

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 1, 2018**

PRESENT: Peter F. Murphy, Chairman, Springfield District
James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commission At-Large
John A. Carter, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
Julie M. Strandlie, Mason District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District
Mary D. Cortina, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District

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The meeting was called to order at 7:36 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 announced that the Planning Commission's Land Use Process Review Committee would meet on Wednesday, February 7, 2018 at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss the pending Zoning Ordinance Amendment on signage and the proposed Plan Amendment on office building repurposing. He added that the meeting was open to the public.

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Commissioner Strandlie announced her intent to defer the public hearing for RZ/FDP 2016-MA-022, Federal Realty Investment Trust, to May 3, 2018 at the Planning Commission's meeting on March 1, 2018.

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Chairman Murphy announced that the Commissioners had turned in their Committee request forms and those forms had been forwarded to Commissioner Hart. He then stated that the Commission would move to approve the Committee membership for 2018 at the meeting on Thursday, February 8, 2018.

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PA 2017-II-M1 – COMPREHENSIVE PLAN AMENDMENT (MCLEAN COMMUNITY BUSINESS CENTER, SUB-AREA 12)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. We had on the schedule this evening a deferred decision only involving a Comprehensive Plan Amendment in the McLean Community Business Center, Sub-Area 12. As I announced last week, I'm planning to further defer this decision on this to next week because the MCA full board will be meeting on February 7th to consider a resolution in connection with this particular Plan Amendment. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PLAN AMENDMENT 2017-II-M1 TO A DATE CERTAIN OF FEBRUARY 8TH, WITH THE RECORD REMAINING OPEN FOR FURTHER COMMENTS.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer decision only again on PA 2017-II-M1 to a date certain of February 8th, 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 Flanagan was absent from the meeting.

(End Verbatim Transcript)

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ZONING ORDINANCE AMENDMENT – PARKING REQUIREMENTS AND REDUCTIONS (Decision Only)

(The public hearing on this application was held on January 24, 2018.)

(Start Verbatim Transcript)

Commissioner Sargeant: I have a decision only this evening on a Zoning Ordinance Amendment regarding parking requirements and reductions. Public hearing was on January 24th. There were several questions raised for further consideration and review. And I'd like to go through – get some responses to those questions before providing a motion.

Chairman Murphy: Okay.

Commissioner Sargeant: Mr. Friedman, if you're available, we'd like to – we had some series of questions, including the issue of administrative approval with regard to shared parking and how that works and whether that would be, you know, sufficient in terms of a shared parking process.

And you...you highlighted some of the issues in your research of the – this is not the same as typical parking, as we would think. Do you mind – elaborate on that. This is not...these are not true reductions in the sense we...we normally view them, correct?

John Friedman, Site Code Research & Development Branch, Land Development Services: Yes, with respect to the administrative approval of shared parking reductions, they're not really reductions in the true sense of the word. Normally, parking requirements for a site where there is more than one use is just the simple sum of the Code required parking for the individual uses. But in reality, parking needs vary throughout the day and the day of the week in a definable pattern. By taking the timing of parking demand into account, a more accurate determination of the amount of parking that's actually needed can be performed. This is basically a mathematical exercise. Whether the reduction is approved administratively or by the Board, the math doesn't change and the amount of parking required is the same. The review process at the staff level will not be different and staff will coordinate it with the district Board member to identify any known parking issues at or adjacent to the site. All the standard conditions will apply and run with the land, including the ability of the Director of Land Development Services and the Zoning Administrator to require the owner to conduct parking counts to identify and take steps to address problems. One final point is that the administrative approval of parking reductions is not available for sites with active zoning cases or sites where the amount of parking is specified by proffers or conditions or prior reductions approved by the Board.

Commissioner Sargeant: The other issue that was raised – concerns about inadequate parking and overflow parking if it's filled – felt that the parking on site for the reduction is not adequate. You looked into that and looked at the methods for mitigating that?

Mr. Friedman: Some of the ways that we can mitigate situations where it turns out that there isn't adequate parking and there ends up being an overflow parking on adjoining properties – if the adjoining property is residential, a residential permit parking district can be established that restricts parking on public streets to residents only. And for commercial property owners, any property owner can establish with signage parking restrictions and enforced towing on private property. In garages, residential parking can be segregated from parking for commercial uses with both signage and gates and valet parking in combination with off-site parking at sites with excess parking is frequently used by restaurants. Additional parking can be required where it's feasible and these are just some of the ways to remediate problems that result from inadequate parking.

Commissioner Sargeant: Two more issues, Mr. Chairman, and we'll be ready for a motion. Another request was to take a look at Alexandria's right-size parking initiatives and how that compares to what we're doing.

Mr. Friedman: Alexandria's – was in the – reviewed its parking standards over the course of, probably, the last three or four years. This occurred in two faces. New multi-family residential rates were adopted by the city in 2015 and were included in staff's review of rates in other local jurisdictions. It's represented in the staff report. Their multi-family rates are roughly equivalent to our proposed rates and are based on bedrooms counts, just as ours are. The – on January 20th of this year, the city adopted new commercial parking rates and they're equivalent of our transit station areas. The rates were 0.25 spaces per 1,000 square feet of gross floor area for both office

and commercial. And those numbers turn out to be an 8th to a 16th of what staff is proposing in our transit station areas.

Commissioner Sargeant: So we're still taking a slightly more conservative approach.

Mr. Friedman: More than slightly. Quite a bit more conservative.

Commissioner Sargeant: Exactly. And finally, we had a request to consider the proposed 20 percent reduction for restaurant sites or eating establishments and why that is not really apropos for what we are looking at, in terms of this formula.

Mr. Friedman: The restaurants weren't included in the 20 percent reduction in the transit station areas because it's been staff's experience that parking issues at restaurants are more frequent than for other types of commercial uses. The new restaurant parking rates recently adopted the – by the Board – switched from a computation based on seats to a computation based on square footage and include allowing restaurants in shopping centers to be parked at the shopping center rate if they're less than 5,000 square feet. It should be noted that there – as a result of these amendments, restaurants parked at the shopping center rate would be eligible for the 20 percent reduction. Although the new rates, based on square-footage, are intended on average to result in the same amount of parking, as required by the prior methodology based on seats, the required parking can be less on a case-by-case basis under the new rates. Because we have no experience with the new restaurant rates and actual parking needs are quite variable, staff does not consider it prudent to provide an additional 20 percent reduction from restaurants outside of the shopping centers and larger restaurants in transportation areas at this time. This can be reconsidered in the future as part of the Zoning Ordinance Work Program. Having said that, the proposed amendments were advertised so that the Board may include restaurants if they choose.

Commissioner Sargeant: And in summary, what this amendment does is propose rates that are, on average, a little higher and more conservative than what we have seen on individual approvals for parking reductions by the Board. Correct?

Mr. Friedman: Yes, the proposed new base rates for offices in multi-family residential and transit station areas are higher than what the Board has been approving – comparable to our higher-than-other local jurisdictions and those in the Tysons PTC District and have been validated with parking counts at existing sites in the County. The proposed 20 percent reduction in commercial rates in TSAs, although not validated with parking counts, results in parking rates comparable to or higher than rates in other local jurisdictions and in Tysons. With respect to the shared parking reductions, the amount of the reduction – as I previously stated – that can be justified is exactly the same, whether the reduction is approved administratively by the Board and would be subject to the same requirements. Therefore, its staff's opinion that adequate parking will be provided under the proposed changes to the Zoning Ordinance.

Commissioner Sargeant: Thank you, Mr. Friedman. Mr. Chairman, I'm ready to make a motion and move forward with this particular Zoning Ordinance Amendment. I'd like to thank Mr. Friedman and his colleagues for thorough research and additional research before and after the initial public hearing.

Chairman Murphy: Wait a minute. We have a – a couple questions here. Ms. Hurley. Mr. Carter.

Commissioner Hurley: We're not on verbatim yet, right?

Chairman Murphy: Right.

Commissioner Hurley: So I want to catch you before we go on verbatim.

Chairman Murphy: We are. We are.

Commissioner Hurley: Oh, we are. Okay. I'll try to be very short. You said if there's not – if it's found there's not sufficient parking, they will add it and I didn't get how it would be added. And specifically, you talked about if nearby residential neighborhoods have permit parking, they won't – what if they don't already have permit parking? What if they discover they only need the permit parking after the higher-density use comes into play and now they need the permit parking? Will they be able to get it after it becomes a problem?

Mr. Friedman: Yes, they can get the residential permit parking after the parking reduction has been approved and in situations where they discover they have problems.

Commissioner Hurley: Thank you.

Chairman Murphy: Yes, Mr. Carter.

Commissioner Carter: I don't know if any jurisdiction – this is a controversial issue and I don't care which jurisdiction area – but hopefully this isn't too late, or it's already included, or it's a last minute and we can't do it. But something that's come up with me is workforce housing units and does it make sense to have fewer parking...less parking for workforce housing and ADUs. I know other jurisdictions do that – as much as half. But we're running into an issue there on several cases I happen to be working on where the workforce housing are calculated at the same rate as multi-family and it's a bit of a problem. Is it already addressed? Am I too late?

Mr. Friedman: I'm not really in a position to respond as to whether or not that's appropriate. I can tell you who the – a different rate for workforce housing would be outside the scope of the ad, so the whole amendment would have to be advertised if that was something that you wanted to be included.

Commissioner Carter: Something to think about, I think, especially in workforce housing. Since that's a policy, you might be able to address this in other ways if it starts coming up in other cases, which it will on my cases.

Commissioner Sargeant: Mr. Chairman?

Mr. Friedman: I mean, well we can certainly, you know, refer that to the people in zoning for possible inclusion of something to look at as part of the zMOD or the Zoning Ordinance Work Program.

Commissioner Carter: Okay.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: And, probably, rates would not be appropriate within this particular amendment.

Chairman Murphy: Anyone else? Okay.

Commissioner Sargeant: Okay. Thank you, Mr. Chairman. And once again, thanks to Mr. Friedman for all his diligent research in preparation for this. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND APPENDIX Q OF THE COUNTY CODE, AS SET FORTH IN THE STAFF REPORT DATED DECEMBER 5TH, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. 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, Parking Requirements and Reductions, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes, Ms. Hurley.

Commissioner Hurley: Abstain.

Chairman Murphy: Ms. Hurley abstains.

The motion carried by a vote of 10-0-1. Commissioner Hurley abstained from the vote. Commissioner Flanagan was absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda:

1. AR 2010-SP-001 – CHARLES R. ARMSTRONG
2. RZ/FDP 2010-PR-023/PCA 2011-PR-011/SE 2010-PR-034 – THE MITRE CORPORATION

This order was accepted without objection.

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The first public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Hart.

Vice Chairman Hart called the first case on the Agenda

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AR 2010-SP-001 – CHARLES R. ARMSTRONG – A&F District
Renewal Appl. authorized by Chapter 115 (County Code),
effective June 30, 1983 to permit renewal of a previously approved
agricultural and forestal district. Located at 11921 Henderson Rd.,
Clifton, 20124 on approx. 40.00 ac. of land zoned R C and WS.
Tax Map 95-3 ((1)) 16Z. SPRINGFIELD DISTRICT. PUBLIC
HEARING.

Commissioner Murphy asked that Vice Chairman Hart 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, Vice Chairman Hart closed the public hearing and recognized Commissioner Murphy for action on this case.

(Start Verbatim Transcript)

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Commissioner Murphy: Thank you, Mr. Chairman. This is a beautiful 40-acre site on Henderson Road that first became an Agricultural and Forestal District in 1993. It was renewed in 2001. Unfortunately, it expired in 2009 and now, in 2010, the applicant is – wants to re-establish the district and again – tonight, that's the action before us. It meets all the criteria and zoning ordinances that allows a – Agricultural and Forestal District to be constituted or renewed. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 2010-SP-001 AND AMEND APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE ARMSTRONG LOCAL AGRICULTURAL AND FORESTAL DISTRICT FOR AN ADDITIONAL EIGHT-YEAR TERM, SUBJECT TO THE ORDINANCE PROVISIONS DATED JANUARY 17TH, 2018.

Commissioner Ulfelder: Second.

Vice Chairman Hart: Seconded by Commissioner Ulfelder. Any discussion? Seeing none, we'll move to a vote. All those in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries unanimously. Thank you.

The motion carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.

(End Verbatim Transcript)

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Chairman Murphy resumed the Chair.

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RZ/FDP 2010-PR-023 – THE MITRE CORPORATION – Appls. to rezone from PTC, C-3 and HC to PTC and HC to permit office use with an overall Floor Area Ratio (FAR) of 2.19 and approval of the conceptual and final development plan. Located on the eastern terminus of Colshire Dr., W. of Dartford Dr. on approx. 22.50 ac. of land. Comp. Plan Rec: office use. Tax Map 30-3 ((28)) 3A1, 4A3 and 4C. (Concurrent with PCA 2011-PR-011 and SE 2010-PR-034). PROVIDENCE DISTRICT. PUBLIC HEARING.

PCA 2011-PR-011 – THE MITRE CORPORATION – Appl. to amend the proffers for RZ 2011-PR-011 previously approved for mixed-use to permit deletion of land area. Located in the S. E. quadrant of Colshire Dr. the future extension of Colshire Meadow Dr. on approx. 2.90 ac. of land zoned PTC and HC. Comp. Plan Rec: office use. Tax Map 30-3 ((28)) 4C. (Concurrent with RZ/FDP 2010-PR-023 and SE 2010-PR-034). PROVIDENCE DISTRICT. PUBLIC HEARING.

SE 2010-PR-034 – THE MITRE CORPORATION – Appl. under Sect. 6-504 of the Zoning Ordinance to permit an increase in FAR in the PTC District. Located at 7596 Colshire Dr., McLean, 22102 on approx. 2.90 ac. of land zoned PTC and HC. Tax Map 30-3 ((28)) 4C. (Concurrent with RZ/FDP 2010-PR-023 and PCA 2011-PR-011). PROVIDENCE DISTRICT. PUBLIC HEARING.

Antonio Calabrese, Applicant's Agent, Cooley, LLP, reaffirmed the affidavit dated January 22, 2018.

There were no disclosures by Commission members.

Stephen Gardner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications RZ/FDP 2010-PR-023/PCA 2011-PR-011/SE 2010-PR-034.

Commissioner Niedzielski-Eichner asked for additional information on the heights of the buildings that would be located on the southeast portion of the subject property and the visual impact those buildings would incur on neighboring residential development. Mr. Gardner described the visual impact for that neighboring development and pedestrians along Magarity Road. He also pointed out that the setbacks would be consistent with the recommendations of the Comprehensive Plan. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Gardner regarding the building heights of the existing residential development located southeast of the subject property, the presence of other planned residential developments in the area, and the possibility that the existing residential development would be redeveloped with townhome units wherein Mr. Gardner indicated that the buildings for that existing development were approximately three-stories and consisted of multi-family residential units.

When Commissioner Niedzielski-Eichner asked whether staff supported the applicant's provisions for transitional elements between the buildings located along the southeast portion of the site and the neighboring residential development, Mr. Gardner indicated that he applicant's provisions were consistent with the recommendations for transitions and setbacks prescribed by the Comprehensive Plan. A discussion ensued between Commissioner Niedzielski-Eichner and Mr. Gardner regarding the efforts by the applicant to include transitional elements for the buildings located near the neighboring residential development wherein Mr. Gardner pointed out that the applicant's original designs had been revised to modify the façade of the buildings to mitigate the visual impact.

A discussion ensued between Commissioner Niedzielski-Eichner and Gregory Fuller, Capital Projects and Operations Division, Fairfax County Department of Transportation, regarding the proposed grid of streets for the area that had been prescribed by the Comprehensive Plan, the manner in which that grid of streets related to the proposed development, and the role the grid of streets had in mitigating the transportation issues throughout the areas wherein Mr. Fuller explained the following:

- The grid of streets prescribed by the Comprehensive Plan was intended to increase the capacity of the road network and pedestrian paths to accommodate the planned high-intensity development;
- The function of the grid of streets was to facilitate traffic flow throughout the area; and
- The proposed development included a phased implementation of a portion of the grid of streets and those features would be installed in conjunction with other traffic improvements, such as traffic signals and multi-modal enhancements.

Commissioner Niedzielski-Eichner noted that staff had expressed concerns regarding the applicant's parking provisions for the proposed development, but pointed out that the applicant had articulated an intent to further evaluate those issues in the revised set of proffers dated January 29, 2018. Mr. Gardner concurred with that statement. He then said that staff had discouraged the installation of a free-standing parking garage with the development, but the applicant had offered to address those concerns by including architectural treatments to the

structure to mitigate the impact. In addition, he stated that the applicant would re-evaluate the design and capacity of the parking garage during Phase II of the development, adding that the evaluation would assess the overall parking demand and consider whether the parking at other garages could be supplemented. Mr. Gardner indicated that staff supported increasing the capacity of other parking garages in lieu of constructing a free-standing garage, but acknowledged that the applicant had not been able to determine the overall parking demand for the proposed development. (A copy of the revised set is in the date file.)

Commissioner Niedzielski-Eichner pointed out that the proposed development's proximity to the McLean Metrorail Station and existing residential development. He then requested additional information regarding the applicant's provisions for providing pedestrian paths to the metro station. Mr. Gardner explained that the proposed development would function as a secure campus, which presented various challenges to installing the pedestrian paths that connected with the Metrorail station. He said that staff had coordinated with the applicant to address that issue and indicated that the applicant had agreed to install pedestrian paths along the periphery of the subject property, adding that those paths would include linear parks. Mr. Gardner pointed out the location of a private street within the proposed development, but noted the street would utilize a public access easement to accommodate another pedestrian route. In addition, he stated that the proposed development would install another public access along other portions of the site.

Commissioner Hart expressed concern regarding the applicant's request for a modification of Section 2-505 of the Zoning Ordinance that would permit structures and/or plantings on a corner lot at an intersection, as depicted on the CDP/FDP and as proffered. He explained that the purpose of Section 2-505 was to ensure adequate sight distances at intersections and noted the requested modification would apply to the entire development. He then said that staff had expressed support for the modification, provided the applicant complied with the sight distance criteria articulated in Proffer Number 7B, Substantial Conformance. However, Commissioner Hart pointed out that the language for sight distances and the development of corner lots had not delineated that criteria or specified the portions of the site for which the modification applied. He then asked for additional information regarding the scope of the modification and the criteria for adequate sight distances at the various intersections throughout the proposed development. Mr. Gardner confirmed that the requested modification would apply to the entirety of the site, but did not object to subsequent modifications to Proffer Number 7B to articulate the criteria for sight distances. A discussion ensued between Commissioner Hart and Mr. Gardner regarding the reason the applicant had requested the modification, the importance of maintaining adequate sight distances to preserve the pedestrian safety, and the specific locations on the subject property for which the modification would apply wherein Commissioner Hart indicated that he favored revising the language of Proffer Number 7B to clarify the sight distance standards for the proposed development.

Mr. Calabrese gave a presentation wherein he explained the following:

- The subject applications were initially submitted in November 2015 and had been subject to significant evaluation by staff and the surrounding community;

- The proposal had the support of the neighboring Colonies Condominium development to the southeast and a statement of no objection by the Regency at McLean development;
- The subject applications had the support of the McLean Citizens Association (MCA);
- The applicant did not object to modifying the language of Proffer Number 7B to delineate the criteria for sight distances throughout the proposed development to address the concerns expressed by Commissioner Hart;
- The reason the applicant had requested a modification to Section 2-505 to structures and/or plantings on a corner lot at an intersection was to accommodate the streetscape and landscape requirements for Tysons;
- The structures and/or plantings that would be installed on a corner lot at an intersection by the applicant would be subject to approval by the Virginia Department of Transportation;
- The proposed development consisted of a large commercial office development that would serve as a campus for the MITRE Corporation;
- The area around the subject property had been subject to significant redevelopment efforts, including those implemented by Capital One and Scott's Run South;
- The building heights and density of the proposed development would be tapered to ensure an appropriate transition from the mixed-use development located near the McLean Metrorail Station and the existing residential development to the south;
- The applicant had committed to implementing a transportation demand management program and was a participant in the special tax district for Tysons;
- The applicant had numerous partnerships and ventures with the federal government;
- The proposed development would complement growth and success of the applicant's business;
- The applicant was an established corporate citizen of the County and had been among the first applicants to contribute to workforce housing;
- The applicant had contributed significantly to the County's tax base;
- The applicant had received multiple awards from the County, the National Association for Industrial and Office Parks, and various other organizations recognizing commitments to environmental sustainability in building design;

- The density and floor area ratio of the proposed development would taper in the areas located near existing or planned residential development;
- The proposed development would be implemented in phases and those phases were intended to accommodate the transportation, landscaping, and streetscape provisions that had been prescribed by the Comprehensive Plan;
- The proposed development would implement portions of the planned grid of streets and associated pedestrian connections for the area, as depicted in the Comprehensive Plan;
- The pedestrian connections would connect with the McLean Metrorail Station;
- The proposed development was one of only two office developments for the surrounding area and would not include the mix of uses that had been included in some of the surrounding developments, but the development included open space amenities to enhance the landscape and streetscape of the area;
- The applicant intended to comply with the appropriate sight distance requirements at intersections while also accommodating the streetscape requirements prescribed by the Comprehensive Plan;
- The applicant had determined that a free-standing parking garage was necessary to ensure the viability of the proposed development, but subsequent evaluations would be conducted to consider potential modifications to that structure;
- The free-standing parking garage was significantly smaller than similar structures at neighboring developments;
- The proposed development would implement portions of the grid of streets at various phases, which included connections to Chain Bridge Road and Magarity Road;
- The applicant would be required to obtain approval from the Commission and the Board of Supervisors for the final design of the free-standing parking garage;
- The County had begun coordinating with the applicant on implementing portions of the grid of streets;
- The proposed development included interim pedestrian connections during the various phases to provide access to the McLean Metrorail Station;
- The proposed development included multiple pocket parks and a permanent pedestrian path that would access the McLean Metrorail Station;

- The final phase of the proposed development included a structure designated in the subject applications as MITRE 1 and that structure would function as a focal point for the development, which would accommodate space for guests, employees, and events;
- The final condition of the proposed development included multiple pedestrian connections that would access the McLean Metrorail Station;
- The design of the buildings that would be located along Magarity Road would provide adequate setback and appropriate building heights to ensure an appropriate transition of density from the proposed development to the existing residential development to the south;
- The façade of the buildings located along Magarity Road had been modified from the original proposal to improve the visual impact and accommodate pedestrian paths;
- The architecture of the buildings within the proposed development included landscaping and tree plantings that would enhance the visual impact of the development;
- The final design for each building within the proposed development would be subject to a subsequent approval by the Commission and the Board of Supervisors;
- The provisions for the park facilities and tree cover at the proposed development were consistent with the standards prescribed by the Comprehensive Plan;
- The proposal included commitments to fund regional road improvements throughout the Tysons area, but the specifics of those improvements would be determined at a later date;
- The proposal included contributions to community facilities and workforce housing;
- The timeframe for implementing the proposed development was approximately 20 to 25 years;
- The proposal included contributions to athletic fields in the Tysons area; and
- The subject applications had the approval of staff, FCDOT, and the surrounding community.

In conclusion, Mr. Calabrese commended staff and the Commission for coordinating with the applicant on the proposal.

Commissioner Cortina commended the applicant for the proposed development. She then asked whether the applicant's green building commitments, as articulated in Proffer Number 14, Green Building, applied to the free-standing parking garage included within the development. Mr. Calabrese indicated that such provisions would not apply to the garage, adding that there were no green building standards for free-standing garages. He also pointed out that the provisions would

apply to the buildings within the development that include underground parking. A discussion ensued between Commissioner Cortina and Mr. Calabrese, within input from Mr. Gardner, regarding the green building standards for free-standing parking garages, the possibility of utilizing architectural treatments to implement green building provisions for the free-standing parking garage within the proposed development, the designs for such treatments, and the visual impact of those treatments wherein Mr. Calabrese and Mr. Gardner stated the following:

- The applicant had considered treatments for the exterior of the free-standing parking garage, but the design for such treatments had not been finalized and would be subject to approval by the Commission and the Board of Supervisors; and
- The usage of certain architectural treatments, such as green screens, on vertical building façades was discouraged by staff.

A discussion ensued between Commissioner Carter and Mr. Calabrese regarding the location of the private streets within the proposed development, the location of public streets, the ability of the applicant to install the necessary pedestrian paths to access the McLean Metrorail Station within the road network, and the applicant's coordination efforts with surrounding developments on the pedestrian path network wherein Mr. Calabrese indicated that the applicant would be able to implement the pedestrian paths, subject to the approval of a public ingress/egress easement, adding that the existing paths around the site would be enhanced under the proposal.

Commissioner Hart reiterated his concerns regarding the sight distances for the intersections within the proposed development, stating that the applicant had not provided adequate details on the standards that would be utilized. He added that the applicant's provisions provided flexibility for the designs of the intersections throughout the development, but was subject to adequate demonstration that such designs were consistent with the standards prescribed by the Virginia Department of Transportation. Commissioner Hart acknowledged the potential challenges for designing intersections within the proposed developments, but recommended that specific information for certain intersections be included to address sight distance issues. Mr. Calabrese stated that the applicant would address the issue of sight distances prior to the Board of Supervisors' public hearing for the subject applications, adding that the requested modification for sight distances was consistent with the existing standards for the Tysons area. In addition, he noted that the designs for the various intersections throughout the development had not been finalized. A discussion ensued between Commissioner Hart and Mr. Calabrese regarding the potential issues for designing intersections within Tysons, the various features around intersections that would impact sight distances, the applicant's reason for requesting the modification for sight distance requirements throughout the site, and the streetscaping requirements for intersections within Tysons wherein Mr. Calabrese noted that the unique standards associated with the Tysons area and the need for certain features, such as signage, at intersections that could potentially impact sight distances.

A discussion ensued between Commissioner Carter and Commissioner Hart regarding the features that impacted sight distances at intersections and the different standards associated with sight distances in urban areas compared to suburban areas wherein Commissioner Carter pointed

out that traffic signals and pedestrian signals impacted sight distances, adding that urban areas, such as Tysons, required different standards for determining appropriate sight distances.

A discussion ensued between Commissioner Ulfelder and Mr. Calabrese regarding the timeframe for implementing the proposed development, the economic projections for the surrounding area, the applicant's ability to adapt to changing economic trends, the process for determining economic trends over the course of multiple decades, and the manner in which the proposed development would serve the employees wherein Mr. Calabrese stated the following:

- The process for implementing the proposed development included multiple opportunities to incorporate appropriate modifications in response to changing economic conditions;
- The inclusion of certain modifications could potentially require the approval of a proffered condition amendment or final development plan amendment;
- The applicant intended to implement the planned pedestrian paths that were included in the Comprehensive Plan; and
- The applicant would utilize interim pedestrian connections during various phases of the proposed development to ensure continued connectivity to the McLean Metrorail Station.

Addressing concerns from Commissioner Hart regarding the sight distance at the intersections within the proposed development, Mr. Calabrese indicated that the applicant did not object to modifying the proffer language to address those concerns and would coordinate with staff in finalizing the appropriate modifications.

Chairman Murphy called the first listed speaker.

Sally Horn, 7837 Montvale Way, McLean, representing the McLean Citizens Association (MCA), spoke in support of the proposal. She commended staff and the applicant for their efforts on the subject applications. She added that the applicant had coordinated with the MCA and the surrounding community to address their concerns. Ms. Horn explained that the MCA had been monitoring the development throughout Tysons and McLean, noting that residents had expressed frequent concerns regarding the impact of such development. She indicated that increases in traffic, impacts on recreational facilities, and effects on the character of the surrounding community were the primary concerns that residents had voiced regarding redevelopment efforts in Tysons. Ms. Horn said that the MCA supported the recommendations prescribed by the Comprehensive Plan for mitigating such impacts. She then described the existing traffic conditions throughout the area, noting the increases in traffic volumes that had been generated by previously-approved redevelopments. She said that the MCA supported the inclusion of traffic mitigations provisions for redevelopment efforts near Metrorail stations, such as reducing on-site parking, endorsing carpooling programs, installing pedestrian paths, and utilizing alternative work schedules to reduce peak-hour traffic. Ms. Horn stated that the applicant's commitments for traffic mediation were consistent with the MCA's recommendations. In addition, she supported the applicant's effort to evaluate the designs for the free-standing parking structure, noting that

the MCA favored removal of the structure from the proposed development. Ms. Horn also expressed support for the applicant's provisions for implementing adequate pedestrian paths, recreational facilities, and public facilities because such provisions would improve the character of the surrounding community. She added that such commitments were consistent with the recommendations prescribed for Tysons in the Comprehensive Plan. In addition, Ms. Horn commended efforts by the Fairfax County Park Authority to revising the standards for monetary contributions to Tysons athletic fields, noting that the updated rates would generate greater funds for achieving the goals articulated in the Comprehensive Plan. She added that the MCA favored regular updates to the contribution rates for athletic fields to reflect the costs of pursuing such features. (A copy of Ms. Horn's statement is in the date file.)

Pindar Van Arman, 7651 Tremayne Place, Unit 204, McLean, representing the Colonies Condominium Association (CCOA), expressed support for the proposal. He stated that the CCOA had coordinated with the applicant to voice the community's concerns and indicated that such concerns had been adequately addressed. Mr. Van Arman said that the primary concerns of the community included pedestrian access to the McLean Metrorail Station, improving the existing road network in the area, and implementing appropriate traffic mitigation measures. He described the existing traffic patterns around the community, noting the limited connections in the road network, which generated significant traffic congestion around the McLean Metrorail Station. Mr. Van Arman expressed support for the proposed grid of streets, pointing out that the majority of the connections depicted in the Comprehensive Plan had not been implemented. He also supported the applicant's transportation demand management program, noting the need for traffic mitigation efforts around the Colonies development. Mr. Van Arman commended the applicant for coordinating with the CCOA for addressing their concerns and indicated that the CCOA intended to vote to recommend approval for the subject applications at a future meeting. (A copy of Mr. Van Arman's statement is in the date file.)

Chairman Murphy called for speakers from the audience.

Animesh Gupta, 1838 Griffith Road, Falls Church, spoke in opposition to the subject applications because the surrounding community had not been sufficiently informed and the traffic impact of the proposed development had not been adequately addressed. He added that he and his neighbors intended to submit a petition of opposition. Mr. Gupta described the existing traffic patterns around his neighborhood and expressed concerns that the road network that would be implemented with the proposed development would generate significant cut-through traffic. In addition, he voiced concern regarding the visual impact the proposed development would incur on the existing residential communities in the area and the associated impact on the character of those communities. Mr. Gupta also pointed out the proximity of the proposed development to Westgate Elementary School, which was located southwest of the site, and noted the potential safety issues that such a development would incur. In addition, he indicated that the applicant's commitments for green space and traffic mitigation measures were insufficient. He added that increased traffic along Magarity Road would generate additional safety hazards for the existing residential development to the south and noted the need for traffic mitigation measures. (A copy of his statement is in the date file.)

Paul Kohlenberger, 640 Live Oak Drive, McLean, stated that he spoke on behalf of the Greater McLean Chamber of Commerce (GMCC). He then expressed support for the subject applications. Mr. Kohlenberger described the activities of the GMCC and noted the contributions the applicant had provided for redevelopment efforts throughout Tysons. He said that the proposed development was consistent with the goals and recommendations of the Comprehensive Plan for Tysons, noting the applicant's contributions to the road network and park facilities to the area. Mr. Kohlenberger commended the applicant for coordinating with the surrounding area for addressing various concerns. He then said that he supported staff and the MCA's recommendation for approval of the subject applications.

There being no further speakers, Chairman Murphy called for a rebuttal statement from Mr. Calabrese, who deferred to Mr. Fuller for additional information regarding Commissioner Hart's concerns on the sight distances at the intersections within the proposed development. Mr. Fuller then explained that the applicant's request for a modification to Section 2-505 of the Zoning Ordinance to permit structures and/or plantings on a corner lot at an intersection was intended to differentiate between the requirements prescribed in the Zoning Ordinance with those articulated in Proffer Number 7B, adding that the standards for such areas differed for urban areas, such as Tysons. He then indicated that the applicant had expressed an intent to comply with the sight distance guidelines for such urban areas and the final designs for those intersections was subject to approval at the time of site plan review. A discussion ensued between Commissioner Hart and Mr. Fuller regarding the language of Proffer 7B compared to that of the Zoning Ordinance and the possibility of modifying the language of that proffer wherein Commissioner Hart reiterated his support for additional information on the sight distances at those intersections and Mr. Fuller did not object to modifying the language of Proffer 7B accordingly.

A discussion ensued between Commissioner Ulfelder and Mr. Gardner, with input from Mr. Calabrese and David Steigler, Pennoni Associates, Inc., regarding the existing residential development located along Magarity Road, the visual impact the proposed development would incur on that development, the setbacks between the two developments, and the sites located near the subject property that were planned for redevelopment wherein Mr. Calabrese and Mr. Steigler stated the following:

- The existing residential development to the south was approximately 12 acres in size and was zoned R-20, which permitted a maximum building height of 90 feet; and
- The distance between the proposed development and the residential development to the south of the site was approximately 400 to 500 feet.

Commissioner Ulfelder asked whether there were other planned improvements for Magarity Road in conjunction to the planned grid of streets for the area. Mr. Fuller indicated that the intersection between Magarity Road and Route 7 would be subject to potential modifications. He added that there were existing plans to widen Magarity Road and expand the pedestrian paths along the frontage of the road. When Commissioner Ulfelder asked whether those modifications included improvements to crosswalks that would connect with the planned pedestrian paths that would be implemented with the proposed development, Mr. Fuller indicated that such

connections would be included, adding that various enhancements to the roads and pedestrian paths would be considered during the process of finalizing the designs.

Commissioner Niedzielski-Eichner stated that there were appropriate procedures for addressing the concerns raised by Commissioners and the speakers during the public hearing, but noted that certain issues were beyond the scope of the proposal. He then expressed his intent to move to approve the subject applications.

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

(Start Verbatim Transcript)

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

Chairman Murphy: I appreciate tipping your hand like that so we'll go ahead and...

Commissioner Niedzielski-Eichner: I appreciate your patience. So, Mr. Calabrese, will you please come forward to confirm for the record, the applicant's acceptance of the development conditions for the Final Development Plan 2010-PR-023, dated January 29th, 2018 and for the Special Exception 2010-PR-034, dated January 16th, 2018.

Antonio J. Calabrese, Applicant's Agent, Cooley, LLP: For the record, Mr. Niedzielski-Eichner, Tony Calabrese with Cooley. I affirm the applicant's willingness and acceptance of those conditions.

Commissioner Niedzielski-Eichner: Okay. Thank you so much.

Mr. Calabrese: Yes, sir.

Commissioner Niedzielski-Eichner: Also, Mr. Calabrese, while you're there, do you understand the sight issue raised by Commissioner Hart?

Mr. Calabrese: All too well.

Commissioner Niedzielski-Eichner: Do you commit, then, to work with staff to modify the pertinent proffers to address this issue before the application is presented to the Board of Supervisors?

Mr. Calabrese: I think we came very close to doing that while we had the microphones off so we can rectify that quite immediately.

Commissioner Niedzielski-Eichner: So that's a yes?

Mr. Calabrese: Yes, sir.

Commissioner Niedzielski-Eichner: And do you also commit to take, pertinent to Commissioner Cortina's issue that she raised with you – do you also commit to take into account energy and environment mitigations when designing the MITRE 1 stand-alone parking garage?

Mr. Calabrese: We will absolutely review that as part of the parking garage when we get to the FDP review. The County will be working with us as well. So the short answer is "yes, sir."

Commissioner Niedzielski-Eichner: Okay, thank you. Mr. Chairman, this is a massive project, as we've seen. The applicant, the MITRE Corporation, has submitted four concurrent applications to permit additional office development and a consolidated development plan for its existing campus. The request includes the following:

- A rezoning of 22.51 acres from the planned – from the Planned Tysons Corner Urban District and C-3 Zoning Districts to an overall PTC Zoning District. The rezoning is applicable to the entire MITRE campus and is intended to permit a master development plan and consolidated proffer statement that will supersede all existing entitlements;
- A proffered condition amendment that is applicable to the 2.9 acre portion of the property that is currently included as part of the Scott's Run Station South – Station South rezoning, intended to remove the acreage from the Scott's Run Station South application, so that the entire property will be subject to one conceptual development plan and proffer statement;
- A final development plan to permit the construction of a 300,000 square-foot 15-story building, identified as MITRE 5;
- A special exception to permit office floor area ratio above the 2.5 FAR maximum within the – one fourth mile ring of a metro station. This special exception is applicable to the MITRE 5 only and is necessary to facilitate the square-foot 15-story office building depicted by the FDP.

Overall, the application will retain approximately 785,000 square feet of existing office development and will permit an additional approximately 1.4 million square feet of office development for a maximum 2.19 FAR. Three existing office buildings and two existing free-standing parking garages are to be retained. One existing office building will eventually be removed and reconstructed. And five new office buildings and one free-standing parking garage are proposed to be constructed. Staff has engaged the applicant thoroughly and comprehensively, and after considerable revisions and modifications to the original application finds that the applications are in harmony with the

Comprehensive Plan and in conformance with the Zoning Ordinance provisions, subject to the execution of proffers and the implementation of development conditions. Additionally, as we have heard, the McLean Citizens Association and the neighboring Colonies Community have, after their own independent review, endorsed the applications, as has the Regency, as we heard tonight, and the McLean Chamber. But before we act on this application, I'd like to thank MITRE for your responsiveness to the issues that the County has raised during this extensive application review process. MITRE is a federally-funded research and development center. As such, it has had to – a – fairly uniquely navigate federal facilities design constraints, as well as its security requirements. The corporation – the corporation's service to our country is outstanding and it is a valued corporate citizen in Fairfax County. I'd also like to extend our appreciation to our staff who, as usual, performed admirably in the context of its responsibilities. In this regard, I want to signal out Stephen Gardner and Cathy Lewis for our gratitude. Finally, I also want to thank the MCA – the McLean Citizens Association – the Colonies Condominium Association for their thorough engagement with the applicant and staff in critiquing this application. And finally, I do thank Mr. Gupta for providing us his concerns this evening and in his recent communication with the Commission. With that, Mr. Chairman, I have a lengthy series of motions for action this evening. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2011-PR-011.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. 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 2011-PR-011, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. Next, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2010-PR-023, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 29TH, 2018.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Discussion? All those in favor of the...

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: And SUBJECT TO CLEARING UP THE PROFFER THAT DOESN'T HAVE A VERB ABOUT the – THE SIGHT-DISTANCE WAIVER.

Commissioner Niedzielski-Eichner: I ACCEPT THAT AS A FRIENDLY AMENDMENT.

Chairman Murphy: Okay. All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-PR-023, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Next, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-023, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 29TH, 2018 AND SUBJECT TO THE BOARD'S APPROVAL OF PCA 2011-PR-011 AND RZ 2010-PR-023.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2010-PR-023, subject to the Board's approval of the PCA and the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Next, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2010-PR-034, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 16TH, 2018.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2010-PR-034, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: And then, finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING MODIFICATIONS: A MODIFICATION OF SECTION 2-505 – that's 2-505 – TO PERMIT STRUCTURES AND/OR PLANTINGS ON A CORNER LOT AND AN INTERSECTION, AS SHOWN ON THE CDP/FDP AND AS PROFFERED.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Abstain.

Chairman Murphy: Mr. Hart abstains.

Commissioner Niedzielski-Eichner: A MODIFICATION OF SECTION 2 – I'm sorry, 2-506, TO PERMIT PARAPET WALLS, CORNICES, OR SIMILAR PROJECTIONS UP TO A MAXIMUM HEIGHT OF FIVE FEET.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: AND A MODIFICATION OF SECTION 11-201 AND 11-203 TO PERMIT THE MINIMUM NUMBER OF REQUIRED LOADING SPACES AS SHOWN ON THE CDP/FDP.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

Chairman Murphy: Thank you very much.

The first four motions carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.

The fifth motion carried by a vote of 10-0-1. Commissioner Hart abstained from the vote. Commissioner Flanagan was absent from the meeting.

The sixth and seventh motions carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.

(End Verbatim Transcript)

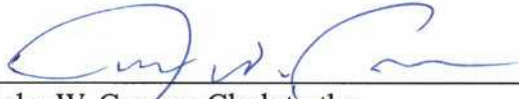
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The meeting was adjourned at 9:35 p.m.
Peter F. Murphy, Chairman
James T. Migliaccio, Secretary

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: May 17, 2018



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