



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 26, 2023**

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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, September 26, 2023, 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, Franconia 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 Danya Alattar, Administrative Assistant, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:33 a.m.)

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

- Robert Michie, who died recently. He was an active member on the Fairfax County Trails, Sidewalks and Bikeways Committee; the Brookland-Bush Hill Civil Association; and the Franconia Land Use Committee; as well as an avid bicycling advocate
- Congresswoman Jennifer Wexton, who was recently diagnosed with a rare neurological condition that is advancing quite rapidly. She is Virginia's 10th Congressional District Representative, and recently announced that she will not run for another term
- Man Sik "Ben" Pyon, who died recently. He served on the Board of the Korean Community Service Center; was an accomplished author; a poet; and wrote weekly articles for *The Korean Daily*

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO THE MEMBERS OF THE SOUTH LAKES HIGH SCHOOL GIRLS TRACK TEAM** (9:38 a.m.)

Supervisor Alcorn moved approval of the Resolution of Recognition presented to the South Lakes High School Girls Track Champions. Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MEMBERS OF THE NOVA UNITED SENIOR WOMENS BASKETBALL ASSOCIATION** (9:49 a.m.)

Supervisor Palchik moved approval of the Resolution of Recognition presented to the NOVA United Senior Women's Basketball Association. Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO CHRISTOPHER FAY, EXECUTIVE DIRECTOR EMERITUS, HOMESTRETCH** (10:06 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to Christopher Fay, Executive Director Emeritus, Homestretch. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

5. **RESOLUTION OF RECOGNITION PRESENTED TO THE FRIENDS OF THE FAIRFAX COUNTY ANIMAL SHELTER** (10:21 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to The Friends of the Fairfax County Animal Shelter. The motion was multiply seconded and it carried by unanimous vote.

EBE:ebe

6. **APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (BACS)** (10:40 a.m.)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard September 26, 2023." The motion was multiply seconded 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 Representative.

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Ms. Latrice Prince-Wheeler as the Franconia District Representative
- Mr. Jose M. Garzon as the Sully District Representative

The Board deferred the appointment of the Springfield District Representative.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)

Appointment of:

- Ms. Signe Friedrichs as the Dranesville District Representative

Confirmation of:

- Mr. Ryan McGrath as the Advisory Social Services Board Representative
- Ms. Shari Zamarra as the Community Action Advisory Board Representative

The Board deferred the appointment of the Sully District Representative.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of Dranesville District Business Representative.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #2, #3, and #5 Representatives.

ARCHITECTURAL REVIEW BOARD

Appointment of:

- Mr. Ali Akbar Sohaghpurwala as the Related Professional Group #2 Representative

The Board deferred the appointment of the Archaeologist and Architectural Historian Representatives.

ATHLETIC COUNCIL

The Board deferred the appointment of the Dranesville District Principal and Alternate, Mason District Alternate, and the Sully District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Appointment of:

- Ms. Kuldip Goyal as the Franconia District Representative

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

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointment of the Alternate #1, and the Design Professional #3 and #5 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

The Board deferred the appointment of the At-Large #3 and Professional #1 Representatives.

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL

Appointment of:

- Ms. Lisa Hviding as the Fairfax County #1 Representative
- Ms. Yasmine Aquino as the Fairfax County #6 Representative

Confirmation of:

- Ms. Kathleen T. Jones as the Reston Association #1 Representative

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

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Reappointment of:

- Ms. Debbie Kilpatrick as the At-Large #4 Representative

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Appointment of:

- Ms. Kathleen Flynn as the Hunter Mill District Representative

Reappointment of:

- Ms. Amy Gould as the Braddock District Representative
- Mr. Edward W. Monroe as the Dranesville District Representative
- Ms. Elizabeth Martin as the Mount Vernon District Representative

- Dr. David W. Schnare as the Springfield District Representative
- Mr. Somanthan Govender as the Sully District Representative

The Board deferred the appointment of the At-Large #1 and #2, and the Franconia, Mason, and Providence District Representatives.

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Mr. Scott Stroth as the Mount Vernon District Representative

The Board deferred the appointment of the Franconia District Representative.

CIVIL SERVICE COMMISSION

Reappointment of:

- Mr. Deborah A. Woolen as the At-Large #2 Representative

COMMISSION FOR WOMEN

The Board deferred the appointment of the Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointment of the Mason District Representative.

COMMUNITY POLICY AND MANAGEMENT TEAM, FAIRFAX-FALLS CHURCH

Confirmation of:

- Ms. Staci Jones Alexander as the Parent #1 Representative
- Mr. Joe Klemmer as the Parent #5 Representative
- Ms. Annie Henderson as the Parent #4 Representative

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County #5 and #6 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Kelvin Garcia as the Hunter Mill District Representative
- Mr. Geoffrey Cherrington as the Mount Vernon District Representative

The Board deferred the appointment of the Springfield District Representative.

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 Citizen Representative.

ENGINEERING STANDARDS REVIEW COMMITTEE

Appointment of:

- Mr. Somanthan Govender as the Citizen #2 Representative

Confirmation of:

- Mr. Paul B. Johnson as the Northern Virginia Building Industry Association Representative
- Mr. James M. Clark as the Heavy Construction Contractors Association Representative

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

The Board deferred the appointment of the Providence District Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Appointment of:

- Mr. Bryan J. Scrafford as the Sully District Representative

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Melissa Heifetz as the Advocacy Organizations #1 Representative
- Ms. Catherine Cole as the Commission On Aging Representative
- Mr. Ron Wiersma as the Community/Religious Leaders #4 Representative
- Mr. Myles Nienstadt as the Community/Religious Leaders #10 Representative
- Ms. Rose Mario Risley as the Long Term Care Providers #9 Representative
- Ms. S. Orlene Grant as the Long Term Care Providers #15 Representative
- Mr. Kenneth Crum as the Long Term Care Providers #17 Representative
- Mr. Robert Sargeant as the Long Term Care Providers #19 Representative
- Mr. Aaron Rebuck as the Long Term Care Providers #24 Representative
- Ms. Nancy Fiedelman as the Long Term Care Providers #25 Representative
- Ms. Loretta Williams as the Long Term Care Providers #33 Representative

FAIRFAX COUNTY 250TH COMMISSION

The Board deferred the appointment of the Franconia District Representative.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD

The Board deferred the appointment of the Providence District Representative.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Nomination of:

- Ms. Ann Whipple as the Dranesville District Representative

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

(NOTE: The Board is scheduled to take action on this appointment on October 24, 2023.)

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

Appointment of:

- Ms. Carmen Powell as the At-Large #1 Representative

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #2, #5, #8, #11, and #12 Representatives.

HUMAN SERVICES COUNCIL

Appointment of:

- Ms. Manolya Tanyu as the Braddock District #2 Representative
- Mr. Michael Smith as the Mount Vernon District #2 Representative

The Board deferred the appointment of the Dranesville District #1 and #2, Franconia District #1, Providence District #2, and Sully District #1 Representatives.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

PLANNING COMMISSION

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

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES

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

REDEVELOPMENT AND HOUSING AUTHORITY

Appointment of:

- Mr. Steven Bloom as the Dranesville District Representative
- Mr. Paul Zurawski as the Springfield District Representative

SMALL BUSINESS COMMISSION

- Mr. Saradhi Vajja as the Hunter Mill District Representative
- Ms. Theresa L. Fox as the Mason District Representative

The Board deferred the appointment of the Dranesville District Representative.

TENANT-LANDLORD COMMISSION

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

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

Confirmation of:

- Mr. Howard Albers as the Washington Area Bicyclist Association Representative
- Mr. James Corcoran as the Fairfax County Park Authority Representative
- Mr. Shawn Newman as the Fairfax Alliance for Better Bicycling 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

The Board deferred the appointment of the Citizen Appointed by BOS #4 Representative.

YOUNG ADULTS ADVISORY COMMITTEE

Appointment of:

- Ms. Kayla Delta as the Mason District Representative

CONTINUUM OF CARE BOARD (CoC)

Appointment of:

- Mr. Douglas Dane as the Braddock District Representative
- Ms. Connie Johnson as the Franconia District Representative
- Rev. Kameron Wilds as the Mount Vernon District Representative
- Ms. Pamela Michelle as the Providence District Representative
- Mr. Paul Zurawski as the Springfield District Representative
- Ms. Ruth Pearson as the Sully District Representative

Confirmation of:

- Dr. Michael Axler as the Fairfax County Public Schools Representative
- Ms. Maura Williams as the Cornerstones Emergency Solutions Grant (ESG) Representative
- Ms. Rena D. Alexander-Lewis as the FACETS (CoC) and ESG Representative
- Ms. Adrienne Hosein as the Northern Virginia Family Service and Community Housing Representative
- Ms. Cathy Benn as the Second Story (CoC) Representative
- Mr. Seth Pearson as the Community Services Board Representative
- Ms. Nathalie Washington as the Health Department Representative

- Ms. Aimee Garcia as the Department of Neighborhood and Community Services Representative
- Ms. Ashley McSwain as the New Hope Housing Representative
- Mr. Randy Shusman as the Pathway Homes (CoC) Representative
- Ms. Lisa Jones as the Housing and Community Development #1 Representative
- Ms. Fatima Khalid as the Housing and Community Development #2 Representative

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

DMS:dms

ADDITIONAL BOARD MATTERS

7. **PROCLAMATION REQUEST DESIGNATING OCTOBER 2023 AS “PSORIASIS AWARENESS MONTH”** (10:41 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross, and jointly with Supervisor Storck, asked unanimous consent that the Board direct staff to prepare a Proclamation designating October 2023 as “*Psoriasis Awareness Month*” in the County. Without objection, it was so ordered.

8. **PROCLAMATION REQUEST DESIGNATING OCTOBER 2023 AS “DIABETES IN PREGNANCY AWARENESS MONTH”** (10:41 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating October 2023 as “*Diabetes in Pregnancy Awareness Month*” in the County. Without objection, it was so ordered.

9. **PROCLAMATION REQUEST FOR VOLUNTEERFEST** (10:41 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation in recognition of VolunteerFest, an annual community-wide day of service event being held on October 21, 2023. This annual event, hosted by Volunteer Fairfax, in partnership with nearly 20 government agencies and nonprofits, is intended to provide community members of all ages and abilities with the opportunity to connect, learn and serve. Without objection, it was so ordered.

10. **RESOLUTION OF RECOGNITION REQUEST FOR BOB CARLSON**
(10:41 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Bob Carlson, Chair of the Employees' Retirement System, for his years of service. Without objection, it was so ordered.

11. **RESOLUTION OF RECOGNITION REQUEST FOR ALICE AND JERRY FOLTZ** (10:41 a.m.)

Jointly with Supervisor Smith, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Resolution of Recognition for Alice and Jerry Foltz, in recognition for their tireless dedication and commitment to equity and justice for the community. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST DESIGNATING NOVEMBER 22, 2023, AS "KIMCHI DAY"** (10:41 a.m.)

Jointly with Supervisor Herrity and Supervisor Walkinshaw, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating November 22, 2023, as "*Kimchi Day*" in the County. Without objection, it was so ordered.

13. **ACCESSIBLE PARKING IN PARKING REIMAGINED** (10:42 a.m.)

Chairman McKay stated that, later in the meeting, the Board will hold a public hearing on an amendment to the Zoning Ordinance known as "Parking Reimagined." Chairman McKay stated that a related issue regarding accessible parking has come to his attention and his belief that the Board should address that separately. Requirements associated with the number of accessible spaces to be provided in a development are derived from the Federal Americans with Disabilities Act requirements and are enforced through the Virginia Uniform Statewide Building Code. While, as part of Parking Reimagined, staff has proposed measures to ensure stability in the supply of accessible parking even with proposed lower general parking requirements, the County needs to continue to be an inclusive community that provides for the amount of accessible parking that meets the needs of the community.

Therefore, jointly with Supervisor Smith, Chairman McKay moved that the Board direct staff in Land Development Services to work with stakeholders, including the Fairfax County Disability Services Board and the development community, to consider modifications to the requirements for accessible parking spaces and report to the Board by July 1, 2024, with recommendations for consideration. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Lusk being out of the room.

Vice-Chairman Gross returned the gavel to Chairman McKay.

14. **2023 VIRGINIA ASSOCIATION OF COUNTIES (VACo) DELEGATION**
(10:44 a.m.)

(BAC) Supervisor Gross stated that the Board has received a request from the VACo, regarding designating a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting, to be held in Bath County on November 12 - 14, 2023.

Therefore, Supervisor Gross moved that the Board designate Chairman McKay as the Voting Delegate and Supervisor Gross as the Alternate. Supervisor Foust seconded the motion and it carried by unanimous vote.

15. **ANNANDALE GREENWAY SIGNAGE REQUEST (MASON DISTRICT)**
(10:45 a.m.)

Supervisor Gross stated that community members have been working steadfastly to make the Annandale Greenway a reality. The Greenway is a four-mile long pedestrian connection from Green Spring Gardens Horticultural Center in Lincolnia west to the Annandale Community Park near the Beltway that uses various park trails and Virginia Department of Transportation and County sidewalks to create a “necklace” of existing pathways in an urban area.

Annandale Greenway leadership has been meeting with Fairfax County Park Authority staff about simple signage that might be appropriate to identify the Greenway on the park properties and has asked for the Board’s concurrence with their efforts to pursue a signage plan. It is understood by all parties that there is no public funding for a signage plan at present, but that pursuing a Greenway signage plan is appropriate for the general good of the community, which has embraced the concept for the Annandale Greenway.

Therefore, Supervisor Gross moved that the Board thank the Annandale Greenway Team for its innovation and vision and concur with their efforts to pursue a signage plan for the Greenway. Chairman McKay seconded the motion and it carried by unanimous vote.

16. **LETTER TO GOVERNOR YOUNGKIN ON THE COMMONWEALTH’S WITHDRAWAL FROM THE REGIONAL GREENHOUSE GAS INITIATIVE (RGGI)** (10:47 a.m.)

Supervisor Walkinshaw stated that in 2020, the General Assembly passed, and the Governor of Virginia signed into law, the Virginia Clean Energy and Community Flood Preparedness Act. This Act directed the Virginia Department of Environmental Quality (DEQ) to establish through regulation a carbon dioxide (CO₂) cap and trade program to reduce emissions from facilities generating electricity. The Act also authorized Virginia to link this program to the RGGI, a cooperative effort among 12 Eastern States, from Maine to Virginia, to reduce CO₂ emissions from power plants within each participating RGGI State. Together,

the States established a regional limit on CO2 emissions from regulated power plants within their territories. The RGGI allows regulated facilities to purchase allowances for each ton of CO2 emissions. It gives electric generating facilities the option to use their CO2 emissions allowances to comply with annual limits, bank the allowances for future use, or trade them to other electric generation facilities. During a three-year period, each State offers its allowances for sale in quarterly auctions, based on established emission budgets, to meet their CO2 emissions targets. Over time, this regional cap or budget declines, so that CO2 emissions decrease in a planned and predictable way.

Since its inception, emissions from power plants in the RGGI States have declined by more than 50 percent—twice as fast as the nation as a whole—and the program has raised nearly \$6 billion that has been invested in local communities throughout the RGGI States. For its part, Virginia has received over \$650 million from the program in the last two years. Virginia has two major requirements for its participation in RGGI:

- 50 percent of the money is required to be spent on energy efficiency programs in low-income communities
- 45 percent is required to go towards helping communities that are adversely affected by flooding or sea-level rise

In the County, it has received more than \$15.4 million worth of benefits from the State's participation in this program. A small, but significant, portion of these funds have been a valuable source of revenue for the County's Community Housing Partners program, which works with low-income property owners to provide energy-saving home improvements to reduce energy costs. A loss of RGGI funding to this program would not only impact County residents, but a total of 131,000 low-income residents across the State, between now and 2030, according to a study commissioned by the Nature Conservancy and published by Virginia Commonwealth University in January. In that study, researchers estimated that the loss of RGGI funding would mean those 131,000 low-income homeowners and renters in Virginia would not be able to save an average of \$540 per year on their utility bills and up to \$670 annually.

Furthermore, the largest share of this RGGI funding went to the County's Department of Public Works and Environmental Services (DPWES) to supplement the \$7 million it was budgeted last year to address flood mitigation needs in the County. In other words, this RGGI funding has been of significant assistance to DPWES in meeting its flood mitigation and safety goals, which in turn support the County's Resilient Fairfax goals. Leaving RGGI would jeopardize this critical funding to protect County residents from flooding.

Beyond these financial benefits, Virginia's participation in RGGI supports local emissions reduction goals as described in the Community-wide Energy and Climate Action Plan (CECAP).

In June of this year, the Governor took steps to try to remove Virginia from the RGGI program. He and his administration characterized RGGI as “a regressive tax which does not do anything to incentivize the reduction of emissions in Virginia.” Yet, the numbers show the opposite. RGGI is working to reduce emissions and improve air quality in the region while delivering millions of dollars that the County has put to work to protect its residents from the impacts of climate change.

As such, it is necessary to send a letter to the Governor of Virginia requesting that he end his efforts to withdraw Virginia from the RGGI – a program that aligns with the County’s CECAP goals, has helped the County reduce flood risks, lowers energy bills for low-income residents, and increases the quality of the air that is breathed.

Therefore, jointly with Chairman McKay, Supervisor Gross, Supervisor Storck and Supervisor Palchik, Supervisor Walkinshaw moved that the Board authorize the County Executive to direct legislative staff to draft a letter to the Governor, signed by the Chairman, providing comments on the proposed withdrawal of the Commonwealth of Virginia from the Regional Greenhouse Gas Initiative. The motion was multiply seconded.

Following discussion regarding the Board Matter and the economic and environmental impacts, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting “NAY.”

17. **BRADDOCK DISTRICT UPCOMING EVENTS** (11 a.m.)

Supervisor Walkinshaw announced the following upcoming events in the Braddock District and invited the community to attend:

- First Annual Climate Action Conference will be held September 30, 2023, 8:30 a.m. – 12:30 p.m., at Lake Braddock Secondary School
- Oak Hill Open House will be held September 30, 2023, 10 a.m. – 1 p.m., at 4716 Wakefield Chapel Road
- Out of the Darkness Community Walk for suicide prevention will be held October 1, 2023, at Fairfax City Hall

18. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (11:03 a.m.)

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

19. **INTENT TO DEFER A PUBLIC HEARING (FRANCONIA DISTRICT)**
(11:03 a.m.)

Supervisor Lusk announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2022-LE-00024 until October 10, 2023.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #48.)

20. **PROCLAMATION REQUEST DESIGNATING OCTOBER 2 – 6, 2023, AS "DIGITAL INCLUSION WEEK"** (11:04 a.m.)

Supervisor Alcorn stated that Digital Inclusion Week is a national movement supported by the National Digital Inclusion Alliance. This year's theme is "Building Connected Communities." Hundreds of localities host and sponsor special events and campaigns to raise awareness and increase digital equity in their communities. This will be the first year that the County is participating in this national week of awareness.

Digital equity ensures opportunities for County residents to participate and engage in a connected community. The ability to access, understand and use digital tools is essential for many tasks in modern life including applying for jobs, paying bills, enjoying recreation activities, completing homework, stay informed, and connecting with government and community resources. This fosters inclusivity, promotes social and economic justice, and helps individuals thrive in a technology-driven society.

Digital access and literacy for all residents is an area of focus for the County's One Fairfax policy. Staff have determined that, in the County, the ideal state of digital equity means:

- Affordable digital hardware and connections
- Awareness of digital resources and services
- Access to specific digital tools
- Advancement of digital literacy skills

Further, the Countywide Strategic Plan and the SHAPE the Future of Aging Plan calls for expanding and enhancing the technology skills of learners of all ages, while eliminating barriers to digital access.

During Digital Inclusion Week, the County is teaming up with local community-based organizations and broadband/telecom providers to host a series of events throughout the County. Details of these events have been sent to Board

offices. Therefore, jointly with Chairman McKay, Supervisor Herrity and Supervisor Palchik, Supervisor Alcorn asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Proclamation designating October 2 – 6, 2023, as “*Digital Inclusion Week*” in the County, to be presented at the Digital Inclusion Summit event on October 5, 2023. Without objection, it was so ordered.

21. **PUBLIC HEARING DATES REQUEST FOR FAIRFAX HUNT ESTATES (HUNTER MILL DISTRICT)** (11:06 a.m.)

Supervisor Alcorn stated that SEM Fairfax Land Associates, LLC, submitted concurrent rezoning and final development plan applications for an 8.87-acre property located north of Lake Fairfax Park and identified as Fairfax County Tax Map 18-1 ((1)) 0002.

These applications present an opportunity to accomplish the preservation envisioned in the Fairfax County Comprehensive Plan for the circa-1790 log house previously associated with the Fairfax Hunt Club, without financially burdening the County while providing a small infill residential community consisting of eight single-family detached homes on a cul-de-sac off of Lake Fairfax Drive.

In addition to the aforementioned preservation of the log house, these applications will ensure that the currently unmaintained unnamed cemetery #44FX1397 is well maintained in perpetuity and most importantly, that the cemetery remains undisturbed.

The applicant held a public hearing before the Planning Commission on July 26, 2023, and is scheduled for a second public hearing before the Planning Commission on September 27, 2023. The applicant has requested a date certain for a public hearing before the Board on October 24, 2023.

Therefore, Supervisor Alcorn moved that the Board direct the Clerk to the Board to schedule the applications for a public hearing before the Board on **October 24, 2023, at 4 p.m.** The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and adopted standards, nor does it prejudice in any way the Board’s consideration of the applications. Supervisor Smith seconded the motion and it carried by unanimous vote.

22. **PROCLAMATION REQUEST FOR FORT BELVOIR’S OKTOBERFEST (MOUNT VERNON DISTRICT)** (11:09 a.m.)

Supervisor Storck stated that for 25 years, the United States Army Garrison Fort Belvoir has been proudly hosting Oktoberfest, an eagerly anticipated event for Military Service Members, their families, and countless community members throughout the County. Located at Fremont Field on Fort Belvoir, Oktoberfest will

take place September 28 – October 1, 2023, and will highlight authentic German cuisine, beverages, music, dancing, an exciting carnival presented by Jolly Shows and a Volksmarch 5K/10K Walk.

Started in 1994, the event creates partnerships between the United States Army and the German Armed Forces Command who annually attend the event. The Fort Belvoir Oktoberfest is open to the public and affords Fort Belvoir the opportunity to invite the surrounding local community on post to celebrate and forge community relationships.

Therefore, jointly with Chairman McKay, Supervisor Lusk, and Supervisor Herrity, Supervisor Storck moved that the Board direct staff to prepare a Proclamation, to be signed by the Chairman, and the Franconia District, Mount Vernon District, and Springfield District Supervisors, to be presented on September 29, 2023, to United States Army Garrison Fort Belvoir, in recognition of its 25 years of Oktoberfest. Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn being out of the room.

23. **PROCLAMATION REQUEST FOR NEIGHBORHOOD HEALTH**
(11:10 a.m.)

Supervisor Storck stated that Neighborhood Health, a non-profit organization with multiple community health centers in Northern Virginia is celebrating 25 years of service this year. Its mission is to improve health and advance health equity in the County, Alexandria, and Arlington, by providing high-quality primary health care regardless of someone's ability to pay. In 1977, Neighborhood Health served 1,500 patients but has now expanded to 35,000 patients in 14 clinics. Dr. Basim Khan, Chief Executive Officer, has led Neighborhood Health with tireless dedication and a deep commitment to and understanding of underserved communities.

Neighborhood Health's patients are predominately low-income, uninsured or underinsured, ethnically and racially diverse, and have few other options for accessing high quality care. They provide primary medical care for adults and children, chronic disease care, pediatrics and newborn care, women's health, prenatal care, dental care, behavioral health, family planning, HIV care and prevention, optometry, pharmacy, lab services, immunizations, nutrition, cancer screenings, family support services, health insurance enrollment, and COVID-19 testing and vaccinations.

They have been recognized by the Health Services and Resources Administration for their quality care and played a leading role in the COVID-19 pandemic response, administering more than 70,000 tests, distributing 30,000 self-tests and 13,000 N-95 masks, and administering over 90,000 vaccines in underserved communities.

Therefore, jointly with Chairman McKay, Supervisor Gross, Supervisor Lusk, and Supervisor Palchik, Supervisor Storck moved that the Board direct staff to prepare

a Proclamation, to be signed by the Chairman, and the Mason District, Franconia District, Mount Vernon District, and Providence District Supervisors, to be present to Neighborhood Health, in recognition of its 25-years of service. Chairman McKay seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by unanimous vote.

24. **GEORGE MASON UNIVERSITY'S GUNSTON HALL GRAND OPENING OF RIVERSIDE GARDENS** (11:13 a.m.)

Supervisor Storck announced that the Grand Opening of Riverside Gardens will be held September 28, 2023, 5:30 p.m. – 8 p.m. at Gunston Hall. He invited the community to attend.

25. **OPPORTUNITIES FOR STAFF RETENTION INCENTIVES** (11:15 a.m.)

Supervisor Palchik stated that the County has taken a number of important steps to help address the recruitment and retention challenges that the County and all other employers are facing. The Board knows that the County has had some success in the recruitment arena, as recently seen with the large and highly diverse public safety classes, but also recognizes that as the global workplace continues to evolve, the County needs to be nimble and flexible. The Board also knows that the County is closing the gap in its mental health treatment staff shortages but still struggling in other areas. Staff has repeatedly committed to monitoring and updating the Board on recruitment trends and opportunities and the Board looks forward to future discussions to ensure continued progress.

The County has also made progress in retention. The market rate adjustment was completely funded for Fiscal Year 2024 and market reviews have been implemented recently. As the County examines its existing workforce, it is important to understand how recent actions have benefited its retention goals. It is also important to understand what other opportunities exist to strengthen County retention. Specifically, it is critical to understand current retention strategies and what additional incentives for retention might be effective for the Board to consider.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Palchik moved that the Board direct staff to create a report on current retention statistics, strategies and additional opportunities for retention of employees, to be presented at an upcoming Personnel Committee meeting for the Board to review. Chairman McKay and Supervisor Lusk jointly seconded the motion. Following discussion regarding the inclusion of nonfinancial options and staff's current and ongoing examination, the question was called on the motion and it carried by unanimous vote.

26. **RENAMING OF THE PROVIDENCE DISTRICT COMMUNITY CENTER**
(11:21 a.m.)

Supervisor Palchik announced that the renaming of the Providence Community Center after Jim Scott will be held September 30, 2023, at 10 a.m. and she invited the community to attend.

27. **CAPITAL ONE HALL AND THE CONCERT TRUCK**
(PROVIDENCE DISTRICT) (11:22 a.m.)

Supervisor Palchik announced that Capital One Hall is partnering with The Concert Truck and will be hosting six free public performances September 27 – 29, 2023. The Concert Truck is a 16-foot box truck that is a fully functioning mobile music hall complete with lights, a sound system and piano. Supervisor Palchik invited the community to attend the events.

28. **LEGISLATIVE CONSIDERATION TO ADDRESS PUBLIC SAFETY**
COMPONENT OF PANHANDLING AND PEDESTRIANS (11:23 a.m.)

Supervisor Herrity stated that over the past several years, he has brought multiple efforts before the Board addressing panhandling, including consideration of a draft ordinance, a pilot sign program, work programs like Operation Stream Shield, and a public education campaign.

The Carryover package contained a consideration item for a study to gather voluntary information from people who panhandle across the country. Understanding the critical needs of people in the community is essential when dealing with this multi-faceted issue. However, Supervisor Herrity stated his belief that it is also critical to address the public safety component of panhandling, not just to understand the service issues. Supervisor Herrity stated that he is continuing his review of ordinances involving prohibiting the exchange of objects in the roadway that have been successful in other jurisdictions.

In speaking with the police department, Supervisor Herrity stated that it has been brought to his attention that in the same General Assembly session where loud mufflers were made a secondary offense, jaywalking was made a secondary offense. This removed a tool that police officers can use to warn, deter and if necessary, charge pedestrians, including panhandlers, that are in the right of way outside of crosswalks for their own safety and the safety of motorists.

Therefore, Supervisor Herrity moved that, prior to the adoption of the County's legislative agenda, a Legislative Committee meeting be held to include a discussion on adding language to the legislative agenda regarding the removal of secondary offense language for jaywalking, to make it a primary offense to give police officers a tool to warn, deter and if necessary, charge pedestrians, including panhandlers, that are in the right of way outside of crosswalks. Supervisor Walkinshaw seconded the motion.

Following discussion regarding jaywalking and pedestrian safety issues, Supervisor Walkinshaw asked to amend the motion as follows: “Prior to the adoption of the County’s Legislative Agenda, a Legislative Committee meeting include **a discussion on issues and legislation related to pedestrian safety, including speed limit reduction authority, funding for safe streets, better coordination between the Virginia Department of Transportation (VDOT) and the Fairfax County Department of Transportation, additional flexibility within VDOT approval process and design standards, and the removal of secondary offense language for jaywalking.**” This was accepted, with the understanding that it also include an analysis of the pedestrian incidents and whether they were in/outside of crosswalks.

Following discussion regarding inclusion in the Carryover, effects on public safety, and the actions from panhandlers, the question was called on the motion, as amended, and it carried by unanimous vote.

29. **SPRINGFIELD NIGHTS AND FALL CONCERTS** (11:32 a.m.)

Supervisor Herrity announced that Free Concerts in the Park! are being held on Wednesday evenings at 7 p.m. at Burke Lake Park and Saturday mornings at 10 a.m. at the Burke Lake Park Amphitheater. He invited the community to attend the events.

30. **NO BOARD MATTERS FOR SUPERVISOR SMITH (SULLY DISTRICT)** (11:33 a.m.)

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

31. **MASON DISTRICT SUPERVISOR AWARDS** (11:33 a.m.)

Chairman McKay announced that Supervisor Gross recently was awarded the following:

- The Public Service Commendation Medal from the Department of the Army for her work as Chair of the Community, Military, and Federal Facility Partnership at Northern Virginia Regional Commission
- The 2023 Fran Flanigan Environmental Leadership Award by the Alliance for the Chesapeake Bay for her 25-years of work to restore the Chesapeake Bay

Chairman McKay stated that the awards were earned due to the work, and the honor that is brought to the County when Members of the Board receive recognition. Chairman McKay stated that the Board could not do what it does without the

assistance and support of outstanding County staff, and it is the staff (and the work) that he would like to have the opportunity to highlight.

NS:ns

AGENDA ITEMS

32. **10:30 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2023 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2024 REVISED BUDGET PLAN**
(11:37 a.m.)

(FPR)
(SARs)

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 September 15 and September 22, 2023.

Philip Hagen, Deputy Director, Department of Management and Budget (DMB), gave the staff presentation briefly outlining the FY 2023 Carryover Review Package.

Discussion ensued, with input from Christina Jackson, Director, DMB, and Mr. Hagen, regarding the allocation of funds for the affordable housing development investment fund and the status of the Fairfax County Public Schools expenditures report.

Following the public hearing, which included testimony by six speakers, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 23276, SAR AS 24009, and Amendment to the Fiscal Planning Resolution AS 24900. This approval includes the *FY 2023 Carryover Review* package as presented at the Board meeting on July 25, 2023, which resulted in an available nonrecurring general fund balance of \$2.24 million, as well as the following adjustments:

1. One-time funding of \$500,000 for the County's Competitive Housing Blueprint Pool to support predevelopment and construction cost for housing projects that include permanent supportive housing
2. One-time funding of \$500,000 to support the McLean Community Center's project to construct Americans with Disabilities Act (ADA) accessible doors and facilities at the old firehouse
3. One-time funding of \$250,000 to expand the Transportation Options Programs and Services (TOPS) from four to six annual subsidies per participant
4. One-time funding of \$200,000 for the Phase III of the Lake Anne Economic Visioning project

5. One-time funding of \$150,000 to complete the Springfield branding project
6. One-time funding of \$125,000 to offset the cost of equipment and supplies of the Sponsoring Partnerships and Revitalizing Communities (SPARC) program
7. One-time funding of \$100,000 to fund improvements such as lighting and modifications to the parking lot at the Annandale Civic Space
8. One-time funding of \$75,000 to conduct a survey of people who are panhandling in the County
9. The reallocation of \$8 million from the General Fund Pandemic Reserve to Fund 3300 Affordable Housing Development and Investment

With these adjustments, the General Fund balance at the FY 2023 Carryover Review is \$335,702.

The motion was multiply seconded. Following a brief discussion regarding funding staff positions, park maintenance costs and Metro funding, the question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

33. **ADMINISTRATIVE ITEMS** (12:16 p.m.)

Supervisor Gross moved approval of the Administrative Items. Chairman McKay and Supervisor Lusk jointly seconded the motion.

Supervisor Gross called the Board's attention to Admin 7 – Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Sign Regulations and requested background information on the proposed Zoning Ordinance.

Discussion ensued, with input from Leslie Johnson, Zoning Administrator, Department of Planning and Development, regarding incorporating language on illumination levels (nits) in the upcoming public hearing advertisement, special exceptions to nits levels, and proposed restrictions in residential and commercial areas.

Chairman McKay raised a question regarding grandfathered Comprehensive Sign Plans (CSPs) and Ms. Johnson verified, for the record, that CSPs that were accepted for processing by September 26, 2023, and approved by the Planning Commission

before March 1, 2024, will be grandfathered from the proposed Zoning Ordinance amendments.

Supervisor Herrity called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing to Convey Board-Owned Property at 13500 Dulles Greene Drive to the Fairfax County Redevelopment and Housing Authority (FCRHA) (Dranesville District) and following a brief discussion, with input from staff, regarding the Park Authority field relocation efforts, Supervisor Herrity asked to consider this item separately. This was accepted.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 8, 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 – STREETS INTO THE SECONDARY SYSTEM - WEST GROVE (SPRINGFIELD DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
West Grove	Springfield	Amber Dell Court
West Grove	Springfield	Harvest Grove Drive

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM - BISHOP CREST (MOUNT VERNON DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bishop Crest	Mount Vernon	Bishop Crest Court

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – FAIRFAX FARMS ROAD (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution endorsing the traffic calming plan consisting of two speed tables on Fairfax Farms Road (Springfield District)

- Directed staff to schedule installation of the approved measures as soon as possible

ADMIN 4 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – LINWAY TERRACE (DRANESVILLE DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Linway Terrace from Kirby Road to Birch Road (Dranesville District)
 - Directed staff to request the Virginia Department of Transportation schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF CHAIN BRIDGE ROAD WALKWAY – (COURTHOUSE ROAD TO SUTTON ROAD) (PROVIDENCE DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **October 24, 2023, at 4:30 p.m.**, regarding the acquisition of certain land rights necessary for the construction of Project 5G25-060-023, Pedestrian Improvements – 2014, (Chain Bridge Road Walkway).

ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO CHAPTER 122 (TREE CONSERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA RE: TREE COMMISSION CHARTER

- (A)
- Authorized the advertisement of a public hearing to be held before the Planning Commission on October 25, 2023, and before the Board on **December 5, 2023, at 3:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance), regarding updates to the Tree Commission charter.

ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT RE: SIGN REGULATIONS

- (A)(R)
- Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 25, 2023 at 7:30 p.m., and before the Board on **November 21, 2023, at 3:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112.1 (Zoning Ordinance), regarding sign regulations contained in Article 7 and related subsections.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY AT 13500 DULLES GREENE DRIVE TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (DRANESVILLE DISTRICT)

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 24.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #34.)

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 24082 FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (NCS) TO ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF EDUCATION (ED) AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) FOR THE COMMUNITY PROJECT FUNDING REQUESTS INCLUDED IN THE CONSOLIDATED APPROPRIATIONS ACT, 2023

- (SAR) Approved SAR AS 24082 for the NCS to accept grant funding totaling \$2,500,000 from the ED and HHS, Administration for Community Living, to support two NCS projects that were funded through the Consolidated Appropriations Act, 2023. No local cash match is required.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 24078 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA COMMUNITY COLLEGE SYSTEM (VCCS) TO IMPLEMENT A SUPPLEMENTAL WORKFORCE DEVELOPMENT TRAINING OPPORTUNITY GRANT

- (SAR) Approved SAR AS 24078 for DFS to accept grant funding from the VCCS in the amount of \$150,000 to support a work-based learning career pathway initiative. There are no positions associated with this reward and no local cash match is required.

34. **ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY AT 13500 DULLES GREENE DRIVE TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (DRANESVILLE DISTRICT)**
(12:25 p.m.)

- (A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See page 25.)

Supervisor Foust moved that the Board authorize the advertisement of a public hearing to be held before the Board on **October 24, 2023, at 4:30 p.m.**, regarding the proposed conveyance of Board-owned property located at 13500 Dulles Greene

Drive to the FCRHA. The motion was multiply seconded. Discussion ensued regarding temporary recreational activity on the site and the proximity to public transit. The question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting "NAY."

35. **A-1 – APPROVAL OF LICENSE AGREEMENT WITH HANDS ON HARVESTS (HOH) FOR OUTDOOR SPACE USE AT THE EILEEN GARNETT CIVIC SPACE (MASON DISTRICT)** (12:27 p.m.)

Following comments, Supervisor Gross moved that the Board concur in the recommendation of staff and authorize staff to execute a license agreement between the County and HOH, substantially in the form of Attachment One of the Board Agenda Item. Chairman McKay and Supervisor Palchik jointly seconded the motion. Following a brief discussion regarding HOH's community impact, the question was called on the motion and it carried by unanimous vote.

36. **A-2 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 24066 TO ACCEPT GRANT FUNDING AND AUTHORIZATION TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT (PAA) WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR IMPLEMENTATION OF TRANSPORTATION ALTERNATIVES FUNDING FOR THE MASON NECK TRAIL PROJECT (MOUNT VERNON DISTRICT)** (12:29 p.m.)

(SAR)(R) On motion of Supervisor Storck, seconded by Chairman McKay, and carried by a vote of nine, Supervisor Herrity being out of the room, the Board concurred in the recommendation of staff and:

- Approved SAR AS 24066 for the Department of Transportation (DOT) to accept funding from VDOT in the amount of \$1 million for the northern segment of the Mason Neck Trail project. A 20 percent local cash match of \$200,000 will be met from Fund 40010, County and Regional Transportation Projects, from the County Six-Year Plan Bicycle and Pedestrian Program project (2G40-088-000). Funding will be used to design and construct the project. No new positions are associated with this grant funding agreement
- Adopted the Resolution authorizing the Director of DOT to execute a PAA with VDOT for the funding and implementation of the project, substantially in the form of Attachment Three of the Board Agenda Item

37. **A-3 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FUNDING AND APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) FISCAL YEAR (FY) 2025-2026 REVENUE SHARING AND TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAMS (BRADDOCK, DRANESVILLE, FRANCONIA, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (12:30 p.m.)

(Rs) Supervisor Alcorn moved that the Board concur in the recommendation of staff and:

- Authorize the Director of DOT to apply for funding in the amount of \$40.5 million, including \$17.5 million in local cash match which is available from transportation funding sources and does not require new General Fund resources
- Adopt the project endorsement resolutions, substantially in the forms of Attachments One and Two of the Board Agenda Item

The motion was multiply seconded. Following a brief discussion regarding the projects, the question was called on the motion and it carried by unanimous vote.

DA:da

38. **RECESS/CLOSED SESSION** (12:33 p.m.)

Following a query to Elizabeth Teare, County Attorney, regarding the amount of time needed for closed session, 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) and (8).
- (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) and (8).

1. *Reston Civic Core, LLC v. Board of Supervisors of Fairfax County, Tom Fleetwood, and Fairfax County Redevelopment and Housing Authority*, CL-2022-0015638 (Fx. Co. Cir. Ct.)
2. *Kathleen Stanley McCaffery v. Fairfax County, Virginia*, Case No. 1:23-cv-96 (E.D. Va.)
3. *Jacob Austin Schneider v. Fairfax County Department of Public Works and Environmental Services*, Case No. 1:22-cv-0871 (E.D.Va.); Appeal No. 23-1303 (4th Cir.)
4. *Cisco Systems, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-0007328 (Fx. Co. Cir. Ct.)
5. *Keolattana Tootoo Saphilom v. Fairfax County Police and Virginia State Police*, Case No. 3:23-cv-00023 (W.D. Va.)
6. *Jordan Bowling v Fairfax County*; Case No. CL-2023-0010411 (Fairfax Co. Cir. Ct.) and *Brian Shelton v. Fairfax County*; Case No. CL-2023-0010410 (Fairfax Co. Cir. Ct.)
7. *Bryan King, by GEICO General Insurance Company, subrogee v. Jared Michael Warner*, Case No. GV23-004415 (Fx. Co. Gen. Dist. Ct.)
8. *Board of Supervisors of Fairfax County, Virginia v. Ajey Bargoti*, Case No. CL-2022-0004703 (Fx. Co. Cir. Ct.) (Sully District)
9. *Board of Supervisors of Fairfax County, Virginia v. Srinivas Dasari and Padmaja Phani Dasari*, Case No. CL-2022-0004702 (Fx. Co. Cir. Ct.) (Sully District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Cuong Tan Nguyen*, Case No. CL-2022-0000434 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Jacques Gansler and Leah Gansler*, Case No. CL-2023-0011858 (Fx. Co. Cir. Ct.) (Dranesville District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. U-Haul Real Estate Company*, Case No. CL-2022-0002114 (Fx. Co. Cir. Ct.) (Mason District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Milton J. Aguilar Serrano and Lily M. Carrasco de Aguilar*, Case No. CL-2023-0012075 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(A)(8), legal analysis regarding *Berry v. Board of Supervisors*, Virginia Supreme Court Record No. 211143, and *Gloss v. Wheeler*, Virginia Supreme Court Record No. 210779
- As permitted by Virginia Code Section 2.2-3711(A)(1) and (8), personnel and legal briefings regarding the following: County Contract Number 4400010973 and Retirement Board authority
- As permitted by Virginia Code Section 2.2-3711(A)(3), potential acquisition of real property in the Sully District for a public purpose where discussion in an open meeting would adversely affect the County's bargaining position

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

At 3:41 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:41 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, by virtue of Virginia Code Section 2.2-3711, 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. The motion was multiply seconded 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."

40. **REJECTION OF SETTLEMENT PROPOSAL WITH RESTON CIVIC CORE, LLC** (3:42 p.m.)

Supervisor Alcorn moved that the Board authorize the County Attorney to reject the settlement proposal received from Reston Civic Core, LLC in the case of *Reston Civic Core, LLC v Board of Supervisors of Fairfax County, Virginia, et al.* according to the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Lusk seconded the motion and it carried by unanimous vote.

KK:kk

ADDITIONAL BOARD MATTERS

41. **OPTIONS FOR INDIVIDUALS TO PROVIDE TESTIMONY FOR PUBLIC HEARINGS** (3:42 p.m.)

Chairman McKay stated that individuals have the following options to provide testimony during public hearings:

- Testify before the Board in person
- Provide testimony by telephone (Live)
- Provide testimony by YouTube video

At the designated point in the public hearing, speakers will be called from the Speakers List and they may come forward, or their video will be shown, or they will be connected by telephone. There will then be an opportunity for anyone else who would like to speak regarding the application. If they are present in the Board Auditorium, they may come forward to the podium or call in on a number that will be provided on the screen. Speakers testifying via video must have signed up and submitted their video no later than 9 a.m. on the day prior to the public hearing. For all testimony speakers are given three minutes to speak as an individual. If they are the spokesperson for a group, they are given five minutes.

42. **ORDERS OF THE DAY** (3:43 p.m.)

Chairman McKay announced that Public Comment will be held prior to the 4 p.m. public hearing on a proposed Zoning Ordinance Amendment regarding parking reimaged, in light of the fact that there are more than 30 speakers for that public hearing and only 10 speakers for Public Comment.

AGENDA ITEMS

43. **3:30 P.M. – PUBLIC HEARING ON PCA 2004-LE-012-02/CDPA 2004-LE-012 (RZPA 2022-LE-00055) (RH SENIOR HOUSING LLC, A VIRGINIA LIMITED LIABILITY CORPORATION) TO AMEND THE PROFFERS, CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2004-LE-012, PREVIOUSLY APPROVED FOR A MIXED USE DEVELOPMENT, TO PERMIT AN INDEPENDENT LIVING FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT AN INTENSITY OF 2.03 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 27,516 SQUARE FEET OF LAND (FRANCONIA DISTRICT) (3:44 p.m.)**

- (O) (NOTE: At its July 25, 2023, meeting, the Board deferred this public hearing until September 26, 2023.)

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 September 12 and September 19, 2023.

The application property is located in the northwest quadrant of the intersection of Richmond Highway and Groveton Street. Tax Map 93-1 ((1)) 98A.

Mark M. Viani, Bean, Kinney and Korman, P.C., reaffirmed the validity of the affidavit dated August 4, 2023, for the record.

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

- Richard H. Edson

Supervisor Palchik disclosed that she received campaign contributions in excess of \$100 from:

- Mark M. Viani
- Richard H. Edson

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

- Richard H. Edson

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

- Mark M. Viani

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

- Mark M. Viani

Supervisor Walkinshaw disclosed that he received campaign contributions in excess of \$100 from:

- Mark M. Viani
- Richard H. Edson

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

Mr. Viani 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. Rowlette presented the staff and Planning Commission recommendations.

Following comments, Supervisor Lusk moved that the Board approve:

- Proffered Condition Amendment Application PCA 2004-LE-012-02, and its associated Conceptual Development Plan Amendment, subject to the proffers dated September 19, 2023
- Waivers and modifications contained in the handout distributed, dated September 26, 2023, [*sic*] which will be made part of the record, and are as follows:
 - Waiver for the service drive requirement on Richmond Highway
 - Modification of transitional screening and a waiver of barrier requirement along the eastern property line to that shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment
 - Modification of the loading space requirement of four spaces to allow one loading space for the proposed ILF and community commercial space

Supervisor Storck and Chairman McKay jointly seconded the motion. Following a brief discussion, with input from Suzanne Wright, Director, ZED, DPD, regarding the waivers and modifications, Supervisor Lusk amended his motion to clarify that the date of the waivers and modifications handout was dated September 11, 2023. This was accepted. The question was called on the motion, as amended, 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."

44. **3:30 P.M. – PUBLIC HEARING ON PCA-2010-LE-005-002 (RZPA-2022-FR-00155) (GRAMM SPRINGFIELD HYUNDAI PROPERTY, LLC) TO AMEND THE PROFFERS FOR RZ 2010-LE-005 PREVIOUSLY APPROVED FOR VEHICLE SALES, RENTAL, AND SERVICE ESTABLISHMENT TO PERMIT A SECOND VEHICLE SALES, RENTAL, AND SERVICE ESTABLISHMENT AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.14, LOCATED ON APPROXIMATELY 7.65 ACRES OF LAND (FRANCONIA DISTRICT)**

AND

PUBLIC HEARING ON SEA 2014-LE-005 (GRAMM SPRINGFIELD HYUNDAI PROPERTY, LLC) TO AMEND SE 2014-LE-005 PREVIOUSLY APPROVED FOR A VEHICLE SALES, RENTAL, AND SERVICE ESTABLISHMENT TO PERMIT A SECOND VEHICLE SALES, RENTAL, AND SERVICE ESTABLISHMENT AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 7.65 ACRES OF LAND (FRANCONIA DISTRICT) (3:55 p.m.)

- (Os) 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 September 12 and September 19, 2023.

The Proffered Condition Amendment Application PCA 2010-LE-005-002 property is located on the east side of Loisdale Road (Route 789), approximately 2,400 feet south of its intersection with Lois Drive (Route. 3014). Tax Map 90-4 ((1)) 6A4 (pt.)

The Special Exception Amendment Application SEA 2014-LE-005 property is located on the east side of Loisdale Road (Route 789), approximately 2,400 feet south of its intersection with Lois Drive. Tax Map 90-4 ((1)) 6A4 (pt.).

Lynne J. Strobel, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavits dated July 25, 2023, for the record.

Curtis Rowlette, 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.

Discussion ensued, with input from Mr. Rowlette, regarding the development plan.

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

Following a query by Supervisor Lusk, Ms. Strobel confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 7, 2023.

Following comments, Supervisor Lusk moved that the Board approve:

- Proffered Condition Amendment Application PCA 2010-LE-005-002, subject to the proffers dated September 25, 2023
- Special Exception Amendment Application SEA 2014-LE-005, subject to the development conditions dated September 7, 2023

Chairman McKay 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.”

45. **3:30 P.M. – PUBLIC HEARING ON PCA 2004-PR-044-004/CDPA 2004-PR-044-002 (RZPA 2021-PR-00044) (TYSONS CORNER HOLDINGS LLC, TYSONS CORNER PROPERTY HOLDINGS LLC) TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN ASSOCIATED WITH RZ 2004-PR-044, PREVIOUSLY APPROVED FOR A RETAIL MIXED USE DEVELOPMENT TO PERMIT MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A MAX FLOOR AREA RATIO OF 1.76, LOCATED ON APPROXIMATELY 77.64 ACRES OF LAND (PROVIDENCE DISTRICT)** (4:06 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 September 12 and September 19, 2023.

The application property is located east of International Drive, south of Chain Bridge Road, north of Leesburg Pike, and west of the Capital Beltway. Tax Map 29-4 ((1)) 35A, 35C, 35D, 35E and 35F; 39-2 ((1)) 2, 4 and 5.

Brian J. Clifford, DLA Piper LLP, reaffirmed the validity of the affidavit dated September 15, 2023, for the record.

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

Mr. Clifford 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. Williams, regarding public access.

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

Following comments, Supervisor Palchik moved that the Board approve:

- Proffered Condition Amendment Application PCA 2004-PR-044-004, and its associated Conceptual Development Plan Amendment CDPA 2004-PR-044-002, subject to the proffers dated August 23, 2023
- Waivers and modifications contained in the handout distributed, dated September 21, 2023, which will be made part of the record, and are as follows:
 - Reaffirmation of the waiver of subsection 5100.2 D (4) of the Zoning Ordinance to allow the structures and vegetation on a corner lot as shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA)
 - Reaffirmation of the modification of subsection 5100.2 D (8) (A) of the Zoning Ordinance to allow a commercial building within 75 feet of right of way (ROW) of an interstate highway
 - Reaffirmation of the modification of subsection 5108.5.A of the Zoning Ordinance to modify the interior parking lot landscaping to that shown on the CDPA/FDPA

- Reaffirmation of the modification of subsection 5108.5.B (3) of the Zoning Ordinance on the peripheral parking lot landscaping requirement for the parking structures adjacent to Chain Bridge Road
- Reaffirmation of the waiver of subsection 5108.7.A of the Zoning Ordinance for the transitional screening and barrier requirements internal to the project
- Reaffirmation of the modification of subsection 5108.7.A of the Zoning Ordinance to modify the transitional screening requirement along the eastern property boundary
- Reaffirmation of the modification of subsection 6101.1 B of the Zoning Ordinance to permit the reduction of loading spaces as shown on the CDPA/FDPA
- Reaffirmation of the modification of subsection 6103.2 of the Zoning Ordinance to permit a loading space to be within 40 feet of an intersection
- Reaffirmation of the waiver of subsection 8100.7 E (3) (A) of the Zoning Ordinance requiring a service drive on all properties
- Reaffirmation of the waiver of Public Facilities Manual (PFM) Section 6-0303.8 to allow use of underground stormwater management facilities with residential development
- Reaffirmation of the modification of PFM Section 8-0201.3 and subsection 8100.7. E of the Zoning Ordinance to permit sidewalks and pedestrian trails as shown on the CDPA/FDPA in lieu of all required trails
- Reaffirmation of the modification of PFM Section 12-0310 to permit the planting area to be no less than 6 feet and to permit trees within the ROW to be counted towards the 10- year tree canopy requirement
- Modification of subsection 2105.4 (C) 1.C and 4102.5 (PP) 7 of the Zoning Ordinance to allow

outdoor vehicle storage and outdoor display of vehicles associated with the existing vehicle sales, rental and ancillary service establishments as shown on the CDPA/FDPA and as proffered

- Modification of subsection 5100.2.C (5) of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection to exceed the height limit established by more than three (3) feet to that shown on the CDPA/FDPA
- Modification of subsection 5100.2 D (4) (C) of the Zoning Ordinance to allow buildings to be constructed to the streetscape building zone on corner lots on public streets and lots with private street easements that may create a corner lot configuration as shown on the CDPA/FDPA
- Waiver of subsection 5107.3.A.3 of the Zoning Ordinance to allow private streets in excess of 600 feet in length

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.”

(NOTE: On September 14, 2023, the Planning Commission approved Final Development Plan Amendment Application FDPA 2004-PR-044-003.)

46. **3:30 P.M. – PUBLIC HEARING ON SEA 80-A-072 (VERSAR PROPERTY OWNER, LLC) TO AMEND SE 80-A-072 PREVIOUSLY APPROVED FOR A FLOODPLAIN TO PERMIT MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 15.62 ACRES OF LAND (MASON DISTRICT) (4:23 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 September 12 and September 19, 2023.

The application property is located at 6850 Versar Center, Springfield, 22151. Tax Map 80-2 ((1)) 22A and 22B.

David L. Schneider, Holland and Knight LLP, reaffirmed the validity of the affidavit dated August 30, 2023, for the record.

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

Mr. Schneider 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. Williams presented the staff and Planning Commission recommendations.

Following a query by Supervisor Gross, Mr. Schneider confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 14, 2023.

Following comments, Supervisor Gross moved that the Board approve Special Exception Amendment Application SEA 80-A-072, subject to the development conditions dated September 14, 2023. 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.

47. **3:30 P.M. – PUBLIC HEARING ON PCA 93-H-004-03/CDPA 93-H-004-02 (RZPA 2023-HM-00041) (WS-ADW OWNER, LLC) TO AMEND THE PROFFERS, CONCEPTUAL DEVELOPMENT PLAN FOR RZ 93-H-004, PREVIOUSLY APPROVED FOR THREE OFFICE BUILDINGS, TO PERMIT AN OPTION FOR 82 RESIDENTIAL UNITS, AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN AT A 0.48 FLOOR AREA RATIO, LOCATED ON APPROXIMATELY 28.29 ACRES OF LAND (HUNTER MILL DISTRICT) (4:33 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 September 12 and September 19, 2023.

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.

Mark C. Looney, Cooley LLP, reaffirmed the validity of the affidavit dated August 8, 2023, for the record.

Mary Ann Tsai, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

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

Following the public hearing, which included testimony by two speakers, Mr. Looney presented rebuttal.

Ms. Tsai presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Ms. Tsai, regarding what can be built on the property by right if the application is denied.

Following comments, Supervisor Alcorn moved that the Board approve:

- Proffered Condition Amendment Application PCA 93-H-004-03, subject to the proffers dated August 11, 2023
- Conceptual Development Plan Amendment Application CDPA 93-H-004-02
- Waivers and modifications contained in the handout distributed, dated September 8, 2023, 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 (3) feet but not more than twelve (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 twenty-four (24) feet in width
 - Waiver of subsection 5107.3.A(3) to allow private streets in excess of six hundred (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 and Supervisor Palchik jointly seconded the motion.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct the County Attorney to provide guidance, from a legal perspective, on compelling residential developments to join associations as a requirement of rezoning. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman McKay.

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 September 14, 2023, the Planning Commission approved FDPA 93-H-004-02-02 subject to the development conditions dated August 31, 2023.)

48. **3:30 P.M. – PUBLIC HEARING ON RZ 2022-LE-00024 (6235 BRANDON AVE LLC) TO REZONE FROM C-6, SC, HC, AND CRD DISTRICTS TO PDC, SC, HC, AND CRD DISTRICTS TO PERMIT A HOTEL AND SELF-STORAGE FACILITY WITH AN OVERALL DENSITY OF 1.35 FAR, AND APPROVAL OF THE CONCEPTUAL AND FINAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 4.34 ACRES OF LAND (FRANCONIA DISTRICT) (4:57 p.m.)**

(NOTE: At its September 12, 2023, meeting the Board deferred this public hearing until September 26, 2023.)

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

At the applicant's request, Supervisor Lusk moved to defer the public hearing on RZ 2022-LE-00024 (6235 Brandon Avenue, LLC) until **October 10, 2023, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

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49. **4 P.M. – PUBLIC HEARING ON RZ 2022-DR-00029 (H/F TECHPOINTE, LLC) TO REZONE FROM I-4 TO PRM TO PERMIT A MULTIFAMILY RESIDENTIAL DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO (FAR) OF 1.7 (INCLUSIVE OF BONUS DENSITY) AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 5.00 ACRES OF LAND (DRANESVILLE DISTRICT)**

AND

PUBLIC HEARING ON PCA-79-C-037-09 (H/F TECHPOINTE, LLC) TO AMEND THE PROFFERS FOR RZ 79-C-037 PREVIOUSLY APPROVED FOR INDUSTRIAL USES TO PERMIT A MULTIFAMILY RESIDENTIAL DEVELOPMENT WITH AN FAR OF 1.7 (INCLUSIVE OF BONUS DENSITY) WITH ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN, LOCATED ON APPROXIMATELY 5.00 ACRES OF LAND (DRANESVILLE DISTRICT) (4:58 p.m.)

- (Os) 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 September 12 and September 19, 2023.

The Rezoning Application RZ 2022-DR-00029 property is located east of River Birch Road and south of Dulles Technology Drive, Tax Map 16-3 ((1)) 32C.

This Proffered Condition Amendment Application PCA-79-C-037-09 property is located east of River Birch Road and south of Dulles Technology Drive, Tax Map 16-3 ((1)) 32C.

Lynne J. Strobel, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the validity of the affidavits dated July 24, 2023, for the record.

William O'Donnell, Branch Chief, 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, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Following comments, Supervisor Foust moved that the Board approve:

- Rezoning Application RZ 2022-DR-00029 and the associated Conceptual Development Plan (CDP), subject to the proffers dated September 19, 2023
- Proffered Condition Amendment Application PCA 79-C-037-09
- Parking Reduction #PKS-2023-00021, pursuant to Section 6100.4.C to allow for a reduction in the number of parking spaces based on proximity to Metro, to reduce parking ratio from 1.6 to 1.1 spaces per dwelling unit as shown on the CDP/Final Development Plan (FDP) and subject to the conditions in Appendix 2 of the Staff Report
- Reaffirmation of the following waivers and modifications contained in the handout distributed, dated September 14, 2023, which will be made part of the record, and are as follows:
 - Modification of subsection 6101.3 to allow for a reduction in the number of loading spaces from five to one as shown on the CDP/FDP
 - Waiver of subsection 5107.3.A.2 to allow a private street less than 24 feet in width to permit the

20-foot-wide private street as shown on the CDP/FDP

- Waiver of subsection 8100.7.E.3 requiring additional inter-parcel access to adjoining parcels in favor of that shown on the CDP/FDP

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.”

(NOTE: On September 14, 2023, the Planning Commission approved Final Development Plan Application FDP 2022-DR-00029.)

50. **4 P.M. – PUBLIC HEARING ON SEA 88-V-064-06 (THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY) TO AMEND SE 88-V-064 PREVIOUSLY APPROVED FOR AN ALTERNATE USE OF A PUBLIC FACILITY TO PERMIT AN ALTERNATIVE USE OF A HISTORIC BUILDING AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 22.60 ACRES OF LAND (MOUNT VERNON DISTRICT)** (5:08 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 September 12 and September 19, 2023.

The application property is located at 8333 Richmond Highway, Alexandria, 22309, Tax Map 101-4 ((1)) 5A; 101-4 ((1)) 57; 101-4 ((8)) (E) 1; 101-4 ((7)) 1 and 39.

Ipek Aktuglu, Project Coordinator, Building Design and Construction Division, Department of Public Works and Environmental Services, reaffirmed the validity of the affidavit dated August 11, 2023, for the record.

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

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

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

Following a query by Supervisor Storck, Ms. Aktuglu confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated September 6, 2023.

Supervisor Storck moved that the Board approve:

- Special Exception Amendment Application SEA 88-V-064-06, subject to the development conditions dated September 6, 2023
- Waivers and modifications contained in the handout distributed, dated September 18, 2023, which will be made part of the record, and are as follows:
 - Reaffirmation of the waiver of a service drive on Richmond Highway
 - Waiver of the peripheral parking lot landscaping along Richmond Highway
 - Modification of the transitional screening requirement and a waiver of the barrier requirement along Mohawk Lane to that shown on the SEA Plat
 - Modification of the transitional screening requirement between the subject site and Parcel 101-4 ((7)) 11 to that shown on the SEA Plat
 - Waiver of the minor paved trail requirement along Reddick Avenue

Chairman McKay seconded the motion and it carried by a vote of eight, Supervisor Alcorn and Supervisor Palchik being out of the room.

51. **ORDERS OF THE DAY** (5:17 p.m.)

Chairman McKay announced again that there are 33 speakers signed up for the 4 p.m. public hearing on a proposed Zoning Ordinance Amendment regarding parking reimagined and only 10 speakers for Public Comment, therefore, for planning purposes, Public Comment will be held prior to that public hearing.

52. **4 P.M. – PUBLIC HEARING TO CONSIDER AN AMENDMENT TO SECTION 65-6-6 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, RELATING TO PUBLIC SANITARY SEWER AVAILABILITY** (5:17 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 September 15 and September 22, 2023.

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Mr. Mohsenin presented the staff recommendation.

Supervisor Smith moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 65, Section 65-6-6, relating to public sanitary sewer and water availability, as set forth in Attachment One of the Board Agenda Item, to become effective at 12:01 a.m. on September 27, 2023. Supervisor Gross 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 Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Alcorn being out of the room.

53. **4 P.M. – PUBLIC HEARING ON THE PROPOSED HOUSING PRESERVATION ADMINISTRATIVE POLICY GUIDELINES** (5:21 p.m.)

- (P) 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 September 15 and September 22, 2023.

Brianne Fuller, Associate Director, Preservation, Affordable Housing Development Division (AHDD), Department of Housing and Community Development (HCD), presented the staff report.

Following discussion, with input from Ms. Fuller, regarding the equity impact, Supervisor Gross urged staff to engage a representative from Fort Belvoir, or one of the bases, in future discussions about affordable housing in the County.

Discussion continued, with input from Ms. Fuller and Meghan Van Dam, Director, AHDD, HCD, regarding housing preservation efforts, the manufactured housing comprehensive plan amendment timeline, and flexibility in implementation of the policy guidelines.

Supervisor Alcorn suggested that, in future discussions regarding policy plan amendments on equity and the process for reviewing applications, particularly

where there is redevelopment, staff ensure that there is a true cross-section of interested stakeholders including existing residents and the “voiceless.”

Following the public hearing, which included testimony by two speakers, Ms. Fuller presented the staff recommendation.

Discussion ensued, with input from Thomas Fleetwood, Director, HCD, regarding rescreening, housing choice vouchers, the policy guidelines, and the Preservation Task Force recommendations.

Following comments, Supervisor Foust moved that the Board adopt the Affordable Housing Preservation Administrative Policy Guidelines dated August 30, 2023, to promote the preservation of affordable housing in the County. Supervisor Lusk seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Herrity abstaining.

54. **4 P.M. – PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING ARTICLE 6, PARKING AND LOADING AND RELATED CHANGES** (6:13 p.m.)

(NOTE: Earlier in the meeting Chairman McKay announced that Public Comment would be held prior to this public hearing. See Clerk’s Summary Items #42 and #51.)

(NOTE: Later in the meeting this public hearing was held. See Clerk’s Summary Item #56.)

55. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:14 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 September 15 and September 22, 2023.

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:

- Helen White – Regarding dedicated multiple pickleball court complex at Nottoway Park
- Ron Tugwell – Regarding pickleball courts complex in Nottoway Park
- Mary Williamson – Regarding dedicated multiple pickleball court complex at Nottoway Park
- Weston Pollock – Regarding dedicated multiple pickleball court complex at Nottoway Park
- Michael Parrell – Regarding pickleball courts complex in Nottoway Park
- Audrey Weisiger – Regarding pickleball courts complex in Nottoway Park
- Patricia Montanino – Regarding pickleball courts complex in Nottoway Park
- Peter Montanino – Regarding pickleball courts complex in Nottoway Park

Following a brief discussion ensued regarding pickleball, Chairman McKay noted that Park Authority staff has already been requested to provide the Board with an update on the status of pickleball.

56. **4 P.M. – PUBLIC HEARING ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING ARTICLE 6, PARKING AND LOADING AND RELATED CHANGES** (6:48 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 September 12 and September 19, 2023.

William Mayland, Assistant Zoning Administrator, Department of Planning and Development (DPD), and Austin Gastrell, Senior Planner, DPD, presented the staff report.

Following the public hearing, which included testimony by 32 speakers, Mr. Mayland presented the staff and Planning Commission recommendation.

Discussion ensued, with input from Michael Davis, Parking Program Manager, Land Development Services, regarding which areas of the County the parking reimagined will cover.

Following comments, Supervisor Smith moved:

- That the Board adopt the proposed Zoning Ordinance Amendment for Parking and Loading requirements, also known as Parking Reimagined, including the staff-recommended options and the amendment to Appendix 1 of the Zoning Ordinance relating to previous approvals, as provided in the August 16, 2023, Staff Report Addendum and the August 30, 2023, Memorandum to the Planning Commission, and as recommended by the Planning Commission on September 13, 2023, with the following changes to retain the staff recommendations for:
 - The minimum requirement, in Table 6100.2, of one space per three seats for a religious assembly or a religious assembly with private school, specialized instruction center, or childcare center, in a residential district
 - Parking adjustments that may not be approved by the Director as set forth in Subsection 6100.6.A(4)(a), to remove the proposed restriction that would not allow the Director to approve shared parking and transit related adjustments if the property is subject to proffers or conditions, which is consistent with the current Zoning Ordinance. As proposed in this motion, the text of Subsection 6100.6.A(4)(a) would read as follows: “There is a pending rezoning, special exception, or proffered condition amendment application for the site”
- To amend Table 6100.6 for Revitalization Area Parking Requirements to select the option for multifamily dwellings to be at 85 percent of the per unit parking of the base rate instead of the staff recommendation of 80 percent
- That the amendment, which is a repeal and replacement of Article 6 of the Zoning Ordinance, become effective at 12:01 a.m., January 1, 2024, to allow staff time to update the parking reimagined website, develop and post training materials and provide training to staff and other stakeholders on the new provisions

Chairman McKay and Supervisor Foust jointly seconded the motion. Discussion ensued regarding the motion with Board Members expressing their support of 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.”

Supervisor Smith stated that the impact of implementing the Parking Reimagined Ordinance requirements will only be understood over time. Therefore, she moved that the Board direct:

- Land Development Services and the Department of Planning and Development monitor the effect of adopted changes to the parking requirements to include collection of relevant data to assess their effect. The relevant data could include trends in provided parking, the number and types of requests and approvals for parking adjustments, operational effects on parking-related processes, experiences with the Transportation Demand Management program, and other relevant measures of effectiveness. Data collection should be designed to help evaluate whether further modifications to the Ordinance are warranted. While data will begin to accumulate from the effective date, a report to the Board should be provided approximately five years after the effective date but no later than December 31, 2029, to allow time to gauge significant, long-term effects of the adopted changes
- The Director of Land Development Services to establish before January 1, 2024, a readily accessible link to a webpage that, among other purposes, permits the public to sign up for an electronic listserv and be notified for informational purposes when a request is made for a parking adjustment

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

57. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (9:14 p.m.)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk’s Summary Item #55.)

58. **BOARD ADJOURNMENT** (9:14 p.m.)

At 9:14 p.m. the Board adjourned.