



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
June 22, 2021**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <https://www.fairfaxcounty.gov/boardofsupervisors/board-meeting-summaries>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 711 (TTY).

14-21

EBE:ebe

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, June 22, 2021, at 12:06 p.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

Supervisor Walter L. Alcorn, Hunter Mill District, was absent from the entire meeting.

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Emily Armstrong, Ekua Brew-Ewool, and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (12:07 p.m.)

Chairman McKay stated that:

- COVID-19 is affecting the whole community, from children to small businesses, to those who are ill with the virus. He asked to keep everyone in the County, and around the world, in thoughts and prayers during this difficult time
- The Fairfax County flag continues to fly at half-staff at all County facilities in honor of the residents who have died from COVID-19 and in recognition of the many essential workers who are responding to the pandemic

Chairman McKay announced that Supervisor Alcorn would be absent from the entire meeting and stated that the public hearings scheduled for the Hunter Mill District will be deferred later in the meeting.

The Board asked everyone to keep in thoughts the family and friends of the following people who died recently:

- Colonel Norman P. Gottlieb, who was a long-time resident of the Holmes Run community. After retiring from the Military, he served as an aide to former Virginia Senator Mark Herring and was a long-time volunteer and mentor
- Stuart Freudberg, who spent his entire 40 year career with the Metropolitan Council of Governments specializing in water systems and was an Environmental superstar in the region
- Lee District Chief of Staff, Matt Renninger's, who lost his grandfather unexpectedly
- Glenn Wiggs, a longtime Dranesville District resident; he was the owner of the McLean Hardware for over 40 years
- Marvin Blizzard, a 57 year resident of the Ravensworth Farm community, he served in the Army reserve and worked in the Naval Research Laboratory
- A mother and her two children, as the result of a recent domestic violence incident. Also keep in thoughts the family and the first

responders who processed what happened as well as the Herndon Police Department

Supervisor Storck asked everyone to keep in thoughts and prayers the family of Emily Lu, a Lorton resident who has been missing since early June. A police investigation is still ongoing.

AGENDA ITEMS

2. **PROCLAMATION DESIGNATING JULY 2021 AS “LATINX CONSERVATION MONTH” IN FAIRFAX COUNTY** (12:17 p.m.)

Supervisor Palchik moved approval of the Proclamation designating July 2021 as the first “*Latinx Conservation Month*” in Fairfax County, and urged all residents to take advantage of the events exploring the importance of parks and green spaces in the County. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

3. **RESOLUTION TO RECOGNIZE STEVEN T. EDGEMON, GENERAL MANAGER OF FAIRFAX WATER** (12:28 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution recognizing Steven T. Edgemon, General Manager of Fairfax Water for his contributions to the County. Supervisor Storck seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

4. **RESOLUTION TO RECOGNIZE THE FIFTIETH ANNIVERSARY OF THE FIRST PERFORMANCE AT WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS** (12:38 p.m.)

Supervisor Foust moved approval of the Resolution recognizing the fiftieth anniversary of the first performance at Wolf Trap Foundation for the Performing Arts’ Filene Center and for the foundation’s cultural and educational contributions. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

5. **12 P.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS (BACs) AND ADVISORY GROUPS** (12:43 p.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard June 22, 2021,” noting that the list incorporates appointments through July 2, 2021, and includes nominees to the 2021 Redistricting Advisory Committee. Chairman McKay seconded the motion.

Chairman McKay thanked his colleagues for their input and nominations to the 2021 Redistricting Advisory Committee.

The question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointments of the At-Large Chairman's, Dranesville, Mount Vernon, and Providence District Representatives.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the Mount Vernon and Providence District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Builder (Multi-Family), Engineer/Architect/Planner #1 and #2, and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Appointment of:

- Mr. Ken Platek as the At-Large Chairman's Representative
- Ms. Kristi Stolzenberg as the Mason District Representative

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #1 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Ms. Marcia Pape Daniels as the Braddock District Principal Representative
- Mr. Brian Luwis as the Dranesville District Alternate Representative
- Mr. Gregory Beckwith as the Dranesville District Principal Representative
- Ms. Barbara R. Lowrey as the Mason District Principal Representative

- Mr. Mark R. Heilbrun as the Springfield District Alternate Representative

The Board deferred the appointments of the Braddock District Alternate, Mason District Alternate, and the Mount Vernon District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Reappointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative
- Mr. Raymond K. Smith as the Braddock District Representative
- Ms. Marie Colturi as the Hunter Mill District Representative
- Ms. Roberta Kelley Paul as the Mount Vernon District Representative
- Ms. Kim S. Farington as the Springfield District Representative
- Ms. Debbie Kilpatrick as the Sully District Representative

The Board deferred the appointments of the Dranesville, Mason, and the Providence District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointments of the Design Professional #1 and Alternate #1 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

The Board deferred the appointment of the At-Large #2 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointments of the At-Large #1 and #2 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #9 Representative.

COMMISSION ON AGING

Reappointment of:

- Mr. Joseph A. Heastie as the Providence District Representative

COMMISSION FOR WOMEN

The Board deferred the appointment of the At-Large Chairman's Representative.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the Mount Vernon District Representative.

COMMUNITY POLICY AND MANAGEMENT TEAM, FAIRFAX-FALLS CHURCH

Confirmation of:

- Ms. Staci Jones Alexander as the Parent #1 Representative
- Ms. Cristy Gallagher as the Parent #2 Representative
- Ms. Jacqueline Benson as the Parent #3 Representative
- Ms. Annie Henderson as the Parent #4 Representative
- Mr. Joe Klemmer as the Parent #5 Representative

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #7, #9, and #13 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointment of the Mount Vernon District Representative.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

The Board deferred the appointment of the BOS At-Large #6 Representative.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Ms. Lenore Kelly as the Redevelopment and Housing Authority Representative

- Ms. Jennifer Taylor as the Northern Virginia Technology Council Representative

The Board deferred the appointment of the Mason District Representative.

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Reappointment of:

- Ms. Linnie Haynesworth as the At-Large #5 Citizen Representative
- Ms. Catherine Lange as the At-Large #7 Citizen Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointments of the Citizen #2 and #4 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Ms. Courtney Cezair Mayers as the Dranesville District Representative

The Board deferred the appointments of the Lee and Mason District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Reappointment of:

- Mr. Morgan Maravich as the Springfield District Representative
- Ms. Holly Williamson as the Sully District Representative

The Board deferred the appointments of the At-Large Chairman's and the Lee District Representatives.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointment of:

- Ms. Daria Akers as the At-Large Chairman's Representative
- Ms. Karen Abraham as the Braddock District Representative
- Ms. Bettina Lawton as the Hunter Mill District Representative

- Ms. Larysa M. Kautz as the Lee District Representative

Appointment of:

- Ms. Diana Delvalle Rodriguez as the At-Large #4 Representative

(These nominations were announced on May 18, 2021.)

HEALTH CARE ADVISORY BOARD

Reappointment of:

- Ms. Rose C. Chu as the Mason District Representative
- Ms. Shikha Dixit as the Mount Vernon Representative

The Board deferred the appointments of the At-Large Chairman's and Dranesville Representatives.

HEALTH SYSTEMS AGENCY BOARD

Reappointment of:

- Ms. Sally J. Patterson as the Consumer #3 Representative
- Ms. Magalie Emile-Backer as the Provider #2 Representative

The Board deferred the appointment of the Consumer #2 and #5, and the Provider #1 and #3 Representatives.

HISTORY COMMISSION

The Board deferred the appointments of the At-Large #1, Citizen #4, and Historian #1 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative.

LIBRARY BOARD

Reappointment of:

- Mr. Philip E. Rosenthal as the Springfield District Representative

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Appointment of:

- Ms. Catherine Novelli as the Fairfax County #3 Representative

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointments of the At-Large Chairman's, Braddock, Dranesville, Mason, Mount Vernon, Providence, and Sully District Representatives.

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointment of the Seat #2 Representative.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Ms. Karen Mantyla as the Residential Owners and HOA/Civic Association #2 Representative

The Board deferred the appointments of the Commercial or Retail Ownership #2, Reston Chamber of Commerce lessees on Non-Residential Space, and the Residential Owners and HOA/Civic Association #3 Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #3, #4, and #5 Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Confirmation of:

- Ms. Syazana Durrani as the Reston Association #1 Representative
- Mr. Andy Sigle as the Reston Association #2 Representative
- Ms. Carol Ann Bradley as the Reston Association #4 Representative

TENANT LANDLORD COMMISSION

Appointment of:

- Mr. Anup Nair as the Tenant Member #1 Representative

The Board deferred the appointments of the Citizen Member #3 and the Landlord Member #2 Representatives.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Appointment of:

- Mr. Donald Garret as the Providence District #2 Representative

The Board deferred the appointment of the Commercial or Retail Ownership #3 Representative.

VOLUNTEER FIRE COMMISSION

Confirmation of:

- Mr. Jeffrey A. Snow as the At-Large Representative
- Mr. Robert J. Mizer as the Zone III Representative
- Mr. Michael J. Masciola the Zone IV Representative
- Mr. Shawn P. Stokes as the Volunteer Fire and Rescue Association #2 Representative

WATER AUTHORITY

Reappointment of:

- Mr. Anthony H. Griffin as the At-Large Chairman's Representative
- Mr. J. Alan Roberson as the Braddock District Representative

The Board deferred the appointment of the Lee District Representative.

WETLANDS BOARD

The Board deferred the appointment of the Mount Vernon District #3 Representative.

YOUNG ADULTS ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative.

2021 REDISTRICTING ADVISORY COMMITTEE

Appointment of:

- Mr. Paul Berry as the At-Large Chairman's #1 Representative

- Ms. Lisa Sales as the At-Large Chairman's #2 Representative
- Mr. William Bouie as the At-Large Chairman's #3 Representative
- Mr. Prashanth Rajan as the Braddock District Representative
- Mr. Jimmy Bierman as the Dranesville District Representative
- Mr. Richard Chew as the Hunter Mill District Representative
- Mr. Bryon Garner as the Lee District Representative
- Mr. Alis Wang as the Mason District Representative
- Mr. Gerald W. Hyland as the Mount Vernon District Representative
- Ms. Linda Smyth as the Providence District Representative
- Mr. Samuel Walker as the Sully District Representative

Confirmation of:

- Mr. Tim Thompson as the Federation of Citizens Associations Representative
- Ms. Anne Kanter as the League of Women Voters Representative
- Ms. Karen Campblin as the African-American Community Representative
- Ms. Maya Castillo as the Hispanic Community Representative
- Ms. Silvia Patton as the Asian/Pacific Islander Community Representative
- Mr. Saif Rahman as the Arab-American Community Representative
- Mr. Scott Price as the Northern Virginia Chamber of Commerce Representative
- Mr. George Becerra as the Northern Virginia Labor Federation Representative

FAIRFAX COUNTY POLICE -DIRECTED TOWING ADVISORY BOARD

Confirmation of:

- Mr. Leonard C. Tengco as the Citizen Representative
- Mr. Jason Simmons as the Towing Industry Representative
- 2nd Lieutenant Jason Long as the Law Enforcement Representative

DMS:dms

BOARD MATTERS

6. **AUTHORIZATION TO MODIFY UNCODIFIED ORDINANCES RELATED TO THE HOSPITALITY INDUSTRY** (12:51 p.m.)

Chairman McKay stated that on May 18, 2021, he submitted a Board Matter, approved by the entire Board, which:

- Directed staff from the agencies involved in the development process to implement a plan that would assist the hospitality industry to triage businesses working to reconfigure their spaces based on changing COVID-19 guidelines so that they can get through the land use process swiftly and efficiently
- Directed the staff to return to the Board with amendments to the previously adopted Outdoor Dining and Exercise Ordinance to reflect the expanded timeframe granted by the General Assembly under Virginia Code § 15.2 1413 as well as any other changes to the Ordinance that would be appropriate to assist the hospitality industry

Staff in Land Development Services (LDS), the Department of Planning and Development, the Fire Marshal's Office, and the Building Official, as well as staff from the Department of Economic Initiatives, have been meeting to consider the hospitality industry and to review the Outdoor Dining and Exercise Ordinance and the second uncodified ordinance which together:

- Approved temporary outdoor dining and outdoor fitness and exercise activities subject to certain conditions
- Approved temporary County-operated hypothermia prevention shelters from November 2020 to April 1, 2021
- Authorized a streamlined process for approving temporary use modifications prompted by the COVID Emergency

Staff has been working to identify ways to help the hospitality industry manage and recover from the pandemic without unduly stressing the County agencies responsible for the normal planning, zoning, and development review and approval processes. Staff has generally identified hospitality uses to be eligible for assistance

as: hotel/motels; restaurants; catering establishments; craft beverage establishments and certain types of indoor and outdoor recreation uses.

The major focus has been considering expedited application processing and reductions in building, site, and fire-related development fees, special exception and special permit application fees; and providing support from the LDS Project Management program, if requested for applicable projects. The ordinance relating to temporary use modifications has been working well, but a possible beneficial change would be to expand the Zoning Administrator's authority to approve temporary modifications to uses, structures, and activities that are necessary not just to comply with governmental requirements, but also to respond more generally to the COVID-19 Emergency and its impacts.

While the County might be able to approve most or all of these modifications using normal processes, this can consume a significant amount of time for all concerned—certainly including County agencies—not to mention the associated financial costs. The County cannot afford to let critical temporary modifications get bogged down because of the time they would take under normal processes or the cost to County businesses.

The Outdoor Dining and Exercise activities ordinance is also working well and, other than the need to extend the applicability time frame from six months to 12 months beyond the end of the State of Emergency, as determined by the Board, no other changes are anticipated.

To make these changes to the uncodified ordinances, amendments would need to be reviewed and adopted through a public hearing.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize public hearings on July 27, 2021 to:

- Authorize public hearings on July 27, 2021, to:
 - Modify the uncodified ordinances adopted on October 20, 2020, and November 17, 2020
 - Extend the time frame to 12 months beyond the end of the State of Emergency
 - Modify the language of the ordinances as may be necessary to authorize modifications to uses, structures, and activities in response to the COVID-19 emergency and its impacts
 - Provide for a reduction in fees for the above listed Hospitality Industry uses

- Direct staff to return to the Board on July 27, 2021, with other procedural or process changes that can be implemented to assist the Hospitality Industry.

Supervisor Herrity seconded the motion. Following discussion regarding future notifications for the Board regarding the changes made, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

7. **CERTIFICATE OF RECOGNITION REQUEST FOR THE FALLS CHURCH NEWS-PRESS (FCNP) AND NICHOLAS BENTON** (12:59 p.m.)

Chairman McKay stated that in March 1991, Nicholas Benton published the first edition of the FCNP. Every week since then, the FCNP has not missed a deadline and Mr. Benton continues to lead the charge. It is exciting to share that this year marks the 30th year of consecutive weekly publication of the FCNP.

While not all of Falls Church is within the County, the Board knows how vital this news source is to City and County residents. Despite the fact that large media companies do not always view local news as profitable, it is indisputable to say how important local news is to an informed public and in the building community. The Board is grateful that Mr. Benton has done such great work bringing the news to the Falls Church community and finding a way to do it regardless of the challenges.

Therefore, jointly with Vice-Chairman Gross, Chairman McKay moved that the Board direct staff to prepare a Certificate of Recognition for the Falls Church News-Press for 30 years of publication and the work of Nicholas Benton in informing Falls Church and County residents every year along the way, to be presented at a future Board meeting. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

8. **BOARD DESIGNATION FOR NATIONAL ASSOCIATION OF COUNTIES (NACO)** (1:01 p.m.)

(BAC) Supervisor Gross stated that the Board has received a request from NACo regarding designating a voting delegate and alternate voting delegate to represent the County at the NACo annual meeting to be held on July 9-12, 2021.

Therefore, Supervisor Gross moved that the Board designate:

- Chairman Jeffrey C. McKay as the Voting Delegate
- Supervisor Penelope A. Gross as the Alternate Voting Delegate.

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

9. **THE RETURN OF SCHOOL AGE CHILD CARE (SACC)** (1:02 p.m.)

Supervisor Gross stated that as the County prepares for a return to regular classroom schedules in late August, some parents have raised concerns as to whether SACC will return to all the schools that previously provided this high-quality childcare before and after school. Recent Mason District elementary school boundary changes adopted by the School Board have exacerbated those concerns.

Decades after its initial implementation in a few County schools, SACC is an invaluable asset to children and their families at nearly 150 school sites. When the COVID pandemic hit and schools moved to remote and virtual learning- the value of SACC programs was reinforced, even though a lot of fancy footwork was needed, by parents and teachers, to pivot to new formats. SACC provides affordable high-quality childcare, and especially allows a free flow of information between school staff and SACC staff for higher need students with Individualized Education Programs (IEPs) and 504s. SACC provides continuity and consistency for students, provides additional role models in the form of qualified SACC teachers and, according to students, SACC is fun!

Therefore, to ensure that credible information is available to parents and teachers as soon as possible prior to the return to in-person learning, Supervisor Gross asked unanimous consent that the Board direct the County Executive to work with the appropriate County and school agencies about SACC programs for this fall, including locations and availability of SACC teachers, and report his findings to the Board, in writing, not later than the July 27, 2021, Board meeting. Without objection, it was so ordered.

10. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (1:05 p.m.)

Supervisor Walkinshaw announced that he had no Board Matters to present today.

11. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (1:05 p.m.)

Supervisor Foust announced that he had no Board Matters to present today.

12. **AUTHORIZATION OF COMPREHENSIVE PLAN AMENDMENT FOR SITE-SPECIFIC PLAN AMENDMENT (SSPA) PROCESS NOMINATION PC19-LE-008 AT 6235 BRANDON AVENUE (LEE DISTRICT)** (1:05 p.m.)

Supervisor Lusk stated that the approximately 1.4-acre property located at 6235 Brandon Avenue is currently vacant and planned for mixed use within Land Unit A of the Springfield Community Business Center (CBC), with an option for office use up to 125,000 square feet. The site was entitled for a free-standing restaurant in 2000 jointly with a hotel, which was constructed on the neighboring parcel. A proposal for a seven-story self-storage building on the site was submitted during the South County SSPA nomination process, which the Lee District SSPA

Task Force recommended be added to the Comprehensive Plan Amendment Work Program.

Due to staff concerns and concerns raised at the Planning Commission public hearing, Supervisor Lusk stated that he requested that staff complete additional research on urban self-storage and obtain additional input from the community, and therefore, this nomination was not authorized with the other SSPA nominations on January 26, 2021. Staff has completed their background research related to design and potential ground floor uses and has coordinated with the Springfield Civic Association. During the interim, the property owner has also stated that they are exploring the potential for moving through the zoning process with the hotel.

From a planning perspective, self-storage use does not clearly fit into the mixed-use framework that is envisioned within the CBC; however, the site has been vacant for over 20 years since the restaurant approval, and the planned office use, which was associated with the 2005 Base Realignment and Closure proceedings, has not and likely will not come to fruition. Further, Supervisor Lusk stated his belief that this site is unique due to its location against I-95 without direct access or good visibility from a roadway within the CBC that is planned with the vibrant, pedestrian-oriented, multi-modal design that would support walking, biking, and mixed-use and commercial activity. This proposal may present a solution for this vacant site and considering the proposal together with the adjacent hotel could offer more opportunities to advance other goals of the CBC besides land use.

Therefore, to initiate the review of this proposal, Supervisor Lusk moved that the Board add SSPA Nomination PC19-LE-008, located at Tax Map Parcel 80-4 ((1)) 5C2, to the 2021 Comprehensive Plan Amendment Work Program to consider an option for self-storage use up to an intensity of 3.0 FAR (175,000 sf), with community-serving retail or alternative, non-residential use on the ground floor, in conjunction with neighboring parcel Tax Map Parcel 80-4((1))5C1. The plan amendment should give special consider to innovative architecture that does not present as a traditional self-storage, and a site layout and other measures that would achieve the goals of the Springfield Community Business Center. As with the authorization for the other SSPA nominations, the amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis. The Plan Amendment will be reviewed concurrently with an application to rezone the property, once such amendment is submitted. This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

13.

ADOPTION OF THE AUDITOR OF THE BOARD'S JUNE 2021 QUARTERLY REPORT AND APPROVAL OF THE AUDIT COMMITTEE WORK PLAN FOR THE UPCOMING QUARTER (1:10 p.m.)

(BAC) Supervisor Storck stated that the Board has received the Auditor of the Board's Quarterly Report for June 2021. The report included the following study areas, recommendations, and managements' concurrence:

- Land Development Services (LDS) Future Construction, Bond, and Conservation Escrow Study - Auditor recommends staff:
 - Evaluate aged escrows transferred from FAMIS to assess the balances, documentation not presented, developer's status, and future use of funds (e.g., repurpose, escheat, or return to developer)
 - Evaluate the aged escrows in FOCUS to assess the balances, developer's status, and future use of funds (e.g., repurpose, escheat, or return to developer)
- LDS Cash Proffer Study - Auditor recommends staff:
 - Evaluate aged proffers to assess the status of balances, developers, and future use of funds (e.g., repurpose, escheat, or return to developer)
- LDS Management of Escrows and Proffers - Audit Committee requests:
 - LDS to provide a document flow of how the 4 (Escrows: Future Constructions / Bonds/ Conservations, and Proffers) financial instruments are managed to address issues of aging balances, developers, and continued use of funds. This information will be presented at the next report out
 - LDS to provide a plan of how to assess the escrows transferred from FAMIS using processes identified through resolving the anomalies in the sample tested by OFPA. This plan should identify the County's obligation and the resources and timeline estimated for this review. This information will be presented at the next report out
- Fairfax County Park Authority (FCPA) Cash Proffer Study - Auditor recommends staff:
 - Evaluate aged proffers to assess the status of developers, aged proffer balances, committed balances and proffer fund receipt documentation for future use of funds (e.g., repurpose, escheat, or return to developer)
 - Evaluate aged proffers with no activity, no receipt date of proffer monies, and developer's status for possible future use of funds (e.g., repurpose, escheat, or return to developer)
 - Management agreed with the recommendations

- Department of Public Works and Environmental Services (DPWES) Cash Proffer Study:
 - All proffers current within three years. No Exceptions to Report.

Therefore, Supervisor Storck moved that the Board adopt the Auditor of the Board's June 2021 Quarterly Report and approve the Audit Committee Work Plan, attached to his written Board Matter, for the upcoming quarter. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

14. **INTRODUCTION OF A NEW STAFF MEMBER IN THE MOUNT VERNON DISTRICT SUPERVISOR'S OFFICE** (1:14 p.m.)

Supervisor Storck introduced Alexandra Jones, who recently joined his office. On behalf of the Board, Supervisor Storck warmly welcomed her to the County.

15. **CERTIFICATE OF RECOGNITION REQUEST FOR BILLY THOMPSON** (1:15 p.m.)

Supervisor Palchik stated that Billy Thompson, the immediate past President of the Greater Merrifield Business Association (GMBA), stepped down this year after seven years as President. Mr. Thompson has been a key member since 1995 and he will remain on the board.

In addition to his work with the GMBA, Mr. Thompson served on the Tysons Task Force and was a public advocate for many Merrifield development projects, including Inova, Fairview Park, and Fairfax Water. He has been a source of support and mentorship to many business owners in Merrifield and Fairfax.

Preceding his leadership with GMBA, Mr. Thompson has a long history of serving his community, starting with Marshall Road Student President in 1962. He served on the Virginia Small Business Advisory Board, chaired the Tysons Chamber of Commerce, served as President of the Vienna Rotary Club, served as a five-year mentor in the Be-Friend program, coached Little League, Babe Ruth and Men's and Girls' softball and has been the co-chair of the Fairfax County Homeless Shelters children's Christmas party for 12 years, and even dressed up as Santa.

Mr. Thompson brings his endless optimism and cheerful smile to everything he is involved with. He has received numerous accolades and awards for his service to the community. He was an outstanding President to GMBA and helped shape and grow the organization into what it is today.

Therefore, jointly with Chairman McKay and Supervisor Alcorn, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for Billy Thompson, for his years of service as President of the

GMBA, to be presented at a future Board meeting. Without objection, it was so ordered.

16. **INCLUSION OF BUENA VISTA ROAD RIGHT-OF-WAY IN A PENDING REZONING APPLICATION TOLL MID-ATLANTIC LP COMPANY, INC. (PROVIDENCE DISTRICT)** (1:18 p.m.)

Supervisor Palchik stated that Toll Mid-Atlantic LP Company, Inc. is the contract purchaser of properties identified as Tax Map 30-3 ((1)) A, B, 196-201, 203-209, and 221-229A, and will be the applicant in a proposed application seeking rezoning from the R-1 District to the PDH-12 District to permit a new townhome development in the East District of Tysons.

Toll Mid-Atlantic LP Company, Inc. proposes to request vacation/abandonment of the unbuilt Buena Vista Road right-of-way, which is located adjacent to the identified properties, convert the area of the right-of-way area to a park, and construct a new local street further to the south connecting Seneca Avenue and LaSalle Avenue. Toll Mid-Atlantic LP Company, Inc. has requested to include the approximately 9,320 square feet of right-of-way in its application.

Therefore, Supervisor Palchik moved that the Board authorize the:

- Inclusion of approximately 9,320 square feet of Board-owned right-of-way associated with Buena Vista Road in a proposed rezoning application by Toll Mid-Atlantic LP Company, Inc. along with land identified as Tax Map 30-3 ((1)) A, B, 196-201, 203-209, and 221-229A
- County Executive to sign the associated proffers

This motion should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and adopted standards. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

17. **MOSAIC SKATELAND GRAND OPENING** (1:21 p.m.)

Supervisor Palchik announced that the Mosaic Skateland grand opening will be held on June 26, 2021, and it will also honor June PRIDE month with Mosaic District partnering with Fairfax County Public Schools (FCPS) Pride. FCPS Pride's mission is to ensure that all students, including trans and gender-expansive students are welcome, safe and respected in schools, from K to 12. Mosaic District is dedicated to pride with purpose and will donate 50 percent of roller rink ticket sales on June 26 to support the work of FCPS Pride.

18. **SHAPE THE FUTURE OF AGING PLAN TIMELINE** (1:22 p.m.)

Supervisor Herrity stated that as discussed during the Board's June 15, 2021, Older Adults Committee meeting, staff presented a plan to resume the planning process for the *SHAPE the Future of Aging Plan*. The timeline, attached to his written Board Matter, includes a survey period and extensive public outreach. While this timeline is longer than any had hoped, it is necessary to produce an accurate plan given the ongoing impacts of the pandemic.

Therefore, jointly with Supervisor Walkinshaw, Supervisor Herrity moved that the Board approve the *SHAPE the Future of Aging* planning process and timeline. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

19. **CERTIFICATE OF RECOGNITION REQUEST FOR THE FORT HUNT WARRIORS RUGBY TEAM (SPRINGFIELD AND MOUNT VERNON DISTRICTS)** (1:23 p.m.)

Supervisor Herrity stated that on June 6, 2021, the Fort Hunt Warriors Rugby team defeated strong challengers from other regions in Virginia to win the Rugby Virginia High School State Championship. The Fort Hunt Warriors went on to compete in the national tournament starting in the fourth-place seed. They competed hard and although they fell short of the championship, they earned the ranking of 8th in the nation.

The players and coaches deserve a lot of credit for winning the state championship this year and going on to compete at the national level. On top of their skill as a team, the team is also known for showing great sportsmanship. It is a testament to the character of everyone involved that they overcame formidable opposition to clinch their titles and capped off another fantastic season. Supervisor Herrity stated that as the Board knows, rugby is a game close to his heart, and he is ecstatic that a national finalist team once again came from the County.

Therefore, jointly with Supervisor Storck, Supervisor Herrity asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Fort Hunt Warriors Rugby team, recognizing its successful season, national ranking, and sportsmanship, to be presented at a future Board meeting. Without objection, it was so ordered.

20. **MACHINERY AND TOOLS (M&T) TAX** (1:24 p.m.)

Supervisor Herrity stated that the M&T Tax on the County's existing small-scale production businesses and startups is more than three times higher than several surrounding jurisdictions. The combination of higher tax rate and a less favorable depreciation schedule is not only having an adverse financial burden on these businesses, but has also discouraged new business, and the expansion of existing facilities.

One of the Board's efforts to diversify its tax base and fill empty commercial and retail space is attracting and growing small-scale producers. As noted in the County

contracted Recast City LLC Small-Scale Production Report which was presented to the last Board, “ A number of scaling production businesses noted that the business taxes in the County are depressing their opportunity to grow and such disparity in tax rates might encourage them to consider neighboring jurisdictions as they scale” “The County’s tax rate on this equipment, (\$4.57 per \$100 of assessed value), while competitive with some adjacent jurisdictions, is higher than Loudoun County (\$2.75 per \$100 of assessed value), and may out-compete the County for small-scale producers, especially as they scale.”

While representing only \$1.3 million in the County’s over \$4 billion total budget, the tax may have a significant impact on companies. As an example, the tax can be 27 percent of the cost of a piece of equipment financed over 10 years. The high M&T tax may also discourage location of small-scale production companies in the County. The County currently has 10 breweries compared to 35 in Loudoun County – the M&T tax in Fairfax County is the reason often cited by industry for the lower numbers.

From the Board’s previous conversations with the Department of Tax Administration (DTA), it would take about \$400,000 to adjust the County’s M&T tax rate to Loudoun’s M&T rate, and another approximately \$400,000 to adjust the depreciation schedule. If the County is to advance its diversification and placemaking efforts, the Board needs to have a competitive M&T tax structure, including tax rate and depreciation schedule. The adjustments in the rate structure could be offset by the growth in both M&T tax, related sales tax, and jobs created by new and expanding small scale production businesses. Adjusting this tax structure would support efforts to strengthen local businesses as well as initiatives like “Made in Fairfax”.

Therefore, jointly with Supervisor Lusk, Supervisor Palchik, and Supervisor Storck, Supervisor Herrity asked unanimous consent that the Board direct:

- Staff to provide more information on the Machinery and Tools Tax and report to the Board as part of the FY 2023 budget discussion
- The DTA to recirculate with the Board an analysis of the tax rates and depreciation schedules of the county and surrounding jurisdictions and the resulting tax impacts on an investment of \$100,000 over the 10 years by a business in each of the jurisdictions

Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to research the Board’s previous action on depreciation rates and provide that history to the Board. Without objection, it was so ordered.

Supervisor Storck asked unanimous consent that the Board direct staff to explore the targeted industries and provide that list to the Board. Without objection, it was so ordered.

Following discussion regarding the estimated revenue loss, Supervisor Smith asked unanimous consent that the Board direct staff to examine what authority the Board has to make changes to this tax. Without objection, it was so ordered.

21. **NO BOARD MATTERS FOR SUPERVISOR SMITH (SULLY DISTRICT)**
(1:32 p.m.)

Supervisor Smith announced that she had no Board Matters to present today.

EA:ea

AGENDA ITEMS

22. **ADMINISTRATIVE ITEMS** (1:32 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being absent.

ADMIN 1 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- (R)
- Adopted the Resolution endorsing traffic calming measures consisting of four speed humps on Churchill Road (Dranesville District)
 - Directed the Department of Transportation staff to schedule the installation of the approved traffic calming measure as soon as possible

ADMIN 2 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of “\$200 Additional Fine for Speeding” signs on Vaden Drive between Interstate 66 and Lee Highway (Providence District)
 - Directed the Department of Transportation staff to request the Virginia Department of Transportation schedule the installation of the approved measures as soon as possible

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21319 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING

FROM VIRGINIA DEPARTMENT OF HEALTH FOR CONTACT TRACING AND LABORATORY TESTING ACTIVITIES RELATED TO THE COVID-19 PANDEMIC

- (SAR)
- Approved SAR AS 21319 authorizing the Health Department to accept funding from the Virginia Department of Health in the amount of \$36,761,962 for contact tracing and laboratory testing activities related to the COVID-19 pandemic. There are no positions associated with this funding and no local cash match is required
 - Approved the execution of the Memorandum of Understanding between the Virginia Department of Health and the County

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 21314 FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF THE TREASURY FOR THE EMERGENCY RENTAL ASSISTANCE PROGRAM

- (SAR)
- Approved SAR AS 21314 authorizing the Department of Neighborhood and Community Services to accept funding from the U.S. Department of the Treasury for the Emergency Rental Assistance program, in the amount of \$35,100,967. Funding will allow the County to continue providing financial assistance, including arrearage and prospective rent and utility payments, and other housing expenses. There are no positions associated with this funding and no local cash match is required.

ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 21320 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM VIRGINIA DEPARTMENT OF HEALTH FOR COVID-19 EPIDEMIOLOGY SUPPORT

- (SAR)
- Approved SAR AS 21320 authorizing the Health Department to accept funding from the Virginia Department of Health in the amount of \$109,497 for contract epidemiology support for COVID-19. There are no positions associated with this funding and no local cash match is required
 - Approved the execution of the Memorandum of Understanding between the Virginia Department of Health and the County

23. **A-1 – APPROVAL OF FISCAL YEAR (FY) 2021 YEAR-END PROCESSING**
(1:32 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and authorize staff to process payment vouchers for items previously approved and appropriated in FY 2021 for

the interim period from July 1 until the Board approves the *FY 2021 Carryover Review*, which is scheduled for action on October 5, 2021. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

24. **A-2 – APPROVAL OF AND AUTHORIZATION FOR THE COUNTY EXECUTIVE TO EXECUTE AN ESCROW AGREEMENT FOR PROFFERED PUBLIC FACILITIES: SCOTTS RUN SOUTH AND NORTH DEVELOPMENTS (PROVIDENCE DISTRICT)** (1:33 p.m.)

Supervisor Palchik moved that the Board concur in the recommendation of staff and:

- Approve the Escrow Agreement for Proffered Public Facilities between the Board and two subsidiaries of Cityline Partners, LLC
- Authorize the County Executive to execute the Agreement

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

25. **A-3 – APPROVAL OF A PARKING REDUCTION FOR ARBOR ROW, BLOCK A (PROVIDENCE DISTRICT)** (1:34 p.m.)

Supervisor Palchik moved that the Board concur in the recommendation of staff and approve a parking reduction for Arbor Row, Block A, pursuant to Paragraph 5A of Section 11-102 and Paragraph 1 of Section 6-509 of the Zoning Ordinance based on the property's proximity to mass transit and furtherance of the goals of the Tysons Corner Urban Center, as demonstrated in the parking study #25530-PKS-001, and subject to the conditions in Attachment I of the Board Agenda Item. The requested reduction is for a rate of 1.0 space per zero and 1-bedroom units, a rate of 1.2 spaces per 2-bedroom units, and no reduction in the rate for 3-bedroom units. Based on the proposed unit mix, the overall reduction in residential parking would be 9.3 percent. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

26. **A-4 – ADOPTION OF A RESOLUTION TO APPLY TO THE STATE BOARD OF ELECTIONS FOR A WAIVER TO ADMINISTER A SPLIT PRECINCT FOR THE LORTON PRECINCT IN THE MOUNT VERNON DISTRICT, PURSUANT TO VIRGINIA CODE SECTION 24.2-307** (1:34 p.m.)

(R) Supervisor Storck moved that the Board concur in the recommendation of staff and:

- Adopt the resolution confirming the Board's decision to apply to the State Board for a waiver to administer a split precinct for the Lorton precinct
- Authorize Office of Elections staff to submit an application on behalf of the Board

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

27. **A-5 – APPROVAL OF THE AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) AND CONTINUUM OF CARE (COC) CHARTERS AND MEMBERSHIP STRUCTURE** (1:35 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Approve the AHAC and CoC Committee charters
- Approve the AHAC membership structure, including confirming appointments of existing members
- Institute a three-year retrospective to evaluate the efficacy of the AHAC structure

Chairman McKay seconded the motion.

Supervisor Foust noted that Marlene Blum's name was spelled incorrectly on Attachment Three, Page One, of the Board Item.

The question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

28. **A-6 - AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR FUNDING AND ENDORSEMENT FOR THE UNITED STATES DEPARTMENT OF TRANSPORTATION'S FY 2021 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY DISCRETIONARY GRANT PROGRAM (LEE AND MOUNT VERNON DISTRICTS)** (1:37 p.m.)

(R) Supervisor Storck moved that the Board concur in the recommendation of staff and:

- Authorize the Department of Transportation to apply for funding in the amount of \$25.0 million through the FY 2021 RAISE Discretionary Grant Program
- Adopt the project endorsement resolution in substantial form of Attachment 1 of the Board Agenda Item

Chairman McKay and Supervisor Lusk jointly seconded the motion. Following discussion, regarding future implications of this funding, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

29. **A-7 - APPROVAL OF THE CONSOLIDATED COMMUNITY FUNDING ADVISORY COMMITTEE (CCFAC) RECOMMENDATIONS FOR THE FISCAL YEAR (FY) 2023 AND FY 2024 FUNDING CATEGORIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)** (1:40 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the FY 2023 and FY 2024 funding categories for the CCFP as recommended by the CCFAC. Supervisor Palchik and Supervisor Smith jointly seconded the motion.

Discussion ensued, with input from Chris Leonard, Deputy County Executive, regarding:

- The financial implication of converting to a two-lane
- Prioritization of funds
- The integration of these recommendations and expectations into the strategic plan
- Finding individuals to serve on the Selection Advisory Committee
- The impact of the COVID-19 pandemic on the development of this program

The question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

30. **A-8 - APPROVAL OF RENAMING OF CLIFTON TOWN MEETING HALL AFTER WAYNE H. NICKUM (SPRINGFIELD DISTRICT)** (1:52 p.m.)

- (R) Supervisor Herrity moved that the Board concur in the recommendation of staff and adopt a resolution acknowledging the contributions of Wayne H. Nickum to the County and Town of Clifton by renaming the “Clifton Town Meeting Hall” as the “Wayne H. Nickum Clifton Town Hall.” Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Palchik being out of the room and Supervisor Alcorn being absent.

31. **I-1 – ENDORSEMENT OF VOLUME II DISTRICT DESIGN GUIDELINES FOR ANNANDALE (MASON DISTRICT)** (1:54 p.m.)

The Board next considered an item contained in the Board Agenda announcing the endorsement of Volume II District design guidelines for Annandale.

EBE:ebe

AGENDA ITEMS

32. **RECESS/CLOSED SESSION** (2 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code §2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code §2.2-3711(A) (7).
 1. *Melinda Norton, Cecilia Gonzalez, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Laura Quirk Niswander, Nagla Abdelhalim, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Melinda Galey and Travis v. Board of Supervisors of Fairfax County, Virginia, Record No. 201028 (Va. Sup. Ct.)*
 2. *John Michael Wolfev. Patrick R. Wooley, et al.; Case No.20-2165(U.S. 4thCir.Ct. App.)*
 3. *Jonate Williams v. Fairfax County, Case No. 1:21-cv-00598 (E.D. Va.)*
 4. *David Berry, Carol A. Hawn, Helen H. Webb, and Adrienne A. Whyte v. Board of Supervisors of Fairfax County, Case No.CL-2021-0003366 (Fx. Co. Cir. Ct.) (Countywide)*
 5. *Clyde A. Miller and Carol A. Hawn v. Board of Supervisors of Fairfax County, Case No.CL-2021-0006071 (Fx. Co. Cir. Ct.) (Countywide)*

6. *Joseph A. Glean v. Board of Supervisors, Michael J. McGrath, and Christopher J. Pietsch*, Case No. CL-2019-0001067 (Fx. Co. Cir. Ct.)
7. *Rodger E. Perkins v. Fairfax County Police Dept.*, Case No. GV21-005011 (Fx. Co. Gen. Dist. Ct.); *Rodger E. Perkins v. Government of Fairfax County*, Case No. GV21-007795 (Fx. Co. Gen. Dist. Ct.)
8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kim-Dung T. Nguyen and Ted Nguyen*, Case No. CL-2021-0005644 (Fx. Co. Cir. Ct.) (Braddock District)
9. *Elizabeth Perry, Virginia Maintenance Code Official v. The Schmoker Family Trust Dated October 3, 2007 (Daniel N. Schmoker, Ada-Ann Schmoker Trustees)*, Case No. GV21-006658 (Fx. Co. GDC) (Braddock District)
10. *Hiba Aziz, Building Official v. Jong Hun An*, Case No. GV21-008082 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
11. *Hiba Aziz, Building Official v. Sagita P. Punit and Prasad Nagaraj*, Case No. GV21-008078 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
12. *Hiba Aziz, Building Official v. David Lupton and Pratima P. Lupton*, Case No. GV21-006743 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
13. *Hiba Aziz, Building Official v. Jaswinder Singh and Anupreet Kaur*, Case No. GV21-006745 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
14. *Leslie Johnson, Fairfax County Zoning Administrator v. Salena Azaad, Zalena Kahn-Ramprashad*, Case No. CL-2021-7584 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sunil Chacko and Tomoko Fujimoto*, Case No. GV20-013295 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
16. *Elizabeth Perry, Virginia Maintenance Code Official v. The Doris W. Wood Revocable Trust, Doris W. Wood, Trustee*, Case No. GV 21-008075 (Fx. Co. GDC) (Hunter Mill District)

17. *Hiba Aziz, Code Official for Fairfax County, Virginia v. Chuanhao Jin and Yanguan Jin*, Case No. GV21-008876 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
18. *Hiba Aziz, Building Official v. Quang K. On*, Case No. GV21-008079 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Brian F. Foley, Building Code Official for Fairfax County, Virginia v. Pit Stop Real Estate Holdings LLC*, Case No. GV21-004430 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
20. *Hiba Aziz, Building Official v. Sultanewas Nahida*, Case No. GV21-006748 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Roger M. Firestone*, Case No. CL-2017-0012653 (Fx. Co. Cir. Ct.) (Providence District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel*, Case No. CL-2008-0010799 (Fx. Co. Cir. Ct.) (Providence District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Marisol Ferrel*, Case No. CL-2016-0005993 (Fx. Co. Cir. Ct.) (Providence District)
24. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Adolfo Parina Sandi*, Case No. CL-2021-0007932 (Fx. Co. Cir. Ct.) (Providence District)
25. *Leslie B. Johnson, Zoning Administrator v. David and Nyaint Morgan*, Case No. GV 21-008076 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ron Jagannathan*, Case No. CL-2021-0004708 (Fx. Co. Cir. Ct.) (Sully District)
27. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Garrett M. Sefrin and Emily R. Sefrin*, Case No. GV21-006752 (Fx. Co. Gen. Dist. Ct.) (Sully District)

28. *Hiba Aziz, Building Official v. Mario Amaro*, Case No. GV21-008077 (Fx. Co. Gen. Dist. Ct.) (Sully District)
29. *Board of Supervisors of Fairfax County v. H. K. Lee Academy of Tae Kwon Do*, Case No. GV21-004451 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
30. *Board of Supervisors of Fairfax County v. Samson Companies, LLC*, Case No. GV21-004452 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

And in addition:

- As permitted by Virginia Code Sections 2.2- 3711(A)(7) and (8), legal analysis regarding the following:
 1. *LaFave, et al. v. Fairfax County, et al.*, Fairfax County Circuit Court Case No. CL-2021-01569
 2. Declaration of local emergency and Virginia Code Sections 44-146.21, 2.2-3708.2, and 15.2-1413
 3. Voluntary Boundary Adjustment Agreement with the City of Falls Church and the West Falls Church Economic Development Project

Chairman McKay seconded the motion.

Supervisor Foust announced his intent to defer, later in the meeting at the appropriate time, the public hearing on Special Exception Application SE 2020-DR-022 (Turner Farmhouse Foundation).

Chairman McKay announced that he will defer, later in the meeting at the appropriate time, the Hunter Mill District public hearings.

The question was called on the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

At 3:36 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Alcorn, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

33. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:36 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Alcorn being absent.

34. **CONCERNS OVER CITY OF FALLS CHURCH EXPANSION OF THE ECONOMIC DEVELOPMENT AREA** (3:37 p.m.)

Supervisor Foust said that on June 4, 2021, the County Attorney sent a letter to the City Attorney for the City of Falls Church voicing County staff's concerns over the City's proposed expansion of the economic development area at West Falls Church and observing that such expansion would appear to run afoul of a voluntary boundary adjustment agreement between the County and the City dated December 11, 2013. The Board has been advised by City staff that the City Council is currently scheduled to take up the proposed expansion on June 28, 2021. To be sure that the City Council is aware of the County's significant concerns about this project before acting.

Therefore, Supervisor Foust moved that the Board direct the County Attorney send a letter to the City Council and the Mayor in advance of the Council meeting on June 28, 2021, attaching the County Attorney's June 4, 2021, letter to the City Attorney and noting the Board's objection to any further expansion of the economic development area at West Falls Church for the reasons stated in the June 4, 2021, letter. The motion was jointly seconded by Supervisor Lusk and Supervisor Palchik and carried by a vote of nine, Supervisor Alcorn being absent.

EA:ea

AGENDA ITEMS

35. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2020-LE-013 (LEE AUTOMOTIVE, L.C.) TO REZONE FROM C-6 TO I-5 TO PERMIT INDUSTRIAL USES WITH AN OVERALL FLOOR AREA RATIO OF 0.29, LOCATED ON APPROXIMATELY 4.39 ACRES OF LAND (LEE DISTRICT)** (3:40 p.m.)

(O) (NOTE: On June 8, 2021, the Board deferred this public hearing to June 22, 2021.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

This property is located on the east side of Fort Belvoir and west side of Backlick Road, south of Forest View Drive, and north of Fullerton Road. Tax Map 90-4 ((1)) 5B and 5F.

Keith Martin, Agent, The Law Office of Keith C. Martin PLLC, reaffirmed the validity of the affidavit for the record.

Kelly Posusney, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Posusney presented the staff and Planning Commission recommendations.

Supervisor Lusk moved:

- Approval of Rezoning Application RZ 2020-LE-013, subject to the execution of proffered conditions dated May 6, 2021
- Waiver of the major paved trail requirement along the portion of the property that fronts the existing frontage road in favor of the five-foot-wide sidewalk as shown on the Generalized Development Plan and as proffered

Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being absent.

36. **3:30 P.M. - PUBLIC HEARING ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC-C-020-02 (TALL OAKS AT RESTON, L.C.) TO APPROVE A PRC PLAN ASSOCIATED WITH RZ-C-020 TO PERMIT ADDITIONAL PARKING FOR AN EXISTING ASSISTED LIVING FACILITY, LOCATED ON APPROXIMATELY 2.45 ACRES OF LAND ZONED PRC (HUNTER MILL DISTRICT) (3:46 p.m.)**

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, on behalf of Supervisor Alcorn, moved to defer the public hearing on Planned Residential Community Application PRC-C-020-02 to **July 13, 2021, at 3:30 p.m.** Vice-Chairman Gross and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

37. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-V-059-02 (LORTON VALLEY RETAIL, LLC) TO AMEND REZONING APPLICATION RZ 89-V-059, PREVIOUSLY APPROVED FOR A 125,000 SQUARE FOOT SHOPPING CENTER, TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.13, LOCATED ON APPROXIMATELY 19.74 ACRES OF LAND ZONED C-6 (MOUNT VERNON DISTRICT)**

AND

- 3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-MV-020 (LORTON VALLEY RETAIL, LLC) TO CONVERT A FINANCIAL INSTITUTION WITH A DRIVE THROUGH TO A RESTAURANT WITH A DRIVE THROUGH, LOCATED ON APPROXIMATELY 5.79 ACRES OF LAND ZONED C-6 (MOUNT VERNON DISTRICT)** (3:47 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

The Proffered Condition Amendment Application PCA 89-V-059-02 property is located on the east side of Ox Road between Weatherly Way and Blu Steel Way. Tax Map(s) 106-2 ((1)) 9A and 106-2 ((7)) 1, 4, and 5.

The Special Exception Application SE 2020-MV-020 property is located at 8981 Ox Road, Lorton, 22079. Tax Map 106-2 ((7)) 1.

Elizabeth Baker, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

Zachary Fountain, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Ms. Baker had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Mr. Fountain presented the staff and Planning Commission recommendations.

Following a query by Supervisor Storck, Ms. Baker confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 4, 2021.

Supervisor Storck moved:

- Approval of Proffered Condition Amendment Application PCA 89-V-059-02, subject to the execution of proffered conditions consistent with those dated June 1, 2021
- Approval of Special Exception Application SE 2020-MV-020, subject to proposed development conditions dated May 4, 2021
- Reaffirmation of the previously approved modification for the transitional screening and barrier requirements in favor of the buffers and barriers previously approved for the northern, western, eastern, and southern property boundaries
- Reaffirmation of the previously approved waiver of the service drive requirement along Route 123

Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

38. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2013-LE-014 (SELECT PROPERTY, LLC) TO AMEND SPECIAL EXCEPTION APPLICATION SE 2013-LE-014, PREVIOUSLY APPROVED FOR VEHICLE SALE, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENT AND WAIVER OF MINIMUM LOT SIZE/LOT WIDTH, TO ALLOW MODIFICATIONS TO SITE AND DEVELOPMENT CONDITIONS TO PERMIT A VEHICLE SALE, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENT AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 31,451 SQUARE FEET OF LAND ZONED C-6 AND R-1 (LEE DISTRICT)**

AND

3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2021-LE-005 (SELECT PROPERTY, LLC) TO REZONE FROM R-1 AND C-6 TO C-6 TO PERMIT A VEHICLE SALE, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENT WITH AN OVERALL FLOOR AREA RATIO OF 0.33, LOCATED ON APPROXIMATELY 0.73 ACRES OF LAND (LEE DISTRICT) (3:55 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

The Special Exception Amendment Application SEA 2013-LE-014 property is located at 5630 South Van Dorn Street, Alexandria, 22310. Tax Map 81-2 ((3)) 8A.

The Rezoning Application RZ 2021-LE-005 property is located on the north side of McGuin Drive and west side of South Van Dorn Street. Tax Map 81-2 ((3)) 8A.

Lynne Strobel, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavits for the record.

Joseph Onyebuchi, Planner, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), gave a presentation depicting the application and site location.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded with a PowerPoint slide presentation for her case.

Following the public hearing, Mr. Onyebuchi presented the staff and Planning Commission recommendations.

Following a query by Supervisor Lusk, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 25, 2021.

Supervisor Lusk moved:

- Approval of Rezoning Application RZ 2021-LE-005, subject to the execution of proffered conditions consistent with those dated May 25, 2021**
- Approval of Special Exception Amendment Application SEA 2013-LE-014, subject to the proposed development conditions dated May 25, 2021
- Modification of the requirement for transitional screening along the western boundary of the site
- Modification of the requirement for a barrier to be provided along the western boundary
- Modification of the requirement for peripheral parking lot landscaping along the eastern and southern boundaries to that shown on the generalized development/special exception amendment plat
- Modification to permit the maximum gate width to exceed 15 percent of the lot width in favor of that shown on the generalized development plan/special exception amendment plat
- Waiver of the requirement to provide a loading space

Chairman McKay seconded the motion. Discussion ensued, with input from Ms. Strobel, and Tracy Strunk, Director, ZED, DPD, regarding the date of the proffer conditions.

**Supervisor Lusk restated that the proffered conditions are dated June 8, 2021, not May 25, 2021. This was accepted.

The question was called on the motion, as restated, and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Alcorn being absent.

39. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-DR-022 (TURNER FARMHOUSE FOUNDATION) TO PERMIT A PUBLIC BENEFIT ASSOCIATION AND MODIFICATION OF THE FRONT YARD SETBACK FOR THE EXISTING FARMHOUSE, LOCATED ON APPROXIMATELY 4.95 ACRES OF LAND ZONED R-1 (DRANESVILLE DISTRICT) (4:06 p.m.)**

Supervisor Foust moved to defer the public hearing on Special Exception Application SE 2020-DR-022 to **July 27, 2021, at 3:30 p.m.** Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

40. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-C-119-08/ DPA 86-C-119-04/ PRCA 86-C-119-02 (BOSTON PROPERTIES LIMITED PARTNERSHIP) TO AMEND THE PROFFERS, CONDITIONS, AND DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 86-C-119, PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT, TO ADD OFFICE AS A PERMITTED USE ON BLOCK D AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT AN INTENSITY OF 7.25 FLOOR AREA RATIO FOR BLOCK D AND 3.22 FLOOR AREA RATIO FOR THE OVERALL DEVELOPMENT, LOCATED ON APPROXIMATELY 2.06 ACRES OF LAND ZONED PRC (HUNTER MILL DISTRICT) (4:07 p.m.)**

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, on behalf of Supervisor Alcorn, moved to defer the public hearing on Proffered Condition Amendment Application PCA 86-C-119-08/ DPA 86-C-119-04/ PRCA 86-C-119-02 (Boston Properties Limited Partnership) to **July 13, 2021, at 3:30 p.m.** Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Vice-Chairman Gross returned the gavel to Chairman McKay.

KK:kk

41. **4 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-3-2 TO ESTABLISH AN ADDITIONAL VOTER SATELLITE OFFICE AT THE**

GERRY HYLAND GOVERNMENT CENTER (FORMERLY SOUTH COUNTY GOVERNMENT CENTER) (4:08 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

Prior to presenting the staff report, Katherine Hanley, Secretary of the Electoral Board, introduced Scott Konopasek, the new General Registrar for the Office of Elections.

On behalf of the Board, Chairman McKay warmly welcomed him.

Mr. Konopasek formally introduced himself to the Board.

Following the public hearing, Supervisor Lusk moved that the Board amend Fairfax County Code Section 7-3-2 to establish an additional voter satellite office for absentee voting in person at the Gerry Hyland Government Center (formerly South County Government Center). Supervisor Storck and Chairman McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Alcorn being absent.

42. **4 P.M. – PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTIONS 7-2-7, 7-2-8, AND 7-2-13 RELATING TO ELECTION PRECINCTS AND POLLING PLACES TO ELIMINATE SPLIT PRECINCTS AS REQUIRED BY VIRGINIA CODE SECTION 24.2-307 BY CREATING, ADDING, AND RENAMING PRECINCTS AND ESTABLISHING THEIR POLLING PLACES FOR LANE PRECINCT IN THE LEE DISTRICT; AND BAILEYS PRECINCT, WEYANOKE PRECINCT, AND CAMELOT PRECINCT IN THE MASON DISTRICT** (4:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 11 and 18, 2021.

Katherine Hanley, Secretary, Electoral Board, presented the staff report.

Discussion ensued, with input from Ms. Hanley, regarding notifications to the public and moving/splitting precincts.

Following the public hearing, Supervisor Gross moved that the Board amend and readopt Fairfax County Code Sections 7-2-7, 7-2-8, and 7-2-13 to adjust the boundaries of Lane, Baileys, Weyanoke, and Camelot precincts by creating, adding, and renaming precincts to conform with the current House of Delegates district boundaries, as is now required by Virginia Code Section 24.2-307.

Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being absent.

43. **4 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (COUNTY CODE) AND CHAPTER 12 (TREE PRESERVATION) OF THE PUBLIC FACILITIES MANUAL (PFM) REGARDING RESOURCE PROTECTION AREA (RPA) PLANTING REQUIREMENTS** (4:22 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

John Friedman, Engineer IV, Land Development Services, presented the staff report.

Following the public hearing, Mr. Friedman presented the staff and Planning Commission recommendations.

Supervisor Smith moved that the Board adopt the proposed amendments to the Chesapeake Bay Preservation Ordinance and the PFM, as set forth in the Staff Report dated April 13, 2021, as recommended by the Planning Commission. The proposed amendments will become effective on June 23, 2021, at 12:01 a.m. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being absent.

44. **4 P.M. – PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE FAIRFAX COUNTY UNIFORMED RETIREMENT SYSTEM ORDINANCE** (4:27 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

John Prather, Retirement Administration, Fairfax County Retirement Agency, presented the staff report.

Following the public hearing, Mr. Prather presented the staff recommendation.

Supervisor Gross moved approval of amendments to Chapter 3, Article 3 of the Code of the County of Fairfax, for the purpose of changing certain provisions with respect to service-connected disabilities suffered by Uniformed Retirement System members. Chairman McKay seconded the motion and it carried by a vote of nine,

Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being absent.

45. **4 P.M. - PUBLIC HEARING TO CONSIDER PARKING RESTRICTIONS ON PLAZA LANE (SPRINGFIELD DISTRICT) (4:30 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

Charisse Padilla, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Ms. Padilla presented the staff recommendation.

Supervisor Herrity moved that the Board adopt an amendment to Appendix R of the Fairfax County Code, as contained in Attachment I of the Board Agenda Item. The amendment will prohibit commercial vehicles, recreational vehicles and trailers as defined, respectively, in Fairfax County Code Sections 82-5-7, 82-5B-1, and 82-1-2(a)(50), from parking on the east side of Plaza Lane. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being absent.

46. **4:30 P.M. - PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING AGRITOURISM AND RELATED CHANGES (4:34 p.m.)**

- (O) (NOTE: On June 8, 2021, the Board deferred this public hearing until June 22, 2021.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

Sara Morgan, Senior Planner, Department of Planning and Development, presented the staff report.

Discussion ensued with input from Ms. Morgan regarding the following:

- Existing use
- Whether weddings would be included as an agritourism event
- Building codes required for agritourism buildings
- Paved parking

- Public outreach
- Clarification of tiers and what the numbers in the tiers represent
- Water quality
- Changes related to changing the definition of agriculture to seven acres
- Use in agritourism being subject to all environmental restrictions in the Zoning Ordinance and other policies of the County
- Enforcement and monitoring of ordinance rules, including environmental restrictions
- Permits governing fees charged
- Farmworker's housing

Following the public hearing, which included testimony by 19 speakers, Ms. Morgan presented the staff and Planning Commission recommendations.

Further discussion ensued, with input from Ms. Morgan and Leslie Johnson, Director, Zoning Administration, Planning and Development, regarding:

- Vehicle runoff
- Septic fields
- Protecting the Occoquan watershed
- Thorough review of administrative permits
- Planning Commission recommendations
- Eligibility of Agricultural and Forestal Districts for agritourism
- Enforcement on evenings and weekends
- Code Enforcement's involvement in the process
- The criteria for determining what type of events qualify as agritourism activities

Following remarks, Supervisor Smith moved that the Board:

- Adopt the proposed Zoning Ordinance amendment entitled “Agritourism and Related Changes,” as recommended by the Planning Commission, as detailed in Attachment 2 of the Board Agenda Item dated June 8, 2021, subject to a few changes
- Where options or ranges are presented, adopt the ranges and options presented in Attachment 2
- Adopt the following three changes from the Planning Commission’s recommendation, which are shown as options in the text in Attachment 2 of the Board Agenda Item,
 - In the definition of Agritourism in subsection 9103.2.A, restore Paragraph 4 so the agritourism use definition would include “events including, but not limited to, corporate picnics, family reunions, farm-to-table dinners, weddings, and similar uses” as originally recommended by staff
 - In subsection 4102.2.A.1, increase the minimum acreage required to be dedicated to the production of an agricultural product from five acres to seven acres
 - In the table detailing the tiers in subsection 4102.2.B.3, as recommended by staff in Attachment 2, revise the header to read, “Tier: Acreage of lot(s) comprising the Agricultural Operation” with a Note added to the table that reads, “At least seven acres within each Tier must be dedicated to agricultural production and meet the definition of agricultural operation.” And within that table, make Tier 1: seven to less than 10 acres
- This amendment will become effective at 12:01 a.m. on July 1, 2021

Supervisor Foust seconded the motion. Discussion ensued with Board Members expressing their views/concerns and support/non-support of the motion.

The question was called on the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Gross, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Lusk and Supervisor Herrity vote “Nay,” and Supervisor Alcorn being absent.

Supervisor Smith stated that the Planning Commission recommended the Board consider an existing Priority 2 Zoning Ordinance Work Program recommended by the 2003 New Millennium Occoquan Task Force report entitled Fulfilling the Promise: The Occoquan Watershed in the New Millennium for prioritization during the next update of the Zoning Ordinance Amendment Work Program with

recognition that this would entail a significant outlay of staff resources that will need to be considered as part of the prioritization.

Therefore, when the work program is presented, Supervisor Smith moved that the Board direct the Zoning Administrator pay special attention to this request and provide the Board with more detail about the staff resources that would be needed to prioritize this item. Chairman McKay seconded the motion and it carried by a vote on nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Alcorn being absent.

Supervisor Smith further moved that the Board direct staff to monitor the Agritourism provisions and related changes and report to the Board within 18 months of the effective date of the new Ordinance with information on the number of administrative permits issued or special exception applications submitted including types of agritourism activities, general geographic location, processing time, as well as information on any written inquiries, complaints, violations, and resolutions and any other relevant information. Chairman McKay seconded the motion.

Supervisor Lusk asked to amend the motion to direct staff report to the Board within 12 months. This was not accepted.

The question was called on the motion and it carried by a vote of eight, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Lusk voting "NAY," and Supervisor Alcorn being absent.

47. **4:30 P.M. - PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HISTORIC OVERLAY DISTRICTS – STATE CODE REVISIONS** (7:17 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

Lily Yegazu, Senior Planner, Zoning Administration Division, Department of Planning and Development, presented the staff report.

The public hearing was held and included testimony by seven speakers. Following the testimony of John McGranahan, (Speaker 4), Supervisor Storck asked that he provide his testimony in writing.

Following the public hearing, Ms. Yegazu presented the staff and Planning Commission recommendations.

Discussion ensued with input from Elizabeth Teare, County Attorney, and David Stoner, Deputy County Attorney, regarding the Board's power to delegate subdivision approval authority to the Architectural Review Board.

Supervisor Smith moved to defer decision on the proposed Zoning Ordinance Amendment Regarding Historic Overlay Districts – State Code Revisions, until **July 27, 2021**, with the record remaining open for written comments. Supervisor Storck seconded the motion and it carried by a vote of nine, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being absent.

48. **4:30 P.M. - PUBLIC HEARING ON PROPOSED PLAN AMENDMENT 2018-II-M1, MCLEAN COMMUNITY BUSINESS CENTER, LOCATED SOUTH OF DOLLEY MADISON BOULEVARD (ROUTE 123) AND CENTERED AROUND THE INTERSECTION OF OLD DOMINION DRIVE AND CHAIN BRIDGE ROAD (DRANESVILLE DISTRICT)**
(7:56 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

David Stinson, Planner II, Department of Planning and Development, presented the staff report. Mr. Stinson introduced Kim Dorgan, Chair, McLean Community Business Center (CBC) Task Force, who gave remarks regarding the CBC study.

Following the public hearing, which included testimony by 11 speakers, Mr. Stinson presented the staff and Planning Commission recommendations.

Discussion ensued with input from Mr. Stinson and Joseph Gorney, Planner III, Department of Planning and Development, regarding:

- Ground level parking in general and edge zones
- Stormwater runoff
- Square footage of office space

Following remarks, Supervisor Foust moved that the Board adopt the Planning Commission's recommendation for Plan Amendment PA 2018-II-M1. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Supervisor Foust further moved that the Board direct staff to prioritize a study and evaluate options, for a transportation pilot project to support placemaking efforts in the McLean CBC by creating a more pedestrian and bicycle friendly transportation street network and street designs that result in slower vehicle speeds. The pilot

could include techniques like narrower vehicle lanes, the addition of on-street parking, time of day parking and interim changes to road configuration. This study should include necessary public outreach with affected stakeholders. The pilot project study area should generally encompass the area along Old Dominion Drive, from the Beverly Road intersection to the Corner Lane intersection, and along Chain Bridge Road, from the Old Chain Bridge Road intersection to the Tennyson Drive and Ingleside Avenue intersections. The County Executive should include \$250,000 as a consideration item in the next quarterly budget review to fund these activities. The study will define implementation steps and costs, which is assumed to be minimal as there will be no major construction work, such as curb relocations. Supervisor Palchik and Supervisor Smith jointly seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

Supervisor Foust further moved that the Board direct staff to create district urban design guidelines that provide additional detail on how to implement the urban design and streetscape recommendations contained in the Comprehensive Plan and design a process that involves the community in its development. The current open space design standards in the Comprehensive Plan for the McLean CBC will continue to apply as applicable until the Board approves new McLean CBC design guidelines. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Alcorn being absent.

49. **4:30 P.M. - PUBLIC COMMENT ON ISSUES OF CONCERN** (9:34 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 4 and 11, 2021.

Public comment was held and included no speakers.

50. **BOARD ADJOURNMENT** (9:35 p.m.)

At 9:35 p.m. the Board adjourned.