

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 26, 2021**

AGENDA

- 2:00 Presentations
- 2:00 Report on General Assembly Activities
- 2:00 Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees
- 2:00 Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
- 2:00 Matters Presented by Board Members
- 2:00 Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Streets into the Secondary System (Dranesville and Providence Districts)
- 2 Endorsement of Allan Avenue to be Considered for Cut-Through Measures as Part of the Residential Traffic Administration Program (Providence District)
- 3 Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Dranesville District)
- 4 Extension of Review Period for 2232 Application (Mason District)
- 5 Authorization to Advertise Proposed Amendments to Chapters 107 (Problem Soils), 112 (Zoning Ordinance), and 122 (Tree Conservation Ordinance) of the Code of the County of Fairfax, Virginia (County Code) to Remove the Tree Commission and Geotechnical Review Board Provisions from Article 19 of the Zoning Ordinance and Incorporate Them into Chapters 122 and 107 of the County Code, Respectively
- 6 Authorization to Advertise a Public Hearing to Consider Amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to Prohibit the Use of Plastic Bags for Yard Waste
- 7 Authorization to Advertise a Public Hearing on a Proposal to Vacate Portions of Saint Augustine Lane and Saint Augustine Court (Providence District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 26, 2021**

**ADMINISTRATIVE
ITEMS
(continued)**

- 8 Authorization for the Department of Public Works and Environmental Services, Solid Waste Management Program and the Department of Vehicle Services to Apply for and Accept Grant Funding from the Virginia State Department of Environmental Quality, Clean Air Communities Program

ACTION ITEMS

- 1 Approval of the Board of Supervisors' Regular Meeting Schedule for Calendar Year 2021 and Authorization for the Chairman to Postpone a Scheduled Meeting in the Event of Weather or Other Hazardous Conditions
- 2 Authorization for Scheduling a Vote on Updated and Modernized Rules of Procedure for the Board of Supervisors
- 3 Adoption of Board's Own Policy on Naming County Facilities at a Board Member's Request
- 4 Adoption of the 2021 Comprehensive Plan Amendment Work Program, Including Certain Proposed 2019-2020 South County Site-Specific Plan Amendment (SSPA) Nominations
- 5 Approval of a Resolution Endorsing Projects for Submission to the Northern Virginia Transportation Commission for the Fiscal Years 2022-2023 I-395/I-95 Commuter Choice Program (Lee, Mount Vernon, and Springfield Districts)
- 6 Approval of Resolution Endorsing Projects Submitted for FY 2027 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Federal Funding Through the Northern Virginia Transportation Authority
- 7 ~~Approval of a Resolution Endorsing~~ **Endorsement of** Comments on the I-495 American Legion Bridge Transit/Transportation Demand Management Study Draft Report (Dranesville, Hunter Mill and Providence Districts)

**CONSIDERATION
ITEMS**

- 1 Approval of a Resolution and Bylaws Stating the Purposes, Membership, and Procedures for the Advisory Social Services Board

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 26, 2021**

**PUBLIC
HEARINGS**

- 3:00 Annual Meeting of the Fairfax County Solid Waste Authority
- 3:00 Public Hearing on the *FY 2021 Mid-Year Review* to Amend the Appropriation Level in the FY 2021 Revised Budget Plan
- 3:00 Public Hearing on RZ 2020-PR-007 (Scott W. Downing & Mary Constance Downing) (Providence District)
- 3:30 Public Hearing on SE 2020-SU-010 (The Sully Limited Partnership) (Sully District)
- 3:30 Public Hearing on PCA-C-448-35/CDPA-C-448-08 and SEA 94-L-004-03 (Kingstowne Shopping Center I, Limited Partnership) (Lee District)
- 3:30 Public Hearing on RZ 2020-SU-002 (Matan Glorus Road, LLC) (Sully District)
- 3:30 Public Hearing on PCA 2013-PR-009 (Tysons Westpark, L.C.) (Providence District)
- 3:30 Public Hearing on RZ 2020-PR-004 (Merrilee Ventures, L.C.) (Providence District)
- 4:00 Public Hearing to Consider Adopting an Ordinance Expanding the George Mason University Residential Permit Parking District, District 40 (Braddock District)
- 4:00 Public Hearing to Consider Adopting an Ordinance Expanding the Annandale Terrace Residential Permit Parking District, District 37 (Mason District)
- 4:00 Public Hearing to Lease County-Owned Property at 4618 West Ox Road to Republic Services of Virginia, LLC (Springfield District)
- 4:00 Public Hearing to Convey Board-Owned Property at the Fairfax County Government Center to the Fairfax County Redevelopment and Housing Authority (Braddock District)
- 4:30 Public Hearing to Consider an Ordinance Amending the Fairfax County Code by Adding a New Chapter 43.2, Food Code, and Repealing Chapter 43.1, Food and Food Service Establishments
- 4:30 Closed Session



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
January 26, 2021

2:00 p.m.

PRESENTATION

- RESOLUTION — To recognize Fairfax County Chief of Police Edwin Roessler for his years of service to Fairfax County. Requested by Chairman McKay.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

Board Agenda Item
January 26, 2021

2:00 p.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

Documents available online at <https://www.fairfaxcounty.gov/boardofsupervisors/>, under "2021 Board Legislative Reports," by January 25, 2021.

PRESENTED BY:

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

Bryan J. Hill, County Executive

Board Agenda Item
January 26, 2021

2:00 p.m.

Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees

ENCLOSED DOCUMENTS:

Attachment 1 - Listing of Interjurisdictional Committees and Inter- and Intra-Governmental Boards and Committees for Calendar Year 2021

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR
YEAR 2021**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

ARLINGTON

DISTRICT OF COLUMBIA

FAIRFAX CITY

FALLS CHURCH

**FORT BELVOIR (Board of Advisors/Base Realignment and
Closure)**

HERNDON

LOUDOUN COUNTY

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)

VIENNA

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
(COG)**

COG BOARD OF DIRECTORS

**COG METROPOLITAN WASHINGTON AIR QUALITY
COMMITTEE**

**COG CHESAPEAKE BAY AND WATER RESOURCES
POLICY COMMITTEE**

**COG CLIMATE, ENERGY AND ENVIRONMENTAL
POLICY COMMITTEE**

COG EMERGENCY PREPAREDNESS COUNCIL

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

COG REGION FORWARD COMMITTEE

**COG TASK FORCE ON REGIONAL WATER SUPPLY
ISSUES**

**COG NATIONAL CAPITAL REGION TRANSPORTATION
PLANNING BOARD**

**GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY
BOARD**

INOVA HEALTH CARE SERVICES BOARD

INOVA HEALTH SYSTEMS BOARD

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)
(including WMATA and VRE Representatives)

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

**PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

POTOMAC WATERSHED ROUNDTABLE

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT
COMMISSION**

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

(Recommendations. The Board of Supervisors makes recommendations to VACo for consideration.)

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

INTRAGOVERNMENTAL AND OTHER COMMITTEES

AUDIT COMMITTEE

BUDGET POLICY COMMITTEE

(Committee of the Whole)

ECONOMIC ADVISORY COMMISSION

(Committee of the Whole)

ECONOMIC INITIATIVES COMMITTEE

(Committee of the Whole)

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)

HEALTH AND HUMAN SERVICES COMMITTEE

(Committee of the Whole)

HOUSING COMMITTEE

(Committee of the Whole)

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)

JOINT ENVIRONMENTAL TASK FORCE

LAND USE POLICY COMMITTEE

(Committee of the Whole)

LEGISLATIVE COMMITTEE

(Committee of the Whole)

OLDER ADULTS COMMITTEE

(Committee of the Whole)

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)

SUCCESSFUL CHILDREN AND YOUTH POLICY TEAM

TRANSPORTATION COMMITTEE

(Committee of the Whole)

Board Agenda Item
January 26, 2021

2:00 p.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard January 26, 2021

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

January 26, 2021

DRAFT

**APPOINTMENTS TO BE HEARD JANUARY 26, 2021
(ENCOMPASSING VACANCIES PROJECTED THROUGH JANUARY 31, 2021)
(Unless otherwise noted, members are eligible for reappointment)**

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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

AIRPORTS ADVISORY COMMITTEE (3 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Carol Hawn (Appointed 1/97-1/03 by Hanley; 1/06 by Connolly; 2/09-1/18 by Bulova) Term exp. 1/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Andrew Martin Concannon; appointed 9/15-1/17 by Gross) Term exp. 1/20 <i>Resigned</i>	Mason District Representative		Gross	Mason
Robert R. Meier (Appointed 9/19 by Storck) Term exp. 1/21	Mount Vernon District Representative	Robert R. Meier	Storck	Mount Vernon
Michael F. Rioux (Appointed 2/17-1/18 by Storck) Term exp. 1/21	Mount Vernon District Business Representative	Michael F. Rioux	Storck	Mount Vernon
Mark G. Searle (Appointed 9/98-3/15 BY Frey; 1/18 by Smith) Term exp. 1/21	Sully Business District Representative		Smith	Sully

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Frieda A. Tatem; appointed 10/93-10/96 by Davis; 9/99-10/02 by Hanley; 10/05-10/08 by Connolly; 11/11-10/17 by Bulova) Term exp. 10/20 Deceased	At-Large #1 Representative		By Any Supervisor	At-Large
Richard O. Bolger (Appointed 4/14-11/17 by Bulova) Term exp. 10/22	At-Large #5 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 Resigned	Mason District Alternate Representative		Gross	Mason
Clarke Gray (Appointed 1/08-10/18 by Smyth) Term exp. 9/20	Providence District Alternate Representative		Palchik	Providence

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Barbara Glakas (Appointed 1/12-6/19 by Foust) Term exp. 6/20	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Judith Fogel; appointed 6/12-5/15 by Gross) Term exp. 6/16 <i>Resigned</i>	Mason District Representative		Gross	Mason

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)

(No official, technical assistant, inspector or other employee of the
DPWES, DPZ, or FR shall serve as a member of the board.)

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)
(2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Asim Elfaki (Appointed 5/18-12/18 by Bulova) Term exp. 12/20	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Joseph W. Blackwell, appointed 2/05-1/08 by Kauffman; 12/09-12/17 by McKay) Term exp. 12/20 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large
Sandy Pompelli (Appointed 1/15-11/18 by Bulova) Term exp. 12/20	Professional #6 Representative		By Any Supervisor	At-Large

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(2 years – limited to 3 consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Karen Pica (Appointed 10/14-9/18 by McKay) Term exp. 9/20 <i>Not eligible for reappointment</i>	At-Large #1 Representative		By Any Supervisor	At-Large
Joan Marie Dec (Appointed 10/18 by Smith) Term exp. 9/20	At-Large #2 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Grant Sitta; appointed 9/10-9/15 by Gross) Term exp. 9/19 <i>Resigned</i>	Mason District Representative		Gross	Mason

CIVIL SERVICE COMMISSION (2 years)

[NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a member of a minority group.]

Current Membership: Males: 7 Females: 3 Minorities: 4

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lee Ellen Helfrich; appointed 2/14-1/20 by Gross) Term exp. 12/21 <i>Resigned</i>	At-Large #9 Representative		By Any Supervisor	At-Large

COMMISSION ON AGING (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kathleen Hoyt (Appointed 12/16- 5/18 by Gross) Term exp. 5/20	Mason District Representative		Gross	Mason

CONSUMER PROTECTION COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Dirck A. Hargraves (Appointed 2/06 by Kauffman; 10/08- 7/17 by McKay) Term exp. 7/20	Fairfax County Resident #5 Representative		By Any Supervisor	At-Large

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James D. Policaro (Appointed 3/10-3/16 by Smyth) Term exp. 3/20	At-Large Representative #1		By Any Supervisor	At-Large
Peter M. Rosen (Appointed 3/04-3/16 by Smyth) Term exp. 3/20	At-Large #2 Representative		By Any Supervisor	At-Large
Jeffrey L. Kovach (Appointed 6/12-3/16 by Smyth) Term exp. 3/20	At-Large #3 Representative		By Any Supervisor	At-Large

**DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT ADVISORY BOARD, PHASE II (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gregory W. Trimmer (Appointed 1/12-1/16 by Bulova) Term exp. 1/20	BOS At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC ADVISORY COMMISSION (3 years)				
<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sharon O. Steele (Appointed 2/18 by Bulova) Term exp. 12/20	At-Large Chairman's #1 Representative		McKay	At-Large Chairman's
Denton Urban Kent (Appointed 2/09-1/18 by Bulova) Term exp. 12/20	At-Large Chairman's #2 Representative		McKay	At-Large Chairman's
Mohammad Siddique Sheikh (Appointed 3/09-1/18 by Bulova) Term exp. 12/20	At-Large Chairman's #3 Representative		McKay	At-Large Chairman's
Janice D. Brangman (Appointed 6/19 by Bulova) Term exp. 12/20	At-Large Chairman's #4 Land Use Representative		McKay	At-Large Chairman's
Paul A Gilbert (Appointed 3/19 by Bulova) Term exp. 12/20	At-Large #11 Representative		By Any Supervisor	At-Large
John McGranahan (Appointed 2/18 by Bulova) Term exp. 12/20	At-Large #12 Representative		By Any Supervisor	At-Large
Justin Mark Brown (Appointed 9/15-12/17 by McKay) Term exp. 12/20	Lee District Representative		Lusk	Lee
VACANT (Formerly held by Michael T. Gwinn; appointed 9/19 by Hudgins) Term exp. 12/20 Resigned	Hunter Mill District Representative	T. J. Radtke	Alcorn	Hunter Mill

Continued

ECONOMIC ADVISORY COMMISSION (3 years)
 continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Alfred Thieme Appointed 1/09-12/17 by Gross) Term exp. 12/20	Mason District Representative		Gross	Mason

ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 05/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

FAIRFAX AREA DISABILITY SERVICES BOARD**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michele Hymer Blitz (Appointed 6/06-3/16 by Hudgins) Term exp. 11/18 <i>Not eligible for reappointment</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
Ayman Eldarwish (Appointed 10/17 by Gross) Term exp. 11/20	Mason District Representative		Gross	Mason
Kelley Brooks Simoneaux (Appointed 3/19 by L. Smyth; 1/20 by Palchik) Term exp. 11/22	Providence District Representative		Palchik	Providence

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL
(2 years)**

CONFIRMATIONS NEEDED:

- Ms. Debi Alexander as the Long Term Care Providers #18 Representative
- Ms. Eileen McCarten as a Long Term Providers #32 Representative
- Mr. Myles Nienstadt as a Community/Religious Leaders #10 Representative

HEALTH CARE ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Christ Trahos (Appointed 7/12-5/16 by Bulova) Term exp. 6/20	At-Large Chairman's Representative		McKay	At-Large Chairman's

HEALTH SYSTEMS AGENCY BOARD

(3 years - limited to 2 full terms, may be reappointed after 1-year lapse)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jacqueline Hixson (Appointed 6/17 by Hudgins) Term exp. 6/20	Consumer #2 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 1	Springfield - 2
Hunter Mill - 3	Mount Vernon - 3	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Steve Sherman (Appointed 10/09-12/17 by McKay) Term exp. 12/20	Citizen #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Naomi D. Zeavin; appointed 1/95 by Trapnell; 1/96-11/13 by Gross) Term exp. 12/16 <i>Mason District Resigned</i>	Historian #1 Representative		By Any Supervisor	At-Large
Gregory P. Wilson (Appointed 5/19 by Foust) Term exp. 12/20	Historian #3 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Itoro Ibia; appointed 1/18-7/18 by Hudgins) Term exp. 7/22 <i>Resigned</i>	Hunter Mill District #1 Representative	Paul D. Thomas	Alcorn	Hunter Mill

**INDUSTRIAL DEVELOPMENT AUTHORITY
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Charles Watson; appointed 3/05-10/16 by L. Smyth) Term exp. 10/20	At-Large #7 Representative		By Any Supervisor	At-Large

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Steven Lam (Appointed 5/09- 12/17 by Cook) Term exp. 12/12/20	Braddock District Representative		Walkinshaw	Braddock

CONFIRMATIONS NEEDED:

- Mr. John Hanks as the Federation of Citizens Associations Representative
- Captain Matthew C. Ragan as the Northern Virginia Chamber of Commerce Representative

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Patience H. Samson (Appointed 1/18-1/19 by Bulova) Term exp. 1/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
Ashley Elizabeth Shuler (Appointed 5/19 by Cook) Term exp. 1/21	Braddock District Representative		Walkinshaw	Braddock
Patricia L. Smith- Solan (Appointed 1/08-1/19 by Hudgins) Term exp. 1/21	Hunter Mill District Representative		Alcorn	Hunter Mill
Joleane Dutzman (Appointed 1/10-1/15 by Hyland; 2/17-1/19 by Storck) Term exp. 1/21	Mount Vernon District Representative	Joleane Dutzman	Storck	Mount Vernon
Caroline C. Kerns (Appointed 2/02-1/15 by Frey; 1/17-1/19 by Smith) Term exp. 1/21	Sully District Representative		Smith	Sully

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Annette Koklauner (Appointed 1/16 by Bulova) Term exp. 6/19	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 Resigned	Braddock District Representative		Walkinshaw	Braddock

Continued

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING (3 years)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 Resigned	Dranesville District Representative		Foust	Dranesville
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 Resigned	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by L. Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

POLICE CIVILIAN REVIEW PANEL (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert E. Cluck; appointed 9/18 by Bulova; 2/20 by McKay) Term exp. 2/23	Seat #2 Representative		By Any Supervisor	At-Large

REDEVELOPMENT AND HOUSING AUTHORITY (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Albert J. McAloon (Appointed 7/95 by Alexander; 3/96-3/00 by Kauffman; 4/04-4/16 by McKay) Term exp. 4/20	Lee District Representative		Lusk	Lee

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board of Supervisors established the advisory board on April 4, 2017
There will be 14 members on this advisory board. The appointees would serve
for 4-year terms from April 4, 2017

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Residential Owners and HOA/Civic Association #1 Representative		Foust or Alcorn	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #2 Representative		Foust or Alcorn	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		Foust or Alcorn	At-Large

ROAD VIEWERS BOARD (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Marcus Wadsworth (Appointed 6/09-1/20 by McKay) Term exp. 12/20	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by L. Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
Micah D. Himmel (Appointed 12/11-1/18 by L. Smyth) Term exp. 12/18	At-Large #5 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3 years)
--

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Nalin Jain (Appointed 1/19 by L. Smyth) Term exp. 12/20	Providence District Representative		Palchik	Providence District
VACANT (Formerly held by Robert Kyle McDaniel; appointed 1/19 by Herrity) Term exp. 12/20 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)
--

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Luis Ortiz Lopez (Appointed 10/16-3/18 by Hudgins) Term exp. 3/20	Fairfax County #9 (Youth) Representative	Amer Bayoumi (Alcorn)	By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
Christopher Lee Kocsis (Appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Angelina Panettieri; appointed 6/11-1/15 by L. Smyth) Term exp. 1/18	Tenant Member #1 Representative		By Any Supervisor	At-Large

Continued

TENANT LANDLORD COMMISSION (3 years)

continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Amy Purnell (Appointed 9/16-1/17 by Bulova) Term exp. 1/20	Tenant Member #2 Representative		By Any Supervisor	At-Large

TRESPASS TOWING ADVISORY BOARD (3 years)

[Note: Advisory board created effective 7/1/06 to advise the Board of Supervisors with regard to the appropriate provisions of Va. Code Section 46.2-1233.2 and Fairfax County Code 82.5-32.]

Membership: Members shall be Fairfax County residents. A towing representative shall be defined as a person who, prior to the time of his or her appointment, and throughout his or her term, shall be an operator of a towing business in Fairfax County.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Fred Scheler (Appointed 7/06- 10/17 by Bulova) Term exp. 9/30	Towing #1 Representative		By Any Supervisor	At-Large

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)
--

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Laurie A. DiRocco; appointed 5/14-2/19 by Bulova) Term exp. 2/21	Adjacent Community Member #1 Representative		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		McKay	At-Large

CONFIRMATION NEEDED:

- Mr. Evan Pritchard as the Tysons Partnership #1 Representative
- Mr. David Gelfond as the Tysons Partnership #2 Representative

WATER AUTHORITY (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Armand B. Weiss; appointed 6/10-6/19 by Foust) Term exp. 6/22 <i>Deceased</i>	Dranesville District Representative		Foust	Dranesville

WETLANDS BOARD (5 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anita Van Breda (Appointed 12/13- 2/16 by Bulova) Term exp. 12/20	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Laura Sebastianelli; appointed 3/17 by Storck) Term exp. 12/21 <i>Resigned</i>	Mount Vernon District #2 Representative	Bert Cramer	Storck	Mount Vernon

ADDITIONAL BOARD

COUNCIL TO END DOMESTIC VIOLENCE (CEDV)
--

CONFIRMATION NEEDED:

- Supervisor Dalia A. Palchik as the Board of Supervisors Representative

Board Agenda Item
January 26, 2021

2:00 p.m.

Matters Presented by Board Members

Board Agenda Item
January 26, 2021

2:00 p.m.

Items Presented by the County Executive

Board Agenda Item
January 26, 2021

ADMINISTRATIVE - 1

Streets into the Secondary System (Dranesville and Providence Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fox Creek Farm	Dranesville	Fox Creek Farm Way
Merrilee Industrial Park Section 3 (Patriot Village)	Providence	Merrilee Drive

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

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

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
		PLAN NUMBER: 24540-SD-001	
		SUBDIVISION PLAT NAME: Fox Creek Farm	
		COUNTY MAGISTERIAL DISTRICT: Dranesville	
VDOT PERMITS MANAGER: Houda A. Ali, PMP BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY VDOT INSPECTION APPROVAL DATE: <u>10/16/2020</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Fox Creek Farm Way	CL Seneca Road (Route 602) - 1,451' N CL Rich Meadow Drive (Route 6280)	1,654' E to End of Cul-de-Sac	0.31
NOTES:			TOTALS:
			0.31

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
		PLAN NUMBER: 1891-PI-01	
		SUBDIVISION PLAT NAME: Merrilee Industrial Park Section 3 (Patriot Village)	
		COUNTY MAGISTERIAL DISTRICT: Providence	
VDOT PERMITS MANAGER: Houda A. Ali, PMP BY: <u><i>Nadia Alphonse</i></u>		FOR OFFICIAL USE ONLY VDOT INSPECTION APPROVAL DATE: <u><i>10/23/2020</i></u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Merrilee Drive	Existing Merrilee Drive (Route 6065) - 671' N CL Merrifield Avenue (Route 4606)	410' N to CL Prosperity Avenue (Route 6066)	0.08
NOTES:			TOTALS: 0.08

ADMINISTRATIVE - 2

Endorsement of Allan Avenue to be Considered for Cut-Through Measures as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board endorsement of the following street to be considered for cut-through measures as part of the Residential Traffic Administration Program (RTAP):

- Allan Avenue (between West Street and Buckelew Drive)

RECOMMENDATION:

The County Executive recommends that the Board endorse a resolution (Attachment I) to include Allan Avenue, between West Street and Buckelew Drive, into the RTAP for cut-through traffic.

TIMING:

Board action is requested on January 26, 2021, to advance Allan Avenue in the Cut-Through Mitigation Program as quickly as possible.

BACKGROUND:

As part of the RTAP, roads are reviewed for the Cut-Through Traffic Program when requested by a Board member on behalf of a homeowners' or civic association. Cut-through mitigation normally employs the use of access restrictions (turn prohibitions, physical barriers etc). Multi-way stops may also be employed for regulatory control of traffic. Candidate streets considered for inclusion into the RTAP for cut-through must meet certain eligibility requirements, as follows:

- The street is classified as a local residential roadway
- The roadway is used by at least 150 cut-through vehicles in one hour and in one direction
- At least 40% of the total traffic is cut-through
- A viable alternate route is identified

The primary use area and alternate route has been identified (Attachment II), and a cut-through traffic study analysis (Attachment III) has documented the attainment of all preliminary qualifying criteria for cut-through mitigation on Allan Avenue.

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FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution

Attachment II: Primary Use Area Map

Attachment III: Documentation of Cut-Through Traffic Study Requirements

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

Zuhra Malik, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
CUT-THROUGH MEASURES
ALLAN AVENUE
PROVIDENCE DISTRICT**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, January 26, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Allan Avenue have petitioned the Providence District Supervisor's Office of Fairfax County to consider remedial measures to reduce the volume of cut-through traffic on Allan Avenue, between West Street and Buckelew Drive; and

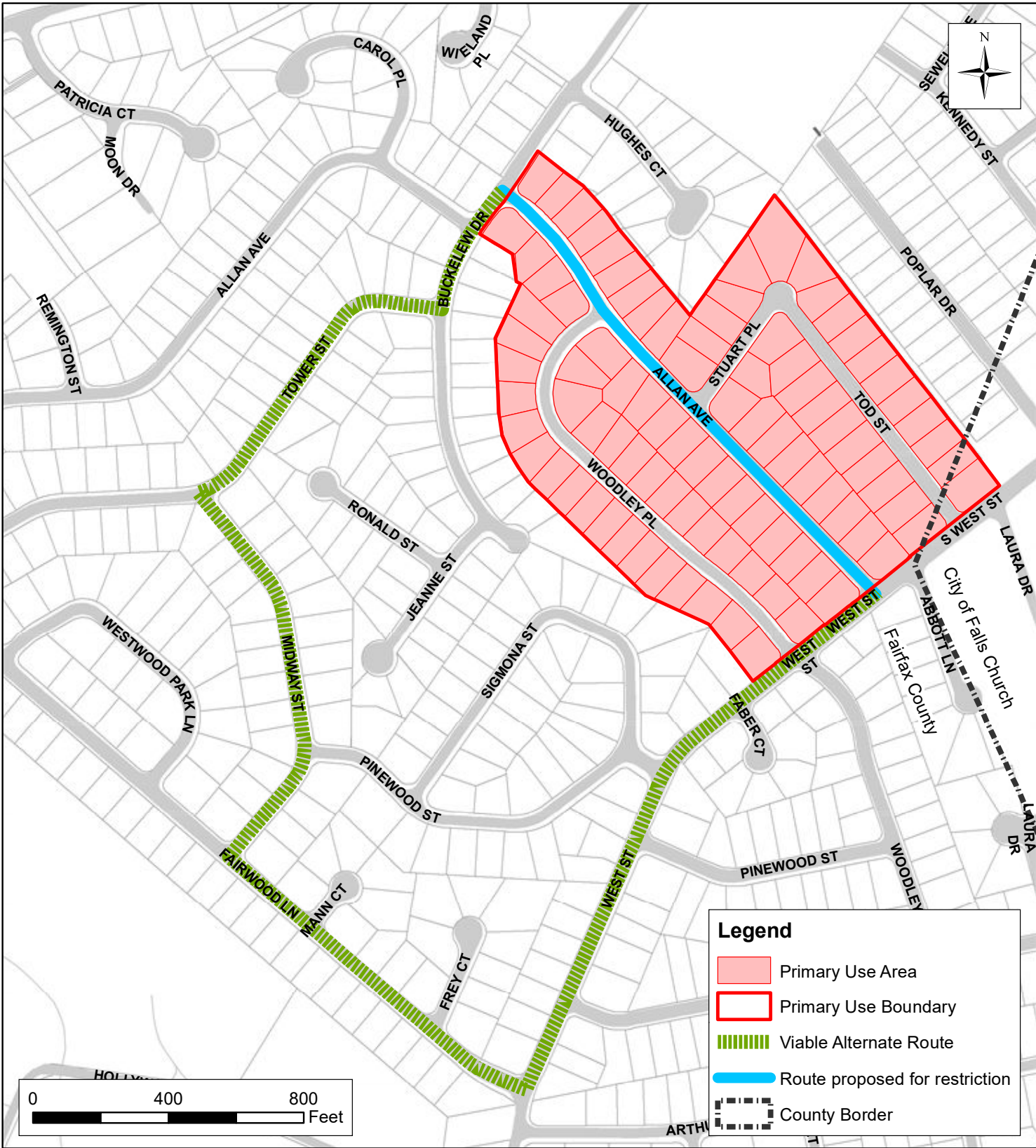
WHEREAS, an engineering study by Fairfax County Department of Transportation for Allan Avenue indicates that all basic cut-through criteria are met pertaining to functional classification of the roadway, identification of their primary use area, identification of actual cut-through volume, and proof of community support;

NOW THEREFORE BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to review and address the feasibility of implementing cut-through measures on Allan Avenue in Fairfax County as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 26th day of January, 2021.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Fairfax County Department of Transportation
Residential Traffic Administration Program
Primary Use Area Map
Allan Avenue
Providence District



Cut-Through Traffic Study Analysis**Road Name:** Allan Avenue**District:** Providence**Date:** 9/21/2020

Cut-Through Mitigation attempts to decrease non-local through traffic in residential areas by restricting access or modifying routes. In order to determine cut-through volume, traffic counting devices were placed at all entry/exit points to the study area for a 48-hour period. After data collection, the traffic volume data was analyzed to determine the peak hours and cut-through volume.

Qualification Criteria:

- 1.) The road being studied must be a local residential street with a speed limit of 25 MPH.
- 2.) Minimum of 150 cut-through trips in one direction and 40% or more of the volume is cut-through traffic.
- 3.) A reasonable alternate route must exist.

Cut-Through Volume and Percent of Trips at Peak Hour:

		Location of traffic counter devices:			
AM Peak Hour:	07:00-08:00	N Allan Ave	S Allan Ave	Stuart PI	Woodley PI
Entering	Cut-Through Volume	72	142	6	18
	% of Traffic	25%	63%	47%	44%
Exiting	Cut-Through Volume	173	61	5	17
	% of Traffic	61%	27%	42%	44%
PM Peak Hour:	17:00-18:00				
Entering	Cut-Through Volume	351	76	9	89
	% of Traffic	71%	22%	32%	45%
Exiting	Cut-Through Volume	98	248	17	93
	% of Traffic	20%	71%	60%	47%

Dates of Data Collection: 03/20/2019 to 03/21/2019 (48 hour study)

Findings:

Based on the data collected, there are at least 150 cut-through trips that are more than 40% of the traffic volume and could be considered for restriction at the following directions and time:

- Northbound Allan Avenue from 7:00-8:00 AM
- Southbound on Allan Avenue from 5:00-6:00 PM

ADMINISTRATIVE - 3

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Dranesville District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plan for Lumsden Street (Attachment I and Attachment II) consisting of the following:

- One speed hump on Lumsden Street (Dranesville District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure as soon as possible.

TIMING:

Board action is requested on January 26, 2021, in order to allow the proposed measure to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community.

On December 2, 2020, FCDOT received verification from the Dranesville District Supervisor's office confirming community support for the Lumsden Street traffic calming plan.

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FISCAL IMPACT:

Funding in the amount of \$9,000 is necessary to fund the traffic calming measure associated with this traffic calming project. Funds are currently available in Project 2G25-076-043, Lumsden Street Traffic Calming, Fund 300-30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Lumsden Street
Attachment II: Traffic Calming Plan for Lumsden Street

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Deputy Director, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Zuhra Malik, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
LUMSDEN STREET
DRANESVILLE DISTRICT**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, January 26, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Lumsden Street have requested the Dranesville District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Lumsden Street; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Lumsden Street indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

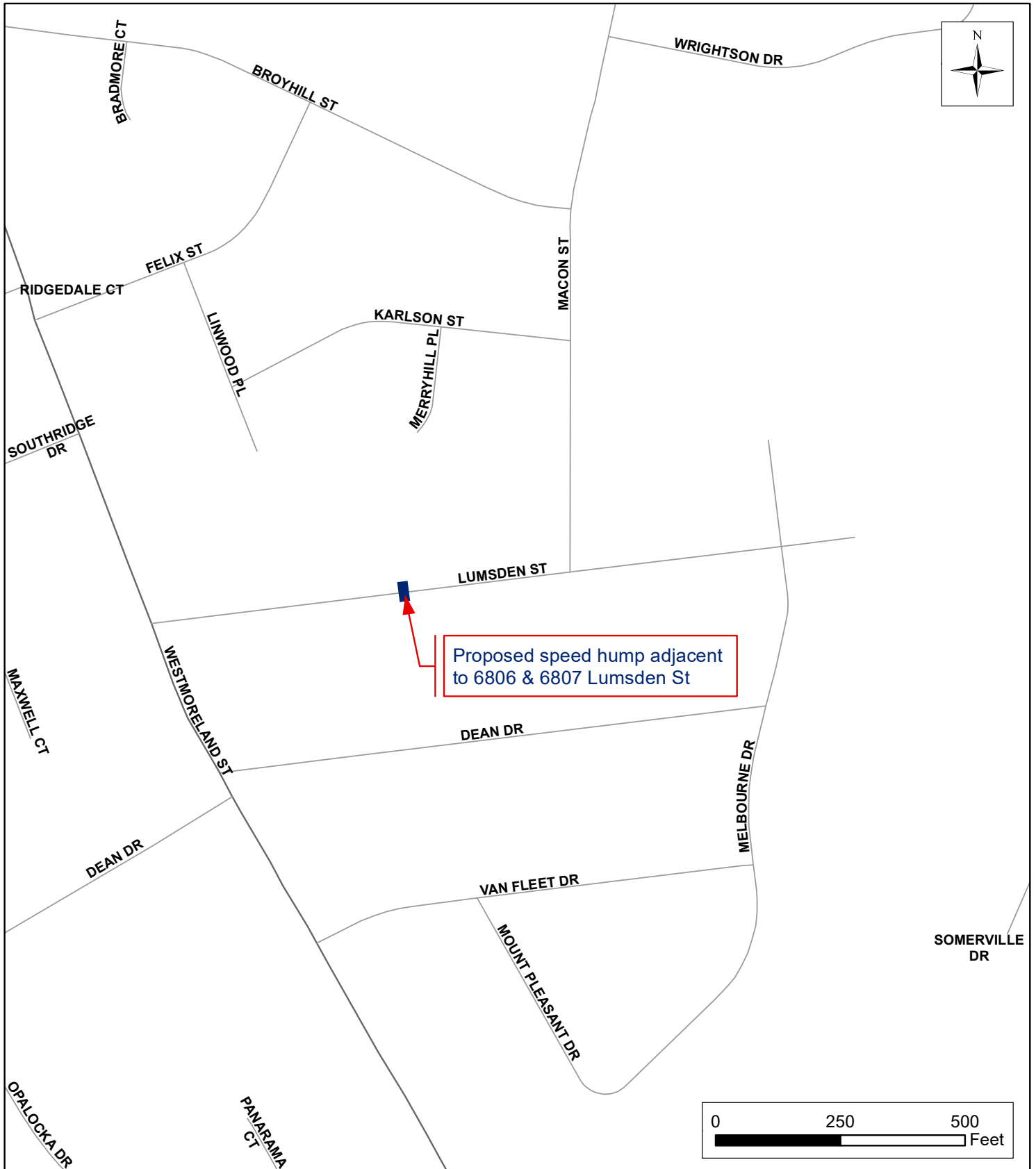
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Lumsden Street as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 26th day of January, 2021.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 30-4

December 2020

**Fairfax County Department of Transportation
Residential Traffic Administration Program
Traffic Calming Plan
Lumsden Street
Dranesville District**



ADMINISTRATIVE - 4

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-M20-7.

TIMING:

Board action is required January 26, 2021, to extend the review period for the application noted above before its expiration date.

BACKGROUND:

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

The review period for the following application should be extended:

2232-M20-7	Department of Public Works and Environmental Services Holmes Run Sewer Pumping Station Tax Map No. 60-4 ((15)) 1 6623 Dearborn Dr. Falls Church, VA Mason District Accepted November 30, 2020 Extended to October 30, 2021
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FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Barbara A. Byron, Director, Department of Planning and Development (DPD)

Michelle K. Stahlhut, Chief, Facilities Planning Branch, Planning Division, DPD

Bryan D. Botello, Planner, Facilities Planning Branch, Planning Division, DPD

ADMINISTRATIVE - 5

Authorization to Advertise Proposed Amendments to Chapters 107 (Problem Soils), 112 (Zoning Ordinance), and 122 (Tree Conservation Ordinance) of the Code of the County of Fairfax, Virginia (County Code) to Remove the Tree Commission and Geotechnical Review Board Provisions from Article 19 of the Zoning Ordinance and Incorporate Them into Chapters 122 and 107 of the County Code, Respectively

ISSUE:

Board of Supervisors (Board) authorization to advertise public hearings on proposed amendments to remove the Tree Commission and Geotechnical Review Board (GRB) provisions from Article 19 of the Zoning Ordinance and incorporate them into Chapters 122 and 107 of the County Code, respectively.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in the Staff Report dated January 26, 2021. The proposed amendments have been prepared by Land Development Services (LDS) and coordinated with the Department of Planning and Development (DPD), Department of Public Works and Environmental Services (DPWES), and the Office of the County Attorney.

TIMING:

Board authorization to advertise is January 26, 2021, to advertise public hearings before the Planning Commission on February 24, 2021, and before the Board on March 23, 2021, at 4:00 p.m.

BACKGROUND:

The Tree Commission was established by the Board on June 18, 1973, to, among other things, provide advice to the Board concerning the tree conservation and landscaping requirements of the County Code. The provisions of the Tree Commission, its appointments, membership, and powers and duties are outlined in Part 5 of Article 19 of the Zoning Ordinance.

The Geotechnical Review Board was established by the Board on May 12, 1975, to analyze soil reports and associated plans located within areas of problem soils and to give advice and recommendations to the Director of LDS concerning these reports and

Board Agenda Item
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plans. The provisions of the GRB, its appointments, membership, and powers and duties are outlined in Part 6 of Article 19 of the Zoning Ordinance.

Public hearings to replace the current Zoning Ordinance with a modern ordinance are scheduled for January 28, 2021, and March 9, 2021, before the Planning Commission and the Board of Supervisors, respectively. It is anticipated that the new Zoning Ordinance will go into effect in the summer of 2021. The proposed new Zoning Ordinance will not include substantive provisions related to the Tree Commission and GRB. Therefore, those provisions must be incorporated into existing chapters of the County Code.

PROPOSED AMENDMENTS:

The proposed amendments are necessary to remove the Tree Commission and GRB provisions (Parts 5 and 6 of Article 19 of the Zoning Ordinance) and incorporate them into a new Article 9 of Chapter 122 (Tree Conservation Ordinance) and Article 3 of Chapter 107 (Problem Soils). Minor edits are proposed to clarify ordinance provisions and update organization names.

A copy of the proposed amendments is also available online at:

<https://www.fairfaxcounty.gov/landdevelopment/public-facilities-manual-and-code-amendments>.

REGULATORY IMPACT:

None

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1- Resolution

Attachment 2- Staff Report dated January 26, 2021

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Department of Land Development Services

Leslie B. Johnson, Zoning Administrator, Department of Planning and Development

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Randolph W. Bartlett, P.E., Director, Department of Public Works and Environmental
Services

ASSIGNED COUNSEL:
Marc Gori, Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on January 26, 2021, at which meeting a quorum was present and voting and the following resolution was adopted:

WHEREAS, Article 19 of the current Zoning Ordinance establishes Boards, Commissions, and Committees, including the Tree Commission and the Geotechnical Review Board (GRB);

WHEREAS, the Zoning Ordinance Modernization effort will result in the repeal and replacement of the current Zoning Ordinance with a new, modernized ordinance. That proposed new ordinance does not carry forward the Tree Commission and Geotechnical Review Board provisions contained in Parts 5 and 6 of Article 19 of the current Zoning Ordinance, respectively;

WHEREAS, it may be appropriate to remove Parts 5 and 6 of Article 19 of the current Zoning Ordinance and relocate them into the appropriate chapters of the County Code that are related to the purpose and duties of the Tree Commission and GRB, including moving Part 5 of Article 19 of the Zoning Ordinance to a new Article 9 of Chapter 122 (Tree Conservation Ordinance), and moving Part 6 of Article 19 of the Zoning Ordinance to a new Article 3 of Chapter 107 (Problem Soils);

WHEREAS, it may be appropriate to update cross references to other provisions and to make other clarifying edits to the relocated language; and

WHEREAS, the public necessity, convenience, general welfare, and good practice require consideration of the proposed revisions to Chapters 112, 122, and 107 of the County Code.

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

Given under my hand this 26th day of January 2021.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

LAND DEVELOPMENT SERVICES
January 26, 2021

STAFF REPORT

PREPARED BY PERMITTING AND CODE ADMINISTRATION

- ☒ PROPOSED COUNTY CODE AMENDMENT
- ☐ PROPOSED PFM AMENDMENT
- ☐ PROPOSED ZONING AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed Amendments to Chapters 107 (Problem Soils), 112 (Zoning Ordinance), and 122 (Tree Conservation Ordinance) of the Code of the County of Fairfax, Virginia (County Code) to Remove the Tree Commission and Geotechnical Review Board Provisions from Article 19 of the Zoning Ordinance and Incorporate them into Chapters 122 and 107 of the County Code, respectively

PUBLIC HEARING DATES

Authorization to Advertise:
Planning Commission Hearing:
Board of Supervisors Hearing:

January 26, 2021
February 24, 2021 at 7:30 p.m.
March 23, 2021 at 4:00 p.m.

Prepared By:

Thakur Dhakal, LDS
(703) 324-7180
Brian Keightley, Director, UFMD, DPWES
(703) 324-1770
Behzad Amir Faryar, LDS
(703) 324-1720

STAFF REPORT

STAFF RECOMMENDATION

Staff recommends adoption of the proposed Code Amendments.

DISCUSSION

The Tree Commission was established by the Board on June 18, 1973, to, among other things, provide advice to the Board concerning the tree conservation and landscaping requirements of the County Code. The provisions of the Tree Commission, its appointments, membership, and powers and duties are outlined in Part 5 of Article 19 of the Zoning Ordinance (Chapter 112 of the County Code).

The Geotechnical Review Board (GRB) was established by the Board on May 12, 1975, to analyze soils reports and associated plans located within areas of problem soils and give advice and recommendations to the Director of Land Development Services (LDS) concerning these reports and plans. The provisions of the GRB, its appointments, membership, and powers and duties are outlined in Part 6 of Article 19 of the Zoning Ordinance.

Public hearings to replace the current Zoning Ordinance with a new ordinance are scheduled for January 28, 2021, and March 9, 2021, before the Planning Commission and the Board of Supervisors, respectively. It is anticipated that the new Zoning Ordinance will go into effect in the summer of 2021. The proposed new Zoning Ordinance will not include substantive provisions related to the Tree Commission and GRB. Therefore, the proposed amendments remove the Tree Commission and GRB provisions from Parts 5 and 6 of Article 19 of the Zoning Ordinance and relocate the Tree Commission provisions to a new Article 9 of Chapter 122 (Tree Conservation Ordinance) and the GRB provisions to a new Article 3 of Chapter 107 (Problem Soils).

A copy of the proposed amendments is available at:

<https://www.fairfaxcounty.gov/landdevelopment/public-facilities-manual-and-code-amendments>.

ATTACHED DOCUMENTS

Attachment A– Proposed Amendment to Chapter 112 (Zoning Ordinance)

Attachment B– Proposed Amendments to Chapter 107 (Problem Soils) and Chapter 122 (Tree Conservation) of the County Code

**Proposed Amendment
to
Chapter 112 (Zoning Ordinance)**

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 26, 2021, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, as other amendments may be adopted prior to action on this amendment. In the case of such an event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 19, Boards, Commissions, and Committees to delete Part 5, Tree Commission, and Part 6, Geotechnical Review Board, in their entirety.

**Proposed Amendment
to
Chapter 107 (Problem Soils)**

The proposed changes to Section 107-1-4 are shown by underlining (added text) or strikethrough (deleted text).

Amend Chapter 107, Section 107-1-4, to read as follows:

Section 107-1-4. - Referral to Geotechnical Review Board; effect of recommendations.

After a developer submits a geotechnical report ~~on the~~ for a proposed work has been submitted project, the Director ~~shall~~ may refer ~~those that~~ projects to the Geotechnical Review Board (GRB) for analysis and advice and recommendations ~~when that he the Director determines, based on the report, that the geotechnical characteristics of the project site may pose a risk to the project. pose a serious threat of soil related problems, to the Geotechnical Review Board for analysis and appropriate advice and recommendations.~~ The recommendations of the Geotechnical Review Board ~~shall are not be binding on the Director. No w~~ Work shall be commenced cannot begin on the site until after the proposed work has been approved. However, approval Approval as to soil conditions shall does not relieve any person the Developer/Applicant from obtaining any or all additional permits and approvals necessary for the proposed work.

The proposed amendment to add Article 3 moves existing text from Part 6 of Article 19 of the Zoning Ordinance (Geotechnical Review Board) as shown by single underlining with additional editorial changes shown by double underlining (added text) or double strikethrough (deleted text).

Amend Chapter 107, by adding Article 3 (Geotechnical Review Board), to read as follows:

Article 3. Geotechnical Review Board.

(a) Purpose.

The purpose of the Geotechnical Review Board shall be is to analyze soils geotechnical reports and associated plans located within areas of problem soils and to give advice and recommendations to the Director of Land Development Services concerning plans and reports in these areas.

(b) Authority and Establishment.

1. The Geotechnical Review Board was established in conformance with an action adopted by the Board of Supervisors on May 12, 1975. The Geotechnical Review Board heretofore established shall continue as the Geotechnical Review Board for the purpose of this Ordinance.

2. ~~The official title of this Board shall be~~ is the 'Fairfax County Geotechnical Review Board' and ~~such body shall may also be known by the abbreviation~~ referred to as the 'GRB'.

(c) Membership.

1. ~~The GRB shall consist~~ is comprised of three (3) members and three (3) ~~respective~~ alternates, all appointed by the Board of Supervisors. When a member cannot serve due to illness, conflict of interest or other reasons, ~~an~~ ~~The respective alternative~~ ~~alternate shall~~ serves in his place ~~whenever that member cannot serve due to illness, conflict of interest or other reasons.~~ Members and alternates must be Professional Engineers registered in Virginia, specializing in soil and foundation engineering, or Engineering Geologists, licensed to practice engineering in the State of Virginia.
2. Candidates or nominees ~~shall be~~ are solicited from the following professional organizations of soil engineers and engineering geologists and from other sources: American Society of Civil Engineers, the Consulting Engineers Council of Metropolitan Washington, American Council of Engineering Companies of Metropolitan Washington, ~~the Association of Soil and Foundation Engineers~~ Geoprofessional Business Association, the Virginia Society of Professional Engineers, University of Maryland, the Virginia Polytechnic Institute and State University, WACEL, the American Institute of Professional Geologists, the Association of Environmental and Engineering Geologists and from other sources. The names of candidates must be submitted to the Board along with supporting data to substantiate the qualifications of the candidates.
3. GRB Members and alternates serve ~~Appointments are made for~~ staggered three (3) years terms ~~and the terms shall be staggered.~~
4. ~~GRB members~~ ~~Members of the GRB shall be~~ and alternates are compensated at the rate determined by the Board of Supervisors for work performed in connection with the review of projects assigned by the Director ~~of Land Development Services.~~

(d) Officers.

~~The Director of Land Development Services shall serve as~~ is the Secretary and ~~shall be~~ is a non-voting member.

(e) Meetings.

~~Meetings shall be~~ are to be held at the upon request of the Director ~~of Land Development Services.~~

(f) Records.

The records and ~~soils~~ geotechnical reports for all meetings and correspondence for the GRB ~~shall will be maintained in the Office of the Director of~~ by the Department of Land Development Services.

(g) Powers and Duties.

1. ~~For any project referred to the GRB by the Director, the GRB shall~~ will review the reports, plans and specifications ~~submitted to the Director of the Department of Land Development Services in accordance for compliance with the site plan provisions of Article of 17 of this Ordinance~~ the Zoning Ordinance, the Public Facilities Manual, and Chapters 101 and 107 of The Code. The GRB's review is limited to geotechnical aspects and foundation design.
2. ~~The GRB shall~~ will recommend approval, approval with modifications, or disapproval of ~~said~~ the plans and specifications, under its review, ~~which recommendations shall not be binding upon the Director of Land Development Services. Its review shall be limited to geotechnical aspects and foundation design.~~

**Proposed Amendment
to
Chapter 122 (Tree Conservation Ordinance)**

The proposed amendment to add Article 9 moves existing text from Part 5 of Article 19 of the Zoning Ordinance (Tree Commission) as shown by single underlining with additional editorial changes shown by double underlining (added text) or double-strikethrough (deleted text).

Amend Chapter 122, by adding Article 9 (Tree Commission), to read as follows:

Article 9. Tree Commission.

(a) Purpose.

The purpose of the Tree Commission ~~shall be~~ is to provide advice to the Board of Supervisors, based on an annual reevaluation of the ~~experience of the~~ administration and implementation of the provisions set forth in Chapter 104 of The Code this Ordinance and ~~Article 13 of this Ordinance relating to vegetation preservation and planting~~ the landscaping and screening requirements contained in the Zoning Ordinance; to provide leadership in developing an understanding of the objectives and methods of tree conservation; and to assist the Urban Forestry Branch Management Division of the Department of Public Works and Environmental Services and Land Development Services in the development and maintenance of technical specifications and guidelines.

(b) Authority and Establishment.

1. The Tree Commission was established in conformance with an action adopted by the Board of Supervisors on June 18, 1973 and amended on July 30, 1973, which action became effective on August 1, 1973. ~~The Tree Commission heretofore established shall continue as the Tree Commission for the purpose of this Ordinance, and the duration of the Tree Commission shall be determinable by the Board of Supervisors.~~
2. The official title of this commission ~~shall be~~ is the 'Fairfax County Tree Commission'.

(c) Membership.

1. The Board of Supervisors appoints the Tree Commission members. ~~The Tree Commission members shall be appointed by the Board of Supervisors and shall be composed of~~ may have no more than fifteen (15) members of the following composition: ~~Ten (10) of the members shall be~~ citizens of the County chosen for their knowledge and experience in the field of arboriculture or related fields. ~~Five (5) of the members shall be~~ and one representatives from each of the following ~~offices and agencies~~: Fairfax County Environmental Quality Advisory Councils, Northern Virginia Soil and Water Conservation Districts, Fairfax County Park Authority, ~~Department of Fairfax County Office of Virginia Cooperative Extension and Continuing Education of Fairfax County,~~ and Virginia Department of Forestry.

2. Citizen members of the Commission ~~shall be~~ are appointed to serve for a three (3) year term of three (3) years or until their successor has been appointed. An ~~appointment-appointed~~ successor to a vacancy serves ~~to fill a vacancy shall be~~ only for the unexpired portion of the term. Members may be reappointed to ~~succeed themselves~~ successive terms.
3. If a member is absent for three (3) consecutive meetings without sufficient cause, a letter will be sent to the Chairman of the Board of Supervisors asking for replacement of that member.
4. The removal or resignation or withdrawal of any or all members of the Tree Commission ~~shall~~ does not result in the dissolution of the Tree Commission.

(d) Officers.

1. ~~The Officers of the~~ The Tree Commission ~~shall be~~ must have a Chairperson and Vice-Chairperson and such other officers that the Tree Commission ~~shall~~ elects from time to time ~~elect~~.
2. Officers of the ~~The~~ Tree Commission ~~shall elect its officers~~ are to be elected once each year or ~~on the occasion of withdrawal of~~ when an officer withdraws from his post. An annual election meeting shall be held as soon as appropriate after regular annual appointments are made.
3. The duties of the officers shall be in general those defined in Robert's Rules of Order, modified as required to fit the purpose of the Tree Commission.

(e) Meetings.

1. Meetings of the Tree Commission ~~shall be called~~ are scheduled by the Chairperson, as needed, or upon the request of three (3) or more members. Meetings ~~shall be~~ are held at a time and place to be designated by the Chairperson.
2. Robert's Rules of Order govern ~~P~~proceedings of the Tree Commission ~~shall be in accordance with Robert's Rules of Order~~.

(f) Records.

The Tree Commission ~~shall~~ must keep records of all its proceedings, and ~~such~~ the records ~~shall~~ must be made available for public inspection upon request ~~for public inspection~~.

(g) Powers and Duties.

1. The Tree Commission ~~shall have~~ has the power to do any lawful acts or things reasonably necessary to carry out its purposes.
2. The Tree Commission ~~shall~~ develops and disseminates technical information for professional groups, developers, and citizens, and ~~shall~~ strives to inform the general public of the

provisions of ~~Chapter 104 of The Code~~ this Ordinance and the landscaping and screening requirements contained in the Zoning Ordinance ~~Article 13 of this Ordinance~~.

3. ~~The Tree Commission shall~~ assists the Urban Forestry Branch Management Division in the development and maintenance of the landscaping and screening requirements contained in the Zoning Ordinance ~~Article 13 of this Ordinance~~, and the policies, standards and guidelines in the Vegetation Preservation and Planting section of the Public Facilities Manual and other ~~allied related~~ documents, which will provide guidance for persons involved in planting, preserving, protecting or replacing trees.
4. The Tree Commission ~~shall~~ presents an annual report to the County Executive and Board of Supervisors, ~~such report to~~ that includes:
 - A. A description of activities conducted.
 - B. A report of ongoing and anticipated activities ~~ongoing and forecast~~.
 - C. An evaluation of the experience of the administration and implementation of the provisions set forth in ~~Chapter 104 of The Code~~ this Ordinance and the landscaping and screening requirements contained in the Zoning Ordinance ~~Article 13 of this Ordinance~~, to includeincluding: an appraisal of the strength and comprehensiveness of the provisions; recommendations to improve implementation; and judgment as to how it is being interpreted by the public and by those affected by the requirements of these provisions.
5. ~~The Tree Commission shall be furnished~~ will be provided working facilities ~~as provided by the County Executive. -Where required, the Tree Commission shall will be provided with assistance from other County offices-agencies.~~
6. The Tree Commission may divide itself into ad hoc committees as the Chairperson may direct or the Tree Commission may resolve, and ~~such~~ those ad hoc committees may acquire additional assistance from any sources as required to perform assignments so long as they are consistent with the provisions of ~~Chapter 104 of The Code~~ this Ordinance and ~~Article 13 of this~~ the landscaping and screening requirements contained in the Zoning Ordinance.
7. The Tree Commission may enact bylaws as may be required to aid in its efficient operation ~~and such bylaws shall be incorporated by reference in this Part.~~

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to Prohibit the Use of Plastic Bags for Yard Waste

ISSUE:

Authorization of the Board of Supervisors to advertise a public hearing regarding a series of amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to prohibit the use of plastic bags for the set-out and collection of yard waste.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in Attachment 1.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and the Office of the County Attorney.

TIMING:

Board action is requested on January 26, 2021, to provide sufficient time to advertise the proposed public hearing on February 23, 2021, at 4:00 p.m.

BACKGROUND:

Chapter 109.1, Fairfax County's solid waste management ordinance, requires that yard waste be recycled.

Fairfax County does not own or operate a compost facility, so licensed waste collectors operating here must send collected yard waste to commercial composting facilities operating in the region. The resulting compost is a desirable and highly valued product. When plastic bags are introduced into the compost process, it is very difficult to remove plastic shreds from the final product entirely. Plastic in the compost, even in small amounts, reduces overall product quality and provides a pathway for the plastic to get into our environment.

Plastic bags are not necessary for the storage or collection of yard waste. Collection using a reusable container or paper bags are the optimal methods for managing yard waste while protecting the quality of compost. Because the paper bag becomes a part

of the finished compost (they are designed to be compostable), the practice also reduces the quantity of process waste requiring disposal.

PROPOSED AMENDMENTS:

The proposed amendments to Chapter 109.1 can be summarized as follows:

Article 1 – General Requirements

Section 109.1-1-2 Modifies the definition of brush to add that it is a component of yard waste, and adds a definition of reusable container that can be used to store yard waste.

Article 2 – Recycling

Section 109.1-2-6(d) Includes yard waste in the list of source-separated recyclables that shall not be collected as refuse, even if such yard waste is placed at the curb on a refuse-only collection day.

Article 4 – Required Permits, Registrations, and Certifications

Section 109.1-4-2(b) Includes yard waste in the list of recyclables that shall not be collected without registering with the County as a recycling business. CTO holders that also collect recyclables will remain exempt from this requirement.

Article 5 – Collection of Solid Waste

Section 109.1-5-2(g)(4) Adds “yard waste in plastic bags” to the list of items that **cannot** be collected.

Section 109.1-5-3(d)(3) Adds the word “paper” before the word “bag” to describe the type of bag acceptable for use, and adds “reusable containers”. It changes the word “brush” to “yard waste”, and further specifies that yard waste shall not be placed in plastic bags.

Section 109.1-5-5(a)(4) Is rewritten to state that, “Yard waste shall be set out in paper yard waste bags, reusable containers, other storage devices as approved by the Director, or bundled with string as instructed by the collection provider, and shall not weigh more than fifty pounds.” It also states that “yard waste shall not be placed in plastic bags.”

Section 109.1-5-6(a)(5) Deletes a redundant statement on yard waste set out requirements.

Article 7 – Disposal of Solid Waste

Section 109.1-7-1(c)(2) Removes the term “by any person” and clarifies that yard waste must be delivered to a legally permitted facility.

Board Agenda Item
January 26, 2021

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Amendments to Chapter 109.1

STAFF:
Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
John Kellas, Deputy Director, DPWES, Solid Waste Management Program (SWMP)
Eric Forbes, Director, DPWES, SWMP, Solid Waste Recycling, Engineering, and Compliance Division

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

**PROPOSED AMENDMENTS
TO
CHAPTER 109.1 OF THE CODE OF THE COUNTY OF FAIRFAX COUNTY
Solid Waste Management**

PROPOSED AMENDMENTS TO CHAPTER 109.1 (SOLID WASTE MANAGEMENT ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
Amend Article 1 General Requirements, Section 109.1-1-2 Definitions, by revising it as follows:

Section 109.1-1-2. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

Authorized Agent means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Brush is a component of Yard Waste that includes ~~means~~ shrub and tree trimmings arising from i) general residential landscape maintenance and ii) similar non-residential landscape maintenance.

Certificate-to-Operate is the permit/approval for any person to engage in the business of collecting MSW in Fairfax County.

Collection means the collection and transportation of MSW.

Collection vehicle means any vehicle used to collect and/or transport MSW.

Collector means any person engaged in the regularly-scheduled commercial collection and/or transportation of MSW from two or more residential, commercial, industrial, institutional or other establishments.

Community Association or Homeowners' Association means an unincorporated association, corporation or other organization that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association, corporation or other organization. For the purposes of this Chapter, an unincorporated association, corporation or other organization representing residents shall be considered the designee of Association members when acquiring solid waste services.

Compensation means any type of consideration paid for the collection, transportation or disposal of MSW, including, but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

Composting facility means a permitted facility producing a stabilized organic material.

Construction/Demolition Debris (CDD) means solid waste generated during construction, remodeling, repair, or demolition of pavements, houses, commercial buildings or any other structures. CDD includes, but is not limited to: lumber; wire; sheetrock; brick; shingles; glass; pipes; concrete; paving materials; metals; and plastic; if part of the materials of construction and/or empty containers for such materials.

Construction/Demolition Debris (CDD) landfill means a land burial facility which accepts CDD for disposal.

Customers means anyone providing compensation to collectors and/or recycling or disposal facilities. Persons using County drop-off facilities shall also be considered customers.

Department means the Fairfax County Department of Public Works and Environmental Services.

Director means the Director of the Fairfax County Department of Public Works and Environmental Services or his/her designee.

Disposal means the final placement or destruction of MSW.

Disposal site means a facility at which MSW is disposed.

Energy/Resource Recovery Facility (E/RRF) means a disposal site designed for the purpose of reducing the volume of MSW through incineration. The process further produces steam, and/or electricity, as a result of the combustion process.

Hazardous waste means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

Household Hazardous Waste (HHW) means discarded household products that contain corrosive, toxic, ignitable, or reactive ingredients, or are otherwise potentially harmful if released to the environment. Products that fall into this category include, but are not limited to certain paints, cleaners, and pesticides. Latex paint is not HHW.

Materials Recovery Facility (MRF) means a facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

Mixed paper means corrugated cardboard, magazines, catalogues, envelopes, office paper, brochures, phone books, junk mail, food boxes (such as cereal and cracker boxes), shoe boxes, and any other clean paper product without food residue.

Municipal Solid Waste (MSW) means that waste which is normally composed of residential, commercial, non-residential and institutional solid waste and residues derived from combustion of these wastes, as defined in Virginia's solid waste management regulations at 9 VAC-20-81-10. MSW includes recyclables.

Person means and includes an individual, designee, corporation, association, firm, partnership, joint stock company, county, city, town, school, or any other legal entity.

Pipestem driveway means an extension off of a public road where one or more houses share a private drive to which their own driveways connect.

Principal Recyclable Material (PRM) means the recyclable material from the following list that comprises the majority of a business or commercial property's waste stream: newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard, kraft paper, container glass, aluminum, mixed paper, metal cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass and other vegetative materials. "Principal recyclable materials" do not include large diameter tree stumps.

Property Manager (PM) means a company, employee, or individual employed or otherwise engaged, including as a volunteer, by a property owner or a community association to manage day-to-day operations at one or more locations on the owner or owners' behalf and is considered to be a designee when acquiring solid waste services.

Putrescible material means organic material that can decompose.

Recyclables means any of the materials that are or may be recycled, including but not limited to those listed in Article 2 – Recycling and the Recycling Program Requirements.

Recycling means the process of separating a material from the waste stream with the intent of diverting it from disposal.

Recycling center means a facility used for the collection of source-separated recyclable materials.

Recycling route means the route a collector follows to collect source-separated recyclable materials from customers.

Recycling system means the means by which recyclable materials are separated from the waste stream at the point of generation, and may include the means of delivering source-separated materials to a recycling center or MRF.

Refuse means all MSW having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination, or other discarded materials.

Regulations means rules, guidance, and/or requirements issued by the Director pursuant to this Chapter.

Responsible company official means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Reusable container means any rigid plastic container, tarpaulin, or yard waste storage device whose use does not introduce plastic into the yard waste stream. Other types of reusable storage devices may be classified as Reusable Containers, if approved in writing by the Director.

Sanitary landfill means a land burial facility for the disposal of MSW which is so located, designed, constructed and operated to contain and isolate the MSW so that it does not pose a substantial present or potential hazard to public health or the environment; provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts non-putrescible MSW (such as a CDD landfill, as defined in this Chapter).

Significant Modification means any physical change in or change in the method of operation of a commercial establishment that has the potential to result in a change in the quantity or characteristics of MSW being generated or managed by the establishment or facility.

Solid waste means any material defined as "solid waste" in 9 VAC 20-81-10 et seq., of Virginia's solid waste management regulations.

Solid waste broker means a person or entity that, for a fee or other consideration, brokers, acts as a designee or otherwise arranges agreements between solid waste generators (including property owners, community/homeowner's associations, property managers or other entities) and providers of municipal solid waste collection, recycling, or disposal services.

Solid waste generators includes any persons that produce solid waste.

Source reduction is the reduction or elimination of the quantity or toxicity of waste being generated, which can be achieved through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, or increases in the efficiency of machinery and recycling within a process. The term does not include dewatering, compaction, or waste reclamation.

Source separation is the process of removing recyclable materials from the waste stream at the point where the material is generated. For residential material, the source is considered the household and contiguous residential property such as lawns or yards. For commercial material, the source is considered the commercial premises in which business is conducted and contiguous property such as storage yards.

Tare weight means the operating weight of a fully-fueled vehicle with no payload but includes the driver; i.e., the empty weight of the vehicle.

Transfer station means any MSW storage or collection facility at which MSW is transferred from collection vehicles to other vehicles or means of transportation, for shipment to another site for permanent disposal.

Tree removal means any activity which generates MSW from the maintenance, trimming, or removal of trees or shrubs where any individual piece or bundle exceeds 50 pounds in weight, is longer than four feet in length, or larger than six inches in diameter. Christmas trees are exempt from these size limitations if they are less than eight feet in length.

Unacceptable waste means waste which is prohibited from disposal at Fairfax County facilities by Fairfax County Code, rules or regulations, the *Virginia Code* and/or the Code of Federal Regulations.

Waste collection route means the route a collector follows to collect any MSW set out by customers for collection.

Yard waste means the organic fraction of MSW that consists of grass clippings, leaves, vines, and brush arising from general landscape maintenance. Yard waste also includes similar materials collected from non-residential landscape maintenance, such as maintenance of streets, parks and recreational areas. Yard waste does not include any materials arising from tree removal, land clearing, or development activities.

Amend Article 2 Recycling, Section 109.1-2-6 Maintenance of Recycling System, by revising it as follows:

Section 109.1-2-6. Maintenance of Recycling System.

(a) No solid waste permit shall be issued to a collector or continue in effect until and unless the collector provides a written statement indicating that it: maintains a recycling system for residential customers in accordance with this Chapter and offers and/or maintains a recycling system to multi-family and non-residential customers in accordance with this chapter.

(b) Recycling containers shall be subject to the requirements of Article 5 - Collections, Section 109.1-5-6.

(c) The mixing of refuse with any recyclables required to be source-separated or that have been source separated, except as provided for in 109.1-5-3 (d) (3), is prohibited.

(d) Where source-separated recyclable materials (including yard waste) are set out for collection on a scheduled refuse-only collection day, collectors shall not collect those recyclables; That material will be collected on the next scheduled recyclables or yard waste collection day. Collectors shall leave information for the customer to inform them about why those materials were not collected.

(e) Construction and demolition debris cannot be collected in the same container with MSW and/or recyclables.

(f) Only certain recyclables as designated by the Director can be collected in an open-top container. They are: white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

Amend Article 4 Required Permits, Registrations, and Certifications, Section 109.1-4-2 CTO Application and Recycling Registration Requirements, by revising it as follows:

Section 109.1-4-2. CTO Application and Recycling Registration Requirements.

(a) No person shall engage in the business of collecting MSW without a valid and current CTO or appropriate solid waste permit from the Director.

(b) No person shall engage in the business of collecting recyclables (including yard waste) without first registering with the County as a recycling business. However, CTO holders that also collect recyclables are exempt from the requirement to register as a recycling business.

(c) The provisions of 109.1-4-2 (a) and (b) shall not apply to the County, nor employees for the holder of any CTO or permit/approval, nor shall this provision prohibit any person from collecting, processing, recycling, or disposing of their own household solid waste.

(d) A CTO or permit shall only be issued upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of the Fairfax County Code and the *Code of Virginia*. This includes proof of payment of other fees required by Fairfax County required under other codes. CTO Permit holders will be invoiced monthly for disposal charges incurred during the month.

(e) Applicants for a CTO shall provide the Director with a copy of the Statement of Service required by the Fairfax County Solid Waste Management Program Permit Manual, accompanied by proof acceptable to the County that customers are or will be furnished with the Statement of Service upon occupancy and at least annually thereafter.

(f) MSW collectors with only one permitted collection vehicle shall provide written certification to be included with the CTO application that another collector holding a current CTO is committed to act in a backup capacity should the permitted vehicle become unusable. The applicant must immediately notify the Director concerning any change in this backup arrangement during the term of the CTO. Backup collection arrangements obtained by the CTO holder may not be used by the CTO to avoid payment of delinquent disposal fees.

(g) The Director may require additional information of any applicant or holder of a CTO, permit, or registration as is necessary to ensure that the individual or company is competent to satisfactorily and lawfully perform or continue to perform the proposed service.

(h) Applications shall be approved or denied by the Director with 30 days of the receipt of a complete application.

(i) Applicants operating without the appropriate CTO or other permit(s), or operating while a CTO or permit has been suspended, may be denied renewal of a CTO or other required permit(s) for a period of up to one year from the time of the offense, in addition to any other penalties described in this Chapter.

(j) All CTO and permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which material is being discharged.

Amend Article 5 Collection of Solid Waste, Section 109.1-5-2 Manner of Collection, by revising it as follows:

Section 109.1-5-2. Manner of Collection.

(a) No person shall knowingly or willfully contract with any MSW collector who does not possess a County-issued Certificate-to-Operate for collection services or with any recycling business that is not registered with Fairfax County. For purposes of this Section, evidence of a knowing violation is the voluntary contracting by a person after having received written notice from the County that the MSW collector is not authorized to operate within the County or that the recycling business is not registered in the County.

(b) MSW collection shall be conducted in such a manner that it does not create a nuisance or safety hazard, adversely affect public health, violate any ordinance or Code of the County of Fairfax, nor allow such conditions to continue. This includes, but is not limited to, obeying all applicable speed limits and other traffic controls in transit to, from, and while serving collection routes, operating the vehicle

on the correct side of the street at all times, giving way to oncoming traffic where it is required by law to do so, picking up litter that may have gathered around the collection container or been released during transportation, and returning empty containers so that they do not interfere with pedestrian or vehicular traffic.

(c) Collection of MSW shall be by permitted collection vehicles and shall be conducted in such a manner that it is not dumped, spilled, stored or thrown into any street, court, lane, alley, sewer inlet, vacant public lot, stormwater structure, public way, private property, or any area not designated as a lawful disposal site.

(d) In the event any MSW spills or falls into a street, public way, court, lane, or alley during the process of collection, it shall be deemed the responsibility of the collector to immediately correct such conditions.

(e) MSW shall be completely emptied at a lawful disposal or recycling site as soon as possible after the completion of any daily collection route, and shall not be stored in MSW collection vehicles for a length of time exceeding 24 hours, excluding Sundays.

(f) Collection vehicles shall not be parked overnight anywhere other than in properly zoned locations. Parking of collection vehicles on the public right-of-way, other than temporary stops during the collection route, is a violation of 109.1-6-2 (a).

(g) The following collection methods are prohibited unless specifically approved in writing by the Director:

- (1) Commingling refuse and recyclables in one collection container.
- (2) On-call service or collection of refuse or recyclables less frequently than once per week.
- (3) Collection of refuse or recyclables in an open-top container, other than white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.
- (4) Collection of yard waste in plastic bags (other than for purposes of disposal of Invasive, noxious, or diseased vegetative material).

Amend Article 5 Collection of Solid Waste, Section 109.1-5-3 Solid Waste to be Collected, by revising it as follows:

Section 109.1-5-3. Solid Waste to be Collected.

(a) MSW generated by normal household or commercial activities from premises to which collection services are being provided shall be collected in accordance with the requirements of this Chapter.

(b) The following materials are not subject to the collection requirement of 109.1-5-3:

- (1) Dead animals and pets;
- (2) Manure;
- (3) Tree stumps;
- (4) Dirt, stone, rock, and brick;

- 271 (5) Containerized liquids;
272 (6) Friable asbestos;
273 (7) Lead-acid batteries;
274 (8) Appliances containing ozone-depleting chemicals;
275 (9) Scrap metal and discarded appliances that are over 50 pounds in weight or 48
276 inches in length; and
277 (10) Poisons, corrosives, flammables, explosives or other unacceptable or hazardous
278 waste. It should be noted that items considered to be household hazardous
279 waste (HHW) are subject to the collection requirements of 109.1-5-3.
- 280 (c) For materials required to be collected curbside under this Article: (1) materials too large
281 for containers shall be collected if tied securely in bundles not exceeding four feet in length; and (2) no
282 single container or bundle shall exceed 50 pounds gross weight.
- 283 (d) The base price for any collection contract shall include the minimum level of service
284 unless otherwise approved by the Director. The minimum level of service for collection by material type
285 shall be as follows:
- 286 (1) *Refuse*: For residential customers, weekly removal of all refuse that is set out
287 and prepared in accordance with Section 109.1-5-3(c). For non-residential
288 customers, weekly collection is required unless specifically approved by the
289 Director in writing.
- 290 (2) *Recyclable Materials*: weekly removal of all recyclable materials from residential
291 and non-residential customers properly prepared and set out. Other collection
292 frequencies may be adopted for containerized and non-residential recycling
293 service through application for and approval of an alternative recycling system.
- 294 (3) *Yard waste from single-family and townhouse residential units, including*
295 *brush*, from March 1 to December 24, weekly removal for recycling of up to ten
296 individual paper bags, reusable containers, or bundles. BrushYard waste may
297 be limited to individual pieces or bundles of no greater than 50 pounds in weight,
298 four feet in length, and no piece larger than six inches in diameter. Yard waste
299 set out for collection shall not be placed in plastic bags. Outside this period, yard
300 waste may be collected with refuse.
- 301 (4) *Christmas trees from single-family and townhouse residential units*: removal and
302 recycling of all trees of less than 8 feet in length that are set out during the first
303 two weeks of January.
- 304 (e) Nothing in this Chapter shall preclude the collector from providing a higher level of
305 service than required, with regard to frequency, quantity, size, material type, or other
306 factor.
- 307 (f) All MSW collected by the collector, upon being loaded into the collection vehicle, shall
308 become the property of the collector.
309
310
311

312 **Amend Article 5 Collection of Solid Waste, Section 109.1-5-5 Collection Points and Set-Out**
313 **Restrictions, by revising it as follows:**
314

Section 109.1-5-5. Collection Points and Set-Out Restrictions.

- (a) Set-out of **residential** refuse and recycling shall comply with the following:
- (1) Containers for residential use shall be stored upon the residential premises.
 - (2) The outside storage of refuse and recyclables in plastic bags with closed tops for not more than 12 hours is allowed by residential customers only.
 - (3) Loose, bulky non-putrescible materials which are too large to fit into mechanically dumped containers may be set out, provided that they are: 1) securely bundled; or 2) completely contained and adequately secured to prevent leakage or spillage; and, 3) individual bundles, bags, boxes or other containers do not exceed four feet in length and 50 pounds in weight.
 - (4) ~~Yard waste may only be set out in bags, reusable containers, or in piles as instructed by the company which will be collecting them.~~ Yard waste shall be set out in paper yard waste bags, reusable containers, other storage devices as approved by the Director, or bundled with string as instructed by the collection provider, and shall not weigh more than fifty pounds. Yard waste shall not be placed in plastic bags.
 - (5) Recyclable materials shall be set out separately from MSW intended for disposal and contained so as to prevent leakage or spillage but not to preclude visual identification and inspection. Recycling shall be set out as described in subsections (3) and (4) above. Individual containers, bundles, bags, and/or boxes of recyclable materials set out for collection shall not exceed four feet in length and 50 pounds in weight.
 - (6) On each scheduled collection day, residential refuse and recyclables shall be placed at the curb line or at a point on the property line at the edge of pavement or terminal point of a pipestem driveway easement, adjacent to the public right of way where the collection vehicle stops. Residential refuse and recyclables shall not be set out for curbside collection on any sidewalks or any other portion of the public right of way where they could interfere with pedestrians or vehicular traffic.
 - (7) If MSW placed at the curb or in the public right-of-way by a residential customer is not picked up within ten days, the County may remove them and recover the costs of removal.
- (b) Set-out of **non-residential** refuse and recycling shall comply with the following:
- (1) All containers shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel, in addition to complying with Section 109.1-5-6.
 - (2) Non-residential customers are only permitted to store refuse and recyclables outdoors inside of an approved container as described in Section 109.1-5-6. Non-residential customers are not permitted to store refuse or recyclables in bags, boxes or bundles outside unless specifically approved in writing by the Director.
 - (3) Recyclable materials shall be set out separately from MSW intended for disposal and contained as described in Section 109.1-5-6 so as to prevent leakage or spillage but not to preclude visual identification and inspection. Co-collection of recyclables and refuse in a single container is not permitted and does not comply with the recycling requirements in Article 2 of this Chapter.

- (4) If MSW placed at the curb or in the public right-of-way by a non-residential customer is not picked up within ten days, the County may remove it and recover the costs of removal from the customer, collection company and/or designee.

Amend Article 5 Collection of Solid Waste, Section 109.1-5-6 Collection Containers and Vehicles, by revising it as follows:

Section 109.1-5-6. Collection Containers and Vehicles.

- (a) Containers (including compactors, front-end containers and roll-off containers) used to collect refuse and recycling shall comply with the following:
- (1) All refuse containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein and must be closed when not in use.
 - (2) Any dumpster, front-loading container, compactor or wheeled cart provided for collection of recycling shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the recyclables contained therein but not to preclude visual identification and inspection and must be closed when not in use.
 - (3) Collectors who provide refuse and/or recycling containers shall be responsible for maintaining up-to-date name and contact information on these containers. Where a collector chooses to change this information, the collector must either correct the changes on every container (except containers used for collection at single-family homes or townhouses), or remove that container from service. Collectors may not charge a fee for updating containers in this manner.
 - (4) Open-top containers may not be used to collect, store, or transport refuse or any other putrescible items. Open-top containers may not be used for recyclables except per 109.1-5-2 (g)(3).
 - ~~(5) Yard waste may only be set out in bags, reusable containers, or in piles, as according to Section 109.1-5-5 (a) (4).~~
 - ~~(56)~~ All roll-off containers and compactors shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container or compactor shall include the use and/or combination of reflective tape, reflective paint, or reflective glass
 - ~~(67)~~ All solid waste collection containers with a capacity of two cubic yards or larger and are used for the collection of solid waste shall be clearly marked with the owner's name and telephone number and the type of material acceptable for the container.
 - ~~(78)~~ In the event of refuse or recycling collection service cancellation by a customer, the owner of the refuse or recycling collection container shall be responsible for removing the container(s). All such containers shall be removed within ten business days of customer service cancellation. Any container which is not removed within ten business days of service cancellation shall be deemed abandoned and subject to removal by the County. The Director must make a reasonable attempt to notify the owner of the container prior to removal by the County. Containers removed by the County will be emptied, and stored at the owner's expense, including the cost for disposal of waste contained therein, and

409 may not be reacquired until all such expenses have been paid. Any container not
410 reacquired within 30 days will be forfeited to the County of Fairfax and sold at
411 public auction or added to the County's assets.

412 (89) The County can require the owner of any container to remove that container if it
413 is found to create a nuisance, traffic impediment or adversely affect public health
414 or safety. If after making a reasonable attempt to notify the owner of this
415 requirement the Director is unable to contact the owner, or if the owner fails to
416 remove the container after notification of such requirement, the County may
417 remove, empty and store the container at the owner's expense, including the cost
418 for disposal of waste contained therein, and the container may not be reacquired
419 until all such expenses have been paid. Any container not reacquired within 30
420 days will be forfeited to the County of Fairfax and sold at public auction or added
421 to the County's assets.

422 (b) All vehicles used to collect refuse and recycling shall comply with the following:

423 (1) All collection vehicles to be used in the collection of MSW must have a collection
424 vehicle permit (see Article 4).

425 (2) All collection vehicles for which a collection vehicle permit is being sought must
426 be designed and manufactured specifically for the collection of MSW.

427 (i) Design and manufacture shall include a completely enclosed and
428 watertight truck body with automatic dumping capabilities, and additional
429 requirements as determined by the Director in the collection vehicle
430 inspection and as described in this Chapter and in the Fairfax County
431 Solid Waste Management Program Permit Manual.

432 (ii) All collection vehicles shall display the current name and telephone
433 number of the company operating the vehicle.

434 (iii) Vehicles permitted to collect recyclables must be clearly identified as
435 such. Such signage shall be removed if the vehicle is used to collect
436 refuse.

437 (iv) The Director may consider the use of vehicles not specifically
438 manufactured for the collection of MSW under emergency conditions or
439 for other reasons as determined by the Director. The vehicles must
440 receive a temporary vehicle permit prior to being put into service.

441 (3) All collection vehicles to be used in the collection of MSW shall be maintained in
442 a manner that prevents spillage of the types of MSW to be collected therein, and
443 provides proper control of odors, vermin, and liquid waste leakage.

444 (4) No collection vehicles of any type are required to enter into any pipestem
445 driveway for the purpose of conducting refuse or recycling collection operations
446 or turning around.

447 **Amend Article 7 Disposal of Solid Waste, Section 109.1-7-1 Disposal Site Designation, by revising**
448 **it as follows:**

449 **Section 109.1-7-1. Disposal Site Designation.**

450 (a) All refuse collected under the provisions of this Chapter shall be disposed of only at
451 disposal sites designated by the Director.

452 (b) It shall be unlawful for any person to dispose of MSW in or at any disposal site other than
454

those designated by the Director pursuant to paragraph (a) above. This provision shall not apply to the occupants of single-family residences or family farms disposing of their own MSW if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.

(c) Nothing contained in previous subsections shall be deemed applicable to:

- (1) Garbage, trash, and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.
- (2) Recyclable materials which are those materials that have been source-separated ~~by any person~~ or materials that have been separated from garbage, trash, and refuse ~~by any person~~ for utilization ~~in both cases~~ as a raw material to be manufactured into a new product other than fuel or energy. ~~except that yard ;~~ Yard waste must be delivered to a yard waste management facility legally permitted to operate in the Commonwealth of Virginia.
- (3) Construction/demolition debris to be disposed of in a landfill.
- (4) Waste oil.

(d) All MSW disposed of at solid waste management facilities operated by the County of Fairfax shall become the property of the County.

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on a Proposal to Vacate Portions of Saint Augustine Lane and Saint Augustine Court (Providence District)

ISSUE:

Authorization of a public hearing on a proposal to vacate portions of Saint Augustine Lane and Saint Augustine Court.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation of the subject right-of-way.

TIMING:

The Board should take action on January 26, 2021, to provide sufficient time to advertise the public hearing for March 9, 2021, at 4:00 p.m.

BACKGROUND:

The applicant, Tri Tek Engineering, is requesting that portions of Saint Augustine Lane and Saint Augustine Court be vacated under §15.2-2272(2) of the Virginia Code. The applicant is seeking this request as part of a new two lot subdivision, known as Avondale Glen Parcel A (Fairfax County Plan #131-SD-003) to be served by a permanent cul-de-sac located adjacent to the areas proposed to be vacated.

The subject portions of right-of-way are located at the terminus of Saint Augustine Lane south of the intersection of Heathland Drive and Saint Augustine Lane. The areas of right-of-way proposed to be vacated are not part of the VDOT Secondary System of Roadways. The subject portions of right-of-way are also unbuilt. During the Avondale Glen Parcel A subdivision review process, VDOT granted an Secondary Subdivision Access Requirement (SSAR) Exception of multiple connections in multiple directions, and VDOT noted that the extension of Saint Augustine Lane and Saint Augustine Court were not feasible. Attachment VI shows the consolidation of the vacated areas of right-of-way after the proposed vacation action.

Traffic Circulation and Access

The vacation will have no long-term impact on pedestrian, transit, or vehicle circulation and access.

Board Agenda Item
January 26, 2021

Easements

The project manager has certified that all easement requirements for the project have been met.

The proposal to vacate this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Development, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these indicated any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter and Justification/Background
Attachment II: Notice of Intent to Vacate
Attachment III: Ordinance of Vacation
Attachment IV: Metes and Bounds Description of Vacation
Attachment V: Vacation Plat
Attachment VI: Consolidation Plat Exhibit
Attachment VII: Vicinity Map

STAFF:

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

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney



August 4, 2020

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

Attn: Jeffrey Edmondson

Re: Avondale Glen Parcel A (131-SD-003)
Tax Map: 47-3-((17))-000A1
Request for Vacation of a portion of Saint Augustine Lane & Saint Augustine Court

Dear Jeffrey,

On behalf of our client, I would like to submit this request for vacation of a portion of Saint Augustine Lane & Saint Augustine Court as shown on the enclosed subdivision plan.

The site is 3.17 acres, zoned R-1 and is located within the existing Avondale Glen Subdivision along the north side of Saint Augustine Lane (Route 10218), within the Providence District. The site is surrounded by residential parcels on all sides. To the east is an existing single family home, to the north and west are open space parcels owned by the Avondale Glen Homeowners Association. The HOA parcel to the north has an existing regional SWM/BMP pond. To the south is a vacant parcel, part of the Avondale Glen Subdivision, zoned R-1 and the Oakton View subdivision (1502-SD-001). The site has RPA in the north east corner.

Avondale Glen Parcel A (Fairfax County Plan #131-SD-003) proposes the construction of a new 2 lot subdivision to be served by an extension of Saint Augustine Lane to a permanent cul-de-sac. The site is not subject to any prior rezonings and therefore is not proffered. The plan proposes to vacate a portion of existing unimproved right of way known as Saint Augustine Lane and the entirety of existing, unimproved, Saint Augustine Court which we believe is no longer needed given the development that has occurred.

The portion of Saint Augustine Lane to be vacated extends to an outlot from the Avondale Glen – Phase 2 Subdivision, known as Outlot D. The outlet is owned by the Avondale Glen HOA, it is not likely to develop. The Saint Augustine Lane right of way is not necessary to extend to the HOA parcel as access to the parcel comes from a portion of Saint Augustine Lane that is to remain via a Stormwater

Maintenance Road (to the east of the subject site). As such, we feel that there is sufficient justification to vacate the identified portion of Saint Augustine Lane right of way.

The proposed to be vacated Saint Augustine Court extends to the rear of Lot 17 of the Oakton View Subdivision (1502-SD-001-2) to the South. Oakton View is a very recent subdivision that did not provide for any future connections that would facilitate an access and or connection to Saint Augustine Court. Lot 17 is served off of Oakton View Drive. There are no future connection locations provided by the proposed subdivision to the south, and the Oakton View Subdivision proposes a full single family residential buildout with a permanent cul-de-sac and no stub-outs, As such we feel that there is sufficient justification to vacate the Saint Augustine Court right of way.

Also important to note, that with the Avondale Glen Parcel A subdivision review and approval process by VDOT, an SSAR Exception of multiple connections in multiple directions was granted. VDOT agreed that no feasible extension of Saint Augustine Lane or Saint Augustine Court existed, further supporting the justification to vacate the portion of Saint Augustine Lane right of way and the entirety of the Saint Augustine Court right of way as indicated.

Given the above, we respectfully request the vacation of both a portion of Saint Augustine Lane and Saint Augustine Court as outlined above.

If you have any questions, concerns or require any additional information to aid in your review of this request, please feel free to contact me.

Sincerely,



Dan Brzezynski, P.E.
Project Manager

**NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN**

(Saint Augustine Lane & Saint Augustine Court)

**Providence District,
Fairfax County, Virginia**

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on March 9, 2021, at 4:00 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204, vacating a part of the plat of AVONDALE GLEN, recorded in Deed Book 12818, at Page 977, on which is shown Saint Augustine Lane from Heathland Drive to its terminus, a distance of 1,820 feet and Saint Augustine Court from Saint Augustine Lane to its terminus, a distance of 118 feet. The roads are located on Tax Map 47-3 and are described and shown on the metes and bounds schedule and plat prepared by Tri-Tek Engineering, dated October 14, 2020, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia, 22033, Telephone Number (703) 877-5600.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.

PROVIDENCE DISTRICT.

§ 15.2-2272(2)

ADOPTION OF AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(Saint Augustine Lane & Saint Augustine Court)

Providence District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Governmental Center in Fairfax County, Virginia, on March 9, 2021, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia, that Part of the Plat of AVONDALE GLEN, recorded in Deed Book 12818, at Page 977, on which is shown Saint Augustine Lane from Heathland Drive to its terminus, a distance of 1,820 feet and Saint Augustine Court from Saint Augustine Lane to its terminus, a distance of 118 feet, located on Tax Map 47-3 and are described and shown on the metes and bounds schedule and plat prepared by Tri-Tek Engineering, dated October 14, 2020, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2272(2).

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner.

A Copy Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

§15.2-2272(2)



METES AND BOUNDS DESCRIPTION
PROPOSED OUTLOT C
 VACATION OF A PORTION OF
 SAINT AUGUSTINE COURT
 DEED BOOK 12818; PAGE 1003
 (AVONDALE GLEN)
 PROVIDENCE DISTRICT – FAIRFAX COUNTY VIRGINIA
 FAIRFAX COUNTY MAP REFERENCE 47-3-((17))

Beginning at a point on the north east line of Lot 3 – Oakton Ridge Development, LLC (DB 25980; PG 1221), being the southerly terminus of the centerline of Saint Augustine Court (47' Wide).

Thence running with the north east line of Lot 3; N 63°19'41"W – 36.46' to a point on the north line of Lot 3, being the southerly terminus of the westerly line of Saint Augustine Court.

Thence departing Lot 3 running with the westerly line of Saint Augustine Court with a curve to the left as follows: R = 107.50' | A = 19.20' | Chd = 19.17' | Chd Brg = N 35°23'37"W to a point, and N 40°30'36" W – 5.51 feet to a point on the westerly line Saint Augustine Court.

Thence departing the westerly line of Saint Augustine Court running through Saint Augustine Court with a curve to the left as follows: R = 55.00' | A = 29.80' | Chd = 29.44' | Chd Brg = N 88°34'42"E feet to a point on the recorded centerline of Saint Augustine Court.

Thence running through Saint Augustine Court with the recorded centerline thereof with a curve to the left as follows: R = 131.00' | A = 41.17' | Chd = 41.00' | Chd Brg = S 25°47'23"E to the point of beginning, containing 747 Square Feet or 0.0171 Acres of land.

This description has been prepared in conjunction with a drawing titled "PLAT SHOWING VACATION OF A PORTION OF SAINT AUGUSTINE LANE AND A PORTION OF SAINT AUGUSTINE COURT, DB 12818; PG 1003" Dated 10-14-2020, prepared by Tri Tek Engineering.

Reference to said plat is hereby made for a more graphic and particular depiction of the property described herein.



METES AND BOUNDS DESCRIPTION
PROPOSED OUTLOT A
 VACATION OF A PORTION OF
 SAINT AUGUSTINE LANE
 ROUTE #10218
 DEED BOOK 12818; PAGE 1003
 (AVONDALE GLEN)
 PROVIDENCE DISTRICT – FAIRFAX COUNTY VIRGINIA
 FAIRFAX COUNTY MAP REFERENCE 47-3-((17))

Beginning at the south corner of Parcel A – Avondale Glen (DB 12818; PG 1003), lying on the North line of Outlot D, Avondale Glen – Phase 2 (DB 15855; PG 1334), and being the south west terminus of the westerly line of Saint Augustine Lane – Route #10218 (44' Wide).

Thence departing Parcel D, running with the south line of Parcel A; N 49°29'24"E – 63.42' to a point on the south line of Parcel A, lying on the north line of Saint Augustine Lane.

Thence departing Parcel A running through Saint Augustine Lane with a curve to the left as follows:
 R = 55.00' | A = 30.40' | Chd = 30.02' | Chd Brg = S 02°21'45"W to a point on the recorded centerline of Saint Augustine Lane.

Thence running through Saint Augustine Lane along the recorded centerline S 49°29'24"W – 33.24 feet to a point on the southerly terminus of Saint Augustine Lane, lying on the North line of Outlot D, Avondale Glen – Phase 2.

Thence running with the north line of Outlot D, N 64°25'18"W – 24.07 feet to the point of beginning, containing 1,020 Square Feet or 0.0234 Acres of land.

This description has been prepared in conjunction with a drawing titled "PLAT SHOWING VACATION OF A PORTION OF SAINT AUGUSTINE LANE AND A PORTION OF SAINT AUGUSTINE COURT, DB 12818; PG 1003" Dated 10-14-2020, prepared by Tri Tek Engineering.

Reference to said plat is hereby made for a more graphic and particular depiction of the property described herein.



METES AND BOUNDS DESCRIPTION

PROPOSED OUTLOT DVACATION OF A PORTION OF
SAINT AUGUSTINE COURT

DEED BOOK 12818; PAGE 1003

(AVONDALE GLEN)

PROVIDENCE DISTRICT – FAIRFAX COUNTY VIRGINIA

FAIRFAX COUNTY MAP REFERENCE 47-3-((17))

Beginning at the eastern most corner of Lot 3 – Oakton Ridge Development, LLC (DB 25980; PG 1221), lying on the west line of Lot 2 – Oakton Ridge Development, LLC, and being the south east terminus of the easterly line of Saint Augustine Court (47' Wide).

Thence departing Lot 2, running with the north line of Lot 3; N 63°19'41"W – 30.41' to a point on the north line of Lot 2, being the southerly terminus of the centerline of Saint Augustine Court.

Thence departing Lot 2 running through Saint Augustine Court along the recorded centerline with a curve to the left as follows: R = 131.00' | A = 41.17' | Chd = 41.00' | Chd Brg = N 25°47'23"W to a point on the centerline of Saint Augustine Court.

Thence departing the centerline running through Saint Augustine Court with a curve to the left as follows: R = 55.00' | A = 23.78' | Chd = 23.59' | Chd Brg = N 60°40'20"E feet to a point on the east line of Saint Augustine Court, lying on the west line of Lot 2 – Oakton Ridge Development, LLC (DB 25980; PG 1221).

Thence running with the the west line of Lot 2 – Oakton Ridge Development, LLC, with a curve to the left as follows: R = 154.50' | A = 67.29' | Chd = 66.76' | Chd Brg = S 21°28'56"E feet to the point of beginning, containing 1,258 Square Feet or 0.0289 Acres of land.

This description has been prepared in conjunction with a drawing titled "PLAT SHOWING VACATION OF A PORTION OF SAINT AUGUSTINE LANE AND A PORTION OF SAINT AUGUSTINE COURT, DB 12818; PG 1003" Dated 10-14-2020, prepared by Tri Tek Engineering.

Reference to said plat is hereby made for a more graphic and particular depiction of the property described herein.



METES AND BOUNDS DESCRIPTION
PROPOSED OUTLOT B
 VACATION OF A PORTION OF
 SAINT AUGUSTINE LANE
 ROUTE #10218
 DEED BOOK 12818; PAGE 1003
 (AVONDALE GLEN)
 PROVIDENCE DISTRICT – FAIRFAX COUNTY VIRGINIA
 FAIRFAX COUNTY MAP REFERENCE 47-3-((17))

Beginning at a point lying on the north line of Outlot D, Avondale Glen – Phase 2 (DB 15855; PG 1334), being the south westerly terminus of centerline of Saint Augustine Lane – Route #10218 (44' Wide).

Thence departing Parcel D, running through Saint Augustine Lane along the recorded centerline; N 49°29'24"E – 33.24' to a point, thence departing the recorded centerline, continuing through Saint Augustine Lane with a curve to the left as follows: R = 55.00' | A = 27.86' | Chd = 27.56' | Chd Brg = S 27°59'02"E to a point on the north line of a return curve between Saint Augustine Lane, and Saint Augustine Court.

Thence running with the return line between said roads with a curve to the left as follows: R = 25.00' | A = 15.93' | Chd = 15.66' | Chd Brg = S 67°44'25"W to a point, and S 49°29'24"W – 2.64 feet to a point on the southerly terminus of Saint Augustine Lane, lying on the North line of Outlot D, Avondale Glen – Phase 2.

Thence running with the north line of Outlot D, N 64°25'18"W – 24.06 feet to the point of beginning, containing 564 Square Feet or 0.0129 Acres of land.

This description has been prepared in conjunction with a drawing titled "PLAT SHOWING VACATION OF A PORTION OF SAINT AUGUSTINE LANE AND A PORTION OF SAINT AUGUSTINE COURT, DB 12818; PG 1003" Dated 10-14-2020, prepared by Tri Tek Engineering.

Reference to said plat is hereby made for a more graphic and particular depiction of the property described herein.

CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	TAN.	CHORD	CHD. BRG.
C1	170.00'	69.89'	23°33'24"	35.45'	69.40'	S 61°16'06" W
C2	148.00'	60.85'	23°33'31"	30.86'	60.43'	S 61°16'02" W
C3	126.00'	51.81'	23°33'41"	26.28'	51.45'	S 61°15'57" W
C4	55.00'	113.10'	117°49'32"	91.22'	94.20'	S 16°25'09" W
C5	55.00'	30.40'	31°40'26"	15.60'	30.02'	S 2°21'45" W
C6	55.00'	27.86'	29°01'10"	14.23'	27.56'	S 27°59'02" E
C7	25.00'	15.93'	36°30'03"	8.24'	15.66'	S 67°44'25" W
C8	25.00'	23.34'	53°29'57"	12.60'	22.50'	N 67°15'35" W
C9	55.00'	53.58'	55°48'44"	29.13'	51.48'	N 76°11'39" E
C10	55.00'	29.80'	31°02'40"	15.28'	29.44'	N 88°34'42" E
C11	55.00'	23.78'	24°46'05"	12.08'	23.59'	N 60°40'20" E
C12	154.50'	67.29'	24°57'20"	34.19'	66.76'	N 21°28'56" W
C13	131.00'	41.17'	18°00'24"	20.76'	41.00'	N 25°47'23" W
C14	107.50'	19.20'	10°13'58"	9.63'	19.17'	N 35°23'37" W
C15	154.50'	17.66'	6°33'01"	8.84'	17.65'	N 37°14'06" W
C16	25.00'	39.27'	90°00'00"	25.00'	35.36'	S 4°29'24" W
C17	131.00'	13.07'	5°43'01"	6.54'	13.07'	N 37°39'08" W
C18	25.00'	11.28'	25°50'31"	5.74'	11.18'	N 62°24'39" E
C19	55.00'	54.84'	57°07'57"	29.94'	52.60'	S 46°45'57" W

LINE TABLE		
LINE	LENGTH	BEARING
L1	33.24'	N 49°29'24" E
L2	2.64'	S 49°29'24" W
L3	9.85'	S 40°30'36" E
L4	5.51'	S 40°30'36" E
L5	15.36'	N 40°30'36" W
L6	20.92'	N 49°29'24" E
L7	13.23'	S 49°29'24" W
L8	8.95'	S 82°15'36" W
L9	22.37'	S 82°15'36" W

APPROVED
COUNTY OF FAIRFAX
LAND DEVELOPMENT SERVICES
ADDRESSING REVIEW

BY _____
Date _____ Addressing Reviewer _____

FINAL PLAT

RECOMMENDED FOR APPROVAL
FAIRFAX COUNTY
LAND DEVELOPMENT SERVICES

ALL STREET LOCATIONS AND/OR EASEMENTS
CONFORM TO THE REQUIREMENTS OF THIS OFFICE

THIS APPROVAL IS NOT A COMMITMENT
TO PROVIDE PUBLIC SANITARY SEWER

BY _____
Date _____ Director, Site Development and
Inspection Division or Agent

APPROVED
FOR
BOARD OF SUPERVISORS
FAIRFAX COUNTY, VIRGINIA

BY _____
Date _____ Director, Land Development
Services or Agent

APPROVAL VOID IF PLAT IS NOT OFFERED FOR
RECORD ON OR BEFORE _____

WETLANDS CERTIFICATION

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS
REQUIRED BY LAW WILL BE OBTAINED PRIOR TO
COMMENCING ANY LAND DISTURBING ACTIVITIES.

SIGNATURE: _____
FOR OWNER
OWNER / DEVELOPER: _____
AGENT
TITLE: _____

AREA TABULATION

RIGHT OF WAY PORTION OF SAINT
AUGUSTINE LANE VACATION = 1,584 S.F.

OUTLOT A = 1,020 S.F.
OUTLOT B = 564 S.F.

RIGHT OF WAY PORTION OF SAINT
AUGUSTINE COURT VACATION = 2,005 S.F.

OUTLOT C = 747 S.F.
OUTLOT D = 1,258 S.F.

TOTAL RIGHT OF WAY VACATION = 3,589 S.F.



VICINITY MAP
SCALE: 1"=500'

NOTES:

1. THE PROPERTY SHOWN HEREON IS LOCATED ON MAP NO. 47-3.
2. ZONE: R-1
3. ALL PREVIOUSLY RECORDED RIGHTS OF WAY, EASEMENTS OR OTHER INTEREST OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
4. THIS PLAT IS ASSOCIATED WITH THE SUBDIVISION PLAN TITLED AVONDALE GLEN PARCEL A, COUNTY PLAN NO. 131-SD-003-2.
5. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 1983).
6. THE BOUNDARY SURVEY OF THE LANDS DELINEATED HEREON MEETS THE MINIMUM ERROR OF CLOSURE 1 IN 20,000.
7. OUTLOT A SHALL BE CONVEYED TO THE OWNER OF FUTURE LOT 1, "DIVISION OF PARCEL A AVONDALE GLEN".
8. OUTLOTS B&C SHALL BE CONVEYED TO THE OWNER OF PARCEL C.
9. OUTLOT D SHALL BE CONVEYED TO THE OWNER OF LOT 2.

PLAT SHOWING
VACATION

OF A PORTION OF SAINT AUGUSTINE LANE
AND A PORTION OF SAINT AUGUSTINE COURT
D.B. 12818, PG. 1003

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DATE: 10-14-2020

SHEET 1 OF 1

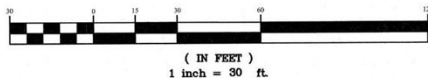


SURVEYOR'S CERTIFICATE:

I, DAVID T. CURRIN, A DULY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PARCELS OF LAND DELINEATED HEREON; THAT THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND EXPERIENCE, THAT IT IS PART OF THE SAME ROAD IDENTIFIED BY REFERENCED DEEDS AS RECORDED IN DEED BOOK 12818 AT PAGE 1003 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA; THAT THIS VACATION IS WITHIN THE BOUNDARIES THEREOF.

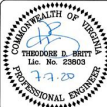
DAVID T. CURRIN, L.S. NO. 1998
DATED: 10/14/2020

GRAPHIC SCALE





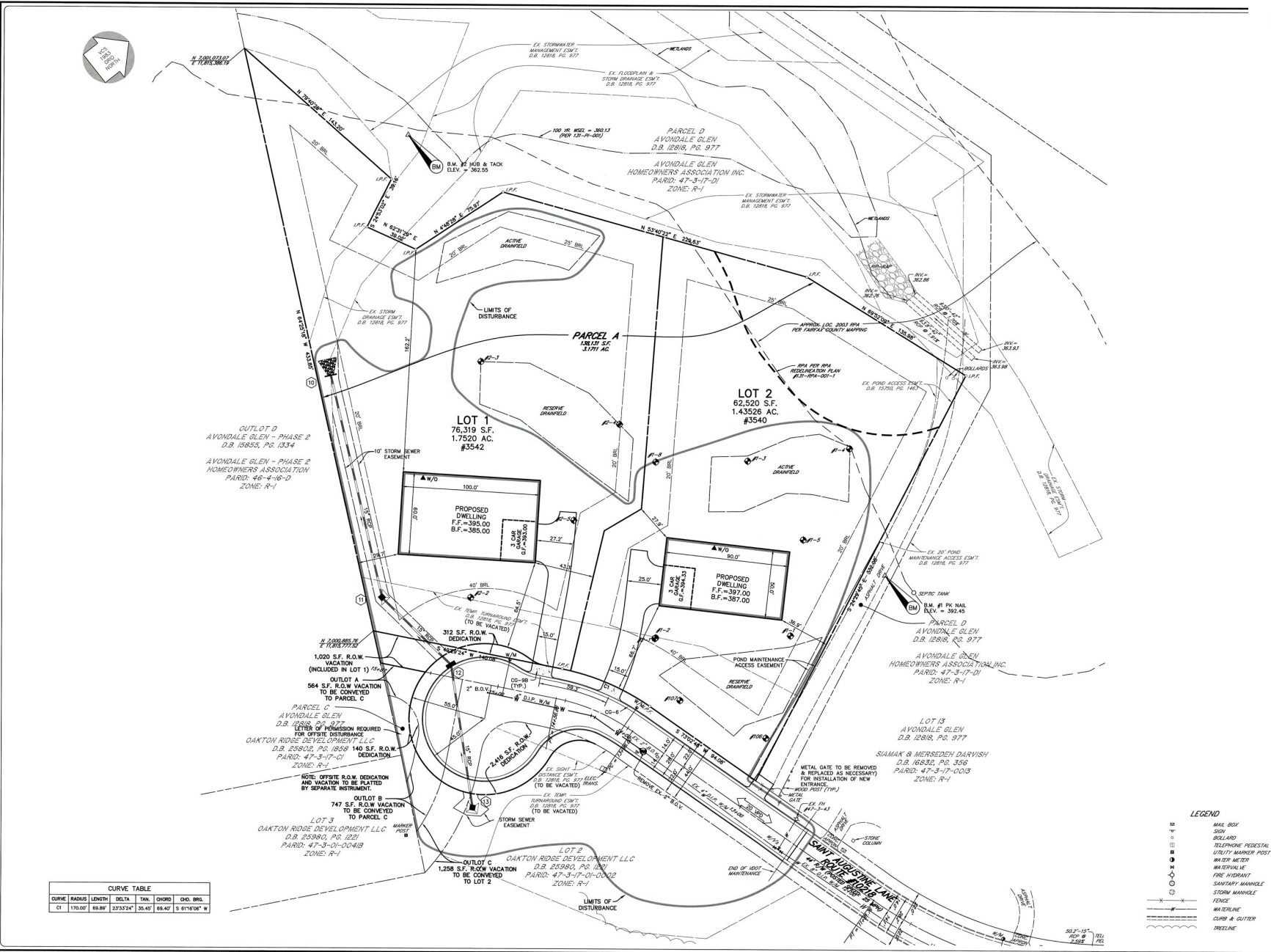
CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING
690 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com



AVONDALE GLEN
PARCEL A

SUBDIVISION PLAN

DATE	REVISION	PER COUNTY COMMENTS
07/27/20		



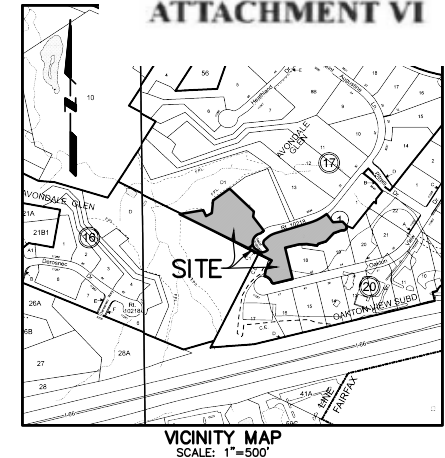
CURVE	RADIUS	LENGTH	DELTA	TAN	CHORD	CHD. BRG.
C1	170.00'	68.89'	273.24°	35.45'	68.40'	S 61°10'04" W

APPROVED COUNTY OF FAIRFAX LAND DEVELOPMENT SERVICES ADDRESSING REVIEW	
BY	Addressing Reviewer
Date	
FINAL PLAT RECOMMENDED FOR APPROVAL FAIRFAX COUNTY LAND DEVELOPMENT SERVICES ALL STREET LOCATIONS AND/OR EASEMENTS CONFORM TO THE REQUIREMENTS OF THIS OFFICE THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER	
BY	Director, Site Development and Inspection Division or Agent
Date	
APPROVED FOR BOARD OF SUPERVISORS FAIRFAX COUNTY, VIRGINIA	
BY	Director, Land Development Services or Agent
Date	
APPROVAL VOID IF PLAT IS NOT OFFERED FOR RECORD ON OR BEFORE _____	

WETLANDS CERTIFICATION I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING ANY LAND DISTURBING ACTIVITIES.	
SIGNATURE:	
FOR OWNER	
OWNER / DEVELOPER:	
AGENT	
TITLE:	

CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	TAN.	CHORD	CHD. BRG.
C1	322.00'	115.80'	20°36'16"	58.53'	115.17'	N 62°44'20" E
C2	15.00'	21.41'	81°47'20"	12.99'	19.64'	S 62°43'27" E
C3	55.00'	55.65'	57°58'38"	30.47'	53.31'	N 50°49'10" W
C4	131.00'	41.17'	18°00'24"	20.76'	41.00'	N 25°47'23" W
C5	55.00'	90.92'	94°42'57"	59.72'	80.92'	N 25°41'53" E
C6	55.00'	23.78'	24°46'05"	12.08'	23.59'	N 60°40'20" E
C7	55.00'	67.15'	69°56'52"	38.47'	63.05'	N 13°18'51" E
C8	25.00'	37.97'	87°00'56"	23.73'	34.42'	S 21°50'53" W
C9	154.50'	17.66'	6°33'01"	8.84'	17.65'	N 37°14'06" W
C10	25.00'	39.27'	90°00'00"	25.00'	35.36'	S 4°29'24" W
C11	126.00'	51.81'	23°33'41"	26.28'	51.45'	S 61°15'57" W
C12	126.00'	34.90'	15°52'14"	17.56'	34.79'	S 57°25'14" W
C13	126.00'	16.91'	7°41'27"	8.47'	16.90'	S 69°12'04" W
C14	55.00'	89.72'	93°28'10"	58.44'	80.10'	S 60°12'33" E
C15	55.00'	27.86'	29°01'10"	14.23'	27.56'	S 27°59'02" E
C16	55.00'	32.07'	33°24'21"	16.50'	31.62'	S 59°11'48" W
C17	55.00'	29.80'	31°02'40"	15.28'	29.44'	N 88°34'42" E
C18	25.00'	23.34'	53°29'57"	12.60'	22.50'	N 67°15'35" W
C19	170.00'	6.35'	2°08'25"	3.18'	6.35'	S 50°33'36" W
C20	25.00'	11.28'	25°50'31"	5.74'	11.18'	N 62°24'39" E
C21	55.00'	85.25'	88°48'22"	53.87'	76.97'	S 30°55'44" W

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00'	S 43°46'59" E
L2	19.28'	S 13°37'03" E
L3	16.54'	S 49°50'55" W
L4	19.13'	S 87°24'07" W
L5	12.36'	S 31°37'56" W
L6	15.36'	N 40°30'36" W
L7	20.92'	N 49°29'24" E
L8	33.24'	N 49°29'24" E
L9	9.85'	S 40°30'36" E
L10	4.72'	N 60°27'45" W
L11	10.64'	N 4°21'25" W
L12	11.15'	S 67°09'27" W
L13	10.19'	S 40°36'40" W
L14	7.50'	S 22°53'1" E
L15	11.24'	N 85°02'20" E
L16	2.65'	S 60°27'45" E
L17	13.23'	S 49°29'24" W



NOTES:

- THE PROPERTIES SHOWN HEREON ARE LOCATED ON MAP NO. 47-3-17-C1, 47-3-17-01-0002, _____.
- ZONE: R-1
- ALL PREVIOUSLY RECORDED RIGHTS OF WAY, EASEMENTS OR OTHER INTEREST OF THE COUNTY REMAIN IN FULL FORCE AND AFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
- THIS PLAT IS ASSOCIATED WITH THE SUBDIVISION PLAN TITLED AVONDALE GLEN PARCEL A, COUNTY PLAN NO. 131-SD-003-2.
- THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 1983).
- THE BOUNDARY SURVEY OF THE LANDS DELINEATED HEREON MEETS THE MINIMUM ERROR OF CLOSURE 1 IN 20,000.

AREA TABULATION			
EXISTING		PROPOSED	
MAP NO.: 47-3-17-C1	= 719 S.F. OR 0.0165 AC.	PARCEL C1	= 1,890 S.F. OR 0.0439 AC.
MAP NO.: 47-3-17-01-0002	= 74,286 S.F. OR 1.7054 AC.	LOT 2A	= 73,128 S.F. OR 1.6788 AC.
MAP NO.: (LOT 1)	= 75,299 S.F. OR 1.7286 AC.	LOT 1A	= 76,319 S.F. OR 1.7520 AC.
MAP NO.: (OUTLOT A)	= 1,020 S.F. OR 0.234 AC.	STREET DEDICATION	= 2,556 S.F. OR 0.0587 AC.
MAP NO.: (OUTLOT B)	= 564 S.F. OR 0.0129 AC.		
MAP NO.: (OUTLOT C)	= 747 S.F. OR 0.0171 AC.		
MAP NO.: (OUTLOT D)	= 1,258 S.F. OR 0.0289 AC.		
TOTAL AREA	153,893 S.F. OR 3.5329 AC.	TOTAL AREA	77,574 S.F. OR 1.7809 AC.

SURVEYOR'S CERTIFICATE:

I, DAVID T. CURRIN, A DULY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PARCELS OF LAND DELINEATED HEREON; THAT THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND EXPERIENCE, THAT THEY ARE THE SAME LANDS AS CONVEYED TO OAKTON RIDGE DEVELOPMENT LLC AS RECORDED IN DEED BOOK 25802 AT PAGE 1858 (PARCEL C1) AND IN DEED BOOK 25980 AT PAGE 1221 (LOT 2) AND ST. AUGUSTINE VENTURES, LLC IN DEED BOOK 25448 AT PAGE 805 (LOT 1) ALL AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA; THAT THE PERIMETER OF THE LAND HEREON PLATTED WILL BE MONUMENTED USING IRON PIPE OR OTHER PERMANENT MARKER. MONUMENTS OF INTERNAL LOTS, STREETS, OUTLOTS, AND PARCELS CREATED BY RECORDATION OF THIS PLAT ARE COVERED BY SUBDIVISION ORDINANCE AND SURETY BOND AND WILL BE INSTALLED BY A LAND SURVEYOR LICENSED IN THE COMMONWEALTH PRIOR TO BOND RELEASE BY FAIRFAX COUNTY.

DAVID T. CURRIN, L.S. NO. 1998

DATED:

10/12/2020



PLAT SHOWING
 CONSOLIDATION OF VARIOUS OUTLOTS
 AND STREET DEDICATION AND VACATION
 & DEDICATION OF VARIOUS EASEMENTS
PARCEL C1
AVONDALE GLEN
 (D.B. 12818, PG. 977)
LOT 2
OAKTON RIDGE
DEVELOPMENT, LLC
 (D.B. 25980, PG. 1221)
LOT 1
DIVISION OF PARCEL A
AVONDALE GLEN
 (D.B. _____, PG. _____)
 AND THE VACATION OF
 A PORTION OF SAINT AUGUSTINE LANE AND
 A PORTION OF SAINT AUGUSTINE COURT
 (D.B. _____, PG. _____)

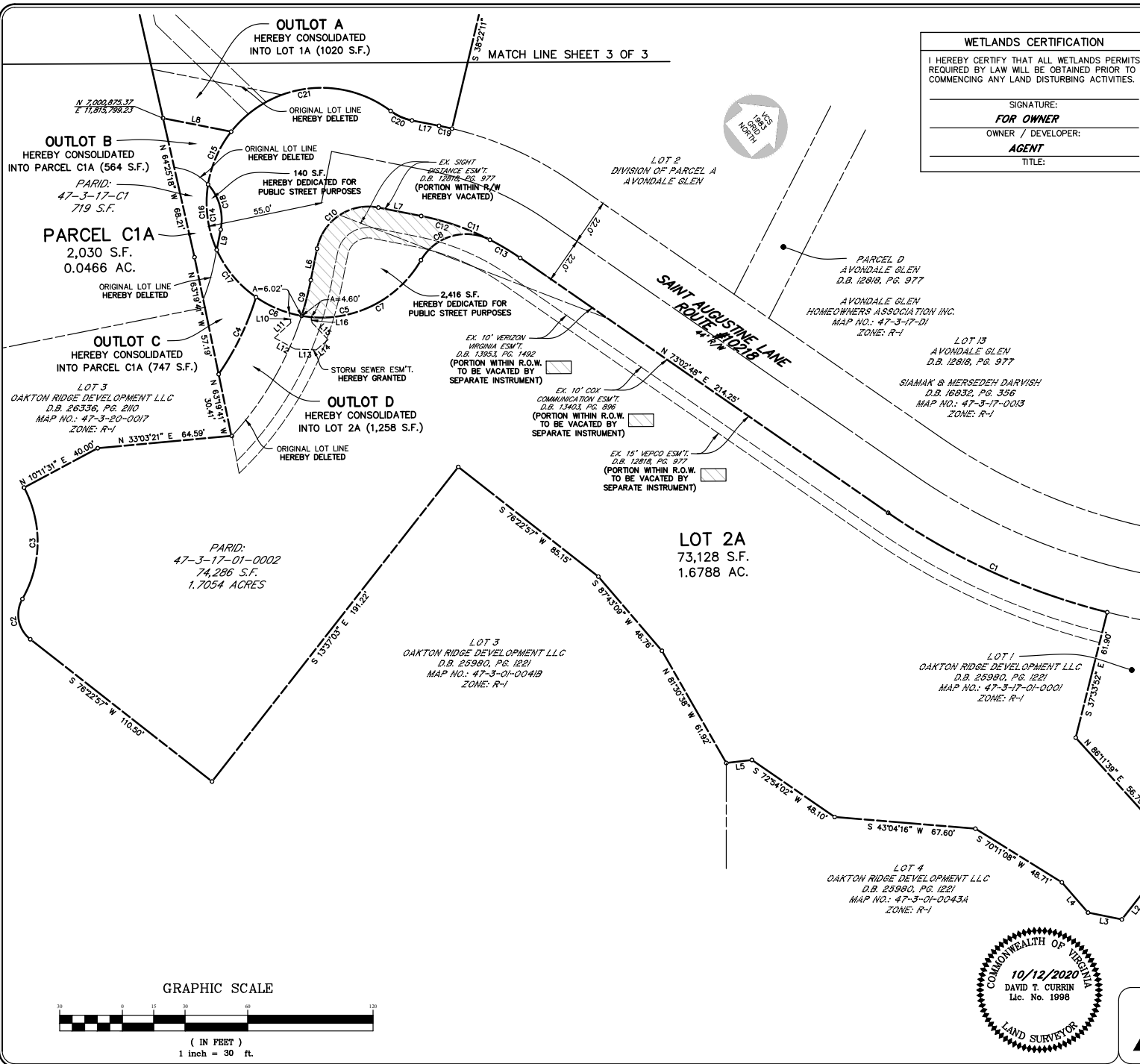
PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 30' DATE: 10-12-2020

SHEET 1 OF 3



TRI-TEK ENGINEERING
 CIVIL • ENVIRONMENTAL • LAND PLANNING • SURVEYING
a professional corporation
 690 Center Street, Suite 300
 Herndon, Virginia 20170-5018 (703) 481-5900

ATTACHMENT VI



LAND DEVELOPMENT SERVICES ADDRESSING REVIEW

BY _____
Date _____ Addressing Reviewer _____

FINAL PLAT

RECOMMENDED FOR APPROVAL
FAIRFAX COUNTY
LAND DEVELOPMENT SERVICES

ALL STREET LOCATIONS AND/OR EASEMENTS CONFORM TO THE REQUIREMENTS OF THIS OFFICE
THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER

BY _____
Date _____ Director, Site Development and Inspection Division or Agent _____

APPROVED
FOR
BOARD OF SUPERVISORS
FAIRFAX COUNTY, VIRGINIA

BY _____
Date _____ Director, Land Development Services or Agent _____

APPROVAL VOID IF PLAT IS NOT OFFERED FOR RECORD ON OR BEFORE _____

PLAT SHOWING
CONSOLIDATION OF VARIOUS OUTLOTS AND STREET DEDICATION AND VACATION & DEDICATION OF VARIOUS EASEMENTS

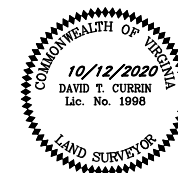
PARCEL C1
AVONDALE GLEN
(D.B. 12818, PG. 977)

LOT 2
OAKTON RIDGE DEVELOPMENT, LLC
(D.B. 25980, PG. 1221)

LOT 1
DIVISION OF PARCEL A AVONDALE GLEN
(D.B. _____ PG. _____)

AND THE VACATION OF
A PORTION OF SAINT AUGUSTINE LANE AND
A PORTION OF SAINT AUGUSTINE COURT
(D.B. _____ PG. _____)

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DATE: 10-12-2020



TRI-TEK ENGINEERING
CIVIL • ENVIRONMENTAL • LAND PLANNING • SURVEYING
a professional corporation
690 Center Street, Suite 300
Herndon, Virginia 20170-5018 (703) 481-5900

SHEET 2 OF 3

WETLANDS CERTIFICATION

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS
REQUIRED BY LAW WILL BE OBTAINED PRIOR TO
COMMENCING ANY LAND DISTURBING ACTIVITIES.

SIGNATURE:

FOR OWNER

OWNER / DEVELOPER:

AGENT

TITLE:

COUNTY OF FAIRFAX
LAND DEVELOPMENT SERVICES
ADDRESSING REVIEW

BY

Date Addressing Reviewer

FINAL PLAT

RECOMMENDED FOR APPROVAL
FAIRFAX COUNTY
LAND DEVELOPMENT SERVICES

ALL STREET LOCATIONS AND/OR EASEMENTS
CONFORM TO THE REQUIREMENTS OF THIS OFFICE

THIS APPROVAL IS NOT A COMMITMENT
TO PROVIDE PUBLIC SANITARY SEWER

BY

Date Director, Site Development and
Inspection Division or Agent**APPROVED**

FOR
BOARD OF SUPERVISORS
FAIRFAX COUNTY, VIRGINIA

BY

Date Director, Land Development
Services or Agent

APPROVAL VOID IF PLAT IS NOT OFFERED FOR
RECORD ON OR BEFORE _____

PLAT SHOWING
CONSOLIDATION OF VARIOUS OUTLOTS
AND STREET DEDICATION AND VACATION
& DEDICATION OF VARIOUS EASEMENTS

PARCEL C1**AVONDALE GLEN**

(D.B. 12818, PG. 977)

LOT 2**OAKTON RIDGE
DEVELOPMENT, LLC**

(D.B. 25980, PG. 1221)

LOT 1**DIVISION OF PARCEL A
AVONDALE GLEN**

(D.B. _____, PG. _____)

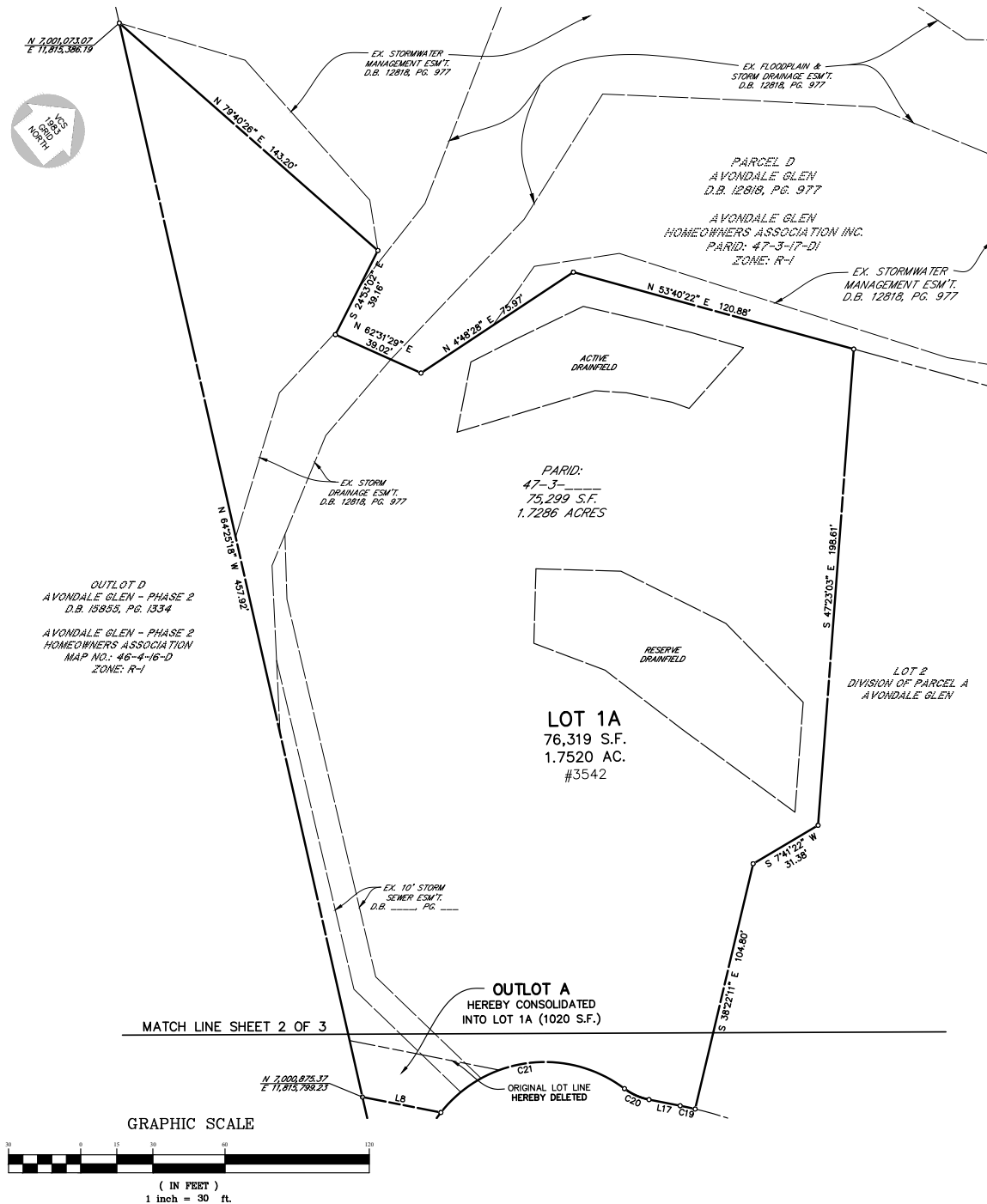
AND THE VACATION OF
A PORTION OF SAINT AUGUSTINE LANE AND
A PORTION OF SAINT AUGUSTINE COURT
(D.B. _____, PG. _____)

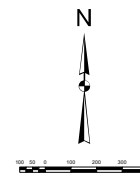
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DATE: 10-12-2020

SHEET 3 OF 3

TRI-TEK ENGINEERING

CIVIL • ENVIRONMENTAL • LAND PLANNING • SURVEYING
a professional corporation
690 Center Street, Suite 300
Herndon, Virginia 20170-5018 (703) 481-5900





Map file is 50° X 75" based on USGS 1:24,000 7 1/2 minute Quad. Virginia Coordinate System values are of 1983 North Zone in U.S. feet base NAD 83/93 High Precision GPS Network adjustment.

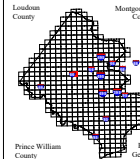
National Geodetic Vertical Datum 1929

GENERAL NOTES

MARINE CLAY DEPOSITS.

The limits of the Marine Clay Deposits shown in the

The information contained on this page in NDT is to be considered as a "legal disclaimer". It is not a survey product. Determination of topography or contours, or any geospatial physical measurements, property lines or boundaries in general, for information only and shall not be used for the design, modification or construction of improvements to real property or for flood determination. While Fairfax County strives to provide the best data possible, it does not provide any guarantee of accuracy or completeness regarding the map information. Any other omissions should be reported to the Fairfax County Geographic Information Systems and Mapping Services Branch of the Department of Information Technology. In no event will Fairfax County be liable for any damages, including but not limited to loss of data, lost profits, business interruption, loss of business information or any other pecuniary loss that might arise from the use of this map or information. It comprises:



ADMINISTRATIVE INDEX

	46-2	47-1	47-2
	46-4	47-3	47-4
	56-2	57-1	57-2

SHEET INDEX

CADASTRAL MAP

47-3

Revised to : 01 - 01 - 2020

Prepared by:
DEPARTMENT OF INFORMATION TECHNOLOGY
GIS and Mapping Services Branch
12000 Government Center Parkway, Suite 117
Fairfax, Virginia 22035-0010
(703) 324-2712
FAX (703) 324-3937
E-mail: gis_help@fairfaxcounty.gov

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Print Code: 20200301

ADMINISTRATIVE - 8

Authorization for the Department of Public Works and Environmental Services, Solid Waste Management Program and the Department of Vehicle Services to Apply for and Accept Grant Funding from the Virginia State Department of Environmental Quality, Clean Air Communities Program

ISSUE:

Board of Supervisors authorization is requested for the Department of Public Works and Environmental Services (DPWES), Solid Waste Management Program (SWMP) and the Department of Vehicle Services (DVS) to apply for and accept grant funding, if received, from the Virginia Department of Environmental Quality, Clean Air Communities Program (CACP), in the amount of \$1,973,700 including \$493,425 in Local Cash Match. The objective of the grant is to provide funding for the purchase of “all-electric” vehicles as well as charging infrastructure. DPWES, SWMP is proposing to purchase two rear-load residential trash and recycling vehicles and two transfer tractors for transporting waste to the waste-to-energy plant. DVS is proposing to purchase one class 6 truck. The table below details funding for each department.

Department	Grant Funding	Local Cash Match	LCM Funding Source	Total Application
DPWES, SWMP	\$1,275,000	\$425,000	Funds 40140 and 40150	\$1,700,000
DVS	\$205,275	\$68,425	Fund 60010	\$273,700
Total	\$1,480,275	\$493,425		\$1,973,700

Based on the solicitation requirements, each department submitted a grant application and it is anticipated that funding will be awarded for each grant application. These projects are estimated to take one year to procure the vehicles after grant award, with grant award anticipated in April 2021. When grant funding expires, the County is under no obligation to continue funding the program. If the actual awards received are significantly different from the application amounts, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the awards administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreements and any related agreements on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the DPWES, Solid Waste Management Program and the Department of Vehicle Services to apply for and accept grant funding, if received, from the Virginia Department of Environmental Quality, Clean Air Communities Program. Funding in the amount of \$1,973,700, including \$493,425 in Local Cash Match, will support the purchase of five vehicles to replace older, high-mileage vehicles currently owned by the County. There are no new grant positions associated with the award. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreements and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board action is requested on January 26, 2021. Due to the grant application deadline of January 11, 2021, the applications were submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the applications will be immediately withdrawn.

BACKGROUND:

The County has the opportunity to apply for Clean Air Communities Program funds through the Department of Environmental Quality, to purchase five vehicles to replace existing older, high-mileage County vehicles. The fully Electric Vehicles (EVs) are manufactured by BYD. The EVs will be used during daily operations for trash and recycling collections from residential sanitary district customers, as well as transporting waste from the I-66 transfer station to the waste energy plant, making them visible to the public and excellent test subjects. The EVs will be also used to transport material and supplies supporting multiple Fairfax County agencies as a part of the daily activities of the Department of Procurement and Material Management. These purchases are a step in the right direction in supporting the department's mission and in accordance with the Board's Environmental Vision and Strategic Plan. The use of EVs within SWMP and DVS aligns with the Community-wide Energy and Climate Action Plan (CECAP) and Joint Environmental Task Force (JET) initiatives that were recently developed. This opportunity will also help recognize Fairfax County as being a leader in environmental stewardship and the reduction of greenhouse gas emissions.

The expected operating life for vehicles in DPWES, Solid Waste Management Program and DVS is about 7 years and 200,000 miles. The current Solid Waste Management Program is comprised of 91 Class 8 waste collection and transportation vehicles. Factoring in the life cycle and high mileage into the replacement planning efforts, the

Board Agenda Item
January 26, 2021

Solid Waste Management Program anticipates needing to replace 8 to 10 vehicles each year. The factors utilized to determine the need to replace vehicles include age, mileage and historical maintenance records.

Vehicle replacement for the DPWES, Solid Waste Management Program is funded in Fund 40140, Refuse Collection and Recycling Operations and Fund 40150, Refuse Disposal; vehicle replacement for DVS is funded in Fund 60010, Department of Vehicle Services. If funding is awarded, the County will be able to purchase these vehicles at a significantly reduced net cost to the County.

FISCAL IMPACT:

Grant funding in the amount of \$1,973,700, including \$493,425 in Local Cash Match, is being requested from Virginia Department of Environmental Quality, Clean Air Communities Program to support the purchase of five vehicles to replace high-mileage vehicles currently owned by the County. The required Local Cash Match is available in Fund 40140, Refuse Collection and Recycling Operations and Fund 40150, Refuse Disposal for the funding associated with the DPWES, Solid Waste Management Program and in Fund 60010, Department of Vehicle Services for funding associated with DVS. This action does not increase the expenditure level of Fund 50000, Federal-State Grant Fund as funds are held in reserve for unanticipated grant awards in FY 2021. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Proposal

STAFF:

Randy Bartlett, Director, DPWES

John Kellas, Deputy Director, DPWES, SWMP

Hans Christensen, Director, DPWES, SWMP, Solid Waste Operations Division

Mark Moffatt, Director, DVS

Marguerite Guarino, Deputy Director, DVS

Clean Air Communities Program (CACP) Vehicle Replacement

SUMMARY OF GRANT PROPOSAL

Grant Title:	Clean Air Communities Program (CACP)
Funding Agency:	Virginia Department of Environmental Quality
Applicants:	Solid Waste Management Program (SWMP) and Department of Vehicle Services (DVS)
Purpose of Grant:	This grant opportunity offers up to 75 percent for government-owned all-electric vehicles replacement, including electric charging infrastructure costs. Funding will assist in purchasing five new electric vehicles.
Funding Amount:	Funding in the amount of \$1,973,700, including \$425,000 in Local Cash Match. The required 25 percent Local Cash Match is available in Fund 40140, Refuse Collection and Recycling Operations and Fund 40150, Refuse Disposal for SWMP and in Fund 60010, Department of Vehicle Services for DVS.
Proposed Use of Funds:	Funding will support the purchase of five vehicles needed to replace high mileage vehicles owned by the County.
Target Population:	Sanitary District residential collection customers, county-wide waste transportation operations, and Department of Purchasing and Material Management county-wide operations.
Performance Measures:	The purchase of four new vehicles for SWMP will provide an estimated 78 percent cost savings in fuel and maintenance. SWMP will track and monitor the expected savings as part of regular maintenance and operational performance reviews. The Purchase of one new vehicle for DVS will provide an estimated 64 percent cost savings in fuel. It will also result in a 58 percent reduction in Greenhouse Gases.
Grant Period:	SWMP and DVS anticipate that the award will be issued in April 2021, with one year to procure the vehicles. Normally, the vehicles are delivered within 6 to 12 months.

ACTION - 1

Approval of the Board of Supervisors' Regular Meeting Schedule for Calendar Year 2021 and Authorization for the Chairman to Postpone a Scheduled Meeting in the Event of Weather or Other Hazardous Conditions

ISSUE:

Board approval of its regular meeting schedule for January through December 2021.

RECOMMENDATION:

The County Executive recommends that the Board (1) approve the Board regular meeting schedule for January through December 2021 and (2) authorize the Chairman to defer any scheduled regular meeting to the Tuesday following the deferred regular meeting if the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for members to attend.

TIMING:

Immediate. Virginia law requires the Board to adopt its regular meeting schedule for calendar year 2021 at the first meeting in January.

BACKGROUND:

Previously, on July 28, 2020, staff presented the Board with a draft regular meeting schedule for calendar year 2021 for planning purposes, which was later amended by the Board on September 29, 2020. Virginia Code Section 15.2-1416 requires a governing body of each county to establish the days, times, and places of its regular meetings at the annual meeting, which is the first meeting of the year. For that reason, the draft regular meeting schedule for calendar year 2021, as amended on September 29, 2020, is being presented to the Board again for formal adoption. Scheduled meetings may be adjourned and reconvened but not beyond the time fixed for the next regular meeting. The Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting by following the procedures established in the statute cited above, which include provision of adequate notice of all such meetings. Virginia Code Section 15.2-1416 was amended in 2020 to require that the governing body provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly, which is already the regular practice of the Board. Proposed Public Comment dates can be found on Attachment 1.

Board Agenda Item
January 26, 2021

In addition, Virginia Code Section 15.2-1416 authorizes the Board to fix the day or days to which a regular meeting shall be continued if the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regularly scheduled meeting. If those provisions are made, and the finding is communicated to the members and the press as promptly as possible, then all hearings and other matters previously advertised for that date shall be conducted at the continued meeting without a requirement for further advertisement. In order to take advantage of that authority in such an emergency, staff recommends that the Board also authorize the Chairman to continue any scheduled meeting to the following Tuesday when weather or other conditions make attendance at the previously scheduled regular meeting hazardous.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENT:
Attachment 1 – Proposed Meeting Schedule for Calendar Year 2021
Attachment 2 – Virginia Code Section 15.2-1416
Attachment 3 – Proposed Resolution Establishing the Regular Meeting Schedule for Calendar Year 2021 and Authorizing the Chairman to Continue a Meeting in the Event of Weather or Other Hazardous Conditions

STAFF:
Jill G. Cooper, Clerk for the Board of Supervisors

DRAFT

2021 Board of Supervisors Meeting Schedule

January 26, 2021	May 18, 2021 – <i>Public Comment</i>
February 9, 2021	June 8, 2021
February 23, 2021 – <i>Public Comment</i>	June 22, 2021 – <i>Public Comment</i>
March 9, 2021	July 13, 2021
March 23, 2021 – <i>Public Comment</i>	July 27, 2021 – <i>Public Comment</i>
April 13, 2021	September 21, 2021 – <i>Public Comment</i>
<ul style="list-style-type: none"> • 9:30 to 4:00 p.m. Board Meeting • 4:00 p.m. Budget Public Hearing 	October 5, 2021
April 14 and April 15, 2021	October 19, 2021 – <i>Public Comment</i>
<ul style="list-style-type: none"> • 3:00 p.m. – Budget Public Hearings 	November 9, 2021 – <i>Public Comment</i>
April 27, 2021 (Budget Mark-up)	December 7, 2021 – <i>Public Comment</i>
May 4, 2021	

Potential 2021 Tuesday Dates for Board Committee Meetings

(Listed below are Tuesday dates that would be available for scheduling
of Board Committee meetings in 2021)

January 12	June 29
February 2	July 20
March 2	September 14
March 16	September 28
April 6	October 12 (tentative)
May 11	October 26
May 25	November 23
June 15	

The Budget pre mark-up meeting is scheduled on Friday, April 23.

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Subtitle II. Powers of Local Government
 Chapter 14. Governing Bodies of Localities
 Article 2. Meetings of Governing Bodies

§ 15.2-1416. Regular meetings

A. The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

B. The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

C. Regular meetings may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed. Notice of any regular meeting continued under this section shall be reasonable under the circumstances and be given as provided in subsection D of § 2.2-3707.

D. The governing body shall provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly.

E. Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

Code 1950, § 15-241; 1950, p. 8; 1954, c. 286; 1958, c. 291; 1960, c. 33; 1962, cc. 218, 623, § 15.1-536; 1964, c. 403; 1980, c. 420; 1994, cc. 371, 591; 1997, c. 587; 2004, c. 549; 2017, c. 616; 2020, c. 1144.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**RESOLUTION ESTABLISHING THE BOARD REGULAR MEETING SCHEDULE FOR
CALENDAR YEAR 2021 AND AUTHORIZING THE CHAIRMAN TO CONTINUE
A MEETING IN THE EVENT OF WEATHER OR OTHER HAZARDOUS CONDITIONS**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, January 26, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code Section 15.2-1416 requires the Board of Supervisors of Fairfax County, Virginia, to assemble at its first meeting in January to establish the days, times, and places of its regular meetings in calendar year 2021; and

WHEREAS, Virginia Code Section 15.2-1416 authorizes the Board of Supervisors of Fairfax County, Virginia, to fix the day or days to which a regularly scheduled meeting shall be continued if the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fairfax County:

1. During Calendar Year 2021, the Board of Supervisors will meet on January 26, February 9, February 23, March 9, March 23, April 13, April 14, April 15, April 27, May 4, May 18, June 8, June 22, July 13, July 27, September 21, October 5, October 19, November 9, and December 7; and
2. All such meetings will take place at 12000 Government Center Parkway, Fairfax, Virginia. The Board may alternatively meet electronically as permitted by statute or ordinance; and
3. Such meetings shall generally begin at 9:30 a.m., except that the Board meetings on April 14 and 15 begin at 3 p.m. and on April 27 at 10 a.m.; and
4. If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regularly scheduled meeting, then that meeting shall be continued to the following Tuesday. All hearings and other matters shall be conducted at the continued meeting without further advertisement.

Such finding shall be communicated to the members and the press as promptly as possible.

Notice of the continued meeting must be given to the public in a manner reasonable under the circumstances, and contemporaneous with notice given to Board members.

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
January 26, 2021

ACTION - 2

Authorization for Scheduling a Vote on Updated and Modernized Rules of Procedure for the Board of Supervisors

ISSUE:

Board authorization to schedule a vote on updated and modernized Rules of Procedure for the Board of Supervisors.

RECOMMENDATION:

The County Executive recommends that the Board schedule the vote on the updated Rules of Procedure for February 9, 2021.

TIMING:

Board authorization is requested on January 26, 2021, for the Board to take action on February 9, 2021.

BACKGROUND:

The Board of Supervisors' Rules of Procedure serve as the Board's own internal administrative policy for official meetings of the Board of Supervisors. The Rules of Procedure were last amended in September 2009. Prior to September 2009, the last amendment to the Rules of Procedures was documented in January 1986.

The Rules of Procedure have been comprehensively reviewed and revised to modernize and update them. A proposed copy of the new Rules of Procedure can be found as Attachment 1.

Before adopting the updated and modernized Rules of Procedure, the text of the proposed document must be presented at one prior Board meeting. Thus, Attachment 1 is presented at this meeting in anticipation that a vote will occur on February 9, 2021. The draft Rules of Procedure may be further amended at the meeting at which the vote is taken.

FISCAL IMPACT:

None.

Board Agenda Item
January 26, 2021

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Rules of Procedure

STAFF:
Jill G. Cooper, Clerk for the Board of Supervisors

ASSIGNED COUNSEL:
Joanna L. Faust, Assistant County Attorney

Fairfax County Board of Supervisors
RULES OF PROCEDURE
Presented on January 26, 2021
Proposed Adoption on February 9, 2021

1. MEETINGS

1.1 REGULAR MEETINGS. The Board of Supervisors will hold regular meetings on such days as prescribed by resolution at the first regular session in January of each year or as prescribed in any subsequent resolution adopted by the Board.

1.2 SPECIAL MEETINGS. A special meeting may be called at the request of the Chairman or, alternatively, at the request of two or more members. Any such request will be in writing addressed to the Clerk of the Board, specifying the time and place of the proposed special meeting and the matters to be considered. Upon receipt of the request, the Clerk will immediately notify each member of the Board, the County Executive, and the County Attorney, in writing, to attend the special meeting at the given time and place and for the given purpose.

1.3 ELECTRONIC MEETINGS. If so allowed by law, an electronic meeting may be called at the request of the Chairman or, alternatively, the Board may also vote to conduct a meeting electronically. Electronic meetings will be conducted through a dedicated video conference line or such equivalent technology as allowed by law. Members of the public may access the electronic meeting through a simultaneous telecast, video streaming, or by telephone.

1.4 ADJOURNED MEETINGS. Any regular, special, or electronic meeting may be adjourned to a date and time certain prior to the next regular meeting.

1.5 PLACE OF MEETING. All regular or special meetings will be held in the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, unless a different meeting place has been established and notice published as is required by general law. Electronic meetings will be held over a dedicated video conference line or such equivalent technology as allowed by law with each member participating from a location where the member's voice may be adequately heard by every other member.

1.6 OPEN MEETINGS. All meetings will be open to the public, except as provided by law. The Board may, for the purposes provided for in the Virginia Freedom of Information Act or otherwise allowed by law, meet in closed session, which shall be closed to all persons except for the County Executive, the County Attorney, and those persons designated by the Chairman or the County Attorney.

2. PRESIDING OFFICER

2.1 CHAIRMAN. The Chairman will be the County Chairman whose election is provided for by general law. The Chairman will preside over all meetings and has the right to vote on all matters.

2.2 VICE-CHAIRMAN. The Vice-Chairman will be elected annually by the Board in January from among its members and will preside in the absence of the Chairman. The Vice-Chairman will retain the right to vote while acting as the presiding officer.

2.3 CHAIRMAN PRO TEM. A Chairman pro tem will be appointed by the Chairman or Vice-Chairman before leaving the room if leaving would result in neither the Chairman nor Vice-Chairman being present. In the event no Chairman pro tem has been appointed, one will be selected by the members remaining. The Chairman pro tem will preside in the absence of the Chairman or Vice-Chairman and will retain the right to vote.

3. QUORUM AND ACTIONS

3.1 QUORUM. A majority of all the members of the Board will constitute a quorum. The Chairman will be included and counted in determining the presence or absence of a quorum. If a member disqualifies themselves from hearing a particular matter, that member will remain at the meeting if the member's absence would break the quorum.

3.2 REQUIRED ABSENCE. No action will be taken by the Board unless at least a quorum is present. The temporary absence from the meeting room or electronic videoconference (in the event of an electronic meeting) of members sufficient to constitute a quorum will not prevent the hearing of presentations, testimony, or the discussion of matters submitted to the Board. The Clerk, the County Executive, the County Attorney, or any member will announce the absence of a quorum prior to the taking of any action by the Board. Failure of the Clerk, the County Executive, the County Attorney, or any member to announce the absence of a quorum does not alter the requirement for a quorum as a prerequisite to any action.

3.3 VOTING. All matters submitted to the Board for decision will be determined by oral vote. Votes will be taken only upon motions made and seconded. The presiding officer may conduct a roll call vote in the presiding officer's discretion. At the request of any member, when such request is made before any other business is taken up or upon the final vote of any ordinance or resolution, the presiding officer will conduct a roll call vote.

3.4 FRIENDLY AMENDMENTS. When formal action of the Board has been requested upon motion, duly seconded, and another member requests an amendment to the original motion, the presiding officer will ask the member who made the original motion if the original member agrees to the amendment. If the original member and the seconder agree to the amendment, the presiding officer will declare the amendment to the original motion adopted.

4. ORDER OF BUSINESS

4.1 COMMENCEMENT OF MEETING. At the posted start time for each meeting, the presiding officer will call the meeting to order. No quorum will be required to commence the meeting at the appointed hour.

4.2 AGENDA. The Chairman, with the County Executive, will prepare an agenda for each regular meeting. The order of the agenda will be established by the Chairman in consultation with the County Executive.

4.2.1 Presentations. In each agenda, the Chairman may provide a period for presentations that a member has requested by a Board Matter or that are otherwise appropriate to be scheduled, as determined in the Chairman's discretion.

4.2.2 Special Reports. In each agenda, the Chairman may provide a period for special reports by the County's boards, authorities, or commissions or by staff.

4.2.3 Matters presented by the County Executive. In each agenda, the Chairman will provide a period for matters presented by the County Executive or staff for administration, action, consideration, or information.

4.2.4 Board Matters. In each agenda, the Chairman will provide a period during which each member will be entitled to time to speak for such purposes as to such member may seem appropriate. At the end of each such period, the presiding officer will call the Board to order. Any continuation of the matter then under discussion will go over to the end of the agenda, or to a subsequent meeting, as the Board may determine.

4.2.5 Public Hearings. Matters that have been set for public hearing will be placed on the agenda at designated times certain.

4.2.6 Public Comment. A time for public comment may be placed on the agenda at a designated time certain. A maximum of 10 speakers will be heard and speakers may address the Board only once during a six-month period. The Board will hear public comment on any issue except issues under litigation; issues that have been scheduled for public hearing before the Board; and personnel matters or comments regarding individuals.

4.2.7 Closed Session. If it is necessary for the Board to hold a closed meeting for one of the purposes provided for in the Virginia Freedom of Information Act or otherwise allowed by law, the Chairman will provide a period for Closed Session. The final order and content of the Closed Session agenda will be approved by the Chairman in consultation with the County Attorney.

4.3 SUMMARIES OF BOARD MEETINGS. The Clerk will keep minutes of the meetings of the Board, as required by law. The County will also maintain electronic recordings of the meetings of the Board, except for closed sessions.

5. CONDUCT OF BUSINESS

5.1 TIME LIMITS. Speakers will limit their presentations to the time allotted, unless the Board by unanimous consent extends such time. Speakers will be allotted the following time to speak:

(a) Public Hearings:

Persons speaking for themselves as individuals — three (3) minutes.

One authorized representative of a formally organized or recognized group, association, company, or organization — five (5) minutes.

A person may yield and transfer any portion of his or her remaining time to another speaker; however, no speaker will be allotted more than ten (10) minutes to speak, regardless of how much time has been transferred to him or her, unless the Board by unanimous consent extends such time.

A person speaking as an individual may not also appear as the single authorized representative of a group or organization.

For all meetings, speakers may participate in public hearings by appearing in person (unless the meeting is an electronic meeting) or by telephone, video submissions, or written testimony.

Speakers who wish to submit videos or written testimony must send those submissions to the Clerk's Office by 9:00 a.m. on the day before the meeting in order for the submissions to be included.

(b) Public Comment:

All persons — three (3) minutes.

Speakers must contact the Clerk's Office by noon on the day of the meeting to ensure a place on the speakers' list.

Speakers may participate in public comment by appearing in person (unless the meeting is an electronic meeting) or by telephone, video submissions, or written testimony. Speakers who wish to submit videos or written testimony must send those submissions to the Clerk's Office by 9:00 a.m. on the day before the meeting in order for the submissions to be included.

5.2 RECOGNITION. No person will address the Board without having first been recognized by the presiding officer. When all testimony has concluded, and the Board is considering and discussing the matter, no person will thereafter be recognized to address the Board.

5.3 DECORUM.

5.3.1 Members. Members will not speak to an item until recognized by the presiding officer.

5.3.2 Non-Members. Persons addressing the Board will limit their remarks to those relevant to the pending items and to answering questions. They will address the Board as a whole, unless answering an individual member's questions.

The presiding officer will call the speaker or any audience member who has not been recognized to order; if out-of-order remarks or other inappropriate conduct persists, the presiding officer will order the speaker or audience member from the lectern or meeting, alternatively, the presiding officer may adjourn the meeting until order is restored.

5.4 FACILITY USE REGULATIONS. Any person entering the Board Auditorium for a Board meeting will abide by all applicable facility regulations.

6. MISCELLANEOUS

6.1 ROBERT'S RULES OF ORDER. All meetings of the Board will be governed by Robert's Rules of Order, to the extent that they are not inconsistent with these Rules of Procedure.

6.2 AMENDMENT OF THESE RULES. The Rules of Procedure may be amended by majority vote of the members, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented at least one previous meeting prior to the proposed vote. Any proposed amendment will be subject to further amendment at the meeting at which the vote is taken.

6.3 SUSPENSION OF RULES. These Rules of Procedure may be suspended if at least two-thirds of the members adopt such a motion to suspend. In such event, these Rules of Procedure will be deemed suspended only with respect to the specific matter or question not then in accord with the rules.

6.4 RESERVED AREA. Only members, the County Executive, the County Attorney, administrative staff, and other persons expressly invited will be entitled to enter the reserved area behind the Board Auditorium.

ACTION - 3

Adoption of Board's Own Policy on Naming County Facilities at a Board Member's Request

ISSUE:

Board adoption of its own policy on naming County Facilities at a Board Member's request.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached policy (Attachment 1) on naming County Facilities at a Board Member's request.

TIMING:

Board action is requested on January 26, 2021.

BACKGROUND:

Under Virginia Code Section 15.2-1800(E), Fairfax County is given the authority to control and regulate the real property that it owns. Using this authority, the Board of Supervisors as the governing body for Fairfax County, have named or renamed County-owned buildings in honor of individuals. Most recently, on January 28, 2020, through a Board motion presented by Chairman Jeff McKay and unanimously approved, the Merrifield Crisis Response Center was renamed in honor of former Board of Supervisors Chairman Sharon Bulova.

There is no current Board of Supervisors policy on renaming or naming County Facilities at a Board Member's request. In September 2016, the Board's Procedures Committee Chairman, Supervisor Penny Gross, proposed with Vice-Chairman of the Procedures Committee, Supervisor John Cook, a naming policy. The policy, following Board discussion, did not move forward and was proposed to be taken up at a future Procedures Committee meeting. On January 14, 2020, the Board's Procedures Committee was eliminated.

Presented as Attachment 1 is a proposed policy for the Board of Supervisors on the naming and renaming of County Facilities under the supervision and control of the Board of Supervisors at the request of a Board Member. This policy does not apply to the naming or renaming of Facilities named in the ordinary course of Fairfax County

Board Agenda Item
September 14, 2009

business or under the supervision or control of a different a different entity, such as properties controlled by the Fairfax County Park Authority and Fairfax County School Board.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Proposed Policy of the Board of Supervisors: Naming County Facilities at a Board Member's Request

STAFF:
Jill G. Cooper, Clerk for the Board of Supervisors

FAIRFAX COUNTY, VIRGINIA POLICY OF THE BOARD OF SUPERVISORS	
To: All	Initiated by: Board of Supervisors
Date Adopted: _____, 2021	Adopted by: Board of Supervisors
Subject: Naming County Facilities at a Board Member's Request	

I. PURPOSE

This policy is adopted to apply to the naming or renaming of County Facilities at the request of a Board Member.

II. DEFINITIONS

Facility or Facilities refers to any County-owned or operated building, meeting space, conference room, indoor room, or outdoor area.

III. SCOPE

This policy applies to the naming or renaming of County Facilities at the request of a Board Member and does not apply to the naming or renaming of Facilities not under the supervision or control of the Fairfax County Board of Supervisors or Facilities named in the ordinary course of Fairfax County business.

IV. POLICY

A. Any Board Member may request that a County Facility be named or re-named to honor an individual, family, or group. Any such request will be initiated as a Board Matter at a regular meeting of the Board of Supervisors, then referred to the History Commission or other such appropriate County agency as may be necessary, for evaluation. After the evaluation of the History Commission or other such appropriate County agency is complete and has been presented to the Board, the request will be considered by the Board. Board approval will be effected by adopting a resolution to reflect the new name of the County Facility.

B. Facilities may be named for any individual, family, or group, who have in the judgment of the Board:

- i. Made significant contributions to the County through service as a Fairfax County elected or appointed official or Fairfax County employee;
- ii. Made significant contributions to the community, state, or nation.

Revised September 15, 2020

C. County Facilities will not be named or renamed in honor of an individual holding an elected or appointed office at the time of the Facility naming or renaming.

D. County Facilities will not be named or renamed in honor of an individual working for the County at the time of the naming or renaming.

E. No name will be eligible for the naming rights under this policy if the name violates Virginia law, including the criteria set forth in Virginia Code § 33.2-213.

Revised September 15, 2020

ACTION - 4

Adoption of the 2021 Comprehensive Plan Amendment Work Program, Including
Certain Proposed 2019-2020 South County Site-Specific Plan Amendment (SSPA)
Nominations

ISSUE:

Board of Supervisors action is requested to adopt the proposed 2021 Comprehensive Plan Amendment Work Program (Work Program), a document that lists all authorized Plan amendments and planning studies. As of December 1, 2020, there are 31 items listed on the Work Program. The proposed 2021 Work Program retains all ongoing active plan amendments and studies, including those for the West Falls Church Transit Station Area, the McLean Community Business Center, and Reston; continued work related to review of three historic overlay districts; and policy plan reviews. The 2021 Work Program anticipates the beginning of the deferred Fairfax Center Area Phase III study and accommodates potential additional authorizations of amendments and studies by the Board of Supervisors in 2021, including the Lorton Visioning effort, site-specific amendments, and policy plan updates. The Work Program would add 14 nominations originating from the 2019-2020 South County Site-specific Plan Amendment (SSPA) process, amend one pending planning study for the Beacon/Groveton and Hybla Valley/Gum Springs areas, and would rescind the authorization of five pending, but inactive Plan amendments.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation to adopt the 2021 Comprehensive Plan Amendment Work Program as shown in Attachment I of the Board Item.

TIMING:

Routine

BACKGROUND:

As of December 1, 2020, the Work Program contains 31 Plan Amendments and studies and can be found at: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/sspa/workprogram/adopted_work_program.pdf#page=1

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The current Work Program was adopted in July 2018; since that time 22 amendments have been completed. Sixteen of the items on the work program are currently under review, and ten are deferred or have not yet started, one of which is the deferred Fairfax Center Area study that is expected to begin in 2021. Five additional plan amendments are not actively being reviewed due to changes in circumstances that eliminate the need for their review. These amendments are listed under the Planning Commission Recommendation section as authorizations proposed to be rescinded and removed from the Work Program. The proposed 2021 Work Program also accommodates anticipated site-specific authorizations of plan amendments and planning studies by the Board in the upcoming year. Staff anticipates that five to ten amendments may be authorized by separate Board of Supervisors' actions, based on prior patterns. Resources for these potential amendments are reserved within the proposed Work Program.

In addition, the South County SSPA Screening process, which allows anyone to propose a land use change for consideration to be added to the Comprehensive Plan Amendment Work Program, resulted in 14 nominations in the Lee, Mount Vernon, and Mason Supervisor districts, recommended to be added by Planning Commission from 23 original submissions. The nominations are published online at <https://www.fairfaxcounty.gov/planning-development/plan-amendments/sspa/south/track-nomination>.

The South County SSPA nominations were reviewed by county staff and community task forces in the Lee, Mount Vernon, and Mason districts for recommendations to the Planning Commission about which nominations should be included on the Work Program. The task forces met from March-September 2020 in a series of thirteen public meetings to discuss and develop recommendations on the nominations. The Planning Commission held public hearings on the nominations on November 18 and 19, 2020, and developed recommendations for the Board at Work Program Mark-up sessions on December 2 and 9, 2020. The Board of Supervisors' action on the Work Program is the final step of the SSPA Screening process. Those nominations that are added to the Work Program will then be scheduled for additional analysis, community review, and eventual action by the Planning Commission and the Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION:

On December 2 and 9, 2020, the Planning Commission voted to recommend that the Board of Supervisors adopt the 2021 Comprehensive Plan Amendment Work Program as shown in Attachment I. Except as noted, the Planning Commission's recommendations on the following items were unanimous.

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The Planning Commission recommended the addition of 14 South County SSPA nominations to the Work Program for further study as modified or with additional considerations:

- PC19-MA-001 First Christian Church (11-0-1, Commissioner Jimenez abstained)
- PC19-MA-002, 6152 Leesburg Pike
- PC19-MA-004, 4312 Ravensworth Road
- PC19-MA-005, Western Annandale Community Business Center (CBC)
- PC19-MA-006, Dar Al-Hijrah Islamic Center
- PC19-MV-002, Engleside Trailer Park / Ray's Mobile Home Colony (9-3, Commissioners Cortina, Lagana, and Jimenez voted against the addition of the nomination to the Work Program)
- PC19-MV-003, Mount Vernon Highway
- PC19-MV-005, Huntington Metro Station
- PC19-MV-009, 2806 Popkins Lane (10-2, Commissioners Bennett and Lagana voted against the addition of the nomination to the Work Program)
- PC19-MV-011, 2550 Huntington Avenue
- PC19-LE-004, Potomac Steel
- PC19-LE-006, 5605 Oakwood Road
- PC19-LE-008, 6235 Brandon Avenue (11-0-1, Commissioner Ulfelder abstained)
- PC19-LE-009, 5400-5604 Oakwood Road

PC19-MA-002 and PC19-MA-006, located along Leesburg Pike southeast of the Seven Corners CBC are recommended to be reviewed concurrently due to their geographical proximity, as are PC19-LE-006 and PC19-LE-009, located along Oakwood Road in the Van Dorn Transit Station Area). An expanded study area is recommended for the latter set of nominations along Oakwood Road, as well as for PC19-MV-003 (Mount Vernon Highway), PC19-MV-005 (Huntington Metro Station), PC19-MA-004 (Annandale Public Storage), PC19-MA-005 (Western Annandale CBC), and PC19-LE-004 (Potomac Steel).

The Planning Commission also recommended a revision to pending Plan Amendment 2018-IV-MV3 (Beacon/Groveton and Hybla Valley/Gum Springs Areas) to note the location of SSPA nomination PC19-LE-001 (Beacon Hill Apartments) as a site of interest for potential redevelopment and preservation of workforce housing, as an alternative to adding the nomination to the work program as a separate amendment.

The Planning Commission also recommended that staff review the adopted watershed plans and include appropriate recommendations as part of the staff analysis for the SSPA nominations that are placed on the work plan and which might have significant land disturbance associated with them.

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Finally, the recommendation would rescind five pending, but inactive, Plan amendments currently listed on the Work Program:

- PA 2018-III-1BR, Sully Station Shopping Center
- PA LPD-L2-I, Halifax Office Park
- PA LPD-L3-I, Plaza 500
- PA 2018-IV-S2, Terminal Road
- Public Schools Plan Map Amendment (no PA# assigned)

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Mark-up of the Work Program

The 2019-2020 South County Site-Specific Plan Amendment Planning Commission Nomination Screening Staff Report dated November 2020 is available online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/sspa/south/sspa-wp-staff-report.pdf#page=1>

The Planning Commission verbatim excerpts from the public hearings on November 18-19 and Mark-up session on December 2, 2020 are available online at the following links.

November 18, 2020:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2020%20verbatim/verbatim11182020sspa2019southcountynominations.pdf>

November 19, 2020:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2020%20verbatim/verbatim1119202019southcountysitespecificplanamendmentnominations.pdf>

December 2, 2020:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2020%20verbatim/verbatim12022020sspamarkuptranscript.pdf>

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December 9, 2020:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2020%20verbatim/verbatim12920pc19-mv-002eaglesidetrailerparkraysmobilehomecolony-deconly.pdf>

STAFF:

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Meghan D. Van Dam, Chief, Policy & Plan Development Branch, PD, DPD

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Stephen Waller, Planner III, Heritage Resources & Plan Development Branch, PD, DPD

Aaron Klibaner, Planner II, Policy & Plan Development Branch, PD, DPD

Michael Burton, Planner II, Monitoring & Plan Development Branch, PD, DPD

Michael Lynskey, Planner II, Policy & Plan Development Branch, PD, DPD

Bryan Botello, Planner II, Facilities Planning Branch, PD, DPD

Cedric Suzuki, Planner I, Policy & Plan Development Branch, PD, DPD

Current Comprehensive Plan Amendment Work Program Schedule (ESTIMATED) Draft 12/10/2020		2020	2021	2022
PA Number	PA Name and Board Authorization Date			
Active				
Major Studies/Plan Amendments				
2018-II-M1	McLean CBC Study (4/10/2018)			
SSPA 2018-II-M1	West Falls Church TSA Study (7/31/2018)			
2020-III-UP1	Reston Area Study (7/14/2020)			
Policy Plan Amendments -Countywide				
2020-CW-1CP	Public Facilities Policy Plan (7/14/2020)			
2013-CW-5CP	Public Facilities Plan Map Amendment (7/9/2013)- add to scope of 2020-CW-1CP			
2020-CW-3CP	Airport Noise Policy (7/28/2020)			
2020-CW-2CP	Housing Element and Workforce Dwelling Unit Policy (7/14/2020)			
Board-Authorized - site specific				
2020-III-FC1	Fairfax Center , Sub-Unit J3 (pt.) - Public Storage (1/28/2020)			
2020-II-M1	7700 Leesburg Pike (9/15/2020)			
2020-III-P1	8708 Silverbrook Road (9/29/20)			
2020-IV-S1	Mount Vernon Racquet Club Site (12/1/2020)			
2020-IV-MV2	Loisdale Road (Sheehy) (12/1/2020)			
Heritage Resources/HODs				
2018-IV-MV4	Hollin Hills Historic Overlay District (7/31/2018)			
2020-I-J1	Holmes Run Acres Historic Overlay District (7/14/2020)			
2020-IV-MV1	River Farm Historic Overlay District (11/17/2020)			
Transportation				
2019-III-T1	FCDOT - Fairfax County Parkway at Burke Centre Parkway (9/24/19) Included with Parkway Study			
Ongoing, Deferred, or Not Yet Started				
2013-III-FC1(C)	Fairfax Center Area, Core Area - Phase III (12/6/2016) ANTICIPATE STARTING 2021			
2017-CW-4CP	Heritage Resources (Annual, anticipated 2021)			
2018-IV-MV3	Beacon/Groveton and Hybla Valley/Gum Springs Metrorail/BRT Influence (3/20/2018)			
2018-IV-MV6	Richmond Highway Corridor SNA Study (3/20/2018)			
511-CW-3CP(B)	Parks Comprehensive Plan Update (12/6/2011)			
2013-CW-9CP	Coastal Resource Management/Tidal Shoreline Erosion Control (7/9/2013)			
2013-CW-T4	FCDOT - Transportation - County Transit Network Study (7/9/2013)			
2018-IV-MV2	8800 Richmond Highway (3/6/2018)-deferred indefinitely/potential re-authorization			
2015-IV-RH1	Topgolf Site, Kingstowne Area (10/20/2015)- deferred indefinitely			
2019-II-M1	9439 Leesburg Pike - Brightview (7/30/2019) - deferred indefinitely			
South County SSPA - Planning Commission Recommended Additions				
PC19-MV-009	2806 Popkins Lane	Expedite if added*		
PC19-MV-011	2550 Huntington Ave	Expedite if added*		
PC19-MA-004	4312 Ravensworth Road	Expedite if added*		
PC19-LE-008	6235 Brandon Avenue	Expedite if added*		
PC19-MA-001	First Christian Church			
PC19-MV-003	Recommendation Area #5 SNA between Hybla Valley/Gum Springs and South County Center CBCs			
PC19-MV-002	Engleside Trailer Park / Ray's Mobile Home Colony			
PC19-LE-006/009	Oakwood Road Study			
PC19-MA-002/006	6152 Leesburg Pike, Dar Al-Hijrah Islamic Center			
PC19-MA-005	Western Annandale CBC			
PC19-LE-004	Potomac Steel and Loisdale Corridor			
PC19-MV-005	Huntington Metro Station			
Planning Commission Recommended Rescissions				
# not assigned	Public Schools Plan Map Amendment			
SSPA 2018-III-1BR	Sully Station Shopping Center (7/31/2018)			
2018-IV-S2	Terminal Road (7/31/2018)			
LPD-L2-1	Halifax Office Park Submission of the Lincolnia Planning District Study (7/16/2019)			
LPD-L3-1	Plaza 500 of the Lincolnia Planning District Study (7/16/2019)			
Anticipated Board Authorizations (assume additional 5-10 in 2021 for site-specific or policy)				
	Lorton			
	Gum Springs (following Management Plan-heritage resources)			
	Active Transportation (Master Plan/Trails Plan Update)			
	Fairfax County Parkway Study (anticipated 2021)			
	Housing Preservation			
	Human Services Policy Element Revision - late 2021			
	Policy Plan updates			

Planning Commission Proposed Revisions to the Fairfax County Comprehensive Plan Amendment Work Program

The Comprehensive Plan Amendment Work Program lists authorized current and future planning studies. The Planning Commission's recommended revisions are shown with ~~strike-throughs~~ for amendments to be rescinded and removed from the Work Program, and recommended additions are shown with underline.

Current Plan Amendments

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
1. Parks Comprehensive Plan Update <i>S11-CW-3CP(B)</i>	December 6, 2011	<ul style="list-style-type: none"> Phase 2/3: Amend parks recommendations in planning district recommendations to align with Great Parks, Great Communities plans as a part of district planning studies. 	
2. Heritage Resources	December 7, 2009	<ul style="list-style-type: none"> Update recommendations for Inventory of Historic Sites on an annual basis, if needed. 	
3. Coastal Resource Management/ Tidal Shoreline Erosion Control <i>2013-CW-9CP</i>	July 9, 2013	<ul style="list-style-type: none"> Investigate the extent to which (if any) the Environment section of the Policy Plan will need to be amended to comply with §15.2-2223.2 of the Code of Virginia, which requires, for Tidewater localities (including Fairfax County), incorporation into comprehensive plans of comprehensive coastal resource management guidance developed by the Virginia Institute of Marine Science. Follow-up development and consideration of a Policy Plan amendment, as may be needed. 	
4. Public Facilities Plan Map Amendment <i>2013-CW-5CP</i>	July 9, 2013	<p>Follow-on Considerations to Plan Amendment S11-CW-1CP, Adopted Amendment No. 2011-12:</p> <ul style="list-style-type: none"> Coordinate with other local and state utilities, such as Dominion Virginia Power, that own property planned for uses other than Public Facilities, Governmental, and Institutional uses to determine if those properties should be re-planned as Public Facilities, Governmental, and Institutional uses. Update Area Plans and Policy Plan text as necessary to reflect new public facilities and changes to existing public facilities identified during the Plan Map update process that were outside of the scope of that process. Consider re-planning land recommended for public facilities that is developed as residential and non-residential uses. 	

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
5. Public Schools Plan Map Amendment		<ul style="list-style-type: none"> Evaluate changes to school classifications in Plan. Consider revising references to intermediate schools that are shown as planned for middle schools. Consider adding new symbols to Plan Map for Fairfax County Public School Administrative Centers, Service Centers, Maintenance Facilities, and/or Adult Education Centers. (Follow on Consideration to Plan Amendment S11-CW-1CP.) 	
6. Transportation – County Transit Network Study <i>2013-CW-T4</i>	July 9, 2013	<p>Evaluate potential amendments resulting from countywide transit study:</p> <ul style="list-style-type: none"> Phase I: Modification of Countywide Transportation Plan recommendations Phase II: Modification of activity center recommendations 	
7. Topgolf Site, Kingstowne Area <i>2015-IV-RH1</i>	October 20, 2015	<ul style="list-style-type: none"> Consider an amendment to the Comprehensive Plan for Tax Map parcels 91-2 ((1)) 35A and 35B to consider a mix of residential uses, up to approximately 275 residential units, and up to 20,000 gross square feet of retail uses. Consider also that the retail development may be increased up to 70,000 gross square feet to accommodate an appropriate retail anchor, such as a grocery store. 	
8. Fairfax Center Area, Phase III, Core Area <i>2013-III-FC1 (C)</i>	December 6, 2016	<ul style="list-style-type: none"> Pursue a third phase of the Fairfax Center Area Study to conduct a transportation analysis for Fairfax Center Core Area nominations and conclude a review of the core area, which consists of Land Units A and B of the Fairfax Center Area Suburban Center. 	
9. 8800 Richmond Highway <i>2018-IV-MV2</i>	March 6, 2018	<ul style="list-style-type: none"> Comprehensive Plan amendment to consider residential use up to eight dwelling units per acre for Tax Map parcels 109-2 ((1)) 18C, 19, and 20. 	
10. Beacon/Groveton and Hybla Valley/Gum Springs Areas <i>2018-IV-MV3</i>	March 20, 2018	<ul style="list-style-type: none"> Comprehensive Plan amendment to evaluate the effect of the planned Metrorail extension on the areas within one-half mile of the potential station locations at Beacon/Groveton and Hybla Valley/Gum Springs areas. The evaluation may consider land use and development around the stations, including the effect on the surrounding neighborhoods. Elements such as access and connectivity should be considered. <u>The Beacon Hill Apartments should be considered as a site of particular interest for potential redevelopment and the preservation of workforce housing.</u> 	

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
11. Richmond Highway Corridor – Suburban Neighborhood Study <i>2018-IV-MV6</i>	March 20, 2018	<ul style="list-style-type: none"> Evaluate the planned land uses within the suburban neighborhood areas between Community Business Centers along Richmond Highway. 	
12. McLean Community Business Center Study <i>2018-II-M1</i>	April 10, 2018	<p>Comprehensive Plan amendment to consider:</p> <ul style="list-style-type: none"> Land use, density and mix of uses. Transportation and other public facility needs. Revisions to urban design guidance and Open Space Design Standards. 	
13. West Falls Church Transit Station Area, Land Unit A <i>(PC17-DR-001)</i> <i>SSPA 2018-II-M1</i>	July 31, 2018	<ul style="list-style-type: none"> Comprehensive Plan amendment will consider office and residential mixed-use of up to 0.96 FAR. 	
14. Sully Station Shopping Center <i>(PC17-SU-001)</i> <i>SSPA 2018-III-BR1</i>	July 31, 2018	 <ul style="list-style-type: none"> Comprehensive Plan amendment will consider an option for retail, office, hotel, assisted living, and private recreation mixed use of up to 0.75 FAR. 	
15. Terminal Road <i>2018-IV-S2</i>	July 31, 2018	 <p>Comprehensive Plan amendment will consider:</p> <ul style="list-style-type: none"> The development of hotel, restaurant and self storage uses on the property up to .70 FAR and evaluate access options as well as other transportation plan recommendations. 	
16. Hollin Hills Historic Overlay District (HOD) <i>2018-IV-MV4</i>	July 31, 2018	<ul style="list-style-type: none"> Comprehensive Plan amendment to evaluate the creation of a Hollin Hills Historic Overlay District (HOD) and update any related sections of the Comprehensive Plan. 	

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
17. Halifax Office Park Submission of the Lincolnia Planning District Study <i>LPD-L2-I</i>	July 16, 2019	<ul style="list-style-type: none"> • This Comprehensive Plan amendment will consider modifying and converting the existing office structures to residential use. The proposed intensity would result in a total of about 130,000 gross square feet of residential use or 130 multifamily units. The proposal seeks to add 3 additional stories (approximately 90 feet in total building height). 	
18. Plaza 500 of the Lincolnia Planning District Study <i>LPD-L3-I</i>	July 16, 2019	<ul style="list-style-type: none"> • This Comprehensive Plan amendment will consider a primarily residential use with some retail use that reflects a mixed-use character at an intensity up to 2.0 FAR, or approximately 3.0 million square feet of development. 	
19. 9439 Leesburg Pike <i>2019-II-M1</i>	July 30, 2019	<ul style="list-style-type: none"> • This Comprehensive Plan amendment will consider a continuing care facility with 172 beds and up to an intensity of 0.65 FAR for the subject property. 	
20. Fairfax County Parkway at Burke Centre Parkway <i>2019-III-T1</i>	September 24, 2019	<ul style="list-style-type: none"> • This Comprehensive Plan amendment will consider whether a partial grade-separated interchange (i.e., overpass/underpass) at this intersection should be added to the Plan recommendations. 	
21. Reston Area Study <i>2020-III-UP1</i>	January 14, 2020	<p>This Comprehensive Plan amendment will consider:</p> <ul style="list-style-type: none"> • Projected population thresholds for Reston, and how to ensure that population, infrastructure and the environment are all in balance • Land use in the village centers (Hunters Woods, South Lakes and North Point) – including clarification of what type of future redevelopment proposals might require an amendment to the Comprehensive Plan • The adequacy of existing plan language to generate additional affordable housing, and improvements to plan language to encourage preservation and enhancement of existing communities that now provide affordable housing • The adequacy of existing and planned pedestrian and bicycle infrastructure for accessing Silver Line stations • The adequacy of existing Comprehensive Plan guidance to facilitate urban-scale mobility and development design in the TSAs while protecting the stability of nearby neighborhoods • Existing Comprehensive Plan transportation improvements to ensure that they are aligned with planned development • How the Comprehensive Plan could better facilitate enhancement of Reston’s natural environment, encourage energy efficiency and support sustainable green neighborhoods • How the Comprehensive Plan could address concerns about monopolization of ownership in Reston, and ways to encourage diverse ownership and/or management over the long term • Whether the historic practice of promoting privately-owned and managed open space sufficiently addresses public needs during the next 50 years of Reston 	*taken from Board Summary. Aspects of Plan amendment may change

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
22. Holmes Run Acres Historic Overlay District (HOD) <i>2020-I-J1</i>	January 14, 2020	<ul style="list-style-type: none"> Comprehensive Plan amendment to evaluate the creation of a Holmes Run Acres Historic Overlay District (HOD) and update any related sections of the Comprehensive Plan. 	
23. Fairfax Center Sub-Unit J3 <i>2020-III-FC1</i>	January 28, 2020	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for the Housing and Land Use elements of the Policy Plan and for specific guidance in Area Plans and the Glossary related to Workforce Dwelling Units (WDUs) based on the policy adjustments recommended by the WDU Policy Task. Also, revisions to the Countywide and Tysons Corner Urban Center Workforce Dwelling Unit (WDU) Policy Administrative Guidelines to be consistent with the WDU Policy Task Force recommendations. 	
24. Public Facilities Policy Plan <i>2020-CW-1CP</i>	July 14, 2020	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment to update the Public Facilities Policy Plan and related updates to Area Plans, including reviewing the alignment of those updates with the CIP. The effort will begin with the Public Schools element of the Public Facilities section of the Policy Plan and include the School's Committee recommendations. 	
25. Housing Element and Workforce Dwelling Unit Policy <i>2020-CW-2CP</i>	July 14, 2020	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for the Housing and Land Use elements of the Policy Plan and for specific guidance in Area Plans and the Glossary related to Workforce Dwelling Units (WDU) based on the policy adjustments recommended by the WDU Policy Task Force on June 30, 2020, as well as other appropriate updates to the Housing element of the Policy Plan. This effort will not include the Reston plan as these will be addressed separately, and the upcoming preservation task force may have additional changes. 	
26. Airport Noise Policy <i>2020-CW-3CP</i>	July 28, 2020	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for the relevant Policy Plan and Area Plan sections of the Plan to allow residential uses between the 60 and 65 DNL airport noise contour with commitments to noise mitigation measures, notification requirements, and construction techniques for any such uses. 	
27. 7700 Leesburg Pike <i>2020-II-M1</i>	September 15, 2020	<ul style="list-style-type: none"> Consideration of residential use at a density of up to 12-16 dwelling units per acre with single-family attached dwellings. 	
28. 8707 Silverbrook Road <i>2020-III-P1</i>	September 29, 2020	<ul style="list-style-type: none"> Consider residential use at a density of 4-5 du/ac for the subject property. 	
29. River Farm Historic Overlay District (HOD) <i>2020-IV-MV1</i>	November 17, 2020	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for a potential River Farm Historic Overlay District (HOD). 	
30. 7501 Loisdale Road <i>2020-IV-S1</i>	December 1, 2020	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for an automobile dealership, located on the east side of Loisdale Road. 	*taken from Board Summary. Aspects of Plan amendment may change

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
31. Mount Vernon Athletic Club <i>2020-IV-MV2</i>	December 1, 2020	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for public facility use on the Mount Vernon Athletic Club, located on Audubon Avenue. 	*taken from Board Summary. Aspects of Plan amendment may change
32. <u>First Christian Church</u> <u>PC19-MA-001</u>	<u>TBD</u>	<ul style="list-style-type: none"> <u>Consideration of a Comprehensive Plan option for up to 113 multifamily age-restricted independent living units, up to 5,000 square feet of medical or general office, and expansion of an existing place of worship on the subject site (Tax Map Parcel 51-3 ((01)) 25) for a maximum of approximately 132,500 gross square feet of development. Review of the proposed amendment should include but is not limited to the following considerations: impacts on the transportation network, and a thorough evaluation of various site and building design elements such as stormwater management; tree preservation to the greatest extent possible and opportunities for new green space and landscaping; transitions in building height to surrounding residential uses; and parking management. Comprehensive review of the Cameron Run and Four Mile Run Watersheds, including an assessment of existing and anticipated impacts to downstream properties caused by the proposed development, should be conducted as it pertains to the nomination and proposed amendments for 6152 Leesburg Pike and/or Dar Al-Hijrah Islamic Center. Lastly, a cumulative transportation analysis should be conducted with 6152 Leesburg Pike and/or Dar Al-Hijrah Islamic Center.</u> 	
33. <u>6152 Leesburg Pike / Dar Al-Hijrah Islamic Center</u> <u>PC19-MA-002 / PC19-MA-006</u>	<u>TBD</u>	<ul style="list-style-type: none"> <u>Consideration of a plan option for senior housing at 5-8 du/ac (6152 Leesburg Pike, Tax Map Parcel 51-3 ((1)) 0021A); and the expansion of the existing place of worship to include a community center and potential supporting uses including up to 25 units of senior housing and/or ancillary retail; total including all proposed uses is up to an intensity of 0.5 FAR (Dar-Al-Hijrah Islamic Center, Tax Map Parcels 51-3 ((1)) 19B, 21A, and 22; 51-3 ((20)) 1, 2, 3, 4, and 5; TM 51-4 ((11)) 6, and 7.) Review of the proposed amendment should consider the two sites concurrently, and should include but is not limited to the following considerations: impacts on the transportation network; a thorough evaluation of various site and building design elements such as stormwater management; tree preservation to the greatest extent possible and opportunities for new green space and landscaping; transitions in building height to surrounding residential uses; and parking management. Comprehensive review of the Cameron Run and Four Mile Run Watersheds, including an assessment of existing and anticipated impacts to downstream properties caused by the proposed development, should be conducted as it pertains to the nominations and First Christian Church. Lastly, a cumulative transportation analysis should be conducted with First Christian Church.</u> 	

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
34. <u>SNA Between South County Center and Woodlawn CBCs (Engleside Trailer Park / Ray's Mobile Home Colony)</u> <u>PC19-MV-002</u>		<ul style="list-style-type: none"> Consideration of revisions to the plan option for Recommendation Area #3 of the Suburban Neighborhood Area (SNA) between South County Center and Woodlawn CBCs to increase the planned density from 16-20 du/ac to 20-30 du/ac, as well as adjusting the recommended neighborhood retail and/or office use component. The amendment should consider the requested density only with substantial if not full consolidation of the Land Unit and with the replacement of the existing affordable residential units on-site in the redevelopment on a 1:1 basis. Review of the amendment should begin subsequent to the conclusion of the Affordable Housing Preservation Task Force and should consider, as part of the evaluation, any resulting Board action, including any countywide changes to County policy regarding mobile/manufactured housing, resulting from this effort. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	
35. <u>SNA Between Hybla Valley/Gum Springs and South County Center CBCs</u>	<u>TBD</u>	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment to evaluate the recommended land use and density planned in Recommendation Area #5 of the Suburban Neighborhood Area (SNA) between Hybla Valley/Gum Springs and South County Center Community Business Centers (CBCs). Specific considerations should include an increase in the planned density of the residentially planned parcels fronting on Mount Vernon Highway from 2-3 du/ac to 5-8 du/ac. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	
36. <u>Huntington Metro Station</u> <u>PC19-MV-005</u>	<u>TBD</u>	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment on Tax Map Parcels 83-3 ((1)) 88D and 83-1 ((1)) 17E in the Huntington Transit Station Area to evaluate a plan option for Mixed-use up to 1.5 Floor Area Ratio (FAR)[1.8 million square feet (sf)], including: public facilities for Huntington Metrorail Station, 360,000 sf office/retail use, and 2,250-2,350 dwelling units on subject parcels in low, mid, and high-rise buildings between 55 and 200 feet in height. Parcel 83-1 ((7)) 1A is recommended to be included in the planning study in order to effectively coordinate with this residual, undeveloped parcel also in Land Unit E. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	
37. <u>2806 Popkins Lane</u> <u>PC19-MV-009</u>	<u>TBD</u>	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment to evaluate a plan option for Residential use at 5 – 8 du/ac on Tax Map Parcel 113-2 ((1)) 53, with considerations for workforce housing in the development and an evaluation of the localized transportation network to determine the optimal site access and minimize potential conflicts on streets surrounding the site. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
38. <u>2550 Huntington Avenue</u> <u>PC19-MV-011</u>	<u>TBD</u>	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment to revise the adopted plan option to remove or modify a limitation on residential development on Tax Map Parcels 83-1 ((1)) 34D, 34E, and 34F. The study should evaluate the viability of the office market in the Huntington and North Gateway area in developing any recommendation to decrease non-residential use on the site. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	
39. <u>Van Dorn TSA Land Units D and E (part)</u>	<u>TBD</u>	<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for Land Unit D of the Van Dorn Transit Station Area to evaluate residential mixed-use development with office and self-storage as secondary uses, up to 850,000 square feet (SF), on 5605 Oakwood Road, and residential mixed-use, including office, institutional and/or industrial, up to 1.0 FAR, on 5400-5604 Oakwood Road, as a modification to the adopted Plan option for office mixed-use. Limited supportive commercial uses and modification of the phasing limitations within Land Unit D may be evaluated. The implications of the proposed land use changes on the northern portion of Land Unit E (Tax Map Parcel # 0812 01 0025A) and the effect of the proposed land use change on the planned connection between Oakwood Road to Vine Street (as referred to in the Fairfax County Capital Improvement Plan 2021-2025, Page 213) also should be studied. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	
40. <u>4312 Ravensworth Road</u> <u>PC19-MA-004</u>		<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for self-storage up to four stories and approximately 153,332 square feet on Tax Map Parcel 71-1 ((1)) 20. The following items should be evaluated in considering making an exception to Annandale Policy discouraging storage facilities. <ul style="list-style-type: none"> a) The sub-unit's planned new streets and pedestrian corridors should be studied as part of this plan amendment. b) Expansion of the nomination to include the gas station property (TM# 71-1 ((1)) 20A) to establish the planned streetscape and pedestrian-oriented design. c) Design for the self-storage facility should allow conversion to commercial or residential uses that are envisioned in the Annandale CBC. <p>The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis.</p>	

Plan Amendment Name and Number	Authorization Date	General Purpose	Comment
41. <u>Western Annandale CBC</u> <u>PC19-MA-005</u>		<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment to expand the Annandale CBC to include Tax Map Parcels 60-3 ((12)) 6, 7, and 8. Add residential use into the mix of land uses for the properties within Sub-unit (Tax Map Parcels (G1 59-4 ((6)) 10, 19B, 20C, and 20D; 60-3 ((12)) 5; 71-1 ((2)) 4). Tax Map Parcels 59-4 (6) 1, 3, 5, 6, 20, 20A, and 20B, as well as 71-1 ((02)) 1A, 1B, and 3 are added to the subject area. The properties outside of the CBC that are developed and zoned as residential use should be studied with an emphasis on continued low-density residential uses and transition/buffer to the Annandale CBC. Review of the proposed amendment should include but is not limited to the following considerations: impacts on the transportation network, and a thorough evaluation of site and building design elements such as stormwater management; tree preservation to the greatest extent possible and opportunities for new green space and landscaping; and parking management. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	
42. <u>I-95 Corridor Area – Land Unit K South</u> <u>PC19-LE-004</u>		<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment for a mix of uses including industrial, office, and institutional uses up an intensity of 1.0 FAR, on Tax Map Parcels 99-2 ((1)) 2, 2A, 3, 5, 5A, and 7. A law enforcement training facility is identified as a potential institutional use. Consideration should be given to retaining certain existing business, such as Potomac Steel, within the redevelopment, trip neutrality as compared to the base Plan, stormwater management, buffering and screening and LEED certification. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	
43. <u>6235 Brandon Avenue</u> <u>PC19-LE-008</u>		<ul style="list-style-type: none"> Consideration of a Comprehensive Plan amendment to add an option for self-storage use up to an intensity of 3.0 FAR (175,000 sf), with ancillary ground-floor retail, restaurant, or alternative uses, on Tax Map Parcel 80-4 ((1)) 5C2. The plan amendment should consider architecture, such as an office appearance; site layout; and other features in the design that would achieve the goals of the Springfield Community Business Center and countywide goals. Local and national examples of successful urban self-storage projects should be identified with their characteristics used to guide this plan amendment. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. 	

ACTION - 5

Approval of a Resolution Endorsing Projects for Submission to the Northern Virginia Transportation Commission for the Fiscal Years 2022-2023 I-395/I-95 Commuter Choice Program (Lee, Mount Vernon, and Springfield Districts)

ISSUE:

Board approval of a resolution (Attachment 1) authorizing the County to apply for I-395 Express Lanes funding for Fiscal Years (FY) 2022-2023 through the Northern Virginia Transportation Commission (NVTC) to support two multi-modal projects that will increase travel options for commuters on I-95 and I-395, and support one other project being submitted by the Northern Virginia Regional Commission (NVRC) that will benefit Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution in substantial form of Attachment 1, endorsing Fairfax County's project submissions for NVTC's Commuter Choice Program on I-395/I-95, and the project being submitted by the Northern Virginia Regional Commission.

TIMING:

Board of Supervisors' approval is requested on January 26, 2021, to meet the NVTC's application deadline of January 29, 2021.

BACKGROUND:

In June 2017, the Virginia Department of Transportation (VDOT) entered into an agreement with 95 Express Lanes, LLC, for the extension of approximately eight miles of High Occupancy Toll (HOT) lanes between Turkeycock Run (near Edsall Road) and the vicinity of Eads Street in Arlington. With this project, the two existing High Occupancy Vehicle (HOV) lanes were converted to express lanes, and a third lane was added, providing three reversible express lanes. As a part of the agreement, 95 Express Lanes, LLC agreed to provide the Commonwealth with an annual payment for transit services of \$15 million per year, escalating by 2.5 percent per year, beginning with the commencement of tolling through the life of the 70-year agreement. The entire project was open to the public in summer 2020.

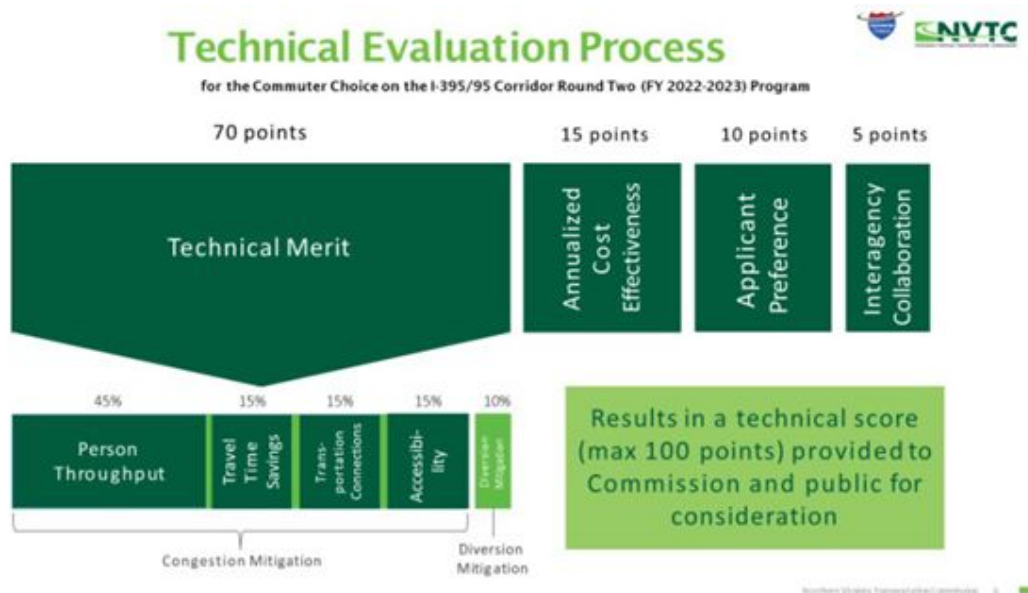
Board Agenda Item
January 26, 2021

A Memorandum of Agreement among the Commonwealth Transportation Board (CTB), VDOT, the Department of Rail and Public Transportation (DRPT), NVTC and the Potomac and Rappahannock Transportation Commission (PRTC) provides a general structure for the program. The agreement includes the opportunity for NVTC and PRTC to mutually develop a joint approach for selecting projects, subject to the approval by the CTB.

In January 2019, NVTC approved a separate agreement with PRTC for the distribution and allocation of I-395 Annual Transit Investment Funds (ATI), which outlines the distribution and allocation of the annual transit payment. This agreement allows for the ATI funds to be administered jointly, reducing program administration costs and facilitating greater regional cooperation in the selection of projects. This agreement established a new Commuter Choice program that serves commuters along the I-395/I-95 corridor.

On November 5, 2020, NVTC adopted the technical evaluation process for the Commuter Choice Program on the I-395/I-95 Corridor and authorized the Executive Director to issue a call for projects for I-395/I-95 Round Two (FY 2022-2023). Applications are due on January 29, 2021.

The FY 2022-2023 I-395/I-95 Commuter Choice Program will follow the selection process prescribed in the agreement between NVTC and PRTC, whereby eligible projects are evaluated, prioritized, selected and then submitted to the CTB for approval. Projects will be based on the following criteria expressed in the chart below.



FCDOT staff reviewed criteria for the program and recommends the projects outlined below for submission to NVTC. As the criteria include applicant preference, projects are listed in priority order. These projects are further described in Attachment 2.

1. **Renewal of existing funds for Fairfax Connector Route 396 — Gambrill Road and Backlick North Park-and-Ride Lots to the Pentagon:** Route 396 serves the Backlick North Park-and-Ride Lot and the Pentagon and operates on 15 to 20-minute headways. The bus route reduces travel time for passengers using either the Gambrill or Backlick North Park-and-Ride Lots, provides additional capacity to serve Backlick North Park-and-Ride Lot, and contributes to reduced congestion in the I-95/I-395 corridor by improving the quality and level of transit service provided in the corridor. *Funding Request: \$1,386,000*
2. **Fairfax Connector Route 371: New Service:** This new service will replace routes 371, 372 and 373 and will represent an expansion of service over the existing routes. Route 371 will connect Virginia Railway Express riders with employment destinations in Springfield including Fort Belvoir North Area. This proposal will require the purchase of one bus and includes bicycle and pedestrian improvements that will improve first mile-last mile connections to the limited stops along the route and employment centers. *Funding Request: \$2,579,000*

Another project that benefits Fairfax County has been developed by NVRC, which is also seeking endorsement from the Board of Supervisors for the following:

- **Military/installation commuter transit resource program:** This project establishes an online military/defense commuter resource platform. NVRC will create a website and provide tailored commuter and transit resources for each of the three major defense installations and tailored commuting options for individuals, taking into account the additional challenges of installation security and unpredictable or unconventional work hours experienced by the defense population.

This project has also been included in the resolution for Board endorsement.

FISCAL IMPACT:

Requests for Commuter Choice funding are shown by project in the table above. There is no impact to the General Fund due to the application submissions. If the County is awarded funding, staff will submit Board items, as needed, to accept the awards and execute any Project Agreements with NVTC.

Board Agenda Item
January 26, 2021

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of Endorsement of Projects Being Submitted for FY 2022-23,
I-395/I-95 Commuter Choice Inside the Beltway funding

Attachment 2 - FY 2022-2023 I-395/I-95 Commuter Choice Project Descriptions

STAFF:

Rachel Flynn, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Dwayne Pelfrey, Chief, Transit Services Division, FCDOT

Michael Felschow, Planning Section Chief, Transit Services Division, FCDOT

Noelle Dominguez, FCDOT, Chief Coordination Section, FCDOT

Malcolm Watson, Transportation Planner, FCDOT

Nicole Wynands, Bike Program Manager, FCDOT

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on January 26, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, hereby authorizes the Director of the Fairfax County Department of Transportation to submit to the Northern Virginia Transportation Commission a request for funding from the I-395/I-95 Commuter Choice Program for FY 2022-2023 for the following projects listed in priority order:

- **Renewal of existing funds for Fairfax Connector Route 396 — Gambrill Road and Backlick North Park-and-Ride Lots to the Pentagon:** Route 396 serves the Backlick North Park-and-Ride Lot and the Pentagon and operates on 15 to 20-minute headways. The bus route reduces travel time for passengers using either the Gambrill or Backlick North Park-and-Ride Lots. *Funding Request: \$1,386,000*
- **Fairfax Connector Route 371: New Service:** This new service will replace routes 371, 372 and 373 and will represent an expansion of service over the existing routes. The new Route 371 will connect VRE riders with employment destinations in Springfield including Fort Belvoir North Area. *Funding Request: \$2,579,000*

BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby also supports the efforts of the Northern Virginia Regional Commission in submitting applications to the NVTC for I-395 Express Lanes funding for Fiscal Years (FY) 2022-2023, for the following project located in or near Fairfax County:

- Northern Virginia Regional Commission — Military/Installation commuter transit resource program.

Adopted this 26th day of January, 2021, Fairfax, Virginia

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

Summary of Multimodal Project Request for I-395 Express Lanes Funding:

Project: Renewal of existing funds for Fairfax Connector Route 396 – Gambrill Road and Backlick North Park-and-Ride Lots to the Pentagon

Project Description: Route 396 serves the Backlick North Park-and-Ride Lot and the Pentagon and operates on 15 to 20-minute headways. The bus route reduces travel time for passengers using either the Gambrill or Backlick North Park-and-Ride Lots, provides additional capacity to serve Backlick North Park-and-Ride Lot, and contributes to reduced congestion in the I-95/I-395 corridor by improving the quality and level of transit service provided in the corridor. The initial award included funding for bike parking, wayfinding and access improvements to the park-and-ride lots, which increases transit ridership by providing nearby customers an alternative to arriving by single-occupancy vehicle (SOV).

Project: Route 371

Project Description: This new service will replace routes 371, 372 and 373 and will represent an expansion of service over the existing routes. Route 371 will connect commuters with employment destinations in Arlington and Washington, DC, via a connection to Metrorail and Virginia Railway Express. This proposal will require the purchase of one bus and includes bicycle and pedestrian improvements that will improve first mile-last mile connections to the limited stops along the route and employment centers. The route will benefit I-95/I-395 toll payers by providing commuters traveling to Arlington and Washington, DC, with a transit alternative to a single occupant vehicle (SOV) trip. Diverting commuter trips to transit will reduce peak-hour express lane demand resulting in lower tolls.

Board Agenda Item
January 26, 2021

ACTION - 6

Approval of Resolution Endorsing Projects Submitted for FY 2027 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Federal Funding Through the Northern Virginia Transportation Authority

ISSUE:

Board approval of a resolution (Attachment 1) authorizing the Fairfax County Department of Transportation (FCDOT) to apply for federal Congestion Mitigation Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funding for FY 2027. Applications were submitted through the Northern Virginia Transportation Authority (NVTa). These projects are included in the Transportation Priorities Plan (TPP) adopted by the Board of Supervisors on December 3, 2019.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Attachment 1, in substantial form, endorsing Fairfax County projects for submission to NVTa's for the CMAQ and RSTP funding programs.

TIMING:

Board of Supervisors' approval is requested on January 26, 2021, to meet the NVTa deadline for resolutions, which is February 19, 2021. The Commonwealth Transportation Board (CTB) is expected to subsequently consider the NVTa-approved list of projects for CMAQ and RSTP funding in June 2021, as part of its Six-Year Improvement Program (SYIP).

BACKGROUND:

The CMAQ Program provides federal funds for regions that are determined to be in non-attainment for air quality to assist them in complying with Clean Air Act requirements. The RSTP Program provides federal formula funds to the region to assist with the implementation of transportation capital projects.

The Board endorsed CMAQ and RSTP applications for FY 2026 funds in December 2019, and NVTa approved its recommendations in February 2020. The CTB approved the FY 2026 funds as part of its abridged FY 2021-2026 SYIP process at its meeting on December 9, 2020.

For the purposes of preparing its recommended project lists, NVTa currently estimates that \$56.8 million in the RSTP Program will be available in Northern Virginia for distribution, and approximately \$23.7 million will be available in the CMAQ Program. Staff recommends submitting the following projects for FY 2027 funding consideration, which are a continuation of funding for projects included in the TPP. The projects are described in Attachment 2. No new projects are being recommended.

Table 1– List of Proposed Projects for CMAQ/RSTP Funding

Project Title	Proposed Funding Request In Millions	Priority
Richmond Highway Widening (Mt Vernon Memorial Highway to Sherwood Hall Lane)	\$20.0	1
Fairfax County Parkway (Route 286) Widening (Route 123 to Route 29)	\$10.0	2
Richmond Highway Bus Rapid Transit	\$10.0	3
Soapstone Drive Extension (Dulles Toll Road (DTR) Overpass)	\$20.0	4
Seven Corners Ring Road (Phase 1A/Segment 1A)	\$9.0	5
Countywide Transit Stores	\$0.70	6
Total CMAQ/RSTP Requested	\$69.70	

FISCAL IMPACT:

Requests for CMAQ and RSTP funding are shown by project in the table above. There is no Local Cash Match associated with either the CMAQ or RSTP funding and no impact to the General Fund. If the County is awarded funding, staff will submit Board items, as needed, to accept the awards and execute the Project Administration Agreements with the Virginia Department of Transportation or Virginia Department of Rail and Public Transportation.

CREATION OF POSITIONS:

No positions will be created through this action.

Board Agenda Item
January 26, 2021

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution of Endorsement of Projects Being Submitted for Regional and Federal Funding through the Northern Virginia Transportation Authority
Attachment 2 – List of Projects with Brief Descriptions

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Chief, Funding Section, FCDOT
Noelle Dominguez, Chief, Coordination Section, FCDOT

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, January 26, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby approves submission to the Northern Virginia Transportation Authority (NVTa) requests for funding from the federal Congestion Mitigation and Air Quality and Regional Surface Transportation Programs for FY 2027 for the following projects:

- Richmond Highway Widening (Mount Vernon Highway to Sherwood Hall Lane)
- Fairfax County Parkway (Route 286) Widening (Route 123 to Route 29)
- Richmond Highway Bus Rapid Transit
- Soapstone Drive Extension (Dulles Toll Road (DTR) Overpass)
- Seven Corners Ring Road (Phase 1A/Segment 1A)
- Countywide Transit Stores

Adopted this 26th day of January 2021, Fairfax, Virginia

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

List of Recommended Projects for Congestion Mitigation Air Quality/Regional Surface Transportation Program (CMAQ/RSTP) Consideration (FY2027)

Project	Project Description	Funding Request in Millions	Priority
Richmond Highway Widening (Mt. Vernon Memorial Highway to Sherwood Hall Lane)	The project is 2.9 miles in length and is located between Mt. Vernon Memorial Highway (south) and Sherwood Hall Lane. This project will provide a six-lane facility and complements the Richmond Highway project from Telegraph Road to Mt. Vernon Memorial Highway. This project includes both pedestrian and bicycle facilities and provision for future bus rapid transit.	\$20.0	1
Fairfax County Parkway (Route 286) Widening (Route 123 to Route 29):	The project provides for the widening of Fairfax County Parkway (Route 286) from Route 123 to 2,000 feet north of Route 29 from four lanes (divided) to six lanes (divided). This improvement will provide or upgrade pedestrian and bicycle amenities.	\$10.0	2
Richmond Highway Bus Rapid Transit (BRT) (Huntington Metrorail Station to Fort Belvoir)	The project includes median running BRT from the Huntington Metrorail Station to Fort Belvoir. The project will include new transit stations, facilities for bicycle, pedestrian and vehicle travel modes.	\$10.0	3
Soapstone Drive Extension (Dulles Toll Road (DTR) Overpass)	The project is a new roadway, approximately one-half mile long between Sunrise Valley Drive and Sunset Hills Road. The project will include a new bridge crossing over the Dulles Toll Road. This project includes both pedestrian and bicycle facilities. It supports development around the Wiehle-Reston East Metrorail Station.	\$20.0	4
Seven Corners Ring Road (Phase 1A/Segment 1A)	This project will design the first phase of the new interchange. This phase consists of a new road connecting Route 7, on the western side of the existing Seven Corners Interchange, with a bridge over Route 50, around the interchange to Sleepy Hollow Road, back to Route 7 on the eastern side of the interchange and terminating with a bridge that goes over Route 50. Project will also include new signalized crosswalks with VDOT Wilson Boulevard replacement bridge. The entire project includes bicycle and pedestrian accommodations.	\$9.0	5
Countywide Transit Stores	Six transit stores provide transit information, trip planning, fare media, and ridesharing information to area residents and visitors seeking alternatives to driving alone. From FY 2002 through FY 2026, CMAQ funding has been allocated to the operation of the countywide transit stores.	\$0.70	6

ACTION - 7

Approval of a Resolution Endorsing **Endorsement of** Comments on the I-495 American Legion Bridge Transit/Transportation Demand Management Study Draft Report (Dranesville, Hunter Mill, and Providence Districts)

ISSUE:

Board approval of a resolution (~~Attachment 1~~) endorsing **endorsement of** comments on the draft report of the I-495 American Legion Bridge (ALB) Transit/Transportation Demand Management (TDM) Study conducted jointly by the Virginia Department of Rail and Public Transportation (DRPT) and the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) (**Attachment 1**).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Attachment 1 endorsing comments on the draft report of the I-495 ALB Transit/TDM Study.

TIMING:

Board approval is requested on January 26, 2021, to be incorporated into the final report of the I-495 ALB Transit/TDM Study. Comments are due on February 1, 2021.

BACKGROUND:

In July 2020, DRPT and MDOT MTA began a study to identify a range of potential current and future multimodal solutions that might be implemented to address congestion on I-495 and the American Legion Bridge (ALB). These solutions should: reduce congestion, improve trip reliability and regional connections, and enhance existing and planned multimodal mobility and connectivity. The Board was briefed on the study on December 8, 2020, at the Transportation Committee meeting.

The study recommends new transit services that would use the ALB and I-495 between I-95/395 in Virginia and I-95 in Maryland. These recommendations consider transit destinations near and connecting to I-495, such as Tysons and Bethesda, and in the Washington Metropolitan Area's major activity centers, such as Reston, Rockville, and Dulles International Airport. The study also considered connections to local and regional transit services along I-495, both existing and programmed. The study recommendations are regional in nature, focusing on bus and rideshare solutions that may travel across the ALB.

The study includes near-term, mid-term, and long-term recommendations. The near-term recommendations, those that could be implemented prior to the opening of the Managed Lanes up to and over the ALB in both Maryland and Virginia, include an early implementation of bus service between Bethesda and Tysons as well as enhanced ridesharing.

The mid-term recommendations, those that could be implemented in conjunction with the opening of the Managed Lanes, include these routes:

- Bethesda – Tysons
- Bethesda – Tysons/Dunn Loring
- Bethesda – Reston/Dulles Airport
- Silver Spring – Tysons
- Germantown – Tysons
- Gaithersburg – Tysons.

The long-term recommendations, those that could be implemented following the opening of the Managed Lanes, include these routes:

- Frederick – Tysons
- Frederick – L'Enfant via Arlington.

Recommended staff comments on the study include:

- Study Recommendations - Significant transit analysis and implementation planning will still be needed to define and refine the transit level of service for the most promising routes. Study recommendations are not implementable at this conceptual study level. Further refinement of routes and stop locations will be needed before any implementation plan can be agreed upon. Bus bay capacity issues at potential terminal and transfer locations need to be examined. This refinement will be necessary to fully quantify the level of funding needed. Also, the Bethesda – Reston/Dulles Airport service should be considered for advancement to an earlier phase of the project, based on the importance of the Dulles corridor as an employment destination in the region.

- Implementing Agency – 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. One or more potential funding sources, such as the I-495 NEXT project, need to be identified. Similar to the County's comments on the I-495 NEXT Environmental Assessment, dedicated funding from the Commonwealth should be considered to enhance transit access recommended in this study. The County would be willing to implement the identified transit services, if capital and operating funding is provided.

More detailed comments are included in Attachment 2.

FISCAL IMPACT:

There is no fiscal impact to Fairfax County.

ENCLOSED DOCUMENTS:

Attachment 1 – Letter Endorsing Comments on the I-495 American Legion Bridge Transit/Transportation Demand Management Study Draft Report

Attachment 2 – List of Specific Comments on I-495 ALB Transit/TDM Study Draft Report

Attachment 3 – I-495 ALB Transit/TDM Study Draft Report

Attachment 4 – I-495 ALB Transit/TDM Study Presentation to Board Transportation Committee

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

Stuart Boggs, Transportation Planner III, FCDOT

Randall White, Transportation Planner III, FCDOT



JEFFREY C. MCKAY
CHAIRMAN

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COUNTY OF FAIRFAX
BOARD OF SUPERVISORS
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chairman@fairfaxcounty.gov

January 27, 2021

The Honorable Shannon Valentine
Secretary of Transportation
P.O. Box 1475
Richmond, Virginia 23218

Reference: Fairfax County Comments on I-495 American Legion Bridge Transit/TDM Study

Dear Secretary Valentine:

On January 26, 2021, the Fairfax County Board of Supervisors approved comments regarding the I-495 American Legion Bridge Transit/TDM Study. This study is important to Fairfax County, because the Board continues to support the Commonwealth's efforts to reduce congestion and provide additional travel choices in the Capital Beltway Corridor and to move the most people as efficiently as possible in this region. Furthermore, the project's proximity to Tysons and McLean also indicates that transit service improvements in the Corridor can have lasting effects on accessibility and increased economic opportunity for surrounding communities in Fairfax County.

Fairfax County has been engaged with this project from its inception and appreciates DRPT's efforts to address many of the study issues. The Board looks forward to continued and improved coordination as transit service planning continues. As part of those efforts, the Board offers the following comments regarding the draft study recommendations released in December 2020. 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 transit level of service for the most promising routes. Study recommendations are not implementable at this conceptual study level. Further refinement of routes and stop locations will be needed before any implementation plan can be agreed upon. Bus bay capacity issues at potential terminal and transfer locations need to be examined. This refinement will be necessary to fully quantify the level of funding needed. Also, the Bethesda – Reston/Dulles Airport service should be considered for advancement to an earlier phase of the project, based on the importance of the Dulles corridor as an employment destination in the region.
- Implementing Agency – 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. One or more potential funding sources, such as the I-495 NEXT project, need to be identified. Similar to the County's comments on the I-495 NEXT Environmental Assessment, dedicated funding from the Commonwealth should be considered to enhance transit access recommended in this study. The County would be willing to implement the identified transit services, if capital and operating funding is provided.

The Honorable Shannon Valentine
January 27, 2021
Page 2

Additional County comments can be found in the attachment to this letter. 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 system plan that benefits both County residents and the region.

If you have any questions or need additional information, please contact Dwayne Pelfrey of the Department of Transportation at Dwayne.Pelfrey@fairfaxcounty.gov or (703) 877-5609.

Sincerely,

Jeffrey McKay
Chairman

Attachment: List of Specific Comments on I-495 ALB Transit/TDM Study

cc: Members, Fairfax County Board of Supervisors

Bryan J. Hill, County Executive

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Department of Transportation

Jennifer Mitchell, Director, DRPT

Helen Cuervo, District Administrator, VDOT, Northern Virginia

Susan Shaw, Megaprojects Director, VDOT

Specific Comments on:
I-495 American Legion Bridge Transit/Transportation Demand Management Study
Draft Summary Report

Project Overview and Purpose (page 1):

- Tysons and Dunn Loring are currently linked by local bus service (Routes 401/402) which operates on a 20-minute frequency, and continues south to Merrifield, Fairfax Hospital and ultimately Springfield. The possibility of utilizing existing service to provide this connection (and others) should be considered in future planning.
- Significant transit analysis and implementation planning is still needed to refine and conduct the transit level of service. The study's recommendations are not implementable at the level of detail provided.

Existing and Planned Services (page 2):

- Existing Conditions and Services – Local and Commuter Bus Service:
 - The current lack of bus service across the bridge is the result of the current peak hour congestion on the bridge that results in slow bus movements and long bus travel times which discourage ridership. There is also no time advantage for transit riders.

Potential Transit Recommendations Development Process (page 3):

- Activity Centers by Travel Demand Between States (map)
 - Developing urban clusters including growing residential development in Tysons, Falls Church, Ballston, and Reston will likely result in an increase in travel demand from Virginia to employment centers in Maryland.

Potential Investment Packages (page 4):

- Implementation Framework:
 - The uncertainty in the timing of potential managed lanes is a key issue. Without a more specific timeframe, planning for the implementation of transit services and infrastructure would be more difficult. For example, the lead time for procuring new buses is generally 12 to 18 months.
- Assumptions:
 - The identity of potential operators for the transit services is a key issue. We need to understand the agency or agencies that would implement this type of service. Fairfax County would be willing to implement these services, if capital and operating funding is provided. Funding levels need to be developed to prepare a real implementation plan and level of service of the transit service.
 - The routes and stops need to be developed more fully before any implementation plan can be agreed upon. Bus capacity issues at potential terminal and transfer locations need to be examined. These items could impact the level of funding needed.

Additional Package Elements (page 5):

- The need for parking in Maryland is a key element. Without these facilities identified, ridership on the new transit service could be limited.

Baseline Package (page 6):

- Potential Transit Recommendations (map):
 - What is the impact on the local bus routes in the Tysons area? This needs to be assessed to determine if current circulator service will be adequate or additional local service will be needed to support these new routes.
 - The map should identify connection to future Purple Line station(s).
- Summary of Potential Transit Recommendations (table):
 - A 30-minute frequency is not a reasonable level of service for an express route. A frequency of 20 minutes or less is needed.
 - All services anchored in the Tysons area should be considered for bi-directional operation. A round trip will take longer if all stops are to be served in both directions, rather than traveling directly from one end point to the other in one direction. These routes should be evaluated to determine whether additional resources may be required.
 - Additional details are needed on the level of ridership (such as passengers per trip and passengers per hour). The total daily and annual revenue hours that were used, as well as the deadhead hours, are needed to accurately estimate costs.
 - Additional details and explanations are needed to describe the implementation efforts associated with technology enhancements, commuter assistance programs, and parking expansion needs. One example of the additional information needed is a discussion of how the definitions of low, medium, and high implementation effort were determined.
 - Without key information on parking and facilities, these new services will be difficult to implement.

Medium Package (page 7):

- Potential Transit Recommendations (map):
 - What is the impact on the local bus routes in the Tysons area? This needs to be assessed to determine if current circulator service will be adequate or additional local service will be needed to support these new routes.
 - The map should identify connection to future Purple Line station(s).
- Summary of Potential Transit Recommendations (table):
 - A 30-minute frequency is not a reasonable level of service for an express route. A frequency of 20 minutes or less is needed.
 - All services anchored in the Tysons area should be considered for bi-directional operation. A round trip will take longer if all stops are to be served in both directions, rather than traveling directly from one end point to the other in one direction. These routes should be evaluated to determine whether additional resources may be required.
 - Additional details are needed on the level of ridership (such as passengers per trip and passengers per hour). The total daily and annual revenue hours that were used, as well as the deadhead hours, are needed to accurately estimate costs.
 - Without key information on parking and facilities, these new services will be difficult to implement.

High Package (page 8):

- Potential Transit Recommendations (map):
 - What is the impact on the local bus routes in the Tysons area? This needs to be assessed to determine if current circulator service will be adequate or additional local service will be needed to support these new routes.
 - The map should identify connection to future Purple Line station(s).
- Summary of Potential Transit Recommendations (table):
 - A 30-minute frequency is not a reasonable level of service for an express route. A frequency of 20 minutes or less is needed.
 - All services anchored in the Tysons area should be considered for bi-directional operation. A round trip will take longer if all stops are to be served in both directions, rather than traveling directly from one end point to the other in one direction. These routes should be evaluated to determine whether additional resources may be required.
 - Additional details are needed on the level of ridership (such as passengers per trip and passengers per hour). The total daily and annual revenue hours that were used, as well as the deadhead hours, are needed to accurately estimate costs.
 - Without key information on parking and facilities, these new services will be difficult to implement.
 - The Bethesda – Reston/Dulles Airport service should be advanced from the High Package to the Medium Package, based on the importance of the airport to the economic development in the region.

Package Comparisons (page 9):

- Summary of Potential Transit Recommendations (table):
 - A 30-minute frequency is not an attractive level of service for commuter service.
 - Include the travel time savings over single occupant vehicle trip times for each route for each package.
 - Fairfax would have to use the West Ox facility to operate this service, which should be considered when calculating deadhead costs.

Additional Package Benefits (page 10):

- Greenhouse Gas Emissions Reduction (table):
 - Does this assume a gross savings or is the projected greenhouse gas emission reductions net of transit vehicle gas emissions?

Modeling Potential Effects of Changes in Assumptions (page 11):

- Test 2 (Faster Bus) and Test 3 (Increase in Telework) could be correlated factors, as the increase in telework could result in faster bus travel time. What factors were used to model the increase in teleworking in changing the transit demand?

Next Steps (page 11):

- Transit Service:
 - Several of the tasks listed under this category should be performed by team members or consultants with experience in bus scheduling and operational planning.

- WMATA tried shoulder running on I-495, as noted on page 1. It did not work, because the buses sat in the same traffic as the single occupant vehicles. VDOT would need to agree to support this. Changes in lane configurations are an integral part of a major reconstruction project; congestion and driver uncertainty regarding the conditions to be encountered during his/her trip are an inevitable result while the Express lanes are under construction. Fairfax County recommends postponing the implementation of new interstate express routes in the study corridor until the Express lanes have been constructed and opened to traffic.

I-495 American Legion Bridge Transit/TDM Study *DRAFT Summary Report*

December 2020



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Special thanks to the Project Stakeholder Group



I-495 American Legion Bridge Transit/TDM Study

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Project Overview and Purpose

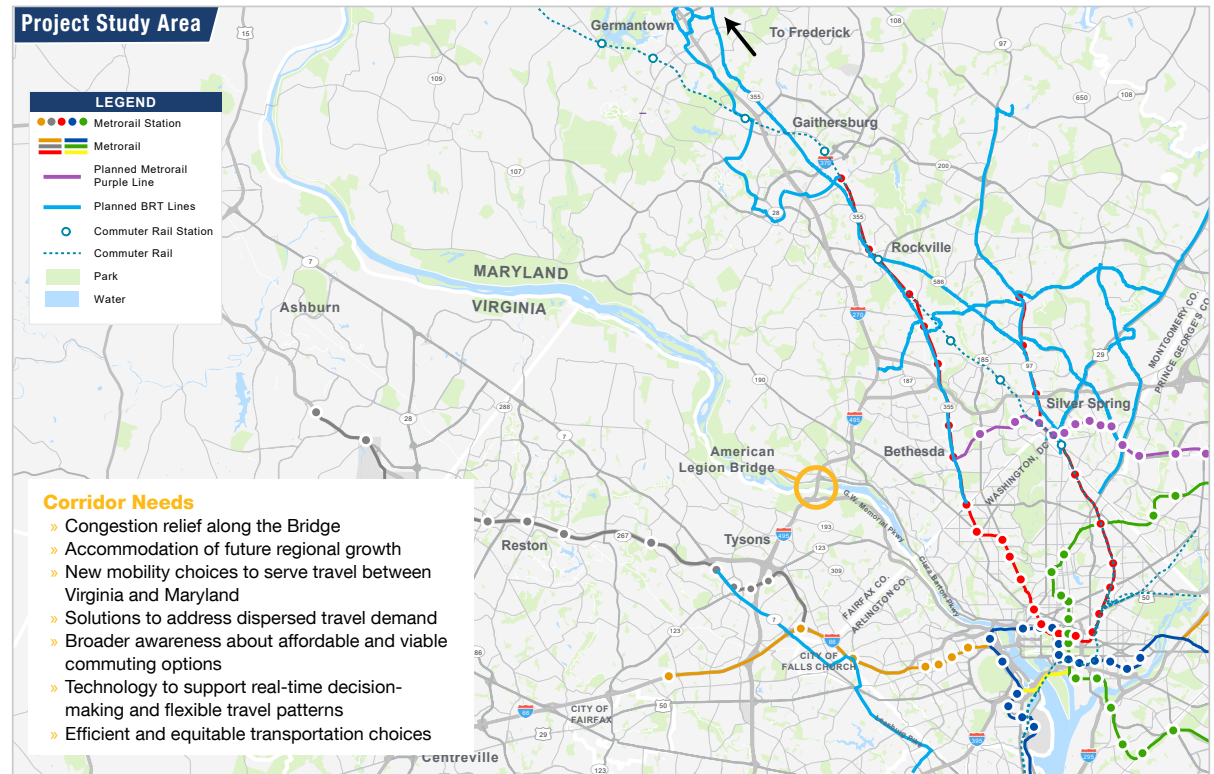
Introduction

The purpose of the I-495/American Legion Bridge Transit/Transportation Demand Management Study (the Study) is to identify a range of current and future potential multimodal solutions that could be implemented to reduce congestion, improve trip reliability and regional connections, and enhance existing and planned multimodal mobility and connectivity for bi-state travel across the American Legion Bridge (the Bridge).

The Study is a joint effort between Maryland and Virginia and was announced shortly after the announcement of the Capital Beltway Accord to Rebuild American Legion Bridge and connect the Interstate Highway System by Governors Hogan and Northam in Fall 2019. The Study complements Virginia's I-495 NEXT project and Maryland's Managed Lanes Study and their efforts to develop a region-wide seamless network of reliable travel options around the Capital Beltway, I-270, I-95, I-395 and I-66. **The potential construction of managed lanes in both states represents an opportunity to implement new transit service options that take advantage of this infrastructure and provide riders with congestion-free service.**

Study Area

The Study area focuses on the American Legion Bridge (the Bridge) and I-495 west and south of the MD Route 97 interchange in Maryland and north of the I-495/I-95/I-395 interchange in Virginia. The Bridge is the only crossing point between Virginia and Maryland connecting the employment hubs in Montgomery, Fairfax, and Loudoun counties besides US 15 that is roughly 30 miles west of I-495. Given that the Bridge is the main crossing point between Virginia and Maryland for commuters in both states, major corridors intersecting I-495 are being considered in the Study, including I-270 to Germantown and VA Route 267 to Dulles International Airport. Other major intersecting routes within one mile of I-495 are also being evaluated in the Study area. The complete Study area is shown in map (right).



Background

Previous Transit Service across the Bridge

A Metrobus route (Route 14) operated between Tysons and Bethesda from 1998 to 2003. In Maryland, the bus was permitted to operate on the shoulders of I-495 to avoid congestion but could not use the shoulder in Virginia due to of Virginia Department of Transportation (VDOT) safety concerns.^[1] According to the Fairfax County Transit Development Plans (TDP), this constraint and the bottleneck of the Bridge caused the bus to experience long delays on the interstate. Additionally, the high number of stops added to the length of a trip. Because of these challenges, the Metrobus route was discontinued in 2003.

[1] (National Capital Region Transportation Planning Board, 2013)

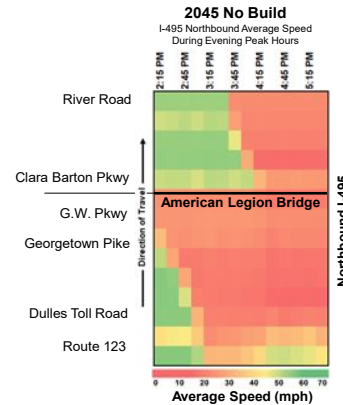
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Existing and Planned Services

Existing Conditions and Services

I-495 is one of the most congested roadways in all of Maryland and Virginia. Traffic is forecasted to increase in the future. In conjunction with the planned managed/express lanes, there is an opportunity to efficiently and effectively provide transit across the Bridge.



Source: I-495 NEXT, Virginia Department of Transportation, 2019
(Right: Northbound I-495 Chart)

Rail



Existing rail service is oriented for travel to Washington, DC, from the surrounding counties in Virginia and Maryland. The Metrorail Red Line and MARC commuter service run parallel to the I-270 corridor and the Metrorail Silver Line serves the Dulles Corridor but only connects with the Orange and Blue Lines in Arlington, VA before continuing to Washington, DC to connect with the Red Line. MTA's planned Purple Line will connect key activity centers in Montgomery and Prince George's County in Maryland when constructed.



Local and Commuter Bus Service

Within the Study area, there is an abundance of local bus services operating between jurisdictions in each state. **However, there is currently no service between Virginia and Maryland across the Bridge.**



Park-and-Ride Lots

There are several park-and-ride facilities located along the I-270 corridor in Maryland that provide parking for existing commuter bus routes operating within Maryland. There are limited park-and-ride opportunities for areas along the I-495 loop, including high-demand origin and destinations such as Tysons, Bethesda, and the Westfield Montgomery Mall Transit Center.



Commuter Assistance Programs (CAPs)

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 between Virginia and Maryland.



Operations and Maintenance Facilities

Operators for the potential transit routes have not been identified at this point. Except for MDOT MTA, each of the transit providers in the Study Area have maintenance facilities. Once operators have been identified for transit routes, a capacity and needs analysis should be conducted to determine any constraints on their operations.

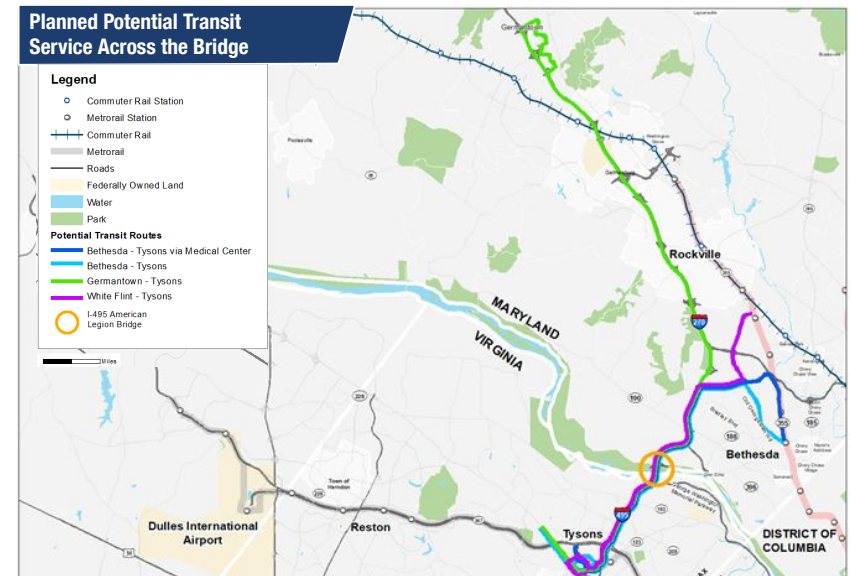
Planned Potential Services

Relevant and available data was collected and reviewed from a variety of sources to provide a comprehensive inventory of planned services in the corridor. Of the information reviewed, three sources contained planned potential transit routes across the Bridge:

- » Fairfax County Transit Development Plan (TDP)^[1]
- » Maryland Transit Service Coordination Report^[2]
- » Northern Virginia Transportation Authority (NVTa) Transaction Plan^[3]

The planned potential services are shown in the table and map below

Service Type (e.g., commuter bus/ express bus, etc.)	Maryland Destination(s)	Virginia Destination(s)
Metrobus	Bethesda Metrorail, Medical Center Metrorail	Tysons
WMATA Express Bus Transit	Bethesda Metrorail	Tysons, McLean
WMATA Express Bus Transit	Germantown, Gaithersburg, North Bethesda	Tysons, McLean
Bus Rapid Transit (BRT)	White Flint Metrorail	Tysons



[1] (Fairfax County, 2020) [2] (Maryland Department of Transportation State Highway Administration, 2020) [3] (Northern Virginia Transportation Authority, 2018)

I-495 American Legion Bridge Transit/TDM Study

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Potential Transit Recommendations Development Process

To develop potential recommendations for transit, a five-step process was followed. The process began by developing a list of possible route connections based on travel demand and culminated in a set of building blocks of transit routes that could be used in a series of investment packages. Throughout the process, the Study team met with a group of stakeholders and solicited feedback through two public surveys. Additionally, public feedback was gathered at ongoing I-495 Virginia and Maryland projects.

1. Develop List of Evaluation Options

The Study team began its transit evaluation by identifying the markets in Maryland and Northern Virginia with the greatest demand for cross-Potomac travel. This resulted in 31 route options.

Stakeholder meeting #1

Public Survey #1

2. Initial Screening

Potential route options were screened down to eight options based on comparison with existing transit service, travel demand along the corridor and potential access to managed lanes.

Stakeholder meeting #2

3. Off-Model Testing and Evaluation

The eight remaining routes were evaluated comparatively against each other based on scores of equity (high concentrations of low-income and minority individuals), connectivity to jobs and residents and productivity (maximizing ridership for the lowest cost).

Stakeholder meeting #3

4. Modeling

The full group of eight routes was modeled to refine different combinations of routes, as well as how often and when each route should run.

Public Meeting

Public Survey #2

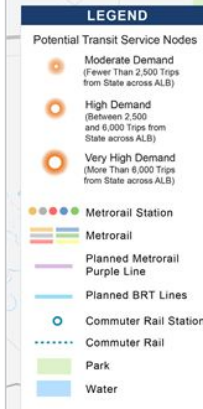
Stakeholder meeting #4

5. Develop and Refine Investment Packages

Tiered groupings of routes were developed based on the number of markets served and how much service was provided (see following page for more information).

Public Meeting

Activity Centers by Travel Demand Between States



Key Considerations for Development of Transit Service Options

- » There is less travel demand from Virginia to activity centers in the Maryland Study area and the demand that does exist is geographically spread out.
- » Almost two-thirds of all trips between the states in the Study Area are generated in Maryland.

This map shows the relative scale of demand for travel to that area from the opposite state. For example, Tysons has very high demand for travel from Maryland.

Source: MWCOC Regional Travel Demand Model

Eight Transit Routes Retained

- » Bethesda to Tysons
- » Germantown to Tysons
- » Silver Spring to Tysons
- » Gaithersburg to Tysons
- » Frederick to Tysons
- » Bethesda to Reston
- » Bethesda to Dunn Loring via Tysons
- » Frederick to L'Enfant via Arlington

Public and Stakeholder Input Related to Multimodal Travel

Themes

- » Support for analyzing multimodal solutions
- » Importance of air quality and emissions goals
- » Provide affordable and equitable choices
- » Request for dedicated funding to expand transit
- » Consider the effect of COVID-19 and potential increase in teleworking

Sources of Input

- » Public comment on ongoing I-495 Virginia and Maryland projects
- » Transit/TDM Public Survey #1
- » Transit/TDM Public Survey #2
- » Stakeholder coordination meetings

I-495 American Legion Bridge Transit/TDM Study

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Potential Investment Packages

Investment Package Development Approach

Potential transit and TDM recommendations are grouped into three investment level packages: baseline, medium, and high. Each investment package is built around the level of transit service supported by complementary technology enhancements, CAPs, and parking facilities (described on the following page). Packages were developed to provide three varying levels of service in terms of frequency, markets served, and span (time of day).

- » The baseline package includes two main route connections providing peak service, consistent with locations identified in previous planning efforts.
- » The medium package includes additional routes, increased frequency, and the introduction of off-peak service.
- » The high package includes additional route connections, further increased frequencies, and expands off-peak service.

Identification of complementary technology enhancements, CAPs, and parking needs within each investment package reflect consistency in terms of their implementation timeframe and their supportive role to the bus services.

Implementation Framework

The framework provides guidance for development of implementation timeframes in which complementary projects can be grouped together for delivery at the same time. The following considerations were taken into account when determining the timeframes of projects in each investment package:

- » **Infrastructure Assumptions** — The anticipated status of the construction of the managed lanes network in Virginia and Maryland
- » **Implementation Effort** — Length of time or amount of effort involved in implementing the service
- » **Demand Served** — Whether the Study is serving an existing demand or one that is forecast to grow over time
- » **Complementary Service** — Grouping of projects that supplement or enhance the use of new infrastructure or transit service

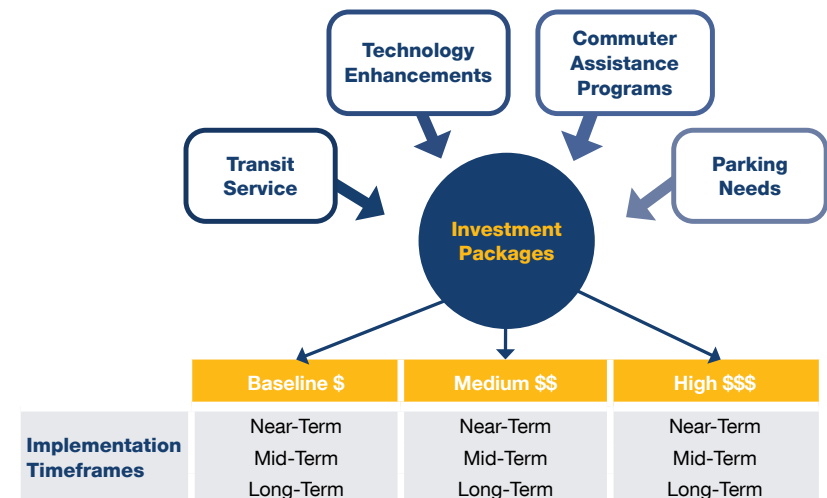
For the purpose of this Study, given the uncertainty in timing of potential managed lanes, timeframes have been assigned as follows:

- » **Near-Term** — Prior to the opening of the managed lanes up to and over the Bridge in both Maryland and Virginia
- » **Mid-Term** — In conjunction with the opening of the managed lanes up to and over the Bridge in both Maryland and Virginia
- » **Long-Term** — Following opening of the managed lanes in Maryland and Virginia

Assumptions

- » Potential operators for transit service has not been identified.
- » Storage and maintenance facility locations, needs, and associated costs have not been identified.
- » Parking needs are based on demand generated by transit service evaluated in this Study and growth in HOV travel on I-270 and I-495.
- » Ridership and person-trips are based on 2045 MWCOG Model runs and represent daily riders (AM and PM peak periods plus off-peak) over the American Legion Bridge. 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.
- » Although the various investment packages lend themselves to an incremental and cumulative implementation approach, it is important to note that each investment package can stand on its own as an overall bundle of Transit/TDM recommendations.

Developing Investment Packages



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Additional Package Elements

Additional elements were assigned to packages and timeframes based on levels of transit service. Including commuter assistance programs, technology enhancements, and parking needs. They serve a complementary or supportive role to those transit services. Factors that describe the implementation effort of each of the supportive elements are defined in order to convey the amount of effort needed to implement those programs as proposed. Each of these elements are preliminary in nature and would require close coordination with entities throughout the region for more detailed planning and analysis. Performance over time should be monitored and adjusted.

Implementation Effort

The more factors identified for each transit/TDM enhancement, the more effort and complexity is assumed to be required to implement the projects proposed for each investment package. Implementation factors include the following:

- » Multi-entity Coordination
- » Multiple Locations
- » Technology/Software Integration
- » Major Capital Infrastructure



Parking Needs

The following parking assessments are included in each investment package for routes associated with their respective stops. Each assessment reflects a cost-effective approach for meeting the demand generated by the transit services and growth in HOV travel in each investment package.

- » Demand can be served by existing parking capacity
- » Potential expansion of existing parking facilities by negotiating new or by leveraging existing parking agreements for more spaces
- » Potential capital expansion by constructing new surface or structural parking facilities

Technology

The following technology enhancements were included based on input from stakeholders as important for supporting transit service and carpool/vanpool travel across the Bridge.

Virginia and Maryland Commuter Parking Information System	Provides commuters with reliable expected parking space availability for parking lots serving rail, bus, and carpool/vanpool commuters, potentially leveraging Virginia's Regional Multi-Modal Mobility Program (RM3P).
Real-Time Toll and Transit Information	Work with private partners to incorporate real-time toll, congestion, and transit data into commonly used apps like Google Maps and Waze.
Real-Time Arrival Information	Work with transit agencies to make real-time arrival data available for public use. Once available, transit agencies can work with private partners to incorporate real-time transit arrival time information in commonly used apps such as Google Maps Transit and Transit App.
Real-Time Passenger Load Information	Work with private partners to incorporate real-time passenger load information for transit services in commonly used apps such as Google Maps Transit and Transit App using automated passenger counters (APCs).
Transit Signal Priority	Install transit signal priority and/or queue jumps at high-priority, bottleneck intersections on new transit routes to improve transit travel time reliability. This would need to be coordinated with local roadway and traffic signal operators. This Study does not propose any specific locations for transit signal priority.

Commuter Assistance Programs (CAPs)

The following list of potential CAPs was included based on input from stakeholders and assessment of potential return on investment. CAPs encourage people to use alternative modes of transportation besides single-occupancy vehicles (SOV), such as transit, carpool, and vanpool, among others. CAPs in the list below are a corridor-specific program that will supplement ongoing regional programs.

Vanpool Formation and Expansion Program	Financial incentives to start new vanpools and retain existing ones that travel over the Bridge.
Corridor-Specific Mobility Marketing Campaign	Public-facing media coverage (e.g., print, radio/TV, and digital) and advertisement via radio, news sites, and social media regarding transit service across the Bridge.
Targeted Residential Outreach	Target outreach to commuters in the Study area advertising and promoting the new transit routes and vanpool/carpool incentives as they become available.
Targeted Employer Outreach	Target employers located in and around key activity centers in the Study area with promoting the new transit routes and vanpool/carpool incentives as they are available.
Corridor-Specific HOV Incentive	Short-term financial benefit to try a new mode (e.g., car/vanpool or transit) that travels across the Bridge. This could be implementing using an existing or planned mobile platform.

I-495 American Legion Bridge Transit/TDM Study

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Baseline Package

Potential Transit Recommendations

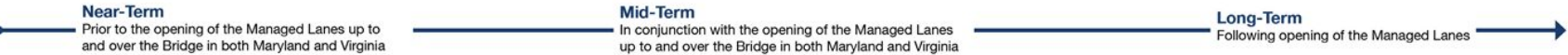


Summary of Benefits



¹: Number of people per day in 2045 forecast to cross the American Legion Bridge on the transit service (Forecasts developed using the M/WCOG Travel Forecast Model are based on future regional cooperative land use forecast and existing regional travel behaviors)

²: Measure of total distance per day in 2045 traveled by passengers on the route (includes travel that does not pass over the American Legion Bridge)



- » **Alignment** - Start and end points of the route
- » **Direction** - Indicates whether the service operates in both directions or just MD to VA in the AM and VA to MD in the PM
- » **Peak Frequency** - How often the bus would come during peak period
- » **Daily ALB Riders (2045)** - Number of people per day in 2045 forecast to cross the American Legion Bridge on the transit service

Summary of Potential Transit Recommendations

Alignment	Direction	Peak Frequency (min)	Daily ALB Riders (2045)	Time Frame
Bethesda - Tysons	Bi-Directional	30	400	Mid-Term
Gaithersburg - Tysons	Peak Direction Only	30	600	Mid-Term

- Maintenance facility or expansion may be needed to advance potential recommendations and is dependent on operator.
- The Bethesda - Tysons Transit Route could be advanced as part of the Near-Term timeframe.

Implementation Effort	
Technology Enhancements	
Near-Term <ul style="list-style-type: none">VA and Maryland Commuter Parking Information	Low
Commuter Assistance Programs	
Near-Term <ul style="list-style-type: none">Corridor-Specific Commuter Assistance Program<ul style="list-style-type: none">Targeted Residential OutreachTargeted Employer OutreachVanpool Formation and Expansion ProgramCorridor-Specific HOV Incentive Program	Medium
Continual <ul style="list-style-type: none">Ongoing Regional and Statewide Programs	Low
Capital Parking Expansion Needs	
Mid-Term <ul style="list-style-type: none">Westfield Montgomery Mall	High

Key Implementation Effort:

- Low
- Medium
- High

Overview

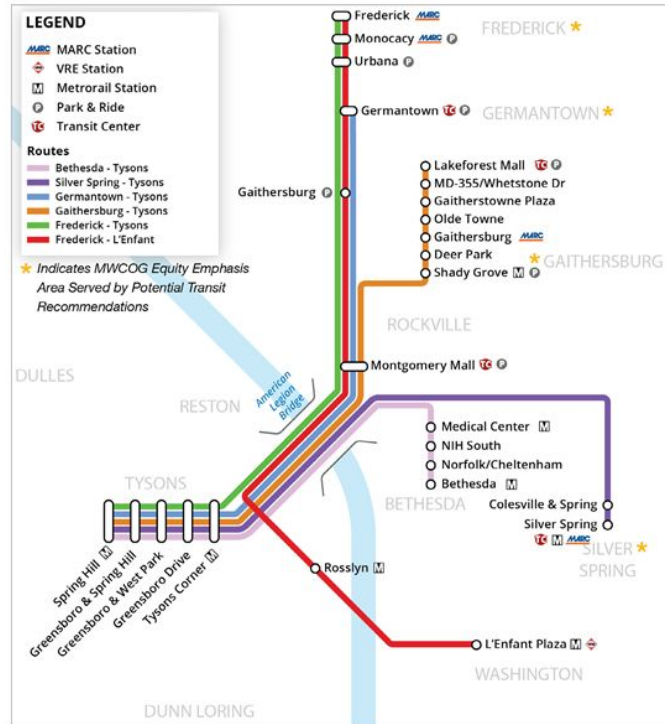
- » The baseline investment package focuses on low-cost traffic mitigation strategies with high rates of ROI that do not rely heavily on construction of the managed lanes for implementation.
- » Transit service in the baseline package is consistent with markets that have been identified in previous studies.

I-495 American Legion Bridge Transit/TDM Study

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Medium Package

Potential Transit Recommendations



Summary of Benefits

Total Forecasted Daily Riders (Over ALB): 3,700
Peak: 3,500 Off-Peak: 200

Total Passenger Miles²: 101,000

1: Number of people per day in 2045 forecast to cross the American Legion Bridge on the transit service (Forecasts developed using the MWCOC Travel Forecast Model are based on future regional cooperative land use forecast and existing regional travel behaviors)

2: Measure of total distance per day in 2045 traveled by passengers on the route (includes travel that does not pass over the American Legion Bridge)

Near-Term

Prior to the opening of the Managed Lanes up to and over the Bridge in both Maryland and Virginia

Mid-Term

In conjunction with the opening of the Managed Lanes up to and over the Bridge in both Maryland and Virginia

Long-Term

Following opening of the Managed Lanes

Summary of Potential Transit Recommendations

Alignment	Direction	Peak Frequency(min)	Off-Peak Service	Daily ALB Riders (2045)	Time Frame
Bethesda - Tysons	Bi-Directional	30	☑	600	Mid-Term
Silver Spring - Tysons	Peak Direction Only	30		600	Mid-Term
Germantown - Tysons	Peak Direction Only	30		600	Mid-Term
Gaithersburg - Tysons	Peak Direction Only	20		800	Mid-Term
Frederick - Tysons	Peak Direction Only	30		600	Long-Term
Frederick - L'Enfant via Arlington	Peak Direction Only	40		500	Long-Term

- Maintenance facility or expansion may be needed to advance potential recommendations and is dependent on operator.
- The Bethesda - Tysons Transit Route could be advanced as part of the Near-Term timeframe.

Key Implementation Effort:

- 🔧 = Low
- 🔧🔧 = Medium
- 🔧🔧🔧 = High

Technology Enhancements	Implementation Effort
Near-Term	
• VA and Maryland Commuter Parking Information	🔧🔧
Mid-Term	
• Maintain or Adjust Near-Term Program	
• Technology Enhancements to Existing Efforts (Levels Based on Proposed Service)	🔧🔧🔧
• Real-Time Toll and Transit Information	🔧🔧
• Real-Time Passenger Load Information	🔧🔧
• Real-Time Transit Arrival Information	🔧🔧
• Transit-Signal Priority	🔧🔧
Commuter Assistance Programs	
Near-Term	
• Corridor-Specific Commuter Assistance Program	🔧🔧
• Targeted Residential Outreach	🔧🔧
• Targeted Employer Outreach	🔧🔧
• Vanpool Formation and Expansion Program	🔧🔧
• Corridor-Specific HOV Incentive Program	🔧🔧
Mid-Term	
• Maintain or Adjust Near-Term Programs based on Performance	🔧
• New Addition to Program: Corridor-Specific Mobility Marketing Campaign	🔧
Long-Term	
• Maintain or Adjust Mid-Term Program based on Performance	N/A
Continual	
• Ongoing Regional and Statewide Programs	N/A
Capital Parking Expansion Needs	
Mid-Term	
• Westfield Montgomery Mall	🔧🔧🔧
• Germantown	🔧🔧🔧
Long-Term	
• Urbana	🔧🔧🔧
• Monocacy	🔧🔧🔧

Overview

» A key characteristic of the medium investment package is a significant increase in commuter bus services and supporting technologies that enhance the commuter experience.

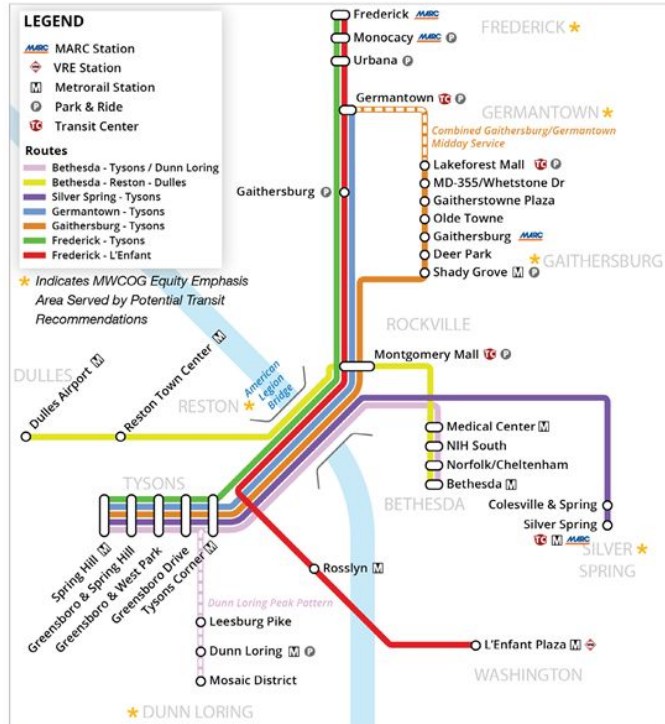
» The medium package also introduces off-peak midday service for one high-ranking route.

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High Package

Potential Transit Recommendations



Summary of Benefits

Total Forecasted Daily Riders (Over ALB): 5,600
Peak: 4,500 Off-Peak: 1,100

Total Passenger Miles²: 152,000

1: Number of people per day in 2045 forecast to cross the American Legion Bridge on the transit service (Forecasts developed using the MWCOC Travel Forecast Model are based on future regional cooperative land use forecast and existing regional travel behaviors)

2: Measure of total distance per day in 2045 traveled by passengers on the route (includes travel that does not pass over the American Legion Bridge)

Near-Term

Prior to the opening of the Managed Lanes up to and over the Bridge in both Maryland and Virginia

Mid-Term

In conjunction with the opening of the Managed Lanes up to and over the Bridge in both Maryland and Virginia

Long-Term

Following opening of the Managed Lanes

Summary of Potential Transit Recommendations

Alignment	Direction	Peak Frequency (min)	Off Peak Service	Daily ALB Riders (2045)	Time Frame
Bethesda - Tysons/Dunn Loring	Bi-Directional	12*	☑	800	Mid-Term
Bethesda - Reston/Dulles	Bi-Directional	30		300	Mid-Term
Silver Spring - Tysons	Peak Direction Only	20	☑	1000	Mid-Term
Germantown - Tysons	Peak Direction Only	20	☑	1000	Mid-Term
Gaithersburg - Tysons	Peak Direction Only	15	☑	700	Mid-Term
Frederick - Tysons	Peak Direction Only	20		900	Long-Term
Frederick - L'Enfant via Arlington	Peak Direction Only	30	☑	900	Long-Term

*Combined frequency; 2 buses per hour extend to Dunn Loring during the peak period

- Maintenance facility or expansion may be needed to advance potential recommendations and is dependent on operator.
- The Bethesda - Tysons Transit Route could be advanced as part of the Near-Term timeframe.

Key Implementation Effort:

- Low
- Medium
- High

Technology Enhancements

Near-Term

- VA and Maryland Commuter Parking Information

Mid-Term

- Maintain or Adjust Near-Term Program
- Technology Enhancements to Existing Efforts (Levels Based on Proposed Service)
 - Real-Time Toll and Transit Information
 - Real-Time Passenger Load Information
 - Real-Time Transit Arrival Information
 - Transit-Signal Priority

Commuter Assistance Programs

Near-Term

- Corridor-Specific Programming
 - Targeted Residential Outreach
 - Targeted Employer Outreach
- Vanpool Formation and Expansion Program
- Corridor-Specific HOV Incentive Program

Mid-Term

- Maintain or Adjust Near-Term Programs based on Performance
- New Addition to Program:** Corridor-Specific Mobility Marketing Campaign

Long-Term

- Maintain or Adjust Near-Term Programs based on Performance

Continual

- Ongoing Regional and Statewide Programs

Capital Parking Expansion Needs

Mid-Term

- Westfield Montgomery Mall
- Germantown

Long-Term

- Urbana
- Monocacy

Overview

- » The high investment package reflects the most robust level of service for the proposed commuter bus routes, with connections and service route extensions to all major destinations for users of the Bridge.
- » Frequencies are consistent with those outlined in the Constrained Long-Range Transportation Plan (CLRP) for planned routes.
- » Includes significant off-peak midday service for five of the seven commuter bus service options. The mid-day off peak service is added, mostly in the form of bi-directional service.

I-495 American Legion Bridge Transit/TDM Study

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Package Comparisons

Transit Service

Because transit service is the main component of the investment packages and the other improvements support and promote transit usage, it is important to recognize the effect that level of service (i.e. route frequency) has on transit ridership. The table shows the routes included in each investment package, the level of service at which the routes would operate, the resulting number of riders across the Bridge taking each route, and the estimated total number of daily riders and passenger miles across the Bridge associated with each investment package.

Alignment	Direction	Base Package			Medium Package			High Package		
		Peak Frequency (min)	Off-Peak Frequency (min)	Daily ALB Riders (2045)	Peak Frequency (min)	Off-Peak Frequency (min)	Daily ALB Riders (2045)	Peak Frequency (min)	Off-Peak Frequency (min)	Daily ALB Riders (2045)
Bethesda – Tysons*	Bi-Directional	30		400	20	60	600	12*	30	800
Bethesda – Reston/ Dulles	Bi-Directional							30		300
Silver Spring – Tysons	Peak Direction Only				30		600	20	60	1,000
Germantown – Tysons	Peak Direction Only				30		600	20	60	1,000
Gaithersburg – Tysons	Peak Direction Only	30		600	20		800	15	60	700
Frederick – Tysons	Peak Direction Only				30		600	20		900
Frederick – L'Enfant via Arlington	Peak Direction Only				40		500	30	60	900
Total Forecast Daily ALB Riders				1,000	3,700			5,600		
Total Forecast Passenger Miles Traveled				17,000	101,000			151,000		

*In high package, 2 buses per hour during peak extend to Dunn Loring. Frequency shown is a combined frequency for Bethesda-Tysons

Note:

- » Ridership and person-trips based on 2045 MWCOC Model runs and represents daily riders (AM and PM peak periods plus off-peak) over the American Legion Bridge; Forecasts developed using the MWCOC Travel Forecast Model are based on future regional cooperative land use forecast and existing regional travel behaviors.
- » Peak Periods assumed 3 hours in AM and 3 in PM; Off-peak - 8 hours
- » Passenger Miles Traveled: Measure of total distance per day in 2045 traveled by passengers on the route (includes travel that does not pass over the American Legion Bridge)

Base Package

The base investment package focuses on providing service on the two corridors identified in previous plans: Bethesda to Tysons and Gaithersburg to Tysons. These services would operate every 30 minutes during the peak period only. The Bethesda to Tysons service would run in both directions, while Gaithersburg to Tysons would operate to Tysons in the morning and from Tysons in the afternoon/ evening.

Medium Package

The medium-investment package focuses on introducing peak-period commuter service between the key transit markets identified in this Study's demand analysis. All but one route would connect Maryland to Tysons with a minimum headway of 30 minutes. The Bethesda to Tysons and Gaithersburg to Tysons options feature an increase in service frequency over the baseline-investment package, with the Bethesda to Tysons route including off-peak service. Frederick to L'Enfant service would provide a peak-period service to Arlington (Rosslyn) and L'Enfant Plaza, complementing existing MARC service, which has limited capacity to operate additional trips into Washington, DC from Frederick.


High Package

The high investment package envisions all-day transit service across the Bridge. For routes that operate only in one direction, off-peak service would be bi-directional. The Germantown and Gaithersburg to Tysons route would be combined during the off-peak period. The Bethesda to Tysons service would be complemented by an alternative service pattern that would operate to Dunn Loring via the Tysons Corner Metrorail station during the peak period. A new peak period service would operate between Bethesda and Dulles International Airport via the Westfield Montgomery Mall Transit Center and Reston Town Center.


I-495 American Legion Bridge Transit/TDM Study
DRAFT Summary Report

Additional Package Benefits
Transit Connections


In addition to providing efficient service to key activity centers, effective transit service should also connect with other transit modes to increase regional connectivity and provide first and last mile connections. Connectivity with other transit service will increase ridership and has the potential to decrease the amount of driving and parking needed to support the routes. Below is a comparison of the connectivity of each investment package with other existing and planned transit service.



Tysons ●●○
Reston ○
Dulles ○
Dunn Loring ○
Bethesda ●●○
Silver Spring ●○
Shady Grove ●●○
Rosslyn ●○



Silver Spring ●○
Gaithersburg ●
Monocacy ●○
Frederick ●○



Silver Spring ●●○
Bethesda ●●○

County BRT


Tysons ●●○
Bethesda ●●○
Silver Spring ●○
Westfield
Montgomery Mall
Transit Center ●●○
Gaithersburg ●●○
Germantown ●○

Local Bus

All stops ●●○

Notes:
Italicized stops are serviced by planned transit connections

- Denotes stops on routes included in the baseline package
- Denotes stops on routes included in the medium package
- Denotes stops on routes included in the high package



Greenhouse Gas Emissions Reduction
The transit service in the high package has the potential to reduce greenhouse gas (GHG) emissions by up to 61.4 metric tons of daily CO₂ emissions. That's the equivalent to the total daily use of approximately 4,900 vehicles.

	Maximum Potential Daily GHG Reduction (2045 Metric Tons of CO ₂ Emissions)	Equivalent Vehicles (Total Daily Use)
Baseline	6.9	540
Medium	40.8	3200
High	61.4	4900

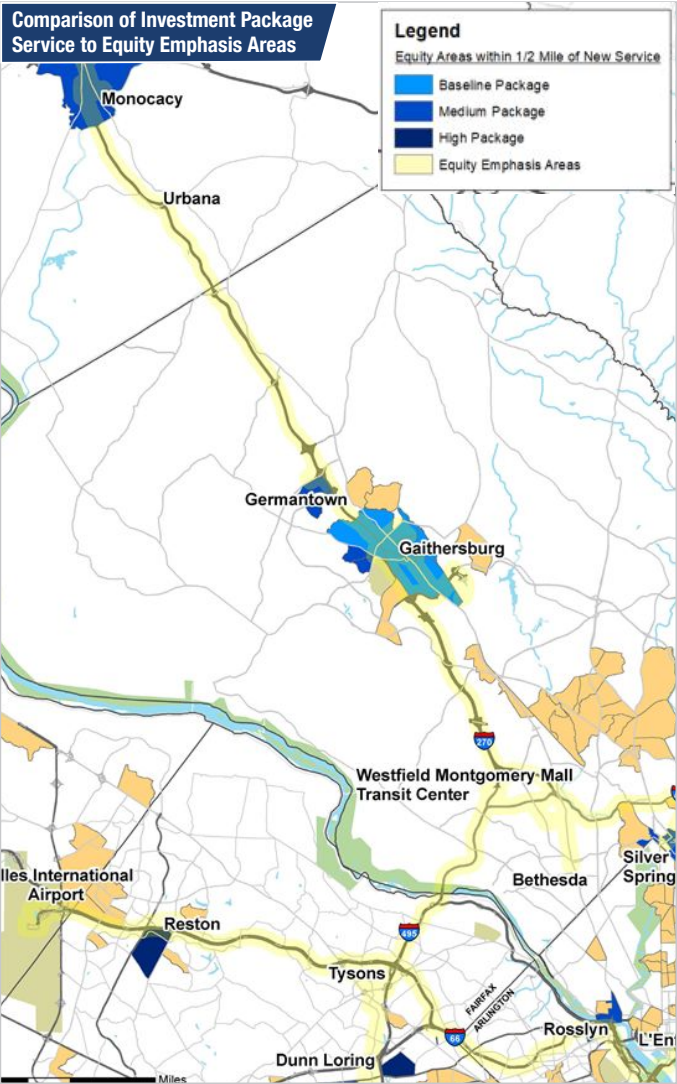
Notes/Assumptions

- Based on total forecast Passenger Miles Traveled (total distance per day in 2045 traveled by passengers including travel that does not pass over the Bridge)
- Maximum potential assumes that all riders of the transit service switch from using Single-Occupant-Vehicle (SOV)
- A typical passenger vehicle travels 11,500 miles per year (including non-commuting travel) and emits 4.6 metric tons of CO₂ annually.

95-99% of GHG emissions from vehicles are CO₂ ^[1]

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.^[2] The map shows the MWCOG Equity Emphasis Areas and highlights the areas that are within 1/2 mile of each investment package's new transit routes. It's worth noting that the medium package includes the baseline package's Equity Emphasis Areas, and the high package includes the medium and baseline package Equity Emphasis Areas.



[1] (US EPA, 2018) [2] (Metropolitan Washington Council of Governments (MWCOG), 2020).

I-495 American Legion Bridge Transit/TDM Study

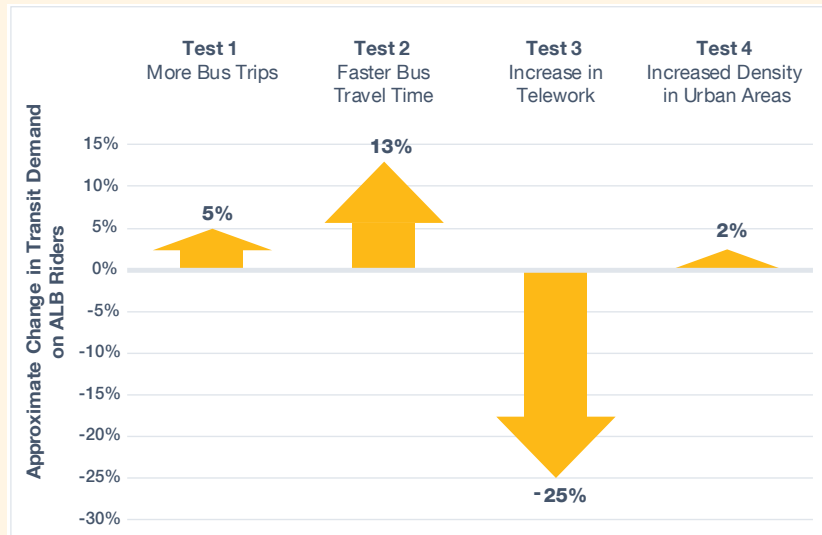
DRAFT Summary Report

Modeling Potential Effects of Changes in Assumptions

Given the impact COVID-19 has had on commuting behavior and teleworking, future transportation trends are likely to be different than they were in early 2020. Other factors, such as concentrated population and employment growth are variables that can change the future transportation needs of the region. It is also important to note that the high-level assumptions for transit service in this Study are approximate and can vary from real-life behavior. Recognizing that certain elements in our future are unknown, the Study team ran modeling tests to provide a gauge of how the demand for transit service might change under different scenarios.

- » What would happen if 10% more bus trips on the routes proposed were offered?
- » What if the travel time for proposed buses was 10% faster?
- » What if 20% more people teleworked in the future?
- » What if urban areas like Bethesda, Tysons, Gaithersburg and Silver Spring grew at a rate 20% higher than currently projected?

The graph below shows an approximation of the potential change in demand for transit service over the Bridge for each of the four scenarios tested.



Next Steps

This Study identified a series of potential investment packages of recommendations that help meet the identified Study needs of providing new mobility choices to service travel between Virginia and Maryland. Each investment package provides a combination of transit service elements, technology enhancements, Commuter Assistance Programs, and parking needs. As the managed lanes studies in both Virginia and Maryland progress, these investment packages offer options to move more people over the Bridge in fewer vehicles. As these potential transit services move closer to implementation, the items below should be considered as next steps.

Additionally, the levels of investment and timing of the packages could be further refined pending more detailed information on funding availability and schedules for implementation of the managed/express lanes projects.

Transit Service

- » Identify the potential to advance some transit service to near term before or during construction of managed lanes, potentially using a bus-on-shoulder approach based on the sequence and duration of construction of the managed/express lanes projects.
- » Determine potential 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 entities and transit providers to facilitate first-last mile connections and determine local service modifications.

Commuter Assistance Programs and Technology Enhancements

- » Coordinate between states, localities, transit operators, and regional entities on implementation of programs.
- » Monitor the Virginia RM3P Program for potential longer-term expansion to the I-495 corridor.
- » Coordinate with private managed lanes operators about program promotion and real-time information regarding tolls.

Parking and Facility Needs

- » Integrate the parking needs identified from the potential service in this Study with regional parking demand and other planned improvements.
- » Coordinate with transit providers and property owners at locations such as Metrorail and MARC stations to confirm the use of available parking for bus service.



Attachment 4

I-495 American Legion Bridge Transit and Transportation Demand Management Study

Board Meeting
December 8, 2020

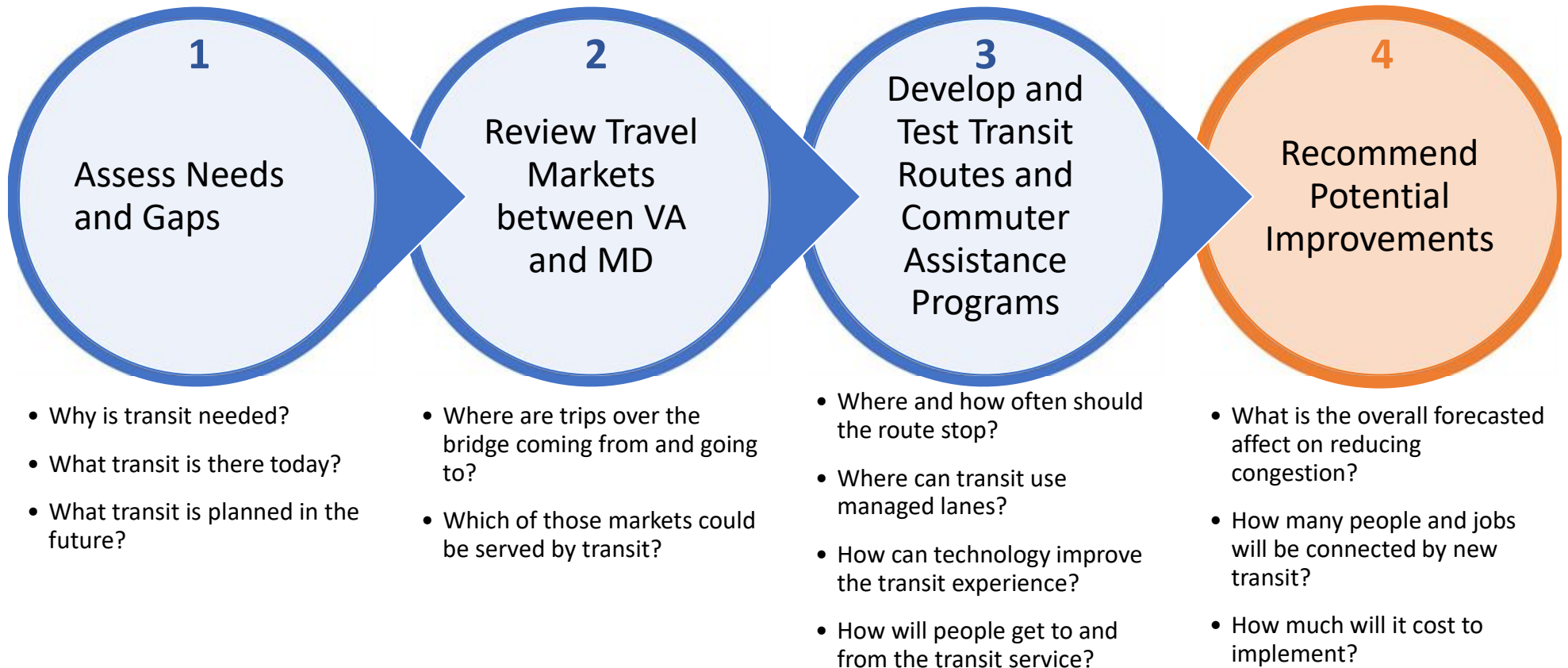
Jennifer Debruhl, Chief of Public Transportation
Ciara Williams, NOVA Transit Planning Manager
Department of Rail and Public Transportation

Study Context and Focus

- **Fall 2019:** Governors Northam and Hogan announce Capital Beltway Accord to Rebuild American Legion Bridge and Connect Interstate Highway System
- **Complements** Virginia's I-495 NEXT and Maryland's Managed Lanes Study
- Funded and managed jointly by DRPT and MDOT-MTA, and is separate from improvement projects in the corridor.
- **This study's focus:** develop and prioritize transit options and travel demand management for bistate travel across the bridge

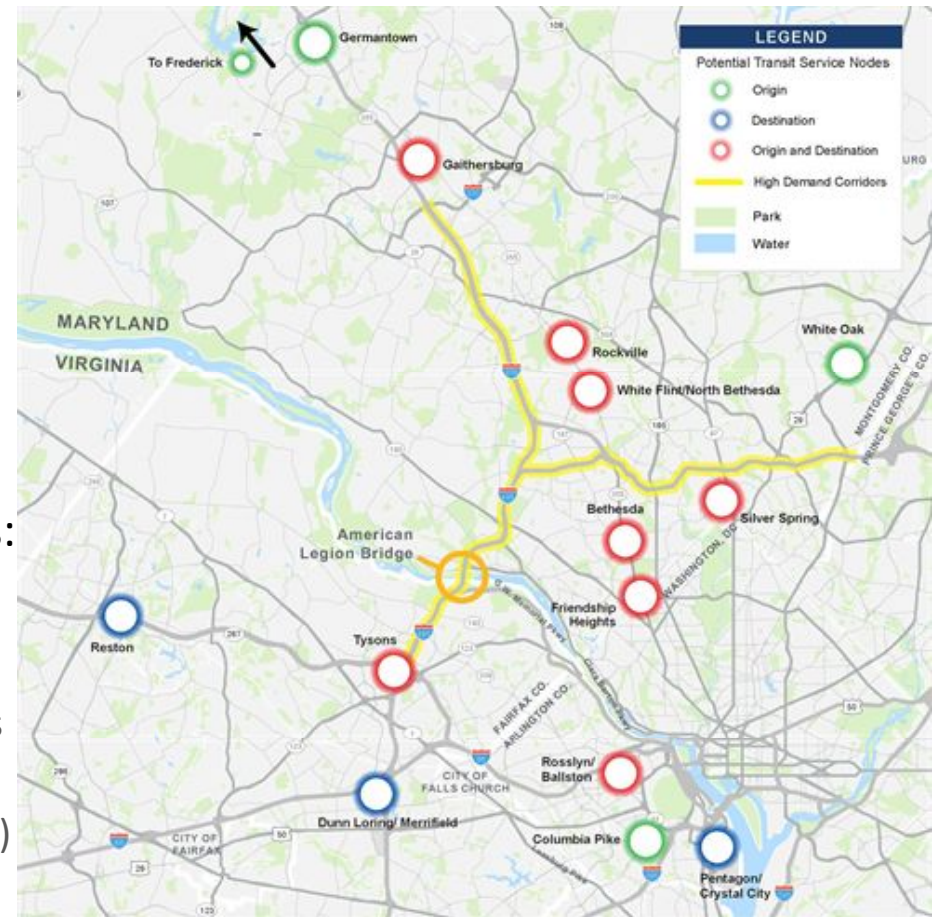


Study Process



Travel Demand

- High demand
 - MD 355 Corridor and Silver Spring in MD to Tysons, Dunn Loring, and VA 7 corridor
- Moderate demand
 - Fairfax and Arlington in VA to Bethesda and Friendship Heights in MD
- Corridor segments with highest number of trips:
 - I-270/I-270 spur from I-495 to I-370 (MD)
 - I-495 from the Bridge to Dulles Corridor (VA)
 - I-495 from the I-270 spur junction to Prince George's County line (MD)
 - I-495 from the Bridge to the I-270 spur junction (MD)



Potential Transit Connections Under Consideration

Legend

	Insufficient Travel Demand Along Corridor
	Not Competitive with Existing Transit Service
	Indirect Access to Managed Lanes
★	Route Connection Advanced for Testing

Option	Virginia	↔	Maryland
1	Tysons		Bethesda ★
2			Friendship Heights
3a			Germantown ★
3b			Gaithersburg ★
4			White Flint
5a			Silver Spring ★
5b			White Oak via Silver Spring
6			Frederick ★

Option	Virginia	↔	Maryland
7a	Dulles/ Reston		Frederick
7b			Germantown
7c			Gaithersburg
7d			Rockville
7e			Silver Spring
7f			White Oak
7g			Bethesda ★

Option	Virginia	↔	Maryland
8a	Dunn Loring		Frederick
8b			Germantown
8c			Gaithersburg
8d			Rockville
8e			Silver Spring
8f			White Oak
8g			Bethesda ★

Option	Virginia	↔	Maryland
7a	Arlington		Frederick ★
7b			Germantown
7c			Gaithersburg
7d			Rockville
7e			Bethesda
7f			Silver Spring
7g			White Oak

Prioritization Methodology

- Potential routes scored relative to each other based on three categories



Productivity – Maximizing ridership for the lowest cost



Equity – Serving areas with high concentrations of low-income and minority individuals



Connectivity – Providing access to the most jobs and people

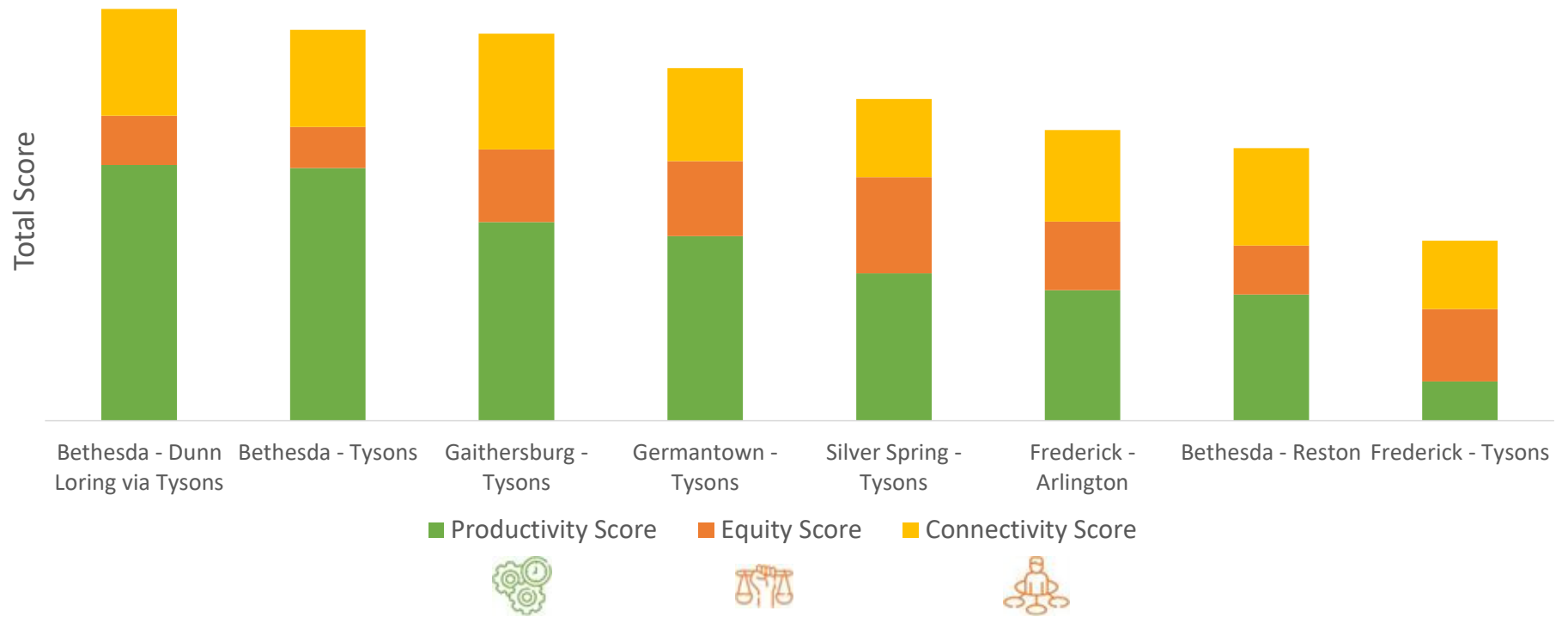
Routes Retained:

- Bethesda – Tysons
- Germantown – Tysons
- Silver Spring – Tysons
- Gaithersburg – Tysons
- Frederick – Tysons
- Bethesda – Dulles/Reston
- Bethesda – Dunn Loring
- Frederick – Arlington

SCORING KEY

HIGH ● ● ●
MEDIUM ● ●
LOW ●

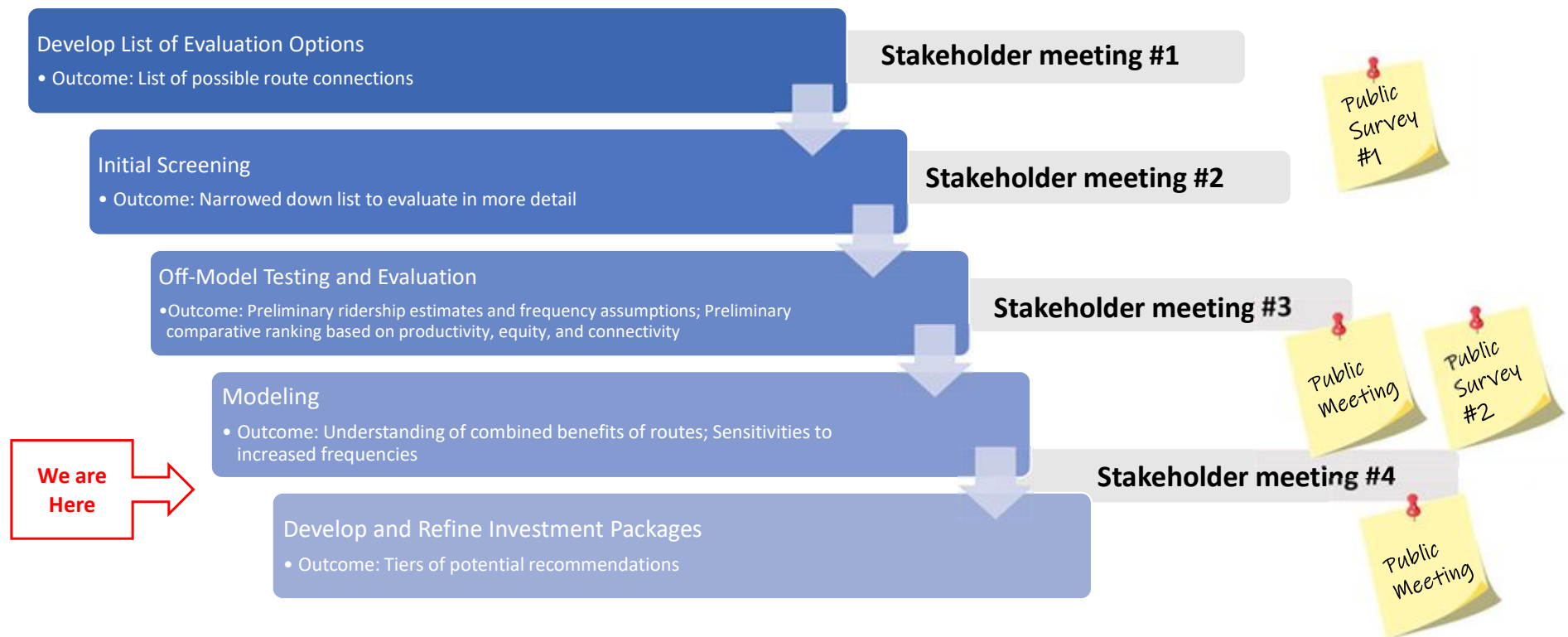
Preliminary Route Scoring



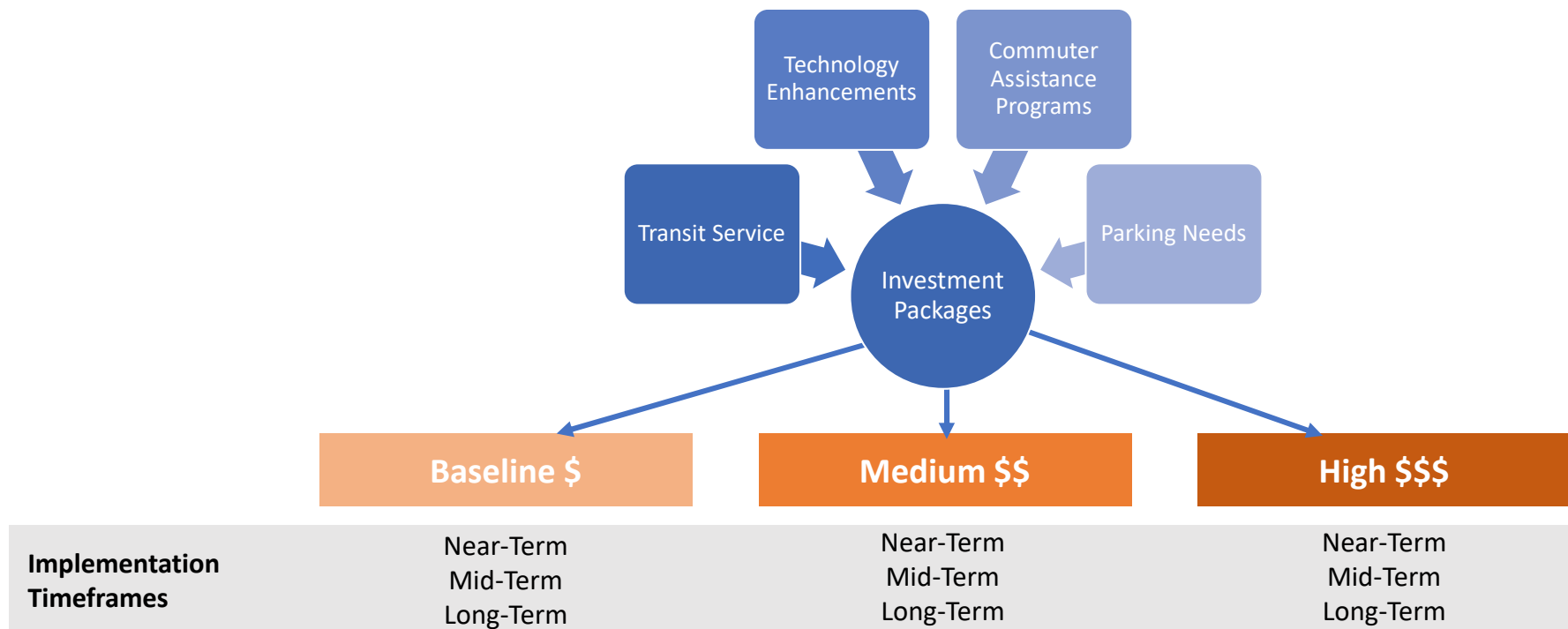
Technology and Commuter Assistance Program Options

Commuter Parking Information System	Vanpool Formation and Expansion Program
Real-Time Toll and Transit Information	Carpool Promotion Programs
Real-Time Arrival Information	Corridor-Specific Mobility Options Marketing Campaign
Real-Time Passenger Load Information	Targeted Residential Outreach
Transit Signal Priority	Targeted Employer Outreach

Transit Potential Recommendations Development




Next Step: Development of Investment Packages



Timeline



 Stakeholder Meetings  Public Meetings

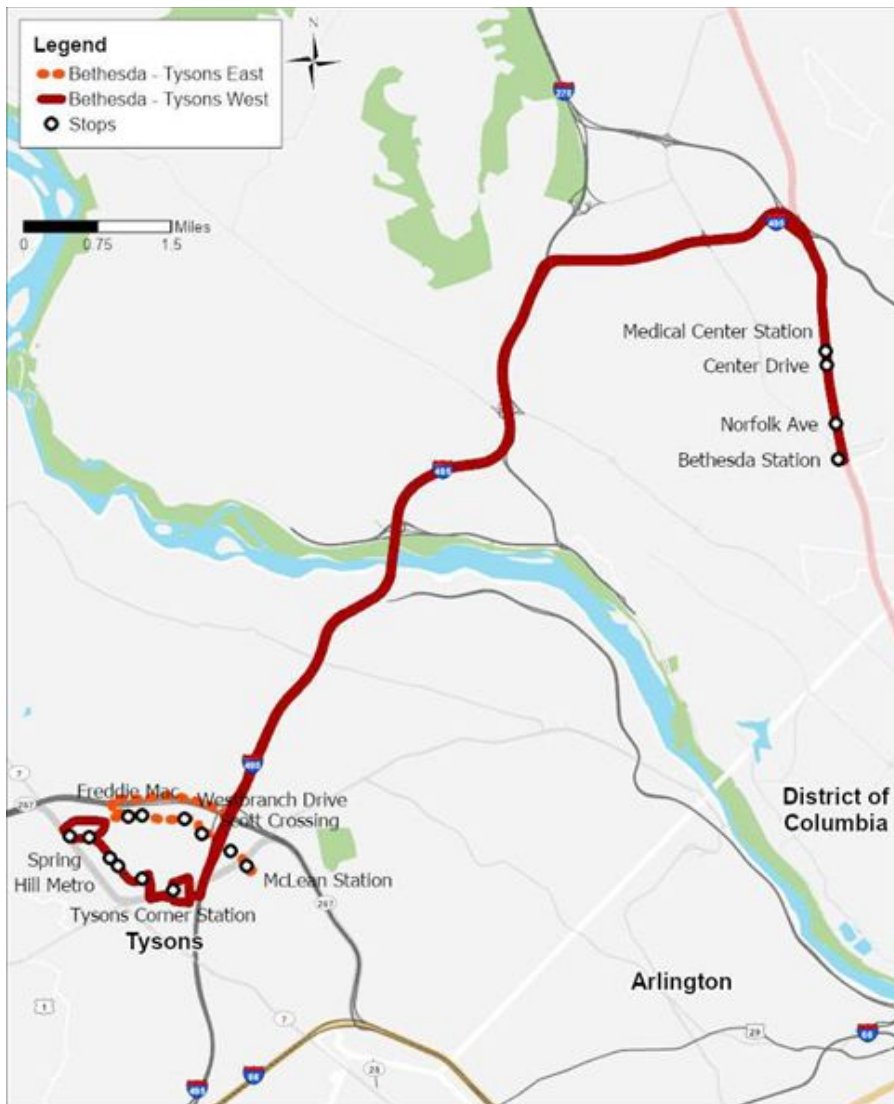


Questions and Discussion



Department of Transportation
12

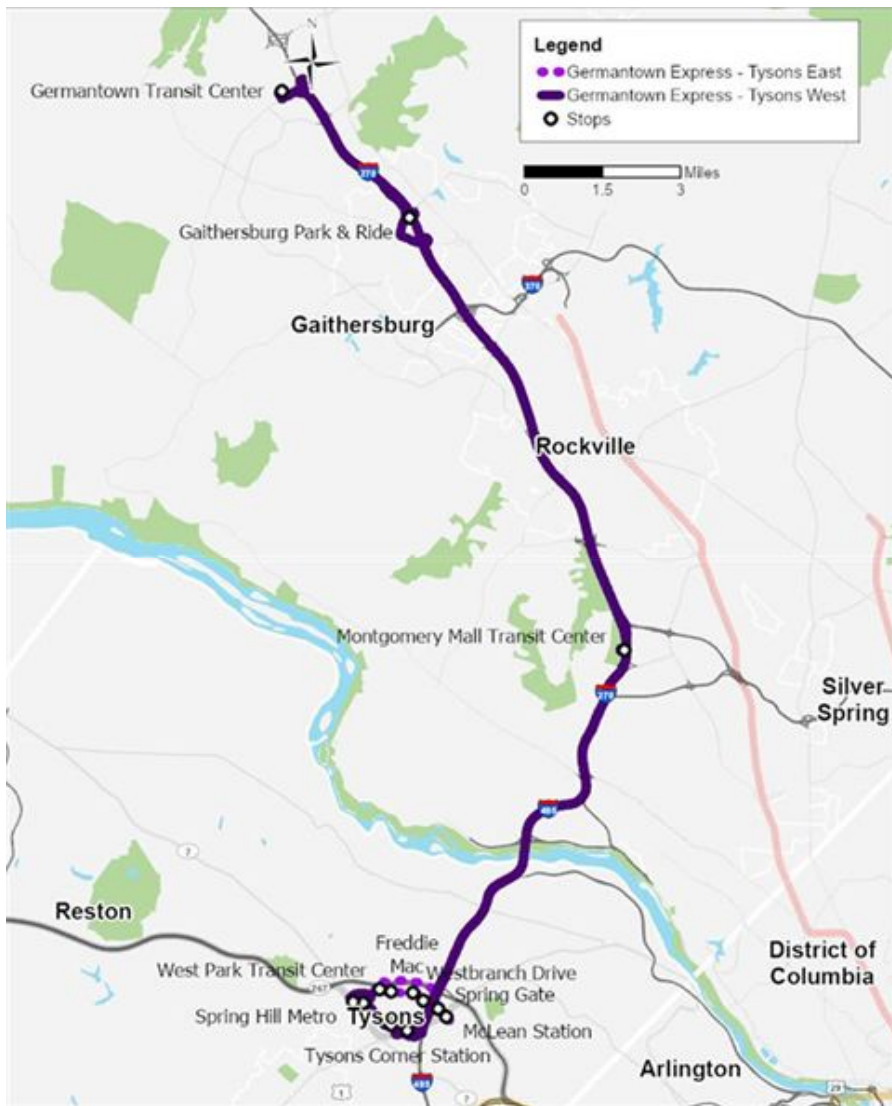
Appendix: Draft Routes



1. Bethesda – Tysons

- Service both directions during peak periods
- Transit and Rail Connections:
 - Red Line Metrorail
 - Silver Line Metrorail
 - Planned Purple Line
 - Planned Route 7 BRT
 - Planned MD 355 BRT
 - Local Bus and Regional Bus

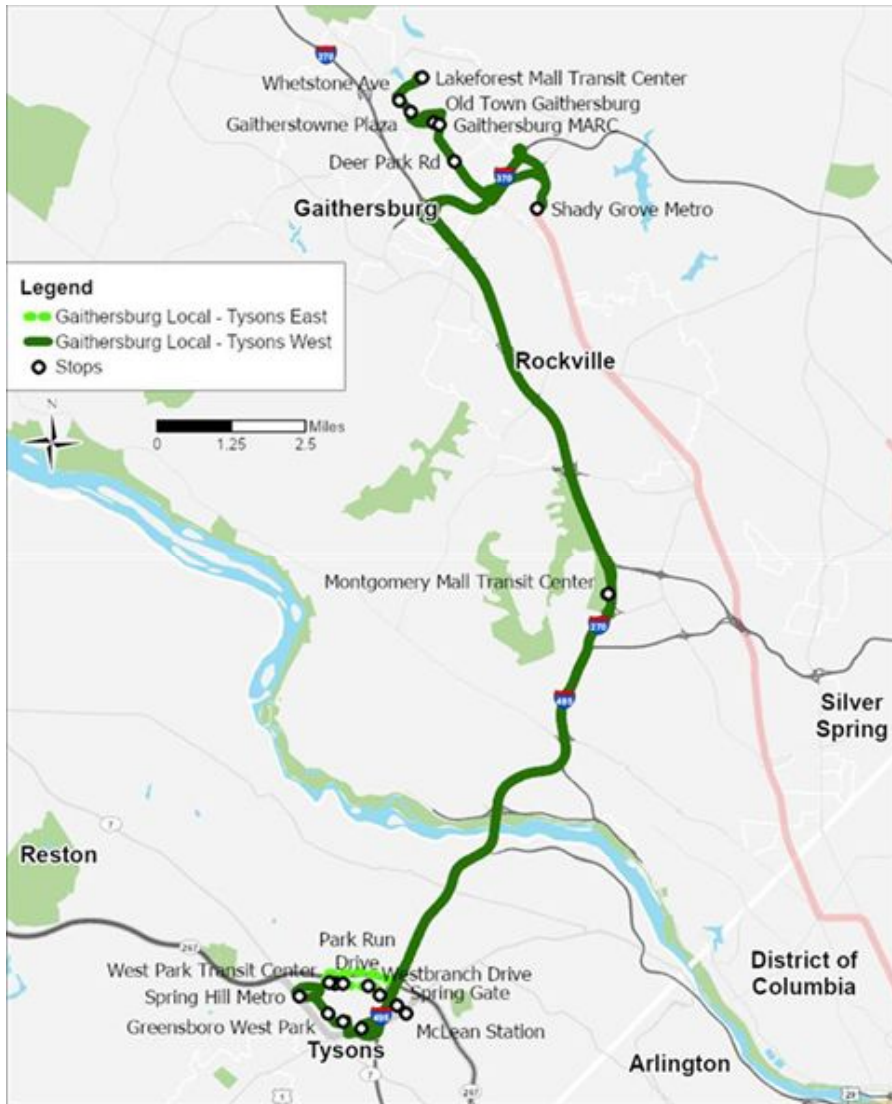
Metric	Score
Productivity	● ● ●
Equity	●
Connectivity	● ●
Rank	# 2



3a. Germantown – Tysons

- Service from Germantown to Tysons during AM peak period and Tysons to Germantown during PM peak period.
- Transit and Rail Connections:
 - Silver Line Metrorail
 - Planned Route 7 BRT
 - Planned Corridor Cities Transitway
 - Planned Randolph Road BRT
 - Local Bus and Regional Bus

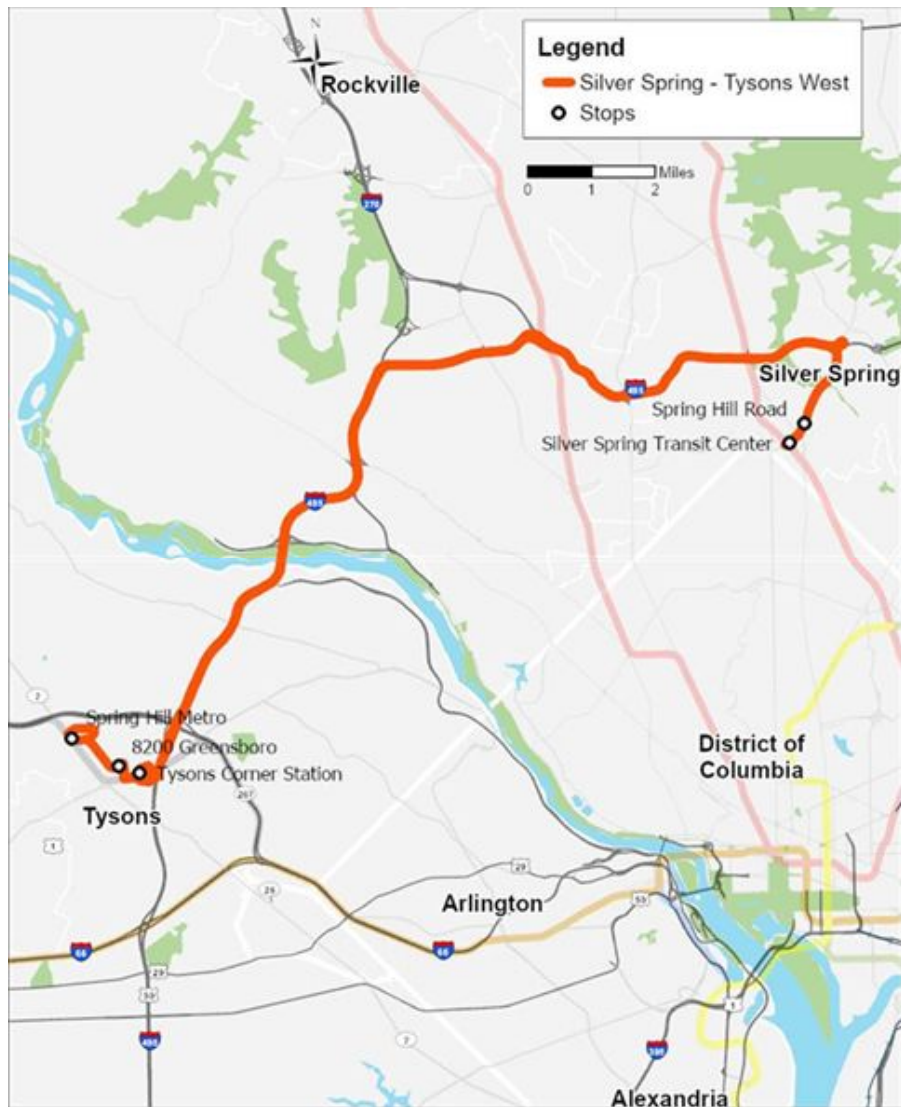
Metric	Score
Productivity	● ●
Equity	● ● ●
Connectivity	● ●
Rank	# 4



3b. Gaithersburg – Tysons

- Service from Gaithersburg to Tysons during AM peak period and Tysons to Gaithersburg during PM peak period.
- Transit and Rail Connections:
 - Red Line Metrorail
 - Silver Line Metrorail
 - Gaithersburg MARC
 - Planned Route 7 BRT
 - Planned Corridor Cities Transitway
 - Planned MD 355 BRT
 - Planned Randolph Road BRT
 - Local Bus and Regional Bus

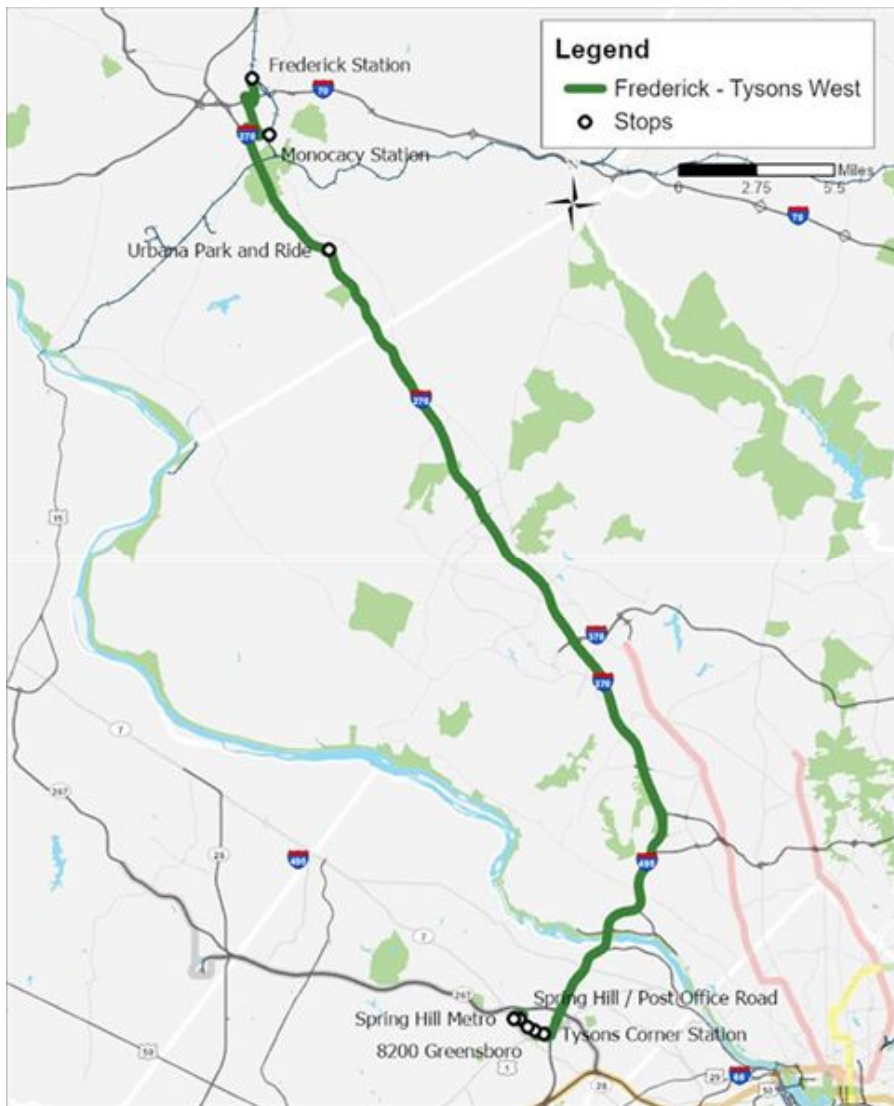
Metric	Score
Productivity	● ● ●
Equity	● ● ●
Connectivity	● ● ●
Rank	#3



5a. Silver Spring – Tysons

- Service from Silver Spring to Tysons during AM peak period and Tysons to Silver Spring during PM peak period.
- Transit and Rail Connections:
 - Red Line Metrorail
 - Silver Line Metrorail
 - Planned Purple Line LRT
 - Planned Route 7 BRT
 - US 29 FLASH BRT
 - Local Bus and Regional Bus

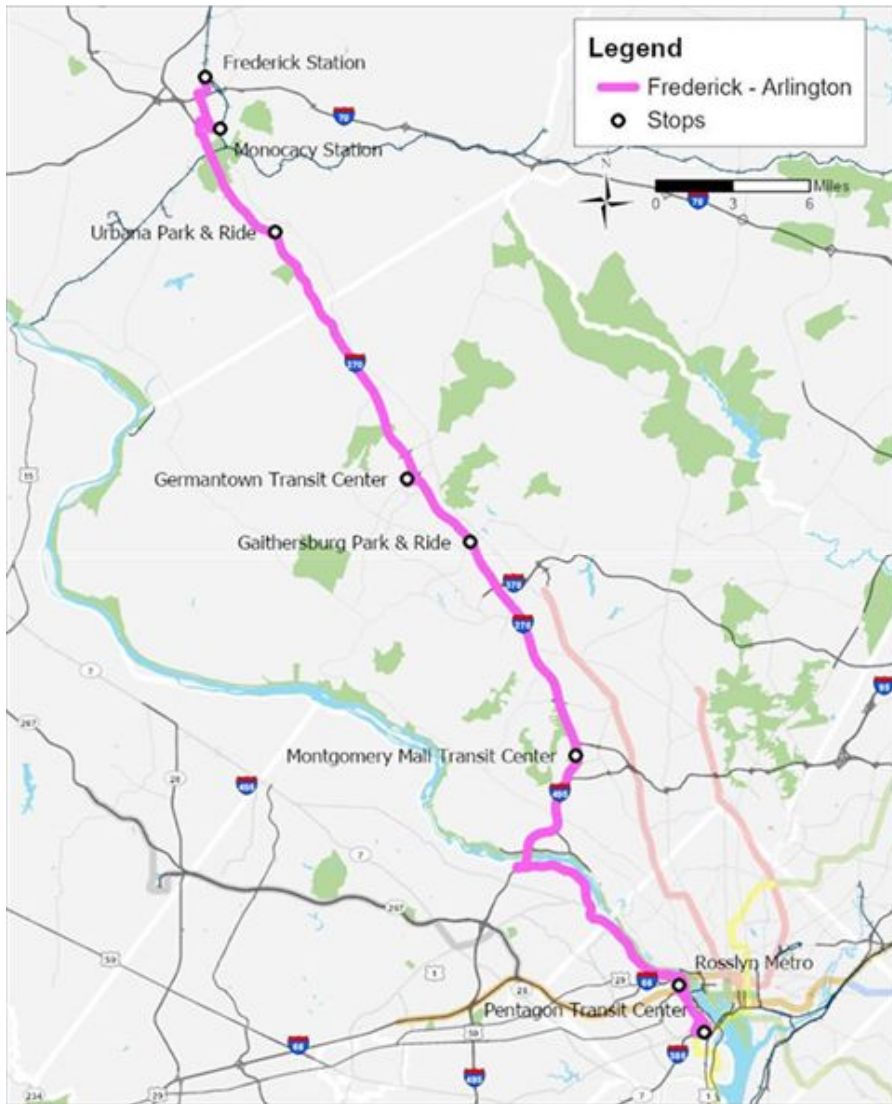
Metric	Score
Productivity	● ●
Equity	● ● ●
Connectivity	● ●
Rank	#5



6. Frederick – Tysons

- Service from Frederick to Tysons during AM peak period and Tysons to Frederick during PM peak period.
- **Transit and Rail Connections:**
 - Silver Line Metrorail
 - Planned Route 7 BRT
 - Local Bus and Regional Bus

Metric	Score
Productivity	●
Equity	● ● ●
Connectivity	● ●
Rank	#8



7a. Frederick – Arlington

- Service from Frederick to Arlington during AM peak period and Arlington to Frederick during PM peak period.
- Transit and Rail Connections:
 - Orange Line Metrorail
 - Silver Line Metrorail
 - Blue Line Metrorail
 - Yellow Line Metrorail
 - Planned Randolph Road BRT
 - Planned Corridor Cities Transitway
 - Local Bus and Regional Bus

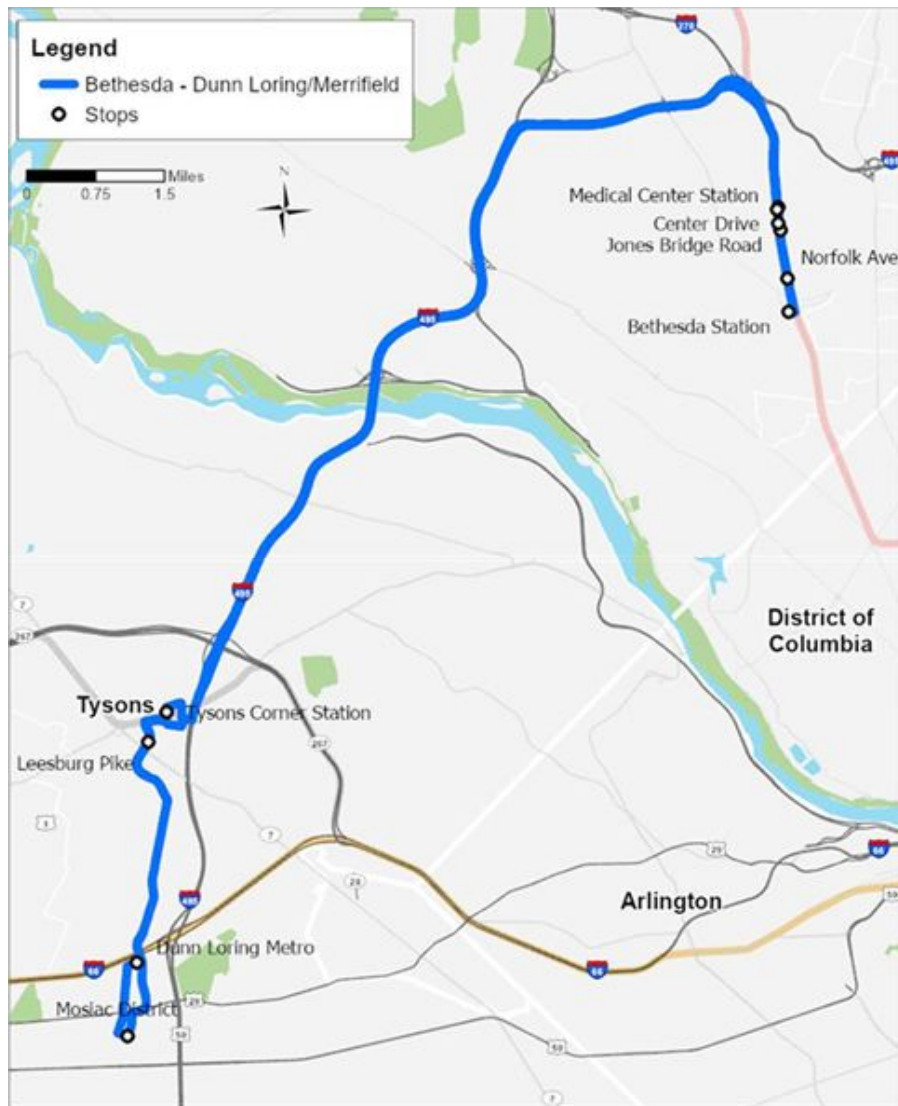
Metric	Score
Productivity	● ●
Equity	● ●
Connectivity	● ●
Rank	#6



7g. Bethesda – Reston

- Service both directions during peak periods
- Transit and Rail Connections:
 - Red Line Metrorail
 - Silver Line Metrorail
 - Planned Purple Line LRT
 - Planned MD 355 BRT
 - Local Bus and Regional Bus

Metric	Score
Productivity	● ●
Equity	● ●
Connectivity	● ● ●
Rank	#7






8g. Bethesda – Dunn Loring via Tysons

- Service both directions during peak periods
- Transit and Rail Connections:
 - Red Line Metrorail
 - Silver Line Metrorail
 - Planned Purple Line LRT
 - Planned Route 7 BRT
 - Planned MD 355 BRT
 - Local Bus and Regional Bus

Metric	Score
Productivity	● ● ●
Equity	● ●
Connectivity	● ● ●
Rank	#1

Preliminary Route Ranking Summary Table

Preliminary Rank	Options for Evaluation	Productivity Score 	Equity Score 	Connectivity Score 
1	Bethesda - Dunn Loring via Tysons	● ● ●	● ●	● ● ●
2	Bethesda - Tysons	● ● ●	●	● ● ●
3	Gaithersburg - Tysons	● ● ●	● ● ●	● ● ●
4	Germantown - Tysons	● ●	● ● ●	● ●
5	Silver Spring - Tysons	● ●	● ● ●	● ●
6	Frederck - Arlington	● ●	● ●	● ●
7	Bethesda - Reston	● ●	● ●	● ● ●
8	Frederick - Tysons	●	● ● ●	● ●

Board Agenda Item
January 26, 2021

CONSIDERATION - 1

Approval of a Resolution and Bylaws Stating the Purposes, Membership,
and Procedures for the Advisory Social Services Board

ISSUE:

Adoption of a Resolution and updated Bylaws for the Advisory Social Services Board (ASSB), in part expanding membership to include qualified representatives from the City of Fairfax and City of Falls Church in accordance with a 2020 revision to Virginia Code § 15.2-835.

TIMING:

Board action is requested on January 26, 2021.

BACKGROUND:

On July 1, 2020, the General Assembly amended Virginia Code § 15.2-835, requiring that the ASSB membership be expanded to include “a qualified citizen of each city to which the county is contractually obligated to provide social services.” Additionally, the Board’s action establishing the ASSB has not been updated since 1981 and the ASSB’s bylaws were last updated in 1997. Both contain outdated statutory references and requirements.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Advisory Social Services Board Resolution
Attachment 2 – Proposed Advisory Social Services Board Bylaws

STAFF:

Tisha Deeghan, Deputy County Executive
Michael A. Becketts, Director, Department of Family Services
Melanie Fenwick, Department of Family Services

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

**RESOLUTION STATING THE PURPOSES, MEMBERSHIP, AND PROCEDURES
OF THE ADVISORY SOCIAL SERVICES BOARD**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia (“Board of Supervisors”), held electronically due to the State of Emergency caused by the COVID-19 pandemic, on January 26, 2021, the following resolution was adopted:

WHEREAS, on July 27, 1981, the Board of Supervisors established the Advisory Social Services Board (ASSB) as an advisory board to the Director of the Fairfax County Department of Family Services, pursuant to Virginia Code §§ 15.1-768 and 63.1-43.1, later recodified at Virginia Code §§ 15.2-835 and 63.2-305, respectively, and

WHEREAS, during the 2020 General Assembly Legislative Session, Virginia Code § 15.2-835 was amended to require the addition of seats on the ASSB “for a qualified citizen of each city to which the county is contractually obligated to provide social services”, and

WHEREAS, the Amendment requires revision of the membership of the ASSB to comply with the revised membership requirement, and

WHEREAS, it is appropriate for the Board of Supervisors to adopt a resolution restating the purposes, membership, and procedures of the ASSB,

NOW THEREFORE BE IT RESOLVED that the ASSB is authorized to function under the following provisions:

§ 1. PURPOSE. The purpose of the ASSB is to provide input to the Department of Family Services on policy issues and to serve as a resource to the Board of Supervisors on behalf of residents of Fairfax County, the City of Fairfax, and the City of Falls Church, in recognizing and addressing social services needs throughout the community.

The ASSB will serve in an advisory capacity to the Director of the Fairfax County Department of Family Services (“Director”) with respect to the duties and functions imposed upon the Director by law, in accordance with Virginia Code § 15.2-835; interest itself in all matters pertaining to the social welfare of the people served by the government; monitor the formulation and implementation of social welfare programs; meet with the Director at least four times a year for the purpose of making recommendations on policy matters; work in conjunction with the Director to promote stakeholder engagement and input in support of equity-informed planning and services delivery; make an annual report to the Board of Supervisors concerning the administration of the public welfare program; and submit to the Board of Supervisors other reports the ASSB deems appropriate.

§ 2. MEMBERSHIP. The membership of the ASSB shall conform to the requirements of Virginia Code § 15.2-835, as amended.

§ 3. PROCEDURES. The ASSB shall determine its own rules of procedure subject to the following:

47
48 (A) The ASSB shall have bylaws. All bylaws of the ASSB are subject to the approval
49 of the Board of Supervisors.
50

51 (B) The ASSB shall comply with all Virginia laws, including, but not limited to, the
52 Virginia Freedom of Information Act, Va. Code § 2.2-3700, *et. seq.*, as amended (“VFOIA”), and
53 the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100, *et*
54 *seq.*, as amended, with all County ordinances, and with all County policies concerning the
55 activities of its boards, authorities, and commissions.
56

57 (C) The Fairfax County Department of Family Services shall provide support to the
58 ASSB, including a staff coordinator. The staff coordinator shall ensure compliance with the notice,
59 meetings, and recordkeeping requirements of the VFOIA.
60

61
62 GIVEN under my hand this ____ day of _____, 2021.
63
64

65 _____
66 Jill G. Cooper
67 Clerk for the Board of Supervisors
68 Department of Clerk Services

1 **BYLAWS OF THE ADVISORY SOCIAL SERVICES BOARD**

2 3 4 5 **ARTICLE I – NAME**

6
7 The name of this organization is the Advisory Social Services Board, hereinafter referred
8 to as the ASSB.

9 10 **ARTICLE II – PURPOSE**

11
12 The ASSB has been established by the Board of Supervisors of Fairfax County, Virginia
13 (“Board of Supervisors”), pursuant to § 15.2-835 of Virginia law for the purpose of
14 providing input to the Department of Family Services on policy issues and to serve as a
15 resource to the Board of Supervisors on behalf of residents of Fairfax County, the City of
16 Fairfax, and the City of Falls Church, in recognizing and addressing social services needs
17 throughout the community.

18
19 These bylaws replace and supersede the ASSB bylaws adopted on May 6, 2003, and are
20 effective as of January 26, 2021.

21
22 The ASSB will serve in an advisory capacity to the Director of the Fairfax County
23 Department of Family Services (“Director”) with respect to the duties and functions
24 imposed upon the Director by law, in accordance with Va. Code § 15.2-835; interest
25 itself in all matters pertaining to the social welfare of the people served by the
26 government; monitor the formulation and implementation of social welfare programs;
27 meet with the Director at least four times a year for the purpose of making
28 recommendations on policy matters; work in conjunction with the Director to promote
29 stakeholder engagement and input in support of equity-informed planning and services
30 delivery; make an annual report to the Board of Supervisors concerning the
31 administration of the public welfare program; and submit to the Board of Supervisors
32 other reports the ASSB deems appropriate.

33 34 **ARTICLE III – MEMBERSHIP AND TERM OF OFFICE**

35
36 Appointments. Membership and appointments to the ASSB shall be made by the Board
37 of Supervisors. Members shall serve no more than two full consecutive terms but may
38 serve up to two years of an unfilled term. Each term is four years.

39
40 Resignations and Vacancies. In the event a member cannot serve or resigns from office,
41 then the Chairperson, the clerk or the secretary, or the County staff coordinator shall
42 advise the Clerks for the Board of Supervisors, as well as the city councils for the City of
43 Fairfax and the City of Falls Church (“City Councils”), of the vacancy in writing.

44
45 Holdovers. In the event a member completes his or her term of office, remains qualified
46 to serve as a member, and the Board of Supervisors have 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 ASSB 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 ASSB 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 ASSB. 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 Chairperson, the Chairperson shall nominate the Vice Chairperson and Secretary. After nomination, each candidate shall be polled on his or her willingness and ability to serve as an officer of the ASSB. The Vice Chairperson and Secretary shall then be elected from among the willing nominees in accordance with the voting provisions of Article V.

Chairperson. The Chairperson presides over meetings of the ASSB and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to ASSB members and to request assistance from the County staff supporting the ASSB.

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice-Chairperson is available, the member present with the longest tenure on the ASSB shall act as Chairperson.

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V – MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA"). Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes

are cast, of any public body. The ASSB may hold public hearings and report its findings to the Board of Supervisors and City Councils on ASSB issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to ASSB members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All meetings shall be conducted in public places that are accessible to persons with disabilities.

Frequency. The ASSB shall meet least four times a year or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the ASSB's members, and at a place arranged by the staff of the supporting County department.

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

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

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

Records. The Secretary or an appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

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

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any ASSB member who misses three consecutive meetings or more than half of the scheduled meetings within a 12-month period, or who fails to participate in the work of the ASSB without good cause acceptable to a majority of the other ASSB members may be asked to resign from the ASSB.

The ASSB may request that the Staff Coordinator notify the Clerk to the Board of Supervisors and City Councils in writing when a member is absent from three consecutive meetings, when any member resigns, or when any website, staff or contact information changes.

ASSB members shall demonstrate a superior level of conduct, sensitivity and sound judgment, and function in a manner that reflects the highest standards of ethical behavior.

ARTICLE VII - REMOVAL

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

ARTICLE VIII – COMMITTEES

Standing. The Chairperson may appoint standing committees and a chairperson for each with the consent of a majority of the ASSB members present and voting.

Special. The Chairperson may appoint special committees and a chairperson for each with the consent of a majority of the ASSB members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

ARTICLE IX – ANNUAL REPORT

The ASSB shall prepare an annual written report that describes the actions of the ASSB and plans for future actions and activities. This report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors, City Councils, and to the County Executive.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

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

ASSB members shall avoid the appearance of a conflict of interest and disclose any potential conflicts of interest to the board before taking official action as members.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the ASSB by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

These bylaws were approved by the Board of Supervisors on January 26, 2021.

GIVEN under my hand this ____ day of _____, 2021.

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

Board Agenda Item
January 26, 2021

3:00 p.m.

Annual Meeting of the Fairfax County Solid Waste Authority

ISSUE:

Fairfax County Solid Waste Authority annual meeting.

RECOMMENDATION:

The County Executive recommends that the Fairfax County Solid Waste Authority hold its annual meeting in accordance with the Bylaws for the Authority; appoint officers; approve the minutes of the last annual meeting on January 28, 2020; and review the financial statements.

TIMING:

Immediate. The Bylaws of the Fairfax County Solid Waste Authority require the annual meeting to coincide with the time for the first regular meeting of the Board of Supervisors set in January.

BACKGROUND:

According to the Bylaws of the Fairfax County Solid Waste Authority, the regular annual meeting of the Authority shall coincide with the time for the first regular meeting of the Board of Supervisors set in January. The proposed agenda of the Authority meeting is included as Attachment 1. The Bylaws further require a review and approval of the minutes of the previous year's meetings (Attachment 2) and that officers of the authority be appointed to serve for a one-year term.

Fairfax County residents provide an annual waste amount up to 682,500 tons and the remaining waste processed at the Covanta Fairfax plant is merchant waste. Fairfax waste includes some waste from Prince William County, Ft. Belvoir and other entities outside Fairfax County.

In FY 2020, Fairfax County met all of its contractual obligations.

Additional financial information is contained in the Financial Statements (Attachment 3).

Board Agenda Item
January 26, 2021

FISCAL IMPACT:
Minimal.

ENCLOSED DOCUMENTS:
Attachment 1 – Fairfax County Solid Waste Authority Meeting Agenda, January 26, 2021
Attachment 2 – Minutes of the January 28, 2020, Solid Waste Authority Annual Meeting
Attachment 3 – Financial Statements

STAFF:
Bryan J. Hill, County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
John W. Kellas, Deputy Director, DPWES, Solid Waste Management Program

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Annual Meeting Agenda

January 26, 2021

1. Call-to-Order

2. Appointment of Officers

- | | |
|----------------------------|--|
| - Chairman | - Jeffrey C. McKay, Chairman,
Fairfax County Board of Supervisors |
| - Vice-Chairman | - Penelope A. Gross, Vice-Chairman,
Fairfax County Board of Supervisors |
| - Secretary | - Jill Cooper, Clerk for the
Fairfax County Board of Supervisors |
| - Treasurer | - Christopher Pietsch, Director,
Department of Finance |
| - Attorney | - Elizabeth Teare, County Attorney |
| - Executive Director | - Bryan Hill, County Executive |
| - Authority Representative | - John W. Kellas, Deputy Director,
Department of Public Works and Environmental
Services, Solid Waste Management Program |

3. Approval of the minutes from the January 28, 2020 meeting.

4. Approval of the financial statement for the Authority.

MINUTES OF THE ANNUAL MEETING OF THE SOLID WASTE AUTHORITY

January 28, 2020

At the Annual Meeting of the Fairfax County Solid Waste Authority held in accordance with Article III, Section I of the bylaws, in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, January 28, 2020, at 3:47 p.m., there were present:

MEMBERS OF THE BOARD OF DIRECTORS AND OFFICERS:

Chairman Jeffrey C. McKay, presiding

Supervisor James R. Walkinshaw, Braddock District

Supervisor John W. Foust, Dranesville District

Supervisor Walter L. Alcorn, Hunter Mill District

Supervisor Penelope A. Gross, Mason District

Supervisor Daniel G. Storck, Mount Vernon District

Supervisor Rodney L. Lusk, Lee District

Supervisor Dalia A. Palchik, Providence District

Supervisor Patrick S. Herrity, Springfield District

Supervisor Kathy L. Smith, Sully District

Bryan Hill, County Executive; Authority Executive Director

Jill G. Cooper, Clerk for the Board of Supervisors; Authority Secretary

Christopher Pietsch, Director, Department of Finance; Treasurer

Elizabeth Teare, County Attorney; Authority Attorney

John Kellas, Director, Solid Waste Management Program Operations Division, Department of Public Works and Environmental Services (DPWES); Authority Representative

**Meeting Minutes
The Fairfax County Solid Waste Authority
January 28, 2020**

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Jeffrey C. McKay Chairman, Fairfax County Board of Supervisors	Chairman
Penelope A. Gross Vice Chairman, Fairfax County Board of Supervisors	Vice Chairman
Jill G. Cooper Clerk to the Fairfax County Board of Supervisors	Secretary
Christopher Pietsch Director, Department of Finance	Treasurer
Elizabeth Teare County Attorney	Attorney
Bryan Hill County Executive	Executive Director
John Kellas Deputy Director, Solid Waste Management, Program Operations Division Department of Public Works and Environmental Services (DPWES)	Authority Representative

The motion was multiply seconded, and it carried by unanimous vote.

Supervisor Gross moved approval of the minutes from the January 22, 2019, meeting of the Fairfax County Solid Waste Authority. Chairman McKay seconded the motion and it carried by a vote of six, Supervisor Alcorn, Supervisor Palchik, Supervisor Lusk and Supervisor Walkinshaw abstaining.

Supervisor Gross moved approval of the financial statements for the Authority. Chairman McKay seconded the motion and it carried by unanimous vote.

Supervisor Storck noted the following:

- As you know, the Covanta waste to energy facility provides countywide services and incinerates over 680,000 tons of waste each year. This facility has been located in Lorton since June 1990 and sits among many other county and private industrial facilities. The relationship between the community and all the surrounding industrial

Meeting Minutes
The Fairfax County Solid Waste Authority
January 28, 2020

facilities provides many opportunities for open and transparent dialogue

- In 2011, when the County was involved in negotiations regarding whether the facility would be purchased or leased, my predecessor ensured that community dialogue was front and center where the long-term impacts of this decision were discussed with the community
- In 2017, a fire was ignited from the tipping floor of the Covanta plant causing it to be closed for many months; and many of you will remember that once again the community's concerns were discussed and addressed throughout the process. The closure of the facility allowed Covanta time to install several major upgrades to the facility and provide next day environmental emissions updates online
- Covanta continues to be an active and engaged partner with the county and community and I appreciate these opportunities as well as their commitment to engagement with the community, as they have attended almost every meeting over the last several years
- And although this is an extension of our existing disposal agreement and not a newly negotiated contract, my expectations are that this would also be communicated with my office and the community before it was finalized, not after. I realize this is a new phase of our relationship and that it would not have necessarily provided opportunities for any changes, but I'm disappointed that we were not given the chance to discuss this beforehand

Supervisor Gross requested that a copy of the statement be shared with the other members of the Board.

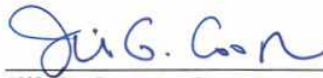
Supervisor Gross moved to adjourn the annual meeting of the Fairfax County Solid Waste Authority. Supervisor Alcorn and Chairman McKay jointly seconded the motion and it carried by unanimous vote.

At 3:52 p.m., the annual meeting of the Fairfax County Solid Waste Authority was adjourned.

Meeting Minutes
The Fairfax County Solid Waste Authority
January 28, 2020

The foregoing minutes record the actions taken by the Fairfax County Solid Waste Authority at its meeting held on Tuesday, January 28, 2020, and reflects matters discussed by the Authority. Audio or video recordings of all proceedings are available in the Office of the Clerk for the Board of Supervisors of Fairfax County, Virginia.

Respectfully submitted,



Jill G. Cooper, Secretary
Solid Waste Authority

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Fiduciary Report

June 30, 2020 and 2019

FAIRFAX COUNTY SOLID WASTE AUTHORITY

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FAIRFAX COUNTY SOLID WASTE AUTHORITY

Notes to Fiduciary Report

June 30, 2020 and 2019

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Statements of Fiduciary Assets and Liabilities

June 30, 2020 and 2019

	<u>2020</u>	<u>2019</u>
Assets:		
Investments	<u>\$ -</u>	<u>\$ -</u>
Liabilities:		
Liability under reimbursement agreement	<u>\$ -</u>	<u>\$ -</u>

See accompanying notes to fiduciary report

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Notes to Fiduciary Report

June 30, 2020 and 2019

1. Organization

The Fairfax County Solid Waste Authority (the Authority) was formed by resolution of the Board of Supervisors of the County of Fairfax, Virginia (the County), on July 27, 1987. The Authority's board consists of the County's Board of Supervisors.

The Authority was formed for the purpose of constructing and overseeing the operations of a resource recovery facility (the Facility) in Lorton, Virginia, on a site that was purchased in July 2002 by the County from the United States. Prior thereto, legal title to the site was vested in the United States to the benefit of the District of Columbia; the site was leased by the District to the County, and the County assigned the leased site to the Authority. The Assignment of Site Lease to the Authority, dated as of February 1, 1988, has not been amended, terminated, rescinded, or revoked, and remains in full force and effect in accordance with its terms.

The construction of the Facility was partially financed by \$237,180,000 and \$14,900,000 of Series 1988A tax-exempt and Series 1988B taxable industrial revenue bonds, respectively, issued by the Fairfax County Economic Development Authority (EDA) during 1988. The Series 1988B Bonds were retired in February 1996. The Authority invested all bond proceeds through a trust account with a major bank. The Authority was responsible for making all investment decisions and authorizing all disbursements from the trust.

On February 1, 1988, an Installment Sales Agreement between the EDA and the Authority was executed whereby the Facility and the bond proceeds were sold to the Authority. Concurrent with this Installment Sales Agreement, the Authority entered into a Conditional Sale Agreement whereby the Facility, the bond proceeds and the Authority's leasehold interest in the site were sold to Covanta Fairfax, Inc. Under a related service agreement, between the Authority, Fairfax County and Covanta, Covanta designed, constructed, and operated the Facility. The Facility was completed and began commercial operations in June 1990. The County and the Authority had agreed to provide guaranteed minimum annual amounts of waste and annual tipping fees to the Facility. Under the terms of the Conditional Sale Agreement, debt service on the bonds was paid by Covanta through the Authority solely from solid waste system revenues generated by the Facility. The bonds were not general obligations of the Authority, the County, or the EDA.

During the fiscal year ended June 30, 1995, the EDA sold, at the request of the Authority for the benefit of the Facility, a call option on the Series 1988A Bonds to a financial institution for \$10,250,000. The option, which was exercised in November 1998, required the EDA to issue new bonds to the institution at certain agreed-upon interest rates. The proceeds of the new Series 1998A Resource Recovery Revenue Refunding Bonds together with certain proceeds remaining from the Series 1988A Bonds and certain other available funds were used to refund the remaining outstanding Series 1988A Bonds in February 1999. The final principal and interest payments on the Series 1998A Resource Recovery Revenue Refunding Bonds were made on February 1, 2011 and the full ownership of the facility reverted to Covanta Fairfax. The bank accounts held with the fiscal agent,

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Notes to Fiduciary Report

June 30, 2020 and 2019

US Bank, to service the debt payments and invest the debt service reserve were closed in FY2011. As a result, there were no fiduciary assets, obligations, or transactions to record or report in FY2020.

Board Agenda Item
January 26, 2021

3:00 p.m.

Public Hearing on the *FY 2021 Mid-Year Review* to Amend the Appropriation Level in the FY 2021 Revised Budget Plan

ISSUE:

Public Hearing and Board action on the *FY 2021 Mid-Year Review*.

RECOMMENDATION:

The County Executive recommends that, after holding a public hearing, the Board approve staff recommendations included in the *FY 2021 Mid-Year Review*.

TIMING:

The public hearing has been advertised for 3:00 p.m. on January 26, 2021. State law allows the Board to act on proposed amendments to the budget on the same day as the public hearing.

BACKGROUND:

On November 17, 2020, the Board of Supervisors authorized staff to advertise a public hearing scheduled to be held on January 26, 2021, regarding the *FY 2021 Mid-Year Review*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action. Board approval of an amendment to increase the FY 2021 appropriation level can occur immediately following the public hearing.

ENCLOSED DOCUMENTS:

The *FY 2021 Mid-Year Review* was sent electronically on November 16, 2020, and is available at: <https://www.fairfaxcounty.gov/budget/fy-2021-mid-year-review>

STAFF:

Bryan J. Hill, County Executive
Joseph M. Mondoro, Chief Financial Officer
Christina Jackson, Director, Department of Management and Budget
Philip Hagen, Deputy Director, Department of Management and Budget

Board Agenda Item
January 26, 2021

3:00 p.m.

Public Hearing on RZ 2020-PR-007 (Scott W. Downing & Mary Constance Downing) to Rezone from R-1 to R-2 to Permit Residential Development with a Total Density of 1.9 Dwelling Units per Acre, Located on Approximately 1.06 Acres of Land (Providence District)

This property is located on the E. side of Hunter Rd., approximately 400 ft. N. of Bluegate Dr. Tax Map 48-2 ((1)) 8A.

PLANNING COMMISSION RECOMMENDATION:

On December 9, 2020, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of RZ 2020-PR-007, subject to the execution of proffered conditions consistent with those dated November 20, 2020, as editorially amended by the Commission. The Planning Commission also voted 12-0 to recommend to the Board of Supervisors a waiver of the requirement to construct frontage improvements along Hunter Road and acceptance of the proffered cash contribution in lieu thereof.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Wanda Suder, Planner, DPD

Board Agenda Item
January 26, 2021

3:30 p.m.

Public Hearing on SE 2020-SU-010 (The Sully Limited Partnership) to Permit a Waiver of Certain Sign Regulations, Located on Approximately 62.41 Acres of Land Zoned C-8, WS, and HC (Sully District)

This property is located at 13800, 13855, 13910 and 13957 Metrotech Dr., Chantilly, 20151. Tax Map 34-4 ((1)) 16B, 16D, 16E, and 16F.

PLANNING COMMISSION RECOMMENDATION:

On November 12, 2020, the Planning Commission voted 11-0 (Commissioner Strandlie was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2020-SU-010, subject to the proposed development conditions dated October 28, 2020.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Zach Fountain, Planner, DPD

Board Agenda Item
January 26, 2021

3:30 p.m.

Public Hearing on PCA-C-448-35/CDPA-C-448-08 (Kingstowne Shopping Center I, Limited Partnership) to Amend the Proffers and Conceptual Development Plan for RZ C-448, Previously Approved for Mixed Use Development, to Permit Associated Modifications to Proffers and Site Design at a Floor Area Ratio of 0.18, Located on Approximately 23.18 Acres of Land Zoned PDH-4 (Lee District) (Concurrent with SEA 94-L-004-03)

and

Public Hearing on SEA 94-L-004-03 (Kingstowne Shopping Center I, Limited Partnership) to Amend SE 94-L-004-03, Previously Approved for Restaurants and Restaurants with Drive Through, to Permit Associated Modifications to Site Design and Development Conditions, Located on Approximately 23.18 Acres of Land Zoned PDH-4 (Lee District) (Concurrent with PCA-C-448-35/CDPA-C-448-08)

This property is located on the N. side of Kingstowne Blvd. and W. side of South Van Dorn St. Tax Map 91-2 ((1)) 32A.

This property is located at 5820 Kingstowne Cr., Alexandria, 22315. Tax Map 91-2 ((1)) 32A.

PLANNING COMMISSION RECOMMENDATION:

On November 4, 2020, the Planning Commission voted 11-0 (Commissioner Strandlie was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA-C-448-35 and the associated Conceptual Development Plan Amendment, CDPA-C-448-08, subject to the execution of proffered conditions consistent with those dated October 29, 2020;
- Approval of SEA 94-L-004-03, subject to the proposed development conditions dated October 29, 2020;
- Modification to the transitional screening and waiver of the barrier required along the eastern property line in favor of the landscaping as shown in the FDPA/SEA Plat; and

Board Agenda Item
January 26, 2021

- Reaffirmation of the previously approved modification to the transitional screening and waiver of the barrier required along the northern property boundary line in lieu of the existing vegetation along Kingstowne Village Parkway.

In a related action, the Planning Commission voted 11-0 (Commissioner Strandlie was absent from the meeting) to approve FDPA-C-448-05-05, subject to the Board of Supervisors' approval of PCA-C-448-35 and CDPA-C-448-08.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Kelly Posusney, Planner, DPD

Board Agenda Item
January 26, 2021

3:30 p.m.

Public Hearing on RZ 2020-SU-002 (Matan Glorus Road, LLC) to Rezone from I-3, WS, and AN to I-4, WS, and AN to Permit Industrial Use with an Overall Floor Area Ratio of 0.35, Located on Approximately 9.46 Acres of Land (Sully District)

This property is located on the W. side of Glorus Rd., N. side of Thompson Rd. and E. side of Barney Rd. Tax Map 33-2 ((2)) 10A and 10B.

PLANNING COMMISSION RECOMMENDATION:

On November 12, 2020, the Planning Commission voted 11-0 (Commissioner Strandlie was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2020-SU-002, subject to the execution of proffered conditions consistent with those dated November 12, 2020;
- Waiver of the requirement to construct a vehicular travel lane, service drive or other access connection to and from adjacent properties as set forth in Par. 3 of Sect. 17-201 of the Zoning Ordinance;
- Waiver of the requirement to construct roadway improvements to Barney Road and Glorus Road along the property's frontage as set forth in Par. 4 of Sect. 17-201 of the Zoning Ordinance; and
- Modification of Par. 10 of Sect. 11-102 of the Zoning Ordinance to allow the use of tandem spaces as part of the required parking.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Kelly Atkinson, Planner, DPD

Board Agenda Item
January 26, 2021

3:30 p.m.

Public Hearing on PCA 2013-PR-009 (Tysons Westpark, L.C.) to Amend the Proffers for RZ 2013-PR-009, Previously Approved for Hotel, Residential, and Retail, to Allow Interim Uses for New Vehicle Storage, Commercial Off-Street Parking, and Public Park and Associated Modifications to Proffers and Site Design at a Floor Area Ratio of 0.0, Located on Approximately 5.32 Acres of Land Zoned PTC, SC and H-C (Providence District)

This property is located on the S.E. side of the intersection of Westpark Dr. and Leesburg Pike. Tax Map 29-3 ((15)) 8.

PLANNING COMMISSION RECOMMENDATION:

On December 9, 2020, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2013-PR-009, subject to the execution of proffered conditions consistent with those dated November 19, 2020;
- Waiver of Par. 15 of Sect. 6-505 of the Zoning Ordinance on the requirement that new vehicle storage be located within a parking structure;
- Modification of Sects. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the FDPA Plan;
- Reaffirmation of a waiver of Sect. 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the CDP/FDP;
- Reaffirmation of a waiver of Par. 7 of Sect. 6-505 of the Zoning Ordinance requiring the designation of specific outdoor dining areas on the CDP. Outdoor dining may be provided in any area outside of the public right-of-way where the adjoining use includes dining activity and will be indicated at time of FDP;
- Reaffirmation of a waiver of Par. 1 of Sect. 6-506 of the Zoning Ordinance to allow a district size of less than 10 acres for an application;

Board Agenda Item
January 26, 2021

- Reaffirmation of a modification of Par. 3E of Sect. 10-104 of the Zoning Ordinance to permit a maximum fence height of eight feet around outdoor recreational courts/fields shown on an FDP;
- Reaffirmation of a modification of Par. 12 of Sect. 11-102 and Par. 1 of Sect. 6-509 of the Zoning Ordinance to allow for tandem spaces and valet spaces controlled by building management to count towards required parking specified in the Zoning Ordinance;
- Reaffirmation of modification of Sects. 11-201 and 11-203 of the Zoning Ordinance to permit a reduction in the required number of loading spaces to that shown on the CDP/FDP;
- Reaffirmation of a modification of Par. 4 of Sect. 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP/FDP;
- Reaffirmation of a waiver of Sect. 11-302 of the Zoning Ordinance to allow a private street to exceed 600 feet in length as shown on the CDP;
- Reaffirmation of a waiver of Sect. 17-201 of the Zoning Ordinance to not require provision of a service road along Leesburg Pike;
- Reaffirmation of a modification of Sect. 17-201 of the Zoning Ordinance to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan;
- Reaffirmation of a waiver of Par. 3 of Sect. 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered;
- Reaffirmation of a waiver of Par. 4 of Sect. 17-201 of the Zoning Ordinance to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers;
- Reaffirmation of a waiver of Par. 7 of Sect. 17-201 of the Zoning Ordinance to permit the applicant to establish parking control signs and parking meters along private streets within and adjacent to the development;

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- Reaffirmation of a modification of Sect. 12-0508 of the Public Facilities Manual to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3);
- Reaffirmation of a modification of Sect. 12-0510 of the Public Facilities Manual to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions; and
- Reaffirmation of a waiver to allow the use of underground stormwater management and best management practices in a residential development (826-WPFM-002-1) subject to the Conditions dated August 26, 2014, contained in Attachment A of Appendix 11 of the staff report associated with RZ 2013-PR-009.

In a related action, the Planning Commission voted 12-0 to approve FDPA 2013-PR-009, subject to the proposed development conditions dated December 7, 2020, and the Board of Supervisors' approval of PCA 2013-PR-009.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Alexis Robinson, Planner, DPD

Board Agenda Item
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3:30 p.m.

Public Hearing on RZ 2020-PR-004 (Merrilee Ventures, L.C.) to Rezone from I-4 to PRM to Permit Mixed Use Development with an Overall Floor Area Ratio of 2.70, Which Includes Bonus Density for Workforce Housing, and Approval of the Conceptual Development Plan, Located on Approximately 2.00 Acres of Land (Providence District)

This property is located on the W. side of Merrilee Dr. between Prosperity Ave. and Merrifield Ave. Tax Map 49-1 ((16)) 6 and 7.

PLANNING COMMISSION RECOMMENDATION:

On December 9, 2020, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2020-PR-004, subject to the execution of proffered conditions consistent with those dated November 12, 2020;
- Modification of Par. 1 of Sect. 2-505 of the Zoning Ordinance to allow buildings to be constructed to the streetscape building zone line on corner lots as shown on the CDP/FDP;
- Modification of Sect. 11-203 of the Zoning Ordinance to allow for a reduced number of loading spaces in favor of that shown on the CDP/FDP;
- Modification of Sect. 11-303 of the Zoning Ordinance to allow private streets less than 24 feet in width in the interim condition;
- Modification of Par. 7 of Article 17-201 of the Zoning Ordinance such that “No Parking” signs along travel ways at a distance of no more than 50 feet apart are only required during the interim condition;
- Modification of Sect. 7-0403 of the Public Facilities Manual (PFM) to allow for private streets and commercial entrances connecting to a VDOT roadway at less than the minimum width of 30 feet to permit the location of the parking garage as shown on the CDP/FDP;

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- Modification of Par. 3 of Sect. 8-0201 of the PFM requiring trails and bike trails as shown on the Comprehensive Trails Plan in favor of the streetscape and bike trail system as shown on the CDP/FDP;
- Approval of a parking reduction request, #3300-PKS-004-01, pursuant to Part 5 of Sect. 11-102 of the Zoning Ordinance based on the proximity of the development to mass transit facilities, and subject to the proposed conditions dated June 4, 2020 contained in Appendix 12 of the Staff Report; and
- Direct staff to identify specific planning alternatives and potential new mechanisms to realize the implementation of the urban park vision set forth in the Merrifield Suburban Center Comprehensive Plan.

In a related action, the Planning Commission voted 12-0 to approve FDP 2020-PR-004.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

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

Kelly Posusney, Planner, DPD

Board Agenda Item
January 26, 2021

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the George Mason University Residential Permit Parking District, District 40 (Braddock District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the George Mason University Residential Permit Parking District (RPPD), District 40.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G of the Fairfax County Code to expand the George Mason University RPPD, District 40.

TIMING:

On December 1, 2020, the Board authorized a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code to take place on January 26, 2021, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD.

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Staff has verified that the petitioning blocks are within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of the George Mason University campus, and all other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated to be \$400. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

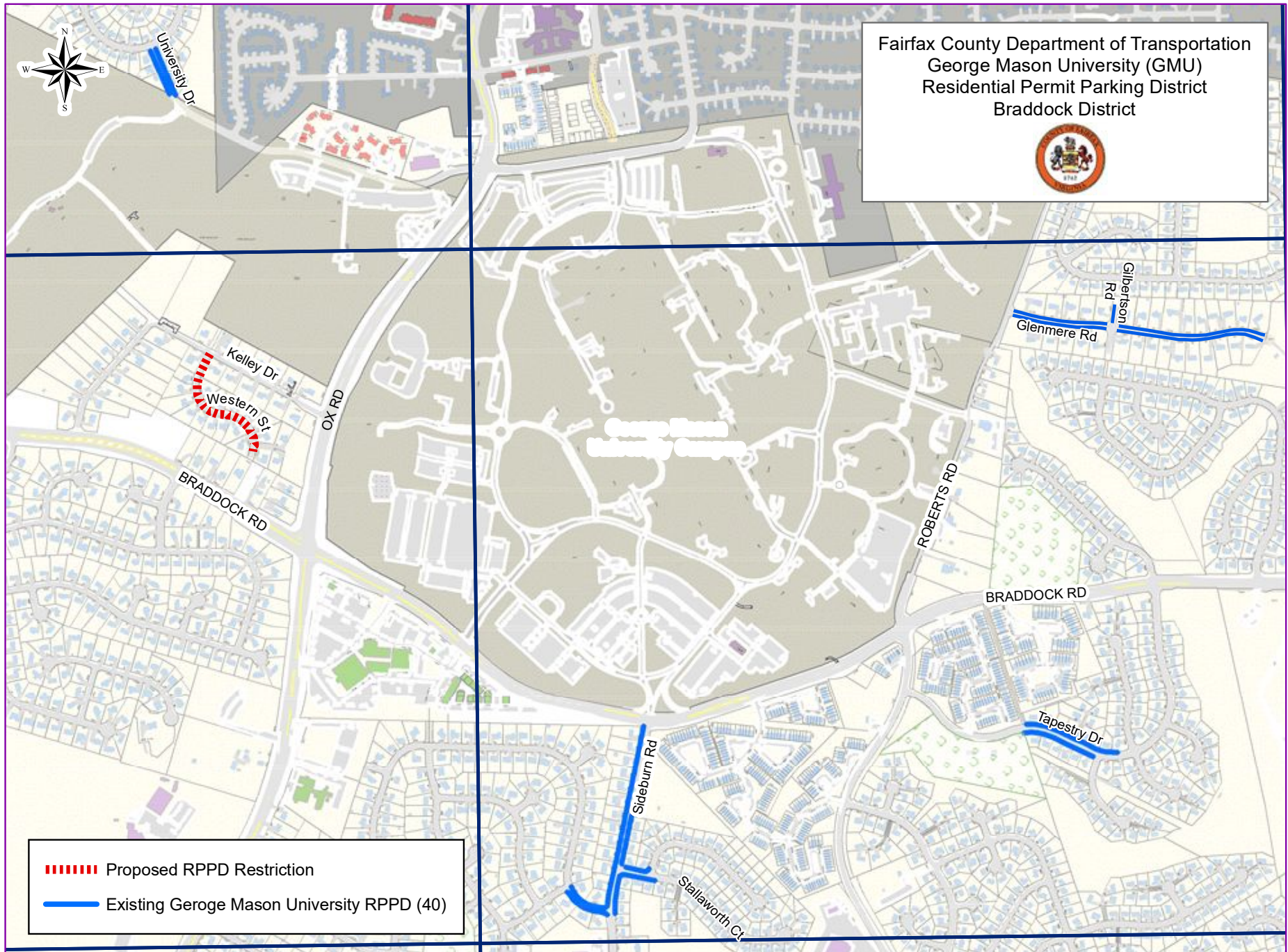
Attachment I

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street in Appendix G-40, Section (b), (2), George Mason University Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Western Street (Route 7081):

From Kelley Drive to the cul-de-sac inclusive



Board Agenda Item
January 26, 2021

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Annandale Terrace Residential Permit Parking District, District 37 (Mason District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Annandale Terrace Residential Permit Parking District (RPPD), District 37.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of the Fairfax County Code to expand the Annandale Terrace RPPD, District 37.

TIMING:

On December 1, 2020, the Board authorized a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code to take place on January 26, 2021, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of the Fairfax County Code, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

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Two properties, 7504 and 7506 McWhorter Place, within the Annandale Terrace community were vacant parcels at the time of initial establishment and subsequent expansions of the Annandale Terrace RPPD. Since the vacant parcels have been developed, the residents have requested that they be included in the surrounding RPPD.

On September 25, 2020, a peak parking demand survey was conducted for the requested area. The results of this survey verified that the designated block face met or exceeded the requirements to qualify for RPPD inclusion according to Section 82-5A-4(b) of the Fairfax County Code. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

Proposed Amendment

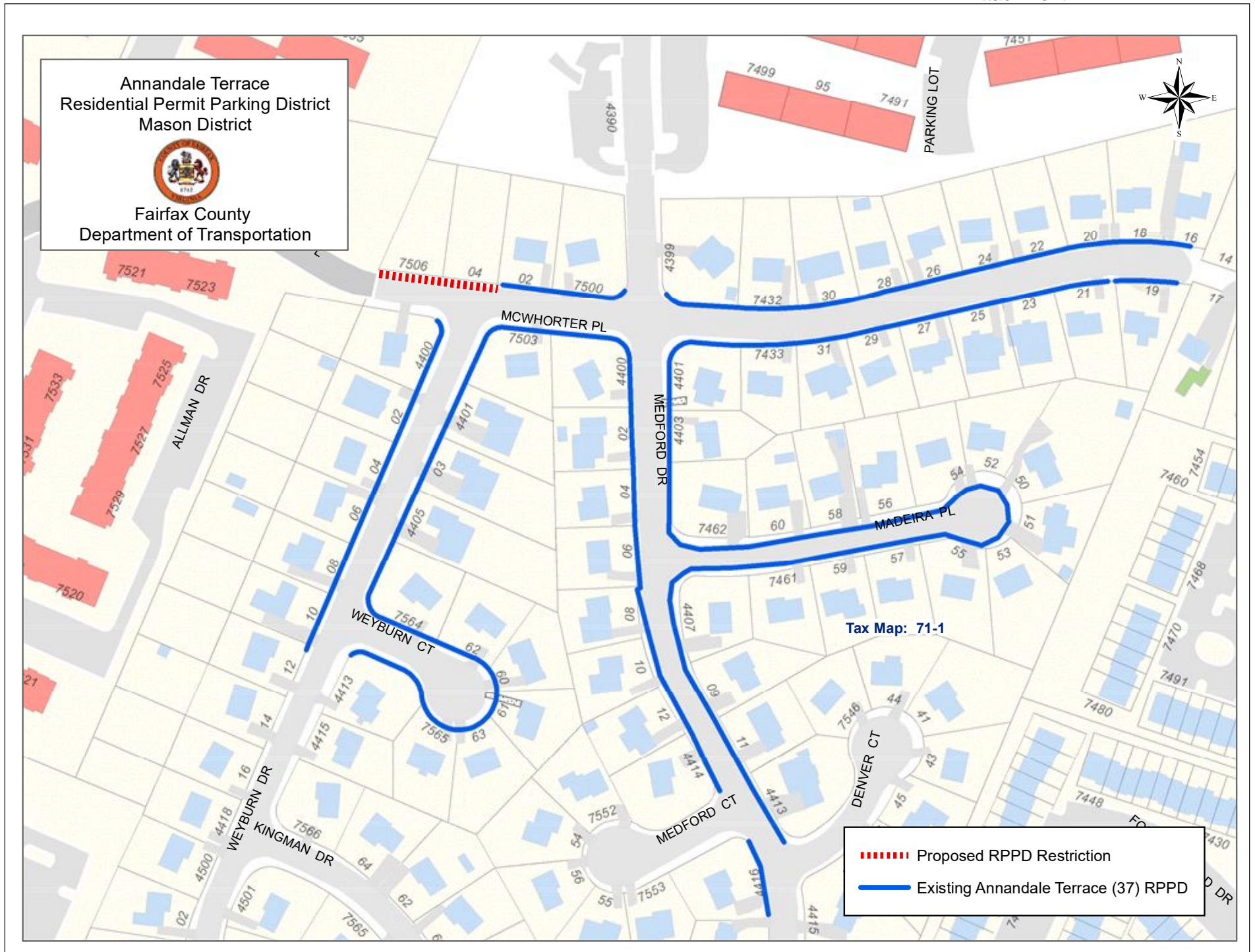
Amend *The Code of the County of Fairfax, Virginia*, by modifying the following streets in Appendix G-37, Section (b), (2), Annandale Terrace Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

McWhorter Place (Route 3087):

From the western property boundary of 7506 McWhorter Place to the east end (north side)

From Weyburn Drive to ~~Medford Drive~~ the east end (south side)

~~From Medford Drive to the east end~~



Board Agenda Item
January 26, 2021

4:00 p.m.

Public Hearing to Lease County-Owned Property at 4618 West Ox Road to Republic Services of Virginia, LLC (Springfield District)

ISSUE:

Public hearing for the lease of certain County-owned property located at 4618 West Ox Road to Republic Services of Virginia, LLC.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to lease certain County-owned property at 4618 West Ox Road to Republic Services of Virginia, LLC.

TIMING:

On December 1, 2020, the Board authorized the advertisement of a public hearing to be held on January 26, 2021, to lease certain County-owned property at 4618 West Ox Road to Republic Services of Virginia, LLC (Attachment 1).

BACKGROUND:

The Board of Supervisors is the owner of the I-66 Solid Waste Transfer Station, an approximately 119-acre parcel of land with an address of 4618 West Ox Road, on a parcel identified as Tax Map No. 56-1 ((1)) 2 (I-66 Transfer Station). County and private hauler collection vehicles enter the I-66 Transfer Station site to deposit commercially and residentially generated waste, where it is consolidated into tractor trailers for transfer to the Covanta Fairfax complex in Lorton and other disposal facilities. The I-66 Transfer Station property also includes a closed municipal landfill and a recycling and disposal center for County residents and businesses.

Republic Services of Virginia, LLC, also known as AAA Waste Services (Republic), is a privately owned and licensed waste collection company in Fairfax County. Their administrative offices and maintenance facilities are located West Ox Road directly across from the I-66 Transfer Station. For the past 22 years, Republic drivers have parked their collection vehicles at the I-66 Transfer Station pursuant to a license agreement with the County.

Prior to securing the right to park at the I-66 Transfer Station, Republic's trucks were forced to idle their trucks on West Ox Road as they waited to enter the Republic

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maintenance facility, causing traffic congestion on West Ox Road and requiring vehicles to run for long periods of time before being checked in and serviced. Relocating the parking of a large number of these trucks to I-66 Transfer Station therefore provided benefits to the County in the form of fewer traffic accidents and reduced ozone emissions. In addition to these safety and environmental benefits, this parking arrangement enhanced operational efficiencies by ensuring that Republic trucks could unload their waste at the I-66 Transfer Station in time to meet the schedule for outbound deliveries.

In recent years, Republic has added an above-ground fuel tank and mobile office trailers to the 5.8 acre parking area they occupy at the I-66 Transfer Station (Property) in order to further reduce traffic to and from their main offices on West Ox Road and third party fueling stations. On-site fuel facilities help to reduce energy consumption incurred in trips to off-site fueling stations, while the non-permanent modular office trailers allow Republic to monitor employees accessing the Property without having a significant impact on ongoing operations at the I-66 Transfer Station. Each of these uses for the premises was approved by the Planning Commission through the process set forth in Va. Code 15.2-2232.

Considering the 2232 approvals and the more permanent nature of the office trailer use, the parties decided that a lease is the appropriate document to memorialize Republic's occupancy of the Property. Since Republic has located and secured an option to purchase a site in Prince William County to relocate its collection operations, they will not need a long-term lease for the Property. Consequently, the term of the lease will be three (3) years with two (2), one (1)-year extensions.

FISCAL IMPACT:

The lease will generate rent in the amount of \$267,384 during the first year of the term, which will increase by three and one-half per cent (3.5%) annually thereafter. All rental revenue will be deposited in the 400-C40150 Fund.

ENCLOSED DOCUMENTS:

Attachment 1: I-66 2232 Leased Area
Attachment 2: Ground Lease Agreement

STAFF:

Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

Board Agenda Item
January 26, 2021

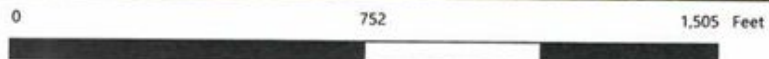
John W. Kellas, Deputy Director, DPWES, Solid Waste Management Program (SWMP)
Hans Christensen, Director, DPWES, SWMP, Solid Waste Operations
Mike Lambert, Assistant Director, Real Estate Services, Facilities Management
Department

ASSIGNED COUNSEL:

Daniel Robinson, Assistant County Attorney



I-66 2232 Leased Area



This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.



Legend
Parcels (for imagery)

Notes:
5.8 Acres
Map produced: 8/21/2019

ATTACHMENT 1

GROUND LEASE AGREEMENT

This Ground Lease Agreement ("Lease") is dated as of the ____ day of _____, 2020 (the "Effective Date"), by and between **THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body politic of the Commonwealth of Virginia, with principal offices at 12055 Government Center Parkway, Fairfax Virginia 22035 ("Landlord") and **REPUBLIC SERVICES OF VIRGINIA, LLC**, a Virginia limited liability company, with principal offices at 4619 West Ox Road, Fairfax, Virginia ("Tenant").

ARTICLE 1 GRANT AND TERM

1.1 Grant. Landlord is the owner of a certain parcel of land being and situated in the County of Fairfax, Virginia consisting of approximately 4,973,476.12 square feet, known as the I-66 Transfer Station, which is located at 4618 West Ox Road, Fairfax, Virginia 22030 and designated as Tax Parcel 0561-01-0002, (hereinafter referred to collectively as the "Complex"), a portion of which Tenant desires to use for the Permitted Use (defined below) that is approximately 252,219.97 square feet and which is diagramed on Exhibit A as attached (the "Leased Premises").

Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, in consideration of the payment of rentals and performance of the covenants and agreements herein mentioned, the Leased Premises for the Permitted Use defined below, to have and to hold the same for the full Initial Term and all Lease Extensions exercised by the parties to this Lease, unless otherwise terminated in accordance with this Lease. Tenant agrees to confine its use of the Leased Premises to the areas specifically described in Exhibit A of this Lease and to any Common Areas (defined below) of the Complex necessary for entering or leaving the Leased Premises. Tenant agrees not to occupy or obstruct any portion of the Complex not specifically permitted by Landlord under this Lease. Tenant acknowledges that it currently occupies the Leased Premises pursuant to that certain License Agreement executed on May 2, 2016, as amended by that certain Extension of License Agreement I-66 Transfer Station Effective April 1, 2019, and as amended by that certain Second Extension of License Agreement I-66 Transfer Station Effective April 1, 2020 (the "License"), and accepts the Leased Premises "as is." This Lease does not grant any right to light or air over or about the Leased Premises.

Landlord and Tenant agree that the License shall be terminated and of no further force or effect as of the Commencement Date.

1.2 Term. Subject to the terms and conditions set forth herein, the term of this Lease shall be for a period of Three (3) years (the "Initial Term") commencing on February 1, 2021 (the "Commencement Date"). Subject to the automatic renewals per Section 1.3, this Lease shall terminate on January 31, 2024. The Initial Term, together with any Lease Extension set forth below, shall be collectively referred to herein as the "Term".

1.3 Automatic Renewals. Landlord and Tenant agree that this Lease shall be automatically renewed for two (2) additional terms of one (1) year (each, a "Lease Extension") unless written notice to the contrary is given by either party 120 days prior to the end of the then current term, and in this event the Lease shall terminate at the end of the effective term. If the Lease is automatically renewed then all covenants, conditions and terms will remain the same, except that

the consideration shall be subject to increase in the amount payable for use of the Leased Premises as set forth in Article 3 below.

ARTICLE 2 USE AND POSSESSION

2.1 Use of Premises. Tenant shall use the Leased Premises for parking of vehicles, empty solid waste containers and other equipment used in Tenant's solid waste management operations ("Refuse Vehicles"), the placement of an above-ground fuel tank that shall not exceed 20,000 gallons ("Fuel Tank") for the purpose of fueling the Refuse Vehicles and the placement of a mobile office trailer ("Office") for use by Tenant's employees as a driver's room to prepare for the operation of tenant's Refuse Vehicles, and such other uses as are incidental to the operation of Tenant's solid waste management business, and for any other lawful purpose with the prior written consent of Landlord (collectively "Permitted Use"). The Office may contain bathroom facilities serviced by a sanitary waste holding tank(s), provided it satisfies the following provision contained in this Section 2.1. Tenant, at its sole cost, shall occupy, operate and maintain the Leased Premises in accordance with all applicable laws, rules, ordinances, orders and regulations of federal, state, county, municipal and other governmental agencies and bodies having jurisdiction over the Leased Premises. Tenant shall ensure that all required permits and approvals necessary for the Permitted Use have been obtained by the applicable governmental agencies. Tenant will comply with the rules and conditions contained in Exhibit B.

2.2 Use of Common Areas. Tenant's rights hereunder shall include the non-exclusive right to use, in common with others entitled thereto, any common areas, including ingress and egress easements, driveways, roads and rights of ways (the "Common Areas"). Tenant shall have no obligation to maintain or repair the Common Areas unless such maintenance or repair is necessitated by damage caused by Tenant or Tenant's agents, employees, invitees or contractors, including damage caused by the repetitive use of Tenant's Refuse Vehicles.

2.3 Possession. Landlord covenants to deliver to Tenant sole and exclusive possession of the Leased Premises, free, clear and discharged of possession or the right of possession by any party, on the Commencement Date, subject to the Landlord's rights of entry and access as expressly set forth in this Lease.

ARTICLE 3 RENT

3.1 Rent. For the Initial Term, Tenant shall pay as basic annual rental for said Leased Premises as referenced below:

<u>Lease Year</u>	<u>Monthly Rent</u>	<u>Annual Rent</u>
1	\$22,282.00	\$267,384.00
2	\$23,062.00	\$276,744.00
3	\$23,869.00	\$286,428.00

3.2 Lease Extensions (if exercised): If the Lease is automatically renewed in accordance with section 1.3, then the annual rent will be an amount equal to 103.5% of the annual rent in effect during the previous lease year, to be paid in accordance with Section 3.3 below.

3.3 Payment of Rent. Tenant shall pay rent to Landlord at Landlord's address set forth in Section 22.19 or at such other place as Landlord may hereafter designate in writing, the Base Rent for the Leased Premises. All rental payments coming due under this Lease shall be payable in monthly installments, in advance, without notice or demand, on the first day of each and every calendar month for the full Initial Term and all Lease Extensions exercised by the parties. In the event the Initial Term or any Lease Extension begins on a day other than the first day of a calendar month or ends on a day other than the last day of a calendar month, the rental due hereunder for each such calendar month shall be prorated based on a 365-day year.

3.4 Late Fee. If Tenant shall fail to pay, within ten (10) days from the date same is due and payable, any rent or other amounts due and payable under this Lease, then such unpaid amount shall bear interest from the due date thereof to the date of payment at the rate of twelve percent (12%) per annum, or at the maximum legal rate, whichever is less.

ARTICLE 4 TAXES

4.1 Real Estate Taxes. "Real Estate Taxes" shall mean real estate taxes levied, assessed, or imposed against the Leased Premises or the leasehold interest created pursuant to this Lease. Tenant shall pay all Real Estate Taxes imposed during the Term of this Lease.

ARTICLE 5 IMPROVEMENTS

5.1 Installation of Tenant Improvements. Tenant is responsible for all costs and expenses associated with the construction and/or installation of Tenant's Office and Fuel Tank (collectively "Tenant's Improvements"). Landlord and Tenant each acknowledge that Tenant's Improvements are installed on the Leased Premises as of the date of the execution of this Lease. Tenant may not replace or modify the existing Tenant's Improvements without Landlord's written consent, which may be withheld in Landlord's sole and absolute discretion. Tenant is required to ensure that the construction, installation, placement and use of Tenant's Improvements complies with all applicable laws, including all local zoning ordinances, and that Tenant has obtained all applicable permits from the applicable governmental bodies.

5.2 Title to Tenant Improvements. Title to and ownership of all Tenant's Improvements erected or placed on the Leased Premises by Tenant during the Initial Term or any Lease Extension shall at all such times remain in and with Tenant. Landlord acknowledges and agrees that it does not hereby acquire any right, equity, title or interest in or to the Tenant's Improvements during continuance of this Lease. Upon termination or expiration of this Lease, Tenant shall remove all Tenant's Improvements and ancillary items from the Leased Premises.

5.4 Liens. Tenant shall not do or suffer anything to be done whereby Landlord's fee interest in

the Leased Premises may be encumbered by any mechanic's lien. Tenant shall, whenever and as often as any mechanic's lien is filed that purports to attach to Landlord's fee interest, and further purports to be for labor performed or material furnished to Tenant, discharge the same of record within thirty (30) days after the date of filing, or contest the same in good faith and indemnify Landlord against any loss, cost or damage resulting therefrom. Notice is hereby given that Landlord shall not be liable for any labor or materials furnished to Tenant, and that no mechanic's or other lien for such labor or materials shall attach to or affect the fee interest of Landlord in the Leased Premises.

5.6 Tenant's Equipment. Tenant's equipment, furniture and other personal property of whatever kind and nature kept or installed on the Leased Premises by Tenant in accordance with the Permitted Use shall not become the property of Landlord nor a part of the realty, no matter how affixed to the Leased Premises, and the same may be removed by Tenant at any time and from time to time during the Initial Term and all Lease Extensions. Tenant shall obtain Landlord's written consent before keeping or installing any equipment, furniture, sign or other type of display, or other personal property of any kind on the Leased Premises. All equipment, furniture, sign or other type of display and other personal property of whatever kind shall be installed and constructed so as to comply with all federal, state and local laws. Landlord hereby waives any statutory or common law rights it may have granting Landlord a lien or the right to foreclose on any property of Tenant, including without limitation, any of Tenant's personal property and/or the tenant improvements installed in the Leased Premises by Tenant.

ARTICLE 6 MAINTENANCE OF THE LEASED PREMISES

6.1 Waste or Nuisance. Tenant shall not commit nor suffer to be committed any waste upon the Leased Premises, use the Leased Premises in any manner which would constitute a nuisance or reasonably be determined by Landlord to be extra hazardous; provided, however, Landlord acknowledges and agrees that the current use and conduct of Tenant's business on the Leased Premises as of the Commencement Date does not constitute a breach of this Section.

6.2 (A) Maintenance by Tenant. Tenant must maintain and repair the gravel access drive, including the repair of potholes, used to access the Leased Premises. Tenant must maintain the entire Leased Premises, which maintenance includes cutting all grass and weeds in the Leased Premises. The Tenant is responsible for all repairs or maintenance at the Leased Premises or the Complex necessitated by the negligence of the Tenant, its agents, employees, guests or clients and all damage to the Leased Premises or any other part of the Complex caused by the Tenant, its agents, employees, guests, or clients shall be repaired at the expense of the Tenant. Tenant must maintain Tenant's Improvements and all of Tenant's equipment in a safe and operable manner. Tenant may not store any trash or refuse on the Leased Premises and all Refuse Vehicles, roll off dumpsters and other containers located on the Leased Premises must remain free of trash and refuse. Tenant must cleanup any spills or litter, which cleanup must be performed in a manner that complies with all applicable laws. If Tenant leaves trash or refuse on the Leased Premises or in any Refuse Vehicle overnight, then in addition to all other rights and remedies Landlord has under this Lease and applicable law, Landlord has the right to impose a \$100 fine for each night that trash or refuse is left on the Leased Premises or Refuse Vehicle. If

Tenant does not cleanup a spill within 24 hours from receipt of written notice from Landlord then Landlord has the right to impose a \$250 fine for each night the spill remains. Landlord has the right, but not the responsibility, to remove any refuse or trash, or to remediate any spill, caused by Tenant and Landlord has the right to bill Tenant for Landlord's full costs associated with such removal or remediation, which cost will be the actual cost of the removal or remediation or a minimum of \$500 per removal or remediation, whichever is higher.

(B) **Compliance with Code.** In the performance of its maintenance obligations, Tenant shall comply with all applicable laws and shall keep the Leased Premises in compliance therewith. Tenant's obligation to comply with all applicable laws shall include structural changes to the Leased Premises during the Term.

(C) **Notice of Defects or Accidents.** Tenant shall give Landlord prompt written notice of accidents or material defects on or about the Leased Premises or damages to the Leased Premises.

6.3 Maintenance by Landlord. Landlord shall maintain the Common Areas of the Complex (exclusive of the Leased Premises) in good order, condition and repair, subject to Tenant's maintenance and repair requirements set forth in Section 2.2 and Tenant's maintenance and repair requirements of the gravel access drive set forth in paragraph 6.2(A). Landlord has the right to, but is not required to, enter the Leased Premises and perform any necessary emergency repairs, upon reasonable notice to Tenant, based on the circumstances requiring such emergency access. If Landlord exercises this right, Landlord will provide Tenant with a written accounting of the costs incurred to perform the repairs and Tenant will reimburse Landlord for the actual and reasonable costs Landlord incurred to perform the repairs.

6.4 Surrender of Leased Premises. At the expiration of the tenancy hereby created, Tenant shall surrender the Leased Premises in as good a condition as initially received before the Commencement Date, normal wear and tear and damage by acts of God and other casualties excepted provided the proceeds of any insurance policies is paid to the Landlord, and shall surrender all keys, if any, for the Leased Premises to Landlord at the place then fixed for the payment of rent. Tenant shall remove all Tenant's Improvements, Refuse Vehicles, employees' vehicles and other equipment and ancillary items as provided in Article 5 hereof before surrendering the Leased Premises as aforesaid, and shall repair any damage to the Leased Premises caused thereby.

ARTICLE 7 INDEMNITY

7.1 Indemnity by Tenant. The Tenant hereby agrees to defend, indemnify and hold harmless the Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, their officers, employees, volunteers and agents, from any and all claims for bodily injuries and personal injuries, death or property damage, including cost or investigation, all expenses for remediation of environmental contamination to the Leased Premises, and all expenses of litigation, including reasonable attorney fees and the cost of appeals arising out of any errors, omissions, claims or suits including reasonable attorney fees, and the cost of appeals arising out of any claims or suits, caused by the acts or omissions of Tenant, including subtenants, their

agents, servants, employees, volunteers, business invitees, customers, guests or trespassers and arising from Tenant's use and occupancy of the Leased Premises.

ARTICLE 8 INSURANCE

8.1 Liability and Insurance Coverage

(A) LIABILITY FOR DAMAGE TO PERSONAL PROPERTY AND PERSON:

All personal property of the Tenant (including its employees, business invitees, Tenants, customers, clients, etc.), agents, family members, guests or trespassers, in and on said Leased Premises, shall be and remain at the sole risk of the Tenant, and Landlord shall not be liable to them for any damage to, or loss of such personal property arising from any act of any other persons nor from the conditions of the Leased Premises. Landlord shall not be liable for any personal injury to the Tenant (including its employees, business invitees, Tenants, customers, clients), arising from the use, occupancy and condition of the Leased Premises.

(B) HAZARDOUS CONDITION: Tenant will not do anything or permit anything to be done or any hazardous condition to exist on the Leased Premises ("Increased Risk") which shall invalidate or cause the cancellation of the insurance policies carried by Tenant. If Tenant does or permits any Increased Risk which causes an increase in the cost of insurance policies then Tenant shall promptly pay (or, if Landlord (being under no obligation to do so) initially pays such amounts, reimburse Landlord) for additional premiums attributable to any act, omission or operation of Tenant causing the increase in the premiums. Payment of additional premiums will not excuse Tenant from terminating or removing the Increased Risk unless Landlord agrees in writing. Absent agreement, Tenant shall promptly terminate or remove the Increased Risk.

(C) INSURANCE REQUIREMENTS: Tenant shall, during the Term provide the following:

(i) Maintain statutory Workers' Compensation and Employer's Liability insurance in limits of not less than \$1,000,000 to protect Tenant from any liability or damages for any injuries (including death and disability) to any and all of its employees, including any and all liability or damage which may arise by virtue of any statute or law in force within the Commonwealth of Virginia.

(ii) Commercial General Liability insurance in the amount of \$1,000,000 per occurrence/ \$2,000,000 aggregate, to protect Tenant, its subtenants, and the interest of the Landlord, Fairfax County, their officers and employees against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the Lease or in connection with the Leased Premises.

(iii) Environmental Impairment Liability Insurance, including, without limitation, coverage for both sudden and non-sudden occurrences at the Complex and the Leased Premises and during transport of Waste Materials in the amount not less than \$5,000,000 per occurrence/aggregate. The insurance will provide for property damage,

bodily injury and clean-up costs associated with any release of pollutants into the environment.

(iv) Automobile Liability insurance covering owned, non-owned, and hired vehicles in the amount of \$5,000,000 per occurrence/aggregate, including property damage, covering all owned, non-owned, borrowed, leased, or rented vehicles operated by Tenant. In addition, all mobile equipment used by Tenant in connection with the Lease, will be insured under either a standard Automobile Liability policy, or a Commercial General Liability policy. The Garage Keeper's Liability coverage shall also be maintained where appropriate.

(v) "Special Peril" Property Insurance on buildings and personal property in an amount not less than the full insurable replacement value of such buildings and personal property, with a maximum deductible is \$10,000. Property insurance will include Business Interruption coverage for not less than the equivalent of twelve (12) month's rental.

(vi) Liability insurance may be arranged by policies for the full limits required, or by a combination of underlying Liability policies for lesser limits with the remaining limits provided by an Excess or Umbrella Liability policy.

(vii) Any deductibles and/or self-insured retentions greater than \$50,000 must be disclosed to and approved by Fairfax County's Risk Manager prior to the Effective Date. Use of large deductibles and/or self-insured retentions will require proof of financial ability as determined by the Landlord.

(viii) Tenant agrees to provide insurance issued by companies admitted within the Commonwealth of Virginia, with the Best's Key Rating of at least A:VII.

(ix) After a period of five (5) years from Effective Date or upon any changes if the Virginia Financial Responsibility Law or insurance provision of the Federal Motor Carrier Safety Act, Landlord may reasonably require higher limits of insurance or additional insurance coverage against other hazards for which insurance is reasonably obtainable and which, at the time, are commonly insured against in the case of similar properties conducting similar activities within the geographic area of the Leased Premises, whether or not such additional insurance requirements are otherwise described or contemplated herein.

(x) Compliance by Tenant and all subtenants with the foregoing requirements as to carrying insurance shall not relieve Tenant and all subtenants of their liabilities provisions of the Lease.

(xi) If the Tenant fails to maintain the required insurance the Landlord may, but does not have to, maintain the insurance at Tenant's expense plus an additional 15% administrative charge payable to Fairfax County. The policy shall expressly provide that it is not subject to invalidation of the Landlord's interest by reason of any act or omission on the part of Tenant.

(D) PROOF OF INSURANCE COVERAGE:

(i) Tenant will provide a signed original certificate of insurance citing the Lease and such endorsements as prescribed herein.

(ii) Tenant will secure and maintain all insurance certificates of its subtenants, which shall be made available to the Landlord on demand.

(iii) Tenant will provide on demand certified copies of all insurance policies related to the Lease within ten business days of demand by the Landlord. These certified copies will be sent to the Landlord from the Tenant's insurance agent or representative.

(iv) No change, cancellation, or non-renewal shall be made in any insurance coverage without sixty (60) days prior written notice to Landlord. Tenant shall furnish a new certificate prior to any change or cancellation date. The failure of Tenant to deliver a new and valid certificate will allow Landlord to terminate the Lease.

(v) Landlord, Fairfax County and their officers, employees and volunteers, shall be named as an "additional insured" on the General Liability and automobile policies and it shall be stated on the Insurance Certificate with the provision that this coverage "is primary to all other coverage the Landlord and Fairfax County may possess."

(E) WAIVER OF SUBROGATION: All insurance policies shall contain a waiver of subrogation on behalf of Landlord and Fairfax County as noted hereunder to waive the insurer's rights of recovery to include the Employers Liability portion of the Workers Compensation/Employers Liability coverage.

ARTICLE 9 UTILITIES

9.1 Utilities at Leased Premises. Except as otherwise existing on the Effective Date, Landlord will not provide any utilities at the Leased Premises. Upon receipt of written consent from Landlord, which shall not be unreasonably withheld, conditioned or delayed, Tenant may obtain additional electrical service from the applicable provider at Tenant's own cost and expense. Tenant must obtain Landlord's written consent before any utility company may place its new equipment or utility lines in the Leased Premises and Landlord has the sole discretion to determine where utility easements, if permitted by Landlord, will be located. Tenant is responsible for supplying any generator or potable water that it needs to use the Leased Premises. Tenant may have portable toilets in the mobile office trailer and is responsible for pumping out all greywater and/or wastewater at the Leased Premises. Tenant must obtain any necessary approvals and/or permits from the applicable federal, state, county, municipal and other governmental agencies and bodies having jurisdiction over the Leased Premises for operation of the greywater and/or wastewater tank. Tenant may not make any changes to the utilities provided at the Leased Premises without the written consent of Landlord.

ARTICLE 10 ACCESS BY LANDLORD

10.1 Landlord may access Leased Premises. Landlord has the right to access the Leased

Premises periodically, at Landlord's discretion, to inspect all areas of the Leased Premises in order to comply with applicable law governing closed landfills. In connection with this access, Landlord may perform some construction work on the Leased Premises, which construction work will be performed at Landlord's discretion to ensure compliance with all applicable laws governing closed landfills, provided Landlord shall perform such work in such a manner so as to minimize any adverse impact to Tenant's use of the Leased Premises. Landlord has the right to access the Leased Premises to ensure it can reach all of Landlord's work sites, bench roads, storm water structures, gas equipment, occupied structures for gas testing, and berms.

ARTICLE 11 ASSIGNMENT AND SUBLETTING

11.1 Assignment. Tenant may not assign this Lease without Landlord's prior written consent, which consent may be withheld in Landlord's sole and absolute discretion, except to an affiliate of Tenant or subsidiary of Tenant's ultimate parent with written notice to Landlord, provided that Tenant is not released from its obligations under this Lease.

11.3 Sublease. Tenant may not sublet all or any portion of the Leased Premises without Landlord's prior written consent, which consent may be withheld in Landlord's sole and absolute discretion.

ARTICLE 12 INTENTIONALLY OMITTED

ARTICLE 13 TENANT'S REPRESENTATIONS, WARRANTIES & COVENANTS

13.2 Tenant represents, warrants and covenants to Landlord as of the date of this Lease and again as of the Commencement Date as follows:

- (a) that Tenant is a duly formed and validly existing limited liability company, in good standing under the laws of the Commonwealth of Virginia, is authorized to do business in the Commonwealth of Virginia, and has all the authority and power necessary to enter into and carry out the provisions of this Lease;
- (b) that Tenant does comply and will comply with all laws, rules, regulations, ordinances and orders, federal, state and local, that relate to or may affect the Leased Premises, or Tenant's use and occupancy of the Leased Premises;
- (c) that, as of the Commencement Date, Tenant has accepted possession of the Leased Premises and is in occupancy thereof under the Lease;
- (d) that the execution of the Lease was duly authorized, the Lease was properly executed and is in full force and effect and is valid, binding and enforceable against Tenant, and there exists no default, nor state of facts which with notice, the passage of time, or both, could ripen into a default, on the part of Tenant; and

- (c) that Tenant has the full right, power and authority to lease the Leased Premises as provided in this Lease.

ARTICLE 14 INTENTIONALLY OMITTED

ARTICLE 15 EMINENT DOMAIN

15.1 Tenant agrees that if the said Leased Premises, or any part thereof, shall be taken or condemned for public or quasi-public use or purpose by any competent authority, Tenant shall have no right to any portion of the amount that may be awarded as damages or paid as a result of any such condemnation. All rights of the Tenant to damages therefore, if any, are hereby assigned by the Tenant to the Landlord. And upon such condemnation or taking, at Tenant's option the term of this Lease shall cease and terminate from the date of such governmental taking or condemnation, provided it renders all or a portion of the Leased Premises unsuitable by Tenant, and the Tenant shall have no claim against the Landlord for the value of any unexpired term of this Lease. If the condemnation impacts only a portion of Tenant's Leased Premises, then if Tenant decides to continue with the Lease, then the Tenant's rent shall be adjusted on a pro-rated basis. For instance, if fifty percent (50%) of the Leased Premises is condemned, then if Tenant elects to continue with this Lease, then Tenant's rent shall be reduced by fifty percent (50%) percent.

ARTICLE 16 DEFAULT AND REMEDIES

16.1 Events of Default. Each of the following occurrences shall constitute an "Event of Default" under this Lease:

- (a) Tenant fails to pay any rental or other monetary amounts coming due hereunder within ten (10) business days after Tenant has received written notice from Landlord stating that same is past due; or
- (b) Tenant fails to perform any other of the terms, conditions or covenants of this Lease to be observed and performed by Tenant within thirty (30) days following Tenant's receipt of written notice from Landlord specifying the nature of such failure; or
- (c) Tenant becomes bankrupt or insolvent, or files any debtor protection proceedings, or files or has filed against Tenant in any court pursuant to any statute, either of the United States or of any state, a petition in bankruptcy or insolvency or for reorganization, or Tenant makes an assignment for the benefit of creditors; or
- (d) Landlord fails to perform any term, condition or covenant of this Lease to be observed and performed by Landlord within thirty (30) days following Landlord's receipt of written notice from Tenant specifying the nature of such failure.

16.2 Remedies. If an Event of Default occurs, the non-defaulting party shall have all available rights and remedies at law and equity. The failure of one party to the action in case of a breach

of the Lease to enforce its rights hereunder shall not be deemed a waiver of any breach of this Lease. In the absence of written notice or consent, any such breach shall be a continuing one. This section however shall not be construed as a waiver of any defenses that one party may assert against the other under the Lease.

ARTICLE 17 TERMINATION OF LEASE

17.1 Termination. Landlord and Tenant each have the right to terminate this Lease upon one hundred twenty (120) days written notice, for any or no reason. The Lease may also be terminated in accordance with any other termination provision set forth herein. Expiration or termination of this Lease for any reason shall not relieve or release Tenant from any liability or obligation which may have been incurred or assumed by Tenant prior to such expiration or termination.

ARTICLE 22 MISCELLANEOUS

22.1 Changes by Interlineation. The parties agree that no changes have been made by either party or their respective agents to any page unless the change is clearly visible by interlineation, not by obliteration, and initialed by both parties.

22.2 Captions and Numbers. The captions and article numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections or articles of this Lease or in any way affect this Lease.

22.3 Gender. In this Lease the use of gender references is not meant to be a limitation, and the use of a particular gender shall be interpreted to include the other of masculine, feminine and neuter where the situation so demands; similarly, the use of the singular shall be interpreted to include the plural where the situation so demands, and vice versa.

22.4 Brokerage Commissions and Finder's Fees. Each of the parties represents that it has engaged no broker or finder, except as stated below, and that no claims for brokerage commissions or finder's fees will arise in connection with the execution of this Lease.

<u>Broker/Finder</u>	<u>Fees to be Paid By:</u>
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None	None
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22.5 Removal of Personal Property; Waiver of Distraint. At any time during the Term of this Lease, Tenant may remove any or all of its furniture, furnishings, equipment, and any and all items of personal property placed in, on or about the Leased Premises by Tenant or by Tenant's agents or employees. Tenant agrees to repair any damage to the Leased Premises occasioned by the removal of any such items. Title of all of such furniture, furnishings, equipment and any and all items of personal property shall remain in Tenant.

22.6 Remedies Cumulative. Unless specifically noted, the various rights, options, elections,

powers and remedies contained in this Lease, including the rights herein granted to terminate this Lease, shall be construed as cumulative and no one of them shall be exclusive of any of the others, or of any other legal or equitable remedy which either party might otherwise have in the event of breach or default in the terms hereof, and the exercise of one right or remedy by such party shall not impair its right to any other right or remedy until all obligations imposed upon the other party have been fully performed. It is intended that each of the agreements and covenants of Landlord and Tenant set forth herein be deemed by both a covenant and a condition.

22.7 Governing Law. Landlord and Tenant agree to be bound by the Laws of the Commonwealth of Virginia in any proceeding, whether in law or in equity, with respect to any dispute arising under this Lease. The only proper jurisdiction and venue for any lawsuit arising out of or relating to this Lease shall be the Circuit Court of Fairfax County or the United States District Court for the Eastern District of Virginia.

22.8 No Partnership. Nothing contained in this Lease shall be deemed or construed by the parties hereto or by any third person to create the relationship of principal and agent or of partnership or of joint venture or of any association between Landlord and Tenant other than that of Landlord and Tenant, and neither the method of computation of rent nor any other provision contained in this Lease nor any acts of the parties hereto shall be deemed to create any relationship between Landlord and Tenant other than the relationship of landlord and tenant.

22.9 No Waiver. No waiver of any default hereunder shall be implied from any omission by either party to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the express waiver, and then only for the time and to the extent therein stated. No delay or omission by either party hereto to exercise any right or power accruing upon any noncompliance or default by the other party with respect to any of the terms hereof, or otherwise accruing hereunder shall impair any such right or power or be construed to be a waiver thereof. One or more waivers of any breach of any covenant, term or condition of this Lease shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition. The consent by a party to or of any act by the other party requiring the former party's consent shall not be deemed to waive or render unnecessary such former party's consent to any subsequent similar acts by the other party.

22.10 Entire Agreement; Amendment. As of the execution hereof, this Lease contains all covenants and agreements between Landlord and Tenant exclusively relating in any manner to the rental, use and occupancy of the Leased Premises and the other matters set forth in this Lease. No prior agreement or understanding pertaining to the same shall be valid or of any force or effect, and the covenants and agreements of this Lease cannot be altered, changed, modified or added to, except in writing signed by Landlord and Tenant.

22.11 Severability. Any provision or provisions of this Lease which shall prove to be invalid, void or illegal, shall in no way affect, impair or invalidate any other provision hereof, and the remaining provisions hereof shall nevertheless remain in full force and effect.

22.12 Time of the Essence. Time is of the essence with respect to all matters provided in this

Lease.

22.13 Locative Adverbs. The locative adverbs "herein," "hereunder," "thereto," "hereby," "hereinafter" and like words wherever the same appear herein, mean and refer to this Lease in its entirety and not to any specific article, or subarticle hereof.

22.14 Interpretation. It is agreed that in the construction and interpretation of the terms of this Lease, the rule of construction that a document is to be construed most strictly against the party who prepared the same shall not be applied, it being agreed that both parties hereto have participated in the preparation of the final form of this Lease.

22.15 No Offer. The submission of this Lease for examination does not constitute an offer to enter into a Lease, and this Lease shall become effective only upon execution and delivery hereof by Landlord and Tenant.

22.16 Rules and Regulations. Tenant and its employees, agents, invitees and licensees shall faithfully observe and strictly comply with, and shall not permit violation of, the written rules and regulations made for the Complex contained in Exhibit B, and any other reasonable and non-discriminatory rules and regulations as Landlord may from time to time make and communicate to Tenant provided such rules and regulations do not conflict with this Lease and apply to all occupants of the Complex.

22.17 Conduct of Tenant's Business. Tenant will occupy the Leased Premises, conduct its business and control its agents, employees, invitees in such a manner as is lawful and reputable. Tenant's use of the Leased Premises must comply with the requirements of any approvals issued by the applicable regulatory authorities, including any approvals issued in accordance with Virginia Code Section 15.2-2232. Tenant will not place or permit any radio, television, loudspeaker or amplifier on or in the Leased Premises or where the same can be heard from outside the Leased Premises, or use any apparatus or machine which makes undue noise or causes vibration in any portion of the Complex. Tenant will keep the Leased Premises and the gravel access way adjacent to the Leased Premises and any area of the Complex used by Tenant clear and free from any rubbish caused by Tenant. No trash or refuse may be kept in Tenant's Refuse Vehicles or in any commercial and/or residential waste containers on the Leased Premises.

22.18 Force Majeure. Notwithstanding any provision to the contrary contained herein, in the event that Landlord or Tenant shall be delayed or hindered in or prevented from the performance of any act (other than Tenant's obligation to make payments of Rent, and other charges required hereunder), by reason of strikes, lockouts, unavailability of materials, failure of power, restrictive governmental laws or regulations, riots, insurrections, the act, failure to act, or default of the other party, war or other reason beyond its control, then performance of such act shall be excused for the period of the delay and the period for the performance of such act shall be extended for a period equivalent to the period of such delay. Lack of funds shall not be deemed to be a cause beyond control of either party.

22.19 Notices. Any notice which the Landlord may desire or be required to give the Tenant shall be deemed sufficiently given or rendered if in writing, delivered to the Tenant by regular mail addressed to the Tenant at Republic Services of Virginia, LLC, 4619 West Ox Road, Fairfax Virginia, 22030, with a copy to:

Republic Services, Inc.
18500 North Allied Way
Phoenix, Arizona 85054
Attn: Chief Legal Officer

Any notice which the Tenant may desire or be required to give the Landlord shall be deemed sufficiently given or rendered if in writing delivered to the Landlord by regular mail, addressed to Facilities Management Division, Attention Leasing Manager, 12000 Government Center Parkway, Suite #424, Fairfax, Virginia 22035-0011, or other such places as Landlord or Tenant may from time to time designate in writing as set forth herein.

22.20 Counterparts. This Lease may be executed in any number of counterparts, each of which shall be an original but all of which together shall constitute one and the same instrument. A telecopy or ".PDF" signature of any party shall be considered to have the same binding legal effect as an original signature.

[signatures follow on next page]

IN WITNESS WHEREOF, Landlord and Tenant have executed and delivered, or have caused their authorized representatives to execute and deliver, this Ground Lease Agreement effective as of the Effective Date hereof.

LANDLORD:

THE BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By: _____
Name: _____
Title: _____

TENANT:

REPUBLIC SERVICES OF VIRGINIA, LLC

By: _____
Name: _____
Title: _____



I-66 2232 Leased Area



0 752 1,505 Feet

This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.



Legend

Parcels (for imagery)

EXHIBIT A

Notes:

5.8 Acres

Map produced: 8/21/2019

EXHIBIT B

RULES AND REGULATIONS

The following special requirements will apply specifically to parking and the I-66 Transfer Station:

1. The Tenant will utilize Fairfax County facilities as its primary disposal sites for mixed municipal solid waste collected in Fairfax County while this Ground Lease Agreement is in effect.
2. All municipal solid waste collection vehicles parked on the premises shall have Fairfax County property stickers and all other required permits.
3. Broken down, junked, or dead lined vehicles shall not be stored on the premises. Vehicles must have valid State registration and inspection stickers.
4. Vehicle maintenance shall not be done on the premises.
5. Tenant must maintain vehicles so that oil and other fluids do not leak including leachate. If a leak occurs the Tenant shall clean the site and in all ways comply with the Fairfax County's Spill Protection Plan.
6. Tenant must correct any deficiencies within 24 hours of notification.
7. Tenant's employees may not assemble in the Transfer Station building, or use the Transfer Station restroom facilities or telephone.
8. No loitering in the parking area will be allowed. Tenant's employees must respond to a reasonable request of any Transfer Station supervisor, and must act in professional manner. Weapons are not allowed at Landlord's facilities.
9. Litter must be cleaned daily by the Tenant.
10. Waste may be stored in trucks for no more than 24 hours. No hazardous waste is permitted on site.
11. Vehicles must be parked uniformly in the designated area only (Exhibit A).
12. Snow removal in the parking area will be the responsibility of Tenant. Landlord will remove snow on the roadways leading to the parking area during normal Transfer Station operating hours.
13. No dumping of waste in the Transfer Station outside of normal hours will be allowed.

14. The Tenant will be allowed site access 7 days per week/24 hours per day, however, the names of individuals authorized to access the site after-hours must be provided in advance, and these individuals may be asked to provide identification.
15. The Tenant will be required to provide 24-hour emergency contact names and numbers.
16. Tenant's employees must operate their personal vehicles and Tenant's vehicles in a safe manner, comply with all posted signs governing vehicle use in the Transfer Station and may not operate any vehicle in a negligent or reckless manner.

Board Agenda Item
January 26, 2021

4:00 p.m.

Public Hearing to Convey Board-Owned Property at the Fairfax County Government Center to the Fairfax County Redevelopment and Housing Authority (Braddock District)

ISSUE:

Public hearing regarding the conveyance of Board-owned property located at the Fairfax County Government Center to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey certain Board-owned property at the Fairfax County Government Center to the FCRHA.

TIMING:

On December 1, 2020, the Board authorized the advertisement of a public hearing to convey certain Board-owned property at the Fairfax County Government Center to FCRHA.

BACKGROUND:

The Board of Supervisors is the owner of the Fairfax County Government Center, an approximately 86-acre property located at 12000 Government Center Parkway on a parcel identified as Tax Map No. 56-1 ((15)) 14. The property is improved with the Government Center building, a 360,000 square foot facility that serves as the administrative headquarters of the County, and The Residences at Government Center, a 270-unit workforce housing community (Residences). The Government Center complex is currently overserved by parking spaces, with eight surface parking lots containing almost 1,600 parking spaces and two underground garages with an additional thousand stalls available. Tasked by the Board with co-locating affordable housing facilities at County-owned properties, FCRHA has identified Parking Lots G and H situated along Government Center Parkway, with a total of approximately 337 parking spaces comprising about five acres, as a potential site for a new affordable housing complex (Property).

To leverage this underutilized space, the FCRHA is evaluating measures to partner with a private developer pursuant to the terms of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), or through other development means, to construct

Board Agenda Item
January 26, 2021

another multi-unit structure on the Property similar to the existing Residences. The creation of a new housing development for individuals with low to moderate incomes (the Project) will require a Comprehensive Plan amendment and amendments to the previously approved proffers and development plan that govern development of the site. These future land use and zoning actions will be evaluated by County staff and reviewed at public hearings by both the Planning Commission and the Board. The public will be afforded several opportunities during the review process to comment on the design of the Project and its possible impacts on the surrounding communities. Initial public outreach efforts are expected to begin as soon as the developer selection process is completed.

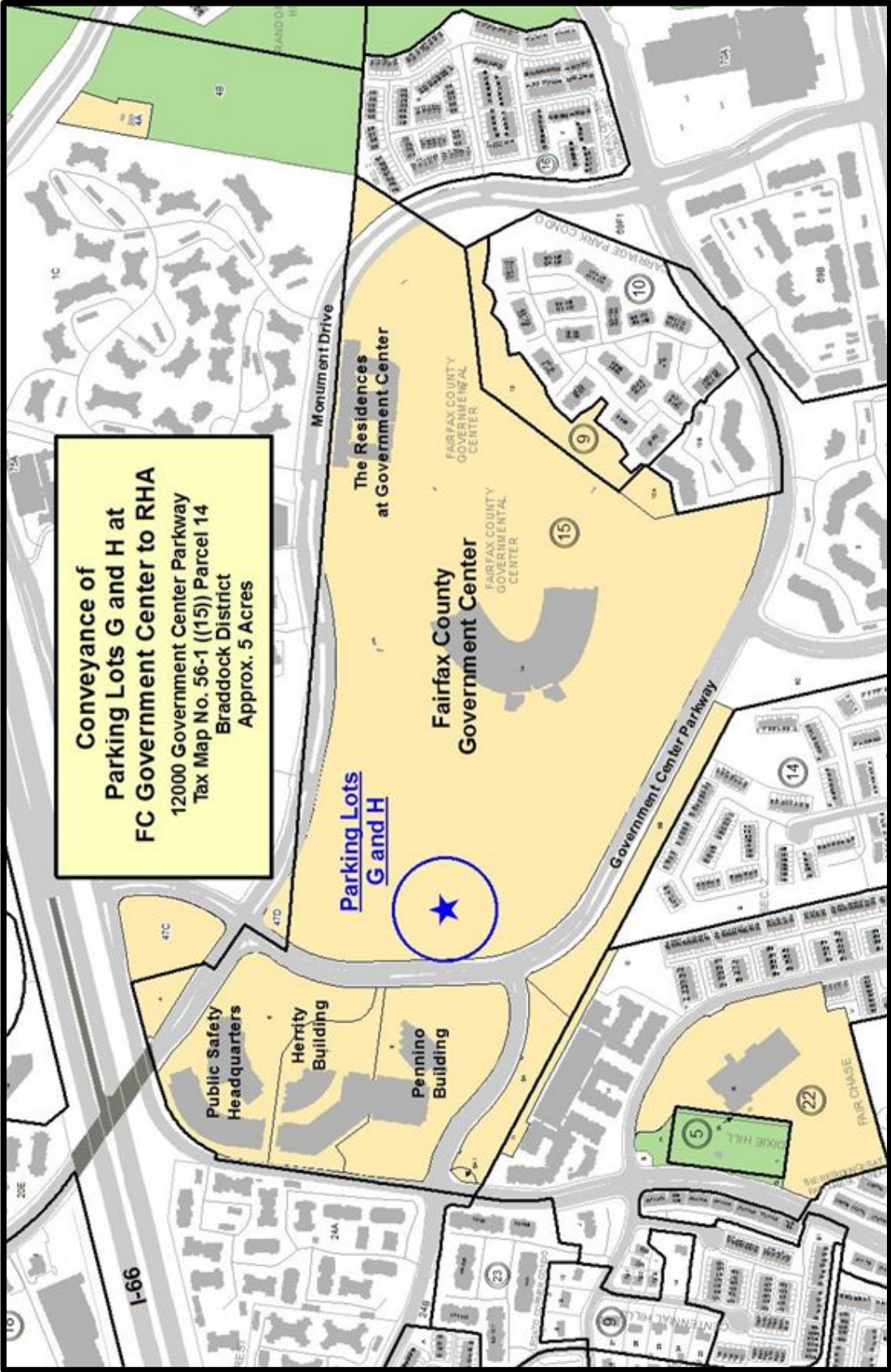
Staff recommends that the conveyance of the Property to FCRHA be subject to the condition that the parcels must be used in connection with the Project. In the event the FCHRA no longer pursues the Project, the FCHRA will transfer ownership of the properties back to the Board. Staff recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map
Attachment 2 – Parking Lot Map
Attachment 3 – Resolution

STAFF:
Joseph M. Mondoro, Chief Financial Officer
Tisha Deeghan, Deputy County Executive
Thomas E. Fleetwood, Director, Department of Housing and Community Development
José A. Comayagua, Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:
Alan M. Weiss, Assistant County Attorney





RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, January 26, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors owns land in Braddock District known as the Fairfax County Government Center located at 12000 Government Center Parkway and identified as Tax Map Parcel No. 0561 15 0014 (the Government Center),

WHEREAS, Parking Lots G and H of the Government Center, consisting of approximately 5 acres and as shown on Exhibit A (Lots G and H), are underutilized and surplus to the Government Center's parking requirements,

WHEREAS, Fairfax County Redevelopment and Housing Authority (FCRHA) has requested that the Board of Supervisors transfer Lots G and H to the FCRHA for incorporation into an affordable housing development,

WHEREAS, the Board finds that it would be in the best interest of the residents of Fairfax County to convey the real property as described above to the FCRHA.

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that the County Executive is hereby authorized to execute all necessary documents to convey the real property described above to the FCRHA.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

EXHIBIT A



Board Agenda Item
January 26, 2021

4:30 p.m.

Public Hearing to Consider an Ordinance Amending the Fairfax County Code by Adding a New Chapter 43.2, Food Code, and Repealing Chapter 43.1, Food and Food Service Establishments

ISSUE:

Public hearing to consider an ordinance amending the Fairfax County Code by adding a new Chapter 43.2, Food Code, and repealing Chapter 43.1, Food and Food Service Establishments. The new Chapter 43.2 incorporates [the United States Food and Drug Administration/Public Health Service \(FDA/USPHS\) 2017 Food Code Chapters 1 through 8, inclusive](#), and Annex 1, and adds other provisions relating to mobile food vending and cottage food products as more fully set forth below in the Background section. The existing Chapter 43.1 is based generally on a now outdated 2005 Food Code that was published as a model code by FDA/USPHS. Regulation of and routine inspection of food service establishments will continue to be performed by health department's staff.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments as set forth in Attachment 1.

TIMING:

On December 1, 2020, the Board authorized advertisement of a public hearing to consider these amendments, subsequently scheduled for January 26, 2020 at 4:30 p.m. If adopted, the proposed amendments will become effective immediately. Staff briefed the Board on these proposed amendment at its Health and Human Services Committee meeting on November 24, 2020.

BACKGROUND:

Since September 2006, when the Board of Supervisors adopted Chapter 43.1, *Food and Food Service Establishments*, the FDA/USPHS has updated the FDA Food Code based upon input from multiple stakeholders including federal, state and local regulators, industry, academia and consumers. The proposed Chapter 43.2, *Food Code*, considers the current science of food protection, emerging food safety issues and the 2016 Conference for Food Protection recommendations by incorporating, with

Board Agenda Item
January 26, 2021

modifications, the [2017 FDA/USPHS Food Code](#). Although Chapter 43.1 continues to provide valuable public health protections, the existing code does not address current mobile food vending requirements, cottage food operations provisions, and requirements for pets in outdoor dining areas.

The proposed Chapter 43.2, *Food Code*, is intended to safeguard public health and prevent foodborne illness by ensuring that food prepared and served by food establishments in Fairfax County are safe, unadulterated, and honestly presented when offered to the consumer. Additionally, it will allow a common language to be utilized by food establishments and the Health Department. The Virginia Department of Health (VDH) is in the final stages of an update to its Food Regulations to adopt the 2017 FDA/USPHS Food Code. Pursuant to Code of Virginia § 32.1-34, Fairfax County can adopt and promulgate food regulations that are more but not less stringent than the VDH Food Regulations.

A summary of the proposed amendments is set forth below:

Article 1: General Provisions

- Adopts with modifications Chapter 1 through Chapter 8 and Annex 1 of the 2017 FDA Food Code.
- In Chapter 1 of the Food Code, all new terms and corresponding definitions have been added to aid in code clarification and in certain cases to align with VDH definitions for the following: *Agent, Approved water supply, Basic Food Safety Handler, Board of Supervisors, Commissary, Compliance Verification, Department, Director, Division Director, Foodborne disease outbreak, Open-air Barbecue, Outdoor Wood-Burning Oven, Permit, Pop-up restaurant, Regulatory Authority, Shared-use Kitchen, ShareWare, ShareWare Establishment*.
 - Agent is an authorized representative of the owner.
 - Approved water supply is identified as a waterworks with a valid water works operation permit from the department or nonpublic water supply which is evaluated, tested and if found in reasonable compliance with the construction standards of the Private Well Regulations (12 VAC 5-630) and the bacteriological water quality standards of the Virginia Waterworks Regulations (12 VAC 5-590), accepted and approved by the director.
 - Basic Food Safety Handler means a food employee or member of the general public who has passed a food safety training school.
 - Board of Supervisors means the Board of Supervisors of Fairfax County, Virginia.
 - Commissary means a permitted food establishment or a mobile food establishment.
 - Open-air barbecue means a permitted food establishment, mobile food establishment, or a temporary food establishment at a single event. If the

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open-air barbecue is permanent it shall be equipped with an impervious and easily cleanable floor surface. Sanitary facilities must be within 200 feet in travel distance of the open-air barbecue.

- Outdoor Wood-Burning Oven means an oven located out of doors, that utilizes wood as the primary fuel for cooking and is operated on the same PREMISES as, and in conjunction with, a food establishment.
- Pop-up restaurant means a TEMPORARY FOOD ESTABLISHMENT operating in a space that is or was used as a FOOD ESTABLISHMENT to include underused kitchen facilities or a FOOD ESTABLISHMENT that has ceased operation in the last twelve (12) months.
- A food establishment used by more than one permit holder where the secondary permit holder rents space and/or uses the kitchen by the hour or day to produce food for their food establishment shall be designated as a shared-use kitchen.
- ShareWare means reusable takeout FOOD containers returned by the CONSUMER, to be cleaned, SANITIZED, after use and before the next use.
- ShareWare Establishment means a FOOD ESTABLISHMENT operation that collects, processes, stores, and distributes SHAREWARE to FOOD ESTABLISHMENTS.
- A compliance verification is assigned as an activity conducted by the Department to verify that a permit holder is in compliance with a voluntary agreement established by the Department and the Permit holder for correction to PRIORITY ITEM, PRIORITY FOUNDATION ITEM, and/or CORE ITEM.
- The Regulatory Authority shall deem a private home as a *Cottage Food Operation* if it is an approved source of low risk food products that are not subject to time/temperature control for safety. The FDA Food Code prohibits food prepared in a private home to be used or offered in a food establishment. With our proposed update we approve certain cottage food products, prepared in a private home and registered with the Health Department, to be offered in a food establishment.
- An enforcement verification is assigned as an activity that shall be conducted by the Department to verify correction of PRIORITY ITEM, PRIORITY FOUNDATION ITEM, and/or CORE ITEM directives that remain out of compliance at the time of compliance verification.
- The FDA Food Code is identified as the 2017 Food Code, which may be amended from time to time, as adopted and promulgated by the Food and Drug Administration and Centers for Disease Control and Prevention of the U.S Department of Health and Human Services and the Food Safety and Inspection Services of the U.S. Department of Agriculture.

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- A food establishment that is designed to be readily moveable from place to place and shall include pushcarts, trailers, or vans shall be referred to as mobile food establishments.
- Chapter 2 of the Food Code, requires that a food establishment be operated by a food protection manager that has passed a test from an accredited program or passed a test that is administered by the regulatory authority which issues a certificate as a limited food manager, except when the facility is deemed as a minimal risk of causing or not contributing foodborne illness by the regulatory authority.
- In Chapter 2 of the Food Code, a food establishment has a person in charge that is certified by a food protection manager certification program that is evaluated and listed by the Conference for Food Protection recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs.
- In Chapter 3 of the Food Code, food prepared in a private home may not be offered for human consumption through direct sales to the consumer or from a food establishment, except from an approved cottage food operation.
- In Chapter 3 of the Food Code, empty containers returned to a food establishment shall be cleaned and refilled in a regulated food processing plant.
- Chapter 3 of the Food Code, identifies acceptable design and uses of take-home containers within food establishments.
- In Chapter 3 of the Food Code, a take home container returned to a food establishment may be refilled at a food establishment with a beverage if it is not time/temperature controlled for safety food, the design and nature of the equipment allow for effective cleaning and facilities for rinsing with pressurized hot water are provided.
- In Chapter 3 of the Food Code, a take home container returned to a food establishment may be refilled with beverage, if the consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer and is refilled by an employee of the food establishment or the owner of the container if the beverage system includes a contamination-free transfer process.
- In Chapter 3 of the Food Code, consumer-owned containers that are not Food-specific may be filled at water vending machine or systems.
- In Chapter 4 of the Food Code, requirements for operating Open-Air Barbecue that shall meet all standards as operating on the same premises and in conjunction with a food establishment, must be effectively partitioned and protected to prevent food contamination or injury to the public, and cannot be in or out of any motor vehicle or any area that constitute a fire hazard.
- In Chapter 6 of the Food Code, public toilet rooms shall be provided for consumers whenever seating for consumers is provided on the premises, must

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be separate from a kitchen, food preparation, food storage, or utensil washing area, and installed according to the Virginia Uniform Statewide Building Code.

- Chapter 6 of the Food Code adds that live animals are not allowed on the premises of a food establishment except as edible or decorative fish in aquariums or shellfish/crustacea under refrigeration or on ice, patrol dogs accompanying police or security officers, in common dining areas of institutional care facilities, and common areas that are not used for food preparation. Presently a food establishment must apply for a variance to allow non-service dogs to enter an outdoor dining area. In our proposed update food establishments may allow dogs in an outdoor dining area without applying for a variance when specific conditions can be met and maintained.
- Chapter 6 of the Food Code adds requirements for allowing dogs in outdoor dining areas, equipped with a separate entrance, while under the control of an adult at all times.
- In Chapter 8 of the Food Code, a conditional permit may be issued to a food establishment that has been identified as operating without a permit and upon determined that its continued operation will not compromise public health.
- In Chapter 8 of the Food Code, the Division Director may revoke or deny the renewal of a permit for any one or more of the following reasons: (1) repeated or continuing violations of the provisions of this Code; or (2) failure to pay the permit fees pursuant to Article 6 of this Code; or (3) materially false statements made in the application for a permit.
- In Chapter 8 of the Food Code, the Division Director shall give ten (10) days' written notice of any revocation or denial of permit renewal and shall state in that notice that the Permit Holder may schedule an informal meeting with the Division Director to be held within that ten (10) day period, and that based on that informal meeting the Division Director may stay or rescind the written notice.
- In Chapter 8 of the Food Code, a permit holder may re-apply for a permit after the expiration of a penalty period whenever a revocation or a denial of permit renewal has become effective.
- Chapter 8 of the Food Code adds that a permit holder can make a written request to the Director for a hearing within ten (10) days and the director shall provide a hearing within ten (10) days, revocation or refusal to renew becomes final.
- In Chapter 8 of the Food Code, at the time a permit is first issued, the regulatory authority shall make available an electronic version of this Code to the permit holder so that the permit holder is notified of the compliance requirements and the conditions of retention, as specified under Section 8-304.11, that are applicable to the permit. (A bound, printed copy of this Code will be made available for a fee.)

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- In Chapter 8 of the Food Code, every food establishment shall display, without obstruction in a conspicuous place designated by the department, notice stickers that inform the public that the food establishment is subject to inspection by the department. Such notice stickers shall be displayed at each public entrance and each drive-up and/or walk-up window of every food establishment. Such notice to the public shall include, at a minimum, a statement that the food establishment is inspected by the department.
- In Chapter 8 of the Food Code, the Division Director may suspend a permit for any of the following causes without prior notice or hearing: operation of the food establishment that is deemed an imminent health hazard by the Department due to certain conditions, including, but not limited to, those circumstances set forth in Section 8-404.11(A); or Interference with the Department in the performance of its duties, including denial of access, in accordance with Section 8-402.20; or In accordance with Section 8-501.20(C).
- In Chapter 8 of the Food Code, the Food Establishment operation shall cease immediately when a permit is suspended.
- In Chapter 8 of the Food Code, a suspension shall become effective upon service of written notice to the permit holder or person in charge of the food establishment or temporary food establishment.
- In Chapter 8 of the Food Code, the Division Director may end the suspension at any time if it is determined that the reason for suspension no longer exists.
- In Chapter 8 of the Food Code, the Director shall hear appeals from the decision to suspend, revoke, or deny the renewal of any permit issued pursuant to this Code in accordance with Section 8-904.60 and Section 8-303.40.
- In Chapter 8 of the Food Code, written notice of a suspension or revocation hearing shall be presented by the Director either personally, or by certified mail, to the permit holder's last known address of record and shall state the date, time, and place of hearing, as well as setting forth the charges against the food establishment. A copy of the notice shall be filed in the records of the Department.
- In Chapter 8 of the Food Code, the Director shall have the power to swear witnesses. The permit holder or his legal counsel shall have the opportunity to present evidence and/or witnesses to the Department. A record of the hearing shall be made.
- In Chapter 8 of the Food Code, the Director shall issue a decision, in writing, to uphold either the suspension, revocation or non-renewal of the permit; to invoke a penalty in accordance with Section 8-603.10; or to find in favor of the permit holder within five (5) working days of the conclusion of the hearing.
- In Chapter 8 of the Food Code, the decision of the Director is final and appealable per § 8-602.10.

Article 2: Mobile Food Establishments

- In Article 2 of the Food Code, mobile food establishments are provided with requirements for identifying trade name and contact information and hand sink and three-compartment sink placement. The Director may waive the requirement for a hand sink only if prepackaged foods are to be dispensed or if an alternate method to hand washing, approved by the director, is used.
- In Article 2 of the Food Code, mobile food establishments shall operate from a commissary that possesses a food establishment permit issued in accordance with this Chapter. However, the Director may waive this requirement if the mobile food establishment meets all construction standards applicable to food items served by the unit.

Article 3: Mobile Food Vending from Virginia Department of Transportation (VDOT) Rights-of-Way

- In 2016, Fairfax County made application to the Virginia Department of Transportation (VDOT) for a Land Use Permit to allow Mobile Food Vending in VDOT rights-of-way locations identified by the Fairfax County Department of Transportation. The most current Land Use Permit – Mobile Food Vending (LUP-MFV) issued by VDOT allows mobile food vending in specific rights-of-way locations in Tysons, Herndon, and Springfield. The Health Department administers the process for issuing the LUP-MFV in accordance with requirements prescribed by VDOT and in § 82-1-30 of the Fairfax County Code. The proposed Article 3 adds these requirements to the Food Code.
- Article 3 of the Food Code defines mobile food vending parking requirements be in accordance with standards set forth by VDOT.
- Article 3 of the Food Code requires permits for Mobile Food Vending to operate for a period of one year.
- Article 3 of the Food Code holds the permittee of a Mobile Food Vending establishment civilly liable to the County for any and all expenses or damages incurred by VDOT or the County as a result of any violation of the Commonwealth Transportation Board's regulations.
- Article 3 of the Food Code assigns Mobile Food Vending Operations be conducted for a maximum of four (4) hours on any one (1) day at any one (1) location, including set-up and break-down and be prohibited between the hours of 10 p.m. and 7 a.m. For purposes of this limitation, a Food Truck Vending Zone, once established, shall be considered one location, such that vending twice in one day within the same zone shall not be permitted.
- Article 3 of the Food Code designates VDOT, in the VDOT LUP-MFV, with the reserved right to suspend any or all mobile food vending operations on state

maintained highway rights-of-way in response to public safety or operational concerns.

Article 4: Penalties

- In Article 4 of the Food Code, it is unlawful for a person or food establishment to fail to comply to the applicable provision(s) of the Food Code. Additionally, it is unlawful for any food establishment to fail to comply to a provision of this Chapter that applies to it. Except as otherwise noted each violation of this Chapter is punishable as a Class 3 misdemeanor in accordance with Virginia Law.

Article 5: Cottage Food Products

- Article 5 of the Food Code requires that Cottage Food Operations meet the requirements of Section 43.2-5-1 as set by the Department in order to operate.
- In Article 5 of the Food Code, cottage food products must be registered with the Health Department before being offered for sale.
- In Article 5 of the Food Code, the Department shall provide training designed specifically for the owners and operators of Cottage Food Operations.

Article 6: Fee Schedules

- Article 6 of the Food Code adopts a schedule of fees paid to the department for conformance verification, compliance verification, food safety training school, and plan submission review. There is no increase in annual food establishment permit application and plan review fees.

REGULATORY IMPACT:

The proposed amendments better align the Fairfax County Food Code with the most recent national model food code published by the FDA/USPHS to address the safety and protection of food offered at retail and in food service operations. The addition of tools to sustain both short- and long-term compliance with the Food Code, such as the compliance verification and the conformance verification, will help to reduce the incidence of food-related illnesses, injuries, and deaths associated with Fairfax County food service establishments.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendments to the Fairfax County Code

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STAFF:

Tisha Deeghan, Deputy County Executive
Rachel Flynn, Deputy County Executive
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ASSIGNED COUNSEL:

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**CHAPTER 43.2 OF THE FAIRFAX COUNTY CODE
RELATING TO FOOD**

Draft of November 8, 2019

AN ORDINANCE to amend the Fairfax County Code by adding a new Chapter 43.2, Food Code, and repealing Chapter 43.1, Food and Food Service Establishments, all relating to Food.

Be it ordained by the Board of Supervisors of Fairfax County:

A. That a new Chapter 43.2, Food Code, is adopted, as follows:

CHAPTER 43.2. - Food Code

ARTICLE 1. - General Provisions

Section 43.2-1-1. - Title.

This Chapter may be known and cited as the "Food Code" of Fairfax County, Virginia.

Section 43.2-1-2. - Purpose.

This Chapter shall be liberally construed and applied to promote the purpose of safeguarding public health and ensuring that food is safe, unadulterated and properly presented when offered to the consumer.

Section 43.2-1-3. - Adoption of the United States Food and Drug Administration/Public Health Service 2017 Food Code.

(A) Chapters 1 through 8, inclusive and Annex 1 of the 2017 United States Food Code (FDA Food Code), as adopted and promulgated by the Food and Drug Administration and Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services and the Food Safety and Inspection Service of the U.S. Department of Agriculture, including such chapters, appendices and annexes as may hereafter be added and/or amended from time to time, but excepting those sections of the Food Code identified in 43.2-1-4, are hereby adopted and incorporated in their entirety into this chapter as if fully set forth herein. In the event of conflict or inconsistency between the provisions of this chapter and the FDA Food Code, the provisions of this chapter shall prevail and control.

1 (B) A certified copy of the FDA Food Code shall be maintained by the REGULATORY
2 AUTHORITY at the main administrative office of the DEPARTMENT, and it shall be
3 available for review by members of the public.
4

5 **Section 43.2-1-4. - Modifications to the FDA Food Code.**
6

7 The following sections of the FDA Food Code, as incorporated into the Code of the
8 County of Fairfax, Virginia, are modified or added. Modifications to a single paragraph of a
9 section of the FDA Food Code shall not affect the remaining paragraphs of that section.
10

11 (A) Section 1-201.10 (B) shall be amended so that the following words and phrases,
12 when used in this Chapter, including in the incorporated FDA Food Code, have the
13 meanings given below, unless the context clearly indicates a different meaning:
14

15 Agent means a legally authorized representative of the owner.

16 Approved water supply means a waterworks which has a valid waterworks operation
17 permit from the REGULATORY AUTHORITY and is currently compliant with all required
18 sampling and testing requirements, or a nonpublic water supply which is evaluated, tested
19 and if found in reasonable compliance with the construction standards set forth in Virginia
20 Private Well Regulations (12 VAC 5-630, as amended) and the bacteriological water quality
21 standards set forth in the Virginia Waterworks Regulations (12 VAC 5-590, as amended),
22 accepted and approved by the DIVISION DIRECTOR.

23 Basic Food Safety Handler means a FOOD EMPLOYEE or a member of the general
24 public who has passed a FOOD SAFETY TRAINING SCHOOL.

25 Board of Supervisors means the Board of Supervisors of Fairfax County, Virginia.

26 Catering Food Establishment means an approved FOOD ESTABLISHMENT that is serving
27 or preparing FOOD at a location other than its permitted location for a contracted FOOD
28 service event.

29 Commissary means a permitted FOOD ESTABLISHMENT that contains all of the
30 necessary EQUIPMENT and storage facilities to support the operation of a catering FOOD
31 ESTABLISHMENT or mobile food establishment. The commissary may be the operating base
32 location to which a mobile FOOD ESTABLISHMENT returns regularly for services including, but
33 not limited to, vehicle and EQUIPMENT cleaning, discharging liquid and solid wastes, refilling
34 water tanks, and vehicle storage.

35 Compliance Verification.

36 (1) "Compliance Verification" means an activity conducted by the DEPARTMENT to
37 establish that a PERMIT HOLDER is in compliance with a voluntary agreement initiated
38 by the PERMIT HOLDER for correction of a PRIORITY ITEM, PRIORITY FOUNDATION ITEM
39 and/or CORE ITEM.

40 (2) "Compliance Verification" includes an activity conducted by the DEPARTMENT
41 following an appeal hearing requested by the PERMIT HOLDER to establish that the
42 PERMIT HOLDER is complying with the voluntary agreed-upon directives made to the
43 PERMIT HOLDER by the DIVISION DIRECTOR in an effort to avoid PERMIT revocation.

1 Conditional Food Permit means a document issued by the DEPARTMENT that
2 authorizes a PERSON to operate a FOOD ESTABLISHMENT while completing the requirement of
3 sections 8-302.12, 8-302.13, and 8-302.14 and shall not be issued for greater than a three
4 (3) month period.

5 Conference for Food Protection means the national conference held biennially to
6 promote food safety and consumer protection by identifying and addressing problems in the
7 production, processing, packaging, distribution, sale and service of foods and adopting
8 sound, uniform procedures which will be accepted by food regulatory agencies and the
9 food industry.

10 Conformance Verification means an activity conducted by the DEPARTMENT as part of
11 a voluntary process initiated by the PERMIT HOLDER to verify that a PERMIT HOLDER is
12 maintaining the conditions of an APPROVED VARIANCE or anytime a HACCP plan is required.
13 This includes the review of a HACCP PLAN and other records that must be maintained by the
14 PERMIT HOLDER and made available to the DEPARTMENT upon request.

15 Cottage food operation.

16 (1) Cottage food operation means an enterprise that is operated by a COTTAGE FOOD
17 OPERATOR within the registered area of a PRIVATE HOME where the COTTAGE FOOD
18 OPERATOR resides and where COTTAGE FOOD PRODUCTS are prepared or packaged for
19 DIRECT, INDIRECT OR DIRECT AND INDIRECT sale to consumers.

20 (2) Cottage food operation includes both of the following:

21 (a) A "Class A" COTTAGE FOOD OPERATION, which is a COTTAGE FOOD OPERATION that
22 may engage only in DIRECT SALES of COTTAGE PRODUCTS, as may be allowed by
23 the Fairfax County Zoning Ordinance or other DIRECT SALES venues.

24 (b) A "Class B" COTTAGE FOOD OPERATION, which is a COTTAGE FOOD OPERATION that
25 may engage in both DIRECT SALES, as may be allowed by the Fairfax County
26 Zoning Ordinance and INDIRECT SALES of COTTAGE FOOD PRODUCTS from the
27 COTTAGE FOOD OPERATION, from DIRECT SALES venues or from a third-party retail
28 FOOD ESTABLISHMENT.

29 Cottage food operator means an individual who operates a COTTAGE FOOD OPERATION
30 in his or her PRIVATE HOME and is the owner of the COTTAGE FOOD OPERATION.

31 Cottage food products means foods that are described in Section 43.2-5-1 and that
32 are prepared for sale in the kitchen of a COTTAGE FOOD OPERATION.

33 Department means Fairfax County Department of Health

34 Director means the Director of the Fairfax County Department of Health or the
35 designee of the Director.

36 Division Director means the Director of Environmental Health Services for the Fairfax
37 County Department of Health or the designee of the Division Director.

38 Direct sale means a transaction between a COTTAGE FOOD OPERATOR and a consumer,
39 where the consumer purchases COTTAGE FOOD PRODUCTS directly from the COTTAGE FOOD
40 OPERATION. Direct sales include, but are not limited to, transactions occurring at temporary
41 food establishments, farmers market stands, and bake sales.

1 FDA Food Code means the 2017 Food Code, as adopted and promulgated by the
2 United States Food and Drug Administration, Public Health Service, as that Code may be
3 amended from time to time.

4 Foodborne disease outbreak means the occurrence of two or more cases of a similar
5 illness resulting from the ingestion of a common food or a single case of illness such as one
6 person ill from botulism or chemical poisoning.

7 Food Safety Training School means a minimum 90 minute program operated or
8 approved by the DIVISION DIRECTOR that offers basic food safety instruction to FOOD
9 EMPLOYEES and members of the general public. The FOOD SAFETY TRAINING SCHOOL may be
10 required as part of an enforcement provision as determined by the DIVISION DIRECTOR. The
11 FOOD SAFETY TRAINING SCHOOL does not fulfill any part of the ACCREDITED PROGRAM outlined
12 in the Code.

13 Indirect sale means an interaction between a COTTAGE FOOD OPERATION, a third-party
14 retailer, and a consumer, where the consumer purchases COTTAGE FOOD PRODUCTS made
15 by the COTTAGE FOOD OPERATION from a third-party retailer that holds a valid PERMIT issued
16 pursuant to this Chapter. Indirect sales include, but are not limited to, sales made to retail
17 shops or to retail food facilities where food may be immediately consumed on the PREMISES.

18 Mobile Food Establishment means a FOOD ESTABLISHMENT that is designed to be
19 readily moveable from place to place and shall include pushcarts, trucks, trailers, or vans.

20 Open-Air Barbecue means a piece of EQUIPMENT designed for barbecuing FOOD,
21 where the FOOD is prepared out of doors by cooking directly over hot coals, heated lava, hot
22 stones, gas flame, or other method approved by the DEPARTMENT, on EQUIPMENT suitably
23 designed and maintained for use out of doors, that is operated by a TEMPORARY FOOD
24 ESTABLISHMENT, or a MOBILE FOOD ESTABLISHMENT that remains fixed during the hours of
25 operations at a community event or a FOOD ESTABLISHMENT.

26 Outdoor Wood-Burning Oven means an oven located out of doors, that utilizes wood
27 as the primary fuel for cooking and is operated on the same PREMISES as, and in
28 conjunction with, a FOOD ESTABLISHMENT.

29 Permit means the license issued by the DIVISION DIRECTOR that authorizes a PERSON
30 to operate a FOOD ESTABLISHMENT.

31 Person in Charge means the individual present in a FOOD ESTABLISHMENT who is
32 responsible for the food service operation at the time of inspection authorized by this
33 Chapter. If no single individual is responsible for the food service operation, then any
34 employee present shall be deemed the "person in charge".

35 Pop-up restaurant means a TEMPORARY FOOD ESTABLISHMENT operating in a space
36 that is or was used as a FOOD ESTABLISHMENT to include underused kitchen facilities or a
37 FOOD ESTABLISHMENT that has ceased operation in the last twelve (12) months.

38 Private home means a dwelling, including an apartment or other leased space, where
39 individuals reside.

40 Registered area means the portion of a PRIVATE HOME that contains the PRIVATE
41 HOME'S kitchen used for the preparation, packaging, storage, or handling of COTTAGE FOOD
42 PRODUCTS and related ingredients or equipment, or both, and attached rooms within the
43 home that are used exclusively for storage.

1 Regulatory Authority means the DEPARTMENT or another local, state, or federal
2 enforcement agency having jurisdiction over the FOOD ESTABLISHMENT OR COTTAGE FOOD
3 OPERATION.

4 Shared-use Kitchen means a FOOD ESTABLISHMENT used by more than one PERMIT
5 HOLDER where the secondary PERMIT HOLDER rents space and/or uses the kitchen by the
6 hour or day to produce FOOD for their FOOD ESTABLISHMENT while fulfilling regulatory
7 compliance.

8 ShareWare means reusable takeout FOOD containers returned by the CONSUMER, to
9 be cleaned, SANITIZED, after use and before the next use.

10 ShareWare Establishment means a FOOD ESTABLISHMENT operation that collects,
11 processes, stores, and distributes SHAREWARE to FOOD ESTABLISHMENTS.

12 Temporary Foodservice Operation means a food establishment which is permitted to
13 operate within a permitted food facility for a temporary period to give an opportunity for
14 those without their own retail food facility to gain culinary experience, to test production of
15 menu items after approval of the hosting permitted food facility.

16 Utensil means a FOOD-CONTACT implement or container used in the storage,
17 preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE,
18 SHAREWARE, or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in
19 contact with FOOD; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES;
20 and probe-type price or identification tags used in contact with FOOD.

21
22 (B) Paragraph 2-102.12(A) shall be amended to read:

23
24 2-102.12 Food Protection Manager.

25
26 (A) It shall be unlawful to operate a FOOD ESTABLISHMENT unless it is under the
27 immediate control of a FOOD protection manager who has shown proficiency
28 through:

29
30 (1) Passing a test that is part of an ACCREDITED PROGRAM; or

31
32 (2) Passing a test that is administered by the REGULATORY AUTHORITY with
33 issuance of a certificate as a limited food manager.

34
35 (C) Paragraph 2-102.20(B) shall be amended to read:

36
37 2.102.20 Food Protection Manager Certification.

38
39 (B) A FOOD ESTABLISHMENT that has a PERSON IN CHARGE that is certified by a
40 FOOD protection manager certification program that is evaluated and listed by
41 a Conference for Food Protection recognized accrediting agency as
42 conforming to the Conference for Food Protection Standards for

1 Accreditation of FOOD Protection Manager Certification Programs is deemed
2 to comply with ¶ 2-102.12(A)(1).

3
4 (D) Paragraph 3-201.11(B) shall be amended to read:

5
6 3.201.11 Compliance with Food Law.

7
8 (B) Except for COTTAGE FOOD PRODUCTS that are APPROVED, FOOD prepared in a
9 private home may not be offered for human consumption from a FOOD
10 ESTABLISHMENT.^P

11
12 (E) Paragraph 3-304.17(B) shall be amended to add a new subparagraph (3) and to
13 renumber the remaining subparagraphs as (4) and (5):

14
15 3-304.17(B) Refilling Returnables.

16
17 (1) Designed and constructed for reuse and in accordance with the
18 requirements specified under Part 4-1 and 4-2:^P

19
20 (2) One that was initially provided by the FOOD ESTABLISHMENT to the
21 CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT,
22 for the purpose of being returned for reuse; or

23
24 (3) One that is provided by a SHAREWARE ESTABLISHMENT to a FOOD
25 ESTABLISHMENT;

26
27 (4) Returned to the FOOD ESTABLISHMENT, SHAREWARE ESTABLISHMENT or a
28 SHAREWARE drop/return station by the consumer after use;

29
30 (5) Subject to the following steps before being refilled with FOOD:

31
32 (a) Cleaned as specified under Part 4-6 of this Code;

33
34 (b) Sanitized as specified under Part 4-7 of this Code;^P

35
36 (c) Visually inspected by the FOOD EMPLOYEE to verify that the container,
37 as returned, meets the requirements specified under Part 4-1 and 4-2.^P

38
39 (F) Section 4-204.124 shall be added and reads as follows:

40
41 4-204.124 Open-Air Barbecue/Outdoor Wood-Burning Oven.
42

1 An OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN shall meet all of the
2 following requirements:

3
4 (A) The OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is operated on the
5 same PREMISES as, in reasonable proximity to, and in conjunction with, a
6 FOOD ESTABLISHMENT that is approved for FOOD preparation, or a TEMPORARY
7 FOOD ESTABLISHMENT or a MOBILE FOOD ESTABLISHMENT that is operating at a
8 single event or celebration. The PERMIT HOLDER of the FOOD ESTABLISHMENT,
9 TEMPORARY FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT shall be
10 deemed to be the PERMIT HOLDER of the OPEN-AIR BARBECUE or OUTDOOR
11 WOOD-BURNING OVEN, and shall be responsible for ensuring that it is operated
12 in full compliance with this part.

13
14 (B) The OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is not operated in,
15 or out of, any motor vehicle, or in any area or location that may constitute a
16 fire HAZARD, as determined by the DIVISION DIRECTOR.

17
18 (C) The OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is separated from
19 public access to prevent FOOD contamination or injury to the public by using
20 approved methods.

21
22 (D) If the OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is a permanent
23 structure, it shall be equipped with an impervious and EASILY CLEANABLE floor
24 surface that extends a minimum of five feet from the OPEN-AIR BARBECUE or
25 OUTDOOR WOOD-BURNING OVEN facility on all open sides.

26
27 (E) Sanitary facilities, including, but not limited to, toilet facilities and
28 handwashing facilities shall be available for use within 200 feet in travel
29 distance of the OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN and
30 shall comply with all provisions of this part.

31
32 (G) Section 6-402.11 shall be amended to read:

33
34 6-402.11 Convenience and Accessibility.

35
36 Public toilet rooms shall be provided for CONSUMERS whenever seating for
37 CONSUMERS is provided on the PREMISES. CONSUMERS shall not be permitted to
38 gain access to toilet rooms by passing through a kitchen, food preparation, food
39 storage, or utensil washing area. Toilet rooms shall be conveniently located and
40 accessible to EMPLOYEES during all hours of operation. Toilet rooms must be
41 entirely separate and apart from any rooms or areas used for utensil washing or
42 for the manufacture, storage, and handling of food products. Public and

1 employee toilet facilities shall be installed according to and in the number
2 required by the Virginia Uniform Statewide Building Code (VUSBC).

3
4 (H) Section 6-501.115 shall be amended to add a new subparagraph (6) to paragraph
5 (B) and a new paragraph (D):

6
7 6-501.115 Prohibiting Animals.

8
9 (A) Except as specified in ¶¶ (B) and (C) of this section, live animals shall not be
10 allowed on the PREMISES of a FOOD ESTABLISHMENT. ^{Pf}

11
12 (B) Live animals may be allowed in the following situations if the contamination
13 of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-
14 SERVICE and SINGLE-USE ARTICLES cannot result:

15
16 (1) Edible FISH or decorative fish in aquariums, shellfish or crustacea on
17 ice or under refrigeration, and shellfish and crustacea in display tank
18 systems;

19
20 (2) Patrol dogs accompanying police or security officers in offices and
21 dining, sales, and storage areas, and sentry dogs running loose in outside
22 fenced areas;

23
24 (3) In areas that are not used for FOOD preparation and that are usually
25 open for customers, such as dining and sales areas, SERVICE ANIMALS that
26 are controlled by the disabled EMPLOYEE OR PERSON, if a health or safety
27 HAZARD will not result from the presence or activities of the SERVICE ANIMAL;

28
29 (4) Pets in the common dining areas of institutional care facilities such as
30 nursing homes, assisted living facilities, group homes, residential care
31 facilities, and bed and breakfast facilities that are a FOOD ESTABLISHMENT at
32 times other than during meals if:

33
34 (a) Effective partitioning and self-closing doors separate the common
35 dining areas from FOOD storage or FOOD preparation areas;

36
37 (b) Condiments, EQUIPMENT, AND UTENSILS are stored in enclosed
38 cabinets or removed from the common dining areas when pets are
39 present; and

40
41 (c) Dining areas including tables, countertops, and similar surfaces are
42 effectively cleaned before the next meal service;
43

1 (5) In areas that are not used for FOOD preparation, storage, sales,
2 display, or dining, in which there are caged animals or animals that are
3 similarly confined, such as in a variety store that sells pets or a tourist
4 park that displays animals; and

5
6 (6) Dogs are allowed in outdoor dining areas if:

7
8 (a) The outdoor dining area is not fully enclosed with floor to ceiling walls
9 and is not considered a part of the interior physical facility.

10
11 (b) The outdoor dining area is equipped with an entrance that is separate
12 from the main entrance to the FOOD ESTABLISHMENT and the separate
13 entrance serves as the sole means of entry for patrons accompanied
14 by dogs.

15
16 (c) A sign stating that dogs are allowed in the outdoor dining area is
17 posted at each entrance to the outdoor dining area in such a manner
18 as to be clearly observable by the public.

19
20 (d) A sign within the outdoor dining area stating the requirements as
21 specified in subdivisions (6)(e) – (g) of this subparagraph is provided
22 in such a manner as to be clearly observable by the public.

23
24 (e) FOOD and water provided to dogs is served using EQUIPMENT that is
25 not used for service of FOOD to persons or is served in SINGLE-USE
26 ARTICLES.

27
28 (f) Dogs are not allowed on chairs, seats, benches, or tables.

29
30 (g) Dogs are kept on a leash or within a pet carrier and under the control
31 of an adult at all times.

32
33 (h) The FOOD ESTABLISHMENT provides effective means for cleaning up
34 dog vomitus and fecal matter.

35
36 (C) Live or dead FISH bait may be stored if contamination of FOOD; clean
37 EQUIPMENT, UTENSILS, AND LINENS; and unwrapped SINGLE-SERVICE and
38 SINGLE-USE ARTICLES cannot result.

39
40 (D) In bed and breakfast facilities that are not FOOD ESTABLISHMENT, live animals
41 shall be allowed in the facility but shall not be fed using the same EQUIPMENT
42 or UTENSILS that are used for CONSUMERS.
43

1 (I) Section 8-301.11.2 shall be added and reads as follows:

2
3 8-301.11.2 Conditional Food Permit.

4
5 The DEPARTMENT may issue a CONDITIONAL FOOD PERMIT to a person operating a
6 FOOD ESTABLISHMENT without an annual PERMIT only under the following
7 conditions.

8
9 (A) The FOOD ESTABLISHMENT:

10
11 (1) Has changed ownership within the past 12 months and prior to
12 change of ownership operated under a duly issued annual PERMIT, or

13
14 (2) Has opened within the past 12 months and the DEPARTMENT has
15 determined that its operation under a CONDITIONAL FOOD PERMIT will not
16 compromise public health.

17
18 (B) The person operating the FOOD ESTABLISHMENT has submitted an application
19 for an annual PERMIT, an application fee, as required by this Code

20
21 (C) The CONDITIONAL FOOD PERMIT shall be issued for a nonrenewable term not to
22 exceed 3 months.

23
24 (D) The person operating a FOOD ESTABLISHMENT under a CONDITIONAL FOOD
25 PERMIT shall comply with the requirements of Section 8-304.11 of this Code.

26
27 (J) Section 8-301.12 shall be added and reads as follows:

28
29 8-301.12 Permits for Food Establishments.

30
31 (A) No person shall operate a FOOD ESTABLISHMENT unless that person
32 possesses a valid PERMIT issued by the DIVISION DIRECTOR. Only a person
33 who complies with the requirements of this Chapter shall be entitled to
34 receive or retain such a PERMIT. PERMITS are not transferable. A valid PERMIT
35 shall be posted in every FOOD ESTABLISHMENT in a conspicuous place in the
36 public view. FOOD ESTABLISHMENT PERMITS are issued for a calendar year and
37 expire on December 31 regardless of the month of issue.

38
39 (B) An initial application fee and an annual renewal application fee shall be
40 assessed for each permitted FOOD ESTABLISHMENT, including temporary food
41 events operating less than 14 days, in accordance with Section 43.2-6-1 of
42 this Chapter. A portion of this fee is designated to support a program of FOOD
43 safety education to include, for example, but not be limited to a quarterly

1 newsletter, food advisories, and food safety publications. Such fee shall not
2 be applicable to FOOD ESTABLISHMENTS operated by the Office of Food and
3 Nutrition Services of the Fairfax County School Public Schools; or to any
4 Fairfax County agency; however, such fees shall apply to private vendors
5 subcontracted by Fairfax County to operate FOOD ESTABLISHMENTS. The
6 application fee shall be based on a calendar year and shall be due and
7 payable on or before December 31 or upon initial application. The fee shall
8 not be prorated. A temporary FOOD ESTABLISHMENT PERMIT is valid for the
9 specified PERMIT period (up to 12 months).

10
11 (C) Establishments failing to file the required application for renewal of the
12 PERMIT will be operating without a valid PERMIT and will be subject to
13 immediate closure in accordance as specified in ¶ 8-301.12(D).

14
15 (D) The DEPARTMENT shall have the power to order the immediate closure of any
16 FOOD ESTABLISHMENT operated without a PERMIT as required by this Chapter.
17 Issuance of such a closure order shall not be a prerequisite to any action in
18 law or equity authorized by this provision.

19
20 (K) Section 8-301.13 shall be added and reads as follows:

21
22 8-301.13 Exemptions.

23
24 (A) The DIVISION DIRECTOR may exempt coffee and related beverage service and
25 service areas and such one-time events or affairs from such provisions or
26 requirements of this Chapter as the DIVISION DIRECTOR may deem advisable
27 upon determining that the operation of such service, service areas, events or
28 affairs will not adversely affect the public health.

29
30 (B) The provisions of this chapter shall not apply to youth athletic concession
31 stands at youth athletic activities, if such stands are promoted or sponsored
32 by either a youth athletic association or by any charitable nonprofit
33 organization or group thereof which has been recognized as being part of the
34 recreational program of the county by ordinance or resolution of the BOARD
35 OF SUPERVISORS.

36
37 (L) Paragraph 8-302.14(A) shall be amended to read:

38
39 8-302.14 Contents of the Application.

40
41 (1) The name, mailing address, telephone number, email address and signature
42 of the PERSON applying for the PERMIT and the name, mailing address,
43 location and phone number of the FOOD ESTABLISHMENT.

1
2 (M) Section 8-303.40 shall be added and reads as follows:

3
4 8-303.40 Permit Revocation, Denial of Permit Renewal.

5
6 (A) The DIVISION DIRECTOR may revoke or may deny the renewal of a permit for
7 any one (1) or more of the following reasons:

8
9 (1) Repeated or continuing violations of the provisions of this Code; or

10
11 (2) Failure to pay the permit fees pursuant to Article 4 of this Code; or

12
13 (3) Materially false statements made in the application for permit.

14
15 (B) The DIVISION DIRECTOR shall give ten (10) days' written notice of any
16 revocation or denial of permit renewal and shall state in that notice that the
17 PERMIT HOLDER may schedule an informal meeting with the DIVISION DIRECTOR
18 to be held within that ten (10) day period, and that based on that informal
19 meeting the DIVISION DIRECTOR may stay or rescind the written notice.

20
21 (C) Whenever a revocation or a denial of permit renewal has become effective,
22 the PERMIT HOLDER may:

23
24 (1) Re-apply for a permit under Section 8-302.11 after the expiration of the
25 penalty period imposed by the DEPARTMENT in accordance with Section 8-
26 603.10; and/or

27
28 (2) Make a written request to the DIRECTOR for a hearing within ten (10)
29 days and the DIRECTOR shall provide a hearing within ten (10) days after
30 the request, and if no request for a hearing is filed within ten (10) days,
31 revocation or refusal to renew becomes final.

32
33 (N) Paragraph 8-304.10(A) shall be amended to read:

34
35 8-304.10 Responsibilities of the DEPARTMENT.

36
37 A. At the time a PERMIT is first issued, the REGULATORY AUTHORITY shall make
38 available an electronic version of this Code to the PERMIT HOLDER so that the
39 PERMIT HOLDER is notified of the compliance requirements and the conditions
40 of retention, as specified under Section 8-304.11, that are applicable to the
41 PERMIT. (A bound, printed copy of this Code will be made available for a fee.)
42

1 B. Failure to provide the information specified in Subsection (A) of this
2 section does not prevent the DEPARTMENT from taking authorized action or
3 seeking remedies if the PERMIT holder fails to comply with this Code or any
4 order, warning, or directive of the DEPARTMENT.

5
6 (O) Paragraph 8-304.11(K) shall be amended to read:

7
8 8-304.11 Responsibilities of the PERMIT HOLDER.

9
10 (K) Every FOOD ESTABLISHMENT shall display, without obstruction in a
11 conspicuous place and supplied and designated by the DEPARTMENT, notice
12 stickers that inform the public that the FOOD ESTABLISHMENT is subject to
13 inspection by the DEPARTMENT. Such notice stickers shall be displayed at
14 each public entrance and each drive-up and/or walk-up window of every
15 FOOD ESTABLISHMENT. Such notice to the public shall include, at a minimum, a
16 statement that the FOOD ESTABLISHMENT is inspected by the DEPARTMENT.

17
18 (P) Section 8-402.10 shall be amended to read:

19
20 8-402.10 Competency of Inspectors.

21
22 (A) An authorized representative of the DIRECTOR who inspects a FOOD
23 ESTABLISHMENT or conducts plan review for compliance with this Chapter
24 shall have the knowledge, skills, and ability to adequately perform the
25 required duties. For the purposes of this section, competency shall be
26 demonstrated when an environmental health specialist is deemed by the
27 DIVISION DIRECTOR to meet the training and standardization requirements
28 specified by the FDA Procedures for Standardization of Retail Food Safety
29 Inspection Officers.

30
31 (B) The DEPARTMENT shall ensure that authorized representatives who inspect a
32 FOOD ESTABLISHMENT or conduct plan review for compliance with this Chapter
33 have access to training and continuing education as needed to properly
34 identify violations and apply this Chapter.

35
36 (Q) Section 8-904.60 shall be added and reads as follows:

37
38 8-904.60 Permit Suspension.

39
40 (A) The DIVISION DIRECTOR may suspend a PERMIT for any of the following causes
41 without prior notice or hearing:
42

- 1 (1) The operation of the FOOD ESTABLISHMENT is deemed an imminent
2 health hazard by the DEPARTMENT due to certain conditions, including, but
3 not limited to, those circumstances set forth in Section 8-404.11(A); or
4
5 (2) Interference with the DEPARTMENT in the performance of its duties,
6 including denial of access, in accordance with Section 8-402.20; or
7
8 (3) In accordance with Section 8-501.20(C).
9
10 (B) When a PERMIT is suspended, the FOOD ESTABLISHMENT operation shall cease
11 immediately.
12
13 (C) A suspension shall become effective upon service of written notice to the
14 PERMIT HOLDER or PERSON IN CHARGE of the FOOD ESTABLISHMENT or
15 TEMPORARY FOOD ESTABLISHMENT.
16
17 (D) The PERMIT HOLDER may make a written request for a hearing within ten (10)
18 days after notice of suspension and the DIVISION DIRECTOR shall provide a
19 hearing within ten (10) days after the request. If no request for a hearing is
20 filed within ten (10) days, the suspension becomes final.
21
22 (E) The DIVISION DIRECTOR may end the suspension at any time if it is determined
23 that the reason for suspension no longer exists.
24
25 (R) Section 8-904.70 shall be added and reads as follows:
26
27 8-904.70 Suspension and Revocation Hearing Procedure.
28
29 (A) The DIRECTOR shall hear appeals from the decision to suspend, revoke, or
30 deny the renewal of any PERMIT issued pursuant to this Code in accordance
31 with Section 8-904.60 and Section 8-303.40.
32
33 (B) Written notice of a suspension or revocation hearing shall be presented by
34 the DIRECTOR either personally, or by certified mail, to the PERMIT HOLDER's last
35 known address of record and shall state the date, time, and place of hearing,
36 as well as setting forth the charges against the FOOD ESTABLISHMENT. A copy
37 of the notice shall be filed in the records of the DEPARTMENT.
38
39 (C) The DIRECTOR shall have the power to swear witnesses. The PERMIT HOLDER or
40 his legal counsel shall have the opportunity to present evidence and/or
41 witnesses to the DEPARTMENT. A record of the hearing shall be made.
42

1 (D) The DIRECTOR shall issue a decision, in writing, to uphold either the
2 suspension, revocation or non-renewal of the PERMIT; to invoke a penalty in
3 accordance with this Code; or to find in favor of the PERMIT HOLDER within five
4 (5) working days of the conclusion of the hearing.

5
6 (E) The decision of the DIRECTOR is final and appealable per Section 8-602.10.
7

8 **ARTICLE 2. - Mobile Food Establishments.**

9 10 **Section 43.2-2-1. - General Provisions.**

11
12 MOBILE FOOD ESTABLISHMENT shall comply with the requirements of this Chapter. All
13 establishments are to be clearly identified with the trade name the establishment is
14 operated under and contact phone number conspicuously displayed on both sides of the
15 establishment.

16 17 **Section 43.2-2-2. - Requirements for types of mobile food establishments.**

18
19 (A) A MOBILE FOOD ESTABLISHMENT shall be equipped with a hand sink and a
20 three-compartment sink. However, the DIVISION DIRECTOR may waive the
21 requirement for a three-compartment sink if the menu items dispensed from
22 the establishment do not require extensive preparation and the
23 establishment has access to a three-compartment sink at the COMMISSARY.

24
25 (B) A MOBILE FOOD ESTABLISHMENT shall be equipped with a HAND WASHING SINK
26 and a three-compartment sink. However, the DIVISION DIRECTOR may waive
27 the requirement for a HAND WASHING SINK if only prepackaged FOODS are to
28 be dispensed or if an alternate method to hand washing, approved by the
29 DIVISION DIRECTOR, is used. Such alternate methods may include, but are not
30 limited to, use of disposable hand washing towelettes, disposable gloves,
31 sanitizing solutions that meet the specifications of 21 C.F.R. § 178.1010 or
32 other techniques approved by the DIVISION DIRECTOR. The DIVISION DIRECTOR
33 may waive the requirement for a three-compartment sink if the limited service
34 MOBILE FOOD ESTABLISHMENT has access to a three-compartment sink at the
35 COMMISSARY or only prepackaged FOODS are to be dispensed.

36 37 **Section 43.2-2-3. - Commissary.**

38
39 MOBILE FOOD ESTABLISHMENTS shall operate from a COMMISSARY that possesses a FOOD
40 ESTABLISHMENT PERMIT issued in accordance with this Chapter. However, the DIVISION
41 DIRECTOR may waive this requirement if the MOBILE FOOD ESTABLISHMENT meets all
42 construction standards applicable to the FOOD items served by the unit. The DIVISION
43 DIRECTOR may allow a MOBILE FOOD ESTABLISHMENT to operate from a COMMISSARY outside of

1 Fairfax County, Virginia, if the base of operation meets basic sanitation requirements and is
2 permitted by another jurisdiction.

3
4 **ARTICLE 3 - Mobile Food Vending from Virginia Department of Transportation**
5 **(VDOT) Rights-of-Way.**

6
7 **Section 43.2-3-1. - General Provisions.**

- 8
9 (A) For the purpose of this Article, Mobile Food Vending involves the sale of food
10 from the curb side of a self-contained mobile food vehicle or trailer legally
11 parked in a single parking space on a public street to customers on the
12 curbside of a public street. Vending from a pushable cart shall not be
13 permitted under this Article. Mobile Food Vending will be to pedestrians
14 only.
- 15
16 (B) For the purpose of this Article, a Mobile Food Vending Vehicle is a self-
17 contained mobile food vehicle or trailer from which Mobile Food Vending
18 occurs. A Mobile Food Vending Vehicle includes, without limitation, food
19 trucks that operate from a single lawful parking space on a public street.
20 Under the regulations of this Chapter, a Mobile Food Vending Vehicle is also
21 considered a Mobile Unit.
- 22
23 (C) A Mobile Food Vending Permittee or Mobile Food Vendor is the holder of a
24 FOOD ESTABLISHMENT PERMIT for Mobile Food Vending and/or the person(s)
25 responsible for a Mobile Food Vending Vehicle.
- 26
27 (D) Mobile Food Vending is subject to all of the provisions of this Article and
28 Section 82-1-30 of the Code of Fairfax County, Virginia.

29
30 **Section 43.2-3-2. - Food Establishment Permit for Mobile Food Vending.**

- 31
32 (A) Each application for a FOOD ESTABLISHMENT PERMIT for Mobile Food Vending
33 (PERMIT) shall be completed on forms provided by the DIVISION DIRECTOR and
34 accompanied by the application fee set by Article 6 of this Chapter.
- 35
36 (B) Each PERMIT shall be valid for a period of one year, unless the PERMIT is
37 revoked or suspended in accordance with this Chapter. After the expiration
38 of such PERMIT, any person seeking to continue Mobile Food Vending
39 operations in the County must submit a renewal application and a renewal
40 fee.
- 41
42 (C) The PERMIT requires compliance with all DEPARTMENTS and Department of
43 Cable and Consumer Services PERMITS, licenses, and regulations.

1 (D) A valid PERMIT must be displayed in plain view on the exterior or the interior
2 of the Mobile Food Vending Vehicle. A copy of the Virginia Department of
3 Transportation (VDOT) Land Use PERMIT for Mobile Food Vending issued to
4 Fairfax County, Virginia (LUP-MFV), shall also be maintained in every Mobile
5 Food Vending Vehicle.

6 (E) The PERMIT may only be issued by the DIVISION DIRECTOR upon his
7 determination that the applicant has submitted a completed application, paid
8 the required application fee, obtained all other required PERMITS, and is fully
9 in compliance with all relevant laws, ordinances, and regulations.

10
11 **Section 43.2-3-3. - Civil Liability.**
12

13 A Permittee holding a FOOD ESTABLISHMENT PERMIT for Mobile Food Vending
14 (Permittee) shall be civilly liable to the County for any and all expenses or damages
15 incurred by VDOT or the County as a result of any violation of the Commonwealth
16 Transportation Board's regulations as provided for in Virginia Code Ann. § 33.2-210, which
17 remain unpaid for more than ten (10) days following written notice from the County of such
18 expenses or damages. Further, a Permittee shall be civilly liable to the County for any and
19 all costs incurred by the County or VDOT relating to litter pick-up or disposal or restoration
20 of the right of way, if such costs remain unpaid for more than ten (10) days following written
21 notice from the County of such costs. Failure to pay such costs following written notice
22 may result in legal action.

23
24 **Section 43.2-3-5. - Suspension of Operation within Rights-of-Way.**
25

26 VDOT has reserved the right, in the VDOT LUP-MFV, to suspend any or all mobile
27 food vending operations on state maintained highway rights-of-way in response to public
28 safety or operational concerns. VDOT shall be held harmless from any resulting monetary
29 losses by any and all Mobile Food Vendors resulting from such suspension. The County
30 also reserves the right to suspend any or all mobile food vending operations on state-
31 maintained highway rights-of-way in response to public safety or operational concerns
32 and/or to implement a suspension initiated by VDOT. The County shall be held harmless,
33 in the event of any such suspension of Mobile Food Vending operations on state-
34 maintained highway rights-of-way whether initiated by VDOT or the County, from any
35 resulting monetary losses incurred by any and all Mobile Food Vendors.

36
37 **Section 43.2-3-6. - Suspension of Mobile Food Vending Permit.**
38

39 The operation of any Mobile Food Vehicle in violation of this Article or the terms and
40 conditions of the Mobile Food Vending PERMIT in any manner that constitutes a breach of
41 the peace or creates a danger to the health, safety, and welfare of the public may constitute

1 cause for automatic suspension of a FOOD ESTABLISHMENT PERMIT for Mobile Food Vending
2 in accordance with this Chapter.

3 **ARTICLE 4. - Penalties.**

4 **Section 43.2-4-1. - Penalties.**

5
6
7
8 It shall be unlawful for a person to fail to comply with any provision of this Chapter,
9 including a provision of the Food Code that applies to the person. It also shall be unlawful
10 for any FOOD ESTABLISHMENT to fail to comply with any provision of this Chapter that applies
11 to it. A person who fails to comply with any applicable provision shall be in violation of this
12 Chapter. The owner of any such FOOD ESTABLISHMENT which fails to comply with any
13 applicable provision shall be in violation of this Chapter. Except as otherwise provided,
14 each violation of this Chapter is punishable as a Class 3 misdemeanor in accordance with
15 Virginia law. The criminal penalty provided in this Section shall be in addition to the
16 administrative remedies set forth elsewhere in this Chapter.

17 **ARTICLE 5. - Cottage Food Products.**

18 **Section 43.2-5-1. - General Provisions.**

19
20
21
22 For the purpose of this Article, a COTTAGE FOOD OPERATION involves the use of a private
23 home as an approved food source as specified in Section 43.2-1-4 of this Chapter and as
24 allowed by the Fairfax County Code. COTTAGE FOOD PRODUCTS shall be registered with the
25 REGULATORY AUTHORITY in accordance with Section 43.2-5-2 as approved low risk food
26 products that are not subject to time/temperature control for safety. COTTAGE FOOD
27 PRODUCTS include only the following:

- 28 (1) Baked goods, without cream, custard, or meat fillings, such as breads,
29 biscuits, churros, cookies, pastries, cakes, and tortillas;
30 (2) Candy, such as brittle and toffee;
31 (3) Chocolate-covered nonperishable foods, such as nuts and dried fruits;
32 (4) Dried fruit;
33 (5) Dried pasta;
34 (6) Dry baking mixes;
35 (7) Fruit pies, fruit empanadas, and fruit tamales;
36 (8) Granola, cereals, and trail mixes;
37 (9) Herb blends and dried mole paste;
38 (10) Honey and sweet sorghum syrup;
39 (11) Jams, jellies, preserves, and fruit butter that comply with the standard
40 in Part 150 of Title 21 of the Code of Federal Regulations;
41 (12) Nut mixes and nut butters;
42 (13) Popcorn;

- 1 (14) Vinegar and mustard;
2 (15) Roasted coffee and dried tea;
3 (16) Waffle cones and pizelles;
4 (17) Cotton candy;
5 (18) Candied apples;
6 (19) Confections such as salted caramel, fudge, marshmallow bars, chocolate
7 covered marshmallow, nuts, and hard candy, or any combination thereof;
8 (20) Buttercream frosting, buttercream icing, buttercream fondant, and gum
9 paste that do not contain eggs, cream, or cream cheese;
10 (21) Dried or dehydrated vegetables;
11 (22) Dried vegetarian-based soup mixes;
12 (23) Vegetable and potato chips;
13 (24) Ground chocolate;
14 (25) Seasoning salt;
15 (26) Flat icing;
16 (27) Marshmallows that do not contain eggs;
17 (28) Popcorn balls;
18 (29) Dried grain mixes;
19 (30) Fried or baked donuts and waffles;
20 (31) Dried hot chocolate (dried powdered mixes or molded hardened cocoa
21 pieces);
22 (32) Fruit infused vinegar (containing only high-acid fruits such as apple,
23 crabapple, nectarine, peach, plum, quince, blackberry, blueberry, cherry,
24 cranberry, grape, huckleberry, gooseberry, loganberry, pomegranate,
25 pineapple, raspberry, strawberry, tomatillo, youngberry, grapefruit, kumquat,
26 lemon, lime, orange);
27 (33) Dried fruit powders; and
28 (34) COTTAGE FOOD PRODUCTS not already listed, for which a product assessment
29 is evaluated by the REGULATORY AUTHORITY and verifies that the food product
30 is not a hazard to public health, and approved by the DIVISION DIRECTOR.
31

32 **Section 43.2-5-2. - Registration of Cottage Food Products.**
33

- 34 (A) COTTAGE FOOD PRODUCTS as described in Section 43.2-5-1 must be registered with
35 the DEPARTMENT before being offered for DIRECT or INDIRECT SALE.
36
37 (B) A COTTAGE FOOD OPERATOR, FOOD ESTABLISHMENT or other applicant shall register the
38 COTTAGE FOOD PRODUCTS on an annual basis on forms provided by the DEPARTMENT.
39
40 (C) The applicant shall provide evidence satisfactory to the DIVISION DIRECTOR that the
41 COTTAGE FOOD OPERATION preparing or packaging the COTTAGE FOOD PRODUCTS is
42 in compliance with all applicable local, state and federal laws and regulations.

1 including, without limitation, inspection requirements and Fairfax County zoning
2 approvals.

3
4 (D) COTTAGE FOOD PRODUCTS prepared or packaged for DIRECT SALES shall be identified
5 with:

6
7 (1) A clearly visible placard at the sales or service location that the FOOD is
8 registered and APPROVED by the DEPARTMENT, or

9
10 (2) Product labeling containing the same information in subparagraph (1).

11
12 (E) COTTAGE FOOD PRODUCTS are subject to all provisions of this Article and the Zoning
13 Ordinance of the Code of Fairfax County, Virginia.

14
15 **Section 43.2-5-3. - Food Safety Training for the Preparation of Cottage Food**
16 **Products.**

17
18 (A) The DEPARTMENT may provide technical assistance, and develop, maintain, and
19 deliver commodity-specific training related to the safe processing and packaging of
20 COTTAGE FOOD PRODUCTS.

21
22 (B) A person who prepares or packages COTTAGE FOOD PRODUCTS should complete a
23 BASIC FOOD SAFETY HANDLER course within three months of registration that is:

24
25 (1) Instructed by the DEPARTMENT to protect the public health. The course will not
26 exceed three hours in length. The DEPARTMENT shall ensure that COTTAGE FOOD
27 OPERATORS are properly notified of the location, date, and time of the classes
28 offered; or

29
30 (2) Listed as one of the American National Standards Institute (ANSI) accredited
31 food handler courses that are currently required for retail food facility food
32 handlers.

33
34 (C) The DEPARTMENT may collect a fee not exceeding the reasonable costs that the
35 DEPARTMENT incurs through the administration of the training described in Section
36 43.2-5-3(A) to protect the public health.

37
38 **ARTICLE 6. - Fee Schedules.**

39
40 **Section 43.2-6-1. - Fee Schedule; Annual.**

1 The following fees shall be paid to the DEPARTMENT (i) annually by December 31 for
2 facilities operating 12-months a year, or (ii) prior to the issuance of the operating PERMIT for
3 facilities operating on a seasonal schedule or facilities operating on a temporary basis

<u>Fee Type</u>	<u>Fee</u>
<u>Annual Food Establishment Application</u>	<u>\$40.00</u>
<u>Temporary Event Application (annual fee)</u>	<u>\$40.00</u>
<u>Conditional Permit</u>	<u>\$40.00</u>

10
11 **Section 43.2-6-2. - Fee Schedule; Supplemental.**

<u>Fee Type</u>	<u>Fee</u>
<u>Conformance Verification</u>	<u>\$25.00</u>
<u>Compliance Verification</u>	<u>\$65.00</u>
<u>Food Safety Training School</u>	<u>\$15.00</u>
<u>Plan Submission Review</u>	<u>\$40.00</u>

19
20 **B. That Fairfax County Code Chapter 43.1, Food and Food Service**
21 **Establishments, is repealed.**

22
23 **C. That the repeal of Chapter 43.1 shall not affect the validity of any act or**
24 **violation done or committed before the repeal of that Chapter; or any**
25 **liquidated damage, penalty, sanction, or forfeiture incurred, or any right**
26 **established, accrued, or accruing, under that Chapter before the repeal; or any**
27 **notice of violation or enforcement action initiated pursuant to that Chapter**
28 **before the repeal. Any such acts, violations, liquidated damages, penalties,**
29 **sanctions, forfeitures, rights, enforcement actions shall be governed by**
30 **Chapter 43.1, which is continued in effect for that purpose.**

31
32 **D. That the provisions of this ordinance are severable, and if any provision of**
33 **this ordinance or any application thereof is held invalid, that invalidity shall**
34 **not affect the other provisions or applications of this ordinance that can be**
35 **given effect without the invalid provision or application.**

36
37 **E. That the provisions of this ordinance shall take effect upon adoption.**

38
39 GIVEN under my hand this ____ day of January, 2021.

40
41
42 _____
 Jill G. Cooper

1
2

Clerk for the Board of Supervisors

4:30 p.m.

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. *Farid Saleh and Miraj Bibi v. Officer Imran Farooq and Fairfax County*, Case No. 1:19-cv-01546 (E.D.Va.)
 - 2. *Filsan Duale v. Colonel Edwin C. Roessler Jr., Fairfax County Police Department, Sgt. Joe Shoemaker, Brandon Vinson, John Doe Police Officers 1-5*, Case No. 1:20-cv-1499 (E.D. Va.)
 - 3. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick*, Case No. 1:21-cv-35 (E.D. Va.)
 - 4. *Lolita R. Matammu v. County of Fairfax, Virginia a/k/a/ Fairfax County Health Department*, Case No. 1:20-cv-1468 (E.D. Va.)
 - 5. *Tyson's West Retail, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2020-0017476, CL-2020-0017477, and CL-2020-0017478 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 6. *Tricia Martin and James Finley v. Jey Phillips*, Case No. C 08-CV-18-000217 (Charles County, Maryland, Circuit Court)
 - 7. *Mathieu Ghirardo v. Jarryd Blackford*, Case No. GV20-011457 (Fx. Co. Gen. Dist. Ct.)
 - 8. *Jose Salazar, by GEICO (subrogee) v. Johnny Cleveland*; Case No. GV20-001059 (Fx. Co. Gen. Dist. Ct.)
 - 9. *Mercury County Mutual Insurance Co. a/s/o Glenn Hamby v. Fairfax County, Virginia*; Case No. CL-2020-0016253 (Fx. Co. Cir. Ct.)
 - 10. *Progressive Gulf Insurance Co., as subrogee of Denis Padilla v. Mark Pullman*; Case No. GV20-018480-00 (Fx. Co. Gen. Dist. Ct.)

11. *Randy Pope v. Carl J. Pumphrey and Fairfax County*, Case No. GV20-005877(Fx. Co. Gen. Dist. Ct.)
12. *Amanda Freeman, by GEICO General Insurance Co., subrogee v. Morgan Russell Walker*, Case No. CL-2020 -0011547 (Fx. Co. Cir. Ct.)
13. *Majahid Osman, by GEICO (subrogee) v. Morgan Russell Walker*, Case No. GV20-004237 (Fx. Co. Gen. Dist. Ct.)
14. *Capital Investment Advisors, Inc. v. Fairfax County Human Rights Commission* Case No. CL-2020-0006566 (Fx. Co. Cir. Ct.)
15. *Melinda Norton, Cecilia Gonzalez, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Laura Quirk Niswander, Nagla Abdelhalim, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Melinda Galey and Travis Galey v. Board of Supervisors of Fairfax County, Virginia*, Record No. 201028 (Va. Sup. Ct.)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thien Tho Ngoc Nguyen and Kim-Uyen Mai Pham*, Case No. CL-2020-0014216 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahshid Hassan Pourziai and Mina Dadkhah*, Case No. GV20-015965 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Niema A. Touhidi*, Case No. GV20-14008 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean John Aidonis*, Case No. 1:20-cv-01236 (E.D. Va.) (Hunter Mill District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. David M. Frutchey*, Case No. CL-2019-0016757 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norman J. Fry and Laura A. Fry*, Case No. CL-2020-0011752 (Fx. Co. Cir. Ct.) (Hunter Mill District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fausto Aranzana and Enma Vasquez*, No. CL-2020-0009991 (Fx. Co. Cir. Ct.) (Lee District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jene Ballard, Robert M. Ballard, Donnie C. Ballard, Blanche Perry, Neal Ballard, and Goldie McGuin, heirs to Alice M. Ballard, Trustee of Alice M. Ballard Living Trust*, Case No. CL-2020-0011749 (Fx. Co. Cir. Dist. Ct.) (Lee District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sarra Semere and Helen Semere-Kifle*, Case No. CL-2020-0015796 (Fx. Co. Cir. Ct.) (Lee District)
25. *ZAAKI Restaurant and Café LLC v. State Building Code Technical Review Board, County of Fairfax, Virginia, and Brian F. Foley, Building Official*, CL-2020-0017855 (Fx. Co. Cir. Ct.) (Mason District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Khanh Nguyen*, Case No. CL-2020-0002027 (Fx. Co. Cir. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Lee Sheahan, Margaret Sheahan Eddy, Roger Neal Eddy*, Case No. CL-2020-0018287 (Fx. Co. Cir. Ct.) (Mason District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John A. McEwan and Mary Lou McEwan*, Case No. CL-2019-0008365 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax, Virginia v. Debra E. Alford*; Case Number CL-2020-11326 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Holly P. Fay*; Case No. CL-2020-0011325 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahlon C. Hawker*, Case No. CL-2019-0015198 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul Haleem and Tanveer M. Sayeedi*, Case No. CL-2020-0018488 (Fx. Co. Cir. Ct.) (Providence District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. CL-2020-0008131 (Fx. Co. Cir. Ct.) (Providence District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)

35. *In re: September 23, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia in the matter of Appeal Application A 2019-SU-018; Case No. CL-2020-0016508; and In re: September 23, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia in the matter of Appeal Application A 2019-SU-019; Case No. CL-2020-0016509 (Fx. Co. Cir. Ct.) (Sully District)*