



G. Evan Pritchard

Direct Phone 202-280-6482
epritchard@cozen.com

MEMORANDUM

TO: Albert Frederick

FROM: G. Evan Pritchard

DATE: December 8, 2022

RE: Statement of Support for Zoning Map Amendment, Special Use Permit, and Special Exception Applications for N29 WillowWood Plaza Residential Development Phase I

My client, Capital City Real Estate, proposes an infill residential project (“N29 Residential Phase I”) at the WillowWood Plaza office center located on Eaton Place near Fairfax Drive. As shown on the enclosed plans prepared by Christopher Consultants dated November 30, 2022 (“General Development Plan”), the project would consist of a new multifamily building to be constructed on a surface parking lot located on Eaton Place immediately west of the office building located at 10306 Eaton Place. A parking deck would also be constructed to the north of the new building.

The application property (the “Application Property”) is a 2.97-acre portion of the parcel assigned tax Parcel ID 47 4 02 002, which includes the existing office building at 10306 Eaton Place, has a site area of 4.5 acres, and is zoned to the CR Commercial Retail District. The larger parcel will be subdivided to create a standalone lot for the new structures on the Application Property. The proposed new lot configuration is depicted on Sheet P_001 of the General Development Plan.

The entire WillowWood Plaza area is identified in the Comprehensive Plan for the City of Fairfax (the “Comprehensive Plan”) as part of the Northfax Activity Center, which the Northfax Small Area Plan (the “SAP”) describes as being “marked by suburban commercial development, substantial impervious paving and a lack of sense of place.” The Northfax of the future is envisioned as a “dynamic, mixed-use center” whose existing commercial uses “can be greatly enhanced by additional uses” to include new residential typologies. Recommended building heights of up to seven (7) stories are recommended for the “Neighborhood Core” of Northfax, which includes the Application Property.

We propose to rezone the Application Property to the CU Commercial Urban District and construct a seven (7)-story multifamily building along with a parking structure. The building will consist of 270 total units, including three (3) live-work units, and approximately 1,992 square feet of retail space located at the southwest corner of the building. The parking deck will include a total of 637

LEGAL\58724644\1

spaces to serve existing office uses and residents. A portion of the spaces (fewer than 20%) are intended to be compact in size. Another portion, 133 spaces, will be shared between the office and residential uses. Finally, 50 spaces will be shared between uses in the residential building. A separate application will be filed with the Zoning Administrator for this shared parking component.

Based on pre-application feedback received from staff, we relocated the proposed retail to the southwest corner of the residential building. We are also proposing three (3) live-work units along the western façade that will complement the Fairfax City Economic Development Authority's business incubator located in the nearby WillowWood office building at 10300 Eaton Place. We believe this will help activate both streets and help create a sense of place for the community and the public plaza ultimately envisioned to the west of the Application Property while accommodating current and projected retail market conditions.

Rezoning Considerations, § 6.4.9 of the Zoning Ordinance

The proposed rezoning meets the approval considerations specified in § 6.4.9 of the City of Fairfax Zoning Ordinance ("Zoning Ordinance"):

- A. Substantial conformance with the comprehensive plan.

The proposed rezoning to the CU District is consistent with the SAP's call for dynamic, mixed-use residential development in Northfax. See Consistency with Comprehensive Plan section below.

- B. Any greater benefits the proposed rezoning provides to the city than would a development carried out in accordance with the current zoning district (§3.2), and otherwise applicable requirements of this chapter.

The proposed rezoning will allow for more urban residential development consistent with the SAP that would not be permitted under the existing CR District zoning. The proposed development will provide for greater housing opportunities in the City, generate greater commercial tax revenue, and create a more vibrant community than would otherwise be possible.

- C. Suitability of the subject property for the development and uses permitted by the current versus the proposed district.

A rezoning of the Application Property to the CU District will allow for the development of multifamily rental housing consistent with the SAP recommendations. Furthermore, the introduction of residential uses adjacent to the existing office buildings will help create a more dynamic and active, mixed-use community.

- D. Adequacy of existing or proposed public facilities such as public transportation facilities, public safety facilities, public school facilities, and public parks.

The Application Property is well-served by public transportation facilities, including the CUE Bus Green Routes 1 and 2 that provide service to the Vienna/Fairfax-GMU Metro Station. Existing public safety facilities, public school facilities, and public parks will all be adequate to serve existing community needs and the proposed development.

- E. Adequacy of existing and proposed public utility infrastructure.

Existing public utility infrastructure has been deemed adequate for the proposed development.

F. Compatibility of the proposed development with adjacent and nearby communities.

The proposed multifamily development will be compatible with adjacent and nearby commercial development. It will also introduce more housing into the area as envisioned in the SAP.

G. Consistency with the stated purpose of the proposed district.

The proposed development will be consistent with the stated purpose of the proposed CU District zoning, which is to “provide an urban, mixed use development option for appropriate parts of the downtown area and sites in the general vicinity of the three key Fairfax Boulevard intersections: Main Street, Chain Bridge Road, and Old Lee Highway, or as may be more precisely specified by a current or future adopted plan.” The proposed mixed-use, residential development will be more urban in character and will be near the intersection of Fairfax Boulevard and Chain Bridge Road, aka “Northfax,” consistent with the SAP.

Special Exception Approval Criteria, § 6.17.7.A

The following Special Exceptions are requested pursuant to § 6.17.1 of the Zoning Ordinance along with justification for the request:

1. A modification of § 3.5.1.D to permit less than 75% ground floor nonresidential use in a mixed use building;

75% ground floor nonresidential use would entail more retail than the surrounding area could support, particularly given recent market trends and nearby retail centers such as the Amazon grocery that have captured nearly all retail demand in the market.

2. A modification of § 3.6.2 to permit more than 24 dwelling units per acre;

The proposed density is in line with the building form and planning goals for Northfax specified in the SAP.

3. A modification of § 3.6.2 to permit less than 50% of a building to be built to the build-to-line;

We are seeking to provide a 16 foot front yard rather than the maximum 15 foot yard in order to provide a better sidewalk and streetscape treatment in keeping with the SAP. This approach will also provide a better transition to the building line of adjacent office building.

4. A modification of § 3.6.2 to permit height greater than five (5) stories or sixty (60) feet;

The proposed height relief is necessary to achieve the vision for the area specified in the SAP.

5. A modification of § 4.2.3.E to permit lower parking ratios; and

A separate request is being filed for a parking reduction based on a proposed shared parking arrangement.

The proposed development will meet the following criteria for special exceptions specified in § 6.17.7.A of the Zoning Ordinance:

1. Ensure the same general level of land use compatibility as the otherwise applicable standards.

The proposed development will be compatible with the surrounding commercial development.

2. Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate transitioning, screening, setbacks and other land use considerations.

The proposed development will be harmonious with surrounding land uses and help create a vibrant, mixed-use community where only surface parking lots exist today.

3. Be generally consistent with the purposes and intent of this chapter and the comprehensive plan.

The proposed development will be consistent with the purpose and intent of the Zoning Ordinance and the SAP to create a successful and well-balanced mix of uses in the City's urban activity centers. See Consistency with Comprehensive Plan section below.

4. Be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

The requested special exceptions are necessary to achieve the mixed-use goals articulated in the SAP.

A waiver is also requested of the Public Facilities Manual § 401-01 requirement that a typical curb and gutter street be provided on private accessways that are less than thirty (30) feet from face of curb to face of curb.

The proposed development is designed to be an urban community that is more compact and integrated with reduced roadway widths. For the street along the western edge of the property, we have showed how the future layout of the street will allow for a full street section once the property to the west is developed. For the interior street to the east, we are providing a layout that allows for landscaping and a sidewalk. Therefore, support of this waiver is appropriate in consideration of the intended urban design of the proposed development.

Consistency with the Comprehensive Plan

Below is a summary table of how the proposed development is consistent with the Comprehensive Plan and SAP:

Comprehensive Plan Reference	Recommendation	Proposed Plan
Comprehensive Plan, p. 36, Activity Center – Northfax	“New residential uses and amenities such as open spaces and a pedestrian-friendly multimodal transportation network, should also be leveraged to improve the commercial marketability of the Activity Center.”	The new residential use will provide daytime activity and potential employees to support existing retail and office uses in the area. It will also replace expansive surface parking with a more attractive building served by garage parking. The project will also improve the walkability of the area for pedestrians with improved sidewalks and streetscape.
SAP, p. 6, A New Identity	A new identity for Northfax includes “housing typologies that are not well represented in Fairfax, such as senior, living, market-rate apartments, condominiums and affordable housing....”	The proposed development will include market-rate and affordable apartments, which are currently under-represented in the City. A total of 17 affordable dwelling units (“ADUs”) affordable at 60% AMI, or 6% of the total number of units, will be provided. These units have been identified on the plans.
SAP, p. 7, The Linear Park	“The most important design feature in the Northfax vision is a new linear park that spans from Northfax West to Northfax East, and connects north with Accotink Creek.”	The proposed development will help create the eastern edge of the linear park by improving the sidewalk and streetscape. In addition, the proposed development will introduce retail and live-work units at the corner that will help encourage redevelopment and creation of a proposed new community green to the west. It will also help provide a pedestrian connection to Accotink Creek.
SAP, p. 9, A Balanced Activity Center	“Northfax is a huge opportunity to transform into a mixed-use Activity Center that centers and anchors the surrounding communities.	The introduction of apartments will help balance the mix of uses in Northfax. New residents will help support existing and future

	<p>Transitioning to a more balanced mix of uses will help create a better sense of place, bring more activity around the clock, potentially reduce single-use peak traffic, and help create more dynamic public spaces. The existing offices and hotels would be greatly enhanced by additional daytime retail, including restaurants, and a larger nearby residential population.”</p>	<p>retail in the area as well as hotels and office by generating daytime pedestrian activity.</p>
<p>SAP, p. 12, Retail Frontage</p>	<p>“While the Northfax study area has capacity for dynamic retail, there are limitations on the quantity and location of retail frontage in the study area. Studies have shown that retail works best in concentrated nodes of no more than two to three urban blocks, and in traditional two-sided walkable pedestrian-friendly streets and continuous retail frontage. Public open space can be advantageously used by adjacent retail uses.”</p> <p>***</p> <p>“Due to the limited amount of sustainable retail possible, it is important that retail is generally not spread out and fragmented across the entire study area.”</p>	<p>We propose retail and live-work units along a portion of the western edge of the Application Property that will complement existing retail at Point 50 and be appropriate for existing market conditions. In the future, once the property to the west redevelops and the community green is created, more retail may be sustainable in this part of Northfax.</p>
<p>SAP, p. 14, Surface Parking to Green Space</p>	<p>“...[T]he plan proposes an increase in buildings - replacing mostly surface parking in the plan. These new buildings have the potential to better direct water, have green roofs, and other eco-friendly designs</p>	<p>The proposed residential building and open space areas will replace existing surface parking lots. As a result, stormwater will be treated much more efficiently and in a more ecologically-friendly manner.</p>

	that improve the ecology of the study area.”	
SAP, p. 14, Connected Green Spaces	<p>“The proposed green space diagram demonstrates potential green spaces in a total build out of the plan.</p> <p>The goal of this green space approach is to create 1) interconnected green spaces to facilitate movement of people and wildlife 2) A variety of park sizes and spaces to support different activities and 3) connecting green spaces within the study area to active trail systems and cultural resources.”</p>	The proposed development will help create the eastern edge of the linear park proposed to the west of the Application Property by improving the sidewalk and streetscape.
SAP, p. 20, Commercial Uses in Northfax	<p>“Northfax is home to a large office complex (WillowWood Plaza) and a cluster of hotels serving a range of guests. What is absent in the overall setting is access to convenient / walkable amenities, such as restaurant and retail.</p> <p>Including providing enhanced neighborhood conveniences for nearby city residents, the redevelopment of the Fairfax Shopping Center into Point 50 will help address this commercial user serving gap. Adding further retailing offerings and other user amenities elsewhere in Northfax (i.e. green space) is key to strengthening these background existing commercial land uses.”</p>	The proposed retail and live/work units will complement the retail at Point 50 and the City’s business incubator space at 10300 Eaton Place.
SAP, p. 22, Residential Uses in Northfax	<p>“Residential uses are key to supporting new development in the activity centers, both of which are currently dominated by office space. New residential construction also provides diversification</p>	The proposed residential development will help diversity the City’s housing stock and bring much needed residential uses to Northfax.

	of residential product type since most of the City’s existing residential inventory comprises older single family homes and apartment complexes.”	
SAP, p. 22, Building Height and Setbacks	“Areas not close to adjacent residential structures are recommended to have a (7 story) height limit.”	We are proposing 7 stories.
SAP, p. 23, Building Heights and Land Use	“As Northfax is designed as a mixed use center for the city, the bulk of the plan focuses on the neighborhood core use. Here, a variety of uses from office to multifamily to retail to hotel uses are proposed.”	The multifamily uses proposed are consistent with the Neighborhood Core uses envisioned in the SAP.
SAP, p. 43, Zoning and Regulatory Recommendations	“Zoning (Land Use) – Currently, most of Northfax is zoned CR (Commercial Retail), which does not permit residential and hotel uses without special exception. The plan recommends that all properties in the study area be rezoned to also allow for residential, hotel and mixed-use. The Commercial Urban (CU) zone is a potential solution for the study area, as it has more flexibility in allowable land uses.”	Consistent with this recommendation in the SAP, we are proposing to rezone to the Commercial Urban (CU) zone.