

**County of Fairfax, Virginia
Planning Commission Meeting
November 16, 2017
Verbatim Excerpt**

PA 2016-CW-4CP – COMPREHENSIVE PLAN AMENDMENT (OFFICE BUILDING REPURPOSING) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns a countywide policy plan amendment that sets forth new policy recommendations for the repurposing of vacant office buildings to an alternative land use not envisioned under the Comprehensive Plan. Performance criteria would apply. (Countywide)

During Commission Matters

Commissioner Sargeant: Thank you Mr. Chairman. Mr. Chairman, we have a motion for consideration tonight, a decision only, regarding the Office Building Repurposing Plan Amendment. I had – before that amendment, which is Plan Amendment 2016-CW-4CP – before that I had some additional questions of staff, as we’ve had input and updates, even as late as today. So, I can make sure we covered – covered some of the reasons for what we have in this particular Plan Amendment motion. I would like ask Ms. Gardner if we could clarify where we are on one particular issue in the glossary regarding better clarification of the description...

Marianne Gardner, Director, Planning Department, Department of Planning and Zoning: Thank you.

Commissioner Sargeant: I’m sorry...regarding... can you hear it?

Chairman Murphy: Yeah.

Commissioner Sargeant: Okay. Regarding the description of what is meant by vacant, in terms of office buildings for repurposing.

Ms. Gardner: Thank you, Commissioner Sargeant. I think you’re referring to one of the changes that we’re suggesting. We received an e-mail from the Mount Vernon Council of Civic Associations and they requested that there be clarification to state that office repurposing would apply not just to vacant office buildings, but to partially-vacant or underutilized buildings. And we thought that was in line with the spirit of the plan amendment and we were prepared to offer that as a recommendation. However, when we went back tonight and looked at our ad, we realized that it was very specifically drawn and just talks about vacant office buildings. So we won’t be offering that, but we would like to clarify in our definition that office building repurposing is a change that can affect all or part of an existing building. We think that that’s fine. That’s consistent with the ad, but would like to check with the County Attorney on whether or not we can make that recommendation for the other change and we’ll do that before the Board of Supervisors.

Commissioner Sargeant: So, anticipate making sure that we can move forward with that particular proposal from the Mount Vernon Council Citizens Association, to add prior to the consideration by the Board of Supervisors.

Ms. Gardner: That’s correct.

Commissioner Sargeant: Okay, great. Thank you. Other questions related to this particular amendment? It's a countywide amendment, but obviously we – within the description, we have included a proposed exemption for – from this amendment for the Reston TSA areas. Could you provide some background on the history leading up to this? But I mean, where we are in the planning process for Reston, where they are and where this follows – falls into that process, and I will ask a few other questions.

Ms. Gardner: The – one of the main concerns raised is that Reston recently underwent a major planning process that was just concluded in 2015, which added a significant amount of residential use. So, therefore, the concern is that, perhaps since that change is so new, that there ought not to be opportunity to add additional residential uses at this time. The other concern is that the way the transit station areas in Reston are drawn, they're divided into TOD and non-TOD areas. And the non-TOD areas contain these very large swaths of area – of land that's planned and developed for office use and that area is probably greater than what we would see in any of the other TSAs. And for that reason, there's a potential that there could be a considerable amount of conversion to residential use that was not anticipated by this recent plan amendment.

Commissioner Sargeant: And some of those eligible buildings will at the half-mile zone of the TOD areas, correct?

Ms. Gardner: That's correct.

Commissioner Sargeant: Okay. We're seeing – I guess what we see is a concentration of this on the eastern edge of the TSA?

Ms. Gardner: Yes, there're two areas. One is on the eastern edge of the TSA and the other is closer to USGS.

Commissioner Sargeant: And as it relates to this particular transit station area for Reston, this plan amendment really only impacts office uses that are also planned for office. Is that correct?

Ms. Gardner: That's correct.

Commissioner Sargeant: Okay, so we don't have any in between, it's specifically planned for office, thus the conversion is of a concern. Okay. And, as a result, we have included the – at the request of the Reston Association, we have included an exemption for the Reston TSA areas from this, in this particular Plan Amendment.

Ms. Gardner: That's correct. And the understanding is that of course at any time the Board of Supervisors could authorize an amendment for office repurposing to be considered on a specific site.

Commissioner Sargeant: And in other words, they can go through the full plan amendment process, with public – public input and hearings and that would....

Ms. Gardner: Yes, that's correct.

Commissioner Sargeant: Okay, alright. I think that about covers it. I just wanted to highlight some of the differences between what would have made this a particular concern, in a high-density area such as the Reston Transit Station Areas, and why would it would it incorporate that as opposed to other exemptions. And, with that Mr. Chairman, I would like to make a motion.

Chairman Murphy: Hold on. Did you have a question you wanted to ask on this subject, Mr. Niedzielski-Eichner?

Commissioner Niedzielski-Eichner: Thanks Mr. Chairman. I just wanted to clarify this last point that was made. Ms. Gardner the – is it also true that the Supervisor from the district could – should this – no area be excluded of transportation – transportation area be excluded from this, that a Supervisor could in fact ensure that every consideration be given in the traditional amendment process.

Ms. Gardner: Yes, that's correct.

Commissioner Niedzielski-Eichner: So – so this exclusion of one part of the County may not be necessary if the Supervisor believes that it is appropriate for his or her district to go through all this – to go through the traditional means.

Ms. Gardner: That's correct.

Chairman Murphy: Okay, Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. Start with my reading of the motion here. Plan Amendment 2016-IV-4CP (sic) would add Policy Plan guidance to facilitate the repurposing of vacant office buildings in certain areas. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2016-CW-4CP, FOUND ON PAGES 6-10 OF THE STAFF REPORT DATED SEPTEMBER 18, 2017, WITH TWO MODIFICATIONS AS SHOWN ON THE HANDOUT DATED NOVEMBER 16, 2017. THE FIRST MODIFICATION WOULD REMOVE THE OPTION TO CONVERT UNDERUTILIZED OFFICE BUILDINGS TO RESIDENTIAL USES IN THE RESTON TRANSIT STATION AREAS. THE SECOND MODIFICATION would – WOULD MODIFY THE GLOSSARY TERM FOR OFFICE REPURPOSING.

Chairman Murphy: Is there a second to the motion?

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I'd like to offer a friendly amendment that would delete Reston as an exception to the overall repurposing motion.

Commissioner Sargeant: Mr. Chairman, respectfully I'm going to decline the friendly amendment, if Commissioner Hurley or others would like to offer that as a motion.

Chairman Murphy: Okay, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Then, with all due respect to Commissioner Sargeant, but to ensure a free and open public discussion of this issue, I MOVE TO AMEND THE MOTION TO DELETE THE RESTON EXCLUSION.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion?

Commissioner Sargeant: Mr. Chairman, just restating some of the things I've said previously. I think this – in other cases we have indeed provided exceptions and has set precedent by providing some exceptions to rules, such as the PDC PRM Amendment, which provided a different FAR for one particular section of the County, one particular community business center. I think we have set the precedent before. I also think, given – given the recent completion of their latest planning process, the provisioning process, and the higher density we see for these particular transit station areas and some of the extenuating circumstances, that it would be appropriate to leave in the exemption for the Reston Transit Station Area.

Chairman Murphy: Further discussion? Mr. de la Fe?

Commissioner de la Fe: Yes, Mr. Chairman, I would oppose the motion because, as has been stated, after a five-year community based comprehensive planning process, Reston's new Master Plan strives to balance new development and redevelopment with an overall infrastructure plan. This is fundamental to the planned community that Reston is and as it remains just as important as Reston grows into the second half century. Reston strongly recommends that Fairfax County exclude Reston from only the proposed Building Repurposing Comprehensive Plan Amendment, only as it applies to the conversion of office through residential. The rest is fine. But –so I agree with the original motion.

Chairman Murphy: Further discussion? Ms. Hurley then Mr. Hart.

Commissioner Hurley: Thank you, Mr. Chairman. The reasons to encourage repurposing of vacant older office buildings apply to Reston as well, and we agree with that except for the residential. But as Ms. Gardner just pointed out, if in any case in Reston that it does not seem to apply, is not appropriate, is not inconsonance with the recent Comprehensive Plan – all of those reasons at any time, the Supervisor can pull it back and have it go through the full Comprehensive Plan Amendment. So, it is still – Reston would still be fully covered and fully protected.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I was not here for the public hearing, but I watched the video and I do intend to participate in the vote. Thank you.

Chairman Murphy: Further discussion? All those in favor of the... Yes, Mr. Ulfelder. I'm sorry.

Commissioner Ulfelder: Yes, I – I’m going to – I seconded it and I am going to support the amendment. I think that there aren’t really that – I think it’s difficult to make this kind of distinction from one area verses other areas – other similarly situated areas. And, I think that, if we do it here, why don’t we do it somewhere else? Why don’t we do it with other matters as well? And I think there is a little bit of a slippery slope there and I think there was also a potential legal question as to which issues and which areas you might be exempting on a countywide amendment. And I, therefore, am going to support the amendment at this time and I think that it’s been pointed out there’s adequate protection if – if for some reason there’re starts to be applications to try to convert some of these offices and some of the outlying areas of the Reston TSA, to residential to take them through the process that we’d normally – they’d normally have to go through and determine whether they, in fact, do work under the revised plan for the Reston areas.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I’ll be supporting Commissioner Hurley’s motion also to amend Mr. Sargeant’s motion. This essentially good planning for these policy plans to apply countywide. And when we start carving out for certain parts of the County, I’ll find it very difficult if we do it for a second time in North County for something in South County for my citizens and in either Lee or Mount Vernon that want a carveout, for me to tell them, “no we can’t do that with a Zoning Ordinance amendment or a Policy Plan that is supposed to apply countywide.” And, as been pointed out, there are adequate safeguards for – through the process for the citizens and the Supervisor to pull this out so it’s not an automatic thing. And, as we go through the Zoning Modernization Plan that we had before us in the County, we have many, many things that we have to get to and I do not think we’ll ever revisit this next two to three years. So this should be on the books and I think it should be countywide. Thank you.

Chairman Murphy: Further discussion? Mr. Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I had but one question and then I will offer my prospective as well. The question I have is, if – is it unusual or is it possible to put a date for revisiting this question through a subsequent Commission action?

Ms. Gardner: Yes, sir. I believe that could be the form of a follow-on motion that would be forwarded to the Board of Supervisors as a recommendation.

Commissioner Niedzielski-Eichner: And what might that sound like, or

Ms. Gardner: It...

Commissioner Niedzielski-Eichner: Say for example, there’s a process that’s underway that I understand the Reston community’s concerned about in respect that the process would be at some point, so perhaps this is an action that will mitigate the situation at this point in time. But if we wanted to revisit the question and have it apply in countywide, could we set a date and what might that date look like?

Ms. Gardner: I’m not sure – I mean I think that the timeframe would need to be long enough to allow opportunity to see if people decide to take advantage of the policy or not. So, I would think

a year or two. And the – probably the recommendation would be that staff be instructed to monitor any office repositioning that happens in the Reston area and report back in a time certain with what the outcome is, although I'm not sure how we would judge whether the outcome is beneficial or negative. That would be the hard part.

Commissioner Niedzielski-Eichner: Okay, thank you. That was – I know it is putting you through a little struggle there, and I appreciate your making that effort. Should this motion fail – Ms. Hurley's motion fail, I will want to introduce some follow-on to speak to an end date. But, in the interim, I'm gonna support the motion, I believe this a matter that should be considered countywide with no exceptions.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes, my understanding of this is that, if we leave Reston, subject to repurposing, that there will be – that will necessitate a rezoning application in order to have the alternate use approved, subsequently. Is that correct?

Ms. Gardner: That's correct.

Commissioner Flanagan: And at that time, the Reston community can object to the repurposing during that process. They will have the public access to make that – their position known. And the Supervisor will be able to respond to the constituents at that time. Is that right?

Ms. Gardner: Yes, that's correct.

Commissioner Flanagan: So there really is a relief for the Reston community if we leave them subject to this repurposing.

Ms. Gardner: Yes. I mean – because at the time of rezoning when public hearings are held, there is the opportunity for public input and for their opinions to be expressed.

Commissioner Flanagan: Thank you.

Chairman Murphy: Further discussion, all those in favor of the motion as articulated – alternate motion as articulated by Ms. Hurley, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner de la Fe: Nay.

Commissioner Sargeant: Nay.

Chairman Murphy: Motion carries. Mr. de la Fe and Mr. Sargeant vote no. Now we go to the main motion.

Commissioner Hart: As amended. Now we go to the main motion.

Chairman Murphy: Now we go to the main motion.

Commissioner Hart: As amended.

Chairman Murphy: As amended. All those in favor of the main motion as amended, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries? Same no?

Commissioner Flanagan: No.

Commissioner Sargeant: No.

Chairman Murphy: Okay, Mr. Sargeant and Mr. de la Fe vote no.

Commissioner de la Fe: No, I didn't....

Chairman Murphy: Oh, on the main motion you....

Commissioner de la Fe: Now, I mean, you know....

Chairman Murphy: Now it's....

Commissioner Sargeant: The continued issue is now....

Chairman Murphy: Okay, passes unanimously. Okay.

Commissioner de la Fe: The overall.

Chairman Murphy: Overall motion passes....Okay.

Commissioner de la Fe: The overall purpose of this is quite worthwhile. I disagree with the previous set of motions.

Chairman Murphy: Okay.

Commissioner Sargeant: Mr. Chairman, if I may, I'd like to thank Marianne Gardner, Sophia Fisher, Meghan Van Dam, for all their assistance up to and including during this meeting. So thank you very much.

The first motion carried by a vote of 9-0. Commissioner Strandlie was absent from the public hearing.

The second motion to amend the first motion was carried by a vote of 7-2. Commissioner Strandlie was absent from the public hearing.

PLANNING COMMISSION PROPOSED PLAN LANGUAGE MODIFICATION

Plan Amendment 2016-CW-4CP

November 16, 2017

Modification 1

The following is an excerpt of the proposed plan language from page 8 of the staff report. Recommended modifications to the staff recommendation are shown as double underlined and highlighted in yellow; the staff recommendations is shown as underlined.

“The following types or mixture of types of repurposing may be appropriate in the Tysons Urban Center, CBCs, TSAs, Suburban Centers, and Industrial Areas:

- Office to Light Industrial or Urban Agriculture. This can include industrial/flex, light manufacturing uses such as makerspaces and 3-D printing; and/or
- Office to Institutional and/or Public Facilities uses.

The following types or mixture of types of repurposing may be appropriate in the Tysons Urban Center, CBCs, TSAs, and Suburban Centers:

- Office to Retail and other Commercial uses;
- Office to Indoor Recreational uses;
- Office to Residential use (except in the Reston TSAs);
- Office to Live/Work use; and/or
- Office to Hotel use.

The following performance-based strategy is intended to be used to review proposals for repurposing existing office buildings for alternative uses. This guidance sets forth criteria to ensure proposals are compatible with surrounding uses and can be supported by existing infrastructure. Because the repurposing of office buildings presents unique challenges and opportunities, flexibility in achieving certain objectives may be afforded, particularly when the conversion will not significantly change the building form and footprint.”

PLANNING COMMISSION PROPOSED PLAN LANGUAGE MODIFICATION

Plan Amendment 2016-CW-4CP

November 16, 2017

Modification 2

The following is an excerpt of the proposed plan language from page 7 of the staff report. Recommended modifications to the staff recommendation are shown as double underlined and highlighted in yellow; the staff recommendations is shown as underlined.

ADD: Fairfax County Comprehensive Plan, 2013 Edition, Glossary, as amended through March 14, 2017:

“OFFICE BUILDING REPURPOSING: A change in use in all or part of an existing office building, such as a conversion from office to residential, live/work, institutional, public facilities, retail, or light manufacturing uses.”