

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JULY 10, 2014**

PRESENT: Peter F. Murphy, Springfield District  
Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
James R. Hart, Commissioner At-Large  
Ellen J. Hurley, Braddock District  
John C. Ulfelder, Dranesville District  
James T. Migliaccio, Lee District  
Earl L. Flanagan, Mount Vernon District  
Kenneth A. Lawrence, Providence District  
John L. Litzenberger, Jr., Sully District  
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Timothy J. Sargeant, Commissioner At-Large

//

The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening and received a presentation from county staff regarding the upcoming Noise Ordinance changes and held a discussion on the report by Mitre II on building energy consumption. He added that additional meetings would be held on the following dates, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center:

- Wednesday, July 30, 2014, (EV Charging Station Infrastructure)
- Thursday, October 2, 2014, (No topic/agenda at this time)
- Thursday, October 23, 2014, (No topic/agenda at this time)

//

Commissioner Lawrence announced that the Commission's Tysons Committee would meet on Thursday, July 17, 2014, at 7:00 p.m., in the Board Conference Room to discuss the Tysons Urban Design Guidelines.

//

SE 2013-MA-010 – DEYI AWADALLAH (GLEN CARLYN CHILDCARE CENTER)

(Decision Only) (Public Hearing held on April 24, 2014)

Commissioner Hall: Thank you, Mr. Chairman. This evening, we have a decision only from the Mason District. It's Special Exception 2013-MA-010. I am going to recommend that we defer until July 24<sup>th</sup> because the staff needs additional time to review a – newly submitted plans, so we're not going to do the decision this evening. In order to allow the staff time to review newly submitted plans and publish the staff report addendum, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2013-MA-010, TO A DATE CERTAIN OF JULY 24, 2014, WITH THE RECORD TO REMAIN OPEN FOR ANY WRITTEN COMMENTS.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to continue the decision only on SE 2013-MA-010, the Glen Carlyn Childcare Center, to a date certain of July 24<sup>th</sup> with the record - record remaining open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2014-MV-008 – LOURDES C. ALVAREZ, MAMILULY DAYCARE, LLC
2. SE 2014-MA-003 – KENNETH H. FISHER

This agenda was accepted without objection.

//

SE 2014-MV-008 – LOURDES C. ALVAREZ, MAMILULY DAYCARE LLC – Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility. Located at 8018 Diving Cliff Lane, Springfield, on approx. 8,740 sq. ft. of land zoned PDH-3. Tax Map 98-1 ((4)) 10. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Lourdes C. Alvares, Applicant, reaffirmed the affidavit dated October 15, 2013.

There were no disclosures by the Commissioners.

Kris Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2014-MV-008.

Referencing the first paragraph under Safety Analysis on page 3 of the staff report, Commissioner Flanagan expressed concern about the safety of the center, with regard to emergency exits. Ms. Abrahamson explained that there was a slightly undersized window that required a minor modification, which the applicant had agreed to do. When Commissioner Flanagan asked if there was a kitchen, Ms. Abrahamson explained that there was a food preparation area with a microwave oven, refrigerator, and a small counter space. She added that the outlets were up to code and that the house was in very good condition.

Commissioner Hedetniemi asked if there was a side entrance for parents to access the daycare center. Ms. Abrahamson confirmed that there was.

Commissioner Hart asked if county staff had confirmed that the emergency features were in conformance with state and county codes. Ms. Abrahamson confirmed that staff had reviewed all emergency features, including the wiring, and noted that building permits were on file with the county. Commissioner Hart referenced the revised development conditions, dated July 9, 2014, and asked Ms. Abrahamson if the pergola would be approved at a later time. Ms. Abrahamson said yes, noting that only the childcare use would be approved this evening. Commissioner Hart cautioned that care is taken to ensure that the proper procedural processes were followed when the time came to address the pergola.

Chairman Murphy called the one listed speaker and recited the rules for testimony.

Kim Watson, 7477 Thorncliff Lane, Springfield, spoke in support of the application, adding that she could trust that her children were in a safe and loving environment every day.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Alvarez, who stated that she would make the modifications suggested by staff.

Commissioner Flanagan asked Ms. Alvarez how many children attended her daycare. Ms. Alvarez said that there were 12. When he asked her if she had been licensed by Fairfax County, she told him no, adding that she had obtained her license through the State of Virginia. She added that the daycare was inspected and approved by state inspectors, noting that she made sure the property was well taken care of, and in compliance with the *Code of Virginia*.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case.

//

Chairman Murphy: The public hearing is closed. Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. It's my pleasure to MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MV-008, SUBJECT THE DEVELOPMENT CONDITIONS NOW DATED JULY 9, 2014.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

//

SE 2014-MA-003 – KENNETH H. FISHER – Appl. under Sect. 3-204 of the Zoning Ordinance to operate a congregate living facility. Located at 3918 Larchwood Road, Falls Church, on approx. 13,830 sq. ft. of land zoned R-2 and HC. Tax Map 61-3 ((13)) 224. MASON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated June 3, 2014.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Strobel's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014-MA-003.

Chairman Murphy requested confirmation from Mr. Krasner that the application proposed an institutional use, which was permitted in a residential area. Mr. Krasner confirmed that it was.

Ms. Strobel provided a brief history of the subject property, adding that county staff had determined that a Special Exception application was required for this congregate living facility. She stated that the applicant proposed to increase the number of bedrooms to allow 15 residents to live in the house. She added that upon completion, the home would remain well within the floor area limitations permitted for nonresidential uses in a residential district. She noted that residents of the home were required to either work, attend school, or volunteer during the day, and added that nearby public transportation was typically how residents traveled. Ms. Strobel stressed the importance of the home's security as well as the maintenance of its residential appearance, noting that the home's appearance would be maintained throughout its

improvement. She stated that the property was in compliance with the county code and *State Code*, with the following two exceptions:

- An existing patio in the back of the house was approximately 2.5 feet too close to the property line and could easily be cut and removed, which the applicant agreed to do. She add that if it were not done before the Board of Supervisors' hearing, a development condition would be added to ensure that it was done; and
- There was a small retaining wall on the property for which it was unclear from existing records whether there was a building permit; therefore, the applicant intended to obtain a building permit as part of this improvement process.

Ms. Strobel stated that the proposed congregate living facility provided a valuable service to Fairfax County residents. In addition, she requested that members of the audience in support of the application stand to be recognized.. She added that the application had the support of county staff and the Mason District Land Use Committee and requested the Commission's favorable consideration.

Commissioner Flanagan asked how many bedrooms the house would have after completion. Ms. Strobel stated that there would be a total of seven bedrooms and said that the total number of residents would include adults as well as children. Commissioner Flanagan asked if there would be enough bathroom space to meet the needs of all the tenants in the building, Ms. Strobel said yes and explained that the applicant must comply with all building requirements in the *Virginia State Code*.

Catherine Hassinger, Executive Director, Bethany House Congregate Living, 6121 Lincolnia Road, Alexandria, addressed Commissioner Flanagan's question, explaining that there were currently three bathrooms in the house and three more would be added for a total of six. In addition, she described where each was located in terms of which floor and proximity to the bedrooms.

Chairman Murphy asked how long the facility had been in operation, to which Ms. Hassinger responded since 1995. When he asked if it pre-dated the surrounding neighborhood, Ms. Hassinger said no.

Chairman Murphy called the first listed speaker and recited the rules for testimony.

Amanda Tenorio, P.O. Box 1133, Richmond, stated that she was a former client of the subject residence and detailed her experience leading to her arrival at the house. She described programs she used to get back into the workforce while also following house guidelines in place to provide residents with a sense of normalcy and security. She pointed out that bathrooms and other facilities, such as laundry, were shared without issue, particularly since the residents had all come from similar backgrounds. She also noted that the home's proximity to a local police station added to its security.. She acknowledged that staff was not constantly onsite; however, they were present throughout the day for counseling appointments, case management, or to check in on the residents. Ms. Tenorio stated that she was now a case manager working with clients in the house, and said that the proposed addition would be an asset to the community.

Christy Eaton, 3715 Forest Grove Drive, Annandale, Executive Director for HomeAid Northern Virginia, spoke in support of the application and said the improvements to the house would not only help the people who need it, but also increase home values in the neighborhood. She added that safe and stable environments allowed people to escape from the trauma and stress they've had in their lives a lot more quickly. Consequently, investment in the house would allow for the provision of additional services to more people and to the people already in residence. She said that with someone onsite 24 hours a day, the residents could rest assured that they were safe and secure, adding that this security would extend to the neighborhood. She further noted that HomeAid had thoroughly vetted the applicant prior to investing approximately \$500,000 toward the improvements, and requested that the Planning Commission support the application.

Commissioner Flanagan asked if Ms. Eaton lived near the residence. Ms. Eaton said that she lived in a nearby adjacent neighborhood.

Michael Scheurer, 11665 Mediterranean Court, Reston, Member, Board of Directors, HomeAid Northern Virginia, spoke in support of the application, stating that the services provided in the house were exemplary and benefitted people in crisis and in need. He noted that the builders/suppliers who would be involved with the expansion of the house comprised many of the area's leading home builders, guaranteeing the highest standards in quality. In addition, he said that HomeAid had fulfilled many commitments to non-profit and public partners, ensuring that each completed project became a positive asset to the community in which it was sited.

Karen McDaniel, 6516 Columbia Pike, Falls Church, spoke in opposition to the proposed expansion and stated that, contrary to previous testimony, there was not a 24-hour presence at the house. She added that residents did not park in the house's driveway, but rather on the street in front of her residence. In addition, she expressed concern with regard to the proposed garage, noting that the tenant had converted the existing garage into living space, and was afraid that it would happen again with the new garage. Also, she feared that the improvements would make the house look like an apartment building. She stated that children coming from the house often played basketball in her driveway instead of using a nearby playground and cut through her backyard when going to and from the bus stop. Additionally, Ms. McDaniel recalled an incident when an aggressive person who had mistakenly tracked a cell phone number to her residence came banging on her door. She requested that the application be denied.

Commissioner Hall asked Ms. McDaniel if she had contacted anyone from the residence regarding her concerns. Ms. McDaniel confirmed that she had; however, she did not call the police about the parking issue because it was not illegal to park on a public street. She pointed out that the applicant had misrepresented the residents by saying they did not own cars; however, Commissioner Hall countered that the applicant said that many of the residents did not own a vehicle, which meant that some did. Ms. McDaniel questioned how many of the people from the audience who had stood up earlier in support of the application lived near the subject site.

Sheila Kyer, 3913 Whispering Lane, Falls Church, opposed the application, citing parking issues. She added that residents waited on her property for the bus and expressed concern that the increase in residents would only exacerbate the existing problem.

Presoilo Lapada, 6502 Columbia Pike, Falls Church, lived a short distance from the site and said that during the 13 years he resided in the neighborhood, he had been unaware that the house provided congregate shelter living facilities. In addition, he stated that the applicant had not met with the community to discuss the proposed improvements, adding that he had no idea about them until he received the notification for this evening's public hearing. He requested that the decision be deferred until the community could meet with the shelter staff.

Commissioner Hall asked Mr. Lapada if there was a homeowners association (HOA) in his neighborhood, to which he said no. She asked him if he had seen any other forms of advertisement regarding the case, such as flyers from the Mason District Supervisor's Office, or the sidewalk "sandwich board" sign. He admitted that he had seen the latter. Commissioner Hall said that this application had gone before the Mason District Land Use Committee twice, adding that the county attempted to make every effort to notify its citizens.

Thomas R. Hopkins, 3823 Larchwood Road, Falls Church, questioned the effect of the proposed expansion, noting that while the home provided admirable services, the neighborhood had been experiencing problems with single-family homes being used to house multiple residents. He added that parking was problematic and said that residents' vehicles were often parked in front of the house and on the street.

Bethany Jones, 3908 Larchwood Road, Falls Church, spoke in opposition to the application and stated that the proposed expansion would be incompatible with the neighborhood. Referencing "Vehicle Access and Parking" on page 4 of the staff report, she pointed out that there was no existing garage and questioned the applicant's inclination to adhere to its proposed parking plan. She added that the parking proposed by the applicant was more than twice the parking provided to any other single family home within a four-block radius. She stated that the increase in traffic, parking, activity, and proposed intensity were incompatible with the existing development. Ms. Jones also pointed out that pages 2 and 8 in the staff report mentioned the shelter's proximity to a police station, and asked if that might be in anticipation of the need for quicker response times. She further questioned the safety and anonymity of the shelter given the publicity of this evening's hearing.

Delbert Jones, 3908 Larchwood Road, Falls Church, expressed concern about conflicting speaker remarks regarding the presence of the onsite staff. He stated that the sidewalk sign regarding the public hearing appeared the same day he received the certified letter and added that there was no other community engagement. In addition, he asked how many of the audience members in support of the application lived near the shelter.

Kristen Foti, 3817 Larchwood Road, Falls Church, spoke in support of the application. She noted that she had recently moved into the neighborhood, but added that she had not received notification about the shelter. She said that community outreach by shelter staff would have eased many of the apprehensions the residents now experienced. In addition, she said that the proposed design was incompatible with the neighborhood and suggested that a modified design that was more in line with the surrounding development should be submitted.

Commissioner Hall asked Ms. Foti if she was aware that the house was a shelter. Ms. Foti said she found out shortly after moving in. She added that the shelter maintained its anonymity well

and had no impact on the surrounding home values, noting that her home as well as the adjacent one was sold for more than the rest of the homes in the neighborhood.

David Falletti, 3907 Larchwood Road, Falls Church, opposed the application citing incompatibility with the neighborhood and negative impacts on the safety of the nearby intersection, the character of the neighborhood, and the property values of the houses on Larchwood Road. He also reiterated earlier remarks regarding the lack of parking and the conversion of the garage into living space.

Richard Hannibal, 1727 Baldwin Drive, McLean, stated that during his 19-year tenure as a shelter board member, he could not recall any incidents with police with regard to safety, parking, or complaints from neighbors.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel, who explained that in order to minimize the publicity of the shelter, a board member of the shelter was given as the name for the application. She noted that she had learned about the sidewalk sign having been moved this morning, and contacted Ms. Hassinger, who placed the sign in the proper position. Addressing remarks regarding outreach, she said that she had contacted the Mason District Supervisor's Office and sent letters in April to the list of community contacts she had been provided. She stated that two of the recipients lived on Whispering Lane and did not respond with comments. She also noted that the application had gone before the Mason District Land Use Committee twice. Ms. Strobel pointed out that the number of residents would increase by 6, from 9 to 15, with many of them being children. She acknowledged that there was currently no garage; however, this application would meet the Zoning Ordinance requirements for parking. With regard to the cell phone incident, Ms. Strobel stated that there had been a stolen cell phone in the area at the time; however, it was not traced to the shelter. She noted that Ms. Hassinger had received a crime report for the general area around the shelter and found that over a period of two and a half years, from January 2012 through July 2014, there were five instances that were reported along Larchwood Road, which was consistent with the rest of the area.

Commissioner Hall asked staff who was responsible for placing the sidewalk signs. Mr. Krasner said county staff was responsible. When she asked when they were posted, he said that the signs were posted between 15 and 21 days prior to a public hearing.

Commissioner Hall asked what might happen if someone were to knock on the door of the shelter. Ms. Hassinger explained that a staff person would open the door; however, if staff were not present, then no one would answer the door. She added that the incident regarding the cell phone had been addressed and said that shelter staff interacted with the neighbors often with positive results. Commissioner Hall asked whether someone would cover for the staff person if the onsite staff person needed to leave the premises. Ms. Hassinger said no and explained that "24-hour staff" meant that someone employed by the shelter lived at the house. She then detailed the guidelines for the clients who came to live at the shelter and the expectation for them to find jobs. She added that daycare services were not provided onsite, but noted that the shelter worked with county agencies to provide them. When Commissioner Hall asked if there was somewhere a phone number might be posted for the adjacent neighbors to contact the shelter, Ms. Hassinger said no, adding that she would take it into consideration. In addition, Ms. Hassinger stated that

the shelter provided all of its clients with a rules and regulations packet regarding behavior within and outside of the house prior to their entrance, adding that there was also a written and verbal process to hold clients accountable. When Commissioner Hall asked Ms. Hassinger if the shelter staff knew the neighbors, Ms. Hassinger said that they knew some of the residents, but maintained a low profile in the interests of the shelter's anonymity. Commissioner Hall announced that she would defer the decision on this application at the end of public hearing.

Commissioner Hart asked staff what the threshold was for a by-right congregate living use. Ms. Abrahamson stated that it was eight residents. She also confirmed that with the Special Exception application for 15 residents, the applicant would be limited to the requirements in the development conditions, adding that another public hearing would be required if additional changes were needed. When Commissioner Hart asked if the house could be doubled in size by right, Ms. Abrahamson said yes, adding that the Special Exception application would limit such an expansion. Commissioner Hart asked if the sidewalk sign had been up long enough for residents to see it, to which Ms. Abrahamson had explained that the sign had been up longer than was required, certified letters were sent to residents, and notification was published in a local newspaper.

Commissioner Flanagan questioned if the converted garage had been issued a permit for the use. Ms. Strobel said she would determine whether or not there was one. In response to additional questions from Commissioner Flanagan, Ms. Strobel stated that shelter staff had contacted Ms. McDaniel in regard to the issues she had and reiterated that she had obtained the list of contacts she had from the Mason District Supervisor's Office and reached out to them.

Commissioner Hedetniemi suggested that the shelter create a schedule whereby its staff could be onsite 24 hours a day. She added that although the public process might have compromised the shelter, the anonymity of the residents had not been compromised.

Commissioner Litzenberger asked why the applicant had not met with the community prior to going before the Mason District Land Use Committee. Ms. Strobel said that after sending out the letters, there was no response and no one had requested a meeting. When Commissioner Litzenberger asked if this residence was tax exempt, Ms. Strobel said yes, adding that the proposed improvements would increase the value of the home. Commissioner Litzenberger asked how the shelter was funded. Ms. Hassinger explained that as a private, non-profit organization, the shelter was entirely funded by donations by local governments, private foundations, and fundraisers.

Commissioner de la Fe expressed concern about this case being heard publicly, given the shelter's nature. He asked if the reason for the publicity was because of the expansion. Ms. Abrahamson said yes. Ms. Strobel added that the decision to go through the public process was not easy, but it made more sense given the costs of purchasing available properties versus the renovation of the existing house and its location.

Commissioner Ulfelder asked what the average length of stay would be for clients. Ms. Hassinger stated that it was typically three months, which allowed them to become self-sufficient and find a new residence. He said that given the turnover rate, the shelter's proximity to the

police station, as well as tonight's hearing, he did not feel that the shelter's security would be compromised.

Ms. Hassinger pointed out that a significant amount of time had been spent researching other available properties, inside and outside of Fairfax County. She stated that the available land was very expensive and might not be zoned appropriately. She added that properties that were properly zoned tended to be very small.

Commissioner Lawrence and Ms. Hassinger briefly discussed a possible meeting with the immediate neighbors, wherein Ms. Hassinger stated that it would be beneficial for everyone to address the concerns expressed this evening, particularly given the shelter's long history in the community.

Chairman Murphy recalled a case where the public outreach had been exemplary from the beginning and explained that it was imperative that the applicant be as open and transparent as possible with the neighbors in order to instill trust. With regard to the notifications, he explained that the applicant and the county could notify only the contacts that were provided to the District Supervisor's Office. He suggested that the residents form a civic/homeowners or neighborhood association and submit the relevant information.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case.

//

Chairman Murphy: The public hearing is closed. Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. I want to thank all the citizens who came out this evening. I would recommend that you wait a minute for Ms. Strobel to come up and get your telephone numbers or get somebody who can contact you all about having a meeting. I really think it would be worthwhile. Obviously, this case is not ready to move on. We need to do some more work and outreach with the community; so therefore, Mr. Chairman, I PROPOSE THAT APPLICATION SE 2014-MA-003, THE DECISION FOR THAT APPLICATION, BE DEFERRED TO JULY 24, 2014, WITH THE RECORD TO REMAIN OPEN FOR ANY WRITTEN COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2014-MA-003 to a date certain of July 24th with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Sargeant was absent from the meeting.

//

The meeting was adjourned at 10:14 p.m.

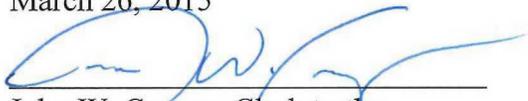
Peter F. Murphy, Chairman

Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,  
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: March 26, 2015

  
\_\_\_\_\_  
John W. Cooper, Clerk to the  
Fairfax County Planning Commission