



## Legislation Details (With Text)

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**Title:** Town Council Consideration of Continuing with or Terminating Parking Agreement with Fairfax County on Patrick Henry Library and Parking Garage

**Sponsors:**

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**Attachments:** 1. #1 Patrick Henry\_Development Agreement Executed by County and TOV, 2. #2 PHL\_Concept Design to Vienna TC\_9-12-2022, 3. #3 BAR Chair Memo to Town Council 9-2-22, 4. #4 4 2021-12-13-Patrick Henry Library-Signed County-Architect Contract\_confid, 5. #5 PHL- 7-27-22 County Report on Design Process, 6. #6 Regulatory Requirements for Council Actions - PH Library and Garage 9-12-22

Date	Ver.	Action By	Action	Result
9/12/2022	1	Town Council Meeting	approved	Pass

**Subject:**

Town Council Consideration of Continuing with or Terminating Parking Agreement with Fairfax County on Patrick Henry Library and Parking Garage

**EXPLANATION AND SUMMARY :**

On Sept. 12, 2022, the Vienna Town Council will have the opportunity to hear a presentation on the updated concept design for the new Patrick Henry Library building and associated parking garage. The presentation will be delivered by staff of the Building Design Branch (BDB) of the Fairfax County Department of Public Works and Environmental Services (DPWES). The design includes 84 Town-funded parking spaces. The meeting continues the discussion from June 13, 2022, when the Town Council reviewed a preliminary concept design and posed questions to Fairfax County staff.

The key decision for the Town Council is whether to continue with or terminate the agreement to fund the 84 parking spaces. The following provision is under review, per the Design and Construction Agreement (Attachment 1) between the Board of Supervisors of Fairfax County and the Town of Vienna:

**Section 2.3 Additional Termination Rights**

(a) Concept Design Phase. For a period of approximately 6 months from the date the design contract is awarded, the Parties will work with the architect to select a Project design. The Town may elect to terminate this Agreement prior to the selection of a Project concept design. If the Agreement is terminated under this Section 2.3(a), the Town will be relieved from any and all further obligations under this Agreement, and the County will return to the Town 85% of the Town Design Payment.

If the Town Council decides to move forward with the agreement at this stage, there will be an

additional opportunity to terminate the agreement at the end of the design development phase. If it does so, the County will return to the Town 50% of the Town design payment.

The County and its architect, RRMM, have developed significantly more concept design detail since the June 13 Town Council discussion. The updated design is in Attachment 2, which will also serve as the County project staff's presentation to the Council.

This concept design received approval from senior County staff at an Aug. 24, 2022 meeting, where the attached presentation was shown to Fairfax County's Deputy County Executive, Director of Public Works, and Deputy Director of Capital Facilities. With that approval, County project staff was given permission to release this more-detailed version.

The design is not as advanced as it will be in the future design development phase when it will be submitted to the Town for formal review; but it provides far more detail than previously seen. County staff also understands, however, that the design will require approval of both the Board of Architectural Review (BAR) and the Town Council. It is expected that the County will apply to the Town Council regarding how certain modification requirements are addressed.

On Sept. 1, 2022, the BAR received a similar presentation as that which the Town Council will receive on Sept. 12, though it has been updated in response to comments from the BAR at the work session. Attachment 3 is a memorandum from the BAR Chair, Roy Baldwin, providing comments made by BAR members at the work session. This BAR review was for consultation purposes only and does not fulfill the regulatory requirement, which will be fulfilled at a later date. The purpose of the BAR review was to give preliminary thoughts to the County staff and to assist the Town Council in its Sept. 12 decision.

## BACKGROUND

In 2019, the Town of Vienna and Fairfax County partnered on a feasibility study, completed by Grimm and Parker Architects, for Patrick Henry Library redevelopment. The library is located at 101 Maple Ave. E. The basic Fairfax County library project would include 125 library-serving parking spaces within an on-site garage; but the Town of Vienna also wished to explore the possibility of funding additional public parking spaces as part of the project. The feasibility study was presented to Town Council in August 2019 and included two options for the Town's consideration. One option presented 84 additional public parking spaces; the other presented 188 additional public parking spaces. Town Council opted to pursue a development agreement for the option with the 84 public parking spaces.

The Town then worked with Fairfax County to draft an agreement through which the Town would contribute funds to 1) design, and 2) construct the additional 84 public parking spaces. The agreement outlines the process for design and construction of a parking garage that will serve both the Town and County functions, and when the Town will be required to submit payments to the County. The agreement also provides the Town with options for terminating the agreement if it no longer wishes to pursue the public parking spaces.

The design costs for the Town are capped at the lesser of 30% of the total design costs or \$850,000. The construction costs for the Town are capped at the lesser of 19% of the total construction costs or \$4,200,000.

The Town included funds for the design phase of this project in the 2020 CIP. The Town Council approved \$663,000 on Jan. 24, 2022, for the Town's contribution for design costs, referred to in the agreement as the Town Design Payment. The construction phase is capped at \$4.2 million and is being funded by \$2.4 million borrowed with the 2020 CIP for a different parking garage, and a \$2.3 million grant from the Northern Virginia Transportation Authority (NVTA). As such, the Town has adequate resources for the construction phase.

## CONCEPT DESIGN

RRMM, the architects for the project, prepared three options for review by Fairfax County staff, in accordance with their contract (Attachment 4). Fairfax County staff then selected the concept that will be presented on Sept. 12. This process is described in the attached memorandum (Attachment 5), in which Town Council questions from the June 13, 2022, meeting are also answered. The concept includes a one-story library along Maple Avenue East and a four-level parking garage in a three-story structure toward the rear of the site. The top level of parking is on the roof of the structure, which is how a three-story structure can provide four stories of parking.

The library can be accessed on foot directly at the Maple Avenue main entrance or from the parking garage. The primary vehicular access to the parking garage would be from Center Street South. The concept also maintains vehicular access to the Vienna Elementary School trash dumpsters and loading area. Currently, the concept proposes 216 parking spaces (7 more spaces than listed in the agreement). Fairfax County is also planning for five EV charging stations.

As stated above, the Town has the right, under the agreement, to terminate the agreement at key moments, one of which is after reviewing the concept design.

The following attachments provide important information about this topic.

Attachment 1 is the Design and Construction Agreement between the Board of Supervisors of Fairfax County and the Town of Vienna, which includes the requirements and responsibilities of each party in producing the 84 additional parking spaces funded by the Town.

Attachment 2 is the presentation document that Fairfax County staff will use to present the concept design in its current form, as approved for presentation by senior Fairfax County staff.

Attachment 3 provides the notes from the Board of Architectural Review's Sept. 1, 2022 discussion of the concept design.

Attachment 4 is the agreement (contract) between Fairfax County and RRMM Architects "for full design and construction administration services for the approximately 21,000 SF Patrick Henry Library."

Attachment 5 is a memorandum from Fairfax County staff, providing a narrative on how the County staff and their architects, RRMM, arrived at the concept design being presented, including interactions with staff on regulatory requirements. It includes the three options that the architect presented to the County and the explanation as to why the County arrived at its preferred option. It also includes responses to questions posed by the Town Council at the June 13 meeting, which

Marion Serfass, the Town's Director of Finance, assembled and forwarded to the County staff.

Attachment 6 is the completed Town of Vienna Regulatory Requirements form.

**Strategic Plan Initiative:**

Vienna as a complete community

**Board or Commission of Interest, and Future Town Council Review:**

This project involves two processes, which run in parallel but are not the same: 1) the Town Council's review to determine whether to continue the agreement to fund additional parking spaces in the parking garage; and 2) the Town's regulatory review of the overall development project, which includes both the library and the parking garage and which will be required independent of whether the Town continues to fund the parking spaces.

The following reflects the upcoming steps by the Town Council and Vienna Boards and Commissions, specifying which process the meeting is covering. Staff will be involved in all steps to ensure that County submissions meet Town requirements so that they are ready for reviews of the appropriate bodies and then, after final approvals, ensure that the final site plan matches all approved requirements.

- Town Council (Agreement) - Review of Concept Design to determine whether to continue with, or terminate, the agreement. (The topic of this Sept. 12 meeting)
- Planning Commission (Regulatory) - If the County concludes that the project needs a modification of site plan requirements, such as those for setbacks or the tree canopy, the first step is for the Planning Commission to review the application and provide a recommendation to the Town Council.
- Town Council (Regulatory and Agreement) - Two topics would need review and decision by the Council, and staff recommends that both topics could be covered at the same meeting:
  - (Regulatory) Review of request for modification of requirements, taking into account the recommendation from Planning Commission.
  - (Agreement) Review project during design development phase, when the Town Council will have another opportunity to continue with, or terminate, the agreement. If the agreement were to be terminated, the Town would receive back 50% of the Town design payment.
- Board of Architectural Review (Regulatory) - Review of architecture and landscaping and decision regarding whether to approve a Certificate of Appropriateness.

**Departmental Recommendation :** Staff recommends that Town Council discuss the Patrick Henry Library concept design and the associated public parking to determine whether the Town will continue with, or terminate, the agreement. It is prudent for Council to reaffirm participation in the development agreement at each potential milestone of the project.

**Finance Recommendation :** Finance recommends that the County is a stable partner with development experience. Council should continue participation in the agreement if it so desires.

**Purchasing Recommendation :** N/A

**Town Attorney Recommendation** : The Town of Vienna has a Design and Construction Agreement (“DCA”) with Fairfax County for the concept of having a municipal garage associated with the new Patrick Henry Library construction. The Town Council may approve the proposed design concept or decide to withdraw from the DCA in its discretion. At this phase, if the Town withdraws, it will receive a refund of 85% of the Town’s design payment (\$663,000). If the Town proceeds, there is another point (approximately 6 months after selection of the project design and after the schematic design and construction budget is prepared) when the Town may withdraw from the DCA, but the Town would receive only a 50% refund.

**Town Manager's Recommendation** : The Town Council may approve the proposed design concept or decide to withdraw from the DCA in its discretion.

Cost and Financing: No cost requirements for this agenda item.

Account Number:

Decision Needed by This date: Fairfax County project staff has asked for a decision regarding whether the Town will continue with the agreement in the very near future.

### **PROPOSED/SUGGESTED MOTION**

Options for motions include:

I move to continue with the Design and Construction Agreement between the Board of Supervisors of Fairfax County and the Town of Vienna.

Or

I move to terminate the Design and Construction Agreement between the Board of Supervisors of Fairfax County and the Town of Vienna, with the understanding that 85% of the design payment will be returned to the Town of Vienna.

Or

Other action deemed necessary by Council.