Attachment V

PROPOSED COMPREHENSIVE PLAN AMENDMENT STAFF REPORT ADDENDUM

ITEM: ST05-CW-1CP
June 10, 2010

GENERAL LOCATION: Generally between the Capital Beltway, Dulles Toll Road and Route 7.

SUPERVISOR DISTRICTS: Providence, Hunter Mill

PLANNING AREA: Areas I and II

PLANNING DISTRICT/DEVELOPMENT CENTER: Tyson Corner Urban Center

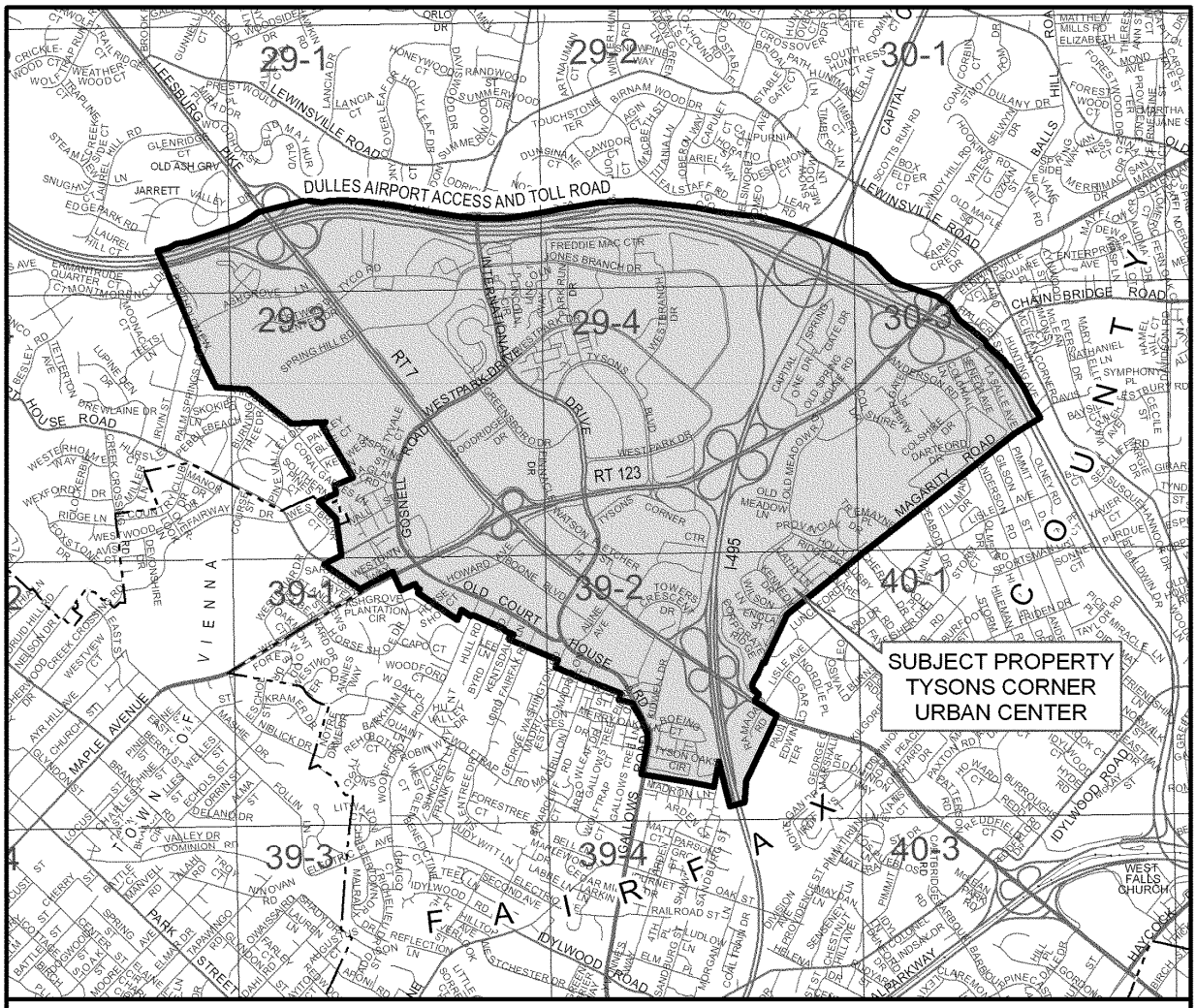
PLANNING COMMISSION PUBLIC HEARING: Wednesday, April 21, 2010 @ 7:30 P.M.

BOARD OF SUPERVISORS PUBLIC HEARING: Tuesday, June 22, 2010 @ 4:30 P.M.

PLANNING STAFF DOES RECOMMEND THIS ITEM FOR PLAN AMENDMENT

For additional information about this amendment call (703) 324-1380.

Reasonable accommodation is available upon 7 days advance notice. For additional information about accommodation call (703) 324-1334.



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STAFF REPORT ADDENDUM FOR TYSONS CORNER URBAN CENTER: PLAN AMENDMENT ST05-CW-1CP

Staff Report Addendum

This document is an addendum to the staff report on the March 24, 2010, draft of the proposed Comprehensive Plan amendment for the Tysons Corner Urban Center. The original staff report was published on April 7, 2010. It provided background information on the planning process (which is also included in this addendum); summarized the analyses of land use, transportation, public facilities, and fiscal impacts; and described alternatives for issues, such as intensity and consolidation, that had not been resolved at that time.

The April 7, 2010, staff report may be found at
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/st05-cw-1cp.pdf .

This addendum to the staff report describes the Planning Commission's recommended Plan amendment, which resolves the issues that were still outstanding in previous drafts of the proposed Plan.

Staff has also advanced its analysis of funding for transportation improvements. This work was presented to the Revitalization and Reinvestment Committee of the Board of Supervisors on June 1, 2010. The presentation may be found at
http://www.fairfaxcounty.gov/dpz/tysonscorner/tyson_transp_funding_20100601.pdf .

Finally, Planning Commissioner Walter Alcorn and staff presented a summary of the Planning Commission's recommendations to the Board of Supervisors on June 8, 2010. That presentation may be found at
http://www.fairfaxcounty.gov/dpz/tysonscorner/tysons_presentation_bos_june8.pdf .

Planning Commission Consideration and Action

On May 27, 2010, the Planning Commission recommended a Comprehensive Plan amendment for Tysons that included a number of refinements and modifications to the draft published March 24, 2010. The Planning Commission recommended Plan amendment may be found at
http://www.fairfaxcounty.gov/dpz/tysonscorner/drafts/tysons_draft_plan_05272010.pdf .

Staff fully supports the Planning Commission's recommendations, which include a number of compromises on issues that had not been resolved when the original staff report was published. These compromises were initiated by the Planning Commission and staff based on the testimony received at the public hearing held on April 21, 2010, and additional comments received after that date.

The following are issues addressed in the original staff report that have been resolved as a result of the Planning Commission action:

- Intensity and Planning Horizon

- Phasing Development to Transportation Improvement and Programs
- Affordable and Workforce Housing
- Green Building Incentives
- Parcel Consolidation and Coordinated Development Plans
- Building Height
- Stormwater Management

Intensity and Planning Horizon (pp. 25 - 31)

The March 24, 2010, draft of the proposed Plan included four intensity and development alternatives. After weeks of testimony, revisions, and deliberation, the Planning Commission selected to forward Alternative 3A for the Board's consideration. This alternative uses a planning horizon of 20 years and will prioritize high intensity, mixed use redevelopment located near the Metro stations. This initial increment of the long term vision for Tysons will provide a framework for growth beyond the year 2030. The proposed Plan sets an initial development level of 45 million square feet of office development, which is the highest growth level for the year 2030 as forecast by George Mason University's Center for Regional Analysis. The proposed Plan sets forth criteria for increasing the initial development level as progress is achieved toward realizing the vision.

Within 1/4 mile of the Metro stations, the proposed Plan does not specify a maximum floor area ratio (FAR). TOD District areas located more than 1/4 mile from the stations are allowed intensities of 2.0 – 2.5 FAR, with opportunities for additional intensity for providing affordable housing and exemplary contributions toward public facilities. Many areas in the Non-TOD districts are allowed intensities that are significantly higher than existing development patterns. The Non-TOD areas are also eligible for bonus intensity for affordable housing and public facilities.

Phasing Development to Transportation Improvement and Programs (pp. 32 - 33)

Consensus has been reached among a broad group of stakeholders that growth should be phased to the transportation improvements. The proposed Plan recommends that new development should be phased to one of the following transportation funding mechanisms to ensure the provision of the 14 major improvements identified for the year 2030 in Table 7 (pp. 77 - 78):

- A Tysons-wide CDA or a similar mechanism that provides the private sector's share of the Tysons-wide transportation improvements needed by 2030;
- A smaller CDA or a similar mechanism that provides a significant component of the private sector's share of the Tysons-wide improvements needed by 2030; or
- Other binding commitments to phase development to the funding or construction of one or more of the Tysons-wide improvements needed by 2030.

The proposed plan also recommends that development should be phased to the achievement of the TDM vehicle trip reduction goals set forth in Table 5 (p. 70).

Affordable and Workforce Housing (pp. 36 - 39)

The Planning Commission, the Tysons Land Use Task Force, and staff all recommend that 20% of new housing units be affordable to households within incomes ranging from 50% to 120% of the area median income. The proposed plan allows a bonus equal to 20% of a project's residential floor area for meeting this objective. For mixed use projects, the bonus intensity may be used for commercial purposes at a ratio similar to the overall land use mix.

Because the 20% workforce housing objective is higher than the Policy Plan's 12% objective, the proposed Plan provides additional flexibility and incentives that are intended to reduce the cost of providing workforce housing.

- The redevelopment intensities proposed in Tysons are much higher than what is allowed in other development centers in the County, including no maximum FAR for development within 1/4 mile of the Metro stations.
- The 20% floor area bonus is more generous than the Policy Plan's one-for-one dwelling unit bonus because the Policy Plan specifies that bonus market rate units should be no more than 10% larger than the workforce units. The proposed Tysons plan does not restrict the size of bonus units.
- The proposed Plan allows workforce units to be provided off-site so that units may be aggregated in a lower cost building type rather than in high rise structures. Because the workforce housing covers households earning from 50% to 120% of area median income, such buildings would serve a range of income levels that includes the middle class and would not be concentrating low-income households in a single development.
- The proposed Plan recommends flexibility in the consideration of equivalent proposals that meet specific housing needs that have been identified by the County but do not exactly conform to the Plan guidelines.
- Creative strategies for providing workforce housing are encouraged. For example, a "housing bank" similar to the process of wetlands banking could be used to allow a developer with affordable housing experience to partner with other developers who have proffered to provide workforce units.

The proposed Plan also recommends that new non-residential development provide contributions of $3.00 upfront or $0.25 on an annual basis toward a housing trust fund that would be used to create affordable housing opportunities within Tysons. In a follow-on motion, the Planning Commission recommended that the Board of Supervisors consider such contributions on a Countywide basis. Recent comments received from the development and business communities support a Countywide policy for non-residential contributions for affordable housing.

Green Building Incentives (p. 39)

Staff's work with the Tysons Demonstration Project has shown that the LEED system of rating green buildings was established primarily for commercial buildings. As such, it is much more difficult and costly to design a residential building to the higher levels of LEED achievement. In this area, staff and the Planning Commission have compromised on the Tyson Task Force's recommendation that all buildings achieve the LEED Silver standard.

The proposed Plan sets an expectation of LEED Silver (or its equivalent) for non-residential buildings. Residential buildings should be guided by the Policy Plan objectives, which currently set an expectation of LEED certification (or its equivalent).

Previous drafts of the proposed Tysons Plan included intensity bonuses for achieving the LEED Gold and Platinum levels. The Planning Commission recognized that these levels of green building attainment are currently being provided in the market place without incentives. Therefore, the Planning Commission and staff recommend that high levels of LEED achievement be encouraged through tax abatements or other financial incentives rather than intensity bonuses. Tax abatements are not available for use at this time and would require state enabling legislation.

Parcel Consolidation and Coordinated Development Plans (p. 39 - 41)

The current Plan for Tysons highlights parcel consolidation as a critical tool for achieving coordinated redevelopment throughout much of Tysons. The Tysons Land Use Task Force also recognized the importance of parcel consolidation; their vision document, dated September 2008, indicated that "parcel consolidation may be necessary to allow for redevelopment to occur in a coordinated way and for the planning objectives to be achieved."

Consolidation is an area in which staff has compromised from previous drafts of the proposed Plan, which recommended minimum land assemblages of 20 acres at the Metro stations and smaller acreage objectives outside the station areas. The proposed Plan includes these acreage references as general goals, but it also recommends that smaller consolidations be considered when specific performance objectives are met. The performance objectives relate to the following Plan objectives:

- Functioning street grid, on-site and off-site
- Parks and open space
- Public facilities
- Urban design
- Demonstration of how adjacent parcels could redevelop in conformance with the Plan

The above approach is consistent with the recommendations of the Draft Review Committee of the Tysons Task Force.

Building Height (pp. 134 - 135)

Staff's initial building height recommendations were based on the 3-D massing model analysis for the TOD Districts and current Plan's height recommendations for the Non-TOD Districts. These height recommendations were published in the first draft of the proposed Plan, dated February 2009.

The Draft Review Committee of the Tysons Task Force formulated building heights that were notably higher than the initial staff recommendation. As a result, staff conducted additional

research on existing and approved buildings in high intensity TOD areas such as Silver Spring, Bethesda, White Flint, and the Rosslyn-Ballston corridor. Staff also considered input from the Demonstration Project team. As a result of this additional information, staff increased the building height recommendations in tiers 1, 2, and 3 as shown in the table below. In November 2009, staff presented the Planning Commission Tysons Committee with information on how staff building height recommendations were formulated. See the following link for this presentation:
http://www.fairfaxcounty.gov/planning/tysons_docs/buildingheighttysons.pdf .

The Planning Commission's recommendation includes staff's compromise on building heights, with a minor change recommended by staff (increasing tier 4 heights from 125 feet to 130 feet) based on input from the development community.

Comparison of Proposed Building Heights

Tier	Initial Staff Recommendation	Task Force Draft Review Committee Recommendation	**Planning Commission and Staff Recommendation**
1	200 to 360 ft	455 ft	**225 to 400 ft**
2	150 to 200 ft	360 ft	**175 to 225 ft**
3	100 to 150 ft	200 ft	**130 to 175 ft**
4	75 to 125 ft	150 ft	**75 to 130 ft**
5	25 to 75 ft	75 ft	**50 to 75 ft**
6	25 to 50 ft	50 ft	**35 to 50 ft**

The proposed Plan provides height flexibility for projects that provide affordable/workforce housing and public uses such as a conference center or arts center. Height limits also do not include mechanical penthouses, architectural features, or innovative energy technology such as wind turbines or solar panels.

Stormwater Management (pp. 84 - 85, 95 - 97)

Previous drafts of the proposed Plan included a series of stormwater design-related guidelines for applications proposing significant increases in density/intensity. These guidelines were developed through a consensus reached by an informal stormwater management working group that included representation from the development community, engineering community, environmental community and staff.

One of the bullet point items in the previous drafts' design guidelines would have established an expectation that stormwater runoff be controlled with a goal of replicating an undeveloped, good forested condition to address the erosive potential of the runoff leaving the site. Another of the bullet points in previous drafts of the Plan would have established an expectation that water

quality controls be consistent with the Chesapeake Bay Preservation Ordinance for new development (as opposed to the redevelopment requirement).

In regard to the good forested condition concept, experience with the Demonstration Project generated concerns regarding the extent to which this goal would be considered as an aspiration as opposed to an expectation. Concern was also raised regarding the costs associated with managing the volumes of water needed to pursue this goal. As a result of these concerns, the stormwater management working group was reconvened, and discussions focused on whether an alternative, less costly approach should be pursued.

The outcome of this discussion was a proposal that would replace the good forested condition concept with an expectation of attainment of the two stormwater design-related credits in the Leadership in Energy and Environmental Design (LEED) New Construction and Core and Shell rating systems (or the provision of equivalent measures). Because the LEED credit addressing water quality was considered by the working group to be sufficient to satisfy the guideline regarding the new development water quality control requirement of the Chesapeake Bay Preservation Ordinance, the provision addressing water quality control was recommended for deletion under the LEED-related approach.

The LEED-based approach was presented as a less costly alternative to the good forested condition approach, and there was recognition among all working group members that there would be environmental benefit to the LEED-based approach in relation to current requirements. However, there was also recognition that the LEED-based approach would not implement a concept of designing controls such that runoff characteristics would mimic good forested conditions, which was part of the vision of the Tysons Land Use Task Force as presented in September 2008.

The stormwater management working group reached consensus around an approach that would, in addition to the LEED-based approach, recommend the retention on-site, through infiltration, evapotranspiration and/or reuse, of at least the first inch of rainfall. Through this approach, runoff characteristics would mimic those associated with good forested conditions for a significant majority of rainfall events. The Planning Commission and staff endorse this approach, and it is included in the proposed Plan.

Recommendation

Staff applauds the work of the Planning Commission in conducting a review process that provided ample opportunity for all sides of these issues to be discussed and debated in an open public forum. As with all compromises, there remain some who will take issue with some aspect of the Planning Commssion recommendation. However, staff fully supports the recommendation of the Planning Commission for proposed Plan amendment ST05-CW-1CP.

The Planning Commission also made a series of follow-on motions addressing a wide variety of actions that it felt were critical to the implementation of the Tysons Plan. Staff supports these 16 follow-on motions, which are available at http://www.fairfaxcounty.gov/dpz/tysonscorner/bos_att3_pcmotions.pdf .

The Planning Commission recommended Plan amendment may be found at http://www.fairfaxcounty.gov/dpz/tysonscorner/drafts/tysons_draft_plan_05272010.pdf .

Zoning Ordinance Amendment

In addition to the proposed Plan amendment, the Planning Commission recommended an amendment to the Zoning Ordinance. The Zoning Ordinance amendment proposes to create a new zoning district in order to implement the new Plan for Tysons. The proposed new zoning district, Planned Tysons Corner Urban District (PTC), will be considered concurrently with the proposed Plan amendment.

The staff report and Planning Commission recommendations on the Zoning Ordinance amendment may be found at http://www.fairfaxcounty.gov/dpz/zoning/tysonszoa/ .

Background Information for Proposed Plan Amendment ST05-CW-1CP

The Planning Commission and Board of Supervisors designated 2004 as an Area Plan Review (APR) year for the northern half of the county. In Tysons Corner twenty APR nominations were submitted as part of this process. These nominations advocated higher intensity with the anticipated arrival of four Metrorail stations in Tysons. The majority of the nominations had intensities up to 3.5 FAR. Sites closest to stations had higher FARs, with intensities decreasing as distance from the stations increased.

Information about the APR nominations may be found at
http://www.fairfaxcounty.gov/dpz/tysonscorner/nofind/nominationsummary.pdf .
A map showing the location of the nominated properties is at
http://www.fairfaxcounty.gov/dpz/tysonscorner/nominationmap.pdf .

Due to the number of nominations, the Planning Commission, at the Board of Supervisors' request, deferred all rail-related APR nominations. Following deferral, the Board authorized a Special Study to evaluate the area's transportation system and review Tysons Corner rail-related Plan nominations. The Board recognized that the outcome of the study would not be successful without public involvement and an identifiable group to spearhead the study. In March 2005, the Board established the Tysons Land Use Task Force to recommend updates to the Comprehensive Plan and coordinate public outreach and input.

In May 2005, the Board further clarified the role of the Task Force and expanded its membership to include a diverse mix of stakeholders from the community, businesses and major employers, as well as representatives from each magisterial district, the Fairfax County Chamber of Commerce, TYTRAN, and area neighborhoods. A copy of the Board motion creating the Task Force may be found at
http://www.fairfaxcounty.gov/dpz/tysonscorner/nofind/bosmotion20050523.pdf .

The Task Force's mission was to gather community input and recommend updates to the Tysons Comprehensive Plan that would:

- Promote mixed use
- Facilitate transit-oriented development
- Enhance pedestrian connections throughout Tysons
- Increase the residential component of the density mix
- Improve the functionality of the area
- Provide for amenities and aesthetics such as public spaces, art and parks

The Task Force held 45 public workshops and outreach sessions between 2006 and 2008. Hundreds of citizens participated in three rounds of workshops focusing on planning alternatives and scenarios. Detailed information on the Task Force community outreach activities is at
http://www.fairfaxcounty.gov/dpz/tysonscorner/outreach.htm .

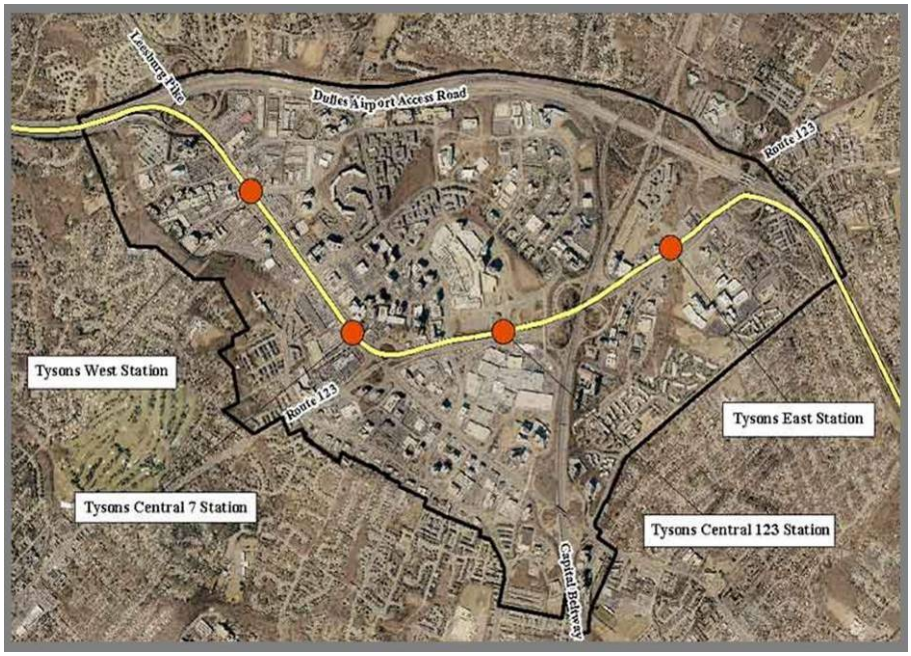
Location and Character of the Area

Tysons is an area of about 2,100 acres located in northeastern Fairfax County, about halfway between downtown Washington, D.C. and Dulles International Airport. It is located at the confluence of Interstate 495 (the Capital Beltway) with the Dulles Airport Access and Toll Roads, Route 7 and Route 123.

Tysons is roughly triangular in shape and contains the highest natural elevations in Fairfax County. It is bounded on the southeastern side by Magarity Road and on the southwestern side generally by the limit of commercial development along Gallows and Old Courthouse Roads and the natural areas of Old Courthouse Stream Branch. The residential areas on the western side of Gosnell Road flanking Old Courthouse Road are also part of the Tysons Corner area. The Dulles Airport Access and Toll Roads form the northern boundary of Tysons.

The Urban Center currently includes around 17,000 residents and 104,000 jobs. Major land uses are 5.5 million square feet of retail space, including two of the region's largest malls; 27 million square feet of office space, more than the downtowns of 12 U.S. cities; 1 million square feet of industrial/flex space; 2 million square feet of hotel space; and 10 million square feet of housing.

The map below shows the boundaries of the Tysons Corner Urban Center, and the locations of the four future Metrorail stations.



Adopted Comprehensive Plan Text

The current Comprehensive Plan, adopted in 1994, provides a vision for change in Tysons, anticipating its becoming more pedestrian oriented with the advent of Metrorail. Among the objectives of the current Plan are:

- Create an improved sense of place and function
- Create centralized areas of relatively more intense development
- Encourage development of additional housing, including affordable units
- Encourage mixed-use development
- Develop a cohesive pedestrian system
- Develop mass transit options as well as other transportation strategies

The current Plan's Areawide Recommendations may be found at http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area2/tysons1.pdf .

The recommendations for individual Land Units are at http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area2/tysons2.pdf .