

County of Loudoun
Department of Planning and Zoning

MEMORANDUM

DATE: September 1, 2016

TO: Jackie Marsh, AICP
Project Manager, Land Use Review

FROM: Pat Giglio
Planner III, Community Planning

**SUBJECT: ZMAP 2016-0009, ZMOD 2016-0010, SPEX 2016-0025 & SPEX 2016-0026,
Ashburn Village Development (Formerly Ashburn Village Office Park)**

EXECUTIVE SUMMARY

The applicant, B.F. Saul Real Estate Investment Trust, has submitted applications proposing office, commercial retail and residential uses on the 52.34 subject property known as Ashburn Office Park. The property is zoned PD-IP (Planned Development – Industrial Park) and is subject to the Ashburn Village proffers and concept plan permitting office uses on the subject site. The application seeks a Zoning Map Amendment (ZMAP) to rezone the property into three separate land bays with three different zoning categories: 21.4 acres zoned PD-OP (Planned Development-Office Park), 5.9 acres zoned PD-CC-NC (Planned Development-Commercial Center-Neighborhood Center and 25 acres zoned R-24 (Multifamily Residential). A series of Zoning Modifications (ZMODs) has also been requested as well as two Special Exceptions (SPEXs) for the commercial retail uses.

The subject site is located in southwest quadrant of the intersection of Route 7 and Ashburn Village Drive in the Ashburn Community. The site is located within the Suburban Policy Area and is planned for Keynote Employment Center land uses (*Revised General Plan, Planned Land Use Map, Chapter 7*). Residential land uses are not permitted in Keynote Employment Centers and ancillary retail and personal services uses are intended to support large-scale employment-generating uses. The application proposes residential and commercial neighborhood serving retail land uses that are inconsistent with Plan policy. Unanticipated fiscal impacts and the loss of office and employment land area to support the County's tax base would result from the proposed residential development. There are opportunities for residential development and commercial retail to occur in other locations outside of the County's premiere business corridors.

The rezoning proposal is not consistent with the intent, recommended land use mix and economic strategy for planned Keynote Employment areas, as defined in the *Revised General Plan*, where office uses should be the predominant component. Given the inconsistency with the land use policies, Community Planning Staff does not support this application. Community Planning Staff recommends that development proceed in accordance with the approved proffers for office and research and development uses on the subject site or the application be revised to propose an alternative that meets County policies with predominately office with employment supportive retail uses.

BACKGROUND

The subject property is located in the Ashburn Community of the Suburban Policy Area, south of Route 7, west of Ashburn Village Boulevard, and is bisected by Russell Branch Parkway within an area planned for Keynote Employment and Business uses. To the north of the subject property, north of Route 7 is the Janelia Farm Business Park complex, including the Howard Hughes Medical Institute. The property to the east is part of the Ashbrook planned development, including retail, office and residential development with the retail component being immediately adjacent to the subject site. The Leesburg Pike Community Church and Jefferson Office Building are located to the west.



The subject property is part of the Ashburn Village, a 652 acre master planned development (ZMAP 1984-0329), which designated 86 acres, including the subject property as the office component. The Waltonwood rezoning (ZMAP 2012-0003), approved in 2013 for a continuing care facility removed 14.9 acres and the Ashburn Marketplace (ZMAP 2005-0018) rezoning approved in 2015 for commercial retail uses removed an additional 14.34 acres originally approved for office uses. The 52.34 acre subject property represents the last remaining acreage in Ashburn Village approved for office uses. The property is zoned PD-IP (Planned Development – Industrial Park) and is subject to the Ashburn Village proffers and concept plan permitting office uses on the subject site.

The current application proposes to rezone and divide the subject property into three landbays with different uses: 21.4 acres zoned PD-OP (Planned Development-Office Park) adjacent to Route 7 to be developed with office uses, 5.9 acres zoned PD-CC-NC (Planned Development-Commercial Center-Neighborhood Center) located in the center of the property to be developed as a small “main street” retail commercial center and 25 acres zoned R-24 (Multifamily Residential) to be developed with 720 multi-family attached rental units on the southern portion of the property. The application is also requesting nine zoning modifications to reduce the required building and parking setbacks from Route 7 and between zoning districts, reduce or eliminate required landscape buffers between uses and increase the required maximum building heights without setbacks. The application is also requesting two special exceptions for the proposed PD-CC-NC portion of the property to permit a retail use greater than 5,000 sq. ft. and to permit a use not listed within the zoning district, no further details were provided.

A site visit by County Staff and a review of County GIS records shows that several elements of the County’s Green Infrastructure are present throughout the subject site. The subject site is relatively flat and is forested with stands of mixed hardwoods and Virginia Pine, with a small area of open unmaintained grass field is located on the northern portion adjacent to Route 7 and Ashburn Village Drive. A small intermittent stream originates on the western edge of the property that feeds a small neglected farm pond in the center of the property. Minor floodplain, wetlands and hydric soils, a possible indicator of wetlands, were also identified in the central and northern

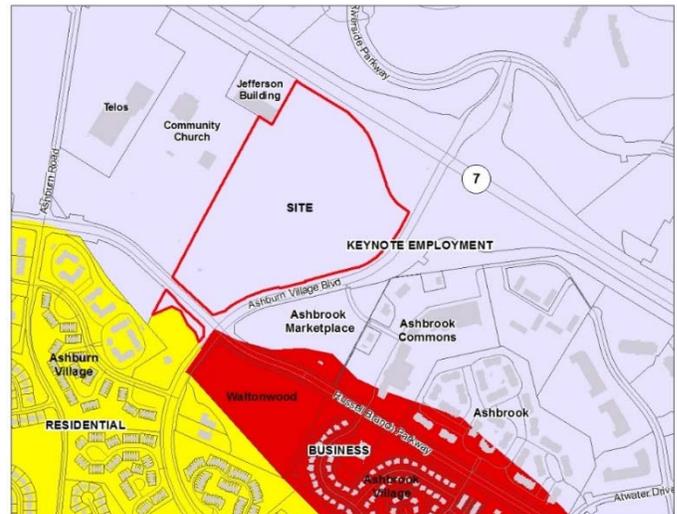
portion of the subject site. The Applicant has submitted various studies for staff review regarding, wetlands, endangered and threatened species, and heritage resources on the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The property is located in the Ashburn Community of the Suburban Policy Area in an area designated for Keynote Employment land uses by the Revised General Plan (Revised General Plan, Chapter 7, Planned Land Use Map). The application has been reviewed under the Revised General Plan Suburban Policies of Chapter 6, specifically the Keynote Employment policies and the Design Guidelines of Chapter 11, as well as the environmental policies in Chapter 5. The subject property is also governed by the policies of the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan), the Countywide Retail Plan Amendment (Retail Plan), and the Revised Countywide Transportation Plan (Revised CTP).

LAND USE

The Revised General Plan recognizes Route 7 as a prestigious office corridor and as such has designated the subject property as suitable for Keynote Employment uses. The Plan envisions Keynote Employment Center areas as large-scale regional office developments that feature high visual quality and high trip-generating uses, including office parks, research and development parks, corporate headquarters, and similar uses of a large scale (e.g., 40,000 gross square feet or greater). Keynote Employment areas will be single-use with ancillary services necessary to support the predominant office use. The Plan explicitly states, "Keynote Employment Centers are 100-percent premier office or research-and-development centers supported by ancillary retail and personal services for employees. They do not permit a residential component" (Revised General Plan, Chapter 6, Land Use, Keynote Employment Centers, text, Policies 1 and 4). Contrary to County policy, the application proposes to develop 5.9 acres with up to 35,000 square feet of community serving commercial retail and 25 acres of residential containing 720 multi-family attached rental units at a density of 29 dwelling units per acre in an area designated for Keynote Employment uses where predominately office uses are envisioned and residential uses are not permitted.



The application proposes to develop 5.9 acres with up to 35,000 square feet of community serving commercial retail and 25 acres of residential containing 720 multi-family attached rental units at a density of 29 dwelling units per acre in an area designated for Keynote Employment uses where predominately office uses are envisioned and residential uses are not permitted.

High-Density Residential

The proposal to rezone 25 acres of the subject property to R-24 to develop 720 multi-family attached rental units is not consistent with Plan policies for Keynote Employment areas, where predominately office uses are planned and residential land uses are not permitted. Notwithstanding the inconsistency of the proposed residential use, the proposed residential density of 29 dwelling units per acre (inclusive of 15 ADUs) appreciably exceeds the density recommended by the Plan for High-Density Residential developments (8.0 to 24.0 units per acre). The Plan currently permits re-zonings to High-Density Residential uses only in areas designated as High-Density Residential on the Planned Land Use Map or as part of a mixed-use development where public transit is envisioned such as town centers, urban centers and transit oriented

developments (Revised General Plan, Chapter 6, High-Density Residential Uses Policies, Policy 2). The subject site is not located in an area designated for High-Density Residential or where public transit is envisioned but in an area planned for Keynote Employment uses. Additionally, the proposed high-density residential housing will generate additional traffic, school-age children and create an increased demand for other capital facilities and services not envisioned or planned for the area.

Analysis

The proposal to rezone a portion of the subject property for high-density residential is not consistent with the Keynote Employment policies, where predominately office uses are planned and residential uses are not permitted. Deviating from the planned land use to introduce high-density residential uses on the subject site will have impacts on transportation, capital needs, and schools not envisioned for the area. High-density residential is only envisioned in select areas of the County where public transit is envisioned such as town centers, urban centers and transit nodes such as metro. Community Planning Staff cannot support the rezoning request to permit high-density residential due to fundamental land use issues. Should the application be considered further for residential uses the applicant should address capital facilities, unmet housing needs, and open space preservation in conformance with Plan policies.

Retail

The Revised General Plan envisions that up to 10% of the land area of Keynote Employment Centers will be developed with commercial retail and service uses (Revised General Plan, Chapter 6, Land Use, Keynote Employment Centers, Policy 4). The Countywide Retail Plan further defines the retail and service component for areas planned for Business as “employment supportive” and limits that component to 5% of the proposed square footage of the employment uses it is serving (Countywide Retail Plan, Policy 2). Employment supportive uses are intended to provide convenient retail and personal service uses to employees and businesses in surrounding office and industrial parks (Countywide Retail Plan, Employment Supportive Retail, Policy 1). In addition, retail and service uses are to be developed on a pro-rata basis in proportion to the non-residential development as construction occurs (i.e. 100,000 sq. ft. of office per 5,000 sq. ft. of retail constructed (Countywide Retail Plan, Employment Supportive Retail, Policy 3). The application Statement of Justification (SOJ) indicates that a total of 35,000 square feet of community serving commercial retail uses is proposed on 5.9 acres to be rezoned to PD-CC-NC. The applicant is also requesting two Special Exceptions (SPEXs) for the proposed PD-CC-NC portion of the property to allow a retail use greater than 5,000 sq. ft. and to permit a use not listed within the zoning district. The applicant has not provided any details or justification for the proposed SPEXs requests.

The proposed rezoning and SPEXs request for a portion of the property for community serving retail uses will not provide the type of office supportive commercial retail uses envisioned by the Plan for Keynote Employment. The existing PD-IP zoning of the property permits employment serving retail uses by-right including banks or financial institutions, health and fitness centers, accessory uses within the office buildings, printing services, and child care centers that are in keeping with Plan policies. As currently proposed the commercial retail center would be highly-dependent on drive-by customers and need to serve a larger market area, rather than the future office and business uses in the immediate area. Other existing community serving retail uses in Ashbrook Commons and the recently approved but unconstructed Ashbrook Marketplace

commercial center are located proximate to the subject property east of Ashburn Village Boulevard. Adding additional commercial retail and service uses within the Route 7 corridor continues to degrade the potential for this area to develop into a business employment corridor as envisioned by the Plan.

Analysis

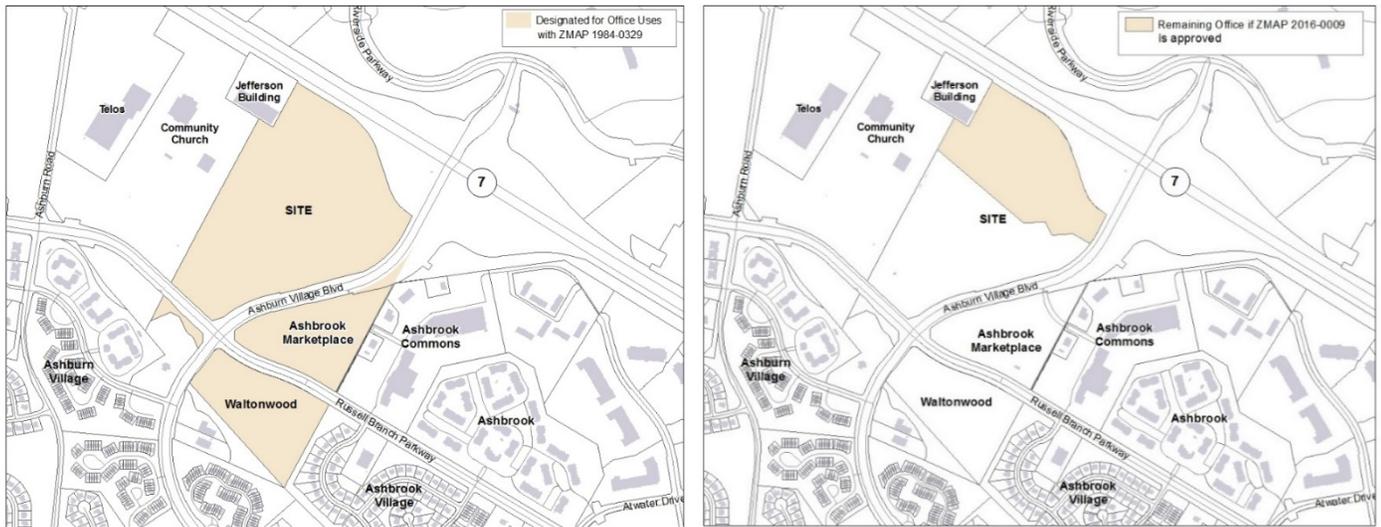
The County's land use and retail policies do not support the application as it proposes community serving retail uses in an area planned for employment generating uses where only office supportive retail is envisioned.

Should approval of the applications be considered, Community Planning Staff recommends the Applicant commit to providing employment serving retail uses that serve the future office and business uses on the subject property.

Office

The Ashburn Village rezoning (ZMAP 1984-0329) designated approximately 86 acres of the master planned community, including the subject property with Route 7 frontage, as the Ashburn Executive Center (See Map below). The approved proffers with the rezoning permitted 1,489,725 square feet of "Research and Development/High Tech Office Park" in a campus type development with building heights ranging between two and ten stories when fully developed (Proffer XVIII). Since that time the Waltonwood Ashburn (ZMAP 2012-0003) and the Ashburn Marketplace (ZMAP 2005-0018) rezonings have removed 29.24 acres from the proffered 86 acre office park. The 52.34 acre subject property is the last remaining undeveloped parcel in Ashburn Village approved and proffered for office uses. While the approved 1.5 million square feet of office uses could be realized on the subject property with multi-story buildings and structured parking, this type of intense office development does not reflect then-current office market realities and is not anticipated outside of those area planned for transit in the County. However, the entire subject property could be developed with surface parking, office developments with surface parking within Loudoun County typically develop at 0.25 or lower FAR, under this scenario the subject property could develop with closer to 600,000 square feet or less than one-half of the proffered amount if full developed.

The current application proposes to rezone a 21.4 acres portion of the subject property adjoining Route 7 from PD-IP to PD-OP to develop up to 325,000 square feet of "employment uses". The proposed rezoning to the PD-OP zoning district, implements the Keynote Employment policies on a portion of the property. However, additional comments by the applicant are required to prohibit some by-right uses such as data centers, flex industrial uses, warehouse uses, utility substations, manufacturing, fabrication and processing uses, motor vehicle service and repair uses among others that are permitted by-right in the zoning district but are incompatible with County's vision for Route 7 as an employment corridor.



Graphics depicting original area designated as Ashburn Executive Center (right) with remaining portion proposed for office development (left) with current application.

Analysis

The applicant's proposal to rezone and develop a 21.4 acre portion of the property with office uses is supported by the Keynote Employment policies of the Plan, however, it should be noted that current approvals for the entire 53.34 acre subject parcel also permits the development of office uses.

Community Planning Staff recommends the applicant proceed with current approvals or rezone the entire property to PD-OP to permit the development of predominately office uses with employment supportive retail consistent with the County's land use policies or propose an alternative in conformance with the Revised General Plan. Should the rezoning be considered Community Planning Staff recommends that certain permitted by-right uses that are incompatible with office uses and the County's vision for Route 7 as an employment corridor be eliminated.

Public Parks/Open Space and Civic Uses

Areas planned for Keynote Employment uses should must have 10 percent of the land designated as public parks/open space and 5 percent of the land designated as public and/or civic uses (Revised General Plan, Chapter 6, Keynote Employment Policies, Policy 4). Open space in business and office developments may be provided in its "natural" state, such as forests, wetlands, or meadows; trails and trail connections; water features or amenities and public and civic space may include plazas, public art and public gathering areas for employees. (Revised General Plan, Chapter 6, Open Space Policies, Policy 2). Stormwater management facilities will not be included unless they are developed as year-round amenities, e.g., with gazebos, picnic areas, or walking paths added (Revised General Plan, Chapter 6, Open Space Policies, Policy 9).

The application identifies the area surrounding an existing intermittent stream corridor originating on the western boundary of the property and flowing into a pond which will be reconstructed near the center of the property as a civic and open spaces amenities. A forested area on the south side of Russel Branch Parkway has also been identified as natural open space. However, the acreage

and type of required open space and public and civic space for proposed development has not been provided for evaluation.

Analysis

Community Planning Staff request that the applicant identify the location, size and type of open space and public and civic space amenities on the CDP in conformance with Plan policies. Community Planning Staff suggests the applicant use the following categories as specified in the Plan to identify and provide calculations for the proposed open space: Perimeter Buffers, Natural Open Space (i.e. floodplain, riparian buffers, forested areas etc.), Passive Open Space (i.e. community greens, picnic area and trails), and Active Open Space (i.e. tot lots, play grounds, and athletic fields). Public and civic amenities such as plazas and park areas should also be identified.

EXISTING CONDITIONS

The Revised General Plan defines the County's Green Infrastructure as a "collection of natural, cultural, heritage, environmental, protected, passive, and active resources that will be integrated in a related system" (Revised General Plan, Chapter 5, Green Infrastructure Policies, Policy 1). The subject site contains various Green Infrastructure elements including forest cover, specimen trees, a neglected farm pond, stream corridor resources associated with an unnamed tributary, minor floodplain, natural drainage ways, wetlands, hydric soils and wildlife habitat. The Green Infrastructure is the framework and unifying element that determines where and how development will occur within Loudoun County (Revised General Plan, Chapter 5, text). Detailed Plan guidance on the treatment of individual Green Infrastructure elements is outlined in the following sections.



The subject property is located within the Broad Run Watershed and drains to Russell Branch and an unnamed tributary to Russell Branch. Russell Branch was found to be "optimal to suboptimal" for habitat and "severely stressed" for aquatic life during the 2009 Countywide Stream Assessment Project. Additionally, the segment of Broad Run at the confluence of Russell Branch and Beaverdam Run has been listed by the Virginia Department of Environmental Quality (DEQ) as impaired for aquatic life (aquatic insects and other small organisms that live on the stream bottom).

The proposed development plan for the subject site has been designed around an existing intermittent stream corridor and a reconstructed pond located near the center of the property which will be developed to function as a civic and open spaces amenities. All of the existing trees

on the subject property, outside of those areas possibly located near the neglected pond and stream corridor and an area south of Russel Branch Parkway designated as open space, are proposed for removal. Community Planning Staff finds that the impacts to the river and stream corridor resources, wetlands, and loss of forest cover on the subject site have the potential to adversely affect water quality and recommends environmental commitments discussed in detail below to help minimize potential impacts in conformance with Plan policies.

River and Stream Resources

River and stream corridor resources, including streams, floodplains, and wetlands, are significant elements of the Green Infrastructure comprising the largest natural ecosystem, supporting air quality, water quality and biological diversity (Revised General Plan, Chapter 5, Green Infrastructure, text). The Plan, recognizing the importance of stream corridor resources, calls for the preservation of natural drainage features to the greatest extent possible through the creation of a 50-foot management buffer surrounding the floodplains and adjacent steep slopes to protect the river and stream corridor resources and provide an area of filtration from upland disturbances and protect the water quality of the receiving stream (Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 2, 3 & 4).

According to the environmental reports, approximately 1,481 linear feet for intermittent stream and 5 acres of wetlands (2.14 acres of palustrine forested wetlands, 2.76 acres of palustrine emergent wetlands, and 0.10 acre of palustrine open water) are located on the subject property. Minor floodplain also occurs in the northeastern and southern portions of the property. The proposed conceptual layout (sheets 6 and 7) has been designed around an existing intermittent stream corridor and a former farm pond located near the center of the property. The 50-foot management buffer associated with the minor floodplain in the northeastern corner of the property has not been depicted on the concept development plan (CDP) and encroachments are proposed, based on the conceptual layout (sheets 6 and 7). Additionally, opportunities exist to protect and incorporate the existing unnamed tributary and associated riparian forest which feeds the farm pond into the design of the proposed project.

Plan policies call for appropriate standards to protect natural streams and drainages from the harmful effects of increased stormwater volume and velocity resulting from development (Revised General Plan, Chapter 5, Surface Water Policies, Policy 5). The County encourages new developments to incorporate low impact development (LID) techniques which integrate hydrologically functional designs that minimize the volume of surface water run-off and reduces pollutants to better protect the integrity and water quality of the receiving streams and water bodies (Revised General Plan, Chapter 5, Surface Water Policies, Policy 17). Bio-retention filter areas and landscaped drainage buffers could be employed on the subject site as part of the storm water management program, particularly in those areas adjoining impervious surfaces to dissipate, filter and treat surface water onsite. Best management practices (BMP) to mitigate issues associated with water quality and run-off should be employed on site.

Analysis

The submitted CDP does not depict the 50-foot buffer adjacent to the floodplain located in the northeastern corner of the property. The applicant should commit to providing a 50-foot management buffer adjacent to the floodplain and incorporate the existing unnamed tributary and associated riparian forest into the overall project design in conformance with

Plan policies. Based on the current plan it is difficult to determine the extent of potential impacts to the existing farm pond, unnamed tributary and associated riparian forest which have been highlighted as a focal point of the proposed design.

Community Planning Staff recommends that a detailed stormwater management program be provided outlining how the proposed stormwater management program will be incorporated into subject site. To maximize pollutant removal efficiency and minimize impacts on water quality, staff recommends that the centrally located pond be constructed as a wet or enhanced extended detention pond. Additionally, Community Planning staff requests that low impact development techniques and best management practices be incorporated into the design of the site in conformance with Plan policies.

Further coordination between County staff and the Applicant are recommended to achieve policy goals regarding the protection of river and stream corridor resources and stormwater management on the site. County staff welcomes a meeting with the Applicant to discuss these issues.

Wetlands

The County supports the federal goal of no net loss to wetlands (Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 23). Wetlands perform several functions: they trap sediment, reduce nutrient loads, provide wildlife habitat, replenish groundwater, and attenuate flood waters. Plan policies call for the County to work with the US Army Corps of Engineers regional office to regulate wetlands outside of river and stream corridors (Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 13). In the event of an impact, compensatory mitigation (restoration, creation, enhancement, and preservation) could replace the loss of wetland functions in the watershed to meet the County's goal of no net loss to the existing acreage and functions of wetlands.



View south of former farm pond.

The applicant has provided a Wetland Delineation Report which identified 5 acres of wetlands (2.14 acres of palustrine forested wetlands, 2.76 acres of palustrine emergent wetlands, and 0.10 acre of palustrine open water) on the subject property which have been flagged for verification and jurisdictional confirmation by the U.S. Army Corps of Engineers (ACOE). The proposed conceptual layout (sheets 5-7) indicates that entire wetlands system on the northern portion of the property will be eliminated and that the wetlands system in the central portion of the property associated with an intermittent stream and pond may have secondary impacts related to the proposed development. The applicant should update the existing conditions sheet (sheet 3) and conceptual layout sheets to reference the delineation or the Jurisdictional Determination (JD).

Analysis

Community Planning Staff recommends updating the existing conditions sheets to reference all Wetland Delineations and Jurisdictional Determinations for the project area. Community Planning Staff further recommends that the applicant commit to mitigate proposed stream and wetland impacts within Loudoun County, if mitigation is required due to the proposed impacts.

Forests, Trees, and Vegetation

The Plan policies call for the preservation, protection, and management of forests and natural vegetation for the various economic and environmental benefits that they provide (Revised General Plan, Chapter 5, Forests, Trees and Vegetation Policies 1). Tree conservation or a forest management plan that “demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area” should be submitted and approved prior to any land development (Revised General Plan, Chapter 5, Forests, Trees and Vegetation Policies 3). Forest resources should be preserved to the extent practicable through a designated Tree Conservation Area (TCA).

The application proposes development within a significant area of forest resources. The subject site is predominantly forested as referenced on the existing vegetation and tree inventory plan (sheet 9). The identified forest resources include stands of mature hardwoods with specimen trees located in the center and southern boundary of the property that are separated by a stand of Virginia Pine. All of the existing trees on the subject property, outside those areas located near the pond and stream corridor in the center of the property and an area south of Russel Branch Parkway designated as open space, are proposed for removal. No tree conservation areas have been identified on the CDP and no conceptual landscaping plan has been submitted for evaluation. Including such information would aid staff in determining forest preservation efforts by the applicant.

Analysis

Community Planning Staff recommends that as much of the existing vegetation, specimen trees and forest resources as possible be incorporated into the design of the site and required landscape buffers. Community Planning Staff recommends that the forested area located south of Russel Branch Parkway being preserved as natural open space be designation as a Tree Conservation Area (TCA) on the CDP and in any future proffers. The applicant should also consider incorporating the existing forest cover on the perimeters of the property into the required landscape buffers for the project. Community Planning Staff notes that trees #115 (30-inch pin oak) and #116 (41-inch South red oak) are located along the southwestern boundary of the property and worthy of preservation. Community Planning Staff recommends commitments to the long-term maintenance of the tree conservation areas and landscape buffers.

Community Planning Staff also recommends that the County’s Urban Forester be afforded the opportunity to evaluate the site’s trees and vegetation and long term maintenance proposal.

Historic and Archaeological Resources

All land development applications will be required to submit an archaeological and historic resources survey (Revised General Plan, Chapter 5, Historic and Archaeological Resources

Policy 11). Staff has reviewed the submitted Phase 1 archaeological survey report for the subject property prepared by Cultural Resources Inc. in March 2005. Two small late nineteenth to mid-twentieth century historic archeological sites (44LD1259) associated with domestic structures were identified on the subject site but were determined to be not eligible for listing on the National Register of Historic Places, no further investigations were recommended.

Analysis

County Staff has reviewed the Phase 1 archaeological report for the subject application and concurs with the findings that no further study is warranted.

Highway Noise

The Revised General Plan and 2010 CTP contain roadway noise policies, which are intended to protect noise-sensitive uses from roadway noise. The primary means to protect these uses is through proper design. Mitigation measures considered as part of the policies include adequate setbacks, earthen berms, wooden fences, and dense vegetation (Revised General Plan, Chapter 5, Highway Noise Policies, Policies 1 & 2, and 2010 CTP, Chapter 7, Noise Policies, Policies 1 & 4).

All proposed land uses adjacent to any existing or proposed arterial or major collector will be designed to ensure that no residential or other noise sensitive use will have traffic impacts. Impacts occur when predicted noise levels approach or exceed the noise abatement criteria (2010 CTP, Table 7-1) or when the predicted noise levels substantially exceed existing noise levels (2010 CTP, Chapter 7, Noise Policies, Policy 1). Ashburn Village Boulevard and Russel Branch Parkway which border the eastern and southern edges of the subject property are major collectors, and as such noise impacts along these roadway should be evaluated should the proposed residential use be approved. Plan policies call for the utilization of the latest version of the Federal Highway Administration's Highway Traffic Noise Prediction Model (FHWA-RD-77-108, as amended) to assess noise impacts (2010 CTP, Chapter 7, Noise Policies, Policy 1). The policies also include the design year noise levels, road configuration, design speed, pavement type, and topography that should go into the study to assess noise impacts (2010 CTP, Chapter 7, Noise Policies, Policy 1).

Analysis

While the proposed residential high-density residential development is inconsistent with the land use policies of the Revised General Plan, should the application proceed Community Planning Staff recommends the applicant commit to a noise impact study prepared according to the 2010 CTP policies for the noise sensitive land use adjacent to Ashburn Village Boulevard and Russel Branch Parkway. Community Planning Staff further recommends a commitment to passive noise abatement measures if noise impacts are identified.

CAPITAL FACILITIES

A central objective of the Revised General Plan is one of balancing business and residential uses to promote an effective fiscal policy (Revised General Plan, Chapter 3, Fiscal Planning and Budgeting Policies 1 and 2). The Plan recognizes the critical relationship of development and service demands and encourages a fiscally favorable balance between residential and non-residential development accordingly (Revised General Plan, Chapter 3, Fiscal Planning and Budgeting, Text). The proposed project would introduce high-density residential development

where it was not previously envisioned by the Plan and places demands on the County to provide additional services for future residents.

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility guidelines and policies of the Plan (Revised General Plan, Chapter 3, Proffer Policy 3). The Revised General Plan calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (Revised General Plan, Chapter 11, Capital Facilities Guideline 1).

The proposed application does not comply with the County's land use and fiscal policies for balanced residential and non-residential development. Community Planning Staff notes that the project will result in a financial impact on the County associated with schools and other services that would not be fully mitigated by the adopted Capital Intensity Factors (CIF). The applicant is expected to provide a CIF cash contribution to reduce the impacts to the county. The current Board of Supervisors adopted CIF for a multi-family unit is \$21,830.33 per market rate unit. Assuming development as proposed (705 multi-family with 15 ADUs), an anticipated total Capital Facilities contribution of \$15,390,383 is expected, which only partially mitigates the project's impact on the County (Attachment 1). This figure does not include any operation or maintenance costs incurred by the County due to the expansion of capital facilities. For example, the FY 2016 annual operation cost per student is \$12,700, per Loudoun County Public Schools.

Analysis

The proposed high-density residential development is not consistent with land use policies of the Revised General Plan. Notwithstanding this issue, should the application be considered further Community Planning Staff recommends that the impacts on capital facilities of the proposed development be mitigated.

UNMET HOUSING

The Revised General Plan housing policies recognize that unmet housing needs occur across a broad segment of the County's income spectrum *and promote housing options for all people who live and/or work in Loudoun County* (Revised General Plan, Chapter 2, Housing, text). Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI)¹ (Revised General Plan, Chapter 2, Housing, Unmet Housing Needs, Guiding Principles Policy 2). *One component of unmet housing is Affordable Dwelling Units (ADUs) which address the needs of households earning between 30 and 70 percent of AMI* (Revised General Plan, Chapter 2, Housing, Unmet Housing Needs, text). The application proposes fifteen (15) ADUs on the subject site that will comply with the Revised 1993 Loudoun County Zoning Ordinance, Article 7.

Analysis

While the residential component of this application is not supported by the land use policies of the Revised General Plan, should the application move forward details regarding contributions to unmet housing needs and compliance with Revised General Plan's unmet housing needs policies should be provided.

¹ The current AMI for 2016 is \$108,600.

OPEN SPACE PRESERVATION PROGRAM

Loudoun County's program for obtaining open space comprises a "toolbox" approach with a number of mechanisms to ensure the adequate provision of active, passive, and natural open space is provided throughout the County (*Revised General Plan, Chapter 11, Open Space text*). To allow for higher density developments, the Board of Supervisors may require evidence of participation in the program through either dedication of land on an acre-by-acre basis or cash in lieu of the land for the purchase of open space in the Suburban Community in which the increased density is granted. The Plan sets forth different Open Space Proffer Guidelines for residential neighborhoods and high-density residential areas (*Revised General Plan, Chapter 11, Open Space Policy 3*). For residential neighborhoods, densities above 3.5 dwelling units per acre and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the Open Space Preservation Program. For these types of projects, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 dwelling units per acre. In contrast, for high-density residential areas, the Plan calls for 5% of all residential units associated with densities above 4.0 dwelling units per acre to result from the acquisition of an equivalent number of open space easements. Contributions should be provided to enable the County to purchase Suburban Policy Area open space to offset the density proposed by the residential development. In the past, the Board has historically accepted \$3,800 to \$5,000 per easement. The open space contribution for 30.25 easements would range from \$114,950 to \$151,250 for a high-density residential community (Attachment 2). However, this amount does not seem reasonable given current market values and with the goal to purchase open space in the Ashburn Community.

The proposed project will potentially add 720 multi-family residential units in an area of the County where residential development is not envisioned or supported by Plan policies (see Land Use discussion above). Because the Plan does not anticipate the development of high-density residential uses on the subject site, it does not seem appropriate to calculate the number of anticipated open space easements using that methodology. To offset the demand created from the proposed increased concentration of residents in an area where residential development is not permitted the open space calculations for residential projects may be more appropriate in this case, which calls for a contribution of \$2,346,500 to \$3,087,500, based on 617.5 easements (Attachment 3).

Analysis

Should the application be considered further for the proposed high-density residential use, Community Planning Staff recommends that the applicant, contribute to the Open Space Preservation Program to help mitigate the impact of the proposed residential uses.

ZONING and FACILITY STANDARD MANUAL (FSM) MODIFICATIONS

The application is requesting a series of zoning modifications, which based on the statement of justification are to "create a community with an integrated mix of uses and open spaces, connected through a robust streetscape, trail and open space system that is interconnected and walkable for residents and visitors alike." The application is requesting a total of eleven zoning and FSM modifications which are applicable to the three proposed zoning districts on the subject property, however, only limited or no justification for the modifications have been presented. The applicant should provide justification and/or demonstrate how the proposed modifications will achieve an innovative design, improve upon existing regulations, or exceed the public purpose of

the regulations per the applicable Zoning Ordinance.

The application is requesting to modify the proposed high-density residential area to increase building heights and reduce building setbacks and yard requirements, as well as reduce the width of the private streets and parking spaces. The application is also requesting to substantially reduce the building and parking setbacks between the proposed high-density residential use and the proposed commercial retail and office uses on the property, from 100 to 25 feet and 35 to 15 feet respectively. A modification to allow access to the subject project from Ashburn Village Boulevard through the proposed commercial retail portion of the project has been requested to enhance circulation and traffic distribution for the project. A reduction in the width of the private streets and parking spaces is also proposed for both the commercial retail and office portion of the project to allow a more compact development according the statement of justification.

The application is requesting a modification to decrease in the required 300 foot building setback and 100 foot parking setback along Route 7 to 100 feet and 35 feet respectively. The Revised General Plan states that Keynote Employment along Route 7 should be setback a minimum of 300 feet from the right of way, with green buffering, preferably native vegetation (Revised General Plan, Chapter 6, Land Use, Keynote Employment Centers, Policy 2).

The applicant is requesting two zoning modifications to utilize existing mature forest cover vegetation for the open space parcel located on the south side of Russell Branch Parkway to eliminate landscape the required Type 2 and Type 3 buffer yard requirements. The zoning modification will preserve and protect existing forest cover on this portion of the property which provides a natural landscape buffer which exceeds County standards.

Analysis

Community Planning Staff cannot fully evaluate the proposed modifications and requests the applicant provide justification for the modifications, explain how those proposed modifications will meet the modification criteria in the Zoning Ordinance, and the applicant must demonstrate how the modification will be used in the design of the project.

Community Planning Staff cannot support the modification request to reduce the setbacks adjoining Route 7. Plan policy specifically states that Keynote Employment along Route 7 should be setback a minimum of 300 feet.

RECOMMENDATION

The proposed rezoning is not consistent with County land use policies in the Revised General Plan and Community Planning Staff is not able to support the application. The subject site would be more appropriately developed with uses specified in Keynote Employment Center Policies; there are opportunities for residential development to occur outside of the County's premiere business corridors. Community Planning Staff cannot support the proposed high-density residential use on the subject site since residential uses are specifically excluded in Keynote Employment Centers by County policies. Retail uses within Keynote Employment areas should be supportive of office uses and not community serving retail uses which are dependent on pass-by automobile traffic to remain viable. Furthermore, Community Planning Staff notes that the fiscal impact to the County is substantial and the Applicant has not proffered any contributions to offset the financial burden from County tax revenue.

Community Planning Staff is available to meet with the applicant to discuss these issues.

Cc: Ricky W. Barker, AICP, Director, Planning and Zoning-via email
Chris Garcia, AICP, Program Manager Community Planning, Planning and Zoning-via email

Attachments: Attachment 1-Capital Intensity Factors (Eastern Region)
Attachment 2-Open Space Preservation Program-Residential Neighborhoods
Attachment 3-Open Space Preservation Program-High Density

Attachment 2 - Open Space Preservation Program Analysis
ZMAP-2016-0009 Ashburn Village Development

Based on the Open Space Proffer Guidelines of the Revised General Plan, the Board of Supervisors anticipates evidence of participation in the Open Space Preservation Program to achieve higher densities in mixed-use communities proposed for development in the Suburban Policy Area. The Plan states that "5% of all residential units associated with densities above 4.0 dwelling units/acre should result from the acquisition of an equivalent number of open space easements." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, Open Space Guidelines). For high density residential neighborhoods, 0.05 easements is anticipated for every dwelling unit over a density of 4.0 du/acre.

1. Number of Units Permitted at 4.0 du/acre
 $25.00 \text{ acres} \times 4 = 100$

2. Number of Units Subject to Open Space Proffer Guidelines
 $720 - 100 = 620$

3. Exempt Affordable Dwelling Units
 $620 - 15 = 605$

4. 5% of Units over 4.0 du/acre
 $605 \times 0.05 = 30.25$

5. Total Units Linked to Open Space Preservation = **30.25**

6. Accepted Contribution Range: \$3,800 to \$5,000 per Easement

\$114,950 to \$151,250

Attachment 3 - Open Space Preservation Program Analysis
ZMAP-2016-0009 Ashburn Village Development

Based on the Open Space Proffer Guidelines of the Revised General Plan, "residential densities above 3.5 and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the open space preservation program." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, *Open Space Guidelines*). For residential neighborhoods, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 du/acre.

1. Number of Units Permitted at 3.5 du/acre					
	25.00	acres	x	3.5	= 87.5
2. Number of Units Subject to Open Space Proffer Guidelines					
	720	-	87.5	=	632.5
3. Exempt Affordable Dwelling Units					
	632.5	-	15	=	617.5
5. Total Units Linked to Open Space Preservation =					617.5
6. Accepted Contribution Range: \$3,800 to \$5,000 per Easement					
	\$2,346,500	to		\$3,087,500	