**FAIRFAX COUNTY PLANNING COMMISSION**
**ENVIRONMENT COMMITTEE**
**THURSDAY, APRIL 26, 2012**

COMMITTEE MEMBERS PRESENT:
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
James R. Hart, At-Large, Chairman

COMMITTEE MEMBERS ABSENT:
Walter L. Alcorn, At-Large
Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, At-Large

OTHER COMMISSIONER PRESENT:
Ellen J. Hurley, Braddock District

FAIRFAX COUNTY STAFF PRESENT:
Pamela G. Nee, Chief, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ)
Noel H. Kaplan, Senior Environmental Planner, EDRB, PD, DPZ
Maya P. Dhavale, Planner III, EDRB, PD, DPZ
Dawn M. Ashbacher, Assistant Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:
Inda Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Lisa M. Chiblow, Land Use Planner, McGuireWoods LLP

ATTACHMENT:
A. "Green Building Policy Review – Comment Compilation and Staff Response, revised November 8, 2011" matrix

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Chairman James R. Hart called the meeting to order at 7:06 p.m., in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Flanagan MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF MARCH 8, 2012, BE APPROVED.

Commissioner Donahue seconded the motion which carried unanimously.

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Referencing Commissioner Flanagan's suggestion at the previous Committee meeting on March 8, 2012, the Committee decided to continue the review of the "Green Building Policy Review – Comment Compilation and Staff Response, revised November 8, 2011" matrix, as shown in Attachment A, without prioritizing the comments labeled with a black dot indicating a "Proposed committee discussion issue" before discussing the rest of the comments.

Maya Dhavale, Planner III, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ), commenced the discussion on the matrix by first reviewing the second comment on page 19. The Committee concurred with staff's response that no change was necessary.

Committee members next discussed the comment on page 20 and agreed with staff's recommendation that the phrase in the second sentence under Policy c, "at or above the mid-range of the Plan density range" be changed to read, "at or above the midpoint of the Plan density range".

Discussion continued concerning how Commissioners and staff would determine that zoning proposals at or above the midpoint of the Plan density range would qualify as exceeding expectations. Commissioner Donahue expressed concern regarding the phrase "any level" in staff's statement: "In staff's view, the baseline threshold that would be established for proposals at the midpoint of the Plan density range would be <u>any level</u> of significant improvement over the baseline established in the rating system of choice." Chairman Hart concurred with this statement, noting that this Policy would provide flexibility for Commissioners to examine each zoning proposal on a case-by-case basis.

Concerning the comment on page 21 of the matrix, the Committee concurred with staff's response that no change was necessary.

Following discussion on the comment on page 22, the Committee decided that the proposed language outlining the measurable categories in the second sentence under Policy c should remain as currently written.

Committee members and Ms. Dhavale next discussed the first comment on page 23 of the matrix concerning the last sentence under Policy c: "As intensity or density increases, the expectations for achievement in the area of green building practices would commensurately increase." While the Committee acknowledged that this was subjective language, it emphasized the expectation for applicants seeking higher intensity or density to demonstrate exceptional performance in the measurable categories, as shown through performance or incorporated techniques.

Addressing the second comment on page 23, the Committee agreed with staff's response that explicitly identifying the National Association of Home Builders' National Green Building Standard as an acceptable residential green building rating system was inappropriate as it might change and no longer be eligible for use.

Discussion commenced on the first and second comments on page 24 and the first comment on page 25 of the matrix concerning enforceable mechanisms for implementation of green building commitments.

In response to a question from Chairman Hart, Noel Kaplan, Senior Environmental Planner, EDRB, PD, DPZ, noted that staff sought effective and enforceable commitments from zoning applicants in support of the Green Building Policy and that staff was open to any such approach suggested by applicants. He explained that two common enforcement mechanisms were 1) establishment of a green building escrow (bond) to be refunded to the applicant upon demonstration of a specified performance of green building strategies, or 2) commitment to demonstration of potential for attaining a higher than expected level of certification under the applicable rating system. He said staff believed that the implementation of green building practices should not be restricted to one particular enforcement mechanism.

Commissioner Hurley pointed out that Cardinal Forest (E&A), LLC, whose proposal for a TD Bank with four drive-through lanes in the Cardinal Forest Shopping Center (PRC A-787-02 and SE 2011-BR-016) would be heard by the Planning Commission on Thursday, May 3, 2012, was advised to not state its intention to attain LEED certification in writing because the County would require an $80,000 bond even though the application site was not subject to the County's expectation for green building performance.

Commissioner de la Fe questioned how the County could require a green building escrow or bond in a development condition when it was not required by the Zoning Ordinance. Mr. Kaplan stated that a green building commitment presented a challenge insofar as it could not be checked off on a site plan or building plan and could only be demonstrated after completion of construction. He indicated that the green building escrow provided assurance to the County in case the applicant failed to attain certification under the applicable green building rating system.

Replying to questions from Commissioner Hurley, Ms. Dhavale pointed out that Policy d supported the green building escrow as one of the available enforcement mechanisms but did not require it because it was not necessarily applicable in all cases. She said staff was open to other ways presented by applicants to guarantee achievement of a specified level of green building performance. She explained that in cases where there was not an expectation for a green building commitment, applicants who sought to incorporate green building practices without a formal commitment were advised by staff to not explicitly state their intention in the development conditions or proffers. Ms. Dhavale said staff asked for an enforceable green building commitment, noting that if an applicant simply proffered to attain LEED certification but later demonstrated that the building had fallen short of certification, there would be no reasonable approach for the applicant to satisfy the commitment, and there would be no clear remedy, short of a Proffered Condition Amendment (PCA), for the applicant or County to pursue. She indicated that if an applicant produced documentation from the U.S. Green Building Council that demonstrated that the project was anticipated to attain a sufficient number of design-related and construction-related credits to attain a level above the basic level of LEED certification, the applicant would not be asked to post an escrow.

Discussion ensued among Committee members and staff regarding the green building commitment for the proposed Cardinal Forest TD Bank and how such a commitment might be enforced.

In response to a discussion regarding Policy d (referencing monetary contributions to the County's environmental initiatives, with contributions to be refunded upon demonstration of attainment of green building certification), Mr. Kaplan indicated that, while the Policy was supportive of the green building escrow concept, it was not developed for that reason. Rather, he noted that the Policy was established in recognition of the potential for application of a green building fee program similar to a fee imposed by Arlington County on its site plan (special exception) projects. He explained that Arlington County required that site plan applicants contribute to a Green Building Fund at a rate of $0.045 per square foot, and if a project received LEED certification, the Fund contribution would be refunded upon receipt of the final LEED certification. With respect to the green building escrow concept, he noted that Policy d supported the concept but it was not intended to set this concept as an expectation. He stressed that staff did not want to dictate any particular implementation approach; rather, staff was open to the consideration of any effective enforcement mechanism, and the escrow had been applied as such an approach. Mr. Kaplan expressed his desire to see other types of enforceable approaches but cautioned against approaches that would place the entire review burden on staff. He stated that the green building escrow was one way to incentivize the achievement of a specified level of green performance. Ms. Dhavale added that the escrow also prevented developers from having to file a PCA application in the future if they failed to attain the certification.

Answering questions from Chairman Hart, Ms. Dhavale explained that if an applicant posted a green building escrow and failed to achieve the certification, the entirety of the escrow would be released to the County and posted to a fund within the County budget supporting implementation of the County's environmental initiatives. She noted that the building could still be occupied and the applicant would not be required to file a PCA. She said staff wanted an enforceable commitment that did not put the applicant or staff into a difficult position after the building was constructed.

Responding to a question from Commissioner Flanagan, Mr. Kaplan said that his understanding of the purpose of a construction bond was to enable the County to use the bond money to mitigate any shortcomings in the work performed by the developer.

In reply to a question from Commissioner Donahue, Mr. Kaplan said the Policy d language would provide enough flexibility to allow for the possible implementation of a Green Building Fund in Fairfax County similar to that imposed by Arlington County.

Answering a question from Commissioner Flanagan, Mr. Kaplan explained that DPZ staff negotiated commitments, proffers, and development conditions with zoning applicants and coordinated and consulted with Department of Public Works and Environmental Services (DPWES) staff to ensure that such stipulations did not adversely impact DPWES processes and were enforceable, complete, and legal. Ms. Dhavale noted that DPZ staff had coordinated with

DPWES staff to determine that the latest time an escrow should be posted in the zoning/development process was prior to the issuance of the building permit, particularly with regard to Tysons Corner zoning applications due to their expected lengthy construction time.

Mr. Kaplan addressed the first comment on page 25 of the matrix recommending that developers be required to post bonds to enforce commitments to green building and forfeiture of the bond would result in the money being placed in a fund to further green building projects in the County. He explained that the typical green building-related proffer indicated that the escrow funds would be forfeited into a County fund supporting implementation of the County's environmental initiatives. Mr. Kaplan said this allowed for a broader application of the funds, such as through the County's Environmental Improvement Program (EIP) process (More information on the EIP is at http://www.fairfaxcounty.gov/living/environment/eip/).

Chairman Hart commented on the problem faced by the County involving escrows tied to specific trail projects that could not be completed due to insufficient funds and the escrows could not be shifted to another project unless specifically permitted in a proffer so they were essentially useless. He stressed the need for the County to prevent this situation.

Concluding their discussion on the Policy d language, Committee members decided that it should remain as currently written.

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Chairman Hart announced that the following additional Committee meetings would be held to continue the review of stakeholder input received:

- Thursday, May 31, 2012, 7:00 p.m., Board Conference Room; and
- Thursday, June 28, 2012, 7:00 p.m., Board Conference Room.

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The meeting was adjourned at 8:05 p.m.
James R. Hart, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved: May 31, 2012

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Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission

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| Green Building Policy Review – Comment Compilation and Staff Response, revised November 8, 2011 | | | | | |
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| Existing Plan Text | Strawman Proposal | Commenter | Comment | Response | |
| RESOURCE CONSERVATION AND GREEN BUILDING PRACTICES<br><br>The energy shortage in the United States in the 1970s highlighted the finite nature of our natural resources. Since the 1970s, efforts have been pursued at the federal level to enhance energy efficiency and the efficient use of water resources. While such efforts are best addressed at the federal level, local efforts to conserve these resources should be encouraged.<br><br>The "green building" concept provides a holistic approach to the reduction of adverse environmental impacts associated with buildings and their associated facilities and landscapes. | RESOURCE CONSERVATION AND GREEN BUILDING PRACTICES<br><br>The energy shortage in the United States in the 1970s highlighted the finite nature of our natural resources. Since the 1970s, efforts have been pursued at the federal level to enhance energy efficiency and the efficient use of water resources. While such efforts are best addressed at the federal level, local efforts to conserve these resources should be encouraged. Recent events and trends have highlighted the increasing need for energy and resource conservation and efficiency, greenhouse gas reduction and green building practices. Many jurisdictions are now engaging in community energy planning and other strategies to best use available resources.<br><br>The "green building" concept provides a holistic approach to the reduction of adverse environmental impacts associated with buildings and their associated facilities and landscapes. | No Commenter | No Comment | Proposed strawman text originated during Environment Committee discussions. No change is recommended. | |

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| Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants. | Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants. | Peter Rigby | In Objective 13 and throughout policy, clarify what "building" means. It appears to refer only to standalone commercial buildings, not single family residential. | Use of the word "building" is recommended as there is not an equally succinct and more inclusive term for the structures discussed in the policy. For clarity, the type of building – residential or non-residential - is specifically referenced throughout the policy. No change is recommended. | |
| Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to: | Policy a. In consideration of ~~Consistent with~~ other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices may ~~can~~ include, but are not limited to: | Linda Burchfiel | Add "natural lighting" to the list. | Staff feels that while the list in policy a. is not intended to be exhaustive, that this is a valid green building concept. Recommend adding a bullet point stating, "• Natural lighting and views for occupants." | * |
| • Environmentally-sensitive siting and construction of development. | • Environmentally-sensitive siting and construction of development; | No Commenter | No Comment | Punctuation change originated during Environment Committee discussions. No change is recommended. | |

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| • Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the Policy Plan). | • Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the Policy Plan) ~~;~~. | No Commenter | No Comment | Punctuation change originated during Environment Committee discussions. No change is recommended. | |
| • Optimization of energy performance of structures/energy-efficient design. | • Optimization of energy performance of structures/energy-efficient design~~;~~. | Ross Shearer | In policy a. what does "optimization of energy performance of structures/energy-efficient design" mean? Recommend revision to specify a new or renovated building must meet or exceed ENERGY STAR for commercial buildings as a minimum to receive recognition as a green building. Commenter further recommends that this standard be ensured prior to zoning approval, with a posted bond. | "Optimization of energy performance of structures/energy-efficient design" is intended to describe the design/construction and operation of a building with the most reduced energy usage possible.<br><br>Staff notes comment recommending specific standards/guidelines for optimization but as the list in policy a. is intended to serve as general examples of green buildings technologies and not specific recommendations no change is recommended to policy a.<br><br>This recommendation for commercial buildings to receive ENERGY STAR certification at a minimum could be considered under policy b – discussion with the Environment Committee is recommended.<br><br>Staff feels that the commenter's implementation recommendation for a green building standard to be ensured prior to zoning approval with a bond is beyond the scope of this policy. However, the proposed approach is similar to a green building escrow enforcement mechanism that has been incorporated within many of the proffered commitments that have been received to date (although not specifically for ENERGY STAR certification). No change is recommended. | ● |

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| • Use of renewable energy resources. | • Use of renewable energy resources;. | Gail Parker | Support for this text. | Staff notes support for the text.<br><br>Punctuation change originated during Environment Committee discussions. No change is recommended. | |
| • Use of energy efficient appliances, heating/cooling systems, lighting and/or other products. | • Use of energy efficient appliances, heating/cooling systems, lighting and/or other products;. | No Commenter | No Comment | Punctuation change originated during Environment Committee discussions. No change is recommended. | |
| • Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies. | • Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies;. | Alan Ford | Consider referring to Best Practices. Need to consider both water requirements for maintaining landscapes and storm water runoff concerns. | While the list in policy a. is intended to provide general examples of green buildings technologies and not specific recommendations, the statement could be changed to "• Application of best practices for water conservation techniques, such as water efficient landscaping and innovative wastewater technologies, that can serve to reduce the use of potable water and/or reduce stormwater runoff volumes." | * |
| • Reuse of existing building materials for redevelopment projects. | • Reuse of existing building materials for redevelopment projects;. | No Commenter | No Comment | Punctuation change originated during Environment Committee discussions. No change is recommended. | |
| • Recycling/salvage of non-hazardous construction, demolition, and land clearing debris. | • Recycling/salvage of non-hazardous construction, demolition, and land clearing debris;. | No Commenter | No Comment | Punctuation change originated during Environment Committee discussions. No change is recommended. | |
| • Use of recycled and rapidly renewable building materials. | • Use of recycled and rapidly renewable building materials;. | No Commenter | No Comment | Punctuation change originated during Environment Committee discussions. No change is recommended. | |

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| • Use of building materials and products that originate from nearby sources. | • Use of building materials and products that originate from nearby sources;~~.~~ | No Commenter | No Comment | Punctuation change originated during Environment Committee discussions. No change is recommended. | |
| • Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials. | • Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials;~~.~~ | Ross Shearer | "Reduction of potential indoor air quality problems though measures such as increased ventilation" is unclear. Should be revised to specify technology which seals buildings and manages air flow. Commenter recommends amending the language to "increased ventilation means air managed under a system incorporating heat recovery systems and approved by LEED Silver, PassiveHaus, EarthCraft, or equivalent." | The list in policy a. is intended to provide general examples of green buildings technologies and not to itemize all technology that could be used for individual green buildings. The recommendation is very specific, so staff notes that the statement could be changed to "Reduction of potential indoor air quality problems through measures such as technology which seals buildings and manages air flow, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials." | * |
| NO CORRESPONDING EXISTING PLAN TEXT. | • Reuse, preservation and conservation of existing buildings, including historic structures;~~.~~ | Linda Burchfiel | Commenter strongly supports policy, wants to know how staff will encourage this. Will this be done through the zoning process or through an ordinance? | Having this statement in the policy will lend support to recommendations during the zoning process for the reuse, preservation, and conservation of existing buildings. There is no ordinance envisioned at this time. No change is recommended. | |

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| | | Brian Winterhalter | Existing buildings that are included in zoning applications but that are not proposed for modification should clearly be exempt from complying with the green building policies. | The intent of this bullet is to recognize that the replacement of existing buildings with new buildings has resource use implications that would not occur with the retention of the existing buildings. The following bullet addresses retrofits to existing buildings. <u>No change is recommended.</u> | |
| | | Roger Diedrich | Existing buildings is not clearly defined. Commenter believes existing buildings should be addressed in a separate policy. Disagreement with Brian Winterhalter's comment. Could incentives be applied to encourage improvements to existing buildings? | Staff notes the use of the word "existing'' to mean "currently constructed."<br><br>Staff notes the request to have a separate policy. <u>Staff recommends a discussion with the Environment Committee to determine if such a policy is needed.</u><br><br>The following bullet addresses retrofits to existing buildings. <u>No change is recommended.</u> | ● |

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| | | Ross Shearer | Supports inclusion of existing buildings in policy where practices have standards. Wants to eliminate retention of inefficient structures, and encourage replacement of inefficient buildings with more efficient ones. Recommends revision of language to establish standards to be used for existing buildings. | Staff noted earlier that the intent of this bullet is to recognize that the replacement of existing buildings with new buildings has resource use implications that would not occur with the retention of the existing buildings. The commenter correctly notes, though, that there could also be benefits to replacing energy-inefficient structures with more efficient ones. There may also be opportunities to retrofit existing buildings such that they could be made to be more energy-efficient. It is not clear to staff that standards could be developed that could define, within the zoning process, the appropriate threshold between retention/retrofit and replacement of existing buildings, as the context of one zoning application is likely to be quite different from another (e.g., historic structures vs. non-historic structures; scope/magnitude of the development proposal) and as the intent of this proposed text is to note, in very general terms, that the retention, reuse and possible retrofitting of existing buildings can have environmental benefits warranting consideration in the decision-making process. Staff views this as a complex question of balance that does not lend itself to the specificity that is being suggested. Therefore, at this time, <u>no change is recommended</u>. However, as noted above, staff feels that this set of issues merits further discussion by the Planning Commission's Environment Committee, and additional thoughts on this matter would be welcomed. | ● |
| NO CORRESPONDING EXISTING PLAN TEXT. | | DPWES Building Design Branch | The meaning of Policy a. is not clear. Is the intent that when an existing building is being renovated, existing green building practices currently in the building should be preserved, conserved, and reused? | The intent is to provide additional green building practices to existing buildings during renovation. <u>Information item only, no change is recommended.</u> | |

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| | • Retrofitting of other green building practices within existing structures to be preserved, conserved and reused;~~.~~ | Fairfax County Federation of Citizens Associations | Commenter recommends a separate policy for existing structures: "Policy i. Encourage the application of the listed practices to existing buildings. Whenever a structure is under major renovation, i.e. removal of 85 percent of the interior, or make renovations that cost more than 50% of the cost of replacing the structure, the full objective shall apply. For renovation/remodeling at reduced levels, Green Building ratings can be pursued by demonstrating an improved performance as described in Policy h regarding recording aggregated energy and water consumption data. | Staff notes the comment to have a separate policy. Staff recommends that this issue be discussed with the Environment Committee. See also the response below to a comment from Brian Winterhalter. | ● |

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| | | Brian Winterhalter | Existing buildings should clearly be exempt from complying with the green building policies. | The list in policy a is intended to provide general examples of green buildings technologies and not specific recommendations. However, the inclusion of this bullet is intended to recognize the potential for retrofits to existing buildings and to encourage such efforts. In staff's view, it would not be appropriate to consider broad "exemptions" from such general policy language, particularly since this language does not establish specific recommended performance levels. Rather, staff feels that the extent to which commitments to retrofits are pursued during the zoning process should be determined on a case-by-case basis and should be commensurate with the extent of the proposed changes/intensification to the uses in the building. There was considerable discussion of this issue at one of the committee meetings and staff feels that additional committee discussion and consideration is warranted. However, at this point, staff feels that the general identification of building retrofits as an example of green building practices would be appropriate. Therefore, at this time, no change is recommended. | ● |
| | | Roger Diedrich | Disagreement with Brian Winterhalter's comment. Could incentives be applied to encourage improvements to existing buildings? | Staff notes the request to have a separate policy. Staff recommends a discussion with the Environment Committee to determine if such a policy is needed.<br><br>The Comprehensive Plan's guidance would be implemented through the zoning process. Therefore, existing buildings would only be affected by this guidance if they were to be included in a zoning proposal. Staff questions whether the Comprehensive Plan would be an effective or appropriate place for incentives to encourage improvements to existing buildings. No change is recommended. | ● |

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| | | Ross Shearer | Commenter supports retrofitting and renovating existing buildings, and the policy should include language to ensure energy efficiency and conservation objectives are achieved. Recommends inclusion of language regarding ENERGY STAR for existing buildings, LEED or equivalent. | Staff notes comment recommending ENERGY STAR or another green building rating system for existing buildings but as the list in policy a. is intended to provide general examples of green buildings technologies and not specific recommendations no change is recommended to policy a.<br><br>This recommendation for existing buildings to receive ENERGY STAR or another certification could be considered under policy b. Staff recommends that this issue be discussed with the Environment Committee. | ● |
| NO CORRESPONDING EXISTING PLAN TEXT. | • Energy and water usage data collection and performance monitoring;~~.~~ | Ross Shearer | Commenter supports inclusion of performance monitoring in policy a. but wants performance monitoring to be used for promotion of public advertising of energy use of buildings, or to encourage the reporting of results to the County for use in refining the Countywide GHG inventory. | Staff notes the comment. See related comments under proposed Policy h. Staff recommends the goal of the performance monitoring be discussed with the Environment Committee. | ● |
| NO CORRESPONDING EXISTING PLAN TEXT. | • Solid waste and recycling management practices. | Larry Zaragoza | I would like to see something more aggressive in recycling. Buildings should recycle all of their primary waste streams that can be recycled. | Staff notes the comment. Staff recommends this topic be discussed with the Environment Committee and DPWES. | ● |

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| Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage | Encourage commitments to implementation of green building practices through certification under established green building rating systems for individual buildings (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction [LEED-NC®] or the U.S. Green Building Council's Leadership in Energy and Environmental Design for Core and Shell [LEED-CS®] program or other ~~comparable~~ equivalent programs with third party certification). An equivalent program is one that is independent, third-party verified, and has regional or national recognition. Where developments | Oomer Syed; Peter Rigby | Why is LEED-ND not included in the policy? / LEED-ND should be an option for satisfying the policy guidance. | LEED-ND focuses more on site design than individual buildings. The Comprehensive Plan has guidance on site design and where in the County LEED-ND-style development is most appropriate. The green building policy emphasizes individual green buildings. No change is recommended. | |
| | | Brian Winterhalter | Available USGBC programs under which to receive certification should be expanded to include LEED-ND, LEED-EB, LEED-Retail, etc. | As noted above, LEED-ND focuses more on site design than individual buildings. The Comprehensive Plan has guidance on site design and where in the County LEED-ND-style development is most appropriate. The green building policy emphasizes individual green buildings. Staff does not recommend that LEED-ND be viewed as an alternative to single building rating systems.<br><br>While greening of existing buildings does contribute to environmental goals, Comprehensive Plan policy is applied more to the design and construction of new development and redevelopment projects rather than the maintenance and operation of existing buildings (e.g., LEED-EB).<br><br>LEED for Retail and other specialty LEED rating systems are applicable and eligible for use, depending on the proposed building type, despite not being specifically listed ("other equivalent programs"). No change is recommended. | |

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| commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. | with exceptional intensity or density are proposed (e.g. at 90 percent or more of the maximum planned density or intensity), ensure that higher levels of green building performance are attained. Encourage commitments to the attainment of the ENERGY STAR® rating where applicable. Encourage certification of new homes through an established residential green building rating system that incorporates multiple green building concepts and has a level of energy performance that is ~~l~~ comparable to or exceeds ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance | Inda Stagg | What is the difference between Policy a. and Policy c. in terms of 90% vs. mid-range? Are two separate expectations being established? | Policy a. speaks to exceptional intensity/density for all development and creates an expectation for correspondingly exceptional green building performance. Policy c. speaks to residential development only, and creates and expectation for measurable green building performance above and beyond basic levels in developments above the mid-range of the Plan density range. Information item only, no change is recommended. | |
| | | Inda Stagg | The County should provide a list of green building rating systems considered to be equivalent to LEED. | Staff concurs with this suggestion. This can be done outside of the Policy Plan (e.g. a memorandum clarifying this policy). No change is recommended to strawman, but staff will prepare this list. | |

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| | needs. | Marlae Schnare - Supervisor Herrity's Office | What are examples of third-party certification systems equivalent to LEED and why aren't they listed? | The definition of "equivalent," which was not included in the policy adopted in December 2007, has been added as an item for discussion in the draft strawman. Any rating system which meets this definition ("An equivalent program is one that is independent, third-party verified, and has regional or national recognition") is considered an equivalent of LEED. The reason that other systems are not listed is that the commercial market, with the exception of LEED which has been established as a market leader for over a decade, continues to be in flux and a rating system may not be eligible for inclusion at the time of this revision but may be in the future, and likewise a rating system that currently meets the definition now may fail to do so in the future. Rather than create potential confusion, a definition was thought to be the clearest way to provide guidance regarding eligible ratings systems. Information item only, no change is recommended. | |
| | | Peter Rigby | Commenter does not feel that LEED is an independent and third-party verified system, so the definition of "equivalent" is flawed. Commenter does not feel rating systems should be evaluated based on equivalency to LEED. | In the definition, "independent" and "third-party" refers to having objective criteria and impartial reviewers, as well as having an appeals process. No change is recommended. | |

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| | | Steve Nicholson (Fairfax County Public Schools, Office of Design and Construction) | FCPS uses 3rd party commissioners for school projects (each conducting quality control within the specific trades for which they've received training). Would the policy guidance regarding equivalent programs be interpreted such that this would qualify as being "equivalent?" | Staff notes the comment. Staff recommends that this topic be discussed with Environment Committee and FCPS. | ● |
| | | DPWES Building Design Branch | The definition of "higher levels of green building performance" is not clearly defined. Is this to provide flexibility in the higher level of performance? Or is the goal to get a higher level of certification, such as from LEED Silver to LEED Gold? Or is it to achieve additional points under a green building system (which may not get the project to a higher rating)? | "Higher levels" means certification levels above the basic level. The goal is a higher certification level, not additional points. Information item only, no change is recommended. | |
| | | Fairfax County Federation of Citizens Associations | What makes a rating system equivalent? Different rating systems have different goals. | Staff notes the comment about different goals. A definition for equivalent (based on functional attributes, rather than content) has been suggested. No change is recommended. | |

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| | | Ross Shearer | Regarding "encourage commitments to ENERGY STAR ratings where applicable," commenter wants "where applicable" clarified as developers may use this as a loophole. Also, explain the connection between this policy and the Tysons green building policy. | The intent behind the "where applicable" language is the recognition that there may be types of development for which the ENERGY STAR certification is not available. No change is recommended. | |
| | | DPZ Staff | Consider adding language to the definition of "equivalent" to include incorporation of multiple green building concepts and similar overall levels of green building performance. | Staff recommends modifying the language to state, "An equivalent program is one that is independent, third-party verified, and has regional or national recognition or one that otherwise includes multiple green building concepts and overall levels of green building performance that are at least similar in scope to the applicable LEED rating system." | * |
| Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or | Policy b. Within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers, Industrial Areas and Transit Station Areas as identified on the Concept Map for Future Development, ensure that zoning proposals for nonresidential development or zoning proposals for multifamily residential development ~~of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business~~ | Peter Rigby | In the Policy b. discussion of multi-family buildings with energy and comprehensive green building measures, there are no measurements through which equivalency would be assessed. | Per proposed changes to Policy a, an equivalent program would be one that is independent, third-party verified, and has regional or national recognition. Per the previous comment, this guidance could be expanded to recognize programs that otherwise include multiple green building concepts and overall levels of green building performance that are at least similar in scope to the applicable LEED rating systems. Otherwise, no change is recommended. | * |
| | | Ellen Eggerton –DPWES; Roger Diedrich | In Policy b., why is Tysons specifically referenced if it has site specific language which is different from the Countywide recommendations? | The comment is correct that this could be confusing. Recommend adding "unless otherwise recommended in the applicable area plan …" to first sentence of Policy b. | * |

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| its equivalent, where applicable, where these zoning proposals seek at least one of the following: | ~~Centers and Transit Station Areas as identified on the Concept Map for Future Development~~ incorporate green building practices sufficient to attain certification through the LEED-NC or LEED-CS program or ~~its~~ an equivalent program specifically incorporating both energy efficiency and comprehensive green building practices, where applicable, where these zoning proposals seek at least one of the following: | DPWES Building Design Branch | Is this basically saying any development with those specified areas are required to comply? If not, what type of development is not required to comply? | Any non-by-right development proposals in these areas that would meet any of these criteria (the bullet points in that follow this text) would be expected to meet the certification targets in the policy. Information item only, no change recommended. | |
| | | Linda Burchfiel | Recommends raising the standard from LEED to LEED Silver (or equivalent). Since builders are building to LEED standards voluntarily, because it pays off, this policy should encourage them to advance to at least the next level. Supports broadening policy to apply in more areas of the County. | Staff notes the comment. At this time, Tysons Corner is the only area of the County to have a LEED Silver expectation (for commercial buildings). Proposed strawman changes to Policy a would, however, establish an expectation, countywide, for higher levels of green building performance for development proposals seeking exceptional intensity or density (e.g., 90 percent or more of the maximum planned density or intensity).<br>The areas of the County that are currently subject to Policy b are the areas where higher intensity development and redevelopment proposals are expected to be concentrated in the future. Broadening the areas of the County that would be subject to Policy b would result in a more comprehensive application of the policy but would likely affect primarily lower-intensity development proposals. The potential implications of such an expansion should be discussed further by the Planning Commission's Environment Committee. No change is recommended at this time. | ● |

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| | | Brian Winterhalter | Establish desired certification levels, rather than introduce a tiered certification system based on density. Also provide bonus density incentives for exceptional commitments. | Staff sees merit to establishing higher green building expectations based on density/intensity; to some extent, the existing text incorporates this concept. With respect to bonus density incentives, it is staff's view that such incentives should only be considered in conjunction with area-specific studies (for example, the incentive that has been established in the Annandale Community Business Center), where the implications of additional densities/intensities that could result from this incentive could be considered in detail and comprehensively. A broader, countywide density bonus may have unintended adverse consequences relating to the additional densities/intensities that could be allowed (e.g., transportation facilities, schools, parks, . . .) <u>No change is recommended.</u> | |
| | | Oomer Syed; Peter Rigby | Why is LEED-ND not included in the policy? / LEED-ND should be an option for satisfying the policy guidance. | LEED-ND focuses more on site design than individual buildings. The Comprehensive Plan has guidance on site design and where in the County LEED-ND-style development is most appropriate. The green building policy emphasizes individual green buildings. <u>No change is recommended.</u> | |
| | | Brian Winterhalter | Available USGBC programs under which to receive certification should be expanded to include LEED-ND, LEED-EB, LEED-Retail, etc. | As discussed above, LEED-ND focuses more on site design than individual buildings. The Comprehensive Plan has guidance on site design and where in the County LEED-ND-style development is most appropriate. The green building policy emphasizes individual green buildings. Staff does not recommend that LEED-ND be viewed as an alternative to single building rating systems.<br><br>While greening of existing buildings does contribute to environmental goals, as this policy is focused on new construction and renovation, Comprehensive Plan policy is applied more to the design and construction of new development and redevelopment projects rather than the maintenance and operation of existing buildings (e.g., LEED-EB).<br><br>LEED for Retail and other specialty LEED rating systems are applicable and eligible for use, depending on the proposed building type, despite not being specifically listed ("other equivalent programs"). <u>No change is recommended.</u> | |

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| | | DPZ Staff | Consider clarifying "comprehensive green building practices" such that this concept is presented more consistently with similar concepts in Policy a. and Policy c. | Staff recommends modifying the language to state,<br><br>". . . to attain certification through the LEED-NC or LEED-CS program or ~~its~~ an equivalent program specifically incorporating multiple green building concepts ~~both energy efficiency and comprehensive green building practices~~, where applicable, . . ." | * |
| • Development in accordance with Comprehensive Plan Options; | • Development in accordance with Comprehensive Plan Options; | No Commenter | No Comment | No change is recommended. | |
| • Development involving a change in use from what would be allowed as a permitted use under existing zoning; | • Development involving a change in use from what would be allowed as a permitted use under existing zoning; | No Commenter | No Comment | No change is recommended. | |
| • Development at the Overlay Level; or | • Development at the Overlay Level; or | No Commenter | No Comment | No change is recommended. | |

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| • Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range. | • Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range. | No Commenter | No Comment | No change is recommended. | |
| Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and where broader commitments to green building practices are not being applied. | Policy c. Ensure that zoning proposals for residential development will incorporate green building practices sufficient to attain certification under an established residential green building rating system that incorporates multiple green building concepts and that includes an ~~qualify for the~~ ENERGY STAR Qualified Homes | Inda Stagg | What is the difference between Policy a. and Policy c. in terms of 90% vs. mid-range? | Policy a. speaks to exceptional intensity/density for all development and creates an expectation for correspondingly exceptional green building performance. Policy c. speaks to residential development only, and creates and expectation for measurable green building performance above and beyond basic levels in developments above the mid-range of the Plan density range. Information item only, no change is recommended. | |

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| | designation or ~~an equivalent~~ a comparable level of energy performance. ~~,where~~ Where such zoning proposals seek development at or above the mid-~~the high end~~ range of the Plan density range, ~~and where broader commitments to green building practices are not being applied~~ ensure that County expectations regarding the incorporation of green building practices are exceeded in two or more of the following measurable categories: energy efficiency; water conservation; reusable and recycled building materials; pedestrian orientation and alternative transportation | Peter Rigby | For proposals at or above the mid-range of plan density, what are the measures that would qualify as exceeding expectations? | The intent of the proposed revision is to establish certification under an established green building rating system that incorporates ENERGY STAR Qualification for homes (or comparable energy efforts) as a minimum expectation for zoning proposals for residential development and to establish that, as proposed density increases beyond the midpoint of the Plan density range, the commitments to at least two green building categories should increase commensurately. The commenter is asking for the establishment of definitive thresholds for these determinations. In staff's view, the baseline threshold that would be established for proposals at the midpoint of the Plan density range would be any level of significant improvement over the baseline established in the rating system of choice. The increasing gradation as proposed densities increase beyond the midpoint would need to be assessed on a case-by-case basis. Staff recommends further discussion with the Planning Commission Environment Committee regarding the concern raised by the commenter (e.g., the subjectivity of this determination). Staff also recommends that the phrase "at or above the mid range of the Plan density range" be changed as follows: "at or above the mid ~~range~~ point of the Plan density range." | ●<br>* |

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| | strategies; healthier indoor air quality; open space and habitat conservation and restoration; and greenhouse gas emission reduction. As intensity or density increases, the expectations for achievement in the area of green building practices would commensurately increase. | DPWES Building Design Branch | The section includes two references to "County expectations." Is it clear what the "County expectations" are or are they further defined with the development approvals? The section further states that the expectations increase commensurately as intensity or density increase. Will the approvals of the development better define the increased expectations? The section indicates exceeding in two or more categories, but what exactly does that mean? Can you just get more points within a credit or do you need two more credits within two different categories? | "County expectations" refers to the expectations discussed in policy c.<br><br>The zoning process and proffers will more clearly define the expectations for each case; however the basic expectations are set by this policy.<br><br>The categories listed are broad areas of green building strategies. It is envisioned that exceeding in two or more of these categories means demonstrating exceptional performance in these categories, as shown through performance or incorporated techniques. This is not tied to a specific rating system, so there are no defined point thresholds. Information item only, no change recommended. | |

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| | | Linda Burchfiel | Supports ensuring an ENERGY STAR rating or equivalent to reduce Greenhouse Gas (GHG) emissions. Notes certain credits should be emphasized more than others, no matter which rating system is used. Supports where development is at the higher range, additional green building features should certainly be expected. Wanting to focus on GHG reduction, recommends limiting the categories to energy efficiency, reusable and recycled building materials, emphasizing new projects for pedestrian orientation and alternative transportation strategies, and GHG emission reduction. | Staff notes the recommendation for ENERGY STAR, and for certain types of green building strategies to be emphasized. Staff also notes the recommendation for specific areas of emphasis. Areas of emphasis were discussed and identified at Environment Committee meetings. Staff recommends discussion of the commenter's suggestions by the Environment Committee. | ● |

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| | | Ross Shearer | In policy c. energy efficiency is only one of many options, but commenter is concerned that it may not be chosen as it is more expensive than other options available. Last sentence is vague as how it would be applied. | Staff notes the comment. Without specifically emphasizing any credits/green building areas of emphasis or strategies, it is not possible to influence what credits or options are chosen by the builder. Staff feels that Mr. Shearer's concern may be similar to that raised by Mr. Rigby (i.e., subjectivity/lack of specific thresholds). As noted in the response to Mr. Rigby's comment, staff recommends further discussion with the Planning Commission Environment Committee regarding this concern. | ● |
| | | Peter Rigby | NAHB's National Green Building Standard should be recognized explicitly as an acceptable residential green building rating system. | Staff notes that NAHB's National Green Building Standard is currently accepted for use but is not explicitly stated in the policy - (this is also true for a few other residential systems). The strawman language moves to a definition of acceptable systems instead of mentioning a specific system. This is done to keep the policy as current as possible – listing a specific rating system which may change and no longer be eligible for use is not recommended. | |

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| Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system. | Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system. | Linda Burchfiel | Instead of "encouraging commitments to monetary contributions," commenter recommends all buildings or residential development (Policy c) that are approved contingent on a green rating system, a bond be required before construction is started. The bond will be held in trust and returned once the promised level of certification has been approved by a third party. If the building is not approved, the builder can choose to make the necessary changes or can forfeit the bond, which would then be applied to renewable energy or energy efficiency projects that the County chooses. | The commenter recommends a system of implementation which is currently in use for some development proposals. <u>No change is recommended.</u> | |
| | | Brian Winterhalter | Establish later time frames for the LEED escrow than the timeframes currently being sought. | This is not a Plan policy issue but is instead an issue regarding details of an escrow-based mechanism that has been applied to implement the existing policy. DPZ staff has worked with DPWES staff to determine the latest time in the zoning/development process that an escrow should be posted (prior to the issuance of the building permit). While staff is interested in considering any enforceable mechanism for implementation of green building commitments, staff does not, at this time, support commitments that would result in the posting of escrow funds later than building permit issuance. <u>No change is recommended.</u> | |

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| | | Ross Shearer | Require developers to post bonds to enforce commitments to green building. Forfeiture of the bond will result in the money being placed in a fund to further green building projects in Fairfax County. | The approach that is being suggested is a typical approach that has been applied within green building commitments (although funds that would be forfeited are typically tied to a county fund supporting environmental initiatives and not a narrower green building focus). It is not, however, the only approach to ensuring that green building commitments will be enforceable, and therefore staff does not support this proposal. It is staff's view that applicants should have flexibility to suggest enforceable approaches. No change is recommended. | |
| Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses. | Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses. | Bruce Wright | Commenter encourages strengthening policy, and notes that many people choose to commute by bicycle, but more would if there were better infrastructure both during and after the bicycle trips. Commenter feels that the LEED requirements are minimal and can lead to inadequate bike parking. Commenter also notes need for adequate and correctly located bike parking, and encourages staff to work with developers to provide adequate bike parking by providing proper guidance. | Staff notes the comment and feels that the commenter is raising a broader issue regarding bicycle-friendly design. Staff has requested additional input from DOT staff and will update when it is received. No change is recommended. | |
| | | Linda Burchfiel | Supports policy, notes infrastructure is vital to support bicyclists. | Staff notes the comment. No change is recommended. | |

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| NO CORRESPONDING EXISTING PLAN TEXT. | Policy f. Encourage private companies involved in public-private partnerships~~,~~ where land is leased or provided by the County~~-~~to meet or exceed County guidelines for green building certification. | Oomer Syed | What is the role of this policy in government buildings (built/owned by government)? | The policy clarifies public-private partnership proposals, but local government buildings are built by Fairfax County under the Sustainable Development Policy for Capital Facilities. Information item only, no change recommended. | |
| | | Peter Rigby | Revise to read "currently applicable" in reference to the applicable County guidelines. | All zoning applications are evaluated against current policies in place at the time. Information item only, no change recommended. | |
| | | Gail Parker | Policy f. should set an example for business and residential to install solar panels on all County buildings or insist on renewable energy sources. | Staff recommends the discussion of solar panels on County buildings with the Environment Committee. No change is recommended without discussion. | ● |

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| | | DPWES Building Design Branch | The intent of Policy f is not clear to DPWES, and as written, DPWES believes that this paragraph should be deleted from the Strawman.<br><br>DPWES notes that any development that is developed and/or operated by the County will fall under the Fairfax County Sustainable Development Policy already in place, while private development located on land owned by or leased from the County, or that is developed in partnership with the County, should be governed by the other sections of the Strawman to be consistent with expectations for any other private development. | There are different staff perspectives and potential options in addressing this policy. A concern has been raised for green building certification of adaptive re-use on County owned property. Staff recommends that this matter be further explored through discussion with the Planning Commission Environment Committee. | ● |

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| | | DPWES Building Design Branch | DPWES states that introducing a separate and higher threshold for sustainable development performance for private developers that work in partnership with the County adds a unique and undue burden to the private sector portion of a public-private partnership and that adding an additional, regulatory burden on the private development partner as a cost of doing business with the public (County), will add another layer of difficulty, cost and challenge to successfully implementing these partnerships. | There are different staff perspectives and potential options in addressing this policy. Staff recommends that this matter be further explored through discussion with the Planning Commission Environment Committee and DPWES staff. | ● |
| | | Linda Burchfiel | Commenter strongly supports and notes that the County's highest green building policy should apply to any projects on County land. | Staff notes support for policy. No change is recommended. | |

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| | | Ross Shearer | Commenter is concerned that policy f. is too weak and forfeits opportunities for ensuring efficiency. Commenter notes that the County has the legal authority to require energy efficiency but that the policy only encourages it. Commenter wants LEED Gold with large posted bond as a minimum for private development on County land, and encourages LEED Platinum. | Staff notes the comment but questions whether the authority to require energy efficiency has been granted. Regardless, as this is a policy and not an ordinance, energy efficiency cannot be required by policy, only encouraged. <u>No change is recommended.</u><br><br>Staff notes the request to consider Gold and Platinum certification levels as a minimum expectation for development on county-owned property. There has not, in the past, been consideration of setting such expectations, and staff notes that such levels of green building performance would exceed the minimum expected level of performance for county facilities under the Sustainable Development Policy for Capital Facilities. <u>No change is recommended without discussion.</u> | ● |
| | | Fairfax County Federation of Citizens Associations | Commenter wants buildings to be designed to incorporate future potential for inclusion of alternative energy sources. Specifically, the commenter wants roofs to be designed to accommodate solar panels, and smart energy controls, specifically noting this is relevant to Policy f. | Staff recommends discussion with the Environment Committee of the potential for inclusion of Plan text encouraging building designs supporting future retrofits of alternative energy technologies. <u>No change is recommended without discussion.</u> | ● |

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| | | Fairfax County Federation of Citizens Associations | Commenter wants a link to the County guidelines included in the Policy Plan, noting that the guidelines may change and should therefore not be incorporated in the Plan as they exist currently. | Staff notes the comment. Staff recommends clarification of the County guidelines in the wording of the policy but not linking to the guidelines or referencing any specific set of guidelines (as the link and/or guidelines may also change). Specifically, the following change is suggested:<br><br>Policy f. Encourage private companies involved in public-private partnerships where land is leased or provided by the County to meet or exceed County guidelines for green building certification for capital projects. | * |
| NO CORRESPONDING EXISTING PLAN TEXT. | Policy g. Encourage provision of charging stations and related infrastructure for electric vehicles within new development and redevelopment proposals~~.~~ particularly for residential where other opportunities are not available. | Peter Rigby | Policy g. appears to only refer to residential; it shouldn't be limited in this manner. | Staff notes that this policy does not only apply to residential development proposals. The language is intended to encourage consideration of these stations and infrastructure everywhere, but particularly in residential projects so as to not artificially constrain the market for such vehicles. Staff feels this is clear with the use of the word "particularly." No change is recommended. | |
| | | Peter Rigby | Revise to clarify the intent is to encourage readiness for the charging stations and related infrastructure rather than the provision of the actual physical facilities. | This recommendation is consistent with discussions by the Planning Commission's Environment Committee, and therefore a revision consistent with this recommendation is suggested. Minor clarification revisions are also suggested. However, staff feels that the Environment Committee should discuss whether or not the Plan text should encourage both readiness for and provision of charging stations and related infrastructure, as there may be interest among some developers in establishing charging stations as part of their development proposals, and as the provision of small numbers of charging stations, particularly for residential development proposals where residents would have no other overnight charging options available, may be appropriate, perhaps as pilot projects, For now, staff suggests the following revision:<br><br>Policy g. Encourage ~~provision of~~ readiness for charging stations and related infrastructure for electric vehicles within new development and redevelopment proposals~~.~~ particularly for residential proposals where other vehicle charging opportunities ~~are~~ would not be available. | * ● |

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| | | DPWES Building Design Branch | DPWES notes that there are three different types of charging station (depending how fast to charge the vehicle), so is any particular type being encouraged? Another issue is who pays for the electricity used for charging. | Staff notes the information provided. No particular type is encouraged, and the issue raised regarding payment for the electricity has not been settled. <u>No change recommended without discussion.</u> | ● |

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| | | Marlae Schnare - Supervisor Herrity's Office | What is the cost of an electric vehicle charging station and related infrastructure? | Installation costs vary from site to site. Such factors as distance from suitable electrical service, need for excavation, and desired station features can result in substantial differences in cost from one installation to another. For example, site preparation and installation may generally be more expensive for new surface lots than new garages, given that conduits would need to be buried under surface lots but could, at least in part, be attached to walls or ceilings of garages. For future charging stations for fleet use (not public access) at County facilities, the County's Department of Vehicle Services - (DVS) estimates (based on its review of articles, presentations, consultations with suppliers and other jurisdictions, and published equipment price lists) a typical equipment cost per charging station at about $2,500-$3,000 per unit plus typical site preparation and installation costs of about $3,000-$3,500 per station. Note that the per-unit site preparation/installation costs would likely be less for multiple stations at one site. The DVS estimate is for Level 2 charging stations. While most electric vehicles can recharge from a standard 120-volt electrical outlet, Level 2 equipment provides a 240-volt connection with higher current flows, thereby reducing charging time by more than half. For a battery with a 100-mile range (e.g., the Nissan Leaf), a full charge would be reached in about 3-5 hours with a Level 2 charging station, as opposed to 8-15 hours from a straight 120-volt outlet or a Level 1 charging station. Charging stations (Level 1 or Level 2) can also provide safety and control features that may not be available when using a straight outlet.<br><br>Site preparation and installation costs can be reduced substantially if original construction includes preparations for electric-vehicle readiness without the immediate provision of the charging stations. Such preparations would be relatively low-cost during initial construction but more expensive as retrofits. They would involve such measures as the provision of raceways and conduits for later installation of wiring for charging stations (or oversized channels if charging station wiring added later would use the same routes as original wiring) and space and geometry for additional transformers and for the stations themselves, allowing for an easier future installation of charging stations. The MITRE Corporation is estimating that it would cost an additional $1,800 per space for conduit installation for a new surface lot and an additional $400 per space for such construction for a new garage lot (as opposed to per space additional costs of $2,900 and $1,200 for retrofits to existing surface and garage lots). <u>Information item only, no change recommended.</u> | |

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| Existing Plan Text | Strawman Proposal | Commenter | Comment | Response | |
| | | Marlae Schnare - Supervisor Herrity's Office | How many electric vehicle charging stations and related infrastructure are in the County and where are they located? | The U.S. Department of Energy's Alternative Fuels and Advanced Vehicles Data Center Fueling Station Locator website identifies five public charging stations in Fairfax County (one in the Herndon area (CIT), one in Chantilly, and three in Tysons Corner (including two at the same address) and one station each in Alexandria/Landmark, Falls Church, and Fairfax City. It is our understanding that the data on this website is voluntary/self-initiated, so there may be additional stations that are not identified. We're aware, for example, of a charging station at the Navy League Building in the Courthouse area of Arlington and have read that two stations have been established at the Potomac Overlook Regional Park in Arlington—these are not identified on the DOE website, so there could be others out there as well. We do not know how many charging stations have been established at residential locations (either single family or multifamily) or other private charging stations. County staff is in the process of seeking Energy Efficiency and Conservation Block Grant money to install 10 charging stations at County facilities to support County plug-in vehicles. Information item only, no change is recommended. | |
| | | DPZ Staff | As discussed during previous Planning Commission's Environment Committee meetings, consider inclusion of language to support readiness for charging stations and related infrastructure for electric vehicles; this could be done either instead of or in addition to language supporting provision of the stations and infrastructure. | See the earlier suggestion in response to a similar comment from Peter Rigby. | * ● |

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| | | Fairfax County Federation of Citizens Associations | Commenter feels policy should not just be applied to multi-family residential structures, but also office and commercial parking lots, noting time spent at an office would allow for charging, and charging stations may encourage shoppers to stay longer in retail locations. | Staff notes that this policy does not only apply to residential development proposals. The language is intended to encourage consideration of these stations and infrastructure everywhere, but particularly in residential projects so as to not artificially constrain the market for such vehicles. No change is recommended. | |

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| NO CORRESPONDING EXISTING PLAN TEXT. | Policy h. Encourage recording of aggregated energy and water consumption data for a defined period of time following construction for use in monitoring and evaluating performance of green building strategies and technology. | DPWES Building Design Branch | The goal of collecting this data and the DPZ strategy for evaluating the data is unclear. If this section is retained in the strawman, DPWES recommends that the developer be required to provide the data, "upon request from the County (DPZ)". DPWES notes that there are many variables that effect energy consumption and the ability to analyze actual consumption data in a rational way. Post occupancy energy consumption and conservation analyses need to account for these varying factors, as well as considering the pertinent energy benchmark for comparison. | Staff notes the information in this comment. At the time of the strawman, the goal of collecting the data was still unclear and further discussions are considered necessary. No change is recommended until further discussion. | ● |

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| | | Linda Burchfiel | Commenter feels that while there could be advantages to monitoring, there could also be limited benefit to comparing data from a wide variety of individual buildings, because of the many variables involved. The commenter also notes that there may be national standards available in the next few years and recommends waiting until such standards are available. The commenter also recommends encouraging recertification of building standard every 3 years rather than monitoring. | Staff notes the information in this comment. At the time of the strawman, the goal and benefits of collecting the data were still unclear and further discussions are considered necessary. No change is recommended until further discussion.<br><br>Staff notes the comment regarding national standards and recommends discussion of this topic.<br><br>Staff also notes the comment regarding recertification of buildings every three years rather than monitoring. Staff feels that there are benefits to existing building green certification (e.g., LEED-EB, which addresses the operation and maintenance of existing buildings) but feels that such certifications need to occur outside of the context of the zoning process and that the Plan text that is considered through this review should focus on commitments that should be considered during that process. Therefore, no change is recommended. | ● |
| | | Fairfax County Federation of Citizens Associations | What happens if a building's measured water and energy usage data fall short of expectations? What are the ramifications? | Staff notes the comment and concern about building performance failure. At this time, it is envisioned that information would be obtained solely for informational purposes to determine what the actual green building performance would be and not for any punitive actions. As such, there would be no ramifications. No change is recommended. | |

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| | | Roger Diedrich | Commenter believes a better definition of what is to be gained with monitoring is needed, as well as a comprehensive, structural approach to monitoring. Would there be a database with monitoring information? | Staff notes the comment and recommends further discussion. | ● |
| | | Marlae Schnare - Supervisor Herrity's Office | Who provides the data on energy and water consumption – how is it obtained? | The account holder would be providing the information on the energy and water usage. Dominion and Washington Gas are private companies and will not release that data to anyone other than the account holder. Usage information can be requested through the Freedom of Information Act from Fairfax Water, but they prefer that the account holder provide the information. Information item only, no change is recommended. | |
| | | Marlae Schnare - Supervisor Herrity's Office | What is the cost to the applicant (in resources and time) to obtain this data? | The applicant would not be responsible for obtaining or providing the data unless they are the account holder. In that case, it is a matter of consolidating the usage data provided on the bills. The applicant may proffer to provide the data from multiple account holders if they are able to obtain that data from the other account holders. Again, this is a matter of consolidating the data already provided on the bills. Information item only, no change is recommended. | |
| | | Marlae Schnare - Supervisor Herrity's Office | What is the cost of a meter that is referenced throughout the PC Environment Minutes? | Staff believes the meters referenced are the ones that are already installed for the utility company to measure usage. Information item only, no change is recommended. | |
| | | Marlae Schnare - Supervisor Herrity's Office | Once this data is collected, who is responsible for analyzing the data? | This question is still up for discussion. It has been discussed in the past, and no consensus of was reached. Information item only, no change is recommended. | ● |

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| | | Marlae Schnare - Supervisor Herrity's Office | If the County intends to analyze the data, what is the County's cost to do this? | This question is still up for discussion. It has been discussed in the past, and no consensus reached. Information item only, no change is recommended. | ● |
| | | Marlae Schnare - Supervisor Herrity's Office | If the applicant is required to analyze the data, what is the cost to the applicant for this analysis? | Staff does not have an estimate. It is anticipated this would vary by case and project. Information item only, no change is recommended. | |
| | | Marlae Schnare - Supervisor Herrity's Office | What is the County planning on doing with this data? (for example, like USGBC is creating a database) | This question is still up for discussion. It has been discussed in the past, and no consensus was reached. Information item only, no change is recommended. | ● |
| | | Marlae Schnare - Supervisor Herrity's Office | What is the "defined period of time?" | This is under discussion. Staff does not believe a specific time was set as it would be determined on a case-by-case basis with the applicant. Information item only, no change is recommended. | ● |
| | | Marlae Schnare - Supervisor Herrity's Office | If the "defined period of time" is different for each applicant, what are the criteria you are using to determine the "defined period of time?" | It would be determined by the specifics of the case, as are all proffered commitments. Information item only, no change is recommended. | |
| | | Marlae Schnare - Supervisor Herrity's Office | Will this only be for LEED buildings or all buildings that are using a system (e.g., Earthcraft or Green Globes)? | That is under discussion with the Environment Committee. Information item only, no change is recommended. | ● |

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| | | Marlae Schnare - Supervisor Herrity's Office | If the building is not performing to its initial modeling, what action, if any, can or will the County take? | At this time, it is envisioned that information would be obtained solely for informational purposes to determine what the actual green building performance would be and not for any punitive actions. As such, there would be no ramifications. Information item only, no change is recommended. | |
| | | Marlae Schnare - Supervisor Herrity's Office | How can or will the County keep this information private? Wouldn't this information be available to the public if provided to the County? | That is under discussion with the Environment Committee. Information item only, no change is recommended. | ● |
| | | Marlae Schnare - Supervisor Herrity's Office | By asking for this information from the applicant, will we be asking for proprietary information? | In the revisions of the draft strawman, one revision suggested the language "aggregated non-proprietary." That was removed at a subsequent committee discussion. There is no intent for any proprietary information to be shared. Information item only, no change is recommended. | |

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Additional comments applicable to multiple portions of the text or comments not tied to specific text

| Commenter | Comment | Response | |
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| Oomer Syed | Does this policy apply to by-right development? | No, the Comprehensive Plan is a guidance document and not a regulatory document. Therefore, by-right development would not be affected. Information item only, no change is recommended. | |
| Oomer Syed | Currently projects are reviewed for stormwater with LEED (credits 6.1 and 6.2) during the zoning process (in DPZ) and with the PFM at site plan (with DPWES). More consistent stormwater reviews are needed. LEED should be sufficient. | The criteria during the zoning process (LEED certification) and site/building plan (code/PFM) are separate and have separate goals. The zoning process seeks commitment to a green building standard, and the site/building plan review seeks compliance with code. Both reviews are necessary. No change is recommended. | |

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| Stella Koch | Consider bird friendly design. | Staff recommends the discussion of bird friendly design with the Environment Committee. No change is recommended without discussion. | ● |
| Fairfax County Federation of Citizens Associations | What is the purpose of this policy? Specifically, how are objectives balanced? Commenter feels policy needs a clear statement of purpose. | Staff feels that the existing text in Objective 13 of the Policy Plan provides the context for the existing policies that follow and for this strawman Plan amendment: "Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants." However, in response to this comment, staff also recommends the discussion of policy objectives with the Environment Committee. No change is recommended without discussion. | ● |
| Fairfax County Federation of Citizens Associations | It can take years to get LEED certification in some cases. What happens if a building does not achieve the expected rating? What are the ramifications? | If the building does not achieve the proffered level of green building certification, then the outcome is determined by the proffer (e.g. forfeiture of green building escrow). The ramifications of the failure to achieve the green building rating are determined by the individual proffer associated with the project. Information item only, no change is recommended. | |
| Ross Shearer | Comments on purpose of policy, specifically if Fairfax desires to be a promoter of the status quo or a leader in green building. Commenter notes that this policy should be focused on Fairfax County promoting efficiency and waste avoidance, by using available technologies to reduce energy dependence. | Staff recommends discussing the purpose and focus of the policy with the Environment Committee. No change is recommended without discussion. | ● |
| Ross Shearer | Commenter recommends the policy place greater emphasis on energy efficiency and conservation. | Staff recommends the discussion of policy objectives and energy efficiency and conservation goals with the Environment Committee. No change is recommended without discussion. | ● |
| Ross Shearer | Emphasize Cool Counties Declaration, and how this green building policy can assist in reducing GHG emissions. | Staff recommends the discussion of Cool Counties/GHG emissions goals with the Environment Committee. No change is recommended without discussion. | ● |
| Ross Shearer | Promote information on energy use, specifically energy monitoring systems. Commenter wishes to extend language to create a public inventory of energy use by commercial leased space (annual BTUs per leased sq. ft.). | An inventory of countywide greenhouse gas emissions is being prepared. If guidance is desired on the details of this inventory, the Fairfax County Environmental Coordinator should be consulted. Staff does not feel that Comprehensive Plan policy language should focus on county programmatic efforts such as this inventory.<br><br>Staff recommends the discussion of energy/performance monitoring goals with the Environment Committee. No change is recommended without discussion. | ● |
| Ross Shearer | Did discussion of costs associated with green buildings also address the benefits and savings? | Yes, costs as well as benefits have been discussed. Information item only, no change is recommended. | |

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| Ross Shearer | The purpose of the review is to "assess the efficacy of the policy" after two years. The commenter notes this information is not in the strawman, and neither is any stated actions. | The commenter is correct that specific numbers or actions are not in the strawman. Specific numbers were discussed during initial conversations with the Planning Commission's Environment Committee. The efficacy of the policy is being assessed in general terms, meaning what is working in the policy and what needs to be modified for the policy to continue to generate green building commitments. No change is recommended. | |
| Ross Shearer | The words "encourage," "ensure," and "promote" are relied on exclusively and interchangeably, even where there are opportunities to set policy requirements. | As this is not an ordinance, but is instead a policy, it is unable to set requirements. Policies can only encourage goals and objectives to be met. No change is recommended. | |
| Ross Shearer | Commenter feels that the planning process should describe the impacts and experiences of the existing policy and also describe specific actions such as how developers will be "encouraged," and how green buildings will be "promoted," and how the public will be educated and the nature of the assurances. | Staff notes the comment. The policy serves as a framework that provides guidance. Typically the policy does not contain specifics such as the suggestions that are referenced in the comment, as these specifics can change over the time the policy is implemented. Staff can share information on current implementation practices; however it is not recommended that implementation information be incorporated into the policy. No change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wishes to see minutes of the PC environment committee meetings and a list of the attendees for each meeting where the green building policy was discussed. | The meetings of the Planning Commission Environment Committee where this was discussed were on: 11/19/09, 1/28/10, 3/25/10, 6/24/10, 7/22/10, 9/30/10, 12/2/10, 1/19/11, 2/24/11, 4/14/11, 4/28/11, and 5/26/11. The minutes taken by the Clerk to the Planning Commission and are available online: http://www.fairfaxcounty.gov/planning/committee_minutes.htm. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wants information on the outreach that was done to builders, developers, community groups, and citizens, as well as their affiliations, during the proposal development process. | The PC Environment Committee recognized a need for broad stakeholder review and input but first wanted to develop a strawman draft to serve as a basis for discussion. At the committee's direction, EQAC was notified of each meeting. In addition, all committee meetings have been posted on the County's public meeting calendar and on the Planning Commission's website. Broader outreach efforts have not been pursued until now. However, it is staff's perspective that the strawman represents a starting point for the discussion and not an endpoint; the strawman draft is intended to serve as a vehicle through which a broader stakeholder discussion can be facilitated. As noted in the strawman (the bold and underlined section on page 1), this is a preliminary working document, and no positions are considered to be final. Indeed, staff anticipates that revisions will need to be made based on the stakeholder discussions. Staff anticipates that the PC Environment Committee will take whatever time it feels necessary to collect and review stakeholder comments and to revise the draft amendment in advance of forwarding a recommendation to the full Planning Commission (and ultimately a recommendation to the Board of Supervisors for the advertisement of an amendment).<br><br>Stakeholder meetings were held in July and September; the next meeting is scheduled for November 17, 2011, and additional meetings will be planned as needed. A list of the stakeholders notified to attend these meetings is available. Information item only, no change is recommended. | |

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| Marlae Schnare - Supervisor Herrity's Office | Commenter wants a list of applications, plans, and associated contacts for zoning proposals that have made LEED commitments since the adoption of the original green building policy. | This list can be provided. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wants information on the amount of money in escrow as a result of LEED commitments obtained during the zoning process. | Staff has requested an update to this item, and will include it when received. As of 7/6/11, there were two commitments to LEED (SEA 89-L-080 and SE 2007-MA-034), with a total escrow of $93,000. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wants information on alternative language that was considered during the strawman development, and a rationale for that language. | All revisions and reasons for these changes are detailed in the pages 7-9 of the draft strawman (the "Comprehensive List of Changes (as of July 7, 2011)"). Additionally, the minutes for the Environment Committee meetings detail the changes requested and the discussions surrounding these recommendations. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wants a list of strategies, plans, laws, and statues that were considered as a model for the language in the strawman. Commenter specifically references the addition of the text: "Many jurisdictions are now engaging in community energy planning and other strategies to best use available resources." | As this process is a review of an existing policy, the original research which informed the discussions and adopted policy in 2007 was not repeated. However, the Planning Commission Environment Committee did request extensive research during the review discussions held from November 2009 onward which informed the Environment Committee as it considered possible revisions for inclusion in the strawman draft. A list of the questions and staff responses can be provided if there is interest.<br><br>The specific sentence referenced was crafted by Commissioner Sargeant, who, in his capacity as an employee of Dominion Electric, is aware of many community energy plans. As this sentence was added to the policy upon his request and at the concurrence of the Environment Committee, staff was not asked to do the research to support this statement. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wants estimates of the benefits and costs incurred. Commenter requests information on Fairfax County LEED certifications (NC, CS, Homes). | Staff can provide national data, as that is the only data with enough measurements to be statistically valid. Developers who have worked in Fairfax County may be willing to share their proprietary data regarding their costs and benefits; however this data has not been shared with staff. Information item only, no change is recommended. | |

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| Marlae Schnare - Supervisor Herrity's Office | Commenter wants average estimates of costs incurred by staff in addressing green building commitments when processing zoning applications. | It would be difficult to produce an average estimate of costs incurred by staff in addressing green building commitments. Every case is different, and as this policy is no different than other policies or guidance in our Comprehensive Plan (e.g. stormwater management, Environmental Quality Corridors, transportation), it would be difficult to answer how much time is spent to work with the applicant on green building issues as compared to EQC or stormwater issues or any of the other concerns that arise during the zoning evaluation process. However, over the last few years staff has developed many prototype proffers for consideration by applicants. It is fair to say that the "average" time spent on green building considerations is greatly reduced now than was the case when the policy was first adopted in 2007, recognizing that case-by-case variability remains. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter feels that this policy is beginning to look more like an ordinance than a policy and wants to know why the County is not drafting a green building ordinance/code. Commenter wants to know if it is possible to adopt such an ordinance, including one that referenced LEED as is done in the policy plan. | Staff has used language consistent with the guidance in other policies (i.e. using words like "encourage" rather than "require") and this language is intended to guide reviews of zoning applications. Staff has not, to date, been asked by the Board of Supervisors to consider the development of ordinance requirements. Staff is not aware of legislative authority for a green building ordinance. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wants an update on the International Green Code Construction (IgCC) and how it would relate to this Policy Plan if the IgCC were to be adopted in Virginia. | Version two of the IgCC is currently in the final stages of review. This code is an overlay to existing building codes which are adopted by the state of Virginia in the Uniform Statewide Building Code (USBC). The IgCC is not currently part of the USBC in Virginia and is not anticipated to be part of the next three year review process, which would be adopted in March 2014. The Commonwealth of Virginia has the ability to, and generally does, modify the code from the national version to one that is adopted by the state, removing and adding portions as deemed appropriate. If the IgCC was to be adopted by Virginia in the next round (to be adopted in 2017) it is difficult to say how it might relate to our policy as it is extremely likely that both green building ratings systems and the IgCC as adopted by Virginia would have changed in the interim. If the IgCC is adopted by Virginia, staff would certainly review the code and determine its impact on our policy. Information item only, no change is recommended. | |
| Marlae Schnare - Supervisor Herrity's Office | Commenter wants information on what legal issues were raised in regard to referencing LEED in codes, statutes, or policy plans. Wants information on whether there were discussions regarding a lawsuit against the USGBC for false advertising or other litigation regarding LEED/green building. | The only issue that was discussed by the Planning Commission's Environment Committee was the desire to be open to as many rating systems as possible, recognizing that many have merit and to leave the choice to the developer of the property. The Environment Committee also wished to clarify "equivalent" so that developers would have more assurance if the system they wished to use would be eligible. It was noted that Fairfax County's Sustainable Development Policy for Capital Facilities (for County-owned and built buildings) requires LEED and does not offer the option to use an equivalent. Information item only, no change is recommended. | |

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| Fairfax County Federation of Citizens Associations | Commenter feels the guidance regarding levels of green building performance tied to the receipt of higher development intensity/density are too vague. Commenter suggests the applicant proffer to a level of performance which will be guaranteed by a bond requiring the applicant to validate performance based on two years of data. The commenter suggests the policy plan should outline specific standards for performance which correlate to expected levels of LEED certification attainment. | Staff feels that the existing and strawman draft text provide an appropriate level of specificity but recognizes that further discussion by the Planning Commission's Environment Committee would be desirable.<br><br>With respect to the concept of a green building bond, the proposed approach is similar to a green building escrow enforcement mechanism that has been incorporated within many of the proffered commitments that have been received to date; however, the release of the escrow has been tied to attainment of green building certification and not building performance based on data recorded over a certain period of time. Staff also notes the recommendation to correlate performance with LEED certification, however it is difficult to quantify LEED certification as many different paths may be chosen to achieve the same certification level and performance in any particular area will vary based on the options chosen. <u>No change is recommended.</u> | ● |
| Becky Cate | Commenter feels that if the policy is used to grant increased FARs, stormwater standards should exceed being "no worse than it was for the property prior to construction" as that is too vague and may not result in improved stormwater control. Commenter recommends enhancing stormwater runoff control according to a formula and recommends a 20-year storm event as a standard. Commenter also recommends a requirement to have the release of captured water done over time that is less than the 1 year event. | Staff recommends the discussion of stormwater goals with the Environment Committee. <u>No change is recommended without discussion.</u> | ● |
| Larry Zaragoza | The strawman seems to be wide open accepting all kinds of things. The problem is that the standard seems to be unclear. LEED Silver is a low threshold. Seems like we might accept less than that with this strawman? | Staff notes the comment. At this time, Tysons Corner is the only area of the County to have a LEED Silver expectation (for commercial buildings. Proposed strawman changes to Policy a would, however, establish an expectation, countywide, for higher levels of green building performance for development proposals seeking exceptional intensity or density (e.g., 90 percent or more of the maximum planned density or intensity). <u>Staff recommends further discussion of this concern with the Planning Commission's Environment Committee.</u> | ● |

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