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BOARD OF ZONING APPEALS MEETING AGENDA

VIRTUAL PUBLIC HEARING

Thursday, January 14, 2021

7:30 p.m.

1. CALL TO ORDER

MR. BARTLETT: Call the meeting to order.

Today is January 14, 2021, Board of Zoning Appeals meeting.

2. ROLL CALL

MR. BARTLETT: At this point we will do a roll call of the Board of Zoning Appeals members.

MR. BOYLE: Mr. Bartlett.

MR. BARTLETT: Here.

MR. BOYLE: Mr. Kien.

MR. KIEN: Here.

MR. BOYLE: Mr. Eppler. Mr. Eppler. I think we saw him enter.

MR. BARTLETT: It's one of the snafus. He was on.

22 MR. BOYLE: Okay. We'll come back. I did see
23 him.

24 Mr. Calabrese.

25 MR. CALABRESE: Here.

26 MR. BOYLE: Okay. There he is.

27 MR. BARTLETT: One more, John.

28 MR. BOYLE: Mr. Eppler.

29 MR. EPPLER: I am here. Sorry, I'm having
30 some technical difficulties. New computer, but I think
31 it's working.

32 MR. BOYLE: Okay. We got you. We have a full
33 Board.

34 MR. MISLEH: John, you left me off.

35 MR. BOYLE: Oh, gee wiz, we do have a full
36 Board.

37 And, Mr. Misleh.

38 MR. MISLEH: Here.

39 MR. BOYLE: I crossed you off instead of Roy
40 Jones, so you're Roy Jones tonight. Okay.

41

42 3. PETITIONS

43 MR. BARTLETT: John, are there any new
44 Petitions in front of the Board this evening? I wasn't
45 made aware of anything other than this variance
46 application in front of us.

47 MR. BOYLE: That's correct. There's no
48 Petitions.

49

50 4. OLD BUSINESS

51 a. Variance Application V1618-20 by FCGP Development
52 LLC, applicant, for variances to Section 48-933 to allow
53 1) the stacking of parking spaces and 2) placement of
54 columns less than three (3) feet from the drive aisle
55 within a parking garage, for the purpose of constructing
56 a parking garage and residential condominium on premises
57 known as 7124 Leesburg Pike, RPC #52-221-006 of the
58 Falls Church Real Property Records, zoned B-2, Central
59 Business.

60 MR. BARTLETT: Okay. So we'll move on through
61 to Old Business, a continuance from our last Board of
62 Zoning Appeals meeting from December 2020, variance
63 application V-1618-20 by FCGP Development LLC,
64 applicant, for variances to Section 48-933 to allow 1)

65 the stacking of parking spaces, these tandem spaces, and
66 2) placement of columns less than three feet in the
67 drive aisle within a parking garage, for the purposes of
68 constructing a parking garage and residential
69 condominium on premises known as 7124 Leesburg Pike,
70 Real Property Code #52-221-006 of the Falls Church Real
71 Property Records.

72 At this point I would ask that anyone who is
73 not a City employee or a Board member to raise your
74 right hand and attest and swear that you will tell the
75 truth and nothing but the truth.

76 (Witnesses sworn.)

77 MR. BARTLETT: Thank you very much.

78 Yes, this is a continuance from our last
79 meeting. We had some questions and some concerns about
80 some of the information that was shared at that meeting,
81 specifically about the columns and the need for a
82 variance.

83 And I see that you have created and provided a
84 thorough and lengthy presentation. I know that we had
85 looked at some of that information before.

86 So what I will do right now, I'll ask John, I
87 don't believe there's any update but, John Boyle, I
88 don't know if there's any update from you but I also
89 feel like we should start from the beginning, if
90 possible, because Mr. Misleh was not at our December
91 meeting and he is our fifth Board member at this meeting
92 and so his input will be essential.

93 So, if you would like, it would be appreciated
94 if you would provide a staff report. I know that, I
95 think it was the Planning Commission provided an updated
96 report to us and recommendation to us, that's the Board
97 of Zoning Appeals So, maybe start with that and then
98 proceed with the developer to share their rationale for
99 the need for a variance.

100 MR. BOYLE: Yes, sir. We have with us tonight
101 Planning Director Paul Stoddard and Principal Planner
102 Carly Aubrey.

103 Paul and Carly, would it be appropriate given
104 how this matter has been presented and gone back for
105 review and additional comment, would this be the
106 appropriate time for you as staff to speak and bring the

107 Board up to date on the City's position, or should we
108 defer to the applicant at this time?

109 MR. STODDARD: I think we'd be happy to start
110 with the staff report and then turn it over to the
111 applicant for the technical details and merits of the
112 application.

113 MR. BOYLE: Okay.

114 MR. STODDARD: Good evening, folks. My name
115 is Paul Stoddard. I'm the Planning Director for the
116 City of Falls Church. Thank you for letting me be here
117 tonight and speak with you all. I appreciate the
118 opportunity.

119 So it was distributed to you, I think last
120 week, was the Planning staff memo dated, looks like July
121 11, and I wanted to walk through just a few pieces of
122 that.

123 So as was already mentioned to set up this
124 conversation, the request before the BZA is to take
125 final action on a variance application related to the
126 West Falls Church project. And the variance application
127 is fairly targeted. It's to specific pieces of the
128 Zoning Ordinance related to how the parking spaces are

129 arranged. Stacked tandem spaces is the proposal, as
130 well as the spacing of how the columns relate to the
131 drive aisles and the end of the bays.

132 As was said earlier, you all previously saw
133 this at your meeting on December 17th but at the request
134 of the applicant the final decision by the BZA was
135 deferred to this meeting so that additional information
136 could be provided.

137 Recommendation section in the memo, the
138 planning staff at this time is making a positive
139 recommendation on this application and that's based on
140 the State definition of a variance as it was amended in
141 2015, as well as the specific circumstances of this
142 project as it relates to this site and the specific
143 language within the Zoning Ordinance.

144 And the rationale for that staff
145 recommendation is included and detailed in the planning.
146 The staff report that went to the Planning Commission on
147 December 2nd, I believe that was also distributed to you
148 all and in that analysis, what the planning staff was
149 looking at was the site condition specific to the
150 project, the specific City requirements that relate to

151 this project, as well as how the Zoning Ordinance, the
152 Special Exception Entitlement process and the
153 requirements of the Comprehensive Agreement all combined
154 to create the situation that's before you.

155 The Planning Commission did hear this variance
156 request at its December 2nd meeting and did also make a
157 positive recommendation to approve the variance
158 application.

159 I think it would help to walk through the
160 information in sort of two parts. The first being the
161 complexities of the site ownership, the entitlement
162 process which is unique to the West Falls Church area of
163 the City; and how the site design and the building
164 engineering relate to that.

165 For that, I'd actually suggest turning it over
166 to Principal Planner Carly Aubrey, and then for the
167 specifics of the site and the engineering of the
168 building, I would recommend turning that over to the
169 applicant team.

170 MS. AUBREY: Good evening, Board. Carly
171 Aubrey with the planning staff.

172 As Paul mentioned, the memo and the Planning
173 Commission staff report goes through kind of a detailed
174 history of what has gone on with the site as far as land
175 use planning and entitlements and that does lend to the
176 justification for how the, not just how the site got
177 designed, but also how this particular building was
178 designed.

179 So, as I'm sure you're all aware, the site was
180 annexed into the City as part of the water sale
181 agreement with Fairfax County in 2013. After that,
182 discussion started on the high school, as to whether to
183 renovate the existing high school or to build new one.
184 It was decided after several community workshops that a
185 new high school would be built in such a location that
186 it could open up a portion of the site for economic
187 development.

188 And in November of 2017, voters approved a
189 \$120 million bond for a new high school and as part of
190 the taxpayer cost mitigation strategy for that bond, it
191 was decided to develop approximately 10 acres of the
192 site as mixed use economic development.

193 So throughout 2018, land use actions were
194 taken for the site to facilitate both an economic
195 development project and an urban scale high school.

196 One land use action was an amendment to the
197 Comprehensive Plan that included text with a goal of a
198 mix of uses on the site with a density of 2 and a half
199 to 4.0 floor area ratio or higher and with at least 1.2
200 to 1.5 million square feet. This was followed by an
201 amendment to the B-2 Zoning District to create new
202 special exception provisions that included allowing
203 heights up to 15 stories and densities needed to achieve
204 significant mixed use.

205 Also during 2018, the City conducted a request
206 for proposals and selected the team of Falls Church
207 Gateway Partners and we entered into a public/private
208 partnership with them that includes a ground lease
209 between the City and them and land payments to the City.

210 So since 2019, the entitlement process has
211 been ongoing and the Special Exception Entitlement was
212 approved in July of 2019 and that comprises eight
213 buildings, 7 to 15 stories in height and approximately 3
214 and a half FAR.

215 The special exception site plan is currently
216 under review for phase one which includes the subject
217 condominium building.

218 During the review of these applications, the
219 interface between the mixed use development and the
220 school property was a regular topic of discussion. And
221 to provide a well-designed transition between these two
222 projects, the multi-family condominium building and
223 Block C is configured to have a step-back design to
224 alleviate shadow concerns on the new high school.

225 So in summary, the design of this site as well
226 as the condo building design has been in response to the
227 primary goal which has always been in place for the
228 site, which is to create an urban place with a high
229 quality mix of uses, well-designed streets and public
230 spaces while also generating revenue for the City to
231 offset capital costs and in addition to providing a
232 well-designed transition with the new high school.

233 So with those heights and other density
234 requirements, those do come with unique building code
235 situations, so at this point I'd like to turn over to

236 the development team and they can go through those
237 specifics.

238 MR. BOYLE: Okay. I think I can share my
239 desktop with the group here.

240 MS. FRIEDLANDER: John, I can share mine as
241 well. It will probably be easier for me to share so I
242 may move around as needed.

243 MR. BOYLE: Okay. Very good.

244 MS. FRIEDLANDER: Can everyone see my screen?

245 MR. BOYLE: Yes.

246 MS. FRIEDLANDER: Thank you all for the
247 continuance and allowing us to come back and share
248 additional information with you all. Carly and Paul did
249 a great job kind of setting up, framing this discussion
250 tonight and I'll go into a little bit more detail and
251 show you a bunch of pictures.

252 Mr. Bartlett, as you mentioned, it is a long
253 presentation so if it is too detailed or if you want me
254 to skip ahead, please feel free. We just wanted to make
255 sure that we had all the information that you might want
256 to know in order to make your decision.

257 So with that, I have a brief agenda, basically
258 outlining what we're going to go over tonight.

259 So, Dave Lasso, our land use counsel, is here
260 tonight and he will go over the legal standards for this
261 application. Following that, I will explain a little
262 bit more about the Economic Development Project as a
263 whole and where we are in the process and where we've
264 been and how we've come this far.

265 Reiterating the requested variance, and then
266 going into detail about the block that the subject
267 condominium building is on and the building constraints
268 on that particular block, followed by a discussion of
269 the building construction type and those constraints on
270 the building.

271 Lastly, we'll go back through the tandem and
272 stacked parking concept and then summarize everything so
273 you can make the decision.

274 I'll turn it over to Dave real quick and he
275 can go through the legal standard for the application as
276 well as the SEE Ordinance that we are subject to.

277 MR. LASSO: Thank you, Amy, and members of the
278 BZA.

279 What I wanted to emphasize rather than repeat
280 the really good memos, is the legal standard was changed
281 in 2015 for granting of variances. And what we want to
282 make a point of is that really where it talks about the
283 strict application of the terms of the ordinance would
284 actually prohibit or would unreasonably restrict the use
285 of the property.

286 The issue of whether there is a hardship
287 approaching confiscation and then the counter to that,
288 whether a particular owner has created a hardship, is
289 really a third option or a third way to grant a
290 variance. It's not the only way.

291 We're really concentrating on the strict
292 application of the terms of the ordinance when it's
293 applied, and here we're talking about to the placement
294 of the piers, or to the inability to get tandem spaces.
295 The strict application of those terms makes the use --
296 it unreasonably restricts the use of the property.

297 And in this case we'll talk later about the
298 cost associated with that and frankly, the fact that
299 it's so prohibitive that it would change the design.

300 And I think I want to bring in the point that
301 Carly made early on to bring the two together, which is
302 this is a new zoning district. This is the B-2 Zoning
303 District that has been dramatically changed in 2018.
304 This is the first experience that the City's had with
305 it. It allows for the first time commercial buildings
306 that can be as high as 15 floors. It also allows
307 density in the 4 to 5 FAR range. And, of course, the
308 current maximum height that you've seen in the City is 7
309 or 8 floors, about 2 and a half or 3 FAR.

310 But this dramatic difference in the height and
311 in the density is going to cause new construction
312 standards to have to be employed and then you have to
313 take into account the way that the zoning district
314 works.

315 It's really two steps. The first one is the
316 establishment of the Special Entitlement Exception or
317 Special Exception Entitlement or SEE. And that's the
318 parameters. It is the zoning. It isn't just to say
319 it's B-2. It's B-2 subject to an SEE which is approved
320 for this site. And it's the SEE as it applies to this

321 specific building site that brings into play the need to
322 have the step-back.

323 When you come in later and you look at the
324 location of the building relative to the plaza area for
325 the school and the shadows that would be created if the
326 building were not stepped back, you can see how the
327 Council mandated in its approval that the building be
328 stepped back and in order to get the necessary density,
329 the building had to be designed in a way different than
330 has been designed so far in the City.

331 And I do think it's also important from the
332 legal perspective to think about this in terms of the
333 amount of density and the amount of height, it's really
334 not something we want to do just because we can do it.
335 It's required. This is required because the City
336 insists that this project develop a certain amount of
337 income. That income is going to pay for the school and
338 minimize taxes and consequently the development's got to
339 be of a certain magnitude in order to work.

340 And so when you look at the way that the
341 zoning is applied, and then you look at the specifics of
342 the regulations that were left in place unchanged, those

343 regulations as it relates to the inability to have
344 tandem parking and the requirement that columns be
345 placed in a particular location that really have no
346 relationship to buildings like this, this building
347 simply couldn't go forward.

348 So when you look at this and you hear Amy and
349 the designer of the building explain the specifics,
350 you'll see why the strict application of the terms of
351 the Ordinance would unreasonably restrict the use of the
352 property.

353 Amy.

354 MS. FRIEDLANDER: Thank you, Dave.

355 I would be remiss if I didn't introduce
356 everybody on the call today.

357 For the record my name is Amy Friedlander with
358 FCGP Development. I'm joined here tonight with Dave
359 Lasso, of course. Charles Battle also with FCGP
360 Development, Robin Betteral with FCGP Development and
361 Chris Huffer of SK+1 Architects.

362 So as Carly and Dave mentioned, this site is
363 subject to the Special Exception Entitlement which was
364 approved back in 2019 and it was a result of a very

365 robust community process, with input from the City, from
366 the schools, from the community.

367 And that process in addition to the
368 contractual requirements of the financial deals between
369 the developer and the City in order to finance the
370 school, resulted in the building envelopes, the height
371 limits, the setbacks, the step-backs for all the blocks
372 and buildings on this site that are required as Dave
373 mentioned by the SEE approval.

374 And specifically for the condo building which
375 we'll get into more detail in a couple slides, the
376 schools required step-backs for the block C-1 building,
377 where the condo is located, to minimize solar impacts on
378 the new building, on the new high school building.

379 Maximizing the SEE-established building height
380 requires concrete construction and not wood, or wood
381 over podium, and that is governed by the Virginia
382 Uniform Statewide Building Code.

383 This 13 story building in concrete
384 construction may not have been considered when the
385 parking ordinance of Falls Church, those changes were
386 being drafted to the ordinance. So we're here today

387 because of the structural complex between the parking
388 ordinance and the SEE ordinance and the building code.

389 So we've all kind of talked about this a
390 little bit but this is an illustration of the heights
391 that are mandated by the SEE.

392 So you can see, these are all the blocks of
393 the project and I'll go into each block in a little bit
394 of detail so you know what's happening on each block.

395 I just want to show you initially, the
396 building that we're talking about tonight is the one
397 that I've highlighted in red and you can see the
398 step-backs that are on the building. And it goes from
399 15 stories furthest from the new high school, to 10
400 stories in the middle, down to seven stories closest to
401 the high school.

402 As we mentioned, the Economic Development
403 Project as a whole pays for the new George Mason High
404 School through land payments, ground rent, and the
405 overall increase to the tax base.

406 This project needs to be economically viable
407 and financeable in order to provide these benefits to
408 the City.

409 And not only does the project need to balance
410 financial and contractual obligations, the design needs
411 to incorporate all the wonderful things that we've heard
412 from the community thus far and that will be essential
413 to creating the place that the City really wants to have
414 here and deserves to have, including the mix of uses,
415 the open spaces, the urban design, the infrastructure
416 including transportation and roads, and bike and
417 pedestrian infrastructure, all of the great things that
418 makes it a place the City wants it to be.

419 If you're not already familiar, this project
420 will include retail, residential uses including the
421 for-sale condo and rental apartments, hotel, office
422 space, and senior living.

423 This is a plan view of the project with Route
424 7 on the bottom and Haycock going up on the right. The
425 condo building that is what we're talking about tonight
426 is in the upper left-hand corner, Block C-1. Below the
427 condo building is the hotel in purple, B-2, and the
428 above-grade structured parking garage. Below that is
429 Block B-1 which is the office building in blue.

430 Across the Common is the A-1 Apartment
431 building, and then north of the apartment building in
432 pink is the senior living building, the structured,
433 above-grade structured parking garage. And then in red
434 outline are the future Phase 2 buildings, the
435 residential building on B-3 and the future office
436 building on B-4.

437 This is the ground floor of the project and
438 all of the red is our retail. So we are going to have
439 about 100,000 square feet of retail including a grocery
440 store and the retail is lining the central open space of
441 the Common, which will help create this exciting space
442 that people will want to come to.

443 So we wanted to start kind of from a macro
444 level and work in toward the C-1 block. We've talked a
445 lot about all the different things that are on the site
446 so far. But here's my way of trying to illustrate all
447 the pressures on Block C-1.

448 So, first of all, the site is only so big. We
449 have to fit all the things we need to fit on it. It's
450 got a specific shape and that's what we have to work

451 with. So that's the overall site limitations and
452 setbacks.

453 Then we have to deal with the streets and the
454 street grid and the alignment of where the streets are
455 going to connect. Because essential to a good urban
456 space is a walkable street grid and creating blocks that
457 are pedestrian scale. So we needed to align the central
458 spine or the Common, with the existing street
459 connections on the south to the future alignment of the
460 streets, the projects to the north, actually the
461 Virginia Tech site and the WMATA site.

462 Then, one of the things that I think really
463 resounded with the City in terms of our actual key
464 proposal from several years ago was creating this
465 central open space, or the Common.

466 So in order to maintain the right amount of
467 open space in the middle to create the Common, because
468 if you keep moving the buildings closer and closer,
469 you're left with no open space. It's not useable. It's
470 not a gathering space any more.

471 So we needed to maintain this width so that we
472 could preserve the open space in the middle and that's

473 one of the things that was, I think, the selling point
474 to the City of our proposal. So we have pressures in
475 that arena on Block C-1.

476 Finally, we have the constraints of the school
477 and the sustainability goals of FCCPS and their desire
478 to use solar energy on the high school site and so we
479 had to make sure that our tall buildings were not going
480 to overly shadow the high school building.

481 So, those were the macro constraints. These
482 are more micro constraints on Block C-1 itself.

483 So, to the north on C-1, we're constrained by
484 the property line, obviously. We can't go any further
485 north because we don't own that property. We're
486 constrained to the east by the open space and the uses
487 and their required setbacks and the street alignment
488 that I mentioned before. And we're constrained to the
489 south by the amount of space that we needed to provide
490 for the other buildings and the other streets.

491 And then we're constrained to the west by the
492 need for lane 4, which is a critical street grid
493 connection. The maximum amount of cantilever the
494 building can physically create and so we'll get into

495 that in a little bit. As well as the step-backs
496 required by the school.

497 In conclusion of all that, this is the feeling
498 and the energy that we really want to create here and
499 that's what we're balancing as we are trying to design
500 the building to reflect what we're trying to create
501 here.

502 And if you haven't seen these before, these
503 are what we call our "sugarcube models", so it gives you
504 a better sense of the mass and scale of the project
505 overall as well as its relationship to the other
506 projects adjacent to it.

507 So you can see, the orange arrow points
508 towards the Metro, and ultimately this 40 acre
509 redevelopment including the Metro site and the Virginia
510 Tech site, it will all connect. It will be this
511 wonderful city of its own on the west side of Falls
512 Church and it will connect the retail center core on the
513 high school side all the way to the Metro and it will be
514 a place that people want to be and walk and enjoy.

515 The condo building as shown highlighted here
516 in purple and then you have the high school and Mary
517 Ellen Henderson in the background.

518 In the foreground are the rental apartment
519 building and then the office building is across the
520 street and the hotel.

521 Again, this is the apartment building in the
522 foreground, the condo building in purple in the back.

523 The Route 7 views for the office building and
524 the apartment in the foreground and the condo building
525 in the back.

526 And this image really starts to illustrate how
527 the step-back works on the condo building down towards
528 the school plaza so that the building at the school
529 plaza level is a lower scale than the tall 13 story part
530 of the building that's on the Commons.

531 Again, just so you can see the building
532 stepping back to the right towards the high school.

533 This is an illustration of the architecture of
534 the building. It's one of the buildings that we're most
535 excited about in terms of architecture and the ability

536 to use concrete construction. And you can see on the
537 back side, the step-down again.

538 This is just a view from more of the school
539 side with the step-down towards the school.

540 So, as a reminder, we are asking for a
541 variance to Section 48-933 to allow the stacking of
542 parking spaces within a parking structure, and to the
543 placement of columns less than three feet from the drive
544 aisle per Section 48-933(b)(8).

545 I covered this before but just a reminder,
546 these are the constraints on Block C-1 itself, to frame
547 what we're going to discuss in a minute.

548 Again, the height and the step-backs required
549 by the SEE approval.

550 This is just to illustrate the sun concept so
551 you can see. I've circled in pink is the high school
552 and the relationship between the high school and the
553 condo building and how the step-backs create less shadow
554 on the high school.

555 With that, I'm going to turn it over to Chris
556 Huffer, our architect, who will go into detail about the
557 micro-constraints within the building structure itself.

558 MR. BARTLETT: Hey, Amy, this is Keith

559 Bartlett.

560 MS. FRIEDLANDER: Yes.

561 MR. BARTLETT: I would just like to pause for

562 a second and see if at this point anyone has any

563 questions for you before we proceed with the specific

564 details about the columns.

565 (No response.)

566 MR. BARTLETT: Seeing none, okay. Thank you.

567 MR. HUFFER: Good evening, everyone. As Amy

568 said, my name is Chris Huffer. I'm an architect with

569 SK+I Architecture. And I'm going to kind of walk you

570 through kind of the micro-scale of our request today.

571 So, on the screen here you can kind of see

572 we've highlighted the basic things we're going to talk

573 about today.

574 We're looking at the first floor of the garage

575 plan. Below it we have one additional level, a G-2

576 level, which is essentially identical to this level.

577 So here you can see, starting on the left,

578 highlighted blue, we have lane 4 which gives circulation

579 around the site to the north and to the south and

580 access to the east and then farther to the left is
581 getting close to the high school.

582 The red outline is the residential building
583 above highlighted so you can see its relationship to the
584 columns in the garage. The blue vertical lines there
585 are the step-backs we continue mentioning and you can
586 kind of start seeing the relationship also with the
587 columns that we're showing here.

588 In pink, these are the location of the stacked
589 parking/tandem spaces that we are requesting. And all
590 those little red dots are the locations of the columns
591 where they would have to be required due to the zoning
592 requirement.

593 So you can see all those little gray dots are
594 our proposed location. So all around our tiny,
595 efficient garage, those are up against the 23 foot drive
596 aisle.

597 MR. BARTLETT: Chris, can you go back to that
598 slide for a second?

599 MR. HUFFER: Yes.

600 MR. BARTLETT: All right. Just to make sure
601 everyone understand, maybe it's just for me, so you're

602 actually putting the entire garage underground and this
603 space where your little curser is is actually green
604 space above ground there?

605 MR. HUFFER: Yes. So that area is going to be
606 the green amenity terrace that's above our civic and
607 retail space. So that's located on the third floor.

608 MR. BARTLETT: So the parking garage isn't
609 just under the building structure, it's under the entire
610 site?

611 MR. HUFFER: Yes. It's under the entire site
612 and also extends under lane 4 there.

613 MR. BARTLETT: And that allows you to have two
614 floors of garage instead of more if you just -- I think
615 I saw some reference in your application about only
616 using two floors because of how you're allowed to
617 maximize this space.

618 MR. HUFFER: Yes. So essentially because of
619 all the requirements and the constraints that Amy has
620 mentioned, our garage basically extends to the
621 utter-most farthest points of our site. So, any
622 tighter, we'd have to potentially go lower and add more

623 parking. So we're stretching this as far as we can and
624 using every square inch possible here.

625 Amy, if you want to go to the next page.

626 So Amy mentioned and so does Dave, on this
627 site because of the height, we are using concrete
628 structure. And that's kind of, it all kind of goes back
629 to not only zoning requirements of the height but also
630 to conform with building codes, because after certain
631 heights, to comply with fire safety, certain materials
632 need to be used.

633 So here's the brief overview on kind of the
634 height levels that are typically allowed to be built to
635 follow Code.

636 So typically, for a wood building for 5-A
637 construction, it can go up to 4 to 5 stories but under
638 65 feet from your measuring point.

639 A podium building like you see on our other
640 residential building on the site, that is a combination
641 of 1A and 111A construction. 1A construction is
642 essentially concrete construction and 111A is an
643 upgraded wood construction that has fireproofing.

644 In that type of construction you can build up
645 to 85 feet to the top of your roof structure and that
646 will consist of typically five stories of that 111A wood
647 construction over one to two stories of concrete
648 construction.

649 And then anything above 85 feet, especially in
650 our area, is typically built out of concrete, 1A
651 construction.

652 So just to kind of give you a very brief
653 overview of the limitations of concrete construction,
654 concrete buildings have columns that extend from the
655 bottom to the top of the building and those help
656 distribute the load throughout the entire structure.
657 Based off of the structure, the distance between the
658 columns is limited in terms of their size, the thickness
659 of the slabs, and the distances in between them.

660 Among other constraints of the building is
661 it's not a standard rectangle that goes straight up
662 because of our limitations with the step-backs and the
663 orientation towards the school which kind of limits
664 essentially where all the columns can be placed, as well
665 as with the orientation of an efficient garage.

666 Meeting the requirements of the ordinance
667 would involve significant modifications to the column
668 grid and the overall structure of the building.

669 So you can see here, this is a section we've
670 cut through the step-backs of the building. You have
671 lane 4 on the left and then our step-backs going up.
672 And what those red arrows kind of highlight is all the
673 columns that are extending from top to bottom. So this
674 building works as one structural unit in terms of the
675 concrete slabs, the columns, any beams, any setbacks.

676 So typically if the separation and the
677 distance between any of these columns increases, each
678 one of those horizontal slabs will potentially have to
679 get thicker. So as I mentioned for concrete
680 construction, it all works as a whole. So, if you
681 change one thing, that kind of creates a ripple effect
682 throughout the building.

683 You can also see here on the building
684 step-backs, on each one of those step-backs we have
685 columns located on each one of those lines. Just
686 because of how this whole structure works, that is one

687 of the key things to make the structure efficient and
688 work going through the building.

689 Here, to contrast what we're showing, is kind
690 of a typical podium section. So this is the building
691 that we'll say has a height limit of 85 feet. And the
692 two different constructions types, between the concrete
693 which is highlighted in blue and the pink which is a
694 wood construction.

695 And you can kind of see that horizontal blue
696 line, that's what we refer to as the podium or the
697 transfer slabs. That's usually a thicker concrete slab
698 and everything below that is similar to our building, in
699 the sense that that's what works together.

700 So the columns only extend up to that point
701 and they don't travel throughout the rest of the
702 building so they don't typically go through and interact
703 with the units above. So they don't have to be located
704 and designed to not only work with potentially retail,
705 parking, or garages below, they can kind of just step
706 and be separate so then you don't have to have the two
707 talking to each other.

708 So on the screen here we're going to kind of
709 talk about what happens when you start putting these
710 columns three feet away from the drive aisle. And it
711 basically starts to create a fairly inefficient garage,
712 especially at these interior corners.

713 I've highlighted three spots there where you
714 can kind of see where we're showing parking, a
715 staircase, and because of the step-back from the drive
716 aisle on either side, it starts to eliminate areas for
717 useable parking spaces and it starts to kind of
718 clustering columns in those areas.

719 So in this case, it creates an inefficient
720 layout which overall would create a net loss of up to
721 three plus parking spaces per floor.

722 MS. FRIEDLANDER: I think this is a actually a
723 good place for me to also add that in general,
724 underground parking, the name of the game is efficiency,
725 right? So, each space can cost between 50 to 80,000
726 dollars a space. And when you're talking about having
727 to provide enough spaces for a building of 126 units,
728 that can add up very quickly.

729 Any developer will tell you that when you're
730 building an underground garage, or even an above-ground
731 garage, you have to make it as efficient as possible or
732 else it just doesn't work.

733 So what Chris is going to continue to
734 illustrate is that the layers of efficiency become
735 cumulative in terms of making the -- taking what is not
736 necessarily a perfect garage to begin with and
737 continuously making it less and less perfect and making
738 it less efficient and making it harder for it to become
739 -- to be financially sound.

740 So this is one of the layers of what happens
741 when the columns are placed where they're required by
742 the Ordinance and Chris will go through the other layers
743 that kind of add up to the impact on the efficiency is
744 severe.

745 MR. BARTLETT: Amy, can you share how many
746 total spaces are we talking about?

747 MS. FRIEDLANDER: It is 76 plus nine -- Chris,
748 can you tell me?

749 MR. HUFFER: Yeah, the total of the garage is
750 178 spaces I believe.

751 So where the columns are now would eliminate
752 at least six parking spaces from there. And that total
753 parking number includes the total tandem spots. So
754 without tandem parking, there's only about 150 parking
755 spots, so we have another additional another 20 spots.

756 MR. BARTLETT: How many units are there?

757 MS. FRIEDLANDER: There are 126, am I right?

758 MR. HUFFER: Yes.

759 MR. BARTLETT: So some will be allocated two
760 spaces and some will be allocated one or none?

761 MS. FRIEDLANDER: That is correct.

762 MR. BARTLETT: Paul Stoddard, I have a
763 question for you. And I hate to interrupt, but the
764 question is does the City restrict or require or have
765 any input on the number of spaces required in this type
766 of scenario?

767 MR. STODDARD: So there is. Thanks for the
768 question.

769 So, yeah, I think as you're all aware there
770 are certainly zoning requirements to provide a minimum
771 number of parking spaces for each unit and then of
772 course there is a waiver provision through which the

773 developer can request a reduction in the required
774 minimum number of parking spaces.

775 MS. FRIEDLANDER: And I'll add that as part of
776 the SEE approval that we discussed earlier, there were
777 minimum and maximum parking ratios approved as part of
778 that process. The condo building is in compliance with
779 the ratios as approved by the SEE. I believe theirs is
780 higher than the minimum approved in the SEE and that's a
781 decision that the developer wants to make from a market
782 perspective.

783 If we can build the garage as we're asking to
784 build it tonight, we believe that that number of parking
785 spaces is sufficient to meet the demand of our future
786 condo buyer. And that the number of spaces in that
787 garage will be sufficient to make sure that everybody
788 that wants the parking space that they want will get
789 one.

790 MR. BARTLETT: All right. Thank you very
791 much. And it seems what I'm getting at is that you're
792 not just trying to just overload the facility with as
793 many parking spaces as possible. You're trying to meet
794 needs and metrics of the actual building requirements.

795 MS. FRIEDLANDER: Correct.

796 MR. BARTLETT: Just making sure.

797 MR. CALABRESE: If I could just ask, you
798 mentioned a cost per space of 50 to 80,000 dollars.

799 What does that mean? Are you saying that's a loss of
800 revenue per space without that? Is that what it costs
801 in theory to build each space or to construct?

802 MS. FRIEDLANDER: That is how much it costs to
803 construct the space.

804 MR. CALABRESE: But there's three less spaces
805 though. You're saying the cost would be 50,000 less?

806 MS. FRIEDLANDER: Yes. If we lost three
807 spaces, we'd still have to build the whole garage,
808 right? So if we lost, on this page, two levels, if we
809 couldn't build those three spaces on each level, that
810 would be a loss of six parking spaces, we'd still have
811 to build the whole box. We would still have to spend
812 the money that would otherwise had been allocated to the
813 space that we could sell to somebody.

814 MR. HUFFER: It increases the cost per space,
815 there you go.

816 MS. FRIEDLANDER: And it increases the cost
817 per space, so, yes. So developers tend to use roughly
818 50 to 80,000 dollars as like a ballpark estimate of how
819 much it costs to build an underground parking space in
820 the region.

821 So that's just to give you an understanding of
822 what we're -- the order of magnitude that we're dealing
823 with as we're balancing efficiency in the garage.

824 MR. MISLEH: Well, while we're on this topic,
825 what are the minimum number of spaces for this property?

826 MS. FRIEDLANDER: The minimum number. I can
827 get you that in one second.

828 Carly, I don't know if you have that readily
829 available.

830 MS. AUBREY: I was pulling it up while you
831 guys were talking about the previous question.

832 So it looks like you guys are providing around
833 176 for the condo building.

834 MR. HUFFER: Yes.

835 MS. FRIEDLANDER: Yes.

836 It's kind of nice to have my computer here so
837 that I can pull everything up.

838 MS. AUBREY: It comes out to about 1.39 spaces
839 per unit which is about 75 percent of the required per
840 Code. But as Amy did mention, they did get approved
841 near the max as part of the SEE.

842 MS. FRIEDLANDER: Right. So the SEE minimum
843 is one space per unit and we are providing roughly 1.4.

844 MR. MISLEH: Thank you.

845 MR. BOYLE: Amy or Chris, is there a way to
846 zoom in on the red text boxes?

847 MS. FRIEDLANDER: Yes. Hold on.

848 MR. BOYLE: Thank you.

849 MR. HUFFER: The only difference is the one on
850 the -- right below where Amy is saying is we'd have to
851 essentially flip-flop or move that stair to where one of
852 those parking spaces above it would be, instead of just
853 losing a space there.

854 MS. FRIEDLANDER: Any other questions or shall
855 we move on and we can come back to questions if you have
856 them?

857 MR. BARTLETT: That's fine with me. Thank
858 you.

859 MR. HUFFER: Moving on, so in addition to what
860 we just talked about, one of the standards for a
861 building like this, is in the concrete a typical slab
862 thickness for those above-grade floors is seven inches.
863 And the columns that correspond with that are 16 by 28
864 inches and that's kind of what you see in the plan
865 there.

866 For that to work, the span between those
867 columns typically needs to be between 25 feet and 29
868 feet. We do this so that we kind of avoid excessive
869 deflection in the slab. And you can see in the bottom
870 right there, there's kind of just a small diagram of
871 what deflection is. Deflection is excessive bending of
872 the slab at points in between the columns.

873 So in order to mitigate that, you have to
874 either add more columns to make the distance in between,
875 the columns lower so that it doesn't have as much
876 room to drop. It kind of stiffens up the slab. Or you
877 have to have a thicker slab. Those are kind of your two
878 main options to mitigate with that.

879 If we need to zoom in, we can but we'll start
880 at that top left corner. You can see, I'm putting a

881 dimension roughly on how far in red, how far the
882 required column locations would end up being with the
883 three foot setback from the drive aisle, the 23 foot
884 drive aisle, and then the additional three feet.

885 So it comes to essentially in a typical layout
886 31 feet 4, kind of center to center between these
887 columns. Whereas I just mentioned that the typical span
888 that we like to use is between 25 to 29 feet. And so
889 around this drive aisle you can see that if we can push
890 those columns in, it's going to be six feet closer
891 together, so it's going to help eliminate any of that
892 deflection and we can use the thinner slabs going all
893 the way up.

894 So basically all these dimensions going
895 around, it's kind of a very consistent thing because as
896 we mentioned, we're trying to design a very consistent
897 and efficient garage. So a lot of these issues, if it
898 happens in one place, it's going to happen in other
899 locations.

900 So on top of the excessive distances between
901 the slabs, we've mentioned these step-backs. Because of
902 where we have lane 4 over that partial area of the

903 garage on the left and kind of where the building sits,
904 how everything lines up with where these columns are,
905 the step-backs are, and where the slabs end up being, we
906 have kind of some cantilever conditions on the west side
907 of the building.

908 Currently we've worked it out so that those
909 cantilever conditions are already kind of at their
910 maximum span so any additional distance of moving these
911 columns an additional three feet away from the edge of
912 these columns are going to require either additional
913 beams or thickened slabs throughout the building because
914 once again, the farther you get from a stiff point in a
915 column and the end of your slab, you get excessive
916 bending and deflection in the slab.

917 So that little diagram that Amy is
918 highlighting there, you can kind of see here in the
919 section of our lower step-back here, kind of a condition
920 where we have these balconies extending and the typical
921 floor slab and how pushing that column away from it is
922 just extending that distance from our maximum already of
923 13 and a half feet to 15 and a half feet.

924 So, just to kind of give summary of what we've
925 just talked about here, the concrete construction
926 requires columns to align from the bottom of the garage
927 to the top of the penthouse. And everything is
928 consistent and uniform through that building.

929 The distance between the columns is limited by
930 the thickness of the slab, the floor they support, and
931 the further apart the columns, the larger the columns
932 and the thicker the slab, otherwise the slab deflects
933 and bends too much to have a flat floor.

934 Increasing the slab thickness and column sizes
935 means more concrete, which in essence means more cost.

936 The SEE-required step-backs on the west side
937 create excessive cantilevers that further limit the
938 distance between the columns for the remainder of the
939 building.

940 And placing the columns as required would also
941 result in a loss of up to three spaces per floor which
942 increases the cost and adds the additional structure and
943 also decreases the efficiency of not only the rest of
944 the building but also of the garage.

945 MS. FRIEDLANDER: With that, I'm going to stop
946 here and see if there are any other column or related
947 questions before I move on to the tandem spaces which I
948 think will be a lot quicker.

949 MR. CALABRESE: I would just say, I thank you
950 for your presentation. This is much clearer to me now
951 what the problem that's being faced.

952 MS. FRIEDLANDER: I appreciate that. I'm glad
953 we could share this information and I apologize that we
954 didn't provide it the first time.

955 MR. EPPLER: Could you just address a little
956 bit, you talked a little bit about the increased costs.
957 I know you talked with some numbers at the last BZA
958 meeting. Could you just address what we're talking
959 about in terms of increased costs if the Ordinance is
960 enforced.

961 MS. FRIEDLANDER: I would think that it would
962 -- I'll share a little bit later. It decreases the
963 efficiency by 18 to 20 percent if we don't get any of
964 these variances tonight, which not only would increase
965 the cost of the garage per space, we might have to
966 consider building a third level, which is financially

967 infeasible because the deeper you go, the more expensive
968 it becomes.

969 I would put it in the order of millions of
970 dollars.

971 MR. MISLEH: Amy, would the approval of this
972 variance help alleviate some of the financial hardship
973 that you've been presenting to Council on this project?

974 MS. FRIEDLANDER: In terms of the deal
975 structure?

976 MR. MISLEH: Yes.

977 MS. FRIEDLANDER: Robin, I don't know, do you
978 want to address that? I think that they're somewhat
979 separate issues.

980 Or Charles. Anyone.

981 Go ahead.

982 MR. BATTLE: No, they are separate issues.

983 Our planning already assumes that this is how
984 we're going to build the building, if you will. We
985 would have to go back and refigure the building and redo
986 costs if we had to conform strictly to the guidelines
987 being presented.

988 MS. FRIEDLANDER: In other words, it would
989 potentially make it worse.

990 MR. BATTLE: Don't say that.

991 MR. MISLEH: I have a couple other questions
992 since I wasn't in the last meeting.

993 So, these two levels of the garage are
994 strictly for residential use and they will be deeded
995 spaces to the condominiums?

996 MS. FRIEDLANDER: Correct, yes. I apologize.
997 Yes, we talked about that a lot the last time.

998 It is a private garage, it is not shared with
999 other uses. It's unlike commercial garages where I
1000 understand, there's one garage in particular that I'm
1001 sure everybody is familiar with in the City that people
1002 who are unfamiliar with the garage layout may come once
1003 or twice a year and not know where they're going. This
1004 garage, each space will be owned by a condo owner. They
1005 will know exactly how to get into that space, they'll
1006 know what the best way to get into that space is,
1007 they'll feel comfortable doing it. And so it is unlike
1008 a commercial garage where you might have unfamiliar
1009 parkers.

1010 MR. CALABRESE: I'm sorry, if I could just add
1011 though, you did mention before I think earlier, last
1012 time, this time, that there would be visitors.

1013 MS. FRIEDLANDER: I think that if a visitor
1014 came, it would be because they're very close with the
1015 person that owns the space and they'd have to park in
1016 the space that the condo owner owns. The condo owner
1017 would go with them, I would imagine.

1018 MR. CALABRESE: There's no visitor parking is
1019 what you're saying.

1020 MS. FRIEDLANDER: Correct.

1021 MR. MISLEH: So in theory, the tightness of
1022 the drive lanes would only be applicable to the
1023 purchasers and their intended users of that lot.

1024 MS. FRIEDLANDER: Correct. And to further
1025 emphasize, each of the spaces meets the Ordinance
1026 dimensions. So they are the correct dimensions per the
1027 Ordinance, each individual space themselves, and the
1028 drive aisles are also the correct dimensions.

1029 MR. MISLEH: So there's no turning radius
1030 issues that we'd face by reducing that drive aisle?

1031 MR. HUFFER: No.

1032 MS. FRIEDLANDER: Right. And we're not
1033 reducing the drive aisle itself, right. We're just
1034 reducing the distance from the drive aisle that the
1035 column is placed. So the drive aisle itself does not
1036 change in width.

1037 And so most of the spaces don't have --
1038 there's lots of spaces that don't have columns next to
1039 them at all.

1040 MR. MISLEH: Thank you.

1041 MS. FRIEDLANDER: Can I answer any other
1042 questions before I head to the next one?

1043 (No response.)

1044 MS. FRIEDLANDER: No. All right.

1045 So I hope this part is a little bit quicker.

1046 We're requesting the ability to use tandem and
1047 stacked spaces because it will help us again increase
1048 the efficiency of the garage structure by maximizing
1049 spaces without leaving unusable areas that we couldn't
1050 use for parking.

1051 Again, the set of the two stacked spaces would
1052 be sold to a single condo owner. And it would operate
1053 like a driveway in a single family home.

1054 The City has approved tandem spaces previously
1055 in other projects. And tandem spaces are very common
1056 throughout urban developments and urban condominiums and
1057 permitted by other Virginia municipalities.

1058 Quickly, again, the tandem spaces are
1059 highlighted in pink. The tandem one is the one behind
1060 one, the set of spaces would be sold to a single owner.

1061 Tandem spaces operate just like this driveway
1062 on the 700 block of Highland Avenue. I hope that is
1063 none of your houses. I just went on Google maps and
1064 tried to find one.

1065 But much like somebody that owns a driveway
1066 like this, if the minivan wants to go somewhere, they're
1067 going to have to coordinate the cars and move one so the
1068 one in the back can go where it needs to go.

1069 And just to illustrate the amount of space
1070 that would be lost or other unusable if we could not
1071 have tandem spaces, we have nine tandem spaces per floor
1072 and they are 9 feet by 18 feet and so that is equivalent
1073 to nearly 3000 square feet of space that would otherwise
1074 be unusable for parking if we could not stack them.

1075 So, in conclusion, this is the overall summary
1076 of the impacts of the Ordinance requirements across the
1077 building.

1078 So efficiency is really the key here. As
1079 proposed, the way that we want to build it, the garage
1080 is approximately 90 percent as efficient as a typical
1081 cast-in-place garage given just all of the constraints
1082 that we've talked about tonight.

1083 But meeting the strict application of the
1084 Ordinance would reduce the efficiency by an additional
1085 18 to 20 percent, which is a critical amount of
1086 efficiency.

1087 Given the reduced efficiency, the reduced
1088 amount of parking could negatively impact the
1089 marketability of the condos to potential buyers. And
1090 then the structure would necessarily have to change
1091 including transfer beams or thicker slabs and would
1092 affect the structure throughout the building, not just
1093 in the garage, the cost of which would be in the
1094 millions.

1095 So I've included these slides, just in case
1096 there are any questions, this is just kind of laying out

1097 what we've put in our application, the variance
1098 standards by which the variance should be reviewed. If
1099 you have any questions, we can come back to that.

1100 But overall, the strict application of the
1101 ordinance we believe would unreasonably limit the use of
1102 the property.

1103 The City Parking Code and the SEE approval
1104 that we are subject to does not necessarily contemplate
1105 the conflicts between these ordinances for high rise
1106 concrete construction and nor did it provide a relief
1107 valve or flexibility to address the conflicts, which is
1108 why we are here before you tonight.

1109 The proposed design includes parking spaces
1110 and aisle dimensions that meet the ordinance
1111 requirements. The condo parking is private unlike
1112 commercial garages where parkers may be unfamiliar with
1113 the layout and therefore have difficulty parking.

1114 The design constraints and the construction
1115 type affect the column placement in this garage.

1116 Tandem and stacked spaces are typical in
1117 residential condominium garages. Those tandem spaces

1118 would be sold to a single owner and operate like a
1119 single family driveway.

1120 And the requests preserve the efficiency of
1121 the garage to provide sufficient parking to meet the
1122 demand while minimizing costs.

1123 So that is it. Are there other questions I
1124 can help answer for you?

1125 MR. MISLEH: I have two questions about the
1126 tandem spaces.

1127 In a tandem space scenario when you deed it to
1128 the owner, will it be considered a single, deeded space
1129 or will they be considered two spaces? The reason I'm
1130 asking is in the future would they be able to split them
1131 or sell them individually?

1132 MS. FRIEDLANDER: That is a question that I
1133 think Charles or Robin would have to answer.

1134 MR. BATTLE: That is an excellent question. I
1135 don't think we've gotten to that detail as we don't have
1136 our condo docs formulated yet but I'm going to make a
1137 note of that. It's likely they will be deeded as to one
1138 owner, basically like two spots to one owner. But

1139 that's a good question. I'm going to have to ask the
1140 condo attorney that one.

1141 MR. MISLEH: Thank you. I think it's
1142 important that they be restricted so that you don't end
1143 up with --

1144 MR. BATTLE: Yeah, with somebody getting
1145 land-locked.

1146 MS. FRIEDLANDER: I'm sure the condo
1147 association would not be happy with that situation
1148 either.

1149 MR. BATTLE: No. And I'm sure the condo
1150 attorney knows exactly how to word that as they've
1151 probably seen it.

1152 MR. MISLEH: And the second question is you
1153 have a handicapped space reflected in one of the tandem
1154 spaces. How are you going to enforce that?

1155 MR. BATTLE: I'll say typically we reserve the
1156 handicap spots until last, to assign them last in case a
1157 disabled person does come and needs that spot, then we
1158 can deed them that spot.

1159 In the end, if we're sold out and no one
1160 disabled needs that spot, then it just becomes a regular
1161 spot at that point.

1162 MR. MISLEH: Thank you.

1163 MS. FRIEDLANDER: Any other questions we can
1164 help answer?

1165 They were all excellent, by the way,

1166 MR. CALABRESE: So I'll just go again. I
1167 think one's a comment and one is a question.

1168 So, first of all again, thank you. I think
1169 this is much clearer than last time.

1170 But one of the challenges we face consistently
1171 is that we're, as the Zoning Board, asked to evaluate
1172 variance requests based on either outdated,
1173 inappropriate, or other otherwise insufficient
1174 ordinances. And it happens, this is not your problem,
1175 of course, but it's just a general comment.

1176 But I do think there needs to be something
1177 that needs to be done to update the Zoning Ordinance.
1178 If, in fact, this requirement is no longer necessary, if
1179 it was relative to one building, then the law needs to

1180 be changed and either the -- I don't know if it's the
1181 City Council or the legislature does this.

1182 So, anyway, that's just a comment.

1183 The other, is that, just to be clear, Mr.

1184 Lasso said at the beginning that the standard in the law
1185 that applies here is part of the harm requirement, is
1186 the unreasonable restriction of the use of the property.
1187 And just to be clear, what you're saying is that that
1188 unreasonable restriction is the loss of the six spaces,
1189 am I correct in saying that?

1190 MS. FRIEDLANDER: The combination of the loss
1191 of the six spaces and the eighteen spaces of the
1192 tandems. So it's six plus eighteen which is 24. And
1193 then additionally, the impact across the whole building,
1194 the shift in the column grid would create.

1195 MR. CALABRESE: Just focusing on the column
1196 problem, if you were just to do the column issue, that's
1197 six, right? Then the tandem adds an additional number
1198 of spaces, is that correct?

1199 MS. FRIEDLANDER: The column problem is six
1200 spaces I believe. Chris, correct me if I'm wrong.

1201 MR. HUFFER: Yes.

1202 MS. FRIEDLANDER: Plus the impact across the
1203 building in terms of the structure.

1204 MR. CALABRESE: Okay. Thank you.

1205 MR. BOYLE: Mr. Chair, if I might, the loss of
1206 those spaces would also not be excused in the plan.
1207 They would have to be produced somewhere on site. They
1208 simply couldn't use them as they're proposing if they
1209 don't get this variance. The approved amount of parking
1210 has to be provided, whether these spaces are utilized or
1211 not.

1212 MR. MISLEH: But, John, am I correct in
1213 understanding that there are point 4 per unit excess
1214 parking in this proposed construct so in theory there's
1215 some variation, there's some allowance in there to make
1216 modifications.

1217 MR. BOYLE: I think there is but it's not a
1218 one for one trade.

1219 The required parking is a bit of a science
1220 that traffic engineers come to us with demand studies
1221 and what have you and they've arrived at a number that
1222 works for this type of building. And the fractions I
1223 think are helpful for seeing the demand in a table but

1224 in reality you're not going to see a fractional space.
1225 They'll have to build that area but they wouldn't be
1226 allowed to count it towards their total. I'm not sure
1227 it would be a one for one trade across the entire site.
1228 They might be able to recapture a couple.

1229 But I think it's important to consider that
1230 all of this space that is currently shown for parking,
1231 if a percentage of that falls away, if they don't get
1232 the variance, their required parking load is not going
1233 to be reduced to match. They are still going to have
1234 to provide all that parking.

1235 MR. MISLEH: Thank you.

1236 MR. BARTLETT: So this is Keith Bartlett. I
1237 have sort of a running question on the tandem request as
1238 a variance.

1239 John, I would ask you, the Code is silent on
1240 tandem spaces?

1241 MR. BOYLE: Yes. And we looked at other Codes
1242 from other communities. It's very common for the
1243 language of parking ordinances to be fairly identical
1244 from town to town.

1245 We do have some significant differences in
1246 that ours does not address tandems, and so the concept
1247 was that the Code is clear that each space needs to have
1248 its own access from an aisle. And tandem, the inside
1249 tandem space would not. So I think on that basis alone,
1250 that is why we're looking for the variance.

1251 A number of years ago a garage was proposed
1252 entirely of tandem spaces and their argument was that
1253 it's not prohibited. And we just thought from a
1254 planning view, the functionality of a garage like that,
1255 and it was rental apartments and they wanted to have I
1256 think staff on site to move the vehicles. It would not
1257 have functioned well and so we argued hard that, yes,
1258 it's not specifically prohibited but we're going to take
1259 the position and interpret that each space needed its
1260 own drive aisle access. So that's why they're here for
1261 the variance.

1262 MR. BARTLETT: And when Spectrum was built on
1263 Broad Street, those tandem spaces received a variance to
1264 allow tandem spaces?

1265 MR. BOYLE: I'm not sure. Let me look at
1266 that.

1267 MR. LASSO: This is Dave Lasso. I've worked
1268 on the Spectrum Development, that's correct. They were
1269 allowed to build the tandem spaces.

1270 And, John, I think that City Hall parking
1271 garage has tandem spaces.

1272 MS. FRIEDLANDER: Yes.

1273 MR. BOYLE: Yes, it did -- yes, it does, and
1274 they did get a variance for that.

1275 MR. EPPLER: And so does Pearson Square.

1276 MR. LASSO: Correct.

1277 MR. BARTLETT: And so my follow-up question
1278 and then I'll probably be done with the whole tandem
1279 space conversation is, why are we calling it a tandem
1280 space and not just one large space that allows two cars?
1281 Is there a definition in parking space that is limited
1282 to one car?

1283 MR. BOYLE: Not in our Code but I think it's
1284 an industry term.

1285 MR. BARTLETT: Okay. Interesting.

1286 And then following up on Mr. Calabrese's
1287 comment on outdated Codes that we are dealing with all
1288 the time, I just appreciated him bringing that up and it

1289 will be interesting to figure out a way to resolve some
1290 of these upfront when City Council or planning
1291 department or folks are contemplating development,
1292 things like this, that they contemplate some of these to
1293 include in their provisions.

1294 Does anyone else have questions from the BZA
1295 for the applicant?

1296 (No response.)

1297 MR. BARTLETT: Does the applicant have
1298 anything further to add to their presentation?

1299 MS. FRIEDLANDER: No, I just wanted to say
1300 thank you for giving us the opportunity to come back and
1301 give you the information that you needed. And I hope
1302 that this was what you were looking for and informs your
1303 discussion in a positive way.

1304 MR. BARTLETT: Thank you, Amy. Thank you,
1305 David. Thank you, others.

1306 At this point the Board will go into open
1307 discussion in front of the applicant about our
1308 considerations and questions and concerns.

1309 Would anyone like to start?

1310 MR. EPPLER: Keith, this is Dale. If I could,
1311 I'm keeping my video off because I seem to lose
1312 connection every time I turn my camera on.

1313 I was going to suggest, do we need to do both
1314 of these as one or do we consider the tandem and the
1315 column issues as two separate questions? Because I
1316 think we could probably deal with the tandems relative
1317 quickly.

1318 MR. BARTLETT: Does anyone have any feedback
1319 on that?

1320 I don't think it's an issue, but anyone else?

1321 MR. CALABRESE: This is Dave. I think that's
1322 fine. I'm okay discussing both but if we want to break
1323 it up, that's fine too.

1324 MR. MISLEH: I think we should just go ahead
1325 and discuss both, if there's any dissent, then we can
1326 vote on them independently.

1327 MR. BARTLETT: That's a good path forward.

1328 MR. CALABRESE: I'll start. I think I made
1329 the comments before so I feel more comfortable. Again,
1330 we're faced with sometimes an impossible situation where
1331 we have to enforce requirements that are fairly very

1332 strict. The harm as noted is a fairly high bar and so
1333 we have to show and it has to be shown that the granting
1334 of the variance is really going to alleviate something
1335 that's really serious. So that's always the challenge.

1336 And when the Codes are written in a way that
1337 makes it difficult to move forward in a matter like
1338 this, it just creates this challenge.

1339 Anyway, I think that we have much more
1340 information this time and it's understandable. So
1341 personally I don't have the same objections I had
1342 before.

1343 MR. BARTLETT: I will follow up with Mr.
1344 Calabrese in stating that I have a much better
1345 understanding of the specific restrictions and issues
1346 associated with the columns themselves.

1347 I was a little confused earlier or last month
1348 about moving them less than 3 feet from a drive aisle
1349 because you wanted more parking spaces, but when I was
1350 reading more thoroughly through the application and
1351 based on the conversation tonight and information
1352 presented, the situation that you were placed in to
1353 build this building with a certain square footage and

1354 certain requirements and building code requirements that
1355 our Ordinance does not contemplate dealing with concrete
1356 structures and height issues, I'm much more comfortable
1357 with that request for a variance. I have no issue with
1358 the tandem spacing issue.

1359 MR. EPPLER: So I would just add, I agree with
1360 Mr. Misleh about the tandem spaces. They shouldn't be
1361 severable. They should not be able to be separated.
1362 But other than, and I've seen them in many places and
1363 I've seen them here in Falls Church as well so I don't
1364 have a problem with them. But the idea that you could
1365 separate those two spaces and sell them separately,
1366 doesn't make sense to me.

1367 MR. MISLEH: I'll just say that everything
1368 presented this evening makes sense and to unreasonably
1369 restrict the marketability of this project would I think
1370 go against the intent of the City for the entire site,
1371 so I don't see any issue with approving the variance as
1372 requested.

1373 MR. KIEN: I agree with John on that. I don't
1374 think the tandem parking space issue is an issue at all.
1375 And while last month it was fairly clear that the cost

1376 impact was -- and the feasibility of mitigating those
1377 costs was real, the additional information that was
1378 provided tonight really makes it clear in regards to
1379 what has now been said multiple times: The current Code
1380 is just not adequate to deal with this.

1381 And I don't see anything that would change my
1382 thoughts from last time which is to move forward.

1383 MR. BARTLETT: At this point, does anyone
1384 have any further questions or comments?

1385 (No response.)

1386 MR. BOYLE: Mr. Chair, I think we do have one
1387 or two members of the public. If we could offer them an
1388 opportunity.

1389 MR. BARTLETT: Sure. Of course. I don't have
1390 names of folks from the public. If one at a time would
1391 like to open up your mic and make comment, that would be
1392 wonderful. And state your name for the record please.

1393 (No response.)

1394 MR. BARTLETT: John, do you have information
1395 that specific members of the public would like to speak
1396 or just that they are in attendance?

1397 MR. BOYLE: Just that I see them on the list.

1398 MR. BARTLETT: Okay. If anyone has any last
1399 minute comments that their mic's not working or if you
1400 want to put anything into Chat, let me know. I don't
1401 see anything in Chat, so I'm assuming no one wants to
1402 make any further comments.

1403 All right. Thank you, Mr. Boyle.

1404 Would anyone like to make a motion?

1405 I'll make a motion to approve variance
1406 application V1618-20 by FCGP Development LLC, applicant,
1407 for variances to Section 48-933 to allow 1) the stacking
1408 of parking spaces and 2) placement of columns less than
1409 three feet from the drive aisle within a parking garage,
1410 for the purposes of constructing a parking garage and
1411 residential condominium on premises known as 7124
1412 Leesburg Pike, RPC #52-221-006 of the Falls Church Real
1413 Property Records, zoned B-2, Central Business.

1414 MR. MISLEH: I second.

1415 MR. BARTLETT: Mr. Boyle, with receipt of
1416 second and first motion for approval, would you do a
1417 roll call vote?

1418 MR. BOYLE: Yes, sir.

1419 Mr. Eppler.

1420 MR. EPPLER: Agree.

1421 MR. BOYLE: Mr. Kien.

1422 MR. KIEN: Yes.

1423 MR. BOYLE: Mr. Calabrese.

1424 MR. CALABRESE: Yes.

1425 MR. BOYLE: Mr. Misleh.

1426 MR. MISLEH: Yes.

1427 MR. BOYLE: Mr. Bartlett.

1428 MR. BARTLETT: Yes.

1429 MR. BOYLE: Thank you.

1430 MR. LASSO: Thank you very much.

1431 MS. FRIEDLANDER: Thank you very much.

1432 MR. MISLEH: Congratulations.

1433 MR. BARTLETT: Thank you again for presenting

1434 more information. I really appreciate it.

1435

1436 5. NEW BUSINESS

1437 a. Election of Officers

1438 MR. BARTLETT: Moving on to New Business, as

1439 it's our January meeting and annual tradition, we have

1440 an opportunity to elect new officers for the Board of

1441 Zoning Appeals now that Mr. Jones has left us as our

1442 chair. We have two positions open, one for chairman and
1443 one for vice chairman. We also have to elect a
1444 secretary for the following year and then eventually we
1445 will then move on to establishing a calender for the
1446 2021 session and then update any Rules of Procedure for
1447 the Board of Zoning Appeals themselves.

1448 MR. CALABRESE: Well, I would nominate Mr.
1449 Bartlett as the chair.

1450 MR. KIEN: So would I.

1451 MR. BARTLETT: Oh, Dave, thanks.

1452 MR. CALABRESE: Is that something you want?

1453 MR. BARTLETT: I've thought about it, yeah,
1454 and I think it's fine. I will make comment, I won't
1455 offer the comment right now but if there are others that
1456 would like to chair nominations.

1457 Mr. Misleh has been here for a long time.

1458 MR. MISLEH: No. Keith, I think you'll do a
1459 great job.

1460 MR. BARTLETT: I just ask that if that's the
1461 case, that we all recognize that this is a great team
1462 and team effort and I'll be relying on all of you to

1463 help along the way and provide guidance and clarity and
1464 the great resource that you are.

1465 MR. MISLEH: Do we need to go ahead and
1466 nominate all positions or all offices?

1467 MR. CALABRESE: Just to clarify, the
1468 secretary, is that a new position or is that staff, the
1469 secretary, Mr. Boyle?

1470 MR. BOYLE: It's a position the Board has
1471 traditionally just acknowledged and I think years ago
1472 there was a secretary that was not performing so the
1473 Board took the opportunity to object.

1474 I don't think it requires a vote but I can
1475 assure you Akida is going to be the secretary.

1476 MR. CALABRESE: Yeah, that's what I thought.

1477 MR. BARTLETT: The requirement is for us to
1478 appoint a secretary annually at this meeting. And this
1479 is year four for me and we've always asked Akida to
1480 serve in that role and she's willingly done so.

1481 MR. BOYLE: Yeah. You can put it in the
1482 minutes as a request.

1483 MR. MISLEH: So as vice-chair, would Mr.
1484 Calabrese be willing to serve in that role?

1485 MR. CALABRESE: Well, certainly I'd be happy
1486 but I mean if there are others that would like the
1487 opportunity, I don't want to be -- I've done it before
1488 and I'd be very happy to do it again but if others who
1489 have been on the Board would want to do it, I'd be very
1490 happy to nominate them.

1491 So, don't be shy. If someone wants to do it,
1492 please speak up and I'd be very happy to step aside for
1493 them. If there are no others, I'm glad to do it as
1494 well.

1495 MR. BARTLETT: I will say the position of vice
1496 chair was quite simple this past year and I have perfect
1497 attendance at meetings so you won't have a problem.

1498 MR. CALABRESE: Right.

1499 MR. BARTLETT: I'll second the nomination for
1500 you, David, to serve as vice-chairman.

1501 MR. CALABRESE: Okay. Thank you.

1502 MR. MISLEH: Thank you, Dave.

1503 MR. KIEN: Thank you, David.

1504 MR. BARTLETT: Mr. Boyle, is there a
1505 requirement to conduct a vote at this point if we only
1506 have one nomination for both positions?

1507 MR. BOYLE: Let's, just to be safe, but I
1508 think we can consolidate it in two both, one motion for
1509 both.

1510 MR. BARTLETT: Mr. Misleh, you want to make a
1511 motion for both?

1512 MR. MISLEH: Yes. I move to nominate Mr. Bartlett
1513 as chair and Mr. Calabrese as vice chair of the Board of
1514 Zoning Appeals for the year 2021.

1515 MR. KIEN: I'd second that.

1516 MR. BOYLE: Who was the second, I'm sorry?

1517 MR. KIEN: It's Peter.

1518 MR. BOYLE: Thank you.

1519 Roll call.

1520 Mr. Eppler.

1521 MR. EPPLER: Yes.

1522 MR. BOYLE: Mr. Kien.

1523 MR. KIEN: Yes.

1524 MR. BOYLE: Mr. Misleh.

1525 MR. MISLEH: Yes.

1526 MR. BOYLE: Mr. Calabrese.

1527 MR. CALABRESE: Yes.

1528 MR. BOYLE: And, Mr. Bartlett.

1529 MR. BARTLETT: Yes.

1530 MR. BOYLE: Thank you.

1531

1532 b. 2021 BZA Calendar

1533 MR. BARTLETT: The next order of business is
1534 the 2021 BZA calendar. I don't see any reason to change
1535 our schedule which is the second Thursday of each month,
1536 is that correct?

1537 MR. BOYLE: It's the second Thursday after the
1538 first Monday.

1539 MR. BARTLETT: The second Thursday after the
1540 first Monday. Sometimes that's different?

1541 MR. BOYLE: Yeah.

1542 MR. BARTLETT: Why such confusing language,
1543 John? I don't understand.

1544 MR. BOYLE: It's Falls Church.

1545 MR. BARTLETT: Is it like Thanksgiving? Such
1546 a reference to historical times.

1547 MR. BOYLE: We go through and select dates
1548 that avoid any federal holidays. There's always one or
1549 two each year. This calendar seems to steer clear of
1550 any issues like that.

1551 MR. BARTLETT: Only place, I see tax day is on
1552 here, the 15th of April, June 17, July 15, no meeting in
1553 August, September 16, October 14. November 11th is
1554 Veterans Day, which is now a holiday in the City of
1555 Falls Church for schools and others. A federal holiday
1556 as well.

1557 Would we want to move that one to the 18th, is
1558 that what your past practice would recommend?

1559 MR. BOYLE: It shouldn't be on the schedule.
1560 Was that sent to you?

1561 MR. MISLEH: It's noted as the 18th on the
1562 schedule.

1563 MR. BARTLETT: Oh, great. I didn't click on
1564 that link in the Agenda.

1565 MR. MISLEH: John, I have a request for you.
1566 Would it be possible to ask Akida to send us a meeting
1567 invite for all of these dates to the Board members?

1568 MR. BOYLE: Sure. Good idea.

1569 MR. MISLEH: Thank you.

1570 I'll move to approve the meeting schedule for
1571 2021 for the Board of Zoning Appeals.

1572 MR. BOYLE: Perhaps for something like this,
1573 could we do "all in favor, any opposed"?

1574 MR. BARTLETT: All in favor?

1575 (Chorus of "ayes".)

1576 MR. BARTLETT: That was five "ayes."

1577

1578 c. Rules of Procedure

1579 MR. BARTLETT: So the next order of business
1580 is our Rules of Procedures.

1581 Mr. Boyle, were there any changes to the 2021
1582 Rules of Procedure from the prior years?

1583 MR. BOYLE: The only thing recently was the
1584 option for electronic meeting and now we're all experts
1585 at that.

1586 Remember when that first came up, it was like,
1587 this will never work.

1588 MR. CALABRESE: That was a real big deal at
1589 the time.

1590 MR. BOYLE: I think that's the most recent.

1591 MR. BARTLETT: Did anyone see anything that
1592 caused them consternation or concern, or have any
1593 recommendations to update our Rules of Procedure?

1594 MR. MISLEH: No.

1595 MR. BARTLETT: All in favor?

1596 (A chorus of "ayes".)

1597 MR. MISLEH: John, I have one comment on the
1598 electronic procedure. And that is it would be great if
1599 there was a way to allow people a phone number to dial
1600 in.

1601 MR. BOYLE: Oh, yeah.

1602 MR. MISLEH: I think not only for the purpose
1603 of the Board members and the applicants, but also for
1604 the public. It can be challenging for those that are
1605 not familiar with how to use Teams or if they don't have
1606 audio on their device.

1607 MR. BOYLE: No, that's a very good point.

1608 Just speaking for staff, we use about three
1609 different remote meeting systems, and the more familiar
1610 you get with each, the more they become unusable. You
1611 don't remember what worked with which.

1612 That's a good idea.

1613 MR. EPPLER: Actually I think Teams actually
1614 has an option for dial-in. At least the ones at my
1615 work, they have a dial-in number that works with that.

1616 MR. BARTLETT: It should.

1617 MR. BOYLE: Maybe it's an IT thing with us.

1618 I'll look into that. That's a very good idea. There
1619 should be a number on the posted agenda to call in.

1620 MR. BARTLETT: That's a good suggestion, Mr.
1621 Misleh.

1622 MR. MISLEH: Thank you.

1623

1624 6. APPROVAL OF MINUTES

1625 a. Approval of the December 17, 2020, Meeting Minutes

1626 MR. MISLEH: All right. Are there minutes,
1627 Mr. Bartlett? John?

1628 MR. BOYLE: Yeah, you should have received the
1629 minutes. Did we or did we not?

1630 MR. EPPLER: It's listed here on the Agenda
1631 but I did not find a link to actually see them.

1632 MR. BOYLE: Okay. Let me look in my folders.

1633 MR. EPPLER: David, could I ask a question
1634 while we're waiting, because I wholeheartedly agree with
1635 you being stuck trying to fix these problems.

1636 In this case is this something that should
1637 have been dealt with in the SEE?

1638 MR. CALABRESE: I don't know. It's a good
1639 question. It's a good question.

1640 The challenge we have, as you all know, is
1641 that we need to apply the law but the law is just not
1642 always appropriate and it leads to frustrations on both
1643 sides.

1644 When was the last time, Mr. Boyle, when there
1645 was a change to the Ordinance? I mean, we can make
1646 recommendations I believe. Is it the City Council or is
1647 it the legislature that has to actually do the changes?

1648 MR. BOYLE: The City Council, through our
1649 charter, can make code amendments but it has to run
1650 cooperatively with the State.

1651 I keep a running list of changes to the Code.
1652 I'll rattle the most recent ones off here.

1653 For the minutes, staff has not received them
1654 from the secretary that does those, so there's no
1655 minutes ready for you for this meeting.

1656 MR. BARTLETT: Speaking of our Code, I feel it
1657 would be wonderful if we could even update the standard
1658 in the City Code about how to get a variance and the

1659 standard that we're supposed to be considering and
1660 looking at.

1661 Every time we get a sophisticated applicant,
1662 they bring up the fact that the Virginia Code is
1663 inconsistent with our City Code but obviously the
1664 Virginia Code supersedes ours.

1665 And so, it will great at some point if we can
1666 figure out a way to, I don't know if you can update
1667 portions of the Code, or if you open the Code, you have
1668 to take public comment on the entirety of the Code.

1669 I think that's a question that we can probably
1670 pose to the City Attorney about how and when it's most
1671 appropriate to update our standards for ourselves
1672 but also the limitations of that as well.

1673 MR. BOYLE: The burden for a variance has been
1674 out of date in our Code for quite a while. And staff
1675 has asked, there is a draft ordinance that has been
1676 presented and it's structured in a way that would
1677 automatically update the Code by reference. We got at
1678 least that far with the City Attorney. She thought that
1679 portion of Code could be just a rolling reference to

1680 State code, so we don't have to keep updating it, just
1681 insert what the State does.

1682 So, zoning code updates are difficult from
1683 staff's perspective to obtain them, but top-down, they
1684 seem to happen pretty well.

1685 Just for example, the last one that was
1686 updated was definition of a group home in 2018. Also in
1687 2018, the definition of persons with disabilities. I
1688 think that was a State requirement.

1689 But the biggie you all recall is in 2017 was
1690 the cottage housing amendment.

1691 MR. BARTLETT: They just dumped the whole
1692 thing in there.

1693 MR. BOYLE: Yeah, that was pretty loose.

1694 Just prior to that, there's some really good
1695 structural ones where the Planning Commission can revise
1696 required parking numbers at site plan so they weren't
1697 continually coming to the Board asking for a reduction
1698 in numbers, the Planning Commission could consider that.

1699 So we have had one every year or so but
1700 there's some biggies, even some simple things like typos

1701 that we'd like to see. This is a glaring one, the
1702 burden for a variance.

1703 MR. BARTLETT: Okay.

1704 MR. BOYLE: So, no minutes. We'll get you
1705 those.

1706 MR. BARTLETT: Okay. We'll go through them
1707 next time.

1708

1709 7. OTHER BUSINESS

1710 MR. BARTLETT: Is there any Other Business at
1711 this point?

1712 (No response.)

1713

1714 8. ADJOURNMENT

1715 MR. BARTLETT: Without New Business or any
1716 Other Business, I move to adjourn the Board of Zoning
1717 Appeals meeting for January 14, 2021.

1718 MR. KIEN: Second on that.

1719 MR. BARTLETT: All right. Thank you very
1720 much.

1721

1722