



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 29, 2019**

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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 29, 2019, at 9:35 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 Daniel G. Storck, Mount Vernon District

Supervisor Linda Q. Smyth, Providence District, was absent from the meeting.

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

AGENDA ITEMS

1. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY PROFESSIONAL FIREFIGHTERS AND PARAMEDICS — IAFF LOCAL 2068** (9:37 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of a Certificate of Recognition presented to the Fairfax County Professional Firefighters and Paramedics — IAFF Local 2068 for outstanding commitment and dedication during the Labor Day 2019 Fill the Boot campaign, raising funds for the Greater Washington Muscular Dystrophy Association and leading in the U.S. and Canada by collecting \$450,730.44. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

2. **CERTIFICATE OF RECOGNITION PRESENTED TO WILL PAK OF CHANTILLY HIGH SCHOOL (SULLY DISTRICT)** (9:51 a.m.)

Supervisor K. Smith moved approval of a Certificate of Recognition for Will Pak, Chantilly High School, for exceptional talent and outstanding sportsmanship, resulting in winning the Virginia High School League Tennis Singles Class 6 State Championship at Deep Run High School, Glen Allen, Virginia, on June 6, 2019. Supervisor Herrity seconded the motion and it carried by a vote of eight, Supervisor Foust being out of the room and Supervisor L. Smyth being absent.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO WILL PAK AND MANU BALASUBRAMANIAN OF CHANTILLY HIGH SCHOOL (SULLY DISTRICT)** (9:56 a.m.)

Supervisor K. Smith moved approval of a Certificate of Recognition for Manu Balasubramanian, Chantilly High School, for displaying great skill and teamwork with Will Pak, which resulted in winning the Virginia High School League Tennis Doubles Class 6 State Championship at the McCormack-Nagelsen Tennis Center, Williamsburg, Virginia, on June 7, 2019. Supervisor Herrity seconded the motion.

Supervisor K. Smith further moved approval of a Certificate of Recognition for Will Pak, Chantilly High School, for displaying great skill and teamwork with Manu Balasubramanian, which resulted in winning the Virginia High School League Tennis Doubles Class 6 State Championship at the McCormack-Nagelsen Tennis Center, Williamsburg, Virginia, on June 7, 2019. Supervisor Herrity seconded the motion.

The question was called on the motions and they both carried by a vote of eight, Supervisor Foust being out of the room and Supervisor L. Smyth being absent.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE BOYS TENNIS TEAM OF CHANTILLY HIGH SCHOOL (SULLY DISTRICT)** (10:01 a.m.)

Supervisor K. Smith moved approval of a Certificate of Recognition for the Boys Tennis Team of Chantilly High School for their skill and proficiency, which resulted in them winning the Virginia High School League Class 6 State Championship at the McCormack-Nagelsen Tennis Center, Williamsburg, Virginia, on June 8, 2019. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

5. **PROCLAMATION DESIGNATING NOVEMBER 2019 AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:08 a.m.)

Supervisor Herrity moved approval of a Proclamation designating November 2019 as "*Adoption Awareness Month*" in Fairfax County, and urged all residents to support children by opening their hearts and homes through adoption; becoming foster parents; or by supporting adoptive and foster parents in the community. Chairman Bulova and Supervisor Storck jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

6. **PROCLAMATION DESIGNATING NOVEMBER 15, 2019, AS "FAIRFAX COUNTY RECYCLES DAY" IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Herrity moved approval of the Proclamation designating November 15, 2019, as "*Fairfax County Recycles Day*" in Fairfax County, and urged all residents to support the national initiative and local efforts to recycle. Supervisor Gross and Supervisor K. Smith jointly seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

BOARD MATTER

7. **MOMENT OF SILENCE** (10:39 a.m.)

Supervisor Gross asked everyone to keep in thoughts the family and friends of:

- Mr. Gerald L. Baliles, former Governor of Virginia, who died recently

8. **PRESENTATION OF THE 2019 BARBARA VARON AWARD** (10:41 a.m.)

The Honorable Emilie Miller, Barbara Varon Volunteer Award Selection Committee member, gave a presentation regarding the history of the award, noting that it is given annually to a County resident whose dedication to improving the community through volunteer service honors the memory of Barbara Varon, former Chairman of the County's Electoral Board.

Ms. Miller presented the 2019 Barbara Varon Award and a book about Ms. Varon to Ms. Elizabeth Tudan.

9. **10:10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs) (10:59 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 October 29, 2019.” Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Mr. David T. S. Jonas as the At-Large Chairman's 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. Brian E. Carlson as the Hunter Mill Business Representative

Confirmation of:

- Ms. Julia Jones as the League of Women Voters Representative

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

Reappointment of:

- Ms. Linda Perlstein as the At-Large #6 Representative

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

ATHLETIC COUNCIL

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Design Professional #1 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large #4 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Reappointment of:

- Sue Kovach Shuman as the Providence District Representative

The Board deferred the appointment of the Lee, Mason, and Sully District Representatives.

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, Mason, and Providence District Representatives.

COMMISSION FOR WOMEN

Reappointment of:

- Ms. Emily B. McCoy as the Lee District Representative
- Ms. Jane M. Materna as the Mason District Representative

The Board deferred the appointment of the At-Large Chairman's, Mount Vernon, and Sully District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of;

- Ms. Heather Thomas as the Head Start Principal Fairfax County Representative

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Mr. Brian Winterhalter as the Northern Virginia Building Industry Association Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

Confirmation of:

- Mr. Seyed Asad Rouhi as the Northern Virginia Soil and Water Conservation District Representative
- Mr. Bryan Layman as the Association of Builders and Contractors Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. May F. Al-Barzinji as the Long Term Care Providers #29 Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Confirmation of:

- Mr. Don Anderson as the Fairfax County Convention and Visitors Corporation #1 Representative
- Mr. Rajesh Khubchandani as the Fairfax County Convention and Visitors Corporation #3 Representative
- Mr. Robert Shenk as the Fairfax County Convention and Visitors Corporation #8 Representative
- Mr. Gary Cohen as the Fairfax County Convention and Visitors Corporation #9 Representative

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the At-Large #2, #3, and Springfield District 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 #6, #7, and #9 Representatives.

HUMAN SERVICES COUNCIL

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

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment of:

- Ms. Leigh Anne Arnold as the At-Large #2 Representative
- Mr. Joseph A. Heastie as the At-Large #6 Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Ms. Alicia E. Plerhoples as the Dranesville District Representative

The Board deferred the appointment of the Lee District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

POLICE CIVILIAN REVIEW PANEL

Appointment of:

- Mr. Francis A. Gallagher as the Seat #7 Representative

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Dranesville District, Residential Owners and HOA/Civic Association #1, #2, and #3 Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #1, #4, and #5 Representatives.

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY

Appointment of:

- Mr. Daren Shumate as the Mason District Representative

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Citizen Member #1 and #2, Condo Owner, Landlord Member #2, and Tenant Member #1 Representatives.

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

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

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Lee District Representative.

TREE COMMISSION

Reappointment of:

- Mr. Kevin Holland as the Mason District Representative

Confirmation of:

- Ms. Brenda J. Frank as the Virginia Department of Extension and Continuing Education Representative

The Board deferred the appointment of the Springfield District Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #3, Hunter Mill District #1, Providence District #2, and Residential Owners and HOA/Civic Association #1 Representatives.

WATER AUTHORITY

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

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10. **ADMINISTRATIVE ITEMS** (11:00 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor McKay 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 absent.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF INNOVATION CENTER TO ARROWBROOK TRAIL (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2019, at 4:00 p.m.**, on the acquisition of certain land rights necessary for the construction of Project 2G40-086-007, Innovation Center to Arrowbrook Trail, Fund 40010, County and Regional Transportation Projects.

ADMIN 2- DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

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

- Joseph Martin Kiffe (337)
- Christie Louise Lodge (338)
- Shelby Nicole Olson (339)
- Michael James Gerth (340)

ADMIN 3– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-2-13 AND RELOCATE THE POLLING PLACE FOR THE MCLEAN PRECINCT IN THE DRANESVILLE DISTRICT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 3, 2019, at 4:00 p.m.**, to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-13, relating to election precincts and polling places, to move the polling place for the McLean precinct.

ADMIN 4 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE DISTRICT)

- (R)
- Endorsed the following traffic calming measures:
 - Three Speed Humps on Berkshire Drive (Lee District)
 - Directed staff to request the Fairfax County Department of Transportation (FCDOT) schedule the installation of the approved traffic measures as soon as possible

ADMIN 5– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: LOT LINE AND LOT WIDTH

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on **December 4, 2019, at 7:30 p.m.**, and before the Board on **January 28, 2020, at 4:00 p.m.**, to consider the proposed amendment to the 2019 Zoning Ordinance Amendment Priority 1 Work Program, which clarifies the definition of lot line and the measurement of lot width on through lots, reverse frontage lots, and lots with curved frontage.

ADMIN 6- AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE SALE OF BOARD-OWNED PROPERTY ON WEST DRIVE TO THE CITY OF FAIRFAX

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 3, 2019, at 4:00 p.m.**, regarding the sale of Board-owned property on West Drive to the City of Fairfax.

ADMIN 7- SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 20093 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT GRANT FUNDING FROM VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) FOR THE STATE OPIOID RESPONSE (SOR), RECOVERY SERVICES

- (SAR) The Board:

- Approved SAR AS 20093 to accept funding from DBHDS in the amount of \$150,000 to expand on substance use recovery services. These funds will be used to expand CSB peer support services in the Drug Court and Adult Detention Center
- Authorized the Chairman, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 8- AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND THE FAIRFAX COUNTY CODE BY ADDING A NEW CHAPTER 86, RELATING TO SHARED MOBILITY DEVICES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2019, at 4:00 p.m.**, to consider the adoption of an ordinance that amends the Fairfax County Code by adding a new Chapter 86, relating to Shared Mobility Devices.

ADMIN 9- AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS, ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, TO SUPPORT ENHANCED TRANSPORTATION OPTIONS

The Board:

- Authorized the Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Metropolitan Washington Council of Governments. Funding in the amount of \$707,213, including \$201,443 in Local Cash Match, will support continued implementation of strategies to improve the

mobility and transportation options and services for older adults and individuals with disabilities

- Authorized the Chairman, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 10– AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS, ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, IN SUPPORT OF THE PURCHASE OF WHEELCHAIR LIFT-EQUIPPED VEHICLES

The Board:

- Authorized the Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Metropolitan Washington Council of Governments. Funding in the amount of \$312,500, including \$62,500 in Local Cash Match, will support the purchase of five wheelchair lift-equipped vehicles to replace high-mileage vehicles currently owned by the County. The required 20 percent Local Cash Match is available in Fund 60010, Department of Vehicle Services, FASTRAN Replacement Reserve
- Authorized the Chairman, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 11– AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED COUNTY CODE AMENDMENT FOR CHAPTER 3, COUNTY EMPLOYEES, PERSONNEL ADMINISTRATION, DEFINITIONS AND CHAPTER 3, COUNTY EMPLOYEES, PERSONNEL ADMINISTRATION, APPOINTING AUTHORITIES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2019, at 3:30 p.m.**, to amend Chapter 3, County Employees, Article 1, Personnel Administration, of the Code of the County of Fairfax. The proposed changes will allow the County Executive to appoint Department Head positions as allowed by state statute and defined in the updated ordinance.

11. **A-1 – APPROVAL OF THE FINANCING PLAN FOR DREDGING LAKE ACCOTINK (BRADDOCK DISTRICT)** (11:01 a.m.)

Supervisor Cook moved that the Board concur in the recommendation and approve staff's pursuit of a loan relating to the recommended strategy and financing plan for the dredging of Lake Accotink through the Virginia Resources Authority's (VRA) Virginia Clean Water Revolving Loan Fund (VCWRLF), with the following additions:

- 1) This Action Item approves in full the proposed plan for saving Lake Accotink that was described to the Board of Supervisors during its Budget Committee meeting of September 17, 2019.
- 2) If for any reason the County is unable to secure the proposed state funding by the end of calendar year 2020, then the County Executive is directed to move forward with alternative funding promptly in order to maintain the timeline of awarding the dredging contract in the first half of calendar year 2021.
- 3) The County Executive and Park Authority are directed to continue to work with the community, including but not limited to the Friends of Lake Accotink (FLAP), to mitigate adverse environmental impacts from the dredging or dewatering processes, provided the project continues in scope, general design, and timeline.

Supervisor Herrity and Supervisor McKay jointly seconded the motion.

Discussion ensued with input from Joe LaHait, Debt Coordinator, Department of Management and Budget, regarding pursuing the state financing program because of the significant financial advantage it offers. He stated that the EDA financing is a back-up plan to prevent the proposed timeline from changing.

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

12. **C-1 – PROFFER INTERPRETATION APPEAL A-RZ 86-C-12, RELATED TO THE PLANNING COMMISSION'S DENIAL OF CONCEPTUAL PLAN CP 86-C-121-15, FILED BY NS RESTON LLC (HUNTER MILL DISTRICT)** (11:14 a.m.)

The Board next considered an item contained in the Board Agenda regarding NS Reston, LLC ("Appellant"), filing a Conceptual Plan Application CP 86-C-121-15 (the "CP Application") concurrently with Planned Residential Community Application PRC 86-C-121-06 (the "PRC Plan Application") for the development of Tax Map 17-1 ((17)) 4. Pursuant to Proffer D1 of the proffers accepted by the Board with Rezoning Application RZ 86-C-121, the Appellant submitted its CP Application to the Planning Commission for review and approval. The Planning Commission denied the CP Application, and the Appellant filed this appeal of the denial. There is no specific authority set forth in the Zoning Ordinance or in the

proffers for an appeal of a CP Application; staff is recommending that the Board review the CP Application along with the public hearing on the PRC Plan Application.

Chairman Bulova announced that this item would be deferred until 3:00 p.m. to be heard with Conceptual Plan Application CP 86-C-121-15 (NS Reston LLC) and Planned Residential Community Application PRC 86-C-121-06 (NS Reston LLC).

(NOTE: Later in the meeting, the Board took action on the NS Reston LLC cases. See Clerk's Summary Item #36.)

13. **C-2 – APPROVAL OF THE AMENDMENTS TO THE FAIRFAX COUNTY DOMESTIC VIOLENCE PREVENTION, POLICY AND COORDINATING COUNCIL (DVPPCC) BYLAWS AND NAME CHANGE** (11:20 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda regarding the approval of Bylaws for the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council with proposed amendment.

Following discussion, Supervisor Cook moved that the Board approve the following:

- The Bylaws for the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council with proposed amendment
- The proposed name change from the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council (DVPPCC) to the Council to End Domestic Violence

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

DMS:dms

BOARD MATTERS

14. **NO BOARD MATTERS FOR CHAIRMAN BULOVA** (11:23 a.m.)

Chairman Bulova announced that she had no Board Matters to present today.

15. **SHOUSE VILLAGE COMMUNITY ASSOCIATION 50TH ANNIVERSARY (DRANESVILLE DISTRICT)** (11:24 a.m.)

Supervisor Foust stated that Shouse Village is a community of 260 homes. Among its former owners was Brian Fairfax, Eighth Lord Fairfax of Cameron. In 1966, the Yeonas Company purchased the 201-acre Spring Glade Estate, a

historic house and dairy farm, and named the development for Catherine Filene Shouse, who had recently donated her adjacent property to the National Park Service for the Wolf Trap Farm Park. The Shouse Village Community Association (SCVA) was incorporated on December 16, 1968, and regular meetings began in April 1970. At the beginning, the Association had the challenge of providing a sense of community for a new development with many transplants. Over the decades, its duties have expanded to include the stewardship of the 48 acres of common area consisting of woodlands, a trail system, lake, playground, basketball court, tennis courts, a pool, and a community center. The SCVA has fostered a true sense of community by involving many residents in its operation, and offering a full slate of community activities, including a competitive swim team. Its strength as an organization has allowed it to consistently provide a voice for its interests within the McLean Citizens Association, and the greater McLean community.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a resolution to be signed by the Chairman and Dranesville District Supervisor, recognizing the SCVA for its 50 years of fostering community for generations of residents, to be presented on November 16, 2019, at their anniversary event to be held at the Shouse Village Community Center. Without objection, it was so ordered.

16. **TROPHY CLASS RANKING FOR MCLEAN HIGH SCHOOL (DRANESVILLE DISTRICT)** (11:25 a.m.)

Supervisor Foust congratulated the staff of all five of McLean High School's publications for earning a Trophy Class ranking at the recent Virginia High School League's (VHSL) Media Championship. The Trophy Class is the highest ranking bestowed by VHSL, and McLean High School was the only school in Virginia to earn five such designations.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite the staff from the five publications, their sponsors and school officials to appear before the Board on December 3, 2019, to be recognized for their outstanding achievement. Without objection, it was so ordered.

17. **AMALGAMATED TRANSIT UNION LOCAL 689 METROBUS WORKERS STRIKE** (11:26 a.m.)

Jointly with Supervisors Gross, Hudgins, McKay, K. Smith, and Storck, Supervisor Foust stated that the Amalgamated Transit Union Local 689 Metrobus workers employed by Transdev at Washington Metropolitan Area Transit Authority's (WMATA) Cinder Bed Road garage in Lorton, have declared an unfair labor practices strike. They are demanding that Transdev end stalling at the bargaining table and intimidation and surveillance of its members, and that WMATA end efforts to privatize portions of its operations. They claim that privatization is creating a two-tier workforce with lower wages and almost non-

existent benefits. This strike, and the inconvenience it is causing, are unfortunate. It is clearly a direct consequence of WMATA's decision to outsource bus operations in parts of Fairfax County.

Therefore, jointly with Supervisors Gross, Hudgins, McKay, K. Smith, and Storck, Supervisor Foust moved that the Board direct staff to prepare a letter to WMATA that sets forth the Board's concerns about the consequences of WMATA's outsourcing decision and that asks WMATA to take steps to ensure that this matter is resolved in a fair and expeditious manner, including taking appropriate steps to ensure that the parties return to the bargaining table.

Supervisor McKay seconded the motion.

Following discussions regarding details of the letter, the County's role, and aspects of the strike, Supervisor Foust amended his motion to direct staff to prepare the draft letter and distribute it to the Board later in the meeting. Supervisor McKay seconded the amended motion.

Following further discussion regarding outsourcing, negative implications from the strike, and the need for continued discussions between the parties with input from Tom Biesiadny, Director, Department of Transportation, the question was called on the motion and it carried by a vote of seven, Supervisors Cook and Herrity abstained and Supervisor L. Smyth being absent.

(NOTE: Later in the meeting, the Board formally approved the letter. See Clerk's Summary Item #49.)

18. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (11:52 a.m.)

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

19. **INTENT TO DEFER THE PUBLIC HEARING ON CHRISTOPHER LAND, LLC REZONING APPLICATION RZ 2019-SP-006 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-S-001 (SPRINGFIELD DISTRICT)** (11:52 a.m.)

Supervisor Herrity announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Rezoning Application RZ 2019-SP-006 and Special Exception Amendment Application SEA 97-S-001.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #42.)

20. **PUBLIC ART IN RESTON (HUNTER MILL DISTRICT)** (11:53 a.m.)

Supervisor Hudgins stated that since 2007, Reston has fortunate to have Public Art Reston, previously known as Initiative for Public Art Reston, with its mission to inspire an ongoing commitment to public art and to create a new generation of artworks in our community. Building on the vision of Robert E. Simon to make public art an integral part of this new town, Reston is now home to a significant collection of fountains, metal sculptures, photography, bronze relief, granite abstracts, wooden commissions, and contemporary art. Public Art Reston encourages beauty in both residential and commercial settings. Reston is also the home to 26 underpasses, used by residents and workers to commute by foot or on bicycle to school, work, and run errands. Enhancing this type of infrastructure is a key goal of the "Public Art Master Plan for Reston", a document referenced in the Fairfax County Comprehensive Plan. Furthermore, the Public Art Reston goal is to install public artworks in underpasses every two to five years.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a letter for dual signatures congratulating Public Art Reston on its many accomplishments. Without objection, it was so ordered.

21. **RESTON COMMUNITY CENTER (RCC) 40TH ANNIVERSARY (HUNTER MILL DISTRICT)** (11:55 a.m.)

Supervisor Hudgins stated that the RCC is celebrating their 40th anniversary this year. RCC was established by the Reston community in 1979, to bring the community together through enriching leisure time experiences. Their mission is to provide a broad range of programs in arts, aquatics, enrichment and life-long learning and to create and sustain community traditions. Because RCC was created by the Reston community for the Reston community, it offers unique environments that are caring, warm, and put the welfare of the community before all other concerns. Each year, RCC offers more than 1,800 programs, trips, events, and services that are accessible to all, celebrate diversity and enrich our community.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a certificate of congratulations for dual signatures, for presentation at the next Reston Community Center Board of Governor's meeting, on November 16, 2019. Without objection, it was so ordered.

22. **NO BOARD MATTERS FOR SUPERVISOR K. SMITH (SULLY DISTRICT)** (11:56 a.m.)

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

23. **INTENT TO DEFER INDEFINITELY THE PUBLIC HEARING ON STONEBRIDGE INVESTMENTS, LLC SPECIAL EXCEPTION APPLICATION SE 2018-SU-027 (SULLY DISTRICT)** (11:56 a.m.)

Supervisor K. Smith announced her intent, later in the meeting, at the appropriate time, to defer indefinitely the public hearing on Special Exception Application SE 2018-SU-027.

(NOTE: Later in the meeting, the public hearing was formally deferred indefinitely. See Clerk's Summary Item #44.)

24. **MOTION TO EXPEDITE MR LIBERTY VIEW ONE, LLC AND MR LIBERTY VIEW WEST, LLC C/O MONUMENT REALTY PROFFERED CONDITION AMENDMENT APPLICATION PCA 2010-LE-009/CDPA 2010-LE-009 (LEE DISTRICT)** (11:57 a.m.)

Supervisor McKay stated that MR Liberty View One, LLC and MR Liberty View West, LLC c/o Monument Realty has filed a proffer condition amendment (PCA) for a site previously approved for commercial development to permit a mixed-use residential building. This application, PCA 2010-LE-009, has been recommended for approval by the Lee District Land Use Committee and the Fairfax County Planning Commission. Therefore, in order to allow this project to move forward as expeditiously as possible, the Applicant has asked for consideration for concurrent processing of the site plan.

Therefore, Supervisor McKay moved that the Board direct staff to accept for concurrent and simultaneous processing any site plans, architectural drawings or other drawings as may be necessary in conjunction with the pending application(s). This motion should not be construed as a favorable recommendation by the Board on the pending application 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 a vote of nine, Supervisor L. Smyth being absent.

25. **INTENT TO DEFER THE PUBLIC HEARING ON MR LIBERTY VIEW ONE, LLC AND MR LIBERTY VIEW WEST, LLC C/O MONUMENT REALTY PROFFERED CONDITION AMENDMENT APPLICATION PCA 2010-LE-009/CDPA 2010-LE-009 (LEE DISTRICT)** (11:57 a.m.)

Supervisor McKay announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 2010-LE-009/CDPA 2010-LE-009 to **January 14, 2020, at 4:00 p.m.**

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #45.)

26. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (11:59 a.m.)

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

27. **NO BOARD MATTERS FOR SUPERVISOR COOK (BRADDOCK DISTRICT)** (11:59 a.m.)

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

28. **INTENT TO DEFER THE PUBLIC HEARING ON VIRENDRA BERY AND AMIT BERY REZONING APPLICATION RZ 2019-BR-007 (BRADDOCK DISTRICT)** (12:00 p.m.)

Supervisor Cook announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Rezoning Application 2019-BR-007 to **January 28, 2020 at 4:00 p.m.**

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item #37.)

29. **SENIOR SAFETY SUMMIT (MOUNT VERNON DISTRICT)** (12:00 p.m.)

Supervisor Storck announced that the Senior Safety Summit will be held on November 6, 2019, at the Mount Vernon Government Center and he invited the community to attend the event.

30. **BELLE VIEW SHOPPING CENTER FIRE (MOUNT VERNON DISTRICT)** (12:00 p.m.)

Supervisor Storck stated that last Sunday night, a six-alarm fire broke out at the Belle View Shopping Center affecting many small businesses and the local community that frequent those businesses. As of Thursday, at least 11 businesses remained closed and according to the fire department, total fire damage is estimated at \$5.8 million. He stated that he has requested that Land Development Services (LDS) include the Belle View Shopping Center as part of the Project Management Program and that the Fire Marshal's office and LDS work with the property owners and property management company to proactively help the business owners get their doors open as quickly as possible.

Therefore, Supervisor Storck moved that the Board direct staff to send a letter of appreciation to the fire departments that responded to the fire, the Fairfax County, Fort Belvoir, the City of Alexandria, and Arlington County Fire Departments for their response and support. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

31. **2ND ANNUAL ENVIRONMENT EXPO: HOW YOU CAN ACT ON CLIMATE CHANGE (MOUNT VERNON DISTRICT)** (12:03 p.m.)

Supervisor Storck stated that the Mount Vernon District will host its 2nd Annual Environment Expo on Saturday, November 16, 2019, at 8:00 a.m. at Walt Whitman Middle School.

Therefore, Supervisor Storck asked unanimous consent that the Board direct staff to publicize the event. Without objection, it was so ordered.

AGENDA ITEMS

32. **RECESS/CLOSED SESSION** (12:05 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. *Glen M. Sylvester v. Brian C. Geschke*, Record No. 190203 (Va. Sup. Ct.)
 2. *Curtiss Davis v. Edwin C. Roessler Jr.*, Case No. 2:19-cv-1254 (E.D. Va.)
 3. Claim of Bonnie Coogan, a five-year-old minor, and her parents, Robert and Tanya Coogan, related to a dog bite at the Animal Shelter on January 23, 2018
 4. In the Matter of a Petition Filed by Joseph Glean and Petitioners, Seeking an Audit of Certain Sewer Fund Accounts, CL-2019-0013070 (Fx. Co. Cir. Ct.)
 5. *Joseph A. Glean v. Board of Supervisors, Michael J. McGrath, and Christopher J. Pietsch*, Case No. CL-2019-0001067 (Fx. Co. Cir. Ct.); *Joseph A. Glean v. Board of Supervisors*, Case No. CL-2019-0002450 (Fx. Co. Cir. Ct.); *Joseph A. Glean v. Board of Supervisors, Michael J. McGrath, and Christopher J. Pietsch*, Case No. CL-2019-0002360 (Fx. Co. Cir. Ct.)

6. *Jerry Mobley v. John Schmalenberg*, Case No. CL-2018-0012130 (Fx. Co. Cir. Ct.)
7. *Valerie Ney v. Anthony Enendu and Kelly A. Loss*, Case No. GV19-018571 (Fx. Co. Gen. Dist. Ct.)
8. *Dilia Martinez Alvarado v. Anthony Enendu and Kelly A. Loss*, Case No. GV19-018572 (Fx. Co. Gen. Dist. Ct.)
9. *Erica M. Allen Winslow v. Ramona Simmons*, Case No. GV19-008954 (Fx. Co. Gen. Dist. Ct.)
10. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, et al.*, Case No. 190391 (Va. Sup. Ct.) (Springfield District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hugo F. Amaya*, Case No. CL-2019-0013901 (Fx. Co. Cir. Ct.) (Braddock District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Brookhaven LLC*, Case No. GV19-026167 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kyle Marble*, Case No. GV19-025601 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James L. Price*, Case No. CL-2018-0017871 (Fx. Co. Cir. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Julio C. Lazo and Sonia M. Lazo*, Case No. CL-2019-0013844 (Fx. Co. Cir. Ct.) (Lee District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Shafiqul Sikder*, Case No. CL-2019-0013845 (Fx. Co. Cir. Ct.) (Lee District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mount Vernon Internal Medicine, P.C.*, Case No. CL-2019-0011331 (Fx. Co. Cir. Ct.) (Mount Vernon District)

18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bill H. Waller*, Case No. GV19-025602 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Wardeh S. Rabadi*, Case No. GV19-026166 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Reyna Alvarez*, Case No. CL-2019-0013268 (Fx. Co. Cir. Ct.) (Providence District)
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Chiang Ching Kuo Foundation for International Scholarly Exchange, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013382 (Fx. Co. Cir. Ct.) (Providence District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Martinez Properties, LC, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013384 (Fx. Co. Cir. Ct.) (Providence District)
23. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Martin D. Siegel Living Trust, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013383 (Fx. Co. Cir. Ct.) (Providence District)
24. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Rouben A. Yedigarian, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013385 (Fx. Co. Cir. Ct.) (Providence District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 8373B Greensboro, LLC, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013457 (Fx. Co. Cir. Ct.) (Providence District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Hummingbird Holdings, LLC, and Greensboro Square Association of Unit Owners, Inc.*, Case No. CL-2019-0013494 (Fx. Co. Cir. Ct.) (Providence District)
27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. GV19-025605 (Fx. Co. Gen. Dist. Ct.) (Providence District)

28. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kathleen E. Sprague and Timothy F. Showalter*; Case No. GV19-026357 (Fx. Co. Gen. Dist. Ct.) (Providence District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Morgan and Nyaint Morgan*, Case No. CL-2019-0013580 (Fx. Co. Cir. Ct.) (Springfield District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Arnold A. Souders, Jr.*, Case No. GV19-025604 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Arnold A. Souders, Jr.*, Case No. GV19-025603 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Quoc K. Troung*, Case No. GV19-026356 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.23711(A)(7) and (8):
 - a. Fairfax County Circuit Court Case Number CL-2018-13191
 - b. Fairfax County Circuit Court Case Number CL-2019-6025
 - c. Claim of Josh and Amy Lipicky dated November 9, 2018
- As permitted by Virginia Code Section 2.2-3711(A)(8) legal analysis regarding auto accident, sanitary sewer, and stormwater claims filed with the County

Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

At 3:13 p.m., the Board reconvened in the Board Auditorium with all Members being present with the exception of Supervisor L. Smyth, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

33. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:14 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 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 absent.

34. **MOTION TO SETTLE LITIGATION FOR BOARD OF SUPERVISORS V. AAAACO** (3:14 p.m.)

Supervisor Storck moved that the Board of Supervisors settle the pending litigation in *Fairfax County Board of Supervisors and others v. AAAACO and others*, Fairfax County Circuit Court Case No. CL-2018-13191, on the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Cook seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

35. **MOTION FOR THE BOARD TO REQUEST ACTION BY THE COMMONWEALTH OF VIRGINIA** (3:15 p.m.)

Supervisor Storck moved that the Board send a letter to the Virginia Attorney General, with a copy to the members of the County's delegation to the General Assembly, asking the Commonwealth of Virginia to review the land-disturbing activity that occurred in 2016 on the property located at 10212 Richmond Highway in Lorton, Virginia, including, among other things, the Virginia Department of Environmental Quality's oversight of those activities. Supervisor Cook seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

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AGENDA ITEMS

36. **3:00 P.M. – PUBLIC HEARNG ON CONCEPTUAL PLAN APPLICATION CP 86-C-121-15 (NS RESTON LLC) TO APPROVE THE CONCEPTUAL PLAN FOR REZONING APPLICATION RZ 86-C-121 TO PERMIT RESIDENTIAL DEVELOPMENT, LOCATED ON APPROXIMATELY 36,553 SQUARE FEET OF LAND ZONED PRC (HUNTER MILL DISTRICT)**

AND

PUBLIC HEARING ON PLANNED RESIDENTIAL COMMUNITY (PRC) APPLICATION PRC 86-C-121-06 (NS RESTON LLC) TO APPROVE THE PRC PLAN ASSOCIATED WITH REZONING APPLICATON RZ 86-C-

121 TO PERMIT RESIDENTIAL DEVELOPMENT, LOCATED ON APPROXIMATELY 36,553 SQUARE FEET OF LAND ZONED PRC (HUNTER MILL DISTRICT)

AND

C-1 – PROFFER INTERPRETATION APPEAL A-RZ 86-C-121, RELATED TO THE PLANNING COMMISSION’S DENIAL OF CONCEPTUAL PLAN CP 86-C-121-15, FILED BY NS RESTON LLC (HUNTER MILL DISTRICT) (3:16 p.m.)

(NOTE: On September 24, 2019, the Board deferred decision only to October 15, 2019, at 5:30 p.m. On October 15, 2019, the Board further moved to conduct a second public hearing on October 29, 2019, at 3:00 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 October 11 and 18, 2019.

The application property is located on the north side of New Dominion Parkway, west of Fountain Drive. Tax Map 17-1 ((17)) 4.

The application property is located on the north side of New Dominion Parkway, west of Fountain Drive. Tax Map 17-1 ((17)) 4.

Tracy Strunk, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), clarified that there is no affidavit associated with the PRC Plans.

William Mayland, Planner, ZED, DPD, gave a presentation depicting the application and site location.

Mr. John McGranahan 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.

Mr. John McGranahan, agent for the applicant, stated that he had submitted a letter for the record at the September 24, 2019, public hearing and resubmitted a copy of the same letter stating that the applicant is only in agreement with the development conditions dated June 5, 2019, and objects to any additional conditions that may be imposed. He proceeded to present his case.

Discussion ensued, with input from Mr. Mayland regarding what is shown as park use and stated that the 1992 approved conceptual plan depicts the area being used for park land. He noted that there is a copy of the deed restriction in Appendix 5 that was in place until the day before the applicant bought the property that specifically restricted the use of open space to park, public library or other uses

that is open to the general public. There was no residential use in the deed restriction up until the day the applicant bought the property. He also noted that there are 10 separate development plans, not one development plan in 10 areas, with each plan having different designations, different notes and restrictions on it, and cannot be grouped together for 50 dwelling units per acre.

Chairman Bulova noted that items have already been submitted for the record.

Following the public hearing, which included testimony by six speakers, Mr. McGranahan addressed the concerns raised by staff and the speakers.

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

Following comments, Supervisor Hudgins moved that the Board uphold the decision of the PC and deny the appeal of Proffer Interpretation Appeal A-RZ-86-C-121, Conceptual Plan Application CP 86-C-121-15 and Planned Residential Community Application PRC 86-C-121-6. Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor Storck, and Chairman Bulova voting “**AYE**,” Supervisor Herrity abstaining, and Supervisor L. Smyth being absent.

37. **3:00 P.M. – PUBLIC HEARNG ON REZONING APPLICATION RZ 2019-BR-007 (VIRENDRA BERY AND AMIT BERY) TO REZONE FROM R-1 TO R-3 TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 2.15 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 2.32 ACRES OF LAND (BRADDOCK DISTRICT)**
(4:16 p.m.)

(NOTE: Earlier in the meeting, Supervisor Cook announced his intent to defer the public hearing. See Clerk’s Summary Item #28.)

Supervisor Cook stated that the Planning Commission (PC) held a public hearing for this application on October 16, 2019, and voted to defer the decision only to October 24, 2019. The applicant requested to further defer the decision only in order to adequately address both the Commission’s and staff’s concerns. On October 24, 2019, the PC deferred the decision only to November 20, 2019. Since the PC has not made a recommendation on this application, the Board’s public hearing needs to be deferred.

Therefore, Supervisor Cook moved to defer decision only on RZ 2019-BR-007 (Virendra Bery and Amit Bery) until **January 28, 2020, at 4 p.m.** Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

38. **3:00 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2018-MV-007 (NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES) TO PERMIT A CULTURAL CENTER, LOCATED ON APPROXIMATELY 125.6 ACRES OF LAND ZONED R-1, HC AND HD (MOUNT VERNON DISTRICT) (4:18 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 October 11 and 18, 2019.

The application property is located at at 8907, 8900 and 9000 Richmond Highway, Alexandria, 22309, and Virginia Department of Transportation (VDOT) Surplus right-of-way. Tax Map 109-2 ((1)) 2, 3 and 4 and Surplus VDOT right-of-way.

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

Supervisor Cook disclosed that his law firm, through one of his partners, has a contract with the Commonwealth of Virginia's Division of Risk Management for legal services. This attorney-client relationship was not disclosed in the original affidavit filed in this case, but it was included in an amended affidavit filed today. As a result of this relationship, he recused himself from participating in further proceedings on this application.

Discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the motion to waive the affidavit requirement.

Supervisor Storck stated that, as Supervisor Cook just noted for the record, there was a missing disclosure in the affidavit that was timely filed for this case. The applicant has now submitted an amended affidavit which includes the missing disclosure, but the amended affidavit obviously was not timely filed within seven business days of today as required by the Board's adopted procedures. Supervisor Storck stated that the application property is comprised of approximately 123 acres owned by National Trust and approximately 2.6 additional acres of land is owned by the Commonwealth of Virginia and is identified as surplus right-of-way. The applicant had little way of knowing about the contract that Supervisor Cook's law firm has with the Commonwealth of Virginia's Division of Risk Management. Furthermore, a deferral of this case to the Board's January meeting for purposes of adding this disclosure to the affidavit is nonsensical because Supervisor Cook will not be on the Board then, and he has recused himself today. For these reasons, Supervisor Storck moved that the Board waive the Board's affidavit procedures, accept the amended affidavit that was untimely filed, and allow this application to proceed to a public hearing today. Supervisor Foust seconded the motion.

Discussion ensued, regarding the Board's disclosure procedural requirements and the need to review the Board's affidavit requirement process and to decide on what can be done to minimize the impact on cases.

The question was called on the motion and it carried by a vote of eight, Supervisor Cook being out of the room, and Supervisor L. Smyth being absent.

William Mayland, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a 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.

Chairman Bulova stated that items have been submitted for the record.

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

Following a query by Supervisor Storck, Mr. Adams confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 17, 2019.

Supervisor Storck moved:

- Approval of Special Exception Application SE 2018-MV-007, subject to the development conditions dated October 17, 2019
- Modification of transitional screening and waiver of barrier requirements of Section 13-303 and Section 13-304 pursuant to Section 13-305 of the Zoning Ordinance, as shown on the SE Plat except along the western property boundary
- Waiver of the Countywide Trail Plan requirements in the following locations: Jeff Todd Way (Route 619), and retain the existing 5-foot wide pedestrian walkway instead of a 10-foot wide major paved trail along the western side, and eliminate small section of trail as shown on the SE plat on the southwest corner of the property

Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Cook being out of the room, Supervisor L. Smyth being absent.

39.

3:30 P.M. – PUBLIC HEARNG ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2016-HM-035/CDPA 2016-HM-035 (CRS SUNSET HILLS, LC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2016-HM-035,

PREVIOUSLY APPROVED FOR A MIXED-USE DEVELOPMENT TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 3.68 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 8.44 ACRES OF LAND ZONED PDC (HUNTER MILL DISTRICT) (4:44 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 October 11 and 18, 2019.

The application property is located on the south side of Sunset Hills Road, west side of Wiehle Avenue, north side of Reston Station Boulevard. Tax Map 17-4 ((1)) 14A, 17A (pt.), 17B and 20.

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

Supervisor Herrity disclosed that he had received a campaign contribution in excess of \$100 from Mr. Dwight Schar, and his contribution was not disclosed in the original affidavit filed for this case, although it was included in the amended affidavit filed yesterday. The County Attorney has advised him that he is not legally required to disclose, but out of an abundance of caution, he will recuse himself from this matter.

Supervisor McKay disclosed that he had received a campaign contribution in excess of \$100 from Mr. Dwight Schar, and his contribution was not disclosed in the original affidavit filed for this case, although it was included in the amended affidavit filed yesterday. The County Attorney has advised him that he is not legally required to disclose, but out of an abundance of caution, he will recuse himself from this matter.

Supervisor Hudgins stated that, it has come to her attention that after the applicant reaffirmed its affidavit, staff discovered that contributions in excess of \$100 were made by Mr. Dwight Schar to Supervisor McKay and Supervisor Herrity, and those were not included in the affidavit. The applicant submitted a revised affidavit yesterday to reflect those contributions, but under the affidavit procedures, applicants may not make any changes to the affidavit less than seven business days before the Board hearing. However, a deferral today would result in a delay until January.

Therefore, Supervisor Hudgins moved that the Board waive the seven-day deadline and allow the applicant to reaffirm the revised affidavit submitted yesterday and allow disclosures to be made by Board members today. Supervisor K. Smith seconded the motion.

Discussion ensued with Board Members providing remarks expressing their support/non-support of the motion.

Discussion ensued, with input from Elizabeth Teare, County Attorney, regarding the waiver and whether the Board can hold the public hearing without waiving the affidavit procedural policy, and how to proceed with the case.

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

Following a discussion, with input from Mr. Looney regarding the Board’s action, Chairman Bulova stated that the Board will not proceed with the public hearing and asked staff to provide information on how to handle the issue of the sale.

Supervisor Hudgins moved to defer the public hearing on Proffered Condition Amendment Application PCA 2016-HM-035/CDPA 2016-HM-035, until **January 14, 2020, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Herrity and Supervisor McKay being out of the room, and Supervisor L. Smyth being absent.

40.

3:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-23/CDPA 82-P-069-10 (FAIR LAKES NORTH & SOUTH L.C.) TO AMEND PROFFERS ASSOCIATED WITH PCA 82-P-069-14 AND PCA 82-P-069-20 TO PERMIT A CONTINUING CARE FACILITY AND RESIDENTIAL DEVELOPMENT OR INDEPENDENT LIVING FACILITY AND RESIDENTIAL DEVELOPMENT AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 0.79 EXCLUSIVE OF ADUS, LOCATED ON APPROXIMATELY 23.61 ACRES OF LAND ZONED PDC AND WS (SPRINGFIELD DISTRICT)

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-17-01 (FAIR LAKES NORTH & SOUTH L.C.) TO AMEND THE PROFFERS ASSOCIATED WITH PCA 82-P-069-17 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT MIXED USE DEVELOPMENT WITH ASSOCIATED MODIFICATIONS TO PROFFERS, LOCATED ON APPROXIMATELY 5.6 ACRES OF LAND ZONED PDC AND WS (SPRINGFIELD DISTRICT)

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-18-01 (FAIR LAKES NORTH & SOUTH L.C.) TO AMEND THE PROFFERS ASSOCIATED WITH PCA 82-P-069-18 PREVIOUSLY APPROVED FOR RETAIL AND OFFICE

DEVELOPMENT TO PERMIT RETAIL AND OFFICE DEVELOPMENT WITH ASSOCIATED MODIFICATIONS TO PROFFERS, LOCATED ON APPROXIMATELY 13.96 ACRES OF LAND ZONED PDC AND WS (SPRINGFIELD DISTRICT)

(AND)

PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-22 (FAIR LAKES NORTH & SOUTH L.C.) TO AMEND PROFFERS ASSOCIATED WITH PCA 82-P-069-19 TO PERMIT THE CONTINUATION OF A DRIVE-IN FINANCIAL INSTITUTION AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.10, LOCATED ON APPROXIMATELY 4.7 ACRES OF LAND ZONED PDC AND WS (SPRINGFIELD DISTRICT) (4:59 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 October 11 and 18, 2019.

The application property is located in the northeast quadrant of the intersection of Fairfax County Parkway and Fair Lakes Parkway. Tax Map 45-4 ((1)) 25B, 25E1 and 25E2.

The application property is located on the north side of Fair Lakes Circle, southwest of the east intersection with Fair Lakes Parkway. Tax Map 55-2 ((1)) 6A and 8A2.

The application property is located southwest of the west intersection of Fair Lakes Parkway and Fair Lakes Circle. Tax Map 55-2 ((4)) 12, 16, 19 and 26A.

The application property is located southeast of the west intersection of Fair Lakes Circle and Fair Lakes Parkway. Tax Map 55-2 ((5)) A1, B, and D4 (pt.).

Mr. Frank McDermott reaffirmed the validity of the affidavit for the record.

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

- Mr. William C. Smith
- Ms. Nancy Z. McGrath
- James J. Vecciarelli
- Mr. Taylor O. Chess

- Mr. Bruce A. Gould

Supervisor K. Smith disclosed that she had received a campaign contribution in excess of \$100 from:

- Mr. Francis McDermott

Supervisor Gross disclosed that she had received a campaign contribution in excess of \$100 from:

- Mr. Francis McDermott

Supervisor Gross also disclosed that the affidavits filed for these four related zoning applications identifies Mr. Scott Herrick as an agent for the Broker, Landmark Atlantic Realty LLC. Out of an abundance of caution, she disclosed for the record that Mr. Herrick is also principal in Cherokee Management Services LLC, and that company made a contribution to her campaign in excess of \$100. The County Attorney has advised her that this disclosure is not legally required, and therefore the affidavits need not be amended.

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

- Mr. Francis McDermott

Supervisor McKay also disclosed that the affidavit filed for these four related zoning applications identifies Scott Herrick as an agent for the Broker, Landmark Atlantic Realty LLC. Out of an abundance of caution, he disclosed for the record that Mr. Herrick is also a principal in Cherokee Management Services LLC, and that company made a contribution to his campaign in excess of \$100. The County Attorney has advised him that this disclosure is not legally required, and therefore the affidavits need not be amended.

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

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

Supervisor Herrity moved:

- Approval of PCA 82-P-069-23 and its associated Conceptual Development Plan Amendment, CDPA 82-P-069-10, subject to the executed proffers dated October 14, 2019
- Approval of PCA 82-P-069-22, subject to the executed proffers dated July 18, 2019
- Approval of PCA 82-P-069-17-01, subject to the executed proffers dated September 26, 2019
- Approval of PCA 82-P-069-18-01, subject to the executed proffers dated July 18, 2019
- Waiver of Paragraph 2 of Section 11-302 of the Zoning Ordinance (ZO) to permit the maximum length of a private street to exceed 600 feet
- Modification of Paragraph 2 of Section 6-207 of the ZO to modify the minimum 200 square foot privacy yard for single family attached dwelling units as shown on the CDPA/FDPA
- Modification of Paragraph 5 of Section 6-206 of the ZO to permit the gross floor area of dwellings as a secondary use to exceed 50-percent of the gross floor area of the principal uses in Fair Lakes as shown on the CDPA/FDPA
- Modification of Section 13-303 of the ZO regarding transitional screening requirements between residential and continuing care facility or residential and independent living facility, in favor of the landscape plantings and site design as shown on the CDPA/FDPA
- Waiver of Section 13-304 of the ZO regarding barrier requirements between residential and continuing care facility or residential and independent living facility

Supervisor K. Smith 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 absent.

(NOTE: On October 17, 2019, the PC approved Final Development Plan Amendment Application FDPA 82-P-069-01-19, subject to the development conditions dated October 15, 2019, and subject to the Board’s approval of PCA 82-P-069-23.)

(NOTE: On October 17, 2019, the PC approved Final Development Plan Amendment Application FDPA 82-P-069-09-10, subject to the development conditions dated October 3, 2019 and subject to the Board of Supervisors approval of PCA 82-P-069-22.)

41. **3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-PR-015 (CRESCENDO STUDIOS, LLC) TO PERMIT A PRIVATE SCHOOL OF SPECIAL EDUCATION WITH MUSIC-RECORDING STUDIO AS AN ACCESSORY USE, LOCATED ON APPROXIMATELY 1.65 ACRES OF LAND ZONED R-3, CRA AND HC (PROVIDENCE DISTRICT) (5:24 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 October 11 and 18, 2019.

The application property is located at 8101A Lee Highway, Falls Church, 22042. Tax Map 49-4 ((1)) 54A and 54D.

Ms. Lynelle Palencia reaffirmed the validity of the affidavit for the record.

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

Ms. Palencia 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. Atkinson presented the staff and Planning Commission recommendations.

Following a query by Chairman Bulova, Ms. Palencia confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated October 2, 2019.

On behalf of Supervisor L. Smyth, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved:

- Approval of Special Exception Application SE 2019-PR-015, subject to the development conditions dated October 2, 2019
- Waiver of Paragraph 2 of Section 17-201 of the Zoning Ordinance (ZO) to provide a sharrow along Porter Road
- Modification of Paragraph 2 of Section 17-201 of the ZO to provide a major paved trail along Lee Highway in favor of the existing sidewalk depicted on the Special Exception Plat

- Waiver of Paragraph H of Section 13-304 of the ZO to provide a barrier along the southern property line in favor of existing off-site vegetation
- Waiver of Section 13-302 and 13-203 of the ZO to provide interior and peripheral parking lot landscaping in favor of existing vegetation
- Waiver of Paragraph 18 of Section 11-203 of the ZO to provide a loading space

Supervisor Herrity seconded the motion.

Discussion ensued with input from Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, regarding music studios in private homes and the associated costs. She stated that the information would be reviewed by the Zoning Administration Division as part of the Zoning Ordinance Modernization Project (ZMod).

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

Vice-Chairman Gross returned the gavel to Chairman Bulova.

42. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2019-SP-006 (CHRISTOPHER LAND, LLC) TO REZONE FROM R-1, R-3 AND HC TO R-3 AND PDH-3 AND HC TO PERMIT RESIDENTIAL DEVELOPMENT AND A PRIVATE SCHOOL OF SPECIAL EDUCATION WITH A TOTAL DENSITY OF 2.97 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 12.32 ACRES OF LAND (SPRINGFIELD DISTRICT)**

(AND)

PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-S-001 (CHRISTOPHER LAND, LLC) TO AMEND SE 97-S-001 PREVIOUSLY APPROVED FOR A PRIVATE SCHOOL OF SPECIAL EDUCATION AND PARKING IN R DISTRICTS TO MODIFY THE LAND AREA AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 3.91 ACRES OF LAND ZONED R-1, R-3 AND HC (SPRINGFIELD DISTRICT) (5:32 p.m.)

(NOTE: Earlier in the meeting, Supervisor Herrity announced his intent to defer the public hearing. See Clerk's Summary Item #19.)

Supervisor Herrity moved that the Board defer the public hearing on Rezoning Application RZ 2019-SP-006 and Special Exception Amendment Application SEA 97-S-001, with the record remaining open for written comments until **January 14, 2020, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor L. Smyth being absent.

43. **4:00 P.M. – PUBLIC HEARNG ON AMENDING AND READOPTING FAIRFAX COUNTY CODE SECTIONS 4-14-1 AND 4-14-3 RELATING TO REAL ESTATE TAX RELIEF, TO EXCLUDE FROM TOTAL COMBINED INCOME THE DISABILITY INCOME OF CERTAIN RELATIVES LIVING IN THE OWNER’S SOLE DWELLING** (5:34 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 October 11 and 18, 2019.

Jaydeep “Jay” Doshi, Director, Department of Tax Administration (DTA), presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to Fairfax County Code Sections 4-14-1 and 4-14-3 that would exclude the disability income of permanently and totally disabled relatives living in a property owner’s sole dwelling from the owner’s total combined income, thereby potentially expanding the number of properties that qualify for tax relief. The second to the motion was inaudible.

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

44. **4:00 P.M. – PUBLIC HEARNG ON SPECIAL EXCEPTION APPLICATION SE 2018-SU-027 (STONEBRIDGE INVESTMENTS, LLC) TO PERMIT DEVELOPMENT OF A NEW LIMITED BREWERY IN THE R-C DISTRICT AND A MODIFICATION OF LIMITATIONS ON THE NUMBER OF EVENTS DEFINED IN ARTICLE 20 OF THE ZONING ORDINANCE FOR LIMITED BREWERY, LOCATED ON APPROXIMATELY 40.62 ACRES OF LAND ZONED R-C AND WS (SULLY DISTRICT)** (5:38 p.m.)

(NOTE: Earlier in the meeting, Supervisor K. Smith announced her intent to defer this case indefinitely. See Clerk’s Summary Item #23.)

Supervisor K. Smith stated that on July 24, 2019, the Planning Commission (PC) held a public hearing for SE 2018-SU-027 and deferred the decision only to

October 24, 2019. On October 24, 2019, the applicant requested to place the application on indefinite deferral status and the PC then moved to indefinitely defer.

Therefore, Supervisor K. Smith moved to indefinitely defer the public hearing on SE 2018-SU-027 (Stonebridge Investments, LLC) as requested by the applicant. Supervisor Foust seconded the motion and it carried by a vote of six, Supervisor Cook, Supervisor Hudgins, and Supervisor McKay being out of the room, and Supervisor L. Smyth being absent.

EA:ea

45. **4:00 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2010-LE-009/CDPA 2010-LE-009 (MR LIBERTY VIEW ONE, LLC AND MR LIBERTY VIEW WEST LLC C/O MONUMENT REALTY) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2010-LE-009, PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT WITH A FLOOR AREA RATIO OF 1.5 TO PERMIT A RESIDENTIAL BUILDING AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR AREA RATIO OF 1.5, LOCATED ON APPROXIMATELY 12.94 ACRES OF LAND ZONED PDC (LEE DISTRICT) (5:40 p.m.)**

(NOTE: Earlier in the meeting, Supervisor McKay announced his intent to defer the public hearing. See Clerk's Summary Item #25.)

Supervisor McKay moved to defer the public hearing on PCA 2010-LE-009/CDPA 2010-LE-009 (MR Liberty View One, LLC and MR Liberty View West LLC c/o Monument Realty) until **January 14, 2020 at 4:00 p.m.** Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room and Supervisor L. Smyth was absent.

46. **4:00 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2008-LE-014 (PATRIOT RIDGE COMMONS, LLC, PATRIOT RIDGE I, LLC, PATRIOT RIDGE 7770, LLC AND PATRIOT RIDGE II LLC) TO AMEND THE PROFFERS FOR RZ 2008-LE-014 PREVIOUSLY APPROVED FOR OFFICE AND HOTEL DEVELOPMENT TO PERMIT MODIFICATIONS TO PROFFERS WITH AN OVERALL FLOOR AREA RATIO OF 1.50, LOCATED ON APPROXIMATELY 14.88 ACRES OF LAND ZONED C-4 (LEE DISTRICT) (5:41 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 October 11 and 18, 2019.

The application property is located on the west side of Backlick Road, approximately ½ mile north of the Henry G. Shirley Memorial Highway interchange. Tax Map 99-1 ((1)) 22A, 23B, 23C, 23D, 23E and 99-1 ((5)) 3 and 4.

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

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

Mr. Gill had filed the necessary notices showing that at least 25 adjacent and 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. Creed presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of PCA 2008-LE-014, subject to the executed proffers dated October 10, 2019

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

47. **4:30 P.M. – PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-LE-005 (ALWADI, LLC) TO AMEND THE PROFFERS FOR RZ 2002-LE005 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT A SHOPPING CENTER AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.18, LOCATED ON APPROXIMATELY 1.23 ACRES OF LAND ZONED C-8, CRD AND HC (LEE DISTRICT) (5:46 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 October 11 and 18, 2019.

The application property is located on the north side of Richmond Highway, east of Martha Street. Tax Map 101-4 ((1)) 11A and 12.

Mr. John Carter reaffirmed the validity of the affidavit for the record.

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

Mr. Carter had filed the necessary notices showing that at least 25 adjacent and 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 McKay moved:

- Approval of PCA 2002-LE-005, subject to executed proffers dated October 21, 2019
- Approval of a modification of the transitional screening requirements along the north, west, and south property line, pursuant to Par. 3 of Sect. 13-303 of the Zoning Ordinance, in favor of transitional screening as shown on the Generalized Development Plan and waiver of the barrier requirements along the south property line

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

48. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:51 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 October 11 and 18, 2019.

Public comment was held and included the following individual:

- Mr. Bob Dix, Farewell and expressed appreciation to the Board members for their years of service

ADDITIONAL BOARD MATTER

49. **AMALGAMATED TRANSIT UNION LOCAL 689 METROBUS WORKERS STRIKE** (5:56 p.m.)

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See Clerk’s Summary Item #17.)

Tom Biesiadny, Director, Department of Transportation, provided the Board with a draft letter addressing the Amalgamated Transit Union Local 689 Metrobus Workers Strike.

Supervisor Herrity noted there was a release made which demonstrated progress towards the resolution of the strike.

Supervisor Foust moved to direct staff to send the letter to Mr. Paul Wiedefeld, General Manager, Washington Metropolitan Area Transit Authority. Supervisor Gross seconded the motion and requested the following change:

- Revise the phone number in the last line of the letter to 703-324-2321.

Mr. Biesiadny noted the following additional edit:

- Changing the word “outgoing” in line two to “ongoing”

The question was called on the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room and Supervisor L. Smyth being absent.

50. **BOARD ADJOURNMENT** (6:00 p.m.)

The Board adjourned.