



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 16, 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, October 16, 2018, at 9:32 a.m., there were present:

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

Others present during the meeting were 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** (9:33 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Ron Copeland, who died recently. Mr. Copeland served as a Commissioner on the Civil Service Commission. In 2018 he was recognized as a Lord Fairfax for his many years of service to the community.

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Bill Bailey, who died recently. Mr. Bailey was president of the Broyhill Crest Civic Association and Chairman of the Mason District Council. His commitment to his community and the Bailey's Crossroads Rotary was admirable.

AGENDA ITEMS2. **REPORT ON THE 2018 LORD FAIRFAX CHARITY RIDE AND RECOGNITION OF THE HONORABLE JOHN MASON AND THE LORD FAIRFAX CHARITY RIDE TEAM** (9:36 a.m.)

Following remarks by Chairman Bulova, The Honorable John Mason, former Fairfax City Mayor, was introduced.

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

- The Honorable John Mason for his outstanding, noteworthy and adept coordination of the Lord Fairfax Charity Ride, an extension of Fairfax County's 275th anniversary
- The Lord Fairfax Charity Ride Team for its exceptional dedication and support for the success of the Lord Fairfax Charity Ride, an extension of Fairfax County's 275th anniversary

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

Mr. Mason provided a summary of the highlights of the ride and presented Certificates of Commendation to the County and Channel 16 for having been a supporter and sponsor of the Lord Fairfax Charity Ride that circumnavigated the entirety of the Northern Neck Proprietary, also known as the Lord Fairfax Land Grant.

Vice Chairman Gross returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING OCTOBER 2018 AS "DISABILITY EMPLOYMENT MONTH" IN FAIRFAX COUNTY** (9:49 a.m.)

Supervisor Storck moved approval of the Proclamation designating October 2018 as "*Disability Employment Month*" in Fairfax County and urged all residents to recognize the contributions and achievements of people with disabilities and create a favorable environment for an inclusive and integrated community where everyone can participate. Supervisor McKay seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING OCTOBER 27, 2018, AS "VOLUNTEERFEST DAY" IN FAIRFAX COUNTY** (10:10 a.m.)

Supervisor L. Smyth moved approval of the Proclamation designating October 27, 2018, as "*VolunteerFest Day*" in Fairfax County and thanked all residents who observe this day with neighbors, friends, co-workers, family, and faith-based, school and civic groups by engaging in service that benefits, celebrates, and strengthens the community. Supervisor Foust seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING OCTOBER 2018 AS "CYBER SECURITY MONTH" IN FAIRFAX COUNTY** (10:22 a.m.)

Supervisor Foust moved approval of the Proclamation designating October 2018 as "*Cyber Security Month*" in Fairfax County and urged all residents and County agencies to take proper precautions to protect personal data as well as the County's infrastructure and resident data. Supervisor Herrity seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING OCTOBER 20, 2018, AS "FINANCIAL PLANNING DAY" IN FAIRFAX COUNTY** (10:29 a.m.)

Supervisor Cook moved approval of the Proclamation designating October 20, 2018, as "*Financial Planning Day*" in Fairfax County and urged all residents to recognize the benefit of financial planning and seek the assistance of a qualified financial planner to assist them in achieving their goals, including budget, investment, retirement, taxes, and home ownership. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

7. **PRESENTATION OF THE FINAL REPORT ON THE FAIRFAX COUNTY POLICE REFORM AD HOC POLICE PRACTICES REVIEW COMMISSION IMPLEMENTATION GROUP** (10:36 a.m.)

Philip Niedzielski-Eichner, Implementation Group member, presented a summary of the report and recognized the following implementation Group members and co-authors of the report that were present in the Board Auditorium:

- Mr. Randy K. Sayles
- Ms. Mary Kimm
- Mr. Adrian L. Steel, Jr.
- Mr. David Statter

Discussion ensued, with Board Members providing remarks about the report.

Following an inquiry from Supervisor Gross concerning when the results of the body-worn camera pilot program would be available and what will be done once those results are received, Police Chief Edwin Roessler stated he anticipated that a draft report from American University to be completed prior to Thanksgiving and that a discussion will be scheduled at an upcoming Public Safety Committee meeting.

Following additional remarks, about the report from Board Members, Chairman Bulova relinquished the Chair to Vice Chairman Gross and asked unanimous consent that the Board accept the report and refer the recommendations to the Public Safety Committee for further consideration. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

Supervisor Cook invited Board Members to forward any issues to him that would be beneficial for the Public Safety Committee to hear in advance of the meeting.

Supervisor Herrity asked unanimous consent that the Police Department address the following issues either in a memorandum to the Board or a discussion at the appropriate committee meeting:

- The academy process, number of recycles, the drop-off rate in the last two classes, the fiscal impact, and the use of provisional hires
- The current average wait time for forensics from the State; the recent increase in wait times; the impact on the department's ability to solve crimes; and identify options for the Board, including legislative options
- The suicide and Post Traumatic Stress Syndrome (PTSD) issues recently brought to the attention of the Board and current staffing versus minimum staffing
- Pay compression and the impact on the quantity and quality of candidates for promotion

Without objection, it was so ordered.

DET:det

8. **ADMINISTRATIVE ITEMS** (11:27 a.m.)

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

Supervisor Gross called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to The Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Articles 2 and 20 - Commonly Accepted Pets. Discussion ensued, concerning the recommendation of the Animal Services Advisory Commission, with input from Casey Judge, Planner, Zoning Evaluation Division, Department of Planning and Zoning. Discussion continued, regarding the Commission's opportunity to present its recommendation at the public hearing.

Supervisor Cook called the Board's attention to Admin 5 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, Regarding Ordinances for County Employees', Uniformed, and Police Officers Retirement Systems, concerning recommendations discussed at the Board's Personnel Committee meetings, with input from Joseph Mondoro, Chief Financial Officer, and Bryan J. Hill, County Executive.

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."

ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

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

- Alan Christoe (326)
- Kinnari Radadiya (327)
- Bin Zhang (328)
- Jennifer Sorenson (329)

ADMIN 2 - APPROVAL OF A PORTION OF A STREET NAME CHANGE FROM COLSHIRE MEADOW DRIVE TO CHAIN BRIDGE ROAD (PROVIDENCE DISTRICT)

Approved the street name change from Colshire Meadow Drive to Chain Bridge Road effective in 30 days, in accordance with the Code of the County of Fairfax, Chapter 102 (Streets and Sidewalks), Section 102-1-9.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY ON SOUTH VAN DORN STREET (OAKWOOD PROPERTY) TO THE REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 20, 2018, at 4 p.m.**, regarding the conveyance of Board-owned property on South Van Dorn Street (Oakwood Property) to the FCRHA.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ARTICLES 2 AND 20 - COMMONLY ACCEPTED PETS

- (A)(R) (NOTE: Earlier in the meeting, this item was discussed. See page #5.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on November 29, 2018, and before the Board on **January 22, 2019, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Articles 2 and 20 - Commonly Accepted Pets.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7, REGARDING ORDINANCES FOR COUNTY EMPLOYEES’, UNIFORMED, AND POLICE OFFICERS RETIREMENT SYSTEMS

- (A) (NOTE: Earlier in the meeting, this item was discussed. See page #5.)

Authorized the advertisement of a public hearing to be held before the Board on **November 20, 2018, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding ordinances for County Employees’, Uniformed, and Police Officers Retirement Systems to revise certain benefit provisions only with respect to employees hired on or after July 1, 2019.

9. **A-1 – APPROVAL OF A STANDARD PROJECT AGREEMENT (SPA) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR THE RICHMOND HIGHWAY BUS RAPID TRANSIT (BRT) PROJECT (LEE AND MOUNT VERNON DISTRICTS)** (11:45 a.m.)

- (R) On motion of Supervisor McKay, seconded by Supervisor Storck and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE,” the Board concurred with the recommendation of staff and adopted the Resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute a SPA with NVT A, substantially in the form of Attachment 2 of the Board Agenda Item, for \$250 million in NVT A Fiscal Years 2018-2023 Six-Year Program funding for the implementation of the Richmond Highway BRT Phases I and II from the Huntington Metrorail Station area to Fort Belvoir.

10. **A-2 – APPROVAL OF THE REDUCTION OF THE CATEGORY 1 SPECIAL EXCEPTION APPLICATION FILING FEE FOR MOBILE AND LAND-BASED TELECOMMUNICATION FACILITIES FROM \$16,335 TO \$6,200** (11:46 a.m.)

On motion of Supervisor K. Smith, jointly seconded by Supervisor Foust and Supervisor Herrity, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a reduction of the category 1 special exception permit application fee for mobile and land-based telecommunication facilities from \$16,335 to \$6,200.

11. **C-1 – APPROVAL OF THE PROPOSED AMENDED BYLAWS FOR THE FAIRFAX COUNTY POLICE CIVILIAN REVIEW PANEL (PCRP)** (11:46 a.m.)

The Board next considered an item contained in the Board Agenda to approve amendments to the bylaws for the PCR P. Supervisor Cook moved that the Board approve the proposed amended bylaws changes to the PCR P and stated that the changes were requested by the Panel. Chairman Bulova seconded the motion.

Supervisor Cook noted that, while there are minor changes, the substantive change is related to provision for the complainant to be heard. Chairman Bulova asked that the record show that Rhonda VanLowe, Chair, PCR P, and Richard G. Schott, Independent Police Auditor, were present in the Board Auditorium and available to take questions.

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

12. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2019**
(11:49 a.m.)

The Board next considered an item contained in the Board Agenda, announcing the County's Holiday Schedule for Calendar Year 2019.

Discussion ensued, concerning the designation of the holiday on Monday, February 18, as George Washington's Day rather than Presidents' Day, with input from Catherine M. Spage, Director, Department of Human Resources.

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ADDITIONAL BOARD MATTERS

13. **MOTION TO ADOPT THE OCTOBER 2018 QUARTERLY REPORT OF THE AUDITOR TO THE BOARD** (11:51 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and referred to her written Board Matter. She announced that the Board has received the Auditor of the Board's Quarterly Report for October 2018. The report included the following study areas, recommendations, and managements' concurrence:

- Miscellaneous G/L Accounts
- Public Safety Overtime
- Fairfax County Park Authority Recreational Activities

Therefore, Chairman Bulova moved that the Board adopt the Auditor of the Board's October 2018 Quarterly Report and approve the Audit Committee Work Plan, which is attached to her written Board Matter, for the upcoming quarter. Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

14. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (11:53 a.m.)

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

15. **REQUESTED EXPEDITED PROCESSING FOR POMEROY/CLARK I, LLC REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2016-DR-027 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA C-637-04 (DRANESVILLE DISTRICT)** (11:53 a.m.)

Supervisor Foust said that Pomeroy/Clark I, LLC has filed Proffered Condition Amendment Application PCA C-637-04 and Rezoning/Final Development Plan

Applications RZ/FDP 2016-DR-027, to permit mixed-use development consisting of 2,033,600 square feet of residential uses and a public elementary school. A public hearing is scheduled before the Planning Commission on November 1, 2018. The applicant has requested an expedited Board public hearing date and concurrent processing of its site plan to advance the delivery of project and public improvements.

Therefore, Supervisor Foust moved that the Board authorize:

- Expedited processing of Proffered Condition Amendment Application PCA C-637-04 and Rezoning/Final Development Plan Applications RZ/FDP 2016-DR-027 and schedule the cases for public hearing before the Board on **November 20, 2018, at 3:30 p.m.**
- Concurrent processing of the site plan for Pomeroy/Clark I, LLC with Rezoning/Final Development Plan Applications RZ/FDP 2016-DR-027 and Proffered Condition Amendment Application PCA C-637-04

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. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

16. **W-MRP LP OWNER A VIII, LLC/LIBERTY PARK PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-037-08, REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2017-DR-028, PROFFERED CONDITION AMENDMENT APPLICATION PCA C-696-12 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA C-696-05 (DRANESVILLE DISTRICT)** (11:55 a.m.)

Supervisor Foust said that W-MRP LP Owner VIII, LLC, has filed concurrent applications Proffered Condition Amendment Application PCA 79-C-037-08, Rezoning Application RZ 2017-DR-028, Final Development Plan Application FDP 2017-DR-028, Proffered Condition Amendment Application PCA C-696-12, and Final Development Plan Amendment Application FDPA C-696-05 to permit mixed use and transit-oriented development consisting of office, retail, and residential uses. A public hearing is scheduled before the Planning Commission on November 1, 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. Supervisor Foust noted that the applicant has diligently worked with staff and he supports expediting the processing of the application and scheduling a public hearing.

Therefore, Supervisor Foust moved that the Board authorize expedited processing of Proffered Condition Amendment Application PCA 79-C-037-08, Rezoning Application RZ 2017-DR-028, Final Development Plan Application FDP 2017-DR-028, Proffered Condition Amendment Application PCA C-696-12, and Final Development Plan Amendment Application FDPA C-696-05 and schedule the cases for public hearing before the Board on **November 20, 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 anyway. Supervisor McKay seconded the motion and it carried by unanimous vote.

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17. **MOUNT VERNON DISTRICT ENVIRONMENTAL EXPO** (11:58 a.m.)

Supervisor Storck said that the Mount Vernon District will host its first Environment Expo on Saturday, November 10, 2018, from 8 a.m. – noon at Walt Whitman Middle School. Following the theme, "Saving the Earth One Person at a Time," the Expo will feature an exhibit hall with a variety of County agencies, service providers and educators, informational and hands-on workshops, and screenings of the film "Hometown Habitat." The goal of the Expo is to educate and inform local residents on environmental challenges that everyone faces on a daily basis, including ones that are unique to the Mount Vernon area given its proximity to water and many industrial facilities nearby.

More information about the Environment Expo can be found on the website at: <https://www.fairfaxcounty.gov/mountvernon/environment-expo-saving-earth-one-person-time>.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to advertise the Environmental Expo. Without objection, it was so ordered.

18. **RESTON COMMUNITY CENTER (RCC) PREFERENCE POLL (HUNTER MILL DISTRICT)** (12:01 p.m.)

(BACs) Supervisor Hudgins said that RCC has completed the annual preference poll election for its Board of Governors. A total of 2,052 ballots were entered. The following individuals were elected to serve three-year terms on the RCC Board of Governors:

- Ms. Lisa Sechrest-Ehrhardt
- Mr. Richard Stillson
- Mr. William G. Bouie

Therefore, Supervisor Hudgins moved that the Board appoint the above-referenced individuals to serve on the RCC's Board of Governors in time to be seated at the next Board of Governor's meeting on November 17, 2018. Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Storck and Supervisor McKay being out of the room.

19. **CONCURRENT AND EXPEDITED PROCESSING FOR JBG/1831 WIEHLE, LLC, AND EYA DEVELOPMENT, LLC (HUNTER MILL DISTRICT)** (12:01 p.m.)

Supervisor Hudgins said that JBG/1831 Wiehle, LLC, and EYA Development, LLC (collectively the "applicants") seek approval of a rezoning and final development plan to develop the properties identified on Tax Map as 17-4 ((18)) 1A, 1B, 2B, and 3 (collectively the "property") with a mixed-use development at approximately 2.4 floor area ratio (FAR). The proposed application will facilitate the development of a high-quality, mixed-use neighborhood as envisioned within the Wiehle-Reston East Transit Station Area of the Comprehensive Plan.

The proposed development will be a vibrant mixed-use, transit-oriented community containing a signature office building, high-rise multi-family buildings, innovative mid-rise multi-family units, single-family attached units, an independent living facility with an assisted living component, and significant ground-floor retail/restaurant uses.

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

- Expedite the scheduling of the Board's public hearing for Rezoning Application RZ 2016-HM-024 to **December 4, 2018, at 3:30 p.m.**
- Concurrently process the applicants' 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 anyway. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

20. **EXPEDITED PROCESSING FOR RESTON CORNER (HUNTER MILL DISTRICT)** (12:04 p.m.)

Supervisor Hudgins said that AG-ARC Reston 1 Owner LLC, AG-ARC Reston 2 Owner LLC, and AG-ARC Reston 3 Owner LLC (collectively, the applicant) has filed rezoning, final development plan, and special exception applications to allow

the development of approximately 4.3 acres in Reston with a residential building containing up to 145 multi-family units and structured parking.

The proposal represents an overall density of 30 dwelling units per acre, which is in accordance with recommendations of the Comprehensive Plan. To permit the proposed residential development, the application seeks to rezone the property from the I-4 zoning district to the PRM district. A special exception proposes additional density for existing office buildings within Reston Corner, with no increase in floor area.

Supervisor Hudgins noted that since the Planning Commission (PC) public hearing, the applicant has revised its draft proffers to address comments generated by the PC's review.

Therefore, Supervisor Hudgins moved that the Board authorize expedited processing of Rezoning/Final Development Plan Application RZ/FDP 2018-HM-004 and Special Exception Application SE 2018-HM-002 in the name of AG-ARC Reston 1 Owner LLC, AG-ARC Reston 2 Owner LLC, and AG-ARC Reston 3 Owner LLC and schedule the case for public hearing before the Board on **December 4, 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 anyway. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Storck being out of the room.

21. **2018 VIRGINIA ASSOCIATION OF COUNTIES (VACo) ANNUAL MEETING VOTING DELEGATES** (12:07 p.m.)

Supervisor Gross stated that a request was received from VACo to designate a voting delegate and alternate voting delegate to represent the County at the VACo 2018 annual meeting to be held in Bath County, Virginia, on November 12, 2018. Supervisor Gross moved that the Board designate:

- Supervisor Gross as the Voting Delegate
- Supervisor McKay as the Alternate Voting Delegate

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Storck being out of the room.

DET:det

22. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (12:08 p.m.)

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

23. **TEEN CANCER AWARENESS WEEK** (12:08 p.m.)

Supervisor K. Smith said that cancer among teenagers is rare but is still the leading cause of death from disease within this age group. Unfortunately, teenagers with cancer straddle the child and adult worlds of oncology, often not encountering a person their age and making them feel isolated and alone.

Congress designated the third week of January as “Teen Cancer Awareness Week.” This is an opportunity to recognize the unique circumstance that teens with cancer face. Hopefully, this week will continue to call attention to the health care system that treats them to provide an environment that meets their unique needs.

Therefore, Supervisor K. Smith asked unanimous consent that the Board direct staff to invite representatives of “Bite Me Cancer” to appear before the Board on December 4 to receive a resolution recognizing “Teen Cancer Awareness Week.” Without objection, it was so ordered.

24. **WALK IN THE PARK AT ELLANOR C. LAWRENCE PARK (SULLY DISTRICT)** (12:09 p.m.)

Supervisor K. Smith informed the Board of an upcoming community event she is hosting in partnership with Health Strides Fairfax. She invited members of the community to join her and her staff for an active two-mile walk through historic Ellanor C. Lawrence Park to take advantage of the beautiful fall foliage and learn about the park’s upcoming events and community resources.

The walk will begin at the Walney Visitor Center, traverse through the unpaved Creek and Ridge trails, then past Cabell’s Mill eastward through the paved Big Rocky Run trail. Up-to-date logistical details are available at the Sully District Facebook page: www.facebook.com/SullyDistrict.

Supervisor K. Smith said that she and her staff are excited to kick-off the weekend with a healthy start. It will be a great time for all ages and fitness levels and she thanked the County’s Office of Public Affairs for widely advertising the event.

25. **CANCELLATION OF THE PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BRADDOCK ROAD WALKWAY – CARLBERN DRIVE TO CLUBSIDE LANE (SULLY DISTRICT)** (12:10 p.m.)

Supervisor K. Smith announced her intent, later in the meeting at the appropriate time, to cancel the public hearing on the acquisition of certain land rights necessary for the construction of the Braddock Road walkway – Carlbern Drive to Clubside Lane (5G25-060-022).

(NOTE: Later in the meeting, this public hearing was formally cancelled. See Clerk's Summary Item CL #47.)

26. **ECUMENICAL COMMUNITY HELPING OTHERS (ECHO) FIFTIETH ANNIVERSARY CELEBRATION (LEE DISTRICT)** (12:10 p.m.)

Supervisor McKay referred to his written Board Matter and announced that ECHO is celebrating 50 years of service to its community. ECHO is supported by over 25 congregations and organizations and provides meals and gifts to those in need in the Springfield community.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to invite ECHO's directors and volunteers to appear before the Board to be recognized at a future Board meeting. Without objection, it was so ordered.

27. **HAYFIELD SECONDARY SCHOOL'S FIFTIETH ANNIVERSARY (LEE DISTRICT)** (12:11 p.m.)

Supervisor McKay referred to his written Board Matter and noted that this year marks the fiftieth anniversary of Hayfield Secondary School and noted that it had an amazing homecoming this past weekend in celebration of the occasion. He added that it was the number one school in the County last year in the League of Women Voters Voter Registration Challenge and he touted its recent football victories over TC Williams and Robinson High Schools.

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, outside of the Board Auditorium, to the faculty, staff, and students of Hayfield Secondary School in commemoration of its fiftieth anniversary. Without objection, it was so ordered.

28. **RECOGNITION OF MS. MARTHA FACONER (LEE DISTRICT)** (12:12 p.m.)

Supervisor McKay announced that Ms. Martha Faconer, better known locally as "Ms. Martha," has spent the last 35 years serving the County's homeless and low-income individuals and families for New Hope Housing and its predecessor, Route One Corridor Housing. After more than three decades of work, he sadly announced she is retiring. Supervisor McKay referenced his written Board Matter describing "Ms. Martha's" many accomplishments.

Therefore, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a proclamation, to be jointly signed by the Chairman and the Mount Vernon and Lee District Supervisors, for presentation to Ms. Faconer outside of the Board Auditorium. Without objection, it was so ordered.

29. **PLAN AMENDMENT 2018-IV-TR1 (LEE DISTRICT)** (12:14 p.m.)

Supervisor McKay announced that the following motion relates to Plan Amendment 2018-IV-TR1 which was authorized by the Board on March 20, 2018, as a follow-on motion to Plan Amendment 2015-IV-MV1 (Embark Richmond Highway).

The original authorization related to a planned trail connection on the Countywide Trails Plan in Huntley Meadows Park. Over the course of the review, staff identified that there is also language pertaining to the planned facility in the Area IV Plan volume of the Comprehensive Plan. To ensure that the different elements of the Comprehensive Plan are consistent, Supervisor McKay stated his intent to amend the original authorization to include consideration for changes to the Area IV Plan volume including the parks and recreation sections of the Rose Hill Planning District.

Therefore, Supervisor McKay moved that the Board amend the authorization for Plan Amendment 2018-IV-TR1 to consider guidance associated with the planned trail connection on the southern and eastern boundary of Huntley Meadows Park in the Rose Hill Planning District of the Comprehensive Plan in addition to the Countywide Trails Plan Map; he noted that this is a technical correction. Chairman Bulova seconded the motion and it carried by unanimous vote.

30. **FIRE AND RESCUE DEPARTMENT (FRD) OPEN HOUSES** (12:15 p.m.)

Supervisor McKay noted that he and other Board Members attended open houses hosted by the FRD over the weekend and commended the Department for its work; the open houses get tremendous community support and a great time was had by all. He thanked the FRD for the time and effort that was put into the open houses, for the work they do, and their commitment to the communities they serve.

31. **RECOGNITION OF MS. ERIKA DYER (SPRINGFIELD DISTRICT)**
(12:16 p.m.)

Supervisor Herrity announced that Ms. Erika Dyer would be leaving his staff and noted her many contributions, including the teen job fairs and summer concert series in addition to her many other responsibilities. He congratulated her and thanked her for her hard work. Supervisor Storck added his thanks for her efforts on behalf of the job fairs.

AGENDA ITEMS

32. **RECESS/CLOSED SESSION** (12:18 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. *Vincent Dennis Randazzo, Administrator of the Estate of Michael Vincent Randazzo, Deceased v. Sandra Mauldin*, Record No. 180533 (Va. S. Ct.)
 - 2. *Jonathan L. Kaminski v. Fairfax County, Virginia and William E. Hauda, II, MD*, CL-2018-0013581 (Fx. Co. Cir. Ct.)
 - 3. *Viola Laird v. County of Fairfax, Virginia*, Case No. 1:17cv1408 (E.D. Va.)
 - 4. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Benjamin K. Canty and Judith M. Canty*, Case No. CL-2017-0012652 (Fx. Co. Cir. Ct.) (Braddock District)
 - 5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Guiti Gheybi*, Case No. GV18-020294 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laxmi Chand, Trustee of the Laxmi Chand Revocable Trust, and Usha Chand, Trustee of the Usha Chand Revocable Trust*, Case No. CL-2018-0011445 (Fx. Co. Cir. Ct.) (Dranesville District)

7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Orhan Atmaca and Birgul Atmaca*, Case No. GV18-020850 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Andre J. Gudger*, Case No. GV18-018192 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bruce A. Blackerby*, Case Nos. GV18-005577 and GV18-021645 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Harry Marshall Studds*, Case No. CL-2018-0007593 (Fx. Co. Cir. Ct.) (Lee District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert Dunn and Phyllis Dunn*, Case No. CL-2018-0013755 (Fx. Co. Cir. Ct.) (Lee District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. PNT Enterprises LLC*, Case No. CL-2018-0013736 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susan M. Frazier*, Case No. CL-2018-0001304 (Fx. Co. Cir. Ct.) (Lee District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eliodoro Guzman*, Case No. CL-2018-0013267 (Fx. Co. Cir. Ct.) (Mason District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry*,

- Property Maintenance Code Official for Fairfax County, Virginia v. Build America, LLC, and Bella Café and Lounge, Case No. CL-2017-0007126 (Fx. Co. Cir. Ct.) (Mason District)*
16. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. AAAACO LLP, Northern Virginia Auto Recycling LLC, and Northern Virginia Auto Real Estate Holdings LLC, Case No. CL-2018-0013191 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick McAlee and Barbara McAlee, Case No. CL-2012-0010063 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Irongate Properties, Inc., Case No. CL-2018-0011874 (Fx. Co. Cir. Ct.) (Providence District)*
 19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Good-Spradlin Joint Venture No. 1 and U-Haul Fairfax Store No. 21318, Case No. CL-2017-0018177 (Fx. Co. Cir. Ct.) (Providence District)*
 20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mazen Baroudi and Monique Baroudi, Case No. GV18-020849 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
 21. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald G. Coe and Ann M. Coe, Case No. CL-2017-0013584 (Fx. Co. Cir. Ct.) (Sully District)*
 22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. HCA Model Fund 2015-8*

Northeast, LLC, Case No. CL-2018-0000842 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

1. As permitted by Virginia Code Section 2.2-3711(A)(7) and (8), legal analysis regarding:
 - (i) Fairfax County Circuit Court Case Number CL-2017-0011462;
 - (ii) Virginia State Corporation Commission Application Number PUE-2018-00080;
 - (iii) Declaratory Ruling adopted on September 26, 2018, in Federal Communications Commission WT Docket Number 17-79 and WC Docket Number 17-84; and
 - (iv) February 2017 fire at Covanta Fairfax Waste-to-Energy Facility
2. Potential disposition of County-owned property in the City of Fairfax, as permitted by Virginia Code Section 2.2-3711(A)(3).

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

At 3:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

33. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:05 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

34. **WASHINGTON GAS LIGHT COMPANY APPLICATION** (3:06 p.m.)

Supervisor Gross moved that the Board authorize the filing of a Notice of Participation with the State Corporation Commission in the application of Washington Gas Light Company to increase existing rates and charges and to revise the terms and conditions applicable to gas service, Case Number PUE-2018-00080, on the terms and conditions outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by unanimous vote.

35. **MOTION FOR THE BOARD OF SUPERVISORS TO WITHDRAW THE PENDING ZONING ORDINANCE AMENDMENT REGARDING ZONING FOR WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE** (3:06 p.m.)

In light of the Declaratory Ruling and Order adopted by the Federal Communications Commission on September 26, 2018, Supervisor K. Smith moved that the Board:

- Withdraw the pending Zoning Ordinance amendment regarding zoning for Wireless Telecommunications Infrastructure
- Direct staff to review and revise the amendment
- Direct staff to report with the revised amendment to the Board for authorization to advertise

As a result of this motion, the scheduled public hearings on the pending amendment will be cancelled. Supervisor Gross seconded the motion and it carried by unanimous vote.

AGENDA ITEMS36. **A-3 – APPROVAL OF A MINOR VARIATION REQUEST FOR REZONING APPLICATION RZ 2016-MV-030, WASHREIT RIVERSIDE APARTMENTS, LLC, TO INCREASE THE HEIGHT OF TWO BUILDINGS BY 7.4 PERCENT ABOVE WHAT IS SHOWN ON THE CONCEPTUAL DEVELOPMENT PLAN (CDP) AND FINAL DEVELOPMENT PLAN (FDP) THAT WAS PROFFERED UNDER PROFFER 2 (MOUNT VERNON DISTRICT)** (3:07 p.m.)

Ms. Lori R. Greenlief, reaffirmed the validity of the affidavit for the record.

Tracy Strunk, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), noted the Division's work on the process for minor variation requests and welcomed further recommendations from the Board.

Laura O’Leary, Staff Coordinator, ZED, DPZ, 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 Storck moved that the Board:

- Waive the requirement of a public hearing
- Approve a minor variation of Proffer 2 of Rezoning Application RZ 2016-MV-030 to allow an increase in the height of 2 buildings by 7.4 percent above what is shown on the CDP and FDP as detailed in Action Item 3 of the Board Agenda Item

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

37. **A-4 – MINOR VARIATION REQUEST FOR REZONING APPLICATION RZ 1996-LE-047, SPRINGFIELD COMMONS LLC, TO ADD HEALTH CLUBS TO THE LIST OF USES PERMITTED IN PROFFER 5 (LEE DISTRICT)** (3:15 p.m.)

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

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

Following an initial motion from Supervisor McKay, which was seconded by Supervisor Gross, Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning, outlined motion requirements for minor variation requests per the County Attorney.

Therefore, Supervisor McKay restated the motion as follows:

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 5 of Rezoning Application RZ 1996-LE-047 to allow the addition of health clubs to the list of uses permitted as detailed in Action Item 4 of the Board Agenda Item

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

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38. **3:30 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5 (STOPPING, STANDING, AND PARKING), SECTION 19** (3:19 p.m.)

- (O) (NOTE: On September 25, 2018, the Board held a public hearing regarding this item and deferred decision until October 16, 2018.)

Chairman Bulova called the Board's attention to a letter sent by one of the speakers at the public hearing which had been distributed to Board Members.

Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5 (Stopping, Standing, and Parking), Section 19, to prohibit certain fleet vehicle parking, as contained in Attachment 1 of the Board Agenda Item. Supervisor L. Smyth seconded the motion.

Discussion ensued, with input from Neil Freschman, Chief, Traffic Engineering Section, Department of Transportation, regarding the proposed amendments, with regard to parking of commercial vehicles on private streets.

Supervisor L. Smyth asked unanimous consent that the Board direct staff to provide information on which Zoning Districts permit commercial parking and under which circumstances it can be allowed. Without objection, it was so ordered.

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."

39. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 84-D-004-04 (CHARLES NICHOLS AND LAURA NICHOLS) (DRANESVILLE DISTRICT)**

- (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 September 28 and October 5, 2018.

The application property is located at 438 River Bend Road, Great Falls, 22066, Tax Map 8-3 ((9)) 13Z; 8-4 ((1)) 33Z and 34Z; 8-4 ((9)) 10Z and 14Z.

Harvey Clark, Planner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Clark presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Agricultural Renewal Application AR-84-D-004-04, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Hidden Springs Farm Local Agricultural and Forestal District for an additional 8-year term, subject to the Ordinance provisions dated October 16, 2018. Supervisor McKay and Chairman Bulova jointly seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting “AYE.”

40. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, AGRICULTURAL RENEWAL APPLICATION AR 93-S-003-03 (THE FARM AT CLIFTON STATION, LLC) (SPRINGFIELD DISTRICT)** (3:31 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 September 28 and October 5, 2018.

The application property is located at 13442 Compton Road, Clifton, 20124, Tax Map 75-1 ((1)) 8Z.

Harvey Clark, Planner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by one speaker, Mr. Clark presented the staff and Planning Commission recommendations.

Supervisor Herrity moved approval of Agricultural Renewal Application AR 93-S-003-03, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Farm at Clifton Station Local Agricultural and Forestal District for an additional eight-year term, subject to the Ordinance provisions dated October 16, 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.”

41. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-MV-012 (FAIRFAX COUNTY DPWES CAP BDCD) (MOUNT VERNON DISTRICT)** (3:36 p.m.)

Supervisor Storck moved to defer the public hearing on the Rezoning Application RZ 2018-MV-012, until **December 4, 2018, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

42. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA-A-502-03/DPA-A-502-09 (NEW LAKE ANNE HOUSE, LP) (HUNTER MILL DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY AMENDMENT APPLICATION PRC-A-502-05 (NEW LAKE ANNE HOUSE, LP) (HUNTER MILL DISTRICT) (3:37 p.m.)

- (O) The application property for Proffered Condition Amendment/Development Plan Amendment Applications PCA-A-502-03/DPA-A-502-09 is located in the southwest quadrant of the intersection of Baron Cameron Avenue and Village Road. Tax Map 17-2 ((1)) 2 and 3.

The application property for Planned Residential Community Amendment Application PRC-A-502-5 is located in the southwest quadrant of the intersection of Baron Cameron Avenue and Village Road. Tax Map 17-2 ((1)) 2 and 3.

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

Mary Ann Tsai, Planner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), 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, which included testimony by two speakers, Ms. Tsai presented the staff and Planning Commission recommendations.

Following a query by Supervisor Hudgins, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the PRC condition dated September 20, 2018.

Supervisor Hudgins moved approval of:

- Proffered Condition Amendment/Development Plan Amendment Applications PCA A-502-03/DPA-A-502-09, subject to the proffers dated October 11, 2018.
- Planned Residential Community Application PRC A-502-05, subject to the PRC condition dated September 20, 2018.
- The following waivers and modifications, contained in the handout dated October 16, 2018:
 - Waiver of Additional Standard 6 of Section 9-306 of the Zoning Ordinance (ZO) for an independent living facility
 - Modification of Section 11-203 of the ZO for the loading space requirements to provide two spaces in lieu of three spaces
 - Waiver of Paragraph 2 of Section 11-302 of the ZO for private streets in a residential development to exceed 600 feet in length
 - Waiver of Sections 13-303 and 13-304 of the ZO for the transitional screening and barrier requirements for the independent living facility

Supervisor McKay 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.”

43. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2018-LE-014 (THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY) (LEE DISTRICT)**
(3:54 p.m.)

(O) The application property is located on the south side of Grovedale Drive approximately 500 feet from its intersection with Beulah Street. Tax Map 81-3 ((5)) 10A.

Ms. Tracy Strunk, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), reaffirmed the validity of the affidavit for the record.

Daniel Creed, Planner, ZED, DPZ, gave a PowerPoint slide presentation depicting the application and site location.

Ms. Strunk 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. Creed presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of the the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2018-LE-014, be amended from the R-1, C-5 and HC Districts to the C-5 and HC Districts
- Approval of a waiver of the minimum lot width

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

44. **4 P.M. – PH ON REZONING APPLICATION RZ 2018-SU-008 (K. HOVNANIAN HOMES AT PENDER OAKS, LLC) (SULLY DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-SU-020-03 (K. HOVNANIAN HOMES AT PENDER OAKS, LLC) (SULLY DISTRICT) (4:01p.m.)

- (O) The application property for Rezoning Application RZ 2018-SU-008 is located north of Lee Jackson Memorial Highway approximately 315 feet northwest of Fair Ridge Drive. Tax Map 46-3 ((1)) 15A1 and 15C.

The application property for Proffered Condition Amendment Application PCA 2009-SU-020-03 is located north of Lee Jackson Memorial Highway approximately 315 feet northwest of Fair Ridge Drive. Tax Map 46-3 ((1)) 15A1 and 15C.

Mr. Andrew Painter reaffirmed the validity of the affidavit for the record.

Supervisor K. Smith disclosed that she received campaign contributions in excess of \$100 from the following:

- Pender Professional Center, LLC
- Mr. Paul Zhu, Pender Professional Center, LLC

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

- Mr. Paul Zhu, Pender Professional Center, LLC

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

Mr. Painter 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 access, from the proposed development, to Route 50.

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

Supervisor K. Smith stated that she had an item for the record.

Supervisor K. Smith moved:

- Approval of Proffered Condition Amendment Application PCA 2009-SU-020-03
- Approval of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2018-SU-008 and the associated conceptual development plan, be amended from the PDC, WS and HC Districts to the PDH-12, WS and HC Districts subject to the proffers dated September 24, 2018
- Approval of the following waivers and modifications, as contained in the handout dated September 20, 2018:
 - Modification of Section 13-203.3(A) of the Zoning Ordinance (ZO) to permit the modification of the peripheral parking lot landscaping in favor of that shown on the CDP/FDP
 - Waiver of Section 11-302 of the ZO to allow private streets to be in excess of 600 feet

- Modification of Section 13-305(3) of the ZO to permit the modification of transitional screening and barrier requirements within the property and to adjacent uses in favor of that shown on the CDP/FDP
- Modification of Section 6-107.2 of the ZO to modify the minimum 200 square foot privacy yard for each single-family attached dwelling as shown on the CDP/FDP
- Modification of Section 11-203.4 of the ZO to reduce the loading space requirements on site to permit designated short-term drop-off spaces as depicted on the CDP/FDP
- Modification of Paragraph 10 of Section 11-102 of the ZO to permit driveway parking in front of garage parking (i.e., tandem parking) for multifamily stacked units as shown on the CDP/FDP
- Waiver of Section 10-0306 of the Public Facilities Manual (PFM) to allow trash and recycling collection to be picked up curbside for the multifamily stacked units in lieu of an on-site dumpster pad

Supervisor Gross and Supervisor Hudgins jointly seconded the motion.

Discussion ensued, with input from Mr. Painter, who clarified that all the units are for sale. Discussion continued regarding the applicant's efforts made to notify the community of the proposed development.

The question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, Supervisor Storck, and Chairman Bulova voting "AYE."

(NOTE: On September 27, 2018, the PC approved Final Development Plan Amendment Application FDP 2018-SU-008, subject to the conditions dated September 6, 2018.)

45. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT 2018-III-BR1, LOCATED AT THE SOUTHEAST CORNER OF THE WESTFIELDS BOULEVARD AND STONECROFT BOULEVARD INTERSECTION, BORDERED TO THE SOUTH BY SEQUOIA FARMS DRIVE (SULLY DISTRICT)** (4:59 p.m.)

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

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

Supervisor K. Smith moved approval of Plan Amendment 2018-III-BR1 as recommended by the Planning Commission. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

46. **4 P.M. – PH ON REZONING APPLICATION RZ 2018-MV-007 (LAFAYETTE BUILDING, LLC) (MOUNT VERNON DISTRICT)** (5:04 p.m.)

Supervisor Storck moved to defer the public hearing on the Rezoning Application RZ 2018-MV-007, until **November 20 2018, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

47. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BRADDOCK ROAD WALKWAY – CARLBERN DRIVE TO CLUBSIDE LANE (SULLY DISTRICT)** (5:05 p.m.)

(NOTE: Earlier in the meeting this item was mentioned. See Clerk's Summary #25.)

Supervisor K. Smith moved to cancel the public hearing on the construction of Braddock Road Walkway as all land rights needed had been acquired. Supervisor Gross seconded the motion and it carried by unanimous vote.

48. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-MA-003
(NORTHPOINT REALTY PARTNERS, LLC) (MASON DISTRICT)**

AND

**PH ON PROFFERED CONDITION AMENDMENT
APPLICATION PCA 86-L-056-05 (NORTHPOINT REALTY PARTNERS,
LLC) (MASON DISTRICT) (5:06 p.m.)**

- (O) The application property for Special Exception Application SE 2018-MA-002 is located at 6375 Bren Mar Drive, Alexandria, 22312. Tax Map 81-1 ((1)) 8A.

The application property for Proffered Condition Amendment Application PCA 86-L-056-05 is located on the south side of Bren Mar Drive approximately 2,100 feet east of its intersection with General Washington Drive. Tax Map 81-1 ((1)) 8A.

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

Following a discussion regarding the date of the affidavit, Elizabeth Teare, County Attorney, asked to defer the hearing until later in the meeting to verify the correct date of the affidavit.

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #50.)

49. **4 P.M. – PH ON REZONING APPLICATION RZ 2017-DR-026
(BENCHMARK ASSOCIATES, LP) (DRANESVILLE DISTRICT)
(5:10 p.m.)**

- (O) The application property is located in the west quadrant of Old Dominion Drive and Lowell Avenue. Tax 30-2 ((9)) 73.

Lori Greenlief reaffirmed the validity of the affidavit for the record.

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

- Mr. Russel S. Rosenberger, Madison Homes Incorporated

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

Ms. Greenlief 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, which included testimony by three speakers, Mr. Katai presented the staff and Planning Commission recommendations.

Supervisor Foust submitted items for the record.

Supervisor Foust moved:

- Approval of the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2017 DR-026 and the associated Conceptual Development Plan (CDP), be amended from the C-8, CRD, SC, and HC Districts to the PRM, CRD, SC, and HC Districts, subject to the proffers dated October 5, 2018.
- Approval of the following:
 - Modification of Paragraph 1 of Section 6-407 of the ZO to allow a district size of less than two acres in the PRM district
 - Modification of Section 11-201 and 11-203 of the ZO to permit a reduction in the required number of loading spaces to that shown on the CDP/Final Development Plan (FDP)
 - Modification Section 17-201 of the ZO to permit the walkways shown on the CDP and FDP in place of any trails shown for the subject property on 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 October 4, 2018, the PC approved Final Development Plan Amendment Application FDP 2017-DR-026, subject to the conditions dated September 19, 2018.)

50. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2018-MA-003 (NORTHPOINT REALTY PARTNERS, LLC) (MASON DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-L-056-05 (NORTHPOINT REALTY PARTNERS, LLC) (MASON DISTRICT) (5:32 p.m.)

- (O) (NOTE: Earlier in the meeting, this item was deferred. See Clerk's Summary Item #48.)

Elizabeth Teare, County Attorney provided an explanation regarding the date of the affidavit.

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

Sharon Williams, Planner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), 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, which included testimony by one speaker, Ms. Williams presented the staff and Planning Commission recommendations.

Supervisor Gross asked the speaker, to provide additional information to her office regarding parking near the property.

Following a query by Supervisor Gross, Mr. Gill confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 17, 2018.

Supervisor Gross moved approval of:

- Proffered Condition Amendment Application PCA 86-L-056-05, subject to the proffers dated October 2, 2018
- Special Exception Application SE 2018-MA-003, subject to the development conditions dated September 17, 2018
- Modification of the transitional screening and barrier requirements, pursuant to Section 13-305 of the Zoning Ordinance (ZO) in favor of that shown on the Generalized Development Plan (GDP)/SE plat

Supervisor McKay 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.”

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51. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2016-HM-031 (PULTE HOME COMPANY, LLC) (HUNTER MILL DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-C-086-02 (PULTE HOME COMPANY, LLC) (HUNTER MILL DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-C-069-02 (PULTE HOME COMPANY, LLC) (HUNTER MILL DISTRICT) (5:50 p.m.)

- (O) The application property for Rezoning Application RZ 2016-HM-031 is located at 12700 Sunrise Valley Drive, Reston, 20191. Tax 16-4 ((1)) 16B and 16-4 ((26)) 1 and 2.

The application property for Proffered Condition Amendment Application PCA 80-C-086-02 is located at 12700 Sunrise Valley Drive, Reston, 20191. Tax Map 16-4 ((1)) 16B (pt.) and 16-4 ((26)) 2 (pt.).

The application property for Proffered Condition Amendment Application PCA 83-C-069-02 is located at 12700 Sunrise Valley Drive, Reston, 20191. Tax Map 16-4 ((1)) 16B (pt.) and 16-4 ((26)) 1 and 2 (pt.).

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

Bill Mayland, Planner, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), 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, which included testimony by one speaker, Mr. Mayland presented the staff and Planning Commission (PC) recommendations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Applications PCA 80-C-086-02, PCA 83-C-069-02, and the Zoning Ordinance (ZO), as it applies to the property which is the subject of Rezoning Application RZ 2016-HM-031, be amended from the I-4 and I-5 Districts to the PDC District, and the associated Conceptual Development Plan subject to the proffers dated September 25, 2018
- Approval of the following:
 - Modification of Paragraph 5 of Section 6-206 of the ZO to permit secondary residential uses to exceed 50 percent of the principal use to permit the residential uses as shown on the CDP/Final Development Plan (FDP)
 - Waiver of Paragraph 2 of Section 6-207 of the ZO requiring a 200 square foot privacy yard for single family attached dwelling units
 - Modification of Paragraph 13 of Section 11-203 of the ZO to reduce the loading space requirement for the office building from five to four spaces
 - Waiver of Section 13-303 of the ZO for the barrier requirement
 - Modification of Section 13-304 of the ZO for the transitional screening requirement to permit the landscaping as shown on the CDP/FDP

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

Supervisor Herrity noted the ongoing long-term planning study for the entire length of Fairfax County Parkway.

Therefore, Supervisor Hudgins moved:

- Approval of the parking reduction request for Reston Arboretum (#4890-PKS002-2), pursuant to Paragraph 4B of Section 11-102 of the ZO, subject to the conditions in the memorandum from Land Development Services dated August 10, 2018, contained in Appendix 18 of the staff report.

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

Discussion continued regarding future transportation improvements in the area.

(NOTE: On September 13, 2018, the PC approved Final Development Plan Amendment Application FDP 2016-HM-031, subject to the conditions dated August 28, 2018.)

52. **4:30 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 12011 GOVERNMENT CENTER PARKWAY TO NEW CINGULAR WIRELESS PCS, LLC (BRADDOCK DISTRICT)** (6:09 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 28 and October 5, 2018.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Cook moved that the Board authorize staff to lease County-owned property at 12011 Government Center Parkway to AT&T. Supervisor Gross seconded the motion and it carried by unanimous vote.

53. **4:30 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT 4110 CHAIN BRIDGE ROAD TO NEW CINGULAR WIRELESS PCS, LLC (PROVIDENCE DISTRICT)** (6:12 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 28 and October 5, 2018.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor L. Smyth moved that the Board authorize staff to lease County-owned property at 4110 Chain Bridge Road to AT&T. Supervisor Foust seconded the motion and it carried by unanimous vote.

54. **4:30 P.M. – PH TO LEASE COUNTY-OWNED PROPERTY AT THE I-95 LANDFILL TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (MOUNT VERNON DISTRICT)** (6:15 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 28 and October 5, 2018.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Storck moved that the Board authorize staff to lease County-owned property at the I-95 Landfill to WMATA. Supervisor Herrity seconded the motion and it carried by unanimous vote.

55. **5 P.M. – PH TO SUBLEASE PROPERTY AT 10609 GEORGETOWN PIKE (TURNER FARM HOUSE) IN CONNECTION WITH THE RESIDENT CURATOR PROGRAM (DRANESVILLE DISTRICT)** (6:19 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 28 and October 5, 2018.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Foust submitted an item for the record.

Supervisor Foust moved that the Board authorize staff to sublease Turner Farm House to the Resident Curator, substantially in the form of Attachment 2 of the Board Agenda Item. Supervisor McKay seconded the motion and it carried by unanimous vote.

56. **BOARD ADJOURNMENT** (6:26 p.m.)

The Board adjourned.