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REGULAR MEETING AND PUBLIC HEARING
OF THE FALLS CHURCH PLANNING COMMISSION
March 16, 2009
Council Chamber

1. **CALL TO ORDER:** Chair Lawrence called the meeting to order at 7:48 p.m.

2. **ROLL CALL:**

Members Present: Ms. Hockenberry
Mr. Kearney
Mr. Lawrence
Mr. Meeks
Ms. Rodgers
Ms. Teates

Member Absent: Mr. Wodiska

Administrative Staff Present: Ms. Cotellessa, General
Manager of Development
Services and Planning
Director

3. **ADOPTION OF AGENDA:**

MOTION: Ms. Teates moved, and Ms. Hockenberry seconded, to adopt the agenda.

Upon voice vote, the motion passed unanimously.

4. **PLANNING COMMISSION REPORTS:**

Ms. Teates reported she attended the EDA meeting last week and there was a very interesting presentation by the Tinner Hill group about the plans for the Blues Festival which was held in Cherry Hill Park last year. They were looking to see if the EDA could provide grant money to help with the publicity of the program. Strong plans were outlined for the Blues Festival making it more regional and bringing people into Falls Church to help brand Falls Church as an actual place. She declared it was a great presentation and she was looking forward to the Blues Festival and all the improvements they were going to make.

Ms. Hockenberry seconded the idea of the Blues Festival and said they were working to keep it bigger and better than last year while also keeping costs down.

Ms. Hockenberry reported she spent two hours on Saturday with 7th graders and their teacher standing in front of Papa John's Pizza on Pennsylvania Avenue and Broad Street. The children were counting how many cars were turning, jaywalkers and which way they were going, to put together a report which will come before the CACT, the Planning Commission, and City Council as a community project. She said there

56 was no place to cross the street at that location which is something
57 the City needs to look at because it is a very, very dangerous
58 intersection.

59
60 Ms. Rodgers reported there was a ZOAC meeting where initial corrections
61 to the draft were gone over. Comments would be made electronically and
62 no meeting would be had until it came back from the consultants. After
63 that, it would be presented to the Planning Commission in a worksession,
64 probably sometime in April. It wouldn't be a public hearing but a look
65 at the first draft.

66
67 Chair Lawrence commented on how useful the additions to the web site
68 are and wished to commend staff for their good work.

69
70 5. RECEIPT OF PETITIONS: None.

71
72 6. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

73
74 Ms. Cotellessa recalled at the last Planning Commission meeting there
75 had been a unanimous recommendation for a major home occupation for Mr.
76 Garg regarding his accounting business, and reported last Thursday,
77 March 12, 2009, it had been approved unanimously by the Board of Zoning
78 Appeals for an indefinite period.

79
80 Ms. Cotellessa noted last week Mr. Khanmalek came in to make tweaks to
81 his project, the Palatium, addressing sidewalk and parking issues. He
82 has not yet brought that back in but he was trying to make progress on
83 that.

84
85 Discussions were moving forward on the CCSA project with the Falls
86 Church Housing Corporation. They had not resubmitted a site plan for
87 the project but were working on it and it was expected to be seen
88 within the next month or so.

89
90 Ms. Cotellessa mentioned that staff members had been working to make
91 more timely uploads to the web site. Urban Forestry was getting the
92 necessary software to put up all the classes and projects they were
93 doing in a timely way. In the next month or so, anyone would be able
94 to go on the web and pick up both GIS and real estate records together
95 and look at not only straight aerial views but other interesting views
96 of properties. It is currently in production and will be a useful tool
97 going through the planning process. The software can be used to do
98 modeling when looking at infill development. When ready, it will be
99 brought before the Planning Commission to demonstrate how it functions.

100
101 Ms. Cotellessa advised the commissioners this Thursday there will be a
102 worksession on the George bus issue, Development Services, which
103 includes Planning and Urban Forestry. GIS and Zoning will be on March
104 28th, which is a different date than previously noted. Later this
105 evening there will be a worksession on the North Washington Streetscape
106 as well as a brief discussion on the current work program.

107
108 The next meeting will be on March 30, the fifth Monday of the month.
109 It will be a two-sided worksession: First a joint worksession with the

110 City Council on the Capital Improvements portion of the budget,
111 followed by a worksession on the BJ's site plan.

112
113 Ms. Rodgers thanked Ms. Cotellessa for the information on the BZA,
114 noting that in the past frequently recommendations were made and the
115 commissioners never heard what happened in the BZA and she appreciated
116 receiving that information.

117
118 7. **OLD BUSINESS**: None.

119
120 8. **NEW BUSINESS**:

121
122 **Review of Ethics Regulations**

123
124 Ms. Cotellessa gave a PowerPoint presentation highlighting some of the
125 issues on ethics with respect to the Planning Commission. The Planning
126 Commission had adopted in the back of their Rules and Procedures some
127 of the ethics statements from the American Planning Association.
128 Boards and commissions throughout Virginia and the United States
129 occasionally adopt separate ethics codes. Ms. Cotellessa had pulled
130 together language from those codes along with the statement from the
131 Planning Commission's own rules and procedures for a quick overview.

132
133 The ethical principles that all Planning Commissions and planners abide
134 by derive from the general values of society and the planners' special
135 responsibility to serve the public interest, creating a good balance
136 among the various interests.

137
138 The Planning Commission is working for the common good, which involves
139 expanding choices and opportunities for those who might not have them,
140 and requires the individual planning commissioner to pay special
141 attention to the inner relatedness of decisions and long-range
142 consequences of the types of actions undertaken. It is also to ensure
143 that fair and equitable treatment is meted.

144
145 **Compliance With The Law**: Federal, State, laws of Falls Church City,
146 constitution, codes, regulations, City ordinances and policies must be
147 complied with. Policy issues are sometimes the most difficult.

148
149 **Conduct Of Members**: There is a need to act above reproach and avoid
150 even the appearance of impropriety. The need to remain civil is
151 obvious and to make sure talk is in regards to the issues at hand and
152 not challenging others' motives.

153
154 **Respect For Process**: Ms. Cotellessa noted respect for the process was
155 certainly at a premium in Falls Church. Not only do the commissioners
156 do their duties in accordance with the by-laws adopted, but they seek
157 and support meaningful involvement of the public which means getting
158 information out in a timely way, making sure the reports and the
159 minutes of the proceedings were available to the public. Staff has
160 been trying very hard to expand their reach on the web and has started
161 getting things out to the commissioners earlier than in the past to
162 provide extra time for review and also to present to the public.

163

164 **Conduct Of Public Meetings:** Listen attentively, focusing on the
165 business at hand, not to get off the track, and respect for everybody
166 else's opinion and refrain from interrupting and making personal
167 comments. The key to a defensible and proper decision is that it's
168 based on the merits and substance of the matters at hand rather than on
169 unrelated considerations.

170
171 **Communication:** If a member has had ex parte communication, then that
172 member needs to communicate relevant and substantive information
173 derived outside of this process, and it should be brought to the dais.

174
175 **Conflict Of Interest:** One of the hardest things to deal with is
176 conflict of interest, particular in a small community. In a large
177 community decisions can be made regarding things happening in another
178 part of a vast county, but in Falls Church things have an effect on
179 each of the members and where they live.

180
181 When there is a financial interest, whether you have stock in a company
182 or work for a company that is before the Commission, the key is that
183 you have to worry if there is an appearance of a conflict of interest.
184 It doesn't mean you need to recuse yourself, but it does need to be
185 laid out on the table for people to know. Disclosure is partly through
186 statements of economic interest each year, and if there is an interest
187 in a property before the Commission, it should be laid out. No gifts,
188 favors, promises or benefits can be accepted and you should not
189 participate in deliberations and decision making where conflicts may
190 exist. If a member is a consultant on a project and the project comes
191 in, that is a conflict of interest.

192
193 Ms. Cotellessa noted BJ's Warehouse is coming forward soon and that
194 while members may shop at BJ's, no one would consider that a problem in
195 terms of this issue.

196
197 **Representation Of Private Interests:** Because the commissioners are
198 stewards of the public interest, they have to be clear they don't
199 appear on behalf of other people, not just before this body but other
200 bodies. It's difficult to do in a small community. You don't want to
201 appear before the City Council or the Architectural Review Board or the
202 Tree Commission if sitting on this body and you have an interest as a
203 consultant. You want to define that personal interest very broadly so
204 if it's an actual or potential advantage or benefit for you, your
205 spouse, someone living in your home or family member, directly or
206 indirectly, it needs to be disclosed.

207
208 Chair Lawrence asked if that meant you shouldn't go to any other Board
209 or Commission on any matter, not just one before the Planning
210 Commission. Ms. Cotellessa explained it was generally frowned upon for
211 a commissioner to have as a client somebody going to another Board or
212 Commission. If you own a tree company and are sitting on the Planning
213 Commission, it's considered untoward to go and take the tree inventory
214 before the Tree Commission because there is an appearance of undue
215 influence. You're an official of the community, and to come here you
216 have to be at arm's length. Her recommendation was no, you would not
217 go before that body and to always err on the side of caution, if there
218 was ever any question.

MINUTES OF THE 16 MARCH 2009 MEETING OF THE PLANNING
COMMISSION

UNAPPROVED DRAFT

274 Ann Hieber
275 Recording Secretary

Suzanne Cotellessa, AICP
Planning Director

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277

278 The City of Falls Church is committed to the letter and to the spirit
279 of the Americans with Disabilities Act. This document will be made
280 available in an alternate format upon request. Call 703.248.5040 (TTY
281 711).
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