



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 6, 2016**

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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, December 6, 2016, at 9:32 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Linda Q. Smyth, Providence District
- Supervisor Daniel G. Storck, Mount Vernon District

Others present during the meeting were Edward L. Long Jr., County Executive; Elizabeth Teare, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; Angela Schauweker, Management Analyst II, Office of the County Executive; Denise A. Long, Chief Deputy Clerk to the Board of Supervisors; Ekua Brew-Ewool and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:33 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of former Springfield District Supervisor Marie Travesky, who died recently. She served for eight years on the Board; was a member of the School Board; chaired the Northern Virginia Transportation Commission; the Virginia Association of Public Transit Officials; the Transportation Planning Board of the Metropolitan Washington Council of Governments; and the Washington Metropolitan Area Transit Authority Board of Directors. Following her service on the Board, she remained active in transportation issues.

Chairman Bulova noted that Ms. Travesky was a great lady and a pleasure to work with and made a difference in the County.

Supervisor Gross also noted that Ms. Travesky was a lovely and gracious lady.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Donnie Stevenson, who died recently. He was the husband of Patti Stevenson, Director of the Providence Recreation Center.

Supervisor McKay asked everyone to keep in thoughts the family of Ms. Mildred Corbin, who died recently at the age of 94. She was a real legend on Human Services issues and served as the Lee District representative on the Commission of Aging for decades. Her cause was mentoring women on parenting and employment readiness, the fight against domestic violence, and assisting prisoners and ex-offenders by offering new outlooks on life. Her life motto was, *“If I can help somebody as I travel along, my living shall not be in vain.”*

AGENDA ITEM2. **RECOGNITION OF COUNTY EMPLOYERS SELECTED AS “BEST WORKPLACES FOR COMMUTERS”** (9:38 a.m.)

Tom Biesiadny, Director, Department of Transportation (DOT), recognized the following Fairfax County employers selected as “Best Workplaces for Commuters” by DOT and the National Center for Transit Research at the University of South Florida:

- National Automobile Dealers Association
- Strategy and Management Services Incorporated
- Ernest and Young LLC
- Capital Automotive Real Estate Services Incorporated
- Quest Diagnostics Nichols Institute

ADDITIONAL BOARD MATTER3. **HAPPY BIRTHDAY TO CHAIRMAN BULOVA** (9:45 a.m.)

On behalf of the Board, Supervisor Gross wished Chairman Bulova a happy birthday. Supervisor Gross gave a historical background for the year the Chairman was born.

AGENDA ITEMS4. **CERTIFICATE OF RECOGNITION PRESENTED TO McLEAN HIGH SCHOOL MARCHING BAND** (9:47 a.m.)

Supervisor Foust moved approval of the Certificate of Recognition congratulating the McLean High School Marching Band for its noteworthy performance entitled "*Story of My Life*" combining recognizable tunes smartly woven with exciting formations by the 160-member marching band and color guard that highlighted that love is most important in our lives, resulting in winning the 2016 USBands Virginia State Championship at Virginia Beach on October 22. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

Several members of the Marching Band gave an instrumental performance.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE WOMEN'S CLUB OF McLEAN ANNUAL HOLIDAY HOMES TOUR** (10:14 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to the Woman's Club of McLean for its fiftieth anniversary of the Holiday Homes Tour. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor K. Smith and Supervisor L. Smyth being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED FOR THE THIRTIETH ANNIVERSARY OF THE BIRTH THROUGH THREE LAW** (10:21 a.m.)

Supervisor McKay moved approval of the Resolution of Recognition presented to Early Intervention Law for its thirtieth anniversary of the Birth through Three Law. Supervisor Foust seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2068** (10:31 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Certificate of Recognition presented to the International Association of Firefighters Local 2068 for its success during the 2016 Fill the Boot Campaign, which collected \$521,509 in support of the Muscular Dystrophy

Association leading collections in the United States and Canada. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

8. **PROCLAMATION DESIGNATING JANUARY 15–21, 2017, AS "TEEN CANCER AWARENESS WEEK" IN FAIRFAX COUNTY** (10:39 a.m.)

Supervisor K. Smith moved approval of the Proclamation designating January 15–21, 2017, as "*Teen Cancer Awareness Week*" in Fairfax County and urged all residents to increase their awareness about teenage cancer, including research, early detection, causes, and effective treatment. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

DAL:dal

9. **10 A.M. – PRESENTATION OF THE 2015 TRANSPORTATION ADVISORY COMMISSION (TAC) ACHIEVEMENT AWARD** (10:43 a.m.)

Jeffrey M. Parnes, Chairman of the TAC, presented the 2015 TAC Achievement Award to Ali Clements, Rides Coordinator, Reston Community Center, for her outstanding achievements and dedication to transportation issues.

10. **10 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (10:51 a.m.)

Stella Koch, Chairman, EQAC, noted that the following members of EQAC were present:

- Renee Grebe, At-Large Representative
- Kenneth Lanfear, Hunter Mill District Representative
- Johna Gagnon, Lee District Representative
- Linda Burchfiel, At-Large Representative
- Alex Robbins, Providence District Representative
- Clyde Wilber, Springfield District Representative

On behalf of the Board, Chairman Bulova warmly welcomed them to the Board Auditorium.

Ms. Koch presented a review of the report, noting EQAC's priority recommendations:

- Continued funding of the Environmental Improvement Program projects which implement the Environmental Agenda, including an increase in the Stormwater Service District rate by one-quarter penny
- That the County develop and implement measures that address climate change, specifically to address the commitments relating to the Cool County's Climate Stabilization Declaration and efforts to analyze potential impacts of sea level rise in the County

Ms. Koch commended the outstanding efforts of the following groups and/or individuals in the County:

- The Northern Virginia Soil and Water Conservation District
- The Northern Virginia Conservation Trust
- Fairfax Releaf
- The Park Authority Natural Resources staff
- County staff
- David Molchany, Deputy County Executive
- Noel Kaplan, Planning Division, Department of Planning and Zoning
- Kambiz Agazi, Environmental Coordinator, Office of the County Executive
- Fellow EQAC Members

A brief discussion ensued regarding the report.

Supervisor Gross asked unanimous consent that the Board direct staff to determine if information regarding environmental crimes could be more broadly disseminated by the Office of Public Affairs. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct EQAC to work with staff regarding lighting needs in urban settings, including the fixture and type of lighting. Without objection, it was so ordered.

Supervisor L. Smyth referred to LED lighting for public lighting and issues that other communities may be experiencing and what the County can learn from them.

ADDITIONAL BOARD MATTER

11. **PRESENTATION BY KATHERINE K. HANLEY, SECRETARY OF THE ELECTORAL BOARD, REGARDING THE RECENT UNITED STATES (US) PRESIDENTIAL ELECTION** (11:09 a.m.)

Katherine K. Hanley, Secretary to the Electoral Board, presented statistics regarding the recent US presidential election and provided an overview of the efforts made by many to improve the process. She noted that implementation of the recommendations of the 2013 Bipartisan Election Process Improvement Commission was instrumental to the success of this year's voting experience, including the Board's investment in the new voting machines and electronic poll books. Fairfax County had a record-breaking 82.5 percent turnout, with 563,729 voters, including absentee voting. More than 4,000 election officers were trained and coordinated voting at the County's 243 Election Day precincts and 10 absentee voting satellite locations.

Secretary Hanley expressed her appreciation to all those who worked on the election. She also thanked the Board for its efforts to improve the election process.

Stephen M. Hunt, Chairman, Electoral Board, thanked the Board of Supervisors and noted that the Electoral Board received positive feedback about the voting experience.

EBE:ebe

AGENDA ITEMS

12. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:22 a.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 December 6, 2016," as distributed. Supervisor L. Smyth seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

The full list of Appointments is as follows:

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Braddock, Lee, and Mount Vernon District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder (Single Family), Engineer/Architect/ Planner #2, and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #2 and #6 Representatives.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Mason and Mount Vernon District Representatives.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Mr. Joseph Plumpe as the Landscape Architect Representative

The Board deferred the appointment of the Attorney and Related Professional Group #4 Representatives.

ATHLETIC COUNCIL

The Board deferred the appointment of the Mason District Alternate and Mount Vernon District Principal Representatives.

AUDIT COMMITTEE

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason and Mount Vernon District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

The Board deferred the appointment of the Alternate #4 Representative.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Reappointment of:

- Mr. Thomas Parr as the At-Large #1 Representative
- Mr. Arthur Nachman as the Professional #2 Representative
- Ms. Noelle M. Holmes as the Professional #4 Representative
- Ms. Sandy Pompelli as the Professional #6 Representative

The Board deferred the appointment of the Professional #3 and #5 Representatives.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large #2 and #3 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Lee and Providence District Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill, Mount Vernon, and Springfield District Representatives.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

Appointment of:

- Ms. Caitlin Hutchison as the Sully District Representative

The Board deferred the appointment of the Providence District Representative.

CIVIL SERVICE COMMISSION

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

COMMISSION FOR WOMEN

The Board deferred the appointment of the Dranesville, Mount Vernon, and Providence District Representatives.

COMMISSION ON AGING

Appointment of:

- Ms. Kathleen Hoyt as the Mason District Representative

The Board deferred the appointment of the Hunter Mill District Representative.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Lee and Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the Hunter Mill and Mount Vernon District Representatives.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #13 Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Michael Skvortsov as the At-Large Representative
- Ms. Jennifer Chronis as the Springfield District Representative

ECONOMIC ADVISORY COMMISSION

Reappointment of:

- Ms. Jennifer Siciliano as the At-Large Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Reappointment of:

- Mr. Paul Pitera as the Braddock District Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

Reappointment of:

- Ms. Harriet Epstein as the Providence District Representative

The Board deferred the appointment of the At-Large #1 and Mason District Representatives.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the Providence District Representative.

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

The Board deferred the appointment of the Archaeologist, At-Large #3, Citizen #3 and #7, and the Historian #1 and #2 Representatives.

HUMAN SERVICES COUNCIL

Appointment of:

- Dr. Fatima Y. Mirza as the Dranesville District #2 Representative
- Ms. Barbara A. Burgess as the Mason District #1 Representative
- Ms. Alis Wang as the Mason District #2 Representative

The Board deferred the appointment of the Mount Vernon District #1 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

Re-appointment of:

- Mr. Nikhil Suresh Shenoy as the Dranesville District Representative
- Mr. Dennis Carlton as the Sully District Representative

Confirmation of:

- Mr. John George as the Northern Virginia Technology Council Representative

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Lee and Providence District Representatives.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the Braddock, Dranesville, Hunter Mill, Lee, Mount Vernon, and Providence District Representatives.

PARK AUTHORITY BOARD

Reappointment of:

- Mr. Tim Hackman as the Dranesville District Representative

The Board deferred the appointment of the At-Large Chairman's, Hunter Mill, and Providence District Representatives.

PLANNING COMMISSION

Reappointment of:

- Ms. Janyce Hedetniemi as the At-Large #1 Chairman's Representative
- Mr. John Ulfelder as the Dranesville District Representative

Appointment of:

- Mr. Phillip A. Niedzielski-Eichner as the Providence District Representative

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

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

REDEVELOPMENT AND HOUSING AUTHORITY

The Board deferred the appointment of the Springfield District Representative.

ROAD VIEWERS BOARD

Reappointment of:

- Mr. Marcus Wadsworth as the At-Large #3 Representative
- Micah Himmel as the At-Large #5 Representative

The Board deferred the appointment of the At-Large #1, #2, and #4 Representatives.

SMALL BUSINESS COMMISSION

Appointment of:

- Mr. Patrick Fogarty as the Mount Vernon District Representative

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #7 and #8 Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Condo Owner and the Tenant Member #3 Representatives.

TREE COMMISSION

Appointment of:

- Mr. Kevin Holland as the Mason District Representative

The Board deferred the appointment of the Providence District Representative.

WETLANDS BOARD

The Board deferred the appointment of the Alternate #1 and the Lee District Representatives.

YOUTH BASKETBALL COUNCIL ADVISORY BOARD

Confirmation of:

- Mr. E. J. Thomas as the Treasurer and Vienna Youth Incorporated Representative
- Mr. Stew Clark as the Commissioner and Braddock Road Youth Club Representative
- Mr. Dave Vennergrund as the Chairman
- Mr. James Bosley as the Member At-Large Representative and Lee Mount Vernon Sports Club Representative
- Mr. Herb Marshall as the Member At-Large and Fort Belvoir Youth Services Representative
- Mr. Grady Bryant as the Member Emeritus
- Mr. Frank DeLatour as the Parliamentarian and the Annandale Boys and Girls Club Alternate Representative
- Mr. Charles Chandler as the Scheduler
- Mr. Curtis Boxley as the Alexandria City Recreation Representative
- Mr. Marvin Elliott as the Alexandria City Recreation Alternate Representative
- Mr. Lezone Kenney as the Annandale Boys and Girls Club Representative
- Mr. Charles Shaw as the Arlington County Recreation Representative
- Mr. Alex Eisenberg as the Arlington County Alternate Representative
- Mr. Greg Williams as the Baileys Community Center Representative
- Mr. Steve Bergstrom as the Braddock Road Youth Club Alternate Representative

- Ms. Kathy Krug as the Burke Basketball Representative
- Mr. Bobby Seigle as the Burke Basketball Alternate Representative
- Ms. Shubha Johnson as the Chantilly Youth Association Representative
- Ms. Bridget Costigan as the Chantilly Youth Association Alternate Representative
- Mr. George Ragan as the Fairfax Police Youth Club Representative
- Mr. Jimmy Ruby as the Falls Church Parks and Recreation Representative
- Mr. Sean Casey as the Fort Hunt Youth Athletic Association Representative
- Mr. Adrian Gresham as the Gainesville Basketball Association Representative
- Mr. John Brennan as the Great Falls Basketball Representative
- Ms. Laura Bean as the Great Falls Basketball Alternate Representative
- Ms. Martha Coleman as the Gum Springs Community Center Representative
- Mr. Eric Cooksey as the Herndon Optimist Club Representative
- Mr. Donald Lee as the James Lee Community Center Representative
- Mr. Tim Strike as the James Lee Community Center Alternate Representative
- Mr. Kim Thompson, Sr. as the Lee District Basketball Representative
- Mr. Dennis McMinn as the Lee District Basketball Alternate Representative

- Mr. Gerry Megas as the Secretary and McLean Youth Incorporated Alternate Representative
- Mr. Jeff Goettman as the McLean Youth Incorporated Representative
- Mr. Andy Kim as the Mercer Representative
- Mr. Jason Murphy as the Mercer Alternate Representative
- Mr. Dillon Lee as the Mount Vernon Youth Association Representative
- Mr. Stacey Johnson as the Mount Vernon Youth Association Alternate Representative
- Mr. John Schmid as the Reston Youth Basketball League Representative
- Mr. James Byrne as the Reston Youth Basketball League Alternate Representative
- Mr. Dave Scanlon as the Southwestern Youth Association Representative
- Mr. Leo Resquin as the Southwestern Youth Association Alternate Representative
- Mr. Dan Allen as the Springfield Youth Club Representative
- Mr. Spencer Kimball as the Springfield Youth Club Alternate Representative
- Mr. Scott Choate as the Turnpike Basketball Club Representative
- Mr. Mike Mastrota as the Turnpike Basketball Club Alternate Representative

DAL:dal

13. **10:20 A.M. – BOARD ADOPTION OF THE 2017 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY’S 115TH CONGRESS FEDERAL LEGISLATIVE STRATEGY AND PRINCIPLES** (11:23 a.m.)

Supervisor McKay, Chair of the Board’s Legislative Committee, provided comments regarding the Legislative Program, noting that there is one additional initiative this year, to permit localities in Planning District 8 in Northern Virginia

to require a public hearing before a Planning Commission to determine whether a telecommunications tower or electric cooperative facility conforms to the localities Comprehensive Plan if the tower or facility is allowed by right under the existing Zoning Ordinance. Such a change would allow us to return to the effective system that existed in the County prior to legislative changes by the 2016 General Assembly.

Supervisor McKay moved that the Board adopt the 2017 Legislative Program and Human Services issue paper. Chairman Bulova seconded the motion.

Supervisor Herrity stated that he would not be supporting the motion.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “NAY.”

Following comments, Supervisor McKay moved that the Board adopt the 115th Congress Strategies and Principles for Federal funding and legislation. Chairman Bulova seconded the motion.

Supervisor Gross called the Board’s attention to Attachment 3 of the Board Agenda Item, pages 6-7, regarding the Washington Metropolitan Area Transit Authority (WMATA), and noted that, later in the meeting at the appropriate time, the Board will consider an Action Item A-15 – Approval of a Letter to WMATA Regarding Proposed Early Metrorail Closing and WMATA Fiscal Year 2018 Budget, and raised a question regarding whether, by adopting this position in the Federal program, it is collaborative and cooperative with the letter. Discussion ensued, with input from Tom Biesiadny, Director of the Department of Transportation, who noted that the language in the item was coordinated with WMATA governmental staff.

The question was called on the motion and it carried by unanimous vote.

Supervisor McKay:

- Noted that the Board’s work session with the County’s delegation to the General Assembly is scheduled for December 13 at 3:30 p.m. in the Government Center. Fairfax County School Board participation is welcome.
- Thanked legislative staff for their excellent work.

Following discussion, with input from Claudia Arko, Legislative Director, Office of the County Executive, Chairman Bulova announced that the Northern Virginia Delegation of the General Assembly will hold a public hearing on January 7, 2017, at 9 a.m. in the Government Center.

(NOTE: Later in the meeting, action was taken regarding Action Item A-15. See Clerk’s Summary Item #30.)

DET:det

14. ADMINISTRATIVE ITEMS (11:36 a.m.)

Chairman Bulova announced that Admin 16 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 2 (Signs, Signals and Markers), to Add a New Section 82-2-8 Relating to the Authorization for the Fairfax County School Board to Install and Operate a Video Monitoring System to Enforce the Law Against Passing Stopped School Buses had been revised.

Supervisor Gross moved approval of the Administrative Items. Supervisor Foust seconded the motion.

Supervisor Storck called the Board's attention to Admin 9 – Authorization to Advertise Public Hearings on a Proposed Amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Craft Beverage Production Establishments and asked to amend the advertised barrel level. Following discussion, concerning the proximity of many industry zoned and planned properties to residential neighborhoods, this was accepted.

Supervisor Foust called the Board's attention to Admin 11 – Authorization to Advertise Public Hearings on a Proposed Amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Article 6 – Planned Tysons Corner Urban (PTC) District Regulations Regarding the Maximum Floor Area for High Trip Generating Uses and asked unanimous consent that the Board direct staff to provide information on all proposals being discussed for the Tysons Comprehensive Plan Amendment. Following discussion, with input from Tracy Strunk, Deputy Director, Office of Community Revitalization, concerning the request and a time frame for Tysons, without objection, it was so ordered.

Supervisor Gross called the Board's attention to Admin 13 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 109.1 (Solid Waste Management), Sections 109.1-1-2, 109.1-5-3, 109.1-5-5, and 109.1-5-6 and asked unanimous consent that the Board direct staff to strike the following from the staff report: "are comparable to the price of plastic bags." Without objection it was so ordered.

Discussion continued regarding availability, cost, durability, and the need to encourage stores to stock paper bags for yard waste, with input from James Patteson, Director, Department of Public Works and Environmental Services, regarding updating the staff report.

Supervisor Herrity called the Board's attention to Admin 14 – Authorization to Advertise Public Hearings on a Proposed Amendment to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance), Regarding the Posting of Signs on Private Property When an Infill Lot Grading Plan is Submitted to the County for Review and asked to amend the motion to consider this item separately. This was accepted.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 14, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

ADMIN 1 – RESOLUTION FOR ENDORSEMENT OF ELIZABETH LANE AND OLD HICKORY ROAD TO BE CONSIDERED FOR CUT-THROUGH MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (BRADDOCK DISTRICT)

- (R) Adopted the Resolution endorsing Elizabeth Lane and Old Hickory Road (between Guinea Road and Little River Turnpike) to be considered for cut-through measures as part of the RTAP.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE HILLTOP COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Hilltop CPD.

ADMIN 3 – RESCIND APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (PROVIDENCE DISTRICT)

Rescinded the endorsement for the installation of “Watch for Children” signs on Fairview Park Drive.

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES, “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MASON, PROVIDENCE, AND DRANESVILLE DISTRICTS)

- Endorsed the traffic calming plan for Carol Lane and Trammell Road consisting of the following:
 - One Speed Hump on Carol Lane (Mason District)
 - Three Speed Humps and a Multi-Way Stop on Trammell Road (Mason District)

- Adopted a Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Fairview Park Drive from Lee Highway to Arlington Boulevard (Providence District)
- Approved the installation of “Watch for Children” signs on the following roads:
 - Calder Road (Dranesville District)
 - Kurtz Road (Dranesville District)
 - New Providence Drive (Providence District)
- Directed the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 5 – STREET INTO THE SECONDARY SYSTEM (SPRINGFIELD DISTRICT)

(R) Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Burke Lake Meadow Section 1B	Springfield	Burke Woods Drive

ADMIN 6 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with a registration number, as Plans Examiners:

- Kyle Bollinger (318)
- Benjamin A. Flood (319)

ADMIN 7 – APPROVAL OF A PORTION OF A STREET NAME CHANGE FROM GREENSBORO STATION PLACE TO SILVER HILL DRIVE AND TO CHANGE SAIC DRIVE TO GREENSBORO STATION PLACE (PROVIDENCE DISTRICT)

Approved the following street name changes in the Official County Digital Property Map and the Master Addressing Repository on Tax Map #29-3, effective 30 days following approval, in accordance with Section 102-1-9 of the Code of the County of Fairfax, Virginia:

- From Greensboro Station Place to Silver Hill Drive
- From SAIC Drive to Greensboro Station Place

ADMIN 8 – EXTENSION OF REVIEW PERIOD FOR A 2232 APPLICATION (LEE DISTRICT)

Authorized the extension of review period for the following Public Facility (2232) Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-L15-19	Verizon Wireless 7410 Spring Village Drive Springfield, VA Lee District Accepted September 12, 2016	February 9, 2017

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CRAFT BEVERAGE PRODUCTION ESTABLISHMENTS

(A) (R) (NOTE: Earlier in the meeting, this item was amended. See page 16.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 12, 2017, at 8:15 p.m., and before the Board on **February 28, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to define and establish Craft Beverage Production Establishments as a distinct land use in select commercial, planned development, and industrial zoning districts, subject to proposed use limitations. The amendment also proposes to add food and beverage manufacturing, production, and processing establishments as a by right use in I-4 Districts where this use is currently only permitted by special exception.

ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RIDING AND BOARDING STABLES

(A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 12, 2017, at 8:15 p.m., and before the Board on **February 14, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning

Ordinance), to consider allowing small-scale horseback riding lessons as a home occupation subject to specific limitations designed to minimize the impact of the riding lessons on surrounding properties.

ADMIN 11 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ARTICLE 6 – PLANNED TYSONS CORNER URBAN (PTC) DISTRICT REGULATIONS REGARDING THE MAXIMUM FLOOR AREA FOR HIGH TRIP GENERATING USES

- (A) (R) (NOTE: Earlier in the meeting, this item was discussed. See page 16.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 8, 2017, at 8:15 p.m., and before the Board on **March 14, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Article 6 – Planned Tysons Corner Urban (PTC) District Regulations Regarding the Maximum Floor Area for High Trip Generating Uses.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE COUNTY-OWNED PROPERTY TO T-MOBILE NORTHEAST LLC (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2017, at 4:30 p.m.**, regarding leasing County-owned property to T-Mobile (T-Mobile) for the installation of telecommunications equipment for public use on the roof of the South County Center located at 8350 Richmond Highway.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109.1 (SOLID WASTE MANAGEMENT), SECTIONS 109.1-1-2, 109.1-5-3, 109.1-5-5, AND 109.1-5-6

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page 16.)

Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 109.1 (Solid Waste Management), Sections 109.1-1-2, 109.1-5-3, 109.1-5-5, and 109.1-5-6, to prohibit the use of plastic bags for disposal of yard waste and disposal of cathode ray tubes (CRTs) in the County's solid waste disposal system.

ADMIN 14 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 122 (TREE CONSERVATION ORDINANCE), REGARDING THE POSTING OF SIGNS ON PRIVATE PROPERTY WHEN AN INFILL LOT GRADING PLAN IS SUBMITTED TO THE COUNTY FOR REVIEW

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 17.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #15.)

ADMIN 15 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR SUPPLEMENTAL FUNDING ASSOCIATED WITH THE EARLY HEAD START CHILD CARE PARTNERSHIP AND EXPANSION GRANT

Authorized DFS to apply for and accept grant funding, if received, from the DHHS, Administration for Children and Families, Office of Head Start, in the amount of \$576,929, including \$115,386 in local cash match. Supplemental funding is specifically being provided to support program quality improvement, address new health and safety requirements, and provide professional development. No new grant positions are being requested with this funding; however, grant funding currently supports 13/11.5 full-time exempt grant positions.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 2 (SIGNS, SIGNALS AND MARKERS), TO ADD A NEW SECTION 82-2-8 RELATING TO THE AUTHORIZATION FOR THE FAIRFAX COUNTY SCHOOL BOARD TO INSTALL AND OPERATE A VIDEO MONITORING SYSTEM TO ENFORCE THE LAW AGAINST PASSING STOPPED SCHOOL BUSES

(A) (NOTE: Earlier in the meeting, it was noted that this item was revised. See page 16.)

Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2017, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to add a new Section 82-2-8, relating to the authorization for the Fairfax County School Board to install and operate a video monitoring system to enforce the law against passing stopped school buses.

15. **ADMIN 14 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 122 (TREE CONSERVATION ORDINANCE), REGARDING THE POSTING OF SIGNS ON PRIVATE PROPERTY WHEN AN INFILL LOT GRADING PLAN IS SUBMITTED TO THE COUNTY FOR REVIEW** (11:50 a.m.)

- (A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk’s Summary Item #14.)

Supervisor Foust moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on January 11, 2017, and before the Board on **February 14, 2017, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 122 (Tree Preservation Ordinance), regarding posting signs to notify the public when an infill lot grading plan is submitted to the County for review. If adopted, the proposed amendment will become effective on March 1, 2017, at 12:01 a.m. Chairman Bulova seconded the motion.

Supervisor Herrity, noting that the Board had extensive discussion of this item at a meeting of the Developmental Process Committee, expressed his concerns regarding potential budgetary impacts and moved that the Board defer this item for consideration during the Fiscal Year 2018 budget process. Supervisor K. Smith seconded the motion.

Discussion ensued concerning:

- The Fiscal and environmental value of retaining trees
- The value of the upfront investment in public notification
- Managing public expectations of the process for land disturbing activity, particularly activities that do not require signage/notification

Supervisor Herrity withdrew his motion.

The question was called on the main motion and it **CARRIED** by a vote of nine, Supervisor Herrity voting “NAY.”

16. **A-1 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE’S RECOMMENDATION REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2018 VIRGINIA RAILWAY EXPRESS (VRE) CAPITAL AND OPERATING BUDGET** (12:04 p.m.)

On motion of Supervisor Cook, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the CAO Task Force’s primary recommendation on the FY 2018 VRE budget. The recommendation is to concur with the VRE Operations Board’s recommendation to help balance the FY 2018 budget with a fare increase of three percent, as part of its six-year financial plan.

17. **A-2 – LEASE AGREEMENT FOR COMMUTER PARKING AT SPRINGFIELD TOWN CENTER (LEE DISTRICT)** (12:04 p.m.)

On motion of Supervisor McKay, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved a lease agreement to continue commuter parking at the Springfield Town Center (formerly known as Springfield Mall)
- Authorized the Director of the Transportation to execute the lease agreement between the County and PR Springfield Town Center LLC

18. **A-3 – LEASE AGREEMENT FOR COMMUTER PARKING AT SPRINGFIELD UNITED METHODIST CHURCH (LEE DISTRICT)** (12:05 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved a lease agreement between the County and the Springfield United Methodist Church to continue commuter parking at the Church
- Authorized the Director of the Department of Transportation to execute the agreement in substantial form

19. **A-4 – APPROVAL OF A STANDARD PROJECT AGREEMENT (SPA) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR THE FAIRFAX COUNTY PARKWAY WIDENING PROJECT FROM OX ROAD (ROUTE 123) TO LEE HIGHWAY (ROUTE 29) (SPRINGFIELD AND BRADDOCK DISTRICTS)** (12:05 p.m.)

(R) On motion of Supervisor Herrity, seconded by Supervisor Cook, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution authorizing the Director of the Department of Transportation to execute a SPA with NVTA for \$10 million to support the widening of Fairfax County Parkway from Ox Road (Route 123) to approximately 2,000 feet north of Lee Highway (Route 29).

20. **A-5 – APPROVAL OF A STANDARD PROJECT AGREEMENT (SPA) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR THE ROUTE 7 WIDENING PROJECT FROM COLVIN FOREST DRIVE TO JARRETT VALLEY DRIVE (DRANESVILLE DISTRICT)** (12:05 p.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor L. Smyth, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution authorizing the Director of the Department of Transportation to execute a SPA with NVTA for \$10 million to support the widening of Route 7 from Colvin Forest Drive to Jarrett Valley Drive.

21. **A-6 – APPROVAL OF RESCISSION OF A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, (THE BOARD) AND THE VIENNA VOLUNTEER FIRE DEPARTMENT (VFD)** (12:06 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor K. Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the rescission of the MOA between the Board and the Vienna VFD
- Authorized the County Executive to sign it on behalf of the Board

22. **A-7 – APPROVAL OF COMMENTS ON THE COMMONWEALTH OF VIRGINIA’S ATLANTIC GATEWAY PROJECT (MASON, LEE, AND MOUNT VERNON DISTRICTS)** (12:07 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve a letter transmitting comments regarding the Commonwealth of Virginia’s Atlantic Gateway Project, as outlined in the Board Agenda Item. Supervisor McKay seconded the motion.

Tom Biesiadny, Director, Department of Transportation, summarized the proposed comments on this multi modal project.

Discussion ensued concerning I-395 improvements, with Supervisor McKay expressing his concerns about reversible Express Lanes, in particular, the potential effect on economic development in the southern part of the County and Fort Belvoir. Discussion continued concerning the need for repair of various railroad bridges.

The question was called on the motion and it carried by unanimous vote.

23. **A-8 – SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS**
(12:17 p.m.)

- (R) On motion of Supervisor Gross, jointly seconded by Supervisor Foust and Chairman Bulova, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted a Resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Chief Financial Officer authority to award the bonds, on specified criteria, through either a competitive or negotiated sale. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds and authorizes the Chairman, Vice-Chairman, County Executive, or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds.

24. **A-9 – APPROVAL OF STATE LITTER PREVENTION AND RECYCLING GRANT FUNDING TRANSFER TO CLEAN FAIRFAX COUNCIL, INCORPORATED** (12:18 p.m.)

On motion of Supervisor Gross, seconded by Supervisor L. Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the transfer of the State Litter Prevention and Recycling grant funding to Clean Fairfax Council, Incorporated. The total grant amount for Fiscal Year 2017 is \$124,726. Of this total, \$123,678 is allocated to the County and \$1,048 to the Town of Clifton.

25. **A-10 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS; AND FOR THE FOSTERING ADVANCEMENTS IN SHIPPING AND TRANSPORTATION FOR THE LONG-TERM ACHIEVEMENT OF NATIONAL EFFICIENCIES GRANT PROGRAM** (12:18 p.m.)

- (R) On motion of Supervisor Foust, seconded by Supervisor Gross, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and:

- Adopted a Resolution of endorsement of proposed projects to be submitted by DOT, and support for the Washington Metropolitan Area Transit Authority (WMATA), and the Virginia Railway Express (VRE) to submit projects to be considered by the Northern Virginia Transportation Authority for Fiscal Year 2023 RSTP/CMAQ program allocations
- Authorized DOT to apply for the FASTLANE Grant Program for the Route 28 Widening (Prince William County Line to Old Centreville Road)

26. **A-11 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF FALLS CHURCH, FAIRFAX COUNTY, AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) ESTABLISHING COLLABORATION BETWEEN THE CITY OF FALLS CHURCH AND LAW ENFORCEMENT AGENCIES AT THE MERRIFIELD CRISIS RESPONSE CENTER (MCRC) FOR PEOPLE EXPERIENCING A PSYCHOLOGICAL CRISIS**

AND

MOTION TO AUTHORIZE EXTENSION OF A MOU REGARDING DIVERSION FIRST (12:19 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and stated that an essential component of Diversion First is the cooperation of law enforcement partners both within and outside of the County. The MOUs establishing these relationships are set to expire and extending them is necessary.

Such amendments extending the term of each MOU will allow law enforcement officers from the County and other entities and jurisdictions to continue to be able to relinquish custody of individuals who may be experiencing a mental health crisis to trained Crisis Intervention Team Fairfax County police officers and deputy sheriffs at the MCRC. The amendment and extension of these MOUs will allow an essential component of Diversion First, the MCRC, to continue to offer alternatives to incarceration for people with mental illness or developmental disabilities so they can get needed assessment, treatment, and support. It will also continue to improve public safety by returning law enforcement officers to their patrol duties, promote a healthier community, and provide a more cost effective and efficient use of public funds.

Therefore, Chairman Bulova moved that the Board authorize the County Executive and the County Attorney to take all necessary steps to amend and extend the term of each MOU now in effect between the County, CSB, and each of the following entities, to allow each MOU to continue in effect beyond its current term and until such time as any party to each MOU takes the steps to

terminate the agreement by giving 30 days written notice to all other parties, pursuant to the terms as set forth therein:

- Fairfax County Sheriff's Office
- Fairfax County Police Department
- City of Fairfax
- City of Falls Church
- Town of Herndon
- Town of Vienna
- George Mason University
- Northern Virginia Community College

Supervisor Cook seconded the motion.

Following discussion concerning the terms of the original MOUs, with input from Cynthia L. Tianti, Deputy County Attorney, the question was called on the motion and it carried by unanimous vote.

Chairman Bulova moved that the Board concur in the recommendation of staff and approve a MOU between the City of Falls Church, the County, and CSB establishing collaboration between the City of Falls Church and Law Enforcement Agencies at the MCRC for people experiencing a psychological crisis. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

27. **A-12 – APPROVAL OF A STANDARD PROJECT AGREEMENT (SPA) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTa) FOR THE ROUTE 28 WIDENING PROJECT (PRINCE WILLIAM COUNTY LINE TO ROUTE 29) (SULLY DISTRICT)**
(12:24 p.m.)

- (R) On motion of Supervisor K. Smith, seconded by Supervisor Foust, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE," the Board concurred in the recommendation of staff and adopted a Resolution authorizing the Director of the Department of Transportation to execute a SPA with NVTa, to secure \$5 million in NVTa Fiscal Year 2017 program funding to support the Route 28 Widening project.

28. **A-13 – AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT WITH TOWERS CRESCENT, LLC TO EXPAND CAPITAL BIKESHARE IN THE COUNTY (PROVIDENCE DISTRICT)** (12:25 p.m.)

On motion of Supervisor L. Smyth, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the Towers Crescent Agreement between the County and Towers Crescent, LLC. This agreement will allow the County to construct and operate a bikeshare station in the Tysons area.
- Authorized the Director of the Department of Transportation to execute the Towers Crescent Agreement on behalf of the County.

29. **A-14 – AUTHORIZATION FOR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION (DOT) TO EXECUTE FUTURE BIKESHARE STATION LICENSE AGREEMENTS AND RENEWALS FOR CAPITAL BIKESHARE** (12:25 p.m.)

On motion of Supervisor Foust, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Director of DOT to execute future Bikeshare Station license agreements and renewals of license agreements. Each license agreement allows the County to install, maintain, and/or operate Capital Bikeshare stations on privately-owned parcels of land located in the County. Renewals permit the County to renew existing and future license agreements as their terms expire and make other appropriate modifications for such agreements as determined by the Director of DOT.

30. **A-15 – APPROVAL OF A LETTER TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) REGARDING PROPOSED EARLY METRORAIL CLOSING AND WMATA FISCAL YEAR (FY) 2018 BUDGET OPTIONS** (12:26 p.m.)

Tom Biesiadny, Director, Department of Transportation, described the content of the proposed letter.

Chairman Bulova stated that the letter reflects a balance of ways to address safety, service, and budgetary issues and noted that each jurisdiction funds WMATA's budget differently so it is important to respect the differences among the jurisdictions in their funding arrangements.

Discussion ensued, with input from Mr. Biesiadny, concerning:

- Whether the reduction in operating hours is primarily a fiscal or a safety measure

- Affected regional bus routes and the need to address service that will be impacted by the I-66 project slated to begin next year
- Options proposed for earlier/later openings/closings and the need to amend the letter to clarify the Board's preferences
- Jurisdictional subsidies and Board support of a multi-phased solution to address the problem
- The feasibility of the Connector providing service for routes that have been restructured or discontinued
- Concern that parking fees at metro lots should not be increased

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve a letter to WMATA regarding the proposed early closing of the Metrorail system for increased maintenance time and proposed options for closing the funding gap in the WMATA FY 2018 Budget. Chairman Bulova seconded the motion.

Following comments by Supervisor Hudgins, concerning the proposals presented by Metro's General Manager, discussion ensued regarding the County including specific recommendations as presented by staff, including operational hours.

Discussion continued concerning the inclusion of minor editorial changes suggested by Supervisor Foust

Supervisor McKay asked unanimous consent that the Board direct staff to make the following corrections to the carbon copy list at the end of the letter: Kate Mattice, ~~Acting~~ Executive Director, Northern Virginia Transportation Commission. Without objection it was so ordered.

Discussion continued concerning issues at Metro and its labor contract, including the value and associated costs of the no-strike clause. Supervisor Herrity noted that both he and staff have requested information on the labor category: wages, in addition to the cost of safety repairs.

Supervisor Herrity called the Board's attention to paragraph 4 of the proposed letter to Metro and asked to amend the letter to include the following: "We would also like to see a complete analysis..." This was accepted.

Discussion continued concerning labor issues, which will be on the agenda at the Board's December 13 Transportation Committee meeting.

The question was called on the motion, with noted edits to the letter, and it carried by a vote of nine, Supervisor Storck being out of the room.

31. **A-16 – AUTHORIZATION TO ENTER INTO A THREE PARTY AGREEMENT WITH THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND MOTIVATE, INCORPORATED, FOR OPERATION OF CAPITAL BIKESHARE ON WMATA PROPERTY (PROVIDENCE DISTRICT)** (12:56 p.m.)

On motion of Supervisor L. Smyth, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Storck being out of the room, the Board concurred in the recommendation of staff and authorized the Director of the Department of Transportation to execute the Agreement with WMATA and Motivate, Incorporated, to locate and operate Capital Bikeshare on WMATA property in the County. At this time Capital Bikeshare stations are planned at the Tysons Corner and Greensboro Metrorail Stations.

32. **A-17 – ESTABLISHMENT OF A POLICE CIVILIAN REVIEW PANEL AS RECOMMENDED BY THE INDEPENDENT OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE OF THE AD HOC POLICE PRACTICES REVIEW COMMISSION** (12:57 p.m.)

Chairman Bulova:

- Announced that this item was Board initiated, upon the recommendation of the Ad Hoc Police Practices Review Commission
- Thanked Mr. Adrian Steel, a Commission member, for his efforts in clarifying several misunderstandings which appeared in a letter to the editor over the weekend
- Recognized members of the Ad Hoc Commission and the Ad Hoc Implementation Group who were present in the Board Auditorium
- Introduced Ms. Julia Judkins, the outside legal counsel

Supervisor Cook moved that the Board establish a Civilian Review Panel based on recommendations of the Ad Hoc Police Practices Review Commission as outlined in the Board Item Addendum. Supervisor Foust and Chairman Bulova jointly seconded the motion. Chairman Bulova noted that the red-lined version of the item can be found in the Board's Addendum package.

Supervisor Cook announced that this is the next step in the Board's continuing work with the recommendations of the Ad Hoc Police Practices Review Commission on Use of Police Force and, by the end of next Tuesday's committee meeting, the Board will have touched on every report recommendation.

Supervisor Cook presented a summation of the County's reform efforts and briefly described the proposed composition and work of the Panel. He clarified that all complaints coming to the Panel will be in writing and, that following the review of an investigation, the Panel will report directly to the Board and the public. He noted the administrative, practical, and legal issues which preclude the Panel from doing its own investigation and stressed that this will be a continuing effort by the County in its oversight of the police department with the opportunity to make changes as necessary.

Chairman Bulova added that the Panel, if approved, would work in concert with the Police Independent Auditor, the position for which has been advertised.

Supervisor Hudgins, noting past challenges to the County, expressed her concern as to whether the County has the ability to take information in freely and cited her reasons for suggesting language to allow the Panel to provide notice to persons knowledgeable of an incident, and permit the Panel to take testimony and receive factual evidence at a hearing.

Chairman Bulova asked members of the Implementation Group (Mr. Adrian Steel, Ms. Mary Kimm, and Mr. Phil Niedzielski-Eichner) to be available for comment.

Discussion ensued, with input from Mr. Steel and Ms. Judkins, concerning possible/potential legal ramifications of the suggested modifications.

Discussion continued concerning:

- The adoption of bylaws that are to address specific procedures and processes of the Panel
- Active Board oversight and review of the Panel's progress
- The recent editorial concerning the Commission's work
- Inclusion of an additional individual with law enforcement experience on the panel

Ms. Judkins addressed a question posed by Supervisor Foust as to the Board's ability to amend the Panel's bylaws.

Supervisor K. Smith asked to amend the motion to include geographical representation as a consideration in selecting members for the Panel and it was agreed to include that in the Board's recommendations (Recommendation 18).

Supervisor K. Smith asked to amend the motion to include public notification of the date and time of the meeting (Recommendation 20) and this was accepted.

Based on prior discussion that the Panel would be reviewed and modified as needed, Supervisor K. Smith asked to amend the motion to set a timeline for a review so it is not forgotten. Following discussion, consensus was reached that the Board shall conduct a first review with the Panel within six months of receipt of its first annual report. It was also agreed that the Board had the latitude to perform further reviews at any time.

Discussion continued with Board Members expressing their support/non-support of the motion.

Chairman Bulova, noting the excellence of the County's Police Department and the fact that the County is the safest jurisdiction of its size in the country, stated that the Board's actions today take an additional step in making a great department even better and is a model for the nation in continuing to improve community policing and enhances trust between the community and the department.

Chairman Bulova:

- Thanked individuals who participated in the process
- Noted the success of the establishment of Diversion First which has resulted in over 300 diversions
- Recognized several Police Department initiatives including:
 - Re-engineering police training with a focus on de-escalation and sanctity of life
 - Reorganization of the public affairs team including the hiring a full-time civilian director
 - The establishment of a policy regarding the release of the names of officers involved in critical incidents and providing timely updates on these incidents
 - The collection and publication of key data on police interactions including uses of force and officer-involved shooting
 - The alignment of today's actions with One Fairfax to ensure that the County is safe for all individuals, and that all are receiving equitable services and opportunities

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Herrity voting “**NAY.**”

33. **ORDERS OF THE DAY** (2:17 p.m.)

Chairman Bulova announced that the Board would recess and go into closed session following completion of the County Executive Items.

34. **I-1 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FEE SCHEDULE** (2:18 p.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is proceeding with the implementation of CSB’s revised Fee Schedule.

35. **I-2 – RECOGNITION AND AWARDS FOR THE COUNTY LIVEWELL PROGRAM** (2:18 p.m.)

The Board next considered an item contained in the Board Agenda announcing that the Livewell program has been the recipient of several prestigious awards in the last few years.

36. **I-3 – CONTRACT AWARD – CONSULTING SERVICES FOR ROUTE 1 BUS RAPID TRANSIT SYSTEM** (2:18 p.m.)

The Board next considered an item contained in the Board Agenda announcing that staff is awarding a contract to Richmond Highway Bus Rapid Transit Partners, as negotiated, to provide Program Management Consulting Services for the Route 1 Bus Rapid Transit System.

37. **I-4 – PRESENTATION OF THE FISCAL YEAR (FY) 2016 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (2:18 p.m.)

The Board next considered an item contained in the Board Agenda regarding the FY 2016 CAFR.

38. **RECESS/CLOSED SESSION AND INTENT TO DEFER PUBLIC HEARINGS** (2:19 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. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler, Jr.*, Case No. CL-2015-0005902 (Fx. Co. Cir. Ct.)
 2. Verizon, Virginia, Inc., Audit of Cable Franchise Fees, and Coxcom, LLC, d/b/a Cox Communications, Audit of Cable Franchise Fees and Public, Educational and Governmental Access Grants
 3. *Board of Supervisors of Fairfax County, Virginia, and Inova Health Care Services v. Chevron USA Inc., and Reston Association*, Case No. CL-2016-0015384 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 4. *United States of America v. Muna Osman Jama, Hinda Osman Dhirane, Fardowsa Jama Mohamed, Farhia Hassan, Barira Hassan Abdullahi*, Case No. 1:14-cr-230(AJT) (E.D. Va.) (Hunter Mill District)
 5. *Michael Evans v. Cigna Health and Life Insurance Company Health Insurance Plan and County of Fairfax*, Case No. CL-2016-0015035 (Fx. Co. Cir. Ct.)
 6. *Shirley A. Stewart v. Eric H. Holder (U.S. Dept. of Justice); Stephen Holl (Metropolitan Washington Airports Authority); Edwin C. Roessler (Fairfax County Police Department); Stacy Kincaid (Fairfax County Sheriff Dept.); Mark Chapman (Loudoun County Sheriff Department); Jeh Johnson (U.S. Homeland Security); John F. Kerry (U.S. Department of State); Sarah Saldana (Immigration and Customs Enforcement); and Thomas S. Winkowski (Custom and Border Protection)*, Case

- No. 1:15cv682 (E.D. Va.)
7. *Cynthia Geoghagan v. Fairfax County and Victor Nardone*, Case No. GV16-020097 (Fx. Co. Gen. Dist. Ct.)
 8. *Eric Todd Demoulin v. Detective Stephen M. Augustine*, Case No. 1:16-cv-01325 (U.S. Dist. Ct., E.D. Va.)
 9. *Wahid Sajjid, by GEICO, Subrogee v. Stephen R. Wallace*, Case No. GV16-020533 (Fx. Co. Gen. Dist. Ct.)
 10. *Mirsada Karalic-Loncarevic, by GEICO, Subrogee v. Jeffrey Dion Cox*, Case No. GV16-018480 (Fx. Co. Gen. Dist. Ct.)
 11. *Sagres Construction Corp. v. County of Fairfax*, Case No. CL-2016-0007023 (Fx. Co. Cir. Ct.)
 12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larry M. Kirkpatrick*, Case Nos. GV16-012827 and GV16-012828 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wayne F. Sandross and Lisa L. Sandross*, Case No. GV16-013872 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tony Duy Ta and Huong Lan Thi Dao*, Case Nos. GV16-023469 and GV16-023468 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 15. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Hsing-Cheng Chen and Marina L. Chen*, Case No. CL-2016-0014720 (Fx. Co. Cir. Ct.) (Dranesville District)
 16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mohammad Y. Sikder*, Case No. GV16-017407 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Deutsche Bank Trust Company*

Americas, Case No. GV16-017138 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herbert H. Becker*, Case No. GV16-0013871 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael F. Hughes, Jr., and Ann M. Hughes*, Case No. GV16-022738 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael F. Hughes, Jr., and Ann M. Hughes*, Case No. GV16-022738 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
21. In Re: October 7, 2015, Decision of the Board of Zoning Appeals of the County of Fairfax, Case No. CL-2015-0014745 (Fx. Co. Cir. Ct.) (Hunter Mill District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Crystal Payne*, Case No. GV16-021911 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Smithrose Investments, LLC*, Case No. GV16-022800 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. GV16-023311 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Larissa Omelchenko Taran*, Case No. GV16-023308 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Luis Escalona and Lidia Escalona*, Case Nos. GV16-021650 and GV16-021651 (Fx. Co. Gen. Dist. Ct.) (Lee District)

27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael L. Lewis and Sonja B. Lewis*, Case No. GV16-021912 (Fx. Co. Gen. Dist. Ct.) (Lee District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria E. Rivas and Jose E. Bolanos*, Case No. GV16-021956 (Fx. Co. Gen. Dist. Ct.) (Lee District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandy Ying-Tang Cheng and Yuk Yee Cheng*, Case Nos. GV-16-011340, GV16-011341, GV16-011342, and GV16-011343 (Fx. Co. Gen. Dist. Ct.) (Lee District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael Ryabinky and Eugenia Ryabinky*, Case No. CL-2015-0017544 (Fx. Co. Cir. Ct.) (Mason District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pablo Garcia and Norka D. Garcia*, Case No. GV16-020364 (Fx. Co. Gen. Dist. Ct.) (Mason District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian Lucas*, Case No. GV16-013184 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. A. Brian Bartlett*, Case No. CL-2015-0011709 (Fx. Co. Cir. Ct.) (Providence District)
34. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Darrell Davis Poe*, Case No. GV16-020746 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan*, Case No. CL-2013-0012453 (Fx. Co. Cir. Ct.) (Sully District)

36. *Board of Supervisors of Fairfax County v. Target Marble & Granite, LLC*, Case No. GV16-019559 (Fx. Co. Gen. Dist. Ct.) (Providence, Springfield, and Sully Districts)

And in addition:

- *Gerard Morrison, et al. v. County of Fairfax, Virginia*, United States District Court for the Eastern District of Virginia, Case Number 1:14-cv-00005

Chairman Bulova seconded the motion.

Supervisor Foust announced his intent, later in the meeting at the appropriate time, to cancel the public hearing on the acquisition of certain land rights necessary for the construction of Kirby Road sidewalk (Dranesville District).

Supervisor Hudgins announced her intent, later in the meeting at the appropriate time, to defer the public hearing on the acquisition of certain land rights necessary for the rehabilitation of the Difficult Run Force Main (Hunter Mill and Dranesville District) until March 17, 2016.

Chairman Bulova announced that Board Matters would be done throughout the day or at the end of today's Agenda.

The question was called on the motion to recess and go into closed session and it carried by unanimous vote.

(NOTE: Later in the meeting the public hearings were formally cancelled and/or deferred. See Clerk's Summary Items #56 and #64. Board Matters were considered at the end of the Agenda. See Clerk's Summary Items #70 - #91.)

DAL:dal

At 3:27 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:27 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. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

40. **AUTHORIZATION TO SETTLE CASE – GERARD MORRISON, ET AL. V. COUNTY OF FAIRFAX, VIRGINIA, CASE NUMBER 1:14-CV-00005**
(3:28 p.m.)

Supervisor Gross moved that the Board authorize the settlement of a case that is pending in the United States District Court for the Eastern District of Virginia – specifically, *Gerard Morrison, et al. v. County of Fairfax, Virginia*, Case Number 1:14-cv-00005 – on the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

41. **APPOINTMENT OF MR. WILLIAM KANG AS DIRECTOR OF PUBLIC SAFETY COMMUNICATIONS** (3:29 p.m.)

Supervisor Gross moved the appointment of Mr. William Kang to the position of Director, Public Safety Communications, Grade E-10, with a starting salary of \$148,500, effective January 3, 2017. Chairman Bulova seconded the motion and it carried by unanimous vote.

Supervisor Gross recognized the presence of Mr. Kang in the Board Auditorium, and, on behalf of the Board, she and Chairman Bulova warmly welcomed him.

Supervisor Gross recognized the presence of Steve Souder, the outgoing director of the Department of Public Safety Communications, and, on behalf of the Board, thanked and wished him farewell. Chairman Bulova also acknowledged that he has been a tremendous regional leader in telecommunications and safety, as well as with the Washington Metropolitan Area Transit Authority.

AGENDA ITEMS

42. **3 P.M. – PH ON REZONING APPLICATION RZ 2015-HM-011 (CESC COMMERCE EXECUTIVE PARK, LLC) AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN (CDP) (HUNTER MILL DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-H-049 (CESC COMMERCE EXECUTIVE PARK, LLC) (HUNTER MILL DISTRICT) (3:31 p.m.)

- (O) The Rezoning Application RZ 2015-HM-011 property is located in the southwest quadrant of Dulles Toll Road and Wiehle Avenue, Tax Maps 17-4 ((12)) 11 D4, 11 D5, and 11 D7.

The Special Exception Amendment Application SEA 94-H-049 property is located at 1850 Centennial Park Drive, 11400 and 11440 Commerce Park Drive, Reston, 20191, Tax Maps 17-4 ((12)) 11 D4, 11 D5, and 11 D7.

Mr. Gregory A. Riegler reaffirmed the validity of the affidavit for the record.

William Mayland, Assistant Director, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Riegler 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, which included testimony by two speakers, Mr. Riegler presented rebuttal. A brief discussion ensued regarding issues raised by Mr. Ronald Weber (Speaker 1) concerning the right-in/right-out access.

Mr. Mayland presented the staff and Planning Commission (PC) recommendations.

Following remarks, Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 94-H-049, to permit the deletion of 11.58 acres from Special Exception Application SE 94-8-049.
- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2015-HM-011, from the I-3 District to the PDC District, and approval of the associated CDP, subject to the proffers dated November 28, 2016.
- Approval of the waivers and modification contained in the handout distributed and dated December 6, 2016, which will be made a part of the record, as follows:
 - Modification of Paragraphs 1A and 1B of Section 2-414 of the ZO to allow residential structures within 200 feet and office structures within 75 feet of the combined Dulles International Airport Access Highway and Dulles Toll Road as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
 - Modification of Paragraph 5 of Section 6-206 of the ZO to allow an increase of dwellings as a secondary use over the 50 percent limitation as shown on the CDP/FDP.
 - Modification of Section 11-203 of the ZO of the minimum loading space requirements to permit the loading spaces as shown the CDP/FDP.

- Modification of the minimum distance of 40 feet per Paragraph 4 of Section 11-202 of the ZO to permit the loading spaces as shown on the CDP/FDP.
- Waiver of Paragraph 2 of Section 11-302 of the ZO of the maximum length of private streets.
- Modification of Sections 13-304 and 13-305 of the ZO for the transitional screening and barrier requirements on the southern boundary line and between onsite uses to permit the landscaping as shown on the CDP/FDP.
- Waiver of Section 2-505 of the ZO to allow buildings to be constructed to the streetscape building zone line on corner lots on public streets and lots with private street easements which may create a corner lot configuration.

Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Supervisor Hudgins moved that the Board concur with the recommendation of staff and approve a Parking Reduction Request 24534-PKS-001-1, of up to 494 fewer parking spaces for the Commerce Metro Center development pursuant to Paragraph 5.A of Section 11-102 of the Zoning Ordinance, based on the proximity of a Mass Transit Station, subject to the conditions recommended by staff, as outlined in a memorandum from Land Development Services dated November 15, 2016, distributed to the Board under publication of the staff report. Chairman Bulova seconded the motion.

Following discussion, with input from Jerry Stonefield, Engineer IV, Land Development Services, regarding the parking reduction, Supervisor Hudgins amended her motion that the Board approve a Parking Reduction Request 24534-PKS-001-1, of up to **672** fewer parking spaces. This was accepted.

The question was called on the motion and it carried by unanimous vote.

(NOTE: On October 6, 2016, the PC approved Final Development Plan Application FDP 2015-HM-011, subject to the proposed FDP condition dated October 6, 2016.)

43. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-SU-006 (NASEEM GUL BHATTI) (SULLY DISTRICT) (4:11 p.m.)**

The application property is located at 4189 Week Place, Chantilly, 20151, Tax Map 44-2 ((23)) 37.

Ms. Naseem Gul Bhatti reaffirmed the validity of the affidavit for the record.

Joe Gorney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Bhatti 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.

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

Following a query by Supervisor K. Smith, Ms. Bhatti confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 6, 2016.

Supervisor K. Smith moved approval of Special Exception Application SE 2016-SU-006, subject to the development conditions dated October 6, 2016. Supervisor Herrity and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor Cook and Supervisor Hudgins being out of the room.

44. **3 P.M. – PH ON REZONING APPLICATION RZ 2016-DR-001 (NVR, INCORPORATED) AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN (CDP) (DRANESVILLE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-HM-037 (NVR, INCORPORATED) (DRANESVILLE DISTRICT)

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-H-070-03 (NVR, INCORPORATED) (DRANESVILLE DISTRICT)

(4:17 p.m.)

- (O) The Rezoning Application RZ 2016-DR-001 property is located on the east side of Centreville Road and north side of Woodland Park Road, Tax Maps 16-3 ((1)) 29D and 29E; and 16-3 ((11)) 7.

The Proffered Condition Amendment Application PCA 1999-HM-037 property is located on the east side of Centreville Road and north side of Woodland Park Road, Tax Maps 16-3 ((1)) 29D and 29E; and 16-3 ((11)) 7.

The Special Exception Amendment Application SEA 97-H-070-03 property is located on the east side of Centreville Road and north side of Woodland Park Road, Tax Maps 16-3 ((1)) 29D and 29E; and 16-3 ((11)) 7.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Chairman Bulova disclosed that she received a campaign contribution in excess of \$100 from the following:

- Dwight C. Schar, a member of the Board of Directors of NVR, Incorporated

Supervisor Herrity disclosed that he received a campaign contribution in excess of \$100 from the following:

- Dwight C. Schar, a member of the Board of Directors of NVR, Incorporated

Supervisor Foust raised a question regarding the application numbers, with input from William Mayland, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning.

Mr. Mayland gave a PowerPoint slide 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. Mayland presented the staff and Planning Commission (PC) recommendations.

Supervisor Foust moved:

- Approval of Proffered Condition Amendment Application PCA 1999-HM-037 to delete 11.95 acres from Rezoning Application RZ 1999-HM-037, approved for the PDC District.
- Approval of Special Exception Amendment Application SEA 97-H-070-03 to delete 11.95 acres from Special Exception Application SE 97-H-070.
- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-DR-001, from the PDC District to the PDH-30 District, and approval of the CDP, subject to the proffers dated October 7, 2016.

- Approval of the waivers and modifications contained in the handout dated December 6, 2016, which will be made a part of the record, as follows:
 - To direct the Director of the Department of Public Works and Environmental Services to approve a modification of ZO Section 2-415, to allow uncovered stoops and steps to be located a minimum of 15 feet distance measured from the permanent water surface of any appropriately designed impoundment rather than 15 feet from the horizontal edge of the floodplain per Paragraph 1 of Section 2-415 of the ZO.
 - Waiver of Paragraph 2 of Section 6-107 of the ZO, which requires a 200 square foot minimum privacy yard area for single family attached dwellings.
 - Waiver of Paragraphs 1 and 12 of Section 11-102 of the ZO to allow tandem parking in the driveways of the two-over-two multifamily units.
 - Modification of Section 11-203 of the ZO to provide two loading spaces.
 - Waiver of Paragraph 2 of Section 11-302 of the ZO to allow a private street in excess of 600 feet in length.
 - Waiver of Section 13-200 of the ZO for interior parking lot landscaping requirements for a structured parking deck.
 - Waiver of Paragraph 3 of Section 13-304 of the ZO for transitional screening and barrier requirements between the multi-family and single family attached units.
 - Deviation of the tree preservation requirement from Section 12-0508.3 of the Public Facilities Manual to permit the tree preservation as shown on the CDP/FDP.

Supervisor L. Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor

Storck, and Chairman Bulova voting “AYE,” Supervisor Hudgins being out of the room.

(NOTE: On October 26, 2016, the PC approved Final Development Plan Application FDP 2016-DR-001.)

45. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-LE-002 (PMG MID ATLANTIC, LLC) (LEE DISTRICT)**

AND

PH ON REZONING APPLICATION RZ 2016-LE-006 (PMG MID ATLANTIC, LLC) (LEE DISTRICT) (4:27 p.m.)

(O) The Special Exception Application SE 2016-LE-002 property is located at 6201 Franconia Road, Alexandria, 22310, Tax Map 81-3 ((5)) 6.

The Rezoning Application RZ 2016-LE-006 property is located in the southwest quadrant at the intersection of Franconia Road and Grovedale Drive, Tax Map 81-3 ((5)) 6.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Casey Gresham, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Supervisor McKay raised a question regarding the development conditions, with input from Ms. Gresham.

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. Gresham presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-LE-006, from the C-5, R-1, and R-2 Districts to the C-5 and HC Districts, subject to the proffers dated October 27, 2016.
- Approval of Special Exception Application SE 2016-LE-002, subject to development conditions dated October 26, 2016, with a change to Condition #20 that strikes the words “and colors”.

- Waiver of the tree preservation target deviation in favor of the proposed vegetation shown on the General Development Plan/Special Exception Plat.

Supervisor Herrity seconded the motion.

Following a brief discussion, with input from Barbara Berlin, Director, ZED, DPZ, Supervisor McKay queried Mr. Martin, who confirmed for the record, that the applicant was in agreement with the proposed development conditions dated October 26, 2016, as amended.

The question was called on the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Hudgins and Supervisor Storck being out of the room.

46. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-SU-020-02 (PENDER PROFESSIONAL CENTER, LLC) (SULLY DISTRICT)** (4:37 p.m.)

- (O) The application property is located on the north side of Lee Jackson Memorial Highway and west side of Fair Ridge Drive, Tax Map 46-3 ((1)) 15 C and 15 A1.

A brief discussion ensued, with input from Barbara Berlin, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), regarding the application number.

Mr. Aristotelis Chronis introduced Mr. Paul Zhu who reaffirmed the validity of the affidavit for the record.

William O’Donnell, Staff Coordinator, ZED, DPZ, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Chronis 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 the case.

Following the public hearing, Mr. O’Donnell presented the staff and Planning Commission (PC) recommendations.

Supervisor K. Smith moved:

- Approval of Proffered Condition Amendment Application PCA 2009-SU-020-02, subject to the proffers dated November 1, 2016.

- Approval of the list of modifications and waivers dated December 6, 2016, which was distributed around the dais and further discussed in the staff report. It will be made part of the record of this case, and are listed as follows:
 - Modification of Section 6-206 of the Zoning Ordinance to allow the maximum amount of secondary uses permitted in the PDC District (25 percent of the principal uses) to increase to a maximum of 60 percent of the development in accordance with the uses shown on the Final Development Plan Amendment (FDPA) and the proffers.
 - Reaffirmation of the previously approved waivers and modifications:
 - Modification of the transitional screening requirements to the west and south.
 - Modification of the barrier requirements to the south.
 - Waiver of the service drive along Route 50.

Supervisor Foust and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being out of the room.

(NOTE: On November 17, 2016, the PC approved Final Development Plan Amendment Application FDPA 2009-SU-020-02, subject to the development conditions dated November 2, 2016.)

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-L-062-02 (6620 BACKLICK ROAD LLC) (LEE DISTRICT)** (4:48 p.m.)

The application property is located at 6620 Backlick Road, Springfield, 22150, Tax Map 90-2 ((2)) 231 and 232.

Mr. Mark M. Viani reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed (even though it was over a year ago, and therefore not required) that she received a campaign contribution in excess of \$100 from the following:

- Frederick R. Taylor, Esquire, Bean, Kinney and Korman PC

Kelly Posusney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Viani 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.

Following a query by Supervisor McKay, Mr. Viani confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated November 16, 2016.

Supervisor McKay moved:

- Approval of Special Exception Amendment Application SEA 82-L-062-02, subject to the development conditions dated November 16, 2016.
- Approval of the waivers and modifications as listed in the handout dated November 16, 2016, which was distributed around the dais, and shall be made a part of the record of this case. The list is as follows:
 - Waiver from the loading space required per Section 11-203 of the Zoning Ordinance (ZO).
 - Waiver of the transitional screening required per Section 13-303 of the ZO along Calamo Street.
 - Waiver of the tree preservation target deviation in favor of the proposed vegetation shown on the Special Exception Amendment (SEA) plat.
 - Modification to the Springfield Community Revitalization District streetscape in favor of the streetscape shown on the SEA Plat.

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor K. Smith and Supervisor Storck being out of the room.

48. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2014-MA-014 (NOVUS PROPERTY HOLDINGS LLC) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (MASON DISTRICT)** (4:55 p.m.)

The application property is located in the northwest quadrant of the intersection of Columbia Pike and Carlin Springs Road, Tax Map 62-1 ((1)) 7.

Mr. Scott E. Adams reaffirmed the validity of the affidavit for the record.

Carmen Bishop, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Adams 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. Bishop presented the staff and Planning Commission (PC) recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2014-MA-014, from the C-3, C-4, HC, SC, and CRD Districts to the PDC, CRD, HC, and SC Districts, and approval of the Conceptual Development Plan (CDP), subject to the proffers dated November 30, 2016.
- Approval of the modifications and waivers dated December 6, 2016, which shall be made a part of the record of this case. The list is as follows:
 - Modification of Paragraph 5 of Section 6-206 of the ZO to permit the gross floor area of dwellings as a secondary use in the PDC District to exceed 50 percent of the gross floor area of all principal uses.
 - Modification of the loading requirement of five spaces, pursuant to Section 11-203 of the ZO, to permit two spaces.
 - Modification of the requirement for dedication and construction of widening of roads, pursuant to Paragraph 4 of Section 17-201 of the ZO, to that

shown on the CDP/Final Development Plan (CDP/FDP).

- Waiver of the requirement for a service drive, pursuant to Paragraph 3A of Section 17-201 of the ZO.
- Modification of the requirement for interparcel access, pursuant to Paragraph 3 of Section 17-201 of the ZO, as proffered and shown on the CDP/FDP.
- Modification of the transitional screening and barrier requirements, pursuant to Sections 13-303 and 304 of the ZO, to permit the existing and proposed landscaping as shown on the CDP/FDP.
- Approval of a parking reduction percent as permitted in a Commercial Revitalization District (CRD), pursuant to Section A7-209 of the ZO to allow 405 parking spaces instead of 450 (reduction of 45 spaces or 10 percent).

Supervisor Foust seconded the motion. Following discussion, regarding architectural concepts and repurposing, the question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

(NOTE: On November 17, 2016, the PC approved Final Development Plan Application FDP 2014-MA-014, subject to the development conditions dated November 2, 2016.)

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2016-BR-013 (MHI-HERITAGE, LLC AND BRISTOW SHOPPING CTR LTD) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (BRADDOCK DISTRICT) (5:15 p.m.)**

The application property is located on the west side of Heritage Drive, north of Rectory Lane, Tax Map 70-2 ((1)) 1 D1, 2A, and 2C.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Carmen Bishop, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Chairman Bulova raised a question regarding parking for the townhouse units, with input from Ms. Bishop.

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, Ms. Bishop presented the staff and Planning Commission (PC) recommendations.

Following comments, Supervisor Cook moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-BR-013, from the C-6 District to the PDC District, and approval of the associated Conceptual Development Plan (CDP), subject to the proffers dated December 5, 2016.
- Approval of the list of modifications and waivers dated December 6, 2016, which shall be made a part of the record of this case. The list is as follows:
 - Modification of Paragraph 5 of Section 6-206 of the ZO to permit the gross floor area of dwellings as a secondary use in the PDC District to exceed 50 percent of the gross floor area of all principal uses.
 - Modification of the loading requirement of five spaces, pursuant to Section 11-203 of the ZO, to permit five spaces.
 - Modification of the transitional screening and barrier requirements between the proposed single-family attached dwellings and the existing commercial uses, pursuant to Sections 13-303 and 13-304 of the ZO, to permit the proposed landscaping as shown on the CDP/Final Development Plan (CDP/FDP).
 - Modification of Section 11-302 of the ZO to permit private streets to exceed 600 feet in length.
 - Waiver of the 200 square foot minimum privacy yard requirement for single family attached

dwelling in favor of the open space shown on the CDP/FDP.

- Modification of the geometric design of private streets, pursuant to Section 7.0502.1A of the Public Facilities Manual (PFM) to permit the pavement widths as shown on the CDP/FDP.
- Modification of the minimum planting width of 8 feet, pursuant to Section 12-0510.4E(5) of the PFM, to permit the planting areas as shown on the CDP/FDP, and with planting areas provided as per Section 12-0601.1B of the PFM.
- Waiver of the minimum setback offset for single family attached dwellings, pursuant to the definition of a single family attached dwelling in Article 20 of the ZO.

Chairman Bulova seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storeck, and Chairman Bulova voting “AYE.”

(NOTE: On November 30, 2016, the PC approved Final Development Plan Application FDP 2016-BR-013, subject to the development conditions dated November 16, 2016.)

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-DR-009 (SENECA CORNER ASSOCIATES LLC) (DRANESVILLE DISTRICT)** (5:32 p.m.)

The application property is located at 1020 Seneca Road, Great Falls, 22066, Tax Map 6-4 ((3)) 1.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Kelly Posusney, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide 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 to present her case.

Following the public hearing, Supervisor Foust submitted an item for the record.

Ms. Posusney presented the staff and Planning Commission recommendations.

Following a query by Supervisor Foust, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated November 18, 2016.

Supervisor Foust moved:

- Approval of Special Exception Application SE 2016-DR-009, subject to the development conditions dated November 18, 2016.
- Approval of the waivers and modifications as listed in the handout dated November 2, 2016, as distributed around the dais, and shall be made a part of the record of this case. The list is as follows:
 - Modification of the transitional screening required per Section 13-303 of the Zoning Ordinance (ZO) along the northern property line.
 - Waiver of the barrier required per Section 13-304 of the ZO along the northeastern property line, adjacent to the proposed entrance.
 - Waiver of the transitional screening and barrier requirement per Sections 13-303 and 13-304 of the ZO, along the eastern property line.
 - Waiver of Paragraph 2 of Section 13-302 of the ZO to allow transitional screening and barrier requirements on the R-1 portion of the subject property.
 - Waiver of Paragraph 8 of Section 11-102 of the ZO requiring a 10-foot minimum parking setback to a front lot line.
 - Waiver of Paragraph 2 of Section 13-203 of the ZO for peripheral parking lot landscaping.

Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

51. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2015-I-J1, LOCATED SOUTH OF ARLINGTON BOULEVARD AND WEST OF GRAHAM ROAD (MASON DISTRICT)** (5:40 p.m.)

The application property is located at 7235 Arlington Boulevard, Falls Church, VA, at the southwest corner of Arlington Boulevard (Route 50) and Graham Road, Tax Map parcels 50-3 ((1)) 5, 5A, 5E, and 5G.

Bernard Suchicital, Planner III, Policy and Plan Development Branch (PPDB), Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Supervisor Cook said that correspondence was received from the Broyhill Park Civic Association, stating that they were not notified about the Proposed Plan Amendment, and discussion ensued, with input from Meghan Van Dam, Branch Chief, PPDB, PD, DPZ, regarding outreach efforts.

The public hearing was held and included testimony by eight speakers. Following the testimony of Ms. Suzanne Hughes (Speaker 8), representative of the Broyhill Park Civic Association, Supervisor Gross noted that this public hearing is regarding a Comprehensive Plan language change, not a rezoning. If approved, the rezoning application, which has been prepared and submitted but not activated, would then need to be addressed working with the community.

Following the public hearing, discussion ensued regarding traffic impacts, with input from Kristin Calkins, Transportation Planning Division, Department of Transportation.

Mr. Suchicital presented the staff and Planning Commission (PC) recommendations.

Following comments, Supervisor Gross moved approval of Plan Amendment 2015-I-J1, as recommended by the PC, as shown on Attachment One of the Board Item, and shown on pages 9-11 of the staff report dated October 6, 2016. The recommendation adds an option for residential mixed-use up to an overall intensity of 0.50 floor area ratio (FAR) for Tax Map parcels 50-3 ((1)) 5, 5A, 5E, and 5G, with conditions related to consolidation, design, access, and stormwater management. Chairman Bulova seconded the motion.

Following discussion regarding access, outreach efforts, and community involvement, the question was called on the motion and it carried by unanimous vote.

52. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2016-II-F1, LOCATED SOUTH OF ARLINGTON BOULEVARD BETWEEN BEAR BRANCH AND BARKLEY DRIVE (PROVIDENCE DISTRICT)** (6:35 p.m.)

The application property is located at 9001 Arlington Boulevard, Fairfax, on the south side of Arlington Boulevard between Bear Branch and Barkley Drive (Tax Map Parcel 48-4 ((1)) 42A).

Mike D. Van Atta, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor L. Smyth noted that an item had been submitted for the record.

Mr. Van Atta presented the staff and Planning Commission (PC) recommendations. A brief discussion ensued regarding alternative access points to the site, with input from Mr. Van Atta.

Supervisor L. Smyth moved approval of Plan Amendment 2016-II-F1, as recommended by the PC, which reflects an alternative to the staff recommendation as shown in Attachment Two of the Board Agenda Item. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor K. Smith being out of the room.

53. **4 P.M. – PH ON PLAN AMENDMENT 2016-CW-2CP, PLANNED INDUSTRIAL USES** (6:42 p.m.)

Leanna O'Donnell, Branch Chief, Policy and Plan Development Branch (PPDB), Planning Division (PD), Department of Planning and Zoning (DPZ), introduced a new employee, Katrina Z. Newton, Planner II, PPDB, PD, DPZ. Ms. Newton presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Newton presented the staff and Planning Commission (PC) recommendations.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of Plan Amendment 2016-CW-2CP, as recommended by the PC and found in the staff report dated October 19, 2016. Supervisor McKay seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

54. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2016-IV-MV1, LOCATED EAST OF RICHMOND HIGHWAY, NORTH OF DART DRIVE (MOUNT VERNON DISTRICT)** (6:51 p.m.)

The application property is generally located along the east side of Richmond Highway, north of Dart Drive, Tax Map Parcel 92-4 ((1)) 82A (pt.).

Kenneth Sorenson, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by two speakers, Mr. Sorenson presented the staff and Planning Commission (PC) recommendations.

Following comments, Supervisor Storck moved approval of Plan Amendment 2016-IV-MV1, as recommended by the PC, with two minor editorial modifications as shown on his handout dated December 6, 2016. The amendments would add an option for up to 279 workforce and affordable multifamily units, and up to 196 townhomes and the retention of a significant and contiguous portion of the site for a publicly accessible park. Supervisor Foust and Supervisor Hudgins jointly seconded the motion.

Following a brief discussion regarding transportation and school impacts, and affordable dwelling units, the question was called on the motion and it carried by unanimous vote.

EBE:ebe

55. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENTS 2013-III-FC1(B) AND 2016-III-FC1, FAIRFAX CENTER AREA (BRADDOCK, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (7:13 p.m.)

The Fairfax Center Area comprises the area generally extending west of the City of Fairfax to Stringfellow Road, from Lee-Jackson Memorial Highway (Route 50) to Lee Highway (Route 29), Tax Map parcels 56-1 ((1)) 11H (4531 and 4601 West Ox Rd); 46-3 ((1)) 15A1, 15C (3901 Fair Ridge Drive); 46-4 ((1)) 33A, 33B (11244 Waples Mill Rd, 11244 A-J Waples Mill Rd); 46-3 ((1)) 45, 46, 47, 48, 49, 50 (4100-4108 Legato Rd); and 56-1 ((1)) 35 (12100 Lee Hwy)

Meghan Van Dam, Chief, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by four speakers, Ms. Van Dam presented the staff and Planning Commission (PC) recommendations.

Jointly with Supervisor Cook, Supervisor K. Smith, and Supervisor L. Smyth, Supervisor Herrity moved approval of Plan Amendment 2013-III-FC1(B) and

2016-III-FC1, as recommended by the PC and shown on pages 14 through 174 of the staff report, as modified by the working group shown in text boxes on pages 61, 62, 103, and 105 of the staff report, and further modified by the Springfield Land Use Committee for the Centerpointe Church site in proposed Sub-Unit A3. This recommendation is shown in Attachments I and II of the Board Agenda Item. The amendment would support the overall vision, policy guidance, and recommendations for the Fairfax Center area developed by the working group and generally supported by staff and the Springfield Land Use Committee.

The recommendation would also support four site-specific land use and intensity changes in the Fairfax Center Area, which are summarized in Attachment III of the Board Agenda Item to include:

- Adding an option for residential use of up to 1.25 FAR on the Centerpointe Church site in proposed Sub-Unit A3 as shown on page 84 of the staff report.
- Adding an option for residential use at 8 to 12 dwelling units per acre (du/ac) on the Pender Professional Center site in proposed Sub-Unit C1 and shown on page 92 of the staff report.
- Modifying the Overlay Level recommendation for residential use at 10 dwelling units and adding an option for residential use up to 12 du/ac as an assisted living and independent living facilities on the site at the northwest corner of Lee Highway and Legato Road in proposed Land Unit Sub-unit H1 in Land Unit H, as shown on pages 103 and 105 of the staff report.
- Adding an option for residential use of up to 8 du/ac for the Fair Oaks Church site along West Ox Road in proposed Sub-Unit H2 and shown at the top of page 106 of the staff report.

The working group of community members did not make a site-specific recommendation for the fifth site along Waples Mill Road; however, general recommendations for museums and/or cultural centers as an alternative in areas planned for office use can be found in the proposed Area-wide guidance on page 33 of the staff report.

Supervisor Herrity further moved that the Board direct staff to pursue a third phase of the Fairfax Center Area Study: to conduct a transportation analysis for core area nominations and conclude a review of the core area. This phase should be completed expeditiously to fully realize the core area vision established by the working group in the second phase. Supervisor K. Smith and Supervisor L. Smyth jointly seconded the motion.

Following discussion, regarding rezoning issues, the question was called on the motion and it carried by unanimous vote.

Supervisor Herrity thanked staff and the working group members for their hard work.

56. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF KIRBY ROAD SIDEWALK (DRANESVILLE DISTRICT)** (7:51 p.m.)

Supervisor Foust announced that all land rights to this project have now been acquired and the hearing is no longer necessary.

Therefore, Supervisor Foust moved to **cancel** the public hearing on adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of the Kirby Road sidewalk. Supervisor L. Smyth seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Gross, and Supervisor K. Smith being out of the room.

57. **4:30 P.M. – PH ON PROPOSED PLAN AMENDMENT 2016-II-T2, JERMANTOWN ROAD BRIDGE LOCATED OVER INTERSTATE 66 (PROVIDENCE DISTRICT)** (7:53 p.m.)

Alan Kessler, Transportation Planner II, Transportation Planning Division, Department of Transportation (DOT), presented the staff report.

Discussion ensued, with input from Leonard Wolfenstein, Section Chief, Transportation Planning Division, DOT, regarding the City of Fairfax and whether the process has begun on its side of Jermantown Road.

Following the public hearing, Mr. Kessler presented the staff and Planning Commission (PC) recommendations.

Supervisor L. Smyth moved approval of Plan Amendment 2016-II-T2, as recommended by the PC. Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Gross, and Supervisor K. Smith being out of the room.

58. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-LE-005 (RUTH VILLANUEVA DBA THE LITTLE HOME DAYCARE) (LEE DISTRICT)** (8:01 p.m.)

(NOTE: On November 1, 2016, the Board deferred this public hearing until December 6, 2016.)

The application property is located at 6007 Southward Way, Alexandria, 22315, Tax Map 91-3 ((11)) (21) 106.

Ms. Ruth Villanueva reaffirmed the validity of the affidavit for the record.

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

Ms. Villanueva 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.

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

Following a query by Supervisor McKay, Ms. Villanueva confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 3, 2016.

Supervisor McKay moved approval of Special Exception Application SE 2016-LE-005, subject to the development conditions dated October 3, 2016. Supervisor Hudgins seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Foust, Supervisor Gross, and Supervisor L. Smyth being out of the room.

59. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING FARM WINERIES, LIMITED BREWERIES, AND LIMITED DISTILLERIES** (8:06 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 November 18 and November 25, 2016.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by 10 speakers, Ms. Pesto presented the staff and Planning Commission (PC) recommendations.

Discussion ensued, with input from Ms. Pesto, regarding limits on hosting public or private events.

Following comments, Supervisor K. Smith moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Articles 3, 9, 18, and 20 regarding Farm Wineries, Limited Breweries, and Limited Distilleries, as recommended by the PC, with an effective date of 12:01 a.m., on the day following adoption, except with

respect to revisions to the definitions per the handout dated December 6, 2016.

- That farm wineries, breweries, and distilleries may host special events or activities with up to 200 guests, invitees, or participants, rather than the 150-person limit recommended by the PC.
- The following text changes:
 - In the definition of farm winery: strike the phrase, “new farm winery building or structure constructed after July 1, 2016, or the expansion of any farm winery building or structure after July 1, 2016,” from lines 19-21 on page 1 and replace it with “*farm winery*”
 - In the definition of limited brewery: strike the phrase, “new or expanded” from line 3, page 2, and the phrase “building or structure constructed after July 1, 2016” from line 4, page 2, and strike “building or structure” from line 6 on page 2.
 - In the definition of limited distillery: strike the phrase “new or expanded” from line 27 on page 2, strike “building or structure constructed after July 1, 2016,” from line 28 on page 2, and strike “building or structure” from line 30 on page 2.

Supervisor McKay seconded the motion. Discussion ensued, with input from Ms. Pesto, regarding limits of participation and parking requirements.

Supervisor Herrity asked to amend the motion to increase the limit to 300 people for wineries whose primary entrance is on a major arterial road. Following discussion, with input from Elizabeth Teare, County Attorney, this was not accepted.

Therefore, Supervisor Herrity moved to amend the motion to increase the limit to 300 for wineries whose primary entrance is on a major arterial road. Chairman Bulova seconded the motion.

Following discussion, Supervisor Herrity asked to amend his amendment to the motion to increase the limit to 300 for farm wineries, limited breweries, and limited distilleries whose primary entrance is on a major arterial road. This was accepted.

The question was called on the amendment to the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross,

Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Discussion ensued regarding the main motion, with input from Ms. Pesto regarding acreage requirements and the approval process.

The question was called on the main motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck voting “NAY.”

Supervisor K. Smith moved that the Board direct staff to consider a definition for the phrase “events and activities” in the context of the upcoming Zoning Ordinance amendment on the topic of agriculture, which is already on the Work Program. Supervisor Foust seconded the motion and it carried by unanimous vote.

60. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-LE-005 (RUTH VILLANUEVA DBA THE LITTLE HOME DAYCARE) (LEE DISTRICT)** (no time)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk’s Item #58.)

61. **5 P.M. – PH ON A PROPOSAL TO ABANDON PART OF LEE ROAD (SULLY DISTRICT)** (9:28 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 November 18 and November 25, 2016.

Donald Stephens, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor K. Smith moved adoption of the Order abandoning a part of Lee Road. Supervisor L. Smyth seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

62. **5 P.M. – PH ON A PROPOSAL TO VACATE PART OF ESKRIDGE ROAD (PROVIDENCE DISTRICT)** (9:32 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 November 18 and November 25, 2016.

Donald Stephens, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor L. Smyth moved adoption of the Ordinance vacating a portion of Eskridge Road. Supervisor Foust seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity, Supervisor McKay, Supervisor K. Smith, and Supervisor Storck being out of the room.

63. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), REGARDING TAXICAB REGULATIONS** (9:36 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 November 18 and November 25, 2016.

Susan M. Hafeli, Senior Utility Analyst, Department of Cable and Consumer Services (DCCS), presented the staff report.

Discussion ensued, with input from Ms. Hafeli, regarding the proposed changes, the criteria for assessment and evaluation, the review process, and limitations of available certificates.

Following the testimony of Mr. John Fee (Speaker One), discussion ensued regarding the industry and its position on the proposed revisions and the impact of Transportation Network Companies on the taxicab industry.

Following the public hearing, which included testimony by two speakers, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), regarding taxicab regulations. Supervisor Gross seconded the motion.

Supervisor Foust asked to amend the motion to keep the biennial determination review and remove the annual review. This was accepted.

Discussion ensued, with input from Edward L. Long Jr., County Executive, and Ms. Hafeli regarding the elimination of cap limits and staff's use of periodic analysis in the evaluation of the applications received.

Discussion ensued, with input from Mr. Charles King (Speaker Two), regarding the taxicab industry's opinion of the proposed amendments.

Supervisor Hudgins moved to defer decision on the taxicab regulations until the next meeting. Chairman Bulova seconded the motion.

Following discussion, with input from Michael Liberman, Director, DCCS, regarding a deferral and its impact on a number of taxicabs that might be affected, Chairman Bulova announced that the Board would table its decision until later in the meeting and asked staff to prepare a revised motion for the Board to consider.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #68.)

64. **5 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE REHABILITATION OF THE DIFFICULT RUN FORCE MAIN (HUNTER MILL AND DRANESVILLE DISTRICTS)**
(10:20 p.m.)

Supervisor Hudgins moved to defer the public hearing on the acquisition of certain land rights necessary for the construction of Project WW-000008-003, Difficult Run Force Main Rehabilitation, Fund 69300, Sewer Construction Improvements until **March 14, 2017**. Supervisor Gross seconded the motion and it carried by unanimous vote.

65. **5:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-MV-010 (MARC ANTHONY MUSSOLINE) (MOUNT VERNON DISTRICT)**
(10:21 p.m.)

The application property is located at 1212 Olde Towne Road, Alexandria, 22307, Tax Map 83-4 ((2)) (40) 501.

Mr. Marc Anthony Mussoline reaffirmed the validity of the affidavit for the record.

Angelica Gonzalez, Planner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Discussion ensued, with input from Ms. Gonzalez, Mr. Mussoline, and William Mayland, Assistant Director, ZED, DPZ, regarding uses in a flood plain, flooding history, and the existence of flood flaps in the surrounding area.

Discussion continued, with input from Elizabeth Teare, County Attorney and Mr. Mayland, regarding flooding claims.

Mr. Mussoline 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. Gonzalez presented the staff and Planning Commission recommendations.

Following a query by Supervisor Storck, Mr. Mussoline confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 28, 2016.

Supervisor Storck moved approval of Special Exception Application SE 2016-MV-010, subject to the development conditions dated October 28, 2016. Supervisor McKay seconded the motion.

Following discussion regarding flood plains, the question was called on the motion and it carried by unanimous vote.

66. **5:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2016-HM-017 (MILESTONE TOWER LIMITED PARTNERSHIP III) (HUNTER MILL DISTRICT) (10:38 p.m.)**

Supervisor Hudgins moved to indefinitely defer the public hearing on Special Exception Application SE 2016-HM-017. This motion was multiply seconded and it carried by unanimous vote.

67. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2015-HM-013 (WIEHLE STATION VENTURES, LLC) (HUNTER MILL DISTRICT) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (CDP)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-H-049-02 (WIEHLE STATION VENTURES, LLC) (HUNTER MILL DISTRICT) (10:39 p.m.)

(O) (NOTE: On November 1, 2016, the Board deferred this public hearing until December 6, 2016.)

The Rezoning Application RZ 2015-HM-013 property is located north of Sunrise Valley Drive, east of Association Drive, and west of Commerce Park Drive, Tax Maps 17-4 ((12)) 11B and 11 D9 (part); 17-4 ((33)) C; and 17-4 ((33)) 110-535.

The Special Exception Amendment Application SEA 94-H-049-02 property is located at 11490 Commerce Park Drive, and 1913 Association Drive, Reston, 20191, Tax Maps 17-4 ((12)) 11B and 11 D9 (part); and 17-4 ((33)) C; and 17-4 ((33)) 110-535.

Mr. Mark Looney reaffirmed the validity of the affidavit for the record.

William Mayland, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the application and site location.

Mr. Looney 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, which included testimony by one speaker, Mr. Mayland presented the staff and Planning Commission (PC) recommendations.

Supervisor Hudgins submitted an item for the record.

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 94-H-049-02, to delete 3.4 [sic] acres from SE 94-H-049.
- Amendment of the Zoning Ordinance (ZO), as it applies to the property—which is the subject of Rezoning Application RZ 2015-HM-013, from the I-3 District to the PRM District, and approval of the associated CDP, subject to the proffers dated November 18, 2016.
- Approval of the waivers and modifications contained in the handout dated December 26 [sic] which will be made part of the record.

Following discussion, with input from Mr. Mayland, Supervisor Hudgins clarified her motion as follows:

- Approval of Special Exception Amendment Application SEA 94-H-049-02, to delete **3.14** acres from SE 94-H-049
- Amendment of the ZO, as it applies to the property which is the subject of Rezoning Application RZ 2015-HM-013, from the I-3 District to the PRM District, and approval of the associated CDP, subject to the proffers dated November 18, 2016
- Approval of the waivers and modifications contained in the handout dated **December 6, 2016**, which will be made part of the record. The list is as follows:
 - Waiver of Section 2-505 of the ZO for the Use Limitations on corner lots.

- Modification of Paragraph 4 of Section 11-202 of the ZO to reduce the Off-Street Loading required minimum site distance from 40 feet to 16 feet.
- Modification of Section 11-203 of the ZO to reduce the number of required loading spaces from three to one for residential buildings and from four spaces to two spaces for the office building.
- Waiver of Section 13-203 of the ZO for Peripheral Parking Lot Landscaping.
- Modification of Sections 13-303 and 13-304 of the ZO of the transitional screening and barrier requirements to permit the landscaping as shown on the CDP/FDP/SEA.

Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

Supervisor Hudgins moved approval of Parking Reduction Request #2015-PKS-005-1(*sic*) a parking reduction of up to an 18.8 percent (78 fewer spaces) for the proposed residential use, pursuant to Paragraph 5.A of Section 11-102 of the Zoning Ordinance. Supervisor McKay seconded the motion.

Discussion ensued, with input from Jerry Stonefield, Engineer IV, Land Development Services (LDS), and Mr. Mayland regarding the parking reduction.

Supervisor Hudgins clarified her motion to approve Parking Reduction Request #2015-PKS-005-1 for an 18.8 percent (78 fewer spaces) of the required parking for Wiehle Station Ventures Development, pursuant to Paragraph 5.A of Section 11-102 of the Zoning Ordinance, **based on the proximity of a mass transit station subject to the conditions recommended by staff as outlined in the Memorandum from LDS dated August 19, 2016, and contained in Appendix 17 of the staff report.** Chairman Bulova and Supervisor McKay jointly seconded the motion and it carried by unanimous vote.

(NOTE: On September 29, 2016, the PC approved Final Development Plan Application FDP 2015-HM-013, subject to the proposed Final Development Plan conditions dated September 21, 2016.)

68. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1 (PUBLIC TRANSPORTATION), REGARDING TAXICAB REGULATIONS** (10:58 p.m.)

(O) (NOTE: Earlier in the meeting, the Board deferred action regarding this item. See Clerk's Summary Item #63.)

Following a brief discussion, Supervisor Herrity withdrew his previous motion.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 84.1 (Public Transportation), with the following exceptions:

- Rejected the proposed amendment to the first sentence of Section 84.1-2-2(a), shown on lines 10 and 11 of page 791 of the Board Package thereby retaining the biennial application period
- Rejected the proposed amendment to Section 84.1-2-5, thereby retaining the Board's ability to set a cap on the number of available taxicab certificates
- Rejected the proposed amendment to Section 84.1-2-6(b) shown on lines 42 through 47 of page 792 of the Board package, because those provisions relate to Section 84.1-2-5 which will be retained

Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

69. **6 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (11 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of November 18 and November 25, 2016.

There were no speakers for public comment.

DET:EBE:DAL/dal

ADDITIONAL BOARD MATTERS

70. **ONE-TIME MOTION FOR BOARD MATTERS** (11:01 p.m.)

After noting consultation with the Elizabeth Teare, County Attorney, regarding a one-time motion, Supervisor L. Smyth moved approval of all written Board

Matters, with the exception of land-use motions and waiver requests. Supervisor Gross seconded the motion and it carried by unanimous vote.

The Board Matters incorporated into this motion are as follows:

71. **CHAIRMAN BULOVA'S ANNUAL NEW YEAR RECEPTION**

Board Members, residents, and employees are all invited to the annual Chairman's New Year Reception on Wednesday, January 11, 2017, 4:30 p.m. – 6:30 p.m. in the Government Center Forum. The Chairman's Reception is Chairman Bulova's opportunity to thank County employees, volunteers, and active neighbors who help make the County the exceptional place it is to live, work, and play. Light fare and desserts will be served and members of her staff will be collecting canned foods for the Stuff the Bus campaign and pet food for the County Animal Shelter. This reception is the Chairman's treat and is not funded by County tax dollars! All County residents are welcome to attend.

72. **NEW COUNTY WEBSITE (CHAIRMAN BULOVA'S BOARD MATTER)**

First impressions are important. Studies show it takes less than two-tenths of a second for an online visitor to form a first opinion of a brand. For most residents, businesses, and organizations, their first interaction with the County is through its website.

The current website is in the process of being updated which presents a great opportunity to better serve and connect with residents who are looking for information online.

The new website project will:

- Refine how people find information, including search
- Redesign the whole website with a modern look and feel
- Replace the current content management system

In the coming months, the community will be invited to provide feedback about the new website as it is developed.

The Board directed all County departments and agencies adhere to the following guidelines as they develop content for the *new and improved* County website:

1. Please remember the audience for the County's website is not the Board, department heads, or County employees. The audience is always the residents served. As public servants make it a priority to put residents first as we communicate information through the website.

2. Please refrain from simply “copying and pasting” old content into a new format. Take the time to rethink your content and use this as an opportunity to present fresh, updated, and user-friendly information to residents.
3. Remember your content is part of the larger “fairfaxcounty.gov” website. Please avoid publishing duplicative information. Partner with departments to provide unified, consistent content about cross-agency topics.
4. Make sure the most relevant and valuable information is prominently displayed and easy to find on your webpage. Try to “think like a resident” and make it easier for people to find important information.
5. Finally, work closely with the communications specialist or internet architect in your department, the Office of Public Affairs, or the Department of Information Technology to ensure your content is communicated in a user-friendly way.

73. **NOVEMBER 2016 QUARTERLY REPORT OF THE AUDITOR OF THE BOARD (CHAIRMAN BULOVA’S BOARD MATTER)**

The Board received the Auditor of the Board’s Quarterly Report for November 2016. The report included the following study areas, observations, recommendations, and managements’ concurrence:

Review of Contracts and Contract Leveraging – Department of Transportation (DOT) – Auditor recommends:

- With the concurrence of the County Attorney’s Office, a review of procedures for legal contracts and templates should be performed.
- To include a process for leveraging contracting documents developed by other agencies.

Updated Vendor Certificates of Insurance – Department of Transportation (DOT) - Auditor recommends:

- DOT work with vendors to obtain updated Certificates of Insurance documents.
- Processes should be developed to ensure that these files remain updated.

Updated Vendor Certificates of Insurance - Department of Public Works and Environmental Services (DPWES) – Auditor recommends:

- DPWES work with vendors to obtain updated Certificates of Insurance documents.
- Processes should be developed to ensure that these files remain updated.

Grants Management Review – Auditor recommends:

- Presentation of information be consistent on all tabs for each grant in module. The Department of Management and Budget (DMB) should forward updated instructions to the representative for each agency.
- Periodic sample reviews of the grants uploaded should be reviewed for accuracy.

The Board adopted the Auditor of the Board's November 2016 Quarterly Report and approved the Audit Committee Work Plan for the upcoming quarter.

74. **REQUEST FOR PRESENTATIONS (CHAIRMAN BULOVA'S BOARD MATTER)**

The Board directed staff to invite the following:

- Representatives from the Library Board of Trustees to appear before the Board at its first meeting in April 2017 to accept a proclamation declaring April 9-15, 2017, as "*Library Week*" in Fairfax County.

Jointly with Supervisor Cook and Chairman Bulova, the Board directed staff to invite the following:

- Representatives from the Testicular Cancer Awareness Foundation to appear before the Board at its first meeting in April 2017 to accept a proclamation declaring April 2017 as "*Testicular Cancer Awareness Month*" in Fairfax County.

75. **RECOGNIZING BURNS BROTHERS CLEANERS FOR 67 YEARS OF SERVICE IN McLEAN (DRANESVILLE DISTRICT) (SUPERVISOR FOUST'S BOARD MATTER)**

The Board congratulated the Burns family for operating Burns Brothers Cleaners in McLean for the past 67 years. The store's last day of operation will be

December 31, 2016. Burns Brothers is the oldest cleaners in operation in McLean.

In 1949, Donald and Bob Burns opened their store at 6821 Old Dominion Drive in McLean. At the time, it was a standalone store. In the 1960's it was incorporated into a shopping mall. Donald and Bob each had six children, all of whom grew up helping out in the store. Bob sold the business to his brother in the early 1970s.

The business flourished and Mr. Burns found himself with more business than he could handle at one location. Because he did not want to open a second store, he instituted a waiting list which became the talk of the town. The waiting list was in effect from 1982-2007.

In the early 1990's, Donald Burns sold the business to two of his children, Mark and Amy. Throughout the years, Burns Brothers sponsored a Little League team and the Firemen's Ball, a major fundraiser for the McLean Fire Department. Donald Burns is a young 87 years of age and lives in Great Falls. Amy lives in Reston and Mark lives in Herndon. All intend to remain in the area.

The Board directed staff to prepare a certificate, signed by the Chairman and Supervisor Foust, recognizing the Burns Family for 67 years of service to the McLean Community to be presented at an event to be held with the Greater McLean Chamber of Commerce on December 16, 2016.

76. **ONE FAIRFAX POLICY (SUPERVISOR MCKAY'S BOARD MATTER)**

The Board adopted its One Fairfax Policy in July to ensure that residents in all parts of the County are receiving the same opportunities regardless of race, income, religion, and other social and racial factors.

Not long after the Board took that action, students from a school in the Lee District began raising money to help the football team afford new helmets. Using that One Fairfax lens, Supervisor McKay expressed concern that such a critical piece of safety equipment needs to be replaced even partly through fundraising – especially in light of all of the strides that have been made to understand concussions.

The Fairfax County Public Schools (FCPS) provides a small amount of funds to each of the high schools to recondition helmets and other safety equipment. The bulk of dollars used comes from athletic boosters, ticket sales, and fundraisers held by each respective school throughout the year.

If this is truly the way important safety equipment is being financed, some parts of the County would be able to do this significantly faster than others. In addition, there are large differences in the student populations among the high and secondary schools which clearly have an impact on ticket sales volume. This

policy may create challenges, the first of which is ensuring the safety of the students.

The Board directed staff to work along with FCPS leadership to learn how critical sports replacement equipment is funded, when the last time upgrades were made to this equipment at each of the high schools, and whether this particular action would make a good candidate for review as part of the One Fairfax policy.

77. **RECOGNIZING THE 275TH ANNIVERSARY OF THE COUNTY SHERIFF'S OFFICE (SUPERVISOR MCKAY'S BOARD MATTER)**

This year marks the 275th anniversary of the County Sheriff's Office. The Sheriff's Office was created in 1742, at the same time the County was formed, and served as the primary law enforcement agency in the County for about 200 years. Today, the Sheriff's Office is one of three public safety agencies responsible for the 1.1 million residents of the County and the people who come to work, live, and play here.

The Sheriff's Office has criminal and civil jurisdiction in the County as well as in the City of Fairfax and the Towns of Herndon and Vienna. With over 600 employees and 320 active volunteers, the Sheriff's Office is among the largest (and the best!) in Virginia.

The position of sheriff was established by the Virginia Constitution. There have been 77 sheriffs in the County since 1742, including the current sheriff, Stacey Kincaid. Though early sheriffs served for terms of two years, voters now elect the current position every four years.

Today, the Sheriff's Office provides three main areas of service to the community—managing the Adult Detention Center, providing security in the Courthouse, and serving civil law process. In addition, the office has a very active community outreach program that focuses on children, seniors, and the diverse populations that make up the County.

The Sheriff's Office and its staff are consistently recognized for the attainment of excellence in the fields of corrections and law enforcement. The office is accredited by the Virginia Law Enforcement Professional Standards Commission, the Virginia Department of Corrections, the American Correctional Association and the National Commission on Correctional Health Care.

Supervisor McKay's written Board Matter outlined the history of the Sheriff's office.

The Board directed staff to prepare a certificate, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation to the County Sheriff's Office for its 275 years of faithful service to the residents.

78. **ANNANDALE BOYS AND GIRLS CLUB (ABGC) – 2016-2017 VIRGINIA YOUTH SOCCER ASSOCIATION (VYSA) STATE CUP CHAMPION (MASON DISTRICT) (SUPERVISOR GROSS' BOARD MATTER)**

Annandale's own ABGC Annandale United FC 98G (Xtreme 98) is the 2016-2017 VYSA State Cup Champion. The U19/20G girls team, competing in its final State Cup together, defeated the Braddock Road Youth Club 98 Elite 3-1 in the championship match, played at VYSA Virginia Soccer Training Center in Fredericksburg. Coached since its beginning by Ann Germain, the team moves on to compete in the US Youth Soccer National League and then represent the State in the eastern regional competition in June.

The Board applauded this notable achievement and directed staff to invite the players, their families, and coaching staff of the (ABGC) Annandale United FC 98G to appear before the Board at a future meeting.

79. **REQUEST TO RECOGNIZE THE LAKE BRADDOCK SECONDARY SCHOOL GIRLS' CROSS COUNTRY TEAM AS THE 6A STATE CHAMPIONS (BRADDOCK DISTRICT) (SUPERVISOR COOK'S BOARD MATTER)**

In a joint Board Matter with Supervisor Herrity and Supervisor Cook the young women of the Lake Braddock Secondary School's Cross Country Team were congratulated for winning the Virginia 6A Cross Country championships on Saturday, November 12 at Great Meadow Park.

In addition to the team victory, Senior Kate Murphy took first place, finishing the race in 17 minutes and 8 seconds for her second consecutive State title. Junior Samantha Schwerts and senior Taylor Kitchen joined Murphy in the top 10 to help the Bruins win the team title with 46 points. It was a tremendous display of athletic excellence.

The Board directed staff to invite members of the Girls' Cross Country Team from Lake Braddock Secondary School to appear before the Board to be acknowledged for its tremendous achievement.

80. **IN-PERSON ABSENTEE VOTING (SUPERVISOR STORCK'S BOARD MATTER)**

During the In-Person Absentee Voting held at the Fairfax County Government Center (FCGC) and the satellite locations, there were numerous constituents confused as to the correct location and times the facilities were open for voting. In-Person Absentee Voting began at the FCGC, September 23 at 8 a.m.; at the Mount Vernon Governmental Center (MVGC), hundreds of voters arrived at 8 a.m. prepared for In-Person Absentee Voting because they believed it was being held in that building. The pink information card, provided by the County's Office of Elections, and its website stated that the FCGC was the voting location, but

every person that went to the MVGC office, said "the website says government center at 8a.m." and they believed it was at the MVGC.

The Office of Elections also sent a yellow Sample Ballot showing various pieces of information about In-Person Absentee Voting. However, the form said to "Go to www.fairfaxcounty.gov/elections for more information, including each location's days and hours of operation." Not everyone that received this information had access to a computer and this was frustrating for many Mount Vernon constituents.

In addition, with the considerable voter turnout for In-Person Absentee voting this year, additional sites would help facilitate and accommodate voter turnout and the overall experience. The Lorton Library is currently available on Saturdays only, however it should be considered for weekday hours as well.

Therefore, the Board directed the Office of Elections to review and address these concerns by determining if satellite locations voting times can be in sync with the FCGC hours of operations for In-Person Absentee Voting and determine how the County can add additional In-Person absentee voting locations.

81. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)**

Supervisor L. Smyth had no Board Matters to present today.

82. **NO BOARD MATTERS FOR SUPERVISOR HUDGINS (HUNTER MILL DISTRICT)**

Supervisor Hudgins had no Board Matters to present today.

83. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)**

Supervisor Herrity had no Board Matters to present today.

84. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)**

Supervisor K. Smith had no Board Matters to present today.

85. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR THE LAUREL HILL COMMUNITY ASSOCIATION (LHCA) POOL DECK (MOUNT VERNON DISTRICT)** (11:04 p.m.)

With reference to his written Board Matter, Supervisor Storck moved that the Board direct the Director of the Department of Public Works and Environmental Services to expedite and concurrently process the various permits and applications

which are necessary to obtain a building permit for improvements to the LHCA pool deck. Approval of this motion shall in no way prejudice or affect any ongoing review and should not be construed as support for this application by the Board. Supervisor Cook seconded the motion and it carried by unanimous vote.

86. **REQUEST FOR A DATE CERTAIN PUBLIC HEARING – H&M OF VIRGINIA, SPECIAL EXCEPTION APPLICATION SE 2016-DR-011 (DRANESVILLE DISTRICT)** (11:05 p.m.)

- (A) With reference to his written Board Matter, Supervisor Foust moved that the Board direct staff to schedule the public hearing for Special Exception Application SE 2016-DR-011 located at Tax Map Parcel 40-1 ((1)) 12 for a date and time certain of **February 14, 2017, at 4:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the pending applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Gross and Supervisor L. Smyth jointly seconded the motion and it carried by unanimous vote.

87. **PLAN AMENDMENT AUTHORIZATION – McLEAN COMMUNITY BUSINESS CENTER (CBC) (DRANESVILLE DISTRICT)** (11:06 p.m.)

With reference to his written Board Matter, Supervisor Foust moved that the Board authorize staff to consider a Plan amendment for Subareas 5 and 6 of the McLean CBC. The review should consider redevelopment as a mixed use center that includes office, retail, and residential uses and incorporates the “Main Street” concept. Included in this authorization is the entirety of Subareas 5 and 6 to allow for a comprehensive review of guidance for those subareas, and he noted that the planned use and intensity for Tax Map 30-2 ((10)) (3) 8A is not anticipated to change. The Plan amendment should also assess consistency with the McLean CBC Open Space Design Standards. This Plan amendment may be considered concurrently with a rezoning application if submitted. 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. Supervisor Gross seconded the motion and it carried by unanimous vote.

88. **REQUEST FOR CONCURRENT PROCESSING – CHURCH OF THE APOSTLES (ANGLICAN) – PROFFERED CONDITION AMENDMENT APPLICATION PCA 2008-SP-012 (BRADDOCK DISTRICT)** (11:08 p.m.)

Supervisor Cook said that the Church of the Apostles (Anglican) has filed Proffered Condition Amendment Application PCA 2008-SP-012 on Tax Map 56-2 ((1)) 66, to amend Rezoning Application RZ 2008-SP-012.

Therefore, Supervisor Cook moved that the Board direct staff to concurrently process the associated site plan and associated building construction documents for Proffered Condition Amendment Application PCA 2008-SP-012. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Supervisor Foust seconded the motion and it carried by unanimous vote.

89. **REQUEST TO WAIVE FEES FOR SPRINGFIELD-FRANCONIA HOST LIONS CLUB CHARITIES, INCORPORATED (LEE DISTRICT)**
(11:09 p.m.)

With reference to a joint Board Matter with Supervisor Gross, Supervisor McKay moved that the Board waive the application fees for 21 day permits associated with the Springfield Host Lions Club Charities 2017 flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

90. **REQUEST TO WAIVE THE REQUIREMENT OF PARKING SPACES FOR A RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) – GROVETON CIVIC ASSOCIATION (LEE DISTRICT)** (11:09 p.m.)

Supervisor McKay said the Groveton Civic Association has submitted a request to establish a new RPPD.

Therefore, Supervisor McKay moved that the Board waive the requirement of 100 contiguous or nearly contiguous parking spaces to initiate the process required for the establishment of the RPPD. Supervisor Foust and Supervisor L. Smyth jointly seconded the motion and it carried by unanimous vote.

91. **BOARD ADJOURNMENT** (11:10 p.m.)

The Board adjourned.

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