County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

April 24, 2007

Phillip G. Yates, Senior Associate
Dewberry
8401 Arlington Boulevard
Fairfax, VA 22031-4666

Re: Interpretation for FDPA 82-P-069-6-8 and FDPA 82-P-069-11-3, Fair Lakes Land Bay VB, Tax Map Parcel 34-4 ((12)) C-3: Footprint and Height Modifications

Dear Mr. Yates,

This is in response to your letter of April 17, 2007, which replaces and supersedes all previous letters on this issue, requesting an interpretation of the development conditions and Final Development Plan Amendments (FDPAs) approved by the Planning Commission in conjunction with FDPA 82-P-069-6-8 and FDPA 82-P-069-11-3. As I understand it, the question is whether the proposed modifications to the building footprint, building height, and other site modifications are in substantial conformance with the FDPAs and development conditions. This determination is based on your letter, an attached Interpretation Exhibit, entitled "Fair Lakes Land Bay VB Conceptual/Final Development Plan Amendment" dated April, 2007, attached sheets containing notes from the approved CDPA/FDPA, prepared by Dewberry, and the recommendation of Urban Forest Management (UFM) regarding tree save and landscaping. Copies of your letter and relevant exhibits are attached.

Your letter states that you are proposing to modify the footprint of the multi-family building, to reduce its height from ten (10) stories to eight (8) stories, and to reduce the gross floor area from 150,000 square feet to 141,400 square feet. The number of units (123) is not proposed to change. In addition, you are proposing to add eleven (11) tenant surface parking spaces and to shift the entrance to the underground parking from the southeastern side of the building to the southern side. According to your letter and exhibit, the modifications to the building footprint result in the following reductions in the building setbacks:

- Reduction from 259 feet to 256 feet from the I-66/Route 7100 interchange ramp
- Reduction from 46 feet to 43 feet from the western property boundary
- Reduction from 171 feet to 170 feet from Fair Lakes Circle

You assert that Note #23 on the FDPA justifies the proposed modifications to the building footprint.

Note #23 states in part the following: *"The exact locations, shapes and sizes of the building footprints, and parking structure are preliminary and schematic and are not to be considered final. They are subject to adjustment and refinement with final engineering and architectural design so long as they remain in substantial conformance with the representations on the CDPA and FDPA. The total gross floor area,*

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924

number of dwelling units and the building heights presented in the tabulation are to be considered maximums. The open space as represented in the tabulation and the dimensions to the peripheral lot lines of the PDC District as represented on the graphic are to be considered minimums with the understanding that all dimensions shown on the graphic are subject to minor modification in accordance with the provisions set forth in Sect. 16-403 of the Zoning Ordinance.

The applicant reserves the right to develop a lesser amount of gross floor area and a lesser number of dwelling units from the totals represented in the tabulation and the building footprints and associated parking lot layouts will be reduced/modified accordingly. The applicant reserves the further right to provide additional parking spaces where the building footprints are reduced, shifted or modified so long as the parking spaces do no reduce the amount of open space represented in the tabulation"

In addition to the changes proposed in your letter, your proposed plan shows that there are modifications to the tree save area on the north side of the building and along the west side of the building consisting of the substitution of small deciduous and ornamental trees for large shade trees. The tree save area north of the building is proposed to be reduced in size; however, additional deciduous and ornamental trees are proposed to be added near the building to compensate for any tree loss. As I understand it, you have worked with Urban Forest Management (UFM), DPWES, to address staff concerns regarding proposed changes in the tree save area and landscaping. The proposed landscape plan has been reviewed and approved by UFM. You state that the required 30% open space will be provided, as shown on the FDPA.

As such, it is my determination that the proposed modifications to building footprint, parking, and landscaping discussed above are in substantial conformance with FDPA 82-P-069-8 and FDPA 82-P-069-11-3, subject to final approval of the landscaping plan by UFM. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/MAG/O:\mgodfr\Proffer Interpretations PI\Fair Lakes Land Bay VB (FDPA 82-P-069-6-8, 82-P-069-11-3).doc

Attachments: A/S

cc: Linda Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Angela Rodeheaver, Chief, Site Analysis Section, DOT
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
Audrey Clark, Director, Building Plan Review Division, DPWES
File: FDPA 82-P-069-6-8, FDPA 82-P-069-11-3, PI 0610 174, Imaging, Reading File

Dewberry

8401 Arlington Boulevard
Fairfax, Virginia 22031-4666

703 849 0100 • 703 849 0118 fax
www.dewberry.com

April 17, 2007

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning
APR 20 2007
Zoning Evaluation Division

RE: Interpretation for FDPA 82-P-069-6-8; FDPA 82-P-069-11-3
Fair Lakes Land Bay VB

Barbara
Dear Ms. Byron:

This revised letter is forwarded at the request of Mary Ann Godfrey of your staff. It supersedes and replaces the letters addressed to you on the same subject dated September 20, 2006, December 18, 2006 and March 7, 2007.

The request for interpretation is related to the subject Final Development Plan Amendment (FDPA) applications that were approved by the Planning Commission on June 5, 2005. The FDPAs were an amendment to the previously approved development program in Land Bay VB of Fair Lakes.

The request for interpretation concerns a minor modification to the proposed multiple family dwelling building that was approved with the subject FDPAs. The minor modification is illustrated on the attached graphic entitled Interpretation Graphic dated April 2007. A reduction of the graphic is also attached for your reference.

In short, the footprint of the proposed multiple family dwelling building has been slightly modified. In addition, the building is now proposed at eight (8) stories – in contrast to the ten (10) stories represented on the approved FDPAs. The total gross floor area of the eight (8) story building will be approximately 141,400 square feet – in contrast to the approximately 150,000 square feet represented on the approved FDPAs. There will be a total of 123 units – which is in accordance with the representation on the approved FDPAs.

The parking garage under the proposed building will contain 186 parking spaces – in contrast to the 197 spaces represented on the approved FDPAs. In addition, there will be eleven (11) surface parking spaces to serve the tenants in the multiple family dwelling building. In summary, there will be 197 parking spaces provided on site to satisfy the 1.6 spaces per unit requirement for the proposed 123 multiple family dwelling units (123 units x 1.6 spaces per unit). This minor modification in the number of parking spaces in the proposed parking garage under the building is in accordance with Note 10 on the approved FDPA. A copy of the notes that are affixed to the FDPA is attached for your convenient reference.

As represented on the attached graphic, the proposed multiple family dwelling building will be located a minimum of 256± feet from the I-66/Route 7100 interchange ramp – in contrast

to the 259± feet represented on the approved FDPAs. It will be located approximately 43 feet from the western property line in the vicinity of the existing hotel – in contrast to the 46± feet represented on the approved FDPAs. Lastly, it will be located approximately 170 feet from Fair Lakes Circle – in contrast to 171± feet represented on the approved FDPAs. These minor adjustments to the building footprint location are in accordance with Note 23 that is affixed to the approved FDPA, copy attached.

Lastly, it is noted that the entrance to the parking garage underneath the proposed building will be located on the southern end of the building – in contrast to the southeastern side of the building as represented on the approved FDPAs.

This fairly well summarizes the nature and extent of the proposed minor modifications. All other aspects of the development program that was approved with the FDPAs will be unchanged and will be satisfied to include the 30% open space provided on the total land area of the FDPAs. I would note to your attention as well that the proposed landscaping represented on the attached Interpretation Graphic has been coordinated with and approved by Jessica Strother of the Urban Forest Management Division, DPWES.

Given this background, we submit that the proposed minor modifications will not:

- Change the amount of land area or permit a more intensive use;
- Result in an increased parking requirement;
- Permit uses other than those approved pursuant to the FDPAs;
- Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space;
- Change the bulk, mass, orientation or location of the proposed development program which would adversely impact adjacent property;
- Result in an increase in the amount of clearing and/or grading; or
- Result in a building that exceeds the parameters prescribed by Par. 4A(7) of Sect. 16-403 of the Zoning Ordinance.

I trust that this background information will be sufficient for your determination that the proposed adjustments to the multiple family dwelling building represent a minor modification to the approved development program that is represented on the FDPAs, and that its construction would be in substantial conformance with FDPA 82-P-069-6-8 and FDPA 82-P-069-11-3. Given the significant time lapse since our initial request for this determination, a response at your earliest convenience will be appreciated.

Should you have any questions or the need for elaboration, please give me a call.

Sincerely,

Philip G. Yates
Senior Associate

Attachments: A/S

cc: Mary Ann Godfrey
Jeff Saxe
Ron Wagner
Stuart Prince
Daniela Medek
Gayle Hooper

NOTES:

1. THE PROPERTY THAT IS THE SUBJECT OF THIS CONCEPTUAL DEVELOPMENT PLAN AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT (CDPA/FDPA) IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 55-2 ((1)) 9A AND 18. THE CDPA/FDPA CONTAINS APPROXIMATELY 13.86 ACRES AND IS A PORTION OF LAND BAY V-B OF FAIR LAKES. THE PROPERTY IS ZONED TO THE PLANNED DEVELOPMENT COMMERCIAL (PDC) DISTRICT.

   LAND BAY V-B IS CURRENTLY DEVELOPED WITH A HOTEL, TWO OFFICE BUILDINGS, A RETAIL SHOPPING CENTER (GALYANS AND KOHLS) AND A CHILD CARE CENTER

   THE CDPA PORTION OF THE JOINT APPLICATION IS FILED FOR THE SOLE PURPOSE OF REQUESTING BOARD MODIFICATION OF THE RESIDENTIAL GROSS FLOOR AREA CAP IN THE PDC DISTRICT IN ACCORDANCE WITH THE PROVISION SET FORTH IN PAR. 5 OF SECT. 6-206 OF THE ZONING ORDINANCE.

2. THE FDPA HAS BEEN FILED TO ADD A PROPOSED MULTIPLE FAMILY DWELLING BUILDING CONTAINING UP TO 123 DWELLING UNITS AND A PROPOSED OFFICE BUILDING CONTAINING UP TO 113,000 SQUARE FEET OF GROSS FLOOR AREA. THE PROPOSED MULTIPLE FAMILY BUILDING WILL CONTAIN UP TO 150,000 SQUARE FEET OF GROSS FLOOR AREA IN A BUILDING UP TO TEN (10) STORIES IN HEIGHT WITH AN ENCLOSED EXERCISE ROOM, SWIMMING POOL AND APPROXIMATELY TWO HUNDRED (200) SQUARE FEET OF LANDSCAPED AREA LOCATED ON THE ROOF LEVEL OF THE BUILDING. THE PROPOSED OFFICE BUILDING WILL BE A FIVE (5) STORY STRUCTURE. THE COMBINED GROSS FLOOR AREA FOR THE TWO (2) PROPOSED BUILDINGS WILL NOT EXCEED 263,000 SQUARE FEET.

   REQUISITE PARKING SPACES FOR THE MULTIPLE FAMILY UNITS AND THE EXISTING AND PROPOSED OFFICE BUILDINGS WILL BE PROVIDED IN A PROPOSED FOUR (4) LEVEL ACCESSORY PARKING STRUCTURE, IN A PARKING GARAGE UNDER THE MULTIPLE FAMILY DWELLING BUILDING AND IN SURFACE PARKING SPACES LOCATED ON SITE.

   AS NOTED ABOVE, THE CDPA/FDPA REPRESENTS A MAXIMUM NET INCREASE OF 263,000 SQUARE FEET OF GROSS FLOOR AREA. AS WILL BE DOCUMENTED BY A SEPARATE DOCUMENT TO BE FILED WITH THE COUNTY, THERE IS SUFFICIENT APPROVED, BUT NOT-YET-DEVELOPED, GROSS FLOOR AREA IN FAIR LAKES TO ACCOMMODATE THE PROPOSED DEVELOPMENT PROGRAM.

3. THE BOUNDARY INFORMATION SHOWN HEREON IS BY DEWBERRY & DAVIS LLC.

4. THE TOPOGRAPHY SHOWN HEREON IS AT A CONTOUR INTERVAL OF TWO FEET FROM AN AERIAL SURVEY.

5. NOTWITHSTANDING THAT THE CDPA AND THE FDPA ARE PRESENTED AS ONE DOCUMENT, IT IS TO BE UNDERSTOOD THAT THE CDPA SHALL CONSIST OF THE ENTIRE PLAN RELATIVE SOLELY TO THE POINTS OF ACCESS, THE GENERAL LOCATION OF THE PROPOSED BUILDINGS, THE ON-SITE CIRCULATION AND THE COMMON OPEN SPACE AREAS. THE APPLICANT RESERVES THE RIGHT TO FILE SEPARATE AND PARTIAL CONCEPTUAL DEVELOPMENT PLAN AMENDMENTS IN THE FUTURE, AND TO FILE SEPARATE AND PARTIAL FDPAs AS WELL FOR THOSE PORTIONS OF THE LAND AREA THAT ARE EFFECTED BY THE AMENDMENT FOR APPROVAL BY THE PLANNING COMMISSION IN ACCORDANCE WITH SEC. 16-402 OF THE ZONING ORDINANCE.

6. BEST MANAGEMENT PRACTICES (BMPs) FOR FAIR LAKES HAVE BEEN PROVIDED ON SITE IN ACCORDANCE WITH PREVIOUSLY APPROVED PLANS AND PROFFERS. STORMWATER MANAGEMENT FOR THE EXISTING AND PROPOSED FAIR LAKES DEVELOPMENT PROGRAM HAS BEEN PROVIDED IN ACCORDANCE WITH THE APPROVED OVERALL STORMWATER MANAGEMENT PLAN FOR FAIR LAKES (COUNTY PLAN NO. 5727-PI-10 AND 5727-DS-01). IN ADDITION, THE FAIR LAKES LAND BAY 2 SWM/BMP POND REHABILITATION PLAN (COUNTY PLAN NO. 5727-SP-76-2) SHOWS HOW THE ORIGINAL REGIONAL POND ON THE TRW SITE WAS ENLARGED TO MEET CURRENT COUNTY REGULATIONS. THE ENLARGED FACILITY PROVIDES EXCESS BMP AND DETENTION CAPACITY SUFFICIENT FOR THIS APPLICATION. NO ADDITIONAL STORMWATER MANAGEMENT (SWM) FACILITIES ARE PROPOSED; CONSEQUENTLY THE ADDITIONAL SUBMISSION REQUIREMENTS FOR SAME ARE NOT PROVIDED WITH THIS APPLICATION.

7. IT IS TO BE NOTED THAT THE OFFICE BUILDING SHOWN WITHIN THE SPECIFIED AREA OF THE CDPA AND FDPA IS EXISTING. IT WAS CONSTRUCTED IN 1987 AND WILL BE RETAINED. THE HOTEL SHOWN TO THE WEST OF THE AREA OF THE CDPA AND FDPA IS ALSO EXISTING. IT WAS CONSTRUCTED IN 1987. EXCEPT FOR THE PROPOSED MULTIPLE FAMILY DWELLING BUILDING, PROPOSED OFFICE BUILDING, PROPOSED ACCESSORY PARKING STRUCTURE, AND MINOR ADJUSTMENTS TO THE SURFACE PARKING AREAS, NO OTHER CHANGES ARE PROPOSED TO THE EXISTING DEVELOPMENT PROGRAM IN LAND BAY V-B.

8. A GRAPHIC DEPICTION OF THE ANGLE OF BULK PLANE IS PRESENTED ON SHEET 2. THERE IS NO ANGLE OF BULK PLANE REQUIREMENT SPECIFIED FOR THE APPLICABLE PDC DISTRICT. THE CONVENTIONAL ZONING DISTRICT THAT MOST CLOSELY CHARACTERIZES THE PROPOSED DEVELOPMENT IS THE C-3 DISTRICT. THE ANGLE OF BULK PLANE REQUIREMENTS FOR THE C-3 DISTRICT ARE PRESENTED FOR GENERAL CONFORMANCE BY THE PROPOSED

DEVELOPMENT AT THE PDC PERIPHERAL BOUNDARY, I.E. THE RIGHT-OF-WAY OF I-66 TO THE SOUTH.

9. LANDSCAPING AND SCREENING HAVE BEEN/WILL BE PROVIDED IN ACCORDANCE WITH THE CURRENTLY APPROVED AND PROPOSED FINAL DEVELOPMENT PLAN AS PRESENTED HEREIN. THERE IS A TRANSITIONAL SCREENING YARD AND BARRIER REQUIREMENT ALONG THE I-66 RIGHT-OF-WAY, BUT GIVEN THE FACT THAT THE CLOSEST SINGLE FAMILY DETACHED DWELLING ON THE SOUTH SIDE OF I-66 IS OVER 2,000 FEET AWAY FROM THE PROPOSED DEVELOPMENT, A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT IS HEREBY REQUESTED IN ACCORDANCE WITH PAR. 11 OF SECT. 13-304 OF THE ZONING ORDINANCE. LANDSCAPING ADJACENT TO I-66 HAS BEEN PREVIOUSLY PROVIDED IN ACCORDANCE WITH PRIOR APPROVALS. THERE IS NO TRANSITIONAL SCREENING OR BARRIER REQUIRED ALONG THE EASTERN, NORTHERN OR WESTERN BOUNDARIES OF THE SUBJECT PROPERTY.

   IT IS TO BE NOTED THAT THE CIRCULAR ISLAND IN THE CENTER OF THE DROP-OFF DRIVEWAY IN FRONT OF THE PROPOSED MULTIPLE FAMILY DWELLING BUILDING IS REPRESENTED AS A HARDSCAPE. THE APPLICANT RESERVES THE RIGHT TO MAKE THIS A SOFT LANDSCAPED AREA OR LAWN WITH A MOUNTABLE CURB SUBJECT TO THE APPROVAL OF THE FIRE MARSHALL.

   LASTLY, IT IS TO BE NOTED THAT THERE WILL BE SELECTIVE CLEARING IN THE PROPOSED TREE SAVE AREA LOCATED TO THE NORTH OF THE PROPOSED MULTIPLE FAMILY BUILDING. THE SELECTIVE CLEARING WILL BE LIMITED TO THOSE TREES THAT MUST BE REMOVED TO ENABLE THE INSTALLATION OF THE PROPOSED PASSIVE RECREATION FEATURES THAT ARE REPRESENTED ON THE GRAPHIC.

10. PARKING SPACES FOR THE EXISTING AND PROPOSED DEVELOPMENT PROGRAM ON THE SUBJECT PROPERTY HAVE BEEN/WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 11 OF THE ZONING ORDINANCE. AS REPRESENTED IN THE TABULATION, APPROXIMATELY 60% OF THE PROPOSED PARKING SPACES WILL BE PROVIDED IN THE PROPOSED PARKING STRUCTURE AND THE PROPOSED BELOW-GRADE STRUCTURE UNDER THE RESIDENTIAL BUILDING.

    THE APPLICANT RESERVES THE RIGHT TO INCREASE OR DECREASE THE NUMBER OF PARKING SPACES AS REPRESENTED IN THE TABULATION SO LONG AS THE RESULTING NUMBER OF SPACES SATISFIES THE MINIMUM NUMBER PRESCRIBED BY THE APPLICABLE PROVISIONS IN THE ZONING ORDINANCE AND/OR THE AMOUNT OF OPEN SPACE AND THE MINIMUM DISTANCES TO THE PERIPHERAL LOT LINES ARE NOT DIMINISHED.

IN ADDITION, THE APPLICANT RESERVES THE RIGHT TO REQUEST A REDUCTION IN THE NUMBER OF REQUIRED PARKING SPACES AS MAY BE APPROVED BY THE BOARD OF SUPERVISORS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECT. 11-102 OF THE ZONING ORDINANCE.

11. LOADING SPACES FOR THE EXISTING AND PROPOSED DEVELOPMENT PROGRAM ON THE SUBJECT PROPERTY HAVE BEEN/WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 11 OF THE ZONING ORDINANCE.

12. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVES LOCATED ON THE SUBJECT PROPERTY.

13. THE PRIMARY USES WITHIN THE SPECIFIED AREA OF THE FDPA WILL BE LIMITED TO THE EXISTING OFFICE BUILDING, THE PROPOSED OFFICE BUILDING, AND THE PROPOSED MULTIPLE FAMILY DWELLING BUILDING.

    SECONDARY USES WITHIN THE TWO OFFICE BUILDINGS MAY INCLUDE BUT ARE NOT NECESSARILY LIMITED TO ACCESSORY SERVICE USES, FINANCIAL INSTITUTIONS, FAST FOOD RESTAURANTS, QUICK SERVICE FOOD STORES, EATING ESTABLISHMENTS, BUSINESS SERVICE AND SUPPLY SERVICE ESTABLISHMENTS, ESTABLISHMENTS FOR SCIENTIFIC RESEARCH, DEVELOPMENT AND TRAINING, GARMENT CLEANING ESTABLISHMENTS, PERSONAL SERVICE ESTABLISHMENTS, PUBLIC USES, REPAIR SERVICE ESTABLISHMENTS, HEALTH CLUBS, COMMUNITY USES, INSTITUTIONAL USES, PRIVATE CLUBS, PRIVATE SCHOOLS AND CHURCHES AND/OR OTHER PLACES OF WORSHIP.

14. THE SUBJECT PROPERTY IS LOCATED WITHIN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT AND THE PROPOSED DEVELOPMENT DOES/WILL CONFORM TO THE PROVISIONS THEREOF.

15. THERE ARE NO IMPROVEMENTS TO THE PUBLIC RIGHTS-OF-WAY OR COMMUNITY OR PUBLIC FACILITIES PROPOSED WITH THIS FINAL DEVELOPMENT PLAN AMENDMENT.

16. PUBLIC WATER AND SEWER ARE CURRENTLY AVAILABLE ON THE SITE.

17. THERE IS NO FLOODPLAIN DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION, UNITED STATES GEOLOGICAL SURVEY OR FAIRFAX COUNTY ON THE SITE. THERE IS NO ENVIRONMENTAL QUALITY CORRIDOR (EQC) OR RESOURCE PROTECTION AREA (RPA) ON THE SITE.

18. THE LIMITS OF CLEARING AND GRADING WILL BE CONFINED TO THE IMMEDIATE AREA OF THE PROPOSED BUILDINGS, PROPOSED PARKING STRUCTURE AND THOSE AREAS OF THE EXISTING SURFACE PARKING LOT THAT WILL BE ADJUSTED WITH THE PROPOSED DEVELOPMENT PROGRAM AS

REPRESENTED ON THE GRAPHIC.

19. TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE PROPOSED BUILDING PROGRAM EXPANSION WILL NOT GENERATE, UTILIZE, STORE, TREAT OR DISPOSE ANY HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355; ANY HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR ANY PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE SUBSTANCES THAT MAY BE UTILIZED, STORED AND DISPOSED OF IN CONJUNCTION WITH THE PROPOSED BUILDING PROGRAM EXPANSION AND/OR THE MAINTENANCE OF THE BUILDING PROGRAM AND GROUNDS WILL BE IN ACCORDANCE WITH SAID REGULATIONS.

20. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE OR MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED ON THE SUBJECT PROPERTY.

21. AMENITIES HAVE BEEN PREVIOUSLY PROVIDED IN FAIR LAKES. AS NOTED ABOVE IN NOTE 2, ADDITIONAL AMENITIES ARE PROPOSED FOR THE RESIDENTS IN THE MULTIPLE FAMILY BUILDING THAT WILL BE IN THE FORM OF AN ENCLOSED EXERCISE ROOM, A SWIMMING POOL AND APPROXIMATELY TWO HUNDRED (200) SQUARE FEET OF LANDSCAPED AREA LOCATED ON THE ROOF LEVEL OF THE BUILDING. THERE ARE NO ADDITIONAL COMMUNITY OR PUBLIC FACILITIES PROPOSED WITH THE DEVELOPMENT PROGRAM. IN ADDITION, OTHER THAN THE EXISTING VEGETATION AND DEVELOPMENT ON THE SUBJECT PROPERTY, THERE ARE NO SCENIC ASSETS LOCATED ON THE SITE. LASTLY, OTHER THAN THE EXISTING VEGETATION, THERE ARE NO NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION LOCATED ON THE SUBJECT PROPERTY. GIVEN THE LOCATION AND NATURE OF THE PROPOSED DEVELOPMENT ON THE PROPERTY, THERE WILL BE NO ADVERSE EFFECTS ON ADJACENT OR NEIGHBORING PROPERTIES.

22. THERE IS AN EXISTING OFFICE BUILDING LOCATED ON THE SUBJECT PROPERTY. BASED ON FAIRFAX COUNTY RECORDS, IT WAS BUILT IN 1987. IT WILL BE SAVED. WHEREAS IT HAS NO SIGNIFICANT HISTORICAL OR ARCHITECTURAL VALUE, THE ARCHITECTURE OF THE PROPOSED BUILDINGS AND PARKING STRUCTURE WILL BE DESIGNED TO COMPLEMENT AND BE HARMONIOUS WITH THE EXISTING OFFICE BUILDING AND THE OTHER EXISTING BUILDINGS IN THE VICINITY OF THE SUBJECT PROPERTY. ARCHITECTURAL SKETCHES OF THE PROPOSED STRUCTURES ARE PRESENTED ON SHEET 4.

23. THE EXACT LOCATIONS, SHAPES AND SIZES OF THE BUILDING FOOTPRINTS, AND PARKING STRUCTURE SHOWN ON THE GRAPHIC ARE PRELIMINARY AND SCHEMATIC AND ARE NOT TO BE CONSIDERED FINAL. THEY ARE SUBJECT TO ADJUSTMENT AND REFINEMENT WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN SO LONG AS THEY REMAIN IN SUBSTANTIAL CONFORMANCE WITH THE REPRESENTATIONS ON THE CDPA AND FDPA. THE TOTAL GROSS FLOOR AREA, NUMBER OF DWELLING UNITS AND THE BUILDING HEIGHTS PRESENTED IN THE TABULATION ARE TO BE CONSIDERED MAXIMUMS. THE OPEN SPACE AS REPRESENTED IN THE TABULATION AND THE DIMENSIONS TO THE PERIPHERAL LOT LINES OF THE PDC DISTRICT AS REPRESENTED ON THE GRAPHIC ARE TO BE CONSIDERED MINIMUMS WITH THE UNDERSTANDING THAT ALL DIMENSIONS SHOWN ON THE GRAPHIC ARE SUBJECT TO MINOR MODIFICATION IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECT. 16-403 OF THE ZONING ORDINANCE.

THE APPLICANT RESERVES THE RIGHT TO DEVELOP A LESSER AMOUNT OF GROSS FLOOR AREA AND A LESSER NUMBER OF DWELLING UNITS FROM THE TOTALS REPRESENTED IN THE TABULATION AND THE BUILDING FOOTPRINTS AND ASSOCIATED PARKING LOT LAYOUTS WILL BE REDUCED/MODIFIED ACCORDINGLY. THE APPLICANT RESERVES THE FURTHER RIGHT TO PROVIDE ADDITIONAL PARKING SPACES WHERE THE BUILDING FOOTPRINTS ARE REDUCED, SHIFTED OR MODIFIED SO LONG AS THE PARKING SPACES DO NOT REDUCE THE AMOUNT OF OPEN SPACE REPRESENTED IN THE TABULATION.

LASTLY, THE APPLICANT RESERVES THE RIGHT TO SHIFT GROSS FLOOR AREA THAT IS REPRESENTED ON THE TABULATION FROM THE PROPOSED MULTIPLE FAMILY BUILDING TO THE OFFICE BUILDING WITH THE UNDERSTANDING THAT THE RESULTANT BUILDING FOOTPRINTS WILL BE IN SUBSTANTIAL CONFORMANCE WITH THE FOOTPRINTS REPRESENTED ON THE GRAPHIC AND THE MAXIMUM COMBINED TOTAL NUMBER OF UNITS AND GROSS FLOOR AREA REPRESENTED IN THE TABULATION WILL NOT BE EXCEEDED.

24. THE FLOOR AREAS REPRESENTED IN THE TABULATION ARE GROSS FLOOR AREAS AS DEFINED IN THE FAIRFAX COUNTY ZONING ORDINANCE. IN ADDITION, IT IS UNDERSTOOD THAT THE BUILDING(S) MAY HAVE CELLAR SPACES WHICH SPACES WILL BE CALCULATED FOR OFF-STREET PARKING REQUIREMENTS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN PAR. 25 OF SECT. 11-102 OF THE ZONING ORDINANCE.

25. THE BUILDINGS WILL LIKELY HAVE PENTHOUSES DESIGNED IN PART TO SHIELD THE MECHANICAL EQUIPMENT LOCATED ON THE ROOFS. THE HEIGHT AND ROOF AREA COVERAGE OF THE PENTHOUSES WILL BE IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE; WILL BE COMPATIBLE WITH THE HEIGHT AND SCALE OF THE BUILDINGS; AND WILL BE CONSTRUCTED OF MATERIALS THAT ARE AN EXTENSION OF OR HARMONIOUS WITH THE ARCHITECTURAL MATERIALS OF

THE MAIN BUILDINGS. THE BUILDING HEIGHTS REPRESENTED IN THE BUILDING SCHEDULE DO NOT INCLUDE THE HEIGHTS OF THE PENTHOUSES.

26. IT IS UNDERSTOOD THAT ADDITIONAL SITE FEATURES SUCH AS GAZEBOS, BENCHES, COVERED WALKWAYS, FLAGPOLES, TRELLISES, WATER FOUNTAINS OR FEATURES, SIGNS, WALLS, FENCES, LIGHT STANDARDS AND/OR UTILITY MAINTENANCE STRUCTURES NOT REPRESENTED ON THE GRAPHIC MAY BE PROVIDED AS LONG AS THE RESULTANT PROPOSED DEVELOPMENT IS IN SUBSTANTIAL CONFORMANCE WITH THAT REPRESENTED ON THE GRAPHIC. IT IS ALSO UNDERSTOOD THAT MOBILE AND LAND-BASED TELECOMMUNICATION FACILITIES MAY BE PROVIDED ON SITE IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECT. 2-514 OF THE ZONING ORDINANCE.

ALL SIGNS WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 12 OF THE ZONING ORDINANCE AND IN ACCORDANCE WITH THE COMPREHENSIVE SIGNAGE PLAN FOR FAIR LAKES AS MAY BE AMENDED.

ALL LIGHTING ON SITE WILL BE SHIELDED AND LOCATED IN SUCH A MANNER AS TO REDUCE GLARE ON ADJACENT PROPERTIES IN ACCORDANCE WITH THE STANDARDS SET FORTH IN ARTICLE 14 OF THE ZONING ORDINANCE.

27. IT IS CURRENTLY ANTICIPATED THAT, SUBJECT TO MARKET CONDITIONS, THE PROPOSED DEVELOPMENT PROGRAM WILL COMMENCE AS SOON AS REQUISITE PLANS AND PERMITS ARE APPROVED AND IT WILL BE CONSTRUCTED IN ONE CONTINUOUS PHASE.

28. TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS AND ADOPTED STANDARDS EXCEPT AS QUALIFIED ABOVE.

FAIR LAKES LAND BAY V-B CDPA/FDPA 03/07/05

TABULATION:

EXISTING/PROPOSED ZONING ..... PDC

LAND AREA ..... 13.86± AC
- LAND AREA OF FDPA 82-P-069-6-8 ..... 11.91± AC
- LAND AREA OF FDPA 82-P-069-11-3 ..... 1.95± AC

EXISTING GROSS FLOOR AREA ..... 261,710 SF

PROPOSED ADDITIONAL GROSS FLOOR AREA (COMBINED MAXIMUM) .. 263,000± SF
- PROPOSED OFFICE BUILDING ..... 113,000± SF
- PROPOSED MULTIPLE FAMILY BUILDING ..... 150,000± SF

PROPOSED TOTAL GROSS FLOOR AREA ..... 524,710± SF

PROPOSED FLOOR AREA RATIO (FAR)* 0.87

MAXIMUM BUILDING HEIGHTS
- EXISTING OFFICE (10 STORIES) ..... 125 FT
- PROPOSED OFFICE (6 STORIES) ..... 100 FT
- PROPOSED MULTIPLE FAMILY (10 STORIES) ..... 100 FT

PARKING SPACES REQUIRED 1,216
- EXISTING OFFICE – 261,710 SF @ 2.6 SPACES/1,000 SF 681
- PROPOSED OFFICE – 113,000 SF + 17,000 SF CELLAR @ 2.6 SPACES/1,000 SF 338
- PROPOSED MULTIPLE FAMILY – 123 UNITS AT 1.6 SPACES/UNIT 197

PARKING SPACES PROVIDED 1,439
- SURFACE 512
- PARKING STRUCTURE 730
- UNDER MULTIPLE FAMILY 197

OPEN SPACE REQUIRED (15%)** ..... 2.08± AC

OPEN SPACE PROVIDED (30%) ..... 4.16± AC

* THE APPROVED FLOOR AREA RATIO (FAR) FOR THE ENTIRETY OF THE FAIR LAKES PDC LAND AREA IS 0.25.

** THE 15% OPEN SPACE REQUIREMENT IS FOR THE ENTIRETY OF THE FAIR LAKES PDC LAND AREA.

TABULATION FOR LAND AREA OF FDPA 82-P-069-6-8
FOR INFORMATION ONLY

LAND AREA ..... 11.91± AC

GROSS FLOOR AREA CURRENTLY APPROVED ..... 261,710± SF
GROSS FLOOR AREA PROPOSED ..... 499,850± SF
- ~~EXISTING OFFICE ..... 261,710± SF~~
- PROPOSED OFFICE (78%) ..... 88,140± SF
- RESIDENTIAL ..... 150,000± SF

FLOOR AREA RATIO (FAR) CURRENTLY APPROVED* 0.50
FLOOR AREA RATIO (FAR) PROPOSED* 0.96

OPEN SPACE CURRENTLY APPROVED (40%)** ..... 4.74± AC
OPEN SPACE PROPOSED (27%)** ..... 3.17± AC

TABULATION FOR LAND AREA OF FDPA 82-P-069-11-3
FOR INFORMATION ONLY

LAND AREA ..... 1.95± AC

GROSS FLOOR AREA CURRENTLY APPROVED ..... 0 SF
GROSS FLOOR AREA PROPOSED (22% OF PROPOSED OFFICE) ..... 24,860± SF

FLOOR AREA RATIO (FAR) CURRENTLY APPROVED* 0
FLOOR AREA RATIO (FAR) PROPOSED* 0.29

OPEN SPACE CURRENTLY APPROVED (55%)** ..... 1.07± AC
OPEN SPACE PROPOSED (50%)** ..... 0.99± AC

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* THE APPROVED FLOOR AREA RATIO (FAR) FOR THE ENTIRETY OF THE FAIR LAKES PDC LAND AREA IS 0.25.

** THE OPEN SPACE REQUIREMENT FOR THE ENTIRETY OF THE FAIR LAKES PDC LAND AREA IS 15%.

TABULATION FOR COMPANION CDPA APPLICATION
FOR INFORMATION ONLY

EXISTING/PROPOSED ZONING.....PDC

LAND AREA.....2.30± AC
PROPOSED USE.....MULTIPLE FAMILY
~~PROPOSED GROSS~~ FLOOR AREA..... ~~UP TO~~ 150,000± SF

PROPOSED FLOOR AREA RATIO (FAR)*.....1.50
PROPOSED NUMBER OF DWELLING UNITS.....UP TO 150
MAXIMUM BUILDING HEIGHT (10 STORIES + CLUBHOUSE).....135± FT

PARKING SPACES REQUIRED AT 1.6 SPACES PER UNIT.....240
PARKING SPACES PROVIDED ON AREA OF CDPA.....241
UNDER MULTIPLE FAMILY BUILDING.....206
SURFACE.....35

OPEN SPACE REQUIRED (15%)**.....0.35 AC
OPEN SPACE PROPOSED (24%).....0.57± AC

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* THE APPROVED FLOOR AREA RATIO (FAR) FOR THE ENTIRETY OF THE FAIR LAKES PDC LAND AREA IS 0.25.

** THE 15% OPEN SPACE REQUIREMENT IS FOR THE ENTIRETY OF THE FAIR LAKES PDC LAND AREA.