



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
July 11, 2017**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, July 11, 2017, 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, was absent from the entire meeting.

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:37 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mr. Leonard Schultz, who died recently in a tragic accident. Mr. Schultz was a special education teacher and head football coach at James Madison High School. This is a significant loss for the community.

Supervisor Gross asked everyone to keep in thoughts the family of Dr. Tom Grizzard, who died recently in a tragic accident. Dr. Grizzard was a professor emeritus at Virginia Tech for more than 40 years and served as director of the Occoquan Watershed Monitoring Laboratory for 40 years. Supervisor Gross noted he was a giant in the world of water quality. His loss was quite a shock and he will be greatly missed but his spirit will remain ingrained in the community forever.

Supervisor Gross asked everyone to keep in thoughts the family of Kirk Kincannon, Director, Fairfax County Park Authority, who lost his father, Navy Commander (Ret.) William Kincannon, who worked as a Navy. After retirement from active duty in 1964, he worked for the Department of Defense until 1988. He will be greatly missed.

Supervisor McKay asked everyone to keep in thoughts the family of Mr. John Ryan who died recently. Mr. Ryan was a lifelong member of the Greater Springfield Volunteer Fire Department (GSVFD) with over 48 years of active service. He served as GSVFD president and treasurer. He also served as chair of the County's Fire Commission and was Zone II Fire Commissioner. Supervisor McKay stated, "John was really an institution." He will be remembered for his tremendous lifetime service to the Greater Springfield area.

AGENDA ITEMS2. **PRESENTATION OF THE COLORS** (9:38 a.m.)

Following an introduction by Tony Castrilli, Director, Office of Public Affairs, the U.S. Army Continental Color Guard presented the colors and an element of the Old Guard Fife and Drum Corps performed.

3. **PROCLAMATION DESIGNATING JULY 9-15, 2017, AS *ARMY WEEK* IN FAIRFAX COUNTY** (9:41 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating July 9-15, 2017, as "*Army Week*" in Fairfax County and urged all residents to join in congratulating the United States Army on the 242nd anniversary of its formation. The motion was multiply seconded, and it carried by a vote of nine, Supervisor Storck being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MR. DAVID EISENMAN** (9:53 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to David Eisenman, General Manager, Reston Hyatt, for his years of service to the community. Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisory K. Smith and Supervisor L. Smyth being out of the room, Supervisor Storck being absent.

5. **PROCLAMATION DESIGNATING SEPTEMBER 2017, AS "SUICIDE AWARENESS MONTH" IN FAIRFAX COUNTY** (9:59 a.m.)

Supervisor Cook moved approval of the Proclamation designating September 2017, as "*Suicide Awareness Month*" in Fairfax County and urged all residents to help build awareness and knowledge about the warning signs and available resources to prevent the tragedy of suicide. Supervisor Hudgins and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Storck being absent.

6. **RESOLUTION OF RECOGNITION PRESENTED TO MS. EILEEN CURTIS** (10:12 a.m.)

Supervisor Foust moved approval of the Resolution of Recognition presented to Eileen Curtis, President and Chief Executive Officer, Dulles Regional Chamber of Commerce, for her years of service and accomplishments. The motion was multiply seconded and it carried by a vote of nine, Supervisor Storck being absent.

7. **RESOLUTION OF RECOGNITION PRESENTED TO MR. FRANK VAJDA** (10:23 a.m.)

Supervisor Gross moved approval of the Resolution of Recognition presented to Mr. Frank Vajda for his years of service on the Park Authority Board. Supervisor Hudgins and Supervisor Foust jointly seconded the motion and it carried by a vote of nine, Supervisor Storck being absent.

8. **PROCLAMATION DESIGNATING JULY 2017, AS "PARK AND RECREATION MONTH" IN FAIRFAX COUNTY** (10:35 a.m.)

Supervisor Herrity moved approval of the Proclamation designating July 2017, as "*Park and Recreation Month*" in Fairfax County and urged all residents to take advantage of the County's award-winning park system. Supervisor Gross and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Storck being absent.

DET:det

ADDITIONAL BOARD MATTERS

9. **INTRODUCTION OF STAFF AND INTERNS (BRADDOCK, LEE, AND MASON DISTRICTS)** (10:53 a.m.)

Supervisor Gross introduced Ms. Fatimah Nour, a rising senior at Annandale High School, who is interning in the Mason District office this summer through the Fairfax County Youth Leadership Program. Her family is originally from Ethiopia and she hopes to attend Johns Hopkins University to pursue a medical career.

Supervisor McKay introduced the following individuals who are interning in the Lee District office:

- Ms. Maham Kahn, a senior at West Potomac High School
- Ms. Megan Murchie-Beyma, a senior who is home-schooled

Supervisor Cook introduced:

- Ms. Monique Hamm, the new Braddock District Communications Director; a graduate of Catholic University, she was the former communications director for the International Harbor Foundation
- Ms. Cristin Choi, a rising senior at Lake Braddock High School, is also a Fairfax County Youth Leadership Program intern and is active in the Future Business Leaders of America and the Asian American Student Association
- Ms. Linda Bufano, a former member of Supervisor Gross' staff, is the Braddock District Human Services aide

Chairman Bulova warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

10. **ADMINISTRATIVE ITEMS** (10:56 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor Storck being absent.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (MASON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Streets</u>
Dean Subdivision	Mason	Columbia Pike Service Drive Victoria Oaks Trail

ADMIN 2 - EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE, SULLY, MASON, HUNTER MILL, PROVIDENCE, AND MOUNT VERNON DISTRICTS)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-L17-18	Department of Public Works and Environmental Services (DPWES) 7039 Old Keene Mill Road Springfield, Virginia (VA) Lee District Accepted: June 9, 2017	February 8, 2018
FS-Y17-14	Verizon Wireless 6335 Multiplex Drive Centreville, VA Sully District Accepted: April 4, 2017	September 1, 2017
FS-M17-15	Verizon Wireless 4217 John Marr Drive Annandale, VA Mason District Accepted: April 12, 2017	September 9, 2017
2232-H17-11	AT&T Mobility 2000 Chain Bridge Road Vienna, VA Hunter Mill District Accepted: April 24, 2017	September 21, 2017
2232-H17-1	AT&T Mobility 8411 Leesburg Pike Vienna, VA	October 12, 2017

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-P17-12	Hunter Mill District Accepted: May 14, 2017 AT&T Mobility 1600 Tysons Boulevard Tysons, VA Providence District	October 12, 2017
2232-P17-13	Accepted: May 15, 2017 AT&T Mobility Parcel 0294 10 0003A1 Tysons, VA Providence District	October 12, 2017
2232-P17-14	Accepted: May 15, 2017 AT&T Mobility Parcel 0294 10 B Tysons, VA Providence District	October 12, 2017
FSA-V15-16-1	Accepted: May 15, 2017 Verizon Wireless 8504 Fort Hunt Road Alexandria, VA Mount Vernon District	October 12, 2017
FSA-V15-18-1	Accepted: May 15, 2017 Verizon Wireless 1504 Wake Forest Drive Alexandria, VA Mount Vernon District	October 12, 2017
FSA-V15-17-1	Accepted: May 15, 2017 Verizon Wireless 1601 Rollins Drive Alexandria, VA Mount Vernon District	October 12, 2017
2232-P17-3	Accepted: May 15, 2017 AT&T Mobility 8025 Galleria Drive Tysons, VA Providence District	October 20, 2017
2232-P17-7	Accepted: May 23, 2017 AT&T Mobility 1911 Chain Bridge Road Tysons, VA Providence District	October 20, 2017
2232-P17-19	Accepted: May 23, 2017 AT&T Mobility 4110 Chain Bridge Road	November 3, 2017

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-L17-24	Fairfax, VA Providence District Accepted: June 6, 2017 T-Mobile 6550 Loisdale Court Springfield, VA Lee District Accepted: June 7, 2017	November 4, 2017
2232-H17-28	DPWES 1800 Cameron Glen Drive Reston, VA Hunter Mill District Accepted: June 14, 2017	February 13, 2018

11. **A-1 – AUTHORIZATION OF THE FALL 2017 SCHOOL BOND REFERENDUM** (10:56 a.m.)

(Bonds)
(R)

On motion of Supervisor McKay, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being absent, the Board concurred in the recommendation of staff and adopted a Resolution directing the County Attorney to petition the Circuit Court to order a school bond referendum on November 7, 2017.

12. **A-2 – APPROVAL OF A PARKING REDUCTION FOR DWELL VIENNA (PROVIDENCE DISTRICT)** (10:57 a.m.)

On motion of Supervisor L. Smyth, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Storck being absent, the Board concurred in the recommendation of staff and approved a 1.74 percent reduction (7 fewer spaces) of the required parking for Dwell Vienna, a four-story, multi-family apartment building located at 2975 Hunters Branch Road, Tax Map Number 48-4 ((01)) parcel 58 (the property), Providence District.

13. **A-3 – APPROVAL OF A PARKING REDUCTION FOR THE PROPOSED LIDL GROCERY STORE LOCATED AT 6801 COMMERCE STREET IN THE SPRINGFIELD COMMERCIAL REVITALIZATION DISTRICT (CRD) (LEE DISTRICT)** (10:58 a.m.)

On motion of Supervisor McKay, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Storck being absent, the Board concurred in the recommendation of staff and approved a 20 percent reduction in required parking

for the proposed Lidl grocery store, 6801 Commerce Street, Tax Map Number 80-4 ((6)) 4C, in the Springfield CRD, Lee District.

14. **A-4 - ENDORSEMENT OF DESIGN PLANS FOR THE SPRINGFIELD COMMUNITY BUSINESS CENTER (CBC) COMMUTER PARKING GARAGE (LEE DISTRICT)** (10:59 a.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the County design plans for the Springfield CBC Commuter Parking Garage consisting of a 6-level parking garage with approximately 1,100 commuter parking spaces and a 7 bus bay transit transfer center, including kiss-and-ride and carpooling areas, pedestrian and bicycle access, bicycle storage, passenger waiting areas, and transit system information. The project also includes 2 community event areas and a pedestrian bridge over Old Keene Mill Road. Chairman Bulova seconded the motion and carried by a vote of nine, Supervisor Storck being absent.

15. **A-5 – APPROVAL OF AN AUTHORIZATION TO EXECUTE AN AGREEMENT WITH PROFFERED CONDITION AMENDMENT/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA/CDPA 2010-PR-021-02 [CAPITAL ONE BANK (USA)], NORTH AMERICA (NA), ASSOCIATED WITH USE OF THE CAPITAL ONE CENTER (PROVIDENCE DISTRICT)** (11:04 a.m.)

Supervisor L. Smyth asked unanimous consent that the Board defer consideration of this item until after the public hearing on Proffered Condition Amendment/Conceptual Development Plan Amendment Application PCA/CDPA 2010-PR-021-02 - Capital One Bank (USA). Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #47.)

16. **C-1 – BYLAWS OF THE POLICE CIVILIAN REVIEW PANEL** (11:05 a.m.)

(BACs) Chairman Bulova recognized the following Police Civilian Review Panel members who were present in the Auditorium:

- Chairman Adrian Steel
- Mr. Randy Sayles

and Mr. John Lovaas, a member of the Ad Hoc Police Practices Review Commission. She warmly welcomed them to the Board Auditorium.

Following a brief introduction by Supervisor Cook, he moved ratification of the red-lined diversion of the Civilian Review Panel bylaws beginning at page 129 of the Board Agenda Item contingent upon adoption by the Civilian Review Panel of all red-lined changes in this draft. Chairman Bulova seconded the motion.

Supervisor Cook proceeded to outline the red-lined changes. In concluding, he noted that it is the contention of the Board that there should always be conformity between the Panel's work and any resolution, policy, or ordinance passed by the Board; if there is a conflict, action taken by the Board takes precedence over any action by the Panel.

Supervisor K. Smith asked to amend the motion to make a formatting change to page 131 (2. C) of the Board Agenda Item concerning Panel Committees, and this was accepted.

Discussion ensued, concerning the approval/reporting/dissemination of Panel Minutes, page 133 (~~44~~ 9.) of the Board Agenda Item. Supervisor Cook asked unanimous consent that the Board refer the matter to the County Executive to review and prepare a recommendation applicable to include all Boards and Commissions as well. Without objection, it was so ordered.

Discussion continued regarding Panel minutes and the fact that the Clerk to the Board, is currently engaged in a review of the organization of Boards, Authorities, and Commissions.

Discussion continued concerning a clarification of "factual" evidence on page 137 of the Board Agenda Item. Supervisor Foust asked to amend the motion to strike the word "factual," and this was accepted.

Following input from Mr. Steel, and a statement from Supervisor Herrity concerning his support of the bylaws but not the creation of the Panel, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Storck being absent.

ADDITIONAL BOARD MATTERS

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17. **REQUEST FOR RECOGNITIONS** (11:28 a.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to:

- Invite Cox Communications to appear before the Board on July 25, 2017, to recognize local Cox Conserves Hero and previous Clerk to the Board, Nancy Vehrs. In addition to

Ms. Vehrs' recognition, Cox will award \$5,000, on her behalf, to the Potowmack Chapter of the Virginia Native Plant Society.

- Prepare and send proclamations to the Lymphoma Research Foundation declaring September 15, 2017, as "*Lymphoma Awareness Day*," in Fairfax County and September 2017 as "*Blood Cancer Awareness Month*," in Fairfax County.

Without objection, it was so ordered.

Jointly with Supervisor Hudgins, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution in recognition of Sekas Homes' thirtieth anniversary. The resolution will be presented by Supervisor Hudgins at the commendatory celebration on Saturday, July 29, 2017, at the Westwood Country Club. Without objection, it was so ordered.

18. **UPDATE ON 2016 JOINT RETREAT OUTCOMES** (11:30 a.m.)

Chairman Bulova referred to her written Board Matter and said that in June 2016, the Board and the County School Board held a joint retreat at the Fred W. Smith National Library at Mount Vernon. In October, this Board approved her Board Matter recommending the creation of a Joint Budget Work Group and asking the Successful Children and Youth Partnership Team (SCYPT) and the Schools Committee of the Planning Commission to develop work plans for issues discussed by the boards in their respective policy areas. She provided a brief update on these three efforts since work plans were sent to the Board in January.

19. **ENVIRONMENTAL SHOWCASE INVITATION** (11:31 a.m.)

Chairman Bulova announced that, as a follow-up to her Private Sector Energy Task Force, she will be hosting an Environmental Showcase at the Government Center on Saturday, July 22, from 9 a.m. - 12 noon.

Chairman Bulova noted that Board Members, businesses, County employees, and residents are invited to the event which will feature networking and environmental-themed booths in the Government Center Forum and a panel discussion in the Board Auditorium. There will be plenty of time set aside for audience Q&A with the panel.

This is an opportunity for business representatives and community members to learn about the County's Environmental Vision, showcase examples of energy efficiency and innovation in the private sector, and discuss ways in which the public and private sectors can continue to work together to promote green and sustainable practices in the region. Coffee and a light breakfast will be served.

The event page and RSVP link can be found on her website: fairfaxcounty.gov/chairman.

Chairman Bulova asked unanimous consent that the Board direct the Office of Public affairs to assist with promoting the event. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

20. **PLAN AMENDMENT 2016-II-M3 McLEAN COMMUNITY BUSINESS CENTER (CBC), SUBAREAS 5 AND 6, MAIN STREET (DRANESVILLE DISTRICT)** (11:33 a.m.)

Supervisor Foust said that on December 6, 2016, the Board authorized Plan Amendment PA 2016-II-M3 for Subareas 5 and 6 of the McLean CBC [Tax Map Parcels 30-2((10)) (3) 1A, 1B, 5, 5A, 6, 7, 8A, and 30-2 ((1)) 24, 24A, 25]. The Board authorized staff to consider a Plan amendment to review redevelopment of the area as a mixed-use center that includes office, retail, and residential uses and incorporates the “Main Street” concept identified in the Comprehensive Plan.

This Plan amendment was being reviewed concurrently with a zoning application for a portion of Subareas 5 and 6 that has been withdrawn. Despite considerable community and staff work on this concept, the applicant withdrew its rezoning application on June 12, 2017.

Therefore, Supervisor Foust moved that the Board rescind consideration of Plan Amendment PA 2016-II-M3, McLean CBC, Subareas 5 and 6, Main Street; that it be removed from staff’s work program; and that the scheduled public hearings be cancelled. Supervisor L. Smyth seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Storck being absent.

21. **PLAN AMENDMENT AUTHORIZATION-McLEAN COMMUNITY BUSINESS CENTER (CBC) SUBAREA 12 (DRANESVILLE DISTRICT)** (11:38 a.m.)

Supervisor Foust said that the property located at 6707 Old Dominion Drive in the McLean CBC is currently developed with an office building with ground-floor retail. The property owner is prepared to redevelop a portion of the property by adding a multi-family residential building. The property is located in Subarea 12 of the McLean CBC in the Comprehensive Plan. While the current Plan guidance recommends mixed-use for office and ground-floor retail, the Plan does not include guidance for residential use. He expressed his belief that a review of the adopted Plan guidance for the property to include residential use is warranted.

Therefore, Supervisor Foust moved that the Board authorize staff to consider a Plan amendment for Tax Map Parcel 30-2 ((9)) 73 that would evaluate the addition of a multi-family building comprised of approximately 50 residential units on a portion of the site. This Plan amendment may be considered concurrently with a rezoning application for the subject property. This motion

should not be construed as a favorable recommendation by the Board or the Planning Commission on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Storck being absent.

22. **NO BOARD MATTERS FOR SUPERVISOR L. SMYTH (PROVIDENCE DISTRICT)** (11:37 a.m.)

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

CAC:cac

23. **MOUNT PLEASANT BAPTIST CHURCH 150TH—ANNIVERSARY (MASON DISTRICT)** (11:37 a.m.)

Supervisor Gross announced that the Mount Pleasant Baptist Church in Alexandria was organized in 1867 and is one of the oldest Black Baptist churches in Northern Virginia. On September 10, it will celebrate its 150th anniversary and, at a date to be determined, the church will be declared a historical institution.

Therefore, Supervisor Gross asked unanimous consent that the Board applaud this historic milestone and issue a Certificate of Recognition, signed by the Chairman and the Mason District Supervisor, to be presented to church officials at its 150th anniversary gala on September 9, 2017. Without objection, it was so ordered.

24. **CERTIFICATES OF RECOGNITION TO MS. BETSY WASHINGTON AND MR. KEVIN HOWE (MASON DISTRICT)** (11:38 a.m.)

Supervisor Gross said that Ms. Betsy Washington and Mr. Kevin Howe have been steadfast champions of the environment and leaders in the community for almost two decades.

Ms. Washington is a marine biologist, native plant landscape designer, and professor at George Washington University, who created an award-winning Resource Protection Area (RPA) demonstration garden at Beach 5 in Lake Barcroft. She also was Mason District's Lady Fairfax in 2011. Mr. Howe is a small business owner, former teacher, researcher, biologist, and fireworks expert for the annual Fourth of July display in Lake Barcroft. Together, they have served as leaders in Lake Barcroft, in environmental and architectural review capacities, as well as the Watershed Improvement District. They also shared their knowledge through many articles in the Lake Barcroft newsletter. Their expertise, leadership, and willingness to share have reaped great rewards to the community and all of the County.

The Lake Barcroft Association will be renaming the RPA Garden (designed and developed by Ms. Washington) at Beach 5 in their honor at an event to be held on August 1, 2017.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Applaud the steadfast commitment of Ms. Washington and Mr. Howe to the community, the County, and the environment
- Authorize staff to prepare a Certificate of Recognition, to be signed by the Chairman and the Mason District Supervisor, to be presented at a “Community Night Out” event to be held on August 1

Without objection, it was so ordered.

25. **SPECIAL EXCEPTION APPLICATION SE 2017-MA-014 – WASHINGTON GAS LIGHT COMPANY (MASON DISTRICT)**
(11:39 a.m.)

Supervisor Gross said that Special Exception Application SE 2017-MA-014 is an application by the Washington Gas Light Company, for a 7,140 square foot site located at 6801 Industrial Road, [Tax Map 80-2 ((1)) 31 pt.], requesting approval of a special exception (and a concurrent 2232 application) to permit the relocation of an existing 240 foot tall, self-supporting telecommunications tower, which will continue to serve Washington Gas, as well as the existing lessees, which are the Department of Information Technology and AT&T Mobility. The tower would also permit the future location of up to three additional carriers and their supporting equipment within the proposed compound. The relocation of this facility has been necessitated by two factors:

- The approval of Special Permit Application SP 2015-MA-088 by the Board of Zoning Appeals on March 16, 2016, which permitted the development of a major health club and recreational facility on 20 acres of land which was severed from the original Washington Gas site (and which is currently in the final stages of site plan review)
- An amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), which was approved by the Board in July 2016, which was passed in response to changes approved by the General Assembly and which requires all new tower applications to obtain approval of a special exception

The proposed tower is simply a relocation of the existing facility, which is to be located 500 feet from its current location, and is located in a major industrial park zoned I-6 which is consequently anticipated to have minimal impacts to the

surrounding properties. In addition, the tower must be relocated in order for the health club to begin the physical development of the adjoining property, a development which represents a significant economic development opportunity and a highly anticipated recreational facility for the County.

Therefore, to facilitate the progress of both projects, Supervisor Gross moved that the Board direct the Director of the Department of Planning and Zoning and the Director of the Department of Land Development Services to expedite and concurrently process the special exception application and concurrent 2232 application and to concurrently process the site plans and building permits associated with the relocation of the telecommunications facility. This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Storck being absent.

26. **ACCOTINK CREEK TOTAL MAXIMUM DAILY LOAD (TMDL)**
COMMENT LETTER (11:42 a.m.)

Supervisor Gross said that on June 21, the Virginia Department of Environmental Quality (DEQ) released, for public comment, a Draft TMDL for chloride and sediment in Accotink Creek. Public comments are being accepted through July 21. Because the release date was after the last Board meeting, and the response date is before the next Board meeting, today is the only time that the Board can consider, and endorse, a comment letter before the deadline. This short time frame is the reason that she is bringing this matter to the Board via a Board Matter rather than as a regular item in the Board package.

Supervisor Gross said that the Accotink Creek issues have been discussed previously in the Board's Environmental Committee meetings as well as with the County Attorney due to specific legal issues with the Environmental Protection Agency's original stormwater TMDL. County staff has been working diligently with DEQ on the TMDL development process and has drafted the proposed comment letter which is before the Board today and which was circulated to Board Members' offices yesterday. The letter notes that the proposed TMDLs effectively address the identified water quality issues while preserving the flexibility needed for an adaptive, iterative approach to implementation.

Therefore, Supervisor Gross moved that the Board endorse the draft letter to Virginia DEQ. Supervisor Foust and Chairman Bulova jointly seconded the motion and it carried by a recorded vote of seven, Supervisor McKay being out of the room, Supervisor Herrity abstaining, Supervisor Storck being absent.

27. **HEAD START AWARENESS MONTH** (11:45 a.m.)

Supervisor Hudgins said that, established in May 1965, Head Start has provided health, educational, and social services to more than 32 million children and their families in every state and territory of the United States for the last 52 years. The County established its first Head Start program in 1974 and provides services to 1800 children per year.

The Head Start/Early Head Start program promotes school readiness by enhancing the social and cognitive development of infants, toddlers, and preschoolers through the provision of educational, health, nutritional, social, and other services. Moreover, parents are able to build individual capacity participating in program governance, making decisions on policies and procedures via committees and the Head Start Policy Council.

The Department of Family Services, Office for Children and the U.S. Office of Head Start nationwide will be recognizing Head Start children, families, and staff in October.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim October 2017, Head Start Awareness Month
- Direct staff to prepare a Proclamation to be presented to the Department of Family Services, Office for Children at the Board meeting scheduled for September 26

Without objection, it was so ordered.

28. **KINSHIP CARE AWARENESS MONTH** (11:46 a.m.)

Supervisor Hudgins announced that Kinship Care Awareness month is in September and referred to her written Board Matter.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Proclaim September 2017 as “*Kinship Care Awareness Month*,” in Fairfax County
- Direct staff to prepare a Proclamation to be presented to the Department of Family Services at the Board meeting scheduled for September 12

Without objection, it was so ordered.

DET:det

29. **RECOGNIZING THE RUGBY VIRGINIA MIDDLE SCHOOL BOYS TEAM FOR ITS NATIONAL CHAMPIONSHIP (SPRINGFIELD DISTRICT)** (11:47 a.m.)

Supervisor Herrity said that last month Rugby Virginia's Middle School Boys Team won the first-ever Middle School National Invitational Rugby Tournament. The Rugby Virginia team is made up primarily of players throughout the County including Springfield, Clifton, Vienna, Burke, and Lorton. The team defeated two teams from North Carolina and Florida and beat the Charlotte Hive in the championship game.

Supervisor Herrity noted that as rugby continues to grow at an astonishing pace in the County, the region, and throughout the United States, he is encouraged by the level of play exhibited by the young men and women and their coaches against national competition. He added that the County is already recognizing two high school teams as the Virginia State champs and runner-up national champions.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite members of the Rugby Virginia Middle School Team and the coaches to appear before the Board to receive a resolution honoring the team for the impressive victory at the Middle School National Invitational Tournament. Without objection, it was so ordered.

30. **BATTLE OF THE BANDS (BRADDOCK DISTRICT)** (11:48 a.m.)

Supervisor Cook invited Board Members to attend the Braddock District Battle of the Bands this Sunday, 3 p.m. – 8 p.m., at Lakeside Park; use the 5216 Pomeroy Drive entrance. There will be 10 bands, food trucks, free water, a first aid station, and the weather promises to be perfect.

31. **DEPARTMENT OF PLANNING AND ZONING (DPZ) OPEN HOUSE** (11:50 a.m.)

Supervisor K. Smith announced that DPZ is having an open house on July 26 at 7 p.m. at the Herrity Building. This is a chance for citizens to learn about zoning issues including short-term rentals, rear yard coverage, restaurants, signs, Airbnbs, and how zoning affects land use and development.

32. **JEFFERSON MANOR CELEBRATES SEVENTIETH ANNIVERSARY (LEE DISTRICT)** (11:51 a.m.)

On behalf of Supervisor McKay, Supervisor Gross announced that this year marks the seventieth anniversary of Jefferson Manor, a community of 550 homes close to the Huntington Metro Station.

This community is home to one of the most active civic associations in Lee District and remains dedicated to the betterment of the community and the Richmond Highway Corridor as a whole. The neighborhood's volunteers work hard at planning social and charitable activities and providing residents with information and services. With a website, community newsletter, community meetings, neighborhood watch program, and social events, Jefferson Manor is a committed and engaged community.

On Saturday, September 23, the Jefferson Manor Citizens Association will commemorate the anniversary from 5 p.m. - 8 p.m. with a block party and celebration.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a certificate, to be jointly signed by the Chairman and the Lee District Supervisor, for presentation to the Jefferson Manor Citizens Association out of the Board room in honor of its seventieth anniversary and its many contributions to the County. Without objection, it was so ordered.

AGENDA ITEMS

33. **RECESS/CLOSED SESSION** (11:52 a.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly-held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Harrison Neal v. Fairfax County Police Department and Colonel Edwin C. Roessler Jr.*, Record No. 170247 (Va. Sup. Ct.)
 - 2. *Vincent Dennis Randazzo, Administrator of the Estate of Michael Vincent Randazzo, Deceased v. Sandra Mauldin*, Case No. CL-2016-0009634 (Fx. Co. Cir. Ct.)

3. *Justin C. Cuffee v. Fairfax County*, Case No. 1:16-cv-584 (E.D. Va.)
4. *Glennon William Betts, by GEICO, subrogee v. Anthony Lovon Newman and Fairfax County*, Case No. GV17-009964 (Fx. Co. Gen. Dist. Ct.)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. CL-2008-0003244 (Fx. Co. Cir. Ct.) (Braddock District)
6. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Richard P. Deeds, Jr., and Nicole Prete Deeds*, Case No. CL-2017-0008488 (Fx. Co. Cir. Ct.) (Hunter Mill District)
8. *I.G.S. Limited Liability Company v. Board of Supervisors of Fairfax County, Virginia, Fairfax County, Virginia, CESC Commerce Executive Park L.L.C., and The Commerce Executive Park Association of Co-Owners*, Case No. CL-2017-0000197 (Fx. Co. Cir. Ct.) (Hunter Mill District)
9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia Sherman E. Phillip*, Case No. CL-2017-0007996 (Fx. Co. Cir. Ct.) (Lee District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pablo Garcia and Norka Garcia*, Case No. GV17-011996 (Fx. Co. Gen. Dist. Ct.) (Mason District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tunc Aydogdu*, Case No. GV17-008407 (Fx. Co. Gen. Dist. Ct.) (Mason District)
12. In re: May 3, 2017, Decision of the Board of Zoning

Appeals of Fairfax County, Virginia; Case No. CL-2017-0007913 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

1. Legal Analysis regarding Opinion Letter issued on June 14, 2017, in *Davison v. Dunnavant*, Henrico County Circuit Court Case Number CL-17-737, as permitted by Virginia Code Section 2.2-3711(A)(7)
2. Reston Town Center North Request for Proposal, as permitted by Virginia Code Section 2.2-3711(A)(7), and –(A)(29)

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

At 3:39 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins, Supervisor Storck being absent, and with Chairman Bulova presiding.

ACTION FROM CLOSED SESSION

34. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:39 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.

Elizabeth Teare, County Attorney noted that Supervisor Hudgins was out of the room.

Upon Supervisor Hudgins return to the dais, the motion was restated.

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

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AGENDA ITEMS

35. **3:30 P.M. – PH TO CONSIDER AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA – CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 5 (FINANCIAL DISCLOSURES), SECTION 3-5-2.1 (DISCLOSURES OF FINANCIAL INTEREST) (3:43 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and June 30, 2017.

Catherine A. Chianese, Clerk to the Board, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 5 (Financial Disclosures), Section 3-5-2.1 (Disclosures of Financial Interest). 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 L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being absent.

36. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2011-PR-011-02 (CITYLINE PARTNERS, LLC) (PROVIDENCE DISTRICT) (3:45 p.m.)**

Supervisor L. Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 2011-PR-011-02 (Cityline Partners, LLC) until **October 24, 2017, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Storck being absent.

37. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT PCA 2006-SU-025-03/CDPA 2006-SU-025-02 (REGENCY CENTERS ACQUISITION, LLC/TOLL VA VII, L.P., CO-APPLICANTS) (SULLY DISTRICT) (3:45 p.m.)**

The application property is located north of the eastern intersection of Westfields Boulevard and Newbrook Drive in the northeast quadrant of the Route 28/Westfield Boulevard interchange, Chantilly, 20151, Tax Map Number 44-1 ((1)) 6 (part).

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

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

- Francis A. McDermott, attorney for the co-applicants

Joe Gorney, Planner, Zoning Evaluation Division, Department of Planning and Zoning, gave a PowerPoint slide 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, Mr. Gorney presented the staff and Planning Commission (PC) recommendations.

Supervisor K. Smith moved:

- Approval of Proffered Condition Amendment Application PCA 2006-SU-025-03, subject to the proffers dated July 10, 2017, and subject to Conceptual Development Plan Amendment Application CDPA 2006-SU-025-02
- Approval of a waiver of Paragraph 5 of Section 6-206 of the Zoning Ordinance (ZO) to permit the gross floor area (GFA) of:
 - 1) Dwellings as a secondary use to exceed 50 percent of the gross floor area of the principal use in the development
 - 2) Secondary uses, other than residential, to exceed 25 percent of the GFA of all principal uses in the development
- Approval of a modification of Paragraph 2 of Section 6-207 of the ZO, which would require a 200-square foot privacy yard for each single family attached dwelling, in favor of rooftop terraces and decks ranging in size from 180 square feet to 500 square feet and the provision of community open space areas, as shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA)
- Approval of a modification of Paragraph 10 of Section 11-102 of the ZO to permit driveway parking in front of garage access for multifamily buildings, in consideration of individual ownership and control of the spaces
- Approval of a modification of Paragraph 2 of Section 2-506 of the ZO to allow a parapet wall, cornice, or similar projection to exceed

the established height limit by more than 3 feet as shown on the CDPA/FDPA, and to allow these projections to extend more than 3 feet above the roof level of a building, in favor of the elevations, as depicted in the CDPA/FDPA

- Approval of a waiver of Paragraph 4 of Section 11-203 of the ZO requiring loading space for multifamily buildings, in lieu of garage and driveway parking
- Approval of a modification of Section 13-303 of the ZO regarding transitional screening requirements between residential and retail uses, in favor of the landscape plantings and site design, as depicted in the CDPA/FDPA
- Approval of a waiver of Section 13-304 of the ZO regarding barrier requirements between residential and retail uses, in favor of the landscape plantings and site design, as depicted in the CDPA/FDPA

Supervisor Foust and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Storck being absent.

(NOTE: On June 22, 2017, the PC approved Final Development Plan Amendment Application FDPA 2006-SU-025-03, subject to the development conditions dated June 7, 2017.)

38. **3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 2017-MA-005 (FAIRFAX COUNTY BOARD OF SUPERVISORS) (MASON DISTRICT)** (3:58 p.m.)

The application property is located at 5914 Seminary Road, Falls Church, 22041, Tax Map Number 61-2 ((20)) 7.

Ms. Joan Beacham, Project Coordinator, Department of Public Works, reaffirmed the validity of the affidavit for the record.

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

Ms. Beacham 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.

Dean Klein, Director, Office to Prevent and End Homelessness, presented additional details on the project.

Discussion ensued, with input from Mr. Klein, regarding the selection process for selecting the Community Advisory Committee members.

Following the public hearing, which included testimony by 17 speakers, Ms. Williams presented the staff and Planning Commission recommendations.

Following a query by Supervisor Gross, Ms. Beacham confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 27, 2017.

Following remarks, Supervisor Gross moved:

- Approval of Special Exception Application SE 2017-MA-005, subject to the development conditions dated June 27, 2017.
- Approval of a deviation of the tree preservation target in favor of the proposed landscape plan as depicted on the SE Plat.
- Waiver of the peripheral parking lot landscaping in favor of that shown on the SE Plat.

Supervisor Hudgins and Chairman Bulova jointly seconded the motion.

Following discussion on the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Storck being absent.

39. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2012-SU-010 (NVHI I, LLC AND CHANTILLY AL INVESTORS, LLC) (SULLY DISTRICT) (5:28 p.m.)**

The application property is located on the west side of Centreville Road approximately 150 feet north of its intersection with McLearen Road, Tax Map Number 24-4 ((1)) 11C and 11D.

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

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

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

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

Supervisor K. Smith moved:

- Approval of Proffered Condition Amendment Application PCA 2012-SU-010, subject to the proffers dated May 4, 2017.
- Reaffirmation of the previously approved waiver of Paragraph 6 of Section 6-406 of the Zoning Ordinance to allow a secondary permitted use to comprise more than 50.305 percent of the total gross floor area of the proposed Planned Residential Mixed (PRM) Use District where the maximum allowed is 50 percent
- Reaffirmation of the previously approved modification of the Public Facilities Manual (PFM) requirements at the time of site plan approval to locate underground stormwater management facilities in a residential area (PFM Section 6-0303.8) subject to the waiver conditions contained in Attachment A of the development conditions waiver number 9329-WPFM-001-1
- Reaffirmation of the previously approved modification of the PFM requirements for tree preservation target area at the time of site plan approval to allow 25,125 square feet in lieu of the 27,824 square feet required subject to the Conceptual Development Plan/Final Development Plan and as conditioned

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

40. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO CONSIDER PARKING RESTRICTIONS ON PENNELL STREET (PROVIDENCE DISTRICT)**
(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 June 23 and 30, 2017.

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

Supervisor McKay asked unanimous consent that the Board direct staff to work in conjunction with the Police Department to obtain more information on the email received regarding this item and report with its findings. Without objection, it was so ordered.

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

Supervisor L. Smyth moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, establishing parking restrictions on Pennell Street. 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 L. Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room, Supervisor Storck being absent.

41. **4 P.M. - PH TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTIONS 7-2-9, 7-2-10, 7-2-11, AND 7-2-13 RELATING TO ELECTION PRECINCTS AND POLLING PLACES, AND TO RELOCATE, DIVIDE, CONSOLIDATE, OR ESTABLISH PRECINCTS AND POLLING PLACES (DRANESVILLE, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (5:38 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and 30, 2017.

Judy Flaig, Office of Elections, presented the staff report.

Following the public hearing, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), Sections 7-2-9, 7-2-10, 7-2-11, and 7-2-13 as drafted subject to a typographical correction to line 116 of the Board Package, correcting the zip code for the Virginia Department of Transportation building from 22033 to 22030. Chairman Bulova and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor Storck being absent.

42. **4 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX) REGARDING REORGANIZATION OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO CREATE THE DEPARTMENT OF LAND DEVELOPMENT SERVICES (LDS) AND ASSIGN ADMINISTRATION OF CHAPTERS OF THE CODE OF THE COUNTY OF FAIRFAX TO THE DIRECTOR OF THE NEW DEPARTMENT AND ADMINISTRATION OF CHAPTER 119 TO THE DIRECTOR OF THE DEPARTMENT OF CODE COMPLIANCE** (5:45 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and 30, 2017.

William D. Hicks, P.E., Director, Department of Land Development Services, presented the staff report.

Following the public hearing, Supervisor K. Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, regarding:

- Reorganization of DPWES to create LDS and assign administration of the County Code to the Director of the new department and administration of Chapter 119 of the County Code to the Director of the Department of Code Compliance
- Chapters 1, 2, 4, 30, 61, 63, 68.1, 71, 101, 103, 104, 107, 112, 117, 118, 119, 122, and 124, and Appendices A and Q as set forth in the staff report dated June 6, 2017, as recommended by the Planning Commission with an effective date of July 12, 2017, at 12:01 a.m.

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

43. **4 P.M. - PH ON AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING PLANNED RESIDENTIAL MIXED USE (PRM) DISTRICT - USE LIMITATIONS FOR SUBMISSION OF A FINAL DEVELOPMENT PLAN (FDP)** (5:49 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and 30, 2017.

Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor K. Smith moved:

- Adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding the Use Limitations for Submission of Final Development Plans in the PRM District, as set forth in the staff report dated May 16, 2017, as recommended by the Planning Commission
- That the amendment take effect at 12:01 a.m. on the day following adoption

Supervisor Gross and Supervisor L. Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross,

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

44. **4:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-M-121-02 (ANNANDALE CHRISTIAN COMMUNITY FOR ACTION INC. (ACCA, INCORPORATED) TO AMEND SPECIAL EXCEPTION APPLICATION SE 79-M-121 (MASON DISTRICT) (5:55 p.m.)**

The application property is located at 7200 Columbia Pike, Annandale, 22003, Tax Map Number 71-1 ((4)) 109A1.

Ms. Maria Isabel Ballivian reaffirmed the validity of the affidavit for the record.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), gave a PowerPoint slide presentation depicting the application and site location.

Ms. Ballivian 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, Ms. Abrahamson presented the staff and Planning Commission recommendations.

Following a query by Supervisor Gross, Ms. Ballivian confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 29, 2017.

Supervisor Gross moved approval of:

- Special Exception Amendment Application SEA 79-M-121-02, subject to the development conditions dated June 29, 2017
- The waiver of the interior parking lot landscaping requirement

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

45. **4:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046-02 (FLINT HILL SCHOOL) TO AMEND SPECIAL EXCEPTION APPLICATION SE 99-P-046 (PROVIDENCE DISTRICT) (6:13 p.m.)**

Supervisor L. Smyth moved to defer the public hearing on Special Exception Amendment Application SEA 99-P-046-02 until **September 12, 2017, at**

3:30 p.m. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Storck being absent.

46. **4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION/CONCEPTUAL DEVELOPMENT PLAN AMENDMENT PCA/CDPA 2010-PR-021-02 (CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR REZONING APPLICATION RZ 2010-PR-021 (PROVIDENCE DISTRICT)** (6:14 p.m.)

The application property is located on the east side of the Capitol Beltway, north side of Dolley Madison Boulevard, southwest side of Scotts Crossing Road, Tysons, 22102, Tax Map Number 29-4 ((5)) A2.

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

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

Discussion ensued, with input from Mr. Gardner, and Andrea Dorlester, Branch Manager, Park Authority, regarding the location of the proffered athletic fields, the process for scheduling use of the fields, and the size and dimensions of the performance center and stage.

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

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

Following comments, Supervisor L. Smyth moved:

- Approval of Proffered Condition Amendment Application/Conceptual Development Plan Amendment Application PCA/CDPA 2010-PR-021-02, subject to the proffers dated June 29, 2017
- Reaffirmation of the modification of Zoning Ordinance Section 2-414B requiring a 75-foot setback of commercial buildings from Interstate 495 to that shown on the CDPA
- Reaffirmation of the modification of Public Facilities Manual (PFM) Section 12-0510.4E(5) to reduce the tree planting widths from 8 feet to 6 feet with structural soil amendments and/or structural cells approved by the Urban Forester

- Reaffirmation of the waiver of the Countywide Trails Plan requirement for a regional trail alongside Interstate 495 in lieu of the internal sidewalks shown on the CDPA
- Reaffirmation of the waiver of the tree preservation requirements of Part 4 of Section 13-400 of the Zoning Ordinance to allow tree canopy to be provided through new tree plantings

Chairman Bulova seconded the motion.

Following a brief discussion, the question was called on the motion and it carried by a vote of nine, Supervisor Storck being absent.

47. **A-5 – APPROVAL OF AN AUTHORIZATION TO EXECUTE AN AGREEMENT WITH CAPITAL ONE BANK (USA), NORTH AMERICA (NA), ASSOCIATED WITH USE OF THE CAPITAL ONE CENTER (PROVIDENCE DISTRICT)** (7:11 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action regarding this item. See Clerk's Summary Item #15.)

Supervisor L. Smyth moved that the Board concur in the recommendation of staff and:

- Approve the Agreement with Capital One Bank (USA), NA
- Authorize the execution of the Agreement substantially in the form presented at the meeting at which the Agreement is approved, with such changes, insertions, and omissions as may be approved by the County Executive in consultation with the County Attorney, the execution of the Agreement with Capitol One Bank by the County Executive to be conclusive evidence of the Board's approval of any such changes, insertions, and omissions therein

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

48. **4:30 P.M. - PH TO CONSIDER ESTABLISHING PARKING RESTRICTIONS ON HOLLY HILL ROAD (LEE DISTRICT)** (7:14 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and 30, 2017.

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

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix R, (Attachment I of the Board Agenda Item) to prohibit commercial vehicles, recreational vehicles, and all trailers as defined in the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) from parking along the commercial segment of Holly Hill Road from 6 p.m. until 9 a.m., seven days per week. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting "AYE," Supervisor Storck being absent.

Supervisor McKay asked unanimous consent that the Board direct staff to install the signage as soon as possible. Without objection, it was so ordered.

49. **4:30 P.M. - PH ON AMENDMENTS TO ARTICLES 2 AND 3 OF CHAPTER 3 OF THE CODE OF THE COUNTY OF FAIRFAX REGARDING EMPLOYEES' AND UNIFORMED RETIREMENT SYSTEMS - CHANGE IN SOCIAL SECURITY OFFSET TO SERVICE-CONNECTED DISABILITY BENEFITS** (7:22 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and 30, 2017.

Joseph Mondoro, Chief Financial Officer, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 3 (Employees), Articles 2 and 3, regarding a change in Social Security offset to service-connected disability benefits as recommended by the County Executive. 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 L. Smyth, and Chairman Bulova voting "AYE," Supervisor Storck being absent.

50. **5 P.M. - PH ON AN AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 126 (NOVA ARTS AND CULTURAL DISTRICT)** (7:24 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 23 and 30, 2017.

Regina Coyle, Special Projects Coordinator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by two speakers, Chairman Bulova relinquished the Chair to Vice-Chairman Gross and moved adoption of the proposed amendment to the Code of the County of Fairfax, establishing Chapter 126 (NOVA Arts and Cultural District) to include the Workhouse Arts Center and the Occoquan Regional Park located within the County as recommended by the County Executive. Vice-Chairman Gross seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor K. Smith, Supervisor L. Smyth, and Chairman Bulova voting “AYE,” Supervisor Storck being absent.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

51. **5 P.M. - PH ON REZONING APPLICATION RZ 2016-PR-012 (SEKAS HOMES, LTD) (PROVIDENCE DISTRICT)** (7:35 p.m.)

- (O) The application property is located on the south side of Arlington Boulevard approximately 430 feet west of its intersection with Barkley Drive, Tax Map Number 48-4 ((01)) 42A.

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

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

Discussion ensued, with input from Mr. Gardner and Catherine Lewis, Branch Chief, ZED, DPZ, regarding the previously adopted Plan amendment, parking along Route 50, and the traffic impacts on Route 50 and the Barkley Drive/Route 50 intersection.

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 two speakers, Mr. Gardner presented the staff and Planning Commission recommendations.

Following discussion, with input from Mr. Gardner regarding the proposed right-in-right-out access to the site; VDOT review process for approving that access; and parking now and in the future along the site’s Route 50 frontage, Supervisor L. Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2016-PR-012, from the R-1 District to the PDH-1 District, subject to the proffers dated June 16, 2017

- Approval of a waiver/modification of Section 7-0104 of the Public Facilities Manual to waive the service drive requirement along the portion of the Arlington Boulevard frontage

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

Supervisor L. Smyth moved that the Board direct the County Executive to prepare a letter to the Commonwealth Transportation Board (CTB) supporting the proposed change to the limited access adjacent to Arlington Boulevard proposed with Rezoning Application RZ 2016-PR-012. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Storck being absent.

52. **BOARD ADJOURNMENT** (8:13 p.m.)

The Board adjourned.

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