

# KINCORA ZMAP 2008-0021

## REVISIONS WITH ADVERTISING IMPLICATIONS

The following potential revision requires re-advertising and re-hearing:

1. **FAR.** An FAR of 0.76 was advertised. Subsequent plans show an FAR of 0.79. An increase in FAR requires re-advertising and re-hearing.

The following potential revision does not require re-advertising and re-hearing. However, proceeding to the Board without re-advertising and rehearing by the Planning Commission, would be at the Applicant's risk, and a request to do so needs to be provided in writing.

2. **Modification of Section 4-1356(B)(1). Maximum Front Yard.** A modification to permit a maximum front yard of up to 150 feet in Land Bay Q was advertised. In subsequent plans, the maximum front yard is proposed to be increased from 30 feet (50 feet maximum with a common gathering place) to 150 feet for Land Bays B, F, J, and N and to 650 feet for Land Bay Q. To make this change, the Planning Commission would need to decide whether the revision is so substantial as to constitute a new application, and if so, may request re-advertising and re-hearing.

## CONCEPT PLAN REVISIONS

The following is a list of revisions that need to be made to the Concept Plan prior to Board action:

1. **Concept Plan.** Renumber the plan sheets so that there are no page numbers that end in "A" (e.g., 18A, 19A) as pages with such numbering could be removed from the plan sheet set and compromise its integrity.
2. **Cover Sheet.** Sheet index does not include Sheet 18A. Revise and renumber.
3. **Cover Sheet. Note 13.** Remove note 13 as building footprints and locations, architectural designs and building elevations are shown for illustrative purposes only.
4. **Cover Sheet. Note 23.** Remove note 23 as Note 26 states that open space will be provided in accordance with the Zoning Ordinance and the Revised General Plan.
5. **Sheet 1. Notes 15D and 27.** Revise to clearly indicate that an approved floodplain alteration is required to enable development within floodplain areas.
6. **Sheet 9. Concept Plan.** The label for Land Bay N includes "surface parking." Does the Applicant wish to be limited to surface parking or have the option for structured parking? Consider modifying label to "surface and/or structured parking." The label for Land Bay Q includes "structured parking and surface parking." Consider relabeling to "structured parking and/or surface parking."
7. **Sheet 11. Concept Plan.** The labels for Land Bays A, B, E, F, G, H, J include "structured parking and surface parking" and the Land Bay D label includes only

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structured parking. Consider relabeling to "structured parking and/or surface parking."

8. **Sheets 11 and 12. Concept Plan.** Areas on both sides of Land Bay D are labeled for employment and retail uses but are not assigned to a specific land bay. Please clarify.

9. **Sheet 12. Concept Plan.**

a. Revise the 1,400 foot and 700 foot rookery radius to accommodate the additional heron nests.

b. Land Bay C label includes "structured parking and surface parking." Land Bay D states only structured parking. Consider relabeling to "structured parking and/or surface parking."

10. **Sheet 13. Concept Plan Tabulation Sheet.**

a. Remove reference to floodplain study in upper left corner as the study has not been approved, and revise the application to be based on the current FOD limits. Any land proposed to be excluded from the floodplain with a floodplain alteration study should not be included as developable land.

b. Accurately depict the proposed floodplain limits on the west side of Pacific Boulevard, adjacent to Land Bay Q. Two box culverts exist under Pacific Boulevard that would allow for floodwater storage and the floodplain to occur on the east side of the road, within Land Bay Q. An existing stream with a forested riparian buffer occurs upstream of the culverts. Account for the major floodplain in this area and depict the Land Bay limits outside of the FOD, as well as the River and Stream Corridor 50-foot Management Buffer.

c. Locate Land Bay N outside of the current FOD limits and Land Bays N and Q outside of the River and Stream Corridor 50-foot Management Buffer.

d. The maximum FAR is indicated as 0.79 in the table. The public hearing advertisement included .76 FAR. This must be either re-advertised and re-heard by the Planning Commission or revised back to 0.76 of the Concept Plan.

e. Note (3). Land Bay N does not have hotel uses. Please revise accordingly.

f. Note (6). Use term of Zoning Ordinance, i.e., not "Non-residential." Perhaps "Commercial."

11. **Sheet 14.**

a. Exclude FSM and LSD0 modifications from the Proffer Statement as these are submitted at the time of site plan or construction plans and profiles.

b. On the current 2001 Revised CTP, the road classification of Pacific Blvd. is a "major collector." Revise accordingly. You may add a note that yards can change if a future adopted CTP reclassifies the roadway as a minor collector.

12. **Sheets 17 and 18.** As the modification request is for a 6 foot landscaping strip, revise plans to include at least a 6 foot landscaping strip between the parking lot and street right of way.

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13. **Sheet 18A. Amended Soil Detail Plan.** Revise dimensions of planting/pedestrian zone to match Sheets 17 and 18.
14. **Sheet 18A.** Revise Typical Sections for Route 28 and Pacific Boulevard for Land Bays N and Q to show a maximum of one row of parking and one travel lane adjacent to Route 28 and Pacific Boulevard, consistent with Proffer V.L.1. and the Kincora SPEX.
15. **Illustrative Sheets.** Proffering conformance to Sheets labeled "illustrative" is not a strong enough design commitment. (Sheets 19 and 19A, Typical Illustrative Site Furnishings; Sheet 20, Illustrative Streetscape Concepts; Sheet 21, Illustrative Amenity Concepts; Sheets 29 and 30, Illustrative Layout Plan; Sheet 31, Illustrative Land Use Map; Sheets 32 and 33, Civic Space Exhibit; and Sheets 34 and 35, Open Space Plan; Exhibit G of the Proffers).
16. **Sheet 25.** Delete the reference to minimizing impacts to very steep slopes, as impacts associated with road construction is not a permitted use.
17. **Sheets 32 and 33.**
  - a. Revise to accurately only show civic space consistent with the Revised General Plan (should not include parking lot islands and the area north of Road 10 labeled as surface parking on the Concept Plan).
  - b. Reconcile the Civic Space Exhibit, which depicts an 81,000 square foot central plaza with Proffer I.H., which commits to a 10,000 square foot plaza.
18. **Sheets 34 and 35. Proffer IV.B.**
  - a. The label for the 160.11-acre dedication should be the same on the Concept Plan and on Proffer IV.B.
  - b. Revise to show open space as defined in the Revised General Plan.

**PROFFER STATEMENT (January 13, 2010)**

Staff suggests the following revisions to the Proffer Statement prior to Board action:

1. **Proffer Title.** Please revise Proffer title to coordinate with application name.
2. **Table of Contents.** Revise page numbers for correct references.
3. **First Paragraph. Fifteenth Line.** Insert "Revised" in front of "1993 Loudoun County Zoning Ordinance."
4. **Proffer I.A. Last Paragraph.** Omit last paragraph as it appears to be in conflict with the preceding paragraph. As substantial conformance is defined in the Zoning Ordinance and the Concept Plan only depicts land bays and roadways with specific commitments to the uses within each land bay, omit, "the Owner shall have reasonable flexibility to modify the location of uses and layout shown on the Concept Plan . . . ."
5. **Proffer I.B. First Bullet.** After 3,973,025 sq. ft. suggest strike "non-residential uses" and replace with "employment, commercial, and civic uses," terms used in the Zoning Ordinance.

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6. **Proffer I.B.1.** The 40% is required, why restate?
7. **Proffer I.B.2.** Is it necessary to state 5% minimum as it is required by the Zoning Ordinance?
8. **Proffer I.B.2.**
  - a. Proffer that no less than half of the proposed non-hotel commercial retail uses will be located within mixed-use buildings containing two or more uses.
  - b. Proffer that hotel uses will not be located adjacent to Pacific Boulevard.
9. **Proffer I.B.2.** Simplify by breaking into sections, such as "(a) Not more than 398,825 square feet shall be non-hotel commercial uses, (b) At least 200,000 square feet shall be uses such as, but not limited to, restaurant, retail . . . (use terms of the Zoning Ordinance), (c) with the exception of . . ."
10. **Proffer I.B.3.** As hotel is included within the commercial category, it could be I.B.2.(d). Delete the last part of the first sentence and first part of second sentence to read "hotel uses shall not exceed a total . . ."
11. **Proffer I.B.4. Second Line.** Delete as the 10% minimum is a Zoning Ordinance requirement and the only types of residential proposed are multi-family, thus there is no need for future special exceptions.
12. **Proffer I.B.4.** Specify "no Zoning permit for . . ." rather than "no building permits for . . ."
13. **Proffer I.B.4.**
  - a. Specify the County agency that will be provided written notice prior to any conversion of rental units.
  - b. Stipulate what section of the community development authority agreement requires payment for conversion of rental units to for-sale units.
14. **Proffer I.B.5.** Why is 5% included in Proffers as it is a requirement of the Zoning Ordinance? Why are examples listed? A reference could be made to the Zoning Ordinance uses. If listed, use uses permitted in the Zoning Ordinance.
15. **Proffers I.B.5. and I.H.** Proffer to minimum types of amenities to be provided in the three 10,000 square-foot plazas. Civic space should be 5% of the total *land area* rather than total floor area.
16. **Proffer I.B.6.** To state "A minimum of 10% of the land area of the property shall be devoted to parks and/or open space; no more than 50% of which shall be located within the River and Stream Corridor Resource and no more than 25% of which shall be located within required buffers or "leftover spaces."
17. **Proffer I.B.6. Fifth Line.** Please do not include parking lot islands in open space calculations.
18. **Proffer I.B.7.** Delete references to record plat. The tabulations need to be done at site plan.

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19. **Proffer I.B.8. Fourth Line.** Please define Unmet Housing Needs. The suggested trigger on the fourth line is "issuance of an occupancy permit."
20. **Proffer I.C.** Please stipulate to whom the Owner is going to provide prepayment of the Route 28 Taxes. It is suggested that the recipient should be "Treasurer, County of Loudoun."
21. **Proffer I.D.** Please reword for easier understandability. What are "ADU-Equivalent Units"? This term is not in the Zoning Ordinance.
22. **Proffer I.D. Second Sentence.** It is recommended that the newly added first part of the second sentence "Notwithstanding" through "Ordinance" be deleted.
23. **Proffer I.D. Last Sentence.** Clarify who decides if it's "(a)" or "(b)."
24. **Proffer I.D.** Revise to state that the affordability requirement for all "ADU-Equivalent Units" and the Unmet Housing Needs Units shall be a minimum of 20 years for rental units and a minimum of 15 years for for-sale condo units. Revise to state that the affordable dwelling units shall be administered consistent with Article 7 of the Zoning Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance. Remove the reference to workforce housing as the County does not define it.
25. **Proffer I.E.** It is unclear as to whether this counts against the ADU count.
26. **Proffer I.F.** Check triggers for consistency with phasing on Sheet 13.
27. **Proffer I.F.** When do ADUs come on line?
28. **Proffer I.F.1. Last Line.** Delete "Employment Supportive Uses" and replace with "Commercial Uses."
29. **Proffer I.F.** Check triggers for consistency with chart on Sheet 13.
30. **Proffer I.G.** Title should be consistent with paragraph – "Community Center for Performing Arts . . ." Be consistent with name of performing arts use throughout Proffer.
31. **Proffer I.G.1.** Does the Proffer just go away if another performing arts center is built within five miles of the property? Specify in Proffers what happens if the center does not come to fruition or is relocated within the northern portion of the site. Specify where this center site would be located and how the relocation or elimination of the two-acre site would impact the land bay square footages on Sheet 13.
32. **Proffer I.G.1.** Trigger should be at occupancy permit rather than zoning permit.
33. **Proffer I.G.1. Last Line.** What is the site plan for?
34. **Proffer I.G.2. and Sheet 13.** Specify what happens if a performing arts center does not come to fruition or if it is relocated to a two-acre site within the northern portion of the property. How would it impact the land bay square footages provided on Sheet 13.

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35. **Proffer I.H. Ninth Line.** Should 19A also be referenced?
36. **Proffer I.H.** Revise to state that the plaza within Land Bay J will be provided prior to or concurrent with the issuance of an occupancy permit for either the 401st residential dwelling unit, inclusive of the "ADU-Equivalent" Units and the Unmet Housing Needs Units or the 325,001st square foot of non-residential uses.
37. **Proffer I.I.** Reword for clarity regarding intervening buildings.
38. **Proffer I.J.** The requirement for vertical mix of uses is in the Ordinance. It is not necessary to repeat in Proffer.
39. **Proffer II.** Proffer V.L.1. permits buildings in Land Bays B, F, J, and N fronting on Route 28 or Pacific Boulevard to be set back a maximum of 150 feet. Remove "and within 100 feet" from Proffer II.
40. **Proffer II.A.** Revise to state construction activities that will result in excessive disturbance (e.g., clearing, grading, external construction) will not occur within the 1,400 foot rookery radius during the heron nesting season from February 15th to June 30th each year.
41. **Proffer II.C.** It appears as though the limits of clearing and grading just need to be expanded as there are too many encroachments listed.
42. **Proffer II.D.** Modify "subsequent amendments to the Kincora Broad Run Restoration Concept Plan, as may be approved by the Department of Building and Development, the Virginia Department of Environmental Quality and the Army Corps of Engineers, shall not require approval of a zoning concept plan amendment" to include a minimum area (acres) for each restoration activity: created/restored wetlands, enhanced wetlands, riparian reforestation, riparian preservation, and stream enhancement. Provide minimum acreage requirements for each restoration activity on the Broad Run Restoration Concept Plan.
43. **Proffer II.F.** This Proffer should be consistent with the language approved in the Kincora special exception (SPEX-2008-0054), Condition 39.
  - a. Replace the first sentence with, "Within Conservation Areas shown on the Restoration Concept Plan and within Tree Preservation Areas shown on Sheets 22 and 23 of the Concept Plan, the Applicant shall preserve a minimum of 80% of the existing canopy, exclusive of stands of Virginia Pine over 25 years of age."
  - b. To the second paragraph add "and Conservation Areas" after "Tree Preservation Areas."
  - c. State that the Applicant shall preserve a minimum of 80% of the existing tree canopy within areas labeled as Tree Preservation Outside Riparian Forest Preservation on Sheets 22 and 23 so as not to confuse with areas labeled as Riparian Forest Preservation which should be preserved in its entirety.
44. **Proffer II.L.** Why is harvesting trees from cleared land a Proffer? This Proffer is not necessary.

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45. **Proffer II.M.**
  - a. Last sentence. Please change "will be" to "shall."
  - b. Define the EarthCraft program.
  - c. Change the timing for the EarthCraft certification to be submitted to the County to "prior to issuance of first occupancy permit" and since EarthCraft certification is not available for individual units or portions of a building, change the commitment to reflect all residential buildings.
  - d. Clarify whether the buildings will be LEED certified or if LEED elements will be incorporated.
46. **Proffer III.C.** Please proffer to acquire all necessary off-site right-of-way, through good faith efforts, to complete the necessary off-site connections across the Broad Run for Pacific Boulevard to connect with Russell Branch Parkway, and for Gloucester Parkway to connect with Loudoun County Parkway. In the event the Applicant cannot obtain such necessary off-site right-of-way through good faith efforts for the extension of Pacific Boulevard to connect with Russell Branch Parkway and the extension of Gloucester Parkway to connect with Loudoun County Parkway, the Applicant shall request that VDOT or the County obtain such required off-site right-of-way through the use of eminent domain, with all costs associated with the eminent domain proceedings to be borne by the Applicant or the CDA, including all applicable land acquisition costs.
47. **Proffer III.D.2.-III.D.58.** The County's Land Management Information System does not have the ability to count hotel rooms. It is suggested that the Proffer be based on approved site plans containing certain square footage amounts of non-residential uses and the number of residential dwelling units.
48. **Proffer III.D.3.** Check phasing with Sheet 13.
49. **Proffer III.F.** Please revise the Proffer Statement to identify the exact number and locations of the traffic signals to be installed along Pacific Boulevard at intersections with roads providing access to the Land Bays so that the exact number of potential cash contributions may be identified in the event such traffic signals are not warranted at the beginning of Transportation Phase 3.
50. **Proffer III.H.** Revise to state that "the Owner shall demonstrate compliance with the aforementioned acoustical analysis with the goal of mitigating noise levels that approach or exceed the Noise Abatement Criteria identified in the Countywide Transportation Plan for noise sensitive uses on the Property."
51. **Proffer III.L. Eighth Line.** If the intent is that the shuttle will connect with Dulles Town Center, just say so.
52. **Proffer IV.A. Eighth Line.** Insert paragraph break between "trails" and "Unless."
53. **Proffer IV. Twelfth Line.** Insert paragraph break between "width" and "Trails."
54. **Proffer IV.B. 2nd Line.** It is recommended that "maintenance" be deleted as maintenance should be ongoing.

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55. **Proffer IV.B.** Revise first sentence to state the Owner shall dedicate to the County the approximately 162.11 acre river and stream corridor resources for the Broad Run.
56. **Proffer V.** Need to have triggers associated with all design Proffers. Recommend adding that the proffered design elements under Proffer V. will be demonstrated at the time of site plan.
57. **Proffer V.F.** As the Applicant is requesting an FAR incentive for the structured parking, a trigger other than full build-out is necessary.
58. **Proffer V.F. Seventh Line.** Insert "areas" after "parking."
59. **Proffer V.I.** If the principal entrance is not oriented toward the street, it must be oriented toward a plaza, green, park, etc., in accordance with Section 4-1355(E), unless a modification is approved.
60. **Proffer V.J.1.** The Applicant is proffering to a design to which no waiver can be given.
61. **Proffer V.L.2.** Revise to state "Each building containing residential uses shall be located within 300 feet of an active open space area at least 2,500 square feet in size."
62. **Proffer V.M.** Revise to incorporate universal design for a certain percentage of the residential units.
63. **Proffer V.L.1. Last Paragraph.** This Proffer must be amended for conformity to the Zoning Ordinance regarding setbacks from arterial and collector roads. Further the modification now being requested does not match what has been advertised.
64. **Proffer V.L.4.** Does this mean a retail sales establishment can be oriented toward Pacific?
65. **Proffer VI.A. Public Use Site.**
  - a. Please refer to site as "public use site" as depicted on CDP.
  - b. Regardless of the outcome of the PPEA process, staff requests that the Applicant proffer a five-acre Public Use Site in Land Bay N to the County to offset the capital facility cost to the County of developing 1,400 multi-family units in the County.
  - c. Please revise the Proffer Statement that within 60 days of approval of ZMAP-2008-0021, the Applicant shall submit a subdivision application to create a Public Use Site consisting of a minimum of five buildable acres (i.e., non-floodplain, non-wetland, non-very steep slopes, etc.) in Land Bay N, as depicted on Sheets 9 and 10 of the Concept Development Plan. The Applicant shall dedicate and convey to the County the five-acre Public Use Site within 180 days of the approval of ZMAP-2008-0021.
  - d. Please change the heading of Proffer VI.A. from "Fire & Rescue Site" to "Public Use Site." Please change all other references to the proffered "Fire & Rescue Site" to "Public Use Site." In the event the site is not developed as a Fire & Rescue Station, the County reserves the right to develop the

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Public Use Site for any use allowed within the zoning district regulations on the parcel.

- e. The County requests that the Applicant revise the Proffer Statement to provide all utilities to the Public Use Site, including broadband, prior to dedication of the Public Use Site to the County. The Applicant shall also construct a temporary access road across Land Bay N to the Public Use Site prior to conveyance of the site to the County. The temporary access road will be required by the County to access the Public Use Site until such time as access to the site from Pacific Boulevard is provided by the Applicant.
- f. In the event there are not five buildable acres within Land Bay N to proffer to the County for a Public Use Site, the County requests that the Applicant proffer to provide an "alternate" location for a five-acre Public Use Site within Land Bay Q.

**66. Proffer VI.C.** Is this Proffer needed as the sprinklers are required anyway?

**67. Proffer VII.** Please revise to provide that the proffered Public Use Site, or any other land conveyed to the County, will be excluded from the Owners Association for the Kincora Community.

**68. Proffer VIII.C.** Please revise the Proffer Statement to provide that all cash contributions made by the Applicant to the County will be escalated annually according to the Consumer Price Index (CPI). As currently stated, the Applicant is proffering to only escalate only those cash contributions where the Proffers specifically state the contributions will be escalated. It is County policy that all proffered cash contributions be escalated annually according to the CPI.

**69. Large-Scale Free-Standing Retail.** Proffer specific design controls that ensure any large-scale, free standing retail use functions appropriately as part of a pedestrian-oriented mixed-use development (i.e., multi-story building, multiple facade treatments giving the appearance of smaller scale retail uses, etc.).

**70. Surface Parking.** Proffer to no surface parking at full build-out adjacent to Roads 2, 6, 8, and 9.

**71. Parking Structures.** Proffer that at full build-out, parking structures will not be located along blocks where the parking structure is the sole use, and will be shielded by linear buildings along Roads 2 and 6.

**72. Parking Location.** Proffer to locate parking to the rear of the buildings they serve, within the interior of blocks, with access from alleys or streets which do not conflict with pedestrian access. The only exception will be for Pacific Boulevard and Route 28.

**73. Active Open Space.** Proffers should include timing commitments for active open space.

**74. Curb Cuts.** Curb cuts break up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented uses. For these reasons, staff continues to

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recommend committing to no curb cuts along Roads 2, 6, 8, and 9, except for the provision of hotel entrances, if applicable.

75. **Pedestrian Crossings.** Proffer to provide pedestrian crossings on Roads 1 and 2.
76. **Roads 8 and 9.** Align Roads 8 and 9 to create a full intersection with Roads 2 and 6. (Staff recognizes that the Applicant does not agree to this revision.)
77. **Principal Entrances.** Proffer that principal entrances will not face a parking structure or surface parking.
78. Proffer that a minimum of 80% of all block frontages along Roads 2, 6, 8, and 9 will be lined with buildings. Open spaces such as plazas, courtyards, public greens, and other outdoor gathering spaces will be excluded from the calculation.
79. Proffer that retail and commercial service uses will be oriented so that they are not visible from Route 28, Pacific Boulevard, and Gloucester Parkway.
80. **Parking Area Screening.** Parking area screening is not shown for Roads 8, 9, 11, and 12.
81. **Facilities Standards Manual (FSM) and Land Subdivision Ordinance (LSDO) Waivers.** Please remove these proposed modifications from the rezoning application. FSM waivers and modifications must be submitted at the time of site plan or construction plans and profiles. Maintaining the requests as part of the Proffer Statement is misleading and may cause confusion for future applications.

## DESIGN GUIDELINES

In order for the Applicant's Design Guidelines to be enforceable and consistent with the Revised General Plan, the following revisions need to be made:

1. **Architectural Massing Standard #7.** Amend to state "Buildings in Land Bays B, F, J, and Q, with no intervening buildings between such buildings and Pacific Boulevard or Route 28 shall be constructed to a minimum of four stories or 50 feet in height."
2. **Typical Roadway Sections, pg. 10.** Page 10 of the Design Guidelines shows Typical Sections for Route 28 and Pacific Boulevard for Land Bays N and Q with more than one row of parking and more than one travel lane adjacent to Route 28 and Pacific Boulevard inconsistent with **Proffer V.L.1.**
3. **Streets and Block Standards, pg. 5.** "For blocks greater than 400' in length a mid-block feature for the purposes of dividing the length of the block ~~should~~ will be provided."
4. **IVC. On-Street Parking, pg. 6.** Remove the second sentence as it would require an FSM waiver.
5. **IVD. Shared Parking Facilities, pg. 6, #3.** "should" be feasible.
6. **Streetscape Standards, pg. 11, #1.** Revise to state that all streetscapes "will" provide.

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7. **Streetscape Standards, pg. 13: #7d and #7f.** Delete as these refer to streetscape elements (street furniture zone and passenger transition zone) that have been removed from the Design Guidelines.
8. **Streetscape Standards, pg. 14: #8.** Change "should" to "will" and remove "typically."
9. **Streetscape Standards, pg. 14: #10 and #12.** Change "should" to "shall."
10. **Streetscape Standards, pg. 14: #13.** Add "such as at parks and plazas" at the end of this standard.
11. **Pedestrian Ways Standards, pg. 16: #3.** Change "should" to "shall."
12. **Pedestrian Ways Standards, pg. 16: #4.** Add "Except for trails located within the River and Stream Corridor Resource which shall consist of a permeable material only."
13. **Pedestrian Ways Standards, pg. 16: #5.** Change the last sentence to read "Pedestrian scale lighting will be provided sufficient to illuminate the walkway and seating areas."
14. **Outdoor Plazas Standards, pg. 18: #4.** Currently there is not a plaza located within Land Bay D.
15. **Outdoor Lighting Standards, pg. 20.** Add #8 "Light intensity will only be for its intended purpose."
16. **Outdoor Furniture Standards, pg. 23: #4.** Change "should" to "shall" for "Seating areas ~~should~~ shall not obstruct building entrances nor restrict clear movement zones."
17. **Outdoor Furniture Standards, pg. 23: #6.** Change "should" to "shall" for "Bicycle racks ~~should~~ shall not obstruct building entrances nor restrict clear movement zones."
18. **Outdoor Dining and Sidewalk Cafes Standards, pg. 26: #6.** Add "are" to the last sentence to read "Paint, grass, artificial turf, carpet, platforms, and any interior finish materials or treatments are not allowed."
19. **Utility Service Standards, pg. 27.** Remove #4 telecommunication facilities are permitted in the PD-MUB Zoning District by SPEX.
20. **Facade Treatment Standards, pg. 35: #7.** Change "should be" to "are" to read "Long, flat facades ~~should be~~ are discouraged."
21. **Storefronts and Grade Level Spaces Standards, pg. 39: #6.** Change "should" to "will."
22. **Residential Buildings and Frontages Statement of Intent, pg. 39: #1.** Change to read "Residential uses are encouraged in Kincora Land Bays A, C, D, E, and portions of F."

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23. **Fencing and Railings (And Temporary Barricades) Standards, pg. 45: #3.** In the last sentence change "color of colors" to "color or colors."
24. **Loading and Trash Collection Areas Statement of Intent, pg. 45: #2.** Change "should" to "shall" in the last sentence to read "At a minimum, landscape shielding ~~should~~ shall conceal service areas from roadways and residential uses . . . ."
25. **Loading and Trash Collection Areas Standards, pg. 46: #1b.** Change the last sentence to read "Service area frontage along Roads 2, 6, 8, and 9 should be is prohibited, unless appropriately shielded."
26. **Tree and Planting Recommendations Standards, pg. 49: #8.** In the second sentence, change 'trees' to "tree pits."
27. **Park Landscaping, pg. 5.** Staff notes that the Narrative discusses more than just landscaping of parks, plazas, and squares. Staff also notes that there are no standards associated with park landscaping.
28. **Planters Standards, pg. 52: #1.** Change "should" to "shall."
29. **Planters Standards, pg. 53: #2.** Please delete as this standard refers to the street furniture zone, which is no longer included in the Design Guidelines.
30. **Planters Standards, pg. 53: #5.** Add "Planters shall complement the building facade they adjoin in both color and finish materials."
31. **Signage Design Standards.** Remove as signage must comply with the Zoning Ordinance.

**ADDITIONAL INFORMATION NEEDED**

Additional information is needed in order for staff to evaluate the following:

1. **Very Steep Slopes.** Provide more detailed information to evaluate compliance with Section 5-1508 of the Revised 1993 Zoning Ordinance.
2. **Modification of Section 4-1358(C). Tree Spacing.** Provide additional information illustrating the Applicant's referenced constraints (utility corridors, sight distance and clear zone requirements, signage, lighting, and streetscape amenities) as well as relationships with proposed improvements (including building heights), Proffer Statement Exhibit B does not provide sufficient information.