



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** June 10, 2016

**TO:** Fairfax County Planning Commission

**FROM:** Leslie B. Johnson *LBJ*  
Zoning Administrator

**SUBJECT:** June 15, 2016 Decision Only on Proposed Zoning Ordinance Amendment Regarding Modifications to the Planned Development Commercial (PDC), Planned Development Residential Mixed Use (PRM) Districts and Other Associated Provisions

At the May 25, 2016 Planning Commission public hearing on the proposed Zoning Ordinance amendment, testimony was received concerning a number of the provisions proposed by the amendment. The following discussion relates to those comments that are directly related to a proposed provision of the amendment:

### Floor Area Ratio (FAR)

A number of individuals have recommended that the maximum FAR for selective areas, including Transit Station Areas (TSAs), Commercial Revitalization Districts (CRDs) and Community Business Centers (CBCs) be revised to some number lower than the 5.0 FAR recommended by staff. Some have suggested that a 4.0 FAR is adequate for areas in CRDs and CBCs and that the 5.0 FAR should be limited only to the TSAs. Staff notes that there are areas in TSAs, CRDs and CBCs that currently include comprehensive plan guidance that allows higher intensity mixed use developments in excess of the current 2.5 FAR in the PDC District and 3.0 FAR in the PRM District. There are also areas that could achieve an FAR greater than 4.0, which is the maximum being recommended by some individuals. Areas that currently include comprehensive plan guidance for high intensity mixed use developments would include areas along the SilverLine Extension of Metro, the Huntington area, Seven Corners and Annandale, with some locations utilizing a form-based design standard and in other cases utilizing a specific maximum FAR, plus opportunities for bonus FAR under certain circumstances. Enclosed are a number of illustrations depicting varying levels of FAR intensity to highlight the type of development anticipated in these selective areas.

Staff does not support the establishment of a separate maximum FAR for TSAs versus CRDs/CBCs because it is unnecessary and would not be consistent with the current zoning practice of setting forth a maximum FAR within individual zoning district classifications. The FAR for PDC and PRM, as currently proposed, already includes two tiers - one for areas outside the selective areas and one for areas inside of a selective area. Staff included this tiered approach to allow a higher maximum FAR

within these selective areas designated by the comprehensive plan for higher intensity mixed use development. Further, the changes could be perceived as applicable to all properties if the proposed maximum FAR tiers didn't differentiate by at least this primary factor of geography – inside or outside of the selective areas. Staff has added a provision in the Purpose and Intent sections of the PDC and PRM Districts to further tie development in these districts to the recommendations of the comprehensive plan, including with regard to the intensity. Staff believes that the additional limitations imposed by the current provisions that tie the actual intensity that is permitted on a property to the recommendation of the comprehensive plan is more than sufficient. Specifically, Par. 1 of Sect. 16-101 states:

*The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments 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.*

If it were true that any property subject to a rezoning to the PRM District, for example, would be eligible to achieve a 5.0 FAR under the proposed provisions, then it can be argued that that same condition exists today for developments to achieve a 3.0 FAR, regardless of the comprehensive plan guidance. That is simply not the case today and will not be the case under the proposed provisions. Staff has responded to public comments by adding further qualifiers that specify that the property must be within a TSA, CRD or CBC and that the development must implement the site specific density/intensity and other recommendations of the comprehensive plan to try to further demonstrate the limit applicability of the additional FAR in the PDC and PRM Districts. Since the proposed change relates to the maximum FAR for the entire zoning district and does not have specific applicability to any individual parcel absent a rezoning application, staff continues to recommend that the Planning Commission adopt a maximum 5.0 FAR for TSAs/CRDs/CBCs.

**Fast Food Restaurants in the PDC District**

At the public hearing, staff presented revised text regarding the 15% limitation on the amount of gross floor area within any structure that can be utilized for fast food restaurants. It has been determined that the revised text set forth below is within the scope of the advertised amendment:

Par. 10A(2) of Sect. 6-206, Use Limitations:

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

- (2) Such use(s) shall comprise not more than fifteen (15) percent of the gross floor area of the ~~structure~~ **planned development**.

This change alleviates the situation in which a standard-sized “fast casual” restaurant cannot locate in many PDC District developments because the overall size of the structure in which the fast food restaurant is located would not be permitted because of the 15% limitation. For example, a 10,000 square foot structure in a PDC District would be entitled to not more than 1,500 square feet of fast

food restaurant space. Most “fast casual” restaurants are at least 2,500 to 3,000 square feet in size and, thus, would not be allowed absent the approval of a special exception. Staff’s proposal will retain the maximum amount of fast food restaurants of 15%, and will retain the requirement that any drive thru facility will always require a special exception, but believes the calculation should be based on the overall square footage of the development and not on a building-by-building basis. This would allow developments to include the standard “fast casual” style of fast food restaurant within a moderately-sized building. By not increasing the overall percentage of fast food restaurants, there would be no increase in trip generation for the development. Additionally, the actual percentage of fast food restaurants for any given PDC District development is determined during the evaluation of a rezoning application, based on issues related to trip generation and other impacts that need to be addressed. Staff supports the suggested change and recommends that the Planning Commission favorably recommend the above-referenced change to the Board of Supervisors.

**Parking Reductions Based on Proximity to Public Transportation**

A number of comments were related to the allowable reduction in parking based on proximity to public transportation. The changes are intended to clarify the existing provisions set forth in Par. 5 of Sect. 11-102 and do not create new standards for such reductions. In the past, there has been confusion about what qualifies as a “corridor served by a mass transit facility” and this amendment is intended to clarify the intent by identifying three specific opportunities wherein a reduction could be requested: within reasonable walking distance to a mass transit station, a transportation facility and/or certain bus services, all as further described in the proposed provisions.

It has been suggested that a parking reduction for a development in proximity to a transit station, transportation facility or certain bus services would exacerbate any existing problems with overflow parking attributable to the transportation facility. Staff notes that the provision allowing for consideration of a parking reduction is based on the ready availability of public transportation to the new users of the buildings being developed. People living or working in those buildings for which the reduction is requested would not necessarily exacerbate parking overflow due to proximity to the transportation facility, but rather, the developer would need to demonstrate a reduction in the demand for parking based on the utilization of public transportation to justify the reduction request. If there is a parking overflow problem in nearby residential neighborhoods associated with people driving to a public transportation facility, that situation can currently be addressed through the establishment of a Residential Parking Permit District for the impacted neighborhood. Staff believes this is the appropriate mechanism by which to keep Metro parkers out of residential neighborhoods that are adjacent to a Metro Station. Nevertheless, staff supports adding a qualifier to the current provisions to try to address this concern. The current provisions already include a requirement that the applicant must demonstrate that such reduction will not adversely affect the site or adjacent area. It has been suggested that “adjacent area” should be further described to include “nearby neighborhoods” and staff supports including this qualifier, as follows:

Par. 5 of Sect. 11-102, General Provisions

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

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

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

### **Open Space**

The current provisions of the PRM District would allow for all of the 20% minimum required open space to be located above grade, as the provisions do not identify the specific location of minimum required open space. The minimum amount of open space is not changing with this amendment. Given that the PRM District is a predominantly residential district, staff believes that there should be a limit of not more than half of the required open space to be above grade, such as elevated plazas and rooftop features. As is currently the case, and remains unchanged by the proposed amendment, the actual layout, amount and features of open space are further refined during the evaluation of a rezoning application, when the guidelines for such open space set forth in the comprehensive plan are evaluated. Staff believes that the requirements should be changed to require at least half of the minimum required open space to be located at grade level and has proposed such change in this amendment, similar to the language currently in the Planned Tysons Corner Urban (PTC) District for publically accessible open space. There was testimony at the public workshop and public hearing suggesting that the minimum percentage of open space that could be located above grade should be lower; however, staff notes that the advertisement will allow the Board to approve any percentage between the current 100% and the advertised 50%. For any percentage less than 50% for above-grade open space, a re-advertisement is required. Staff does not support a provision that would

specifically restrict above grade open space to some percentage less than half, particularly given that the current regulations permit 100% and because the amount, layout and design of open space is further addressed through the rezoning application and requires flexibility to ensure that the guidelines set forth in the comprehensive plan can be achieved.

**Design Criteria for Increased FAR in the PDC District**

Under the current provisions, in order to achieve an FAR above 1.5 and up to 2.5 in the PDC District, there are enumerated criteria that must be achieved. An additional 2% FAR is granted for each additional 1% of open space, up to 35% additional FAR is granted for unique design features and amenities, such as terraces, sculptures, reflecting pools and fountains, and between 3-5% additional FAR can be provided for every 20% of the parking that is provided in above and/or below grade parking structures. Staff believes these provisions are outdated and are overly complicated for considering an increase in FAR above the 1.5 FAR tier and notes that these provisions date to before the current Zoning Ordinance was adopted in 1978, when unique and more urban design features and structured parking may have been less common in Fairfax County. Over time, it has become the expectation of all PDC District developments to provide for unique design features and amenities and structured parking, in addition to providing the kind, amount and location of open space recommended for the specific area by the comprehensive plan, which can be in excess of the 20% minimum requirement specified by the Zoning Ordinance.

Staff has proposed to eliminate these enumerated criteria and the 1.5 FAR tier, in favor of a maximum 2.5 FAR for land areas outside of the TSAs, CBCs, and CRDs. The amendment proposes a new use limitation in the PDC District specifying that a substantial portion of the required parking should be provided in parking structures. Further, staff added language to the Purpose and Intent section that the district regulations are intended to include unique design elements and amenities and to encourage lot consolidation and the use of Transportation Demand Management techniques. Staff believes that this change better reflects the expectations for all PDC District developments than the current provisions.

**Summary**

Staff supports the recommendation set forth in the staff report, with the two referenced changes noted in this memorandum related to fast food restaurants and impacts of parking reductions on nearby neighborhoods. Staff will be present at the Planning Commission's June 15, 2016 decision to answer any questions.

Enclosures: A/S

cc: Fred Selden, Director, Department of Planning and Zoning (DPZ)  
Donna Pesto, Senior Assistant to the Zoning Administrator (DPZ)  
Jill Cooper, Director, Planning Commission

## 3.02 FAR RESIDENTIAL + OFFICE/RETAIL

BROAD & WASHINGTON - 111 EAST BROAD STREET, FALLS CHURCH, VA

- 7 story residential/retail building (ground floor retail + residential above)
- 33,400 sf of Office and 20,900 sf of Retail
- 47,000 sf Grocery Store
- 324 Residential Units
- 2 levels of underground parking & 2 levels of above grade parking @ 848 spaces
- 85' building height
- <http://www.fallschurchva.gov/1648/Broad-Washington-Project>



## 3.33 FAR RESIDENTIAL + RETAIL

RUSHMARK – 301 WEST BROAD STREET, FALLS CHURCH, VA

- 8 story residential over retail building
- Includes 60,144 square foot Harris Teeter grocery store
- 4,000 sf of street level retail/restaurant
- 288 residential units
- 2.63 acre site
- 90' building height
- Three levels of underground parking
- <http://www.fallschurchva.gov/474/Rushmark-Project-Harris-Teeter-301-W-Bro>



# 3.90 FAR OFFICE + RETAIL

400 NORTH WASHINGTON STREET, FALLS CHURCH, VA

- 6 story office/retail building (ground floor retail + office above)
- 111,000 GFA office (including 8,000 sf retail) / 28,415 square foot site = **3.90 FAR**
- Three levels of below grade parking, 385 spaces or ~2.8 spaces/1000 GFA of office
- 78' building height
- <http://www.fallschurchva.gov/519/400-N-Washington-St>



## 6.12 FAR RESIDENTIAL

KETTLER'S 1720 S. EADS STREET, ARLINGTON, VA (CRYSTAL CITY)

- 11 story residential building
- 198 units @ 208,899 GFA residential / 34,147 square foot site = 6.12 FAR
- Four levels of below grade parking @ 176 spaces or 1.125 spaces/unit
- 110' building height
- <http://projects.arlingtonva.us/projects/1720-s-eads-st/>

