



County of Fairfax, Virginia

MEMORANDUM

DATE: January 20, 2016

TO: General Distribution

FROM: Leslie B. Johnson
Zoning Administrator

SUBJECT: Planning Commission Public Input Session Regarding Proposed Zoning Ordinance Amendment for Modifications to the Planned Commercial District (PDC) and Planned Residential Mixed Use (PRM) District and Related Changes

Introduction

On December 8, 2015, the Board of Supervisors (Board) directed the Planning Commission to conduct a public input session to receive input from the public regarding the current proposed Zoning Ordinance Amendment related to the PRM and PDC Districts and related changes. This session is intended to be an additional opportunity for interested parties to express their views on the proposed changes prior to preparation of the final staff report and authorization of the amendment for public hearings.

Background

Over the past several years, as part of a varied array of initiatives to revitalize and encourage investment in the County's older commercial areas and to help support transit oriented development around existing and future Metro stations, the Board of Supervisors has adopted a number of changes to the comprehensive plan. These changes primarily would accommodate future development with varying levels of additional density/intensity within a more mixed use environment than what the then-current comprehensive plan recommendations would have permitted. Staff notes that since 2010 the Board has adopted comprehensive plan changes related to certain Transit Station Areas (TSAs) and Community Business Centers (CBCs), collectively referred to in this memorandum as Selective Areas. Such areas have included Reston Transit Station Areas and Annandale, Baileys Crossroads and Seven Corners Community Business Centers.

Whereas, the comprehensive plan sets forth the goals and guidelines for future development throughout the county, the Zoning Ordinance provides the regulatory framework to achieve the comprehensive plan recommendations. The zoning districts identified within the Zoning Ordinance each include the types of uses permitted, density/intensity limits and other factors

that establish land use regulations for any development proposal. In order to implement the goals and recommendations of the comprehensive plan, there has to be a zoning district that can accommodate the mix of uses, density/intensity recommendations, and other factors envisioned by the plan. Under the current provisions of the Zoning Ordinance, there are two zoning districts that are most suitable to accommodate the mixed-use, higher intensity developments recommended in the comprehensive plan: Planned Development Commercial (PDC) district and Planned Residential Mixed Use (PRM) District. It should be noted that nothing in this proposed amendment modifies or overrides the recommendations in the comprehensive plan. The most relevant provisions of the proposed amendment revising the PDC and PRM District regulations (increase in FAR and inclusion of cellar space) have been on the Zoning Ordinance Amendment Work Program (ZOAWP) since 2005 and 2007, respectively, originating in conjunction with a variety of planning efforts underway at that time and from the Planning Commission's recommendation regarding the potential land use impacts of cellar space.

As part of the ZOAWP review process, the specific amendments regarding the increase in FAR, inclusion of cellar space, and other changes have been previously discussed at the Planning Commission's Policy and Procedures Committee and the Board's Development Process Committee in the last several years, as well as with the Board's Community Revitalization and Reinvestment Committee. Additional outreach on the amendment has included a committee of representatives from the CRDs, Northern Virginia Builders Association (NVBIA), National Association of Office and Industrial Parks (NAIOP) and the Fairfax Federation of Citizen Associations, among others. Comments received from these outreach efforts have been incorporated into this revised draft of the amendment.

The attached revised draft, dated January 20, 2016, is the most current proposal for this amendment. Written comments on this proposal can be submitted to ordadmin@fairfaxcounty.gov or to the Zoning Administration Division, 12055 Government Center Parkway, Suite 807, Fairfax, VA 22035. Additionally, staff has developed a website for this amendment where additional information will be provided regarding the status of this amendment, changes to the proposal and any other relevant information. The website can be found at www.fairfaxcounty.gov/dpz/zoning/pdc-prm-crdamendment.

Proposed Amendment

Listed below is a summary of the major changes proposed in this amendment. A copy of the revised text is set forth as Attachment 1.

Increased Maximum FAR: In the PDC District, the amendment will remove the maximum Floor Area Ratio (FAR) of 1.5 along with the enumerated criteria allowing increases up to a maximum FAR of 2.5. The maximum in the PDC District is proposed to be 2.5. The amendment will also add a provision for both the PDC and PRM Districts to allow a maximum FAR of 5.0, but only when the property is located in a Selective Area and only when such FAR increase is implementing the intensity/density recommendations of the adopted comprehensive

plan. Except in the Selective Areas, the maximum FAR in the PRM remains at 3.0 and will be 2.5 in the PDC District. The amendment will be advertised to allow the Board to consider any maximum FAR up to 5.5 FAR and adopt a different FAR for subgroups of Selective Areas. For example, the Board could adopt a maximum 5.0 FAR for TSAs and a 4.5 FAR for CBCs/CRDs.

Staff's recommendation for 5.0 FAR is specifically based on the increased intensity levels that have been adopted for certain geographic areas within the Selective Areas. Staff also believes the 5.0 maximum FAR recommendation will accommodate the current development intensity scenarios envisioned by existing comprehensive plan recommendations, but will also accommodate any future comprehensive plan changes that would specify up to a 5.0 FAR for a specific geographic area. For example, certain areas of the Reston TSAs are currently planned for up to 3.5 FAR, allowing up to 4.5 FAR if certain features are included with the application. At this time, there is no zoning district available to achieve a 4.5 FAR (outside of the Tysons PTC District.) There are also certain areas of the county where the comprehensive plan recommends the implementation of form based development where emphasis is placed on achieving a specific urban form. In these circumstances, there is no comprehensive plan recommendation for a maximum FAR; rather, the development intensity is shaped in part by controlling the physical characteristics of the development, such as maximum building height, maximum number of stories for a building, building setback recommendations, open space recommendations and other factors that specifically describe the physical form of the anticipated development. Staff believes the actual FAR of such form-based development in certain areas could potentially exceed the current maximum of 2.5 in PDC or 3.0 in PRM, but there is no way to know the actual FAR until there is an application for a specific development on a specific parcel.

Concern has been expressed that the establishment of a 5.0 FAR (or other limit, as determined by the Board) would have the effect of allowing any applicant to achieve that limit, regardless of the recommendation of the comprehensive plan. Staff notes that when rezoning to a P District, such as the PDC and PRM Districts, Article 16 of the Zoning Ordinance, Standards for All Planned Developments, specifically states that the "planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities" and "shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions." This clearly establishes the relationship between the recommendations of the comprehensive plan and the Zoning Ordinance with regard to FAR.

Staff clearly recognizes that a 5.0 FAR is not appropriate for all properties that happen to be located in one of the Selective Areas and this proposed change does not permit the maximum FAR to be applied to all such areas. The proposed increase in FAR is only applicable to those parcels within a Selective Area where the comprehensive plan clearly recommends such level of development intensity. Staff also clearly acknowledges that

the higher levels of intensity recommended in the comprehensive plan are primarily associated with TSAs and in certain areas within certain CBCs. While the amendment will be advertised to permit the Board to adopt a specific FAR for TSAs and a different, possibly lower FAR for CBCs and CRDs, staff does not recommend that approach. Staff's proposal will establish two tiers of FAR for the PDC and PRM Districts: one maximum FAR for areas outside of the Selective Areas and a different, higher maximum FAR for areas inside of the Selective Areas. In all cases, however, the maximum is only attainable subject to a rezoning in conformance with the density/intensity recommendation of the comprehensive plan. Staff does not support the establishment of additional tiers for different categories of Selective Area, as the current standards coupled with the proposed amendment are adequate to ensure that the density/intensity is further controlled by the recommendations of the comprehensive plan, as appropriate. Additionally, with form-based design guidelines, there is no way to predict an actual FAR that would suffice in those areas that have such a recommendation.

Parking: Current parking requirements are not being reduced. There are several opportunities for parking reductions currently allowed under the Zoning Ordinance, with most requiring Board approval. Furthermore, a 20% parking reduction is currently allowed in the CRDs, but it is only applicable to commercial uses. Because the comprehensive plan encourages mixed use development to include residential and non-residential uses in CRDs, the amendment proposes to allow the 20% parking reduction to apply to both residential and nonresidential uses. The amendment also provides clarification of the current scenarios under which the Board can allow for a parking reduction by better describing mass transit station, transportation facility and high-frequency bus service that serves a mass transit station or transportation facility.

Cellar Space: Cellar space is proposed to be included in the calculation of gross floor area (thus, FAR) for any rezoning to the PDC or PRM Districts approved after the date of this amendment. Except in the PTC District, cellar space is currently excluded from gross floor area. Language is also being proposed to clarify that loading, storage and other accessory uses, mechanical equipment and an unmanned datacenter or other similar telecommunication or electronic equipment are not counted when located in the cellar. For consistency, the clarification on cellar space exclusions is being added to the PTC District as well.

Open Space: The amount of open space is not being altered and will remain at a minimum of 15% in the PDC District and a minimum of 20% in the PRM District. In the PRM District, the proposed amendment will require that no less than half of the required open space must be provided at street level to prevent a majority of open space to be located on podiums or rooftops. This modification ensures that a minimum amount of open space is on ground level in the predominantly residential mixed use areas, as currently there is no restriction on where open space can be located. Staff notes that the Board has the ability to modify the provision if it is determined to be appropriate based on a specific application. Additionally, this provision will reference that, when applicable, the design features, dimensions, location and other factors associated with landscaped open space shall be in accordance with the adopted comprehensive

plan recommendations for streetscape and urban park standards. This will help ensure that the physical form of a proposed development is consistent with the design recommendations of the comprehensive plan for a given area.

Uses: Certain uses are being added that staff believe can be appropriate and desired in mixed use developments. Commercial recreation restaurants and vehicle sales and ancillary service establishments are proposed as a secondary use in the PDC and PRM Districts along with kennels and veterinary hospitals in the PRM District. These uses will be subject to certain use limitations. The amendment also allows fast food restaurants located in a residential building in a PDC District to be processed in conjunction with a final development plan, rather than as a separate special exception. Finally, “housing for the elderly” is being changed to “independent living, assisted living and nursing facility” as a correction since the term “housing for the elderly” was replaced in an amendment in 2003 with the term independent living.

Site Distance: The amendment will allow the Board to modify minimum sight distance requirements on a corner lot, in conjunction with a rezoning or special exception upon a clear demonstration that such reduction maintains safe and adequate vehicular/pedestrian movements at the intersection. The existing regulations are in conflict with urban buildings and standards that locate structures at or close to the property lines. Changing this provision will allow flexibility to the current regulations, but not without Board approval.

Transitional Screening: There are existing Zoning Ordinance provisions for transitional screening and barrier requirements along the Dulles International Airport Access Highway and the Dulles Toll Road. Given these areas are proposed for denser development in conjunction with the extension of the Silver Line, the ability to modify these requirements is needed to ensure development can take place close to the Dulles Toll Road, as recommended by the comprehensive plan.

Lot Size/Purpose and Intent: The proposed amendment will add CRAs and TSAs (CRDs and CBCs are currently specified) to the current criteria for determining when land may be classified to the PDC District. In the PRM District, CBCs, CRDs and CRAs are being added to the purpose and intent section to indicate that the Selective Areas are locations where high density, mixed use residential districts are desired.

Bulk, Landscaping and Screening Modifications: Similar to what is already allowed for the PTC District, bulk regulations as well as landscaping and screening provisions shall have general applicability and only apply at the peripheral boundaries when there is a rezoning application to the PRM and PDC District located in the Selective Areas. These regulations allow flexibility to complement development on adjacent properties while buffering different land uses that are located along the perimeter of the Selective Areas.

Reduction in Yards: The amendment proposes to add CRAs and TSAs to the list of areas where the Board or the Director of Public Works and Environmental Services can reduce yards and other require distances from lot lines set forth in the Zoning Ordinance, when such reduced

distances are established in the adopted comprehensive plan. Such reductions are currently permissible in the CBCs. Yard reductions are also allowed in CRDs but only as specified for the specific district.

Additional Resources

Please refer to www.fairfaxcounty.gov/dpz/zoning/pdc-prm-crdamendment for all future updates, additional information and scheduling information regarding this proposed amendment.

LBJ/DP

Attachment: Draft Amendment

cc: Edward L. Long, Jr., County Executive
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Proposed Zoning Ordinance Amendment Regarding the Planned Commercial District (PDC) and Planned Residential Mixed Use (PRM) District and Related Changes

1 **Amend Article 2, General Regulations, as follows:**

- 2
3 - **Amend Part 4, Qualifying Lot and Yard Regulations, Sect. 2-418 Waiver of Yard**
4 **Requirements in Selective Areas, to read as follows:**

5
6 **Waiver Reduction of Yard Requirements in Selective Areas**

7
8 ~~Notwithstanding any other provision of this Ordinance and~~ Except in a Commercial
9 Revitalization District, the minimum yard requirements and other required distances from
10 lot lines set forth in this Ordinance may be ~~waived~~ reduced for developments located in
11 an area where specific design guidelines have been established in the adopted
12 comprehensive plan, such as in Community Business Centers ~~(CBCs)~~, Commercial
13 Revitalization Areas and ~~areas around transit facilities~~ Transit Station Areas, in
14 accordance with such recommendations. Such ~~waiver~~ reduced yards or other required
15 distances from lot lines may be approved by the Board, in conjunction with the approval
16 of a rezoning or special exception, or by the Director in approving a site plan, when it is
17 determined that such ~~waiver~~ reduction is in accordance with, and would further
18 implementation of, the adopted comprehensive plan. Yard requirements in a Commercial
19 Revitalization District ~~and any allowable reductions thereof~~, shall be ~~provided~~ in
20 accordance with the provisions of that district.

- 21
22 - **Amend Part 5, Qualifying Use, Structure Regulations, Sect. 2-505, Use Limitations on**
23 **Corner Lots, by adding a new Par. 2 as follows:**

- 24
25 2. Notwithstanding the above, the Board, in conjunction with the approval of a rezoning
26 or special exception application, may modify the sight distance requirements on a
27 corner lot based upon an evaluation of the specific development proposal which shall
28 consider the demonstrated compliance with sight distance requirements of the Virginia
29 Department of Transportation and a specific sight distance analysis and/or any other
30 relevant design guidelines that would demonstrate safe and adequate vehicular, bicycle
31 and/or pedestrian movements at an intersection.

32
33
34
35 **Amend Article 6, Planned Development Districts, as follows:**

- 36
37 - **Amend Part 2, Planned Development Commercial District, as follows:**

- 38
39 - **Amend Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 4D and**
40 **relettering the subsequent paragraphs accordingly, as follows:**

1
2 4. Commercial and industrial uses of special impact (Category 5), limited to:

3
4 D. Commercial Recreation Restaurants, limited by the provisions of Sect. 9-506

5
6 - **Amend Sect. 6-206, Use Limitations, by revising Paragraphs 5, 9, 10A and 11 and**
7 **by adding a new Par. 16, as follows:**

8
9 5. Secondary uses shall be permitted only in a PDC District which contains one or
10 more principal uses. Unless modified by the Board in conjunction with the approval
11 of a conceptual development plan in order for further implementation of the
12 adopted comprehensive plan; (i) the gross floor area devoted to dwellings as a
13 secondary use shall not exceed fifty (50) percent of the gross floor area of all
14 principal uses in the development, except that the floor area for affordable and
15 market rate dwelling units which comprise the increased density pursuant to Part 8
16 of Article 2 shall be excluded from this limitation; and (ii) ~~the~~ gross floor area of
17 all other secondary uses shall not exceed twenty-five (25) percent of the gross floor
18 area of all principal uses in the development.

19 The floor area for dwellings shall be determined in accordance with the gross
20 floor area definition except the following features shall not be deemed gross floor
21 area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed
22 but which have at least one open side; or breezeways which may be roofed but
23 which have two (2) open ends. An open side or open end shall have no more than
24 fifty (50) percent of the total area between the side(s), roof and floor enclosed with
25 railings, walls, or architectural features.

26
27 9. Notwithstanding the provisions of Par. 5 and 6 above, ~~housing for the elderly~~
28 independent living facilities, assisted living facilities and/or nursing facilities as a
29 secondary uses need not be designed to serve primarily the needs of the residents
30 and occupants of the planned development in which located but shall be designed
31 so as to maintain and protect the character of adjacent properties. The gross floor
32 area devoted to ~~housing for the elderly independent living facilities, assisted living~~
33 facilities and/or nursing facilities as a secondary uses shall not exceed fifty (50)
34 percent of the gross floor area of all uses in the development.

35
36 10. Fast food restaurants shall be permitted only in accordance with the following:

37
38 A. Fast food restaurants may be permitted as a secondary use when shown on an
39 approved final development plan, and provided such use is located in a
40 residential and/or nonresidential structure containing at least one (1) other
41 permitted principal or secondary use, in accordance with the following:

42
43 (1) Such fast food restaurants shall be oriented to cater primarily to occupants
44 and/or employees in the structure in which located, or of that structure and

1 adjacent structures in the same building complex which are accessible via a
2 clearly designated pedestrian circulation system; and
3

4 (2) Such use(s) shall comprise not more than fifteen (15) percent of the gross
5 floor area of the structure.
6

7 (3) No drive-through facilities shall be permitted when such fast food restaurant
8 is located in a building with any residential uses.
9

10 11. Kennels and veterinary hospitals shall be located within a completely enclosed
11 building which is adequately soundproofed and constructed so that there will be no
12 emission of odor or noise detrimental to other property in the area. ~~In addition, the~~
13 ~~Health Department shall approve the construction and operation of all veterinary~~
14 ~~hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.~~
15

16 16. Off-street parking and loading facilities and private streets shall be provided in
17 conformance with the provisions of Article 11, to include any possible parking
18 reductions or alternate locations set forth in Sect. 11-102. Any such parking
19 reduction may be approved by the Board as part of a rezoning and/or special
20 exception when it is demonstrated by the applicant and determined by the Board, in
21 its discretion, that any such reduction(s) meets all applicable requirements of Sect.
22 11-102 and is/are in furtherance of the recommendations of the adopted
23 comprehensive plan. It is intended that a substantial portion of the required parking
24 should be provided in above and/or below grade parking structures.
25

26 - **Amend Sect. 6-207, Lot Size Requirements, by revising Par. 1C, as follows:**
27

28 1. Minimum district size: No land shall be classified in the PDC District unless the
29 Board finds that the proposed development meets at least one (1) of the following
30 conditions:
31

32 A. The proposed development will yield a minimum of 100,000 square feet of gross
33 floor area.
34

35 B. The proposed development will be a logical extension of an existing P District, in
36 which case it must yield a minimum of 40,000 square feet of gross floor area.
37

1 C. The proposed development is located within an area designated as a Community
2 Business Center, Commercial Revitalization Area or Transit Station Area in the
3 adopted comprehensive plan or is in a Commercial Revitalization District and a
4 final development plan is submitted and approved concurrently with the
5 conceptual development plan for the proposed development. The conceptual and
6 final development plan shall specify the uses and gross floor area for the proposed
7 development and shall provide site and building designs that will complement
8 existing and planned development by incorporating high standards of urban
9 design, to include provision for any specific urban design plans in the
10 comprehensive plan for the area and for safe and convenient pedestrian, bicycle
11 and vehicular movement and access.

12
13 - **Amend Sect. 6-208, Bulk Regulations, by revising Par. 3 and adding a new Par. 4**
14 **to read as follows:**

15
16 3. Maximum floor area ratio: 2.5. However, the Board may approve an increase up to
17 5.0 only when, in the discretion of the Board, the proposed development is
18 implementing the site specific density/intensity and other recommendations in the
19 adopted comprehensive plan for developments located in a Commercial
20 Revitalization District, Community Business Center Area and/or Transit Station
21 Area. (Advertised range for maximum FAR is 2.5 to 5.5 for areas within the
22 Selective Areas) ~~1.5, which may be increased by the Board, in its sole discretion,~~
23 up to a maximum of 2.5 in accordance with and when the conceptual and final
24 development plans include one or more of the following:

25
26 A. ~~More open space than the minimum required by Sect. 209 below—Not more~~
27 ~~than 2% for each additional 1% of the gross area provided in open space.~~

28
29 B. ~~Unique design features and amenities within the planned development which~~
30 ~~require unusually high development costs and which achieve an especially~~
31 ~~attractive and desirable development, such as, but not limited to, terraces,~~
32 ~~sculpture, reflecting pools and fountains—As determined by the Board in each~~
33 ~~instance, but not to exceed 35%.~~

34
35 C. ~~Below surface off street parking facilities—Not more than 5% for each 20% of~~
36 ~~the required number of parking spaces to be provided.~~

37
38 D. ~~Above surface off street parking facilities within an enclosed building or~~
39 ~~structure—Not more than 3% for each 20% of the required number of parking~~
40 ~~spaces to be provided.~~
41

1 The maximum floor area ratio permitted by this Part shall exclude the floor area for
2 affordable and bonus market rate dwelling units provided in accordance with Part 8
3 of Article 2 and the floor area for proffered bonus market rate units and/or bonus
4 floor area, any of which is associated with the provision of workforce dwelling
5 units, as applicable.

6
7 4. Notwithstanding the definition of gross floor area, any cellar space shall be counted
8 as part of the gross floor area and shall be included in the calculation of the floor
9 area ratio for any rezoning to the PDC District approved by the Board after [date of
10 adoption], except when such cellar space:

11
12 A. has a structural headroom of less than six (6) feet, six (6) inches and is
13 specifically identified for mechanical equipment; or

14
15 B. is specifically identified for storage and/or other uses that are accessory to the
16 principal uses in the building; or

17
18 C. is specifically identified as a loading space, including any associated travel way
19 providing access to the space, as well as the loading dock utilized for the
20 temporary loading and unloading of goods; or

21
22 D. is specifically identified to house an unmanned datacenter or other similar
23 telecommunication or electronic equipment.

24
25
26 **- Amend Part 4, Planned Residential Mixed Use District, as follows:**

27
28 **- Amend Sect. 6-401, Purpose and Intent, as follows:**

29
30 The PRM District is established to provide for high density, multiple family residential
31 development, generally with a minimum density of 40 dwelling units per acre; for
32 mixed use development consisting primarily of multiple family residential
33 development, generally with a density of at least twenty (20) dwelling units per acre,
34 with secondary office and/or other commercial uses. PRM Districts should be located
35 in those limited areas where such high density residential or residential mixed use
36 development is in accordance with the adopted comprehensive plan such as within
37 areas delineated as Transit Station Areas, Community Business Centers, Commercial
38 Revitalization Areas and Urban and Suburban Centers as well as developments located
39 in Commercial Revitalization Districts. The PRM District regulations are designed to
40 promote high standards in design and layout, to encourage compatibility among uses
41 within the development and integration with adjacent developments, and to otherwise
42 implement the stated purpose and intent of this Ordinance.

1 To these ends, rezoning to and development under this district will be permitted
2 only in accordance with development plans prepared and approved in accordance with
3 the provisions of Article 16.

- 4
5 - **Amend Sect. 6-403, Secondary Uses Permitted, by adding a new Par. 5A and**
6 **relettering the subsequent subparagraphs accordingly, and by adding new**
7 **Paragraphs 13 and 23 and renumbering the subsequent paragraphs accordingly,**
8 **as follows:**

9
10 5. Commercial and industrial uses of special impact (Category 5), limited to:

11 A. Commercial recreation restaurants, limited by the provisions of Sect. 9-506

12
13 13. Kennels, limited by the provisions of Sect. 406 below.

14
15 23. Veterinary hospitals, limited by the provisions of Sect. 406 below.

- 16
17
18 - **Amend Sect. 6-406, Use Limitations by revising Par. 9 and adding new Par. 13 to**
19 **read as follows:**

20
21 9. Off-street parking and loading facilities and private streets shall be provided in
22 conformance with the provisions of Article 11, to include ~~the~~ any possible parking
23 reductions or alternate locations as may be permitted in Sect. 11-102. based on
24 hourly parking accumulation characteristics of the various uses and/or proximity to
25 a mass transit station. Any such parking reduction may be approved by the Board,
26 in its discretion, as part of a rezoning and/or special exception when it is
27 demonstrated by the applicant and determined by the Board that any such
28 reduction(s) meets all the applicable requirements of Sect. 11-102 and is/are in
29 furtherance of the recommendations of the adopted comprehensive plan. It is
30 intended that a substantial portion of the required parking should be provided in
31 above and/or below grade parking structures.

32
33 13. Kennels and veterinary hospitals shall be located within a completely enclosed
34 building which is adequately soundproofed and constructed so that there will be no
35 emission of odor or noise detrimental to other property in the area.

- 36
37 - **Amend Sect. 6-408, Bulk Regulations, by revising Par. 2 and adding a new Par. 3,**
38 **to read as follows:**

39
40 2. Maximum floor area ratio: 3.0. However, the Board may approve an increase up to
41 5.0 only when, in the discretion of the Board, the proposed development is
42 implementing the site specific density/intensity and other recommendations in the
43 adopted comprehensive plan for developments located in a Commercial
44 Revitalization District, Community Business Center and/or Transit Station Area. ;

1 ~~provided that~~ The maximum floor area ratio permitted by this Part shall exclude the
2 floor area for affordable and bonus market rate units provided in accordance with
3 Part 8 of Article 2 and the floor area for proffered bonus market rate units and/or
4 bonus floor area, any of which is associated with the provision of workforce
5 dwelling units, as applicable. (*Advertised range for Maximum FAR is 3.0 to 5.5*
6 *for areas within the Selective Areas.*)
7

8 3. Notwithstanding the definition of gross floor area, any cellar space shall be counted
9 as part of the gross floor area and shall be included in the calculation of the floor
10 area ratio for any rezoning to the PRM District approved by the Board after [date of
11 adoption], except when such cellar space:

12
13 A. has a structural headroom of less than six (6) feet, six (6) inches and is
14 specifically identified for mechanical equipment; or

15
16 B. is specifically identified for storage and/or other uses that are accessory to the
17 principal uses in the building; or

18
19 C. is specifically identified as a loading space, including any associated travel way
20 providing access to the space, as well as the loading dock utilized for the
21 temporary loading and unloading of goods; or

22
23 D. is specifically identified to house an unmanned datacenter or other similar
24 telecommunication or electronic equipment.

25
26 - **Amend Sect. 6-409, Open Space, by revising Par. 1 to read as follows:**

27
28 1. Not less than 20% of the gross area shall be landscaped open space, unless modified
29 by the Board in accordance with the provisions of Sect. 9-612. Not more than one-
30 half (1/2) of the minimum required landscaped open space shall be permitted above
31 the street level, unless otherwise modified by the Board upon specific request.
32 When applicable, the design features, dimensions, location and other factors
33 associated with landscaped open space shall be in accordance with the adopted
34 comprehensive plan recommendations for streetscape and urban park standards.

35
36 - **Amend Part 5, Planned Tysons Corner Urban District, by amending Par. 5 of Sect. 6-**
37 **505, Use Limitations, as follows:**

38
39 5. Notwithstanding the definition of gross floor area, any cellar space shall be counted
40 as part of the gross floor area and shall be included in the calculation of the floor
41 area ratio, except that space used for mechanical equipment with structural
42 headroom of less than six (6) feet, six (6) inches; and that area that is specifically
43 identified and used for storage and/or for accessory uses and/or loading space and
44 associated loading docks; and that area specifically identified and used for primarily

1 an unmanned datacenter or other similar mechanical, telecommunication or
2 electronic equipment.

3
4
5 **Amend Article 9, Special Exceptions, Part 5, Commercial and Industrial Uses of Special**
6 **Impact, as follows:**

7
8 **- Amend Sect. 9-506, Additional Standards for Commercial Recreation Restaurants, by**
9 **deleting Par. 2 and renumbering subsequent paragraphs accordingly, as follows:**

10
11 2. ~~No person under 18 years of age shall be permitted to frequent the premises unless~~
12 ~~accompanied by a parent or guardian.~~

13
14 **- Amend Sect. 9-518, Additional Standards for Vehicle Sale, Rental and Ancillary Service**
15 **Establishments, by amending Par.7 and adding a new Par. 9, as follows:**

16
17 7. In the C-3, C-4, I-3, I-4, I-5, ~~PDC,~~ and PRC ~~and PRM~~ Districts, only vehicle rental
18 establishments may be allowed and such use shall be subject to Paragraphs 1 through
19 6 above and the following:

20
21 A. Vehicle rental establishments shall be limited to the rental of automobiles and
22 passenger vans and the rental of trucks or other vehicles shall not be permitted.

23
24 B. There may be a maximum of twenty-five (25) rental vehicles stored on site and
25 such vehicles shall be stored in a portion of the parking lot designated on the
26 special exception plat for the storage of rental vehicles.

27
28 C. There shall be no maintenance or refueling of the rental vehicles on-site.

29
30 9. In the PDC and PRM Districts, vehicle sale, rental and ancillary service
31 establishments shall only be permitted when specifically identified on an approved
32 final development plan and provided there shall be no outside display or storage of
33 vehicles. All vehicle display or storage shall occur within an enclosed building or
34 parking garage and any ancillary service establishment use shall occur within a
35 completely enclosed building.

36
37
38 **Amend Article 11, Off-Street Parking and Loading, Private Streets, Part 1, Off-Street**
39 **Parking, by revising Par. 5 of Sect. 11-102, General Provisions, as follows:**

40
41 5. Subject to conditions it deems appropriate, the Board may reduce the number of
42 off-street parking spaces otherwise required by the strict application of the
43 provisions of this Part when a proposed development is within reasonable walking
44 distance to: ~~Within the an area in proximity~~

- 1
2 A. a mass transit station and/or within an area designated in the adopted
3 comprehensive plan as a Transit Station Area wherein the ~~which~~ station either
4 exists or is programmed for completion within the same time frame as the
5 completion of the subject development; or
6
7 B. an existing transportation facility consisting of a streetcar, bus rapid transit, or
8 express bus service or wherein such facility is programmed for completion
9 within the same timeframe as the completion of the subject development and
10 will provide high-frequency service; or ~~along a corridor served by a mass transit~~
11 ~~facility which facility that is conveniently accessible to the proposed use and~~
12 ~~offers a regular scheduled service; or~~
13
14 C. a bus stop when service to this stop consists of more than three routes and at
15 least one route serves a mass transit station or transportation facility and
16 provides high-frequency service.

17
18 ~~the Board may, subject to conditions it deems appropriate, reduce the number of~~
19 ~~off street parking spaces otherwise required by the strict application of the~~
20 ~~provisions of this Part. Such reduction may be approved when the applicant has~~
21 ~~demonstrated to the Board's satisfaction that the spaces proposed to be eliminated~~
22 ~~are unnecessary based on the projected reduction in the parking demand resulting~~
23 ~~from the proximity of the~~ mass transit station or mass transit transportation facility
24 ~~or bus service and such reduction in parking spaces will not adversely affect the site~~
25 ~~or the adjacent area. For the purposes of this provision, a determination regarding~~
26 ~~the completion time frame for a mass transit station or transportation facility shall~~
27 ~~include the funding status for the transportation project.~~

28
29
30 **Amend Article 13, Landscaping and Screening, Part 3, Transitional Screening and**
31 **Barriers, by revising Par. 11 of Sect. 305, Transitional Screening and Barrier Waivers and**
32 **Modifications, as follows:**

- 33
34 11. Transitional screening and barriers may be waived or modified where the subject
35 property abuts a railroad, ~~or~~ interstate highway right-of-way, ~~except~~ the right-of-way
36 of the Dulles International Airport Access Highway or the combined Dulles
37 International Airport Access Highway and Dulles Toll Road.

38
39
40 **Amend Article 16, Development Plans,**

- 41
42 - **Amend Part 1, Standards for All Planned Developments, by revising Par. 1 of**
43 **Sect. 16-102, Design Standards, as follows:**
44

1 Whereas it is the intent to allow flexibility in the design of all planned developments, it
2 is deemed necessary to establish design standards by which to review rezoning
3 applications, development plans, conceptual development plans, final development
4 plans, PRC plans, site plans and subdivision plats. Therefore, the following design
5 standards shall apply:

- 6
- 7 1. In order to complement development on adjacent properties, at all peripheral
8 boundaries of the PDH, PRM, PDC, and PRC Districts the bulk regulations and
9 landscaping and screening provisions shall generally conform to the provisions of
10 that conventional zoning district which most closely characterizes the particular
11 type of development under consideration. In a rezoning application to the PDC or
12 PRM District that is located in a Commercial Revitalization District or in an area
13 that is designated as a Community Business Center, Commercial Revitalization
14 Area or Transit Station Area in the adopted comprehensive plan, this provision shall
15 have general applicability and only apply at the periphery of the Commercial
16 Revitalization District, Community Business Center, Commercial Revitalization
17 Area, or Transit Station Area, as necessary to achieve the objectives of the
18 comprehensive plan. In the PTC District, such provisions shall only have general
19 applicability and only at the periphery of the Tysons Corner Urban Center, as
20 designated in the adopted comprehensive plan.

21

22 **Amend Appendix 7, Commercial Revitalization Districts, as follows:**

- 23
- 24 - **Amend Par. 3A of Sections A7-109, A7-209, A7-309 and A7-509, Additional**
25 **Provisions, as follows:**

- 26
- 27 3. The off-street parking, loading and private street requirements of Article 11 shall
28 apply, except as set forth below:
- 29
- 30 A. The minimum off-street parking requirements for any non-residential uses may
31 be reduced by up to twenty (20) percent by the Board when it is demonstrated by
32 the applicant and determined by the Board that such reduction is in furtherance
33 of the goals of the Commercial Revitalization District as set forth in the adopted
34 comprehensive plan. Such request may also be considered in conjunction with a
35 rezoning and/or special exception application. The fee for a parking reduction
36 set forth in Sect. 17-109 shall not be applicable.
- 37 In conjunction with a rezoning to a mixed-use development in a PDC or PRM
38 District, the minimum off-street parking requirements for residential and non-
39 residential uses may be reduced by up to twenty (20) percent by the Board, in its
40 discretion, when it is demonstrated by the applicant and determined by the
41 Board that such reduction is in furtherance of the recommendations of the area
42 as set forth in the adopted comprehensive plan. Such parking reduction shall be
43 subject to the fee set forth in Sect. 17-109.
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- **Amend Par. 3A of Sect. A7-409, Additional Provisions, as follows:**

3. The off-street parking, loading and private street requirements of Article 11 shall apply, except as set forth below:

A. Notwithstanding the provisions of Article 11, the minimum off-street parking requirements for all non-residential uses shall be reduced by twenty (20) percent.

In conjunction with a rezoning to a mixed-use development in a PDC or PRM District, the minimum off-street parking requirements for residential and non-residential uses may be reduced by up to twenty (20) percent by the Board when it is demonstrated by the applicant and determined by the Board, in its discretion, that such reduction is in furtherance of the recommendations of the area as set forth in the adopted comprehensive plan. Such parking reduction shall be subject to the fee set forth in Sect. 17-109.