Planning Commission Meeting
June 10, 2009
Verbatim Excerpt

APR 08-II-4V – Providence District

Markup Session (Public Hearing held on May 20, 2009)

Commissioner Lawrence: Thank you, Mr. Chairman. I have three things to do. I have a motion, a request, and a public announcement to make. The motion: Tonight, we have the markup for the sole Providence nomination for Plan amendment APR 08-II-4V at the MetroWest site. Commissioners will recall that a Plan amendment and rezoning were approved at MetroWest in 2004, now five years past. Since that time, conditions in the marketplace have changed. Now comes the nominator, seeking to have an option to swap some of the residential square footage in the high density core area closest to Metro Station over to office use. As we know, focusing on intensity near transit is a good thing and having office space near transit is a positive aspect of that good thing. But the nomination as presented posed a concern for the Providence Task Force representing the community interests and for staff. A one-for-one swap of square footage has a transportation impact since office inherently generates more trips per day than residential. The nominator gave a presentation showing how that impact could be mitigated. Nevertheless, the Task Force recommended adding a condition to the proposed Plan language that there be no degradation in level of service in the surrounding road net as a result of any conversion, and staff concurred. I should also note here that the Task Force and staff provided a recommendation that priority in swapping space be given to a building that's located at a spot on the site which gets a lot of noise – office there would be better than residential. Separately, a very constructive suggestion was made that another piece of language be added which would assure that in the course of any conversion of space, the residential space remaining would be decreased in a direct relationship to the increase in office space, retaining the integrity of the mix of uses which was originally established through a specific cap on total residential units on the site. Put another way, this says that you can't swap footage and at the same time make your residential units smaller, thus having your cake and eating it too. We set to work on creating the language to express the ideas that there would be no net increase in intensity and no traffic impact greater than that originally agreed to in the MetroWest re-planning and rezoning. We have arrived at a satisfactory set of words for the Plan Amendment, which I intend to move tonight as the Planning Commission alternative to that previously reported out. But during the time between the public hearing and tonight's markup session, some suggestions have been made that I believe need to be addressed. Here they are. First, there were those who called for the outright rejection of the nomination. There are a number of reasons why I cannot accede to that request. For example, consider this: We are now emphasizing, wherever we can, mixed-use zoning, especially mixed-use proximate to transit. But in our economy, markets drive and sometimes markets change faster than the cycle time required for planning, zoning, and building. We need flexibility in our plans to allow for development to follow the market. The trick for us is to give that flexibility without losing the balance between growth and its impacts. I suspect we will be seeing this kind of thing many times as, for instance, the future Tysons Corner unfolds. Also, there were those whose strong feelings about the essentiality of our conditions-to-be-met language led them to call for the use of the imperative in the Plan Amendment. The Comprehensive Plan is, as we know, a guide without the force of law. To use terms like

"shall" and "must" when such language cannot be enforced is to create a false impression of certainty among the many who perhaps do not fully grasp the limitations of the Plan. Finally, there were those who wanted an explicit ratio for converting residential to office; for example, three square feet of residential would yield one square foot of office space. Since the amount of footage to be converted isn't known at the Plan stage, and since the conversion of at least some amount of footage could, depending on the situation at the time, be absorbed without any negative traffic impact, we cannot know for sure what ratio or ratios might apply. The language we ended up with gives an array of tactics for compensating against impact and finishes by saying if all that fails, then apply whatever ratio is appropriate for a weighted conversion of space. Thanks to the work of the Task Force, interested members of the public, and that of staff, we have created the wording distributed to you today. Put simply, it says chase the market as you must, but no new density. And you can certainly make the traffic impact better if that can be done, but you can't make it any worse. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF APR ITEM 08-II-4V, WITH CONDITIONS, SHOWN ON PAGES 216 TO 218 OF THE 2008-2009 NORTH COUNTY APR STAFF REPORT BOOK, AS MODIFIED IN MY ALTERNATIVE, DATED JUNE 10TH, 2009. THE APPROVAL OF THIS NOMINATION WOULD NOT AMEND ANY OF THE ORIGINALLY ADOPTED CONDITIONS FOR REDEVELOPMENT UNDER THE METRO-ORIENTED, MIXED-USE OPTION.

Commissioner Sargeant: Second.

Chairman Murphy: Without objection.

Commissioner Lawrence: Mr. Chairman, I would like also to make this request: I request that the statement I just made be appended to the staff report for this nomination, so that it's available to the Board of Supervisors when they hear nominations and, in the event of approval, would be available as a reference going to Task Force, staff, and community intent when that comes up.

Chairman Murphy: All right.

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(The motion carried unanimously with Commissioner Hall absent from the meeting.)

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