



APPLICATION FILED: April 27, 2006
APPLICATION AMENDED: June 29, 2006
PLANNING COMMISSION: January 31, 2007
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

January 25, 2007

STAFF REPORT

APPLICATION PCA 82-C-060-02/DPA 82-C-060-02

HUNTER MILL DISTRICT

APPLICANT:	Athena/Renaissance Reston, LLC
PRESENT ZONING:	PRC
PARCEL(S):	17-2 ((1)) 23, 24
ACREAGE:	22.99 acres
DENSITY:	30.28 du/ac
OPEN SPACE:	40%
PLAN MAP:	Planned Residential Community, High-Density Residential
PROPOSAL:	To amend the proffers and Development Plan for RZ 82-C-060, previously approved for up to 696 garden-style and mid-rise residential units, to permit a design change from a 360 unit mid-rise residential building to a 360 unit 14-story high-rise building.
WAIVERS AND MODIFICATIONS:	Modification of the transitional screening requirement along the northern property line in favor of the existing vegetation. Waiver of the barrier requirement along the northern property line.

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
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www.fairfaxcounty.gov/dpz/

STAFF RECOMMENDATIONS:

Staff recommends denial of PCA 82-C-060-02; however, if it is the intent of the Board of Supervisors to approve PCA 82-C-060-02, staff recommends that the approval be subject to the proposed proffers contained in Appendix 1 of the staff report.

Staff recommends denial of DPA 82-C-060-02; however, if it is the intent of the Board of Supervisors to approve DPA 82-C-060-02, staff recommends that the Planning Commission approve the application subject to the proposed development conditions contained in Appendix 2 of the staff report.

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.



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 WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal

The applicant, Athena/Renaissance Reston, LLC, is requesting approval of a Proffered Condition Amendment and Development Plan Amendment (PCA/DPA) for RZ 82-C-060, previously approved for up to 696 garden-style and mid-rise residential units. The applicant seeks authorization to permit design changes to the previously approved 360 unit mid-rise residential building that was to be located in the southwest corner of the subject property. The changes include the development of one approximately 14-story high-rise building in lieu of the single, 7 story mid-rise building. The proposed structure consists of two towers at a maximum height of 168 feet or 626 feet above sea level, which includes the habitable portion of the building, rooftop mechanical structures and an optional rooftop recreation amenity structure. There is no proposed change to the approved number of units on the subject property, nor to the previously approved density.

Acreage: 22.99 acres

Proposed Density: 30.28 du/ac

Proposed Open Space: 40%

Waivers & Modifications: Modification of the transitional screening and barrier requirements along Wainright Drive in favor of the existing conditions

LOCATION AND CHARACTER

Site Description:

ParcReston, formerly known as Summit Reston and Jonathan's Keepe, is located in the northeastern quadrant of the intersection of Reston Parkway and Temporary Road, immediately to the east of the Reston Town Center Urban Core. The property is zoned PRC and is currently developed with garden-style apartments, consisting of two separate blocks, Block 1 and Block 2, with a total of 418 multi-family units. Surface parking is provided throughout the development, and there are two recreation facilities on site that include swimming pools, outdoor athletic courts, and passive recreation areas. There are several small pockets of landscaping throughout the site, as well as significant vegetative buffering along much of the site's road frontages and along the common site boundary line with the Bowman Green property that is situated in the middle of the site with frontage on Reston Parkway. The property is zoned PRC, and is located to the northeast of, adjacent to but not within, the Reston Town Center Study Area and the Urban Core.

The southwest corner of the site, the subject area proposed to be changed with this application, has street frontage on both Reston Parkway and Temporary Road. In addition, the site has frontage on Jonathan’s Way, an internal access road that provides vehicular connection from Temporary Road to North Shore Drive, as well as access to other areas throughout the entire development.

The subject property is surrounded by a mixture of office, retail and residential uses, and the ParcReston development wraps around an existing townhouse office development, Bowman Green, which is also zoned PRC.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential – Single family attached (Vantage Hill)	PRC	Residential Planned Community
South	Office	C-3	Office
East	Residential – Multi-family (Fairway & Charter Oak Apartments) and Golf Course	PRC	Residential Planned Community/Private Recreation
West	Retail, Office and Residential	PRC	Residential Planned Community

BACKGROUND

Site History:

On January 31, 1983, the Fairfax County Board of Supervisors approved RZ-82-C-060, with proffers set forth in a letter dated January 6, 1983, thereby rezoning the 22.99 acre subject property from R-E to PRC. The approved development plan showed the construction of a single family attached and/or multi-family development with up to 460 residential units. The maximum density for the project was 19.9 du/ac and the approved maximum height for any building was 4 stories, with exception of any buildings located within 75 feet of Wainright Drive, which were allowed a maximum height of only 3 stories. The development also included surface parking and recreational amenities.

The development, first known as Jonathan’s Keepe, was constructed in 2 phases during the mid-1980s, and includes only garden-style apartments. The northern portion of the site, Block 1, was actually constructed last and includes 182 units, while the southern portion of the property, Block 2, includes 236 units. In total, the entire development currently consists of 418 garden-style apartments at an overall density of 18.18 du/ac, which is slightly lower than what was approved for the site. A copy the approved proffers and development plan for RZ-82-C-060 has been included in Appendix 5.

PCA/DPA 82-C-060 was approved by the Board of Supervisors on April 29, 2002, with proffers dated April 29, 2002, development conditions dated April 26, 2002, and permitted an increase of the approved density of the development and a change in the multi-family unit type. This request for amendment was to accommodate the redevelopment of a 5.68 acre section of the development, now renamed Summit Reston, located in the immediate southwest corner of the site on the corner of Reston Parkway and Temporary Road. As a part of this approval, 82 of the garden-style apartments were approved to be replaced with 360 new dwelling units, all located in a single, mid-rise multifamily building with a maximum height of 7 stories. As such, the overall unit count increased to 696 dwellings, now including both garden-style and mid-rise units, at an overall density of 30.28 du/ac. Parking for the new units is accommodated through the use of a structured parking garage that is internal within the center of the building. Appendix 6 includes the approved proffers, development condition and development plan for PCA/DPA 82-C-060.

To date, the redevelopment plan for the site approved pursuant to PCA/DPA 82-C-060 has not been constructed. As previously discussed, the subject application is proposing to alter the design of this redevelopment plan. Although there will be no change in the number of units or density associated with the PCA/DPA, the building design and configuration proposed is substantially different.

COMPREHENSIVE PLAN PROVISIONS (Appendix 7)

Plan Area:	Area III
Planning District:	Upper Potomac Planning District
Planning Sector:	Reston Community Planning Sector – UP5
Plan Map:	Residential Master Plan, Land Use Plan, High Density Residential
Plan Text:	

On pages 117, 118 and 123 of the Fairfax County Comprehensive Plan, 2003 Edition, the Plan states the following:

Land Use

“The Reston Community Planning Sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 & 14...”

Land Within the Planned Community of Reston

- 1. Incorporate the Reston Master Plans (Land Use Plan, Community Facilities Plan and Transportation Plan)*, adopted on July 18, 1962, and as subsequently amended, by reference in the Area Plan and on the composite map...*

On the periphery where development is not committed by zoning, land should be developed at a density no greater than one dwelling unit per acre. Density should be tiered so that it decreases from the center toward the boundary (within Reston)...

**NOTE: The Reston Master Plan has its own program of time-phased development, which shall be the guide for development in Reston...*

4. *Well-defined stable residential neighborhoods exist throughout Reston. However, because of nearby commercial and other non-residential uses, these neighborhoods can be threatened by development or redevelopment, and therefore are particularly in need of protection. The design of all new infill projects or development projects should be compatible with existing and planned residential neighborhoods."*

ANALYSIS

Development Plan Amendment (Reduction at front of staff report)

Title of PCA/DPA: Reston Section 81, Blocks 1 & 2, ParcReston
Prepared By: Urban Engineering & Associates, Inc.
Original & Revision Dates: October 2005, as revised through January 23, 2007

The following is a description of the DPA:

Reston Section 81, Blocks 1 &2, ParcReston	
Sheet #	Description of Sheet
1 of 20	Title Page; Vicinity Map; Index
2 of 20	General Notes; Density Calculation; Stormwater Management (SWM), Best Management Practices (BMP), and Outfall Narratives
3 of 20	Metes & Bounds Description; SWM Waiver Procedure Letter to Industry
4 of 20	Existing Conditions Site Plan
5 of 20	Existing Vegetation Site Plan
6 of 20	Proposed Conceptual Development Plan
7 of 20	Detailed Site & Landscaping Plan
7A of 20	Building Envelope Flexibility Exhibits
8 of 20	Proposed Landscape Plan
9 of 20	Landscape & Plaza Details
10 of 20	Pedestrian Tunnel Improvement Details

Sheet #	Description of Sheet
11 of 20	Landscaping Schedule & Planting Specifications
12 of 20	Architectural Section – Temporary Road
13 of 20	Architectural Elevation – Reston Parkway
14 of 20	Architectural Elevation – Temporary Road
15 of 20	Existing SWM Plan Details (SP #5585-SP-001-1)
16 of 20	Existing SWM Plan Details (SP #5585-SP-001-1)
17 of 20	Existing SWM Plan Details (SP #5585-SP-001-1)
17A of 20	BMP Details
18 of 20	Existing Conceptual Site Plan (PCA/DPA 82-C-060)
19 of 20	Open Space Comparison and Analysis
20 of 20	Height Section Study – Reston Parkway and Market Street

The following features are depicted on the DPA:

Site Layout: The proposal is to amend the proffers and development plan for the ParcReston development to permit design changes to the previously approved 360 unit mid-rise residential building that is to be located in the southwest corner of the subject property. The area in which change is proposed is a 5.68 portion of the 22.99 acre development, and is located on the immediate corner of Reston Parkway and Temporary Road. The proposed changes include the development of a 14-story twin tower high-rise building in lieu of the single, 7-story mid-rise building approved for the site. This portion of the site is currently developed with 82 garden-style apartments and an ancillary recreation center, including a pool, all of which will be removed.

The proposed high-rise has been designed as one building with two 14-story towers with a height of 168 feet, including the rooftop amenity. According to Sheet #20 of the DPA, the rooftop mechanical structures located above the amenity structures are not included within the 168 feet height measurement. Therefore, mechanical structures of an unspecified height could be constructed. According to the DPA and the proposed proffers, the rooftop amenity structures would be limited in size to 3,888 square feet, or 33% of the gross floor area of the top residential story (17,566 square feet). The building has also been designed to taper down to 9-stories from west to east, in an attempt to transition to the 4-story garden-style buildings within ParcReston to the east. The towers will be joined in the middle by a 4-story connection that will include the primary recreational amenities that are proposed as a part of this application. The overall footprint of the building will be 47,114 square feet and it will be set back approximately 75 feet from Reston Parkway and 18 feet from Temporary Road. North of the subject area is the existing Bowman Green development, a 2-story office townhouse development; the proposed building will be located approximately 63 feet from this property line. To the east is another portion of the ParcReston community; the high-rise building will be 75 feet from the closest garden-style building in the development.

Vehicle Access: Vehicle access to the subject site is provided via Jonathan Way, a private internal access road that connects Temporary Road and North Shore Drive, as well as provides access to other parts of the ParcReston community. The entrance to the high-rise complex will be located exclusively off of Jonathan Way, via a courtyard plaza area that is situated in between the two high-rise towers at the rear of the building. This allows vehicular access to the site from Temporary Road and North Shore Drive, as well as from the existing entrance along Wainwright Drive.

Parking: The parking for the 360 unit high-rises will be provided by way of both surface parking and underground structured parking, in order to meet the parking requirement for the entire development, which is a minimum of 1,114 spaces. The proposed high-rise building will have three levels of structured parking that will be located below grade. Access to these underground decks will be provided via two entrances located off of the courtyard plaza area centered behind the building, which is accessed from the site entrance along Jonathan Way. There is a small area of surface parking that is located off of Jonathan Way, which includes one of two loading spaces. The second loading space is accessed directly off of Jonathan Way, close to the entrance off of Temporary Road.

Tree Save & Landscaping: The subject area to be developed contains several landscaped areas, consisting of pockets of vegetation among the existing garden-style buildings on the site, and those landscape areas along the perimeter of the subject area. Those areas located among the existing buildings will be removed as a part of the construction associated with the high-rise building, although this landscaping was already approved for removal pursuant to the approved development plan that currently governs the site. As for the landscape areas located on the site's perimeter along Temporary Road, Reston Parkway and the northern property boundary adjacent to the Bowman Green development, the applicant is proposing to save more trees than that which is identified on the approved development plan. The additional tree save results from the proposed 50-foot wide landscape buffer along Reston Parkway and the proposed building setback in this area. Furthermore, the setback provided between the proposed building footprint and the Bowman Green development to the north will allow additional open space that can accommodate additional plantings.

As a result of the increased open space on the site, the applicant is proposing a significant amount of new landscaping that will include a variety of canopy, ornamental and evergreen trees, as well as additional shrubs and groundcover. While the majority of these plantings will be along the Reston Parkway frontage and the northern property line, additional plantings are proposed along Temporary Road, and surrounding the courtyard plaza area behind the high-rise building.

Open Space & Sidewalks: The overall open space provided for the entire ParcReston community will remain at 40 percent. As for the area subject to change, the design and size of the high-rise allows for approximately 81% of the 5.68 acres to be retained as open space. This area includes the 50-foot wide

landscape buffer along Reston Parkway, as well as the landscape area that will be created between the proposed building and the Bowman Green development to the north. In both of these areas, the applicant is proposing plaza areas that will include decorative landscaping and hardscape amenities such as benches and other outdoor seating, walking paths, lighting, and trellises. Furthermore, the applicant is also proffering to provide a focal feature in the Reston Parkway plaza that may include a fountain, public art display or similar structure.

The DPA shows that the existing sidewalk along the site's Reston Parkway frontage will remain, and a connection to the proposed plaza in this area has been provided. There is an existing asphalt sidewalk along Temporary Road, but this will be relocated slightly to the north in order to accommodate right-of-way improvements. The DPA also depicts a sidewalk along the northern boundary adjacent to the Bowman Green development that will provide pedestrian access from the center of the development west to Reston Parkway. This sidewalk will connect the existing development to the plaza proposed in this area, as well as to the existing pedestrian tunnel located in northwest corner of the subject property. This tunnel connects the ParcReston community to the Reston Town Center Urban Core that is located to the west across Reston Parkway. Additional sidewalk has been provided along the eastern limits of the project site, which will allow pedestrian access to the high-rise from other points within the ParcReston community.

Stormwater Management: The DPA states that on-site stormwater management will be provided via the existing dry ponds on the site that were constructed in 1986. Since there is no increase in the impervious surface of the subject property as it relates to this application, the applicant is seeking a waiver of the stormwater management requirement. In addition, the applicant is proposing various BMP and low impact development (LIDs) measures on the site.

Land Use Analysis

Although there is no site specific Comprehensive Plan language for the subject property, the Plan does provide general recommendations for property located within the Reston Community Planning Sector. Under the Land Use section for this sector, the Plan recommends that density should be tiered so that it decreases from the center toward the boundary within Reston, and that the design of all new redevelopment projects should be compatible with existing residential neighborhoods. In this request, the applicant is proposing a high-rise with two 14-story towers that will be 168 feet in height, excluding rooftop mechanical structures of unspecified heights shown on the DPA. Further, the draft proffers note that the maximum height of the proposed high rise structure will measure a maximum elevation above sea level of 626 feet while the DPA depicts the actual height above sea level of the existing Stratford House Place development located within the Town Center Urban Core as 616 feet above sea level. Thus the actual height of the proposed structure will exceed the existing Stratford Place residential structure by ten (10) feet.

Staff has concerns regarding the proposed height of the high-rise building, and these can be viewed from two different perspectives based on the guidance contained in the Comprehensive Plan, and identified above. The intent of the Comprehensive Plan for this area is to maintain and highlight the Reston Town Center, the Urban Core, as the focal point of the community, and to provide appropriate transitions to lower density uses. As stated previously, the existing development is not a part of the Urban Core, or even the Town Center Study Area. However, the development proposed is comparable to and exceeds that currently occurring in the Urban Core, which is characterized by high-density residential development, predominantly condominium units, located in high-rise buildings up to 21-stories in height. An evaluation of building heights for those developments that either exist, or are proposed, along the external periphery and in the vicinity of the Urban Core demonstrate that a lower building height would be more in keeping with the Comprehensive Plan's intent. Existing development suggests that this is already occurring, and the lower building heights proposed in a recently submitted DPA application for the Spectrum property located on the adjacent corner of Reston Parkway and New Dominion Parkway continues this pattern.

According to the draft proffers, the proposed high rise towers could exceed the height of Stratford House Place by an elevation of ten (10) feet. Further, the mass of the proposed high rise structure will exceed that of Stratford House Place as indicated by the DPA which shows the top of the habitable elevation of the proposed high rise at 148 feet or 594 feet above sea level and the top of the existing habitable elevation of Stratford House Place as 138 feet or 580 feet above sea level, a full ten (10) feet to fourteen (14) feet difference in elevation and the accompanying building mass. Staff believes that the height and mass of the proposed residential towers will reduce the prominence of Stratford House Place as a signature building within the Reston Town Center Urban Core.

The second concern with regard to the proposed height of the high-rise is how it relates to the remainder of the existing ParcReston community. The remainder of the existing development will continue as 4-story garden-style apartments, which have a maximum height of 40 feet. Although the architectural elevations provided in the DPA show that the high-rise towers will taper down from 14 to 9 stories on the western façade, this is not as effective a transition as was the 7-story mid-rise building shown on the approved development plan. In addition, the proposed high-rise sits slightly closer to the existing garden-style buildings than the approved mid-rise building. Furthermore, while the overall height of the buildings has been identified as 168 feet, the option to permit additional height to accommodate a mechanical structure above the amenity spaces will make the effective height of the structure taller. In staff's opinion, this will have a negative visual impact on the existing low-rise ParcReston buildings.

For these reasons, it is staff's determination that this application does not meet the land use recommendations of the Comprehensive Plan.

Residential Development Criteria & Analysis

See Appendix 19 for the Residential Development Criteria text, as discussed further in the analyses below:

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, respecting the County's historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. To that end, the following criteria are used in evaluating zoning requests for residential development:

Site Design & Neighborhood Context (Development Criteria #1 & 2) (Appendix 8)

Development Criterion #1 requires that the development proposal address consolidation goals in the Comprehensive Plan, or when consolidation is not specifically identified, further the integration of the development with adjacent parcels. In any case, the consolidation of the development should not preclude adjacent parcels from developing in accordance with the Plan.

There is no specific Comprehensive Plan language regarding consolidation of the subject property. The adjacent parcels are developed and in accordance with the Plan.

The development proposal should provide logical, functional, and appropriate design relationships within the development, including appropriately oriented units and useable 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 building height is a concern with respect to its relationship within the existing ParcReston development. As previously discussed, the 2002 approval of PCA/DPA 82-C-060 allowed an amendment of the original rezoning application to replace 82 of the existing garden-style apartments with a 7-story mid-rise building consisting of 360 multi-family units. The building design of the 7-story mid-rise is characterized by a large building mass along Reston Parkway and a minimum separation distance of 80 feet from the existing garden-style buildings across Jonathan Way to the east.

The setback from the Bowman Green development has been tripled with the proposed design changes, and the front setback from Reston Parkway has also increased from 58 feet on the approved development plan, to 75 feet in the proposed amendment. However, the building setback from Temporary Road has been reduced from 33 feet to 18 feet at its closest point.

While staff agrees that the proposed two-tower site layout is an improvement, both aesthetically and in the fact that it reduces the overall bulk and footprint of the mid-rise structure, the overall height of the high-rise will have a visual impact on the existing ParcReston buildings. This concern is not totally mitigated by the fact that the buildings taper down to 9 stories in height from west to east, in an effort to lessen the impact of the overall height on the adjacent ParcReston buildings.

Open space should be usable, accessible and integrated. Appropriate landscaping should be provided, as should amenities such as benches, recreational amenities, and special design treatments.

The reduction of the footprint of the mid-rise building in favor of the proposed site design has a positive impact on the amount of open space provided within the subject area. The approved mid-rise configuration has a footprint of over 101,000 square feet, with only 59.1% of the subject area devoted to open space. The setbacks of this structure along Reston Parkway and the Bowman Green property to the north, and the proposed landscaping for these areas are improved in the current proposal. With the reduction of the footprint in the high-rise configuration, the footprint is reduced to 47,114 square feet and the open space is increased to 80% of the subject area. In addition, the increased setbacks along Reston Parkway and the Bowman Green development allow more opportunity for landscaping and open space in these areas. The applicant is currently proposing a 50-foot wide landscape buffer along the Reston Parkway frontage, and the landscaping proposed for this area, and along the Bowman Green property boundary, is superior to that shown on the approved development plan. In addition, these areas also include designated plazas. Sheet 9 of the PCA/DPA shows the hardscape details of these plaza areas, which include amenities such as benches and other outdoor seating, walking paths, lighting, and trellises. Furthermore, the applicant is also proffering to provide a focal feature in the Reston Parkway plaza that may include a fountain, public art or similar structure. The applicant is also proposing to make unspecified improvements to the existing pedestrian tunnel located in northwest corner of the subject property that connects the ParcReston community to the Urban Core across Reston Parkway. This will be discussed in more detail below.

For recreational amenities, the applicant is proposing several options. First, the high-rise building is connected in the center by a four-story building, maximum 40 feet in height that has been designated for use as recreation space for residents. The proposed proffers identify a swimming pool, bike racks, media/entertainment center, a fitness center, and a business center as recreational uses that will be provided. In addition, the applicant has also proposed an option for additional rooftop amenity structures to be provided on each of the high-rise towers. These areas are to be used for extra amenity space, such as a rooftop pool deck and related facilities, and each will be approximately 3,888 square feet in size.

Criterion #2 states that while new development is not expected to be identical to neighboring developments within which it is located, they should fit in the fabric of the area as evidenced by an evaluation of: transitions to abutting and adjacent uses; bulk/mass of the proposed dwelling units; building setbacks and orientation; architectural elevations and materials; pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses.

Staff is concerned about the integration of the proposed design changes with adjacent parcels. An evaluation of the adjacent parcels at the corners of Reston Parkway and Temporary Road, and the Bowman Green property to the immediate north of the subject area provides the basis for this concern. To the south of the subject area, at the southeast quadrant of the intersection, is an existing commercial development consisting of a 3-story office building. Immediately north of the proposed high rise structure is the Bowman Green property, another commercial development characterized by 2-story office townhouses. At its closest point, the Bowman Green development will be located approximately 63 feet from the edge of the high-rise building proposed in this application. Although this is an improvement in the setback of the approved 7-story mid-rise building, which is only 19 feet at its closest point, the doubling of the building height offsets this improvement.

Across Reston Parkway, at the northwest quadrant, is the Spectrum property, which is currently developed with predominantly single-story commercial development. Furthermore, this area is the subject of a pending CPA application that is currently under review that proposes to redevelop the property with a mixed use development. The approved Development Plan for this area will allow heights up to 15 stories; however, the pending CPA application has identified proposed building heights that range from 5 to 10 stories. To the south of Spectrum, on the southwest quadrant of the intersection in the Urban Core, is the Equity property, which is currently utilized as a public park area with an adjacent surface parking lot. The approved Development Plan for this area allows commercial uses with building heights up to 21 stories, and an approved site plan for this property shows a 13-story office building located within 80 feet of Reston Parkway. As is the case with the Spectrum property, this parcel is also the subject of a pending zoning application that proposes to redevelop the property with a mixed use development. In the current version of this proposal, the applicant is proposing three high-rise buildings with overall heights up to 17 stories.

In staff's opinion, while the location of the subject property in close proximity to the Urban Core is a logical location for increased building heights, there is concern that the overall building height proposed by the applicant is not appropriate when considering the existing and proposed building heights on adjacent parcels. While there are other examples of high-rises located along Reston Parkway with similar heights, such as the Carlton House (13 stories) and the Stratford House Place (14 stories), the higher topography of the application site and the proposed addition of rooftop mechanical structures on each of the towers makes the effective height of the proposed high rise towers much taller with more mass than similarly designed buildings in the area.

The proposed architecture as depicted on the elevations included in the Plan amendment appear to compliment those of the existing development, and the proffers include language requiring design and construction material approval by the Reston Association Design Review Board (RADRB). In addition, the proposed pedestrian walkways proposed throughout the site and the improvements to the existing pedestrian tunnel across Reston Parkway are effective measures in creating a smooth transition between the proposed development and the existing community that surrounds it. However, the proposed site layout does create concern as to whether the proposed building height is appropriate in the context of the existing ParcReston community, and other development in the area. While the proposal has made improvements to the building bulk and massing of the approved development plan, the transition down to the garden-style apartments to the east is not as effective as the currently approved 7-story building design. In an attempt to mitigate this issue, the applicant has tapered the high-rise towers down to 9-stories on this façade, but the separation distance between the high-rise and the closest garden-style building has slightly decreased. In addition, while the setback along the northern property line adjacent to the Bowman Green development has tripled from that shown on the approved development plan for the subject property, the doubling of the height along this side offsets this improvement.

Environment & Preservation and Tree Cover Requirements (Development Criteria #3 & 4) (Appendices 9 & 10)

Development Criterion #3 requires that the development respect the natural environment by: conserving natural environmental resources to the extent possible; designing development while considering existing topographic and soil conditions; minimizing off-site impacts from stormwater runoff and adverse water quality impacts; protecting current and future residents from noise and lighting impacts; and, providing a site layout which encourages and facilitates energy preservation.

The limits of clearing and grading associated with this request have increased when compared to that approved in accordance with PCA/DPA 82-C-060; this is the result of the additional improvements being provided along the Reston Parkway frontage and the area adjacent to the Bowman Green development. The applicant continues to provide stormwater management via the existing dry ponds on the site that were constructed in 1986. Since there is no increase in the impervious surface of the subject property as it relates to this application, the applicant may not be required to provide additional stormwater management. The applicant is proffering various BMP measures in order to achieve a phosphorus reduction of 15% on site, where only a 10% reduction is required. Furthermore, the applicant has agreed, also via proffer, to implement low impact development (LIDs) techniques in order to reduce the volume of run-off leaving the site. These include the use of porous pavement, grasscrete and the use of underdrain systems.

In order to minimize light pollution and glare at night, the applicant has continued to proffer to provide parking lot and exterior building lighting fixtures that cast light downward and/or inward with fully shielded fixtures.

As for energy conservation, the prior applicant did not provide any commitments to provide energy efficient construction techniques, nor has the current applicant. The approved proffers for the site include a commitment to provide bicycle storage and a bus shelter on-site in order to promote energy conservation through the use of non-motorized transportation. The current proffers continue this commitment.

Criterion #4 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. Furthermore, the extension of utility improvements to the site should be located in a manner that does not interfere with proposed tree save and landscape areas.

The area of change associated with this application contains several landscaped areas, consisting of pockets of vegetation among the existing garden-style buildings on the site, and those landscape areas along the perimeter of the subject area. Those areas located among the existing buildings will be removed as a part of the construction associated with the high-rise building, although this landscaping was already approved for removal pursuant to the approved development plan that governs the site. As for the landscape areas located on the site's perimeter along Temporary Road, Reston Parkway and the northern property boundary adjacent to the Bowman Green development, the applicant is proposing to save more trees than that which were identified on the approved development plan. The additional tree saves are the result of the proposed 50-foot wide landscape buffer along Reston Parkway and the increased setback of the building in this area. Furthermore, the additional setback provided between the proposed building footprint and the Bowman Green development will allow additional open space that can accommodate additional plantings.

As a result of the increased open space on the site, the applicant is proposing a significant amount of additional landscaping compared to that of the approved development plan. The applicant is proposing a variety of canopy, ornamental and evergreen trees, as well as additional shrubs and groundcover. While the majority of these plantings will be along the Reston Parkway frontage and the northern property line, additional plantings are also proposed around the entrance of the pedestrian tunnel in the northwest corner of the site, along Temporary Road, and surrounding the drop-off area behind the high-rise building.

The applicant has incorporated into the proposed proffers all of the Urban Forest Management Division's recommendations regarding tree save and/or replacement, planting techniques, and the submission of Landscape and Tree Preservation Plans. According to the draft proffers, the Tree Preservation Plan will be submitted to Urban Forest Management for review and approval, and will consider any utility improvements necessary on site. A copy of the Urban Forest Management Division's report has been provided in Appendix 10.

Transportation (Development Criterion #5) (Appendix 11)

This Criterion requires that developments provide safe and adequate access to the surrounding road network, and encourages transit and pedestrian travel and the interconnection of streets. While public streets are preferred, private streets are allowed but the applicant shall demonstrate their benefit. In addition, alternative street designs may be appropriate where conditions merit.

Since the application is not proposing an increase in the number of units or the density above what was previously approved, the application has no additional impact on the existing road network. However, there are several transportation issues that were raised by County staff and the Virginia Department of Transportation (VDOT) that require additional discussion.

With respect to traffic signals, the approved proffers for the development commit to conduct a warrant study for a traffic signal to be located at the intersection of Old Reston Avenue and Temporary Road. In the event that VDOT determines that the signal is warranted, the applicant is required to install the signal prior to the issuance of the 180th residential use permit for the mid-rise building. The applicant has modified this proffer to add language providing an escrow for the cost of construction of the signal, as determined by the Fairfax County Department of Transportation (DOT), in the event that VDOT determines that the signal is not warranted until a time subsequent to bond release for the project. Furthermore, as stated in the proposed proffers, any escrowed funds may be applied to other transportation improvements in the vicinity of the site. Similarly, the applicant has proposed the same commitment for the possible signalization of the intersection of Temporary Road and North Shore Drive.

Related to the signalization of the intersection of Old Reston Avenue and Temporary Road is the possible need to provide additional improvements should VDOT determine a traffic signal is necessary. The applicant has proffered to analyze existing and anticipated turning movements at each intersection and submit the results of these analyses to VDOT and FCDOT for review concurrent with the warrant studies. The proffers commit to implement lane reconfigurations and striping improvements provided right-of-way acquisition is not required. The proffers also commit to implement signal timing modifications as necessary.

The site entrance along Temporary Road has been identified as an area of potential concern by both DOT and VDOT. The median that currently exists at this entrance may present operational conflicts with opposing traffic from Old Reston Avenue. This access will be subject to VDOT review and approval at the time of site plan submission.

Also in its analysis of the proposal, VDOT requested that the applicant depict the opposing geometrics of New Dominion Parkway, in an attempt to align its eastbound lanes with Temporary Road. In addition, any improvements necessary to achieve this goal should be provided. This issue will be addressed during the review of the site plan for the proposed development.

The applicant is not proposing to widen Reston Parkway along the subject area's frontage. In the approved proffers, the applicant reserved the right to request a waiver of any frontage improvements in this area and, in the event such was granted, a contribution of \$125,000 would be escrowed for the future widening of Reston Parkway. In order to facilitate the frontage improvements in this area, the proffers also included language dedicating the additional right-of-way necessary for the improvements. In the proposed proffers for this application, this language has been modified to state that the applicant will make a \$250,000 contribution to the Board of Supervisors to be used for improvements to Reston Parkway, or the construction of the proposed Dulles Corridor rail project or other projects as may be determined. Any proposal that does not provide for the full construction of the frontage improvements to Reston Parkway will require a waiver. At this time, the applicant has not requested such waiver; however, if the waiver is requested and approved, the amount of the contribution should be equal to the cost of the improvement to be waived.

To encourage transit and pedestrian traveling as an alternative to vehicular transportation, the applicant is proposing a TDM program that proposes to reduce vehicle trips to and from the site by 20 percent. While the TDM program proposed by the applicant represents an opportunity to increase the use of alternative modes of transportation, the plan outlined in the proffers could be improved in order to optimize its effectiveness. For example, staff believes that many aspects of the program could be beneficial to, and are appropriate for, the entire ParcReston community and not exclusively to the high-rise units associated with this application. However, the proposed proffer language does not specifically identify inclusion of the existing ParcReston community in any benefits of the proposed TDM program.

The applicant is also proposing to make improvements to the pedestrian tunnel located in the northwest corner of the site, which provides connection to the Urban Core area to the west of the subject property across Reston Parkway. In the approved proffers, a \$50,000 contribution was to be made to the Reston Association for improvements to the existing tunnel. As a part of this application, the applicant has committed to directly perform related improvements to the tunnel, which will have a cumulative value of at least \$100,000. The scope of these improvements will be reviewed by the Reston Association and DOT, and will be incorporated into the site plan for the proposed development.

Public Facilities (Development Criterion #6)

Residential development should offset its impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned facilities). Development Criterion #6 states that impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Phasing of development may be required to ensure mitigation of impacts. (Specific Public Facilities issues are discussed in detail in Appendices 12 through 17).

Fairfax County Park Authority Analysis (Appendix 12)

When PCA/DPA 82-C-060 was approved in 2002, there was no proffered contribution for the impact that the proposed redevelopment would have on existing recreational facilities. According to the Fairfax County Park Authority, the redevelopment has the potential to generate approximately 774 additional residents in the Hunter Mill Supervisory District, which will require access to outdoor recreational facilities. In order to offset the additional impact caused by this redevelopment, the Park Authority has determined that a proffered contribution of \$205,000 (\$265 per estimated resident) above the Zoning Ordinance requirement of funds equivalent to \$955.00 per unit would be necessary for recreational facility development at one or more of the existing park sites that is located within the service area of the subject property. The proposed proffers associated with this application reflect this request.

Fairfax County Public Schools Analysis (Appendix 13)

The proposed redevelopment would be served by Lake Ann Elementary, Langston Hughes Middle, and South Lakes High School.

When PCA/DPA 82-C-060 was approved in 2002, there was no proffered contribution for the additional students that would be generated by the increase in residential units on the site. As a part of this application, the applicant has proffered to make a contribution of \$11,630 per student generated by the new development, up to a maximum of \$140,000. According to the Fairfax County Public Schools Analysis, the redevelopment of the site with 360 additional units could generate 12 additional students above what the existing development would allow. As such, the Fairfax County Public Schools, Office of Facilities Planning Services, has determined that a proffered contribution of \$139,560 is appropriate to offset the potential impact on student membership in the area.

Fire and Rescue Analysis (Appendix 14)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #425, Reston, and currently meets fire protection guidelines, as determined by the Information Technology Section of the Fire and Rescue Department. The request has also been reviewed by the Fire Marshal and all

buildings must fully comply with fire protection and access requirements identified in the Fairfax County Public Facilities Manual.

Fairfax County Water Authority Analysis (Appendix 15)

The subject property is located within the Fairfax County Water Authority Service Area. Although there are no issues associated with this application at this time, the applicant must fully comply with all applicable standards and regulations at the time of site plan.

Sanitary Sewer Analysis (Appendix 16)

The subject site is located in the Difficult Run (D2) Watershed and would be sewered into the Blue Plains Treatment Plant. An existing 8-inch pipe line is located in an easement on the subject property and is adequate for the proposed use at this time. There are no sanitary sewer issues associated with this request.

Stormwater Management Analysis (Appendix 17)

There are no downstream drainage complaints on file with the Stormwater Planning Division, DPWES, relevant to the proposed development, neither are there any regulated floodplains or Resource Protection Areas (RPAs) on the subject property.

Affordable Housing (Development Criterion #7)

Development Criterion #7 is applicable to all rezonings and 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 may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.

The Zoning Ordinance defines Affordable Dwelling Units as units that are affordable to families making less than 70% of the area median household income (MHI). As noted, the Board of Supervisors has had a long-standing policy regarding the provision of affordable housing, to be satisfied via the provision of units under the ADU program, or the contribution of funds to the Housing Trust Fund for those buildings that are exempt from the ADU program. Recently, attention has also been drawn to the lack of moderate-income housing in the County, often known as “workforce housing.” (Workforce housing units are defined as those that serve a population in the income range of 70% to 120% of the MHI. A popular explanation of workforce housing is units which are affordable for police, fire fighters and teachers.)

Due to its construction type, the application is exempt from the requirement to provide ADUs. In accordance with both long-standing policy directives and those under development, staff has asked the applicant to address the provision of

workforce housing through a proffered commitment to provide units to be administered by the Department of Housing and Community Development under the ADU program, only with different, higher income limitations. The Comprehensive Plan includes a recommendation that at least 12% of the County's future housing stock should be affordable to County residents of low- to moderate-income. Additionally, it may be appropriate to allow workforce housing units to be developed that are somewhat smaller than the market rate units, such as a studio-type unit. In addition to lessening the financial burden on the developer, such units are typically not being provided in today's developments. For example, the provision of studio-type units would also address an observed housing need.

Although the provision of affordable dwelling units (ADUs) was not applicable to the redevelopment of the subject property pursuant to PCA/DPA 82-C-060, as a part of that approval, the applicant proffered to contribute \$200,000 to the Affordable Housing Trust Fund. These funds were to be used to support affordable housing opportunities in the Reston Community but were never provided since no building permits were issued and construction activities did not commence on the redevelopment of the subject property. In addition, in April 2006, prior to the acceptance of this application, the applicant sold ten (10) residential units within the existing ParcReston Community to the Fairfax County Redevelopment and Housing Authority (FCRHA) for use as affordable dwelling units. These units were sold for approximately \$200,000, for one bedroom units, and \$240,000 for two bedroom units.

As a part of the current application, the applicant has modified this proffer and is proposing to make available for purchase to FCRHA another thirteen (13) residential units within the existing ParcReston community (not within the proposed high-rise) that will be designated as workforce housing units. Each unit will have two bedrooms and at least one bathroom, and the purchase price shall not exceed \$220,000 for eleven of the units and shall not exceed \$195,000 for two of the units. In addition, the applicant is further proposing to make alterations to six (6) of these units in order to make them habitable by persons with disabilities, although these improvements may not necessarily fulfill the requirements of the Americans with Disabilities Act (ADA). In the event that FCHRA elects not to purchase these units, then the applicant will be permitted to retain ownership of each as a market rate unit and no ADU contribution will be provided as a part of the redevelopment.

Based on a net increase of 278 new units above the existing 418 units currently in the development, the applicant's contribution of 13 workforce housing units equates to approximately 4.7% of new unit count. With the addition of the ten (10) units previously sold to FCRHA the ratio increases to 8.2%. A target contribution of 12% workforce housing would yield 34 workforce housing units. Since these units will be available in perpetuity, HCD recommends that 13 units be offered to FCHRA at the maximum purchase price of \$220,000 per unit for eleven (11) units and a maximum purchase price of \$205,000 per unit for two (2) of the units. The applicant has proffered to provide the units at the maximum purchase prices as recommended by HCD.

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.

There are no known historical and/or archaeological resources on the subject property.

ZONING ORDINANCE PROVISIONS (Appendix 18)**Maximum Density**

The subject property associated with this application is zoned PRC and is governed by proffers and an approved development plan (PCA/DPA 82-C-060) for up to 696 garden-style and mid-rise residential units with an overall density of 30.28 du/ac. The current application under review seeks authorization to permit design changes to the previously approved mid-rise residential building. The changes include the development of a high-rise residential building with two 168 foot towers in lieu of the single, 7 story mid-rise residential building. The previously approved number of units and density are not increased with this application.

The Zoning Ordinance sets forth an overall maximum density of 13 persons per acre for each PRC community, which is calculated by applying population factors cited in the Zoning Ordinance to the types of housing units actually constructed in a particular PRC community. According to County research of the number existing dwelling units and dwelling units under construction by dwelling type in the Reston PRC and by using the method for calculating density as set forth in Sect. 6-308 of the Zoning Ordinance, staff has determined that the current density of the Reston PRC community is 11.68 persons per acre. Based upon the approximately 6,200 acres currently zoned PRC in Reston, sufficient density remains to accommodate an additional 8,212 persons. This available density translates into development potential for up to 4,106 units, assuming that they are all elevator units (5 stories or more) using the population factors in the current Zoning Ordinance. It should be noted that built and available density under the 13 persons per acre cap, among other factors, is tracked through the site plan process. As such, no site or subdivision plan can be approved that exceeds the 13 persons per acre limitation.

A Zoning Ordinance Amendment is currently scheduled for public hearing before the Planning Commission on February 22, 2007 and before the Board of Supervisors on March 26, 2007 that considers potential changes to the current population factors referenced in the Zoning Ordinance, among other changes to the PRC District Regulations.

Bulk Regulations

In the PRC District there are no minimum lot size requirements, maximum building height requirements or minimum yard requirements for multiple family dwellings except that the location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings, or the existing or prospective development of the neighborhood. In staff's opinion, the applicant has satisfied this standard.

P-District Standards

This proposal must comply with, among others, the applicable Zoning Ordinance provisions found in Article 16, Development Plans, Section 16-101 – General Standards and Section 16-102 – Design Standards.

ARTICLE 16

Section 16-101 – General Standards. *A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:*

1. *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 map designates the subject area as Planned Residential Community, High-Density Residential. Even though the proposal meets the density permitted by the adopted plan, its overall height does not correspond with the tiered density concept recommended in the Plan as discussed previously. In addition, it is staff's opinion that proposed high-rise with a height of 168 feet is out of character and incompatible with the existing ParcReston community. Therefore, it does not conform to the land use recommendations found in the Comprehensive Plan.

2. *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 PRC zoning district permits a greater level of flexibility for development of a planned community such as Reston. Although the proposed redevelopment is in accord with the Master Plan for Reston in concept, its overall design incompatibilities with the adjacent ParcReston community is contrary to the stated purposed and intent of any planned district.

3. *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 applicant is maintaining the 40% open space for the entire ParcReston community, and is increasing the amount of open space provided within the application subject area over what was previously approved in the governing development plan. This increase results in 80% of the 5.68 acre subject area being open space, as opposed to only 59% in the approved development plan layout. In addition, the applicant is providing recreation facilities, both active and passive, and has proffered to a tree preservation plan for the application area. In addition, the subject area will be extensively landscaped throughout, including a 50-foot wide landscape buffer area along Reston Parkway. Therefore, staff believes that this standard has been satisfied.

4. *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 proposed amendment is not integrated well with the adjacent community, specifically the adjacent remainder of the ParcReston community. In addition, the 168 foot high-rise towers do not provide as effective of a transition in height between neighboring developments as the approved mid-rise building. As such staff believes that the proposed amendment does not meet this standard.

5. *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 available.*

As demonstrated in the public facilities analysis, adequate public facilities are available to support the proposed development. Therefore, staff believes this standard has been satisfied.

6. *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.*

Adequate vehicular and pedestrian circulation has been provided on the site as a part of this application. Furthermore, the applicant has committed to making improvements to the pedestrian tunnel that connects the ParcReston community to the Urban Core to the west. Therefore, staff believes that this standard has been satisfied.

Section 16-102 - Design Standards. *Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:*

1. *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.*

In this instance, the most comparable conventional district is the R-30 District, shown below.

Yard	Zoning District	
	R-30	Proposed High Rise Structure
Front Yard	25° ABP, min 20 feet ABP is 79 feet for structures 170 feet in height	75 feet (Reston Parkway) 18 feet (Temporary Road)
Side Yard	25° ABP, min. 10' ABP is 79 feet for structures 170 feet in height	77 feet (Existing ParcReston)
Rear Yard	25° ABP, min. 25' ABP is 79 feet for structures 170 feet in height	62.5 feet (Bowman Green)
Open Space	40%	40% (Overall Site) 80% (Area of Proposed High Rise)

In general, staff does not believe that this request fully complements development on adjacent properties due to the proposed height of the high-rise building and its proximity to developments with significantly lower site lines. The proposal does however propose larger setbacks and increased landscape buffers along the Reston Parkway frontage and along the northern perimeter of the site adjacent to the existing Bowman Green development.

2. *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.*

With the exception of the transitional screening and barrier requirements for which the applicant is requesting a modification, staff feels that the proposal generally conforms to all other regulations set forth in the Zoning Ordinance. Therefore, this standard has been met.

3. *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.*

Since the proposal is an amendment of a previously approved redevelopment project in an existing subdivision, it will take advantage of the existing transportation infrastructure that is already in place. To determine if additional traffic mitigation measures are necessary, the applicant has proffered to conduct traffic signal warrant studies for the intersections of Temporary Road/Old Reston Avenue and Temporary Road/North Shore Drive. In the event that VDOT determines that they are necessary, the applicant has committed in the proposed proffers to construct these signals.

Furthermore, the proposal includes a network of sidewalks throughout the site which exceeds that shown on the approved development plan. The proposed sidewalks will provide convenient access to open space areas and amenities that will be located on the subject property, as well as throughout the entire ParcReston community. In addition, the sidewalk network provides connections to the existing pedestrian tunnel that allows the community to access the Urban Core area to the west across Reston Parkway. The applicant is also proposing various enhancements to the pedestrian tunnel, such as façade and lighting improvements, as a part of this application. Therefore, staff believes that this particular standard has been adequately satisfied.

WAIVERS & MODIFICATIONS

Modification of Transitional Screening and Barrier Requirements

The applicant is seeking a modification of the transitional screening and barrier requirements along the property's Wainwright Drive frontage, in favor of the existing vegetative screen in this area, which has a variable width of 40 – 50 feet. This requirement was previously waived pursuant to PCA/DPA 82-C-060, and no additional work is being proposed in this area as a part of this current request. Since the existing vegetation is mature and provides a sufficient visual screen to the adjacent properties to the north, staff supports this request.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant seeks authorization to permit design changes to the previously approved 360 unit mid-rise residential building that is to be located in the southwest corner of the subject property. The changes include the development of a high-rise residential building with two towers of 168 feet in height excluding rooftop mechanical structures in lieu of the single, 7 story mid-rise building. When considering an amendment to an approved development plan, proposed alternatives must not only conform to all applicable ordinance and regulations, but must also demonstrate that they perform equally, or better, than those elements for which they seek to replace.

Many aspects of the proposed site design changes have merit, such as the increased building setbacks along Reston Parkway and adjacent to the existing Bowman Green commercial development that have allowed for the addition of landscape buffer treatments and pedestrian amenities in these areas. In addition, the amount of open space has been increased significantly to include multiple plaza areas within the development. Further, the building height has been designed to taper down from west to east to reduce the visual impact on the existing residential community. The draft proffers provide for workforce housing, transportation improvements along Temporary Road and Reston Parkway, improvements to the nearby pedestrian tunnel, among other elements.

However, as discussed within the staff report, due to the proposed height of the residential high-rise, staff feels that the applicant only partially fulfills the General and Design Standards of the Zoning Ordinance and the Residential Development Criteria of the Comprehensive Plan. The height and mass of the proposed building exceed that of Stratford House Place within the Reston Town Center Urban Core, thereby reducing its prominence within the Urban Core contrary to the recommendations of the Comprehensive Plan. Based on this analysis, staff recommends denial of this application.

Recommendations

Staff recommends denial of PCA 82-C-060-02; however, if it is the intent of the Board of Supervisors to approve PCA 82-C-060-02, staff recommends that the approval be subject to the proposed proffers contained in Appendix 1 of the staff report.

Staff recommends denial of DPA 82-C-060-02; however, if it is the intent of the Board of Supervisors to approve DPA 82-C-060-02, staff recommends that the Planning Commission approve the application subject to the proposed development conditions contained in Appendix 2 of the staff report.

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 dated January 23, 2007
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Approved Proffers and Development Plan for RZ 82-C-060
6. Approved Proffers, Development Conditions and Development Plan for PCA/DPA 82-C-060
7. Comprehensive Plan Provisions
8. Land Use & Environmental Analysis
9. Soil & Water Conservation Analysis
10. Urban Forest Management Analysis
11. Transportation Analysis
12. Fairfax County Park Authority
13. Fairfax County Public Schools
14. Fire and Rescue
15. Fairfax County Water Authority
16. Sanitary Sewer Analysis
17. Stormwater Management Analysis
18. Zoning Ordinance Provisions
19. Residential Development Criteria
20. Glossary

PROFFER STATEMENT
ATHENA/RENAISSANCE RESTON, LLC
PCA 82-C-060-2
DPA 82-C-060-2

September 27, 2006
Revised October 30, 2006
Revised December 5, 2006
Revised December 18, 2006
Revised January 11, 2007
Revised January 23, 2007

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owner and applicant for itself and its successors or assigns (hereinafter collectively referred to as the “Applicant”) in this Proffer Condition Amendment (“PCA”) and Development Plan Amendment (“DPA”) proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map references 17-2-((1)), Parcels 23, 24 and 24A (the “Property”) will be in accordance with the following conditions if, and only if, Proffer Condition Amendment application PCA 82-C-060-2 and Development Plan Amendment application DPA 82-C-060-2 (collectively, the “Application”) are granted. The Applicant reconfirms its commitment to the proffers associated with DPA/PCA 82-C-060 (the “Existing Proffers”), except as modified herein. These proffers, if accepted, amend only those Existing Proffers referenced below. In the event that this Application is denied, these proffers will immediately be null and void and of no further force and effect, and the Existing Proffers shall remain in effect.

GENERAL

1. Development Plan. The Property shall be developed in substantial conformance with the Development Plan Amendment/Proffered Condition Amendment (“DPA/PCA”) Plat dated October 2005, and revised through January 23, 2007, prepared by Urban Engineering & Associates, Inc., and containing twenty (20) sheets, (collectively, the “Development Plan”); provided, however, that the Applicant shall be permitted to make modifications to the building footprint(s), architecture and design in accordance .

2. Minor Modifications. Minor modifications to the Development Plan may be permitted when necessitated by sound engineering or that may become necessary as part of final site engineering, pursuant to Section 16-203(13) of the Zoning Ordinance, as determined by the Zoning Administrator. The Applicant reserves the right to make modifications to the building footprints for the Proposed Development (as defined in Proffer 3 herein) as part of final site plan approval and as may be approved by the Reston Association Design Review Board (“RADRB”), such as those modifications illustrated on Sheet 7A of the Development Plan, provided that (a) such modifications do not extend beyond the building envelopes provided on Sheet 7A of the Development Plan, (b) the Building Heights (as defined in Proffer 4 herein) are not increased and (c) the minimum forty percent (40%) open space to be provided on the Property (as shown on Sheet 2 of the Development Plan) is not further reduced. Building setbacks shall be provided in accordance with the dimensions shown on Sheets 6 and 7 of the Development Plan.

PROPOSED DEVELOPMENT

3. Maximum Number of Residential Units. The Property shall be developed as a combination of garden-style and high-rise residential buildings with a maximum number of dwelling units not to exceed 696 units, including (a) 336 garden-style units (the “Existing Development”) and (b) a minimum 180 high-rise units and a maximum 360 high-rise units (the “Proposed Development”). In the event the Applicant develops fewer than the maximum permitted 360 units, the Applicant also shall be permitted to provide fewer parking spaces than the total spaces shown on the Development Plan, provided the Proposed Development conforms to the requirements of Article 10 of the Zoning Ordinance.

4. Maximum Building Height. The maximum building height of the Proposed Development, including all penthouse, mechanical and/or other rooftop amenity structures, shall not exceed a top elevation of 626 feet above sea level and the maximum height of all habitable space, excluding any rooftop amenity space or structure, shall not exceed a top elevation of 594 feet above sea level. A rooftop pool deck and associated clubhouse/amenity space (collectively, the “Amenity Space”) may be constructed above the top residential floor of one or both of the residential buildings in the Proposed Development as shown on Sheet 12 of the Development Plan, provided that the gross floor area of the Amenity Space shall not exceed more than thirty-three percent (33%) of the gross floor area of the top residential floor of the building below. In addition, mechanical penthouses and related facilities shall be permitted on the roof of the Amenity Space or elsewhere on the roof of the high rise residential buildings provided, however, that the top elevation of such mechanical penthouse(s) and related facilities shall not exceed 626 feet above sea level. Nothing herein shall preclude the Applicant from constructing buildings to a lesser building height than that which is represented on the Development Plan, provided the configuration of building footprint remains in substantial conformance with those shown on the Development Plan. Any building constructed within seventy-five feet (75’) of Wainwright Drive will not exceed three (3) stories in height exposed to view from Wainwright Drive. Residential buildings that are part of the Existing Development shall not exceed four (4) stories in height.

5. Number of Stories Per Residential Building. **HEREBY DELETED**

6. Stormwater Management and BMP. As part of site plan approval for the Proposed Development, the Applicant shall submit to the Fairfax County Department of Public Works and Environmental Services (“DPWES”) a stormwater management plan (the “SWM Plan”) for the Proposed Development demonstrating that stormwater management for the Proposed Development can be provided using the dry ponds that are part of the Existing Development. As part of the SWM Plan, the Applicant also shall include Best Management Practices (“BMP”) to be incorporated into the Proposed Development in order to improve water quality associated with stormwater runoff from the Property. Using structural and non-structural BMPs, such as sand filters, storm filters, Filterra devices or a combination of both, the SWM Plan shall demonstrate that, after the full build-out of the Proposed Development, there is a five percent (5%) reduction of the phosphorous loading from the portion of the Property on which the Proposed Development will be constructed, based on a comparison of the pre-development and post-development conditions of the Property and the Proposed Development. Any modifications to the existing stormwater management and/or BMP facilities necessary to accommodate the

Proposed Development shall not reduce the amount of open space provided on the Property and shown on the Development Plan.

A. Low Impact Development. To further mitigate the environmental impacts of the Proposed Development beyond the five percent (5%) reduction in phosphorous loading required under this Proffer 6, the Applicant shall incorporate the following low impact development (“LID”) strategies as part of the Proposed Development, subject to approval by DPWES. The LID facilities shown on the Development Plan are for the purpose of illustrating the application of the proposed LID techniques. The Applicant estimates that these additional LID facilities will result in an additional ten percent (10%) reduction in phosphorous loading from the Proposed Development. In the event that either the Applicant or DPWES deems it necessary to substitute another LID strategy for one of those listed below, the Applicant shall identify an alternate strategy acceptable to both parties and, if necessary, will seek administrative approval from the Zoning Administrator pursuant to the provisions of Sect. 16-403 of the Zoning Ordinance.

- i. Driveway Plaza. In order to (1) incorporate into otherwise impervious areas of the site a soil matrix and plantings intended to provide stormwater pollutant removal; (2) reduce the heat island effect; and (3) naturalize and add aesthetically-pleasing elements for residents of the Proposed Development, the Applicant shall install and maintain plantings and other materials within the circular driveway plaza to be located on the top deck of the below-grade parking structure serving the Proposed Development, as shown on the Development Plan. Such plaza area shall include landscape plantings in a natural soil matrix over an under-drain system. Specific details concerning the plantings and design elements of the driveway plaza shall be included on the Landscape Plan that will be submitted pursuant to Proffer 16 herein.
- ii. Rain Garden. To the extent permitted by the underlying soils, the Applicant shall install a rain garden in the general location shown on Sheet 7 of the Development Plan, the purpose of which shall be to provide an aesthetically-pleasing sense of place, reduce the heat island effect and capture and reuse stormwater that otherwise would be released offsite. Details of these areas shall be included in the Landscape Plan to be provided pursuant to Proffer 16 herein.

7. Pathways, Plazas. The Applicant shall construct asphalt pathways, sidewalks and landscaped internal access drives generally consistent with Sheets 8 and 9 of the Development Plan.

8. Parking. Parking shall be provided in accordance with the parking requirements of Article 11 of the Fairfax County Zoning Ordinance, as determined by DPWES, for the uses constructed on the Property. The Applicant reserves the right, however, to provide more parking spaces than otherwise are required under Article 11 of the Zoning Ordinance for the Proposed Development, provided that the Building Heights set forth in Proffer 4 herein are not exceeded

and the Proposed Development otherwise is in substantial conformance with the Development Plan and these Proffers.

10. Amenities and Facilities for Residents. In addition to the existing recreational facilities that serve the Existing Development, the Applicant shall provide as part of the Proposed Development, the following facilities that are designed to meet the onsite recreational needs of the future residents. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend a minimum of \$955.00 per market-rate residential unit on such recreational facilities. Prior to final bond release for the Proposed Development, the balance of any funds not expended on-site shall be contributed to the Fairfax County Park Authority for the provision of recreational facilities located in proximity to the Property. The onsite recreational facilities and amenities shall include the following:

- A. A swimming pool and related bathhouse facilities;
- B. A media/entertainment center outfitted with large screen/projection TV(s), seating areas and stereo/sound equipment;
- C. Outdoor plaza areas with benches, seating areas and similar facilities, as shown on Sheets 8 and 9 of the Development Plan;
- D. A fitness center that includes equipment such as stationary bikes, treadmills, weight machines, free weights, etc., having a total value of at least \$100,000; and
- E. A business center, with broadband or high-speed data connections (including “secure” voice and/or data connections), computers, facsimile machine and similar items (the cost of providing such facilities shall not be counted toward the required expenditure of \$955 per unit set forth in this Proffer).

12. Architectural Design and Building Materials. Subject to final approval of the RADRB and except as set forth in Proffer 2 herein, the Applicant shall construct the Proposed Development in accordance with the building design and elevations generally shown on Sheets 12-14 of the Development Plan and shall utilize exterior materials and designs selected from among the following: brick, aluminum, steel, glass, Hardi-plank panels, split-face block and pre-cast panels. Fences and/or retaining walls constructed on the Property shall be constructed using brick and/or decorative metal, subject to approval by the RADRB. Any modifications to the building design and architecture required or approved by the RADRB automatically shall be deemed in “substantial conformance” with the Development Plan and these Proffers and shall not require approval by the Board of Supervisors of a DPA or PCA.

14. Tree Survey and Preservation Plan.

A. Preservation of Existing Trees. Prior to submission of a site plan for the Proposed Development, the Applicant shall consult with the Urban Forest Management Division of DPWES and RADRB to prepare a tree preservation plan identifying which trees on the

Property will be preserved and which trees can be removed, including those trees shown on the Development Plan as “Existing Tree To Be Saved” and “Existing Tree to saved if possible” (the “Tree Preservation Plan”). The Applicant shall submit the Tree Preservation Plan to the Urban Forest Management Division of DPWES and RADRB for review and approval as part of site plan submission(s) for the Proposed Development. The existing landscape area along the Property’s frontage on Wainwright Drive that averages approximately 40’ to 50’ in width, exclusive of the ingress/egress driveway along Wainwright Drive, shall be included as part of the Tree Preservation Plan and preserved and maintained. The Applicant shall save those trees identified in the Tree Preservation Plan as intended to be saved (including the trees identified on the Development Plan as targeted to be saved and included in the Tree Preservation Plan) or as otherwise determined in conjunction with the Urban Forest Management Division and RADRB. All relocated or new public and/or private utilities serving the Proposed Development shall be located to avoid trees that are to be preserved pursuant to the Tree Preservation Plan, as determined by the Urban Forest Management Division of DPWES. As part of the Tree Preservation Plan, the Applicant shall list tree preservation and maintenance activities designed to maximize the survivability of each tree designated for preservation, including, but not limited to, pre-construction root pruning and crown pruning, vertical and horizontal mulching and fertilization. All trees shown to be preserved on the Tree Preservation Plan and site plan shall be protected by 14-gauge welded wire fencing, a minimum of four (4) feet in height, attached to steel posts spaced no farther than ten (10) feet apart. The fencing shall be erected at the proposed limits of disturbance prior to commencement of any clearing or grading on the relevant portion(s) of the site, and shall be made clearly visible to construction personnel.

B. Trees Abutting Bowman Green Office Condominium. Subject to mutual agreement between the Applicant and the Board of Directors of the property owners association for the Bowman Green office condominium community identified as Fairfax County Tax Map # 17-2 ((30)) Parcels 1-26 (“Bowman Green”), the Applicant shall be permitted, pursuant to the Tree Preservation Plan approved by the Urban Forest Management Division of DPWES, to remove and replace existing trees located on or near the common boundary line with Bowman Green that (a) are dead, dying or diseased, (b) pose or create a hazard for Bowman Green, or (c) negatively impact the viability and survivability of existing trees located on property owned or maintained by Bowman Green. Subject to mutual agreement between the Applicant and Bowman Green, the Applicant also shall repair and/or replace all or a portion of the existing fence located along the common boundary line separating Bowman Green and the Proposed Development.

C. Tree Removal and Replacement. During the County’s review of the site plan(s) for the Proposed Development, if it is determined necessary by the Urban Forest Management of DPWES to permit the removal of any trees previously designated to be preserved on the Tree Preservation Plan as part of any dedication for future road widening(s), or in order to locate additional utility lines or trails, the Applicant shall replace such trees at another location on the Property according to the directions of the Urban Forest Management Division of DPWES and consistent with the requirements of the PFM.

16. Landscape Plan. As part of its site plan submission for the Proposed Development, the Applicant shall submit for review and approval by DPWES a detailed landscape plan for the Property (the “Landscape Plan”). Such Landscape Plan shall be consistent

with the quality and quantity of plantings and materials shown on Sheet 8 of the Development Plan and shall include a 50' landscape buffer along the Property's frontage on Reston Parkway in the area adjacent to the Proposed Development. No portion of any residential building in the Proposed Development shall extend into the landscape buffer area along Reston Parkway, except that the Applicant shall be permitted to construct a plaza area within a portion of the landscape buffer as shown on Sheets 8-9 of the Development Plan. Such Landscape Plan shall include the Tree Preservation Plan and proposed new plantings, including deciduous trees, evergreen trees, shrubs, bushes and similar under plantings, to replace or supplement any trees that are not preserved. New plantings along the Property's frontage of Reston Parkway shall include at least fifteen (15) shade trees of three-inch (3") caliper or greater planted in mulched beds, as shown on Sheet 8 of the Development Plan.

17. Structured Parking - Modification of Interior Parking Lot Landscaping.
HEREBY DELETED

18. Hardscape Areas. The Applicant shall design and construct the proposed hardscape areas adjacent to the Bowman Green office condominium community identified as Fairfax County Tax Map # 17-2 ((30)), Parcels 1-26 and along the Property's frontage on Reston Parkway consistent with the quality and quantity of plantings and amenities depicted on Sheet 8 of the Development Plan. Among the features the Applicant shall include in the hardscape areas are LID measures, concrete/asphalt walkways, brick pavers, trees, shrubs, benches, barbeque facilities and similar amenities for residents of the Proposed Development. The plaza area to be located along Reston Parkway also shall include a focal point feature to be selected by the Applicant, such as a fountain, public art or similar structure, that will serve as a defining feature for the Proposed Development. Any lighting provided in the hardscape areas shall be in conformance with Proffer #9 herein, and all applicable provisions of the Zoning Ordinance.

TRANSPORTATION IMPROVEMENTS

17. Traffic Signals

A. Old Reston Avenue and Temporary Road. Prior to site plan approval for the Proposed Development, the Applicant shall conduct a warrant study to determine the necessity for the installation of a traffic signal at the intersection of Old Reston Avenue and Temporary Road adjacent to the entrance to the Property. The Applicant shall include in the warrant study the number of residential units to be developed on the Property as submitted on the site plan for the Proposed Development (including the units that comprise the Existing Development that are to remain) and shall submit the results of the warrant study to VDOT for review. Upon VDOT's full evaluation of the warrant study prior to site plan approval, the Applicant shall, subject to both VDOT and FCDOT approval of the installation of a signal, construct such traffic signal prior to the issuance of the 180th Residential Use Permit ("RUP") for the Proposed Development or as directed by VDOT. As part of the warrant study, the Applicant shall analyze the existing and anticipated turning movements at the subject intersection and submit the results to VDOT and FCDOT for review and approval of the appropriate lane configurations and striping. The Applicant shall implement all lane configurations and striping improvements resulting from this review; provided, however, that such lane configurations shall not require the Applicant to acquire additional offsite right-of-way

or easements. Further, such proposed lane configurations shall not preclude the Applicant's construction of a dedicated left turn lane into the Property from eastbound Temporary Road unless the Applicant otherwise consents in writing to such alternate design. The Applicant shall be responsible for implementing modifications to the signal timing of the existing traffic signal(s) at the intersection(s) of Reston Parkway/Temporary Road/New Dominion Parkway and Temporary Road/North Shore Drive (as defined in subsection B immediately below), should the latter signal be operational. The Applicant shall be entitled to be reimbursed for (or in the event of an escrow, credited for) any previous contributions by others for a signal at the intersection of Temporary Road and Old Reston Avenue after the Applicant installs the signal or, as applicable, at the time of escrow.

B. Temporary Road and North Shore Drive. Prior to submission of a site plan for the Proposed Development, the Applicant shall conduct a warrant study to determine whether a traffic signal at the intersection of Temporary Road and North Shore Drive would be warranted upon completion of the Proposed Development. The Applicant shall include in the warrant study the number of residential units to be developed on the Property as submitted on the site plan for the Proposed Development (including the units that comprise the Existing Development that are to remain) and shall submit the results of the warrant study to VDOT for review. Upon VDOT's full evaluation of the warrant study prior to site plan approval, the Applicant shall, subject to both VDOT and FCDOT approval of the installation of a signal, construct such traffic signal prior to the issuance of the 180th RUP for the Proposed Development or as directed by VDOT. As part of the warrant study, the Applicant shall analyze the existing and anticipated turning movements at the subject intersection and submit the results to VDOT and FCDOT for review and approval of the appropriate lane configurations and striping. The Applicant shall implement all lane configurations and striping improvements resulting from this review; provided, however, that such lane configurations shall not require the Applicant to acquire additional right-of-way or offsite easements except as shown on the Development Plan. The Applicant shall be responsible for implementing modifications to the signal timing of the existing traffic signal(s) at the intersection(s) of Reston Parkway/Temporary Road/New Dominion Parkway and Temporary Road/Old Reston Avenue, should the latter be operational. The Applicant shall be entitled to be reimbursed for (or in the event of an escrow, credited for) any previous contributions by others for a signal at the intersection of Temporary Road and North Shore Drive after the Applicant installs the signal or, as applicable, at the time of escrow.

C. Signal Escrows. If, based on the warrant studies required under this Proffer, VDOT determines that a traffic signal(s) is/are not warranted at the subject intersection(s) until a time subsequent to expected bond release for the Proposed Development, then the Applicant shall provide an escrow for the cost of such signal(s) prior to final bond release in lieu of construction in an amount to be determined by FCDOT. Such funds shall be used for other transportation related improvements in the vicinity of the Property as determined by FCDOT. Should VDOT determine that a signal(s) is/are warranted at the subject intersection(s), but FCDOT determines that an alternative to signalization of the subject intersection(s) should be undertaken, then the Applicant shall work with FCDOT and, as necessary, VDOT to implement alternatives to signalization of the intersection(s). Should this/these alternative(s) be less costly than installation of a traffic signal(s), then the Applicant will contribute to Fairfax County the difference between the cost of the selected alternative and

the cost of a traffic signal(s), as determined by FCDOT, for use for other transportation related improvements in the vicinity of the Property as determined by FCDOT.

24. Reston Parkway Widening. Prior to the issuance of the first building permit for the Proposed Development, the Applicant shall contribute to the Board of Supervisors Two Hundred and Fifty Thousand and No/Dollars (\$250,000.00) to be used for improvements, including spot improvements, to Reston Parkway, as determined by the Hunter Mill District Supervisor. Notwithstanding the foregoing, such funds may be reallocated at the discretion of the Hunter Mill District Supervisor toward construction of the proposed Dulles Corridor rail project or other transportation improvements in the vicinity of the Property as determined by the Hunter Mill District Supervisor.

29. Bus Shelter. The Applicant shall, if requested by the FCDOT, construct one (1) bus shelter (open, typical type) along the Property's frontage on Temporary Road. The final location of the bus shelter shall be determined in consultation with the FCDOT at the time of site plan approval for the Proposed Development. The bus shelter shall be installed prior to the issuance of the first RUP for the Proposed Development. The Applicant shall install a covered trash receptacle within the bus shelter. The owner(s) of the Proposed Development shall be responsible for providing refuse removal and pick-up services for the bus shelter.

30. Bicycle Racks. In addition to the TDM Plan (as defined in Proffer #37 herein), the Applicant shall provide secure, weather-protected, bicycle storage facilities within the Proposed Development. At a minimum, the Applicant shall provide bicycle storage, such as lockers or secure storage areas sufficient for at least ten (10) bicycles in each residential building in the Proposed Development. Such bicycle rack(s) shall be installed prior to the issuance of the first residential use permit for the Proposed Development.

31. Reston Parkway Tunnel. Subject to the approval of the Reston Association and FCDOT, the Applicant shall construct façade and/or lighting improvements to the existing pedestrian tunnel located beneath Reston Parkway and connecting Bowman Green and the Reston Spectrum retail center (Fairfax County Tax Map #17-1 ((1)) 3K), as generally shown on Sheet 10 of the Development Plan (the "Tunnel Improvements"). The Tunnel Improvements shall have a cumulative value of at least \$100,000.00 and shall include such features as may be approved by the Reston Association and FCDOT, including, but not limited to, the installation of LID features, brick pavers, landscaping, stonework, new or replacement lighting, and other decorative features designed to make the pedestrian tunnel more aesthetically pleasing and inviting for residents of the Proposed Development. The Applicant shall detail the Tunnel Improvements on the site plan(s) for the Proposed Development, and the Tunnel Improvements shall be completed prior to the issuance of the 1st residential use permit for the Proposed Development.

RESTON COMMUNITY

33. Workforce Housing. The Applicant shall make available for purchase by the Fairfax County Housing and Redevelopment Authority ("FCHRA") thirteen (13) residential units within the Existing Development (the "Workforce Units") to be used by FCHRA to provide housing opportunities for persons or families consistent with other Fairfax County or FCHRA

housing programs. Each Workforce Unit shall contain two (2) bedrooms and at least one (1) bathroom. The Applicant shall notify FCHRA in writing of the availability of the Workforce Units within ninety (90) days following approval of this DPA/PCA Application. Thereafter, the Applicant shall negotiate in good faith and execute one or more purchase and sale agreements and related agreements (each a “Purchase Agreement”) with FCHRA for the conveyance of the Workforce Units to FCHRA, either as a single lot of units or in phases. The purchase price for each Workforce Unit shall be determined by mutual agreement between the Applicant and FCHRA based on the size and type of the Workforce Unit to be conveyed up to a maximum purchase price of no greater than \$220,000.00 per unit for eleven (11) Workforce Units and up to a maximum purchase price of \$205,000.00 per unit for the remaining two (2) Workforce Units. The Purchase Agreement(s) shall include a commitment by the Applicant to prepare, to the extent practical, six (6) of the Workforce Units for habitation by persons with disabilities (but not necessarily to the standards required under the Americans with Disabilities Act), including the installation of grab-bars and appropriate appliances and plumbing fixtures, as mutually determined by the Applicant and FCHRA. Actual conveyance of the Workforce Units to FCHRA shall be completed in accordance with the terms and conditions of the Purchase Agreement(s), but in no event shall a Workforce Unit be conveyed to FCHRA prior to the County’s approval of a PRC Plan for the Proposed Development pursuant to Section 16-203 *et seq.*, of the Zoning Ordinance.

34. Notice of Lease Termination to Existing ParcReston Residents. The Applicant shall comply with the requirements of Virginia Code § 55-222 concerning the provision of notice of lease termination to tenants of the 82 residential units to be removed as a result of the proposed redevelopment. For any tenant who receives notice of lease termination pursuant to this Proffer, the Applicant shall provide each displaced tenant with information and assistance concerning available apartment rental space elsewhere in the Reston/Herndon submarket.

FAIRFAX COUNTY PUBLIC SCHOOLS

35. Public Schools. Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors and effective June 1, 2006, at the time of issuance of the first building permit for each residential building in the Proposed Development, the Applicant shall contribute \$11,630 per expected student (up to a maximum of \$140,000.00) to the Board of Supervisors for transfer to the Fairfax County School Board to be utilized for capital improvements and capacity enhancements to schools in the Reston area that serve the Property. Such contribution shall be made at the time of the issuance of the first RUP for each residential building triggering the Fairfax County Public Schools contribution for the students generated by that building.

School Level	Proposed Zoning – PRC 360 Multi-Family High Rise		
	Units	Ratio	Students
K-6	360	x.042	15
7-8	360	x.010	4
9-12	360	x.024	9
		Total	28

A. Escalation in Contribution Amounts. Prior to the Applicant’s payment of the contribution(s) set forth in this Proffer, if Fairfax County should increase the ratio of students per high-rise multifamily unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.

RECREATION FACILITIES

36. Recreational Facilities. The Applicant shall provide a one-time contribution of Two Hundred Five Thousand and No/Dollars (\$205,000.00) to the Board of Supervisors to be used for parks and/or athletic facilities and fields in the vicinity of the Property, as determined by the Hunter Mill District Supervisor (the “Park Contribution”). The Park Contribution shall be made prior to issuance of the first RUP for the Proposed Development.

A. Escalation in Contribution Amounts. Prior to the Applicant’s payment of the contribution(s) set forth in this Proffer, if Fairfax County should increase the estimated amount of the contribution per resident, the Applicant shall increase the amount of the contribution per resident for that phase of development to reflect the current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.

TRANSPORTATION DEMAND MANAGEMENT

37. Transportation Demand Management. This Proffer sets forth a program for a transportation demand management plan (the “TDM Plan”) that shall be implemented by the Applicant, and subsequently, as appropriate, the respective condominium association(s) to encourage the use of transit (Metrorail and bus), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce automobile trips generated by the Proposed Development.

A. TDM Goal. TDM strategies, as detailed below, shall be utilized by the Applicant in order to reduce the P.M. peak hour trips by a minimum of twenty percent (20%) from the total number of vehicle trips that would be expected from the Proposed Development under the Institute of Traffic Engineers (ITE) Trip Generation Manual, 7th Edition (the “TDM Goal”). Residents and employees of the Proposed Development shall be advised of the TDM Goal and the TDM strategies by the PM (as defined in this Proffer) through the annual dissemination of written materials summarizing the availability of the TDM strategies. Further, written materials will also be included in the respective sale, lease or condominium association documents for future residents.

B. Program Manager. Within three (3) months following approval of the first building permit for the Proposed Development, the Applicant (and thereafter, as applicable, the condominium association) shall designate an individual to act as the Program Manager (“PM”) for the Property, whose responsibility will be to implement the TDM strategies, with on-going

coordination with FCDOT. The PM duties may be a part of other duties assigned to the individual(s).

C. TDM Plan. In order to meet the TDM Goals set forth in this Proffer, the Applicant shall implement the TDM Plan. A draft copy of this plan shall be provided to FCDOT for review and comment prior to the issuance of the first building permit for the Proposed Development. Should FCDOT seek modifications to the TDM Plan, the Applicant shall work in good faith with FCDOT and shall amend the TDM Plan as mutually agreed to by the Applicant and FCDOT. If FCDOT does not comment on the TDM Plan within sixty (60) days following its submission, the TDM Plan shall be deemed approved. Once the TDM Plan is approved by FCDOT, the Applicant shall implement the TDM Plan. Because the TDM Plan represents the strategy to be employed by the PM to meet the TDM Goal, the TDM Plan may be amended from time to time, subject to approval of FCDOT, without the requirement to secure a PCA; provided, however, that the TDM Goal shall not be amended absent approval of the Board of Supervisors. The TDM Plan and any amendments thereto shall include provisions for the following with respect to the Proposed Development:

- i. A targeted marketing program for residential sales/leases that encourages and attracts TDM-oriented residents, such as one or no-car individuals/families to live in the Proposed Development; provided, however, that such marketing shall be completed on a non-discriminatory basis in conformance with the Fair Housing Act and all other applicable laws and regulations;
- ii. Integration of transportation information, including Metro maps, schedules and forms, ride-sharing and other relevant transit option information into residential sales/rental kits;
- iii. Coordination/Assistance with vanpool and carpool formation programs, including Reston's LINK program, ride matching services, adjacent office buildings and homeowners associations, and established guaranteed ride home programs;
- iv. A parking management plan, which shall include (i) a unit sales/rental program/policy under which each residential unit is allocated one (1) parking space as part of the base purchase/rental price, and that additional parking spaces may be purchased/leased for an additional cost; and (ii) dedicated space for residential vanpools and car-sharing vendors not otherwise addressed herein;
- v. Distribution of fare media or other incentives, at least one time, to all initial residents of driving age, including distribution of SmartTrip cards (or similar transit fare cards) to all new residents of the Proposed Development upon execution of their initial lease or at closing, as applicable, as well as on select occasions as an incentive;

- vi. Use of car sharing program(s), subject to agreement with third-party vendor(s) (such as ZipCar/FlexCar);
- vii. Establishment of a phasing strategy, coordinated with FCDOT as provided herein, to address which TDM strategies are implemented at what time;
- viii. The residential buildings of the Proposed Development shall be hardwired to provide high-capacity, high-bandwidth communication lines or the equivalent wireless access. Further, the Applicant shall provide in at least one residential building a business facility as part of the common area, which may include, but not be limited to, wireless internet access, fax machine, photocopier and desktop computers, including restroom facilities; and
- ix. “Personalized transportation advising” integrated into new unit walk-throughs, including appropriate training of sales/leasing agents.

D. TDM Account. Concurrent with the designation of the PM, the Applicant shall establish and fund a TDM account (the TDM Account”) in the initial amount of Fifty Thousand dollars (\$50,000.00). Funds in the TDM Account shall be utilized by the PM each year to implement the TDM strategies. The TDM Account shall be managed by the PM. As applicable, a line item for further funding of the TDM Account shall be included in the annual condominium association budget upon the establishment of the condominium association. The condominium association documents shall provide that the TDM Account shall not be eliminated as a line item in the condominium association budget, and that funds in the TDM Account shall not be utilized for purposes other than to fund implementation of the TDM Plan. The PM shall consult with FCDOT to develop and implement the initial TDM strategies. TDM strategies ii, iii, v, and viii set forth above shall be established prior to, or concurrent with, the issuance of the first RUP on the Property. All other TDM strategies shall be established concurrent with the issuance of the first RUP for each respective building, as appropriate for each TDM strategy.

E. Monitoring.

i. No later than one (1) year following the issuance of the final RUP on the Property, the effectiveness of the TDM Plan shall be evaluated using surveys and/or traffic counts prepared by the PM in cooperation with FCDOT. The Applicant shall coordinate with FCDOT regarding the scope of the traffic counts. All costs exclusive of those of the PM, such as the employment of a traffic consultant, associated with undertaking the traffic study shall be funded outside the TDM Account. The Applicant shall use the results of the surveys and traffic counts to determine if the TDM Goal has been met and shall submit this information to FCDOT for review and approval. If FCDOT has not responded within sixty (60) days, the survey and count data for that year shall be deemed approved. Such TDM surveys shall be conducted annually for three (3) years following the initial survey. If the TDM surveys show that the trip reduction objective is being met after a total of four (4) annual surveys, the Applicant shall proceed with the TDM strategies as implemented and shall provide continuing surveys on a bi-annual basis.

ii. In the event any TDM survey and traffic count indicates that the TDM Goal has not been met, the Applicant shall meet with FCDOT to review the strategies in place and to develop modifications to the TDM strategies, adopt additional TDM strategies and/or conduct additional traffic counts, as deemed appropriate by FCDOT, that will facilitate meeting the TDM Goal. If the TDM Goal is not met for two (2) consecutive surveys and traffic counts, then the Applicant, or successor condominium association, shall contribute Fifty and No/Dollars (\$50.00) per residential unit on the Property to the TDM account to be utilized on supplemental TDM strategies approved in cooperation with FCDOT. The TDM Goal, the TDM strategies and potential for such TDM penalty shall be disclosed in the condominium association documents.

38. Escalation in Contribution Amounts. Except for the contributions set forth in Proffers 35 and 36 herein, the amounts of each cash contribution set forth in these Proffers shall escalate on a yearly basis from the base year of 2008 and change effective each January 1 thereafter in accordance with the methods provided for under the Code of Virginia.

[SIGNATURE PAGE FOLLOWS]

ATHENA/RENAISSANCE RESTON, LLC, a Delaware limited liability company

By: Athena-Renaissance I Venture, LLC, a Delaware limited liability company, Managing Member

By: Athena-Reston Venture, LLC, a Delaware limited liability company, its Managing Member

By: Athena-Reston, LLC, a Delaware limited liability company, its Sole Member

By: Athena Real Estate Partners L.P., a Delaware limited partnership, its Managing Member

By: Athena Realty, LLC, a Delaware limited liability company, its General Partner

By: The Athena Group, LLC, a Maryland limited liability company, its Managing Member

By: _____

Name: Louis M. Dubin

Title: Chief Executive Officer, Managing Member and President

PROPOSED DEVELOPMENT CONDITIONS

DPA 82-C-060-02

January 25, 2007

If it is the intent of the Board of Supervisors to approve DPA 82-C-060-02, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions supersede all previous development conditions associated with the subject property:

1. The development condition approved pursuant to DPA 82-C-060 dated April 26, 2002 shall be deleted.