

**City of Falls Church**

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<b>Meeting Date:</b>  06-11-18	<b>Title: (TR18-32)</b> RESOLUTION AMENDING RESOLUTION 2016-04 TO GRANT A SPECIAL EXCEPTION FOR RESIDENTIAL USES WITHIN A MIXED USE DEVELOPMENT PROJECT AND TO INCREASE THE BUILDING HEIGHT WITH A BONUS OF THIRTY (30) FEET WITH A MAXIMUM HEIGHT OF EIGHTY-FIVE (85) FEET FOR A MIXED-USE DEVELOPMENT PROJECT ON APPROXIMATELY 4.3 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF 110, 112, 112A, 212 & 212A NORTH WEST STREET, 916, 920, 922, 924, 926, 928, 930, 932 & 934, WEST BROAD STREET AND 919, 921 & 925 PARK AVENUE (REAL PROPERTY CODE NUMBERS 51-202-009 THROUGH 51-202-015, 51-202-003, 51-202-004, 51-202-005, 51-202-028 AND 51-202-028 OUTLOT) KNOWN AS "MASON ROW" ON APPLICATION BY SPECTRUM DEVELOPMENT, LLC. AND RENAMED "FOUNDERS ROW"	<b>Agenda No.:</b>  10 (b) (1)	
<b>Proposed Motion: MOVE to refer (TR18-32) to appropriate city boards, commissions and community organizations for review and recommendations to City Council and schedule and advertise according to law a public hearing for August 13, 2018</b>			
<b>Originating Dept. Head:</b> James B. Snyder, Director of Community Planning and Economic Development Services JBS 6-8-18 703-248-5182 Paul Stoddard, AICP, Planning Director 703-248-5041	Gary H. Fuller, AICP, Deputy Planning Director GHF 6-8-18 703-248-5039 Carly Aubrey, AICP, Principal Planner 703-248-5106	<b>Disposition by City Council:</b>	
<b>City Manager:</b> Wyatt Shields 703-248-5004 CLM for WFS 6-8-18	<b>City Attorney:</b> Carol McCoskrie 703.248.5010 CWM 6-8-18	<b>CFO:</b> Kiran Bawa 703-248-5092 KB 6-8-18	<b>City Clerk:</b> Celeste Heath 703-248-5014 Did not review.

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**REQUEST:** The applicant (*Mill Creek Residential and Spectrum Development*) is requesting to amend the original January 11, 2016 approved special exception for the Mason Row mixed-use redevelopment project at West Broad Street and North West Street referred to as the Mason Row (*later renamed to Founders Row*). The current application is requesting to remove the planned {112-145} room "Hotel" commercial use and replace it with an "Age-restricted multifamily residential" use, as the Applicant was unable to secure a hotel operator for approved Mason Row (Founders Row) mixed use project and special exception. The proposed 72 age restricted multifamily rental apartments would be designated for individuals 55 years of age and older.

13 The request requires the following legislative actions based upon the procedural and  
14 evaluation criteria under section Special Exceptions of the city code:

- 16 1. **Special Exception** - Residential development within a Mixed Use  
17 development; and
- 18 2. **Special Exception** – Up to 15-feet of Height Bonus for a proposed 90 feet of  
19 building height.

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21 Generally, this application from a building or physical form is unchanged as the planned  
22 building massing, height and footprint are the same. The building modifications are  
23 characterize by a change in use from commercial to residential (Hotel to Age-Restricted  
24 Multifamily Residential) with the building remaining at a height of 6-stories (5-stories of  
25 residential over ground floor retail), with appropriate architecture treatments  
26 modifications to reflect a residential structure. Other non-physical changes are the fiscal  
27 impacts, net revenue to the city, reduction in commercial/residential ratio (17/83 percent,  
28 respectively), and revised impact and demand studies that generally show neutral or  
29 slightly improved projected traffic reductions (*82 fewer AM Peak hour trips and 127*  
30 *fewer PM*), and increased number of parking spaces (*1,035 vs 1,007 parking spaces and*  
31 *a 3 percent vs 13 percent parking reduction request*).

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33 The City Council is being requested to formally consider the Special Exception  
34 amendment to allow for the substitution of age-restricted multifamily residential in lieu of  
35 the hotel.

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37 **RECOMMENDATION:**

38 This special exception application is ready for formal consideration and public review it  
39 is recommended that the City Council refer this special exception amendment for public  
40 review. The purpose is to initiate application's referral to city board and commissions,  
41 community organizations and public, which would include mandatory referral and review  
42 by the Planning Commission and advertised public hearings, as required by law.

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44 Staff recommends that (TR18-32) Founders Row be referred to various city boards,  
45 commissions and community organizations. These would include Planning Commission,  
46 Architectural Advisory Board, Economic Development Authority, Housing Commission,  
47 Environmental Sustainability Council, Tree Commission, Citizens Advisory Committee  
48 on Transportation, Recreation & Parks Advisory Board, Arts and Humanities Council of  
49 Falls Church, Library Board of Trustees, Human Services Advisory Council, Village  
50 Preservation and Improvement Society, and Greater Falls Church Chamber of  
51 Commerce.

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53 **BACKGROUND:**

54 The Applicant provided an updated letter, dated June 6, 2018 requesting an amendment  
55 to the existing approved (January 11, 2016) special exception for Mason Row  
56 (Attachment 1). The Applicant's letter provides detailed background on the amendment  
57 request, project history, justification, challenges, hotel market, progress, committed and

58 tentative commercial leases, and special exception primary criteria analyses, fiscal  
59 projections and other criteria reflecting the proposed age-restricted multifamily housing.

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61 The Applicant had originally applied for this special exception amendment in April 2017,  
62 but put the application on hold in order to wait until the theater anchor was committed, by  
63 an executed lease (*special exception contingent item VC #3*), and to firm up more their  
64 planned commercial uses – restaurant and retail.

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66 On May 10, 2018, a signed executed lease for the movie theater at Mason Row (renamed,  
67 Founders Row) was provided to the City Manager, as required for the current special  
68 exception approvals and Voluntary Concessions, Community Benefits, Terms and  
69 Conditions. A public announcement of the theater was made on the evening of May 21<sup>st</sup>.  
70 The Applicant in their June 6, 2018 letter requested to re-start the special exception  
71 process with City Council to amend the original special exception.

### 72 73 **Application Summary – Special Exception Amendment**

74 The request to amend the special exception includes the following updated documents  
75 submitted by the applicant in support of the application, specifically (Attachments 1 thru  
76 8) {Bundle}:

- 77  
78 1. Revised Letter of Justification for Amendment to Resolution 2016-04 Special  
79 Exceptions to allow Mixed Use and Building Height bonus for Founders Row  
80 (Formerly “Mason Row”), dated June 6, 2018
- 81 2. Voluntary Concessions, Community Benefits, Terms and Conditions, Spectrum  
82 Development, L.L.C/Mason Row Amended June 4, 2018 (“Amended Voluntary  
83 Concessions”).
- 84 3. Conceptual Development Plan (“Amended CDP”) dated June 6, 2018 as prepared  
85 by Walter L. Phillips, Inc.
- 86 4. Architectural Elevation Drawings (“Amended Elevations”) dated May 16, 2018 as  
87 prepared by WDG Architecture.
- 88 5. Special Exception Amendment (Booklet) Founders Row Mixed Use Project  
89 (Previously Mason Row), , dated May 15, 2018.
- 90 6. Trip Generation Analysis - Founders Row (formerly Mason Row), dated April 3,  
91 2107
- 92 7. Transportation Management Plan - Founders Row (formerly Mason Row), dated  
93 February 20, 2018
- 94 8. Parking Reduction and Parking Management Plan - Founders Row (formerly  
95 Mason Row), dated February 20, 2018

### 96 97 **City Council Work Sessions**

98 On May 21, 2018, a joint City Council/Planning Commission work session was held to  
99 provide an update on the Founders Row (previously Mason Row) special exception  
100 amendment request. The Applicant provided a briefing and update on the resubmitted  
101 special exception amendment application and specifically the requested a use change  
102 from the planned hotel, being removed and replaced with age-restricted multifamily  
103 residences and related minor changes to the supporting special exception documents –

104 conceptual development plans, voluntary concessions, fiscal impact, related studies and  
105 reports reflecting the requested use change.

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107 At the joint City Council and Planning Commission work session there was discussion,  
108 questions and issues raised related to the requested special exception amendment, These  
109 include fiscal impact, commercial density, residential uses, age restricted housing  
110 characteristics, architectural and design, environment, voluntary concessions, affordable  
111 housing and other community benefits. A summary of the discussion, questions and  
112 issues raised is provided in Attachment 9.

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114 During the May 21, 2018, City Council and Planning Commission raised several issues  
115 regarding the financial aspects of the application related to the requested "use change"  
116 (Hotel-to-Age Restricted Residential) and proposed mixed use project fiscal net revenue  
117 implications. On June 4, 2018 the City Council held another work session and received a  
118 presentation and briefing by staff and its real estate consultant on the financial aspects,  
119 fiscal modeling and specific theater financial and market characteristics.

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#### 121 **Original Special Exception Approval - Context and History**

122 Currently, the applicant has an approved special exception granted on January 11, 2016  
123 for the Mason Row (Founder Row) mixed use project, which included the following  
124 legislative actions and approvals by the City Council after a mandatory recommendation  
125 by the Planning Commission:

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- 127 **1. Comprehensive Plan Amendment** – Future Land Use Plan Map  
128 Amendment – from Business (100 N. Washington Street and 127 E. Broad  
129 Street) and Transitional (131 E. Broad Street) to Mixed-Use;
- 130 **2. Official Zoning Map Amendment** – Rezoning (131 E. Broad Street)  
131 from T-1 to B-2;
- 132 **3. Special Exception** - Residential development within a Mixed Use  
133 development; and
- 134 **4. Special Exception** – Up to 15 feet of Height Bonus for a proposed 90 feet  
135 of building height.

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137 However, the Mason Row (Founders Row) special exception approval is specifically, tied  
138 to a variety of supporting documents including - conceptual development plans, general  
139 architectural, massing and height restrictions, voluntary conditions, community benefits  
140 and terms and other related documents and requirements. This special exception  
141 approval is also contingent upon the ability of the applicant to secure and execute a lease  
142 under specific terms for a hotel and theater for the Mason Row (Founders Row) mixed  
143 use project as indicated in the Voluntary Concessions, Community Benefits, Terms and  
144 Conditions (Attachment 2). This contingent requirement for a hotel (lease) use is the  
145 subject and primary change of the requested special exception amendment.

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147 For further information, history and background on the original approved special  
148 exception for Mason Row (January 11, 2016) see the staff report and associated

149 ordinances and resolutions. The requested special exception amendment staff report is  
150 also available Founders Row (June 11, 2018).

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152 <http://www.fallschurchva.gov/1381/Founders-Row-Broad-and-West-Streets>

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154 **Proposed Development Project – Founders Row (Amend Special Exception)**

155 The following is a summary of the proposed Founders Row mixed-use projects  
156 development program and key elements:

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158 **Applicant(s):** Mill Creek Residential and Spectrum Development, LLC

159 **Site:** Consolidating twelve (12) separate parcels totaling 4.3 acres to build an  
160 approved mixed-use development. The site is located in the 900 block of  
161 W. Broad Street; 100-200 block of N. West Street and portion of 900  
162 block of Park Avenue.

163 **Project:** A six (6) story mixed-use building comprised of the following elements:

- 164 ▪ Six-story mixed-use building with a ground floor retail use of  
165 approximately 59,493 square feet, office use of 4,946 square feet in  
166 addition to a movie theater with 750 -850 seats (32,079 sf);
- 167 ▪ Five-story residential multi-family rental apartments with 322 units  
168 above one story ground floor retail spaces;
- 169 ▪ Five-story age-restricted apartments with 72 units above one story  
170 ground floor retail uses (subject to amendment of Special Exception  
171 Resolution 2016-04); and
- 172 ▪ Above and below-grade parking garage; and
- 173 ▪ Average building height of generally six (6) stories and up to 79 feet  
174 (Special Exception 2016-04 approved for up to 85 feet).

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176 A summary of the Mason Row (Founders Row) development program is provided in  
177 tabular form reflecting the commercial and residential use changes from the original  
178 Mason Row, January 11, 2016 approved mixed use project to the initial April 14, 2017  
179 Special exception amendment application and through interim changes to date, as of May  
180 29, 2018 (Attachment 10). The ratio of commercial to residential has changed  
181 significantly from 33%/67% to 17.5%/82.5% or a 47% reduction in commercial space.  
182 Staff is currently reviewing the development program - use types and figures for  
183 conformance with the original approved Mason Row special exception. There are some  
184 variations particularly the retail where a 4.8% reduction in planned gross square feet of  
185 space was noted.

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187 **STAFF ANALYSIS**

188 In April, 2017, Millcreek Residential (Applicant) submitted an application for the “use”  
189 change request, from Hotel to Age-Restricted Multifamily Housing to the January 2016  
190 approved special exception for the Mason Row (Founders Row) mixed use project  
191 encompassing 4.3 acres located at the northeast corner of West Broad Street and North

192 West Street. The special exception amendment application requires the following City  
193 Council and use action, by resolution. The application to amend the approved Mason  
194 Row special exception requires a new Special Exception(s) for:

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- Residential development within a Mixed Use development; and
- Height Bonus for up to 15 feet or proposed 90 feet of building height.

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The original approved Mason Row special exception included a “Hotel” use (112-145 room range), which is proposed to be replaced by Age-Restricted Multifamily housing (72-unit). The applicant, to reflect the proposed commercial to residential use change has updated the supporting special exception documents that include (Attachments to ):

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- Voluntary Concessions, Community Benefits, Terms and Conditions, revised June 4, 2018
- Special Exception Amendment (Booklet), Founders Row Mixed Use Project (Previously Mason Row), dated May 15, 2018
- Conceptual Development Plan (CDP), dated, June 6, 2018 (plan sheets)
- Architectural Elevation Drawings, dated , May 16, 2018 (sheets)
- Transportation Demand Management (TDM), dated February 20, 2018
- Trip Generation Analysis (TIA) or traffic impact statement, dated February 20, 2018
- Parking Reduction and Parking Management Plan, dated February 20, 2018

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Voluntary Concessions, Community Benefits, Terms and Conditions (VCs), dated May 16, 2018

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The VCs have changed in relation to the Age-Restricted Multifamily additions and Hotel use removal. The VCs related to affordable dwelling unit (ADU), park and recreation, Falls Church public library in-kind or financial contributions are tied to residential unit counts totals and correspondingly reflect the increase in 72 residential units or age-restricted multifamily units. With the Hotel, removal from the project the “Hotel only” shuttle service and related LEED certified building commitment and additional \$20,000 letter of credit guarantee are no longer included. The age-restricted multifamily residences were include with the market multifamily apartments in VC # 7, to achieve the National Green Building Standard (NGBS) certification program for the multifamily portions of the project (Attachment 2).

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Additional VC changes have been provided in the revised Voluntary Concessions, Community Benefits, Terms and Conditions (VCs), dated June 4, 2018 (Attachment 2). These revised voluntary concessions were in response to City Council comments in the recent work sessions on May 21 and June 4, 2018. Specifically, the VC revisions addressed and summarized by the applicant, as follows:

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1. The ADU Commitment for both the Main Building and the Age-Restricted Building (27 total units) has been revised to be for the life of the project (compared to the original 20-year commitment).

- 237 2. Similar to the approval for the Broad & Washington (Insight) project, a condition  
238 was added that the Developer and City can enter into an agreement for a cash  
239 contribution in lieu of the ADU's. This option can occur at two points: either  
240 prior to the first Certificate of Occupancy, or at the 20<sup>th</sup> anniversary of the first C-  
241 O. It can only be agreed upon with the City's consent.
- 242 3. The Food & Beverage guaranteed minimum allotment increased from 20,000 SF  
243 to 25,000 square feet,
- 244 4. The Movie Theater seating capacity changed from a minimum of 400 seats to 750  
245 seats (with a maximum remaining at 850 seats).
- 246 5. Clarification was added that no resident of the Age-Restricted building can be  
247 eligible to be a student at Falls Church Public Schools.
- 248 6. The Applicant has firmly committed to providing a water feature in the Market  
249 Square, to be approved through the final Site Plan process.
- 250 7. The number of conduits for future electrical vehicle charging stations has been  
251 doubled to 10 in lieu of the original 5.
- 252 8. The Metro Shuttle service has been clarified (1 total shuttle servicing the Market-  
253 Rate and the Age-Restricted buildings).
- 254

255 Special Exception Amendment Booklet, dated May 15, 2018

256 Reflects use, site and building changes associated with switch from Hotel to Age-  
257 Restricted Residential Building. The building footprint, massing and height are generally  
258 the same and unchanged. The planned ground floor uses are retail as before (Attachment  
259 5).

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261 Conceptual Development Plan (CDP), dated, June 6, 2017 (large plan sheets)

262 Reflects site, landscaping and streetscape changes associated with switch from Hotel to  
263 Age-Restricted Residential Building. The building footprint is unchanged and site  
264 features are generally the same and unchanged (Attachment 3).

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266 Architectural Elevation Drawings, dated May 16, 2018 (sheets)

267 Reflects use, building and related architectural and material changes associated with  
268 switch from Hotel to Age-Restricted Residential Building. The architecture and materials  
269 reflect more a residential use building and design, but the hotel architecture has some  
270 residential feel previously (Attachment 4).

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272 Traffic, TDM and Parking Analyses, Reports (Attachments 6, 7 & 8)

273 These updated reports reflect the addition of the 72 Age-Restricted Multifamily units and  
274 removal of the 83,013 square foot, 145-room hotel. The projected traffic is less and the  
275 parking generally reflects the use changes at the parking ratios applied previously.

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277 Fiscal Modeling and Net Annual Revenue Projections

278 The use change from Hotel to Age-Restricted Multifamily housing is a significant change  
279 in that the Hotel and theater were the commercial anchor uses with supporting retail and a  
280 small office user. The ratio of commercial to residential uses changes from 32.7%/67.3%  
281 commercial/residential to 17.5%/82.5% commercial/residential., the result is a 47%  
282 and/or 84,189 square feet reduction in commercial space.

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The fiscal revenue effect is notable reduction between (range modeled) net annual revenues based upon modelling the “Age-Restricted Multifamily versus Hotel “ use type into the original modeling and net revenue projections at the time of the approved special exception in January 2016, with no other adjustments to date. The overall net revenues modeled in January, 2016 were \$1,298,921-to-\$2,071,115 (range) and updated on May 9, 2017 to reflect the April, 2017 special exception amendment application (“Apples-to-Apples”) and ranged from \$1,014,099 to \$1,596,730 in net annual revenues. However, the latest June 6, 2018 modeling run indicated a positive range of \$1,758,339 to \$2,094,167 in net annual revenues. This represents (*See fiscal section in this memorandum for the latest updates, modeling factors and projected revenues*).

A summary of net revenue projections for the Mason Row (Founders Row) mixed use development project is provided below. The City’s Economic Development staff has provided additional details on revenue projections. Those details are included in Attachments 11, 12 & 13.

**History of net annual fiscal impact model runs on this project:**

<b>Model Run</b>	<b>Time of Run</b>	<b>Use Mix</b>	<b>Fiscal Impact</b>	<b>Change (from Original)</b>
<b>Original</b> , for approved Special Exception	Late 2015/Early 2016	112-145 Room Hotel	\$1,298,921 to \$2,071,115	NA
<b>Apples-to-Apples</b> (old model)	May 2017	72 Age-restricted Residential Units	\$1,014,099 to \$1,574,832	Reduction of \$285,000 to \$496,000
<b>Preliminary</b> (Amend) (updated model rates)	May 2018	72 Age-restricted Residential Units	\$818,578 to \$1,761,658	Reduction of \$310,000 to \$480,000
<b>Current</b> (Final) (Amend) (updated model rates)	June 2018	72 Age-restricted Residential Units	\$1,758,339 to \$2,094,167	Increase of \$23,052 to \$459,418

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As shown in the table above, the application as amended, based on latest model inputs, would provide a net fiscal benefit to the City of \$1,758,339 to \$2,094,167. The previous, May 2018 model run had a wide range that was driven by the sensitivity analysis in the fiscal impact model. However, based on the recent Broad & Washington project, City staff tightened this range by adjusting the sensitivity analysis factors.

**Special Exception Criteria/Analysis (Residential Development with Height Bonus)**

Per Sec. 48-455 of the Code, Council may, by special exception, allow residential development and a height bonus up to 30 feet for a mixed use development project in the



311 B-1 District, if the Council finds that the project is *exemplary* in terms of conformance  
312 with the criteria in Sec. 48-90(d)(1) and (2) of the Code, and that the bonus height shall  
313 significantly assist in conformance with Sec. 48-90(d)(2) and (3) of the Code. The  
314 Applicant's justification for how the application satisfies the Code criteria is part of the  
315 original special exception revised application/letter dated December 9, 2015 and new  
316 letter dated June 4, 2018 reflecting the subsequent special exception amendment request  
317 (Attachment 2).

318  
319 Sec. 48-90(d) (3) is a Code provision that allows for the City to establish conditions, as  
320 deemed necessary to protect the public interest while allowing a Special Exception for a  
321 height bonus. The Applicant's *Voluntary Concessions, Community Benefits, Terms and*  
322 *Conditions*, (amended) dated June 4, 2018 for the Mason Row project (Attachment 2),  
323 outlines commitments by the Applicant that further the application's compliance with the  
324 Code's Special Exception evaluation criteria and proposed amended special exception  
325 and use change.

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327 Currently, staff is initiating its review the Founders Row special exception amendment  
328 for conformance with city code and special exception provisions and criteria based upon  
329 the latest application materials received this week.

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331 **Site Plan (Founder Row)**

332 The applicant has submitted their site plan in advance of the final special exception  
333 amendment final consideration and action. The site plan reflects, in advance, the  
334 substitution of age-restricted multifamily residential in lieu of the hotel. Currently, staff  
335 is working with the applicant through the site plan review process to address site and  
336 development issues. This review includes the further refinement of key elements of the  
337 site plans and consistency with the original Mason Row special exception approved -  
338 conceptual development plans and architecture.

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340 **FISCAL IMPACT:**

341 The city's recently updated fiscal impact model estimates reflecting the latest  
342 resubmission for the proposed Mason Row (Founders Row) mixed use project reflecting  
343 the special exception amendment, which indicates a range of approximately \$1,758,339  
344 to \$2,094,167 in net annual revenue (Attachment 11).

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346 The staff fiscal modeling this week, reflects final adjustments to the final model standard  
347 factors and the latest development program data from the applicant that resulted in a  
348 positive increase (range) in future net annual revues of between \$23,052 to \$459,418,  
349 compared to a previous modelling decrease in net annual revenues of \$310,000 to  
350 \$480,000 (range). The updates to the Founders Row fiscal impact analysis and results are  
351 detailed in Attachments 11, 12 & 13).

352

353 **TIMING:**

354 Routine: At the City Council's June 11, 2018 meeting the special exception amendment  
355 application is recommended to be formally referral to the city boards, commissions,  
356 community organizations, general public and staff for review and comment. The City  
357 Council should schedule an advertised public hearing on August 13, 2018 for final

358 consideration with an interim work session on August 6, 2018 or before to receive final  
359 city boards, commissions, community organizations, public and staff review and  
360 comments.

361  
362 The Applicant's May and June 2018, updated and revised special exception application  
363 and supporting materials are attached for your review. The city web site also has the  
364 application booklet available on-line and a complete set of the application materials on-  
365 file in the reference section of the Mary Riley Styles Library and at City's Department of  
366 Development Services counter in Suite 101 at 400 North Washington Street, Falls  
367 Church, Virginia 22046 (Temporary City Hall).

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370 Attachments:

- 371 1. Revised Letter of Justification for Amendment to Resolution 2016-04 Special  
372 Exceptions to allow Mixed Use and Building Height bonus for Founders Row  
373 (Formerly "Mason Row"), dated June 6, 2018
- 374 2. Voluntary Concessions, Community Benefits, Terms and Conditions, Spectrum  
375 Development, L.L.C/Mason Row Amended June 4, 2018 ("Amended Voluntary  
376 Concessions").
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380 prepared by WDG Architecture.
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382 (Previously Mason Row), , dated May 15, 2018.
- 383 6. Trip Generation Analysis - Founders Row (formerly Mason Row), dated April 3,  
384 2017
- 385 7. Transportation Management Plan - Founders Row (formerly Mason Row), dated  
386 February 20, 2018
- 387 8. Parking Reduction and Parking Management Plan - Founders Row (formerly  
388 Mason Row), dated February 20, 2018
- 389 9. Notes of May 21, 2018 Work Session
- 390 10. Table - Mason Row (Founders Row) W. Broad and N. West Streets, Comparison  
391 of Development Program Changes, June 2018
- 392 11. Updated Founders Row Fiscal Impact Analysis, June 2018
- 393 12. Comparing Founders Row Net Annual Fiscal Impact Run Variables and Results,  
394 dated June 11, 2018
- 395 13. Comparing Special Exception Mixed Use Approvals and Proposed Founders  
396 Row, dated June 6, 2018
- 397 14. Resolution 2016-04, Mason Row Special Exception Approval, January 11, 2016

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TR18-32  
RESOLUTION 2016-04

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RESOLUTION AMENDING RESOLUTION 2016-04 TO GRANT A SPECIAL EXCEPTION FOR RESIDENTIAL USES WITHIN A MIXED USE DEVELOPMENT PROJECT AND TO INCREASE THE BUILDING HEIGHT WITH A BONUS OF THIRTY (30) FEET WITH A MAXIMUM HEIGHT OF EIGHTY- FIVE (85) FEET FOR A MIXED-USE DEVELOPMENT PROJECT ON APPROXIMATELY 4.3 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF 110, 112, 112A, 212 & 212A NORTH WEST STREET, 916, 920, 922, 924, 926, 928, 930, 932 & 934, WEST BROAD STREET AND 919, 921 & 925 PARK AVENUE (REAL PROPERTY CODE NUMBERS 51-202-009 THROUGH 51-202-015, 51-202-003, 51-202-004, 51-202-005, 51-202-028 AND 51-202-028 OUTLOT) KNOWN AS "MASON ROW" ON APPLICATION BY SPECTRUM DEVELOPMENT, LLC

WHEREAS, on May 12, 2003, City Council adopted Ordinance 1734, which amended Chapter 38, "Zoning", of the Code of the City of Falls Church to amend the special exception process within the business districts to allow for appropriate mixed-uses and additional height bonuses by special exception; and

WHEREAS, an application for a Special Exception to allow residential uses within a business district in a mixed-use development project and a Special Exception for a height bonus have been submitted by Spectrum Development, LLC ("the Applicant") pursuant to Section 48-455 (1), (2) in conformance with the procedure set forth in Section 48-90 of the City Code; and

WHEREAS, a concurrent application for a comprehensive plan map change, to the Future Land Use Plan Map as an amendment from "Business" and "Low-Density Residential (6.0)" to "Mixed Use" has been submitted by the Applicant pursuant to Section 17.06-07 of the City Charter and City Council approval is required as a prerequisite for the Special Exception; and

WHEREAS, a concurrent application for an Official Zoning Map change (Rezoning) to amend the map from B-3, general business district and R-1B, medium density residential district to all B-1, limited business district has been submitted by the Applicant pursuant to Section 48-85 in conformance with the procedure set forth in Section 48-86 of the City Code and City Council approval is required, as a prerequisite for the Special Exception; and

WHEREAS, the application proposes a development comprising a total building/floor area of approximately 558,707 gross square feet on approximately 4.3 acres of land and an increase in building height by up to thirty feet (30) feet to six (6) stories or maximum of 85 feet [instead of the B-1, business district fifty-five (55) foot height maximum]. The mixed-use development is proposing and a maximum of 322 multifamily residential rental apartment units, 72 multifamily age-restricted rental units a quality hotel, ~~"Hilton, Hyatt, Marriott or equal quality brand with~~

450 approximately ~~112 to 145~~ 150 rooms, a multi-screen 400 to 850-seat, minimum 6-  
451 screen to maximum 8-screen theater between 20,000 to 33,000 square feet and  
452 approximately 62,500 gross square feet of ground floor commercial  
453 retail/service/restaurant space facing internally along Mason Row (Mason Avenue  
454 and Market Square) and externally along West Broad Street and North West  
455 Street; of which at least 30 percent and a minimum of 20,000 gross square feet of  
456 the commercial square feet shall be food and beverage uses; approximately 5,317  
457 square feet of office; and  
458

- 459 5. WHEREAS, in order to achieve the development as proposed, the application  
460 requests a special exception for a height bonus and for the residential uses also  
461 within a mixed-use development project in a business district as shown in the  
462 Special Exception application, including the Conceptual Development Plan, dated  
463 December 9, 2015 which includes "Mason Row Mixed Use Project - Special  
464 Exception Application SUB 08; Supplemental Information and Elevation  
465 Updates", dated December 9, 2015; and as further modified under the amendment  
466 by Voluntary Concessions, Community Benefits, Terms and Conditions,  
467 Spectrum Development, L.L.C/Mason Row Amended June 4, 2018 ("Amended  
468 Voluntary Concessions"); Conceptual Development Plan ("Amended CDP")  
469 dated June 6, 2018 as prepared by Walter L. Phillips, Inc.; Architectural  
470 Elevation Drawings ("Amended Elevations") dated May 16, 2018 as prepared by  
471 WDG Architecture; Special Exception Amendment (Booklet) - Founders Row  
472 Mixed Use Project (Previously Mason Row), dated May 15, 2018, and  
473

474 WHEREAS, the applications for the special exception and associated Comprehensive Plan and  
475 Official Zoning Map changes, have also been referred to various citizen boards  
476 and commissions for public review and comment; and  
477

478 WHEREAS, the application for the special exception and associated Comprehensive Plan and  
479 Official Zoning Map changes, has been referred to the Planning Commission,  
480 which conducted a public hearing and recommended to the City Council, and this  
481 recommendation has been received and considered; and  
482

483 WHEREAS, City Council has duly advertised and conducted a public hearing to receive public  
484 comment on the application for this special exception with a public hearing held  
485 on July 13, 2015, December 14, 2015 and January 11, 2016;  
486

487 WHEREAS, City Council has considered the application, the requirements of Section 48-90  
488 and Section 48-455 (1), (2) of the City Code, the recommendation of the Planning  
489 Commission, comments from boards and commissions, and public comments; and  
490

491 WHEREAS, City Council considered the subject properties' unique characteristics and the  
492 community benefits derived as a result of the proposed development, and  
493 determined that this particular project is acceptable for these parcels at this time,  
494 with the understanding that a similar project might not be appropriate on other  
495 parcels; and

496  
497 WHEREAS, City Council considered state law regarding special exceptions, specifically, that  
498 special exceptions may be granted by the local governing body subject to  
499 conditions pursuant to Code of Virginia Sec. 15.2-2286(A)(3) that allows their  
500 issuance "under suitable regulations and safeguards" and that each special  
501 exception case shall rest on its own merits and the uniqueness of each piece of  
502 land; and in particular, that the ratio of commercial and residential uses approved  
503 herein are unique to this site; and  
504

505 WHEREAS, City Council also considered the public interest in improving the subject property  
506 as part of overall economic development efforts to stimulate commercial  
507 redevelopment and enhance the commercial tax base to support City services; and  
508

509 WHEREAS, the Developer has submitted the "Voluntary Concessions, Community Benefits,  
510 Terms and Conditions" dated January 7, 2016 and as further modified under the  
511 amendment, dated June 4, 2018 to the City in order to further ensure consistency  
512 with the City of Falls Church's adopted Comprehensive Plan and policies and in  
513 support of the special exception; and  
514

515 WHEREAS, City Council finds that the proposed project has met the primary  
516 criteria as listed in Section 48-90, (d), (1) a, b and c of the Falls Church City Code  
517 as follows: 1) the resulting development conforms with the City's adopted  
518 Comprehensive Plan and Design Guidelines; 2) the resulting development  
519 provides for significant net new commercial square footage and allows a mix of  
520 commercial and residential uses; and 3) the resulting development provides  
521 substantial positive net new commercial and residential revenue to the City; and  
522

523 WHEREAS, City Council finds that the proposed project provides significant community  
524 benefits, including, but not limited to the following:  
525

- 526 • important, large assemblage and consolidation of numerous individually-  
527 owned properties;
- 528 • Structured garage parking, below-grade, at-grade and above grade;
- 529 • preferred ~~hotel~~ and theater use ~~uses~~ and ground level storefront commercial  
530 space including Mason Row - Market Square and Mason Lane festival space;
- 531 • various community benefits including affordable housing, age-restricted  
532 housing, school capital cost contributions and vicinity street and transportation  
533 facility improvements;
- 534 • planned streetscape improvements on West Broad and North West Streets;
- 535 • financial contributions and in-kind improvements to benefit vicinity off-site  
536 recreational park and W&OD Trail improvements;
- 537 • undergrounding of overhead utilities off-site on N. West Street;
- 538 • transportation related public street and pedestrian facility crossing  
539 improvements;
- 540 • sustainable LEED Silver or equivalent buildings for the residential portions of  
541 the project ~~and LEED or equivalent for hotel~~; and

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WHEREAS, the commercial height bonus of up to 30 feet for the mixed-use development as generally shown in the Special Exception application, which includes the Conceptual Development Plan, dated December 9, 2015, which includes “Mason Row Mixed Use Project - Special Exception Application SUB 08; Supplemental Information and Elevation Updates”, dated December 9, 2015 and as further modified under the amendment by the Conceptual Development Plan (“Amended CDP”) dated June 6, 2018 as prepared by Walter L. Phillips, Inc.; Architectural Elevation Drawings (“Amended Elevations”) dated May 16, 2018 as prepared by WDG Architecture; Special Exception Amendment (Booklet) - Founders Row Mixed Use Project (Previously Mason Row), , dated May 15, 2018 shall be permitted as City Council finds that the bonus shall significantly assist in the conformance with Section 48-90 (d) (1) a, b and c of the City Code, and

WHEREAS, this resolution further modifies the original approved resolution 2016-06 to reflect a change in use with the removal of the required hotel and the substitution of no more than 72 age-restricted multifamily residential rental units and as generally shown an reflected in the 2017-2018 special exception amendment application, including the Conceptual Development Plan (“Amended CDP”) dated June 6, 2018 as prepared by Walter L. Phillips, Inc.; Architectural Elevation Drawings (“Amended Elevations”) dated May 16, 2018 as prepared by WDG Architecture; Special Exception Amendment (Booklet) - Founders Row Mixed Use Project (Previously Mason Row), dated May 15, 2018, and supplemental updated transportation, traffic and parking studies, and

NOW, THEREFORE it is hereby RESOLVED by the City Council of the City of Falls Church, Virginia, that in conjunction with the associated comprehensive plan map amendment and associated rezoning action and in consideration whereof, pursuant to Sections 48-90 and 48-455 of the Falls Church City Code, that the Special Exception for residential use within the proposed mixed-use development project and height bonus within the mixed-use development project is hereby granted and approved, subject to the following conditions:

1. The Developer’s Voluntary Concessions, Community Benefits, Terms and Conditions Mason Row (“Broad and West”) Development, dated January 7, 2016, and as further modified under the amendment, dated June 4, 2018 (“voluntary concessions”), for Special Exception for Residential Development and Height Bonus for a Mixed Use Development at the subject site, and all the terms and conditions thereof, shall be a condition for the issuance and approval of the Special Exception; and the City Manager is hereby authorized and directed to execute the voluntary concessions on behalf of the City; and
2. The development of the site shall be in conformance with the Special Exception Application dated July 24, 2015 and Conceptual Development Plans, dated December 9, 2015, which includes “Mason Row Mixed Use Project - Special Exception Application SUB 08; Supplemental Information

588 and Elevation Updates”, dated December 9, 2015 and as further modified by  
589 the VCs dated January 7 11, 2016 [*updated Voluntary Concessions presented*  
590 *at meeting*]; and as further modified under the amendment by the updated  
591 Voluntary Concessions, Community Benefits, Terms and Conditions,  
592 Spectrum Development, L.L.C/Mason Row Amended June 4, 2018  
593 (“Amended Voluntary Concessions”); Conceptual Development Plan  
594 (“Amended CDP”) dated June 6, 2018 as prepared by Walter L. Phillips, Inc.;  
595 Architectural Elevation Drawings (“Amended Elevations”) dated May 16,  
596 2018 as prepared by WDG Architecture; Special Exception Amendment  
597 (Booklet) - Founders Row Mixed Use Project (Previously Mason Row), dated  
598 May 15, 2018; and  
599

- 600 3. Construction of this project shall commence within three (3) years from date  
601 of adoption of this resolution (2016-04) or (18) months from date of adoption  
602 of TR18-00; and  
603  
604 4. Violation of any of the conditions of this Special Exception, including any of  
605 the voluntary concessions, shall be grounds for revocation of the Special  
606 Exception by City Council.  
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608  
609 Council referral: August 11, 2014; Re-referral April 13, 2015; Re-referral September 8,  
610 2015. Referral 6-11-18 (Amendment)

611 Adoption: 1-11-16  
612 (TR14-28) (TR18-32) Amendment  
613

614  
615 Voluntary Concessions dated January 11, 2016 ATTACHED and;  
616 Voluntary Concessions dated June 4, 2018 ATTACHED  
617

618 IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of  
619 Falls Church, Virginia on January 11, 2016 as Resolution 2016-04.  
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625 Celeste Heath  
626 City Clerk  
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