

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 30, 2022**

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
Evelyn S. Spain, Sully District
Candice Bennett, Commissioner At-Large
Andres Jimenez, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 7:29 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

MINUTES APPROVAL – JANUARY 2022

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

- JANUARY 12, 2022;
- JANUARY 19, 2022; AND
- JANUARY 26, 2022.

Chairman Murphy seconded the motion, which carried by a vote of 12-0.

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2232-2021-MV-00024 – FAIRFAX COUNTY PARK AUTHORITY (ARCHAEOLOGY AND MUSEUM COLLECTIONS STORAGE FACILITY)

Commissioner Clarke MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF'S DETERMINATION FOR FEATURE SHOWN APPLICATION, 2232-2021-MV-00024, THAT THE PROPOSED FAIRFAX COUNTY PARK AUTHORITY (ARCHAEOLOGY AND MUSEUM COLLECTIONS STORAGE FACILITY), TO BE LOCATED AT 9518 WORKHOUSE WAY/8941 WORKHOUSE ROAD, LORTON, VA 22079, TAX MAP 113-1

((1)) 14 AND TAX MAP 106-4 ((1)) 58, SATISFIES THE CRITERIA OF LOCATION, CHARACTER AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AND IS THEREFORE CONSIDERED A FEATURE SHOWN OF THE COMPREHENSIVE PLAN.

Commissioner Cortina seconded the motion, which carried by a vote of 12-0.

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Chairman Murphy announced the departure of Keisha Strand, a staff member with the Planning Commission, Department of Clerk Services. Chairman Murphy expressed the Commission’s gratitude for her service and wished her well.

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CAPITAL IMPROVEMENT PROGRAM (CIP) – FISCAL YEARS 2023 – 2027 ADVERTISED (WITH FUTURE FISCAL YEARS TO 2032)

(Decision Only) (Public hearing on this item was held on March 10, 2022)

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTIONS:

- APPROVAL OF THE ADVERTISED FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2023 THROUGH 2027, WITH FUTURE FISCAL YEARS TO 2032;

Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTION:

- CRAFTING OF AN ALTERNATIVE TO FAIRFAX COUNTY’S EXISTING POLICY FOR REIMBURSING DEVELOPERS FOR ENLARGING WASTEWATER LINES TO MEET FUTURE COMPREHENSIVE PLAN LEVEL DENSITY; AND SUPPORTING THE STAFF RECOMMENDATION THAT THE CURRENT REIMBURSEMENT POLICY BE REVISED TO ENCOURAGE DEVELOPERS TO MORE PROACTIVELY ENGAGE IN ENLARGING THE CAPACITY OF WASTEWATER LINES FROM THEIR DEVELOPMENT, AS MAY BE NEEDED TO MEET COMPREHENSIVE PLAN LEVEL DENSITY;

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING THREE ACTIONS:

- THAT STAFF IN THE DEPARTMENT OF MANAGEMENT AND BUDGET WORK WITH THE PARK AUTHORITY STAFF TO DETERMINE SPECIFIC BONDING REQUIREMENTS FOR THE NEXT SEVERAL YEARS, REVIEW THE TIMING AND AMOUNTS OF FUTURE PARK AUTHORITY BOND REFERENDUM, AND EXPLORE ALL SUSTAINABLE FINANCING OPTIONS AVAILABLE TO SUPPORT THE RENOVATION OF SEVERAL PARK AUTHORITY RECREATION CENTER

FACILITIES IN NEED OF RENOVATION. STAFF SHOULD WORK TO DEVELOP A MUTUALLY BENEFICIAL SOLUTION TO THE BOND FINANCING AND CASH FLOW ISSUES FACING THE PARK AUTHORITY;

- THAT THE COUNTY EXECUTIVE CONTINUE TO WORK WITH COUNTY-MANAGED AND NON-COUNTY MANAGED CAPITAL PROGRAMS TO INCORPORATE CAPITAL REQUIREMENTS ASSOCIATED WITH ACHIEVING JOINT ENVIRONMENTAL TASKFORCE (JET) GOALS, AS ADOPTED BY THE COUNTY BOARD AND THE OPERATIONAL ENERGY STRATEGY, AND AS ADOPTED BY FCPS AND FUTURE CIPS;
- THAT STAFF REVIEW THE BOARD-ADOPTED JOINT ENVIRONMENTAL TASKFORCE RECOMMENDATIONS AND INCORPORATE THEM, AS APPROPRIATE, INTO THE RELEVANT SECTIONS OF THE PUBLIC FACILITIES ELEMENT OF THE POLICY PLAN; AND

Commissioner Strandlie MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING ACTION:

- THAT FAIRFAX COUNTY PUBLIC SCHOOLS ACT EXPEDITIOUSLY TO DEVELOP COMMUNITY OUTREACH PROCESSES TO ENSURE TIMELY, ROBUST, AND EQUITABLE COMMUNITY ENGAGEMENT WHEN DEVELOPING PLANS FOR THEIR PUBLIC FACILITIES AND SITES; AND THAT COMMUNITY ENGAGEMENT BE CONSIDERED AS A POLICY OBJECTIVE IN THE FUTURE UPDATE TO THE PUBLIC FACILITIES ELEMENT OF THE POLICY PLAN FOR ALL CIP PROJECTS, REGARDLESS OF THE REQUIREMENT FOR A 2232 REVIEW PUBLIC HEARING.

Commissioners Ulfelder and Niedzielski-Eichner seconded the first and third motions, which carried by a vote of 12-0.

Commissioner Lagana seconded the second motion, which carried by a vote of 12-0.

Commissioner Jimenez seconded the fourth and fifth motions, which carried by a vote of 12-0.

Commissioner Bennett seconded the sixth motion, which carried by a vote of 12-0.

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Chairman Murphy announced the departure of Barbara Byron, Director of the Department of Planning and Development. Chairman Murphy stated that Ms. Byron would continue her work on policy issues for Fairfax County from Chairman Jeffery McKay’s office. Chairman Murphy wished Ms. Byron well during the transition period.

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ORDER OF THE AGENDA

Chairman Murphy established the following order of the agenda:

1. CSP 2016-MA-022 (RZPA 2021-MA-00012) – FEDERAL REALTY INVESTMENT TRUST
2. PCA/CDPA/FDPA 2005-LE-021 – TRUEALTY VAN DORN, LLC
3. 2232-2021-SU-00023 – VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY

This order was accepted without objection.

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CSP 2016-MA-022 (RZPA 2021-MA-00012) – FEDERAL REALTY INVESTMENT TRUST – Appl. approval of a Comprehensive Sign Plan associated with RZ 2016-MA-022. Located in the S.W. quadrant of the intersection of Arlington Blvd. and Graham Rd. on approx. 10.14 ac. of land zoned PDC. Tax Map 50-3 ((1)) 5A2. MASON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated staff recommended approval of CSP 2016-MA-022 (RZPA 2021-MA-00012).

Michael Van Atta, Applicant’s Agent, McGuireWoods LLP, gave a presentation on the subject application.

There was a discussion between Ms. Williams, Mr. Van Atta, and multiple Commissioners regarding the following:

- The location of the signalized pedestrian crosswalk in relation to the site;
- Whether pedestrians were allowed to cross at the intersection of Graham Road and Arlington Boulevard; and
- The reasons why the applicant opposed the installation of signage that would direct pedestrians to a signalized crosswalk.

The discussion resulted in no changes to the proposed Comprehensive Sign Plan.

There were no listed speakers, no speakers from the public, no comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on this application.

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Commissioner Strandlie MOVED THAT THE PLANNING COMMISSION APPROVE CSP 2016-MA-022, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 15, 2022.

Commissioner Sargeant seconded the motion, which carried by a vote of 12-0.

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PCA/CDPA/FDPA 2005-LE-021 – TRUEALTY VAN DORN, LLC –
Appl(s). to amend the proffers, conceptual development plan, and final development plan for RZ 2005-LE-021, previously approved for 17 single family attached dwelling at a density of 7.23 du/ac, and allow associated modifications to site design and proffers. Located on the E. side of Van Dorn St., approx. 1,200 ft. N. of Franconia Rd., on approx. 2.35 ac. of land zoned PDH-8. Comp. Plan Rec: Res. 5-8 du/ac. Tax Map 81-4 ((1)) 37, 38 and 39. Lee District. Public Hearing.

There were no disclosures by Commission members.

Lori R. Greenlief, Applicant's Agent, McGuire Woods LLP, reaffirmed the affidavits dated February 23, 2022.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the date file. She stated staff recommended approval of PCA 2005-LE-021, CDPA 2005-LE-021, and FDPA 2005-LE-021.

Ms. Greenlief gave a presentation on the subject applications.

There was a discussion between Ms. Lewis; Ms. Greenlief; Mark T. Giganti, The Evergreen Companies, LLC; and multiple Commissioners regarding the following:

- The purpose of the proposed road connection to South Van Dorn Street and why the Virginia Department of Transportation thought the road was required;
- Whether the road from Franconia Road to South Van Dorn Street was a County led project and whether it was funded;
- Visuals provided for the limits of clearing and grading on the application and whether they went into the Environmental Quality Corridor (EQC);
- The reasons for grading into the EQC when portions of the area contained steep slopes;

- Improvements made to the frontage along South Van Dorn Street that included shrubbery, tree plantings along the right-of-way, a fence, a public crosswalk, and a wall between the backyards of Lots 1 through 8;
- The applicant’s intent to commit to the option to install an electric vehicle charging station in the garages of units for initial purchasers;
- The type of electric vehicle chargers proposed; and
- Concerns from the community that the aesthetic of certain unit type developments provided too much of an urban impression.

The discussion resulted in no changes to the application.

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

Stephen Davies, 5874 Woodfield Estates Drive, Alexandria, representing Woodfield Estates Community Association, supported the application, and also addressed concerns regarding the negative impact as a result of the proposed road on the community, resource protection area, and EQC areas.

There was a discussion between Ms. Greenlief and Commissioner Ulfelder as to whether the proposed road was shown on the existing Comprehensive Plan and whether an amendment to the Plan was required to remove the road. Ms. Greenlief confirmed that was the case.

There were no additional listed speakers, no speakers from the public, no rebuttal from the applicant, no comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lagana for action on these applications.

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Commissioner Lagana MOVED THE FOLLOWING:

- THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2005-LE-021 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, CDPA 2005-LE-021, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED MARCH 25, 2022; AND
- THAT THE PLANNING COMMISSION APPROVE FDPA 2005-LE-021, SUBJECT TO THE BOARD OF SUPERVISORS’ APPROVAL OF PCA 2005-LE-021 AND CDPA 2005-LE-021.

Commissioner Sargeant seconded the motions, which carried by a vote of 12-0.

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2232-2021-SU-00023 – VIRGINIA ELECTRIC AND POWER COMPANY, D/B/A DOMINION ENERGY – to consider the proposal by the Virginia Electric and Power Company, d/b/a Dominion Energy Virginia, to construct an electric substation facility located at 13600 EDS Drive, Herndon, Virginia 20171. Tax Map: 24-4-((1))-6B5. Area III. SULLY DISTRICT. PUBLIC HEARING.

Commissioner Sargeant disclosed he recently retired from Dominion Energy and recused himself from the vote.

Commissioner Cortina disclosed she was a shareholder of Dominion Energy, however, did not believe this would affect her ability to participate in this case.

Salem Bush, Planning Department, Department of Planning and Development presented the staff report, a copy is in the date file. He stated staff recommended approval of 2232-2021-SU-00023.

Sheri L. Akin, Applicant's Agent, McGuireWoods LLP, gave a presentation on the subject application.

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

- The number of data centers anticipated for the proposed site;
- Separation of the Dominion Energy substation from the adjacent residential development;
- Whether a reference made for monopoles were for transmission lines versus for cell towers;
- Whether the substation had to be built and operational before the data center could operate;
- Whether there was a direct connection from the substation to the data center;
- The number of megawatts available beyond what was allocated to service the data center, and whether that number would also service future developments in the area; and
- Examples of other substations in Fairfax County and surrounding jurisdictions with the approximate size of what was being proposed.

The discussion resulted in no changes to the subject feature shown application.

Chairman Murphy called the first listed speaker.

Ilakkiya Thambi, 3120 Alan Shepard Street, Herndon, opposed the proposal because of the following:

- The size of the proposed substation;
- The location of the substation, which was within close proximity to a children's playground, a baseball field, and a football field;
- The developer did not engage with the neighboring residents; and
- An opinion that the close proximity of the data center to the neighboring residential developments would impact the health of the community.

Venkat Subramanian, 3075 Alan Shepard Street, Herndon, opposed the proposal, concurring with Ms. Thambi's testimony. He added that construction of the data center would impact the view from his property, the type of screening would destroy the esthetics of the community, and traffic in the area would be impacted as a result.

Mithil Poondla, 3122 Alan Shepard Street, opposed the proposal and echoed the concerns of the previous speakers regarding community engagement and the health and safety impact of the community as a result of the proposed substation.

There was a discussion between Mr. Bush; Michelle Stahlhut, Planning Division, Department of Planning and Development; and multiple Commissioners regarding the following:

- The Planning Commission considered actions on the location of the substation only and not the data center as a by-right use;
- The data center was a by-right use and as a result, no public hearings would be held before the Planning Commission, nor the Board of Supervisors;
- The entity that owned the ball fields;
- The history of the townhome community adjacent to the proposed site and the year it was developed;
- A suggestion that the guidelines in place for by-right uses be re-examined, specifically in cases where no public hearing was being held; and
- A suggestion was made that Commissioner Spain organize a meeting between Supervisor Kathy A. Smith, the developer, and the community to address their concerns.

The discussion resulted in no changes to the proposed application.

Siva Tetala, 3119 Alan Shepard Street, Herndon, opposed the proposal and echoed the concerns of the previous speakers.

Stephanie Smith, 8000 Towers Crescent Drive, Vienna, opposed the application. A copy of Ms. Smith's statement is in the date file.

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

- The parties Ms. Smith's firm represented and their interest in the proposed application;
- Whether the concerns address was specific to the substation or the proposed data center;
- Ms. Smith's request for a traffic impact analysis; and
- Staff's response as to whether Ms. Smith's concerns were addressed in the staff report.

The discussion resulted in no changes to the proposed application.

Sung Shin, 13600 Air & Space Museum Parkway, Herndon, opposed the proposed application because of the long-term impact to the neighboring residential properties, parks, the health of children in the community who frequent the neighboring play areas, the environment, and the developer's lack of engagement with the community.

There was a discussion between Mr. Bush and multiple Commissioners regarding the following:

- The Telecommunications Act of 1996 and whether that law addressed the health and environmental concerns, and if that law applied to the proposed application;
- Whether staff felt the power needs of the data center was substantial, and whether the existing infrastructure met those power needs;
- The laws and guidelines in place for the consideration of similar applications heard before the Planning Commission; and
- Visuals presented to the Planning Commission for the location and actual distances of the children's playground and recreational areas in relation to the proposed substation.

The discussion resulted in no changes to the proposed application.

Debasir Das, Allan Shephard Street, Herndon, opposed the proposed application and echoed the concerns of the previous speakers.

Pravhukiran Venpati, 13660 Air and Space Museum Parkway, Herndon, opposed the proposed application, echoed the concerns of the previous speakers, highlighting the impact on the health and safety the community, specifically that of children and seniors.

Shatrugna Vadwlas, 3044 Allen Shepard Street, Herndon, opposed the proposed application, echoed the concerns of the previous speakers, raising concerns of the proximity of his property to the proposed data center, and the substation was in his direct line of sight. Mr. Vadwlas stated that while he worked as an intern associate with the Department of Energy (DOE), he wrote a research paper for DOE in collaboration with the National Academy of Sciences regarding the science behind electromagnetic fields and the impact it had on the health of a community, specifically the impact on children's health.

Commissioner Niedzielski-Eichner asked Mr. Vadwlas to confirm whether he worked with the Department of Energy. Mr. Vadwlas stated he was a research assistant with the department for a period of time as he completed his master's degree. Commissioner Niedzielski-Eichner asked Mr. Vadwlas to explain the basis for his association the National Academy of Sciences. Mr. Vadwlas clarified that his affiliation with DOE the National Academy of Sciences did not involve the study of electromagnetic frequency radiation. Mr. Vadwlas also offered some points of clarification on the basis for his belief on the science behind electromagnetic fields in relation to cancer. Commissioner Niedzielski-Eichner indicated he was familiar with the work of the National Academy of Sciences and was unfamiliar with a study directly linking electromagnetic radiation of this nature and potential public exposure level with cancer. He asked that Mr. Vadwlas provide copies of any studies he completed on the matter for either DOE or the National Academy of Sciences. Mr. Vadwlas agreed to share the requested information.

Commissioner Strandlie stated there was a substation located within close proximity to Thomas Jefferson High School for Science and Technology in Alexandria. Commissioner Strandlie asked that staff confirm whether substations were common throughout Fairfax County. Ms. Stahlhut confirmed substations were common and as the County grew, the demand for power increased. She added that the recent substation applications heard before the Planning Commission were located where there were power demands, such as near Metro Stations and in the Tysons area. Ms. Stahlhut added that some of the original rezonings in the nearby townhome communities took place in the year 2006 and some of the build out permits took place between 2012 through 2015.

Ms. Akin thanked the community members who voiced their concerns and, in a rebuttal statement, clarified that a community meeting was held by the developer. She stated that in late January of 2022, she reached out to, and have been working with, the community manager for Discovery Square Apartments. That company also managed the townhomes and condominiums in that area. The applicant was informed the material sent to the community manager for distribution was distributed to the community. The project website was made available and email correspondence were sent to the entire community that were withing close proximity to the proposed substation and data center. The website, <https://www.dominionenergy.com/lincolnpark>, had links and information that provided educational material about electromagnetic fields, safety concerns, and Dominion Energy's efforts to educate the public and communities.

Following Ms. Akin's rebuttal, Commissioner Niedzielski-Eichner asked that the applicant submit a copy of their presentation to the Planning Commission. Commissioner Ulfelder also asked staff to check with the Office of the County Attorney on the extent to which the Planning

Commission should consider health effects in connection with these types of feature shown applications.

There being no further speakers, no further comments or questions from the Commission, and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Spain for action on this application.

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Commissioner Spain MOVED THAT THE PLANNING COMMISSION APPROVE 2232-2021-SU-00023 BASED ON THE FOLLOWING FINDINGS AND REASONS:

- THE PROPOSED ELECTRICAL SUBSTATION SATISFIES THE CRITERIA OF GENERAL LOCATION OR APPROXIMATE LOCATION, CHARACTER, AND EXTENT OF THE ADOPTED COMPREHENSIVE PLAN, AS SPECIFIED IN *VIRGINIA CODE*, SECTION 15.2-2232 FOR THE REASONS SET FORTH IN THE STAFF REPORT DATED MARCH 16, 2022.

Commissioner Niedzielski-Eichner seconded the motion, which carried by a vote of 11-0. Commissioner Sargeant recused himself from the vote.

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The meeting was adjourned at 10:41 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: June 8, 2022

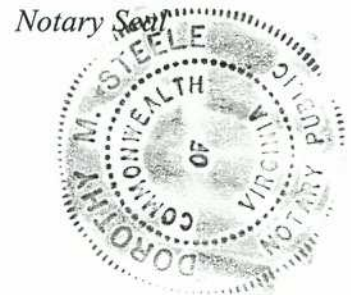
Jacob Caporaletti

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

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 14 day of June 2022, by
Jacob Caporaletti.

Doreen M. Steele
Signature of Notary



Notary registration number: 7114113

Commission expiration: January 31, 2024