MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 14, 2011

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District

ABSENT: Walter L. Alcorn, Commissioner At-Large
Janet R. Hall, Mason District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:17 p.m. by Secretary Suzanne F. Harsel, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart announced his intent to defer the public hearing on the proposed Zoning Ordinance Amendment regarding independent living facilities for low-income residents and modifications to the definitions of dwelling unit and independent living facility, scheduled for Thursday, September 15, 2011, to a date certain of Thursday, November 17, 2011.

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FS-H11-25 – NEW CINGULAR d/b/a AT&T and VERIZON, 11975 Lake Newport Road

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND THAT THE TELECOMMUNICATIONS FACILITY CO-LOCATION PROPOSED BY AT&T MOBILITY AND VERIZON WIRELESS, LOCATED ON A DOMINION VIRGINIA POWER SUBSTATION STATIC POLE NEAR STUART ROAD AT 11975 LAKE NEWPORT ROAD, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hart seconded the motion which carried unanimously with Commissioners Alcorn, Hall, Migliaccio, Murphy, and Sargeant absent from the meeting.

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2232A-D99-13-1 – AT&T MOBILITY, 1089 Liberty Meeting Court
FSA-D97-39-3 – AT&T MOBILITY, 10516 Leesburg Pike
FSA-Y99-15-2 – AT&T MOBILITY, 13224 Franklin Farm Road

Secretary Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING THREE CONSENT AGENDA ITEMS: 2232A-D99-13-1, PROPOSED BY AT&T MOBILITY, LOCATED AT 1089 LIBERTY MEETING COURT; FSA-D97-39-3, PROPOSED BY AT&T MOBILITY, LOCATED AT 10516 LEESBURG PIKE; AND FSA-Y99-15-2, PROPOSED BY AT&T MOBILITY, LOCATED AT 13224 FRANKLIN FARM ROAD.

Without objection, the motion carried unanimously with Commissioners Alcorn, Hall, Migliaccio, Murphy, and Sargeant absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel noted that there was only one item on the agenda:

1. ENVIRONMENTAL WORKSHOP: DISCUSSION OF DRAFT STRAWMAN FOR REVISIONS TO THE FAIRFAX COUNTY GREEN BUILDING POLICY

This order was accepted without objection.

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ENVIRONMENTAL WORKSHOP: DISCUSSION OF DRAFT STRAWMAN FOR THE FAIRFAX COUNTY GREEN BUILDING POLICY – The Planning Commission will receive a briefing from Department of Planning and Zoning Environment Branch staff and hold a discussion with stakeholders to receive feedback regarding the strawman document for proposed changes to the Green Building Policy. PUBLIC WORKSHOP.

Noel Kaplan, Senior Environmental Planner, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ), introduced Maya Dhavale, Planner III, EDRB, PD, DPZ, who presented background information on the current Green Building Policy Plan review process. She said the purpose of this public workshop was

for the Planning Commission to receive a briefing from staff on the comments received to date on the latest strawman document for proposed changes to the Green Building Policy and enable Commissioners and stakeholders to provide feedback and ask questions to facilitate a better understanding of outstanding issues regarding the proposed policy. She next delivered an overview of current and draft Policy language, as of July 7, 2011, as shown in the strawman document, a copy of which is in the date file. Ms. Dhavale noted that staff had compiled all the comments received to date, as contained in the "Green Building Policy Review – Comment Compilation, revised September 14, 2011" matrix, a copy of which is in the date file. She encouraged people to continue submitting comments, concerns, and suggestions to plancom@fairfaxcounty.gov. She explained that the matrix outlined the existing Plan text, corresponding proposed strawman text, comments made related to particular text, and brief descriptions of the comments.

In response to a question from Commissioner de la Fe, Ms. Dhavale said the strawman document presented a preliminary version of possible draft language as discussed by staff and the Planning Commission's Environment Committee. She clarified that references to "No Commenter" in the matrix implied that the changes reflected discussions between staff and the Committee.

Replying to questions from Secretary Harsel, Ms. Dhavale said it was expected that this process would lead to an amendment of the current Green Building language in the Environment Section of the Policy Plan in the Comprehensive Plan. She explained that following the workshop, staff would analyze the comments received, present recommendations for additional changes to the Environment Committee, and determine when these changes could be authorized by the Board of Supervisors for a possible Policy Plan Amendment to implement the recommendations in the strawman document. She noted that a possible amendment to the Zoning Ordinance was not within the scope of this review process.

Commissioner Hart pointed out that the strawman document should not be considered to be complete or to represent settled positions on issues but that it reflected a consensus of what the Committee believed should be on the table for discussion with stakeholders. He stated that the Board of Supervisors had only directed a review of the Green Building Policy Plan language and a Zoning Ordinance Amendment (ZOA) was not being considered at this time. Secretary Harsel suggested that a ZOA be considered to enforce commitments to green building. Commissioner Hart said the Green Building Policy would only provide guidance for land use applications, and the issue of amending the ZO to include regulation of green building practices related to by-right development or retrofitting of existing buildings would entail a huge undertaking. He noted that the Policy Plan would be amended first and if the Board of Supervisors were to direct the Committee to consider possible draft ZO language regarding greening/retrofitting existing buildings, then the Committee would embark on that task.

Answering another question from Secretary Harsel, Mr. Kaplan agreed that the Comprehensive Plan was a guide, not a mandatory regulation; however, he noted that staff and the Planning Commission evaluated proposals and developed their recommendations based on Plan guidance.

He explained that the Green Building Policy had been in effect since 2007 without a ZO requirement and staff had applied this language consistently during the zoning process and had been successful in obtaining numerous commitments to green building design.

Concluding her presentation, Ms. Dhavale reviewed the contents of the "Green Building Policy Review – Comment Compilation, revised September 14, 2011" matrix.

Secretary Harsel called the first listed speaker and recited the rules for public testimony.

Flint Webb, 8308 Westchester Drive, Vienna, Co-Chair, Environmental Committee, Fairfax County Federation of Citizens Associations (FCFCA), stated that the FCFCA encouraged the process of strengthening the Green Building Policy Plan. He explained that the FCFCA recommended that staff consider the following seven items:

1) Policy Plan Objectives – Other rating systems did not encompass multiple green building components in a manner similar to LEED, so would not be exactly comparable to LEED. Therefore, FCFCA felt that Policy language should focus on the particular environmental aspects deemed most important.
2) Data collection of energy and water usage and performance monitoring referenced in Policy h – The recording of aggregated energy and water consumption data should be made publicly available or disseminated in a report, journal article, or other appropriate format.
3) Requirements are too vague – The Policy needed a clear statement of purpose/focus and to outline specific standards such as to attain the highest density in the range, which would require LEED Platinum.
4) Solar panels – Policy f should encourage the design of roofs on new construction to accommodate solar panels.
5) County guidelines referenced in Policy f – The Policy should include a hyperlink to the currently applicable County guidelines for green building certification, noting that because the guidelines might change, they should not be incorporated in the Plan.
6) Electric vehicle charging stations referenced in Policy g – The provision of electric vehicle charging stations should be encouraged but not limited to only multi-family residential structures, but also office and commercial parking lots, noting that time spent at an office would allow for charging, and such stations might encourage shoppers to stay longer in retail locations.
7) Existing building standards – A separate policy for existing structures should be incorporated: "Policy i. Encourage the application of the listed practices to existing buildings. Whenever a structure is under major renovation, i.e. removal of 85 percent of the interior, or make renovations that cost more than 50 percent of the cost of replacing the structure, the full objective shall apply. For renovation/remodeling at reduced levels, Green Building ratings can be pursued by demonstrating an improved performance as described in Policy h."

(A copy of Mr. Webb's remarks is in the date file.)

Commissioner Lawrence said he supported FCFCA's suggestion that roofs be designed to accommodate solar panels.

Responding to a question from Commissioner Flanagan, Mr. Webb noted that the inclusion of a hyperlink in Policy f to the currently applicable County guidelines for green building certification would make this easily accessible to developers.

In reply to more questions from Commissioner Flanagan, Ms. Dhavale explained that green building commitments were encouraged throughout the County, but the expected green building performance of a building over 10,000 square feet constructed or owned by the County was LEED Silver and Tysons was the only current area in the County with such an expectation for private development. Mr. Webb pointed out that the LEED standards were designed to be moving standards; for example, a LEED Silver-certified building might have to comply with more stringent standards than another LEED Silver-certified building based on when it had been constructed.

Steve Nicholson, Coordinator, Technical Support Team, Office of Design and Construction Services, Fairfax County Public Schools (FCPS), commended staff on their excellent work. He explained that a team of 10 employees in the FCPS Office of Design and Construction Services currently performed quality control functions on mechanical, plumbing, and electrical equipment for school additions. Mr. Nicholson asked whether the proposed additional language, "An equivalent program is one that is independent, third-party verified, and has regional or national recognition," in Policy a would apply to these employees, or whether the Policy could make an allowance for County employees who followed this Policy even though they were not associated with a third-party firm.

Answering a question from Commissioner Lawrence, Mr. Nicholson noted that the FCPS quality control staff received applicable training and their specific job descriptions detailed the qualifications required to fulfill their position. Commissioner Lawrence requested that staff consider adding a notation to the Policy regarding guidance on equivalent training for internal quality control.

Commissioner de la Fe commented that Policy f, "Encourage private companies involved in public-private partnerships where land is leased or provided by the County, to comply with to meet or exceed County guidelines for green building certification," was important because it demonstrated that the County would hold private developers with projects on County-owned land to the same expectation to meet or exceed County guidelines for green building certification that would be met if the County was the developer. Secretary Harsel agreed with this statement.

Carey Needham, Chief, Building Design Branch, Planning and Design Division, Department of Public Works and Environmental Services (DPWES), stated that DPWES supported the spirit of the strawman proposal. However, he noted that private development located on land owned by or leased from the County, or developed in partnership with the County, should be governed by the other sections of the Green Building Policy Plan to be consistent with expectations for any

other private development. Mr. Needham explained that the concern expressed by DPWES Building Design Branch staff was that because Policy f introduced a separate and higher threshold for green building performance for private developers who work in partnership with the County, this would add a unique and undue burden to the private sector portion of a public-private partnership. He also pointed out that adding an additional, regulatory burden on the private development partner as a cost of doing business with the County would make implementing these partnerships more difficult and therefore, the County would be unintentionally subsidizing this effort.

Commissioner de la Fe said he disagreed with Mr. Needham's argument.

Commissioner Hart said he agreed with Commissioner de la Fe's earlier statement. He stated that even if it were not specified in the Policy Plan, he would expect that private companies that develop land leased or provided by the County, as part of a public-private partnership would meet the appropriate County standards. He suggested that instead of deleting Policy f from the strawman proposal that the wording be revised to address DPWES Building Design Branch's comment depicted on page 6 of the matrix. Mr. Needham clarified that this comment did not apply to cases where a private developer collaborated with the County to construct a library, fire station, police station, or some other public use, which would fall under the Fairfax County Sustainable Development Policy and required LEED Silver certification. He explained that the comment was directed at private use constructed on public land and green building expectations regulating other private development. He expressed concern that an incrementally increased obligation on the private development partner as a cost of doing business with the County would cause a devaluation in that public-private partnership that would have to be compensated by the County.

In response to questions from Secretary Harsel, Mr. Needham cited examples of a private use on public land as the INOVA Fairfax Hospital and Wiehle Avenue Metro station.

Commissioner Lawrence discussed the advantages of locating private development on land owned by or leased from the County. He recommended that staff compile a set of clauses that considered all the factors involved in a public-private partnership where land was leased or provided by the County and provide information regarding situations that might place a unique burden on the development partner so he understood how to avoid such situations.

Commissioner Flanagan requested that staff clarify this issue in Policy f and provide additional information to the Commissioners. He cited the approved application, SEA 82-V-012-06 by INOVA Health Care Services, wherein the applicant had agreed to pursue LEED Silver certification for all of its new buildings; therefore, he believed that the expectation for green building certification had not imposed a burden on the applicant. He commented that experience in the County had demonstrated that such an expectation was not an impediment to implementing this Policy.

Commissioner Lawrence suggested that the Commissioners, staff, and stakeholders contemplate the particular aspects of the operation of a large multi-family building as compared to an array of single-family detached dwellings or an office development that should be considered more important, such as the reduction of greenhouse gases and efficient energy consumption.

There being no more speakers, Secretary Harsel called for closing remarks from staff.

Ms. Dhavale said Commissioners, staff, and others were encouraged to submit comments, concerns, and suggestions to plancom@fairfaxcounty.gov. She said people were also welcome to attend the Environment Committee's meetings.

Replying to a question from Secretary Harsel, Ms. Dhavale noted that there was no deadline for submitting input since there was no deadline for making a recommendation to the Board of Supervisors.

Commissioner Hart announced that the Environment Committee would next meet on Thursday, November 17, 2011, at 7 p.m., in the Board Conference Room, to review the stakeholder input received on the strawman document and decide whether additional changes should be made. Secretary Harsel asked that Commissioners submit their comments and suggestions no later than Monday, October 10, 2011, to allow time for staff to incorporate their input in a revised strawman document.

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The meeting was adjourned at 9:33 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, 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: Kara A. DeArrastia

Approved on: June 28, 2012

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