

**COMMERCE METRO CENTER
RZ/FDP 2022-HM-0004
SEA 94-H-49-3**

STATEMENT OF JUSTIFICATION

June 6, 2022

I. Introduction

CRS Commerce Center, LC, CRS Commerce Center VI, LC, and CRS Commerce Center UB, LC (collectively, the “Applicant”) are the owners of approximately 15.95 acres of land identified on the Fairfax County Tax Map as parcels 17-4 ((12)) 11D3, 11D5, 11D7, 11D8, 11K, and 11M (collectively, the “Property” or “Commerce Metro Center”). The Property is located south of the Dulles Toll Road, west of Wiehle Avenue, and north of Sunrise Valley Drive.

The Applicant seeks approval of two zoning applications to develop a mix of office, residential, hotel and retail uses adjacent to the Wiehle-Reston East Metro Station (the “Metro Station”). More specifically, the applications include the following: 1) a rezoning and final development plan (“RZ/FDP”) for the entire Property, and 2) a special exception amendment (“SEA”) for Parcels 11D3 and 11D8 (collectively, the “Application”).

The Applicant proposes to maintain three significant office buildings existing at the Property, while modifying one of these office buildings to provide additional retail space. In addition, the Applicant proposes to demolish a fourth major office building existing at the Property. Although this office building is fully leased and generating significant revenue, the Applicant proposes to demolish this building to provide a critically needed opportunity to enhance pedestrian circulation and create a substantial urban park by leveling the grade of the eastern portion of the Property.

The Applicant proposes to maintain approximately 456,000 square feet of existing office and retail space (the “Existing Development”). The Applicant proposes to develop 1,284,000 square feet of new office space, 540,000 square feet of residential uses with up to 469 dwelling units, 163,000 square feet of hotel uses, 30,000 square feet of retail uses, and a 12,000 square foot childcare center (collectively, the “Proposed Development”). Overall, the Existing Development and the Proposed Development would include a total of approximately 2,485,000 square feet at a 3.2 FAR. As described in detail below, the Proposed Development embodies the Fairfax County Comprehensive Plan’s vision for pedestrian-friendly, mixed-use development adjacent to the Metro Station.

II. Background and Existing Conditions

The Property was part of special exception SE 94-H-049, which the Fairfax County Board of Supervisors approved on March 27, 1995, to increase the maximum permitted floor area to a 0.50 FAR for approximately 27.4 acres known as Commerce Executive Park. On December 6, 2016, the Board of Supervisors approved two concurrent applications to permit additional development on approximately 11.6 acres of the original Commerce Executive Park development that are now

known as Commerce Metro Center. The first application, SEA 94-H-049, removed this 11.6-acre area from the special exception for additional FAR to allow it to be rezoned. The second application, RZ/FDP 2015-HM-011, rezoned this 11.6-acre area to the Planned Development Commercial (“PDC”) zoning district.

The Applicant acquired the property subject to RZ/FDP 2015-HM-011 and SEA 94-H-049 well after the approval of these applications. Since that time, the Applicant acquired Parcels 11D3 (the United Bank parcel) and 11D8 (the Commerce Center VI parcel) to create the opportunity to bring forward an application that consolidates a total of 15.95 acres comprising the Commerce Metro Center. As noted above, the Property currently is developed with four office buildings that contain a total of 564,974 square feet of office space. The remainder of the Property presently consists of above-grade surface parking areas and parking lot landscaping.

The Applicant’s proposed special exception amendment would remove the land area of parcels 11D3 and 11D8 from the existing special exception. The removal of this land area will have no negative impact on the remaining land subject to the existing special exception. Specifically, with the Applicant’s proposed special exception amendment, the land area remaining subject to the special exception, as well as the buildings on that land area, will remain below the maximum permissible FAR under the special exception.

The surrounding area is primarily comprised of suburban office parks with low-rise and mid-rise office buildings, as well as limited retail and support services located on the ground floor of various office buildings. The site directly east of the Property across Wiehle Avenue, known as Campus Commons, was rezoned from the I-3 zoning district to the Planned Residential Mixed Use zoning district to allow higher intensity, mixed-use development proximate to the Metro Station. South of the Property, across Sunrise Valley Drive, there are several residential communities. The Association Drive office park is to the west of the Property.

III. Comprehensive Plan Recommendations

On February 11, 2014, the Fairfax County Board of Supervisors adopted the Reston Transit Station Areas section of the Fairfax County Comprehensive Plan (the “Comprehensive Plan” or “Plan”) to plan for the Silver Line’s arrival in Reston and the building of three Metro stations. The Silver Line’s Phase 1 commenced passenger service on July 26, 2014, concluding at the Wiehle-Reston East Metro Station. Phase 2 of the Silver Line will extend the Metro system beyond the Wiehle-Reston East Metro Station to Dulles Airport and eastern Loudoun County. Upon commencement of passenger service for Phase 2, the Wiehle-Reston East Metro Station will no longer be the western terminus of the Silver Line, which will result in this Transit Station Area (“TSA”) changing in character from a commuter origination station to more of a destination station.

The Comprehensive Plan encourages the transformation of the TSAs from low and medium density office parks to transit-focused neighborhoods with a mix of uses and pedestrian connectivity. The Plan expressly advocates the development of the Wiehle TSA into a mixed-use neighborhood to promote excellent pedestrian connectivity. To that aim, the Comprehensive Plan promotes significant new mixed-use development consisting of office, residential, hotel, and ground-floor retail uses. The Plan also emphasizes respecting the surrounding residential

neighborhoods by concentrating the tallest buildings and highest intensities closest to the Metro Station and transitioning building heights to be compatible with lower density neighborhoods in the surrounding community.

The Property is in the Wiehle TSA's South Subdistrict and is planned for mixed-use development under the Transit Station Mixed Use ("TSMU") classification. The TSMU area is primarily intended for existing and new office buildings, major new residential uses, and additional retail and hotel uses. The Plan anticipates that each TSMU region will eventually be approximately 50% residential and 50% non-residential, while acknowledging the challenge of achieving this goal in Commerce Executive Park due to the amount of significant, existing office space in this immediate area. The objective for this district is for considerable redevelopment at a higher density with a combination of mid-rise and high-rise structures and a more diversified land use mix than exists today. Given the Property's proximity to the Metro Station, the redevelopment option proposes intensities up to a 2.5 FAR. The Comprehensive Plan further includes opportunities to develop an additional 0.50 FAR with bonus density for achieving significant Comprehensive Plan goals. The Comprehensive Plan also promotes optimal ground-level retail and service uses to improve the pedestrian environment.

IV. Proposed Development

A. Overview of the Proposed Development

The Applicant seeks approval of the Application as described above to implement a mix of office, residential, hotel, and retail uses in addition to maintaining significant office buildings existing at the Property. The Applicant proposes to retain three office buildings with approximately 456,000 square feet of office space and to demolish the Commerce Center IV office building containing approximately 109,000 square feet. Overall, the Applicant proposes approximately 2,029,000 square feet of additional development on the Property, which would result in a total of approximately 2,485,000 square feet of development. Additionally, per Section 2105.4(b)(3)(a) of the Fairfax County Zoning Ordinance, the Applicant proposes an increase in the maximum floor area ratio in the Transit Station Area from 2.5 FAR to 3.2 FAR.

As described in more detail below, the demolition of the valuable, revenue generating office building is quite a substantial commitment, and one that is unique among developments in the Reston TSAs. The purpose of this demolition is to achieve a tremendously enhanced public realm with essentially at-grade pedestrian pathways to the Metro Station and a large, centrally located urban park/plaza area flanked by ground-floor retail uses. The grading changes also create an opportunity for the Applicant to include a substantial below-grade parking structure that will accommodate nearly all parking for the eastern portion of the Property hidden below the urban park/plaza, pedestrian pathways, and street-level retail spaces.

In addition to the significant land use planning benefits of the Proposed Development, the Application also represents an extraordinary opportunity to enhance the architectural character of Reston with distinctive, iconic buildings. The Applicant is well known for its demonstrated commitment to excellence in architectural design, which is an important hallmark of Reston and its unique history in the context of suburban development in Northern Virginia.

B. Proposed Buildings and Site Design

The Property and this Application represent an important opportunity to transition the overall Metro Station area to a more balanced mix of uses given the significant number of existing office buildings in the area, many of which are likely to remain for years to come. As such, the Proposed Development will result in a mix of office, residential, hotel, and retail uses on the Property, one in which the Applicant will continue the growth of a critical mass of residential uses in the Metro Station area while recognizing the importance of this Property, and its location directly adjacent to the Metro Station, as an ideal location for substantial office development in support of Fairfax County's economic development objectives for Reston and the Dulles corridor.

The Applicant proposes two residential buildings on the southern portion of the Property along Sunrise Valley Drive. This site design places the mid-rise residential buildings, which have the lowest building heights for the Proposed Development, across Sunrise Valley Drive from the lower-density residential neighborhoods to maximize the compatibility of the Proposed Development with the surrounding community. In addition, this location maximizes the use of the site's available space, offers residents convenient access to the Metro Station, and provides immediate access to nearby retail, restaurants, and cafes.

The Applicant proposes three new, premier office buildings on the northern portion of the Property closest to Dulles Toll Road. The Proposed Development includes an office building of 503,440 square feet (to include 12,000 square feet of ground floor retail) along Wiehle Avenue south of the Dulles Toll Road ramps and north of the new mid-block street proposed with the project. In addition to its distinguished architecture, the Applicant envisions that this building will include a meaningful presence on Wiehle Avenue that will begin the transforming the character of Wiehle Avenue into a more pedestrian-oriented street framed by buildings opening onto the street. The Proposed Development also includes two 397,000 square foot office buildings (each to include 2,500 square feet of ground floor retail). The orientation of these office buildings on the site will make them the highly visible buildings from the Dulles Toll Road. The Proposed Development also will include a hotel near the Metro Station entrance and fronting the Dulles Toll Road.

Moreover, the Applicant's proposal to demolish an existing, revenue-generating office building will provide a real opportunity to create a seamless grid of streets, a substantial urban park/plaza, and enhance the pedestrian experience. To contribute to the creation of a cohesive and inviting space surrounding the Property, the Applicant intends to incorporate a new mid-block street with a cycle track through the center of the Property, which will strengthen the area's pedestrian/bicycle network and facilitate the ultimate creation of a mid-block connection between Wiehle Avenue and Soapstone Drive. The Applicant's proposal involves a considerable overhaul and upgrade of the streetscape, public spaces, and overall pedestrian experience in comparison to the existing zoning approvals applicable to the Property. These changes to the character of the pedestrian experience will ensure successful, active ground floor retail engagement – transforming what is currently an office park into a vibrant office, residential, shopping, and dining destination.

The Proposed Development will ultimately transform the existing, suburban-style office setting on the Property in order to realize the Comprehensive Plan's vision of a cohesive, pedestrian-oriented, and urban environment. The Proposed Development makes innovative use of its site design to

maximize compatibility with the Existing Development in a way that acknowledges the importance of the existing office buildings while also delivering the Comprehensive Plan's objective of higher-density, mixed use development with dynamic open spaces and plaza areas, as further described below.

1. **Boulevard Commerce District.** The Applicant proposes a Boulevard Commerce District that would consist of two mid-rise, multi-family residential buildings of up to 540,000 square feet of residential uses with 5,000 square feet of ground-floor retail. These mid-rise buildings at the intersection of Wiehle Avenue/Sunrise Valley Drive and the intersection of Centennial Park Drive/Sunrise Valley Drive will serve as an appropriate, logical transition between the lower-density residential neighborhoods to the south of the Property across Sunrise Valley Drive and the higher-density development near the Metro Station.
2. **Commerce Hotel.** The Commerce Hotel is envisioned as a 163,000 square foot signature hotel that would include an additional 4,000 square feet of ground-floor retail. This sixteen-story building fronting the Dulles Toll Road will provide a substantial presence and frame the pedestrian arrival at the entrance to the Metro Station. It also will generate activity within the public spaces of the Property and support Metro ridership by guests staying at the hotel.
3. **One Commerce.** The Applicant's proposal for the One Commerce building reflects a commitment to excellence in architectural design worthy of Reston's high aspirations for iconic, distinctive buildings in the TSAs. This premier office building will include a total area of approximately 504,000 square feet and 12,000 square feet of ground-level retail. Additionally, One Commerce will integrate seamlessly into the higher-density fabric of the area by incorporating substantial retail.
4. **Commerce 7.** Commerce 7 will be a new office building with a total floor area of approximately 390,000 square feet and 2,500 square feet of ground-level retail. This building is expected to establish a substantial presence along the Dulles Toll Road, help frame the entrance to the Metro Station, and integrate into the higher-density fabric along the northern portion of the Property.
5. **Commerce 8.** Commerce 8 also will be a new office building of approximately 390,000 square feet and 2,500 square feet of ground-floor retail. Like Commerce 7, this building is designed to make a significant statement along the Dulles Toll Road and be compatible with the higher-intensity fabric of the development to the east. The visibility of Commerce 7 and Commerce 8 from the Dulles Toll Road will add to the Property's architectural character and aesthetic.
6. **Retail Pavilion.** The Applicant proposes to modify the existing Commerce 4 office building to include a Retail Pavilion of 4,000 square feet. This additional ground-floor retail structure will be strategically situated at the center of residential and

non-residential areas to frame the adjacent urban park/plaza area and enhance the pedestrian experience.

7. **Child Care Facility.** The Applicant proposes to relocate an existing child care center operating at the Property to a new, stand-alone Child Care Facility of approximately 12,000 square feet at the northwestern corner of the Property. Maintaining a childcare center while making such substantial modifications to the Property will be a meaningful benefit for residents and employees of the Property and the larger Reston community more generally.

The Proposed Development incorporates a significant residential component consistent with the Comprehensive Plan's objectives for better balancing the mix of uses in the TSAs, while recognizing the important of maintaining and developing substantial office buildings in support of the Comprehensive Plan's economic development objectives for Reston and the Dulles corridor.

C. **Open Space and Urban Parkland**

The design of the Commerce Metro Center site emphasizes a dynamic, high-quality network of public open space that serve as a focal point and supports the needs of residents, employees, and visitors. The expansive and inviting open spaces offer a range of active and passive recreational opportunities, while also establishing an integrated open space and grid of streets network that connects to the adjacent Metro Station and other nearby developments. The Applicant envisions this area as one that generates energy, fosters active engagement, and attracts community events and activities to the development.

Central Plaza. Along with eliminating a revenue-generating office building to make way for a new mid-block street with pedestrian, bicycle, and vehicular connections, the demolition also creates a unique and critically important opportunity to establish a prominent urban park/plaza space, to be known as Central Plaza, for recreation and pedestrian use. This sizable open space area on the east side of the Commerce 4 office building and retail pavilion will serve as both a charming place for people arriving by Metro and a multi-functional open space for the enjoyment of residents, employees, and guests who shop at the street-level retail establishments. The demolition of the Commerce 3 office building allows the entire eastern portion of the site, including this centrally located park and plaza area, to be essentially at grade with Wiehle Avenue and the pedestrian bridge connection to the Metro Station.

Metro Plaza. The Applicant seeks to develop a Metro Plaza along the northern boundary of the Property to welcome pedestrians arriving from the Metro Station and to serve as a gateway connection that integrates the site to the Metro pedestrian bridge. The architecture is scaled appropriately with a variety of landscaping and seating adjacent to the ground level retail to accommodate outdoor dining and passive recreation activities. The Metro Plaza serves as an extension of the west and south office buildings, as well as the hotel to the east. As noted above, the reconfiguration and leveling of the grade on the eastern portion of the Property allows for a seamless, at-grade pedestrian connection from Wiehle Avenue, through the urban parks, to the Metro Station.

Boulevard Commerce District Park. Boulevard Commerce District Park will be located at the heart of the residential buildings in the center of the residential district. It will feature plentiful vibrant green space, room for recreational activities, outdoor seating, and ample space dedicated to leisure. Residents of the two buildings will benefit from the abundance of parks and open space located within walking distance.

The Applicant's proposal represents a noteworthy, substantial commitment to creating high-quality, meaningful urban park and plaza areas that far exceed the limited opportunities for such spaces without the demolition of the existing Commerce 3 office building. Overall, the Proposed Development satisfies or exceeds all of the Zoning Ordinance and Comprehensive Plan open space and urban park standards for the Property.

D. Vehicular, Pedestrian and Cyclist Connections

Three vehicular entry points will be provided on the Property. The first entrance point will be along Wiehle Avenue and will include a drop-off zone on the west side of the One Commerce office building. As described above, this entrance leads to the proposed mid-block street that will connect through the first phase of the development and will facilitate the ultimate connection of this mid-block road to Association Drive and the Soapstone Connector.

The remaining two vehicle access points will be positioned off Sunrise Valley Drive to facilitate vehicular circulation across the Property. The proposed street network for the Property provides vehicular access to the parking garages while also enabling secondary circulation through a loop road at the center of the Property and a drop-off site adjacent to Wiehle Avenue. Significantly, the parking garage entrances/exits are strategically located at the perimeter of the Property to avoid conflicts with pedestrians and bicyclists while benefiting the public street level experience.

The Proposed Development's principal pedestrian access points will allow both walkers and bikers convenient access to and throughout the site. The entry points at the Metro Station bridge, off Sunrise Valley Drive, and off Wiehle Avenue all allow pleasant and convenient circulation. Given that the Proposed Development is directly adjacent to the Metro Station, residents, employees, and visitors will have convenient use the Silver Line and many Fairfax Connector bus lines.

V. Conformance with the Comprehensive Plan

A. Wiehle Station Transit-Oriented Development District

The Proposed Development conforms to the Comprehensive Plan's overall vision and goals for the Reston TSAs. The Plan envisions an urban community with residential zones that are well-connected to public transportation through a network of pedestrian-friendly streets. Additionally, the Plan anticipates considerable development at a higher density with a greater variety of land uses and a broader array of support services than now exist in this area.

TSMU areas are crucial to attaining these objectives and generating the higher-density, mixed-use character envisioned in the Comprehensive Plan, which identifies a 50/50 mix of residential to non-residential uses as a long-term objective for the TSMU designated land within each TSA. The

Applicant has purposefully designed the Proposed Development to further the Plan’s vision for a higher intensity, mixed-use development that transitions the area from an auto-dependent suburban office environment to a walkable, transit-oriented urban neighborhood. Notably, the Proposed Development includes a significant component of mid-rise residential buildings, which will enhance the mix of uses in the Wiehle TSA, reduce the impact of development on the transportation network, and be compatible with the residential neighborhoods across Sunrise Valley Drive to the south of the Property.

The Applicant’s proposed first phase of development for the eastern portion of the Property is approximately 50% residential and 50% non-residential for the proposed new development. This aligns with the Comprehensive Plan’s goal for a balanced mix of uses. Although the Plan envisions a 50/50 mix of non-residential and residential uses for full build out of TSMU area over time, this region of Reston has long been an office employment corridor, with most existing land uses consisting of commercial office buildings. As such, while the non-residential use on this Property at full build would be greater than the amount recommended in the Comprehensive Plan, the proposed proportion of residential in the Southern Subdistrict overall is considerably closer to achieving a balanced mix of 50% residential and 50% non-residential uses the Plan envisions over time.

The Proposed Development provides a tremendous opportunity to expand the Wiehle TSA’s character to the south and west in an accessible, cohesive, and consistent manner within the context of adjacent development. The proposed mix of uses, which includes three significant new office buildings, a significant residential component, a premier hotel, and supportive retail, is vital for advancing the transformation of a historically suburban office corridor into the pedestrian-friendly, mixed-use, transit-oriented area envisioned in the Comprehensive Plan.

B. Land Use Policy

In addition to the Wiehle TSA recommendations, the Land Use Policy Plan also includes 16 guidelines for Transit-Oriented Development. The Commerce Metro Center application achieves each of these important standards:

1. Transit Proximity and Station Area Boundaries: The Applicant’s proposal prioritizes higher-intensity development near the Metro Station. Commerce Metro Center’s interplay of open spaces, existing buildings, and new buildings is thoughtfully designed to create an inviting, pedestrian-friendly environment for residents, employees, and visitors traveling to and from the Metro Station, with higher-intensity uses aligned toward the Metro Station and lower-intensity uses serving as a compatible transition to existing residential areas.
2. Station-Specific Flexibility: The Applicant’s proposal reflects conditions specific to the Wiehle TSA’s unique characteristics and demands of this particular station area in order to accomplish a suitable level of development intensity and mix of land uses. The Applicant’s proposal also would make a noteworthy contribution that accounts for the unique topographic conditions on this site by leveling the grade between Wiehle Avenue and the Metro Station to further enhance pedestrian connectivity.

3. Pedestrian and Bicycle Access: Commerce Metro Center will include a network of pedestrian-friendly streetscapes, high-visibility pedestrian crossings, bike lanes, and a cycle track to support the Comprehensive Plan's transit-oriented accessibility goals.
4. Mix of Land Uses: Commerce Metro Center includes residential uses and expands current office uses to foster a mix that maximizes transportation efficiency, increases ridership during peak and off-peak travel hours in all directions, and promotes a variety of activities throughout the day. The Proposed Development incorporates a significant residential component while acknowledging the importance of this site as an ideal location for substantial office space in support of the County's economic development goals.
5. Housing Affordability: Commerce Metro Center will offer additional housing options including a variety of dwelling units and sizes, as well as homes for residents of various income levels through the County's Workforce Dwelling Unit policies. Housing will be accessible to individuals who rely on public transit the most, such as seniors, those with disabilities, and persons with other special needs. In addition, the Applicant will be making per-square-foot contributions to the County for affordable and workforce housing funds.
6. Urban Design: The Proposed Development will advance urban design excellence by emphasizing high-quality site planning, streetscape design, and building design that foster a pedestrian-centered community. The Applicant's proposal to demolish the existing Commerce 3 office building to create a genuine, enjoyable urban park and plaza area flanked by street-level retail/restaurants and centrally located within the site demonstrates the Applicant's commitment to excellence in urban design.
7. Street Design: Commerce Metro Center will feature a grid of safe, pleasant, and convenient streets for all users and modes of travel, as well as connections across the site and to and from nearby areas, including a future mid-block connection to the Association Drive area. The Proposed Development incorporates landscape amenity panels, sidewalks, and building zones that are all designed to promote reduced traffic speeds and improved pedestrian circulation, in addition to a Reston-Specific Streetscape.
8. Parking: Commerce Metro Center will promote transit usage by minimizing the amount of parking on site to the extent feasible and by prioritizing the pedestrian experience at street level over vehicle parking. Placing a substantial portion of the site's overall required parking (including almost all parking for the eastern portion of the Property) below grade will eliminate the visual impact of the parking structure and ensure a pleasant, pedestrian-oriented environment. The Proposed Development's substantial commitment to below grade parking will better serve the neighborhood's residents, employees, and visitors, while enhancing the urban environment.
9. Transportation and Traffic: Commerce Metro Center will work to achieve a balance between the intensity of transit-oriented development and the capacity of the multimodal transportation infrastructure within and surrounding the Property. The Applicant's proposal will accommodate high-quality transit, pedestrian, and bicycle infrastructure and services, as well as other measures to reduce single-occupant vehicle trips.

10. Vision for the Community: The Applicant understands the significant of this Property and the opportunity of the Commerce Metro Center site for Fairfax County generally and the Reston community more specifically. The Applicant will seek to ensure a widely inclusive, open, and transparent process of community engagement during the review of the proposed Application.
11. Regional Framework: Commerce Metro Center’s location promotes effective land use by concentrating expansion around the Metro Station and supporting the goals in the Comprehensive Plan for a mix of uses in a compact, efficient land use pattern that minimizes additional vehicle trip generation while transforming the Wiehle TSA into a center of activity for the community and region.
12. Environmental Considerations: The Applicant is committed to high-quality site design and architectural design, which includes minimizing the environmental impact of the Proposed Development. The Applicant will pursue green building certification in accordance with Comprehensive Plan policies and will collaborate on additional opportunities such as innovative sustainable design, extensive stormwater management, and green roofs.
13. Economic Benefits: With the combination of residential, hotel, office, and retail space on the Property, Commerce Metro Center will expand the Property’s current employment base and encourage expanded use of transportation infrastructure. The significant office presence at the Property and the proposed additional office buildings will support the County’s objectives for the Wiehle TSA to contribute substantially to the County’s economy and the continued strength of Reston as a major employment corridor.
14. Open Space: Commerce Metro Center will provide publicly accessible, high-quality, accessible open space that will satisfy the standards of the Zoning Ordinance and the Comprehensive Plan for urban parks. Beyond simply meeting applicable policies, the Applicant’s proposal to demolish the Commerce 3 office building to create the centrally located urban park and plaza area represents a major contribution to open space for the Proposed Development.
15. Public Facilities and Infrastructure: The Applicant’s Proposed Development will include publicly accessible urban parks and plazas for active and passive recreation opportunities. In addition, the Applicant will provide updated proffer commitments in coordination with Fairfax County to address County policies regarding the mitigation of development impacts on public facilities and public infrastructure.
16. Phasing of Development: The Applicant anticipates that the eastern portion of the Property will be the first phase of the Commerce Metro Center development. The additional new development in the western portion of the Property likely will develop afterward. The Applicant has thoughtfully designed the Proposed Development to accommodate phasing of development with the grid of streets, pedestrian connections, bicycle connections, and urban park and plaza spaces to ensure appropriately phased development.

C. Parks and Recreation

According to the Reston TSA's urban park land guidelines, the Proposed Development requires approximately 1.84 acres of onsite public urban park space. For a breakdown of this calculation, please refer to the CDP/FDP. The Applicant's proposal provides a total of 2.03 acres of urban park space to satisfy this recommendation. Based on the Plan, these urban park spaces will serve local leisure and recreational requirements while also adding to the area's cultural amenities and vibrancy. As stated in detail above, the urban park and plaza areas within the Proposed Development would include amenities such as social seating areas, entertainment spaces, and recreational areas to meet the needs of residents, employees, shoppers, visitors at the Property.

Furthermore, the County advises Applicants to emphasize the integration of public art to create and maintain quality urban design throughout Reston. The Applicant intends to install public art at a site to be determined in collaboration with Public Art Reston.

D. Grid of Streets

The Comprehensive Plan recommends that applicants contribute to the Reston grid of streets by allocating right-of-way, sidewalks, bike lanes, and on-street parallel parking where feasible. The Applicant's design of the Proposed Development prioritizes pedestrian and bicycle networks on the Property to satisfy the Comprehensive Plan's goals for pedestrian and bicycle connectivity. As such, the Proposed Development incorporates a mix of pedestrian-oriented streetscapes, bike lanes, and crosswalks. Additionally, the Applicant will construct a mid-block road through the eastern portion of Commerce Metro Center that ultimately can connect Wiehle Avenue to the Soapstone Connector. The Applicant will collaborate with neighboring property owners and the County to coordinate road and pedestrian improvements that address the community's needs and the Comprehensive Plan's vision. This degree of interaction will enable the development of these features in a cohesive manner.

E. Parking

One of the Comprehensive Plan's objectives is to minimize vehicle trips through parking reductions. To that end, the Comprehensive Plan specifies a maximum parking rate for office space within the Transit Station Mixed-Use area of 2.1 spaces per 1,000 square feet. The Comprehensive Plan also includes an acknowledgement that the use of higher parking rates in the first phases of a development followed by lower parking rates in subsequent phases can be considered for reasons such as existing leases requiring higher parking rates. The Zoning Ordinance also include lower parking requirements for office and residential uses in the TSAs.

Given the Property's present office use and associated leases, the interim parking condition may exceed the desired office parking maximum prior to the site's full development. The Applicant recognizes the purpose of reducing the office parking ratio and anticipates adopting a gradual office parking decrease as development occurs. In addition, the Property's location directly adjacent to the Metro Station will encourage greater use of transit regardless of current lease obligations for parking, which the Applicant will reduce over time.

F. Transportation Demand Management

The Comprehensive Plan identifies goals for vehicle trip reductions in the Reston TSAs through an emphasis on achieving a variety of land uses served by a multi-modal transportation system. The Plan advises balancing land uses and transportation systems through the implementation of vehicle trip reduction initiatives, generally known as Transportation Demand Management (“TDM”). The Applicant plans to develop a comprehensive TDM program for the Proposed Development that will include specific actions to encourage employees, residents, and tenants to adopt other modes of transportation in lieu of single-occupant vehicle trips during the AM and PM peak hours. The Applicant anticipates that the TDM program for the Proposed Development will meet the Comprehensive Plan’s vehicle trip reduction goals.

G. Green Building

The Comprehensive Plan requires that new residential buildings earn LEED certification or an equivalent, and that new office buildings attain LEED Silver certification. The Applicant intends to adhere to these green building design guidelines for the Proposed Development.

H. Stormwater Management

The Comprehensive Plan recommends incorporating Best Management Practices (“BMP”) and Low Impact Development (“LID”) techniques to minimize runoff and enhance water quality for stormwater entering local waterways. Additionally, the Plan recognizes that open space areas are generally suitable locations for stormwater management facilities that not only support the County’s goal, but also provide recreational amenities within a development. For developments greater than a 1.0 FAR, as is the case here, the Plan specifies stormwater management techniques to control the volume, rate, and quality of stormwater runoff. The Stormwater Narrative presented on the CDP/FDP demonstrates the Proposed Development’s compliance with the stormwater requirements under the Public Facilities Manual and the Comprehensive Plan.

I. Affordable/Workforce Housing

Under the Comprehensive Plan, new residential developments are expected to include Workforce Dwelling Units (“WDUs”). Reston’s policy promotes WDUs on the basis of a sliding scale of development intensity. The Applicant will commit to 16% of residential units as WDUs based on the 3.1 FAR planned for the Property to promote the aim of enhancing housing alternatives for all Reston residents. The Applicant also will make a per-square foot contribution toward affordable and workforce housing funds/programs in accordance with Comprehensive Plan policy.

J. Hazardous or Toxic Substances

To the best of the Applicant’s knowledge, no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; no hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and no petroleum products as defined in Title 40, Code of Federal Regulations Part 280; will be generated, utilized, stored, treated, and disposed of on this Application’s site.

VI. Zoning Ordinance Standards for Planned Developments

Pursuant to Section 2105.C of the Zoning Ordinance, the Proposed Development will comply with the following standards for planned developments:

- A. The planned development must substantially conform to the Comprehensive Plan with respect to type, character, intensity of use, and public facilities. Planned developments may not exceed the density or intensity permitted by the Comprehensive Plan, including any permitted density or intensity bonus provisions.*

The existing and proposed uses for Commerce Metro Center will result in a 3.2 FAR, comprised of approximately 70% office, 20% residential, and 10% hotel/retail uses. Although the mix of uses includes proportionally more office space than the 50%/50% ratio of residential to non-residential uses under the Comprehensive Plan, the Wiehle TSA overall has several major developments that have proportionally more residential uses in the TSMU area. As a result, the Wiehle TSA will remain well balanced in the ratio of residential to non-residential uses. In addition, the incorporation of ground floor retail and additional office uses in this ideal office location relative to the South Sub-district and greater TSMU area is consistent with the Plan's vision for a balanced mix of uses. With respect to the intensity of development, the proposed 3.2 FAR does not account for bonus density for the provision of WDUs or additional bonus density available for achieving high-priority objectives in the Comprehensive Plan.

- B. The planned development must be designed to achieve the stated purpose of the planned development district more than would development under a conventional zoning district.*

The PDC district "is established to encourage innovative and creative design of commercial development" that will not result in detrimental effects to neighboring properties. With an innovative, high-quality design, the Proposed Development will achieve the stated purpose for the PDC district by creatively planning for transit-oriented infill development on the Property. The creative design of the site and buildings minimizes any potential negative impact of the Proposed Development on the surrounding properties.

- C. The planned development must, to the extent possible, protect, preserve, and restore natural ecosystem components, including trees, meadows, streams, topographic features, and healthy soils, and heritage resources.*

The layout of the residential buildings, office buildings, hotel, and ground floor retail uses will maximize the site's available space and significantly improve the built environment in comparison to current condition of the Property, which does not have the same level of pedestrian connectivity and high-quality open space.

- D. The planned development must be designed to prevent adverse impact to the use and value of existing surrounding development and may not deter or impede development of surrounding undeveloped properties in accordance with the Comprehensive Plan.*

The Proposed Development will contribute to the future concept for the Wiehle-Reston East Transit Station Area's South Subdistrict. The Applicant has designed the Proposed Development in such a way that it would not obstruct adjacent growth but will instead foster coherent and integrated development throughout the area.

- E. The planned development must be located in an area in which existing or planned transportation, police and fire protection, other public facilities, and public utilities will be available and adequate for the uses proposed. The applicant may provide for those facilities or utilities which are not presently available.*

These public facilities and utilities are available at the Property.

- F. The planned development must provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.*

Commerce Metro Center incorporates connectivity for pedestrians and cyclists throughout the Property. These connections will enable pedestrians and bicyclists from the site's numerous commercial and residential buildings to easily access ground level retail.

VII. Proposed Waivers and Modifications

The Applicant requests approval of the following waivers and modifications of the Zoning Ordinance, Public Facilities Manual and Fairfax County Code as part of this rezoning application.

A. Zoning Ordinance Waivers/Modifications

1. Section 5100.2.D.8.a of the Zoning Ordinance, Setbacks from Specific Highways and Railroad Tracks: The Applicant requests a modification to allow commercial structures within 75 feet of the Dulles Toll Road. The Childcare Center, Commerce 7, Commerce 8, Commerce Hotel, and One Commerce/Jahn Office buildings will be located within 75 feet of the Dulles Toll Road as shown on the CDP/FDP. The proposed modification will enable commercial buildings to be located closer to the Metro Station in accordance with the Comprehensive Plan's objectives. If necessary, soundproofing techniques will be implemented for the office and hotel buildings to mitigate the effects of highway-related noise.
2. Section 5100.2.D.4.b and 5100.2.D.5.a of the Zoning Ordinance, Corner Lots and Permitted Extensions into Minimum Required Setbacks: The Applicant requests a modification to allow buildings to be constructed to the streetscape building zone line on corner lots on public streets and lots with private street easements which may create a corner lot configuration. The proposed modification will allow the Applicant to construct portions of the proposed buildings within the building zone as shown on the CDP/FDP.

3. Section 2105.4.C.1.a. of the Zoning Ordinance, Secondary Uses: The Applicant requests a modification to allow an increase for dwellings as a secondary use over the limitation of 50 percent of the square footage of primary uses as shown on the CDP/FDP. The proposed modification will allow the Applicant to develop a greater proportion of residential units as a secondary use as recommended in the Comprehensive Plan.
4. Section 6101.3 of the Zoning Ordinance, Minimum Required Off-Street Loading Spaces: The Applicant requests a reduction in the number of required loading spaces for each building. The loading space requirements in the Zoning Ordinance do not reflect the needs of newly constructed residential and commercial buildings.
5. Section 6101.2.C of the Zoning Ordinance, Loading Spaces: The Applicant requests a modification of the minimum distance of forty feet (40') of a loading space in proximity to drive aisles for multi-family dwelling units. The proposed loading spaces are fully enclosed with no visual impacts and are located close to the intersections to support the desired urban form of development.
6. Section 5107.3.A.3 of the Zoning Ordinance, Private Streets: The Applicant requests a waiver of the maximum length of private streets to allow private streets exceeding 600 feet in length as shown on the CDP/FDP. The proposed design of the roadway network fosters a multimodal and pedestrian-friendly environment that allows for full connectivity throughout the property.
7. Section 5108.6.B and C of the Zoning Ordinance, Transitional Screening Requirements and Barrier Requirements: The Applicant requests a modification of the transitional screening and barrier requirements to allow the streetscape elements and landscaping as shown on the CDP/FDP. The Applicant's proposed design provides appropriate landscaping and streetscape elements without the need for transitional screening and barriers between uses within the proposed development.
8. Section 8100.7.E.4 of the Zoning Ordinance, Site Plan: The Applicant requests a waiver and/or modification to not require any further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP. Dedication and improvements shown on the CDP/FDP shall be deemed to meet all Comprehensive Plan policy plan requirements.
9. Section 5100.2.C.5 of the Zoning Ordinance, Structures Excluded from Maximum Height Regulations: The Applicant requests a waiver to allow parapet walls to exceed the height limit established by more than three feet. The purpose of this waiver is to allow parapet walls to effectively screen mechanical equipment without counting toward building height.
10. Section 8100.7.E.7. of the Zoning Ordinance, Installation of "No Parking" Signs: The Applicant requests a modification to allow the Applicant to establish parking control means and methods along private streets within and adjacent to the

development in coordination with Fairfax County Department of Transportation. The Applicant is seeking the right to safely control traffic patterns on site by implementing bulb-outs, parking meters, and/or signage location and spacing in lieu of the “No Parking” signage to aid in pedestrian use throughout the property.

11. Section 6100.2.C.1.a of the Zoning Ordinance, Off-Street Parking Design and Layout: The Applicant requests a modification to allow for the projection of structural columns into the stall area of parking stalls within the parking structure by no more than ten percent (10%) of the stall area to allow those parking spaces to count towards the number of parking spaces required. The proposed modification will allow the Applicant to minimize the modification for the reduction of parking.
12. Section 4102.4.C.1.a. of the Zoning Ordinance, Outdoor Recreation Area: The Applicant requests a modification to reduce the required 100 square feet of usable outdoor recreation area for each child at the Childcare Center. The Applicant requests the amount of outdoor recreation area for the Childcare Center as shown on the CDP/FDP.

B. PFM Waivers/Modifications

1. Section 6.1306.3.F: The Applicant requests a waiver and/or modification to allow for any detention facility located within a building or garage structure to be governed by building code requirements for access and maintenance. The Applicant requests a waiver of the section requirements of 12-foot access road which is not possible for an underground detention facility located in a parking structure.
2. Section 7-0404.4.B: The Applicant requests a modification to allow for a minimum distance of less than twenty-five (25) feet between entrances, as indicated on the CDP/FDP. The Applicant will work with FCDOT and VDOT to coordinate the site entrance locations.
3. Section 8-0201.3, Bike Trails: The Applicant requests a modification for the portion of trails and bike trails along Wiehle Avenue and Sunrise Valley Drive in favor of the section shown on the CDP/FDP. This waiver is requested as the overall design of the project provides for an equivalent and complementary design which will better interface with the planned cycle track and trail system along Sunrise Valley Drive and bike lane network along Wiehle Avenue.
4. Section 12-0314.3.C, Interior Parking Lot Landscape: The Applicant request a modification of the area to be counted for the five percent (5%) interior parking lot landscaping to not include areas of the private street and the exposed surfaces on the parking deck. The proposed modification is necessary due to the constraints on the feasibility of planting in these areas.

5. Section 12-0300.1-2, Tree Conservation Plan Requirements: The Applicant requests a modification to allow off-site trees planted in the landscape amenity panel within VDOT right-of-way along Sunrise Valley Drive to be counted toward the required 10-year tree canopy to be provided with the Proposed Development. The Applicant requests this modification to account for the constraints to feasibility of planting on the site.

VIII. Conclusion

The Proposed Development encapsulates the Comprehensive Plan's vision for the Wiehle-Reston East Transit Station Area by providing significant infill development that will transform a property previously dominated by suburban-style office buildings into a vibrant, mixed-use, walkable urban center adjacent to the Metro Station. Distinctive architecture and excellence in urban design will contribute to an active, pedestrian-focused urban environment and ensure the Commerce Metro Center's transformation into a vibrant gateway at the Wiehle-Reston East Metro Station.

Brian J. Winterhalter, DLA Piper LLP