

McLean Citizens Association (MCA)
Board of Directors Meeting
April 4, 2018
Sign-In Sheet

Officers

President	Dale Stein	Present
First Vice President	Glenn Harris	Present
Second Vice President	Martin Smith	Excused
Treasurer	Bill Crosby	Present
Corresponding Secretary	Andrea DelVecchio	Excused
Recording Secretary	Bruce Jones	Present

Board Members Representing Associations

John Adams	Georgetown Pike & Potomac River	Excused
Elizabeth Baird	Cedars of McLean	Present
Steve DelBianco	Franklin Area	Absent
Louise Epstein	Downscrest Citizens Association	Present
Darren Ewing	Olney Road Association	Absent
Peggy Flaxman	McLean Country Estates	Present
Francesca Gutowski	Lynwood	Present
Sally Horn	Reserve HOA	Present
Paula Doyle	Evermay	Present
David Pritchett	Treeline	Present
Jim Robertson	Evans Mill Pond	Present
Wahid Sajjad	West Lewinsville Heights	Excused
Suzanne Samuels	Langley Oaks	Absent
Mary Schrodtt	Chesterford	Present
Behram Shroff	McLean Hamlet	Present
Pindar van Arman	The Colonies HOA	Absent
Linda Walsh	Dominion/Brookhaven	Present
David Wuehrmann	Ellison Heights-Mt. Daniel	Present

Board Members At-Large

Roshan Badii	Present
Jeff Barnett	Present
Ron Bleeker	Present
Tom Brock	Present
Evan Draim	Absent
Kelly Green Kahn	Present
Anne Gruner	Present
Rob Jackson	Present
Paul Kohlenberger	Present
David Lee	Present
Debbie Matz	Present
John Neumann	Present
Merrily Pierce	Present
Jane Scott-Jones	Present
Brian Shahkarami	Present
Patrick Smaldore	Present

Call to Order

MCA President Dale Stein called the meeting to order at 7:30 pm in the McLean Government Center. Dale reminded attendees that, as had been indicated earlier in the meeting announcement, this meeting would be devoted solely to consideration of three resolutions, without the customary oral Committee reports.

Approval of Minutes of Prior Meeting

The Minutes of the meeting of March 7, 2018 were approved.

Report of the Treasurer

The Treasurer's Report (following page) was approved by the Board.

**McLEAN CITIZENS ASSOCIATION
TREASURER'S REPORT**

4-Apr-18

Checking Account					
	DATE	CHECK #	DESCRIPTION	AMOUNT	BALANCE
Beginning Balance	3/7/2018				\$16,970.40
Additions					
	3/8/18		Dues (checks) \$45.00, plus \$10.00 cash from sale of 2 MCA history books at "I Love McLean" party	\$55.00	
	2/29/2018 through 3/28/18		Dues (ClubExpress)	\$510.00	
			Total: Additions	\$565.00	\$17,535.40
Deductions					
	2/29/2018 through 3/28/18		ClubExpress for fees	\$136.83	
	3/8/18	1290	Andrea DelVecchio for cups, plates, etc. for "I Love McLean" party	\$77.08	
			Total: Deductions	\$213.91	
			Checking Total Current Value		\$17,321.49
Certificates of Deposit					
CD NUMBER	RATE	REPORT DATE	MATURES	AMOUNT	
3000102773	APY 1.1%	3/28/18	1/17/19	\$6,121.25	
3000102774	APY 1.4%	3/28/18	3/2/20	\$6,029.03	
3000103064	APY 1.5%	3/28/18	6/12/20	\$6,204.79	
			CD Total Current Value		\$18,355.07
			Net Worth (Checking+CD)		\$35,676.56

Resolution – Proposed Zoning Ordinance Amendments regarding Minimum Required Rear Yard Coverage Limitations

Ron Bleeker, the Chair of the Planning and Zoning Committee, introduced this topic. The Zoning Ordinance defines minimum required rear yards. This is an area along the rear property line, defined by the full width of the lot along the rear property line, multiplied by the minimum distance by which the principal building group must be set back from the rear property line. The Zoning Ordinance also sets a cap, at 30%, on the percentage of the minimum required rear yard that can be occupied by accessory structures and uses (such as sheds, detached garages, swimming pools, children’s playhouses and equipment, etc.) The two main justifications for this cap are the visual and noise impact of such structures/uses on adjacent properties, and stormwater runoff.

County Staff have prepared a package of amendments to several Articles of the Zoning Ordinance. Article 10 would be amended with some technical clarifications of “coverage”. The package also includes some amendments that would make it easier for homeowners to obtain relief from the 30% cap on coverage. In the case of “R” districts (most of the residential developments in the McLean area), an amendment would enable the Board of Zoning Appeals to relax the 30% cap by Special Permit, instead of by Variance (which requires a showing of “hardship” according to Virginia law) as is currently the case. Regarding properties in “P” (Planned) districts, which usually are on smaller lots than in “R” districts, the cap would either be increased to 50%, or else abandoned entirely for the smallest lots.

In the Committee’s assessment, there are sound public policy reasons underlying the 30% cap, and therefore the proposed Z.O. amendments to make it easier for individual homeowners to obtain relief from the cap in R districts, and to comprehensively relax the cap in P districts, are undesirable. Accordingly, the draft Resolution opposes the proposed Z.O. amendments, with the exception of the technical clarifications of “coverage” in Section 10-103 of the Zoning Ordinance. The Resolution was passed unanimously by the Board.

Resolution – Proposed Zoning Ordinance Amendments to Allow and Regulate Short-term Lodging

Ron also introduced the topic of “Short-term Lodging”. As the Zoning Ordinance currently exists, homeowners can rent out their homes for a month or longer, but short-term rentals, of less than 30 days, are prohibited.

In 2017, the Virginia General Assembly passed legislation enabling local jurisdictions, if they wished, to established registries for short-term rentals. The Fairfax County Board of Supervisors subsequently instructed County Staff to propose amendments to the Zoning Ordinance that would legalize while regulating Short-term Lodging (STL), including establishment of a mandatory registry.

The Planning and Zoning Committee, with the concurrence of the Executive Committee, had sent technical comments in November on the initial "Strawman" draft legislation. The Committee considers that the current version of the draft legislation, advertised for public hearing before the Planning Commission on May 3, has been improved in comparison with previous drafts. Nonetheless, the draft Resolution prepared by the Committee provides for MCA to call for revisions in the following areas:

- Whereas the draft legislation provides that long-term tenants in addition to owners can become STL Operators, the Resolution urges that only owners can be Operators.
- During the trial period, the number of nights that the property could be leased without the owner present should be limited to 30 nights. MCA concurs with the Staff recommendation to limit the total number of rental nights to 90 per year (as compared with the advertised option of up to 180 nights per year).
- The qualifications in the legislation for the Authorized Agent are too limited. Additionally, the Authorized Agent should be physically present in the County in the absence of the Operator, and should have some background or experience in building management issues.
- Notifications should be provided to adjacent neighbors at the time a permit is granted or renewed.
- The County legislation should explicitly state that private agreements such as HOA or condominium rules remain in effect, and may restrict or prohibit STL, and that compliance with relevant State and local laws and regulations is required, with specific reference to limiting noise and lights at certain hours.
- The maximum occupancy should be 6 persons, perhaps excluding children under a certain age.
- The Operator should be required to provide at least one parking space for each occupied sleeping room.
- Additional resources should be provided to the Department of Code Compliance and/or the County Police, in view of the enforcement needs that would arise as a consequence of the legislation.
- The legislation should provide for cancellation of a permit after 3 violations of relevant laws/regulations.
- The cost of using Host Compliance LLC to monitor compliance should be offset against projected County revenues arising from these amendments.

The draft Resolution concludes by resolving that the Zoning Ordinance amendments are supported by the MCA provided that changes are made to address those issues.

Some speakers remained opposed to the legalization of Short-term Lodging, taking into account impact on the character of neighborhoods, and the enforcement challenge. Others considered that legalizing activity known to be already taking place would add to the County's revenues.

It was proposed, and accepted as a “friendly amendment”, that the Resolve clause be strengthened by emphasizing that significant changes need to be made to be adequately address the issues identified by the MCA, before the proposal is enacted. It was also proposed, and accepted as a “friendly amendment”, that there should be an evaluation after the 18-month trial period, addressing particularly the performance of Host Compliance LLC in monitoring compliance, and the effectiveness of County enforcement.

Subject to those two “friendly amendments”, the Resolution was then approved, with about two-thirds of Board members present voting in favor, and the remaining one third either voting Nay or abstaining.

Resolution – Proposed Fairfax County Budget for FY2019

Louise Epstein, Chair of the Budget and Taxation Committee, introduced a draft Resolution on the Advertised Budget for Fairfax County for Fiscal Year 2019. The budget proposes \$4.3 billion of General Fund revenues and expenditures. Slightly more than half of the County budget would be transferred to the Fairfax County Public Schools, for operations, school construction, and interest on school bonds.

The average assessment on existing residential properties increased by 2.2% in 2018. In the budget, revenues from real estate taxes are projected to increase by \$193 million as compared with FY2018, reflecting higher assessments (yielding \$131 million additional), and an increase in the tax rate by 2.5 cents per \$100 of assessed value (yielding \$62 million additional). The draft Resolution, however, resolves against increasing the property tax rate.

The draft Resolution urges that salaries for all County employees be increased by approximately the same percentage (2.3%) as recently provided to Federal employees, with additional raises for teachers and first responders if feasible without increasing the property tax rate.

The draft Resolution noted that only \$3 million of reductions had been identified, with no savings from modifying programs or services.

The draft Resolution noted that the Supervisors’ Retirement Work Group had discussed pension reforms which would move the County’s three pension plans toward becoming fully funded between 2030 and 2032. The Resolution urges the Board of Supervisors to vote to approve the pension reforms described in the Retirement Work Group package.

Reactions to the draft Resolution from Board members included the following:

- Several Board members were concerned that the Resolve clause recommendation to increase employee salaries by approximately the same percentage as the 2.3% Federal salary increase of January 2018 was obscure, since it was unclear whether the latter included step or merit increases in addition to an adjustment of the salary structure; an amendment to revise this language was accepted as friendly.
- A number of members expressed disappointment that only \$3 million of savings had been identified, and expressed a belief that the County should make greater effort to identify programs or services that can be discontinued or scaled back.
- There was broad support for the resolution language urging the County to proceed with pension reforms.
- A number of members felt the resolution did not adequately justify the recommendation to preserve the property tax rate at its current level. Several members were opposed to any tax increase.

It was proposed to change the language about the property tax rate to say that it should not be increased "by as much as 2.5 cents per \$100 of assessed value". This amendment passed. With the understanding that the resolution would also be revised to respond to other points made during the discussion, the Resolution was then approved.

Adjournment

The meeting was adjourned at 10:00 p.m.

The next MCA Board meeting date is May 2, at 7:30 p.m., McLean Government Center