

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
THURSDAY, NOVEMBER 15, 2007**

COMMITTEE MEMBERS PRESENT:

Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-large
Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBERS ABSENT:

Walter L. Alcorn, At-Large
Nancy Hopkins, Dranesville District
Rodney L. Lusk, Lee District

OTHER PLANNING COMMISSIONERS PRESENT:

Earl L. Flanagan, Mount Vernon District
Peter F. Murphy, Jr., Springfield District

PLANNING COMMISSION STAFF PRESENT:

Barbara J. Lippa, Executive Director, Planning Commission Office
Linda B. Rodeffer, Clerk to the Planning Commission

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) MEMBER PRESENT:

Stella Koch, Chairman, At-Large

COUNTY STAFF PRESENT:

Pamela Nee, Chief, Environment and Development Review Branch, Planning Division
(PD), Department of Planning and Zoning (DPZ)
Noel Kaplan, Senior Environmental Planner, PD, DPZ
Jennifer Bonnette, Planner, PD, DPZ
Dawn Dhavale, Planner II, PD, DPZ
James Patteson, Director, Land Development Services (LDS), Department of Public
Works and Environmental Services
Carey Needham, Planning and Design Division, DPWES
Teresa Lepe, Planning and Design Division, DPWES
Stephen Turchen, LDS, DPWES
Zack Fields, Land Use Aide, Board of Supervisors' Chairman's Office
Kambiz Agazi, Environmental Coordinator, Office of the County Executive

OTHERS PRESENT:

Harrison A. Glasgow, Fairfax County Park Authority/Tree Commission
Peter Rosen, JPI
John Begert, JPI
Donald Gibson, JPI
Pamela Vosburg, Virginia Sustainable Building Network

OTHERS PRESENT (Continued)

Stephen Vandivere, West Fairfax County Citizens Association
Genelle McDonald, Balfour Beatty Construction

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Chairman James R. Hart called the meeting to order at 7:30 p.m. in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Sargeant MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF OCTOBER 4, 2007 BE APPROVED.

The motion was seconded by Commissioner de la Fe and carried unanimously.

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Chairman Hart announced that the committee would discuss text changes to the proposed Policy Plan Amendment on Air quality and Green Building as a result of the testimony received at the public hearing held on November 8, 2007 and other comments received. He noted that a memorandum from Fred Selden, Director, Planning Division (PD), Department of Planning and Zoning (DPZ), dated November 14, 2007, had been distributed which transmitted the proposed revisions. (A copy of the memorandum is in the date file.)

Noel Kaplan, Senior Environmental Planner, PD, DPZ, reviewed the proposed changes as shown in the memorandum as follows:

- Page 4, Policy h.: replace “possible” with “practicable.”
- Page 6, Policy a., Add: “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 needs.”
- Page 6, Policy b.: Clarify that the “four or more stories” limitation was meant to apply to multifamily residential development proposals and not to nonresidential development proposals.
- Page 7, Policy b. (second bullet): “as a permitted use” added to clarify that “existing zoning” was intended to address by-right development.
- Page 9: Definitions of Energy Conservation and Energy Efficiency added.

Mr. Kaplan said a question had been asked at the public hearing if revitalization areas were included in Policy b. He said staff's initial response had been that this was not necessary because revitalization areas were located within growth centers. He explained that the one exception was Lake Anne which was a revitalization area but not located within a growth center. He said consideration had been given by staff to suggesting language to specifically address Lake Anne or to reference revitalization areas and districts in general, but staff was not suggesting either approach since Lake Anne was subject to an Area Plan amendment which was scheduled to be heard by the Planning Commission in the future. He said green building linkages could be addressed at that time.

Mr. Kaplan explained that another change that was suggested at the public hearing but was not being recommended by staff, was the inclusion of language indicating that the policy was not intended to suggest that the impact of higher density green building on infrastructure should be overlooked. He said staff's reasoning was that Plan amendments and zoning cases requesting densities at the high end of the range were always carefully scrutinized for compliance with all applicable policies and the benefits weighed against adverse impacts. He pointed out that green building practices would not obviate the need for compliance with any other policies.

Commissioner Lawrence made reference to Objective 1, Policy a., "Preserve and improve air quality," found on page 2, which stated: "Consistent with other Land Use and Transportation objectives....". He said that the proposed policies addressing green building practices did not mention other complex elements of infrastructure or state that every effort would be made to produce balanced systems without engaging in subsystem optimization. Chairman Hart asked if balance should be addressed elsewhere in the amendment to ensure that one system was not sacrificed for another. Mr. Kaplan responded that the language proposed within the air quality policy acknowledged that other policies existed throughout the Policy Plan consistent with air quality protection. He said a preface could be added to Policy a., Green Building, on page 6, that said: "Consistent with other Comprehensive Plan policy, encourage the application of energy conservation, water conservation, and other green building practices." Commissioner Lawrence said he thought that was a good idea because it would increase the face validity of the Comprehensive Plan and assure citizens that density would be balanced with infrastructure capacity. Chairman Hart suggested that Objective 1, Policy a. be revised to state: "Consistent with other Policy Plan objectives, encourage" to make it clear that nothing would be sacrificed.

Chairman Hart said with the consensus of the committee, he would **MOVE TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT AT THE COMMISSION MEETING TONIGHT SINCE THE REVISIONS DISCUSSED WERE NOT SUBSTANTIVE.** The motion was approved without objection.

Mr. Kaplan said during discussion of green building linkage to high intensity/density ranges and Plan options at the public hearing, he had referred to LEED silver certification or its equivalent when he meant to say the LEED certified level.

Commissioner Flanagan said it had been pointed out during the public hearing that savings resulting from green building would benefit owners or tenants but not the developers and said this could serve as a disincentive. Mr. Kaplan responded that some studies indicated that there was little or no cost to attain the LEED certified level but higher levels would incur increased costs. He said it was true that life cycle benefits, such as water and energy conservation and indoor air quality improvement, would accrue to occupants and managers, not builders. He said there had not been enough experience yet to know if higher rents could be charged for green buildings. Mr. Kaplan pointed out that the purpose of the proposed amendment was to encourage green building and incentives for doing so would be addressed separately. Chairman Hart added that the Planning Commission was not ready to go forward with specific recommendations at this time but he would make follow-on motions recommending that the Board direct staff to evaluate the incentive options further. He said these included potential rebates for water tap, sewer or other fees; implementation of tax credits for new buildings or retrofitting existing buildings; potential expedited processing; ongoing evaluation of energy efficiency and performance bonds or escrows; and such other topics as may be directed by the Board to coordinate discussion with other agencies and the Planning Commission's Environment Committee, where appropriate and report back to the Board. He said a second motion would be made recommending that the Board refer the issue of creating a Green Fund to collect monetary contributions as part of the development process back to staff for further review, consideration, and recommendation and that the policies be reviewed in two years.

Commissioner Sargeant said he thought retrofitting was very important because it would provide a new emerging market.

Commissioner Murphy said incentives were necessary to encourage green building and asked how they would be implemented. James Patteson, Director, Land Development Services, Department of Public Works and Environmental Services, explained that incentives could be implemented in various ways. For example, he said tax credits and permit fees would be subject to County Code provisions and expedited processing would be handled by internal procedures.

Commissioner Murphy said he thought it would be cumbersome to address incentives in various sections of the County Code. Mr. Kaplan said he thought the Board was looking for conceptual guidance from the committee about possible incentives such as changing the formula for expediting plan review at the site plan stage or tax rebates. He said until it was decided how green building would be incentivized above and beyond linkages in the Policy Plan, a process could not be established.

In response to a question from Commissioner Flanagan, Mr. Kaplan said there was nothing in the amendment that would establish a graduated scale of bonus density or density ranges based on different levels of LEED certification. He said it established linkages within the growth centers indicating that at the high end of the density range, there would be an expectation of design excellence through proffers. He said incentives for going above the base certified level of LEED could be determined by Area Plans studies, task forces, and similar groups.

Commissioner de la Fe commented that since incentives for green building had not yet been established, this discussion was premature. Commissioner Murphy agreed but pointed out that the motion did not give the Board enough direction to centralize their focus as to what types of incentives were desirable and that he did not think addressing them in many different County Codes or leaving it up to task forces would be workable.

Commissioner Lawrence said inclusion of measures of effectiveness required for green building was absolutely fundamental to this process.

Mr. Patteson said building industry representatives had articulated the need for incentives to offset increased costs of green building, such as expedited processing and reimbursement of fees. He noted that expedited processing for developments with affordable dwelling units (ADUs) was policy although it was not mentioned in the Comprehensive Plan. He said perhaps green building development could be handled the same way.

After discussion about the possibility of deferring the Planning Commission's decision on the proposed amendment tonight to November 28, 2007, Chairman Hart decided that he would **MOVE APPROVAL OF THE AMENDMENT TO THE BOARD OF SUPERVISORS WITH FOLLOW-ON MOTIONS ADDRESSING INCENTIVES.** No objections were expressed.

Chairman Hart said a committee meeting would be scheduled in January 2008 to further discuss green building incentives.

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The meeting was adjourned at 8:17 p.m.
James R. Hart, Chairman

For a verbatim record of this meeting, reference may be made to the audio recording which can be found in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Linda B. Rodeffer

Approved: January 16, 2008

Linda B. Rodeffer, Clerk
Fairfax County Planning Commission