

Planning and Zoning (P&Z) Committee

Committee Chair: Mark Zetts zetts@attglobal.net;
Vice Chair: John Schaefer johnr.schaeffer@att.net

Meetings: The P&Z Committee meets monthly on the last Tuesday of the month at 7:30 p.m. at the McLean Community Center, unless otherwise announced.

From June 2015 through October 2015, the P&Z Committee reviewed one zoning amendment, related to the Fairfax County Noise Ordinance, and five land use cases. The MCA Board adopted resolutions on four cases that were ready for public hearing. Each is discussed below. All committee resolutions can be found at: <http://mcleancitizens.org/pz.asp>

Fairfax County Noise Ordinance Amendment

As reported in the last MCA newsletter, Fairfax County is amending its Noise Ordinance. The MCA held a well-attended public forum with County staff on April 29, at which citizens expressed numerous concerns with the amendment. The MCA passed a resolution identifying 19 concerns on May 6. On May 12, the Fairfax County Board of Supervisors held a public hearing on the Amendment, and on June 9, the Board met with staff to provide direction on problematic amendments. The Board then decided to defer its scheduled June 23 decision to later in the Fall, but decided that it would meet again with staff on September 11 to continue discussion of the noise issues. Please see the Summer 2015 issue of the MCA Newsletter and the Committee's June 2015 report for more information on the amendment and the MCA resolution opposing it.

<http://mcleancitizens.org/pz/Reports/P&Z%20Committee%20Report-06-26-15.pdf>

http://mcleancitizens.org/pz/Resolutions/MCAResolution_NoiseOrdinance.pdf

The Board did make progress on the outstanding issues at the September 11 meeting, with the exception of loudspeaker use at public schools and recreational areas. The Board was split on the need to protect property owners from high sound levels from amplified music and the need to have the announcer be heard in sports venues with high ambient noise (near Dulles Airport or major highways). A Fairfax County Public School representative made a statement that FCPS would adopt a policy of prohibiting music being played over the outdoor public address (PA) system during practices. The representative further stated that FCPS would be placing volume control devices on all outdoor PA system amplifiers that would set an upper limit on loudspeaker volume. He noted, however, that it will take a few years to implement this change across all the schools in the County. The Board welcomed these changes, but the meeting ended with no consensus on what sound level the Noise Ordinance should establish as the maximum loudspeaker volume level. Prior to the public hearing, the maximum loudspeaker volume was advertised as a range from 60 to 72 dBA, but staff is currently recommending a maximum of 65 dBA. MCA's resolution advocated a maximum of 55 dBA.

Another outstanding issue that was discussed at this meeting pertained to noise generated from dog parks, and specifically barking dogs. The Board decided to exempt them from regulation by the Noise Ordinance because repeated violations could have required the County to close the dog parks.

The Board of Supervisors will markup and vote on the Noise Ordinance Amendment on November 17.

Mt. Daniel Elementary School Expansion - 2232 Review FS-D14-53

As also discussed in the last MCA Newsletter, there are concerns with the proposed expansion of the Mt Daniel Elementary School, which is located at 2328 North Oak Street in Falls Church. Built in 1951, it is operated by the Falls Church City Public Schools (FCCPS) system, however the 7.31-acre property lies within Fairfax County. Mt Daniel elementary includes kindergarten and first grade education and FCCPS is proposing to increase the number of classrooms from 17 to 36. This would permit them to transfer the second grade from Jefferson Elementary to Mt Daniel so that by 2018 the student body would double from 394 to 792 students. The larger number of staff and the need to accommodate more visitors would necessitate increasing the number of parking spaces from 65 to 110. Because the property is in Fairfax County and FCCPS is expanding a public facility, Virginia State Code requires a 2232 Review. FCCPS added four new classrooms in 2005 and, at that time, numerous residents spoke in opposition to this increase at the Planning Commission public hearing. Please see the committee's June 2015 report for further description of the case and MCA's resolution recommending denial of the proposed expansion. <http://mcleancitizens.org/pz/Reports/P&Z%20Committee%20Report-06-26-15.pdf> <http://mcleancitizens.org/pz/Resolutions/MCAResolutionMtDaniel2232.pdf> . On June 24, the Planning Commission held a public hearing at which several Commissioners expressed concerns on the impacts of doubling the school's student body, given its location. MCA and four speakers from the community testified in opposition. On a motion by Dranesville Planning Commissioner John Ulfelder, the Planning Commission voted to defer decision until July 15 to give the applicant time to address the problems. On July 15, at the request of FCCPS, the Commissioner Ulfelder again deferred the decision to September 17, 2015. Then on September 17, again at the request of FCCPS, Commission Ulfelder yet again deferred the decision until November 4, 2015.

Tysons Corner Center CDPA/FDP 2004-PR-044

In 2007, Fairfax County approved a rezoning of Tysons Corner Center (TCC) that proposed 3.5 million square feet of new development to be constructed over four phases. TCC completed Phase 1 development in June 2015, which comprised nearly 1.4 million square feet of development and included the two, very visible, high-rise buildings that can be seen on the approach to the Mall's entrance on Rt.123. Continuing now with its planned expansion, TCC has decided to put Phase 2 development on hold and pursue Phases 3 and 4.

Phases 3 and 4 were approved for three office and two residential buildings totaling 1.099 million sf. Due to changing market conditions, the applicant filed an amendment to its Conceptual Development Plan (CDP) to remove a Phase 3 office building from the plan and change a planned Phase 4 office building from an office use to residential. The floor space from the deleted office building would be moved into two high-rise residential buildings. After making these adjustments in the CDP, the amount of gross floor space did not exceed the amount of gross floor space that was approved in 2007. With the additional floor space added to the two residential buildings, their building heights were increased by 45' and 55', however, these heights are still within the recommended heights in the Tysons Comprehensive Plan.

In addition to amending the CDP, TCC also filed for Final Development Plan (FDP) approval to construct Phases 3 and 4, which went from a total of six buildings to four, plus some additional commercial space.

The applicant also sought to amend the rezoning Proffered Conditions to:

- 1) Remove the requirement to provide a 5,000 – 15,000 sf grocery store on the Mall property.

- 2) Remove the requirement to provide a child day care facility for no fewer than 100 students. (The requirement that no greater than 150 children be served would not be modified.)

The applicant asserted that TCC provides a retail outlet for many of the items normally found in a grocery and that there are other grocery stores moving into Tysons that could provide the service. As for the childcare, MCA opposed removing the requirement for the grocery store because it would be a larger and higher-service grocery store than the alternative the applicant was offering, and the store was meant to serve the 1,550 households that will be living on the Mall property, plus the many Mall and tenant employees. Furthermore, residents having to exit the Mall property to grocery shop would just create more automobile trips in an area of Tysons that is already highly congested.

As for the modified language of the day care proffer, it removed the requirement to provide for no fewer than of 100 children and MCA interpreted the new language to mean the applicant could refuse to serve more than 80 children and it would still be in compliance with the new proffered condition. Furthermore, the 2007 proffered condition stated the day care would be delivered when the Phase 2 was completed and with the applicant now putting a hold on Phase 2 development, TCC would have well over 1,000 households living on-site before the Phase 2 completed and the day care would open. Child daycare is in great demand, and MCA feels that the applicant should have reaffirmed its 2007 commitment to provide for a minimum of 100 children and opened at least a small day care facility when Phases 3 and 4 are completed to serve the families living in those units.

On September 9, MCA adopted a resolution opposing the applicant's CDP amendment and FDP applications unless the original proffer language is restored. In addition, the resolution requested that the applicant make three additional proffered contributions, although these are requests for contributions that had no bearing on MCA's support for the applications, but are of concern to the MCA:

- 1) Crime is up over 30% since the Silver Line opened, and MCA requested the applicant contribute money or floor space should the county seek to bolster its police presence. A new police station is planned for Tysons by 2025, so any action taken to augment the police force would be an interim measure.
- 2) The county is planning to reconfigure Rt. 123 to reduce the delays for the cars traveling on Rt. 123, and MCA requested a contribution towards the design or implementation of this new configuration. The Mall's main entrance is on Rt. 123.
- 3) Increase the amount of affordable housing on site from 9% to 11%.

The resolution did not specify or suggest a contribution amount for these three requests, but rather left it to the applicant to determine an appropriate amount.

http://mcleancitizens.org/pz/Resolutions/MCAResolutionTysonsCenter_FDPA.pdf

The applicant declined to make the proffer changes MCA had conditioned its support on. The other contributions MCA requested were likewise denied, with the applicant citing the numerous contributions made since the 2007 rezoning approval. The Planning Commission recommended approval of the applicant's CDPA/FDP applications on September 17 and the Board of Supervisors voted to approve on October 6, 2015.

East Tysons: Cityline Taylor Building C FDP 2011-PR-011-03

Cityline Partners' Scotts Run Station South development was rezoned in 2013. This East Tysons development, bounded by Old Meadow Drive, Rt. 123 and Anderson Road, is planned for one hotel, seven residential buildings and eight office buildings. To date, only two residential buildings have received Final Development Plan approval, and these two buildings are currently under construction at the corner of Rt. 123 and Anderson Road.

Presenting to P&Z in June, Cityline is seeking Final Development Plan (FDP) approval for a single office building, Building C on Taylor Block, which is located at the corner of Colshire Meadow Drive and Colshire Drive. Taylor Block is conceptually approved for two office buildings and one residential building; Building C is the east-most building situated adjacent to the McLean Metro Station Kiss & Ride facility.



Building C, Taylor Block

Source: Fairfax County Staff Report CDPA/FDP 2011-PR-011-03

The FDP-proposed building is slightly smaller than what was approved in 2013. In 2013, the building was conceptually approved for a maximum of 13 stories, 255,200 square feet of floor space and a building height of 189 feet. The applicant is now proposing an 11-story office building with 220,100 square feet of floor space and a height of 163 feet. There would be from 4,000 to 11,100 square feet of ground-floor retail space in the building.

The Zoning Ordinance limits Building C to a maximum of 427 parking spaces and these would be provided up to seven levels of below-grade parking. However, the applicant is requesting the option to extend the parking structure to the west some 125' in order to reduce the future cost and impacts of constructing the other two buildings on Taylor Block. The applicant is also proposing to add additional landscaping around Building C to improve the appearance of Taylor Block until the other two buildings are developed. This FDP application is consistent with the 2013 CDP approval. On November 10, the MCA Executive Committee approved a resolution in support of this FDP.

Tysons Westpark: Arbor Row Block D CDPA/FDP 2011-PR-023-04

Cityline Partners' Arbor Row development received rezoning approval in 2012. The plan comprises eight buildings: three residential, four office and one hotel along the south side of Westpark Drive, in what was the former Westpark office park generally west of Jones Branch Drive. The development is partitioned into six blocks, Block A through Block F, and this case is a Final Development Plan (FDP) application for a single building on Block D, a 2-acre property at the intersection of Westpark Drive and Jones Branch Road.



Block D Building. Corner of Westpark Drive and Jones Branch Drive. The street to the left of the building is the planned extension of Jones Branch Drive.

Source: Fairfax County Staff Report CDPA/FDP 2011-PR-023-04

In 2012, CDP Block D was conceptually approved for a 9-17 story, 250-room hotel. However, in response to market conditions, Cityline is seeking to amend the CDP to develop instead a 110-140 unit residential building with condominiums.

Concurrently, Renaissance Centro Tysons, the contract purchaser of Block D, is seeking Final Development Plan (FDP) approval to construct the residential building. Whereas the hotel was approved for up to 170,000 square feet (sf) of floor space, the residential building would have 203,600 sf, an increase of 33,600 sf attributable to the provision of 20% Workforce units. The height of the building would be 285', 60' higher than the Comprehensive Plan guidance for this area of Tysons, however the Comprehensive Plan allows increased density and building height for the provision of affordable dwelling units.

There would be four levels of aboveground parking and one below ground, providing a maximum of 270 parking spaces. The exact number of parking spaces would be determined by the mix of unit types using ratios from 1.3 spaces/unit to 1.9 spaces/unit depending on the number of bedrooms.

A benefit of changing this building from a 250-room hotel to a condominium building is the number of vehicle trips would drop from 2,245 to 1,268 per day. A second benefit is the plan would replace an aboveground parking structure at the rear of the property with a 16,400 sf park. Changing the use to residential use would also require the applicant to contribute \$11,749 to the public schools for each student the development is expected to generate, and \$79,968 to the County to fund the development of athletic fields.

Designating for-sale condominiums as Workforce housing is different from rental units as the price must be controlled. The Workforce unit sales price would be consistent with guidelines established by the Fairfax County Executive and the applicant would proffer a mix of Workforce units as follows: 50% efficiencies, 40% 1-bedroom and 10% 2-bedrooms.

On December 2, the MCA Board of Directors will review and approve a resolution on this CDPA/ FDP in preparation for the December 12 PC public hearing.

TMG Solutions Plaza, L.P. RZ/CDP/FDP 2012-PR-022

On July 28, a representative of Meridian briefed the committee on the Greensboro Place development that comprises 18.1 acres adjacent to the Greensboro Metro Station. The property is generally situated between Rt. 7, Westpark Drive, Greensboro Drive and Solutions Drive and includes the former SAIC campus.

This large rezoning application proposes a mixed-use development of up to 4.25 million square feet with a maximum FAR of 5.33. The three existing (formerly SAIC) office buildings on-site would remain and the 9-story office building at 8401 Greensboro Drive would be demolished. Twelve new buildings would be constructed: three office, six residential, one retail kiosk, one theater, and one building planned for either office, residential or hotel. The development would have a maximum of 2,010 residential units and all of the high-rise buildings would have ground-floor retail uses. One residential building would be developed with 170 for-sale condominium units and the other five residential buildings would have rental units. As required in Tysons, 20% of the residential units would be dedicated to Workforce housing.

Redevelopment of the property would occur in two phases and, to proceed with the development of Phase 1, the applicant is seeking approval of a Final Development Plan (FDP) for six buildings: four residential, one office and the theater. The theater would be a high-end, 15-screen movie theater, with seating for 1,850 patrons and upscale dining options.

The 2,010 residential units would generate 201 students (based on 0.1 student per dwelling unit) who would attend the Westbriar Elementary, Kilmer Middle, Marshall High School pyramid, and the applicant would contribute \$11,749 for each projected student to the Fairfax County School Board. The allocation of parking spaces would be 1.3, 1.6 and 1.9 spaces per unit for 1, 2, and 3 bedroom units respectively. These ratios are established by the Tysons district regulations.

All six of the proposed FDP buildings are in the located in the Tier 2 height area that has a recommended height range of 172' – 225', however three of the buildings have heights of 340', 310' and 300' that considerably exceed this guideline. While the Comprehensive Plan allows flexibility in building height when additional floor space is added for the provision of affordable housing, the proposed heights of these buildings far exceed the 20% added for Workforce housing. The Comp Plan recommends that buildings be tallest at the Metro station, then taper down as distance from the station increases. The Plan also cautions that large disparities in building height be avoided between adjacent neighborhoods. The tallest proposed FDP building is 340' feet and it is located at the corner of Greensboro Drive and Westpark Drive. The opposite side of Westpark Drive is planned as a Tier 3 height area, which has a height range of 130' to 175', and the heights of the FDP buildings would sharply contrast with this neighborhood. Other Tysons rezoning cases have proposed building heights that are higher than the Comp Plan guidelines, however there was a clear public benefit such as the preservation of open space for public parks. That these building heights exceed Plan guidance to such an extent greatly concerns MCA. MCA supports the Comprehensive Plan and believes the guidance should be followed.



Intersection at bottom of picture: Greensboro Drive and Westpark Drive. To the right: Westpark Drive and Rt. 7.
Source: Fairfax County Staff Report CDPA/FDP 2011-PR-023-04

In the later phase of development, the applicant is proffering to design, construct and dedicate to Fairfax County a new Community Library, occupying up to 19,000 sf of floor space in the first two floors of high-rise office building. Upon completion, the applicant would deliver to Fairfax County either a deed for the Library or a 50-year lease rent-free, and parking spaces.

The applicant is further proffering to construct three new public streets and one private street that would align with and connect to the grid of streets being established in the adjacent neighborhoods, providing improved site access and circulation. Proposed are:

- 1) Boro Drive (private) running parallel to Greensboro Drive.
- 2) Park Avenue, south of Boro Drive that also runs parallel to Greensboro Drive. This avenue would connect Westpark Drive with Solutions Drive and Station Place in the neighborhood to the east.
- 3) Madison Street, which would run parallel to Westpark Drive and connect Greensboro Drive with Rt. 7 to the south.
- 4) Station Place, located one block west of Madison Street and also running parallel to Westpark Drive.

These roads would be constructed to VDOT standards and be accepted into the state road system. The construction of these new roads would create new intersections that may need traffic signals. Accordingly, the applicant would proffer to pay for warrant studies and, if traffic signals are found to be warranted, pay for their installation.

County planners have determined that the planned densities in the Rt. 7 corridor are projected to result in failure to meet Level of Service D/E on Route 7, at the intersection of Westpark Drive. To provide relief to this intersection, a new intersection at Rt. 7 and State Street (a street not yet built) will be constructed 1 block to the west of Westpark Drive. To pay for this improvement, all rezoning applicants in this corridor will proffer \$0.07 per square foot of development. The cost to this applicant would be \$297,500.

For improved access to Metro, in the latter phase of development an elevated pedestrian bridge would be constructed from the Greensboro Metro station entrance pavilion to one of the applicant's existing office buildings.

As for the provision of public parks, this property would be developed with 7 publicly accessible parks that total 3.88 acres. To fulfill the obligation for public facilities, the applicant would provide one full-size rectangular athletic field, turfed and lighted, located on two parcels on the north side of Science Applications Court in south Tysons, off of Gallows Road. This athletic field would be delivered to Fairfax County when the applicant is issued an occupancy permit for the second new building constructed on the property.

As required of all Tysons rezoning applications, the applicant's proffers include a contribution of \$12.58 per square foot of new floor space to fund Tysons transportation improvements. The MCA resolution provides greater detail on the applicant's contributions.
<http://mcleancitizens.org/pz/Resolutions/MCAResolutionGreensboroRezoning.pdf>

On September 9, the MCA Board of Directors adopted a resolution opposing this rezoning on the basis of the proposed building heights not complying with Tysons Comprehensive Plan guidance. On September 17, the Planning Commission voted to recommend approval of the rezoning application to the Board of Supervisors. The Board will hold its public hearing on January 12, 2016.

Zoning Ordinance Amendment: Planned Districts in Revitalization Areas and Transit Station Areas

On August 21, Fairfax County planning staff released a proposed Zoning Ordinance Amendment (ZOA) that would, among other things, double the amount of allowable density in PDC (Planned Commercial) and PRM (Planned Residential) districts from floor/area ratios (FAR) 2.5 to 5.0. This increased density would be allowed in transit station areas along the Silver Line (not Tysons) and in county revitalization districts and areas. Downtown McLean is one such revitalization area. Others are Baileys Crossroads, Seven Corners, Annandale, Springfield, the Route 1 corridor and Lake Anne in Reston. The proposed 5.0 FAR would allow very dense, high intensity development that is normally associated with Tysons, that is to say Transit-Oriented Development and heavy rail. However, with the exception of Springfield, Metrorail service is nowhere to be found in these revitalization areas and bus transit ridership does not support these densities.

If the ZOA were approved, the densities recommended in the Comprehensive Plan for the McLean CBC would still apply. However with revitalization districts, the county allows developers seeking to rezone property to concurrently submit a rezoning application and a Comprehensive Plan amendment. In this manner, the Comprehensive Plan recommended densities could be increased to match the requested densities proposed in the rezoning application. As an example of concurrent applications, in 2013 JBG submitted Rezoning and Comp Plan Amendment applications for their 6862 Elm Street condominium building development in McLean.

To accommodate the sharply increased densities on smaller parcels, the ZOA would permit the setbacks or the minimum yard requirements to be relaxed. Plus it would allow transitional screening (landscaping) and barriers to be waived. These proposed ZO modifications are appropriate for the planned Phase 2 Silver Line transit station areas such as the Herndon and Innovation Center stations because it would be in compliance with the 2008 Fairfax County Transit-Oriented Development policy which focuses high density development in areas within ½-mile of the Metro stations. Proposing FARs of 3.0 to 5.0 at non-Metro station areas represents a very significant and alarming change in Fairfax County zoning.

On September 29, the P&Z committee received a briefing on the proposed ZOA by the staff coordinator who drafted the ZOA language. MCA submitted several questions regarding the ZOA and has not received a direct response. Such questions as:

1. Why are such high FARs being proposed in revitalization areas, far from heavy rail, and with bus routes that have low ridership because of the traffic congestion?
2. Doesn't this proposal for 5.0 FAR in areas without heavy rail contravene the county's current TOD policy?
3. A 3.0-5.0 FAR is not achievable in 75% of Tyson, the county's designated dense urban area. How would this intensity be appropriate in the county's revitalization areas that have a tenth of that density and are situated on major arterials that already suffer from traffic congestion.
4. What about building height limitations? The ZOA is silent on height.
5. How would the character and harmony of these areas be maintained with such potentially disparate densities?
6. How would the sharp transition in intensity be buffered? The ZOA would do away with setbacks and screening provisions. Some of these changes are seemingly in conflict with the current design objectives of the McLean CBC Comprehensive Plan.
7. How would the needed transportation improvements be funded for these revitalization areas? Does staff envision the creation of transportation tax districts similar to Tysons?

Although MCA received a draft of the ZOA in mid-August, it took some time for the distribution to reach other areas of the county and opposition to the ZOA began to mount. At one time, this ZOA was to be authorized for advertisement for public hearing in late October, but in response to public comment, the advertisement has been put on hold. There is currently no action scheduled for the ZOA, however MCA is preparing comments for county planning staff in November.