

7:30 p.m. Items - RZ-78-P-130 - C.F. PROPERTIES (VIRGINIA INC.
RZ-80-P-073 - COSTAIN WASHINGTON, INC.
Providence District

On Thursday, April 23, 1981 the Planning Commission voted 8-2 (Mr. Keast and Mrs. Fasteau opposed; Mr. Sell absent from the meeting) to recommend to the Board of Supervisors that the Zoning Ordinance, as it applies to RZ-78-P-130 be amended from the R-3 and R-4 districts to the PDC district subject to the approval of the conceptual development plan and the proffering by the applicant to its commitments as submitted and as modified by the following conditions:

The applicant shall provide and dedicate to the Fairfax County Park Authority five acres of parkland to serve future residents of this tract. The five acres shall be exclusive of floodplain and shall be contiguous to the recreational center on the tract;

The applicant will provide a trail connecting the northeast and southeast quadrants;

The applicant will provide single family detached units along the eastern property line with attached units adjoining the Fairfax County Park and Stream Valley to the north, west, and south respectively as shown on the schematic plan submitted for this area;

The transportation control strategies proffered and established by the applicant shall be maintained and implemented at the expense of the applicant or the occupants of the commercial buildings for as long as the Board of Supervisors deems they are necessary to maintain a trip generation that assures the safe and efficient operation of the new Route 50 interchange and associated I-495 improvements. The expenses are to be borne by the applicant and shall include the funding for a transportation coordinator as proposed by the applicant. The applicant agrees to encourage mass transit usage by construction of bus shelters and pedestrian walkways linking adjacent communities and buildings on the site to more convenient bus shelters. In the event that WMATA does not operate direct feeder bus service to and between Fairview Park and the Dunn Loring Metro Station, the applicant agrees to implement and finance peak hour shuttle bus service from Fairview Park to the Dunn Loring Metro Station. A traffic analysis shall be conducted under the direction of the

transportation coordinator and at the expense of the applicant to determine the magnitude of total peak hour office trips generated by this development. Said analysis shall occur within six months after at least 60% of the total 1.9 million square feet of office space is completed. It will occur again within six months after completion of the full development of office use and thereafter at the request of the Board of Supervisors, but in no event shall such verification be required more than once annually. If the total A.M. or P.M. peak hour generated trips exceeds the number which can be expected at the 60% stage of development and using the applicant's formula for the expected trip generation from this site, and these excess trips create a significant change in the peak hour level of service from that which exists at the predevelopment stage of Route 50, additional transportation strategies shall be developed to reduce the peak hour effect of the incremental trips to a level commensurate with the allowable trips. If the results of the verification analysis conducted when 60% of the construction is completed indicates that the level of trip generation from this site is greater than that projected by the applicant using its proposed trip generation formula and relative to the level of the construction then existing, then no further building permits will be issued absent implementation of additional strategies which will reasonably assure that the transportation system is adequate to accommodate the remainder of the construction.

Fifteen percent of the housing units on the tract shall be provided to house low and moderate income families.

The Commission also voted 9-1 (Mr. Keast opposed; Mr. Sell absent from the meeting) to recommend to the Board of Supervisors that the Zoning Ordinance, as it applies to RZ-80-P-073 be amended from the R-3 and R-4 Districts to the PDC District, subject to the approval of the conceptual development plan and associated proffers submitted by the applicant, as modified by the following conditions:

The commercial development on this site shall not exceed .9 million square feet;

Provision shall be made for 15% of the units to house low and moderate income families;

Provision shall be made for a trail connecting the northeast and southeast quadrants;

Transportation control strategies proffered and established by the applicant shall be maintained and implemented at the expense of the applicant or the occupants of the commercial development or office uses, for as long as the Board of Supervisors deems they are necessary to maintain a trip generation level that assures the safe and efficient operation of the new Route 50 interchange and the associated I-495 improvements, as well as the 29/211 improvements. The expenses, to be borne by the applicant, shall include the funding for a transportation coordinator as proposed by the applicant. The applicant agrees to encourage mass transit usage by construction of bus shelters and pedestrian walkways linking adjacent communities and the buildings on the site to more convenient bus shelters. In the event that WMATA does not operate direct feeder bus service to and between the Costain Tract and the Dunn Loring Metro Station, the applicant agrees to implement and finance peak hour shuttle bus service from its tract to the Dunn Loring Metro Station. A traffic analysis shall be conducted under the direction of the transportation coordinator and at the expense of the applicant to determine the magnitude of total peak hour office trips generated by this development. Said analysis shall occur within 6 months after at least 60% of the total .9 million square feet of office space is completed, or .75 if that is what the applicant chooses to do. And then again within 6 months after completion of the full development of office uses and thereafter at the request of the Board of Supervisors, but in no event shall such verification be required more than once annually. If the total A.M. or P.M. peak hour generated trips exceeds the number which can be expected at the 60% stage of the development, and using the applicant's formula for the expected trip generation from this site, and these excess trips create a significant change in the peak hour level of service from that which exists at the predevelopment stage on Route 50 or 29/211, additional transportation strategies shall be developed to reduce the peak hour effect of the incremental trips to a level commensurate with the allowable trips.

Planning Commission Meeting
April 23, 1981
Verbatim Transcript

RZ-78-P-130 - C. F. PROPERTIES (VIRGINIA) INC.
RZ-80-P-073 - COSTAIN WASHINGTON, INC.

Decision Only.

Mr. Gurski: The first item on our agenda tonight I'll describe in my own words. These are the two applications for the north-east and the southeast tracts, parts of the Chiles tract. One on the north is an application by Costain, one on the south is by Cadillac-Fairview. This Commission conducted a long, long hearing on the night of April 9th and closed the public hearing that night reserving the decision until tonight. The applications were heard jointly. Tonight we will require separate motions on the two applications. I'm going to, in the light of Mrs. Wright's ruling, that they would be heard first and the fact that the public hearing is closed, proceed to turn them over to Mrs. Annunziata, Commissioner of the Providence District. During the time since the close of the public hearing, we have had communications from several citizens, a large industrial landowner nearby and I feel that the record is complete and ready for a Commission decision. Rosemarie.

Mrs. Annunziata: Thank you Mr. Chairman. I'd like to first address the application RZ-78-P-130, that is the southeast quadrant application. The applicant in this case is seeking a rezoning of approximately 178 acres of land now zoned at R-3 and R-4 to the planned development commercial district known in short as PDC for the purpose of developing an office park and residential uses. In light of the fact that we are dealing with a planned development commercial district this evening, I think it would be useful for me to make a few general comments that will indicate what it is that we are guided by making this decision. Essentially, the requirements and standards are established by the Zoning Ordinance. The planned development commercial district is established by the Zoning Ordinance to encourage the innovative and creative design of commercial development. The regulations which govern an application for PDC are specifically designed to accommodate special high density land uses which, while preferred because of their innovation and potential value to the community, could by the same token produce detrimental effects on neighboring properties if not strictly controlled as to location and design. Thus, the rezoning to a PDC and the development under this district will be permitted according to the Zoning Ordinance only in accordance with the development plan prepared and approved in accordance with the following general provisions as outlined in the Ordinance: 1) the planned development shall substantially conform to the adopted Comprehensive Plan with respect to type, character and intensity of use of public facilities. The planned development shall be of such design that it will result in a development achieving the stated purposes of the planned

development district more than would development under a conventional zoning district. The planned development shall efficiently utilize the available land and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter, or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan. Finally, the planned development shall be located in an area in which transportation, police, and fire protection, other public facilities and public utilities including sewerage, are or will be available and adequate for the uses provided. I think it should be borne in mind as well that once this stage is affected, that is whether we approve or deny this application assuming that we approve it, no building permits will be issued unless, that is a final development will not be approved unless a final development plan is in accordance both with the conceptual development plan presented tonight with its modifications as well as these ^{various} regulations which I have just read. Now in reviewing this application and the conceptual development plan that has been submitted, we are told that the applicant proposes 2.25 million square feet of commercial use, plus high rise residential uses within the 155 acres west of the Holmes Run Stream. That breaks down to 1.9 million square feet of office, up to 50,000 square feet of retail functions which are, which will be related to the office and hotel occupancy, a 500 room hotel. It also envisions a 78 acre open space system consisting of the 69 acre stream valley associated with Holmes Run and its tributaries. It envisions residential and park uses in the area east of Holmes Run, including 400 units in one subtract north of Falls Church High School and east and west of Jaguar Trail. There is an additional residential development planned on the site south of Falls Church High School, a ten acre site. The plan also shows transportation improvements consisting of an overpass over Route 50 connecting the northeast and southeast quadrants of the Chiles Tract together with a major system of ramps, connector roads and additional lanes on Route 50 and I-495. There are also improvements envisioned to Jaguar Trail and its intersection at Route 50 and Camp Alger Avenue. A trail system is also envisioned throughout the development linking with the trails to the south and possibly linking to the north of Route 50. My review of the application indicates that the proposal is in substantial conformance with what the Comprehensive Plan envisions and what the Zoning Ordinance requires, as I first indicated would be the requirements to be applied, to the degree that the application meets the density requirements, the requirements for open space, lighting concerns, environmental concerns, stormwater drainage facilities, and in light of its respect for the integrity of existing and planned for development. There are however several development conditions

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which the Plan and the Zoning Ordinance have established as prerequisites to approval which have either not been addressed by the applicant or not satisfactorily or fully addressed, and they include the following: there has been a request by the School Board for a ten acre school site located north of Marc Drive and east of Jaguar Trail. I am not persuaded that the need for this ten acre site has been established by the School Board and therefore will not offer an amendment as recommended by staff, that this ten acre site for the school be provided. The second consideration is that while the applicant has proffered a 3-5 acre park on this tract, and while the Plan also calls for a 3-5 acre park on this tract, I must note that the residential population of the development would create a need for an additional 13.5 acres of active recreational land. Based on that consideration, I believe that it would be fair to ask the applicant to provide not less than five acres of parkland which they apparently are willing to do, although they have left themselves some room in suggesting that 3 acres would be sufficient. I would, I am going to modify that to require the five acre park contiguous to the Providence District Recreational Center and outside any floodplain portions of the tract. The Park Authority has also recommended that a trail connecting the northeast quadrant and southeast quadrant be provided. It is my understanding that the applicant is not opposed to this provision and I feel it should just be specified in the conditions. The Plan calls for a 350 room hotel. The conceptual development plan however shows a 500 room hotel is planned for. The conclusion reached by staff is that the impact of the additional 150 rooms would not be substantial and deviation is not significant. It is also noted that the traffic, it should be noted that the traffic impact from the additional 150 rooms has been factored into the traffic analysis. And I believe that relative to the overall scheme of the development and the fact that the density requirement has not been exceeded by this applicant, 150 more rooms would not be, in my view, a substantial deviation. And I would not modify the proffer made by the applicant in that respect. The applicant has also made provision for, excuse me. The applicant has not made provision for low and moderate income housing. And I believe this needs to be addressed for these reasons; the provision for low and moderate income housing is clearly stated in the goals and purposes for this tract, that is both for the southeast and northeast quadrant, in the general language that proceeds the particular language that applies here. It is instructive to note that the Plan sets out a recommended hierarchy of land use options for the entire tract and states three factors as a general ^{underlying} principle governing the land use that they expect in this area, and let me just read you what those three are; one is that provision must be made to alleviate or at minimum not worsen traffic congestion ^{during} the morning and late afternoon peak hours of travel, provision must be made for a time phased schedule for completion of highway improvements

relative to the occupancy of facilities being rezoned, and finally, provision must be made for low and moderate income units in this area because of the good location and because of the nature of the uses being envisioned. Thus it appears to me that this provision is clearly a significant one. It raises it to the level of one-perhaps the most significant factor and consideration that we are addressing in this tract, that of transportation facilities and the adequacy of those facilities. I don't think that given the primary place that this provision occupies in the Plan, it can be ignored. And I will accordingly ask that in a modified, modification to the proffer, a provision for low and moderate income housing be included in this application. The Comprehensive Plan also indicates that in the ten acre portion of land south of Falls Church High School, development for detached single family homes at 3-4 units per acre is encouraged. The application proposes attached single family homes at 3-4 units per acre. It has also proposed an alternate suggestion which would, which would have a construction of detached single family homes along the perimeter of that site, immediately contiguous to the adjoining community, with the rest being developed in attached single family homes. It is my view that the applicant's alternate plan for this subtract is in conformance with the intent of the Plan which really encourages detached, detached single family homes, but seems to require a specific density. That density has been met by the applicant and I believe the alternate plan is within the spirit and intent of what was recommended for this subtract. Finally, we must address the standards for evaluating the transportation impact generated by this tract. This is required not only by the Plan but it's required by the Zoning Ordinance specifically. The Plan is clear that any development on this tract must be such that the level of service will not deteriorate from its present status after the development is completed. The Zoning Ordinance, as I stated earlier, clearly indicates that no PDC can be approved, or building permits issued, if the public facilities, including transportation systems, is not adequate for the site. Now the applicant has proffered certain road improvements at a cost of \$18 million to them to address these particular standards that they're being held to. The applicant has also agreed that absent certain transportation strategies which they must establish and which must be effective, the road design will not in and of itself fully address this need for a adequate transportation road system. Thus it seems fair to conclude that the adequacy of the transportation system is conditioned on the effectiveness of the transportation strategies in reducing the trip generation from this site. Those of you who were here at the public hearing will probably recall that there has been, other than a conclusion reached by the traffic consultant for these tracts, there's been no hard evidence that these strategies will be effective to the degree claimed by the applicant. Thus I think we must

consider the possibility that the success will be far less, to a far less degree than we would have to impose in order to conclude that the transportation system will be adequate. And we'll have to address this somewhat, this application somewhat from the perspective that we may have a trip generation at an intense level of development that may impact on the community. How to deal with this question is not as easy as stating what the problem is. On the southeast quadrant I have been guided to a degree by the fact that the levels, the level of trip generation envisioned under the Comprehensive Plan is in excess of the trips that would be generated even under the conventional analysis of trip generation by the application. That is, under the Plan we would expect 7,830 trips. But under this application we would expect 5,260 trips. While I'm not fully convinced that the strategies are going to be successful to the degree stated, I will have to admit that they'll have some success. I believe they'll be some success with strategies in reducing the trip generation. Given these particular perspectives, I am of the view that even with regard to the transportation impact, this application is in conformance with the Plan. However, I think that in keeping with the requirements of the Zoning Ordinance, that it would be reasonable to add a condition to the, to the motion that would condition the approval of any final development plans, after a level, a certain level of construction, on assurances provided by the applicant that the remainder of the development will be accommodated by the transportation system. Those were my considerations and I will now make a motion that will incorporate all of these items. I would MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE ZONING ORDINANCE AS IT PERTAINS TO THE SUBJECT PROPERTY BE AMENDED FROM THE R-3 AND R-4 DISTRICTS TO THE PDC DISTRICT SUBJECT TO THE APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN AND THE PROFFERING BY THE APPLICANT TO ITS COMMITMENTS AS SUBMITTED AND AS MODIFIED BY THESE CONDITIONS...

Mr. Gurski: And Mrs. Annunziata, that is for the Costain case.

Mrs. Annunziata: I'm sorry. It's for Cadillac-Fairview.

Mr. Gurski: Cadillac-Fairview.

Mrs. Annunziata: These are the conditions that are to modify that motion: THE APPLICANT SHALL PROVIDE AND DEDICATE TO THE FAIRFAX COUNTY PARK AUTHORITY FIVE ACRES OF PARKLAND TO SERVE FUTURE RESIDENTS OF THIS TRACT. THE FIVE ACRES SHALL BE EXCLUSIVE OF FLOODPLAIN AND SHALL BE CONTIGUOUS TO THE RECREATIONAL CENTER ON THE TRACT. THE APPLICANT WILL PROVIDE A TRAIL CONNECTING THE NORTHEAST AND SOUTHEAST QUADRANTS. THE APPLICANT WILL PROVIDE SINGLE FAMILY DETACHED UNITS ALONG THE EASTERN PROPERTY LINE WITH ATTACHED UNITS ADJOINING THE FAIRFAX COUNTY PARK AND STREAM VALLEY TO THE NORTH, WEST, AND SOUTH RESPECTIVELY AS SHOWN ON THE SCHEMATIC PLAN SUBMITTED FOR THIS AREA.

THE TRANSPORTATION CONTROL STRATEGIES PROFFERED AND ESTABLISHED BY THE APPLICANT SHALL BE MAINTAINED AND IMPLEMENTED AT THE EXPENSE OF THE APPLICANT OR THE OCCUPANTS OF THE COMMERCIAL BUILDINGS FOR AS LONG AS THE BOARD OF SUPERVISORS DEEMS THEY ARE NECESSARY TO MAINTAIN A TRIP GENERATION THAT ASSURES THE SAFE AND EFFICIENT OPERATION OF THE NEW ROUTE 50 INTERCHANGE AND ASSOCIATED I-495 IMPROVEMENTS. THE EXPENSES ARE TO BE BORNE BY THE APPLICANT AND SHALL INCLUDE THE FUNDING FOR A TRANSPORTATION COORDINATOR AS PROPOSED BY THE APPLICANT. THE APPLICANT AGREES TO ENCOURAGE MASS TRANSIT USAGE BY CONSTRUCTION OF BUS SHELTERS AND PEDESTRIAN WALKWAYS LINKING ADJACENT COMMUNITIES AND BUILDINGS ON THE SITE TO MORE CONVENIENT BUS SHELTERS. IN THE EVENT THAT WMATA DOES NOT OPERATE DIRECT FEEDER BUS SERVICE TO AND BETWEEN FAIRVIEW PARK AND THE DUNN LORING METRO STATION, THE APPLICANT AGREES TO IMPLEMENT AND FINANCE PEAK HOUR SHUTTLE BUS SERVICE FROM FAIRVIEW PARK TO THE DUNN LORING METRO STATION. A TRAFFIC ANALYSIS SHALL BE CONDUCTED UNDER THE DIRECTION OF THE TRANSPORTATION COORDINATOR AND AT THE EXPENSE OF THE APPLICANT TO DETERMINE THE MAGNITUDE OF TOTAL PEAK HOUR OFFICE TRIPS GENERATED BY THIS DEVELOPMENT. SAID ANALYSIS SHALL OCCUR WITHIN SIX MONTHS AFTER AT LEAST 60% OF THE TOTAL 1.9 MILLION SQUARE FEET OF OFFICE SPACE IS COMPLETED. IT WILL OCCUR AGAIN WITHIN SIX MONTHS OF COMPLETION OF THE FULL DEVELOPMENT OF OFFICE USE AND THEREAFTER AT THE REQUEST OF THE BOARD OF SUPERVISORS, BUT IN NO EVENT SHALL SUCH VERIFICATION BE REQUIRED MORE THAN ONCE ANNUALLY. IF THE TOTAL A.M. OR P.M. PEAK HOUR GENERATED TRIPS EXCEEDS THE NUMBER WHICH CAN BE EXPECTED AT THE 60% STAGE OF THE DEVELOPMENT AND USING THE APPLICANT'S FORMULA FOR THE EXPECTED TRIP GENERATION FROM THIS SITE, AND THESE EXCESS TRIPS CREATE A SIGNIFICANT CHANGE IN THE PEAK HOUR LEVEL OF SERVICE FROM THAT WHICH EXISTS AT THE PREDEVELOPMENT STAGE ON ROUTE 50, ADDITIONAL TRANSPORTATION STRATEGIES SHALL BE DEVELOPED TO REDUCE THE PEAK HOUR EFFECT OF THE INCREMENTAL TRIPS TO A LEVEL COMMENSURATE WITH THE ALLOWABLE TRIPS. IF THE RESULTS OF THE VERIFICATION ANALYSIS CONDUCTED WHEN 60% OF THE CONSTRUCTION IS COMPLETED INDICATES THAT THE LEVEL OF TRIP GENERATION FROM THIS SITE IS GREATER THAN THAT PROJECTED BY THE APPLICANT USING ITS PROPOSED TRIP GENERATION FORMULA AND RELATIVE TO THE LEVEL OF THE CONSTRUCTION THEN EXISTING, THEN NO FURTHER BUILDING PERMITS WILL BE ISSUED ABSENT ASSURANCE, EXCUSE ME, ABSENT IMPLEMENTATION OF ADDITIONAL STRATEGIES WHICH WILL REASONABLY ASSURE THAT THE TRANSPORTATION SYSTEM IS ADEQUATE TO ACCOMMODATE THE REMAINDER OF THE CONSTRUCTION. FINALLY, 15% OF THE HOUSING UNITS ON THE TRACT SHALL BE PROVIDED TO HOUSE LOW AND MODERATE INCOME FAMILIES. That is the end of the motion.

Mr. Brinitzer: Second, Mr. Chairman.

Mr. Gurski: Is there a second? Seconded by Mr. Brinitzer.
Any discussion?

Mrs. Fasteau: Mr. Chairman?

Mr. Gurski: Mrs. Fasteau.

Mrs. Fasteau: Mrs. Annunziata, I wasn't sure I heard correctly that within 6 months after 60% of the buildings are, did you say merely completed, or did you say occupied?

Mrs. Annunziata: I said completed.

Mrs. Fasteau: Is that your intention? Because unless the people are in it, how can you count the traffic impact?

Mrs. Annunziata: Well, I understand that. And it is my intention that we will take 60% of the construction, with the understanding that the occupancy level will be lower than 60%. But I think that was adequate for the purposes intended by this verification strategy, which is to relate the trip generation to the adequacy of the service being provided at that level of construction.

Mrs. Fasteau: I quite agree with the purpose and I quite agree with your modification. But I simply don't see how the completion of a building is going to give you any accurate reading at all on the traffic impact. You can say, 40% occupied, whatever percentage you arrive at, but unless you insert occupied, to me this is a meaningless phrase. The other question I wanted to ask you was whether you at any point were going to embody some of the suggestions that came, I think, to all of us by mail from the Raymondale, Holmes Run Woods, and Holmes Run Crossing Civic Associations, in which they ask for groups that would be in a position to continuously monitor the impact on both traffic and I suppose water as well, and did they detail the constituency, how these people will be chosen. And their intent is that this not be simply a 5 or 10 year monitoring or surveillance, because Boards change, Planning Commission members change, and Staff members change. And lest this eventually fall between the cracks because people don't always remember what the original provisions were, as happens occasionally, let's say with Skyline, an on-going development over the years. Their intent is to have this surveillance a group duly constituted to keep monitoring this through the years. They use the phrase in perpetuity, which is rather a dismaying phrase. But the intention is that there be continuous monitoring of this through the years. And I'm simply asking whether you had factored any of the suggestions in this letter into your thinking or your motion.

Mrs. Annunziata: It is my view that the proposed amended condition with regard to the transportation strategies verification, as well as the conditioning of final development plan

approval on assurances that the level of construction will be accommodated by the transportation system, addresses that monitoring issue that was raised by Raymondale Civic Association.

Mrs. Fasteau: They did include of course the water impact as well.

Mrs. Annunziata: Now with regard to the water impact, I discussed this issue with staff. And I would like, I think it would be helpful if Mr. Faubion could address the considerations that related to that particular request.

Mr. Gurski: Any other questions or comments?

Mr. Keast: Mr. Chairman.

Mr. Gurski: Mr. Keast.

Mr. Keast: I intend to oppose this vehemently. And there is so much data to give out to assess or whatever. I'll try to make my remarks brief, but indeed, I will start out with the Staff response to our questions of two weeks ago or whatever. While the proposed allocation of land use on the northeast quadrant varies literally from the Comprehensive Plan, the intent may be... Well, that starts out a lot of questions in my mind. If we have the staff tell us that literally we can interpret the Plan in any given case, we are in bad trouble and the Plan is not a plan, it does not exist. My problem with this is the intensity of development, and the transportation impact, number one, and the water quality, number two. Number one is transportation. And I would like to, for once in this County, apply human engineering to the platitudes that we hear and we all also use called quality of living, quality of life, whatsoever. We have made mistakes before. At Tyson's Corner, at various other areas. We're about to make several others. This case is being viewed in isolation of other developments. Nutley Road and 66 etcetera that are going in very shortly that will impede, impact traffic, the people that live there etcetera forever.

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I am persuaded by the Schoenfeld traffic analysis, and I think I'm persuaded primarily because my own statistics of two weeks ago are only off by a few feet per square inch of employee development, the number of employees and the peak hour things. They, the Melpar corporation did this and I am very persuaded by it. I heard words bandied about at the last hearing of how successful various strategies were in van-pooling. And I heard NSA given as a model, the National Security Agency. I had reason to check with them to say, you know, to ensure whether or not the things that I heard were correct and indeed they do have 57 to 59 van pools for a very large population that is much larger than this would be and they did get their impetus from Van-Go which was State sponsored, Maryland State sponsored agency. They were required to put up \$500 per van. They then got money from the Department of Transportation, MCHA, the State, from Van-Go, etcetera, and they had to put this money into a saving account to arrange for whatever contingency would exist in vans, 15 people per van. The transportation statistics bear close scrutiny. The ones that we have been given by BKI I think were well addressed by Schoenfeld and Mr. Bloomenfield which we had from Melpar. I am not impressed by BKI. I am impressed by that. I feel as a bottom line that we can make a very gross mistake or we can be wise in what we do this evening. We can make a gross mistake in that we can build another potential Tysons Corner, irregardless of transportation. Now a year ago Shiva Pant, all of a sudden decided that, Oh my goodness, we have reached the 1990 level of our saturation. We weren't supposed to reach that level until really the year 2000, given certain contingencies. We're there now. This year who knows, we may be at the year 2000. We cannot afford, and I have heard the statements that isn't this a good deal for the County that we're going to have an 18 million dollar interchange built, and that is fine. Except that to get to that interchange given the few accoutrements that get to there, you still have people that have to traverse Route 50, that have to traverse 211, 29/211 that live in that area, that work in that area, that are impacted by Tysons Corner that will be impacted by, by the Nutley Road development, that will be impacted by other developments that we have approved in McLean, etcetera. And I don't buy it. Because I think we're, it's a disservice to the County. Now, the School Board and the ten... I'm just, I'll address very quickly the, the only thing that I can agree with with the Providence Commissioner is the school, is the low and moderate income housing. The trail, not less than five acres, the School Board, the ten acres, I'm sorry. The bus shelters, I'm sorry. Transportation, within six months or 60% of construction is not, you know, not that that's projected, then we reassess and what do you do then? You've got 60% but you've got 60% of a great number, a great figure. And I don't think, and if that's not successful, she opts for no more building permits. What are you going to do, say you stop at the 10th level and you don't go to the 12th level? The Plan, the Comprehensive Plan says 350 room hotel, the staff together with the developer says

500 is needed for some reason called quality. That quality is not here in the staff report originally or in the response that we got last night. I don't understand that. I am totally opposed to this whole thing. I am not opposed to development there. I am opposed to the intensity of that development. I think it's a disservice to this County to say that, okay, this is a good deal because we're being bought for 18 million dollar interchange and therefore you'll suffer the traffic impact, impaction forever and ever. Thank you.

Mr. Gurski: Mr. O'Brien.

Mr. O'Brien: Thank you Mr. Chairman. I just have a few questions in terms of the modifications that were made. Mrs. Annunziata, was it the intent in terms of your traffic verification and resulting actions to substitute what you had read for item #10 submitted by the applicant? Or was it in addition to and modification of that? For instance, in there they establish an arbitration board to solve disputes and come up with other strategies. Is it your intent to eliminate all of that?

Mrs. Annunziata: No.

Mr. O'Brien: So what, what you added was a...

Mrs. Annunziata: It's just a modification to the provisions made by the applicant.

Mr. O'Brien: So, keeping...

Mrs. Annunziata: Anything that is inconsistent with my modification would of course be, would be precluded as part of the conceptual development plan. Anything that was not addressed stands as part of the commitment to be proffered by the applicant.

Mr. O'Brien: So whatever is not in direct conflict...

Mrs. Annunziata: That's right.

Mr. O'Brien: ...with your modification remains. And in...

Mrs. Annunziata: And that's for the entire group of commitments, not just on the, on item #10.

Mr. O'Brien: And in item #10, in terms of the major changes, if I might just attempt to state them and you could perhaps agree or disagree, as I understood your recommendation, it was to put this review process on an annual basis?

Mrs. Annunziata: First on a six month, within six month...just

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a moment. It does put it on an annual basis after construction is completed, to answer your question more directly. But it also provides for verification within six months after at least 60% of the total 1.9 million square feet of office space is completed and then again within six months after the total construction is completed. And then after that, annually.

Mr. O'Brien: And then if the verification after the six months indicates lack of verification and the trips exceed that projected, what action is taken at that point?

Mrs. Annunziata: Then according to the commitment made by the applicant, you go back to their commitments, there will be additional strategies to be implemented to effect the results that they say we should expect. That is, that would also be true at the six month, excuse me, after the total construction is completed. And it would be true according to my motion annually because in my motion, these verifications and these strategies are to be maintained as long as the Board of Supervisors deems it necessary to keep the level of development as projected, that is, in accordance with the transportation system that is projected as being adequate.

Mr. O'Brien: Right. That's, that's my understanding of what the applicant's original intent was. In fact, the only difference that I can detect and perhaps you can respond to this is the perpetuity, apparently, of this new process to continually check it until I guess, well I guess forever. Is that...

Mrs. Annunziata: As long as the Board thinks...

Mr. O'Brien: Is that accurate?

Mrs. Annunziata: ... it is necessary.

Mr. O'Brien: Or until the Board says no more.

Mrs. Annunziata: Yes. It is, it is, it seems to me reasonable to conclude that there is a possibility that at some point in the future either when the applicant decides they no longer need to maintain these strategies or a new owner, shall we say, is in that tract, that these strategies will be allowed to fall by the wayside. I believe that my motion provides for a way to address that possibility.

Mr. Brinitzer: Mr. Chairman.

Mr. O'Brien: If I may just finish up on this, the, but I think in, that certainly is the intent of the applicant's, as I read it, the applicant's proffer #10. The, one final point, a more technical point, the way it's phrased in the applicant's sub-

mission is in terms of the total square foot impact of this application and the adjacent application. It's not a major point but I think, I think that is what we are concerned with, the total impact of both developments, not individual...

Mrs. Annunziata: Yes, but I think that it is advisable to treat the impacts separately. For one, I'm not sure that we can impose a condition in one application to effect another entirely separate application. I don't see how you can even proffer to a situation on another piece of land under a separate application. The validity of this particular proffer is in question.

Mr. Keast: Mr. Chairman.

Mr. O'Brien: Well, just what's being measured is the traffic along a road.

Mrs. Annunziata: That's correct.

Mr. O'Brien: And all sorts of applications are contributing to that traffic.

Mrs. Annunziata: Yes, and they each generate at different levels of...

Mr. O'Brien: And I think it's difficult to identify that traffic relative to this particular application. It's a technical point. I really don't want to pursue it. Thank you.

Mr. Gurski: Mr. Brinitzer.

Mr. Brinitzer: I yield to Mr. Keast.

Mr. Gurski: Mr. Keast.

Mr. Keast: Mr. Chairman. Mrs. Annunziata, you just made a statement that I find ludicrous. We heard both applications simultaneously. We have viewed them the last time together. The driving factor in both of these has been transportation, I think you would agree with that. And you have just made the statement that we must view one in isolation of the other and the impact that one has on its own. Together the two developers are agreeing to build whatever is required, what they think is required, to alleviate the combined traffic impact of the combined development. And I cannot accept your statement that let's just look at this one now, having heard four and a half hours of testimony the last time and now you know, addressing it for a final decision. And I just find that a ludicrous statement.

Mr. Brinitzer: Mr. Chairman.

Mr. Gurski: Mr. Brinitzer.

Mr. Brinitzer: Just a few short remarks. First of all, I don't consider them ludicrous at all. I think that the Providence Commissioner was absolutely right from a legal standpoint and to foresee possible future difficulties, judicial problems, I think that taking it on a separate basis is the way to go. In fact, it is a technical point because in reality, the entire process is one where at the beginning there are some required reviews, and after that there is a check and balance system which does not automatically become active. It becomes active when the Board of Supervisors so decides to do. It is a vow, which is available to the citizenry, to review and to react to what could be considered and what are adjudicated to be negative impacts at that juncture. I think that this particular case, is a very very important one. I think that it's been given extremely careful scrutiny. I think that the fact that there is a motion on the floor, that we will have 15% moderate income housing, is a significant one. I think that the consonance with the Master Plan is a rather significant item. I think that the density is acceptable. I personally would have preferred to keep the size of the hotel at less than 500. I can live with that because obviously the Commissioner worked with a series of compromises. I think we have a good motion.

Mr. Gurski: Any other comments or questions? If you're ready for the question, I will restate it in my own words, We will take the exact transcript off the tape. The motion is as follows. Mrs. Annunziata has moved that this Commission recommend to the Board of Supervisors a change in the Zoning District to the PDC district. She has recommended that this Commission recommend to the Board the approval of the conceptual development plan. She's included in her motion 5 items. One that has to do with the Park Authority. Another that has to do with the trails. Another that has to do with the single family and attached single family units on the adjoining -next to the adjoining property. She has attached one with regard to transportation strategies. A very lengthy part of the motion, turning to control strategies, funding, mass transit, volumes and timing. And last of all, she has a motion - I'm sorry, an item in her motion with regard to housing, low and moderate income housing. The basic motion is to approve the change to the PDC district. All those in favor of the motion, please respond by saying aye.

Commissioners: Aye.

Mr. Gurski: Opposed?

Mr. Keast: NO.

Mr. Gurski: I'll poll the Commission because I - Mrs. Annunziata?

Mrs. Annunziata: Aye.

Mr. Gurski: Mr. Lilly?

Mr. Lilly: Aye.

Mr. Gurski: Mrs. Fasteau?

Mrs. Fasteau: No.

Mr. Gurski: Mrs. Wright.

Mrs. Wright: Aye.

Mr. Gurski: Mr. O'Brien?

Mr. O'Brien: Aye.

Mr. Gurski: Mr. Brinitzer?

Mr. Brinitzer: Aye.

Mr. Gurski: Mr. Keast?

Mr. Keast: No.

Mr. Gurski: Mr. Lovelace?

Mr. Lovelace: Aye.

Mr. Gurski: Mr. Merrell?

Mr. Merrell: Aye.

Mr. Gurski: The Chair votes aye and the vote was 8-2. There were no votes by Fasteau and Keast. Mrs. Annunziata, you're recognized for any action you may wish to take for this second case, the Costain application.

Mrs. Annunziata: Okay. This is application number RZ-80-P-073. An application by Costain Washington Incorporated. The same general considerations apply to this case because we are again speaking of a PDC, excuse me - okay. The applicant in this case seeks a rezoning of approximately 155 acres of R-3 and R-4 zoned land, to the planned development commercial district for the purpose of developing office park and residential uses. The conceptual development plan proposes the following: 1.75 million square feet of commercial uses within the 90 acres west of the

Holmes Run Stream Valley. 1.7 million of that is for office use and up to 50,000 square feet of retail space is envisioned primarily for servicing the related office occupants. Primary access from Arlington Boulevard is proposed via a proposed overpass and related improvements. A major open space system is also proposed consisting of the 40 acres Holmes Run Stream Valley, and on that portion of the tract, reservoir 2A, the Holmes Run Stormwater Impoundment System would be located in the main branch floodplain. Residential uses in the 65 acre northern and eastern portions of the site include 400 dwelling units consisting of an undetermined mix of townhouses, piggyback units, and/or 45 story apartment units. The density is approximately .7 units per acre. Access to that portion on the tract would be via Route 29/211. Transportation improvements consist of an overpass over Route 50 connecting the northeast and southeast quadrants together with major system - and make a system of ramps, connector roads and additional lanes on Route 50 and I-495, and a new entrance to the site opposite Hyson Lane together with improvements to Route 29/211 are also proposed. The trail system is also projected throughout the development, with a possible linkage between the north and southeast quadrants. Now let me just address first of all I think a threshold issue in this case. And that is the density issue. The 450 dwelling units proposed by the application in sectors A2 and A3 appears to be, and I believe it is, substantially below the lower end of the density range proposed by the Comprehensive Plan. And it's about half of the upper end of that range. So, in that sense, this application is in conformance with the Comprehensive Plan's projections for density on this site. The application also shows 1.7 million square feet of office uses proposed for the Sector A1. This proposed density is substantially non-conforming to the planned recommendation of .75 million square feet, or at most, .9 million square feet in the event - oh, office uses were to be placed on subtract A3. The threshold issue, as you might be able to infer at this point, is whether given this level of density for commercial uses, that this application conforms to the Plan. I view it as non-conforming and that the deviation is substantial, so that we would hold the applicant to a maximum of .9 million square feet of commercial development. Now, I make this statement, not just because of the discrepancy in the numbers involved here. That is the discrepancy between .75 or .9 and the 1.75 that they've come in with. But because, and I think the applicant has agreed to this, and I know our staff would agree, the rationale for this doubling of the density is the existence of a transportation which will accommodate this increased density and the resultant trip generation. That is, it will accommodate it and not worsen the existing conditions on the pertinent roadways. You'll have to note that with this increased density, more than double what the Plan envisions there is going to be double the traffic generation from this

site. In the public hearing, it was stated both by the applicant and by virtue of certain letters that came forward from VDH&T as well as our staff report on transportation, that this excess traffic that is double what we would expect under the Plan, cannot be accommodated solely by the construction of a new interchange envisioned by the applicant. Therefore, the applicant has been forced to rely on the success of transportation strategies in order to reduce this doubled trip generation to those levels that we would expect under the Plan at a density of .75. And the level of success that would be necessitated in order to keep the levels of trip generation at a reasonable status is approximately 40% reduction of what would normally be expected. On the basis of what I have heard in the public hearing, and the data that has been provided by both the applicant and the other individuals who have come before us with their testimony, I am now persuaded that the success of the strategies could reach this degree. That leaves us with the very real possibility of an impact on the transportation system that will not justify the doubling of the density by this applicant. It is my view that the only way that the requirements that are established by the Comprehensive Plan, and in particular the Zoning Ordinance which clearly states that there must be a provision for adequate transportation systems and that the design proposed must be such that it will prevent substantial injury to the use and value of the surrounding communities. The only way to meet those requirements is to maintain the level of development at a maximum of .9 square million feet. In all other respects, with the exception of the provision for low and moderate housing on this tract, I find the application in conformance. Accordingly, I'll make the following motion. I MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE ZONING ORDINANCE AS IT PERTAINS TO THE SUBJECT PROPERTY BE AMENDED FROM THE R-3 AND R-4 DISTRICTS TO THE PDC DISTRICT, SUBJECT TO THE APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN AND ASSOCIATED PROFFERS SUBMITTED BY THE APPLICANT, AS MODIFIED BY THESE CONDITIONS: THE COMMERCIAL DEVELOPMENT ON THIS SITE SHALL NOT EXCEED .9 MILLION SQUARE FEET; PROVISION SHALL BE MADE FOR 15% OF THE UNITS TO HOUSE LOW AND MODERATE INCOME FAMILIES; PROVISION SHALL BE MADE FOR A TRAIL CONNECTING THE NORTHEAST AND SOUTHEAST QUADRANTS; AND FINALLY, ON THE TRANSPORTATION STRATEGIES WHICH WILL TRACK ESSENTIALLY THE MODIFICATION I MADE TO THE CADILLAC-FAIRVIEW SITE, TRANSPORTATION CONTROL STRATEGIES PROFFERED AND ESTABLISHED BY THE APPLICANT SHALL BE MAINTAINED AND IMPLEMENTED AT THE EXPENSE OF THE APPLICANT OR THE OCCUPANTS OF THE COMMERCIAL DEVELOPMENT OR OFFICE USES, FOR AS LONG AS THE BOARD OF SUPERVISORS DEEMS THEY ARE NECESSARY TO MAINTAIN A TRIP GENERATION LEVEL THAT ASSURES THE SAFE AND EFFICIENT OPERATION OF THE NEW ROUTE 50 INTERCHANGE AND THE ASSOCIATED I-495 IMPROVEMENTS, AS WELL AS THE 29/211 IMPROVEMENTS. THE EXPENSES, TO BE BORNE BY THE APPLICANT, SHALL INCLUDE THE FUNDING FOR A TRANSPORTATION COORDINATOR AS PROPOSED BY THE APPLICANT. THE APPLICANT AGREES TO ENCOURAGE MASS TRANSIT

USAGE BY CONSTRUCTION OF BUS SHELTERS AND PEDESTRIAN WALKWAYS LINKING ADJACENT COMMUNITIES AND THE BUILDINGS ON THE SITE TO MORE CONVENIENT BUS SHELTERS. IN THE EVENT THAT WMATA DOES NOT OPERATE DIRECT FEEDER BUS SERVICE TO AND BETWEEN THE COSTAIN TRACT AND THE DUNN LORING METRO STATION, THE APPLICANT AGREES TO IMPLEMENT AND FINANCE PEAK HOUR SHUTTLE BUS SERVICE FROM ITS TRACT TO THE DUNN LORING METRO STATION. A TRAFFIC ANALYSIS SHALL BE CONDUCTED UNDER THE DIRECTION OF THE TRANSPORTATION COORDINATOR AND AT THE EXPENSE OF THE APPLICANT TO DETERMINE THE MAGNITUDE OF TOTAL PEAK HOUR OFFICE TRIPS GENERATED BY THIS DEVELOPMENT. SAID ANALYSIS SHALL OCCUR WITH 6 MONTHS AFTER AT LEAST 60% OF THE TOTAL .9 MILLION SQUARE FEET OF OFFICE SPACE IS COMPLETED, OR .75 IF THAT IS WHAT THE APPLICANT CHOOSES TO DO. AND THEN AGAIN WITHIN 6 MONTHS AFTER COMPLETION OF THE FULL DEVELOPMENT OF OFFICE USE, AND THEREAFTER AT THE REQUEST OF THE BOARD OF SUPERVISORS. BUT IN NO EVENT SHALL SUCH VERIFICATION BE REQUIRED MORE THAN ONCE ANNUALLY. IF THE TOTAL AM OR PM PEAK HOUR GENERATED TRIPS EXCEED THE NUMBER WHICH CAN BE EXPECTED AT THE 60% STAGE OF THE DEVELOPMENT, AND USING THE APPLICANT'S FORMULA FOR THE EXPECTED TRIP GENERATION FROM THIS SITE, AND THESE EXCESS TRIPS CREATE A SIGNIFICANT CHANGE IN THE PEAK HOUR LEVEL OF SERVICE FROM THAT WHICH EXISTS AT THE PREDEVELOPMENT STAGE ON ROUTE 50 OR 29/211, ADDITIONAL TRANSPORTATION STRATEGIES SHALL BE DEVELOPED TO REDUCE THE PEAK HOUR EFFECT OF THE INCREMENTAL TRIPS TO A LEVEL COMMENSURATE WITH THE ALLOWABLE TRIPS. I did address the low and moderate income housing. That's the end of my motion.

Mr. Gurski: Seconded by Mr. Brinitzer. Mr. Keast.

Mr. Keast: Mr. Chairman, while I did not ask to speak, I welcome your invitation.

Mr. Gurski: Mr. Keast, I thought that you would perhaps want to be the first to respond.

Mr. Keast: My only response, having given my comments before, I am somewhat - I'll make it, I was going to say aghast, but I won't say that. But 60% of development, or 6 months, we will reassess, the County will reassess. I am sort of interested in the legality of the year thing that follows that. And even so, again, what it means to the people who must traverse the areas that will cross this particular 29/211 and 50, Route 7, the Beltway, et cetera. I don't think we have counsel available, but if we did I would be very interested in where we had the authority five years from now to say hey, there's too much traffic and it's generated by your development, Mr. Costain and Mr. Cadillac Fairview, and you're creating a terrible inconvenience for a lot of people and therefore you've got to stop this traffic by imposing new strategies. I didn't get into all the details

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I got into with the 4 people I checked with, NSA being the most cooperative, by the way. Of what one can do to impose those things. There happens to be a thing called the Constitution and one can only force employees to do a certain amount. We as the County can say that you as a developer can tell your multiple employers to do this. There are legal restraints there. I think that in the last hearing we did get into the fact that it is easier for a single employer to do various things, so called strategies to enhance car pooling, van pooling etcetera. Where multiple employers in this case come into play, I don't buy it. I don't accept it. I think it's a very naive approach to a long term problem that we're going to live with for many years and so I'm going to oppose this one too.

Continued on next page.

Mr. Gurski: Mrs. Fasteau.

Mrs. Fasteau: Thank you, Mr. Chairman. For clarification, Mrs. Annunziata, did I hear correctly that in your motion on the south-east tract, you had some phrase to the effect that if the result is still greater than anticipated after 60% of the building is completed, that no further building permit will be given, absent reasonable strategies? And are you putting that same language into this?

Mrs. Annunziata: No, I'm not doing that here in this case. I'm just looking for the Transportation Analysis. And the reason I'm not is that once this density is maintained at the .75 or .9 square million - .9 million square feet level, as is envisioned by the Plan, the trip generation is far lower, is well within what apparently could be accommodated even given, or even absent highly successful traffic, transportation strategies.

Mrs. Fasteau: Yes.

Mrs. Annunziata: So in my view it's not necessary on this tract because in keeping it in conformance with the Plan, it also resolves the problem that is, that results from an excessive trip generation factor.

Mrs. Fasteau: Yes. You have answered that question. And this simply brings me again to the assumption, which is what makes me unhappy, and about the first motion you made, and why I turned it down, because the basic assumption is that there is a universe of strategies available, effective universe of strategies available so that if A, B, and C doesn't work, we'll go on to D, F, and incremental strategies ad infinitum. And I think that is a rather pie-in-the-sky assumption, which I felt that the doubly - with the excessive density in the southeast tract, that this assumption is not strongly based enough to justify all the density there. With this motion you are making, in reducing the density, I feel much more comfortable that we won't have an impact that is simply excessive beyond endurance. So you have answered my question on that. I still want to reiterate that the assumptions we are making that in the first area that you worked on, that we can include more and more strategies until finally we get an acceptable result. That is where I feel very uncomfortable and which is why I voted against that.

Mr. Keast: Mr. Chairman?

Mr. Gurski: Mr. Keast.

Mr. Keast: Mrs. Annunziata, may I ask you, you made the statement that the traffic generation would be within acceptable levels. And I would like to know, having dealt with four sets of statistics, one of which is closest to mine and therefore I identify

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with, what statistics are you using? Are you using the Plan, Transportation, BKI, or Schoenfeld?

Mrs. Annunziata: I'm using the table 1 that was provided by staff in the Transportation Analysis, which is based on the figures used by BKI. But under that table, the trip generation that we would get at .7, in fact this is at .9 million square feet, is two thousand one hundred and seventy trips from the northeast quadrant from the commercial development. I am persuaded that that is precisely what is envisioned by the applicant as a result of highly successful strategies of transportation as a level that would be accommodated by their transportation system. It's almost precisely the same number. The reason that I made the motion in the form that I have is that I don't believe that the transportation strategies can be effective to the degree that would be necessitated in order to get that trip generation down to the level required by the transportation system proposed. The way to get it there with reasonable certainty is to keep the density at the level proposed by the Plan and to keep it in conformance with what the Plan envisions. I don't see any justification for increasing the density on the basis proposed by the applicant, that is we can get it down there given certain transportation strategies.

Mr. Keast: But in any event you ignore the great disparity between BKI, which the staff used, and of course the applicant used, and the Schoenfeld new statistics that are based on the Institute of Traffic Engineers.

Mrs. Annunziata: I recognize the disparity, Mr. Keast. And I reviewed that disparity to alleviate my own concerns with Bob Moore this afternoon. And perhaps Mr. Moore, if he is here, could address the difference in the formulae that we have been presented by BKI and Schoenfeld.

Mr. Gurski: Mr. Moore?

Mrs. Annunziata: I think it might help elucidate and clarify my position. At least I hope it does.

Mr. Moore: I will try to make this short and clear. I would refer you to table 1 in the staff report. I think what Commissioner Annunziata's referring to is the figure shown under the commercial option of the existing Plan for the northeast quadrant which we calculated based on conventional trip generation rates, which are incidentally the ITE figures. If you take the 750,000 square feet, which is allowed under the current Plan, and add to that the additional residential use which is also allowed under the Plan, and use the ITE rates, you will generate approximately 2,170 trips in the peak hour. BKI, as we have discussed here tonight, BKI has reduced those rates. That reduction has

resulted in a similar trip generation total. But it is of course applied to a larger base number to begin with. I'm a little bit confused myself with the statement that was made regarding the inconsistency of the Staff's numbers with the ITE numbers. Please be assured that the conventional numbers that the staff has cited are in effect the ITE numbers.

Mr. Keast: Mr. Chairman?

Mr. Gurski: Mr. Keast.

Mr. Keast: Are those numbers based on 3.6 million square feet?

Mr. Moore: The numbers on the northeast quadrant, that we have cited in our report, are based on the 750,000 square feet. If you look at table 1, we have listed a number of alternative land use possibilities. The first, one, two, three, four lines of that table are based on conventional ITE trip generation rates. Only the last line, and I tried to be careful in footnoting this, only the last line relates to the reduced rates that have been suggested by the applicant.

Mr. Keast: May I ask - Mr. Chairman?

Mr. Gurski: Mr. Keast, please.

Mr. Keast: What is the total square footage in which you based that in the formulas that appear from ITE and from BKI and from Schoenfeld? Did you base that on 3.6 million square feet? That is my question. Yes or no?

Mr. Moore: The application -

Mr. Keast: Not the Plan, what the Plan calls for, but the application.

Mr. Moore: The application is based on the conventional rates as applied to the development proposed by the application. 3.6 million, with a hotel. I can tell you exactly what it's based on. Again, that's on the following page. An explanation of the land uses is in notes to table 1. The application is based on 1.7 million square feet of office on the northeast tract, 325 garden apartments, 325 townhouses, 50,000 square feet of retail development. On the southeast quadrant, the application assumption is based on 1.9 million square feet of retail commercial, 250 high-rise units, 279 townhouse units, a 500 room hotel, and 50,000 square feet of retail. I don't know how else to say that.

Mr. Gurski: Mrs. Annunziata, any other comments?

Mrs. Annunziata: Is it not correct to say, Mr. Moore, that the

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Schoenfeld data is based on the ITE formula? Isn't that the same formula you've been using.

Mr. Moore: If the Schoenfeld data is based on the ITE data, they should be the same data. I'll be honest and say that I have not thoroughly reviewed that report. We just received it this morning.

Mr. Gurski: Mr. O'Brien.

Mr. O'Brien: Thank you, Mr. Chairman. The key change in the motion before us and that submitted by the applicant, or one key item, is the almost 50% reduction in office and commercial retail space. I just, I know this is stated several different ways, but I would just like to have it restated one more time. The rationale for why we have cut that almost 50%. And I'll state it and you can correct me. One, the proposal exceeds, in terms of square footage, that recommended in the Comprehensive Plan. And two, it's the feeling that the suggested transportation strategies would not be successful in reducing the traffic impact of that greater square footage down to acceptable levels. Is that -

Mrs. Annunziata: That's correct to the -

Mr. O'Brien: - sort of what your rationale is?

Mrs. Annunziata: - extent that you've gone. But I just would like to reiterate one other factor. The rationale that was provided for this increased density is this increased capacity of the transportation system to accommodate it. Now, the increased capacity is predicated on successful transportation strategies almost entirely. That is, to reduce that number by about 40%. And I don't, it is not my view that we can expect this kind, this degree of success with regard to the transportation strategies which in my view undermines the rationale for the increased density. This is separate and apart from the fact that it doesn't conform to the Plan.

Mr. O'Brien: Right. It's the two parts.

Mrs. Annunziata: Yes.

Mr. O'Brien: I mean, the fact that it exceeds the Plan is a consideration. The fact that you don't believe that the transportation strategies will reduce that traffic impact down to acceptable levels, it won't work essentially. To the degree that the applicant is projecting that they will. And just one follow up question to that. Do you have, there was some testimony by the applicant in terms of these extensive transportation improvements and the economic viability providing such transportation improvements based on his submitted application at the

intensity which it was brought before us. Do you have any concern about whether in fact this would threaten in any way the economic feasibility or the provision of the public facilities to the extent brought before us by the applicant, specifically. A case in point being the 18 million dollar traffic improvements. Do you think there is any problem there?

Mrs. Annunziata: I think inasmuch as the applicant has suggested there may be a problem, I am concerned about it. I have thought about it. But in view of the fact that we are not privy to the kind of financing provisions that can be made, it is difficult for me to say with any great definitiveness what I think the ultimate result of my motion, if it were to be adopted, would have.

Mr. Brinitzer: Mr. Chairman?

Mr. Gurski: Mr. Brinitzer.

Mr. Brinitzer: Well, before we bring this to a vote, I think the last question, all due respect, is somewhat unfair because it really has nothing to do with planned land use. I think this has been a classic case, both of our responsibilities in that arena of planned land use. I believe that the actions we've taken tonight clearly throw the ball back into the hands of the applicants, because there are some measurable, substantive changes proposed here to which the applicant may or may not agree. And that's why we have the hiatus now, during which the applicant can consider all of these conditions and then make the case before the Board. I think the comments pertinent to the previous case apply. I think we have a good motion.

Mrs. Fasteau: Mr. Chairman?

Mr. Gurski: Mrs. Fasteau.

Mrs. Fasteau: I would agree with what has been said in response to Mr. O'Brien's comments that we - and Mrs. Annunziata. We are not privy to the financial details, the financing, or building costs, or profit, or any - or up-front money, or any of the other things. And naturally we should not be privy to them. And for that very reason I don't think it's an acceptable argument for or against by an applicant to say this is economically viable for me, this is not economically viable. He will consider the viability of it himself in his ultimate decision to go or no go. But for us, unless we have evidence, you know QED, and open the books and show us your costs and show us your projections. This is something we properly should not be asked to consider. And I have thought so for a long time and I continue to agree with that.

Mr. Gurski: Any other comments or questions? If not, and if you're ready for the question, we have the motion by Mrs. Annunziata. A motion with regard to the application by Costain, the application on the - at this point I won't even identify which quadrant it's on because I'm not quite sure. I believe it's in the northeast quadrant. Mrs. Annunziata moves that this Commission recommend to the Board of Supervisors approval of the requested change in zoning district to the PDC district, subject to the approval of the conceptual development plan, and with regard to the applicant's proffers. She makes conditions and items in her motion, which we will take off the tape. They have to do with the following subjects: the density, the commercial density, low and moderate housing, trails; and then a lengthy item with regard to transportation strategies, control, maintenance implementation, funding, and so on. All those in favor of the motion by Mrs. Annunziata, please respond by saying aye.

Commissioners: Aye.

Mr. Gurski: Opposed?

Mr. Keast: No.

Mr. Gurski: The Chair takes it that the motion passed. That there was one no vote, that cast by Mr. Keast. Mrs. Annunziata, could you possibly have any other action on these cases?

Mrs. Annunziata: Well, Mrs. Fasteau has raised a concern with regard to stormwater management. This is not part of this case in the true sense of the term, but I think that perhaps it would be appropriate to address that concern. I'd like to ask Mr. Faubion, however, to explain for the Commission his position, the position that he presented to me this afternoon, with regard to the monitoring committee on the stormwater drainage issue.

Mr. Faubion: Mr. Chairman?

Mr. Gurski: Mr. Faubion.

Mr. Faubion: The question has - or really two questions have been brought up. One with respect to bonding an applicant or a builder to insure the success of stormwater management measures. I consulted with the County Attorney's office, DEM, and the Department of Public Works, and find that none of them are aware of anything like that ever happening in the County, that is was doubtful that the County had any legal basis for imposing a condition such as that. The second facet is the monitoring of the stormwater management of the stream levels after construction of the proposed stormwater management measures. It had been

proposed that this monitoring system be set up by and be paid for by the applicant. This system would have to address the entire Holmes Run Valley Watershed, not just the site that we're talking about, to mean anything, which would mean that the applicants would be paying for something which was far beyond the balliwick of their particular properties. The County does not now monitor the results of stormwater management measures that are installed by any sort of instrumentation. They do, on a sporadic basis, consult with people downstream and with people on whose sites the measures are installed to see how well they seem to be working and they've gotten largely favorable comment back from both of these kinds of people. However, there is no monitoring system for any kind of scientific comparison of what has happened. Finally, it was suggested that base data be prepared so that, on a pre-development basis so that after development one could compare and see if, in fact, there is no difference in the flow after development, than there was before. No such base data exists at this time, and it would take a matter of several years at least to accumulate a meaningful pre-development data base. So, getting that sort of a data base is almost impossible if one figures that some of this property is going to start developing fairly soon after approval, if it is approved. So, the bottom line is that such a monitoring system is possible. The instrumentation is available. The technology is available. It is not done anywhere else in the County, so that this kind of a requirement on this site would be unique in the County. Conceivably, it could be done by agreement with the applicant, but the County probably has no authority to impose such a condition. The final line is what would one do if one found that the flows were different after and before. We would be in the same condition as we are now, where it was still the responsibility of the County to remedy situations which exist. Thank you, sir.

Mr. Gurski: Mrs. Annunziata, are you leading to any kind of a motion or action?

Mrs. Annunziata: Yes.

Mr. Gurski: Please, take it up right now.

Mrs. Annunziata: Okay. I think in light of the concerns raised, in particular by this case, but also by the more generalized concerns with regard to stormwater management and monitoring and the nonexistence of any real monitoring function in the County, I would MOVE THAT WE ASK THE BOARD OF SUPERVISORS TO REVIEW THE ISSUES RAISED BY THE PROPOSAL THAT HAS BEEN PUT FORWARD BY THE RAYMONDALE CIVIC ASSOCIATION AND TO CONSIDER THE POSSIBILITY OF ESTABLISHING AN ENVIRONMENT-MONITORING COMMITTEE, WHOSE FUNCTION IT WOULD BE TO REPORT TO THE BOARD THE PROGRESS, EFFICIENCY, AND COORDINATION OF ALL STORMWATER DETENTION AND RETENTION FACILITIES

WITHIN THE HOLMES RUN STREAM VALLEY WATERSHED.

Mr. Gurski: Is there a second?

Mrs. Fasteau: Second.

Mr. Brinitzer: Mr. Chairman? I wonder, although I'm for motherhood, whether we need to have a special committee for that. I think that we have existing committees, and existing county staff, to do that sort of a thing. And I believe that a simple motion recommending to the Board of Supervisors that they alert the appropriate staff to monitor this particular process, and if necessary to turn it over to EQAC, would accomplish the same purpose rather than asking the Board to go through a rather convoluted process as by your motion.

Mrs. Annunziata: I would accept that.

Mrs. Fasteau: Mr. Chairman?

Mr. Gurski: Mrs. Fasteau.

Mrs. Fasteau: From what I hear, Mr. Faubion, we don't have a data base. In other words we're ignorant about what goes on now, so we really cannot make any evaluation or judgement of what happens. I accept that. But that is in my reasoning no reason to continue our ignorance. And if our plans for storm-water management have any meaning at all, we should other than on a sporadic, ad-hoc basis based only on complaints, sit complaisantly by and simply assume that we have adequate public facility requirements and so forth and so forth. I don't think a county of this sophistication and staffing and expertise should remain in ignorance on large developments of this nature, and others. And I think the motion is a reasonable one because it merely asks the Board of Supervisors to review or consider establishing such an on-going monitoring committee of responsible people in the County to really keep an eye on these things. It is not necessarily an expensive thing to do. And I think merely surfacing this by the motion might be a productive thing to do. And I don't feel negatively about a motion of this sort, and I do not feel that we should continue in ignorance as to the impact of the things that we ask developers to do, and to know whether or not they are successful or effective.

Mr. Gurski: Mrs. Annunziata.

Mrs. Annunziata: I just wanted to add that I would accept Mr. Brinitzer's amendment. I don't intend really to box the Board of Supervisors in as to how to approach the problem. I think we want to raise the problem and leave it to their judgement as to how it should be rectified, if at all.

Mr. Brinitzer: That's right. Mr. Chairman, we want to be very

careful that we don't tie this particular motion and this particular action to that particular application, because that could be arbitrary and capricious and I think an overall statement addressing the overall problem, and once again, alerting the Board of Supervisors that they should enjoin their staff to be watchful in this particular regard is enough on this matter at this time.

Mr. Keast: Mr. Chairman?

Mr. Gurski: Mr. Keast.

Mr. Keast: I just identify with Mr. Brinitzer. He took the wind out of my sails again, but he's used to that. The terms sporadic basis, no scientific monitoring, and we have, in this Commission many, many times addressed stormwater management, the PFM, et cetera, et cetera. We now look at one case in isolation and say let's have a committee. That committee would be unpaid, with no scientific tools available, and if by God, at this point in our career in Fairfax County, we have not done what we're supposed to be doing scientifically with the tools, then an ad hoc task force of which we have some seventy now in the County, will not be able to perform their job to the satisfaction of what's required. I agree with Mr. Brinitzer. I think it's a larger issue than this particular application.

Mrs. Fasteau: Mr. Chairman, I don't believe that Mrs. Annunziata's motion was specifically aimed at this. It was a general motion, unless I am mistaken. And I agree that this should not be aimed at and confined to this particular application.

Mr. Brinitzer: Mr. Chairman?

Mr. Gurski: Mr. Brinitzer.

Mr. Brinitzer: I'd like to make a suggestion. I suggest to the maker of the motion that she withdraw the motion and that she set it on her agenda for the next meeting so that at that time we can address it as a separate issue in whatever fashion we then wish.

Mr. Keast: I would second that and also say that that would properly be committee business or Commission business to be brought up with a proper motion to go to the Board of Supervisors to really address this issue, which evidently from what staff has said is a more serious issue than what we think it is.

Mrs. Annunziata: Well, I would be happy to withdraw the motion and bring it up at a later date.

Mr. Gurski: Fellow Commissioners, we've arrived at a point in the evening which I thought we would have arrived at about 8:30. All we had to do was make a decision on Cadillac Fairview and Costain. We started about 8:19 or whatever the time was, and we should have been over with this case approximately two hours ago. You talk, talk, talk. We've still got a lot of business to do tonight. However, I spend almost as much time on State planning with regard to Commissioners as I do with regard to County Commissioners. And when I go down to Richmond, or Charlottesville, or Blacksburg, as I will shortly, and I talk to other Planning Commissioners around the State and I tell them the way things are in Fairfax County, one of the things I will start to tell them about is your performance tonight. We're all citizens, even though the people sitting out there think that we come out from rocks or Washington or Maryland or something. We all pay taxes. We all have other jobs. We all have families, children, homes. We're just like you except that we sit up here and somehow we are designated by the Code of Virginia and the Board of Supervisors as Commissioners. Commissioner Annunziata, you've done a very good job. We will be in recess for about ten minutes and we'll try to finish the agenda off before midnight.

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(Mr. Sell absent from the meeting).

SHM