

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 20, 2024**

PRESENT: Phillip A. Niedzielski-Eichner, Chairman, Commissioner At-Large
Timothy J. Sargeant, Vice Chairman, Commissioner At-Large
John C. Ulfelder, Parliamentarian, Dranesville District
Mary D. Cortina, Braddock District
John A. Carter, Hunter Mill District
Daniel G. Lagana, Franconia District
Alis Wang, Mason District
Walter C. Clarke, Mount Vernon District
Jeremy Hancock, Providence District
Candice Bennett, Commissioner At-Large

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

OTHERS: Kevin McMahan, Zoning Evaluation Division (ZED),
Department of Planning and Development (DPD)
Daniel S. Creed, ZED, DPD
Catherine Lewis, ZED, DPD
Salem Bush, Planning Division (PD), DPD
Kelly Atkinson, PD, DPD
Jacob Caporaletti, Clerk to the Planning Commission,
Department of Clerk Services (DCS)
Malena Belen, DCS
Catherine Dushin, Deputy Clerk to the Planning Commission, DCS

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The meeting was called to order at 7:32 p.m., by Chairman Phillip A. Niedzielski-Eichner, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Chairman Niedzielski-Eichner explained that the agenda for tonight's meeting included Commission Business and the conduct of three public hearings. He announced that there would be an action on three sets of outstanding January 2024 meeting minutes.

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APPROVAL OF JANUARY 2024 MINUTES

In Secretary Spain's absence, Commissioner Sargeant **MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MEETING MINUTES:**

- JANUARY 10, 2024;
- JANUARY 24, 2024; AND
- JANUARY 31, 2024

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

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COMMISSION MATTERS

Chairman Niedzielski-Eichner announced that the Planning Commission’s Land Use Process Review Committee would meet on Thursday, March 21, 2024, at 8:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to address the proposed amendments to the Zoning Ordinance related to the Zoning Application Fees and Planned District Recreational Facilities Minimum Expenditure. He added that the staff report for this item was available to the public. He requested that Planning Commission members review the report and submit comments to staff before the Committee meeting.

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Commissioner Sargeant announced that the Planning Commission’s Capital Improvement Program (CIP) Committee would meet on Thursday, March 21, 2024, at 7:30 p.m., in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to continue discussions regarding the CIP for fiscal years 2025 through 2029.

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ORDER OF THE AGENDA

Chairman Niedzielski-Eichner established the following order of the agenda:

1. FDPA 2014-HM-024 – BOBBAK AND MARIAM SAFAIPOUR
2. RZ/FDP 2023-DR-00011 CONCURRENT WITH PCA-C-491-04 AND PCA-C-491-05 – T & M MCLEAN VENTURE, LLC
3. PA 2020-CW-1CP – PUBLIC FACILITIES POLICY PLAN

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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FDPA 2014-HM-024 (RZPA 2023-HM-00099) – BOBBAK AND MARIAM SAFAIPOUR – Appl. to amend the final development plan for RZ 2014-HM-024 to permit a reduction in setback requirements to allow a roofed deck 16.7 ft. from the rear lot line and associated changes to development conditions. Located at 1627 Crim Dell Ln., Vienna, 22182 on approx. 12,956 sq. ft. of land zoned PDH-2. Hunter Mill District. Tax Map 28-4 ((43)) 13. HUNTER MILL DISTRICT. PUBLIC HEARING.

There were no disclosures from the Commission.

Kevin McMahan, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the electronic date file. He stated that staff recommended approval of FDPA 2014-HM-024.

Mr. Safaipour concurred with staff and declined to give a presentation.

There was a discussion between Commissioner Sargeant and Mr. McMahan about erosion control and the timeline to determine its occurrence due to the stormwater runoff from the roofed deck. Mr. McMahan confirmed that erosion was ascertained at the time of site plan review or at the time of building permit issuance process, which was subject to review by Land Development Services.

There being no listed speakers, no speakers from the audience, no rebuttal from the applicant, no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Carter for action on this case.

Prior to the motion, the applicant confirmed for the record agreement to the development conditions dated March 6, 2024.

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Commissioner Carter MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2014-HM-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 6, 2024.

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

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RZ/FDP 2023-DR-00011 – T&M MCLEAN VENTURE, LLC – Appl. to rezone from C-2, SC and CRD to PRM, SC and CRD to permit multifamily residential development with a Floor Area Ratio (FAR) of 1.97 and approval of the conceptual and final development plan. Located on the S. side of Chain Bridge Rd., W. of its intersection with Tennyson Dr. on approx. 2.80 ac. of land. Comp. Plan Rec: Office with an option for a form-based approach that allows up to a maximum of five stories. 68 ft. and FAR of 3.0. Dranesville District. Tax Map 30-2 ((1)) 23 (pt.). (Concurrent with PCA-C-491-04 (RZPA 2023-DR-00065) and PCA-C-491-05 (RZPA 2023-DR-00066)).

PCA-C-491-04 (RZPA 2023-DR-00065) – T&M MCLEAN VENTURE, LLC – Appl. to amend the proffers for RZ-C-491 previously approved for office to permit deletion of land area and associated modifications to proffers. Located on the S. side of Chain Bridge Rd., W. of its intersection with Tennyson Dr. on approx. 2.80 ac. of land zoned C-2, SC and CRD. Comp. Plan Rec: Office with an option for a form-based approach that allows up to a maximum of five stories. 68 ft. and FAR of 3.0. Dranesville District. Tax Map 30-2 ((1)) 23 pt. (Concurrent with RZ/FDP 2023-DR-00011 and PCA-C-491-05 (RZPA 2023-DR-00066)).

PCA-C-491-05 (RZPA 2023-DR-00066) – T&M MCLEAN VENTURE, LLC – Appl. to amend the proffers for RZ-C-491 previously approved for office to permit partial proffered condition amendment to permit minor modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.48 and a modification of open space requirements in a CRD. Located on the S. side of Chain Bridge Rd., W. of its intersection with Tennyson Dr. on approx. 1.63 ac. of land zoned C-2, SC, CRD. Comp. Plan Rec: Office. Dranesville District. Tax Map 30-2 ((1)) 23 (pt.). (Concurrent with RZ/FDP 2023-DR-00011 and PCA-C-491-04 (RZPA 2023-DR-00065)). DRANESVILLE DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P. C., reaffirmed the three affidavits, each dated February 1, 2024.

There were no disclosures from the Commission.

Daniel Creed, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy is in the electronic date file. He stated that staff recommended approval of the subject applications RZ/FDP 2023-DR-00011, PCA-C-491-04, and PCA-C-491-05.

Ms. Strobel gave a presentation on the subject applications.

There was a discussion between Ms. Strobel; Catherine Lewis ZED, DPD; Mr. Creed; and multiple Commissioners on the following issues:

- Concerns whether the applicant provided the existing tenants of the office park with sufficient advance notice of the proposed redevelopment, and confirmation from the applicant that a one-year notice would be given;
- Clarification that assistance with the relocation would be provided to existing tenants of the office park;
- The applicant confirmed that the proposed development would generate a total of 104 dwelling units, which included 12 affordable housing units;
- Concerns about the projected condo maintenance fee for the affordable housing units owners;
- The applicant provided an example of developments that included integration of workforce dwelling units (WDUs) into the network of rental units, such as the Bexley and Monarch developments in Tysons Corner;
- Explanation that 8 WDU's at the Monarch development were smaller than the marketplace units;
- Clarification about an agreement between the applicant and the Housing and Community Development (HCD) regarding unit sizes and income tiers that would be applied to the affordable units;
- Explanation that a condo fee for affordable housing units was similar to a condo fee for the marketplace units to be in conformance with the Virginia Condominium Act;
- Confirmation that a condo fee could be calculated per square-foot, which could mitigate burden on the unit owners occupying smaller-sized units;
- Explanation of the proposed income tiers allowed for the affordable units within the development;
- Explanation of the applicant's meeting with Meghan Van Dam, Division Assistant Director, Affordable Housing Development Division, HCD, and Jim Perry, the applicant's representative, during which the parties established that the proposal was reasonable;
- Confirmation from staff that the zoning evaluation aspect was in conformance with the Comprehensive Plan;

- Staff confirmed that a clause that described the agreement with HCD regarding area median income ranges and unit sizing was included in the proffers;
- Potential negotiations about the number of WDU's and the applicable income tiers in the policy, and confirmation from staff that proffers were provided for such negotiations;
- Emphasis on the placemaking aspect of the proposed applications that included a combination of open space and streetscape provisions;
- Clarification on a concept of public space with the distinctive elements applicable to the proposed development;
- Concerns regarding whether the increase of available and accessible handicapped parking spaces on the site was anticipated;
- Clarification from the applicant that due to grading constraints on the site and tree preservation the increase of the ADA parking spaces could not be implemented;
- Confirmation that there were 2 ADA parking spaces located near the garage and approximately 6 to 7 ADA parking spaces inside the garage;
- Consideration about the possibility of applying provisions regarding equity to address the cost of the condominium fees with the purpose of promoting ownership;
- Confirmation from the applicant that the provision of transitional screening on the southern boundary followed the existing conditions, and that the brick wall on the proposed site would be retained;
- Confirmation from the applicant that 10 electric vehicle charging stations that served 20 parking spaces were provided, and that a conduit that could serve additional 20 parking spaces would be installed;
- Staff confirmed that there would be unit proportionality, and 2-bedroom units would comprise the majority;
- The applicant clarified that the WDU's units would be 50% larger than the minimum set forth in the policy;
- Request that HCD provide feedback to the Commission on the negotiations about the issue of unit sizes; and
- Confirmation from the applicant that a memorandum with relevant clarifications would be sent to the Planning Commission.

Chairman Niedzielski-Eichner called the first listed speaker.

Marya Asalava called to express concerns about the impact of the proposed development on the school system and traffic.

There was a discussion between Chairman Niedzielski-Eichner, Mr. Creed, and Ms. Strobel on the following issues:

- Confirmation from staff that there was a capacity deficit at Kent Gardens Elementary School, as referenced in Appendix 13 of the staff report, and that the potential student yield anticipated by the proposed development at this school was 6 students;
- Confirmation from staff that Longfellow Middle School and McLean High School had an identical capacity deficit;
- Confirmation that the applicant was in compliance with the recommendations prescribed by Fairfax County Public Schools;
- Explanation from the applicant that the proffer contribution was recommended to offset the impact of student growth generated by the development; and
- Clarification that traffic would have beneficial impact on the development due to its mixed-use purpose and that the peak travel times would vary based on the applicant's traffic study.

James Bergeson, 1557 Hane Street, McLean, called to oppose the subject applications. A copy of Mr. Bergeson's statement is in the date file.

There was a discussion between Ms. Strobel, Mr. Creed, and multiple Commissioners on the following issues:

- Confirmation from the applicant that the issue of electric vehicle charging stations would address current market demand; and
- Reiteration that the increase of handicap parking spaces was not possible due to tree preservation requirements.

There was a discussion between Ms. Strobel, Mr. Creed, and multiple Commissioners on the following issues:

- Discussions about the connection between the boundary changes in the school system and school capacity identified in the CIP; and
- Projected removal of invasive plant species from the property site.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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

- APPROVAL OF PCA-C-491-04;
- APPROVAL OF PCA-C-491-05, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 29, 2024;
- APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE EASTERN AND SOUTHERN PROPERTY LINES TO THAT SHOWN ON THE GDP;
- APPROVAL OF A WAIVER OF THE OPEN SPACE REQUIREMENTS;
- APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE NORTHERN PROPERTY LINE;
- APPROVAL OF A MODIFICATION OF THE MAXIMUM WALL HEIGHT IN A FRONT YARD TO PERMIT THE 6-FOOT-HIGH WALL ALONG MCNEER STREET TO REMAIN;
- APPROVAL OF RZ-2023-DR-00011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 19, 2024;
- THE PLANNING COMMISSION APPROVE FDP-2023-DR-00011, SUBJECT TO THE BOARD'S APPROVAL OF REZONING; AND
- APPROVAL OF A WAIVER OF THE PERIPHERAL PARKING LOT LANDSCAPING FOR THE SOUTHERN BOUNDARY LINE.

Chairman Niedzielski-Eichner and Commissioner Cortina seconded the motions which was carried by a vote of 10-0. Commissioners Murphy and Spain were absent from the meeting.

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PA 2020-CW-1CP – PUBLIC FACILITIES POLICY PLAN

- To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment considers proposed comprehensive revisions to the Public Facilities Element of the Policy Plan that provides land use guidance for the location, character, and extent of public facility uses throughout the county. COUNTYWIDE. PUBLIC HEARING.

Salem Bush, Planning Division (PD), Department of Planning Development (DPD), presented an overview of the proposed revisions in the Public Facilities Element of the Policy Plan, a copy is in the date file.

Mr. Bush noted that in Appendix 5 of the staff report, there were proposed revisions with the edits, additions, and deletions; Appendix 6 included the proposed text in its clean version; and that a handout dated March 20, 2024, was provided to the Planning Commission prior to the meeting. He noted that staff recommended adoption of PA 2020-CW-1CP.

Mr. Bush stated that there were three additional changes since the staff report was published.

Mr. Bush provided the summary of initiatives that were implemented to achieve the results set forth in the Policy Plan.

He expressed appreciation for the Planning Commission's coordination with the staff.

There was a discussion between Mr. Bush; Kelly Atkinson, PD, DPD; Matthew Meyers, Division Manager, Office of Environmental and Energy Coordination; and multiple Commissioners on the following issues:

- Appreciation for staff's efforts and cooperation in the implementation of the Facilities Element of the Policy Plan;
- Reiteration by staff of the scope of the proposed changes in the Facilities Element of the Policy Plan;
- Clarification on the justification for deleting a portion of the Objective 14 from the Policy Plan and further discussions about the editorial changes;
- Staff was commended on collaboration efforts with other departments and agencies on the proposed amendment;
- Discussions about the coordination efforts to integrate the Comprehensive Plan and the Capital Improvement Program (CIP);
- Confirmation that the entire Policy Plan was authorized with projected integration of additional resiliency and adaptation measures;
- Discussions about the function of the Office of Environmental and Energy Coordination in the implementation of the Policy Plan;
- Explanation that three Climate Action Plans were adopted: The Operation National Strategy that was revised and adopted in 2021; The Communitywide Energy and Climate Action Plan that aimed to achieve GHG emissions reduction by 2050; and Resilient Fairfax, which was a climate adaptation and resiliency plan;

- Explanation that that there were interagency climate teams that included over 25 agencies to integrate environmental policies in collaboration with DPD;
- Concerns about managing park facilities that were vulnerable because of their proximity to floodplains or other hazardous areas;
- Discussions about community engagement efforts that involved virtual meetings and multiple meetings in most of the districts;
- Discussions about updating subdivision regulations to align them with the Comprehensive Plan, Public Facilities Plan, Public Facilities Manual, and the CIP;
- Commended DPD on coordination efforts with other agencies and organizations within the County; and
- Recognition of the County’s investments in public facilities and in revitalization areas.

Chairman Niedzielski-Eichner called the first listed speaker.

Julie Strandlie signed up to provide in-person testimony, but she was not present.

Prior to the motion, there was a final discussion between Ms. Atkinson and Commissioner Cortina about the specificity of the facilities element of the Policy Plan.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Sargeant for action on Plan Amendment 2020-CW-1CP.

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF PLAN AMENDMENT 2020-CW-1CP, AS SHOWN IN APPENDIX 5 OF THE STAFF REPORT DATED MARCH 6, 2024, AND AS MODIFIED IN THE HANDOUT DATED MARCH 20, 2024.

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

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The meeting was adjourned at 9:41 p.m.
Phillip A. Niedzielski-Eichner, Chairman
Evelyn S. Spain, Secretary

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

Minutes by: Catherine Dushin
Approved on: May 15, 2024

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 16 day of May 2024, by Jacob Caporaletti

Dorethy M. Steele
Signature of Notary

Notary registration number: 7114113

Commission expiration: JANUARY 31, 2028

