



APPLICATIONS FILED: April 12, 2007
PLANNING COMMISSION: April 30, 2008
BOARD OF SUPERVISORS: May 5, 2008 @ 3:30 p. m.

County of Fairfax, Virginia

APRIL 17, 2007

STAFF REPORT

**APPLICATIONS RZ/FDP 2007-LE-012,
PCA/FDPA 1996-LE-034-2,
PCA 82-L-030-12 & FDPA 82-L-030-9**

LEE DISTRICT

APPLICANT: Lee Village at Silver Lake, LLC

PRESENT ZONING: PDH-8 (6.64 acres)

REQUESTED ZONING: PRM (2.82 acres)
PDH-8 (3.72 acres)

PARCEL(S): 91-3 ((9)) 8B

ACREAGE: 6.64 acres total with the following acreage in each application:
2.82 acres – RZ/FDP 2007-LE-012
4.46 acres – PCA 82-L-030-12
1.63 acres – FDPA 82-L-030-9
2.19 acres – PCA/FDPA 1996-LE-034-2

FLOOR AREA RATIO (FAR): 0.75 overall (based on the 6.64 acre property); the uses within the PDH-8 District portion are secondary uses associated with the PDH-8 District approved pursuant to RZ 82-L-030 and RZ 1996-LE-034 et. seq.

OPEN SPACE: 32 percent (92,700 sq. ft.) within the 6.64 acres

PLAN MAP: Residential, 5-8 du/ac and 1-2 du/ac with option for mixed use development, including workforce housing

O:\pbraha\WPDOCS\RZ\2007-LE-012, Lee Village\RZ Cover, Lee Village.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/

PROPOSAL:

To permit the development of a public library (up to 45,900 sq. ft.), fast food restaurant (up to 900 sq. ft. in library building), workforce housing (up to 111 dwelling units) and independent living units (up to 89 units) at an overall FAR of 0.75 on the 6.64 acre combined application property for all of these applications; an option for construction of the library only as previously approved is proposed to be retained

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2007-LE-012, PCA 82-L-030-12 and PCA 1996-LE-034-2 subject to the execution of the draft proffers contained in Appendix 1 and approval of the combined Conceptual Development Plan.

Staff further recommends that the combined Final Development Plan for FDP 2007-LE-012, FDPA 82-L-030-9 and FDPA 1996-LE-34-2 be approved by the Planning Commission subject to the Board of Supervisors approval of RZ 2007-LE-012, PCA 82-LE-030-12 and PCA 1996-LE-034-2 and subject to the proposed development conditions contained in Appendix 2.

Staff further recommends that the transitional screening yard requirement be modified as shown on the combined CDPA/FDPA and that the barrier requirement be waived along Beulah Street and internal to Lee Village.

Staff further recommends that the Board of Supervisors approve a variance pursuant to the provisions of Par. 8 of Sect. 16-401 to set the minimum age limit for the independent living facility at 55 years of age rather than the 62 years of age contained in Par. 1 of Sect. 9-306.

Staff further recommends that the Board of Supervisors direct the Director, Department of Public Works and Environmental Services, to modify the loading space requirements to that shown on the proffered plan.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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).

Rezoning Application

RZ 2007-LE-012

Applicant: LEE VILLAGE AT SILVER LAKE, LLC
Accepted: 04/12/2007
Proposed: RESIDENTIAL
Area: 2.82 AC OF LAND, DISTRICT - LEE
Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION
OF SILVER LAKE BOULEVARD AND BEULAH STREET

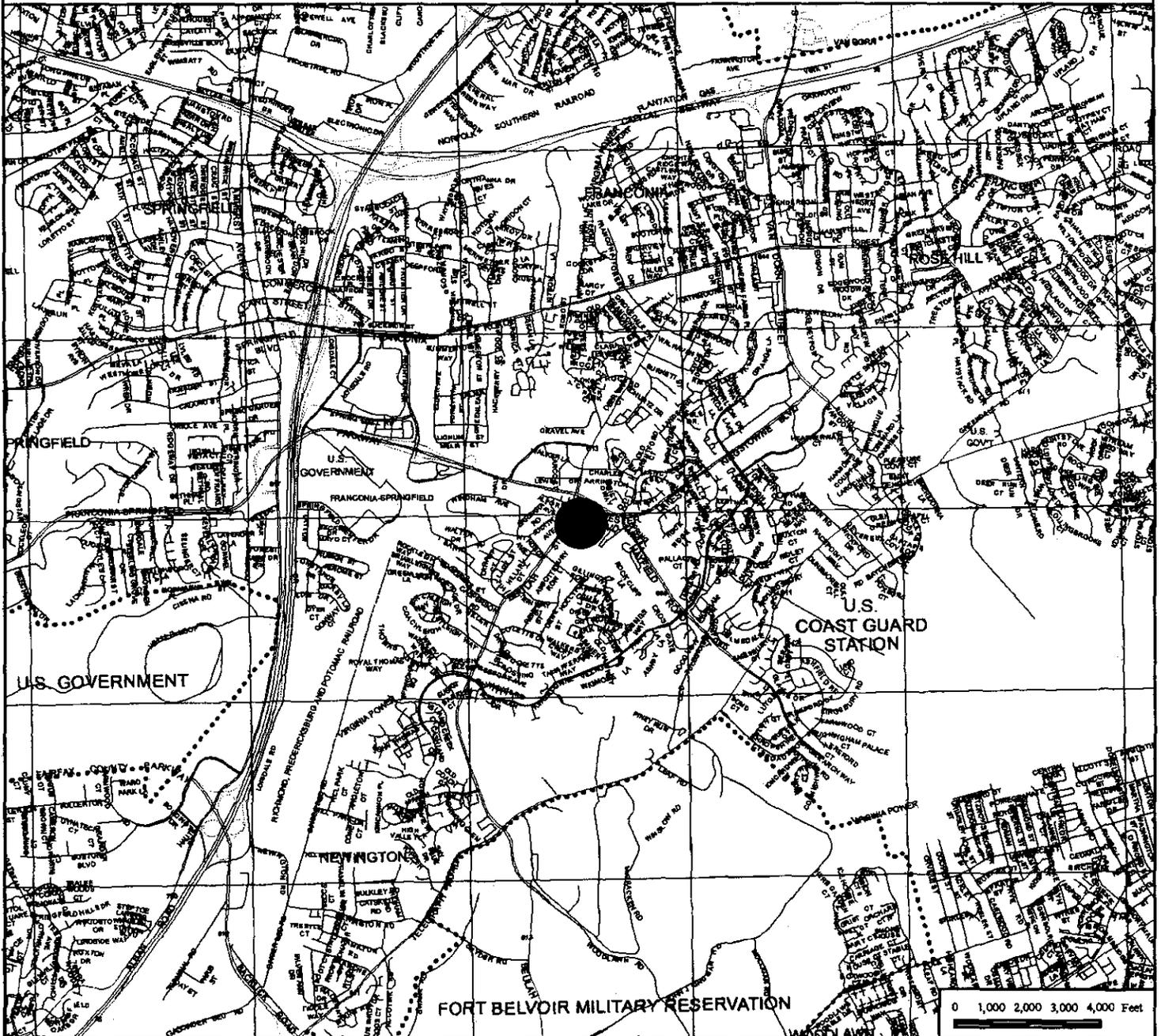
Zoning: FROM PDH- 8 TO PRM
Overlay Dist:
Map Ref Num: 091-3- /09/ /0008B Pt.

Final Development Plan

FDP 2007-LE-012

Applicant: LEE VILLAGE AT SILVER LAKE, LLC
Accepted: 04/12/2007
Proposed: RESIDENTIAL
Area: 2.82 AC OF LAND, DISTRICT - LEE
Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION
OF SILVER LAKE BOULEVARD AND BEULAH STREET

Zoning: PRM
Overlay Dist:
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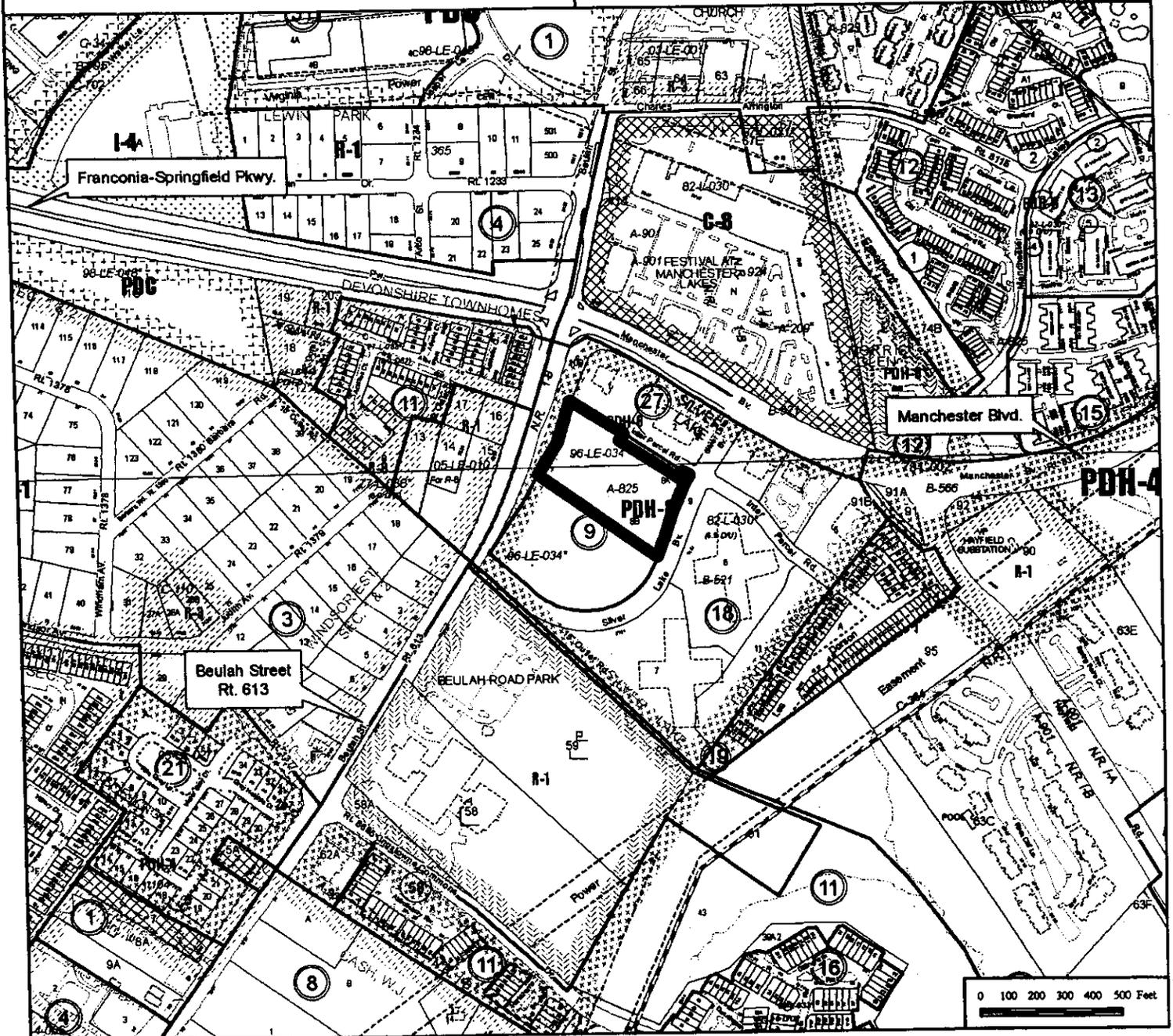
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FDP 2007-LE-012

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 OF SILVER LAKE BOULEVARD AND BEULAH STREET

Zoning: PRM
 Overlay Dist:
 Map Ref Num: 091-3- /09/ /0008B Pt.



Proffered Condition Amendment

PCA 82-L-030-12

Applicant:
Accepted:
Proposed:

LEE VILLAGE AT SILVER LAKE, LLC
04/12/2007
AMEND RZ 82-L-030 PREVIOUSLY APPROVED
FOR RESIDENTIAL DEVELOPMENT TO PERMIT
SITE MODIFICATIONS

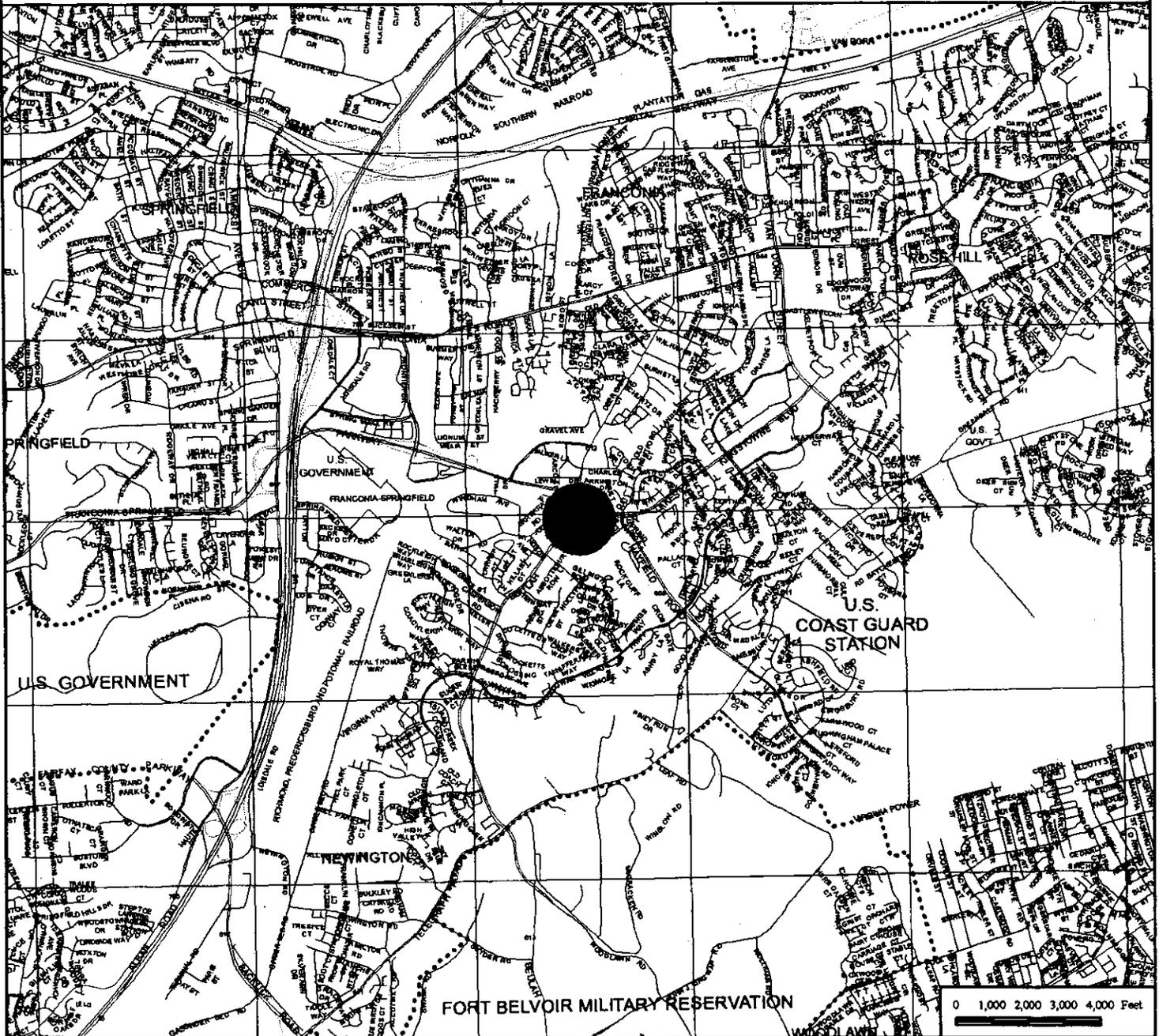


Area:
Zoning Dist Sect:
Located:

4.45 AC OF LAND; DISTRICT - LEE
NORTHEAST QUADRANT OF THE INTERSECTION
OF SILVER LAKE BOULEVARD AND BEULAH STREET

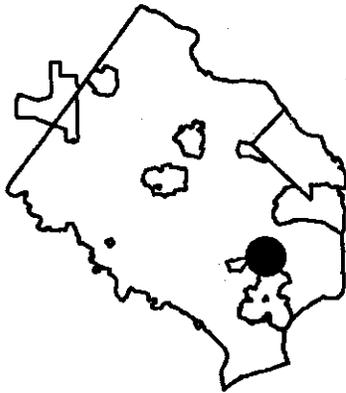
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PDH- 8
091-3- /09/ /0008B Pt.



Proffered Condition Amendment

PCA 82-L-030-12



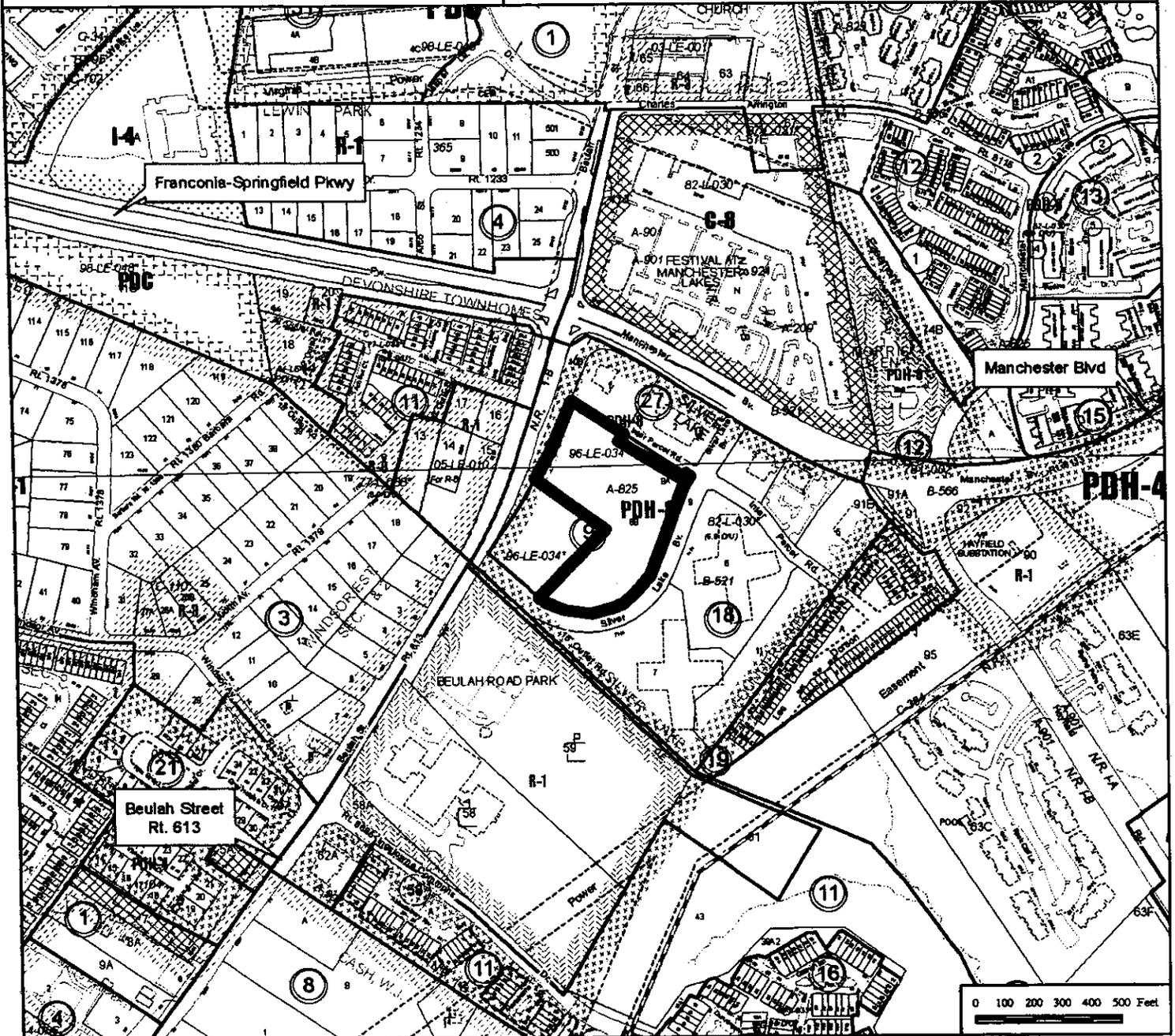
Applicant:
Accepted:
Proposed:

LEE VILLAGE AT SILVER LAKE, LLC
04/12/2007
AMEND RZ 82-L-030 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS

Area:
Zoning Dist Sect:
Located:

4.45 AC OF LAND; DISTRICT - LEE
NORTHEAST QUADRANT OF THE INTERSECTION OF SILVER LAKE BOULEVARD AND BEULAH STREET

Zoning: PDH- 8
Overlay Dist:
Map Ref Num: 091-3- /09/ /0008B Pt.



Proffered Condition Amendment

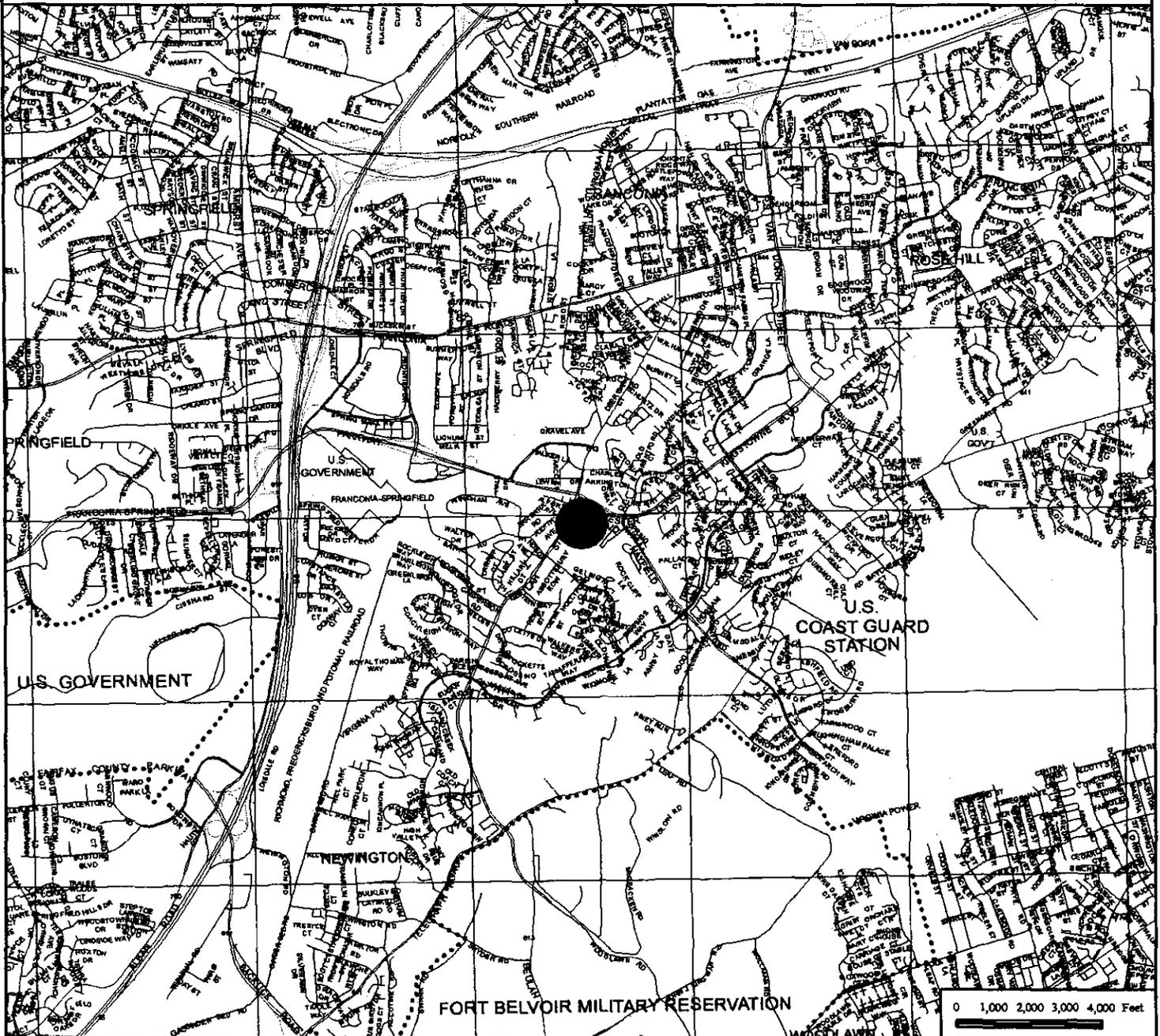
PCA 1996-LE-034-02

Applicant: LEE VILLAGE AT SILVER LAKE, LLC
Accepted: 04/12/2007
Proposed: AMEND RZ 1996-LE-034 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS
Area: 2.19 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION OF SILVER LAKE BOULEVARD AND BEULAH STREET
Zoning: PDH- 8
Overlay Dist:
Map Ref Num: 091-3- /09/ /0008B Pt.

Final Development Plan Amendment

FDPA 1996-LE-034-02

Applicant: LEE VILLAGE AT SILVER LAKE, LLC
Accepted: 04/12/2007
Proposed: AMEND FDP 1996-LE-034 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS
Area: 2.19 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION OF SILVER LAKE BOULEVARD AND BEULAH STREET
Zoning: PDH- 8
Overlay Dist:
Map Ref Num: 091-3- /09/ /0008B Pt.



Proffered Condition Amendment

PCA 1996-LE-034-02

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Accepted: 04/12/2007
Proposed: AMEND RZ 1996-LE-034 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS

Area: 2.19 AC OF LAND; DISTRICT - LEE
Zoning Dist Sect:
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Overlay Dist:
Map Ref Num: 091-3- /09/ /0008B Pt.

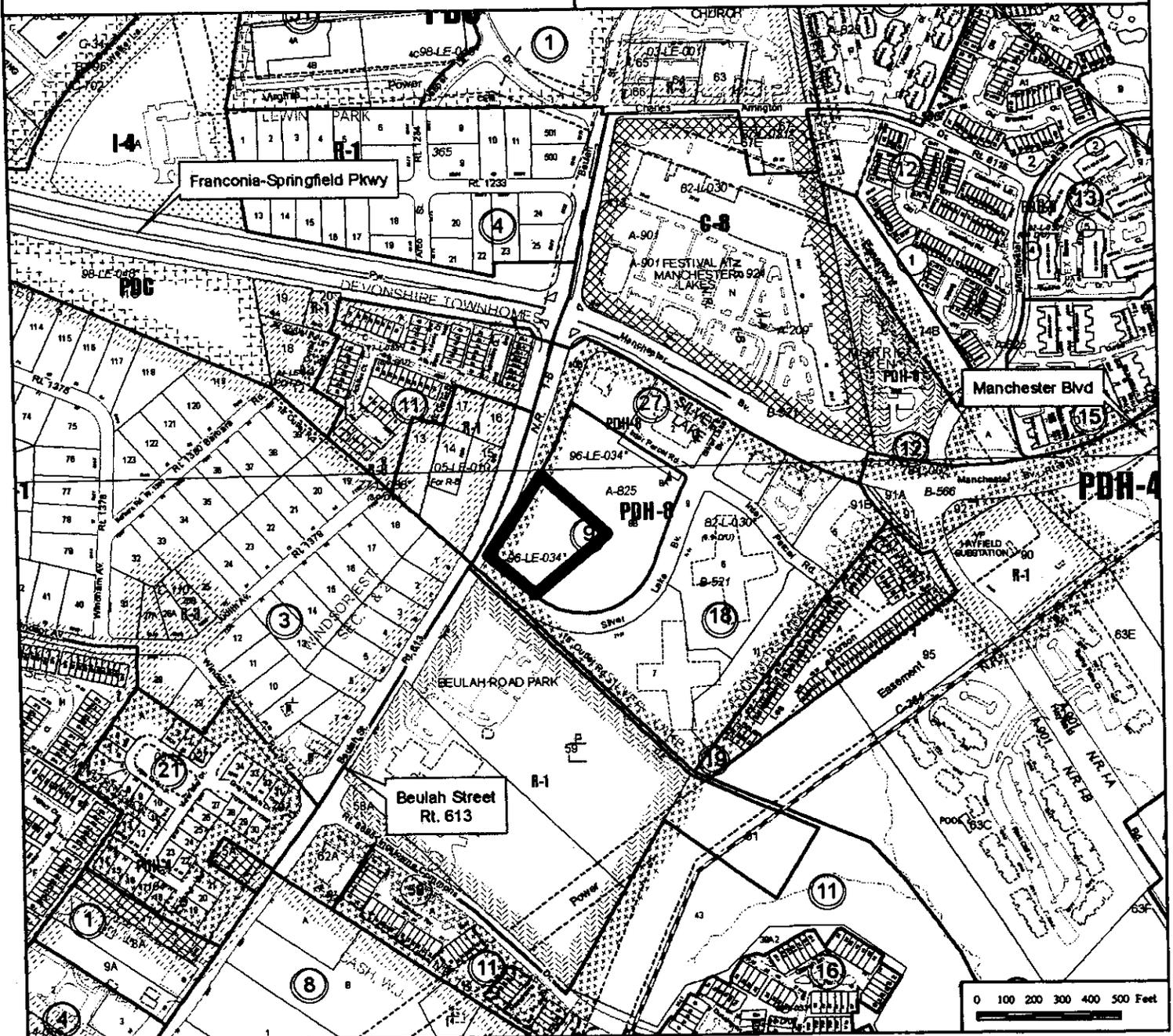
Final Development Plan Amendment

FDPA 1996-LE-034-02

Applicant: LEE VILLAGE AT SILVER LAKE, LLC
Accepted: 04/12/2007
Proposed: AMEND FDP 1996-LE-034 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS

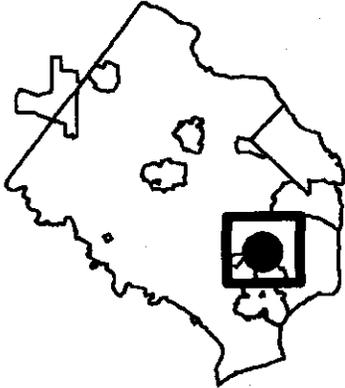
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Zoning Dist Sect:
Located: NORTHEAST QUADRANT OF THE INTERSECTION OF SILVER LAKE BOULEVARD AND BEULAH STREET

Zoning: PDH- 8
Overlay Dist:
Map Ref Num: 091-3- /09/ /0008B Pt.



Final Development Plan Amendment

FDPA 82-L-030-09



Applicant:
Accepted:
Proposed:

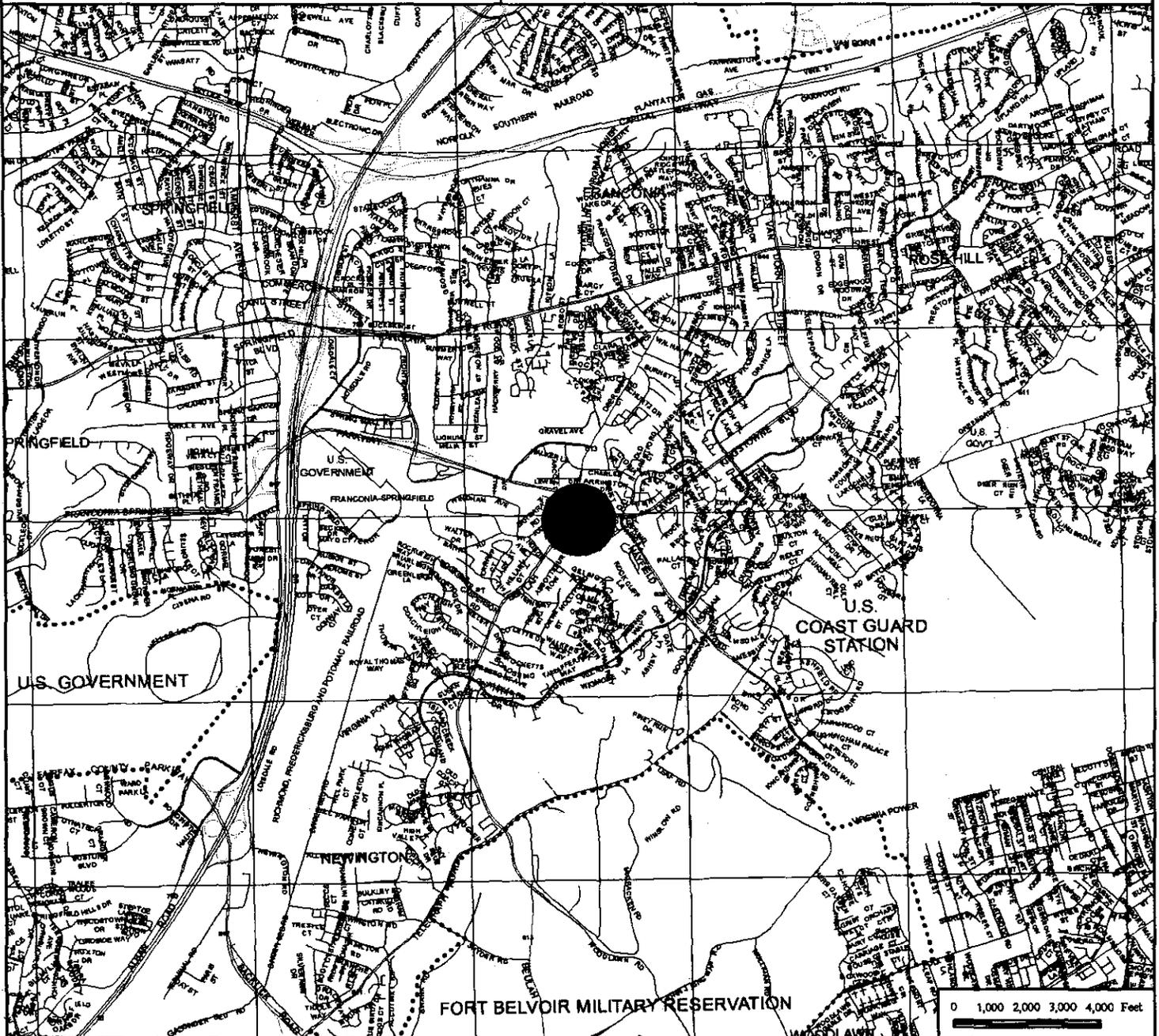
LEE VILLAGE AT SILVER LAKE, LLC
04/12/2007
AMEND FDP 82-L-030 PREVIOUSLY APPROVED
FOR RESIDENTIAL DEVELOPMENT TO PERMIT
SITE MODIFICATIONS

Area:
Zoning Dist Sect:
Located:

1.63 AC OF LAND; DISTRICT - LEE
NORTHEAST QUADRANT OF THE INTERSECTION
OF SILVER LAKE BOULEVARD AND BEULAH STREET

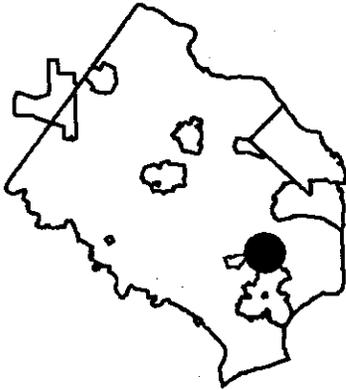
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Overlay Dist:
Map Ref Num:

PDH- 8
091-3- /09/ /0008B Pt.



Final Development Plan Amendment

FDP 82-L-030-09



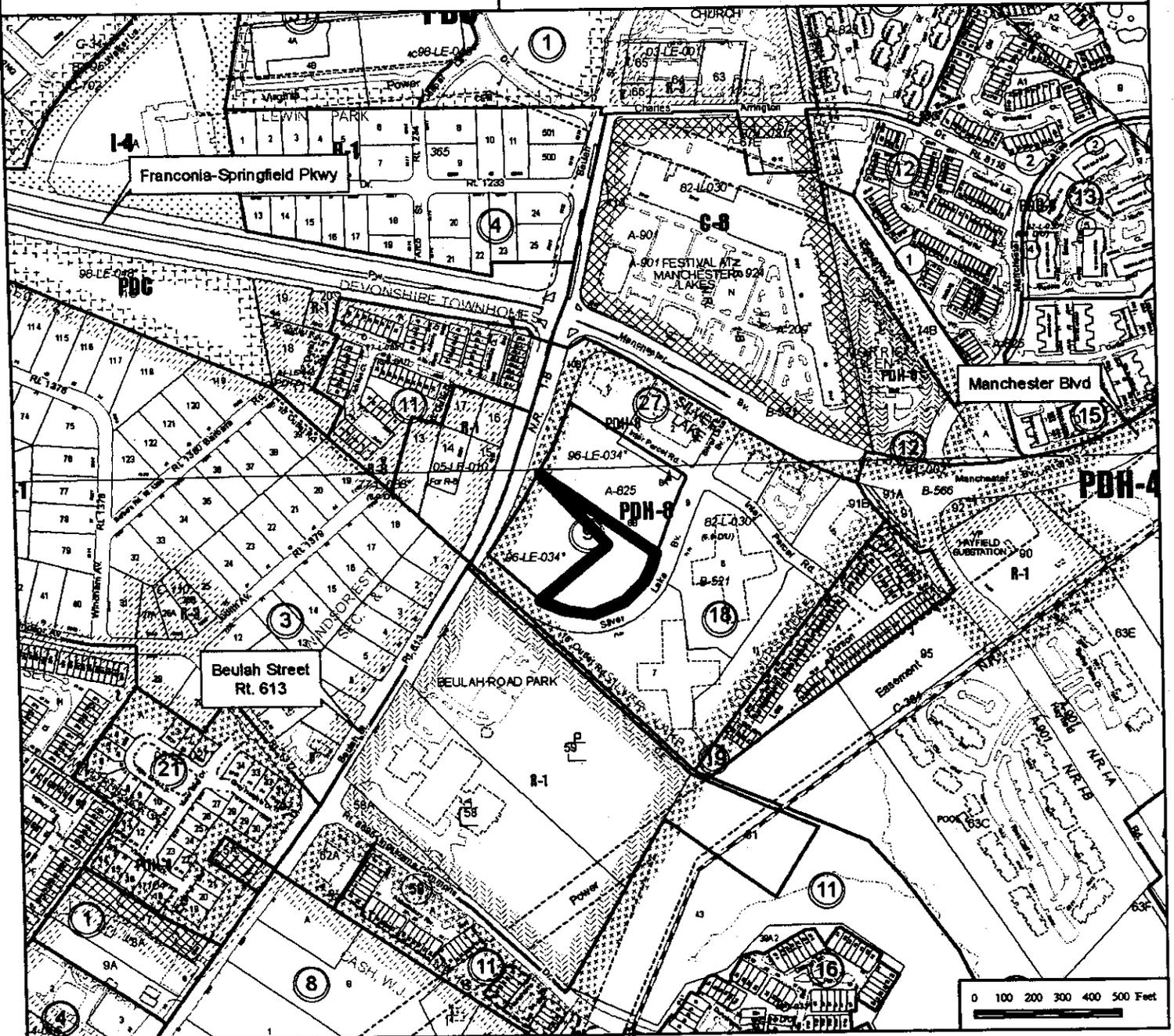
Applicant:
Accepted:
Proposed:

LEE VILLAGE AT SILVER LAKE, LLC
04/12/2007
AMEND FDP 82-L-030 PREVIOUSLY APPROVED
FOR RESIDENTIAL DEVELOPMENT TO PERMIT
SITE MODIFICATIONS

Area:
Zoning Dist Sect:
Located:

1.63 AC OF LAND; DISTRICT - LEE
NORTHEAST QUADRANT OF THE INTERSECTION
OF SILVER LAKE BOULEVARD AND BEULAH STREET

Zoning: PDH- 8
Overlay Dist:
Map Ref Num: 091-3- /09/ /0008B Pt.





Rev. March 14, 2008
Rev. February 22, 2008
Rev. January 16, 2008
Rev. November 7, 2007
Rev. October 19, 2007
Rev. April 4, 2007
March 12, 2007

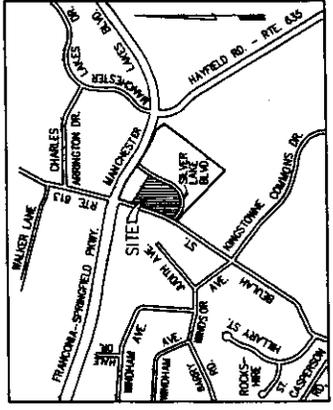
M-10654

LEE VILLAGE at SILVER LAKE

Lee District Fairfax County, Virginia

REZONING / PROFFERED CONDITION AMENDMENTS / FINAL DEVELOPMENT PLAN AND FINAL DEVELOPMENT PLAN AMENDMENTS

RZ/FDP 2007-LE-012, PCA 1996-LE-034-2, FDPA 1996-LE-034-2, PCA 82-L-030-12, FDPA 82-L-030-9



Applicant:

Lee Village at Silver Lake LLC
7500 Old Georgetown Pike
Bethesda, Maryland 20814-6133

Sheet Index

- 1. COVER SHEET
- 2. PRELIMINARY DEVELOPMENT PLAN
- 3. PROFFERED CONDITION AMENDMENTS
- 4. FINAL DEVELOPMENT PLAN
- 5. NOTES/REGULATIONS/VEGETATION MAP
- 6. STORMWATER MANAGEMENT
- 7. ZONING APPLICATION DETAILS

Lee Village at Silver Lake
Rezonning/
Final Development Plan/
Final Development Plan
Amendments



NO.	DATE	BY	DESCRIPTION
1	03.11.08	JAC	PRELIMINARY
2	03.11.08	JAC	REVISED
3	03.11.08	JAC	REVISED
4	03.11.08	JAC	REVISED
5	03.11.08	JAC	REVISED
6	03.11.08	JAC	REVISED
7	03.11.08	JAC	REVISED
8	03.11.08	JAC	REVISED
9	03.11.08	JAC	REVISED
10	03.11.08	JAC	REVISED

DESIGNED BY: JAC
 CHECKED BY: LJM
 APPROVED BY: GARDNER
 DATE: MARCH 13, 2007

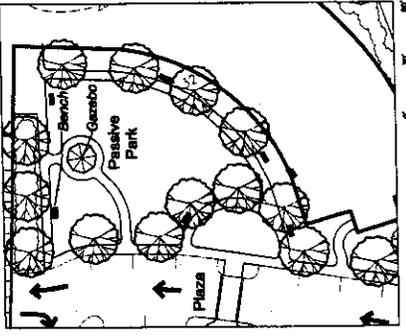
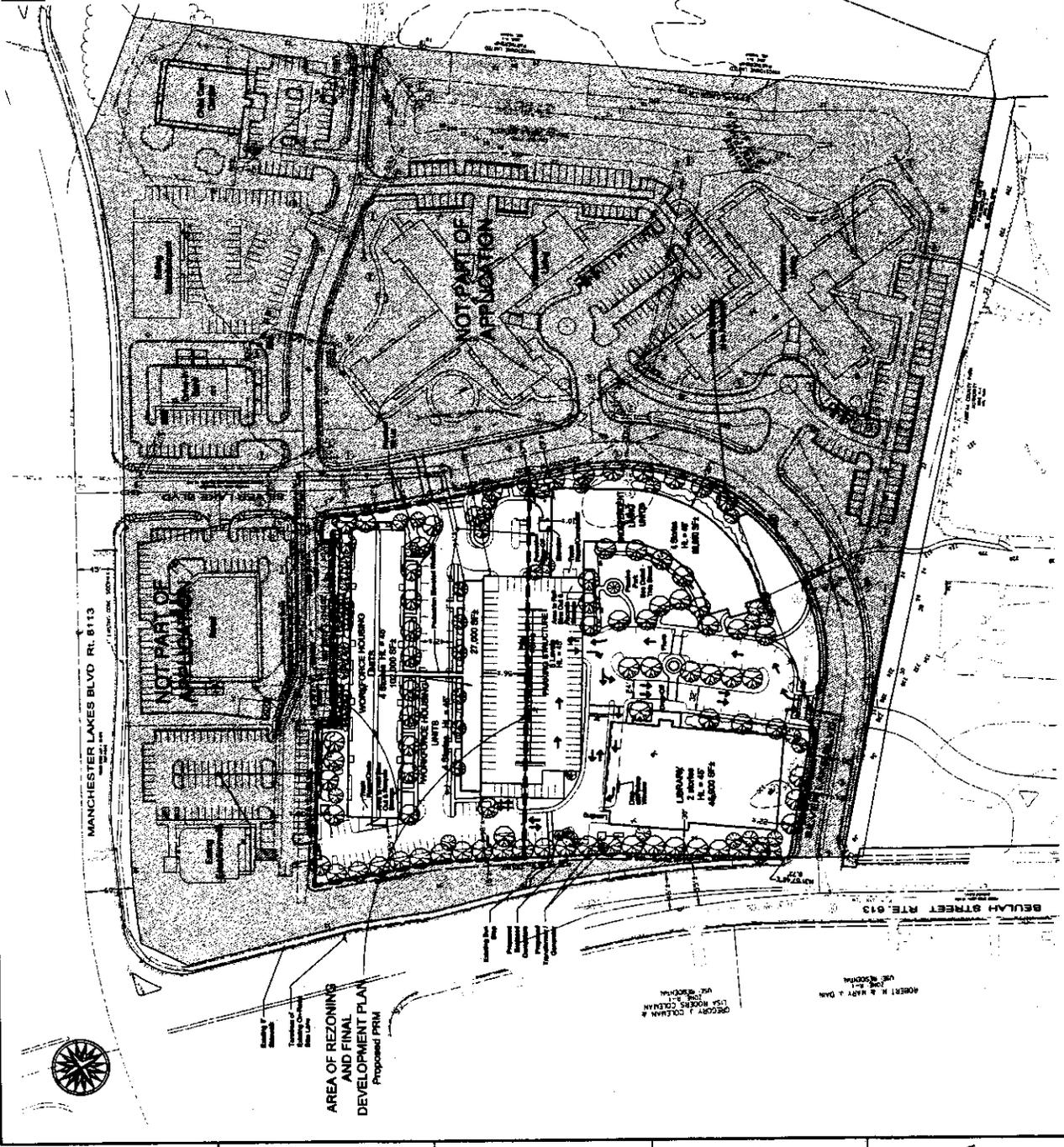
TITLE: Lee Village at Silver Lake
 REZONING/FOR FOPA

PROJECT NO.: M-10051

CURVE TABLE

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4+00.00	S 89° 58' 00" W	100.00	100.00' RADIUS
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5+50.00	S 89° 58' 00" W	100.00	100.00' RADIUS
6+00.00	S 89° 58' 00" W	100.00	100.00' RADIUS
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SEE SHEET 7 FOR AREAS OF ALL APPLICATIONS



LEGEND

- APPROXIMATE LIMITS OF CLEANING AND GRADING
- PROPOSED LARGE DECIDUOUS TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE

1 2 3 4 5
 A B C D E



AREA OF REZONING AND FINAL DEVELOPMENT PLAN Proposed PRM

ROBERT M. KELLY, P.E.
 1524 ROCKS CREEK
 WILSON, NC 27604

ROBERT M. KELLY, P.E.
 1524 ROCKS CREEK
 WILSON, NC 27604



REV 1/2014

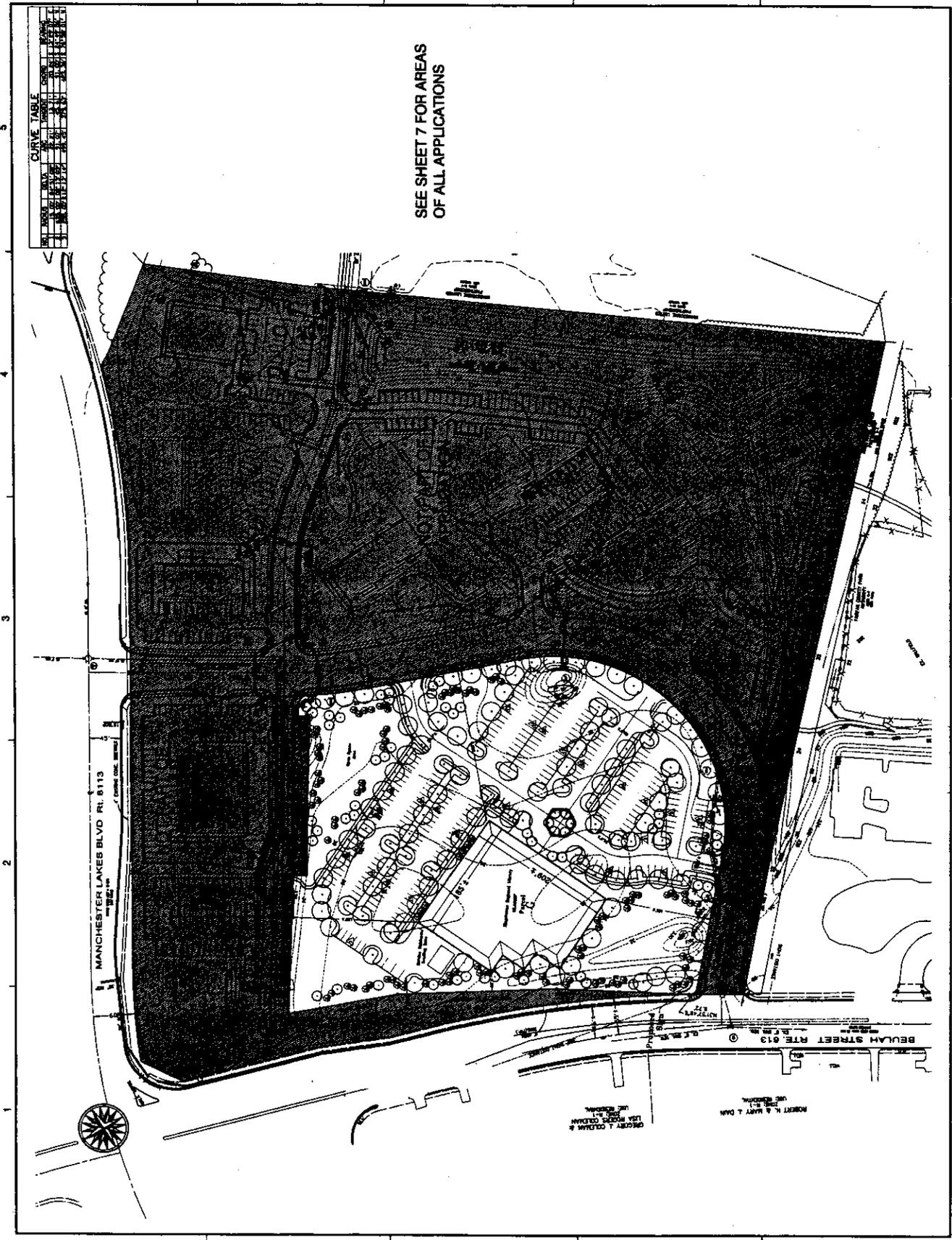


No.	DATE	BY	Description
1	04/24/07	JAC	Submittal
2	11/13/07	JAC	
3	11/13/07	JAC	
4	02/22/08	JAC	
5	03/14/08	JAC	

Drawn by: JAC
 Approved by: [Signature]
 Checked by: [Signature]
 DATE: MARCH 13, 2007

TITLE
 Lee Village at
 Silver Lake
 Optional Development
 Plan

PROJECT NO. M-10854



DESIGNER: T. COLEMAN & WYATT
 1524 NORTH OGDEN ST.
 MANHATTAN, WI 53404
 TEL: 414.253.1100
 FAX: 414.253.1101
 WWW.TCWYATT.COM

ROBERT A. KELLY, P.E.
 1524 NORTH OGDEN ST.
 MANHATTAN, WI 53404
 TEL: 414.253.1100
 FAX: 414.253.1101
 WWW.TCWYATT.COM

Dewberry & Davis, LLC
 1000 North Main Street
 Suite 200
 Portland, ME 04101
 Tel: 603.883.8800
 Fax: 603.883.8801
 www.dewberry.com

LEE VILLAGE at
 SILVER LAKE
 REZONING/GENERAL DEVELOPMENT PLAN
 FINAL DEVELOPMENT PLAN AMENDMENTS
 LES DISTRICT
 FAIRFAX COUNTY, VIRGINIA



REV PLAN



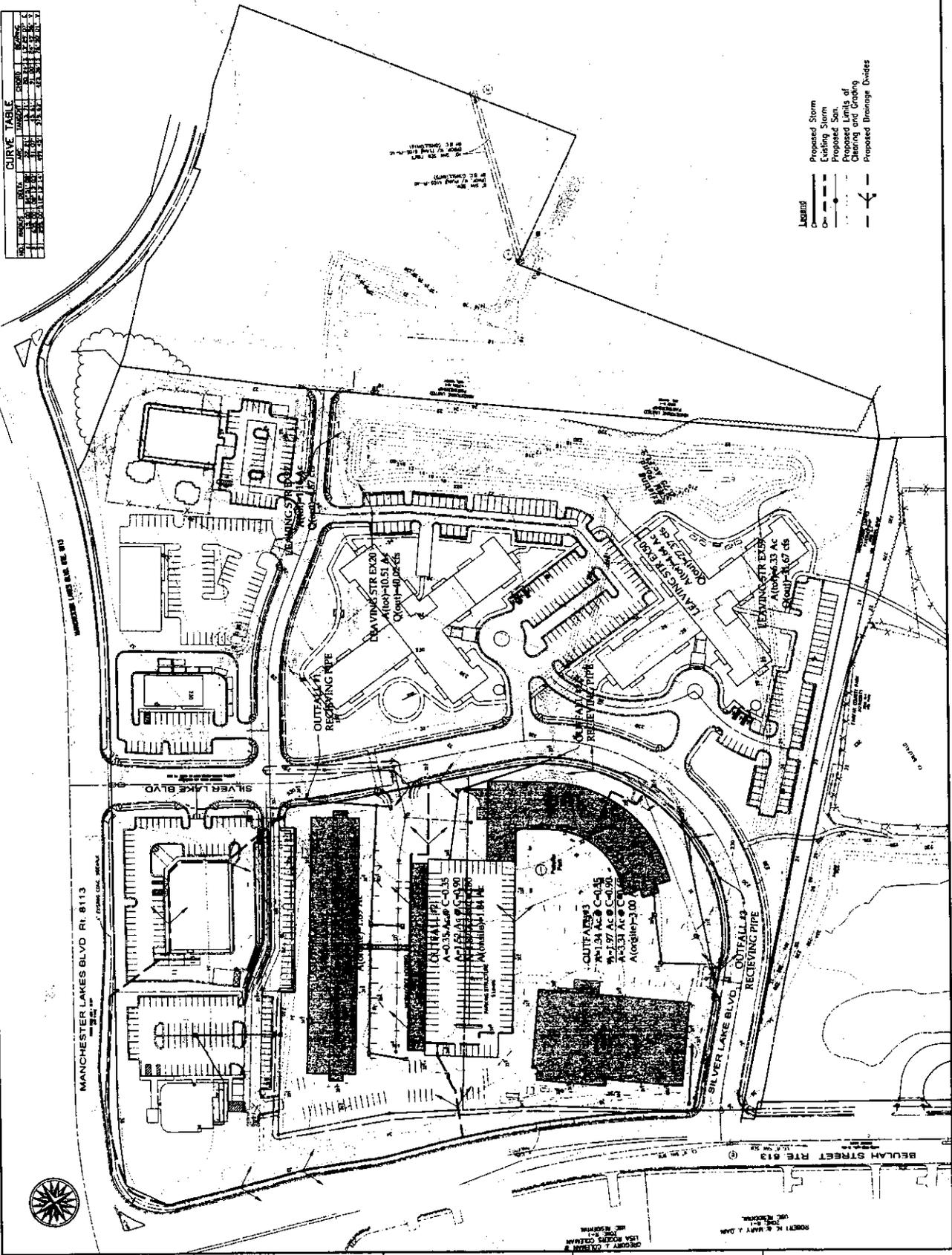
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4	01.15.09	JAC	REVISED
5	11.07.07	JAC	REVISED
6	09.19.07	JAC	REVISED
7	06.04.07	JAC	REVISED

DESIGNED BY: JAC
 APPROVED BY: JAM
 CHECKED BY: JAC
 DATE: AUGUST 13, 2007

Lee Village at
 Silver Lake

Outfall Analysis

PROJECT NO. M-10654



CURVE TABLE

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4	1+30.00	1+40.00	90°	100.00	141.42	157.08	15708.00
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10	1+90.00	2+00.00	90°	100.00	141.42	157.08	15708.00



DESIGNED BY: JAC
 APPROVED BY: JAM
 CHECKED BY: JAC
 DATE: AUGUST 13, 2007

Dewberry & Davis, LLC
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.8800
 Fax: 404.525.8801
 www.dewberry.com

RECONSTRUCTION DEVELOPMENT PLAN
 FINAL DEVELOPMENT PLAN AMENDMENTS
 LEF VILLAGE AT
 SILVER LAKE
 LEF DISTRICT
 MARION COUNTY, INDIANA



SCALE
 1" = 100'
 1" = 200'

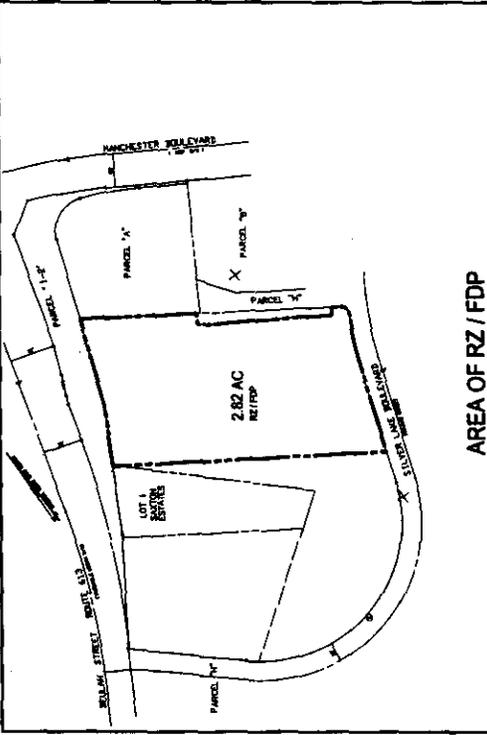
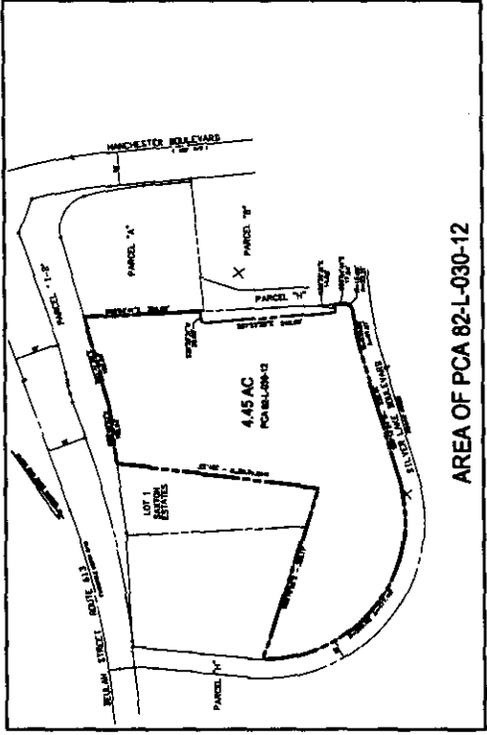
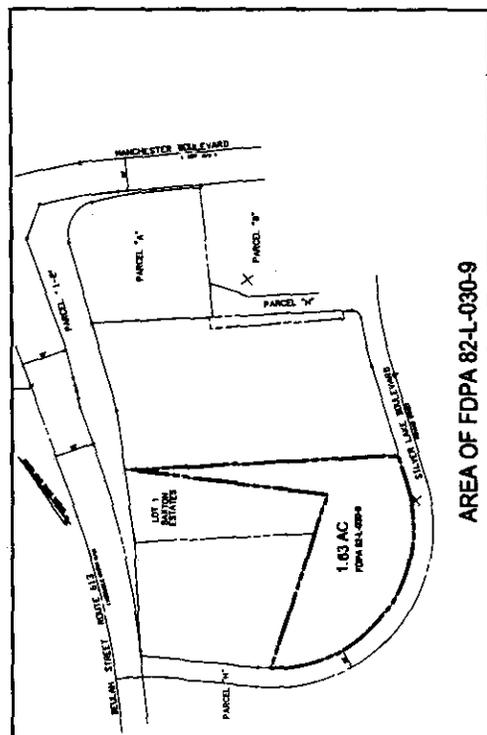
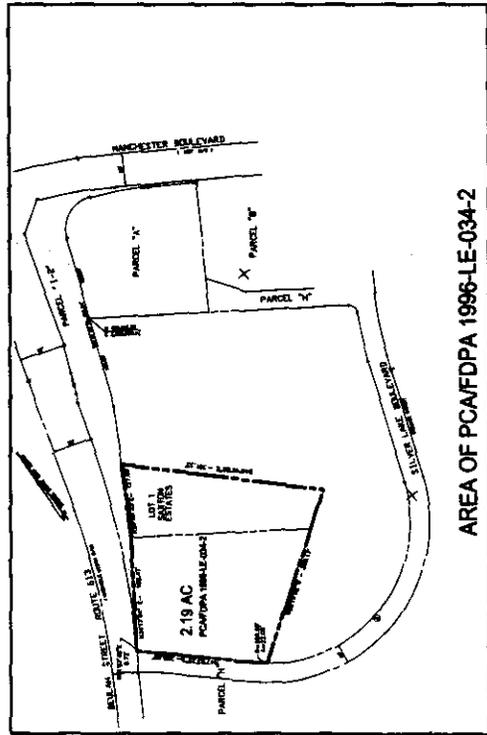
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4	01.15.08	JAC	REVISED
5	02.22.08	JAC	REVISED
6	03.14.08	JAC	REVISED

DESIGNED BY: JAC
 CHECKED BY: LJM
 DATE: MARCH 12, 2007

TITLE: Lee Village at Silver Lake Zoning Application Details

PROJECT NO.: M-10854

1 2 3 4 5



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

DESCRIPTION OF THE APPLICATIONS

This package of applications has been filed on the 6.64 acre site previously approved for development with a regional library (the Kingstowne Library). These applications propose to include add up to 111 multi-family dwelling units and up to 89 independent living units (elderly housing) to this site, in addition to the library. The library building has been expanded to 49,000 square feet (sq. ft.) to include the offices for the Lee District Governmental Center, among other things. The proposed new layout for this 6.64 acres is referred to as "Lee Village".

The applicant is Lee Village at Silver Lake, LLC, who submitted an unsolicited proposal pursuant to the Public-Private Educational Facilities and Infrastructure Act of 2002 (PPEA). The PPEA proposal provides for a public/private partnership to provide land use planning, design and construction services, permitting and financing for the proposed mixed-use development described in this report on 6.64 acres of land owned by the County. This report does not address the issues associated with the PPEA; it addresses only the land use and zoning issues associated with the proposed mixed-development. The agreement to implement the PPEA proposal is subject to a separate public hearing before the Board of Supervisors; at this time, it is not anticipated that the hearing regarding the PPEA would be scheduled to occur concurrently with the hearing on the zoning case. One component of the PPEA proposal is to incorporate income restrictions for the rental of the non-age restricted dwelling units; hence, they are identified as "workforce housing" on the CDPA/FDPA and throughout this report. The exact provisions for the workforce housing units are being addressed as part of the PPEA; however, staff anticipates that these units will be administered in a manner that is similar to units provided pursuant to the recently adopted amendment to the Policy Plan volume of the Comprehensive Plan. Approval of this application package would allow the PPEA agreement to construct the facilities to be implemented when that agreement is finalized.

The proffers and the CDPA/FDPA include an option depicting the previously approved configuration for the future Kingstowne Regional Library to address the possible circumstance that an agreement on the PPEA is not finalized after approval of this application package. Therefore, the plans and proffers include an optional layout, which would allow the library to be built as previously approved. The regional library is included in the Capital Improvements Plan (CIP) as the Kingstowne Library and is identified for future funding (beyond five years). The draft proffers also include options that would allow the County to construct the library before any of the housing is constructed and in a configuration that would accommodate the future construction of the housing. The proffers require that the library be built concurrently with the residential buildings by requiring that the library be under construction prior to the issuance of the first Residential Use Permit (RUP). The proffers also provide an option for the County to delay construction of the library due to budgetary constraints that preclude the staffing, outfitting or operation of the library.

The proposed library building has been modified to reflect the evolution of the services provided by a library since the original approval in 2001 and to accommodate the additional uses proposed to be part of Lee Village. These changes include: accommodating the Lee District Governmental Center; changing the building to a two-story structure; including a drive-up window for limited library services, such as returning materials; and providing room for a possible coffee bar (limited to 900 sq. ft. and defined as a fast food restaurant by the Zoning Ordinance). Parking for the uses proposed with Lee Village will be provided in surface lots near the specific uses and within a common parking garage located in the middle of the site. A park/open space area is proposed adjacent to the proposed independent living building that is in front of the proposed library. Within the 6.64 acres associated with these applications, the overall floor area ratio (FAR) is 0.75. The amount of open space is 92,700 sq. ft. (approximately 32 percent of the total site area). The maximum building height of any structure will be 45 feet.

The 6.64 acre property included in this application package is a part of the larger development, Manchester Lakes. The original zoning for Manchester Lakes included land identified as Parcel O, which is generally located south of Manchester Boulevard. Parcel O includes the existing commercial development along the south side of Manchester Boulevard and the elderly housing that has been developed along Silver Lake Boulevard. With the approval of RZ/FDP 1996-LE-034, additional land was rezoned to the PDH-8 District so that it could be developed in conjunction with the rest of Parcel O (refer to the Background Section for additional information regarding the history of Manchester Lakes as a whole and Parcel O specifically).

The following is a description of each of the concurrent applications filed to implement this proposal:

PCA 82-L-030-12 This 4.45 acre portion of the overall 6.64 property for this project was included in the original application property for Manchester Lakes as part of Parcel O. This application has been filed to allow 2.82 acres to be rezoned to the PRM District pursuant to RZ/FDP 2007-LE-012 to accommodate the multi-family dwellings proposed as part of Lee Village and to allow the remaining 1.69 acres to be developed in accordance with this overall proposal.

FDPA 82-L-030-9 This application has been filed for final development plan approval for 1.69 acres of Lee Village that was originally part of Parcel O of Manchester Lakes to be developed with a portion of the independent living units and the park.

PCA 1996-LE-034-2 &
FDPA 1996-LE-034-2

This 2.19 acre application property is a portion of 2.82 acres of land originally rezoned to the PDH-8 District in 1997 to allow it to be developed in conjunction with Parcel O of Manchester Lakes. (The remainder of the original 2.82 acres is part of the right-of-way for Silver Lake Boulevard). These applications have been filed to allow this portion to be developed with the relocated library and the independent living units as shown on the overall development plans for Lee Village.

RZ/FDP 2007-MV-012

These applications have been filed to rezone 2.82 acres from the PDH-8 District to the PRM District to allow the development of the 111 units of workforce housing that are included as part of this overall proposal.

A reduced copy of the proposed combined Conceptual/Final Development Plan (CDP/FDP) for all these applications is included in the front of this report. The applicant's draft proffer statement is included as Appendix 1. Proposed Final Development Plan Amendment (FDPA) conditions are contained in Appendix 2. The applicant's affidavit is Appendix 3 and the applicant's statements regarding the application are included as Appendix 4.

This application package is subject to the General and the Design Standards applicable to the PDH-8 District and the PRM District which are found in Part 1 of Article 16, Development Plans. These standards apply to all P-Districts, including the PDH and the PRM Districts. The most relevant standards are contained in the Excerpts from the Zoning Ordinance found in Appendix 16.

LOCATION AND CHARACTER

The 6.64 acre application property is currently vacant. The property is bounded on the northwest by Beulah Street, a four-lane divided facility with a trail and an on-road bike lane. Silver Lake Boulevard, a private local access street serving this portion of Manchester Lakes, forms the southwestern and southeastern boundaries of the site. It is a two-lane, L-shaped private road with parking on both sides running between Manchester Boulevard and Beulah Street. To the northeast of the site is Manchester Boulevard. The land between this application property and Manchester Boulevard is developed with two commercial uses, an eating establishment and a retail establishment.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
Northwest	Single Family Detached Dwellings	R-1	1-2 du/ac ¹
Southwest	Beulah Road Park	R-1	Public Park
Southeast	Independent Living Units	PDH-8	5-8 du/ac
Northeast	Eating Establishment (Chili's) Drive-through Pharmacy (CVS)	PDH-8	5-8 du/ac

1. The Plan text for the property across Beulah Street from the application property includes an option for redevelopment at 5-8 dwelling units per acre (du/ac) subject to certain conditions, including consolidation.

BACKGROUND

Manchester Lakes

Manchester Lakes was originally zoned for a residential planned community in the PDH-8 District and a neighborhood shopping center in the C-8 District pursuant to the approval of RZ 82-L-030. Manchester Lakes is generally located south of Beulah Street along both sides of Manchester Lakes Boulevard, a loop road that connects Manchester Boulevard. Manchester Lakes has access to Beulah Street at Manchester Boulevard and via Arrington Drive. The majority of the dwelling units are located to the north of Manchester Boulevard, along with the associated community facilities, a community recreation center and, Manchester Park, a community park that was dedicated to the County. The shopping center was developed as Festival of Manchester Lakes.

The current form of the PDH-8 portion of Manchester Lakes was established pursuant to the approval of PCA 82-L-030-2 in 1984. Subsequent proffer condition amendment (PCA) applications and associated final development plans refined the layouts of individual neighborhoods and addressed the completion of previously proffered improvements after the bankruptcy of the original developer. The residential element of Manchester Lakes is primarily located north of Manchester Lakes Boulevard with four residential neighborhoods located south of Manchester Boulevard along Wacur Drive. These parts of the PDH-8 District were approved for the following: 1,394 dwelling units, a community center, 100 units of elderly housing on Parcel J [the elderly housing was developed and is operated by the Fairfax County Redevelopment and Housing Authority (RHA)], a child care center on Parcel M and Manchester Park. The shopping center in the C-8 District, Festival of Manchester Lakes, was also approved at this time to include a total of 172,060 sq. ft. of gross floor area (GFA) at a floor area ratio (FAR) of 0.25.

The original approvals for Manchester Lakes also included land on the south side of Manchester Boulevard, generally across from the shopping center. This area was identified as Parcel O. Parcel O, located south of Manchester Boulevard and east of Beulah Street, was originally approved for 362 elderly housing units (now termed independent living units) and a 100-bed nursing facility. The 6.64 acres included in Lee Village also include a part of the original Parcel O and additional land that was rezoned to the PDH-8 District pursuant to RZ/FDP 1996-LE-034. A more detailed history of Parcel O is provided in the following section.

The records regarding the approvals for Manchester Lakes as a whole and the shopping center are on file in the Department of Planning and Zoning (DPZ).

Parcel O of Manchester Lakes

Parcel O remained vacant and undeveloped into the latter part of the 1990's, while the residential portion of Manchester Lakes and the shopping center north of Manchester Boulevard were completed. With the adoption of Out-of-Turn Plan Amendment No. 95-16, (S96-IV-RH1), an option to include commercial uses in Parcel O, subject to certain conditions, was established. One of the conditions included consolidating three parcels that were not included in the original rezoning of Manchester Lakes. These three parcels, then identified as Parcels 91-3 ((9)) 1, 2 and 3, were located along Beulah Street, north of Beulah Road Park and to the northwest of Parcel O. Subsequently, RZ 1996-LE-034 was filed to rezone Parcels 1, 2 and 3 from R-1 to PDH-8 to allow them to be developed as part of Parcel O. This rezoning was approved in conjunction with PCA 82-L-030-9 on June 19, 1997. With that approval, Parcel O, augmented by the additional three parcels, was divided into seven land bays, Land Bays A, B, C, D, E, F and G and a private street. Silver Lake Boulevard, running between Manchester Boulevard and Beulah Street, was approved as a local access road through Parcel O. Land Bays A through D were approved for commercial uses and have been developed with two eating establishments, a drug store, a drive-in bank and a child care center. Land Bay F was approved for 338 units of elderly housing (independent living units) in two four-story buildings that are limited in height to fifty feet; these buildings have been developed and are occupied. Land Bay F also includes the stormwater management/best management practices (SWM/BMP) facility for all of Parcel O. One portion of Parcel O, identified as Land Bay G, did not receive FDP approval in 1997. This is the 6.64 acres that is the subject of this application package for Lee Village. The approved Conceptual Development Plan (CDP) showed Land Bay G as either a combination nursing facility and/or an assisted living facility with a total of 500 beds or 338 units of elderly housing (independent living). The development plan for Land Bay G depicted two X-shaped buildings similar to the two buildings with independent living units that have been constructed in Parcel F. The records of these approvals are in Appendix 7.

Subsequently, Land Bay G was the subject of PCA 1996-LE-034 and PCA 82-L-030-11, approved in 2001. This approval, which included the final development plan, allowed the construction of a regional library and additional parking for the commercial uses along Manchester Lakes Boulevard. This approval also allowed athletic fields as an interim use until the library is constructed. The records of this approval are included as: Appendix 4, which contains a reduction of the CDPA/FDPA for the library; Appendix 5, which contains the proffers; and, Appendix 6, which contains the adopted development plan conditions.

On September 24, 2007, the Board of Supervisors approved Out-of-Turn Plan Amendment S07-IV-RH1, to include workforce housing among the optional uses permitted within Parcel O of Manchester Lakes.

Kingstowne Regional Library

The Kingstowne Regional Library is currently located in the lower level of the Landsdowne Centre Shopping Center located in the northwest quadrant of the intersection of Beulah Street and Telegraph Road. This interim location was opened in 2000, pending the future construction of a regional library on the application property, which was purchased by the County for the future library. The construction of the Kingstowne Regional Library is currently identified in the adopted Capital Improvements Plan (CIP) as a future project, beyond five years.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	IV
Planning District:	Rose Hill Planning District
Planning Sector:	Lehigh Community Planning Sector (RH4)

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property, which reflects Out of Turn Plan Amendment S07-IV-RH1, approved on September 24, 2007 to add workforce housing to the recommended uses. On page 65 of the Rose Hill Planning District of the 2007 edition of the Area IV Plan, under the heading, "Recommendations", under the sub-heading "Policies for Manchester Lakes", the Plan states:

31. *Elderly housing, workforce housing and related facilities are planned for two areas located on Parcel 91-1((12)) J and the land area formerly noted as parcel O which flank Manchester Boulevard. Much of parcel O has been subdivided and renumbered and now exists as Parcels 91-1 ((27)) 1, 2 and 3, as well as Parcels 91-3 ((18)) 4, 5, 6, 7 and 91-3 ((9)) 8b.*

Uses such as churches, nursing homes, medical facilities, child care facilities, and other public serving uses such as quasi-public and institutional uses may also be considered on Parcel O subject to the provision of a unified development plan that indicates the achievement of a high standard of design, and traffic minimization measures that include providing interparcel street connections with adjacent properties, providing at least two points of access to the arterial roadway system, and accommodating the planned interchange at the Beulah Street and Manchester Boulevard intersection. In addition, if Parcel O is fully consolidated with Parcels 91-3((9))1, 2, and 3 (these parcels are now all part of Parcel 91-3 ((9)) 8b) under a unified development plan, commercial uses in conjunction with elderly housing and related uses may be considered subject to the following conditions:

- Commercial uses should provide convenient services to visitors, employees, and residents of the elderly housing and workforce housing, such as eating establishments, a bank, medical offices, and a drugstore;*
- Provisions for affordable housing and workforce housing should serve a range of needs in terms of income levels and family size;*
- Commercial uses should be designed as an integral component of the development and not have the appearance of a commercial strip center;*
- Well-defined pedestrian linkages should be provided that are attractively landscaped, designed to meet the special needs of the elderly, allow opportunities for resting as well as walking, and have safe and convenient access between buildings with minimal crossing of streets and parking areas; and*
- No retail or other commercial uses should be permitted until the elderly housing units are under construction.*

The Comprehensive Plan Map identifies this land for residential development at a density of 5-8 du/ac and 1-2 du/ac on the property that was subject to RZ 2003-LE-034.

ANALYSIS

Conceptual/Final Development Plan (Reduction at front of staff report)

Title of CDP/FDP:

Lee Village

Prepared By:

Dewberry & Davis LLC

Original and Revision Dates: March 12, 2007 as revised through
 March 14, 2008

CDP/FDP (Lee Village)	
Sheet #	Description of Sheet
1 of 7	Cover Sheet with Vicinity Map
2 of 7	Plan View of Lee Village including the layout of the rest of Parcel O of Manchester Lakes
3 of 7	Optional Development Plan (the previously approved layout for the Library)
4 of 7	Notes, Tabulations, Existing Vegetation Map, Soils Map
5 of 7	Stormwater Management Plan
6 of 7	Stormwater Management Notes and Tabulations
7 of 7	Details showing Locations of Various Zoning Applications

The following features for Lee Village are depicted on the proposed combined CDP/FDP:

- Site Layout.** The proposed combined regional library and supervisor's offices building (subsequently referred to as the library building) would be located in the southwest corner of the site, which is located at the intersection of Silver Lake Boulevard and Beulah Street. This 2-story, 45-foot tall, 45,900 sq. ft. building has the main entrance on the eastern side of the building, with the rear of the building facing Beulah Street. The service area for the library would be on the northwesternmost corner of the building. The building with independent living units is east of the library building, in the bend in Silver Lake Boulevard. The shape of the independent living building follows the curve of that road. This building is shown to be four stories or 45 feet tall and will contain 89 units. The space between the library and the independent living units includes a park area located next to the independent living building. The park area is intended to be open to the public and to serve as a complement to the library. A surface parking lot, which includes a large landscaping island, and drop-off area are shown in front of the library building. A common parking garage, which would serve all uses, is proposed in the center of the site. The northernmost side of the parking structure will be faced with some of the workforce housing. The main building for workforce housing would be located along the northern boundary with the commercial uses. The residences will be screened from the adjacent commercial uses by a brick wall located within a twenty-foot wide landscaping strip.
- Vehicular Access.** Vehicular access to Lee Village is from Silver Lake Boulevard only; there is no direct access to Beulah Street. Three curb cuts into this site were constructed in conjunction with the construction of

Silver Lake Boulevard and in the locations shown on the previous two approvals for this site. Two of these three existing curb cuts will provide access to Lee Village; the third one, the middle of the three and located in the bend of Silver Lake Boulevard, is to be closed.

- *Pedestrian/Bicycle Access.* There is an existing trail along Beulah Street, along with an on-street bicycle lane. Sidewalks were installed with the original construction of Silver Lake Drive. The CDPA/FDPA shows connections to these existing pedestrian facilities.
- *Amenities:* As referenced above, the site design includes a passive park adjacent to the proposed independent living facility which includes a gazebo, benches and sidewalks through the park. A small tot lot is proposed near the northernmost entrance to the project, adjacent to the proposed workforce housing.
- *Optional Layout – Library Only:* Sheet 3 contains the previously approved layout for the 35,000 sq. ft. regional library. This sheet is provided to address the limited circumstance that the PPEA agreement is not concluded, thereby preserving the county's ability to build the library as originally approved. No other uses are proposed with this layout. This layout shows the library to be located in the center of the application property, backing up to Beulah Street; access to the library would be from the existing curb cuts along Silver Lake Boulevard. Parking for the library would be surface parking located between the building and Silver Lake Boulevard.

Land Use Analysis (Appendix 8)

These applications propose independent living units, workforce housing, and two public uses (the regional public library and the Supervisor's offices from the existing Lee District Governmental Center) on the 6.64 acre combined application property. The site is adjacent to Beulah Road Park, near Lane Elementary School and across Silver Lake Boulevard from the existing independent living units in two mid-rise buildings. Neighborhood-serving commercial uses, including the Festival at Manchester Lakes Center located across Manchester Lakes Boulevard, are in close proximity. Public transit connections are located adjacent to the property and on Manchester Lakes Boulevard. The Joe Alexander Transportation Center, which provides access to Metrorail and the Virginia Railway Express, is within a mile of the application property. The adopted Comprehensive Plan text specifically lists elderly housing, workforce housing and public serving uses as optional uses for this site. The proposed land uses and intensity of Lee Village are in conformance with the recommendations of the Comprehensive Plan. It should be noted that the overall number of proposed dwelling units (200) is less than the 338 elderly housing units originally approved in 1997 for the 6.64 acres identified as Land Unit G pursuant to RZ 1996-LE-034 and PCA 82-L-030-9.

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 Board of Supervisors adopted the Residential Development Criteria, which are contained in Appendix 9 of the Land Use Section in the Policy Plan to be used in evaluating zoning requests for new residential development (see Appendix 16).

Site Design:

Residential Development Criterion Number 1, entitled 'Site Design,' recommends that developments address the consolidation goals in the Comprehensive Plan, and further the integration of the proposed development with adjacent planned and existing development. The criterion further recommends that the proposed site layout provide for a logical design with appropriate relationships within the development with regard to unit orientation and the juxtaposition of yards, and include usable yard areas that can accommodate future decks and sunrooms. This criterion also recommends that development provide convenient access to transit facilities, all existing utilities should be identified, that proposed utilities and stormwater outfalls be shown and that utility collocation be encouraged. Further, it states that open space should be usable, accessible and integrated with the proposed development and that appropriate landscaping and amenities be provided.

Consolidation

Consolidation is not an issue associated with this application because the application property includes all of the undeveloped land within the "block" located between Beulah Street and Silver Lake Boulevard.

Building Orientation

The site is oriented inward and away from Beulah Street, which is appropriate in this instance because access for all parts of Lee Village will be from Silver Lake Boulevard and Beulah Street is a major arterial. It also should be noted that the Plan recommends that an interchange be constructed at the intersection of Beulah Street/Franconia-Springfield Parkway/Manchester Lakes Boulevard, so orienting the project toward Beulah Street would likely be more inappropriate in the future. Furthermore, the future interchange is accommodated by an area that was previously proffered to be reserved for right-of-way for the interchange, as well as the setback of the library from the reserved area. The area reserved for future right-of-way was previously proffered to be landscaped; this

landscaping was planted as part of other development activity within this portion of Manchester Lakes.

The area between the northern end of the proposed library building and the adjacent parking garage has been designed to adequately address the exterior service needs of the library. The service elements of the proposed regional public library include a loading space, area for dumpsters (including recycling) and an electrical transformer; all are depicted on the submitted plan. The staff entrance is typically located near the service entrance. The development program for this library includes a drive-through window for the drop-off of checked-out materials and the pick-up of reserved materials. This drive-through window is located under the second level of the building separating it from the adjacent travel aisle.

The proposed independent living building is located adjacent to Silver Lake Boulevard and across that road from the existing independent living units. A small park area is to be located between the independent living building and the proposed library. The workforce housing is to be located on the northern side of the property within the two buildings that face each other.

The common parking garage for all of the proposed uses is to be located in the middle of the site and will be screened from traffic on the adjacent roads.

Access to Transit

Bus service is available on Beulah Street and on Manchester Lakes Boulevard. Further, the application property is located within a mile of the Joe Alexander Transportation Center. Access to transit from Lee Village is facilitated by a sidewalk from this site to the existing bus stop on Beulah Street and the provision of a bus shelter at this stop.

Utilities and Stormwater Management

Utilities are available at this site. Stormwater management and water quality treatment is provided by the existing stormwater management pond located approximately 400 feet from the property in Land Bay F. If required at the time of site plan approval, additional BMP facilities will be provided on-site to meet the requirements of the Chesapeake Bay Ordinance.

Open Space

A central open space area is proposed between the library building and the proposed independent living units building. In addition, there is landscaping shown around each of the three proposed buildings. Some of the workforce housing units on the ground floor will have direct access from outdoors.

Neighborhood Context

Residential Development Criterion Number 2, entitled 'Neighborhood Context,' recommends that all applications for residential development, regardless of the proposed density, be designed to fit into the community within which the development is to be located as evidenced by an evaluation of: transitions to abutting and adjacent uses; lot sizes, particularly along the periphery; bulk and mass of the proposed dwelling units; setbacks; orientation of the proposed dwelling with regard to the adjacent streets and homes; architectural elevations; connections to non-motorized transportation facilities and the existing topography and vegetative cover. It is noted in this criterion that it is not expected that developments will be identical to their neighbors and that the individual circumstances of the property will be considered.

The property across Silver Lake Boulevard (to the southeast of the application property) has been developed with independent living units in mid-rise buildings, which were approved to be up to fifty feet in height. The proposed public uses, the library and the Lee District offices, are located adjacent to Beulah Park, which is adjacent to the Lane Elementary School, creating an enclave of complementary public uses. The central open space for Lee Village is located between the library and the proposed independent living units; therefore, it is readily available to residents of Lee Village and the public. The existing commercial uses between the subject site and Manchester Boulevard are screened from the proposed workforce housing by a proposed brick wall and landscaping consisting of evergreen and deciduous trees within a 20-foot deep planting area. Staff has concluded that the proposed project is designed to fit into the community.

Environment (Appendix 8)

Residential Development Criterion 3 recommends that all rezoning applications for residential development respect the environment. The criterion enumerates several principals that should be addressed: a) natural environmental resources should be preserved; b) existing topographic conditions and soil characteristics should be considered; c) off-site impacts on water quality should be minimized by commitments to state of the art best managements practices and low impact site design techniques; d) the volume and velocity of stormwater runoff should be managed to avoid impacts on downstream properties; e) future and current residents should be protected from the adverse impacts of transportation generated noise; f) any exterior lighting fixtures should minimize neighborhood glare and impacts to the night sky; and g) site design techniques should be used to achieve energy savings and be designed to encourage and facilitate walking and bicycling.

Preservation of Natural Environmental Resources & Consideration of Existing Topographic Conditions

This site was a fill site associated with the gravel and sand mining operations that operated in this part of the County more than thirty years ago. The site was extensively graded as part of the construction of the interim soccer fields and associated parking area. There are no natural features to preserve on this site.

Stormwater Management/Best Management Practice & Stormwater Outfalls

Stormwater management and water quality treatment are provided within the existing dry pond located approximately 400 feet east of the site in Land Bay F. There is an existing system of underground conduits to convey the stormwater to this location. On-site BMPs will be provided, if determined necessary at the time of site plan approval, to meet the requirements of the Chesapeake Bay Preservation Ordinance. It should also be noted that, as is required for all County facilities, the library building will be constructed to meet the LEED Silver guidelines for new construction and credit toward certification may be taken for best management practices.

Transportation Generated Noise

Transportation generated noise from Beulah Street was previously addressed through proffer conditions for both the proposal approved in 1997 and with the original approval of the library in 2000. The noise levels were projected to be in the range between 65 dBA and 70 dBA. The draft proffers for this application include a similar commitment with regard to both the residential units and the library building.

Lighting

The draft proffers include a commitment to have all lighting meet the requirements of Part 9, Outdoor Lighting Standards, of Article 14, Performance Standards.

Energy Conservation

As noted above, the building containing the library (a county facility) will be constructed to meet the standards to qualify for a Silver Rating from LEED. The residential portions of Lee Village are proffered to meet the construction standards associated with CABO and to have Energy Star appliances.

Tree Preservation

Residential Development Criterion 4 states that, regardless of the proposed density, all residential development should be designed to take advantage of existing quality tree cover.

This site was previously cleared as part of the construction of the temporary soccer fields and does not contain any vegetation to be preserved.

Transportation (Appendix 9)

Residential Development Criterion 5 states that, regardless of the proposed density, all residential development should implement measures to address planned transportation improvements and offset their impacts to the transportation network. The criterion contains several principles that will be used in the evaluation of rezoning applications for residential development, while noting that not all principles will be applicable in all instances. The following is an evaluation of those principles that staff has concluded are applicable in this instance.

Transportation Improvements

There is no a median break where Silver Lake Boulevard intersects Beulah Street. Left turn access to this area from southbound Beulah Street is available at the traffic signal at the intersection of Manchester Boulevard and Beulah Street or at the un-signalized entrance to Beulah Street Park immediately south of the application property. However, access to this site from this entrance road into Beulah Street Park is constrained by a pork chop median that prevents vehicles from turning northward or left toward the application property. The draft proffers commit to the removal of this median subject to the approval of VDOT and the affected property owners, in this case, the Fairfax County School System and the Park Authority.

Interconnection of the Street Network

Access to this site is provided from Silver Lake Boulevard, a local street that provides access to all of the uses within Parcel O. Access to Lee Village from Silver Lake Boulevard is shown at the two of the three curb cuts that were constructed with the initial construction of Silver Lake Boulevard. These two curb cuts were also shown on the previously approved CDP/FDP for the library. The revised CDPA/FDPA provides adequate sight distance at the two entrances to be used by Lee Village and states that the third entrance will be closed.

The transportation analysis, contained in Appendix 8, recommends that a vehicular connection be provided between Lee Village and the commercial uses to the north near the existing eating establishment. Even though this connection would be between a residential use and a commercial use, it is desirable to

provide additional interparcel connections within Parcel O of Manchester Lakes, thereby diverting traffic from Silver Lake Boulevard by allowing trips to move directly between future library and the three commercial uses along Manchester Boulevard. A pedestrian connection should be provided between these two uses. Staff also recommends that the applicant commit to provide signage and other enforcement measures to ensure that patrons of the eating establishment do not park within the spaces provided for the residents of the workforce housing. The applicant objects to providing such connections because patrons of the commercial uses, especially the eating establishment, would then utilize the parking intended for residents of Lee Village (see Appendix 3b). However, the proposed development conditions in Appendix 2 require that vehicular interparcel access and pedestrian access be provided along with additional signage to discourage parking by patrons of the eating establishment from parking within Lee Village.

Streets/Internal Circulation

In staff's opinion, the subject site is provided with good access to the adjacent street network and will not adversely affect movements on Beulah Street, a principal arterial, because access to this site is from Silver Lake Boulevard, a local serving street that intersects Manchester Lakes Boulevard at a signalized intersection. On-site circulation will be adequate; the area around the north end of the library has been reconfigured to accommodate traffic on the traffic aisle between the buildings. Specifically, this reconfiguration separates the drive-through lane from the travel aisle and accommodate the service area for the library and has shifted the garage entrance away from the service area for the library building.

Non-motorized Facilities

There is adequate pedestrian access around the periphery of this site available along the sidewalk along Silver Lake Boulevard and the trail facilities on Beulah Street. Pedestrian access is proposed from the interior of this site to the bus stop on Beulah Street. There are also pedestrian pathways from this site to the Joe Alexander Transportation Center.

The following illustrate how Lee Village will connect with the existing pedestrian network adjacent to the site:

- A new sidewalk connection to the bus stop along Beulah Street;
- A bus shelter at that bus stop;
- An internal sidewalk network, which will provide connections throughout the site;
- A crosswalk on Silver Lake Boulevard connecting this site with the pathway into Beulah Park.

Public Facilities

Residential Development Criterion 6 states that residential development is expected to offset its public facility impact.

Park Authority Analysis (Appendix 10)

The residents of this development will use outdoor recreational facilities, both on the subject site and within the County parks, including Beulah Park, which is adjacent to the site. Typical recreational needs include open play areas, tennis and volleyball courts and athletic fields. Based on the Zoning Ordinance Sections 6-110 and 16-404, outdoor recreation facilities in the amount of \$1,500 per non-ADU (affordable dwelling unit) residential unit for outdoor recreational facilities shall be provided to serve the development population. The draft proffers state that a gazebo, game tables and benches are to be provided in the on-site park. In addition, a small tot lot and a 700 sq. ft. exercise room will be provided for the residents.

Park Authority staff recommends that the applicant provide the following improvements within the park area:

- Construction of a pocket park, similar to that proposed on-site, in the northwest corner of Beulah Street Park (near the intersection of Beulah Street and Silver Lake Boulevard;
- Installation of concrete dugout floors with aprons onto the field;
- Installation of surface mounted player benches with backs within the four dugouts of the existing ball fields in the park,
- Construction of a roof over each dugout;
- Replacement of the existing bleachers with ADA accessible bleachers;
- Replacement of the roof (including insulation) of the existing restroom building in the park.

These improvements should be constructed in compliance with the applicable provisions of the Public Facilities Manual (PFM) and building code. The draft proffers state that the above improvements to Beulah Park will be installed; however, the draft proffers do not address the timing of the proffered improvements to Beulah. Staff recommends that the park improvements be completed prior to the issuance of the first residential use permit (RU) for the first residential building.

Schools Analysis (Appendix 11)

This 111 workforce housing units are anticipated to generate 4 elementary students who would attend Lane Elementary School which is projected to operate within its capacity of 831 students through the school year 2011-2012.

One (1) intermediate student is anticipated, who would attend Hayfield Middle School which is projected to operate within its capacity of 1100 students through the school year 2011-2012. Two (2) high school students are anticipated, who would attend Hayfield High School, which is projected to operate within its capacity of 2,125 students through the school year 2011-2012.

To offset the impact on schools (an additional seven students), the draft proffers commit to a contribution of \$81,410 for the construction of capital improvements to the schools that currently serve the application property.

Sanitary Sewer Analysis (Appendix 12)

The property is located in the Long Branch (M6) watershed and would be sewer into the Noman M. Cole Water Treatment Plant. The existing lines located at the property are adequate for the proposed use at this time. There appears to be adequate capacity for the proposed development at this time when existing uses and proposed development recommended by the Comprehensive Plan are taken into account.

Fire and Rescue Department Analysis (Appendix 13)

This property is serviced by Station 405, Franconia. This service currently meets fire protection guidelines.

Water Service Analysis (Appendix 14)

The property is located in the service area of the Fairfax County Water Authority. Adequate domestic water service is available from the existing 24-inch, 12-inch and 8-inch water mains located at the property. Depending on the configuration of the onsite water mains, additional water main extensions may be necessary to satisfy fire flow requirements and to accommodate water quality concerns.

Affordable Dwelling Units

Criterion 7 of the Residential Development Criteria states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. 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.

On October 15, 2007, the Board of Supervisors, adopted the "*Workforce Dwelling Unit Administrative Policy Guidelines*", which are part of the Policy Plan volume of the adopted Comprehensive Plan. For rental units, this policy states that "one-half (1/2) of the workforce units are to be priced to serve households with an income of up to eighty (80) percent of the median income (AMI) for the Washington Standard Metropolitan Statistical Area as specified annually by HUD and one-half (1/2) of the workforce units are to be priced to serve households with an income of up to one hundred (100) percent of AMI".

The strict application of Part 8 of Article 2 would require that five percent of the workforce housing units (2 units) be part of the ADU program. In addition, the provisions of Sect. 9-306, Additional Standards for Independent Living Facilities, require that 15 percent of those units be subject to the ADU program.

The draft proffers state that 15 percent of the independent living units (or fourteen units) would be subject to the provisions of the ADU program, thereby satisfying that requirement. There is also an ADU requirement for the multi-family housing units. The application of the formula for the 111 proposed multi-family units in a requirement that six (6) of those units should be ADUs (5 percent). The draft proffers state that these units will be located in the independent living units resulting in a total of 20 ADU units being provided within the proposed independent living units. The draft proffers also comply with the Board of Supervisors recently adopted policy for workforce units by committing to provide an additional 8 units (7%) within the workforce buildings will meet the recommendation of the Plan with regard to workforce housing units.

Finally, it should be noted that, as part of the negotiations on the PPEA, the County has indicated that it will be requiring additional commitments with regard to workforce housing units. The applicant's proposal for the PPEA joint development agreement included a commitment that all of the multi-family units would be income qualified units; however, those discussions are still on-going and will be subject to approval by the Board of Supervisors as part of their approval of the PPEA agreement.

Heritage Resources

Criterion 9 of the Residential Development Criteria states that 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.

There are no historic resources on this site.

ZONING ORDINANCE PROVISIONS (Appendix 15)

The proposed development is to be located in the PDH-8 District and the PRM District. Developments within both of these districts are subject to the general standards and the design standards applicable to all P-Districts. The General Standards (Sect. 16-101) and the Design Standards (Sect. 16-102) contained in Part 1 of Article 16, Development Plans, provide design guidance to address the elements of compatibility with the surrounding development that are addressed by the bulk standards specified in conventional zoning districts, among other standards.

The following chart addresses other requirements of both districts.

Standards				
District	PDH-8		PRM	
Standard	Required	Provided	Required	Provided
Minimum District Size	2.0 acres	3.72	2.0 acres	2.82
Building Height	See Below ¹	45 feet	See Below ¹	45 feet
Floor Area Ratio (FAR)	n/a ²	n/a	3.0	1.18
Open Space	25%	See Note ³	20%	28%

1. See discussion under P-District Standards in this report.
2. Development intensity in a PDH District is measured by dwelling units per acre; however, the two uses in Lee Village, public uses and the independent living facility, to be located within the PDH-8 District are secondary uses. See additional discussion below.
3. The overall amount of open within the overall project is 32 percent.

Principal Uses and Secondary Uses

The PDH-8 District lists public uses as a principal use and independent living facilities as a secondary use. This portion of the property should be considered as part of the overall Manchester Lakes PDH District. In a PDH-8 District, the permitted level of development is limited to 8.0 dwelling units to the acre. Other than two paragraphs within the Use Limitations (Par. 5 and 6 of Sect. 106) which state that the amount of commercial space allowed is based on the overall number and type of dwelling units within the specific PDH District, secondary uses are not addressed by the density provisions of the PDH District. The PRM District includes multi-family residential as a principal use. In the PRM District, the overall level or intensity of development, including residential uses, is addressed by floor area ratio (FAR), with a maximum limit of 3.0.

Other Applicable Provisions of the Zoning Ordinance

Use Limitations

Sections 6-106 and 6-406 contain use limitations for the PDH District and the PRM District respectively. The following will address only those use limitations applicable to this development proposal. Those that are contained within both districts will be addressed together.

Secondary Uses that are Category or SE Uses: Par. 3 of Sect. 6-106 (PDH-8 District) states that when a secondary use which is also a special exception use is proposed, the additional standards applicable to that use shall be used as a guide in the evaluation of that use. As noted above, independent living facilities are a secondary use in the PDH-8 District. A similar provision is also found in Par. 5 of Sect. 6-406 (PRM District); however, this provision is not applicable in this instance because the 2.82 acres to be rezoned to the PRM District includes only multi-family dwelling units, which is a principal use. No secondary uses are proposed in the PRM District. Sect. 9-306 contains the Additional Standards for Independent Living Facilities. The following addresses those provisions:

- Par. 1 sets an age restriction of sixty-two (62) years of age for persons occupying such units, while also allowing couples where one member of the couple meets the age limitation and persons with handicaps to occupy independent living units. The applicant proposes to set an age limitation of 55 years of age rather than 62 years of age. Par. 8 of Sect. 16-401 allows the Board of Supervisors to grant a variance to the provisions of the Ordinance. Similar modifications to this standard have been granted with the approval of special exception applications for independent living facilities, and staff has concluded that the request is in conformance with the recommendations of the Comprehensive Plan. Therefore, staff recommends that this request be granted.
- Par. 2 requires that the Board find that the proposed facility adequately address the needs for the elderly and persons with handicaps for transportation, shopping, health and recreation. As noted elsewhere in this report, public transportation is available at this site; shopping is adjacent to the property with additional shopping, including a grocery store, available in the Festival at Manchester Lakes shopping center; and the site is adjacent to Beulah Park. Staff has concluded that this standard has been adequately addressed.
- Par. 3 requires that the Board find that the proposed use is compatible with the neighborhood, will not be injurious to persons living or residing in the neighborhood or injurious to property or improvements in the neighborhood. As noted in the discussions found in the Land Use Analysis and Neighborhood Compatibility, staff has concluded that this proposed independent living facility meets this standard.
- Par. 4 addresses submission requirements for a special exception and is not applicable in this instance.

- Par. 5 requires that such a use front on a collector street or major thoroughfare. Beulah Street is a major thoroughfare as defined by the Zoning Ordinance. Par. 5 also requires that direct access be provided to the major thoroughfare. In this instance, the access via Silver Lake Drive meets this standard.
- Par. 6 addresses the number of units allowed in an independent living facility located in a conventional district and is not applicable in this instance.
- Par. 7 states that assisted living and nursing facilities may be included in such a development; however, none are proposed in this instance.
- Par. 8 states that all of the facilities will be for the residents and guests and not the general public. This is true for the facilities located within the independent living facility; however, the common facilities for Lee Village, including the central park, the parking garage and other open space areas will be available to the public. Given that this is a mixed-use development with common facilities, staff has concluded that this standard has been satisfied.
- Par. 9 limits the building height to fifty (50) feet in residential districts, while allowing additional height to be approved by the Board. As noted in the chart above, the proposed height is 45 feet.
- Par. 10 requires a setback greater than fifty feet from land that is planned for residential densities below and including 8 du/ac. The property across Silver Lakes Boulevard is developed with an independent living facility, which is also part of Parcel O of Manchester Lakes. The setback shown on the CDP/FDP is 25 feet from the edge of the right-of-way. Staff has concluded that this setback is appropriate in this instance and that the CDP/FDP should be approved with the twenty-five (25) foot setback.
- Par. 11 addresses transitional screening yard and barrier requirements for such uses and states for this purpose an independent living facility is deemed to be a multi-family dwelling. With the exception of the library, the abutting uses are also multi-family dwellings (i. e. the existing independent living facility and the proposed workforce housing). Multi-family dwellings are not required to provide transitional screening or barriers to a library, which is considered as a quasi-public use for the purposes of the Transitional Screening and Barrier Matrix in Article 13.
- Par. 12 addresses grandfathering of previously approved facilities and is not applicable in this instance.

Parking

Parking is provided within surface parking lots near each use and in a common parking garage located in the center of the site. The tabulations indicate that the amount of parking provided exceeds the amount of parking required by the Zoning Ordinance.

However, with the parking for three different uses provided in a common facility, the management of that parking is essential for the success of the project. For the regional library to be successful, public parking must be located in close proximity to the library, available and easily accessible with appropriate signage. In addition, a staff parking area must be designated. These parking management issues have not been addressed as part of the submissions with the zoning applications. However, in this instance, the parking management issues can and should be addressed as part of the negotiations with regard to the PPEA agreement. As noted above, if the recommended interparcel connection is provided to the adjacent eating establishment, specific measures will be required to ensure that overflow parking from the eating establishment does not utilize parking needed for the workforce housing units, especially during the evening hours when parking demand for both uses is at its highest.

Loading

The layout and requirements of the proposed regional library service area have been addressed elsewhere in this report. Loading spaces are also required for each of the two residential uses proposed on the site; however, the CDP/FDP does not address this requirement. Multi-family dwellings must provide loading spaces in accordance with Standard G – one (1) space for the first 25,000 sq. ft. of GFA, plus one (1) space for each additional 100,000 sq. ft. or major fraction thereof. (For this purpose, independent living facilities are considered multi-family dwellings). The CDPA/FDPA includes a request for a modification of this requirement in this instance. Staff recommends that the modification to the loading requirements be approved, because adequate loading is provided at the library and loading for the two residential buildings is available in close proximity to those buildings.

Transitional Screening & Barriers

Transitional screening and barriers are required to provide an appropriate transition between differing uses. The Zoning Ordinance requires that the more intensive use provide the transitional screening and barriers. For the purposes of the Transitional Screening and Barrier Matrix included in Article 13 of the Zoning Ordinance, Landscaping and Screening, the proposed workforce housing and the independent living facility are considered to be multi-family housing and the library is considered a quasi-public use.

In this instance, within Lee Village, the library is considered the more intensive use and is required to provide Transitional Screening Yard 1, a twenty-five (25) foot wide planting area and Barrier D (42 to 48 inch tall chain link fence), Barrier E (six foot tall brick or architectural block wall), or Barrier F (a six foot tall wooden fence). The applicant has requested a waiver of these requirements, which is discussed below.

With regard to the property surrounding Lee Village, transitional screening and barriers are not required between this site and the similar uses across Silver Lake Boulevard (the existing independent living units) and Beulah Park. The adjacent commercial uses to the north are considered to be the more intense use; therefore, screening is not required with regard to those uses. Transitional screening is required along Beulah Streets because there are single-family detached units across from Lee Village. Transitional Screening Yard 1 is required along the periphery where the multi-family units are proposed. Transitional Screening Yard 2, a thirty-five (35) foot wide planting area is required where the library is proposed. Both the library and multi-family dwelling units require Barrier D, E or F. The application package includes requests to modify the transitional screening yard requirements and waive the barrier requirements.

Waivers/Modifications

Modification: Transitional Screening – Library along Periphery

Basis: Par. 3 of Sect. 13-304

Single-family dwelling units are located across Beulah Street, a four-lane divided facility with a median and turn lanes, from the proposed regional library. This area is planned for residential use at a density of 5-8 du/ac. The site is also the subject of a deferred rezoning application, RZ 2005-LE-010, which requests to rezone the property from the R-1 District to the R-8 District for single-family attached dwelling units (SFAs). Transitional Screening Yard 1 is required between SFAs and the library. The proposed screening yard behind the library building is up to 30 feet in depth; however, it is not proposed to be planted with the amount of landscaping required for either Transitional Screening Yard 1 or 2. Staff has concluded that the existing road presents a greater impact on the existing residents than the proposed library. Further, it would be appropriate for this public facility to be visible from Beulah Street. For these reasons, staff recommends that the requested modification be granted.

Waiver: Barrier – Library along Periphery

Basis: Par. 3 of Sect. 3-304:

As noted earlier, Barrier D, E, or F, is required between the library and the existing single-family detached dwelling units located across Beulah Street. Staff has concluded that Beulah Street forms an effective barrier between the single-family dwelling (both the existing and those planned) across that street from the proposed library building. Staff recommends that the requested waiver be granted.

Modification: Transitional Screening – Workforce Housing along Periphery
Basis: Par. 3 of Sect. 13-304

As noted above, Beulah Street is a four-lane divided facility with a median and turn lanes. Further, the existing use is single-family detached dwelling units; however, this area is planned at 5-8 du/ac and is the subject of a deferred rezoning application, RZ 2005-LE-010, which requests approval of the R-8 District. Approval of this application would change the use to single-family attached dwelling units, which require Transitional Screening Yard 1. The existing road presents a greater impact on the existing residents than the proposed library. The proposed row of deciduous trees should provide adequate screening between the proposed workforce housing units and the existing and planned single-family dwelling units located across Beulah Street. For these reasons, staff recommends that the requested modification be granted.

Waiver: Barrier – Workforce Housing along Periphery
Basis: Par. 3 of Sect. 3-304:

Barrier D, E or F is required between the proposed multi-family dwelling units to be located in the PRM District and the existing single-family detached dwelling units located across Beulah Street. As with the library staff has concluded that Beulah Street forms an effective barrier between the single-family dwelling existing and planned across that street from the proposed workforce housing building. It also should be noted that a barrier is not required if the land across Beulah Street is redeveloped with single-family attached dwelling units. Staff recommends that the requested waiver be granted.

Waivers: Transitional Screening & Barrier – Library within Lee Village
Basis: Par. 14 of Sect. 13-304

Par. 14 allows the Board to waive transitional screening and barriers for a public use when the site has been designed to minimize the impacts. The proposed library building is depicted in the southwest corner of the property and a private park is shown between the library and the proposed independent living facility and with the parking garage between the library and the proposed workforce housing. This design minimizes the impacts on the adjacent residential uses. For these reasons, staff recommends that the requested waiver be granted.

Standards for all Planned Developments (Sect. 16-100)

Sect. 16-101 contains six general standards that must be met by a planned development. Sect. 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject.

Sect. 16-101, General Standards

The first general standard requires that the planned development conform with the Comprehensive Plan (Par. 1). As discussed in the Land Use Analysis section above, staff has determined that this standard has been satisfied.

The second general standard addresses whether or not the planned development is of such a design that it achieves the purpose and intent of a planned development more than would be development under a conventional district (Par. 2). The purpose and intent of the Planned Development Housing District are contained in Sect. 16-101. The purpose and intent of the PDH District are to encourage innovative and creative design and facilitate the most advantageous construction techniques in the development of land for residential uses; to insure ample provision and efficient use of open space; and to promote high standards in the layout, design and construction of residential development. The purpose and intent of the Planned Residential Mixed Use (PRM) District (see Sect. 6-401) are to provide for high density, multiple-family residential developments, generally with a minimum density of 40 dwelling units per acre or mixed-use development with densities of at least 20 dwelling units per acre. The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent development, and to otherwise implement the stated purpose and intent of the Zoning Ordinance. Staff has determined that these standards would be satisfied as outlined above including the Description of the CDPA/FDPA and the Land Use Analysis section.

The third general standard addresses the efficient use of the available land and protection of scenic assets and natural features such as trees, streams and topographic features (Par. 3). As previously discussed, there are no scenic assets or natural features worthy of protection on this site.

The fourth general standard states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development and shall not hinder, deter or impede development of surrounding undeveloped properties (Par. 4). As described in the discussions under Land Use Analysis, Site Design and Neighborhood Compatibility, staff has determined that this standard has been satisfied.

The fifth general standard addresses the adequacy of public facilities in the vicinity (Par. 5). As noted in the Public Facilities Analysis, the site is located in an area where public facilities and public utilities are, or will be, adequate for the proposed development.

The sixth general standard addresses internal linkages between internal facilities and to external facilities at a scale appropriate to the development (Par. 6). As described throughout this report, staff has concluded that the roadway and pedestrian network adequately provides for these linkages, with the exception of

a vehicular and pedestrian connection to the commercial uses to the north, which the applicant recommends not be installed. Notwithstanding, staff has concluded that this standard has been met because the requested interparcel access to the north affects traffic only on Silver Lake Boulevard, which is essentially a one-block long local street and is privately maintained. Whether or not this interparcel access is installed would not have any impact on the traffic on Beulah Street or Manchester Boulevard, the two arterial streets which provide access to the application property.

Sect. 16-102. Design Standards

The first design standard specifies that, regarding compatibility with adjacent development, the peripheral yards of CDP/FDP should generally conform with the setbacks for the most similar conventional district. Staff has determined that this standard has been satisfied in the manner outlined in the discussions regarding Land Use Analysis, Site Design, Neighborhood Compatibility, and the requested Modifications and Waivers.

The second design standard states that other applicable provisions of the Ordinance such as off-street parking, landscaping, signs, etc. are applicable to planned developments (Par. 2). As outlined in the analysis regarding the proposed layout of this project, staff has concluded that this standard has been satisfied.

The third design standard specifies that the street systems should conform with the applicable requirements and that a network of trails should be provided to provide access to recreational amenities open space, public amenities, vehicular access routes and mass transit facilities (Par. 3). As outlined in the discussions regarding transportation and pedestrian connections throughout this report, has concluded that this standard has been met, with the minor exception of the interparcel access to the north, which is discussed elsewhere in this report.

Proffer Analysis

The draft proffers are structured to cross reference and incorporate the applicable sets of proffers that affect Parcel O. As such, the draft proffers incorporate by reference the following sets of previous proffers:

- The proffers for PCA 82-L-030-2, which superseded the original rezoning and subsequent proffered condition amendment; these are the proffers that established the current form of Manchester Lakes (the commitments with regard to construction of roads and other public facilities have been previously satisfied).
- The proffers and development conditions associated with the approval for Parcel O that established the current layout for that part of Manchester Lakes.

- The proffers and development conditions associated with the most recent approval for the library, PCA 82-L-030-11 and PCA 1996-LE-034.

The other approvals for Manchester Lakes do not affect the property included in this application package and are not referenced by the draft proffers in Appendix 1.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As described under the Land Use Analysis section, this proposal is consistent with the land use recommendations of the Comprehensive Plan with regard to this property. The draft proffers also meet the requirements of the Zoning Ordinance with regard to Affordable Dwelling Units (ADUs) and the recommendations of the Comprehensive Plan with regard to Workforce Housing Units. The proposal satisfies the applicable provisions of the Zoning Ordinance. Further, the application package addresses most of the issues raised by staff with regard to this request for zoning approval to allow the implementation of a future agreement between the applicant and the County for the construction of this mixed use project. However, the following issues remain unresolved:

- The design of the pocket park within the property should be modified to include two game tables and the game tables and some of the benches should be sited to promote social interaction; and
- An interparcel connection should be provided to the north.

Staff continues to urge the applicant to make these suggested changes.

Recommendations

Staff recommends approval of RZ 2007-LE-012, PCA 82-L-030-12 and PCA 1996-LE-034-2 subject to the execution of the draft proffers contained in Appendix 1 and approval of the combined Conceptual Development Plan.

Staff further recommends that the combined Final Development Plan for FDP 2007-LE-012 be approved by the Planning Commission subject to the proposed development conditions contained in Appendix 2 of and the Board of Supervisors' approval of RZ 2007-LE-012, PCA 82-L-030-12 and PCA 1996-LE-034-2.

Staff further recommends that the transitional screening yard requirement be modified to that shown on the proffered CDPA/FDPA

Staff further recommends that the barrier requirement be waived along Beulah Street.

Finally, staff recommends that the transitional screening and barrier requirements internal to Lee Village be waived.

Staff further recommends that the Board of Supervisors approve a variance pursuant to the provisions of Par. 8 of Sect. 16-401 to set the minimum age limit for the independent living facility at 55 years of age in place of the 62 years of age contained in Par. 1 of Sect. 9-306.

Staff further recommends that the Board of Supervisors direct the Director, DPWES, to modify the loading space requirements to that shown on the proffered CDPA/FDPA.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. 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 Board of Supervisors.

APPENDICES

1. Draft Proffer Statement
2. Proposed Development Conditions for FDP 2007-PR-012
3. Affidavit
4. a. Statement of Justification
b. Applicant's Comments regarding Interparcel Access
c. Sections through Site Illustrating Bulk
5. Reduction of the currently approved CDP/FDP for Kingstowne Library
6. Proffer Statement for PCA 82-L-030-11, PCA 1996-LE-034
7. FDP Development Conditions for Kingstowne Library
8. Proffers and CDP/FDP for RZ/FDP 1996-LE-034 and PCA 82-L-030-9
9. Land Use and Environmental Analysis
10. Transportation Analysis
11. Park Authority Comments
12. Schools Analysis
13. Sanitary Sewer Analysis
14. Fire and Rescue Analysis
15. Water Service Analysis
16. Selected Excerpts from the Zoning Ordinance
17. Residential Development Criteria
18. Glossary of Terms

DRAFT PROFFERS**Lee Village at Silver Lake, LLC**

**RZ 2007-LE-012
PCA 1996-LE-034-2
PCA 82-L-030-12**

April 15, 2008

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950, as amended, Lee Village at Silver Lake, LLC (hereinafter referred to as the "Applicant"), for itself, its successors and assigns in RZ 2007-LE-012, PCA 1996-LE-034-2, PCA 82-L-030-12 filed on 6.64 acres of property identified as Fairfax County Tax Map reference 91-3 ((9)) 8B (hereinafter referred to as the "Application Property"), hereby proffers to the following, provided that the Fairfax County Board of Supervisors (hereinafter referred to the "Board") approves a rezoning of a portion of the Application Property, containing approximately 2.82 acres, from the PDH-8 District to the PRM District, and related applications in conjunction with a Conceptual/Final Development Plan (hereinafter referred to as the "CDP/FDP").

APPLICABLE TO ENTIRE APPLICATION PROPERTY**1. PRIOR PROFFERS**

Prior proffers applicable to the Application Property are incorporated into this document by reference and shall continue in full force and effect as follows:

- The proffers associated with PCA 82-L-030-2 et seq. remain in effect for the portions of the Application Property subject to those proffers as referenced in PCA 82-L-030-9 with the exception of the proffered plan, uses and layout of the property wherein these proffers shall govern the property.
- The proffers associated with PCA 82-L-030-9 and RZ 1996-LE-034 remain in effect except as follows: Proffers Number 1, 2, 8, 9, 11, and 13, which are superseded by the following proffers for the Application Property only. Proffer Number 14 regarding noise shall be in effect for the residential uses.
- If the option shown on Sheet 3 of the CDP/FDP to construct only the library is exercised by the Board of Supervisors as outlined in Proffer 3, such construction shall be in substantial conformance with the proffers accepted in conjunction with the approval of PCA 82-L-030-11 & PCA 1996-LE-034 and the development conditions associated with the approval of FDPA 82-L-034. In that instance, in addition to this proffer, the following proffers shall apply: 3.a, 4.a, 4.c., 5, 6, 7.a., 7.b., 7.c., and 9 as well as the proffers identified as applicable to the library only.

- Copies of the above described proffer statements shall be included with any site plan submission made with regard to this approval.

2. CONCEPTUAL/FINAL DEVELOPMENT PLAN (CDP/FDP)

- a. Subject to the provisions of Section 16-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance") development of the Application Property shall be in substantial conformance with the CDP/FDP, entitled "Lee Village at Silver Lake," containing seven (7) sheets prepared by Dewberry, dated March 12, 2007, as revised through March 14, 2008.
- b. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor modifications to the building footprints shown on the CDP/FDP and make other modifications provided that such modifications are in substantial conformance with the CDP/FDP as determined by the Zoning Administrator, and do not increase the number of dwelling units, decrease required setbacks to the periphery, or decrease open space.
- c. Notwithstanding that the CDP/FDP is presented on seven (7) sheets and said CDP/FDP is the subject of Proffer 1.a. above, it shall be understood that the CDP shall be limited to the location and amount of open space, limits of clearing and grading, the maximum number and general location of residential units and type of units, and the maximum square footage of non-residential development. The Applicant has the option to request Final Development Plan Amendments ("FDPAs") for elements other than CDP elements from the Planning Commission for all of, or a portion of, the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.
- d. Any of the buildings shown on the CDP/FDP may be the subject of a partial and separate Proffered Condition Amendment (PCA) and/or FDPA without joinder and/or consent of the other building owners as determined by the Zoning Administrator pursuant to Paragraph 6 of Section 18-204 of the Zoning Ordinance. Previously approved proffered conditions applicable to buildings that are not the subject of such a PCA or FDPA shall otherwise remain in full force and effect.

3. USES

- a. As shown on the CDP/FDP, the Application Property shall be developed with residential units and a library as described herein. The parking garage shall be constructed concurrently with the residential uses. The proposed library shall be under construction prior to the issuance of the first Residential Use Permit (RUP) for any of the proposed residential uses, unless, at its sole option, Fairfax County delays the construction of the library in response to budgetary or other constraints that

preclude the staffing, outfitting and/or operation of the library, in which case there shall be no delay in the issuance of the first RUP. Fairfax County may elect to construct only the library in a configuration that would accommodate future construction of the proposed residential uses and parking garage.

- b. The construction of the residential buildings on the Application Property may be phased.

4. TRANSPORTATION

- a. Subject to Virginia Department of Transportation's (VDOT) approval, the Applicant shall construct a bus shelter on Beulah Street in the location as generally shown on the CDP/FDP, and pedestrian connections as shown on the CDP/FDP.
- b. Subject to the approval of VDOT, receipt of all necessary letters of permission from the property owners, and subject to the condition that neither VDOT nor property owners granting letters of permission shall require the payment of funds or the construction of other off-site improvements in order to grant such approval or permission, the Applicant shall remove the "pork chop" island located on adjacent property to the south identified among the Fairfax County tax map records as 91-3 ((1)) 59. Said removal shall not result in any further obligations of the Applicant for off-site right-of-way improvements.
- c. Applicant shall record, among the Fairfax County land records, a sight distance easement in a form acceptable to the County Attorney along its property frontage adjacent to Silver Lakes Boulevard at the first access point when proceeding east from Beulah Street.

5. GEOTECHNICAL

Prior to site plan approval, and in accordance with the provisions of the Public Facilities Manual, the Applicant shall submit a geotechnical study of the Application Property to the Geotechnical Review Board through DPWES and shall incorporate appropriate engineering practices as recommended by the Geotechnical Review Board and DPWES to alleviate potential structural problems, to the satisfaction of DPWES. The recommendations of the Geotechnical Review Board shall be implemented during construction. In addition, the Applicant shall comply with the provisions of proffer 13, Soils Activities, accepted pursuant to the approval of PCA 82-L-030-9 and RZ 1996 LE-034 as referenced in proffer 1 above.

6. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

The Applicant shall provide stormwater management (SWM) and best management practices (BMPs) on the Application Property as generally shown on the CDP/FDP and in accordance with the requirements of the PFM and the Chesapeake Bay Preservation Ordinance, unless waived or modified by the Department of Public Works and

Environmental Services (DPWES). Stormwater Management shall be provided off-site in a pond designed to accommodate run-off from the Application Property as detailed on the CDP/FDP. Based on final engineering, the Applicant shall use best efforts to incorporate, low impact development techniques, including, but not limited to, bioretention facilities, porous pavers, Filterra system(s) and infiltration trenches on the remainder of the Application Property, as applicable, to minimize the amount of impervious area on the Application Property, increase infiltration into the ground, and reduce the concentration of run-off from impervious areas. The number, type and location of said facilities shall be coordinated with and approved by DPWES at the time of first site plan submission.

7. LANDSCAPING AND OPEN SPACE

- a. The Applicant shall provide landscaping as shown on the CDP/FDP. Deciduous trees shall have minimum caliper of 2 ½ inches at time of planting. Evergreens shall have a minimum height of 5 to 6 feet at time of planting.
- b. The Applicant shall provide low planting beds in approximately 50 % of that curved area that is encumbered by a sight distance easement.
- c. The Applicant shall submit a detailed landscape plan as part of the first and all subsequent plan submissions for review and approval by Urban Forest Management. The landscaping plan shall utilize a variety of tree species of various sizes planted throughout the Application Property. The Applicant shall utilize native species as coordinated with Urban Forest Management.
- d. The Applicant shall provide an open space area between the proposed library and the independent living residential building, as shown on the CDP/FDP. The open space shall include benches, a minimum of two (2) game tables, and a gazebo, or other similar feature, to enhance the use of the open space area.
- e. Subsequent to the receipt of the necessary permission, the Applicant shall provide landscaping within the area reserved for future road improvements adjacent to the Application Property.
- f. Decorative pavers or stamped and colored asphalt shall be utilized for the pedestrian crosswalk from the library entrance to the open space area adjacent to the independent living residential building, and between the two portions of the workforce housing units.
- g. Subject to receipt of the necessary permission at no cost and the approval of DPWES, the Applicant shall plant native shade trees along a swale located on property identified as 91-3 ((1)) 59 in proximity to Silver Lake Boulevard. A maximum of twenty (20) trees shall be planted. The exact species and location of trees shall be coordinated with Urban Forest Management.

8. PARKING GARAGE

- a. The parking garage shall be constructed of earth tone colored materials to minimize its visual appearance. The Applicant shall utilize a combination of plantings and techniques to maximize screening of the garage from Beulah Street in coordination with Urban Forest Management.
- b. The parking garage shall include pavement markings and signs to restrict commuter parking, and identify parking for library and resident use. Said parking regulations shall be strictly enforced in accordance with a parking agreement to be entered into between the owners of the residential buildings and the library.
- c. With the exception of trailers and vehicles necessary for moving residents in and out of units, and vehicles associated with library activities, the parking of trailers, commercial vehicles, boats and recreation vehicles shall not be permitted on the Application Property. This restriction shall be enforced by a covenant recorded among the Fairfax County land records.
- d. The parking garage shall provide secure, weather protected bicycle storage in a location convenient to residents, visitors and guests. Bicycle racks shall also be provided in proximity to the library.

9. LIGHTING

To prevent lighting from adversely impacting adjacent properties, exterior building lighting shall be shielded in a manner that prevents light spillage. All exterior lighting fixtures shall be equipped with "cut-off" luminaries and all parking lot lighting shall also be a maximum of twenty (20) feet in height. All lighting standards shall comply with Zoning Ordinance Article 14, Part 9, Outdoor Lighting Standards.

10. SUCCESSORS AND ASSIGNS

These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.

11. COUNTERPARTS

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute one and the same instrument.

**APPLICABLE ONLY TO THE RESIDENTIAL
PORTION OF THE APPLICATION PROPERTY**

The following proffers shall be applicable solely to the residential portion of the Application Property as shown on the CDP/FDP.

1. USES

- a. The Applicant shall rent 89 of the residential units as age-restricted independent living units as designated on the CDP/FDP and zoned to the PDH-8 District. The residents shall be restricted to those who are fifty-five (55) years of age or older and couples where either the husband or the wife is fifty-five (55) years of age or older, in accordance with the Fair Housing Act (FHA).
- b. The Applicant shall rent and administer 111 of the residential units designated as workforce housing units on the CDP/FDP and zoned to the PRM District as housing that is affordable to essential professionals (i.e., teachers, nurses, and Fairfax County employees) working in Fairfax County. These units shall be affordable to individuals with initial maximum income limits up to 100% 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, unless the maximum income limit is increased by Fairfax County. The workforce housing units shall be comprised of one (1) and two (2) bedroom units; one (1) bedroom units shall have a minimum size of 600 square feet, and two (2) bedroom units shall have minimum size of 900 square feet. The Applicant shall administer the units in accordance with a separate agreement between the Applicant and Fairfax County, which may include the following terms:
 - The units may be leased for a minimum of a one (1) year lease period, but may have a lease term of up to two (2) years for tenants who meet the initial eligibility criteria established by the Applicant. A tenant who no longer meets eligibility criteria may continue to occupy a workforce unit until the end of the lease term.
 - Units shall not be subleased by the tenant.
 - A statement shall be obtained upon lease signing verifying the tenant's name, household size and household income. If a unit is occupied by more than one individual, and both are employed, the household income may be up to 150% of AMI. Said verification will be provided to the Fairfax County Department of Housing and Community Development.
 - One parking space shall be provided at no additional cost for each unit.

- Separate fees may be charged for utilities, additional parking spaces, and/or amenities.
- c. The Applicant shall record a covenant in a form acceptable to the County Attorney on the Application Property identifying the 111 residential units described in proffer b. above as workforce housing units. These units may be target marketed to Fairfax County employees, personnel of the Fairfax Education Association, employees of Inova Hospital System; MetroPark employees; Kingstowne office buildings workers, and/or other essential professionals provided, however, that such marketing shall be completed on a non-discriminatory basis in conformance with the Fair Housing Act and all other applicable laws and regulations.

2. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

The Applicant shall implement the following transportation demand management (TDM) strategies to reduce peak hour vehicle trips from the Application Property during the AM and PM peak periods. The TDM strategies shall be implemented prior to issuance of the first RUP for the Application Property. Strategies shall include the following:

- a. All residential units shall be pre-wired with high capacity data/network connections in addition to standard phone lines.
- b. SmarTrip cards shall be provided to each resident on a one time basis at the time of initial lease execution for dwellings on the Application Property, SmarTrip cards for each resident shall include a pre-paid value of Fifty Dollars (\$50.00).
- c. Metro maps, schedules and forms, ridesharing and other relevant transit option information shall be available to residents and employees in a common area; such as a central lobby or community room, and provided to all residents at the time of lease execution.
- d. Transportation coordination duties shall be assigned to one of the property managers, who will implement the TDM strategies described herein. The transportation coordinator shall be available to Fairfax County Department of Transportation staff to work cooperatively to promote opportunities to enhance participation in TDM programs.
- e. A newsletter shall be distributed at a minimum on a quarterly basis or a webpage maintained for tenants describing and updating information on TDM strategies and services.

3. BUS SHELTER MAINTENANCE

The Applicant shall be responsible for general upkeep of the grounds in the vicinity of the bus shelter (grass mowing, landscape maintenance) located on Beulah Street and for collection and disposal of trash from the bus shelter).

4. PARKS AND RECREATION

- a. The Applicant shall comply with Paragraph 2 of Section 6-110 and Paragraph 2 of Section 6-409 of the Zoning Ordinance regarding developed recreation facilities for residential uses. The Applicant proffers a minimum expenditure for recreational facilities of One Thousand Five Hundred Dollars (\$1,500.00) per residential unit, exclusive of Affordable Dwelling Units. On-site recreational facilities shall include a tot lot as shown on the CDP/FDP and an indoor exercise facility containing a minimum of 700 square feet.
- b. Any funds required in accordance with proffer 4.a., and not expended on-site, shall be utilized by the Applicant to design, permit and construct (subject to acceptable letters of permission from the property owners for the construction of off-site improvements) the following improvements to existing facilities at Beulah Park:
 - i. A landscaped plaza area with benches at the southwest corner of Silver Lake Boulevard and Beulah Street to include plant materials and pavers similar to those utilized and to a similar extent as proposed in the open space between the library and the independent living residential building on the Application Property.
 - ii. Dugout improvements at each of the two (2) athletic fields (4 dugouts) as follows:
 - installation of a concrete floor at each dugout.
 - installation of surface mounted, 21-inch benches with backs at each dugout.
 - construction of a roof over each dugout.
 - installation of aprons at each dugout.
 - iii. Roof replacement and installation of ceiling insulation on restroom building.
- c. The Applicant shall install two (2) crosswalks across Silver Lake Boulevard to provide access from the Application Property to Beulah Park.
- d. The Applicant shall complete the improvements described therein regardless if the amount of completion exceeds the Ordinance requirement described in 4.a.

5. SCHOOL CONTRIBUTION

The Applicant shall contribute the sum of Eighty-One Thousand Four Hundred Ten Dollars (\$81,410.00) to the Fairfax County Board of Supervisors for capital improvements to Lane Elementary School, Hayfield Middle School and Hayfield High School, which are located in the vicinity of the Application Property. The amount of this contribution may be reduced at time of payment based on the final number of workforce housing units constructed on the Application Property in accordance with the school generation rates of Fairfax County as provided by Fairfax County Public School Facilities Planning. Said contribution shall be payable at time of site plan approval for the residential portion of the Application Property.

6. AFFORDABLE HOUSING

- a. In accordance with Section 9-306(2) of the Zoning Ordinance, a minimum of 15% of the independent living dwelling units shall be Affordable Dwelling Units (ADUs). Said ADUs shall be provided in the independent living portion of the development, and shall be administered in accordance with the provisions of Part 8 of Article 2 of the Zoning Ordinance.
- b. Applicant shall provide ADUs in accordance with Zoning Ordinance requirements for the workforce housing, or a minimum of 5%. Said ADUs shall be provided in the workforce housing portion of the development and shall be administered in accordance with the provisions of Part 8 of Article 2 of the Zoning Ordinance.
- c. The Applicant may provide ADUs in excess of the nineteen (19) required by the Zoning Ordinance. ADUs provided in excess of the Zoning Ordinance requirement may be provided in either the independent living or workforce housing portion of the development within the Applicant's discretion, and shall be administered in accordance with the provisions of Part 8 of Article 2 of the Zoning Ordinance.

7. DESIGN

- a. The residential buildings shall be four (4) stories and constructed primarily with a combination of masonry, siding, and glass materials. All buildings shall be serviced by an elevator. All buildings shall be architecturally compatible.
- b. Residential buildings constructed on the Application Property shall include energy star appliances.
- c. One garage parking space shall be reserved per residential unit at no additional cost.
- d. Universal design elements shall be incorporated into required accessible residential units, as feasible.

8. NOISE ATTENUATION

Applicant shall achieve, at substantial completion of the improvements, an interior noise level of approximately 45 dBA Ldn for all residential units as described in proffer 14, Noise Attenuation, accepted pursuant to the approval of PCA 82-L-030-9 and RZ 1996-LE-034 as referenced herein.

9. 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 to assist in the rental of residences on the Application Property. Furthermore, the agents and employees involved in the marketing and rental of the residential units on the Application Property shall be directed to adhere to this proffer.

**APPLICABLE ONLY TO THE LIBRARY PORTION
OF THE APPLICATION PROPERTY**

The following proffers shall be applicable solely to the library portion of the Application Property as shown on the CDP/FDP.

1. USES

Pursuant to a separate agreement between the Applicant and Fairfax County, the Applicant may construct a library containing approximately 45,900 gross square feet as shown on the CDP/FDP and zoned to the PDH-8 District. This is inclusive of approximately 6,500 gross square feet of public meeting and office space and a 900 square foot café that will be accessory to the library. The library drive-thru window as shown on the CDP/FDP shall not be utilized by the café.

2. DESIGN

The library shown on the CDP/FDP shall incorporate environmentally sustainable elements into its building program that include, but are not necessarily limited to, high-efficiency mechanical systems, use of materials with recycled content, a high performance and insulated building envelope, water efficient fixtures, low volatile organic compounds in paints, sealants and finish materials, construction waste management and storage and collection of recyclables. These measures shall be provided to an extent and in a manner that is consistent with the most current version of the United States Green Building Council's Leadership in Energy and Environmental Design rating system for new construction (LEED-NC), including alternative credit language and compliance measures as may be permitted through the most current version of any LEED-NC program specifically

applicable to commercial projects, as documented through a statement to be provided to DPWES, prior to bond release, that certifies to this level of performance for each of these elements. This statement shall be certified by a LEED-accredited professional.

{A0139777.DOC / 1 PROFFERS Lee Village at Silver Lake LLC 4-15-08 - (cln) 000699 000050}

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPLICANT / LESSEE OF TAX MAP 91-3 ((9)) 8B

LEE VILLAGE AT SILVER LAKE, LLC

By: Claudia M. Meer
Its: Manager

By: C. Neal Fleming, Jr.
Its: Manager

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

TITLE OWNER/LESSOR OF TAX MAP 91-3 (9)) 8B

THE BOARD OF SUPERVISORS OF THE COUNTY OF
FAIRFAX

By: _____
Anthony H. Griffin
County Executive

[SIGNATURES END]

PROPOSED DEVELOPMENT CONDITIONS**April 17, 2008****FDP 2007-LE-012**

If it is the intent of the Planning Commission to approve FDP 2007-LE-012 for residential development on property located at Tax Maps 91-3 ((1)) 8B pt., staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. The on-site travel aisle that parallels Beulah Street shall be extended existing stub connection located behind the eating establishment located in the intersection of Beulah Street and Manchester Boulevard [2008 Tax Map Parcel 91-1 ((27)) 1].
2. Prior to the issuance of the first Residential Use Permit (RUP) for the dwelling units identified as "Workforce Housing" on the CDPA/FDPA, signs shall be installed that designate the parking in the northern corner of Lee Village as "Restaurant Parking Prohibited, For Residents and Guests of Lee Village only" or equivalent text, as approved by the County only, shall be installed.
3. A five-foot wide sidewalk shall be installed adjacent to the travel extension required by Development Condition Number One above.
4. If Parcel 8B is developed with the library building only, as shown on Sheet 3 or the combined CPA/FDPA for PCA 82-L-030-12, FDPA 82-L-030-9, PCA 1996-LE-034-2, FDPA 82-L-034-2, and RZ/FDP 2007-LE-012, Conditions 1 through 4 above will not be applicable; however, the pedestrian connection shown on Sheet 3 shall be provided.

REZONING AFFIDAVIT

DATE: March 3, 2008
 (enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, 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

95589c

in Application No.(s): RZ/FDP 2007-LE-012
 (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)
Lee Village at Silver Lake, LLC Agents: C. Neal Fleming, Jr. Dale S. Rosenthal James R. Martin Claudia M. Meer Carmen Romero Derick S.J. Mitchell	7500 Old Georgetown Road Bethesda, Maryland 20814	Applicant/Lessee of Tax Map 91-3 ((9)) 8B pt.
Fairfax County Board of Supervisors Agent: Anthony H. Griffin, County Executive	12000 Government Center Parkway Suite 533 Fairfax, Virginia 22035	Title Owner/Lessor of Tax Map 91-3 ((9)) 8B pt.

(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: March 3, 2008
 (enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
 (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)
Dewberry & Davis LLC Agents: Lawrence A. McDermott P. Christopher Champagne (former) Timothy C. Culleiton	8401 Arlington Boulevard Fairfax, Virginia 22031	Engineers/Planners/Agent
M.J. Wells & Associates, LLC Agents: Robin L. Antonucci Lawrence E. Sefcik John F. Cavan	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent
LeMay Associates, P.C. t/a LeMay Erickson Architects Agents: Jared D. Willcox Sean V.H. Bowers	11250 Roger Bacon Drive, Suite 16 Reston, Virginia 20190	Architect/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Jason B. Heinberg (former) Abby C. Denham Tara E. Wiedeman (former) Sara V. Mariska Blair A. Lonergan (former) Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby G. Evan Pritchard	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(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: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(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)
Lee Village at Silver Lake, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

Managers: C. Neal Fleming, Jr., Dale S. Rosenthal, James R. Martin, Claudia M. Meer
Member: Clark Construction Group, LLC

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

(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)

DATE: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, Virginia 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)
The Dewberry Companies LC, Member
Eric D. Snellings, Member
Dennis M. Couture, 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)
The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 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)
Members: Sidney O. Dewberry, Barry K. Dewberry, Karen S. Grand Pre, Michael S. Dewberry, Thomas L. Dewberry

=====

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: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
LeMay Associates, P.C. t/a LeMay Erickson Architects
11250 Roger Bacon Drive, Suite 16
Reston, Virginia 20190

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)

Paul R. Erickson
Jared D. Wilcox
William N. Rosenberry

=====

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)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)

David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====

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: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Construction Group, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)
Clark Enterprises, Inc., Member
Managers (with no ownership interest): Dan T. Montgomery,
A. James Clark, Lawrence C. Nussdorf, Robert J. Flanagan, Peter C. Forster

=====
NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Peter C. Forster, Chairman/CEO; Dan T. Montgomery, President/COO; William L. Talbert, Division CEO/Asst. Sec; Brian A. Abt, Division Pres; William R. Calhoun, Jr., Division Pres; C. Neal Fleming, Jr., Division Pres; Richard M. Heim, Division Pres; Mamoud R. Hosseini, Division Pres; Sidney J. Jordan, Division Pres; John P. O'Keefe, Division Pres; Gregory S. Colevas, EVP, John J. Omran, EVP, Harold K. Roach, Jr., EVP; Wilson M. Shook, EVP (former); Michael A. Alto, SVP; Jamshid Ansari
=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====
NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
SVP; Frank J. Baltz, SVP; John W. Barotti, SVP, Michael A. Bednarczyk, SVP; Timothy A. Bohrer, SVP; Dennis L. Darling, SVP; Barry D. DePauw, SVP, George T. Domurot, SVP; C. David Golden, Jr., SVP/CIO; James L. Herndon, SVP; Joelle S. Hertel, SVP; F. Robert Hood, SVP; James A. Hooff, SVP/Asst Sec; Ray Hubbard, SVP; Joseph H. Jarboe, SVP/Secretary; John D. Jeniec, SVP, Jon L. Kron, SVP; William I. Magruder, SVP; Steven H. Maslen, SVP; Louis P. Palandrani, SVP, Alan J. Petrasek, SVP/Asst Secretary; Dale S. Rosenthal,
=====

(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: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(enter County-assigned application number (s))

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====

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

President, Vice-President, Secretary, Treasurer, etc.)
SVP/CFO; Susan Williamson Ross, SVP/CAO; Gary H. Schalmo, SVP; Lawrence G. Stovicek, SVP; Allan U. Sylvester, SVP; Bradley D. Trent, SVP/Asst. Secretary; Barbara C. Wagner, SVP; Mark H. Wagner, SVP; John L. Williams, SVP, Joseph R. Abidin, VP; Samuel J. Brusco, III, VP; Kenneth C. Carlson, VP; Robert Carpenter, VP; Peter A. Chase, VP; V. George Conard, VP; Brian K. Couch, VP, James Day, VP; Robert J. Flanagan, VP; Brian C. Flegel, VP; James A. Forsythe, VP; Anthony J. Gallivan, VP; James W. Grauberger, VP;

=====

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====

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

President, Vice-President, Secretary, Treasurer, etc.)
Robert G. Gray, VP; Diane L. Hartley, VP; Michael J. Hartman, VP; Joseph P. Hogan, VP; Paul N. Jobe, VP; Jonathan M. Kersey, VP; James A. Kinkead, VP; John Knowles, VP; Lincoln C. Lawrence, VP; Kenneth R. Lietz, Jr., VP; James Martin, VP; James M. McLamb, VP; Claudia M. Meer, VP; Marshall P. Mizell, VP; Robert D. Moser, VP; John L. Morrow, VP; Lawrence C. Nussdorf, VP/Treasurer; Richard Rizzo, VP; Joseph Salerno, VP; David Scott, VP; Joseph H. Smith, Jr., VP; Wesley T. Stith, VP; Geoffrey Stricker, VP,

(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: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====

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

Ronald D. Strompf, VP; John L. Strong, Jr., VP; A. Royal Turpin, Jr., VP; Kathleen Twomey, VP; Douglas F. Verdin, VP; Marc R. Weyant, VP; David L. Young, VP; Connie B. Pumphrey, Asst. Secretary; Susan J. Vukelich, Asst. Secretary

=====

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

Clark Enterprises, Inc.
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

A. James Clark

=====

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

Officers: A. James Clark, Chairman of the Board; Lawrence C. Nussdorf, President and Treasurer; Robert J. Flanagan, Executive Vice President; Rebecca L. Owen, Sr. Vice President and Assistant Secretary; Terri D. Klatzkin, Sr Vice President; Connie B. Pumphrey, Secretary, Dawn H. Silva, Asst. VP, Richard Dodd, AVP; Michael J. Mintz, VP; K. Alexandra Lee, AVP
Anthony S. Waskiewicz, Jr., VP (former) Directors: A. James Clark, Robert J. Flanagan, Lawrence C. Nussdorf, Courtney C. Pastrick

(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: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(enter County-assigned application number (s))

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

M.J. Wells & Associates, LLC
1420 Spring Hill Road, Suite 600
McLean, Virginia 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., Sole 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)

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 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. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 1% 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.)

(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: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(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)
None

(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)

(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 AFFIDAVIT

DATE: March 3, 2008
(enter date affidavit is notarized)

95589c

for Application No. (s): RZ/FDP 2007-LE-012
(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: March 3, 2008
(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2007-LE-012
(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.)

None

(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.

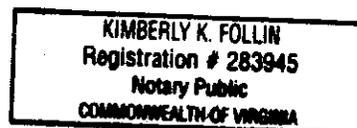
WITNESS the following signature:

(check one) [] Applicant *Lynne J. Strobel* [x] Applicant's Authorized Agent
Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3 day of March, 2008, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011



REZONING AFFIDAVIT

DATE: March 3, 2008
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, 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

95593c

in Application No.(s): PCA 82-L-030-12
(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:

I(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)
Lee Village at Silver Lake, LLC Agents: C. Neal Fleming, Jr. Dale S. Rosenthal James R. Martin Claudia M. Meer Carmen Romero Derick S.J. Mitchell	7500 Old Georgetown Road Bethesda, Maryland 20814	Applicant/Lessee of Tax Map 91-3 ((9)) 8B pt.
Fairfax County Board of Supervisors Agent: Anthony H. Griffin, County Executive	12000 Government Center Parkway Suite 533 Fairfax, Virginia 22035	Title Owner/Lessor of Tax Map 91-3 ((9)) 8B pt.

(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: March 3, 2008
 (enter date affidavit is notarized)

95593c

for Application No. (s): PCA 82-L-030-12
 (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)
Dewberry & Davis LLC Agents: Lawrence A. McDermott P. Christopher Champagne (former) Timothy C. Culleiton	8401 Arlington Boulevard Fairfax, Virginia 22031	Engineers/Planners/Agent
M.J. Wells & Associates, LLC Agents: Robin L. Antonucci Lawrence E. Sefcik John F. Cavan	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent
LeMay Associates, P.C. t/a LeMay Erickson Architects Agents: Jared D. Willcox Sean V.H. Bowers	11250 Roger Bacon Drive, Suite 16 Reston, Virginia 20190	Architect/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Jason B. Heinberg (former) Abby C. Denham Tara E. Wiedeman (former) Sara V. Mariska Blair A. Lonergan (former) Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby G. Evan Pritchard	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(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: March 3, 2008
(enter date affidavit is notarized)

95593c

for Application No. (s): PCA 82-L-030-12
(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)
Lee Village at Silver Lake, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

Managers: C. Neal Fleming, Jr., Dale S. Rosenthal, James R. Martin, Claudia M. Meer
Member: Clark Construction Group, LLC

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

(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)

DATE: March 3, 2008
(enter date affidavit is notarized)

955930

for Application No. (s): PCA 82-L-030-12
(enter County-assigned application number (s))

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

Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, Virginia 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)

The Dewberry Companies LC, Member
Eric D. Snellings, Member
Dennis M. Couture, 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)

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 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)

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

=====

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: March 3, 2008
(enter date affidavit is notarized)

95593 c

for Application No. (s): PCA 82-L-030-12
(enter County-assigned application number (s))

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

LeMay Associates, P.C. t/a LeMay Erickson Architects
11250 Roger Bacon Drive, Suite 16
Reston, Virginia 20190

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)

Paul R. Erickson
Jared D. Wilcox
William N. Rosenberry

=====

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)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)

David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====

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: March 3, 2008
(enter date affidavit is notarized)

955930

for Application No. (s): PCA 82-L-030-12
(enter County-assigned application number (s))

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

Clark Construction Group, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

Clark Enterprises, Inc., Member
Managers (with no ownership interest): Dan T. Montgomery,
A. James Clark, Lawrence C. Nussdorf, Robert J. Flanagan, Peter C. Forster

=====

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

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

Peter C. Forster, Chairman/CEO; Dan T. Montgomery, President/COO; William L. Talbert, Division CEO/Asst. Sec; Brian A. Abt, Division Pres; William R. Calhoun, Jr., Division Pres; C. Neal Fleming, Jr., Division Pres; Richard M. Heim, Division Pres; Mamoud R. Hosseini, Division Pres; Sidney J. Jordan, Division Pres; John P. O'Keefe, Division Pres; Gregory S. Colevas, EVP, John J. Omran, EVP, Harold K. Roach, Jr., EVP; Wilson M. Shook, EVP (former); Michael A. Alto, SVP; Jamshid Ansari

=====

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

Clark Construction Group, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814
[Officers, continued]

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)

=====

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

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

SVP; Frank J. Baltz, SVP; John W. Barotti, SVP, Michael A. Bednarczyk, SVP; Timothy A. Bohrer, SVP; Dennis L. Darling, SVP; Barry D. DePauw, SVP, George T. Domurot, SVP; C. David Golden, Jr., SVP/CIO; James L. Herndon, SVP; Joelle S. Hertel, SVP; F. Robert Hood, SVP; James A. Hooff, SVP/Asst Sec; Ray Hubbard, SVP; Joseph H. Jarboe, SVP/Secretary; John D. Jeniec, SVP, Jon L. Kron, SVP; William I. Magruder, SVP; Steven H. Maslen, SVP; Louis P. Palandrani, SVP, Alan J. Petrasek, SVP/Asst Secretary; Dale S. Rosenthal,

(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: March 3, 2008
(enter date affidavit is notarized)

95593 c

for Application No. (s): PCA 82-L-030-12
(enter County-assigned application number (s))

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====

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

SVP/CFO; Susan Williamson Ross, SVP/CAO; Gary H. Schalmo, SVP; Lawrence G. Stovicek, SVP; Allan U. Sylvester, SVP; Bradley D. Trent, SVP/Asst. Secretary; Barbara C. Wagner, SVP; Mark H. Wagner, SVP; John L. Williams, SVP; Joseph R. Abidin, VP; Samuel J. Brusco, III, VP; Kenneth C. Carlson, VP; Robert Carpenter, VP; Peter A. Chase, VP; V. George Conard, VP; Brian K. Couch, VP; James Day, VP; Robert J. Flanagan, VP; Brian C. Flegel, VP; James A. Forsythe, VP; Anthony J. Gallivan, VP; James W. Grauberger, VP;

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====

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

President, Vice-President, Secretary, Treasurer, etc.)
Robert G. Gray, VP; Diane L. Hartley, VP; Michael J. Hartman, VP; Joseph P. Hogan, VP; Paul N. Jobe, VP; Jonathan M. Kersey, VP; James A. Kinkead, VP; John Knowles, VP; Lincoln C. Lawrence, VP; Kenneth R. Lietz, Jr., VP; James Martin, VP; James M. McLamb, VP; Claudia M. Meer, VP; Marshall P. Mizell, VP; Robert D. Moser, VP; John L. Morrow, VP; Lawrence C. Nussdorf, VP/Treasurer; Richard Rizzo, VP; Joseph Salerno, VP; David Scott, VP; Joseph H. Smith, Jr., VP; Wesley T. Stith, VP; Geoffrey Stricker, VP,

(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: March 3, 2008
(enter date affidavit is notarized)

955930

for Application No. (s): PCA 82-L-030-12
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Ronald D. Strompf, VP; John L. Strong, Jr., VP; A. Royal Turpin, Jr., VP; Kathleen Twomey, VP; Douglas F. Verdin, VP; Marc R. Weyant, VP, David L. Young, VP; Connie B. Pumphrey, Asst. Secretary; Susan J. Vukelich, Asst. Secretary

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Enterprises, Inc.
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)
A. James Clark

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Officers: A. James Clark, Chairman of the Board; Lawrence C. Nussdorf, President and Treasurer; Robert J. Flanagan, Executive Vice President; Rebecca L. Owen, Sr. Vice President and Assistant Secretary; Terri D. Klatzkin, Sr. Vice President; Connie B. Pumphrey, Secretary, Dawn H. Silva, Asst. VP, Richard Dodd, AVP; Michael J. Mintz, VP; K. Alexandra Lee, AVP
Anthony S. Waskiewicz, Jr., VP (former) Directors: A. James Clark, Robert J. Flanagan, Lawrence C. Nussdorf, Courtney C. Pastrick

(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: March 3, 2008
(enter date affidavit is notarized)

95593 c

for Application No. (s): PCA 82-L-030-12
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
M.J. Wells & Associates, LLC
1420 Spring Hill Road, Suite 600
McLean, Virginia 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., Sole 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)
M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 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. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 1% 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.)

(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: March 3, 2008
(enter date affidavit is notarized)

95593 c

for Application No. (s): PCA 82-L-030-12
(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)
None

(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)

(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 AFFIDAVIT

DATE: March 3, 2008
(enter date affidavit is notarized)

95593 c

for Application No. (s): PCA 82-L-030-12
(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: March 3, 2008
(enter date affidavit is notarized)

95593 c

for Application No. (s): PCA 82-L-030-12
(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.)

None

(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)

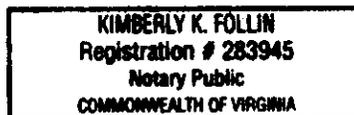
[] Applicant Lynne J. Strobel
[x] Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3 day of March, 2008, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011



REZONING AFFIDAVIT

DATE: March 3, 2008
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, 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 95592c

in Application No.(s): FDPA 82-L-030-9
(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)
Lee Village at Silver Lake, LLC Agents: C. Neal Fleming, Jr. Dale S. Rosenthal James R. Martin Claudia M. Meer Carmen Romero Derick S.J. Mitchell	7500 Old Georgetown Road Bethesda, Maryland 20814	Applicant/Lessee of Tax Map 91-3 ((9)) 8B pt.
Fairfax County Board of Supervisors Agent: Anthony H. Griffin, County Executive	12000 Government Center Parkway Suite 533 Fairfax, Virginia 22035	Title Owner/Lessor of Tax Map 91-3 ((9)) 8B pt.

(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: March 3, 2008
 (enter date affidavit is notarized)

95592 c

for Application No. (s): FDPA 82-L-030-9
 (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)
Dewberry & Davis LLC Agents: Lawrence A. McDermott P. Christopher Champagne (former) Timothy C. Culleiton	8401 Arlington Boulevard Fairfax, Virginia 22031	Engineers/Planners/Agent
M.J. Wells & Associates, LLC Agents: Robin L. Antonucci Lawrence E. Sefcik John F. Cavan	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent
LeMay Associates, P.C. t/a LeMay Erickson Architects Agents: Jared D. Willcox Sean V.H. Bowers	11250 Roger Bacon Drive, Suite 16 Reston, Virginia 20190	Architect/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Jason B. Heinberg (former) Abby C. Denham Tara E. Wiedeman (former) Sara V. Mariska Blair A. Lonergan (former) Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby G. Evan Pritchard	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(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: March 3, 2008
(enter date affidavit is notarized)

95592c

for Application No. (s): FDPA 82-L-030-9
(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)
Lee Village at Silver Lake, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

Managers: C. Neal Fleming, Jr., Dale S. Rosenthal, James R. Martin, Claudia M. Meer
Member: Clark Construction Group, LLC

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

(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)

DATE: March 3, 2008
(enter date affidavit is notarized)

95592c

for Application No. (s): FDPA 82-L-030-9
(enter County-assigned application number (s))

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

Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, Virginia 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)

The Dewberry Companies LC, Member
Eric D. Snellings, Member
Dennis M. Couture, 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)

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 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)

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

=====

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: March 3, 2008
(enter date affidavit is notarized)

955920

for Application No. (s): FDPA 82-L-030-9
(enter County-assigned application number (s))

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

LeMay Associates, P.C. t/a LeMay Erickson Architects
11250 Roger Bacon Drive, Suite 16
Reston, Virginia 20190

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)

Paul R. Erickson
Jared D. Wilcox
William N. Rosenberry

=====

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)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)

David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====

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: March 3, 2008
(enter date affidavit is notarized)

95592c

for Application No. (s): FDPA 82-L-030-9
(enter County-assigned application number (s))

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

Clark Construction Group, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

Clark Enterprises, Inc., Member
Managers (with no ownership interest): Dan T. Montgomery,
A. James Clark, Lawrence C. Nussdorf, Robert J. Flanagan, Peter C. Forster

=====

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

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

Peter C. Forster, Chairman/CEO; Dan T. Montgomery, President/COO; William L. Talbert, Division CEO/Asst. Sec; Brian A. Abt, Division Pres; William R. Calhoun, Jr., Division Pres; C. Neal Fleming, Jr., Division Pres; Richard M. Heim, Division Pres; Mamoud R. Hosseini, Division Pres; Sidney J. Jordan, Division Pres; John P. O'Keefe, Division Pres; Gregory S. Colevas, EVP, John J. Omran, EVP, Harold K. Roach, Jr., EVP; Wilson M. Shook, EVP (former); Michael A. Alto, SVP; Jamshid Ansari

=====

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

Clark Construction Group, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814
[Officers, continued]

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)

=====

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

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

SVP; Frank J. Baltz, SVP; John W. Barotti, SVP, Michael A. Bednarczyk, SVP; Timothy A. Bohrer, SVP; Dennis L. Darling, SVP; Barry D. DePauw, SVP, George T. Domurot, SVP; C. David Golden, Jr., SVP/CIO; James L. Herndon, SVP; Joelle S. Hertel, SVP; F. Robert Hood, SVP; James A. Hooff, SVP/Asst Sec; Ray Hubbard, SVP; Joseph H. Jarboe, SVP/Secretary; John D. Jeniec, SVP, Jon L. Kron, SVP; William I. Magruder, SVP; Steven H. Masten, SVP; Louis P. Palandrani, SVP, Alan J. Petrasek, SVP/Asst Secretary; Dale S. Rosenthal,

(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: March 3, 2008 (enter date affidavit is notarized)

955920

for Application No. (s): FDPA 82-L-030-9 (enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
SVP/CFO; Susan Williamson Ross, SVP/CAO; Gary H. Schalmo, SVP; Lawrence G. Stovicek, SVP; Allan U. Sylvester, SVP; Bradley D. Trent, SVP/Asst. Secretary; Barbara C. Wagner, SVP; Mark H. Wagner, SVP; John L. Williams, SVP; Joseph R. Abidin, VP; Samuel J. Brusco, III, VP; Kenneth C. Carlson, VP; Robert Carpenter, VP; Peter A. Chase, VP; V. George Conard, VP; Brian K. Couch, VP, James Day, VP; Robert J. Flanagan, VP; Brian C. Flegel, VP; James A. Forsythe, VP; Anthony J. Gallivan, VP; James W. Grauberger, VP;

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Robert G. Gray, VP; Diane L. Hartley, VP; Michael J. Hartman, VP; Joseph P. Hogan, VP; Paul N. Jobe, VP; Jonathan M. Kersey, VP; James A. Kinkead, VP; John Knowles, VP; Lincoln C. Lawrence, VP; Kenneth R. Lietz, Jr., VP; James Martin, VP; James M. McLamb, VP; Claudia M. Meer, VP; Marshall P. Mizell, VP; Robert D. Moser, VP; John L. Morrow, VP; Lawrence C. Nussdorf, VP/Treasurer; Richard Rizzo, VP; Joseph Salerno, VP; David Scott, VP; Joseph H. Smith, Jr., VP; Wesley T. Stith, VP; Geoffrey Stricker, VP,

(check if applicable) [x] 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: March 3, 2008
(enter date affidavit is notarized)

95592c

for Application No. (s): FDPA 82-L-030-9
(enter County-assigned application number (s))

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====

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

President, Vice-President, Secretary, Treasurer, etc.)
Ronald D. Strompf, VP; John L. Strong, Jr., VP; A. Royal Turpin, Jr., VP; Kathleen Twomey, VP; Douglas F. Verdin, VP; Marc R. Weyant, VP, David L. Young, VP; Connie B. Pumphrey, Asst. Secretary; Susan J. Vukelich, Asst. Secretary

=====

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

Clark Enterprises, Inc.
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

A. James Clark

=====

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

President, Vice-President, Secretary, Treasurer, etc.)
Officers: A. James Clark, Chairman of the Board; Lawrence C. Nussdorf, President and Treasurer; Robert J. Flanagan, Executive Vice President; Rebecca L. Owen, Sr. Vice President and Assistant Secretary; Terri D. Klatzkin, Sr. Vice President; Connie B. Pumphrey, Secretary, Dawn H. Silva, Asst. VP, Richard Dodd, AVP; Michael J. Mintz, VP; K. Alexandra Lee, AVP, Anthony S. Waskiewicz, Jr., VP (former) Directors: A. James Clark, Robert J. Flanagan, Lawrence C. Nussdorf, Courtney C. Pastrick

(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: March 3, 2008
(enter date affidavit is notarized)

955020

for Application No. (s): FDPA 82-L-030-9
(enter County-assigned application number (s))

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

M.J. Wells & Associates, LLC
1420 Spring Hill Road, Suite 600
McLean, Virginia 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., Sole 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)

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 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. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 1% 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.)

(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: March 3, 2008
(enter date affidavit is notarized)

95592c

for Application No. (s): FDPA 82-L-030-9
(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)
None

(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)

(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 AFFIDAVIT

DATE: March 3, 2008
(enter date affidavit is notarized)

955920

for Application No. (s): FDPA 82-L-030-9
(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: March 3, 2008
(enter date affidavit is notarized)

95592c

for Application No. (s): FDPA 82-L-030-9
(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.)
None

(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.

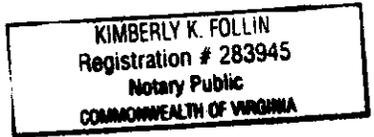
WITNESS the following signature:

(check one) [] Applicant *Lynne J. Strobel* [x] Applicant's Authorized Agent
Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3 day of March 2008, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011



REZONING AFFIDAVIT

DATE: March 3, 2008
(enter date affidavit is notarized)

I, Lynne J. Strobel, attorney/agent, 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

95591c

in Application No.(s): PCA/FDPA1996-LE-034-2
(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)
Lee Village at Silver Lake, LLC Agents: C. Neal Fleming, Jr. Dale S. Rosenthal James R. Martin Claudia M. Meer Carmen Romero Derick S.J. Mitchell	7500 Old Georgetown Road Bethesda, Maryland 20814	Applicant/Lessee of Tax Map 91-3 ((9)) 8B pt.
Fairfax County Board of Supervisors Agent: Anthony H. Griffin, County Executive	12000 Government Center Parkway Suite 533 Fairfax, Virginia 22035	Title Owner/Lessor of Tax Map 91-3 ((9)) 8B pt.

(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: March 3, 2008
 (enter date affidavit is notarized)

95591c

for Application No. (s): PCA/FDPA1996-LE-034-2
 (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)
Dewberry & Davis LLC Agents: Lawrence A. McDermott P. Christopher Champagne (former) Timothy C. Culleiton	8401 Arlington Boulevard Fairfax, Virginia 22031	Engineers/Planners/Agent
M.J. Wells & Associates, LLC Agents: Robin L. Antonucci Lawrence E. Sefcik John F. Cavan	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent
LeMay Associates, P.C. t/a LeMay Erickson Architects Agents: Jared D. Willcox Sean V.H. Bowers	11250 Roger Bacon Drive, Suite 16 Reston, Virginia 20190	Architect/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Jason B. Heinberg (former) Abby C. Denham Tara E. Wiedeman (former) Sara V. Mariska Blair A. Lonergan (former) Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby G. Evan Pritchard	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(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: March 3, 2008
(enter date affidavit is notarized)

95591c

for Application No. (s): PCA/FDPA1996-LE-034-2
(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)
Lee Village at Silver Lake, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)
Managers: C. Neal Fleming, Jr., Dale S. Rosenthal, James R. Martin, Claudia M. Meer
Member: Clark Construction Group, LLC

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

(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)

DATE: March 3, 2008
(enter date affidavit is notarized)

95591e

for Application No. (s): PCA/FDPA1996-LE-034-2
(enter County-assigned application number (s))

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

Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, Virginia 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)

The Dewberry Companies LC, Member
Eric D. Snellings, Member
Dennis M. Couture, 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)

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 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)

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

=====

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: March 3, 2008
(enter date affidavit is notarized)

95591c

for Application No. (s): PCA/FDPA1996-LE-034-2
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
LeMay Associates, P.C. t/a LeMay Erickson Architects
11250 Roger Bacon Drive, Suite 16
Reston, Virginia 20190

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)
Paul R. Erickson
Jared D. Wilcox
William N. Rosenberry

=====

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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

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)
David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

=====

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: March 3, 2008
(enter date affidavit is notarized)

95591c

for Application No. (s): PCA/FDPA1996-LE-034-2
(enter County-assigned application number (s))

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

Clark Construction Group, LLC
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

Clark Enterprises, Inc., Member
Managers (with no ownership interest): Dan T. Montgomery,
A. James Clark, Lawrence C. Nussdorf, Robert J. Flanagan, Peter C. Forster

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

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

Peter C. Forster, Chairman/CEO; Dan T. Montgomery, President/COO; William L. Talbert, Division CEO/Asst. Sec; Brian A. Abt, Division Pres; William R. Calhoun, Jr., Division Pres; C. Neal Fleming, Jr., Division Pres; Richard M. Heim, Division Pres; Mamoud R. Hosseini, Division Pres; Sidney J. Jordan, Division Pres; John P. O'Keefe, Division Pres; Gregory S. Colevas, EVP, John J. Omran, EVP, Harold K. Roach, Jr., EVP; Wilson M. Shook, EVP (former); Michael A. Alto, SVP; Jamshid Ansari

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

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

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

SVP; Frank J. Baltz, SVP; John W. Barotti, SVP, Michael A. Bednarczyk, SVP; Timothy A. Bohrer, SVP; Dennis L. Darling, SVP; Barry D. DePauw, SVP, George T. Domurot, SVP; C. David Golden, Jr., SVP/CIO; James L. Herndon, SVP; Joelle S. Hertel, SVP; F. Robert Hood, SVP; James A. Hooff, SVP/Asst Sec; Ray Hubbard, SVP; Joseph H. Jarboe, SVP/Secretary; John D. Jeniec, SVP, Jon L. Kron, SVP; William I. Magruder, SVP; Steven H. Maslen, SVP; Louis P. Palandrani, SVP, Alan J. Petrask, SVP/Asst Secretary; Dale S. Rosenthal,

(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: March 3, 2008

95591c

(enter date affidavit is notarized)

for Application No. (s): PCA/FDPA1996-LE-034-2

(enter County-assigned application number (s))

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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

=====

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

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

SVP/CFO; Susan Williamson Ross, SVP/CAO; Gary H. Schalmo, SVP; Lawrence G. Stovicek, SVP; Allan U. Sylvester, SVP; Bradley D. Trent, SVP/Asst. Secretary; Barbara C. Wagner, SVP; Mark H. Wagner, SVP; John L. Williams, SVP; Joseph R. Abidin, VP; Samuel J. Brusco, III, VP; Kenneth C. Carlson, VP; Robert Carpenter, VP; Peter A. Chase, VP; V. George Conard, VP; Brian K. Couch, VP; James Day, VP; Robert J. Flanagan, VP; Brian C. Flegel, VP; James A. Forsythe, VP; Anthony J. Gallivan, VP; James W. Grauberger, VP;

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

Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

DESCRIPTION OF CORPORATION: (check one statement)

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- 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)

=====

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

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

Robert G. Gray, VP; Diane L. Hartley, VP; Michael J. Hartman, VP; Joseph P. Hogan, VP; Paul N. Jobe, VP; Jonathan M. Kersey, VP; James A. Kinkead, VP; John Knowles, VP; Lincoln C. Lawrence, VP; Kenneth R. Lietz, Jr., VP; James Martin, VP; James M. McLamb, VP; Claudia M. Meer, VP; Marshall P. Mizell, VP; Robert D. Moser, VP; John L. Morrow, VP; Lawrence C. Nussdorf, VP/Treasurer; Richard Rizzo, VP; Joseph Salerno, VP; David Scott, VP; Joseph H. Smith, Jr., VP; Wesley T. Stith, VP; Geoffrey Stricker, VP,

(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: March 3, 2008
(enter date affidavit is notarized)

95591c

for Application No. (s): PCA/FDPA1996-LE-034-2
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Clark Construction Group, LLC [Officers, continued]
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

=====

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

Ronald D. Strompf, VP; John L. Strong, Jr., VP; A. Royal Turpin, Jr., VP; Kathleen Twomey, VP; Douglas F. Verdin, VP; Marc R. Weyant, VP, David L. Young, VP; Connie B. Pumphrey, Asst. Secretary; Susan J. Vukelich, Asst. Secretary

=====

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

Clark Enterprises, Inc.
7500 Old Georgetown Road
Bethesda, Maryland 20814

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)

A. James Clark

=====

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

Officers: A. James Clark, Chairman of the Board; Lawrence C. Nussdorf, President and Treasurer; Robert J. Flanagan, Executive Vice President; Rebecca L. Owen, Sr. Vice President and Assistant Secretary; Terri D. Klatzkin, Sr. Vice President; Connie B. Pumphrey, Secretary, Dawn H. Silva, Asst. VP, Richard Dodd, AVP; Michael J. Mintz, VP; K. Alexandra Lee, AVP
Anthony S. Waskiewicz, Jr., VP (former) Directors: A. James Clark, Robert J. Flanagan, Lawrence C. Nussdorf, Courtney C. Pastrick

(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: March 3, 2008
(enter date affidavit is notarized)

95591c

for Application No. (s): PCA/FDPA1996-LE-034-2
(enter County-assigned application number (s))

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

M.J. Wells & Associates, LLC
1420 Spring Hill Road, Suite 600
McLean, Virginia 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., Sole 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)

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 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. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 1% 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.)

(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: March 3, 2008
(enter date affidavit is notarized)

955910

for Application No. (s): PCA/FDPA1996-LE-034-2
(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)
None

(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)

(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 AFFIDAVIT

DATE: March 3, 2008
(enter date affidavit is notarized)

955910

for Application No. (s): PCA/FDPA1996-LE-034-2
(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: March 3, 2008
(enter date affidavit is notarized)

95591c

for Application No. (s): PCA/FDPA1996-LE-034-2
(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.)
None

(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.

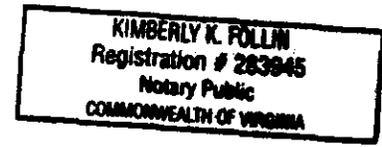
WITNESS the following signature:

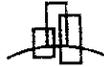
(check one) [] Applicant *Lynne J. Strobel* [x] Applicant's Authorized Agent
Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3 day of March 2008, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011





**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

RECEIVED
Department of Planning & Zoning

APR 06 2007

Zoning Evaluation Division

April 6, 2007
AMENDED

Via Hand Delivery

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

Re: Proposed Rezoning/Final Development Plan, Proffered Condition
Amendment/Final Development Plan Amendment, Proffered Condition
Amendment and Final Development Plan Amendment Applications
Fairfax County Tax Map Reference: 91-3 ((9)) 8B
Applicant: Lee Village at Silver Lake, LLC

Dear Ms. Byron:

Please accept this letter as an amended statement of justification and description of use for the referenced applications.

The Applicant proposes an innovative mixed-use development as part of a public-private partnership with Fairfax County to co-locate three highly desirable and needed uses on property identified among the Fairfax County tax map records as 91-3((9)) 8B (the "Subject Property"). The Subject Property is located in the northeast quadrant of the intersection of Beulah Street and Silver Lake Boulevard in Lee District. The Subject Property contains approximately 6.64 acres zoned to the PDH-8 District, and is designated as the location for the planned Kingstowne Regional Library (the "Library") under existing zoning approvals.

On June 9, 1997, the Board of Supervisors approved RZ 1996-LE-034. The rezoning incorporated three parcels totaling 2.82 acres (formerly identified among the Fairfax County tax map records as 91-3 ((9)) 1, 2 and 3) into the Manchester Lakes development that were not part of the original rezoning. On July 26, 2001, the Fairfax County Planning Commission (the "Planning Commission") approved Final Development Plans FDP 82-L-030-8 and FDP 1996-LE-034, contingent upon the Board of Supervisors' approval of two related proffered condition amendments. On August 6, 2001, the Board of Supervisors approved proffered condition amendments PCA 82-L-030-11 and PCA 1996-LE-034. The referenced zoning actions were

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

approved for the ultimate development of the Library, including a commercial parking component, with an overall Floor Area Ratio ("FAR") of .11. The Applicant proposes to amend the existing zoning approvals and concurrently rezone a 2.82 acre portion of the Subject Property from the PDH-8 District to the PRM District. The 2.82 acres represents the land area that was incorporated into Manchester Lakes by RZ 1996-LE-034, but never developed. The Applicant's request will permit construction of the Library and associated facilities, 104 workforce housing units and an independent living facility (i.e., age-restricted housing) with sixty (60) residential units. On March 12, 2007, the Board of Supervisors unanimously authorized an Out-of-Turn Amendment to the Fairfax County Comprehensive Plan (the "Plan") to consider any changes that may be necessary to address the Applicant's proposal.

The Applicant's proposal is part of the transformation of Lee District and Fairfax County as a whole into a more urban environment. The area that encompasses the Subject Property is characterized by a development pattern that contains a blend of office, retail, industrial and residential development at varying densities and intensities. The current land uses typify a suburban development model that is predominant in the area. The evolution of Fairfax County into a more urban place is particularly strong in Lee District, especially in proximity to the Springfield Transit Station. This transformation creates opportunities and challenges, as higher land valuations and less undeveloped land require a reassessment of existing and planned development. The transformation also creates commensurate needs for improved public facilities and housing choices. Housing is desperately needed to serve those who work in Fairfax County and retired professionals. The Applicant's proposal will meet these needs, as well as provide a public use that will benefit the area.

Fairfax County purchased the Library site in 2000; however, the County's Capital Improvement Program ("CIP") indicates that the Library will not be funded under a general obligation bond referendum until 2016. The Applicant's proposal will deliver the Library many years ahead of the CIP schedule, enabling residents to receive beneficial use much earlier and allowing Fairfax County to avoid significant increases in construction costs as well as finance the project at near record low interest rates. The Applicant also proposes to construct workforce and active adult housing with well-landscaped open space and a pedestrian-friendly environment. Workforce housing is being provided by the Applicant to help Fairfax County recruit and retain essential workers: teachers, firefighters, policemen, nurses and other public and private-sector service providers, who may earn too much to qualify for traditional affordable housing programs, but are unable to afford increasingly costly market-rate housing. An independent living facility is being provided by the Applicant to address the changing demographics in Fairfax County that will result in an increase in the population of residents over the age of 55. This innovative proposal provides a unique opportunity to co-locate these uses in an urban setting that will create a heightened sense of community.

The Applicant's proposal satisfies the residential development criteria set forth in the Policy Plan, as detailed below.

Site Design

The site layout integrates the elements of landscaping, open space, and an innovative design at an intensity of approximately .75 FAR. The layout provides approximately 32% open space, which exceeds the Fairfax County Zoning Ordinance (the "Ordinance") requirement of 25%. The proposed Library will include governmental offices and a café. The efficient design of the residential buildings, primarily served by structured parking, results in a high-quality development that is integrated with the surrounding community. Site amenities will include courtyards, a plaza, and pedestrian trails.

Neighborhood Context

The proposal is designed to fit into the surrounding community. The existing development pattern in the area consists primarily of low to medium density housing and commercial uses. The Subject Property's proximity to the Springfield Transit Station and other transportation infrastructure will integrate the proposed development with the surrounding area. Further, the Applicant proposes a layout with appropriate buffers, landscaping and open space to ensure that there are no adverse impacts on adjacent communities.

Environmental

The Applicant's proposal will enhance the environmental character of the Subject Property through the provision of well landscaped open space and the implementation of stormwater management controls. Further, the Library will be designed as an environmentally-friendly building utilizing Leadership in Energy and Environmental Design ("LEED") criteria, developed by the United States Green Building Council.

Tree Preservation and Tree Cover Requirements

The Applicant will provide landscaping as shown on the Conceptual/Final Development Plan. The proposed landscaping exceeds applicable open space and tree cover requirements.

Transportation

The Applicant proposes safe and adequate access to the adjacent road network. A pedestrian trail system is also proposed to integrate the Subject Property internally and to adjacent uses. The Subject Property's proximity to the Franconia-Springfield Transit Station and nearby retail uses will encourage use of mass transit and reduce impacts on adjacent roads. Further, an existing Fairfax Connector route will provide direct bus

service to the Franconia-Springfield and Van Dorn Street Transit Stations and many local retail facilities.

Public Facilities

The Applicant's proposal will deliver the Library years earlier than currently scheduled and at a significant cost savings. The independent living facility will serve an adult population and, therefore, will not add students to the public schools in the area. The Subject Property's proximity to mass transit facilities will encourage the use of public transportation. Further, traffic generation rates associated with age-restricted housing are less intensive in comparison to traditional multi-family development, thereby reducing the impact of the proposal on transportation facilities. Other public facilities, such as sewer, water and public safety will adequately serve the proposed uses.

Affordable Housing

The Applicant's proposal will provide 20% of the total units at an "affordable" level targeting individuals at or below 50% of the median income for the Washington Standard Metropolitan Statistical Area ("WSMSA"). The remaining 80% of the units will be at workforce housing rents consistent with Fairfax County's classification of workforce income as between 70% to 100% of the WSMSA.

Heritage Resources

There are no known historic structures or heritage resources on the Subject Property.

The Applicant's proposal for an independent living facility is permitted in the PDH-8 District as a secondary use. The permitted density for independent living facilities is established by the independent living facility multiplier listed in Section 9-306(6) of the Ordinance, which states that density is calculated based on the Plan. The Subject Property is located within the Rose Hill Planning District of the Area IV Plan. More specifically, it is located within the Lehigh Community Planning Sector (RH-4). The Plan map indicates that the Subject Property is designated for residential development at a density of five (5) to eight (8) dwelling units per acre. Consequently, an independent living facility multiplier of four results in an adjusted density range that will permit up to a range of twenty (20) to thirty-two (32) dwelling units per acre on that portion of the Subject Property. Based on the multiplier, the Applicant's proposal of 60 residential units is within the permitted density range.

The Policy Plan includes guidelines for multi-family residential development that will serve an older population. The guidelines and the Applicant's method of addressing each are outlined below:

- Public transportation and community services should be located within a reasonable walking distance and should be accessed via paved walkways that are lighted, secure and well-maintained. Crosswalks should be delineated and adequate provisions should be made for crossing heavy traffic (e.g., pedestrian crossing signals). If neither public transportation nor community services are located within a short distance, i.e., a five (5) to seven (7) minute walk, shuttle bus service should be provided. Public transportation is available at the Franconia-Springfield Transit Station through bus service, pedestrian linkages or within a short drive from the Subject Property.
- The topography of the site and that between the site and nearby destinations should be taken into consideration. Pedestrian facilities should not be located on slopes greater than five to eight percent (5% to 8%), and such maximum slopes should not be continuous for more than 75 feet. The Subject Property's flat topography, coupled with the engineering and architectural design, permits a community with appropriate grades and topography to meet the Plan's recommendations.
- Safety and security are of particular concern to an older population. To the extent possible, the architecture and design for multi-family residential development should incorporate security features. The proposed architectural design and site layout include safety and security measures to promote a safe and secure living environment. Well-lit parking areas, sidewalks and buildings and integrated public spaces provide a safe pedestrian zone.

Further, the Applicant's plan for development meets the additional standards for independent living facilities as listed in Section 9-306 of the Ordinance. Specifically, the Applicant's proposal addresses the following:

- The Applicant requests that the additional standard requiring an age limitation of 62 years be modified to limit the age of residents to 55 years of age or over. This modification will allow the Applicant to serve a greater segment of the Fairfax County community and is consistent with Fair Housing laws and other projects approved in Fairfax County.
- The development has been designed to be compatible with the surrounding neighborhood and shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, nor shall it be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The Applicant has carefully designed its community with buffers, landscaping and open space to ensure that there will be no adverse impacts. The overall intensity of the proposed use is consistent with the evolving, more urban character of Lee District. Supplementary landscaping is provided around the periphery to provide screening and mitigate impacts. The proposed community has direct access to Beulah Street and is close to Manchester Lakes Boulevard, which are both major thoroughfares.

- The Applicant proposes a total of 60 independent living units, which has been calculated in accordance with Ordinance requirements and is significantly below the maximum allowable number of units.
- The Applicant does not propose assisted living facilities or skilled nursing facilities with this proposal.
- All facilities within those buildings developed for independent living shall be solely for the use of the residents, employees and invited guests, but not for the general public.
- The Applicant has met all limitations with regard to maximum building height, yard requirements and transitional screening.

The Applicant additionally requests the following modification in conjunction with this proposal:

- Modification of the additional standard for independent living facilities under Sect. 9-306(1) of the Ordinance, requiring that residents be a minimum 62 years of age, to permit a minimum age of 55 years. As described above, this modification will allow the Applicant to serve a greater segment of the Fairfax County community.

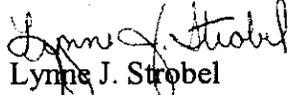
In conclusion, the Applicant's proposal helps to address some of the most critical needs in the Lee District and Fairfax County as a whole. The Applicant's proposal will allow a new, LEED certified Library to be delivered many years ahead of schedule that will benefit an underserved area of Fairfax County for library facilities. Reasonably priced, workforce housing is proposed to address a growing issue in Lee District, Fairfax County and the Washington D.C. Metropolitan Area. In addition, attractive adult housing is provided to serve a growing senior population. Finally, other benefits associated with the Applicant's proposal include space for a government office and over two acres of landscaped open space. The open space will be an inviting destination for library visitors, as well as residents. The proposed use is in general conformance with the current and proposed Plan recommendations; is harmonious with existing and planned uses surrounding the Subject Property; and consistent with Fairfax County's housing goals and policies. Further, the Board of Supervisors has authorized an Out-of-Turn Plan Amendment to evaluate potential modifications that may be required to implement the Applicant's proposal.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. I would appreciate the acceptance of these applications and the expedited scheduling of public hearings before the Planning Commission and Board of

Supervisors consistent with the Board motion of March 12, 2007. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.


Lynne J. Strobel
LJS/aab

cc: Supervisor Kauffman
Planning Commissioner Lusk
Claudia Meer
Carmen Romero

{A0113388.DOC / 1 Byron ltr. 4/4/07 000699 000050}

James Martin
Larry McDermott
Jason B. Heinberg
Martin D. Walsh



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

RECEIVED
Department of Planning & Zoning

JAN 11 2008

Zoning Evaluation Division

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

DRAFT
MEMORANDUM

Via E-mail Only

TO: Peter Braham
FROM: Lynne J. Strobel
DATE: January 11, 2008
RE: RZ/FDP 2007-LE-012
Concurrent with PCA/FDPA 1996-LE-034-2,
PCA 82-L-030-012 and FDPA 82-L-030-9
Applicant: Lee Village at Silver Lake, LLC

Please accept this memorandum to further clarify the Applicant's proposal submitted in conjunction with the referenced applications.

The property that is the subject of the referenced applications is identified among the Fairfax County tax map records as 91-3 ((9)) 8B (the "Subject Property"). The Subject Property is currently owned by the Fairfax County Board of Supervisors (the "Board"). The Applicant is negotiating an agreement with the Board to permit the construction of a library and a combination of independent living and workforce housing units. All of these uses are public-serving. The Board will continue to own the Subject Property, subject to a long-term lease executed with the Applicant. During the lease-term, the Applicant will manage the residential dwelling units while Fairfax County operates the library.

The housing that will be located on the Subject Property is comprised of 104 workforce housing units and 84 independent living units. The proposed development does generate the requirement to provide a certain percentage of the residential dwelling units as affordable dwelling units (ADUs) in accordance with the Fairfax County Zoning Ordinance (the "Ordinance"). The following is a summary of the proposed unit types, and the Applicant's rental structure.

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

The 84 independent living units are age-restricted and subject to the provisions of 9-306 of the Ordinance. Therefore, 15% of the 84 independent living units must be provided as ADUs in accordance with Ordinance requirements. Fifteen percent of 84 equals 12.6. The Ordinance requires that for ADUs, the number of required units is rounded up when greater than .5. Therefore, 13 ADUs are required by the independent living portion of the development.

The balance of the housing that will be constructed on the Subject Property is 104 workforce housing units. Based on the requirements of the Ordinance, it is anticipated that 5% of the workforce housing units will be required to be ADUs. This results in 5.2 units or 5 ADUs in accordance with the Ordinance. The two housing components together generate a total of 18 ADUs that will be provided on the Subject Property. The Applicant intends that all 18 ADUs will be located within that portion of the development that is age-restricted, or independent living. The Applicant understands that the ADUs must have a proportional bedroom count to the market units within this building. As all of the units in this building will have one bedroom, all of the ADUs will be one bedroom units. The Applicant will comply with minimum size restrictions regarding one bedroom ADUs.

The workforce housing units will be provided in accordance with the policies adopted by the Board of Supervisors at its meeting held on October 15, 2007. As all 104 units are workforce housing, there is no issue regarding distribution of the units throughout the development. The minimum gross floor area recommended (efficiency: 450 square feet; 1 bedroom unit: 600 square feet; 2 bedroom unit: 750 square feet) will be followed.

The Applicant proposes to modify the policy regarding the income limits for the workforce housing units. This modification is proposed in consideration of the fact that 100 percent of this portion of the development will be workforce housing units, and the combination of ADUs and workforce units exceed the recommended provision of 12% of the total number of dwelling units. In this development, the Applicant will provide approximately 10% of the total number of units as ADUs in accordance with the Ordinance. Consequently, only 2% of the total number of units, or 4 units, are required to be workforce housing in accordance with the Board policy. Therefore, the Applicant will agree that in accordance with the Board policy, one-half of the required units, or 2 units, shall be priced to serve households with an income up to 80% of the median income for the Washington Standard Metropolitan Statistical Area (referred to as AMI) as specified annually by HUD, and one-half of the required units, or 2 units, will be priced to serve households with an income of up to 100% percent of AMI. The remaining workforce housing units, or 100 units, will be priced to serve households with an income of up to 120 percent of AMI.

The Applicant intends to rent the workforce housing units in accordance with its own established guidelines as follows:

- Workforce units may be leased for a minimum of six (6) months, but may be renewable for up to two (2) years to tenants who meet the eligibility criteria

established by the Applicant. A tenant who no longer meets eligibility criteria may continue to occupy a workforce unit until the end of the lease term.

- Workforce units shall not be subleased by the tenant.
- A statement shall be obtained upon lease signing or renewal verifying the tenant's name, household size and household income. If a unit is occupied by more than one individual, and both are employed, the household income may be up to 150 percent of AMI. Said verification will be provided to the Department of Housing and Community Development.
- Separate fees may be charged for utilities, parking and amenities for those 100 units with an income of up to 120 percent of AMI.
- Workforce units shall be marketed to Fairfax County employees, personnel of the Fairfax Education Association and employees of INOVA Hospital System; provided, however, that such marketing shall be completed on a non-discriminatory basis in conformance with the Fair Housing Act and all other applicable laws and regulations.

Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call. The above described housing limitations shall be incorporated into the proffers submitted in conjunction with the referenced applications, where appropriate.

LJS:kae

cc: Claudia Meer
Jamie Martin
Derick Mitchell
Larry McDermott
Martin D. Walsh



Lynne J. Strobel
 (703) 528-4700 Ext. 5418
 lstrobel@arl.thelandlawyers.com

**WALSH COLUCCI
 LUBELEY EMRICH
 & WALSH PC**

January 18, 2007

RECEIVED
 Department of Planning & Zoning

JAN 24 2008

Zoning Evaluation Division

Via E-Mail & U.S. Mail

Peter Braham
 Zoning Evaluation Division
 Fairfax County Department of Planning and Zoning
 12055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

Re: RZ/FDP 2007-LE-012
 Concurrent with PCA/FDPA 1996-LE-034-2
 PCA 82-L-030-012 and FDPA 82-L-030-9
 Applicant: Lee Village at Silver Lake, LLC

Dear Mr. Braham:

As you are aware, the referenced applications remain under review by various agencies of Fairfax County as part of the zoning evaluation process. One of the issues that has been raised by the Department of Transportation is the provision of interparcel access from the Subject Property to the adjacent commercial property to the north. Please accept this letter as a further explanation as to why the Applicant is reluctant to provide interparcel access.

The Department of Transportation has requested interparcel access with the adjacent commercial property that is developed with a Chili's Restaurant. The Applicant has concerns that vehicular access would result in cut through traffic. Currently, the Chili's Restaurant customers park on the Subject Property and walk to the restaurant due to inadequate on-site parking. The interparcel access will continue to provide an opportunity for patrons of the Chili's Restaurant to park on the Subject Property, and negatively impact residential parking and security. Resident and library patron safety is a major concern based on the wide demographic the proposed development will serve, that ranges from the elderly to school age children. In addition, pedestrian access is not necessary at this location. A sidewalk currently exists along Beulah Street to facilitate pedestrian access in the area. A direct pedestrian connection between the two properties may result in restaurant parking on the Subject Property and concerns regarding security in the proposed residential development.

At this time, the Applicant remains opposed to interparcel access for the reasons cited herein, and as sufficient non-motorized access is provided in the area via an existing sidewalk along Beulah Street and a bike lane network. As access issues have been already adequately addressed, the Applicant does not wish to compromise a safe and secure environment for its residents. I trust that this adequately addresses the concern of the Department of Transportation.

PHONE 703 528 4700 • FAX 703 525 3197 • WWW.THELANDLAWYERS.COM
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LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

January 18, 2008

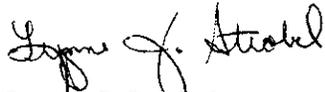
Page 2

Should you have any questions regarding this letter, or require any additional information, please do not hesitate to give me a call.

As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Lynne J. Strobel

LJS:kae

cc: Claudia Meer
Jamie Martin
Derick Mitchell
Larry McDermott
Larry Sefcik
Robin Antonucci
Martin D. Walsh

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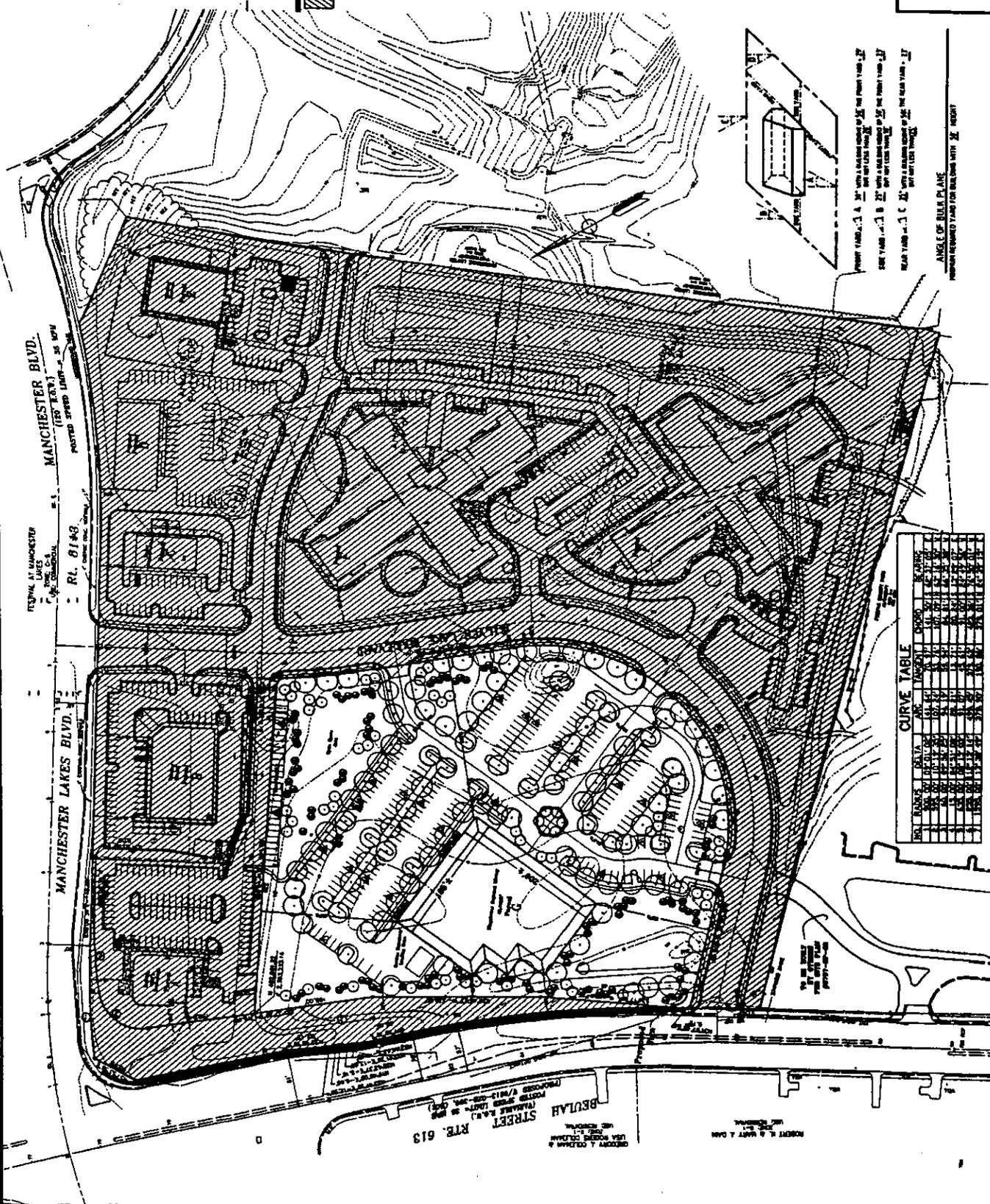


REV. DATE 11, 2001
 REV. DATE 02, 2001



Legend

- Proposed Units of Dwelling
- Proposed Sidewalk
- Proposed Driveway
- Proposed Parking
- Proposed Fire Lane
- Proposed Fire Hydrant
- Proposed Fire Alarm
- Proposed Fire Station
- Proposed Fire Truck
- Proposed Fire Engine
- Proposed Fire Ladder
- Proposed Fire Hose
- Proposed Fire Nozzle
- Proposed Fire Alarm
- Proposed Fire Station
- Proposed Fire Truck
- Proposed Fire Engine
- Proposed Fire Ladder
- Proposed Fire Hose
- Proposed Fire Nozzle



CURVE TABLE

STATION	PC	PT	PI	Curve Length	Radius	Delta	Offset
1+00	1+10	1+20	1+15	10	100	180	10
1+20	1+30	1+40	1+35	10	100	180	10
1+40	1+50	1+60	1+55	10	100	180	10
1+60	1+70	1+80	1+75	10	100	180	10
1+80	1+90	2+00	1+85	10	100	180	10
2+00	2+10	2+20	2+05	10	100	180	10
2+20	2+30	2+40	2+25	10	100	180	10
2+40	2+50	2+60	2+45	10	100	180	10
2+60	2+70	2+80	2+65	10	100	180	10
2+80	2+90	3+00	2+85	10	100	180	10
3+00	3+10	3+20	3+05	10	100	180	10
3+20	3+30	3+40	3+25	10	100	180	10
3+40	3+50	3+60	3+45	10	100	180	10
3+60	3+70	3+80	3+65	10	100	180	10
3+80	3+90	4+00	3+85	10	100	180	10
4+00	4+10	4+20	4+05	10	100	180	10
4+20	4+30	4+40	4+25	10	100	180	10
4+40	4+50	4+60	4+45	10	100	180	10
4+60	4+70	4+80	4+65	10	100	180	10
4+80	4+90	5+00	4+85	10	100	180	10
5+00	5+10	5+20	5+05	10	100	180	10
5+20	5+30	5+40	5+25	10	100	180	10
5+40	5+50	5+60	5+45	10	100	180	10
5+60	5+70	5+80	5+65	10	100	180	10
5+80	5+90	6+00	5+85	10	100	180	10
6+00	6+10	6+20	6+05	10	100	180	10
6+20	6+30	6+40	6+25	10	100	180	10
6+40	6+50	6+60	6+45	10	100	180	10
6+60	6+70	6+80	6+65	10	100	180	10
6+80	6+90	7+00	6+85	10	100	180	10
7+00	7+10	7+20	7+05	10	100	180	10
7+20	7+30	7+40	7+25	10	100	180	10
7+40	7+50	7+60	7+45	10	100	180	10
7+60	7+70	7+80	7+65	10	100	180	10
7+80	7+90	8+00	7+85	10	100	180	10
8+00	8+10	8+20	8+05	10	100	180	10
8+20	8+30	8+40	8+25	10	100	180	10
8+40	8+50	8+60	8+45	10	100	180	10
8+60	8+70	8+80	8+65	10	100	180	10
8+80	8+90	9+00	8+85	10	100	180	10
9+00	9+10	9+20	9+05	10	100	180	10
9+20	9+30	9+40	9+25	10	100	180	10
9+40	9+50	9+60	9+45	10	100	180	10
9+60	9+70	9+80	9+65	10	100	180	10
9+80	9+90	10+00	9+85	10	100	180	10

MANCHESTER BLVD.
 (15' R.O.W.)
 POSTED SPEED LIMIT 25 MPH

RL 6149

MANCHESTER LAKES BLVD.

BSULAH STREET
 (TRAVERSE ROAD)
 POSTED SPEED LIMIT 25 MPH
 ROUTE 613

ROBERT E. A. WATT & DAN JOHNSON
 PROFESSIONAL ENGINEERS
 1000 PARK LANE, SUITE 1000
 FAIRFAX, VIRGINIA 22031
 (703) 444-4118

1. THE PROPERTY OF SILVER LAKE IS SHOWN ON THE FAIRFAX COUNTY ZONING MAP AS R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42, R-43, R-44, R-45, R-46, R-47, R-48, R-49, R-50, R-51, R-52, R-53, R-54, R-55, R-56, R-57, R-58, R-59, R-60, R-61, R-62, R-63, R-64, R-65, R-66, R-67, R-68, R-69, R-70, R-71, R-72, R-73, R-74, R-75, R-76, R-77, R-78, R-79, R-80, R-81, R-82, R-83, R-84, R-85, R-86, R-87, R-88, R-89, R-90, R-91, R-92, R-93, R-94, R-95, R-96, R-97, R-98, R-99, R-100.

2. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

3. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

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5. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

6. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

7. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

8. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

9. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

10. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

11. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

12. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

TABLETABULATION FOR PROPOSED DEVELOPMENT (LAND MAY BE APPLICATION PROPERTY):

TYPE AREA	4.14 AC
CONTRIBUTED ZONING	R-17
PROPOSED USE	PUBLIC LIBRARY
PROPOSED FLOOR AREA	11,111
PARKING SPACES REQUIRED	30
(OFF-PEAK USE OF OPEN SPACE AREA)	
PARKING SPACES PROVIDED FOR LIBRARY	30
PARKING SPACES REQUIRED FOR EXISTING COMMERCIAL USES	30
OPEN SPACE PROVIDED (SQ. FT.)	1.46 AC
OPEN SPACE PROVIDED (SQ. FT.)	1.29 AC

FOOTNOTES:
 1. SEE NOTE 11.

1. THE PROPERTY OF SILVER LAKE IS SHOWN ON THE FAIRFAX COUNTY ZONING MAP AS R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42, R-43, R-44, R-45, R-46, R-47, R-48, R-49, R-50, R-51, R-52, R-53, R-54, R-55, R-56, R-57, R-58, R-59, R-60, R-61, R-62, R-63, R-64, R-65, R-66, R-67, R-68, R-69, R-70, R-71, R-72, R-73, R-74, R-75, R-76, R-77, R-78, R-79, R-80, R-81, R-82, R-83, R-84, R-85, R-86, R-87, R-88, R-89, R-90, R-91, R-92, R-93, R-94, R-95, R-96, R-97, R-98, R-99, R-100.

2. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

3. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

4. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

5. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

6. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND UTILITIES, INCLUDING BUT NOT LIMITED TO, PERMITS FOR EROSION CONTROL, STORMWATER MANAGEMENT, AND TREE REMOVAL AND REPLACEMENT.

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PCA 82-L-030-11
PCA 1996-LE-034

PROFFERS
July 2, 2001

Pursuant to Section 15.2-2303(a) of the Code of Virginia 1950, as amended, the undersigned Applicant and owners proffer to develop the subject property, identified as Tax Map 91-3 ((9)) 8 A, in accordance with the following conditions, provided that the applications PCA 82-L-030-11 and PCA 1996-LE-034 are approved as proffered. For the purpose of these proffers, the term "Applicant" refers to the property owner, its successors or assigns.

1. **Previous Proffers.** The application property is a part of PCA 82-L-030-2, as amended by PCA 82-L-030-9 and RZ 1996-L-034. Insofar as they relate to the subject property described herein, the proffers dated April 29, 1997 remain in effect on the property, except as specifically amended below.
 1. **Conceptual Development Plan Amendment/Final Development Plan.** Subject to provisions of Section 16-403 of the Fairfax County Zoning Ordinance, development of the subject property, containing a total of 6.74 acres, shall be in conformance with the plan entitled Conceptual Development Plan Amendment/ Final Development Plan (CDPA/FDP), prepared by Dewberry & Davis and dated April 13, 2001, as revised through June 29, 2001.
 8. **Interim Use of Parcel G.** Until Land Bay G is developed as shown on the CDP/FDP, an interim use for Land Bay G shall be provided through pedestrian walkway and park bench, as shown in Exhibit A, attached hereto. As an alternative, temporary athletic fields and associated parking may be placed in Land Bay G as an interim use.
 14. With reference to Beulah Street, the following noise attenuation measures shall be provided in the Library building in order to provide interior noise levels of approximately 50-DBA Ldn--
 - (1) Exterior walls shall have a laboratory Sound Transmission Class ("STC") rating of at least 39.
 - (2) Doors and windows shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any facade (as determined by Department of Public Works and Environmental Services (DPWES)), they shall have the same laboratory STC rating as walls.
 - (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

2. The SWM/BMP requirements of the Public Facilities Manual shall be provided as determined by the Director, DPWES. The proffered plan states that stormwater management and best management practices will be provided in the existing SWM/BMP facility located on Land Bay F of Silver Lakes. If sufficient capacity is not available in the facility in Land Bay F, the requirements may be met on site or in other locations as determined by the Director, DPWES.

Owner of Tax Map Parcel 91-3 ((9)) 8A

Royal Palm Investments, Inc.

By: 
Bassam Barazi

Its: PRESIDENT

Applicant
The Board of Supervisors of Fairfax County, Virginia

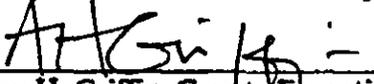
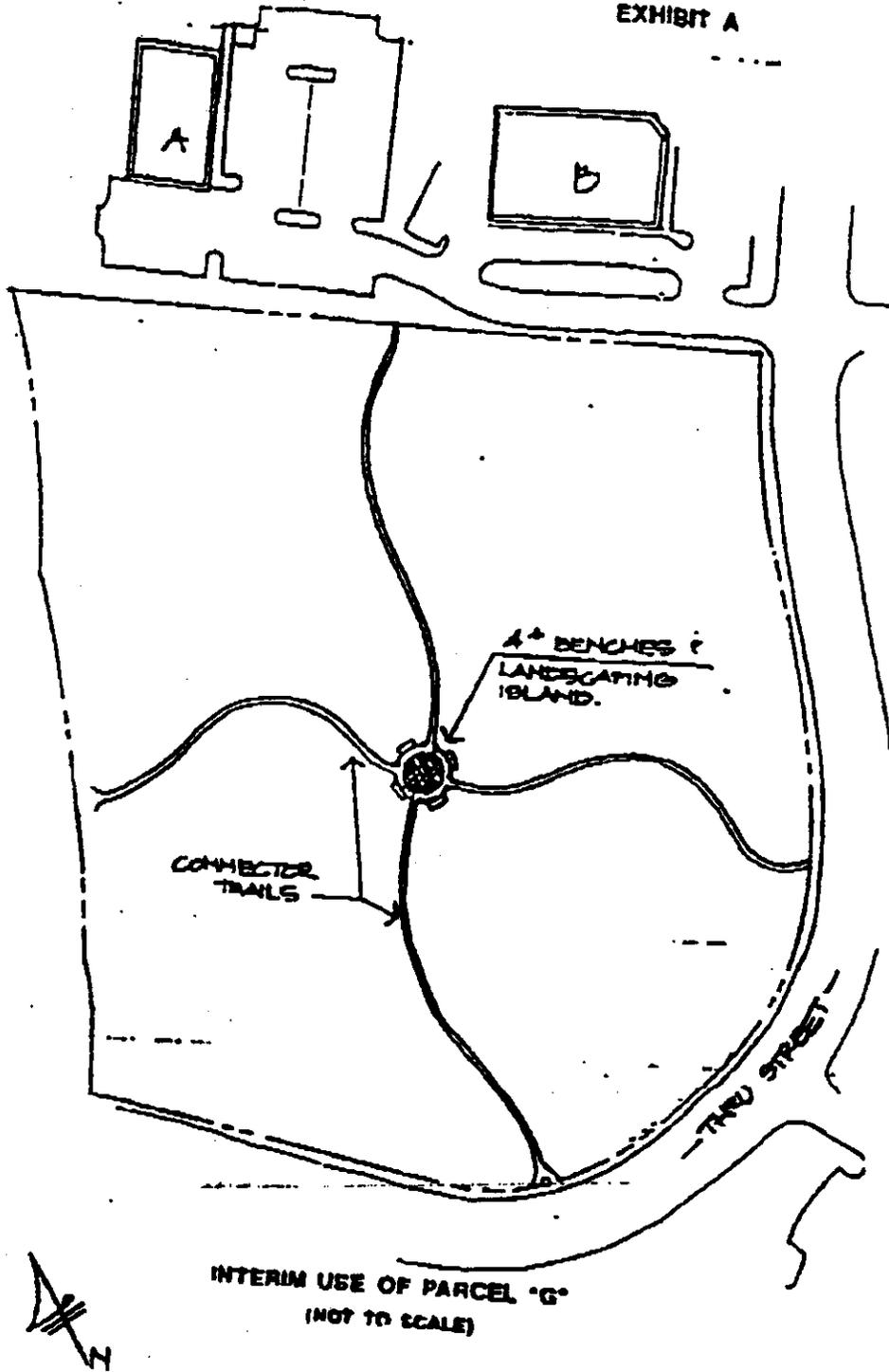
By: 
Anthony H. Griffin, County Executive

EXHIBIT A



INTERIM USE OF PARCEL "G"
(NOT TO SCALE)

Revised July 25, 2001**FDP 1996-LE-034 & FDP 82-L-030-8**

If it is the intent of the Planning Commission to approve Final Development Plans FDP 1996-LE-034 and FDP 82-L-030-8 for public uses (regional library and interim athletic fields) and commercial parking, on property located at Tax Map 91-3 ((9)) 8A, Staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Prior to site plan or other such approval required by Article 17 of the Zoning Ordinance for the interim athletic fields, approval of a Final Development Plan shall be required by the Planning Commission.
2. Prior to issuance of a building permit for the construction of the regional library, the building elevations shall be returned to the Planning Commission for administrative review and approval. Said review shall include consideration of the proffers related to architecture (see Proffer Number 9 of the April 29, 1997 proffers for PCA 82-L-030-9 and RZ 1996-LE-034).
3. The athletic fields shall not include lighting for night use of the fields; this condition shall not preclude any street lights or lighting required for safety purposes.
4. All access to the athletic fields shall be from Silver Lake Boulevard, no access shall be provided directly from Beulah Street to Parcel 8A.
5. The commercial parking on the northern boundary may be constructed separately from the athletic fields or the regional library.
6. Landscaping similar to that shown on the CDP/FDP along the western boundary of the triangular open space area north of the library shall also be provided along the northern boundary of that open space area to the sidewalk connecting to Land Bays A and B of Silver Lake.
7. Light poles/fixtures shall be limited to a height of twenty (20) feet; all lighting, except signs, shall be fully shielded, utilizing cutoff lights or flush mounted (flat lens).

PCA 82-L-030-9
RZ 1996-L-034
Silver Lake, Inc.
April 29, 1997

PROFFERS

Pursuant to Section 15.1-491(a) of the 1950 Code of Virginia, as amended, the undersigned Applicant and owners proffer to develop the subject property in accordance with the following conditions provided the Board of Supervisors rezones the subject property in RZ 1996-L-034 to the PDH-8 Zoning District as proffered and approves PCA 82-L-030-9 as proffered. For the purpose of these proffers, the term "Applicant" refers to Silver Lake, Inc., its successors or assigns.

1. **Conceptual Development Plan/Conceptual Development Plan Amendment/Final Development Plan.** Subject to the provisions of Section 16-403 of the Zoning Ordinance, development of the subject property, i.e. the property which is the subject of PCA 82-L-030-9, FDP 82-L-030-7, RZ 1996-L-034 and FDP 1996-L-034, containing a total of 25.58 acres, shall be in conformance with the plan entitled "Conceptual Development Plan/Conceptual Development Plan Amendment/Final Development Plan" ("CDP/CDPA/FDP"), prepared by Dewberry & Davis, revised as of April 29, 1997. The FDPs referenced herein cover only a portion of the subject property as depicted on the CDP/CDPA/FDP.
2. **Final Development Plan Amendment.** Notwithstanding, the CDP/CDPA/FDP is presented on one sheet and said CDP/CDPA/FDP is the subject of Proffer 2 above. The CDP/CDPA portion of the plan shall constitute the entire plan relative to the uses, points of access, the total number of and general location of residential and non-residential buildings and the common open space areas. The Applicant shall have the option to request Final Development Plan Amendments ("FDPA") from the Planning Commission for portions of the plan in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.
3. **Previous Proffers.** A 22.76-acre portion of the application property described on the CDP/CDPA/FDP filed herein is a part of PCA 82-L-030-2. The proffer of development conditions in that case were contained in the Proffer Statement revised October 18, 1984 (the "Previous Proffers"). Insofar as they relate to the 22.76-acre parcel described herein, proffer numbers 26, 30, 32, 42 and 44 of the Previous Proffers are hereby reaffirmed as specifically provided in this paragraph. The remaining proffers of that Proffer Statement, i.e. the Previous Proffers, are hereby rendered null and void as to said 22.76-acre portion of the application property. The following proffers, in addition to being applicable to the 22.76-acre

portion, are also applicable to the balance of the property included in these applications.

Proffer No. 26. Stormwater management facilities shall be provided prior to construction to control siltation and to maintain water quality. Stormwater retention facilities and siltation and erosion controls shall be designed in accordance with the Public Facilities Manual as determined by the Department of Environmental Management ("DEM").

Interim temporary stormwater management facilities (siltation, erosion controls and retention/detention facilities) may be allowed prior to construction of permanent stormwater management systems. All interim temporary stormwater management systems shall be designed and constructed to provide the same sediment/silt removal efficiency and effectiveness and outfall/release rates as the permanent stormwater facilities. That is, the total of all techniques used to mitigate runoff and water quality impacts shall have a sediment removal efficiency of 80-90 percent.

Proffer No. 42. Visual unification of Manchester Lakes will be accomplished through the use of common landscaping elements. The consistent use of a specified type of evergreen and flowering trees, shrubs, and ground cover will be used to define individual development bays in this multi-neighborhood development. These common landscaping elements will be used along all public streets and roads within the development. Landscaping plans will be submitted for review with final site plan submissions.

Proffer No. 44. The neighborhood entrance sign will be designed to be compatible with the old English motif used throughout Manchester Lakes as further depicted on Sheet 6 of 6 of the CDP/CDPA/FDP associated with these applications.

4. **Internal Roads - Phasing.** The spine road connecting Manchester Boulevard with Beulah Street and the north road connecting the spine road with the property line of Section 19 of Kingstowne shall be completed with basepaving and open to the public prior to issuance of any nonresidential use permit for any of the buildings on Lots A, B, C, D or E of the CDP/CDPA/FDP.

5. **Internal Roads - Construction/Maintenance.**

- a. **Spine Road.** The spine road as shown on the CDP/CDPA/FDP shall be a private street with a public ingress-egress easement to allow public vehicular access. The spine road shall have a maximum seventy (70) foot easement width and a maximum fifty-two (52) foot pavement width as shown on the CDP/CDPA/FDP. The spine road shall be constructed of materials and depth of pavement consistent with Section 7-502 of the Public Facilities Manual as determined by DEM.
 - b. **Other Private Street.** The north road shall be constructed in conformance with Public Facilities Manual standard TS-5A with a minimum thirty (30) foot easement width and a minimum twenty-four (24) foot pavement width. Said north road shall be constructed of materials and depth of pavement consistent with Section 7-502 of the Public Facilities Manual.
 - c. A property owners association comprised of all property owners of the subject property shall be established. Members of this association shall be responsible for the maintenance of the private streets within the development.
 - d. Contracts for the sale of any portion of the subject property shall disclose the obligation of each owner to share in the cost of maintaining these private roads.
6. **Traffic Signals.** The Applicant shall provide a traffic signal with a pedestrian activated signal on Manchester Boulevard at the spine road access point onto Manchester Boulevard, subject to Virginia Department of Transportation ("VDOT") approval. The Applicant shall file an application with VDOT for signal approval for this intersection at the time of site plan review. If approved by VDOT, said traffic signal shall be installed prior to the opening of the spine road to the public. If VDOT installs this traffic signal prior to the Applicant's fulfillment of this proffer, the Applicant shall reimburse VDOT for the cost of installation at the time of Applicant's site plan approval. The Applicant shall also provide a raised median with a pedestrian activated signal control on the median at this intersection to serve as a landing spot for pedestrians, provided there is sufficient area within the existing right-of-way and VDOT approval is obtained.

The Applicant shall also provide a traffic signal on Beulah Street at the spine road access point onto Beulah Street, provided VDOT approval for that traffic signal is obtained within two (2) years from the date of these proffers.

7. **Construction Phasing.** Buildings A, B, C, D and E shall not be issued non-residential use permits until the foundation is poured for the first elderly housing building in Land Bay F.
8. **Interim Use of Parcel G.** Until such time as Land Bay G is ready to be developed and utilized in accordance with the CDP/CDPA/FDP approved herein, the Applicant shall provide an interim use for Parcel "G" by providing pedestrian walkways, and park benches in general conformance with the plan attached hereto as Exhibit "A". Said interim use shall be established after issuance of the residential use permit for the second building on Lot F and prior to occupancy of the fourth non-residential building of Buildings A through E.
9. **Architecture.** The buildings on Lots A through E shall be architecturally treated on all sides with brick, split-faced block, dryvet or a combination thereof. In addition, brick treatments for these buildings shall use colors similar to the brick used in the Festival of Manchester Lakes Shopping Center. The buildings on Lots F and G shall use building materials, colors and window treatments similar to the residential mid-rise buildings in Manchester Lakes, so as to be compatible with the residential character of the Manchester Lakes Community as determined by DEM prior to Building Plan approval.
10. **Future Road Alignment.** The Applicant shall reserve an area of the site as depicted on the CDP/CDPA/FDP for future right-of-way for an interchange. Upon demand by the Board of Supervisors, the Applicant shall convey said right-of-way area in fee simple to the Board of Supervisors, as generally shown on the CDP/CDPA/FDP. However, if said interchange is not funded for construction within fifteen (15) years from the date of these proffers or if said interchange is deleted from the County's Comprehensive Plan, whichever event first occurs, the Applicant's obligations under this proffer shall terminate and cease and the Applicant will be entitled to use said right-of-way area in any manner permitted by law. The Applicant shall provide a landscaped buffer within said proposed right-of-way area as shown on the CDP/CDPA/FDP as an interim use until such time as the reservation area is needed for the interchange or the reservation is terminated pursuant to the terms of this proffer. Further, every reasonable effort shall be made to preserve existing quality vegetation within the reservation area during construction of this project, including the routing of utilities to avoid damage to existing healthy trees.
11. **Van Service.** The Applicant shall provide van service to the elderly housing units. The elderly van service will be managed by the Home for the Elderly. This service will provide access to the Springfield Franconia Transit Center as well as access to medical care facilities and shopping areas in accordance with a schedule to be determined by the manager of the elderly housing facility area. Funds received

pursuant to the provisions of paragraph 9 of the proffers in PCA 82-L-030-3 and PCA 87-L-031, dated May 23, 1985, shall be utilized for this van service.

12. **Pharmacy Drive-Through.** The drive-through windows on Building B shall be limited to pharmacy use only and these windows shall be clearly marked "For Pharmacy Use Only". If the pharmacy window is no longer utilized for pharmacy purposes, the use of the windows will terminate.

13. **Soil Activities.** The Applicant and on-site contractors and consultants will remain observant for potential sources and evidence of soil contamination, petroleum, or other hazardous substances, or groundwater contamination throughout all phases of the site development including initial earthwork grading operations, utility installation, roadway and parking lot construction, and foundation wall backfilling operations. Should such observations reveal the presence of suspicious materials (i.e., discolored water or soil, odors indicative of the presence of petroleum hydrocarbons, or other contamination or potentially hazardous buried debris), then the Applicant and on-site contractors and consultants shall investigate such occurrences and report findings to the Virginia Department of Environmental Quality ("DEQ") and to DEM. All earthwork and construction activities within the affected areas shall cease immediately and shall not resume until the Applicant demonstrates, to the satisfaction of DEM in coordination with the Health Department, Fire and Rescue Department, that continuation of construction will not result in any short term or long term adverse health or environmental impacts. DEM may consult with appropriate state and/or federal agencies prior to authorizing a resumption of construction activities. Written information on this matter will be provided to all construction crews and field workers by providing a copy of this condition with all building contracts.
 - a. The Applicant shall hire a qualified environmental professional to evaluate contamination encountered during construction and grading on the property. The environmental professional shall have experience in evaluating petroleum contaminated sites and in performing risk assessments. Prior to approval of a preliminary subdivision plan, the Applicant will provide DEM with the name and qualifications of the environmental professional. At the completion of earthwork grading operations, utility installation, roadway and parking lot construction, and other facilities construction, but before building construction, the Applicant shall provide an inspection report prepared by the environmental professional to DEM regarding findings of environmental contamination, if any. Subsequently, at the completion of building construction, foundation wall backfilling operations, and final site grading, the Applicant shall provide an inspection report prepared by the environmental professional to DEM regarding findings of environmental contamination, if any.

- b. In order to ensure the long term viability of all structures, roads, walkways, parking areas, stormwater management facilities, recreational areas, and utilities constructed within the area that has been subject to filling, the Applicant shall, as part of the site plan submission, submit a geotechnical engineering study to DEM. As determined by DEM, the geotechnical engineering study may be referred to the Geotechnical Review Board and shall be subject to the review and approval of DEM. At the discretion of DEM and/or the Geotechnical Review Board, the geotechnical engineering study and engineering plans may be referred to DEM's geotechnical consultant. The geotechnical engineering study shall demonstrate, to DEM's satisfaction, that all structures, roads, walkways, parking areas, stormwater management facilities, recreational areas facilities, and utilities will not be subject to the short term or long term settlement impacts. The Applicant shall implement all recommendations of DEM, the Geotechnical Review Board, and DEM's geotechnical consultant.
- c. In furtherance of the recommendations of the 1990 Phase II Environmental Assessment prepared by G.M.T. Environmental Technologies, Inc., the applicant shall take the following actions:
- (1) Prior to site plan approval, the Applicant shall sample groundwater beneath the property. The scope of the monitoring effort shall be similar to that which was reported within a December 3, 1990 Phase II Environmental Assessment prepared by G.M.T. Environmental Technologies, Inc. for Parcel "O" of Manchester Lakes. Within this framework, specific groundwater monitoring parameters (e.g. locations of monitoring sites, number of monitoring sites, substances to be tested for, number of samples to be taken, depths of monitoring wells) shall be subject to the review and approval of DEM in coordination with the Department of Health and the Fire and Rescue Department. If as a result of this monitoring effort it is determined that contamination levels require remedial action, then a remediation program shall be performed in accordance with all applicable federal, state and county requirements. Sufficient documentation of completion of the remediation program (with the possible exception of long-term follow-up monitoring efforts) or of an appropriate corrective action plan consistent with the proposed development, as determined by DEM in coordination with the Department of Health and Fire and Rescue Department shall be provided to DEM prior to site plan approval.

- (2) Prior to the initiation of construction in affected areas, all debris-rich fill materials, as determined by Applicant's soils engineer, in coordination with DEM, the Department of Health, and the Fire and Rescue Department, shall be excavated and removed from the site to the satisfaction of DEM in coordination with the Department of Health and Fire and Rescue Department. Excavated materials shall be disposed of in accordance with applicable county, state and/or federal requirements.
- (3) Prior to the initiation of construction in affected areas, all of the surface debris and trash shall be removed from the site to the satisfaction of DEM in coordination with the Department of Health and Fire and Rescue Department. Such materials shall be disposed of in accordance with applicable county, state and/or federal requirements.
- (4) Upon completion of groundwater monitoring, groundwater monitoring wells shall be abandoned in accordance with County requirements, as determined by the Department of Health.

14. Noise Attenuation.

- a. With reference to Beulah Street, the Applicant shall provide the following noise attenuation measures in order to achieve a maximum interior noise level of 45 dBA Ldn for all units located between the 65-70 dBA Ldn highway noise impact contours (i.e., within an area extending 380 feet from the centerline of Beulah Street):
 - (1) Exterior walls shall have a laboratory Sound Transmission Class ("STC") rating of at least 39.
 - (2) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
 - (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- b. With reference to Manchester Boulevard, the Applicant shall provide the following noise attenuation measures in order to achieve a maximum interior noise level of 50 dBA Ldn for all commercial units located between

the 70-75 dBA Ldn highway noise impact contours (i.e., within an area extending 165 feet from the centerline of Manchester Boulevard):

- (1) Exterior walls shall have a laboratory Sound Transmission Class ("STC") rating of at least 39.
- (2) Doors and windows shall have a laboratory STC rating of at least 28. If windows function as walls (as determined by DEM), they shall have the same laboratory STC rating as walls.
- (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

c. With reference to Manchester Boulevard, the Applicant shall provide the following noise attenuation measures in order to achieve a maximum interior noise level of 45 dBA Ldn for the day care facility located between the 65-70 dBA Ldn highway noise impact contours (i.e., within an area extending 240 165 feet from the centerline of Manchester Boulevard):

- (1) Exterior walls shall have a laboratory Sound Transmission Class ("STC") rating of at least 39.
- (2) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.
- (3) Measure to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
- (4) In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation structures such as acoustical fencing, walls, earthen berms or combinations thereof, shall be provided for the child care recreation area, as shown on the CDP/CDPA/FDP that is unshielded by topography or built structures. If acoustical fencing or walls are used, they shall be architecturally solid from ground up with no gaps or openings. The structure employed must be of sufficient height to adequately shield the impacted area from the source of the noise.

d. As an alternative to "a," "b," or "c" above, the Applicant may elect to have a refined acoustical analysis performed, subject to the approval of DEM, to

verify or amend the noise levels and impact areas set forth above and/or to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above.

15. **Use Limitations on Parcel G.** As evidenced by the restrictive covenant which is to be recorded and which is attached to these proffers as Exhibit 1, subject to obtaining the necessary permitting and licensing approvals, use of Parcel G shall be limited to the following uses: elderly housing, nursing home, nursing facility, intermediate care facility, extended care facility, assisted living facility and/or a Continuing Care Retirement Community. Medical offices are prohibited (to include the office of a physician or dentist as defined under the term "office" in Article 20 of the Zoning Ordinance), except insofar as they are an accessory use to any of the above uses. Use of Parcel G for a hospital, out-patient surgery center, urgent care center or emergency care center as a primary/secondary or accessory use is also prohibited.

[SIGNATURES ON NEXT PAGE]

16. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

APPLICANT
OWNER OF TAX MAP REFERENCE
91-3 ((12)) PARCEL "O"

SILVER LAKE, INC.

By: *Emad Odeh*
Emad Odeh

Its: *VICE PRESIDENT*

OWNER
TAX MAP REFERENCE 91-3 ((9))
PARCEL 1

Roy L. Sea
Roy L. Sea

OWNER
TAX MAP REFERENCE 91-3 ((9))
PARCELS 2 AND 3

INOVA SERVICES, INC.

By: _____
Richard C. Magenheimer

Its: Senior Vice President/Chief
Financial Officer

Attachment

\\DATA\CLIENT\1616757001\PROFF305.CLN

16. **Counterparts.** These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

APPLICANT
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SILVER LAKE, INC.

By: _____
Emad Odeh

Its: _____

OWNER
TAX MAP REFERENCE 91-3 ((9))
PARCEL 1

Roy L. Sea

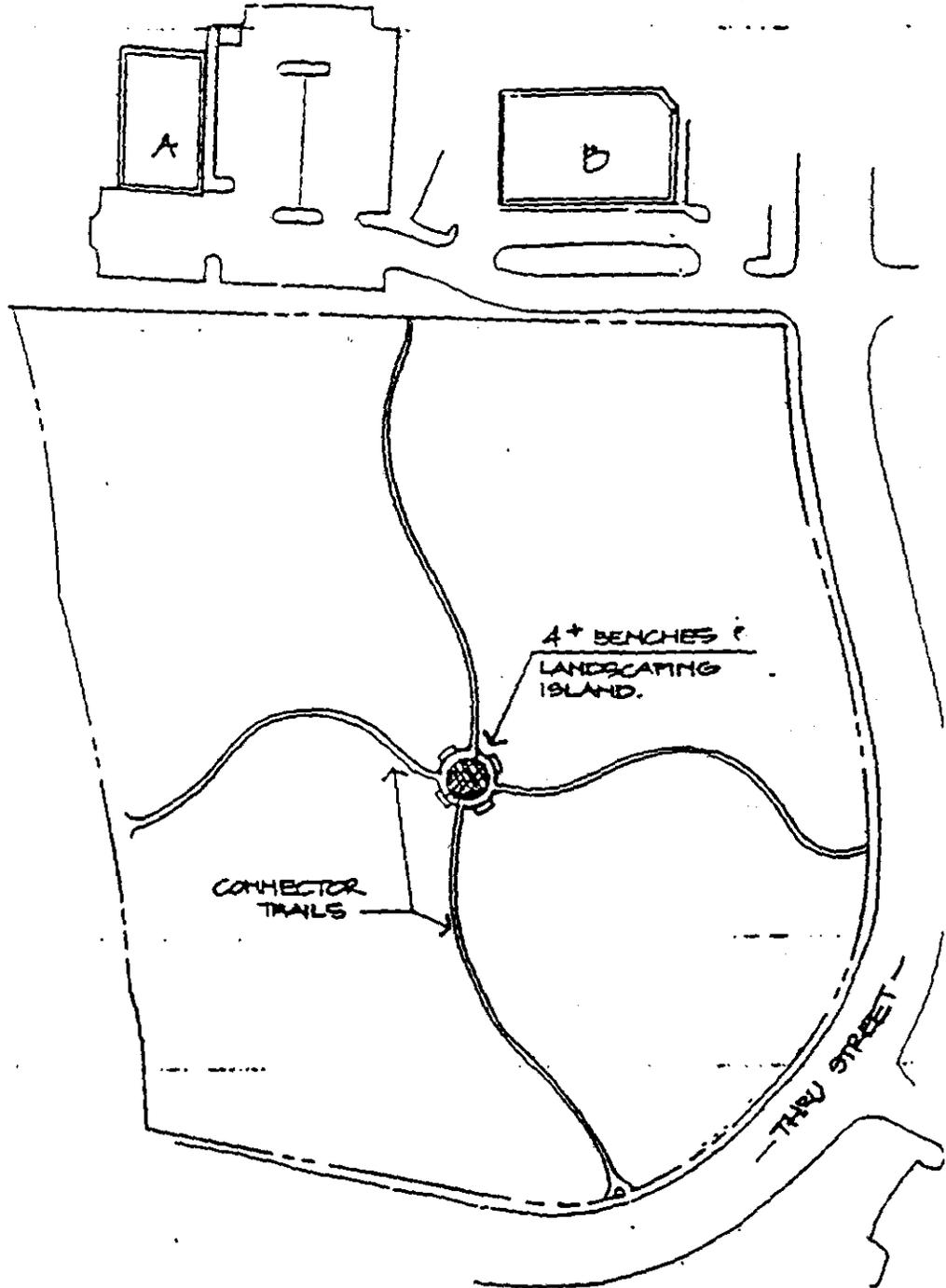
OWNER
TAX MAP REFERENCE 91-3 ((9))
PARCELS 2 AND 3

INOVA SERVICES, INC.

By: _____
Richard C. Magenheim,
James C. Hughes

Its: Senior Vice President ~~Chief~~
~~Financial Officer~~

EXHIBIT A



INTERIM USE OF PARCEL "G"
(NOT TO SCALE)





County of Fairfax, Virginia

MEMORANDUM

DATE: November 13, 2007

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Comprehensive Plan Land Use and Environmental Analysis:
RZ/FDP 2007-LE-012
PCA/FDPA 1996-LE-034-2
PCA 82-L-030-12
FDPA 82-L-030-9
Lee Village at Silver Lakes, LLC

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced Final Development Plan/Final Development Plan Amendment (FDP/FDPA) dated March 12, 2007, as revised through October 19, 2007 and proffers dated October 19, 2007. The extent to which the proposed use, intensity and development plans are consistent with the guidance contained in the Comprehensive Plan, is noted.

DESCRIPTION OF THE APPLICATION

The development proposal is for the construction of a four-story workforce housing multi-family structure, four-story active adult multi-family structure, future regional library and structured parking. Building heights are not anticipated to exceed 45 feet for all proposed structures. The workforce housing is planned as a four-story multi-family structure and housing units along the northern portion of the proposed structured parking. The total unit count for the workforce housing element of the proposed development is 104 units including affordable dwelling units (ADU's). The active adult development will include a total of 84 dwelling units. The workforce housing portion of the site is being rezoned to the PRM district with the remainder of the site retaining the existing PDH-8 zoning. Parking requirements for all combined uses will be provided with a mixture of 79 surface parking spaces and 501 structured parking spaces for a total of 580 parking spaces.

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 currently zoned PDH-8 and undeveloped. Prior to the 1970s, the subject property was used in part as an unregulated landfill with the remainder undeveloped. Immediately north of the subject property is an area zoned PDH-8 and developed with a free-standing pharmacy and a free-standing eating establishment. Further north and across Manchester Boulevard is the Festival at Manchester Lakes Center. This shopping center includes a grocery, drug store and other neighborhood serving retail establishments. The Fairfax County Redevelopment and Housing Authority (FCRHA) Morris Glen Elderly Housing complex of 60 dwelling units and a community center is located directly east of the shopping center. Directly west of the shopping center, across Beulah Street, are single-family detached houses (Lewin Park) developed at a density of approximately 1-2 du/ac. To the east of Silver Lake Boulevard the area is developed with multi-family elderly housing. Commercial development zoned PDH-8 is located northeast of the northeast of the subject property. This area is currently developed with a bank and free-standing eating establishment. To the south is Beulah Park, a 10.5 acre community park, and Anthony Lane Elementary School. East of the school/park site is private open space that is part of the Kingtowne Planned Community. A "kiss and ride" transit drop-off is also located on the school/park site. To the west are single-family detached houses (Windsor Estates) in an area planned for 5-8 du/ac. Directly southwest of the intersection of Manchester Boulevard and Beulah Street, townhouses (Devonshire Townhomes) are developed at a density of about 8 du/ac.

COMPREHENSIVE PLAN

Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Rose Hill Planning District, as amended through September 24, 2007, RH-4 Lehigh Community Planning Sector, page 65:

- "31. Elderly housing, workforce housing and related facilities are planned for two areas located on Parcel 91-1((12)) J and the land area formerly identified as parcel O which flank Manchester Boulevard. Much of former Parcel O has been subdivided and renumbered and now exists as Parcels 91-1 ((27)) 1, 2 and 3, as well as Parcels 91-3 ((18)) 4, 5, 6, 7 and 91-3 ((9)) 8b. Uses such as churches, nursing homes, medical facilities, child care facilities, and other public serving uses such as quasi-public and institutional uses may also be considered on Parcel O subject to the provision of a unified development plan that indicates the achievement of a high standard of design, and traffic minimization measures that include providing interparcel street connections with adjacent properties, providing at least two points of access to the arterial roadway system, and accommodating the planned interchange at the Beulah Street and Manchester Boulevard intersection. In addition, if former Parcel O is fully consolidated with Parcels 91-3((9))1, 2, and 3 (these parcels are now all part of Parcel 91-3 ((9)) 8b) under a unified development plan, commercial uses in conjunction with elderly housing and related uses may be considered subject to the following conditions:

- Commercial uses should provide convenient services to visitors, employees, and residents of the elderly housing and workforce housing, such as eating establishments, a bank, medical offices, and a drugstore;
- Provisions for affordable housing and workforce housing should serve a range of needs in terms of income levels and family size;
- Commercial uses should be designed as an integral component of the development and not have the appearance of a commercial strip center;
- Well-defined pedestrian linkages should be provided that are attractively landscaped, designed to meet the special needs of the elderly, allow opportunities for resting as well as walking, and have safe and convenient access between buildings with minimal crossing of streets and parking areas; and
- No retail or other commercial uses should be permitted until the elderly housing units are under construction.

Comprehensive Plan Map: 5-8 dwelling units per acre

Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through November 15, 2004, on page 5 through 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 k. For new development and redevelopment, apply better site design and low impact development techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation. . . .

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.

Proposals that include the use or storage of hazardous materials should provide adequate containment facilities, monitoring, and spill prevention strategies to protect surface and groundwater resources consistent with State regulations. . . .”

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 14, the Plan states:

“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 9-10, the Plan states:

“Objective 6: Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils. . . .

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geotechnical hazards.

ANALYSIS

Intensity and Use

The subject property is currently owned by the Fairfax County Board of Supervisors and is planned for development as a regional library. The library use will not require the entire land area available at this location. Consideration of the library development requirements as well as an active adult component at this location appear to be adequately accounted for with the proposed development. The surrounding commercial and residential uses include a pharmacy, restaurants, a bank, low-rise elderly housing and townhouse developments. Located immediately south of the proposed development are an existing elementary school and public

park. The application conforms to the Comprehensive Plan guidance for basic use and intensity at this location.

Transportation

This application includes workforce housing, active adult housing, structured parking, surface parking, landscaping and a regional library. The addition of these uses to the existing development will result in some impacts to the surrounding transportation infrastructure. Staff had recommended against direct access for any portion of the proposed development to Beulah Street. The applicants have provided access to the site with no direct access to Beulah Street. Internal circulation and parking appear to be adequate for the proposed development. More specific guidance regarding transportation improvements will be subject to review, commentary and recommendations from the Fairfax County Department of Transportation.

Environment

Water Quality

Issue:

Stormwater management and best management practices (BMP's) for the subject property are currently provided by an existing facility located offsite. While the applicants have noted that all required water quality control measures already exist at this location, staff would encourage the applicants to consider providing additional water quality control measures for the proposed new development. Additional Low Impact Development (LID) measures could provide additional water quality control improvement for the proposed development.

Resolution:

Staff feels that there may be additional opportunities to improve water quality with the proposed development. The applicants have not noted any additional water quality control improvement measures beyond the existing facilities for this site. Provisions for filterstrips, porous pavement, green roof areas, rain gardens or other LID measures are strongly encouraged and should be incorporated into the proposed new development. Any final determination regarding stormwater management and best management practice (BMPs) for the proposed development will be made by staff in the Department of Public Works and Environmental Services (DPWES).

Tree Cover

Issue:

The subject property is covered with grass and little other vegetation. The applicants have provided a basic landscaping plan as part of the proposed development. However, no specific species were noted. The applicants should be strongly encouraged to use native plant species for the proposed landscaping with a mixture of shade trees, ornamental, ground cover, shrubs and bushes as may be deemed appropriate by staff within the Urban Forestry Branch in the Department of Public Works and Environmental Services.

Resolution:

The applicants should coordinate with staff regarding the final landscaping plans for the proposed development. Any final determination regarding these efforts should be coordinated with staff from the Urban Forestry Branch in the Department of Public Works and Environmental Management.

Geotechnical Concerns:

Issue:

The subject property is the site of a former unregulated landfill. It should also be noted that the site appears to have been used to dispose of unused fill from the surrounding developments for Kingstowne and Manchester Lakes. As such, staff has noted some concerns regarding potential hazards from landfill gases and any other hazardous materials which may have been disposed at this location, as well as the stability and load-bearing capabilities of the site.

Resolution:

A geotechnical study will be required to determine the ability of the soils to safely support the proposed structures as well as any potential hazards from the former landfill at this location. Any additional constraints which might arise as a result of this study should be determined by staff in the Department of Public works and Environmental Services (DPWES).

PGN:JRB



County of Fairfax, Virginia

MEMORANDUM

DATE: February 29, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division

FROM: Angela Kadar Rodeheaver, Chief *AKR*
Site Analysis Section *by CAA*
Department of Transportation

SUBJECT: Transportation Impact Addendum

FILE: 3-4 (RZ 2007-LE-012; RZ 1996-LE-034; RZ 82-L-030)

REFERENCE: RZ 2007-LE-012, PCA/FDPA 1996-LE-034-02, PCA 82-L-030-12 and
FDPA 82-L-030-9; Lee Village at Silver Lake, L.L.C..
Traffic Zone: 1488
Land Identification: 90-3 ((9)) part of 8B

The following comments reflect the position of the Department of Transportation and are based on the development plan and draft proffers revised to February 22, 2008.

All of the major transportation issues identified in the memorandum of January 31, 2008 have now been addressed by the applicant. The following concerns remain.

1. In order to achieve adequate sight distance, a portion of the on-street parking will need to be eliminated on Silver Lake Boulevard. Since Silver Lake Boulevard is a private street, the applicant should demonstrate the legal right to cause this parking to be eliminated.
2. The applicant has committed to remove the triangular island within the travel aisle south of the site, subject to approval by the owner [another County agency]. This island should be eliminated so that the site will be accessible from southbound Beulah Street. There is no median opening on southbound Beulah Street at Silver Lake Boulevard, but lefts are permitted a short distance to the south at the entrance to the Beulah Park. However, an island where the entrance joins the paralleling travel aisle precludes access to Silver Lake Boulevard. It also precludes vehicle access between Silver Lake Boulevard and the adjoining school.

The traffic movements which the island is designed to preclude can easily be achieved by driving on the wrong side of the travel aisle in an area where traffic enforcement would be very

difficult to achieve. The island does not restrict access from Silver Lake Blvd to southbound Beulah Street. Therefore this department seeks to emphasize the need to work with the Park Authority and Schools for permission to remove the island.

4. A stub from properties north of the site has been constructed to the property line. It would be desirable connect the parking lots between the two sites, so that vehicle trips between the uses would not need to utilize Silver Lake Boulevard. If a vehicular connection is not provided, at least one internal sidewalk connection should be provided between the uses.

5. Because of the unique pedestrian access requirements and the additional space needed for accessible spaces, the proposed accessible spaces should be delineated on the development plan.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, DPW&ES
Paul Mounier, Transit Operations, DOT



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



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

FROM: Sandy Stallman, Manager
Park Planning Branch *SS*

DATE: March 3, 2008

SUBJECT: RZ/FDP 2007-LE-012, Lee Village at Silver Lake (Revised)
Tax Map Number(s): 91-3 ((9)) 8B

BACKGROUND

This revised memorandum replaces comments dated July 3, 2007, November 14, 2007 and November 19, 2007.

The Park Authority staff has reviewed the proposed Development Plan dated February 22, 2008 for the above referenced application. The Applicant is proposing to build a mixed-use development which will include a building for workforce housing, a building for residents aged 55+, and a new public library. The Applicant will build the library through a public-private partnership with the County and the plans show that governmental offices and a café will also be included in the library building. The residential buildings will provide 164 new multi-family housing units (60 units of age-restricted housing and 104 units of workforce housing) on a 2.8-acre parcel to be rezoned from a PDH-8 District to a PRM District with proffers. Based on an average multi-family household size of 1.70 in the Rose Hill Planning District, the development could add approximately 279 new residents to the Lee 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.”

2. Park Services and New Development (Area IV, Rose Hill Planning District, Overview, Parks and Recreation, p. 14)

“The Rose Hill Planning District is moderately well served at this time by active recreation facilities at Lee District Park and other smaller park and school sites. However, the projected growth for the Kingstowne development will impact the long term needs of the entire Planning District. It is therefore important that adequate parklands and facilities be provided as part of and to serve the Kingstowne community.”

3. Park Services and New Development (Area IV, Rose Hill Planning District, RH4-Lehigh Community Planning Sector, p.65)

“Provide development or upgrading of active recreation facilities at adjacent Beulah and/or Manchester Lakes Parks as appropriate;”

4. 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.”

ANALYSIS AND RECOMMENDATIONS

Recreational Impact:

The residents of this development will need access to outdoor recreational facilities. Based on the Zoning Ordinance Sections 6-110 and 16-404, the applicant shall provide \$1,500 per non-ADU (affordable dwelling unit) residential unit for recreational facilities to serve the development population. With 104 non-ADUs proposed, the Ordinance-required contribution is \$156,620.

The ordinance-required P-district recreation funds offset only a portion of the need to provide recreational facilities for the new residents generated by this development. Expenditure of the P-district funds should be expended for on-site recreational amenities as shown on the FDP as well as off-site improvements to the adjacent Beulah Park. On-site recreational amenities should include a open space plaza in front of the independent living building with pathways, a gazebo, benches and outdoor game tables; a tot lot near the workforce housing building; a pedestrian trail network and indoor exercise rooms (minimum of 700 square feet) and equipment in each residential building.

In addition to the on-site recreational facilities that the applicant is providing, the Park Authority recommends that the applicant expend residual P-district required funds and additional funding if necessary, to make off-site park improvements to the facilities at Beulah Park. This park can be enhanced to better serve the new residents and complement the library use that is part of this development. These following offsite facilities should be constructed by the applicant in accordance with FCPA specifications, the Public Facilities Manual and in coordination with FCPA:

1. Landscaped plaza with seating at the northwest corner of Beulah Park (see attachment)
2. Dugout improvements at each athletic field (4 dugouts)
 - Install a concrete floor at each dugout
 - Provide and install surface mounted, 21-inch benches with backs at each dugout
 - Construct a roof over each dugout (fenced area of the dugouts is 6' x 32')
 - Install aprons at each dugout

3. Install 4 bleacher pads and replace 4 existing bleachers with ADA accessible bleachers
4. Replace roof on restroom building and add ceiling insulation

Should the value of these improvements exceed the regulatory required recreation amenity funding, (i.e. \$156,000) the applicant should contribute the difference in value of these improvements to the FCPA through in-kind service by completing the recommended improvements.

Pedestrian Circulation:

The Park Authority recommends the applicant provide two crosswalks across Silver Lake Boulevard to connect walkways within the development to Beulah Park. One crosswalk is shown in the plan but an additional crosswalk should be built to provide a connection from the sidewalk in front of the library to the proposed landscaped plaza in Beulah Park.

cc: Edward R. Batten, Sr., Lee District Representative, Park Authority Board
Edwin S. Clay III, Director, Fairfax County Public Library
Cindy Walsh, Acting Director, Resource Management Division
Jenny Pate, Trails Coordinator, Special Projects Branch
Chron Binder
File Copy

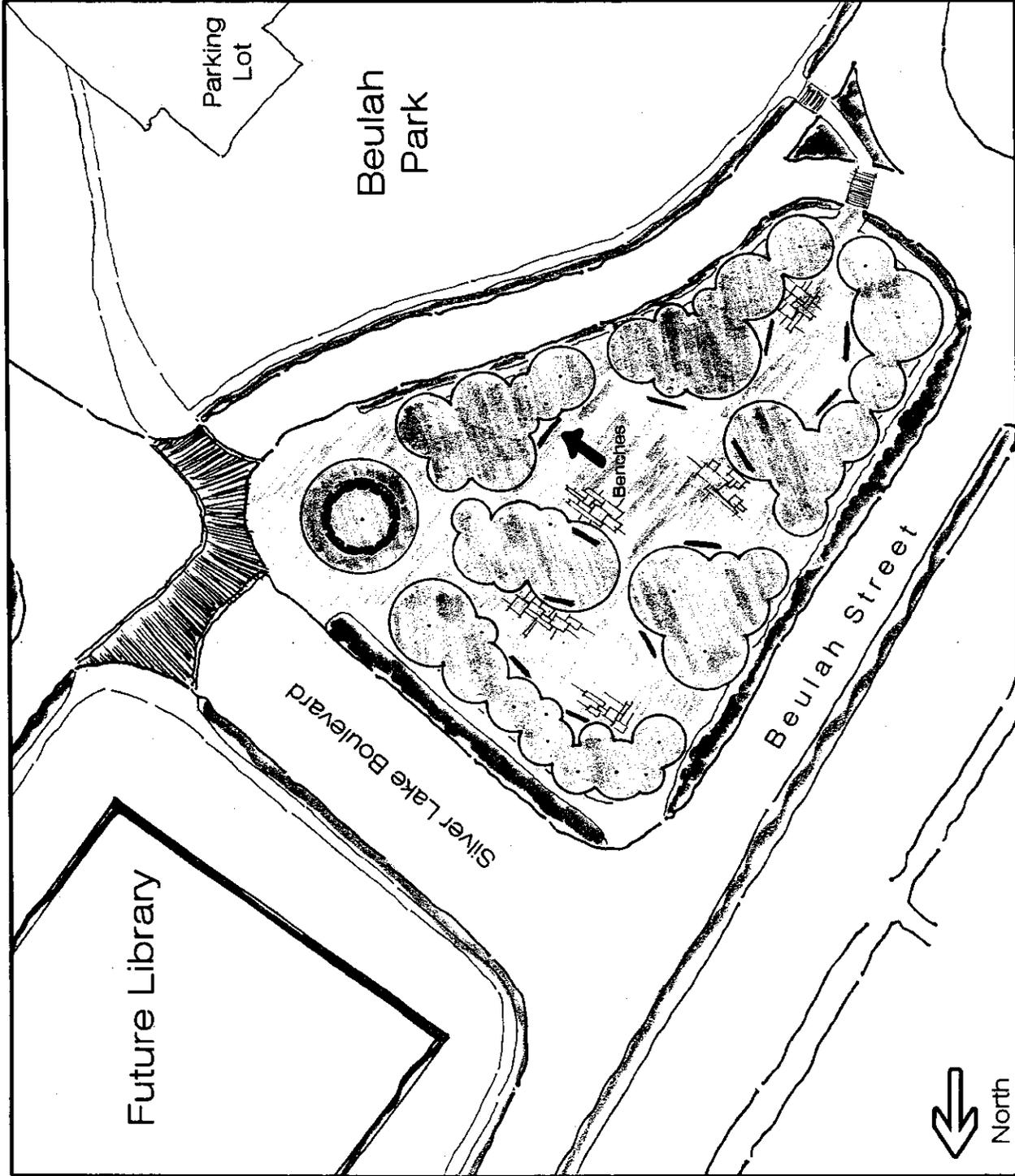
Notes:

- Planting beds can either be at ground level or raised to provide additional seating and grading opportunities

-- A significant crosswalk should be provided from the library to the pocket park to provide maximum safety for pedestrians

- Materials for pavers and other site accessories should match the same palette as the development

- Plant materials should be similar to those installed at the library.



Conceptual Pocket Park Diagram for Lee Village Development
Fairfax County Park Authority
March 2008



**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: Schools Impact Analysis
RZ 2007-LE-012, Lee Village at Silver Lake, LLC

DATE: August 23, 2007

MAP: 91-3 ((9)) 0008B, Pt.

PLANNING UNIT: Cluster IV

ACREAGE: 2.82 acres

REQUEST: The application requests a zoning change from PDH-8 to PRM to permit development of a planned public library, 60 age-restricted residential units (a senior independent living facility) and 104 workforce housing units. A Comprehensive Plan amendment to allow the mix of age restricted and workforce residential uses on the site is pending. The site is not currently planned or approved for residential use.

Schools that currently serve this property, 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 2007-2007	2011-2012 Membership	Memb/Cap Difference 2011-2012
Lane ES	K-6	831	675	674	157	678	153
Hayfield MS	7-8	1100	819	996	104	840	260
Hayfield HS	9-12	2125	1486	1562	563	1604	521

*2007-08 membership based on spring projection updates, Facilities Planning Services

School Level	Zoning - PRM Workforce Housing Mid/High Rise Multi-family Units		
	Units	Ratio	Students
K-6	104	x .042	4
7-8	104	x .010	1
9-12	104	x .024	2
		Total	7

Comments: Based on the approved proffer formula guidelines, the students generated by this application would justify a proffered contribution of \$81,410 (7 students x \$11,630) in order to address needed capital facility improvements for schools. It is further recommended that the proffered contribution be provided on or before the time of site plan approval for the workforce residential building.

cc: Brad Center, School Board Member, Lee District
Illyong 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
Brian Binggeli, Assistant Superintendent, Cluster IV

RZ 2007-LE-012 Lee Village at Silver Lake

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division, OCP **DATE:** August 1, 2007

FROM: Gilbert Osei-Kwadwo (Tel: 324-5025) *gok*
System Engineering & Monitoring Division
Office of Waste Management, DPW&ES

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: ApplicationNo.RZ/FDP 2007-LE-012 CONC./W PCA/FDPA 1996-LE-034-2
PCA 82-L-030-12 AND FDPA 82-L-030-9

TaxMapNo.091-3-/09//0008B

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

- The application property is located in the ACCOTINK CREEK (M6) watershed. It would be sewered into the Noman M. Cole, Jr. Pollution Control Plant.
- Based upon current and committed flow, there is excess capacity in the Lower Potomac Pollution Control Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been 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.
- An existing 8 inch line located in AN EASEMENT and ON the property is adequate for the proposed use at this time.
- 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 + Application</u>		<u>Existing Use + Application Previous Rezonings</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	X		X		X	
Submain	X		X		X	
Main/Trunk	X		X		X	
Interceptor						
Outfall						

- Other pertinent information or comments:



County of Fairfax, Virginia

MEMORANDUM

DATE: May 2, 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 Rezoning Application RZ 2007-LE-012, Final Development Plan FDP 2007-LE-012, Proffered Condition Amendment PCA 1996-LE-034-02, Final Development Plan Amendment FDPA 1996-LE-034-02, Proffered Condition Amendment PCA 82-L-030-12 and Final Development Plan Amendment FDPA 82-L-030-09

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 #405, Franconia
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 9, 2007

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

Re: RZ 07-LE-012
FDP 07-LE-012
PCA 96-LE-034-02
FDPA 96-LE-034-02
PCA 82-L-030-12
FDPA 82-L-030-09
Lee Village at Silver Lake

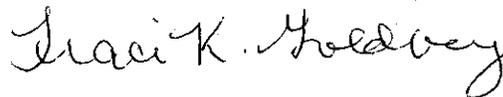
Dear Ms. Byron:

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 24-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. 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,

A handwritten signature in black ink that reads "Traci K. Goldberg". The signature is written in a cursive style with a large, looped "G" at the end.

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

Enclosure



SELECTED EXCERPTS FROM THE ZONING ORDINANCE

ARTICLE 6

PLANNED DEVELOPMENT DISTRICT REGULATIONS

PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT

6-101 Purpose and Intent

The PDH District is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. The district regulations are designed to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced developments of mixed housing types; to encourage the provision of dwellings within the means of families of low and moderate income; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

6-102 Principal Uses Permitted

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 106 below.

1. Affordable dwelling unit developments.
2. Dwellings, single family detached.
3. Dwellings, single family attached.
4. Dwellings, multiple family.
5. Dwellings, mixture of those types set forth above.
6. Public uses.

6-103 Secondary Uses Permitted

The following secondary uses shall be permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

17. Quasi-public uses (Category 3), limited to:

I. Independent living facilities

6-106

Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.
2. All uses shall comply with the performance standards set forth in Article 14.
3. When a use presented in Sect. 103 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 103 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 105 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9.

4. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.
5. Secondary uses of a commercial and office nature shall be permitted only in a PDH District which has a minimum of fifty (50) residential dwelling units, except that the Board, in conjunction with the approval of a conceptual development plan in order for further implementation of the adopted comprehensive plan, may modify this limitation for the Group 6 outdoor recreation special permit uses and the Category 5 special exception uses of golf courses, country clubs and golf driving ranges.
6. Secondary uses of a commercial nature, except Group 6 outdoor recreation uses, golf courses, country clubs, golf driving ranges and offices, shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:
 - A. Commercial and office uses shall be conducted within a completely enclosed building with no outside display except those uses which by their nature must be conducted outside a building.
 - B. When located within the same building as residential uses, commercial and office uses shall be limited to the lowest two (2) floors.
 - C. The maximum total land area, including all at-grade off-street parking and loading areas in connection therewith, devoted to commercial and office uses, except Group 6 outdoor recreation uses, golf courses, country clubs and golf driving ranges, shall be as follows:

- (1) PDH-1 through PDH-4: 400 square feet of commercial/dwelling unit.

- (2) PDH-5 through PDH-20: 300 square feet of commercial/dwelling unit.
- (3) PDH-30 and PDH-40: 200 square feet of commercial/dwelling unit.

However, the Board may allow an increase in the commercial land area if there is a single commercial area proposed to serve two or more contiguous PDH Districts which are planned and designed as a single planned development and which are zoned concurrently. The Board may approve such an increase with the concurrent approval of a conceptual and final development plan which shows the layout, uses and intensity of the commercial land area. In such instance, the land area devoted to commercial use may be based on the total number of dwelling units in the PDH Districts, provided, however, that the resultant commercial land area shall not exceed twice that which would have been permitted otherwise for the individual PDH District in which the commercial land area is located.

In no instance, however, shall office uses occupy more than ten (10) percent of the total gross floor area.

- 7. Service stations, service station/mini-marts and vehicle light service establishments shall be permitted only under the following conditions:
 - A. Located in a commercial center consisting of not less than three (3) commercial establishments, such commercial establishments to be other than automobile-related.
 - B. There shall be no vehicle or tool rental and no outdoor storage or display of goods offered for sale, except for the outdoor storage and display of goods permitted at a service station or service station/mini-mart. In addition, there shall be no separate freestanding sign associated with the use except as required by Chapter 10 of The Code and no more than two (2) vehicles that are wrecked, inoperable or abandoned may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, and in no event shall any one such vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
- 8. Signs shall be permitted only in accordance with the provisions of Article 12, and off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.
- 9. Kennels and veterinary hospitals shall be located within a completely enclosed building which is adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area. In addition, the Health Department shall approve the construction and operation of all veterinary hospitals prior to issuance of any Building Permit or Non-Residential Use Permit.
- 10. Zoological parks shall be subject to the following:

- A. All such uses shall be subject to and operated in compliance with all applicable Federal, State and County regulations.
 - B. The Director of the Department of Animal Control shall review the operation of the zoological park on a quarterly basis and shall have the right to conduct unannounced inspections of the facility during daylight hours.
 - C. The keeping of all animals including wild or exotic animals as defined in Chapter 41.1 of The Code may be permitted with the approval of the Director of the Department of Animal Control, upon a determination that the animal does not pose a risk to public health, safety and welfare and that there will be adequate feed and water, adequate shelter, adequate space in the primary enclosure for the particular type of animal depending upon its age, size and weight and adequate veterinary care.
11. Drive-through pharmacies shall be permitted only on a lot which is designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation and parking. Adequate parking and stacking spaces for the use shall be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the lot. In addition, signs shall be required to be posted in the vicinity of the stacking area stating the limitations on the use of the window service and/or drive-through lane. Such signs shall not exceed two (2) square feet in area or be located closer than five (5) feet to any lot line.

6-107 Lot Size Requirements

- 1. Minimum district size: Land shall be classified in the PDH District only on a parcel of two (2) acres or larger and only when the purpose and intent and all of the standards and requirements of the PDH District can be satisfied.
- 2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.
- 3. Minimum lot width: No requirement for each use or building.

6-108 Bulk Regulations

The maximum building height, minimum yard requirements and maximum floor area ratio shall be controlled by the standards set forth in Part 1 of Article 16.

PART 4 6-400 PRM PLANNED RESIDENTIAL MIXED USE DISTRICT

6-401 Purpose and Intent

The PRM District is established to provide for high density, multiple family residential development, generally with a minimum density of 40 dwelling units per acre; for mixed use development consisting primarily of multiple family residential development, generally with a density of at least twenty (20) dwelling units per acre, with secondary office and/or other commercial uses. PRM Districts should be located in those limited areas where such high density residential or residential mixed use development is in accordance with the adopted comprehensive plan such as within areas delineated as Transit Station Areas, and Urban and Suburban Centers. The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, and to otherwise implement the stated purpose and intent of this Ordinance. To these ends, rezoning to and development under this district will be permitted only in accordance with development plans prepared and approved in accordance with the provisions of Article 16.

6-402 Principal Uses Permitted

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 406 below.

1. Dwellings, multiple family.
2. Public uses.

6-406 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.
2. A final development plan shall be submitted and approved concurrently with the conceptual development plan for the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will integrate with the adjacent communities and complement existing and planned development by incorporating high standards of urban design. The plan shall also be in general accordance with any specific urban design concept and streetscape plans for the area including the provision of convenient and accessible pedestrian walkways and connections, all as set forth in the adopted comprehensive plan.
3. The principal residential use shall be multiple family dwelling units. Single family attached dwellings may be allowed at the periphery of the development to provide a transition from the high density development to adjacent lower density development.
4. All uses shall be designed to be harmonious with and not adversely affect the use or development of neighboring properties.

5. When a use presented in Sect. 403 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.
When a use presented in Sect. 403 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 405 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.
In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9.
6. Secondary uses may be permitted only in a PRM District where at least fifty (50) percent of the total gross floor area in the development is devoted to multiple family dwellings.
The floor area for dwellings shall be determined in accordance with the gross floor area definition, except the following features shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways which may be roofed but which have two (2) open ends. An open side or open end shall have no more than fifty (50) percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.
7. Drive-through facilities shall not be permitted.
8. Vehicle transportation service establishments shall be permitted in accordance with the following:
 - A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).
 - B. There shall be no maintenance or refueling of vehicles on site.
 - C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.
9. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11, to include the possible parking reductions based on hourly parking accumulation characteristics of the various uses and/or proximity to a mass transit station. It is intended that a substantial portion of the required parking should be provided in above and/or below grade parking structures.
10. Signs shall be permitted in accordance with the provisions of Article 12.

11. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.
12. All uses shall comply with the performance standards set forth in Article 14.

6-407 Lot Size Requirements

1. Minimum district size: Two (2) acres, provided the proposed development is in accordance with the adopted comprehensive plan and the purpose and intent and all of the standards and requirements of the PRM District.
2. Minimum lot area: No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a rezoning application or by the Planning Commission in conjunction with the approval of a subsequent final development plan amendment.
3. Minimum lot width: No requirement for each use or building.

6-408 Bulk Regulations

1. Maximum building height and minimum yard requirements shall be controlled by the standards set forth in Part 1 of Article 16.
2. Maximum floor area ratio: 3.0, provided the maximum floor area ratio permitted by this Part shall exclude the floor area for affordable and bonus market rate units provided in accordance with Part 8 of Article 2.

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 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.

PART 4 16-400 PROCEDURES FOR REVIEW AND APPROVAL OF ALL P DISTRICTS EXCEPT THE PRC DISTRICT

All proposed developments of a P district as permitted under Article 6, except for the PRC District, shall be subject to the following procedures for review and approval.

16-401 Conceptual Development Plan Approval

7. In approving a conceptual development plan, the Board may establish such conditions and may require such modifications as shall assure compliance with the standards and regulations of the subject district; and further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.
8. In approving a conceptual development plan, the Board may authorize a variance in the strict application of specific zoning district regulations whenever:
 - A. Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and
 - B. Such variance would promote and comply with the standards set forth in Part 1 above.

In no case, however, shall the maximum density provisions under the PDH District and the maximum floor area ratio provisions under the PDC and PRM Districts be varied or modified.

9. In the event the Board shall disapprove the rezoning application, the conceptual development plan shall thereby be deemed to be denied.

9-306 Additional Standards for Independent Living Facilities

1. Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over, couples where either the husband or wife is sixty-two (62) years of age or over and/or persons with handicaps, as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse and/or caregiver, if any.
2. The Board specifically shall find that applications under this Section adequately and satisfactorily take into account the needs of elderly persons and/or persons with handicaps for transportation, shopping, health, recreational and other similar such facilities and shall impose such reasonable conditions upon any exception granted as may be necessary or expedient to insure provisions of such facilities.
3. The Board shall find that such development shall be compatible with the surrounding neighborhood, shall not adversely affect the health or safety of

persons residing or working in the neighborhood of the proposed use and shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

4. To assist in assessing whether the overall intensity of the proposed use is consistent with the scale of the surrounding neighborhood, the total gross floor area, including the dwelling unit area and all non-dwelling unit areas, the floor area ratio and the number of dwelling units shall be shown on the plat submitted with the application.
5. No such use shall be established except on a parcel of land fronting on, and with direct access to, a collector street or major thoroughfare.
6. The density of such use shall be based upon the density of the land use recommendation set forth in the adopted comprehensive plan and as further modified by the corresponding multiplier and open space requirements set forth in the schedule provided below. Where the adopted comprehensive plan does not specify a density range in terms of dwelling units per acre, the density range shall be determined in accordance with Sect. 2-804. A minimum of fifteen (15) percent of the total number of dwelling units shall be Affordable Dwelling Units (ADUs). When 100 percent of the dwelling units are ADUs, the total number of units should be calculated using the high end of the residential density range as set forth in the adopted comprehensive plan plus the addition of a twenty (20) percent density bonus. All ADUs shall be administered in accordance with the provisions of Part 8 of Article 2.

Comprehensive Plan Required Open Residential Density Space		Maximum Units		Number Per	of Acre*
0.2 unit per acre	not to exceed 75%	5	times	unit	per acre
0.5 unit per acre	" 70%	4	times	unit(s)	per acre
1 unit per acre	" 65%		"		
2 units per acre	" 60%		"		
3 units per acre	" 55%		"		
4 units per acre	" 50%		"		
5 units per acre	" 35%		"		
8 units per acre	" 25%		"		
12 units per acre or more 35%	"		"		

*Excluding nursing facilities and assisted living facilities

7. Independent living facilities may include assisted living facilities and skilled nursing facilities designed solely for the residents as an accessory use.
8. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.
9. In residential districts, the maximum building height shall be 50 feet and in commercial districts the maximum building height shall be as set forth in the district in which located, except that in all cases greater heights may be approved by the Board.
10. The minimum front, side and rear yard requirements shall be as follows, except greater yards may be required by the Board:
 - A. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for 0.2 to 8 dwelling units per acre - 50 feet.
 - B. Where the yard abuts or is across a street from an area adopted in the comprehensive plan for a residential use having a density greater than 8 dwelling units per acre or any commercial, office or industrial use - 30 feet.
11. Transitional screening shall be provided in accordance with the provisions of Article 13, and for the purpose of that Article, an independent living facility shall be deemed a multiple family dwelling.
12. The provisions of Par. 6 above shall not be applicable to proffered rezoning and approved special exception applications or amendments thereto approved prior to May 20, 2003 or for special exception applications approved prior to May 20, 2003 for which a request for additional time to commence construction is subsequently requested in accordance with Sect. 9-015. Additionally, Par. 6 above shall not be applicable, unless requested by the applicant to rezoning and special exception amendment applications filed on or after May 20, 2003, which propose no increase in density over the previously approved density.

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 low-impact site design 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.

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 be 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 PLAN: 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		