

**MINUTES OF THE REGULAR MEETING/WORK SESSION
OF THE PLANNING COMMISSION
CITY OF FAIRFAX
CITY HALL, FAIRFAX, VIRGINIA
July 23, 2018**

After determining that a quorum was present, Chairman Cunningham called the meeting to order at 7:00 p.m.

Members Present: Chairman Paul Cunningham and Commissioners Mark Angres, Tom Armstrong, Tom Burrell, Joseph Harmon, Janet Jaworski and Karen Wheeler-Smith.

Member(s) Absent: None.

Staff Present: Jason Sutphin, Planning Division Chief; Paul Nabti, Planning Division Chief; Kelly O'Brien, Acting Planner III and Tina Gillian, Secretary.

1. Pledge of Allegiance.

Mr. Cunningham led the Commission in the Pledge of Allegiance.

2. Discussion/Adoption of Agenda.

MS. JAWORSKI MOVED TO ADOPT THE AGENDA AS PRESENTED, SECONDED BY MR. BURRELL, WHICH CARRIED UNANIMOUSLY.

3. Presentations by the public on any matter not calling for a public hearing.

Mr. Ted Wiss, 10408 Breckinridge Lane, Fairfax, VA came forward to address the Planning Commission. He is here tonight to speak about the pending Davies property. He said both the Mayfair and Pulte developments have townhome or condominium properties that remain unsold. He discussed the problems with over development of townhomes, condominiums and rental properties in the Tysons Corner and Reston areas. He discussed how quickly single family homes in the Breckinridge community receive contracts when listed for sale. He said he agrees with smart growth and he thinks the right type of development on the Davies property makes sense. This means a development with open grass areas, play areas for children and adequate parking. He said he is looking forward to a good development at the Davies property that will help the community.

4. Approval of Minutes:

Consideration of July 9, 2018 Meeting Minutes.

MR. ANGRES MOVED TO APPROVE THE MINUTES AS PRESENTED, SECONDED

BY MR. HARMON, WHICH CARRIED UNANIMOUSLY.

5. Consent Agenda – None.

6. Items Not Requiring a Public Hearing – None.

7. Public Hearings –

- a. Public hearing on a request from FF Realty IV LLC, applicant, by Robert Brant, agent, for Proffer Amendment/Proffer Plan Amendment/GDP Amendment to previously approved General Development Plan and Proffers Z-13070069, approved February 25, 2015 on the premises known as 11101 & 11091 Fairfax Boulevard and 11160 Lee Highway and more particularly described as Tax Map Parcels 57-1-2-27, 31, 31A, & 31B.**

Ms. O'Brien presented the staff report which has been incorporated into the record by reference. She reviewed the location of the property and surrounding properties. She stated the property was rezoned to the C-2 Commercial District with proffers in 2015 and to CR Commercial Retail District with proffers in 2016. She said the Future Land Use Map designates this area as mixed-use. She said the Comprehensive Plan provides guidance for mixed use designations and states that Mixed Use Centers should have short, walkable blocks and have moderately scaled building heights of 2 to 5 stories. She said in some cases residential uses may be appropriate in Mixed Use Centers. She said the road network proposed in the Fairfax Boulevard Master Plan has been incorporated into the applicants proposed plan. She said the applicant is requesting the following changes to their current approval:

Modifications to Site Plan:

- Relocate rooftop swimming pool to behind building #300.
- Reduction to the footprint of building #300.
- Addition of small dog park beside building #300.
- Removal of building #200 (leaving open space in its place).
- Removal of the podium and ground floor parking at building #400.

New Residential Unit Mix (Total count is the same as previously approved):

Unit Mix	Proposed
Studio	50
1 Bedroom	179
2 Bedroom	167
3 Bedroom	7
Total	403

New Commercial Space Mix (29,000 sq. ft. previously approved):

Mix	Proposed
Office (Non-Profit)	4,000 sq. ft.
Retail	4,136 sq. ft.
Restaurant	13,113 sq. ft.
Total	21,249 sq. ft.

A larger open space area to be located in Olmstead Park for pedestrian use.

The addition of proposed sidewalks located along the “spine” of the proposed development and additional walkways proposed around the buildings.

New Parking Mix (Newly adopted Zoning Ordinance requires 784 spaces):

Location	PROPOSED Spaces
Structure	696
Street Parking	50
Total Provided	746

A reduction in the number of average weekly trip generations to 4,270 trips. This reduction of 746 trips is due to a proposed reduction in commercial uses.

New Student Generation (Average Student Generation from previous submission is 51):

Proposed Student Generation worksheet for 2018 Fairfax Gateway unit mix			
Estimate Type	# of Units	Yield Ratio	Students
Apartment comparables	403	0.129	52
Apartment, 2+br. units ONLY	174	0.274	48
Multifamily, all units FCPS	395	0.112	44
AVERAGE OF ABOVE		0.119	48

Ms. O’Brien stated that staff recommends approval of the applicant’s request per the recommendations outlined in the staff report (listed below):

1. Development of the subject site shall be in substantial conformance with the attached plans and associated submission materials stamped “Received July 3 2018”, and the applicant’s proffer

statement dated [July 2, 2018], and as may be modified by the City Council.

2. A Construction Management Plan shall be included in the proffer statement. Subsequent to rezoning approval but prior to site plan approval, the Applicant agrees to submit a Construction Management Plan for approval by the City Manager or his designee for construction. The plan shall include but is not limited to the following information: hours of operation, truck routes to and from entrances, location of parking areas for construction employees, traffic control measures, fencing details including specifications for an opaque wrap of construction fencing and signage identifying the project and providing contact information for the developer and/or general contractor. All signage and fencing wrap shall be approved by the Director of Community Development and Planning.
3. Proffer condition 2C shall be amended to include the option to convert the ground floor residential units facing Lee Highway in addition to the proposed 5,000 square feet of accessory uses to commercial uses as permitted in the CR District without necessitating a rezoning amendment or development plan amendment should future market conditions allow, subject to demonstration of adequate parking, as demonstrated in a parking study completed by the transportation engineer or planner, to the satisfaction of the Department of Community Development and Planning.

Mr. Angres asked if the elevations shown in the General Development Plan are in response to recent actions made by the Board of Architectural Review (BAR) regarding this development.

Ms. O'Brien said no. She said building elevations that address the BAR comments were submitted to staff yesterday. She said the elevations submitted yesterday will be finalized and made ready for city council approval.

Mr. Angres asked if the applicant plans on following the Certificate of Appropriateness granted by the BAR.

Ms. O'Brien said staff will know once they are able to review the elevations. She stated that staff received the elevations yesterday.

Mr. Burrell asked if the city council package will differ from tonight's package if the applicant decides to go with elevations that vary from the BAR approval.

Ms. O'Brien said city council's package will definitely be different from the package presented tonight since the applicant has already provided revised architectural views that address the BAR comments. She said city council will have final approval of the architecture, however, the intent is for the applicant to meet the BAR conditions.

Mr. Burrell asked for the location of the proposed commercial parking and commercial buildings.

Ms. O'Brien reviewed the locations.

Mr. Armstrong asked if the proffer previously approved for the conversion of commercial space into affordable housing remains a part of tonight's proposal.

Ms. O'Brien said the number of units (qty. 24) remain the same as previously approved. She said language in section thirteen of the proposed set of proffers has been modified to include studio units and 3 bedroom units as choices for affordable housing units.

Ms. Jaworski said she recalls the amount of square footage previously approved for amenity space conversion to be 17,000 sq. ft. She asked if this is now proposed as 5,000 sq. ft.

Ms. O'Brien said she believes so.

Ms. Jaworski noted the amenity spaces are located internal to the site and not along Lee Highway.

Ms. O'Brien said this is the same as intended in 2015.

Ms. Jaworski asked Ms. O'Brien to repeat staff's recommendation regarding the conversion of residential uses located along Lee Highway.

Ms. O'Brien said staff's recommendation is for the residential units immediately facing Lee Highway to have the same option to convert the space into a commercial use. She said staff believes it will simplify the conversion process if this language is included in the overall approval of the development.

Mr. Cunningham thanked staff for clarifying that the planning commission does not review building façades. He pointed out that the building depicted on the front of the plan set differs from the same building depicted on page four of the plans. He said since staff has addressed the issue of mixed use on the ground floor he will defer his questions at this time.

At this time Mr. Cunningham invited the applicant to come forward and speak.

Mr. Robert Brant, land use attorney with the firm Walsh, Colucci, came forward to address the Planning Commission. He is representing the applicant tonight. He gave a brief overview of the Fairfield Residential Company and said the company currently has a contract to purchase the property. He gave a brief overview of the rezoning of the subject property. He said the amendments requested tonight are not intended to alter the character of the previously approved development. He said the proposed development will continue to provide 4,000 sq. ft. of office space to house a non-profit organization, rent free, for 15 years. He said all previously approved proffer commitments have been carried forward into this request. He said the changes proposed are minor in nature and include: modifications to open space; removal of building #200; modified footprint of building #300; relocation of swimming pool behind building #300; reduced overall nonresidential space and

reallocation of additional nonresidential space throughout the site. He said the modifications made to the architectural views do not dramatically alter the character and quality of the approved buildings. He said the applicant feels strongly that residential density is a critical component they are bringing to the Kamp Washington area; however, the applicant is not opposed to a revised proffer allowing the conversion to commercial uses should market conditions allow. He said the BAR recommended approval, with twelve conditions, of the architectural elevations on June 20th. He said the applicant fully intends to comply with these minor BAR conditions/refinements. He listed the following benefits the proposed development will provide to the City of Fairfax:

- Redevelopment of under-utilized parcel, increasing its value.
- Creation of a high quality mixed-use and vibrant community.
- Beachhead for future redevelopment in the Kamp Washington area.
- Incentive for future redevelopment of nearby or adjacent properties.
- Property tax payments on improved land.
- Significant monetary contribution to offset impact of development.
- Support of a local non-profit over the next 15 years.
- 24 affordable dwelling units to help the city meet its goals for affordable housing.
- Foundation for future inter-parcel connectivity.

He said the applicant anticipates the development will appeal to a wide variety of individuals who want to live in the City of Fairfax. It will be a high quality multifamily community located near future retail and dining opportunities. He said Fairfield intends to move forward on construction of this project during the first quarter of 2019, and upon completion, Fairfield will continue to own and manage this property. He requests a favorable consideration of the Fairfield proposal.

Mr. Harmon asked if the applicant knows the total amount of square footage available for conversion from residential to commercial use along Lee Highway.

Mr. Brant said the applicant has not looked into this yet, however, the square footage should be comparable to what is located across the street.

Mr. Harmon highly recommends 4,000 square feet. He said this amount, plus the 5,000 square feet for amenities, will bring the development back to the 29,000 square feet originally approved for commercial use.

In reference to affordable housing units: Mr. Angres asked whether someone making 60% of AMI would only be eligible for a studio unit.

Mr. Brant said no. He said income eligibility limits will be adjusted based on the unit type. Mr. Angres asked for the breakdown of unit types within the 24 affordable dwelling units.

Mr. Brant said the mix is comparable to the mix of units throughout the development.

Mr. Angres asked what the breakdown is for the 60% AMI. For example, a family of four cannot live in a studio unit.

Mr. Brant said the affordable dwelling units will be made available at all income tiers and will be proportionately provided throughout the community.

Mr. Bryan Condie with Fairfield Residential came forward to address the Planning Commission. He said if 10% of the 3 bedroom units are available from the overall units, then 10% of the affordable dwelling units would be applied to the 3 bedroom mix and so on.

Mr. Angres said this means there will only be one 3 bedroom unit available since there are so few 3 bedroom units available.

Mr. Condie said that is correct.

Mr. Cunningham asked if all the affordable dwelling units will be located on the ground floor or mixed within the units.

Mr. Brant said they will be mixed throughout the site.

Mr. Burrell asked if the affordable housing units will be left open as available if there are less than 24 applicants for those units.

Mr. Brant said yes.

Mr. Burrell asked for the parking space mix required by the zoning ordinance vs. the number of parking spaces proposed by the applicant.

Ms. O'Brien said the zoning ordinance requires 684 residential parking spaces. She said 647 spaces are being provided in the parking garage. She said this includes the removal of commercial spaces set aside in the garage for commercial spaces. This calculates to 1.78 parking spaces for the 2 bedroom and 3 bedroom units.

Mr. Brant said the previous approval reduced parking to 1.6 spaces per unit. He said due to the changes in the zoning ordinance the applicant is able to meet the parking requirement for the commercial uses, the studio units and 1 bedroom units. He said the requested parking reduction now applies to the 2+ bedroom units.

Mr. Burrell asked if the applicant would provide a proffer stating they will convert the residential uses along Lee Highway to commercial uses first, prior to giving up amenity space.

Mr. Brant said that is a good suggestion and is something the applicant is willing to consider.

Mr. Armstrong asked if pervious pavers will be used in the garden areas.

Mr. Brant said he does not believe pervious pavers will be used, however, 35% of the site will be landscaped open space which is an increase to the previous approval.

Mr. Armstrong encouraged the use of pervious pavers if possible. He asked if the two main sidewalks provided for access to the commercial uses will be improved.

Ms. O'Brien said a recent transportation project has improved the sidewalks along Lee Highway. She discussed the surrounding sidewalks and crosswalks.

Ms. Jaworski agrees with and supports Mr. Harmon's comments and greatly encourages the applicant to activate the area along Lee Highway through converting it to commercial use. She likes the diversity of units, the lower building height and the relocation of the pool. She is grappling with the lack of retail or commercial uses along Lee Highway. She would like to see the amount of commercial space returned to the original amount approved of 29,000 square feet. She asked for clarification on the walkability for the residents leaving the parking garage to access building #300 and #500. She does not see it as convenient.

Ms. O'Brien said you have to cross the street to access building #300.

Mr. Brant said the good thing is the entrances for building #300 and #500 are located directly across from the parking garage.

Mr. Cunningham asked if the reduction to the number of students is due to the change in bedroom unit mix.

Ms. O'Brien said that is correct. She said there is an expected loss in the number of students with the reduction of available 2 bedroom units and the addition of studio units.

Mr. Cunningham asked for clarification of the pedestrian flow from the parking garage to the commercial/retail buildings.

Mr. Brant said the residents can access building #500 or can walk through building #400. He does not perceive this as a negative and said it encourages walking within the development.

Mr. Cunningham asked about security issues created if nonresidents have full access to all the buildings, corridors and elevators.

Mr. Condie said nonresidents will not have access to individual floors or corridors. He said ground floor parking will be provided for the commercial use - with two access points from the parking garage.

Mr. Cunningham asked if the workers for the nonprofit corporation are expected to park in the open parking area.

Mr. Condie said that is correct.

At this time, Mr. Cunningham opened the public hearing and asked if anyone from the audience would like to come forward and speak on the matter. Seeing no one, Mr. Cunningham closed the public hearing and asked if there were additional comments from the planning commission.

Mr. Harmon asked staff if the amount of square footage related to the conversion of commercial space along Lee Highway can be included in the proffers.

Ms. O'Brien said it can be included on direction from the planning commission.

Mr. Harmon suggested for language stating up to 4,000 square feet be included in the proffers.

At this time, Mr. Harmon made the following motion:

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO CITY COUNCIL APPROVAL OF THE APPLICATION OF FF REALTY IV LLC, BY ROBERT BRANT, ATTORNEY-IN-FACT, FOR A PROFFER PLAN/GENERAL DEVELOPMENT PLAN AMENDMENT; SUBJECT TO THE GENERAL DEVELOPMENT PLAN REVISED JULY 2, 2018 AND PROFFERS REVISED JULY 2, 2018, ON THE LAND KNOWN AS 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY, INCLUSIVE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-2-27, 57-1-2-31, 57-1-2-31A AND 57-1-2-31B WITH THE FOLLOWING CONDITIONS:

1. Development of the subject site shall be in substantial conformance with the attached plans and associated submission materials stamped "Received July 3 2018", and the applicant's proffer statement dated [July 2, 2018], and as modified by the City Council.

2. A Construction Management Plan shall be included in the proffer statement. Subsequent to rezoning approval but prior to site plan approval, the Applicant agrees to submit a Construction Management Plan for approval by the City Manager or his designee for construction. The plan shall include but is not limited to the following information: hours of operation, truck routes to and from entrances, location of parking areas for construction employees, traffic control measures, fencing details including specifications for an opaque wrap of construction fencing and signage identifying the project and providing contact information for the developer and/or general contractor. All signage and fencing wrap shall be approved by the Director of Community Development and Planning.

3. Proffer condition 2C shall be amended to include the following option to convert the ground floor residential units facing Lee Highway up to 4,000 square feet in addition to the proposed 5,000 square feet of accessory uses to commercial uses as permitted in the CR District without necessitating a rezoning amendment or development plan amendment should future market conditions allow, subject to demonstration of adequate parking, as demonstrated in a parking study completed by the transportation engineer or planner, and to the satisfaction of the Department of Community Development and Planning.

Motion was seconded by Ms. Jaworski.

Mr. Burrell made a friendly amendment to reword condition three to read as follows:

3. Proffer condition 2C shall be amended to include the option to convert up to 4,000 square feet of the ground floor residential units facing Lee Highway first prior to converting the proposed 5,000 square feet of accessory uses to commercial uses as permitted in the CR District without necessitating a rezoning amendment or development plan amendment should future market conditions allow, subject to demonstration of adequate parking, as demonstrated in a parking study completed by the transportation engineer or planner, and to the satisfaction of the Department of Community Development and Planning.

Mr. Harmon agrees with the amendment except for the priority of the conversion. He believes that decision should be left up to the applicant.

Mr. Burrell said he added the language since the planning commission wants to see commercial uses along Lee Highway.

Mr. Harmon and Ms. Jaworski agree with the friendly amendment.

The motion, with the friendly amendment to condition #3, carried unanimously.

8. Adjourn Regular Meeting.

9. Work Session:

- a. Discussion of potential development alternatives on the premises known as 4131 Chain Bridge Road and more particularly described as Tax Map Parcel(s) 57-4-02-040.**

Mr. Nabti presented the staff report which has been incorporated into the record by reference.

10. Reconvene Regular Meeting.

11. Staff Report.

Mr. Nabti said adoption of the City of Fairfax Design Guidelines will be considered during tomorrow night's City Council meeting. He thanked the commissioners for being available for last Saturday's work session. He said staff is editing the first draft of the Comprehensive Plan and will provide the document to the planning commission in August.

12. Commission Comments.

Mr. Burrell – No comments.

Mr. Armstrong – Asked for a status update on the Housing Report.

Mr. Nabti said the Housing Report is currently being reviewed by the Mayor. He is hopeful the report will be presented to City Council soon.

Mr. Angres – He will meet with Mr. Nabti and Mr. Chris Bruno on Wednesday regarding issues brought up at the July 14th (Saturday) meeting and will update the planning commission in September.

Ms. Wheeler-Smith – No comments.

Mr. Harmon – Thanked Ms. O'Brien for her service to the City.

Ms. Jaworski – Thanked Ms. O'Brien for her service to the City. Wished Ms. Wheeler-Smith a Happy Birthday. Reminded everyone that Rock the Block will be this Friday Night.

Mr. Cunningham – Thanked Ms. O'Brien for her service to the City. Thanked the remaining staff for their support of the planning commission. Wished everyone a happy summer recess and will see everyone in September.

13. Adjournment.

Meeting Adjourned at: 9:43 p.m.

ATTEST: *Tina Gillian*
Tina Gillian, Secretary