

Planning Commission Meeting  
September 21, 2011  
Verbatim Excerpt

RZ/FDP 2010-PR-014-A - GEORGELAS GROUP, LLC  
RZ 2010-PR-014-B - GEORGELAS GROUP, LLC

Decision Only During Commission Matters  
(Public Hearing held on September 8, 2011)

Commissioner Lawrence: Thank you very much, Mr. Chairman. I'm ready to go.

Chairman Murphy: All right, now we go on verbatim.

Commissioner Lawrence: Mr. Chairman, tonight we have the decision on RZ/FDP 2010-PR-014-A and RZ 2010-PR-014-B, the Georgelas applications, located close to the westernmost of the four planned Tysons rail stations. We held the public hearing on these applications on September 8<sup>th</sup>. These are the first major applications under the new PTC Ordinance for Tysons Corner. The Comprehensive Plan for Tysons was approved by the Board of Supervisors on June 22<sup>nd</sup>, 2010; we reach our first action a few months more than one year later. But this work goes back much further. The Tysons Demonstration Project which these applications begin to bring forward was conceived in 2009, while the Plan and the Ordinance were still being spelled out. An important purpose of the Demonstration Project was to inform the Plan even as it was formulated; the project has indeed served that purpose. The Tysons Comprehensive Land Use Plan was in turn based, by direction of the Board, on the recommendations made by the Tysons Land Use Task Force, which began its work in 2004 and issued its report in September of 2008. What we do tonight begins to provide substance to the vision of Tysons shown in those recommendations. We expect that the completion of the transformation of Tysons Corner which begins here tonight will occupy this body and the Board of Supervisors on many occasions like this one for years to come. We have arrived at a moment of some significance. Gratitude is due to all the many people who provided time and talent in abundance on the pathway to this point. At the public hearing, through in-person testimony and by correspondence for the record, there were compliments on and endorsements of the proposed FDP for Building F1 and the CDPs for the G buildings. In an unusual and helpful step, the proffer set for the proposals delineates early on what the major public facilities contributions to be made by the applicants will be. Those interested were able to review up front what it was that would help fit the whole proposal into the Tysons urban context and offset its impact. Although most of what I have to say tonight addresses the questions raised about the proposal at the public hearing, I hope all who hear this presentation will keep in mind that there was significant support for it. The reason there are several items to cover is that it is a large, complex, and pioneering proposal, and a departure from our more suburban past. I'll first cover a few of the items I raised at the public hearing. All questions from all sources have been considered. What follows should illustrate what's been done. Tysons will be a 21<sup>st</sup> century city. Besides the usual utilities, there will be fiber connections for such features as smart roads and wireless devices. The applicant will provide pathways for fiber networking. As future technology unfolds, alternate sources of energy will become available and cost-effective, and in the same way it will become cost-effective to share energy among buildings. I note that this latter point was also raised in testimony at the public

hearing. The applicant now addresses these concepts in proffers, and there will be more on this as further submittals for this project are made. I should point out, though, that as I understand it there are some regulatory issues that need to be resolved in the area of sharing energy from alternate sources across property lines; I believe work is underway for that purpose. I asked about the pinch-point on what's called Condominium Street. Given the proximity of the parking structure wall at the Greensboro Conference Center, and the youthfulness of that building complex, it will be a long time before there may be a chance to relieve that pinch-point. As other projects develop in Tysons there will for more than one reason be other tight situations, but we will continue to strive for the unfettered circulation of pedestrians as well as wheeled vehicles. I asked for some staff discussion on how the project functions in the way we have come to accept as the Plan for achieving a balance between intensity and multi-modal transportation in Tysons. Staff emphasizes that the project as a whole satisfies this balance. When the transportation impacts of the proposed uses are quantified, allowing for the mix of uses and the synergy effects of urban TOD, the trips to be generated are such that the overall level of service, for instance, that we seek in Tysons is met. By committing to extend Greensboro Drive and meeting the Comprehensive Plan recommendations for TDM, the applicant has improved upon the level of service measures originally assumed for intersections studied in the State-approved 527 Traffic Impact Analysis. Further, the residential development proposed in the applications will begin to create a pattern of live-work within Tysons as well as contra-flow commuting from the Tysons Core offsetting the influx of traffic entering the Urban Center. I note that in the area of transportation, the Board and the State have agreed to a Memorandum of Understanding on Urban Street Design Standards, with design specs for the various Tysons street types. This is a major accomplishment by our County Office of Transportation. The standards will be incorporated in the Demonstration Project and future Tysons redevelopment. I asked whether the active recreation provisions in the proposal were adequate. Staff is now satisfied that for the submittals we have so far, they are. I want to add this point: the Park Authority has internalized the impact of the Tysons transformation, as can be seen in the special standards set they have formulated for Tysons. This extends to the area of playing fields. In the present application, there is a proffer for efforts at acquiring land to be dedicated to the Park Authority. If this approach succeeds, the regular master planning process would then be applied to the land. That process is an open process with public input. I believe that playing fields will receive the priority due to them in this process, and I note that in addition to Park Authority requirements for such things as vegetative screens and buffers between fields and neighboring residential, there is Plan language addressing those things which applies here. Apart from this present application, I want to point out that playing fields will continue to be a very high matter of concern in the course of Tysons redevelopment and our efforts to assure a sufficient number of them will continue. Questions from several people were addressed to trees. The applicant has asked for a waiver of the tree canopy requirement, which in Tysons is 10 percent at 10 years' growth. It's noted that the street trees, which count towards the canopy, will be in the public right-of-way. We are at work on a proffer which should show up in later applications on this project; the object is to set up the means to do plantings elsewhere that will offset the impact of urban density on the tree canopy, and provide a little insurance against unforeseen future events involving the public right-of-way. It was also asked whether line-of-sight requirements would eliminate trees. With the present design speeds for the roads, there is one tree which is threatened in this application; there is hope

that time is on our side here, that is, that the tree will have grown enough so that by the time it comes up, the obstruction to sight lines can be cleared by limbing rather than by removing the tree. The applicant was concerned about the tree planting soil depth required in a development condition. It's now been agreed that a more shallow depth will suffice, provided that the total volume of soil remains adequate for nourishing the tree. Stormwater management was also the topic of several questions. Staff and the applicant assure that on its building area, Building F will achieve the Tysons first inch detainment expectation. While the entire first inch is not captured for that portion of the site, which will become the public street and streetscape, this is in large part because the applicant does not have full control over what facilities might be acceptable to VDOT and the County in that public area. Staff has indicated that they feel the proposal does meet the intent of the Plan, and will continue to work with applicants and VDOT to increase the range of facilities that might be utilized in public rights-of-way. Also, the capacity of the stormwater detention system has been designed to meet PFM requirements for successive storms, and the 72-hour retention feature takes dry winter periods into account as well as wetter summers. Retained water will be used for cooling and irrigation, and the longer holding period that is recognized in the plans and proffers takes into account the fact that, if the holding tank is full and the temperature outside is cool, the cooling system might not need to use all the water in the holding tank as quickly as in warmer months. Incidentally the cooling use is different in residential buildings than in offices; the engineers have met this challenge. As the designs evolved, the requirements for stormwater retention capacity became more clear, and the areas to be dedicated to VDOT were no longer included. This resulted in a smaller retention volume, which can be seen in the changes between drawings for early July and the late August iterations. The question of height for the G buildings in the 014B application was raised. The height increase allows for the inclusion of the workforce housing units in these buildings, but also is requested because of the inclusion of the fire station and the impact of the Greensboro Drive extension. However, we have pointed out to the applicant that at the time of FDPs for these buildings, height will be revisited, for at least the reason behind the Plan language on a varied skyline in Tysons, and also because we will know more at that time about the design of the fire station and how that impacts the massing of the buildings. There were questions on the TDM program. One was addressed to the quality of surveys. Survey design and administration will be done under County oversight, as a means to help assure valid and reliable results. The TDM penalty provision, I have to say, has not been defined by the experience of implementation and we hope not to, as we want TDM programs to succeed. The remedy provisions, where programs are strengthened if need be, illustrate that. Certainly the penalty amount should be in proportion or scale to the scope of a TDM program and its relationship to overall achievement of the needed Tysons mode splits. It was with those factors in mind that the amount for this application was set. The 45-cent per square foot of residential development equates to a total potential exposure of approximately \$970,000 in penalties in today's dollars. This total is expected to increase with inflation based on changes to the CPI-U; therefore, the financial impact to the developer is expected to be substantial even with the passage of time. I'd like to conclude with one more general matter relating to support for the applications. I mentioned earlier that we received and heard expressions of support from such organizations as the Coalition for Smarter Growth, the Sierra Club, and the Rotonda. We also received conditional expressions of support from the McLean Citizens' Association. Two such conditions were imposed. First, with regard

to 014-A, the MCA desires that the schools proffers reflect a revision of County policy – I quote – “to conform with sound economic principles” – end quote. I must note that the Planning Commission does not make or alter such policy, and therefore cannot accept the condition. I recommend that the MCA consult the Board of Supervisors on this matter. Second, with regard to both applications, the MCA desires agreement to a specific Tysons cost recovery ratio. Mr. Chairman, I must state that the Planning Commission’s Tysons Committee, at the direction of the Board, is now engaged in deliberations on the question of responsibility for Tysons costs. No recommendation has been made at this point on any ratio, or even on the basic applicability of a ratio construct for cost recovery. I should note for completeness that it is recognized that aside from Federal support, the principal responsibility for roads in our County lies with the State. However, since no recovery ratio of any sort is presently in place, this condition is also unacceptable. To the extent that MCA support is absolutely dependent on these conditions, I am sorry to say that I must move onward without it. Mr. Chairman, I now have several motions to make. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-014-A SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 20<sup>TH</sup>, 2011.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn.

Commissioner Flanagan: Abstain.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Is there a discussion? Yes, and then Mr. Flanagan.

Commissioner de la Fe: Mr. Chairman, I just wanted to make a short statement. I have followed the progress on this case throughout its – you know, from the beginning and I commend staff and Ken and the applicant and I looked forward to being here at the public hearing. However, because of a personal emergency I missed the public hearing and only for that reason will I be abstaining on all these motions, but I commend you on this and thank you.

Chairman Murphy: Mr. Flanagan?

Commissioner Flanagan: Yes, I too will be abstaining as I was not present for the public hearing and I will be abstaining on all the motions of Commissioner Lawrence.

Chairman Murphy: We might have a baseball score. I also will have to abstain. I was out of town and I did not have an opportunity – carried by a vote of one. Ken’s going to support his motions I might add parenthetically, but I do – I want to congratulate the applicant and the staff. I’ve been following this. I’ve read the staff report. I’ve read the testimony that came in while I was away, but to be fair with other precedents we’ve set at the Planning Commission it’s been our tradition that we will not vote on a public hearing that we are absent from without viewing the video and I

unfortunately did not have the opportunity to view it since I got back late Sunday, but I do think there was a lot of work obviously put into this application. It not only reflects what's in the staff report and what's in Mr. Lawrence's motion and his excellent summary, but it also reflects all the hard work of the citizens, the Task Force, the Planning Commission Committee, and all the staff people and all the citizens that participated in this process were – I guess it goes back eight years – and this is a reflection of all that hard work into making what Mr. Lawrence said, a city for the 21<sup>st</sup> century. And I think you're all to be congratulated and I really regret personally that I have to abstain. All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-PR-014-A, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed, motion carries. Same abstentions. We'll go through the same abstentions all the time, Jake. Okay?

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-014-A, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED SEPTEMBER 20<sup>TH</sup>, 2011 AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Alcorn and Mr. Hart. Discussion? All those in favor of the motion to approve FDP 2010-PR-014-A, subject to the – the Board's approval of the Rezoning and Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-014-B, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 20<sup>TH</sup>, 2011 AND TO CDP DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED SEPTEMBER 20<sup>TH</sup>, 2011.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Alcorn and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: And now I have a series of modifications and waivers to make, all of which apply to both RZ 2010-PR-014-A and RZ 2010-PR-014-B. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF ALL TRAILS AND BIKE TRAILS, IN FAVOR OF THE STREETScape AND ON-ROAD BIKE LANE SYSTEM SHOWN ON THE PLANS.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF SECTION 17-201, PARAGRAPH THREE OF THE ZONING ORDINANCE, TO PROVIDE ANY ADDITIONAL INTER-PARCEL CONNECTIONS TO ADJACENT PARCELS BEYOND THAT SHOWN ON THE PLANS AND AS PROFFERED.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF SECTION 17-201, PARAGRAPH FOUR OF THE ZONING ORDINANCE, REQUIRING ANY FURTHER DEDICATION AND CONSTRUCTION FOR WIDENING EXISTING ROADS TO ADDRESS COMPREHENSIVE PLAN REQUIREMENTS BEYOND THAT WHICH IS INDICATED IN THE PLANS AND PROFFERS.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF SECTION 6-506, PARAGRAPH ONE OF THE ZONING ORDINANCE, REQUIRING A MINIMUM OF DISTRICT SIZE OF 10 ACRES IN THE PTC DISTRICT.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF SECTION 11-102, PARAGRAPH EIGHT OF THE ZONING ORDINANCE, REQUIRING A ONE-FOOT SETBACK FROM THE PROPERTY LINE FOR UNDERGROUND PARKING GARAGES.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF SECTION 7-0802.2 OF THE PFM TO ALLOW FOR THE PROJECTION OF STRUCTURAL COLUMNS INTO PARKING STALL NO MORE THAN FOUR PERCENT OF THE STALL AREA.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF SECTION 7-0800 OF THE PFM TO ALLOW FOR THE USE OF

TANDEM PARKING SPACES WITH VALET SERVICE TO BE COUNTED AS REQUIRED PARKING.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER TO ALLOW THE USE OF UNDERGROUND STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES IN A RESIDENTIAL DEVELOPMENT, SUBJECT TO WAIVER NUMBER 8158-WPFM-001-2.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE 10 YEAR TREE CANOPY REQUIREMENTS AND THE TREE PRESERVATION TARGET, IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF SECTION 12-07021B (2) TO PERMIT THE REDUCTION OF THE MINIMUM PLANTER OPENING AREA FOR TREES

USED TO SATISFY THE TREE COVER REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED.

Commissioners Alcorn and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

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(The motions carried by votes of 5-0-3 with Commissioners de la Fe, Flanagan, and Murphy abstaining; Commissioner Sargeant having recused himself from the votes; Commissioners Donahue, Hall, and Harsel absent from the meeting.)

JLC