



County of Fairfax, Virginia

September 20, 2007

STAFF REPORT

PCA 82-P-069-20, CDPA 82-P-069-01-1 and
FDPA 82-P-069-01-15

SPRINGFIELD DISTRICT

APPLICANT: Fair Lakes Center Associates L.P.

PRESENT ZONING: PDC, WSPOD

PARCELS: 45-4 ((1)) 25E1 pt. and 25E2 pt.

ACREAGE: 10.65 acres

INTENSITY: 0.87 FAR (0.30 FAR for the entire Fair Lakes PDC)

OPEN SPACE: 45%

PLAN MAP: Fairfax Center Area: Office/Mix

PROPOSAL: Request to amend the proffers, the Conceptual Development Plan, and the Final Development Plan for a portion of Fair Lakes to permit the construction of 350,000 gross square feet of residential development (maximum 400 dwelling units), and to provide specific proffers related to the proposed residential use in Land Bay VI-A.

MODIFICATIONS/WAIVERS:

Modification of the PDC standards to permit residential uses to exceed 50 percent of the gross floor area of principle uses.

O:\wodonn\ZED\PCA\Fair Lakes\PCA 82-P-069-20\PCA 82-P-069-20_VIAResidential_Staff_Report_Cover.doc

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
www.fairfaxcounty.gov/dpz/

Modification of the loading space requirement for the residential uses to allow 2 loading spaces as provided on the CDPA/FDPA.

Modification of PFM standard 12-0702.1B2 to permit the reduction of the minimum planting requirement from 8 feet to a minimum of 6 feet as shown on the CDPA/FDPA and described in the proffers.

Waiver of transitional screening and barrier requirements between the proposed residential and existing non-residential uses within the original application area.

Waiver to locate underground facilities in a residential area for the Fair Lakes Land Bay VI-A development plan (PFM Section 6-0303.8), subject to Waiver #005727-WPFM-013-1 Conditions dated August 6, 2007, as contained in Appendix as Attachment A.

STAFF RECOMMENDATIONS:

Staff recommends denial of PCA 82-P-069-20 as submitted. However, if it is the intent of the Board of Supervisors to approve PCA 82-P-069-20, staff recommends that such approval be subject to the proffers consistent with those contained in Appendix 1.

Staff recommends denial of CDPA 82-P-069-01-1 as submitted.

Staff recommends denial of FDPA 82-P-069-1-15 as submitted. However, if it is the intent of the Planning Commission to approve FDPA 82-P-069-1-15, staff recommends that such approval be subject to the Final Development Plan Amendment Conditions contained in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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 Planning Commission.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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).

Proffered Condition Amendment

PCA 82-P-069-20

Applicant: FAIR LAKES CENTER ASSOCIATES L.P.
Accepted: 03/27/2007
Proposed: AMEND RZ 82-P-069 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT ADDITIONAL RESIDENTIAL DEVELOPMENT

Area: 10.65 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION OF FAIR LAKES PARKWAY AND THE FAIRFAX COUNTY PARKWAY

Zoning: PDC
Overlay Dist: WS
Map Ref Num: 045-4 /01/ /0025E1 Pt. /01/ /0025E2 Pt.

Final Development Plan Amendment

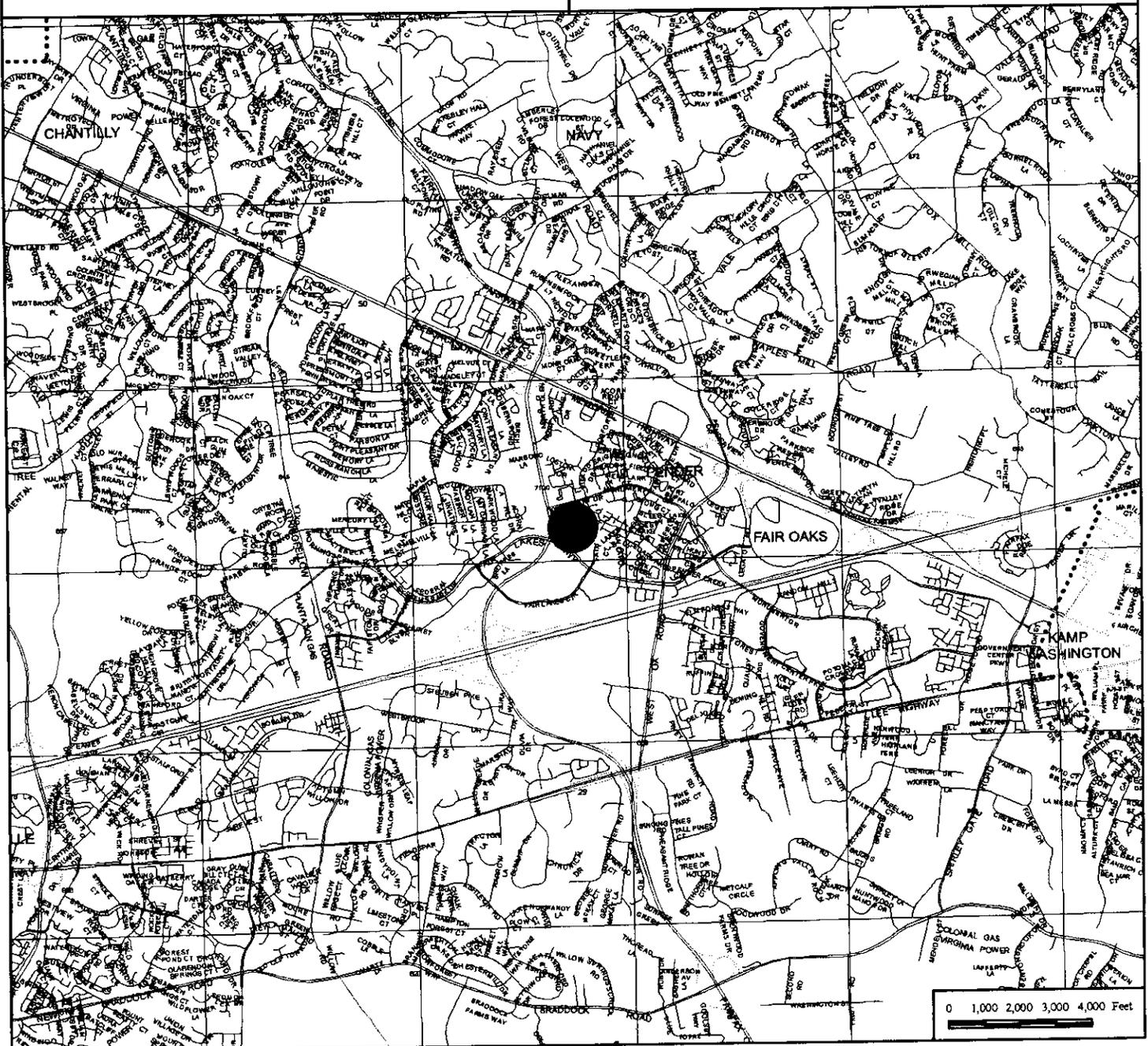
FDPA 82-P-069-01-15

Applicant: FAIR LAKES CENTER ASSOCIATES L.P.
Accepted: 03/27/2007
Proposed: AMEND FDP 82-P-069 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT ADDITIONAL RESIDENTIAL DEVELOPMENT

Area: 10.65 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION OF FAIR LAKES PARKWAY AND THE FAIRFAX COUNTY PARKWAY

Zoning: PDC
Overlay Dist: WS
Map Ref Num: 045-4 /01/ /0025E1 Pt. /01/ /0025E2 Pt.



Proffered Condition Amendment

PCA 82-P-069-20

Applicant: FAIR LAKES CENTER ASSOCIATES L.P.
Accepted: 03/27/2007
Proposed: AMEND RZ 82-P-069 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT ADDITIONAL RESIDENTIAL DEVELOPMENT

Area: 10.65 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION OF FAIR LAKES PARKWAY AND THE FAIRFAX COUNTY PARKWAY

Zoning: PDC
Overlay Dist: WS
Map Ref Num: 045-4- /01/ /0025E1 Pt. /01/ /0025E2 Pt.

Final Development Plan Amendment

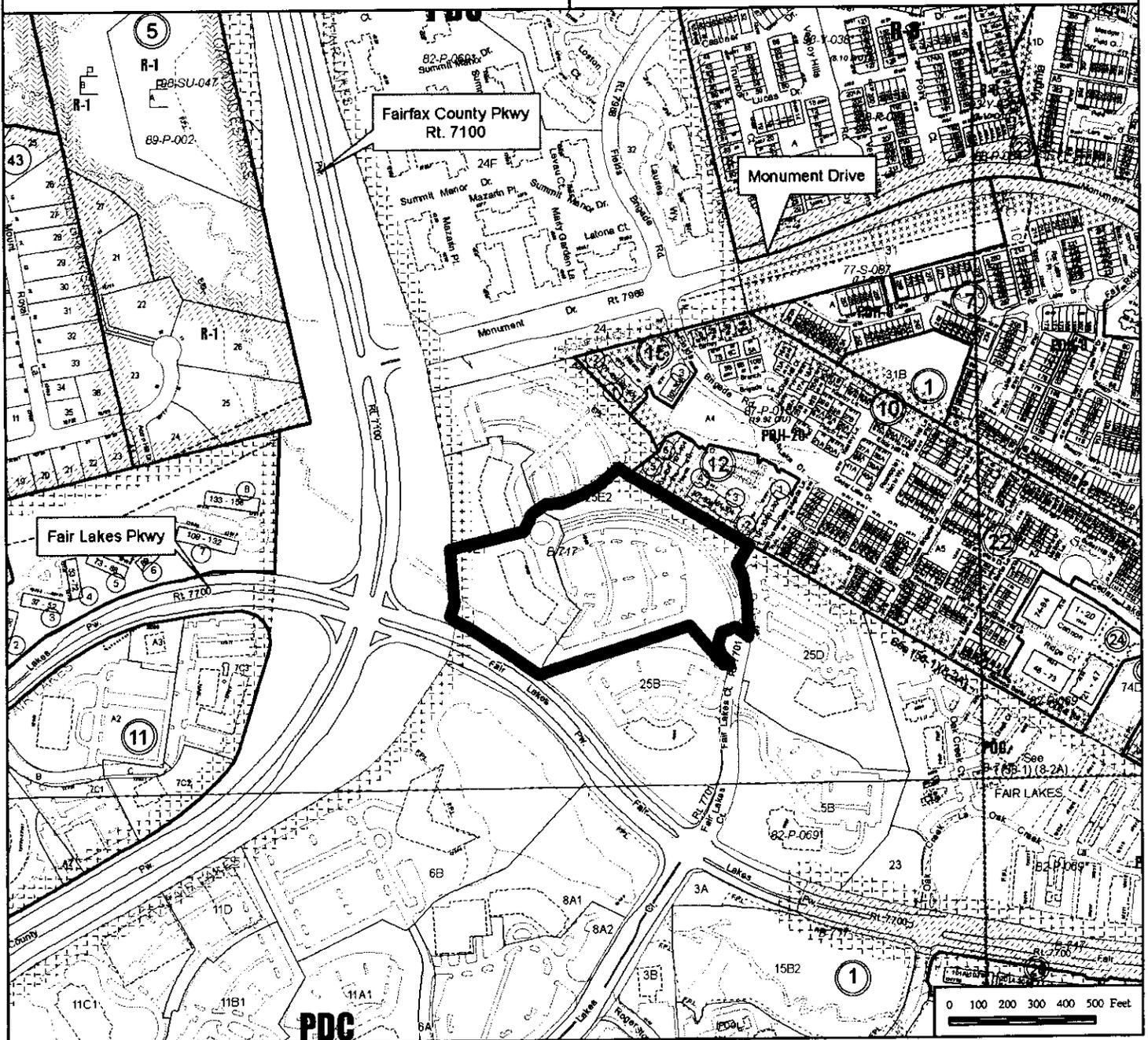
FDPA 82-P-069-01-15

Applicant: FAIR LAKES CENTER ASSOCIATES L.P.
Accepted: 03/27/2007
Proposed: AMEND FDP 82-P-069 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT ADDITIONAL RESIDENTIAL DEVELOPMENT

Area: 10.65 AC OF LAND; DISTRICT - SPRINGFIELD

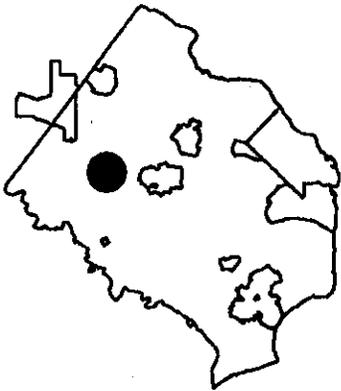
Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION OF FAIR LAKES PARKWAY AND THE FAIRFAX COUNTY PARKWAY

Zoning: PDC
Overlay Dist: WS
Map Ref Num: 045-4- /01/ /0025E1 Pt. /01/ /0025E2 Pt.



Conceptual Development Plan Amendment

CDPA 82-P-069-01-01



Applicant:
Accepted:
Proposed:

FAIR LAKES CENTER ASSOCIATES L.P.
03/27/2007
AMEND RZ 82-P-069 PREVIOUSLY APPROVED
FOR MIXED USE DEVELOPMENT TO PERMIT
ADDITIONAL RESIDENTIAL DEVELOPMENT

Area:

10.65 AC OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:

Located:

NORTHEAST QUADRANT OF THE INTERSECTION
OF FAIR LAKES PARKWAY AND THE FAIRFAX
COUNTY PARKWAY

Zoning:

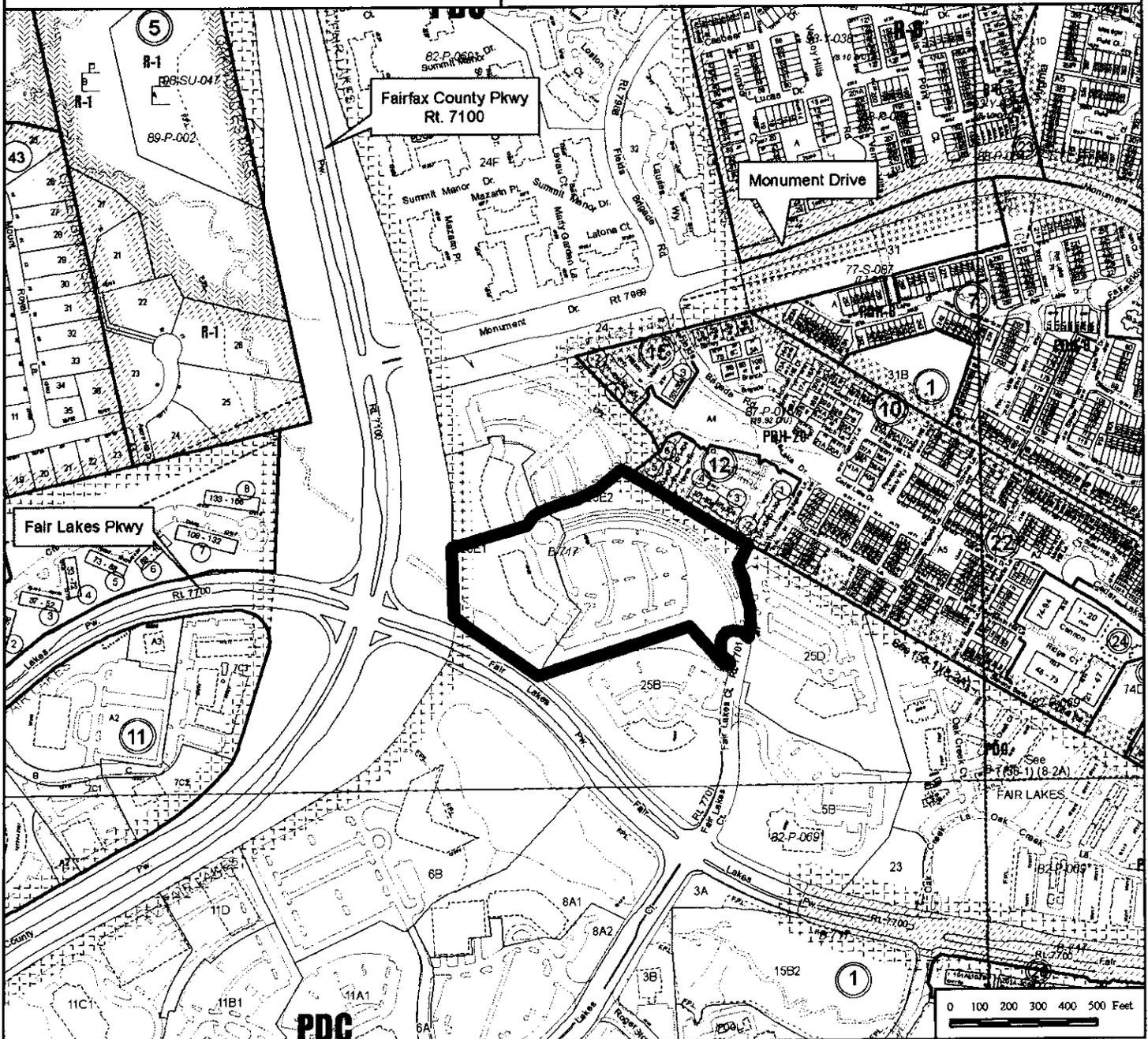
PDC

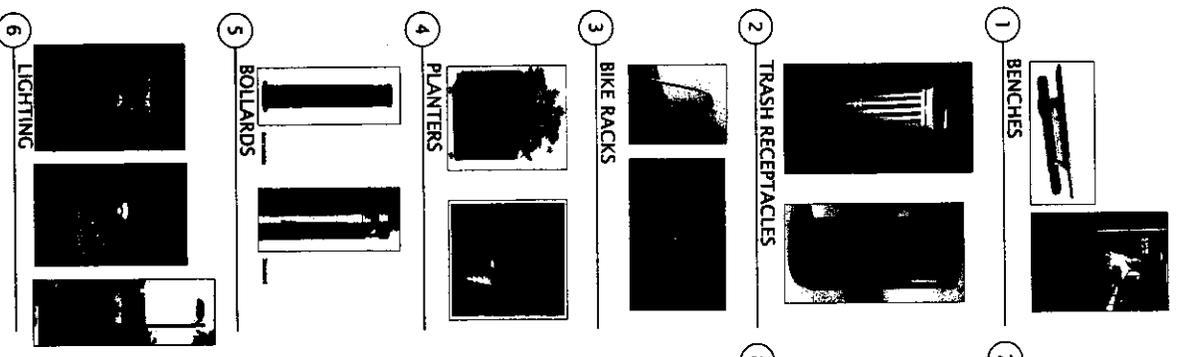
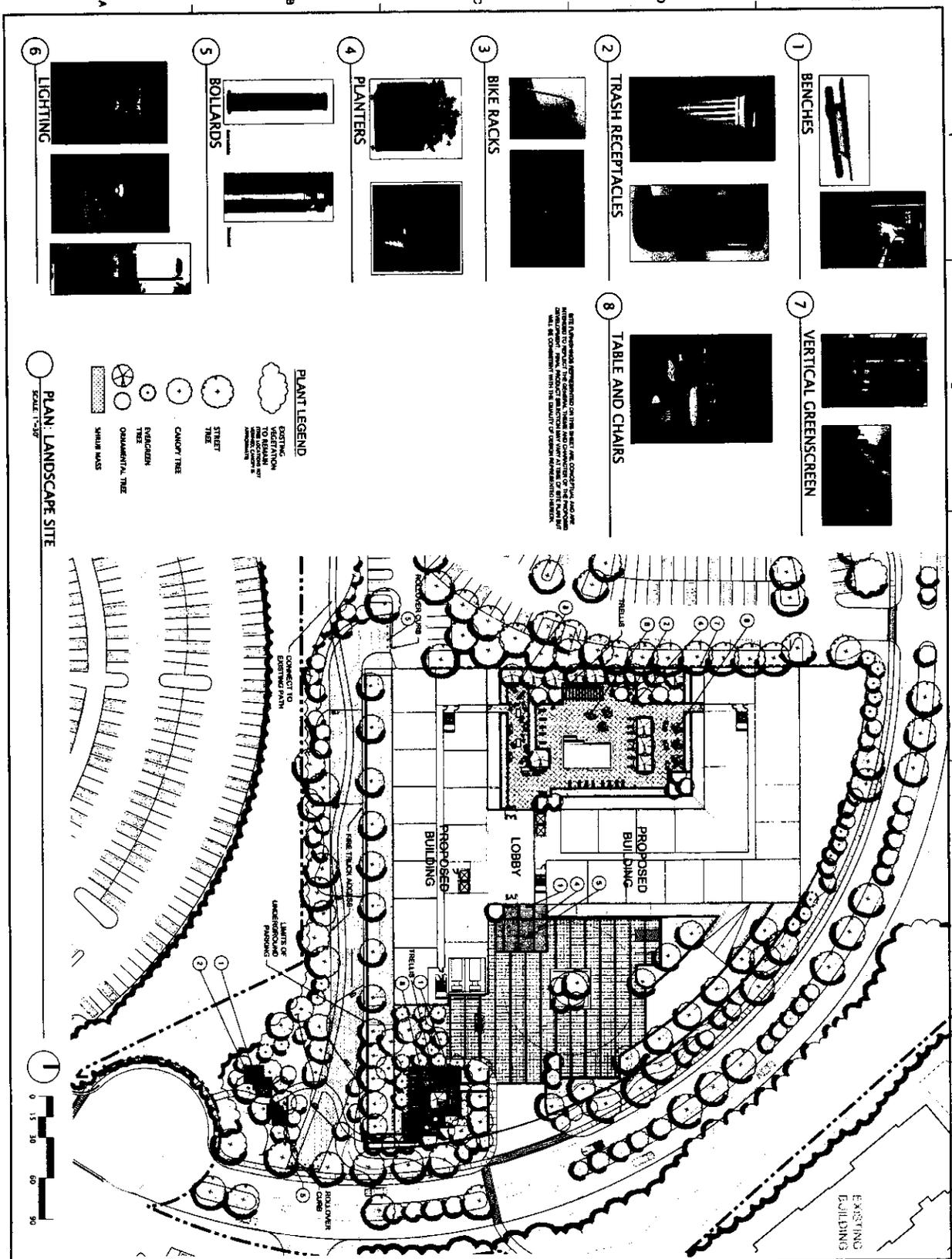
Overlay Dist:

WS

Map Ref Num:

045-4- /01/ /0025E1 Pt. /01/ /0025E2 Pt.





PLANT LEGEND

EXISTING TREES TO REMAIN
STREET TREE
CANOPY TREE
VARIEGATED TREE
ORNAMENTAL TREE
SHRUB BEDS

PLAN: LANDSCAPE SITE
SCALE: 1"=30'

0 15 30 60 90

FAIR LAKES LAND BAY VI-A

CONCEPTUAL / FINAL DEVELOPMENT PLAN AMENDMENT

CDPA B2-P-089-01-01
FDPA B2-P-089-01-16

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

Dewberry

Company & Design, LLC

10000 FARM ROAD
SUITE 100
FAIRFAX, VA 22030

TEL: 703.441.1000
WWW.DEBERRY.COM

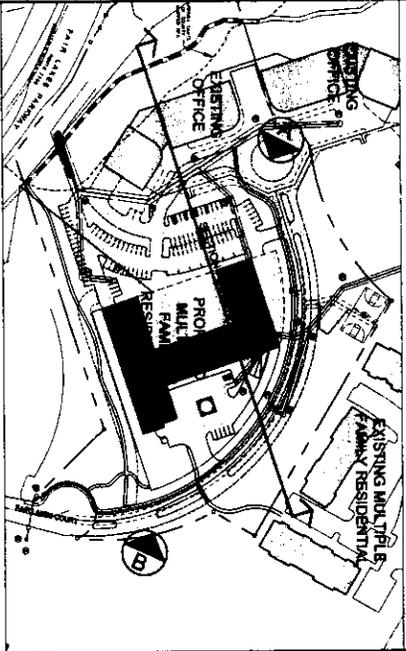
EMWIS

SCOTT
GIONET

NO.	DATE	BY	DESCRIPTION
1	08/15/14	EMWIS	ISSUE FOR PERMIT
2	08/15/14	EMWIS	ISSUE FOR PERMIT
3	08/15/14	EMWIS	ISSUE FOR PERMIT
4	08/15/14	EMWIS	ISSUE FOR PERMIT
5	08/15/14	EMWIS	ISSUE FOR PERMIT

4 OF 11

PERSPECTIVE AND SECTION KEY MAP



MASSING MODEL (NO SCALE)



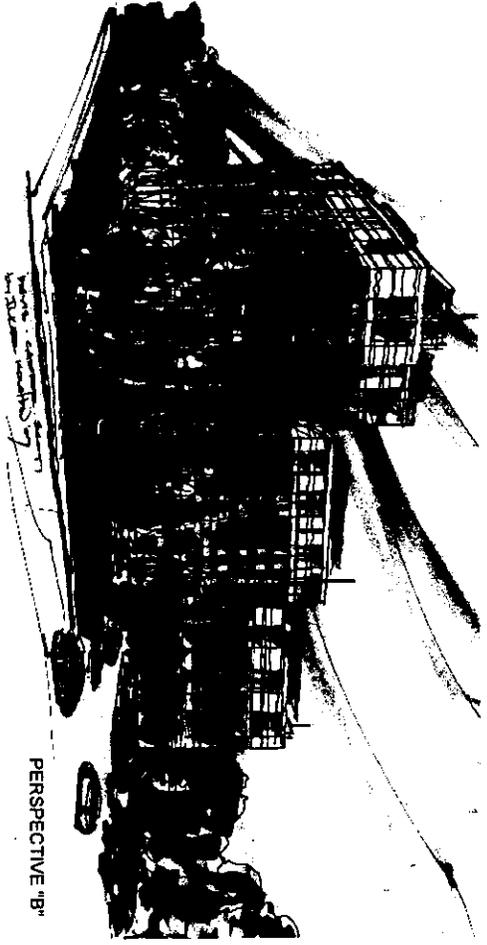
NOTE: THE MASSING MODEL ON THIS SHEET IS PRELIMINARY IN NATURE AND IS PROVIDED TO AID IN THE UNDERSTANDING OF THE PROPOSED DEVELOPMENT PROGRAM IN RELATION TO THE SITE. THE MASSING MODEL IS SUBJECT TO CHANGE WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN.

NOTE: THE BUILDING REPRESENTATIONS PRESENTED ON THIS SHEET ARE PRELIMINARY AND SUBJECT TO ADJUSTMENT AND REVISION WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN. THEY ARE PROVIDED TO ILLUSTRATE THE GENERAL FORM AND CHARACTER OF THE PROPOSED STRUCTURES.

PERSPECTIVES (NO SCALE)



PERSPECTIVE "A"



PERSPECTIVE "B"

Dowberry

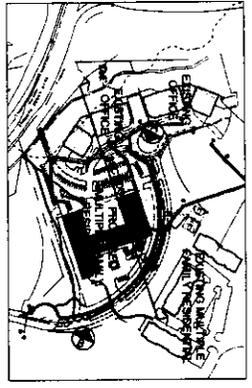
CONCEPTUAL / FINAL DEVELOPMENT PLAN AMENDMENT
 CDPA 82-P-088-01-01
 FDPA 82-P-088-01-15
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA

LEWIS SCULLY GROUNTS

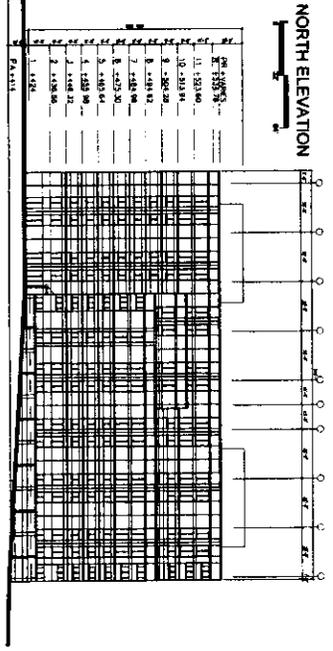


NO.	DATE	DESCRIPTION
1	08/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
2	08/18/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
3	08/21/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
4	07/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
5	07/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
6	07/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
7	07/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
8	07/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
9	07/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
10	07/10/07	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT

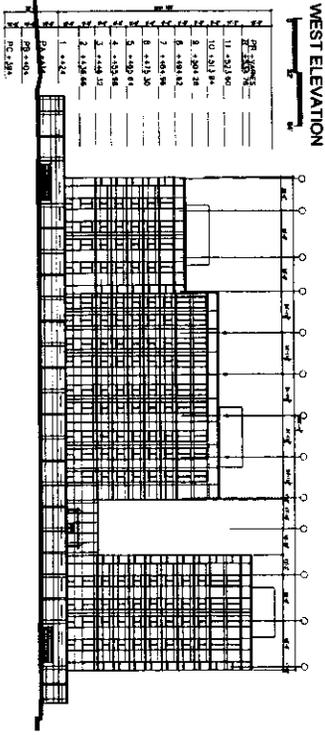
DATE: 07/27/07
 APPROVED BY: [Signature]
 TITLE: ARCHITECT
 PROJECT NO.: M-110630



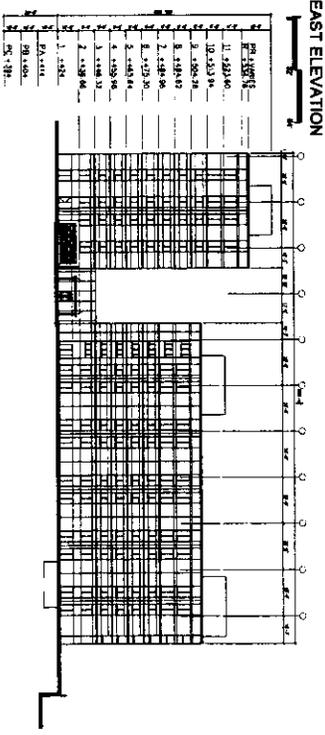
PERSPECTIVE AND SECTION KEY MAP



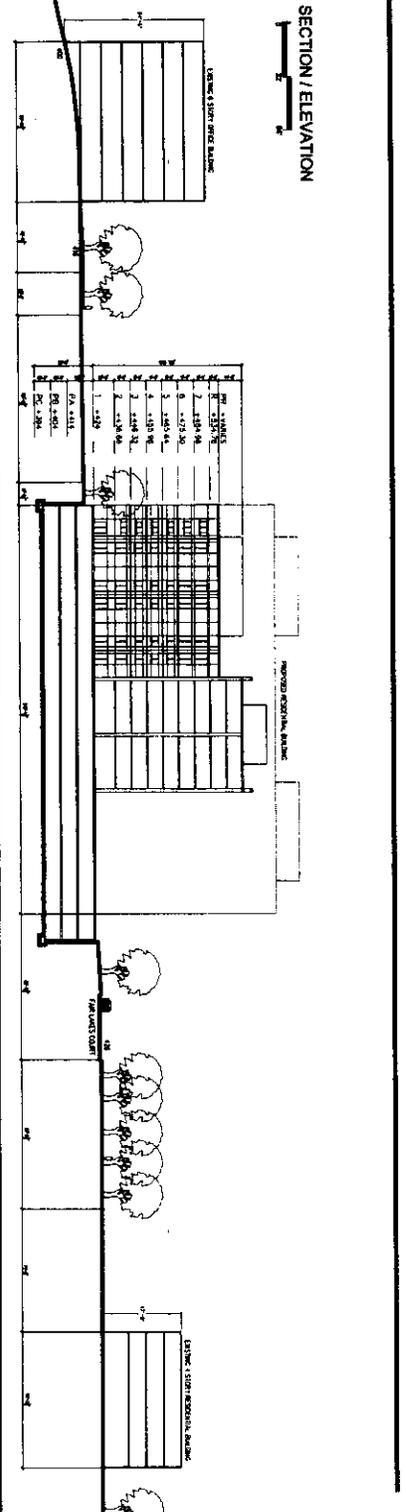
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SECTION / ELEVATION

NOTE: THE BUILDING ELEVATIONS AND SECTION/ELEVATION PRESENTED ON THIS SHEET ARE PRELIMINARY AND SUBJECT TO ADJUSTMENT AND REVISIONS WITH FINAL ENGINEERING AND ARCHITECTURAL DESIGN. THESE SHOULD BE USED TO ILLUSTRATE THE GENERAL THEME AND CHARACTER OF THE PROPOSED STRUCTURES.



Dewberry & Davis, LLC

EMWIS SCOTT & GIONET

FAIR LAKES LAND BAY VI-A

CONCEPTUAL / FINAL DEVELOPMENT PLAN AMENDMENT

CDPA 82-P-000-01-01

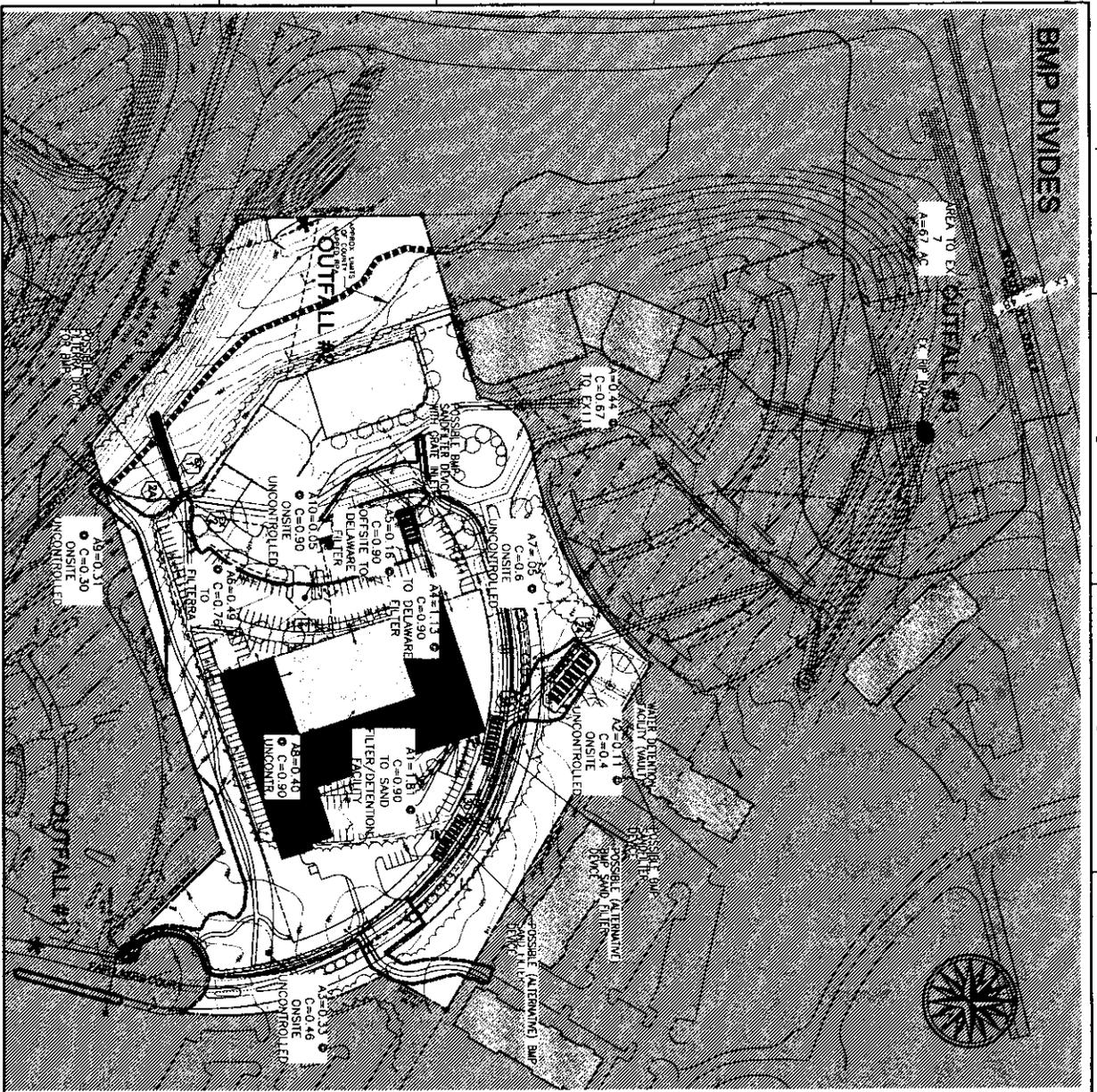
FDPA 82-F-000-01-15

SPRINGFIELD DISTRICT, FAIRFAX COUNTY, VIRGINIA



NO.	DATE	DESCRIPTION
1	08.13.07	Issue
2	10.10.07	Issue
3	12.10.07	Issue
4	01.07.08	Issue
5	02.02.08	Issue

DATE: 02/27/07
 DRAWN BY: JMY
 CHECKED BY: JMY
 TITLE: FAIR LAKES LAND BAY VI-A DEVELOPMENT PLAN AMENDMENT CDPA 82-P-000-01-01 FDPA 82-F-000-01-15 ARCHITECTURAL DETAILS PROJECT NO.: 14-1083D



BMP DIVIDES

1 2 3 4 5

Table 1: BMP Schedule

The following table lists the BMPs required for the proposed development and the schedule for their implementation. The schedule is based on the construction schedule for the proposed development. The BMPs are required to be installed and maintained throughout the construction period and for a period of 12 months after the completion of construction.

BMP ID	Description	Start Date	End Date	Responsible Party
BMP-01	Stormwater Management Plan	08/10/2007	08/10/2007	Developer
BMP-02	Erosion Control Plan	08/10/2007	08/10/2007	Developer
BMP-03	Sediment Control Plan	08/10/2007	08/10/2007	Developer
BMP-04	Water Quality Control Plan	08/10/2007	08/10/2007	Developer
BMP-05	Best Management Practices	08/10/2007	08/10/2007	Developer
BMP-06	Stormwater Detention Basin	08/10/2007	08/10/2007	Developer
BMP-07	Stormwater Infiltration Basin	08/10/2007	08/10/2007	Developer
BMP-08	Stormwater Treatment Basin	08/10/2007	08/10/2007	Developer
BMP-09	Stormwater Storage Basin	08/10/2007	08/10/2007	Developer
BMP-10	Stormwater Discharge Basin	08/10/2007	08/10/2007	Developer

Table 2: BMP Schedule Summary

Category	Start Date	End Date	Responsible Party
Stormwater Management	08/10/2007	08/10/2007	Developer
Erosion Control	08/10/2007	08/10/2007	Developer
Sediment Control	08/10/2007	08/10/2007	Developer
Water Quality Control	08/10/2007	08/10/2007	Developer
Best Management Practices	08/10/2007	08/10/2007	Developer
Stormwater Detention Basin	08/10/2007	08/10/2007	Developer
Stormwater Infiltration Basin	08/10/2007	08/10/2007	Developer
Stormwater Treatment Basin	08/10/2007	08/10/2007	Developer
Stormwater Storage Basin	08/10/2007	08/10/2007	Developer
Stormwater Discharge Basin	08/10/2007	08/10/2007	Developer

FAIR LAKES LAND BAY VI-A

CONCEPTUAL/FINAL DEVELOPMENT PLAN AMENDMENT

CDPA 82-P-089-01-01
FDPA 82-P-089-01-15

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

Dowberry

Charlottesville, VA

1000 N. GARDNER STREET
SUITE 200
CHARLOTTESVILLE, VA 22902

TEL: 434-973-1100
FAX: 434-973-1101
WWW.DOWBERRY.COM

LEWIS SCULLY GONNETT

1000 N. GARDNER STREET
SUITE 200
CHARLOTTESVILLE, VA 22902

TEL: 434-973-1100
FAX: 434-973-1101
WWW.LSG.COM

FAIR LAKES LAND BAY VI-A

CONCEPTUAL/FINAL DEVELOPMENT PLAN AMENDMENT

CDPA 82-P-089-01-01
FDPA 82-P-089-01-15

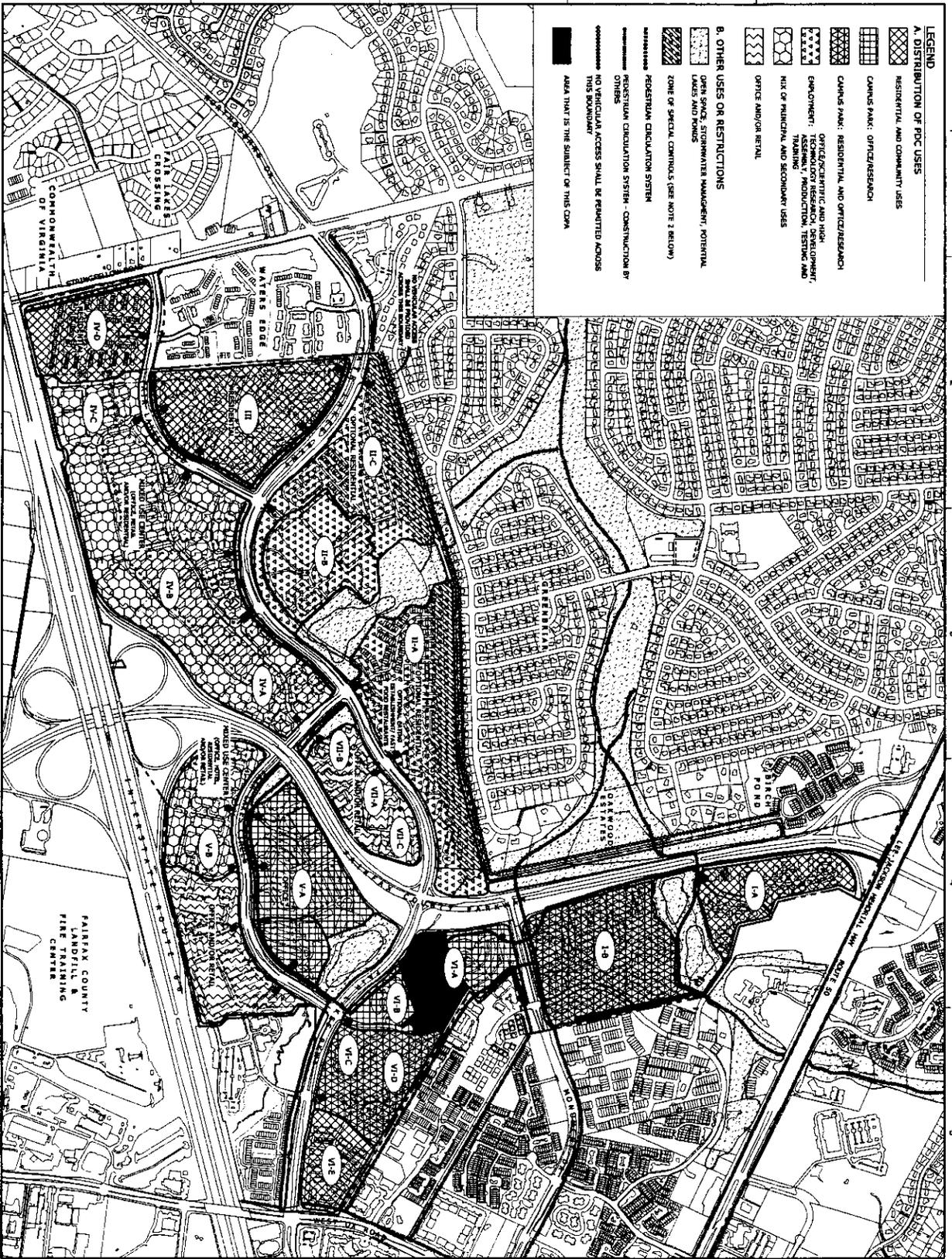
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

8

8 of 11

8

8 of 11



- LEGEND**
- RESIDENTIAL AND COMMUNITY USES
 - CANINE PARK: OFFICE/RESEARCH
 - CANINE PARK: RESIDENTIAL AND OFFICE/RESEARCH
 - OFFICE/SCIENTIFIC AND HIGH TECHNOLOGY EMPLOYMENT, ASSEMBLY, PRODUCTION, TESTING AND MIX OF MUNICIPAL AND SECONDARY USES
 - OFFICE AND/OR RETAIL
- B. OTHER USES OR RESTRICTIONS**
- OPEN SPACE, STORMWATER MANAGEMENT, POTENTIAL LAKES AND PONDS
 - ZONE OF SPECIAL CONTROLS (SEE NOTE 2 BELOW)
 - PEDESTRIAN CIRCULATION SYSTEM
 - PEDESTRIAN CIRCULATION SYSTEM - CONSTRUCTION BY OTHERS
 - NO VEHICULAR ACCESS SHALL BE PERMITTED ACROSS THIS BOUNDARY
 - AREA THAT IS THE SUBJECT OF THIS CDPA

FAIRFAX COUNTY
HOODING COUNTY
FIRE TRAINING
CENTER

WATERS EDGE
WATERS EDGE
CROSSING

DAN MCDONALD'S

NO.	DATE	DESCRIPTION
1	05/13/07	ISSUED
2	05/13/07	ISSUED
3	05/13/07	ISSUED
4	05/13/07	ISSUED
5	05/13/07	ISSUED

SCALE
0' 100' 200'

**FAIR LAKES
LAND BAY VI-A**

CONCEPTUAL / FINAL
DEVELOPMENT PLAN AMENDMENT

CDPA 82-P-069-01-01
FDPA 82-P-069-01-15

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

Dewberry

Charles E. Dewberry, LLC
10000 Old Dominion Blvd., Suite 100
Fairfax, VA 22030
703.281.1000
www.dewberry.com

**LEWIS
SCULLY
CONNER
CORP.**

10000 Old Dominion Blvd., Suite 100
Fairfax, VA 22030
703.281.1000
www.lscor.com

CDPA KEY PLAN

PROJECT NO. 82-10630

DATE: 02/27/07

DESIGNED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

TITLE: FAIR LAKES LAND BAY VI-A DEVELOPMENT PLAN AMENDMENT CDPA KEY PLAN

10

**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, Fair Lakes Center Associates, L.P., has submitted a series of twenty (20) applications for portions of Fair Lakes. In total, these applications propose an additional 1,375,000 square feet of mixed use development (comprised of office, retail, hotel and residential uses) on six sites throughout Fair Lakes, on a total of approximately 76.82 acres.

The applications which are specifically discussed in this Staff Report consist of three concurrent requests (**PCA 82-P-069-20**, **CDPA 82-P-069-01-1** and **FDPA 82-P-069-01-15**) all of which are filed on 45-4 ((1)) 25E1 pt. and 25E2 pt., comprising 10.65 acres located in Land Bay VI-A of Fair Lakes. The applicant is proposing to construct 350,000 square feet (maximum of 400 dus) of residential development in a high-rise structure, with a modified "U"-shaped building footprint. The maximum building height is proposed to be 125 feet (maximum of 12 stories to the south, tapering down to a minimum of 8 stories to the north), inclusive of structured parking. A small public park is proposed in the southeast corner of the property, at the terminus of Fair Lakes Court, and an elevated plaza/recreational space with an outdoor pool is located to the immediate west of the proposed buildings, within the center of the "U". These applications are more specifically described in the following section.

PCA 82-P-069-20

The applicant proposes to amend the current proffers (PCA 82-P-069-14) to construct 350,000 gross square feet of residential development and to provide specific proffers related to the proposed residential use in Land Bay VI-A (e.g. provision of transportation improvements, transportation demand management strategies, tree preservation, trail improvements, a bus shelter, park and school contributions, etc.). Copies of the draft proffers, affidavit, and statement of justification for PCA 82-P-069-20 are contained in Appendices 1, 3 and 4, respectively.

CDPA 82-P-069-01-1

The applicant is requesting to amend the Conceptual Development Plan in order to permit residential development within the land bay that was previously approved only for office development. Copies of the affidavit and the statement of justification are contained in Appendices 3 and 4, respectively.

FDPA 82-P-069-1-15

FDPA 82-P-069-1-9 currently governs the subject property, which is developed with a 105,000 square foot, six story (78 feet in height) office building located in the western portion of the site, parallel to the right-of-way for the Fairfax County Parkway; the eastern portion of the site is occupied largely by surface parking for the office building. The applicant requests to amend the Final Development Plan to permit a 350,000 gross square foot residential building, with a maximum of 400 dwelling units to be located within the surface parking lot east of the existing office building. No changes are proposed to the existing office building. Displaced parking would be incorporated into the structured parking associated with residential development. Copies of the proposed Final Development Plan Amendment conditions (FDPA 82-P-069-01-15), affidavit and statement of justification are contained in Appendices 2, 3 and 4, respectively.

Waivers/Modifications Requested:

Modification of the PDC standards to permit residential uses to exceed 50 percent of the gross floor area of principle uses.

Modification of the loading space requirement for residential uses to allow 2 loading spaces provided on the CDPA/FDPA.

Modification of PFM standard 12-0702.1B2 to permit the reduction of the minimum planting strip width from a minimum of 8 feet to a minimum of 6 feet as shown on the CDPA/FDPA and described in the proffers.

Waiver of transitional screening and barrier requirements between the proposed residential and existing non-residential uses.

Waiver to locate underground stormwater management facilities in a residential area for the Fair Lakes Land Bay VI-A development plan (PFM Section 6-0303.8), subject to Waiver #005727-WPFM-013-1 Conditions dated August 6, 2007, as contained in Appendix 21 as Attachment A.

LOCATION AND CHARACTER

Site Description:

The approximately 660-acre Fair Lakes development is located in the Fairfax Center Area on the north side of Interstate 66, east of Stringfellow Road, west of West Ox Road and south of Route 50. A portion of the Fairfax County Parkway passes through the center of the development. Fair Lakes is planned for

commercial development in the center with residential uses to the east and northeast. The property which is the subject of this staff report is generally located in the northeast quadrant of the intersection of Fair Lakes Parkway and Fairfax County Parkway. This subject property is currently developed with one existing 105,000 square foot, six story (78 feet in height) office building. The site is bounded by 4-story garden style apartments (Cedar Lakes) to the northeast, the Fairfax County Parkway to the west, and an existing office building and Fair Lakes Parkway to the southeast. Approximately 315 existing parking spaces are provided on the surface parking lot on the property. There is one access point to the site located at the end of Fair Lakes Court, which currently exists.

Surrounding Area Description:

DIRECTION	USE	ZONING	PLAN
North	Office Residential	PDC PDH-20	Fairfax Center Area
South	Office	PDC	Fairfax Center Area
West	Office	PDC	Fairfax Center Area
East	Residential	PDH-20	Fairfax Center Area

BACKGROUND

The following is selected background information which relates to the subject property. A map that diagrams the land bays within Fair Lakes and a complete zoning tabulation of Fair Lakes land bay uses (dated August 13, 2007) that was provided by the applicant, depicts the uses and square footage approved for the land bays to date (see Appendix 5). Cases listed in bold type are directly related to the subject site.

Site History:

Application	Date	Related Land Bay	Description
RZ 82-P-069 FDP 82-P-069-01	April 2, 1984		⁽¹⁾ Rezoned 620 acres to the PDC District for Fair Lakes. Approved FDP for portions of Land Bay V-A and VI.
FDPA 82-P-069-01-4 FDP 82-P-069-08	July 10, 1986*	V-A	⁽²⁾ Approved minor changes to the parking. Approved a 175,000 square foot office building.
FDP 82-P-069-5	March 6, 1986*	VI-B	⁽³⁾ Approved multi-family use in Land Bay VI-B.
FDP 82-P-069-06	July 24, 1986*	V-B	⁽⁴⁾ FDP for a portion of Land Bay V-B.

Application	Date	Related Land Bay	Description
FDPA 82-P-069-06-1 FDP 82-P-069-11 FDPA 82-P-069-01-6 FDPA 82-P-069-08-1	April 9, 1987*	V-B, V-A	⁽⁵⁾ Modified the development for 37.5 acres of Land Bay V-B. Approved additional principal and secondary uses.
FDP 82-P-069-12 FDPA 82-P-069-06-2	December 10, 1987*	V-B	⁽⁶⁾ Approved a health club and additional principle and secondary uses on a total of 21.28 acres of land.
FDPA 82-P-069-10	July 16, 1987*	V-A	⁽⁷⁾ Final development plan amendment to develop three office buildings in Land Bay V-A (Fair Lakes 3, 4, and 5) with associated surface parking.
PCA 82-P-069-03 RZ 86-P-004 CDPA 82-P-069-03	July 20, 1987	V-A, V-B, VII-A, VII-B, VII-C, IV-A, IV-B, IV-C, III-A, and III-B	⁽⁸⁾ Rezoned and incorporated 37.5 acres into Fair Lakes and modified the mix of non-residential and residential uses.
FDPA 82-P-069-9-1	June 30, 1988*	VII-B	⁽⁹⁾ Parking and landscape buffer
PCA 82-P-069-04 RZ 86-P-089	July 1, 1988	IV-B, IV-C, IV-D, III-A, III-B, and V-B	⁽¹⁰⁾ Land Swap with Fairfax County Government.
FDPA 82-P-069-06-3	September 28, 1988*	V-B	⁽¹¹⁾ Increased the hotel size and maintained an open space/tree area.
PCA 82-P-069-5 CDPA 82-P-069-5 FDP 82-P-069-13	October 2, 1989 September 28, 1989*	IV-A, IV-B, IV-C, and IV-D	⁽¹²⁾ The PCA reallocated office uses to retail uses for Land Bays IV and VB. The FDP impacted Land Bays IV-A, IV-B and IV-C by permitting the construction of a 750,000 sq. ft. shopping mall known as the "Galleria."
FDPA 82-P-069-6-4 FDPA 82-P-069-11-1	October 18, 1989*	V-B	⁽¹³⁾ Approved a 262,000 square foot office building.
FDPA 82-P-069-9-2 FDPA 82-P-069-7-2	May 2, 1990*	VII-B	⁽¹⁴⁾ Fast Food Restaurant within the Retail Center and Expansion of 5,000 square feet to the Center.
FDPA 82-P-069-13-1 FDP 82-P-069-15	December 5, 1990*	IV-D and IV-C	⁽¹⁵⁾ Approved multi-family units for portions of Land Bays IVC and IVD.
FDPA 82-P-069-1-8 FDPA 82-P-069-08-2	December 5, 1990*	V-A	⁽¹⁶⁾ Approved a modification of the parking. Approved drive-in bank in lieu of parking.
FDPA 82-P-069-1-9	January 9, 1991*	VI-A	⁽¹⁷⁾ Approved an 8,000 sq. ft. child care center and site modifications for an existing office building located in Land Bay VI-A.
FDPA 82-P-069-10-2	July 17, 1991*	V-A	⁽¹⁸⁾ Final development plan amendment for Land Bay VA to modify parking requirements pursuant to Zoning Ordinance amendments.

Application	Date	Related Land Bay	Description
FDPA 82-P-069-1-10 FDPA 82-P-069-08-3	July 17, 1991*	V-A	⁽¹⁹⁾ Approved an additional 60,000 SF office. Modified the parking area.
PCA 82-P-069-06	October 28, 1991	IV-A, IV-B, IV-C, V-B, VII-A, VII-B and VII-C	⁽²⁰⁾ Increased retail uses and decreased the minimum office for Land Bays IV and V.
FDPA 82-P-069-13-2	October 23, 1991*	IV-A, IV-B and IV-C	⁽²¹⁾ Approved a replacement of 424,000 SF of office uses with 259,500 SF of retail uses in Land Bay IV-A. A total of 157 multifamily units were also replaced with 111,000 sq. ft. of retail uses in Land Bay IV-C.
FDPA 82-P-069-13-3 FDPA 82-P-069-15-1	April 29, 1992*	IV-A, IV-B and IV-C	⁽²¹⁾ Approved a replacement of 424,000 SF of office uses with 259,500 SF of retail uses in Land Bay IV-A. A total of 157 multifamily units were also replaced with 111,000 sq. ft. of retail uses in Land Bay IV-C.
SE 92-Y-006	September 14, 1992	IV-B	⁽²²⁾ Permitted the establishment of a minimum of 4 fast food restaurants with one drive-through in Land Bay IV-B of the Fair Lakes Retail Center.
SE 92-Y-038	November 16, 1992	IV-B	⁽²³⁾ Corrected an advertising error in SE 92-Y-006
FDPA 82-P-069-13-4	May 27, 1993*	IV-B	⁽²⁴⁾ Approved an amendment to the site layout for a 14.3 acre portion of Land Bay IV-B.
SEA 92-Y-038	July 12, 1993	IV-B	⁽²⁵⁾ Amended SE 92-Y-038 to allow 2 freestanding fast food restaurants in Building 5 of the Fair Lakes Retail Center.
FDPA 82-P-069-06-5 FDPA 82-P-069-11-2 FDPA 82-P-069-12-2, FDPA 82-P-069-14-1	May 5, 1994*	V-B	⁽²⁶⁾ Approved the removal of a health club, and added a third office building. Approved a surface parking area.
FDPA 82-P-069-9-4 FDPA 82-P-069-7-5 SE 95-Y-016	July 12, 1995* September 11, 1995	VII-A, VII-B, and VII-C	⁽²⁷⁾ Freestanding drive-through restaurant on the site with retail shopping center, drive-in bank, service station/quick service food store and carwash.
PCA 82-P-069-8 CDPA 82-P-069-6	October 30, 1995	II (TRW)	⁽²⁸⁾ Amended the accepted proffers and approved conceptual development plan to add an option to convert up to 607,215 SF of office uses to residential uses exclusive of affordable dwelling units and to convert 12,000 SF of office uses to eating establishments and fast food restaurant uses.
FDPA 82-P-069-13-5 FDPA 82-P-069-15-4	October 10, 1996*	IV-A, IV-B, and IV-C	⁽²⁹⁾ Modified the permitted square footage in Land Bays IVA, IVB and IVC.

Application	Date	Related Land Bay	Description
FDPA 82-P-069-13-6 FDPA 82-P-069-15-5 FDPA 82-P-069-14-2 FDPA 82-P-069-6-6	May 28, 1997*	IV-A, IV-B, IV-C, V-B	⁽³⁰⁾ Modified the retail center in Land Bays IV-A, IV-B, and IV-C and the office and retail development in Land Bay VB3.
FDPA 82-P-069-9-5	July 30, 1997*	VII-B	⁽³¹⁾ Expanded quick service food store and car wash.
FDPA 82-P-069-5-1	January 27, 1999*	VI-B	⁽³²⁾ Amended the multi-family use in Land Bay VI-B.
PCA 82-P-069-11 FDPA 82-P-069-13-8	July 9, 2001	IV-A and IV-B	⁽³³⁾ Converted 50,000 square feet of hotel use to retail uses.
FDPA 82-P-069-13-7	October 24, 2001*	IV-B	⁽³⁴⁾ Approved a retail pad site within Land Bay IVB.
FDPA 82-P-069-10-3	July 21, 2001*	V-A	⁽³⁵⁾ Approved a 6-story 160,000 square foot office building and a 4-story parking structure in a portion of Land Bay V-A.
FDPA 82-P-069-09-7	January 12, 2005*		⁽³⁶⁾ Approved building additions, an increase in parking, and site modifications to the Shops at Fair Lakes.
FDPA 82-P-069-06-7 FDPA 82-P-069-14-4	January 26, 2005*	V-B	⁽³⁷⁾ Removed 220,000 square feet of office and added 22,380 square feet of retail.
FDPA 82-P-069-13-9	February 3, 2005*	IV-B	⁽³⁸⁾ Approved the addition of an accessory service station and surface parking in Land Bay IV-B.
PCA 82-P-069-14 CDPA 82-P-069-07 FDPA 82-P-069-6-8 FDPA 82-P-069-11-3 FDPA 82-P-069-1-13 FDPA 82-P-069-8-4	July 25, 2005 June 2, 2005*	V-A, V-B, VI-A, VII-A, VII-C	⁽³⁹⁾ Approved a reduction in minimum office intensity; approved residential use for a 150,000 square foot multi-family building, an 113,000 square foot office building and a four level parking garage.
FDPA 82-P-069-5-2	October 4, 2006	VI-B	⁽⁴⁰⁾ Amended the multi-family use in Land Bay VI-B to allow a change residential unit type.
FDPA 82-P-069-6-9	March 1, 2007*	V-A	⁽⁴¹⁾ Request to amend the FDP 82-P-069-6 previously approved for hotel development to permit building addition and site modifications.
FDPA 82-P-069-6-10 FDPA 82-P-069-11-4 FDPA 82-P-069-12-3	May 2, 2007*	V-B	⁽⁴²⁾ Request to amend the previously approved final development plans to approve additional parking and site modifications.

*Date of Planning Commission Approval

1. On April 2, 1984, the Board of Supervisors approved RZ 82-P-069 to rezone 620 acres to the PDC District for Fair Lakes to permit a maximum of 5,078,000 square feet of non-residential uses, a minimum of 1,321 dwelling units with a maximum FAR (floor area ratio) of 0.25. FDP 82-P-069-01 was approved by the Planning Commission for portions of Land Bays V-A and VI for offices and

multi-family, including a 107,000 square foot office building and surface parking lot on Tax Map 55-2 ((1)) 6.

2. On July 10, 1986, the Planning Commission approved FDP 82-P-069-08 for a seven story 175,000 square foot office building, parking garage and surface parking (Tax Map 55-2 ((1)) 6A and 8) and FDPA 82-P-069-01-4 to permit a slight adjustment in the parking areas and the location of the access road.
3. On March 6, 1986, the Planning Commission approved the FDP in the eastern portion of Land Bay VI-B located on the north side of Fair Lakes Parkway, west of West Ox Road. The FDP depicts 282 multi-family dwelling units located within 17 buildings and associated community recreation facilities.
4. On July 24, 1986, the Planning Commission approved FDP 82-P-069-06 (Tax Maps 55-2 ((1)) 3B, 7A, 7B, 9A pt., 14A pt., 14B1, 14B2, 14B3, and 18). The development plan approved a maximum of 795,000 square feet consisting of two eight story office buildings at a maximum of 141,000 square feet each (located on the subject site for FDPA 82-P-069-06-8); one thirteen story hotel, a maximum of 220,000 square feet; two eight story office buildings at a maximum of 146,500 square feet each; and a health club at a maximum of 80,000 square feet.
5. On April 9, 1987, the Planning Commission approved FDP 82-P-069-11, concurrent with FDPA 82-P-069-06-1. The Planning Commission also approved FDPA 82-P-069-01-6 and FDPA 82-P-069-08-1. FDPA 82-P-069-11 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) approved surface parking in an area that had not been previously approved for development. FDPA 82-P-069-06-1 (Tax Maps 55-2 ((1)) 3B, 9A pt. 14A pt. 14B1, 14B2 and 14B3) permitted one 266,000 square foot twelve-story office building (located on the subject site), two ten story office buildings at 154,500 square feet each, an 80,000 square foot health club and a day care center. FDPA 82-P-069-06-1 and FDPA 82-P-069-08-1 amended the development plans to permit additional principal and secondary uses to be located within the previously approved office buildings with no change to the approved buildings.
6. On December 10, 1987, the Planning Commission approved FDP 82-P-069-12 and FDPA 82-P-069-06-2. FDPA 82-P-069-06-2 revised the final development plan for a 17.48 acre portion of Land Bay V-B of the Fair Lakes Development. Two office buildings, a restaurant, a portion of a health club and a parking deck were approved. FDP 82-P-069-12 consists of 3.80 acres located immediately to the west of FDPA 82-P-069-6-2 (this was the first FDP for this land area.) A portion of the health club, surface parking and an open space buffer which includes 2 stormwater management facilities are depicted on this development plan.
7. On July 16, 1987, the Planning Commission approved FDPA 82-P-069-10 to develop three office buildings in Land Bay V-A (Fair Lakes 3, 4, and 5) with associated surface parking.
8. On July 20, 1987, the Board of Supervisors approved RZ 86-P-004, concurrent with PCA 82-P-069-03 and CDPA 82-P-069-03 to rezone 37.5 acres to the PDC District and incorporate the area into Fair Lakes to permit a maximum of 5,350,200 square feet of non-residential uses and a minimum of 1,457 dwelling units (the maximum 0.25 FAR was not modified).
9. On June 30, 1988 the Planning Commission approved FDPA 82-P-069-9-1 to modify the parking and landscape buffer in Land Bay VII-B.
10. On July 1, 1988, the Board of Supervisors approved RZ 86-P-089 concurrent with PCA 82-P-069-04 to rezone two acres to the PDC District, incorporate the area into Fair Lakes to permit a maximum of 5,364,820 square feet of non-residential uses and a minimum of 1,464 dwelling units; the maximum 0.25 FAR was not modified.

11. On September 28, 1988, the Planning Commission approved FDPA 82-P-069-06-3 (Tax Maps 55-2 ((1)) 7A, 7B and 9A pt.) for 12.82 acres to permit minor reconfigurations and increase of the hotel from 220,000 square feet to 228,830 square feet.
12. On October 2, 1989, the Board of Supervisors approved PCA 82-P-069-05 to reallocate 300,000 square feet of office uses to retail uses for Land Bay IV. FDP 82-P-069-13 impacted Land Bays IV-A, IV-B and IV-C by permitting the construction of a 750,000 sq. ft. shopping mall known as the "Galleria"; 5 office structures containing approximately 690,000 sq. ft.; 2 drive-through banks; and 1 automotive service center.
13. On October 18, 1989, the Planning Commission approved FDPA 82-P-069-11-1 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) for 3.59 acres to modify the surface parking lot and FDPA 82-P-069-06-4 (Tax Maps 55-2 ((1)) 9A pt.) for 27.11 acres to permit one ten story, 262,000 square foot office building and two fourteen story office buildings at a maximum of 505,947 square feet (combined.)
14. On May 2, 1990, the Planning Commission approved FDPA 82-P-069-9-2 and FDPA 82-P-069-7-2 to expand the Retail Center by 5,000 square feet and permit the construction of a fast food Restaurant within the Center.
15. On December 5, 1990, the Planning Commission approved FDPA 82-P-069-13-1 concurrent with FDP 82-P-069-15 to permit 560 multi-family units on portions of Land Bays IV-C and IV-D.
16. On December 5, 1990, the Planning Commission approved FDPA 82-P-069-08-2 to permit a 4,000 square foot drive-in bank in lieu of existing parking spaces. The Planning Commission also approved FDPA 82-P-069-01-8 to modify the parking requirements for the office building to meet the requirements of the revised Zoning Ordinance.
17. On January 9, 1991, the Planning Commission approved FDPA 82-P-069-01-9 to incorporate an 8,000 sq. ft. child care center into the northern existing office building located in Land Bay VI-A, add a play area in the parking area to serve the child care center; modify the existing parking to reflect the new office parking standards; and to modify the loading area adjacent to the southern building.
18. On July 17, 1991, the Planning Commission approved FDPA 82-P-069-10-2 to modify parking requirements for Land Bay V-A (Parcels 11B and 11C) pursuant to Zoning Ordinance amendments.
19. On July 17, 1991, the Planning Commission approved FDPA 82-P-069-01-10 to permit an additional 60,000 square foot building in lieu of existing parking spaces. The Planning Commission also approved FDPA 82-P-069-08-3 to modify the parking lot; and no changes were proposed to the existing office and approved drive-in bank.
20. On October 28, 1991, the Board of Supervisors approved PCA 82-P-069-6 for Land Bays IV and V-B to increase retail uses by 200,000 square feet to a maximum of 1,100,000 square feet and decrease the minimum office uses by 504,820 square feet; however, the overall FAR for Fair Lakes was not modified. (The Planning Commission previously approved FDPA 82-P-069-013-02 for Land Bay IVB to reconfigure the layout and approve 737,000 square feet of retail uses.)
21. On April 29, 1992, the Planning Commission approved FDPA 82-P-069-13-3 which impacted Land Bay IV-A and the western 4.5 acre portion of Land Bay IV-B and resulted in the replacement of 424,000 sq. ft. of office uses with 259,500 sq. ft. of retail uses. The Planning Commission also approved FDPA 82-P-069-15-1 which impacted Land Bay IV-C by replacing total of 157 multifamily units were replaced with 111,000 sq. ft. of retail uses in two buildings.

22. On September 14, 1992, the Board of Supervisors approved SE 92-Y-006 to permit the establishment of a minimum of 4 fast food restaurants with one drive-through in a 16,000 sq. ft. building located on a 2.4 acre parcel of Land Bay IV-B of the Fair Lakes Retail Center. A revised plat was submitted shortly before the Planning Commission public hearing on which the amount of fast food uses increased from 8,000 to 13,000 sq. ft. (The advertising for the public hearing was for the originally submitted proposal of 8,000 sq. ft. rather than the revised proposal of 13,000 sq. ft., which invalidated the Board's approval of this application.)
23. On November 16, 1992, the Board of Supervisors approved SE 92-Y-038 to correct the advertising error in SE 92-Y-006.
24. On May 27, 1993, the Planning Commission approved FDPA 82-P-069-13-4 to amend the site layout for a 14.3 acre portion of Land Bay IV-B located on the southeast corner of the Fair Lakes Boulevard/Fair Lakes Parkway intersection; no change was made to the 115,000 sq. ft. of building area that was previously approved on this area.
25. On July 12, 1993, the Board of Supervisors approved SEA 92-Y-038 concurrent with FDPA 82-P-069-13-4 and amended SE 92-Y-038 to allow 2 freestanding fast food restaurants in Building 5 of the Fair Lakes Retail Center. The total square footage of the two restaurants was 10,000 sq. ft., with each restaurant containing a drive-through window.
26. On May 5, 1994, the Planning Commission approved FDPA 82-P-069-6-5, FDPA 82-P-069-11-2, FDPA 82-P-069-12-2, and FDPA 82-P-069-14-1 (Tax Maps 55-2 ((1)) 9A pt., 13, and 14A pt.) for 27.47 acres to modify the FDPs by eliminating the 40,000 square foot health club; adding a third office building; and increasing the total building area by 220,000 square feet. FDPA 82-P-069-11-2 approved the reconfiguration of a surface parking lot.
27. On July 12, 1995, the Board of Supervisors approved FDPA 82-P-069-9-4 (concurrent with FDPA 82-P-069-7-5 and SE 95-Y-016) to allow a freestanding drive-through restaurant on the site with retail shopping center, drive-in bank, service station/quick service food store and carwash.
28. On October 30, 1995, the Board of Supervisors approved PCA 82-P-069-08 and CDPA 82-P-069-6, which impacted Land Bay II (TRW site). These applications amended the accepted proffers and approved conceptual development plan to add an option to convert up to 607,215 sq. ft. of office uses to residential uses exclusive of affordable dwelling units and to convert 12,000 sq. ft. of office uses to eating establishments and fast food restaurant uses.
29. On October 10, 1996, the Planning Commission approved FDPA 82-P-069-013-05 for Land Bays IVA, IVB, and IVC to approve an 885,798 square foot retail center.
30. On May 28, 1997, the Planning Commission approved FDPA 82-P-069-013-06 and FDPA 82-P-069-15-5 for Land Bays IVA, IVB and IVC to reduce the square footage of the site from 885,798 square feet to 843,804 square feet and transferred 41,994 square feet of retail intensity to Land Bay VB-3 as part of FDPA 82-P-069-06-6 and FDPA 82-P-069-14-2.
31. On July 30, 1997, the Planning Commission approved FDPA 82-P-069-9-5 to expand a quick service food store and car wash.
32. On January 27, 1999, the Planning Commission amended FDP 82-P-069-5 for Land Bay VI-B of Fair Lakes to permit construction of an additional 32-unit multi-family building in the southwestern corner of the site.
33. On July 9, 2001, the Board of Supervisors approved PCA 82-P-069-11 (with the Planning Commission having previously approved FDPA 82-P-069-013-08.) The applications converted

- 50,000 square feet of hotel use to retail uses for a maximum of 1,150,000 square feet of retail uses within Fair Lakes.
34. On October 24, 2001, the Planning Commission approved FDPA 82-P-069-013-07 for a 6,000 square foot retail pad site within Land Bay IV-B.
 35. On July 21, 2001, the Planning Commission approved an additional 160,000 square foot office building and a 4-story parking structure in a portion of Land Bay V-A.
 36. On January 12, 2005, the Planning Commission approved FDPA 82-P-069-9-7 to amend a portion of FDP 82-P-069-9, previously approved for a retail shopping center, to permit building additions, an increase in parking, and site modifications to the Shops at Fair Lakes. This application also increased the gross floor area of the retail center by 3,350 square feet to a maximum of 18,874 gross square feet. The floor area of the retail center increased from 0.12 to 0.15.
 37. On January 26, 2005, the Planning Commission approved FDPA 82-P-069-06-7 and FDPA 82-P-069-14-4 to remove a 200,000 square foot office building and four level parking deck and approved a 10,880 square foot retail pad site and an 11,500 square foot addition to an approved retail store. The approvals resulted in a reduction of intensity of 177,620 square feet. That office intensity is proposed to be used for office and residential development proposed by FDPA 82-P-069-06-8 and FDPA 82-P-069-11-03.
 38. On February 3, 2005, the Planning Commission approved an amendment to the Final Development Plan (FDP) for retail (BJ's Wholesale Club) in Fair Lakes Center in Land Bay IV-B to permit the addition of an accessory service station with four pumps (eight pumping stations) and surface parking spaces.
 39. On July 25, 2005, the Board of Supervisors approved CDPA 82-P-069-07, FDPA 82-P-069-06-08 and FDPA 82-P-069-11-03, concurrent with PCA 82-P-069-14, FDPA 82-P-069-01-13 and FDPA 82-P-069-08-04 to permit the addition of residential uses in Land Bay V-B; to amend the Final Development Plans to provide a 150,000 square foot multi-family building, 113,000 square foot office building and a four level parking garage; to amend the proffers for a portion of Fair Lakes to permit a reduction in the minimum office intensity and provide specific proffers related to the proposed residential uses in Land Bay V-B; and to amend the Final Development Plans to delete a previously approved but not constructed 60,000 square foot office building and 4,000 square foot drive-in bank and allow the existing surface parking to remain.
 40. On October 4, 2006, the Planning Commission amended the previously approved FDP in Land Bay VI-B of Fair Lakes for multi-family development to permit a change in residential unit type to 13 townhouses.
 41. On March 1, 2007, the Planning Commission approved a request to amend FDP 82-P-069-6 on 7.68 acres (Tax Map 55-2 ((1) 7A & 7B) to build a one story 7,500 square foot ballroom addition on the northeast side of the existing 13-story Hyatt building and to relocate the drop-off area from the east side to the north side of the existing hotel building.
 42. On May 2, 2007, the Planning Commission approved a request to amend FDP 82-P-069-6, FDP 82-P-069-11, and FDPA 82-P-069-12 previously approved as an office development to permit an expansion of an existing parking structure, and the construction of an additional parking structure above an existing surface parking lot.

COMPREHENSIVE PLAN PROVISIONS (Appendix 9)

In the Fairfax County Comprehensive Plan, 2007 Edition, Area III, Fairfax Center Area, as amended through September 25, 2006, Land Unit Recommendations, Land Unit I, pages 69-71, the Plan states:

“Sub unit I3 contains low rise office buildings and is part of Fair Lakes, developed under the same criteria as Land Units G and H. Office mixed use development is planned for these sub units. Architectural excellence, preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are expected.

The following option exists for development above the planned and approved .25 FAR overlay level. The density and use specified in this option is only appropriate for the site described. This use and density is not to be transferred to other locations within the Fairfax Center Area.

As an option at the overlay level, the redevelopment of the surface parking lot associated with Tax Map 45-4((1))25E may be appropriate for up to 350,000 SF of residential uses if the following conditions are met:

- Any residential development under this option will be deemed to be the high end of the Plan density range for affordable housing calculations. The provision of workforce housing to accommodate the needs of individuals or families making from 70 to 120 percent of the County's median income is encouraged;
- Pedestrian connections are provided to the surrounding land uses. Sidewalks should safely connect any new development with the surrounding uses, including the commercial uses across Fair Lakes Parkway. These pedestrian connections should be coordinated with VDOT and should include attractive pavement treatments, safe crossings, and high-quality landscape features. Pedestrian connections should also provide for access to the lake to the southwest of Fair Lakes Parkway from the site;
- Buffering and screening should be provided to mitigate the visual impact of the existing adjacent office uses on the residential use;
- Any new development should minimize the loss of mature trees located in existing buffer areas along public roads;
- High quality site and architectural design for buildings and parking structures should be provided, including compatibility with adjacent buildings;

- A publicly accessible urban park or park features should be included on the site, such as major or minor plazas, gathering spaces, athletic courts, tot lots, special landscaping, street furniture and pedestrian amenities. Impacts on Park Authority resources should be offset through the provision of or contribution to active recreation facilities in the service area of the development; and
- Any development should mitigate the impact of the residential use on public schools."

In addition, under the heading "Transportation" on page 67-68, the Plan states:

"Transportation improvements should be provided to mitigate the impact associated with development above the .25 FAR overlay level. The intersection of the Fairfax County Parkway and the Fair Lakes Parkway is above capacity, and a grade-separated interchange is planned and under design. Additional mitigation measures to facilitate construction of this interchange should be provided with new development above the .25 FAR overlay level. Any development should be coordinated with the Fairfax County HOV Design Study.

Improved bus service may be needed to serve additional development. A safe and efficient pedestrian system should link the key areas in Fair Lakes to provide appropriate connections between office, retail, hotel and residential uses."

ANALYSIS

Combined CDPA 82-P-069-01-01 and FDPA 82-P-069-1-15 Conceptual/Final Development Plan Amendment (CDPA/FDPA) concurrent with PCA 82-P-069-20 (Copy at front of staff report)

Title of FDPA: Fair Lakes Land Bay VI-A
Prepared By: Dewberry & Davis LLC and Davis Carter Scott
Original and Revision Dates: The CDPA/FDPA consists of twelve sheets dated February 27, 2007 as revised through September 10, 2007.

Description of the Plan:

Sheet #	Description
Sheet 1	Cover Sheet, Sheet Index, Vicinity Map, General Notes

Sheet #	Description
Sheet 2	Final Development Plan Overview, Limits of the CDPA/FDPA applications, Angle of Bulk Plane Detail, Curve Table, Soil Map Index
Sheet 3	Final Development Plan Details, Tabulations, Legend, Typical Tree with Structural Soil Detail
Sheet 4	Final Development Plan Landscape Details and Plaza Details
Sheets 5 & 6	Architectural Perspectives, Elevations, and Massing Models
Sheet 7	Stormwater Drainage Computations/Drainage Divides
Sheet 8	Stormwater Management and BMP Narratives, and Water Quality Requirements
Sheet 9	Stormwater Overall Drainage Divides, Programmed Proposed Transportation Improvements
Sheet 10	Conceptual Development Plan Amendment Key Map
Sheet 11	Fair Lakes Applications Key Map

The following features are depicted on the CDPA/FDPA:

Site Layout

The applicant proposes to construct a maximum 350,000 square foot residential building (400 dwelling units) within an existing office development in a portion of Land Bay VI-A. The existing development on site includes one office building located along the western boundary of the site and associated surface parking to the east of the office building. The applicant proposes to construct a modified "U"-shaped residential building located within the existing surface parking lot and within an existing tree buffer area. Within this building footprint, the applicant proposes a maximum building height of 125 feet (12-stories above grade, inclusive of structured parking, along the southern "bar" of the building. The building height then tapers down to the north, with the central bar of the building at ten stories and the northernmost bar at eight stories.) The applicant is proposing a minimum of 500 sf of green roof to be located above the residential lobby. A small public park will be located to the southeast of the proposed residential building, at the terminus of Fair Lakes Court and an elevated plaza/recreational area with an outdoor pool will be located to the west of the residential building, within the center of the "U".

Conceptual elevations and perspectives of the proposed residential development are depicted on Sheets 5 and 6 of the CDPA/FDPA. The applicant has proffered to an architectural design that is in substantial conformance with the elevations shown on Sheets 5 and 6 of the CDPA/FDPA and to use building materials compatible with the existing office buildings in Land Bay VI-A.

Roads and Access

No new roads are proposed. Access to the site is from Fair Lakes Parkway via Fair Lakes Court, which currently serves as the access for the existing office park. There are no vehicular connections to the adjacent residential development, existing or proposed.

Parking

The proposed development will displace approximately 295 surface parking spaces for the existing office use and will relocate these spaces in a separate parking structure located north of the proposed elevated pedestrian plaza. The parking required for the residential use will be located in a parking structure below the residential building. The Zoning Ordinance requires 875 parking spaces on the site for both uses and the applicant proposes to provide 913 total spaces. This includes 109 surface parking spaces and 804 structured parking spaces. One access point is provided to the office parking structure and two access points are provided to the residential parking structure below the residential building(s).

Pedestrian Access

Pedestrian access to the proposed residential development and the existing office development is provided through a series of proposed trails shown on the CDPA/FDPA. The site is currently accessed from a 5-foot wide concrete trail along the south and west sides of Fair Lakes Court. The applicant proposes to construct two on-site trail connections to the existing trail; one 6-foot wide trail through the public park and one 6-foot wide trail along the entire southern property line that will connect to the Fair Lakes Parkway trail. In addition, a 6-foot wide off-site trail is proposed to continue the existing trail on the north side of Fair Lakes Parkway, to the east from Fair Lakes Court to Oak Creek Lane. The applicant has proffered to construct the on-site trails depicted on the CDPA/FDPA to the County's Public Facilities Manual (PFM) standards as approved by the Department of Public Works and Environmental Services (DPWES). The off-site trail will consist of a 6-foot wide asphalt trail. Trails not located within the public right of way and those depicted in the pedestrian plaza will also be subject to public access easements.

In addition, the applicant has proffered to provide an off-site crosswalk improvement at the intersection of Fair Lakes Parkway, Fair Lakes Court and Fair Lakes Circle. This improvement within the right-of-way will be provided subject to VDOT approval.

Open Space & Landscaping

The applicant proposes to remove a significant portion of the existing mature tree buffer located at the southeast corner of the site to construct the residential development. Landscaping and a public park are proposed to replace the buffer.

A minimum of 15% percent open space is required for the site and 45% is provided. Three small areas of existing vegetation areas are depicted on the CDPA/FDPA and labeled "existing vegetation to be saved." These areas are primarily located around the perimeter of the site. To ensure that these existing vegetation areas are preserved as much as possible, the applicant has proffered the following:

- a tree preservation plan as part of the first and all subsequent site plan submissions to ensure that these areas are preserved;
- a tree value determination by a professional arborist experienced in plant evaluation, a tree preservation walk-through with a Urban Forest Management (UFM) representative, among others, to determine where the limits of clearing and grading can be adjusted to augment the area of tree preservation and ameliorate the survivability of trees at the limits' edge; and
- tree protection fencing.

Additional open space is provided in a small public park located in the southeast corner of the application property. The design of the park incorporates some existing vegetation, and provides basic pedestrian amenities, as detailed on Sheet 4 of the CDPA/FDPA. The applicant has proffered to provide landscaping consistent with the quality, quantity and locations shown on Sheet 4 of the CDPA/FDPA.

Except for the existing vegetation areas and the existing office development on the site, the majority of the subject property will be cleared and re-graded. Although this area is primarily an existing surface parking lot that serves the existing office building to the west, it contains significant landscaped areas within the parking lot, as well as a significant area of tree save which will be largely removed. The applicant has provided landscaping to replace existing landscaped areas to be cleared and has proffered to provide tree coverage and species diversity consistent with the PFM criteria as determined by UFM. The minimum caliper for the proposed large deciduous trees will be (3) inches and evergreen trees will be at least 8 feet in height. For trees that are not planted within an 8-foot wide minimum planting strip or that do not meet the minimum planting area required by the Public Facilities Manual (PFM), the applicant proffered to provide a minimum of 130 square feet of surface area of structural soil for Category 3 shade trees as identified in the PFM.

Proposed Dedicated Right-of-Way

The subject property is located in the northeast quadrant of the intersection of Fair Lakes Parkway and the Fairfax County Parkway. VDOT project 7100-029-353A is a major interchange project for the intersection of Fair Lakes Parkway/Fairfax County Parkway. As part of this interchange project, right-of-way will be needed. The applicants have proffered to provide the necessary right-of-way and easements necessary to facilitate the construction of the interchange.

Retaining Walls

The CDPA/FDPA depicts two retaining walls at the proposed seating area in the public park. These retaining walls are proposed to be 18 to 36 inches in height.

Stormwater Management

The 10.65 acre application property falls within the Cub Run watershed as well as within the County's Chesapeake Bay watershed. The stormwater management (SWM) narrative on Sheet 7 of the CDPA/FDPA indicates that the subject property contains three outfall areas. Outfall 1 flows south and releases to an existing SWM Lake 1 located to the southwest. Outfall 2 flows west to an existing surface parking lot storm pipe system which outfalls into a rip-rap system located on the north side of Fair Lakes Parkway and into Lake 1. Outfall 3 flows north to an existing surface parking lot storm system which outfalls off-site into a rip-rap system to the north. The applicant has indicated that the preferred method for stormwater management is through the use of underground detention and sand filters. The applicant proposes five underground detention facilities to be located underneath proposed open space areas shown on the CDPA/FDPA. A waiver of PFM Section 6-0303.8, which regulates use of underground SWM facilities located in a residential development, was requested. (See Appendix 21)

ANALYSIS

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria description, please review Appendix 10.

The application is located in Land Unit I (Sub Unit I3) of the Fairfax Center Area. The Comprehensive Plan recommends office/mix use for the subject property. As an option at the overlay level, the redevelopment of the surface parking lot associated with Tax Map 45-4 ((1)) 25E may be appropriate for up to 350,000 SF of residential uses, if specific conditions are met. These conditions include pedestrian connections to the surrounding uses and areas; buffering and screening with limited impacts to existing tree cover; high quality design and architectural compatibility with surrounding structures; a publicly accessible park or plaza with extensive landscaping; and provision of workforce housing. Staff has identified some major issues with respect to the site specific Plan recommendations. These issues are discussed in context with the Residential Development Criteria recommendations in the Plan.

Site Design (Development Criterion #1)

This criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. The development should provide for a logical design with appropriate relationships within the development.

Consolidation: Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.

There is no site specific language concerning consolidation in the Comprehensive Plan for this site, and it is not an issue with this application. Integration of the proposed uses with the adjacent uses and into the Fair Lakes development as a whole, however, is a major concern with this application, and will be discussed in the following sections.

Layout: The layout should provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences); provide dwelling units that are oriented appropriately to adjacent streets and homes; provide convenient access to transit facilities; identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; and encourage utility collocation where feasible.

The applicant proposes to construct 350,000 square feet of residential development with up to 400 units inclusive of affordable dwelling units and/or workforce housing. The proposed building will be located in the southeast portion of the surface parking lot serving the existing office development. The building will be up to 12-stories (125 feet) in height at its southern bar; it then steps down to ten stories in the central portion, and eight stories for the northernmost bar (closest to the adjacent residential to the north). Parking for the existing office and proposed residential at this location will be comprised of 913 spaces (combined surface and structured parking). Pedestrian connections are provided for adequate internal circulation and sidewalk and crosswalk improvements are also provided for safe crossings to neighborhoods south of the subject property. Staff believes that, in general, the proposed layout is logical and functional. However, staff is concerned with the proposed intensity, the architectural relationship with the surrounding office buildings, and the level of detail provided on the development plans. These concerns are discussed below.

Issue: Intensity

The applicant's original design depicted a uniformly twelve story high-rise, on this visually prominent site; staff expressed a major concern with the intensity of the proposed building, with relation to the adjacent garden-style apartments, townhouses and low-rise offices. In response to these concerns, the applicant re-designed the building to taper the height; the highest portion of the building is the southern bar, which remains 12 stories; the mid-section then tapers to ten stories and the northern bar is a maximum of eight stories. However, staff is still concerned that the residential building's proposed maximum height of 12 stories and the significant building footprint are out of scale with the adjacent office buildings (5 to 6 stories in height), and the residential development to the north and east (4 stories in height and composed of garden-style apartments and townhouses). Staff believes that a development at less than the maximum intensity recommended by the Plan, and/or a different unit type could facilitate a re-design in which the scale and size would be more compatible with the surrounding area. While the proposed residential use is adjacent to multi-family residential uses, the adjacent residential use has been developed as a garden-style complex, which is more compatible with the scale of the existing adjacent office uses than a stand alone high-rise residential building. Visually, the proposed building would tower over the adjacent developments. The majority of the taller buildings in Fair Lakes are located further south from this site in Land Bay V, creating a concentration of higher density in that area of Fair Lakes, which further creates a sense of isolation when considering this stand-alone high rise building at this particular location. Staff believes that this issue remains outstanding.

Issue: Architectural and Site Design

The proposed residential use is located in the center of an existing office park of approximately 36 acres. Staff has expressed concern about the design of the building, and its context in the surrounding development. As previously discussed, the existing development, both office and residential, in the immediate area is low-rise and hidden by the existing tree line. The proposed high-rise structure will be more than twice the height of its immediate neighbors, and will provide little screening between the existing and proposed uses. Unlike the other proposed high rise locations in Fair Lakes, which are located in clusters with existing structures of similar heights, this proposed structure will visually dominate its neighbors, including the adjacent low-rise office. The applicant proposes to construct a maximum 12-story residential building that is separated from a 6-story office building by a few rows of surface parking, a single row of deciduous trees located along the west side of the proposed building, and a landscaped island (measuring 10 to 60 feet in width and approximately 100 to 160 feet in length) in the center of the surface parking lot. Staff believes that the type of proposed screening is not adequate to affectively screen the existing office building from the proposed residential building(s). Staff recommends that a building location further to the east abutting Fair Lakes Court would offer a better opportunity to screen the proposed residential use. This issue remains outstanding.

Issue: Loading Space Location

The applicant proposes to locate two loading spaces on the southeast side of the building footprint and south of the proposed drop-off area. Staff believes that this proposed loading area location presents a negative visual impact on the development as it is across from the public plaza and intrudes upon this outdoor amenity area. The applicant has responded to this concern by depicting architecturally detailed, opaque doors to screen the service area.

Issue: Building Design Details

Staff was concerned that the CDPA/FDPA did not contain the level of detail usually provided for a P-District, especially in a design-oriented Plan area such as the Fairfax Center Area. The applicant has revised their initial submission to re-design the proposed structure, provide additional architectural elevations and to proffer to utilize building materials which are compatible with the adjacent office development. Although this flexibility is not generally encouraged in a PDC District, the applicant's proffers provide the minimum amount of detail needed to address staff's design concerns.

Open Space, Landscaping and Amenities: Developments should provide usable, accessible, and well-integrated open space. Appropriate landscaping should be provided in parking lots, in open space areas, along streets, in and around

stormwater management facilities, and on individual lots. Amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting should be provided.

The CDPA/FDPA indicates that 45% of the site will remain as open space, which exceeds the minimum PDC requirement of 15% open space. The majority of the open space includes the public park, the three areas of existing vegetation to be preserved and the proposed sidewalks. The applicant proposes an accessible, usable, and integrated public park with benches and planters, located at the terminus of Fair lakes Court. The applicant has proffered to provide public access easements for the sidewalks, trails and the park. Staff believes that these provisions are adequate.

Neighborhood Context (Development Criterion #2)

While developments are not expected to be identical with the existing development within which they are to be located, this Criterion states that they should fit into the fabric of the community.

As previously discussed, the proposed residential use is located in the center of an existing office park of approximately 36 acres. Access to the site is provided from Fair Lakes Court, which is a private street that provides the only access to five existing office buildings in Land Bay VI-A. The proposed maximum 12-story, 350,000 square foot residential development would be located within a surface parking lot for one of the five existing office buildings. Existing 4-story apartments and townhouses (Cedar Lakes) are located to the north and east of the proposed site but are not accessed from Fair Lakes Court, and are oriented away from the proposed residential tower. Staff believes that the proposal fails to address many of the Use Specific Performance Criteria for Residential/Multi-Family Elevator Housing found in the Fairfax Center Area Plan. Staff identified two major issues with the neighborhood context for the proposal.

Issue: Integration with existing adjacent land uses

As proposed, the residential building located in a surface parking lot serving an existing office building would not only have little relationship with the existing office buildings but would also be disconnected from areas outside the office park. The CDPA/FDPA depicts one access point from Fair Lakes Court which serves the five existing office buildings in Land Bay VI-A. No vehicular access points are provided from the adjacent residential developments to the north and east and no attempt has been made to establish relationships among the uses. While residential use is a planned use on the site, staff believes that residential use as proposed will become isolated within the existing office park. For residents of this proposed residential building, arrival to their residence involves driving through an office park. This area will have very little activity at off-peak office hours when residents

are home, creating an isolated environment with no significant connections to the adjacent residential neighborhood. Although pedestrian connections are provided to access the retail centers south of Fair Lakes Parkway, a walk through an empty office park to access the restaurants and shops is not an ideal pedestrian experience. Without improved connections to the adjacent residential use, staff believes that the proposed site layout is completely contrary to the intent of the existing office park and fails to meet site-specific Plan recommendations for residential use at the site. To improve relationships between the uses, staff believes that the proposed residential use could be moved to the parking lot to the north, which provides a better opportunity to integrate the adjacent uses. This issue remains outstanding.

Issue: Pedestrian Connectivity

The Plan recommends that pedestrian connections be provided to the surrounding uses, including the commercial uses and the lake across Fair Lakes Parkway. The connections should include attractive pavement treatments, safe crossings, pedestrian lighting and high-quality landscape features. The CDPA/FDPA depicts pedestrian connections to the residential development and the proposed public plaza from existing and proposed on-site and off-site trails. In addition, the applicant has proffered to provide a six foot wide asphalt off-site trail on the north side of Fair Lakes Parkway between Oak Creek Lane and Fair Lakes Court and a painted crosswalk at the intersection of Fair Lakes Parkway, Fair Lakes Circle and Fair Lakes Court. An extension of a trail into the adjacent Cedar Lakes residential property is subject to easements granted by the residential community. The likelihood of this pedestrian connection remains uncertain. This issue remains outstanding.

Environment (Development Criterion #3) (see Appendix 9)

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

The subject property is located in the Cub Run watershed as well as within the County's Chesapeake Bay Watershed. To meet water quality requirements, the applicant proposes onsite sand filter devices and filtertrass. An underground stormwater management (SWM) facility and existing SWM lake will be utilized. In addition, the applicant has proffered to a minimum 500 square foot green roof to be located within the exterior roof structure of the residential building's lobby. The adequacy of the proposed water quality measures is subject to review by the Department of Public Works and Environmental Services at site plan review.

Issue: Transportation Generated Noise

The subject property is located to the east of the Fairfax County Parkway and north of Fair Lakes Parkway. Staff had raised concerns that there may be noise impacts to future residents of the proposed structure. A noise study submitted by the applicant indicated that the projected future noise impacts to some units in the building would be above 65 dBA Ldn.

Resolution:

The applicant has proffered to use building materials to reduce interior noise to a level of approximately 45 dBA Ldn and agreed to submit a refined noise study prior to the issuance of building permits for the building. Staff recommends that the refined noise study include contours for different heights.

Tree Preservation and Tree Cover Requirements (Development Criterion #4)
(see Appendix 11)

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

Issue: Existing Tree Cover and Tree Preservation

The Comprehensive Plan recommends extensive landscaping and that new development should minimize the loss of mature trees located within existing buffer areas along public roads. As previously discussed, three areas of existing vegetation are depicted on the CDPA/FDPA and labeled "existing vegetation to be saved." These areas are primarily located around the perimeter of the site. The largest area of existing vegetation which will remain on the site after the proposed development is that which is located within the right-of-way for the future interchange. The applicant has proffered to submit a tree preservation plan which will protect areas shown for tree preservation on the CDPA/FDPA, and staff has proposed a development condition which would require the limits of clearing and grading to serve as permanent limits of disturbance. However, it should be noted that there will be very little existing vegetation remaining on site following the development of the proposed residential high-rise.

Issue: Soil Depth

Urban Forest Management (UFM) reviewed the application and is concerned about the underground parking structure and the proposed landscaping above the structure limits as shown on the CDPA/FDPA. UFM requested that an adequate depth of soil of 24 inches to 48 inches depending on the size of the trees be

provided to promote survival. The applicant has revised the proffers to address the UFM concerns.

Transportation (Development Criterion #5) (see Appendix 12)

Staff has reviewed this application for an additional 350,000 gross square feet (up to 400 dwelling units) of residential development in Land Bay VI-A, as well as the seventeen (17) other associated applications seeking approval for additional development in Fair Lakes. In total, all of these applications propose an additional 1,375,000 gross square feet of mixed use development (comprised of office, retail, hotel and residential uses) in Fair Lakes. Staff is concerned about the additional negative impact of the cumulative proposed development on the existing road network, which according to the applicant's own study, is already failing.

In an attempt to address the impact of the development resulting from these cases, as well as the associated Fair Lakes applications, the applicant has proffered to a number of improvements to the existing intersections throughout Fair Lakes, including:

- the intersection of Fair Lakes Circle/Fair Lakes Parkway/Fair Valley Drive
- the intersection of Fair Lakes Parkway/Fair Lakes Court
- The intersection of West Ox Road/Fair Lakes Parkway

The applicant has also proffered to do a number of off-site trail and crosswalk improvements in order to complete some "missing links" in the overall pedestrian network for Fair Lakes. While all of these improvements are desirable, they will have only a minimal impact at relieving the impact of the additional trips generated by the proposed additional development.

The applicant's traffic study indicates that the additional uses proposed by all the applications will generate over 12,900 vehicle trips per day (after a 10% office/residential reduction for synergy/transit and a 15% reduction for retail pass-by trips). The study also indicates that 78% of the office, 66% of the retail and 82% of the residential trips generated with the new development will access the site via the Fairfax County Parkway/Fair Lakes Parkway intersection. Based on the applicant's traffic counts, the new development would increase the existing pm peak hour intersection traffic by approximately 13.8%.

An interchange is presently under design, with plans completed to the 70% level. Construction funding is being identified, but a total cost for the interchange has not yet been determined. Based on plans engineered to date, the latest cost estimate is \$75 million dollars. Some additional right-of-way and easements will be needed, primarily to facilitate construction of sound walls, stormwater detention and trails. In addition to that needed from the currently pending applications, additional right-

of-way and easements will be needed from various parcels previously rezoned as part of the overall Fair Lakes development (RZ 82-P-069). As such, it would be desirable for the applicant to provide dedication and easements as needed from all parcels associated with RZ 82-P-069, but at a minimum, from the twenty associated applications which are currently submitted for intensification (which includes the 10.65 acres that are the subject of this staff report).

This application and the other associated applications include specific Comprehensive Plan language for development above the 0.25 FAR overlay level in Fair Lakes. The Plan states:

“The intersection of the Fairfax County Parkway and the Fair Lakes Parkway is above capacity, and a grade-separated interchange is planned and under design. Additional mitigation measures to facilitate construction of this interchange should be provided with new development above the .25 FAR overlay level.”

In order to address the above Plan language, the applicant should commit to a monetary contribution to aid in construction of the interchange.

Specific Transportation Concerns:

With regard to this application for 350,000 gross square feet of high-rise residential development in Land Bay VI-A, staff identified the following issues:

Issue: Easements and Right of Way Dedication

As previously discussed, staff believes that the applicant should provide easements and right-of-way needed for construction of the Fair Lakes Parkway/Fairfax County Parkway interchange project, VDOT project 7100-029-353; as engineered to date, the interchange plans identify the need for right-of-way/easements from this property.

Resolution:

The applicant's draft proffers have included a commitment to dedicate right-of-way as well as drainage and temporary construction easements for use in the interchange project; it is the applicant's intent that this commitment pertain to all properties controlled by the applicants in the Fair Lakes development, which staff believes is optimal. Although staff has some minor concerns with the wording of this proffer, the applicant has orally committed to working with staff to resolve these concerns, and staff believes this issue will be addressed prior to the public hearing.

Issue: Provision of a per square foot contribution towards the construction of the Fair Lakes Parkway/Fairfax County Parkway interchange, VDOT project 7100-029-353.

Resolution:

The applicant has proffered to contribute one thousand dollars (\$1,000) per dwelling unit for the proposed residential building to the Board of Supervisors to be utilized for the construction of the interchange. If the interchange project is fully funded prior to the approval of the site plan for the residential structure, then the Board may use these funds for other Fairfax Center Area Road Fund projects. Staff believes that this issue has been addressed.

Issue: Transportation Demand Management Plan (TDM Plan)

The latest draft proffers include a TDM program, with a reduction of 10% in office and residential vehicle trips. A 10% reduction in trip generation was already assumed by the applicant for synergy between uses. Other suburban locations have committed to at least 20 percent. Given the size of the proposed development, and the increase in traffic to adjoining roadways, a greater reduction commitment is appropriate.

Resolution:

The applicant has not addressed this concern.

Issue: Extension of the Eastbound Left Turn Lane on Fair Lakes Parkway at Fair Lakes Court

The high volume of left turn vehicles coupled with the high volume of through traffic suggests that the queue in the left turn lane may overflow into Fair Lakes Parkway through lanes, and that the eastbound Fair Lakes Parkway through queue will obstruct access to the left turn bay. As such, the applicant should commit to extend the existing eastbound left turn lane on Fair Lakes Parkway as deemed appropriate by VDOT at the time of site plan review.

Resolution:

The applicant has not addressed this concern.

Issue: Sidewalk extension

The applicant has made a limited commitment to extend a sidewalk off-site to the residential development north and east of the site (Cedar Lakes). This commitment should be expanded to include a good faith effort to work with

adjoining property owners in order to achieve completion of this residential connection.

Resolution:

The applicant has not addressed this concern.

Issue: Transportation Improvements Exhibit

As previously discussed, the applicant has proffered to provide additional turn lanes to improve vehicular movement in three internal intersections within Fair Lakes, which include: 1) the Fair Lakes Circle/ Fair Lakes Parkway and Fair Valley Drive intersection, 2) Fair Lakes Circle/ Fair Lakes Parkway and the Fair Lakes Court intersection, and 3) West Ox Road and Fair Lakes Parkway. A graphic is provided on Sheet 10 of the CDPA/FDPA. Staff requested that a functional exhibit of the proposed transportation improvements be provided for clarification.

Resolution:

The applicant has provided drawings to illustrate the proposed improvements (See Appendix 13). The exhibit should delineate all proposed improvements, and identify which are to be provided with each zoning amendment request. A standard size exhibit (to scale) is still necessary to fully address staff's request; the applicant has agreed to comply.

Public Facilities Analyses (Development Criterion #6)

Criterion 6 states that residential developments should offset their impacts upon the public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). Impacts may be offset by the dedication of land, construction of public facilities, contribution of in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facility issues are discussed in detail in Appendices 14 – 19).

Fire and Rescue (Appendix 14)

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

Fairfax County Water Authority (Appendix 15)

The subject property is located within the Fairfax Water service area. Adequate domestic water service is available to the site from existing water mains located at the property. Additional water main extensions may also be required.

Environmental & Site Review Division, Stormwater Management, DPWES
(Appendix 16)

As previously stated, the 10.65 acre application property falls within the Cub Run watershed as well as within the County's Chesapeake Bay watershed. The stormwater management (SWM) narrative on Sheet 7 of the CDPA/FDPA indicates that stormwater management for the site is accommodated by an existing wet pond (named Lake 1), which is located approximately 250 feet east of the subject property. According to the SWM narrative, this wet pond has adequate volume to meet the BMP requirements for the increased runoff from the proposed development. Staff has reviewed the proposal and determined that the application generally meets the stormwater management requirements and the Comprehensive Plan recommendations.

Sanitary Sewer Analysis (Appendix 17)

The property is located in the Cub Run Watershed, and would be sewer into the UOSA Treatment Plant. Adequate sanitary sewer capacity is available from an existing 18-inch line located in an easement on the property.

Fairfax County Public Schools (Appendix 18)

The proposed development would be served by Greenbriar East Elementary School, Lanier Middle School and Fairfax High School, all within the Fairfax High School pyramid. Each of these schools is projected to be below capacity by the 2011-2012 school year. The total number of students generated by this development is anticipated to be 31: 17 elementary, 4 middle and 10 high school students. An appropriate contribution to offset the school impact of the proposed development would be \$360,530 (31 students X \$11,630 per student). The applicant has proffered a contribution of \$897 per dwelling unit for capital improvements to schools serving the subject property. This yields \$358,800, which is slightly lower than staff's request.

Fairfax County Park Authority (Appendix 19)

According to Fairfax County Park Authority calculations, the proposed development will add approximately 728 new residents to the current population of the Springfield Magisterial District. The applicant proposes to provide on-site recreational amenities that include a swimming pool, a pedestrian plaza in front of

the residential building, bike racks and a fitness center. Based on the Zoning Ordinance Sections 6-110 and 16-404, a contribution of \$955 per non-ADU (affordable dwelling unit) residential unit is required for outdoor recreational facilities to serve the development population. With 400 new non-ADUs proposed, the Ordinance-required amount to be spent on site is \$382,000. The applicant has proffered to credit all amenities provided on site with the exception of the pedestrian plaza and the bike racks against the contribution required by the Zoning Ordinance. Any portion of this amount not spent onsite will be dedicated to the Fairfax County Park Authority for the provision of recreational facilities located within the service area of the property.

In addition to on-site resources, the residents of the development will need off-site park and recreational facilities, such as ball fields and basketball courts. In order to offset the impact this will have on Park Authority resources, the applicant has offered to provide an additional \$500 per market rate dwelling unit to the Park Authority for use at Patriot Park. Staff believes that the applicant has addressed this issue.

Affordable Housing (Development Criterion #7)

This Criterion states that a goal of Fairfax County is to ensure an adequate supply of housing for low- and moderate-income families, those with special accessibility requirements, and those with other special needs. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.

The Comprehensive Plan specifically encourages the provision of workforce housing as part of the residential component of the development. The applicant is proposing to provide, if required, 5% of the units as Affordable Dwelling Units (ADUs), and an additional 7% of the residential units as Workforce Units (WFUs). If no ADUs are required, then the applicant has proffered to provide the full 12% as WFUs. The pricing of all WFUs would be divided into three tiers, based on the Area Median Income for the Washington Metropolitan Statistical Area (AMI) as determined by the U.S. Department of Housing and Urban Development. The proposed breakdown is as follows:

- At least 34% of the units will be affordable to residents who have a household income of between 60 to 80% of the AMI;
- At least 33% of the units will be affordable to residents who have a household income of between 70 and 100% of the AMI; and
- Up to 33% of the units will be affordable to residents who have a household income of between 70 and 120% of the AMI.

The applicant has opted to administer the WFUs primarily in accordance with the ADU Ordinance, with the exception being that the applicant opted to provide their own rental pricing, in lieu of having the County determine the rental rates. Staff believes that, as proposed, the goals of the WFU program are satisfied, and that the future residents (owners and renters) will be protected by this program.

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.

No potential for historic or archaeological resources have been identified on the subject property.

Fairfax Center Design Guidelines (Appendix 20)

In the Fairfax Center Area, a checklist tool assists in evaluating rezoning and proffered condition amendment applications for conformance with the design guidelines in the Comprehensive Plan. The checklist includes transportation, environmental, site design, land use and public facilities elements.

It should be noted that, due to a number of overlapping commitments between the twenty pending applications in Fair Lakes, one checklist was prepared for all applications. In order to justify development at the Overlay Level, these applications must satisfy all applicable basic elements; all major transportation elements; all essential elements; three-fourths of the applicable minor elements; and one-half of the applicable major elements. These applications for 350,000 gross square feet of residential development in Land Bay V-A are at the overlay level. Based on staff's analysis as found in Appendix 20, these applications satisfy 100% of the applicable basic elements; 100% of the major transportation elements; 100% of the essential elements; 79% of the applicable minor elements; and 69% of the applicable major elements. It should be noted that, due to a number of outstanding design concerns (as discussed previously in this report) these applications, on their own, would not satisfy the necessary elements to justify development at the overlay level.

ZONING ORDINANCE PROVISIONS (See Appendix 21)

Conformance with PDC District Regulations

Article 6

Fair Lakes is currently zoned Planned Development Commercial (PDC) and the

applicant proposes to amend the FDP to permit the construction of 350,000 gross square feet of residential development, and to provide specific proffers related to the proposed residential use in Land Bay VI-A under the existing zoning. Article 6 of the Zoning Ordinance sets forth the requirements regarding the principle and secondary uses permitted, use limitations, lot size requirements, bulk regulations and open space requirements. The district regulations are designed to ensure high quality standards in the layout, design and construction of commercial developments, and to implement the stated purpose and intent of the Ordinance. Staff believes that these provisions are satisfied.

Article 16, Sects. 16-101 and 16-102

All planned developments must meet the general standards specified in Section 16-101 of the Zoning Ordinance.

General Standard 1 requires substantial conformance with the Comprehensive Plan. As previously discussed, the Plan states that redevelopment of the surface parking lot associated with Tax Map 45-4((1))25E may be appropriate for up to 350,000 SF of residential uses if specific conditions are met. These conditions include pedestrian connections to the surrounding uses and areas, buffering and screening with limited impacts to existing tree cover, high quality design and architectural compatibility with surrounding structures, a publicly accessible park or plaza with extensive landscaping, and provision of workforce housing. The applicant proposes to construct 350,000 square feet of residential development consisting of up to 400 units inclusive of affordable dwelling units and/or workforce housing. The proposed building will be located in the southeast portion of the surface parking lot serving the existing office development, and will be 12-stories (up to 125 feet) in height. Parking for the existing office and proposed residential at this location will be comprised of 913 spaces (combined surface and structured parking). Pedestrian connections are provided for adequate internal circulation and are also provided for safe crossings to neighborhoods south of Fair Lakes Parkway. Off-site sidewalk and crosswalk improvements are also provided. Staff believes that the proposed layout is logical and functional.

However, staff is concerned that the application does not conform to the Comprehensive Plan guidance for the provision of 1) high quality design and architectural compatibility with surrounding structures, 2) pedestrian connections to surrounding residential uses, 3) adequate buffering and screening. From a design perspective, staff believes that the proposed 12-story building would create an inappropriate relationship with the surrounding 4 to 6 story buildings. Visually, the proposed building would tower over the adjacent developments and as such the proposed building has not been designed to be at a compatible scale with the adjacent buildings.

While residential use is a planned use on the site, staff believes that the residential use as proposed will become isolated within the existing office park. For residents of this proposed residential building, arrival to their home involves driving through an office park. This area will have very little activity at off-peak office hours when residents are home, creating an isolated environment with no significant connections to the adjacent residential neighborhood. Although pedestrian connections are provided to access the retail centers south of Fair Lakes Parkway, a walk through an empty office park to access the restaurants and shops is not an ideal or safe pedestrian experience. Without significant or improved connections to the adjacent uses, staff believes that the proposed site layout is completely contrary to the intent of the existing office park and does not adequately integrate the new residential use within the office area.

The applicant has attempted to screen the proposed site from the existing office building to the west and to establish a trail into the adjacent Cedar Lakes residential property. However, staff believes that these attempts do not conform to the intent of the Comprehensive Plan. As proposed, very little existing vegetation will remain on site, and the residential use would not meet the transitional screening requirements in the Zoning Ordinance. Staff also remains concerned about the likelihood of the proposed pedestrian connection to the north and east which remains uncertain because the trail is subject to easements granted by the residential community. In staff's opinion, the site fails to meet this standard.

General Standard 2 requires that the design of the proposed planned development results in a more efficient use of the land and in a higher quality site design than could be achieved in a conventional district. The site is currently zoned PDC. A conventional commercial zoning district would not permit a residential building in this location. In staff's opinion, the proposed development is not of higher quality site design. As previously discussed, the proposed 12-story building would create an inappropriate relationship with the surrounding 4 to 6 story buildings. Staff believes the proposal as submitted does not meet this standard.

General Standard 3 requires that the design of the proposed development protect and preserve the natural features on the site. The applicant has committed to preserving 4.71 acres (45%) open space on the 10.65 acre site. This open space includes four significant existing vegetation areas that are depicted on the CDPA/FDPA and labeled "existing vegetation to be saved." To ensure that these areas are preserved in the future, staff has proposed a development condition to ensure that the limits of clearing and grading shown on CDPA/FDPA remain as permanently undisturbed vegetation. In staff's opinion, this standard will be met with imposition of the proposed development condition.

General Standard 4 requires that the proposed development prevent substantial injury to the use and value of the existing surrounding development. The proposal is located in an existing office park. As previously discussed, staff believes that as

proposed the residential development is not compatible with the office uses. While residential use is a planned use on the site, staff believes that the residential use will become isolated within the existing office park. Without significant connections to adjacent residential uses from the site, staff believes that the proposed site layout is completely contrary to the intent of the existing office park and does not adequately address site specific recommendations for residential use on the property. To improve relationships between the uses, staff believes that the proposed residential use could be moved to the parking lot to the northeast which could provide a better opportunity to integrate the adjacent residential uses with improved pedestrian connections. In staff's opinion, this standard has not been met.

General Standard 5 requires that the planned development be located in an area where transportation, police, fire protection and other public facilities are available and adequate for the proposed use. In staff's opinion, this standard has been met.

General Standard 6 requires that the planned development coordinate linkages among internal facilities and services as well as connections to major external facilities. As previously discussed, no new roads are proposed. The site is access from Fair Lakes Court, which is a private street serving an existing office park. Three separate site entrances are proposed from Fair Lakes Court.

Pedestrian access is provided from a 5-foot wide concrete trail along the south and west sides of Fair Lakes Court. The applicant proposes to construct two on-site trail connections to the existing trail; one 6-foot wide trail through the public park and one 6-foot wide trail along the entire southern property line that will connect to the Fair Lakes Parkway trail. In addition, a 6-foot wide off-site trail is proposed to continue the existing trail on Fair Lakes Parkway southeast from Fair Lakes Court to Oak Creek Lane. Staff believes that these proposed pedestrian connections provide safe access to uses south of the subject property, but not to the adjacent residential uses to the north and east. The applicant has attempted to establish a trail into the adjacent Cedar Lakes residential property but the likelihood of the proposed pedestrian connection remains uncertain as the trail is subject to easements granted by the residential community. Without a significant connection to the adjacent residential uses, staff believes that the proposed site layout is completely contrary to the intent of the existing office park and does not meet the site specific guidelines in the Comprehensive Plan for residential use at this site. To improve relationships between the uses, staff believes that the proposed residential use could be moved to the parking lot to the northeast which could provide a better opportunity to integrate the adjacent residential uses with improved pedestrian connections. In staff's opinion, this standard has not been met.

All planned developments must meet the design standards specified in Section 16-102 of the Zoning Ordinance.

Par. 1 states that, at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform with the provisions of the most comparable conventional district. This application most closely resembles the R-30 District. The table below compares the proposed development to the requirements of the R-30 District.

Bulk Standards (R-30)		
Standard	Required	Provided
Front Yard	25° ABP, but not less than 20 feet. (ABP = 63 feet for a 135 foot tall building)	137 feet
Side Yard	25° ABP, but not less than 10 feet. (ABP = 63 feet for 135 foot tall building)	67 feet
Rear Yard	25° ABP, but not less than 25 feet. ABP = 63 feet for 135 foot tall building)	>100 feet
Building Height	150 feet subject to an increase permitted by the Board	125 feet
Open Space	40%	45%
FAR	1.00	0.87 (for this application area)

As illustrated above, the residential building is consistent with the bulk standards of the R-30 District.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application includes 45% open space, which is in excess of the open space requirement of 15% for the PDC District. In addition, the Zoning Ordinance requires 875 parking spaces for the proposed residential use and the office use. The applicant proposes to provide 1,101 total spaces, which include includes 109 surface parking spaces and 804 structured parking spaces. With the exception a modification of the loading requirement request described below, all other applicable Zoning Ordinance provisions have been satisfied.

Par. 3 states that street systems should be designed to generally conform to the provisions of the Zoning Ordinance and should offer convenient access to mass transportation, recreational amenities and pedestrian access. No new roads are proposed. Pedestrian access to the proposed residential development is provided through a series of existing and proposed trails to the retail uses to the south and east. Trails located within the public right of way and those depicted in the pedestrian plaza will also be subject to public access easements.

Waivers/Modifications:

Modification of the loading requirement in favor of the loading spaces provided on the CDPA/FDPA.

The applicant proposes 350,000 gross square feet of residential development in Land Bay VI-A. Paragraph 4 of Section 11-203 of the Zoning Ordinance requires one (1) space for the first 25,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof. Paragraph 15 of Section 11-202 of the Zoning Ordinance indicates that in no instance shall more than five (5) off-street loading spaces be required for a given use or building except as may be determined by the Director. The applicant proposes to provide 2 loading spaces for the residential building. A modification of the loading space requirement was requested. The applicant believes that a minimum of 2 loading spaces are adequate for the proposed residential use. Staff does not object to the waiver request.

Modification of the PDC standards to permit residential uses to exceed 50 percent of the gross floor area of principle uses.

The applicant requests a modification of the use limitation for the PDC District to permit the gross floor area of residential uses to exceed fifty percent of the principal uses to allow an additional 350,000 square feet of residential uses associated with CDPA 82 P-069-01-1. According to the Fair Lakes Zoning Tabulation (Appendix 5), Fair Lakes currently consists of 7,182,823 gross square feet of development, which is approximately 47.9% residential, 31.6% office, 4.5% hotel and 15.8% retail uses. With approval of this CDPA application, Fair Lakes would result in 7,532,823 gross square feet of development, which is approximately 50.4% residential, 30.2% office, 4.3% hotel and 15.1% retail. Approval of this application and the 17 other associated applications would result in approximately 8,561,823 gross square feet of development 47.8% residential, 32.1% office, 4.9% hotel and 15% retail. According to these calculations, a modification of the PDC standards is not required for this application.

Modification of PFM standard 12-0702.1B2 to permit the reduction of the minimum planting strip width requirement from 8 feet to a minimum of 6 feet as shown on the CDPA/FDPA.

The PFM requires that, at a minimum, street trees be planted in an eight (8) foot wide planting strip. The applicant is seeking a modification of this requirement in select locations of the site, primarily along internal streets, based on the premise that an at-grade eight (8) foot wide planting strip is too wide to facilitate a pedestrian-oriented streetscape. For that reason, in select locations as shown on the CDPA/FDPA, the applicant proposes to provide eight (8) foot planting beds for street trees, but to cantilever the sidewalk two (2) feet over such planting beds.

The result is that an eight (8) foot wide planting area would be provided for the trees, but only six (6) feet of such area would be visible from grade level. In order to ensure the survivability of the trees, the applicant proposes to install structural soil within these eight (8) foot wide planting areas. The applicant's proposed landscaping plan has been reviewed by the UFM and their recommendations have been incorporated into the CDPA/FDPA proffers. Therefore, staff supports the requested modification.

Waiver of transitional screening and barrier requirements between the proposed residential and existing non-residential uses within the original application area.

The applicant has requested a waiver of the transitional screening and barrier requirements for residential uses adjacent to office uses. Paragraph 1 of Section 13-304 allows transitional screening and barriers to be waived or modified between uses that are to be developed under a common development plan in the PDC District. The applicant proposes to construct a maximum 12-story residential building that is separated from a 6-story office building by a few rows of surface parking, a single row of deciduous trees located along the west side of the proposed building, and a landscaped island (measuring 10 to 60 feet in width and approximately 100 to 160 feet in length) in the center of the surface parking lot. Staff believes that the type of proposed screening is not adequate to effectively screen the existing office building from the proposed residential building(s). As such, staff believes that compatibility between the uses has not been achieved through the design of the development, and objects to the requested waiver.

Waiver to locate underground facilities in a residential area for the Fair Lakes Land Bay VI-A development plan (PFM Section 6-0303.8), subject to Waiver #005727-WPFM-013-1 Conditions dated August 6, 2007, as contained in Appendix 21 as Attachment A.

The applicant requests permission to control stormwater by using underground detention in a residential development. The applicant proposes five underground detention facilities to be located underneath proposed open space areas shown on the CDPA/FDPA. This constitutes a waiver of PFM Section 6-0303.8, which regulates use of underground SWM facilities located in a residential development. The applicant believes that given the size of the site and the nature of development proposed, underground facilities are appropriate in this instance. The applicant has proffered to provide stormwater management as depicted on the CDPA/FDPA and in conformance with Waiver #005727-WPFM-013-1 and all applicable provisions of the County's PFM. DPWES recommends that the Board approve the waiver to locate underground facilities in a residential area for the Fair Lakes Land Bay VI-A development plan, subject to Waiver #005727-WPFM-013-1 conditions dated August 6, 2007, as contained in the Appendix 21 as Attachment A.

Overlay District Requirements

Water Supply Protection (WSPOD) (Sect. 7-808)

The Water Supply Protection Overlay District requires that developments provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. This provision will be addressed at site plan review.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant proposes to amend the previously approved zoning case on the application property to implement a Comprehensive Plan amendment, and add 350,000 square feet of residential use to Land Bay VI-A of the Fair Lakes development.

Staff has noted a number of major outstanding land use issues, including the following:

- Intensity in terms of mass and scale: the proposed building is not designed at a compatible scale with the adjacent buildings,
- Integration of uses: the proposed building is located in a surface parking lot which serves an existing office building and has little relationship with the existing office buildings. The adjacent residential uses have no connection to the proposed high rise use; they back into the office park, have no architectural relationship or connectivity – visual, vehicular or pedestrian.
- Lack of significant tree save and/or effective buffers between uses.

As such, Staff does not believe that the proposed applications are in harmony with the recommendations of the Comprehensive Plan, or in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends denial of PCA 82-P-069-20 as proposed. If it is the Board's intent to approve PCA 82-P-069-20, staff recommends that such approval be subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends denial of CDPA 82-P-069-01-1 as proposed.

Staff recommends denial of FDPA 82-P-069-1-15 as proposed. If it is the Planning Commission's intent to approve FDPA 82-P-069-1-15, staff recommends

that such approval be subject to the Final Development Plan Amendment Conditions contained in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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 Planning Commission.

APPENDICES

1. Draft Proffers PCA 82-P-069-20
2. Proposed Final Development Plan Amendment Conditions FDPA 82-P-069-1-15
3. Affidavit for PCA 82-P-069-20, CDPA 82-P-069-1-1 and FDPA 82-P-069-1-15
4. Statement of Justification for PCA 82-P-069-20, CDPA 82-P-069-1-1, and FDPA 82-P-069-1-15
5. Fair Lakes Land Use Zoning Tabulations
6. PCA 82-P-069-14 proffers
7. FDPA 82-P-069-1-9 plans and conditions
8. FDPA 82-P-069-1-12 plans and conditions
9. Plan Citations, Land Use and Environmental Analysis
10. Residential Development Criteria
11. Urban Forest Management Analysis
12. Transportation Analysis
13. Applicant's proposed transportation improvements (graphic)
14. Fire and Rescue Analysis
15. Water Service Analysis
16. Stormwater Management Analysis
17. Sanitary Sewer Analysis
18. Schools Analysis
19. Park Authority Analysis
20. Fairfax Center Area Checklist
21. Applicable Zoning Ordinance Provisions
22. DPWES Analysis of Waiver #005727-WPFM-013-1 Request
23. Glossary of Terms

PCA 82-P-069-20
 FAIR LAKES LAND BAY VI-A (RESIDENTIAL)
 PROFFER STATEMENT
 JUNE 7, 2007
 JULY 12, 2007
 AUGUST 2, 2007
 AUGUST 28, 2007
 SEPTEMBER 7, 2007
 SEPTEMBER 10, 2007
 SEPTEMBER 17, 2007
 SEPTEMBER 18, 2007
 SEPTEMBER 19, 2007

Pursuant to Section 15.2-2303A of the Code of Virginia, as amended, and subject to the Board of Supervisors approval of PCA 82-P-069-20, Fair Lakes Center Associates L.P. (the "Applicant") and the undersigned owners of the approximately 10.65 acres (known as Fairfax County Tax Map Parcels 45-4 ((1)) 25E1 (part) and 25E2 (part) and identified as a portion of Fair Lakes Land Bay VI-A), included in this application (the "Property"), proffers for themselves and their successors and assigns that development of the Property shall be in conformance with the previous proffers approved by the Board of Supervisors in PCA 82-P-069-14 and dated April 14, 2005, which proffers shall remain in full force and effect as qualified by and subject to the following terms and conditions. In the event this application is denied, these revised proffers shall immediately be null and void and the previous proffers dated April 14, 2005 shall remain in full force and effect.

1. **Paragraph 1 shall be revised to read as follows:**

Substantial Conformity with Conceptual Development Plan Amendments. The subject 10.65-acre PCA Application Property shall be developed in substantial conformance with the Conceptual Development Plan Amendments approved by the Board of Supervisors for the respective land bays, as further modified by all relevant Proffered Conditions for Fair Lakes, as follows: (i) CDPA 82-P-069-1 consisting of one sheet prepared by Dewberry & Davis as revised through July 12, 1984 and approved by the Board of Supervisors on September 24, 1984; (ii) CDPA 82-P-069-7 consisting of four sheets of the combined CDPA/FDPA plan prepared by Dewberry & Davis and dated September 21, 2004, as revised through January 27, 2005 and approved by the Board of Supervisors of July 25, 2005; and (iii) pending CDPA 82-P-069-11 consisting of eleven (11) sheets and dated February 27, 2007, as revised through September 10, 2007.

2. **Paragraph 2 shall be revised to read as follows:**

Allocation of Land Uses. Paragraph 2 of the Previous Proffers under "Land Use" shall be revised to read as follows: Allocation of land uses as provided in the text accompanying the Conceptual Development Plan Amendment is affirmed as follows: No more than 455,000 square feet of principal and secondary uses shall be constructed on subject property.

In no event shall the amount of principal and secondary uses for the entirety of Fair Lakes exceed 8,558,005 square feet. Non-residential uses shall not exceed 6,090,002 square feet. Principle and secondary uses in Land Bays IV-A, V-A, V-B, VI-A and VII-B as contained within the application area for the following applications: (i) PCA 82-P-069-15; (ii) PCA 82-P-069-16; (iii) PCA 82-P-069-17; (iv) PCA 82-P-069-18; (v) PCA 82-P-069-19; and (vi) PCA 82-P-069-20, shall not exceed 2,435,782 square feet. However, up to 945,877 square feet in Land Bay II may be converted from non-residential to residential uses exclusive of ADUs and up to 14,200 square feet may be converted to eating establishments/fast food restaurant/personal service establishment uses in Land Bay II. Residential units shall not be fewer than 1,464.

The specific uses to be provided in the first phase of development are depicted in FDPs submitted for Land Bays I-A, I-B, V-A, VI-A and VI-B. Land Bay II shall be approximately 120 acres, and shall be developed in 1,463,616 square feet of employment, residential and eating establishment/fast food restaurant uses specified in the CDPA for Land Bays II-A and II-B. The residential square footage in Land Bay II shall not exceed 945,877 square feet which shall be exclusive of the square footage for affordable dwelling units. In addition, the residential square footage in Land Bay II shall not be counted towards, i.e., shall be deemed in its entirety to be in excess of, the fifty (50) percent limitation for residential use in the Fair Lakes PDC District as specified in Par. 5 of Sect. 6-206 of the Zoning Ordinance as well as the 2:1 ratio of primary to residential uses recommended for office-mixed use areas in the Fairfax Center Area. Residential square footage located in the remainder of Fair Lakes may be developed in excess of the fifty (50) percent (based upon the principal, non-residential uses in all of Fair Lakes) limitation set forth in Paragraph 5 of Section 6-206 of the Zoning Ordinance, as modified by the Board of Supervisors in the subject PCA application.

A mix of principal and secondary uses shall be distributed over the remainder of the site, with other retail, hotel and other residential uses to be located in Land Bays III, IV, V, VI and VII. The aggregate non-residential square footage shall not exceed 6,090,002 square feet, of which 200,000 to 855,000 square feet shall be allocated to hotel use, 200,000 to 1,295,000 square feet, exclusive of any eating establishment/fast food restaurant/personal service establishment uses in Land Bay II, to uses such as retail uses, accessory service uses, retail sales establishments, child care centers, eating establishments, financial institutions, health clubs, theaters, service stations, car washes and other principal and secondary PDC uses that are neither residential, hotel nor office/research in character, and 2,250,000 to 5,443,820 square feet to office, research and other non-retail uses. Specific uses shall be designated at the time the FDPs are submitted. For purposes of this proffer, the designation of a building as office or other employment use shall be construed to permit inclusion of fast food (e.g., delicatessen), financial institution, and other such accessory and personal service uses on the ground and/or first floor level of such building, it being understood that the details of any drive-through and/or child care uses must be the subject of final development plan or special exception approval.

3. **Paragraph 3 shall be revised to read as follows:**

Final Development Plan Amendments. Notwithstanding that CDPA 82-P-069-01-01 appears on the same development plan with FDPA 82-P-069-01-15, consisting of eleven (11) sheets and described in Paragraph 1 above, it shall be understood that (i) said CDPA plan shall consist of the entire plan relative solely to points of access, general location of the proposed buildings, on-site vehicular circulation and common open space areas; and (ii) the Applicant has the option to request Final Development Plan Amendment ("FDPA") approvals from the Planning Commission in accordance with Section 16-402 of the Zoning Ordinance with respect to the remaining elements. The Applicant further retains the option to file partial Conceptual Development Plan Amendment(s) in the future.

4. **Paragraph 5 shall be revised to read as follows:**

Maximum Residential Square Footage. In accordance with the Board of Supervisors' approval of the modification of Paragraph 5 of Section 6-206 of the Zoning Ordinance to permit an increase in the gross floor area devoted to dwellings as a secondary use in excess of fifty (50) percent of all principal uses in the development, up to 350,000 gross square feet of residential use, which shall be inclusive of ADUs and Workforce Housing Units. The Applicant reserves the right to develop fewer square feet than the maximum gross square footage of residential uses referenced in this paragraph without the need for a PCA. The maximum number of multi-family dwelling units constructed on the Property shall not exceed 400 units, inclusive of ADUs and/or Workforce Dwelling Units.

5. **Paragraph 6 shall be revised to read as follows:**

Architectural Design. The architectural design of the multi-family building shall be in substantial conformance with the general character of the elevations and perspectives shown on Sheets 5 and 6 of the CDPA/FDPA. The Applicant reserves the right to revise the elevations as a result of final architectural design, so long as the character and quality of design remains in substantial conformance with those shown. Building materials for the multi-family residential building shall be compatible with the existing office buildings, as determined by DPWES. Building materials for the multi-family residential building shall consist of masonry, brick, stone, pre-cast concrete, ground and/or split face CMU. In addition to the preceding materials, EIFS that is visually compatible with the masonry materials may be utilized on the upper floors.

6. **Paragraph 7 shall be revised to read as follows:**

Affordable Dwelling Units/Workforce Dwelling Units.

A. **Affordable Dwelling Units ("ADUs").**

1. Depending upon the type of building construction, the Applicant shall either a) provide five percent (5%) of the total number of dwelling units approved on a site plan for the multi-family residential building depicted

on the CDPA/FDPA as Affordable Dwelling Units (ADUs) in accordance with Article 2 Part 8 of the Zoning Ordinance, or b) provide zero (0) ADUs if the type of construction proposed on a site plan for the multi-family residential building depicted on the CDPA/FDPA exempts the Applicant from the requirement to provide ADUs in accordance with Article 2 Part 8 of the Zoning Ordinance, but in such instance the Applicant shall increase the number of Workforce Dwelling Units it shall provide consistent with Paragraph 6(B) below.

2. ADUs shall consist of the same unit type (rental apartments or for sale condominiums) as the market rate units contained within the building housing the ADUs.

B. Workforce Dwelling Units. In addition to the provision of ADUs pursuant to Paragraph 6(A)(1)(a) above, the Applicant also shall provide seven percent (7%) of all residential units approved on a site plan for the multi-family residential building as Workforce Dwelling Units, which will be affordable to future residents who have a household income of up to 120% (consistent with the tiers set out immediately below) of the Area Median Income ("AMI") for the Washington Metropolitan Statistical Area, as determined periodically by the U.S. Department of Housing and Urban Development. To the extent the Applicant shall be exempt from providing ADUs for the multi-family residential building depicted on the CDPA/FDPA, as stated in Paragraph 6(A)(1)(b) above, the Applicant shall provide as Workforce Dwelling Units twelve (12%) of all residential units approved on a site plan for the multi-family residential building depicted on the CDPA/FDPA. Said Workforce Dwelling Units shall be provided to persons in for-sale units, or for-rent units constructed of steel and concrete (Building Construction Types 1, 2, 3 and 4 as specified in the Virginia Uniform Statewide Building Code) whose household income (i) for at least thirty four percent (34%) of the units, is between sixty percent (60%) and eighty percent (80%) of the AMI; (ii) for at least thirty three percent (33%) of the units, is between seventy percent (70%) and one hundred percent (100%) of the AMI; and (iii) for up to thirty three percent (33%) of the units, is between seventy percent (70%) and one hundred twenty percent (120%) of the AMI.

1. Definitions. The following terms used in these Proffered Conditions shall be defined as follows, unless specifically modified:
 - a) Market-Rate Units. Dwelling units approved on the Property that are not subject to either the price/rental restrictions of Part 8 of Article 2 of the Zoning Ordinance or these Proffers; and
 - b) Workforce Dwelling Units. Dwelling units on the Property subject to the price/rental restrictions of this Proffer, but not subject to those of Paragraph 6(A) and Part 8 of Article 2 of the Zoning Ordinance.

2. Designation on Approved Site Plan. The approved site plan for the multi-family residential building depicted on the CDPA/FDPA shall designate the number of Workforce Dwelling Units and the number of market rate units to be provided in the respective building. The Applicant shall determine the interior amenities, including the number of bedrooms, for each Workforce Dwelling Unit provided. The approved site plan(s) for the respective buildings shall also contain tabulations of the total number of Workforce Dwelling Units, by bedroom count and unit size, on the Property. Whenever the calculation of the required Workforce Dwelling Units results in a fractional unit less than 0.5, then the number shall be rounded down to the next whole number, and any fractional unit of 0.5 or greater shall be rounded up to the next whole number, provided that 12% of the total number of dwelling units are either ADUS or Workforce Dwelling Units.

Approved site plans, record plats and building plans shall designate the specific units that are the Workforce Dwelling Units. If there is to be any change in the location of Workforce Dwelling Units after the original approval of a site plan, the Applicant shall be responsible for amending the approved plans and plats to reflect the designation of the alternate Workforce Dwelling Units prior to the issuance of a Residential Use Permit for the new Workforce Dwelling Units. However, in the case of a multiple family rental development that is under single ownership, the Workforce Dwelling Units need not be specifically identified. In such rental developments, the site plans, record plats and building plans shall identify the development as a rental project and shall note the total number of Workforce Dwelling Units and the number of market rate units provided. For all for-sale developments, the floor area of each Workforce Dwelling Unit shall be noted on the approved site plan, record plat and building plan.

Workforce Dwelling Units that are included on approved site plans shall be deemed features shown for purposes of Section 15.2-2232 of Va. Code Ann. and, as such, shall not require further approvals pursuant thereto in the event the Fairfax County Redevelopment and Housing Authority ("HCD") shall acquire or lease such units.

3. Workforce Dwelling Units - Size. The size of the Workforce Dwelling Units shall be not less than 450 square feet for an efficiency unit, 600 square feet for a one-bedroom unit, and 750 square feet for a two-bedroom unit.
4. Workforce Dwelling Units - Rental Rates. Notwithstanding any reference elsewhere in this Paragraph 6(B) to Section 2-811 or other provisions of the Zoning Ordinance, the maximum monthly rental, initially and for each year thereafter, at which each rental Workforce Dwelling Unit may be offered shall be the rental rate for the Washington Standard Metropolitan

Statistical Area published by the Virginia Housing Development Authority ("VHDA") and/or the U.S. Department of Housing and Urban Development ("HUD") for the respective percentage of the AMI designated for such unit.

The initial AMI to determine such initial maximum monthly rent shall be determined from the date of the issuance of the first RUP for each respective Workforce Dwelling Unit. The AMI and the maximum monthly rent, as calculated above, may be adjusted once a year, as published by HUD and/or VHDA. A copy of such annual calculation shall be provided to the Fairfax County Department of Housing and Community Development ("HCD") or such other agency as may be designated by the County to oversee implementation of a Workforce Housing Program.

5. Workforce Dwelling Units - Control Period. The price for subsequent rental Workforce Dwelling Units shall be controlled for a period of fifty (50) years from the date of issuance of the first Residential Use Permit for any Workforce Dwelling Unit. For for-sale Workforce Dwelling Units, the price for the subsequent resales shall be controlled for a period of thirty (30) years after the initial sale. However, upon any resale, conveyance, and/or transfer to a new owner of such Workforce Dwelling Unit within the initial thirty (30) year period of control, the prices for each subsequent resale and/or transfer to a new owner shall be controlled for a new thirty (30) year period commencing on the date of such resale, conveyance, and/or transfer of the Workforce Dwelling unit. For any Workforce Dwelling Units that is owned for an entire thirty (30) year control period by the same individual(s), the price control term shall expire and the first sale of the Workforce Dwelling Unit after such expiration shall be in accordance with Sect. 2-812(5) of the Fairfax County Zoning Ordinance.
6. Provisions of the ADU Ordinance. The Applicant intends that the Workforce Dwelling Units shall be administered in a fashion similar to ADU Units pursuant to the below-specified provisions of Section 2-800 of the Zoning Ordinance in effect at the time of the execution of these Proffers. The following specific provisions of the Zoning Ordinance shall apply to administration of the Workforce Dwelling Units: Sections 2-805, 2-807, 2-808, 2-810, 2-811, 2-812 (with a control period of 50 years for rental units and recording covenants committing to the abovementioned control periods), 2-813, 2-817, and 2-818, including the recordation of the appropriate restrictive covenants in the land records of Fairfax County, except where such provisions directly conflict with these Proffers. Occupants of Workforce Dwelling Units purchased or leased by the Board and/or HCD shall qualify for the household income tiers set forth in Paragraph 6(B) above. There shall be no requirement that the Workforce Dwelling Units provided shall be of proportional bedroom count to the

market rate units within this development. To the extent any of these Workforce Dwelling Unit (Paragraph 6(B) et seq.) provisions conflict with any provision of the Zoning Ordinance, these Proffers shall control.

7. Alternative Administration. The Applicant reserves the right to enter into a separate binding written agreement with the appropriate Fairfax County agency as to the terms and conditions of the administration of the Workforce Dwelling Units. Such an agreement shall be on terms mutually acceptable to both the Applicant and Fairfax County and may occur after the approval of this Application. Neither the Board of Supervisors nor Fairfax County shall be obligated to execute such an agreement. If such an agreement is executed by all applicable parties, then the Workforce Dwelling Units shall be administered solely in accordance with such an agreement, and the administrative requirements of this Paragraph 6(B) shall become null and void. Such an agreement and any modifications thereto, shall be recorded in the land records of Fairfax County. In addition, if, prior to site plan approval for the multi-family residential building depicted on the CDPA/FDPA, the Fairfax County Zoning Ordinance is amended to provide specific requirements regarding Workforce Dwelling Units, the Applicant reserves the right, in its sole discretion, to opt into the new Zoning Ordinance provisions regarding Workforce Dwelling Units, and the administrative requirements of this Paragraph 6(B) shall be null and void. In any event, if this proffer conflicts with the administrative sections of the Workforce Dwelling Unit provisions of the Zoning Ordinance, this proffer shall control.

7. **Paragraph 8 shall be revised to read as follows:**

Public Schools Contribution. Prior to the issuance of the building permit for the multi-family residential building, the Applicant shall contribute \$897 per dwelling unit (based upon a projected student yield of 0.076 students per dwelling unit, at \$11,630 per student) for each dwelling unit approved on the final site plan for that respective building to the Board of Supervisors for capital improvements to schools serving the Property.

8. **Paragraph 9 shall be revised to read as follows:**

Recreational Facilities.

- A. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance, the Applicant shall expend a minimum of \$955 per market-rate residential unit on on-site developed recreation facilities, as described herein. Prior to final bond release for the development depicted on the CDPA/FDPA, the balance of any funds not expended on-site for the items listed below and for the construction of the public plaza described in Paragraph 8.B below, shall be contributed to the Fairfax County Park Authority for the provision of recreation facilities located within the service area of the Property. To satisfy the above Zoning Ordinance requirement, the Applicant shall provide recreational

amenities in/or adjacent to the multi-family residential building, which may include, but shall not be limited to the following:

1. Swimming pool with accessible shower facilities and changing areas;
2. Outdoor seating/gathering areas;
3. An area in front of the main lobby of the multi-family residential building, which shall include informal seating areas, landscaping, visitor parking spaces and hardscape areas;
4. Bike racks for use by residents and visitors of the multi-family residential building; and
5. Fitness center that includes equipment such as stationary bikes, treadmills, weight machines, and other exercise equipment.

B. Prior to the issuance of RUPs for 50% of the dwelling units in the multi-family residential building depicted on the CDPA/FDPA, the Applicant shall construct the public plaza depicted on Sheet 4 of the CDPA/FDPA. Pedestrian connections and public access easements shall be provided to the public plaza area. This public plaza shall contain amenities consistent with those included on Sheet 4, including, but not limited to the following:

1. Benches;
2. Trash receptacles;
3. Landscaping;
4. Lighting; and
5. Hardscape areas.

C. All of the facilities and monetary contributions listed in this Paragraph 8, with the exception of those listed in Paragraph 8(A)3 and 8(A)4, shall be creditable against the contribution required by Section 16-404 of the Zoning Ordinance.

9. **Paragraph 10 shall be revised to read as follows:**

Additional Park Contribution. In addition to any recreational contributions that may be contributed pursuant to Paragraph 8, the Applicant shall contribute \$500 per market rate dwelling unit at the time of building permit approval to the Fairfax County Park Authority ("FCPA") for use at Patriot Park for development activities.

10. **Paragraph 11 shall be revised to read as follows:**

Tree Preservation. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by

a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management, DPWES ("UFM").

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the CDPA/FDPA for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of (protected by) the limits of clearing and grading shown on the CDPA/FDPA, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence which shall be erected at the limits of clearing and grading. Tree protection fence shall consist of 14-gauge welded wire fencing, a minimum of four (4) feet in height, attached to steel posts driven eighteen (18) inches into the ground and spaced no farther than ten (10) feet apart. Other tree protection measures shall be employed to protect trees during construction, subject to the approval of UFM.

The Applicant shall conform to the limits of clearing and grading as shown on the CDPA/FDPA, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the CDPA/FDPA, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM for any areas outside the limits of clearing and grading that must be disturbed.

During any clearing or tree/vegetation/structure removal or transplantation of vegetation on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM.

At the time of site plan approval for the multi-family residential building depicted on the CDPA/FDPA, the Applicant shall post a bond as part of the typical site improvement bond to ensure preservation and/or replacement of the trees, for which a tree value has been determined in accordance with the tree preservation plan described above (the "Bonded Trees"), that die or are dying due to unauthorized construction activities. The bond shall be equal to 100% of the replacement value of the Bonded Trees. At any time prior to final bond release for the multi-family residential building depicted on the CDPA/FDPA, should any Bonded Trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such

trees at its expense. The replacement trees shall be of equivalent species and canopy cover as approved by UFM.

11. **Paragraph 14 shall be revised to read as follows:**

Trails. Trails and sidewalks shall be provided in the locations depicted on the CDPA/FDPA and shall be constructed to PFM standards, subject to the approval of DPWES. Trails located outside of the public right-of-way and those providing access to Fair Lakes Parkway or the public plaza as depicted on the CDPA/FDPA shall be subject to public access easements.

12. **Paragraph 16 shall be revised to read as follows:**

Residential Transportation Demand Management. The Applicant shall implement a Transportation Demand Management ("TDM") program to reduce residential vehicle trips during peak periods. Residents shall be advised of all TDM strategies by the TDM Coordinator, as described below. TDM coordination duties shall be carried-out by a designated agent/employer or transportation management coordinator(s) (collectively "TDM Coordinator"). The TDM Coordinator position may be a part of other duties assigned to the individual(s). This TDM Program shall only apply to the 400 multi-family residential units for which approval is requested in subject PCA 82-P-069-20.

A. **Components of the TDM Program:** The TDM Program shall include the following components:

1. **TDM Goal:** The TDM program shall be implemented to reduce by fifteen percent (15%) (the "TDM Goal") the A.M. and P.M. weekday peak hour vehicular trips associated with the proposed residential use, defined as the peak hour of travel between 6:00 A.M.-9:00 A.M. and 4:00 P.M.-7:00 P.M. respectively, derived from trip generation rates and/or equations applicable to multi-family residential uses as set forth in the Institute of Transportation Engineers, Trip Generation, 7th Edition (Land Use Code 230-Residential Condominium and Townhouse).
2. **TDM Program:** In order to meet the TDM Goal set forth in this Proffer, the Applicant shall implement this TDM Program, which may be amended, subject to approval of FCDOT, without the necessity of a PCA. Strategies shall include, but not limited to, the following initiatives that shall be implemented by the Applicant as buildings are completed:
 - a) Within three (3) months following issuance of the initial RUP for residential use on the Property, the Applicant shall designate an individual to act as the TDM Coordinator for the Property whose responsibility shall be to implement the TDM Strategies with on-going coordination with FCDOT. The TDM Coordinator shall be responsible for coordination and communication with FCDOT and the Umbrella Owners Association for the Property. Upon

designation of a TDM Coordinator, the contact information of the TDM Coordinator shall be provided to FCDOT within 10 days of such designation and updated within 10 days after changes occur in said designation;

- b) Participation in the Fairfax County Ride Share Program and other trip reduction programs sponsored by FCDOT;
 - c) Dissemination of materials regarding Metrorail, Metrobus, Fairfax Connector, ride-sharing, teleworking and other relevant transit options in sale/leasing packages;
 - d) Provision of information of potential carpool and vanpool options that may be available to residents;
 - e) Provision of transit maps, schedules and other relevant transit option information to residents through posting in the common-area of the multi-family residential building, a newsletter or use of a community website;
 - f) The multi-family residential building shall be hardwired with broadband, high capacity data/network connections, or equivalent wireless access;
 - g) Each resident of the multi-family residential building shall be provided access to a common area that shall be provided with business facilities, which may include, but not be limited to a fax machine, photocopier, and desktop computers with internet access;
 - h) The Fair Lakes community web site shall include information on the TDM program and on multi-modal transportation options;
 - i) Coordination with the Fair lakes League and the Owner's Association(s) regarding potential TDM programs that may be implemented for existing uses; and
 - j) Provision of conveniently located bicycle parking in the structured parking area serving the multi-family residential building.
3. TDM Budget: Upon designation of the TDM Coordinator, the Applicant shall (i) establish a TDM Account for the purpose of funding the implementation of the TDM Strategies stated in this proffer, and (ii) initiate the TDM fund with a \$10,000 contribution. The TDM Account shall be managed by the TDM Coordinator. A line item for further funding of the TDM Account shall be included in the respective Owners documents, which shall provide that that the TDM Account will not be eliminated and that TDM funds will not be utilized to pay the salary of the TDM Coordinator or for any other non-TDM related purpose. The

TDM Account shall be funded by the Owners with a minimum annual contribution of \$10,000 per year in addition to any TDM Remedy which may be contributed to the TDM Account pursuant to Paragraph 10(A)(5) below. The annual contribution may be provided to a larger, more inclusive Fair Lakes TDM Program, to further the goals set forth in this Paragraph, if such a TDM Program is created that includes the multi-family residential building depicted on the CDPA/FDPA.

4. Monitoring: Twelve (12) months following issuance of the initial RUP for residential use in the multi-family residential building depicted on the CDPA/FDPA, the effectiveness of the TDM program shall be evaluated using surveys and/or traffic counts prepared by the TDM Coordinator in cooperation with, and as approved by FCDOT. The TDM Coordinator shall submit an Annual Report to FCDOT based upon said surveys and/or traffic counts, in order to facilitate determination by FCDOT of what trip reduction has been achieved. The Applicant shall conduct such surveys and/or traffic counts for three (3) years following the initial survey. After build-out of the multi-family residential building approved pursuant to the subject PCA, the Applicant shall then conduct surveys and/or traffic counts annually until it is demonstrated through two (2) consecutive annual surveys and/or traffic counts that the TDM Goal has been achieved.
5. TDM Remedy: In the event that the TDM Goal has not been achieved pursuant to the aforesaid two consecutive surveys and/or traffic counts, then the Applicant shall meet with FCDOT to review the TDM Program for the purpose of identifying additional strategies and programs that may be implemented to assist in achieving the TDM Goal for the multi-family residential building depicted on the CDPA/FDPA. Until the TDM Goal has been met for two consecutive annual surveys and/or traffic counts, the Applicant shall contribute annually to the TDM account \$50 per residential unit for which a RUP has been issued in the multi-family residential building depicted on the CDPA/FDPA, which remedy amounts shall be utilized on additional TDM strategies as approved by FCDOT.

13. Noise Attenuation. The Applicant shall provide the following noise attenuation measures:

- A. In order to reduce interior noise to a level of approximately 45 dBA Ldn, units in the multi-family residential building which are projected to be impacted by highway noise from Fair Lakes Parkway and Fairfax County Parkway having levels projected to be above 65 dBA Ldn, shall be constructed with the following acoustical measures:
 1. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.

2. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels above Ldn 65 dBA.
 3. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have an STC rating of at least 39.
 4. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission. Any units requiring mitigation shall be identified on the site plan.
- B. Prior to the issuance of building permits for dwelling units in the multi-family residential building, alternative interior noise attenuation measures may be provided subject to the implementation of a refined noise study as reviewed and approved by DPWES after consultation with the Department of Planning and Zoning.
14. **Fairfax Center Area Road Fund Contribution.** The Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the "Procedural Guidelines" adopted by the Board of Supervisors on November 22, 1982, as amended as of the time of each such payment, subject to credits for all creditable expenses, as determined by FCDOT and DPWES.
15. **Landscaping.** Landscaping shall be generally consistent with the quality, quantity and the locations shown, respectively, on the "Landscape Detail" included as Sheet 4 of the CDPA/FDPA. At the time of planting, the minimum caliper for trees shall be as follows: large deciduous trees shall be at least three (3) inch caliper, and large evergreen trees shall be at least eight (8) feet in height. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans submitted at the time of all site plans, for review and approval by UFM. Preference shall be given by the Applicant to utilizing native species to the extent feasible. This shall not be construed, however, to preclude the use of non-native species. Such landscape plans shall provide tree coverage and species diversity consistent with the PFM criteria, as determined by UFM.

Trees planted in areas which are less than eight (8) feet in width and/or do not meet the minimum planting area required (before any approved modification) by the Public Facilities Manual ("PFM") may be counted towards satisfying the minimum tree cover requirement provided that structural soils or structural cells are incorporated as specified herein. The Applicant shall provide structural soils or structural cells with a minimum depth of 24 inches. The minimum width of areas of structural soils or structural cells shall be eight (8) feet, which may extend beneath any paved surface, so long as a minimum of 130 square feet is provided for Category IV trees and 90 square feet is provided for Category III trees, as such trees are identified in the PFM. Such planting areas shall be interconnected to the extent feasible, as determined by UFM. Geotextile fabric shall be provided between the structural soil or structural cells and the surrounding media as required by the specific application. The residual opening in the planting area

may be mulched, landscaped or covered by a tree grate. At the time of site plan submission, the Applicant shall provide written documentation, including information about the composition of the structural soil or specifications regarding the structural cells to UFM indicating that a qualified and appropriately licensed "company" provided the structural soil or structural cells. The Applicant shall provide 72-hour notice to UFM prior to installation of the soil to allow verification of the composition of the structural soil or structural cells and verification that the structural soil or structural cell is the correct mix and is installed correctly. The Applicant shall provide written confirmation from a certified arborist and/or landscape architect demonstrating and verifying installation of structural soil or structural cells.

16. **Building Heights**. The maximum building height of the proposed multi-family residential building shall not exceed the building height indicated on the CDPA/FDPA. The Applicant reserves the right to construct one or two multi-family residential buildings, but in no event shall the gross floor area of the multi-family residential building(s) exceed 350,000 square feet of gross floor area or 400 dwelling units, which shall be inclusive of ADUs and Workforce Dwelling Units. Regardless of the configuration of the multi-family residential building(s), the footprint of the building(s) shall be no greater than that depicted on the CDPA/FDPA. This height limit shall not be construed to include penthouses or mechanical equipment rooms covering less than 25% of the total roof area pursuant to Sect. 2-506 of the Zoning Ordinance. Mechanical equipment located on the roof shall be screened from view from Fair Lakes Parkway and Fair Lakes Circle in a manner consistent with the architecture of the building.
17. **Green Roof**. In order to provide additional stormwater management and water quality controls, the Applicant shall install a green roof, also known as a vegetated roof, within the exterior roof structure of the lobby of the multi-family residential building depicted on the CDPA/FDPA. The green roof shall be a minimum of 500 square feet and shall be designed as an extensive green roof system. The Applicant shall provide roof membranes, drains, irrigation systems, plantings, soil depth, soil composition, access and safety control features of the green roof in accordance with the requirements of the Public Facilities Manual and the Virginia Uniform Statewide Building Code.
18. **Transportation Improvements**. The following road improvements shall be provided by the Applicant, subject to and as approved by VDOT and DPWES. However, upon demonstration by the Applicant that, despite diligent efforts by the Applicant, provision of a respective improvement has been unreasonably delayed by others or by circumstances beyond the control of the Applicant, the Zoning Administrator may agree to a later date for the completion of each such improvement:
 - A. **West Ox Road/Fair Lakes Parkway Intersection Improvements**
 1. **Fair Lakes Parkway Westbound Left Turn Lane**. The Applicant shall construct a second left turn lane onto southbound West Ox Road prior to the issuance of the initial RUP for dwelling units in the multi-family residential building depicted on the CDPA/FDPA.

2. West Ox Road Southbound Right Turn Lane. If the construction of an exclusive right turn lane from southbound West Ox Road onto westbound Fair Lakes Parkway is deemed to not be necessary by DPWES at the time of site plan approval, then the Applicant shall contribute the cost of such improvement to the Board of Supervisors for use in the Fair Lakes Parkway/Fairfax County Parkway interchange project, VDOT project 7100-029-353. Should this interchange project be fully funded by the time of site plan approval for the multi-family residential building depicted on the CDPA/FDPA, and if the exclusive right turn lane on southbound West Ox Road is deemed to not be necessary, then any funds contributed pursuant to this proffer shall be used by the County for other Fairfax Center Road Fund projects.

B. Fair Lakes Circle/Fair Lakes Parkway/Fair Lakes Court Intersection Improvements

1. Fair Lakes Court Southbound Right Turn Lane. The Applicant shall construct an exclusive right turn lane onto westbound Fair Lakes Parkway prior to the issuance of the initial RUP for dwelling units in the multi-family residential building depicted on the CDPA/FDPA.
2. Fair Lakes Parkway Eastbound Left Turn Lane. The Applicant shall extend the length of the existing left turn lane from eastbound Fair Lakes Parkway onto Fair Lakes Court, if deemed necessary by VDOT, prior to the issuance of the initial RUP for dwelling units in the multi-family residential building depicted on the CDPA/FDPA. If the extension of this left turn lane is not deemed necessary by VDOT at the time of site plan approval, then any obligation under this proffer shall expire.
3. Fair Lakes Parkway Westbound Right Turn Lane. The Applicant shall extend the length of the existing right turn lane from westbound Fair Lakes Parkway onto Fair Lakes Court, if deemed necessary by VDOT, prior to the issuance of the initial RUP for dwelling units in the multi-family residential building depicted on the CDPA/FDPA. If the extension of this right turn lane is not deemed necessary by VDOT at the time of site plan approval, then any obligation under this proffer shall expire.

C. Off-Site Trail Improvement. Prior to issuance of the initial RUP for dwelling units in the multi-family residential building depicted on the CDPA/FDPA, the Applicant shall provide a trail improvement on the north side of Fair Lakes Parkway between Oak Creek Lane and Fair Lakes Court. This trail improvement shall consist of a five (5) foot wide sidewalk.

D. Off-Site Crosswalk Improvement. Prior to the issuance of RUPs for 50% of dwelling units approved for construction in the multi-family residential building, the Applicant shall provide a painted crosswalk improvement at the intersection of Fair Lakes Parkway/Fair Lakes Circle/Fair Lakes Court. All off-site crosswalk

improvements located within the right-of-way shall be provided subject to VDOT approval.

- E. Signal Modifications. The Applicant shall modify traffic signals at the intersections improved by these proffers, as deemed necessary, and subject to the approval of VDOT.
 - F. Fairfax County Parkway/Fair Lakes Parkway Interchange. At the time of site plan approval for the multi-family residential building depicted on the CDPA/FDPA, or upon demand, whichever occurs first, the Applicant shall dedicate right-of-way, in fee simple, and provide drainage easements and temporary construction easements to the Board of Supervisors, as deemed necessary for use in the construction of the Fairfax County Parkway/Fair Lakes Parkway interchange improvement (VDOT project 7100-029-353). The right-of-way to be dedicated, and the drainage easements and temporary construction easements to be provided, shall be for those lands owned by any Peterson Company or Shorenstein Realty Investors Seven, L.P. affiliated entity and only for those respective areas and purposes designated on plans titled *Fairfax County Parkway (Rte. 7100) Proposed Interchange with Fair Lakes Parkway (Rte. 7700) Project: 7100-029-353, PE-101, Fairfax County* and subtitled *Right of Way Plans Provided to Fairfax County for Coordination with Proposed Development, July 24, 2007*. The provision of temporary construction easements shall be subject to the condition that, upon completion of construction activities, VDOT shall restore these areas, to the maximum extent feasible, to a natural wooded state as in existence prior to the commencement of construction activities.
 - G. Fairfax County Parkway/Fair Lakes Parkway Interchange Contribution. In addition to those funds contributed to the Fairfax Center Area Road Fund in accordance with Paragraph 14 above, the Applicant shall contribute an additional one thousand dollars (\$1000) per dwelling unit to the Board of Supervisors to be utilized on the Fair Lakes Parkway/Fairfax County Parkway interchange project, VDOT project 7100-029-353. This additional contribution shall be made to the Board of Supervisors at the same time and in the same proportion as said Fairfax Center Area Road Fund contribution. Should this interchange project be fully funded by the time of site plan approval for the hotel depicted on the CDPA/FDPA, then these funds shall be used by the County for other Fairfax Center Road Fund projects.
 - H. Transportation Improvements by Others. To the extent any of the above-mentioned transportation improvements are constructed or bonded for construction by others prior to the approval of a site plan for the multi-family residential building depicted on the CDPA/FDPA, then the Applicant shall be relieved of the commitment to construct each such constructed or bonded transportation improvement.
19. Off-Site Trail Improvement. The Applicant shall provide a trail connection to the neighborhood to the northeast in the general location depicted on the CDPA/FDPA. This

trail connection shall extend to the shared property line. If the applicant is able to acquire the necessary easements from the Cedar Lakes Homeowner's Association (HOA) to permit an extension of the trail into the internal trail network located on their property, then the Applicant shall complete this connection prior to issuance of the initial RUP for dwelling units in the multi-family building depicted on the CDPA/FDPA. Should the necessary easements not be granted to the Applicant prior to site plan approval, then the Applicant shall not be required to extend said trail beyond the shared property boundary. If unable to acquire these easements prior to site plan approval, the Applicant shall demonstrate such failed attempts in writing to DPWES.

20. **Stormwater Management.** Stormwater management shall be provided as depicted on the CDPA/FDPA and in conformance with DPWES Waiver #005727-WPFM-013-1 and all applicable provisions of the PFM.
21. **Loading Area Doors.** The loading area shall be enclosed by opaque doors that shall be designed in an architectural theme consistent with the architecture of the multi-family residential building depicted on the CDPA/FDPA.
22. **Signage.** Signage shall be provided in accordance with Article 12 of the Zoning Ordinance and in conformance with the Fair Lakes Comprehensive Sign Plan, as may be amended.
23. **Density Credit.** All intensity of use attributable to land areas dedicated and/or permanent easements conveyed to the Board of Supervisors at the Applicant's expense pursuant to these proffers (including, without limitation, the dedications referenced above) shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance and is hereby reserved to the residue of the subject Property.
24. **Successors and Assigns.** Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.
25. **Counterparts.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

FAIR LAKES CENTER ASSOCIATES L.P.
(Applicant)

BY: Fair Lakes Retail Center, Inc.
Its General Partner

BY: _____
NAME: _____
TITLE: _____

SRI SEVEN FAIR LAKES LLC
(Title Owner of Parcel 45-4-((1))-25E1)

BY: _____
NAME: _____
TITLE: _____

FAIR LAKES NORTH & SOUTH L.C.
(Title Owner of Parcel 45-4-((1))-25E1)

BY: Fair Lakes North & South, Inc., its Manager

BY: _____
NAME: _____
TITLE: _____

APPENDIX 2

PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS

FDPA 82-P-069-1-15

September 20, 2007

If it is the intent of the Planning Commission to approve a high-rise residential development located at Tax Map 45-4 ((1)) 25E1 pt. and 25E2 pt., staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions as they pertain to this site.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitle "Fair Lakes Land Bay VI-A" prepared by Dewberry & Davis LLC and Davis Carter Scott consisting of twelve sheets dated February 27, 2007 as revised through September 10, 2007.
2. LID measures shall be incorporated into the final site design, including surface parking areas, as determined feasible by the applicant and DPWES at the time of site plan review.
3. The limits of clearing and grading as depicted on the CDPA/FDPA shall remain as permanently undisturbed vegetation.
4. The use of cellar space shall be limited to storage, mechanical and/or accessory uses as defined by Article 10 of the Zoning Ordinance. All uses including cellar space shall be parked as required in Article 11 of the Zoning Ordinance.
5. The proposed trail connection along the north side of Fair Lakes Parkway shall be sited in cooperation with UFM in a manner which will preserve the maximum amount of the existing vegetation line.
6. The existing eastbound turn left turn lane on Fair Lakes Parkway shall be extended as determined by VDOT at the time of site plan review.

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

REZONING AFFIDAVIT

DATE: September 18, 2007
 (enter date affidavit is notarized)

I, Jeffrey H. Saxe, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

955086

in Application No.(s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Fair Lakes Center Associates L.P.(1) Agents: Milton V. Peterson William E. Peterson Steven B. Peterson Jeffrey H. Saxe James W. Todd	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	Applicant; Agent for Title Owners of Parcels 45-4-((1))-25E1, 25E2
Kevin M. Crown	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	Consultant and Agent for Applicant
SRI Seven Fair Lakes LLC(7) Agents: Ronnie E. Ragoff Todd A. Sklar	c/o Shorestein Properties LLC 450 Lexington Avenue, 32nd Floor New York, NY 10017	Title Owner of Parcel 45-4-((1))-25E1

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: September 18, 2007
 (enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
 (enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Fair Lakes North & South L.C.(9) (formerly known as Fair Lakes North & South L.P.) Agents: Milton V. Peterson John T. Hazel, Jr. William E. Peterson	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	Title Owner of Parcel 45-4-((1))-25E2
Hunton & Williams LLP(14)	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Francis A. McDermott John C. McGranahan, Jr. Michael E. Kinney	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Aaron L. Shriber Elaine O'Flaherty Cox	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Planners/Agents for Applicant
Jeannie A. Mathews	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
Dewberry & Davis LLC(15) Agents: Philip G. Yates Gayle A. Hooper John William Ewing Philip C. Champagne (former)	8401 Arlington Boulevard Fairfax, VA 22031	Engineers/Planners/Agents for Applicant
M. J. Wells & Associates, L.L.C.(17) Agents: Robin L. Antonucci Kevin R. Fellin Michael J. Workosky	1420 Spring Hill Road, Suite 600 McLean, VA 22102	Traffic Consultants/Agents for Applicant
Davis, Carter, Scott Ltd(21) Agents: Douglas N. Carter John F. Treiber Alexander Von LeBec	1676 International Drive, Suite 500 McLean, VA 22102	Architects/Agents for Applicant

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDP A 82-P-069-1-15
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(2)Fair Lakes Retail Center, Inc.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)
[] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
Milton V. Peterson

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)
Milton V. Peterson, President/Director James J. Vecchiarelli, Treasurer
William E. Peterson, Vice President/Director Nancy Z. McGrath, Secretary
Steven B. Peterson, Vice President/Director
Otis D. Coston, Jr., Independent Director

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

955086

DATE: September 18, 2007

(enter date affidavit is notarized)

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15

(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(3)Fair Lakes Retail L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

MVP Master Limited Partnership(4)	Jon M. Peterson
Lauren P. Fellows	Steven B. Peterson
William E. Peterson	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

MANAGERS:	OFFICERS:	
Milton V. Peterson	James W. Todd, President	Kevin J. Smith, Secretary
Otis D. Coston	William E. Peterson, Treasurer	Nancy Zabriskie McGrath, Asst. Secretary

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(5)MVP Management, LLC
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

MANAGERS:	MEMBERS:	
Milton V. Peterson	Milton V. Peterson	Jon M. Peterson
William E. Peterson	Carolyn S. Peterson	Steven B. Peterson
Steven B. Peterson	William E. Peterson	Lauren P. Fellows

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 18, 2007

955080

(enter date affidavit is notarized)

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDP A 82-P-069-1-15

(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(7)SRI Seven Fair Lakes LLC
c/o Shorenstein Properties LLC
450 Lexington Avenue, 32nd Floor, New York, NY 10017

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Shorenstein Realty Investors Seven, L.P.(8), Sole Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

Cheryl A. Tussie and Susan M. Hay, Independent Managers
Douglas W. Shorenstein, Chair; Glenn A. Shannon, Pres; Robert S. Underhill, VP; Richard A. Chicotel, VP/Treas; Thomas W. Hart, VP;
David M. Brandes, VP; Kevin J. Luke, VP; Matthew M. Knisely, VP; Ronnie E. Ragoff, VP/Asst Sec; Kevin Kuzemchak (nmi), VP; Drew
Dowsett (nmi), VP/Asst Treas; Ashia A. Derksen, VP; Yana Tulynina (nmi), VP; Randal Eymann (nmi), VP; (continued)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(7)SRI Seven Fair Lakes LLC (continued)
c/o Shorenstein Properties LLC
450 Lexington Avenue, 32nd Floor, New York, NY 10017

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Shorenstein Realty Investors Seven, L.P.(8), Sole Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

(continued) Charles Malet (nmi), VP; James A. Pierre, VP; Mark L. McCarthy, VP; Paul W. Grafft, VP; Gregg Meyer (nmi), VP; Charles
W. Fendrich, VP (former); Andrew R. Friedman, VP; Mark E. Portner, VP; Christine Kwak (nmi), VP; Lisa D. Lind, VP; Patricia Gittins
(nmi), VP; Stuart H. Appley, VP; Todd A. Sklar, VP; Stanley Roualdes (nmi), VP; Margaret A. Leahy, Secretary

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a
"Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 18, 2007

955086

(enter date affidavit is notarized)

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15

(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(9)Fair Lakes North & South L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Fair Lakes North & South, Inc.(10) Manager/Member	FORMER MEMBERS:	John T. Hazel, III GST Trust(13)
York Investments L.P.,(6) Member	Milton V. Peterson	Leigh Ann Hazel-Groux GST Trust(13)
MVP Master Limited Partnership,(4) Member	Perch Associates Limited Partnership(11)	Richard M. Hazel GST Trust(13)
	Rebecca Associates LLC(12)	James W. Hazel GST Trust(13)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(10)Fair Lakes North & South, Inc.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Milton V. Peterson
John T. Hazel, Jr.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

Milton V. Peterson, Pres/Director	Otis D. Coston, Jr., Independent Director
John T. Hazel, Jr., VP/Director	Nancy Z. McGrath, Secretary
Steven B. Peterson, Director	James J. Vecchiarelli, Treasurer
William E. Peterson, VP/Director	

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(12)Rebecca Associates LLC (FORMER)
8000 Towers Crescent Drive, Suite 1400
Vienna, VA 22182-2700

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Duane W. Beckhorn, Managing Member
Jean H. Beckhorn, Member
Jay A Beckhorn, Member
Kirk D. Beckhorn, Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(15)Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

The Dewberry Companies LC(16)
Dennis M. Couture
James L. Beight
Eric D. Snellings (Former)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(16)The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Sidney O. Dewberry	Michael S. Dewberry
Barry K. Dewberry	Thomas L. Dewberry
Karen S. Grand Pre	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(17)M. J. Wells & Associates L.L.C.
1420 Spring Hill Road, Suite 600
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

M. J. Wells & Associates, Inc.,(20) Sole Shareholder

Martin J. Wells & Associates, Inc.,(18) FORMER Member
Terence J. Miller & Associates, Inc.,(19) FORMER Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 18, 2007
(enter date affidavit is notarized)

955084

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(18) Martin J. Wells & Associates, Inc. (FORMER)
1420 Spring Hill Road, Suite 400
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Martin J. Wells

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(19) Terence J. Miller & Associates, Inc. (FORMER)
1420 Spring Hill Road, Suite 600
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Terence J. Miller

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: September 18, 2007
(enter date affidavit is notarized)

955080

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(20)M. J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

M. J. Wells & Associates, Inc. Employee Stock Ownership Trust (ESOT)
(All employees are eligible Plan participants; however, none own 10% or more of any class of stock.)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(21)Davis, Carter, Scott Ltd
1676 International Drive, Suite 500
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Douglas N. Carter	Christopher L. Garwood
Lena I. Scott	Alan K. Houde
Christine C. Garrity	Patricia A. Appleton
Marcia K. Calhoun	Claude R. Atkinson

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(1)Fair Lakes Center Associates L.P.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

Fair Lakes Retail Center, Inc.(2)

LIMITED PARTNERS:

Fair Lakes Retail L.C.(3)
York Investments L.P.(6)
Lauren P. Fellows
William E. Peterson
Jon M. Peterson
Steven B. Peterson
MVP Master Limited Partnership(4)

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)

DATE: September 18, 2007
(enter date affidavit is notarized)

955084

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(4)MVP Master Limited Partnership
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNERS:

MV Peterson Associates LC (Does not own 10% of Applicant or any
Title Owners)
Milton V. Peterson

FORMER GENERAL PARTNER:

MVP Management, LLC(5)

LIMITED PARTNERS:

Milton V. Peterson
MVP Investments LC (Does not own 10% of Applicant or any
Title Owners)

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(6)York Investments L.P.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

York, Inc. (Does not own 10% of Fair Lakes Center Associates L.P.)

LIMITED PARTNERS:

MVP Master Limited Partnership(4)
Carolyn S. Peterson
Lauren P. Fellows
Steven B. Peterson
Jon M. Peterson
William E. Peterson

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(8)Shorenstein Realty Investors Seven, L.P.
c/o Shorenstein Properties LLC
555 California Street
San Francisco, CA 94104

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

SRI Seven REIT

A Delaware REIT with more than 100
members, only one of whom owns 10% or
more of the REIT, namely:

Yale University, a non-stock entity

LIMITED PARTNERS:

There are more than 30 limited partners,
none of whom has a 10% or greater
ownership interest in the limited
partnership

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(11)Perch Associates Limited Partnership (FORMER)
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

GENERAL PARTNER:

John T. Hazel, Jr.

LIMITED PARTNERS:

John T. Hazel, Jr.
Leigh Ann Hazel-Groux
Richard M. Hazel
James W. Hazel
John T. Hazel III

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: September 18, 2007
(enter date affidavit is notarized)

955084

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(13)Hazel GST Trusts (FORMER)
12801 Randolph Ridge Lane, #201
Manassas, VA 20109-5209

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

TRUST:

TRUSTEE:

BENEFICIARIES:

John T. Hazel, III GST Trust

John T. Hazel, III

Virginia L. Hazel
Marion A. Hazel

Leigh Ann Hazel-Groux GST Trust

Leigh Ann Hazel-Groux

Rosemary V. Groux
Margaret L. Groux

Richard M. Hazel GST Trust

Richard M. Hazel

Caroline G. Hazel
William R. Hazel
Lucy A. Hazel
Mary R. Hazel
John C. Hazel
Cathryn W. Hazel

James W. Hazel GST Trust

James W. Hazel

Emily W. Hazel
James M. Hazel

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: September 18, 2007

959084

(enter date affidavit is notarized)

for Application No. (s): PCA 82-P-069-20; CDDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(14)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Benjamin C. Ackerly	Craig A. Bromby	William D. Dannelly
Robert A. Acosta-Lewis	A. Todd Brown	Samuel A. Danon
Lawrence C. Adams	Tyler P. Brown	Barry R. Davidson
Richard L. Adams	F. William Brownell	Douglas W. Davis
Michael F. Albers	Kevin J. Buckley	John Deacon (nmi)
Virginia S. Albrecht	Kristy A. Niehaus Bulleit	Stephen P. Demm
Kenneth J. Alcott	Joseph B. Buonanno	Kenneth L. Dobkin
Joseph B. Alexander, Jr.	Nadia S. Burgard	Dee Ann Dorsey
Fernando C. Alonso	Eric R. Burner	Edward L. Douma
Thomas E. Anderson	Brian M. Buroker	Mark S. Dray
Walter J. Andrews	Ferdinand A. Calice	Sean P. Ducharme
W. Christopher Arbery	Matthew J. Calvert	Deidre G. Duncan
Charles G. Ashton	Daniel M. Campbell	George C. Dunlap, Jr.
L. S. Austin	Thomas H. Cantrill	L. Traywick Duffie
Ian Phillip Band	Curtis G. Carlson	Frederick R. Eames
Jeffery R. Banish	Grady K. Carlson	Maya M. Eckstein
A. Neal Barkus	Jean Gordon Carter	Joseph C. Edwards
Haywood A. Barnes	Charles D. Case	Robert H. Edwards, Jr.
Rudene M. Bascomb	Thomas J. Cawley	W. Jeffery Edwards
Jeffrey P. Bast	Lawrence Chek (nmi)	John C. Eichman
Philip M. Battles, III	James N. Christman	Whitney C. Ellerman
John J. Beardsworth, Jr.	Whittington W. Clement	L. Neal Ellis, Jr.
Steven H. Becker	R. Noel Clinard	Edward W. Elmore, Jr.
Kenneth D. Bell	W. S. Cockerham	Charles Elphicke (nmi)
Stephen Bennett (nmi)	Herve' Cogels (nmi)	Frank E. Emory, Jr.
Melinda R. Beres	Myron D. Cohen	Juan C. Enjamio
Lucas Bergkamp (nmi)	Cassandra C. Collins	John D. Epps
Lon A. Berk	Stacy M. Colvin	Patricia K. Epps
Douglas M. Berman	Joseph P. Congleton	Kelly L. Faglioni
Mark B. Bierbower	Terence G. Connor	Susan S. Failla
Jo Ann Biggs	Stephen Gregory Cope	James E. Farnham
Stephen R. Blacklocks	Cameron N. Cosby	Eric H. Feiler
Jeffrey M. Blair	T. Thomas Cottingham, III	Chet A. Fenimore
Michael J. Blayney	Ted C. Craig	Mark James Fennessy
James W. Bowen	Cyane B. Crump	Norman W. Fichthorn
Lawrence J. Bracken, II	Ian Cuillerier (nmi)	Andrea Bear Field
James P. Bradley	Ashley Cummings (nmi)	Robert M. Fillmore
David F. Brandley, Jr.	Alexandra B. Cunningham	Kevin J. Finto
Jeannie P. Breckinridge	Sean B. Cunningham	William M. Flynn

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: September 18, 2007

955086

(enter date affidavit is notarized)

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15

(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)(14)Hunton & Williams LLP (continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Lauren E. Freeman	Douglas J. Heffner	Michael C. Kerrigan
Ira L. Freilicher	Michael S. Held	Ryan T. Ketchum
David R. Fricke	Matthew C. Henry	Robert A. King
Edward J. Fuhr	Scott Hershman (nmi)	● Robert Klotz (nmi)
Charles A. Gall	Gregory G. Hesse	Sylvia K. Kochler
Daniel C. Garner	George H. Hettrick	Edward B. Koehler
Douglas M. Garrou	Louanna O. Heuhsen	John T. Konther
Richard D. Gary	David A. Higbee	Dana S. Kull
Manning Gasch, Jr. (nmi)	Thomas Y. Hiner	Christopher G. Kulp
Andrew A. Gerber	D. Bruce Hoffman	Christopher Kuner (nmi)
John T. Gerhart, Jr.	Robert E. Hogfoss	David Craig Landin
Shahid Ghauri (nmi)	John E. Holloway	Christine E. Larkin
Jeffrey W. Giese	John M. Holloway, III	David C. Lashway
Neil K. Gilman	John R. Holzgraeff	Andrew W. Lawrence
C. Christopher Giragosian	Cecelia P. Horner	Wood W. Lay
Timothy S. Goettel	George C. Howell, III	Daniel M. LeBey
Peter G. Golden	Robert H. Huey	David O. Ledbetter
Allen C. Goolsby	Thomas M. Hughes	L. Steven Leshin
L. Raul Grable	Donald P. Irwin	Ronald J. Lieberman
Douglas S. Granger	Judith H. Itkin	Thomas F. Lillard
Edward J. Grass	Makram B. Jaber	Catherine D. Little
J. William Gray, Jr.	Paul E. Janaskie	Gregory G. Little
Charles E. Greef	Lori M. Jarvis	Robert H. Lockwood
Robert J. Grey, Jr.	Matthew D. Jenkins	David C. Lonergan
Greta T. Griffith	Andrew E. Jillson	Nash E. Long, III
Bradley W. Grout	Harry M. Johnson, III	Audrey C. Louison
Jeffrey W. Gutches	James A. Jones, III	Carlos E. Loumiet
Miles B. Haberer	Kevin W. Jones	David S. Lowman, Jr.
Virginia H. Hackney	Laura E. Jones	John A. Lucas
Robert J. Hahn	Dan J. Jordanger	Timothy A. Mack
John F. Haley	Leslie O. Juan	Tyler Maddry (nmi)
Eric J. Hanson	Thomas R. Julin	Kimberly M. Magee
Ronald M. Hanson	W. Alan Kailer	C. King Mallory, III
Richard L. Harden	E. Peter Kane	Thomas J. Manley
Ray V. Hartwell, III	Thomas F. Kaufman	Alan J. Marcuis
James A. Harvey	Geoffrey S. Kay	Brian R. Marek
Robert W. Hawkins	Joseph C. Kearfott	Fernando Margarit (nmi)
Timothy G. Hayes	Michael G. Keeley	Michael F. Marino, III
Mark S. Hedberg	Douglas W. Kenyon	Stephen S. Maris

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: September 18, 2007

95508e

(enter date affidavit is notarized)

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDP A 82-P-069-1-15
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(14)Hunton & Williams LLP (continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Jeffrey N. Martin	Thomas P. Murphy	Thomas A. Rice
John S. Martin	David A. Mustone	William M. Richardson
J. Michael Martinez de Andino	James P. Naughton	James M. Rinaca
Walfrido J. Martinez	Michael Nedzbala (nmi)	Michael D. Rist
Christopher M. Mason	Henry V. Nickel	Jennings G. Ritter, II
Michael P. Massad, Jr.	Lonnie D. Nunley, III	Kathy E. B. Robb
Scott H. Matheson	E. A. Nye, Jr.	Daryl B. Robertson
Joseph C. Mathews	Dan L. O'Korn	Gregory B. Robertson
Laurie U. Mathews	John D. O'Neill, Jr.	Robert M. Rolfe
Richard E. May	Pam G. O'Quinn	Ronald D. Rosener
John Gary Maynard, III	Brian V. Otero	Michael Rosenthal (nmi)
William H. McBride	Randall S. Parks	William L. S. Rowe
Michael C. McCann	Peter S. Partee	Marguerite R. Ruby
Thomas A. McConnell	R. Hewitt Pate	D. Alan Rudlin
Patrick J. McCormick, III	William S. Patterson	Mary Nash Rusher
Robert G. McCormick	Humberto R. Peña	Karen M. Sanzaro
Francis A. McDermott	B. Donovan Picard	Stephen M. Sayers
Alexander G. McGeoeh	R. Dean Pope	Arthur E. Schmalz
John C. McGranahan, Jr.	Laurence H. Posorske	Gregory J. Schmitt
David T. McIndoe	Kurtis A. Powell	John R. Schneider
James E. Meadows	Lewis F. Powell, III	Howard E. Schreiber
Mark W. Menezes	Wesley R. Powell	Robert M. Schulman
Gary C. Messplay	Donna M. Praiss	Patricia M. Schwarzschild
James Forrest Miller	J. Waverly Pulley, III	Jeremy R. Schwer
Thomas McN. Millhiser	Robert T. Quackenboss	P. Watson Seaman
Patrick E. Mitchell	Arnold H. Quint	James S. Seevers, Jr.
John E. Moeller	William M. Ragland, Jr.	Douglass P. Selby
Jack A. Molenkamp	Dionne C. Rainey	Joel R. Sharp
Charles R. Monroe, Jr.	Gordon F. Rainey, Jr.	James W. Shea
Royce W. Montgomery	John Jay Range	Michael R. Shebelskie
Will S. Montgomery	Stuart A. Raphael	Rita A. Sheffey
T. Justin Moore, III	Craig V. Rasile	Michael A. Silva
Thurston R. Moore	John M. Ratino	William P. Silverman
Bruce W. Moorhead, Jr.	Robert S. Rausch	Edmund W. Sim
Robert J. Morrow	Keila D. Ravelo	Jo Anne E. Sirgado
Ann Marie Mortimer	Belynda B. Reck	William L. Sladek
Eric J. Murdock	Baker R. Rector	Thomas G. Slater, Jr.
Frank J. Murphy, Jr.	Shawn P. Regan	B. Darrell Smelcer
Ted J. Murphy	Sona Rewari (nmi)	Brooks M. Smith

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDP A 82-P-069-1-15
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(14)Hunton & Williams LLP (continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Caryl Greenberg Smith
John R. Smith
Steven P. Solow
Lisa J. Sotto
Joseph C. Stanko, Jr.
Marty Steinberg (nmi)
John J. Stenger
Catherine B. Stevens
Gregory N. Stillman
Franklin H. Stone
C. Randolph Sullivan
Chanmanu Sumawong (nmi)
R. Michael Sweeney
Henry Talavera (nmi)
Madeleine M. Tan
Andrew J. Tapscott
Robert M. Tata
Rodger L. Tate
W. Lake Taylor, Jr.
Wendell L. Taylor
Michael L. Teague
Robin Lyn Teskin
Paul R. Tetlow
John Charles Thomas
Martin K. Thomas
Gary E. Thompson
Paul M. Thompson
B. Cary Tolley, III
Timothy J. Toohey
Randolph F. Totten
Bridget C. Treacy
Thomas B. Trimble
Estelle J. Tsevdos
Melvin E. Tull, III
Julie I. Ungerman
Surasak Vajasit (nmi)
Steven C. Valerio
Travis E. Vanderpool
Mark C. Van Deusen

C. Porter Vaughan, III
Enid L. Veron
Stephen R. Voelker
Mark R. Vowell
Linda L. Walsh
William A. Walsh, Jr.
Lynnette R. Warman
Mark R. Wasem
Abigail C. Watts-FitzGerald
Peter G. Weinstock
David B. Weisblat
Mark G. Weisshaar
Hill B. Wellford, Jr.
David E. Wells
G. Thomas West, Jr.
Jerry E. Whitson
Paul O. Wickes
Jonathan M. Wilan
Amy McDaniel Williams
Gerry L. Williams
Matthew J. Williams
Robert K. Wise
Allison D. Wood
John W. Woods, Jr.
David C. Wright
Scott F. Yarnell
William F. Young
Andrew D. Zaron
Lee B. Zeugin

FORMER PARTNERS:
Jennifer A. Albert
William S. Boyd
Lisa R. Brant
Christopher C. Campbell
William S. Cooper, III
Patrick A. Doody
Christopher L. Gaenzle
Martin T. Lutz
Robert J. Meuthing
Swati Patel
Scott L. Robertson
Vance E. Salter
Stephen T. Schreiner
Melvin S. Schulze
Thomas J. Scott, Jr.
James E. Shepherd
Daniel C. Tepstein
Stephen F. White
David M. Young
Dennis L. Zakas

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: September 18, 2007
(enter date affidavit is notarized)

955084

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: September 18, 2007
(enter date affidavit is notarized)

955086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDPA 82-P-069-1-15
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Milton V. Peterson has contributed in excess of \$100.00 to Supervisor Connolly.
Jon M. Peterson has contributed in excess of \$100.00 to Supervisor Connolly, Supervisor Frey and Supervisor Bulova.
Jeffrey H. Saxe has contributed in excess of \$100.00 to Supervisor Connolly.
James W. Todd has contributed in excess of \$100.00 on behalf of TFP Investments L.P. to Supervisor Connolly and Supervisor DuBois; however, TFP Investments L.P. is not associated with this application.
Francis A. McDermott has contributed in excess of \$100.00 to Supervisor DuBois.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

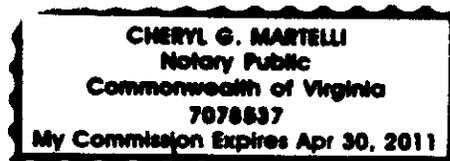
Jeffrey H. Saxe, Agent for Applicant

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of September 2007, in the State/Comm. of Virginia, County/City of Fairfax.

Cheryl G. Martelli
Notary Public

My commission expires: April 30, 2011



Rezoning Attachment to Par. 3

DATE: September 18, 2007
(enter date affidavit is notarized)

9.55086

for Application No. (s): PCA 82-P-069-20; CDPA 82-P-069-01-1; FDP A 82-P-069-1-15
(enter County-assigned application number (s))

James W. Hazel has contributed in excess of \$100.00 to Supervisor DuBois

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.

March 1, 2007

STATEMENT OF JUSTIFICATION

FAIR LAKES LAND BAY VI-A

PCA 82-P-069-
CDPA 82-P-069-
FDPA 82-P-069-1-15

RECEIVED
Department of Planning & Zoning

MAR 02 2007

Zoning Evaluation Division

These concurrent Proffered Condition Amendment/Conceptual Development Plan Amendment/Final Development Plan Amendment ("PCA/CDPA/FDPA") applications are filed on behalf of Fair Lakes Center Associates, L.P. (the "Applicant") on 10.65 acres of Fair Lakes Land Bay VI-A identified as Tax Map Parcels 45-4 ((1)) 25E1 part and 25E2 part. The most recent FDPA application approved for the application area contained within Land Bay VI-A, FDPA 82-P-069-1-9, was approved by the Planning Commission on January 9, 1991 with development conditions. This portion of Land Bay VI-A is currently occupied by a 105,000 square foot office building and surface parking spaces. The CDPA application proposes the addition of residential as a permitted use for a portion of Land Bay VI-A. Proffers will be submitted pursuant to the PCA application and will provide mitigation measures addressing environmental, school and park and other impacts that may result from the development of this new residential building.

The Comprehensive Plan was recently amended to recommend that an additional 350,000 square feet of residential development would be appropriate for the subject portion of Land Bay VI-A, provided that the following conditions be met:

- Any residential development under this option will be deemed to be the high end of the Plan density range for affordable housing calculations. The provision of workforce housing to accommodate the needs of individuals or families making from 70 to 120 percent of the County's median income is encouraged;
- Pedestrian connections are provided to the surrounding land uses. Sidewalks should safely connect any new development with the surrounding uses, including the commercial uses across Fair Lakes Parkway. These pedestrian connections should be coordinated with VDOT and should include attractive pavement treatments, safe crossings, and high-quality landscape features. Pedestrian connections should also provide for access to the lake to the southwest of Fair Lakes Parkway from the site;
- Buffering and screening should be provided to mitigate the visual impact of the existing adjacent office uses on the residential use;
- Any new development should minimize the loss of mature trees located in existing buffer areas along public roads;
- High quality site and architectural design for buildings and parking structures should be provided, including compatibility with adjacent buildings;
- A publicly accessible urban park or park features should be included on the site, such as major or minor plazas, gathering spaces, athletic courts, tot lots, special landscaping, street furniture and pedestrian amenities. Impacts on Park Authority resources should be

- offset through the provision of or contribution to active recreation facilities in the service area of the development; and
- Any development should mitigate the impact of the residential use on public schools.

The Applicant proposes to provide an eleven story 300,000 square foot building consisting of 232 multi-family dwelling units. The building will be located in the eastern portion of the parking area that serves the office building. The 135 foot tall residential building will be composed of ten stories situated on top of three levels of structured parking, two levels of parking will be located underground. Access to the building will be provided from the existing private street extension of Fair Lakes Circle. Three points of access will be provided to the structured parking that will accommodate the residential dwelling units and the displaced office spaces.

This PCA/CDPA/FDPA is in conformance with the recommendations of the Comprehensive Plan. Development will be confined primarily to an existing parking area so as to preserve existing vegetation. The building will contain structured parking, and the building will be designed with high quality architectural materials. Furthermore, private recreational amenities will be provided for the residents of the new building, and proffers will be submitted that will address affordable housing, as well as impacts to schools and parks.

The additional residential uses proposed in Land Bay VI-A will continue a previously approved condition allowing residential uses to exceed 50% of the GFA of principle uses at Fair Lakes. Paragraph 5 of Section 6-206 of the Zoning Ordinance permits residential uses to exceed 50 percent of the GFA of principle uses through Board of Supervisors approval of CDPAs in order to implement the recommendations of the Comprehensive Plan. The recently approved amendment to the Comprehensive Plan expressly permits an additional 700,000 square feet of residential uses for Land Bay VI-A. Therefore, the Applicant requests that a waiver to permit residential uses to exceed 50% of the GFA of principal uses be approved consistent with this PCA/CDPA application.

The Applicant respectfully requests a modification of the loading space requirement of Article 11-203 of the Zoning Ordinance, which requires the Applicant to provide four loading spaces to support the proposed residential building. The Applicant proposes to provide two loading spaces for the new residential building, which the Applicant believes is sufficient to support the proposed use.

Respectfully submitted,



Francis A. McDermott

RECEIVED
Department of Planning & Zoning

MAR 02 2007

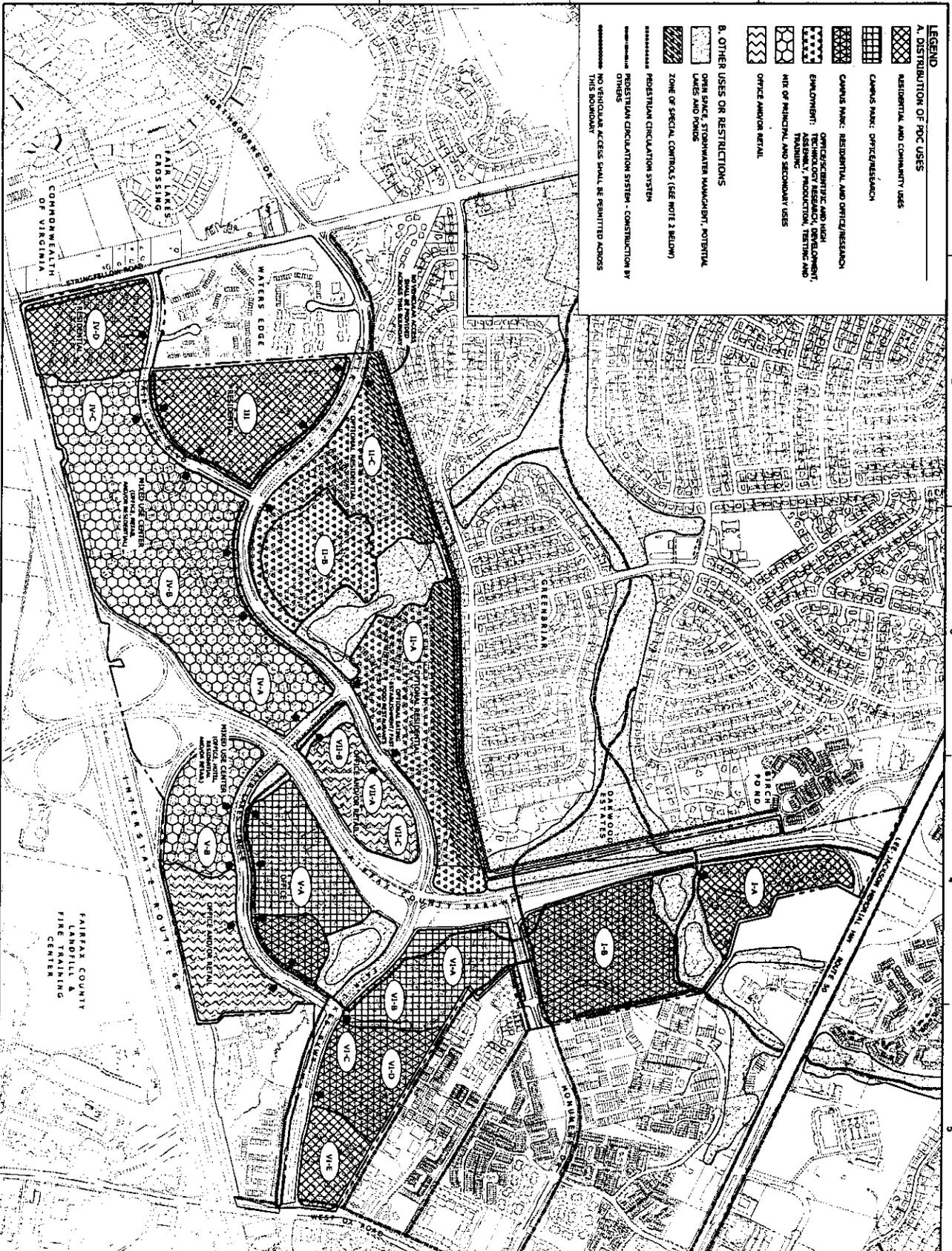
Zoning Evaluation Division

DESCRIPTION	FDP #	APPRL DATE	SIZE ACRES	OFFICE SQ FT	HOTEL SQ FT	RETAIL SQ FT	TOTAL NON-RES. SQ FT	RES. DU'S	RES. SQ. FT.	TOTAL COMBINED SQ FT
Approved FDP's:										
Land Bay I-A-Batal	FDP 82-P-069-1	3/22/1984	42					114	206,251	206,251
Land Bay I-B-East Chase Windsor	FDP 82-P-069-1	3/22/1984	63					250	243,521	243,521
Land Bay I-B-West Summit BCBS	FDPA 82-P-069-1-11	7/10/1996						530	595,000	595,000
Land Bay II-A-TRW Residential	FDPA 82-P-069-2-2	7/29/1998	43.5					495	607,215	607,215
Land Bay II-B-TRW Non-Res.	FDPA 82-P-069-2-1	10/26/1995	38.2	517,739					517,739	517,739
Land Bay II-C-TRW US Home**	FDPA 82-P-069-1-2	1/24/2002						167	338,662	338,662
Land Bay III-North Autumnwood	FDPA 82-P-069-3-1	9/23/1987	23.2					420	364,319	364,319
Land Bay III-South Stonecroft	FDP 82-P-069-3-2	6/30/1988	16.5					276	248,193	248,193
Land Bay IV-A-Fair Lakes Center	FDPA 82-P-069-13-6	5/28/1997	20.4						151,162	151,162
Land Bay IV-B-Fair Lakes Center	FDPA 82-P-069-13-6	5/28/1997	70.2		849,804	151,162	151,162		591,633	591,633
Land Bay IV-C-Fair Lakes Center	FDPA 82-P-069-15-5	5/28/1997	10			101,009	101,009		6,000	101,009
Land Bay IV-A-Jareds	FDPA 82-P-069-13-7					6,000	6,000		250	6,000
Land Bay IV-B-BJ's Gas	FDPA 82-P-069-13-9						250			250
Land Bay IV-D-Fair Lakes Green	FDPA 82-P-069-13-1	12/5/1990	20.0					203	396,224	396,224
Land Bay IV-D-Fair Lakes Green	FDPA 82-P-069-15-2	2/24/1993								0
Land Bay IV-D-Fair Lakes Green	FDPA 82-P-069-15-3	10/14/1993								0
Land Bay V-A-Bldg. 1,2,6, bank	FDP 82-P-069-8	7/16/1986	25	341,826		4,000	345,826			345,826
Land Bay V-A-Bldg. 1,2,6, bank	FDPA 82-P-069-8-1	4/9/1987								0
Land Bay V-A-Bldg. 1,2,6, bank	FDPA 82-P-069-1-8	12/5/1990								0
Land Bay V-A-Bldg. 1,2,6, bank	FDPA 82-P-069-10-12	7/17/1991								0
Land Bay V-A-delete 60k & Bank	FDPA 82-P-069-1-11			(60,000)		(4,000)	(64,000)			(64,000)
Land Bay V-A-FL III	FDP 82-P-069-10	7/16/1987	19.9	65,000			65,000			65,000
Land Bay V-A-FL III, IV, V	FDPA 82-P-069-10-1	7/26/1989								0
Land Bay V-A-F.L.IV, V, VII	FDPA 82-P-069-10-3	7/26/2001		334,095			334,095			334,095
Land Bay V-B-AMS	FDPA 82-P-069-6-5	5/5/1994	27.5	260,000			260,000			260,000
Land Bay V-B-Hyatt Office & Condo	FDPA 82-P-069-6-6	7/25/2005		113,000			113,000	123	150,000	263,000
Land Bay V-B-Hyatt Office & Condo	FDPA 82-P-069-11-3	7/25/2005								-
Land Bay V-B-Hyatt Office & Condo	FDPA 82-P-069-12-3	7/25/2005								-
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDP 82-P-069-11	4/9/1987	29.3	262,000	228,830	8,000	498,830			498,830
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDPA 82-P-069-6-3	8/28/1988								0
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDPA 82-P-069-11-1	10/18/1989								0
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDPA 82-P-069-6-4	10/18/1989								0
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDPA 82-P-069-6-4	10/18/1989								0
Land Bay V-B-Hyatt Hotel Addition	FDPA 82-P-069-6-9	3/1/2007			7,500					7,500
Land Bay V-B-Office/Retail	FDPA 82-P-069-6-6	5/28/1997		200,000		195,000	395,000			395,000
Land Bank V-B-3 West Addition-East Mkt	FDPA 82-P-069-14-4	1/26/2005		(200,000)		22,380	(177,620)			(177,620)
Land Bank V-B-3 West Addition-East Mkt	FDPA 82-P-069-6-7	1/26/2005								0
Land Bay VI-A	FDP 82-P-069-1	3/22/1984	31.0	254,000			254,000			254,000
Land Bay VI-A	FDPA 82-P-069-1-9	1/9/1991								0
Land Bay VI-B	FDP 82-P-069-1	3/22/1984	39.6	125,000			125,000			125,000
Land Bay VI-B	FDP 82-P-069-4	10/3/1985								0
Land Bay VI-B	FDPA 82-P-069-1-3	7/10/1986								0
Land Bay VI-The Oaks	FDP 82-P-069-5	3/6/1986						282	262,929	262,929
Land Bay VI-The Oaks Addition	FDPA 82-P-069-5-1	1/27/1999						13	32,000	32,000
Land Bay VII-A Telecom. Facility	FDPA 82-P-069-7-6	4/2/2001		4,500			4,500			4,500
Land Bay VII-A&C	FDPA 82-P-069-7-5	7/12/1995	26.1	54,720	90,000	22,800	167,520			167,520
Land Bay VII-B	FDPA 82-P-069-9-4	7/12/1995	9.2			25,673	25,673			25,673
Land Bay VII-B	SE 95-Y-016	9/11/1995								0
Land Bay VII-B Shops Addition	FDPA 82-P-069-9-5					3,500	3,500			3,500
Right of Way not included in										0
Approving/Pending FDP's			62.6							0
SUB-TOTAL	APPROVED FDP's		617.2	2,271,880	326,330	1,127,407	3,718,117	2,873	3,444,314	7,169,931
Future FDP's:										
Land Bay VII-A	Future Cox expansion			3,500			3,500			3,500
Use & Location TBD	FUTURE FDP			0		9,392	9,392			9,392
SUB-TOTAL	FUTURE FDP'S			3,500		9,392	12,892			12,892
TOTAL			617	2,275,380	326,330	1,136,799	3,731,009	2,873	3,444,314	7,182,823
% OF TOTAL MAX				31.88%	4.54%	15.83%	51.94%		47.95%	100.00%
TOTAL PROFFERED MAX			659	4,964,820	750,000	1,150,000	5,364,820	N/A	3,444,314	7,182,823
TOTAL PROFFERED MINIMUM		N/A	N/A	2,250,000	200,000	200,000	N/A	1,464		

* Acreage and FAR amounts are from Approved and Pending FDP's. Actual amounts may vary after engineering is completed
 ** w/o ADU's. w/ ADU's is 406,394
 *** The adjusted (but not controlling) Non-Residential cap is 4,418,943 SF. Proffers on Land Bay II (TRW) dated 1/27/98 and 1/24/02, respectively, and accepted pursuant to approval of PCA 82-P-069-9 and of PCA 82-P-069-12 on 8/3/98 & 1/28/02, respectively, permitted conversion of 607,215 SF and 338,662 SF from non-residential to residential use, which total 945,877 residential SF is not to be counted against the 50% residential use limitation for the Fair Lakes PDC per proffer #2 in PCA 82-P-069-12, dated 1/24/02. By the same proffer, the 14,000 SF retail component in Land Bay II is not to be counted against the overall Fair Lakes retail cap.

DESCRIPTION	FDP #	APPRL DATE	SIZE ACRES	OFFICE SQ FT	HOTEL SQ FT	RETAIL SQ FT	TOTAL NON-RES. SQ FT	RES. DU'S	RES. SQ. FT.	TOTAL COMBINED SQ FT
Pending Approval:										
Land Bay IV-A Fair Lakes Ctr	FDPA 82-P-069-13-10		13.96	112,000		140,000	252,000			252,000
Land Bay V-A Office	FDPA 82-P-969-10-4		27.43	267,000			267,000			267,000
	FDPA 82-P-069-1-14						-			-
Land Bay V-A Residential	FDPA 82-P-069-8-5		8.37					300	300,000	300,000
Land Bay V-B Hyatt Office	FDPA 82-P-069-11-5		11.71	100,000			100,000			100,000
	FDPA 82-P-069-6-11						-			-
Land Bay VII-A Courts Residential	FDPA 82-P-069-1-15		10.65					350	350,000	350,000
Land Bay VII-B Shops / Hotel	FDPA 82-P-069-9-8		4.7		101,182	8,818	110,000			110,000
SUB-TOTAL	PENDING APPROVAL		76.82	479,000	101,182	148,818	729,000	650	650,000	1,379,000

TOTAL			77	479,000	101,182	148,818	729,000	650	650,000	1,379,000
% OF TOTAL MAX				34.74%	7.34%	10.79%	52.86%		47.14%	100.00%



- LEGEND**
- A. DISTRIBUTION OF PDC USES**
- RESIDENTIAL AND COMMUNITY USES
 - CAMPUS NAME: OFFICE/RESEARCH
 - CAMPUS NAME: RESIDENTIAL AND OFFICE/RESEARCH
 - EMPLOYMENT: OFFICE/SCIENTIFIC AND HIGH TECHNOLOGY RESEARCH, DEVELOPMENT, MANUFACTURING, PRODUCTION, TESTING AND RITE OF RECREATION AND SECONDARY USES
 - OFFICE AND/OR RETAIL
- B. OTHER USES OR RESTRICTIONS**
- OPEN SPACE, STORMWATER MANAGEMENT, POTENTIAL LAKES AND PONDS
 - ZONE OF SPECIAL CONTROLS (SEE NOTE 1 BELOW)
 - PEDESTRIAN CIRCULATION SYSTEM
 - PEDESTRIAN CIRCULATION SYSTEM - CONSTRUCTION BY OTHERS
 - NO VEHICULAR ACCESS SHALL BE PERMITTED ACROSS THIS BOUNDARY

FAIR LAKES OVERALL LAND BAY AND DEVELOPMENT KEY PLAN

DATE: 08.24.02

DESIGNED BY: [Name]

CHECKED BY: [Name]

DATE: 08.24.02

SCALE: 1" = 100'

PROJECT NO.: 02-1027B

1

Dewberry

LEWIS SECURITY GROUP, INC.

10000 WOODBURN DRIVE

FAIRFAX COUNTY, VIRGINIA 22033

PHONE: 703.441.1000

FAX: 703.441.1001

WWW.DEBERRY.COM



County of Fairfax, Virginia

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

July 29, 2005
July 12, 2006 (Revised)

Francis A. McDermott, Esquire
Hunton and Williams
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

RE: Proffered Condition Amendment Number PCA 82-P-069-14
(Concurrent with CDPA 82-P-069-07)
(Revised-attachments only)

Dear Mr. McDermott:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 25, 2005, approving Proffered Condition Amendment PCA 82-P-069-14 in the name of The Peterson Companies, LC, to amend the proffers for RZ 82-P-069 previously approved for mixed use development to permit an increase in the maximum percentage of residential in a PDC district and decrease in office use, located generally in the northeast, southeast, and southwest quadrants of the intersection of Fair Lakes Parkway and Fairfax County Parkway (Tax Map 45-4 ((1)) 25E, 45-4 ((11)) A2, 55-2 ((1)) 6, 6A, 8, 9A, 11A1, 11B1, 11C1, 11D, and 18), subject to the proffers dated April 14, 2005, consisting of approximately 81.21 acres located in Springfield District.

The Board also modified the use limitation in the PDC District to permit the gross floor area of residential uses to exceed 50 percent of the principal uses in order to allow 150,000 square feet of residential use associated with Conceptual Development Plan Amendment Application CDPA 82-P-069-07 exclusive of affordable dwelling units and related bonus units if provided.

In addition to PCA 82-P-069-14 and CDPA 82-P-069-07, the following concurrent applications were previously approved by the Planning Commission:

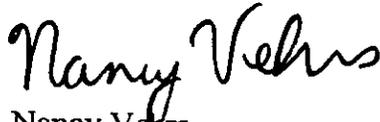
Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

On June 2, 2005, the Planning Commission approved Final Development Plan Amendment Application FDPA 82-P-069-01-13, subject to the development conditions dated April 27, 2005, and Final Development Plan Amendment Application FDPA 82-P-069-08-04, subject to the development conditions dated April 27, 2005.

On June 15, 2005, the Planning Commission approved FDPA 82-P-069-6-8 and FDPA 82-P-069-11-3, subject to the development conditions dated May 31, 2005.

Sincerely,



Nancy Veirs
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Gerald E. Connolly
Supervisor Elaine McConnell, Springfield District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Leslie B. Johnson, Deputy Zoning Administrator/Zoning Permit Review Branch
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Marie Langhorne, Plans & Document Control, OSDS, DPWES
Deloris Harris, DPWES
Department of Highways - VDOT
Kirk Holley, Park Planning Branch Mgr., FCPA
Gordon Goodlet, Development Officer, DHCD/Design Development Div.
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jack Seamon, Acting, Director, Facilities Mgmt. Div., DPWES
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 25th day of July, 2005, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 82-P-069-14
(CONCURRENT WITH CDPA 82-P-069-07)

WHEREAS, The Peterson Companies, L.C. filed in the proper form an application to amend the proffers for RZ 82-P-069 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

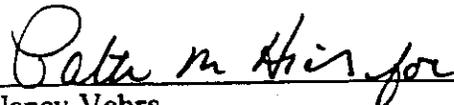
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Springfield District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 25th day of July, 2005.



Nancy Vehrs
Clerk to the Board of Supervisors

PCA 82-P-069-14
PROFFER STATEMENT
FAIR LAKES LAND BAYS V-A, V-B, VI-A AND VII-A
February 22, 2005
March 11, 2005
March 24, 2005
April 13, 2005
April 14, 2005

Pursuant to Section 15.2-2303A of the Code of Virginia, as amended, and subject to the Board of Supervisors approval of PCA 82-P-069-14, The Peterson Companies, L.C. (the "Applicant") and the undersigned owners, for themselves and their successors and assigns, hereby reaffirm the previous proffers, accepted by the Board of Supervisors (the "Previous Proffers") for Fairfax County Tax Map Parcels 45-4-((1))-25E; 45-4-((11))-A2; 55-2((1))-6, 6A, 8, 9A, 11A1, 11B1, 11C1, 11D and 18, containing approximately 81.21 acres (the "Property"), except as amended below. In the event this application is denied, these revised proffers shall immediately be null and void and the Previous Proffers shall remain in full force and effect. In the event this application is approved, all of the Previous Proffers remain in full force and effect except as hereby amended.

1. **Substantial Conformity with Conceptual Development Plan Amendments.** The subject 81.21-acre PCA Application Property shall be developed in substantial conformance with the Conceptual Development Plan Amendments approved by the Board of Supervisors for the respective land bays, as further modified by all relevant Proffered Conditions for Fair Lakes, as follows: (i) CDPA 82-P-069-1 for Land Bay VI-A consisting of one sheet prepared by Dewberry & Davis as revised through July 12, 1984 and approved by the Board of Supervisors on September 24, 1984; (ii) CDPA 82-P-069-3 for Land Bays V-A and VII-A consisting of one sheet prepared by Dewberry & Davis, as revised through June 26, 1987 and approved by the Board of Supervisors on July 20, 1987; and (iii) pending CDPA 82-P-069-7 for a portion of Land Bay V-B consisting of four sheets of the combined CDPA/FDPA plan prepared by Dewberry & Davis and dated September 21, 2004, as revised through April 13, 2005.

2. **Allocation of Land Uses.** Paragraph 2 of the Previous Proffers under "Land Use" shall be revised to read as follows: Allocation of land uses as provided in the text accompanying the Conceptual Development Plan Amendment is affirmed as follows:

No more than 7,182,823 square feet of principal and secondary uses shall be constructed on subject property. Non-residential uses shall not exceed 5,364,820 square feet. However, up to 945,877 square feet in Land Bay II may be converted from non-residential to residential uses exclusive of ADUs and up to 14,200 square feet may be converted to eating establishments/fast food restaurant/personal service establishment uses in Land Bay II. Residential units shall not be fewer than 1,464.

The specific uses to be provided in the first phase of development are depicted in FDPs submitted for Land Bays I-A, I-B, V-A, VI-A and VI-B. Land Bay II shall be approximately 120

acres, and shall be developed in 1,463,616 square feet of employment, residential and eating establishment/fast food restaurant uses specified in the CDPA for Land Bays II-A and II-B. The residential square footage in Land Bay II shall not exceed 945,877 square feet which shall be exclusive of the square footage for affordable dwelling units. In addition, the residential square footage in Land Bay II shall not be counted towards, i.e., shall be deemed in its entirety to be in excess of, the fifty (50) percent limitation for residential use in the Fair Lakes PDC District as specified in Par. 5 of Sect. 6-206 of the Zoning Ordinance as well as the 2:1 ratio of primary to residential uses recommended for office-mixed use areas in the Fairfax Center Area. Residential square footage located in the remainder of Fair Lakes may be developed in excess of the fifty (50) percent (based upon the principal, non-residential uses in all of Fair Lakes) limitation set forth in Paragraph 5 of Section 6-206 of the Zoning Ordinance, as modified by the Board of Supervisors in the subject PCA application.

A mix of principal and secondary uses shall be distributed over the remainder of the site, with other retail, hotel and other residential uses to be located in Land Bays III, IV and V. The aggregate non-residential square footage shall not exceed 5,364,820 square feet, of which 200,000 to 750,000 square feet shall be allocated to hotel use, 200,000 to 1,150,000 square feet, exclusive of any eating establishment/fast food restaurant/personal service establishment uses in Land Bay II, to uses such as retail uses, accessory service uses, retail sales establishments, child care centers, eating establishments, financial institutions, health clubs, theaters, service stations, car washes and other principal and secondary PDC uses that are neither residential, hotel nor office/research in character, and 2,250,000 to 4,964,820 square feet to office, research and other non-retail uses. Specific uses shall be designated at the time the FDPs are submitted. For purposes of this proffer, the designation of a building as office or other employment use shall be construed to permit inclusion of fast food (e.g., delicatessen), financial institution, and other such accessory and personal service uses on the ground and/or first floor level of such building, it being understood that the details of any drive-through and/or child care uses must be the subject of final development plan or special exception approval.

3. **Final Development Plan Amendments.** Notwithstanding that CDPA 82-P-069-7 appears on the same development plan with FDPA 82-P-069-6-8/FDPA 82-P-069-11-3, consisting of four sheets and described in Proffer Number 1 above, it shall be understood that (i) said CDPA plan shall consist of the entire plan relative solely to points of access, general location of the proposed buildings, on-site vehicular circulation and common open space areas; and (ii) the Applicant has the option to request Final Development Plan Amendment ("FDPA") approvals from the Planning Commission in accordance with Section 16-402 of the Zoning Ordinance with respect to the remaining elements. The Applicant further retains the option to file partial Conceptual Development Plan Amendment(s) in the future.

4. **Minor Modifications.** Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the approved CDPA/FDPAs described above encompassing the application Property may be permitted, as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDPA/FDPA, provided such changes are in substantial conformance with the CDPA/FDPA and proffers, and do not increase the total square footage, decrease the minimum amount of open space or the peripheral setbacks shown to be provided.

5. **Maximum Residential Square Footage.** In accordance with the Board of Supervisors' approval of the modification of Paragraph 5 of Section 6-206 of the Zoning Ordinance to permit an increase in the gross floor area devoted to dwellings as a secondary use in excess of fifty (50) percent of all principal uses in the development, up to 150,000 gross square feet of residential use shall be permitted within Land Bay V-B, not including any ADUs which may be provided pursuant to Paragraph 7 below. The Applicant reserves the right to develop fewer square feet than the maximum gross square footage of residential uses referenced in this paragraph without the need for a PCA.
6. **Architectural Design.** The architectural design of the multi-family and office building shall be consistent with the general character of the elevations shown on Sheets 4-6 of the FDPA. The Applicant reserves the right to revise the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown. Building materials for the office building shall be compatible with the existing office building. Building materials for the residential building shall consist of masonry, brick, stone, pre-cast concrete, ground and/or split face CMU. In addition to the preceding materials, EFIS that is visually compatible with the masonry materials may be utilized on the upper floors. The design of the office and residential plazas shall be in substantial conformance with the CDP/FDP.
7. **ADU Contribution.** Applicant shall choose to either a) provide 5% of the total units in the multi-family building as ADU's, or b) donate ½% of the projected sales prices of each unit in the multi-family building to the Housing Trust Fund prior to issuance of the building permit for the multi-family building. In the event that the multi-family units are available for rent, the Applicant's ½% contribution would be based on the total development cost of the multi-family building as determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development and the Department of Public Works and Environmental Services ("DPWES").
8. **Public Schools Contribution.** At the time of issuance of the building permit for the multi-family residential building located within the CDPA 82-P-069-7 portion of the Application Property, the Applicant shall provide to the Fairfax County Board of Supervisors a contribution of \$780 per non-ADU dwelling unit. Such contributions shall be available for use in any of the public schools in Fairfax County.
9. **Recreational Facilities.** Pursuant to Section 6-209 of the Zoning Ordinance the Applicant shall provide the recreational facilities to serve residential units located within that portion of the Application Property subject to CDPA 82-P-069-7. At the time of building permit approval for the residential building, the Applicant shall demonstrate that the value of any proposed recreational amenities within the respective site plan area is equivalent to a minimum of \$955.00 per market-rate residential unit on such site plan, as required by Article 6 of the Zoning Ordinance. To the extent the Applicant's expenditure for on-site recreational facilities totals less than \$955 per market-rate residential unit on such site plan, the Applicant shall, at the time of building permit approval, contribute an amount equal to the difference in total recreational funds expended (as compared to \$955 per market-rate unit for that site) for on-site amenities to FCPA for use for athletic facilities and fields at the Popes Head Assemblage.

A swimming pool with bathroom facilities shall be provided within or on the top level of the multi-family building. An exercise room shall be provided within the multi-family structure.

10. **Additional Park Contribution.** In addition to any recreational contribution made pursuant to Proffer #8, Applicant shall contribute \$484 per non-ADU dwelling unit at time of building permit approval to the Fairfax County Park Authority ("FCPA") for use for athletic facilities and fields at the Popes Head Assemblage.

11. **Limits of Clearing and Grading/Tree Preservation.** The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing shall be four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart and erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved.

The Applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP, subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by Urban Forest Management, DPWES. A replanting plan shall be developed and implemented, subject to approval by Urban Forest Management, DPWES, for any areas outside the limits of clearing and grading that must be disturbed.

During any clearing or tree/vegetation/structure removal or transplantation of vegetation on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by Urban Forest

Management, DPWES. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions, and Urban Forest Management, DPWES approvals. The monitoring schedule shall be described and detailed in the landscaping plan, and reviewed and approved by Urban Forest Management, DPWES.

12. **Traffic Signal.** The Applicant shall submit a traffic signal warrant analysis of the Land Bay V-B entrance onto Fair Lakes Circle most proximate to Tax Map Parcel 55-2-((1))-18, subject to review and approval by VDOT, two years from the date of issuance of the first occupancy permit for the new multi-family residential building to be constructed in Land Bay V-B, but not later than the time of final bond release for the residential building. Only if deemed warranted based upon the above analysis, the Applicant shall design and install a traffic signal at said intersection. If, based on said analysis, VDOT determines that a traffic signal is not warranted, then the Applicant shall be released from this proffer obligation and escrowed funds, if any have been posted by the Applicant towards said signal, shall be returned to the Applicant.

13. **Bus Shelter.** The Applicant shall provide one (1) bus shelter, with no requirement for a turnoff lane or additional road improvements, along Fair Lakes Circle, in the vicinity of the multi-family building, as determined by the Director of DPWES at the time of building permit issuance for that building, only (i) if a bus shelter has not been constructed by that time by others, and (ii) if it is determined that scheduled public or private bus service shall utilize said shelter. If the shelter is provided, the Applicant shall maintain the shelter and said maintenance obligation shall be provided for in Condominium Owners Association documents.

14. **Trails.** The Applicant shall provide a four-foot wide, concrete sidewalk along Fair Lakes Circle starting at the multi-family entrance and extending up to the second median break to the east (approximately 1,000 feet) and up to the next median break to the west (approximately 1,000 feet), as depicted on the FDPA, prior to issuance of the 60th RUP.

15. **Office Transportation Demand Management.** The new office owner shall provide: (i) dissemination of Transportation Demand Management materials discussing available transit information, car/van pooling formation, and the Metrocheck program to lessees/purchasers; (ii) convenient parking in preferred locations of office parking structures for car pool/van pool use; (iii) broadband, high capacity data/network connections to the office building; and (iv) bicycle storage facilities in the office building or in the adjacent office building on Tax Map 55-2-((1))-9A.

16. **Residential Transportation Demand Management.** To encourage car and vanpooling, at the time of the initial sale of each residential unit, or if the building is a rental building, then at the time of entering into each respective initial lease, the Applicant shall provide to the initial purchaser, or to the initial lessee if a rental building, information about the County's ridesharing program. In addition, the Applicant shall: (i) make available Metro maps, schedules and forms, ridesharing and other relevant transit options in the respective initial residential sale/lease packages; (ii) make said information available to owners/tenants in a common area of the building; (iii) provide amenities for bicycle storage; and (iv) provide a sidewalk system designed to encourage/facilitate pedestrian circulation as shown on the FDPA.

17. **Fair Lakes Shuttle.** The multi-family community shall participate in the Fair Lakes Shuttle program as long as it is operated by the Fair Lakes League or similar Owners Association.

18. **Noise Attenuation.** Wyle has prepared a Traffic Noise Analysis of the Property dated January 7, 2005. This report provides an analysis of noise impacts associated with Route 66. The Applicant shall submit the report to DPWES with submission of the site plan. Based on the findings of that report, the Applicant shall provide the following noise attenuation measures:

- (i) In order to reduce interior noise to a level of approximately 45 dBA Ldn, units in the residential building which is projected to be impacted by highway noise from Route 66 having levels projected to be above 65 dBA Ldn, shall be constructed with the following acoustical measures:

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

- (ii) Prior to the issuance of building permits, alternative interior noise attenuation measures may be provided subject to the implementation of a refined noise study as reviewed and approved by DPWES after consultation with the Department of Planning and Zoning.
- (iii) Noise impacts shall be attenuated on the pool deck facility to reduce the highway noise levels to 65 dBA.

19. **Lighting.** All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Fixtures used to illuminate streets, parking areas and walkways shall not exceed forty (40) feet in height, shall be of low intensity design and shall utilize full cut-off fixtures which shall focus directly on the Property. All upper level parking deck lighting fixtures shall not exceed a height of twenty (20) feet.

20. **Energy Efficiency.** All residential units shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES.

21. **Private Street Design.** Both the streets and sidewalks shall be constructed in conformance with Public Facilities Manual TS 5A Standards with regard to design, depth of pavement and materials consistent with public streets and sidewalk standards. The Applicant shall be responsible for the maintenance of all private streets and sidewalks.

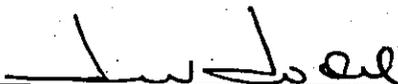
22. **Temporary Signs.** No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site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

23. **Successors and Assigns.** Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.

24. **Counterparts.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

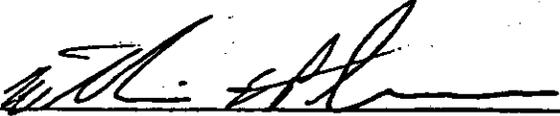
[SIGNATURES ON FOLLOWING PAGES]

THE PETERSON COMPANIES, L.C., *Applicant*

BY: 
NAME: James W. Todd
TITLE: Manager

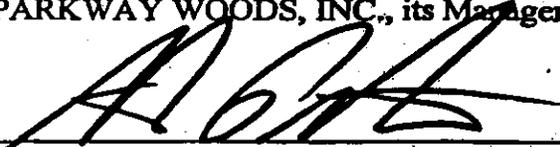
FAIR LAKES NORTH AND SOUTH L.C., *Title Owner of Parcel 45-4-((1))-25E*

BY: FAIR LAKES NORTH & SOUTH, INC., its
Manager

BY: 
NAME: William E. Peterson
TITLE: Vice President

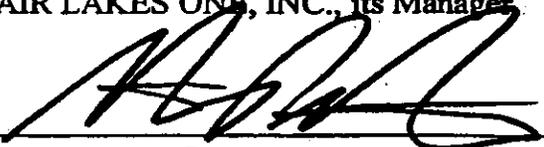
PARKWAY WOODS L.C., *Title Owner of Parcel 45-4-((11))-A2*

BY: PARKWAY WOODS, INC., its Manager

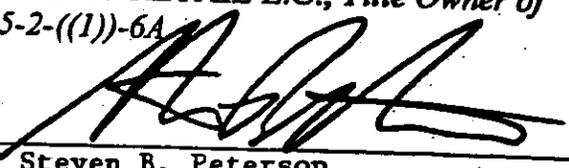
BY: 
NAME: Steven B. Peterson
TITLE: Vice President

FAIR LAKES ONE L.L.C., *Title Owner of Parcel 55-2-((1))-6*

BY: FAIR LAKES ONE, INC., its Manager

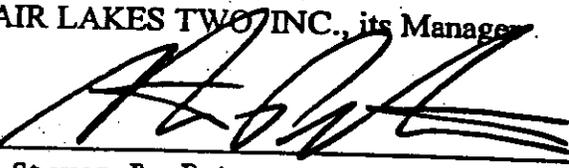
BY: 
NAME: Steven B. Peterson
TITLE: Vice President

EAST MARKET RETAIL L.C., Title Owner of
Parcel 55-2-((1))-6A

BY: 
NAME: Steven B. Peterson
TITLE: Manager

FAIR LAKES TWO L.L.C., Title Owner of Parcel
55-2-((1))-8

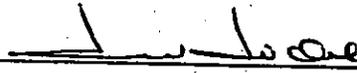
BY: FAIR LAKES TWO INC., its Manager

BY: 
NAME: Steven B. Peterson
TITLE: Vice President

HYATT PLAZA LIMITED PARTNERSHIP, Title
Owner of Parcel 55-2-((1))-9A

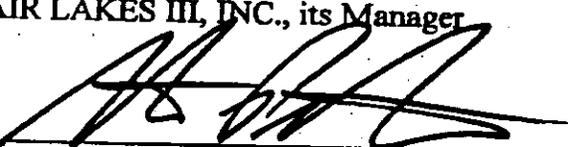
BY: FAIR LAKES HYATT LIMITED
PARTNERSHIP, its General Partner

BY: FAIR LAKES OF VIRGINIA, INC., its
General Partner

BY: 
NAME: James W. Todd
TITLE: Vice President

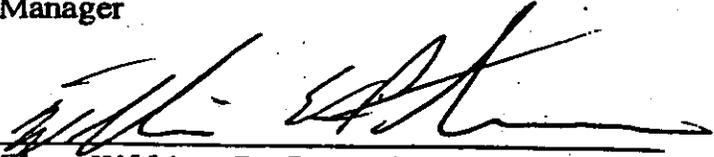
FAIR LAKES III L.C., Title Owner of Parcel
55-2-((1))-11A1

BY: FAIR LAKES III, INC., its Manager

BY: 
NAME: Steven B. Peterson
TITLE: Vice President

BUILDING IV ASSOCIATES L.C., *Title Owner of*
Parcel 55-2-((1))-11B1

BY: BUILDING IV ASSOCIATES, INC., its
Manager

BY: 
NAME: William E. Peterson
TITLE: Vice President

BUILDING V ASSOCIATES L.P., *Title Owner of*
Parcel 55-2-((1))-11C1

BY: BUILDING V ASSOCIATES, INC., its
General Partner

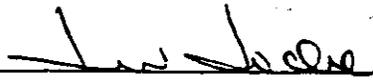
BY: 
NAME: James W. Todd
TITLE: President

BUILDING VII ASSOCIATES L.C., *Title Owner*
of Parcel 55-2-((1))-11D

BY: BUILDING VII INVESTMENTS L.C., its
Managing Member

BY: 
NAME: Steven B. Peterson
TITLE: Manager

FAIR LAKES ASSOCIATES L.C., *Title Owner of*
Parcel 55-2-((1))-18

BY: 
NAME: James W. Todd
TITLE: Manager



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030

(703) 246-2865

January 17, 1991
 RECEIVED
 OFFICE OF COMPREHENSIVE PLANNING

JAN 22 1991

James C. Wyckoff Jr., Executive Director
 Barbara J. Lippe, Deputy Executive Director
 Mary A. Pascoe, Clerk to the Commission

PLANNING COMMISSION
 Peter F. Murphy, Jr., Chairman
 Patrick M. Hanlon, Vice Chairman
 Suzanne F. Harsel, Secretary
 Mays A. Huber, Parliamentarian

David P. Bobzien
 John R. Byers
 Stephen J. Hubbard
 William M. Lockwood
 Carl L. Sell, Jr.
 Henry E. Strickland
 Alvin L. Thomas

Francis A. McDermott, Esquire
 Hunton & Williams
 3050 Chain Bridge Road
 Fairfax, VA 22030

ZONING EVALUATION DIVISION

RE: FDPA-82-P-069-1-9 - MASON ASSOCIATES
 GENERAL PARTNERSHIP
 Providence District

Dear Mr. McDermott:

This will serve as your record of the Planning Commission's action on FDPA-82-P-069-1-9 by the Mason Associates General Partnership.

On Wednesday, January 9, 1991, the Planning Commission voted 8-0-1 (Commissioner Byers abstaining; Commissioner Strickland not present for the vote; Commissioner Sell absent from the meeting) to approve the above-noted application, subject to the following development conditions:

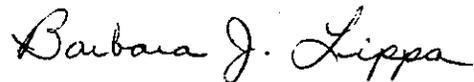
1. Development of the site shall be in conformance with the FDPA entitled "Fair Lakes LB VI-A" and prepared by Dewberry and Davis which is dated August 14, 1990 as revised through December 13, 1990 and these conditions.
2. The hours of operation for the child care center shall not exceed 6:30 a.m. to 6:30 p.m., Monday through Friday. Evening and weekend child care center related functions may be held on site.
3. The maximum daily enrollment in the child care center shall not exceed 120 children on site at any one time.
4. The number of employees for the child care center on the site at any one time shall not exceed 24.
5. To facilitate convenient drop-off/loading for children, signage shall be provided in the parking lot adjacent to the child care center for short term parking as determined by DEM.
6. Parking and loading shall be in accordance with Article 11 as determined by DEM.

7. In addition to the plantings depicted on the final development plan, supplemental plantings to include a row of hedges a minimum of 36" to 42" in height shall be planted around the play area to minimize noise and fumes from the adjacent parking lot as determined by the County Arborist.

Please note that this approval, contingent upon the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

For your information, a copy of the verbatim excerpts from the Commission's action on these applications is attached. Should you have any questions on this information, please do not hesitate to contact me.

Sincerely yours,



Barbara J. Lipka
Deputy Executive Director

/b1

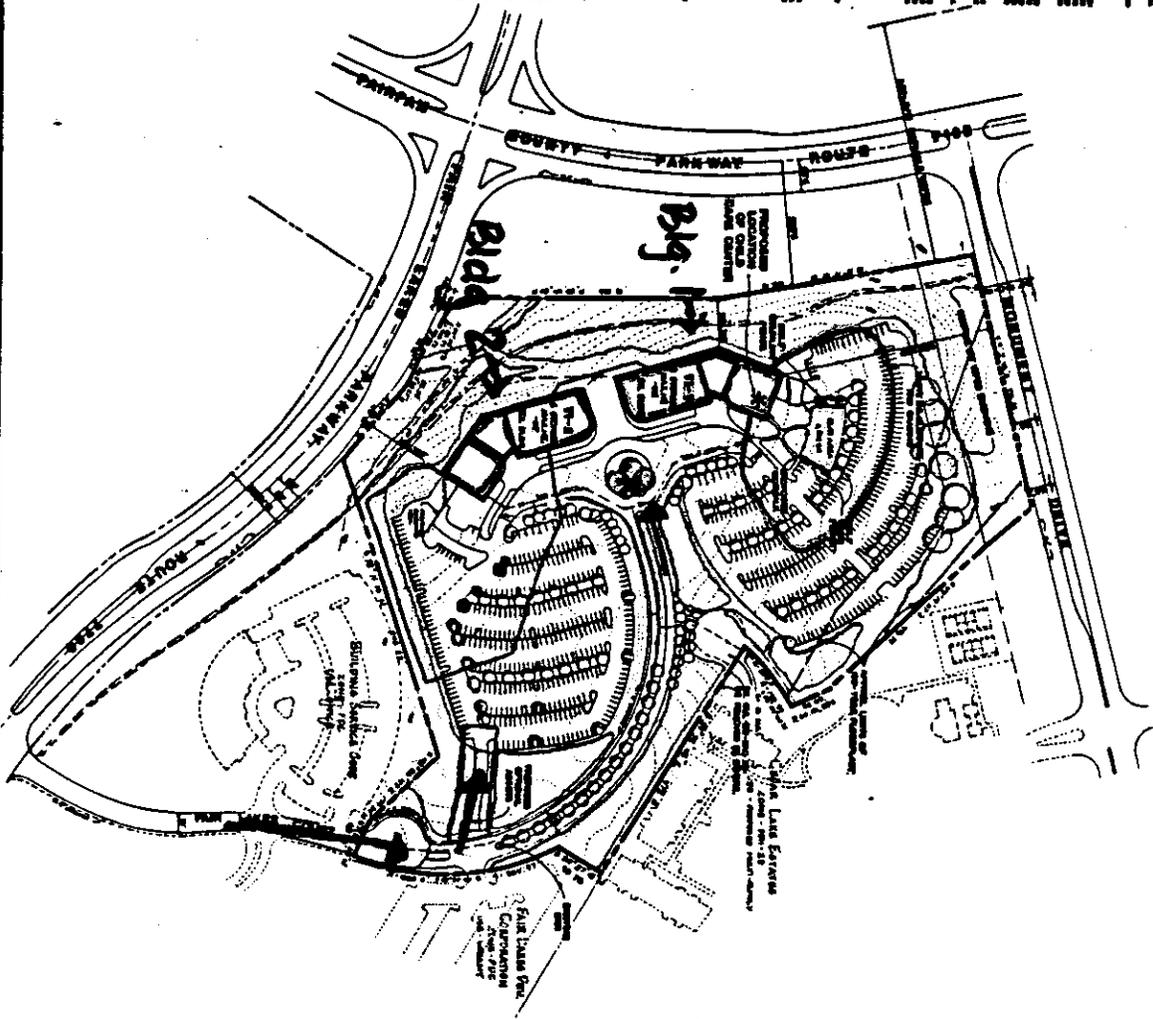
Attachment (A/S)

cc: Katherine Hanley, Supervisor, Providence District
Patrick Hanlon, Commissioner, Providence District
Teresa Hooper, Staff Coordinator, OCP
January 9, 1991 Date File
Y-2 File



NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
3. ALL EXISTING UTILITIES TO BE PROTECTED AND DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
4. ALL NEW UTILITIES TO BE INSTALLED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
5. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SPECIFICATIONS.
6. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA DEPARTMENT OF WATER RESOURCES (VDWR) SPECIFICATIONS.
7. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (VDEQ) SPECIFICATIONS.
8. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SPECIFICATIONS.
9. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA DEPARTMENT OF WATER RESOURCES (VDWR) SPECIFICATIONS.
10. ALL UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (VDEQ) SPECIFICATIONS.

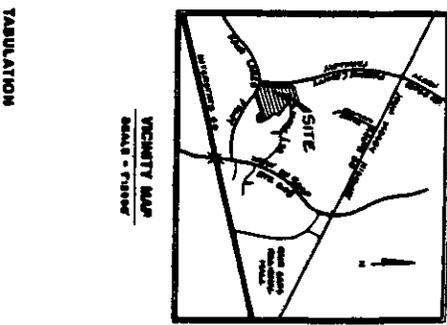


LEGEND

	BUILDING FOOTPRINT
	PARKING LOT
	ROAD
	UTILITY
	LANDSCAPING
	BOUNDARY
	EASEMENT
	RIGHT-OF-WAY
	FLOOD ZONE
	WETLAND
	STREAM
	LAKE
	POND
	TREE
	SHRUB
	GRASS
	SOIL
	ROCK
	SAND
	SILT
	CLAY
	WATER
	AIR
	EARTH
	FIRE
	ICE
	SNOW
	WIND
	SUN
	MOON
	STARS
	PLANETS
	GALAXIES
	UNIVERSE

TABULATION

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/1/80
2	FINAL DEVELOPMENT PLAN	11/1/80
3	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/80
4	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/81
5	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/81
6	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/81
7	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/81
8	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/81
9	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/81
10	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/81
11	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/81
12	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/81
13	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/81
14	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/81
15	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/81
16	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/82
17	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/82
18	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/82
19	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/82
20	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/82
21	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/82
22	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/82
23	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/82
24	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/82
25	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/82
26	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/82
27	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/82
28	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/83
29	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/83
30	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/83
31	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/83
32	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/83
33	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/83
34	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/83
35	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/83
36	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/83
37	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/83
38	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/83
39	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/83
40	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/84
41	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/84
42	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/84
43	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/84
44	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/84
45	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/84
46	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/84
47	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/84
48	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/84
49	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/84
50	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/84
51	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/84
52	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/85
53	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/85
54	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/85
55	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/85
56	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/85
57	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/85
58	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/85
59	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/85
60	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/85
61	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/85
62	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/85
63	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/85
64	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/86
65	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/86
66	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/86
67	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/86
68	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/86
69	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/86
70	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/86
71	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/86
72	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/86
73	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/86
74	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/86
75	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/86
76	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/87
77	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/87
78	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/87
79	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/87
80	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/87
81	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/87
82	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/87
83	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/87
84	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/87
85	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/87
86	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/87
87	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/87
88	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/88
89	FINAL DEVELOPMENT PLAN AMENDMENT	2/1/88
90	FINAL DEVELOPMENT PLAN AMENDMENT	3/1/88
91	FINAL DEVELOPMENT PLAN AMENDMENT	4/1/88
92	FINAL DEVELOPMENT PLAN AMENDMENT	5/1/88
93	FINAL DEVELOPMENT PLAN AMENDMENT	6/1/88
94	FINAL DEVELOPMENT PLAN AMENDMENT	7/1/88
95	FINAL DEVELOPMENT PLAN AMENDMENT	8/1/88
96	FINAL DEVELOPMENT PLAN AMENDMENT	9/1/88
97	FINAL DEVELOPMENT PLAN AMENDMENT	10/1/88
98	FINAL DEVELOPMENT PLAN AMENDMENT	11/1/88
99	FINAL DEVELOPMENT PLAN AMENDMENT	12/1/88
100	FINAL DEVELOPMENT PLAN AMENDMENT	1/1/89





COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

APPENDIX 8

James C. Wyckoff, Jr. Executive Director
Barbara J. Lippa, Deputy Executive Director
Sara Robin Hardy, Administrative Assistant
Mary A. Pascoe, Clerk to the Commission

PLANNING COMMISSION
SUITE 330
12000 GOVERNMENT CENTER PARKWAY
FAIRFAX, VIRGINIA 22035-0042

(703) 324-2865
FAX (703) 324-3948

October 17, 1996

Per: _____
Car: _____
Suzanne F. Harsel, Secretary
Alvin L. Thomas, Parliamentarian

John R. Bvers
Carl A. S. Coan, Jr.
Judith W. Downer
Janet R. Hall
Robert v. L. Hartwell
John W. Hunter
Ronald W. Koch
John M. Palatiello

Jeffrey H. Saxe, Agent
H/P Companies L.C.
12500 Fair Lakes Circle, #400
Fairfax, VA 22033

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

RE: FDPA-82-P-069-13-5
FDPA-82-P-069-15-4
FDPA-82-P-069-1-12
Sully District

OCT 18 1996

PLANNING COMMISSION DIVISION

Dear Mr. Saxe:

This will serve as your record of the Planning Commission's action on FDPA-82-P-069-13-5 and FDPA-82-P-069-15-4, Fair Lakes Center Associates, L.C., and FDPA-82-P-069-1-12, Fair Lakes North & South, L.P., applications in the Sully District.

On Thursday, October 10, 1996 the Planning Commission voted 7-0-1 (Commissioner Harsel abstaining; Commissioner Downer not present for the vote; Commissioners Hartwell, Kelso, and Thomas absent from the meeting) to approve the above-noted applications, subject to the development conditions dated October 3, 1996, copies of which are attached for your information.

The Commission further voted 7-0-1 (Commissioner Harsel abstaining; Commissioner Downer not present for the vote; Commissioners Hartwell, Kelso, and Thomas absent from the meeting) to reaffirm the waiver of the barrier requirements along I-66 and Fair Lakes Boulevard and reaffirm the modification of the transitional screening requirements along Fair Lakes Boulevard, I-66, and the western boundary of Land Bay 4-C.

Also for your information, enclosed is a copy of the verbatim excerpts from the Commission's action on these applications. Should you need any additional information, please do not hesitate to contact me at 324-2865.

Sincerely,

Barbara J. Lippa
Deputy Executive Director

APPROVED DEVELOPMENT CONDITIONS
FDPA 82-P-069-1-12

October 3, 1996

If it is the intent of the Planning Commission to approve FDPA 82-P-069-1-12 located at Tax Map Parcels 45-4 ((1)) 24 pt. and 25E, staff recommends that the approval be subject to the following development conditions. All previous development conditions for Land Bay 6A shall be superseded.

1. Development of the property shall be substantial conformance with the two sheets of the FDPA entitled "Fair Lakes Land Bay VI-A" prepared by Dewberry and Davis and dated July 16, 1996 with revisions through September 10, 1996.
2. The recreational facilities shall be available for use by Fair Lakes residents and employees and shall be maintained by the Fair Lakes League.
3. Prior to site plan approval of the two volleyball courts, the applicant must demonstrate to the satisfaction of DEM that Virginia Power Company has granted permission to allow the two volleyball courts to be located within the VEPCO easement.
4. Prior to site plan approval, it must be demonstrated to the satisfaction of DEM and VDOT that the western volleyball court is located outside of the area that will be impacted by the future Monument Drive/Fairfax County Parkway grade-separated interchange. The location of the western volleyball court may be shifted within the power line easement in order to accommodate the future interchange. Because the eastern volleyball court may be impacted by the future interchange, this court shall be considered interim and may be removed at the owner's expense if required to be removed by the future roadway construction without an obligation on the part of VDOT and/or the County to replace this facility. The grading for the volleyball courts shall be designed to result in an average elevation which is greater than the existing topography so as to minimize the conflicts between the volleyball courts and the interchange slopes, as determined by DEM.
5. Any outdoor lighting associated with the volleyball courts and the basketball court shall not exceed 15 feet in height, shall be directional, and shall be shielded so that glare does not shine directly on the adjacent residentially zoned property, as determined by DEM.
6. Best effort shall be made to minimize the amount of disturbance to existing trees during the construction of the recreational facilities, as determined by DEM. A minor adjustment to the limits of clearing and grading depicted on the FDPA may be permitted in order to accommodate a shift of the western volleyball court location as required by Condition #4.



County of Fairfax, Virginia

MEMORANDUM

DATE August 17, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PN*
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis and Environmental Assessment: PCA 82-P-069-20, CDPA 82-P-069-01-01, FDPA 82-P-069-1-15, Fair Lakes Land Bay VI-A
Fair Lakes Center Associates, L.P.

The memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Proffered Condition Amendment and Conceptual/Final Development Plan Amendment dated February 27, 2007 as revised through August 1, 2007 and proffers dated August 2, 2007. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicant, Fair Lakes Center Associates, L.P., is requesting to amend an existing rezoning to permit the construction of a combined multi-family residential building (or two buildings) and associated parking structure on an approximately 10.65 acre site, a portion of Land Bay VI-A. Land Bay VI-A is currently developed with two office buildings. The office building included within this application is six stories and a maximum of 78 feet tall. The residential structure is proposed to contain a maximum of 350,000 square feet of gross floor area and a maximum of 350 dwelling units, inclusive of affordable dwelling units (ADUs) and workforce housing units, but exclusive of bonus market rate units from ADUs and workforce housing units. The combined residential and parking structure will be a maximum of 12 stories above grade. The building and parking structure will be located partially on an existing surface parking lot that serves the office building and in an area currently serving as a treed buffer. The proposed development will relocate the displaced parking spaces to a modified surface parking area and a three level parking structure located beneath the proposed residential building. The existing access point into the land bay from Fair Lakes Court will remain. An additional access point to only the residential use from Fair Lakes Court is proposed.

Department of Planning and Zoning

Planning Division

12055 Government Center Parkway, Suite 730

Fairfax, Virginia 22035-5509

Phone 703-324-1380

Fax 703-324-3056

www.fairfaxcounty.gov/dpz/

LOCATION AND CHARACTER OF THE AREA

The subject property is located within the Fair Lakes mixed-use development in the Fairfax Center area, and more specifically, within an existing office park. The site is generally located in the northeastern quadrant of the intersection of Fair Lakes Parkway and Fairfax County Parkway (Route 7100). The site is bounded by a garden-style apartment complex, Cedar Lakes, and townhouse developments to the north, two existing office buildings and Fairfax County Parkway to the west, existing office development to the east, and an office building and Fair Lakes Parkway to the south. A lake is located to the south across Fair Lakes Parkway. The site is zoned Planned Development Commercial (PDC) and planned for mixed-use development.

COMPREHENSIVE PLAN CITATIONS:

Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area III, Fairfax Center Area, as amended through September 25, 2006, Land Unit Recommendations, Land Unit I, pages 69 to 71, the Plan states:

“LAND UNIT I

CHARACTER

This land unit is located north of I-66 on either side of West Ox Road and generally south of Monument Drive. It contains the Fair Oaks Gables, the Oaks, and the Fairfield House multi-family residential developments, the southern portion of the Fair Ridge townhouse development, and part of the Fair Lakes mixed-use development. A small park is planned to preserve and highlight the Ox Hill Memorial Markers, located in the southwestern quadrant of Monument Drive and West Ox Road.

RECOMMENDATIONS...

Sub-units I3, I4

Sub-unit I3 contains low-rise office buildings and is part of Fair Lakes, developed under the same criteria as Land Units G and H. Office mixed-use development is planned for these sub-units. Architectural excellence, preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are expected.

The following option exists for development above the planned and approved .25 FAR overlay level. The density and use specified in this option is only appropriate for the site

described. This use and density is not to be transferred to other locations within the Fairfax Center Area.

As an option at the overlay level, the redevelopment of the surface parking lot associated with Tax Map 45-4((1))25E may be appropriate for up to 350,000 SF of residential uses if the following conditions are met:

- Any residential development under this option will be deemed to be the high end of the Plan density range for affordable housing calculations. The provision of workforce housing to accommodate the needs of individuals or families making from 70 to 120 percent of the County's median income is encouraged;
- Pedestrian connections are provided to the surrounding land uses. Sidewalks should safely connect any new development with the surrounding uses, including the commercial uses across Fair Lakes Parkway. These pedestrian connections should be coordinated with VDOT and should include attractive pavement treatments, safe crossings, and high-quality landscape features. Pedestrian connections should also provide for access to the lake to the southwest of Fair Lakes Parkway from the site;
- Buffering and screening should be provided to mitigate the visual impact of the existing adjacent office uses on the residential use;
- Any new development should minimize the loss of mature trees located in existing buffer areas along public roads;
- High quality site and architectural design for buildings and parking structures should be provided, including compatibility with adjacent buildings;
- A publicly accessible urban park or park features should be included on the site, such as major or minor plazas, gathering spaces, athletic courts, tot lots, special landscaping, street furniture and pedestrian amenities. Impacts on Park Authority resources should be offset through the provision of or contribution to active recreation facilities in the service area of the development; and
- Any development should mitigate the impact of the residential use on public schools.”

“LAND UNIT SUMMARY CHART – LAND UNIT I			
<u>Sub-units</u>	<u>Approximate Acreage</u>		
I3, I4	93		
<u>Sub-units</u>	<u>Recommended Land Use</u>	<u>Intensity/ FAR</u>	<u>Density Units/Acre</u>
Baseline Level			
I3,I4	RESIDENTIAL		1
Intermediate Level			
I3, I4	RESIDENTIAL		10
Overlay Level			
I3, North Portion	RESIDENTIAL	.25 FAR*	
*Refer to Plan text for recommendations on options. Note: These sub-units are within the Water Supply Protection Overlay District.”			

Environment

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through November 15, 2004, on pages 5 to 7, the Plan states:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

- Policy j. Regulate land use activities to protect surface and groundwater resources.
- Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques...

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through November 15, 2004, on page 7, the Plan states:

“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

- Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through November 15, 2004, on pages 8 and 9, the Plan states:

“Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

- Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.
- Policy b: Reduce noise impacts in areas of existing development.

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA. Because recreation areas cannot be screened from aircraft noise and because adverse noise impacts can occur at levels below DNL 65 dBA, in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare,

new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided.”

COMPREHENSIVE PLAN MAP: Fairfax Center Area

LAND USE ANALYSIS

The development of a high-rise residential building, as currently proposed, raises several land use issues related to its appropriate location on the site and the scale and intensity of the residential use within the existing office park. Additional concerns relate to the adequate provision of affordable housing and pedestrian connections to surrounding uses.

Issue: Intensity The residential building’s proposed height of 12 stories and significant bulk are out of scale with the adjacent office buildings, at 5 to 6 stories, and the residential development to the north, composed of garden-style apartments and townhouses. A development at less than the maximum intensity recommended by the Plan would facilitate a re-design in which the scale and bulk would be more compatible with the surrounding area.

This issue remains outstanding.

Issue: Architectural and Site Design The proposed residential use is located in the center of an existing approximately 36 acre office park. The nearest office building, which is included within this application, is neither adequately buffered nor screened to mitigate the visual impact on the proposed residential use. The residential building is separated from the office building by only a few rows of surface parking and an approximately 59 foot wide landscaped median. A location further to the east abutting Fair Lakes Court would more closely adhere to the Plan intent. In addition, the proposed location of the loading area for the residential structure presents a negative visual impact since it is across from the public plaza and intrudes upon this outdoor amenity area.

This issue remains outstanding.

Issue: Affordable Housing Affordable dwelling units (ADUs) should be provided at the high end of the density range for affordable housing calculations. Workforce housing for households making from 70 to 120 percent of the County’s median income is recommended. The applicant has not committed to providing ADUs. If ADUs are provided, the applicant has not committed to calculating the number of affordable units at the high end of the density range. If ADUs are not provided, the applicant proposes 12 percent of the units as workforce housing, but only if the Fairfax County Zoning Ordinance is amended to include a proportional

bonus density of one market rate dwelling unit per workforce unit provided. If ADUs are provided, the applicant proposes to provide 7 percent of the project as workforce housing units, subject to the amendment to Zoning Ordinance. In both cases, the applicant proposes that 34 percent of the workforce units be provided to persons whose household income is 80 percent of the area median income (AMI), and 33 percent of the units to persons with household incomes at 100 percent and 120 percent AMI.

This issue remains outstanding.

Issue: Pedestrian Connectivity The Plan recommends that pedestrian connections are provided to the surrounding uses, including commercial uses and the lake across Fair Lakes Parkway. The connections should include attractive pavement treatments, safe crossings, and high-quality landscape features. The CDPA/FDPA depicts trails to the public plaza from off site and the proposed residential use. Additionally, the applicant has proffered to provide a six foot wide asphalt trail on the north side of Fair Lakes Parkway between Oak Creek Lane and Fair Lakes Court and a painted crosswalk at the intersection of Fair Lakes Parkway, Fair Lakes Circle and Fair Lakes Court. An extension of a trail onto the adjacent residential property is subject to easements granted by the residential community. It is uncertain as to the likelihood of this pedestrian connection being established.

This issue remains outstanding.

Issue: Amenities The Plan recommends a publicly accessible urban park or park features on the site. Impacts on Park Authority resources should be offset through the provision of or contribution to active recreation facilities in the service area of the development. A public plaza with pedestrian connections and public access easements will be provided. In addition, the applicant has proffered to additional contributions to the Fairfax County Park Authority for use at a nearby park.

Staff feels that this issue has been adequately addressed.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development.

Issue: Water Quality Protection The subject property is located in the Cub Run watershed as well as within the County's Chesapeake Bay Watershed. To meet water quality requirements, the applicant proposes onsite sand filter devices and filtertraps. An underground stormwater management (SWM) facility and existing SWM lake will be utilized. In addition, the applicant

has proffered to a minimum 500 square feet green roof designed as an extensive green roof system to be located within the exterior roof structure of the residential building's lobby. The adequacy of the proposed water quality measures is subject to review by the Department of Public Works and Environmental Services.

Issue: Transportation Generated Noise The subject property is located to the east of the Fairfax County Parkway and north of Fair Lakes Parkway. Staff had raised concerns that there could be noise impacts to future residents of the proposed structure. A noise study submitted by the applicants indicated that the projected future noise impacts to some units in the building would be above 65 dBA Ldn. The applicants have proffered to use building materials to reduce interior noise to a level of approximately 45 dBA Ldn and agreed to a refined noise study prior to the issuance of building permits for the dwelling units. This noise study should include contours for different heights.

For the reasons stated above, staff concludes that the proposed high-rise residential use, as currently proposed, does not fully conform to the land use recommendations of the Comprehensive Plan.

PGN: JRB

APPENDIX 9

RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the following criteria are to be used in evaluating zoning requests for new residential development. The resolution of issues identified during the evaluation of a specific development proposal is critical if the proposal is to receive favorable consideration.

Where the Plan recommends a possible increase in density above the existing zoning of the property, achievement of the requested density will be based, in substantial part, on whether development related issues are satisfactorily addressed as determined by application of these development criteria. Most, if not all, of the criteria will be applicable in every application; however, due to the differing nature of specific development proposals and their impacts, the development criteria need not be equally weighted. If there are extraordinary circumstances, a single criterion or several criteria may be overriding in evaluating the merits of a particular proposal. Use of these criteria as an evaluation tool is not intended to be limiting in regard to review of the application with respect to other guidance found in the Plan or other aspects that the applicant incorporates into the development proposal. Applicants are encouraged to submit the best possible development proposals. In applying the Residential Development Criteria to specific projects and in determining whether a criterion has been satisfied, factors such as the following may be considered:

- the size of the project
- site specific issues that affect the applicant's ability to address in a meaningful way relevant development issues
- whether the proposal is advancing the guidance found in the area plans or other planning and policy goals (e.g. revitalization).

When there has been an identified need or problem, credit toward satisfying the criteria will be awarded based upon whether proposed commitments by the applicant will significantly advance problem resolution. In all cases, the responsibility for demonstrating satisfaction of the criteria rests with the applicant.

1. Site Design:

All rezoning applications for residential development should be characterized by high quality site design. Rezoning proposals for residential development, regardless of the proposed density, will be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

- a) *Consolidation:* Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.

- b) *Layout*: The layout should:
- provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
 - provide dwelling units that are oriented appropriately to adjacent streets and homes;
 - include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
 - provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
 - provide convenient access to transit facilities;
 - Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.
- c) *Open Space*: Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.
- d) *Landscaping*: Developments should provide appropriate landscaping: for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.
- e) *Amenities*: Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

2. Neighborhood Context:

All rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, as evidenced by an evaluation of:

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);
- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

It is not expected that developments will be identical to their neighbors, but that the

development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

All rezoning applications for residential development should respect the environment. Rezoning proposals for residential development, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable.

- a) *Preservation:* Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.
- b) *Slopes and Soils:* The design of developments should take existing topographic conditions and soil characteristics into consideration.
- c) *Water Quality:* Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and better site design and low impact development (LID) techniques.
- d) *Drainage:* The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans.
- e) *Noise:* Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.
- f) *Lighting:* Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.
- g) *Energy:* Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling.

4. Tree Preservation and Tree Cover Requirements:

All rezoning applications for residential development, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site as determined by the County, it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas.

5. Transportation:

All rezoning applications for residential development should implement measures to address planned transportation improvements. Applicants should offset their impacts to the transportation network. Accepted techniques should be utilized for analysis of the development's impact on the network. Residential development considered under these criteria will range widely in density and, therefore, will result in differing impacts to the transportation network. Some criteria will have universal applicability while others will apply only under specific circumstances. Regardless of the proposed density, applications will be evaluated based upon the following principles, although not all of the principles may be applicable.

- a) *Transportation Improvements:* Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:
 - Capacity enhancements to nearby arterial and collector streets;
 - Street design features that improve safety and mobility for non-motorized forms of transportation;
 - Signals and other traffic control measures;
 - Development phasing to coincide with identified transportation improvements;
 - Right-of-way dedication;
 - Construction of other improvements beyond ordinance requirements;
 - Monetary contributions for improvements in the vicinity of the development.

- b) *Transit/Transportation Management:* Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:
 - Provision of bus shelters;
 - Implementation and/or participation in a shuttle bus service;
 - Participation in programs designed to reduce vehicular trips;
 - Incorporation of transit facilities within the development and integration of transit with adjacent areas;
 - Provision of trails and facilities that increase safety and mobility for non-motorized travel.

- c) *Interconnection of the Street Network:* Vehicular connections between neighborhoods should be provided, as follows:
 - Local streets within the development should be connected with adjacent local streets to improve neighborhood circulation;
 - When appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended;
 - Streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation;
 - Traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed;
 - The number and length of long, single-ended roadways should be minimized;
 - Sufficient access for public safety vehicles should be ensured.

- d) *Streets*: Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.
- e) *Non-motorized Facilities*: Non-motorized facilities, such as those listed below, should be provided:
- Connections to transit facilities;
 - Connections between adjoining neighborhoods;
 - Connections to existing non-motorized facilities;
 - Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
 - An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;
 - Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
 - Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
 - Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.
- f) *Alternative Street Designs*: Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. Public Facilities:

Residential development impacts public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). These impacts will be identified and evaluated during the development review process. For schools, a methodology approved by the Board of Supervisors, after input and recommendation by the School Board, will be used as a guideline for determining the impact of additional students generated by the new development.

Given the variety of public facility needs throughout the County, on a case-by-case basis, public facility needs will be evaluated so that local concerns may be addressed.

All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, 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. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

Furthermore, phasing of development may be required to ensure mitigation of impacts.

7. Affordable Housing:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County.

Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

- a) *Dedication of Units or Land:* If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.
- b) *Housing Trust Fund Contributions:* Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

Heritage resources are those sites or structures, including their landscape settings, that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply:

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;
- f) Document heritage resources to be demolished or relocated;
- g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and
- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

ROLE OF DENSITY RANGES IN AREA PLANS

Density ranges for property planned for residential development, expressed generally in terms of dwelling units per acre, are recommended in the Area Plans and are shown on the Comprehensive Plan Map. Where the Plan text and map differ, the text governs. In defining the density range:

- the "base level" of the range is defined as the lowest density recommended in the Plan range, i.e., 5 dwelling units per acre in the 5-8 dwelling unit per acre range;
- the "high end" of the range is defined as the base level plus 60% of the density range in a particular Plan category, which in the residential density range of 5-8 dwelling units per acre would be considered as 6.8 dwelling units per acre and above; and,
- the upper limit is defined as the maximum density called for in any Plan range, which, in the 5-8 dwelling unit per acre range would be 8 dwelling units per acre.
- In instances where a range is not specified in the Plan, for example where the Plan calls for residential density up to 30 dwelling units per acre, the density cited in the Plan shall be construed to equate to the upper limit of the Plan range, and the base level shall be the upper limit of the next lower Plan range, in this instance, 20 dwelling units per acre.



County of Fairfax, Virginia

MEMORANDUM

August 8, 2007

TO: William J. O'Donnell, Jr. AICP, Planner II
Zoning Evaluation Division, DPZ

FROM: Douglas Petersen, Urban Forester III *D. Petersen*
Urban Forest Management Division, DPWES

SUBJECT: Fair Lakes Landbay V-A, PCA 82-P-069-15
Fair Lakes Landbay V-B, PCA 82-P-069-16
Fair Lakes Landbay V-A, PCA 82-P-069-17
Fair Lakes Landbay IV-A, PCA 82-P-069-18
Fair Lakes Landbay VII-B, PCA 82-P-069-19
Fair Lakes Landbay VI-A, PCA 82-P-069-20

The Urban Forest Management Division staff has received a few versions of the above referenced applications for review. Since these applications have been bundled, to some degree, the few remaining comments from our division, which are very similar for all of the applications, may be most efficiently expressed in a bundled format, as well.

General Existing Conditions:

For the most part, each application has some preserved tree save areas within the established parking areas or around the borders of the landbay. Since the original Fair Lakes development was rendered from a predominate forest type, the remaining areas of upland hardwood forest consist of red and white oak species, hickory, tuliptree, and Virginia pine with understory species of maple, black tupelo, beech, dogwood, and American holly. Much of the landbay redevelopment is sited on existing parking areas with mature landscaping ranging from good to poor condition. Within Landbay V-A (PCA 82-P-069-15), a few American chestnut trees were located, the largest being five inches (5") in diameter and in very good condition at this time (future susceptibility to Chestnut Blight may be likely).

Specific Application Comments:**PCA 82-P-069-15:**

(With the 2nd submission of these plans, the proffers for this application and PCA 82-P-069-16 appear to have been mixed up.) The boundaries of this application include the tree save area in which the American chestnut trees are located. In the event that one or more of the chestnuts

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



are still alive and resistant to the Chestnut Blight at the time of construction, UFM concurs with the proffer that has been included, by which the tree(s) will be transplanted to a safe location elsewhere.

Landscaping: A proffer has been included stating that in the event there is not sufficient plant bed area to support proper tree growth, structural soils will be used to provide more root growth area. In that the latest plant growth information regarding the use of structural soils is mixed, we recommend that the structural soils proffer be amended to provide an option for using an alternative technology that may be preferred, as follows:

Landscaping. (Second paragraph)

“For trees, relied upon for satisfaction of tree cover requirements, which are not planted within an 8-foot wide minimum planting area, or that do not meet the minimum planting area required by the Public Facilities Manual (“PFM”), the Applicant shall provide a minimum of 130 square feet of surface area of structural soil or structural cells for Category 4 shade trees and 90 square feet of surface area of structural soil or structural cells for Category 3 shade trees, as such trees are identified in the PFM. The structural soil or structural cells shall have a minimum width of 8-feet and a minimum depth of ~~36-inches~~ 24 to 48-inches and such planting areas shall be interconnected to the extent feasible, as determined by UFM. Geotextile fabric shall be provided between the structural soil and a layer of organic material located on top of the structural soil. At the time of site plan submission, the applicant shall provide written documentation, including information about the composition of the structural soil, or specifications about the structural cells, to UFM indicating that a qualified and appropriately licensed “company” provided the structural soil or structural cells. The Applicant shall provide 72-hour notice to UFM prior to installation of the soil or cells, to allow verification of the composition of the structural soil or structural cells and verification that the structural soil is the correct mix and that either is installed correctly. The Applicant shall provide written confirmation from a certified arborist and/or landscape architect demonstrating and verifying installation of structural soil or structural cells.”

Tree cover: Tree cover calculations for the application have not been provided. Please provide evidence of how the tree cover requirements for the application area will be met on the site.



PCA 82-P-069-16:

(With the 2nd submission of these plans, the proffers for this application and PCA 82-P-069-15 appear to have been mixed up.) Please apply the comments for Landscaping related to the structural soils proffer and comments for Tree cover as provided for PCA 82-P-069-15 above.

PCA 82-P-069-17:

Please apply the comments for Landscaping related to the structural soils proffer and comments for Tree cover as provided for PCA 82-P-069-15 above.

Underground Parking: The plans show landscaping that will be planted over the limits of the underground parking structure. Please ensure that an adequate depth of soil, a minimum depth of 24" to 48" depending on the size of the trees to be planted, is provided on top of the parking structure to promote the survival and stability of the proposed landscaping material.

PCA 82-P-069-18:

Please apply the comments for Landscaping related to the structural soils proffer and comments for Tree cover as provided for PCA 82-P-069-15 above.

Additionally, this application includes the limits of the stormwater management pond serving this area. The area of the pond is heavily wooded with existing trees and associated vegetation in fair to good condition. We recommend that this wooded area remain as undisturbed as possible to preserve the existing vegetation.

PCA 82-P-069-19:

Please apply the comments for Landscaping related to the structural soils proffer and comments for Tree cover as provided for PCA 82-P-069-15 above.

Please apply the comments for Underground Parking as provided for PCA 82-P-069-17 above.

PCA 82-P-069-20:

Please apply the comments for Landscaping related to the structural soils proffer and comments for Tree cover as provided for PCA 82-P-069-15 above.

Please apply the comments for Underground Parking as provided for PCA 82-P-069-17 above.



Fair Lakes Comments to O'Donnell
August 8, 2007
Page 3

If you have any comments or questions regarding the recommendations provided herein, please feel free to contact me at 703-324-1738.

DAP/dap
UFMID #: 125280

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



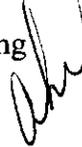


County of Fairfax, Virginia

MEMORANDUM

DATE: August 15, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

FILE: 3-4 (RZ 82-P-069)

REFERENCE: PCA 82-P-069-20, CDPA 82-P-069-1-1, FDPA 82-P-069-1-15;
Fair Lakes Center Assoc. L.P.
Traffic Zone: 1685
Land Identification: 55-2 ((5)) A1, B, and part of D2

The following comments reflect the position of the Department of Transportation and are based on the development plan revised to August 1, 2007, draft proffers last dated August 2, 2007, and a traffic impact analysis dated May 2, 2007. The applicant is seeking rezoning approval in order to construct 350 multi-family dwelling units.

Transportation Overview. This building is part of an overall expansion of the Fair Lakes Development by approximately 1,375,000gsf. The 1.375 million square feet of additional development is located throughout Fair Lakes, and will have a cumulative impact on traffic in the area. The applicant's traffic study indicates the these additional uses will generate over 12,900 new trips per day and this is after a 10% office/residential reduction for synergy/transit and a 15% reduction for retail pass-by trips.

Fair Lakes Parkway/Fairfax Parkway Intersection. The study indicates that 78% of the office, 66% of the retail and 82% of the residential trips generated with the proposed development will access the site via the Fairfax Parkway/Fair Lakes Parkway intersection. Based on the applicant's traffic counts, the new development would increase existing p.m. peak hour traffic through the intersection by approximately 13.8%.

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot



Regina Coyle, Director
August 15, 2007
Page 2 of 3
(PCA 020)

An interchange is presently under design, with design completed to the 70% level. Construction funding is being identified, but a total cost for the interchange has not yet been determined. Based on plans completed to date, the current cost estimate is 75 Million Dollars. Some additional right-of-way and easements will be needed, primarily to facilitate construction of sound walls, storm water detention, and trails.

In addition to these current applications, right-of-way and/or easements will be needed from various parcels previously rezoned with RZ 82-P-069. No density value remains with these properties. As such, it would be desirable for the applicant to provide dedication and easements as needed from all parcels associated with RZ 82-P-069, but at a minimum, from all properties now submitted for additional development.

Comprehensive Plan Concerns. The adopted Comprehensive Plan states that:

“The intersection of Fairfax County Parkway and the Fair lakes Parkway is above capacity, and a grade-separated interchange is planned and under design. Additional mitigation measures to facilitate construction of this interchange should be provided with new development above the .25 FAR overlay level”.

In order to address the above Plan language, the applicant should commit to a monetary contribution to aid in construction of the interchange.

Specific Transportation Concerns. The following issues are related to this specific application.

1. Commitment to provide all easements and right-of-way needed for construction of the Fair Lakes Parkway/Fairfax County Parkway interchange project, VDOT project 7100-029-353. The interchange plans completed to date identify the need for easements/right-of-way from this site.
2. Provision of a per square footage contribution towards construction of the Fair Lakes Parkway/Fairfax County Parkway interchange, VDOT project 7100-029-353.
3. Enhancement of the Transportation Demand Management commitments. The draft proffers include a TDM program, with a reduction of 10% in residential/office trips. A 10% reduction in trip generation was already assumed by the applicant for synergy between uses. Other suburban locations have committed to at least 20 percent. Given the size of the proposed development and increase in traffic to adjoining roadways, a greater reduction commitment is appropriate.
4. Extension of the eastbound left turn lane on Fair Lakes Parkway at Fair Lakes Court. The high volume of left turn vehicles coupled with the high volume of through traffic suggests that the queue in the left turn lane may overflow into Fair Lakes Parkway through lanes, and that

Regina Coyle, Director
August 15, 2007
Page 3 of 3
(PCA 020)

the eastbound Fair Lakes Parkway through queue will obstruct access to the left turn bay. As such, the applicant should commit to extend the existing eastbound left turn lane on Fair Lakes Parkway as deemed appropriate by VDOT at time of site plan review.

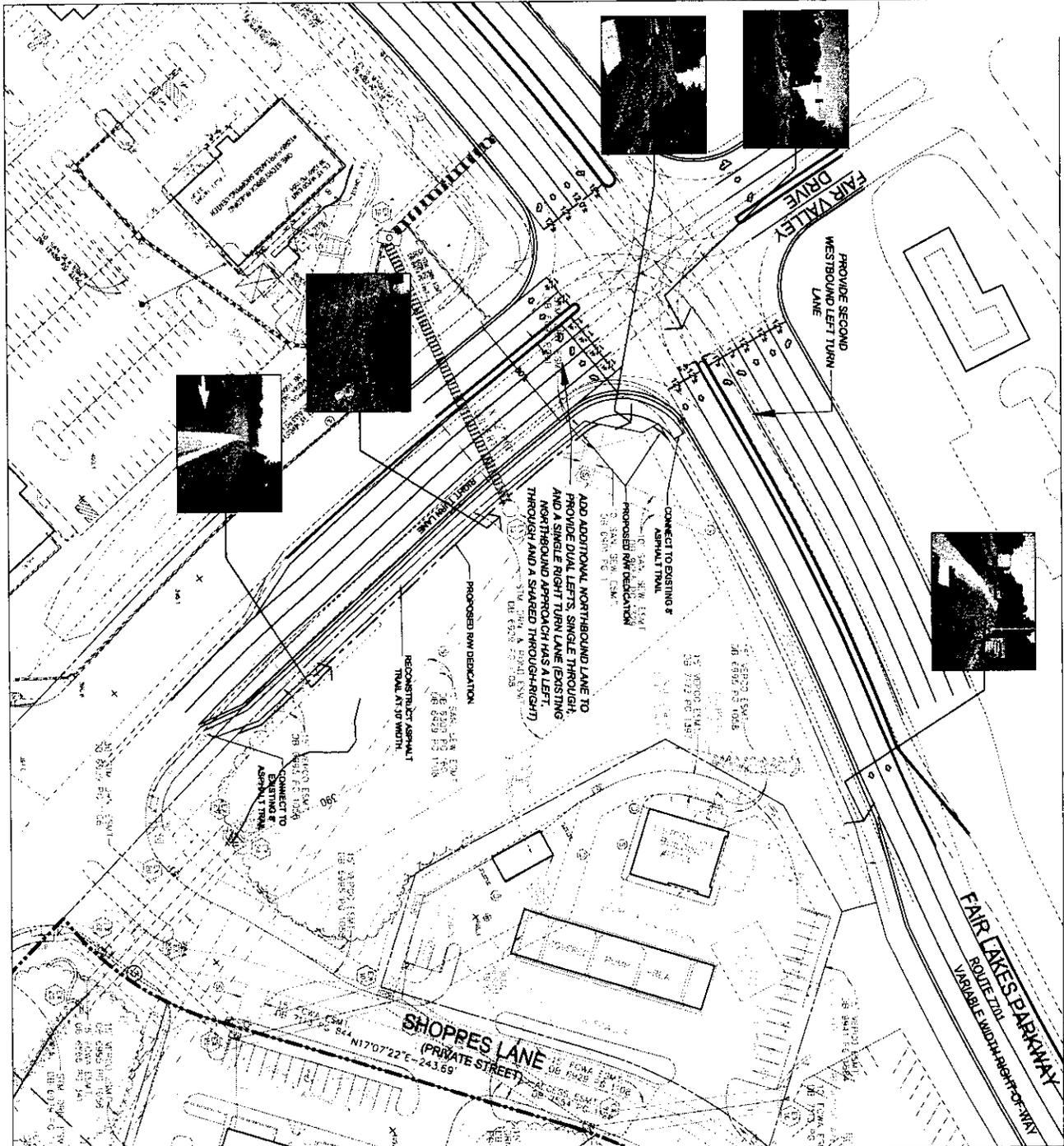
6. The applicant has a limited commitment to extend a sidewalk off-site to the residential development north and east of the site. The commitment should be expanded to include a good faith effort to work with adjoining property owners in order to achieve completion of this residential connection.

7. Provision of an exhibit of proposed transportation improvements. A functional level exhibit of the proposed transportation improvements should be provided for clarification. The exhibit should delineate all proposed improvements, and identify which are to be provided with each zoning amendment request.

VDOT staff have noted that the westbound right turn lane into Fair Lakes Court From Fair Lakes Parkway may need to be extended. This issue can be addressed at time of site plan review.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, DPW&ES
Ellen Gallagher, Director, Capital Projects and Operations Division, FCDOT
Paul Mounier, Transit Services, FCDOT



FAIR LAKES
PROPOSED ROAD IMPROVEMENTS
 FAIR VALLEY DRIVE /
 FAIR LAKES CIRCLE /
 FAIR LAKES PARKWAY
 (INTERSECTION 3)

AUGUST 30, 2007



TIMING OF PROPOSED IMPROVEMENTS ARE SUBJECT TO CERTAIN PROPER STATEMENTS APPLICABLE TO SOME, BUT NOT ALL, OF PROFFER CONDITION AMENDMENT APPLICATIONS PCA 82-P-089-15, PCA 82-P-089-16, PCA 82-P-089-17, PCA 82-P-089-18, AND PCA 82-P-089-19.

BASE INFORMATION IS TAKEN FROM AN AERIAL SURVEY AS WELL AS FROM EXISTING RECORDS. FINAL DESIGN IS SUBJECT TO MODIFICATION WITH CONFIRMATION OF BASE INFORMATION AND COORDINATION WITH VDOT.



County of Fairfax, Virginia

MEMORANDUM

DATE: April 19, 2007

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Ralph Dulaney (246-3868)
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Proffered Condition Amendment PCA 82-P-069-20, Final Development Plan amendment FDPA 82-P-069-01-15 and Conceptual Development Plan amendment CDPA 82-P-069-01-01

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #421, Fair Oaks
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is _____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Proudly Protecting and
Serving Our Community

Fire and Rescue Department
4100 Chain Bridge Road
Fairfax, VA 22030
703-246-2126
www.fairfaxcounty.gov



Fairfax Water

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING AND ENGINEERING
DIVISION**

JAMIE BAIN HEDGES, P.E.
DIRECTOR
(703) 289-6325
Fax (703) 289-6398

May 2, 2007

Ms. Barbara A. Byron, Director
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

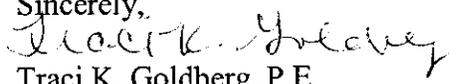
Re: PCA 82-P-069-20
FDPA 82-P-069-01-15
CDPA 82-P-069-01-01
Fair Lakes Landbay VI-A

Dear Ms. Byron:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is served by Fairfax Water.
2. Adequate domestic water service is available at the site from existing 16-inch, 12-inch and 8-inch water mains located at the property. See the enclosed water system map. The Generalized Development Plan has been forwarded to Plan Control for distribution to the Engineering Firm, with comments pertaining to the proposed water system layout.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.
4. Any relocation to the existing water system necessary to accommodate the proposed project are at the developers expense.
5. Due to the limited detail of these plans, Fairfax Water will provide comprehensive comments regarding water facilities design upon submittal of final site plan.

If you have any questions regarding this information please contact Samantha Kearney at (703) 289-6313.

Sincerely,

Traci K. Goldberg, P.E.
Manager, Planning



County of Fairfax, Virginia

MEMORANDUM

AUG 15 2007

DATE:

TO: William O'Donnell, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Chief Stormwater Engineer *QK*
Environmental and Site Review Division East
Department of Public Works and Environmental Services

SUBJECT: Proffered Condition Amendment, Final Development Plan Amendment and Conceptual Development Plan Amendment Applications PCA 82-P-069-20, FDPA 82-P-069-01-15 and CDPA 82-P-069-11, Plan Dated August 1, 2007, LDS Project 5727-ZONA-010-2, Tax Map #045-2-01-0025-E1 part and 0025-E2 part (Property), Cub Run Watershed, Sully District

We have reviewed the subject revised submission and the plan generally meets the County Stormwater Management requirements. Please note the underground Stormwater Management facilities in the residential development can only be approved by the Board of Supervisors.

If further assistance is desired, please contact me at 703-324-1720.

QK/dah

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES
Zoning Application File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359





County of Fairfax, Virginia

MEMORANDUM

MAY 21 2007

DATE:

TO: William O'Donnell, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Chief Stormwater Engineer *QK*
Environmental and Site Review Division West
Department of Public Works and Environmental Services

REFERENCE: Proffered Condition Amendment, Final Development Plan Amendment and Conceptual Development Plan Amendment Applications PCA 82-P-069-20, FDPA 82-P-069-1-15 and CDPA 82-P-069-1-1, Plan Dated February 27, 2007, LDS Project 5727-ZONA-011-1, Tax Map #045-4-01-25E1 Part, 25E2 Part (Property), Cub Run Watershed, Sully District

We have reviewed the subject submission and offer the following comments related to Stormwater Management (SWM):

Chesapeake Bay Preservation Ordinance

There is Resource Protection Area on south west of the Property. This site is located within the Water Supply Protection Overlay District.

Floodplain

There is no regulated floodplain on the Property.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Site Outfall

The outfalls need to be analyzed to the point at which the total drainage is at least 100 times greater than the development site.



William O'Donnell, Staff Coordinator
PCA 82-P-069-20, FDPA 82-P-069-01-15, and CDPA 82-P-069-1-1
Page 2 of 2

SWM

Underground stormwater management facilities in the residential area can only be approved by the Board of Supervisors.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES
Zoning Application File

MEMORANDUM

TO: Staff Coordinator DATE: August 29, 2007
 Zoning Evaluation Division, OCP

FROM: Gilbert Osei-Kwadwo (Tel: 324-5025)
 System Engineering & Monitoring Division
 Office of Waste Management, DPW

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. PCA 82-P-069-20
 Tax Map No. 045-4-((01))-25E1(pt),25E2(pt)

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the CUB RUN (T4) Watershed. It would be sewerred into the UOSA Treatment Plant.
2. Based upon current and committed flow, excess capacity is available in the Upper Occoquan Sewer Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 18 inch line located in AN EASEMENT and ON the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use</u>		<u>Existing Use</u>		<u>Existing Use</u>	
	<u>+ Application</u>		<u>+ Application</u>		<u>+ Application</u>	
			<u>+ Previous Rezonings</u>		<u>+ Comp. Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Submain	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Main/Trunk	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>	<u>X</u>	<u>_____</u>
Interceptor	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Outfall	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

5. Other pertinent information or comments:

**Fairfax County Public Schools
Office of Facilities Planning Services**

TO: Fairfax County Department of Planning & Zoning
Zoning Evaluation Division

FROM: Gary Chevalier, Director 
Office of Facilities Planning Services

SUBJECT: Revised: Schools Impact Analysis
PCA 82-P-069-17 & PCA 82-P-069-20
Fair Lakes Center Associates, L.P.

DATE: July 26, 2007

MAP: PCA 82-P-069-17: 55-2 ((1)) 6A, 8A1 pt., 8A2
PCA 82-P-069-20: 45-4 ((1)) 25E1 pt., 25E2 pt.

PLANNING UNIT 4874, Cluster 7

ACREAGE: PCA 82-P-069-17: 8.37 acres
PCA 82-P-069-20: 10.65 acres

REQUEST: The applications seek to amend the proffers for two sections of the Fair Lakes development to permit the addition of new residential developments. Analysis of these 2 cases is combined since they are served by the same elementary, middle and high schools.

PCA 82-P-069-17 proposes to remove portions of surface parking area in order to construct an 11 story building and structured parking for up to 300 multi-family high rise units. This site is located on the north side of Fair Lakes Circle across from Kohl's department store and Dick's sporting goods.

PCA 82-P-069-20 proposes to remove portions of surface parking in order to construct a 10 story building and structured parking for up to 350 multi-family high rise units. The site is located in the northeast quadrant of the intersection of Fair Lakes Parkway and Fairfax County Parkway, Rt. 7100.

Schools that currently serve properties, their current total memberships, net operating capacities, and five year projections are as follows:

School Name and Number	Grade Level	9/30/06 Capacity	9/30/06 Membership	2007-2008 Membership*	Memb/Cap Difference 2007-2008	2011-2012 Membership	Memb/Cap Difference 2011-2012
Greenbriar East	K-6	713	601	604	109	647	66
Lanier MS	7-8	775/1125	971	991	134	1014	111
Fairfax HS	9-12	2075/2200	2146	2111	89	2189	11

*2007-2008 Membership based on Spring Projection Updates, Facilities Planning Services

Note: Renovations to Lanier Middle School and Fairfax High School will increase capacity for both schools beginning with the 2007-2008 school year.

Since the proffered zoning for these sections of Fair Lakes does not allow for residential use, approval of these applications would result in additional students and could increase projected student membership as shown in the following analyses:

**Fairfax County Public Schools
Office of Facilities Planning Services**

PCA 82-P-069-17

School Level	Proposed Zoning PDC – Add 300 Multi-family high rise			Total Student Increase
	Units	Ratio	Students	
K-6	300	x .042	13	
7-8	300	x .010	3	
9-12	300	x .024	7	
				23

PCA 82-P-069-20

School Level	Proposed Zoning PDC – Add 350 Multi-family high rise			Total Student Increase
	Units	Ratio	Students	
K-6	350	x .042	15	
7-8	350	x .010	4	
9-12	350	x .024	8	
				27

Comments: The proposed applications could result in a total of 50 additional students within the Fairfax High School Pyramid. Based on the approved proffer guidelines, the students generated by these applications would justify a proffered contribution of \$267,490 for PCA 82-P-069-17 and \$314,010 for PCA 82-P-069-20 for a combined total \$581,500 for schools (50 students x \$11,630 per student). It should be noted that the annual school impact proffer formula update increased the suggested per student contribution from \$11,630 to \$12,400 for all residential rezoning applications accepted on or after July 1, 2007. Utilizing the increased amount, a proffer of \$620,000 is encouraged.

Renovations are underway which will address current capacity deficiencies at Fairfax High and Lanier Middle School. Adequate capacity is projected for all impacted schools by the 2011-2012 school year. However, it should be noted that other residential development activity in the Fair Lake/Fair Oaks area has the potential to impact other Cluster VII schools, some of which are within the same school pyramid.

Since there is always the potential for boundary adjustments as build-out in the area occurs, it is strongly recommended that all proffered contributions be directed to the school pyramid and/or to Cluster VII schools which encompasses the area. Proffers directed to a specific school(s) are discouraged. The foregoing information does not take into account the potential impacts of other pending or future proposals that could affect the same schools.

Source: FY 2008-2012, Facilities Planning Services Office, Enrollment Projections, FY2008-12 CIP
Note: Five-year projections are those currently available and will be updated yearly. School attendance areas are subject to yearly review.

Attachments: Locator Maps

cc: Catherine A. Belter, School Board Member, Springfield District
Illryong Moon, School Board Member, At-Large
Stephen A. Hunt, School Board Member, At-Large
Janet S. Oleszek, School Board Member, At-Large
Dean Tistadt, Chief Operating Officer FCPS
Peter Noonan, Cluster VII, Assistant Superintendent
Linda Cohen, Principal, Greenbriar East Elementary School
Scott Poole, Principal, Lanier Middle School
Scott Braband, Principal, Fairfax High School



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



APPENDIX 19

TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager 
Park Planning Branch

DATE: July 24, 2007

SUBJECT: PCA 82-P-069-20, CDPA 82-P-069-1-1, FDPA 82-P-069-1-15
(Fair Lakes Land Bay VI-A) - ADDENDUM

The Park Authority staff has reviewed the Conceptual/Final Development Plan dated July 10, 2007 and the accompanying Proffer Statement dated July 12, 2007, for the above referenced application. Comments provided here are addenda to comments provided in earlier memos dated May 18, 2007 and June 20, 2007.

This application proposes to add 350 multi-family dwelling units. At \$955 per unit, the applicant is required to spend \$334,250 on the development of onsite recreational amenities. Any of these funds not spent onsite should be designated to the Park Authority to be spent on recreational facility development in the service area. The entry plaza (identified in the proffers as "Interior courtyard area to be located on top of the parking structure in the area in front of the main lobby...") should not count as a recreational amenity towards the expenditure of these \$955 funds. This area functions as a parking lot with fancy paving and a planter in the middle. It will not serve as a suitable location for active or passive recreational activities.

The proffers should be modified to indicate that funds to be given to the Park Authority should be designated for use "in the service area of the subject property" rather than be designated for use in the Fair Lakes Area or for a specific park (such as Patriot Park). FCPA would like to have the flexibility to apply the funds towards development of facilities at any of a number of locations that may serve the needs of the residents of the proposed development.

The development plan shows two small plaza/park areas connected by a pedestrian pathway leading to Fair Lakes Court. These areas will provide for some of the passive recreational need generated by the approximately 637 new residents will be added to the Fair Lakes area with the construction of the proposed residential building. These residents will also need access to recreational amenities such as a tot lot and athletic courts. Athletic courts could be located on top of the structured parking, near the proposed swimming pool. Additionally, the parking spaces could be eliminated from the entry plaza and that area could be designed to serve more as a recreational amenity.

Finally, the Park Authority recommends that the applicant include a statement in the proffers that they will place a public access easement on the plaza and its pedestrian connections.

SS/ad

cc: Chron Binder
File Copy



FAIRFAX COUNTY PARK AUTHORITY
.....
M E M O R A N D U M



TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager
Park Planning Branch *SS*

DATE: June 20, 2007

SUBJECT: PCA 82-P-069-20, Fair Lakes Land Bay VI-A (residential)
Tax Map: 45-4 (91)) 25E1 (pt), 25E2 (pt)

The Fairfax County Park Authority (FCPA) staff has reviewed the draft proffers dated June 7, 2007, for the above referenced application. Based on this submission, the Park Authority has the following comments:

1. The Park Authority is appreciative of the applicant's proffers to provide recreational facilities and park contributions. However, park proffers should be designated for use generally within the service area of a particular development rather than designated for use within a specific planning area or at a specific park. This allows the Park Authority to determine, based on updated needs assessment information at the time of the contribution, the best way to apply the proffered funds to meet the needs of the residents of the community.

Specifically, the proffers limit the funds to be expended within the Fairfax Center Area for residual zoning ordinance funds (Proffer #9) and to Popes Head Estates Park for master planning and site engineering for additional park contributions (Proffer #10). Park sites within Fairfax Center are limited and mostly built out. Popes Head Estates Park has been renamed to Patriot Park and has already been master planned and engineered.

2. In order to ensure that all residents and visitors to the Fair Lakes area will be able to enjoy the plaza amenity provided by this application, the applicant should place a public access easement on the plaza area.

Therefore, the proffer statement should be amended to read as follows:

“9. Recreational Facilities

- A. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance, the Applicant shall expend a minimum of \$955 per market-rate residential unit on-site developed recreation facilities, as described herein. Prior to final bond release for the development depicted on the CDPA/FDPA, the balance of any funds not expended on-site for the items listed below and for the construction of the public plaza described in Paragraph 8.B below, shall be contributed to the Fairfax County Park Authority for the provision of recreation facilities located within the Fairfax Center Area service area of the development. To satisfy the above Zoning Ordinance requirement, the Applicant shall provide recreational amenities in the multi-family residential building, which may include, but shall not be limited to the following:
1. Swimming pool with accessible shower facilities and changing areas;
 2. Outdoor seating/gathering areas;
 3. Interior courtyard area to be located on top of the parking structure in the area in front of the main lobby of the multi-family residential building, which shall include informal seating areas, landscaping, visitor parking spaces and hardscape areas;
 4. Bike racks for use by residents and visitors of the multi-family residential building; and
 5. Fitness center that includes equipment such as stationary bikes, treadmills, weight machines, and other exercise equipment.
- B. Prior to the issuance of RUPs for 50% of the dwelling units in the multi-family residential building, the Applicant shall construct the public plaza depicted on Sheet 8 of the CDPA/FDPA. Pedestrian connections and public access easements shall be provided to the benefit of the public plaza area. This public plaza shall contain amenities consistent with those included on Sheet 8, including, but not limited to the following:
1. Benches;
 2. Trash receptacles;
 3. Landscaping; and
 4. Hardscape areas.

In addition, the applicant will place a public access easement on the plaza area and the trails leading to it from other public rights of way.

- C. All of the facilities and monetary contributions listed in this Paragraph 8 shall be creditable against the contribution required by Section 16-404 of the Zoning Ordinance.

10. Additional Park Contribution. In addition to any recreational contributions that may be contributed pursuant to Paragraph 8, the Applicant shall contribute \$500 per market rate dwelling unit at the time of building permit approval to the Fairfax County Park Authority ("FCPA") for ~~use at Popes Head Estates Park for master planning, park facility planning, engineering site plan and/or~~ park facility development within the service area of the development."

cc: Cindy Walsh, Acting Director, Resource Management Division
Chron Binder
File Copy



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager *SS*
Park Planning Branch

DATE: May 18, 2007

SUBJECT: PCA 82-P-069-15, CDPA 82-P-069-03-01, FDPA 82-P-069-10-4, FDPA 82-P-069-1-14
(Fair Lakes Land Bay V-A)

PCA 82-P-069-16, CDPA 82-P-069-07-1, FDPA 82-P-069-11, FDPA 82-P-069-11-5
(Fair Lakes Land Bay V-B)

PCA 82-P-069-17, FDPA 82-P-069-08-05, CDPA 82-P-069-03-03
(Fair Lakes Land Bay V-A)

PCA 82-P-069-18, CDPA 82-P-069-05-01, FDPA 82-P-069-13-10
(Fair Lakes Land Bay IV-A)

PCA 82-P-069-19, CDPA 82-P-069-3-2, FDPA 82-P-069-9-8
(Fair Lakes Land Bay VII-B)

PCA 82-P-069-20, CDPA 82-P-069-1-1, FDPA 82-P-069-1-15
(Fair Lakes Land Bay VI-A)

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plans dated February 27, 2007, for the above referenced applications. The subject properties for these applications are located in the same general area of the Fairfax Center Area, therefore, they will be addressed in one memorandum, with specific comments for each Land Bay under separate headings. The subject applications propose infill development on several surface parking lot areas within the Fair Lakes development area. This includes two new residential buildings with a total of 497 multi-family dwelling units, an additional 487,000 square feet of office space, 145,000 square feet of new retail space and a 105,000 square feet of hotel use (150 rooms). Based on the average multi-family household size of 1.82 in the Bull Run Planning District, the development could add 904 new residents to the Springfield Supervisory District.

COMPREHENSIVE PLAN CITATIONS

1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 6, p. 8)

“Objective 6: Ensure the mitigation of adverse impacts to park and recreation facilities and service levels caused by growth and land development through the provision of proffers, conditions, contributions, commitments, and land dedication.”

“Policy a: Offset residential development impacts to parks and recreation resources, facilities and service levels based on the adopted facility service level standards (Appendix 2). The provision of suitable new park and recreational lands and facilities will be considered in the review of land development proposals in accordance with Residential Development Criteria - Appendix 9 of the Land Use element of the Countywide Policy Plan.”

“Policy b: To implement Policy a. above, residential land development should include provisions for contributions, or dedication, to the Park Authority of usable parkland and facilities, public trails, development of recreational facilities on private open space, and/or provision of improvements at existing nearby park facilities.”

“Policy c: Non-residential development should offset significant impacts of work force growth on the parks and recreation system.”

2. Urban Park Development (The Policy Plan, Parks and Recreation, Park Classification System, Local Parks, p. 10-11, adopted June 20, 2005)

“In urban areas, urban-scale local parks are appropriate. These publicly accessible urban parks should include facilities that are pedestrian-oriented and provide visual enhancement, a sense of identity, opportunities for social interactions, enjoyment of outdoor open space and performing and visual arts. Urban parks are generally integrated into mixed use developments or major employment centers in areas of the County that are planned or developed at an urban scale. Areas in the County that are generally appropriate for urban parks include Tysons Corner Urban Center, Transit Station Areas, Suburban Centers, Community Business Centers and identified “Town Centers” or mixed-use activity centers. Urban parks can be administered by private land owners, Fairfax County Park Authority, or through joint public and private sector agreements for public benefit.

Primary elements of urban-scale local parks are ease of non-motorized access and a location that complements, or is integrated with, surrounding uses. Features may include urban style plazas, mini-parks, water features and trail connections, oriented to pedestrian and/or bicycle use by employees and residents. Park architectural characteristics reflect the built environment. Short-term, informal activities and programmed events during lunch hours and after-work hours are intended to foster social interactions among users, provide leisure

opportunities, and create a visual identity to strengthen sense of place and orientation. In urban areas, park size is typically less than five acres and often under ½ acre. Service area is generally within a 5-10 minute walking distance from nearby offices, retail and residences. Well-conceived and executed design is critical to the viability of this type of park. To be successful urban parks need high visibility, easy access, lots of pedestrian traffic, immediacy of casual food service, access to basic utilities, landscaped vegetated areas, ample seating, high quality materials, a focal point or identity, regular custodial maintenance, and an inviting and safe atmosphere.”

3. Park and Recreation Needs (Comprehensive Plan, Area III, Fairfax Center Area, Area Wide Recommendations, Parks and Recreation, p. 41)

“The Fairfax Center Area represents both an opportunity and a challenge to create a new model for the provision of park and recreation facilities in an urban environment. The opportunity is to enhance the quality of life by locating these facilities in those (sic) proximity to the workplace as well as residences within a Suburban Center. The challenge is to institute cooperative public and private sector efforts to protect significant ecological and heritage resources and to provide a full range of facilities to accommodate the active and passive recreational needs of the community. Planning for places to play should therefore be a major priority in the development of the Fairfax Center Area.”

....

“On-site Neighborhood Park facilities should be provided as part of all planned residential development. In addition to the linear park along Monument Drive, other urban parks in the form of plazas at major road intersections and other locations are recommended as integral features of the Fairfax Center Area to be developed primarily by the private sector. Planning and program support should be provided by public agencies.”

4. Park and Recreation Needs (Comprehensive Plan, Area III, Fairfax Center Area, Land Unit G, Recommendations, Land Use, p. 63) *applies to Fair Lakes Land Bay IV-A*

“As an option at the overlay level, development of the northeastern portion of the Fair Lakes Shopping Center, which is generally bounded by Fair Lakes Parkway, Fair Lakes Circle and the Fairfax County Parkway, (specifically Tax Map Parcels 55-2((4))12, 19, and 26A), may be appropriate for up to 140,000 SF of retail use and up to 120,000 SF of office use if the following conditions are met:

....

- Outdoor seating, urban parks or plazas, and extensive landscaping should be provided in any new development;”

5. Park and Recreation Needs (Comprehensive Plan, Area III, Fairfax Center Area, Land Unit H, Sub-units H1 & H2, Recommendations, Land Use, p. 63) *applies to Fair Lakes Land Bay V-A*

“As an option at the overlay level, the redevelopment of the surface parking lot associated with Tax Map 55-2((1))9A may be appropriate for up to 100,000 SF of hotel or office uses provided that the following conditions are met:

- Amenities such as the inclusion of a restaurant or an indoor recreation facility should be provided if a hotel is constructed. If an office building or hotel is constructed, major or minor plazas, gathering spaces or other urban park features should be provided within or adjacent to the hotel or office use to promote activity between the existing office, hotel and residential uses;”

....

“As an option at the overlay level, Tax Map Parcels 55-2((1))6, 11A1 and 11B1 may be appropriate for up to 267,000 SF of office use, provided that the following conditions are met:

....

- Provision of a centrally located, publicly accessible urban park or plaza with extensive landscaping.”

....

“As an option at the overlay level, the redevelopment of the surface parking lot associated with Tax Map 55-2((1))8 may be appropriate for up to 350,000 SF of residential development if the following conditions are met:

....

- A publicly accessible urban park or park features should be included on the site, such as major or minor plazas, gathering spaces, athletic courts, tot lots, special landscaping, street furniture and pedestrian amenities. Impacts on Park Authority resources should be offset through the provision of or contribution to active recreation facilities in the service area of the development;

6. **Park and Recreation Needs** (*Comprehensive Plan, Area III, Fairfax Center Area, Land Unit I3, Recommendations, Land Use, p. 70*) *applies to Fair Lakes Land Bay VI-A*

“As an option at the overlay level, the redevelopment of the surface parking lot associated with Tax Map 45-4((1))25E may be appropriate for up to 350,000 SF of residential uses if the following conditions are met:

....

- A publicly accessible urban park or park features should be included on the site, such as major or minor plazas, gathering spaces, athletic courts, tot lots, special landscaping, street furniture and pedestrian amenities. Impacts on Park Authority resources should be offset through the provision of or contribution to active recreation facilities in the service area of the development;”

ANALYSIS AND RECOMMENDATIONS

Recreational Impact:

The Park Authority’s primary concern is the lack of park and recreational facilities for the proposed commercial and residential uses. The 497 new dwelling units proposed for the Fair

Lakes development area would add approximately 904 residents to the current population of the Springfield Supervisory District. Pursuant to the recreational facility standards in the Park Authority's adopted Needs Assessment, the development of nearly 1,000 new residents generates the need for five acres of Local parkland and thirteen acres of District parkland. The new residents created by the proposed development will generate a need for 4.5 acres of Local and 11.75 acres of District parkland. Recognizing the limited opportunities for parkland dedication onsite, the Park Authority recommends offsetting the impact of this development through a combination of development of private, smaller, onsite plazas and recreational facilities and a contribution for larger offsite recreational facilities at public parkland.

Currently, there is a shortage of public parkland in the Fairfax Center Area. Existing nearby parks (Arrowhead, Greenbriar and Poplar Tree Parks) meet only a portion of the demand for parkland generated by development in the Fairfax Center Area. In addition to parkland, the recreational facilities in greatest need in this area include rectangular athletic fields, youth baseball and softball fields, multi-use courts, playgrounds, picnic areas, a neighborhood skate park and trails. A lack of developable parkland in the Fairfax Center Area has limited the Park Authority's ability to provide these types of facilities. As the population and employment of the area increases, the need for all types of parkland and recreational facilities will become more significant.

Monetary Contribution to Offset the Impacts of Residential Development:

The residents of this development will need access to outdoor recreational facilities. The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-110 and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at \$955 per non-ADU residential unit for outdoor recreational facilities to serve the development population. (This amount was recently updated by a Zoning Ordinance Amendment to \$1500 per unit. Cases accepted for review prior to May 8, 2007, however, and approved prior to December 31, 2007 are grandfathered from the amendment and are only required to expend \$955 per unit.) Whenever possible, the facilities should be located within the residential development site. With 497 non-ADUs proposed, the Ordinance-required amount to be spent onsite is \$474,635. Any portion of this amount not spent onsite should be dedicated to the Park Authority for recreational facility construction at one or more park sites in the service area of the development.

The \$955 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion if not all of the Ordinance-required funds are used for outdoor recreational amenities onsite (such as an outdoor pool, tennis courts, and tot lots). As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide (such as picnic areas, ballfields, skate parks and trails).

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section on page 28, as well as Objective 6, Policy a, b and c of the Parks and Recreation section on page 8), the Park Authority typically asks for a fair share contribution of \$265 per new

resident with any residential rezoning application to offset impacts to park and recreation service levels. This fair share amount allows new residents to contribute towards building additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should provide an additional \$239,560 to the Park Authority for recreational facility development at one or more of our sites located within the service area of this development.

Monetary Contribution from Commercial Development:

In addition to the residential development impact on recreational services and facilities, there is also an impact by the proposed commercial development. The Comprehensive Plan for the Fairfax Center area calls for a combination of private and public funding to contribute toward new facilities to serve both residents and workers. Recent monetary contributions to offset the impacts of commercial development in Suburban Centers have averaged \$0.27 per square foot. Applying this rate to the proposed 737,000 square feet of new commercial uses proposed on this site, the suggested commercial contribution for the proposed developments is \$198,990. Adding this amount to the suggested contribution to offset impacts of residential development, **the applicant should contribute a total of \$438,550 to the Park Authority for recreational facility development at one or more park sites located within the service area of the proposed developments.** (Separate contribution amounts for each application are provided in the discussion sections below.)

Onsite Facilities:

The Fairfax Center Area Design Guidelines and the Park and Recreation element of the Policy Plan support the concept of integrating urban-scale public open spaces into proposed mixed-use developments. The Land Use Recommendations found in the Fairfax Center Area section of the Comprehensive Plan condition five of the six proposed developments to provide some type of publicly-accessible urban park, plaza or park features in order to achieve the requested density and/or intensity. Features such as plazas, gathering places, amphitheater/performance spaces, special landscaping, fountains, sculpture and street furniture are appropriate to be integrated into these sites and surrounding areas. Recreation uses such as tennis courts, multi-use courts, volleyball courts, bocce courts, tot lots, water play features and skateboarding facilities may be incorporated into a mixed-use setting to provide residents and employees on-site recreation opportunities. The Park Authority recommends that these plazas/parks be owned and maintained by the communities within the developments but should allow for public access during daylight hours. Park Authority staff is available to consult with the applicant regarding appropriate design for these recreational and public space areas.

Following are individualized comments on each of the development plans:

*PCA 82-P-069-15, CDPA 82-P-069-03-01, FDPA 82-P-069-10-4, FDPA 82-P-069-1-14
(Fair Lakes Land Bay V-A)*

This application proposes to add 267,000 square feet of office use. The recommended contribution of \$0.27 per square foot should result in a proffer of \$ 72,090 to the Park Authority to be spent on recreational facility development in the service area. The Comprehensive Plan for this Land Bay recommends "Provision of a centrally located, publicly accessible urban park or

plaza with extensive landscaping” as a condition for approval of the requested 267,000 additional square feet of office use. The Development Plan shows an approximately 28,000 square foot rectangular plaza area in the midst of a surface parking area. The Plan does not specify whether the plaza will be hardscape, softscape, landscaped or otherwise developed with amenities and features. The Park Authority would like to see details and information on how this space will be designed and programmed to meet the open space and recreational needs of residents and employees in this portion of the Fair Lakes Area. In addition, the Plan should show how this plaza area relates to other nearby open spaces through safe and accessible pedestrian connections. Finally, the Park Authority recommends that the applicant place a public access easement on the plaza and its pedestrian connections.

***PCA 82-P-069-16, CDPA 82-P-069-07-1, FDPA 82-P-069-11, FDPA 82-P-069-11-5
(Fair Lakes Land Bay V-B)***

This application proposes to add 100,000 square feet of office use. The recommended contribution of \$0.27 per square foot should result in a proffer of \$27,000 to the Park Authority to be spent on recreational facility development in the service area. The Comprehensive Plan states “If an office building or hotel is constructed, major or minor plazas, gathering spaces or other urban park features should be provided within or adjacent to the hotel or office use...” The Development Plan shows an approximately 9,375 square foot rectangular plaza area next to surface parking and a drop-off driveway at the entrance to the proposed office building. The Plan does not specify whether the plaza will be hardscape, softscape, landscaped or otherwise developed with amenities and features. The Park Authority would like to see details and information on how this space will be designed and programmed to meet the open space and recreational needs of residents and employees in this portion of the Fair Lakes Area. In addition, the Plan should show how this plaza area relates to other nearby open spaces through safe and accessible pedestrian connections. Finally, the Park Authority recommends that the applicant place a public access easement on the plaza and its pedestrian connections.

***PCA 82-P-069-17, FDPA 82-P-069-08-05, CDPA 82-P-069-03-03
(Fair Lakes Land Bay V-A)***

This application proposes to add 265 multi-family dwelling units. At \$955 per unit, the applicant is required to spend \$253,075 on the development of onsite recreational amenities. Any of these funds not spent onsite should be designated to the Park Authority to be spent on recreational facility development in the service area. In addition, the recommended contribution of \$265 per dwelling unit should result in a proffer of \$127,809 to the Park Authority to be spent on recreational facility development in the service area. The Comprehensive Plan states “A publicly accessible urban park or park features should be included on the site, such as major or minor plazas, gathering spaces, athletic courts, tot lots, special landscaping, street furniture and pedestrian amenities.” The Development Plan shows an approximately 9,000 square foot square plaza area immediately adjacent to the proposed residential building. It is not clear from the drawing whether this plaza is at grade or situated at some height above grade. If at grade, it appears that the square may be surrounded by surface parking spaces. If above grade, it is not clear how the plaza is to be accessed. Is it only accessible from within the building, or are there safe pedestrian connections from the plaza to the surrounding area? The Plan does not specify whether the plaza will be hardscape, softscape, landscaped or otherwise developed with

amenities and features. The Park Authority would like to see details and information on how this space will be designed and programmed to meet the open space and recreational needs of residents and employees in this portion of the Fair Lakes Area. In addition, the Plan should show how this plaza area relates to other nearby open spaces through safe and accessible pedestrian connections. Finally, the Park Authority recommends that the applicant place a public access easement on the plaza and its pedestrian connections.

***PCA 82-P-069-18, CDPA 82-P-069-05-01, FDPA 82-P-069-13-10
(Fair Lakes Land Bay IV-A)***

This application proposes to add 120,000 square feet of office use and 140,000 square feet of retail use. The recommended contribution of \$0.27 per square foot should result in a proffer of \$70,200 to the Park Authority to be spent on recreational facility development in the service area. The Comprehensive Plan states, "Outdoor seating, urban parks or plazas, and extensive landscaping should be provided in any new development." No public park or plaza is shown on the Development Plan, however. Moreover, the proposed commercial and retail development in this Land Bay would remove the only existing landscaped open space at the Fair Lakes Shopping Center. The proposed development should not be approved unless it is redesigned so that the public park/plaza condition is met.

***PCA 82-P-069-19, CDPA 82-P-069-3-2, FDPA 82-P-069-9-8
(Fair Lakes Land Bay VII-B)***

This application proposes to add 105,000 square feet of hotel use (150 rooms). The recommended contribution of \$0.27 per square foot should result in a proffer of \$28,350 to the Park Authority to be spent on recreational facility development in the service area. No public park or plaza is shown, nor does the Comprehensive Plan require one for this Land Bay.

***PCA 82-P-069-20, CDPA 82-P-069-1-1, FDPA 82-P-069-1-15
(Fair Lakes Land Bay VI-A)***

This application proposes to add 232 multi-family dwelling units. At \$955 per unit, the applicant is required to spend \$221,560 on the development of onsite recreational amenities. Any of these funds not spent onsite should be designated to the Park Authority to be spent on recreational facility development in the service area. In addition, the recommended contribution of \$265 per dwelling unit should result in a proffer of \$110,664 to the Park Authority to be spent on recreational facility development in the service area. The Comprehensive Plan states "A publicly accessible urban park or park features should be included on the site, such as major or minor plazas, gathering spaces, athletic courts, tot lots, special landscaping, street furniture and pedestrian amenities." The Development Plan shows an approximately 25,000 square foot elevated plaza area immediately adjacent to the proposed residential building and above garage parking for the building. It is not clear how the plaza is to be accessed. If it is only accessible from within the building, it does not meet the "publicly accessible" condition. The Plan shows a swimming pool as a recreational feature of the plaza, but does not specify whether the plaza will be hardscape, softscape, or otherwise landscaped or developed with other features. The Park Authority would like to see details and information on how this space will be designed and programmed to meet the open space and recreational needs of residents and employees in this portion of the Fair Lakes Area. In addition, the Plan should show how this plaza area relates to

other nearby open spaces through safe and accessible pedestrian connections. Finally, the Park Authority recommends that the applicant place a public access easement on the plaza and its pedestrian connections.

cc: Chron Binder
File Copy

P:\Park Planning\Development Plan Review\DPZ Applications\PCA\1982\PCA 82-P-069-15 et al - Fair Lakes\PCA 82-P-069-15 et al - Fair Lakes RPT.doc

FAIRFAX CENTER CHECKLIST

Transportation Systems

Case Number: PCA 82.P.069.15, PCA 82.P.069.16, PCA 82.P.069.17, PCA 82.P.069.19, PCA 82.P.069.20
 Plan Date: 8.1.07 (NON-RESIDENTIAL) 8.16.07 (RESIDENTIAL)

Applicable Not Applicable Essential Satisfied Comments

I. AREA WIDE BASIC DEVELOPMENT ELEMENTS					
	Applicable	Not Applicable	Essential	Satisfied	Comments
A. Roadways					
1. Minor street dedication and construction	X				
2. Major street R.O.W. dedication		X	X	X	INTERCHANGE ROW
B. Transit					
1. Bus loading zones with necessary signs and pavement; Bus pull-off lanes	X				
2. Non-motorized access to bus or rail transit stations		X		X	TRAILS, BUS SHELTER
3. Land dedication for transit and commuter parking lots	X				
C. Non-motorized Transportation					
1. Walkways for pedestrians		X	X	X	
2. Bikeways for cyclists		X		X	
3. Secure bicycle parking facilities		X		X	

II. AREA WIDE MINOR DEVELOPMENT ELEMENTS					
	Applicable	Not Applicable	Essential	Satisfied	Comments
A. Roadways					
1. Major roadway construction of immediately needed portions	X				
2. Signs	X				
B. Transit					
1. Bus shelters		X		X	
2. Commuter parking	X				
C. Non-motorized transportation					
1. Pedestrian activated signals	X				
2. Bicycle support facilities (showers, lockers)		X		X	
D. Transportation Strategies					
1. Ridesharing programs		X			
2. Subsidized transit passes for employees		X			TDM GOALS TOO LOW

III. AREA WIDE MAJOR DEVELOPMENT ELEMENTS					
	Applicable	Not Applicable	Essential	Satisfied	Comments

FAIRFAX CENTER CHECKLIST

Transportation Systems

Case Number:
Plan Date:

	Not Applicable	Applicable	Essential	Satisfied	Comments
A. Roadways					
1. Contribution towards major (future) roadway improvements		X	X	X	CONTRIBUTION TO INTERCHANGE
2. Construct and/or contribute to major roadway improvements		X	X	X	
3. Traffic signals as required by VDOT		X	X	X	
B. Transit					
1. Bus or rail transit station parking lots	X				
C. Transportation Strategies					
1. Local shuttle service		X		X	EXISTING SHUTTLE SERVICE
2. Parking fees					
D. Non-motorized Circulation					
1. Grade separated road crossings	X				

FAIRFAX CENTER CHECKLIST

Environmental Systems

Case Number: --

Plan Date: --

Not Applicable Applicable Essential Satisfied Comments

I. AREA-WIDE BASIC DEVELOPMENT ELEMENTS

A. Environmental Quality Corridors (EQC)					
1. Preservation of EQCs as public or private open space	X				
B. Stormwater Management (BMP)					
1. Stormwater detention/retention		X	X	X	
2. Grassy swales/vegetative filter areas		X		X	LIDS REQUESTED (Dev. Cont.)
C. Preservation of Natural Features					
1. Preservation of quality vegetation		X	X	X	AMERICAN CHESTNUT
2. Preservation of natural landforms					
3. Minimize site disturbance as a result of clearing or grading limits		X	X	X	
D. Other Environmental Quality Improvements					
1. Mitigation of highway-related noise impacts		X		X	
2. Siting roads and buildings for increased energy conservation (Including solar access)	X				

II. AREA-WIDE MINOR DEVELOPMENT ELEMENTS

A. Increased Open Space					
1. Non-stream valley habitat EQCs	X				
2. Increased on-site open space		X			
B. Protection of Ground Water Resources					
1. Protection of aquifer recharge areas	X				
C. Stormwater Management (BMP)					
1. Control of off-site flows		X		X	IN-PLACE
2. Storage capacity in excess of design storm requirements		X		X	IN-PLACE
D. Energy Conservation					
1. Provision of energy conscious site plan		X			

III. AREA-WIDE MAJOR DEVELOPMENT ELEMENTS

FAIRFAX CENTER CHECKLIST

Environmental Systems

Case Number: --
Plan Date: --

Not

	Applicable	Applicable	Essential	Satisfied	Comments
A. Innovative Techniques					
1. Innovative techniques in stormwater management	<input type="checkbox"/>	X			LIPs
2. Innovative techniques in air or noise pollution control and reduction	<input type="checkbox"/>	X			
3. Innovative techniques for the restoration of degraded environments	X				

FAIRFAX CENTER CHECKLIST

Provision of Public Facilities

Case Number: _____
 Plan Date: _____

Not
 Applicable Applicable Essential Satisfied Comments

I. AREA WIDE BASIC DEVELOPMENT ELEMENTS					
A. Park Dedications					
1. Dedication of stream valley parks in accordance with Fairfax County Park Authority policy	X				
B. Public Facility Site Dedications					
1. Schools		X		X	
2. Police/fire facilities	X				CONTRIBUTION

II. AREA WIDE MINOR DEVELOPMENT ELEMENTS					
A. Park Dedications					
1. Dedication of parkland suitable for a neighborhood park	X				
B. Public Facility Site Dedication					
1. Libraries	X				
2. Community Centers	X				
3. Government offices/facilities	X				

III. AREA WIDE MAJOR DEVELOPMENT ELEMENTS					
A. Park Dedications					
1. Community Parks					
2. County Parks	X	X	X	X	PUBLIC PLAZA/PARK PER PLAN
B. Public Indoor or Outdoor Activity Spaces					
1. Health clubs	X				
2. Auditoriums/theaters	X				
3. Athletic fields/major active recreation facilities	X				

FAIRFAX CENTER CHECKLIST

Land Use - Site Planning

Case Number: --
 Plan Date: --

Not Applicable Applicable Essential Satisfied Comments

I. AREA-WIDE/BASIC DEVELOPMENT REQUIREMENTS					
A. Site Considerations					
1. Coordinated pedestrian and vehicular circulation systems		X	X	X	
2. Transportation and sewer infrastructure construction phased to development construction	X				
3. Appropriate transitional land uses to minimize the potential impact on adjacent sites		X	X	X	
4. Preservation of significant historic resources	X				
B. Landscaping					
1. Landscaping within street rights-of-way		X		X	
2. Additional landscaping of the development site where appropriate		X		X	
3. Provision of additional screening and buffering		X		X	

II. AREA-WIDE/MINOR DEVELOPMENT REQUIREMENTS					
A. Land Use/Site Planning					
1. Parcel consolidation	X				
2. Low/Mod income housing		X		X	ADUs/WPUs
B. Mixed Use Plan					
1. Commitment to construction of all phases in mixed-use plans	X				
2. 24-hour use activity cycle encouraged through proper land use mix	X				
3. Provision of developed recreation area or facilities		X			

FAIRFAX CENTER CHECKLIST

Land Use - Site Planning

Case Number: --
 Plan Date: --

Not

Applicable Applicable Essential Satisfied

Comments

III. AREA WIDE / MAJOR DEVELOPMENT / ENVIRONMENTAL		Applicable	Applicable	Essential	Satisfied	Comments
A. Extraordinary Innovation						
1. Site design						
			X			
2. Energy conservation						
			X			

FAIRFAX CENTER CHECKLIST

Detailed Design

Case Number: --
 Plan Date: --

Not Applicable Applicable Essential Satisfied Comments

I. AREA WIDE BASIC DEVELOPMENT ELEMENTS					
A. Site Entry Zone					
1. Signs		X		X	PROFFERS
2. Planting		X		X	"
3. Lighting		X		X	"
4. Screened surface parking		X		X	CDPA/FDPA
B. Street Furnishings					
1. Properly designed elements such as lighting, signs, trash receptacles, etc.		X		X	

II. AREA WIDE MINOR DEVELOPMENT ELEMENTS					
A. Building Entry Zone					
1. Signs		X		X	
2. Special planting		X		X	
3. Lighting		X		X	
B. Structures					
1. Architectural design that complements the site and adjacent developments		X		X	
2. Use of energy conservation techniques		X		X	
C. Parking					
1. Planting - above ordinance requirements		X		X	
2. Lighting		X		X	
D. Other Considerations					
1. Street furnishing such as seating, drinking fountains		X		X	
2. Provision of minor plazas		X		X	

III. AREA WIDE MAJOR DEVELOPMENT ELEMENTS

FAIRFAX CENTER CHECKLIST

Detailed Design

Case Number: --
 Plan Date: --

Not

A. Detailed Site Design	Applicable	Applicable	Essential	Satisfied	Comments
1. Structured parking with appropriate landscaping		X	X	X	
2. Major plazas		X	X	X	
3. Street furnishings to include structures (special planters, trellises, kiosks, covered pedestrian areas (arcades, shelters, etc.), Water features/pools, ornamental fountains, and special surface treatment		X		X	
4. Landscaping of major public spaces		X		X	

FAIRFAX CENTER CHECKLIST

Summary

Case Number: --

Plan Date: --

I. BASIC DEVELOPMENT ELEMENTS

- 1. Applicable Elements 21
- 2. Elements Satisfied 21
- 3. Ratio 100%

II. MINOR DEVELOPMENT ELEMENTS

- 1. Applicable Elements 19
- 2. Elements Satisfied 15
- 3. Ratio 79%

III. MAJOR DEVELOPMENT ELEMENTS

- 1. Applicable Elements 13
- 2. Elements Satisfied 9
- 3. Ratio 69%

IV. ESSENTIAL DEVELOPMENT ELEMENTS

- 1. Applicable Elements 14
- 2. Elements Satisfied 14
- 3. Ratio 100%

V. MAJOR TRANSPORTATION DEVELOPMENT ELEMENTS

- 1. Applicable Elements 4
- 2. Elements Satisfied 4
- 3. Ratio 100%

VI. LOW/MODERATE INCOME HOUSING ELEMENT

yes

no

ARTICLE 16**DEVELOPMENT PLANS****PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****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.
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.
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.
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.
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.
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.

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

FAIRFAX COUNTY ZONING ORDINANCE

provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

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.
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.

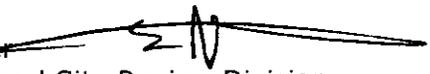


County of Fairfax, Virginia

MEMORANDUM

DATE: August 28, 2007

TO: William O'Donnell, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Elfatih Salim, Stormwater Engineer 
Site Review West, Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Proffered Condition Amendment Application, PCA 82-P-069-20,
Preliminary Stormwater Management Plan – Fair Lake Land Bay VI-A
dated March 30, 2007 (Plan), Tax Map #046-4-01-0025-E1 and E2
(Property), Springfield District

REFERENCE: Waiver Request #005727-WPFM-013-1, for Location of Underground
Facilities in a Residential Area

We have reviewed the referenced submission for consistency with Section 6-0303.8 of the Public Facilities Manual (PFM), which restricts use of underground facilities located in a residential development (Attachment B). The Board of Supervisors may grant a waiver after taking into consideration possible impacts on public safety, the environment, and the burden placed on prospective homeowners for maintenance. Underground facilities located in residential developments allowed by the Board:

- shall be privately maintained;
- shall be disclosed as part of the chain of title to all future owners responsible for maintenance of the facilities;
- shall not be located in a County storm drainage easement; and,
- shall have a private maintenance agreement, in a form acceptable to the Director of the Department of Public Works and Environmental Services (DPWES), executed before the construction plan is approved.

The applicant has indicated that the preferred method for stormwater management is use of underground detention, and Sand filters.

In the waiver application, the applicant states that the Condominium Owners Association (COA) is responsible for maintenance.

The draft proffers shall state that, the underground facilities will be privately maintained by the applicant, its successors and assigns, in accordance with DPWES. Said maintenance responsibility shall be incorporated in an agreement to be reviewed and approved by the Fairfax County Attorney's office and recorded among the Fairfax County land records. Said agreement shall address the following issues:

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359
www.fairfaxcounty.gov/dpwes



County inspection and all other issues as may be necessary to ensure that the facilities are maintained by the applicant in good working order acceptable to the County to detain the flow of stormwater, which results from development of the subject site;

Liability and insurance in an amount acceptable to the Director of the Department of Public Works, Fairfax County;

A restriction that the applicant, their successors and assigns, shall not petition DPWES for future maintenance; and

An establishment of an initial reserve fund by the applicant for future maintenance and/or replacement in the amount of \$5,000 with any future Condominium Owners' Association to be formed with respect of the subject site. The said reserve fund shall be established prior to the conveyance of the first residential unit on the subject site.

Any future purchasers shall be advised prior to entering into a contract of sale that the Condominium Owners' Association shall be responsible for the maintenance of the underground stormwater management facilities. These maintenance responsibilities shall also be contained within the COA's Association documents. If the proposed underground facility is not approved by DPWES, an amendment to this special exception will be required.

DPWES recommends that the development conditions be amended to require that the facilities not be located in a County storm drainage easement, a private maintenance agreement is executed for the condominium association to maintain the stormwater management and best management practice facilities, and disclosure is made in the chain of title of the maintenance responsibility. The applicant is required to maintain a minimum \$1,000,000 liability policy, and the applicant places sufficient monies in an escrow account for the initial reserve fund, for the COA to cover a 20-year maintenance cycle and replacement costs of the underground facility.

An analysis of the possible impacts on public safety, the environment, and the burden placed on prospective homeowners for maintenance is as follows:

ANALYSIS:

Impacts on Public Safety – The proposed underground facilities will be designed with adequate measures to ensure public safety. They are located within the proposed grass and landscape areas and in the surface parking areas. The units in the landscape areas will be designed such that there is cover above the structure and will have only manhole access with lockable lids. The structure in the parking lots will have an offset inlet structure and standard grate inlets, locked as required.



The applicant shall propose to construct the underground facilities with precast concrete which concord with DPWES position that the underground detention in the residential area be constructed entirely with reinforced concrete products only. Further, the detention vaults and the sand filter vaults shall provide access points per the PFM Section 6-1306.3H.

If it is the intent of the Board to approve the waiver request, the applicant should provide adequate access for maintenance and safety. The detention pipe and Stormfilter vault should be constructed entirely with reinforced concrete products only, is a minimum of 72" in height, and should comply fully with the PFM Section 6-1306.3H. The applicant should provide liability insurance in an amount acceptable to Fairfax County as a waiver condition. A typical liability insurance amount is \$1,000,000 against claims associated with underground facilities. The maintenance agreement should also hold Fairfax County harmless from any liability associated with the facilities.

Impacts on the Environment – It should be noted that no trees or shrubs will be permitted to be planted directly above or adjacent to the underground facilities, or in the outfall channel. Trees proposed to remain above the underground facilities will need to be removed. Staff does not believe that there will be any adverse impact on the environment from constructing the proposed underground facilities.

Burden Placed on Prospective Owners for Maintenance and Future Replacement – The proposed multiple-family dwelling building will contain up to 313 dwelling units. This number of unit owners can share the costs associated with the ongoing maintenance of the facility. The developer acknowledges the obligation to maintain the underground SWM facilities. The facilities will be maintained by experienced professional management companies providing the requisite knowledge and funding to insure proper maintenance. An amount will be established, at the time of plan approval, for the developer to fund the COA.

RECOMMENDATION:

DPWES recommends that the Board of Supervisors approve the waiver of underground facilities in residential areas for the Fair Lakes Land Bay VI-A development plan, subject to Waiver #005727-WPFM-013-1 Conditions dated August 6, 2007, as contained in Attachment A.

If you have any questions, or need further assistance, please contact me at 703-324-1720.

ATTACHED DOCUMENTS:

- Attachment A - Waiver #005727-WPFM-013-1 Conditions, Fair Lakes Land Bay VI-A, August 6, 2007
- Attachment B - PFM Section 6-0303.8

cc: Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services
Michelle A. Brickner, Acting Director, Environmental and Site Review Division, DPWES
Scott St. Clair, Director, Maintenance and Stormwater Management Division, DPWES
Waiver File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359
www.fairfaxcounty.gov/dpwes



Waiver #005727-WPFM-013-1 Conditions

Fair Lakes Land Bay VI-A
PCA 82-P-069-20
August 6, 2007

1. The underground facilities shall be constructed in accordance with the development plan as modified by these conditions and approved by the Director of the Department of Public Works and Environmental Services (DPWES).
2. The underground facilities shall be located as shown on the approved Special Exception Plat, as determined by DPWES.
3. The underground facilities shall be constructed of reinforced concrete products only and incorporate safety features, including locking manholes and doors, as determined by DPWES at the time of construction plan submission.
4. The underground facilities shall be constructed with a minimum interior height of 72" to facilitate maintenance.
5. The underground facilities shall be privately maintained and shall not be located in a County storm drain easement.
6. A private maintenance agreement, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the Land Records of the County. The private maintenance agreement shall be executed prior to final plan approval.

The private maintenance agreement shall address:

- County inspection and all other issues as may be necessary to insure that the facilities are maintained by the Condominium Owners Association (COA) in good working condition acceptable to the County so as to control stormwater generated from the development of the Fair Lakes Land Bay VI-A site.
- A condition that the applicant, property owners, their successors or assigns shall not petition the County to take future maintenance or replace the underground facilities.
- Establishment of a reserve fund, for future replacement of the underground facilities.
- Establishment of procedures to follow to facilitate inspection by the County, i.e. advance notice procedure, whom to contact, who has the access keys, etc.
- A condition that the property owners provide and continuously maintain, liability insurance. The typical liability insurance amount is at least \$1,000,000, against claims associated with underground facilities.
- A statement that Fairfax County shall be held harmless from any liability associated with the facilities.

7. Operation, inspection and maintenance procedures associated with the underground facilities shall be incorporated in the site construction plan, private maintenance agreement, and COA documents which insure safe operation, inspection and maintenance of the facilities.
8. A financial plan for the COA, to finance regular maintenance and full life cycle replacement costs, shall be established prior to final subdivision plat approval. A separate a line item in the COA annual budget for operation, inspection and maintenance shall be established. A reserve fund for future replacement of the underground facilities shall also be established to receive annual deposits from the members of the property owners association based on the initial construction costs and an estimated 50-year lifespan for concrete products.
9. Prior to final construction plan approval, the applicant shall escrow sufficient funds for the benefit of the property owner association which will cover a 20-year maintenance cycle of the underground facilities. These monies shall not be made available to the COA until after final bond release.
10. All future purchasers of any of the Fair Lake Land Bay VI-A units shall be advised prior to entering into a contract of sale, as well as within the recorded property owner association documents, that the COA is responsible for the operation, inspection, maintenance and replacement of the underground facilities.
11. The owner and its successors and assigns shall disclose, as part of the chain of title, to all future property owners, the presence of the underground stormwater facilities and the COA responsibility for operation, inspection, maintenance and replacement of such facilities, by including the following language within the deed for each unit and the record plat:

“The owner and its successors and assigns are responsible for the operation, inspection, maintenance and replacement of the underground stormwater facilities as set forth in the COA documents and a private maintenance agreement entered into with the County.”

Attachment B

The Public Facilities Manual (PFM) Section 6-0303.8 (24-88-PFM, 83-04-PFM)

Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g. individual members of a homeowners or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBa: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		