

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 22, 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
Karen A. Keys-Gamarra, Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:19 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 Migliaccio stated that the Planning Commission's Land Use Process Review Committee had met earlier that evening regarding short-term rentals. He then announced that the Committee would meet again and possibly conduct a workshop on that issue at a date to be determined.

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FS-M17-15 – VERIZON WIRELESS, 4217 John Marr Drive, Annandale

(Start Verbatim Transcript)

Commissioner Strandlie: Thank you, Mr. Chairman. I have a "feature shown." I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT FS-M17-15, VERIZON WIRELESS, 4217 JOHN MARR DRIVE, ANNANDALE, VIRGINIA, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioners Flanagan and Hedetniemi: Second.

Chairman Murphy: seconded by Mr. Flanagan and Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to concur with the “feature shown” determination in FS-M17-15, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. PCA/FDPA 2006-SU-025-03/CDPA 2006-SU-025-02 – REGENCY CENTERS ACQUISITION, LLC AND TOLL VA VIII, LP
2. SE 2017-MA-005/2232-M17-10 – FAIRFAX COUNTY BOARD OF SUPERVISORS

This order was accepted without objection.

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PCA/FDPA 2006-SU-025-03/CDPA 2006-SU-025-02 – REGENCY CENTERS ACQUISITION, LLC AND TOLL VA VIII, LP – Appls. to amend the proffers, conceptual development plan, and final development plan for RZ 2006-SU-025, previously approved for mixed-use development. Located N. of the Eastern intersection of Westfields Blvd. and Newbrook Dr. in the N.E. quadrant of the Route 28/Westfield Blvd. interchange, Chantilly, 20151 on approx. 36.78 ac. of land zoned PDC and WS. Comp. Plan Rec: Mixed-Use. Tax Map 44-1 ((1)) 6 (pt). SULLY DISTRICT. PUBLIC HEARING.

Francis McDermott, Applicant’s Agent, Hunton & William, LLP, reaffirmed the affidavit dated June 8, 2017.

There were no disclosures by Planning Commission members.

Joseph Gorney, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of PCA/FDPA 2006-SU-025-03 and CDPA 2006-SU-025-02.

Commissioner Keys-Gamarra asked for additional information regarding the applicant's commitments to green building practices and to obtaining green building certifications, as articulated in Proffer Numbers 18 and 19, Green Buildings, in Appendix 1 of the staff report. Mr. Gorney explained that staff had coordinated with the applicant's green building manager and stated that staff requested that the green building standards prescribed by organizations such as EarthCraft Light Commercial be evaluated as a potential method for achieving the necessary certifications. He added that some of the retail buildings included in the proposed development could utilize a different process for obtaining appropriate certifications for green building standards, noting the variety of uses that could be included on the site. A discussion ensued between Commissioner Keys-Gamarra and Mr. Gorney regarding the reason the applicant had opted to not pursue Leadership in Energy and Environmental Design (LEED) certification for the proposed development and the potential advantages for pursuing a different process for obtaining green building certifications wherein Mr. Gorney deferred to the applicant for additional information on the issue.

Commissioner Keys-Gamarra pointed out that Proffer Number 37, Disclosure, stated that the initial purchasers of the dwelling units for the residential component of the proposed development would be notified of the site's proximity to Washington-Dulles International Airport and the associated noise it generated. She then asked whether subsequent purchasers of the dwelling units would be informed. Mr. Gorney indicated that, under the existing language of the proffer, only the initial purchaser would be notified. Commissioner Keys-Gamarra expressed concern regarding that language.

When Commissioner Keys-Gamarra asked for additional information regarding the number of affordable dwelling units (ADU) and workforce dwelling units (WDU) would be included in the proposed development, Mr. Gorney said that the applicant would comply with the ADU provisions prescribed by the Zoning Ordinance. He then stated that the proposed development would include approximately 22 ADUs and 4 WDUs, adding that each units would consist of three-bedroom residential units.

Referring to Proffer Number 18, Non-Residential Uses, within the Green Buildings section, Commissioner Hart asked whether the applicant had implemented revisions that addressed staff's concerns regarding the process for obtaining green building certification for the proposed development. Mr. Gorney indicated that there had been no such revisions since the publication of the staff report. A discussion ensued between Commissioner Hart and Mr. Gorney regarding the concerns expressed by staff on the applicant's commitment for obtaining the necessary certifications, the process for obtaining such certification, and the possibility that certain buildings within the development would preclude certain types of certification wherein Mr. Gorney stated the following:

- The applicant would utilize a third-party organization to obtain green building certification for the development;
- The buildings within the development were eligible for such certification; and

- The applicant's method for obtaining green building certification was consistent with the recommendations prescribed by Comprehensive Plan.

When Commissioner Hart asked whether staff had encountered subsequent issues with the proposal since the publication of the staff report, Mr. Gorney said that no such issues had occurred.

Referring to Proffer Number 13, Dedication of Flatlick Branch to the Fairfax County Park Authority (FCPA), Commissioner Hurley asked whether the FCPA had committed to accepting the 15-acre dedication articulated in the proffer. Mr. Gorney stated that the FCPA had committed to accepting the dedication. A discussion ensued between Commissioner Hurley and Mr. Gorney regarding the documentation of the FCPA's commitment to accepting the applicant's dedication wherein Mr. Gorney indicated that staff did not object to the existing language of Proffer Number 13.

Referring to Proffer Number 5, Prohibited Uses, Commissioner Hurley asked for clarification on whether pawn brokers and alternative lending institutions would be permitted within the proposed development. Tracy Strunk, ZED, DPZ, pawn brokers would be prohibited within the proposed development. A discussion ensued between Commissioner Hurley and Ms. Strunk regarding the types of commercial uses that would be permitted on the site.

Referring to the applicant's request for a waiver of Paragraph 5 of Section 6-206 of the Zoning Ordinance, to permit the gross floor area of dwelling units as a secondary use to exceed 50 percent of the gross floor area of the principal use in the development, Commissioner Sargeant asked for additional information regarding staff's support of such a waiver and instances where a similar waiver had been permitted. Mr. Gorney explained that such a waiver was common for PDC Districts because it provided a greater range of uses for the units and staff supported the waiver because it provided additional flexibility in securing tenants.

Referring to the applicant's request for a modification of Paragraph 2, Section 6-207 of the Zoning Ordinance, to require a 200 square-foot privacy yard for each single-family attached dwelling in favor of rooftop terraces and decks, Commissioner Sargeant asked for additional information on such a modification and the frequency with which it was utilized. Mr. Gorney indicated that such a modification was common in residential communities that utilized urban features. He also said that staff had coordinated with the applicant regarding the accessibility of the open space and the stream valley areas by residents of the dwelling units, adding that provisions had been included to facilitate access to such features. Mr. Gorney then stated that staff concluded that such provisions warranted the requested modification. Ms. Strunk added that such modifications had been permitted in developments that utilized significant amounts of open space.

In reply to questions from Commissioner Flanagan, Mr. Gorney said the following:

- The ADUs in the residential component of the proposed development would have three bedrooms;

- The parking provisions for the ADUs would be similar to that of the market rate units, as depicted on Sheet C-2 within the rezoning plan in the staff report;
- The parking provisions for the proposed development exceeded the requirements prescribed by the Zoning Ordinance;
- The parking provisions included garages, driveways, visitor spaces, and street parking; and
- The applicant's parking provisions were supported by staff.

Mr. McDermott commended staff for coordinating with the applicant to finalize the provisions and designs of the proposed development. He gave a presentation wherein he explained the following:

- The subject applications were consistent with the recommendation of the Comprehensive Plan, as amended by PA 2013-III-DS1, which had been adopted by the Board of Supervisors on May 2, 2017;
- The previously-approved development for the overall Commonwealth Centre, which the subject property was a part of, included office development, service retail development, and a Wegmans grocery store;
- The subject property consisted of Land Bay D for the Commonwealth Centre development, which was currently planned for office development;
- The proposal would permit the construction of a mixed-use development that included residential and commercial retail;
- The subject property included a significant portion of resource protection area, which was located to the north and east of the proposed development;
- The designs, open spaces, and transportation provisions of the proposed mixed-use development would be consistent with those included in the previously-approved commercial development within the Commonwealth Centre;
- The proposed development included connections with the previously-approved pedestrian paths that would be included in the neighboring commercial development in Land Bays B and C;
- The previously-approved commercial and retail development on Land Bays B and C would be partially visible from the residential portion of the proposed development;
- The commercial retail component of the proposed development would supplement the previously-approved commercial development on Land Bays B and C;

- The commercial retail component of the proposed development would include amenities, such as a plaza and a kiosk;
- The commercial retail component of the proposed development would utilize structured underground parking, which would be serviced by an elevator;
- The proposed development included a trail that included various recreational amenities, such as seating, exercise facilities, and a berm;
- The design of the residential development of the proposed development would consist of two-over-two multi-family townhouse units; and
- The proposed development would generate fewer peak-hour trips and fewer daily trips compared to an office development on the site, except during peak-hour periods on Saturdays.

Mr. McDermott addressed concerns expressed by Commissioners Hart and Keys-Gamarra regarding the applicant's commitment to obtaining the necessary green building certifications for the proposed development, explaining that the standards for obtaining such certifications had changed. He indicated that the process for achieving LEED 3 certification, which was the certification being pursued for the previously-approved commercial development on Land Bays B and C, had been revised to an extent that made obtaining such certification for the proposal unfeasible. Mr. McDermott added that the requirements for obtaining LEED 4 certification was significantly greater than that of LEED 3 and the applicant could not meet such requirements for the proposed development because the types of buildings that would be included could not achieve the necessary credits. In addition, he pointed out that none of the previously-approved buildings within the Commonwealth Centre development would achieve LEED 4 certification.

When Commissioner Keys-Gamarra asked for additional information regarding the difficulty for achieving LEED 4 certification for the proposed development, Mr. McDermott explained that the process for that level of certification utilized a different credits system compared to LEED 3. He then reiterated that, due to that different criteria for LEED 4, the proposed development could not achieve the necessary credits. He also indicated that LEED 3 was not an option for the applicant to pursue. In addition, Mr. McDermott said that certain buildings, such as movie theaters and grocery stores, were ineligible for LEED certification. A discussion ensued between Commissioner Keys-Gamarra and Mr. McDermott regarding the applicant's ability to achieve LEED 3 certification and the reason why LEED 3 certification was not an option wherein Mr. McDermott stated that the official certification body had removed LEED 3 as an option for the applicant to pursue.

A discussion ensued between Commissioner Hart and Mr. McDermott regarding the possibility of pursuing a certification similar to LEED 3, the applicant's green building commitments, and the extent to which those commitments were consistent with the standards of LEED 3 wherein Mr. McDermott described the process the applicant would utilize for obtaining the necessary certification to meet the green building commitments articulated in Proffer Number 18, noting

that the process would be similar to that utilized by the previously-approved Wegmans development in Land Bay B.

When Commissioner Hart asked staff to confirm whether LEED 3 certification was available, Mr. Gorney concurred with Mr. McDermott's statement, stating that such certification was not available to the applicant. A discussion ensued between Commissioner Hart and Mr. Gorney regarding the possibility that revisions to the LEED certification process would require revisions to the Policy Plan.

Addressing Commissioner Hart's concerns regarding the applicant's ability to achieve the necessary green building certifications, as articulated in Proffer Number 18, Mr. McDermott said that staff had recommended that the applicant consider obtaining certification under the standard prescribed by EarthCraft Light Commercial. He then said that the applicant would evaluate that possibility as a mechanism for complying with the proffer. A discussion ensued between Commissioner Hart and Mr. McDermott regarding whether utilizing the certification prescribed by EarthCraft Light Commercial would require revisions to Proffer Number 18 wherein Mr. McDermott confirmed that Proffer Number 18 would have to be reworded if the applicant pursued such a process.

Commissioner Flanagan pointed out that the prevalence of three-bedroom residential dwelling units would accommodate a significant population of children. He then noted that the applicant had not included a commitment to installing a daycare facility on the site. Mr. McDermott confirmed that no such facility had been included, but indicated that the installation of such a facility was not precluded within the retail space throughout the Commonwealth Centre development. Commissioner Flanagan pointed out the Development Condition Number 2, as depicted in Appendix 2 of the staff report, required that child care centers were required to obtain a special exception. Mr. McDermott concurred with that statement, but reiterated that such uses were not prohibited on the site. A discussion ensued between Commissioner Flanagan and Mr. McDermott regarding the reason the applicant had not included a daycare facility with the proposed development and the feasibility of installing a daycare facility within the retail space of the development wherein Mr. McDermott stated there was no requirement for the applicant to provide a daycare facility, adding that the development would provide other opportunities for child care service in accord with market demands.

Commissioner Hurley concurred with Mr. McDermott's remarks regarding the applicant's reason for not providing a daycare facility within the proposed development and the additional opportunities for child care services throughout the Commonwealth Centre development. She also commended the applicant for constructing ADUs and WDUs that utilized three-bedroom units, noting the need for such units.

Commissioner Hurley asked for additional information regarding the design for the two-over-two residential dwelling units and the parking provisions for those units, expressing concern that the parking provisions would not accommodate larger vehicles. Mr. McDermott described the design of the two-over-two units, noting that the garages for these units would not include elevators. A discussion ensued between Commissioner Hurley and Mr. McDermott regarding the parking provisions for larger vehicles, the sizes of the parking spaces within the garages, the size

of the driveways for the units that had them, and the possibility of modifying certain parking spaces to accommodate wider vehicles wherein Mr. McDermott reiterated that the parking provisions for the proposed development exceeded the requirements prescribed by the Zoning Ordinance and indicated that the size of the parking spaces were consistent with those utilized at other developments.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then asked for closing remarks from Mr. Gorney, who declined.

Mr. McDermott pointed out that Mr. Gorney's estimates for the number of ADUs and WDUs within the proposed development had not been accurate. He then clarified that the proposed development would include 23 ADUs and 3 WDUs.

When Commissioner Keys-Gamarra asked whether the subject applications included provisions for pre-emptive traffic devices, Mr. Gorney pointed out that such provisions had been included in the previously-approved applications for Land Bays B and C.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Keys-Gamarra for action on these cases.

(Start Verbatim Transcript)

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Commissioner Keys-Gamarra: The only concern that I have, with respect to the applicant, is the standards for LEED. And I'm looking for solutions as to how to address that...and I'm open to suggestions.

Chairman Murphy: Mr. Gorney?

Joseph Gorney, Zoning Evaluation Division, Department of Planning and Zoning: At this point, staff is comfortable with working with the applicant to explore – certainly, the EarthCraft Light Commercial for Virginia that was mentioned previously. It's also possible that, perhaps, LEED might even still be appropriate for the retail buildings that are along Newbrook Drive. So we intend, certainly, to continue discussions with the applicant and their sustainability manager in Denver. And, essentially, we would like to continue along the current timeline and we feel that we could address that prior to the Board of Supervisors meeting on July 11th.

Commissioner Keys-Gamarra: Okay. Well, with those assurances from you, I will make...I will make a motion to approve. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2006-SU-025-03, SUBJECT TO THE PROFFERS DATED JUNE 5TH, 2017, AND SUBJECT TO CDPA 2006-SU-025-02.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by 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 approve PCA 2006-SU-025-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: I move that the Planning Commission recommend to the Board of Supervisors approval of the waivers and modifications contained in the handout distributed to you this evening dated June 22nd, 2017, which will be made a part of the record.

Commissioners Hedetniemi and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder...yeah, and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: And I move...

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yeah.

Commissioner Keys-Gamarra: I'm sorry.

Chairman Murphy: Are we dealing with development conditions?

Commissioner Hart: Yeah, on the FDP, don't we have to do...doesn't the applicant have to reaffirm?

Commissioner Keys-Gamarra: Reaffirm the affidavit? Yes.

Commissioner Hart: Yeah, no the...agree to the development conditions.

Commissioner Keys-Gamarra: The development conditions, yes.

Commissioner Hart: Have we done that?

Commissioner Keys-Gamarra: No. I don't believe so.

Commissioner Hart: That's why I asked.

Francis McDermott, Applicant's Agent, Hunton & Williams, LLP: The applicant does agree to those development conditions. Thank you.

Chairman Murphy: Thank you. Okay, go ahead.

Commissioner Keys-Gamarra: Am I good?

Chairman Murphy: Yeah.

Commissioner Keys-Gamarra: Okay. Should I...I'll read that one again.

Chairman Murphy: Okay.

Commissioner Keys-Gamarra: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING DATED JUNE 22ND, 2017, WHICH WILL BE MADE A PART OF THE RECORD.

Commissioners Hedetniemi and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder and Ms. Hedetniemi. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: And I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2006-SU-025-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 7TH, 2017, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT PCA APPLICATION.

Commissioner Hedetniemi and Ulfelder: Seconded by Mr. Ulfelder and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to approve FDPA 2006-SU-025-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. That it? Okay, thank you very much.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

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SE 2017-MA-005 – FAIRFAX COUNTY BOARD OF SUPERVISORS – Appl. under Sect. 9-618 and 9-622 of the Zoning Ordinance to permit a Fairfax County Community Shelter and Supportive Housing and waivers/modifications in the CRD. Located at 5914 Seminary Rd., Falls Church, 22041 on approx. 21,849 sq. ft. of land zoned C-8, CRD and SC. Tax Map 61-2 ((20)) 7. Right-of-way to be vacated and/or abandoned along a part of Seminary Rd. (Concurrent with 2232-M17-10). MASON DISTRICT.

2232-M17-10 – FAIRFAX COUNTY BOARD OF SUPERVISORS – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to permit a Fairfax County Community Shelter and Supportive Housing. Located at 5914 Seminary Rd., Falls Church, 22041 on approx. 21,849 sq. ft. of land zoned C-8, CRD and SC. Tax Map 61-2 ((20)) 7. Right-of-way to be vacated and/or abandoned along a part of Seminary Rd. (Concurrent with SE 2017-MA-005). MASON DISTRICT. JOINT PUBLIC HEARING.

Joan Beacham, Applicant’s Agent, Project Coordinator, Building Design and Construction Division, Department of Public Work and Environmental Services, reaffirmed the affidavit dated March 15, 2017.

There were no disclosures by Commission members.

Sharon Williams, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report for SE 2017-MA-004, a copy of which is in the date file. She noted that staff recommended approval of the application.

David Stinson, Planning Division, DPZ, presented the staff report for 2232-M17-10, a copy of which is in the date file. He noted that staff recommended that the Commission find the application substantially in accord with the provisions of the Comprehensive Plan and should be considered a “feature shown,” pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

Commissioner Strandlie asked whether there had been subsequent modifications to the proposal since the approval of the Comprehensive Plan Amendment on January 24, 2017 that permitted the relocation of the existing homeless shelter in the area and the issuance of revised development conditions dated June 20, 2017. Mr. Stinson stated that there had been no significant changes within that timeframe. (A copy of the revised set is in the date file.)

A discussion ensued between Commissioner Strandlie and Mr. Stinson regarding the operating procedures of the proposed homeless shelter and the various services offered by the shelter wherein Mr. Stinson pointed out that the shelter would permit residents to reside at the facility during the day, which differed from the policies of the existing shelter.

When Commissioner Migliaccio asked whether the development conditions contained a provision requiring the proposed shelter to obtain green building certification, Ms. Williams said while there was no such condition in the revised set, staff did not object to including that condition. She added that such a condition had not been included because the County had existing policies requiring that government facilities achieve LEED Silver certification and adding a development condition was not necessary. Commissioner Migliaccio indicated that he supported the proposal, but favored including a development condition requiring the applicant to achieve LEED certification for the proposed homeless shelter.

Commissioner Hart expressed support for Commissioner Migliaccio's suggestion to include a development condition requiring the proposed homeless shelter to achieve LEED Silver certification, adding that County policies were subject to change and incorporating a development condition ensured that the facility would achieve a level of green building certification. He also pointed out that pursuing green building certification would help mitigate the impact of the facility. Tracy Strunk, Director, ZED, DPZ, concurred with Commissioner Hart's statement and echoed remarks from Ms. Williams, saying that staff did not object to including such a condition.

Commissioner Hart asked for additional information on the revisions that had been made to the development conditions since the publication of the staff report, which was dated June 6, 2017. Ms. Williams explained the following:

- The design of the facility had been modified, which necessitated a revision to Development Condition Number 8 to update the floor-area ratio from 0.67 to 0.70; and
- The provisions for Development Condition Number 9 were revised to reflect the applicant's coordination with the Fire Marshal by providing flexibility for creating a turn-around for emergency vehicles, which might require the removal of a parking space.

When Commissioner Hart asked whether there had been any subsequent revisions to the development conditions since the publication of the set dated June 20, 2017, Ms. Williams indicated that there had been no such revisions.

When Commissioner Hart asked for additional information regarding the location of bus stops and pedestrian paths that connected with those stops, Ms. Williams pointed out the location of bus stops around the subject property and described the pedestrian paths that would be utilized to access the facility. She added that those paths were continuous and did not require pedestrians to traverse unmarked roadways or private property.

Ms. Beacham commended staff for their work on the subject applications. She and Dean Klein, Director, Fairfax County Office to Prevent and End Homelessness, gave a presentation wherein they explained the following:

- The subject property was approximately a half-acre in size and had been purchased in September 2016;

- The proposed homeless shelter would replace the existing Bailey’s Crossroads Community Shelter on Moncure Avenue, which was located approximately a quarter-mile from the site;
- The proposed facility would ensure uninterrupted service to the Mason District community;
- The proposed facility would operate in a manner consistent with the national standards and best practices for homeless shelters;
- The proposed facility would provide various services, including permanent supportive housing;
- The proposed shelter would be approximately 21,000 square feet in size, consist of three stories, and utilize a cellar with a walk-out plaza;
- The proposed shelter would include 52 emergency beds, including 4 medical beds;
- The use of the proposed shelter would be restricted to adults;
- The supportive housing services would operate on the second and third stories of the building;
- The permanent supportive housing units were single-occupancy efficiency units that were approximately 275 square feet in size and would be utilized as a housing option for those intending to move out of the facility while still requiring support services;
- The site was located south of Leesburg Pike and would be accessed by Seminary Road;
- The site would connect with existing pedestrian paths;
- The parking lot for the proposed facility was located on the southern portion of the site and would be screened from the adjacent properties;
- The designs for the building would be consistent with the character of a contemporary residential structure;
- The applicant had not finalized the design of the facility, but intended to begin construction in Spring 2018 with occupancy planned for Fall 2019;
- The gender differences for the residents utilizing existing shelter on Moncure Avenue consisted of 76 percent male and 24 percent female;
- The residents utilizing existing shelter included various age ranges, one-third of which were older than 51-years old;

- The existing shelter accommodated homeless veterans, which constituted eight percent of the resident population;
- The existing shelter accommodated survivors of domestic violence, which constituted 11 percent of the resident population;
- The existing and proposed facility would accommodate residents with chronic health issues and disabilities;
- The average length of stay in the existing homeless shelter was approximately two months or less;
- The proposed facility would provide services that emphasized employment, housing, health, and basic needs;
- The staff at the proposed shelter would encourage residents to leave the facility during the day, but they would not be required to leave;
- The staff at the proposed shelter would be provided by Northern Virginia Family Service, which had coordinated with the applicant at other facilities;
- The would enlist the services of other vendors, which the applicant intended to finalize in 2018;
- The operation of the proposed shelter would emphasize providing assistance to residents from staff to ensure safety and health;
- The proposed shelter would be staffed on a 24/7 basis with two at least two staff personnel being on-site at any given time;
- The proposes shelter would accommodate an average of 15 staff members during daytime hours, which included case managers, administrative personnel, and volunteers;
- The proposed shelter would operate a hypothermia prevision program from December through March; and
- The proposed shelter would utilize a security system consistent with best practices to ensure community safety, which included security cameras, an access control system, duress alarms, regular attendance checks, coordination with the Fairfax County Police Department (FCPD), and the creation of a Community Advisory Committee to provide opportunities for community residents to express concerns.

(A copy of Ms. Beacham and Mr. Klein’s presentation is in the date file.)

Chairman Murphy called for speakers from the audience.

Nancy Carter, 5817 Magnolia Lane, Annandale, representing the Springdale Civic Association, spoke in opposition to the subject applications because it violated Objective 14, Policies A and C, of the Comprehensive Plan, which recommended that the location of the shelter minimize the impact on residential areas and be compatible with the adjacent land uses. She then said that the proposal did not adequately address the impacts that the proposed shelter would incur on surrounding residents and existing businesses, adding that the area had been subject to various impacts from the existing shelter. Ms. Carter also stated that the proposed facility would accommodate a larger population of homeless residents and expressed concern regarding the impact such residents would incur on the safety and character of the surrounding community. In addition, she noted that residents of the surrounding community and operators of existing commercial development in the Bailey's Crossroads area had submitted a petition opposing the proposal, adding that a letter of opposition from the existing Trader Joe's establishment had been included in that petition. In conclusion, Ms. Carter said that the proposal had not provided adequate provisions to mitigate the impacts associated with a homeless shelter on the surrounding community. She also indicated that the community had not had sufficient time to review the subject applications. (A copy of Ms. Carter's statement and petition is in the date file.)

When Chairman Murphy asked for additional information regarding the petition of opposition that Ms. Carter had mentioned in her testimony, Ms. Carter agreed to provide a copy of the petition to Commissioners.

David Sheppard, 5833 Lewis Lane, Annandale, voiced opposition to the proposal, echoing concerns from Ms. Carter regarding the negative impact that the proposed homeless shelter would incur on the surrounding community. He also expressed concern that the proposed shelter would be subject to overcrowding and would utilize staff that had not been sufficiently trained. Mr. Sheppard described the impact of the existing shelter located along Moncure Avenue, noting that the residents of that shelter frequently congregated around bus shelters, which incurred safety concerns for neighboring residents. He also noted the frequency with which FCPD personnel responded to activities generated by the shelter. In addition, Mr. Sheppard stated that the presence of a homeless shelter would negatively impact property values and expressed concern that the facility would attract homeless populations from neighboring jurisdictions.

Commissioner Hurley asked for additional information regarding the impact that the existing facility incurred on bus shelter, noting that the proposed facility would utilize revised policies that permitted residents to remain at the facility during the day. Mr. Sheppard pointed out that the existing facility was subject to significant overcrowding and expressed concern that the residents unable to utilize the shelter would utilize bus shelter facilities. He added that there had been instances where residents of the homeless shelter trespassed on neighboring residential properties, which generated safety and health concerns.

A discussion ensued between Commissioner Hedetniemi and Mr. Sheppard regarding the impact that the proposed homeless shelter incurred on neighboring residents, the need for the services provided by the homeless shelter, the impacts that had been generated by the existing shelter on Moncure Avenue, and the methods for mitigating the impacts of homeless shelters.

A discussion ensued between Commissioner Strandlie and Mr. Sheppard regarding the applicant's efforts to mitigate the impacts of the proposed homeless shelter, the impact that denying the proposal would incur on the surrounding community, the condition of the existing shelter on Moncure Avenue, and the demographics of the homeless residents that would utilize the shelter wherein Commissioner Strandlie pointed out that the existing shelter on Moncure Avenue was not consistent with the necessary building standards and Mr. Sheppard indicated that he did not object to a shelter that accommodated families.

Pam Washington, 3807 Munson Road, Annandale, spoke in opposition to the subject applications, echoing remarks from previous speakers regarding the proposed homeless shelter's impact on the surrounding community and the potential safety issues generated by residents at the shelter. In addition, she described the existing issues the community had encountered from the residents of the existing shelter on Moncure Avenue, citing incidents in which some residents obstructed the operation of nearby businesses. Ms. Washington also indicated that various community organizations expressed opposition to the proposal due to similar safety concerns.

Mary Lee Dispirito, 4505 Windsor Arms Court, Annandale, spoke in support of the subject applications because it would provide improved service to the homeless community. She then cited the inclusion of permanent supportive housing within the proposed shelter as a necessary feature to improve overall service. Ms. Dispirito described the operation and residents of the existing shelter, who would be served by the proposed facility. She also described the organizations that coordinated with the existing facility, such as Meals on Wheels, and noted that the location of the proposed shelter would improve those efforts. Ms. Dispirito commended staff's work on the proposal and noted the need for the proposed shelter.

When Commissioner Keys-Gamarra asked whether Ms. Dispirito's resided near the location of the proposed shelter, Ms. Dispirito said that she did not reside near the site, but had been associated with the shelter and issues pertaining to homelessness. A discussion ensued between Commissioner Keys-Gamarra and Ms. Dispirito regarding efforts to alleviate the impacts associated with homeless shelters that had been raised by multiple speakers wherein Ms. Dispirito described her experiences with the residents of the existing facility on Moncure Avenue.

In response to questions from Commissioner Ulfelder, Mr. Klein stated the following:

- The capacity of the existing shelter on Moncure Avenue was approximately 50 beds, but none of them were permanent beds;
- The proposed shelter would have 52 beds and 18 permanent beds;
- The existing shelter had been subject to incidences where the capacity had been exceeded, but the frequency of such incidents varied;
- The incidents in which the capacity of the existing shelter had been exceeded were addressed by having the staff at the facility assist a resident in locating an alternative facility, subject to the needs of the resident; and

- The staff at the facility would make an effort to ensure that residents would be able to find shelter in the event of overcrowding.

A discussion ensued between Commissioner Ulfelder and Mr. Klein regarding the impact that overcrowding at the proposed shelter would incur on the surrounding residential community, the methods for assisting homeless residents in finding suitable facilities, and the importance of ensuring residents had access to a facility during winter months wherein Mr. Klein stated that the staff of the facility would coordinate with the community to mitigate such impacts.

When Commissioner Ulfelder asked for additional information regarding the procedure for local community members to submit complaints to the proposed shelter, Mr. Klein explained that the staff at the shelter would coordinate with outreach workers to address incidents involving troubled residents. A discussion ensued between Commissioner Ulfelder and Mr. Klein regarding the various needs of care for homeless residents and the process for providing such services to those residents wherein Mr. Klein pointed out that the permanent housing units that were included with the proposed shelter would improve the facility's ability to provide the necessary services to the residents.

Replying to questions from Commissioner Sargeant, Mr. Klein indicated that the proposed shelter would provide emergency services and permanent supportive housing to facilitate transitional services for residents. He then described the transitional services that would be provided by the facility, stating that residents would coordinate with appropriate staff to treat existing health issues and then identify a permanent housing arrangement.

When Commissioner Hart asked whether staff had received the letter of opposition supported by the existing Trader Joe's establishment in the nearby commercial development, Ms. Williams said that staff had not received that letter. Commissioner Strandlie pointed out that the letter had been included in the petition statement that had been submitted by Ms. Carter. She added that she had coordinated with business owners located in the nearby commercial development, noting that some supported the proposed shelter because it would provide employment opportunities.

Commissioner Strandlie asked for additional information regarding the ongoing revitalization efforts in the neighborhood surrounding the subject property, noting the existing redevelopment projects that had been pursued for the area.

James Rogers, Director, Bailey's Crossroads Homeless Shelter, addressed the concerns regarding the impact of the existing and proposed shelter that had been raised by the surrounding community. He indicated that staff from the facility had coordinated with the operator of the existing Trader Joe's in the nearby commercial area, noting that the establishment had donated food to the facility. In addition, Mr. Rogers said that the facility coordinated with FCPD personnel to address the impact generated by the facility.

A discussion ensued between Commissioner Strandlie and Mr. Rogers regarding the proposed shelter's policies for coordinating with the surrounding community, the measures that would be implemented to mitigate the facility's impact on the community, and the organizations with

which the facility would coordinate to ensure its effective operation wherein Commissioner Strandlie expressed support for greater community involvement with the proposed shelter.

Commissioner Hurley asked for additional information regarding the recourse the proposed facility would pursue in the event that a resident violated the facility's rules or could not be accommodated. Mr. Rogers stated that incidents where residents could not be accommodated due to overcrowding were infrequent. He then explained that when a resident violated the facility's policies, the staff at the facility would coordinate with another receiving facility that would receive the resident, adding that such a process would occur during business hours.

A discussion ensued between Commissioner Flanagan and Mr. Rogers regarding the concerns raised by the speakers in opposition of the subject applications, the impact that residents of the proposed facility would incur on the surrounding area, and the incidents of trespassing by the residents wherein Mr. Rogers stated that the staff at the proposed facility would coordinate with residents of the surrounding community to address such concerns.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Beacham and Mr. Klein, who declined. He then called for closing remarks from Ms. Williams and Mr. Stinson, who declined.

Commissioner de la Fe described the operation of previous homeless shelters within the Reston area, noting that the operation of such a facility had not impacted the area's ability to redevelop. He also acknowledged the issues generated by such facilities and areas of low-income housing, but noted the importance of community coordination to resolve those issues.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on these cases.

(Start Verbatim Transcript)

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Commissioner Strandlie: Thank you, Mr. Chairman. For the purposes of working out that proffer, I'm going to defer to...just next week. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION TO CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION 2232-M17-10 TO A DATE CERTAIN OF JUNE 28th...

Chairman Murphy: 29th.

Commissioner Strandlie: 29TH, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN/ELECTRONIC COMMENTS.

Commissioners Flanagan and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Ms. Hedetniemi. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: If there's other stuff in the record that we didn't get, can we get it between now and then? Like the Trader Joe's thing?

Commissioner Strandlie: Absolutely.

Commissioner Hart: Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to defer 2232-M17-10 to a date certain of June 29th, with the record open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Strandlie.

Commissioner Strandlie: I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2017-MA-005 TO A DATE CERTAIN OF JUNE 29TH, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Flanagan and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to recommend...to defer the decision only on SE 2017-MA-005 to a date certain of June 29th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Thank you.

Chairman Murphy: Thank you very much.

Each motion carried by a vote of 12-0.

(End Verbatim Transcript)

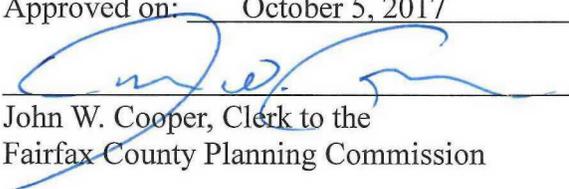
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The meeting was adjourned at 10:16 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

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: Jacob Caporaletti

Approved on: October 5, 2017



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