

McLean Planning Committee

Minutes of Regular Meeting

November 17, 2010

Present:

- Rich Salopek
- Maya Huber
- Jim Turner
- Jim Peoples
- Robin Crawford
- Diane Schum
- Dan Duval
- Mary Baker
- Ron Jerro
- Virginia Kinneman
- Jane Edmonson

Guests: Jack Wilbern, ButzWilbern; Aaron Vinson, Walter L. Phillips, Inc.; and Robert Bishop, Second Madison Bldg. Assoc.

Call to Order:

- The meeting was called to order at 7:46pm by Rich Salopek, President.

President's Report (by Rich Salopek):

- Board Vacancies: The position of Secretary has not yet been filled by a representative from the Commercial Land Owners group. Jim Turner volunteered to assume the duties of the Secretary for the November meeting.
- Meeting Minutes: Approval of the October 2010 MPC Meeting Minutes was deferred pending resolution of some outstanding items with Jane Edmondson. Rich Salopek will issue final minutes via email before the next meeting.
- New Member: Ron Jerro introduced Virginia Kinneman as a new Commercial Landowner Representative to the MPC. Ms. Kinneman is the owner of Kinneman Insurance at 1301 Vincent Place in McLean.

Treasurer's Report (by Rich Salopek):

- On behalf of Ann Seaman, Rich Salopek reported cash on hand of \$5,616.76.

Supervisor's Report (by Jane Edmondson):

- McLean Personal Storage project, 2009-DR-016 and 25213-SP-001-1: Jane Edmondson indicated the interpretation of three proffer statements had arisen. Messrs. Wilbern, Vinson, and Bishop (representing the applicant) were introduced. Committee discussions and dispositions are summarized below under New Business.
- Utility Undergrounding: Recent efforts have added the Shell Station, the old McDonalds, 7-11 and Starbucks to the list of property owners, now totaling 42, agreeing to easements along their property frontages.
- McLean Snow Removal: A public meeting with VDOT officials is scheduled for 12/08/10, 7:30pm, at the Community Center to discuss snow removal priorities for this Winter.
- CapitalOne Signage and Lighting: Proffer language for the outside signs at the new bank, Dolley Madison/Elm St., is being reviewed after criticism of overall brightness.

MRC Report (by Dan Duval):

- The Corporation has recently employed the services of a "grants writer" for the purpose of pursuing Federal and State funding for local projects.

Subcommittee Reports:

- 6862 Elm Street : Additional options for the property are under consideration by EYA after failure to generate adequate enthusiasm for their original proposal.

New Business:

- **McLean Personal Storage Building:** The Dranesville District Supervisor requested that MPC provide interpretation on several issues related to this project. Informational materials were distributed to members via email prior to the meeting. The applicant and their civil engineer and architect made a brief presentation and answered questions from members. After discussion and full consideration of the issues, Rich Salopek made three motions, all of which were approved unanimously by MPC members present. Those motions, are attached to these minutes, were forwarded to Supervisor Foust on November 30.

1. Modification of Right-of-Way Dedication Along Beverly Road

Brief of applicant's position and MPC discussion:

Fairfax County's DPWES staff requested that the sidewalk dedication along the Beverly Road frontage of parcel 11B be moved entirely within the VDOT right-of-way to qualify for VDOT maintenance of the CBC Standard, combination brick/concrete, structure. The applicant requests confirmation that modifying the proposed right-of-way dedication is in substantial compliance with the approved zoning plan. The MPC is reluctant to agree with VDOT maintenance responsibility for CBC streetscape features, as VDOT has in the past failed to be diligent in its maintenance efforts. There is a conviction within the MPC that property owners themselves are strongly incited to maintain their properties.

Rich Salopek presented the following motion: *"It is the McLean Planning Committee's view that DPWES' request to move the sidewalk dedication along Beverly Road's Parcel 11B frontage entirely within VDOT's easement to allow for VDOT maintenance of the sidewalk is not in conformance with the originally approved Amendment. Furthermore, the MPC recommends that maintenance of streetscape improvements remain with the property owner, not with VDOT."* The motion was seconded and passed unanimously.

2. Proposed Utility easement along Chain Bridge Road

Brief of applicant's position and MPC discussion:

Proffer #33 requires that a 15' utility easement be provided along Parcel 11B frontage on Old Chain Bridge Road. The applicant proposes to satisfy this condition by providing a 3.5' utility easement along its frontage which accomplishes the 15' utility corridor from the face of the curb, as intended by the proffer. The MPC believes the modification of easement dimensions will best support the successful installation and maintenance of the approved CBC improvements.

Rich Salopek proposed the motion that: *"The McLean Planning Committee supports the applicant's proposal to provide a 3.5' utility easement and believes that it is in substantial conformance with the overall intent of the approved proffer. Further, the MPC requests that County staff appropriate language stipulating that the applicant will provide copies (print or digital) of final approved utility easements documents to the MPC. If the applicant cannot obtain VDOT and utility company approval, the easement should remain on the applicant's property as originally approved."* The motion was seconded and unanimously approved.

3. LEED Pre-Certification Proffer

Brief of applicants position and MPC discussion:

Proffer #19 requires the applicant to achieve LEED-Silver pre-certification under the Core and Shell program prior to building plan approval. Proffer #20 states that, if pre-Certification cannot be achieved, the applicant will post a "green building escrow." The applicant proposes to satisfy the intent of this requirement by achieving LEED Silver certification following building plan approval and actual building construction; and by making the requirement to post a "green building escrow" a condition of bond release rather than a requirement at the time of plan approval. The MPC agrees with applicant's position that approved proffer language is technically infeasible because the project is (a) not eligible for pre-certification under the USGBC LEED Core and Shell program and must be certified under the LEED NC program which does not offer a pre-certification option, and (b) that LEED NC certification cannot be achieved until after the project is fully constructed and after submission of all required documents to USGBC—approximately one year later.

Rich Salopek proposed the motion: *“The MPC accepts applicant’s claim that they are making a good faith effort to achieve USGBC LEED Silver certification and does not object to applicant’s proposed strategy (as outlined in their 11/01/10 letter) to include the green building escrow (in the amount of \$2/gsf) as a condition of bond release and that this strategy is in substantial conformance with the intent of the approved proffer.”* The motion was seconded and approved unanimously.

Adjournment

There being no further business the meeting adjourned at 9:24pm.

Respectfully submitted, Jim Turner (November Meeting Secretary)

Attachment - MPC Motion for McLean Personal Storage 2009-DR-016 and 25213-SP-001-1

Sent to Supervisor Foust on 11/30/2010...

November 30, 2010

To: John Foust, Dranesville District Supervisor

From: Richard S. Salopek, President, McLean Planning Committee

Re: Request for Interpretation - McLean Personal Storage 2009-DR-016 and 25213-SP-001-1

Dear Supervisor Foust:

At your office's request, the McLean Planning Committee reviewed, at our November 17, 2010 meeting, three proffer items requiring interpretation for the above reference project as outlined in a November 1, 2010 letter written by Mr. Aaron M. Vinson of Walter L. Phillips, Inc. to Ms. Regina Coyle. Herein are the motions that were approved unanimously by the MPC.

Subsequent to our meeting, we were informed by Jane Edmondson that the applicant was withdrawing their interpretation request for item #1. However, since we heard this matter and passed a recommendation for your consideration, I'm including it herein for informational purposes, should the issue need to be addressed at a future time.

1. Modification of Right-of-Way Dedication Along Beverley Road

Applicant's Request: The applicant requests confirmation that modifying the proposed right-of-way dedication along the Beverly Road frontage of parcel 11B to move the proposed sidewalk completely within the VDOT right-of-way to qualify for VDOT maintenance, as directed by DPWES, is in substantial conformance with the approved zoning plan.

MPC Position: *It is the McLean Planning Committee's view that DPWES staff's request to move the easement so as to allow for VDOT maintenance of the brick/concrete sidewalk is NOT in conformance with the originally approved Amendment. Furthermore, the MPC recommends that maintenance of the streetscape improvements remain with the property owner, not with VDOT.*

Primary reason for MPC's position: A majority of MPC members perceive VDOT as having a reluctance to accept maintenance responsibility for brick sidewalks and other streetscape features in the CBC and we do not have confidence that VDOT will be accountable to maintaining these features in a diligent and timely fashion. We further believe that the property owner has a vested interest in maintaining these features to maintain the overall attractiveness of their property to the local real estate market and that they can be more effectively held accountable by the County and MPC. In addition, the applicant expressed a strong desire to retain the responsibility for maintaining the sidewalk.

2. Proposed Utility Easement Along Chain Bridge Road

Applicant's Request: Proffer #33 requires that a 15' utility easement be provided along the Old Chain Bridge Road frontage of parcel 11B. The applicant proposes to satisfy this condition by providing a 3.5' utility easement along the Old Chain Bridge Road frontage, which accomplishes a 15' utility corridor from the face of curb along Old Chain Bridge Road, as intended by the proffer.

MPC Position: *The McLean Planning Committee does not object to the applicant's request and we believe that it is in substantial conformance with the general overall intent of the approved proffers. Furthermore, MPC requests that County staff add appropriate language stipulating that the applicant will provide copies (print or digital) of*

final approved utility easement documents to the MPC. If the applicant cannot get the approval of VDOT and the utility companies, the easement should remain on the applicants property as originally approved.

Primary reason for MPC's position: The MPC believes the modification of the easement dimensions will best support the successful installation and long-term maintenance of the approved CBC streetscape improvements.

3. LEED Pre-Certification Proffer

Applicant's Request: Proffer #19 requires the applicant to achieve LEED Silver pre-certification under the Core and Shell program prior to building plan approval. Proffer #20 states that, if pre-certification cannot be achieved, the applicant will post a "green building escrow". The applicant proposes to satisfy the intent of this requirement by achieving LEED Silver certification following building plan approval and building construction; and by making the requirement to post a "green building escrow" a condition of bond release, not a requirement at time of building plan approval.

MPC Position: *Based on evidence presented to the MPC, the MPC accepts applicant's claim that they are making a good faith effort to achieve USGBC LEED Silver certification. The MPC does not object to the applicant's proposed strategy (as outlined in their 11/1/10 letter) to include the green building escrow (in the amount of \$2/gsf) as a condition of bond release and that this strategy is in substantial conformance with the intent of the approved proffer.*

The MPC requests that County staff draft appropriate language that stipulates that an amount equal to \$2/gsf will not be released from the bond until the applicant proves that the project has been awarded a certification of LEED Silver from the USGBC. We recommend that the bond value should be based on the site improvements only - in other words, we are not recommending that the bond value be increased by the value of \$2/gsf. Furthermore, the MPC requests that County staff add appropriate language clearly stipulating that any monies recovered as a result of the applicant's failure to achieve LEED Silver certification shall be directed to Fairfax County for use in the McLean CBC. This position is contingent upon the MPC receiving official, written confirmation from County staff that these outcomes are legally possible and enforceable.

Primary reason for MPC's position: MPC agrees with the applicant's claims that approved proffer language is technically infeasible because the project is (a) not eligible for pre-certification under the USGBC LEED Core-and-Shell program and must be certified under the LEED NC program, which does not offer pre-certification as an option and (b) that LEED NC certification cannot be achieved until after the project is fully constructed and that certification typically will not be officially granted until approximately one year after submission of all required documents to the USGBC.

Please feel free to contact me if you require any additional clarifications on these matters.

Regards,

Richard S. Salopek
President
McLean Planning Committee