

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 12, 2018**

PRESENT: James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
John A. Carter, Hunter Mill District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District

ABSENT: Peter F. Murphy, Chairman, Springfield District
Julie M. Strandlie, Mason District
Walter C. Clarke, Mount Vernon District
Mary D. Cortina, Commissioner At-Large

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The meeting was called to order at 7:32 p.m., by Vice Chairman James R. Hart, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Sargeant announced the Schools Committee would meet on Wednesday, July 18, 2018 at 7:30 p.m., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035 to continue its assignment reviewing the Implementation of the Work Program.

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Commissioner Migliaccio announced the Land Use Process Review Committee would meet on Wednesday, July 18, 2018 at 8:30 p.m., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035 to discuss Small-Scale Production, Non-Office Building Repurposing, and the Zoning Modernization Project.

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Commissioner Migliaccio announced the Planning Commission received minutes for April and May 2018, and he intended to move the approval of those minutes at the July 26, 2018 public hearing.

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PCA 82-L-071 – BELL GROUP, LLC

(Public Hearing on this application was held on June 28, 2018)

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you. I have one decision only this evening. It's a fairly simple one. It is – now that the proffers are in order, we have one item that was put in the proffers that needed to be taken out. And that was done. This is on Oakwood Road and it was to fix a notice of violation. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 82-L-071, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS DATED JULY 9TH, 2018.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

Vice Chairman: Those opposed? That motion carries unanimously.

Commissioner Migliaccio: Mr. Chairman, I have one other item on it. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A REAFFIRMATION OF THE MODIFICATION OF THE TRANSITIONAL SCREENING WIDTH AND A WAIVER OF THE BARRIER REQUIREMENT ALONG OAKWOOD ROAD IN FAVOR OF THAT SHOWN ON THE GDP.

Commissioner Ulfelder: Second.

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

Commissioners: Aye.

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

Commissioner Migliaccio: Thank you.

Vice Chairman Hart: Thank you.

The motion carried by a vote of 8-0. Commissioners Murphy, Clarke, Cortina and Strandlie were absent from the public hearing.

(End Verbatim Transcript)

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RZ/FDP 2016-HM-007 – ONE RESTON COMPANY, LLC AND TWO RESTON COMPANY, LLC

(Public Hearing on these applications were held on June 28, 2018)

(Start Verbatim Transcript)

Commissioner Carter: Okay. And this is RZ/FDP 2016-HM-007, One Reston Company, LLC and Two Reston Company, LLC, also known as The Crescent. So, if you remember the public hearing from just a couple of weeks ago, it's located adjacent to the Reston Town Center Metro Station, south of the Dulles Toll Road. The development is going to create a lively mixed-use community of 4.16 million square feet that includes retail, a hotel, a variety of residential buildings and retention of existing and new – and the construction of new office buildings along with a new Wegmans grocery store. There have been three issues on this case. And we've asked for proffer changes to address these conditions.

- One. Maintain the road fund commitment. So, no – I'm searching for the right word – but the commitment is going to be there in its – in its entirety. Now, the commitment to the road fund is based on the total development without excluding the WDUs.
- Athletic field contribution. This project is dedicating a rectangular recreation field, practice field and fifty parking spaces located at the intersection Hunter Mill Road and the Dulles Toll Road. The problem with the proffer before was that concern if that dedication couldn't take place was the second option viable. And the staff has now worked with the applicant and they are satisfied with that.
- The third issue was strengthening the WDU program. And this is, I guess, partly on mine initiative, to try to do a little bit better. There is still some staff concerns about this but basically what we're proposing to lower the income levels by reducing the income tiers from 80/100/120 to 70/90 and 100 of AMI. And to accomplish this, we want to reduce the contribution to the affordable housing fund. Now, I sent you a memo earlier. If you want me to, I can go through the math of that. My look at the – brief look – was there couple issues. The market rate in these residential units at the Metro station of the three most recent projects, the concern by staff was "don't we have market rate units that meet these – these tiers, so why are we lowering them? Is that really necessary?" And my conclusion is "no." If you went out and tried to rent apartment now, you would not be able to meet these tiers, except that maybe at the upper band where you get a 120 percent of AMI. That's 133,000. There are some apartments in Aperture which is a stick building that you could meet that. But the lower ones, you cannot meet that. Staff was also so concerned about the precedent of this. Now, we have done this on other projects in Reston and maybe in Tysons, although might not the same way. Sometimes they are in return for reducing the recreation fund. In this case, they are reducing it because they don't want to pay for the approved office buildings. Personally, I'm worried more about the grants that are paid rather than how we get there. So, that's where I'm coming down on this. So, I don't think this is a precedent. I think we have several cases where we've reduced the AMI. But sometimes different methods. Maybe just to go through the math that I gave you briefly. There is 258 of these. So, it's a lot units that we're reducing. The fund if you

did it the way the applicant is proposing, the loss is 8400 dollars per unit. The question is can you make that up because you're reducing the tiers. So, if you'd looked at 120 percent – and I don't mean to get too much into the weeds but this is important, I think. If you look at 120 percent and if you got rid of that, and your upper one was 100 percent, that's a five dollar a month difference. Now in a year that's 6000 dollars. So, in a year and half you've made up the 8400 dollars that in theory you've lost. Now, the 8400 dollars goes to the County in the case of lowering the tiers, that goes to the renter, which may be more appropriate. That's not to say that there isn't quite a lot of money going to the – the fund, it's still 2.7 million that's going into the fund. So, I'm supporting this notion of reducing the AMI to 70/90 and 100 percent and reducing the contribution as well. So, that's where I am at. If there is any discussion on that. I think we have – we're seeing a little chink in the WDU armor here that those upper levels are a little high and to accept funds to subsidize those seems not quite right. I'm not sure exactly where the funds go but I think we have little bit of a problem at those upper ends. So, I'm gonna keep going.

- The project description. Yes.

Vice Chairman: Yes. I think what we'll do is when Commission Carter makes the motion...

Commissioner Carter: Just make it a whole thing.

Vice Chairman Hart: ...we'll then do the discussion.

Commissioner Carter. Okay.

- Land Use. The mix of uses in conformance with the Comprehensive Plan, with the Wegmans proving a measure of reality to the development. Now, this is less than the Comprehensive Plan. So this is not at the maximum. Although this is a very large project. You've already heard that the WDUs discussion, again it's 258 units, quite a lot of units.
- Placemaking which is my personal insertion here. Thirty percent of the open space with full commitment to the open space fund. This exceeds the minimum requirement. Not by a lot, but it does exceed it. There are eight distinct open spaces on the site. And all kinds of play areas for dog parks, fitness centers, small children play, pathways to the town center activated by public part. Again, the offsite space is the full-size recreation field located at Hunter Mill and the Dulles Toll Road.
- Transportation and mobility. A full commitment to the road fund will be provided. No exceptions. In response to a recent letter from an employee in the area, the changes to the intersection of Sunrise Valley and Reston Parkway and other traffic measures were... of that explanation. So, I'll give kind of the land use and Commissioner explanation. If we need something, we can augment it by the staff. And I do have one question from the staff on this. First of all, the densities are less, so less of an impact. It gonna improve the intersection of Reston Parkway and Sunrise Valley Drive including a double left turn and additional though lanes and additional lane on Reston Parkway. Some of these

improvements are gonna be accelerated. The project provides an extensive grid of streets that specifically allows for an alternative use of the intersection of Sunrise Valley Drive and Reston Parkway, so that's a good thing. There are improved street connections to the Metro station. There are traffic signal pre-emption devices for emergency vehicles. There are two short-term parking spaces in the garages and on-street parking for service vehicles. Of course, there are pedestrian ways and bike ways throughout. The third one – the next one that we don't talk about much is the traffic management plan. This is a very aggressive transportation management plan and it has some pretty stiff penalties if – if it's not achieved. I'm actually amazed that we're able to get this high but it's a reduction of 45 percent for standard development away from that. That's pretty aggressive. And then the streetscaping. Placemaking aspects of the streets and sidewalk areas will include closely-spaced street trees located thirty feet on center and pedestrian-scale street lighting along with benches, trash receptacles and landscaping. So, maybe somebody could answer the question that this person is asking. Does this intersection meet the Fairfax County standard? And maybe somebody from staff can answer that.

Elizabeth Iannetta, Transportation Planning Division, Department of Transportation: Hi. Good evening. Beth Iannetta from Fairfax County Department of Transportation. I did bring the big book of the TIA, but I won't go through all of that. I'll do my best to try to summarize. The – the honest answer is with this development it will not. The problem with that is that this applicant could in no way realize the full plan of the grid of streets and the overpasses envisioned in the Comprehensive Plan. Part of the shortcoming of the TIA is that we can't ask them to put those big improvements in which have the biggest benefit. So, the TIA that you see is the worst case scenario based on what they can do. What I had sent you today was a bunch of these different scenarios that talked about level of service and I also included seconds of delay which I think it makes a little bit more sense than the grading A through F. But one thing to realize is that if you look at also the County network analysis that was done as part of the follow on motion, that analysis does include the larger transportation improvement projects and those include more build out of the grid of streets, more than this applicant is doing. It includes the Soapstone Connector. It would include the town center parkway underpass, the Reston Parkway widening. Six other proposed signals being introduced to the network and three other intersection improvements which would be completed. With that we can then look at the intersection analysis and it does get back to meeting the conditions that we would set forth with Level of Service E and better – better seconds of delay than you would experience with just the applicant having not being able to do those improvements.

Commissioner Carter: Okay. I think that's a good answer. I am going to be pressing this on these next few applications coming forward, so I'm just warning folks that I'm concerned about this.

- The next was environment and energy. This area is partially in the headwaters of Sugarland Run watershed and includes stormwater management requirements have been met. The tree canopy has been exceeded. There is two large existing stormwater management ponds that are to remain. LEED Silver for all non-residential buildings and LEED for residential buildings, electric charging stations, daylighting for buildings with north-south orientation of the grid of the streets. So, with that, that completes my summary. I am ready – almost ready to go into the motion. I would like to thank Brookfield development. This is an excellent development. They are noted or their

animation of public spaces. The design team of MV+A Architects, Landscape Design Architects – Land Design landscape architects, Urban Limited civil engineers and Mark Looney and Jill Parks of Cooney Limited [sic]. We oughtta especially thank or I should, Mary Ann Tsai, cause I bothered her mercilessly on this project. And then the Reston Planning and Zoning for the constructive comments at numerous meetings that resulted in a recommendation of approval, eleven in favor, one opposed and one abstention. So, with that I am ready to [] of discussion and ready to go into the motion.

Vice Chairman Hart: If you make your motion, we'll take...

Commissioner Carter: Okay. Mr. Chairman, I request that the applicants confirm to the record their agreement to the proposed development condition dated June 21st, 2018.

Mark Looney, Cooley, LLP: Mr. Chairman, Mark Looney with Cooley. On behalf of the applicant we agree to the development condition dated June 26, 2018.

Commissioner Carter: And just, so we're sure, this is for RZ/FDP...

Mr. Looney: 20 – 21.

Commissioner Carter: 2016-HM-007 One Reston Company, LLC and Two Reston Company, LLC. Second, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-HM-007 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 11, 2018.

Commissioner Niedzielski-Eichner. Second.

Vice Chairman Hart: The motion has been seconded by Commissioner Niedzielski-Eichner. Let me just back up for a second. You've just said "second, I move something." Was there a first motion?

Commissioner Carter: Well, that was the...

Vice Chairman Hart: Or just getting the applicant to confirm that they...

Commissioner Carter: Yeah, yeah.

Vice Chairman Hart: Okay. All right. Motion's been made and seconded. Discussion.

Commissioner Niedzielski-Eichner and then Commissioner Sargeant.

Commissioner Niedzielski-Eichner: Yes, thanks, Mr. Chairman. I – I am gonna be supportive of this. I think I too agree it's impressive. I think it's even more impressive after the work of our colleague. Glad to have his expertise. I did want to clarify though, Commissioner, on this ADU. Your – your analysis of the ADU change. And it's – and particularly understand staff's concern about accepting the applicant proposal versus applying the guideline consistently. So, the – the

are 258 units. And what the applicant is proposing is lowering the AMI requirements. The cost to the fund that will be about 2,100,000. Is that – am I reading it correctly, about 2,000,000?

Commissioner Carter: Yes.

Commissioner Niedzielski-Eichner: So it's that loss of that 2,000,000 dollars to the fund...

Commissioner Carter: Right.

Commissioner Niedzielski-Eichner: ...that has the staff concern?

Commissioner Carter: Right.

Commissioner Niedzielski-Eichner: Okay.

Commissioner Carter: That's right.

Commissioner Niedzielski-Eichner: And staff, could you...

Commissioner Carter: But that's a difference of 8400 if we did it the normal way. 8400 dollars per unit.

Commissioner Niedzielski-Eichner: So staff, can you explain your concern.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: From the staff's standpoint, our concern is the income- the AMI levels that are being proposed. When we looked at the market rate units in the Reston TSA areas this morning we came up with that the rents are currently around the 80 and 90 AMI percentage levels and with the applicant's proposed 70/90 and 100, the 90 and 100 AMI levels are comparable to market rates, so from a staff's standpoint, we didn't really feel that the County was really benefiting from the levels being proposed.

Commissioner Niedzielski-Eichner: As I understand, the analysis it's a delayed return – so there's year and a half required to, you know, bill – cash the fund back up to where it would without this change?

Commissioner Carter: Well, the difference is it – it – that additional money will not go into the fund. It goes to the renters.

Commissioner Niedzielski-Eichner: Okay. Got it.

Commissioner Carter: That's the difference.

Vice Chairman Hart: Okay. Commissioner Sargeant. Were you not finished?

Commissioner Niedzielski-Eichner: I'm finished.

Vice Chairman Hart: Commissioner Sargeant: Thank you, Mr. Chairman.

Commissioner Sargeant: Thank you, Mr. Chairman. Question. Observation from staff along the lines of some of your concerns as to what if any precedent does this set elsewhere for this kind of policy plan, now we'll call it, you know, difference in terms of how we're applying the AMIs.

Ms. Tsai: It could set a precedent with other applicants who are not proffering the full three-dollar contribution amount. And rather than do that they may look at this application and say that this applicant proffered a lower AMI and did not – or did partial – did partially committed to the three-dollar contribution. We just think it may set a precedent for other applicants to not offset their non-residential impact towards the affordable housing.

Commissioner Sargeant: Okay. And you find – you checked with the – the levels today regarding the Reston area, particularly what – do you have any comparable figures for other parts that – for which this may apply, whether it's Tysons or anything else?

Ms. Tsai: Countywide my understanding has been that countywide rent levels are at or around 90 percent AMI.

Commissioner Sargeant: Okay. Thank you.

Vice Chairman Hart: Further discussion on the motion. Seeing none...

Commissioner Ulfelder: Mr. Chairman.

Vice Chairman Hart: Oh, Commissioner Ulfelder.

Commissioner Ulfelder: Okay. I wasn't gonna speak but... Cause I did ask a couple of questions during the public hearing concerning the trade-off. I'm not - I'm not quite sure how we arrived that it's at 90 percent. I get a lot of feedback from younger folks that they are finding the various and Transit Station Areas just too expensive. And – so from a perspective of someone who is a relatively younger, newer employee, starting their career but wants to live within a TSA and so on, they find it's – the current rents – because a lot of these are new buildings, and the new – and therefore, the rents are higher – they are finding it very, very difficult. I think this is – I agree with Commissioner Carter. I think there is a tremendous advantage in being able to start out with a lower AMI rates – have the percentage rates. So, the people who qualify can – it's maybe – it gives them some greater choice. And I - I'm okay with the trade-off for now. However, the discussion we've had and what we've gone through with this application and will be doing with others leads me to think that maybe it's time that we take a look again at the current policy. If we've had enough experience now and we think that the median – that the rents are at the 90 percent – that the incomes are in the 90 percent for rents – I think that we need – we need to think about that. Who – who are we trying to help with the policy? Is it actually starting to help those people? How is the policy applied? Does it become difficult and technical and – for everyone? And are we – are we dealing with the right numbers? And – so I think that one of the things I would like to see out of all of this is maybe an opportunity to take a look at the policy again and – and see how it's gonna apply in the future.

Vice Chairman Hart: Further discussion on the motion. Seeing none, we'll move to a vote. All in favor of the motions articulated by Commissioner Carter, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries. Carter.

Commissioner Carter: Okay. Next I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2016-HM-007 AND THE FINAL DEVELOPMENT PLAN CONDITIONS DATED JUNE 21ST, 2018, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2016-HM-007 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Seconded by Commissioner Niedzielski-Eichner. Discussion on that motion. Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Carter: Okay. Next I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE REQUESTED WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DATED JULY 12, 2018, WHICH HAS BEEN DISTRIBUTED TO YOU THIS EVENING.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Seconded by Commissioner Niedzielski-Eichner. Discussion on that motion. Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed. That motion carries.

Commissioner Carter: Did you get a section – second on the...

Vice Chairman Hart: The same second you've had all along.

Commissioner Ulfelder: Keep nudging it.

Vice Chairman Hart: Do you have any more motions? All right. Thank you.

The motion carried by a vote of 8-0. Commissioners Clarke, Cortina, Strandlie and Murphy were absent from the public hearing.

(End Verbatim Transcript)

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(Public Hearing on this application was held on June 28, 2018)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Mr. Chairman, we have before us this evening for decision two interrelated special exception amendments being sought by Flint Hill School in Oakton for its upper school and lower school campuses, both of which are located along Jermantown Road between Chain Bridge Road, also known as Route 123 and Oakton Road. For SEA 99-046-02 [sic], the applicant seeks to relocate its middle school from its lower school campus to its upper school campus upon construction of a new building. The applicant also seeks authority for the upper school campus to replace an existing soccer field with a new multi-purpose synthetic turf field, with lighting and a press box. With the transition of the middle school, student enrollment would increase at this site from seven hundred to eight hundred students at the upper school campus, and the total number of faculty and staff members at both campuses, upper and lower, would increase from nine – from approximately ninety employees to one hundred and forty employees. The sole action under the other related application, SEA 84-P-105-04, would be to reduce the total allowed enrollment for the lower school on the lower school campus from seven hundred students to five hundred students. The net effect of approving both applications would be to reduce the total number of students permitted to be served on both campuses by a hundred students. Mr. Chairman, the main application to relocate Flint Hill's middle school to its upper campus has engendered substantial public interest, most of which has been directed at the potential impact on area traffic, with particular concern for Oakton Road. I will provide you with my point by point consideration of the key concerns expressed by Flint Hill's neighbors. But first, I want to take this opportunity to thank the community members who have communicated their concerns about and those who voiced support for the Flint Hill School SEA applications. We have experienced the intensity of neighborhood concerns with regard to this SEA. And as I stated at the public hearing on these matters, this is democracy in action and demonstrates that constructive "give-and-take" can lead to improved outcomes. We expect applicants to reach out to potentially impacted neighbors with their development ideas, ideally before they solidify into an application submission. In my view, Flint Hill should have done more in this regard prior to their first SEA application submission last year. Had community input been solicited more comprehensively earlier on, the concerns about traffic impacts on Oakton Road would likely have come to light and alternative options considered along with the community. Certainly, engineering studies and professional staff analyses are necessary in determining potential impacts of development proposals, but they are not sufficient. Our Commission is both committed to, and obligated to, also account for citizen concerns. So, after multiple deferrals, applicant convened open houses, small group meetings, written communications from and to hundreds of people and two public hearings, the first nearly a year ago, on July 27th, 2017 and the second convened just two weeks ago, these two SEA applications before us tonight represent in my view a reasonable and acceptable solution. I'd like to quickly walk through four slides to provide the context within which I considered this SEA application and the community's expressed concerns. I will then ask the applicant a few clarifying questions. Finally, I will summarize my findings that lead me to recommend approval of Flint Hill's amended SEA application. So, if I could, I have the first slide up. So, with this first slide, I want to reinforce the point that Flint Hill School consists of two sites, not one site, both of which contribute to the traffic on Jermantown Road between Oakton Road on the south and Chain Bridge Road on the north. As the applicant's parent and staff survey data indicates, most of the vehicles traveling to Flint Hill's two locations are coming in from the north on Chain Bridge

Road and exiting onto Jermantown Road to return to Chain Bridge. There are times prior to school start in the morning, where traffic into and out of the lower school campus affects traffic going in both directions on Jermantown. Also noteworthy is that most traffic on Jermantown in the morning is heading north to Chain Bridge or beyond. And then finally, for this slide, I note the extended stretch between the upper and lower school campuses. By moving the middle school to the upper school campus, the traffic impacts near Chain Bridge Road are reduced in both directions on Jermantown. Second slide please. With this second slide, specific to Oakton Road, I note that there exist today – today, an emergency vehicle egress only drive and a full access and egress entrance to a parking lot used for athletic events and by teachers. The key point on this third slide is that a one to two story multi-use building is already approved to be built under the existing 2005 SEA at the location of the proposed middle school. This – the multi-use building is approved for a height of forty-five feet, the middle school building that's proposed is to be the same height, forty-five feet. As can be seen on this diagram – this plat, the key difference in the already approved building footprint and the proposed footprint is size or you might call it, bulk and proximity to Oakton Road. Staff indicates that the proposed setback from the road for the multi-use building – the approved multi-use building is a hundred and fifty-five feet, while the proposed middle school building would be sixty feet closer to Oakton Road, but still ninety-five feet away from as a setback – away from Oakton Road. Also of note, in the lower left hand corner is Parcel 16 B, also known as the Clemmons Property, on the south west corner of the upper school campus, which was purchased by Flint Hill and is reflected in the amended application we are considering this evening. Next one. Finally, the fourth slide portrays the site as is – as it is proposed under this amended application. Of note, is the right-in channelized entrance to the school property from Oakton Road and the construction of a westbound right-turn access lane of a hundred and forty-five feet in length with an additional taper of a hundred feet. This channelized entrance permits only right-in access to the site and prevents left turns from Oakton Road and prevents right-out exits onto Oakton Road. Vehicles parked in this parking lot will only be able to exit the property onto Jermantown Road not onto. The expanded south parking lot would increase parking for events and thereby mitigate against parking on Oakton Road and it will allow for vehicle queuing in the morning internal to the school property, if needed, to reduce the potential for queuing on Oakton Road itself. Also of note is the reconfigured parking lot to the north which adds additional parking spaces. That's up in the right-hand corner. And with that, those four slides, Mr. Chairman, if you will give me the indulgence here I have a few questions I'd like to raise with the applicant and just bear with me.

Vice Chairman Hart: Mr. McDermott if you could identify yourself for the record please.

Francis A. McDermott, Applicant's Agent, Hunton Andrews Kurth, LLP: I'm Frank McDermott, with Hunton Andrews Kurth and I'm here on behalf of Flint Hill School.

Commissioner Niedzielski-Eichner: Thanks Mr. McDermott. With the approval of this amended SEA, Flint Hill would be building a middle school instead of the originally approved multi-use center. Does Flint Hill anticipate seeking future amendments to the SEA, that would further modify the use of the upper school campus?

Mr. McDermott: It does not and among other things, with this building we will meet but not exceed, we'll have no FAR left. Which is a .15 FAR in the R-1 District. So there's no more room.

Commissioner Niedzielski-Eichner: Okay. Does the school anticipate a time when it would want to consolidate all the schools onto its upper campus?

Mr. McDermott: No. Not at all.

Commissioner Niedzielski-Eichner: I understand the need to caveat errancies which you haven't – have not really done very well. I mean you've done not caveat much, so I appreciate that. But I want to be sure that you agree that, should somewhere down the road, and some unanticipated – unexpected circumstance, the school wanted to do something different, significantly different on the site, that the new SEA will be required – that a new SEA would be required with all the attended need for transparency and neighborhood engagement? That was a little confusing but do you understand my question?

Mr. McDermott: I believe the thrust of your question is, if we are to make any kind of significant – desire to make any kind of significant modification, such as including changing that right-in-only, it would require an SEA approval by the Board.

Commissioner Niedzielski-Eichner: Okay. And that was gonna be my next question on that – that right-in. Any change to that configuration – that engineered configuration to allow for a right-in-only and prevent left turn into, right turn out of, that would require an SEA to change.

Mr. McDermott: It actually prevents a right or a left turn out. But yes, it would require an SEA.

Commissioner Niedzielski-Eichner: Okay. Thank you. We heard at the public hearing, Mr. McDermott, concerns expressed about the safety of the proposed new parking lot extension. Has Flint Hill considered the steps it would take to keep the parking lot from becoming – from becoming an attractive nuisance?

Mr. McDermott: Answer's absolutely. And I think along that line, and I did allude to this during the public hearing. The school is already looking at and has met with a security adviser used by major corporations in this area and has come up with a configuration of electronic gates that will, number one, preclude that kind of activity in the existing parking lot and will create the same situation with the new parking lot should it be – should we get approved. It will also preclude the use of the emergency access road, except for those vehicles that are intended to be on it, which are emergency and service vehicles...

Commissioner Niedzielski-Eichner: From the...

Mr. McDermott: So, this answer is yes.

Commissioner Niedzielski-Eichner: From the north, is that what you're referencing...

Mr. McDermott: From the north or from the south. Because we'll have another gate at the south end as well.

Commissioner Niedzielski-Eichner: Okay. Continuing these questions and I appreciate your patience with this. But these are things I feel we need to ask and get on the record. There are

substantial open land immediately adjacent to the north side of the upper campus. Has the school explored acquisition of that property to facilitate Jermantown Road as the only entrance to the school?

Mr. McDermott: I'll answer you with some humor. It's the Fairfax County Park Authority's Oak Marr Park and no we haven't deemed to suggest we should be able to acquire it.

Commissioner Niedzielski-Eichner: That's probably a good thing for the Park Authority obviously. But given that it's park land, its – its – your view is that the probability of success in securing that as an addition to your property is – is low if not nonexistent.

Mr. McDermott: Nonexistent I would say sir.

Commissioner Niedzielski-Eichner: How does Flint Hill intent to implement Condition Number 31, specific to engaging the community. If this SEA application is approved, you have the target date from when the contact person will be designated and when the first meeting will be convened?

Mr. McDermott: We don't have a target date, but we have discussed that even though with our Board hearing being moved to defer to September 25th, we'll already be past the triggering of that development condition. But the school plans to initiate the structuring of that group and designate in the school representative to meet with that group, as soon as we've been approved during this fall and to start those meetings during this fall.

Commissioner Niedzielski-Eichner: And so that would be – in – that would be prior to you going into the site review but more importantly into the – not site review but the design process that would lead to a site review.

Mr. McDermott: Well we obviously already have a design process, but we've been at for about three years now. I would say it would be simultaneous with a site plan being reviewed by the County. We wouldn't hold off submitting the site plan. But again, that site plan will reflect what's on this SEA plat so there's not a change there.

Commissioner Niedzielski-Eichner: Yes. Some members of the community have advocated that Flint Hill embrace the Potomac model to help meet transportation demand management obligations as specified in the Development Conditions. Has Flint Hill considered this approach to picking up students in buses at designated locations away from school property?

Mr. McDermott: I don't know to what extent it has considered that approach. But I'll say this. Two things. One, during this past school year, school year 17-18, only thirty-four percent of the seventh and eighth grade students arrived at the school in single occupancy vehicles. All the others came by bus – school bus, or by car pools and that's the product – and six of them walked. That's the product of a very active TDM. A sixty-six percent success ratio, is by any standard in any of the project that this Commission considers enormously outstanding, enormously successful. So, we have that going for us. We have a commitment to that, we have a condition for that in the proffers. But secondly, Potomac School is located at the dead end of a third of a mile private street though – internal to and through a neighborhood – a subdivision. Flint Hill School this thirty-five-acre assemblage which we worked very hard to put together, fronts on a minor

arterial which is Jermantown Road and a major collector which is Oakton Road. There is zero comparability between the Potomac School situation and our situation. So, I don't think it's applicable.

Commissioner Niedzielski-Eichner: Just to follow-up on that just a minute on the TDM itself. With the approval – if this were to be approved the base line would be reestablished, would it not for the – the TDM programs, so you would do your analysis, you would do your analysis of use of vehicles and access to the property and so on...

Mr. McDermott: Yes.

Commissioner Niedzielski-Eichner: And then that would be your base line. And your targets against – would be against that new base line.

Mr. McDermott: Yes.

Commissioner Niedzielski-Eichner: Okay.

Mr. McDermott: And that base line would be taken during – by the condition, during September of the first year that the middle school would be open. Would be taken for both the middle school and the upper school. And then the condition to that – to compare that and to determine success or failure, with the TDM percentage that is worked out with staff, would be measured in April to May of that first school year. And the condition reads that if we don't meet the goals, then we've got to take the measurement for two more consecutive years, until we do meet those goals. So, it's an ongoing process iterative that will start the very 1st September, the first year the middle school's open.

Commissioner Niedzielski-Eichner: Okay. Thank you. You've already indicated that the school would be consistent with the condition, establishing a relationship with the community, with the neighborhoods. Could you envision that the neighborhood group would have access to the TDM program and the data so that if – and if it had any observations related to that, that those observations would be welcome?

Mr. McDermott: I think that's an element that should easily be part of the quarterly and then semiannual meetings with this group of representatives – the three adjacent communities. There's nothing wrong with that being part of that discussion.

Commissioner Niedzielski-Eichner: Okay. Thank you. Would you, if you would, characterize Flint Hill's plans for the depth of the transition screening on Oakton Road and the type of vegetation that would be planted and maintained?

Mr. McDermott: What the SEA plat shows...

Commissioner Niedzielski-Eichner: And I would note, just for the – the basis of this question is a concern that has been expressed in the community about the character of the neighborhood being changed as a consequence of adding this middle school to the site, even though there is also – there is already an approved multimodal use building plan, but any way, as a concern for the community is the character of the neighborhood and the impact.

Mr. McDermott: All right. In 2005, we had two alternative parking lots approved, and this was before we added that parcel 16B just this past year. And those two parking lots allowed either fifty-six spaces or eighty spaces. What we're showing with this development plan is the construction of ninety-six spaces, so it's only sixteen more from the eighty already approved. But, of those ninety-six and I'm looking for my number here, I think it's thirty-two are going to be grass paved. So, what you end up with instead of asphalt, you end up with the appearance of grass across most of that parking area, you have a twenty-five-foot depth transitional screen, except where it might conflict with an existing sanitary sewer line and we have the right to go down to twenty-feet there if we can't work with it, the sewer line. We're not going to relocate that sewer line, it's long standing. And we also are preserving some natural existing vegetation on both this lot and landscaping we have already put on the forty acre – forty space lot and then we're preserving landscaping to the substantial amount existing tree line to the rear of the Clemmons house, so the appearance of this will not be a parking lot, primarily and it will not be a building, and ball fields will be added, frankly will be screened by either the grass or where there's turf in either situation. But they'll be screened by this tree line that we're saving plus the trees over on the east side or the right side. So I think the question is, even though the Clemmons house will be removed, and I'll state for the record that's not a farm house, that's a single family detached dwelling on a one acre lot that's in pretty poor repair inside. It will be gone so we won't have a house there but you'll have essentially, open space there with some asphalt parking spaces on it. So I think the effect, the tradeoff is a substantially, frankly a reduction in bulk and reduction of development.

Commissioner Niedzielski-Eichner: And you're committed to and obligated actually to work with our urban tree folks to ensure there is the placement of – of trees and other foliage in that transition zone...

Mr. McDermott: Yes.

Commissioner Niedzielski-Eichner: Consistent with the County's or what's appropriate...

Mr. McDermott: Transition screen yard, yes and the planting program and we'll have in there – we'll have in there native deciduous and evergreen trees in addition to other landscaping.

Commissioner Niedzielski-Eichner: Okay. Just – and the last question is very simple one, I think. My understanding is that there are two technologies for parking lot pervious surfaces, that – what called grasscrete or called grass pavers, maybe there are others. Is there a difference between the two and is – is – has the school decided on what it's going to use for this purpose?

Mr. McDermott: We're gonna use the better or the best technology and material available. Right now, in our opinion, that's grass paved. Grasscrete utilizes concrete, grass paved uses and I'm gonna quote this "as a plastic ring/grid structural reinforcement system for natural turf made from a hundred percent recycled HDPE plastic and designed to prevent compaction of the upper root zone from load generated by pedestrians and vehicles. At its thickest point, grasscrete has a ninety-two percent open area for roots air and water to pass through, i.e. excellent for the grass whereas, grasscrete, is a material that will absorb heat, retaining temperatures of a hundred and twenty-five degrees, and will wick away moisture where grass pave does not from the root zone

and only thirty-percent of the surface/root zone area of grasscrete is open for roots air and water versus ninety-two percent of grass paved”, and that’s why we’re using grass paved.

Commissioner Niedzielski-Eichner: Okay. Appreciate the thoroughness of that response...

Mr. McDermott: I didn’t know this until today.

Commissioner Niedzielski-Eichner: I thought you were an expert.

Mr. McDermott: Yeah.

Commissioner Niedzielski-Eichner: So, colleagues I appreciate your patience as I asked these questions but these are important – the answers are important to be – get on the record for the – for the – because they specifically address concerns raised by the community and they also I think demonstrate a responsiveness on the part of the applicant to – to the concerns that have been raised. With that, I wanna continue taking us through the final conclusions I’ve drawn. The dominant concern expressed by the community is the potential, as I’ve said before, this potential impact on Oakton Road of the relocation of the middle school. The most pressing initial concerns were about a full Oakton Road access and egress to the School and, in particular, a left into the property – left turn into the property from the west. Many people advocated that all vehicles be required to use the Jermantown entrance. I believe this amended application significantly mitigates the expressed community concerns. Implemented as proposed, left hand turns going east on Oakton Road will be prevented and the only access to the School off Oakton Road will be a right-in – a right-in from Jermantown Road. We also amended today, the Development Condition Number 24, to be absolutely clear, this is the one before the Commission this evening, you have a copy of it. To be absolutely clear that the engineering of this entrance will preclude any outbound movement onto Oakton Road from the school site. This means that all inbound vehicles from Oakton Road via Jermantown Road can only exit onto Jermantown Road. So, the right turn into the property only connects at – out of – onto Jermantown itself. Additionally, the School will substantially enlarge the south parking lot for attendance at athletic events and take proactive steps to discourage event parking on Oakton Road and within the neighborhoods. As I noted earlier, the parking lot will also serve to permit queuing of cars within the School property to prevent any backup potential onto Oakton Road itself. Related to traffic concerns, I believe shifting the middle school from the lower to the upper school campus will actually aid traffic flow north at the Jermantown Chain Bridge Road intersection – I’m sorry – north at the Jermantown Chain Bridge Road intersection. I also believe that reducing by one hundred, the total allowable students at both the upper and lower schools is significant. And finally, specific to traffic concerns, the requirement that the start times for the upper and middle schools be staggered by no less than twenty minutes, an increase from the current fifteen minutes, will spread out the number of vehicles trying to access the site during the high-volume morning period. There are two additional issues I want to briefly address, Mr. Chairman, before moving to approve this application. One is the matter of changing the character of the neighborhood, and the other is a set of concerns that I lump into the category of lost trust. The matter of changing the character of the neighborhood has particularly come to the fore in the context of Flint Hill’s purchase of parcel 16B, the Clemmons Property. Two points in this regard. This acquisition was made following the first public hearing on the original application, which proposed at the time, a left-in turn into the site, with a three-car stack lane. I believe the purchase, with the intent to

create additional parking and queuing capacity internal to the school property, was a good-faith attempt to be responsive to the community's expressed concerns. This said, aside from Mr. Clemmons' legacy, which is beyond the County's ability to affect, I understand the concern that changing the parcel from residential to a parking lot use. And then, in this regard it is important that Flint Hill ensures to the greatest extent possible that the buffer along the full southern edge of the school along Oakton Road provides substantial transition screening, consistent with the intent of the development conditions specific to this topic. With regard to – with regard to the concern that the middle school building also changes the character of the site, while the school adds some additional building bulk, I don't believe it is significantly greater than the multi-use building already approved with the 2005 SEA. Finally, Mr. Chairman, what we know is that we cannot anticipate all potential ways in which an applicant might take actions that are contrary to commitments made in proffers, development conditions and on the record statements. In short, we can't backfill behind a relationship among parties that lacks trust in each other. Flint Hill School has had a trusting relationship with its neighbors surrounding both – has had a trusting relationship with its neighbors surrounding both the upper and lower school campuses. I am assured by the neighbors of the Flint Hill lower school campus that trust between the two parties remains strong. I cannot say the same for the neighborhoods surrounding the upper campus. I know too that Flint Hill is skittish about relationships after this year-long process. The only way in my experience for trust to be reestablished is through regular communication and for demonstrated good-faith and transparent behavior by all parties. To be sure, Flint Hill must believe that it is accountable more to the neighborhoods than to the County for its adherence to the SEA, if approved, and the associated development conditions. The accountability really needs to be the neighborhoods that this trust is gonna be built – rebuilt. I am confident that Flint Hill is committed to undertaking the trust-building process, consistent with both the spirit and the letter of development Condition Number 31 that commits the School to a community engagement process that actively involves the adjacent communities. So, with that Mr. Chairman, I – I will move the motions. First, I do request that the applicant confirm for the record agreement to the proposed development conditions for SEA 99-P-046-02, that is the Flint Hill upper school campus, dated July 12th, that would be today, and for SEA 84-P-105-04, that is lower – Flint Hill lower school campus dated May 3rd 2018.

Mr. McDermott: The applicant does agree with both those sets of conditions and let me state for the record also. John Thomas, the Headmaster of the school is here in the audience to confirm that. But also, he's heard all of your comments and I know fully appreciates them – understands and appreciates them.

Commissioner Niedzielski-Eichner: Thank you.

Mr. McDermott: Thank you.

Commissioner Niedzielski-Eichner: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 99-P-046-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 12, 2018.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. Is there a discussion of that motion? Seeing none, we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries. Commissioner Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Thank you. I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT DATED JULY 12, 2018 THAT WAS PROVIDED TO YOU TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Migliaccio: Second.

Vice Chairman Hart: Seconded by Commissioner Migliaccio. Is there a discussion of that motion? Seeing none, we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries. Commissioner Niedzielski-Eichner.

Commissioner Niedzielski-Eichner: Mr. Chairman, I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 84-P-105-04, SUBJECT TO THE PROPOSED CONDITIONS – DEVELOPMENT CONDITIONS DATED MAY 3, 2018.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Niedzielski-Eichner: And finally, Mr. Chairman, I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT DATED JULY 12, 2018, THAT WAS PROVIDED TO US BY STAFF TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 8-0. Commissioners Clarke, Cortina, Strandlie and Murphy were absent from the public hearing.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Migliaccio established the following order of the agenda scheduled for the public hearing:

1. FDP 2011-PR-011-05 – CITYLINE PARTNERS LLC
2. SEA 1997-Y-035-02/PCA 1997-SU-027-02 – THE WOODLANDS RETIREMENT COMMUNITY, LLC
3. RZ/FDP 2017-LE-022 – SPRINGFIELD GATEWAY, LLC
4. PCA 86-C-119-07/DPA 86-C-119-03/PCA 86-C-121-08/DPA 86-C-121-05 – BOSTON PROPERTIES LP, LLC
PRC 86-C-119-02 – BOSTON PROPERTIES LP

The order was accepted without objection.

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FDP 2011-PR-011-05 – CITYLINE PARTNERS LLC – Appl. to approve the final development plan for RZ 2011-PR-011 to permit hotel and retail use. Located on the W. side of the realigned Colshire Dr. approx. 100 ft. south of its intersection with Dolley Madison Blvd. on approx. 32,655 sq. ft. of land zoned PTC and HC. Tax Map 30-3 ((28)) D1 and Colshire Dr. public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Colshire Dr. to proceed under Section 15.2-2272 (2) of the Code of Virginia. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated June 29, 2018.

Vice Chairman Hart disclosed the law firm of Hart & Horan, P.C. had one case in which attorneys in Ms. Strobel's firm represented an adverse party or parties. He stated that matter and those parties were unrelated to the application and there were no business or financial relationship and, to his knowledge, did not believe this would affect his ability to participate in the case.

Stephen Gardner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated staff recommended approval of FDP 2011-PR-011-05.

Commissioner Niedzielski-Eichner asked whether the private use of easements on County property were unique and why the County should accommodate the request. Mr. Gardner stated access to the retail service would begin from the building's exterior. He added there were other access points, but the exterior was the applicant's preference. An early design of the final development plan had most of the access on the proposed site, but as the application review process progressed, there were additional patio areas designed, which pushed the access onto County property. Mr. Gardner added that easements were frequently granted with developments between the County and private property owners. A temporary verbal easement agreement was in place.

Commissioner Ulfelder asked whether there were sidewalks that led to the front of the hotel from the McLean Metro Station. Mr. Gardner confirmed that there were. Commissioner Ulfelder and Mr. Gardner discussed a direct route to the entrance of the hotel and available pedestrian facilities on the same side of the hotel.

Commissioner Sargeant inquired about proffers for the transportation demand management systems for retail and hotel uses, as well as areas of coverage for tenants and employees. Mr. Gardner stated the plan covered employees and tenants. The current proffers were subject to the original conceptual development plan and previously-approved proffers. He added the Scotts Run South Archer Hotel's proffers were in effect. Commissioner Sargeant cited Notes Number 21, which referenced a future subdivision of subject property and administratively modified without the amendment of the final development plat or preliminary plan. He asked whether the note was standard. Mr. Gardner stated this was a standard note and the FDP was restricted in its area.

Vice Chairman Hart made a reference to the notes under Sheet C-02, Note Number 22, which allowed for a number of accessory uses without requiring modification of the final development plan. Vice Chairman Hart also cited Note Number 22, Subsection 11, which addressed outdoor café seating areas shown on the final development plan. Vice Chairman Hart asked why modifications were required if the outdoor seating was depicted on the FDP. Mr. Gardner stated Vice Chairman Hart was accurate in his understanding of the referenced notes and subsection. Vice Chairman Hart asked whether Note Number 22, Subsection 11 should be deleted. He also addressed his concerns regarding Note Number 22, Subsection 8, which delineated the accessibility improvements and parking spaces in front of proposed buildings. In response, Mr. Gardner stated the notes on the FDP were somewhat aggressive with respect to what was permitted. Vice Chairman Hart made reference to Notes Number 31 and asked whether there were internal loading spaces. Mr. Gardner stated an internal loading space was provided on the FDP and deferred to the applicant for additional information.

Commissioner Carter inquired about the parking layers on the two floors. Reference was made to the parking located directly under the sidewalk, which precluded any streetscape. Mr. Gardner stated there were two plans in which plan assumed the location of the right-of-way and the other plan did not. Sheet A-G1 of the FDP, contained the Conceptual Garage Floor Plan. Mr. Gardner

stated no vacation of right-of-way was provided and some parking spaces would not be constructed. Commissioner Carter made reference to the foundation for street lights and asked whether there would be room for the trees. In response, Mr. Gardner stated photometric plans were reviewed at site plan and in some instances the process initiated itself.

Ms. Strobel gave a presentation wherein she stated the following:

- The proposed application was referred to as the hotel block that was on the conceptual development plan and had been approved with the previous rezoning of the property in 2013;
- The site was created with the realignment of Colshire Drive, a component of the grid of streets for Scotts Run South;
- The proposed parcel was a small and had a unique opportunity for development due to its proximity to the McLean Metro Station;
- The proposed application was the only hotel site shown as a part of Scotts Run South;
- The boutique design had been carefully considered and integration within the development and the larger area of Tysons;
- The proposed hotel would have an identifiable presence in the area;
- The proposed application would include an upscale restaurant, a small retail area, outdoor seating, patios, and roof top amenities;
- The access easement would combine a sidewalk on the County's property and the proposed sidewalk;
- The applicant would landscape and maintain the combined area and would create a much better environment; and
- A photometric study was conducted, which showed potential street light location.

Commissioner Carter noted the proposed project contained two floor plans. One plan had parking under the sidewalk, which left little room for tree plantings or lights. Ms. Strobel stated Development Conditions, Exhibit C was included which safeguarded proffer requirements for plantings. Jessica Mac, VIKI Virginia, LLC, stated the side walk and streetscape that served the property was located within the right-of-way.

Vice Chairman Hart made a reference to Sheet A-G1 of the FDP, which addressed the Conceptual Garage Floor Plan. He asked whether Conceptual Plan 1B Level Floor Plan was the lower of the two levels with Conceptual Plan 1A Level Floor Plan above. Ms. Mac confirmed. Vice Chairman Hart inquired about the location of the restaurant and coffee shop. Ms. Strobel stated the restaurant was located in hotel's interior, towards the left side of the building with the

retail on the right side. Vice Chairman Hart noted the elevation showed the coffee shop on the right end of the building and asked whether it was the retail space. Ms. Strobel confirmed it was incorporated into the retail space.

Commissioner Hart asked for an explanation of the acronym “BOH”. Ms. Strobel stated BOH referenced the “back of the hotel” where items for support of services for the hotel were stored.

Vice Chairman Hart inquired about the parking spaces in front of the hotel. Ms. Strobel stated those spaces were shown on the development plan however there was not much room for modification. Lay-by spaces were included to provide some flexibility. Ms. Strobel added any adjustments made would be in conformance with the FDP.

Commissioner Ulfelder referenced Sheet A-P1 of the FDP, which addressed the Conceptual Exterior Prospectives of the plan. He asked whether the entrances opposite the kiss-and-ride lot were inaccessible during evening hours. Ms. Strobel stated the entrances would be locked after certain hours. Commissioner Ulfelder suggest signage be in place which directed commuters to the entrance on Colshire Drive. Ms. Strobel stated the Zoning Ordinance permitted small directional signs and the applicant would consider that option.

Following up with Commissioner Carter’s concern, Mr. Gardner made reference to other Tysons projects. He stated that staff had worked with applicants to failsafe sidewalks and street trees in a right-of-way. As a result, the parking would not be placed within the right-of-way and would be located under the building zone.

Commissioner Sargeant complimented the applicant for the design.

There being no speakers, further comments, or questions from the Commission, Vice Chairman Hart closed the public hearing and recognized Commissioner Niedzielski-Eichner for action on this application.

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(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I – I wanna consult with you Mr. Chairman, perhaps with staff, I was prepared to move on this tonight. However, are these notes – the issues that you’ve raised relative the notes and the matter of the signage – Mr. Ulfelder’s matter of the signage, is that something that warrants a delay for weeks or we can get these clarified or changes made?

Vice Chairman Hart: Is that a question – I...

Commissioner Niedzielski-Eichner: Yes.

Vice Chairman Hart: Well...

Commissioner Niedzielski-Eichner: I’m asking for advice.

Vice Chairman Hart: Sometimes we would say can we fix it before it goes to the Board. I think none of them is a – isn't really a denial issue for me, but it's more we wanna send it polished up to the Board...

Steven Gardner, Zoning Evaluation Division, Department of Planning and Zoning: Mr. Hart... Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: I would not this does not go to the Board...

Vice Chairman Hart: Oh wait, this is just going...If we're not going to the Board, yeah. Does a week kill anything?

Ms. Strobel: I don't think that any – if I could just weigh in. I don't think that anything that we've talked about tonight would preclude the implementation of the plan as it's been shown. Could the notes have been a little better, perhaps. But I don't think that any of it precludes implementation of this plan. With regard to the signage, that's permitted by the ordinance. So, I think it's very easy to have a small sign that says "hotel entrance", so I think those are things that we certainly could address at time of site plan. And I apologize Mr. Hart for the fact that the notes aren't as clean as they could be, but I don't think it is fatal to the final Development Plan implementation.

Commissioner Niedzielski-Eichner: And Mr. Gardner, do you agree with that?

Mr. Gardner: The notes that we felt that were problematic, we addressed by condition. I would agree with Ms. Strobel that the notes that have been brought up tonight are – in the future they need to be cleaned up and make sure there no inconsistencies with the plan. But in order to implement those concepts, it would require dramatic redesign of the site. I don't see how you add additional loading spaces, I don't know how you add additional parking or layby space without dramatically changing the site. And it wouldn't be in substantial conformance. I don't know that, unless the Commission feels otherwise, that they strongly feel it needs to be cleaned up we can. But, I don't know that it's detrimental.

Commissioner Niedzielski-Eichner: Okay. Well I'll defer to the applicant and staff, as well as my colleagues. I will move ahead then with this. Mr. Chairman, we recommended approval a few weeks ago, of an application that modified an FDP to permit a change from hotel to office use. At the time, Commissioner Ulfelder wanted assurance that Tysons will have a sufficient number of hotels in the future to satisfy the great city's mix of uses. Next great city's mixed of uses. Our approval of this FDP will ensure that at least one hotel is added to the – to help offset any real or perceived deficit. The FDP Archer Hotel represents a high quality, high end boutique option for Tysons, whose design effectively utilizes a difficult triangular site, approximate to the McLean Metro Station. Some issues regarding right-of-way, and an easement on County owned property have been resolved. And finally, the FDP conforms to the conceptual development plan previously approved with RZ 2011-PR-011, a Comprehensive Plan in the applicable Zoning Ordinance provisions – assuming compliance with the staff proposed Development Conditions. For these reasons and with due regard to staff's analysis of the application, which by far – by the way is excellent as always, Mr. Gardner, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-011-05, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 12TH, 2018.

Commissioner Ulfelder: Second.

Vice Chairman Hart: That's right. Motion's been made and seconded by Commissioner Ulfelder. Let me just ask Ms. Strobel if you can come back to the podium and Mr. Niedzielski-Eichner do you want her to reaffirm that she has read and her client agrees and understands with the Development Conditions.

Commissioner Niedzielski-Eichner: Would you please confirm...

Ms. Strobel: Yes. The applicant is in agreement with the Development Conditions. Thank you.

Commissioner Niedzielski-Eichner: Thank you. And thank you Mr. Hart.

Vice Chairman Hart: Any discussion on the motion? Seeing none, we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 8-0. Commissioners Clarke, Cortina, Strandlie and Murphy were absent from the public hearing.

(End Verbatim Transcript)

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SEA 1997-Y-035-02 – THE WOODLANDS RETIREMENT COMMUNITY, LLC – Appl. under Sects. 3-304 and 9-301 of the Zoning Ordinance to amend SE 97-Y-035 previously approved for an independent living facility to permit additional surface parking and reduce the minimum age requirement from 62 to 55 and associated modifications to site design and development conditions. Located at 4320 Forest Hill Dr., Fairfax, 22030 on approx. 8.46 ac. of land zoned R-3. Tax Map 56-2 ((1)) 61. (Concurrent with PCA 1997-SU-027-02). BRADDOCK DISTRICT. PUBLIC HEARING.

PCA 1997-SU-027-02 – THE WOODLANDS RETIREMENT COMMUNITY, LLC – Appl. to amend the proffers for RZ 1997-SU-027 previously approved for an independent living facility to permit additional surface parking and reduce minimum age requirement from 62 to 55 with no change to the previously approved density of 12.24 du/ac. Located on the S. side of Lee Hwy. and W. side of Forest Hill Dr. on approx. 8.46 ac. of land zoned R-3. Comp. Plan Rec: 2-3 du/ac. Tax Map 56-2 ((1)) 61.

*(Concurrent with SEA 1997-Y-035-02). BRADDOCK DISTRICT.
PUBLIC HEARING.*

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated June 6, 2018.

Vice Chairman Hart disclosed the law firm of Hart & Horan, P.C. had one case where the attorneys in Ms. Strobel's firm represented an adverse party or adverse parties. He stated that matter and those parties were unrelated to application. Vice Chairman Hart added that there was no financial relationship and, to his knowledge, did not believe this matter before the Planning Commission would affect his ability to participate in the case.

Zachary Fountain, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated staff recommended approval of SEA 1997-Y-035-02 and PCA 1997-SU-027-02.

Commissioner Hurley said that senior living required additional cars because residents kept their cars for longer periods. She added additional parking would require a balance in trees versus stormwater. Commissioner Hurley asked how stormwater would be factored into Option 2. Mr. Fountain stated during the development review process, the applicant applied for a stormwater ordinance determination (SWOD), but Land Development Services (LDS) had denied the request. The applicant appealed the ruling. The applicant provided Stormwater Management Facilities on the plat. If necessary, the applicant would have a facility on-site at the time of site plan. Upon Commissioner Hurley's request, Mr. Fountain provided the Commission with visuals of the proposed stormwater facility.

Commissioner Sargeant asked if the SWOD's determination of the application at the time of-site plan review could be modified after the decision-making process. Mr. Fountain deferred to the applicant for further information. Commissioner Sargeant inquired about the number of parking spaces in relation to the development conditions. Mr. Fountain stated 56 surface parking spaces existed with 86 underground spaces. He then said that 42 additional surface parking spaces were proposed for a combined total of 98 spaces. The original approval provided 126 surface parking spaces. The previously-approved interpretation for the site allowed for the relocation of 83 underground parking spaces. Commissioner Sargeant referenced Development Condition Number 8 and asked whether the waivers and modifications were different. Mr. Fountain stated the development condition was brought forward from the previous approval and was fulfilled.

Commissioner Ulfelder stated the minimum age for residents at the proposed facility was reduced from 62 years old to 55 years old. He asked whether one or both married couples were required to be 55 years old. Mr. Fountain stated one resident had to meet the required age of 55 years. In reference to parking, Commissioner Ulfelder asked whether the requirement would compound the development's transportation impact. Mr. Fountain stated during the development review process, both Fairfax County Department of Transportation and the Virginia Department of Transportation did not address trip generation. The applicant was not expanding the building and additional units were not requested. Commissioner Ulfelder asked for the number of units. Mr. Fountain stated there were 110 units.

Vice Chairman Hart asked whether there was criteria for evaluating the number of parking spaces needed for senior housing and whether the issue should be considered as a potential topic for the work program. Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, stated parking rate for independent and medical care was established when the Zoning Ordinance was previously modified. Senior housing use was divided into independent and medical care, which impacted the parking ratios. Vice Chairman Hart asked whether the proposed application met the independent rate. Ms. Tsai confirmed that it did.

Vice Chairman Hart addressed his concern for a formula in place that yielded inadequate parking wherein he suggested that parking be added to the work program for reassessment. Adding to Vice Chairman Hart's concerns, Commissioner Hurley stated the current formula was one parking space for every four units. She added there was a continuing care zoning ordinance amendment scheduled for review by the Commission and the Board of Supervisors. Vice Chairman Hart asked if the proposed parking lot hindered off-site stormwater facilities. In response, Ms. Tsai stated the applicant applied for SWOD and was denied. The applicant's development conditions exhibited, a stormwater detention facility that met the Public Facilities Manual requirements. The proposed parking lot had a vault and would detain the stormwater from the property. Commissioner Sargent echoed Vice Chairman Hart's comments regarding revisiting the parking issue. Mr. Fountain stated the minimum parking requirement in the Zoning Ordinance for the proposed facility was 88 parking spaces. The applicant proposed 184 total spaces for surface and underground combined parking.

Ms. Strobel gave a presentation wherein she stated the following:

- The Woodlands Retirement Community was an independent living facility and would be developed in conjunction with an adjacent medical care facility;
- The property was originally subject to a special exception for an independent living facility, which included 126 surface parking spaces;
- The parking spaces were located under the building and had been reduced through a site plan approval and interpretations process;
- There were 89 parking spaces underneath the building and 56 surface parking spaces;
- The applicant proposed a total of 42 surface parking spaces, which brought the total parking to 98 spaces;
- The parking requirement in the Zoning Ordinance was one parking space for every four dwelling units, with one parking space per employee on a major shift;
- The parking under the building were reserved for residents, but more residents had retained cars than anticipated;

- The staffing requirements had changed over the years and there was a need for additional on-site parking;
- The number of dwelling units at the facility would not be increased;
- The minimum age reduction from 62 years to 55 years was consistent with requests and requirements on other similar applications;
- There was an increasing demand for age-restricted housing due to ongoing demographic trends in the County and the proposal would help meet that need;
- The proposed application was presented to the Braddock District Land Use Committee and received a favorable vote; and
- The applicant met with the neighboring community and there were no concerns.

Commissioner Sargeant asked whether the medical care facility was part of the proposed application and inquired whether there would be changes to the medical services provided. Ms. Strobel stated the medical facility to the north of the proposed site was not part of the application. She stated the medical services may change, but such changes had not been discussed with the applicant. Ms. Strobel added that should a resident from the independent living require rehabilitation services or surgery, those services would be available within close proximity to the site. Commissioner Sargeant stated access to medical services was one of the key issues for assisted living facilities. He added additional parking was a critical component.

Vice Chairman Hart called for a rebuttal statement from Ms. Strobel, who declined.

There being no speakers, further comments, or questions from the Commission, Vice Chairman Hart closed the public hearing and recognized Commissioner Hurley for action on this application.

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(Start Verbatim Transcript)

Commissioner Hurley: Thank you. Mr. Chairman. Ms. Strobel, could you come back to the podium? First I understand that the County Attorney did have some concerns about your justification statement on why specifically you're lowering the minimum age and could you elaborate on that?

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: And – she did. And we had a discussion today and it was very similar to what I articulated in response to Mr. Sargeant's concern is that, we are asking for reduction in age. It's not just because everyone else has but because we really look – we're trying to be forward thinking and anticipate the way that independent living is provided in the future and to be able to remain competitive in that market. And, you know, I think that she appreciated that in the sense that we would have to change our

business plan potentially the way that we operate. But that – providing that reduction in age would allow us to do that.

Commissioner Hurley: Thank you. And Mr. Fountain will confirm that the County Attorney now agrees that the justification does meet their minimum standards?

Ms. Strobel: Yes. Based on our conversation, I believe she was satisfied.

Commissioner Hurley: Mr. Fountain, can you confirm that? County Attorney is satisfied now?

Zach Fountain, Zoning Evaluation Division, Department of Planning and Zoning: Yes. We spoke with the County Attorney's office this afternoon and they are. Yes.

Commissioner Hurley: Thank you. Also Ms. Strobel, do you affirm that the applicant has read and understands the modified development conditions dated today, 12 July 2018.

Ms. Strobel: And I apologize, I didn't know that there were some dated today. Did you say dated...

Commissioner Hurley: I'm sorry dated 12 July.

Vice Chairman Hart: That is today.

Ms. Strobel: If that is the most current set...

Commissioner Hurley: Yes.

Ms. Strobel: Then I'm fine with it.

Vice Chairman Hart: Well the ones we have are dated June the 27th.

Mr. Fountain: The waivers and modifications are dated with today's date and they have not changed since the publication of the staff report.

Commissioner Hurley: So, the date on them should be June 22nd, instead of July 12th?

Mr. Fountain: June 27th should be the Development Conditions date.

Ms. Strobel: That date sounds familiar to me. Yes. Thank you. The – the applicant has reviewed those and agrees with those conditions. Thank you.

Commissioner Hurley: Thank you for the correction. Well then as noted, the staff recommends approval and the land use – the Braddock Land Use Committee also recommends approval with one abstention. Therefore Mr. Chairman, I recommend – I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA 1997-SU-027-02, SUBJECT TO THE PROFFERS DATED JUNE 27TH, 2018.

Commissioner Sargeant: Second.

Vice Chairman Hart: Seconded by Commissioner Sargeant.

Mr. Fountain: 26th.

Commissioner Hurley: 26th for the proffers...

Mr. Fountain: 26th.

Commissioner Hurley: 27th for the Development Conditions.

Mr. Fountain: Yes.

Commissioner Hurley: Thank you.

Commissioner Sargeant: Second again.

Vice Chairman Hart: Seconded again by Commissioner Sargeant. Any discussion of that motion? Seeing none, we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries. Commissioner Hurley.

Commissioner Hurley: Second, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE SEA 97-Y-035-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 27TH, 2018.

Commissioner Sargeant: Second.

Vice Chairman Hart: Second by Commissioner Sargeant. Any discussion of that motion? Seeing none, we'll move to a vote. All in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Hurley: And finally, I MOVE THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS DATED 12 JULY, WHICH HAVE BEEN DISTRIBUTED TO YOU THIS EVENING.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 8-0. Commissioners Clarke, Cortina, Strandlie and Murphy were absent from the public hearing.

(End Verbatim Transcript)

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RZ/FDP 2017-LE-022 – SPRINGFIELD GATEWAY, LLC – Appls. to rezone from C-5, C-8, CRD, SC and HC to PDC, CRD, SC and HC to permit a hotel with an overall Floor Area Ratio (FAR) of 1.50 and approval of the conceptual and final development plan. Located on the S. side of Franconia Rd. at its intersection with Backlick Rd. on approx. 1.54 ac. of land. Comp. Plan Rec: Retail and other Commercial Uses. Tax Map 80-4 ((1)) 17, 18 and 19. LEE DISTRICT. PUBLIC HEARING.

Matthew Roberts, Applicant's Agent, Bean, Kinney & Korman, P.C., reaffirmed the affidavit dated June 11, 2018.

Heath Eddy, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of RZ 2017-LE-022 and FDP 2017-LE-022.

Vice Chairman Hart disclosed the law firm of Hart & Horan, P.C. had two case in which the attorneys in Mr. Roberts' firm represented an adverse party or parties, but stated that matter and those parties were unrelated to application. Vice Chairman Hart added that there was no business or financial relationship and, to his knowledge, it would not affect his ability to participate in the case.

Vice Chairman Hart disclosed that the law firm of Hart & Horan, P.C. had an attorney client privilege with Raymond C. Schupp, Applicant's Agent and Managing Member, but noted that those matters concluded several years ago and no matters have developed within the last seven years that would be within the scope of the statute. He then stated that there no business or financial relationship with Mr. Schupp and, to his knowledge, it would not affect his ability to participate in the case.

Commissioner Migliaccio asked why a crosswalk that had been originally placed in close proximity to Old Keene Mill Road was moved. He also asked whether a crosswalk study in a staff report was standard. Mr. Eddy stated the crosswalk study should be approved and was a standard design study. He added staff's only concern was the visibility of the crosswalk from the north of Old Keene Mill Road. Commissioner Migliaccio inquired about the art feature on the northern side of the building and whether that feature required subsequent approvals. Mr. Eddy

stated the art feature would not be located within the right-of-way and additional approval from the Virginia Department of Transportation was not be required.

Commissioner Sargeant asked for visuals of the ingress/egress from the site to Backlick Road. Mr. Eddy stated there were no access points from Backlick Road. He added the only access points were from Springfield Boulevard. Commissioner Sargeant asked Mr. Eddy to provide an illustration for how hotel guests would access the Beltway. Mr. Eddy provided an illustration.

Commissioner Sargeant asked if there were signs that delineated between right and left lane traffic from the hotel, as well as wayfinding signage to the beltway. Mr. Eddy stated no specific signage was required as part of the proposed application. Mr. Eddy deferred to the applicant for additional information on wayfinding signage.

Commissioner Sargeant made reference to Proffers Number 9, Sustainable Design, which addressed Leadership in Energy and Environmental Design (LEED) certification. He then stated the commitment was imprecise and asked for the target date for the County's review and approval process. Mr. Eddy stated the intent would be LEED Silver or the equivalent from an alternative source. County staff stated that LEED Silver was a standard practice for community revitalization districts. He added that staff was aware of alternative programs and systems that were just as appropriate as LEED Silver. Flexibility was also provided to the applicant. Commissioner Sargeant requested additional information about the environmental initiative. Ms. Tsai stated an escrow was typical for green building proffers to ensure green building certification and the language was standard for such a proffer.

Commissioner Ulfelder made reference to a Phase I Environmental Site Analysis for proximate undisturbed soil in Appendix 5, Land Use and Environmental Analyses Memorandum. He asked for an explanation of proximate undisturbed soil and its location. Mr. Eddy stated the proximate undisturbed soil standard was relative the property's previous use for automotive purposes, some of which were located on graveled surfaces. He added that there might be disturbed contamination soil underground. An environmental study was provided by the applicant for Phase I to determine the location of the contaminated area and how to address it. The applicant was also aware of the recommendations needed for pave-over or construction of a parking garage on top of the surface would not suffice. A rebuilding effort would be implemented and made suitable for landscaping and design. The soil would require remediation to comply with basic health standards within the County Building Code.

Mr. Roberts gave a presentation wherein he stated the following:

- The applicant met with the Lee District Land Use Committee and received favorable support for the proposed application;
- The applicant was in agreement with the proffers dated July 11, 2018 and the final development condition;
- The applicant did not object to accommodating staff recommendations to provide wayfinding signage, should it be required;

- The applicant had committed to achieving LEED Certification requirements;
- The applicant would continue to compare LEED Silver to Green Globes Certification, which had also been utilized on previous projects;
- Based on the applicant's consultant's recommendation, Phase I and Phase II had been completed and the first few contaminated layers of soil would be removed; and
- The site had previously been used for disposal of auto oriented uses and a vapor barrier would be provided.

Following up on Commissioner Sargeant's comments regarding wayfinding signs, Commissioner Migliaccio recommended the applicant include a proffer to provide direction documentation at the front desk of the hotel for guest. The applicant agreed to the recommendation and would coordinate with staff on proffer language.

Commissioner Ulfelder expressed his appreciation for Phase I and Phase II Environmental Site Assessments (ESA). He added the ESAs were not readily apparent for the site from the staff report.

Vice Chairman Hart called for a rebuttal statement from Mr. Roberts, who declined.

There being no speakers, further comments or questions from the Commission, Vice Chairman Hart closed the public hearing and recognized Commissioner Migliaccio for action on this application.

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(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. This has been a long time coming for this part of Springfield and as mentioned by the staff and the applicant, this is in a CRD. So, we are looking to get it going, using this as a catalyst for this part of Backlick Road, just south of Old Keene Mill Road. We haven't had anything going right there. And hopefully the six story a hundred and sixty-five story – a hundred and sixty-five room...

Vice Chairman Hart: Sixty-five story...

Commissioner Migliaccio: We're not in Tysons. Hopefully this will be a catalyst that will do it. And, I'm happy to support this. As mentioned by the applicant, Lee District Land Use Committee met Monday night. They, without dissent, voted in favor of this. And it – I'm happy to hopefully tear down these buildings from the 1950s and early 1960s and put a new hotel up. Therefore Mr. Chairman, I do have a few motions to make this evening and if I can just get the applicant to come back up. And have you read, understand and agree to the one Development Condition for the FDP?

Matthew Roberts, Applicant's Agent, Bean, Kinney & Korman, P.C.: Yes, Sir and we agree with it.

Commissioner Migliaccio: Thank you very much. Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF RZ 2017-LE-022, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 9TH, 2018.

Commissioners Sargeant and Tanner: Second.

Vice Chairman Hart: Second by Commissioner Sargeant and Commissioner Tanner. Any discussion on that motion? Seeing none will move to a vote. All those in favor please say aye.

Commissioners: Aye.

Vice Chairman Hart: Those opposed? That motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE APPROVAL OF FDP 2017-LE-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 26TH, 2018 AND SUBJECT TO THE BOARD'S APPROVAL OF RZ 2017-LE-022.

Commissioner Tanner: Second.

Vice Chairman Hart: Second by Commissioner Tanner. Any discussion on that motion. 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.

Commissioner Migliaccio: And thank you, Mr. Chairman. I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS, APPROVAL OF THE WAIVERS AND MODIFICATIONS AS LISTED IN THE HANDOUT DATED JULY 12TH WHICH WILL BE MADE PART OF THE RECORD.

Commissioner Tanner: Second.

Vice Chairman Hart: Second by Commissioner Tanner. Any discussion on that motion? 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.

The motion carried by a vote of 8-0. Commissioners Clarke, Cortina, Strandlie and Murphy were absent from the public hearing.

(End Verbatim Transcript)

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The Commission went into recess at 10:09 p.m. and reconvened in the Board Auditorium at 10:25 p.m.

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PCA 86-C-119-07/DPA 86-C-119-03 – BOSTON PROPERTIES LP, LLC – *Appls. to amend the proffers and development plan for RZ 86-C-119 previously approved for office to permit mixed use development and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 3.22. Located on the N. side of Sunset Hills Rd., E. side of the Town Center Pkwy., S. side of the Washington and Old Dominion Trail on approx. 33.13 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community, Transit Station Mixed Use, Residential Mixed Use. Tax Map 17-3 ((1)) 5, 5H1, 29A and 29B. (Concurrent with PRC 86-C-119-02, PCA 86-C-121-08 and DPA 86-C-121-05). HUNTER MILL DISTRICT. PUBLIC HEARING.*

PRC 86-C-119-02 – BOSTON PROPERTIES LP – *Appl. to amend the PRC plan associated with RZ 86-C-119 to modify site and development conditions and land area. Located on the N. side of Sunset Hills Rd., E. side of Town Center Pkwy., S. side of the Washington and Old Dominion Trail on approx. 33.13 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community, Transit Station Mixed Use, Residential Mixed Use. Tax Map 17-3 ((1)) 5, 5H1, 29A and 29B. (Concurrent with PCA 86-C-119-07, DPA 86-C-119-03, PCA 86-C-121-08 and DPA 86-C-121-05). HUNTER MILL DISTRICT. PUBLIC HEARING.*

PCA 86-C-121-08/DPA 86-C-121-05 – BOSTON PROPERTIES LP, LLC – *Appls. to delete land area from RZ 86-C-121. Located on the N. side of Sunset Hills Rd., W. side of Reston Pkwy., S. side of the Washington and Old Dominion Trail on approx. 5.81 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community, Transit Station Mixed Use, Residential Mixed Use. Tax Map 17-3 ((1)) 5 and 5H1. (Concurrent with PCA 86-C-119-07, DPA 86-C-119-03 and PRC 86-C-119-02). HUNTER MILL DISTRICT. PUBLIC HEARING.*

Mark C. Looney, Applicant's Agent, Cooley LLP, reaffirmed the affidavits dated June 29, 2018.

There were no disclosures by Commission members.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of

PCA 86-C-119-07, DPA 86-C-119-03, PRC 86-C-119-02, PCA 86-C-121-08 and DPA 86-C-121-05.

Mr. Looney gave a presentation wherein he stated the following:

- The site was approved for approximately 1.265 million square feet of office space development and approximately 6,000 square feet of that space had been constructed;
- There was a site plan approval for an additional 6,021 square feet of by-right office uses;
- The proposed project would consist of 8,050 square feet of consolidated office space for Fannie Mae;
- The proposed project was in compliance with the density range and additional open space would be provided;
- The applicant's Transportation Demand Management commitment to trip reductions of 45 percent were met;
- The existing urban core was approximately 85 acres of land that had been built in two phases;
- Phase I of the previously-approved development was constructed in the late 1980s and development of Phase II began in the early 2000s;
- The redeveloped portions of Phase I were ongoing and would include the new headquarters for Leidos, Inc.;
- The existing core would be integrated with the proposed development;
- The current grid of streets had three north-south connections and those connections would be extended into the proposed development to facilitate the movement of vehicles, bicycles, and pedestrians;
- The curb cuts were intended to accommodate the grid of streets;
- The internal grid of streets would line up with the connections to the existing urban core and Metrorail station;
- The first phase of the development would be located on the west side of the area;
- The eastern portion of the development would be implemented after Phase II;
- Open spaces would be included and vehicular connection would be added to the north and south;

- Residential development would be added to Blocks E and F;
- Office uses in Block G and potential performing arts center would be included on Block J;
- A pedestrian bridge would be constructed and that bridge cross from the Metrorail station and would guide pedestrians into the central area of the proposed development;
- The pedestrian bridge would be similar to those utilized in the Tysons Center Transit Station;
- Bicycle lanes would be added to the perimeter roads and sidewalks
- From between Blocks D and E, a pedestrian bridge would connect over the Washington & Old Dominion Railroad Regional Park (W&OD) trail to the existing urban core and would provide a connection to the W&OD trail to the north of the site;
- Wayfinding opportunities and additional signage would be provided;
- Urban streetscape elements were added and trees would be planted every 25 feet on center;
- Standard street lights, trash cans, and other features similar to those in other urban core would be added to the proposed development;
- The proposed plan provided significant open space within Blocks A, B, and C;
- The open space areas would consist of an urban garden, urban plaza, and a court yard area;
- Sunset Hills Road would be widened and additional westbound travel lanes would be added;
- Library Street would be extended from Sunset Hills Road to the existing urban core;
- Pedestrian bridges would be added to both the Metrorail Station and the existing Town Center;
- Bicycle lanes would be added to the perimeter streets;
- The proposal provided for 16 percent workforce housing and adequate road fund contributions;

- A green building program was in place and included LEED Certification with gold as the objective for Buildings A and B;
- Bicycle parking would be provided;
- Stormwater management practices would meet the Comprehensive Plan recommendations for the Reston area;
- Block J was identified as a potential site for a performing arts center and would be incorporated into the proposed development;
- The size, type of facility, owner, funding source, construction, operating costs, and various programs had not been identified for the performing arts center;
- The applicant would coordinate with staff on drafting proffer language that would address the responsible entity for the performing arts center;
- The applicant met with Fairfax County Department of Transportation to address public and private street issues;
- The internal streets for the existing urban core at Rest Town Center were private and would not change under the proposal; and
- Reston Parkway, Town Center Parkway, New Dominion Parkway, and Blue Mount Way were public streets.

Commissioner Carter noted there were 11 features in the proposed plan, which included a rectangular field, performing arts center, and recreation center. He added few sites were available in Reston that accommodated a performing arts center and the proposed location of Block J would suffice. Commissioner Carter stated that the proposed performing arts center would be surrounded by retail, office use, and open space. In addition, the facility would be located a block from the Metrorail Station. Commissioner Carter suggested additional work be done on the proffer. The proffer timeframe should be revised on a regular basis. He directed staff to work with the County Attorney's office regarding suggested language. Commissioner Carter addressed the applicant's fund contribution, which included commitments for Workforce Dwelling Unit (WDU). He added that while there were no reduced income tiers in the applicant's WDU commitment, a full contribution was still required. The height preference of street trees was a minimum of 30 feet. Pedestrian street lights would be added as a proffer.

Commissioner Carter addressed the area's traffic issues and favored greater consistency in the transportation plan. Regarding open spaces, he suggested that staff coordinate with the Northern Virginia Park Authority to address the smaller recreation fields next to the park area.

Commissioner Niedzielski-Eichner asked Mr. Looney whether the applicant and Capital One Financial Corporation had discussions regarding the performing arts center. In response, Mr.

Looney stated the applicant was aware of the relationship. The intent was to build a facility that met the needs of the area, with privileges of use afforded to the County during certain periods of time. There was not an internal need to mirror the Capital One facility. Mr. Looney made reference to the Workhouse Arts Center and the County's role in undertaking certain responsibilities. Regarding Capital One, Commissioner Niedzielski-Eichner stated there was extensive interaction with the County on how the project would work. Mr. Looney added there would be a conversation among interested groups who would benefit from the proposed facility such as the Arts Council of Fairfax County, Public Art Reston, the Reston Community Center, theater groups, the Fairfax Symphony Orchestra, and other interested organizations. In addition, there was an ongoing study that analyzed all aspects of existing performance centers in Fairfax County compared to other jurisdictions. Commissioner Niedzielski-Eichner inquired about the management company hired by the applicant, the built-in center, and the overall costs.

Commissioner Carter stated he was involved in many projects, such as the Strathmore facility. He then stated that such facilities had encountered challenges, but final outcome was satisfactory to the community. He added that the proposed facility would mirror the Dulles corridor facility given its close proximity to the Metro station.

Commissioner Ulfelder asked for the rationale behind providing funds to the Reston Transportation Funding Plan and Road Funding Plan for market units, but not for other units. In response, Mr. Looney stated there were cases that exempted the WDUs and other cases that did not. Commissioner Ulfelder stated in some cases, parking spaces for WDUs were not addressed. The proposed application had conditions that included one space per WDU. Commissioner Ulfelder stated it was appropriate to assume that funding would be included for WDUs. Mr. Looney acknowledged that statement. Commissioner Ulfelder addressed the approved, but unbuilt office development. He acknowledged the lack of affordable housing within the transit station areas. Commissioner Ulfelder added that affordable housing was important in Fairfax County and developers should be a part in providing contributions to the housing fund for affordable housing.

Commissioner Hurley asked for information on the closest grocery store to the housing units. Mr. Looney stated the grocery store was within walking distance. Commissioner Hurley differed from Commissioner Ulfelder regarding the need for additional parking. She stated WDUs located within close proximity to transit station areas should not be guaranteed parking spaces and should not have shared road contributions paid on their behalf. Commissioner Hurley added the purpose for development of WDUs within close proximity to transit station areas was to decrease vehicular traffic. Commissioner Ulfelder asked why those who resided in the WDUs should be afforded parking spaces. In response, Commissioner Hurley stated that residents of WDUs were not given parking spaces, but were required to pay for those spaces. Discussions continued between Commissioner Hurley and Commissioner Ulfelder regarding parking spaces afforded to residents located within a walkable environment and in close proximity to transit station areas, retail, restaurants, and entrainment centers.

Commissioner Hart concurred on Commissioners Hurley and Ulfelder's points regarding parking. He added it was essential WDUs be provided at least eight parking spaces. Regarding the performing arts center, Commissioner Hart stated the idea was worthy of discussion.

Commissioner Hart suggested language to proffer 34 A. and 34 B., which addressed the performing arts center be modified to better articulate the applicant's detailed commitments. Commissioner Hart addressed his concerns to Proffer Number 34 B. i. He added the meaning of that section was not apparent and further explanation should be provided. In response, Mr. Looney stated when proffers regarding land assurances to the County were included, the applicant was not the ultimate owners of those facilities. The applicant anticipated that neither the County nor the Park Authority would own the land and could be granted to a foundation that would subsequently operate the facility. As a result, the applicant favored including certain protections. The derivation of Proffer Numbers 34 A. and 34 B., were reflective of the applicant's preference to ensure the entity that owned the facility had the financial backing to construct in a timely manner. Proffer Number 34 A. ensured that assiduous steps were taken to guarantee the entity delivered based on the approved conditions. Commissioner Hart and Mr. Looney continued discussion on modifications to the proffer language, but such discussions resulted in no further revisions.

Commissioner Hurley asked for clarification regarding the applicant's preference for public streets in lieu of private streets. Mr. Looney stated the applicant's preference of public streets were to maintain control over them. Commissioner Hurley asked Mr. Looney to elaborate on his definition of "control". Mr. Looney stated the applicant preferred to retain authority on how the streets were programmed and maintained, arrangement of street trees, installation of street furniture, street closures, bus shelter installation, and signage.

Commissioner Niedzielski-Eichner asked how the applicant viewed the performing arts center and whether it was a value to the applicant's overall investment. In response, Mr. Looney stated the performing arts center, depending on how it was developed, could be of value to the applicant's overall investment.

Commissioner Sargeant made reference Proffer Number 34 A, which noted "...fill and identified void in the Reston community...". He stated the language implied the void was specific to the Reston community. Commissioner Sargeant added that, outside the purview of land use planning, a determination would be made on how it would be successful. Commissioner Sargeant made reference to an ongoing study regarding performing art centers and commented on what the study would entail. In addition, he suggested that a market study be included in order to determine economic feasibility.

Commissioner Hart asked staff to elaborate on the road fund contribution and WDUs being excluded. Elizabeth Iannetta, Transportation Planning Division, Department of Planning and Zoning, stated the department met with the applicant and discussed that it was not written in the plan WDUs be excluded from the Reston road funding as a unit. Ms. Tsai added that the Board of Supervisors had adopted guidelines that specifically addressed residential units. Staff subsequently requested that applicants provide proffer language regarding residential units, inclusive of market rate and affordable dwelling units. Commissioner Hart followed up on Ms. Tsai's comments regarding residential units and WDUs. He added the formula for those units included multiple residents.

Commissioner Ulfelder asked to provide visuals of the proposed location of the performing arts center in Block J and inquired about the size of the facility. Mr. Looney stated Block J would house 200,000 square feet of development. The proffers contained a 50,000 square feet portion of that amount to function as a placeholder for the performing arts center because the size of the facility has not been determined. There were ongoing conversations with Hunter Mill District Supervisor Catherine Hudgins and Commissioner Carter regarding the size of the facility. The application was amendable to a larger facility, based on allowable density and targeted market. Commissioner Ulfelder inquired about Block J's development timeframe. Mr. Looney stated the site was in Phase II of development, the County had leased the building in the proposed Phase II until the year 2024, and the applicant would have access to the site. The applicant would also be required to submit a planned residential community plan during the design phase. Proffers were established in advance to govern the framework of the site.

Commissioner Carter stated funds for WDUs were made available during development and not at the beginning of the review process. He added staff's prospective should be valued. In addition, he said that there would be additional time for continued discussion and development on the performing arts center, but there was adequate recourse should that effort fail.

There being no speakers, further comments or questions from the Commission, Vice Chairman Hart closed the public hearing and recognized Commissioner Carter for action on this application.

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(Start Verbatim Transcript)

Commissioner Carter: Okay. I MOVE THAT THAT PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS FOR PCA 86-C-119-07, DPA 86-C-119-03, PRC 86-C-119-02, PCA 86-C-121-08, DPA 86-C-121-05 AND THE ASSOCIATED PARKING REDUCTION NUMBER 5468-PKS-004-1, TO A DATE CERTAIN OF JULY 26TH, 2018.

Commissioner Niedzielski-Eichner: Second.

Vice Chairman Hart: Second by Commissioner Niedzielski-Eichner. Is there any discussion on that motion? Commissioner Carter?

Commissioner Carter: There's no discussion on the motion. I have one more comment.

Vice Chairman Hart: We haven't voted on the motion yet.

Commissioner Carter: Yes. Okay.

Vice Chairman Hart: Is there any discussion on the motion? Seeing none, we'll move to a vote. All those in favor please say aye.

Commissioners: Aye.

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Vice Chairman Hart: Those opposed? That motion carries.

The motion carried by a vote of 8-0. Commissioners Clarke, Cortina, Strandlie and Murphy were absent from the public hearing.

(End Verbatim Transcript)

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The meeting was adjourned at 11:53 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, VA 22035.

Minutes by: Samantha Lawrence

Approved on: February 6, 2019



Jacob Caporaletti, Clerk to the
Fairfax County Planning Commission

