

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 20, 2019**

PRESENT: Peter F. Murphy, Jr., Chairman, Springfield District
James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
John A. Carter, Hunter Mill District
Julie M. Strandlie, Mason District
Walter C. Clarke, Mount Vernon District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Phillip A. Niedzielski-Eichner, Providence District

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The meeting was called to order at 7:34 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Clarke announced the Mount Vernon Council of Citizens' Associations celebrated their 50th year anniversary. Commissioner Clarke congratulated and thanked the current Co-Chairs, Katherine Ward, Lynn Pascoe, John Ribble, other members of the organization, and the many volunteers for their service.

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RZ 2019-BR-007 - VIRENDRA BERY AND AMIT BERY

(Decision Only) (Public Hearing on this application was held on October 16, 2019; Decision Only from October 24, 2019)

(Start Verbatim Transcript)

Commissioner Hurley: I have a question for the applicants for the Bery application on Maury Road. Could you please come to the podium? Okay. Can you explain what happens to the stormwater after it hits the bioretention facility?

Amit Bery, Applicant: Yes. First off, my name is Amit Bery. I'm an applicant for rezoning application of 9730 Maury Road and I reaffirm the affidavit dated June 27th, 2019. And your question regards to the bioretention?

Commissioner Hurley: When the water – I know we have somebody in the audience that lives at one of the adjacent neighbors. Could you explain when once the water hits the bioretention facility, what happens to it? Where does it go?

Mr. Bery: I'll have the engineer speak on this matter.

Commissioner Hurley: And the engineer is on the affidavit?

Davis Chau, Applicant's Engineer, GeoEnv Engineers & Consultants, LLC: Yes. The – the engineer is on the affidavit. Davis Chau, Geo Engineers. So, once the water hits the bioretention facility, it will then pond in the bioretention for about a foot and then it will filter into the bioretention media through several layers of stone bioretention media, and then additional stone pea gravel. And then the water will either evaporate sitting on the surface, evapotranspire – evapotranspire through the plants or filter into the ground. And then, if there's not enough filtration into the ground, we do have under drain systems potentially to discharge into our proposed flow system.

Commissioner Hurley: And I know you're not building for the 100-year storm, but as we had last July when we had the three inches of rain in an hour or whatever it was. What happens when the bioretention facility is full? What happens to the water?

Mr. Chau: So...

Commissioner Hurley: Where – what's the overflow?

Mr. Chau: The overflow is where it's going right now, which is partially into Lot 7 in the back yard and then into the closest and into the downstream pond.

Commissioner Hurley: Alright. Thank you. And have you researched the maintenance requirement? Oh please...

Mr. Chau: Yes.

Commissioner Hurley: Have you researched the maintenance requirements for the bioretention facility? The monthly maintenance, the quarterly maintenance, the maintenance – the inspection has to be done after half inch of grained and that all these requirements that will be placed on the HOA, you've already addressed that?

Mr. Chau: Yes.

Commissioner Hurley: Alright. For the Commission, I note that the applicants have made significant improvements to their previous stormwater plans. In particular, one house has been relocated to the northwest corner of the property and away from the natural runoff path in the center of the property. The proposed offsite stormwater that currently sheet flows across the property would instead be captured in a 30-inch pipe and delivered directly to the existing downstream storm inlet. I have a question for the staff. At site plan, will the stormwater staff

evaluate the ability of the existing stormwater inlet and the other new infrastructure including a County maintained dry pond to the west to accommodate this new construction, which will have all this stormwater carried directly into it via the 30-inch pipe?

Zachary Fountain, Zoning Evaluation Division, Department of Planning and Development: Yes. Thank you, Commissioner Hurley. Zac Fountain with staff. Yes. They will have to demonstrate adequate outfall and making sure that the system can – can hold that flow or accommodate that flow.

Commissioner Hurley: It's not their adequate outfall. I'm concerned about the County property downstream. There's a dry pond that already has some issues according to all the neighbors there, that will also be addressed. Commissioner Cortina I know looked at it, knows what I'm talking about. That will be addressed by the County?

William O'Donnell, Zoning Evaluation Division, Department of Planning and Development: Commissioner Hurley, this is William O'Donnell. Yes, that will be addressed. They have to maintain the runoff rate or make it better.

Commissioner Hurley: Alright. And I note that the Braddock Land Use and Environment Committee by unanimous vote continues to recommend approval of this application, as was transmitted to my fellow Commissioners this afternoon. However, the stormwater improvements would come at the cost of some large and lovely trees. Up, the applicant, thank you for coming back. Do you understand that before you cut a single tree, a revised tree inventory must be submitted and accepted at site plan and that this inventory must be correct as to the location, size, species, and condition of every tree?

Mr. Bery: Yes, Commissioner Hurley. I understand that. And also, there's a note provided on the GDP and also if you take a look at the proffer it states that it's requiring us – for the – to state this tree inventory to be verified at the time of the subdivision review.

Commissioner Hurley: And after that, would you be willing to try to avoid clear cutting any of the areas, especially try to preserve the large trees along the outside borders of your property?

Mr. Bery: Yes.

Commissioner Hurley: On all the sides possible? Alright. Thank you. With that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2019-BR-007, SUBJECT TO THE PROFFERS DATED NOVEMBER 18TH, 2019.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2019-BR-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I have a...

Commissioner Strandlie: Mr. Chairman. I abstain. I was not here.

Chairman Murphy: Okay. Ms. Strandlie abstains, not present for the public hearing.

Commissioner Hurley: And I have a follow-on statement. At the October 8th, 2019 Environment Committee, the Board of Supervisors requested that staff evaluate options to improve stormwater management for development including not only managing offsite water drainage through a site like this one, but also increasing infrastructure requirements, changing how overland flow is depicted on development plans, increasing easements size, and considering changing the storm frequencies required in designing development such as two years versus 10 years. I recommend that the Planning Commission request staff keep the Commission apprised of the progress in these efforts.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina...

Commissioner Hurley: This is not a formal motion.

Chairman Murphy: Oh.

Commissioner Hurley: I'm just recommending that the Planning Commission...

Chairman Murphy: Oh. Okay.

Commissioner Hurley: Ask the staff to keep the Commission advised as this – all these changes are coming along. Because the stormwater – stormwater has to be continually improved.

Chairman Murphy: Okay.

The motion carried by a vote of 10-0-1. Commissioner Strandlie abstained from the vote. Commissioner Niedzielski-Eichner was absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2018-DR-018 - L&F FRYING PAN, LLC

(Decision Only) (Public Hearing on this application was held on November 13, 2019)

(Start Verbatim Transcript)

Commissioner Ulfelder: Yup. The decision this evening on the 7.35 acre property located in the Dulles Suburban Center area, on the south side of Frying Pan Road, just east of the intersection with Sunrise Valley Drive. The applicant, L&F Frying Pan, LLC, although I prefer to refer to it as the Jackson Property, is seeking to rezone the property from R-1 to PDH-3 in order to build 35 townhomes on a portion of the site, consistent with the Comprehensive Plan Amendment approved for this site this past September. Over two acres of the property contain flood paying-floodplain RPA and EQC areas; part of the Frying Pan Stream Valley. The land north and west of the property has been recently approved for residential and mixed-use development. As the staff's analysis indicates, the applicant's proposal is consistent with the amended Comprehensive Plan for this site, as well as the two recent rezonings of nearby properties. The applicant has agreed to dedicate right-of-way along Frying Pan Road to the Board of Supervisors in order to facilitate the future planned improvements for this busy section of road. They've also agreed to conduct – construct interim improvements along the Frying Pan Road frontage including a shared use path and landscape buffer. They've also agreed to construct a connection to Sunrise Valley Drive extended, which is gonna be built by the – one of the adjacent developers in order to provide a second point of ingress and egress to the development. They've also agreed to construct a stream valley trail with seating areas in the Frying Pan Stream Valley, as well as clear out all non-native species in the stream valley. Once these steps are completed, they will dedicate the entire floodplain RPA area to the Fairfax County Park Authority. I believe this proposed development is a positive step for this and appropriate for this site as well as for the rapidly developing area. And at this point I would like to ask a representative of the applicant to come forward.

Gregory A. Riegle, Applicant's Agent, McGuireWoods LLP: Good evening, Mr. Chairman, members of the Commission. For the record, I'm Greg Riegle on behalf of the applicant.

Commissioner Ulfelder: Mr. Riegle. One of the points that I discussed with staff, which was that the applicant has agreed to – to add a new proffer consistent with the language in condition seven of the FDP between the time that the Planning Commission acts on this application before the Board considers it. You – you all are in agreement with that. Is that correct?

Mr. Riegle: Yes, sir. We are.

Commissioner Ulfelder: And it's gonna be basically the same language along with the exhibit that staff...

Mr. Riegle: It's really just incorporating the pictures so there's absolute clarity, yes, to the expectation.

Commissioner Ulfelder: Okay.

Mr. Riegle: You're exactly right.

Commissioner Ulfelder: Thank you. Then I would like to know, does the applicant agree with the final development plan conditions dated November 18th, 2019?

Mr. Riegle: Yes, sir. We do.

Commissioner Ulfelder: Okay, thank you.

Mr. Riegle: Thank you.

Commissioner Ulfelder: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2018-DR-018 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 29, 2019.

Commissioner Hart: Second.

Chairman Murphy: Second Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2018-DR-018, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2018-DR-018, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 18TH, 2019 AND SUBJECT TO THE BOARD OF SUPERVISORS APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion. All those in favor of the motion to approve FDP 2018-DR-018, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I have a couple of waivers. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 11-302 (2) OF THE ZONING ORDINANCE TO ALLOW PRIVATE STREETS TO BE IN EXCESS OF 600 FEET IN LENGTH.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Clarke: Abstain. I was absent.

Chairman Murphy: Alright. Mr. – for the record Mr. Clarke abstains on all these motions on this application. Okay. Mr...

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SEVEN – SECTION 17-201 OF THE ZONING ORDINANCE TO ALLOW A SHARED USE PATH IN LIEU OF AN ON ROAD BIKE FACILITY.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0-1. Commissioner Clarke abstained from the vote. Commissioner Niedzielski-Eichner was absent from the meeting.

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ZONING ORDINANCE AMENDMENT - CODE AMENDMENT (PARKING RATE AT REGIONAL MALLS)

(Decision Only) (Public Hearing on this application was held on November 13, 2019)

(Start Verbatim Transcript)

Commissioner Sargeant: Thank you, Mr. Chairman. I am prepared to move forward with the Zoning Ordinance Amendment for parking rates – regional parking rates for malls.

Chairman Murphy: Okay.

Commissioner Sargeant: Unless there are questions, I'm prepared to go ahead and start.

Chairman Murphy: Can I get you to pull that mic over a little bit?

Commissioner Sargeant: Unless there are questions, I'm prepared to – is it on? Can you hear me?

Chairman Murphy: Are there any questions for anyone? Okay. Go ahead.

Commissioner Sargeant: Okay. Let me go ahead and start Mr. Chairman. Mr. – I got some opening comments and then I will proceed to the motions. Mr. Chairman, the proposed Zoning Ordinance Amendment, Article 11, Regional Mall Parking Rates, is in response to a request by

the Board of Supervisors. It directed staff to review the current parking requirements for regional malls in excess of 800,000 square feet of gross floor area to determine whether a lower rate is appropriate. Potential changes to parking requirements identified four regional malls, Fair Oaks, Springfield Town Center, Tysons Corner Center, and Tysons Galleria. However, the potential impact of this Zoning Ordinance really only affects Fair Oaks Mall. Here's the reason. In 2010, Tysons One opted into the Planned Tysons Corner or PTC District that allows for much lower parking rates than what's being proposed in this amendment. However, in nearly a decade, Tysons One has not used that flexibility of the PTC District to lower its parking rates. It's not surprising. Tysons One continues to do very well with its mix of retail and other attractions. Tysons Two could opt into the PTC District and the flexibility of lower parking rates, but like Tysons One, has not chosen to do so. They are successfully bucking the trend when it comes to retail centers across the country. However, in response to citizen concerns regarding a potential parking rate deduction if that happens at the Tysons Malls, we have included a motion tonight to make sure there are opportunities for notification and review. We also have included a call for further study of how to reference and incorporate the PTC parking rates in a zoning update. There's a similar scenario for the Springfield Town Center, which is a designated transit station area. It's located in an area that's served by Metro and multiple bus routes. The Springfield Town Center has the opportunity for reduced parking rates now, which is in concert with future plans for additional development at that site. What we are focusing on here is the Fair Oaks Mall, which has gone the way of many shopping malls across the country. Failing or closed retail stores, changes in how, when, where we make our purchases. All of which are identified in the Nelson\Nygaard Study used for the preparation of this Zoning Ordinance Amendment. It's important to understand that this is only the first phase of the Zoning Ordinance review for retail centers. In order to address concerns about parking rate changes, we've included a motion to prioritize the review of parking rates for retail and mixed-use centers during Phase II of the Zoning Ordinance Modernization Program. Which should be approximately in the Spring of 2020. I'm reminded of one citizen's testimony during last week's public hearing. The message was clear. If we do consider parking rate reductions, we should do so in a matter that helps to battle the heat island effect of asphalt lots and work to provide more affordable housing. Quite simply, this Zoning Ordinance Amendment is a step in that direction as it provides opportunities for environmental improvements in the new revitalization and redevelopment and more opportunities for affordable housing. With that Mr. Chairman, I'm prepared to begin my motions.

Chairman Murphy: Please.

Commissioner Sargeant: Okay. And I have several motions, so I'll go through one – ask for vote on each one and take it from there. Mr. Chairman, I MOVE TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE ZONING ORDINANCE AMENDMENT, ARTICLE 11, REGIONAL MALL PARKING RATES, AS OUTLINED IN THE STAFF REPORT DATED OCTOBER 15TH, 2019 AND ADOPTING A RATE OF 2.5 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA FOR SHOPPING CENTERS WITH 800,000 SQUARE FEET OF GROSS FLOOR AREA OR MORE. I FURTHER MOVE THAT THE ZONING ORDINANCE AMENDMENT BECOME EFFECTIVE AT 12:01 A.M. THE DAY FOLLOWING ADOPTION.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Zoning Ordinance Amendment, Article 1 (sic), Parking Rate at Regional Malls, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Clarke: Abstain.

Chairman Murphy: Mr. Clarke abstains. Alright.

Commissioner Sargeant: Thank you, Mr. Chairman.

Chairman Murphy: For all the motions, Mr. Clarke abstain.

Commissioner Sargeant: Okay. Mr. Chairman, I also have a few follow-on motions for the Planning Commission to consider. Staff has indicated that a comprehensive review and update of the parking rates in Article 11 is planned as part as Phase II of the Zoning Ordinance Modernization effort. Based on comments we've heard during this public hearing relating to the proposed changes in parking rates for regional centers greater than 800,000 square feet, it's clear that additional analysis and studies should be undertaken to address the changing parking demands for both large and small retail centers, as well as developing a new approach for mixed-use centers. There was also a discussion about the existing approvals for Tysons One and Two and how the proposed amendment to change the parking rate could impact those approvals. Therefore, I move the following:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD DIRECT STAFF TO PRIORITIZE THE REVIEW OF THE PARKING RATES FOR RETAIL AND MIXED-USE CENTERS DURING PHASE II OF THE ZONING ORDINANCE MODERNIZATION PROGRAM AND INCLUDE A PROJECTED TIMELINE AS PART OF THE ZONING ORDINANCE AMENDMENT WORK PROGRAM WHICH WILL BE REVIEWED IN THE SPRING OF 2020.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Sargeant: Mr. Chairman, I also MOVE THAT THIS REVIEW INCLUDE A STUDY OF HOW TO REFERENCE AND INCORPORATE THE PTC, PLANNED TYSONS CORNER PARKING RATES IN THIS UPDATE.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Alright. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD DIRECT STAFF IN LAND DEVELOPMENT SERVICES TO PROVIDE NOTIFICATION THAT THE APPLICABLE DISTRICT SUPERVISOR AND PLANNING COMMISSIONER, WHEN A PARKING REDUCTION OR OTHER TYPE OF ADMINISTRATIVE APPROVAL REQUEST IS SUBMITTED TO REDUCE PARKING FOR THOSE RETAIL CENTERS IN EXCESS OF 800,000 SQUARE FEET.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Sargeant: Mr. Chairman, with regard to some of the discussion we've had – heard regarding the proposal for future for redevelopment of Fair Oaks Mall and the concern that any reduction in the parking requirement would result – would not necessarily result in commitments that are consistent with policies for the County, committee and stormwater management, and other environmental policies, I would like to make the following motion for the Board's consideration. I MOVE THAT THE REVIEW OF ANY COMPREHENSIVE PLAN AMENDMENT AND SUBSEQUENT ZONING APPLICATION FOR FAIR OAKS MALL PLACE PARTICULAR EMPHASIS ON THE PROVISION OF INTERCONNECTED GREEN SPACES, TREE CANOPY, LANDSCAPING, MULTIMODAL CONNECTIONS, AND STORMWATER LOW IMPACT DEVELOPMENT TECHNIQUES, AS WELL AS THE INTEGRATION OF AFFORDABLE HOUSING IN ANY RESIDENTIAL COMPONENT OF REDEVELOPMENT AT THE CENTER.

Commissioner Cortina: Second.

Chairman Murphy: Seconded by Ms. Cortina. Is there a discussion of that motion?

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Hart: On that one. I think this may be the most important of the package. And – and as Commissioner Sargeant pointed out at the beginning, the – the reduction of parking requirements provides an opportunity for environmental improvement. But there is no quid pro quo, if that's the phrase. There's – there's nothing coupled with the reduction of parking requirements, at least as of yet. And I wish there were. And I think some of the suggestions we've had is that a reduction in parking ought to increase impervious surface, or provide opportunities for solar panels, or some other improvement. And whether it's Fair Oaks Mall or somewhere else, our environmental policies, it seems to me, could be better integrated with this type of activity. If we're gonna reduce parking for a mall, there oughta be a quid pro quo. We oughta be getting some environmental benefit out of it. Whether it's Fair Oaks or anywhere else. Thank you.

Chairman Murphy: Further discussion? Mr. Migliaccio.

Commissioner Migliaccio: Mr. Chairman, a question for either staff or Commissioner Sargeant. Is this above and beyond or is this more than we would normally do in the process of a Comprehensive Plan and a rezoning?

Commissioner Sargeant: I would suggest this is – this is going beyond. But simply it – it ties in with Commissioner Hart's comments of going – going the extra mile to see what the opportunities are going forward.

Commissioner Migliaccio: So, we're not making this more onerous for the...

Commissioner Sargeant: I think this – this gives the opportunity to further highlight in ...

Commissioner Migliaccio: It's just...

Commissioner Sargeant: Our – our guidance on how we ...

Commissioner Migliaccio: Okay. So, we're just flagging it and for more review. Okay.

Commissioner Sargeant: We're – we're looking to make sure we've included the – the most recent techniques and strategies as has been suggested so that as you review these opportunities, as you look at reducing that sea of asphalt, you can see how you can better improve stormwater management and other – other components of this. So, Commissioner Hart's program I think as we review especially in Phase II of zMOD we have that opportunity.

Commissioner Migliaccio: Okay. I agree with that approach. I was just worried that we're putting one more step on something while we're trying to make, with this parking reduction, make it competitive, for Fair Oaks Mall to be competitive in the future. I just didn't want to put anything else in its way to get to that...

Commissioner Sargeant: Got it.

Commissioner Migliaccio: Destination. Thank you.

Chairman Murphy: All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0-1. Commissioner Clarke abstained from the vote. Commissioner Niedzielski-Eichner was absent from the meeting.

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PA 2017-CW-2CP - COMPREHENSIVE PLAN AMENDMENT (GREEN BUILDING ENERGY POLICY PLAN UPDATE)

(Decision Only) (Public Hearing on this application was held on November 6, 2019)

(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. We're ready. I'll go make the motion.

Chairman Murphy: We're on verbatim now.

Commissioner Hart: Okay. On November 6th, the Planning Commission held a public hearing on the Green Building Energy Policy Update and deferred decision until tonight. I wanted to thank the citizens, neighboring jurisdictions, and groups who either spoke at the public hearing or submitted written comments both to the Commission and to staff over the last couple years. We have to move this item forward tonight in order to get our recommendation to the Board of Supervisors this year. So, I will be moving approval, with follow-on motions. I also want to thank County staff, particularly Joe Gorney, also Denise James and Kambiz Agazi, who were here at the public hearing, for their fine work on this project. I also want to thank former staff member, Noel Kaplan, for his helpful guidance and encouragement to the environment committee on this project. Although this particular change may seem relatively concise, it represents a great deal of outreach and consensus building and will facilitate staff and the Planning Commission's emphasis on energy efficiency and conservation. I also wanna thank my colleagues for their encouragement and dedication, as well as their patience throughout this lengthy process. We also have the opportunity tonight to pass along to the Board some additional environmental recommendations in light of staff's responses to citizen comments. Challenges lie ahead but I believe we can meet those challenges. In a number of respects, we seem to be at the end of one chapter in Fairfax County's environmental policy and the beginning of another. We've observed obvious changes in land use applications in the last few years, with the urbanization of Tysons and Reston, a shift towards transit oriented development, as well as increasingly difficult residential infill cases. There's been substantial turnover on the staff, there will be turnover on the Commission, and the Board of Supervisors will see some major changes in a few weeks, as already has the General Assembly. Environmental concerns and environmental awareness also have increased significantly in the 13 years since I've first chaired the Environment Committee. Interest in environmental aspects of land use cases, such as stormwater and tree save, changing the dependence on gasoline powered automobiles, and other issues has never been higher.

Climate change and the need to formulate land use policies to address it, both at the state and local level, is increasingly a part of that collective awareness. In the past year, we've seen Brazil and Siberia on fire, Greenland melting, and Venice flooded. We've seen Virginia's Chesapeake Bay Island communities gradually disappearing and locally stormwater and RPA issues dominate many applications. At the same time, we've also experienced a different type of advocacy locally for streamlining, cutting costs, and speeding up the land use approval process, coupled with economic pressure to relax environmental regulation to facilitate development. These changes could tend to diminish the Commission's independent role, reduce opportunities for meaningful citizen input, and thwart implementation of the Board's policy goals. While obvious next steps may already be in the works, I believe this is an appropriate juncture for the Commission to suggest a broad proactive approach in the implementation of a meaningful environmental agenda, to maintain and expand upon the constructive process we have made in Fairfax County, looking forward to the decades ahead. Significantly, an independent Planning Commission, conducting a robust vetting of individual land use applications, welcoming of citizen input, is essential to ensuring that the Board's environmental goals are implemented. At a granular level, the environmental details of each case we review must be consistent with the Board's environmental policies, including tree cover, stormwater issues, energy conservation, green building policy, and other concerns. Our public hearing process, including sufficient time for commissioner questions and opportunities for citizen comment, is how we improve those applications and achieve these goals case by case. As we turn a page in Fairfax County, I hope the next chapter in the land use history book will continue to include a meaningful land use process, with carefully vetted recommendations from an independent Planning Commission, with full opportunity to consider citizen input, irrespective of any streamlining of the land use approval process. I believe the Commission can aid the Board in the creation of a more comprehensive environmental approach, building upon the solid consensus building efforts of the last decade. It will not be easy, but I believe we can do this with the assistance of staff and the support of the community. Mr. Chairman, I will have several motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2017-CW-2CP, AS CONTAINED IN THE STAFF REPORT DATED OCTOBER 16, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors to adopt PA 2017-CW-2CP, Comprehensive Plan Amendment, Green Building Energy Policy Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: [Inaudible]

Chairman Murphy: Ms. Strandlie abstains.

Commissioner Strandlie: [Inaudible] the hearing, but I support this. I abstain.

Chairman Murphy: You abstain? Okay. Not present for the public hearing. Mr. Sargeant.

Commissioner Hart: I voted yes. He seconded.

Chairman Murphy: I mean, I'm sorry. Mr. Hart.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION SUPPORT COUNTY ACTIONS TO MEET CLIMATE ACTION ADAPTATION AND RESILIENCY GOALS AND RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO INITIATE THE FOLLOWING ACTIONS WITH APPROPRIATE ASSIGNMENTS TO THE COMMISSION FOR REVIEW AND RECOMMENDATION.

- FIRST, THE DEVELOPMENT AND IMPLEMENTATION OF A CLIMATE ADAPTATION AND RESILIENCE PLAN TO REDUCE THE ADVERSE IMPACTS OF EXTREME WEATHER EVENTS AND OTHER CLIMATE CHANGE EFFECTS, INCLUDING FLOODING AND POWER OUTAGES ON LOCAL RESIDENTS, BUSINESSES, AND CRITICAL INFRASTRUCTURE; TO INCLUDE AN ANALYSIS OF THE EFFECTS OF TEMPERATURE AND OR PRECIPITATION CHANGES AND VULNERABILITY TO SEA LEVEL RISE; AND
- A REVIEW OF THE COUNTY'S GREEN BUILDING POLICY TO INCLUDE CONSIDERATION OF MOVING TO A HIGHER LEED STANDARD AND/OR CONSIDERATION FOR A NET ZERO ENERGY STANDARD.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? Ms. Hurley.

Commissioner Harley: I'm going to abstain. Not that I disagree with your comments, especially about the need for an independent Planning Commission, but rather that I have not had time to fully vet your comments.

Chairman Murphy: All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: One abstention.

Chairman Murphy: One abstention. Yes. And Ms. Strandlie. Well we already got that one. Okay.

Commissioner Hart: Secondly Mr. Chairman, I FURTHER MOVE THE CONSIDERATION OF POLICIES TO FACILITATE THE ATTAINMENT OF CLIMATE ACTION, ADAPTATION,

AND RESILIENCY GOALS, CONSISTENT WITH STATE EXECUTIVE ORDER 24, INCREASING VIRGINIA'S RESILIENCE TO SEA LEVEL RISE AND NATURAL HAZARDS.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Strandlie abstains. Ms. Hurley abstains.

Each motion carried by a vote of 9-0-2. Commissioners Strandlie and Hurley abstained from the vote. Commissioner Niedzielski-Eichner was absent from the meeting.

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Commissioner Migliaccio announced the Planning Commission received minutes for May, June, and July 2019, and he intended to move the approval of those minutes at the December 11, 2019 public hearing.

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. PCA 84-S-038-02 - DOMINION ELECTRIC SUPPLY COMPANY, INC.
2. SE 2019-MV-017 - SEMIA YUSUF D/B/A PANDA CHILD CARE
3. CSPA 2009-HM-019-02 - COMSTOCK RESTON STATION HOLDINGS, LC
4. FDPA 2016-HM-007-03 - ONE RESTON CO. LLC AND TWO RESTON CO. LLC

The order was accepted without objection.

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PCA 84-S-038-02 - DOMINION ELECTRIC SUPPLY COMPANY, INC. – Appl. to amend RZ 84-S-038 previously approved for warehouse with associated office and retail uses to permit modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.22. Located on the S. side of Lee Jackson Memorial Hwy., approx. 300 ft. E. of its intersection with Westfax Dr. on approx. 3.59 ac. of land zoned I-5, WS, AN and HC. Comp. Plan Rec: Industrial. Tax Map 34-3 ((1)) 2A. SULLY DISTRICT. PUBLIC HEARING.

G. Evan Pritchard, Applicant's Agent, Venable LP, reaffirmed the affidavit dated October 18, 2019.

Commissioner Cortina disclosed she had a financial relationship with Venable, LP. She stated that matter was unrelated to the application and did not believe this would affect her ability to participate in the case.

Commissioner Tanner asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Tanner for action on this case.

(Start Verbatim Transcript)

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Commissioner Tanner: Thank you, Mr. Chairman. I just have before us a pretty straightforward case. It's a PCA with Dominion Electric Supply Company. I agree with staff's recommendation and conclusions and I will be moving for approval tonight. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 84-S-038-02, SUBJECT TO THE PROFFERS DATED OCTOBER 18TH, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 84-S-038-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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SE 2019-MV-017 - SEMIA YUSUF D/B/A PANDA CHILD CARE – Appl. under Sects. 6-105 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 9935 East Hill Dr., Lorton, 22079 on approx. 3,442 sq. ft. of land zoned PDH-5. Tax Map 113-2 ((8)) 28. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Semia Yusuf, Applicant, reaffirmed the affidavit dated October 21, 2019.

There were no disclosures by Commission members.

Commissioner Clarke asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Clarke for action on this case.

(Start Verbatim Transcript)

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Commissioner Clarke: Thank you, Mr. Chairman. I'd like to ask if the applicant could please step forward to the podium and confirm for the record that they agree with the proposed development conditions dated October 9th, 2019.

Semia Yusuf, Applicant: Yes.

Commissioner Clarke: Okay. Thank you. So, Mr. Chairman, with that I'd like to move – you may have a seat.

Ms. Yusuf: Okay.

Commissioner Clarke: I'd like to move the Planning Commission that we vote on this matter – make a motion.

Chairman Murphy: Go ahead.

Commissioner Clarke: And I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2019-MV-017, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED OCTOBER 9TH, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. 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 2019-MV-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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CSPA 2009-HM-019-02 - COMSTOCK RESTON STATION HOLDINGS, LC – Appl. under Sect. 12-304 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with CSP 2009-HM-019 to permit sign modifications. Located on the W. side of Wiehle Ave. and N. and S. sides of Reston Station Blvd., W. side of Metro Center Dr. and S. side of Sunset Hills Rd. on approx. 10.82 ac. of land zoned PDC. Tax Map 17-4 ((1)) 17A, 17-4 ((24)) 3, 17-4 ((1)) 17L1, 17L2, 17L3, 17L4 and 17L5. HUNTER DISTRICT. PUBLIC HEARING.

There was a discussion between multiple Commissioners regarding the following:

- An e-mail received from Bruce Wright regarding the need for a bicycle storage facility, additional signage, and bikes on the plaza; and
- The applicant's proposed neighborhood plan.

The discussion resulted in no changes to the application.

Commissioner Carter asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Carter for action on this case.

(Start Verbatim Transcript)

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Commissioner Carter: Okay. The proposed Comprehensive Sign Plan is a minor amendment to the approved Comprehensive Plan for Comstock Development, located adjacent to the Wiehle Station Metro Station East. It will accommodate the needs of two incoming tenants, CVS and the M&T Bank. So, you can see it's a pretty minor amendment. This will be followed by a more comprehensive amendment coming up. The findings of the staff including the following:

- The areas for the sign are consistent with the approved development plan;
- The areas and sizes in the signs are consistent with the recommendations in the Comprehensive Plan and conform to the requirements in the Zoning Ordinance;
- The signs are in keeping with the scale of the buildings; and
- The signs help to differentiate between buildings and the Metro Station area.

With that, I'm ready for the specific motion. We hate to – hate to let Daniel – Danielle Stephens to get off quite so easy, but – first of all, Mr. Chairman, I request that the applicant confirm for the record agreement to the proposed development conditions dated November 6th, 2019.

Danielle Stephens, Applicant's Agent, Cooley LLP: Danielle Stephens, on behalf of the applicant, and we agree to the conditions.

Commissioner Carter: Almost too easy. We'll catch her next time, maybe. I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2009-HM-019-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 6TH, 2019 (SIC).

Commissioner Migliaccio: Second.

Chairman Murphy: 2009, isn't it?

Commissioner Carter: It says 2019.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Development: It should be 2009.

Commissioner Carter: It should be 2009.

Ms. Tsai: Is it nine?

Commissioner Sargeant: It's 2009.

Commissioner Hart: Well?

Commissioner Hurley: The conditions are 2019...

Commissioner Carter: No, it should be 2019.

Chairman Murphy: Okay then, our sheets are incorrect. Okay. Okay all those in favor of the motion to approve CSPA 2019-HM-...

Joseph Onyebuchi, Zoning Evaluation Division, Department of Planning and Development: It should be 2009.

Commissioner Migliaccio: 2009.

Chairman Murphy: 2009. CSPA 2009-HM-019-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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FDPA 2016-HM-007-03 - ONE RESTON CO. LLC AND TWO RESTON CO. LLC – Appl. to amend the final development plans for RZ 2016-HM-007 to permit development of Block G, which is part of a 36-acre mixed use development. Located on the W. side of Reston Pkwy., N. of Sunrise Valley Dr., E. of Edmund Halley Dr. and S. of the Dulles Airport Access and Toll Rd. on approx. 2.45 ac. of land zoned PDC. Tax Map 17-3 ((8)) 1A1. HUNTER MILL DISTRICT. PUBLIC HEARING.

Mark Looney, Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated November 5, 2019.

Commissioner Hart disclosed that the law firm of Hart & Horan, P.C. had one case where the firm's client hired an engineer from Urban Engineering Associates, Inc. (t/a Urban, Ltd.), listed on the affidavit as one of the applicant's agents. Commissioner Hart stated that within the past year, he had no business nor financial relationship with the engineering firm and, to his knowledge, did not believe this would affect his ability to participate in the case.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of FDPA 2016-HM-007-03.

Mr. Looney gave a presentation on the subject application.

There was a discussion between Ms. Tsai, Mr. Looney, and multiple Commissioners regarding the following:

- The upcoming changes to the bicycle plan for bicycle accommodations through and across a sight;
- Accommodations for on-street and off-street bicycle parking;
- The type of materials used for screening the rooftop of the garage;
- The type of turf used on the central multi-purpose lawn of the proposed park; and
- The green roof element commitments for the garage and locations for those elements where they were applicable;

The discussions resulted in no changes to the application.

There being no listed speakers, Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. 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 Carter for action on this case.

(Start Verbatim Transcript)

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Commissioner Carter: Okay. The proposed amendment is located adjacent to the future Reston Town Center Metro Station in Reston. The zoning is – was recently approved for the entire eight blocks. This is a final development plan amendment to Block G. The project remains consistent with the previous approvals with minor modifications including the following:

- The open space. The open space along the street has been increased. Pedestrian vehicular circulation has been approved – improved particularly by pushing the access to the parking garage farther away from the adjacent development.
- Screening of the garage. I – I think that drawing wasn't quite accurate. It – it's missing a few things and one that – one that I'm going to add. The screening. The parking garage will have the screening, the rooftop trellis, access has been revised. There'll be large street trees along all the streets that will help screen the garage. And I'm gonna propose a motion for the lighting to help reduce the impact on the adjacent development. And retail has been accommodated. You saw that on the adjacent development;
- In terms of the bike ways. The cycle tracks take – my – my estimation 50 feet – 50 feet from the curb to the building to actually accomplish the cycle track if you have a pedestrian way. My – my view of what the staff was suggesting last week is that this is – this would actually be in conformance. This is not the place for the cycle track. The Sunrise Valley would be the place for the cycle track and – and that's where they're proposing it. When you have retail, you don't want the bikes conflicting with people getting out of their cars going across the sidewalk and – and to the spaces. And you probably want you probably want the buildings a little bit closer than – than 50 feet. So, my understanding is this – this is consistent but we – we can further review this as – as we move along.

Three meetings have been held with the applicant and the Reston Land Use Committee. All the meetings were – were interesting and lots of comments. And, after the last meeting the – the Planning and Zoning Committee actually voted 10 in favor, zero opposed with one abstention because of a conflict I – I think with one of the engineers. So, having said that, I would like to move to the motion. This is FDPA 2016-HM-007-03, One Reston Company Land and Two

Reston Company, LLC. Mr. Chairman, I request that the applicant confirm for the record, agreement to the proposed development conditions dated November 6th.

Mark Looney, Applicant's Agent, Cooley LLP: Commissioner Carter, we're – the applicant's in agreement with those conditions. Did you want to...

Commissioner Carter: Yes.

Mr. Looney: Address your third one as well?

Commissioner Carter: I'm gonna do that next. Yes.

Mr. Looney: Okay.

Commissioner Carter: So now, I'm gonna add one condition. This is about the lighting. I was concerned about the garage and how it faces the future development across that main street. And I've been looking at these garages facing the streets and the lighting, it's on twenty-four hours a day and it probably is – is one the biggest impacts I think that you have in addition to just the size of these things. So, I'm gonna add a condition:

- NUMBER THREE: EXCEPT FOR THE TOP LEVEL, THE LIGHT FIXTURES ON ALL LEVELS WITHIN THE PARKING STRUCTURE ON BLOCK G, WILL BE RECESSED WITHIN OR BETWEEN THE OVERHEAD BEAMS SO AS TO NOT BE VISIBLE FROM ADJACENT PROPERTIES.

Mr. Looney: We are in agreement with that.

Commissioner Carter: Okay. So, let's see how do – how we gonna deal with that. So, I guess we need approval. I guess that's part of the motion. So, we need a second and a – and a vote on that.

Chairman Murphy: Would you say it's incorporated in the motion the development conditions I just put in?

Commissioner Carter: Yes.

Chairman Murphy: Okay. Okay. When you make the motion.

Commissioner Ulfelder: Second.

Chairman Murphy: He hasn't made it yet.

Commissioner Ulfelder: I thought he had.

Commissioner Carter: Well that – the motion is what I read into the record.

Chairman Murphy: Oh okay.

Commissioner Carter: So...

Chairman Murphy: In addition to that. Okay. All those in favor – seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 2016-HM...

Commissioner Migliaccio: Mr. Chairman, are you – did you make the motion officially?

Commissioner Carter: Yes.

Commissioner Migliaccio: Because you have to move that the Planning Commission recommend...

Commissioner Sargeant: Yeah.

Commissioner Carter: Okay...

Chairman Murphy: Yeah, that didn't...

Commissioner Carter: I move that the Planning Commission add a condition three...

Chairman Murphy: Everybody's thinking about turkey so we're gonna move on...

Commissioner Migliaccio: Or maybe we could start over. Because maybe we didn't have it.

Chairman Murphy: Yeah. Go ahead. Start over.

Commissioner Carter: Okay. Mr. Chairman, I request that the applicant confirm...

Chairman Murphy: No, it wasn't – not that...

Commissioner Carter: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2016-HM-007-03, SUBJECT TO THE DEVELOPMENT CONDITIONS, AS AMENDED TODAY AND DATED NOVEMBER 6TH, 2019.

Commissioner Tanner: Second.

Chairman Murphy: Seconded by Mr. Tanner. Is there a discussion of that motion? All those in favor of the motion to approve FDPA 2016-HM-007-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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The meeting was adjourned at 9:04 p.m.
Peter F. Murphy, Chairman
James T. Migliaccio, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 552, Fairfax, VA 22035.

Minutes by: Samantha Lawrence

Approved on: March 4, 2020

Jacob Caporaletti

Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 9 day of March, 2020, by
Jacob Caporaletti.

Dorothy M. Steele

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

Notary Seal

