

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
THURSDAY, JULY 7, 2011**

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
James T. Migliaccio, Lee District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBER ABSENT:

Walter L. Alcorn, At-Large

ENVIRONMENTAL QUALITY ADVISORY COUNCIL MEMBER PRESENT:

Linda Burchfiel, At-Large

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
John R. Bell, Planner III, PD, DPZ
Scott T. Brown, Planner III, PD, DPZ
Bernard S. Suchicital, Planner II, Policy and Plan Development Branch, PD, DPZ
Carey F. Needham, Acting Director, Planning and Design Division, Department of Public
Works and Environmental Services (DPWES)
Ellen N. Eggerton, Engineer IV/Green Building Ombudsman, Land Development
Services, Building Plan Review Division, DPWES
Steve Nicholson, Coordinator, Technical Support and Sustainable Design, Office of
Design and Construction Services, Fairfax County Public Schools (FCPS)
Subhash Gambhir, Architect, Design and Construction Services, FCPS
Marlae Schnare, Senior Legislative Aide, Springfield District Supervisor's Office
Rosemary Ryan, Senior Legislative Aide, Braddock District Supervisor's Office
Barbara J. Lippa, Executive Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:

Tania Hossain, President, Fairfax County Federation of Citizens Associations (FCFCA)
Fred Costello, Chair, Land Use Committee, FCFCA
Flint Webb, Environment Committee, FCFCA
Lisa M. Chiblow, Land Use Planner, McGuireWoods LLP
Bill Cook, Planning Associate, Southeast Fairfax Development Corporation
LeighAnne Manwarren, Reporter, Patch.com
Jaha Morgan, Land Use Planner, Christopher Consultants, Ltd.

OTHERS PRESENT (Continued):

Molly Novotny, Senior Land Use Planner, Cooley LLP
Gail Parker, Planning and Zoning Committee, Mount Vernon Council of Citizens'
Associations
Rich Parks, Vice President, WPM Construction
Pete Rigby, Principal and Designer, Paciulli, Simmons & Associates, Ltd.
Inda E. Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Omer Syed, Director, Landscape Architecture, William H. Gordon Associates, Inc.
Matt Waiter, Property Manager, Corporate Office Properties Trust

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Chairman James R. Hart called the meeting to order at 7:01 p.m., in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Lawrence MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF MAY 26, 2011, BE APPROVED.

Commissioner Sargeant seconded the motion which carried unanimously.

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Chairman Hart noted that this meeting was the first of multiple opportunities for stakeholders to contribute feedback on the Draft Green Building Comprehensive Plan Policy Review Strawman document, a copy of which is in the date file.

Maya Dhavale, Planner III, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ), said this was intended as an overview/introductory meeting and stakeholders were welcome to provide input for consideration following her presentation. She presented background information on the current review of the Green Building Policy language, as depicted on page 1 of the strawman document. She requested that if people knew of others who wanted to be involved in this process to forward this information to them and have them contact her so she could include them in future notifications. Ms. Dhavale suggested that people submit their comments, concerns, and recommendations to plancom@fairfaxcounty.gov by Wednesday, July 20, 2011, so they could be discussed at the next Committee meeting on Wednesday, July 27, 2011. She said comments could be submitted until and after the public workshop on Wednesday, September 14, 2011.

Ms. Dhavale summarized the draft Green Building Policy language dated July 7, 2011, as outlined on page 2 of the strawman document. She next discussed the changes made to the draft Policy language, as outlined on pages 3 through 6. She noted that a comprehensive list of changes (as of July 7, 2011) was shown on pages 7 through 9.

Chairman Hart commented that the strawman document had undergone several iterations, but pointed out that the Committee had not voted or finalized the strawman. He said the Committee and staff wanted to receive input from stakeholders for incorporation into the final document.

Addressing the question, "Should certain credits be emphasized more than others?" listed on page 6 of the strawman document, Commissioner de la Fe said he thought that there should be flexibility rather than a specific checklist and rankings as part of a "one size fits all" approach.

Chairman Hart called for input from members of the audience.

In response to questions from Oomer Syed, Director, Landscape Architecture, William H. Gordon Associates, Inc., Ms. Dhavale stated that the Green Building Policy still applied only to development proposals and not by-right development. She explained that the Fairfax County Sustainable Development Policy for Capital Projects (available online at <http://www.fairfaxcounty.gov/dpwes/construction/sdpolicy.pdf>) directed appropriate County departments to incorporate the use of the LEED rating system into the design, construction, renovation, and operations of County facilities and buildings, which were not subject to the zoning process and were handled entirely by the Department of Public Works and Environmental Services (DPWES). She noted that Policy f would also address quasi-governmental uses that encouraged private companies involved in public-private partnerships, where land was leased or provided by the County, to meet or exceed County guidelines for green building certification. Mr. Syed asked for guidance as to why the strawman draft did not support the use of LEED for Neighborhood Development (LEED-ND) as an acceptable rating system. Ms. Dhavale explained that the Comprehensive Plan identified areas where the kind of transit-oriented, mixed use development supported by LEED-ND should occur; therefore, staff preferred to rely on that guidance to determine site selection, layout, and other neighborhood factors, and to focus more on individual green buildings. She explained that although LEED-ND awarded credit for individual green buildings, it was possible, for example, that a 10-building LEED-ND project could contain only a few green buildings; whereas, a project comprised of 10 individual building commitments to LEED for New Construction (LEED-NC) with a similar site design would be more beneficial to the County.

Mr. Syed recommended that the Policy provide flexibility for a developer to attain certification under the LEED-ND rating system if it was determined that this system would be more suitable for the greater good of the neighborhood's development and would enable its connectivity and a holistic view of its stormwater.

Chairman Hart requested that speakers e-mail their suggestions and comments to plancom@fairfaxcounty.gov.

Mr. Syed pointed out that LEED projects in the County were subject to both DPWES review of stormwater management and best management practices and the certification review process for LEED Sustainable Sites (SS) Credits 6.1 and 6.2, Stormwater Design: Quantity and Quality Control. He suggested that development proposals only be evaluated at the LEED level.

Inda Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, raised a concern about a proposed addition to Policy a that would call for higher levels of green building performance for developments with exceptional intensity or density as it related to a proposed addition to Policy c that would call for exceeding County expectations in two or more specific green building categories for residential proposals above the mid-range of the Plan density range. Ms. Dhavale stated that if the green building practices incorporated into a development proposal exceeded two or more of the measurable categories outlined in Policy c, the proposal would most likely be seeking higher intensity or density. She said in Policy a, the example of "exceptional intensity or density" as "at 90 percent or more of the maximum planned density or intensity" attempted to provide clarity of what "exceptional" might mean, and staff would be willing to consider proposals for a better definition. Ms. Dhavale explained that Policy c ensured that applicants demonstrated commitment to green building practices beyond the standard expectation of the County, although this would not reflect the commitment to higher levels of green building performance in developments with exceptional intensity or density, as depicted in Policy a. She noted that in the rare case a proposal sought 90 percent or more of the maximum planned density or intensity, staff wanted assurance that it would provide something exceptional such as higher levels of green building performance. She said the measurable categories outlined in Policy c described the green building practices that would be given priority for the particular project, given its site constraints; for example, stormwater management could be substituted by renewable energy.

Ms. Stagg suggested that staff compile a list of "equivalent" green building rating systems, post it on the Internet so it could be accessible to developers, and update it as necessary. Ms. Dhavale concurred with this suggestion.

Pete Rigby, Principal and Designer, Paciulli, Simmons & Associates, Ltd., presented the following recommendations:

- Clearly define "buildings" in Objective 13 and in subsequent references throughout the Policy.
- The U.S. Green Building Council (USGBC) was not a third-party organization and essentially sat as "judge and jury" on whether projects met LEED certification standards and there was no legal recourse against the USGBC for a LEED applicant or third-party challenger who disagreed with its determinations. Therefore, alternative rating systems should not be evaluated based on their equivalency to LEED.
- Include a reference to LEED-ND.
- Amend the bulleted list under Policy b to explicitly state the measurements of energy efficiency and comprehensive green building practices that would be assessed by the LEED-NC or LEED-CS program or an equivalent program.
- Revise Policy f to read, "Encourage private companies involved in public-private partnerships, where land is leased or provided by the County, to meet or exceed current applicable County guidelines for green building certification."

Answering a comment from Mr. Rigby, Ms. Dhavale explained that the intent of Policy g was not to limit the provision of charging stations and related infrastructure for electric vehicles within residential areas, but to call attention to situations in multi-family residential developments where this infrastructure would need to be provided. Noel Kaplan, Senior Environmental Planner, EDRB, PD, DPZ, noted that it typically took several hours to completely charge an electric vehicle; therefore, people should have the opportunity to charge their electric vehicle where they live. He explained that Policy g was not intended to preclude the provision of electric vehicle charging facilities in commercial and industrial developments, but simply recognized that many multi-family residential developments, particularly mixed-use residential centers, would need to provide these facilities in parking lots or parking structures if garages were not available.

Following a brief discussion, it was the consensus of the Committee that Policy g should be revised to clarify that the provision of charging stations and related infrastructure for electric vehicles was encouraged all over the County but particularly in multi-family residential and townhouse developments.

In reply to more suggestions from Mr. Rigby, Ms. Dhavale indicated that the second sentence under Policy c would be modified to indicate that "measurable" referred to the rating system chosen by the applicant. She said the County accepted the National Association of Home Builders' (NAHB) National Green Building Standard as an alternative residential green building rating system because ENERGY STAR qualification for homes was one of the three energy pathways required to attain NAHB certification.

Gail Parker, a member of the Planning and Zoning Committee of the Mount Vernon Council of Citizens' Associations, representing Montebello, expressed support for including "Use of renewable energy resources" as one of the practices encouraged by this Policy, noting that the majority of the energy used in the United States came from consumable energy sources. She recommended that Policy f also encourage the use of renewable energy sources at County facilities and buildings such as the installation of solar panels, wind turbines, or geothermal heating and cooling systems.

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Chairman Hart announced that the following additional Committee meetings would be held:

- Wednesday, July 27, 2011, 7 to 9 p.m., Board Auditorium – Discussion with stakeholders to receive their feedback on proposed changes to the Green Building Policy; and
- Wednesday, September 14, 2011, 8:15 p.m., Board Auditorium – Public workshop to provide the opportunity for people to discuss issues regarding the Policy. (*Note: This was subsequently changed to a full Commission meeting.*)

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The meeting was adjourned at 8:02 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 27, 2011

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