FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 4, 2025

AGENDA

9:30	**Done**	Presentation of the Best Workplaces for Commuters Awards
9:30	**Done**	Presentations
9:30	**Adopted Report #1**	Report on General Assembly Activities
10:00	**Done**	Matters Presented by Board Members
10:00	**Done**	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	**Approved**	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Cinder Bed Road Bikeway (from Newington Road to Barry Road) (Franconia District)
2	**Approved**	Authorization to Schedule and Advertise a Public Hearing on the Proposed One-Year Action Plan for FY 2026
3	**Approved**	Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Adams Chase Circle (Mount Vernon District)
4	**Approved**	Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Wooded Glen Avenue (Springfield District)
5	**Approved**	Authorization for the Fairfax County Department of Transportation to Apply for Grant Funding from the United States Department of Transportation's FY 2025 Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program (Braddock, Dranesville, Franconia, Hunter Mill, and Mount Vernon Districts)

CONSIDERATION ITEMS

1	**Approved**	Amendments to the Fairfax County Criminal Justice Advisory Board (CJAB) Bylaws and Resolution

FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 4, 2025

	CLOSED SESSION	
	Done	Closed Session
	PUBLIC HEARINGS	
3:30	**Approved**	Public Hearing on RZ 2023-PR-00018 (Fairfax County School Board, a Body Corporate) (Providence District)
3:30	**Approved**	Public Hearing on RZ 2024-HM-00009 (Silverstone Reston Owner, LLC) (Hunter Mill District)
4:00	**Approved**	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Special Events and Food Trucks

Board Agenda Item
February 4, 2025

9:30 a.m.

Presentation of the Best Workplaces for Commuter Awards

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
Julie Bond, Program Manager, Best Workplaces for Commuters
Center for Urban Transportation Research

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
February 4, 2025

9:30 a.m.

PRESENTATIONS

RESOLUTION — To honor the Town of Herndon Mayor Sheila Olem. Requested by Chairman McKay and Supervisor Bierman

RESOLUTION — To honor Mark Pembleton for his heroic act of service in saving a fellow citizen from a highway fire. Requested by Chairman McKay.

RESOLUTION — To honor Scott Stroh for his many contributions and positive impact on Gunston Hall, the historical sites community, the Mount Vernon District and the Commonwealth of Virginia. Requested by Chairman McKay and Supervisor Storck.

PROCLAMATION — To designate February 2025 as Black History Month in the County. Requested by Chairman McKay.

STAFF:
Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs
Imtiaz Ali, Office of Public Affairs

Board Agenda Item
February 4, 2025

9:30 a.m.

Report on General Assembly Activities

EQUITY IMPACT:
The County's Legislative Program sets the County's state legislative priorities and positions, which connect to the Strategic Plan and the One Fairfax policy, including education, housing, the environment, health and human services, and transportation. In addition to the Legislative Program, County staff review individual bills during the General Assembly session and bring bills to the Legislative Committee of the Board of Supervisors for consideration. As part of this bill review, staff consider the equity implications, local fiscal impact, and potential impacts on local authority as a result of the proposed legislation. The Committee's positions on specific bills are outlined in the memo and tracking chart included in the Committee's report.

ENCLOSED DOCUMENTS:
Documents available online at https://www.fairfaxcounty.gov/boardofsupervisors/, under "2025 Board Legislative Reports," by February 3, 2025.

PRESENTED BY:
Supervisor James R. Walkinshaw, Chairman, Board of Supervisors' Legislative Committee
Bryan J. Hill, County Executive

Board Agenda Item
February 4, 2025

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
February 4, 2025

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
February 4, 2025

ADMINISTRATIVE – 1

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Cinder Bed Road Bikeway (from Newington Road to Barry Road) (Franconia District)

ISSUE:
Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Cinder Bed Road Bikeway (grant 1400137-2015) in Fund 50000, Federal-State Grant Fund.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (Board) authorize advertisement of a public hearing for March 4, 2025, commencing at 4:00 p.m.

TIMING:
The Board's action is requested on February 4, 2025, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:
This project is to provide a bikeway (shared use path/trail) between Newington Road and the Franconia - Springfield Metro Station. It will install a shared use path on Cinder Bed Road, starting at Newington Road, connecting with the existing trail through the Fairfax County Park Authority property, and ending the existing trail at the Metro station at the end of Berry Road. The project includes two pedestrian bridges along the bikeway path.

Land rights for these improvements are required on 14 properties, as shown on Attachment 1, seven of which have been acquired by the Land Acquisition Division (LAD). Four of the 14 are public-owned properties and being handled separately. The construction of this project requires the acquisition of Grading Agreements and Temporary Construction Easements, as well as Dominion Energy Easements and Cox Communication Easements, on Tax Map Numbers 099-2-01-0010, 099-2-01-0015B & 099-2-01-0016.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, *Va. Code Ann. Sections 15.2-1901 through 15.2-1905* (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:
The project area is located within a Census block with a low Vulnerability level according to the Fairfax County Vulnerability Index. More than 29% of residents in this block are in low-income occupations, and approximately 43% of the residents have low educational attainment.

This action aligns with multiple focus areas of the One Fairfax Policy. Construction of the proposed walkway supports focus area 2, safely connecting more housing units, most notably those in mixed-use areas, to multiple modes of transport. Improved walkability ensures that focus area 8's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained travel route between neighborhoods. The overall goal of the project aligns with focus area 11's guidance to protect existing stable neighborhoods and green spaces, and thereby allows residents to access transportation modes which promote employment opportunities, housing, amenities, and services for all. Finally, the project promotes focus area 14's goal of providing a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

LAD project locations are chosen by other departments, resulting in the division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner. The Division provides transparency of practice and attempts to offer reasonable language and disability accommodation from the start of the acquisition process.

As a result of both the project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

FISCAL IMPACT:
Funding is available in the Cinder Bed Road Bikeway grant (1400137-2015), in Fund 50000, Federal-State Grant Fund. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment 1 - Project Location Map
Attachment 2 - Listing of Affected Properties

STAFF:
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Gregg Steverson, Acting Director, Fairfax County Department of Transportation
Carey Needham, Deputy Director, Capital Facilities, DPWES

ASSIGNED COUNSEL:
Randall Greehan, Assistant County Attorney



CINDER BED ROAD BIKEWAY
NEWINGTON ROAD TO BARRY ROAD
Project AA1400137-15

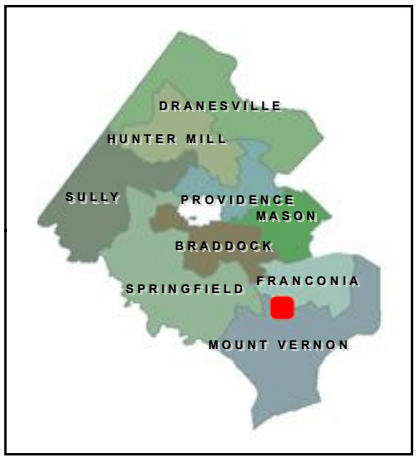
Tax Map:099-2

Franconia/ Mount Vernon Districts

Affected Properties:

Proposed Improvements:

0 5 10 20 Miles



ATTACHMENT 2

LISTING OF AFFECTED PROPERTIES
Project AB1400137-015 - Cinder Bed Road Bikeway

(Franconia District)

PROPERTY OWNER(S)

1. Enterprise RAC Company of Maryland, LLC 099-2-01-0015-B
   a Delaware limited liability company

   Address:
   7800 Cinder Bed Road
   Lorton, Virginia 22079

2. Newington L. C. 099-2-01-0010

   Address:
   8000 Cinder Bed Road
   Lorton, Virginia 22079

3. Jhony Sejas 099-2-01-0016

   Address:
   7716 Cinder Bed Road
   Lorton, Virginia 22079

Board Agenda Item
February 4, 2025

ADMINISTRATIVE – 2

Authorization to Schedule and Advertise a Public Hearing on the Proposed One-Year Action Plan for FY 2026

ISSUE:
Board of Supervisors (Board) authorization is requested to schedule and advertise a public hearing on the proposed One-Year Action Plan for FY 2026 (Action Plan), as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:
The County Executive recommends that at its meeting on February 4, 2025, the Board authorize the advertisement of a public hearing on the proposed FY 2026 Action Plan (Attachment 1) to be held on March 18, 2025, at 4:00 p.m. In accordance with U.S. Department of Housing and Urban Development (HUD) regulations and guidelines, the public will have an opportunity to comment on the Action Plan's proposed use of funds identified, and the housing and community development goals and priorities described. Residents may also comment on housing and community development needs in Fairfax County as well as provide information concerning changes in housing and community development trends since the last public hearing on the FY 2025 Action Plan held by the Board on March 19, 2024.

TIMING:
Board action is requested on February 4, 2025, to schedule and advertise the public hearing for March 18, 2025, at 4:00 p.m., to comply with the HUD-mandated public participation process and to maintain the Action Plan schedule for compliance with the HUD filing deadline.

BACKGROUND:
In 1997, the Board adopted a Fairfax County Citizen Participation Plan to provide a guide for public input and participation in the consolidated plan and one-year action plan processes, as well as to comply with HUD regulations. As part of the Citizen Participation Plan, the CCFAC was charged with advising the Board on the development of the consolidated plans and one-year action plans. The Citizen Participation Plan requires that prior to submission of each consolidated plan and one-year action plan to HUD, each proposed plan be made available for public comment for at least 30 calendar days (Public Comment Period) and two public hearings be held.

The CCFAC held the first public hearing on October 8, 2024, from which all public comments provided have been incorporated into the proposed Action Plan. Upon approval by the Board, the second public hearing will be scheduled for March 18, 2025, at 4:00 p.m. (Board's public hearing).

On January 14, 2025, CCFAC authorized the release of the proposed Action Plan for a Public Comment Period. Upon approval by the Board to schedule and advertise the Board's public hearing, staff will release copies of the proposed Action Plan to the public and begin the Public Comment Period. The Public Comment Period will end at the conclusion of the Board's public hearing. The CCFAC will consider and incorporate, as necessary, all comments received at the Board's public hearing and any revisions suggested by the Board prior to forwarding the final proposed FY 2026 Action Plan for approval by the Board on May 13, 2025.

The proposed Action Plan complies with HUD regulations that require the County to file a one-year action plan for each year covered by the county's adopted five-year consolidated plan to disclose the County's intended use of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program (HOME) funds (collectively, the Federal Funds) expected to be available. The Board adopted the Five-Year Consolidated Plan for FY 2022 – FY 2026 (Consolidated Plan) on May 4, 2021, which has been approved by HUD. The proposed Action Plan identifies the amount of Federal Funds expected to be available in FY 2026, proposed uses of the available Federal Funds, Consolidated Plan goals expected to be achieved in FY 2026, and opportunities provided for citizen input.

The funding estimates used in the proposed Action Plan are based on the levels received from HUD for FY 2025. Estimates are used to allow citizen participation in the preparation of the FY 2026 Action Plan pending receipt of HUD notification of the actual funding awards. The proposed Action Plan also includes a contingency plan for how allocations of the estimated Federal Funds are to be adjusted after HUD notice of the actual awards for FY 2026 has been received.

The funding allocations and contingency plan in the proposed Action Plan were adopted by the CCFAC on January 14, 2025, based on recommendations by the CCFAC - Fairfax County Redevelopment and Housing Authority (FCRHA) Working Advisory Group (WAG). The WAG is a joint committee established to strengthen coordination between the CCFAC and the FCRHA for the development of the proposed uses of Federal Funds.

The proposed Action Plan includes a total $8,340,997 estimated allocation of grant award Federal Funds to the County for FY 2026, as follows:

- $5,804,077 in CDBG
- $2,037,491 in HOME
- $499,429 in ESG.

The FY 2026 Action Plan further includes a total of $2,300,278 in estimated appropriated program income ($1,920,760 in CDBG and $379,518 in HOME).

EQUITY IMPACT:
The planned investment of federal funds across the 12 projects identified in the Draft FY 2026 One-Year Action Plan not only meets the critical housing, human services, and community development needs but also aligns with multiple focus areas of the One Fairfax policy:

- Community and economic development policies and programs that promote wealth creation and ensure fair access for all people.
- Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county.
- A health and human services system where opportunities exist for all individuals and families to be safe, be healthy and realize their potential through the provision of accessible, high quality, affordable and culturally appropriate services.

FISCAL IMPACT:
Funds identified in the proposed FY 2026 Action Plan ~~i~~include CDBG ($5,804,077), HOME ($2,037,491), and ESG ($499,429). Total estimated program income of $2,300,278, including CDBG program income of $1,920,760 and HOME program income of $379,518, will be programmed for use in FY 2026 through this action. In addition, an as-yet-undetermined amount of previously programmed funding is expected to be carried forward as previously allocated in prior year.

STAFF IMPACT:
None. No new positions will be added because of this action.

ENCLOSED DOCUMENTS:
Attachment 1: The proposed One-Year Action Plan for FY 2026 is available online at https://www.fairfaxcounty.gov/housing/data/consolidated-plan

Board Agenda Item
February 4, 2025

STAFF:
Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Housing and Community Development (HCD)
Anna Shapiro, Deputy Director, Real Estate Development and Finance, HCD
Callahan Seltzer, Real Estate & Community Development Finance Manager, HCD
Laura O. Lazo, Associate Director, Grants Management (GM), HCD
Sherryn Craig, Program Manager, GM, HCD

Board Agenda Item
February 4, 2025

ADMINISTRATIVE - 3

Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Adams Chase Circle (Mount Vernon District)

ISSUE:
Board endorsement of "$200 Additional Fine for Speeding" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends approval of the resolution (Attachment 1) for the installation of "$200 Additional Fine for Speeding" signs on the following road:

- Adams Chase Circle from Weatherly Way to Hooes Road (Mount Vernon District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved "$200 Additional Fine for Speeding" signs (Attachment 2) as soon as possible.

TIMING:
Board action is requested on February 4, 2025, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:
Section 46.2-878.2 of the Code of Virginia permits a maximum fine of $200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Adams Chase Circle (Mount Vernon District) meets the RTAP requirements for posting the "$200 Additional Fine for Speeding" signs. On December 16, 2024, FCDOT received verification from the Mount Vernon District Supervisor's office confirming community support.

Board Agenda Item
February 4, 2025

EQUITY IMPACT:
None.

FISCAL IMPACT:
For the “$200 Additional Fine for Speeding” signs, $500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:
Attachment 1: “$200 Additional Fine for Speeding” Signs Resolution – Adams Chase Circle
Attachment 2: Area Map of Proposed “$200 Additional Fine for Speeding” Signs – Adams Chase Circle

STAFF:
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT
Ryan O’Carroll, Transportation Planner, Traffic Engineering Section, FCDOT
Grace Vaughn, Planning Technician, Traffic Engineering Section, FCDOT

Attachment 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
ADAMS CHASE CIRCLE
MOUNT VERNON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, February 4, 2025, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Adams Chase Circle from Weatherly Way to Hooes Road. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "$200 Additional Fine for Speeding" signs on Adams Chase Circle.

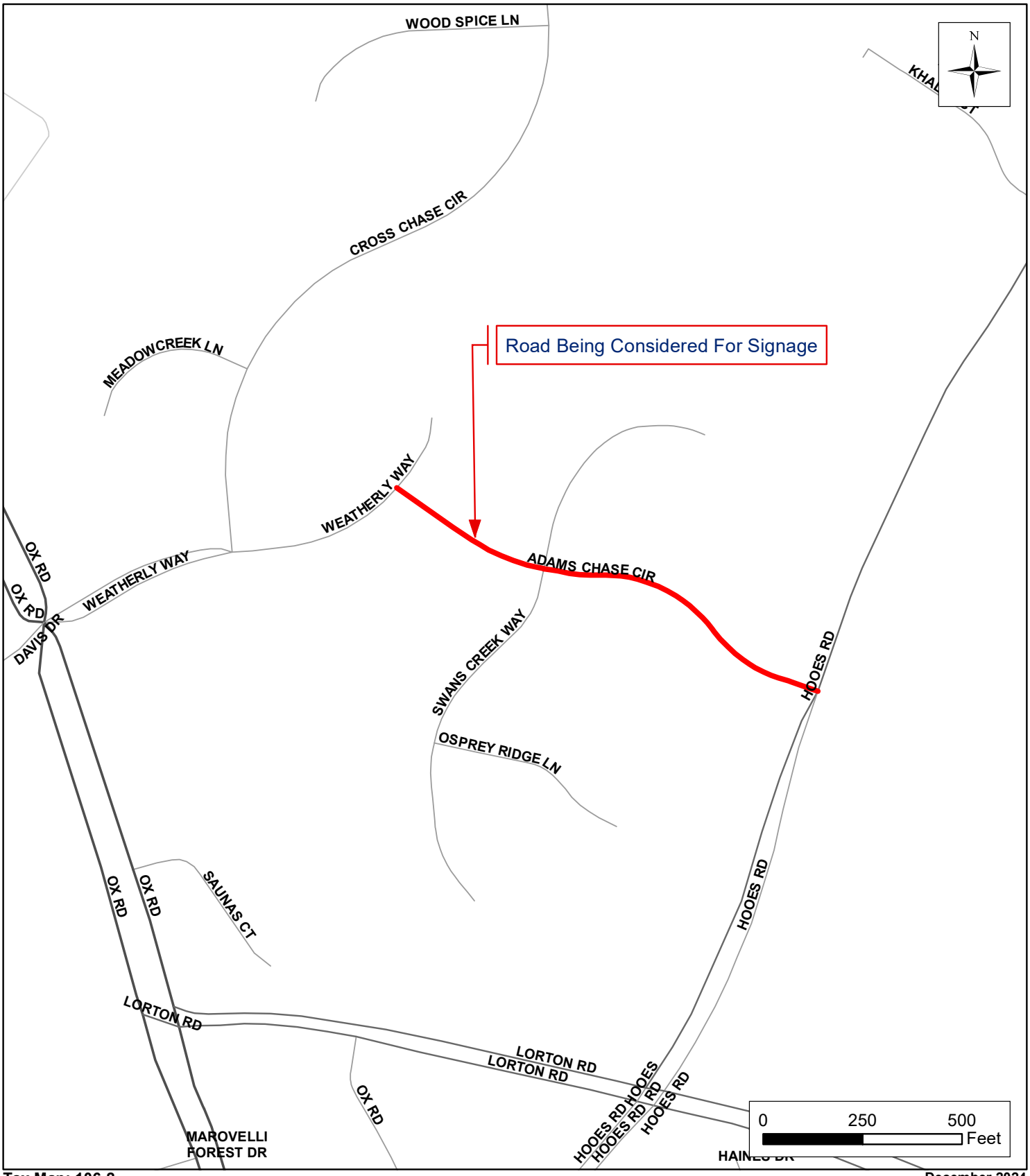
NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Adams Chase Circle from Weatherly Way to Hooes Road.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 4th day of February, 2025.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 106-2

December 2024

Fairfax County Department of Transportation
Residential Traffic Administration Program
Proposed $200 Additional Fine for Speeding
Adams Chase Circle
Mount Vernon District

Board Agenda Item
February 4, 2025

ADMINISTRATIVE - 4

Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Wooded Glen Avenue (Springfield District)

ISSUE:
Board endorsement of "$200 Additional Fine for Speeding" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends approval of the resolution (Attachment 1) for the installation of "$200 Additional Fine for Speeding" signs on the following road:

- Wooded Glen Avenue from Lee Chapel Road to Mainsail Drive (Springfield District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved "$200 Additional Fine for Speeding" signs (Attachment 2) as soon as possible.

TIMING:
Board action is requested on February 4, 2025, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:
Section 46.2-878.2 of the Code of Virginia permits a maximum fine of $200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Wooded Glen Avenue (Springfield District) meets the RTAP requirements for posting the "$200 Additional Fine for Speeding" signs. On December 18, 2024, FCDOT received verification from the Springfield District Supervisor's office confirming community support.

Board Agenda Item
February 4, 2025

EQUITY IMPACT:
None.

FISCAL IMPACT:
For the “$200 Additional Fine for Speeding” signs, $500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:
Attachment 1: “$200 Additional Fine for Speeding” Signs Resolution – Wooded Glen Avenue
Attachment 2: Area Map of Proposed “$200 Additional Fine for Speeding” Signs – Wooded Glen Avenue

STAFF:
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT
Ryan O’Carroll, Transportation Planner, Traffic Engineering Section, FCDOT
Grace Vaughn, Planning Technician, Traffic Engineering Section, FCDOT

Attachment 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
WOODED GLEN AVENUE
SPRINGFIELD DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, February 4, 2025, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Wooded Glen Avenue from Lee Chapel Road to Mainsail Drive. Such road also being identified as a Local Road; and

WHEREAS, community support has been verified for the installation of "$200 Additional Fine for Speeding" signs on Wooded Glen Avenue.

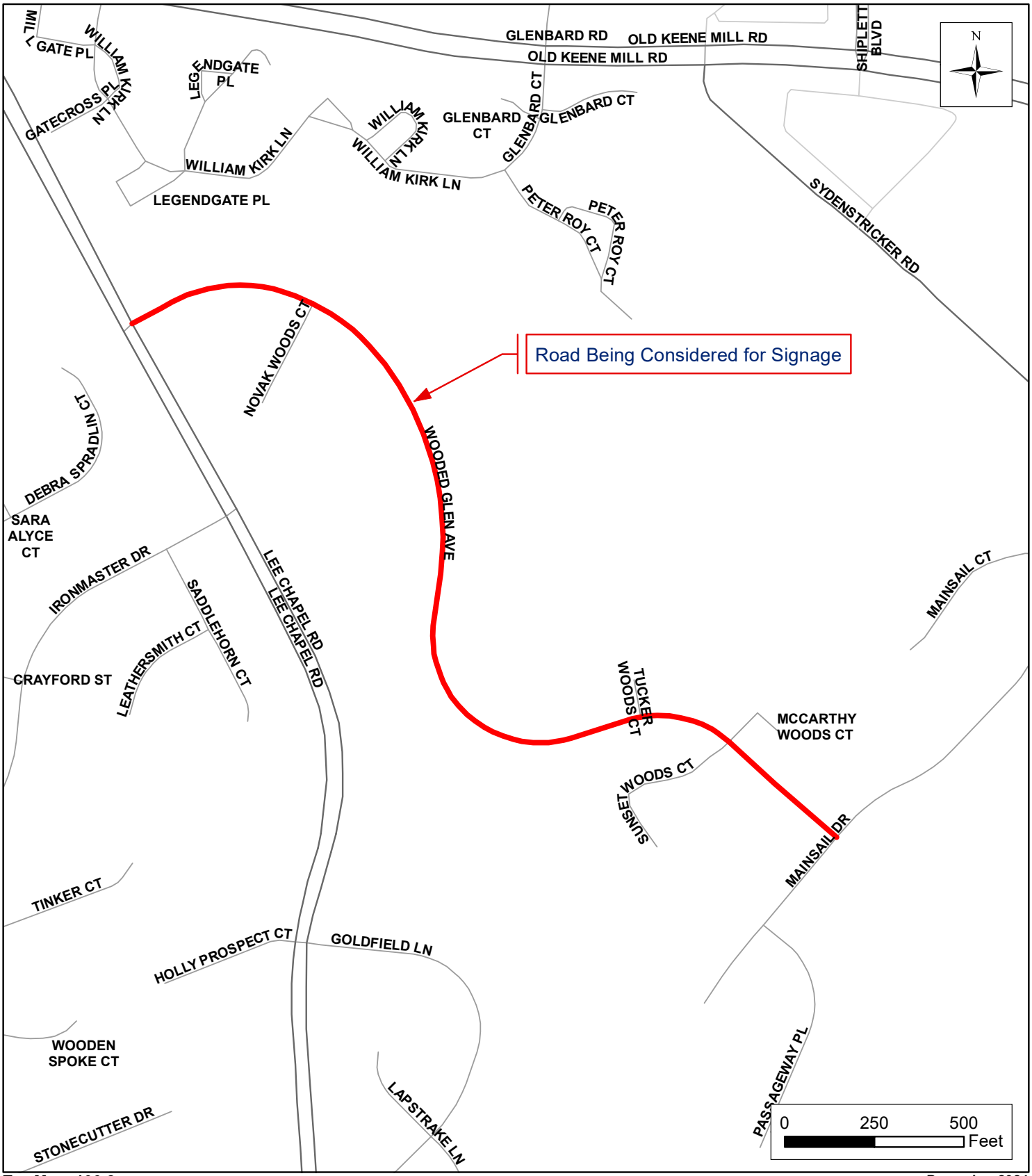
NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Wooded Glen Avenue from Lee Chapel Road to Mainsail Drive.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 4th day of February, 2025.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 106-2

December 2024

Fairfax County Department of Transportation
Residential Traffic Administration Program
Proposed $200 Additional Fine for Speeding
Wooded Glen Avenue
Springfield District

Board Agenda Item
February 4, 2025

ADMINISTRATIVE - 5

Authorization for the Fairfax County Department of Transportation to Apply for Grant Funding from the United States Department of Transportation's FY 2025 Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program (Braddock, Dranesville, Franconia, Hunter Mill, and Mount Vernon Districts)

ISSUE:
Board of Supervisors' (Board) authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for $68.2 million in grant funding from the United States Department of Transportation's (USDOT) FY 2025 Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program for the three projects included in the table below. There is a local match requirement of $17.05 million associated with the BUILD Discretionary Grant applications. It is anticipated that the local match will be met with Northern Virginia Transportation Authority (NVTA) 30 percent funds from Fund 40010, County and Regional Transportation Projects.

FY 2025-BUILD Discretionary Grant Program				
Project Name	**UPC**	**BUILD**	**Local Match**	**Total**
Richmond Highway Bus Rapid Transit (BRT)	115549	$25,000,000	$6,250,000	$31,250,000
Sunrise Valley Drive Cycle Track	125409	$19,200,000	$4,800,000	$24,000,000
Braddock Road Multimodal Improvements	119477	$24,000,000	$6,000,000	$30,000,000
TOTAL		**$68,200,000**	**$17,050,000**	**$85,250,000**

If the County is awarded funding for one or more of the projects, another Board Item(s) will be submitted to formally accept the award(s). Board approval is also requested for a project endorsement resolution, shown in substantial form in Attachment 1, from the local governing body for all three projects.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize FCDOT to apply for $68.2 million in grant funding from the USDOT BUILD Discretionary Grant Program for three FCDOT projects. There is a local match requirement of $17.05 million that will be met with NVTA 30 percent funds from Fund 40010, County and Regional Transportation Projects. The County Executive also recommends that the Board of Supervisors adopt the Project Endorsement Resolution for all three projects, in substantial form, as shown in Attachment 1.

Board Agenda Item
February 4, 2025

TIMING:
Board approval is requested on February 4, 2025. Due to a grant application deadline of January 30, 2025, the application was 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 application will be immediately withdrawn. The Board was also notified via email on January 20, 2025, of the department's intent to apply for this grant prior to the application due date.

BACKGROUND:
The USDOT has published a Notice of Funding Opportunity (NOFO) for $150 million in grant funding for the FY 2025 BUILD Discretionary Grant Program. The program helps communities around the country carry out projects with significant local or regional impact. The BUILD Discretionary Grant Program is a successor to the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) and Transportation Investment Generating Economic Recovery (TIGER) Grant Programs.

The FY 2025 BUILD Discretionary Grant Program is for capital investments in surface transportation that will have a significant local or regional impact. Eligible projects include, but are not limited to:

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

The goal of the BUILD Discretionary Grant Program is to fund eligible surface transportation projects that will have a significant local or regional impact.

The FY 2025 Appropriations Act states that FY 2025 BUILD Discretionary Grant Program funds are only available for obligation (secured funding agreement) through September 30, 2029, and must be expended by September 30, 2034.

FCDOT staff reviewed the program's criteria and recommended applying for funding for the following: the Richmond Highway BRT, Sunrise Valley Drive Cycle Track and Braddock Road Multimodal Improvements projects. These projects, in whole or in part, have been previously approved as priorities of the Board in the Transportation Priorities Plan, the Herndon Metrorail Station Access Management Study (HMSAMS), and/or the EMBARK Richmond Highway Comprehensive Plan Amendment. The following is a brief description of each project:

- The **Richmond Highway BRT** project features a mixed-traffic running BRT system from the Washington Metropolitan Area Transit Authority's (WMATA) Huntington Metrorail Station (Huntington) along North Kings Highway to the Penn Daw Community Business Center (CBC) (centered around the intersection of North Kings Highway/South Kings Highway and Richmond Highway) and then median-running from Penn Daw on Richmond Highway (i.e., U.S. Route 1) to U.S. Army Fort Belvoir (Fort Belvoir). The entire system totals approximately 7.4 miles, and it includes nine new transit stations, facilities for bicycles and pedestrians, and roadway improvements for vehicle travel.

- Phase 1 of the **Sunrise Valley Drive Cycle Track** project will reconstruct 1.1 miles of Sunrise Valley Drive to include a one-way cycle track in each direction from Glade Drive to Monroe Street. The project will also add new and enhanced pedestrian and bicycle crossings, bring existing sidewalks up to current standards, and add pedestrian scale lighting along the corridor. Along that segment of Sunrise Valley Drive, there are no bicycle facilities, infrequent pedestrian crossings, and sections of the pedestrian facilities are substandard. In addition, the wide intersections and high vehicular speeds and volumes along the corridor can be a challenge for active transportation users. The project will significantly improve the safety of all road users along the corridor, improve access to the Herndon Metrorail Station and the regional trail network, and make this rapidly urbanizing area more walkable and bikeable.

- The **Braddock Road Multimodal Improvements** - Braddock Road Phase II (Humphries Drive to Southampton Drive) project will provide access management improvements and bicycle/pedestrian improvements within this segment of the corridor, based on the Multimodal Study developed by FCDOT. These improvements will increase capacity, improve bicycle and pedestrian access/safety, and improve access to transit along this section of Braddock Road (Route 620). Braddock Road supports commercial, retail, institutional, commuter, and residential traffic, provides a connection to the I-495 Capital Beltway, and connects Centreville, George Mason University, and Annandale. Braddock Road also provides access to Fairfax Center, the City of Fairfax, and the Town of Vienna (regional activity centers).

The current project estimate for Richmond Highway BRT is $978.6 million, the Sunrise Valley Drive Cycle Track project estimate is $32.4 million, and the Braddock Road Multimodal Improvements project estimate is $97.8 million. To date, the County has tentatively secured approximately $863.7 million for Richmond Highway BRT, which includes $346.7 million in Federal Transit Administration (FTA) New Starts funds, subject to approval of a Full Funding Grant Agreement. Funding in the amount of $10.1 million and $27.3 million has been secured for Sunrise Valley Drive Cycle Track and

Braddock Road Multimodal Improvements, respectively. The applications in this Board item are for grant funding in the amounts of $25.0 million for Richmond Highway BRT, $19.2 million for Sunrise Valley Drive Cycle Track, and $24 million for Braddock Road Phase II Improvements. BUILD grant awards are expected to be announced by summer 2025.

EQUITY IMPACT:
These three projects are included in the Board's approved Transportation Priorities Plan (TPP), which was approved on January 28, 2014, and updated on December 19, 2019.

The Richmond Highway BRT project is surrounded by very high vulnerability communities, according to the County's Vulnerability Index Dashboard. This project will provide seamless access to the Huntington Metrorail Station and Yellow Line service. It will also enable transit-oriented development on the station site that will bring additional jobs and/or services to these communities. The Sunrise Valley Drive Cycle Track project winds through a community with average vulnerability but is adjacent to one with high vulnerability. This project allows bicyclists to access the Metrorail network, which includes users from adjacent communities and beyond. Enhanced access to the Metrorail network provides a positive equity impact for vulnerable residents in the adjacent communities. The Braddock Road Multimodal Improvements project will connect communities with average to high vulnerability index to commercial and recreational activity centers such as George Mason University. This project includes multimodal improvements that will reduce traffic congestion and add additional active transportation facilities for pedestrians and cyclists.

These projects are in alignment with the One Fairfax policy promoting a multi-modal transportation system that supports economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health. As such, these projects have the potential to advance equity.

FISCAL IMPACT:
Grant funding from the USDOT BUILD Discretionary Grant Program in the amount of $68.2 million is being requested for three FCDOT projects. The local match requirement of $17.05 million will be met with funds from Fund 40010, County and Regional Transportation Projects, in project 2G40-107-000, Construction Reserve NVTA 30 Percent. No new General Fund resources are required. The expected funding for the three projects is as follows: 1) $25.0 million in BUILD grant funding and $6.25 million in local match for the Richmond Highway BRT project, for a total of $31.25 million; 2) $19.2 million in BUILD grant funding and $4.8 million in local match for the Sunrise Valley Drive Cycle Track project, for a total of $24.0 million; and 3) $24.0 million in BUILD grant funding and $6.0 million in local match for the Braddock Road

Multimodal Improvements project, for a total of $30.0 million. The BUILD Discretionary Grant Program does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:
There are no new grant positions associated with the application.

ENCLOSED DOCUMENTS:
Attachment 1 – Project Endorsement Resolution for FY2025 United States Department of Transportation BUILD Discretionary Grant Program Applications

STAFF:
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Chief, Funding Section, FCDOT
Brent Riddle, Chief, Coordination Section, FCDOT
Smitha Chellappa, Transportation Planner IV, Funding Section, FCDOT
Jennifer Rosales, Financial Specialist, Funding Section, FCDOT

Attachment 1

RESOLUTION

PROJECT ENDORSEMENT RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, February 4, 2025, at which meeting a quorum was present and voting, the following resolution was adopted:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves a submission to the United States Department of Transportation FY 2025 Better Utilizing Investments to Leverage Development Discretionary Grant Program for $68,200,000 in funding to support three projects: 1) $25,000,000 in funding for the Richmond Highway Bus Rapid Transit 2) $19,200,000 in funding for the Sunrise Valley Drive Cycle Track, and 3) $24,000,000 in funding for the Braddock Road Multimodal Improvements.

ADOPTED this 4th day of February 2025.

A Copy Teste:

_____

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
February 4, 2025

CONSIDERATION – 1

Amendments to the Fairfax County Criminal Justice Advisory Board (CJAB) Bylaws and Resolution

ISSUE:
Approval of an updated Resolution and Bylaws for the Fairfax County Criminal Justice Advisory Board.

TIMING:
Board consideration is requested on February 4, 2025, so that the Bylaws and Resolution can become effective, as amended.

BACKGROUND:
The Fairfax County Criminal Justice Advisory Board (CJAB) drafted amended bylaws based on the Clerk to the Board's current model bylaws and presented them to their members. The CJAB's current bylaws date from 1995 and do not reflect current law. The amended bylaws were approved at the CJAB's monthly meeting on December 6, 2023.

In addition to model bylaws' compliance, the changes to the bylaws: (1) update the stated purposes of CJAB; (2) create more precise language in the bylaws regarding membership, officers and attendance; (3) ensure compliance with the Virginia Freedom of Information Act (VFOIA) and other state laws, County ordinances and County policies; and (4) require the CJAB to create an annual report.

The CJAB's current charter resolution was approved in 1996 and contains outdated information about membership and the work of CJAB. The proposed resolution reflects the CJAB's proposed membership and purposes going forward.

EQUITY IMPACT:
The CJAB's bylaws reflect the equity policies of One Fairfax. The Fairfax County CJAB is composed of representatives appointed by the Board of Supervisors, as well as those from criminal justice and public safety agencies, and citizens who represent civic and community organizations with an interest in ensuring a safe community.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: CJAB Proposed Bylaws
Attachment 2: CJAB 1996 Resolution
Attachment 3: CJAB Proposed Resolution

STAFF:
Thomas G. Arnold, Deputy County Executive
Matt Thompson, Director, Juvenile and Domestic Relations District Court (JDRDC)
Tina Spurlock, Intake Division Director, (JDRDC)

ASSIGNED COUNSEL:
Martin R. Desjardins, Assistant County Attorney

BYLAWS OF THE FAIRFAX COUNTY CRIMINAL JUSTICE ADVISIORY BOARD

Draft of September 23, 2023

ARTICLE I – NAME

The name of this organization is the Fairfax County Criminal Justice Advisory Board, hereinafter referred to as the "CJAB."

ARTICLE II – PURPOSE

The CJAB has been established by the Board of Supervisors of Fairfax County, Virginia ("Board of Supervisors"), pursuant to Virginia law for the purpose of informing and advising on issues involving criminal justice and public safety in the County of Fairfax. CJAB shall analyze criminal justice and public safety concerns; and may receive and consider information from the law enforcement community, the courts, the social services community, equity groups, members of the public, and other individuals and organizations the CJAB deems appropriate and relevant to the CJAB's work. The CJAB will also provide advice and recommendations on selected projects and issues to the County Executive and/or Board of Supervisors for improving and upgrading the criminal justice system in the County of Fairfax.

These bylaws replace and supersede the CJAB bylaws adopted on March 1, 1995, and are effective as of February 4, 2025.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the CJAB shall be made by the Board of Supervisors, and members shall serve for such term or terms as established by the Board of Supervisors. The current list of appointees can be found on Fairfax County's website at https://fairfaxcounty.civicweb.net/portal/members.aspx?id=71.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the Chairperson or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

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

ARTICLE IV – OFFICERS AND THEIR DUTIES

Elections. The CJAB shall be served by two officers: a Chairperson and a Vice-Chairperson. The Chairperson shall be elected in accordance with the voting provisions of Article V by the CJAB 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 CJAB. 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 and/or any other CJAB member shall nominate a Vice Chairperson.

After nomination, each candidate shall be polled on his or her willingness and ability to serve as an officer of the CJAB. The Vice Chairperson shall then be elected from among the willing nominees in accordance with the voting provisions of Article V. The Chair, Vice-Chair, or other duly appointed agent will be responsible for recording the minutes of the meetings.

Chairperson. The Chairperson presides over meetings of the CJAB and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to CJAB members and to request assistance from the County staff supporting the CJAB.

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 CJAB shall act as Chairperson.

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 one month's 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"). "Meeting" or "meetings" means the meetings, including work sessions, when sitting physically, or through electronic communication means pursuant to the VFOIA or other applicable Virginia law, 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 CJAB may hold public hearings and report its findings to the Board of Supervisors on CJAB 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 CJAB 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 in person and remote participation meetings shall be conducted in public places that are accessible to persons with disabilities. Public access via electronic communications must be provided for all-virtual public meetings.

Frequency. The CJAB shall meet monthly or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the CJAB's members, and at a place arranged by the staff of the supporting County department. CJAB will be in recess in July and August of each year unless the CJAB members determine otherwise.

Voting. A quorum is necessary for a vote. A majority of the appointed and seated membership of the CJAB shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of CJAB 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 CJAB 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 CJAB members shall be made available for public inspection at the same time such documents are furnished to the CJAB. 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 CJAB proceedings.

Records. The Chair, Vice-Chair, 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 CJAB.

Attorney-Client Privilege. Records containing legal advice from counsel to the CJAB and advice provided in closed session by legal counsel to the CJAB, 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 CJAB 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 CJAB's legal counsel.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any CJAB member who misses three consecutive meetings or more than half of the scheduled meetings within a 12-month period may be subject to removal from the CJAB.

ARTICLE VII - REMOVAL

Any CJAB member(s) may be recommended to the Board of Supervisors for removal from the CJAB for cause by a two-thirds majority vote of all of the CJAB members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the CJAB 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 CJAB members present and voting.

Special. The Chairperson may appoint special committees and a chairperson for each with the consent of a majority of the CJAB 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 CJAB shall prepare an annual written report that describes the actions of the CJAB 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 and to the County Executive.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

The CJAB 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.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the CJAB 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 Fairfax County Board of Supervisors during a public meeting held on 4th day of February, 2025.

GIVEN under my hand this _____ day of _____, 2025.

_____

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

SCANNED

RESOLUTION OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS CONCERNING THE FAIRFAX CRIMINAL JUSTICE ADVISORY BOARD

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on Monday, September 30, 1996, at which meeting a quorum was present and voting, the following resolution was adopted.

WHEREAS, the Board of Supervisors of Fairfax County ("Board") established the Fairfax Criminal Justice Advisory Board ("CJAB") in response to Section 402 of the federal Justice System Improvement Act of 1979, Public Law 96-157; and

WHEREAS, such an advisory group is no longer required by federal law, but the Board desires to continue to have an advisory group of local citizens and other representatives who have an interest in improving criminal justice in the County; and

WHEREAS, the Board believes that such a group can serve a valuable function with respect to the operation and improvement of local, regional and state criminal justice activities of interest to the County; now, therefore be it

RESOLVED that CJAB is reestablished with ten citizen representatives who shall be appointed for three-year terms by the Board and single representatives appointed by the following persons or entities for terms established by each appointing authority: the Circuit Court; the General District Court; the Magistrate; the Public Defender; the Juvenile and Domestic Relations Court; the Commonwealth's Attorney; the Sheriff; the Clerk of Circuit Court; the Fairfax County Police Department; the Fairfax Bar Association; the League of Women Voters; the Federation of Citizens Associations; the National Association for the Advancement of Colored People; the Fairfax/Falls Church Community Services Board; the Community Ministry; the Offender Aid and Restoration; the District 29, Adult Probation and Parole Office; the Fairfax County Chamber of Commerce; the Town of Herndon; the Town of Vienna; the Town of Clifton; and such other representatives that reflect the diversity of Fairfax County as the Board may choose to add in the future; and be it

FURTHER RESOLVED that all persons now serving on the CJAB as a citizen representative or as a representative from a person or organizations listed above shall continue in office for the balance of the term for which that person was appointed; and be it

FURTHER RESOLVED that CJAB shall elect a Chairman and Vice-Chairman from among the citizen representatives appointed by the Board; and be it

FINALLY RESOLVED that the Board hereby establishes this mission for CJAB:

(1) CJAB shall report to and advise the Board and respond to Board requests;

(2) CJAB shall meet regularly on a monthly basis and at such other times as are necessary to fulfill its advisory function;

(3) The Chairman and the Vice-Chairman of CJAB shall represent CJAB on the Community Criminal Justice Board;

(4) Administrative staff support (taking minutes, distributing information and scheduling meetings) shall continue to the extent currently provided, and professional staff support shall be provided on an as-needed basis with a specific "point" person, designated by the County Executive to do research and analysis and to draft reports;

(5) CJAB will have an "issue and project focus," and CJAB's primary focus shall be on issues of concern to citizens;

(6) CJAB shall serve as the voice of citizens to the Board and also report back to the citizens;

(7) CJAB may solicit citizen input on criminal justice issues and concerns;

(8) CJAB shall address issues referred to it by the Board and by other organizations which are appropriate to its advisory function, and CJAB shall review Virginia's criminal justice system from the community's perspective;

(9) CJAB shall be prepared to assist the Community Criminal Justice Board on projects by mutual agreement;

(10) On an annual basis, CJAB shall set goals and prepare a work plan that will identify issues and projects for completion during the forthcoming year; and

(11) CJAB shall prepare an annual report or such reports on an ad hoc basis as needed to the Board.

GIVEN under my hand this 30th day of September 1996.

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

RESOLUTION RESTATING THE PURPOSES, MEMBERSHIP, AND PROCEDURES OF THE FAIRFAX COUNTY CRIMINAL JUSTICE ADVISORY BOARD

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia ("BOS" or "Board"), held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on February 4, 2025, the following resolution was adopted:

WHEREAS, the Board initially created the Fairfax County Criminal Justice Advisory Board ("CJAB") on January 14, 1980, pursuant to a requirement of the federal Justice System Improvement Act of 1979, and

WHEREAS, the federal requirement was later repealed, in response to which the Board restructured the CJAB as a local advisory body in a resolution adopted on September 30, 1996, and

WHEREAS, the Board has ongoing authority to establish the CJAB under Virginia Code § 15.2-1411, and

WHEREAS, it is appropriate for the Board to adopt a resolution restating the purposes, membership, and procedures of the CJAB,

NOW THEREFORE BE IT RESOLVED that the CJAB is authorized to function under the following provisions:

1. PURPOSES. The purposes of the CJAB are to inform and advise the Board on issues involving criminal justice and public safety in the County of Fairfax. In fulfilment of those purposes, the CJAB shall analyze criminal justice and public safety concerns; and may receive and consider information from the law enforcement community, the courts, the social services community, equity groups, members of the public, and other individuals and organizations the CJAB deems appropriate and relevant to the CJAB's work. The CJAB will also provide advice and recommendations on selected projects and issues to the County Executive and/or Board of Supervisors for improving and upgrading the criminal justice system in the County of Fairfax. The CJAB may submit an annual report to the Board.

2. MEMBERSHIP. The CJAB shall consist of 26 members as follows. Members shall serve terms of three years, and may be reappointed to multiple terms:

BOS Representative - At-Large
BOS Representative - Braddock
BOS Representative - Dranesville
BOS Representative - Hunter Mill
BOS Representative - Franconia
BOS Representative - Mason
BOS Representative - Mount Vernon
BOS Representative - Providence
BOS Representative - Springfield

BOS Representative - Sully
Chief Magistrate
Circuit Court Representative
Commonwealth Attorney's Office Representative
District 29 Probation/Parole Adult Representative
Fairfax Alcohol Safety Action Program (ASAP) Director
Fairfax-Falls Church Community Services Board (CSB) Representative
General District Court Services Representative
Juvenile/Domestic Relations District Court Representative
League of Women Voters Representative
League of Women Voters Alternate Representative
NAACP Representative
OAR Representative
Office of the Public Defender Representative
Police Department Representative
Sheriff's Office Representative
Sheriff's Office Alternate Representative

3. PROCEDURES. The CJAB shall determine its own rules of procedure subject to the following:

(A) The CJAB shall have bylaws. All bylaws of the CJAB are subject to the approval of the Board.

(B) The CJAB shall comply with all Virginia laws, including, but not limited to, the Virginia Freedom of Information Act, Va. Code § 2.2-3700, *et. seq.*, as amended ("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.

(C) Staff from the Juvenile and Domestic Relations Court shall provide support to the CJAB, including a staff coordinator. The staff coordinator shall ensure compliance with the notice, meetings, and recordkeeping requirements of the VFOIA.

GIVEN under my hand this _____ day of _____, 2025.

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

Board Agenda Item
February 4, 2025

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, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).

1. *Adoption of a Combined, Amended Resolution on Delegation of Settlement Authority and Authority to File Suit; Amendment of the Resolution on Indemnification and Representation of Officers and Employees.*

2. *Melissa Johnson, Personal Representative of the Estate of the late Timothy Johnson v. Wesley Shifflett, Supervising Officer of Wesley Shifflett, Michael Conner, Officer M. Blancke, Officer W. Arnest,* Case No. 1:25-cv-80 (E.D. Va.)

3. *Ali Elsher v. Fairfax County Park Authority and Fairfax County Government,* Case No. CL-2024-0006974 (Fx. Co. Cir. Ct.)

4. *Alonso Alfaro-Lopez v. Mark Robey,* Case No. GV24-019364-00 (Fx. Co. Gen. Dist. Ct.)

5. *In re: November 20, 2024, Decision of the Board of Zoning Appeals of Fairfax County, Virginia in the matter of Application VC 2021-HM-00020*; Case No. CL-2024-17914 (Fx. Co. Cir. Ct.) (Hunter Mill District)

6. *Fairfax County Wetlands Board v. Justin Sand and Liviya Piccione-Sand, and Shoreline Service and Design, LLC,* Case No. CL-2025-0000181 (Fx. Co. Cir. Ct.) (Mount Vernon District)

7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beverly J. Geraghty (deceased) and Erin Vargas, Successor-In-Interest,* Case No. CL-2013-0004121 (Fx. Co. Cir. Ct.) (Braddock District)

8. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Brent Thomas Burford,* Case No. GV24-024784 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

9. *Jay Riat, Building Official for Fairfax County, Virginia v. Bruno Arone Apaza,* Case No. GV24-026208 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

10. *Jay Riat, Building Official for Fairfax County, Virginia v. Ehsan Naranji and Fran Ali,* Case No. GV24-015869 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

11. *Jay Riat, Building Official for Fairfax County, Virginia v. Santos Hernandez Romero,* Case No. GV24-018632 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

12. *Jay Riat, Building Official for Fairfax County, Virginia v. Philip DeCara Revocable Trust,* Case No. GV24-022631 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

13. *Jay Riat, Building Official for Fairfax County, Virginia v. Nyumba, LLC,* Case No. GV24-027556 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

14. *Jay Riat, Building Official for Fairfax County, Virginia v. Dmitriy O. Minin,* Case No. CL-2022-0011671 (Fx. Co. Cir. Ct.) (Franconia District)

15. *Jay Riat, Building Official for Fairfax County, Virginia v. Pedro Tenorio Pinto,* Case No. CL-2025-0000255 (Fx. Co. Cir. Ct.) (Franconia District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Evelyn O. Euceda and Fermin Bonilla Euceda,* Case No. GV24-0006046 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

17. *Jay Riat, Building Official for Fairfax County, Virginia v. Lucio Grijalva Hernandez and Jose Grijalva,* Case No. GV24-014959 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

18. *Jay Riat, Building Official for Fairfax County, Virginia v. Elizabeth Carranza Gochez and Jose Gochez,* Case No. GV24-029648 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

19. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Luis Sanchez Zepeda,* Case No. GV24-029647 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

20. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Gilbert L. Southworth, Jr.,* Case No. GV24-022629 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jouhad Boutros Dagher,* Case No. CL-2025-0000442 (Fx. Co. Cir. Ct.) (Mason District)

22. *Jay Riat, Building Official for Fairfax County, Virginia v. Akram Mohammed Abdulkader and AMBASSADOR GLOBAL, LLC,* Case No. GV24-022632 (Fx. Co. Gen. Dist. Ct.) (Mason District)

23. *Jay Riat, Building Official for Fairfax County, Virginia v. Anthony Miranda and Jasmin Villegas Rogero,* Case No. GV24-026673 (Fx. Co. Gen. Dist. Ct.) (Mason District)

24. *Jay Riat, Building Official for Fairfax County, Virginia v. Josefina Gutierrez Calucho and Talia Gutierrez,* Case No. GV24-026674 (Fx. Co. Gen. Dist. Ct.) (Mason District)

25. *Jay Riat, Building Official for Fairfax County, Virginia v. Amilcar Antonio Coreas and Marlin M. Coreas,* Case No. GV24-027550 (Fx. Co. Gen. Dist. Ct.) (Mason District)

26. *Jay Riat, Building Official for Fairfax County, Virginia v. Nelson Edgardo Tejada, Daniel Enrique Martin Mejia, Benjamin Moran Coto and Lilliana Rosmery Paz Cardona,* Case No. GV24-027558 (Fx. Co. Gen. Dist. Ct.) (Mason District)

27. *Jay Riat, Building Official for Fairfax County, Virginia v. Double Lee Corporation,* Case No. GV24-028980 (Fx. Co. Gen. Dist. Ct.) (Mason District)

28. *Jay Riat, Building Official for Fairfax County, Virginia v. Griselda G. Fernandez,* Case No. GV24-029646 (Fx. Co. Gen. Dist. Ct.) (Mason District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ena Xiomara Martinez, Carlos A. Lopez Martines, and Julio A. Lopez Martinez,* Case No. GV25-001397 (Fx. Co. Gen. Dist. Ct.) (Mason District)

30. *Jay Riat, Building Official for Fairfax County, Virginia v. Strickler Holdings LLC and Virginia Casework Corp.,* Case No. CL-2023-0014780 (Fx. Co. Cir. Ct.) (Mount Vernon District)

31. *Jay Riat, Building Official for Fairfax County, Virginia v.B9 Sequoia NVIP Owner, LLC,* Case No. GV24-001715 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Askari Haima,* Case No. GV24-022630 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

33. *Jay Riat, Building Official for Fairfax County, Virginia v. Rina K. Bodiford and James D. Bodiford,* Case No. GV25-001590 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

34. *Jay Riat, Building Official for Fairfax County, Virginia v. Charbel Charles Makhoul, Trustee, the Charbel Charles Makhoul Revocable Trust and Rita Douaihy, Trustee, the Rita Douaihy Revocable Trust,* Case No. (pending) (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

35. *Jay Riat, Building Official for Fairfax County, Virginia v. Brih Investments LLC,* Case No. GV23-013496 (Fx. Co. Gen. Dist. Ct.) (Providence District)

36. *Jay Riat, Building Official for Fairfax County, Virginia v. Baly Properties LLC and Tobacco King, LLC, Ca*se No. GV24-023201 (Fx. Co. Gen. Dist. Ct.) (Providence District)

37. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Northern Virginia Investment, LLC,* Case No. CL-2024-0013890 (Fx. Co. Cir. Ct.) (Springfield District)

38. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Birgit Refsing Olesen,* Case No. GV24-010350 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

Board Agenda Item
February 4, 2025

3:30 p.m.

Public Hearing on RZ 2023-PR-00018 (Fairfax County School Board, a Body Corporate) to Rezone from R-5 and R-1 to R-5 to Permit New Elementary School with an Overall Floor Area Ratio of 0.30, Located on Approximately 9.98 Acres of Land (Providence District)

This property is located on the W. side of Gallows Rd. and N. side of Idylwood Rd. Tax Map 39-4 ((1)) 24.

PLANNING COMMISSION RECOMMENDATION:
On January 15, 2025, the Planning Commission voted 9-0-1 (Commissioner Wang was absent from the meeting. Commissioner Clarke abstained from the vote.) to recommend to the Board of Supervisors the following actions:

- Approval of RZ-2023-PR-00018, and the associated development plan, subject to the execution of proffers consistent with those dated January 13, 2025; and

- Approval of modification and waiver of the transitional screening and barrier requirements in favor of the landscaping shown on the GDP.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Katie Quinn, Planner, ZED, DPD

Board Agenda Item
February 4, 2025

3:30 p.m.

Public Hearing on RZ 2024-HM-00009 (Silverstone Reston Owner, LLC) to Rezone from R-1 to PCC to Permit a Continuing Care Facility with an Overall Floor Area Ratio of 0.17 and Approval of the Conceptual Development Plan, Located on Approximately 22.49 Acres of Land (Hunter Mill District)

This property is located on the S. side of Leesburg Pike (Route 7) across from Riva Ridge Dr. (Route 6235). Tax Map 12-3 ((1)) 4.

PLANNING COMMISSION RECOMMENDATION:
On December 11, 2024, the Planning Commission voted 9-0 (Commissioners Hancock and Landgraf were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2024-HM-00009, subject to the execution of proffers consistent with those dated November 25, 2024;

- Modification of subsection 5108.5.B (2) of the Zoning Ordinance for the transitional screening plant material requirements in favor of the tree preservation shown on the CDP/FDP;

- Waiver of subsection 5108.5.C of the Zoning Ordinance for a barrier on the west, south, and east boundaries of the subject property; and

- Waiver of subsection 8100.7.E(3) of the Zoning Ordinance for the provision of a service drive or travel lane along Route 7.

In a related action, the Planning Commission voted 9-0 (Commissioners Hancock and Landgraf were absent from the meeting) to approve FDP 2024-HM-00009.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

Board Agenda Item
February 4, 2025

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Katie Quinn, Planner, ZED, DPD

Board Agenda Item
February 4, 2025

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Special Events and Food Trucks

ISSUE:
The proposed Zoning Ordinance amendment includes changes to the regulations for special events, including establishment of a new two-tiered administrative permit (AP) process to help facilitate a streamlined review of certain types of applications. The amendment also includes an increase in the duration of events allowed under an AP, as well as the creation of a process to allow approval of a program of events for sites that have identical reoccurring events each year. In addition, changes to the food truck provisions are proposed, including consideration of an increase in the number of days a food truck may be located with an approved nonresidential use in a residential district, as well as allowing one food truck for lots containing a principal use less than 25,000 square feet in gross floor area.

PLANNING COMMISSION RECOMMENDATION:
On January 15, 2025, the Planning Commission voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment for Special Events and Food Trucks, with the staff-recommended options as set forth in the Staff Report dated December 12, 2024, with a delayed effective date of March 1, 2025. The following amendments were made to the main motion:

1. To modify the definition of special event and recommend that the Board revise the definition of a special event to specify that it must be open to the general public instead of open to the public, and that the special event definition read: "A temporary outdoor activity held on private property and open to the general public, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses." Voted 10-0 (Commissioner Wang was absent from the meeting);
2. To revise the standard in subsection 4102.8.I(11)(a)1 for a one-day special event to recommend to the Board the option that a one-day special event may be held for a maximum of twelve hours. Voted 10-0 (Commissioner Wang was absent from the meeting); and
3. To revise the standard in subsection 4102.8.I(11)(a)4 for the hours of operation for special events to recommend to the Board the option that no event may occur before 6:00 a.m. or after 10:00 PM on Sunday through Thursday, and after 11:00

PM Friday, Saturday, and before a federal holiday. Voted 9-1 (Commissioner Bennett voted in opposition. Commissioner Wang was absent from the meeting).

The Planning Commission also voted 8-2 (Commissioners Bennett and Batchelor-Causey voted in opposition. Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the follow-on motion to direct staff to examine the feasibility of allowing certain small-scale and short-term special events to be permitted either by right or through an administrative permit without a fee.

The Planning Commission also voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the additional follow-on motion to direct staff to examine options and opportunities for allowing food trucks to operate for longer periods.

RECOMMENDATION:
The County Executive recommends the adoption of the proposed Zoning Ordinance amendment regarding special events and food trucks with a delayed effective date of 12:01 a.m. on March 1, 2025, to provide sufficient time to update the Planning and Land Use System (PLUS) record with the options that may be adopted by the Board. This date will still allow the new regulations to be in place for the spring event season.

TIMING:
The Board authorized the public hearings for this amendment on December 3, 2024; the Planning Commission public hearing was held on January 8, 2025, at 7:30 p.m. with a decision deferred to and recommendation made on January 15, 2025, at 7:30 p.m.; and the Board of Supervisors public hearing is scheduled on February 4, 2025, at 4:00 p.m.

BACKGROUND:
The current Zoning Ordinance Work Program (ZOWP), endorsed by the Board of Supervisors (Board) on July 30, 2024, lists Short-Term Pop-Up Events and Longer-Term Interim Uses (now Special Events) as a Priority 1 item. This item was added to the ZOWP in response to a Board Matter dated May 24, 2022, directing staff to evaluate current zoning regulations for 21-day special events and longer-term interim uses and consider ways to increase flexibility and remove unnecessary impediments and time limits.

Special events help activate spaces and add vitality to communities, and there has been an increasing desire to incorporate more temporary uses and activities throughout the County. The proposed Zoning Ordinance amendment updates the existing special event regulations to remove regulatory barriers and streamline the application process.

The special event definition is broad and includes a diverse range of outdoor events, including short-term pop-up events such as store grand openings and seasonal festivals; longer-term interim uses, such as seasonal Christmas tree sales and pumpkin patches, to larger events such as the Cirque du Soleil with thousands of attendees. These events may range in duration from a few hours in a day to multiple consecutive or nonconsecutive days. Although these events are not permanent uses, they have potential to generate issues with noise, traffic, safety, health and sanitation, and other life-safety and quality of life impacts during their temporary operation, which necessitates the review by County agencies, including the Health Department, Office of the Fire Marshal, Land Development Services, and other groups depending on the event specifics. To ensure this review is conducted and properly permitted, staff recommends continuing the AP process rather than a by right approach.

Event Type

Staff proposes a tiered approach to the special event AP to increase flexibility, as all events are not the same in duration, size, and impact.

A **Tier-One AP** would allow for certain short-term events with a shortened review timeline and a lower fee ($120) than the current AP process. Tier-One events would be limited to one day and no more than eight hours in a single day with the total number of attendees not exceeding 150 at any one time. Options for duration, minimum days between events, and maximum number of events per calendar year are included for the Board's consideration. Additional details are provided in the Staff Report (see Attachment 1).

A **Tier-Two AP** would allow for longer-term special events that cannot meet all of the Tier-One criteria. Tier-Two events would be limited to a maximum of 60 days in duration. In addition, this permit type would also include seasonal sales limited to a maximum of 45 days, as well as carnivals and circuses limited to 21 days. Options for duration are included for the Board's consideration. Additional details are provided in the Staff Report (see Attachment 1).

Any event that cannot meet the Tier-Two standards may seek special permit approval to modify applicable standards.

Program of Events

During outreach, staff received feedback from event operators that reapplying for reoccurring events each year was burdensome and overly time-consuming, especially when the event may be identical year after year. Since there would be no change in the staff analysis warranting additional review, staff has included a process to issue an AP for a two-year period to allow for a program of special events when the event does not include significant changes, including to the number of anticipated attendees or duration and extent of the event. The program of events may include multiple events taking

place on consecutive or nonconsecutive days. This AP type may be renewed by the Zoning Administrator for a succeeding period of up to five years based on the applicant's record of compliance. It should be noted that while only one zoning review would be required, additional reviews for each event may be required by other review agencies, such as the Health Department, Office of the Fire Marshal, or Land Development Services, depending on their applicable regulations.

Other Proposed Changes

To further expand the ability for special events throughout the County, staff has proposed additional changes to the current regulations, including:

- Removal of the requirement that open-air markets and seasonal sales in residential districts must be sponsored by a charitable, educational, or nonprofit organization operating within the County. This would open the opportunity for other entities to put on these events, and allow uses approved in residential districts to host an event such as a cultural festival, fall festival, or pumpkin sale without the artificial need for a nonprofit sponsor;
- Removal of the limitation that the sale of used merchandise is only permitted with an open-air market. Similar to removal of the previous standard, this would allow other uses, such as a commercial thrift store, to sell used merchandise as part of a grand opening or other outdoor event; and
- Clarification in the definition that special events only include events that are open to the public; private events, such as a birthday party or wedding, are not considered a special event.

Food Trucks

While food trucks are a separate temporary use, during the research and outreach on this amendment, staff identified potential changes to the food truck regulations. Food trucks are another outdoor use that help activate areas and further placemaking efforts. Currently, food trucks in conjunction with an approved nonresidential use in a residential district are allowed up to 12 times per year; however, feedback was received that this number is overly restrictive, as these uses often include community pools or HOAs which typically have food trucks during the weekends of the summer and fall months. Staff has proposed to increase the duration to up to 32 days per year, which aligns with the number of Friday and Saturdays between Memorial Day and Labor Day, plus the two Monday holidays. An option from 12 to 45 days is included for the Board's consideration.

In addition, for uses other than nonresidential uses in residential districts and certain uses in the Agricultural and Related Uses classification, the regulations currently only allow food trucks on properties with a principal use consisting of 25,000 square feet of gross floor area. Staff has proposed to allow one food truck for properties with a principal use of less than 25,000 square feet to increase flexibility and encourage food

trucks at more locations, while continuing to ensure that parking will not be impacted, and that the food truck is accessory to the principal use of the site.

A more detailed discussion of the proposed changes and the draft text are included in the Staff Report, which is provided as Attachment 1.

EQUITY IMPACT:
This Zoning Ordinance amendment relates to One Fairfax Policy Area of Focus 11, which encourages a quality built and natural environment that supports a high quality of life for all people. The proposed amendment would remove regulatory barriers to special events, which aid in placemaking and add vibrancy to communities. The creation of a Tier-One AP with a lower fee and expedited review may also expand the ability for entities, especially nonprofit organizations, to host these types of events. In addition, the changes to the food truck regulations will allow additional food truck opportunities for nonresidential uses in residential districts, as well as smaller businesses that cannot meet the current size threshold, to offer this experience and further attract foot traffic to the principal use.

REGULATORY IMPACT:
The proposed amendment would streamline the review of special event permits, allow for an increased duration of these events, and reduce the regulatory burden on special event operators. It would also allow additional flexibility for food trucks at nonresidential uses in residential districts and for uses with less than 25,000 gross square feet.

FISCAL IMPACT:
From FY 2021 to FY 2024, staff has issued 329 special event APs (approximately 86 permits per year), which equates to a total of $68,950 in application fees (approximately $17,630 per year). The FY 2025 budget revenue estimate was $33,600 and FY 2026 projection was $38,500 because of the fee increase previously approved by the Board based on an assumed 140 permits per year. The proposed amendment would reduce the current $240 AP fee for a portion of events (the new Tier-One special events) to $120. Further, the proposal may reduce the number of overall special event applications since a recurring event could be allowed under a single permit rather than needing an individual permit for each instance. Staff will monitor the permit applications following the new streamlined process. Allowing most Tier-Two special events to last for 60 days via AP (currently any event over 21 days requires special permit approval) may also decrease the number of special event special permits received per year; however, staff expects this impact to be limited. Since 2021, only three special permit applications have been received for this type of use with one of these applications being a circus, which would still require special permit approval to exceed 21 days. Staff also

anticipates an increase in the number of food truck applications, as the ability for additional properties to apply for this use would be expanded. Each food truck location permit has a current fee of $120, so an increase in revenue may occur from these application types. In FY 2024, staff received 11 food truck applications.

While it is difficult to accurately anticipate the potential revenue impacts, due to the low fee of each AP application type, limited number of overall applications received, and one type of application expected to decrease while the other expected to increase, staff anticipates the fiscal impacts to be negligible. Staff will monitor revenues and determine if a revenue adjustment is necessary as part of a future budget process.

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Action (January 8, 2025)
Attachment 2 – Planning Commission Action (January 15, 2025)
Attachment 3 – Staff Report

STAFF:
Tracy Strunk, Director, Department of Planning and Development (DPD)
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator, DPD
Casey Judge, Deputy Zoning Administrator, DPD
Lily Yegazu, Principal Planner, DPD

ASSIGNED COUNSEL:
Laura Gori, Senior Assistant County Attorney
Kristen Kanaskie, Assistant County Attorney

County of Fairfax, Virginia

MEMORANDUM

January 13, 2025

TO: Lily Yegazu, Zoning Administration Division (ZAD)
Department of Planning and Development (DPD)

FROM: Nicole Blackwell, Clerk
Planning Commission Office

SUBJECT: **PROPOSED ZONING ORDINANCE AMENDMENT**
SPECIAL EVENTS AND FOOD TRUCKS
Countywide

At a regular meeting held on January 8, 2025, the Planning Commission voted 10-0-1 (Commissioner Batchelor-Causey abstained from the vote) to **DEFER DECISION ONLY** for the proposed Zoning Ordinance Amendment for Special Events and Food Trucks to a date certain of January 15, 2025, with the record remaining open for written testimony.

A copy of the Planning Commission's action is attached.

cc: Phillip A. Niedzielski-Eichner, Planning Commissioner, At-Large
Casey Judge, ZAD, DPD
Case Date File January 8, 2025

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Department of Clerk Services
Planning Commission
12000 Government Center Parkway, Suite 552, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planningcommission

County of Fairfax, Virginia
Planning Commission Meeting
January 8, 2025
Planning Commission Action

ZONING ORDINANCE AMENDMENT – SPECIAL EVENTS AND FOOD TRUCKS
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On January 8, 2025, the Planning Commission voted 10-0-1 (Commissioner Batchelor-Causey abstained from the vote) to defer the decision only for the proposed Zoning Ordinance Amendment for Special Events and Food Trucks to a date certain of January 15, 2025, with the record remaining open for written testimony.

ATTACHED DOCUMENTS:
None

CD

County of Fairfax, Virginia

MEMORANDUM

January 21, 2025

TO: Lily Yegazu, Zoning Administration Division (ZAD)
Department of Planning and Development (DPD)

FROM: Nicole Blackwell, Clerk
Planning Commission Office

SUBJECT: **PROPOSED ZONING ORDINANCE AMENDMENT SPECIAL EVENTS AND FOOD TRUCKS**
Countywide

At a regular meeting held on January 15, 2025, the Planning Commission voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the **ADOPTION** of the proposed Zoning Ordinance Amendment for Special Events and Food Trucks, with the staff-recommended options as set forth in the Staff Report dated December 12, 2024, as attached, with a delayed effective date of March 1, 2025.

The following amendments were made to the main motion:

- To modify the definition of special event and recommend that the Board revise the definition of a special event to specify that it must be open to the general public instead of open to the public, and that the special event definition read:

  "A temporary outdoor activity held on private property and open to the general public, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses."

  Voted 10-0 (Commissioner Wang was absent from the meeting)

- To revise the standard in subsection 4102.8.I(11)(a)1 for a one-day special event to recommend to the Board the option that a one-day special event may be held for a maximum of twelve hours.

  Voted 10-0 (Commissioner Wang was absent from the meeting)

(Continued on the next page)

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Department of Clerk Services
Planning Commission
12000 Government Center Parkway, Suite 552, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planningcommission

PROPOSED ZONING ORDINANCE AMENDMENT **January 21, 2025**
SPECIAL EVENTS AND FOOD TRUCKS
Countywide

- To revise the standard in subsection 4102.8.I(11)(a)4 for the hours of operation for special events to recommend to the Board the option that no event may occur before 6:00 a.m. or after 10:00 PM on Sunday through Thursday, and after 11:00 PM Friday, Saturday, and before a federal holiday.

  Voted 9-1 (Commissioner Bennett voted in opposition. Commissioner Wang was absent from the meeting)

The Planning Commission also voted 8-2 (Commissioners Bennett and Batchelor-Causey voted in opposition. Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the following follow-on motion:

- To direct staff to examine the feasibility of allowing certain small-scale and short-term special events to be permitted either by right or through an administrative permit without a fee.

The Planning Commission also voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the additional following follow-on motion:

- To direct staff to examine options and opportunities for allowing food trucks to operate for longer periods.

A copy of the Planning Commission's action is attached.

cc: Phillip A. Niedzielski-Eichner, Planning Commissioner, At-Large
Casey Judge, ZAD, DPD
Case Date File January 15, 2025

To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Department of Clerk Services
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www.fairfaxcounty.gov/planningcommission

County of Fairfax, Virginia
Planning Commission Meeting
January 15, 2025
Planning Commission Action

ZONING ORDINANCE AMENDMENT – SPECIAL EVENTS AND FOOD TRUCKS
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On January 15, 2025, the Planning Commission voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment for Special Events and Food Trucks, with the staff-recommended options as set forth in the Staff Report dated December 12, 2024, with a delayed effective date of March 1, 2025.

The following amendments were made to the main motion:

- To modify the definition of special event and recommend that the Board revise the definition of a special event to specify that it must be open to the general public instead of open to the public, and that the special event definition read:

  "A temporary outdoor activity held on private property and open to the general public, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses."

  Voted 10-0 (Commissioner Wang was absent from the meeting):

- To revise the standard in subsection 4102.8.I(11)(a)1 for a one-day special event to recommend to the Board the option that a one-day special event may be held for a maximum of twelve hours.

  Voted 10-0 (Commissioner Wang was absent from the meeting)

- To revise the standard in subsection 4102.8.I(11)(a)4 for the hours of operation for special events to recommend to the Board the option that no event may occur before 6:00 a.m. or after 10:00 PM on Sunday through Thursday, and after 11:00 PM Friday, Saturday, and before a federal holiday.

  Voted 9-1 (Commissioner Bennett voted in opposition. Commissioner Wang was absent from the meeting)

The Planning Commission also voted 8-2 (Commissioners Bennett and Batchelor-Causey voted in opposition. Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the following follow-on motion:

- To direct staff to examine the feasibility of allowing certain small-scale and short-term special events to be permitted either by right or through an administrative permit without a fee.

The Planning Commission also voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the additional following follow-on motion:

- To direct staff to examine options and opportunities for allowing food trucks to operate for longer periods.

ATTACHED DOCUMENTS:
Staff Report dated December 12, 2024

MJ

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Special Events and Food Trucks

December 12, 2024

Hearing Dates
Planning Commission: January 8, 2025 @ 7:30 p.m.
Board of Supervisors: February 4, 2025 @ 4:00 p.m.

Staff Contact
Lily Yegazu, Principal Planner

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

PLANNING & DEVELOPMENT

Zoning Administration Division
Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
www.fairfaxcounty.gov/planning-development

Table of Contents

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Background

The current Zoning Ordinance Work Program (ZOWP), endorsed by the Board of Supervisors (Board) on July 30, 2024, lists Short-Term Pop-Up Events and Longer-Term Interim Uses (now Special Events) as a Priority 1 item (Topic #14). This item was added to the ZOWP in response to a Board Matter dated May 24, 2022, directing staff to evaluate the zoning regulations for 21-day administrative temporary permit[1] uses and longer-term interim uses and consider ways to increase flexibility and remove unnecessary impediments and time limits.

Special events and food trucks help activate spaces and add vitality to communities, and there has been an increasing desire to incorporate more temporary uses and activities throughout the County. These uses fall under the temporary use classification within the Zoning Ordinance and are regulated differently than permanent uses, given their limited duration and scope. The focus of this Zoning Ordinance amendment is to update the existing special event and food truck regulations to increase flexibility and streamline the application process. The special event category is broad and includes a diverse range of outdoor events from short-term pop-up events such as store grand openings and seasonal festivals; longer-term interim uses, such as seasonal Christmas tree and fireworks sales; to large circus events such as the Cirque du Soleil with thousands of attendees. These events may range in duration from a few hours on one day to multiple consecutive or nonconsecutive days. Although special events are not permanent uses, depending on the type of the event, they have potential to generate issues with noise, traffic, safety, health and sanitation, and other life-safety and quality of life impacts during their temporary operation. For this reason, there are regulations in place to ensure such impacts are mitigated.

[1] Name changed to “special event” with adoption of zMOD Zoning Ordinance.

Existing Provisions - Special Events

Special events require the submittal, review and approval of an administrative permit (AP). During the evaluation of the permit, staff will identify whether any additional permits may be necessary from other County review agencies, such as the Office of the Fire Marshal, Land Development Services, Health Department, and Animal Services. This ensures a coordinated review of potential impacts by the various County agencies for life-safety issues and for compliance with applicable County, State, and Federal regulations. For example:[2]

- A food establishment permit from the Health Department is required if an event includes the serving of food. In addition, if the number of attendees at a special event exceeds 100, then exterior sanitation facilities (portable toilets) may be required.
- Review and approval by the Office of the Fire Marshal is required if an event involves propane tanks, selling fireworks, or a single tent larger than 900 square feet or multiple tents separated by less than 12 feet and exceeding a combined area larger than 900 square feet. Additionally, if the number of attendees at an event exceeds 500 at any one time, review and approval of an operational permit and public safety plan may also be required.
- Review and approval by Land Development Services is required if an event involves amusement devices, tents, and membrane structures covering greater than 6,000 square feet, or if the tent or membrane structure is located on a building, parking garage, balcony, or other structure.
- Review and approval by the Fairfax County Animal Services is required when there is any display or exhibition of animals.
- Review and approval by the Virginia Department of Transportation (VDOT) is required for any event that takes place within the public right-of-way .
- Review and approval by the Virgina Alcohol and Beverage Control (VABC) is required for any event that involves serving alcohol.

Staff conducted a comprehensive analysis of the current special event standards and the permitting process, including a review of all APs issued since 2022 when the special event AP was launched in the County's Planning and Land Use System (PLUS) portal. A summary of the existing standards is provided below:

- Current "Special Event" Definition: The Zoning Ordinance defines a special event as, "A temporary outdoor activity held on private property, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community, or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses."

[2] This is not an exhaustive list of all the different reviews that may be triggered based on what is involved with a special event but outlines common different County, State, and Federal codes that may need to be complied with depending on the type of event.

- Districts: Special events are currently allowed in all zoning districts except the I-I District. Special events are permitted with either an AP or a special permit (SP).
- Event Duration: Under the current standards, an AP for a special event may be issued for a period not to exceed 21 days. Seasonal sales in commercial districts are also limited to 21 days, with a minimum of 30 days between events. Additionally, an AP may not be issued for a carnival or circus when that occurs within two miles of any other carnival or circus for which an AP has been previously obtained and that commences within a time period of three weeks from the ending date of any other carnival or circus within a two-mile radius for which an AP has been previously obtained. An application for any special event that does not meet the duration standard for an AP may be approved by the Board of Zoning Appeals (BZA) with an SP.
- Application Submittal and Review: The AP application for any temporary use is currently required to be filed at least 30 days before the proposed use is to take effect, unless the Zoning Administrator approves a lesser time period. This timeline is in order to notify review agencies of the application submittal and coordinate as necessary on the required approvals for the event to comply with the Zoning Ordinance and any other applicable regulations.
- Fees: Special events are currently subject to the temporary uses AP fee of $240 except seasonal sales located in commercial districts, which are subject to the Nonresidential Use Permit fee of $80. The fee for an SP for a special event for a period longer than 21 days was reduced on January 25, 2023, from $16,380 to $4,805 in recognition of the temporary nature of special events and as an initial first step in this review of the process for special events.
- Parking: Although there is no specific parking rate for temporary uses, staff currently reviews each application to determine if adequate parking spaces are available for the event without impacting the parking at the event property for existing uses or neighboring properties, particularly if the event is associated with property that is zoned residential.

Proposed Changes – Special Events

Staff's analysis found that the AP process plays a crucial role in facilitating the special event application process and ensures effective coordination between the applicant and review agencies. Staff initially considered allowing certain types of limited special events by right, with no review or AP issuance. However, based on research, as well as feedback received during outreach and from other County review agencies, it was evident that the AP review provides an opportunity to mitigate potential impacts on the surrounding community. It also ensure that applicants are aware of the need to obtain all necessary permits from other review agencies. Specifically, the special event application in the County's PLUS portal currently triggers review by other County agencies depending on what the event involves as outlined above in the existing standards section. As such, staff does not recommend allowing special events by right. However, staff recommends streamlining the review process by updating some of the existing standards to provide more flexibility for special events.

Staff proposes a tiered approach to the special event AP to increase flexibility, as all events are not the same in duration, size, and impact based on a review of submitted special events applications. In addition to the staff recommended standards, options for each standard are provided or Board consideration. Recommended changes are highlighted below:

- **Tier-One AP**: The proposed Tier-One AP would be applicable to certain short-term events that have minimal impact on adjacent properties due to their limited duration and operational extent, such as grand openings for retail stores, or community events held at institutional uses such as private schools, religious assemblies, and club, service organization, or community centers. A Tier-One AP would serve as a type of registry that would allow zoning staff to keep a record of events occurring on a given date and allow the sharing of information with other agencies that may need to issue a separate permit as well as the Board offices in whose district the event is taking place. The proposed standards include the following:

  - Each event is limited to no more than one day, with a maximum duration of eight hours (exclusive of setup and breakdown) and a minimum of five days between each one-day event. An option from six hours to twelve hours in duration and from two to ten days between events are provided for Board consideration.

  - No more than 12 events may be held at the same property each calendar year, allowing an average of one event per month per property to maintain the temporary nature of the use and minimize any associated impacts on adjacent properties or other businesses operating on the property. An option of no limit on the number of events or a range from 12 to up to 48 events for the same property each calendar year are provided for Board consideration.

  - No event may occur before 7:00 AM or after 10:00 PM, which is in general alignment with the Noise Ordinance. An option that would allow events to begin no earlier than 6:00 AM or occur after 10:00 PM on Saturday through Thursday and after 11:00 PM on Friday, Saturday, and before a federal holiday is provided for Board consideration.

  - A maximum 150 attendees at any one time are allowed. This lower number of attendees would typically not trigger a review and approval for crowd control by the Office of the Fire Marshal. An option to consider a range from 100 to up to 250 attendees at any one time is provided for Board consideration.

  - A new lower fee of $120 is proposed, which is half of the current special event fee and matches the current fee for other similar uses with similar application review times, such as food trucks and home-based businesses. Staff recommends $120 as the fee to cover the costs of staff time spent assisting customers with application submission, as well as review of the application to ensure conformance with the Zoning Ordinance standards. This fee is in conformance with §15.2-2286 (6) of the Virginia Code, which allows for the collection of fees to cover the costs of making inspections, issuing permits, advertising notices, and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendments thereto. An option for a fee ranging from $0 to up to $240 is provided for Board consideration.

The annual Fire Prevention Week open houses held every October at the various Volunteer Fire Departments in the County are an example of an event that would fall under the Tier-One AP. This one-day outdoor event is six hours long from 10:00 AM to 4:00 PM and involves no more than 150 attendees at any one time.

Any special event that cannot meet all of the proposed Tier-One AP standards will trigger a review under the Tier-Two AP.

- **Tier-Two AP**: The proposed Tier-Two AP would be applicable to longer-term interim uses which may have additional impact on adjacent properties due to their longer duration and operational extent, such as seasonal Christmas tree and fireworks sales, cultural festivals, or concert series. The Tier-Two AP review process would be similar to the current AP review for special events in that it would require a full review by zoning staff for compliance with applicable standards and typically would require coordination with and/or a separate permit from other review agencies. As proposed, the Tier-Two AP will allow an increased event duration from the current 21-day limit depending on the anticipated impact of the event type as follows:

  - Increase the maximum duration of most special events to 60 days per event. An option for a maximum duration ranging from 45 days to up to 90 days is provided for Board consideration. A special event may be held on consecutive or nonconsecutive days, providing flexibility to allow various types of events to take place. For example, during the summer months, a series of concerts may take place on a specific day of the week for the duration of the summer.
  - Since seasonal sales as well as carnivals and circuses typically are held on consecutive days, they potentially have a greater impact on adjacent properties. As such, seasonal sales are proposed to be limited to 45 days and staff proposes to keep the existing standard that requires 30 days between each seasonal sales to minimize potential impacts to adjacent properties. An option to consider a duration ranging from 21 to up to 45 days is provided for Board consideration.
  - Additionally, staff proposes to keep the existing 21 days and standard that a carnival or circus be located at least two miles from any other carnival or circus.
  - As special events that require a Tier-Two AP are longer in duration and most likely will trigger review and approval by other review agencies, the special event operator is responsible for obtaining all required licenses or permits from applicable agencies.
  - Lastly, staff is proposing to keep the existing special event fee for the Tier-Two AP, however, the fee for seasonal sales located in commercial districts is proposed to be adjusted to match the $240[3] fee for a Tier-Two AP, as the review process is the same.

[3] This and most zoning fees will increase by 17% effective July 1, 2025, bringing the AP fee for special events to $275. With the proposed amendment, seasonal sales located in commercial districts will be a Tier-Two AP special event and will no longer be charged the NonRUP Fee.

Any request that exceeds the standards for a Tier-Two AP may be approved by the BZA with the approval of a special permit.

- **Program of Events:** During outreach, staff received feedback from event operators that reapplying for reoccurring events each year was burdensome and overly time-consuming, especially when the event may be identical year after year. Since there would be no change in the staff analysis warranting additional review, the amendment proposes a process applicable to both Tier-One and Tier-Two AP, where a permit will be issued for a two-year period to allow for a program of special events, other than carnivals and circuses, to take place under one permit when the event does not include significant changes, including but not limited to the number of anticipated attendees or duration and extent of the event. The AP for a program of events may include multiple events taking place on consecutive or nonconsecutive days. The AP may be renewed by the Zoning Administrator for a succeeding period of up to five years based on the applicant's record of compliance. For example, the previously mentioned annual Fire Prevention Week open house, conducted each October at the various Volunteer Fire Departments throughout the County, is an event that would qualify to submit all their Tier-One permits as a single application under the program of events process. It should be noted that while only one zoning review would be required for the program of events, additional reviews for each event may be required by other review agencies, such as the Health Department, Office of the Fire Marshal, or Land Development Services, depending on their applicable regulations.
- **AP Renewal Fee:** The amendment proposes a renewal fee of $60. Staff review of the renewal application will be limited since no significant changes are expected for the special event. This fee is 50 percent lower than the Tier-One AP fee and aligns with the renewal fees for other temporary uses, such as community gardens and farmers' markets.
- **Special Permit:** An application for any special event that does not meet the duration standard for a Tier-Two AP may be approved by the BZA with an SP. Staff does not propose any changes to the application submittal timeline to continue allowing sufficient time for review of the request. Additionally, there are no changes proposed to the current $4,805[4] SP application fee for special events.
- **All Other Proposed Changes**
  - "Special Event" Definition: Staff proposes to add a clarification to the existing special event definition indicating that a special event is a use that is open to the public. It should be noted that any private event on residential lots such as weddings and other similar family events are not considered special events and are not subject to the special event standards.
  - Limitation on Lots with a Single-Family Dwelling: To prevent impacts to residential neighborhoods, it is proposed that special events would not be allowed on a lot developed with a single-family dwelling as its principal use.

[4] This and most zoning fees will increase by 17% effective July 1, 2025, bringing the SP fee for special events for longer than 21 days to $5,520.

- Public Uses: It has been a longstanding practice that special events that occur on property owned and controlled by the County, Park Authority, or Fairfax County Public Schools are not subject to the AP requirements as they are controlled by the governing authority. Staff proposes codifying this practice by adding language indicating the AP requirement is not applicable for events held on the above mentioned properties. However, permits from other County review agencies such as the Fire Marshal and the Health Department may still be required.
- Review Process: As mentioned above, the Tier-One AP is designed to function more as a registry and as such will require only minimal review. Staff is working on creating a new record in PLUS where an applicant will be able to answer a set of questions acknowledging compliance with all Tier-One AP standards. A permit will be reviewed within a shortened timeline (typically within three to five days), and notification to the respective Board offices and other County review agencies will be automatically sent through the PLUS portal upon issuance of the AP. In staff's opinion, this enhancement to the permitting process will increase flexibility and remove unnecessary impediments for most of the events that are short-term in duration. Staff does not propose changes to the current application submission requirements and review duration for a Tier-Two AP, as the longer-term events may require continued coordination and review by other agencies as mentioned above.

Except for the proposed specific changes, most existing standards will continue to be applicable to all special events regardless of the type of permission as outlined in the proposed text (Attachment 1). However, staff has identified certain standards that are outdated and recommends removal of those to increase flexibility and remove any unnecessary impediments and time limits. Standards proposed to be deleted include:

- The standard that open-air markets (such as crafts fairs or flea markets) and seasonal sales on sites used for nonresidential uses in residential districts be sponsored by a charitable, educational, or nonprofit organization operating within the County. Many of the sites in question are already owned or operated by non-profit, charitable or educational organizations and must provide permission for these special events to occur on their property. In staff's opinion, deleting this requirement removes an unnecessary restriction and provides additional opportunities for nonresidential uses in residential districts to host an event such as a cultural festival, fall festival, or pumpkin sale without the artificial need for a nonprofit sponsor.
- The standard that the outdoor display of goods and merchandise be located within a designated area on a plan submitted with the application. The goods displayed are typically stored at a specific location temporarily and will typically be removed once the event is over. Additionally, this standard was meant to ensure that the location of such goods did not impede access on the site. This is proposed to be addressed with a standard applicable to all special events that the special event, including any goods displayed in association with the event does not block or interfere with any vehicular or pedestrian circulation. Specifically, the standard requires the event be located in accordance with all applicable building and fire code regulations to ensure safe ingress

and egress to the site, adjacent streets, access to utility shut-off valves, and for fire protection.

- The standard allowing the sale of used merchandise only in association with an open-air market, as this would allow other uses, such as a commercial thrift store, to sell used merchandise as part of a grand opening or other outdoor event.

Food Trucks

While food trucks are a separate temporary use, during the research and outreach on this amendment, staff identified two potential changes to the food truck standards. The first proposed change is related to the size of principal structures on properties where food trucks may operate while the second change is related to the number of days food trucks are permitted to operate in conjunction with an approved nonresidential use in a residential district.

The current food truck standards allow three food trucks on a property, but predominantly require the property to have a principal use with a minimum of 25,000 square feet of gross floor area (GFA). When the standards were adopted in 2014, the intent was to limit food trucks to larger office and industrial parks, ensuring that parking was not reduced beyond the minimum required and the food trucks would operate as an accessory and clearly subordinate use. However, since 2014, food trucks have become more popular and often provide opportunities to activate areas and further placemaking efforts. As such, the proposed amendment would allow one food truck on properties with a principal use of less than 25,000 square feet of GFA, which would increase flexibility and encourage food trucks at more locations while ensuring existing standards are met. Three food trucks would continue to be allowed with certain uses that do not meet the 25,000 square feet GFA threshold, including construction sites with active building permits and ongoing construction activity; approved nonresidential uses in residential districts (such as community pools and HOA-owned property); and agritourism uses or a farm winery, limited brewery, or limited distillery.

The amendment also proposes an increase in the number of days food trucks are allowed in conjunction with any approved nonresidential use in a residential district or a residential area of a planned district from the existing limit of 12 times per calendar year per approved location to 32 days per year. As these standards mostly apply to uses such as community pools that typically operate during the summer season between Memorial Day and Labor Day, increasing the number of days to 32 aligns with the number of weekend days between the two holidays and includes the two Monday holidays. An option to allow food trucks to operate from 12 to up to 52 days per year at an approved location is provided for Board consideration. These food trucks would continue to be regulated by additional standards, including the maximum time limit of four hours at any one day at any one location (including set-up and break-down).

Outdated and redundant standards are also proposed to be removed from the food truck provisions, such as those referring to submittal of an application form since all zoning applications are now submitted through the County's PLUS portal. Additionally, the current

standards that allow the Zoning Administrator to add conditions when approving the AP for food trucks, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements are proposed to be removed. The issuance of an AP by the Zoning Administrator is not discretionary, and the permit must be issued if the standards are met.

Outreach

Staff conducted outreach and consulted with multiple County agencies that typically review applications associated with special events, including the Office of the Fire Marshal, Health Department, Land Development Services, and Animal Services, to solicit feedback on the proposed standards. Staff also met with stakeholders, including operators of special events in the County. In addition, staff held two virtual community meetings to discuss the draft proposal. Information on the meetings were posted on the special events Zoning Ordinance amendment webpage, shared on social media platforms (NextDoor and Facebook), and via GovDelivery bulletins, and recordings of the meetings and draft text are posted on the webpage. The draft proposal was also presented to the Planning Commission at their Land Use Process Review Committee meeting on September 12, 2024. The feedback received was generally in support of the proposal with recommendations to make the food truck standards more flexible. Feedback provided from Board members, Planning Commissioners, other County review agencies, special event and food truck operators, and community members has been incorporated into the proposed Zoning Ordinance Amendment text.

Jurisdictional Research

Staff has researched the zoning regulations relating to special events in neighboring jurisdictions, including the Cities of Alexandria and Fairfax, Arlington and Prince William Counties, and Montgomery County, Maryland. Uses that are temporary in nature and are established for a fixed period of time and that do not involve the construction or alteration of any permanent structure are permitted with the issuance of an AP in all the jurisdictions reviewed. However, in addition to temporary uses permitted with an AP, Fairfax City allows events such as minor events (privately sponsored gatherings, walk-a-thons, charity fundraisers, and similar events), outdoor retail sales events and promotions, and seasonal sales (Christmas tree, fireworks, and pumpkin sales lots) by right, provided certain standards and timeframes are met. Temporary uses and special events are mostly allowed outdoors except in Arlington County, where both indoor and outdoor events and activities in vacant buildings or properties are permitted on a short-term basis. The application fee for an AP ranges among jurisdictions from $100 to $210.

Staff also researched the regulations relating to food trucks in the same jurisdictions. None of the jurisdictions reviewed have similar restrictions on the duration and location of food trucks except the Cities of Alexandria and Fairfax.

- City of Alexandria: Foot truck vending is allowed on private commercial or multi-family properties with permission from the property owner. A permitted food truck may operate

at an approved location between 7:00 a.m. and midnight, Monday through Friday for up to six continuous hours at a time. Food trucks are to use the approved locations on a first-come, first-served basis. In addition to fees from other review agencies, there is a $100 food truck application fee requirement.

- Fairfax City: A maximum of one food truck is allowed in Fairfax City on sites with less than 20,000 square feet of land area. On sites with land area of 20,000 square feet or more, one food truck is allowed per 20,000 square feet of land area or fraction thereof, where a site may consist of one lot or a combination of contiguous lots.

Summary

Overall, the goal of this amendment is to make the permitting process more accessible and efficient for applicants while ensuring special events and food trucks still comply with applicable regulations and operate with minimal impacts or incidents. The research considered various factors such as the permit history, including duration and nature of the events held in the County, consulting with partner agencies and stakeholders, and exploring potential changes to streamline the process and update the standards. As proposed, the amendment aims to make the processes more efficient without needing to remove the existing zoning review which is in place to ensure compliance with all other applicable regulations. As such, the proposed Zoning Ordinance amendment incorporates new and updated standards that implement appropriate regulatory flexibility in response to feedback received. Staff is recommending a delayed effective date of March 1, 2025, which will provide sufficient time to update the PLUS record with the options that may be adopted by the Board. This date will still allow the new regulations to be in place for the spring event season.

Attachment:

1. Proposed Text

Proposed Text

Revise subsections 4102.8.E and 4102.8.I, and Sections 8102 and 9103 with the following text shown below in ~~strikethrough~~ and underline. Options for consideration are provided ***(in parentheses, italics, and bold)***. When an option is presented as a range, the Board may approve any number within the advertised range. Footnotes contained in this document provide clarification on reorganization and additional information but are not part of the proposed amendment. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of September 11, 2024.

ARTICLE 4 - USE REGULATIONS

4102. Use Standards

Each use must comply with its related standards, including standards for all uses, standards for the zoning district where the use is located, and standards for the specific use. Uses established as of the effective date of this Ordinance may not be altered, modified, or enlarged in any way that conflicts with, or compounds an existing conflict with, the use standards.

8. Temporary Use

E. Food Truck

(1) Food trucks may be permitted on property owned and controlled by the County, Park Authority, or Fairfax County Public Schools or in conjunction with the approval of an administrative permit for a special event and are not subject to the standards in subsections (2) through ~~(7)~~(6) below. The use must comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements.[5]

Standards when permitted by administrative permit:

~~**(2)** A food truck may not be operated without a food truck location permit and an annual food truck operation permit (see subsection (4) below).~~

(2) ~~**(4)**~~ Food trucks may be operated from an approved location, subject to the following procedures:[6]

(a) The owner of property on which a food truck may be located must file a food truck location permit application with the Zoning Administrator ~~on forms furnished by the County~~;

(b) Each year, the owner or operator of any food truck doing business in the County must file a food truck operation permit application with the Zoning Administrator ~~on forms furnished by the County~~. The permit application must be accompanied by the written

[5] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.

[6] Existing standard – relocated from subsection 4102.8.E(4) to 4102.8.E(2), resulting in renumbering of subsequent standards.

consent of the private property owner or authorized agent authorizing the food truck to be located on their approved food truck location and by a copy of the property owner's food truck location permit. If a food truck operates on more than one site, only one food truck operation application is required to be obtained from the Zoning Administrator for such food truck, provided that the property owner ~~on any additional sites~~ has obtained a food truck location permit for that site, the food truck operator has written consent from the property owner or authorized agent to operate on that site, and the food truck is operating in conformance with that approval. The operation of any food truck is subject to all Health Department and Department of Cable and Consumer Services permits/licenses; and

(c) Upon the finding that the application complies with the standards set forth in subsection (~~5~~)(4) below, the Zoning Administrator will approve the permit application.~~, setting forth conditions that protect the public health, safety and welfare and adequately protect adjoining properties from any adverse impacts of the food truck, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements.~~

(3) Food trucks are permitted as an accessory use in the following locations:

(a) In ~~a planned district, but only in~~ the commercial areas of a planned district;

(b) In any industrial or commercial district;

(c) On any construction site with an active building permit and ongoing construction activity; ~~and~~

(d) In conjunction with any approved nonresidential use in a residential district or a residential area of a planned district, limited to ~~12 times~~ 32 days ***(Option: 12-52)*** per calendar year per approved location. This time limitation may be exceeded with special exception approval in accordance with subsection 8100.3, special permit approval in accordance with subsection 8100.4, or as specifically permitted with an approved final development plan or ~~executed~~ proffers; and

(e) In conjunction with an agritourism use or a farm winery, limited brewery, or limited distillery.

(4) ~~**(5)**~~ All food trucks must be located and operated in compliance with the following standards:

(a) Food trucks must be located on private property with the written consent of the property owner or authorized agent holding an approved food truck location permit;

(b) The number of food trucks at any one location at the same time is limited as follows:

1. No more than three food trucks are permitted on a lot containing:

a. A principal use consisting of a minimum of 25,000 square feet of gross floor area;

b. A construction site with an active building permit and ongoing construction activity;[7]

[7] Subsections (b), (c), and (d) are all existing standard – new subparagraphs have been created, relocating and combining portions of subsection 4102.8.E(3).

c. An approved nonresidential use in a residential district or residential area of a planned district; or

d. An agritourism use or a farm winery, limited brewery, or limited distillery.

2. No more than one food truck is permitted on all other lots containing a principal use consisting of less than 25,000 square feet of gross floor area; and

3. Additional food trucks may be permitted in conjunction with other approved temporary uses and any proffered condition, development condition, special exception, or special permit.[8]

~~**(b)** Food trucks may only be permitted in conjunction with a principal use consisting of a minimum of 25,000 square feet of gross floor area or on a construction site with an active building permit and on-going construction activity. This standard does not apply to food trucks operated in conjunction with approved nonresidential uses in residential districts in accordance with subsection (3)(d) above or to food trucks in conjunction with uses listed in subsection (3)(e) above;~~

(c) Food trucks may only operate for a maximum of four hours in any one day at any one location, including set-up and break-down, except as specified in subsection ~~(i)~~ (h) below;

~~**(d)** A maximum of three food trucks are permitted at any one location at the same time, provided that additional food trucks may be permitted in conjunction with administrative permits or other special events regulated by any proffered condition, development condition, special exception or special permit;~~

(d) ~~**(e)**~~ Food trucks may not be located in any fire lane, travel lane, entrance/exit, or any required parking space;

(e) ~~**(f)**~~ Food trucks must be located on a level, paved, or gravel surface with safe pedestrian access;

(f) ~~**(g)**~~ The vicinity around the food truck must be kept clean and free of debris;

(g) ~~**(h)**~~ Trash receptacles must be provided; and

(h) ~~**(i)**~~ In addition to the standards above, food trucks in conjunction with an agritourism activity or a farm winery, limited brewery, or limited distillery must be located and operated in compliance with the following standards:

1. Food trucks located on less than 20 acres may operate for a maximum of four hours in any one day at any one location, including set-up and break-down;

2. Food trucks located on 20 acres or more may operate for a maximum of eight hours in any one day at any one location, including set-up and break-down; and

3. Food trucks must be located 100 feet from all property lines.

(5) ~~**(6)**~~ Any food truck location permit or food truck operation permit is revocable by the Zoning Administrator because of the failure of the property owner or the food truck operator to comply with any of the provisions of this subsection 4102.8.E.

[8] Existing standard – new subparagraph created relocating portions of subsection 4102.8.E(4)(d)

(6) ~~**(7)** All other~~ The sale of ~~all other~~ goods or services from any vehicle other than a food truck are subject to all the regulations for the zoning district in which the sale is conducted, but this regulation does not prohibit any vending from vehicles on public streets that is not otherwise prohibited by law.[9]

(7) ~~**(8)**~~ Each food truck must be in substantial conformance with any proffered condition, development plan, special exception, or special permit for the site on which it operates. If any proffered condition, development plan, special exception or special permit approval specifically precludes food trucks or otherwise regulates food trucks, including the location, hours of operation, or number of food trucks, the zoning approval will govern that aspect of the food truck location or operation in lieu of the standards in this Section 4102.8.E. Unless otherwise specified in any zoning approval, all provisions of this Section 4102.8.E apply.[10]

Standards when permitted by special exception or special permit:

(8) ~~**(9)**~~ The Board or BZA, as applicable, in conjunction with the approval ~~for~~ of a nonresidential use in a residential district or a residential area of a planned district, may allow food trucks in excess of ~~twelve times~~ 32 days ***(Option: 12-52)*** per calendar year.

I. Special Event

Standards applicable to all special events: [11]

(1) Special events are subject to all applicable provisions of the County, Federal and State Codes.

(2) Special events may be permitted on property owned and controlled by the County, Park Authority, or Fairfax County Public Schools and are not subject to the administrative permit standards in subsections (11) and (12) below and do not require an administrative permit.[12]

(3) Special events may not be permitted on a lot developed with a single-family dwelling.

(4) All noise, including music, from a special event must comply with the Noise Ordinance, Chapter 108.1 of the County Code.

(5) If applicable, the special event operator is responsible for obtaining all required licenses or permits from agencies including but not limited to:

(a) Health Department if the event requires a food establishment permit or includes a temporary outdoor sanitary facility;

[9] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.
[10] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.
[11] This adds a new subsection of standards that would be applicable to all special events and includes current standards that were previously contained in the subsection applicable when approved with an administrative permit.
[12] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.

(b) Office of the Fire Marshal if the event involves propane tanks, selling fireworks, or a single tent larger than 900 square feet or multiple tents separated by less than 12 feet and exceeding a combined area larger than 900 square feet;

(c) Land Development Services if the event involves amusement devices, tents, and membrane structures covering greater than 6,000 square feet, or if the tent or membrane structure is located on a building, parking garage, balcony, or other structure;

(d) Fairfax County Animal Services if the event involves the exhibition of animals;

(e) Virginia Department of Alcoholic Beverage Control if the event involves serving alcohol; and

(f) Virginia Department of Transportation if the event takes place within the public right-of-way.

(6) Special events may not block or interfere with any vehicular or pedestrian circulation and must be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to the site, adjacent streets, access to utility shut-off valves, and for fire protection.

(7) Adequate off-street parking and loading must be provided.

(8) Adequate refuse management, security, sanitation, emergency services, and other necessary facilities and services to ensure the health, safety, and welfare of attendees must be available for the special event.

(9) The entire area used for a special event must be clean and free of debris within 24 hours after the end of the event.

(10) Each special event must be in substantial conformance with any proffered condition, development plan, special exception, or special permit approval for the site on which it operates. If any zoning approval specifically precludes special events or otherwise regulates special events, including the location, hours of operation, or number of events, the zoning approval will govern in lieu of the standards in this subsection.

Standards when permitted by administrative permit:

(11) An administrative permit may be issued for a special event in accordance with the following standards:

(a) A Tier-One administrative permit may be issued for a special event that meets the following:

1. The event is limited to one day and no more than eight hours ***(Option: six to twelve hours)*** in duration, exclusive of setup and breakdown.

2. A minimum of five days is provided between each one-day event. ***(Option: A minimum of two to ten days between each one-day event)***

3. No more than 12 events are held for the same property each calendar year. (***Option: No limit or no more than 12-48 events for the same property each calendar year)***

4. No event may occur before 7:00 AM and after 10:00 PM. ***(Option: No event may occur before 6:00 a.m. or after 10:00 PM on Sunday through Thursday and after 11:00 PM Friday, Saturday, and before a federal holiday)***

5. The total number of attendees may not exceed 150 ***(Option: 100-250)*** at any one time during the event.

(b) A Tier-Two administrative permit may be issued for the following:

1. A special event that is limited to a maximum of 60 days. ***(Option: 45–90 days)***

2. Seasonal sales that are limited to 45 days ***(Option: 21–45 days)*** with 30 days between seasonal sales. This use is exempt from site plan or minor site plan requirements per subsection 8100.7.D.

3. Carnivals and circuses limited to 21 days. If a carnival or circus is located within two miles from any other carnival or circus, there must be a minimum of 21 days between the events.

(12) An administrative permit for a program of special events (Tier-One or Tier-Two) , other than for carnivals and circuses, may be issued for a two year period provided it meets the following:[13]

(a) There is no subsequent increase in the anticipated number of attendees; change in event duration, extent, intensity, location, operation; or change of permit holder and provided the special event will comply with all applicable standards.

(b) The program of events may include multiple events taking place on consecutive or nonconsecutive days.

(c) An administrative permit may be subsequently renewed by the Zoning Administrator for succeeding periods of up to five years based on the applicant's record of compliance with the standards in this subsection.[14]

~~**(1)** An administrative permit may be issued for a period not to exceed 21 days. Any request for a longer period of time may be approved by special permit in accordance with subsection 8100.4.~~

~~**(2)** An administrative permit may not be issued unless adequate provision is made for off-street parking and loading requirements.~~

~~**(3)** Outdoor display of goods and merchandise must be located within the designated area on a plan submitted with the application.~~

~~**(4)** The following events must be sponsored by a charitable, educational, or nonprofit organization operating within the County:~~
~~**(a)** Open-air markets, such as craft fairs or flea markets; and~~

~~**(b)** Seasonal sales located on sites used for nonresidential uses in residential districts.~~

~~**(5)** Seasonal sales located in commercial districts are subject to the following:~~

[13] This text has been slightly modified from the authorized text for clarification purposes.
[14] This text has been slightly modified from the authorized text for clarification purposes.

~~(a) These events are limited to 21 days with 30 days between events;~~

~~(b) If limited to the timeframe in (a) above, this use is exempt from site plan or minor site plan requirements per subsection 8100.7.D; and~~

~~(c) This use is subject to the NonRUP fee listed in Table 8102.1.~~

~~**(6)** The sale of used merchandise, such as furniture, household goods, or other similar items, is only permitted with an open-air market.~~

~~**(7)** The outdoor display of automobiles, manufactured homes, trailers, camping equipment, boats, antiques, and similar large items may not include the sale of such items in conjunction with and on the site of the display.~~

~~**(8)** The Zoning Administrator may not issue an administrative permit for a carnival or circus where the proposed activity will:~~

~~(a) Occur within two miles of any other carnival or circus for which an administrative permit has been previously obtained; and~~

~~(b) Commence within a time period of three weeks from the ending date of any other carnival or circus within a two-mile radius for which an administrative permit has been previously obtained.~~

~~**(9)** The Zoning Administrator will notify the Animal Services Division of the Police Department upon receipt of an application for an administrative permit involving the display or exhibition of animals. In addition to the requirements of this Ordinance, the property owners or operators of any special event such as a carnival, circus, animal exhibition, or any other similar event that involves the exhibition of animals must obtain a County license in accordance with the provisions of Chapter 25 of the County Code, and a permit in accordance with the provisions of Chapter 41.1 of the County Code.~~

Standards when permitted by special permit:

(13) The BZA may approve a special permit for any request that exceeds the requirements in subsection 4102.8.E(11)(b).

(14) ~~**(10)**~~ An application for any such approval by the BZA must be filed at least 120 days before the date on which the permit is to take effect.

(11) A special event as a special permit use must comply with the standards in subsections (1) through (9) above.

ARTICLE 8 – ADMINSTRATION, PROCEDURES, AND ENFORCEMENT

8102. Fee Schedule

APPLICATION TYPE	FEE
ADMINISTRATIVE PERMITS	

APPLICATION TYPE		FEE	
Temporary Uses		**Effective Upon Adoption**	**Effective July 1, 2025**
Special Events	Tier-One	$120 ***(Option: $0 up to $240)***	$135 ***(Option: $0 up to $275)***
	Tier-Two	$240	$275
	Renewal Fee	$60 ***(Option: $0 up to $240)***	$70 ***(Option: $0 up to $275)***
SPECIAL PERMITS			
Accessory and Temporary Uses			
Special Events ~~for longer than 21 days~~		$4,805	$5,520

ARTICLE 9 - DEFINITIONS AND ORDINANCE INTERPRETATION

9103. Uses

8. Temporary Uses

Special Event

A temporary outdoor activity held on private property and open to the public, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses.