



**APPLICATION ACCEPTED:** October 21, 2005  
**APPLICATION AMENDED:** February 17, 2006  
**PLANNING COMMISSION:** March 29, 2006  
**BOARD OF SUPERVISORS:** April 3, 2006 at 4:00 PM

# County of Fairfax, Virginia

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**March 15, 2006**

## **STAFF REPORT**

**APPLICATIONS PCA 78-C-098-2 and FDPA 78-C-098-3**

### **HUNTER MILL DISTRICT**

<b>APPLICANT:</b>	Gregor, LLC
<b>ZONING:</b>	PDC
<b>PARCEL(S):</b>	17-4 ((1)) 1
<b>ACREAGE:</b>	5.19 acres
<b>INTENSITY:</b>	0.65 FAR
<b>OPEN SPACE:</b>	45%
<b>PLAN MAP:</b>	Mixed Use
<b>PROPOSAL:</b>	Amend RZ 78-C-098 previously approved for mixed-use development to permit 60 multifamily residences and a hotel at an intensity of 0.65 FAR and a density of 11.57 dwelling units per acre.

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of PCA 78-C-098-2, subject to the draft proffers contained in Appendix 1 of the staff report.

Staff recommends approval of FDPA 78-C-098-3, subject to the Board's approval of PCA 78-C-098-2 and the draft proffers contained in Appendix 1.

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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 the limitation on residential uses within the PDC District be waived.

Staff recommends that a variance of the maximum height limitation on fences in the front yard be approved to permit a five (5) foot high wall along Old Reston Avenue.

Staff recommends that the transitional screening and barrier requirements be waived between the uses on-site.

Staff recommends that the transitional screening and barrier requirements along the northern, eastern and western property lines be modified to that shown on the CDPA/FDPA.

It should be noted that it is not the intent of the 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.



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

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

**DESCRIPTION OF APPLICATION**

**Proposal:**

The subject 5.19 acre site is zoned PDC. The site is currently developed with 50,716 SF of office and conference center uses, as well as the existing A. Smith Bowman House. Under the current proffers, the site is approved for 147,806 SF of office and conference center uses at an overall floor area ratio (FAR) of 0.64.

The applicant, Gregor, LLC, seeks to amend the approved proffers and final development plan to permit development of 147,806 square feet of multifamily residential use and a small hotel use. Specifically, the application proposes two multifamily residential buildings with a maximum height of 50 feet and a total of 60 units. Forty-five percent (45%) open space is proposed. Under the application, the existing Bowman house would be preserved and converted into a 6-room hotel. Classes and seminars as an ancillary use might also be conducted at the hotel. Access to the site would be provided from an existing entrance along Old Reston Avenue. A second access point along Old Reston Avenue is proposed as well. This entrance would be located opposite Sallie Mae Drive.

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

The application must also comply with certain Zoning Ordinance Provisions found in Article 6, Planned Development Districts, and Article 16, Development Plans (among other Fairfax County requirements); excerpts of which are found in Appendix 17.

**Waivers and Modifications:**

The applicant is seeking the following waivers and modifications:

- Waiver of the limitation on residential uses in the PDC District;
- Variance of the four foot maximum height of fences in the front yard per Par. 8 of Sect. 16-401 of the Zoning Ordinance in order to permit an existing wall, which has a maximum height of five feet;
- Waiver of transitional screening and barrier requirements between the hotel and on-site multifamily residential; and

- Modification of the transitional screening and barrier requirements between the hotel and the off-site multifamily residential to the north (Stratford), east (Sycamores) and west (Stratford) to that shown on the CDPA/FDPA.

**LOCATION AND CHARACTER**

**Site Description:**

The property is located in the northwest quadrant of the intersection of Old Reston Avenue and the Washington and Old Dominion (W&OD) trail in Reston. The site contains the A. Smith Bowman House (also known as the Arthur S. DeMoss House), which was built in 1895, and several accessory structures, including a detached garage, bathhouse and gazebo. There is significant landscaping, including boxwoods and other ornamental trees and shrubs associated with the original house. The Bowman House is currently used for office space.

The site slopes from north to south toward the W&OD Trail. A surface parking lot is located in the northern portion of the site and the Bowman House is located in the center of the site. Two (2) three-story office buildings are located to the south of the Bowman House; the house and office buildings are connected by a landscaped plaza. Garage parking is located underneath the office building and plaza area. A pond and gazebo are located in the southeast corner of the site.

**Surrounding Area Description:**

The surrounding area is characterized by multifamily residential uses. Property to the west and north is developed with mid-rise and high-rise residential condominium and apartment buildings. The area east of the site across Old Reston Avenue is developed with four-story garden apartments (The Sycamores) and is part of the Reston Planned Community. To the southeast is the site of the old Bowman Distillery (listed on the National Register of Historic Places and Virginia Landmarks Register in 1999), which is developed with office buildings and, as an option, is planned for an office/residential mix up to 0.70 FAR. The W&OD trail borders the site to the south. Beyond the trail are a gas station/convenience store and a vehicle repair shop.

Direction	Use	Zoning	Plan
North	Multifamily residential (Stratford)	PRC	Mixed Use
South	Park (W&OD Trail)	R-1	Public Park
East	Multifamily residential (the Sycamores); Office	PRC; PDC	Mixed Use; Office
West	Multifamily residential (Stratford)	PRC	Mixed Use

**BACKGROUND** (Appendix 4)

On June 11, 1979, the Board of Supervisors approved RZ 78-C-098 to rezone the subject site from the R-1 and C-8 Districts to the PDC District for the development of a hotel and restaurant. Under the approved proffers, the A. Smith Bowman House was to house the restaurant.

On July 25, 1983, the Board approved an amendment to the Development Plan (DPA 78-C-098-1) to change the previously approved use of the property from hotel/restaurant use to office and conference center uses with overnight guest accommodations within the Bowman House. The Final Development Plan (FDP) for Phase I of the proposed office/conference center use was approved by the Planning Commission on July 14, 1983. Phase I of the FDP permitted up to 45,486 square feet of office/conference center uses on the site. Phase I was constructed in 1986. A second phase for the development was proposed to permit up to an additional 33,052 of office space and guest accommodations within the Bowman House, but it was not approved by the Planning Commission.

On September 27, 1999, the Board approved PCA 78-C-098 to permit additional office space and a training facility. The Planning Commission approved the associated Final Development Plan Amendment (FDPA 78-C-098-2) on September 8, 1999. These improvements were never constructed. A copy of the approved proffers and final development plan for PCA 78-C-098 are contained in Appendix 4.

On July 11, 2005, the Comprehensive Plan was amended to permit a residential use option for the site. This language is included in the following section.

**COMPREHENSIVE PLAN PROVISIONS** (Appendix 5)

- Plan Area:** III
- Planning District:** Upper Potomac
- Planning Sector:** Reston-Herndon Suburban Center
- Plan Map:** Mixed Use
- Plan Text:**

In the Fairfax County Comprehensive Plan, 2003 Edition, Area III, Upper Potomac Planning District, as amended through July 11, 2005, Reston-Herndon Suburban Center, Land Unit D, Sub-unit D-7, on pages 42 and 44, the Plan states:

2. *The approximately five acres of land not included in the Reston Planned Residential Community located on the northwest quadrant of the intersection of Old Reston Avenue and the W&OD Regional Park (Tax Map 17-4((1))1) is planned and approved for office, conference, and training facility uses up to .64*

*FAR. These uses should be compatible in use and architectural style with surrounding planned and existing development in Reston. As an option, existing and approved office/training center buildings may be converted to residential use, and the historic house may be appropriate for use as a restaurant and inn, provided the following conditions are met:*

- *The overall development does not exceed .64 FAR;*
- *All residential units are to be housed within the two existing office buildings or parking structures and generally within the approved but unbuilt third office and training center, and parking structure footprints on the site. Some flexibility in building location may be appropriate if it leads to better protection of the historic resources on the site and open space preservation;*
- *The height of any new residential building(s) shall not exceed 45 feet and shall not be located any closer to the historic house than was approved for the structures in 1999 (PCA 78-C-098);*
- *The A. Smith Bowman house may be appropriately used as an eating establishment of 7,500 square feet or less and as an inn with 8 rooms or less for overnight lodging of less than 30 days; and*
- *Any exterior modifications on the site should be of compatible architectural style with the existing structures on the site and must be submitted to the Fairfax County Architectural Review Board for review and comment as part of the development review process.*

*The property owner is encouraged to prepare a report documenting the history, significance and treatment of the property and to explore preservation and protection options such as listing on the National Register of Historic Places...*

4. *The A. Smith Bowman House (1856 Old Reston Avenue; Tax Map 17-4((1))1) should be preserved, its present exterior retained and new buildings should be sensitively sited in relationship to the house. Other scenic assets and natural features such as the pond and gazebo should be preserved as much as possible. Because of the A. Smith Bowman House and the need for development compatible with the adjacent Planned Residential Community uses, a preliminary site plan should be submitted for approval in the same way as Reston Planned Residential Community applications. The development and architectural plans should be reviewed by the County Architectural Review Board and be in conformance with their recommendations."*

## **ANALYSIS**

### **Conceptual/Final Development Plan Amendment (CDPA/FDPA)**

(Copy at the front of staff report)

**Title of CDPA/FDPA:**

Boxwoods

**Prepared By:**

Urban Engineering and Associates, Inc.

**Original and Revision Dates:** September 28 2005, with revisions through February 14, 2006

The CDPA/FDPA consists of sixteen (16) sheets showing the following information:

<b>Boxwoods Conceptual/Final Development Plan Amendment</b>	
Sheet 1 of 16	Cover sheet, general notes, stormwater management (SWM) narrative, outfall narrative, zoning tabulations, vicinity map
Sheet 2 of 16	Existing conditions and soils map
Sheet 3 of 16	Certified Plat
Sheet 4 of 16	Conceptual and Final Development Plan
Sheet 5 of 16	Garage layout
Sheet 6 of 16	Landscape plan
Sheet 7 of 16	Existing Vegetation Map (EVM) and tree preservation plan
Sheet 8 of 16	Survey of existing vegetation and tree cover calculations
Sheet 9 of 16	Stormwater Management and Adequate Outfall Narrative
Sheet 10 of 16	Drainage, soils and land use
Sheet 11 of 16	Water Quality calculations
Sheet 12 of 16	Hydrologic calculations
Sheet 13 of 16	Hydrologic calculations
Sheet 14 of 16	Hydrologic calculations
Sheet 15 of 16	Hydrologic calculations
Sheet 16 of 16	Elevations of multifamily residences, section comparing height of multifamily residences to Bowman House

The CDPA/FDPA depicts a site layout as follows:

**Site Layout:** Two four-story, multifamily residential structures are proposed to be located in the general location of the two existing three-story office buildings and within the footprint of the approved, but never built, office buildings. The proposed four-story residential buildings would contain a maximum of 60 units on top of a two-level parking structure. This parking structure would be located below grade. Building 1 is located along the eastern property line, while Building 2 is located along the western property line. The proposed residential structures would face the existing Bowman House and would be connected by a walkway, which could be covered. A landscaped plaza would be located between the two multifamily buildings in order to retain the view of the Bowman House from the W&OD trail. The proposed structures would be approximately 50 feet high; however, because of the topography of the site, the buildings would be no taller than the existing Bowman House (as depicted on Sheet 16).

The existing Bowman house would be retained and converted into a six-room hotel. Some small additions are depicted to the Bowman House. The applicant notes that these additions may be required in order to bring the structure up to current fire code regulations. According to the applicant, rooms within the hotel could be used by guests of the residential units or other "select clientele." The proffers state that the length of any single stay at the hotel will be limited to less than 30 days. The applicant also anticipates that the hotel would also host community and social functions such as cooking demonstrations, educational format dinners and weddings. Under the proposed layout, the existing gazebo which abuts the pond would remain and be restored. The existing bathhouse, located in the southwest corner of the site would be removed. A new "cabana" structure would be constructed immediately to the west of the existing Bowman House. This structure will contain a warming kitchen facility and a possible restroom facility. Finally, the applicant has also proffered to repair and/or reconstruct the existing wall along Old Reston Avenue.

The proffers also state that additional principal and secondary uses may be permitted on the site, in accordance with Sect. 6-205 of the Zoning Ordinance. Sect. 6-205 states that any use listed in Sect. 6-203 of the Zoning Ordinance which is not shown on the approved final development plan may be permitted with the approval of a special exception and subject to the use limitation in Sect. 6-206.

Proposed elevations for the multifamily structures are contained on Sheet 16. A note on the plan indicates that the exterior finishes for these buildings will be a combination of slate, stone and brick. The applicant has proffered that any modifications, renovations and/or additions to the existing Bowman House will be subject to review by the Fairfax County Architectural Review Board (ARB) and shall be in conformance with their recommendations. The applicant has also proffered that any new structures on the site will be of compatible architectural style with the existing structures on the site and shall be subject to review and comment by the ARB.

Open Space, Landscaping and Tree Save: Forty-five percent (45%) of the site will be open space. The majority of the open space is located along the southern and eastern portions of the site. According to the landscape plan on Sheet 6, individual trees will be preserved along the northern, western and southern property lines of the site. The applicant also proposes to retain the existing boxwoods located around the Bowman House and the existing surface parking lot. The landscape plan also indicates areas in which trees and shrubs may be transplanted.

Access: The site would be served by two entrances from Old Reston Avenue. The existing site entrance near the northern property line would be retained. A new site entrance would be located opposite Sallie Mae Drive. This entrance would provide access into the parking garage which would be located underneath the building. Internally, sidewalks would connect the proposed residences with the existing pond and gazebo to the south and the Bowman House and surface parking to the north. The sidewalks connecting the proposed multifamily residences to the Bowman House may be covered. There is an existing sidewalk on the east side of Old Reston Avenue; no sidewalk is proposed along the subject site's frontage.

Parking: Per Article 11 of the Zoning Ordinance, a total of 103 parking spaces are required for the site. A minimum of seven (7) spaces are required for the proposed six-room hotel and 96 spaces are required for the proposed multifamily residences. A total of 141 parking spaces would be provided. Ninety-six (96) of these spaces would be located under multifamily buildings in the underground parking garage. Fifty-six (56) would be located within the existing surface parking lot in the northern portion of the site. Three loading spaces would be provided.

Site Amenities: The proffers indicate that the applicant will be renovating the existing gazebo next to the pond and repairing and/or reconstructing the existing wall along Old Reston Avenue. A new cabana structure with a warming kitchen facility and possible restroom is proposed to the west of the existing Bowman House. An indoor exercise facility is proposed. An arts and crafts studio could also be provided.

Stormwater Management: The existing pond on-site works in series with three off-site ponds to provide stormwater management (SWM) and best management practices (BMPs) for the subject site. Because the proposed development represents only a slight increase in the existing impervious surface on-site (and thus, a minimal increase in runoff), the applicant proposes to continue to use the existing pond to serve the site. A possible retrofit of the existing pond may be necessary.

## **CONFORMANCE WITH PLAN TEXT** (Appendices 5 and 6)

The following section discusses how the proposed conforms with the Plan text for the subject site.

- *The overall development does not exceed 0.64 FAR.*

The Comprehensive Plan guidance for the property, recommends mixed use development up to intensity of 0.64 FAR which reflected the amount of the approved gross floor area of development of the parcel area at the time of the approval of the Plan Amendment. The proposed residential development, when considered in concert with the existing historic A. Smith Bowman House, will result in an overall development intensity of 0.65 FAR. The applicant indicates that the property owner dedicated 0.0712 acre of the site for improvements to Old Reston Avenue, which increases the FAR although with the same gross floor area as previously approved. It is staff's opinion that the proposed intensity meets the intent of the above Plan condition.

- *All residential units are to be housed within the two existing office buildings or parking structures and generally within the approved but unbuilt third office and training center, and parking structure footprints on the site. Some flexibility in building location may be appropriate if it leads to better protection of the historic resources on the site and open space preservation.*

At the time of the Out-of-Turn Plan Amendment (OTPA), the applicant had indicated the desire to convert two existing office buildings to residential use and build a third residential building with the remaining available square footage. Since that time, the

applicant found that this proposal was infeasible. The applicant now proposes to construct two new residential buildings to be located generally within the footprints of the existing and approved office buildings. There is no reason to believe that the existing office buildings are of historical or other significance that would necessitate, or provide rationale for, their preservation. Therefore, staff concludes that the current proposal to locate the new buildings within the footprints of the existing and approved office building meets the spirit of the above cited Plan condition.

- *The height of any new residential building(s) shall not exceed 45 feet and shall not be located any closer to the historic house than was approved for the structures in 1999 (PCA 78-C-098).*

In the OTPA staff report analysis, the recommendation to limit building height to 45 feet is mentioned specifically in relation to the approved but unbuilt office building that was to be located on the western side of the property, which is approximately the same elevation as the historic house. During the Plan Amendment process, the staff rationale was to limit the visual impact on the surrounding neighbors to what they would have experienced if the approved development was built (and in some select locations, lessen the visual impact). The new residential buildings that would replace the existing office buildings south of the Bowman House are shown to be approximately 50 feet in height. In elevation, this is six (6) feet shorter than the height of the existing office buildings, and 21 feet shorter than the approved but unbuilt office building. Therefore, the proposed buildings should have less visual impact on surrounding neighbors than the approved but unbuilt office building would have. Therefore, staff believes that a building height of 50 feet is acceptable. The proposed buildings are not located closer to the historic house than the existing or approved office/training center buildings.

- *The A. Smith Bowman house may be appropriately used as an eating establishment of 7,500 square feet or less and as an inn with 8 rooms or less for overnight lodging of less than 30 days.*

The use of the historic house as a restaurant and inn was determined to be an appropriate adaptive reuse of the Bowman House. The current proposal would use six (6) rooms in the Bowman House for overnight lodging. The use of the house for a restaurant is no longer proposed, which will lessen the transportation impact of the project. The grounds and facilities may be used for weddings or other social functions. Thus, the proposed uses are in conformance with the above Plan condition.

- *Any exterior modifications on the site should be of compatible architectural style with the existing structures on the site and must be submitted to the Fairfax County Architectural Review Board for review and comment as part of the development review process.*

The Plan calls for the Fairfax County Architectural Review Board (ARB) to review and comment as part of the development review process for the site, and to provide a recommendation on any proposed changes to the Bowman House. On January 12, 2006, the ARB met to discuss the applicant's application (ARB-06-RES-01). At that

meeting, the ARB made the following findings: 1) the use and basic site plan are compatible with the existing structures on the site; and 2) the proposed new construction meets the *Secretary of the Interior's Guidelines* because the new construction was true to its own time. (A copy of a memo from the ARB is contained in Appendix 6.) However, the ARB will not make a formal recommendation on the architecture until further documents and details are received, including additional details regarding changes to be made to the historic house (extension of the portico, enclosure of outdoor stairwell, addition to accommodate elevator), as well as elevations of the cabana.

## **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 provide: a logical and functional design with appropriate relationships within the development; usable, accessible and well-integrated open space; appropriate landscaping; and amenities.*

The applicant proposes to redevelop the existing site with multifamily residences. The applicant proposes to locate the proposed residences in generally the same footprint as the existing office buildings in order to retain the relationship between the buildings and the existing Bowman House. The existing vista of the Bowman House from the W&OD trail will be retained. Under the proposed site layout, 45% open space is retained. This open space will surround the proposed residences and the Bowman house. Passive recreational amenities such as trails, a cabana and a gazebo are proposed. No outdoor recreation is proposed. Existing vegetation along the northern, western and southern property lines will be preserved, as will many of the existing boxwoods. The applicant also seeks to transplant existing trees and shrubs within the site. In staff's opinion, the retention of Bowman House and the existing mature landscaping on-site helps retain the unique character of the site.

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

*This Criterion states that residential development should fit into the fabric of the community, as evidenced by: transitions to abutting and adjacent uses; bulk/mass of the proposed dwelling units; setback; architectural elevations and materials; and existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.*

The subject site is surrounded by multifamily residences to the north, east and west and the W&OD Trail to the south. The proposed multifamily residences would be located generally within the footprints of the existing and proposed office buildings. The proposed residential buildings would also be slightly higher than the existing and planned (but not yet built) office buildings. As a result, the proposed residential buildings should present few changes on the abutting properties from the existing and planned (but not yet built) office buildings. As noted above, the applicant proposes to preserve existing trees along the northern, western and southern property lines, as well as the existing boxwoods within the site. The applicant has committed to the elevations depicted on the CDPA/FDPA. The applicant has also proffered that any modifications, renovations and/or additions to the existing Bowman House will be subject to review by the ARB and will be in conformance with its recommendations. Finally, the applicant has also proffered that any new structures on the site will be of compatible architectural style with the existing structures on the site and shall be subject to review and comment by the ARB.

**Environment** (Development Criterion #3) (Appendices 7 and 16)

*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 landscape plan indicates that several existing stands of trees, as well as existing boxwoods and individual trees, will be preserved. Tree preservation is discussed in greater detail in the following Tree Preservation section.

The site slopes from north to south toward the existing pond. Like the existing office buildings, the proposed multifamily buildings are designed to take into account the slope between the Bowman House and the existing pond. Retaining walls are depicted on the CDPA/FDPA. These retaining walls would be used for the entrance to the parking underneath the building, as well as to enclose the patios. In addition, retaining walls, which vary in height from 10 to 20 feet in height, are proposed around the southeastern corner of Building 1 and around some proposed generators.

According to the stormwater management/outfall narrative on the CDPA/FDPA, the subject site is currently served by a wet pond in the southeastern corner of the subject property. The subject site is part of a larger 158-acre area, which is served by a series of ponds. The outfall for the subject site is adequate. The proposed multifamily development will result in a very small increase in impervious surface from what is currently located on the site. In order to address this increase in imperviousness, the applicant intends to retrofit this existing facility on-site if possible to meet stormwater management requirements for the subject property. At the time of site plan submission and review, the applicant may also investigate the possibility of meeting stormwater detention and BMP requirements through the use of the existing off-site pond. Staff continues to encourage the applicant to also consider the use of low impact development techniques (i.e., bio-filtration facilities in the landscaped islands of

the parking lot) at the time of site plan in order to supplement other best management practices.

**Tree Preservation and Tree Cover Requirements** (Development Criterion #4)  
(Appendix 8)

*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.*

The applicant conducted a tree inventory of the site. According to this inventory, the subject site contains a number high quality existing trees on the subject property as well as a significant number of existing boxwoods which are proposed to be transplanted to other locations on-site. The landscape plan indicates that individual trees along the northern, western and southern property lines of the site will be preserved. The landscape plan also depicts additional trees along these property lines which the applicant will work with Urban Forest Management (UFM) to try to save. However, because utility lines are proposed to be extended through certain portions of the site, the applicant cannot fully commit that these trees will be preserved. The landscape plan also indicates areas in the northern half of the site in which trees and shrubs may be transplanted. In addition to the trees, the applicant also proposes to retain the existing boxwoods located around the Bowman House and the existing surface parking lot.

**Transportation** (Development Criterion #5) (Appendix 9)

*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.*

The applicant seeks to retain an existing entrance and to construct a new entrance along Old Reston Avenue. The Virginia Department of Transportation (VDOT) notes that the adequacy of sight distance for both entrances will need to be verified prior to site plan approval. No other roadway issues have been raised by this application.

The subject site is currently connected to its surroundings (including the W&OD Trail and the Reston Town Center) via existing sidewalks and paths. The applicant proposes to retain these pedestrian connections under the proposed application. Future residents will have access to bus service along Sunset Hills Road, the Reston Parkway and from the Reston Town Center.

**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 10 – 16).*

**Fairfax County Public Schools** (Appendix 10)

The proposed development would be served by Lake Anne Elementary, Langston Hughes Middle and South Lakes High Schools. All three schools are projected to be below capacity by the 2010-2011 school year. The total number of students generated by this development is anticipated to be seven students: four elementary, one middle and two high school students. An appropriate contribution would be approximately \$52,500 (7 students x \$7,500 per student).

The applicant has proffered to provide a contribution of \$52,500 for capital improvements to Fairfax County schools.

**Fairfax County Park Authority** (Appendices 11 and 12)

The required on-site active recreation contribution for P-Districts per the Zoning Ordinance is \$955 per dwelling unit. Therefore, based on the proposed 60 units, a contribution of \$57,300 is required. In addition to on-site resources, the residents of the development will need and will use off-site park and recreational facilities, such as picnic areas, ballfields and basketball courts. In order to offset the impact this development will have on Park Authority resources, the Park Authority also recommends that the applicant provide an additional \$34,185 to the Park Authority (or \$265 per estimated resident). Finally, the Park Authority notes that the Comprehensive Plan for the Reston-Herndon area calls for non-residential development to contribute toward offsetting the impact that commercial developments have on Park Authority resources. The suggested contribution for the development is \$1,935.63 (\$0.27 per square foot). If no qualifying outdoor recreational amenities are provided on-site, the Park Authority recommends that the applicant contribute the total amount of \$93,420.63 to the Park Authority.

The applicant has proffered to provide on-site recreation facilities equal to or above \$955 per unit. These on-site recreation facilities will include an exercise/training facility within the multifamily residential buildings. An arts and crafts studio may also be provided. In the event that these on-site facilities are not of sufficient value to meet this requirement, the applicant has proffered to contribute the difference in funds to FCPA. The applicant has also proffered to contribute \$34,185 to the Fairfax County Park Authority for use at park facilities in the vicinity of the subject site. The proffer notes that this contribution is based upon a total of 60 units and that in the event that less than 60 units are shown on the approved site plan, that the contribution may be decreased on a pro-rata basis.

**Fire and Rescue** (Appendix 13)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #425, Reston. The requested rezoning currently meets fire protection guidelines.

**Sanitary Sewer Analysis** (Appendix 14)

The subject property is located within the Difficult Run (D2) watershed and would be sewered into the Blue Plains Treatment Plant. An existing 8- and 10-inch line located in an easement and on 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 eight inch water main located at the property.

**Stormwater Analysis** (Appendix 16)

As noted under the discussion of Development Criterion #3, the applicant proposes to continue to use the existing on-site and off-site ponds to provide stormwater management and best management practices for the site.

The Maintenance and Stormwater Management Division (MSMD) drainage complaint database file indicates that there is a drainage complaint about the location of an existing wall near the on-site pond. The complaint, made on May 28, 2003, describes some cracks on the wall. Because the wall is maintained by VDOT and not MSMD, the complainant was referred to VDOT for assistance and the complaint was closed that same day.

**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 has proffered to contribute one half of one percent (0.5%) of the projected sales cost of the units to the Housing Trust Fund.

**Heritage Resources** (Development Criterion #8) (Appendix 6)

*This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation.*

No archaeological resources have been identified on this site, but the site does contain the historic Bowman House. Per the Comprehensive Plan, the applicant presented the application to the ARB for review and comment. At the January 12, 2006, the ARB determined that the use and basic site layout were compatible with the existing structures on the site and that the proposed new construction met with the Secretary of the Interior's Guidelines. It should be noted that the ARB will not make a formal recommendation on the exterior modifications on the site until further documents and details are received, including additional details regarding changes to be made to the historic house, as well as elevations of the cabana that will replace the existing garage.

The applicant has proffered that the architectural plans for such exterior modifications and additions to the Manor House will be subject to review by the ARB and will be in conformance with its recommendations. The applicant has also proffered that all new structures on the Application Property will be of compatible architectural style with the existing structures on the site and will be subject to review and comment by the ARB.

## **ZONING ORDINANCE PROVISIONS (Appendix 17)**

### Sect. 6-207 Lot Size Requirements

*Par. 1 states that no land shall be classified in the PDC District unless one of three conditions is satisfied. One of these conditions is that the proposed development will yield a minimum of 100,000 square feet of gross floor area. The application proposes a development of 147,806 square feet; therefore this standard has been satisfied.*

### Sect. 6-208 Bulk Regulations

*This section states that the maximum building height and minimum yard requirements are controlled by the standards set forth in Part 1 of Article 16. This issue is discussed under Article 16.*

*The maximum floor area ratio for the PDC District is 1.5 FAR, which may be increased by the Board. The applicant proposes a FAR of 0.65. As noted, earlier in this report, the Comprehensive Plan recommends the site for mixed-use development up to intensity of 0.64 FAR. The proposed FAR slightly exceeds the Plan recommendation, due to the previous dedication of land area for improvements to Old Reston Avenue. Staff believes that the proposed intensity meets the intent of the above Plan condition.*

### 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 where dwelling units are proposed as a secondary use, recreational amenities be provided in the amount of \$955 per non-affordable dwelling unit.*

The applicant proposes to provide 45% of the site as open space. The applicant has proffered to provide on-site recreation facilities equal to or above \$955 per unit. The on-site recreational facilities for the site would consist of on-site trails, a gazebo and indoor exercise/training facility. The applicant has also proffered to contribute \$34,185 to FCPA for use at park facilities in the vicinity of the subject site.

## **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 applicant proposes to replace two existing office buildings on the subject site with two multifamily residential buildings. The existing Bowman House would be preserved and used as a hotel. The proposed multifamily buildings will be generally located within the footprints of the existing and proposed office buildings, with underground parking. The buildings have also been sited and designed so as not to overwhelm the existing Bowman House. As discussed previously in this report, staff believes that the application conforms with the Comprehensive Plan. Therefore, 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.* The purpose and intent of the PDC District is to encourage the innovative and creative design of commercial development, to accommodate high density land uses which could produce detrimental effects on neighboring properties and to ensure high standards in the layout, design and construction of commercial developments. The applicant is utilizing the flexibility of the PDC District to redevelop an existing office development into a multifamily residential development, while preserving an existing historic house. The applicant proposes to preserve individual trees along the periphery of the site, as well as the existing boxwoods around the house. The applicant also proposes to transplant some of the existing trees and shrubs within the site. In staff's opinion, preservation of this vegetation will help preserve the setting of the Bowman House. Therefore, staff believes that this standard has been satisfied.

*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.* As stated previously in this report, the applicant proposes to preserve some of the existing trees and boxwoods on the site. The applicant also proposes to transplant some of the existing trees and shrubs within the site. As such, staff believes that 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.* The subject site is surrounded by multifamily residences to the north, east and west and the W&OD Trail to the south. As stated earlier in this report, the applicant proposes to preserve individual trees along the northern, western and southern property lines of the site and boxwoods within the site. The applicant also proposes to transplant existing trees and shrubs within the site. Staff believes that the preservation of this existing vegetation will mitigate any impact on the surrounding properties. Furthermore, as noted earlier in this report, because the proposed multifamily residences would be located generally within the footprints of the existing and proposed office buildings and will be the same height as these buildings, there should be little change between what the abutting properties view now and what they will view with the new development.

*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.* Staff believes that the existing infrastructure is adequate for the proposed development.

*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.* The subject site is connected to the surrounding environs, including the Reston Town Center and Plaza America, by existing sidewalks and trails. The proposed development depicts internal sidewalks which would lead to the surrounding trails. 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.* The most similar conventional zoning district to the applicant's proposal is the R-12 District. Where no requirements are listed within the PDC District, the table below compares the proposed development to the requirements of the R-12 District.

	<b>Requirement</b>	<b>Provided</b>
Building Height	65 feet maximum (R-12 District)	50 feet (for multifamily residences)
Maximum FAR	1.5 FAR	0.65 FAR
Open Space	15%	45%
Front Yard	23 feet (R-12 District)	35 feet
Side Yard	23 feet (R-12 District)	41 feet
Rear Yard	25 feet (R-12 District)	31 feet

The proposed setbacks meet the requirements of the R-12 District; 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 CDPA/FDPA depicts that 45% of the site will remain as open space. The proposed site satisfies the parking and loading requirements of Article 11. The applicant has proffered that all outdoor lighting will meet the requirements of Article 14. No signage is proposed with this application; any future signs will have to meet the requirements of Article 12.

*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.* The site will be accessed from Old Reston Avenue. As noted above, these sidewalks will also provide access to bus service along Sunset Hills Road and Reston Avenue, including Fairfax Connector Route 504 (which provides service to Tysons) and Fairfax Connector Route 505 (which provides service to the West Falls Church Metro Station). Bus service is also available from the Reston Town Center throughout Reston and to Herndon (RIBS) and to the Fair Oaks area (Fairfax Connector Route 605). Finally, the W&OD Trail, which extends from Arlington to Purcellville, provides the opportunity for residents to bike to surrounding services or to work.

**Waivers and Modifications**

Waiver of the Limitation on Residential Uses in the PDC District

Par. 5 of Sect. 6-206 of the Zoning Ordinance limits the amount of gross floor area (GFA) devoted to dwellings as a secondary use to no more than fifty (50) percent of

the principal uses in the PDC District. Dwellings are listed as a secondary use in the PDC District. However, Par. 5 also allows the Board of Supervisors to modify this limitation in order to further the implementation of the adopted Comprehensive Plan. As discussed earlier in this report, the Comprehensive Plan was recently amended to include an option for multifamily residences on the site. As also discussed earlier in the report, staff believes that the application is consistent with the use and intensity recommendation of this Plan language. Therefore, staff concludes that the proposed development is furthering the implementation of the Comprehensive Plan and recommends that the requested modification to the use limitation be approved.

#### Variance of the Maximum Height of Walls in the Front Yard

The Zoning Ordinance limits the maximum height of fences in the front yard to four feet. The applicant is seeking a variance per Par. 8 of Sect. 16-401 to permit the existing five foot high wall along Old Reston Avenue to remain. While the wall has existed on-site for many years, because the applicant would like to refurbish it, a variance of its height is needed. One of the purposes of the four foot height limitation on walls is sight distance. VDOT has raised a sight distance issue regarding the proposed entrance opposite Sallie Mae Drive. The applicant will be required to work with VDOT at the time of site plan review in order to correct any problems. Such corrections may include changes to the wall. However, staff does not believe that the vast majority of the wall presents any other issues. Staff believes that the retention of this wall will help to retain the character of the existing site. Therefore, staff supports the requested variance.

#### Waiver of Transitional Screening and Barrier Requirements Between On-Site Uses

The applicant is seeking a waiver of the transitional screening and barrier requirements between the proposed multifamily residential and the Bowman House. Because the Bowman House is to be converted to a six room hotel, a 35-foot wide strip of landscaped open space (Transitional Screening 2) and a six (6) foot high barrier (Barrier E, F or G) is required between the hotel and multifamily residential. Par. 1 of Sect. 13-304 permits transitional screening and barrier requirements to be waived between uses that are to be development under a common development plan in the PDC District. Staff believes that the proposed development plan for these two uses addresses the compatibility of the uses by retaining the existing house and the existing vegetation. Therefore, staff supports the requested waiver.

#### Modification of the Transitional Screening and Barrier Requirements Along the Northern, Eastern and Western Property Lines

The applicant is seeking a modification of the transitional screening and barrier requirements along the northern, eastern and western property lines where existing multifamily residences (the Stratford and the Sycamores) abut the Bowman House. As stated above, because the Bowman House is to be converted to a six room hotel, a

35-foot wide strip of landscaped open space (Transitional Screening 2) and a six (6) foot high barrier (Barrier E, F or G) is required between it and the multifamily residential use. Par. 3 of Sect. 13-304 permits transitional screening and barrier requirements to be modified where the building and land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques. The applicant proposes to preserve the Bowman House as well as existing individual trees along the periphery of the site. As such, staff believes that there will be little change between what the abutting properties view now and what they will view when the Bowman House becomes a hotel. The Bowman House is an attractive house, as well as a landmark. Staff believes that it would be a shame to hide the current view that the abutting residences have of the Bowman House by additional screening. For these reasons, staff supports the requested modification.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds that the subject applications are in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions.

### **Recommendation**

Staff recommends approval of PCA 78-C-098-2, subject to the draft proffers contained in Appendix 1 of the staff report.

Staff recommends approval of FDPA 78-C-098-3, subject to the Board's approval of PCA 78-C-098-2 and the draft proffers contained in Appendix 1.

Staff recommends that the limitation on residential uses within the PDC District be waived.

Staff recommends that a variance of the maximum height limitation on fences in the front yard be approved to permit a five (5) foot high wall along Old Reston Avenue.

Staff recommends that the transitional screening and barrier requirements be waived between the uses on-site.

Staff recommends that the transitional screening and barrier requirements along the northern, eastern and western property lines be modified to that shown 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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Approved proffers and plan for PCA 78-C-098
5. Land Use Analysis
6. Memo from the Architectural Review Board (ARB)
7. Environmental Analysis
8. Urban Forest Management Analysis
9. Transportation Analysis
10. Fairfax County Public Schools
11. Fairfax County Park Authority
12. Northern Virginia Regional Park Authority
13. Fire and Rescue
14. Sanitary Sewer Analysis
15. Fairfax County Water Authority
16. Stormwater Analysis (Environmental and Site Review Division, DPWES)
17. Zoning Ordinance Provisions
18. Residential Development Criteria
19. Glossary

**PROFFERS**

**GREGOR, LLC**

**PCA 78-C-098-2**

**March 13, 2006**

Pursuant to Section 15.2-2303(A) Code of Virginia, 1950, as amended, Gregor LLC (hereinafter referred to as the “Applicant”), for themselves, their successors and assigns, in PCA 78-C-098-2 filed on property identified as Fairfax County tax map reference 17-4((1))1 (hereinafter referred to as the “Application Property”), hereby proffers to the following, provided that the Board of Supervisors approves PCA 78-C-098-2 in conjunction with a Conceptual Development Plan Amendment/Final Development Plan Amendment for hotel and residential use, and all requested modifications and variances. If accepted, these proffers shall replace and supersede any previous proffers approved on the Application Property.

1. Conceptual Development Plan Amendment/Final Development Plan Amendment (“CDPA/FDPA”)
  - a. Development of the Application Property shall be in substantial conformance with the CDPA/FDPA entitled Boxwoods, containing sixteen sheets prepared by Urban Engineering and Assoc., Inc., dated September 28, 2005, as revised through February 14, 2006.
  - b. Notwithstanding that the CDPA/FDPA is presented on sixteen sheets and is the subject of Proffer 1(a) above, it shall be understood that the CDPA shall be limited to the points of access, location and amount of open space, the maximum square footage and maximum number of dwelling units, the general location and arrangement of the buildings, uses and parking spaces/garage and the setbacks to the peripheral lot lines. The Applicant shall have the option to request a FDPA for elements other than the CDPA elements from the Planning Commission for all of, or a portion of, the CDPA/FDPA in accordance with the provisions of Sect. 16-402 of the Zoning Ordinance.
  - c. Pursuant to Par. 5 of Sect. 18-204 and Par. 4 of Sect. 16-403 of the Zoning Ordinance, minor modifications to the proffers and the CDPA/FDPA may be permitted as determined by the Zoning Administrator. Pursuant to these Zoning Ordinance provisions, minor modifications to the size, dimensions, footprints, and location of entrances/exits of the proposed development at time of site plan submission based on utility locations and final engineering design may be made, provided such are in accordance with the above-referenced Zoning Ordinance provisions.
  - d. The architectural design of the multiple family buildings shall be in general conformance with the character of the elevations on Sheet 16 of the CDPA/FDPA and the exterior building materials shall primarily consist of a combination of slate, stone, brick and glazing.

2. Uses and Intensity

A hotel, consisting of a maximum of six (6) guest rooms, shall be permitted as the permanent principal use in the Manor House, shown as the existing 3 story brick building on the CDPA/FDPA, and a maximum of sixty (60) multiple family dwelling units shall be permitted as a secondary use of the Application Property. The length of stay in the hotel shall be limited to less than thirty (30) days per visit. Other permitted accessory uses of the Manor House shall include a lobby, meeting space, management office and possibly an arts and crafts studio for the multiple family dwellings. In addition, as ancillary uses, the Manor House may be used for cooking displays and demonstrations, educational dinners and other similar community/social functions, and the Manor House and/or grounds may be leased for catered weddings or other similar community/social functions. During construction and the initial development/occupancy of the Application Property, the Manor House and the existing four (4) car garage, which is to be removed, may be used for the principal use of offices for construction activities and sales of the multiple family dwellings. Other permitted secondary uses shall include accessory uses, accessory service uses and home occupations as permitted by Article 10 of the Zoning Ordinance. Additional principal and secondary uses may be permitted with the approval of a subsequent final development plan amendment or special exception in accordance with the provisions of Sect. 6-205 of the Zoning Ordinance.

The amount of gross floor area allocated to hotel and residential uses shall be in general accordance with the gross floor areas specified on the CDPA/FDPA, provided the gross floor area for hotel uses may be increased by up to a maximum of 1000 square feet, with a corresponding reduction in the residential gross floor area. In no event shall the maximum overall gross floor area and FAR exceed 147,806 square feet and 0.65, respectively.

3. Landscaping

A landscape plan shall be submitted as part of the site plan and shall be coordinated with and approved by Urban Forest Management (“UFM”) of the Department of Public Works and Environmental Services (“DPWES”). The plan shall be in substantial conformance with the plantings as shown on Sheets 6 and 8 of the CDPA/FDPA. Location of plantings may be adjusted based on utility locations and final engineering details as approved by the UFM during the tree preservation and transplanting plan and/or site plan review or when actual plantings occur to adjust to field conditions.

4. Tree Preservation and Transplanting

- a. The Applicant commits to tree and shrubbery preservation as detailed on Sheets 6, 7 and 8 of the CDPA/FDPA, which classifies trees into four categories: trees to be saved (“Save”); trees to be moved/transplanted (“Move”); trees that the Applicant will try to save (“Try”); and trees that will be removed (“Lose”). These designations are a result of a survey of the existing trees which provides condition analysis ratings as percentages based on the guidelines and methods set forth in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture.

The Applicant shall use best faith efforts to save those trees designated as Try on Sheet 8 of the CDPA/FDPA. Some of the trees that are designated as Lose may be relocated on the Application Property if determined feasible by the Applicant and UFM.

In addition, within those areas containing trees designated as Save and Try, the Applicant shall be able to do the following activities, as long as doing so does not jeopardize those trees designated as Save, as determined by UFM , :

- (1) transplant azaleas or other existing shrubbery or plant new shrubbery in the area along the northern boundary of the Application Property; and/or
- (2) renovate or reconstruct the existing wall, and reconstruct or remove the existing stairs in the area along Old Reston Avenue; and/or
- (3) dredge the existing pond in the area along the southern and southeastern portions of the Application Property; and/or
- (4) remove existing undergrowth in the area along the southern and southwestern portions of the Application Property; and/or
- (5) remove the existing trees designated as Lose on Sheet 8 of the CDPA/FDPA in the area along the western boundary of the Application Property.

In addition, within those areas containing trees designated as Try, the Applicant retains the right to install sanitary sewer and storm sewer lines.

- b. The Applicant shall submit a tree preservation and transplanting plan. The plan shall be prepared by a professional with experience in the preparation of preservation and transplanting plans, such as a certified arborist or landscape architect, and such plan shall be reviewed and approved by the UFM of DPWES. Such plan may be approved prior to site plan approval but shall be included as part of the approved site plan.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees designated as Save on Sheet 8 of the CDPA/FDPA. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture. During the tree preservation and transplanting plan review and approval process, the Applicant shall work with UFM on procedures necessary to ensure that trees designated as Save shall be saved and to facilitate preserving the trees that are designated as Try on Sheet 8 of the CDPA/FDPA while accommodating the activities specified in Proffer 4a above. Specific tree preservation activities and procedures that will maximize the survivability of trees identified to be preserved, such as crown pruning, root pruning, mulching, fertilization, and other techniques as necessary, shall be clearly identified, labeled, and detailed on the plan, and the Applicant shall implement the procedures in the development process.

The transplanting plan shall identify the exact location of the trees and shrubs to be transplanted; shall provide an assessment of the condition and survival potential of the plants designated for transplanting; shall include the timing of transplantation; the proposed time of year of the transplanting; the transplant methods to be used, including tree spade size if one is used; the relocation site and relocation site preparation materials and methods; the initial care after transplanting, including mulching and water specifications to be conducted; and the long term measures including the installation of tree protection fencing and watering.

- c. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have marked, with a line of flagging prior to the walk-through meeting, the on site limits of clearing and grading, if any, and the tree preservation areas, which shall be established to preserve the trees designated as to be saved on the tree preservation and transplanting plan. During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk such limits of clearing and grading and tree preservation areas with a UFM representative to determine whether adjustments to the clearing limits or tree preservation areas can be made to increase the tree preservation area and the survivability of trees at the edge of the limits of clearing and grading or tree preservation areas, and such adjustments shall be made. The Applicant shall notify the Hunter Mill District Supervisor seven (7) days in advance of the tree preservation walk-through meeting and the Hunter Mill District Supervisor or representative shall be given the opportunity to attend the meeting.

Trees that are to be removed shall be removed in a manner that avoids damage to surrounding trees and vegetation that are to be retained. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and vegetation that are to be retained.

- d. Trees that are designated to be saved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing of a type approved by UFM shall be installed after the tree preservation walk-through but prior to any clearing and grading activities. The tree protection fencing shall be installed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Five (5) days prior to commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection fencing, UFM and the Hunter Mill District Supervisor shall be notified and given the opportunity to inspect the Application Property to assure that all tree preservation devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities to include demolition of existing structures shall occur until the fencing is installed correctly, as determined by UFM.
- e. The Applicant shall retain a professional arborist with experience in plant appraisal to determine the replacement value of all trees 10 inches in diameter or greater designated as save on the tree preservation and transplanting plan. These trees and their value shall be identified on the tree preservation plan. The replacement value shall take into

consideration the age, size and condition of these trees and shall be determined by the “Trunk Formula Method” contained in the latest edition of the *Guide for Plan Appraisal* published by the International Society of Arboriculture, subject to review and approval by UFM.

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

At any time prior to final bond release, should any bonded trees die, be removed, or be determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent species and canopy cover, and have a size of not less than 3”, as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be paid to a fund established by the County for furtherance of tree preservation objectives. At the time of the approval of the final Residential Use Permit (RUP), the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount equal to 20% of the total amounts originally committed, or 100% release if approved by UFM.

Any funds remaining in the letter of credit or cash bond will be released one (1) year from the date of release of the Application Property’s conservation escrow, or sooner, when approved by UFM.

- g. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the tree preservation and transplanting plan, and reviewed and approved by UFM. The Hunter Mill District Supervisor shall be notified of the name and contact information of the Applicant’s representative responsible for site monitoring at the tree preservation walk-through meeting.
- h. Notwithstanding the above provisions, prior to site plan approval, the Applicant may demolish the existing office buildings and/or bathhouse, transplant some of the existing shrubbery and/or trees, and remove some of the existing trees designated as Lose on Sheet 8 of the CDPA/FDPA. Such shall be allowed only with the submission and approval by UFM of a partial or total tree preservation and transplanting plan, which plan shall be prepared in accordance with the specifications of Proffer 4b above. If a

partial tree preservation and transplanting plan is submitted, the plan shall identify the area of the Application Property involved in the proposed demolition, transplanting and/or tree removal, and subject to the partial tree preservation and transplanting plan. Such transplanting/removal and demolition may also occur prior to marking the limits of clearing and grading and areas of tree preservation and erecting the tree protection fencing for the entire site; provided the limits of clearing and grading and areas of tree preservation and any tree protection fencing relevant to the areas of the Application Property affected by the demolition, transplanting and/or tree removal are installed, inspected and approved in advance by UFM.

5. Retaining Walls

Retaining walls with a maximum height of three (3) feet shall be allowed throughout the Application Property. Retaining walls with heights greater than three (3) feet shall be permitted only as shown on the CDPA/FDPA and shall consist of stone and/or brick and/or architectural grade concrete.

6. Site Amenities

Site amenities shall include:

- a. Retention and renovation of the existing gazebo (circa 1890) and pond, and retention, as shown on the CDPA/FDPA, of many of the existing mature trees and shrubbery. An aerator may be added to the pond and other changes may be made if necessary to meet stormwater management/best management practice requirements, as approved by DPWES.
- b. Walkways and paths throughout the Application Property connecting the residential uses with the Manor House, cabana and gazebo and pond, to include covered walkways between the Manor House and the residential buildings.
- c. Landscaped plaza between the two residential buildings.
- d. The existing wall along Old Reston Avenue shall be repaired or reconstructed with stone and/or masonry products, generally in the same location and of similar dimension as what currently exists. The existing stairs on Old Reston Avenue may be removed or renovated; if renovated, the stairs shall be of in-kind materials and design as currently exists or of stone and/or masonry products.
- e. Addition of a new cabana structure containing a warming kitchen facility and possible restroom facility.
- f. An exercise/fitness facility within a multiple family residential building, and possibly an arts and crafts studio for painting, sculpting and hobbies, which may be located either in the basement of the Manor House or in one of the multiple family residential buildings.

If the arts and craft studio is located within the basement of the Manor House, it shall be open to residents and hotel guests only.

7. Stormwater Management

At the time of site plan submission and review, the existing on-site pond will be analyzed for stormwater management and best management practices, and if possible, the existing pond will be retrofitted to provide stormwater management and best management practices for the development. If adequate capacities can not be achieved on-site, the Applicant will pursue other options to meet these requirements, which may include entering into a maintenance agreement (“Agreement”) with the owner of the offsite facilities. Such Agreement shall be reviewed and approved by the County Attorney’s Office and DPWES prior to the recordation of the Agreement in the land records of the County, and such recordation shall occur prior to final site plan approval for the development.

8. Parks and Recreation

- a. The development shall comply with Par. 2 of Sect. 6-209 and Sect. 16-404 of the Zoning Ordinance regarding developed recreational facilities for residential uses. The developed recreational facilities to be provided on-site include the trails and gazebo, cabana, and exercise/fitness facility. At the time of site plan review, the Applicant shall demonstrate that the value of the proposed developed recreational facilities is equivalent to the minimum of \$955 per dwelling unit as required by Sect. 6-209 of the Zoning Ordinance. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall have the option to: (1) provide additional on-site developed recreational facilities within the open space areas shown on the CDPA/FDPA, provided it is determined that the location and facility are in substantial conformance with the CDPA/FDPA; and/or (2) contribute funds to the Fairfax County Park Authority for off-site recreational purposes in a location(s) that is in the vicinity of the Application Property and that is reasonably expected to serve the future residents of the approved development.
- b. In addition to the above, prior to the issuance of the first RUP on the Application Property, the Applicant shall contribute the sum of \$34,185 to the Fairfax County Park Authority for use at park facilities in the vicinity of the Application Property. This contribution is based upon a total of sixty (60) dwelling units; in the event that less than sixty (60) units are shown on the approved site plan, the contribution shall be decreased on a pro-rata basis.

9. Lighting

All existing outdoor light shall be removed and replaced with new outdoor lighting which shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.

10. Heritage Resources

- a. The Manor House (also known as the Wiehle House and the A. Smith Bowman House) shall be maintained and the present exterior design shall be retained. However, minor modifications, replacement and/or maintenance of items such as wood trim, the porch, windows and other exterior elements of the Manor House shall be permitted. Replacement elements shall be of similar style as the existing features. The proposed possible additions to the Manor House, as shown on the CDPA/FDPA, shall have the same general exterior finishes as currently exist, such as painted white brick. The architectural plans for such exterior modifications and additions to the Manor House shall be subject to review and approval by the Fairfax County Architectural Review Board (ARB) prior to the issuance of a building permit for any proposed building addition.
- b. All new structures on the Application Property shall be of compatible architectural style with the existing Manor House on the site and shall be subject to review and comment by the ARB.

11. School Contribution

Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, effective January 7, 2003, prior to the issuance of the first RUP on the Application Property, the Applicant shall contribute \$52,500 to the Board of Supervisors for transfer to the Fairfax County School Board for use at the schools serving the Application Property. This contribution is based upon a total of sixty (60) dwelling units; in the event that less than sixty (60) units are shown on the approved site plan, the contribution shall be decreased on a pro-rata basis.

12. Affordable Housing

The Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to 0.5 percent of the estimated sales price of all of the units approved for the Application Property, as shown on the approved site plan. This contribution shall be payable prior to the issuance of the first building permit for a dwelling unit, and the contribution shall be based upon the aggregate sales price of all of the units, as if all of those units were sold at the time of the issuance of the first building permit for a dwelling unit, and is estimated through comparable sales of similar type units.

13. Temporary Signs

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 of Virginia shall be placed on the Application Property or at any other location off the Application Property by the Applicant or at the Applicants' direction to assist in the initial sale or rental of residential units on the Application Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Application Property to adhere to this proffer.

14. Successors and Assigns

These proffers will bind and inure to the benefit of the Applicants and his/her successors and assigns.

15. Severability

Any of the sections/buildings within the Application Property may be subject to Proffered Condition Amendments or Final Development Plan Amendments without joinder or consent of the other sections.

[SIGNATURE ON NEXT PAGE]

APPLICANT/TITLE OWNER OF TAX MAP  
17-4 ((1)) 1

GREGOR, LLC

By: Locus, LLC, its Sole Manager/Member

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By: Jorge A. Kfoury  
Its: Sole Managing Member

[SIGNATURE ENDS]