



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
March 23, 2021**

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05-21

EBE:ebe

A regular meeting of the Board of Supervisors was called to order at 1:00 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 with Supervisor Penelope A. Gross, Mason District, at 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 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 for the Board of Supervisors; Ekua Brew-Ewool, Emily Armstrong, and Kecia Kendall, Deputy Clerks, Department of Clerk Services.

BOARD MATTERS

1. **ORDERS OF THE DAY** (1:01 p.m.)

Chairman McKay stated that the Board is again meeting virtually. The ability to do this is permitted by the ongoing State and local declarations of emergency due to COVID-19, the continuity in government ordinance on April 14, 2020, Speakers were made aware of their continuing options to provide phone or video testimony.

He stated that because most members of the Board are participating in the meeting from his or her respective Board office, it must be verified that a quorum of Members is participating and that each Member's voice is clear, audible, and at an appropriate volume for all of the other Members. Therefore, Chairman McKay conducted a roll call and asked each Member to confirm that they could hear each other's voices.

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. Vice-Chairman 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 or impracticable for speakers, staff, applicants, the public, and others 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. Vice-Chairman Gross 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 related to ensuring continuity in Fairfax County government under the Ordinance adopted by the Board on April 14, 2020, and/or this meeting's purpose is to discuss or transact the business statutorily required or necessary to continue operations of this Board and the discharge of this Board's lawful purposes, duties, and responsibilities. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (1:05 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 the County, and around the world, in thoughts and prayers during this difficult time
- The Fairfax County flag continues to fly at half-staff at all County facilities in honor of the residents who have died from COVID-19 and in recognition of the many essential workers who are responding to the pandemic
- The shooting in Georgia killed eight people, including six Asian-American women last week, and asked to keep their families in thoughts and prayers. Chairman McKay stated that he will be presenting a resolution condemning anti-Asian-American hate.

(NOTE: Later in the meeting, Chairman McKay presented a resolution condemning acts of anti-Asian racism and violence in the County, attached to his written Board Matter. See Clerk's Summary Item #11.)

- The shooting in Boulder, Colorado, killed 10 people, including a police officer and asked to keep their families in thoughts and prayers. He stated that there is need to end violence and hate in the Country

The Board asked everyone to keep in thoughts the family and friends of the following people who died recently:

- Ramanand Bhatt, owner of the Dishes of India, located in the Belle View Shopping Center
- Colonel Marion "Barney" Barnwell, a longtime activist and volunteer, the former Mount Vernon District Representative on the Human Services Council, and the Mount Vernon District's Lord Fairfax for 2018

AGENDA ITEMS

3. **1 P.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACs)** (1:14 p.m.)

(APPTS)

(BACs) Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of “Appointments to be Heard March 23, 2021.” Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Reappointment of:

- Ms. Mary Frances Tunick as the Mason District Representative

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

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointments of the At-Large Chairman's and Mason District Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

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

ATHLETIC COUNCIL

Reappointment of:

- Mr. Harold Leff as the Hunter Mill District Alternate Representative
- Mr. Lester Munson as the Mount Vernon District Alternate Representative
- Mr. Mark E. Abbott as the Sully District Alternate Representative

- Mr. Gary Flather as the Sully District Principal Representative

The Board deferred the appointment of the Dranesville District Alternate and Principal, Hunter Mill District Principal, Lee District Principal, and Mason District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Dranesville and Mason District Representatives.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

Appointment of:

- Mr. Wayne Bryan as the Design Professional #3 Representative

The Board deferred the appointments of the Design Professional #1 and Alternate #1 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

The Board deferred the appointment of the At-Large #2 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

The Board deferred the appointments of the At-Large #1 and #2 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #9 Representative.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Ms. Whitney Richardson as the Junior League of Northern Virginia Representative

The Board deferred the appointment of the At-Large Chairman's Representative.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #7 Representative.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Reappointment of:

- Mr. Ricardo E. Coleman as the Mason District Representative

The Board deferred the appointments of the Hunter Mill and Mount Vernon District Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

Confirmation of:

- Mr. Andrew J. Czekaj as the Town of Herndon Representative

The Board deferred the appointment of the BOS At-Large #6 Representative.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Councilmember Pradip Dhakal as the Herndon Town Council Representative
- Honorable Steve Potter as the Vienna Town Council Representative
- Mr. Michael Hewitt as the Metropolitan Washington Airports Authority Representative

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

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointments of the Citizen #2 and #4 Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Reappointment of:

- Mr. Kenneth J. Lanfear as the Hunter Mill District Representative
- Mr. Richard J. Healy as the Mason District Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Ms. Brandis L. Ruise as the Hunter Mill District Representative

The Board deferred the appointments of the Mason and Providence District Representatives.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the At-Large Chairman's Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #2 Representative.

HISTORY COMMISSION

Appointment of:

- Ms. Subhi Mehdi as the Historian #3 Representative

The Board deferred the appointments of the Citizen #4 and Historian #1 Representatives.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

Appointment of:

- Mr. William R. Berg as the Braddock District Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Mr. Chris M. Jones as the At-Large Chairman's Representative

The Board deferred the appointment of the and Sully District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

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

POLICE CIVILIAN REVIEW PANEL

Appointment of:

- Ms. Cheryl Belkowitz as the Seat #4 Representative
- Mr. Dirck Hargraves as the Seat #6 Representative

The Board deferred the appointment of the Seat #2 Representative.

REDEVELOPMENT AND HOUSING AUTHORITY

Reappointment of:

- Mr. Kenneth G. Feng as the Springfield District Representative

The Board deferred the appointments of the At-Large #2, Hunter Mill, and Mount Vernon District Representatives.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointments of the Commercial or Retail Ownership #2, Reston Chamber of Commerce lessees on Non-Residential Space, Residential Owners and HOA/Civic Association #2 and #3 Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #3, #4, and #5 Representatives.

SMALL BUSINESS COMMISSION

The Board deferred the appointment of the Providence District Representative.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Reappointment of:

- Mr. Gerald Padmore as the Fairfax County #4 Representative

- Ms. Maryam Ovissi as the Reston Association #7 Representative

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Citizen Member #3, Landlord Member #2, and Tenant Member #1 and #2 Representatives.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Reappointment of:

- Ms. Sally Horn as the Adjacent Community Member #2 Representative
- Mr. James D. Policaro as the Commercial or Retail Ownership #1 Representative
- Mr. Cory Scott as the Commercial or Retail Ownership #2 Representative
- Mr. Mark Zetts as the Dranesville District Representative
- Mr. Christopher M. Auth as the Providence District #1 Representative
- Mr. Douglas M. Doolittle as the Residential Owners and HOA/Civic Association #2 Representative

The Board deferred the appointments of the Commercial or Retail Ownership #3 and Providence District #2 Representatives.

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)

Confirmation of:

- Mr. Michael McGrath as the Fairfax County #2 Representative
- Ms. Eleanor Ku Codding as the Fairfax County #2 Alternate Representative

WATER AUTHORITY

Appointment of:

- Ms. Cheryl Ginyard-Jones as the Dranesville District Representative

WETLANDS BOARD

The Board deferred the appointment of the At-Large #2 Representative.

DISTRICT OF COLUMBIA (DC) WATER AND SEWER AUTHORITY

Confirmation of:

- Ms. Eleanor Ku Coddling as the Principal Representative
- Ms. Sarah Motsch as the Alternate Representative

4. **ADMINISTRATIVE ITEMS** (1:15 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Palchik 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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF NICOTINE TRAIL (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 4, 2021, at 4 p.m.**, regarding the proposal to vacate and abandon a portion of Nicotine Trail.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2021 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 13, at 4 p.m., April 14, at 3 p.m., and April 15, at 3 p.m.** to amend the current appropriation level in the FY 2021 Revised Budget Plan.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE GREENWAY (RPPD) DOWNS RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT 13 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing held before the Board on **April 13, 2021, at 2:30 p.m.** to consider proposed amendments to Appendix G, of

The Code of the County of Fairfax, Virginia, to expand the Greenway Downs RPPD, District 13.

5. **A-1 – APPROVAL OF THE ECONOMIC INCENTIVE PROGRAM APPLICATION OF KIW SKYLINE 1, LLC; KIW SKYLINE 2, LLC; AND KIW SKYLINE 3, LLC (MASON DISTRICT)** (1:16 p.m.)

On motion by Supervisor Gross, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the application of eligibility for the Economic Incentive Program Application of KIW Skyline 1, LLC; KIW Skyline 2, LLC; and KIW Skyline 3, LLC.

6. **A-2 – APPROVAL OF THE AMENDED FAIRFAX COUNTY CITIZEN PARTICIPATION PLAN** (1:16 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 amendments to the Fairfax County Citizen Participation Plan.

7. **A-3 – APPROVAL OF MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE FAIRFAX COUNTY BOARD OF SUPERVISORS AND THE NORTHERN VIRGINIA REGIONAL COMMISSION REGARDING IMPLEMENTATION OF THE COUNTY'S MS4 PROGRAM ON EDUCATING RESIDENTS OF NORTHERN VIRGINIA** (1:17 p.m.)

On motion by Supervisor Storck, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the MOA between the Board and the Northern Virginia Regional Commission's Clean Water Partners and approved the request to contribute \$57,300 for regionwide coordinated stormwater education and outreach program.

8. **A-4 – APPROVAL OF RATE ADJUSTMENTS TO FAIRFAX CENTER, CENTREVILLE, TYSONS, TYSONS-WIDE, TYSONS GRID OF STREETS, AND RESTON ROAD FUNDS (BRADDOCK, DRANESVILLE, HUNTER MILL, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (1:18 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and approve the rate schedule (Attachment 1 of the Board Agenda Item), including a 1.4 percent adjustment to the existing contribution rates in all fund areas with the new rate becoming effective on April 1, 2021. Supervisor Storck seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

9. **A-5 – APPROVAL OF FAIRFAX CONNECTOR JULY 10, 2021, SERVICE CHANGES** (1:19 p.m.)

On motion by Supervisor Alcorn, jointly seconded by Supervisor Lusk and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax Connector's July 10, 2021, service change proposals.

10. **A-6 – AUTHORIZATION TO AMEND THE INTERIM AGREEMENT AND RIGHT OF ENTRY AGREEMENT WITH ALPINE-X LLC FOR FAIRFAX PEAK DEVELOPMENT AT I-95 LORTON LANDFILL (MOUNT VERNON DISTRICT)** (1:21 p.m.)

On motion by Supervisor Storck, jointly seconded by Supervisor Herrity and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to amend the Interim Agreement and Right of Entry Agreement between the Board and Alpine-X LLC regarding an indoor ski facility and related development on the I-95 Lorton landfill, located on Fairfax County Tax Map 113-1 ((1)), Parcel 14.

DMS:dms

BOARD MATTERS

11. **RESOLUTION CONDEMNING ACTS OF ANTI-ASIAN RACISM AND VIOLENCE IN THE COUNTY** (1:21 p.m.)

(R) Chairman McKay stated that close to 20 percent of the County's population is of Asian or Pacific Island descent, with Korean and Vietnamese being two of the five most spoken languages spoken within the community. As COVID-19 spread across the United States this past year, reports of anti-Asian discrimination, racism, hate crimes, violence and scapegoating have increased nationwide. Fear in the Asian communities have mounted since last week's murder of six Asian American women in Georgia. These acts are horrifying and deeply disturbing.

Chairman McKay stated that anti-Asian racism is baked into the history sadly. The Chinese Exclusion Act and internment of Japanese Americans during World War II are just two examples of government sanctioned discrimination.

Chairman McKay shared that any acts of racism against the Asian American community are unacceptable. In the County, no matter where you are from, you are welcome. Moreover, Asians are not more likely to have or spread COVID-19.

Chairman McKay stated that diversity is a strength in the County and the Board stands by its commitment to One Fairfax. Chairman McKay stated that he recently convened a Task Force on Equity and Opportunity to look towards the systemic

causes of inequity in the County and that the Board will soon be working with the County Executive on its recommendations to create a more equitable future for all. Chairman McKay stated that should you see a crime of this sort, please don't hesitate to call the police, 9-1-1 if it is an emergency, or the County's non-emergency line, 703-691-2131. Chairman McKay reminded the community that the County will not ask for immigration status when you call.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved adoption of the resolution (attached to his written Board Matter), condemning acts of anti-Asian racism and violence in the County. Supervisor Herry seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

12. **2020 GOVERNOR'S EMERGENCY MEDICAL SERVICES (EMS) AWARD WINNER** (1:37 p.m.)

Chairman McKay congratulated John Korman, Communications Operations Manager, Department of Public Safety Communications, for being awarded the Governor's EMS Award for Outstanding Contribution to EMS Telecommunication.

13. **FEE WAIVER FOR ANNANDALE CIVIC SPACE (MASON DISTRICT)** (1:39 p.m.)

Supervisor Gross stated that the Comprehensive Plan for the Annandale Community Business Center (CBC) envisions remaking the Annandale commercial area into a mixed-use center with new pedestrian connections and an integrated series of public spaces, including a park space on County-owned property located at 7200 Columbia Pike in the center of the Annandale CBC.

Supervisor Gross stated that the concept for improving the County property's existing open space into an enhanced park space was developed with community input, starting in 2018 and continued via the 2019 Annandale Pop-Up Park temporary installation and programming series. The establishment of the Annandale Civic Space in this location is an opportunity to bring forward a new, innovative public park in an area of the County with a dearth of community gathering spaces. Progress continues to be made towards the implementation of the civic space. The Planning Commission recommended approval of a 2232 application for the project at the December 2, 2020, meeting.

Supervisor Gross stated that this project is being brought to fruition through a partnership between the County and the Park Authority. An initial estimate indicates it may cost between \$600,000 to \$650,000 to establish the envisioned park improvements at the site. This total estimated amount exceeds the seed funding secured for the public project, and as additional funding and partnerships are

pursued, it is necessary to economize the current funds secured for the initiative to maintain momentum. As such, staff has requested a waiver of application and permitting fees associated with implementation of the initiative.

Therefore, Supervisor Gross moved that the Board waive all Department of Land Development Services site-related and building plan review fees, technology fees, stormwater-related fees, application and permitting fees, and any other development related fees associated with the implementation of the Annandale Civic Space vision. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, adopted standards, or proffers. This action in no way prejudices the substantive review of the application. Chairman McKay seconded the motion and it carried by unanimous vote.

14. **NO BOARD MATTERS FOR SUPERVISOR WALKINSHAW (BRADDOCK DISTRICT)** (1:42 p.m.)

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

15. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (1:42 p.m.)

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

16. **REQUEST FOR A CERTIFICATE OF RECOGNITION FOR MS. YVONNE JOHNSON** (1:42 p.m.)

Supervisor Alcorn stated that Frying Pan Farm Park is one of the jewels of the Fairfax County Park Authority. A lot of credit for the park being a popular destination for families throughout the area is due to Yvonne Johnson, Park Manager, who retired on March 2, 2021.

Supervisor Alcorn stated that Ms. Johnson began as volunteer at the park when she was a mother of preschoolers and in 1991 became an employee. Her professional goal was to someday manage this unique park, a goal that she attained in 2012. Except for brief stints at Colvin Run and Lake Fairfax, Ms. Johnson spent her entire County career at Frying Pan Farm Park.

Supervisor Alcorn stated that during her tenure, Ms. Johnson enjoyed coming up with new activities for visitors, offering the Park Authority's only winter concert series with the Bluegrass Barn, and overseeing innovations, such as the installation of solar power lights in the parking lot. Ms. Johnson took much satisfaction watching the park grow and offer more opportunities for visitors to enjoy the working farm, its animals, trails and many activities. She was also a key member of the team that worked on the acquisition of the Ellmore Farm Property and getting

the 4.5-acre purchase on the bond referendum, as well as having the unique opportunity to work on the re-master plan of the park.

Supervisor Alcorn stated that many County families have fond memories of trips to Frying Pan for class trips, scout activities, camps, holiday lights and more – and that was due to Ms. Johnson’s stewardship of the park.

Therefore, jointly with Supervisor Gross, Supervisor Alcorn asked unanimous consent that the Board direct staff to prepare a certificate of recognition for Yvonne Johnson, Park Manager, to be presented to her this spring as conditions warrant. Without objection, it was so ordered.

17. **COMPREHENSIVE PLAN AMENDMENT - VILLA PARK CONSOLIDATION (LEE DISTRICT)** (1:44 p.m.)

Supervisor Lusk stated that two parcels have recently emerged from bankruptcy and been consolidated, Tax Map Parcels 90-2 ((4)) 19 and 20 (hereinafter referred to as the "Property"). This 5.4 acre consolidation, located off of Villa Park Road, north of the Franconia-Springfield Parkway, provides the opportunity to review the potential for infill development that could connect Villa Park Road to Ben Franklin Road, provide pedestrian connections to better access the pedestrian bridge over I-95, and incorporate workforce housing. The property is currently planned for four to five dwelling units per acre.

Therefore, Supervisor Lusk moved that the Board direct the Department of Planning and Development to consider a Comprehensive Plan Amendment to evaluate an option for residential use at a density of up to 8.5 dwelling units per acre (up to 49 dwelling units), including any workforce dwelling units and associated bonuses. Further considerations for the review should include vehicular access, site layout, pedestrian circulation, noise mitigation, usable open space, tree preservation, topography constraints, and the compatibility with the adjacent communities. The Plan amendment should be reviewed concurrently with an application to rezone the property once such application is submitted. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standard in any way. Supervisor Gross seconded the motion, which carried by unanimous vote.

18. **PROCLAMATION REQUEST DESIGNATING MARCH 25, 2021, AS "GREEK INDEPENDENCE DAY"** (1:46 p.m.)

Supervisor Storck stated that on March 25, 2021, the Greek American community celebrates and pays tribute to the many brave men and women that stood-up to overcome tyranny, sacrificing their lives in the Greek War of Independence, a battle for freedom from oppression, slavery and subjugation. These forebears bravely fought to liberate Greece after four long centuries of occupation. This year marks

the bicentennial of Greek Independence Day which was turning point for the modern Greek state, the Republic of Greece: Hellas.

Supervisor Storck stated that Greece has given the west and America the very foundations of democracy, government, and jurisprudence. The English language, modern medicine, mathematics, science, architecture, entertainment, and sports stem from Greece. At the beginning of the 20th century, Greek immigrants transitioned from working on the railroads, mines, factories and mills into building small retail businesses: shoeshine stands, grocery stores and especially in the food service industry with restaurants, diners, coffee shops and candy kitchens. These small businesses served as a stable economic base for Greek Americans who soon established churches, cultural centers and communities throughout America. In 1919, one out of every three restaurants in Chicago was operated by Greek Americans. Today, the progeny of those heroic immigrants with the dream of better lives for their families and giving back to their adopted country have achieved much. They continue to enrich the fabric of our nation, State and the County through their dedication, integrity, work ethic and commitment. The County honors their legacy and example.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a proclamation designating March 25, 2021, as “*Greek Independence Day*” in the County, to be signed by the Chairman and the Mason and Hunter Mill District Supervisors and be presented out of the Board room to the National Hellenic Society. Without objection, it was so ordered.

19. **NO BOARD MATTERS FOR SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (1:49 p.m.)

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

20. **ADDRESSING DISCRIMINATION AGAINST ASIAN AMERICAN AND ETHNIC COMMUNITIES** (1:49 p.m.)

Supervisor Herrity stated that recently there has been an alarming uptick in discrimination and violence against the Asian American community throughout the States. This discrimination has involved not only racial slurs and violence, but also vandalism against Asian American owned businesses. According to a Pew Research Center survey, 31 percent of Asian Americans have reported having experienced discrimination since the beginning of the pandemic with 40 percent of U.S. adults saying it is more common now for people to express racist views about Asians than it was before the pandemic began.

Supervisor Herrity stated that the County is home to a large Asian American community accounting for over 20 percent of the population. This community includes many Asian American small businesses, mid and large size companies,

churches, and service organizations like Korean Community Service Center that are support systems for our community. County schools have a large Asian American student body. In fact, Thomas Jefferson High School's enrollment is over 70 percent Asian American and one of the top performing schools in the country.

Supervisor Herrity stated that, unfortunately, he has heard firsthand from many Asian American parents that the anxiety of their families and children caused by this recent uptick in discrimination has made students returning to the classroom a difficult decision. Some of the families he had recently spoken with feel uncomfortable in the public eye, which is unacceptable. The discrimination against them has been disheartening and disturbing, as it stokes fear and division in the community. Supervisor Herrity shared that even a member of his staff's spouse, as an Asian-American, has found herself in uncomfortable situations and has had to think twice about where she goes when leaving the house.

Supervisor Herrity stated that this situation is unacceptable for any of the County's ethnic communities, and he believes the first step in addressing it, besides the obvious one of condemning it, is to more fully understand the depth and breadth of the problem as well as possible courses of action available. It is important that the County better understands the depth and breadth of these issues and work to address it.

Therefore, Supervisor Herrity moved that the Board direct the County Executive to work with the police department and other County agencies, nonprofits, and organizations to ascertain what increases in incidents, if any, they are seeing in the form of discrimination and/or violence against the Asian American and other ethnic communities and report to the Board with recommendations on how to address it. Supervisor Herrity further moved that the Board direct the County Executive to request that the Fairfax County Public School system provide a similar report to the Board and School Board. Chairman McKay seconded the motion and it carried by unanimous vote.

21. **2021 FAIRFAX COUNTY TEEN JOB FAIRS** (1:56 p.m.)

Supervisor Herrity announced that a recent job fair was held on March 20, 2021, and he thanked all who made the event successful.

22. **PROCLAMATION REQUEST DESIGNATING MAY AS "BUILDING SAFETY MONTH"** (1:57 p.m.)

Supervisor Smith stated that all residents should recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. The County, working together with other jurisdictions, enforces the Uniform Statewide Building Code (USBC), which ensures those safety codes are followed.

Supervisor Smith stated that although 2020 proved to be a particularly challenging year, Land Development Services (LDS) accelerated existing efforts and took on new challenges to take every aspect of business virtual. From the acceleration of virtual permitting and plan review to the creation of a virtual inspection process, LDS ensured the continued growth of the County was not hindered by the pandemic.

Therefore, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a proclamation designating May as “*Building Safety Month*,” to be presented outside the Board room to the Building Safety Month Planning Committee members, including William Hicks, Director, Land Development Services, and Hiba Aziz, Engineer V, Land Development Services. Without objection, it was so ordered.

23. **PROCLAMATION REQUEST FOR CHANTILLY HIGH SCHOOL AND MCLEAN HIGH SCHOOL JOURNALISM STUDENTS** (1:59 p.m.)

Supervisor Smith stated that the Journalism Education Association (JEA), with representatives from the National Scholastic Press Association (NSPA) and the Quill and Scroll International Honorary Society, recently named Chantilly High School and McLean High School recipients for the 2021 First Amendment Press Freedom Award. The two schools are among 14 schools from across the U.S. to receive this award. This is the seventh consecutive year the Chantilly High School received this recognition, and it is the fourth award for McLean High School.

Supervisor Smith stated that the award recognizes public high schools that actively support, teach, and protect First Amendment rights and responsibilities of students and teachers, with an emphasis on student-run media where students make all final decisions on content.

Supervisor Smith stated that in addition, Marina Qu, a senior at McLean High School, was named the 2021 Virginia Journalist of the Year by the Virginia Association of Journalism Teachers and Advisors. Ms. Qu serves as the editor-in-chief of *The Highlander*, a news magazine, and *The Tartan*, a literary magazine. Ms. Qu will now compete for the JEA Journalism of the Year Award.

Therefore, jointly with Supervisor Foust and Supervisor Herrity, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a proclamation that recognizes the Chantilly High School and McLean High School journalism students for their superior achievement in receiving the First Amendment Press Freedom Award, and for Marina Qu, for being named the 2021 Virginia Journalist of the Year, to be presented outside the Board room. Without objection, it was so ordered.

KK:kk

AGENDA ITEMS

24. **RECESS/CLOSED SESSION** (2:01 p.m.)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code§ 2.2-3711(A) (1).
 - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
 - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Marty Matthews v. Fairfax County, Virginia*, Case No. 1:20-cv-01469 (E.D. Va.)
 2. *Joseph A. Glean v. Fairfax County Board of Supervisors*, Case No. CL-2020-19378 (Fx. Co. Cir. Ct.)
 3. *Sophia D. Alford, et al. v. Fairfax County Department of Family Services Children, Youth and Families, et al;* Case No. CL-2021-0002095 (Fx. Co. Cir. Ct.)
 4. *Hua Xu aka Eileen Hua Xu Weithers v. The County of Fairfax, Virginia*, Case No. CL-2021-0001014 (Fx. Co. Cir. Ct.)
 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Norman J. Fry and Laura A. Fry*, Case No. CL-2020-0011752 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Norman J. Fry and Laura A. Fry*, Case No. CL-2021-0000352 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Sunil Chacko and Tomoko Fujimoto*, Case No. GV20-013295 (Fx. Co.Gen. Dist. Ct.) (Hunter Mill District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ha Thi Truoc*, Case No. CL-2020-0013745 (Fx. Co. Cir. Ct.) (Mason District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ferdous Hakim and Saliea Hakim*, Case No. CL-2021-0003251 (Fx. Co. Cir. Ct.) (Mason District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Vincent Carter*, Case No. CL-2020-0011167 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Judy V. Marshall*, Case No. CL-2020-0008131 (Fx. Co. Cir. Ct.) (Providence District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeffrey V. Reynolds, Mark J. Lane, Drainage & Erosion Solutions, LLC, and Custom Stonescaping, LLC*, Case No. CL-2021-0002840 (Fx. Co. Cir. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. David Morgan and Nyaint Morgan*, Case No. CL-2019-0013580 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lois Foley, William F. Foley, David L. Foley and G&C Fleet Service, L.L.C.*, Case No. CL-2019-0016449 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

1. As permitted by Virginia Code Section 2.2-3711(A)(3), potential acquisition of real property for a public purpose in the Springfield District.
2. As permitted by Virginia Code Sections 2.2-3711(A)(7) and (8), legal analysis of a monetary claim filed by Pamela Sledge and family relating to a November 23, 2019, Police Department incident in the Mason District.
3. As permitted by Virginia Code Section 2.2-3711(A)(1), personnel related matters concerning the Police Civilian Review Panel.

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

At 3:32 p.m., the Board reconvened their electronic meeting with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

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

26. **MOTION DENYING THE MONETARY CLAIM OF PAMELA SLEDGE AND FAMILY** (3:34 p.m.)

Supervisor Gross moved that the Board deny the monetary claim of Pamela Sledge and her family related to a Police Department incident on November 23, 2019, in the Mason District. Supervisor Herrity seconded the motion and it carried by unanimous vote.

27. **MOTION APPROVING THE ACQUISITION OF CERTAIN REAL PROPERTY FOR A PUBLIC PURPOSE IN THE SPRINGFIELD DISTRICT** (3:34 p.m.)

Supervisor Herrity moved that the Board approve the acquisition of certain real property located in the Springfield District based on the terms and conditions outlined in Closed Session and delegate the County Executive the authority to execute the purchase, sale agreement, and the deed of easement and other related documents pertaining to the acquisition. Chairman McKay seconded the motion and it carried by unanimous vote.

28. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-SP-009 (HHP HOLDINGS, LLC) TO PERMIT A KENNEL AND PERMIT AN INCREASE IN FENCE HEIGHT TO EIGHT FEET, LOCATED ON APPROXIMATELY 4.84 ACRES OF LAND ZONED R-C AND WS (SPRINGFIELD DISTRICT)** (3:36 p.m.)

(NOTE: On March 9, 2021, the Board deferred this public hearing until March 23, 2021.)

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 February 19 and February 26, 2021.

This property is located at 12605 Braddock Road, Fairfax, 22030. Tax Map 66-2 ((3)) 3.

Mark C. Looney, Agent, Cooley LLP, reaffirmed the validity of the affidavit for the record.

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

- Robert M. McDowell, Cooley LLP

William O'Donnell, Planner V, Department of Planning and Development, gave a presentation depicting the application and site location.

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

Following the public hearing, which included testimony by three speakers, Mr. O'Donnell presented the staff and Planning Commission (PC) recommendations.

Chairman McKay asked what recourse exists if the noise attenuation conditions are not met. Mr. O'Donnell outlined for the Board the process if a noise violation were reported.

Following a query by Supervisor Herrity, Mr. Looney confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 18, 2021.

Supervisor Herrity moved approval of:

- Special Exception Application SE 2020-SP-009, subject to the development conditions dated March 8, 2021
- A modification of the fence height limitations of Section 10-104 of the Zoning Ordinance, to allow a fence taller than seven feet
- A modification of screening requirements of Section 13-303 of the Zoning Ordinance, to modify the transitional screening buffer in the western and eastern side yards in favor of that shown on the SE Plat

- Waiver of the barrier requirements of Section 13-304 of the Zoning Ordinance along the south, east, and west yards

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

29. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2020-SU-005 (SHEETZ, INC) TO PERMIT A SERVICE STATION, QUICK SERVICE FOOD STORE AND RESTAURANT WITH DRIVE THROUGH, LOCATED ON APPROXIMATELY 2.7 ACRES OF LAND ZONED I-5 AND WS (SULLY DISTRICT)** (4:11 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 5 and March 12, 2021.

This property is located at 13850 McLearen Road, Herndon, 20171. Tax Map 24-4 ((1)) 1(pt.).

Bernard S. Suchicital, Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the validity of the affidavit for the record.

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

Mr. Suchicital 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.

Supervisor Gross asked staff to provide information on what will happen instead of LEED certification. Ms. Atkinson stated that because this is in the Dulles Suburban Center, the green building policy does apply and encourages LEED certification or an equivalent program. Staff provided the applicant with alternatives to LEED certification, which includes a series of soft commitments which is noted in #18 of the proposed development conditions. They are very comprehensive and cover site and building design, which is more consistent with the green building policy. To assure that the applicant meets these conditions and implements them, staff has provided additional checkpoints in the development conditions, which would require the applicant to submit documentation for review. This would allow staff to be more involved with the applicant early-on, to ensure that they are meeting and implementing those conditions. There is a green building escrow that the applicant will be required to post to further ensure that the soft building commitments are implemented.

Chairman McKay asked staff, if the certification is not done by LEED, who is responsible for certifying that those environmental items occur. Ms. Atkinson

stated that the Department of Planning and Development reviews green building soft commitments documentation each time it is submitted.

Chairman McKay stated that this is a more cumbersome and time-consuming process than if an outside organization was responsible. He asked if it is fair to say, that in a case like this, this requires more staff time than if they were to follow what is the norm in terms of LEED certification. Ms. Atkinson stated that was correct, but there are alternatives to the LEED certification standard.

Supervisor Palchik asked if the report, that the Board will receive, would illustrate LEED certification versus the possible alternatives. Ms. Atkinson stated that staff did not do a side-by-side comparison.

Supervisor Palchik asked if it would be difficult to get a side-by-side comparison. Ms. Atkinson stated that staff can examine how the soft commitments line up with LEED certification and include where each would fall in the certification system. Supervisor Palchik requested that the information be provided to the Board.

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

Following a query by Supervisor Smith, Mr. Suchicital confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated March 18, 2021.

Supervisor Smith moved approval of:

- Special Exception Application SE 2020-SU-005, subject to the development conditions dated March 18, 2021
- Waiver of the requirement to construct a vehicular travel lane, service drive or other access connection to and from adjacent property to the south as set forth in Paragraph 3 of Section 17-201 of the Zoning Ordinance

The motion was multiply seconded. Following further discussion, with Board Members expressing their views and concerns regarding the motion, the question was called on the motion and it carried by a vote of eight, with Supervisor Storck abstaining and Supervisor Walkinshaw voting “NAY.”

30. **3:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 2019-HM-011 (SAKTHIVEL CHINNASAMY AND NANDAKUMAR SREENIVASAN) TO REZONE FROM R-1 TO R-2 TO PERMIT RESIDENTIAL DEVELOPMENT WITH A TOTAL DENSITY OF 1.90 DWELLING UNITS PER ACRE, LOCATED ON APPROXIMATELY 1.05 ACRES OF LAND (HUNTER MILL DISTRICT) (4:43 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 March 5 and March 12, 2021.

This property is located on the north side of Old Courthouse Road, approximately 300 feet east of Irvin Street. Tax Map 28-4 ((1)) 28.

Keith C. Martin, Agent, The Law Office of Keith C. Martin, reaffirmed the validity of the affidavit for the record.

Joseph Onyebuchi, Planner, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Martin 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 three speakers, Mr. Onyebuchi presented the staff and Planning Commission recommendations.

Supervisor Alcorn moved approval of:

- Rezoning Application RZ 2019-HM-11, subject to the executed proffers date March 23, 2021
- The fence height of six feet in a portion of the front yard as further described in Proffer 29, in accordance with Paragraph 3H of Section 10-104 of the Zoning Ordinance

Supervisor Lusk and Supervisor Foust jointly 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.”

Supervisor Alcorn further moved that the Board direct staff to review the Plan text and the Plan map along the east side of Irvin Street to provide clarity on the Plan recommendations for residential use at one to two du/ac and two to three du/ac and applicability to this area. This can be considered by staff as part of the future North County Site Specific Plan Amendment process. Supervisor Lusk seconded the motion and it carried by unanimous vote.

31. **3:30 P.M. - PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 4, ARTICLES 14, 15, AND 16.1 OF THE FAIRFAX COUNTY CODE** (5:05 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 5 and March 12, 2021.

Gregory Bruch, Director, Revenue Collection Division, Department of Tax Administration, presented the staff report.

Following the public hearing, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board adopt the proposed amendments to Chapter 4, Articles 14, 15, and 16.1 of the *Fairfax County Code* that would change the annual tax relief deadlines for real estate tax relief, certain personal property tax relief, and rent relief from April 1 to May 1 of each year. This amendment also makes other minor housekeeping changes to conform the language of the ordinance with the existing requirements under current County practice and State code.

Vice-Chairman Gross seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Vice-Chairman 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.

EA:ea

32. **4 P.M. - PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-2-13 TO RENAME THE POLLING PLACES FOR PIONEER PRECINCT IN THE LEE DISTRICT AND HIDDEN MEADOW PRECINCT IN THE SULLY DISTRICT; AND TO RELOCATE THE POLLING PLACES FOR SKYLINE PRECINCT IN THE MASON DISTRICT, BELLEVIEW PRECINCT IN THE MOUNT VERNON DISTRICT, OAK MARR PRECINCT IN THE PROVIDENCE DISTRICT, AND CENTERPOINTE PRECINCT IN THE SPRINGFIELD DISTRICT** (5:08 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 5 and March 12, 2021.

Kate Hanley, Secretary, Electoral Board, presented the staff report.

Supervisor Palchik asked whether there would be any ballot drop-off locations.

Ms. Hanley explained that she was unsure whether there would be any ballot drop-off boxes because the budget for elections was currently unknown.

Following the public hearing, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board amend and readopt *Fairfax County Code* Section 7-2-13 to rename the polling places for Pioneer Precinct and Hidden Meadow Precinct; and to relocate the polling places for Skyline Precinct, Belleview Precinct, Oak Marr Precinct, and Centerpointe Precinct. Vice-Chairman Gross seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Vice-Chairman 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.

33. **4 P.M. - PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-3-2 TO ESTABLISH AN ADDITIONAL VOTER SATELLITE OFFICE AT BURKE CENTRE LIBRARY** (5:14 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 March 5 and March 12, 2021.

Kate Hanley, Secretary, Electoral Board, presented the staff report.

Following the public hearing, Supervisor Walkinshaw moved that the Board amend *Fairfax County Code* Section 7-3-2 to establish an additional voter satellite office for absentee voting in person at Burke Centre Library. 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.”

34. **4 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTERS 107 (PROBLEM SOILS), 112 (ZONING ORDINANCE), AND 122 (TREE CONSERVATION ORDINANCE) OF THE FAIRFAX COUNTY CODE TO REMOVE THE TREE COMMISSION AND GEOTECHNICAL REVIEW BOARD (GRB) PROVISIONS FROM ARTICLE 19 OF THE ZONING ORDINANCE AND INCORPORATE THEM INTO CHAPTERS 122 AND 107 OF THE FAIRFAX COUNTY CODE, RESPECTIVELY** (5:16 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 5 and March 12, 2021.

Thakur Dhakal, Engineer IV, Land Development Services, presented the staff report.

Following the public hearing, Supervisor Smith moved adoption of proposed amendments to remove the Tree Commission and GRB provisions from Article 19 of the Zoning Ordinance and incorporate them into Chapters 122 and 107 of the *Fairfax County Code*, respectively. Supervisor Gross 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.”

35. **4 P.M. – PUBLIC HEARING TO CONSIDER PARKING RESTRICTIONS ON GUNSTON COVE ROAD (MOUNT VERNON DISTRICT)** (5:19 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 5 and March 12, 2021.

Henri Stein McCartney, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, discussion ensued by the Board regarding the issues raised regarding commercial vehicle parking on a larger scale, instead of individual instances shared in terms of this request.

Following the discussion, Supervisor Storck moved that the Board adopt an amendment (Attachment I of the Board Agenda Item) to Appendix R of the *Fairfax County Code*. The amendment will prohibit commercial vehicles, recreational vehicles and trailers as defined, respectively, in *Fairfax County Code* Section 82-5-7, 82-5B-1, and 82-1-2(a)(50) from parking on portions of Gunston Cove Road from 6 p.m. to 6 a.m., seven days per week. 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.”

36. **4 P.M. – PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF SOLUTIONS DRIVE (FORMERLY GOODRIDGE DRIVE) / ROUTE 6054 (PROVIDENCE DISTRICT)** (5:35 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 February 12 and February 19, 2021.

Jeffrey Edmondson, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Palchik moved that the Board adopt the order (Attachment III of the Board Agenda Item) for abandonment, and ordinance (Attachment IV of the Board Agenda Item) for vacation for the subject right-of-way which is located at the southeast side of the Solutions Drive cul-de-sac. Supervisor Alcorn 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.”

37. **4:30 P.M. - PUBLIC HEARING ON THE DRAFT PROPOSED FIVE-YEAR CONSOLIDATED PLAN FOR FISCAL YEAR (FY) 2022 – FY 2026 AND ONE-YEAR ACTION PLAN FOR FY 2022** (5:39 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 5 and March 12, 2021.

Laura Lazo, Associate Director, Grants Management, Department of Housing and Community Development, presented the staff report.

Following the public hearing, Supervisor Foust moved that the Board forward comments received on the draft Consolidated Plan and Annual Action Plan to the Consolidated Community Funding Advisory Committee (CCFAC) for its consideration before the CCFAC makes its final recommendation to the Board for action on May 4, 2021. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

38. **4:30 P.M. – PUBLIC HEARING TO SUBLEASE CLARK-ENYEDI HOUSE AT 10605 FURNACE ROAD IN CONNECTION WITH THE RESIDENT CURATOR PROGRAM (MOUNT VERNON DISTRICT)** (5:43 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 5 and March 12, 2021.

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

Following the public hearing, Supervisor Storck discussed the following topics:

- The historical significance of the property
- The designated resident curator
- The Park Authority’s willingness to enter into the program

Supervisor Storck moved that the Board authorize staff to sublease property owned by the Fairfax County Park Authority at 10605 Furnace Road (Clark-Enyedi House) in connection with the Resident Curator Program. Chairman McKay seconded the motion and it carried by unanimous vote.

39. **4:30 P.M. – DECISION ONLY ON A NEW AND MODERNIZED ZONING ORDINANCE TO REPLACE THE CURRENT ZONING ORDINANCE**
(5:48 p.m.)

(O) (NOTE: On March 9, 2021, the Board held the public hearing on this agenda item and deferred the decision-only to March 23, 2021.)

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 February 19 and February 26, 2021.

Supervisor Smith provided brief remarks regarding the following:

- For accessory living units, Supervisor Smith clarified that she would be moving the following:
 - To approve staff's recommendation to allow interior units to be approved with an administrative permit
 - That the age or disability requirement be removed for all ALUs and the use of the entire basement or cellar be allowed for the ALU, but only up to the size existing as of the effective date of the new Ordinance
- For home-based businesses, Supervisor Smith clarified that she would be moving the following:
 - To not allow customers with an administrative permit, except for instructional activities associated with a specialized instruction center or a health and exercise facility, for which up to four students at a time and eight in a day would be allowed, but otherwise would require special permit approval
 - Standards be added, as recommended by the Planning Commission, for Health Department approval if the property, where the home-based business is located, is served by a well or septic system and for limiting hazardous materials
 - To address the addition of these standards,

appropriate questions will need to be included on the application submission forms

- Regarding flags and flagpoles, Supervisor Smith clarified that she would be moving the following:
 - To retain the current allowance for three flags per lot
 - To adopt a maximum height for a flagpole of 25 feet for lots with single-family dwellings and manufactured homes, and 60 feet for lots with other uses.

Supervisor Smith further clarified the following regarding her motions:

- It will not be seeking to adopt the proposed size limits for flags
- It will be seeking to allow the filing of a special permit application to increase the size of a flagpole

Therefore, Supervisor Smith moved that the Board repeal Chapter 112 of the *Fairfax County Code* and adopt the new and modernized Zoning Ordinance as Chapter 112.1, as set forth in the public hearing draft of the Ordinance dated February 17, 2021, as follows: Where options are presented, Supervisor Smith further moved that the staff recommendation be adopted, except for the following changes:

1. For Accessory Living Units, the following edits will allow the use of the entire basement or cellar, remove the age or disability requirement, and make other editorial revisions:
 - Page 269, revise the first sentence of subsection (4) to read: “The accessory living unit must not exceed: (a) 800 square feet of gross floor area or 40% of the gross floor area of the principal dwelling, whichever is less; or (b) the entirety of a basement or cellar may be used, up to the size of the basement or cellar as of July 1, 2021
 - Page 269, delete subsection (6)(b), which is the age or disability requirement, and revise subsection (6) to read: “Either the accessory living unit or the principal dwelling unit must be owner occupied” and then renumber the subsequent subsections, such that subsections (6)(c) and (d) become subsections (7) and (8) and subsections (7) and following are renumbered accordingly

- Page 270, delete subsection (6)(e) which relates to provisions for a person with a disability
 - Page 270, revise the second sentence of subsection (8), renumbered as (10), lines 15 through 17, to read: “If the dwelling is served by a well or septic system, the applicant must obtain Health Department approval prior to administrative permit or special permit approval”
 - Page 270, revise the second sentence of subsection (11), renumbered as (13), lines 26 through 28, to read: “An administrative permit may be extended by the Zoning Administrator for succeeding periods of up to five years based on the applicant’s record of compliance with the standards in this subsection”
 - Page 270, line 43, replace the cross-reference to subsection (7) with a reference to subsection (9)
2. For Home-Based Businesses, the following edits revise the standards to require special permit approval for customers, except to carry forward the current allowance for four students at a time and eight in a day for teaching activities; will add standards relating to Health Department approval and hazardous materials; and make other editorial revisions:
- Page 276, lines 1 and 2, revise subsection (2)(e) to read: “Personal service, limited to sewing or tailoring. A barbershop or hair salon is allowed only with special permit approval”
 - Page 276, lines 26 and 27, revise the second sentence to read: “The limitation on the number of employees applies regardless of the number of homebased businesses or home day care facilities operating on the lot”
 - Pages 276 and 277, under the heading for customers or clients, delete subsections (9)(a) through (h), and revise subsection (9) to add new subsections (a), (b), and (c) to read as follows:
 - (a) “On-site customers or clients are not allowed without approval of a special permit, except for instructional activities with a health and exercise facility or specialized instruction

center, where up to four students at a time and eight in a day are allowed. If a home day care facility is established on-site, visits to the site by customers or clients of the home-based business are not allowed

(b) If the home-based business has on-site customers or clients, one designated off-street parking space must be made available for the customer or client parking

(c) The hours during which customers or clients may visit the premises are limited to 8:00 a.m. to 9:00 p.m.”

- Page 277, after line 9, insert new standard (11) to read: “If the dwelling is served by a well or septic system, the applicant must obtain Health Department approval prior to administrative permit or special permit approval”

- After new standard (11), add new standard (12) to read: “A home-based business may not use, store, or generate flammable or combustible liquids, explosives, or hazardous materials in an amount that requires a permit under Chapter 62 of the County Code (Fairfax County Fire Prevention Code).” Renumber subsequent subsections accordingly

- After line 22, add new standard (16) to read: “A barbershop or hair salon may not include other services such as nail, facial, or massage services”

- Page 604, line 35, revise the first sentence of the home-based business definition to read: “An occupation, profession, or trade, that is conducted by a resident of the dwelling unit and is clearly incidental and subordinate to the residential purpose of the dwelling unit”

3. For Flags and Flagpoles:

- Page 268, revise subsection (16)(c) on lines 29 to 32 to read: “A maximum of three flags are permitted per lot”
- Page 268, revise subsection (16)(d) on lines 33 to 35 to read: “The BZA may approve an increase in flagpole height in accordance with subsection 8100.4”

- Page 469, revise Table 8100.2, which includes a list of all special permit types not listed in the use tables, to include the new special permit for an increase in flagpole height
4. For the standards relating to vehicle storage on page 267, lines 35 to 38, revise standard (13)(a) to insert the word “only” to read: “Inoperative motor vehicles, as defined in Chapter 110 of the County Code, are permitted only if kept within a fully enclosed structure or if kept completely screened from view in accordance with the County Code.” Revise standard (13)(b) from plural to singular to read: “Any vehicle covered by a tarp is considered outdoor storage.”
 5. Revise Table 8100.2, Summary of Special Permits, on page 469, which includes a list of all special permit types not listed in the use tables, to add the special permit for accessory structures on through lots, which had been inadvertently omitted.
 6. Revise Table 8102.1 on page 530 to add the current fee for an increase in building height for a single-family detached dwelling variance of \$910. This is an existing fee that was inadvertently omitted.

Supervisor Smith further moved that the Board adopt the provisions relating to previous approvals as set forth in Appendix 1 of the February 17, 2021, public hearing draft, repeal Chapter 112, and adopt Chapter 112.1, as so amended, to become effective at 12:01 a.m., on July 1, 2021. Chairman McKay seconded the motion.

Supervisor Smith discussed the history for these proposed zoning ordinance changes, which included extensive input from both staff and the community.

Supervisor Foust shared the following:

- The value of community input
- The need for special permits for homebased businesses
- The minor impact of accessory living units (ALU)

Supervisor Palchik shared the following:

- How the County Zoning Ordinance compares to the zoning ordinances for the surrounding jurisdictions

- Need for affordable housing opportunities

Supervisor Storck shared the following:

- The need for public engagement
- His opposition to the administrative permits
- The delays in addressing zoning violations as a result of the existing enforcement measures

Supervisor Gross discussed the need to update the zoning ordinance to address the societal and technological changes which have occurred since the last major update.

Supervisor Walkinshaw shared the following:

- The importance of affordability in the County, in order to attract a younger demographic
- That public hearings should not be required for internal ALUs
- The increasing socio-economic gap between County residents

Supervisor Herrity shared the following:

- The proposed changes were too numerous and significant
- The proposed flag restrictions

Chairman McKay shared the following:

- The importance of the Zoning Ordinance language being understandable by County residents
- The need for less stringent requirements for ALUs
- The need for easy processes and user-friendly County resources
- The longstanding restrictions on flag-pole heights in the County and surrounding jurisdictions

The question was called on the motion, and it carried by a recorded vote of seven, with Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,”

and with Supervisor Alcorn, Supervisor Herrity, and Supervisor Storck voting “NAY.”

Supervisor Smith moved that the Board direct staff to establish a process by which accessory living unit and home-based business provisions of the revised Zoning Ordinance can be monitored and evaluated. Supervisor Smith further moved that the Board direct the Department of Planning and Development to provide a report on accessory living units and home-based businesses to the Board within 18 months of the effective date of the new ordinance that includes information on the number, type, general geographic location, processing time, information on any related submitted complaints, violations, and resolutions received by the Department of Code Compliance, and any other relevant information. For home-based businesses, the report should also include information on the time from acceptance to a decision by the Board of Zoning Appeals, the number of deferrals, the average number of speakers participating in the public hearings and whether they are in favor or in opposition, the types of businesses, and the number of customers. Chairman McKay seconded the motion and it carried by unanimous vote.

Supervisor Smith moved that the Board direct the Department of Code Compliance (DCC) to continue to provide education and outreach to the public on the DCC complaint-based enforcement process, including protocols and timelines, and how community members can identify code violations and file a complaint. Chairman McKay seconded the motion and it carried by unanimous vote.

Supervisor Smith moved that the Board direct staff to establish a stakeholder group of landscape professionals and contractors to discuss topics related to their operations that may make it difficult for them to find appropriate locations in the county to establish their businesses and whether the use-standards, related to the type of vehicles stored on the site, could be modified to be less restrictive and thus create opportunities for finding suitable locations. Chairman McKay seconded the motion and it carried by unanimous vote.

Supervisor Smith moved that the Board direct the Department of Economic Initiatives and Department of Planning and Development to collaborate with the Economic Development Authority and review the current practices and supports offered to home-based businesses, and recommend technical or other support options that may help them thrive and continue to add value to the County’s diverse economy. Chairman McKay seconded the motion and it carried by unanimous vote.

Supervisor Smith moved that the Board direct the Department of Housing and Community Development to establish a process to connect homeowners looking for potential tenants for their accessory living units with participants in the Housing Choice Voucher Program and that the Department of Family Services establish a process to connect homeowners looking for potential tenants for their accessory living units for older adults and people with disabilities. Supervisor Lusk seconded the motion.

Supervisor Gross asked to amend the motion to include the word “voluntary” be added before the word “process” in the two instances which it occurs in the motion, this was accepted. The question was called on the motion and it carried by unanimous vote.

Supervisor Smith moved that the Board direct the Department of Planning and Development to report to the Board within six months of the effective date of the ordinance on the implementation of mechanisms for providing an online public report for administrative approvals for accessory living units, similar to the Zoning Application Weekly Status Reports for applications received and accepted that are produced by the Zoning Evaluation Division. Supervisor Alcorn seconded the motion and it carried by unanimous vote.

Supervisor Smith moved that the Board direct the Zoning Administrator, as part of the 2022 Zoning Ordinance Amendment Work Program, which will be reviewed by the Board in June 2022, to provide a report with an analysis of the implementation of the new zoning ordinance, which should include a list of provisions that need to be revised or modified and the proposed schedule for preparing those amendments. Supervisor Foust seconded the motion and it carried by unanimous vote.

40. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:11 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of March 5 and March 12, 2021.

Public comment was held and included the following individual:

- Monica Carpio, Fairfax County Schools

41. **BOARD ADJOURNMENT** (7:18 p.m.)

The Board adjourned.