

**FAIRFAX COUNTY PLANNING COMMISSION  
ENVIRONMENT COMMITTEE  
THURSDAY, MAY 31, 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  
Kenneth A. Lawrence, Providence District  
Timothy J. Sargeant, At-Large

**COMMITTEE MEMBER ABSENT:**

Walter L. Alcorn, At-Large

**OTHER COMMISSIONERS PRESENT:**

Ellen J. Hurley, Braddock District  
James T. Migliaccio, Lee 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  
Kristen A. Abrahamson, Chief, Rezoning & Special Exception Evaluation Branch, Zoning Evaluation Division (ZED), DPZ  
Miriam D. Bader, Staff Coordinator, ZED, DPZ  
William O'Donnell, Staff Coordinator, ZED, DPZ  
Josh Fleitman, Intern, DPZ  
Teresa G. Lepe, Chief, Building Design Branch, Building Design and Construction Division, Department of Public Works and Environmental Services  
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

**ATTACHMENTS:**

- A. Revised Development Conditions for SE 2011-BR-016 (Cardinal Forest TD Bank), dated May 31, 2012
- B. "Draft Recommendations for Encouraging Green Building in the City of Fairfax submitted by the Environmental Sustainability Committee (ESC)" document dated May 14, 2012

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Chairman James R. Hart called the meeting to order at 7:02 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 APRIL 26, 2012, BE APPROVED.

Commissioner de la Fe seconded the motion which carried unanimously.

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Maya Dhavale, Planner III, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ), initiated a discussion on the implementation of the Green Building Policy through proffers or development conditions, particularly with regard to enforceable mechanisms for the implementation of green building commitments or certification. She explained that the enforcement mechanisms typically employed by the County were:

- 1) Documentation that demonstrated that the project was anticipated to attain a higher than expected level of certification under the applicable rating system, or
- 2) Commitment to a green building escrow (effectively a type of bond), which would be refunded to the applicant upon demonstration of a specified performance of green building strategies.

Ms. Dhavale said staff asked for an enforceable green building commitment because if an applicant simply proffered to attain green building certification but was unsuccessful, the applicant would need to file a Proffered Condition Amendment (PCA). She noted, therefore, that the green building escrow provided assurance to the County in case the applicant failed to attain certification. She indicated that in cases so far where an applicant posted a green building escrow, the escrow had never been forfeited to the County due to failure to achieve the required certification. Ms. Dhavale said based on the direction of Department of Public Works and Environmental Services (DPWES) staff, DPZ staff wrote development conditions that were enforceable through a particular trigger point in the zoning/development process and that were legally binding. She pointed out that a green building commitment without an enforcement mechanism was essentially not a commitment. She stated that staff sought direction from Committee members regarding other enforceable green building commitments, noting that one such "soft" commitment entailed a list of green building elements to be included in a project.

Commissioner de la Fe pointed out that proffers were voluntary commitments by an applicant. He expressed concern about the County enforcing a green building escrow in a development condition when it was not required by the Zoning Ordinance.

Chairman Hart said he supported development condition language that identified specific achievable, objective green building elements for inclusion in a project and required that the applicant provide a certification statement from a professional engineer or licensed architect confirming that the listed green building elements were incorporated into the project. He also noted that an applicant's intention to attain green building certification should be specified in a development condition and that such instance should be evaluated on a case-by-case basis. He pointed out that the revised development conditions dated May 31, 2012, for SE 2011-BR-016 (Cardinal Forest TD Bank) required the provision of specific green building strategies and submission of a certification statement confirming incorporation of such elements (See Development Condition Number 13 in Attachment A for details).

Chairman Hart suggested that staff identify an overarching principle, set of criteria, or checklist articulating the circumstances when it would be acceptable for a development condition to include an applicant's proposed commitment to incorporate specific green building elements into its project without a third-party certification process or green building escrow.

Ms. Dhavale explained that in cases where an applicant had expressed interest in green building practices, staff would offer a comprehensive list of easily verifiable and measurable green building components for the applicant to choose from and specify in its proposed development conditions or proffers. She stated that consideration of such "soft" green building commitments was based on the following two criteria:

- 1) The application site was located outside one of the specified areas of the County with an expectation for a green building commitment (i.e., Tysons Corner Urban Center, Suburban Centers, Community Business Centers, and Transit Station Areas as identified on the Concept Map for Future Development), and
- 2) The applicant had expressed a willingness to consider green building design or construction techniques or had specified such a commitment in its statement of justification.

Ms. Dhavale then asked Committee members to provide guidance on how to deal with zoning proposals that were subject to the County's expectation for green building performance but the applicant was unwilling to make a commitment to implementation of green building practices through certification under the applicable rating system.

Chairman Hart cited the recent case by Pohanka Stonecroft LLC (RZ 2011-SU-024/SE 2011-SU-009) for an auto dealership where the applicant had claimed that the process to attain certification through the LEED program was too costly and time-consuming. Ms. Dhavale pointed out that the Pohanka site was located within an area of green building expectation. She also noted that although Pohanka had proffered to post a green building escrow to guarantee that all of its proposed green building elements had been properly incorporated and installed, it had refused to commit to a formal LEED certification process.

Chairman Hart said he believed that the Board of Supervisors would make the ultimate decision pertaining to the implementation of green building proffers or development conditions. He noted that the Green Building Policy could articulate exceptions such as unconventional uses that did not conform to a particular LEED evaluation program.

Commissioner Hurley pointed out that the applicant's goal for the Cardinal Forest TD Bank project was to attain LEED Silver certification but the applicant did not want to commit to staff's recommended green building escrow amount of \$80,025, as it believed that this would not provide additional value to the project. She expressed concern about overburdening County staff with the task of verifying whether a project attained LEED certification prior to the issuance of a Non-Residential Use Permit or release of the final construction bond.

Chairman Hart said the intention was not to increase staff's workload but to identify situations where it might be appropriate to accept an applicant's certification statement confirming the inclusion of specific objective green building elements in a project. He also recognized that the County could not require green building commitments when they were not explicitly required by the Zoning Ordinance. He noted that the Cardinal Forest TD Bank application provided an example where the applicant had proposed the integration of particular green building elements although the subject property was not subject to the County's expectation for a green building commitment. He said that in these particular cases, the County should embrace such a commitment and capture it in a development condition.

Answering questions from Commissioner Sargeant, Ms. Dhavale indicated that the new TD Bank at 7209 Little River Turnpike in Annandale (SE 2007-MA-034) had recently attained LEED Gold certification and the majority of the 23 LEED-certified TD Bank facilities throughout the United States had achieved the Gold or Platinum level. She also noted that PNC Bank participated in the LEED Volume Program. *(Note: This program allows the organization to define a prototype by choosing a set of prerequisites and credits that are common to all the projects it plans to certify. The Green Building Certification Institute will "precertify" this prototype. Participants can then apply for certification of actual buildings, relying on the pre-approved documentation and providing additional information only for credits that differ from the prototype.)*

In response to questions from Commissioner Flanagan, Ms. Dhavale noted that the LEED Gold-certified Annandale TD Bank was located within an area subject to the County's expectation for green building performance. She said the Cardinal Forest TD Bank site was not subject to this expectation although the applicant had offered initially to attain LEED Silver certification. She explained that staff had recommended that the applicant commit to achieving LEED certification by providing a green building escrow of \$80,025, which reflected 5 percent of the new value of the building, estimated at \$1,600,500. She indicated that the typical cost for a traditional structure, such as a bank, to become LEED-certified was anywhere between 0 and 2 percent of the total building cost. Ms. Dhavale pointed out that given that TD Bank had built several LEED-certified structures and its learning curve was well established, its LEED certification costs were most likely to be closer to 0 percent.

Chairman Hart said he thought that it was the consensus of the Committee that unless the Board of Supervisors changed its policy, the County would not expect contributions to a green building escrow outside the areas of the County with an expectation for such a commitment.

Chairman Hart summarized the issues:

- How should a green building commitment offered by an applicant be implemented in the proffers or development conditions when the application site was outside an area with an expectation for such a commitment?
- How should the County enforce a green building commitment without a clear enforcement mechanism (e.g., escrow) and when would that be appropriate?

Commissioner Lawrence said he thought that the ultimate goal was to ensure that the design/construction and operation of a building used energy and water resources efficiently, incorporated reusable and recycled building materials, enhanced the environment, and attained a high level of energy performance. He suggested that if a building could not attain LEED certification, the County should determine which green building practices could be incorporated to optimize its energy performance. He noted that current forecasts for water consumption based on population estimates in the Tysons Corner area were expected to improve with the advancement of water conservation technology and improved building performance. He said this would help the County demonstrate to the public that green buildings produced real savings in water consumption. Commissioner Lawrence stated that if an applicant's proposed list of green building strategies was substantive, it needed to be in writing such as in a checklist form.

Chairman Hart recommended that at a future meeting, the Committee review staff's checklist of easily verifiable and measurable green building components or perhaps a strawman document outlining potential topics for consideration during review of a zoning application where the applicant had offered a commitment to green building design and/or construction.

Addressing Commissioner Lawrence's remarks, Ms. Dhavale said staff supported the concept of measurable results if the selected green building practices were substantive. She described a recurring problem where applicants who did not commit to attain certification under an established green building rating system would choose green building items from the list that were considered easy (e.g., installation of bike racks) rather than energy and water conservation measures. She noted that in the Pohanka case, the applicant's commitment to achieve a 15-percent energy savings over its other three existing auto dealerships in Fairfax County would simply meet the Fairfax County Building Code. She said staff preferred to obtain commitments to energy savings and increased efficiency. Ms. Dhavale explained that if an applicant had committed to a substantial list of green building provisions, an additional commitment to a rating system would be unnecessary; however, if that was not the case, a commitment to a rating system would provide the necessary emphasis to ensure the achievement of a measurable better performance for the environment.

Commissioner Lawrence commented that to the extent that a project could not attain green building certification, the list of green building measures should be focused on inputs and processes to include energy-efficient HVAC systems, water heaters, and light fixtures, to help achieve sustainable building operations. Ms. Dhavale concurred with this statement.

Commissioner Sargeant explained that an example of a measurable, achievable result was compliance with the Building Code's energy efficiency standards, which should be introduced earlier in the zoning evaluation process. He noted that although certain applicants like banks were able to participate in the LEED Volume Program and benefit from the associated cost savings, those applicants who were unable to afford to attain green building certification or post an escrow should have affordable green building options available to them to achieve measurable results.

Referencing a document dated May 14, 2012, outlining the Environmental Sustainability Committee's (ESC) draft recommendations for encouraging green building in the City of Fairfax, as shown in Attachment B, Commissioner Hurley called attention to the following passage:

"The ESC recognizes that the imposition of standardized green building programs can be an economic disincentive to new development and sometimes results in the use of standards not suited to the specific needs of a jurisdiction or to the type of development being proposed. The ESC concluded that no single green building rating system will provide the best environmental performance for all development types in the City of Fairfax."

Commissioner Hurley cautioned against imposing LEED or other certified building rating systems on applicants. Chairman Hart reiterated that the County would not impose such a commitment outside those areas specifically identified within the Green Building Policy.

Replying to questions from Commissioner Migliaccio, Ms. Dhavale explained the following:

- In cases where there was not an expectation for a green building commitment, applicants who sought to incorporate green building practices without an enforcement mechanism were advised by staff to not explicitly state their intention in the development conditions or proffers. This would prevent these applicants from having to request a proffer interpretation or file a PCA application in the future, if they failed to satisfy the commitment.
- In situations where the applicant was willing and able to attain green building certification, such a commitment needed to be reflected in the development conditions or proffers with the inclusion of an enforcement mechanism to provide assurance to the County in case the applicant failed to attain certification under the applicable system.
- Applicants who had chosen green building measures from staff's list to be incorporated into their project tend not to select the energy and water conservation measures. Energy

- and water efficiency practices contributed to the majority of the green performance of a building and associated costs.
- Staff could not direct applicants on which green building measures they should choose, as it was a voluntary commitment that would later lend itself to negotiations between staff and the applicant.
- The larger question was how to enforce a serious commitment to green building features emphasizing energy and water efficiency and increased environmental performance without a commitment to attain certification under a rating system.

Chairman Hart emphasized the importance of evaluating on a case-by-case basis a "soft" green building commitment offered by an applicant whose project was located outside an area of green building expectation and determining a consistent approach for implementing such a commitment in the development conditions or proffers.

Ms. Dhavale pointed out that as an alternative approach, staff was currently investigating whether the County had the ability to impose a penalty if an applicant failed to perform the green building measures as conditioned. She cited the example of Washington, DC, where the Green Building Act of 2006 required performance bonds and green building fees. Chairman Hart suggested that staff discuss this approach with the County Attorney's Office. He indicated that the Board of Zoning Appeals, in approving a Special Permit application, had the ability to require the posting of a bond in a reasonable amount by the applicant to secure compliance with the Zoning Ordinance and Comprehensive Plan. (*Note: See Article 8, Special Permits, Section 007, Conditions and Restrictions, of the Zoning Ordinance, for more information.*) He also suggested that staff consult the County Attorney's Office to determine whether the Zoning Ordinance issued the same statutory authority to the Board of Supervisors in imposing the posting of a bond by a Special Exception applicant. Chairman Hart said he suspected that the County would need to obtain explicit legislative authority to impose fines on conditions.

Responding to a question from Commissioner Hurley, Ms. Dhavale explained that prior to final construction bond release, the applicant would be required to submit a certification statement, confirming that the green building elements identified in the development conditions or proffers had been incorporated into the design and/or construction of the building.

Chairman Hart stated that the County required developers to post a bond if they were building public infrastructure, such as a street or sidewalk, in a new development due to a zoning action. He explained that DPWES would inspect the public infrastructure to make sure it met minimum standards and if not, the developer would need to address any outstanding issues before the County could return the bond to the developer.

Commissioner Sargeant strongly recommended that the list of measurable results allow flexibility to ensure that they were achievable in the agreed upon implementation mechanism for the given application (e.g., bond, escrow, development condition, proffer, etc.) and help incentivize the applicant to commit to green building practices. He commented on how the

Community Energy Planning Model allowed for a degree of flexibility in its implementation so it could be tailored to the unique needs and circumstances of the given community

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Chairman Hart announced that the Committee would meet again on the following dates, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center, to continue the review of the "Green Building Policy Review – Comment Compilation and Staff Response, revised November 8, 2011" matrix (*Note: The start times were subsequently changed to 6:45 p.m.*):

- Thursday, June 28, 2012, and
- Thursday, July 12, 2012.

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The meeting was adjourned at 8:08 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: July 12, 2012

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

**REVISED DEVELOPMENT CONDITIONS****SE 2011-BR-016****May 31, 2012**

If it is the intent of the Board of Supervisors to approve SE 2011-BR-016, located at Tax Map 79-3 ((8)) 5D (8316 to 8332 Old Keene Mill Road) for a special exception to permit a drive-in financial institution pursuant to Sect. 6-304 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat/PRC Plan for Proposed Drive thru Financial Institution," prepared by Bohler Engineering, dated September 9, 2011, as revised May 2, 2012, consisting of eight sheets, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The median opening on Old Keene Mill Road shall be reconfigured to prevent left turns in and left turns out of the shopping center as generally depicted in Exhibit A of these conditions. In addition, the easternmost entrance along Old Keene Mill Road shall be modified to meet VDOT standards. New pavement markings and/or signage along the continuous westbound right-turn lane on Old Keene Mill Road shall be installed; the final designs for these modifications shall be provided to FCDOT and VDOT for their review and approval as part of the site plan review process.
5. All spaces immediately to the east and adjacent to the bank building shall be designated as handicapped or employee only.
6. No freestanding commercial signs shall be permitted. Bank logos shall not be placed on any directional signage.

7. Adequate sight distance at the eastern entrance shall be provided, to VDOT's satisfaction, at the time of site plan review and prior to the issuance of a Non-RUP. Any tree or shrub determined to impede sight distance shall be replaced with an appropriate size/species or relocated elsewhere on the site, as determined by UFM.
8. Similar building materials, colors and architectural design features for all building facades shall be utilized by the bank in order to ensure a consistent architectural theme and character throughout the Village Center (the Cardinal Forest Plaza Shopping Center) and consistent with Exhibit B. All façade finishes shall be of a compatible color and style to that used in the main shopping center building.
9. Additional plantings along the perimeter of the shopping center and within the existing and proposed landscape islands shall be provided to the maximum extent possible as determined by Urban Forest Management (UFM). In order to ensure the landscape trees are more readily established on the subject property, the required size at planting should be no more than 2½-3 inches in caliper.
10. All trees shown to be preserved on the SE Plat (on the eastern boundary) shall be protected by tree protection fencing. Tree protection fencing shall be in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas.
11. At the time of site plan approval, the applicant shall submit documentation from any affected easement holder that all proposed plantings located within their easement(s) are allowed. All proposed landscaping that is not allowed within the easement areas shall be relocated to other locations on-site or substituted, as determined by UFM. In no case shall the total number of on-site shrubs be less than what is depicted on the SE Plat or less than that required by the provisions of Article 13 of the Zoning Ordinance.
12. At the time of site plan approval, the applicant shall submit a parking tabulation that will indicate how the uses in the shopping center will comply with the Zoning Ordinance parking requirements.
13. The Applicant shall incorporate into the design and implement the green building technology and strategies listed below. The Applicant shall, at the time of site plan review and building plan review, or Non-RUP as outlined within each strategy provide a certification statement from a LEED-AP who

is also a professional engineer or licensed architect confirming that the green building elements listed below were incorporated into the design and/or construction of the project.

Prior to final construction bond release, the LEED-AP, who is also a professional engineer or licensed architect, shall submit a certification statement, confirming that the green building elements listed below have been incorporated into the design and/or construction of the building.

Green building elements for inclusion in the project:

- A. The Applicant shall include a LEED®-accredited professional as a member of the design team. The LEED-accredited professional will work with the team to incorporate the following sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification. At the time of site plan submission, the applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.
- B. The Applicant shall provide bicycle racks for six (6) bicycles within 200 feet of the bank's entrance. The Applicant shall provide final location on the Site Plan. Additionally, the Applicant will provide a changing facility for employees.
- C. The building's location shall be within existing impervious areas on the site.
- D. The Applicant shall exclusively use native and non-invasive species for landscape and other plantings on the site. The Applicant shall provide planting lists showing species and location of plantings, for review and approval by UFM.
- E. Tree preservation along the eastern property line as shown on the plan will be provided.
- F. The final area of impervious surface will be reduced during the redevelopment of the Special Exception area by a minimum of 10%.
- G. The Applicant shall install a roofing membrane with a Solar Reflectance Index (SRI) appropriate to the slope of the roof (i.e. for a low-sloped roof ( $\leq 2:12$ ) equal to or greater than 78 for a minimum of 75% of the total roof area, and for a high-sloped roof ( $> 2:12$ ) equal to or greater than 29). The Applicant shall provide roof area calculations and manufacturers' product data with the Building Permit

- H. The Applicant shall install motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage as listed below (to be modified with the project-specific fixtures to be included). The Applicant shall provide manufacturers' product data with the building permit:

Water Closet (gallons per flush, gpf) 1.28

Urinal (gpf) 0.5

Lavatory faucets (gpm\*) 1.5

Kitchen faucets 2.20

Metering faucets 0.25

\* When measured at a flowing water pressure of 60 pounds per square inch (psi).

- I. The Applicant shall provide solar panels as a source of on-site renewable energy. The panels will be located on the drive thru roof and above the clerestory roof. The Applicant shall provide installation location, manufacturers' product data, and projected annual energy generation with the Building Permit.

- J. The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agri-fiber products. Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
Carpet Adhesive	50
Rubber floor adhesive	60
Ceramic tile adhesive	65
Anti-corrosive/ anti-rust paint	250
Clear wood finishes	350

The Applicant shall provide the manufacturers' product data prior to a Non-RUP.

- K. Any carpet or carpet padding that may be installed shall meet the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program. The Applicant shall provide the manufacturers' product data prior to Non-RUP.
- L. Any vinyl composition tile and rubber tile flooring that may be installed shall meet the requirements of the FloorScore certification program. The Applicant shall provide the manufacturers' product data prior to Non-RUP.
- M. The Applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures. The Applicant shall provide a maximum lighting power allowance of 1.25 watts/square foot. The Applicant shall

provide energy usage calculations and manufacturers' product data prior to the Non-RUP.

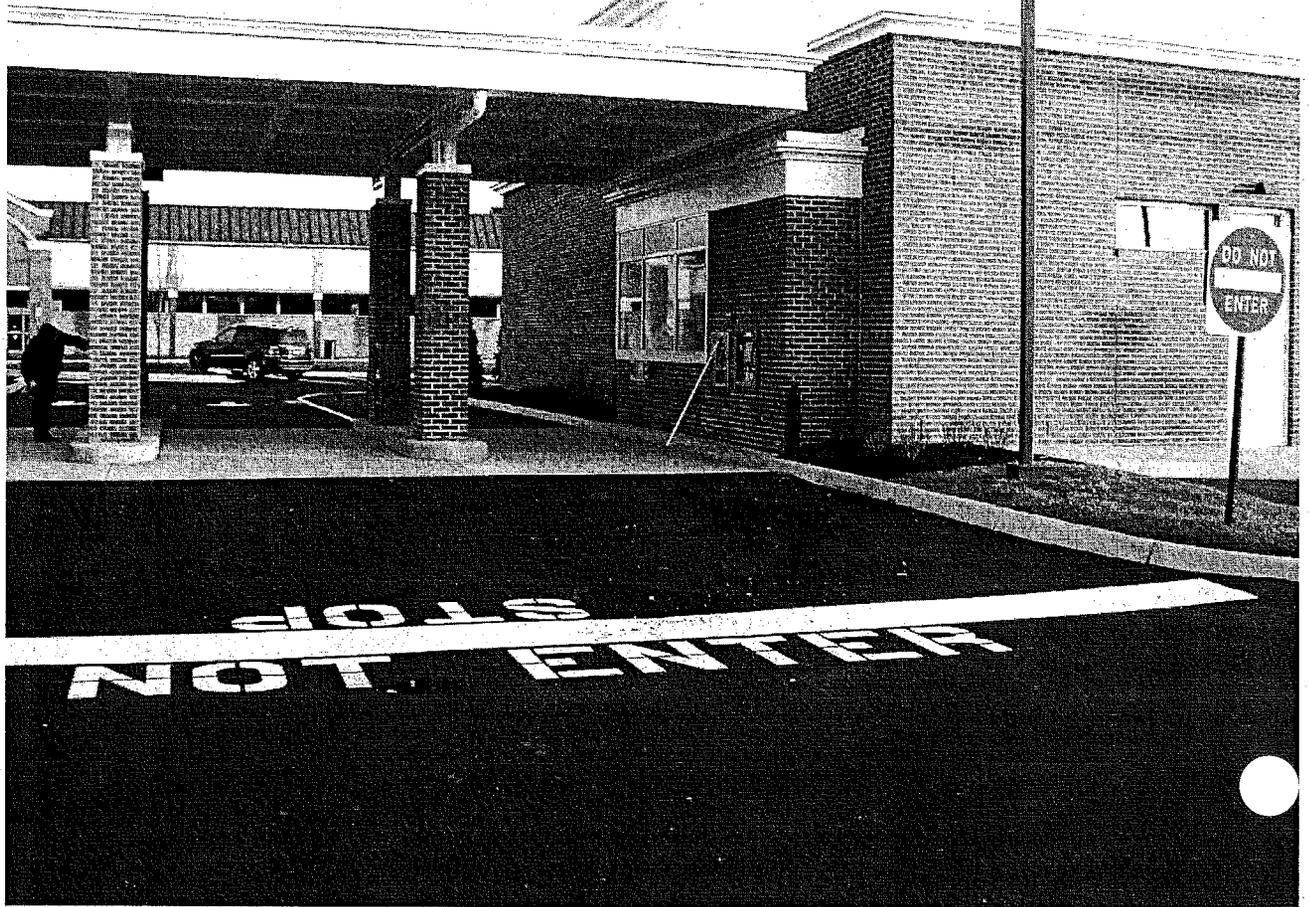
- N. The Applicant shall install Energy Star appliances and equipment for at least 90% of the calculated power for all refrigerators, computers, printers and monitors. The Applicant shall provide installation locations, and manufacturers' product data, including the Energy Star energy guide at the time of the Non-RUP.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. If the project is phased, development of the initial phase shall be considered to establish the use for the entire development as shown herein. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.







Meeting Date: 5-14-12Agenda Item: 7**MEMORANDUM**

**To:** Chairman Cate and Members of the  
Planning Commission

**From:** Brooke Hardin, Planning Division Chief *BH*  
Adrian Fremont, Special Projects Engineer *A.F.*

**Subject:** Work Session – Green Building Discussion

**Meeting****Date:** May 14, 2012

The Environmental Sustainability Committee has drafted recommendations for encouraging green building in the City of Fairfax. The committee's proposal to have a City preferred list of green building measures is targeted to promote more developers to incorporate measures that support local sustainability goals without having the potential extra costs associated with LEED or other certified building rating systems. Included in the document is a sample proffer condition that outlines the measures that the ESC believes provide a baseline for more energy efficient and sustainable buildings. The discussion of these recommendations is proposed at this meeting as it relates to the Sustainability and the Environment briefing paper discussion.

No action is necessary on this item. The Environmental Sustainability Committee has prepared this initial draft for review and discussion. Representatives from the Environmental Sustainability Committee will be in attendance at the meeting to provide background on this effort and further detail on the recommendations.

Attachment A – Draft Recommendations for Encouraging Green Building in the City of Fairfax

## Draft Recommendations for Encouraging Green Building in the City of Fairfax

submitted by the Environmental Sustainability Committee (ESC)

May 2012

Green building requirements are the “new normal” for both new and major revitalization construction projects in the United States. There are a variety of nationally recognized green building standards available for use, but there is currently no one single adopted national standard that defines a green building or development. While this often leads to confusion for jurisdictions seeking to adopt green building and development standards it does provide an opportunity for an independent jurisdiction such as the City of Fairfax to craft a green building standard tailored to its own needs and goals.

The ESC believes that local governments must be responsible environmental stewards when approving changes or additions to the built environment. Resolution 09-09 reflects the City Council's recognition of the important contribution local governments can make. In keeping with the spirit of resolution 09-09 and after deliberation among its members and discussions with city staff, the ESC submits the following recommendations for consideration to the Mayor and City Council.

The ESC recommends that:

1. the City incorporate measures into the City Code that support green building practices (such as amendments to the Zoning Ordinance recommended in the Comprehensive Plan) to the greatest extent practicable under the enabling authority granted in the Code of Virginia;
2. the City of Fairfax Zoning Ordinance and Public Facilities Manual be updated to include specific performance criteria relating to green development practices.;
3. consideration be given to providing an expedited review process as an incentive for adherence to a qualified green building rating program;
4. staff develop a suggested proffer for green building practices that can be incorporated into projects that require re-zoning or Special Exception approval.

The ESC recognizes that the imposition of standardized green building programs can be an economic disincentive to new development and sometimes results in the use of standards not suited to the specific needs of a jurisdiction or to the type of development being proposed. The ESC concluded that no single green building rating system will provide the best environmental performance for all development types in the City of Fairfax. While the ESC acknowledges that great strides have been made in green building practices in recent years, it is a new enough field that many programs are relatively untested, some entail large expenditures, and significant opportunities for best practices may be overlooked. Therefore, in lieu of adherence to any one green building program, the ESC proposes that the city use a list of reasonable, quantifiable and effective requirements that will improve the level of building performance with a minimum of cost and overhead. The city could also recognize, as an alternative for those applicants who have already invested in a certification program, standardized green building program certifications at the request of the applicant. The ESC has attached a sample proffer as illustration (at end of document). This approach would provide:

1. a minimum threshold to increase the energy efficiency and environmentally-friendliness of the city's built infrastructure
2. clarity and predictability to all stakeholders in the ongoing development of the City's built environment;
3. the opportunity to incorporate environmental, operational, construction and infrastructure related requirements in a unified manner;
4. flexibility in addressing specific needs and development types, and,
5. competitive economic development advantages to the City over similar jurisdictions by providing a set of clear, appropriate, effective green building expectations.

The ESC has endeavored to identify the most practical and effective methods of improving the resource efficiency of our built environment and believes the above recommendations will help set the City of Fairfax on a greener path. High performance buildings will not only be good for the environment but are in keeping with the Council's long-standing commitment to quality of the built environment.

#### **SAMPLE PROFFER CONDITION**

The ESC is providing the following example for green building guidelines for new residential construction. Similar baseline conditions can be crafted to apply to new commercial construction, renovation and rehabilitation. It is the committee's hope that the ESC can work with the Council, City Staff and interested stakeholders to craft a meaningful and useful Green Building Fairfax standards for development.

Suggested Green Building Fairfax Proffer Condition:

"The applicant shall design, construct and operate [Insert project name here] to achieve, at minimum, a level of Certified or greater as defined by a nationally recognized green building rating system. Acceptable green building rating systems shall include the latest version of USGBC LEED for Homes; EarthCraft; NAHB National Green Building Standard; EPA/DOE Energy Star for Homes. The applicant may choose instead of the above mentioned programs to build in compliance with the 2012 International Green Construction Code.

As an alternative to compliance with a nationally recognized green building rating , [Insert project name here] will include the following items:

1. Minimum density 6 units/acre
2. 50% of green area to be non-invasive, drought tolerant plantings other than turf; no in-ground irrigation system
3. Rainwater collection system
4. Permeable driveways and aprons
5. Permeable ground level pavers/paving/patios
6. Porous concrete sidewalks
7. Insulation package that meets or exceeds ICC 2012 Energy Code
8. Attic stair insulation
9. Pre-manufactured roof framing
10. Energy Star rated roofing products
11. Energy Star rated appliances
12. Maximum 1.28 gallon/flush water sense or dual flush toilets

13. Minimum 14.5 SEER HVAC systems
14. Zoned HVAC system with programmable thermostats
15. Maximum 1.25 GPM shower heads
16. Low-E glazing in all windows and doors
17. Insulation on all HVAC ducts > 4" diameter in non-insulated areas
18. Construction waste recycling program
19. Air barrier between conditioned and unconditioned spaces
20. Minimum 25% recycled content required for carpet, countertops, concrete

The applicant will be responsible for certifying that all of the above are incorporated in [Insert project name here] and understands that City of Fairfax officials can inspect for any of the above items, and withhold certificates of occupancy until all items have been installed in working order.