

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 21, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Karen A. Keys-Gamarra, Sully District

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The meeting was called to order at 8:17 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

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION GO INTO CLOSED SESSION WITH AN ATTORNEY FROM THE COUNTY ATTORNEY'S OFFICE FOR DISCUSSION AND CONSIDERATION OF MATTERS ENUMERATED IN *VIRGINIA CODE* SECTION 2.2-3711, INCLUDING LEGAL ANALYSIS REGARDING CERTAIN LEGISLATIVE ACTIONS TAKEN DURING THE 2017 SESSION OF THE VIRGINIA GENERAL ASSEMBLY.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Keys-Gamarra was not present for the vote.

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Upon returning from closed session, Commissioner de la Fe MOVED THAT, IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 2.2-3712, THE PLANNING COMMISSION MEMBERS CERTIFY THAT, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH THE CLOSED SESSION WAS CONVENED WERE HEARD, DISCUSSED, OR CONSIDERED IN CLOSED SESSION.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Keys-Gamarra was not present for the vote.

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2232-H17-11 – AT&T, 2000 Chain Bridge Road (Right-of-Way), Vienna*(Start Verbatim Transcript)*

Commissioner de la Fe: Mr. Chairman, I have a couple of Features shown. The first one is 2232-H17-11, it's for a communications facility on an existing pole at 2000 Chain Bridge Road, the right-of-way, Vienna. And I MOVE THAT THE PLANNING COMMISSION AGREE WITH THE RECOMMENDATION OF THE DEPARTMENT OF PLANNING AND ZONING, THAT THIS FACILITY IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATION OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A FEATURE SHOWN, PURSUANT TO VIRGINIA CODE SECTION 15.2-2232.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to concur with the "features shown" determination in 2232-H17-11, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, abstain.

Chairman Murphy: Yes, Mr. Sargeant abstains.

The motion carried by a vote of 10-0-1. Commissioner Sargeant abstained from the vote. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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2232-H17-1 – AT&T MOBILITY, 8411 Leesburg Pike, Vienna*(Start Verbatim Transcript)*

Commissioner de la Fe: Mr. Chairman and the second one is 2232-H17-1, also in the name of AT&T Mobility and its located at 8411 Leesburg Pike, Vienna, Virginia, And I MOVE THAT THE PLANNING COMMISSION AGREE WITH THE RECOMMENDATION THAT THE TELECOMMUNICATIONS FACILITY LOCATED AT 8411 LEESBURG PIKE, VIENNA, VIRGINIA, IS IN ACCORDANCE WITH – IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATION TO ADOPT THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A FEATURE SHOWN, PURSUANT TO VIRGINIA CODE SECTION 15.2-2232.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Sargeant, is there a – I mean Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to concur with the “features shown” determination in 2232-H17-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, abstain.

Chairman Murphy: Same abstention.

Commissioner de la Fe: Thank you very much.

Chairman Murphy: Mr. Sargeant abstains.

The motion carried by a vote of 10-0-1. Commissioner Sargeant abstained from the vote. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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2232-P17-7 – AT&T, 1911 Chain Bridge Road (Tysons Comer Center), Tysons

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I concur with staff’s conclusion that the proposal by AT&T Mobility, to install a five node – node telecommunications systems to be located at 1911 Chain Bridge Road, Tysons, Virginia, satisfies the criteria of location, character and extent, as specified in *Virginia Code* Section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-P17-7 SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to concur with the “features shown” determination, as articulated by Mr. Niedzielski-Eichner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, abstain.

Chairman Murphy: Abstain – abstention.

The motion carried by a vote of 10-0-1. Commissioner Sargeant abstained from the vote. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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2232-P17-12 – AT&T MOBILITY, 1600 Tysons Boulevard, Tysons

2232-P17-13 – AT&T MOBILITY, Tysons Boulevard, Tysons

2232-P17-14 – AT&T MOBILITY, Intersection of International Drive & Tysons Boulevard, Tysons

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Mr. Chairman, second item, I concur with staff's conclusions that the proposals by AT&T Mobility, to install telecommunications systems on Tysons Boulevard and at the intersection of Tysons Boulevard with International Drive, satisfy the criteria of location, character and extent, as specified in the *Virginia Code* Section 15.2-2232, as amended. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE THREE SUBJECT APPLICATIONS 2232-P17-12, 2232-P17-13 AND 2232-P17-14, TO BE SUBSTANTIALLY IN ACCORD WITH PROVISIONS IN THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to concur with the "features shown" determinations, as articulated by Mr. Niedzielski-Eichner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Deputy Clerk Lawrence: Commissioner Sargeant abstains?

Chairman Murphy: Mr. Sargeant abstains?

Commissioner Sargeant: No.

Chairman Murphy: No, he is not abstaining to that one. He gave it up.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent for the public hearing.

(End Verbatim Transcript)

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PCA 86-L-056-0/SP 2017-MA-004 – SPA FOREST, INC.
(Decision Only) (Public hearing on this case was held on June 15, 2017.)

(Start Verbatim Transcript)

Commissioner Strandlie: Thank you Mr. Chairman, I have a deferral in the Spa Forest case. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 86-L-056-04, TO A DATE CERTAIN OF JUNE 29TH.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to defer decision only on PCA 86-L-056-04 and SP 2017-MA-004, Spa Forest, Incorporated, to a date certain of June 29th with the record remaining open for written comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent for the public hearing.

(End Verbatim Transcript)

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Commissioner Migliaccio announced that the Planning Commission's the Land Use Process Review Committee would meet on June 22, 2017 at 7:00 p.m. in the Board Conference Room.

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ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. PA 2017-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (MOBILE AND LAND BASED TELECOMMUNICATIONS POLICY PLAN)
2. CSP 2014-PR-004 – AMHERST PROPERTY, LLC
3. CSPA 2010-PR-022 – TMG SOLUTIONS PLAZA, LP
4. Z. O. AMENDMENT – ZONING ORDINANCE AMENDMENT (PLANNED RESIDENTIAL MIXED-USE DISTRICT, USE LIMITATIONS FOR SUBMISSION OF FINAL DEVELOPMENT PLAN)
5. PCA/FDPA/CDPA 2010-PR-021-02 – CAPITAL ONE BANK (USA) NATIONAL ASSOCIATION

This order was accepted without objection.

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PA 2017-CW-1CP – COMPREHENSIVE PLAN AMENDMENT
(MOBILE AND LAND BASED TELECOMMUNICATIONS
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 integrating the Wireless Communication review
processes of both Section 6409(a) of the Spectrum Act (codified at
47 U.S.C. §1455) and Virginia Senate Bill 1282 into the Public
Facilities section of the Policy Plan element of the County's
Comprehensive Plan. COUNTYWIDE PUBLIC HEARING.

Commissioner Sargeant disclosed he was employed by Dominion Energy Power, and since the proposed amendment referred to such services, including utility poles and other equipment owned by Dominion Energy Power, recused himself from the public hearing.

Commissioner Hart asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on this item.

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(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. On May 16, 2017, the Board of Supervisors authorized Policy Plan Amendment 2017-CW-1CP. The authorization directed staff to prepare a Mobile and Land Based Telecommunications Policy Plan Amendment to harmonize the objectives and policies of the public facilities portion of the Policy Plan with Virginia Senate Bill 1282 and with Section 6409(a) of the Spectrum Act (codified at 47 U.S.C. §1455). As the commission will recall, Section 6409(a) governs state and local review of requests to modify existing telecommunications facilities. Section 6409(a) requires approval of any request for co-location, removal, replacement or replacement of wireless equipment on existing facilities that does not substantially change their physical dimensions. Senate Bill 1282 provides a uniform procedure for the way localities review and approve small cell facilities on existing structures. This legislation also requires the Virginia Department of Transportation to grant access to wireless service providers and wireless infrastructure provider applicants to install and maintain small cell facilities on existing structures in VDOT's public right-of-ways. Through a series of three meetings, the Planning Commissions Telecommunications Committee, with input from staff, revised the Policy Plan text addressing the Board's authorization. I want to thank staff, particularly Natalie Knight and Chris Caperton, for their fine work on this project. I also want to thank the industry representatives and citizens who participated in this discussion. The amendment has staff's favorable recommendation, with which I concur. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF

SUPERVISORS THE APPROVAL OF THE TELECOMMUNICATION COMMITTEE'S AND
STAFF'S RECOMMENDATION FOR PLAN AMENDMENT 2017-CW-1CP, AS SHOWN IN

THE STAFF REPORT DATED MARCH 15, 2017, AND AS REVISED BY PROPOSED PLAN LANGUAGE CONTAINED IN THE ADDENDUM TO THE STAFF REPORT DATED JUNE 7, 2017, WITH THE APPROVAL TO TAKE EFFECT AT 12:01 AM ON THE DAY FOLLOWING ADOPTION.

Commissioner Migliaccio and Hedetniemi: Second.

Chairman Murphy: Seconded Mr. Migliaccio and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2017-CW-1CP, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 10-0-1. Commissioner Sargeant recused himself from the public hearing. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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CSP 2014-PR-004 – AMHERST PROPERTY, LLC. – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2014-PR-004. Located on the N.W. of the intersection of Westpark Dr. and Jones Branch Dr., Tysons, 22102 on approx. 4.0 ac. of land zoned PTC. Tax Map 29-4 ((7)) (1) A, 6A and 6B. PROVIDENCE DISTRICT PUBLIC HEARING.

Commissioner Niedzielski-Eichner asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this case.

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman.

Chairman Murphy: Did I go too fast for you?

Commissioner Niedzielski-Eichner: Yes, you did. So, I would ask the applicant to identify herself and her affiliation and confirm for the record, the— her agreement to the proposed development conditions.

Elizabeth Baker with Walsh, Colucci, Lubeley & Walsh, PC: Good evening, my name is Elizabeth Baker, I'm a Land Use Planner with Walsh, Colucci. And I reaffirm – no I don't reaffirm anything. But we do accept the development conditions. Thank you.

Commissioner Niedzielski-Eichner: Thank you. I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2014-PR-004, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 1ST, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to approve CSP 2014-PR-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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CSPA 2010-PR-022 – TMG SOLUTIONS PLAZA, LP – Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan associated with CSP 2010-PR-022 to permit sign modifications. Located between Leesburg Pike and Greensboro Dr. S. of Westpark Dr. on approx. 18.1 ac. of land zoned PTC, SC, and HC. Tax Map 29-3 ((15)) 4D2, 4E2, 4F1, 4G, 4H. 29-3 ((15)) 7A3, 7C3, 7E3, 7F, 7G, 7H, 7J and 7K1. PROVIDENCE DISTRICT PUBLIC HEARING.

Commissioner Niedzielski-Eichner asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this case.

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I am ready. I request that the applicant identify herself, and confirm for the record – for the record, her agreement to the proposed development conditions dated June 7th, 2017.

Elizabeth Baker with Walsh, Colucci, Lubeley & Walsh, PC: This is Elizabeth Baker, Planner with Walsh, Colucci, and we do accept the development conditions dated June 7th.

Commissioner Niedzielski-Eichner: Okay. Thank you, Ms. Baker. I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2010-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 7TH, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve CSAP 2010-PR-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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Z. O. AMENDMENT – ZONING ORDINANCE AMENDMENT
(PLANNED RESIDENTIAL MIXED-USE DISTRICT, USE
LIMITATIONS FOR SUBMISSION OF FINAL
DEVELOPMENT PLAN) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: amend the Planned Residential Mixed Use (PRM) District by revising the use limitations in Par. 2 of Sect. 6-406 to encourage, but not require the concurrent filing of the Conceptual Development Plan (CDP) and Final Development Plan (FDP) for all or a portion of the proposed development subject to a rezoning; and make an editorial revision to Par. 5 of 16-401 relating to Conceptual Development Plan approval to correct the numerical reference of the submission requirements referenced in this paragraph. COUNTYWIDE PUBLIC HEARING.

Leslie Johnson, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file.

Applicant's Representative, Mark Looney, Cooley LLP, spoke on behalf of his client, a developer, who proposed to have about 3.5 million square feet of development over the 36 million acres. He discussed the reasons for filing the proposed development use under the PDC regulations, where there is no requirement for filing a Final Development Plan verses the Planned Residential Mix Use. Mr. Looney wanted the Commission to know his support for the amendment and wanted to give the real world implications of the Zoning Ordinance Amendment. He also discussed the amendment to the PRC regulation currently in the pipeline, where there is certain limitations on a number of dwelling units per acre that can be implemented within a site specific development.

Z. O. AMENDMENT – ZONING ORDINANCE AMENDMENT
(PLANNED RESIDENTIAL MIXED-USE DISTRICT,
USE LIMITATIONS FOR SUBMISSION OF FINAL DEVELOPMENT PLAN)

June 21, 2017

Commissioner de la Fe made a comment regarding the eleven waivers and modifications as having made progress due to the fact that there are usually twenty-seven.

Commission Hurley cautioned the when discussing Planned Development Commercials, and that Reston is not the only one; there are also a few in the Braddock District and Braddock District should be consulted before any changes are made.

Shane M. Murphy, Reed Smith, LLP, representing the IDI Group Companies, the master developer for the Huntington Club Condominiums, spoke in support of the application. He discussed the effect of the PRM amendment on the Huntington community. The community is in favor of the PRM Zoning and as a result they would have to do an FDP with the application for each of the seven phases they anticipate doing over a ten-fifteen year period.

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(Start Verbatim Transcript)

Commissioner Hart: Thank you, Mr. Chairman. I want to first thank the Zoning Administrator, Leslie Johnson, for her fine work on this amendment. I also want to thank Mr. Looney and Mr. Murphy for coming out to speak this evening. This amendment makes sense. It makes sense to encourage, but not require a concurrent CDP and FDP where you have a large consolidation. Sometimes we don't need all the details worked out when there's a big enough critical mass and we're going to be dealing with this for several years. It just has to be amended. This is a sensible and logical amendment to the ordinance which has staff's favorable recommendation, in which I concur. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT, REGARDING THE USE LIMITATION FOR SUBMISSION AND FINAL DEVELOPMENT PLANS IN THE PRM DISTRICT, AS SET FORTH IN THE STAFF REPORT DATED MAY 16, 2017, AND THAT THE AMENDMENT TAKE EFFECT AT 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Zoning Ordinance Amendment regarding Planned Residential Mixed-Use District Use Limitations for Submission of Final Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Hart: Thank you.

Chairman Murphy: Thank you, Ms. Johnson.

Z. O. AMENDMENT –
ZONING ORDINANCE AMENDMENT
(PLANNED RESIDENTIAL MIXED-USE DISTRICT, USE LIMITATIONS FOR
SUBMISSION OF FINAL DEVELOPMENT PLAN)

June 21, 2017

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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PCA/FDPA/CDPA 2010-PR-021-02 – CAPITAL ONE BANK
(USA) NATIONAL ASSOCIATION – Appls. to amend the
proffers, conceptual development plan, and final development plan
for RZ 2010-PR-021, previously approved for mixed use. Located
on the E. side of Capitol Beltway, N. side of Dolly Madison Blvd.,
S.W. side of Scotts Crossing Rd., Tysons, 22102 on approx. 24.56
ac. of land zoned PTC and HC. Comp. Plan Rec: Transit Station
Mixed-Use. Tax Map 29-4 ((5)) A2. PROVIDENCE DISTRICT
PUBLIC HEARING.

Shane M. Murphy, Applicant's Agent, Reed Smith, LLP, reaffirmed the affidavit dated June 9, 2017.

Stephen Gardner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the electronic date file. Mr. Gardner noted that staff recommended approval of PCA/FDPA/CDPA 2010-PR-021-02.

Commissioner Niedzielski-Eichner and Mr. Gardner discussed the matter pertaining to density and intensity differences along the lines of residential, hotel and office and the new impacts that may arise, beyond what had been approved. Mr. Gardner stated there was a slight increase of office, additional retail uses with was the most significant increase and Wegmans being the most notable. The hotel increase is a bit misleading because one of the hotel buildings would function almost as a residential building or associated accommodations. In actuality the hotel uses were decreasing, whereas there was an increase in the residential use from a square footage prospective. Reference was made to the Capital One Center which was a new use to the site at about 125,000 square feet.

Regarding the impacts, Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning discussed the public facility requirements, the plan and the original intention in terms of public facilities and required needs in a city. One of the wish items was a community center which was not location specific but rather roughly equated to what was being done. In the case of the art center, Ms. Lewis stated the thought was maybe there would be opportunities with other applications. However, there was a change on Capital One's end, as a result, the County may look to find another application to take on the community center public facility. If the Board approved the application, the community center would still be needed.

Commissioner Niedzielski-Eichner asked staff in reference to the performing arts center, if there was a way to quantify the value that was being brought to the community. He stated when he

read staff's analysis it suggested to him there was a qualitative and policy aspect and asked staff to either concur or explain if he was misinterpreting staff's point of view. Mr. Gardner stated that the goal was to match applications with opportunities and what staff did was offer a very unique opportunity that there was a corporate entity within Tysons that offered a facility similar to the Corporate Center, Performing Arts Center available for public use. Back and forth discussion regarding the promise of having a community center available for public use. Commissioner Niedzielski-Eichner stated that it did appear Capital One attempted to bring value to the performing arts center and can measure to their commitment to the construction of a community center and wanted to know if there was science or art to the decision. In response, Laura Gori, County Attorney's Office, stated that Capital One took the monetary value of the original commitment and scientifically applied it to the current proffered commitment going forward. The original proffers provided for a stand-alone facility that was approximately 11 million dollars which was adjusted to 11.2 million dollars. That same value would be amortized over a period of thirty years for the performing arts center. In terms of the amount of usage that would be allocated to public facility users, there would be an exhibit to the agreement that would go before the Board of Supervisors should this application be approved by the Commission. Ms. Gori also clarified the misunderstanding regarding the monetary amount. She indicated this monetary amount did not apply to the amount Capital One was spending to build the facility.

Commissioner Niedzielski-Eichner asked to explain the work staff did interfacing with Capital One, relative to the performing arts center and kind of uses that were envisioned or proposed, and was the arts community involved in the consideration of the potential value to the arts community. Michael Liberman, Director of Cable and Consumer Services and Chairman of the Art Committee, stated that the process used was to seek input from the arts community in a few ways. He reached out to Linda Sullivan, President and Chief Executive Officer of the Arts Council of Fairfax County, Lila Gordon, Board member of the Arts Council of Fairfax County, and the Ava Spece, Chief Executive Officer and President of Workhouse Arts Center. With their knowledge, they were able to put together a rough idea of what some of the requirements for arts organizations entailed, how the organizations would want to use it and the kinds of uses envisioned. A survey was also conducted coupled with a request for expressions of interest. This survey was conducted last winter of 2016 over a six-week period. Social media was also involved, for example, Facebook and Twitter. E-mail contact list and webpages were also leveraged in order to get to multiple arts organizations located in the Fairfax County area. About thirty-five expressions of interest was received for use at the Capital One facility. Mr. Liberman stated the expressions were broken down into whether they were interested in the larger main hall, a smaller black box (250 seats verses larger seating), or class room uses. The process was fairly comprehensive; direct input was received from the various organizations as far as their intent should the facility be constructed.

Commissioner Hart stated there was a word missing in the proffers, page 62, proffer 48 C (i), 7th line. Referring to the last sentence on page 68, Proffer 53 B, he indicated that never saw that sentence and was not sure if it was negotiated. He stated that it created a situation where the electric vehicle charging stations would be going away and that 30 percent seemed to be a very low number. Ms. Lewis agreed and stated staff did not discuss with the applicant. Commission Hart and Mr. Gori discussed the agreement period of 30 years with the five-year extension option and what the steps to be taken at the end of the agreement period. Mr. Gori stated that based on her understanding, at the conclusion of the term, the obligation would be over and the center

would be Capital One's to use exclusively. Commissioner Hart and Ms. Gori discussed the options for a buy-out or first refusal.

Commissioner Migliaccio and Ms. Gori discussed the Events Restrictions Policy of the Capital One agreement, specifically item D, Types of Use on Page 4 and how it would work and whether or not it mirrored the County's. Ms. Gori indicated there were discussions about the policy and that Capital One planned to hire an operator for its facility. The County would work closely with the operator. Capital One did not have the policy on hand to provide to staff. There was a provision where the policy had to be provided in advance of the agreement update date, which was a year from the execution date. Staff did include in the agreement that the policy would not preclude any of the contemplated uses identified in Capital One's Statement of Justification and they were bound by that.

Commissioner Sargeant asked for the ratio of use for the corporate center. In response, Ms. Lewis indicated the applicant could better answer the question. The main purpose of the center was to service Capital One's needs as a conference center, to have large gatherings of their associates, and to have classroom space. Ms. Lewis believed there were federal regulations regarding the bank's operations and running an arts center may not comply with those regulations.

Commissioner Hurley inquired about the theater ticket pricing, asked if price breaks were offered for set-up and rehearsals. Mr. Gardner stated there may be some groups that required a longer term beyond the performance day. The agreement was structured where there was a set rate for each day. The structure may work well for some rather than others, for example, dance groups and orchestras verses theater companies that have complicated sets to construct. Commissioner Hurley asked that a discounted rate be considered for groups that may be timed out. Commissioner Hurley and Mr. Gardner discussed the dog park at the public facility on top of the building, 5A parking garage, which is ten stories in the air. The dog park was part of the common green. Capital One was responsible for maintenance of the common green. Commissioner and Ms. Lewis discussed the need for an adult field verses building two U-seven fields. Capital One would not provide on-site daycare. It was Capital One's policy not to have daycare centers for their employees. Capital One provided funds to its employees for off-site daycare.

Commissioner Flanagan inquired about proffer 59, page 70, 59 A, which made reference to affordable workforce housing and expressed his concern regarding segregating classes of citizens.

Commissioner Niedzielski-Eichner asked staff to explain Affordable Dwelling Units (ADUs) verses Workforce Dwelling Units (WDUs). Ms. Lewis discussed the difference and the income of the individuals being served. With ADUs there were specifications where ADUs may be required with certain types of buildings and high-rise constructions. ADUs were not a requirement because of the cost of construction and must be cost neutral. Given the heights of the buildings, Ms. Lewis didn't believe ADUs would be provided. Commissioner Flanagan asked if staff was endorsing WDUs. Ms. Lewis stated they had repeated discussions and it was in the Tyson's policy and there may be people who could get tax credits and build a single building which could provide WDUs and maybe even more than applicants would otherwise provide with individual buildings.

Commissioner Strandlie asked if the school system was involved in the discussion in regards to providing the auditorium space for various school productions or graduations. Mr. Liberman stated that schools expressed an interest in use of the facility. Commissioner Strandlie asked if the use would be free or at market rate cost. Mr. Liberman stated there was no actual free component to the use and this also applied to public users. Commissioner Strandlie stated Capital One was very much in support of the schools system and would like to see how some form of pro-bono contributions could be applied towards the use or the auditorium.

Commissioner Hedetniemi aligned herself with Commissioner Hurley in regards to a ten-story dog park not being acceptable.

Commissioner Ulfelder stated the differences between a performing arts center and a community center and that the user group(s) for a performing arts center were different than what the planned community center would serve, and that there was still a need for a community center in Tysons East. He referenced the concern regarding the length of time spent since the last approval that included the community center at the site. He asked if it would now make finding a community center in the above referenced part of Tysons a much higher priority as there was an immediate need. Ms. Lewis stated the applicant came up with the idea and that this was one of the needs that wasn't tied to any specific location. It was tied to the Capital One's site through the proffers. There were larger applications in the pipeline that may meet the need. Commissioner Ulfelder asked for the number of community centers staff envisioned in the near future throughout Tysons. Andrea Dorlester, Park and Development Branch, Park Authority, stated her team was able to put together a list of public facilities needs for Tysons as a follow-on motion. One community center with a gymnasium was identified as a need and three small spaces of about 3,000 square feet each, one of which was proffered.

Commissioner de la Fe asked staff to explain the difference between season and year. He made reference to some places within the agreement that referenced thirty seasons and other places made reference to a calendar year. Mr. Gardner indicated under the agreement a season was ten months out of the year and based on the information received in response to the request for proposal, there was only interest for ten months. The arts groups did not express interest in using the facilities in the summer. Commissioner de la Fe asked if this the case, why was the thirty-season term being discussed in the agreement. Staff indicated the ten months did not run consecutively and that the start of each season would not be until September 1st. Commissioner de la Fe asked that the language be clarified. Discussion continued between Commissioner de la Fe and Mr. Liberman regarding the timeframe of the agreement. Mr. Liberman noted that Proffer 13, C, 5 in agreement, "season" and "year" in the same paragraph would be clarified as those two periods could not be used interchangeably. Commissioner Migliaccio inquired if the months of July and August were still available for charitable groups, civic associations and homeowner's associations or off limits. Mr. Gardner indicated July and August, 2017 were still available for classrooms and the center as long as the operator booked dates for those months. The available allocated dates were defined in the agreement would be offered at a reduced rate.

Antonio Calabrese, Cooley LLP, gave a presentation on behalf of the applicant. Mr. Calabrese presented the Commission with a two-minute video which highlighted the benefits and use of the Capital One project. He also stated the following:

- Barry Mark, Vice President of Workplace Services, stated that Capital One at their own expense, for ten years, had the baseball and soccer fields next to the Silver Line Metro;
- The 125,000-square foot center would accommodate Capital One's training and conferencing needs, corporate events, and the County's arts and cultural community events;
- There were four major components:
 - The 1,500-seat corporate center and theater;
 - The grand lobby;
 - The black box of 250 seats which could actually accommodate more; and
 - The two classrooms which could accommodate up to 200 students when consolidated. These two rooms would be available year-round. The arts council suggested the ten-month season. The months of July and August would be open and Capital One would accommodate events.
- The building has an orchestra, orchestra pit, symphonies, space for ballet performances, theatrical productions, comedians, musical shows, large scale graduation ceremonies which was a great possibility for the schools system, as well as an entire spectrum of corporate, art and cultural events;
- Lobby and events spaces which had ample seating capacity to accommodate breakfast, lunch, dinner and breakout sessions;
- There would be a centerpiece building in the heart of the campus, next to the metro station located within an eighth of a mile;
- Most of the Capital One sites were located within an eighth of a mile and had unlimited density according to the plan;
- The plan satisfied the extraordinary vision of the Comprehensive Plan;
- The building had an estimated value of about 120 million dollars;
- The building was within the height restrictions;
- Wegmans store was an added benefit;
- There was an increase in retail which fulfilled the plan objectives;
- Surrounding transportation network worked well with Interstate 459 (Capital Beltway), within one eighth of a mile of the Silver Line Metro, hot lanes, the Jones Branch Connector under construction, the Sky Park (no dog could go over the wall which was ten stories high);

- Based on what was previously approved, street ambiance changed for the better;
- There was an extraordinary amount of park areas, open spaces and little gems and the Capital One Center for the Performing Arts was reflected in the project;
- Economic success of Capital One was that it was the eighth largest bank in the country, with almost 50,000 employees worldwide, 18,000 in the Commonwealth of Virginia, one of the largest employers in Fairfax County, with over 5,000 employees in the Tysons area;
- Between the headquarters tower and block C, those two facilities were a one billion dollar investment in Fairfax County and Tysons infrastructure;
- As a result of this application, there would be an added tax benefit;
- As a result of growth, a facility larger than 450 seats was needed;
- Supervisor Linda Q. Smyth asked Capital One to consider this project; and
- The agreement was for thirty years and not thirty seasons, with an opportunity for one five-year extension thereafter. Also built into the agreement were five five-year extensions. Every third year during the extension period, Capital One would look at the possibility of extending again.

Discussion resumed with Commissioner Niedzielski-Eichner and Mr. Calabrese regarding the thirty-year agreement. Mr. Calabrese stated Capital One would probably exceed the thirty-year timeframe. Mr. Calabrese reiterated the terms of the agreement and stated that at the end of every season, and at the end of every year, Capital One would be obligated to report and work with the County to disclose all the public groups that use the facility. And, if to the extent, the County believed it did not get its worth in value, which in essence would help dictate an additional five-year extension.

Commissioner Strandlie asked if the time allocated to the school system for assessment and rehearsals be offered free of charge. Mr. Calabrese stated the time allocated could be designated as a public user. In essence, the schools would be offered a minimum charge. For the main hall, the 1,500-seat hall, there was a cost of \$1,950.00. He also stated a typical user would pay at least \$10,000 to \$15,000 for an evening in the hall and there would be other users willing to pay tens of thousands of dollars.

Linda S. Sullivan, Arts Council of Fairfax County, voiced support to the subject application. Ms. Sullivan stated the following:

- Fairfax County was “underbuilt” in terms of facilities for the arts;
- Fairfax professional performing arts venues number was in the single digits, while communities of like size have professional venues in the mid to high double digits;

- Many of the arts organizations performed out of churches, schools or community centers, which were limited in their design and technical capabilities and limited the audience capacity;
- National studies had shown that the arts had a 7:1 ratio or more which represented an economic ripple effect. For every dollar spent on the arts, seven dollars were generated in ancillary spending;
- Cities needed cultural amenities such as theatres and other arts venues to help create thriving communities with both day and evening civic activity. These activities fuel the ancillary spending needed by restaurants, hotels, parking and more; and
- Capital One would proving professionally designed performing arts facilities, and the fact that they wanted to proffer arts facilities was significant to both the need and the vision of a more robust community amenity.

Caroline Frankil Warren, 3816 Whitman Road, Annandale, representing Master Arts Plan Task Team for Fairfax County, voiced support to the subject applications. Ms. Warren stated the following:

- It was extremely difficult to find appropriate, professionally equipped performance venues that had the stage size needed for dance. This would apply to musical theatre and opera productions as well as large theatrical pieces;
- Fairfax dance companies had a few theaters that could accommodate a dance production;
- There was a constant struggle with area high schools to schedule performances around their school activities, with the high schools always getting precedence to the point where at times, contracted arts groups get bumped at the last minute;
- The Ernst Cultural Center steadily increased its rates and fees to astronomical proportions over the last several years to the point of charging the renting group 30 percent of their total rental fee to pay for parking;
- Schlesinger Hall was primarily designed for orchestral and choral performances and it was also extremely expensive for local arts groups.
- The Reston venue was at the western point of the county, which made it geographically undesirable for groups in middle, eastern and southern Fairfax;
- The 125,000 square foot Capital One campus which incorporated residential and retail in the Metro-convenient would make it a community focal point for the Tysons area and the arts components would help develop the sense of community in a place that was notable for its stark and sterile landscape;

- The Capital One project enhancement to the County would not only increase the profile of Fairfax as a viable arts destination, but would also increase its marketability as a great place to work, live and play; and
- The need for Capital One to make its indoor performance venues available to the arts community at a reasonable rate of no less than 30 percent of the year, which represented about 122 days.

Sally K. Horn, McLean Citizens Association (MCA), 7837 Montvale Way, McLean, gave a statement regarding the history of the association, and expressed her concerns regarding the subject application as follows:

- MCA was the unofficial town council for the residents of the greater McLean area since 1914. The boundaries were the Potomac River, the Arlington County line, the Falls Church City line, Route 7, the Dulles Access Road to Difficult Run, and along Difficult Run to the Potomac. This area includes portions of Tysons, including the Capital One campus;
- MCA's June 12, 2017 Resolution, addressed several concerns regarding the Capital One Bank application. This was based on MCA's understanding of the commitments and requirements outlined in the 2017 Tysons Comprehensive Plan Amendment and supporting ordinances and regulations;
- The 2017 Tysons Comprehensive Plan Amendment reaffirmed the vision for Tysons initially laid out in 2010, including the goal of achieving a true urban downtown that was people-focused and where people could live, work and play;
- MCA Resolution enumerated several requirements, including for parkland, athletic fields, and public facilities;
- While it allowed for very tall buildings and rooftop amenities, it also underscored the importance of the street level pedestrian experience, including greenery, trees and pocket parks, to provide visual relief and to avoid the sense of being enclosed in a deep canyon;
- Substantial revisions to the 2014 plan that adversely affected the benefits to the public, while expanding the amounts of square footage and intensity permitted for the developer:
 - The reduction in the amount of proffered parkland below that required by the 2017 Tysons Comprehensive Plan Amendment;
 - Changes to the type of availability of proffered athletic fields for public use, in ways that reduced their public utility and appeared to not be consistent with the assumptions and policies outlined in the Plan Amendment, the Tysons Park System Concept Plan, and established County field allocation practices; and
 - Changes to Capital One's public facility proffer and proposed to meet this requirement by providing limited availability in terms of number of days, months, and years of use to facilities within a private Capital One Center in lieu of

providing a public community center, which would be fully available for public purposes and would provide guaranteed access for a much longer time frame.

- In the June 8, 2017 staff report, Capital One's application raised certain vehicular and pedestrian safety concerns;
- Tysons must have had within its boundaries the types and number of amenities (for example, parkland, athletic fields, community spaces and facilities) needed to build a sense of community and ensure livability within Tysons, not only in the near future but also for the entire forty-plus-year planning horizon;
- MCA believed that quality did not diminish the need for Capital One to comply fully with its obligations relating to public amenities and, was especially concerned by the changes that Capital One proposed in this application that would reduce and/or restrict public amenities even as Capital One would increase gross square footage and density; and
- Several remedies were proposed for MCA's concerns.

Daniel J. Aken, Wegmans Food Markets Inc., 1500 Brooks Avenue, Rochester, New York, voiced support for the subject application. Mr. Aken stated the following:

- Operated eight stores in the State of Virginia, with six of those stores in the Northern Virginia area, and had plans to open three or four additional locations in the next few years;
- Excited to doing business with Capital One and share similar values and had been working closely with them for over a little over one year;
- Excited to be anchoring the retail portion of the project;
- Wegmans store would be at about 80,000 square feet, which was considered to be the urban format, and was much smaller than the typical 120,000 square foot;
- In order to fit within the project and with desire to be a part of it, Wegmans made compromises with the store both in size of parking;
- Based on discussions and programming with Capital One, Wegmans was looking at a 2020 opening. It would take about a year to construct a store and train employees prior to opening;
- Wegmans anticipated hiring about 350 to 400 new employees at this particular location; and
- Growing concern as to how long it took to get through the approval process with the County, and would encourage the Commission to move forward as expeditiously as possible with the approval of the application.

Jennifer Koonce, Adrenaline Dance Force, LLC, 8466 Tyco Road, Vienna, voiced support for the subject application. Ms. Koonce gave a brief statement regarding the history of dance company stated the following:

- At the end of each semester, students of Adrenaline Dance Force, participated in a recital where the process go to the Adrenaline Dance Project, a public charity recognized as tax exempt by the IRS which provided dance scholarships to children with demonstrated financial need;
- By allowing Adrenaline to use the new Fairfax County Arts Center to hold two recitals per year in the auditorium, and the multi-purpose room for workshops and classes, they would be providing incredible arts education to the County;
- The Planning Commission's approval would be a tremendous benefit to the promotion of the arts in Fairfax County in many ways such as:
 - Increase to before and after school dance programs as Adrenaline;
 - Adrenaline provided classes once a week for eight weeks culminating in an end of semester recital which was typically held at a Fairfax County Public High School on a rental basis from the County. The turnout from these recitals always resulted in a standing room crowd;
 - The self-confidence the children gained translated to all aspects of their lives. Parents stated that after learning to dance on stage, their kids were volunteering to read in church or to give presentations in school and were able to express themselves without fear of embarrassment all while receiving a fine arts education;
 - Before and after school dance classes, which only cost \$90 for the entire 8-week session, were the only affordable way for the Fairfax County residents to experience dance; and
 - The Commission's approval could produce the next generation of ballerinas or create career opportunities in the arts for thousands of kids.
- The facilities used did not necessarily fit the need;
- Use of the Capital One classrooms for teaching dance in such a central location with metro access and amazing facilities would open up possibilities for thousands of kids that otherwise wouldn't have them; and
- Unfortunately, no high school held more than 900 seats in an auditorium and none of them had adequate dressing rooms or backstage areas to accommodate the kids that performed. Kids changed in hallways and sometimes parents held up a bedsheet for privacy. The last recital held in May, 2017 at Falls Church High School was standing room only where over 300 kids performed.

Shu-Chen Cuff, Gin Dance Company, 1818 Library St., Suite 500, Reston, voiced support for the subject application. Ms. Cuff gave a brief statement regarding Gin Dance's history and also stated the following:

- The struggle in performing in Fairfax County was that based on the number of performing groups, there was not adequate performance space to support the performing arts community, and as a result, Gin Dance Company was forced to perform in the District of Columbia area;
- The past two years in particular had been very difficult for the company because the Reston Center Stage had been fully booked and the Aldon Theater at the McLean Community Center was always booked at full capacity;
- For groups like Gin Dance Company who always looked for avenues to showcase their talent, it became nearly impossible in the Fairfax County area;
- Expressed excitement about the Capital One project, the affordability, seating capacity, and location would be a great benefit for the Gin Dance Company. With the seating capacity of about 250-350, it became affordable to the Gin Dance Company's budget.

Lisa Samuels, Gates of McLean Unit Owners Association, 1510 Spring Gate Dr., McLean, voiced support for the subject application. Ms. Samuels stated the following:

- Gates of McLean Unit Owners Association was the closest resident neighbor to Capital One;
- Grateful for the services and amenities and especially the performing arts center Capital One provided and what those services would bring to the Tyson's area;
- The definition of community was changing as they looked towards the younger generation. The generational needs were different and so were the expectations;
- The performance arts center brought a much-needed cultural diversity to the area as well as opportunities for large variety of events to be hosted;
- Concurred with previous speakers' presentations of support for the performing arts center;
- The dog park was a very hot button item for the Gates of McLean. Conversations had become very intense as to why there was no dog park when there were four acres of green space in their community. Capital One was very much aware of the discussions surrounding the dog park. They attended several community meetings and spoke to many residents. Capital One recognized the need and as a result, offered to meet the need;

- The concern of the dog park being on the 10th floor was not a concern to the community. People who owned pets in an urban environment are used to this type of model. Most people who rode elevators in those types of setting;
- The residents in the community were looking for a place for the dogs to run, have off leash time and interact with other animals. Capital One met the need;
- Capital One should also include a dog washing station, modeling the Shaw City Park's dog wash; and
- Urban living was a lot of fun and a great evolution.

Commissioner Niedzielski-Eichner stated that Ms. Samuels's residence was adjacent to the building staff identified as "tall" and portrayed as a wall of the building with no transition zone and asked Ms. Samuels if she had any concerns. Ms. Samuels stated that in terms of that particular location, there was no residential concerns and was not changing anyone's view out of their home. The location referenced was the side of the building and there were no homes overlooking that side of the road. The units in theory that would be impacted that face South's Crossing, were impacted more by the Jones Branch Connector. Urban living was less about the green space and more about the surrounding amenities.

Kevin McNulty, Northern Virginia Chamber of Commerce, 7900 Westpark Drive Suite A550, Tysons, voiced support for the subject application. Mr. McNulty stated the following:

- Capital One had invested hundreds of millions of dollars, in addition to creating over 5000 jobs in Fairfax County. With the slowdown in federal contracting dollars, it was critical to continue to attract investment from companies like Capital One who was enabling Fairfax County and Northern Virginia to further diversify the economy;
- The Board of Supervisors had emphasized the need to expand the County's commercial tax base to continue meeting important budget priorities. The County would be in a stronger position to provide the public services that were needed if it encouraged business growth;
- The amendments requested by Capital One would allow them to continue their commitment to Fairfax County. The amendments had been recommended for approval by staff, and this project would provide the County with exactly the type of long-term commercial tax revenue that was needed to reduce dependence on residential property taxes;
- The subject application was aligned with the recommendations made by the Tysons Land Task Force;
- As a result of Capital One's project, the long-sought performing arts venue in Tysons would be built at no cost to the taxpayers of Fairfax County; and

- Capital One's transit-oriented development would further enhance the identity of Tysons and continue the evolution of Tysons into America's next great city.

Paul Kohlenberger, Greater McLean Chamber of Commerce, 1437 Balls Hill Road, McLean, voiced support for the subject application. Mr. Kohlenberger gave a brief history of the Greater McLean Chamber of Commerce and further stated the following:

- Capital One's investments were a benefit to the Fairfax community and resulted in added job growth;
- Would allow for additional community serving retail, including a new Wegmans store;
- Pleased for funding of new athletic fields;
- Sky Park provided a very unique amenity to the public;
- Pleased with Capital One's center whose facilities would include a 1,500-seat theater, black box and that it served other facilities previously preferred in the community center;
- Provided both promoted shows and community arts programing;
- Would complement other facilities within the McLean Planning District, including First Stage and facilities at Wolf Trap; and
- The economic, civic, and cultural benefits of Capital One's amendments were manifest.

Ruth Ann Pinkman, The Reston Chorale, 2310 Colts Neck Road, Reston, voiced support for the subject application. Ms. Pinkman stated the following:

- Finding a suitable and affordable performance venue was one of the greatest challenges Fairfax County performing arts organizations face, especially those that were large ensembles, such as The Reston Chorale, or when smaller groups wished to collaborate with other arts organizations;
- Capital One's proposed performing arts center offered new opportunities for collaborations and cultural experiences that required a large stage or expanded audience seating, such as combined performances of choral and orchestral groups such as The Reston Chorale and Fairfax County orchestras or other ensembles;
- The Capital One Center offered significant economic benefits to Fairfax County.

Lisa Mariam, Arts Council of Fairfax County, 2667 Prosperity Ave, Suite A, Fairfax, voiced support for the application. Ms. Mariam stated that as a parent volunteering in elementary, middle and high schools to integrate more arts in children's lives, she knew that the number one challenge the arts community faced was the deficit of adequate facilities. She stated that these groups had made do with school auditoriums, church halls, and the limited number of openings

at the local community centers, colleges, and universities. The performing arts center proposed by Capital One was an important step in delivering much needed civic arts space that would have far ranging social and economic impact. She also stated that even though the arts community would have shared use of the facility, this was a tremendous, unparalleled opportunity that was not likely to come along again in the near future.

Commissioner Hurley referred to Mr. Calabrese's presentation of the Middle School Financial Literacy Center and noted that the facility was not big enough for a high school graduation. Commissioner Hurley and Mr. Calabrese further discussed the need for two small fields verses one large field. Commissioner Hurley also reiterated the need for child care and asked Capital One to consider the use.

Commissioner Migliaccio and Ms. Calabrese discussed the origination and free increase of \$1,950.00 for the black box and main hall. Mr. Calabrese stated that at one point the fee for the hall was \$1,750.00 and staff made the increase to \$1,950.00 which was a small incremental increase of \$200.00 from the original proposal.

Commissioner Ulfelder and Mr. Calabrese discussed the adopted 2010 Tyson's plan, where the community agreed to come together to discuss the wide range of public facilities and amenities needed in order to make the plan succeed. Since then there had not been a joint effort to accomplish the need. Mr. Calabrese stated that in the case of Capital One, they were trying to meet the need.

Commissioner Flanagan referenced a letter received by the Commission regarding light pollution and asked Mr. Calabrese if he was made aware of the letter. Mr. Calabrese stated he did not receive the letter being referenced. He stated that Capital One had addressed lighting in a proffer, where language was constructed in reference to construction lighting on the site.

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you. Mr. Chairman. Just want to be sure that – that the public who has submitted written statements in lieu of being hear this evening – that they have assurance that those comments have been received by the Commission and will be entered into public record in accessible to the Commission and general public, just as a general statement. Given the very interesting and worthwhile commentary this evening and the worthwhile feedback from the – those who gave us their presentations this evening, I feel it's appropriate to defer consideration of this application to a date certain of June 29th, so I'll make that motion. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA/CDPA/FDPA 2010-PR-021-02, CAPITAL ONE BANK, TO A DATE CERTAIN OF JUNE 29TH, 2017, WITH THE PUBLIC RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Hart and Sargeant: Second.

Chairman Murphy: Seconded Mr. Hart and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on these applications to a date certain of June 29th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the public hearing.

(End Verbatim Transcript)

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The meeting was adjourned at 1:10 a.m.

Peter F. Murphy, Chairman

Frank A. de la Fe, Vice Chairman

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Samantha Lawrence

Approved on: October 5, 2017



John W. Cooper, Clerk to the
Fairfax County Planning Commission