

10201 Fairfax Boulevard LLC

STATEMENT OF JUSTIFICATION

July 26, 2024

Please accept the following as a statement of justification in support of rezoning, special exception, and special use permit applications on behalf of 10201 Fairfax Boulevard LLC (the “Applicant”) to allow the development of 10201 Fairfax Boulevard with a residential mixed-use building.

Property Information

The property identified as City of Fairfax Tax Map ID 57-2-02-034 with an address of 10201 Fairfax Boulevard (the “Subject Property”) is located on the south side of Fairfax Boulevard, east of its intersection with Eaton Place and west of its intersection with Fair Woods Parkway. Comprised of approximately 3 acres, the majority of the Subject Property is zoned to the CR (Commercial Retail) District and the southeastern corner is zoned to the RM (Residential Medium) District. The Subject Property is currently developed with a 5-story, approximately 93,114 square foot office building, a separate, standalone parking structure, and a small amount of surface parking.

Proposed Development

The Applicant proposes to redevelop the Subject Property with a 7-story multifamily building with up to 336 multifamily units and 18,520 square feet of first floor commercial space. The Applicant intends to incorporate smart home technology and the building design includes efficiently-designed units that could include flexible design features. For example, units could include space-saving beds that drop down from the ceiling and dining tables that can be folded away for storage. The smart home technology includes features such as the ability to control appliances ranging from the washing machine to the dishwasher to the vacuum with a smartphone, drycleaning system built into closets, the ability to see inside of the refrigerator without opening the refrigerator door, and mirrors that display the date, time, and temperature. All these features allow residents to automate their home, more closely monitor and conserve energy use, and allows for greater accessibility for those seeking accommodations to address mobility, auditory, visual, or linguistic needs. The Applicant further intends to incorporate sustainable features such as electric vehicle chargers and a solar-powered window film that produces electricity.

The Subject Property is Commercial Corridor Place Type as designated in the Comprehensive Plan Future Land Use Map. Although the Commercial Corridor Place Type does not recommend residential use, the Applicant’s proposal advances a number of Comprehensive Plan objectives including minimizing energy demand with energy efficient design features and technologies, increased use of advanced sustainable technologies, providing an additional housing option to meet the needs of people of varying income levels, ages, abilities, and lifestyle choices, increasing the overall housing supply in the City, and enhancing access to trails and increasing multimodal connectivity in the Fairfax Boulevard area. Given the limited demand for office space,

particularly in standalone buildings that are not part of a transit-oriented, mixed-use development, the Applicant's proposal will allow for reinvestment and revitalization of a key site.

The Applicant proposes to retain a single vehicular access point along Fairfax Boulevard. Interparcel access to the west has been accommodated, but no vehicular connection to the neighborhoods to the south is proposed. Underground parking is proposed to support up to 336 dwelling units and first floor commercial use. The Applicant proposes a shared-use path along Fairfax Boulevard. The Applicant also looks forward to enhancing bike and pedestrian connectivity between the neighborhoods to the south, the Fairfax Boulevard corridor, and trail network including the Snyder Trail. The Applicant understands the importance of high-quality, four-sided architecture and acknowledges that a Certificate of Appropriateness will be required in addition to zoning applications described below.

Comprehensive Plan Amendment

The Subject Property is Commercial Corridor Place Type as designated in the Comprehensive Plan Future Land Use Map. The Commercial Corridor Place Type calls for a mix of retail, restaurant, service, medical, office, and other commercial uses. The Applicant requests a Comprehensive Plan amendment to consider a residential component on the Subject Property. In the face of evolving economic conditions, particularly the office market downturn, the Applicant requests consideration of innovative land use strategies that prioritize diverse housing options and ensure sustainable growth for the future. The Applicant's proposal of a mixed-use building with first floor commercial space and 336 multifamily units will revitalize this area and provide much needed housing in the City.

Rezoning

The Applicant proposes a rezoning of approximately 5,436 square feet of land area, located in the southeastern portion of the Subject Property from the RM to the CR District so that zoning of the entirety of the Subject Property is consistent across the site. A zoning plat and legal description are enclosed to accompany this request.

Special Exceptions

The Applicant requests approval of the following special exceptions:

1. Section 3.6.2 – The Applicant requests up to 111.5 dwelling units/acre.
2. Section 3.6.2 – The Applicant requests up to 85 feet in building height (7 stories).
3. Section 3.6.2 – The Applicant requests 20-degree angle in bulk plane adjacent to a residential district.
4. Section 3.6.2 – The Applicant requests encroachment into the 10-foot side yard to permit a drive aisle.

5. Section 3.6.2 – The Applicant requests encroachment into the 25-foot rear yard to permit a drive aisle.
6. Section 4.5.7.D.2 – The Applicant requests a modification of the terminal island requirement in favor of the parking configuration shown on the enclosed General Development Plan.
7. Section 4.18.11 – The Applicant requests encroachment into the landward 50 feet of the buffer component of the RPA requirement by Section 4.8.11.
8. Section 4.2.3 – The Applicant requests a parking reduction to provide 414 parking spaces.
9. Section 4.5.5.C.3.(b) – The Applicant requests a modification of TY2 transitional yard to allow existing conditions in the RPA to remain.

Pursuant to Section 6.17.7 of the Zoning Ordinance, the following criteria shall be considered when evaluating all special exception applications:

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

The proposed residential mixed-use building and site design is compatible with the provisions of the Zoning Ordinance. The development incorporates building transitions, modulations, and screening to further ensure compatibility.

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 residential mixed-use building will enliven and activate a commercial corridor with additional retail and housing options that will not adversely affect adjacent land uses in the immediate vicinity. The Applicant proposes a well-designed and efficient building, new landscaping, and enhanced pedestrian and bike connectivity in this area.

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

The proposed development will enliven this commercial area with additional residents that will ensure the economic viability of existing retail uses while also introducing new retail and commercial uses to the area. The Applicant will advance City sustainability and accessibility goals and provide an additional housing option that will increase housing supply in an area that faces a significant housing supply shortage.

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

The site is constrained by topography and environmental conditions, as well as the need to maintain and enhance connectivity without altering access to Fairfax Boulevard.

Special Use Permit

The Applicant requests approval of a special use permit to allow multifamily dwellings in the CR District. The proposed residential units satisfy the criteria of Section 6.7.7 of the Zoning Ordinance. The new development will advance the Comprehensive Plan's sustainability goals, provide additional housing options and increase housing supply, and enhance multimodal access along Fairfax Boulevard. The use is compliant with all Zoning Ordinance requirements except as modified with the enclosed applications. The development of a residential mixed-use building will not adversely impact the health or safety of persons residing or working in the neighborhood but will instead allow for development of a sustainable building that will allow for enhanced multimodal connectivity that will enliven this commercial corridor. The new building will not have a negative or adverse effect on public welfare, property, and improvements in the neighborhood but will rather activate and enhance an aging site with an attractive new building.

In summary, the Applicant proposes new housing that will establish a technology-focused, sustainable building along with new commercial use that will replace a dated office building with an attractive, well-designed, modern building that will enhance existing landscaping, streetscaping and pedestrian and bike connectivity.