developing Investment Packages

Recommendations were assigned to investment packages that represent potential timeframes for implementation. Given the uncertainty in timing of potential express lanes, timeframes were assumed as:

- **Near-Term:** Present through the construction phase of the potential I-495 Southside express lanes (prior to 2030)
- **Mid-Term:** In conjunction with the opening of the potential express lanes in 2030 to 2045
- **Long-Term:** Following opening of the potential express lanes in years beyond 2045

Each package contains a combination of transit, commuter assistance program, and technology recommendations. Packages are presented to be cumulative in their implementation, where the mid-term package is inclusive of all near-term package elements and the long-term investment package is inclusive of all near-term and mid-term package elements.

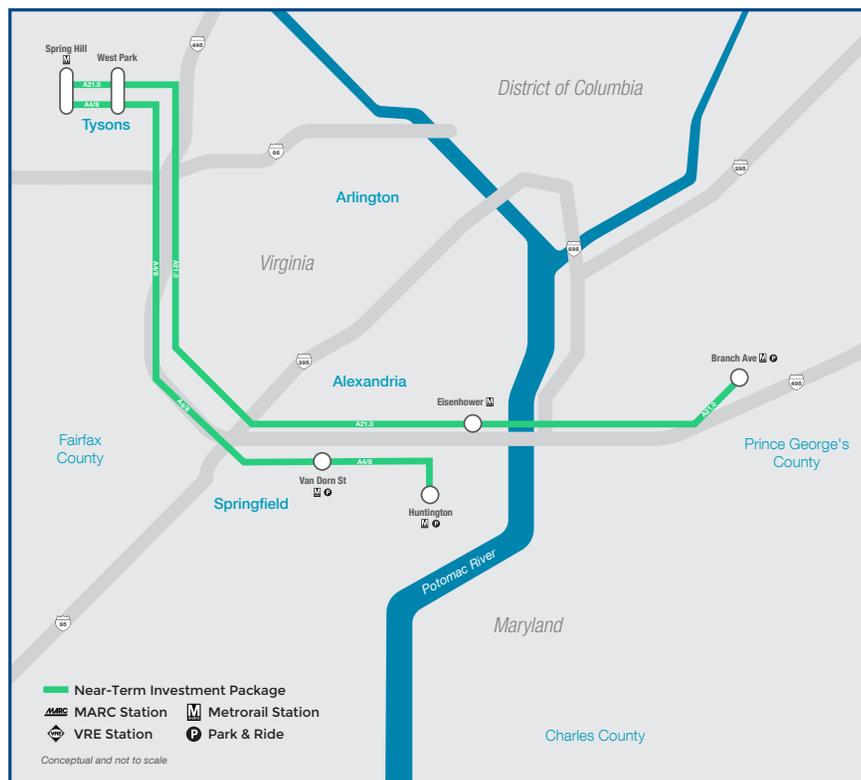
Quantitative and qualitative evaluation measures, transit market potential, and technology readiness were among the factors used to determine packages.

Commuter Assistance Programs	
<p> The following potential commuter assistance programs were included to encourage people to use alternative modes of transportation besides single-occupancy vehicles (SOV), such as transit, carpool, vanpool, and other multimodal options. The following programs would be specific to the I-495 Southside corridor and would supplement other ongoing regional programs.</p>	
<p>Commuter assistance program options were evaluated based on:</p> <ul style="list-style-type: none"> • Vehicle trip reduction • Vehicle miles traveled reduction • Program cost • Cost per vehicle trip reduced • Return on investment 	
Corridor-Specific Mobility Options Marketing Campaign	Regional/area-wide mass marketing and advertising campaigns regarding travel options in the I-495 Southside corridor
Targeted Residential Outreach	Targeted marketing to residents near the study corridor advertising and promoting new travel options such as transit and vanpool/carpool incentives as they become available
Targeted Employer Outreach	Assistance to employers in and around key activity centers in the study corridor to offer commute information and/or commute support services at low/medium (flextime, preferential parking) or high (financial incentives, company vanpool, parking charges, shuttles to transit stops) levels
Carpool/Vanpool Promotion Programs	Service, typically online, to match potential carpool/vanpool partners for ongoing rideshare
Vanpool Formation and Expansion Program	Outreach and financial incentives to commuters to start/maintain vanpools in the study corridor
Technology	
<p> The following potential technology enhancements were included to support transit service and carpool/vanpool travel in the I-495 Southside corridor. The following technologies would encourage travelers to use transit and alternative transportation modes, support a modern travel experience, and assist with informed travel decision making.</p>	
<p>Technology options were evaluated based on:</p> <ul style="list-style-type: none"> • Capital cost • Annual operating and maintenance cost • Technology readiness • Vehicle trip reduction potential 	
Transit Priority Technology	At high-priority intersections, adjust traffic signals to give more time to approaching buses or provide space for buses to move around backups to improve transit travel time and reliability
Real-Time Travel and Transit Information	Provide travelers with real-time information about bus or train arrival times, congestion, and other travel information in commonly used mobile apps
Real-Time Passenger Load Information	Provide travelers with the expected availability of seats on the bus or train before the trip
Commuter Parking Information System	Provide travelers with expected availability of parking spaces for parking lots serving rail, bus, and vanpool/carpool users
Transit Payment Integration and Incentivizing	Provide modern fare payment options for transit and a system to offer incentives to modifying travel choices (for example, special fares, promotions, or rewards)
Zero-Emission Bus Charging Infrastructure	Provide chargers for zero-emission buses at transit stations
Automated, Connected, and Shared Mobility	Provide first/last mile connections to mobility hubs (transit stations, park and ride lots) with shared automated vehicles in the future when the technology matures



Near-Term Investment Package

The following recommendations are part of the near-term investment package and are candidates to be implemented, depending on future funding, during the construction phase of the potential I-495 Southside express lanes. It consists of strategies that require lower levels of investment but could yield high benefits and that do not rely on construction of the express lanes for implementation. The two recommended transit services could operate using existing interchanges until the express lanes are constructed. However, travel time competitiveness without dedicated infrastructure will need to be considered. The near-term is the most critical for commuter assistance programs. The technology recommendations would provide and promote traveler information during the construction phase of the potential express lanes.



TRANSIT SERVICE RECOMMENDATIONS				
Connection	Direction	Peak Frequency (minutes)	Off-Peak Service	Estimated Daily Riders (2030)
A4/8 - Alexandria to Tysons	Both Directions	20	✓	325
A21.0 - Central-West Prince George's County to Tysons (via Eisenhower)	Both Directions	20	✓	1,100
✓ All-day service in both directions during both rush-hour and non-rush hour periods ✓ Some directional service outside of rush hour periods Route IDs are specific to the study and do not reflect actual route numbers that would be assigned if the recommendation is implemented.				
COMMUTER ASSISTANCE PROGRAMS RECOMMENDATIONS				
<ul style="list-style-type: none"> Corridor-Specific Mobility Options Marketing Campaign Targeted Residential Outreach 		<ul style="list-style-type: none"> Targeted Employer Outreach Carpool Promotion Programs Vanpool Formation and Expansion Program 		
TECHNOLOGY RECOMMENDATIONS				
<ul style="list-style-type: none"> Real-Time Travel and Transit Information 		<ul style="list-style-type: none"> Commuter Parking Information System 		
INVESTMENT NEEDS				
Total Capital Cost (2022 \$): \$20.4 million <i>Capital costs are upfront, one-time costs such as the cost of purchasing buses, running a promotional marketing campaign, or purchasing technology hardware.</i>		Total Annual Operating Cost (2022 \$): \$8.1 million <i>Operating costs are recurring, annual costs such as the cost of running transit service, staffing to support commuter assistance programs, or maintaining technology.</i>		

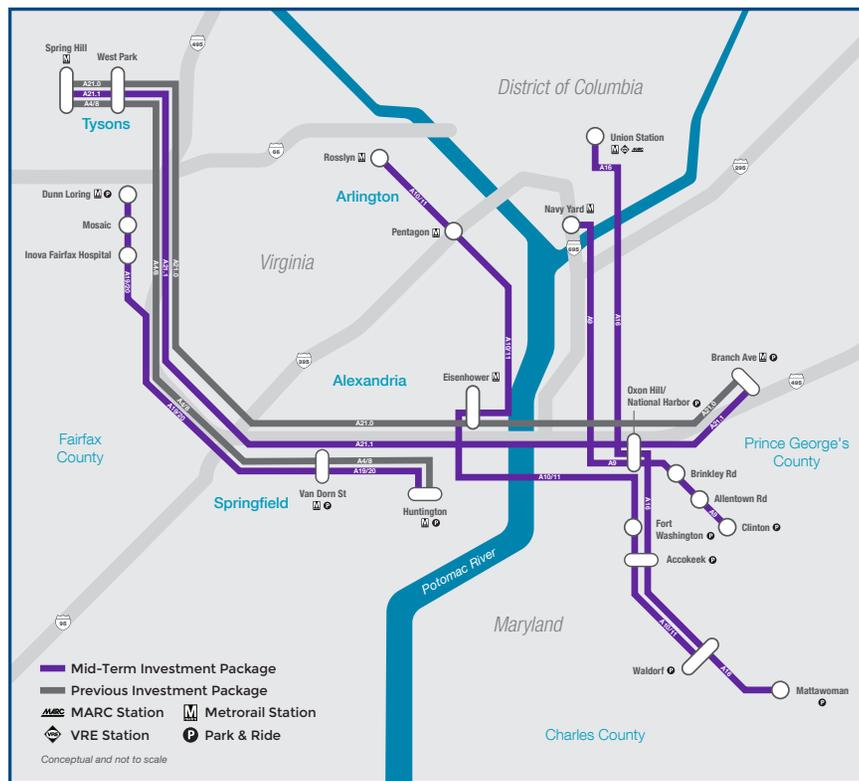
POTENTIAL FACILITY NEEDS:

- Bus bay capacity at Huntington Metrorail Station (South Side) for A4/8 and A19/20 (in mid-term package)
- Future parking capacity at Van Dorn Street Metrorail for A4/8 and A19/20 (in mid-term package)
- New maintenance facilities or expansion of current facilities may be needed to advance recommendations and is dependent on operator



Mid-Term Investment Package

The following recommendations are part of the mid-term investment package and are candidates to be implemented, depending on future funding, in conjunction with the opening of the potential I-495 Southside express lanes in 2030 to 2045. It consists of the largest level of investment in transit and technology out of the three packages. It would provide improved connections to many major regional activity centers. Transit recommendations are accompanied by commuter assistance programs to promote the new services and technology enhancements for transit and other travel options.



TRANSIT SERVICE RECOMMENDATIONS				
Connection	Direction	Peak Frequency (minutes)	Off-Peak Service	Estimated Daily Riders (2045)
A9 - Southwest Prince George's County to Capitol Riverfront	Peak Direction Only	20	✓	2,400
A10/11 - North Charles and Southwest Prince George's Counties to Rosslyn	Peak Direction Only	20	✓	2,825
A16 - North Charles County to NoMa	Peak Direction Only	20	✓	1,375
A19/20 - Southeast Fairfax County and Alexandria to Dunn Loring-Merrifield	Both Directions	20	✓	650
A21.1 - Central-West Prince George's County to Tysons (via Oxon Hill)	Both Directions	20	✓	1,850
Metrobus NH1 - Increase Frequency	Both Directions	20	✓	2,950
Metrobus NH2 - Increase Frequency	Both Directions	20	✓	1,050

Near-term transit service recommendations continue to operate in mid-term

✓ All-day service in both directions during both rush-hour and non-rush hour periods
 ✓ Some directional service outside of rush hour periods
 Route IDs are specific to the study and do not reflect actual route numbers that would be assigned if the recommendation is implemented.

COMMUTER ASSISTANCE PROGRAMS RECOMMENDATIONS	
<ul style="list-style-type: none"> Corridor-Specific Mobility Options Marketing Campaign 	<ul style="list-style-type: none"> Targeted Residential Outreach Targeted Employer Outreach

TECHNOLOGY RECOMMENDATIONS	
<ul style="list-style-type: none"> Transit Priority Technology Real-Time Travel and Transit Information Real-Time Passenger Load Information 	<ul style="list-style-type: none"> Commuter Parking Information System Transit Payment Integration and Incentivization Zero-Emission Bus Charging Infrastructure

INVESTMENT NEEDS	
Total Capital Cost (2022 \$): \$75.1 million <i>Capital costs are upfront, one-time costs such as the cost of purchasing buses, running a promotional marketing campaign, or purchasing technology hardware.</i>	Total Annual Operating Cost (2022 \$): \$15.3 million \$23.4 million (including Near-Term Investment Package) <i>Operating costs are recurring, annual costs such as the cost of running transit service, staffing to support commuter assistance programs, or maintaining technology.</i>

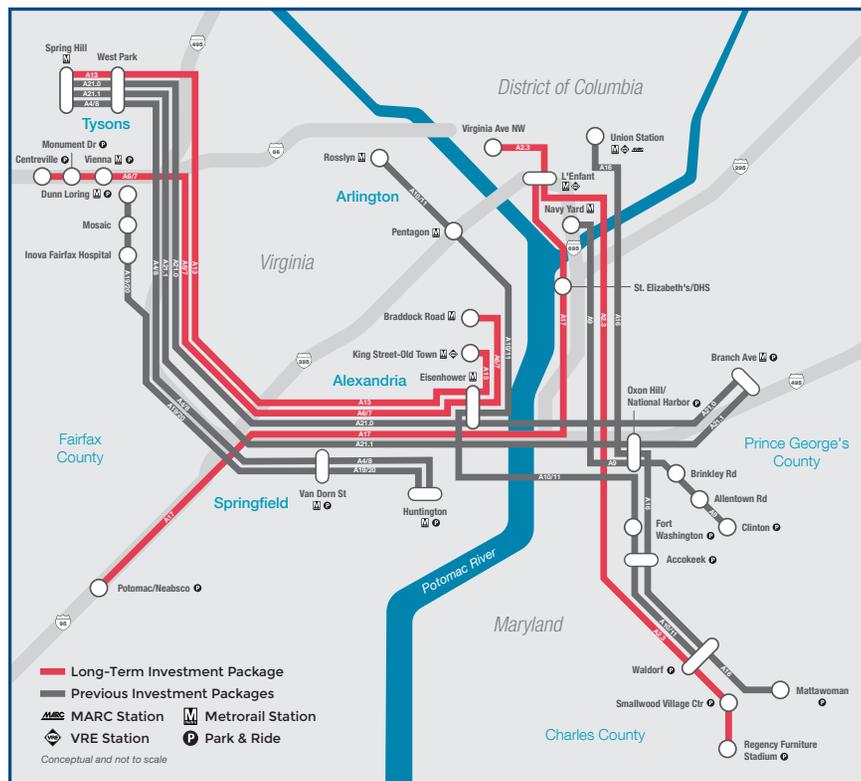
POTENTIAL FACILITY NEEDS:

- On-street bus layover point in Navy Yard for A9
- Bus bay capacity in Rosslyn for A10/11
- Bicycle/pedestrian access improvements and future parking capacity at Fort Washington Park and Ride and Accokeek Park and Ride for A10/11 and A16
- Bicycle/pedestrian access improvements at U.S. 301 Park and Ride for A10/11 and St. Charles Towne Plaza for A16
- New maintenance facilities or expansion of current facilities may be needed to advance recommendations and is dependent on operator



Long-Term Investment Package

The following recommendations are part of the long-term investment package and are candidates to be implemented, depending on future funding, following opening of the potential I-495 Southside express lanes in years beyond 2045. It consists largely of transit and technology enhancements that would expand and supplement the areas served by transit. Recommendations for long-term commuter assistance programs are limited due to the need to assess and monitor the strategies that have been working and also adapt methodologies to travel behavior in the future.



TRANSIT SERVICE RECOMMENDATIONS				
Connection	Direction	Peak Frequency (minutes)	Off-Peak Service	Estimated Daily Riders (2045)
A2.3 - North Charles County to DC Core	Peak Direction Only	N/A* 40 in Off-Peak	✓	300
A6/7 - Central-West Fairfax County to Carlyle-Eisenhower East and Braddock Road Metro Area	Peak Direction Only	20	✓	675
A13 - Northwest Fairfax County to Carlyle-Eisenhower East	Peak Direction Only	20		300
A17 - East Prince William County to Southwest Waterfront	Peak Direction Only	20		400

* Peak service is currently provided by MTA commuter bus service
Near-term and mid-term transit service recommendations continue to operate in mid-term

✓ All-day service in both directions during both rush-hour and non-rush hour periods ✓ Some directional service outside of rush hour periods
Route IDs are specific to the study and do not reflect actual route numbers that would be assigned if the recommendation is implemented.

COMMUTER ASSISTANCE PROGRAMS RECOMMENDATIONS	
<ul style="list-style-type: none"> Targeted Employer Outreach 	

TECHNOLOGY RECOMMENDATIONS	
<ul style="list-style-type: none"> Real-Time Travel and Transit Information Real-Time Passenger Load Information Commuter Parking Information System 	<ul style="list-style-type: none"> Transit Payment Integration and Incentivization Zero-Emission Bus Charging Infrastructure Automated, Connected, and Shared Mobility

INVESTMENT NEEDS	
Total Capital Cost (2022 \$): \$48.9 million <i>Capital costs are upfront, one-time costs such as the cost of purchasing buses, running a promotional marketing campaign, or purchasing technology hardware.</i>	Total Annual Operating Cost (2022 \$): \$6.0 million \$29.4 million (including Near-Term and Mid-Term Investment Packages) <i>Operating costs are recurring, annual costs such as the cost of running transit service, staffing to support commuter assistance programs, or maintaining technology.</i>

POTENTIAL FACILITY NEEDS:

- On-street bus layover point near Virginia Avenue NW and 19th Street NW in DC for A2.3
- Bus bay capacity at Braddock Road Metrorail Station for A6/7
- Bus bay capacity at King Street-Old Town Metrorail Station for A13
- Future parking capacity at or near Centreville United Methodist Church Park and Ride for A6/7
- Bicycle/pedestrian access improvements at Potomac/Neabsco Commuter Parking Garage for A17
- New maintenance facilities or expansion of current facilities may be needed to advance recommendations and is dependent on operator



Summary of Benefits and Costs

Transit service is the main component of the investment packages with commuter assistance programs and technology enhancements supporting and promoting transit use. The table to the right shows the transit routes included in each investment package, the level of service at which the routes would operate, the estimated daily riders, and the investment needs. Costs are reported in 2022 dollars.

Transit Connections

The transit recommendations will provide regional connectivity with other existing and planned transit services. Connectivity with other transit modes will increase ridership and has the potential to decrease the amount of driving and parking needed to support the routes.

	Spring Hill ●●●● Vienna ● Rosslyn ● Pentagon ● Braddock Road ●	King Street-Old Town ● Eisenhower Avenue ●●●● Huntington ●● Van Dorn Street ●●	Navy Yard-Ballpark ●●● L'Enfant Plaza ●● Union Station ● Branch Avenue ●●
	Alexandria ● L'Enfant Plaza ●	Union Station ●	Notes: <i>Italicized stops are served by planned transit connections, not existing</i> ● Denotes stops on routes included in near-term package ● Denotes stops on routes included in mid-term package ● Denotes stops on routes included in long-term package
Local Bus	All Stops ●●●●		
Bus Rapid Transit	Spring Hill ●●●● Braddock Road ● King Street-Old Town ●	Van Dorn Street ●● Huntington ●●	

Serving Equity Emphasis Areas

Transit should also provide service to those who need it most, such as low-income populations who rely on transit as their main mode of transportation. Equity Emphasis Areas are small geographic areas identified by MWCOG that have significant concentrations of low-income, minority populations, or both. The map on the following page shows the MWCOG Equity Emphasis Areas and highlights the areas that are within 1/2 mile of the transit routes in each investment package. The mid-term package is inclusive of the near-term package's areas, and the long-term package is inclusive of the mid-term and near-term package areas.

CONNECTION	POTENTIAL TRANSIT MODE	DIRECTION	NEAR-TERM PACKAGE			MID-TERM PACKAGE			LONG-TERM PACKAGE		
			FREQUENCY (MINUTES)		ESTIMATED DAILY RIDERS (2030)	FREQUENCY (MINUTES)		ESTIMATED DAILY RIDERS (2045)	FREQUENCY (MINUTES)		ESTIMATED DAILY RIDERS (2045)
			PEAK	OFF-PEAK		PEAK	OFF-PEAK		PEAK	OFF-PEAK	
A2.3 - North Charles County to DC Core	Express Bus	Peak Direction Only							40	300	
A4/8 - Alexandria to Tysons	Express Bus	Both Directions	20	40	325	20	40	750	20	40	725
A6/7 - Central-West Fairfax County to Carlyle-Eisenhower East and Braddock Road Metro Area	Commuter Bus	Peak Direction Only							20	40	675
A9 - Southwest Prince George's County to Capitol Riverfront	Commuter Bus	Peak Direction Only				20	40	2,400	20	40	2,400
A10/11 - North Charles and Southwest Prince George's Counties to Rosslyn	Commuter Bus	Peak Direction Only				20	40	2,825	20	40	2,825
A13 - Northwest Fairfax County to Carlyle-Eisenhower East	Commuter Bus	Peak Direction Only							20		300
A16 - North Charles County to NoMa	Commuter Bus	Peak Direction Only				20		1,375	20		1,375
A17 - East Prince William County to Southwest Waterfront	Commuter Bus	Peak Direction Only							20		400
A19/20 - Southeast Fairfax County and Alexandria to Dunn Loring-Merrifield	Express Bus	Both Directions				20	40	650	20	40	650
A21.0 - Central-West Prince George's County to Tysons (via Eisenhower)	Express Bus	Both Directions	20	40	1,100	20	40	1,300	20	40	1,200
A21.1 - Central-West Prince George's County to Tysons (via Oxon Hill)	Express Bus	Both Directions				20	40	1,850	20	40	1,825
Metrobus NH1 - Increased Frequency	Local Bus	Both Directions	30*	30*	1,850	20	30	2,950	20	30	2,950
Metrobus NH2 - Increased Frequency	Local Bus	Both Directions	30*	38*	825	20	30	1,050	20	30	1,025
Total Estimated Daily Riders					4,100			15,150			16,650
Total One-Time Capital Cost (Transit Only)					\$19.0 million			\$54.0 million			\$34.0 million
Total One-Time Capital Cost (Transit, Commuter Assistance Programs, and Technology)					\$20.4 million			\$75.1 million			\$48.9 million
Cumulative** Annual Operating Cost (Transit Only)					\$7.7 million			\$21.3 million			\$25.9 million
Cumulative** Annual Operating Cost (Transit, Commuter Assistance Programs, and Technology)					\$8.1 million			\$23.4 million			\$29.4 million

*no change from existing service **inclusive of previous packages

POTENTIAL TRANSIT MODES:

- **Express bus** for services that would operate all day with fewer stops
- **Commuter bus** for services that would operate during peak commuting times with fewer stops
- **Local bus** for services that would operate all day with more stops

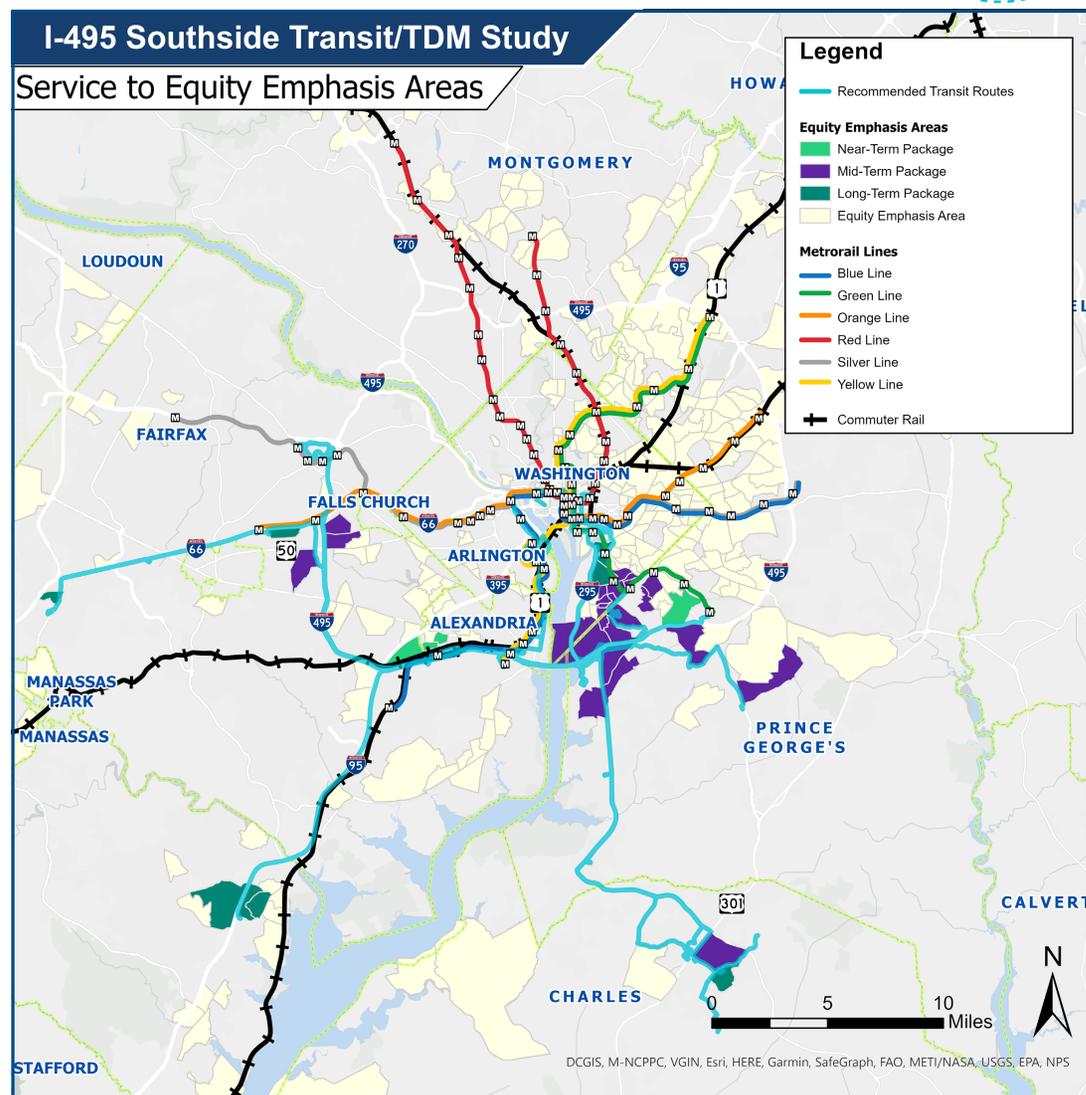
Advancing the Study

This study identified a series of potential investment packages to help meet the identified needs of providing new mobility choices to enhance travel along the I-495 Southside corridor. Each investment package includes a combination of transit services, commuter assistance programs, and technology enhancements.

Prior to the implementation of these recommendations, additional planning will be needed to refine specific transit operating assumptions, corresponding facility needs, and coordination between stakeholders. In addition, the levels of investment and timing of the packages could be further refined pending more detailed information on funding availability and schedules for potential implementation of the express lanes.

Potential next steps include:

- Identify potential funding sources
- Determine potential transit operator(s) and associated maintenance facility considerations
- Conduct more detailed analysis of specific transit operating assumptions such as frequency, stops, and run times
- Identify available bus bay capacity closer to the time of implementation based on the anticipated service levels at those locations
- Work with local stakeholders and transit providers to facilitate first-last mile connections and determine local service modifications
- Coordinate with transit providers and property owners at park and ride locations to confirm the availability of parking for future bus service
- Monitor technology maturity and the Virginia Regional Multi-Modal Mobility Program (RM3P) for opportunities to deploy new technologies
- Coordinate between states, localities, transit operators and regional organizations on implementation of commuter assistance programs and technology enhancements



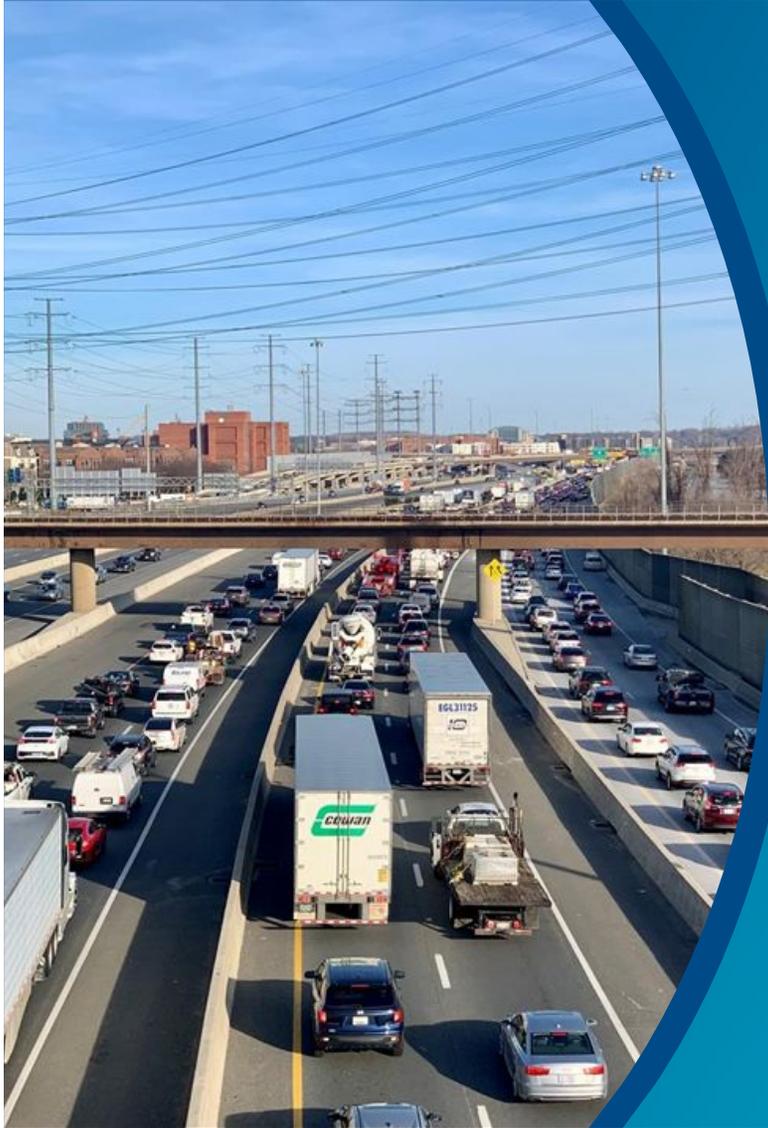


I-495 Southside Transit/TDM Study

Fairfax County Transportation
Committee

January 31, 2023





Study Context and Purpose

Initiated by DRPT to inform the VDOT I-495 Southside Express Lanes Study

Identify a range of current and future multimodal solutions that can be implemented to:



Reduce congestion



Improve trip reliability and regional connections



Enhance existing and planned multimodal mobility and connectivity

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Study Area

- Same as study area for VDOT Southside Express Lanes Study
- 11 miles of the southern section of I-95/I-495 (Capital Beltway)
- Springfield interchange (I-95/I-395/I-495) in Fairfax County, VA to MD 210 interchange in Prince George's County, MD



VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Who is Involved? Study Stakeholders Include...



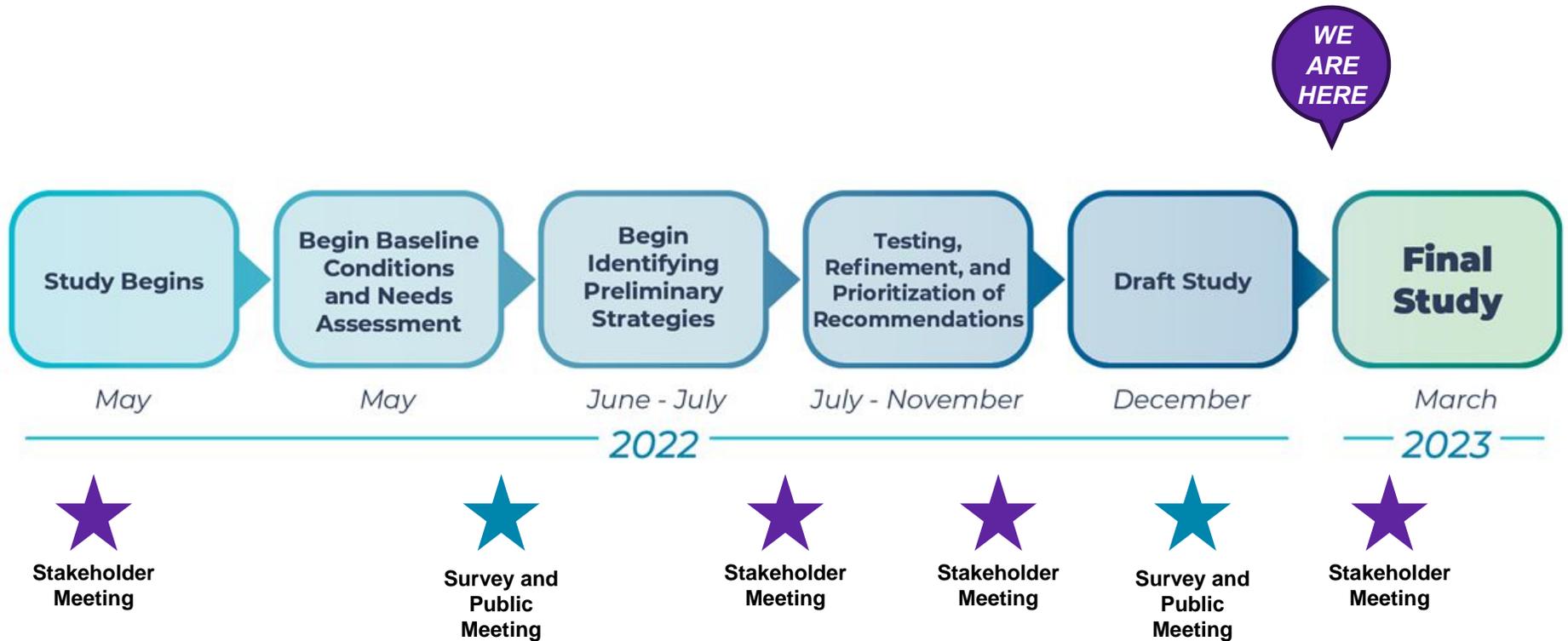
Engagement Process

- Four Stakeholder/TAC Meetings
 - May 25, 2022
 - August 2, 2022
 - October 10, 2022
 - February 9, 2023 (scheduled)
- Virtual Public Information Meetings
 - July 19, 2022
 - December 13, 2022
- Six Pop-Up Events in Springfield, Alexandria, and Oxon Hill in July and December 2022
- Surveys
 - Survey 1: Existing travel patterns and corridor needs
 - Survey 2: Draft recommendations
- **Public Comment Period for Draft Summary Report: January 20 – February 22, 2023**



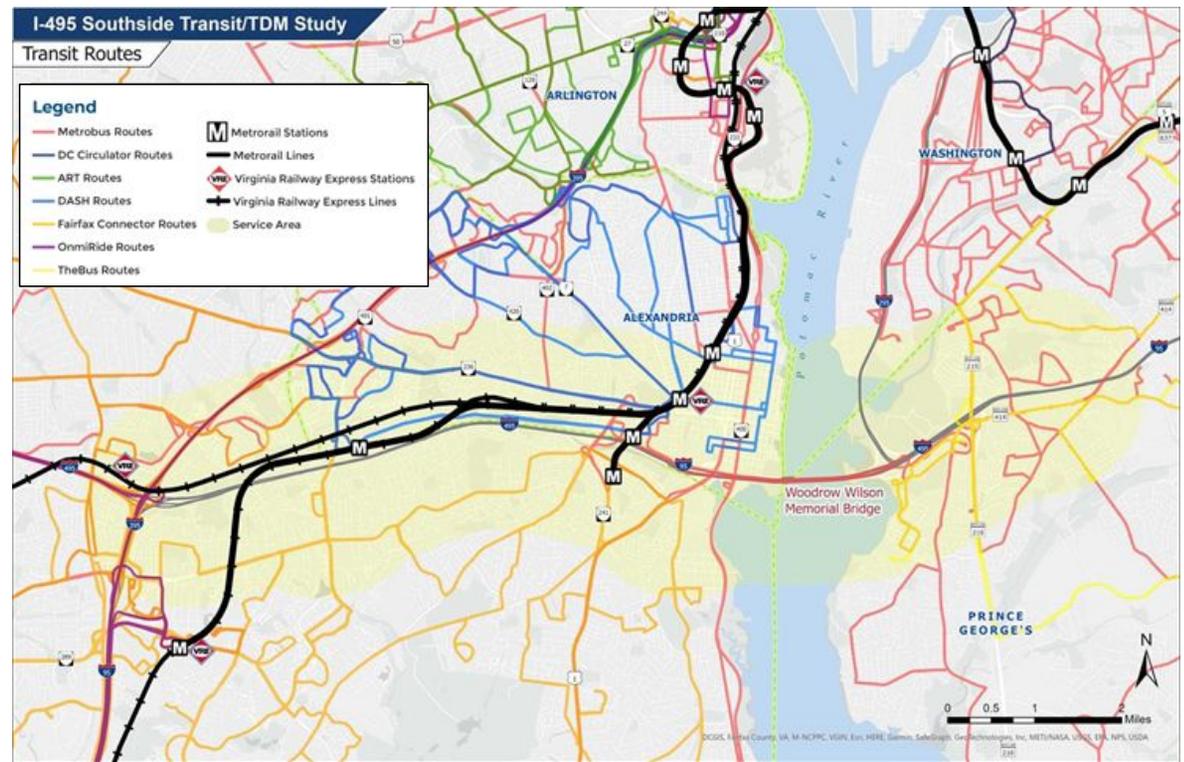
VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Study Process and Schedule



Baseline Conditions—Existing Service

- Limited bus service along I-495 or over Woodrow Wilson Bridge
- Parallel and Metrorail feeder bus service in Alexandria and Fairfax County
- Bus service in Prince George's County in the vicinity of National Harbor with Metrorail connections
- Virginia Railway Express (VRE), Metrorail, and Amtrak parallel to corridor in Virginia
- Virginia, Maryland, Regional, and Local Commuter Assistance Programs



Needs Summary



Provide and Promote Convenient and Flexible Travel Choices for All



Reduce Congestion and Improve Trip Reliability



Improve Safety



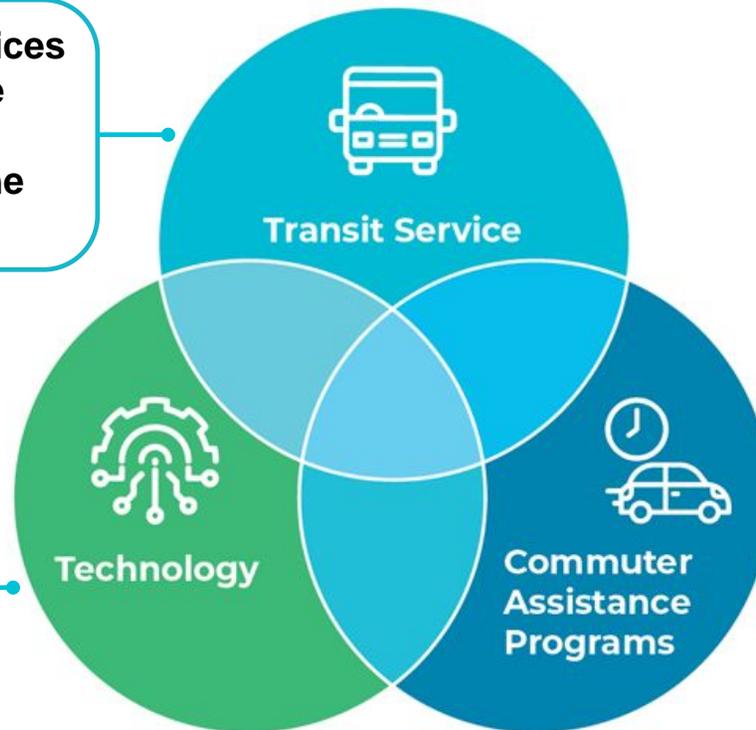
Accommodate Future Regional Growth



Provide Consistency with Local and Regional Plans

Study Recommendations

New or enhanced transit services that could benefit from the reliability of an expanded express lanes network in the I-495 Southside corridor



Technology to encourage use of transit and alternative transportation modes, support a modern travel experience, and assist with travel decision-making

Programs to encourage use of alternative transportation modes besides single-occupancy vehicles (SOV)

Developing Investment Packages

Recommendations were grouped into investment packages that represent potential timeframes for implementation:

- **Near-Term:** Present through the construction phase of the potential I-495 Southside express lanes (prior to 2030)
- **Mid-Term:** In conjunction with the opening of the potential express lanes in 2030 to 2045
- **Long-Term:** Following opening of the potential express lanes in years beyond 2045

Transit Recommendations



Potential transit modes:

- **Express bus** for services that would operate all-day with fewer stops
- **Commuter bus** for services that would operate during peak commuting times with fewer stops
- **Local bus** for services that would operate all-day with more stops

Rail was considered and tested as an option but would not be as cost-effective compared to bus options for moving a similar number of people in the corridor. Improvements in the I-495 Southside corridor should not preclude future rail.



Image Credits: WMATA, VDOT, OmniRide, Fairfax Connector

Transit options that would operate throughout the day in both rush (peak) and non-rush (off-peak) times were prioritized

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Near-Term Package (prior to 2030)



Transit Service

A4/8 - Alexandria to Tysons

A21.0 - Central-West Prince George's County to Tysons (via Eisenhower)

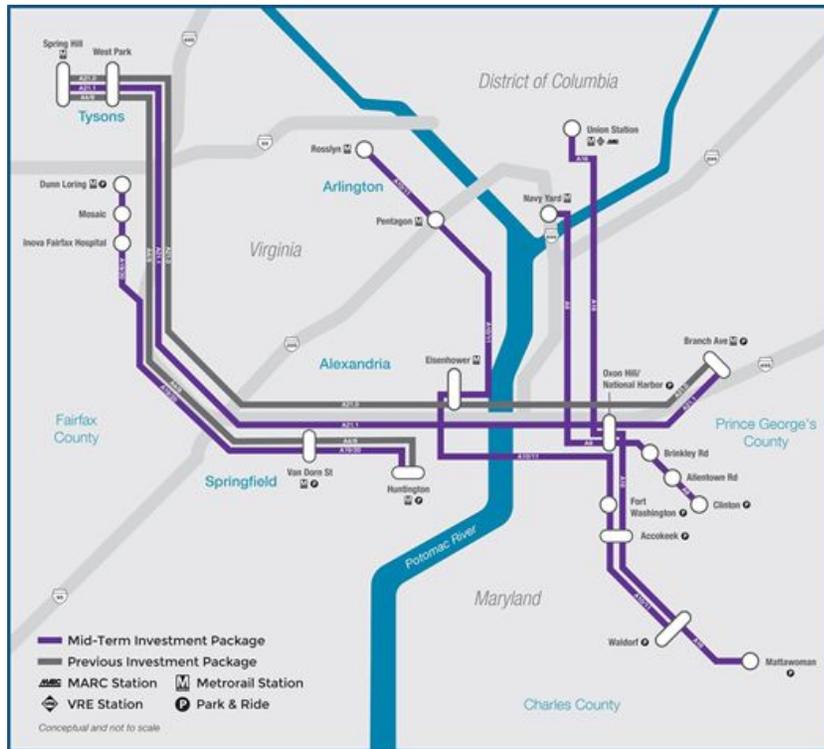


Commuter Assistance Programs



Technology

Mid-Term Package (2030-2045)



Transit Service

- A9** - Southwest Prince George's County to Capitol Riverfront
- A10/11** - North Charles and Southwest Prince George's Counties to Rosslyn
- A16** - North Charles County to NoMa
- A19/20** - Southeast Fairfax County and Alexandria to Dunn Loring-Merrifield
- A21.1** - Central-West Prince George's County to Tysons (via Oxon Hill)
- Metrobus NH1 and NH2** – More frequent buses

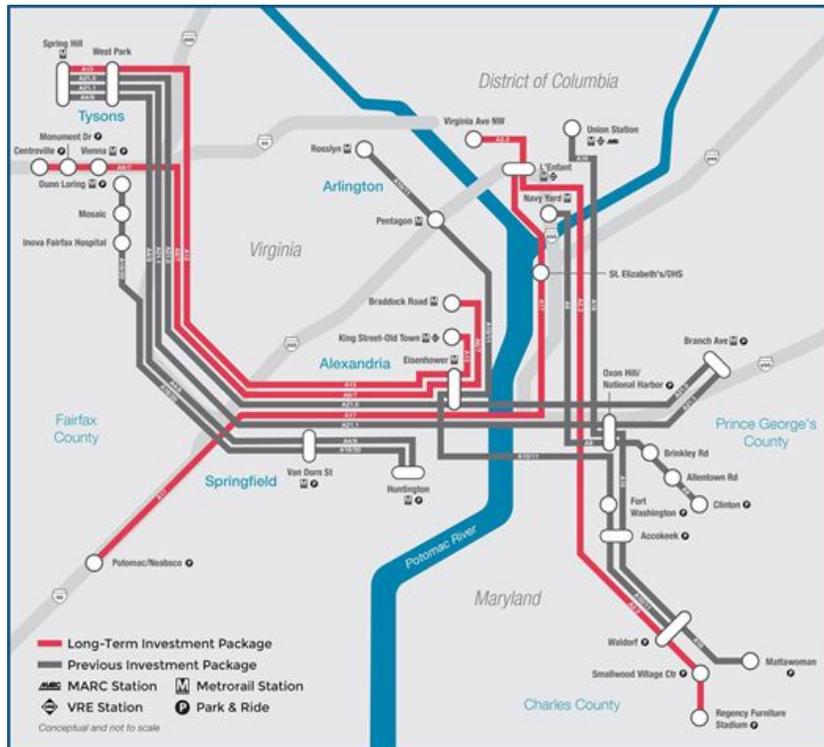


Commuter Assistance Programs



Technology

Long-Term Package (beyond 2045)



Transit Service

A2.3 - North Charles County to DC Core

A6/7 - Central-West Fairfax County to Carlyle-Eisenhower East and Braddock Road Metro

A13 - Northwest Fairfax County to Carlyle-Eisenhower East

A17 - East Prince William County to Southwest Waterfront



Commuter Assistance Programs



Technology Programs

Commuter Assistance Program Recommendations



Commuter Assistance Programs			
	Near-Term	Mid-Term	Long-Term
Corridor-Specific Mobility Options Marketing Campaign	○ → ○		
Targeted Residential Outreach	○ → ○		
Targeted Employer Outreach	○ → ○ → ○		
Carpool Promotion Programs	○ →		
Vanpool Formation and Expansion Program	○ →		

Technology Recommendations



Technology Recommendations			
	Near-Term	Mid-Term	Long-Term
Transit Priority Technology		○	○
Real-Time Travel and Transit Information	○	○	○
Real-Time Passenger Load Information		○	○
Commuter Parking Information System	○	○	○
Transit Payment Integration and Incentivization		○	○
Zero-Emission Bus Charging Infrastructure		○	○
Automated, Connected, and Shared Mobility			○

Advancing the Study

- Continue input to the VDOT Study
- Identify potential funding sources
- Determine specific operator and facility needs
- Transit service planning for implementation
- Coordinate with stakeholders and transit providers regarding connections and local service modifications
- Coordinate between states, localities, transit operators and regional organizations on implementation of commuter assistance programs and technology enhancements



Questions / Comments

- DRPT will accept written public comments on the I-495 Southside Transit & TDM Study until 5:00 p.m. (EST) on Wednesday, February 22, 2023
- Draft Summary Report available on project web site at:
 - <https://drpt.virginia.gov/work-were-doing/i-495-southside-capital-beltway-transit-and-transportation-demand-management-study/>
- Comments may be submitted:
 - Via e-mail to drptpr@drpt.virginia.gov or
 - In writing to Todd Horsley, Director of Northern Virginia Transit Programs, Virginia Department of Rail and Public Transportation, 1725 Duke Street, Suite 675, Alexandria, VA 22314



I-495 Southside Transit/TDM Study

Fairfax County Transportation
Committee

January 31, 2023



ACTION – 8

Approval of Release of Reversionary Interests on Various Properties Conveyed by the Board of Supervisors to the Fairfax County Redevelopment and Housing Authority (FCRHA)

ISSUE:

Board approval authorizing the County Executive to execute a release removing the County's reversionary interests on various properties previously owned by the Board and conveyed to the FCRHA for purposes of promoting affordable housing in Fairfax, Virginia, and to substitute a Memorandum of Understanding (MOU) between the FCRHA and the Board to effectuate the same purpose.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a release of reversionary interest for any properties so impacted. An MOU between the Board and the FCRHA that will ensure that any property conveyed to the FCRHA will be returned to the Board if the properties are not used for affordable housing will be later approved by the Board.

TIMING:

Board approval is requested on February 21, 2023, so that the reversionary interest can be removed from the Autumn Willow project, one of the properties affected by restriction, because of a requirement by the lender, Virginia Housing Development Authority (VHDA), that the release be approved by the Board prior to VHDA pricing the bonds for the project on February 23, 2023.

BACKGROUND:

The Board has approved the conveyance of previous Board-owned properties to the FCRHA for the purpose of enabling the sites to be used for the development of affordable housing projects. These properties consist of Autumn Willow, an approximately 11-acre parcel located near the intersection of Stringfellow Road and Autumn Willow Drive and identified by Tax Map No. 55-3 ((01)) parcel 26B (Autumn Willow Project); two parcels located near the intersection of Lee-Jackson Memorial Highway (Route 50) and Fair Ridge Drive and identified by Tax Map Parcel Nos. 046-3 ((1)) parcels 8 and 9B (9B being formerly known as parcels 9 and 9A) (Fair Ridge Properties); five parcels located at 6121 Franconia Road and identified as Tax Map

Board Agenda Item
February 21, 2023

Nos. 81-3 ((05)) parcels 2A, 2B, 2C1, and 3A, and Tax Map No. 081-3 ((8)) parcel 503 (Franconia Development); and Parking Lots G and H of Fairfax County Government Center located at 12000 Government Center Parkway on a parcel identified as Tax Map No. 56-1 ((15)) parcel 14B (Residences at Government Center II).

When the Board approved the conveyance of each of these properties to the FCRHA, it expressly required that if the FCRHA did not pursue affordable housing developments on each of the sites, any site not being used for affordable housing would be reconveyed to the County.

These properties are being actively pursued as affordable housing as envisioned by the Board. At the time staff prepared deeds of conveyance and consistent with the Board's desire, staff inserted a reversionary clause entitling the Board to retake possession of the properties if they were not used for affordable housing. Staff has just become aware, however, that this reversionary language is unacceptable to VHDA, the lender that will finance the Autumn Willow Project, and is likely also unacceptable to other institutional lenders. These lenders contend that the existence of the reversionary interest places at risk their deeds of trust secured by the long-term leasehold interest that the FCRHA grants to the developers. The lenders assert that the County in the future could retake the property from the FCRHA in which case the leasehold estate would terminate and the lender would be left without security for its loan. Although staff believes this concern is unrealistic, it is nonetheless creating an intractable hurdle for these lenders. Accordingly, staff requests authority to release the reversionary provisions of these deeds, which are serving as an impediment to the very affordable housing development that the Board is trying to achieve.

In addition, to avoid further Board action on this issue, staff requests approval to execute a release of County reversionary interests for any additional FCRHA properties that may contain this kind of restriction that thwarts affordable housing development. This action will not obviate the FCRHA's obligation to cause these properties to be used as affordable housing or to ensure that the properties will be returned to the Board if they are not used by the FCRHA for affordable housing development. That obligation will be memorialized by a Memorandum of Understanding between the Board and the FCRHA, and will require the FCRHA to reconvey to the County any properties conveyed by the Board to the FCRHA if the properties are not used for affordable housing. This MOU will be brought to the Board for its approval.

FISCAL IMPACT:

The release of the reversionary interests will enable the FCRHA to implement feasible permanent financing for affordable housing developments on multiple previously County-owned properties that have been conveyed by the Board to the FCRHA.

Board Agenda Item
February 21, 2023

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to Authorize the County Executive to Execute Release of Reversionary Interests

STAFF:

Christopher Leonard, Deputy County Executive
Thomas E. Fleetwood, Director, Fairfax County Department of Housing and Community Development (FCHCD)
Anna Shapiro, Deputy Director, FCHCD

ASSIGNED COUNSEL:

Alan Weiss, Assistant County Attorney

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on February 21, 2023, at which meeting a quorum was present and voting, the following resolution was adopted.

AUTHORITY OF COUNTY EXECUTIVE TO EXECUTE RELEASE OF
REVERSIONARY INTERESTS

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia (Board), authorizes the County Executive to execute, on behalf of the County of Fairfax, releases of reversionary interests with regard to the various properties that have been or may be conveyed by the Board of Supervisors to the Fairfax County Redevelopment and Housing Authority (FCRHA) for the purpose of advancing affordable housing in Fairfax County, Virginia.

Adopted this 21st day of February 2023, Fairfax, Virginia.

ATTEST:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
February 21, 2023

CONSIDERATION - 1

Approval of Amended Bylaws for the Young Adults Advisory Council

ISSUE:

Restructuring and amendments to *Virginia Code* §§ 2.2-3708.2 and -3708.3 authorize the remote participation of members of public bodies in public meetings and virtual public meetings under certain conditions. The proposed amendments to the Young Adults Advisory Council Bylaws reflect these statutory changes, recognizing in the Bylaws that the Council may conduct both remote participation and virtual meetings compliant with the Virginia Freedom of Information Act (VFOIA).

TIMING:

Board action is requested on February 21, 2023, to update the Bylaws for the Young Adults Advisory Council.

BACKGROUND:

The Young Adults Advisory Council has reviewed its Bylaws and meeting policies to update them as a result of recent revisions to the remote participation and virtual meetings provisions in the VFOIA.

The proposed amendments to the Bylaws (Attachment 1) are editorial in nature and simply update the document to reflect these statutory changes. The proposed amendments also incorporate remote participation and virtual meetings requirements into the minutes required by the Bylaws for ease of reference, and for clarity propose the name “workgroups” instead of “committees” for “special committees.”

The editorial updates to the Bylaws allow for flexibility, which is expected to increase engagement from Young Adults Advisory Council members and improve attraction and retention of members. These outcomes are aligned with the One Fairfax policy enhancing equity and community inclusion.

Pursuant to Article X of the Bylaws of the Young Adults Advisory Council, the Board of Supervisors must approve any amendments to the Bylaws (Attachment 1).

FISCAL IMPACT:

None.

Board Agenda Item
February 21, 2023

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendments to the Young Adults Advisory Council Bylaws
(redline)

STAFF:

Rachel Flynn, Deputy County Executive

Rebecca Moudry, Director, Department of Economic Initiatives

Scott Sizer, Division Manager, Department of Economic Initiatives

Jarrett Haring, Catalytic Projects Associate, Department of Economic Initiatives

ASSIGNED COUNSEL:

Martin Desjardins, Assistant County Attorney

**BYLAWS OF THE FAIRFAX COUNTY YOUNG
ADULTS ADVISORY COUNCIL**

Draft of January ~~30~~11, 2023

ARTICLE I – NAME

The name of this organization is the Fairfax County Young Adults Advisory Council, hereinafter referred to as the “Council.”

ARTICLE II – PURPOSE

The Council has been established by the Board of Supervisors of Fairfax County, Virginia (“Board of Supervisors”), pursuant to Virginia law for the purposes set forth in the Resolution Stating the Purposes, Membership, and Procedures of the Fairfax County Young Adults Advisory Council, adopted by the Board of Supervisors on March 10, 2020.

These bylaws are effective as of ~~February 21~~~~October~~ ~~March 20~~10, 202~~3~~~~2~~0.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the Council shall be made by the Board of Supervisors, and members shall serve for such term or terms as established by the Board of Supervisors.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the Chairperson, Secretary, or County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event 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 until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Elections. The Council shall be served by three officers: a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson shall be elected in accordance with the voting provisions of Article V by the Council members annually and such election shall be scheduled at the first meeting of each calendar year. Two months prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve as Chairperson of the Council. At the election meeting, the Chairperson shall be elected from among the willing nominees in accordance with the voting provisions of Article V. At the meeting immediately following the election of the

47 Chairperson, the Chairperson shall nominate the Vice-Chairperson and Secretary. After
 48 nomination, each candidate shall be polled on his or her willingness and ability to serve
 49 as an officer of the Council. The Vice-Chairperson and Secretary shall then be elected
 50 from among the willing nominees in accordance with the voting provisions of Article V.

51
 52 Chairperson. The Chairperson presides over meetings of the Council and is eligible to
 53 vote at all times. The Chairperson has the authority to delegate appropriate functions to
 54 Council members and to request assistance from the County staff supporting the Council.

55
 56 Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson
 57 shall perform the duties and exercise the powers of the Chairperson. In the event that
 58 neither the Chairperson nor the Vice-Chairperson is available, the member present with
 59 the longest tenure on the Council shall act as Chairperson.

60
 61 Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording
 62 the minutes of meetings.

63
 64 Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an
 65 election at the next regular meeting having a majority of members present. The newly
 66 elected officer shall complete the unexpired term of the officer succeeded. Prior to the
 67 election of any replacement officer, all members shall be provided with notice of the
 68 proposed election before the meeting at which the replacement is elected.

69 70 **ARTICLE V – MEETINGS**

71
 72 VFOIA. All meetings shall be open to the public except as provided under the Virginia
 73 Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA").
 74 Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings
 75 including work sessions, when sitting physically, or through electronic communication
 76 means pursuant to ~~§ 2.2-3708.2~~ the VFOIA or other applicable Virginia law, as a body or
 77 entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if
 78 less than three, of the constituent membership, wherever held, with or without minutes
 79 being taken, whether or not votes are cast, of any public body.

80
 81 Notice and Agenda. Notice and the agenda of all meetings shall be provided as required
 82 under the VFOIA. All meetings shall be preceded by properly posted notice stating the
 83 date, time, and location of each meeting. Notice of a meeting shall be given at least three
 84 working days prior to the meeting. Notice of emergency meetings, reasonable under the
 85 circumstances, shall be given contemporaneously with the notice provided to Council
 86 members. Notices of all meetings shall be provided to the Office of Public Affairs for
 87 posting at the Government Center and on the County Web site. All meetings shall be
 88 conducted in public places that are accessible to persons with disabilities.

89
 90 Frequency. The Council shall meet monthly or as determined by the Chairperson in
 91 consultation with the Department of Economic Initiatives. Meetings shall be held at a

92 time agreed to by a majority of the Council's members, and at a place arranged by the
93 staff of the Department of Economic Initiatives.

94
95 Voting. A quorum is necessary for a vote. A majority of the membership of the Council
96 shall constitute a quorum. In making any recommendations, adopting any plan, or
97 approving any proposal, action shall be taken by a majority vote of Council members
98 present and voting. Upon the request of any member, the vote of each member on any
99 issue shall be recorded in the minutes. All votes of Council members shall be taken
100 during a public meeting, and no vote shall be taken by secret or written ballot or by
101 proxy.

102
103 Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings
104 shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and
105 except as specifically authorized by the VFOIA, no meeting shall be conducted through
106 telephonic, video, electronic, or other communication means where the members are not
107 all physically assembled to discuss or transact public business.

108
109 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and,
110 unless exempt under the VFOIA, all materials furnished to Council members shall be
111 made available for public inspection at the same time such documents are furnished to the
112 Council members. Pursuant to the VFOIA, any person may photograph, film, record, or
113 otherwise reproduce any portion of a meeting required to be open, but such actions may
114 not interfere with any Council proceedings.

115
116 Records. The Secretary or an appointed representative shall ensure that minutes of
117 meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date,
118 time, and location of each meeting; (2) the identity of the members of the public body
119 who participated in the meeting through electronic communication means, if applicable;
120 (3) the identity of the members of the public body who were physically assembled at one
121 physical location, if applicable; (4) and the identity of the members of the public body
122 who were not present at the location identified who monitored such meeting through
123 electronic communication means, if applicable; ~~the members present and absent;~~ (543) a
124 summary of the discussion on matters proposed, deliberated, or decided; and ~~(654)~~ a
125 record of any votes taken. Such minutes are public records and subject to inspection and
126 copying by citizens of the Commonwealth or by members of the news media. The
127 Department of Economic Initiatives shall provide staff support to review and approve
128 records and minutes of the meeting.

129
130 Attorney-Client Privilege. Records containing legal advice from counsel to the Council,
131 and advice provided in closed session by legal counsel to the Council, are protected by
132 the attorney-client privilege and from disclosure under the VFOIA. Any such records or
133 advice should not be disclosed by members of the Council to any third party, or the
134 privilege against disclosure may be waived. Questions regarding the handling of records
135 or advice subject to attorney-client privilege should be directed to the Council's legal
136 counsel.

137

138 **ARTICLE VI - ATTENDANCE AND PARTICIPATION**

139

140 Any Council member who misses three consecutive meetings or more than half of the
141 scheduled meetings within a 12-month period, or who fails to participate in the work of
142 the Council without good cause acceptable to a majority of the other Council members
143 may be subject to removal from the Council.

144

145 **ARTICLE VII - REMOVAL**

146

147 Any Council member(s) may be recommended to the Board of Supervisors for removal
148 from the Council for cause, including but not limited to cause as set forth in Article VI,
149 by a two-thirds majority vote of all of the Council members. The members' authority to
150 recommend removal under these bylaws neither limits nor waives the Board of
151 Supervisors' authority to remove members from the Council as provided by law.

152

153 **ARTICLE VIII – STANDING COMMITTEES AND SPECIAL WORKGROUPS**

154

155 Standing Committees. The Chairperson may appoint standing committees and a
156 chairperson for each with the consent of a majority of the Council members present and
157 voting.

158

159 Special Workgroups. The Chairperson may appoint special ~~committees~~
160 ~~workgroups~~workgroups and a chairperson for each with the consent of a majority of the
161 Council members present and voting.

162

163 All meetings of any such committees and workgroups shall comply with the notice and
164 other requirements of the VFOIA. To the extent practicable, any such committees and
165 workgroups shall be composed of at least four members. Committee and workgroup
166 meetings may be held at the call of the Chairperson or at the request of two members,
167 with notice to all members.

168

169 **ARTICLE IX – COMPLIANCE WITH LAW AND COUNTY POLICY**

170

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

177

178 **ARTICLE X – AMENDMENT OF BYLAWS**

179

180 These bylaws may be amended by the Council by adopting the proposed amendment or
181 amendments and by presenting those proposed changes for approval to the Board of
182 Supervisors. Any such amendments to bylaws shall become effective upon approval by
183 the Board of Supervisors.

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These bylaws of the Fairfax County Young Adults Advisory Council were approved by the Board of Supervisors of Fairfax County, Virginia during a regular meeting held on February 21~~7~~, 2023~~March 10, 2020~~.

GIVEN under my hand this _____ day of _____, 2023.

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

Board Agenda Item
February 21, 2023

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Status of the Cable Franchise Renewal Negotiations with the County's Three Cable Operators and Proposed Extension Timeline*
2. *John Michael Wolfe v. Fairfax County, et al.*; Case No. 1:22-cv-959 (E.D. Va.)
3. *Paulina Arias v. Michael Filius*, Case No. GV22-002497 (Fx. Co. Gen. Dist. Ct.)
4. *Mario Ramirez v. Cynthia Osegueda*, Case No. GV22-009542 (Fx. Co. Gen. Dist. Ct.)
5. *State Farm Mutual Automobile Insurance Company as Subrogee of Joyce Frank v. Paul Schafer*; Case No. GV22-020163 (Fx. Co. Gen. Dist. Ct.)
6. *State Farm Mutual Automobile Insurance Company as Subrogee of Melissa White v. Anthony James Guglielmi*; Case No. GV23-000003 (Prince William Co. Gen. Dist. Ct.)
7. *Claudette Gama-Salazar v. Katharine M. Follot Layton*, Case No. GV23-000660 (Fx. Co. Gen. Dist. Ct.)
8. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennet Mofor*, Case No. GV22-015516 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
9. *Jay Riat, Building Official for Fairfax County, Virginia v. Henry Tuan Nguyen*, Case No. GV22-018472 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

Board Agenda Item
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10. *Jay Riat, Building Official for Fairfax County, Virginia v. Burke Commerce Center, LC, Case No. GV22-019061 (Fx. Co. Gen Dist. Ct.) (Braddock District)*
11. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick MacManus, Case No. CL-2023-0001059 (Fx. Co. Cir. Ct.) (Dranesville District)*
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Becky D. Lewis and Rossen Radev, Case No. GV22-019337 (Fx. Co. Gen Dist. Ct.) (Dranesville District)*
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Kham, Case No. CL-2022-0008979 (Fx. Co. Cir. Ct.) (Franconia District)*
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Rizwan Shah, Case No. CL-2022-0010335 (Fx. Co. Cir. Ct.) (Franconia District)*
15. *Jay Riat, Building Official for Fairfax County, Virginia v. J.S1, LLC, Case No. CL-2022-0011670 (Fx. Co. Cir. Ct.) (Franconia District)*
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Arlindo R. Freitas and Rute L. Freitas, Case No. GV23-001855 (Fx. Co. Gen. Dist. Ct.) (Franconia District)*
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Bruce A. Blackerby, Case No. CL-2020-0005195 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
18. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Victoria A. Perry, Case No. CL-2023-0001058 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
19. *Jay Riat, Building Official for Fairfax County, Virginia v. 5238 Navaho Drive, Case No. CL-2022-0013381 (Fx. Co. Cir. Ct.) (Mason District)*
20. *Jay Riat, Building Official for Fairfax County, Virginia, Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey M. Weatherholtz, Case No. CL-2023-0001067 (Fx. Co. Cir. Ct.) (Mason District)*

Board Agenda Item
February 21, 2023

21. *Jay Riat, Building Official for Fairfax County, Virginia v. Radosvet Grudev and Dzhait Pachedzhi a/k/a Jimmy Pach*, Case No. CL-2023-0001818 (Fx. Co. Cir. Ct.) (Mason District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Suzanne Rach*, Case No. GV21-019368 (Fx. Co. Gen. Dist. Ct.) (Mason District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mujeeb R. Aziz & Samira Aziz*, Case No. GV23-001864 (Fx. Co. Gen. Dist. Ct.) (Sully District)
24. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Mujeeb R. Aziz and Samira Aziz*, Case No. GV23-001867 (Fx. Co. Gen. Dist. Ct.) (Sully District)
25. *Board of Supervisors of Fairfax County, Virginia v. ToiletKing, LLC*, Case No. GV23-001587 (Fx. Co. Gen. Dist. Ct.)
26. *Board of Supervisors of Fairfax County, Virginia v. Gutter Cleaning*, Case No. GV23-001872 (Fx. Co. Gen. Dist. Ct.)
27. *Board of Supervisors of Fairfax County, Virginia v. G & C Moving, Inc.*, Case No. GV23-001875 (Fx. Co. Gen. Dist. Ct.)

Intent to Defer Public Hearing
to 04/11/2023 at 2:30p.m.

Board Agenda Item
February 21, 2023

3:30 p.m.

Public Hearing on SEA 95-M-029-02 (McDonald's Corporation) to Amend SE 95-M-029 Previously Approved for Restaurant with Drive Through in a Highway Corridor Overlay District to Permit Additional Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 1.13 Acres of Land (Mason District)

This property is located at 5613 Leesburg Pike, Falls Church, 22041. Tax Map 61-2 ((21)) 5 and 9.

PLANNING COMMISSION RECOMMENDATION:

On February 8, 2023, the Planning Commission voted 11-0 (Commissioner Jimenez was absent from the meeting) to defer the public hearing for SEA 95-M-029-02 to a date certain of March 15, 2023.

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:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Tabatha Cole, Planner, DPD

Board Agenda Item
February 21, 2023

3:30 p.m.

Public Hearing on SE 2022-MA-00026 (Wesley Housing Development Corporation) to Permit an Office in a Residential District and an Independent Living Facility for Low-Income Tenants, Located on Approximately 6.82 Acres of Land (Mason District)

This property is located at 6165 Leesburg Pike, Falls Church, 22044. Tax Map 51-3 ((1)) 25.

PLANNING COMMISSION RECOMMENDATION:

On February 8, 2023, the Planning Commission voted 10-0-1 (Commissioner Jimenez was absent from the meeting and Commissioner Bennett abstained from the vote) to recommend to the Board of Supervisors the following:

- Approval of SE 2022-MA-00026, subject to the development conditions dated February 7, 2023;
- Waiver of the barrier requirement on the southern property boundary in lieu of the required Barrier D, E or F per Sect.5108.7.K of the Zoning Ordinance;
- Waiver of the service drive requirement, per 8100.7.E.3.a of the Zoning Ordinance;
- Modification of the frontage improvements along Leesburg Pike (Route 7) to permit that shown on the SE Plat; and
- Modification of Section 4102.5.N.1.B to allow an office within an Independent Living Facility in lieu of the requirement to locate an office in a Residential District within a single family detached dwelling.

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>

Board Agenda Item
February 21, 2023

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and
Development (DPD)

Sharon Williams, Planner, DPD

Board Agenda Item
February 21, 2023

3:30 p.m.

Public Hearing on PCA-C-052-10/CDPA-C-052-03/FDPA-C-052-016 (RZPA 2022-MA-00054) (Skyline 4 LLC, and 5111 Leesburg LLC) to Amend the Proffers, Conceptual Development Plan, and Second Final Development Plan for RZ-C-052, Previously Approved for Office Use, to Permit the Repurposing of Office Buildings to Accommodate Live/Work Units and Associated Modifications to Proffers and Site Design at a 2.49 Floor Area Ratio (FAR), Located on Approximately 5.56 Acres of Land (Mason District)

This property is located approximately 1,000 square feet South West of the intersection of Leesburg Pike and South George Mason Drive. Tax Map 62-3 ((1)) 37B, 39B and 40B1 (pt.).

PLANNING COMMISSION RECOMMENDATION:

On February 8, 2023, the Planning Commission voted 10-0 (Commissioner Jimenez was absent from the meeting and Commissioner Shumate recused himself from the public hearing) to recommend to the Board of Supervisors the following:

- Approval of PCA C-052-10 and CDPA C-052-03, subject to the execution of the proffered conditions dated January 24, 2023;
- Modification of Section 2105.4.C.1.A of the Zoning Ordinance to allow the gross floor area of dwellings as a secondary use to exceed 50 percent of the development in accordance with the uses shown on the CDPA/FDPA and proffered conditions;
- Modification of Section 6100.4 to allow for a reduced number of parking spaces in favor of that shown on the CDPA/FDPA;
- Modification of minimum loading space requirement set forth in Section 6101.3 of the Zoning Ordinance to permit the existing four loading spaces to remain;
- Waiver of Section 5107.3.A.3 of the Zoning Ordinance to allow private streets in excess of 600 feet in length;
- Modification of Section 5108.6 of the Zoning Ordinance for transitional screening and barrier uses within the site and between adjacent property lines in favor of that shown on the CDPA/FDPA;

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February 21, 2023

- Waiver of Section 5108.5.A and 5108.5.B of the Zoning Ordinance for interior parking lot and peripheral landscaping in favor of that shown on the CDPA/FDPA;
- Modification of Section 8100.7.E.2 of the Zoning Ordinance requiring the construction of a minor trail/walkway along South George Mason Drive in favor of maintaining the existing sidewalk as shown on the CDPA/FDPA; and
- Modification of Section 8100.7.E.2 of the Zoning Ordinance requiring further dedication and construction of South George Mason Drive beyond that shown on the CDPA/FDPA.

In a related action, the Planning Commission voted 10-0 (Commissioner Jimenez was absent from the meeting and Commissioner Shumate recused himself from the public hearing) to approve FDPA C-052-16, subject to the development conditions dated January 24, 2023, and subject to the Board of Supervisors' approval of the concurrent PCA application.

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:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Sharon Williams, Planner, DPD

Board Agenda Item
February 21, 2023

3:30 p.m.

Public Hearing on RZ 2022-PR-00011 (Carter V Boehm, Trustee) to Rezone R-2 to R-1 to Permit Residential Development with a Total Density of 1 Dwelling Units Per Acre (du/ac), Located on Approximately 1.0 Acres of Land (Providence District)

This property is located on the North Side of Idylwood Road and South Side of Helena Drive. Tax Map 39-4 ((1)) 219.

PLANNING COMMISSION RECOMMENDATION:

On January 11, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of the following actions:

- Approval of RZ 2022-PR-00011, subject to the execution of proffered conditions consistent with those dated January 10, 2023; and
- Approval of a waiver to allow a six-foot-high fence along the Idylwood Road frontage, per subsection 4102.7.A.7.c of the Zoning Ordinance.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Curtis Rowlette, Planner, DPD

Board Agenda Item
February 21, 2023

3:30 p.m.

Public Hearing on PCA 86-W-001-14/CDPA 86-W-001-05 (RZPA 2022-BR-00086) (LACM VA, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 86-W-001, Previously Approved for Public Uses, to Permit an Affordable Multifamily Development with 279 Dwelling Units on a Portion of the Site with Associated Modifications to Proffers and Site Design at an FAR of 0.274 (Exclusive of Bonus Density), Located on Approximately 90.38 Acres of Land (Braddock District)

This property is located on the North and East Sides of Government Center Parkway and South Side of Monument Drive, Fairfax, 22035. Tax Map 56-1 ((15)) 5B and 56-1 ((15)) 14A and 14B.

PLANNING COMMISSION RECOMMENDATION:

On February 8, 2023, the Planning Commission voted 9-0-1 (Commissioner Jimenez was absent from the meeting; Commissioner Lagana was not present for the vote; and Commissioner Bennett abstained from the vote) to recommend to the Board of Supervisors the following:

- Approval PCA 86-W-001-14 and CDPA 86-W-001-05, subject to the execution of proffered conditions consistent with those dated February 7, 2023;
- Modification of Section 6100.1 to allow a Parking Reduction, #7204-PLS-001, to permit the total residential parking shown on the FDPA, based on proximity to bus service; and
- Modification of Section 6101.1 to reduce the required number of loading spaces from 5 to 2 in favor of that shown on the FDPA.

In a related action, the Planning Commission voted 9-0-1 (Commissioner Jimenez was absent from the meeting; Commissioner Lagana was not present for the vote; and Commissioner Bennett abstained from the vote) to approve FDPA 86-W-001-09, subject to the development conditions dated February 7, 2023.

Board Agenda Item
February 21, 2023

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:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Emma Estes, Planner, DPD

Board Agenda Item
February 21, 2023

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish the Covington Community Parking District (Providence District)

ISSUE:

Proposed amendment to Appendix M of *the Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Covington Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Covington CPD on Ellenwood Drive from Arlington Boulevard to Lee Highway.

TIMING:

On January 24, 2023, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix M of the *Fairfax County Code* to take place on February 21, 2023, 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 the following vehicles on the streets in the CPD: watercraft, boat trailer, motor home, camping trailer, or 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.

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, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (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

Board Agenda Item
February 21, 2023

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 CPD if: (1) the Board receives a petition requesting establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition based CPD have been satisfied.

The parking prohibition described above is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

Funding in the amount of approximately \$2,450 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Covington CPD

STAFF:

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

ASSIGNED COUNSEL:

F. Hayden Codding, Assistant County Attorney

PROPOSED CODE AMENDMENT
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-96 Covington Community Parking District

(a) *District Designation*

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

Ellenwood Drive (Route 5188)
From Arlington Boulevard to Lee Highway

(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 above-described streets within the Covington 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, or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal,

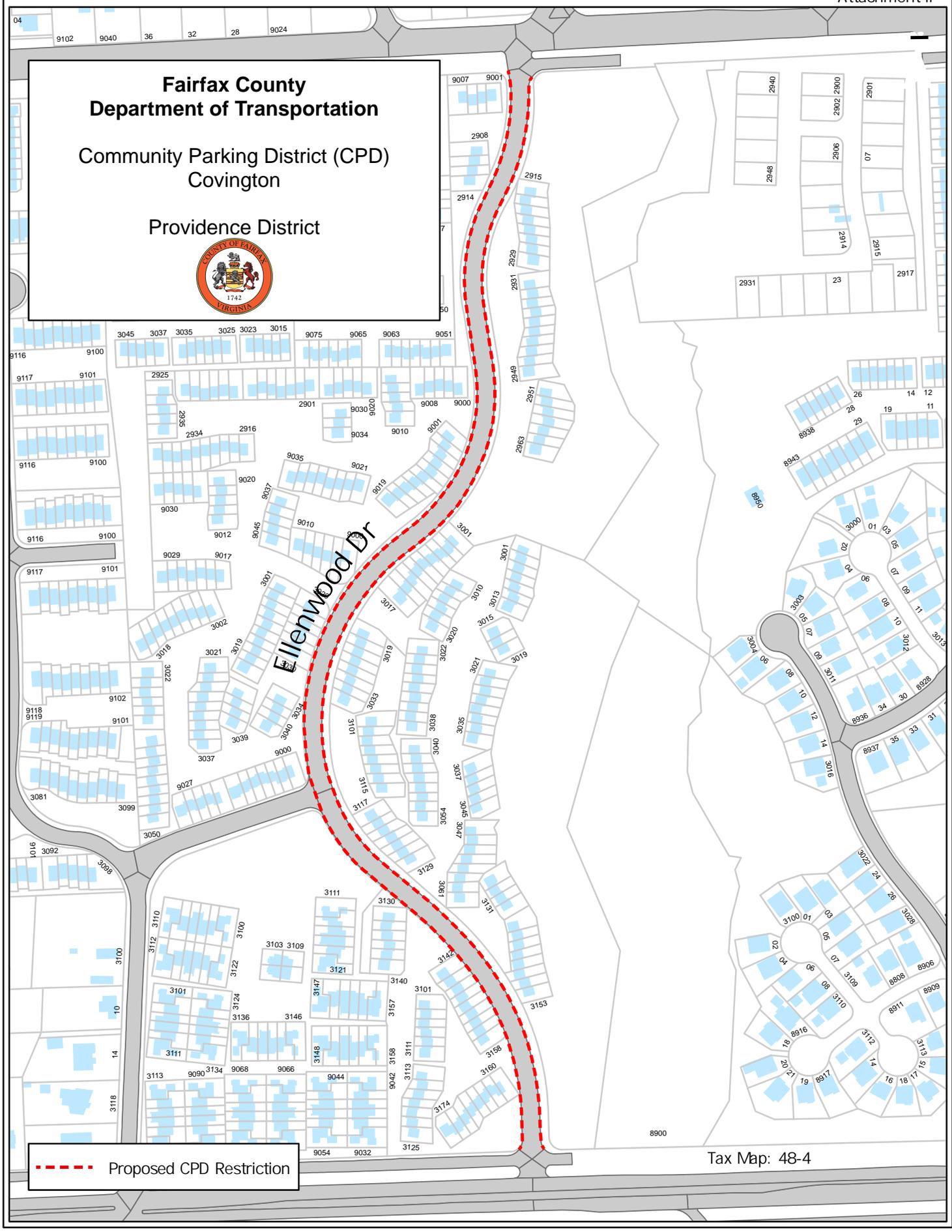
state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the Covington Community Parking District shall indicate community specific identification and/or directional information, if applicable, in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles \geq 3 Axles
Vehicles GVWR \geq 12,000 lbs.
Vehicles \geq 16 Passengers

FAIRFAX COUNTY CODE §82-5B

**Fairfax County
Department of Transportation**
Community Parking District (CPD)
Covington
Providence District



Ellenwood Dr

--- Proposed CPD Restriction

Tax Map: 48-4

Board Agenda Item
February 21, 2023

4:00 p.m.

Public Comment on Issues of Concern