PA 2015-IV-MV5– COMPREHENSIVE PLAN AMENDMENT (HUNTINGTON TRANSIT STATION AREA, LAND UNIT G pt.) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns approx. 4.21 ac. generally located on the north side of Huntington Avenue at Telegraph Road [NE quadrant of intersection]; Tax Map Parcels 83-1 (1) 33 (2560 Huntington Ave), 83-1 (1) 45 (2600 Huntington Ave) and 83-1 (1) 45a (No address assigned), in the Mount Vernon Supervisor District. The area is planned for office use up to 0.30 FAR. The amendment will consider residential and/or office and hotel mixed-use up to 3.0 FAR and possible expansion of Transit Development Area. Recommendations relating to the transportation network may also be modified. (Mount Vernon District)

After close of the Public Hearing

Commissioner Flanagan: Thank you, Mr. Chairman. I intend to recommend approval of the recommendations included in the published staff report for the amendment with some modifications to the recommended text that was – has been supported, as you have heard, you know, by the Southeast Fairfax Development Corporation and the… the land use committee of the Mount Vernon Council and the adjacent – the surrounding Huntington Community. The proposed modifications have been distributed to you on a separate handout dated January 11, 2017, so you should have all that. The staff recommendation in this case supports expansion of the Huntington Transit Development Area to include Parcel 33 of the subject area and includes an option for mixed-use redevelopment on Parcel 33, but would have that option conditioned on full consolidation with lots – with Parcels 45 and 45A. The owner of Parcel 33 has voiced concerns that such a condition may threaten the ability of that parcel to be redeveloped if consolidation is not achievable. The modified language tonight would support redevelopment up to 3.0 FAR, or approximately 275,000 gross square feet, on Parcel 33 with full consolidation, but also provides an alternative for Parcel 33 to redevelop without full consolidation. This alternative would be limited to a lesser maximum intensity of 2.6 FAR on that parcel or approximately 240,000 gross square feet. This tiered intensity approach would allow the property owner to potentially move forward with redevelopment, even if consolidation cannot be achieved, but still provides an economic incentive for both property owners to fully consolidate by offering a higher potential development intensity in that case. The other modification of the staff recommendation replaces proposed stormwater management recommendations for the site with text that more closely replicates recommendations included in the Plan text for Land Unit I and other sites within Huntington – the Huntington TSA and that includes the upcoming application for Land Unit I. I concur with the modified staff recommendations, as does the property owner, Mount Vernon Planning and Zoning Committee and the Mount Vernon District Council. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE STAFF RECOMMENDATIONS PRESENTED ON PAGES 16 TO 26 OF THE STAFF REPORT FOR PLAN AMENDMENT 2015-IV-MV5, DATED NOVEMBER 6, 2017, AS MODIFIED ON MY HANDOUT DATED JANUARY 11, 2017, WHICH SHALL BE INCLUDED IN THE RECORD OF THE CASE.

Commissioners Migliaccio and Sargeant: Second.
Chairman Murphy: Seconded by Mr. Sargeant and Mr. Migliaccio. Discussion of the motion? Ms. Hurley.

Commissioner Hurley: We’re back to the problem of the word “should.” It occurs at least four times. Do you mean “should” – that you – it is recommended that they do that? Or do you mean “must”? If you mean “must”, we should use the word “must” and not “should.”

Commissioner Flanagan: I think in the Plan, we can only recommend.

Commissioner Hurley: Then say, “is recommended that” this happen.

Commissioner Flanagan: Yeah.

Commissioner Hurley: I’m just trying to avoid the word “should.”

Commissioner Flanagan: Oh, in the motion itself?

Commissioner Hurley: Yeah, in your modified words, just avoid the word “should” by rewording it to say, “it is recommended that” this applicant – instead of, “it should happen.” Because the word “should” gets us into trouble. You’re saying the same thing. We’re just avoiding…

Chairman Murphy: Well, let me…Ms. Van Dam, is that what we’re doing now with Plan Amendments? I know it’s Zoning Ordinances…

Meghan Van Dam, Planning Division, Department of Planning and Zoning (DPZ): We…we typically try to avoid the word “shall.” Should is associated with a recommendation so it should be fine.

Chairman Murphy: It…should, should be fine.

Ms. Van Dam: Right, but if you – if the Planning Commission…

Commissioner Hurley: You just change it to, “is recommended that” we do this instead of saying…

Ms. Van Dam: Right. I don’t know that that would…would hurt anything if the Planning Commission chose this.

Commissioner Flanagan: They prefer “recommended,” I think.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I seconded the motion. I intend to support it, but I just would like to have staff comment on Mr. Flanagan’s changes, especially as it relates to the ongoing EMBARK Richmond Highway process. I want to make certain that this doesn’t impact it at all or negatively impact it. I don’t think it does, but I just want to make certain that that’s on the record.
Michael Lynskey, Zoning Evaluation Division, DPZ: In which context are you talking about? Effects to EMBARK?

Commissioner Migliaccio: Any part of it with the changes here. I just want to make certain that staff has had no heartburn over what’s being changed.

Mr. Lynskey: Well... yeah, there’s the... the, sort of, tiered FAR. Then, that... that stormwater... stormwater change had a little bit to do with EMBARK because the original language it had was from, sort of, the EMBARK – the current EMBARK language they’re using. And... but, as far as the rest of Huntington, the desire was to change it to conform with the rest of the Huntington TSA, which the language is already in effect for – which, in effect, is pretty similar to what... to what this... the original language was.

Commissioner Migliaccio: No heartburn.

Mr. Lynskey: So we’re fine with that. We have no heartburn over that. And then the tiered intensity level – that’s something – our recommendation still holds that we, technically, still recommend full consolidation. From a Plan perspective, that makes sense, but we also realize that there is market forces and ownership things going on that we really can’t anticipate, but we can’t fully, you know, anticipate all the – those angles. From a Plan perspective, it makes sense to consolidate because without that, that’s not a way of ensuring that the environmental objectives get met on the other parcel. Because, like it was said before, there’s really no – it’s no mechanism to implement the plan, other than through a rezoning process, which is not going to happen on that parcel.

Commissioner Migliaccio: I was trying to make it simple – heartburn, no heartburn.

Mr. Lynskey: All right.

Commissioner Migliaccio: I think no heartburn is the way you’re going. Okay.

Ms. Van Dam: Right. And if...if I may, just one more point towards the EMBARK. The additional density could actually help with the ridership of the BRT so, from that context, we would support it.

Commissioner Migliaccio: Okay. Thank you.

Chairman Murphy: Mr. Niedzielski-Eichner and then Mr. Hart.

Commissioner Niedzielski-Eichner: Thank you. Just a clarification – the proposed revisions to the Land Unit G staff recommendation... it’s dated January 11th, 2017. Is that just... is that correct? And just by virtuous coincidence, this is January 11th, 2018?

Mr. Lynskey: Yeah, that is an error. It should read 2018.

Commissioner Niedzielski-Eichner: Okay, so... I thought so. Thank you.

Chairman Murphy: Good catch.
Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. Before we get too carried away with the changes to the wording at the last minute, I want to be careful that we’re not conflating different problems. The “should/shall” thing is different from “shall/must.” And “should” is correct here. The “shall/must” problem is a Zoning Ordinance problem for zMOD where we have to do something and the County Attorney’s office wanted us to use the word “must” instead of “shall” to clarify what’s an imperative. The Comprehensive Plan, which this – this piece that we’re looking at tonight – is different. It’s supposed to have flexibility for the Board of Supervisors. The last thing we want to do in the Comprehensive Plan is use words like “shall” and “must” because then when the Board votes to bust the Plan, as is their prerogative, the citizens are outraged because they feel that they’ve – the expectations have been built up because we approved a Plan that said, “You shall do this. You must do that.” And then that doesn’t have any force of law. It doesn’t bind anyone. Should is an appropriate word. They should…they should do it. But the Board is going to have flexibility. This is a general guide. It…it’s not in something that’s going to be enforced. I think “should” is correct, as it’s used here and – please, let’s not monkey with this at almost midnight the night of the vote. Thank you.

Commissioner Flanagan: I agree. Thank you.

Chairman Murphy: Without objection. Further discussion? Okay, motion carries. Thank you very much.

Commissioner Hart: We didn’t have our vote yet.

Chairman Murphy: Oh, okay. All those – okay, I’m sorry. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. I just said that. Thank you very much. I appreciate that.

The motion carried by a vote of 11-0.

JLC
The following modifications will be made to the proposed Plan text included on pages 16-18 of the published staff report for PA 2015-IV-MV5, dated November 6, 2017. Additional text to be deleted is shown with double strikethrough, and additional text to be added is shown with double underline:

**MODIFY:** Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, as amended through 3-14-2017, MV1 - Huntington Community Planning Sector, Transit Development Area Conditions and Recommendations, page 105-108:

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“• Up to 320,000–275,000 gross square feet of additional development on Parcel 83-1 ((1)) 33 of Land Unit G”
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**MODIFY:** Fairfax County Comprehensive Plan, 2013 Edition, Area IV, Mount Vernon Planning District, as amended through 3-14-2017, MV1 Huntington Community Planning Sector, page 122 (to separate Land Unit G text):

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“An option for mixed-use development of residential, and/or office, hotel, and/or supporting restaurant/retail uses on Parcel 83-1 ((1)) 33 may be appropriate up to a maximum of 3.0 FAR (approximately 320,000–275,000 gross square feet (GSF) of development), and a maximum height of 165 feet, subject to full consolidation of Parcels 83-1 ((1)) 33, 45 and 45a. If full consolidation cannot be achieved, said redevelopment option for Parcel 83-1 ((1)) 33 should be limited to a maximum of 2.6 FAR (approximately 240,000 GSF). The primary access for such development should be consolidated to Robinson Way, along the east boundary of Parcel 33. Redevelopment is expected to consist of high-quality architecture and landscaping that represents an attractive, if not iconic, gateway to the Huntington Transit Station Area. Parcels 45 and 45a, as well as the portions of Parcel 33 All areas that are subject to 100-year floodplain, RPA, and EQC shall should be ecologically restored and revegetated, to the extent possible, and utilized as a public open-space/recreational area that connects to similar neighboring areas along Cameron Run. Streetscape improvements along Huntington Avenue and Robinson Way should be coordinated with neighboring development, including undergrounding of remaining overhead utility lines along Huntington Avenue. Consideration should be given to including green roofs and/or solar panels on rooftops.

Any redevelopment per this Plan option should also achieve the following stormwater management/water quality goals: include stormwater quantity and quality control measures that are substantially more extensive than minimum requirements, with the goal of reducing the total runoff volume. The emphasis should be on low-impact development (LID) techniques and best-management practices (BMPs) that evapotranspire water, filter water through vegetation and/or soil, return water into the ground, or re-use water, and should include features
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such as rooftop landscaping. Stormwater management measures that are sufficient to attain the stormwater-related credit(s) of the most current version of the Leadership in Energy and Environmental Design for New Construction (LEED®-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED®-CS) rating systems (or third-party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal.

1. A reduction in runoff volume leaving the site equivalent to one inch of rainfall. If this level of runoff volume reduction cannot be attained, a combination of runoff volume reduction and peak flow and velocity reduction should be provided to the extent necessary to protect downstream water resources.

2. The phosphorus load from existing impervious areas should be reduced by at least 30 percent from predevelopment loads.

3. As proposed intensities increase from 1.0 FAR, and/or as proposals incorporate additional increases in impervious cover, commensurate increases in performance targets for these parameters should be pursued.

4. As an alternative to items 1, 2 and 3, stormwater management measures may be provided sufficient to attain the Rainwater Management credit of the most current version of Leadership in Energy and Environmental Design—New Construction (LEED NC) or Core & Shell (LEED CS) rating systems (or equivalent of these credits, based on an alternate rating system, that includes runoff reduction in addition to stormwater treatment).

5. As an alternative to the guidelines above, stormwater management measures and/or downstream improvements may be pursued to optimize site-specific stormwater management and/or stream protection/restoration efforts, consistent with the adopted watershed management plan(s) that is/are applicable to the site. Such efforts should be designed to protect downstream receiving waters by reducing stormwater runoff volumes and peak flows from existing and proposed impervious surfaces to the maximum extent practicable, consistent with watershed plan goals. Consideration may be given to other stormwater runoff-related factors such as downstream flooding, drainage complaints, character and condition of downstream channels, and identified stream impairments.”