

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 24, 2020**

PRESENT: Peter F. Murphy, Chairman, Springfield District
John C. Ulfelder, Vice Chairman, Dranesville District
Timothy J. Sargeant, Secretary, Commissioner At-Large
Julie M. Strandlie, Parliamentarian, Mason District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Lee District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Candice Bennett, Commissioner At-Large

ABSENT: Evelyn S. Spain, Sully District
Andres Jimenez, Commissioner At-Large

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The Planning Commission conducted a wholly electronic meeting using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was accessible to the public via Channel 16, live online video stream, and live audio. Testimony from the public could be provided through a phone call, recorded video, or submission of written testimony by mail or electronic means.

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The meeting was called to order at 7:30 p.m., by Chairman Peter F. Murphy.

The attending Commissioners attended the meeting from the following locations:

- John C. Ulfelder participated from the Dranesville District office, 397 Herndon Pkwy, Suite 110, Herndon, VA 20170;
- Timothy J. Sargeant participated from the Mount Vernon District office, 2511 Parkers Lane, Mt. Vernon, VA 22306;
- Mary D. Cortina participated from the Springfield District office, 6140 Rolling Road, Springfield, VA 22152;
- John A. Carter participated from the Hunter Mill District office, 1801 Cameron Glen Drive, Reston, VA 20190;
- Daniel G. Lagana participated from the Lee District office, 6121 Franconia Road, Alexandria, VA 22310;

- Walter C. Clarke participated from the Mount Vernon District office, 2511 Parkers Lane, Mt. Vernon, VA 22306;
- Phillip A. Niedzielski-Eichner participated from the Providence District office, 3001 Vaden Drive, 2nd Floor, Fairfax, VA 22031;
- Candice Bennett participated from the Lee District office, 6121 Franconia Road, Alexandria, VA 22310;
- Murphy Peter F. Murphy participated from the Springfield District office, 6140 Rolling Road, Springfield, VA 22152; and
- Julie M. Strandlie participated from the Mason District office, 6507 Columbia Pike, Annandale, VA 22003. (Commissioner Strandlie arrived after roll call).

Upon verifying the attendance of each Commissioner from their respective location, the meeting proceeded with Commission matters.

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COMMISSION MATTERS

Chairman Murphy relinquished duties of the virtual Chair and the virtual gavel to Vice Chairman Ulfelder.

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PRELIMINARY MOTIONS FOR CONDUCTING ELECTRONIC MEETING

Commissioner Murphy MOVED the following:

- THAT EACH MEMBER'S VOICE MAY BE ADEQUATELY HEARD BY EACH OTHER MEMBER OF THIS COMMISSION;
- THAT THE STATE OF EMERGENCY CAUSED BY THE COVID-19 PANDEMIC, MAKES IT UNSAFE FOR THE PLANNING COMMISSION TO PHYSICALLY ASSEMBLE AND UNSAFE FOR THE PUBIC TO PHYSICALLY ATTEND ANY SUCH MEETING. AND THAT AS SUCH, FOR AS USUAL PROCEDURES WHICH REQUIRES THE PHYSICAL ASSEMBLY OF THIS COMMISSION AND THE PHYSICAL PRESENCE OF THE PUBLIC CANNOT BE IMPLEMENTED SAFELY OR PRACTICALLY. I FURTHER MOVE THAT THE PLANNING COMMISSION MAY CONDUCT THIS MEETING ELECTRONICALLY THROUGH THE COUNTY'S VIDEO CONFERENCING SYSTEM AND THAT THE PUBLIC MAY ACCESS THIS MEETING BY WATCHING CHANNEL 16, OR ITS LIVE STREAM, OR LISTINING TO ITS LIVE AUDIO. AND, I SO MOVE; AND

- IT IS NEXT REQUIRED THAT ALL OF THE MATTERS ADDRESSED ON TODAY'S AGENDA MUST ADDRESS THE EMERGENCY ITSELF, AND ARE NECESSARY FOR CONTINUITY IN FAIRFAX COUNTY GOVERNMENT, AND OR ARE STATUTORILY REQUIRED OR NECESSARY TO CONTINUE OPERATIONS AND THE DISCHARGE OF PLANNING COMMISSION'S LAWFUL PURPOSES, DUTIES, RESPONSIBILITIES.

Commissioner Sargeant seconded the motions, which carried by a vote of 10-0. Commissioners Spain and Jimenez were absent from the meeting.

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Chairman Murphy resumed duties of the virtual Chair and the virtual gavel.

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Chairman Murphy announced that as a result of the upcoming Independence Day holiday, the next Planning Commission meeting would be held on July 8, 2020.

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SE 2020-PR-003 – FARZANA ASHRAF

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION DIRECT STAFF TO PLACE SCE – I'M SORRY SE 2020-SU-003 [SIC] ON INDEFINITE DEFERRAL.

Commissioner Sargeant seconded the motion, which carried a vote of 10-0. Commissioners Spain and Jimenez were absent from the meeting.

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SE 2020-PR-006 – MOHAMED RAFAEI

Commissioner Niedzielski-Eichner MOVED the following:

- THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2020-PR-006 TO A DATE OF JULY 29, 2020; AND
- THAT THE SCHEDULED BOARD OF SUPERVISORS PUBLIC HEARING A DATE OF – FOR SE 2020-PR-006, BE MOVED FROM – TO JULY 14TH, 2020 TO SEPTEMBER 16TH, 2020.

Commissioner Sargeant seconded the motions, which carried a vote of 10-0. Commissioners Spain and Jimenez were absent from the meeting.

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SEA 93-Y-006-02 – PM PLUS, LLC

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SEA 93-Y-006-02, PM PLUS, LLC, TO A DATE CERTAIN OF JULY 8TH, 2020.

Commissioner Niedzielski-Eichner seconded the motion, which carried a vote of 10-0. Commissioners Spain and Jimenez were absent from the meeting.

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2232-V19-1 – Department of Public Works and Environmental Services, South County Police Station and Animal Shelter, Lorton Road between Hooes and Workhouse Road, Lorton, VA 22079

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Commissioner Clarke CONCURRED WITH THE STAFF'S CONCLUSION THAT THE PROPOSAL BY THE SOUTH COUNTY – BY THE FAIRFAX COUNTY DEPARTMENT OF PUBIC WORKS AND ENVIRONMENTAL SERVICES TO CONSTRUCT THE SOUTH COUNTY POLICE STATION AND ANIMAL SHELTER AT OUR LORTON ROAD BETWEEN WORKHOUSE AND HOOSE ROAD IN LORTON VIRGINIA, ZIP CODE 22079, AND SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN THE VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant seconded the motion, which carried a vote of 10-0. Commissioners Spain and Jimenez were absent from the meeting.

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ORDER OF THE AGENDA

Secretary Sargeant established the following order of the agenda:

1. PCA-C-491-03 – T&M MCLEAN VENTURE, LLC
2. PCA/CDPA 2010-PR-021-03/FDPA 2010-PR-021-03/SE 2020-PR-002 – CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION; CAPITAL ONE, NATIONAL ASSOCIATION; AND CAPITAL ONE TYSONS BLOCK C OWNER, LLC

The order was accepted without objection.

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PCA-C-491-03 – T&M MCLEAN VENTURE, LLC – Appl. to amend the proffers for RZ C-491 previously approved for office to permit the

construction of an inter-parcel connection and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.52. Located on the S. side of Chain Bridge Rd., approx. 800 ft. E. of Westmoreland St. on approx. 4.43 ac. of land zoned C-2, CRD and SC. Comp. Plan Rec: Office. Tax Map 30-2 ((1)) 23. DRANESVILLE DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley and Walsh, P.C., reaffirmed the affidavit dated June 10, 2020.

There were no disclosures by Commission members.

Commissioner Ulfelder 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 Ulfelder for action on this application.

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Commissioner Ulfelder MOVED the following:

- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF PCA-C-491-03, CONSISTENT WITH THE PROFFERS DATED MAY 11TH, 2020; AND
- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF THE WAIVERS AND MODIFICATIONS ADD LIST – AS LISTED IN THE HANDOUT DATED JUNE 24, 2020.

Commissioner Niedzielski-Eichner seconded the motions, which carried by a vote of 10-0. Commissioners Spain and Jimenez were absent from the meeting.

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PCA/CDPA 2010-PR-021-03 – CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION – Appl(s). to amend the proffers and conceptual development plan, for RZ 2010-PR-021, previously approved for hotel/mixed-use, to permit office/mixed-use and associated modifications to proffers and site design at a Floor Area Ratio (FAR) of 4.10. Located on the N. side of Dolley Madison Blvd., S. side of Scotts Crossing Rd., and E. side of the Capital Beltway on approx. 5.09 ac. of land zoned PTC and HC. Comp. Plan Rec: Transit Station Mixed-Use. Tax Map 29-4 ((5)) (1) B (pt.), E1 and F (pt.). (Concurrent with FDPA 2010-PR-021-03 and SE 2020-PR-002). PROVIDENCE DISTRICT. PUBLIC HEARING.

FDPA 2010-PR-021-03 – CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION – Appl. to amend the final development plans for RZ 2010-PR-021 to permit office/mixed-use and associated changes to development conditions. Located on the N. side of Dolley Madison Blvd., S. side of Scotts Crossing Rd. and E. side of the Capital Beltway on approx. 2.03 ac. of land zoned PTC and HC. Tax Map 29-4 ((5)) (1) B (pt.) and F (pt.). (Concurrent with PCA/CDPA 2010-PR-021-03 and SE 2020-PR-002). PROVIDENCE DISTRICT. PUBLIC HEARING.

SE 2020-PR-002 – CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION; CAPITAL ONE, NATIONAL ASSOCIATION; CAPITAL ONE TYSONS BLOCK OWNER, LLC – Appl. under Sect. 6-504 of the Zoning Ordinance to permit an increase in Floor Area Ratio (FAR) in the PTC District. Located at 1600 Capital One Dr., McLean, 22102 on approx. 24.52 ac. of land zoned PTC and HC. Tax Map 29-4 ((5)) (1) A, B, C, D, E1, E2 and F. (Concurrent with PCA/CDPA 2010-PR-021-03 and FDPA 2010-PR-021-03). PROVIDENCE DISTRICT. PUBLIC HEARING.

Gregory A. Riegler, Applicant's Agent, McGuireWoods, LLP, reaffirmed the affidavits dated June 11, 2020.

There were no disclosures by Commission members.

Stephen Gardner, Zoning Administration Division, Department of Planning and Development presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of PCA 2010-PR-021-03, CDPA 2010-PR-021-03, FDPA 2010-PR-021-03, and SE 2020-PR-002

Mr. Riegler gave a presentation on the subject applications.

There was a discussion between Mr. Gardner, Mr. Riegler, and multiple Commissioners regarding the following:

- Comments made on the attention to detail given to issues pertaining to pedestrian travel, safety, streetscape, and landscaping; and
- The vehicular network changes, traffic impact, and trip generation as a result of the change in use.

The discussion resulted in no changes to the applications.

There being no listed speakers, Chairman Murphy called for virtual speakers, 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 Niedzielski-Eichner for action on these applications.

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Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. We – we have before us tonight four concurrent applications that would collectively permit additional office and mixed-use development in Tysons East on the Capital One Headquarters campus. For the record, let me summarize what we have heard from staff, the applicant, and from my colleagues. First of all, the net effect of these applications, if approved, would be to convert the planned land use from hotel to office. The resulting land use mix will increase the percentage of office by six percent, bringing the office uses in alignment with the 65 percent anticipated the Comprehensive Plan – by the Comprehensive Plan. The hotel use would decrease by nearly a half from 12.8 percent to 6.5 percent. The percentage of residential, retail, and theater uses remain unchanged. I agree with staff's position that the decrease in hotel uses is supportable, as the site will continue to have a diverse mix of uses, including a – the Watermark Hotel, a – a hotel use, and there are other hotels planned or under construction in the area. The modifications sought through the proffered condition amendment and conceptual development plan amendment would transfer intensity or gross floor area from the site's Block E to Block B. Importantly, the overall intensity for the entire Capital One campus would be – excuse me, unchanged, with a total Floor Area Ratio remaining at 4.10. Also, importantly, no changes are proposed to the location of publicly accessible open space, grid of streets, or other proffered public improvements on Block – either Block B or E. The final development plan amendment application seeks to permit 385,200 square-foot office building on 2.03 acres within Block B with supporting retail, and a building height of up to 305 feet, and up to 18 stories. To make this change further advance transit-oriented development, the special exception would allow Capital One additional office floor area ratio within the quarter mile ring of the McLean Metro Station. While the overall application will have additional vehicular impact, modest as we've heard, the applicant has demonstrated a strong commitment over time to reducing traffic impacts with robust transportation demand management measures. Approving this special exception permit can only aid in this effort. And I wanted to reiterated that all outstanding issues that staff originally raised in this report have been resolved. As we have heard tonight, this is a good news story, in that it represents the continued employment growth of one of Tysons' and the County's most prominent corporations. Further, and as noted earlier, the loss of the hotel is anticipated to be offset elsewhere in Tysons, and the campus will continue to have a diverse mix of uses. I remain impressed, Mr. Chairman, with Capital One's land use vision for this site and its exciting implications for the future of Tysons. I look forward to the Performing Arts Center, to the Sky Park, as well as the opening of Wegman's, a large format retail user of some renown, I say with a little humor. If you hadn't had a chance to visit the new Capital One Headquarters building, and its array of publicly accessible retail services, its streetscape, and its – and its placemaking, as Commissioner Carter notes, I believe you, like me, will be duly impressed. I want to note Mr. Chairman, before moving for approval that we – we received, as you've heard, unqualified positive support from Capital One's

immediate neighbors, the Gates of McLean, and from the McLean Citizens Association. Also, as we heard this evening, all matters of residual staff concern identified in its report have been satisfactorily addressed in the proffers and the development conditions before us for approval tonight. Finally, Mr. Chairman, a project of this magnitude is enormously complex and detailed and requires both the vision of the applicant, and a vigorous review by our staff of its design and its implications. And, I want to acknowledge then a tremendous effort put into this by Capital One and by Capital – and by County staff, most notably, Mr. Gardner. It is a credit to all that this application comes before us with no controversy and with broad-based community support. And with that Mr. Chairman, I – if you're ready I – I would ask the applicant to confirm for the record agreement to the proposed FDPA conditions dated June 23rd, 2020, and the proposed special exception conditions dated June 10th, 2020.

Gregory A. Riegle, Applicant's Agent, McGuireWoods LLP: Mr. Chairman, this is Greg Riegle. For the record, we concur and accept those conditions as described by Commissioner Niedzielski-Eichner.

Commissioner Niedzielski-Eichner MOVED the following:

- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA/CDPA 2010-PR-021-03, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED June 22nd, 2020 – I'm sorry JUNE 23RD, 2020 [SIC];
- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS REAFFIRMATION OF THE PREVIOUSLY APPROVED WAIVERS AND MODIFICATIONS FOR PCA/CDPA 2010-PR-021-03, DISTRIBUTED TO THE COMMISSION THIS EVENING;
- THAT THE PLANNING COMMISSION APPROVE FDPA 2010-PR-021-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 23rd, 2020, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA/CDPA 2010-PR-021-03; AND
- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2020-PR-002, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 10TH, 2020, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA/CDPA 2010-PR-021-03.

Commissioner Ulfelder seconded the motions, which carried by a vote of 10-0. Commissioners Spain and Jimenez were absent from the meeting.

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The meeting was adjourned at 8:22 p.m.
Peter F. Murphy, Chairman
Timothy J. Sargeant, 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: November 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 12 day of October 2021, by
Jacob Caporaletti.

Doreen M. Sipe

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

