

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 3, 2021**

PRESENT: 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
Andres Jimenez, Commissioner At-Large

ABSENT: Peter F. Murphy, Chairman, Springfield District
Evelyn S. Spain, Sully District

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

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COMMISSION MATTERS

MINUTES APPROVAL – MAY – JUNE 2021

Commissioner Sargeant MOVED APPROVAL OF THE MEETING MINUTES FOR THE FOLLOWING MEETINGS:

- MAY 5, 2021;
- MAY 12, 2021;
- MAY 19, 2021;
- MAY 26, 2021;
- JUNE 9, 2021;
- JUNE 16, 2021;
- JUNE 23, 2021; AND
- JUNE 30, 2021.

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

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RZ/FDP 2021-LE-002 CONCURRENT WITH PCA 82-L-030/2232-L20-3 - THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY

(Decision Only) (Public Hearing on this application was held on October 20, 2021)

Commissioner Lagana MOVED THE FOLLOWING:

- THAT THE PLANNING COMMISSION FIND THAT THE PUBLIC FACILITY PROPOSED UNDER 2232-L20-3, SATISFIED THE CRITERIA OF LOCATION, CHARACTER AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND THEREFORE WAS SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN;
- RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 82-L-030-14;
- RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2021-LE-002 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED NOVEMBER 1, 2021;
- APPROVAL OF FDP 2021-LE-002, SUBJECT TO THE BOARD'S APPROVAL OF RZ 2021-LE-002 AND SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED NOVEMBER 3, 2021;
- RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN, EASTERN, AND WESTERN PROPERTY BOUNDARIES AS DEPICTED ON THE CONCEPTUAL DEVELOPMENT AND FINAL DEVELOPMENT PLAN; AND
- RECOMMEND THAT STAFF CRAFT A PROFFER TO INCLUDING A WAYFINDING SIGN WHICH APPROPRIATELY CAPTURED THE RANGE OF FACILITIES ON THE SUBJECT PROPERTY.

Commissioner Bennett seconded the motions, which carried by a vote of 10-0. Commissioner Spain and Chairman Murphy were absent from the meeting.

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ORDER OF THE AGENDA

Commissioner Sargeant established the following order of the agenda:

1. CODE AMENDMENT - PROPOSED UPDATE TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
2. RZ/FDP 2021-DR-006 - 7700-4 LEESBURG PIKE ASSOCIATES, LLC AND 7700 HOMES ASSOCIATES LLC
3. PCA 2003-PR-022-02/CDPA 2003-PR-022/FDPA 2003-PR-022-02 - PULTE HOME COMPANY, LLC

This order was accepted without objection.

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CODE AMENDMENT - PROPOSED UPDATE TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA – Pursuant to authority granted by *Code of Virginia* §§ 15.2-107, 15.2-961.1, 15.2-2204, 15.2-2241(A)(9), 15.2-2286(A)(6), 36-98.3, 36-105, 62.1-44.15:28(A), 62.1-44.15:29, 62.1-44.15:54(J), the amendments propose new fees and amendments to fees charged by Land Development Services (LDS), under Chapter 2, Art. 1, Sec. 2-1-4 (Property Under County Control), Chapter 61, Art. 1, Sec. 61-1-3 (Building Provisions), Chapter 101, Art. 2, Sec. 101-2-9 (Subdivision Provisions), Chapter 104, Art. 1, Sec. 104-1-3 (Erosion and Sedimentation Control), Chapter 112.1, Art. 8, Sec. 8101.1.D (Zoning Ordinance), and Chapter 124, Article 3 (Stormwater Management Ordinance) of the County Code, for plan review, processing of permits, and performing testing and inspection services.

The Building Development Fees charged under Appendix Q, Part I, Section A (Standard Fees), that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits are being adjusted as follows: 1) the team inspection fees and the fee charged for non-permitted work are being eliminated and 2) a new fee of \$156.00 is being proposed for posting a space for the maximum occupancy load.

The Building Development Fees charged under Appendix Q, Part I, Section B (Building Permit and Other Fees), Section C (Mechanical Permit Fees), Section D (Electrical Permit Fees), and Section E (Plumbing Permit Fees) are being restructured and adjusted. The building development fees are being replaced by fees that are based on the quantity of materials and equipment permitted, for all trade disciplines (i.e., mechanical, electrical, and plumbing). The mechanical permit fees per project are being decreased by an average of up to 60%, The electrical permit fees per project are being increased by an average of up to 5%, and the plumbing permit fees are being increased per project by an average of up to 5%. Additional building development fees are being adjusted as follows: 1) the swimming pool permit fees is being increased by \$56.40, 2) the fee for the installation of modular furniture per floor is being increased by \$3.20 when the estimated cost of construction is less than \$10,000, and the minimum fee for the installation of modular furniture when the estimated cost of construction is greater than \$10,000 is being increased by \$27.40, 3) the fee for installation and repair of retaining walls governed by the International Building Code is being assessed at 4.10% of the estimated cost of construction and the permit fee for retaining wall governed by the International Residential Code is being assessed at

CODE AMENDMENT
PROPOSED UPDATE TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE
SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

November 3, 2021

2.4% of the estimated cost of construction, 4) the permit fee fire and smoke testing of vertical transportation is being increased by \$83.00, and 5) the permit fees for generators and service panels is being assessed at \$60.00.

New plan review fees are proposed for building and site-related plans under Parts I and II of Appendix Q as follows: 1) an initial gateway review fee for major site-related plans of \$500 and the fee escalates by 10% for each time the plan does not pass the gateway review, 2) a minimum submission review fee for non-bonded site-related plans of \$108.00 per each minimum submission review until the review is passed, 3) a countywide building master file review fee of \$216.00 per discipline to be assessed at the time of the initial permit application, 4) a minor water quality impact assessment fee of \$324 per application, and 5) a single fee, in the amount of the water quality impact assessment fee, in instances when Resources Protection Area and Public Facilities Manual modifications are submitted simultaneously.

The Building Development Fees charged under Appendix Q, Part I, Section F (Household Appliance Permit Fees) are being increased or decreased up to 2% for rounding and the amendment proposes that the permit fee be applicable up to four appliances.

The Building Development Fees charged under Appendix Q, Part I, Section G (Vertical Transportation Permit Fees) are being restructured. The fees will be replaced and based on the type of equipment rather than solely on the number of floors in the building. The fees are being adjusted as follows: 1) the installation permit floor fee for the installation, repair, modernization or replacement of all commercial vertical transportation equipment installed in buildings other than single-family detached dwellings are being increased by up to 20% (from 2.0% of the installation contract value less the value of the equipment to 2.4%), 2) the elevator floor fee is being adjusted from \$47 (which was assessed on the elevator in an elevator bank which ascends to the highest level in the building) and restructured to \$15 for each elevator and each floor in the building where an individual passenger or freight elevator is installed, 3) the elevator five-year testing fee is being decreased by up to 10%, and 4) the annual certificate of compliance fee for escalator/moving walks is being increased by up to 235%. The amendment also clarifies that annual certificate of compliance fees, the five-year testing and inspection fees, and the reinspection fees are calculated by adding the existing floor fee plus the individual piece of equipment fee.

PROPOSED UPDATE TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

New vertical transportation fees are proposed as follows: 1) a vertical transportation demolition permit fee of \$108.00, an elevator demolition inspection fee of \$289.00, an escalator/moving-walk demolition inspection fee of \$487.00, a dumbwaiter demolition inspection fee of \$146.00, a lift demolition inspection fee of \$146.00, 2) an elevator reinspection fee of \$246.00 plus the floor fee per equipment identification and applicable testing fee, per reinspection visit, 3) a residential elevator reinspection fee of \$308, 4) a generator test fee of \$296.00, 5) a temporary construction use fee of \$266.00 to be charged after the required elevator permit is issued, and 6) a temporary construction use fee of \$115.00 is being proposed for an extension.

The Site Development Fees charged under Appendix Q, Part II, Section A (Plan and Document Review Fees) are being increased as follows: 1) the 1st review cycle fees for site plans, subdivision plans, site plans for public improvements only, minor site plans and rough grading plans are being increased by \$381.00, 2) the fee in addition to the base fee for site plans for public improvements only, is being increased by \$0.55, per linear foot, 3) the fee for the additional review cycle for site plans, site plans with public improvements only, minor site plans and subdivision plans, if the Signature Set Review Cycle is not approved, is being increased by \$568.00, per review cycle, 4) the fee for a revision to a minor site plan is being increased by \$71, per submission; 5) the water quality review fee for bonded projects with greater than 150 linear feet of baseline is being increased by \$.04 per additional linear foot of baseline in excess of 150 linear feet, 6) the fees for a grading plan for building permits on existing lots within a bonded subdivision are being increased as follows: a) the first submission fee for each additional lot within the same subdivision submitted within the same plan set is being increased by \$215.20, and b) resubmission fee for each additional lot within the same subdivision submitted within the same plan set is being increased by \$210.00, and 7) the tree removal permit fee is being removed.

The Site Development Fees charged under Appendix Q, Part II, Section C (Site Inspection Fees) are being restructured. The current site inspection fees are assessed based on the proposed number of disturbed acres plus any proposed public improvements and proffered work. The site inspection fees are being replaced with fees based on the complexity of the project as follows: 1) the proposed site inspection fee will be \$124.00 per month of land disturbance for projects with no bonded improvements, not including infill lots, 2) the fees for projects with bonded improvements will be based on a percentage of the project's overall bond amount: a) major site plans

PROPOSED UPDATE TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

will be 4.0% with a minimum on \$7,500 and maximum of \$230,000, b) subdivision plans will be 3.0% with a minimum of \$20,000 and maximum of \$150,000, and c) public improvement plans will be 4.0% with a minimum of \$5,500 and maximum of \$35,000. The site inspection fee following a stop work order decreases from \$740.40 to 740.00, the site inspection fee following a violation increases from \$369.60 to \$370.00, and the site inspection for an agreement extension increases to 75% of the base inspection fee for the now-expired bond agreement period divided by the number of months in the preceding bond agreement period, then multiplied by the number of months in the extension.

Some site and building fees are also being increased or decreased up to 1% for rounding. Miscellaneous text edits and editorial changes are also being proposed. For all permit fees that are based on the cost of construction, the proposed amendment requires the permittee to provide to the county verifiable detail of the cost of construction.
COUNTYWIDE. PUBLIC HEARING.

William Hicks, Director, Land Development Services (LDS), gave an overview of the Code Amendment Proposed Update to Appendix Q (Land Development Services Fee Schedule) of the Code of the County of Fairfax, Virginia.

Devi Ogden, Business Support Services, LDS, presented the staff report, a copy is in the date file. She stated staff recommended adoption of the Code Amendment Proposed Update to Appendix Q (Land Development Services Fee Schedule) of the Code of the County of Fairfax, Virginia.

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

- The change in fees received by Land Development Services after implementation of the Planning and Land Use System (PLUS);
- Proposed changes to the elevator inspection program fees;
- The purpose and benefits of PLUS;
- Whether LDS was adequately staffed to provide the level of service to ensure that land use applications approved by the Board of Supervisors were executed effectively;
- The benefits and limitations of LDS' metrics for 100% cost recovery;

PROPOSED UPDATE TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

- LDS' minimum submission or Gateway Plan fees and review schedule for various plan types;
- The origination of the proposed cost recovery; and
- Whether LDS' proposed cost recovery was tied to the level of staffing.

There were no listed speakers, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Vice Chairman Ulfelder closed the public hearing and recognized Commissioner Sargeant for actions on this amendment.

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Commissioner Sargent MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENT TO APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF *THE CODE OF THE COUNTY FAIRFAX VIRGINIA (CODE)*, AS SET FORTH IN THE STAFF REPORT DATED OCTOBER 5, 2021.

Commissioner Strandlie seconded the motion, which carried by a vote of 11-0. Commissioner Spain and Chairman Murphy were absent from the meeting.

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This application was located in the Dranesville District therefore, Vice Chairman Ulfelder relinquished the Chair to Secretary Sargeant.

RZ/FDP 2021-DR-006 - 7700-4 LEESBURG PIKE ASSOCIATES, LLC AND 7700 HOMES ASSOCIATES LLC – to rezone from C-2 and HC to PDH-16 and HC to permit residential development with an overall density of 15.5 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the N.W. side of Leesburg Pike and E. of Edgar Ct. on approx. 6.73 ac. of land. Current Comp. Plan Rec: Office. Proposed Comp. Plan Rec: Residential, 12-16 du/ac. Tax Map 39-2 ((1)) 57. DRANESVILLE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Mark C. Looney, Esq., Applicant's Agent, Cooley LLP, reaffirmed the affidavit dated September 22, 2021.

Joe Onyebuchi, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the date file. He stated staff recommended approval of RZ 2021-DR-006 and FDP 2021-DR-006.

There was a discussion between Mr. Onyebuchi; Mr. Looney; Aaron M. Vinson, Walter L. Phillips, Inc; Catherine Lewis, Zoning Evaluation Division, Department of Planning and Development; and multiple Commissioners regarding the following:

- Approved language that addressed stormwater management controls that reduced runoff and provided for adequate outfall, as per guidance prescribed by the Potomac Watershead Plan, and help mitigate downstream flooding;
- Overview of Sheet P-0503 regarding the stormwater management standards for the site, missing preliminary computations for the stormwater quantity summary, and runoff from the site;
- Pedestrian accessibility to and from the site;
- Site plan illustrations that depicted the location of the mixed-use affordable housing units;
- Suggestion that staff revise the Zoning Ordinance to reduce the number of waivers being requested by applicants, specifically waivers for a 200 square-foot privacy yard and transitional screening requirements; and
- Accessibility options to accommodate higher density developments for persons with disabilities who operate vehicles.

The discussion resulted in a request for additional time to mitigate issues of concern.

There were no listed speakers, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Secretary Sargeant closed the public hearing and recognized Commissioner Ulfelder for actions on these applications.

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Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ/FDP 2021-DR-006 TO A DATE CERTAIN OF NOVEMBER 10, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

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Vice Chairman Ulfelder resumed duties of the Chair.

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PCA 2003-PR-022-2/CDPA 2003-PR-022/FDPA 2003-PR-022-02 – PULTE HOME COMPANY, LLC – Appl(s). to amend the proffers, conceptual development plan, and second final development plan for RZ 2003-PR-022, previously approved for mixed use, to permit mixed use and associated modifications to proffers and site design at an intensity/floor area ratio of 2.13. Located on the S. side of Sprague Ave., W. of Bleeker St., N. of Bastille St. and E. of Hammersmith Lane, on approx. 7.46 ac. of land zoned PRM. Comp. Plan Rec: Residential, 4-5 du/acre with option for Metro-oriented, mixed use development. Tax Map 48-3 ((49)) 2B (pt.). PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Antonio J. Calabrese, Applicant's Agent, DLP Piper LLP (US), reaffirmed the affidavit dated October 4, 2021.

Kelly Atkinson, Planning Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated staff recommended approval of PCA 2003-PR-022-2, CDPA 2003-PR-022, and FDPA 2003-PR-022-02.

There was a discussion between Ms. Atkinson; Ms. Lewis, Mr. Calabrese, and multiple Commissioners regarding the following:

- Letter received from CRC that raised concerns that the timing of the proposed developments would affect its rights and obligations to include delivery of a mixed-use development;
- Ongoing discussions between applicant and CRC to mitigate concerns regarding proposed developments;
- The community's concern that the applicant fell short of the promise to deliver additional mixed-use retail developments;
- The 5-foot concrete sidewalks adjacent to the proposed private streets as part of the construction of the proposed buildings to provide pedestrian access and circulation to the site;
- The applicant's consideration for the Leadership in Energy and Environmental Design – New Construction standards;

- The applicant's proposal to increase the cap on childcare enrollment to 150 children versus 100 children;
- Whether the applicant considered affording residents of the community first priority for access to the proposed childcare facility;
- The capacity limits for sanitary sewer at the site;
- A suggestion that the applicant provide electronic vehicle charging stations and also consider the installation of 240-volt electronic outlets in the resident parking garages;
- The number of dwelling units in the Metro West area;
- The retail analysis conducted by the applicant and CRC and the outcome of those results;
- Stormwater management techniques for the site and the applicant's commitment to meet those new requirements to maximize impacts of new and redevelopment projects;
- Accessibility features for getting to and from the Metro station from the proposed site;
- A suggestion to include proffer language that would address improvements to accessibility at the site, commit to the installation of ramps, crosswalks, and street lights, and install pick-up and drop-off areas for all proposed buildings to accommodate mobility challenged individuals and service vehicles;
- Whether the workforce dwelling unit policy was required for the proposed development; and
- Whether the applicant provided an adequate supply of mixed-use affordable housing units at the site.

The discussion resulted in the applicant's agreement to mitigate CRC's concerns regarding the proposed development. The applicant would also consider revising the proffers to include language that afforded residents of the community first priority for access to the proposed childcare facility and addressed sanitary sewer capacity limits at the site.

There were no listed speakers, no speakers from the public, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Vice Chairman closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on these applications.

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PCA 2003-PR-022-02, CDPA 2003-PR-022, AND FDPA 2003-PR-

022-02 TO A DATE CERTAIN OF DECEMBER 8, 2021, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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

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The meeting was adjourned at 10:25 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: February 23, 2022

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 4 day of March 20 22, by
Jacob Caporaletti.

Dorothy M. Steele

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2024

