MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 12, 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
Chris Landgraf, Franconia District
Alis Wang, Mason District
Walter C. Clarke, Mount Vernon District
Jeremy Hancock, Providence District
Candice Bennett, Commissioner At-Large

ABSENT: Peter F. Murphy, Springfield District
John A. Carter, Hunter Mill District

OTHERS: Leslie B. Johnson, Administrator, Zoning Administration Division (ZAD), Department of Planning and Development (DPD)
William Mayland, ZAD, DPD
Thomas E. Fleetwood, Director, Fairfax County Department of Housing and Community Development (FCHCD)
Meghan Van Dam, Affordable Housing Development Division Director, FCHCD
Grace Highman, Affordable & Workforce Housing Administrator, FCHCD
Sharon Williams, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Ciarra Downing, ZED, DPD
Michael Lynskey, Policy & Plan Development Branch, DPD
John Friedman, Land Development Services (LDS)
Jan Leavitt, LDS
Joseline Cadima, Administration, Department of Clerk Services (DCS)
Malena Belen, Administration, DCS
Catherine Dushin, Deputy Clerk, 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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COMMISSION MATTERS

Chairman Niedzielski-Eichner explained that the agenda for tonight's meeting included Commission business and the conduct of six public hearings.

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ZONING ORDINANCE AMENDMENT – DATA CENTERS (Follow-on Motions)

Chairman Niedzielski-Eichner stated that on Wednesday, June 5, 2024, the Planning Commission convened a public hearing on a Zoning Ordinance Amendment regarding data centers. After considering the feedback from speakers and written statements, the Commission convened on Thursday, June 6, 2024, to recommend to the Board of Supervisors adoption of the aforementioned Zoning Ordinance Amendment. However, following actions on various motions, the meeting was closed prematurely; therefore, Chairman Niedzielski-Eichner announced the two remaining follow-on motions for data centers.

Commissioner Sargeant disclosed that he had retired from Dominion Energy in 2022, but had continued his employment as a contractor with the contract ending in the first quarter of the year 2024. Out of an abundance of caution, he recused himself from the consideration of this application.

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO DIRECT STAFF TO INITIATE DISCUSSIONS WITH DOMINION AND THE NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC) ON PROCEDURES TO ENSURE COORDINATED COUNTY INPUT ON UTILITY INFRASTRUCTURE FOR DATA CENTER APPLICATIONS AND ENHANCED COORDINATION ON UTILITY INFRASTRUCTURE PLANNING TO INFORM COUNTY LAND USE DECISIONS.

Chairman Niedzielski-Eichner and Commissioner Ulfelder seconded the motion which was carried by a vote of 9-0. Commissioners Murphy and Carter were absent from the meeting. Commissioner Sargeant recused himself from consideration of this application.

Commissioner Cortina MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO DIRECT THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO MONITOR THE WASTEWATER ISSUES AND CONCERNS IDENTIFIED COLLABORATIVELY BY FAIRFAX WATER AND THE UPPER OCCOQUAN SERVICE AUTHORITY (UOSA) AND TO REPORT BACK TO THE BOARD OF SUPERVISORS AND PLANNING COMMISSION ANY FINDINGS AND RECOMMENDATIONS FROM THAT STUDY, AS IT BECOMES AVAILABLE.

Chairman Niedzielski-Eichner and Commissioner Ulfelder seconded the motion which was carried by a vote of 9-0. Commissioners Murphy and Carter were absent from the meeting. Commissioner Sargeant recused himself from consideration of this application.

Commissioner Bennett expressed appreciation for staff's work in connection with the amendment to the Zoning Ordinance regarding data centers.

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Commissioner Clarke announced that the Planning Commission's Transportation Committee would meet jointly with the Transportation Advisory Commission on Thursday, June 13, 2024, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035 to receive an update from staff on the Transportation Policy Plan.

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Commissioner Landgraf shared that he and Commissioner Cortina attended the Plan Forward community kick-off meeting held at Gerry Hyland Government Center, 8350 Richmond Highway, Alexandria on June 8, 2024. He announced that an in-person Plan Forward meeting would be held on June 24, 2024, and a virtual Plan Forward meeting would be held on June 27, 2024. Both meetings were open to the public.

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ORDER OF THE AGENDA

Secretary Spain established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT – AMENDMENT TO CHAPTER 112.1
2. SE 2023-MA-00042 – DRI/WP ALTA CROSSROADS, LLC
3. CODE AMENDMENT – ADOPTION OF CHAPTER 124.1 (EROSION AND STORMWATER MANAGEMENT ORDINANCE) AND REPEAL OF CHAPTERS 104 (EROSION AND SEDIMENTATION CONTROL) AND 124 (STORMWATER MANAGEMENT ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
4. SSPA 2023-III-1FC(A) (PA-2023-00005) – FAIR LAKES STUDY, PHASE 1
5. PA 2023-CW-1CP (PA-2023-00042) – FOR-SALE WORKFORCE DWELLING UNIT POLICY & PROGRAMS
6. SEA 2005-SU-007-03 – KOREAN CENTRAL PRESBYTERIAN CHURCH

The order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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Chairman Niedzielski-Eichner requested that Vice Chairman Sargeant conduct the public hearing for this amendment. Without objection, he relinquished the Chair to Vice Chairman Sargeant.

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ZONING ORDINANCE AMENDMENT – AMENDMENT TO CHAPTER 112.1

1. Parking and Loading

A. Repeal Article 6 in its entirety and replace it with new parking regulations applicable to all structures and uses.

(1) Applicability

(a) Require all structures and uses to provide accessory off-street parking in accordance with the new regulations.

(b) Authorize temporary parking adjustment or relocation during redevelopment.

(c) Authorize parking reduction to allow for electric vehicle spaces and infrastructure.

(d) Authorize parking reduction by 20 percent to add landscaping in an existing parking lot.

(e) Define when a change in use or expansion of a structure or use requires additional parking.

(f) Require additional parking for expansion or change in use or structure to extent it results in a 10 percent increase in parking supply or more than 10 additional spaces, with exemp tion for an accessibility improvement.

(g) Require special exception to allow parking for C or I District use in a residential district.

(h) Define when a parking tabulation for vehicles and bicycles is required.

(i) Authorize use of an off-street parking lot as a public commuter park-and-ride lot when not fully used during the weekday.

(2) Off-Street Parking Standards, Layout, and Design

(a) Require parking on the same lot as the structure or use requiring parking.

(b) Identify minimum setbacks for parking lots and parking structures.

(c) Limit surface parking in the front yard, with exceptions, in R-1, R-2, R-3, and R-4 Districts.

(d) Establish standards for requiring pedestrian routes for parking lots with more than 50 spaces. Pedestrian routes must provide access to the principal building entrance from 25 percent of the parking spaces. Require pedestrian access for new construction or expansion of a parking lot of more than 30 spaces. Permit modification of these requirements to facilitate pedestrian routes.

(e) Require parking lots to be constructed of a dustless surface and meet the standards of the PFM.

(f) Require submission of a redesignation plan when parking lots are modified, with exceptions to the requirement that the plan be certified by an engineer or land surveyor.

(g) Define when tandem parking is permitted for single-family detached, single-family attached, stacked townhouses, multifamily dwellings, company vehicles and valet parking.

(3) Calculation of Off-Street Parking

(a) Provide for standard rounding down when the fractional unit is less than 0.5 and rounding up when the fractional unit is 0.5 or greater when the sum of required parking results in a number containing a fraction.

(b) Require that square footage of permanent outdoor display and sales areas, and all areas within cellars not exclusively used for storage or mechanical equipment, be considered gross floor area.

(c) Exempt accessory outdoor dining areas and temporary seasonal display and sales areas from minimum parking requirements.

(d) Include accessory electric vehicle charging spaces as minimum required parking spaces.

(e) Establish that accessible parking spaces required for a use or building be based on the use or building's base rate prior to any adjustments.

(f) Prohibit parking of company vehicles, construction vehicles, and vehicles operated by nonresidential uses on public streets.

(4) Minimum Required Off-Street Vehicle Parking Spaces, and Stacking Spaces

(a) Require off-street parking spaces in accordance with proposed use-based tables 6100.2 and 6100.3.

(b) Establish a separate parking rate for shopping centers from 2.5 to 4 spaces per 1,000 square feet of gross floor area based on the size of the shopping center.

(c) Permit office buildings to park all commercial uses, college, university, specialized instruction, craft beverage establishment, and small-scale production at the office rate if at least 50 percent of the building is an office use.

(d) Require 10 stacking spaces for car washes; 4 spaces for a drive-through financial institution, drive-through pharmacy, drive-through, other lane or window; and 11 spaces for restaurant with a drive-through.

(5) Tiered Framework and PTC District – Off-Street Parking Requirements

(a) Establish parking requirements for the area defined in the Comprehensive Plan as Dulles Suburban Center, Merrifield Suburban Center or Fairfax Center Area to be 90 percent of the requirement for multifamily dwellings and nonresidential uses in the proposed use-based table.

(b) Establish parking requirements for any area designated as a Commercial Revitalization District or an area identified in the Comprehensive Plan as a Community Business Center (CBC),

Commercial Revitalization Area (CRA), Urban Core of the Fairfax Center Area, or Suburban Neighborhood in the Richmond Highway Corridor to be 2 spaces for single-family detached dwellings, 1.8 spaces of which 0.3 space is shared per single-family attached dwelling, 1.8 spaces of which 0.3 space is shared per stacked townhouse unit, 85 percent multifamily requirement in the proposed use based table, and nonresidential uses at 80 percent of the requirement.

(c) Establish parking requirements for any area identified in the Comprehensive Plan as a Transit Station Area (TSA) or the Tysons Urban Center to be 2 spaces for single-family detached dwellings, 1.3 spaces of which 0.3 space is shared per single-family attached dwelling, 1.3 spaces of which 0.3 space is shared per stacked townhouse unit, 0.6 spaces per multifamily bedroom, and nonresidential uses at 70 percent of the requirement in the proposed use based table.

(d) Establish parking requirements for any area identified in the Comprehensive Plan as a Transit Oriented Development or Transit Development District: 2 spaces per single-family detached dwelling, 1.3 spaces of which 0.3 space is shared per single-family attached dwelling, 1.3 spaces of which 0.3 space is shared per stacked townhouse, 0.4 space per multifamily bedroom, and nonresidential uses at 60 percent of the requirement in the use-based table.

(e) Require parking plans for the PTC District and define minimum submission requirements for parking plans. Set parking requirements for phased developments. Permit properties in the Tysons Urban Center, Transit Oriented Development, and Transit Development District as defined by the Comprehensive Plan to opt into the PTC District rates with approval when a parking plan is submitted as part of a rezoning, special exception, or site plan. Establish parking minimums and maximums for all uses in the PTC District.

(f) Permit parking to exceed the maximums in the PTC District with approval of a special exception. Permit parking in the PTC District to be administered by a separate entity that may charge fees.

(6) Adjustments to Minimum Required Off-Street Parking

(a) Permit adjustment to parking requirements in conjunction with a rezoning or special exception.

(b) Permit the Board to approve parking adjustments.

(c) Permit the Director to adjust the parking requirement for two or more uses based on a shared parking calculation where the uses have complementary hourly parking demand.

(d) Permit the Director to make a 10 percent parking adjustment to the parking requirements in Tables 6100.2 and 6100.3 if a site

is within 1,000 feet of a non-rail transit facility or greater adjustment up to 15 percent if additional requirements are met.

(e) A parking utilization study may be required by the Board or Director if inadequate parking is provided and there is an adverse off-site impact. Alternative measures may be required to satisfy on-site parking needs.

(f) Permit adjustment for affordable housing where all dwelling units in a building are available at 70 percent of the Area Median Income (AMI) based on income averaging.

(g) Permit adjustment if within 1,000 feet of metered, public or commercially operated public parking within one-half mile of the site.

(h) Permit adjustment to accommodate historic structures or sites, significant t rees, increased open space or improved stormwater management.

(i) Permit adjustment for unique characteristics of the site or use.

(7) Off-Street Loading

(a) Require loading spaces for most uses, including any incremental change or expansion of use.

(b) Require loading spaces to be on the same lot as use it serves, subject to approved exceptions.

(c) Prohibit encroachment on loading spaces, with some exceptions.

(d) Establish minimum standards for loading spaces in terms of location, design, and size. Require loading spaces for each use and permit the Director to determine loading requirement if not clearly identified.

(e) Require loading spaces for uses based on the classification of the use, except no loading spaces are required for a structure under 10,000 square feet. Require adequate receiving facilities for structures under 10,000 square feet to be determined by a need for such facilities. For Agricultural and Related Uses classification, require no loading spaces. For Residential Uses classification, require up to two spaces for multifamily dwelling, congregate living facility and residence hall. For all uses in Public, Institutional, and Community Uses classification, require up to five spaces. For Commercial Use classification require up to five spaces. For all uses in Industrial Uses classification, require up to five spaces. For a Public, Institutional, and Community Uses classification and Commercial Use classification no more than three spaces are required if located in a Commercial Revitalization District, Commercial Revitalization Area, Commercial Business Center, Suburban Neighborhood in the Richmond Highway Corridor,

Transit Station Area, Transit Oriented District, Transit Development District, or Tysons Urban Center.

(f) Require an adequate receiving facility when no loading space is not required for a structure.

(g) Authorize adjustment of loading space requirements.

(8) Bicycle Parking Requirements

(a) Establish minimum bicycle parking requirements for a use or building, including a requirement that each use provide at least two bicycle parking spaces, unless otherwise specified. Establish minimum features required and locational requirements for bicycle parking spaces. Permit adjustment of the required number of bicycle spaces by rezoning, special exception or site plan.

(b) Establish separate bicycle parking minimum requirements for uses or sites located in areas defined as Commercial Revitalization Areas or areas defined by the Comprehensive Plan as Community Business Centers, Commercial Revitalization Areas, the Urban Core of the Fairfax Center Area, and Suburban Neighborhoods in the Richmond Highway Corridor. Establish separate bicycle minimum parking requirements for uses or sites located in areas defined by the Comprehensive Plan as Transit Station Areas, Transit Orient Districts, Transit Oriented Developments, or the Tysons Urban Center.

B. Update and modify other parking-related provisions to correlate with proposed Article 6, including, without limitation:

(1) Add or modify definitions of Loading Space, Bicycle Parking, Parking Tabulation, Tandem Parking, Valet Parking, Stacking Space, Street Line, and Transit Facility to replace parking areas with parking lot.

(2) Allow modification of open space and other site features to permit addition of parking and loading spaces subject to increase in area up to 10 percent.

2. Outdoor Lighting Around Turner Farm Park Observatory

A. Add new regulations for outdoor lighting on properties within one-half mile of the Turner Farm Park Observatory ("one-half mile area").

B. On single-family lots within the one-half mile area, fixtures that are exempt from certain other lighting regulations are limited to the following:

a. Motion activated lighting fixtures of 1,500 lumens or less;

b. Lighting fixtures at an exterior door or garage of 1,500 lumens or less; and

c. Other lighting fixtures of up to 20 lumens.

C. Limit uplights or spotlights within the one-half mile area to 300 lumens. Editorial revisions to clarify when previously existing lighting fixtures may remain and add new provision to allow lawfully existing fixtures within one-half mile around the Observatory to remain.

3. **Sign Regulations Part II**

A. Exempt from sign regulation scoreboards located at school, college, university, or Park Authority property.
B. Increase size of address and building entrance identification exempt from sign permit requirements from two to four square feet in area.
C. Exempt from sign permit requirement and maximum allowed sign area, signs located in or immediately adjacent to reserved parking spaces.
D. For minor signs located at new residential development containing at least three dwelling units, add requirement that the dwelling units under construction must be on contiguous lots to qualify for 60-square-foot sign.
E. Add allowance for one illuminated or electronic window sign per nonresidential establishment, up to four square feet in area, and with no moving images or content.
F. For multi-faced signs where the sign faces are parallel to one another, change the measurement from the interior distance to the exterior distance between faces, and increase this measurement from 18 inches or less to 24 inches or less.
G. For electronic display signs, specify maximum nit limitations to control brightness at night based on zoning district classification and distance from land in a residential district or residential areas of P districts; add requirement that sign specifications be submitted with associated sign permit applications; and allow for Board approval for an increase in nits.
H. Add requirement that signs located at single-family residential subdivisions or stacked townhouse developments may only be located at each major vehicular entrance and within an agreement or easement recorded for signage purposes or on common area.
I. Include option for multifamily developments to have one freestanding sign up to 30 square feet or 50 square feet of building-mounted signage.
J. Clarify that mixed use buildings in residential districts with ground-floor nonresidential uses may have the building-mounted signage permitted for a nonresidential use, but the building is limited to a maximum of one freestanding sign not to exceed 30 square feet in area or eight feet in height.
K. Remove 20-acre minimum for agricultural operations to have a sign.

L. Specify that freestanding signs at hospitals may only be located at a vehicular entrance.
M. For building-mounted signs in C and I districts, remove standard where a single tenant with frontage resulting in sign area greater than 200 square feet occupying an area with more than one perimeter wall containing a main entrance may place 200 square feet on each perimeter wall when it does not exceed 1.5 times the length of the wall.
N. Allow building-mounted signs in C and I districts to be measured using 1.5 square feet of sign area for each linear foot of building frontage. No single sign may exceed 200 square feet in area.For freestanding signs associated with a shopping center with frontage on two or more major thoroughfares, prohibit the two signs from being located on the same major thoroughfare.
O. Add regulations allowing freestanding signs associated with the ordering station of a use with a drive-through, limited to a maximum size of 20 square feet.
P. Delete Administrative Comprehensive Sign Plan regulations and sign regulations regarding special exceptions, special permits, and comprehensive sign plans in Planned districts, and replace them with a new consolidated procedure and regulations, described below.
Q. Consolidate current sign applications (comprehensive sign plan, special exception, and special permit) into a single special exception application available for any property in a P District, and any property in a C or I district with or planned for development with a minimum gross floor area of 30,000 square feet. The special exception may also be requested for any C or I district development under 30,000 square feet with unusual circumstances or conditions. The application includes review criteria, set standards for modifications to electronic display sign limitations, and submission requirements.
R. Reduce appeal timeframe for minor sign violations from 30 days to ten days from the date of the notice.
S. Revise existing definitions of moving or windblown sign and roof sign.
T. Edit language throughout for plain language and readability.

4. Landscaping and Screening

A. Repeal Section 5108 in its entirety and replace it with new landscaping and screening requirements applicable to all structures and uses.
(1) Address effective and functional landscaping; placemaking; ecological and social or recreational spaces; and health-related

impacts from extreme heat in the purpose statement of Section 5108.

(2) Applicability and Administration
- (a) Identify the Director of Land Development Services (Director) as the responsible party for administration of this section and that these provisions only apply to developments subject to site plans.

(3) General Landscaping Standards
- (a) Planting, including height and caliper requirements and maintenance of trees and shrubs must be in accordance with the Public Facilities Manual (PFM).
- (b) Suitable existing vegetation, as determined by the Director, will be used to meet the landscaping requirements with preference given to native species and environmentally tolerant species.
- (c) Add reference to the landscaping and screening requirements for properties located in the Commercial Revitalization Districts and the Planned Tysons Corner Urban District.
- (d) Add requirements for location of new utility easements within landscaping areas.
- (e) Add requirements for when a landscaping plan must be submitted and what is included in the plan.

(4) Street Frontage Landscaping
- (a) Require ten-foot-wide landscaping strip parallel to all street lines of a public or private street.
- (b) Require trees within the street frontage landscaping strip.
- (c) Add exceptions for lots developed with single-family dwellings, internal drive aisles within a development, or along a railroad, interstate highway, the Dulles International Airport Access Highway, and the combined Dulles International Airport Access Highway and Dulles Toll Road.

(5) Parking Lot Landscaping
- (a) Require interior and peripheral parking lot landscaping covering a minimum of ten percent on any lot containing ten or more parking spaces including surface lots.
- (b) Require interior parking lot landscaping for surface parking spaces only.
- (c) Allow shade structures with solar collection systems to satisfy up to half of the interior parking lot landscaping requirement.
- (d) Calculation of interior parking lot landscaping must be in accordance with the PFM and does not include landscaping within six feet of a building, required as peripheral parking lot landscaping, or transitional screening.
- (e) Establish a distribution requirement for interior parking lot landscaping planting areas, as defined in the PFM, to be an

average of one planting area for every ten contiguous parking spaces.

(f) Landscaping materials in parking lots cannot impede access to ADA compliant parking spaces.

(g) Add distance requirement between light poles and required trees of 15 feet.

(h) Interior parking lot landscaping is not required for storage yards.

(i) Parking structures with an exposed surface containing ten or more parking spaces must include shade structures covering a minimum of ten percent of the total area of the exposed portion of the parking structure. Alternatively, required percent of shade may be provided through shade trees or combination of trees and shade structures.

(j) Shade structures must be permanent and may include canopies, solar collection systems, or similar structures, and may exceed the maximum height by 16 feet.

(k) If the shade structure is a solar collection system, five percent of the total area of the exposed portion of the parking structure must be covered.

(l) Require shrubs to be planted within the peripheral parking lot landscaping strip when the parking lot abuts the street right-of-way.

(m) Require distance between the center of a tree planting and a restrictive barrier when the parking lot does not abut the street right-of-way.

(n) Require trees within the peripheral parking lot landscaping strip.

(o) Require a ten-foot-wide landscaping strip when the property abuts the street right-of-way.

(6) Transitional Screening & Barriers

(a) Require transitional screening and barrier on the lots based on the transitional screening and barrier table which utilizes the use classifications and specific uses.

(b) In Planned Districts, transitional screening and barriers are applied to the boundaries of the development and do not apply to individual lots and uses interior to the development.

(c) The Board or Board of Zoning Appeals (BZA) may require transitional screening and barriers during the special exception or special permit process for uses such as agritourism; campground; cemetery; farm winery, limited brewery, or limited distillery; group household; marina (commercial or private noncommercial); office in a residential district; and riding or boarding stable.

(d) Transitional screening and barriers are not required for an agricultural operation or between different dwelling unit types with an affordable dwelling unit development.
(e) A public use is subject to the requirements of the most similar use.
(f) Establish three types of transitional screening with varying width and planting requirements.
(g) Allow an alternative mixture of evergreen and deciduous trees for transitional screening if it results in no less than 50 percent evergreen trees, and at least 25 percent of the transitional screening area contains existing vegetation and/or new native trees.
(h) Allow perpendicular crossing of transitional screening for sidewalk, trail, or share use path up to ten feet in width.
(i) Allow the transitional screening yard width and planting requirements to be reduced when a wall is provided.
(j) Allow barriers to be located at the property boundary.
(k) Require the faced or finished side of the barrier to face the adjacent use.
(l) Establish barrier types based on height, material and planting requirements.
(m) Allow the Director to allow the use of an earth berm or a more specialized barrier material in certain circumstances.

(7) Waivers and Modifications
(a) Establish waivers and modifications that may be approved by either the Board, BZA, or Director.

(8) Maintenance
(a) Identify the owner as the responsible party for maintenance, repair, and replacement of all required landscaping materials and barriers.
(b) Require plant material to be kept in a healthy growing condition.
(c) Require fences and walls to be maintained in good repair.
(d) Allow the Director to require openings within barriers for accessibility purposes.
(e) Allow the homeowner to add, remove, or relocate landscaping when tree conservation is required.
(f) Require landscaping to be in substantial conformance with any proffered conditions or with any approved development plan, PRC plan, special exception, special permit, or variance.
(g) Require Director approval to remove or place landscaping shown on an approved site plan.
(h) Require the owner to replace any landscaping that was removed or placed with the Director's written permission.

B. Update and modify other landscaping and screening-related provisions to correlate with proposed Section 5108, including,

without limitation in subsection 3102.3 (Commercial Revitalization Districts standards) to:

(1) Update Zoning Ordinance references.
(2) Reduce the number of parking spaces required to trigger parking lot landscaping from 20 spaces to ten spaces.
(3) Update references to the Comprehensive Plan to reference the Urban Design Guidelines.
(4) Clarify that the caliper requirements are for deciduous trees.
(5) Remove decorative tubular steel or aluminum fence as a barrier option.

5. Outdoor Dining

A. Permit outdoor dining in all zoning districts as an accessory use to approved food establishments including restaurant, carryout restaurant, restaurant with drive-through, craft beverage production establishment and any other similar use with a valid Nonresidential Use Permit and that has a food establishment permit, unless expressly prohibited by any applicable proffered condition, development condition, or special permit or special exception approval.
B. Add new regulation requiring that any single outdoor dining area may not exceed an area equal to 50 percent of the indoor dining floor area of the establishment.
C. Add new regulation requiring that the hours of operation generally conform to the business hours of the principal use.
D. Add new regulation requiring that outdoor dining be located on impervious areas, such as existing patios or sidewalks of a private property, by right.
E. Add new regulation prohibiting outdoor dining, including any furniture, enclosure, or tent, from obstructing any fire equipment, building entrance or exit or any other area marked or designated for emergency egress or ADA accessibility, or pedestrian passage on any trail or sidewalk.
F. Add new regulation requiring that all tables, chairs, umbrellas, lighting, and other accessories be temporary and removeable, that the outdoor dining area must be kept free of trash and debris and that any extension cords associated with audio or video entertainment equipment may not create a trip hazard and meet all other County State and Federal Codes.
G. Add new regulation requiring that outdoor dining located in a parking lot be permitted with limitations and with the issuance of an Administrative Permit by the Zoning Administrator, subject to a one-time application fee of $240 (effective July 1, 2024) and $275 (effective July 1, 2025), as authorized by *Virginia Code* 15.2-2286(A)(6).
H. Add a new definition classifying outdoor dining as an accessory use and prohibiting permanent structures associated with the use.

I. Amend the definition of carryout restaurant to clarify that seats provided as part of accessory outdoor dining are not included in the maximum indoor seat limitation.

6. Minor and Editorial Revisions and Changes to Reflect *Virginia Code* Updates

A. Correct typographical errors, correct or add cross references, make changes to reflect Virginia Code updates, and make other minor, editorial revisions.
B. Add the term "dwelling" after stacked townhouse.
C. Replace references to multiple family with multifamily.
D. Add agritourism to the Noise Compatibility table in the Airport Noise Impact Overlay District section and revise the table to indicate that certain Agricultural and Related Uses do not need to provide acoustical treatment.
E. Revise the permissions for personal service establishments from an associated service use to by right in the C-1 through C-4 Districts.
F. Include a standard to the Standards for Administrative Permit Approvals to indicate that the Zoning Administrator may deny the renewal of an administrative permit if there is evidence of noncompliance by the applicant.
G. Delete references to residents being "low-income" and replace tenants with residents in the standards for Independent Living Facility.
H. Revise the standards for wireless facilities approved by special exception and the general standards for accessory uses and structures to allow a fence or wall that exceeds the maximum fence or wall height.
I. Add a standard for Animal Shelters or Kennels located in a planned district that any outdoor component must specifically be shown on the approved development plan.
J. Add a standard to allow accessory retail sales for a warehouse use approved by special exception in the I-3 District.
K. Clarify that gates and gateposts, limited by height and other associated standards, may be located in any part of the front yard and that gates and gateposts located in side and rear yards are regulated by the maximum fence or wall height standards.
L. Clarify that the minimum front setback applies to each yard when there are two or more front yards on a corner lot.
M. Revise the Required Notice for Public Hearing information to clarify that public notice is the hearing body's responsibility, and notice must be published at least in accordance with state law. Also delete the requirement that the advertisement must identify a descriptive summary of the proposed action.
N. Clarify that to be complete, an appeal application must include all required materials.
O. Add short-term lodging to the types of violations that are subject to a 10-day appeal deadline and clarify that the Zoning Administrator determines

which other short-term, recurring violations may be subject to the 10-day appeal period.

P. Add specified sanitary sewer information to the submission requirements for generalized development plans, conceptual and final development plans, PRC development plans, PRC plans, and certain SE and SP plats.
Q. Revise submission requirements to remove requirement that a paper copy be submitted for each submission requirement and that multiple copies be submitted of other documents as all application materials are currently being submitted digitally via PLUS.
R. Revise the Planning Commission provisions to reflect updates to the Planning Commission bylaws.
S. Include language to reflect that the BZA may have up to three alternate members, in addition to seven permanent members, in accordance with state law. Revise the definition of a shopping center to include commercial uses on the first or lower floors of a residential building.
T. Include examples of uses in the definitions of a specialized instruction center and a small health and exercise facility.

7. Zoning Application Fees and Planned District Recreational Facilities Minimum Expenditure

A. Increase zoning application fees set out in Zoning Ordinance Table 8102.1 by 35 percent and rounded to nearest $5, as authorized by Virginia Code § 15.2-2286(A)(6), phased in over two years, effective July 1, 2024, and July 1, 2025. Fees for wireless reviews to determine compliance with Section 6409 of the Spectrum Act and family health care structures are excluded from the proposed increase.
B. Increase the appeal fee by 10% rounded to the nearest $5, as authorized by *Virginia Code* § 15.2-2286(A)(6), effective July 1, 2024.
C. Increase the required Planned District recreation minimum expenditure from $1,900 to $2,400 per dwelling unit), phased in over two years, effective July 1, 2024, and July 1, 2025, for residential development in the PDH, PDC, PRM, and PTC Districts, as required by Zoning Ordinance subsections 2105.2.B(4)(b), 2105.4.B(4)(b), 2105.5.B(4)(b), and 2105.6.B(3)(b), as authorized by *Virginia Code* §§ 15.2-1200, -2200, -2280(1), -2283, -2284, and -2286(A)(7) and (9).

8. Miscellaneous

A. Remove submission requirements for ALUs to document age or disability.
B. Update the date references to May 10, 2023, for subsection 4102.5.R(2) – Commercial Recreation, Indoor; subsection 4102.5.W – Health and Exercise Facility, Large; subsections 4102.6.A.(2)(a), (3)(a) – Data Center; subsection 4102.6.B(3) – Goods Distribution Hub; subsection 4102.7.B(4) – Accessory Living Unit; Table 8102.1 – Fee Schedule: Special Exception for Addition to or Replacement of a Single-Family Detached Dwelling Existing in a Floodplain. COUNTYWIDE. PUBLIC HEARING.

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William Mayland, Zoning Administration Division, Department of Planning and Development, presented the staff report, a copy is in the electronic date file. He stated that staff recommended adoption of the proposed Zoning Ordinance Amendment.

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

- Concerns about the section entitled Provisions Relating to Previous Approvals contained in Appendix 1, and whether the adoption of Appendix A conflicted with provisions on data centers;
- Staff confirmed that changes would take effect after July 1, 2024, and Provisions Relating to Previous Approvals were in conformance with previous approvals, such as for Parking Reimagined, landscaping, and other similar amendments.

Vice Chairman Sargeant called the first listed speaker.

Anne Marie McKinnon, 200 N Glebe Road, Arlington, representing Catholic Diocese of Arlington, voiced concerns about the impact of parking rate increases for religious assemblies in residential areas and supported the previous decision of the Planning Commission to retain a parking space requirement of 1 space to every 4 seats for a religious facility. A copy of Ms. McKinnon's statement is in the date file.

There was a discussion between Commissioner Niedzielski-Eichner and Mr. Mayland regarding the following:

- Staff confirmed that community meetings about the proposed modifications to parking conditions were conducted;

- Staff confirmed that they reviewed 70 special exception applications and permits that were approved over 10-year timeframe, and that the original requirement was 1 parking space to 2.5 seats;

- Staff clarified that the Board of Supervisors intended to provide churches with more parking spaces than was required by the Zoning Ordinance;

- Staff explained previous concerns regarding places of worship requiring additional parking, which subsequently resulted in a loss of trees and open space; and

- Staff explained that a ratio of 1 space to 3 seats would provide a flexible and transparent solution.

There were technical issues with the phone system, so there were no calls from the speakers. Those issues were being worked on by the Channel 16 staff.

Commissioner Ulfelder MOVED THAT THE PLANNING COMMISSION RECESS THE PUBLIC HEARING BRIEFLY AND MOVE TO THE NEXT ITEM ON THE AGENDA WHILE THE AFOREMENTIONED ISSUE WITH THE PHONE WAS RESOLVED.

Commissioner Clarke seconded the motion, which was not voted on.

David Stoner, Office of the County Attorney, advised the Planning Commission to suspend rules, proceed to the next public hearing, and resume the current public hearing once the phone system became available to the public.

Joseline Cadima, Administration, Department of Clerk Services, notified the Planning Commission that a different phone number would be provided to the public by Channel 16. The number would be displayed on the screen and the engineer would connect callers to the Planning Commission.

Due to the technical difficulties, Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION SUSPEND THE PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENT, AMENDMENT TO CHAPTER 112.1.

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

Chairman Niedzielski-Eichner resumed duties of the Chair.

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SE 2023-MA-00042 – DRI/WP ALTA CROSSROADS, LLC - Appl. to permit sign modifications. Located at 5837 Columbia Pike, Falls Church, 22041 on approx. 3.78 ac. of land zoned PDC, HC, SC and CRD. Mason District. Tax Map 61-2 ((19))5C and 11B. MASON DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Andrew W. Gregg, Applicant's Agent, Bean, Kinney & Korman, P.C., reaffirmed the affidavit dated May 21, 2024.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of SE 2023-MA-00042.

Mr. Gregg concurred with staff and opted out from giving the presentation.

Ms. Cadima informed the Planning Commission that the Channel 16 engineering support team provided a new phone number for speakers to call to testify during the public hearings.

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

Prior to the motion, Commissioner Wang requested that the applicant's agent confirm for the record agreement to the development conditions dated May 28, 2024.

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Commissioner Wang MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2023-MA-00042, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 28, 2024.

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

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Chairman Niedzielski-Eichner requested that Vice Chairman Sargeant resume the public hearing for Zoning Ordinance Amendment, Amendment to Chapter 112.1. Without objection, he relinquished the Chair to Vice Chairman Sargeant.

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Vice Chairman Sargeant inquired as to whether there were any speakers on the phone.

Commissioner Cortina stated that, since there was some lag with the broadcast, the Commission should provide more time for citizens to call in. Ms. Cadima indicated that the number had been displayed.

Vice Chairman Sargeant inquired as to whether there were any speakers on the phone, but received no response.

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

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Commissioner Niedzielski-Eichner MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT FOR AMENDMENT OF CHAPTER 112.1, AS SET FORTH IN THE STAFF REPORT DATED MAY 24, 2024, AND THAT THE AMENDMENT BECOME EFFECTIVE JULY 1, 2024, AT 12:01 A.M.

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

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Chairman Niedzielski-Eichner resumed duties of the Chair.

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CODE AMENDMENT - ADOPTION OF CHAPTER 124.1 (EROSION AND STORMWATER MANAGEMENT ORDINANCE) AND REPEAL OF CHAPTERS 104 (EROSION AND SEDIMENTATION CONTROL) AND 124 (STORMWATERMANAGEMENT ORDINANCE) OF THE *CODE OF THE COUNTY* OF FAIRFAX, VIRGINIA – Pursuant to the authority and mandates of the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the *Virginia Code*, the Virginia and Erosion Stormwater Management Regulation, Chapter 875 of Title 9 of the Virginia Administrative Code, and Title 15.2 of the *Virginia Code*, the amendment proposes to consolidate existing erosion and sediment control requirements, stormwater management requirements, and provisions to satisfy the County's state-issued municipal separate storm sewer permit into a single ordinance. The proposed ordinance clarifies program requirements, eliminates redundancies, and corrects inconsistencies between the existing ordinances. No substantive changes to existing erosion and sediment control minimum standards or to the post-construction stormwater management technical criteria are proposed. The proposed ordinance will require all land-disturbing activities equal to or greater than 2,500 square feet and land disturbing activity that is part of a larger common plan of development or sale that disturbs one acre or more to provide erosion and sediment control, water quantity control, and water quality control. An optional provision is included that, if adopted, would exempt land-disturbing activity equal to or greater than 2,500 square feet and less than one acre for construction of single-family detached residential structures not part of a common plan of development or sale meeting certain criteria from providing water quality control. COUNTYWIDE. PUBLIC HEARING.

John Friedman, Land Development Services, presented the staff report, a copy is in the electronic date file. He stated that staff recommended adoption of the proposed Code Amendment.

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

- Discussions about a difference between water quantity and water quality controls;
- Clarification from staff that water quantity was the amount of the runoff that could negatively impact downstream properties, subsequently causing sedimentation and erosion of streambanks;
- Clarification from staff that the requirements of ordinances and regulations were to reduce the amount of phosphorus in the runoff;
- Staff presented an example of the original water supply protection overlay district requirements to reduce phosphorus that otherwise would have entered the Occoquan Reservoir and degraded the quality of drinking water;
- Staff explained that new regulations required water quantity control from dwellings with disturbance greater than 2,500 square feet;
- Further explanation from staff that for most of the subdivision and site projects, water quality control was required;
- An option for local governments to require water quality controls in infill lot development projects with disturbance greater than 2,500 square feet;
- Explanation that typical home residential additions were not affected by the new regulations because they did not have disturbance more than 2,500 square feet;
- Clarification that, if the proposed amendment was adopted without an optional provision, then all projects associated with development and redevelopment infill lots would have to provide water quality controls;
- Concerns about a number of lots within the County that might be affected by the proposed changes;
- Explanation from staff that 15% of new infill lot grading plans qualified for the existing exemption for both water quality and quantity controls standards in 2023;
- Request for clarification about a line 719 of the highlighted text on page 18 of the staff report;
- Staff confirmed that minor editorial changes had to be made prior to the public hearing;

- Discussions about the exemption of water quality control from the requirements not being carried out according to the proposed Code Amendment;

- A discussion that the water quality control exemptions should not be carried forward;

- Explanation from staff that, based on the approved 80 infill lot grading plans in 2023, approximately 50% of them purchased credits and approximately 50% of them provided facilities;

- Explanation of projections from staff that at least half of 80 infill lot grading plans per year that provided facilities would have the same dual purpose and would provide water quality benefits to County's streams;

- Discussions about the other half of those infill lots that might have an option to pay to the mitigation fund for Potomac River; and

- Clarification from staff that a second half of infill lots purchased nutrient credits to create a nutrient bank with a purpose of reducing the runoff and that purchase was deemed beneficial to the County.

There being no listed speakers, no speakers from the audience, no rebuttal from the applicant, no comments or questions from the Commission,

In closing Mr. Friedman stated that staff would review the amendment and would make the suggested editorial corrections before the Board of Supervisors hearing which was scheduled for June 25, 2024.

Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Sargeant for action on this application.

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

- ADOPTION OF CHAPTER 124.1 (EROSION AND STORMWATER MANAGEMENT ORDINANCE) WITHOUT THE OPTIONAL LANGUAGE ON LINES 700 THROUGH 724 IN THE PROPOSED ORDINANCE THAT WOULD EXEMPT THE DESCRIBED INFILL LOT DEVELOPMENT ACTIVITIES FROM MEETING WATER QUALITY CONTROL REQUIREMENTS; AND

- REPEAL OF CHAPTERS 104 (EROSION AND SEDIMENTATION CONTROL) AND 124 (STORMWATER MANAGEMENT ORDINANCE), AS SET FORTH IN THE STAFF REPORT DATED MAY 21, 2024.

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

Commissioner Sargeant made a follow-on motion and MOVED THAT THE PLANNING COMMISSION REQUEST THAT THE PLANNING COMMISSION REQUEST THAT THE BOARD HAVE STAFF PUBLICIZE THE CHANGES TO THE CODE AND THE AVAILABILITY OF RESOURCES TO GUIDE CITIZENS AND DEVELOPERS IN THE SELECTION AND USE OF BEST MANAGEMENT PRACTICES FOR WATER QUALITY CONTROL.

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

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SSPA 2023-III-1FC(A) (PA-2023-00005) – FAIR LAKES STUDY, PHASE 1 - Concerns approx. 4.37 acres located at 12801 Fair Lakes Pkwy (Tax Map Parcel # 45-4 ((11)) A2) in the Springfield Supervisor District. The area is planned for 54,720 square feet of office use. The amendment will consider up to 400,000 square feet of multifamily residential use (400 units). Limited editorial revisions to the recommendations for Sub-unit E1 of the Fairfax Center Area are also being considered. Recommendations relating to the transportation network may also be modified. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Michael Lynskey, Policy & Plan Development Branch, Department of Planning and Development (DPD), presented the staff report, a copy is in the electronic date file. He stated that staff recommended adoption of SSPA 2023-III-1FC(A).

There was a discussion between Mr. Lynskey; Graham Owen, Chief, Policy & Plan Development Branch, DPD; and multiple Commissioners regarding the following:

- Discussions about total acreage of the proposed development and confirmation that it would occupy approximately over 500 acres;

- Staff confirmed that existing tree buffer areas depicted on page 10 of the staff report were critical, but noted that the renderings were for illustrative purposes;

- Confirmation from staff that the County's Workforce Dwelling Unit (WDU) policy was applicable to a development in any Suburban Center, which would be equal to 12% for the proposal;

- Confirmation that the WDU's would be provided on-site;

- Concerns about whether an 8-foot shared-use trail along the north side of Fairfax County Parkway would fit with an existing one and confirmation from staff that a new proposed trail would connect to an existing one;

- Concerns about a speed limit sign of 45 miles-per-hour and its impact on residents in the redevelopment area;

- Concerns about collaboration with the Virginia Department of Transportation to address vehicular speed control in the area under the proposal;

- Staff confirmed that a transportation study would be conducted during Phase 2 of the redevelopment project;

- Discussions about the conversion of an area previously planned for office use to residential use and whether such developments retained the one-acre parks requirement;

- Clarification from staff that this amendment was site-specific and the size of an area for parks would be determined during the review of the concurrent rezoning application;

- Concerns about the absence of a bus stop and a missing sidewalk along the site's frontage, might be constructed to improve the bicycle and pedestrian network;

- Discussions about the scope of the Phase 2 Study that would follow the current proposal;

- Staff clarified that Phase 2 of the Fair Lakes study would involve a large visioning process and a land use study for the entire Plan sub-unit;

- Staff confirmed that the transportation component of the proposal would become part of the Phase 2 analysis;

- Confirmation from staff that the Fairfax County Department of Transportation collaborated with the two rezoning applicants, and the subsequent transportation analysis assessed the Pedestrian Level of Comfort (PLOC) utilizing established metrics;

- Clarification from staff that further assessments and treatments relating to the transportation analysis would be conducted within Phase 2;

- Clarification from staff that both PLOC and Bicycle Level of Traffic Stress assessments reflected in staff report would be used in Phase 2;

- Discussions about whether one acre of the park zone was included in the buffer;

- Staff explained that in some cases, the developer would utilize portions of an area without disturbing existing trees as a buffer and the extent to which that met the buffer requirements would be determined during the rezoning review;

- Staff confirmed that site-specific development options would be consolidated with the Design Guidelines and the Comprehensive Plan;

- Discussions about public outreach efforts and staff's meetings with the community;

- Discussions about stormwater management controls that exceeded the overlay level standards within the proposed area; and

- Staff confirmed that the proposal was expected to meet all guidelines and regulations, and that the extent to which the proposal might continue to rely on the regional facilities versus new on-site stormwater management controls would be determined by further evaluations of the applicable requirements with associated rezoning reviews.

Chairman Niedzielski-Eichner called the first the listed speaker.

Andrew Painter, 2200 Clarendon Boulevard, Arlington, representing Walsh, Colucci, Lubeley & Walsh, P.C., spoke in support of the proposed Plan Amendment. He stated that developers would follow the guidelines stated in the Comprehensive Plan regarding tree preservation, open space, housing supply, and appropriate contributions to the school system. He added that the proposed amendment, if adopted, would help maintain Fair Lakes as a corporate and residential development while improve its value for the County through an optimal mix of uses.

Adena Mansback, 12814 Mount Royal Lane, expressed concerns about the local schools' capacity and the impact of the proposed plan amendment on the number of students. She stated that schools were overcrowded and suggested that the school system add another bus stop after the completion of the project. She also suggested that the Planning Commission liaison with the Fairfax County School Board to reconsider the school zones for the proposed development.

There was a discussion between Mr. Lynskey, Mr. Owen, and multiple Commissioners regarding the following:

- Concerns about how to approach the issue regarding the proposal's impact on school overcrowding;

- Staff explained that, based on the Fairfax County public Schools (FCPS) projections, the local high school would be approaching a capacity deficit, a middle school would be at

capacity, and an elementary school would be considered to have sufficient capacity for future growth;

- Staff explained that, according to the data received in November 2023, Greenbriar East Elementary School was projected to have 90% capacity by 2028;

- Staff explained that the expected impact on FCPS facilities would be 25 students with anticipated 400 multifamily units and the recommendation from the FCPS was to monitor student membership;

- Staff confirmed that the data was received in November 2023, and that the numbers were updated annually.

Mary Cook, 12799 Fair Briar Lane, representing The Gates of Fair Lakes HOA, expressed concerns about transportation impact, stating that the proposed plan amendment would have impact on the pedestrian and vehicular traffic on Federal Systems Park Drive. The proposal would also incur additional costs to maintain roads and walkways. In addition, she stated that the proposed location had a limited quantity of exits and traffic intersections which might cause traffic congestion. Ms. Cook also said that additional bike lanes and pedestrian walkways might be needed. She said that no transportation analysis was conducted for Federal Systems Park Drive area. In addition, Ms. Cook expressed safety concerns and stated that a bus stop adjacent to the intersection of Fair Lakes Parkway and Headquarters Drive was too close to a traffic light. She also stressed that the future development should be consistent with Design Guidelines.

There were no additional speakers, 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 this application.

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE STAFF RECOMMENDATIONS FOR PLAND AMENDMENT SSPA 2023-III-1FC(A), AS FOUND ON PAGES 27 TO 35 OF THE STAFF REPORT DATED MAY 22, 2024.

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

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PA 2023-CW-1CP (PA-2023-00042) – FOR-SALE WORKFORCE DWELLING UNIT POLICY & PROGRAMS – Fairfax County's Guidelines for the Provision of Workforce Housing (WDU Policy), a component of the Comprehensive Plan's Policy Plan, recommends development proposals with a residential component provide a percentage of the units committed for households at affordable rates. The county

administers programs to encourage the provision of both for-sale and rental WDUs in line with the policy. The for-sale WDU policy applies to proposed developments within the county's designated mixed-use centers, including the Tysons Urban Center, suburban centers, transit station areas (TSAs), and community business centers (CBCs). The policy is designed to encourage affordable homeownership opportunities to households with a range of incomes from up to 70% to a maximum of 120% of the Area Median Income (AMI).

The proposed amendment, based on the task force recommendations, includes the following general policy changes:

- Shift the affordability level of the program from up to 80% to 120% AMI, to up to 70% to 100% AMI.
- Expand guidance on proportionality of bedroom counts between the WDU and market rate units with flexibility for family-sized units (units with three bedrooms or more); and,
- Extend the geographic applicability to certain properties outside of development centers that are planned and zoned for 8 dwelling units per acre (du/ac) or more.

Editorial and other related changes are proposed to better align elements of the rental and for-sale WDU policies and to bring the WDU recommendations in certain Area Plans in the Comprehensive Plan closer to the countywide policy in the Policy Plan of the Comprehensive Plan. The latter revisions would remove Plan recommendations in the Area Plans that are duplicative of or inconsistent with the countywide policy and replace them with a reference to the countywide policy, as necessary. COUNTYWIDE. PUBLIC HEARING.

Meghan Van Dam, Affordable Housing Development Division Director, Department of Housing and Community Development (HCD), presented the staff report, a copy is in the electronic date file. She stated that staff recommended adoption of PA 2023-CW-1CP.

There was a discussion between Ms. Van Dam; Grace Highman, Affordable & Workforce Housing Administrator, HCD; Thomas Fleetwood, Director, HCD; and multiple Commissioners regarding the following:

- Discussions about the impact of minimum bedroom and living room sizes on the project feasibility;

- Explanation from staff that, in many developments there, were units where a living area was not able to support a large family; therefore, three-bedroom units would help maximize the occupancy of those units;

- Staff explained that they had to implement adjustments to make a living room area more suitable for larger families;

- Staff confirmed that those adjustments would increase the cost of the development because rooms within the units would be larger;

- Staff confirmed that a policy decision regarding feasibility would be taken into account to accommodate larger families and doing so would not fully affect the ability of the development to move forward;

- Clarification from staff that the project was able to provide WDUs with minimum bedroom and living room sizes;

- Discussions about the for-sale aspect of the proposed development, as certain types of units were not in demand;

- Staff explained there was a disproportionate number of large families that could not be accommodated within units and the proposed amendment would make three-bedroom units more marketable for larger families;

- Discussions that the original plan was to attract smaller families and single parents, and the extent to which the strategy changed;

- Staff explained that the change was consistent with work performed in 2018 in conjunction with the County's strategic plan;

- There were new initiatives in the Homeownership Program in which larger families had interest in those units, which made them more marketable;

- Discussions about how the building industry was willing to compromise regarding the changes under the proposed Plan Amendment;

- Staff explained that developers confirmed that it would affect the project feasibility;

- Discussions about the proposed amendments impact on local schools' capacity and their proximity to the developments;

- Staff explained that schools would be considered within the context of a market project that would be built through the regular process, and it would not create an additional capacity issue for the schools beyond what would be created in conjunction with the market rate units of a project;

- Discussions about an alignment between the Merrifield Suburban Center and the Tysons Urban Center, and the increase of the Merrifield planned contribution rate of 1% of the recommendations that would be updated to match the Tyson's recommendations of 3%;

- Discussions about the cases in the Merrifield Suburban Center in which the provision of affordable housing was not feasible, as demonstrated to the satisfaction of the Department of Housing and Community Development;

- Concerns that a new interpretation of the WDU policy was not consistent with a policy for the Tysons Urban Center;

- Staff explained that the goal of new language was to reaffirm that HCD had an ability to be part of the decision-making process regarding WDU policy;

- Staff also stated that there was no record of a development within the Merrifield Suburban Center that had opted to provide a financial contribution instead of WDUs;

- Discussions about the monetary contributions for proposed non-residential development in relation to the Consumer Price Index;

- Staff clarified that non-residential developments would have proffered 3% per square-foot towards WDU's in the current Tysons plan;

- Discussions about whether monetary contributions in the Merrifield Suburban Center would be against the sales price of the unit and whether developers would match those within the Tysons Urban Center;

- Staff confirmed that contributions to the Housing Trust Fund would be at an amount of 3% of the development's residential value; and

- Confirmation from staff that there was no minimal size requirement for outdoor recreational space and that the site would have to be conveniently accessible to the occupants.

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

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Commissioner Bennett MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE STAFF RECOMMENDATION FOR PA 2023-CW-1CP AS SHOWN, AS FOUND IN THE STAFF REPORT DATED MAY 22, 2024.

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

Commissioner Bennett MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF THAT IT DIRECT STAFF TO PREPARE AN ACTION ITEM TO REVISE THESE RATES BASED ON THE ANNUAL INCREASE IN CONSUMER PRICE INDEX AND TO OUTLINE PROCEDURES FOR THE REGULAR UPDATE.

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

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SEA 2005-SU-007-03 – KOREAN CENTRAL PRESBYTERIAN CHURCH – Appl. to amend SE 2005-SU-007 previously approved for a place of worship, child care and private school of general education to permit modifications to development conditions to expand the grade level of the private school. Located at 15308 Compton Rd., Centreville, 20121 on approx. 83.77 ac. of land zoned R-C and WS. Sully District. Tax Map 64-1 ((1)) 8, 9, 25, 26, and 27; 64-1 ((3)) 16, and 17; 64-2 ((3)) 18; 64-2 ((5)) 1, 2, and 3. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Andrew W. Gregg, Applicant's Agent, Bean, Kinney & Korman, P. C., reaffirmed the affidavit dated May 21, 2024.

Ciarra Downing, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of SEA 2005-SU-007-03.

Mr. Gregg opted out from presenting before the Commission.

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

Prior to the motion, Commissioner Spain requested that the applicant confirm for the record agreement to development conditions dated May 30, 2024.

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Commissioner Spain MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2005-SU-007-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 30, 2024.

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

Commissioner Spain MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF REAFFIRMATION OF WAIVERS AND MODIFICATIONS, AS SHOWN AND DISCUSSED IN THE STAFF REPORT, DATED MAY 30, 2024.

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

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The meeting was adjourned at 10:25 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: July 24, 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 30 day of July 2024 by _____

Jessica Fuentes-Martinez

Notary Seal
Signature of Notary

Notary registration number: 8050379

Commission expiration: 3/31/2027

JESSICA NATALIE FUENTES-MARTINEZ
NOTARY PUBLIC
REG. #8050379
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2027