



# County of Fairfax, Virginia

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July 22, 2016

John P. Sekas  
Sekas Homes Ltd.  
407 L Church Street, NE  
Vienna, VA 22180

**2016 Planning  
Commission**

**Peter F. Murphy**  
Chairman  
Springfield District

**Frank de la Fe**  
Vice Chairman  
Hunter Mill District

**James R. Hart**  
Secretary  
At-Large

**Timothy J. Sargeant**  
Parliamentarian  
At-Large

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**Ellen J. "Nell" Hurley**  
Braddock District

**John Ulfelder**  
Dranesville District

**James Migliaccio**  
Lee District

**Julie Strandlie**  
Mason District

**Earl L. Flanagan**  
Mount Vernon District

**Kenneth A. Lawrence**  
Providence District

**Karen Keys-Gamarra**  
Sully District

**Janyce N. Hedetniemi**  
At-Large

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**Jill G. Cooper**  
Executive Director

**Kimberly A. Bassarab**  
Assistant Director

**John W. Cooper**  
Clerk to the Commission

**Re: RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD.  
Hunter Mill District**

Dear Mr. Sekas:

At its July 21, 2016 meeting, the Planning Commission voted 7-4 (Commissioners de la Fe, Flanagan, Migliaccio, and Murphy voted in opposition; Commissioner Lawrence was absent from the meeting) to **RECOMMEND DENIAL** of the above referenced rezoning application and development plan amendment to the Board of Supervisors. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

Concurrently, the Planning Commission voted 7-4 (Commissioners de la Fe, Flanagan, Migliaccio, and Murphy voted in opposition; Commissioner Lawrence was absent from the meeting) to **DENY** the above referenced Final Development Plan application.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,

John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: Catherine Hudgins, Supervisor, Hunter Mill District  
Frank de la Fe, Planning Commissioner, Hunter Mill District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Laura Arseneau, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)  
Robert Harrison, ZED, DPZ  
July 21, 2016 date file

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Planning Commission Meeting  
July 21, 2016  
Verbatim Excerpt

RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD

Decision Only During Commission Matters  
(Public Hearing held on May 5, 2016)

Commissioner de la Fe: Okay, our second – the second item that I have – I’m going to make a bit of a statement. Last month on June 16 – oh, and this refers to RZ/FDP 2015-HM-012 and DPA-HM-117, Sekas Homes, LTD. Last month, on June 16, the Planning Commission took a series of votes – all ending in ties – on a series of three motions. One, to recommend approval of RZ 2015-HM-012 and the Conceptual Development Plan, subject to the execution of proffers conditioned – consistent with those dated May 23<sup>rd</sup>, 2015. Second, to recommend approval of DPA-HM-117 and to approve Final Development Plan FDP 2015-HM-012, subject to the Board of Supervisors’ approval of RZ 2015-HM-012 and the Conceptual Development Plan. The – they all ended in tie votes and, therefore, all three motions failed. It has come to my attention, however, that under Section 19-05(7) of the Zoning Ordinance, the Planning Commission can take a valid action only if “authorized by a majority vote of those present and voting.” As a result, our tie votes on June 16<sup>th</sup> did not constitute any action by the Commission, just a failure to approve. Then, in addition to that, on July 11<sup>th</sup>, 2016, the owner executed new proffers – new proffered conditions, amending the ones dated May 23<sup>rd</sup>. Because the Commission still has an opportunity to take action on these applications, I, you know, plan to move on them again. As I’ve stated before, we understand – as I’ve stated before, we must take our recommendation to the Board – make our recommendations to the Board on the basis of the Comprehensive Plan, applicable codes, the rules and regulations as they exist now – not as to what may or may not have happened in the future. The facts that we have before them – before us are: we have a legally submitted, accepted, and analyzed application. The applicant has dealt with the issues raised through the proffers that are now dated July 11<sup>th</sup>. Staff recommends approval and I believe it’s time that, given the fact that they exist, it is time to act. Therefore, Mr. Chairman, the change to the proffers was to move the – the Workforce Units to lower – from 80 to 70, the applicable level. Mr. Chairman, I MOVE TO RECOMMEND APPROVAL OF RZ 2015-HM-012 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE PROFFERED CONDITIONS DATED NOW DATED JULY 11<sup>TH</sup>, 2016.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I’m not going to support the motion. I appreciate the difficulties that we’ve all had dealing with this application. I’d like to put my reasons on the record. I agree very much with Commissioner de la Fe that we have to go by the adopted Comprehensive Plan and not what the Plan could say, or should say, or might say. I think for this site, the adopted Comprehensive Plan calls for two options. There is a – an existing baseline recommendation, which includes office or residential up to 30 units to the acre. There is an optional redevelopment

option, which I think calls for something substantially more intense mixed-use. Both of those options, under the adopted Comprehensive Plan today, contemplate, in my view, a multi-family or predominantly multi-family development that is more vertical and – rather than horizontal – more oriented to the Metro or the proximity of the Metro. In this particular site, we have instead a different type of housing product – townhouses, which is more horizontally oriented. That’s created some problems with respect to the site design which are aggravated to some extent by the gas pipeline easement bisecting the site, which not only places the units closer to the pipeline than we would usually do, but creates some other deficiencies. One of those is in parking. I think I had articulated from day one the concerns that I had about the parking. We have townhouse lots that are going to yield interior clearance for the garages of 19 feet, which is less than the AIA template that we’ve been given of 20 feet. There are no driveways and so the parking has got to be done – this parking has got to be accommodated in some other way, either in the garages or the spaces that we have. We are counting the garages – the 19-foot garages as two full parking spaces, which may be somewhat unrealistic. I think, also, there are 46 or 47 parking spaces depicted on the site. Those are going to have to service the multi-family units, the visitor spaces, any deliveries for the townhouses, and any overflow parking. In my view, with the configuration of the parking on this site and the number of parking spaces, we have not resolved those concerns. Secondly, the way the townhouses are laid out – there is no privacy yard provided. The Board has established a minimum standard of 200 square feet, minimum, for a privacy yard for an attached single-family unit. The justification for the waiver that’s been requested, I think, is that open space has been provided somewhere else. On this site, however, the open space that’s provided in lieu of this minimum privacy yard appears to be across the gas pipeline easement, across the parking lot, and down in the EQC. It is not an equivalent space. It’s not something where you can let the dog out or you can sip your coffee there or watch the children play there in a more secure area. And I don’t believe that’s an equivalent and we’re reducing that to nothing. They’re also asking for a waiver of the loading space for the multi-family building. It’s a small multi-family building, that’s true, but I don’t believe – and I could be wrong – I don’t believe we have typically reduced the loading spaces to zero on a multi-family building. And what that does on this particular site, the way it is configured with the fire lanes, means that every time there is going to be a deliver – the pizza guy, the UPS guy, the florist, a piece of furniture being delivered – somebody’s going to block the fire lane. And they’re going to say, “Well, it’s just for a minute. I’m just going to run in and do that.” But that creates a safety problem. It creates a functional problem. It may preclude access for emergency vehicles or to the last few townhouses on that – that strip to the left. I think this – this application, which is for townhouses at 9-point something instead of multi-family at 30-plus, is well-below the low end of the Plan range. There’s nothing that I see in the Plan text contemplating a townhouse option or an option in the 9 to 10 range rather than 30 or something else. I think we are conflating, sometimes, what might be reasonable or what could be rationalized with a Plan Amendment. We did, in fact, a Plan Amendment on something very similar in Annandale just a few weeks ago to add the townhouses in the back of the shopping center where mixed use had been contemplated, but the developer came in with a different type of product. We don’t have that type of Plan Amendment here. We have an application to do something that’s an attractive product that might work better on a different site. This, however, under the process we’ve just gone through in Reston, should be more vertical. It should be more emphasis on the multi-family. And I can’t conclude that we’re there yet. So I won’t, unfortunately, not be able to support the motion. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes. Mr. Flanagan, please.

Commissioner Flanagan: A question. At the last meeting where we – the motion failed on a tie vote, I moved to approve the application on the basis that there was a follow-on motion. Is that follow-on motion still valid and going to the Board with this motion?

Commissioner Hart: It's a question for me?

Chairman Murphy: Was it? I don't...what was the follow-on motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: I made a – after all the motions failed, I made a follow-on motion to the effect that we request the Board to direct staff to do the inventory of significant – architecturally significant, historically and culturally significant sites, and to make that a priority. My understanding is that that motion passed – it was 10 to nothing – that that is still alive, but it hasn't gone to the Board yet and there's no – there's no specific time for the Board to act on that. I think that's alive, but independent of what we're doing tonight, if I understand, procedurally, where we are.

Chairman Murphy: Okay.

Commissioner Flanagan: I think you've answered my question. Thank you.

Chairman Murphy: Okay.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: We're on verbatim. Yes, Mr. de la Fe.

Commissioner de la Fe: Yes, and I will make it very short. I commend Commissioner Hart for his various objections to this plan. However, we have approved similar plans elsewhere and I just don't – I honestly don't understand the rationale for denying it on this one. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2015-HM-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Commissioner Hart: Division.

Chairman Murphy: All right. We'll have division. Ms. Keys-Gamarra?

Commissioner Keys-Gamarra: Nay.

Chairman Murphy: Nay. Ms. Strandlie?

Commissioner Strandlie: Nay.

Chairman Murphy: Nay. Ms. Hedetniemi?

Commissioner Hedetniemi: Nay.

Chairman Murphy: Nay. Mr. Flanagan?

Commissioner Flanagan: Yay.

Chairman Murphy: Aye. Mr. Hart?

Commissioner Hart: Nay.

Chairman Murphy: Mr. de la Fe? I'm sorry.

Commissioner de la Fe: Aye.

Chairman Murphy: Aye. Mr. Hart?

Commissioner Hart: Nay. Now you got me off one of – but one, two, three – it's three to two. I'm voting no. Thank you.

Chairman Murphy: Okay. Mr. Sargeant?

Commissioner Sargeant: Nay.

Chairman Murphy: Mr. Migliaccio?

Commissioner Migliaccio: Aye.

Chairman Murphy: Ms. Hurley?

Commissioner Hurley: No.

Chairman Murphy: Mr. Ulfelder?

Commissioner Ulfelder: No.

Chairman Murphy: And the Chair votes aye.

Commissioner Hart: 4 to 7. It fails 4 to 7.

Chairman Murphy: Motion fails 4 to 7. Is there another motion that would be considered? Mr. Hart, do you want to...

Commissioner Hart: Mr. Chairman, you may want a second.

Chairman Murphy: Here.

Commissioner Hart: Mr. Chairman, I MOVE TO RECOMMEND DENIAL OF RZ 2015-HM-012 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that the Board of Supervisors deny RZ 2015-HM-012 and the accompanying Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners de la Fe, Flanagan, Migliaccio, and Murphy: Nay.

Chairman Murphy: Nay. Same division? No one changed. Okay, the motion carries. Mr. Sargeant – or Mr. Hart?

Commissioner Hart: Yes. Thank you, Mr. Chairman. I MOVE TO RECOMMEND DENIAL OF DPA HM-117 THAT WOULD PERMIT THE DELETION OF 22,834 SQUARE FEET OF LAND AREA FROM THE PRC DISTRICT.

Chairman Murphy: Is there a second?

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny DPA HM-117, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners de la Fe, Flanagan, Migliaccio, and Murphy: Nay.

Chairman Murphy: Motion carries if the division is the same. Anyone change? Okay.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I MOVE TO DENY THE FINAL DEVELOPMENT PLAN, FDP 2015-HM-012.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? All those in favor of the motion to deny the Final Development Plan 2015-HM-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners de la Fe, Flanagan, Migliaccio, and Murphy: Nay.

Chairman Murphy: Motion carries. Same division.

Commissioner Hart: Thank you.

Chairman Murphy: Thank you very much.

Commissioner de la Fe: I believe Mr. Flanagan has changed – he voted with – at least that’s what it sounded like.

Commissioner Flanagan: I voted with your motion and nay on the follow-on motion.

Chairman Murphy: Okay.

Commissioner Hart: I think all four were 7 to 4.

Commissioner Flanagan: It was 7-4.

Chairman Murphy: Okay. 7 to 4. Mr. Migliaccio? Oh, I thought you...

Commissioner Migliaccio: I do have something when Mr. de la Fe’s done.

Chairman Murphy: Okay. And the motion – the additional motion that Mr. Hart made at the last meeting is still in effect to the Board of Supervisors regarding the exploration of the building.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Having said all that, Mr. de la Fe?

Chairman Murphy: Mr. Chairman, I request that the verbatim from our non-action on July 11<sup>th</sup>, I believe it was.

Commissioner Hedetniemi: June 16<sup>th</sup>.

Commissioner Hart: June 16<sup>th</sup>.

Commissioner de la Fe: On June 16<sup>th</sup> – be included.

Chairman Murphy: Without objection? Okay. Thank you very much.

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(The first motion failed by a vote of 4-7. Commissioners Hedetniemi, Hart, Hurley, Keys-Gamarra, Sargeant, Strandlie, and Ulfelder voted in opposition. Commissioner Lawrence was absent from the meeting.)

(The second, third, and fourth motion carried by a vote of 7-4. Commissioners de la Fe, Flanagan, Migliaccio, and Murphy voted in opposition. Commissioner Lawrence was absent from the meeting.)

JLC



# County of Fairfax, Virginia

RECEIVED  
Department of Planning & Zoning

JUN 27 2016

Zoning Evaluation Division

June 23, 2016

John P. Sekas  
Sekas Homes Ltd.  
407 L Church Street, NE  
Vienna, VA 22180

**Re: RZ/FDP 2015-HM-012/DPA-HM-117 – Sekas Homes, Ltd.  
Hunter Mill District**

**2016 Planning  
Commission**

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**Jill G. Cooper**  
*Executive Director*

**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

Dear Mr. Sekas:

At its June 16, 2016 meeting, the Planning Commission voted to **RECOMMEND APPROVAL** of the above referenced rezoning application and development plan amendment to the Board of Supervisors. The vote to **RECOMMEND APPROVAL FAILED WITH A DIVISION 5-5** (Commissioners Hedetniemi and Lawrence were absent from the meeting). A copy of the verbatim transcript is attached.

Concurrently, the Planning Commission voted to **APPROVE** the above referenced Final Development Plan application. The vote to **APPROVE FAILED WITH A DIVISION 5-5** (Commissioners Hedetniemi and Lawrence were absent from the meeting).

As a follow on motion, the Planning Commission voted 10-0 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to recommend to the Board of Supervisors that staff be directed to undertake whatever appropriate inventory of historic sites in the Reston area.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,

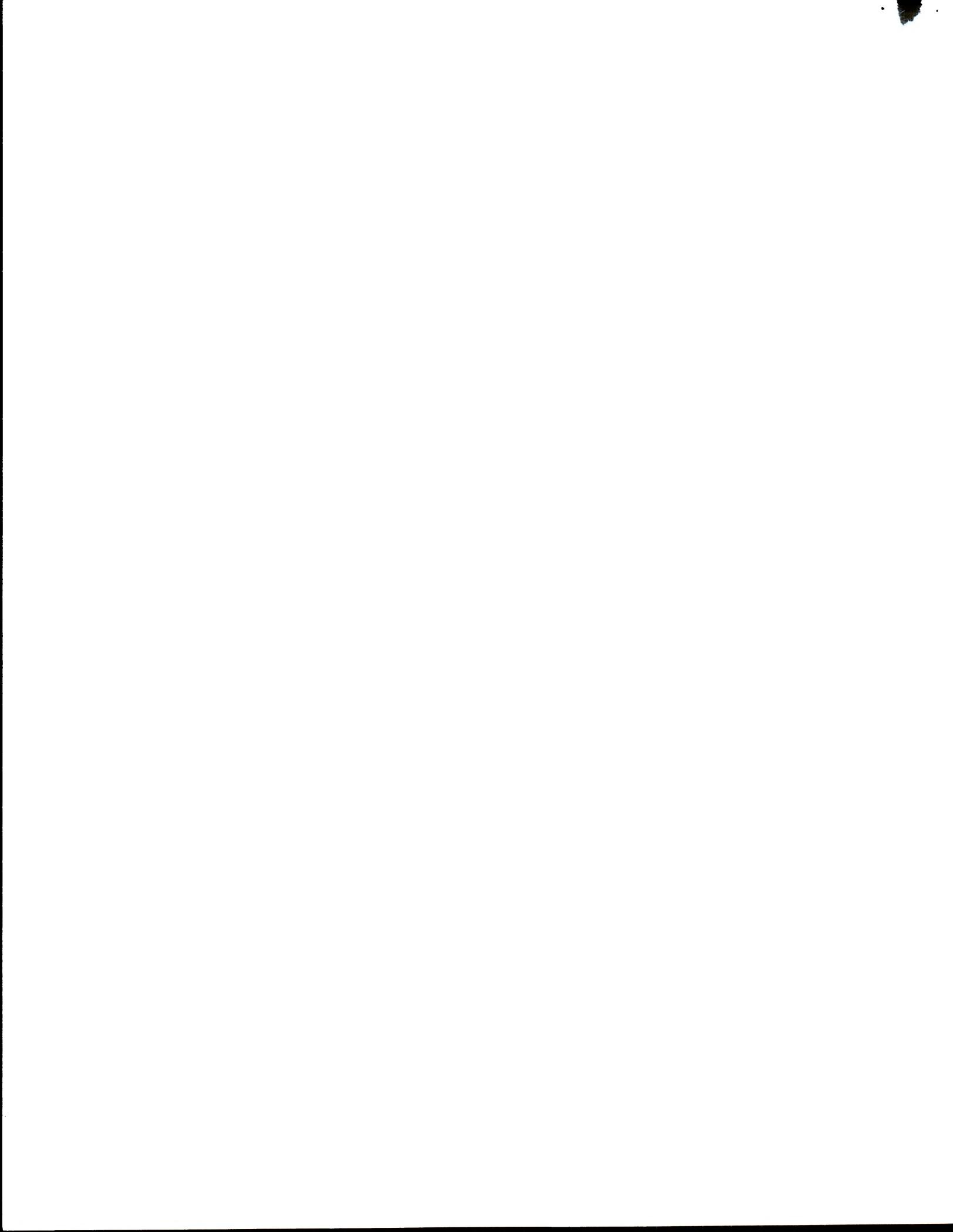
John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

- cc: Catherine Hudgins, Supervisor, Hunter Mill District
- Frank de la Fe, Planning Commissioner, Hunter Mill District
- Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
- Laura Arseneau, Staff Coordinator, ZED, DPZ
- Robert Harrison, ZED, DPZ
- June 16, 2016 date file

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RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD

During Commission Matters

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, we had a public hearing on May 5th, 2016, on these applications. We deferred the decision to May 26, 2016, to address a number of issues related to the redevelopment plan. The issues raised at the May 5<sup>th</sup> public hearing were addressed in various proffer changes made available in time for the May 26 scheduled decision. During the period of the initial deferral, the issue of the architectural and historical significance of the American Press – American Press Institute building, which is on this site, gained prominence. As was mentioned at the public hearing, during the multi-year review of the Reston Corridor Area leading to the adoption of the current Comprehensive Plan that now governs this area, the – there was no mention of the API building. This multi-year effort included participation by several hundred people, including numerous architects. Again, the API building did not come up and there is nothing in the Comprehensive Plan about it. There has been a passionate and extensive movement to delay or further defer the decision on this application in the hope that steps could be taken to somehow preserve the API building. I understand the intensity and the desire to preserve the building but, as I've stated before, we must make our recommendation to the Board on the basis of the Comprehensive Plan, applicable codes, rules and regulations as they exist now, not as what may or may not happen in the future. The facts as we have them before us are – we have a legally submitted, accepted, and analyzed application. The applicant has dealt with the issues raised through the proffers that are now contained in the package and through negotiations with the staff and are contained in the staff addendum that was dated June 8<sup>th</sup>. The staff recommends approval and I believe that given the facts as they exist, not as may – we may wish them to be in the future – I believe that it is time for the Planning Commission to make its recommendation on this case. On a personal note, the recommendation that I am about to make is one of the most difficult ones that I have had to make in the many years that I have been on the Planning Commission, especially as I look at the petitions, I see that there are many long time personal friends, acquaintances, and neighbors who are those that oppose this application because of its impact on the API building. However, Mr. Chairman, given the facts as I have them, I MOVE APPROVAL OF RZ 2015-HM-012 SUBJECT TO THE EXECUTION OF PROFFERS AND – I'M SORRY – AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED MAY 23, 2016.

Chairman Murphy: Second. I seconded. Is there a discussion of the motion? Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman.

Chairman Murphy: I got carried away there.

Commissioner Ulfelder: I plan to vote against this motion not because I am prepared at this point to deny the application, but because I think that the County failure to recognize this building's importance does not really detract from the building's significance and importance. And I think that we should take a little bit more time. Staff had prepared a memo on the potential feasibility study to determine what the condition of the building would be and what possible uses or reuses

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RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD

could be appropriate for this building and it would give us – I think – once we would have that information, we could then determine whether that was even feasible or not. And if it was, then we might have a basis for some further discussions about how to proceed in this case. And I just think that taking some more time to do that makes a lot of sense because of – I'm not going to go into the long history – we've received a lot of information about this building, it's importance, it's significance, the people who came to meetings and participated in conferences at that building, and why it has a real special meaning. In fact, it's an example of the brutalist architecture on a smaller scale. It fits beautifully on the site and – but it does have its own set of problems as well. And I think that taking the time to study it a little further, to think about it, and to consider what some of the options might be and whether the parties that are involved would be willing and able to work with those options, I think make sense. So I plan to vote against the motion at this time and would prefer to see the decision further deferred while we proceeded with that kind of feasibility study with a report back to staff and to us on the results of that.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yes, thank you, Mr. Chairman. I regret that this – I think it's going to be a lengthy verbatim. I agree largely with Commissioner de la Fe's observations, although, I think I also come down on the side of Commissioner Ulfelder. I think we're on the horns of a dilemma. We have a very important obligation to treat the applicant fairly and consistently with everybody else and to judge this application in the context of the adopted Comprehensive Plan, and the Zoning Ordinance, and our common sense, and any typical case where we would make a recommendation to the Board of Supervisors to not treat this applicant unfairly. At the same time, I think we also have obligations to the County and the community wherever appropriate to identify and preserve structures of historic, or architectural, or artistic significance. And on this one it's particularly difficult because we messed up, we – collectively the County, that this structure should have been identified at some point along the way and it wasn't. And – and I've struggled myself with how did we get to a situation where because of a technicality an architecturally significant building by one of the most significant architects of the 20th century, the only building by him in Virginia, is not protected in any way and that all we can do is ignore the existence of the building. And I thought with the resources of the County, maybe that makes it even more important for us collectively to come up with a solution that is fair to the applicant and yet recognizes our responsibility to deal with that significant error. I feel also that the omission of the building from any identification or text in the Comprehensive Plan in no way diminishes its significance. I hope this is a wakeup call to us and I understand there may be a follow on motion, and that we need to make sure that something like this never happens again. I want to address a little bit my concerns about the case and some of my observations since the public hearing. I started thinking about this case when I looked at the drawings and, unfortunately, I didn't read the staff report initially. I didn't read the letters dealing with the Marcel Breuer's involvement and what had happened. But in looking at the – the drawings of the townhouses, I had the same concern that I have on some the other what I've called "urban townhouse two-car garage situations" where it's a narrow garage with an interior clearance of less than 20 feet which was the AIA template, which for whatever reason we have sometimes counted as two parking spaces for Ordinance purposes but haven't always worked out. This case isn't as bad some of the ones we've seen and the applicant has made some improvements. There will be a disclosure that the garages are slightly longer now if not wider. But I still don't think we have captured exactly what we need to do with parking. I think it is unrealistic to count narrow

June 16, 2016

RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD

garages as two parking spaces, particularly where there isn't enough extra parking either in driveways or elsewhere on the site. We've resolved that on other cases, on this one I'm still not a hundred percent sold. I wasn't at the public hearing and that issue remains for future cases. Setting aside the issue of the parking, I tend to agree with Commissioner de la Fe that the significance of the building standing alone would not be a basis for denial. Commissioner Lawrence who couldn't be here tonight did call me earlier this week and he had a concern also, and I'll mention this in passing for his benefit, that the type of documentation that is contained in the report in the staff report, although the applicant may well have paid 14,000 dollars to get that. The photographs in the report do not necessarily adequately document the entirety of the building inside and outside or what we – we might want and Commissioner Lawrence had some detailed suggestions about what might be done if for something that would go in the Virginia Room, if an appropriate case of building were to be demolished and – but documented first. That – we haven't spent a lot of time with that issue. Staff also had sent us a memo in the last few days regarding an additional study. Commission Ulfelder referred to that and I thought given everything else in this mix, I would be more comfortable if that avenue were pursued. I don't know where the money comes from for that but it was not as great an expense as I had anticipated. We received also on this case, as been alluded to, input from not only from the Architectural Review Board and the History Commission, which set off the alarm bells for me in the staff report the night of the public hearing, but also since then the letter from the Department of Historic Resources saying the building was of exceptional significance, a letter from the American Institute of Architects, which I don't remember ever getting before, saying you have a building by a gold medal winner. The only building by him in Virginia, you can't do this. We've gotten comments from all over the world and the only two times I can remember something like that exploding on a case were, maybe there are others, but the dance floor measurement fiasco and a BZA case with a tree house in the front yard which – both of which – tell me in the thermodynamic principles of land use and human psychology, when you start getting letters all over the world feeling with a local land use case, something is wrong and we should tread carefully. The building itself – I had – I appreciate the applicant's willingness to go through the building with us and take the time to do that. Mr. Sekas has been here before, he will be here again and I – and I appreciate his – his – dealing with us in that spirit. I had hoped somewhat that I wouldn't be very impressed by the building, that it might be some non-descript vacant something and it wouldn't really matter. I was very favorably impressed seeing the building, I hadn't expected that. And the use of light and shadow, the incorporation of natural light on dark interior spaces, an auditorium with natural light from above, skylights and clerestories, and unobstructed windows that brought the outside into the rooms. Rooms that appeared to have trees inside the rooms. The use of windows with fins and recesses to shade the glass from direct sunlight, acoustics in two of the rooms. If we had meeting rooms that were as beautifully designed as some of the rooms in that building... Compared – I mean, everything we upstairs seems so mediocre and ordinary and I was – it is – I was – I was very – I was – I was as impressed by that building as other architectural buildings that I've gone to look at by other architects. I thought this is a significant – it's a special building, it's beautifully designed, and I was very favorably impressed. I think that six of us went on a tour and I expect, and Commissioner Flanagan is an architect, and – and I think people would have similar reaction to it but the letter we got from DHR about the building being of exceptional significance, I think that was an appropriate phrase for it. And it gives me pause again before – we've messed up, we really messed up and that – it bothers me a great deal. The other concern I have, the Land Use Committee – one of the members of the members of the Land Use Committee had indicated that

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at the time – I think it's a Reston PNZ Committee – that the Committee was not aware at the time of their deliberations of any of this and I don't know that that would have changed something but it gives me pause that we're acting on something in a way that – we rely in part on the Land Use Committee's having looked at things and having discussions with the applicant, that didn't happen in the way that I think we would – we would prefer. I want our recommendation to the Board to be something that we're confident about, that we're proud of and I'm not comfortable. I think if this goes to the Board the way it is now, it's going to be a blood bath, it's going to be a long night with a lot of angry speakers that are going to be unhappy no matter what. And we – it makes the County look bad. I think we can do a little better job with a little more time, I hope. And I hope that there is some way that all this can come together, and that there is some way out of this dilemma. I'm sorry for going on so long but, you know, this is a countywide case, this was a major screw up. I hope that we can take something good out of it and I'm going with Commissioner Ulfelder. Thank you.

Commissioner de la Fe: Mr. Chairman.

Chairman Murphy: Mr. de la Fe first.

Commissioner de la Fe: No, I would like on one point to correct the record for Mr. Hart. Although the person he might have spoken to from the BNZ Committee might not have been paying attention. The issue of this building at the Planning and Zoning Committee was very much discussed. There were people there that, you know, had worked in the building and they did everything they could to, you know, to tell the Committee the importance of this building as a result of those discussions is why we have proffers that the applicant has made concerning the building. And it was a divided vote, it was 7-4, four against and one abstention. But, you know, this certainly was discussed. It is not easy to do and then the other thing about the study – further study – is as stated you don't where the money is coming from, I don't either, and I'm not sure whether – what would be accomplished by further delay on this to permit a study to be done now when – if a study should have been done five years ago or whenever it was that the API sold this building. And if they had such, you know, if the building had such significance, they could have put a covenant on it, on the deed, that the building could only be reused. They were just interested in selling and when the applicant submitted its application, there is nothing that, you know, this is not an overlay district, this is not any historic listing. So I realize – it is not easy – but I just don't know what further delay will lead to different than making, you know, acting on this. I think further delay might be almost equivalent to a denial and I just don't believe that we can deny an application for a building to save a building that is nobody's official listings and certainly it's not an overlay district which is the only one that would require that the building, you know, meet certain conditions.

Chairman Murphy: Okay, Ms. Keys-Gamarra and then Ms. Strandlie, Ms. Hurley, Mr. Flanagan.

Commissioner Keys-Gamarra: Thank you, Mr. Chair.

Chairman Murphy: And I will remind everybody, now since we've discussed this kind of fully that we are on verbatim. Okay? Which is not to preclude you from talking but request you to be brief for everybody.

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Commissioner Keys-Gamarra: Why would you say that when I start talking?

Chairman Murphy: Yeah, because we – we have – nothing personal but I just to remind everyone around the room.

Commissioner de la Fe: Because you're sitting a way back.

Commissioner Murphy: Yeah, yeah.

Commissioner Keys-Gamarra: Okay, I'll try to be brief. I'll throw these other pages away. I do agree with my colleagues, Mr. Ulfelder and Mr. Hart. I was also one of the people who participated in the tour of the building and I hear Mr. de la Fe and I understand and respect his analysis. But I think it's very important that we do not look at this issue in a vacuum. We have a duty to consider the information that we've received. I understand that there is a petition with signatures, I – I believe of more than 700 people. This is – this is a treasure. I actually – my brother graduated from architectural school and after I left that building I called him and he confirmed what I was feeling and that that was – that this was something to be cherished. I understand that we are bound by the Comprehensive Plan as well as the Zoning Ordinances but I think we made a mistake. I think that there was an oversight and we need to find some way to protect and preserve for our community. I cannot imagine saying to my children that this treasure is not available because of a mistake. So, Mr. Chairman, I cannot in good conscience vote to approve this application at this time. I think it is appropriate to go through the steps that have been described previously. We have a duty to our community and, also, I want to mention in the earlier hearing we were told that the building was not included in the historic register but we were not provided an explanation as to why and I do think it was a mistake. And as a newest member of the PC – of the Planning Commission – I would ask my colleagues to allow the process to continue because to quote my colleague, Commissioner Hurley, "once this building is gone, it's gone." And I'd like to make sure that we take every step that we can to both respect the applicant and try to preserve a treasure for our community. Thank you.

Chairman Murphy: Mr. Strandlie.

Commissioner Strandlie: Thank you, Mr. Chairman. I have to agree with my other colleagues on the need to extend the deliberation on this – on this building. I also agree with Commissioner Hart about the problems with the application itself and I completely respect Commissioner de la Fe's position on this. This building is – is a treasure. I have a newspaper background with my first job out of college and I – actually in high school – and I asked my first boss, I emailed him and he said – he's a newspaper editor on the West Coast now – and he said it would be an awful situation to lose this building over a human error. And, I think, we do need to go back and make sure that we have done everything we can. The world is now aware that – that this building exists. Perhaps, people didn't know. Obviously, people didn't know that this was there or – and/or important. So, perhaps, during this deferral period, hopefully, that we will get – that I will support – we will have that opportunity. The other thing that – that really struck me as making a big difference in the proffers, there is the public art section that talks about the applicant will work with the IPAR, the Initiative for Public Art, to allow the installation of public art on the property in the – in the area – potential public art area. It will be, according to the Reston Association, "an art element that will commemorate the prior existence of the American Press

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Institute building.” And I’m not willing to take a step that would make this a building that previously existed. So thank you very much.

Chairman Murphy: Ms. Hurley and then Mr. Flanagan, and then Mr. Migliaccio.

Commissioner Hurley: Thank you, Mr. Chairman.

Chairman Murphy: I’m trying to keep score here.

Commissioner Hurley: I concur with the thoughts of the previous four Commissioners and I will be brief. The Planning Commission is not a rubber stamp and we do sometimes catch and try to correct previous oversights and omissions. I cannot vote to recommend approval of this project until the building has undergone a determination of eligibility, a DOE for the National Register of Historic Places, and I will also vote that – against the motion this evening.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes, thank you, Mr. Chairman. My – my question first is to the staff. The – this – I see that the Board of Supervisors is not scheduled to receive this, that their meeting before the Board has not been scheduled. Is that correct?

Chairman Murphy: It’s to be scheduled, I think.

Laura Arseneau, Planner III, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Yes, yeah to be scheduled, that’s correct.

Commissioner Flanagan: So we do, possibly, if they don’t get it in before the Board, before the August recess, is we, probably, not before them until the fall. Is that right?

Ms. Arseneau: Yes, that would be correct.

Commissioner Flanagan: And just my own feeling initially on this was, I was planning on abstaining because I felt that the – the application had left a lot of loose ends unresolved. One of which was a letter that I received from a businessman in Reston who indicated that they previously had approached the Institute about purchasing the building that it was absolutely a perfect fit for them as a sight to relocate their Reston business. And I really haven’t heard anybody explain yet to my satisfaction as to whether that – why that – you know, didn’t occur. But I presume that – that plus some of the other questions that are risen here, you know, would be worthwhile resolving before this goes to the Board of Supervisors. And – so I’m constant – sensitive to the Commissioner de la Fe’s motion which appears to me to – one to avoid the prolonged delay in resolving this issue. That it – I think we do if were to support this motion, there might be enough time left to actually pursue some of the things that are follow on motion about, you know, doing the – what Commissioner Hurley – get a determination as to that and that would set the date, you know, it would be finely available for the Board of Supervisors. I don’t know whether that’s appealing to Commissioner de la Fe or not, I haven’t talked to him about it, but I – I want to be sure that everybody aware – is aware – that I am the only architect on the Planning Commission, I presume. And I spent my career working in the Marcel Breuer building,

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and it's – I found that – the building, you know, totally competent for use, you know, today and I hate to see a building, you know, just thrown away just because they can't find a – temporarily – find somebody to – to – put a to – in appropriate second use. There are many other Breuer buildings that have been converted to other uses and I presume that that has been pursued by the applicant, I'm also sensitive to Mr. Sekas. I think we, you know, he's been pursuing this for quite some time and I'm not interested in, you know, prolonging his agony either. That – I think that if we could come to some sort of an agreement as to maybe allowing this to go to the Board and letting them deal, you know, with a recommendation that nothing – no action be taken on this until a study, an architectural study, determinative study has been completed. Those are the only comments that I have.

Chairman Murphy: Mr. Migliaccio and Mr. Sargeant.

Commissioner Migliaccio: Thank you Mr. Chairman. I'll be brief. I am going to support Commissioner de la Fe's motion tonight because I think that we need to respect the land use process that Hunter Mill has, that the community has, and that the applicant has gone through this in an honest forthright manner, I believe, and to penalize him at the last moment is not fair. He's seen the emails, he understands the outcry that's out there. And to piggyback on Commissioner Flanagan, we do not have a Board date. We have six weeks, normally, from the time we approve something or make a recommendation at the Planning Commission before it goes to the Board. Within that six weeks, I think, we can find time to do whatever needs to be done. Just to defer at this level, because we had a public hearing and then we deferred the decision and that we had this outcry. We didn't have the outcry until after the public hearing. There was much of this that should have been taken care of prior. Staff missed this, the community missed it, but to penalize the applicant at this stage, I think, is wrong. I'm going to support Commissioner de la Fe, I don't want this building to be torn down but I think the process needs to play out and I think by moving it to the Board and shining a light on it there might – something might come to a head faster going through that path than keeping it here. Thank you, Mr. Chairman.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Okay. Mr. Chairman, a couple of comments. I - I really don't believe that this oversight was in any way deliberate. I have absolutely no doubt about that. I do believe that it may be due in part to the fact that this building is in area that is surrounded by historic significance. This area is rife with – with significantly – significant architecture. And I also believe that the County is well served by County staff and citizens who are dedicated to identifying sights of historic significance. So, we have a challenge here. I think the – the overall application is very good. We do have a process issue, though, that may spell itself out in precedent issues in the future. What I'd like to suggest is, perhaps, an alternative motion that would defer a decision only until, perhaps, mid-July followed by a recommendation that the specific issue of funding a study on this site, on this historic API building, be forwarded to the Board of Supervisors at their June 21<sup>st</sup> or July 12<sup>th</sup> meeting for consideration. And then that would be followed by a final decision by the Planning Commission as they set on either July 13<sup>th</sup> or July 14<sup>th</sup>. And I'm hoping that would be a successful – an acceptable alternative to an up or down vote tonight. I completely respect Commissioner de la Fe and the citizens who reached this conclusion in this recommendation. I think that time to let us address a process issue would be

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helpful. I'm offering it for consideration, if that's possible, and I will make it as a motion if it's being acceptable.

Chairman Murphy: Well we'll find out once you make the motion.

Commissioner Sargeant: well let's try it, all right? Mr. Chairman, I WOULD MOVE THAT THE PLANNING COMMISSION DEFER A DECISION ONLY ON THE APPLICATION INVOLVING THE API BUILDING UNTIL A DATE SPECIFIC TIME OF JULY 13<sup>TH</sup> AND ALSO RECOMMEND THAT THE SPECIFIC ISSUE OF FUNDING THE IDENTIFIED HISTORIC REVIEW STUDY OF THE API BUILDING BE FORWARDED TO THE BOARD OF SUPERVISORS FOR CONSIDERATION AT THEIR JULY 12<sup>TH</sup> MEETING AND THAT WOULD BE FOLLOWED BY A FINAL DECISION BY THE PLANNING COMMISSION ON JULY 13<sup>TH</sup>.

Chairman Murphy: Is there a second to that motion?

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion?

Commissioner de la Fe: One question.

Chairman Murphy: Mr. – Mr. de la Fe.

Commissioner de la Fe: What are we going to gain by, you know, the study won't be finished. We don't know that the Board of Supervisors is going to approve the funds. I really think that something that is of such significance to so many people would have been identified a long time ago and I honestly don't see what we would gain by deferring our decision at this point.

Chairman Murphy: Mr. Migliaccio first.

Commissioner Migliaccio: Just on that point. I agree with what Commissioner Sargeant put in his motion. I – I – but I feel that that would be better left as a follow on motion to Commissioner de la Fe's first motion. It sounds like his first motion will fail and we'll have a negative recommendation sending up to the Board and then, perhaps, we can put on a follow on motion for the Board to look at this for the funding.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: I'm still at the opinion that, if its possible, a feasibility study would be extremely helpful and for everyone involved. And I agree with the points that we need to be totally fair to the applicant, to the property owner who is a third party, not the applicant, and purchased it back in – about three years ago – purchase this building. And he actually bought it from the newspaper association. The API got merged into the newspaper association some years ago and they – the newspaper association was already based in Arlington and had no use for the building, didn't know much about the building. The API people kind of were gone and so there was no real opportunity there to fully understand the importance of the building. But that being

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said, the – I think the issue is we can't order a feasibility study, we aren't going to take – we don't have the money in the PC budget to pay for a feasibility study. So, I think, Commissioner Sargeant's motion is a good one in – as a way to try to see if the Board thinks it's important enough to take that step, to have it done and to see if there is something further that could be done working with all the parties to see what would be the future of this building, and that we could – all we're asking for is a modest further delay in consideration of this. If the Board, for example, decides we're not going to pay for it, then we're faced with that – we're faced with the decision where there is not an opportunity to get that additional information that we may want and that we may need – we think we need as we go forward. So I support Mr. Sargeant's motion and I think it's a – it's an – it's a good step towards trying to see whether there is something further that can be done to this building.

Commissioner Sargeant: Mr. Chairman, if I could add...

Chairman Murphy: Sure.

Commissioner Sargeant: You know, I – a couple of things. As Commissioner de la Fe pointed out, this building was discussed during the public vetting process at the local level, certainly understand that, which is one of the reasons I'm reluctant to suggest that the applicant should pay for any kind of the study. The – the fact that this was missed is a process issue to me cause, as I said, I don't believe it was intentional, deliberate, it just happened. And with that, I think, adjusting the process for that particular issue, not for the application, for that particular issue is important enough that we take just a little bit longer to make sure we do this right because when we send this application to the Board of Supervisors, I'd like it to go with a recommendation of – of – with a recommendation – a positive recommendation. And I think this issue will – will hold further detailed consideration of this – of this overall very good application.

Chairman Murphy: Any other discussion of the alternate motion? All right.

Commissioned de la Fe: There – there's a staff member who would like to speak.

William Mayland, ZED, DPZ: I hate to interrupt, especially doing a verbatim. If you're looking to do the study, there would potentially be funds in the Department of Planning and Zoning; however, we would have to have access into the building to be able to conduct that study. For the memo, that would take up until the end of July in order to complete that. But something that in terms of funding that we could provide but we would have to have access to the building. That, of course, would be up to the applicant to provide us that, if they're willing to.

Chairman Murphy: Mr. Hart.

Commissioner Hart. Yes, Mr. Chairman. If I understood, you're saying the funding is not a problem, you just need the access?

Mr. Mayland: Correct.

Commissioner Hart: So you have to pay for the...

Mr. Mayland: And the time – and the time to do it.

Commissioner Hart: Yeah, but you would need till the end of July rather than July the 13<sup>th</sup>, two more weeks?

Mr. Mayland: Correct. What we have done is spoken with Alexandria Company we have relationship with. They work with this on the Lower Hill project. They indicated in this – in the memo willingness to a limited scope feasibility study and they will need till end of July, July 29<sup>th</sup>, and it'll be a limited scope, and that – but again they can't provide that – they can't do that study without access to the building.

Chairman Murphy: Now you tell us. All right. You? Mr. de la Fe.

Commissioner de la Fe: Yes, on the issue of what this study is, is it a study to determine whether this building qualifies for the register? Or – what are we studying?

Linda Blank, Planning Division (PD), DPZ: Linda Blank, Department of Planning and Zoning. Commissioner de la Fe, no, this is not a study to determine whether or not it would be eligible for the register. But part of what this study would do would be to talk with the Virginia Department of Historic Resources regarding potential tax credits and to look at various, up to three potential uses, adaptive reuses for the building.

Commissioner Sargeant: Mr. Chairman, I might add that... In that – oh I'm sorry.

Commissioner Migliaccio: No, there is some over there too.

Chairman Murphy: All right, Mr. Sargeant, go ahead you made the motion.

Commissioner Sargeant: I might add that at the conclusion of that study might determine that it is not to be saved, that is could be memorialized. There are other options in addition to the adaptive reuse and I think that's what a thorough professional study will include.

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Migliaccio first.

Commissioner Hart: Oh, I'm sorry.

Commissioner Migliaccio: I'm sorry. I believe...

Commissioner Keys-Gamarra: I have a question actually. Just procedurally...

Chairman Murphy: Hit the mic.

Commissioner Keys-Gamarra: Sorry. Procedurally, I'm a little confused as to whether we need to deal with Mr. de la Fe's motion first.

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Chairman Murphy: We will do the alternate motion first.

Commissioner Keys-Gamarra: Okay.

Chairman Murphy: And then see if that goes up or down. If it goes up, it prevails.

Commissioner Keys-Gamarra: And – and at some point I'd like somebody to repeat what the motion is because I kind of lost it in the whole discussion.

Commissioner Migliaccio: Mr. Chairman.

Chairman Murphy: Join the room. Mr. Migliaccio and then we go back over here.

Commissioner Migliaccio: Thank you. I just go back to the point. Mr. Mayland told us it'll be July – end of July. As we all know here, we shut down in August. So they're looking at deferral until sometime in mid-September if we keep it here at the Planning Commission. I again will stress that it might be beneficial to all to shine this light brighter at the Board, get this off our plate, even if it's not with the recommendation that is a positive one and then – because, otherwise, we're going – I don't think we should let it sit here until mid-September on the off chance that we might do something with it. And I don't know what that might be once we got information back.

Chairman Murphy: Okay. Someone else?

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I felt like if it was the County's fault that we missed it but the point of sending it to the Board was about funding the study but the study is funded that maybe that – that doesn't make sense. What would be the next Planning Commission meeting date after.

Chairman Murphy: September 14<sup>th</sup>.

Commissioner Hart: Oh, it would be September 14<sup>th</sup>, as long as that...

Chairman Murphy: After the break. I believe. Where is John? September 14<sup>th</sup>, I believe, yeah.

Commissioner de la Fe: September 14<sup>th</sup> is the first meeting date in September.

Chairman Murphy: Do you still have something? Hold on.

Commissioner Hart: Well, I guess, I was going to suggest a friendly amendment but I don't know if September 14<sup>th</sup> is too far. I kind of wanted to ask the applicant a question. I'm not sure if I want to go there at this point, so I'll just stop.

Chairman Murphy: All right, Ms. Strandlie and then Mr. Flanagan.

Commissioner Strandlie: I would support your friendly amendment if you were to make that to differ it till September.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I have a question for staff again. The – the previous study that was done, the architectural study, historical study that was done that is in the report, is from the corporation called EHT Traceries and is the – if the study that you're proposing to do going to be comparable to that, will be a repeat of that or...

Linda Blank, PD, DPZ: Linda Blank, Department of Planning and Zoning. No, Commissioner Flanagan, it will not be a repeat of that. What was done for the staff report was requested for documentation with indication that at that point that the building was proposed to be demolished and that was the purpose of that study by Traceries. The feasibility study would be looking at the adaptive reuse, market conditions, etc.

Commissioner Flanagan: Yeah, why – the reason I raised that is because when I read the report, I was shaken in the competence of that report somewhat when they referred to Mr. Breuer as Martin Breuer and I was, you know, I was just kind of maybe a little bit wandered about the accuracy of that particular report that...

Chairman Murphy: Let me ask Mr. Sekas. If we have that – the criteria in there that Mr. Mayland stated, would you give the County access to the building to do this study?

John Sekas, Sekas Homes, Ltd., 407 Church Street, N.E., Vienna, VA 22180: I am just the applicant, I'm not the owner. So I don't know, I have to...

Chairman Murphy: Could we – just identify yourself for the record, if you don't mind.

Mr. Sekas: I'm John Sekas, I'm the applicant of Sekas Homes.

Chairman Murphy: And what was your reply, I'm sorry.

Mr. Sekas: My reply is that that I have to check with the actual owner, cause I'm not the owner, I'm just the contract owner.

Chairman Murphy: Oh you have the contract purchaser, is that...

Mr. Sekas: Yes, the concern I have is – I stuck my neck way out on the limb on this application because the owner wanted to take the building down before we filed the application. And if this process goes any further, my neck is getting cut off and that's a developer of thirty years in the County because I did the right thing. I told the owner not to take the building down. Period. And the only reason why we're discussing this at such great detail is because of the broken county across the street and the storm water comments that someone at the last minute after a year changed their mind. I have to tell you, for thirty years I've worked in this county and I'm sad to tell you, and pardon me for being choked up because I defended this county, as you all know, to

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do the right thing all the time but in this case we were here in May, we're a month later, and the reason – the only reason why we were deferred was because of the small storm water issue. There are no citizens outside of the Architectural Review Board. I mean, I've been in rezonings where the line goes up the staircase with opposition from neighbors. We've gotten calls from the neighbors who want this project. I cannot tell you whether I can give you access or not because we might pull the application and start all over again.

Chairman Murphy: Okay, all right, thank you. I think that answers the question. But I would recommend we can go on with alternate motions for all eternity.

Commissioner de la Fe: Mr. ...

Chairman Murphy: Hold on just a second. My suggestion is, I think, Mr. Migliaccio, hit the nail on the head. I would suggest strongly that Mr. Sargeant withdraw his motion, we go back to the main motion, vote it up or down and get it to the Board one way or another. Mr. Sargeant?

Commissioner Sargeant: Thank you, Mr. Chairman. I'm – since the money is already there, the motion is kind of moot. I'm certainly planning to withdraw this motion. What I would suggest, though, it's a question as to whether if we recommend approval, could we add that the Board consider the – well – no consider it, probably.

Chairman Murphy: Let's do one at a time. All right, he's going to withdraw that motion. We return to the main motion. **ALL THOSE IN FAVOR OF THE MAIN MOTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THIS APPLICATION, SAY AYE.**

Commissioners: Aye.

Chairman Murphy: Aye. Against? Please vote.

Commissioners: Nay.

Chairman Murphy: All right, the ayes – the nays have it. The application will go to the Board with a negative recommendation.

Commissioner de la Fe: Do we have a division?

Chairman Murphy: Oh, we have a division, okay.

Commissioner de la Fe: Somebody has it.

Chairman Murphy: Yeah, sure. Ms. ...

Commissioner Keys-Gamarra: Nay.

Chairman Murphy: Ms. Strandlie.

Commissioner Strandlie: Nay.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Aye.

Chairman Murphy: Aye. Mr. Hart.

Commissioner Hart: Nay.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Aye.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Aye.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Nay.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: Nay.

Commissioner de la Fe: Aye for me.

Chairman Murphy: And Mr. de la Fe.

Commissioner de la Fe: Aye.

Chairman Murphy: And the Chair votes aye and the motion fails. It's tied. Okay. So, back we are again. Mr. Mayland, this better be helpful.

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(The motion failed by a vote of 5-5. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

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Mr. Mayland: I believe we – we made the motion on the rezoning. We do have the final development plan still. If I'm wrong, and the development plan amendment for the motion for the Board. I just want to make sure we get it all, these three sets of motions, make sure we have all covered, if I...

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Chairman Murphy: All right, you're very helpful, thank you so much. Okay. The motion fails and so it will be sent to the Board with a negative recommend– with it...

Commissioner de la Fe: That is a motion for the rezoning.

Commissioner Hart: You've got to vote one more time. That's what staff has said.

Chairman Murphy: Yeah, one more time.

Commissioner de la Fe: We have to vote two more times.

Chairman Murphy: Okay.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF DPA-HM-117 TO PERMIT THE DELETION OF 22,834 SQUARE FEET OF LAND AREA FROM THE PRC DISTRICT.

Chairman Murphy: Second. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Is the same division? Did anyone change his or her mind? All right, go ahead.

//

(The motion failed by a vote of 5-5. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

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Commissioner de la Fe: Okay. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINAL DEVELOPMENT PLAN FDP 2015-HM-012 SUBJECT TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2015-HM-012 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Chairman Murphy: Second. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

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Chairman Murphy: Opposed? Motion carries. Is there any division – a difference in the division? No? Okay.

Commissioner de la Fe: Well, those are three that have to be done.

Chairman Murphy: Okay.

Mr. Mayland: Thank you.

Chairman Murphy: So this goes to the Board without a recommendation.

Commissioner de la Fe: No, a denial.

Chairman Murphy: Denial. Sorry, I'm sorry, denial.

//

(The motion failed by a vote of 5-5. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

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Commissioner Hart: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Hart: I'd like to do a follow on motion and I'd like to do it briefly. I didn't write it out. At the gist of the follow on motion is this. I will RECOMMEND TO THE BOARD OF SUPERVISORS THAT STAFF BE DIRECTED TO UNDERTAKE WHATEVER APPROPRIATE INVENTORY OF HISTORIC SITES IN THE RESTON AREA WE MISSED DOING A YEAR AGO IN CONJUNCTION WITH THE ARB, THE HISTORY COMMISSION AND APPROPRIATE AGENCIES, AND THAT THAT EFFORT BE PRIORITIZED IN LIGHT OF THIS SITUATION.

Chairman Murphy: Second. Is there a discussion of that motion? All those in favor of the motion as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

IK



# County of Fairfax, Virginia

RECEIVED  
Department of Planning & Zoning

JUN 03 2016

Zoning Evaluation Division

May 27, 2016

**2016 Planning  
Commission**

**Peter F. Murphy**  
Chairman  
*Springfield District*

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**James R. Hart**  
Secretary  
*At-Large*

**Timothy J. Sargeant**  
Parliamentarian  
*At-Large*

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**Ellen J. "Nell" Hurley**  
*Braddock District*

**John Ulfelder**  
*Dranesville District*

**James Migliaccio**  
*Lee District*

**Julie Strandlie**  
*Mason District*

**Earl L. Flanagan**  
*Mount Vernon District*

**Kenneth A. Lawrence**  
*Providence District*

**Karen Keys-Gamarra**  
*Sully District*

**Janyce N. Hedetniemi**  
*At-Large*

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**Jill G. Cooper**  
*Executive Director*

**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

Lori Greenlief, Agent  
McGuireWoods LLP  
1750 Tysons Boulevard, STE 1800  
McLean, VA 22102

**Re: RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD  
Hunter Mill District**

Dear Ms. Greenlief:

At its May 26, 2016 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Murphy were not present for the vote.) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of June 16, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: Catherine Hudgins, Supervisor, Hunter Mill District  
Frank de la Fe, Planning Commissioner, Hunter Mill District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Laura Arseneau, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
May 26, 2016 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035  
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)  
[www.fairfaxcounty.gov/planning](http://www.fairfaxcounty.gov/planning)



Planning Commission Meeting  
May 26, 2016  
Verbatim Excerpt

RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTC

Decision Only During Commission Matters  
(Public Hearing held on May 5, 2016)

Vice Chairman de la Fe: And I also have a decision only tonight that was scheduled for decision, however, I believe that we, I need a little bit more time before I make a recommendation. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION, or I'm the Chairman but I, I'll - I'll - I'll MOVE THAT THE DECISION ONLY FOR RZ/FDP-2015-HM-012/DPA-HM-117, IN THE NAME OF SEKAS HOMES BE DEFERRED TO A DATE CERTAIN OF JUNE 16<sup>TH</sup>.

Commissioner Hart: Second.

Vice Chairman de la Fe: Any discussion? Yes?

Commissioner Hurley: Thank you, Mr. Chairman. This, I agree with a deferral. I'd like to say why and that's because at this point I could not vote for approval of this project until the Breuer Building has undergone a determination of eligibility, a DOE, for the National Register of Historic Places. I understand the building has not yet been evaluated, in part, because it's not yet 50 years old but many sites across the country are listed or determined eligible that are less than 50 years old. There is enough scholarly research on Breuer and Brutalism to be able to make that determination, at this time. This building is also significant because near the end of his life the architect was hired to design a compatible addition to it. That the owners sought to preserve the relatively new building points to more possible architectural significance even early on. There might be a determination of exceptional significance within the architecture and/or development context in Reston or Northern Virginia or Virginia as a whole. I understand that many do not like Brutalism but this architecture style is significant in the narrative to American Architecture. We may not all like this particular style but once it's gone, it's gone.

Vice Chairman de la Fe: Okay, I would just say that we don't make decisions on the likes and dislikes of individuals and we use the Comprehensive Plan and the, what is in the Comprehensive Plan now not what may be in, what is in the various registers now not what may be in the future. So, I don't know, being brutal whether you might be...

Commissioner Hurley: I support the...

Commissioner Chairman de la Fe: Whether you will, yeah, I don't know what I will decide but I will make a recommended decision on the 16<sup>th</sup>. Okay, oh, go ahead.

Secretary Hart: Oh, oh, I'm sorry.

Commissioner Chairman de la Fe: Since I made...

Secretary Hart: I guess I'm chairing...

Commissioner Chairman de la Fe: Since I made the motion...

Secretary Hart: Yeah, well right. Well yes, motion's been made and seconded. Is there further discussion on the motion as articulated by Commissioner de la Fe? Seeing none oh, I'm sorry, Commissioner Ulfelder.

Commissioner Ulfelder: I think the point that the, this particular site and this particular building have not been taken into account in the most recent Plan Review for the area is unfortunate. And I know we had that, I was not present for the public hearing but I did review it from the archive afterwards, I read the materials and I did attend the ARB meeting on Tuesday evening. And the fact that we, the fact that the county overlooked it and did not include it does not detract from the importance of the building and what it represents in terms of Marcel Breuer's architectural work and it's the only building designed by him that's in the, not just in Fairfax County, but in the entire Commonwealth of Virginia. But I understand that we have an issue related to the fact that the current Plan did not denote this building and did not include Plan language concerning its future. And I hope that during the deferral we can take a look at that situation. My understanding is that the Department of Planning and Zoning is now stepping up efforts to take a closer look, particularly in Reston, to see if there are other "overlooked" or missed sites or buildings that may be worthy of further protection under the Comprehensive Plan so that they are, their futures will be better protected.

Secretary Hart: Thank you, further discussion? I will say that I appreciate the deferral because, I think, given the correspondence we've gotten yesterday and today I'd like the opportunity to at least see the inside of the building before we take our vote. And I think the deferral allows us the opportunity for that and I think that's a good thing.

Commissioner de la Fe: Mr. Chairman.

Secretary Hart: Commissioner de la Fe.

Commissioner de la Fe: Related to that a time has been set on, for June 2<sup>nd</sup> at 2 p.m., at the site, if any commission member that wishes to visit the building. If that is inconvenient I'm sure that individual tours might be made available between but that would be time set, June 2<sup>nd</sup>, 2 p.m. at the building site.

Commissioner Flanagan: Mr. Chairman.

Secretary Hart: Commissioner Flanagan.

Commissioner Flanagan: Is it, does the public meeting of more than two commissioners become involved in this case?

Commissioner de la Fe: That's why I'm making the announcement right now, that we are having the meeting and.

Commissioner Flanagan: Oh, I see. Okay.

Commissioner de la Fe: That, that anybody who wants to go, June 2nd.

Commissioner Flanagan: So that does, anybody who wants to can, can get. Okay, thank you.

Secretary Hart: Yeah, anybody who wants to go, can go and we'll be there then whether there's air conditioning or whatever but we'll, we'll deal with it. I know there's no air conditioning, that's why I say that but maybe it will be a smaller crowd. The, is there any other discussion before we move to a vote. All right, all in favor of the motion as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? Chair votes aye, the motion carries.

//

(The motion carried by a vote of 10-0. Commissioners Lawrence and Murphy were absent from the meeting.)

TMW



# County of Fairfax, Virginia

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May 5, 2016

## 2016 Planning Commission

**Peter F. Murphy**  
Chairman  
*Springfield District*

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**James R. Hart**  
Secretary  
*At-Large*

**Timothy J. Sargeant**  
Parliamentarian  
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**Ellen J. "Nell" Hurley**  
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**Kenneth A. Lawrence**  
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**Janyce N. Hedetniemi**  
*At-Large*

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**Jill G. Cooper**  
*Executive Director*

**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

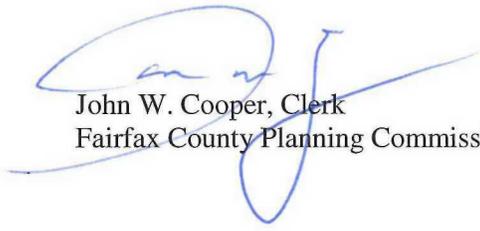
Lori R. Greenlief  
McGuireWoods, LLP  
1750 Tysons Boulevard, Suite 1800  
Tysons, VA 22102

**Re: RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD  
Hunter Mill District**

Dear Ms. Greenlief:

At its May 5, 2016 meeting, the Planning Commission voted 9-0 (Commissioners Flanagan, Lawrence, and Ulfelder were absent from the meeting) to **DEFER THE DECISION ONLY** on the above referenced applications to a date certain of May 26, 2016. A copy of the verbatim transcript is attached.

Sincerely,

  
John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: Catherine Hudgins, Supervisor, Hunter Mill District  
Frank A. de la Fe, Planning Commissioner, Hunter Mill District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Laura Arseneau, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
May 5, 2016 date file

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Planning Commission Meeting  
May 5, 2016  
Verbatim Excerpt

RZ/FDP 2015-HM-012/DPA-HM-117 – SEKAS HOMES, LTD

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. As I said, I'm going to defer the decision. There have been a number of questions asked. We have received new proffers today and I think some of those need to be redone. And I would ask both the applicant and staff that, if possible – if we could have whatever it is that you come up with in response to what you have heard tonight and any changes that you want to make – if we could have them the week before the decision. I'm giving you enough time, I think, to come up with. That's so we can have them in writing ahead of time so that we don't have to be looking at things the night of the decision. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING COMMENT, FOR RZ/FDP 2015-HM-012 AND DPA-HM-117 TO A DATE CERTAIN OF MAY 26, 2016.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on these applications to a date certain of May 26, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 9-0. Commissioners Flanagan, Lawrence, and Ulfelder was absent from the meeting.)

JLC