



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 31, 2018**

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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, July 31, 2018, at 9:36 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 Bryan J. Hill, 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; Ekuu Brew-Ewool, Kecia Kendall, and Dianne E. Tomasek, Administrative Assistants, Office of the Clerk to the Board of Supervisors.

BOARD MATTER1. **MOMENT OF SILENCE** (9:38 a.m.)

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. John Toups, who died recently. Mr. Toups was a former President, Chairman, and Chief Executive Officer, of the Planning Research Corporation. He and his company were very instrumental in planning and development in the region.

Supervisor Herrity asked everyone to keep in thoughts the family of Mr. Al Akers, who died recently. Mr. Akers was co-founder of the Occoquan Watershed Coalition and a staunch defender of environmental resources in the County.

Supervisor Gross asked everyone to keep in thoughts the family of Kirk Kincannon, Executive Director of the Park Authority, whose mother died recently.

Chairman Bulova asked everyone to keep in thoughts the family of Mr. Steve Roberts, who died recently. Mr. Roberts was involved in the start-up of the Virginia Railway Express (VRE) and its former Chief Executive Officer.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE APPROPRIATE JURISDICTIONS, AGENCIES, ORGANIZATIONS AND ENTITIES FOR THEIR SERVICE DURING AND SUBSEQUENT TO THE SIMULTANEOUS FIRES ON MAY 2, 2018, IN THE COUNTY** (9:45 a.m.)

Supervisor K. Smith moved approval of the Certificate of Recognition presented to the appropriate jurisdictions, agencies, organizations, and entities for their service during and subsequent to the simultaneous fires on May 2, 2018, in the County and, on behalf of all residents, recognized the outstanding County employees and nonprofit groups for their incredible service throughout this extraordinary event. Chairman Bulova seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WEST SPRINGFIELD HIGH SCHOOL VARSITY BASEBALL TEAM** (10:06 a.m.)

Supervisor Herrity moved approval of the Certificate of Recognition presented to the West Springfield High School Varsity Baseball team for winning the Virginia Class 6A State Championship. Supervisor Cook seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MARLENE MILLER AND MR. STEVE HUNT** (10:17 a.m.)

Supervisor McKay moved approval of the Certificates of Recognition presented to Ms. Marlene Miller and Mr. Steve Hunt for their 16 years of service to the County as the publishers of *The Mount Vernon Voice*. This motion was multiply seconded and it carried by a vote of nine, Supervisor K. Smith being out of the room.

5. **PROCLAMATION DESIGNATING SEPTEMBER 2018 AS "SUICIDE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:29 a.m.)

Supervisor Cook moved approval of the Proclamation designating September 2018 as "*Suicide Awareness Month*" in Fairfax County and urged all residents to help build awareness and knowledge about warning signs and available resources to prevent the tragedy of suicide. Supervisor McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING SEPTEMBER 2018 AS "ENVIRONMENTAL HEALTH AWARENESS MONTH" AND CERTIFICATES OF RECOGNITION PRESENTED TO THE ENVIRONMENTAL HEALTH SPECIALISTS IN FAIRFAX COUNTY** (10:47 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the:

- Proclamation designating September 2018 as "*Environmental Health Awareness Month*" in Fairfax County and commended environmental health specialists everywhere for the many contributions to protecting, promoting and improving health and quality of life
- Certificates of Recognition presented to the following County environmental health specialists deployed to the U.S. Virgin Islands following Hurricanes Irma and Maria
 - Mr. Ron Campbell
 - Mr. John Yetman
 - Mr. Isaac Robertson
 - Ms. Ebonie Miller
 - Mr. Lois Maisel

Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

7. **INTRODUCTION OF INTERNS** (10:56 a.m.)

Chairman Bulova introduced Ms. Emily Kang with the Youth Vision Building “Shadowing” program with the Korean Community Service Center of Greater Washington and a rising junior at Oakton High School.

Supervisor McKay introduced Ms. Annetta Sheriff, recounting her many accomplishments including being selected as the Lee District 2018 Lady Fairfax. She is a rising freshman at Mount Vernon High School.

Supervisor Hudgins introduced Ms. Caroline Vaughn, who, on her own initiative, has volunteered all over the world to help others and is a rising senior at the University of Virginia.

AGENDA ITEMS

8. **PRESENTATION OF THE VOLUNTEER FIRE COMMISSION (VFC) AWARDS AND ANNUAL REPORT** (10:59 a.m.)

Timothy G. Fleming, Chairman of the Volunteer Fire Commission, presented its annual report.

Dana Powers, Assistant Volunteer Liaison, Fire and Rescue Department, presented the VFC awards to the following individuals:

- *Volunteer Firefighter* – Ms. Caitlin Curran, Burke Volunteer Fire and Rescue Department (VFRD)
- *Volunteer Operational Officer* – Mr. John Morrison, Vienna Volunteer Fire Department (VFD)
- *Volunteer Rookie* – Mr. Michael See, Franconia VFD
- *Volunteer EMS Provider* – Ms. Stephanie Feinberg, Dunn Loring VFRD
- *Volunteer BLS Provider* – Ms. Amy Karam, Annandale VFD
- *Volunteer ALS Provider* – Mr. Jeffrey Snow, Vienna VFD
- *Administrative Officer* – Mr. Gary Moore, Annandale VFD

- *Administrative Member* – Mr. Andrew Ward, Franconia VFD
- *Special Recognition Award* – Capt. Dave Winter, Fairfax County Fire and Rescue Department
- *Special Recognition Award* – Ms. Anita Van der Merwe, Fair Oaks VFRD
- *Fire Chief's Award* – Mr. Shawn Stokes, Dunn Loring VFRD
- *Fire Chief's Award* – Mr. Michael Masciola, Dunn Loring VFRD

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9. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (11:17 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 July 31, 2018.” Supervisor Storck seconded the motion.

Supervisor Storck asked to amend the motion to appoint Mr. Richard A. Kostro as the Mount Vernon District Representative to the Information Technology Policy Advisory Committee (ITPAC). This was accepted.

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

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY PLANS EXAMINER BOARD

Confirmation of:

- Mr. Gilbert Osei-Kwadwo as the Citizen Member Representative
- Mr. Jeffrey J. Stuchel as the Professional Engineer/Surveyor #1 Representative

- Mr. Paul B. Johnson as the Professional Engineer/Surveyor #2 Representative

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Dranesville District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Engineer/Architect/Planner #2 and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

Appointment of:

- Mr. William John Kane as the Mount Vernon District Representative

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

Reappointment of:

- Mr. Jayant Reddy as the At-Large #4 Representative

Confirmation of:

- Ms. Sandra L. Sale as the Fairfax City Council Representative
- Mr. Jonathan L. Phillips as the Fairfax Bar Association Representative

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Architect #1 and Related Professional Group #4 Representatives.

ATHLETIC COUNCIL

The Board deferred the appointment of the Lee District Alternate, Mason District Alternate, Member-At-Large Alternate, and Women's Sports Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Braddock, Mason, and Springfield District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE OF APPEALS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Providence District Representative.

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY

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

CIVIL SERVICE COMMISSION

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

COMMISSION FOR WOMEN

Appointment of:

- Ms. Michelle Russell as the Springfield District Representative

COMMISSION ON AGING

Appointment of:

- Ms. Diane Watson as the Mount Vernon District Representative

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

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Ms. Beth Tudan as the Fairfax County Council of PTAs Representative

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Wes Callender as the Fairfax County Resident #6 Representative
- Mr. Harold G. Belkowitz as the Fairfax County Resident #8 Representative
- Mr. Scott Hine as the Fairfax County Resident #11 Representative
- Mr. Denis Gulakowski as the Fairfax County Resident #12 Representative

The Board deferred the appointment of the Fairfax County Resident #3, #7, #9, #10, and #13 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Reappointment of:

- Mr. Michael A. Skvortsov as the Hunter Mill District Representative
- Ms. Joy Marlene Bryan as the Lee District Representative
- Ms. Jennifer Chronis as the Springfield District Representative

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

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

Reappointment of:

- Mr. Michael J. Cooper as the At-Large #6 Representative

The Board deferred the appointment of the At-Large #5 Representative.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Mr. William M. Drohan as the At-Large #15 Representative

- Ms. Dorothy McAuliffe as the At-Large #16 Representative

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

ECONOMIC DEVELOPMENT AUTHORITY ECONOMIC

Reappointment of:

- Mr. Ronald C. Johnson as the At-Large #4 Citizen Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the At-Large #2 Business Community and Providence District Representatives.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large Chairman's and Springfield District Representatives.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Jon A. Miskell as the At-Large #4 Representative

Confirmation of:

- Ms. Terry Kellogg as the Fairfax County Public Schools Representative

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Reappointment of:

- Ms. Suzette Kern as the Lee District Representative

(NOTE: This nomination was announced on June 19, 2018.)

Nomination of:

- Ms. Bettina Lawton as the Hunter Mill District Representative

(NOTE: The Board scheduled to take action on this appointment on September 25, 2018.)

HEALTH SYSTEMS AGENCY BOARD

Appointment of:

- Mr. RJ Narang as the Consumer #5 Representative

The Board deferred the appointment of the Provider #2 and #3 Representatives.

HISTORY COMMISSION

The Board deferred the appointment of the Historian #1 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #7 and #8 Representatives.

HUMAN SERVICES COUNCIL

Reappointment of:

- Dr. Itoro Ibia as the Hunter Mill District #1 Representative
- Mr. Robert L. Faherty as the Lee District #2 Representative
- Mr. Christopher Falcon as the Mason District #1 Representative
- Colonel Marion L. Barnwell as the Mount Vernon District #2 Representative
- Mr. Thomas G. Goodwin as the Providence District #1 Representative

The Board deferred the appointment of the Providence District #2 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Appointment of:

- Mr. Richard A. Kostro as the Mount Vernon District Representative

LIBRARY BOARD

Confirmation of:

- Ms. Priscille Dando as the School Board Representative

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY

The Board deferred the appointment of the Developer Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen At-Large #3 Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

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

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Residential Owners and HOA/Civic Association #1, #2, and #3, and Apartment or Rental Owner Associations Representatives.

ROAD VIEWERS BOARD

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

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #5 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #1, Condo Owner, and Tenant Member #1 Representatives.

TRANSPORTATION ADVISORY COMMISSION

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

TREE COMMISSION

The Board deferred the appointment of the Providence District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Providence District #2 Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

Reappointment of:

- Mr. Frank Henry Grace as the Citizen appointed by BOS #1 Representative

Confirmation of:

- Captain Brian C. Edmonston as the Fire and Rescue #1 Representative

WETLANDS BOARD

The Board deferred the appointment of the Alternate #1 Representative.

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10. **ADMINISTRATIVE ITEMS** (11:19 a.m.)

Supervisor Gross moved approval of the Administrative Items, the second to which was inaudible.

Supervisor Gross called the Board's attention to Admin 9 - Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Pedestrian Improvements 2014-Glen Forest Drive Walkway- Route 7- Glen Forest Elementary School (Mason District) and noted that it had been withdrawn. Supervisor Gross amended the motion to approve the Administrative Items, with the exception of Admin 9, and this was accepted. Supervisor L. Smyth called the Board's attention to Admin 11 - Authorization for the Fairfax County Fire and Rescue Department (FRD) to Apply for Grant Funding from the US Department of Homeland Security for the Port Security Grant Program (PSGP) and stated that the Board had, again, been presented with a grant application whose deadline for submission had passed.

Supervisor L. Smyth called the Board's attention to Admin 6 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 6 (Weapons). She referenced a news item she heard concerning weapons made from 3-D printers and inquired whether such weapons fall into any of the definitions in the proposed amendments. Discussion ensued, with input from John Burton, Assistant County Attorney.

Supervisor Gross asked unanimous consent that the Board direct the Police Department to respond to the issue raised by Supervisor L. Smyth. Following additional discussion regarding this issue, without objection, it was so ordered.

Discussion continued, with input from Supervisor Foust, Supervisor McKay, and Mr. Burton, regarding local restrictions on handgun regulations.

The question was called on the motion, as amended, 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 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO REMOVE SPECIFIC STREETS FROM THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17, TO BE INCLUDED IN AN EXPANSION OF THE GEORGE MASON UNIVERSITY (GMU) RPPD, DISTRICT 40 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing, to be held before the Board on **September 25, 2018, at 4 p.m.**, to consider adopting an ordinance to amend the Code of the County of Fairfax, Appendix G, to remove specific streets from the Robinson RPPD, District 17, to be included in an expansion of the GMU RPPD, District 40.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO ESTABLISH THE SYDENSTRICKER RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 47 (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing, to be held before the Board on **September 25, 2018, at 4 p.m.**, to consider adopting an ordinance to amend the Code of the County of Fairfax, Appendix G, to establish the Sydenstricker RPPD, District 47.

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS

AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (MOUNT VERNON AND PROVIDENCE DISTRICTS)

- (R)
- Endorsed the following traffic calming measure:
 - Two speed humps on Summerfield Road (Providence District)
 - Adopted the Resolution for the installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Vernon View Drive from Fort Hunt Road to George Washington Memorial Parkway (Mount Vernon District)
 - Directed staff to request the Department of Transportation (DOT) to schedule the installation of the approved traffic calming measures as soon as possible, and request the Virginia Department of Transportation (VDOT) to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FISCAL YEAR (FY) 2018 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2019 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing, to be held before the Board on **September 25, 2018, at 10:30 a.m.**, on the County and Schools’ FY 2018 Carryover Review to amend the appropriation level in the FY 2019 Revised Budget Plan.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5 (STOPPING, STANDING, AND PARKING), SECTIONS 19 AND 29

- (A) Authorized the advertisement of a public hearing, to be held before the Board on **September 25, 2018, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5 (Stopping, Standing, and Parking), Sections 19 and 29, to prohibit fleet vehicle parking, as defined, and to expand the definition of unattended vehicles to facilitate code enforcement.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 6 (WEAPONS)

(A) (Earlier in the meeting there was discussion regarding this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **September 25, 2018, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 6 (Weapons).

ADMIN 7 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (HUNTER MILL, MASON, DRANESVILLE, BRADDOCK, AND PROVIDENCE DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-H18-3	Department of Public Works and Environmental Services Reston Fire Station 1820 Wiehle Avenue Reston, VA Hunter Mill District Accepted May 29, 2018	Extend to April 26, 2019
2232-M18-7	Department of Public Works and Environmental Services Edsall Road Fire Station (Temporary Facility) 5317 Carolina Road Springfield, VA Mason District Accepted June 11, 2018	Extend to May 9, 2019
2232-D18-11	Fairfax County Park Authority McLean Central Park 1468 Dolley Madison Boulevard McLean, VA Dranesville District Accepted June 21, 2018	Extend to May 17, 2019
2232-H18-8	Sprint 11921 Freedom Drive Reston, VA Hunter Mill District Accepted June 25, 2018	Extend to November 22, 2018
2232-B18-9	New Cingular Wireless, PCS, LLC	Extend to November

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	(AT&T) 12011 Government Center Parkway Fairfax, VA Braddock District Accepted June 21, 2018	18, 2018
2232-H18-14	AT&T 10780 Parkridge Boulevard Reston, VA Hunter Mill District Accepted June 21, 2018	Extend to November 18, 2018
FS-P18-23	Sprint 8500 Leesburg Pike Vienna, VA Providence District Accepted June 25, 2018	Extend to November 22, 2018

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF JEFFERSON MANOR IMPROVEMENTS, PHASE IIIA (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 25, 2018, at 4 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Jefferson Manor Improvements, Phase IIIA.

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS 2014- GLEN FOREST DRIVE WALKWAY- ROUTE 7- GLEN FOREST ELEMENTARY SCHOOL (MASON DISTRICT)

(NOTE: Earlier in the meeting this item was withdrawn. See page 12.)

ADMIN 10 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE 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>
Markell Property	Dranesville	Hanchel Terrace

ADMIN 11 - AUTHORIZATION FOR THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT (FRD) TO APPLY FOR GRANT FUNDING FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR THE PORT SECURITY GRANT PROGRAM (PSGP)

(NOTE: Earlier in the meeting there was discussion regarding this item. See page 12.)

Authorized FRD to apply for grant funding from the U.S. Department of Homeland Security, Port Security Grant Program, in the amount of \$850,000, including \$100,000 in Local Cash Match to purchase a Chemical, Biological, Radiological, Nuclear, and Explosives/Improvised Explosive Device All-Hazard Rapid Response Vessel for the Marine Operations Team to augment homeland security, law enforcement, and public safety capabilities.

ADMIN 12 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 19002 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) FOR THE VIRGINIA QUALITY RATING AND IMPROVEMENT SYSTEM

- (SAR) Approved SAR AS 19002 for DFS to accept supplemental funding from VDSS in the amount of \$345,072 for the Virginia Quality Rating and Improvement System grant to support the continued development and implementation of a regional quality rating and improvement system for early care and education programs.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ZONING FOR WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing, to be held before the Planning Commission on September 20, 2018 at 7:30 p.m., and before the Board on **September 25, 2018, at 5 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding zoning for wireless telecommunications infrastructure.

11. **A-1 – APPROVAL OF FISCAL YEAR (FY) 2018 YEAR-END PROCESSING** (11:27 a.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor McKay and Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to process payment vouchers for items previously approved and appropriated in FY 2018 for the interim period from July 1 until the Board approves the FY 2018 Carryover Review, which is scheduled for action on September 25, 2018.

12. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) AND COST REIMBURSEMENT AGREEMENT BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT AND THE FEDERAL BUREAU OF INVESTIGATION (FBI) WASHINGTON DC METRO SAFE STREETS TASK FORCE** (11:27 a.m.)

On motion of Supervisor Cook, seconded jointly by Supervisor Gross and Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the MOU and Cost Reimbursement Agreement.

13. **A-3 – APPROVAL OF A RENEWAL OF A RECIPROCAL AGREEMENT BETWEEN GEORGE MASON UNIVERSITY (GMU) AND THE FAIRFAX COUNTY POLICE DEPARTMENT** (11:29 a.m.)

On motion of Supervisor Cook, seconded by Supervisor Foust, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Reciprocal Agreement between GMU and the Police Department.

14. **A-4 – APPROVAL OF A RENEWAL OF A RECIPROCAL AGREEMENT BETWEEN THE TOWN OF VIENNA AND THE FAIRFAX COUNTY POLICE DEPARTMENT** (11:29 a.m.)

On motion of Supervisor Herrity, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the Reciprocal Agreement between the Town of Vienna and the Police Department.

15. **A-5 – APPROVAL OF A PARKING REDUCTION FOR NOVUS KINGS CROSSING (MOUNT VERNON DISTRICT)** (11:30 a.m.)

On motion of Supervisor Storck, seconded by Supervisor McKay, and carried by unanimous vote, the Board approved Parking Reduction Request #17636-PKS 002-2, for up to 12.5 percent in required parking for Novus Kings Crossing, subject to the conditions set forth in the Board Agenda Item. .

16. **A-6 – APPROVAL OF A PLAIN LANGUAGE EXPLANATION FOR THE 2018 BOND REFERENDUM FOR PUBLIC SAFETY FACILITIES** (11:30 a.m.)

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

- Approved the plain language explanation

- Authorized staff to translate it, post it online, and print sufficient copies to make it available at County absentee voting sites and polling places

17. **A-7 – APPROVAL FOR THE DEVELOPMENT AND IMPLEMENTATION OF A PUBLIC SAFETY UNMANNED AIRCRAFT SYSTEMS (UAS) PROGRAM** (11:30 a.m.)

Supervisor Foust moved to:

- Defer this Agenda Item
- Direct staff to conduct community outreach and contact affected organizations

Supervisor Cook seconded the motion.

Discussion ensued regarding consideration of this item at a prior Public Safety Committee meeting and the need for community outreach and input.

Supervisor Herrity asked to amend the motion to direct staff to present any significant changes, based on outreach and public input, to the Board at a committee meeting prior to the Board's formal consideration, and this was accepted.

Discussion continued, regarding timing of the Board's consideration and stressing the need for additional input. Supervisor McKay asked unanimous consent that the Board direct staff to provide information concerning stakeholders who have been a part of the process in an effort to further identify and reach out to other affected parties. Without objection, it was so ordered.

Following additional discussion, concerning data collection and privacy issues, the question was called on the motion, as amended, and it carried by unanimous vote.

18. **A-8 – APPROVAL OF AN AGREEMENT BETWEEN THE TOWN OF VIENNA AND FAIRFAX COUNTY TO DESIGN AND CONSTRUCT THE HUNTER'S BRANCH PHASE II STREAM RESTORATION PROJECT (HUNTER MILL DISTRICT)** (11:39 a.m.)

On motion of Supervisor Hudgins, jointly seconded by Supervisor Foust and Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive or his designee to sign an agreement with the Town to provide funding for the design and construction of the Project.

19. **A-9 – APPROVAL OF A MINOR VARIATION REQUEST FOR REZONING APPLICATION RZ 2005-SP-019, THE RIDGEWOOD BY WINDSOR II LLC, TO ADD A PRIVATE SCHOOL OF SPECIAL EDUCATION USE TO THE LIST OF SECONDARY USES PERMITTED IN PROFFER 13 (BRADDOCK DISTRICT)** (11:40 a.m.)

Mr. Zachary G. Williams, reaffirmed the validity of the affidavit for the record.

Supervisor Cook asked unanimous consent that the Board direct staff to provide clearer notification of affidavits for minor variation requests. Without objection, it was so ordered.

Jerrell Timberlake, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the request, site location, and staff recommendations.

In accordance with Zoning Ordinance Section 18-204(5) and Virginia Code §15.2 2302, Supervisor Cook moved that the Board:

- Waive the requirement of a public hearing
- Approve a minor variation of Proffer 13 of Rezoning Application RZ 2005-SP-019 to allow the addition of a Private School of Special Education Use to the list of Secondary Uses as detailed in Action Item 9 of the Board Agenda Item

Supervisor Herrity and Supervisor K. Smith jointly seconded the motion and it carried by unanimous vote.

20. **A-10 – ENDORSEMENT OF DESIGN PLANS FOR THE ROLLING ROAD WIDENING PHASE I – INTERSECTION IMPROVEMENTS AT ROLLING ROAD AND OLD KEENE MILL ROAD (BRADDOCK AND SPRINGFIELD DISTRICTS)** (11:44 a.m.)

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

- Endorsed the design plans for the Rolling Road and Old Keene Mill Road intersection that include interim improvements by adding a second left turn lane from northbound Rolling Road to westbound Old Keene Mill Road and a dedicated right turn lane from northbound Rolling Road to eastbound Old Keene Mill Road, upgrading the signal and improving the intersection alignment, generally as presented at the February 27, 2018, Virginia Department of Transportation (VDOT) public hearing

- Authorized the director of Department of Transportation (DOT) to transmit the Board's endorsement to VDOT

21. **A-11 – ENDORSEMENT OF DESIGN PLANS FOR THE WIDENING OF ROLLING ROAD FROM VIOLA STREET TO OLD KEENE MILL ROAD – PHASE II (SPRINGFIELD DISTRICT)** (11:45 a.m.)

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

- Endorsed the design plans for the 1.4 mile widening of Rolling Road from Viola Street to Old Keene Mill Road from 2 to 4 lanes including an 8-foot asphalt shared-use path on the west side, a 5-foot concrete sidewalk on the east side, signal upgrades, and improvements to access management, generally as presented at the February 27, 2018, public hearing
- Authorized the director of the Department of Transportation (DOT) to transmit the Board's endorsement to the Virginia Department of Transportation (VDOT)

22. **A-12 – APPROVAL OF AN AGREEMENT BETWEEN THE TOWN OF VIENNA AND FAIRFAX COUNTY TO DESIGN AND CONSTRUCT THE TAPAWINGO/KINGSLEY URBAN BIORETENTION PROJECT (HUNTER MILL DISTRICT)** (11:46 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive or his designee to sign an agreement with the Town to provide funding for the design and construction of the Project.

23. **A-13 – ADOPTION OF THE 2018 COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM, INCLUDING THE PROPOSED 2017 NORTH COUNTY SITE-SPECIFIC PLAN AMENDMENT NOMINATIONS** (11:46 a.m.)

Supervisor K. Smith moved that the Board concur in the recommendation of staff and adopt the revised Comprehensive Plan Amendment Work Program as contained in Attachment I of the Board Agenda Item. Supervisor L. Smyth seconded the motion.

Supervisor Gross announced that, while she was legally not required to disclose or recuse herself from consideration of this item, she represents the County on the Inova Board of Trustees and one of its nominations is contained in this proposal.

Supervisor Cook announced that, while he was legally not required to disclose or recuse himself from consideration of this item, he represents the County on the Inova Health Care Services Board.

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

24. **A-14 – APPROVAL OF AN AGREEMENT BETWEEN THE TOWN OF HERNDON AND FAIRFAX COUNTY TO DESIGN AND CONSTRUCT THE SUGARLAND RUN (SOUTH) SU9207-A STREAM RESTORATION PROJECT (DRANESVILLE DISTRICT)** (11:47 a.m.)

On motion of Supervisor Foust, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive or his designee to sign an agreement with the Town of Herndon to provide funding for the design and construction of the Sugarland Run (South) SU9207-A Stream Restoration Project (Project).

25. **A-15 – APPROVAL OF RESOLUTIONS ENDORSING PROJECTS BEING SUBMITTED FOR STATE FUNDING THROUGH THE COMMONWEALTH TRANSPORTATION BOARD'S SMART SCALE PROGRAM (BRADDOCK, DRANESVILLE, AND PROVIDENCE DISTRICTS)** (11:48 a.m.)

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

- Adopt the Resolution endorsing a City of Fairfax project and requesting that the City coordinate the implementation of this project with Fairfax County and the affected Fairfax County Supervisors
- Adopt the Resolution endorsing the Town of Herndon and the City of Falls Church projects for the Fiscal Year (FY) 2020-FY 2025 Smart Scale process

Supervisor Cook seconded the motion.

Supervisor L. Smyth noted that there is a qualification provided for in the Resolution pertaining to the elimination of a free-flowing right turn off of Lee Highway and the remediation of consequential additional congestion.

Following additional discussion, 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.”

26. **A-16 – APPROVAL OF STANDARD PROJECT AGREEMENTS (SPA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR DESIGN OF BRADDOCK ROAD MULTIMODAL IMPROVEMENTS FROM HUMPHRIES DRIVE TO RAVENSWORTH ROAD (BRADDOCK AND MASON DISTRICTS)** (11:50 a.m.)

(R) Supervisor Cook moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the Director of the Department of Transportation (DOT) to execute SPAs with VDOT, substantially in the form of Attachments 2 and 3 of the Board Agenda Item, for the design of the Projects. Supervisor Gross 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.”

27. **A-17 – APPROVAL OF A MINOR VARIATION REQUEST FOR REZONING APPLICATION RZ 2003-LE-055 BY THE EVERGREENE COMPANIES, LLC, TO MODIFY THE ARCHITECTURAL TREATMENTS APPROVED BY PROFFER B-7 ON PROPOSED SINGLE FAMILY DETACHED DWELLINGS (LEE DISTRICT)** (11:52 a.m.)

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

Bob Katai, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide presentation depicting the request, site location, and staff recommendations.

In accordance with Zoning Ordinance Section 18-204(5) and Virginia Code §15.2-2302, Supervisor McKay moved that the Board:

- Waive the requirement of a public hearing
- Approve a minor variation of Proffer B-7 Rezoning Application RZ 2003-LE-055 to allow the addition of brick, stone, and/or cementitious facing, with brick and/or stone at-grade treatment, as architectural treatments, as detailed in Action Item 17 of the Board Agenda item

Chairman Bulova seconded the motion.

Discussion ensued, with input from Sara Silverman, Assistant County Attorney, concerning the motion.

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

28. **A-18 – APPROVAL OF A PERMIT APPLICATION AND REVIEW CRITERIA FOR ADMINISTRATIVE REVIEW-ELIGIBLE PROJECTS**

AND DIRECTION TO PROCESS THEM ADMINISTRATIVELY FOR A \$500 FEE (11:58 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approved the permit application and review criteria for administrative-review eligible projects to be processed administratively for a \$500 fee. Chairman Bulova seconded the motion.

Supervisor McKay noted that this is in association with Administrative Item 13 which was approved earlier in the day. That, in turn, was the result of House Bill HB 1258 and Senate Bill SB 405 that significantly restrict citizen involvement in telecommunication facility placement and direct the County on fees that can be charged for applications.

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

CAC:cac

29. **A-19 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) AND THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) FOR THE SCHOOL LIAISON COMMANDER AND THE SCHOOL RESOURCE OFFICER PROGRAM** (12:01 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the staff recommendation to authorize the Chief of Police to sign the MOU between the FCPS and the FCPD. Supervisor Hudgins and Supervisor Storck jointly seconded the motion.

Chairman Bulova provided a brief history of the current MOU (revised 2014) and the process for its update. The MOU before the Board today is an agreement between FCPS and the FCPD that clarifies the relationship between SROs and FCPS faculty and staff, and also helps inform the community how the SRO program works within our schools. The Chairman stated that SROs are a valuable presence as they serve to keep our schools safe, act as strong role models, and provide eyes and ears within the school system in a positive way.

The Chairman further stated that the School Board (SB), when it approved the MOU, on July 26, 2018, had some follow-on motions that mainly dealt with actions that the schools would undertake. One of the things that the SB agreed to do was to ask school staff to provide an analysis of all the ways FCPD officers may share information about students and their families with outside law enforcement agencies. As this is an issue regarding student privacy, she stated that this is best handled by FCPS administration and the SB and that this Board will work with the SB on any clarifications or changes to FCPD policy that could be required.

Discussion ensued, with input from Major Gun Lee and Captain Tonny Kim, FCPD, regarding:

- Sharing of information and metrics gathered by the FCPD with the Board and SB
- Meaning of the phrase “other data deemed to be relevant” as it relates to the collection of information
- Mandatory training for SROs
- Protocols for informing parents or guardians before questioning a student
- Generating trust between students and SROs by defining a line between a criminal and administrative matter
- Clarifying language that SROs are not agents of U.S. Immigration and Customs Enforcement (ICE)

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

Chairman Bulova commended all involved in the updating of the MOU for their collaboration, timeliness, and excellent work. She particularly recognized Major Lee, Captain Kim, FCPD Chief Edwin Roessler, and Superintendent of Schools, Dr. Scott Brabrand.

30. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-D18-2 – PIMMIT RUN STREAM VALLEY PARK (DRANESVILLE DISTRICT) (12:31 p.m.)**

The Board next considered an item contained in the Board Agenda, announcing the PC’s approval of Public Facilities Application 2232-D18-2.

EBE:ebe/DET:det

ADDITIONAL BOARD MATTERS

31. **PRESENTATION REQUESTS (12:32 p.m.)**

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to process the presentation requests contained in her Board Matter titled “July 31, 2018, Presentations.” Following are the presentation requests:

- Invite representatives from the County's Department of Transportation to appear before the Board on December 4, 2018, to present the Best Workplaces for Commuters Award
- Designate September 2018 as "*Emergency Preparedness Month*" in Fairfax County and direct staff to prepare a proclamation to be presented at the Office of Emergency Management's September event
- Direct staff to prepare a resolution of recognition of Mr. Norman "Norm" Byers, who retired from the Board of Zoning Appeals (BZA) earlier this year after 13 years of service; prior to his service on the BZA, he was a longtime aide for former Springfield Supervisor Elaine McConnell

Without objection, it was so ordered.

32. **RECOGNIZING AWARD-WINNING STUDENT ATHLETES, TEAMS, AND COACHES** (12:33 p.m.)

Chairman Bulova announced that the County is home to many talented and high-achieving student athletes, teams, and coaches whose great achievements deserve to be recognized. While the Board currently recognizes these accomplishments during morning presentations at Board meetings, student athletes are winning too many awards to keep up with. There is not enough time throughout the year during Presentations to congratulate all the incredible young athletes who deserve to be recognized.

Therefore, Chairman Bulova moved that the Board establish a new tradition for recognizing student athletes, teams, and coaches by hosting a special annual sports ceremony and reception to be held in the evening of a Board Committee meeting day. Channel 16 would be available to film the ceremony in the Board Auditorium and the Office of Public Affairs would be available to take official photos. A reception with refreshments could be held in the Government Center Forum following the ceremony; this new format would better honor the County's high-achieving young athletes and would be a more convenient time of day for friends and family members to attend to show their support. She added that she is open to suggestions regarding what time of year would be best to hold this annual reception. It would also provide additional time for the Board to address the business of the day. Supervisor Foust seconded the motion.

Following discussion, Chairman Bulova amended her motion and moved that the Board establish a new tradition for recognizing student athletes, teams, and coaches; for instance, that the Board host a special event (s) which would better honor the County's high achievers and task Board Members' Chiefs of Staff to work out, as expeditiously as possible, the details.

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

33. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (12:46 p.m.)

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

34. **VEHICLE TAX RELIEF — VIRGINIA DEFENSE FORCE (VDF)** (12:47 p.m.)

Supervisor Herrity said that the VDF is authorized by the Code of Virginia as the all-volunteer reserve component of the Virginia National Guard and serves as a force multiplier integrated into all Guard domestic operations. Members of the VDF volunteer their time for training and community support and are only paid when called to active duty by an authorization from the Governor of Virginia.

After a meeting with a constituent, it was brought to his attention that members of the VDF are not included in the County's special subclass with the tax rate of \$0.01 per \$100 of assessed value. The subclass currently includes vehicles owned by auxiliary police officers, auxiliary deputy sheriffs, disabled veterans, volunteer firefighters, and qualifying seniors. The Code of Virginia §58.1-3506 (Section 44) states that motor vehicles owned or leased by persons who serve as uniformed members of the VDF are eligible for the County's special subclass.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct the Department of Taxation to estimate the fiscal impact of adding the VDF to the list of properties included in the County's special subclass at the tax rate of \$0.01 per \$100 of assessed value and report with the results before the end of the calendar year.

Supervisor McKay asked to amend the request to include information on VDF deployment, length of service commitments, and specific responsibilities, and this was accepted. He noted that tax relief for auxiliary deputy sheriffs has a minimum hourly service requirement to qualify. Without objection, the request, as amended, was so ordered.

Chairman Bulova asked unanimous consent that information include VDF training requirements and required time commitment in context with other organization participants that qualify for tax relief. Without objection, it was so ordered.

Supervisor Foust asked unanimous consent that the Board direct staff to include the cost of vehicle tax relief for all the other organizations listed. Without objection, it was so ordered.

35. **POLE-MOUNTED SPEED DISPLAY SIGNS** (12:50 p.m.)

Supervisor Herrity noted that Supervisor Cook has a similar Consideration Item and stated that, with the advent of road navigation applications (apps) such as Waze, there has been an increase in speeding and cut-through traffic on neighborhood streets. One of the tools that the Fairfax County Police Department (FCPD) has in its toolbox to help address this issue are pole-mounted speed display signs. Unlike the conventional speed trailers the FCPD has used in the past that require a truck to tow them to and from a location, these are easily mounted to existing signage. With the knowledge that there cannot be continuous Police enforcement on each of the community roadways, these pole-mounted speed display signs can be a great traffic calming option to offer residents that doesn't require extensive Police resources nor entail the lengthy (more permanent) traffic calming process. These signs are effective if utilized frequently, yet with locations rotated so drivers in communities don't become used to seeing them and thus begin ignoring them. Currently the FCPD has ten of these units countywide.

These pole-mounted speed display signs also have the capability to collect speed and volume data, with additional options to have this information sent immediately to the cloud in real time. Currently, data collected by the FCPD signs is retained by the Police and the data collected by the County's Department of Transportation (FCDOT) using stealth pads for the Residential Traffic Administration Program (RTAP) is retained by FCDOT. There is an opportunity to more efficiently and more accurately analyze traffic volumes and speeds if the data were collected and maintained in a central location that could be shared by the FCPD, FCDOT, and other State or local departments with interest.

An example where this data could have been utilized was a recent residential development in Burke that required streetlight installation as part of the project. The type of the streetlight installed was determined by the Department of Public Works and Environmental Services (DPWES) based on the traffic volume on the roadway. The traffic volume information used was provided by the Virginia Department of Transportation (VDOT) via its list of Annual Average Daily Traffic Volume (AADT) for each street. Though it is from VDOT's most current AADT, the actual data for the roadway in question were collected in 2001. Had the County been in the position to share or otherwise have access to more current data collected by FCDOT for a cut-through project on the same roadway in 2016, different streetlights would have been installed.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to investigate the costs associated with procuring additional pole-mounted radar signs with data collection capability for both FCPD (at least two per district station) and FCDOT (to establish a pilot program) and the feasibility of the effort

required to share the speed data between departments and report with his findings. Supervisor Herrity further elaborated on his motion concerning cost and data sharing efforts in an effort to make better decisions as well as using the signs to encourage traffic-calming. Supervisor L. Smyth seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, FCDOT, concerning the signs and whether the County has the authority to install and site them.

The question was called and it carried by unanimous vote.

KK:kk

36. **ECONOMIC DEVELOPMENT SUPPORT FUND (EDSF)**
RECOMMENDATION OF DETAILED SCREENING FOR AN
INNOVATION HUB (12:57 p.m.)

Supervisor Foust announced that at the Budget Committee meeting held on July 24, the Board received a briefing on the innovation economy, its benefits to County residents, and the current barriers existing in the County that may limit its economic success in this sector.

The consensus of the Committee was to support further analysis of partnering with an innovation hub, such as Reston-based Refraction. The purpose of an innovation hub is to strengthen the County's innovation ecosystem, resulting in job creation and attracting talent and capital to Fairfax.

Pursuant to the process adopted for evaluating investments from the EDSF, the next step is for staff to prepare and present a detailed screening proposal for the Board's consideration and action at a future Board meeting.

Staff has requested that funding be encumbered for this purpose. While encumbering these funds would ensure funding availability if the proposal were ultimately approved, no funds will be spent unless approved by the Board.

Therefore, Supervisor Foust moved that the Board direct the County Executive:

- To encumber \$1,000,000 from the EDSF for implementation of initiatives associated with creating an innovation hub, and direct staff to perform a detailed screening for this investment
- That no investment from the EDSF be made unless and until the Board has approved the expenditure of those funds

Supervisor McKay and Supervisor Herrity jointly seconded the motion and it carried by unanimous vote.

37. **REQUEST FOR EXPEDITED PROCESSING FOR RTC WEST – REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2016-HM-017 (HUNTER MILL DISTRICT)** (12:59 p.m.)

Supervisor Hudgins said that JBG/Reston Executive Center, LLC (“JBG Smith” or the “applicant”) has filed a rezoning and conceptual/final development plan Rezoning/Final Development Plan Applications RZ/FDP 2016-HM-017 to permit the addition of approximately 662,750 square feet of residential space, 665,000 square feet of additional office space, and 50,000 square feet of additional ground floor retail uses at the current Reston Executive Center office park at the corner of Town Center Parkway and Sunset Hills Road.

The proposed applications will now facilitate the full transformation of the property, consistent with the County’s long-term vision for this area, as a pedestrian-friendly, mixed-use development in close proximity to the future Reston Town Center Metro Station.

The applications are scheduled for a Planning Commission decision on September 13, 2018, and the applicant requests expedited processing of the applications to establish a Board public hearing date on September 25, 2018.

Therefore, Supervisor Hudgins moved that the Board direct staff to expedite the scheduling of the Board’s public hearing for Rezoning/Final Development Plan Application RZ/FDP 2016-HM-017 to **September 25, 2018, at 3:30 p.m.** This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Cook being out of the room.

38. **CONCURRENT AND MODIFIED PROCESSING FOR WOODFIELD ACQUISITIONS, LLC (HUNTER MILL DISTRICT)** (1:01 p.m.)

Supervisor Hudgins said that Woodfield Acquisitions, LLC (“Woodfield”) has filed Proffered Condition Amendment Application PCA B-846-04, Development Plan Amendment Application DPA HM-117-03, and Planned Residential Community Application PRC B-846-05 on approximately 6.5 acres located at 1941 and 1950 Roland Clarke Place that are currently zoned PRC and identified as Tax Map Parcels 17-4 ((14)) (1A) 2 and 17-4 ((14)) (1A) 3.

Supervisor Hudgins noted that the property is currently developed with a vacant two-story office building and a five-story office building. The applicant proposes to redevelop the vacant office building and associated surface parking lot with a multi-family residential building and public amenity spaces, while retaining the five-story office building until a future redevelopment phase.

The applicant has been working with staff for over 18 months on the proposed design of the multi-family building and has made substantial progress toward an approvable design. Although the Planning Commission public hearing is scheduled for October 11, 2018, the applicant would like to commence work on its site plan ahead of that date to take advantage of favorable financing options that may not be available later.

Therefore, Supervisor Hudgins moved that the Board direct staff to:

- Expedite the scheduling of the Board's public hearing for Proffered Condition Amendment Application PCA B-846-04, Development Plan Amendment Application DPA HM-117-03, and Planned Residential Community Application PRC B-846-05 to October 30, 2018
- Concurrently process the applicant's site plan while the zoning applications remain pending

This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in any way. This action in no way prejudices the substantive review of the application. Chairman Bulova seconded the motion and it carried by unanimous vote.

39. **WAIVER OF FEES FOR PROFFERED CONDITION AMENDMENT TO REZONING APPLICATION RZ 98-HM-036 (HUNTER MILL DISTRICT)** (1:04 p.m.)

Supervisor Hudgins said that the property owner of 2723 Robaleed Way has filed special permit and variance applications to correct various violations on his property before the Board of Zoning Appeals (BZA). The case was put on hold, as it was discovered that in addition to the zoning issues, structures were in conflict with a proffer approved with the original Rezoning Application RZ 98-HM-036 in 1999. Proffer Number 10 includes language that indicates no structures other than noise attenuate fencing may be constructed within a 20-foot wide landscape easement that runs along Lawyers Road.

Further investigation revealed that during subdivision plat approval and subsequent construction the road known as Robaleed Way was shifted east which significantly reduced the width of the rear yard, placing almost all of it within the easement area. The result is the proffer inadvertently precludes the normal use of the backyard not only for 2723 Robaleed Way, but for several other homes adjacent to Lawyers Road within this community.

The Robaleed Homeowners Association is seeking to file a proffered condition amendment (PCA) to alter the language of Proffer Number 10 to provide greater

flexibility for all the properties that contain this landscape easement, with respect to what can be placed in the easement area.

Supervisor Hudgins said that after discussion with staff and an on-site visit, she believes this is a unique situation that occurred through no fault of the current property owners or the HOA and that there is good cause to waive the fees associated with this PCA.

Supervisor Hudgins noted that her office will work closely with staff to ensure changes in the language will address the various concerns identified by the Department of Planning and Zoning.

Therefore, Supervisor Hudgins moved that the Board:

- Waive the standard fees associated with the proffered condition amendment associated with Rezoning Application RZ 98-HM-036
- Direct staff to expeditiously process the application

This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Chairman Bulova seconded the motion and it carried by unanimous vote.

40. **BIOPHILIC CITY PROJECT (HUNTER MILL DISTRICT)** (1:07 p.m.)

Supervisor Hudgins said that the Reston Association has been recognized as a Biophilic Cities Project by the University of Virginia School of Architecture. Referencing her written Board Matter, she noted that, for those unfamiliar with the term biophilia, it is a love of life and the living world - the affinity of human beings for other life forms. Consequently, it is a great pleasure to recognize the Reston Association on its March 2018 designation as a biophilic city.

Therefore, Supervisor Hudgins moved that the Board direct:

- The Office of Public Affairs to prepare a letter recognizing Reston Association staff and volunteers for their contributions towards achieving this biophilic city designation, for presentation at the Reston Association Environmental Advisory Committee, Tuesday, September 9, 2018
- Staff to investigate the Biophilic City Project with an eye toward County policy use

Chairman Bulova seconded the motion and it carried by unanimous vote.

41. **COUNTY 4-H FAIR (HUNTER MILL DISTRICT)** (1:08 p.m.)

Supervisor Hudgins announced that the Fairfax County 4-H Fair's seventieth anniversary will be held from August 2 - 5 at Frying Pan Farm Park in Herndon.

42. **INITIATE COMPREHENSIVE PLAN AMENDMENT FOR LOISDALE ROAD HOTEL, RESTAURANT, AND SELF-STORAGE PROPOSAL (MOUNT VERNON DISTRICT)** (1:10 p.m.)

Supervisor Storck said that Excel Holdings 12, LLC, is the owner of property identified as Tax Map Reference 99-1 ((1)) 5E (the "subject property"). The subject property consists of approximately 6.39 acres of vacant land located at the intersection of Loisdale Road and Newington Road in the Mount Vernon District. The property owner is seeking a Comprehensive Plan amendment to support the development of the underutilized property with a mix of uses that will meet a variety of needs within the community. Specifically, the owner proposes to develop the subject property with a hotel, restaurant, and self-storage establishment. The proposal will accommodate the growing demand for hotel rooms in the Mount Vernon District and southern part of the County, add a quality dining option for residents of the surrounding area, and provide a self-storage establishment in a convenient yet appropriate location that minimizes impacts on the community. The property owner has conducted outreach to the South County Federation, which is supportive of the proposed Plan amendment.

Therefore, Supervisor Storck moved that the Board:

- Direct planning staff to review the Plan amendment proposal for the subject property, located in Land Unit K within the I-95 Corridor Industrial Area of the Springfield Planning District of the Comprehensive Plan, concurrently with the submission of a special exception application or other applications filed with respect to the subject property
- Direct that the review consider the appropriateness of the subject property developing with hotel, restaurant, and self-storage uses up to a floor area ratio of 0.70, and evaluate access options from Loisdale Road, Newington Road, and Terminal Road, as well as the adopted transportation plan recommendations for the Loisdale Road and Newington Road intersection

This motion should not be construed as a favorable recommendation for a potential Plan amendment or any subsequent rezoning or other application and does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and will not prejudice the consideration of this application in any way. Supervisor Cook seconded the motion and it carried by unanimous vote.

43. **POSSIBLE ESTABLISHMENT OF A HOLLIN HILLS HISTORIC OVERLAY DISTRICT (MOUNT VERNON DISTRICT)** (1:12 p.m.)

Supervisor Storck said that the Hollin Hills Subdivision in the Mount Vernon District was the first planned development of modern architecture in the Washington Metropolitan area and one of the earliest subdivisions of its type in Virginia. Developed between 1949 and 1971, the 326-acre residential neighborhood has 463 single family dwellings. The subdivision was listed as a historic district in the County Inventory of Historic Sites on September 12, 1972, and was listed in the National Register of Historic Places on September 30, 2013. The National Register map is attached to his written Board Matter for reference.

Supervisor Storck noted that Charles Goodman served as the architect for the vast majority of the houses, with developer and builder Robert Davenport designing two models. Landscape designer Lou Bernard Voigt, followed by Daniel Urban Kiley and Eric Paepcke, provided amenable property owners with a plan that harmonized the contours of the land and highlighted each building's individual design and siting.

The National Register nomination notes that Hollin Hills was “a true experimental laboratory for an architect who sought to create a diversity of architectural expression that honors both the land and its residents.” Hollin Hills provided a low-cost way to offer high-quality housing to broad populations; blurred the traditional relationship between indoors and out; tested the potentialities of natural setting and modular construction; and explored the freedom of the open floor plan.

Supervisor Storck expressed his belief that it is appropriate for the County to consider the establishment of a Hollin Hills Historic Overlay District (HD) due to its important architectural and land design significance to the character of Fairfax County.

Therefore, Supervisor Storck moved that the Board direct staff to evaluate the establishment of a Historic Overlay District for Hollin Hills, which will include but is not limited to the following:

- As required by Paragraph 3 of Section 7-203 of the Zoning Ordinance (ZO), prepare a written report and ensure that the resultant report is coordinated with all appropriate Boards, Authorities, and Commissions
- Initiate an amendment to the ZO to establish the Historic Overlay District, if recommended by the report. This amendment should be added as a Priority 1 item to the ZO Amendment Work Program
- Prepare an amendment to the Comprehensive Plan for any map and text changes that may result from this process

- Initiate a Board's own rezoning to create the boundaries of the district, if such is recommended by the report

Chairman Bulova seconded the motion and it carried by unanimous vote.

44. **CONCURRENT PROCESSING OF SPECIAL EXCEPTION AMENDMENT AND 2232/FEAURE SHOWN TO PERMIT THE DEVELOPMENT OF THE LORTON COMMUNITY CENTER (MOUNT VERNON DISTRICT)** (1:16 p.m.)

Supervisor Storck said that the new Lorton Community Center was approved as part of the Human Services and Community Development Bond Referendum in November, 2016. The facility will include space for the Lorton Community Action Center (LCAC), as the Murphy House/trailer currently used by the LCAC will be demolished, and the Lorton Senior Center, is currently operating in leased space. The site for the Lorton Community Center has been identified adjacent to the Lorton Community Library at 9518 Richmond Highway, which is located at Tax Map 107-4 ((1)) 34. This long-anticipated facility will provide a broad array of services, programs and activities for individuals of all ages and abilities throughout the community and complement the services provided by the adjacent Lorton Community Library. It is anticipated by the residents of the Mount Vernon District, especially in this rapidly changing corridor.

County staff is currently finalizing the schematic designs for the new community center building and related site work.

Therefore, Supervisor Storck moved that the Board initiate the following concurrent processing:

- A Board's Own Motion Special Exception Plan Amendment for the Lorton Community Action Center
- The determination under Section 15.2-2232 of the Code of Virginia to facilitate the construction of Phase I - New Community Center and Phase II – Renovation/Expansion of the existing Library
- All related site and building plan applications be processed expeditiously

Supervisor Storck further moved that the Board authorize the following individuals to act as agents on the Board's behalf, for all actions associated with these applications:

- Bryan J. Hill, County Executive

- Carey Needham, Director, Building Design and Construction Division, Department of Public Works and Environmental Services (DPWES), Capital Facilities
- Teresa Lepe, Branch Chief, Building Design and Construction Division, DPWES, Capital Facilities
- Ipek Aktuglu, Engineer IV, Building Design and Construction Division, DPWES, Capital Facilities

This motion should not in any way be construed as a favorable recommendation on any application or plan by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards, and in no way prejudices the substantive review of the applications and/or plans. Chairman Bulova seconded the motion and it carried by unanimous vote.

45. **WORKHOUSE ARTS CENTER TENTH ANNIVERSARY CENTER (MOUNT VERNON DISTRICT)** (1:18 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Storck said that born of a unique public-private partnership between the County and the Workhouse Arts Foundation, the Workhouse Arts Center first opened its doors to the public on September 19, 2008. This significant adaptive reuse project sought to radically transform a portion of the former Lorton Correction Complex into a compelling regional destination to promote the visual and performing arts, art education, and history, while simultaneously imbuing the Lorton region with a newfound sense of community that would attract families, businesses and investors.

During its first decade, the Workhouse has provided nearly 10,000 art classes, thousands of performances and art exhibits, and hundreds of community events. The Workhouse has enriched communities through art making and art learning, worked to fund and guide the rehabilitation of important buildings on its historic campus, and has achieved financial solvency. Each year, the number of visitors to the Workhouse from the local region and around the world continues to grow.

The Workhouse has also served as a catalyst for the new NOVA Arts and Cultural District, the first interjurisdictional arts and cultural district in Virginia. This impressive undertaking required a change to the laws in the Commonwealth to allow for such a designation, an ordinance approved by the Board, a designation approved by the Prince William County Board of Supervisors, and an ordinance approved by the Occoquan Town Council.

The southeastern portion of the County has benefited from this remarkable resource made possible by the commitment, dedication, and support of countless staff members, the Board, and numerous guests, donors, students, and sponsors throughout the years. As a result of the hard work, dedication, skill, and drive by

an incredible team of Workhouse staff and the Board of the Workhouse Arts Foundation, the Workhouse is thriving today.

The Workhouse Arts Center invites the residents of the County and guests from throughout the region to join it for a week of free and low-cost events and activities in celebration of its tenth anniversary from September 8-16, 2018. Experiences include classes and presentations, films and music, special tours, and more. Information will be available at WorkhouseArts.Org.

Therefore, Supervisor Storck asked unanimous consent that the Board issue a proclamation, jointly signed by the Chairman and the Mount Vernon District Supervisor, to acknowledge the importance of the center, celebrate its service to the County, its residents and communities, and honor its tenth anniversary, in time for the proclamation to be formally presented to the Workhouse Arts Foundation Board and staff during the week of September 8-16, 2018. Without objection, it was so ordered.

46. **TOUR de MOUNT VERNON BIKE RIDE (MOUNT VERNON DISTRICT)** (1:21 p.m.)

Supervisor Storck announced the third annual Tour de Mount Vernon bike ride is to be held rain or shine at Fort Hunt Park, October 27, 2018, at 8:30 a.m.

47. **EMBARK RICHMOND HIGHWAY COMPREHENSIVE PLAN AMENDMENT** (1:22 p.m.)

In a joint Board Matter with Supervisor Storck, Supervisor McKay referred to his written Board Matter and said that in the four months since the Board adopted the Embark Richmond Highway Comprehensive Plan Amendment, there has been a tremendous amount of focus throughout the corridor.

In addition to receiving much-needed Northern Virginia Transportation Authority (NVTa) funding, the plan itself was named the 2018 Commonwealth Plan of the Year by the American Planning Association's Virginia Chapter.

While noting that there are far too many people involved to name in this Board Matter, appreciation was expressed to agency directors — Tom Biesiadny, Director, Department of Transportation, Barbara A. Byron Director, Office of Commercial Revitalization, Fred Selden, Department of Planning and Zoning, and Kirk Kincannon, Director, Park Authority for their involvement and the dedication and commitment of so many of their teams.

Supervisor McKay and Supervisor Storck also expressed their appreciation to the many community members who participated in the last four years of work; first with the State's Route One Alternatives Analysis group and then with the Embark Richmond Highway project.

Therefore, Supervisor McKay and Supervisor Storck jointly asked unanimous consent that the Board direct staff to prepare a proclamation to be jointly signed with the Chairman for presentation to staff and the Advisory Committee outside of the Board Auditorium to thank them for their service and work on the Embark Richmond Highway Project. Without objection, it was so ordered.

48. **LEE DISTRICT TRANSPORTATION ADVISORY COMMISSION (TAC) HARRY H. ZIMMERMAN JR. RETIRES (LEE DISTRICT)**
(1:23 p.m.)

Supervisor McKay announced that Lee District's longtime TAC Commissioner Harry H. Zimmerman, Jr., is retiring from the group after more than 14 years of service.

Supervisor McKay referred to his written Board Matter and outlined Mr. Zimmerman's many contributions to the County.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a certificate to be jointly signed by the Chairman and the Lee District Supervisor for presentation to Mr. Zimmerman at a future Board meeting. Without objection, it was so ordered.

49. **COUNTY'S 2020 COMPLETE COUNT COMMITTEE** (1:23 p.m.)

Supervisor McKay announced that he will be convening the County's 2020 Complete Count Committee as part of the work on the upcoming census.

This group will play a tremendous role in reaching out to "hard to count" populations to ensure every County resident participates. This is particularly important because the population count drives how much funding it receives from the Federal government; impacts redistricting at the Federal, State, and local levels; and helps the County plan for future needs.

Supervisor McKay said that it is his intention to announce the community, business, and organizational leaders who will serve on the 2020 Complete Count Committee at the September 25 Board meeting.

Though no motion is needed, Supervisor McKay encouraged Board Members and all of those listening to nominate members of the community who would be a good fit for the Committee. He also asked that those nominations be sent to him no later than September 18.

50. **LEE DISTRICT VETERANS BRIDGE MARCH (LEE DISTRICT)**
(1:25 p.m.)

Supervisor McKay said that on Tuesday, August 28 at 7 p.m., members of the Springfield community will once again gather to start their march over Veterans

Bridge in the heart of the Springfield Commercial Revitalization District and hold a community celebration at American Legion Post 176, located at the other end of the bridge. The celebration will feature music and local food.

This year's Bridge Walk will continue the tradition of renewing the Army/Community Covenant signing, which began in 2009. The covenant is an affirmation of support by state and local communities to active, guard, and reserve service members and their families.

Therefore, Supervisor McKay invited Board Members to join him on August 28 to experience how community is celebrated in Lee District, and asked unanimous consent that the Board direct the Office of Public Affairs to advertise this event. Without objection, it was so ordered.

DET:det

51. **REFERRING TO THE LEGISLATIVE COMMITTEE A RECOMMENDATION FROM THE DOMESTIC VIOLENCE PREVENTION, POLICY, AND COORDINATING COUNCIL (DVPPCC)**
(1:26 p.m.)

Supervisor Cook announced that the DVPPCC passed a resolution supporting legislation in the General Assembly to enhance provisions in the Virginia Code related to protective orders and gun possession. The purpose of the proposed legislation is to increase the safety of and further protect victims of domestic violence.

The proposal is the result of a recommendation from the DVPPCC Policy Committee to seek ways to improve protections for victims of domestic violence and sexual assault. The Committee was charged with identifying and investigating the gaps in current legislation in the Commonwealth surrounding protective orders and gun possession as it relates to domestic violence and it found that the existing language has many gaps. Among these gaps, the Committee recognized the need to forbid access to guns by respondents of domestic violence protective orders.

The proposed legislation would close the 24-hour loophole that currently permits respondents to surrender their firearms to a family member or friend in a day's time rather than directly to law enforcement immediately upon service of the protective order.

The DVPPCC recommends that no violent recidivist or persons subject to a protective order should be permitted gun possession as a matter of public welfare.

The DVPPCC has requested that this Board support legislation to clarify current code and recommend new language to Title 18.2. Crimes and Offenses Generally » Chapter 7. Crimes Involving Health and Safety § 18.2-308.1:4. *Purchase or*

transportation of firearm by persons subject to protective orders; penalties providing for improvements in law to further protect victims of domestic violence and sexual assault. This language would require the immediate surrender of guns (in addition to current concealed gun permits) directly to law enforcement while subject to a protective order.

Supervisor Cook asked unanimous consent that the Board refer this recommendation to the Legislative Committee for consideration as part of the 2019 Board's legislative package to the Virginia General Assembly. Without objection it was so ordered.

Supervisor McKay noted that staff has already begun working on this issue.

52. **CARRYOVER CONSIDERATION ITEMS** (1:29 p.m.)

Supervisor Cook announced that he has two consideration items for Carryover which are related. The Board has already discussed pole-mounted speed display signs (PMSDS), which is a \$30,000 item. These are used for targeted speed enforcement and have gone over very well in the Braddock District. The Police usually use them for a two-week time at a particular intersection; they are able to gauge the times that speeders are most prevalent and then an officer comes to help speeders better understand the law.

The other is to ask for \$15,000 for additional neighborhood speeding signs. These are the "Slow Down, You Live Here, We Live Here" signs that are very popular in the County. This goes back to 2012 when then Supervisor Hyland, Supervisor McKay, and Supervisor Cook, sponsored this initiative. The signs are gone, but calls are still received requesting them. They were very popular in the Mount Vernon, Braddock, Lee, and Providence Districts.

Therefore, Supervisor Cook asked unanimous consent that these two requests be placed on the consideration list for Carryover. Without objection, it was so ordered.

53. **REQUEST TO CONSIDER A COMPREHENSIVE PLAN AMENDMENT: ONE UNIVERSITY (BRADDOCK DISTRICT)** (1:31 p.m.)

Supervisor Cook said that One University consists of three properties containing 10.7 acres located in the northwest corner of the intersection of Route 123 and University Drive, across from the George Mason University (GMU) fieldhouse. It is owned by Fairfax County's Redevelopment and Housing Authority (FCRHA) and contains the offices of its Board, its operational and maintenance facilities, and a 46-unit affordable townhouse community known as Robinson Square. Due to its location, the property has been seen as a potential site for housing for GMU students as well as for additional units of affordable housing.

In July 2017, the FCRHA received an unsolicited proposal, consistent with Public-Private Education and Infrastructure Act (PPEA) guidelines, for the redevelopment of the site. Consistent with the process set forth by statute, in September 2017, a Request for Competing Proposals was issued. The FCRHA vision for the redevelopment included: new additional affordable housing with an affordable senior housing component; revenue to the FCRHA; and viable solutions for the redevelopment of the existing FCRHA and Department of Housing and Community Development uses. Offerors were also required to provide transportation solutions, community outreach, and relocation plans for existing residents. A County review and selection team completed its evaluation and has recommended a development partner. That partner is prepared to move forward and is in discussions with the FCRHA on the specifics of the proposal.

The development proposal calls for construction of approximately 240 affordable multi-family units, including 100 affordable senior units, in four-story buildings with surface and deck parking, and approximately 360 units of student housing with 713 beds in five-to-six-story buildings and similarly parked. The proposal presents an exciting opportunity to meet a number of community needs but would also have significant community impacts. As such, it is time to begin a Comprehensive Plan Amendment process in order to solicit community input regarding this proposal.

Therefore, Supervisor Cook moved that the Board authorize staff to consider a Comprehensive Plan amendment for Tax Map Parcels 57-3 ((1)) 11A and 11B, and Tax Map Parcel 57-4 ((1)) 2B, known as the One University site area, to consider a mix of approximately 240 affordable multifamily units and approximately 360 student housing units, as well as limited community space/use as may be appropriate. The impacts of such uses, including on transportation and other infrastructure, should be included in the review. The review should be general enough to permit adjustments to the proposal that may be warranted based on community input. Chairman Bulova seconded the motion and it carried by unanimous vote.

54. **REQUEST TO EXPEDITE REZONING APPLICATION RZ 2018-SU-016 AND SPECIAL EXCEPTION APPLICATION SE 2018-SU-011 (SULLY DISTRICT)**
(1:35 p.m.)

Supervisor K. Smith said that PAG Chantilly P1, LLC, has recently filed Rezoning Application RZ 2018-SU-016 and Special Exception Application SE 2018-SU-011 for a 4.15 acre tract of land located at the southeast corner of Lee Jackson Memorial Highway and Stonecroft Boulevard (Tax Map 34-1 ((1)) 2C). The applicant is requesting approval of a rezoning from the I-5 to the C-8 District and a special exception for a vehicle sale, rental, and ancillary service establishment in order to permit the construction of a new 63,650 square foot luxury automobile dealership on the property. This site was also the subject of a Plan amendment that was reviewed as part of the larger Dulles Suburban Center Plan update. This amendment, as adopted, provides a

development option for auto dealership uses up to a 0.35 floor area ratio (FAR) on the property, subject to specific conditions; the applicant has maintained that the proposed development is in character with the automobile-oriented character of this area which is immediately across the street from the existing Chantilly Auto Park and would satisfy the conditions of the adopted Plan amendment.

The applicant recently finalized a subdivision of this site and is now ready to go forward with the rezoning and special exception applications but is requesting the Board's approval for concurrent processing. For this new dealership to receive the necessary approvals from the corporate brand, it is imperative that it can demonstrate significant progress and/or approval of the rezoning and site plans by the end of the first quarter of 2019; without concurrent processing, it is unlikely that the site plans could achieve this deadline.

Therefore, Supervisor K. Smith moved that the Board direct the Director of Land Development Services to accept for concurrent and simultaneous processing any site plans, architectural drawings, or other materials as may be determined necessary in conjunction with the pending applications for the property described as Tax Map 34-1 ((1)) 2C. This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

55. **CONCURRENT AND EXPEDITED PROCESSING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2018-SU-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-SU-020-03 K. HOVNANIAN HOMES AT PENDER OAKS, LLC (SULLY DISTRICT) (1:37 p.m.)**

Supervisor K. Smith announced that K. Hovnanian Homes at Pender Oaks, LLC, has filed three concurrent applications (Rezoning/Final Development Plan RZ/FDP 2018-SU-008 and Proffered Condition Amendment PCA 2009-SU-020-03) to rezone the property from PDC to PDH-12 to permit residential development on the property located at 3901 Fair Ridge Drive. The proposed applications would add 219 residential units.

The applicant has a formal public hearing scheduled before the Planning Commission on September 20, 2018, and this case should move forward as soon as possible. The applicant has requested an expedited Board public hearing date and concurrent processing of its site plan to advance the delivery of the project.

Therefore Supervisor K. Smith moved that the Board:

- Direct staff to expedite the scheduling of the Board's public hearing for Rezoning Application RZ 2018-SU-008 and Proffered Condition Amendment Application PCA 2009-SU-020-03

- Direct the Director of the Department of Land Development Services to accept for concurrent and simultaneous review a site plan, architectural drawings, building permits, and/or other plans and permits as may be necessary to implement the improvements contemplated by the applicant with this application

The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application.

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

56. **EXPEDITED PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-L-056-05 AND SPECIAL EXCEPTION APPLICATION SE 2018-MA-003 - NORTHPOINT REALTY PARTNERS, LLC (MASON DISTRICT)** (1:39 p.m.)

Supervisor Gross announced that Northpoint Realty Partners, LLC, has filed a Special Exception and a concurrent Proffered Condition Amendment to amend portions of the previously approved office development in the Shell Oil Industrial Park to permit a 1,275-unit self-storage facility. A public hearing is scheduled before the Planning Commission on September 27, 2018. Due to the time sensitive deadlines related to the applicant's contractual obligations, the applicant has requested to move this case forward as soon as possible.

Therefore, Supervisor Gross moved that the Board direct staff to expedite the scheduling of the Board's public hearing for Proffered Condition Amendment Application PCA 86-L-056-05 and the concurrent Special Exception Application SE 2018-MA-003 to a date certain of October 16, 2018. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Supervisor L. Smyth seconded the motion and it carried by unanimous vote.

57. **CONSIDERATION ITEM FOR CARRYOVER ADJUSTMENT (MASON DISTRICT)** (1:40 p.m.)

Supervisor Gross referred to her written Board Matter and said that when the building at 5827 Columbia Pike, now owned by the Board, is torn down, there will be a space in Bailey's Crossroads as new development on the property will not start for a while. Therefore, she has been working with the Park Authority, the Department of Public Works and Environmental Services, and other agencies to determine an interim use of the County-owned property. It appears

that an interim park would be an amenity space and a focal point for the surrounding Bailey's Crossroads community.

Originally, consideration was given to using the Economic Strategic Development Fund (ESDF) but it was determined that combining a variety of uses could create a vibrant pop-up park and infuse useable open space into the Bailey's Crossroads revitalization area. The cost of the interim park, including development and programming, is not expected to exceed \$100,000.

Therefore, Supervisor Gross moved that the Board direct the County Executive and Department of Management and Budget to include this as a consideration item for the Fiscal Year (FY) 2018 Carryover Adjustment. Supervisor Foust seconded the motion and it carried by unanimous vote.

58. **LED LIGHTBULB EXCHANGE RESULTS** (1:42 p.m.)

Supervisor Gross referred to her written Board Matter and presented an update on the LED Lightbulb Exchange. In April and May, Energy Action Fairfax hosted six LED Lightbulb Exchanges at regional libraries throughout the County. Due to the popularity of these events, Energy Action Fairfax added a seventh event at the Government Center Farmers Market in June.

Residents could take home up to five LEDs for free; the first was complimentary and the rest required that residents bring in old incandescent or compact fluorescent lights to exchange, which were safely recycled at the I-66 Transfer Station.

Altogether, 8,000 LEDs were distributed to approximately 1,600 people at these events. Nearly 200,000 kilo watts (kWh) and \$22,000 were saved, which is the equivalent of 280,000 pounds of carbon dioxide not released into the atmosphere.

Supervisor Gross said this was very good news and has asked the County's Environmental Coordinator to begin planning for a similar project for next year.

AGENDA ITEMS

59. **RECESS/CLOSED SESSION** (1:44 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. *Barry McCabe v. Fairfax County Animal Shelter*, Case No, 1:18-cv-572 (E.D. Va.)
2. *Donyll Smith v. Fairfax County and Marcus Clark*, Case No. 1:18-cv-125 (E.D. Va.)
3. *Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, Trustee for Hilldale Trust v. Fairfax County Redevelopment and Housing Authority, Board of Supervisors of Fairfax County, Virginia, Tami J. Wynruit, Compton Village Homeowners Association, James Deboer, Trustee, and American Airlines Federal Credit Union*, Case No. CL-2018-0007324 (Fx. Co. Cir. Ct.) (Sully District)
4. Taxpayer Appeal to State Tax Commissioner Regarding Department of Tax Administration Determination of Taxpayer's Out-Of-State Business Deductions for Business, Professional, and Occupational License Receipts
5. *Simply Wireless Holdings, LLC v. Fairfax County, Virginia*, Case No. CL-2018-0007968 (Fx. Co. Cir. Ct.)
6. *Total Environmental Concepts, Inc., v. Fairfax County, Virginia*, Case No. CL-2018-0008778 (Fx. Co. Cir. Ct.)
7. *Zhihua He v. George Robbins*, Case No. CL-2017-0009356 (Fx. Co. Cir. Ct.)
8. *Sally McCrory v. Enrique A. Ruiz*, Case No. CL-2018-0003152 (Fx. Co. Cir. Ct.)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jiyao Wang and Hong Chai*, Case No. CL-2018-0010034 (Fx. Co. Cir. Ct.) (Braddock District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ranginee Junloy*, Case No. GV18-014509 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rami Abu El Hawa*, Case No. GV18-014732 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Z Associates, LLC*, Case No. GV18-012150 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
13. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Larissa Omelchenko Taran*, Case No. CL-2017-0011715 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Alvaro A. Cestti and Gladys A. Caballero*, Case No. CL-2018-0006123 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Manor House Investments, LLC, and Gino Ellis and Ms. Anna*, Case No. CL-2018-0010278 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brian K. Mason, Kenneth Norman Mason, and Bernice S. Mason*, Case No. GV18-007695 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property*

Maintenance Code Official for Fairfax County, Virginia v. Lamjam, LLC, and Tandoori Nights, LLC, d/b/a Tandoori Nights, Case No. CL-2018-0009311 (Fx. Co. Cir. Ct.) (Mason District)

18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Muhammad Irfan Qureshi and Tayyaba Samina, Case No. CL-2018-0007694 (Fx. Co. Cir. Ct.) (Mason District)*
19. *In re: January 10, 2018, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Blake D. Ratcliff and Sara B. Ratcliff v. Board of Supervisors of Fairfax County, Virginia, Case No. CL-2018-0001836 (Fx. Co. Cir. Ct.) (Mason District)*
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mellinium Center, LLC, Case No. CL-2018-0010208 (Fx. Co. Cir. Ct.) (Mason District)*
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Dadvar Sassan, Case No. GV18-010783 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
22. *In re: January 10, 2018, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; John A. McEwan and Mary Lou McEwan v. Board of Supervisors of the County of Fairfax, Virginia, Case No. CL-2018-0002104 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard L. McEntee and Virginia L. McEntee, Case No. GV18-014956 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lan N. Phan and Hon H. Luong, Case No. CL-2007-0014491 (Fx. Co. Cir. Ct.) (Providence District)*
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rehab Abou Zeid and Ahmed*

- Mostafa*, Case No. CL-2018-0009783 (Fx. Co. Cir. Ct.) (Providence District)
26. *Elizabeth Perry, Property Maintenance Code Official v. Rosa C. Ferrufino and Lorenzo A. Hernandez*, Case No. CL-2018-0007573 (Fx. Co. Cir. Ct.) (Providence District)
27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Felix Rojas*, Case No. GV18-014168 (Fx. Co. Gen. Dist. Ct.) (Providence District)
29. *Board of Supervisors of Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2017-0015190 (Fx. Co. Cir. Ct.) (Springfield District)
30. *William Wiehe, Jr. - Vice Versa Corporation*, Appeal No. 17-9 (State Building Code Technical Review Board) (Springfield District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. CRA MAC Holdings, LLC*, Case No. CL-2018-0000145 (Fx. Co. Cir. Ct.) (Springfield District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Chom Sun Cholihan and Sidney Harris*, Case No. CL-2017-0009711 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding:
 - i. Implementation of House Bill 1258

- ii. Fairfax County Code Section 31-1-2
- iii. Virginia Code Section 15.2-1609.2
- iv. Utility related matters arising in the Lincoln-Lewis-Vannoy Conservation Area

Supervisor Foust seconded the motion and it carried by unanimous vote.

EBE:ebe/DET:det

At 3:53 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

60. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:53 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman 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."

61. **ADJUSTMENT TO THE SHERIFF'S SALARY** (3:54 p.m.)

As required by Virginia Code Section 15.2-1609.2(F), Supervisor Gross moved that the Board adjust the County Sheriff's annual salary to \$197,853.75, effective pay period 15. Chairman Bulova seconded the motion and it carried by unanimous vote.

62. **APPOINTMENT OF MS. CYNTHIA BIRD SHROUT** (3:54 p.m.)

Supervisor Gross moved the appointment of Ms. Cynthia Bird Shrout as Acting Director of the Department of Public Safety Communications, Grade E-10, in a temporary acting capacity with a starting salary of \$148,318.09 effective August 4, 2018. Chairman Bulova seconded the motion and it carried by unanimous vote.

63. **EVALUATION OF THE COUNTY ATTORNEY** (3:55 p.m.)

Supervisor Gross announced that the Board had completed its annual evaluation of County Attorney Beth Teare. Based on the excellent results of her evaluation, Supervisor Gross moved that the Board congratulate her on a job well done and authorize a merit increase in her annual salary by three percent, effective pay period 15. Supervisor Foust seconded the motion and it carried by unanimous vote.

EBE:ebe

ADDITIONAL BOARD MATTER

64. **ORDERS OF THE DAY** (3:56 p.m.)

Chairman Bulova stated that earlier in the meeting she announced that the decision only on the proposed amendments to the Zoning Ordinance regarding short term lodging will be held at the end of the public hearings later in the meeting.

AGENDA ITEMS

65. **3 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING SHORT-TERM LODGING USES (RESIDENTIAL OWNER/RENTER OPERATED DWELLING ONLY) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE)**

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #80.)

66. **3 P.M. – PH ON REZONING APPLICATION RZ 2017-HM-032 (CORESITE REAL ESTATE SUNRISE TECHNOLOGY PARK, LLC) (HUNTER MILL DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2017-HM-030 (CORESITE REAL ESTATE SUNRISE TECHNOLOGY PARK, LLC) (HUNTER MILL DISTRICT) (3:56 p.m.)

(O) The application property for Rezoning Application RZ 2017-HM-032 is located on the South side of Sunrise Valley Drive, approximately 600 feet East of its intersection with Fairfax County Parkway. Tax Map 17-3 ((1)) 17B, 23 and 32A.

The application property for Special Exception Application SE 2017-HM-030 is located at 12343 and 12379 Sunrise Valley Drive, Reston, 20191. Tax Map 17 3 ((1)) 17B, 23, and 32A.

Mr. David Gill reaffirmed the validity of the affidavit for the record.

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

Mr. Gill 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. Suder presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Mr. Gill confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 12, 2018.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-HM-032, from the I-4 District to the I-5 District, subject to the proffers dated July 16, 2018
- Approval of Special Exception Application SE 2017-HM-030, subject to the development conditions dated June 12, 2018
- Approval of a modification of Section 13-304 and Section 13-305 of the ZO to permit the transitional barrier and screening

Supervisor Herrity 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."

67. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-L-030-13 (WHITE HORSE FOUR, LLC) (LEE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-L-031-03 (WHITE HORSE FOUR, LLC) (LEE DISTRICT)

AND**PH ON SPECIAL EXCEPTION APPLICATION SE 2015-LE-031 (WHITE HORSE FOUR, LLC) (LEE DISTRICT) (4:12 p.m.)**

- (O) The application property for Proffered Condition Amendment Application PCA 82-L-030-13 is located on the South side of Charles Arrington Drive, East of its intersection with Beulah Street. Tax Map 91-1 ((12)) N.

The application property for Proffered Condition Amendment Application PCA 87-L-031-03 is located on the South side of Charles Arrington Drive, East of its intersection with Beulah Street. Tax Map 91-1 ((1)) 67 and 67E; and 91-1 ((12)) N.

The application property for Special Exception Application SE 2015-LE-031 is located at 6912 Manchester Boulevard, Alexandria, 22310. Tax Map 91-1 ((1)) 67 and 67E; and 91-1 ((12)) N.

Mr. Robert Rust reaffirmed the validity of the affidavit for the record.

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

Mr. Rust 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 12 speakers, Ms. Judge presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Judge who confirmed that the application is in conformance with the Comprehensive Plan.

Following a query by Supervisor McKay, Mr. Rust confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 8, 2018.

Supervisor McKay moved:

- Approval of Proffered Condition Amendment Applications PCA 82-L-030-13 and PCA 87-L-031-03 subject to the proffers dated July 24, 2018
- Approval of Special Exception Application SE 2015-LE-031, subject to the development conditions dated June 8, 2018

- Approval of a modification of the barrier requirement along the northern lot line, in favor of that shown on the GDP/SE Plat

Supervisor Storck seconded the motion.

Following discussion, 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.”

68. **3 P.M. – PH ON REZONING APPLICATION RZ 2016-HM-007 (ONE RESTON COMPANY, LLC AND TWO RESTON COMPANY, LLC) (HUNTER MILL DISTRICT) (5:16 p.m.)**

- (O) The application property is located on the West side of Reston Parkway, North side of Sunrise Valley Drive, East side of Edmund Halley Drive and South side of Dulles Airport Access and Toll Road. Tax Map 17-3 ((8)) 1A1 and 1B.

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

Mary Ann Tsai, Planner, 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.

Discussion ensued regarding the timeline for providing, and the location of, the athletic fields.

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

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-HM-007 and the associated Conceptual Development Plan (CDP), from the I-4 District to the PDC District, subject to the proffers dated July 31, 2018.
- Approval of the following waivers and modifications, as contained in the handout dated July 31, 2018:

- Modification of Paragraph 1 of Section 2-505 of ZO to permit development of corner lots to that shown on the CDP
- Waiver of Paragraph 2 of Section 2-506 of the ZO to permit a parapet wall, cornice, or similar projection to exceed 3 feet in height and extend more than 3 feet above the roof level of any building
- Waiver of Paragraph 5 of Section 6-206 of the ZO to permit secondary uses in the PDC District to exceed 50 percent of the gross floor area of all principal uses in the development and all other secondary uses to exceed 25 percent of the gross floor area of all principal uses in the development
- Modification of Paragraph 4 of Section 11-202 of the ZO to permit loading spaces or berths within 40 feet of the nearest point of intersection of the edges of the travel way or the curbs of any two streets to that shown on the CDP/FDP
- Modification of Section 11-203 of the ZO for a reduction in the number of required loading spaces to that shown on the CDP
- Waiver of Section 13-202 of the ZO for the interior parking lot landscaping on the top level of parking structures
- Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements to that shown on the CDP
- Modification of Paragraph 2 of Section 17-201 of the ZO to permit the streetscape and on-road bicycle lanes as shown on the CDP in lieu of that shown in the Comprehensive Plan

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.”

(NOTE: On July 12, 2018, the PC approved Final Development Plan Amendment Application FDP 2016-HM-007, subject to the conditions dated June 21, 2018.)

69. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 86-C-119-07/DPA 86-C-119-03 (BOSTON PROPERTIES LP) (HUNTER MILL DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC 86-C-119-02 (BOSTON PROPERTIES LP) (HUNTER MILL DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT/DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 86-C-121-08/DPA 86-C-121-05 (BOSTON PROPERTIES LP) (HUNTER MILL DISTRICT) (5:35 p.m.)

- (O) The application property for Proffered Condition Amendment/Development Plan Amendment Applications PCA 86-C-119-07/DPA 86-C-119-03 is located on the North side of Sunset Hills Road, East side of Town Center Parkway, South side of the Washington and Old Dominion Trail. Tax Map 17-3 ((1)) 5, 5H1, 29A and 29B.

The application property for Planned Residential Community Application PRC 86-C-119-02 is located on the North side of Sunset Hills Road, East side of Town Center Parkway, South side of the Washington and Old Dominion Trail. Tax Map 17-3 ((1)) 5, 5H1, 29A and 29B.

The application property for Proffered Condition Amendment/Development Plan Amendment Applications PCA 86-C-121-08/DPA 86-C-121-05 is located on the North Side of Sunset Hills Road, West side of Reston Parkway, South side of the Washington and Old Dominion Trail. Tax Map 17-3 ((1)) 5 and 5H1.

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

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

- Raymond A. Richie, Senior Vice President, Boston Properties, Incorporated

Mary Ann Tsai, Planner, 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.

Discussion ensued with input from Mr. Looney, regarding a letter received from the Town of Herndon concerning the bridge over the toll road, connectivity to the Reston Gateway, and the percentage of Workforce Development Housing units to be provided.

Following the public hearing, which included testimony by one speaker, a brief discussion ensued regarding the proposed transportation improvements planned in the area.

Ms. Tsai presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Mr. Looney confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 26, 2018.

Supervisor Hudgins moved approval of:

- Proffered Condition Amendment/Development Plan Amendment Applications PCA 86-C-119-07/DPA 86-C-119-03, and PCA 86-C-121-08/DPA 86-C-121-05, subject to the proffers dated July 27, 2018
- Planned Residential Community Application PRC 86-C-119-02, subject to the development conditions dated June 26, 2018
- The following modifications, contained in the handout dated July 31, 2018:
 - Modification of Paragraph 1 of Section 2-505 of the Zoning Ordinance (ZO) to permit development of corner lots to that shown on the DPA/PRC Plan for Phase 1
 - Modification of Section 11-203 of the ZO for a reduction in the number of required loading spaces to that shown on the DPA/PRC Plan for Phase 1
 - Modification of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements to that shown on the DPA/PRC Plan for Phase 1

- Modification of Paragraph 2 of Section 17-201 of the ZO to permit the streetscape and on-road bicycle lanes to that shown on the DPA/PRC Plan in lieu of a minor paved trail
 - Modification of Section 8-0201.3 of the Public Facilities Manual (PFM) to permit on-street bicycle lanes as shown on the DPA/PRC Plan in lieu of the minor paved trail as shown on the Countywide Trails Plan
 - Modification of Section 8-0201.3 of the PFM to permit on-street bicycle lanes as shown on the DPA/PRC Plan for Phase 1 in lieu of the minor paved trail shown on the Countywide Trails Plan
 - Modification of Section 12-0510.4E (5) to permit the use of structural cells to allow a reduction of the minimum planting area for Phase 1
 - Modification of Section 12-0515.6B of the PFM to allow landscaping trees to be located within five feet of a stormwater easement
 - Modification of Section 12-0515.6E of the PFM to permit trees to be planted within the Virginia Department of Transportation's (VDOT) right-of-way to be counted toward the 10-year tree canopy requirement
- Approval of a parking reduction request for Reston Gateway, Number 5468-PKS-004-1, pursuant to Paragraph 5.A, Section 11-102 of the ZO; based on the proximity of a mass transit station, subject to the conditions recommended by staff dated July 26, 2018

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."

70.

3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 1997-Y-035-02 (THE WOODLANDS RETIREMENT COMMUNITY, LLC) (BRADDOCK DISTRICT)

AND

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION
PCA 1997-SU-027-02 (THE WOODLANDS RETIREMENT COMMUNITY,
LLC) (BRADDOCK DISTRICT)** (6:08 p.m.)

- (O) The application property for Special Exception Amendment Application SEA 1997-Y-035-02 is located at 4320 Forest Hill Drive, Fairfax, 22030. Tax Map 56-2 ((1)) 61.

The application property for Proffered Condition Amendment Application PCA 1997-SU-027-02 is located on the South side of Lee Highway and West side of Forest Hill Drive. Tax Map Map 56-2 ((1)) 61.

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

Zach Fountain, Planner, 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, Mr. Fountain presented the staff and Planning Commission recommendations.

Following a query by Supervisor Cook, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 27, 2018.

Supervisor Cook moved approval of:

- Proffered Condition Amendment Application
PCA 1997-SU-027-02, subject to the proffers dated June 26, 2018
- Special Exception Amendment Application
SEA 97-Y-035-02, subject to the development conditions dated
June 27, 2018
- The following waiver and modifications, contained in the handout
dated July 31, 2018:
 - Waiver of Paragraph 4 of Section 17-201 of the
Zoning Ordinance (ZO) to waive future right-of-
way dedication along Forest Hill Drive
 - Modification of Paragraph 1 of Section 17-201 of
the ZO to permit the construction of a sidewalk

along the frontage of Forest Hill Drive in favor of the proposed temporary design/orientation described in the development conditions

- Modification of Paragraph 1 of Section 9-306 of the ZO to permit a reduction in the age limitation of occupants from 62 years and older to 55 years and older, as conditioned
- Modification of Paragraph 1 of Section 13-304 of the ZO to permit the location of the proposed barrier as depicted on the SEA Plat/GDP

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

71. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-P-008 (STARBUCKS COFFEE COMPANY) (PROVIDENCE DISTRICT)** (6:19 p.m.)

The application property is located at 3046 Gate House Plaza, Falls Church, 22042. Tax Map 49-3 ((1)) 142A.

Mr. Robert D. Brant reaffirmed the validity of the affidavit for the record.

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

Mr. Brant 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, Mr. Fountain presented the staff and Planning Commission recommendations.

Discussion ensued regarding the stacking lanes and the proposed drive-thru lanes.

Following a query by Supervisor L. Smyth, Mr. Brant confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 3, 2018.

Supervisor L. Smyth moved approval of:

- Special Exception Amendment Application SEA 95-P-008, subject to the development conditions dated July 3, 2018
- Modification of the peripheral parking lot landscaping requirements, pursuant to Section 13-203 of the Zoning Ordinance in favor of the original rezoning approval and as conditioned

Supervisor Herrity seconded the motion and it carried by unanimous vote.

72. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-D-049-06 (TYSONS GALLERIA ANCHOR ACQUISITION, LLC) (PROVIDENCE DISTRICT) (6:30 p.m.)**

- (O) The application property is located on the East side of International Drive and South side of Tysons Boulevard. Tax Map 29-4 ((10)) 1A.

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

Katie Antonucci, Planner, Zoning Evaluation Division, Department of Planning and Zoning, 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, Ms. Antonucci presented the staff and Planning Commission recommendations.

Supervisor L. Smyth moved approval of Proffered Condition Amendment Application PCA 84-D-049-06, subject to the proffers dated June 14, 2018. 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.”

73. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2017-HM-006 (RP 1111 SUNSET HILLS LLC) (HUNTER MILL DISTRICT) (6:34 p.m.)**

- (O) The application property is located on the South side of Sunset Hills Road, approximately 980 feet East of its intersection with Michael Faraday Drive. Tax Map 18-3 ((6)) 8.

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

William Mayland, Branch Chief, 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, Mr. Mayland presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017 HM-006, from the I-4 District to the PDC District, subject to the proffers dated July 26, 2018
- Approval of the following waivers and modifications, as contained in the handout dated July 25, 2018:
 - Modification of Paragraph 1 of Section 2-414 of the ZO to reduce the residential building setback requirement from the Dulles Toll Road from 200 feet to 100 feet
 - Modification of Paragraph 5 of Section 6-206 of the ZO to permit residential uses as a secondary use up to 257,000 square feet, including workforce dwelling units and independent living units and permit other secondary non-residential uses up to 226,678 square feet, subject to not exceeding the use limits listed in the proffers
 - Waiver of Section 6-207 of the ZO requiring minimum 200 square-foot privacy yards on single-family attached dwelling units
 - Modification of Section 11-203 of the ZO for the loading space requirements for the multi-family from three to two spaces
 - Waiver of Section 13-202 of the ZO and Section 12-0514 of the Public Facilities Manual (PFM) for required interior parking landscaping on the structured parking

- Modification of Section 13-303 of the ZO for the transitional screening and barrier requirements as shown on the CDP/FDP and waiver of Section 13-304 for the barrier requirement
- Modification of Section 12-0510.4e (5) of the PFM to allow a minimum planting width of 6 feet in favor of the proposed planting areas and methods as detailed in the proffers and CDP/FDP
- Modification of Section 7-0100 PFM Plate TS-5A of the PFM to reduce the minimum pavement width from 24 feet to 20 feet for the private street shown on the CDP/FDP

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

Supervisor Hudgins moved:

- Approval of a parking reduction request for 11111 Sunset Hills Road, Number 9867-PKS-001-1, pursuant to Paragraph 5A, Section 11-102 of the ZO, based on the proximity of a mass transit station, subject to the conditions recommended by staff, as outlined in the memorandum dated May 25, 2018, and revised May 29, 2018, and contained in Appendix 17 of the staff report

Chairman Bulova seconded the motion and it carried by unanimous vote.

(NOTE: On July 26, 2018, the PC approved Final Development Plan Amendment Application FDP 2017-HM-006, subject to the final development plan conditions contained in Appendix 2 of the staff report and dated July 10, 2018, with a correction to condition number 1 to reflect 41 sheets instead of 28 sheets in the CDP/FDP.)

74. **4 P.M. – PH ON REZONING APPLICATION RZ 2017-LE-022 (SPRINGFIELD GATEWAY, LLC) (LEE DISTRICT) (6:45 p.m.)**

- (O) The application property is located on the South side of Franconia Road at its intersection with Backlick Road. Tax Map 80-4 ((1)) 17, 18 and 19.

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

Heath Eddy, Planner, 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, Mr. Eddy presented the staff and Planning Commission recommendations.

Following comments, Supervisor McKay moved:

- Amendment of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017-LE-022, from the C-5, C8, CRD, SC and HC Districts to the PDC, CRD, SC and HC Districts, subject to the proffers dated July 24, 2018
- Approval of the following waivers and modifications, as contained in the handout dated July 31, 2018:
 - Modification to Section 11-203 of the ZO to reduce the loading space requirement to from two to one loading space for a hotel
 - Modification of the trail requirement along Backlick Road in favor of the sidewalks as shown on the CDP/FDP
 - Waiver of the service drive requirement along Backlick Road
 - Modification to Section 13-203 of the ZO for the peripheral parking lot landscaping to allow parking spaces within a parking garage at the property line, as shown on the CDP/FDP
- Approval of a deviation from the tree preservation target to that shown on the CDP/FDP
- Approval of a reduction of the parking requirement by 20 percent, in accordance with Paragraph 3A of Section A7-509 of the ZO

Supervisor Storck 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.”

(NOTE: On July 12, 2018, the PC approved Final Development Plan Amendment Application FDP 2017-LE-022, subject to the development conditions dated June 26, 2018.)

75. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2017-CW-4CP, 2017 HERITAGE RESOURCES PLAN UPDATE** (6:54 p.m.)

Denice Dressel, Planner II, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

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

A brief discussion ensued, with input from Ms. Dressel, regarding the process for adding/deleting a property from the Plan.

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of Plan Amendment 2017-CW-4CP, as recommended by the Planning Commission. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

KK:kk

76. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX D (INDUSTRIAL DEVELOPMENT AUTHORITY)** (7:04 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 July 13 and July 20, 2018.

Martin Desjardins, Assistant County Attorney, presented the staff report.

Supervisor Gross asked unanimous consent that the Board direct the County Attorney to determine if there are any similar such items in the Code of the County of Fairfax requiring updates. Without objection, it was so ordered.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix D (Industrial Development Authority), to update references to state law and remove obsolete provisions. Chairman Bulova seconded the motion and it carried by a vote of

seven, Supervisor Cook, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor Foust, Supervisor McKay, and Supervisor L. Smyth being out of the room.

77. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO EXPAND THE WEST POTOMAC RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 36 (MOUNT VERNON DISTRICT)** (7:07 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 July 13 and July 20, 2018.

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

Following the public hearing, which included testimony by three speakers, Supervisor Storck moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the West Potomac RPPD, District 36. Supervisor Hudgins and Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” Supervisor McKay being out of the room.

78. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2006-HM-004 (DANIEL W. MCKINNON) (HUNTER MILL DISTRICT)** (7:18 p.m.)

- (O) The application property is located on the SouthWest side of Old Courthouse Road and East side of Beulah Road. Tax Map 28-3 ((5)) 36 (pt.).

Mr. Shane Murphy reaffirmed the validity of the affidavit for the record.

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

Mr. Murphy 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, Mr. Ellis presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-HM-004, be

from the R-1 District to the R-3 District, subject to the proffers dated June 27, 2018. Supervisor Gross 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.”

79. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:23 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 July 13 and July 20, 2018.

Public comment was held and included the following individuals:

- Diane Burkley Alejandro, concerning the School Resource Officer (SRO) Memorandum of Understanding (MOU)

EBE:ebe

80. **3 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING SHORT-TERM LODGING USES (RESIDENTIAL OWNER/RENTER OPERATED DWELLING ONLY) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE)** (7:30 p.m.)

(O) (NOTE: Earlier in the meeting, this item was deferred until later in the meeting. See Clerk’s Item #65.)

(NOTE: The Board deferred this public hearing at its June 19 meeting until July 10, at which time the public hearing was held and decision deferred until July 31.)

Supervisor K. Smith stated that the changes related to Short-Term Lodging Uses for Residential Owner/Renter Operated Dwellings Only involve changes to both the Zoning Ordinance (ZO) and to Chapter 4 of the Fairfax County Code related to the Business, Professional and Occupational License Tax and the Transient Occupant Tax; and therefore, she would presenting motions separately.

First, regarding the ZO, Supervisor K. Smith noted that she had multiple motions: one regarding the amendments to the ZO and then several follow-on motions.

Supervisor K. Smith moved that the Board of Supervisors adopt the proposed ZO Amendment, as set forth in the Staff Report, dated March 20, 2018, with the following changes that reflect the recommendations of the Planning Commission

and address those areas where an option or range was provided in the Staff Report:

1. That a new Paragraph 2E of Section 10-105 is added to require one parking space for Short-Term Lodging operations, to read as follows:

2.E. Have one designated parking space available for lodgers, which the Operator has the authority to reserve for Short-Term Lodging purposes.

2. That Paragraph 4A of Section 10-105 is amended to read as follows:

4.A. A dwelling or mobile home may be used for Short-Term Lodging for no more than 60 nights per calendar year.

3. That Paragraph 4B of Section 10-105 is amended to read as follows:

4.B. The maximum number of lodgers per night may not exceed 6 adults, except where the Virginia Uniform Statewide Building Code requires fewer occupants.

4. That Paragraph 4E of Section 10-105 is amended to read as follows:

4.E. All advertisements for Short-Term Lodging, posted on any platform online or in any other format, must (i) include the Short-Term Lodging permit number and (ii) identify the location of the parking space required by Paragraph 2E, above, and any other available parking or public transportation options.

5. That regarding other provisions that included options or ranges under the scope of advertisement, for confirmation purposes, the amendment will also:

A. Include the Authorized Agent requirement set forth in Paragraph 3.D. of Section 10-105.

B. Allow for only one rental contract per night, as set forth in Paragraph 4.C. of Section 10-105.

C. Establish a Short-Term Lodging permit fee of \$200 for a two-year permit, as set forth in Paragraphs 5.A. and 5.B. of Section 10-105.

D. Reduce the Bed and Breakfast Special Exception fee, as set forth in Paragraph 1 of Section 18-106, to \$8,180.

6. That the effective date of these provisions is 12:01 A.M. on October 1, 2018, to allow time to finalize the necessary permit forms and database systems and to give Operators time to prepare for implementation of these provisions.

Chairman Bulova seconded the motion.

Following discussion on the proposed amendments, Supervisor Cook asked to amend the motion to change Paragraph 4.B. of new Section 10-105 to read:

- “4.B. – at all times, when a property is used in accordance with the Short Term Lodging provisions, occupancy is limited to the number of people provided for in Section 2-502, except where the Virginia Uniformed Statewide Building Code allows for fewer occupants, and all areas used for sleeping must be in compliance with all applicable provisions of Virginia Uniformed Statewide Building Code or the Virginia Manufactured Homes Safety Regulations, particularly with regard to the requirements for adequate ingress/egress from such sleeping areas including basements.”

Supervisor Herrity seconded the motion, and it **FAILED** by a recorded vote of two, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “**NAY**,” Supervisor L. Smyth abstaining.

Discussion ensued, with input from Leslie Johnson, Zoning Administrator, Department of Planning and Zoning, Elizabeth Teare, County Attorney, and Sarah Hensley, Assistant County Attorney, regarding the process for enforcement.

In response to a question raised by Chairman Bulova, Ms. Johnson described community outreach efforts.

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

Regarding the permit application, Supervisor K. Smith moved that the Board direct staff to include in the permit application a statement from the Operator that the information provided on the permit is true and correct.

Regarding the hosting platforms (such as Airbnb and others), Supervisor K. Smith moved that the Board direct staff to explore the possibility of entering into an agreement with the major hosting platforms to remove non-compliant Operators from those platforms.

Regarding the monitoring and reporting on the effectiveness of these changes, Supervisor K. Smith moved that the Board direct staff to report to the Development Process Committee in approximately 18 months from the effective date of these amendments on the effectiveness of these amendments. Staff's report should address, at minimum:

1. The number of Short-Term Lodging Permits issued and how that number compares to activity data provided by Host Compliance.
2. The amount of tax revenue received and how that number compares to the rental activity data provided by Host Compliance.
3. The number, nature, and disposition of complaints received related to Short-Term Lodging uses.
4. Whether there should be a special permit or special exception process to expand the Short-Term Lodging uses beyond what is provided for under these amended provisions.
5. Whether additional resources, enforcement mechanisms or protocols are needed to adequately address the permitting and enforcement of Short-Term Lodging uses.
6. Whether any privacy-related concerns or incidences have been reported to County staff.

Chairman Bulova seconded the motion.

Supervisor Herrity asked to amend the motion to direct staff to add:

7. Comparison of the County Ordinance to surrounding jurisdictions, the number of rentals and the number/type of complaints received.

This was accepted.

Discussion ensued, with input from Jack W. Weyant, Director, Department of Code Compliance, and Ms. Johnson, regarding the process for compiling data on complaint logs and the costs of enforcement.

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

Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) relating to Business, Professional and Occupational License Tax and Transient Occupancy Tax as set forth in Attachment D of the staff report dated March 20, 2018, with a delayed effective date of 12:01 a.m. October 1, 2018. 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."

Ms. Johnson announced that staff is preparing a flyer to provide more information to the community to educate them on the process and timeline for enforcement.

81. **BOARD ADJOURNMENT** (8:34 p.m.)

The Board adjourned.