

**City of Falls Church**

<p>Meeting Date:  7-13-15</p>	<p><b>Title:</b> RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF FALLS CHURCH, VIRGINIA, TO CHANGE THE DESIGNATION OF APPROXIMATELY 4.3 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF 110, 112, 112A, 212 &amp; 212A NORTH WEST STREET, 916, 920, 922, 924, 926, 928, 930, 932 &amp; 934, WEST BROAD STREET AND 919, 921 &amp; 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) FROM “BUSINESS” AND “LOW DENSITY RESIDENTIAL (6.0)” TO “MIXED USE” ON THE CITY’S FUTURE LAND USE PLAN MAP, ON APPLICATION BY SPECTRUM DEVELOPMENT, LLC. <b>(TR14-29)</b></p> <p><b>Title:</b> AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF FALLS CHURCH, VIRGINIA, BY REZONING A TOTAL OF APPROXIMATELY 3.13 ACRES OF LAND A PORTION FROM B-3, GENERAL BUSINESS DISTRICT (APPROXIMATELY 2.11 ACRES) AND A PORTION FROM R-1B, MEDIUM DENSITY RESIDENTIAL DISTRICT (APPROXIMATELY 1.02 ACRES) TO B-1, LIMITED BUSINESS DISTRICT FOR THE COMMERCIAL PROPERTIES AT, 110, 112, 112A, 212 &amp; 212A NORTH WEST STREET, 928, 930, 932 &amp; 934 WEST BROAD STREET AND RESIDENTIAL PROPERTIES AT 919, 921 &amp; 925 PARK AVENUE (REAL PROPERTY CODE NUMBERS 51-202-009 THROUGH 51-202-015, 51-202-028 AND 51-202-028 OUTLOT, KNOWN AS “MASON ROW” ON APPLICATION BY SPECTRUM DEVELOPMENT, LLC. <b>(TO14-28)</b></p> <p><b>Title:</b> RESOLUTION 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 &amp; 212A NORTH WEST STREET, 916, 920, 922, 924, 926, 928, 930, 932 &amp; 934, WEST BROAD STREET AND 919, 921 &amp; 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. <b>(TR14-28)</b></p>	<p>Agenda No.:</p> <p>10 (a) (1)</p> <p>10 (a) (2)</p> <p>10 (a) (3)</p>
---------------------------------------	---	--

Proposed Motion: **MOVE** to defer the advertised public hearing and second reading to a date to be scheduled once the revised Mason Row application is re-submitted.

City Council may allow interested public to speak on the applicant’s requested deferral in July 13, 2015.

Originating Dept. Head: James Snyder, Director of Development Services <b>JBS 7-9-15</b> 703-248-5128 Gary H. Fuller, AICP, Principal Planner 703-248-5039 <b>GHF 7-9-15</b> Akida Rouzi, Planner 703-248-5104 <b>AR 7-8-15</b>		Disposition by City Council:
City Manager: Wyatt Shields 703.248.5004 <b>FWS 7-8-15</b>	City Attorney: Carol McCoskrie 703.248.5010 <b>CWM 07-08-2015</b>	CFO: Richard LaCondre 703.248.5092 <b>RAL 7-08-15</b>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**REQUEST:** The City Council is requested to defer the advertised public hearing and second reading to a date to be scheduled when the applicant submits its latest revised conceptual plans and supporting application materials.

**RECOMMENDATION:** Staff recommends approval of the motion to defer. Currently staff is waiting for the applicant’s new Mason Row resubmission (6<sup>th</sup> submission) anticipated in July 2015.

**BACKGROUND:**  
First Reading of the proposed Mason Row mixed-use project was granted on April 13, 2015 and associated Resolutions (TR14-29)/(TR14-28), and Ordinance (TO14-28) were officially referred to city boards, commissions and community organizations with a second reading scheduled for July 13, 2015.

Subsequently the applicant has added a residential partner Mill Creek and substantially revised the proposed Mason Row mixed-use project conceptual plans and supporting documents. Previous boards, commission and community organization reviews were largely incomplete due to the proposed Mason Row conceptual plan and architectural and supporting documents being under revision and not being in final form. The Planning Commission advertised public hearing was continued as final conceptual plan and supporting application documents were unavailable.

24 In March of 2014, the Applicant had filed the initial application for the proposed Mason  
25 Row mixed-use project followed by subsequent revisions in July and August 2014. In  
26 early February of 2015, the Applicant refiled their application package (4<sup>th</sup> submission)  
27 with a revised conceptual development plan, architectural plans and supporting  
28 documents in response to comments by the public, boards, commissions, community  
29 organizations and staff, provided during the review process following the August 2014  
30 submission through Spring 2015. An April 8, 2015 resubmission (5<sup>th</sup> submission) was  
31 given a new First Reading on April 13, 2015 and a July 13, 2015 Second Reading date  
32 set.

33

34 The *Voluntary Concessions, Community Benefits, Terms and Conditions* and fiscal  
35 impact calculation have not been updated and remain as provided with the April 8<sup>th</sup>  
36 resubmission (5<sup>th</sup> submission) and First Reading, and January 30, 2015 dated copy  
37 represents the latest version of the documents at this time.

38

39 **Land Use/Zoning Actions Required:**

40 The land used actions required remain unchanged from the prior application. The  
41 current application (5<sup>th</sup> submission) reflects the added property at 916 W. Broad Street  
42 and the revised Conceptual Development Plan (CDP) with the development program  
43 and use changes. The application is in support of the proposed Mason Row mixed-use  
44 project that requires legislative action by the City Council with mandatory  
45 recommendations by the Planning Commission:

46

- 47 1. **Comprehensive Plan Amendment** - “*Business & Low Density Residential*  
48 (*6.0*)” change to “*Mixed –Use*”;
- 49 2. **Rezoning** - Zoning Map Amendment, (B-3 and R-1B zoning districts all  
50 rezoned to B-1);
- 51 3. **Special Exception** - Residential development within a mixed-use development;
- 52 4. **Special Exception** - 30-foot Building Height Bonus for the proposed 85 foot  
53 high buildings.

54

55 In addition, formal action(s) that may be required based upon an initial staff review of  
56 the application and conceptual development plans may include:

57

- 58 5. **Variance** by the Board of Zoning Appeals – Allow commercial vehicles to  
59 back-out onto a public street, where otherwise prohibited [*Ref. Section 48-933*  
60 (*b*), (*1*) *city code*]. Trash-Pick-up proposed on N. West Street for proposed  
61 Hotel.

62

63 Staff anticipates a schedule in which the application may be ready for consideration of  
64 Second Reading/Final Public Hearing by City Council on November 23, 2015 or  
65 December 14, 2015. This would allow for board, commission, community

66 organizations and staff review through September and a reporting of recommendations  
67 to City Council in a subsequent work session in October with any final Applicant  
68 revisions and conceptual plans and supporting documents in final form for action in  
69 November 2015. Staff will also schedule a work session in the coming weeks for the  
70 Applicant to present its latest revised Mason Row application (6<sup>th</sup> submission).

71  
72 **FISCAL IMPACT:** Preliminary fiscal impact modeling of the February 2015  
73 application (4<sup>th</sup> submission) indicates that the proposed mixed-use project is projected  
74 to generate a positive fiscal impact within a range of \$1,871,797 to \$2,571,767 in net  
75 revenues annually.

76  
77 **TIMING:** Deferral and continuation of the July 13, 2015 Public Hearing/Second  
78 Reading and referral to boards and commissions is recommended on July 13<sup>th</sup>. A new,  
79 Second Reading and final Public Hearing date may be set for November or December  
80 2015, depending on the timing and completeness of the latest anticipated re-submission  
81 by the Applicant in July 2015.

82  
83 This schedule would allow for:

- 84
- 85 • Referral of, and comment on, the latest conceptual plans/supporting application  
86 documents and the subject ordinance and resolutions - by the Planning  
87 Commission, Architectural Advisory Board, Economic Development Authority,  
88 Housing Commission, Environmental Services Commission, Tree Commission,  
89 Citizens Advisory Committee on Transportation, and Recreation Parks  
90 Advisory Board; Greater Falls Church Chamber of Commerce and Village  
91 Preservation and Improvement Society (VPIS) (August/September);
  - 92 • Staff review and comment on the application materials to be submitted in July  
93 2015;
  - 94 • Planning Commission Public Hearing and formal recommendation to City  
95 Council.(September/October);
  - 96 • Receipt, consolidation and summary of public and staff comments to be  
97 reported to City Council in a future work session. Then final guidance given to  
98 the applicant regarding the proposed Mason Row project and any further  
99 revisions (October/November);
  - 100 • Resubmission of relevant application materials by the applicant that responds  
101 to the final comments of the staff, boards and commissions, public and City  
102 Council (October/November); and
  - 103 • Second Reading/Final Public Hearing by City Council (November/December).
- 104  
105

106 For your reference the previous and current April 13, 2015 application materials and  
107 plans are available on the City's website at following link:  
108 [www.fallschurchva.gov/masonrow](http://www.fallschurchva.gov/masonrow)

109  
110  
111  
112  
113  
114  
115  
116  
117

[Ordinance and Resolutions on following pages]

118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148

(TR14-29)

149  
150  
151  
152

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE  
CITY OF FALLS CHURCH, VIRGINIA, TO CHANGE THE

153 DESIGNATION OF APPROXIMATELY 4.3 ACRES OF LAND  
154 LOCATED AT THE NORTHEAST CORNER OF 110, 112, 112A, 212 &  
155 212A NORTH WEST STREET, 916, 920, 922, 924, 926, 928, 930, 932 &  
156 934, WEST BROAD STREET AND 919, 921 & 925 PARK AVENUE  
157 (REAL PROPERTY CODE NUMBERS 51-202-009 THROUGH 51-202-  
158 015, 51-202-003, 51-202-004, 51-202-005, 51-202-028 AND 51-202-028  
159 OUTLOT) FROM “BUSINESS” AND “LOW DENSITY RESIDENTIAL  
160 (6.0)” TO “MIXED USE” ON THE CITY’S FUTURE LAND USE PLAN  
161 MAP, ON APPLICATION BY SPECTRUM DEVELOPMENT, LLC.  
162

163 WHEREAS, the current Comprehensive Plan was adopted in 2005; and  
164

165 WHEREAS, the subject property, approximately 4.3 acres of land located at 110, 112,  
166 112A, 212 and 212A North West Street, 916, 920, 922, 924, 926, 928, 930,  
167 932 and 934, West Broad Street and 919, 921 and 925 Park Avenue (Real  
168 Property Code Numbers 51-202-009 through 51-202-015, 51-202-003, 51-  
169 202-004, 51-202-005, 51-202-028 and 51-202-28 OUTLOT) was  
170 designated as “Business” and “Low Density Residential (6.0)” on the  
171 Future Land Use Map; and  
172

173 WHEREAS, the applicant, Spectrum Development, LLC, has submitted an application  
174 for a Comprehensive Plan amendment to change the designation of the  
175 subject property from “Business” and “Low Density Residential (6.0)” to  
176 “Mixed Use” pursuant to the procedure set forth in Section 17.06 of the  
177 City Charter; and  
178

179 WHEREAS, the request for the Comprehensive Plan amendment is accompanied by a  
180 request for a special exception to permit residential use and height bonus  
181 for a mixed use development on the subject property, which is being  
182 considered in Resolution TR14-28, but the Comprehensive Plan  
183 amendment will be in effect independent of Resolution TR14-28; and  
184

185 WHEREAS, the application to amend the Comprehensive Plan meets two of the three  
186 criteria as established by the Planning Commission Rules of Procedure for  
187 Comprehensive Plan amendments, specifically that “the adopted plan  
188 contains provisions which unreasonably limit the ability of the City to  
189 achieve the objectives of the plan” and oversights or inconsistencies are  
190 contained in the adopted plan as they affect the area of concern; and  
191

192 WHEREAS, land use inconsistencies in the adopted Comprehensive Plan and Future  
193 land Use Plan Map designation directly affect and limit the opportunity to  
194 encourage land consolidation, new commercial construction in order to  
195 allow larger scale and mixed use redevelopment envisioned in the  
196 Comprehensive Plan for this area; and  
197

198 WHEREAS, the Comprehensive Plan recommends mixed use, and new larger scale,  
199 higher density redevelopment in Area 3 – West Street/West Broad Street,

200 Planning Opportunity Area, parcel consolidation, vehicular entrance  
201 consolidation, retail uses on the first floor of buildings on W. Broad Street,  
202 retail consolidation of individual uses/lots, streetscape and pedestrian  
203 orientation,; and  
204

205 WHEREAS, various City board and commissions reviewed the Comprehensive Plan  
206 map amendment at public meetings and provided advisory comments; and  
207

208 WHEREAS, the Planning Commission held a [DATE] public hearing to discuss the  
209 Comprehensive Plan amendment; and  
210

211 WHEREAS, the Planning Commission recommended [insert] of the Comprehensive  
212 Plan map amendment at its [DATE] public hearing; and  
213

214 WHEREAS, the City Council held public hearings on August 11, 2014, April 13, 2015  
215 Jand \_\_\_\_\_ 2015; and  
216

217 WHEREAS, the public has commented via e-mail, written statements, and oral  
218 statements at the Planning Commission and City Council public hearings;  
219 and  
220

221 NOW, THEREFORE, it is hereby RESOLVED by the City Council of the City of Falls  
222 Church, Virginia, that the request to change the designation of  
223 approximately 4.3 acres of land located at 110, 112, 112A, 212 and 212A  
224 North West Street, 916, 920, 922, 924, 926, 928, 930, 932 and 934) West  
225 Broad Street and 919, 921 and 925 Park Avenue from “Business” and  
226 “Low Density Residential (6.0)” to “Mixed Use” on the City’s  
227 Comprehensive Plan’s Future Land Use Plan Map is granted.  
228

229 Council referral: August 11, 2014; Re-referral April 13, 2015  
230 Adoption: \_\_\_\_\_  
231 (TR14-29)  
232  
233  
234  
235  
236  
237  
238  
239  
240

ORDINANCE TO14-28

243 AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP  
244 OF THE CITY OF FALLS CHURCH, VIRGINIA, BY REZONING A TOTAL  
245 OF APPROXIMATELY 3.13 ACRES OF LAND A PORTION FROM B-3,  
246 GENERAL BUSINESS DISTRICT (APPROXIMATELY 2.11 ACRES) AND

247 A PORTION FROM R-1B, MEDIUM DENSITY RESIDENTIAL DISTRICT  
 248 (APPROXIMATELY 1.02 ACRES) TO B-1, LIMITED BUSINESS DISTRICT  
 249 FOR THE COMMERCIAL PROPERTIES AT, 110, 112, 112A, 212 & 212A  
 250 NORTH WEST STREET, 928, 930, 932 & 934 WEST BROAD STREET AND  
 251 RESIDENTIAL PROPERTIES AT 919, 921 & 925 PARK AVENUE (REAL  
 252 PROPERTY CODE NUMBERS 51-202-009 THROUGH 51-202-015, 51-202-  
 253 028 AND 51-202-028 OUTLOT, KNOWN AS "MASON ROW" ON  
 254 APPLICATION BY SPECTRUM DEVELOPMENT, LLC.

255  
 256 THE CITY OF FALLS CHURCH HEREBY ORDAINS THAT the Official Zoning  
 257 District Map of the City of Falls Church, Virginia, is amended upon application of  
 258 Spectrum Development, LLC by rezoning of the following described property from  
 259 B-2, General Business District and R-1B, Medium Density Residential District, to  
 260 B-1 Limited Business District, to be developed only in accordance with the associated  
 261 Special Exception under TR14-28, approved by the City Council on \_\_\_\_\_, 2015,  
 262

263 Description of the combined properties in the City of Falls Church to be rezoned  
 264 from B-3 and R-1B to B-1 and incorporating the existing B-1 properties in the  
 265 area and total:  
 266

267  
 268  
 269 **Written Metes & Bounds Description of the Property**  
 270

271  
 272 "Beginning at a point at the intersection of the east right-of-way line of North West  
 273 Street, with the north right-of-way line of West Broad Street - route 7; thence with the  
 274 east right-of-way line of North West Street, N 09° 13' 26" W, 29.01 feet to a point;  
 275 thence N 38° 30' 51" E, 178.09 feet to a point; thence 60.44 feet with the arc of a curve  
 276 bearing to the right and having a radius of 58.67 feet (tangent length 33.21 feet, chord  
 277 length 57.80 feet, chord bearing N 68° 01' 31" E) to a point; thence N 07° 25' 53" E,  
 278 3.10 feet to a point; thence S 82° 35' 03" E, 246.68 feet to a point; thence N 39° 34' 57"  
 279 E, 5.19 feet to a point in the south right-of-way line of Park Avenue; thence with the  
 280 south right-of-way line of Park Avenue, S 51° 38' 12" E, 274.19 feet to a point, said  
 281 point being the northwest corner of D.J. Brown's property - lot 2; thence with lot 2, S  
 282 38° 14' 37" W, 214.11 feet to a point; thence S 47° 30' 23" E, 28.01 feet to a point, said  
 283 point being a corner of now-or-formerly most reverend Thomas E. Welsh; thence with  
 284 now-or-formerly most Reverend Thomas E. Welsh, S 03° 19' 37" W, 47.55 feet to a  
 285 point; thence S 39° 50' 37" W, 144.17 feet to a point in the north right-of-way line of  
 286 West Broad Street - route 7; thence with the north right-of-way line of West Broad  
 287 Street - route 7, N 51° 42' 23" W, 97.30 feet to a point; thence N 39° 09' 37" E, 14.80  
 288 feet to a point; thence N 51° 23' 30" W, 446.79 feet to the point of beginning and  
 289 containing an area of 188,137 square feet, or 4.3190 acres, more or less."  
 290

291  
 292 1st Reading: 4-13-15

293 2nd Reading:

294 (TO14-28)

295

296

297

298

TR14-28

299

300

RESOLUTION 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

301

302

303

304

305

306

307

308

309

310

311

312

313

314

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

315

316

317

318

319

320

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

321

322

323

324

325

326

327

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

328

329

330

331

332

333

334

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

335

336

337

338

339

340

341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387

WHEREAS, the application proposes a development comprising a total building/floor area of approximately 573,421 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 340 multifamily residential rental apartment units, a hotel, “Home2 Suites by Hilton” with approximately 150 rooms, a multi-screen 776-seat theater of approximately 48,391 square feet and approximately 60,581 gross square feet of ground floor commercial retail/service/restaurant space facing internally along Mason Row (Mason Lane and Market Square) and externally along West Broad Street and North West Street; of which at least 30 percent of the commercial square feet shall be food and beverage uses; and

WHEREAS, in order to achieve the development as proposed, the application requests a special exception for a height bonus and for the residential uses also within a mixed-use development project in a business district as shown in the Special Exception application, including the Conceptual Development Plan, dated April 4, 2015, 2015; and

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

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

WHEREAS, City Council has duly advertised and conducted a public hearing to receive public comment on the application for this special exception with a public hearing held on July 13, 2015; and

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

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

388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434

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

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

WHEREAS, the Developer has submitted the "Voluntary Concessions, Community Benefits, Terms and Conditions" dated \_\_\_{TBD}, 2015 to the City in order to further ensure consistency with the City of Falls Church's adopted Comprehensive Plan and policies and in support of the special exception; and

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

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

- important, large assemblage and consolidation of numerous individually-owned properties;
- Structured garage parking, below-grade, at-grade and above grade;
- preferred hotel and theater uses and ground level storefront commercial space including Mason Row - Market Square and Mason Lane festival space;
- various community benefits including affordable housing, school capital cost contributions and vicinity street and transportation facility improvements;
- planned streetscape improvements on West Broad and North West Streets;
- financial contributions and in-kind improvements to benefit vicinity off-site recreational park and W&OD Trail improvements;
- undergrounding of overhead utilities off-site on N. West Street;

- 435 • transportation related public street and pedestrian facility crossing
- 436 improvements;
- 437 • sustainable LEED Silver buildings for the residential portions of the
- 438 project and LEED or equivalent for hotel; and
- 439

440 WHEREAS, the commercial height bonus of up to 30 feet for the mixed-use  
441 development as generally shown in the Special Exception application,  
442 which includes the Conceptual Development Plan, dated April 8, 2015,  
443 shall be permitted as City Council finds that the bonus shall significantly  
444 assist in the conformance with Section 48-90 (d) (1) a, b and c of the  
445 City Code, and

446  
447 NOW, THEREFORE it is hereby RESOLVED by the City Council of the City of Falls  
448 Church, Virginia, that in conjunction with the associated comprehensive  
449 plan map amendment and associated rezoning action and in  
450 consideration whereof, pursuant to Sections 48-90 and 48-455 of the  
451 Falls Church City Code, that the Special Exception for residential use  
452 within the proposed mixed-use development project and height bonus  
453 within the mixed-use development project is hereby granted and  
454 approved, subject to the following conditions:

- 455 1. The Developer's Voluntary Concessions, Community Benefits,  
456 Terms and Conditions Mason Row ("Broad and West")  
457 Development, dated \_\_\_\_ {TBD}, 2015 ("voluntary concessions"),  
458 for Special Exception for Residential Development and Height  
459 Bonus for a Mixed Use Development at the subject site, and all the  
460 terms and conditions thereof, shall be a condition for the issuance  
461 and approval of the Special Exception; and the City Manager is  
462 hereby authorized and directed to execute the voluntary concessions  
463 on behalf of the City; and
- 464 2. The development of the site shall generally be in accordance with the  
465 Special Exception Application dated April 8, 2015 and Conceptual  
466 Development Plans, dated April 8, 2015 and revised through {Date  
467 TBD}, 2015; and
- 468 3. Construction of this project shall commence within three (3) years  
469 from date of adoption of this resolution; and
- 470 4. Violation of any of the conditions of this Special Exception,  
471 including any of the voluntary concessions, shall be grounds for  
472 revocation of the Special Exception by City Council.
- 473
- 474
- 475
- 476
- 477
- 478

479 Council referral: August 11, 2014; Re-referral April 13, 2015  
480 Reading:  
481 Adoption:

482 (TR14-28)

483

484

485 \* Voluntary Concessions TO BE ATTACHED