



## **McLean Citizens Association Resolution**

**JRS@TYSONS, LLC**

**(RZ 2018-PR-010)**

**July 3, 2020**

**Whereas**, on or about February 19, 2020, a Rezoning Application (the “Application”), was filed on behalf of jrs@tysons, LLC (the “Applicant”) for 1.1 acres identified as Fairfax County Tax Map Parcels 0294 02-0021, 0021A and 0022, also known as JR Stockyards (the “Subject Property”); and

**Whereas**, the Subject Property is located at 8130 Watson Street, McLean, VA 22102, between Watson Street and International Drive, and is part of the South Tysons Central 123 Subdistrict, Subarea 5; and

**Whereas**, the Application requests re-zoning of the property from C-5 Neighborhood Retail Commercial District to PTC Planned Tysons Corner Urban District; and

**Whereas**, the Application includes a Statement of Justification, Conceptual Development Plan (the “CDP”) and Proffer Statement (collectively, the “Justification and Plan”); and

**Whereas**, the Application proposes the development of a single tower (the “Building”) of 26 stories, for a maximum of 270 feet (i.e. 225 feet base plus additional height to accommodate the 20% WDU bonus density) with a thirty foot parapet to screen mechanical equipment above the roof level; and

**Whereas**, the Application proposes that the Building include 220 to 244 residential units consisting of 301,314 square feet of gross building floor area, including 3,000 square feet of ground floor non-residential space, and three and one-half levels of below-grade parking with approximately 325 parking spaces and two loading spaces; and

**Whereas**, the Application is in general conformance with the adopted Comprehensive Plan for Tysons (the “Comprehensive Plan”) including the “Guiding Planning Principles” to transform the area into an urban mixed-use neighborhood; and

**Whereas**, the Application includes a professional study with transportation operational analysis that the proposed development would not result in substantial additional impact on the overall level of traffic service or incremental delays at signalized intersections; and

**Whereas,** the Application proposes a very significant 89% deviation from the minimum district size of ten acres set forth in Zoning Ordinance Section 6-506(1) (the “District Size Requirement”); and

**Whereas,** the Application states that the Applicant has sought but has been unable to acquire adjacent properties in order to comply with the District Size Requirement; and

**Whereas,** the Applicant’s inability to date to acquire adjacent properties is in itself insufficient justification for so significant a deviation from the District Size Requirement; and

**Whereas,** the Application provides landscaping with publicly accessible park and plaza areas and private amenity areas, the coordinated development of the Subject Property and the adjacent properties would be more consistent with the Comprehensive Plan’s stated objectives for more efficient land use patterns, and provision of a green network of parks and open space; and

**Whereas,** the Application seeks a waiver of the Zoning Ordinance requirement for four loading docks and instead proposes two loading docks (the “Loading Dock Requirement”); and

**Whereas,** the Application has not provided a sufficient justification for the significant deviation from the Loading Dock Requirement; and

**Whereas,** the Application proposes a thirty foot parapet and thus seeks a waiver of the Zoning Ordinance requirement requiring projections of parapet or cornice not to exceed three feet to screen mechanical equipment above roof level (the “Parapet Height Limitation”); and

**Whereas,** the Application has not provided a sufficient justification for the significant deviation from the Parapet Height Limitation; and

**Whereas,** the Application proposes to implement storm water management measures consistent with its conceptual development plan; and

**Whereas,** the Application mentions a substantial number of alternative storm water management measures that it states that it may utilize; and

Whereas, the Application has not provided sufficient details for the storm water management measure it will utilize;

**Whereas,** the Application proposes that trees located within the street right-of-way and above any percolation trench or bio-retention area count toward the 10-year tree canopy requirement; and

**Whereas,** the Application agrees to replace removed trees on-site as determined by the Urban Forestry Management Division to sustain the 10-year canopy; and

**Whereas,** the Application has not provided a sufficient justification for such request regarding the 10-year tree canopy requirement; and

**Whereas,** the Application proposes 45 feet of additional height to accommodate the twenty percent workforce dwelling units (“WDUs”) bonus density; and

**Whereas,** the Comprehensive Plan provides that affordable housing including WDUs should be a vital element in high density and mixed use development projects within Tysons; and

**Whereas,** the Application provides as part of its proffers that the Applicant will provide WDUs on the Subject Property in accordance with the Board of Supervisor’s Tysons Corner Urban Center

Workforce Dwelling Unit Administrative Policy Guidelines dated June 22, 2010 (the “Guidelines”), it also provides that such units may be transferred to other, unspecified property(ies) offsite in Tysons; and

**Whereas**, for a public school contribution, the Applicant has proffered to contribute \$12,262 per expected student to the Fairfax County School Board for capital construction and capacity enhancements to schools that serve the Subject Property, such contribution to be made on or before the issuance of the first Residential Use Permit based on the actual number of residential units in the Building; and

**Whereas**, Fairfax County Public Schools, Office of Facilities Planning Services, in a memorandum dated December 18, 2018 regarding another application stated that, in light of the existing and expected overcrowding of schools that serve Tysons student due to known and future redevelopment applications, “A proffer contribution at the time of occupancy is not recommended since this does not allow the school system adequate time to use the proffer contribution to offset the impact of new students” and recommended in lieu, that proffer payments “occur at the time of site plan or first building permit approval”; and

**Now, therefore, be it resolved** that the McLean Citizens Association **Opposes** the Application, but recommends that the Applicant re-submit its Application with the following considerations:

- 1) as part of a consolidated plan for development together with adjoining property owners including, for example, to better achieve the Comprehensive Plan’s objectives for more efficient land use patterns and the provision of a green network of parks and open space; and
- 2) to provide for greater conformance with the District Size Requirement, the Loading Dock Requirement, the Parapet Height Limitation and the 10-year tree canopy requirement; and
- 3) to provide more specificity as to how storm-water management measures will meet volume reductions and overall LEED credits, in conformance with their conceptual development plan; and
- 4) consistent with the Guidelines permitted flexibility for WDUs siting, the Applicant should be requested to the extent reasonably possible to provide more specificity as to location(s) for the WDUs, either in the Building or one or more specific locations within Tysons; and
- 5) to require the school proffer contribution at the time of site plan or first building permit approval, rather than the issuance of the first Residential Use Permit, as a way to help mitigate current school overcrowding, and consistent with the recent approvals of The Mile, The View and the two Spring Hill project applications.

*Approved by the Executive Committee of the McLean Citizens Association*

*July 3, 2020*

---

McLean Citizens Association, P.O. Box 273, McLean, VA 22101

Cc: Dalia Palchik, Providence District Supervisor  
John Foust, Dranesville District Supervisor  
Phillip Niedzielski-Eichner, Providence Planning Commissioner  
John Ulfelder, Dranesville Planning Commissioner  
Clerk to the Board of Supervisors  
Clerk to the Planning Commission  
Mike Wing, Providence District Staff  
Ben Wiles, Dranesville Supervisor's Staff  
Director, Fairfax County Department of Planning and Development  
Alexis Robinson, Fairfax County Department of Planning and Development  
Elaine Cox, Hunton Andrews Kurth LLP  
John C. McGranahan, Jr., Hunton Andrews Kurth LLP