



APPLICATION FILED: August 26, 2005  
PLANNING COMMISSION: March 2, 2006  
BOARD OF SUPERVISORS: Not yet scheduled

# County of Fairfax, Virginia

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February 15, 2006

## STAFF REPORT

PCA 83-P-107-4 / FDPA 83-P-107-3

### SPRINGFIELD DISTRICT

<b>APPLICANT:</b>	Lincoln Property Company Southwest, Inc.
<b>PRESENT ZONING:</b>	PDC, HC, WS
<b>PARCEL:</b>	46-3 ((1)) 24A
<b>ACREAGE:</b>	22.80 acres
<b>FAR:</b>	0.47
<b>OPEN SPACE:</b>	28%
<b>PLAN MAP:</b>	Fairfax Center Area (Office/Mixed Use)
<b>PROPOSAL:</b>	Request to amend the proffers and the Conceptual/Final Development Plans associated with a portion of RZ 83-P-107 to replace two office buildings with a multi-family residential building including ground floor retail

### STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 83-P-107-4, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 83-P-107-3, subject to the development conditions contained in Appendix 2 and the Board of Supervisors approval of PCA 83-P-107-4.

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#### Department of Planning and Zoning

Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
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Staff recommends that PFM Section 06-0303.8 be waived to permit the use of an underground water quantity and quality control facility in a residential area, subject to the development conditions entitled "Waiver #8454-WPFM-001-1 Conditions" and dated December 8, 2005, as contained in Attachment 3.

Staff recommends approval of a waiver of the 600 foot maximum length of private streets.

Staff recommends approval of a modification of the loading space requirement.

Staff recommends approval of a waiver of the transitional screening and barrier requirements between uses within a PDC District.

Staff recommends approval of a modification of the transitional screening and barrier requirements along the eastern and southern property boundaries.

Staff recommends approval of a modification of the use limitation for the PDC District to permit the GFA of residential uses to exceed 50% of the GFA of principal uses.

Staff recommends approval of a waiver of the trail requirement along portions of Lee Jackson Memorial Highway and West Ox Road as depicted on the CDPA/FDPA.

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.



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

**DESCRIPTION OF APPLICATION**

The applicant proposes to amend the proffers and combined Conceptual/Final Development Plan for a portion of Fairfax Towne Center (RZ 83-P-107) to permit the replacement of two approved office buildings (480,000 total square feet) with a 203,800 square foot multi-family residential building with ground floor retail. The residential/retail building will contain 184,000 square feet of residential uses (maximum of 169 multi-family dwelling units including eight ADUs) and a maximum of 19,800 square feet of ground floor retail. The resulting FAR of the application area will be 0.47 with 28% of the site as open space. The five story (65 feet) multi-family residential/retail building will be constructed on a portion of the property that is currently occupied by a 202 space temporary surface parking lot. Underground parking spaces will accommodate the residential portion of the building, while existing surface and garage parking spaces will accommodate the retail component of the new multi-family residential/retail building.

**MODIFICATIONS AND WAIVERS**

- Waiver to permit underground water quality and quantity control facilities within a residential district (PFM Sect. 6-0303.8)
- Waiver of the 600 foot maximum length of private streets
- Modification of the loading space requirement
- Waiver of the transitional screening and barrier requirements between uses within a PDC District
- Modification of the transitional screening and barrier requirements along the eastern property boundary
- Modification of the use limitation for the PDC District to permit the GFA of residential uses to exceed 50% of the GFA of principal uses (63% of PCA 83-P-107-4 principle uses; 108% of Fairfax Towne Center principle uses)
- Waiver of the trail requirement along portions of Lee Jackson Memorial Highway and West Ox Road in favor of that shown on the CDPA/FDPA
- Modification of the minimum planting area requirement (PFM Sect. 12-0702.1B(2)) from eight feet in width to six feet in width

**LOCATION AND CHARACTER**

**Site Description**

Fairfax Towne Center is located in the northwest quadrant of the intersection of West Ox Road and Monument Drive, southwest of the interchange between Lee Jackson Memorial Highway and West Ox Road. The 22.8 acre application area includes the entire Fairfax Towne Center minus the Fairmont Condominiums that

comprise approximately 7.6 acres of the western portion of the development. The 202 space temporary surface parking lot that is to be developed with the new multi-family dwelling/retail building is located in the western portion of the application area, which is at an elevation approximately twenty feet higher than the Fairmont Condominiums to the west. Access to the site is provided from West Ox Road and Monument Drive. Existing underground stormwater management and Best Management Practices are provided for Fairfax Towne Center, which are located within the non-residential portion of the site. A small tree preservation area consisting of Maples, Dogwoods and Oaks is located within the application area.

### Surrounding Area Description

Direction	Use	Zoning	Plan
North	Route 50/West Ox Road Interchange	N/A	Fairfax Center Area
South	West Ox Battlefield Park	R-1	Fairfax Center Area
East	Office & Multi-Family Dwellings (RZ 84-P-101; RZ 84-P-007; RZ 87-P-052)	PDC	Fairfax Center Area
West	Multi-Family Dwellings	PDC	Fairfax Center Area

### BACKGROUND

- On March 4, 1985, the Board of Supervisors approved RZ 83-P-107 to rezone 37.49 acres from the R-1 and HC Districts to the PDC and H-C Districts to permit a mixed-use development consisting of 840,000 square feet of hotel (300,000 square feet), office (480,000 square feet) and retail/eating (60,000 square feet) uses at an overall FAR of 0.51. RZ 83-P-107 was later amended through a proffer interpretation to permit 870,000 square feet of development.
- RZ 84-P-101 was approved concurrently with RZ 83-P-107 to rezone 41.03 acres from the R-1 and WS Districts to the PDC and WS Districts to permit a mixed-use development composed of 1,422,000 square feet of office (712,000 square feet), residential (630,000 square feet) and retail (80,000 square feet) uses at an overall FAR of .80. RZ 84-P-101 has since been amended to permit 1,155,000 square feet of development composed of residential (949,000 square feet), office (200,000 square feet) and retail (6,000 square feet) uses.
- On November 28, 1988, the Board of Supervisors approved PCA 83-P-107 and CDPA 83-P-107 to permit a revision to the layout and a reapportionment of GFA of each use of the 870,000 square foot mixed-use development.

- On February 24, 1992, the Board of Supervisors approved PCA 83-P-107-2 on 30.36 acres (land area reduced from original rezoning due to land dedications for road improvements) to permit a change in the layout, mix of uses, and to add a residential component. The resulting 870,000 square foot development was revised to consist of office (480,000 square feet), retail and eating establishments (205,000 square feet), a movie theater (55,000 square feet), and multi-family residential (130,000 square feet) uses. Fairfax Towne Center was constructed in 1994 according to the CDP/FDP associated with PCA 83- P-107-2, with the exception of the office component that currently exists as a temporary surface parking lot. The approved proffers and CDPA/FDPA associated with PCA 83-P-107-2 are included as Appendix 6.
- On October 25, 1995, CSP 83-P-107 was approved by the Planning Commission to permit a Comprehensive Sign Plan for Fairfax Towne Center.
- On June 17, 2004, PCA 83-P-107-3 was dismissed.
- The Comprehensive Plan was amended during the 2001-2002 Area Plan Review cycle (APR 01-III-4BR) to permit the replacement of the two approved office buildings with residential and retail uses.

### **COMPREHENSIVE PLAN PROVISIONS** (Appendix 7)

On page 68 of the Fairfax County Comprehensive Plan, Area III, 2003 Edition, as amended through July 11, 2005, under the heading Fairfax Center Area Land Unit Recommendations, Land Unit J-1, the Plan states:

“This sub-unit is planned for office mixed-use development. The planned linear park on the southern edge will be a major amenity and pedestrian corridor for the area and must be preserved. This sub-unit represents a transition between the mixed-use Suburban Center core area to the east and the non-core area to the west and south. Excellence in site planning and design is expected of any development in this sub-unit, particularly since the unit occupies such a highly visible location. As an option at the overlay level, the land area currently used for parking at the western end of the shopping center plaza may be appropriate for additional development of at least 10,000 square feet of retail use but no more than 20,000 square feet. A mix of residential and retail use may be appropriate if retail use is integrated into the development on the first floor facing the shopping center plaza and the residential development does not exceed four stories. High quality design and landscaping should be employed to mitigate impacts on the adjacent residential use. Safe and efficient pedestrian connections should be provided to link the mix of uses in this sub-unit.”

**ANALYSIS****Conceptual/Final Development Plan Amendment (CDPA/FDPA)**  
(Copy at the front of staff report)**Title of Combined CDPA/FDPA:** Fairfax Towne Center**Prepared By:** Vika**Original and Revision Dates:** August 3, 2005, with revisions through February 8, 2006

<b>CDPA/FDPA SHEET INDEX</b>	
<b>Sheet #</b>	<b>Contents</b>
1	Cover Sheet
2A	Notes and Tabulations
2B	Application Area Maps and SWM Checklist
2C	Landscape and SWM Computations and Outfall Narrative
2D	Parking Analysis
3	Existing Conditions Plat
4A	FDPA Development Plan (50 Scale)
4B	FDPA Development Plan (25 Scale)
5	Existing Vegetation Map
6	Architectural Details
7A	Landscape Plan and Amenity Details
7B	Landscape Plan and Amenity Details
7C	Pool Layout and Amenity Details
7D	Amenity Details
7E	Amenity Details
7F	Cross Section
7G	Terrace Detail
8A-8P	PCA/FDPA 83-P-107-2 CDPA/FDPA Sheets

No alterations to the existing non-residential portion of Fairfax Towne Center are proposed, except for the removal of the temporary surface parking lot. The layout

of the new multi-family residential/retail building at Fairfax Towne Center is proposed as follows:

### Layout

- The new multi-family residential/retail building will be located in the western portion of the property; south of the existing parking garage, west of the two existing retail buildings, and east of the Fairmont Condominiums, on a section of the Fairfax Towne Center that is currently used as a temporary surface parking lot.
- The ground elevation where the new multi-family residential/retail building will be constructed is at a higher elevation than the Fairmont Condominiums to the west by approximately twenty feet. A landscaped terrace will be located at the western portion of the site, providing a pedestrian connection from the Fairmont Condominiums to the site of the new multi-family residential/retail building. A series of retaining walls will accommodate the grade differential, with a landscaped terrace providing an aesthetic transition between the Fairmont Condominiums and the new multi-family residential/retail building.

### Building

- The 203,800 square foot, five story multi-family residential/retail building will have a maximum height of 65 feet, consisting of four stories of residential uses above ground floor retail.
- The retail component will consist of a maximum of 19,800 square feet oriented towards the interior of the Fairfax Towne Center.
- The residential component will consist of a maximum of 184,000 square feet containing 169 multi-family dwelling units (inclusive of 8 ADUs).
- Parking for the residential portion of the new multi-family residential/retail building will be provided in a parking structure located on the ground floor behind the retail space and one level below ground consisting of 288 spaces. Parking for the retail portion will be accommodated in the existing parking garage and existing surface lots located throughout the Fairfax Towne Center. Access to the underground residential garage will be provided from the southeast side of the building, west of the existing retail building's loading area.
- A drop-off area will be provided on the east side of the new multi-family residential/retail building, west of the promenade located between the two existing retail buildings.
- A fifteen foot wide pedestrian area containing streetscape elements (landscaping, trash receptacles, benches, tables and chairs) will be located along the front (east) side of the building. This pedestrian area will taper to seven feet to accommodate the drop-off area.
- Two landscaped terraces and a swimming pool will be located on the second floor of the new multi-family residential/retail building. The terraces located at the northwestern and southwestern portions of the building will consist of landscaping and seating areas. The swimming pool will contain the pool,

seating and lounge areas. The terraces will overlook the northwestern and southwestern portions of the property, while the pool will be surrounded by three additional stories of residential units.

### Transportation

- Vehicular access to the building will be provided from the existing private road network within Fairfax Towne Center that is accessed from West Ox Road and Monument Drive.
- Monument Court, a private road that provides access to the Fairmont Condominiums from Monument Drive, will also provide access to the new multi-family residential/retail building.
- The applicant proposes a new connection to Monument Court that will provide access to the new multi-family residential/retail building.
- Two pedestrian crosswalks consisting of specialty paving materials will be provided from the pedestrian area along the east side of the building to the pedestrian areas in front of the two existing retail buildings on opposing sides of the promenade.
- An eighteen foot wide fire lane consisting of a grass ring surface will encircle the north, west and east sides of the building to provide emergency vehicle access around the building. A five foot wide pedestrian walkway will meander through the fire lane.

### Landscaping

- Deciduous trees and shrubs will be an integral component of the streetscape along the front (east) side of the building, and will also buffer the north, west and south sides of the building from the fire lane that will encircle the building.
- The second floor terraces and pool area will be enlivened with portable planters and shrubs.
- The terrace leading from the site of the new multi-family residential/retail building to the Fairmont Condominiums will be landscaped with shrubs and perennials.

### Stormwater Management

- Fairfax Towne Center was constructed in 1994 with underground stormwater management and Best Management Practice (BMP) facilities, which are located within the commercial portion of the center. The applicant has applied for a waiver of PFM Sect. 6-0303.8 to permit these underground stormwater management facilities to serve the residential portion of the new multi-family residential/retail building.

**FAIRFAX CENTER AREA CHECKLIST** (Appendix 17)

The Fairfax Center Checklist is a tool contained in the Comprehensive Plan that is utilized in evaluating rezoning and proffered condition amendment applications for conformance with Comprehensive Plan. There are transportation, environmental, site design, land use, and public facilities elements on the checklist. In order to justify the overlay level, the applications should satisfy all applicable basic elements; all major transportation elements; all essential elements; three-fourths of the applicable minor elements and one-half of the major elements.

In staff's evaluation, the applications have satisfied 94% of the basic elements, 100% of the major transportation elements, 100% of the essential elements, 94% of the minor elements and 100% of the major elements. Staff concludes that the applications satisfy the Fairfax Center design requirements for development at the overlay level. The only basic and minor elements not satisfied pertain to signage, which will be addressed by a conceptual sign plan amendment (CSPA).

**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 18.

**Site Design** (Development Criterion #1)

*This Criterion requires that the development proposal address consolidation goals in the Comprehensive Plan, further the integration of the development with adjacent parcels and not preclude adjacent properties from developing according to the recommendations of the Plan.* Fairfax Towne Center was constructed in 1994 as a shopping center consisting of approximately 205,000 square feet of retail uses and a 55,000 square foot movie theater; the Fairmont Condominiums comprise 130,000 square feet of residential uses that are a component of Fairfax Towne Center, but are not part of the subject applications. A parking lot (202 spaces) was constructed in the location of the two approved office buildings (480,000 square feet), which is the location where the proposed multi-family residential/retail building will be constructed.

The Comprehensive Plan was amended during the 2001-2002 Area Plan Review cycle (APR 01-III-4BR) to permit the replacement of the two office buildings with residential and retail uses. No further consolidation is recommended by the Comprehensive Plan, nor are there any logical parcels for consolidation into Fairfax Towne Center. The applicant's proposal conforms to the Comprehensive

Plan, which recommends an optional use in place of the office buildings to consist of a single building with 10,000 – 20,000 square feet of ground floor retail, with a maximum of four stories of multi-family dwelling units located above the retail portion. Should the subject applications be approved, Fairfax Towne Center will be completely built out according to the recommendations of the Comprehensive Plan. Pedestrian connections from the Fairmont Condominiums to the shopping center will not be severed with the construction of the proposed multi-family residential/retail building; rather pedestrian linkages will be improved within Fairfax Towne Center through the construction of the proposed walkways, sidewalks and crosswalks that will provide safer and more efficient access from the Fairmont Condominiums to the shopping center. Therefore, staff believes that this portion of the Criterion has been satisfied.

*The development proposal should provide a logical and functional design with appropriate relationships within the development, including appropriately oriented dwelling units and usable yard areas within the individual lots. Convenient access to transit facilities should be provided where available, and all aspects pertaining to utilities shall be identified.* The proposed multi-family residential/retail building will contain 19,800 square feet of retail uses on the ground floor that will be oriented east, toward the shopping center. Four stories of multi-family dwelling units (184,000 square feet; 169 units) will be located on top of the ground floor retail. Two open-air landscaped terraces offering passive recreational amenities will be located on the northwest and southwest corners of the building on the second floor, and a swimming pool will be located on the second floor which will be surrounded by residential units. The proposed building will contain one level of underground parking, with a second level located on the ground floor behind the retail portion of the building. The CDPA/FDPA depicts a building that is ideally situated at the terminus of the promenade at Fairfax Towne Center. The proposed building has been designed to accommodate future residents by incorporating parking and recreational amenities into a building that is located within Fairfax Towne Center, which provides ample retail and entertainment opportunities. Located at the intersection of West Ox Road and Monument Drive, Fairfax Towne Center is serviced by three Fairfax Connector routes that provide a direct connection to the Vienna Metro Station. Staff believes that the applicant's proposal provides a logical new use to Fairfax Towne Center that will function well within the shopping center and with the Fairmont Condominiums. Therefore, it is staff's opinion that this portion of the Criterion has been satisfied.

*Open space should be usable, accessible and integrated. Appropriate landscaping and amenities should be provided.* Twenty eight percent of Fairfax Towne Center will remain as open space. A linear park is located on the southern portion of the property fronting on Monument Drive, which is located across the street from the Ox Hill Battlefield Park. Recreational amenities for the future residents of the new building will be provided within the building, which will be accessible only to residents and their guests. Streetscape elements (landscaping, seating, walkways and trash receptacles) will be provided along the front (east) side of the building,

with the remaining sides of the building landscaped with deciduous trees and shrubs. The proposed terrace between the Fairmont Condominiums and the proposed multi-family residential/retail building will be landscaped to provide an aesthetic treatment to this pedestrian area. Staff believes that the proposed building will provide ample active and passive recreational amenities for the future residents of the proposed building that will be well landscaped. Therefore, staff believes that this portion of the Criterion has been satisfied.

### **Neighborhood Context (Development Criterion #2)**

*While developments are not expected to be identical with the existing development within which they are to be located, this Criterion states that they should fit into the fabric of the community.* The proposed retail/multi family building will be constructed in the western portion of Fairfax Towne Center that is currently occupied by a temporary surface parking lot. The building will be located in front of the western terminus of the promenade in front of the movie theater; as a result, the proposed building will be the focal feature from the main entrance to Fairfax Towne Center from West Ox Road. Staff believes that the proposed building will provide an aesthetic landscaped terrace between the proposed building and the Fairmont Condominiums with accessible pedestrian walkways that will provide access to the retail portion of Fairfax Towne Center, West Ox Road and Monument Drive. The layout of the building with its retail orientation towards the interior of the shopping center, and with all of the residential parking contained within the building, provides an appropriate use and logical transition between the Fairmont Condominiums and the retail portion of Fairfax Towne Center. Though the proposed building will be taller than other structures within Fairfax Towne Center, the use and site layout will allow for a greater integration and synergy between the residential and retail components of Fairfax Towne Center than would the two approved fourteen story office buildings.

The architecture of the existing retail component of Fairfax Towne Center consists of two single story buildings that are two stories tall at the sections that flank the promenade. The buildings are sheathed with exterior insulation finishing systems (EIFS) painted white with architectural elements accented in pastel shades of green and pink. The proposed multi-family residential/retail building will not replicate the existing architectural style of the existing retail buildings or that of the Fairmont Condominiums. Instead, the building will stand out in its prominent location within Fairfax Towne Center as a building dominated by windows of the storefronts on the ground floor and the residential units in the upper stories. The massing of the building will be broken up by multiple projections within the façade. The proposed streetscape elements consisting of landscaping, walkways, sidewalks, seating and trash receptacles will provide an inviting environment for future residents and retail patrons of Fairfax Towne Center. Staff believes that the proposed building will provide an attractive and complimentary addition to Fairfax Towne Center that is a decrease in intensity from the two approved office buildings that could be built in this location. Therefore, staff believes that this Criterion has been satisfied.

**Environment (Development Criterion #3) (Appendix 8)**

*This Criterion requires that developments respect the natural environment by conserving natural environmental resources, account for soil and topographic conditions and protect current and future residents from the impacts of noise and light. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts.*

The site where the new multi-family residential/retail building will be constructed currently exists as a 202 space surface parking lot. The site consists of impervious surface cover (asphalt), parking lot landscaping, a small tree save area, and lawn areas. The CDPA/FDPA depicts a five-story building that will be surrounded by streetscape elements and landscaping that will buffer the building from the pedestrian perspective. Water quality and quantity controls will be provided through the existing underground detention and BMP facilities that are located within the non-residential portion of Fairfax Towne Center (this issue is addressed in greater detail later in the staff report). Noise attenuation measures will be provided through appropriate building materials and construction methods to reduce interior noise levels below 45 dBA LDN. All lighting on site will be in compliance with the outdoor lighting performance standards of the Zoning Ordinance. The applicant will construct a trail connection along the property's Lee Jackson Memorial Highway (Route 5) frontage, and has requested a waiver of the Comprehensive Plan recommended major paved trail along portions of Route 50 and West Ox Road (this issue is addressed in greater detail later in the staff report). Staff believes that the applicant has sufficiently addressed all previously identified environmental issues.

**Tree Preservation and Tree Cover Requirements (Development Criterion #4) (Appendix 9)**

*This Criterion states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible, including the extension of utility improvements to the site.*

A small tree preservation area consisting of native trees is located in the western portion of the site. This area was not identified as a tree preservation area on the CDPA/FDPA associated with the previously approved PCA/FDPA 83-P-107-2. Rather, it was retained as a tree preservation area associated with the construction of the existing parking lot that was established as a temporary use until redeveloped with the approved office buildings. This tree save area will not be preserved with the construction of the multi-family residential/retail building. Landscape details depicted on the CDPA/FDPA depict that the tree plantings will be a major component of the streetscape elements that will surround the building. The two second floor open terraces will contain plantings, as will the retaining wall dominated terrace in the western portion of the building. The applicant has requested a waiver to permit a reduction in the planting area width to

accommodate the streetscape elements (this issue is addressed in greater detail later in this report).

### **Transportation** (Development Criterion #5) (Appendix 10)

*Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and that transit and pedestrian travel and interconnection of streets should be encouraged. In addition, alternative street designs may be appropriate where conditions merit.*

Vehicular access to the site will continue to be provided from West Ox Road and Monument Drive. The building will be located at the western terminus of the promenade between the two retail buildings. Entry to the garage will be gained from Monument Court, which is a private street within Fairfax Towne Center that currently provides access to the temporary parking lot and the Fairfield Condominiums. Emergency vehicle access will be provided around the entire building by an eighteen foot wide fire lane consisting of a grass ring alternative paving surface. The applicant has proffered to provide two additional bus stop shelters along the property's West Ox Road or Monument Drive frontage. Fairfax Towne Center is ideally designed to permit synergy between the residential and retail uses on-site that should reduce the number of vehicular trips for the future residents of the new multi-family residential/retail building, which will be further reduced through a transportation demand management program (TDM) that focuses on the Fairfax Connector routes that serve the property with three direct routes to the Vienna Metro station, on-site business center, bicycle storage locker in the garage, and pre-wired dwelling units with broadband capabilities. All of the above mentioned TDM initiatives will be administered by a transportation coordinator on site. Staff believes that all previously identified transportation issues have been addressed.

### **Public Facilities** (Development Criterion #6)

*Criterion 6 states that residential developments should offset their impacts upon public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). Impacts may be offset by the dedication of land, construction of public facilities, contribution of 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 11 – 16).*

### **Fairfax County Public Schools** (Appendix 11)

The proposed development would be served by Greenbriar East Elementary School, Lanier Middle School and Fairfax High School. All three schools that serve the property are projected to exceed capacity through the 2009-2010 school year.

The total number of students generated by this development is anticipated to be seventeen students total: ten elementary, two middle and five high school students. This is an increase of seventeen students above that generated by the existing zoning district. The applicant has proffered to provide a \$127,500 contribution for improvements to Fairfax County schools. West Fairfax Elementary School is scheduled to open for the 2006-2007 school year and should relieve congestion at Greenbriar East Elementary School. The City of Fairfax is planning to increase the capacity of Lanier Middle School and Fairfax High School, which should also relieve overcrowding at the middle and high schools that serve the subject property.

#### **Fairfax County Park Authority (Appendix 12)**

The proposed development would add approximately 338 residents to the current population of the Springfield District; all of the new residents will need access to recreational facilities. The Zoning Ordinance requires that \$955 per non-ADU unit be expended on recreational facilities (161 units X \$955 = \$153,755). The CDPA/FDPA and proffers commit the applicant to build an exercise room and pool within the building, and two open-air terraces that will provide seating areas and barbecue facilities for future residents' usage. In addition to the construction of recreational facilities on-site, the Fairfax County Park Authority (FCPA) has requested a monetary contribution for development of facilities within the linear park located on the southern portion of Fairfax Towne Center. The master plan for the Ox Hill Battlefield Park was approved in 2004 and recommended that the linear park on site be improved with a monument and interpretive signs commemorating the Civil War's Battle of Ox Hill that took place within the vicinity of what is now Fairfax Towne Center. The applicant has proffered to provide an additional \$89,570 to the FCPA for improvements to the Ox Hill Battlefield Park that are consistent with the recommendations of the park's master plan. The FCPA has also requested that the applicant designate four parking spaces within Fairfax Towne Center for patrons of the Ox Hill Battlefield Park to utilize. Though this would be desirable, the applicant has not accommodated this request because of the applicant's stated need to utilize all of the existing parking spaces on site for patrons of the shopping center.

#### **Fire and Rescue (Appendix 13)**

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

#### **Sanitary Sewer (Appendix 14)**

The subject property is located within the Cub Run (T4) watershed and would be sewered into the Upper Occoquan Sewer Authority (UOSA) Treatment Plant. An

existing eight inch line located in an easement at the property is adequate for the proposed use.

**Fairfax County Water Authority** (Appendix 15)

The subject property is located within the Fairfax County Water Authority service area. Adequate domestic water service is available to the site from existing six, eight and twelve inch water mains located at the property.

**Stormwater Management/Best Management Practices** (Appendix 16)

The applicant proposes to meet the stormwater management requirements of the Public Facilities Manual (PFM) through the use of the existing underground water quality and quantity controls were constructed within the non-residential portion of Fairfax Towne Center when constructed in 1994. These facilities were constructed to accommodate future development of the subject site, and are proposed to serve the proposed residential component of the new multi-family residential/retail building. Though the new residential/retail building will be served by these underground facilities, the future residential property owner(s) will not be responsible for their maintenance, which will continue to be provided by the property owner of Fairfax Towne Center. DPWES has completed their review of this waiver request and has recommended approval. Development conditions of this waiver (8454-WPFM-001-1) dated December 8, 2005 are contained within Appendix 16 and as an attachment to the proffers.

**Affordable Housing** (Development Criterion #7)

*This Criterion 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 Fairfax County. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.* The applicant proposes to construct eight affordable dwelling units, which is 4.3% of the total number of units (169) to be constructed within the residential portion of the new multi-family residential/retail building. The applicant's commitment to construct eight ADUs is in compliance with requirements of the Zoning Ordinance.

**Heritage Resources** (Development Criterion #8)

*This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation.* Though Fairfax Towne Center is constructed on a portion of the Civil War's Battle of Ox Hill, no cultural resource investigations are deemed necessary because the site has already been developed with a shopping center. A linear park associated with the Ox Hill Battlefield Park is located on the southern portion

of Fairfax Towne Center, and the applicant has committed to a monetary contribution for development of facilities within this park feature.

## **ZONING ORDINANCE PROVISIONS**

### Water Supply Protection Overlay District (Sect. 7-800)

The provisions of Sect. 7-808, Use Limitations, apply additional standards for uses in the WSPOD. Any use requiring a site plan must provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. Such water quality control measures or Best Management Practices (BMPs) shall be reviewed, modified, waived and/or approved by the Director in accordance with the Public Facilities Manual. As previously discussed, the applicant proposes to satisfy applicable stormwater management and BMP requirements through the existing underground facilities.

### Highway Corridor Overlay District (Sect. 7-608)

The HC District imposes additional conditions to drive-in banks, fast food restaurants, quick-service food stores, service stations and service station/mini-marts. An existing drive-in bank is located in the southern portion of Fairfax Towne Center. The provisions of the HC do not apply to the uses proposed with the subject applications.

## **Waivers and Modifications**

### Waiver of the 600 foot maximum length of private streets

Section 11-302 of the Zoning Ordinance does not permit private streets within a residential development to exceed 600 feet in length. Therefore, the applicant is requesting a waiver of this requirement to permit the private street system to exceed 600 feet in length. Accessed by Monument Drive and West Ox Road, the existing private street network within Fairfax Towne Center exceeds 600 feet in length. Staff is not opposed to this waiver request to continue the use of private streets within Fairfax Towne Center.

### Waiver of the loading space requirement

Article 11 of the Zoning Ordinance requires that the applicant provide five loading spaces to serve the proposed multi-family residential/retail building (2 retail, 3 multi-family residential). The applicant proposes to provide three loading spaces; two within an enclosed garage on the south side of the building and one within an enclosed garage on the north side of the building that also will be used for trash storage/removal. These loading spaces will be used for both the retail and residential components of the building. The loading spaces will be enclosed, and

access will be restricted for loading purposes only. Staff supports this waiver request of the loading space requirement in favor of that depicted on the CDPA/FDPA, which will provide sufficient loading capabilities for the proposed uses of the building.

Waiver of the transitional screening and barrier requirements between uses within a PDC District

Article 13 of the Zoning Ordinance permits waivers and modifications of the transitional screening and barrier requirements between uses within a PDC District that are to be developed under a common development plan when compatibility between those uses has been addressed through building layout, architectural treatments and landscaping. The proposed multi-family residential/retail building will be situated at the western terminus of the promenade between the two retail buildings, south of the parking garage, and east of the Fairmont Condominiums. The prominent location of the building required the applicant to address impacts upon the existing buildings within Fairfax Towne Center. Appropriate streetscape landscape elements will be provided around the building to blend into that existing within the retail portion of the site. Because the site that the building will be constructed on is at a higher elevation than the Fairmont Condominiums, the applicant has oriented the retail portion towards the existing retail and will construct a landscaped terrace from the Fairmont Condominiums to the site of the new multi-family residential/retail building. This landscaped terrace will provide a more aesthetic treatment and entrance into the retail portion of Fairfax Towne Center than currently exists, or would be provided with the construction of the approved office buildings. Furthermore, the western portion of the proposed multi-family residential/retail building that will face the Fairmont Condominiums will have two second story open-air landscape terraces that will decrease the massing presentation of this building to the west. Staff supports this waiver request.

Staff recommends approval of a modification of the transitional screening and barrier requirements along the eastern property boundary.

Transitional Screening (2) and Barrier (D, E or F) requirements exist between Fairfax Towne Center and the properties to the east across West Ox Road that were recently approved to permit residential uses (RZ 84-P-007 and RZ 87-P-052). Fairfax Towne Center's eastern property boundary along West Ox Road contains an approximately 30 foot wide transitional screening yard consisting of landscaping and berm and fence treatments. Staff believes that this existing buffer yard along West Ox Road provides sufficient screening amenities from the approved, but not yet constructed residential uses on the properties on the east side of West Ox Road.

Modification of the use limitation for the PDC District to permit the GFA of residential uses to exceed 50% of the GFA of principal uses

Fairfax Towne Center currently consists of approximately 215,000 square feet of retail/eating establishments, a 55,000 square foot movie theater, and 130,000 square feet of multi-family residential uses (Fairmont Condominiums). The current applications propose a multi-family residential/retail building consisting of 184,000 square feet of multi-family residential uses and an additional 19,800 square feet of ground floor retail uses. As proposed, Fairfax Towne Center will consist of 604,000 square feet composed of 314,000 square feet of multi-family residential uses, 235,000 square feet of retail/restaurant uses, a 55,000 square foot movie theater. The applicant's proposal requests residential uses (secondary use) to comprise approximately 108% of the principal uses. Staff supports this waiver request to permit residential uses to exceed 50% of the GFA of the principal uses because the building has been designed in conformance with the Comprehensive Plan recommendation for an optional residential use to be constructed on the site previously approved for two office buildings.

Waiver of the trail requirement along Lee Jackson Memorial Highway and West Ox Road

The Comprehensive Plan recommends that an eight foot wide trail be constructed along the property's West Ox Road and Lee Jackson Memorial Highway (Route 50) frontage. The purposes of these trails are to provide a continuous pedestrian connection along Route 50 and to existing trails along West Ox Road and Monument Drive. Trails currently exist on the property's West Ox Road frontage south of the entrance to the site and along Monument Drive. The property's northern boundary abuts the off-ramp of the Route 50/West Ox Road interchange. The applicant has requested a waiver of the requirement to construct trails in the recommended locations due to existing topographic conditions and safety reasons. As an alternate, the applicant will construct a portion of the trail along the Route 50 frontage to tie into the sidewalk network on site, and to provide a monetary contribution for future trail development from Route 50 to West Ox Road and points thereafter. Staff supports this waiver request because the Route 50/West Ox Road interchange prevents a continuous trail along Route 50, which is more safely served by bringing pedestrian traffic through Fairfax Towne Center and connecting to existing trails along West Ox Road and Monument Drive.

Modification of the minimum planting area requirement (PFM Sect. 12-0702.1B(2))

The applicant requests approval to permit planting areas to be six feet in width rather than eight feet as required by PFM Sect. 12-0702. Structural soils and other innovative techniques are proposed by the applicant to ensure the survivability of trees. This PFM waiver must be addressed by the applicant during site plan review.

## OTHER ZONING ORDINANCE REQUIREMENTS

### P-District Standards

The requested proffer condition amendment (PCA 83-P-107-4) and final development plan amendment (FDPA 83-P-107-3) must comply with, among others, the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations and Article 16, Development Plans.

### Article 6

#### Sect. 6-201 Purpose and Intent

*This section states that the PDC District is established to encourage innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of commercial development; and otherwise to implement the stated purpose and intent of this Ordinance.* The multi-family residential/retail building will be constructed in a prominent location within Fairfax Towne Center at the western terminus of the promenade between the two retail buildings. At 65 feet tall, this building will be the focal feature visible at the primary entrance to the site from West Ox Road. The architectural design of the building distinguishes itself from the design of the existing buildings through the incorporation of vertical and horizontal symmetrical patterns of windows, balconies and building projections; colors will be earth tones that will differentiate the proposed building from the existing retail buildings that are white with pastel shades of green and pink. The siting of the building, along with its design and color scheme will provide an attractive addition to Fairfax Towne Center, and will serve as the prominent building within the shopping center. Staff believes that the proposed multi-family/retail has been designed to enhance Fairfax Towne Center with additional retail uses and multi-family dwelling units in a manner that will provide little or no adverse impact upon existing properties within, and adjacent to Fairfax Towne Center, which is a mixed-use development that could not be developed in a conventional zoning district.

#### Sect. 6-207 Lot Size Requirements

*This section states that the PDC District must yield a minimum of 100,000 square feet of GFA, be a logical extension of an existing P District, or be located within an area designated as a Community Business Center in the Comprehensive Plan.* Fairfax Towne Center currently consists of approximately 270,000 of non-residential uses consisting of retail, eating establishments and a movie theater,

which will be expanded to approximately 290,000 square feet with the proposed ground floor retail of the residential/retail building.

#### Sect. 6-208 Bulk Regulations

*This section states that maximum building height and minimum yard requirements shall be controlled by the standards set forth in Part 1 of Article 16 and that the maximum FAR shall not exceed 1.5 unless specific conditions are met. The 65 foot (five story) building is in conformance with the recommendations of the Comprehensive Plan as addressed below. The proposed multi-family residential/retail building will be constructed within an interior portion of the shopping center that is currently occupied by a temporary surface parking lot. With approval of the subject applications, the FAR will be 0.47, which is a decrease in the maximum FAR currently permitted on site (0.66).*

#### Sect. 6-209 Open Space

*Par. 1 of this section requires a minimum of 15% of the gross area as open space in the PDC District. Par. 2 of this section requires that recreational amenities be provided in the amount of \$955/du. As proposed, 28% of Fairfax Towne Center will remain as open space, which is in excess of that required. Recreational amenities for future residents of the new multi-family residential/retail building will include an exercise room, pool and two open-air terraces within the building. In addition to providing recreational amenities on site, the applicant has committed to provide a monetary contribution to the FCPA for facility development within the linear park on site associated with the Ox Hill Battlefield Park that is located on the south side of Monument Drive, across the street from Fairfax Towne Center.*

### **Article 16**

#### Section 16-101 General Standards

*General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions. The Comprehensive Plan was amended during the 2001-2002 Area Plan Review cycle (APR 01-III-4BR) to permit an optional development scenario of the temporary parking lot approved for office development that would consist of a residential building with ground floor retail. The applicant's proposal conforms to the adopted Comprehensive Plan as amended. Therefore, staff believes that this Standard has been satisfied.*

*General Standard 2 states that the planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the*

*planned development district more than would development under a conventional zoning district.* Fairfax Towne Center currently exists as a PDC District regional shopping center with a residential component. This Standard has already been satisfied by the existing development that was previously rezoned to the PDC District.

*General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.* The proposed multi-family residential/retail building will be constructed within a portion of Fairfax Towne Center that currently is used as a temporary surface parking lot. A small tree preservation area that was not shown on the original CDP/FDP will be removed. The proposed residential/retail building will be enhanced with streetscape elements consisting of tree plantings that will surround the building. No other natural or scenic features exist in this location of the site that would be disrupted by construction of the proposed building. Therefore, this Standard has been satisfied.

*Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.* As depicted on the CDPA/FDPA, the retail portion of the building will be oriented towards the interior of the shopping center, as recommended by the Comprehensive Plan. A landscaped terrace providing a pedestrian connection from the Fairmont Condominiums to the interior of Fairfax Towne Center will be provided between the proposed multi-family residential/retail building and the Fairmont Condominiums to the west. With the approval of these applications, Fairfax Towne Center will be completely built out according to the recommendations of the Comprehensive Plan. Therefore, staff believes that this Standard has been satisfied.

*Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently developed.* Adequate public facilities are currently provided to Fairfax Towne Center. Therefore, this Standard has been satisfied.

*Standard 6 states that the planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.* Appropriate pedestrian connections will be provided from the Fairmont Condominiums into the interior of Fairfax Towne Center, and a trail connection will be provided to allow pedestrian traffic to enter the site from Lee Jackson Memorial Highway (Route 50).

Vehicular access is provided to the site from West Ox Road and Monument Drive. Therefore, this Standard has been satisfied.

#### Section 16-102 Design Standards

*Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.*

Development of Fairfax Towne Center in 1994 successfully addressed the impact of this development upon adjacent properties. For purposes of the proposed use, staff has evaluated the potential impact that the multi-family residential/retail building would have on the existing uses within Fairfax Towne Center. The ground floor retail is oriented towards the interior of the shopping center, away from the existing Fairmont Condominiums to the west. The 203,800 square foot, 65 foot tall building (five stories) is a significant decrease in intensity from the two office buildings that are approved to be constructed in the location that the proposed multi-family/retail will be built. Each office building is approved to consist of 240,000 square feet at 145 feet (11 stories) in height. The CDPA/FDPA provides a diagram that illustrates the impact that the proposed multi-family residential/retail building will have upon the Fairmont Condominiums, which are located at an elevation approximately twenty feet lower than the new building. A landscaped terrace will be provided between the multi-family residential/retail building and the Fairmont Condominiums that includes a pedestrian connection into the interior of Fairfax Towne Center and seating areas. Staff believes that the applicant's proposal provides appropriate streetscape and landscape elements that will enable the building to blend into the existing fabric of Fairfax Towne Center in a manner that is less obtrusive than the office buildings. Therefore, staff believes that this Standard has been satisfied.

*Design Standard 2 states that other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.* The retail component (19,800 square feet) of the proposed multi-family residential/retail building will be accommodated within the existing parking garage and surface lots within Fairfax Towne Center, while the residential component will be parked in the structured parking component of the building. Three loading spaces will be provided for the new building within enclosed garages on the north and south sides of the building. No usable open space within Fairfax Towne Center will be impacted by the development of the temporary surface parking lot. Staff believes that this Standard has been satisfied.

*Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems*

*shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.* Access to Fairfax Towne Center is provided from West Ox Road and Monument Drive. No transportation improvements are proposed aside from reconfiguring the access to the garage from Monument Court and removing the exterior staircase on the south side of the parking garage to permit the construction of a fire lane around the proposed multi-family residential/retail building. The existing pedestrian trail network will be enhanced to provide additional connections to the shopping center from the Fairmont Condominiums. A trail connection will also be provided on the north side of the property to provide a pedestrian connection into Fairfax Towne Center from Lee Jackson Memorial Highway. Fairfax Towne Center is currently serviced by three Fairfax Connector routes (621, 622, 623), which provide direct mass transit connections from the site to the Vienna Metro Station. The applicant has proffered to provide an additional bus stop along the property's frontage, subject to FCDOT/WMATA approval. Staff believes that this Standard has been satisfied.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant's proposal to replace two previously approved, but not yet constructed office buildings (480,000 square feet) with a 203,800 square foot building consisting of ground floor retail and four stories of multi-family dwelling units (169 units inclusive of 8 ADUs) conforms with the layout of RZ 83-P-107 and is in harmony with the recommendations of the Comprehensive Plan and is in conformance with the applicable provisions of the Zoning Ordinance.

### **Recommendations**

Staff recommends approval of PCA 83-P-107-4, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of FDPA 83-P-107-3, subject to the development conditions contained in Appendix 2 and the Board of Supervisors approval of PCA 83-P-107-4.

Staff recommends that PFM Section 06-0303.8 be waived to permit the use of an underground water quantity and quality control facility in a residential area, subject to the development conditions entitled "Waiver #8454-WPFM-001-1 Conditions" and dated December 8, 2005, as contained in Attachment 3.

Staff recommends approval of a waiver of the 600 foot maximum length of private streets.

Staff recommends approval of a waiver of the loading space requirement.

Staff recommends approval of a waiver of the transitional screening and barrier requirements between uses within a PDC District.

Staff recommends approval of a modification of the transitional screening and barrier requirements along the eastern and southern property boundaries.

Staff recommends approval of a modification of the use limitation for the PDC District to permit the GFA of residential uses to exceed 50% of the GFA of principal uses.

Staff recommends approval of a waiver of the trail requirement along portions of Lee Jackson Memorial Highway and West Ox Road.

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. Proposed Development Conditions
3. Waiver #8454-WPFM-001-1 Conditions
4. Affidavit
5. Statement of Justification
6. PCA 83-P-107-2 CDPA/FDPA and Proffers
7. Land Use Analysis
8. Environmental Analysis
9. Urban Forest Management Analysis
10. Transportation Analysis
11. Fairfax County Public School Analysis
12. Fairfax County Park Authority Analysis
13. Fire and Rescue Analysis
14. Sanitary Sewer Analysis
15. Fairfax County Water Authority Analysis
16. Stormwater Management Analysis
17. Fairfax Center Area Checklist
18. Residential Development Criteria
19. Zoning Ordinance Provisions
20. Glossary

**PCA 83-P-107-4**  
**LINCOLN PROPERTY COMPANY SOUTHWEST, INC.**  
**PROFFER**

February 8, 2006

Pursuant to §15.1-2203(A) of the Code of Virginia (1950 as amended) and §18-203 of the Zoning Ordinance of Fairfax County (1978 as amended) the property owner and applicant, Lincoln Property Company Southwest, Inc., for itself and its successors assigns, (hereinafter referred to as the "Applicant") proffers that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map Reference 46-3((1)) 24A (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if, the application (amending the Conceptual and Final Development Plans as they relate to the zoning of the Property), known as PCA 83-P-107-4 is granted. These amended Proffered Development Conditions, if accepted by the Board of Supervisors, shall supersede all previous proffered conditions for the Property. The amended Proffered Development Conditions are as follows:

**GENERAL DEVELOPMENT AND SITE DESIGN**

1. The Property shall be developed in substantial conformance with the amended CDPA/FDPA dated February 8, 2006 prepared by VIKA. In addition, modifications to the architectural appearance of the buildings on the Property will be permitted provided they are consistent with the architectural theme of the project. Such architectural modifications will be submitted to the Department of Planning & Zoning for their review and comment. In no event shall more than 474,000 gross square feet of floor area be constructed on the Property, nor shall the gross floor areas, for each individual use set forth in paragraph 2 below, be exceeded.

Pursuant to Paragraph 4 of Section 16-204 of the Zoning Ordinance, minor modifications from the FDPA may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDPA/FDPA without required approval of an amended FDPA provided such changes are in substantial conformance with the FDPA as determined by the Zoning Administrator, agents or assigns and neither increase the total gross square footage nor decrease the amount of open space.

2. The land uses permitted on the Property shall be as follows:

**PERMITTED LAND USES AND GROSS FLOOR AREA**

• New Multi-family Residential Uses	184,000 GSF
• Retail, eating establishments, financial institutions, and related uses*,	235,000 GSF
• Cinema/Theater	55,000 GSF
Total Square Feet up to	474,000 GSF

\* These uses include: business service establishments; supply service establishments; eating establishments; establishments for scientific research, development and training as limited by Section 6-202 of the Zoning Ordinance; financial institutions; personal service establishments; public uses; retail sales establishments; accessory uses; accessory service uses; drive in banks; fast food restaurants (no drive thru fast food restaurants); quick-service food stores; health clubs; private clubs and public benefit associations; veterinary hospitals; private schools of general and/or special education; and the following uses, to the extent such uses are not shown on the CDPA/FDPA, which shall be subject to approval of a Final Development Plan Amendment, and/or Special Exception [as may be applicable], child care/nursery schools (and any other school which requires an outdoor recreation or play area).

No cellar or basement space will be used for retail or office uses without being included as part of the maximum gross floor area permitted for the Property.

3. The Applicant shall provide parking in accordance with parking standards and provisions of Article 11 of the Fairfax County Zoning Ordinance for all uses developed on the Property. In the event a parking reduction or shared parking arrangement for the uses on the Property is approved by the Board of Supervisors, the Applicant reserves the right to reduce the parking within the parking area footprints shown on the CDPA or reduce the heights of the parking structures and/or the number of levels in the parking structures to accommodate an approved reduction or shared parking arrangement. In no event shall the footprint or the height above grade of the parking structures be enlarged, nor shall any parking spaces be placed in any area designated for open space on the CDPA/FDPA.

**TRANSPORATION**

6. Subject to approval by the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT), the Applicant shall construct and provide maintenance for, two bus shelters adjacent to the bus pull-off lane on the south side of Monument Drive and/ along West Ox Road, with the specific locations to be determined by WMATA/FCDOT. The bus shelters shall consist of the concrete pad, the shelter itself and a trash can. The Applicant shall provide sidewalk connections as needed to provide an all weather walking surface to the shelters from the adjoining sidewalk system. If, by the time of site plan approval for the new retail/multi-family building, WMATA/FCDOT has not determined the exact locations of the bus shelters, the Applicant shall escrow \$40,000 (\$20,000 per shelter) with DPWES to be used for bus shelters in the immediate area of the property. The Applicant's maintenance of these bus shelters shall include not less than bi-monthly inspections, weekly trash removal, cleaning and routine repairs as may be required. These maintenance responsibilities shall be included in all Owner Association documents.

7. The Applicant, in conjunction with the management company for the Property, will establish and implement a ridesharing program, in coordination with the Fairfax County Ridesharing Coordinator, for all (including residential) building tenants. The ridesharing program shall include, but is not limited to the following components:

A. Designate an employee as an on-site Transportation Coordinator (commencing upon the receipt of the 50<sup>th</sup> RUP).

B. Make provisions in leases and/or sales agreements for all buildings that the lessees should engage in a formal ridesharing program with the on-site Transportation Coordinator and the Fairfax County Ridesharing to encourage building occupants to participate in ridesharing.

C. Provide a central directory for ridesharing, including providing ridesharing information kits, publicizing, distribution and promoting ridesharing and public transit information on-site for all building occupants.

D. All residential units shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines. In addition, the new multi-family building shall provide in-building antennae systems to support wireless systems.

E. At least one on-site business center (including at a minimum access to a copier, fax and internet services) shall be made available and open to all residents of the Property.

F. The Transportation Coordinator shall work with FCDOT to identify additional measure that can be employed to reduce vehicle trips from the site. These additional measures shall be implemented as deemed appropriate by FCDOT.

9. If not already satisfied by others, the Applicant shall, within thirty (30) days of receipt of a request from the Board of Supervisors together with an easement plat and easement agreement, return an executed easement agreement to the County for a pedestrian grade-separated crossing of West Ox road. The purpose of the easement shall be to provide a pedestrian grade-separated crossing of West Ox Road, and the easement area to be conveyed shall be within the open space/landscape area between the northern edge of the Monument Drive right-of-way and the retail parking area as shown on the CDPA. In no event shall the Applicant be required to relocate parking areas or other building structures or utilities to accommodate the requested easement.

10. At such time as the Virginia Department of Transportation determines that (i) there is a need for an additional left turn lane into the main entrance on West Ox Road, and (ii) the Virginia Department of Transportation determines that here is an acceptable design of the turn lane which requires that no additional right-of-way obtained, the Applicant will construct the additional left turn/deceleration lane into the main entrance to the Property. This commitment shall expire five years after all non-residential and residential use permits have been issued for the new retail/multi-family building depicted on the CDPA/FDPA.

11.

12. Prior to obtaining final site plan approval for the new retail/multi-family building, the Applicant shall submit to DPWES and FCDOT a traffic warrant analysis to determine whether or not a traffic signal is warranted at the entrance location on Monument Drive. If VDOT determines that such a traffic signal is warranted, the Applicant will provide such a signal. If prior to the issuance of the first Residential Use Permit, VDOT determines that such a signal is not warranted the Applicant will escrow sufficient monies to pay for future installation

of such signal, unless the requirement to provide such an escrow is waived by the Director of DPWES. In the event that this improvement is not warranted within five (5) years after final bond release for the new retail/multi-family building depicted on the CDPA/FDPA, monies escrowed for this purpose will be donated to Fairfax County for their use in providing transportation improvements in the Fairfax Center area.

13. That portion of the driveway leading from Monument Drive to the residential component of the project, which will be shared by the residential and non-residential components of the project, will be the subject of easement and maintenance agreements which will impose the sole maintenance responsibility upon the non-residential component of the project. That portion of the driveway leading from Monument Drive to the residential component of the project which is designed for residential use only, will be the subject of easement and maintenance agreements which will impose the sole maintenance responsibility upon the residential component of the project. These easements and agreements will be prepared and recorded in a form approved by the County Attorney. The maintenance responsibilities stated in this proffer shall be included in all owners association documents.

14. Signage, indicating that residential parking areas are for residents only, will be installed in the residential access and parking areas.

## **ENVIRONMENT**

15. All stormwater management facilities constructed on the Property and/or associated with the development shall be Best Management Practices (BMP) facilities in accordance with the requirements of the Water Supply Protection Overlay District (WSPOD), as determined by DPWES. In addition, these facilities shall be designed to provide storage capacity of a minimum of five (5%) percent in excess of design storm requirements as required by the Public Facilities Manual, all as determined by DPWES.

16. In no event will Fairfax County be requested to maintain these stormwater management facilities. Maintenance responsibilities of these stormwater management facilities shall be contained within all owners association documents.

17. (A) All stormwater management/water quality control facilities shall be located on the non-residential component of the Property.

(B) The responsibility for the maintenance of the stormwater management facilities, which will be in accordance with BMP requirements as determined by the Director of

DPWES, will be the subject of easement and maintenance agreements, between the owners of the property, which will allocate the maintenance responsibilities entirely upon the non-residential use owners.

(C) All stormwater management facilities on-site shall be constructed and maintained in accordance with the conditions of waiver #8454-WPFM-001-1 dated December 8, 2005, a copy of which is attached to these proffers.

18. Bicycle racks shall be provided on site. One bicycle rack shall be provided in the garage of the new multi-family residential building and not less than three additional bicycle racks will be provided along the frontage of the central plaza and store fronts prior to issuance of any non-residential use permits for the retail phase of the Property.

19.

20. With reference to noise emanating from Route 50, the Applicant shall provide the following noise attenuation measures:

If not already satisfied by others and required by the analysis pursuant to paragraph 24 below, a noise attenuation barrier shall be provided, as shown on the CDPA/FDPA, along the Route 50 frontage of the residential portion of the Property. This barrier shall be designed by an acoustical engineer to reduce the exterior noise level adjacent to any residential building, to a level of not more than 65 dBA Ldn. To ensure that no residential units are exposed to exterior noise levels which are greater than 75 dBA Ldn, no residential building shall be located within 230 feet of the center line of Route 50.

21. At the time of site plan submission, the Applicant shall submit an acoustical analysis to DPWES for review and approval by the Department of Planning and Zoning (DPZ) assessing the impact of transportation generated noise. Noise contours shall be shown on all site plan submissions. All residential units to be constructed within the area impacted by highway noise having levels between 65 and 70 dBA Ldn shall be indicated on all site plan submissions and shall achieve a maximum interior noise level of approximately 45 dBA Ldn using methods approved in the study.

25. All dwelling units constructed on the property shall meet the thermal guidelines of the CABO Model Energy Program, or its equivalent as determined by DPWES for either gas or electric energy systems, as may be applicable.

## LANDSCAPING

26. If not already satisfied by others, as determined by the Director of DPWES, the design of the linear park adjacent to West Ox Road will provide for a landscaped earthen berm or architectural wall, with low level evergreen plantings and taller deciduous plantings, to be located parallel to West Ox Road, all as shown on the CDPA/FDPA. The primary purpose of this berm/wall will be to visually obscure the line of sight (as measured from a point three feet six inches (3'6") above pavement level at the centerline of West Ox Road) of standard automobiles in the parking areas adjacent to West Ox Road. The berm/wall shall measure four (4') feet above the grade of West Ox Road, provided, however, that if the Director of DPWES, in consultation with Urban Forest Management, determines that this primary purpose is achieved with a berm/wall of a lesser height, such berm/wall may be designed and constructed to such lesser height which will allow the project's building fronts and signage to be visible. The wall portion of the berm/wall referenced herein, will be constructed of materials which are architecturally compatible with those of the non-residential component of the project, as determined by The Applicant shall conform to the limits of clearing and grading as shown on the CDPA/FDPA:

28. As a part of the site plan submissions for each phase of the project, a landscaping plan will be submitted to DPWES for review and approval. Such landscaping plans shall conform to the design shown on the CDPA/FDPA, provided, however, that with the specific concurrence of the Director of DPWES or Urban Forest Management, the Applicant may substitute vegetative materials and alter their location to accommodate engineering considerations. The vegetative density will be as represented on the CDPA/FDPA and, at a minimum, shall include the following elements:

(A) Major shade trees with a minimum of 3-4 inches in caliper at installation, shall be planted concurrent with construction of the linear park approximately fifty feet (50') on center along both sides of Monument Drive from West Ox Road to the western boundary of the property unless the existing vegetation consists of major deciduous trees and such an installation of new trees would be detrimental to the existing vegetation. Such a determination would be required to be concurred in by Urban Forest Management prior to implementation.

(B) Landscaped areas shall be provided at the entrances to the Property at West Ox Road and Monument Drive concurrent with construction of the linear park. The main entrance to the Property from West Ox Road is to be landscaped with an entrance wall consisting of masonry materials similar to or coordinated with the office building materials. The landscaping in these areas shall consist of shade trees, 3-4 inches in caliper and ornamental trees and/or flowering trees, a minimum of 10 feet in height at installation, and permanent shrub planting in front of the wall. The entrance to the site from Monument Drive shall be landscaped with shade trees, 3-4 inches in caliper, associated with the linear park trail.

(C) Subject to final engineering and pursuant to Article 13 of the Zoning Ordinance, the Applicant shall provide parking lot and parking structure perimeter landscaping along and within the parking areas as shown on the CDPA/FDPA. Evergreen and shade trees planted immediately adjacent to parking areas along Route 50 and West Ox Road shall have a minimum height and caliper of ten (10') feet and three (3") inches, respectively.

(E) The central plaza area will be designed and constructed in conformance with the concepts depicted on the CDPA/FDPA, provided, however, that, subject to the approval of the Planning Commission, the specific distribution and location of landscaping, walkways, and focal seating areas may be modified to accommodate the design theme for the Property selected by the Applicant. Such central plaza shall be constructed concurrently with the development of the initial retail phase of the project.

29. If not already satisfied by others, trails shall be provided as generally shown on the submitted CDPA/FDPA, subject to approval by the Department of Public Works and Environmental Services, and as follows:

(A) The linear park shall include an eight (8') foot wide trail, as shown on the submitted CDPA/FDPA. Shade trees, some of which will be London Plane trees of 3-4 inches in caliper, at time of planting, will provide a uniform landscape edge to the trail. The linear park will be edged by a shrub line to screen the retail parking measuring 3 to 3 ½ feet in height, at time of planting. The minimum dimension of the linear park from back of curb of Monument Drive to the back of curb of the parking will be forty (40') feet. Shaded seating will be provided along the linear park at intervals.

(B) All other trails through open space with the exception of the trail along West Ox Road will be four (4') feet wide with an asphalt surface except those next to buildings which will be either concrete or special pavements.

(C) Applicant shall construct an eight (8') foot wide asphalt trail along West Ox Road according to applicable Fairfax County standards, all as shown on the CDPA/FDPA, as may be required by the DPWES.

(D) Applicant shall construct a second segment of an 8 foot wide asphalt trail along West Ox Road, as shown on the CDPA/FDPA. Applicant shall contribute the sum of \$32,000 to Fairfax County for construction of trail connections along Route 50 and West Ox Road.

(E) The design of all trails shall be subject to the review and approval of the Director of DPWES.

30. If not already satisfied by others, applicant shall grant and convey, at the time of sit plan approval by DPWES, a twelve (12') foot wide public access easement and a maintenance easement for the eight (8') foot wide trail within the linear park, as shown on the CDPA/FDPA, and an eight (8') foot wide public access easement for all six (6') foot wide trails, and six (6') foot wide public access easements for all four (4') foot wide trails as shown on the CDPA/FDPA.

31. At least thirty (30) days prior to clearing and grading of any area adjacent to the buffer along the western property boundary, the Applicant shall flag proposed limits of clearing and grading and shall notify the associations representing the Fairmont residential development of the proposed clearing and grading.

32. If not already satisfied by others, the landscaping plan along Monument Drive will, subject to DPWES approval, be coordinated with that which is proposed to be installed along the Fair Ridge community's frontage on Monument Drive. For purposes of this proffer, the term "coordinated" shall mean that the types and specific arrangement of landscape materials will be designed to be reasonably similar and complementary to that proposed for the Fair Ridge communities. This proffer does not modify, in any way, the Applicant's requirement to provide the size and type of landscaping required by other proffers set forth herein, as well as in accordance with the representations depicted on the CDPA/FDPA.

33. If not already satisfied by others, subject to Virginia Department of Transportation and Urban Forest Management approval, the Applicant will provide landscaping

of the Monument Drive median, from its intersection with West Ox Road to the point opposite the western boundary of the Fair Ridge Community. Such landscaping will be of similar type and size to that proposed for the linear park. To the maximum extent permitted by these proffers, said landscaping will be designed in coordination with the landscaping plan which the Fair Ridge Associations may adopt for this road frontage area.

#### **SIGNAGE AND OTHER DESIGN DETAILS**

35. The Applicant will adhere to the sign regulation set forth in the Fairfax County Zoning Ordinance, as amended.

36. If not already satisfied by others, the Applicant has dedicated and conveyed in fee simple to the Fairfax County Board of Supervisors for use as a public commemorative park the parcels known as Tax Map References 46-3 ((1)) 28B, and 31B containing approximately 0.29 acres. The Applicant shall contribute \$110,000 (said contribution amount shall be subject to adjustment for inflation/deflation for the period from the date of final zoning approval to the date of site plan approval in accordance with the *Marshall and Swift Building Cost Index*) to Fairfax County for use in the construction of amenities and improvements to the historic park to commemorate the Battle of Ox Hill. Said contribution shall be made within thirty (30) days of the approval by DPWES of the first site plan for a building(s) on the Property.

#### **PEDESTRIAN CROSSING DESIGN AND CONTRIBUTION**

37. If not already satisfied by others, the Applicant shall develop a comprehensive design for safe pedestrian crossing of the proposed three (3) crossings of the intersection of West Ox Road and Monument Drive, in accordance with the design shown on the CDPA/FDPA and the letter from VDOT dated October 18, 1991 (Attachment 1). The Applicant shall pay Sixty Thousand Dollars (\$60,000) (said contribution amount shall be subject to adjustment for inflation/deflation for the period from the date of final zoning approval to the date of site plan approval in accordance with the *Marshall and Swift Building Cost Index*), less the amount actually expended by the Applicant in the construction of the pedestrian crossings required by the provisions of paragraph 42 below, to Fairfax County for such public improvements as determined by Fairfax County at the time of issuance by Fairfax County of the first building permit for a building on the Property.

38. If not already satisfied by others, the Applicant shall construct a public plaza on the Property at the northwest corner of the intersection of Monument Drive and West Ox Road,

at the point where the linear trail meets the pedestrian-activated signal as shown on the CDPA/FDPA. The particular size and type of materials shall be selected in consultation with the Urban Forester, subject to the guidelines set forth herein and on the CDPA/FDPA. In order to have said public plaza and the linear park available in the early stages of the development of the Property, the Applicant will construct the public plaza, linear park, and trails prior to the issuance of non-residential use permits for any portion of the Property. The plaza will include such amenities as plantings of shade trees (a minimum of 3-4 inches in caliper at installation), flowering ornamental trees (a minimum height of 5-6 feet), and low shrub plantings, which will accent the public plaza. Also included in the final design will be shaded seating areas throughout the Property as shown on the CDPA/FDPA, including areas along the linear park with benches and/or low seat walls, approximately 18 inches in height, pedestrian lighting and special pavements to match other special plaza/pedestrian pavement elsewhere on the site. The public plaza will be connected to the retail area by pedestrian walkway as shown on the CDPA/FDPA. At such time as VDOT approves the crosswalk pavement across Monument Drive and the southern side of West Ox Road as shown on the CDPA/FDPA, the crosswalk area will be constructed together with the public plaza. This public plaza, as shown on CDPA/FDPA, will be designed to channel and encourage pedestrian traffic to use the pedestrian crosswalk system to proceed across Monument Drive and then West Ox Road. Further, the public plaza will be designed to serve as a community place along the linear park and will be located so that users will be able to have easy access to the linear park and the sidewalk system around the Property.

39. If not already satisfied by others, notwithstanding any of the following, the exercise trails and children's play area and apparatus will be provided as shown on the CDPA/FDPA, to satisfy the provisions of Section 6-209 of the Zoning Ordinance.

40. The Applicant will cooperate with the Fair Ridge associations to obtain Virginia Department of Transportation approval of measures designed to reduce the use of Fair Ridge Drive as a "cut through" by non-resident motorists. Such measures may include speed bumps, signage, and similar controls.

41. If not already satisfied by others, the Applicant will construct or contribute to the construction of community improvements as deemed appropriate by the Fair Ridge Recreation Association, or shall reimburse the Association for actual costs expended by the Association for such improvements, up to a maximum cost of Fifty Thousand (\$50,000.00) Dollars. Further, the

Applicant will cooperate with the Association to obtain, as may be applicable, Fairfax County approval of such community improvements. The contribution set forth above shall be made at the time of bonding for the site plan for the residential component of the project. The Applicant may satisfy the provisions of this proffer by depositing the monetary contribution set forth above into an escrow account designated by the Association.

42. If not already satisfied by others, pedestrian trails located within those portions of the Property designated as tree preservation areas will be designed and located, in accordance with the recommendations of Urban Forest Management, where they will minimize adverse impacts upon existing vegetation and maximize the security of their users.

44. In order to minimize any potentially adverse impacts that service activities taking place at the rear of the proposed grocery store may have upon the Fair Ridge and Linden communities, the Applicant commits to the following:

(i) (a) No truck deliveries, including trash removal, shall be permitted within the project between 11:00 p.m. and 6:00 a.m. daily, and (b) all truck deliveries to any of the commercial components of the project made between 9:00 p.m. and 11:00 p.m. and 6:00 a.m. and 7:00 a.m. shall access the property from West Ox Road;

(ii) a ten (10') foot high solid wall will be established at the rear of the grocery store service aisle in the location shown on the CDPA/FDPA; and,

(iii) a four (4') foot high fence shall be installed along the top of the retaining wall adjacent to the access road which leads to the retail service area and the residential component from Monument Drive. Such fence shall extend from the end of the retaining wall which is closest to Monument Drive to the point which is the further north of the following two points: (1) immediately past the northern side of the service entrance to the southern retail structure, or (2) the point at which the retaining wall becomes five (5') feet or less in height. Clustered four to six (4'-6') feet height evergreen plantings shall be planted adjacent to the western side of such fence in locations designated by Urban Forest Management. The evergreen plantings shall be equal in number to one per twenty (20) linear feet of fence installed. Also, the Applicant may elect to plant screening materials along the base of the retaining wall and/or adjacent to the eastern side of the fence, subject to approval by Urban Forest Management.

45. The architectural design of the existing retail portion of the proposed development shall be consistent with the building elevations depicted on Sheet 8M of the CDPA/FDPA or shall be of comparable quality.

47. The Applicant will join with the Fair Ridge associations in their request(s) to the Virginia Department of Transportation, that a traffic signal be installed at the intersection of Fair Ridge Drive and Monument Drive.

49. During the hours of operation of the non-residential uses on the Property, the Applicant will provide security guard(s) on the premises.

50. If not already satisfied by others, subject to Virginia Department of Transportation approval and when requested by the Fair Ridge Associations, the Applicant will provide a painted crosswalk and directional signage on Fair Ridge Drive at a location determined by the Fair Ridge Associations.

51. The on-site walkways along Monument Drive, along the access drive to the residential component, and through the preserved woodlands leading to the Fair Ridge community, will be lighted, subject to, as may be applicable, Virginia Department of Transportation approval. This lighting will be designed, as determined by the Director of DPWES, to provide pleasant and secure access without glare dispersion onto neighboring properties, in accordance with the CDPA/FDPA.

At the time of site plan approval, Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982, as amended, subject to credit for all creditable expenses as determined by the Fairfax County Department of Transportation and/or DPWES.

53. The architectural design of the new retail/multifamily building shall be consistent with the building elevations depicted on Sheet 6 of the CDPA/FDPA, as determined by DPWES.

54. Prior to the issuance of the first RUP for the new multifamily units, the Applicant shall contribute the sum of One Hundred Twenty Seven Thousand Five Hundred (\$127,500) Dollars to the Board of Supervisors for use at schools serving the property.

55. Prior to the issuance of the first RUP for the new multifamily units, the Applicant shall contribute Five Hundred Thirty (\$530) Dollars per market rate unit to the Fairfax County Park Authority for improvements to Ox Hill Battlefield Park. A portion of these funds shall pay

for the creation and installation within the linear park of four (4) interpretative signs mounted on metal studs and one monument as designed by the Fairfax County Park Authority.

56. The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance by contributing \$955 per market-rate dwelling unit for developed recreational facilities. The Applicant shall receive credit for the on-site recreational facilities as permitted per the Zoning Ordinance. The on-site recreation shall include, but not be limited to a pool, community room/multi-age recreation room and exercise facilities located in the multi-family building, but made available to all residents of the Property. If those recreational facilities provided on site do not have sufficient value to satisfy this proffer, the Applicant shall contribute funds in an amount to total \$955 per dwelling to the Fairfax County Park Authority for off site recreational purposes.

57. The Applicant shall comply with the Affordable Dwelling Unit (ADU) Program as set forth in Section 2-801 of the Zoning Ordinance unless modified by the ADU Advisory Board.

58. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code or Virginia shall be placed on or off-site by the Applicant or at the Applicants' direction to assist in the initial sale or rental of residential units on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.

59. Prior to the issuance of the first RUP on the Application Property, the Applicant shall establish one or more owners' association ("OA") or condominium unit owners' associations ("CUOA") in accordance with Virginia law to govern the entire Application Property. Each residential and retail component shall be subject to an association. The respective OA and CUOA documents shall specify which entities shall perform the maintenance obligations outlined in these proffers.

60. Retaining walls shall be constructed in locations and at maximum heights as shown on the CDPA/FDPA and shall be sheathed with a modular block retaining wall system.

61. Subject to approval by DPWES, the Applicant shall install street trees in planting strips/tree wells as shown on the CDPA/FDPA using structural soil in the planting areas in order to promote the survivability of those trees.

APPLICANT:

Lincoln Property Company Southwest, Inc.

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

TITLE OWNER:

DDR MDT FAIRFAX TOWNE CENTER, LLC

By: DDR Macquarie Fund LLC, its managing member

By: Macquarie DDR Management, LLC, its managing member

By: DDR MDT Holdings II Trust, its managing member

By: \_\_\_\_\_

Name: Joan U. Allgood

Title: Vice President

## **FINAL DEVELOPMENT PLAN AMENDMENT**

**FDPA 83-P-107-3**

### **PROPOSED DEVELOPMENT CONDITIONS**

February 15, 2006

If it is the intent of the Planning Commission to approve FDPA 83-P-107-3 for a mixed-use development located at Tax Map 46-3 ((1)) 24A, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the property shall be in substantial conformance with the CDPA/FDPA entitled "Fairfax Towne Center" consisting of seventeen sheets (1-7G) prepared by Vika dated August 3, 2005 as revised through February 8, 2006.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by the Planning Commission.