



**FAIRFAX  
COUNTY**

**STAFF REPORT**

V I R G I N I A

**PROPOSED ZONING ORDINANCE AMENDMENT**

**Article 6 – Planned Tysons Corner Urban (PTC) District Regulations Regarding the  
Maximum Floor Area Ratio for High Trip Generating Uses**

**PUBLIC HEARING DATES**

**Planning Commission**

February 8, 2017 at 8:15 p.m.

**Board of Supervisors**

March 14, 2017 at 4:00 p.m.

**PREPARED BY  
ZONING ADMINISTRATION DIVISION  
DEPARTMENT OF PLANNING AND ZONING  
703-324-1314**

December 6, 2016

TDS



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

## STAFF COMMENT

The proposed Zoning Ordinance Amendment is on the 2016 Priority 1 Zoning Ordinance Amendment Work Program (#19). Item #19 was a place-holder for any changes to the Planned Tysons Corner Urban District (PTC) determined to be necessary to implement corresponding changes made to the Comprehensive Plan for Tysons. A plan amendment for Tysons was authorized by the Board of Supervisors (Board) on March 15, 2013, directing staff to update the Tysons Plan based on experience, studies, and planning activities that have been completed since the original Comprehensive Plan for Tysons was adopted in 2010. This process led to a plan amendment proposal that, if approved, will necessitate changes to the PTC District to revise the maximum permitted floor area ratio (FAR) as it relates to “other high trip generating uses” (as described below). Staff notes that this proposal to amend the Zoning Ordinance was presented conceptually to the Planning Commission’s Tysons Committee during its review of the amendment to the Comprehensive Plan for Tysons on March 16, 2016.

### **Current Provisions**

In Tysons, the Comprehensive Plan and the PTC District of the Zoning Ordinance do not place a maximum FAR limit on total development intensity within ¼ mile of the metro stations. Rather, both documents specifically limit only the intensity of office uses and “*those uses that generate more AM and PM peak hour vehicle trips than hotel use, based on the peak hour vehicle trip generation rates specified in the most current version of the Institute of Traffic Engineers (ITE) Trip Generation Report, and as determined by the Fairfax County Department of Transportation (FCDOT) through either the evaluation of a trip generation analysis or in conjunction with the Transportation Impact Analysis (TIA) pursuant to Va. Code § 15.2222.1*”. The latter category of uses is most often referred to, in short, as “other high trip generating uses” or “HTGUs”. Office uses and HTGUs are currently limited to a maximum FAR of 2.5 within ¼ mile of the metro stations (unless additional floor area is approved by the Board through a special exception). The FAR limit was imposed with the 2010 adoption of the PTC District primarily to address traffic impacts, but also to ensure that applicants in early stages of plan implementation did not over-entitle office uses on any given property.

### **Background**

Staff is currently proposing changes to the Comprehensive Plan for Tysons through a Comprehensive Plan Amendment being considered concurrently with this proposed Zoning Ordinance Amendment. During the plan amendment review process, a concern was raised that HTGUs are not a specifically identified use in the Zoning Ordinance. Staff notes that the PTC District permits a wide variety of uses by-right. While some uses have higher trip generation rates than others when considered in isolation, the trip generation rates of any permitted use can be impacted by the actual amount and mix of uses, and synergy among those uses. When the PTC District regulations were developed, staff believed that the FAR limit should apply to those uses that created the greatest impact on traffic, such as office. Thus the PTC District was adopted with the provision that required office and other HTGUs to be counted toward a maximum FAR of 2.5. As noted, HTGUs are not defined, in the Zoning Ordinance, so in order to reference an industry standard for a high trip generation rate, the provisions reference trip generation rates as calculated by ITE (with adjustments allowed), and it was determined that a use with a rate at or above that of a hotel should be included in the 2.5 FAR maximum.

Since the 2010 adoption of the PTC District, a number of factors have caused confusion regarding the appropriate identification of HTGUs for the purpose of inclusion in the maximum FAR limit. Most importantly, staff notes that ITE rates are generally reflective of rates as would be experienced in a more suburban setting and, as such, they do not always accurately reflect trip generation for more urban, mixed-use developments. For example, a use that generates a high volume of trips in a suburban setting, such as a dry cleaner, may not generate a high volume of trips in an urban mixed-use setting like Tysons. A dry cleaner on the ground floor of a mixed-use building will serve pedestrians and persons already in the building, thus generating very few, if any, additional vehicle trips. Staff had attempted to address this with the June 22, 2010, Guidelines for Trip Generation Analysis for Rezoning Applications to the Tysons PTC District (Attachment 1), which was adopted by the Board in concert with the adoption of the PTC District. The Board policy guidelines allowed for appropriate reductions to the ITE Trip Generation Report rates with supporting documentation (a traffic analysis) and approval by the Fairfax County Department of Transportation. In practice, the policy guidelines proved cumbersome to apply, and the evolution of the transportation analysis process in Tysons has obviated the need for this separate analysis by applicants and staff.

Since the adoption of the Plan, the PTC District and the policy guidelines, the transportation analysis process in Tysons has evolved through the development of the Consolidated Traffic Impact Analyses (CTIAs). The CTIAs were conducted for broader geographic areas rather than for individual application properties, and include Tysons East, Tysons Central and Tysons West. The CTIAs were used to determine, with a high level of detail, current and future traffic conditions based on the implementation of the Plan and the proposed developments in Tysons, and to evaluate and optimize the grid of streets. Since the CTIAs assessed both proposals under review and the assumed Plan densities for properties not currently under development in the station areas, they form a baseline for development for these areas. In practice, if an applicant proposes a new development at a higher density than what was assumed in the CTIA, an operational analysis is requested to determine whether and how the additional trips generated by the higher density could be accommodated. Staff notes that this is in addition to any requirement for a VDOT Transportation Impact Analysis (TIA) under Va. Code § 15.2-.2222.1 (known as 870 review); 870 review has been required for most of the large-scale, mixed-use proposals submitted in Tysons. Finally, any development in Tysons, regardless of whether it requires 870 review or exceeds the CTIA base level, is likely to be subject to an operational analysis because of the high densities and potential for local street impacts expected with almost any application.

Additionally, experience has shown that it is the specific mix of uses proposed on a site and the synergy among uses that is important to evaluating traffic impacts in an urban, mixed-use setting, not the individual trip generation rate of a particular use as specified by ITE. Experience has shown that the 2.5 FAR limit is not an effective method of regulating intensity for developments comprised primarily of certain HTGUs. If a development does not include significant amounts of multiple-story office uses (which are the primary use included in the 2.5 FAR maximum), the FAR limit does not serve as a significant limiting factor. For example, if a development proposes to maximize retail uses without a significant office component, the proposed FAR is generally far below 2.5 because uses such as retail and big box retail are rarely multiple stories, thus do not generate the same floor area as multiple-story office uses.

For these reasons, both staff and applicants have struggled with appropriate identification of HTGUs for the purposes of calculating the FAR of a development and staff has reconsidered the effectiveness of the current provisions in appropriately addressing the traffic impacts of developments in Tysons. The practice has successfully evolved to an evaluation of the traffic impact of all uses, “high trip generating” or not, identified through the various traffic analyses and mitigated through commitments developed during the review of a specific rezoning application. As such, staff believes the PTC District provisions that include HTGUs in the 2.5 FAR maximum with office should be eliminated. No change to provisions relating to office is proposed.

### **Proposed Amendment**

In the corresponding amendment to the Comprehensive Plan for Tysons, staff is proposing to eliminate the intensity limitations for HTGUs within ¼ mile of a metro station. In order to implement this recommendation and address the issues noted above, the proposed Zoning Ordinance Amendment will amend Par. 2 of Sect. 6-507 (Maximum FAR in the PTC District) to remove HTGUs from the 2.5 FAR limitation. Staff believes that the current 2.5 FAR limitation on office uses within ¼ mile of a metro station remains appropriate (with an increase permitted by special exception), and that provisions relating to development intensity outside of ¼ mile from a metro station also remain appropriate. Under this proposal, all uses in a PTC District would continue to be subject to review and evaluation of the applicable traffic analyses, design guidelines, proposals for mitigation, consolidation recommendations, and other provisions of the Comprehensive Plan and the Ordinance during the development review process, and only office uses would be subject to the additional limitation of a maximum FAR of 2.5.

If the proposed amendment to the Zoning Ordinance and the corresponding changes to the Comprehensive Plan are adopted, staff believes that the referenced Board policy relating to trip generation analysis for HGTU within the Tysons PTC District will no longer be necessary. Therefore, because the guidelines were specifically adopted by an action of the Board, staff recommends that the Board take a similar action to eliminate this policy guideline. Staff will be providing the Board with a separate, specific motion to eliminate this policy in conjunction with the Board’s action on both the Comprehensive Plan amendment and this Zoning Ordinance Amendment.

### **Conclusion**

The amendment removes HTGUs from the current 2.5 FAR maximum and provides that only office uses within ¼ mile of a metro station in the PTC District will be subject to the 2.5 FAR limitation. As a result, residential and all other uses (excluding office) will be subject to no maximum FAR in the PTC District when the proposed development is implementing the site-specific development guidelines and recommendations of the Comprehensive Plan, including design, mix of uses and scale of the proposed development, and only when the appropriate measures are proposed and/or in place to adequately mitigate the anticipated transportation impacts of the proposed development.

Staff believes that the existing development review practice eliminates the need for this confusing terminology and that these changes will more accurately consider the traffic impacts

of the mix of uses proposed for developments in Tysons through the continued utilization of the CTIAs. The proposed revision is appropriate in order to implement the proposed revisions to the Comprehensive Plan; therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of December 6, 2016, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.*

1 **Amend Article 6, Planned Development District Regulations, Part 5, PTC Planned Tysons**  
 2 **Corner Urban District, Sect. 6-507, Bulk Regulations, by amending Par. 2A, to read as**  
 3 **follows:**

4  
 5 2. Maximum floor area ratio (FAR):

6  
 7 A. Within the TOD District up to one-fourth (1/4) mile from a Metrorail Station entrance:

8  
 9 ~~(1) For uses that generate the same or fewer AM and PM peak hour vehicle trips than~~  
 10 ~~hotel use, such as residential or neighborhood serving retail uses, based on the peak~~  
 11 ~~hour vehicle trip generation rates specified in the most current edition of the Institute~~  
 12 ~~of Traffic Engineers (ITE) Trip Generation Report; and as determined by the Fairfax~~  
 13 ~~County Department of Transportation (FCDOT) through either the evaluation of a~~  
 14 ~~trip generation analysis or in conjunction with the Transportation Impact Analysis~~  
 15 ~~(TIA) pursuant to Va. Code §15.2222.1: No maximum FAR.~~

16  
 17 ~~(2) For office and those uses that generate more AM and PM peak hour vehicle trips than~~  
 18 ~~hotel use, based on the peak hour vehicle trip generation rates specified in the most~~  
 19 ~~current version of the Institute of Traffic Engineers (ITE) Trip Generation Report,~~  
 20 ~~and as determined by the Fairfax County Department of Transportation (FCDOT)~~  
 21 ~~through either the evaluation of a trip generation analysis or in conjunction with the~~  
 22 ~~Transportation Impact Analysis (TIA) pursuant to Va. Code §15.2222.1: 2.5 FAR,~~  
 23 ~~exclusive of any bonus intensity obtained for proffered public facilities and/or public~~  
 24 ~~infrastructure, as set forth in the adopted comprehensive plan; provided, however, an~~  
 25 ~~increase in FAR may be permitted by the Board in accordance with the provisions of~~  
 26 ~~Sect. 9-629.~~

27  
 28 (1) For office uses: 2.5 FAR, exclusive of any bonus intensity obtained for proffered  
 29 public facilities and/or public infrastructure, as set forth in the adopted comprehensive  
 30 plan; however, an increase in FAR may be permitted by the Board in accordance with  
 31 the provisions of Sect. 9-629.

32  
 33 (2) For residential and all other uses except office: No maximum FAR when the  
 34 proposed development is implementing the site-specific development guidelines and

35 recommendations of the comprehensive plan, including design, mix of uses and scale  
36 of the proposed development, and only when the appropriate measures are proposed  
37 and/or in place to adequately mitigate the anticipated transportation impacts of the  
38 proposed development.

**BOARD OF SUPERVISORS'**  
**GUIDELINES FOR TRIP GENERATION ANALYSIS**  
**FOR REZONING APPLICATIONS TO THE TYSONS PTC DISTRICT**

Adopted June 22, 2010

The following guidelines are to be used in determining the trip generation rates for uses within the Planned Tysons Corner Urban District:

For uses that generate the same or fewer AM and PM peak hour vehicle trips than hotel use: For hotel apply peak hour (of adjacent street traffic) vehicle trip generation rates as specified in Land Use Code 310, of the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Report. For other land uses, apply peak hour (of adjacent street traffic) or closest equivalent vehicle trip generation rates using the most recent edition of the ITE Trip Generation Report. For comparison purposes, the trip generation rates obtained from the ITE Trip Generation Report should be modified where necessary to have the same bases (typically per 1,000 square feet of development). In all cases, peak hour rates should be applied and the total (inbound and outbound) hotel rates in each of the A.M. and P.M. should not be exceeded; and the hotel inbound rate for the AM peak hour and the hotel outbound rate for the PM peak hour should not be exceeded when comparing the trip generation rates of other uses with the hotel use. Where appropriate, reductions to the ITE Trip Generation Report rates can be applied with supporting documentation and with approval by the Fairfax County Department of Transportation (FCDOT).

For uses that generate more AM and PM peak hour vehicle trips than hotel use: Apply the same procedure for comparison as specified above.

**THIS BOARD POLICY for the Guidelines for Trip Generation Analysis for Rezoning Applications to the Tysons PTC District is effective on this 22nd day of June, 2010.**



NANCY V. HRS

Clerk to the Board of Supervisors