



FAIRFAX COUNTY

APPLICATION FILED: June 1, 2005
APPLICATION AMENDED: October 31, 2005
PLANNING COMMISSION: December 7, 2005
BOARD OF SUPERVISORS: not scheduled

V I R G I N I A

November 23, 2005

STAFF REPORT

APPLICATION RZ 2005-PR-020

PROVIDENCE DISTRICT

APPLICANT: TCR Midatlantic Properties, Inc.

PRESENT ZONING: I-5, HC (Highway Corridor Overlay)

REQUESTED ZONING: R-16, HC

PARCELS: Tax Map 56-2 ((1)) 19 & 20

ACREAGE: 3.59 acres

DENSITY: 16.3 du/ac
inclusive of ADUs and utilizing density credit for previous dedication

OPEN SPACE: 80%

PLAN MAP: Fairfax Center Area: option for Residential, 16-20 du/ac at the overlay level

PROPOSAL: Rezoning to the R-16 District to permit the development of a five story multi-family building with 63 dwelling units, including 3 affordable dwelling units, and underground parking.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-PR-020, subject to the proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of a waiver of the service drive requirement along Route 50.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS USED
FREQUENTLY IN STAFF REPORTS CAN BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, TCR Midatlantic, Inc., requests approval to rezone 3.59 acres from the I-5 (General Industrial) and HC (Highway Corridor Overlay) Districts; to the R-16 ADU (Residential, 16 du/ac with Affordable Dwelling Units) and HC Districts. The application proposes development of a maximum of 63 multi-family units in a single building, with parking provided entirely beneath the building. The application proposes a residential density of 16.3 du/ac, including bonus density for the provision of Affordable Dwelling Units (3 units), and utilizes density credit for previously dedicated street right-of-way.

The applicant's draft proffers, the applicant's Affidavit, and the Statement of Justification can be found in Appendices 1-3, respectively.

Waivers and Modifications Requested:

- Waiver of minimum district size
- Waiver of service drive along Route 50
- Waiver of on-site stormwater management (*to be addressed at site plan*)

LOCATION AND CHARACTER

Site Description:

The 3.59 acre application property is located in the northwest quadrant of the intersection of Route 50 and Waples Mill Road, just to the east of Interstate 66. The site is currently undeveloped, and heavily vegetated. A Resource Protection Area (RPA) and floodplain encumber a significant portion of the southern part of the site, adjacent to Route 50. The application property is known as "Land Bay C" of the Fairfax Ridge development. Land Bay A of Fairfax Ridge, which directly abuts the site to the west, was developed under RZ 2000-PR-056. Land Bay A was recently converted from rental to condominium. Land Bay B, which is located on the north side of Fairfax Ridge Road, was also included in RZ 200-PR-056, but was shown as parking for an adjoining office building on that CDP/FDP, and is developed as such.

Surrounding Area Description:

Direction	Use	Zoning	Plan
Northwest	Residential, Multifamily (Fairfax Ridge Land Bay A)	PDH-20, HC	Fairfax Center, option for residential at 20-25 du/ac
Northeast	Office	I-5, HC	Fairfax Center, Office (0.5 FAR)
South	Office Mini-storage	C-6, HC C-8, HC	Fairfax Center, Office (0.7 FAR)

BACKGROUND

- RZ 83-P-099 was approved on February 25, 1985, to allow the development of a six story office building with a maximum floor area ratio of 0.70. This approval pre-dated the creation of the Resource Protection Areas (RPA) under the Chesapeake Bay Preservation Act, and the GDP approved with the rezoning showed significant encroachment into what is now RPA. A subsequent PCA to allow an eating establishment was filed in 1994 and withdrawn in 1996 with no action.
- RZ 2000-PR-056 was approved on the adjacent properties to the northwest on October 23, 2001, to allow a multifamily residential development with 420 dwelling units at an overall density of 17.51 du/ac. Provision for access to the application property was included as part of that application.
- APR Item 04-III-3FC (adopted on July 11, 2005) modified the Comprehensive Plan language to add an option for residential use with a density of 16-20 du/ac at the overlay level. See Plan text below.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 4)

Plan Map: Office; Residential @ 2-3 du/ac

Plan Text:

The Fairfax County Comprehensive Plan, 2003 Edition, Area III Volume, Fairfax Center Area, as amended through July 3, 2005, Land Unit K, pages 72 and 73, states:

“Land Use

...

Development in this area is constrained by an Environmental Quality Corridor (EQC) associated with the stream valley that traverses the western portion of the land unit. The EQC encompasses the floodplain, associated alluvial soils, and steep slopes. This EQC area should be retained in open space.

As an option to office use at the overlay level, Parcels 46-4((1))15A, 36, 37, and 56-2((1))15F, 16, 18A and 22 (an area with approximately 24 acres), and Parcels 47-3((1))58A and 58B (an area with approximately 14 acres) **[adjacent to the subject property]**, may be considered for multifamily residential uses at 20 to 25 dwelling units per acre if all of either group of the above parcels are fully consolidated and considered under one rezoning. Low-rise multifamily use and/or mid-rise multifamily use may be appropriate if the proposal results in a quality living environment. ... A quality living environment would include usable open space for recreation, buffers, screening and noise mitigation measures. Residential development should be designed in a manner compatible with the adjacent office buildings in terms of scale and height. Any development application for this option should also be evaluated in terms of adequately addressing the following conditions:

- Preservation of the Environmental Quality Corridor and the Resource Protection Area.
- Provide usable open space and on-site active recreation facilities sufficient to serve the residents of this complex.
- Provide pedestrian walkways connecting all portions of the development and linkages to adjacent properties.
- Provide noise attenuation measures, which may include noise barriers and/or a substantial vegetative buffer adjacent to I-66 and/or the I-66/ Route 50 interchange; in addition, the site design should orient buildings in a manner that will further shield active recreational areas and open space areas from highway noise.
- At the time of zoning, provide an evaluation of the existing sewer system capacity and commit to providing any improvements necessary to offset the increased sewer flow demand of the residential development to the satisfaction of Fairfax City and Fairfax County.

As an option to office at the overlay level, Parcels 56-2((1))19 and 20 (an area of approximately 3.51 acres) may be considered for multifamily residential use at a density of 16 – 20 du/ac provided that the proposed development is designed in a manner that is compatible with the adjacent residential development in terms of height, scale, materials and massing of buildings and meets the conditions above for residential development in Land Unit K. Access should be through the adjacent residential community to Fairfax Ridge Road. No residential development should occur on Parcel 20. Density associated with these two parcels should be used to the extent possible on Parcel 19 and some or all of Parcel 20 should be considered for dedication to the County for park and transportation purposes.

ANALYSIS

Generalized Development Plan (Copy at front of staff report)

Title of GDP: Fairfax Ridge Land Bay C
Prepared By: Land Design
Original and Revision Dates: October 7, 2005, as revised through
November 3, 2005

The GDP consists of 16 sheets.

Sheet 1 (labeled “cover”) is a cover sheet including an index and a vicinity map.

Sheet 2 (labeled 1) shows the proposed development (Land Bay C) in relationship with the already developed Fairfax Ridge, Land Bay A.

Sheet 3 (labeled 2A) shows the proposed layout for Land Bay C (details below).

Sheet 4 (labeled 2B) shows the pedestrian circulation plan for the entire development (Land Bays A and C).

Sheet 5 (labeled 3A) shows the landscape plan for Land Bay C.

Sheet 6 (labeled 3B) shows site amenities, a soils map, a description of the minimum required yards and bulk plane, and the general notes.

Sheet 7 (labeled 4A) shows architectural elevations for the building and interior floor plans for the parking levels and lower levels of the building.

Sheet 8 (labeled 4B) shows a perspective drawing of the entrance to the building and a cross section of the site showing the relationship between the proposed building and the existing parking and buildings in Land Bay A.

Sheets 9 and 10 (labeled 5 and 5A) show the existing vegetation map for the entire development (Land Bays A, B, and C). Land Bay C is shown only on Sheet 10 (5A).

Sheets 3-15 (labeled 6 and 6A-D) show the stormwater management details. Stormwater management will be provided in a regional pond constructed in and as part of Land Bay A.

Sheet 16 is the Certified Plat for the rezoning.

Layout

The development, as depicted on the GDP, proposes a maximum of 63 dwelling units, including 3 Affordable Dwelling Units, with an overall density of 16.3 du/ac (including bonus density for the provision of ADUs and density credit taken for previous right-of-way dedications).

The GDP shows a single, five story, multi-family residential building, with a maximum height of 50 feet. The building is located in the northern portion of the site, with the

remainder of the site (including all RPA and EQC) retained as open space. All parking, including visitor parking, is provided in decks underneath the building. Visitor and delivery parking is located in a pull-in area located at-grade underneath the northern wing of the building. Resident parking is located in underground decks, accessed through the visitor parking area. A single entrance is shown to Fairfax Ridge Road, consolidated with the entrance to Fairfax Ridge Land Bay A.

Architecture

The site slopes down from the north to the south (towards Route 50). As a result, the northern façade of the proposed building has only four stories exposed, while the southern façade has five stories. This lower story has residential units facing out with the parking deck located behind the units.

Elevations included in the GDP (Sheet 7/4A) show a building, generally flat-roofed but with shallow peaks on some of the bays. The building appears, from the elevations, to be a mixture of brick and siding. (The proffers commit to buildings which are “masonry, siding, and glass,” though no specific colors or material specifications are proffered.) The applicant has also proffered to provide architecture that is “compatible with the architectural design of the buildings constructed on Land Bay A.” Those buildings are a combination of siding and brick, with peaked roofs. The elevations provided for Land Bay C, though not identical, are similar to and compatible with the buildings in Land Bay A.

Parking

All parking for the site is located underneath the building. A ground level visitor parking and delivery area is located under the northern wing; residents would enter this area and descend a ramp into the resident parking (which would likely be gated). Parking and loading spaces are provided in accordance with the Zoning Ordinance requirements (103 parking spaces and 2 loading spaces are provided).

Recreation & Open Space

The GDP includes 80% open space, the majority of which is located in the RPA and to the south against Route 50. Additional open space plaza areas are provided in the front of the building, facing Land Bay A. Passive recreation includes seating in these plazas. Active recreation includes a trail through the RPA (connecting to the trail through the RPA in Land Bay A, if allowed by that development, and an exercise station on the far side of the RPA, near the intersection of Route 50 and Waples Mill Road. Additional indoor facilities include an exercise room for the residents.

Landscaping & Limits of Clearing and Grading

Because of the nature of the site, the majority of the vegetation to be preserved is located in the RPA and open space towards Route 50. The limits of clearing and grading are shown to be the northern limits of the RPA. (This RPA and open space to

the south encompasses 80% of the site.) The landscaping plan commits to the same plant materials provided on the Land Bay A portion of the residential development. Because of the narrowness of the setbacks, no additional large trees are proposed on the site, but smaller trees and shrubbery (which could be expected to live in narrower planting areas, raised beds and planters) are provided along the front of the building and in the plaza area.

Pedestrian Connections

As noted, a pedestrian trail is shown through the RPA which will connect (if allowed) to a similar trail through the RPA in Land Bay A. A pedestrian connection is also provided from the front of the building directly to the Land Bay A parking lot. The proffers also commit to providing a trail on the Waples Mill frontage (the proffers commit to an 8 foot wide trail; a 10 foot wide trail is required).

Stormwater Management

Stormwater management is proposed to be provided off-site in the regional pond constructed on Land Bay A. The applicant has proffered that, should the requested waiver to allow the use of an off-site pond not be approved, a Proffered Condition Amendment will be filed to request a redesign that provides for on-site Stormwater Management. (At this time there is no indication that a waiver would not be appropriate.)

Comprehensive Plan Analysis (Appendix 4)

The Comprehensive Plan includes several conditions required to achieve residential development at the proposed density of 16.3 du/ac. These include

- Compatibility with adjacent residential development
- Access through the adjacent residential development to Fairfax Ridge Road
- No residential development on Parcel 20
- Density used to the extent possible on Parcel 19
- Consideration of some or all of Parcel 20 for dedication for either park or transportation uses
- Compliance with the Plan criteria listed for the adjacent properties:
 - *Preservation of RPA and EQC*
 - *Provision of usable open space and on-site active recreation*
 - *Pedestrian walkways connecting to adjacent properties*
 - *Noise attenuation measures, including the orientation of buildings to further shield active recreation areas from highway noise*

- *Evaluation of the existing sewer system capacity and commitment to provide necessary improvements*

The GDP shows that no buildings are located on Parcel 20, and reserves that area as open space (the Fairfax County Park Authority having noted that no dedication is desired). Access is provided through Fairfax Ridge Land Bay A, and elevations have been provided which show that the proposed development will be compatible with those units as well. As discussed further in the Residential Development Criteria below, staff believes the applicant has satisfactorily addressed these conditions.

Fairfax Center Analysis

The Fairfax Center Checklist is a tool utilized by staff in evaluating a zoning application within the Fairfax Center Area for conformance with the Comprehensive Plan. There are transportation, environmental, site design, land use and public facilities elements on the Checklist. (See Appendix 15 for Checklist)

The Comprehensive Plan recommends a density of 16-20 du/ac at the Overlay Level for this area. The applicant proposes a density of 16.3 du/ac. In order to justify development at the Overlay density, the application must satisfy:

- ⊙ All applicable basic elements;
- ⊙ All applicable major transportation elements;
- ⊙ All essential elements;
- ⊙ Three-fourths (75%) of the applicable minor elements; and
- ⊙ One-half (50%) of the applicable major elements

In staff's evaluation, the application satisfies all of the applicable basic elements; all of the essential elements, 83% of the applicable minor elements, 75% of the applicable major elements, and have satisfied the one identified applicable major transportation element. Therefore, staff feels that the application does justify development at the Overlay Level.

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 16.

Site Design (*Development Criterion #1*)

This Criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The applicant has achieved the consolidation required by the Plan (Parcels 19 and 20), and is proposing development at a level consistent with the recommendations of the Plan. The surrounding properties are developed in accordance with the recommendations of the Plan (or Plan options), and the interparcel access to the existing office to the east will improve future access for that site, as discussed later in the Transportation section.

The development should provide for a logical design with appropriate relationships within the development. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible. The site has very limited land located outside of the RPA. The proposal would place the building within this usable area, and offer access to the RPA as outdoor recreation. Compatibility with the surrounding residential neighborhood is proposed through architectural design and materials, as well as through the provision of pedestrian connections and the use of similar planting materials. The proffers commit to pedestrian connections that will offer access to the bus stop on Route 50 (which would deliver residents to the Vienna Metro). Additionally, the transportation demand management (TDM) program proposed by the proffers includes the dissemination of transit information and provision of a Smartrip Card, loaded with \$25, to all initial tenants.

Open space should be useable, accessible, and integrated with the development. Appropriate landscaping should be provided. There is a requirement for 30% open space in the R-16 District; the applicant has provided 80%. This open space is provided primarily in the large RPA/EQC area, as well as in a small plaza area in the front of the building. Trail access is provided to and through the open space, as well as by connections to the trails on the adjoining site. Landscaping materials which are coordinated with the adjacent property have been proposed; certain materials deemed less likely to thrive by Urban Forest Management have been removed from the proposed plant list.

Neighborhood Context (*Development Criterion #2*)

While developments are not expected to be identical to their neighbors, this Criterion states that they should fit into the fabric of the area, especially at the interface between the two. This application directly abuts a multi-family development to the west, Land Bay A of Fairfax Ridge, which was developed by the same developer (although it has since been converted to a condominium development). Elevations indicate that the proposed architecture, while not identical, is similar to that in Land Bay A, in terms of the basic materials to be used, and the rhythm of the bays of the buildings. The applicant should further commit to specific building materials and colors in order to ensure that the two developments are visually unified. The applicant has also provided for pedestrian connections between the two developments, although vehicular access is not able to be fully integrated, as Land Bay A is a gated

community. The two developments (Land Bays A and C) will share an entrance onto Fairfax Ridge Road. The entrance, however, splits into three, with the left and right drives providing access to a parking area associated with Land Bay A, and to Land Bay A. These driveways are both gated, while the driveway to Land Bay C is not. Should the two developments be consolidated, it would be preferable to remove as many gates as possible. The applicant should commit to pursue the removal, or at least the relocation, of these existing gates to more fully integrate the sites.

Environment (Development Criterion #3)

This Criterion requires that developments conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts. The site is currently almost completely vegetated with mature tree cover; 80% of the site (including all of the RPA/EQC) is included as open space, the majority of which is to be preserved. The applicant is proposing to utilize off-site SWM facilities located in Land Bay A, and will request a waiver of on-site SWM/BMP at the time of site plan approval. The applicant has included a proffer that, should the waiver not be approved, a PCA will be filed to add SWM to the development. The applicant has proffered to do interior noise mitigation for units which are impacted by highway noise (along Route 50). The GDP does not show noise mitigation for the exercise station in the southeastern corner of the site, near the intersection of Route 50 and Waples Mill.

The site has a high likelihood for the presence of naturally occurring asbestos. (See Appendix 7) The applicant has proffered to safety measures in coordination with the Fairfax County Health Department.

Tree Preservation & Tree Cover Requirements (Development Criterion #4)

This Criterion states that all developments should take advantage of existing quality tree cover—as preserving existing trees is highly desirable to meet the Public Facilities Manual (PFM) requirements—and that, where feasible, utility crossings should be located so as not to interfere with proposed tree save areas. The majority of the 80% open space on the site is also tree save, including mature vegetation in the RPA/EQC. Because the proposed building is very close to the limits of clearing and grading (which is also the limit of the RPA), the applicant's proffers need to be especially strict as to maintaining that limit.

Transportation (Development Criterion #5)

This Criterion requires that developments provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that interconnection of streets be encouraged. The applicant has provided a development plan which accesses through the adjacent residential development, as visualized and required by the Comprehensive Plan, onto a public street. Bus stops on Route 50, within easy walking distance of the site, offer access to the Metro system and will be

accessible via the proposed pedestrian improvements. The proffers and GDP also commit to provision of interparcel access to the existing office building to the east, which would be gated to prohibit residential access through to Waples Mill Road until and unless the parcel was redeveloped for residential uses with no access to Waples Mill Road (at which time unrestricted access would be allowed). Proffers further commit to a Transportation Demand Management Program, including the provision of metro SmartCards loaded with \$25 to all new residents, provision of secure bicycle parking for residents as well as bike racks for guests, and inclusion of a business center for residents equipped with internet access and computers. To fully address the transportation issues raised by this development, the applicant should also delete the note on the GDP which references tandem spaces in garage (as none are shown).

Public Facilities (Development Criterion #6)

Criterion 6 states that the impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management) should be offset by residential development. Impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 8-14)

Fairfax County Park Authority (Appendix 14)

The development as originally proposed would be projected to add approximately 128 persons to the current population of the Providence District. The GDP shows minimal active recreational amenities consisting of a trail through the RPA and connecting with other, off-site, trails. Also included are an exercise room for the residents. In order to compensate the Park Authority for the increased demands for other off-site recreational facilities, the applicant should proffer to contribute additional funds to the Park Authority in an amount of \$33,920 (\$265 per resident). The applicant has proffered a contribution of \$40,810.

Fairfax County Public Schools (Appendix 12)

The proposed development would be served by the Waples Mill Elementary, Lanier Middle and Fairfax High Schools. All of these schools are currently close to or over capacity, and are expected to remain so through the 2009-10 school year. The total number of students generated by this development is projected to be 4 elementary students, 1 middle school students and 2 high school students (7 students total); an increase of 7 students over what would be projected under the current, non-residential, zoning. A contribution of \$52,500 would be appropriate. The applicant has proffered a school contribution of \$52,500.

Fire and Rescue (Appendix 11)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #421, Fair Oaks. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer Analysis (Appendix 8)

The property is located in the Accotink Creek Watershed and would be sewerred into the Norman M. Cole, Jr. Treatment Plant. An existing 8 inch line located in an easement approximately 150 feet from the property line is adequate for the proposed use. The Comprehensive Plan indicates that the applicant should ensure, at the time of rezoning, that adequate sewer capacity exists. A memo to the applicant from the Wastewater Planning and Monitoring Division, DPWES, indicates that there is adequate capacity at this time for the proposed use. (See Appendix 9)

Fairfax County Water Authority (Appendix 10)

The subject property is located within the Fairfax County Water Authority Service Area. Adequate domestic water service is available at the site from existing 8 and 12 inch mains located at the site.

Environmental and Site Review Division, Stormwater Management, DPWES (Appendix 13)

The applicant has requested a waiver of PFM standards to allow off-site stormwater management and BMPs. DPWES staff has reviewed the request and has indicated that approval of the waiver is likely, based on the existing regional pond in Land Bay A. The final approval, however, will be addressed at the time of site plan approval.

Affordable Housing (Development Criterion #7)

Criterion 7 states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Satisfaction of this criterion may be achieved by the construction of units, contribution of land, or by a contribution to the Housing Trust Fund. The GDP shows that 3 units will be Affordable Dwelling Units (5%, based on 63 units), in accordance with County ordinances.

Heritage Resources (Development Criterion #8)

Criterion 8 requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. The applicant has proffered to undertake a Phase I assessment, and Phase II and III assessments if deemed appropriate, and to allow the Resource Management Division of the Park Authority access to the application property prior to any land disturbing activities.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-16 ADU developments)		
Standard	Required	Provided
Minimum District Size	4 acres	3.59 acres <i>Waiver Requested</i>
Building Height	65 feet	50 feet
Front Yard	25° angle of bulk plane, not less than 20 feet (23 feet)	205 feet (Route 50) 315 feet (Waples Mill)
Side Yard	15° angle of bulk plane, not less than 10 feet (13 feet)	13 feet
Rear Yard	25° angle of bulk plane, not less than 25 feet (25 feet)	25 feet
Open Space	24%	80%
Parking Spaces	101	103
Loading Spaces	2	2
Transitional Screening & Barrier: none required		

Waivers/Modifications

Waiver of Service Drive along Route 50

The application as proposed does not directly access Route 50, nor does Land Bay A—the only other property fronting Route 50 between I-66, and Waples Mill Road. Because waiver of a service drive does not negatively impact access to the adjacent parcels, Staff does not object to this waiver request.

Waiver of Minimum District Size

The R-16 District requires a 4 acre minimum district size; the application proposal is on 3.59 acres (a deficiency of 0.41 acre). The applicant has consolidated the only two remaining parcels in the quadrant which are planned with an option for residential use, which are also the only two vacant parcels in the quadrant. Interparcel access is provided to the existing adjoining office building, and the proffers commit to efforts to join the HOA of the proposed development with the HOA of the adjoining Land Bay A. Therefore, in this case, staff believes that a waiver is appropriate.

Waiver of On-site Stormwater Management and BMPs

This request will be addressed at the time of site plan approval. The applicant has included appropriate proffer commitments to return for a Proffered Condition Amendment, should the waiver be denied. Additionally, staff from DPWES has not indicated that such denial is likely.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's proposal achieves the consolidation and meets the conditions required for development at the proposed density. The proposed residential development offers significant environmental benefits over the existing, proffered office plan, which would virtual eliminate the RPA and EQC. In staff's evaluation, the proposal has fulfilled the conditions found in the Comprehensive Plan, and has satisfied the applicable Zoning Ordinance standards with the imposition of the proposed.

Staff Recommendations

Staff recommends approval of RZ 2005-PR-020 subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of a waiver of the minimum district size.

Staff recommends approval of a waiver of the service drive along Route 50.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Plan Citations and Land Use Analysis
5. Transportation Analysis
6. Environmental Analysis
7. Health Department Analysis, Division of Environmental Health
8. Sanitary Sewer Analysis
9. Sewer Capacity Memo

APPENDICES (Cont.)

10. Water Service Analysis
11. Fire and Rescue Analysis
12. Schools Analysis
13. Environmental and Site Review Division, Stormwater Management (DPWES)
14. Park Authority Analysis
15. Fairfax Center Checklist
16. Residential Development Criteria
17. Glossary of Terms

PROFFERS

TCR MID ATLANTIC PROPERTIES, INC.

RZ 2005-PR-020

November 18, 2005

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, the owner and TCR Mid Atlantic Properties, Inc. (hereinafter referred to as the "Applicant"), for themselves, their successors and assigns in RZ 2005-PR-20, filed for property identified as Tax Map reference 56-2 ((1)) 19 and 20 (hereinafter referred to as the "Application Property") hereby proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-16 District.

1. GENERALIZED DEVELOPMENT PLAN

- A. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, entitled "Fairfax Ridge Land Bay C" prepared by Land Design, dated October 7, 2005 as revised through November 3, 2005.
- B. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, design, vehicular circulation or requirements of the Virginia Department of Transportation ("VDOT") or Fairfax County at the time of site plan submission, provided that there is no decrease to the amount of open space, tree save, limits of clearing and grading, or distances to peripheral lot lines as dimensioned on the GDP, and provided that the adjustments are in substantial conformance with the GDP.

2. TRANSPORTATION

- A. The Applicant shall reimburse Fairfax County in the amount of Twenty-Three Thousand Six Hundred and Five Dollars (\$23,605.00) for right-of-way on Waples Mill Road, which was purchased by Fairfax County pursuant to an agreement described in Deed Book 16645, Page 1134, of the Fairfax County Land Records. Said reimbursements shall be made prior to site plan approval for development of the Application Property.
- B. The Applicant shall provide a contribution to the Fairfax Center Area Road Fund consistent with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982, as may be revised. In accordance with the Fairfax Center Road

Fund Policy, the Applicant shall receive credit against the Fairfax Center Road Fund contribution for those improvements that are creditable expenses.

3. SIDEWALKS AND TRAILS

- A. The Applicant shall provide five (5)-foot wide sidewalks on the Application Property, as generally shown on the GDP.
- B. The Applicant shall construct an eight (8)-foot wide trail in the open space, as shown on the GDP. The trail shall be field located and the selection of material types shall be determined in conjunction with Urban Forest Management (UFM) and the Fairfax County Park Authority (FCPA) in order to minimize disturbance in the Resource Protection Area (RPA). Said trail shall connect to an existing trail on adjacent Land Bay A, as shown on the GDP, provided that concurrence of the owners of Land Bay A is obtained. The Applicant shall use best efforts in obtaining that concurrence and the resulting trail connection. The trail shall also connect to sidewalks throughout the Application Property, as shown on the GDP.
- C. The Applicant shall construct a ten (10) foot wide trail within the right-of-way along the Application Property's Waples Mill Road frontage, as shown on the Countywide Trail Plan.

4. INTERPARCEL ACCESS. Prior to site plan approval, the Applicant shall convey a twenty five (25) foot wide ingress/egress easement for the benefit of adjacent property identified as Tax Map 56-2 ((26)) 100 -330 (11211 Waples Road), hereinafter referred to as the "Adjacent Parcel". Said easement shall be exclusive and limited to providing ingress and egress for the Adjacent Parcel across the Application Property to Fairfax Ridge Road. Subject to receiving concurrence from the owners of the Adjacent Parcel at no cost to the Applicant, the Applicant shall construct an interparcel access between the Application Property and the parking area of the Adjacent Parcel. Such construction shall be complete prior to final bond release for the Application Property.

As long as the Adjacent Parcel is developed with direct access to Waples Mill Road, this interparcel access shall be controlled by a gate, installed by the Applicant, to prohibit residents of the Application Property from accessing Waples Mill Road through the Adjacent Property. Should the Adjacent Parcel be redeveloped with no direct access to Waples Mill Road, any control gate previously installed shall be removed.

If, the Applicant is unable to obtain concurrence from the owners of the Adjacent Parcel to construct the interparcel connection, the Applicant shall be relieved of its obligations for construction and control gate installation under this proffer.

5. TRANSPORTATION DEMAND MANAGEMENT

Transportation demand management (“TDM”) strategies, as detailed below, shall be utilized by the Applicant and/or its successors or assigns to reduce vehicular trips during peak hours. Should the Application Property be developed with condominiums, these transportation strategies shall be set forth in the Condominium Owners Association (“COA”) documentation, and shall become the responsibility of the COA.

Mass transit, ride-sharing, and other transportation strategies shall be utilized to reduce trips during peak hours by a minimum of 5% according to Fairfax County’s trip generation calculations. Residents of the development shall be advised of this transportation strategy. Transportation coordination duties shall be carried out by the COA.

The following is a list of strategies that shall be instituted:

- A. Designate an individual (property management staff) to act as the transportation coordinator for the Application Property, who shall be responsible to implement the TDM strategies for the Application Property, with on-going coordination with the Fairfax County Department of Transportation. Such individual shall also be responsible for communication and coordination of TDM strategies with the COA for the development on adjacent Land Bay A and the COA for any future development on adjacent Land Bay B. This individual may, if appropriate, may be the same person for all three land bays (A, B and C).
- B. Disseminate information regarding Metrobus, carpool and/or vanpool, ridesharing, and other relevant transit options in residential sale/leasing packages;
- C. Provide Metro maps, schedules, and forms; information on the Fairfax County Ride Share Program; and information on other relevant transit options available to owners/tenants either in a newsletter to be published on a regular basis and not fewer than four (4) times per calendar year or on a web site;
- D. Provide SmartCards loaded with a minimum of \$25, or Metro checks in the amount of \$25, to all tenants upon their initial lease or to initial purchasers at the time of settlement.
- E. Provide a small business center on the Application Property for use by the residents. The small business center shall include telephones, fax machines, computers and high-speed internet access.
- F. Equip all residential units on the Application Property with broadband wiring for internet access.
- G. Provide secure bike parking for residents of the building. Provide bicycle racks for visitors either in the visitor parking area or in the vicinity of the main entrance.

- H. The TDM program shall be continued by the COA in the event of a condominium conversion.

6. TREE PRESERVATION, LANDSCAPING AND OPEN SPACE

- A. Tree Preservation Plan. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of UFM, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet on either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- B. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. The Applicant shall clear the proposed open space of dead trees and invasive plant materials, as approved by the UFM, DPWES.

All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM, DPWES.

The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes, and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM, DPWES.

- C. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions. The Applicant shall notify the Providence District Supervisor ten (10) days in advance of the tree preservation walk through meeting, and the Providence District Supervisor, or his or her representative, shall be given the opportunity to attend the tree preservation walk through meeting.
- D. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails, as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, consistent with the installed utilities and/or trails and any easements associated therewith, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- E. Tree Protection Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition and phase I & II erosion and sediment control sheets, as may be modified by the proffer pertaining to "Root Pruning" below. All tree protection fencing shall be installed after the tree preservation walk-through meeting, but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner

that does not harm existing vegetation that is to be preserved. Ten (10) days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES and the Providence District Supervisor shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES. At the discretion and direction of the Providence District Supervisor, the adjacent and abutting property owners shall be notified by United States Mail no later than five (5) days prior to the commencement of any clearing, grading, or demolition activities and invited to a meeting with the Providence District Supervisor to inspect the site to ensure that all tree protection devices have been correctly installed.

- F. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by UFM, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
 - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
 - Root pruning shall be conducted with the supervision of a certified arborist.
 - An UFM, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
- G. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM, DPWES. The Providence District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting.
- H. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant appraisal to determine the replacement value of all trees 10 inches in diameter or greater located within 25 feet of the outer edge of the limits of clearing and grading, as shown on the GDP. These trees and their value shall be

identified on the tree preservation plan at the time of the first submission of the site plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called “Trunk Formula Method” contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM, DPWES.

- I. Tree Bonds. At the time of site plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the bonded trees. The cash bond shall consist of 33% of the amount of the letter of credit.

At any time prior to final bond release, should any bonded trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent species and ten (10) year canopy cover as approved by UFM. At the time of approval of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount equal to 20% of the total amounts originally committed.

Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the Application Property’s conservation escrow, or sooner, if approved by UFM, DPWES.

- J. Transplanting Plan. The Applicant shall provide a tree transplanting plan as part of the first and all subsequent submissions of the site plan for review and approval by the Forest Conservation Section. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans, such as a certified arborist or landscape architect. The plan shall address the transplanting of the existing trees on the site. The use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump grinders, etc., or any accessory or attachment connected to this type of equipment, shall be permitted with the approval of UFM, DPWES.
- K. Open Space Maintenance. The Applicant or subsequent COA shall be responsible for the maintenance of open space on the Application Property including the maintenance of the large naturalized area consisting of Parcel 20 and the southern portion of Parcel 19. Responsibility for open space maintenance shall be included in the COA documents.

The Applicant shall provide on-site recreation amenities that include trails in the open space, pedestrian connections to Land Bays A and B, outdoor seating, a plaza area and indoor and outdoor exercise facilities as shown on the GDP. In addition, the Applicant shall contribute the sum of forty thousand eight hundred and ten (\$40,810.00) to the Fairfax County Park Authority for the development of recreational facilities in the vicinity of the Application Property.

8. STORMWATER MANAGEMENT - BEST MANAGEMENT PRACTICES

- A. A regional stormwater management pond is located on the adjacent Land Bay A located immediately west of the Application Property. Said regional pond was constructed as a part of the development pursuant to RZ 2000-PR-056 for the rezoning of Land Bays A and B. The pond was specifically designed to treat and filter water from Land Bays A, B and C (the Application Property), and to satisfy the RPA pollution control objectives of the Chesapeake Bay Preservation Ordinance and the forty percent (40%) requirement for phosphorus removal, as required by the Public Facilities Manual (“PFM”). The Applicant shall provide adequate outfall to the regional pond on adjacent Land Bay A, as shown on the GDP.
- B. In reliance upon the existence of the regional pond on adjacent Land Bay A, the Applicant intends to process a waiver of on-site stormwater management detention and BMP requirements. In the event that DPWES does not approve a waiver of standard on-site stormwater management detention requirements, the Applicant shall apply for a PCA/FDPA to establish an on-site stormwater management pond, which may result in a loss of density.

9. AFFORDABLE HOUSING

The Applicant shall provide three (3) affordable dwelling units on-site concurrent with construction of other units.

10. DESIGN

- A. The design of the building on the Application Property shall be in substantial conformance with the architectural elevations shown on Sheet 4A of the GDP. The Applicant reserves the right to make final design changes as a result of final architectural design, so long as the character and quality of design remains consistent with those shown. The building shall be constructed with a mixture of masonry, siding and glass materials.
- B. Parking shall be provided for residents and visitors in a partially underground parking structure as shown on the GDP. Visitor parking and loading shall be separated from resident parking and shall not be gated. The height of the loading area shall be a minimum of 18 feet, sufficient to accommodate moving and delivery trucks. Additionally, if access to resident parking is gated or otherwise controlled,

such control shall be designed with sufficient room for vehicular turn-around in the visitor parking area.

- C. All homes constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as confirmed by Virginia Power, Washington Gas or an independent third party professional consultant, for either electric or gas energy systems.
- D. The Applicant shall provide outdoor lighting in the entry and common areas, as shown on the GDP. All lighting shall include cut-off features and shall comply with Sect. 14-900, Outdoor Lighting Standards.
- E. All structures shall be located a minimum of ten (10) feet from the RPA designation, as shown on the GDP. All construction activity within this ten (10)-foot limit shall include preventative measures to protect the RPA. such as protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, orange construction safety fences and double super silt fences.

11. NOISE ATTENUATION

Polysonics Corporation has prepared a Traffic Noise Analysis of the Application Property dated September 9, 2005. This report provides an analysis of noise impacts associated with Waples Mill Road and Route 50 and recommends mitigation measures. The Applicant shall submit the report to DPWES with submission of the site plan. Any units requiring mitigation shall be identified on the site plan.

In order to reduce interior noise to a level of approximately 45 dBA Ldn, units which are projected to be impacted by highway noise levels above 65 dBA Ldn, shall be constructed with the following acoustical measures:

- A. Exterior walls should have a laboratory sound transmission class (STC) rating of at least 39.
- B. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels above Ldn 65 dBA. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of at least 39.
- C. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.

Prior to the issuance of building permits, alternative interior noise attenuation measures may be provided subject to the implementation of a refined noise study as reviewed and approved by DPWES after consultation with the Department of Planning and Zoning.

12. HERITAGE RESOURCES

The Applicant shall conduct a Phase I Archeological Study of the Application Property and submit it to the Fairfax County's Cultural Resource Protection Section (FCCRPS) for review and approval, prior to final site plan approval. If determined warranted by the Phase I Study, the Applicant shall undertake Phase II and Phase III Archeological Studies for FCCRPS review and approval prior to any land disturbing activities on the Application Property.

13. ASBESTOS

If DPWES determines that a potential health risk exists due to the presence of asbestos-containing materials on the Application Property, then the Applicant shall:

- A. Take appropriate measures, as determined by the Health Department, to alert all construction personnel as to the potential health risks; and
- B. Commit to appropriate techniques, as determined by DPWES in coordination with the Health Department and the Applicant, relative to the removal and disposal of the asbestos-containing materials to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities, covered transportation of removed materials, and appropriate disposal of such materials in accordance with all applicable State, Federal, and County requirements.

14. CONDOMINIUM OWNERS' ASSOCIATION

- A. Should the Application Property be developed with or converted to condominiums, the Applicant shall establish a COA to own, manage and maintain all common areas and to operate the TDM program. The maintenance and operational responsibilities of the COA shall be included in the COA documentation. In accordance with the Virginia Property Owners' Association Act, Section 55 of the Code of Virginia, purchasers shall be advised of these requirements and restrictions prior to entering into a contract of sale through a disclosure package that contains the COA documentation.
- B. Subsequent to the time when the condominium owners on adjacent Land Bay A assume authority for the Land Bay A COA, the Applicant shall make best efforts to combine the COA for the Application Property with the COA for the adjacent Land Bay A. Such combination may include sharing the use of amenities on the combined properties and sharing of maintenance obligations. In the event that the Applicant is successful in bringing about such a combination, the agreement for such a

combination, including but not limited to maintenance obligations, shall be disclosed to contract purchasers of residential units within the Application Property prior to entering into a contract of sale, and shall be disclosed in the COA documents prepared for the Application Property. In the event the Applicant is unable to combine the COAs, the Application Property shall maintain its own separate COA as outlined in Proffer 5A above..

15. PUBLIC FACILITIES

Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors ("BOS") on September 9, 2002, effective January 7, 2003, at the time of site plan approval, the Applicant shall contribute the sum of \$52,500 to the BOS for transfer to the Fairfax County School Board.

16. SUCCESSORS OR ASSIGNS

The proffers shall bind and inure to the benefit of the Applicant and his or her successors and assigns.

17. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT/CONTRACT PURCHASER

TCR MID ATLANTIC PROPERTIES, INC.

By: P. Sean Caldwell

Its: Vice President

[SIGNATURES CONTINUED ON NEXT PAGE]

TITLE OWNER OF TAX MAP 56-2 ((1)) 19, 20

PALUMBO FAMILY LLC

By: Pasquale M. Palumbo
Its: Sole Managing Member

[SIGNATURES END]

