



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**TUESDAY  
August 2, 2022**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, August 2, 2022, at 9:33 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney Lusk, Lee District
- Supervisor Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James 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; Nathaniel Strathearn, Management Analyst II, Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

**BOARD MATTERS**1. **MASKS OPTIONAL** (9:33 a.m.)

Chairman McKay stated that masks are now optional for employees and visitors in County facilities, except for those where health or medical services are being directly provided.

2. **MOMENT OF SILENCE** (9:34 a.m.)

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

- Jane Woods, who passed away recently. She was a member of the General Assembly and served in both the House of Delegates and the Virginia State Senate; was Secretary of Health and Human Resources under former Governor Mark Warner; was a specialist in welfare issues, law enforcement, education and human services; and was a dedicated public servant and lifelong educator
- Robert Leggett, who passed away recently. He was Chairman of the Vienna Town Business Liaison Committee, and a passionate ally of small businesses; was a graduate of US Coast Guard Academy, Bronze Star recipient, and retired CIA analyst
- Lawrence Bussey, who passed away recently. He was a founding member, and until his passing, served as Staff Liaison of the Minority Student Achievement Oversight Committee for 28 years; was a relentless advocate for underserved students, and an active member of the Reston community
- Emily Brzezinski, who passed away recently. She was an artist who created sculptures out of tree trunks using chainsaws, axes, and chisels. Many of her works can be found at museums and sculpture parks across North America and in the Czech Republic, her family's country of origin
- Brion Sumser, who passed away recently. He was a well-known George Mason University (GMU) alumnus and owner of Brion's Grille, a meeting place for students, alumni, faculty and the community. He supported many fundraising efforts for GMU's athletic programs; was recognized by the Green Coat Society for his consistent support; and was commended in the 2022 General Legislative Session by the General Assembly for more than 30 years of service
- The County's first responders, who put their lives at risk to serve the community

**AGENDA ITEMS**

3. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF THE PSI ALPHA ALPHA CHAPTER OF THE OMEGA PSI PHI FRATERNITY** (9:45 a.m.)

Supervisor Storck moved approval of the Resolution of Recognition presented to members of the Psi Alpha Alpha Chapter of the Omega Psi Phi fraternity for their outreach, services and mentoring. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO COX FARMS ON ITS 50TH ANNIVERSARY** (9:56 a.m.)

Supervisor Smith moved approval of the Resolution of Recognition presented to Cox Farms on its 50th anniversary of doing business in the community. Chairman McKay seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING AUGUST 2022 AS "BLACK BUSINESS MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Proclamation designating August 2022 as "*Black Business Month*" in Fairfax County. Supervisor Lusk seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **RESOLUTION OF RECOGNITION PRESENTED TO FORMER FAIRFAX COUNTY PUBLIC SCHOOLS ASSISTANT SUPERINTENDENT JEFFREY PLATENBERG** (10:22 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to former Fairfax County Public Schools Assistant Superintendent Jeffrey Platenberg on his retirement. The motion was multiply seconded, and it carried by unanimous vote.

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7. **9:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS)** (10:41 a.m.)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard August 2, 2022." Supervisor Palchik seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

The full list of appointments is as follows:

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

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

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

The Board deferred the appointment of the Builder (Multi-Family), Citizen, Engineer/Architect/Planner #1 and #2, Lending Institution, and the Non-Profit Housing Representatives.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)**

The Board deferred the appointment of the At-Large #2, #3, and #4 Representatives.

**ANIMAL SERVICES ADVISORY COMMISSION**

The Board deferred the appointment of the Mason District Representative.

**ATHLETIC COUNCIL**

The Board deferred the appointment of the Mason District Alternate, Springfield District Principal, and Women's Sports Principal Representatives.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

Reappointment of:

- Mr. Ken Balbuena as the At-Large Chairman's Representative

The Board deferred the appointment of the Dranesville and Springfield District Representatives.

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

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

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)**

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

**CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL**

The Board deferred the appointment of the Fairfax County #9 (Youth) Representative.

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY**

The Board deferred the appointment of the Hunter Mill, Mount Vernon, and Springfield District Representatives.

**CIVIL SERVICE COMMISSION**

The Board deferred the appointment of the At-Large #8 Representative.

**COMMISSION FOR WOMEN**

The Board deferred the appointment of the Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") and Transgender Woman Representatives.

**COMMISSION ON AGING**

The Board deferred the appointment of the Mason District Representative.

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**

Appointment of:

- Ms. April Hall as the Hunter Mill District Representative

Confirmation of:

- Ms. Heather Thomas as the Elected - North Target Area #1 Representative
- Mr. Alex Rodriguez as the Elected - North Target Area #2 Representative

**CONSUMER PROTECTION COMMISSION**

Reappointment of:

- Mr. Dennis D. Kirk as the Fairfax County Resident #4 Representative

Appointment of:

- Mr. Triston "Chase" O'Savio as the Fairfax County Resident #6 Representative

The Board deferred the appointment of the Fairfax County Resident #1 Representative.

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

The Board deferred the appointment of the Mount Vernon, Providence, and Springfield District Representatives.

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I**

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

**ECONOMIC DEVELOPMENT AUTHORITY (EDA)**

The Board deferred the appointment of the At-Large #3 and #4 Citizen Representatives.

**ENGINEERING STANDARDS REVIEW COMMITTEE**

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

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Appointment of:

- Mr. David Simon as the At Large Chairman's Representative
- Ms. Erika James-Jackson as the Sully District Representative

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**

Confirmation of:

- Ms. Naina Narayana Chernoff as the Long Term Providers #16 Representative

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD**

Reappointment of:

- Ms. Cherylyn Harley LeBon as the Braddock District Representative

- Ms. Jo LaBrecque-French as the Dranesville District Representative

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

Reappointment of:

- Mr. Jon A. Miskell as the At-Large #4 Representative

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointment of the Consumer #4 and Provider #4 Representatives.

**HUMAN SERVICES COUNCIL**

Reappointment of:

- Mr. Paul D. Thomas as the Hunter Mill District #1 Representative
- Mr. Christopher Falcon as the Mason District #1 Representative
- Mr. Thomas G. Goodwin as the Providence District #1 Representative

The Board deferred the appointment of the Lee District #2 and Mount Vernon District #1 and #2 Representatives.

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

The Board deferred the appointment of the Mason District Representative.

**LIBRARY BOARD**

Appointment of:

- Ms. Kripa Patwardhan as the At-Large Chairman's Representative

Confirmation of:

- Ms. Priscille Dando as the School Board Representative

**NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD**

The Board deferred the appointment of the Fairfax County #2 Representative.

**OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING**

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

**POLICE CIVILIAN REVIEW PANEL**

The Board deferred the appointment of the Seat #3 Representative.

**POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES**

The Board deferred the appointment of the Citizen At-Large #3 Representative.

**RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

Appointment of:

- Ms. Stephanie Weber as the Residential Owners and HOA/Civic Association #3 Representative

The Board deferred the appointment of the Commercial or Retail Ownership #2 Representative.

**ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD**

The Board deferred the appointment of the Resident/Owner Route 28 District #3 Representative.

**TENANT LANDLORD COMMISSION**

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

**TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE**

Appointment of:

- Mr. Brooks Stephens as the Providence District Representative

The Board deferred the appointment of the Springfield District Representative.



**TRANSPORTATION ADVISORY COMMISSION**

Reappointment of:

- Ms. Linda D. Sperling as the At-Large Representative

Confirmation of:

- Ms. Christie Garton as the Disability Services Representative

The Board deferred the appointment of the Hunter Mill, Lee, and Springfield District Representatives.

**TREE COMMISSION**

The Board deferred the appointment of the Dranesville District Representative.

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

The Board deferred the appointment of the Commercial or Retail Ownership #3 Representative.

**UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES**

Reappointment of:

- Ms. Shaughnessy Glennon Pierce as the Citizen Appointed by BOS #2 Representative

The Board deferred the appointment of the Citizen Appointed by BOS #1 and #4 Representatives.

**WETLANDS BOARD**

Appointment of:

- Dr. Aurali Dade as the At-Large #2 Representative

**YOUNG ADULTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Braddock and Providence District Representatives.

**AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)**

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

**FAIRFAX COUNTY 250<sup>TH</sup> COMMISSION**

Confirmation of:

- Mr. Brent Feito as the Army Historical Foundation Representative

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

**HISTORICAL MARKER PROJECT VOTING COMMITTEE**

The Board deferred the appointment of the At-Large Chairman's and Springfield District Representatives.

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**ADDITIONAL BOARD MATTERS**

8. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2022, AS “NATIONAL HISPANIC AMERICAN HERITAGE MONTH”** (10:42 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor Palchik, asked unanimous consent that the Board direct staff to prepare a Proclamation designating September 15 - October 15, 2022, as “*National Hispanic American Heritage Month*” in the County. Without objection, it was so ordered.

9. **RESOLUTION OF RECOGNITION REQUEST FOR RIKKI EPSTEIN** (10:42 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Rikki Epstein, Executive Director, Arc of Northern Virginia, for 11 years of service. Chairman McKay stated that under her leadership, she transformed the organization and expanded programming to better inform, educate, and serve individuals with intellectual and developmental disabilities and their families. Without objection, it was so ordered.

10. **ELECTRIC VEHICLE CHARGING (EVC) INCENTIVES** (10:43 a.m.)

Chairman McKay stated that Carbon-Free Fairfax envisions a future for the County that is healthy, sustainable, and economically prosperous without greenhouse gas emissions. One of the most important steps that the County can take to reduce greenhouse gas emissions is to transition to electric vehicles.

At the October 19, 2021, Board Meeting, a Board Matter was presented, requesting that Land Development Services analyze the waiver of permitting fees associated

with the installation of electric vehicle infrastructure. Staff has conducted this analysis and has worked closely with his office to develop cost-incentives within the County's permitting process to encourage the use of electric vehicles.

To ensure public safety, the Uniform Statewide Building Code requires permits for all EVC infrastructure construction. Notwithstanding, the County may, by ordinance, exempt the fees associated with permitting these installations. Exempting EVC permit fees on a trial basis can help incentivize the use of electric vehicles enabling residents, businesses, and organizations to take small actions to decrease emissions. Even small actions can make a big impact.

Therefore, Chairman McKay moved that the Board authorize staff to draft and present an amendment to the appropriate County Ordinances exempting all electrical, building and sign permit fees exclusively associated with EVC infrastructure for 18 months, effective with the next release of Planning and Land Use System, expected for October 31, 2022. Staff should return to the Board in 12 months with metrics regarding installations as well as a recommendation regarding future fee discounts as an incentive to increase EVC infrastructure in the County. Vice-Chairman Gross seconded the motion.

Following discussion regarding safety implications and associated costs, the question was called on the motion and it carried by unanimous vote.

(NOTE: Later in the meeting the Board took action to establish fees for the charging of electric vehicles at County-owned charging facilities. See Clerk's Summary Item #40.)

11. **HUNTLEY MEADOWS PARK SIDEWALK** (10:53 a.m.)

Chairman McKay stated that ensuring all residents can access and enjoy the thousands of acres of parkland within the County gets to the heart of its One Fairfax Policy. County parks are a vital resource that many have rediscovered over the last couple of years. However, residents may not always have a safe point of access, or multiple options in how to access the parks (e.g., by foot or bike).

This is particularly salient on Lockheed Boulevard leading up to Huntley Meadows where there is roughly a gap of 1,500 feet between the park entrance and the end of the sidewalk. Chairman McKay stated his belief that it is important that the County fill that gap as soon as possible. Not only would this make for a safer route for residents to get to Huntley Meadows, but it would also create a safer connection to the nearby Hybla Valley Elementary School. Moreover, exploring the potential for another sidewalk connection on the west side of Harrison Lane leading into the park entrance from Bedrock Road could provide a significant benefit to residents. The completion of these sidewalks would ensure equitable access to one of the County's greatest parks.

While there still needs to be analysis for costs around design, planning, and construction, jointly with Supervisor Lusk, Chairman McKay requested the Department of Management and Budget include these projects for consideration in the Fiscal Year 2022 Carryover Budget.

Discussion ensued regarding:

- The criteria for the use of Carryover funds
- Other sidewalk projects throughout the County
- The One Fairfax policy and equitable access for the residents
- The Active Fairfax Planning Process

12. **GUIDELINES FOR ROAD FUNDS** (11:02 a.m.)

Chairman McKay stated that, as the Board is aware, the County has adopted Road Funds for several areas. These areas include the Fairfax Center Area, Centreville, and Tysons. These funds are used to collect a proportional share from the private sector to be used for construction of road improvements within those specific geographical areas. The Board has also adopted guidelines for the administration of the Road Funds. These guidelines are updated periodically to adjust the amounts and consider dynamic inputs such as inflation.

Recently, the County has been experiencing various forms of redevelopment, including repurposing buildings for different uses and the redevelopment of sites with new developments where other buildings had been rendered obsolete and torn down. This redevelopment is vital in keeping the County economy competitive, as well as resilient.

Some of this redevelopment has occurred within areas that are subject to Road Funds which were paid into when they were first constructed. However, the adopted guidelines do not anticipate how to handle the new reality the County is experiencing. For example, a project in Fair Lakes where an obsolete office building paid into the Road Fund in the 1980s is being replaced by townhomes. The townhomes will generate a lower trip rate than the office building. As such, and absent guidelines on how to address these instances, staff was only able to give the developer credit for the previous contribution. However, that contribution was at a much lower square foot rate since it was made 40-years ago. Staff did not have the latitude to consider the lower trip generation rate, or how much the rates have increased over time when evaluating the Road Fund contribution.

To address this and to provide guidance to staff in similar circumstances, Chairman McKay moved that the Board:

- Direct the County Department of Transportation to provide the Board with revised guidelines for the various Road Funds. These revised guidelines should consider redevelopment and other factors or changes since these Road Funds were established
- In relation to the example in Fair Lakes, direct staff to consider the previous payment to the Road Fund and the lower trip generation of its new use when setting the amount of the contribution for that project

Supervisor Herrity seconded the motion.

Following discussion regarding future coordination with applicable Board offices, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

13. **UPCOMING RETIREMENT ANNOUNCEMENTS** (11:07 a.m.)

Chairman McKay announced that Chris Wells, Active Transportation Program Manager, Department of Transportation (DOT), and Todd Wigglesworth, Chief, Coordination and Funding Division, DOT, both have upcoming retirements from the County. On behalf of the Board, Chairman McKay thanked them for their service to the County and wished them well in their future endeavors.

14. **CERTIFICATE OF RECOGNITION REQUEST FOR EVERGREEN HEIGHTS COMMUNITY ASSOCIATION (MASON DISTRICT)** (11:10 a.m.)

Supervisor Gross stated that the Evergreen Heights Community Association (EHCA) will be celebrating its 50th anniversary this year. Built in 1972 by the Lowstuter Brothers on what had been farmland near the town center of Annandale, the EHCA is part of the vibrant and diverse community within the heart of Mason District in the County.

Therefore, to commemorate the 50th anniversary of the Evergreen Heights Community Association, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition, to be signed by the Chairman and the Mason District Supervisor, for presentation at an offsite event to be held on September 10, 2022. Without objection, it was so ordered.

15. **LETTER TO THE INDIGENT DEFENSE COMMISSION** (11:10 a.m.)

Supervisor Walkinshaw stated that central to the criminal justice system is that all those who are accused of a criminal offense are afforded legal representation regardless of their means or socio-economic status. As such, the Office of the Public Defender (OPD) has served in that role to ensure the accused's constitutional rights are protected. As has been pointed out each year in the Board's Legislative Program, the OPD has historically been underfunded, leaving the County to make up the difference. The state's inadequate funding of its responsibility to provide court services creates an inequity that has far reaching impacts throughout the criminal justice system.

While the General Assembly has worked to rectify this inequity, it has not addressed the underlying issue. The Board recognizes that efforts have been made to achieve pay parity between OPD and the Office of the Commonwealth's Attorney, and that some additional funds were appropriated for the Indigent Defense Commission. Additionally, the Board is encouraged that the recent state budget included a Joint Legislative Audit and Review Commission (JLARC) study to take a broader look at the OPD system and to consider improvements.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Walkinshaw moved that the Board direct the Chairman to sign and the send the letter attached to his written Board Matter, on behalf of the Board, to the Indigent Defense Commission, requesting them to work with all stakeholders in remedying this inequity. Chairman McKay seconded the motion.

Following discussion regarding staffing issues, the question was called on the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

16. **CERTIFICATE OF RECOGNITION REQUEST FOR THE BURKE COMPOSITE SQUADRON CADET COMPETITION TEAM** (11:15 a.m.)

Supervisor Walkinshaw stated that the Civil Air Patrol is a vital force which protects Americans in need by responding to disaster, preserves the values that make this Country great by developing young leaders, and ensures preeminence in Aerospace and Cyberspace Education.

The Burke Composite Squadron, founded in September 1987, which is part of the Civil Air Patrol's Virginia Wing, is composed of 73 dedicated members, aged 12 and older. Students learn aviation, cybersecurity, science, technology, engineering, and mathematics (STEM) principles, land navigation, search and rescue skills, rockets, and much more.

After winning both the Virginia and Regional Drill Competitions, the Burke Composite Squadron's Competition Team participated in the Civil Air Patrol National Cadet Competition in Dayton, Ohio, from July 14 - 19, 2022.

The competition featured 16 teams from eight regions around the U.S., from Alaska to Puerto Rico. Cadets competed over two days on various aspects of cadet life, such as posting of the colors, drill, a leadership and aerospace written exam, a team leadership problem, uniform preparation, fitness testing, and public speaking.

The Burke Composite Squadron finished overall third place nationally. Featured achievements of the team include first place in the written exam and highest individual score (with Cadet Chief Master Sergeant Robert Kammerer winning a perfect score), and second place in small, unmanned aircraft systems, indoor posting of the colors, and outdoor posting of the colors.

Therefore, jointly with Supervisor Herrity, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Burke Composite Squadron Cadet Competition Team, to be presented this Fall. Without objection, it was so ordered.

17. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2022 AS “SUICIDE AWARENESS MONTH”** (11:16 a.m.)

Supervisor Walkinshaw stated that suicide is a serious public health problem that can have lasting harmful effects on individuals, families, and communities. There are many factors that contribute to suicide. The goal of suicide prevention is to reduce factors that increase risk and increase factors that promote resilience. COVID-19 pandemic has brought more attention to the impact of increased isolation, stress, and uncertainty on a person’s mental health.

In a recent survey, half of adults said that they are more open to talking about mental health since COVID-19. This is encouraging, and this openness will help bring about positive change in the way the community talks about suicide. As the County recovers from the pandemic, more needs to be done to help friends, families, and communities reduce the risk of suicide.

Sobering suicide statistics include:

- 45,979 people died by suicide in the United States in 2020
- Suicide rates among males in 2020 was four times higher than females
- Second leading cause of death for ages 10 - 34
- 12 million Americans have reported serious thoughts of suicide
- Suicide is the 11th leading cause of death in Virginia, with an average of 1140 suicides occurring annually
- 59 percent of all suicides were by firearms

Each person can help make a difference in these efforts, starting with outreach, education, and support focused on increasing resiliency.

Organizations such as PRS CrisisLink, American Foundation for Suicide Prevention (AFSP), and the Fairfax-Falls Church Community Services Board (CSB) are on the frontlines working to change the conversation from suicide-to-suicide prevention. By offering support, encouragement, and resources they help promote healing and give hope.

During the month of September, mental health advocates, prevention organizations, survivors, and community members unite to promote suicide prevention awareness. To raise awareness every year, September is recognized as “*Suicide Awareness Month*.” Supervisor Walkinshaw stated that as part of this effort, he and Supervisor Smith are leading the County team at the American Foundation for Suicide Prevention’s annual Out of the Darkness community walk on October 1, 2022, in Fairfax City. All those who are interested are invited to participate.

Therefore, jointly with Supervisor Smith, Supervisor Walkinshaw asked unanimous consent that the Board direct staff to:

- Prepare a Proclamation designating September 2022 as “*Suicide Awareness Month*” in the County, and that PRS CrisisLink, AFSP, the CSB, and other partners in suicide prevention be invited to appear before the Board on September 13, 2022, to accept this proclamation
- Help publicize both September 2022 as “*Suicide Awareness Month*” and AFSP’s Out of the Darkness community walk

Without objection, it was so ordered.

18. **PROCLAMATION REQUEST DESIGNATING AUGUST 27, 2022, AS “LAKE ACCOTINK PARK DAY” (11:18 a.m.)**

Supervisor Walkinshaw stated that residents have been enjoying Lake Accotink Park for almost 60 years now. For decades, it has been the site of many events including live music shows and educational programs, continuing to serve the County and strengthening the surrounding community with its beautiful sights, abundant wildlife, and high accessibility. The Friends of Lake Accotink Park, through a special partnership with the Park Authority, works to protect, beautify and promote the park.

Visitors to Lake Accotink Park catch glimpses of the boundless variety of wildlife that the Park has to offer, such as eagles, foxes, deer, ducks and osprey. They can also enjoy amenities such as trails, gathering spaces, historical sites, children’s activities and more, in the presence of a beautiful lake.



With its 60th anniversary just around the corner, many believe it would be a momentous time to honor Lake Accotink Park for the many amenities it has provided residents for all these years.

Therefore, jointly with Chairman McKay, Supervisor Gross, and Supervisor Lusk, Supervisor Walkinshaw moved that the Board direct staff to prepare a Proclamation designating August 27, 2022, as “*Lake Accotink Park Day*” in the County, in recognition of the many years of joy and comfort the park has given to residents, and in acknowledgement of the steadfast support by the County, the Park Authority, and the Friends of Lake Accotink, to be presented outside the Board Room. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Alcorn and Supervisor Palchik being out of the room.

19. **CONCURRENCE REQUEST FOR LACM VA, LLC** (11:21 a.m. )

Supervisor Walkinshaw stated that the Fairfax County Redevelopment and Housing Authority (FCRHA) is the owner of property identified as Tax Map 56-1 ((15)) Parcel 14B, comprising parking lots G and H in front of the Government Center. The Board previously created this parcel by subdividing it from the larger Government Center property – known as Government Center Land Bay C under existing land use approvals – and then conveyed it to the FCRHA for development of affordable housing. Government Center Land Bay C is now comprised of the FCRHA-owned Parcel 14B, and the Board-owned parcels on which the Government Center building is located, identified as Tax Map 56-1((15)), Parcels 14A and 5B.

Pursuant to a request for proposals issued in accordance with the Public-Private Education Facilities and Infrastructure Act of 2002, the FCRHA selected LACM VA, LLC, a subsidiary of Lincoln Avenue Capital, as the developer for Parcel 14B and entered into an Interim Agreement with LACM authorizing LACM to pursue the necessary land use approvals for the project on the FCRHA’s behalf.

LACM has prepared and filed a Proffered Condition Amendment and Conceptual Development Plan Amendment (PCA/CDPA) on the entire Government Center Land Bay C in review under RZPA-2022-BR-00086 and a Final Development Plan Amendment (FDPA) on Parcel 14B only, in review under RZPA-2022-BR-00092. The two applications together would permit the redevelopment of Parcel 14B with affordable housing; the PCA/CDPA includes the entire Land Bay C to allow for accurate tracking of gross floor area over the entire site. Because the Board-owned Government Center parcels, identified as Tax Map 56-1 ((15)) Parcels 14A and 5B, are included in the PCA/CDPA application, Board concurrence is required for filing the application.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board authorize the:

- Inclusion of the Board-owned property identified as Tax Map 56-1 ((15)) Parcels 14A and 5B in pending application RZPA-2022-BR-00086
- County Executive and/or his designees to act as agent for the Board in conjunction with this application. In the case of any proffers associated with the application, the County Executive and/or his designees may sign such associated proffers only after receipt of an executed indemnification agreement from LACM. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the LACM from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way

Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity voting “NAY,” Supervisor Palchik being out of the room.

20. **RECOGNITION REQUEST FOR THE MCLEAN PROJECT FOR THE ARTS (MPA)** (11:24 a.m.)

Supervisor Foust stated that this year marks the 60th anniversary for MPA, the oldest continuously operating, nonprofit visual arts center in Northern Virginia. Founded in 1962, MPA has presented works by more than 3,000 emerging and established artists, offered thousands of studio art classes and workshops, and promoted art education through lectures, talks, and gallery tours, benefiting tens of thousands of residents annually.

MPA showcases its visual arts program in the galleries and studio at the McLean Community Center through the first public-private partnership in the arts with the County.

MPA ArtReach, the signature outreach program, is offered free to students in Fairfax County Public Schools. The exhibition-based program increases participants' understanding of science, technology, engineering, and mathematics principles based on Virginia's Standards of Learning while building a sense of community through the shared art experience.

MPA ArtReach serves at-risk pupils, students in self-contained classes, and individuals in the community with intellectual and physical disabilities, helping them to gain an appreciation for art and fostering creativity. MPA also conducts free art workshops for senior citizens at area senior centers as well as family art programs. MPA ArtReach serves more than 3,000 residents each year at no cost to the participants. During the COVID pandemic, ArtReach provided an especially cherished personal connection.

Each October, MPA hosts MPAartfest, a one-day visual and performing arts festival attended by thousands of area residents since its founding in 2006. This free community event features the work of visual artists, children's programs, and performances by regional musicians.

For 60 years, MPA has successfully fulfilled its mission to exhibit the work of artists from the Mid-Atlantic region, to promote awareness and understanding of contemporary art, and to offer instruction and education in the visual arts.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite MPA representatives to appear before the Board at its meeting on September 13, 2022, for recognition of its 60th anniversary and many contributions to the community. Without objection, it was so ordered.

21. **PROCLAMATION REQUEST FOR THE MCLEAN VOLUNTEER FIRE DEPARTMENT** (11:25 a.m.)

Supervisor Foust stated that the McLean Volunteer Fire Department was incorporated in 1921, over a hundred years ago. Because this was the first charter of its nature in the County, the Fire Department was designated as “Company 1.” In 1923, the Commonwealth of Virginia issued a charter to the company, and since that time, the department has been known as the “McLean Volunteer Fire Department, Incorporated”, the first incorporated fire company in the County.

The McLean Volunteer Fire Department has led the way on several fronts. For example, it was the first in the County to:

- Have an ambulance (1935)
- Hire a career firefighter (1946)
- Purchase and install an aerial platform (1973)
- Admit the first female volunteer firefighter (1974)

The first minority firefighter hired by the County, in 1974, and the first career woman firefighter assigned to rotating shift work, in 1981, were assigned to the McLean Station.

In the spring of 1947, the original cinder block firehouse was demolished and a one-story structure with four bays was constructed. In 1988, the County built a new state-of-the-art station in McLean with a much larger capacity.

The County retained the former station, which is now on the County’s Inventory of Historic Sites. The County turned over usage of the building to the McLean Community Center. It presently functions as the Old Firehouse Teen Center and is

a hub of social activity for McLean youth in grades 7 - 9. In addition, Specially Adapted Resource Clubs uses the facility to provide programming for young adults with severe disabilities and the Lewinsville Senior Center uses it to offer programs for older residents.

Throughout the 20th century to the present, the McLean Volunteer Fire Department has continued to play a significant role in the McLean community and has served as a model for other developing fire departments around the County. Volunteer firefighters put in many hours to support the career fire and rescue personnel. Currently, the department carries about 80 members on its rolls. They range from college students to seniors, and they come from many different backgrounds. Volunteers are asked to give 240 hours a year but there are some members who volunteer 1,000 hours a year.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Proclamation for the McLean Volunteer Fire Department, in recognition of its 100 years of exemplary service, to be presented on September 20, 2022, at its 100th Anniversary gala. Without objection, it was so ordered.

22. **AMERICAN RESCUE PLAN ACT (ARPA) FUNDS AND AFFORDABLE HOUSING** (11:27 a.m.)

Supervisor Foust stated that the State and Local Fiscal Recovery Funds component of the ARPA has played a vital role in ensuring the County continues to address the community's priorities as the County emerges from the COVID-19 pandemic.

This is especially true for affordable housing development and preservation, where the Board allocated a total of \$30 million from its ARPA funds so far. Assuming Board approval of the "SOMOS" project, which is the subject of an Action Item at the Board Meeting today, the entirety of that \$30 million will be fully committed to projects in the County's pipeline. As the Affordable Housing Advisory Council noted in its email to the Board on July 30, 2022, this important progress and the County's burgeoning pipeline of projects make it critical to continue to identify additional resources.

By happy coincidence, the White House issued guidance last week which greatly expands the utility of ARPA funds for the express purpose of increasing the supply of affordable housing. Specifically, the guidance made clear that ARPA funds can be used as loans in affordable housing development deals, including in combination with the Low-Income Housing Tax Credit Program. Heretofore, in practical terms, the funds could only be used in such deals for land acquisition. This welcome change gives the ARPA funds much of the same flexibility as the County's local dollars.

With that being the case and given the County's ongoing success and efficiency in using these funds for affordable housing development, now is the time to consider committing additional ARPA funds for this critically important purpose.

Therefore, jointly with Chairman McKay, Supervisor Foust moved that the Board direct the County Executive to determine whether, and to what extent, additional ARPA funds can be directed to affordable housing development, and to advise the Board of his recommendation prior to the September 13, 2022, Board Meeting. Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Herrity voting “NAY,” Supervisor Palchik being out of the room.

23. **ECONOMIC OPPORTUNITY RESERVE (EOR) NOMINATION  
WORK-BASED LEARNING (WBL) OPPORTUNITY FUND** (11:31 a.m.)

Supervisor Foust stated that recent local, regional, and national employer surveys and data indicate that across the County’s economy, worker retention and recruitment are the top issue for firms of all sizes, sectors, and geographies. The shortage of workers using traditional talent sourcing approaches is constraining economic growth and business success. The Economic Advisory Commission (EAC) identified workforce development as a priority topic for 2022. Further refinement established ‘work-based learning,’ as the first topic of focus for EAC engagement in this calendar year.

WBL programs provide a method for employers to onboard employees that may have less experience or credentials, expand the labor pool, and build talent, and can also increase retention and accelerate the productivity of workers once employed. While there are some work-based learning programs and initiatives in the region, there is limited employer utilization and insufficient student and employee awareness and participation.

In March 2022 interested EAC members and other stakeholders participated in a working session to address the challenge statement: “How can more Fairfax County businesses establish or utilize work-based learning initiatives to open new talent pools, reskill workers, and increase retention of skilled talent?” In April 2022 the working group recommendations were presented to the full EAC.

Based on the EAC workgroup recommendations, full EAC meeting discussion, and input from local and regional workforce experts, a primary gap and opportunity to address the workforce shortage has been identified. The EAC recommends establishing an Opportunity Fund to incentivize and provide hands-on support to businesses to utilize work-based learning as a solution to their urgent need to onboard, develop and retain skilled workers. Such an Opportunity Fund should be combined with a Regional Work-Based Learning Collaborative to match employer-sponsored opportunities with qualifying candidates and provide coaching support to convert those opportunities into permanent job offers. Finally, the Opportunity Fund would fill a crucial gap in the workforce, training, and business landscape, and will complement, not duplicate, existing workforce development initiatives.

Therefore, Supervisor Foust moved that the Board direct the County Executive to:

- Develop a program scope for a Work-Based Learning Opportunity Fund not to exceed a total of \$3 million for a two-year pilot program
- Prepare an Initial Project Evaluation of a potential investment to pilot such a fund under the guidelines adopted for the EOR for review by the Economic Initiatives Committee on September 20, 2022
- Not invest funds from the EOR until the Board has approved the use of the funds for that purpose

Supervisor Lusk seconded the motion.

Following discussion regarding providing coaching throughout and implications associated with County restrictions, the question was called on the motion and it carried by a vote of eight, Supervisor Herrity and Supervisor Palchik being out of the room.

24.

**ADOPTION OF REVISED PRINCIPLES FOR PUBLIC INVESTMENT TO SUPPORT DEVELOPMENT** (11:39 a.m.)

Supervisor Foust stated that in 2008, the Board adopted “16 Principles for Public Investment to Support Commercial Revitalization” (the 2008 Principles). Over the years, the 2008 Principles have been used to evaluate potential county financial support for proposed revitalization projects. The principles have guided staff through project review and all phases of due diligence. For example, use of the 2008 Principles demonstrated that the successful Mosaic development would not have gone forward without (“but for”) the use of Tax Increment Financing (TIF).

Based on experience working with the 2008 Principles, staff has proposed several revisions that, if adopted, will make the principles more focused and useful when evaluating the County’s options. Staff has prepared the “Principles for Public Investment to Support Development” (the “Revised Principles”), attached to his written Board Matter, and recommends they be adopted to replace the 2008 Principles. Staff proposes to consolidate the number of principles from 16 to 12, but all the critical elements included in the 2008 Principles will be retained in the Revised Principles, including:

- Compliance with the Comprehensive Plan and Zoning Ordinance
- No negative impact on County’s credit rating
- Transparency from developer for requested information
- TIF financing must be properly structured

- Proposal must meet the “but for” test (the project would not go forward “but for” the public investment)

The Revised Principles were presented at the Board’s Economic Initiatives Committee held on July 26, 2022, and it was agreed that they would be brought forward to the Board for further consideration and adoption.

Therefore, Supervisor Foust moved that the Board adopt the Revised Principles, attached to his written Board Matter, and direct that, going forward, staff utilize these Revised Principles, and such other tools and considerations as they deem appropriate under the circumstances, when evaluating proposals for public investment to support development. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Following discussion regarding inclusion of affordable housing, the question was called on the motion and it carried by unanimous vote.

25. **PROCLAMATION REQUEST FOR SHILOH BAPTIST CHURCH**  
(11:43 a.m.)

Supervisor Foust stated that he would like to take this opportunity to congratulate the members of Shiloh Baptist Church in McLean on the 150th anniversary of its congregation. There are very few groups in the County that have reached such a milestone.

Shiloh Baptist is one of the oldest African American churches in the County. Its history dates to Cyrus Carter, a prominent member of the Northern Virginia African American community. Between 1866 and 1873, Reverend Carter organized four congregations, including Shiloh Baptist. Church members initially worshipped in Odrick’s Public School, which is now the site of Charity Baptist Church. Several present-day members of the congregation can trace their roots back to the founding members of the church.

Odrick’s Public School and Odrick’s Corner were named after Alfred Odrick, a freed slave who was well known in the area for his carpentry skills, and who was one of the first African American landowners in the County. Many of Mr. Odrick’s descendants settled in homes surrounding his, giving rise to the name Odrick’s Corner.

The cornerstone for the church building was laid in 1887; and at a cost of \$2000, the building was constructed. In 1926, a fire destroyed the church, and the congregation once again worshipped at Odrick’s Public School. It was not until 1929 that Shiloh was able to lay another cornerstone for a new building.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a Proclamation for Shiloh Baptist Church, in recognition of its 150th

anniversary and the prominent place that the church has played in the County's history, to be presented at a special service for the Church on September 28, 2022. Without objection, it was so ordered.

26. **UPCOMING BOARD ELECTION** (11:45 a.m.)

Supervisor Foust announced that he will not be seeking reelection as the Dranesville District Supervisor in the upcoming election for the Board.

27. **ADVANCING PROCESS FOR RENAMING LEE HIGHWAY AND LEE-JACKSON MEMORIAL HIGHWAY** (11:49 a.m.)

Supervisor Alcorn stated that in July 2021, the Board created the Confederate Names Task Force (CNTF) to review the names of Lee Highway (U.S. Route 29) and Lee-Jackson Memorial Highway (U.S. Route 50) and make recommendations to the Board on:

- Whether to change the names of one or both roadways
- What the names should be changed to

From August through December 2021, the CNTF met, sought public input, prepared recommendations, and submitted the final report to the Board in December 2021. The report recommended:

- Changing the names of both roadways and submitted alternate names for each
- That the Board consider providing financial assistance to those affected

When the Board received the report, staff was requested to undertake additional outreach to businesses and residents. This spring, staff conducted additional outreach to those in the corridor and presented the results at the Board's Transportation Committee on June 14, 2022. The presentation also provided information on the cost of signage, actions undertaken by neighboring jurisdictions, and various ways jurisdictions are providing aid to businesses directly impacted by a name change. During that Committee Meeting, the Board provided feedback on how they wanted to proceed on the naming of both roads.

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

- Prepare an Action Item for the September 13, 2022, Board Meeting, to advance the renaming of Lee Highway and Lee-Jackson Memorial Highway to Route 29 and Route 50, respectively. The Action Item should include:



- A resolution supporting the name changes, which will be provided to the Commonwealth Transportation Board, as required by the Virginia Code
- Information on ways to financially assist those directly impacted by changing the name of either road and that a criteria to meet such assistance be developed in an equitable manner

Chairman McKay, Supervisor Palchik, and Supervisor Smith jointly seconded the motion.

Following discussion regarding the associated costs, challenges, and benefits, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

28. **CONCURRENT AND EXPEDITED PROCESSING REQUEST FOR CM VANTAGE LLC** (11:59 a.m.)

- (A) Supervisor Alcorn stated that the applicant, CM Vantage LLC, seeks approval of a Planned Residential Community (PRC) Plan Amendment with a Concurrent Development Plan Amendment and, Proffered Condition Amendment for the redevelopment of the southwest portion of the property with 28 single-family attached dwelling units. The applicant has a public hearing scheduled before the Planning Commission on November 2, 2022, and has requested a date certain for a public hearing before the Board.

The Property is subject to Rezoning Application RZ A-502 that was approved by the Board on October 24, 1962, and an apartment complex was subsequently built. In 1984, the apartment complex was converted to a condominium known as Vantage Hill Condominium governed by the Vantage Hill Condominium Association. The applicant’s proposal will allow Vantage Hill to redevelop an abandoned pool area to residential use. The sale is intended to generate revenue to address a backlog of capital improvements facing the existing condominium development.

Therefore, Supervisor Alcorn moved that the Board direct the Clerk for the Board to schedule Proffered Condition Amendment Application PCA A-502-04 and Development Plan Amendment Application DPA A-502-10 and the associated PRC Plan Amendment for a public hearing before the Board to be held on **December 6, 2022, at 3:30 p.m.** 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 applicable ordinances, regulations, and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Supervisor Lusk seconded the motion and it carried by unanimous vote.

29. **NO BOARD MATTERS FOR SUPERVISOR LUSK (LEE DISTRICT)**  
(12:01 p.m.)

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

30. **PROCLAMATION REQUEST FOR AMERICAN HORTICULTURAL SOCIETY (AHS)** (12:01 p.m.)

Supervisor Storck stated that the AHS will celebrate its 100th Anniversary this year as one of the most longstanding, respected gardening organizations in North America. During this time, AHS has promoted American horticulture, and for 50 years has been the steward of the beloved River Farm, located on land once owned by George Washington, along the picturesque Potomac River.

In 2020, when the previous AHS Board decided to sell this historic property, this Board was instrumental in saving and helping to preserve the rich heritage at River Farm from potential future development.

As AHS looks forward to the next 100 years, it has committed to continue their goals to “build upon our country’s rich horticultural legacy and common roots while creating a sustainable future focused on beauty, nature, and knowledge. And as important, to protect and share its headquarters as a national treasure and example of forward-looking American gardening.”

Therefore, jointly with Chairman McKay, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation for the American Horticultural Society, to be signed by the Chairman and the Mount Vernon District Supervisor, in recognition of its centennial anniversary, to be presented at its 100<sup>th</sup> Anniversary gala. Without objection, it was so ordered.

31. **CONSIDERATION ITEM TO FUND THE GUM SPRINGS TRAIL ENHANCEMENTS (MOUNT VERNON DISTRICT)** (12:03 p.m.)

Supervisor Storck stated that the Gum Springs community, located in the Mount Vernon District, is the oldest African American community in the County. Residents have long been advocating for equitable water access to Little Hunting Creek from the nearby Martin Luther King, Jr. Park. The community, Park Authority, and the Equity Office have discussed this and are supportive of this effort to provide access and educational opportunities for children and residents on park land. If funded, this would be added to the 2023 Fairfax County Park Authority workplan to begin design work.

Supervisor Storck requested that staff add \$600,000 as a Consideration Item for Fiscal Year 2022 Carryover Review to fund Gum Springs Trail Enhancements for Board consideration.

32. **PROCLAMATION REQUEST FOR SOUTH COUNTY MIDDLE SCHOOL (SCMS)** (12:04 p.m.)

Supervisor Storck stated that SCMS opened its highly anticipated doors on September 12, 2012. This community school came to fruition after many years of community advocates, who decided that a middle school was necessary, worked tirelessly with officials at all levels of government to realize its goal of a stand-alone middle school. While they were regularly met with rejection and disappointment, they persevered, and overcame all the obstacles they encountered.

In 2008, the Board allocated \$10 million to the school system and later that year, the Fairfax County School Board voted to allocate this money to build the middle school; saving taxpayers \$35 million by building the school earlier than planned, using the development plans from another middle school, and by swapping land with the Park Authority.

For 10 years now, SCMS has provided a positive learning environment by academically challenging students with a full spectrum of programs including general education, an Advanced Academics Level IV Center, an Honors Program, and a Special Education Program.

Despite its presence as a stand-alone middle school, SCMS students, staff, and community members continue collaboration and connections with South County High School which lies adjacent to the middle school. This bond has strengthened the South County sense of community and the Mustang and Stallion spirit is enduring.

Therefore, jointly with Chairman McKay and Supervisor Herrity, Supervisor Storck asked unanimous consent that the Board direct staff to prepare a Proclamation for SCMS, to be signed by the Chairman and the Mount Vernon District Supervisor, in recognition of its 10<sup>th</sup> Anniversary, to be presented outside of the Board Room. Without objection, it was so ordered.

33. **NEW ADMINISTRATIVE AIDE IN THE MOUNT VERNON DISTRICT SUPERVISOR'S OFFICE** (12:08 p.m.)

Supervisor Storck introduced Cassidy Donaghy, a new Administrative Aide in his office. On behalf of the Board, he welcomed her to the County and Board Auditorium.

34. **PUBLICITY REQUEST FOR "FARMERS MARKET WEEK"** (12:09 p.m.)

Supervisor Palchik stated that "*National Farmers Market Week*" will be held August 7 – 13, 2022, and is a way to show appreciation to farmers and artisans, volunteers running the onsite logistics, and loyal customers supporting these local efforts.

The County Farmers Markets will join FRESHFARM and other farmers markets across the nation in celebration of “*National Farmers Market Week*” to highlight the role of farmers markets in supporting healthy communities, stimulating local economies, and investing in local farmers. This annual celebration that boosts market attendance and visibility is an opportunity to educate shoppers about local food and agriculture and strengthen the ties to the community.

“*Farmers Market Week*” is also “*Bike-to-Market Week*” in the County. On behalf of the Board, she invited the community to bike to the local County Farmers Markets. Supervisor Palchik stated that the County Bicycle Map shows a safe route to take and is available at: [www.fairfaxcounty.gov/transportation/bike/map](http://www.fairfaxcounty.gov/transportation/bike/map). Supplemental Nutrition Assistance Program Electronic Benefits Transfer cards can be used at select County Farmers Markets. The Farmers Market Week schedule and list of activities can be found at [www.fairfaxcounty.gov/parks/farmersmarkets/farmers-marketweek](http://www.fairfaxcounty.gov/parks/farmersmarkets/farmers-marketweek).

Therefore, jointly with Supervisor Gross, Supervisor Palchik asked unanimous consent that the Board direct the Office of Public Affairs to advertise the Farmers Market Week schedule on its channels and invited the Board and community to join the celebration by visiting a farmers market during that week, to support local farmers and businesses, learn how to prepare fresh ingredients at their cooking demonstrations, participate in fun and educational activities, listen to live music, and enjoy delicious food from local producers. Without objection, it was so ordered.

35. **REQUEST TO SCHEDULE A PUBLIC HEARING FOR CLARK CONSTRUCTION GROUP (PROVIDENCE DISTRICT) (12:12 p.m.)**

Supervisor Palchik stated that Clark Construction Group recently announced plans to open a new 128,000 square foot office in the Silverline Center office building located at 7900 Westpark Drive in Tysons. The new space is designed to provide a modern and collaborative hub for Clark’s infrastructure, building, and asset solutions teams along with many of Clark’s corporate departments that serve the company’s projects nationwide, including numerous projects in the County. Clark will employ over 550 people at this location.

Clark is currently renovating the interior of the Silverline Center office building and plan to begin occupancy on September 23, 2022. As part of the project, Clark has requested a Special Exception to accommodate a second building mounted sign to take advantage of the building’s gateway location on the Beltway.

Clark is actively working with staff on the Special Exception to improve the overall design. The Special Exception is currently scheduled for the Planning Commission meeting on September 14, 2022. To have the Special Exception public hearing coincide as closely as possible with its move, Clark has asked that the public hearing before the Board be scheduled for October 11, 2022.

Therefore, Supervisor Palchik moved that the Board direct staff to schedule Special Exception Application SE 2022-PR-00007 for a public hearing before the Board on October 11, 2022. This motion should not be construed as a favorable recommendation by the Board, nor does it relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Chairman McKay seconded the motion and it carried by unanimous vote.

36. **NO BOARD MATTERS FOR SUPERVISOR HERRITY (SPRINGFIELD DISTRICT)** (12:15 p.m.)

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

37. **POTENTIAL TRANSFER OF BOARD OF SUPERVISORS'-OWNED PROPERTY (4000 STRINGFELLOW ROAD- CHANTILLY LIBRARY) TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (SULLY DISTRICT)** (12:15 p.m.)

Supervisor Smith stated that increasing the supply of affordable housing throughout the County is a high priority. Earlier this year, the Board made the commitment to increase its strategic goal to provide a minimum of 10,000 new affordable housing units by 2034. Staff have been evaluating all the County's existing assets for potential housing opportunities, including the collocation of new housing with existing County facilities on County-owned land. Through the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), as amended, publicly owned land in the County has been successfully leveraged through public-private partnership development to efficiently produce affordable housing units in a cost-effective manner through use of low-income housing tax credits.

The Board is the owner of approximately 15.9 acres of land in the Sully District, described as Tax Map 45-1(1) 7C and home to the Chantilly Regional Library. An opportunity exists on this site for the collocation of approximately 150-200 multi-family units, associated support services, and sitewide pedestrian improvements, including a shared open space plaza accessible to library patrons and community residents designed to link both uses. The site's location is ideal as it is within walking distance to important services beyond the existing library including schools, parks, transit routes, as well as recreation and commercial amenities. These are all features that contribute to creating an equitable community with a neighborhood living environment providing opportunity for all residents of the community.

Therefore, Supervisor Smith moved that the Board direct staff to initiate steps to formally authorize and schedule a public hearing to consider the conveyance of approximately eight acres of the Board-owned property at the Chantilly Regional Library site located at Tax Map Parcel 45-1(1) 7C to FCRHA for the development of affordable housing, subject to the following:

- In the event the FCRHA no longer pursues the project, FCRHA will transfer ownership of the property back to the Board
- FCRHA will provide the County with access to and use of the site until such time as development activities begin
- Any existing library parking spaces within the area designated for the affordable housing development will be replaced within the development and provided for library use

Supervisor Foust and Supervisor Palchik jointly seconded the motion.

Following discussion regarding the possible implications to the Springfield District, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

38. **UPCOMING MEETING REGARDING THE POSSIBLE RENAMING OF THE SULLY MAGISTERIAL DISTRICT** (12:19 p.m.)

Supervisor Smith stated that she would be holding another virtual meeting regarding the possible renaming on September 1, 2022, at 7 p.m. She requested that staff publicize the information related to this upcoming meeting.

**KK:kk**

**AGENDA ITEMS**

39. **ADMINISTRATIVE ITEMS** (12:20 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Lusk and Chairman McKay 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.”

**ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATION (HUNTER MILL DISTRICT)**

Authorized the extension of review period for the following Public Facility 2232 Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2022-HM-00006	Arlington Partnership for Affordable Housing Tysons Community Center Tax Map Number 29-3 ((2)) 2D	June 24, 2023

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
	1592 Spring Hill Road Vienna, VA Hunter Mill District	

**ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATION (SPRINGFIELD DISTRICT)**

Authorized the extension of review period for the following Public Facility 2232 Review Application to the date noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-2022-SP-00007	Department of Public Works and Environmental Services Fairview Temporary Fire Station 32 Tax Map Number 77-1 ((1)) 67 5600 Burke Centre Parkway Fairfax Station, VA Springfield District	September 24, 2022

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO LEASE A PORTION OF THE I-95 LANDFILL COMPLEX FOR THE PURPOSE OF INSTALLING A SOLAR FACILITY (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2022, at 4:30 p.m.**, to lease a portion of the I-95 Landfill Complex, Tax Map Number 113-1((1))14, to Sun Tribe Solar, LLC for the purpose of installation, operation, and maintenance of ground-mount solar photovoltaic panels.

**ADMIN 4 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) ON KINGSBRIDGE DRIVE (PROVIDENCE DISTRICT)**

- Authorized the installation of three “Watch for Children” signs on Kingsbridge Drive (Providence District) as part of the RTAP
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” signs as soon as possible

**ADMIN 5 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) ON BLAKE LANE (PROVIDENCE DISTRICT)**

- Authorized the installation of two “Watch for Children” signs on Blake Lane (Providence District) as part of the RTAP
- Directed staff of the Department of Transportation to schedule the installation of the approved “Watch for Children” signs as soon as possible

**ADMIN 6 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) ON PEABODY DRIVE (DRANESVILLE DISTRICT)**

- (R)
- Adopted the Resolution endorsing traffic calming plans consisting of two speed humps on Peabody Drive (Dranesville District)
  - Directed staff of the Department of Transportation to schedule installation of the approved traffic calming measures as soon as possible

**ADMIN 7 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) ON BLAKE LANE (PROVIDENCE DISTRICT)**

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Blake Lane between Sutton Road and Route 29 (Providence District)
  - Directed staff of the Department of Transportation to request the Virginia Department of Transportation schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO ESTABLISH THE LEE LANDING COMMUNITY PARKING DISTRICT (CPD) (PROVIDENCE DISTRICT)**

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2022, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Lee Landing CPD.



**ADMIN 9 – FAIRFAX FOUNDERS FUND ELIGIBILITY MODIFICATION**

Approved the modification of the Fairfax Founders Fund guidelines to include only applicants having their principal place of business in Fairfax County, including the Towns of Herndon, Vienna, and Clifton, as eligible entities; entities with a principal place of business in the Cities of Fairfax or Falls Church would not be included.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FISCAL YEAR (FY) 2022 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2023 REVISED BUDGET PLAN**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 11, 2022, at 10:30 a.m.**, to consider an increase in the FY 2023 appropriation level. The advertisement encompasses both the County and the Schools’ FY 2022 Carryover Reviews.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON BULL RUN POST OFFICE ROAD (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2022, at 4 p.m.**, to consider endorsing Bull Run Post Office Road between Route 29 in Fairfax County and Braddock Road in Loudoun County to be included in the Residential Traffic Administration Program for a through truck traffic restriction.

**EBE:ebe**

40. **A-1 – ESTABLISHMENT OF RETAIL FEES FOR THE CHARGING OF ELECTRIC VEHICLES (EVs) AT COUNTY-OWNED CHARGING STATIONS** (12:22 p.m.)

(NOTE: Earlier in the meeting, a Board Matter was presented regarding electric vehicle charging incentives. See Clerk’s Summary Item #10.)

Supervisor Storck moved that the Board concur in the recommendation of staff and adopt a two-part fee to be paid by the public effective August 3, 2022, including County employees charging their privately-owned vehicles, for the charging of EVs at County-owned charging stations, consisting of:

- A charge of \$0.30 per kilowatt hour
- A dwell time fee of \$2.00 per hour, capped at \$25.00 per session, that applies when the EV’s battery is fully charged and a 10-minute grace period has expired

Supervisor Lusk seconded the motion. Discussion ensued, with input from Kambiz Agazi, Director, Office of Environmental and Energy Coordination (OEEC) and Susan Hafeli, Deputy Director, OEEC, regarding the fee charging structure. The question was called on the motion and it carried by unanimous vote.

41. **A-2 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO PROVIDE FUNDING IN THE AMOUNT OF \$33,306,290 TO FINANCE THE DEVELOPMENT OF SOMOS AT MCLEAN METRO, MCLEAN, VIRGINIA (PROVIDENCE DISTRICT)** (12:27 p.m.)

Supervisor Palchik moved that the Board concur in the recommendation of staff and authorize the FCRHA to provide funding in the amount of \$33, 306,290 to finance the development of 453 units of affordable multifamily housing, known as Somos at McLean Metro, as follows:

- \$12,606,290 for Development of the Project: Fund a \$12,606,290 subordinate loan to the developer, SCG Development Partners, LLC (SCG) from the Housing Blueprint
- \$20,700,000 for Acquisition of the Property: Fund \$1,670,000 from the Housing Blueprint and \$19,030,000 from the American Rescue Plan Act funds as equity investment by the FCRHA through fee simple ownership of the land. Pursuant to the Development
- Agreement between the FCRHA and SCG, SCG will assign the title of the property to the FCRHA at closing

The motion was multiply seconded. Discussion ensued, with input from Thomas Fleetwood, Director, Department of Housing and Community Development, regarding:

- The cost per unit and funding source
- The Impact on taxpayers
- Challenges associated with building near a transit station
- Access to affordable housing

The question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

42. **A-3 – AUTHORIZATION TO ESTABLISH THE THRIVE SMALL BUSINESS RECOVERY TECHNICAL ASSISTANCE GRANT PROGRAM**  
(12:43 p.m.)

Rebecca Moudry, Director, Department of Economic Initiatives, gave a summary of the item.

Supervisor Foust moved that the Board concur in the recommendation of staff and:

- Establish the THRIVE Small Business Recovery Technical Assistance Grant Program that responds to the negative economic impacts of the COVID-19 public health emergency on small businesses
- Approve the reallocation of PIVOT Fairfax County Recovery Grant Program grant funds totaling \$7 million from the American Rescue Plan Act Fiscal Recovery Funds
- Authorize the County Executive to administer the THRIVE Program to meet program objectives

The motion was multiply seconded and it carried by unanimous vote.

43. **A-4 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO ISSUE A HOUSING BLUEPRINT LOAN TO A JOINT VENTURE OF AHC INC. AND INSIGHT PROPERTY GROUP IN THE AMOUNT OF \$15,000,000 TO FINANCE THE ACQUISITION OF COLVIN WOODS APARTMENTS IN RESTON, VIRGINIA (HUNTER MILL DISTRICT)** (12:46 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and authorize the FCRHA to issue a Housing Blueprint loan in the amount of \$15 million to a joint venture of AHC Inc. and Insight Property Group, to be used for the acquisition of Colvin Woods Apartments, located at 11012 Becontree Lake Drive, Reston, Virginia. Supervisor Foust and Supervisor Lusk jointly seconded the motion.

Discussion ensued, with input from Thomas Fleetwood, Director, Department of Housing and Community Development, regarding the annual median income and the preservation of affordable housing.

The question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

44. **A-5 – APPROVAL OF THE FISCAL YEAR (FY) 2022 AND FY 2023 COMMUNITY SERVICES PERFORMANCE CONTRACT AMENDMENT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES** (12:49 p.m.)

Discussion ensued, with input from Daryl Washington, Executive Director, CSB, and Linda Mount, CSB Data and Analytics Director, regarding the State funding and local match.

Supervisor Palchik moved that the Board concur in the recommendation of staff and approve the FY 2022 and FY 2023 Community Services Performance Contract Amendment between the CSB and the Virginia Department of Behavioral Health and Developmental Services and the associated acceptance of FY 2023 funds. Chairman McKay seconded the motion.

Discussion ensued, with input from Mr. Washington, regarding the percentage of the total local match, the State funding, and the increase in mental health needs.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct CSB staff to work with the Office of Public Affairs to produce an informational graphic that tells the story of mental health services in the County, to share with the community, service providers, and help prepare for the next legislative session and package. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman McKay.

Following further discussion regarding the funding, the question was called on the motion, and it carried by unanimous a vote.

45. **A-6 – APPROVAL OF AND AUTHORIZATION TO EXECUTE A STANDARD PROJECT AGREEMENT (SPA) WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR THE IMPLEMENTATION OF THE ROCK HILL ROAD BRIDGE/DAVIS DRIVE EXTENSION-DULLES TOLL ROAD OVERPASS (DRANESVILLE DISTRICT)** (12:58 p.m.)

(R) On motion of Supervisor Foust, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the resolution, substantially in the form of Attachment 1 of the Board Agenda Item, authorizing the Director of the Department of Transportation to execute the SPA with NVTA, substantially in the form of Attachment 2 of the Board Agenda Item, for \$20.6 million in funding to support the Rock Hill Road Bridge/Davis Drive project.

46. **A-7 – APPROVAL OF FAIRFAX CONNECTOR’S OCTOBER 1, 2022, SERVICE CHANGES (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (12:58 p.m.)

Supervisor Alcorn moved that the Board concur in the recommendation of staff and approve Fairfax Connector’s October 1, 2022, service change and fare proposals as outlined in the Board Agenda Item. Supervisor Lusk seconded the motion.

Discussion ensued, with input from Michael Felschow, Chief, Planning Section, Transit Services Division, Department of Transportation, regarding:

- Proposed service reductions for Route 495
- The timeline for completion of the Transit Strategic Plan
- Changes in ridership
- Northern Virginia Transportation Committee’s Commuter Choice Grant funds for a fare reduction on Route 599

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

47. **A-8 – DESIGNATION OF THE SOMOS AT MCLEAN METRO SITE AS A REVITALIZATION AREA (PROVIDENCE DISTRICT)** (1:04 p.m.)

(R) On motion of Supervisor Palchik, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a resolution designating the Somos site as a Revitalization Area, for the purpose of facilitating Low-Income Housing Tax Credits.

**DMS:dms**

48. **RECESS/CLOSED SESSION** (1:07 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 Section 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 Section 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 Section 2.2-3711(A) (7).
1. Claim of Ryan Posey on behalf of Kareem Bashir related to incident on December 27, 2017
  2. Approval of Northern Virginia Law Enforcement Mutual Aid Agreement of 2022
  3. *Dedric Lattimore v. Officer M. DeAvies*, Case No. 1:21-cv-1165 (E.D. Va.)
  4. *Lolita R. Matammu v. County of Fairfax, Virginia a/k/a/ Fairfax County Health Department*, Case No. 1:20-cv-1468 (E.D. Va.)
  5. *Patrick O. Lockhart, individually and as parent and next friend of B.L. and K.L. v. Commonwealth of Virginia, et al.*, Case No. 1:21-cv-00710 (E.D. Va.)
  6. *Elio R. Rodriguez and The Hartford Underwriters Insurance Company, as subrogee of Envirogrow Lawn & Landscaping, Inc. v. Michael Anthony Hartsell*, CL-2021-0005154 (Fx. Co. Cir. Ct.)
  7. *Randy E. Jacobs v. State Farm Mutual Automobile Insurance Company, Nationwide Property & Casualty Insurance Company, County of Fairfax, Corvel Corporation, and Maurice Jett*, Case No. CL-2022-0004592 (Fx. Co. Cir. Ct.)
  8. *Pamela Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*, Case No. GV21-014412 (P.W. Co. Gen. Dist. Ct.); and *Christopher Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*, Case No. GV21-014411 (P.W. Co. Gen. Dist. Ct.)
  9. *Kimberly Molitor, by GEICO (subrogee) v. Tiffany Hope Horton*; Case No. GV21-003424 (Stafford Co. Gen. Dist. Ct.)
  10. *Henry Reuter v. Tiffany Hope Horton*; Case No. GV22-000290 (Stafford Co. Gen. Dist. Ct.)

11. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Alberto Gonzolo Acha*, Case No. GV21-007671 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Victor Silva and Rocio Sarmiento*, Case No. GV21-017380 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nhung Tuyet T. Tran*, Case No. CL-2022-0000433 (Fx. Co. Cir. Ct.) (Mason District)
14. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. William G. Ramey, Jr.*, Case No. CL-2022-0008885 (Fx. Co. Cir. Ct.) (Mason District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Faiz Ullah*, Case No. GV22-004391 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. David Sisson*, Case No. GV22-006734 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Henry Wayne Huang*, Case No. GV22-006981 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 9140 Sama Group, LLC*, Case No. GV22-007333 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Ajen Homes Designers and Builders, LLC, Ramon Blas-Espinoza, and Coralyth Blas*, Case No. CL-2022-0008529 (Fx. Co. Cir. Ct.) (Providence District)
20. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Martin H. Heisrath*, Case No. GV22-006713 (Fx. Co. Gen. Dist. Ct.) (Providence District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Burke and Sarah J. Sorenson*, Case No. GV22-006978 (Fx. Co. Gen. Dist. Ct.) (Providence District)

22. *Jay Riat, Building Official for Fairfax County, Virginia v. Kim Dao T. Nguyen and A Di Da Charitable Buddhist Association*, Case No. CL-2022-0009400 (Fx. Co. Cir. Ct.) (Sully District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Susan J. Price*, Case No. GV22-004152 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(7) and (19), consideration of the proposed Northern Virginia Law Enforcement Mutual Aid Agreement of 2022
- As permitted by Virginia Code Section 2.2-3711(A)(3), potential acquisition of real property for a public purpose in the Mount Vernon District
- As permitted by Virginia Code Section 2.2-3711(A)(1) and (7), personnel and legal discussion regarding retirement board authority

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

At 3:52 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

### **ACTIONS FROM CLOSED SESSION**

49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:52 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."

50. **AUTHORIZATION TO ACQUIRE PROPERTY IN THE MOUNT VERNON DISTRICT** (3:53 p.m.)

Supervisor Storck moved that the Board grant the authority to the Director of the Land Acquisition Division to acquire property located in the Mount Vernon District in accordance with the terms and conditions discussed with the County Attorney in



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

51. **AUTHORIZATION TO ENTER INTO THE NORTHERN VIRGINIA LAW ENFORCEMENT MUTUAL AID AGREEMENT OF 2022** (3:54 p.m.)

Supervisor Lusk moved that the Board authorize the County Executive and Chief of Police to enter into the Northern Virginia Law Enforcement Mutual Aid Agreement of 2022. Supervisor Gross seconded the motion and it carried by unanimous vote.

52. **AUTHORIZATION OF AGREEMENT TO TOLL STATUTE OF LIMITATIONS** (3:54 p.m.)

Supervisor Lusk moved that the Board authorize the County Attorney to agree to toll the statute of limitations associated with the claim of Ryan Posey, on behalf of Kareem Bashir, related to the incident on December 27, 2017, according to the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Gross seconded the motion and it carried by unanimous vote.

NS:ns

**AGENDA ITEMS**

53. **3:30 P.M. – PUBLIC HEARING ON AF 2022-DR-00001 (AR 87-D-0002-04) (1999 LAND ACQUISITIONS LLC) TO PERMIT RENEWAL OF A PREVIOUSLY APPROVED AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 43.98 ACRES OF LAND (DRANESVILLE DISTRICT)** (3:56 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 July 15 and July 22, 2022.

The application property is located at 1013B Leigh Mill Road, Great Falls, 22066. Tax Map 13-4 ((1)) 47Z.

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

Sheri Akin, Agent, McGuireWoods LLP, 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. Fisher presented the staff and Planning Commission recommendations.

Supervisor Foust moved approval of Agricultural and Forestal Application AF 2022-DR-00001 and that Appendix F of the Fairfax County Code be amended to renew the Rhinehart Local Agricultural and Forestal District, subject to the ordinance provisions dated June 29, 2022. Supervisor Lusk 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.”

54. **3:30 P.M. – PUBLIC HEARING ON PCA 84-M-016 (RZPA 2021-MA-00038) (THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA AND HOLLYBROOKE II CONDOMINIUM UNIT OWNERS ASSOCIATION) TO AMEND THE PROFFERS FOR RZ 84-M-016 PREVIOUSLY APPROVED FOR A MULTIFAMILY DWELLING TO ALLOW ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL DENSITY OF 22.5 DU/AC, LOCATED ON APPROXIMATELY 11.38 ACRES OF LAND (MASON DISTRICT)**  
(4:01 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 July 15 and July 22, 2022.

The application property is located in the northeast quadrant of the intersection of Leesburg Pike and Patrick Henry Drive. Tax Maps 51-3 ((36)) inclusive.

Amila Bebek, Agent, Senior Engineer III, Capital Facilities, Building Design and Construction Division, reaffirmed the validity of the affidavit dated July 5, 2022, for the record.

Tracy Strunk, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), formally introduced Tabatha Cole, Planner, ZED, DPD.

Ms. Cole gave a presentation depicting the application and site location.

Ms. Bebek 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, with input from Thomas Barnett, Deputy Director, Office to Prevent and End Homelessness.

Discussion ensued, with input from Ms. Bebek, regarding the Leadership in Energy and Environmental Design (LEED) Silver certification of the proposed property and introducing energy efficiency initiatives to meet current County building requirements.

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

Following brief comments, Supervisor Gross moved that the Board approve:

- Proffered Condition Amendment Application PCA 84-M-016, subject to the proffers dated July 25, 2022
- Waivers and modifications contained in the handout distributed, dated August 2, 2022, which will be made part of the record, and are as follows:
  - Modification to the minimum setbacks to proposed property lines in favor of that shown on the Generalized Development Plan (GDP)
  - Waiver of the required loading spaces in favor of loading areas shown on the GDP
  - Waiver of the inter-parcel access connections in favor of that shown on the GDP
- Modification to the parking requirements in favor of Parking Determination 5016-PKS-001-01 pursuant to Section 6100 of the Zoning Ordinance and the parking supply shown on the development plan dated July 8, 2022

The motion was multiply seconded. Following discussion regarding improving the environmental aspects of the building, the proximity to public transit, and the importance of permanent supportive housing, the question was called on 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.”

55. **3:30 P.M. – PUBLIC HEARING ON SE 2021-SU-00031 (SANDSTONE CARE VIRGINIA LLC) TO PERMIT A MEDICAL CARE FACILITY, LOCATED ON APPROXIMATELY 2.87 ACRES OF LAND (SULLY DISTRICT) (4:32 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 July 15 and July 22, 2022.

The application property is located at 15100 Enterprise Court, Chantilly, 20151. Tax Map 33-2 ((13)) 2 and the surrounding surface parking.

Evan Pritchard, Agent, Cozen O’Connor PC, reaffirmed the validity of the affidavit dated June 14, 2022, for the record.

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

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

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following a query by Supervisor Smith, Mr. Pritchard confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated July 5, 2022.

Supervisor Smith moved that the Board approve Special Exception Application SE 2021-SU-00031, subject to the development conditions dated July 5, 2022. The motion was multiply seconded. Following a brief discussion regarding the project, the question was called on the motion and it carried by a vote of eight, Supervisor Palchik and Supervisor Walkinshaw being out of the room.

56. **3:30 P.M. – PUBLIC HEARING ON RZ 2020-MA-012 (RADLEY MANAGEMENT, LLC) TO REZONE FROM R-3, C-8, HC AND SC TO C-8, HC AND SC TO PERMIT COMMERCIAL USE WITH AN OVERALL FLOOR AREA RATIO (FAR) OF 0.17 ON TAX MAP 108, 105, AND 105A, AND 103A, LOCATED ON APPROXIMATELY 1.08 ACRES OF LAND (MASON DISTRICT)**

**AND**

**PUBLIC HEARING ON SEA 85-M-086-02 (RADLEY MANAGEMENT, LLC) TO AMEND SE 85-M-086 PREVIOUSLY APPROVED FOR VEHICLE SALES, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENT TO PERMIT MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS AND INCREASE IN BUILDING HEIGHT AT AN FAR OF 0.17, LOCATED ON APPROXIMATELY 4.52 ACRES OF LAND (MASON DISTRICT) (4:37 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 July 15 and July 22, 2022.

The Rezoning Application RZ 2020-MA-012 property is located on the west side of Williams Lane approximately 200 feet north of its intersection with Center Lane. Tax Map 61-2 ((1)) 108.

The Special Exception Application SEA 85-M-086-02 property is located at 5823 Columbia Pike, 3518 and 3519 Williams Lane, Falls Church, 22041. Tax Map 61-2 ((1)) 103A, 105, 105A and 108.

Robert Brant, Agent, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit dated April 4, 2022, for the record.

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

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

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

Following a query by Supervisor Gross, Mr. Brant confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated August 1, 2022.

Following comments, Supervisor Gross moved that the Board approve:

- Rezoning Application RZ 2020-MA-012, subject to the proffers dated June 2, 2022
- Special Exception Application SEA 85-M-086-02, subject to the development conditions dated August 1, 2022
- Waivers and modifications contained in the handout distributed, dated August 2, 2022, which will be made part of the record, and are as follows:
  - Waiver of the transitional screening requirement along the southeast portion of Parcel 108 in favor of that shown on the Generalized Development Plan/ Special Exception (GDP/SE) Plat
  - Waiver of peripheral parking lot landscaping requirement along the eastern property line of Parcel 105, in favor of existing conditions as shown on the GDP/SE Plat
  - A reduction of the required setback of the parking garage from future Seminary Road from a minimum of 47.47 feet to 30.35 feet and from Williams Lane a

minimum of 40.4 feet to 36 feet, and 40.2 to 36 feet, as shown on the GDP/SE Plat

- A waiver of the requirement to construct roadway improvements along the Columbia Pike frontage in favor of the proposed Right of Way (ROW) Dedication

The motion was multiply seconded. Following discussion regarding the project, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE”, Supervisor Palchik being out of the room.

57. **3:30 P.M. – PUBLIC HEARING ON RZ 2021-MA-00026 (FAIRFAX COUNTY SCHOOL BOARD) TO REZONE FROM R-3 TO R-8 TO PERMIT PUBLIC USE (SCHOOL) WITH AN OVERALL FLOOR AREA RATIO (FAR) OF 0.39, LOCATED ON APPROXIMATELY 20.95 ACRES OF LAND (MASON DISTRICT) (4:48 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 July 15 and July 22, 2022.

The application property is located on the east side of Peace Valley Lane, approximately 1,340 feet from Leesburg Pike, Route 7. Tax Map 61-1 ((1)) 13A.

Susan Yantis, Agent, Hunton Andrews Kurth LLP, reaffirmed the validity of the affidavit dated July 21, 2022, for the record.

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

- Karl Frisch, Fairfax County School Board

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

- Karl Frisch, Fairfax County School Board

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

John C. McGranahan, Jr., Agent, Hunton Andrews Kurth, LLP, had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion ensued, with input from Mr. McGranahan, regarding the proffers.

Following the public hearing, which included testimony by three speakers, Mr. McGranahan presented rebuttal, noting the increased student use of Metrobus service and pledged to work and have a dialogue with neighborhood organizations while the permitting process continues.

Ms. Cole presented the staff and Planning Commission recommendations.

Further discussion ensued, with input from Mr. McGranahan, regarding:

- Use of renewable sources in the project
- Incorporating solar and electric vehicle charging stations
- Stormwater management controls
- Composition of the proffered task force
- Student involvement in the development process

Following brief comments regarding the size of the task force, parking challenges, and space constraints, Supervisor Gross moved that the Board approve:

- Rezoning Application RZ 2021-MA-00026, subject to the proffers dated July 28, 2022
- Modification of the parking requirement for the high school in favor of a parking determination for Justice High School (154-PKS-001-1), pursuant to Section 6100 of the Zoning Ordinance and the parking supply shown on the development plan dated June 21, 2022

Chairman McKay and Supervisor Palchik 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.”

Chairman McKay and Supervisor Gross thanked the school and neighborhood community for their efforts, mentioning the difficulty of this project and the lessons learned for future community needs.

58. **3:30 P.M. – PUBLIC HEARING ON SEA 88-V-064-05 (THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO AMEND SE 88-V-064 PREVIOUSLY APPROVED FOR A SPECIAL EXCEPTION FOR AN ALTERNATE USE OF A PUBLIC FACILITY TO PERMIT AN ALTERNATIVE USE OF HISTORIC BUILDINGS AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 22.61 ACRES OF LAND (MOUNT VERNON DISTRICT) (5:33 p.m.)**

Supervisor Storck moved to defer the public hearing on Special Exception Amendment Application SEA 88-V-064-05 until **September 13, 2022**. Supervisor Alcorn seconded the motion and it carried by a vote of eight, Supervisor Lusk and Supervisor Smith being out of the room.

**BV:bv**

59. **4 P.M. – PUBLIC HEARING ON RZ 2021-SU-00024 (INTEGRITY CAPITAL MANAGEMENT LLC) TO REZONE FROM R-1 AND WS TO PDH-2 AND WS TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 1.74 DWELLING UNITS PER ACRE (DU/AC) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN (CDP), AND WAIVER OF MINIMUM DISTRICT SIZE BELOW 2 AC, LOCATED ON APPROXIMATELY 1.72 ACRES OF LAND (SULLY DISTRICT) (5:34 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2022.

The application property is located at 13663 Sweet Woodruff Lane, Centreville, 20120. Tax Map 54-4 ((2)) 46.

Lynne J. Strobel, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavit dated May 11, 2022, for the record.

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

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

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



Supervisor Smith moved that the Board approve:

- Rezoning Application RZ 2021-SU-00024, and its associated CDP, subject to the proffers dated July 25, 2022
- A waiver of the minimum district size to allow a PDH-2 District of 1.72 acres

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.”

(NOTE: On July 27, 2022, the Planning Commission approved Final Development Plan Application FDP 2021-SU-00024, subject to development conditions dated June 29, 2022.)

60. **4 P.M. – PUBLIC HEARING ON RZ 2021-MV-00025 (5904 RICHMOND HIGHWAY LLC) TO REZONE FROM C-8, CRD AND HC TO C-3, CRD AND HC TO PERMIT ADDITIONS TO THE EXISTING OFFICE BUILDING TO ACCOMMODATE VETERINARY HOSPITAL USES, WITH AN OVERALL FLOOR AREA RATIO (FAR) OF 0.77 AND A WAIVER OF THE LOT WIDTH REQUIREMENT, LOCATED ON APPROXIMATELY 2.53 ACRES OF LAND (MOUNT VERNON DISTRICT) (5:40 p.m.)**

Supervisor Storck moved to defer the public hearing on Rezoning Application RZ 2021-MV-00025 until **September 13, 2022, at 3:30 p.m.** Supervisor Alcorn seconded the motion and it carried by unanimous vote.

61. **4 P.M. – PUBLIC HEARING ON PCA 82-P-069-23-01 (RZPA 2021-SP-00021) (ENCLAVE FL. CORP.) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLANS (CPD) FOR RZ 82-P-069 PREVIOUSLY APPROVED FOR RESIDENTIAL MIXED-USE DEVELOPMENT TO PERMIT MODIFICATIONS TO PROFFERS WITH NO CHANGES TO THE OVERALL APPROVED MIX OF USES, LOCATED ON APPROXIMATELY 13.74 ACRES OF LAND (SPRINGFIELD DISTRICT)**

**AND**

**PUBLIC HEARING ON PCA 82-P-069-24/CDPA 82-P-069-03-05 (RZPA 2021-SP-00021) (FAIR LAKES CRABHOUSE L.C.) TO AMEND THE PROFFERS AND CDP FOR RZ 82-P-069, PREVIOUSLY APPROVED FOR MIXED USES, TO PERMIT SELF-STORAGE AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A FLOOR**

**AREA RATIO (FAR) OF 1.37, LOCATED ON APPROXIMATELY 2.12 ACRES OF LAND (SPRINGFIELD DISTRICT)**

**AND**

**PUBLIC HEARING ON PCA 82-P-069-18-02 (RZPA 2021-SP-00023) (ENCLAVE FL. CORP) TO AMEND THE PROFFERS FOR RZ 82-P-069 PREVIOUSLY APPROVED FOR MIXED USE TO PERMIT MODIFICATIONS TO PROFFERS WITH NO CHANGES TO THE OVERALL APPROVED MIX OF USES, LOCATED ON APPROXIMATELY 13.96 ACRES OF LAND (SPRINGFIELD DISTRICT)**

**AND**

**PUBLIC HEARING ON PCA 82-P-069-17-02 (RZPA 2021-SP-00024) (ENCLAVE FL. CORP.) TO AMEND THE PROFFERS FOR RZ 82-P-069 PREVIOUSLY APPROVED FOR MIXED USE TO PERMIT MODIFICATIONS TO PROFFERS WITH NO CHANGES TO THE OVERALL APPROVED MIX OF USES, LOCATED ON APPROXIMATELY 5.59 ACRES OF LAND (SPRINGFIELD DISTRICT)**

(5:40 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 July 15 and July 22, 2022.

The Proffered Condition Amendment Application PCA 82-P-069-23-01 property is located on the northeast quadrant of the intersection of Fairfax County Parkway and Fair Lakes Parkway. Tax Map 45-4 ((21)) A1.

The Proffered Condition Amendment Application PCA 82-P-069-24/CDPA 82 P-069-03-05 property is located approximately 165 feet from the intersection of Shoppes Lane and Fair Lakes Parkway. Tax Map 45-4 ((11)) 7C1; 55-2 ((5)) A2.

The Proffered Condition Amendment Application PCA 82-P-069-18-02 property is located approximately 450 feet southwest of the west intersection of Fair Lakes Parkway and Fair Lakes Circle. Tax Map 55-2 ((4)), 12, 16, 19 and 26A.

The Proffered Condition Amendment Application PCA 82-P-069-17-02 property is located approximately 450 feet southwest of the west intersection of Fair Lakes Parkway and Fair Lakes Circle. Tax Map 55-2 ((1)) 6A and 8A2.

Susan Yantis, Agent, Hunton Andrews Kurth LLP, reaffirmed the validity of the affidavit dated July 21, 2022, for the record.

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

- John M. Peterson

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

John C. McGranahan, Jr., Agent, Hunton Andrews Kurth, LLP, 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 proceeded to present his case.

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

Supervisor Herrity moved that the Board approve:

- Proffered Condition Amendment Application PCA 82-P-069-23-01, subject to the proffers dated April 4, 2022
- Proffered Condition Amendment Application PCA 82-P-069-24, and the associated Conceptual Development Plan Amendment, subject to the proffers dated June 16, 2022
- Proffered Condition Amendment Application PCA 82-P-069-17-02, subject to the proffers dated April 4, 2022
- Proffered Condition Amendment Application PCA 82-P-069-18-02, subject to the proffers dated April 4, 2022
- Reaffirmation of the waivers and modifications for PCA 82-P-069-23, PCA 82-P-069-17, and PCA 82-P-069-18, and approve the new waiver request for PCA 82-P-069-24, as contained in the handout distributed, dated August 2, 2022, which will be made part of the record, and are as follows:
  - Waiver to permit the maximum length of a private street to exceed 600 feet
  - Modification of minimum 200 square-foot privacy yard for each single family attached dwelling in Land Bay VI-A
  - Modification of the Zoning Ordinance to allow residential gross floor area (GFA) of dwellings as a

secondary use to exceed 50 percent of the GFA of principal uses in Fair Lakes

- Modification of transitional screening and a waiver of the barrier requirements between the residential and continuing care facility or residential and independent living facility
- Waiver of barrier requirements between the residential and continuing care facility or residential and independent living facility
- New waiver request for PCA 82-P-069-24 – Modification of the loading space requirement in favor of the loading shown on the CDPA/FDPA

Supervisor Lusk seconded the motion. Following a brief discussion regarding the motion, the question was called on 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.”

(NOTE: On July 20, 2022, the Planning Commission approved Final Development Plan Amendment Application FDPA 82-P-069-01-20, subject to the Board’s approval of the concurrent proffered condition amendment application and the proposed development conditions dated July 18, 2022. The Planning Commission also approved Final Development Plan Amendment Application FDPA 82-P-069-07-08, subject to the Board’s approval of the concurrent proffered condition amendment application and the proposed development conditions dated July 18, 2022.)

62. **4 P.M – PUBLIC HEARING ON PCA 93-H-004-02/CDPA 93-H-004 (WS-ADW OWNER LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN DEVELOPMENT PLAN FOR RZ 93-H-004, PREVIOUSLY APPROVED FOR OFFICE AT A 0.62 FLOOR AREA RATIO (FAR) TO ADD A MIXED USE OPTION FOR RESIDENTIAL DEVELOPMENT UP TO A 0.50 FAR AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN, LOCATED ON APPROXIMATELY 28.29 ACRES OF LAND (HUNTER MILL DISTRICT)**  
(5:49 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2022.

The application property is located on the north side of Sunset Hills Road, south and west sides of American Dream Way. Tax Map 17-4 ((1)) 35D and 36B.

Scott Adams, McGuire Woods LLP, reaffirmed the validity of the affidavit dated July 13, 2022, for the record.

Katie Quinn, Planner, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), gave a presentation depicting the application and site location.

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

Discussion ensued, with input from Ms. Quinn, regarding concerns raised by staff regarding the environmental quality corridor, the parking rate, and the length of the driveways.

Following the public hearing, which included testimony by four speakers, Mr. Adams presented rebuttal.

Discussion ensued, with input from Mr. Adams, Ms. Quinn, and Tracy Strunk, Director, ZED, DPD, regarding the:

- PDC waiver
- Restricted gated access
- Proffers
- Waiver on the privacy yard
- Rooftop decks – the impact on ADU's and WDU's

Ms. Quinn presented the staff and Planning Commission recommendations.

Following comments regarding the site history, Supervisor Alcorn moved that the Board approve:

- Proffered Condition Amendment Application PCA 93-H-004-02, subject to the proffers dated July 21, 2022
- Conceptual Development Plan Amendment Application CDPA 93-H-004
- Waivers and modifications contained in the handout distributed, dated August 2, 2022, which will be made part of the record, and are as follows:

- Waiver of subsection 2105.4.B(2) to allow for a privacy yard less than 200 square feet
- Modification of subsection 2105.4(C)1(a)1 to permit the gross floor area of residential uses to exceed 50 percent of the gross floor area of principal uses (office)
- Modification of subsection 5100.2.C(5) to allow a parapet wall, cornice, or similar projection to exceed the height limit established by more than three feet but not more than 12 feet for office uses and not more than 3.5 feet for residential uses
- Modification of subsection 5107.3.A(2) to allow private streets less than 24 feet in width
- Waiver of subsection 5107.3.A(3) to allow private streets in excess of 600 feet in length
- Waiver of subsection 5108.5.A(1)(a) for interior parking lot landscaping of above grade parking structures, interim surface parking lots during construction, and parallel parking on private streets, as demonstrated on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA)
- Waiver of subsection 5108.5.B(1) and 5108.5.B(2) for peripheral landscaping of above-grade parking structures, interim surface parking lots during construction, and parallel parking on private streets, as demonstrated on the CDPA/FDPA
- Modification of subsection 5108.6(A)(1) for transitional screening and barriers in favor of that demonstrated on the CDPA/FDPA
- Modification of subsection 6100.4 to permit tandem parking spaces to count towards minimum parking requirements for the stacked townhome units
- Waiver of subsection 6101.3 to omit loading space requirements for the stacked townhome units
- Waiver of subsection 8100.7.E(2) requiring construction of the stream valley trail, and on-street

bike lanes and a trail along Sunset Hills Road in favor of the onsite trail network and right-of-way dedication along Sunset Hills Roads, as demonstrated on the CDPA/FDPA

- Waiver of subsection 8100.7.E(3) requiring additional inter-parcel access to adjoining parcels
- Modification of subsection 8100.7.E(4) to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDPA/FDPA and proffers

Supervisor Lusk seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Smith voting “NAY.”

(NOTE: On June 29, 2022, the Planning Commission approved Final Development Plan Amendment Application FDPA 93-H-004-02-01, subject to the development conditions dated June 10, 2022.)

63. **4 P.M. – PUBLIC HEARING ON SE 2021-SP-00023 (CLEMENTINE TWIN LAKES, LLC D.B.A. CLEMENTINE FAIRFAX) TO PERMIT A CONGREGATE LIVING FACILITY, LOCATED ON APPROXIMATELY 217,821 SQUARE FEET OF LAND (SPRINGFIELD DISTRICT) (6:58 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 July 15 and July 22, 2022.

The application property is located at 11329 Henderson Road, Fairfax Station, 22039. Tax Map 95- 2 ((5)) 9A.

John W. Farrell, McCandlish and Lillard, reaffirmed the validity of the affidavit dated April 20, 2022, for the record.

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

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

Following the public hearing, which included testimony by one speaker, Mr. Farrell presented rebuttal.

Discussion ensued, with input from Mr. Farrell, regarding the development conditions.

Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following a query by Supervisor Herrity, Mr. Farrell confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated May 10, 2022.

Supervisor Herrity moved that the Board approve:

- Special Exception Application SE 2021-SP-00023, subject to the development conditions dated May 10, 2022
- Waivers and modifications contained in the handout distributed, dated August 2, 2022, which will be made part of the record, and are as follows:
  - Waiver of the loading space requirement
  - Modification of the transitional screening requirements along all property boundaries in favor of the existing vegetation as shown on the SE Plat
  - Waiver of the barrier requirement along all property boundaries in favor of the existing vegetation as shown on the SE Plat
  - Waiver of the trail requirements along the frontage of the property

Supervisor Lusk seconded the motion. Following discussion regarding the motion, the question was called on the motion and it carried by unanimous vote.

64. **4:30 P.M. – PUBLIC HEARING ON CHAPTER 62 OF THE CODE OF THE COUNTY OF FAIRFAX, PROPOSED AMENDMENTS** (7:15 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2022.

John Walser, Deputy Chief, Fire and Rescue, presented the staff report.

Discussion ensued, with input from Deputy Chief Walser; Elizabeth Teare, County Attorney; and Patrick Foltz, Assistant County Attorney, regarding:



- Safety provisions for food trucks with propane tanks
- Multi-family unit framing material
- Provisions for the marking of fire lanes near single-family dwellings

Following the public hearing, Deputy Chief Walser presented the staff recommendation.

Following a query to Jill Cooper, Clerk for the Board, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board defer decision only on proposed amendments to the Code of the County of Fairfax, Chapter 62, until **September 13, 2022**. Supervisor Lusk 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.

65. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:45 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 July 15 and July 22, 2022.

Chairman McKay announced the rules associated with public comment: The Board will hear public comment on any issue, except issues under litigation; issues that have been scheduled for public hearing before the Board; personnel matters and/or comments regarding specific individuals. Speakers must register in advance, and each speaker is given three minutes for his or her remarks. A maximum of ten speakers may address the Board during any public comment period and speakers may address the Board once during a six-month period.

Public comment was held and included the following individuals:

- Samuel Ressin – Regarding the Covid Mask Mandate
- Louis Blount – Regarding the Noise Ordinance
- Charles McAndrew – Regarding Metro and Transportation Concerns

66. **BOARD ADJOURNMENT** (7:59 p.m.)

At 7:59 p.m. the Board adjourned.