



Together we make a difference

Founded in 1969

Mount Vernon Council of Citizens' Associations

# Record

Volume LVII, No. 04, April 2024

## FROM THE CO-CHAIRS

1. Our Environment and Recreation Chair interviewed for an article. See <http://www.mountvernongazette.com/news/2024/apr/04/river-levels-encroaching-but-solutions-vary/>
2. Our nominating committee is hard at work. If you're interested in holding a cochair, treasurer or secretary position, please contact [specialcommittee@mvcca.org](mailto:specialcommittee@mvcca.org)
3. We are looking for a Membership Chair

## MVCCA General Council Meeting Minutes

### MVCCA GENERAL COUNCIL MEETING MINUTES

03/27/2024 (Virtual Meeting/ZOOM)

**PRESIDING:** Co-Chair Katherine Ward

#### ATTENDING

- Co-Chair - Katherine Ward
  - Co-Chair - Lynn Pascoe
  - Secretary - Tamara Srader
  - Treasurer/membership - William Kane
- Committees
- Education - Cathy Hosek
  - Environment and Recreation - Larry Zaragoza
  - Planning and Zoning - Bindu Mathur
  - Transportation - Jason Zaragoza
  - Southeast Fairfax Development Corporation - Ellen Young
  - Storm Water Management Special Committee - Leo Milanowski

## MVCCA BOARD

Co-Chairs	Katherine Ward	.....	co.chair1@mvcca.org
	Lynn Pascoe	.....	co.chair2@mvcca.org
	open	.....	co.chair3@mvcca.org
Secretary	Tamera Srader	.....	secretary@mvcca.org
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PL/Z	Bindu Mathur	.....	chair.pz@mvcca.org
PS	open	.....	chair.ps@mvcca.org
TRAN	Jason Zaragoza	.....	chair.tran@mvcca.org
SFDC	Ellen Young	.....	rep.sfdc@mvcca.org
FCFCA	Marty Lowery	.....	rep.fairfaxfederation@mvcca.org
Stormwater	Leo Milanowski		specialcommittee@mvcca.org

#### Communitites Attending

- Huntington
- Bell Haven Citizens Association
- Wellington Civic Assoc
- Belle View
- Holland Court Property
- Gum Springs Homeowners Organization
- HHV
- BHTCA
- Hollin Hills
- Mt. Zephyr
- Mason Hill
- Montebello
- Riverwood HOA
- Villamay
- Mt Vernon Civic
- Potomac Valley
- River Towers
- Mason Hill Citizens Association

# ----- Council Minutes ----- Council Minutes -----

## **Elected and Appointed Officials and Staff:**

Supervisor Dan Storck, Mount Vernon District;  
Nick Rinehart, Mount Vernon County Staff  
Tracy Strunk, Dir Dept of Planning and Development FFX  
Helman Castro, Dir. Operations Land Development Services FFX

The meeting was called to order at 7:03 PM

First part of the meeting was a presentation from Fairfax County Staff - Tracy Strunk - Director of the Department of Planning and Development (DPD), and Helman Castro - Director of Operations for Land Development Services – Overview of current development projects. Concerns were raised by members regarding 6001 Richmond Highway and Alexandria Crossing development status.

**February 2024 minutes** - Minutes approved unanimously.

**TREASURER REPORT:** The Treasurers report, as published in the February Record, was unanimously accepted.

**EDU** - Met in March and had 2 school board members attended the meeting; talked about budget that helped shape resolution; is in record; JLARC study was discussed and stressed how to get fair share of state/federal funds for the county.

**ER** – Committee met and Park Authority Commissioner Linwood Gorham, the Mount Vernon rep to the Park Authority Board joined the meeting to share his thoughts on the Park Authorities budget needs for FY 2025. The committee requested Supervisor Storck to assist MVCCA with the details of the makeup of the wetlands board. It appears that this board does not have any members that actually live on the Potomac River or other water bodies. We were asked by Supervisor Storck's office to provide some recommendations to fill an at large position.

**PZ** - Presentation by Lynn Strobel the land use attorney for the owners of 2560 and 2550 Huntington Ave - 2560 is delayed by flood plain issue; 2550 is moving forward and should be before planning commission in early May. It will be a 7-story structure with wrap parking; 1st floor commercial and the rest will be residential; the developer agreed to use proper grass vs artificial turf; please see additional details in the current issue of the Record.

**TRANS** - met and had received a presentation by Friends of Mt Vernon Trail, which is a volunteer organization; remove invasive plants and smooth out trail; always looking for volunteers; mtvernontrail.org is their website and they post volunteer opportunities; proposed capital bike share expansion

announced that they will be expanding into Fairfax county ; 1st phase is Huntington Metro; motion was passed to draft a resolution to oppose e-bikes due to safety concerns; VDOT moving forward with road diet study on Huntington Ave. and is scheduled for re-striping next summer 2025 so traffic study will take place this summer 2024.

**Stormwater** - Nothing to report and did not meet; looking for civil engineering experts that are willing to do some volunteer work.

**SFDC** - If interested in Economic Outlook Summit - April 11th at Belhaven Country Club; link in online newsletter can sign up and get tickets; other than that, they are looking to do some other murals along the corridor.

**Nominating Committee** - Treasurer / Secretary and two of the Chair positions

**Fairfax Federation** - Met on 21st March - discussion was budget resolution for vote, supporting meal tax.

## **Co-chair report**

Published in the Record is a nomination for the Public Safety Chairperson which will be addressed at the April meeting.

## **Resolutions -**

MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS (MVCCA) E&R 2024-02 FY 2025 COUNTY PROPOSED BUDGET RESOLUTION

Guest speaker: Siobhan Chase - Police Union - proposed consolidation to wildlife services  
Resolution passed unanimously.

MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS (MVCCA) EDUCATION 2024-01 RESOLUTION WITH RESPECT TO FY 2025 COUNTY ADVERTISED BUDGET  
Resolution passed as written.

**Queenie Cox** - Asked for Support for Water Tower on Richmond Highway - creating a mural to depict the history of Gum Springs  
[https://www.change.org/p/let-s-paint-a-community-eyesore-a-community-gem?recruiter=817290538&recruited\\_by\\_id=e5cf1ed0-b698-11e7-983f-b5a9c4b0c678&utm\\_source=share\\_petition&utm\\_campaign=hare\\_for\\_starters\\_page&utm\\_medium=copylink](https://www.change.org/p/let-s-paint-a-community-eyesore-a-community-gem?recruiter=817290538&recruited_by_id=e5cf1ed0-b698-11e7-983f-b5a9c4b0c678&utm_source=share_petition&utm_campaign=hare_for_starters_page&utm_medium=copylink)

## **Supervisor Storck comments -**

Idea of Bark happened last week, excellent turn out; in the middle of budget discussions for the FY2025 Budget and will have public hearings mid-April; urges the community to talk to our state representatives about school budget questions;

# ----- Council Minutes ----- Committee Reports -----

6th Annual Environment expo at Ft Hunt park - April 27th - partnering with National Park Service.

**Adjourn:** 8:52 PM

Respectfully submitted by Tamara Srader

**Links for awareness and more information:**

Fairfax CORE: Fairfax County Free Small Business Help <https://fairfaxcore.com/>

Budget Town Hall: Mount Vernon District Budget Town Meeting 2024 - YouTube <https://www.youtube.com/watch?v=utSgpGWcrng>

Budget main page: Department Homepage | Management and Budget (fairfaxcounty.gov) <https://www.fairfaxcounty.gov/budget/>

Public Input page for FY25 Budget: FY25 Advertised Budget - Public Input (fairfaxcounty.gov) <https://engage.fairfaxcounty.gov/FY25Budget>

[www.fairfaxcounty.gov/mountvernon/mount-vernon-advisor](http://www.fairfaxcounty.gov/mountvernon/mount-vernon-advisor)

Belle Haven Terrace Civic Association, Belle Haven Condominium Unit Owners Association, Stratford Landing Citizens Association, and Potomac Valley-River Bend Civic Association.

The committee considered a resolution on the Chesapeake Bay update and Resilience Ordinance. Kevin Knappmiller motioned for approval of the resolution, which was seconded by Anita Kerr. The motion passed unanimously.

The second resolution addressed comment on the resilience guidance, which the state issued in draft. Informal comment is requested by May 3 on the guidance and associated materials. The resolution was approved with changes discussed in committee and request that the resolution be shared one final time with the committee following adjustments (e.g., including an attachment with redline strikeout of language). Kevin Knappmiller motioned the approval with changes and circulated back to the committee. Anita Kerr seconded the motion and the motion passed unanimously.

The committee also discussed concerns about invasives in Collingwood Park and along the George Washington Parkway, where invasives are killing trees. Dorothy Keough offered to draft a resolution for next month. Anita Kerr also volunteered to help with pictures.

A motion to adjourn the meeting was made by Kevin Knappmiller and seconded by Dorothy Keough. The motion passed unanimously and the meeting adjourned at 8:15 pm.

## ----- Committee Reports -----

### Budget & Finance

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We are looking for a chair for this committee. If you are interested, please contact a co-chair.

### Education

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The Education Committee did not meet in April.

### Environment & Recreation

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The meeting was held by Zoom on April 3, 2024 at 7:02. The meeting was convened by Chair Zaragoza. CoChair Katherine Ward was also in attendance.

Meeting participants included: Wellington Civic Association, Hollin Hall Village Citizens, Association, Spring Bank Community Association, Huntington Community Association,

### Planning & Zoning

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#### Planning and Zoning (P&Z) Monthly Meeting 4/1/2024

Committee Attendees:

- Bindu Mathur, P&Z Committee Chair
- Belle Haven Terrace Civic Association
- Belle View Condominium
- Gum Springs Civic Association
- CA of Hollin Hills
- Collingwood Springs
- Montebello Condominiums
- Riverwood HOA
- Montebello Condominiums
- Stratford Landing CA
- Mt. Vernon CA
- MVCCA Co-chair

Other Attendees:

- Austin Gastrell, Fairfax County DPD
- Sara Morgan, Fairfax County DPD

# ----- Committee Reports ----- Committee Reports -----

William Maryland, Fairfax County DPD  
Scott Adams, McGuireWoods LLP  
Michael Weiss, TDC  
Toby Millman, Transwestern  
Thomas Parisi, Transwestern  
Marrisa Rose, McGuireWoods LLP

## Proceedings:

The meeting was called to order by P&Z Committee Chair, Bindu Mathur and began with a presentation by the representatives of the IMP property redevelopment, followed by discussion regarding the project. The IMP property is currently zoned as .5 FAR commercial, and is approved for hotel use as well as office. There are several environmental constraints that make the redevelopment challenging. Part of the property is in the RPA adjacent Dogue Creek and a County drainage pipe runs through the center of the property. There is also a height limit of 35 feet because the property is adjacent to Woodlawn in a Historic Overlay District. The development says they can't do structured parking because of the drainage pipe and that it is too big to be moved. The developer says they are trying to minimize environmental impact by not disturbing the most environmentally sensitive areas. The developer wants the County to move the redevelopment from a Tier 3 to a Tier 1 project in the County Comprehensive Plan, which is the designation given to "ready to go" projects. The developer also needs the property to be rezoned for residential. Their proposal is for multi-family garden style apartments. Attorney requested MVCCA help in moving from tier 3 to tier 1.

Much of the potential impact to Dogue Creek is related to the County/VDOT Route 1 work. The developer is working with VDOT and the County to make sure their proposed project is coordinated with that work, but the County Route 1 work is not expected to be completed as part of the IMP redevelopment project. The developer stated that they are very focused on having a positive impact on the creek's existing condition. In terms of the building form, the developer plans to provide a detailed explanation for why they are proposing garden style apartments, citing significant constraints that limit the ability to construct a larger footprint building with structured parking. They plan to design the site so that the buildings front on Rt. 1 and limit viability of the surface parking from adjacent roads. They also state that the proposed scale of development will fit in well with the existing development patterns surrounding the site.

After the IMP discussion, the County Department of Planning and Development (DPD) representatives presented a general project update on development project in our district and a review of a proposed Zoning Ordinance Amendment (ZOA) related to regulating Contractor's Offices, Shops, and Construction Vehicles.

The Zoning Amendment was in response to the ongoing loss of industrial properties where commercial vehicles and equipment are allowed to be stored in C-8 districts. The Amendment will allow commercial entities some flexibility to store necessary vehicles and equipment on certain properties. Businesses are currently limited to 500 Sq. Ft. of storage that is screened from view by establishing provisions for Special Exceptions process in C-8 districts that will allow increased outdoor storage and screening of outdoor storage or materials. They noted that outdoor storage will not be allowed in front yards. Also, the Amendment will establish light and heavy vehicle standards. They noted that the definition of light and heavy vehicle or equipment is not standardized and needs to be.

The DPD plans to brief the Board of Supervisors (BOS) on progress in May and continue outreach to impacted communities. The outreach meetings with stakeholders and the public will continue through the spring with Land Use Policy Committee (LUPC) meetings planned for May 9th and May 14th. DPD has a zoning ordinance amendment website at <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/construction-vehicles>. The website provides additional details and a survey poll on options to be considered. They anticipate BOS hearings and BOS authorization in summer or fall 2024.

Through their outreach efforts, they are seeking input and looking for parameters to categorize light and heavy vehicles and the applicability of different type of screening.

## Public Safety

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A volunteer has been identified and will be reorganizing this committee soon.

## Transportation

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The Mount Vernon Council of Citizens' Association (MVCCA) Transportation Committee met on April 8, 2024 in a virtual gathering hosted on Zoom. Participating in the meeting were Jason Zaragoza, MVCCA Transportation Committee Chair & Attendance-Taker for tonight's meeting; John Bioty, Transportation Committee Note-Taker for tonight's meeting; MVCCA Co-Chair Lynn Pascoe.

Transportation Committee representatives from the following MVCCA Associations were in attendance: Gum Springs Homeowners Association; Huntington Community Association; Montebello Condominium Unit Owners Association; Potomac Valley-River Bend Civic Association; Riverwood Homeowners

# ----- Committee Reports ----- Committee Reports -----

Association; Stratford Landing Citizens Association; Villamay Community Association; Waynewood Citizens Association; and Wellington Heights Civic Association.

Total attendance for the meeting was 9.

## ANNOUNCEMENTS:

Chairman Zaragoza sent out a “read-ahead” asking Committee member to propose topics of discussion for tonight’s meeting. He mentioned that the Committee would be voting on a Resolution opposing electronic bicycles (e-bikes) on the Mount Vernon Trail (MVT).

Chairman Zaragoza also mentioned that Virginia Department of Transportation (VDOT) recently released their road paving projects for 2024. The website was brought up, which showed that Richmond Highway (from I-495 to Hybla Valley); Fort Hunt Road (from Richmond Highway to Belle View Boulevard); and Old Mount Vernon Road were in this year’s plan. Chairman Zaragoza placed VDOT’s [2024 Statewide Paving website](#) in chat for members to view and advise their respective Associations.

## AGENDA ITEMS:

### Resolution opposing the use of e-bicycles (e-bikes) on the Mount Vernon Trail (MVT)

Chairman Zaragoza displayed the Committee’s proposed Resolution objecting to the used of e-bikes on the MVT and asked for edits to the proposed wording. He also mentioned that the issue was discussed at a recent Huntington Community Association Meeting. It was noted that many Huntington area residents support the use of e-bikes as an alternative to auto transportation. Huntington community members also noted that e-bikes provide access to the MVT for those who are not physically able to ride regular bikes. One committee member commented that the Transportation Committee Resolution targeted the use of e-bikes on the MVT and not on area roadways.

**DISCUSSION:** Current National Park Service (NPS) Regulation allows the use of e-bikes on the MVT as long as speeds do not exceed 15 MPH. Committee members noted, however, that e-bikes pose a significant problem to pedestrians and normal bike traffic on the MVT because of their weight and ability to reach 20 MPH. The severity of injuries is greater when e-bikes are involved. In addition, very little patrolling of speeds occurs on the MVT. Committee members felt that the MVT was intended for use by traditional bicyclists and pedestrians and not motorized vehicles. Overwhelmingly, members desired that the MVT be returned to its original use.

After several agreed-to editing comments by the Committee, the Resolution was brought to a floor vote. **The Resolution**

**unanimously passed with 8 votes opposing the use of e-bikes on the MVT and 0 votes allowing them on the MVT.** The Chairman does not vote on resolutions.

## New Business:

**Aircraft Noise Complaints:** A Committee member raised the concern over aircraft noise complaints especially in the Riverwood Area. He commented that FAA had briefed that noise in and around Washington Reagan National Airport (DCA) would be diminishing due to changes in aircraft altitudes and patterns. He noted that he is not seeing this. In fact, he noted lower aircraft altitudes in all DCA quadrants with increased noise. He said that increase noise has a detrimental effect on many facets of life to include children’s studies in school and the aged. He would like to see the FAA modeling protocol showing reduced noise due to new patterns around DCA.

**Reckless Driving on Area Roadways:** The representative from Riverside brought up the subject of reckless driving in and around the Mount Vernon Area. He stated that he has witnessed an increase in unsafe driving practices on Fort Hunt Road as well as other areas. He mentioned that he was passed (on the inside) the other day in front of Mount Vernon High School – a dangerous situation to say the least. Additionally, congestion on Fort Hunt Road is also becoming insurmountable due to volumes of traffic during rush hour. Another Committee member offered that since MVCCA now has a Public Safety Chair, that this topic would be better addressed to them. Chairman Zaragoza agreed and said he would pass on the concern.

## Meeting Adjourned:

Without further new business, a motion to adjourn was raised and quickly seconded. The April 2024 MVCCA Transportation meeting concluded at 7:35 PM with Chairman Zaragoza thanking everyone for their participation.

## Future (2024) Scheduled Transportation Committee Meetings (2<sup>nd</sup> Monday of the Month):

- May 13
- Jun 10
- Jul 08
- Aug – No scheduled meeting
- Sep 09
- Oct 7
- Nov 11
- Dec 09

Note: Until further notice, all meetings will be held remotely.

**Special Committee on  
Stormwater Management**

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Meeting minutes not available.

**Fairfax Federation**

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Meeting minutes not available.

**SFDC**

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Verbal report at the General Council meeting.

# Committee Resolutions

## Environment & Recreation

MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS (MVCCA) Proposed Resolution, "Comment for Fairfax County on Update to the Chesapeake Bay Ordinance" (E&R 2024-02)

WHEREAS, Fairfax County staff have briefed members of the MVCCA on the plans to amend the Chesapeake Bay Preservation Ordinance,

WHEREAS, Virginia has established guidance for the Virginia Water Protection Permitting<sup>1</sup> program that provides clarity for allowed activities for Normal Residential Gardening and Landscaping and should be incorporated into the ordinance by reference,

WHEREAS, residents of Fairfax County with existing shoreline stabilization structures that are maintained in good working order have been told by local and state elected officials that they can continue to maintain their shoreline stabilization structures,

WHEREAS, Virginia Marine Resources Commission (VMRC) guidance for living shorelines<sup>2</sup> specifies that all shoreline alterations be designed and constructed to mitigate coastal hazards including storm-level hydrological energy that may reasonable be expected over the useful life of the project,

WHEREAS, the Virginia Coastal Resilience Master Plan<sup>3</sup> reports that we will see continued increases in sea level rise to 1.4 feet by 2040, 2.7 feet by 2060, and 4.6 feet by 2080,

WHEREAS, in order to mitigate against the impact of sea level rise attributable to climate change a shoreline stabilization structure, such as a bulkhead, will require that the level of the bulkhead be raised and that soil behind the bulkhead be backfilled,

WHEREAS, the amended regulation adding 9VA24-830-155<sup>4</sup> provides that fill can be allowed under limited conditions, and

WHEREAS, Article 5, Section 118-5-1 of the Chesapeake Bay Preservation Act Ordinance<sup>5</sup> provides that a structure that was in existence on November 18, 2003 that was established in conformance with County Code at the time of establishment many continue to be maintained, but may not be enlarged or expanded unless such enlargement or expansion is approved pursuant to Article 5 or Article 6 of this the Chapter and otherwise complies with applicable provisions County Code.

<sup>1</sup> [https://www.deq.virginia.gov/our-programs/water/wetlands-streams/-folder-632#docan1818\\_6429\\_156](https://www.deq.virginia.gov/our-programs/water/wetlands-streams/-folder-632#docan1818_6429_156), see Chapter 2, page 3.

<sup>2</sup> [https://mrc.virginia.gov/Notices/2021/Final-Draft-Wetlands-Guidelines-Update\\_05-19-2021.pdf](https://mrc.virginia.gov/Notices/2021/Final-Draft-Wetlands-Guidelines-Update_05-19-2021.pdf), page 9

<sup>3</sup> <https://www.dcr.virginia.gov/crmp/plan#plan>, Page

<sup>4</sup> <https://register.dls.virginia.gov/details.aspx?id=9813>

<sup>5</sup> [https://library.municode.com/va/fairfax\\_county/codes/code\\_of\\_ordinances?nodoid=THCOCOFAVI1976\\_CH\\_118CHBAPROR#TOPTITLE](https://library.municode.com/va/fairfax_county/codes/code_of_ordinances?nodoid=THCOCOFAVI1976_CH_118CHBAPROR#TOPTITLE)

## ----- **Committee Resolutions** -----

THEREFORE, BE IT RESOLVED that the MVCCA recommends that the County recognize increases in height to accommodate for sea level change be accepted as maintenance of existing structures and that fill behind the bulkhead to maintain the functionality of the structured as originally built and intended, and

BE IT FINALLY RESOLVED that the county incorporate Normal Residential Gardening and Landscaping of Chapter 2 of the VWP guidance to provide clarity for tidal waterfront property owners.

**END RESOLUTION: E&R-2024-02**

# Committee Resolutions

## Environment & Recreation

MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS (MVCCA) Proposed Resolution  
"Comment on the Virginia Department of Environmental Quality Bay Act Resiliency  
Guidance" (E&R 2024-03)

WHEREAS, the Virginia Department of Environmental Quality (DEQ) has issued draft guidance<sup>1</sup> and supporting materials for Bay Act Resilience, which provides guidance to address the flooding hazards from sea level rise and is out for informal comment until May 3, 2024;

WHEREAS, the intent of this guidance and associated materials is to provide for resilience against sea-level rise and storm impacts;

WHEREAS, in order to provide for the continued effectiveness of any shoreline stabilization structure, operation and maintenance provisions should be established, especially for living shorelines, which can erode or deposit materials changing the shoreline;

WHEREAS, the draft guidance does not cite the Virginia Institute of Marine Sciences' Decisions Support Tool<sup>2</sup>, which specifies that bulkheads as the appropriate shoreline stabilization structure along canals;

WHEREAS, residents of Fairfax County with existing shoreline stabilization structures, such as bulkheads, that are maintained in good working order have been told by members of the Virginia legislature that they can continue to maintain their shoreline stabilization structures;

WHEREAS, the placement of shoreline stabilization structures/adaptation measures landward can impose significant additional cost and other impacts that should be considered in the decision making process;

WHEREAS, the amended regulation adding 9VA24-830-155<sup>3</sup> provides that fill can be allowed under limited conditions;

WHEREAS, in order to mitigate against the impact of sea level rise attributable to climate change a shoreline stabilization structure, such as a bulkhead, will require that the level of the bulkhead be raised and that soil behind the bulkhead be backfilled to preserve the intended use of the structure;

WHEREAS, the draft guidance provides for an interpretation of the Nonconforming Structures and Uses guidance that will preclude the continued use of nonconforming

<sup>1</sup> <https://www.deq.virginia.gov/our-programs/water/chesapeake-bay/chesapeake-bay-preservation-act/local-program-regulations-guidance>

<sup>2</sup> <https://cmap2.vims.edu/LivingShoreline/DecisionSupportTool/index.html>

<sup>3</sup> <https://register.dls.virginia.gov/details.aspx?id=9813>

## ----- Committee Resolutions -----

shoreline stabilization structures that require an increase in height and additional fill in the RPA; and

WHEREAS, the draft guidance states that slopes should be less than or equal to 10% but other guidance and advice from staff have asserted that the required slope should vary with site conditions.

THEREFORE, BE IT RESOLVED guidance and supporting documents should explicitly allow for increases in height to accommodate for sea level change for existing structures and that fill behind the bulkhead to maintain the functionality of the structured as originally intended;

BE IT FURTHER RESOLVED that the guidance provide that the removal of man-made structures and creating of living shorelines be supported by sound technical designs to prevent the erosion of living shorelines into tidal waters and to require operation and maintenance requirements so that the shoreline will be preserved;

BE IT FURTHER RESOLVED that the guidance be amended to include reference to the Virginia Institute of Marine Sciences' Decisions Support Tool<sup>4</sup> and recommend that canals continue to use bulkheads for shoreline stabilization, which are generally unsuitable for a living shoreline;

BE IT FURTHER RESOLVED that the guidance be clarified to allow for the placement of a new bulkhead on the water side of an existing;

BE IT FURTHER RESOLVED that the guidance and supporting materials promote building support from waterfront property owners through outreach and outlining benefits, recognizing impacts to waterfront property owners, and avoiding takings without compensation, which would conflict with the 5<sup>th</sup><sup>5</sup> and 14<sup>th</sup><sup>6</sup> Amendments to the US Constitution; and

BE IT FINALLY RESOLVED that the guidance and supporting materials recommend outreach and providing information on the benefits of nature-based solutions and

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<sup>4</sup> <https://cmap2.vims.edu/LivingShoreline/DecisionSupportTool/index.html>

<sup>5</sup> 5<sup>th</sup> Amendment: No person shall be ... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. In *Armstrong v. United States* (1960), the Supreme Court wrote: "The Fifth Amendment's [Takings Clause] . . . was designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." (See: <https://constitutioncenter.org/the-constitution/amendments/amendment-v/clauses/634>)

<sup>6</sup> 14<sup>th</sup> Amendment: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (See: <https://www.law.cornell.edu/constitution/amendmentxiv>)

## ----- **Committee Resolutions** -----

maintaining existing man-made structures in good working order to preserve and protect waters.

To assist with the identification and modification of language, redline/strikeout edits are attached. Also, see table that follows the redline/strikeout edits.

**END RESOLUTION: E&R-2024-03**

# Committee Resolutions

Requested changes to the draft resiliency guidance.

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## 6. Non-conforming Structures and Uses

If the proposed development is to expand or modify a principal structure that was in existence as of the time of local program adoption, and the structure encroaches into the RPA or will encroach if the expansion or modification is approved, then pursuant to 9 VAC 25-830-150, the locality may allow the continued use of the structure. Permissible modifications of shoreline protection structures in response to rising sea levels should include increasing the structure height and providing fill behind the structure to avoid accumulation of water behind the structure. but does not have to allow its expansion or modification. Local governments also should consult DEQ's *Nonconforming Structures and Uses* guidance<sup>7</sup> document available on the Virginia Regulatory Town Hall website to ensure that their review of the expansion or modification of principal structures complies with the Bay Act and Regulations. Modifications of shoreline protection structures in response to rising sea levels should include increasing the structure height and providing fill behind the structure to provide a grade that does not result in the pooling of water behind the structure. Moreover, the addition of fill to accommodate a change in a shoreline stabilization structure needed to address climate change does not alter landscaping/vegetation. For structures other than shoreline stabilization structures, tThe considerations for non-conforming these structures should be similar to those identified above for principal and accessory structures, should development be considered for these structures.

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### 1. Site Conditions / Location of Adaptation Measures

Adaptation measures themselves may be allowed in the RPA buffer pursuant to 9 VAC 25-830-155. Measures should be placed channelward of the proposed development, when possible, to minimize adverse impacts to the RPA and maximize water quality benefits. The placement of adaptation measures within the RPA will be appropriate for undeveloped land and properties with large areas so that the use of the property is not negatively impacted. [This language will preclude the use of nature-based adaptation measures for smaller properties, especially when structures are within or close to the RPA. The creation of adaptation measures within the RPA will probably destroy whatever is in the existing RPA area where the adaptation measure is located.]

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<sup>7</sup>[https://townhall.virginia.gov/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C440%5CGDoc\\_DEQ\\_7183\\_v1.pdf](https://townhall.virginia.gov/GetFile.cfm?File=C:%5CTownHall%5Cdocroot%5CGuidanceDocs%5C440%5CGDoc_DEQ_7183_v1.pdf)

## ----- Committee Resolutions -----

- a. Slope: ~~Slopes should be equal to or less than 10% to support conditions for water quality, including infiltration.~~ Slopes less than or equal to 5% or that convey sheet flow of velocities less than 1.5 feet/second are preferred; to reduce runoff and tidal wave energies. ~~However, slopes greater than 5% or different will likely be than these may be necessary based upon certain given site conditions and adaptation measure specifications. In such instances, localities should ensure that the amount of fill and resulting slopes are consistent with project specifications and that flow is properly evaluated in the project application. In doing so, localities may wish to require supporting calculations, additional engineering plans, independent review, or other information in support of the proposed slope. [This last sentence seems to encourage requirements for additional analyses. If there is a responsible standard, include it. This language seems like "bring me a rock" and I will tell you if it is the right one when I see it.~~

# ----- Committee Resolutions -----

## Issues and Recommendations on the Draft Resiliency Guidance and Associated Materials

Concern	Recommendation
The commonwealth has long recognized that existing shoreline stabilization structures, especially bulkheads are structures and can continue to be maintained without permits but the draft guidance confuses this issue.	Cite the VIMS guidance that recognizes that bulkheads are appropriate shoreline stabilization structures for canals and recognize that nature-based solutions may be most appropriate for undeveloped property.
While shoreline stabilization structures like bulkheads are effective at separating land from waters, nature-based structures are contiguous with the water and can result and a loss of land to the water, negatively impacting water quality and perhaps requiring additional dredging costs.	Operation and maintenance requirements are especially important for living shorelines, which are more likely to be problematic without significant design considerations. Recommend operation and maintenance requirements to maintain the footprint of the living shoreline as intended.
Sea level rise and storm surge will necessitate that bulkheads be raised in height and soil fill be added behind the bulkhead to retain proper flow, which is likely to be prohibited by the draft as written.	Clarify the guidance to expect that bulkheads and other shoreline stabilizations structures be raised in height and that fill be provided behind the structure to avoid pooling of water.
The guidance advocates for placement of adaptation measures channelward, which impact the ability of a property owner to use/enjoy the property that they purchased as intended and will likely destroy whatever existing RPA features exist in the area where the adaptation measures are located.	This guidance is most appropriate for properties with no existing shoreline stabilization structure. With sea level rise properties will need some shoreline stabilization structure and the guidance should also expect that the area behind the adaptation measure be raised with soil to avoid unintended ponding of water.
The guidance calls for reduced slopes to improve environmental outcomes but the reduced slopes can have a major impact on a property owner.	Reducing slopes to these low slopes can be difficult without impacting existing primary structures. While decisions should be made on a site-by-site basis, low slopes for adaptive measures are most likely to be feasible for undeveloped properties.
Requiring a property owner to employ nature based solutions, especially with a low slope channelward can have a major impact on the property owner that preclude use of property as intended because of a future threat of sea level rise or a fear that a living shoreline will facilitate the loss of the yard into waters, which will negatively impact water quality and may trigger the need for additional costly dredging. Property owners are likely to resist such requirements and may have a claim for a “takings” without compensation, which is prohibited under the 5 <sup>th</sup> and 14 <sup>th</sup> Amendments to the US Constitution.	Provide outreach and grants to encourage nature-based shoreline solutions. Do not forcing property owners to install living shorelines, especially for properties with existing shoreline stabilization structures. Forcing property owners to install nature-based solutions to a threat that may not be realized for decades will lead to litigation and likely set back environmental programs.

# ----- Committee Resolutions -----

## Transportation

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### **MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATION (MVCCA) TRANSPORTATION COMMITTEE RESOLUTION 2024-01**

#### **REGARDING THE USE OF ELECTRONIC BICYCLES (E-BICYCLES) ON THE MOUNT VERNON TRAIL (MVT)**

1. WHEREAS; There's a long-standing opposition in the Mount Vernon Community to commercialization and degradation of the George Washington Memorial Parkway (GWMP) and Mount Vernon Trail (MVT); and
  2. WHEREAS; There's a long-standing commitment of the Mount Vernon Council of Citizens' Associations to preserve and enhance the original design and intent of the GWMP and MVT as a stately and serene entry to our First President, George Washington's residence; and
  3. WHEREAS; There's more than one million individuals a year that use the MVT; and
  4. WHEREAS; The MVT is part of the East Coast Greenway and the Potomac Heritage National Scenic Trail; and
  5. WHEREAS; The MVT was designed and intended to be used by pedestrians and not motorized vehicles; and
  6. WHEREAS; There are increasing accidents and injuries to runners, joggers, walkers, and families due to negligent and irresponsible behavior on the MVT by some bicyclists; and
  7. WHEREAS; Even a small number of e-bicycles and associated vehicles would negatively impact the experience of the overwhelming majority of users and disrupt the scenic and serene nature of the MVT; and
  8. WHEREAS; E-bicycles discarded and left along the Trail for extended periods of time are creating dangerous and unsightly conditions for individuals utilizing the MVT.
- A. THEREFORE, the MVCCA Transportation Committee declares its opposition to the introduction and use of e-bikes on the MVT and reiterates its commitment to preserving the legacy of a safe and tranquil MVT for the vast majority of users.
- B. ALSO RESOLVED, the Committee calls upon the United States Park Service to take the necessary steps to prevent, discourage, and penalize the use of e-bicycles and associated motor vehicles on the MVT.

**END RESOLUTION: TRAN-2024-01**

# ----- Treasurers Report -----

## Mount Vernon Council of Citizens' Associations, Inc. Treasurer's Report, Current Month and Fiscal Year to Date Compared to Annual Budget Periods Ending March 31, 2024

	March	Total July 1 to March 31	2023-2024 Annual Budget	Budget Variance To spend or Favorable (Unfavorable)
<b><u>Cash Receipts (including deposits in-transit):</u></b>				
Dues - Current Members	\$ -	\$ 3,965	\$ 4,250	
Money Market Interest	0	0	2	
Total Cash Receipts	0	3,965	4,252	\$ (287)
<b><u>Cash Disbursements (including outstanding checks):</u></b>				
Administrative	-	398	545	147
Insurance Premium	-	792	760	(32)
Outreach/Town Hall Meets	-	-	-	-
"Record" Production	100	740	1,400	660
Web Site	30	210	1,000	790
Total Cash Disbursements	130	2,140	3,705	1,565
Net Budget - Receipts in Excess(less than) Disbursements:	(130)	1,825	547	\$ 1,278
<b><u>Other Sources/Changes in Cash:</u></b>				
Cash at Beginning of Period	10,580	8,625	8,625	
<b>Total Cash at End of Period</b>	\$ 10,450	\$ 10,450	\$ 9,172	

**End of Period Cash Balances by Account (adjusted for outstanding items):**

Burke & Herbert - Checking	\$ 4,288
Burke & Herbert - Money Market	6,162
<b>Total Cash</b>	\$ 10,450

Respectfully Submitted,  
William J Kane, Treasurer  
April 1, 2024

**Notes:**

- 1 This financial statement uses the cash basis of accounting.
- 2 Amounts are rounded to the nearest dollar

### NEXT COUNCIL MEETING

**Wednesday, April 24, 2024, 7:00 p.m.**  
**Virtual**

**AGENDA**

Guest speakers: Staff from Land Development  
Services and Planning and Development

- Call to order
- Minutes Approved
- Committee Reports
- Treasurer Report
- Co-chairs Report
- Resolutions
- Supervisor's Time
- Members Time
- Adjourn

### COMMITTEE CALENDAR

**MVCCA Council—April 24, 7:00 p.m., Virtual**  
**MVCCA Board—May 14, 7:00 p.m. Virtual**

Comm	Date	Time	Place	Chair
BUDG	TBD	7:00	Virtual	open
EDU	5/8	7:00	Virtual	Hosek
E&R	5/1	7:00	Virtual	L. Zaragoza
PL/Z	5/6	7:00	Virtual	Mathur
PS	TBD	7:00	Virtual	open
TRAN	5/13	7:00	Virtual	J. Zaragoza
MSCS	TBD	7:00	Virtual	Milanowski

*The Record is published monthly except August by the  
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Mount Vernon, VA 22121-0203.*

# **County Land Use, Zoning and Planning Updates on Route 1 Area Projects**



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PLANNING & DEVELOPMENT

# Project Update to Mount Vernon Council of Citizens' Associations (MVCCA)

March 27, 2024

## General Project Update to MVCCA

### *Land Development Services (LDS) & Department of Planning and Development (DPD)*

- Alexandria Crossing
- Collingwood Chase
- Ethos Vet/Vet Clinic North Gateway
- Brookside Motel /6001 Richmond Hwy.
- 2550 Huntington Ave. (PCA 2011-MV-031)
- 2560 Huntington Ave. (RZ 2022-MV-00015)
- Lukens Lane/Jones application (RZ 2023-MV-00003)
- IMP Building
- Penn Daw Fire Station, Community Shelter, and Affordable Housing



# Alexandria Crossing

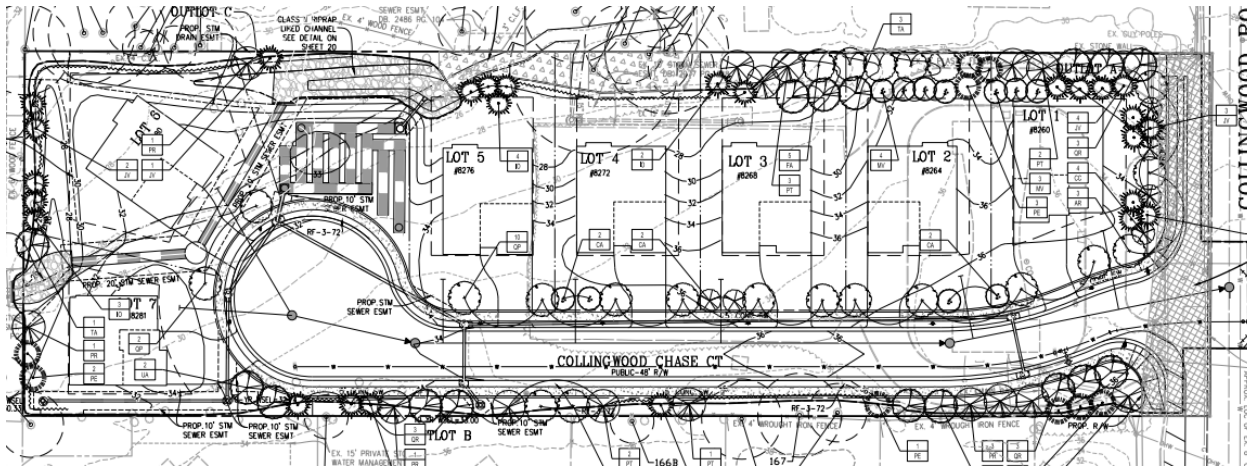


- The site plan (SP-2023-00043) has completed the first round of review and the second submission is dependent on continuing coordination with FCDOT and VDOT for the Embark Project.
- The applicant anticipates resubmitting the public improvement plan (003058-PI-001) by early summer.
- The building plans are contingent upon the site plan and will be resubmitted as the site plan approval is imminent.
  - BLDC-220820043 core and shell permit
  - BLDC-220380195 footing and foundation permit
  - BLDC-220600332 garage permit

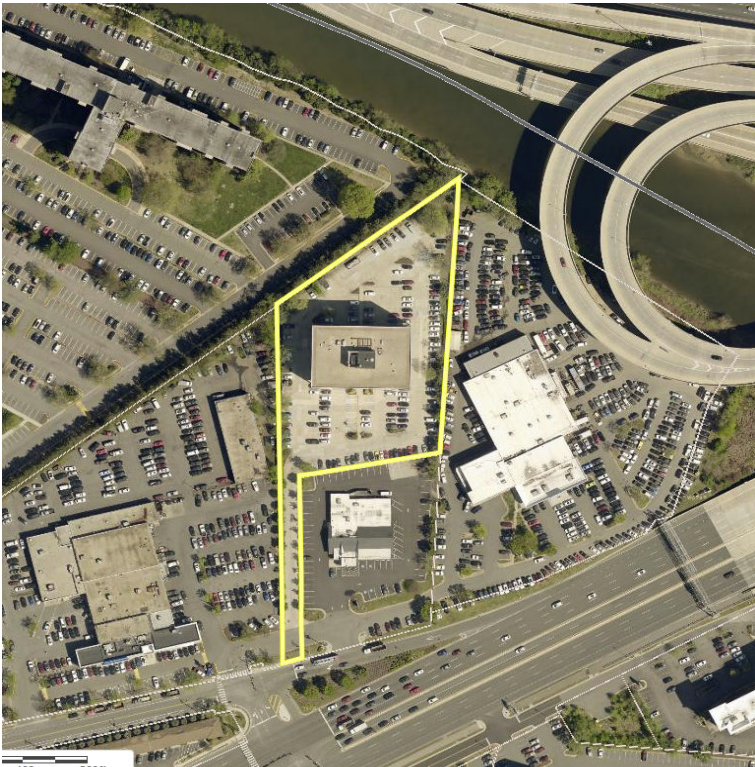


# Collingwood Chase

- 000732-SD-002 received technical approval in January 2024
- Currently working through the bond process prior to issuance of the land disturbance permit



# Ethos Vet/Vet Clinic North Gateway



- Rezoning approved September 2022
- Site plan has not received a resubmission since 2021 (prior to zoning approval)
- Several interior alteration permits and Non-RUPs for office space have been in the building issued since the rezoning was approved



# Brookside Motel/6001 Richmond Hwy.



- HTOURR-2024-00011 – Tourist Establishment Renewal issued 1/7/2024
- PMINV-2024-00047 – Property Maintenance Investigation Notice issued 3/12/2024
- Tier 1 plan amendment (PA # 2021-IV-MV1) for multifamily use remains on the work program but not active



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# 2550 Huntington Ave. (PCA 2011-MV-031)



- Multifamily building with 200-units
- 8,975 SF of ground floor retail
- Urban Plaza/Covered Loggia
  
- In Review
- Staff Report: **4/24/24**
- PC Hearing: **5/8/24**
- BOS Hearing: **TBD**

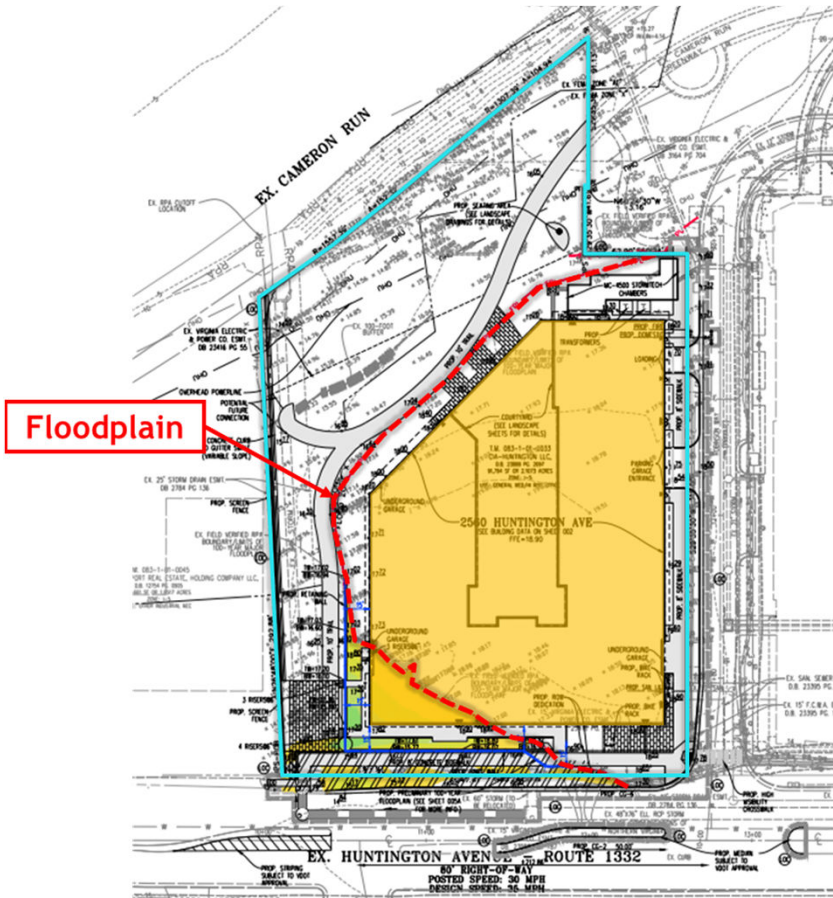


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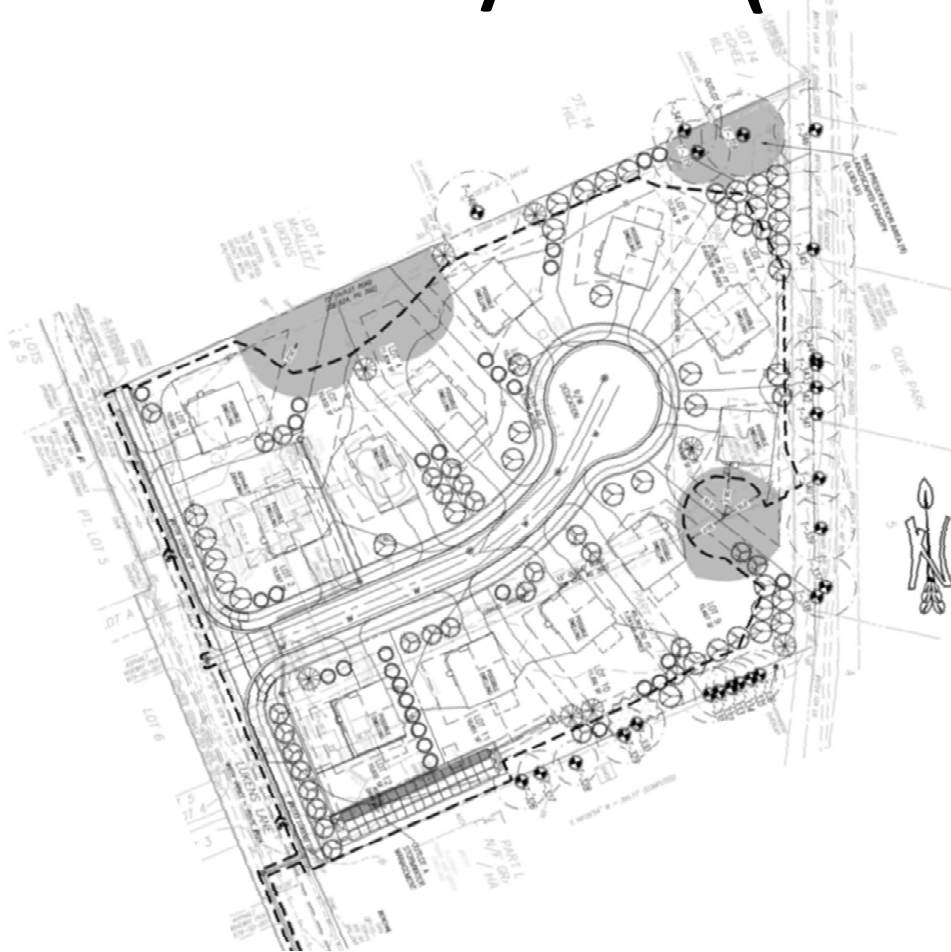
# 2560 Huntington Ave. (RZ 2022-MV-00015)



- Multifamily building with 211-units
- 3,375 SF ground floor community center
- In Review
- Staff Report: **7/3/24**
- PC Hearing: **7/17/24**
- BOS Hearing: **TBD**



# Lukens Lane/Jones (RZ 2023-MV-00003)



- Rezone from R-2 to R-3
- 12 lots
- In Review
- Staff Report: **late June**
- PC Hearing: **mid-July**
- BOS Hearing: **TBD**



# IMP Building



- Plan Amendment # 2018-IV-MV2
- To consider residential use at 30 du/ac
- Being considered in coordination with adjacent 8800 Richmond Highway site
- Work Program Tier 3
- Applicant has revised layout since nomination period
- Would need action from BOS to begin work on Plan Amendment



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# Penn Daw Fire Station, Community Shelter, and Affordable Housing



- Plan Amendment # 2023-IV-MV3
- To consider co-location of a new fire station, community shelter, and affordable housing
- Work Program Tier 1
- Plan Amendment Authorized by BOS on December 5, 2023
- Review will be concurrent with zoning application when submitted



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# Resources

- Plan Amendment Interactive Map:  
[https://fairfaxcountygis.maps.arcgis.com/apps/webappviewer/index.html?id=ce133d69364e4c4b99e9af930239b15c -](https://fairfaxcountygis.maps.arcgis.com/apps/webappviewer/index.html?id=ce133d69364e4c4b99e9af930239b15c-)
- Current Work Program Plan Amendment (contains study links):  
<https://www.fairfaxcounty.gov/planning-development/plan-amendments/current>
- Comprehensive Plan Amendment Work Program:  
[https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/complanamend/sspa/workprogram/adopted\\_work\\_program.pdf](https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/complanamend/sspa/workprogram/adopted_work_program.pdf)
- Planning & Zoning Viewer:  
<https://fairfaxcountygis.maps.arcgis.com/apps/webappviewer/index.html?id=9e238ecc6855430fbb4ce1782dea1336>
- Weekly report on Zoning Applications Accepted:  
<https://www.fairfaxcounty.gov/>  
*Select “Engage” “Subscribe to Newsletters” Subscribe to “Development Review News & Information”*

# Questions / Discussion



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