



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 12, 2020**

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The regular meeting was called to order at 2:01 p.m., and was conducted wholly electronically using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was accessible to the public through live broadcast on Channel 16, live video stream, and live audio. Chairman McKay presided over the meeting and participated from the Government Center, and the following Supervisors participated remotely from their respective District Offices:

- Supervisor Walter L. Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

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 to the Board of Supervisors;

Emily Armstrong and Ekuia Brew-Ewool, Deputy Clerks, Department of Clerk Services.

BOARD ANNOUNCEMENTS

1. **ORDERS OF THE DAY** (2:02 p.m.)

Chairman McKay stated that since the Board is meeting electronically, there are several preliminary motions that require Board approval. He stated that first is to verify the audibility of Member's voices and since each Member of the Board is participating from different locations. The Board must also verify that a quorum of Members is participating, and that each Member's voice is clear, audible, and at an appropriate volume for all the other Members to hear. Therefore, Chairman McKay conducted a roll call and asked each Member to confirm that they could hear each other's voices.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board certify for the record that each Member's voice may be adequately heard by each other member of this Board. Supervisor Gross seconded the motion and it carried by unanimous vote.

Chairman McKay moved that the Board certify that the State of Emergency caused by the COVID-19 outbreak makes it unsafe for speakers, staff, applicants, and the public to attend this meeting in person, and that as such, an in-person meeting cannot be implemented safely or practically. As a result, Chairman McKay further moved that the Board conduct this meeting electronically through a dedicated video conference line, and that the public may access this meeting via simultaneous telecast on Channel 16, or video streaming, or hear a live audio feed of the meeting by dialing 703-324-5300, and the public may participate in public hearings by established phone lines, YouTube submissions, or through written testimony. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman McKay further moved that the Board certify that all matters on the agenda today concern the emergency, and/or are necessary for continuity in Fairfax County government under the Ordinance adopted by the Board at its meeting on April 14, 2020, and/or are statutorily required or necessary to continue operations and the discharge of this Board's lawful purposes, duties, and responsibilities. Supervisor Foust seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn abstaining.

Vice Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (2:05 p.m.)

Chairman McKay stated that:

- COVID-19 is affecting the whole community, from children to small businesses, to those who are ill with the virus. He asked to keep everyone

in Fairfax, and around the world, in thoughts and prayers during this difficult time

- The Fairfax County flag continues to fly at half-staff at County facilities in honor of the residents who have died of COVID-19 and in recognition of the many essential workers who are responding to the pandemic

The Board asked everyone to keep in thoughts the family and friends of:

- Mr. Norman Atkins, who died recently
- Ms. Lorraine Trudy Daxe, who died recently

AGENDA ITEMS

3. **2 P.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2021 BUDGET PLAN** (2:10 p.m.)

(FPR)

(ARs) (O)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board set the real property tax rate at \$1.15 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2020 will be maintained at the present rate of \$1.15 per \$100 of assessed value. Supervisor Foust seconded the motion and it carried by a recorded vote of nine vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw and Chairman McKay voting “AYE,” Supervisor Herrity voting NAY.

Having established the real property tax rate at \$1.15 per \$100 of assessed value, Chairman McKay moved that the Board approve the FY 2021 Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment I of the Memorandum to the Board dated May 11, 2020. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw and Chairman McKay voting “AYE.”

Chairman McKay moved Board approval of the FY 2021 Appropriation Resolution for County Agencies/Funds, for FY 2021 Appropriation Resolution for School Board Funds, and the FY 2021 Fiscal Planning Resolution as set forth in Attachments II, III, and IV of the Memorandum to the Board dated May 11, 2020. Supervisor Foust seconded the motion and it carried by a recorded vote of nine vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw and Chairman McKay voting “AYE,” Supervisor Herrity voting NAY.

As part of this year’s budget process, amendments to the sewer ordinance were proposed. The public hearing was advertised on March 27, and April 3, 2020, and

it was held on April 28, 2020, at 4:00 p.m. The amendments update the existing 5-year rate plan by reaffirming existing sewer charges for FY 2020, adjusting the sewer charges for FY 2021 through FY 2024, and establishing the sewer charges for FY 2025. The amendments also include certain revisions of a housekeeping nature, such as deleting outdated sections of the Code.

Therefore Chairman McKay moved that the Board adopt amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Article 10 (Charges) by amending and readopting Section 67.1-10-2 of the County Code as set forth in the materials submitted by staff to the board at the public hearing of April 28, 2020, in Attachment I. This action is consistent with action taken last week by the Board to maintain Sewer charges at FY 2020 levels. Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw and Chairman McKay voting “AYE.”

Vice Chairman Gross returned the gavel to Chairman McKay.

4. **ADMINISTRATIVE ITEMS** (2:16 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

ADMIN 1- APPROVAL OF TRAFFIC CALMING MEASURE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MASON DISTRICT)

- (R)
- Endorsed the following traffic calming plan and resolution for Magnolia Avenue consisting of the following:
 - One speed hump on Magnolia Avenue (Mason District)
 - Directed the Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved traffic calming measure as soon as possible.

ADMIN 2 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE DISTRICT)

- (R)
- Authorized the installation of “\$200 Additional Fine for Speeding” signs on the following road:
 - Virginia Center Boulevard between Nutley Street and

Vaden Drive (Providence District)

- Directed the Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82, MOTOR VEHICLES AND TRAFFIC

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 9, 2020, at 4 p.m.** on the proposed amendments to Chapter 82, Motor Vehicles and Traffic, Section 82-1-6.

ADMIN 4 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA EARLY CHILDHOOD FOUNDATION, PRESCHOOL DEVELOPMENT GRANT BIRTH TO FIVE

- Authorized the Department of Neighborhood and Community Services to apply for and accept grant funding, if received, from the Virginia Early Childhood Foundation, Preschool Development Grant Birth-Five in the amount of \$535,725. Funding will be used to continue and expand building relationships with families and early childhood programs; measure and increase access to high-quality early childhood programs; and measure and strengthen the experiences that young children, birth to five and at-risk, receive. There are 5/3.0 FTE new grant positions associated with this application
- Authorized the Chairman of the Board of Supervisors, 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 5 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) GRANT FOR BEHAVIORAL HEALTH DOCKET DIVERSION PROGRAMS

- Authorized the CSB to apply for and accept funding, if received, from the Virginia Department of Behavioral Health and Developmental Services Grant for Behavioral Health Docket Diversion Programs in the amount of \$185,000. Funding will be used to enhance diversion, with housing, and supportive services for docket participants. There is 1/1.0 FTE new grant position associated with this funding. No Local Cash Match is required

- Authorized the Chairman of the Board of Supervisors, 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 6 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE AND MOUNT VERNON DISTRICTS)

- (R)
- Endorsed the following traffic calming plan and resolution Rosemary Lane and Quander Road consisting of the following:
 - Six speed humps on Rosemary Lane (Providence District)
 - Four speed humps on Quander Road (Mount Vernon District)
 - Directed the Fairfax County Department of Transportation (FCDOT) to schedule the installation of the approved traffic calming measures as soon as possible.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF BRECKNOCK STREET / ROUTE 5443 (SULLY DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **July 14, 2020, at 4 p.m.** to consider the vacation and abandonment of a portion of Brecknock Street / Route 5443.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON POPES HEAD ROAD (SPRINGFIELD DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **July 14, 2020, at 4 p.m.** for the purpose of endorsing Popes Head Road between Ox Road (Route 123) and Fairfax County Parkway to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction.

5. **A-1 – APPROVAL OF A PARKING REDUCTION FOR ONE UNIVERSITY (BRADDOCK DISTRICT)** (2:17 p.m.)

Supervisor Walkinshaw moved to defer Board action on the parking reduction for the affordable and senior housing components for One University until June 9, 2020. Chairman McKay seconded the motion and it carried by unanimous vote.

6. **A-2 – APPROVAL OF THE PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FY 2021** (2:18 p.m.)

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

- Adopted the Proposed Consolidated Plan One-Year Action Plan for FY 2021 as issued by the Consolidated Community Funding Advisory Committee (CCFAC) with funding allocations, as contained in the Board Agenda Item
- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms (SF-424) required by the United States Department of Housing and Urban Development (HUD) by May 15, 2020

7. **A-3 – AUTHORIZATION TO AMEND FAIRFAX COUNTY’S CITIZEN PARTICIPATION PLAN AND CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FY 2020** (2:19 p.m.)

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

- Adopted the proposed amendments to Fairfax County’s Citizen Participation Plan, and to Fairfax County’s Consolidated Plan One-Year Action Plan for FY 2020
- Authorized signature of the certifications and federal funding application forms (SF-424) required by the United States Department of Housing and Urban Development (HUD)

8. **A-4 – AUTHORIZATION TO ESTABLISH THE COVID-19 SMALL BUSINESS AND NON-PROFIT RELIEF GRANT PROGRAM** (2:20 p.m.)

Chairman McKay stated that businesses and non-profits across all sectors and locations in Fairfax County continue to suffer economically. Small businesses, including important non-profit organizations, employ a significant portion of our workforce.

Fairfax County has presented a suite of programs designed to support the community, including workers, small businesses, and non-profits. On April 14, 2020, the Fairfax County COVID-19 Recovery Microloan Fund was established. This program used \$2,500,000 from the Economic Opportunity Reserve to provide immediate capital relief to our small businesses.

The Microloan Fund received over 1,700 applications for loans within a three-day period. On average, applicants have had to shed more than 35% of their employees due to the impact of the current pandemic. That is the scale of

economic need and it is time to add an additional level of assistance, the Fairfax Relief Initiative to Support Employers (Fairfax RISE).

Fairfax RISE will be a grant program, which does not require repayment of the capital received. This is the best approach to provide immediate support to small businesses and non-profits impacted by required closures and related business interruptions. This will be in addition and complementary to other non-profit support grants that the County is establishing for its 'safety-net' non-profit organizations.

The Community Business Partnership has been identified as the operator and is experienced in supporting small businesses and non-profits with staff dedicated to properly and professionally providing grant and capital financing to businesses and non-profits.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board establish the Fairfax RISE Program, as proposed by the County Executive with the following adjustments:

- The total grant amount awarded should be \$25,000,000
- Of this amount, no less than \$7,500,000, 30% of the total, should be provided to businesses that are historically less likely to be approved for small business financing. These would be women-owned, minority-owned, and veteran-owned business, which are critical to support at this time
- The County Executive is authorized to enter into an agreement for a program administrator. No more than two percent of the total fund amount, or \$500,000, is authorized for outside administrative costs for the program.

Supervisor Storck and Supervisor Foust jointly seconded the motion.

Discussion ensued with input from Bryan Hill, County Executive and Rebecca Moudry, Director, Department of Economic Initiatives, regarding the following:

- Use of the CARES Act funding for public health priorities
- Easing up on documentation requirements
- Discrepancy between full-time and part-time employees
- Need for a plan for the CARES Act funding that includes staff recommendations for Board consideration
- Need to help small businesses and extra outreach with those businesses
- Allocation of staff time to process grant applications

- Ensuring that only County businesses receive the grants
- Possibly preventing businesses from participating in the Paycheck Protection Program or other Small Business Administration funding
- Future ways to expand and grow businesses
- Business needs will be on-going

Chairman McKay stated that the Governor issued an Executive Order this morning delaying Northern Virginia's entrance into Phase 1 of his Forward Virginia plan. He stated that he was glad the Governor is relying on professional health data and metrics. He highlighted the following:

- The Northern Virginia Region has about a 25 percent positivity rate, while the rest of the Commonwealth is closer to 10 percent
- In the last 24 hours, the Northern Virginia Region reported over 700 cases, while the rest of the Commonwealth reported approximately 270
- On any given day, 70 percent of the Commonwealth's positive cases are attributable to the Northern Virginia Region

Chairman McKay stated that he was hopeful that Northern Virginia, and specifically Fairfax County's, numbers will improve in near future. To help the County to prepare for its recovery, he stated that he plans to announce a task force of leaders to guide those efforts.

Following discussion regarding the need for the Board to meet with Public Health Officials regarding the spending of the CARES Act funding, the question was called on the motion and it carried by unanimous vote.

Chairman McKay further moved the following follow-on motion, that the Board direct staff to return to the Board regularly to provide updates on the demand for the RISE grants, timeliness of awarding the funds, updates on the administrative cost of the program, and applicability of funds for federal reimbursement through the Coronavirus Relief Funds provided through the CARES Act. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman McKay.

9. **A-5- ACTION ON PROPOSED REAPPOINTMENT OF PAUL W. HAMMACK, JR., TO THE FAIRFAX COUNTY BOARD OF ZONING APPEALS (BZA)** (3:07 p.m.)

(BAC) Supervisor Smith moved that the Board decline to concur in the reappointment of Paul W. Hammack, Jr., to the BZA, on the grounds that while the County is appreciative for Mr. Hammack's 38-years of service, the position should be

advertised to offer others in the community an opportunity to serve on the BZA. Supervisor Gross seconded the motion and it carried by a recorded vote of nine, Supervisor Herrity abstaining.

10. **3 P.M. PUBLIC HEARING TO CONSIDER ADOPTION OF AN UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT AND CONDUCT OF MEETINGS OF BOARDS, AUTHORITIES, AND COMMISSIONS WITHIN FAIRFAX COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY, AND TO REPEAL THE EMERGENCY ORDINANCE ADOPTED ON APRIL 14, 2020, WHICH IS HEREBY REPLACED** (3:09 p.m.)

- (O) (BAC) 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 May 1 and 8, 2020.

Elizabeth Teare, County Attorney, presented the staff report and provided background information on the action that is being requested by the Board, to ensure continuity of operation in Fairfax County during this time of emergency.

Following the public hearing, which included testimony by three speakers, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved adoption of an ordinance establishing methods to assure continuity in Fairfax County Government and conduct of meetings of Boards, Authorities, and Commissions within Fairfax County Government during the novel Coronavirus disease 2019 (COVID-19) emergency and to repeal the emergency ordinance adopted on April 14, 2020, which is hereby replaced. Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting "AYE."

Vice-Chairman Gross returned the gavel to Chairman McKay.

11. **3 P.M. PUBLIC HEARING TO CONSIDER ADOPTION OF AN UNCODIFIED ORDINANCE TO EXTEND THE VALIDITY OF CERTAIN DEVELOPMENT APPROVALS TO ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY, AND TO REPEAL THE EMERGENCY UNCODIFIED ORDINANCE ON THE SAME SUBJECT, WHICH WAS ADOPTED ON APRIL 14, 2020, AND IS HEREBY REPLACED** (3:25 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 May 1 and 8, 2020.

William D. Hicks, Director, Land Development Services, presented the staff report and provided background information on the action that is being requested by the Board, to ensure continuity of operation in Fairfax County in this time of emergency.

Following the public hearing, which included testimony by one speaker, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved:

- Adoption of an ordinance to extend the validity of certain development approvals to assure continuity in Fairfax County Government during the Coronavirus 2019 (COVID-19) emergency, and to repeal the emergency ordinance on the same subject adopted on April 14, 2020, which is hereby replaced as set forth in the staff report dated May 12, 2020
- The adopted ordinance become effective at 12:01 a.m. on May 13, 2020

Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting “AYE.”

Vice Chairman Gross returned the gavel to Chairman McKay.

12. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2018-PR-021 (GEORGELAS, LLC) TO REZONE FROM C-8, I-4 AND HC TO PTC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 4.05, LOCATED ON APPROXIMATELY 7.08 ACRES OF LAND**

AND

PUBLIC HEARING ON REZONING APPLICATION RZ 2018-PR-022 (GEORGELAS, LLC) TO REZONE FROM I-5, C-7, SC AND HC TO PTC, SC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 4.73, LOCATED ON APPROXIMATELY 7.32 ACRES OF LAND (PROVIDENCE DISTRICT)

(3:34 p.m.)

(NOTE: On October 15, 2019, the Board deferred the public hearings until January 28, 2020, at 3:30 p.m. On January 14, 2020, the Board further deferred these public hearings to March 24, 2020, at 3:30 p.m. On March 24, 2020, the Board deferred these public hearings to May 5, 2020, at 3:30 p.m. On May 5, 2020, the Board deferred these public hearings to May 12, 2020, at 3:30 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 April 24 and May 1, 2020.

The application property is located on the north side of Tyco Road, east of its intersection with Leesburg Pike. Tax Map 29-1 ((25)) 1 and 2.

The application property is located on the northeast side of Leesburg Pike and northwest side of Tyco Road. Tax Map 29-1 ((1)) 17, 17B, 17C and 29-3 ((1)) 55.

Elizabeth D. Baker, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

Supervisor Palchik disclosed for Rezoning Applications, RZ 2018-PR-021 and RZ 2018-PR-022, that she received a campaign contribution in excess of \$100 from:

- Aaron J. Georgelas, Georgelas, LLC

Supervisor Herrity disclosed for Rezoning Application, RZ 2018-PR-021, that he received a campaign contribution in excess of \$100 from:

- Theodore J. Georgelas, Tysons West Assemblage, LLC

Cathy Lewis, Branch Chief, Department of Planning and Development, gave a presentation depicting the application and site location.

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

Following the public hearing, Ms. Lewis presented the staff and Planning Commission (PC) recommendations.

Supervisor Palchik moved approval of:

- Rezoning Application RZ 2018-PR-021 and its associated Conceptual Development Plan (CDP), subject to the execution of proffered conditions consistent with those dated April 16, 2020
- Rezoning Application RZ 2018-PR-022 and its associated Conceptual Development Plan (CDP), subject to the execution of proffered conditions consistent with those dated May 8, 2020
- Modification of Section 2-505 of the Zoning Ordinance prohibiting structures or plantings from obstructing the sight distance on a corner lot at an intersection to that shown on the CDP

- Modification of Section 2-506 of the Zoning Ordinance to allow parapet walls, cornices, or similar projections to exceeding the maximum height limitations by a total of six feet above the roof level of any building, or to that specifically shown on an approved FDP
- Waiver of Par. 14 of Sect. 6-505 of the Zoning Ordinance to permit the outdoor display of vehicles for the existing vehicle sales establishment as an interim use as shown on the CDP
- Waiver of Section 6-506 of the Zoning Ordinance to permit a district size of less than ten acres
- Modification of Par. 14 of Sect. 17-201 of the Zoning Ordinance to allow for the installation of streetlights as specified in the Tysons Urban Design Guidelines
- Waiver of Sect. 16-403 of the Zoning Ordinance requiring the submission of a Final Development Plan application associated with all site plans for the existing development and modifications to existing development; and for all public roadway plans and infrastructure improvement plans
- Waiver of Par. 2 of Sect. 17-201 of the Zoning Ordinance requiring trails and bike trails as shown on the Comprehensive Trails Plan in favor of the on-street bike system shown on the CDP and as proffered
- For Rezoning Application RZ 2018-PR-021:
 - Waiver of Section 6-508 of the Zoning Ordinance to allow more than one-half of the publicly accessible open space to be accommodated above the street level as depicted on the CDP
 - Modification of Section 10-104 of the Zoning Ordinance to increase the maximum allowable fence height up to 14 feet in height, or to that specifically shown on an approved FDP

Chairman McKay and Supervisor Alcorn jointly seconded the motion and it carried by unanimous vote, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting “AYE.”

(NOTE: On May 6, 2020, the PC approved Final Development Plan Application FDP 2018-PR-022, subject to the development conditions dated April 22, 2020.)

13. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-083-02 (THE UNITED COMMUNITY OF MUSLIMS OF THE UNITED STATES OF AMERICA) TO AMEND THE PROFFERS FOR RZ 84-L-083, PREVIOUSLY APPROVED FOR A WAREHOUSE AND STORAGE YARD, TO PERMIT**

A PLACE OF WORSHIP AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.20, LOCATED ON APPROXIMATELY 1.14 ACRES OF LAND ZONED I-5 (LEE DISTRICT) (3:55 p.m.)

(NOTE: On March 24, 2020, the Board deferred the public hearing until April 14, 2020, at 2:30 p.m. On April 14, 2020, the Board deferred this public hearing to May 12, 2020, at 3:30 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 March 27 and April 3, 2020.

The application property is located on the east side of Cinder Bed Road, approximately 370 feet south of the Terminus of Cinder Bed Road. Tax Map 99-2 ((1)) 20.

Matthew G. Roberts, Bean, Kinney & Korman, P.C., 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. Roberts 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 fourteen speakers, Mr. Creed presented the staff and Planning Commission (PC) recommendations.

Supervisor Lusk moved approval of:

- Proffered Condition Amendment Application PCA 84-L-083-02, subject to the execution of proffered conditions consistent with those dated May 6, 2020
- Waiver of peripheral parking lot landscaping requirements along the southern portion of the parking lot
- Modification of the transitional screening requirements along the portion of the northern property line in favor of that shown on the Generalized Development Plan

Supervisor Foust seconded the motion and it carried by unanimous vote, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, Supervisor Gross, and Chairman McKay voting “AYE.”

BOARD ANNOUNCEMENT

14. **REESTABLISHING AND RENAMING THE ECONOMIC ADVISORY COMMITTEE (EAC)** (5:34 p.m.)

(BAC) Chairman McKay announced there was an administrative change that needed Board approval regarding the Economic Advisory Committee. The Chair of the Committee, Supervisor Foust, is requesting that the Economic Advisory Committee begin formally meeting on a quarterly basis and has requested that the Economic Advisory Committee be renamed in order to better differentiate between the Economic Advisory Committee and the Economic Advisory Commission.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board reestablish the Economic Advisory Committee and further moved the Board rename the committee the Economic Initiatives Committee. Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman McKay.

15. **BOARD ADJOURNMENT** (5:36 p.m.)

The Board adjourned.