MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 8, 2007

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Rodney L. Lusk, Lee District
Kenneth A. Lawrence, Providence District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District

//

The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, November 15, 2007, at 7:30 p.m. to continue discussion on the proposed Policy Plan Amendment on Air Quality and Green Building.

//

Chairman Murphy announced that the following members would serve on the newly-established Planning Commission Process Review Committee: Commissioners de la Fe, Flanagan, Lawrence, Murphy, and Sargeant. He said a Saturday workshop would be held in February 2008 for the entire Commission to discuss the application review process and the goals of the committee.

//

Commissioner Harsel MOVED THAT THE FOLLOWING MINUTES BE APPROVED:

APRIL 19, 2006 APRIL 20, 2006
APRIL 27, 2006

Commissioner de la Fe seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Sargeant abstaining; Commissioner Hall absent from the meeting.

//

FS-H07-58 – MOBILE SATELLITE VENTURES, LP – 12201 Sunrise Valley Drive

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE PROPOSAL BY MOBILE SATELLITE VENTURES, LP, AS AMENDED, TO CONSTRUCT A TELECOMMUNICATIONS FACILITY ON THE ROOF OF AN EXISTING OFFICE BUILDING LOCATED AT 12201 SUNRISE VALLEY DRIVE IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hopkins seconded the motion which carried unanimously with Commissioner Hall absent from the meeting

//

ORDER OF THE AGENDA

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

1. S07-CW-3CP – COMPREHENSIVE PLAN AMENDMENT (AIR QUALITY AND GREEN BUILDING POLICY PLAN AMENDMENT)

This was accepted without objection.

//

S07-CW-3CP – COMPREHENSIVE PLAN AMENDMENT (AIR QUALITY AND GREEN BUILDING POLICY PLAN AMENDMENT)

– To consider proposed amendments to the Countywide Policy Element of the Comprehensive Plan for Fairfax County, Virginia to revise guidance and corresponding background text related to air quality issues and to add guidance addressing green building practices and energy and water efficiency. Proposed revisions pertaining to air quality include: 1) augmentation of policies related to land use patterns transportation facilities and transportation strategies to address: a) concentration of growth in mixed-use, transit-oriented centers, b) mixed-use development design to minimize motor vehicle use, c) facilities to support transit use, and d) a variety of strategies to reduce auto travel, minimize dependence on single-occupant automobiles, and improve traffic flow; 2) new policies

to address air quality improvement through tree preservation, tree planting, sensitive landscaping practices, energy conservation, and other green building practices, episodic air pollution reduction measures, and low-emissions maintenance and landscaping equipment; 3) modification of a policy to address minimization of emissions from stationary sources of air pollution; 4) revision and augmentation of introductory/background Plan text addressing regional air quality concerns, control measures, and many of the referenced air quality measures; and 5) addition of guidance to the Residential Development Criteria addressing air quality-sensitive tree preservation and planting. Proposed revisions pertaining to green building include: 1) addition of a Glossary definition of green building; 2) revision of an objective regarding resource conservation to address the design and construction of buildings and associated landscapes to use energy and water resources efficiently, and to minimize negative impacts on the environment and building occupants; 3) replacement of a policy supporting energy and water conservation measures with a policy addressing the application of energy conservation, water conservation, and other green building practices in development/redevelopment projects, with illustrative examples; 4) addition of guidance addressing commitments to implementation of green building practices through certification under established green building rating systems and commitments to ENERGY STAR programs; 5) addition of guidance addressing the inclusion of professionals with green building accreditation on development teams; 6) addition of a policy linking certain zoning proposals to incorporation of green building practices sufficient to attain a certain level or levels of green building performance, which may be certification through the LEED program or its equivalent, recognizing that other green building rating systems may be referenced and that linkages between zoning proposals and specific green building practices may be incorporated; 7) addition of a policy linking certain zoning proposals for residential development to a certain level or levels of green building performance, which may be qualification for the ENERGY STAR Qualified Homes designation, recognizing that linkages between such zoning proposals and other green building practices may be incorporated; 8) addition of a policy promoting implementation of green building practices through monetary contributions in support of the County's environmental initiatives, which may be refunded based on attainment of a certain level or levels of green building performance and; 9) addition of guidance to the Residential Development Criteria addressing energy efficiency in building design and construction. In addition, the amendment may incorporate provisions allowing for the awarding of bonus levels of development density or intensity for certain zoning proposals incorporating commitments to a certain level or levels of green building performance. COUNTYWIDE. PUBLIC HEARING.

Noel Kaplan, Senior Environmental Planner, Planning Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of the Plan Amendment which would strengthen guidance on air quality and incorporate support for green building practices.

Mr. Kaplan and James Patteson, Director of Land Development Services, Department of Public Works and Environmental Services (DPWES), responded to questions from Commissioner Hart about LEED certification of non-residential and multifamily residential development of four or more stories within the Tysons Corner Urban Area, Suburban Centers, Community Business Centers, and Transit Station areas; application of green building techniques to public facilities; bonus density or intensity as an incentive for green building; and the use of landscaping to promote air quality.

In response to a question from Chairman Murphy, Mr. Kaplan said it was possible that bonus density would not be applied uniformly across the County because areas were different in character. Commissioner de la Fe pointed out that the proposed amendment deliberately had not addressed bonus density as an incentive for green building.

Responding to a question from Commissioner Alcorn, Mr. Kaplan confirmed that meeting green building guidelines would not preclude compliance with other guidance in the Comprehensive Plan.

Responding to a question from Commissioner Harsel, Mr. Kaplan said that although the Zoning Evaluation Division staff would negotiate green building commitments with developers, it was not their responsibility to ensure that proposal met certification requirements. Responding to further questions from Commissioner Harsel, Mr. Kaplan said Community Business Centers included all revitalization areas, including Lake Anne in Reston; and that solar orientation of homes or energy efficient landscaping would not be necessary to attain the ENERGY STAR designation.

Commissioner Lawrence suggested replacing the word “possible” with “practicable” at the end of the sentence in Objective 1, Policy h. on page 19, to read: “In cooperation with federal state, and regional agencies, bring Fairfax County into compliance with federal primary and secondary national air quality standards as soon as practicable.”

Commissioner Lawrence remarked that it was important to indicate that bonus density, if granted, would be balanced with infrastructure needs.

In response to a question from Commissioner Sargeant, Mr. Kaplan explained that the fourth point under Policy b., under Objective 1, on page 18, “Establishment of and/or participation in transportation management associations.” was a policy in the Transportation Section and recognized as an air quality strategy as well, adding that it would be envisioned for growth centers.

Referring to Policy d. on page 19, Commissioner Sargeant suggested providing definitions for "energy conservation" and "energy efficiency," noting that both terms were used interchangeably when they were in fact different.

Replying to Commissioner Sargeant's question regarding Number 3, Environment, on page 22, Mr. Kaplan explained that "respect the environment," intended to address both the site design and building development criteria. Responding to another question, Mr. Kaplan stated that since there was no *State Code* provision for green building, the process would work through proffers and development conditions. Mr. Patteson added that DPWES would ensure conformance with the Public Facilities Manual as well as the Virginia Uniform Statewide Building Code.

In response to another question from Commissioner Sargeant, Mr. Kaplan remarked that it might be a good idea for developers to create informational guidance, such as an "owner's manual," to explain to occupants of the building how to maintain green building features.

Commissioner Flanagan suggested that Objective 13, Policy b., on page 22, be revised to clearly state that the phrase "allowed under existing zoning" referred to by-right development. He also suggested that policy allowing higher density in areas where it could be supported by existing infrastructure would be helpful. Mr. Kaplan pointed out that although bonus density was not part of the proposed amendment, he would let staff know of Commissioner Flanagan's interest in the issue.

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

Donald Gibson, Senior Design Manager, JPI, 8300 Greensboro Drive, McLean, said his company was building a green apartment building, Dulles Station, in the Hunter Mill District. He explained that this project was in a LEED pilot program and distributed information about benefits and costs associated with green building, a copy of which is in the date file. Mr. Gibson expressed concern that builders would not be able to recoup increased costs of green building, especially for improving energy efficiency and reducing water usage, since the savings would pass to the occupants/owners of the buildings. He said rebates on water and sewer tap fees and building permit fees would offset the premium of building green.

Responding to a question from Commissioner Alcorn, Mr. Gibson said that seeking a LEED rating lower than Silver would cost a little less, primarily in energy reduction. He explained that green building techniques included upgrading the mechanical equipment; compact fluorescent or ENERGY STAR light fixtures; more efficient water heating; and more efficient windows and insulation.

In response to a question from Chairman Murphy, Mr. Patteson said the new Fairfax Center fire station had achieved LEED certification at an increased cost of three percent, which resulted in $15,000 annual savings, translating into a 17-year return on the initial cost of the building.

Commissioner Lawrence remarked that Mr. Gibson had highlighted very well the issues of cost recovery and incentives for builders, noting that the information provided was very helpful.

Answering questions from Commissioner Lusk, Mr. Gibson stated that the permit and tap fees for the Dulles Station project would cost over $4 million. He said that there would be no way to tell at this time if people would be more willing to rent in a green building. He confirmed that the data in his handouts showed lease rates comparable to buildings not LEED certified.

In response to questions from Commissioner Flanagan, Mr. Gibson said that LEED Silver certification would increase the cost of each unit by approximately $5,000; that additional density was not feasible in the Dulles Station project because the building design would have to be changed, making it uneconomical; and that the project was by-right development.

Commissioner de la Fe commented that due to current market conditions, the additional $5,000 per-unit cost could not be recovered. He also said that the figures Mr. Gibson distributed provided a very helpful cost-benefit analysis.

Rob Walker, National Association of Industrial and Office Properties (NAIOP), 2201 Cooperative Way, 3rd Floor, Herndon, expressed general support for the proposed amendment. He said incentives such as select density increases, expedited review, and rebates would help offset the cost of green building.

Responding to a question from Commissioner Alcorn, Mr. Walker said that until the public insisted on green building, it would continue to be market-driven with the associated building costs. He remarked that while NAIOP was interested in incentives, they had not considered how to incorporate them into the Comprehensive Plan. He said he would formalize a recommendation and provide it to the Planning Commission.

Mr. Walker responded to questions from Commissioner Sargeant about the possibility of an investment fund as a source of funding for green building, similar to that established in concert with Virginia Tech to retrofit buildings to meet higher energy efficiency standards.

Jonathan Passe, ENERGY STAR Residential Programs, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC, pointed out that that the cost associated with the ENERGY STAR Program was much less than the cost to attain LEED certification. He also noted that green building resulted in non-monetary paybacks, such as health and safety benefits.

Flint Webb, 8308 Westchester Drive, Vienna, suggested that the County provide a base line dollar amount for energy consumption per square foot and builders would then proffer to an amount equal to a certain number of years of energy costs. He said after that number of years, if the builders demonstrated lower costs, they would receive their bonding would be returned.

John Peterson, The Peterson Companies, 12500 Fair Lakes Circle, Fairfax, stated that in order for green building to be embraced by the community, incentives were needed and should be applied broadly across the County to reduce the financial burden on developers. He said bonus density would increase the tax base, which could generate revenue for a green building fund.

In response to a question from Commissioner Lawrence, Mr. Peterson explained that while the fees were a part of the overall development process, the construction costs associated with building green were now becoming more and more significant.

Addressing Commissioner Alcorn's question regarding costs brought up earlier by Mr. Gibson, Mr. Peterson replied that the costs associated with Mr. Gibson's building were unique to a residential building, which would incur very high tap and sewer fees.

Lou Sagatov, Northern Virginia Building Industry Association (NVBIA), 14160 Newbrook Drive, Suite 200, Chantilly, said that the first draft of the National Green Building Standard™ was now available online at the National Association of Home Builders' website. He said the NVBIA had joined the green building pilot program and was working on guidelines and testing for third-party verifiers.

In response to a comment from Commissioner Alcorn, Mr. Sagatov agreed that verification of green building commitments was very important and said he would check with representatives of the industry to see if they had any suggestions for ensuring that commitments would be honored.

There were no further speakers, comments, or questions from the Commission. Staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this item. (A verbatim transcript is in the date file.)

//

Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY TO A DATE CERTAIN OF NOVEMBER 15, 2007, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

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

//

The meeting was adjourned at 10:08 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, VA 22035.

Minutes by: Jeanette Phillips

Approved: June 10, 2009

_____
Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission