



APPLICATION ACCEPTED: January 23, 2009
PLANNING COMMISSION: July 30, 2009
BOARD OF SUPERVISORS: August 3, 2009 @ 3:30 PM

County of Fairfax, Virginia

July 15, 2009

CRA

STAFF REPORT

APPLICATION RZ/FDP 2009-PR-002

PROVIDENCE DISTRICT

APPLICANT: Square 1400, L.C.

PRESENT ZONING: I-4

REQUESTED ZONING: Planned Residential Mixed Use (PRM)

PARCEL(S): 49-1 ((13)) 13-16

ACREAGE: 4.64 acres

FAR: 1.62 (including Affordable Dwelling Units (ADUs) and bonus units associated with Workforce Housing Units (WHU) and ADUs)

OPEN SPACE: 54%

PLAN MAP: Residential Mixed Use up to 1.35 (excluding ADUs and bonus density)

PROPOSAL: The applicant seeks to rezone the subject property from I-4 to PRM to permit the construction of a 327,431 square foot, 11-story (115 feet tall) multi-family residential building with 305 dwelling units and a separate 4-story (35 feet tall) above grade parking structure at a 1.62 FAR including ADUs and bonus units associated with WHU.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2009-PR-002 subject to the execution of proffers consistent with those found in Appendix 1 of this report.

William O'Donnell

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/



Staff recommends approval of FDP 2009-PR-002 subject to the development conditions in Appendix 2 of this report.

Staff recommends approval of a modification of the loading space requirement for residential uses in favor of that shown on CDP/FDP.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

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.



Rezoning Application

RZ 2009-PR-002

Applicant: SQUARE 1400, L.C.
Accepted: 01/23/2009
Proposed: RESIDENTIAL
Area: 4.64 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: WEST SIDE OF DORR AVENUE APPROXIMATELY
Located: 400 FEET NORTH OF ITS INTERSECTION
WITH MERRIFIELD AVENUE

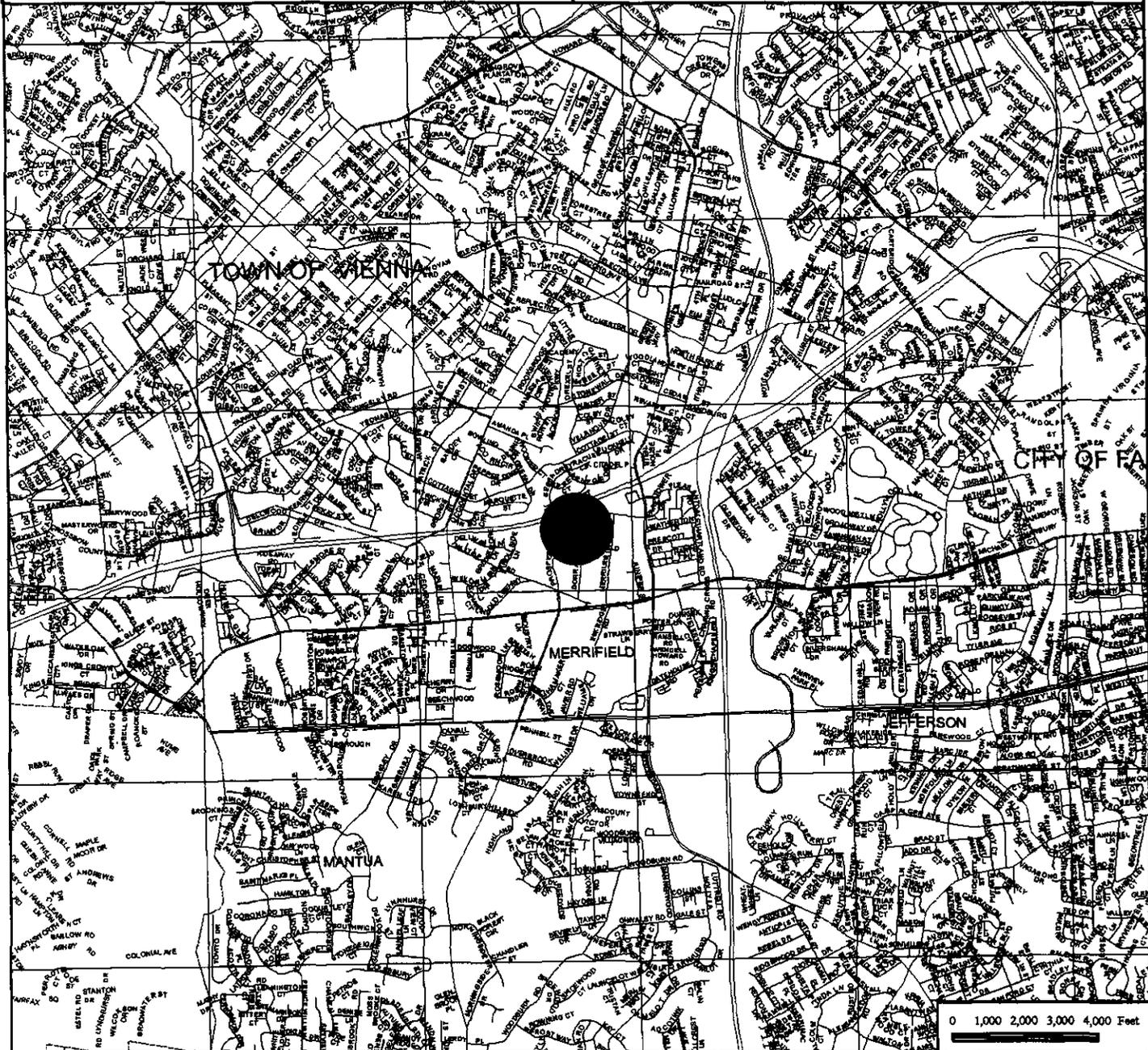
Zoning: FROM I- 4 TO PRM
Overlay Dist: CRA
Map Ref Num: 049-1- /13/ /0013 /13/ /0014
/13/ /0015 /13/ /0016

Final Development Plan

FDP 2009-PR-002

Applicant: SQUARE 1400, L.C.
Accepted: 01/23/2009
Proposed: RESIDENTIAL
Area: 4.64 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: WEST SIDE OF DORR AVENUE APPROXIMATELY
Located: 400 FEET NORTH OF ITS INTERSECTION
WITH MERRIFIELD AVENUE

Zoning: PRM
Overlay Dist: CRA
Map Ref Num: 049-1- /13/ /0013 /13/ /0014
/13/ /0015 /13/ /0016



Rezoning Application

RZ 2009-PR-002

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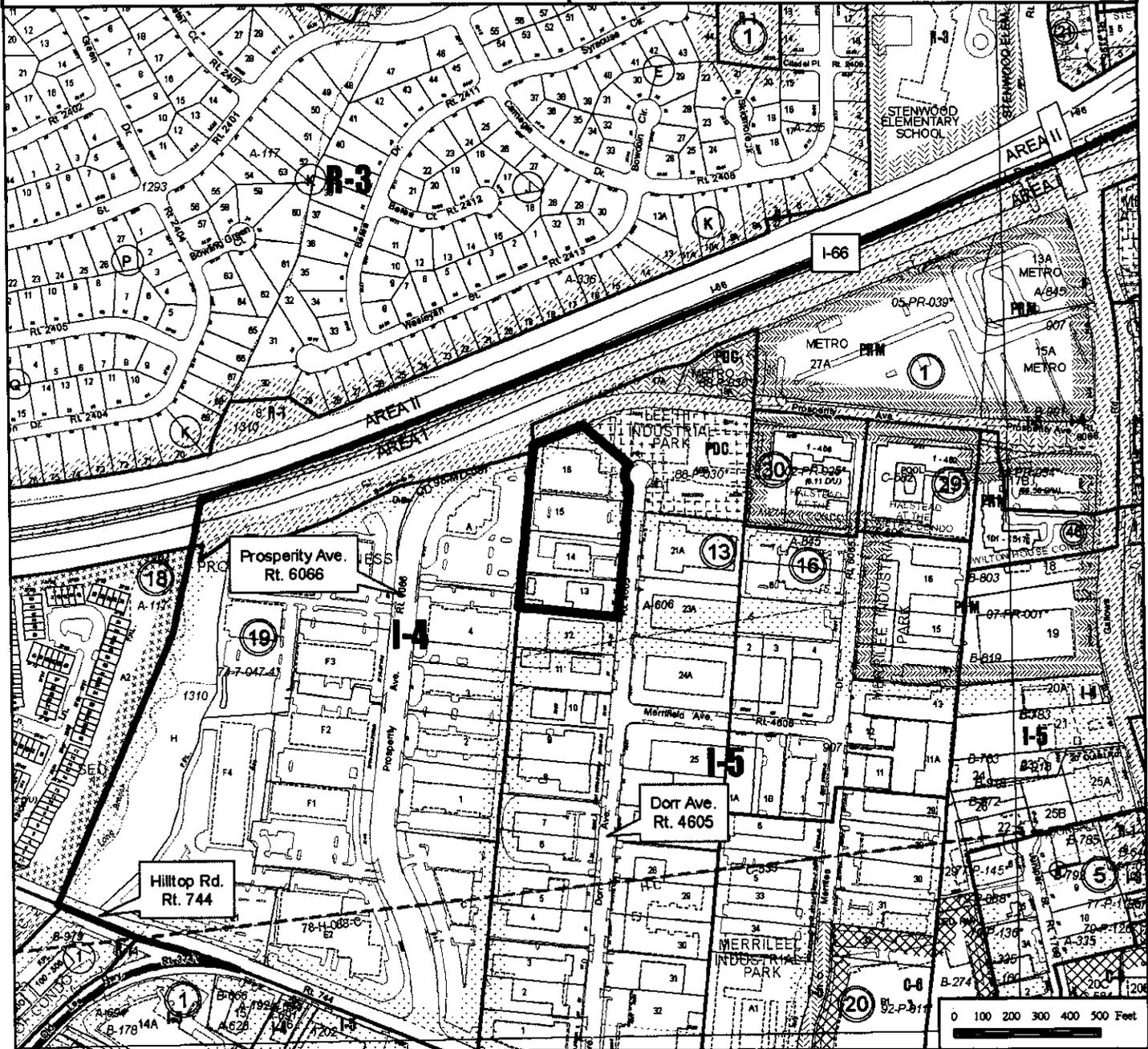
Zoning: FROM I- 4 TO PRM
 Overlay Dist: CRA
 Map Ref Num: 049-1- /13/ /0013 /13/ /0014
 /13/ /0015 /13/ /0016

Final Development Plan

FDP 2009-PR-002

Applicant: SQUARE 1400, L.C.
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Zoning: PRM
 Overlay Dist: CRA
 Map Ref Num: 049-1- /13/ /0013 /13/ /0014
 /13/ /0015 /13/ /0016





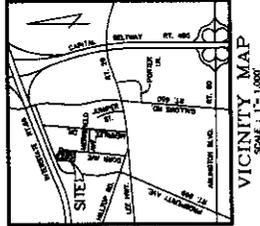
Revised July 6, 2009
Revised June 11, 2009
Revised May 28, 2009
Revised April 24, 2009
Revised March 25, 2009
January 15, 2009

M-10741

SQUARE 1400, L.C.

Providence District Fairfax County, Virginia

Conceptual Development Plan / Final Development Plan RZ 2009-PR-002



RECEIVED
Department of Planning & Zoning
JUL 06 2009
Zoning Evaluation Division

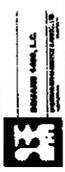
Applicant:
Square 1400, L.C.
2704 Dorr Avenue
Fairfax, Virginia 22031

SQUARE 1400, L.C.
Conceptual Development Plan /
Final Development Plan
RZ 2009-PR-002

Sheet Index

1. COVER SHEET
2. CONCEPTUAL / FINAL DEVELOPMENT PLAN - EXISTING CONDITIONS
3. CONCEPTUAL / FINAL DEVELOPMENT PLAN
4. TREE COVER CALCULATION / STREETSCAPE CROSS-SECTION
5. TREE COVER CALCULATION / STREETSCAPE CROSS-SECTION
6. PEDESTRIAN AND BIKE CIRCULATION PLAN
7. ARCHITECTURAL ELEVATIONS AND PERSPECTIVES
8. ARCHITECTURAL ELEVATIONS - ENLARGEMENTS
9. NOISE CONTOURS
10. STORMWATER MANAGEMENT - OUTFALL
11. STORMWATER MANAGEMENT - OUTFALL
12. STORMWATER MANAGEMENT - OUTFALL
13. STORMWATER MANAGEMENT - OUTFALL
14. EXISTING VEGETATION MAP

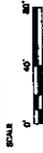
Dewberry & Davis, LLC
 10000 Westpark Drive, Suite 100
 Westpark, VA 22089
 (703) 441-1000
 www.dewberry.com



SQUARE 1400, L.C.
 CONCEPTUAL DEVELOPMENT PLAN /
 FINAL DEVELOPMENT PLAN
 PARKWAY DISTRICT
 PAVAN COUNTY, VIRGINIA



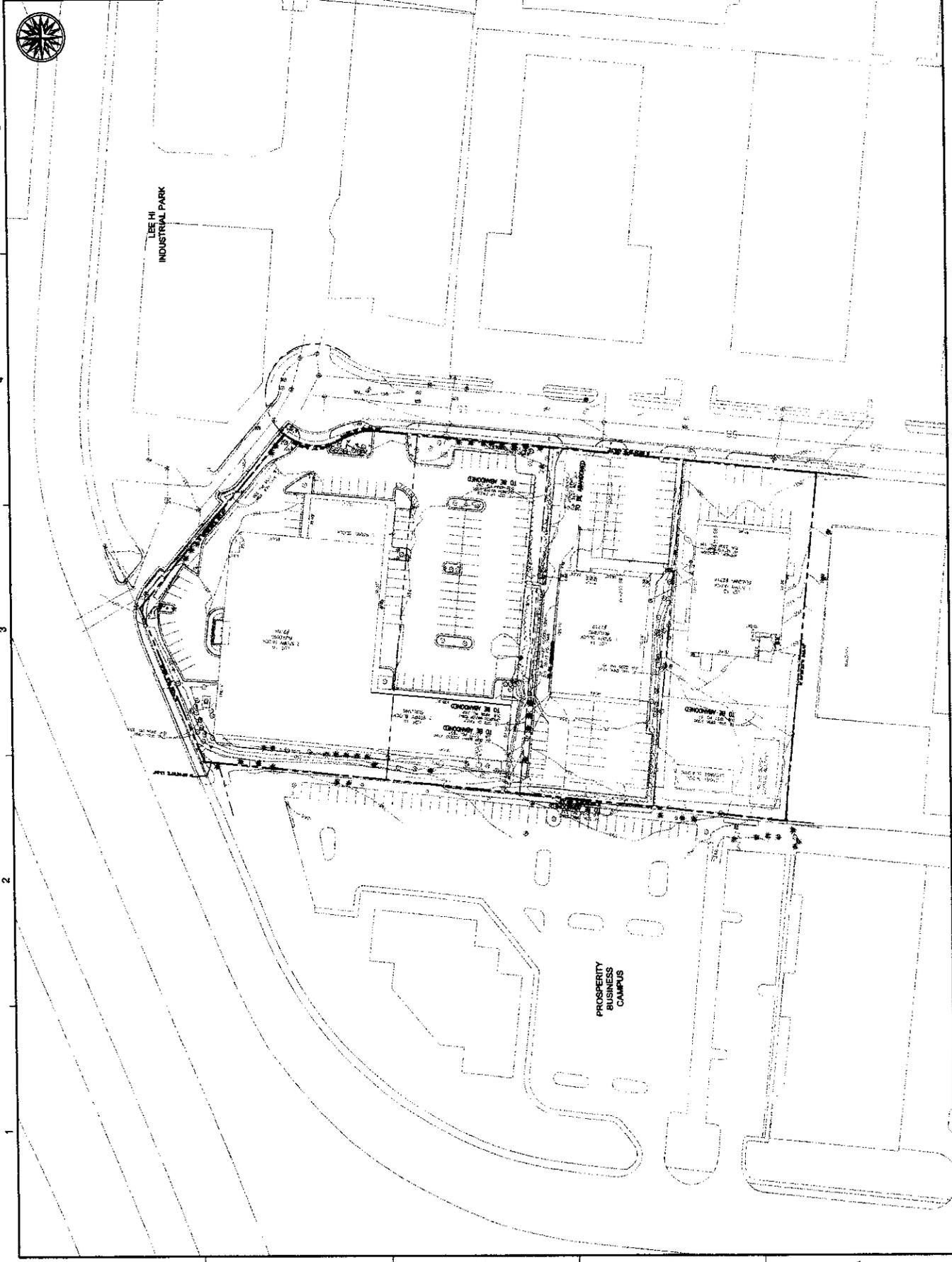
REVISED



NO.	DATE	BY	Description
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2	04.24.08	JAM	REVISED
3	05.29.08	JAM	REVISED
4	06.11.08	JAM	REVISED
5	07.08.08	JAM	REVISED

DESIGNED BY: JAM
 APPROVED BY: DK
 DATE: February 15, 2009
 TITLE: SQUARE 1400, L.C.
 Conceptual Development Plan /
 Final Development Plan
 Existing Conditions

PROJECT NO. 14-10741





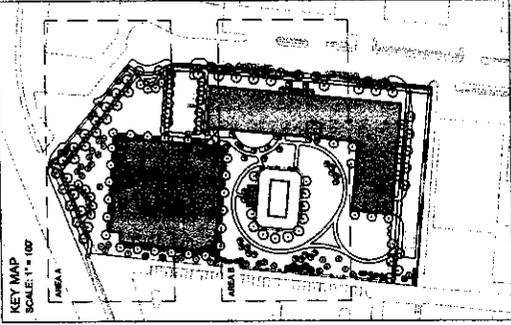
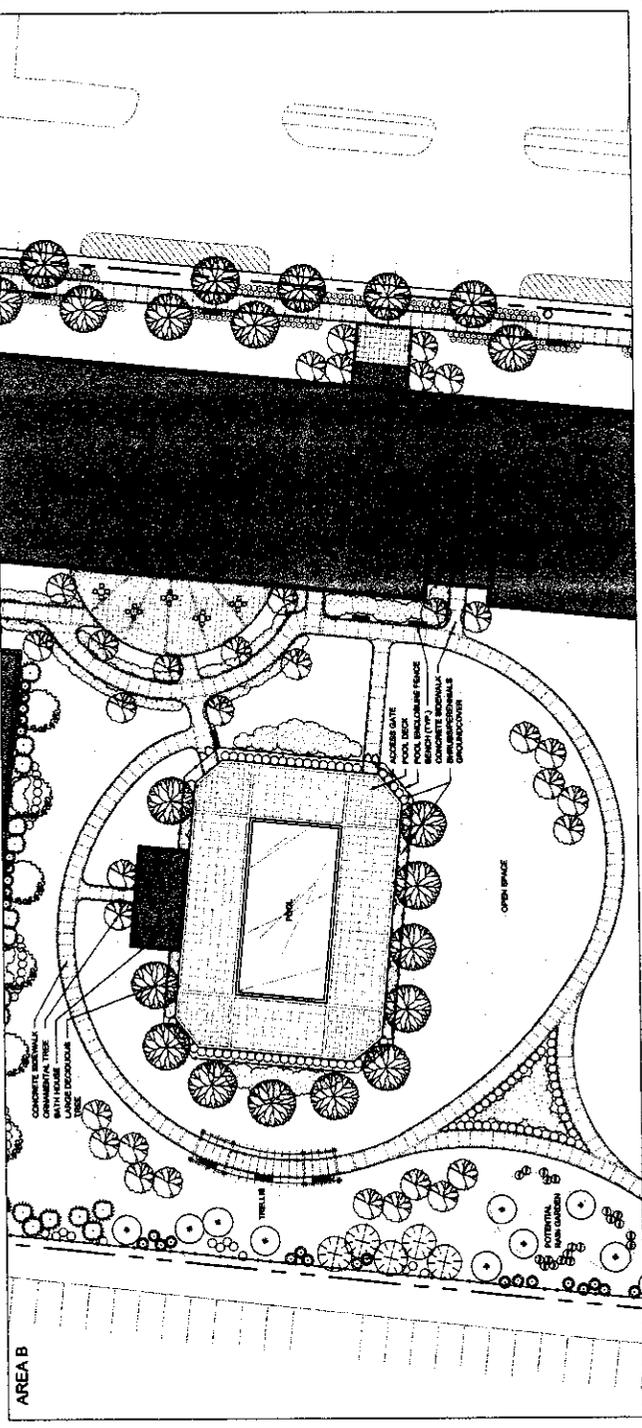
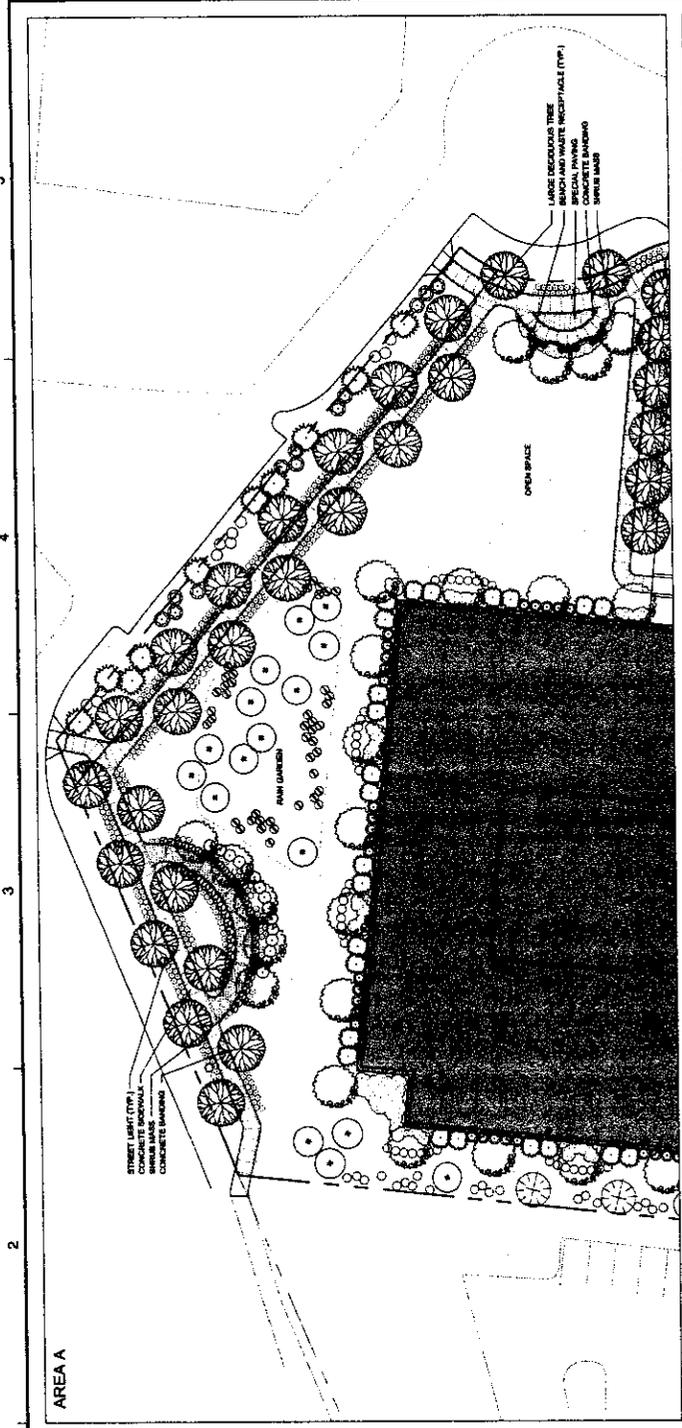
SET PLAN



NO.	DATE	BY	DESCRIPTION
1	10-23-08	APR	Issue Sheet
2	08-28-08	APR	
3	06-11-08	APR	
4	02-08-08	APR	

DRAWN BY: APR
 APPROVED BY: DS
 CHECKED BY: DS
 DATE: January 15, 2008

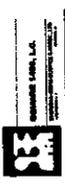
TITLE: **SQUARE 1400, L.C.**
 Conceptual Development Plan /
 Final Development Plan
 Detail Enlargements



NOTE:
 THE DETAILS PROVIDED HEREON REPRESENT THE PROPOSED
 HARDSCAPE AND LANDSCAPE PLANS FOR THE INDIVIDUAL OPEN
 SPACE AREAS. MINOR DESIGN CHANGES MAY BE MADE WITH
 FINAL DESIGN AND ENGINEERING.



Dewberry & Davis, LLC
 1000 North 17th Street
 Suite 200
 Raleigh, NC 27601
 Phone: 919.489.2000
 Fax: 919.489.2001
 www.dewberry.com



SQUARE 1400, L.C.
 CONCEPTUAL DEVELOPMENT PLAN /
 FINAL DEVELOPMENT PLAN
 PRINCENESS DISTRICT
 PRINCENESS COUNTY, VIRGINIA

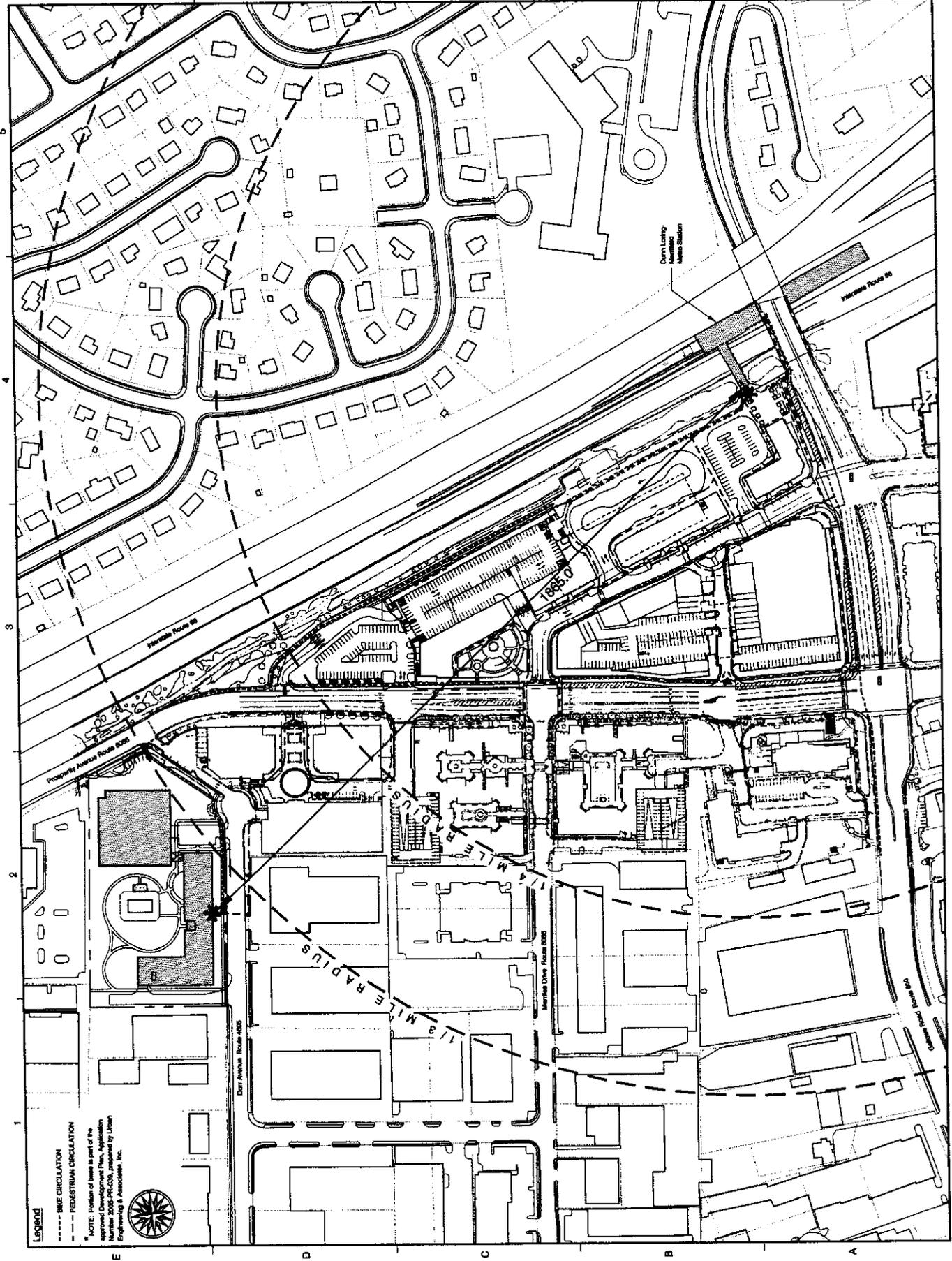


SCALE
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NO.	DATE	DESCRIPTION
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3	05.29.09	REVISED
4	08.11.09	REVISED
5	07.08.09	REVISED

DESIGNED BY: JCV
 APPROVED BY: [Signature]
 CHECKED BY: [Signature]
 DATE: January 15, 2009

TITLE
SQUARE 1400, L.C.
 Conceptual Development Plan /
 Final Development Plan
 Pedestrian and Bike
 Circulation Plan
 PROJECT NO.



Legend
 - - - - - BIKE CIRCULATION
 - - - - - PEDESTRIAN CIRCULATION
 NOTE: Portion of issue is part of the approved Development Plan, Application Number 2005-PR-026, prepared by Urban Engineering & Associates, Inc.



Dewberry & Davis, L.L.C.
 1000 W. BROADWAY
 SUITE 200
 FAYETTEVILLE, NC 28404
 PHONE: 704.328.1000
 FAX: 704.328.1001
 WWW.DDBVA.COM



SQUARE 1400, L.C.
 CONCEPTUAL DEVELOPMENT PLAN /
 FINAL DEVELOPMENT PLAN
 FAYETTE COUNTY DISTRICT
 FAYETTE COUNTY, VIRGINIA



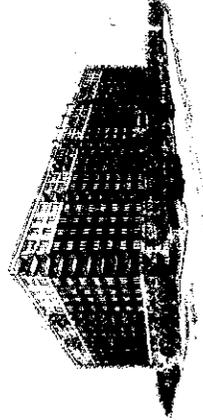
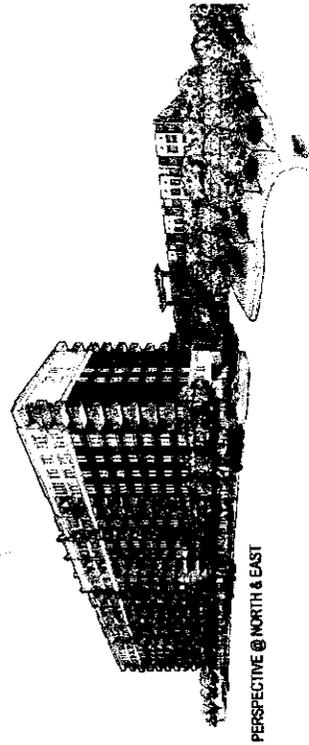
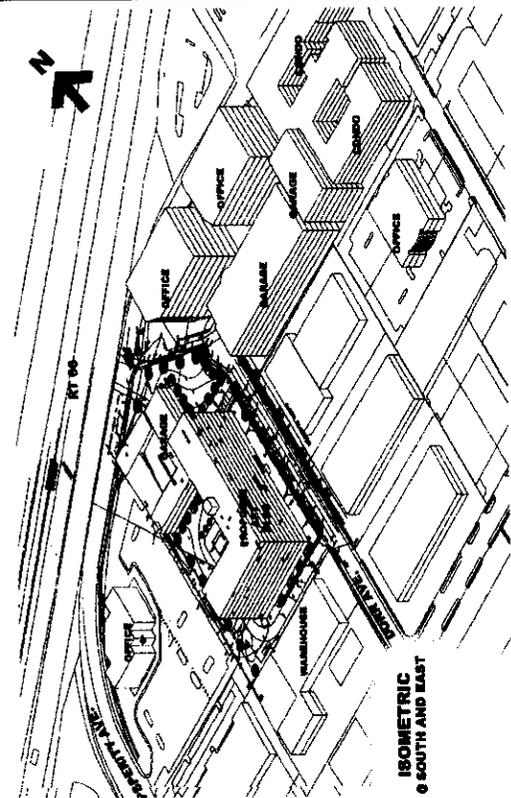
REV. PLAN

SCALE

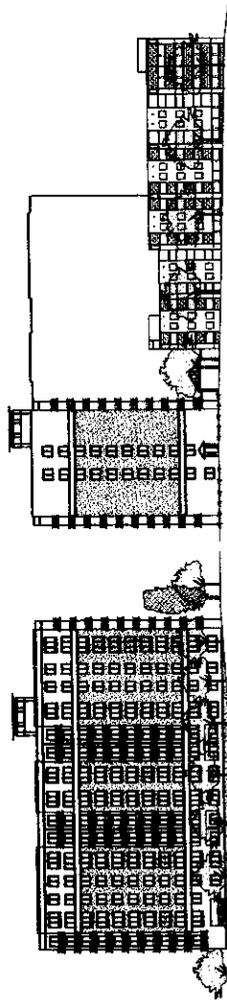
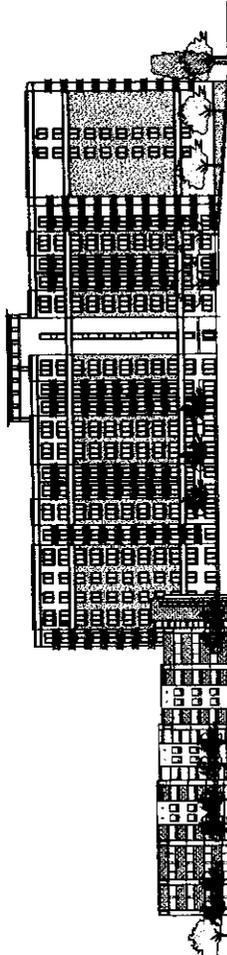
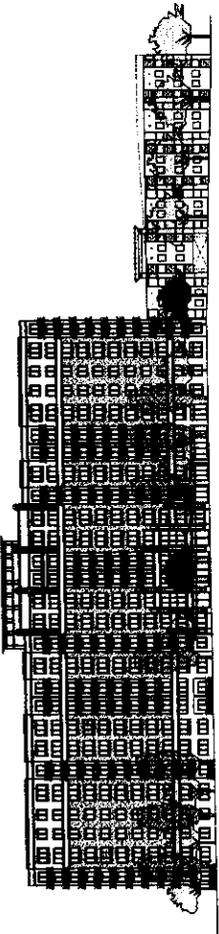
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5	08.11.09	ADW	Final Development Plan
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7	08.11.09	ADW	Final Development Plan
8	08.11.09	ADW	Final Development Plan
9	08.11.09	ADW	Final Development Plan
10	08.11.09	ADW	Final Development Plan

DESIGNED BY: ADW
 APPROVED BY: [Signature]
 CHECKED BY: [Signature]
 DATE: January 15, 2009
 TITLE: CONCEPTUAL DEVELOPMENT PLAN /
 FINAL DEVELOPMENT PLAN
 ARCHITECTURAL ELEVATIONS
 AND PROSPECTIVES
 PROJECT NO.:

SQUARE 1400, L.C.
 Conceptual Development Plan /
 Final Development Plan
 Architectural Elevations
 and Perspectives



NOTE: THE BUILDING ELEVATIONS AND SKETCHES PRESENTED ON THIS SHEET ARE PRELIMINARY AND SUBJECT TO REFINEMENT AND MINOR MODIFICATION WITH FURTHER ARCHITECTURAL AND ENGINEERING DESIGN. THEY ARE PRESENTED TO ILLUSTRATE THE GENERAL ARCHITECTURAL THEME OF THE PROPOSED BUILDINGS.





8/17/14

SCALE

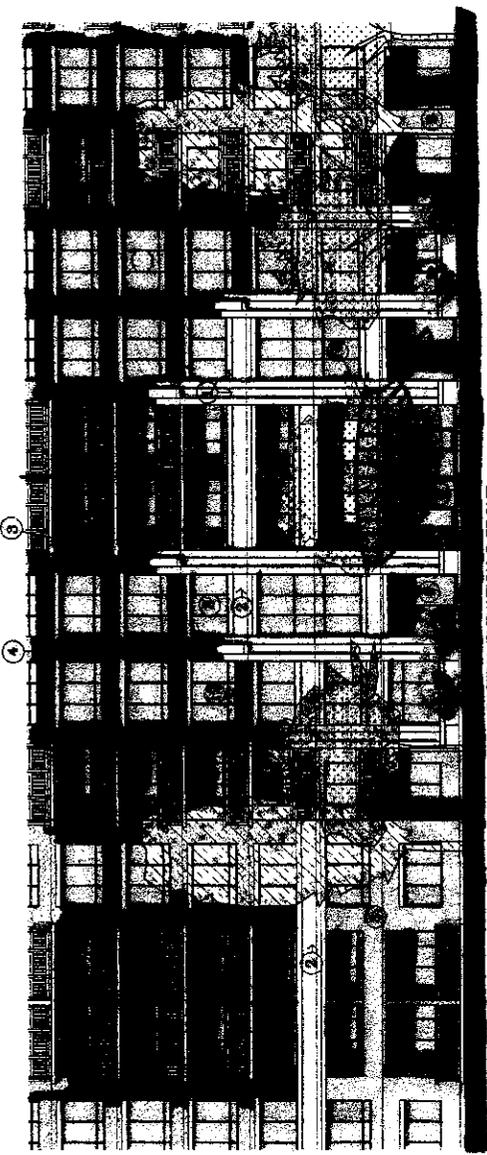
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3	05.29.08	JAW	
4	06.11.08	JAW	
5	07.08.09	JAW	

DESIGNED BY: JAW
 CHECKED BY: DK
 DATE: January 13, 2009
 TITLE: SQUARE 1400, L.C.

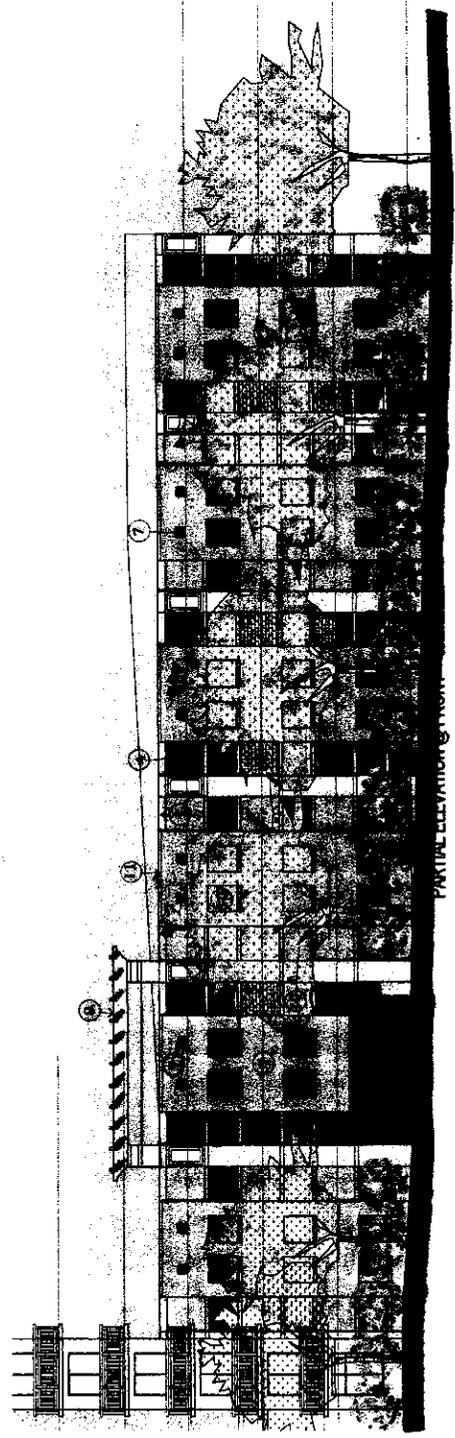
SQUARE 1400, L.C.
 Conceptual Development Plan /
 Final Development Plan
 Architectural Elevations -
 Elevations

NOTE:
 THE BUILDING ELEVATIONS AND SKETCHES PRESENTED ON THIS SHEET ARE PRELIMINARY AND
 SUBJECT TO REVISION. ANY CHANGES OR MODIFICATIONS TO THE ARCHITECTURAL AND
 ENGINEERING DESIGN SHALL BE INDICATED BY A REVISION. THEY ARE PRESENTED TO ILLUSTRATE THE GENERAL ARCHITECTURAL
 THEME OF THE PROPOSED BUILDINGS.

- ① PRECAST
- ② WHITE BRICK
- ③ TAN BRICK
- ④ BROWN BRICK
- ⑤ RAIL WEDGE BAL
- ⑥ STAINLESS BRONZE
- ⑦ ORNAMENT
- ⑧ WINDOW-TAN
- ⑨ TRUSS-LT TAN
- ⑩ OPEN
- ⑪ METAL CAP
- ⑫ METAL SILL
- ⑬ MARQUEE ALUM-GLOSS



PARTIAL ELEVATION @ FRONT SCALE: 1/8" = 1'-0"



PARTIAL ELEVATION @ REAR SCALE: 1/8" = 1'-0"

Dewberry & Davis, LLC
 10000 WOODBRIDGE DRIVE
 SUITE 100
 WOODBRIDGE, VA 22192
 TEL: 703.760.0000
 FAX: 703.760.0001
 WWW.DDBVA.COM

CONCEPTUAL DEVELOPMENT PLAN /
 FINAL DEVELOPMENT PLAN
 PROVIDENCE DISTRICT
 FAYATX COUNTY, VIRGINIA



NET PLAN

SCALE

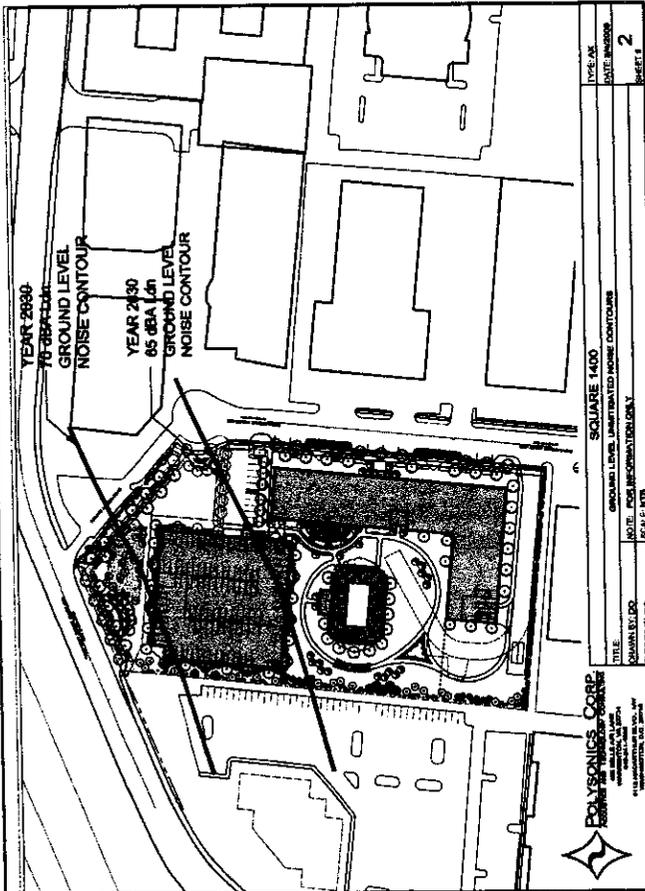
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2	04.11.09	AKH	Issue Sheet
3	07.06.09	AKH	Issue Sheet

DESIGNED BY: AKH
 APPROVED BY: DK
 CHECKED BY: DK
 DATE: January 15, 2009

TITLE:
SQUARE 1400, L.C.
 Conceptual Development Plan /
 Final Development Plan
 Noise Contours

PROJECT NO.

5
4
3
2
1



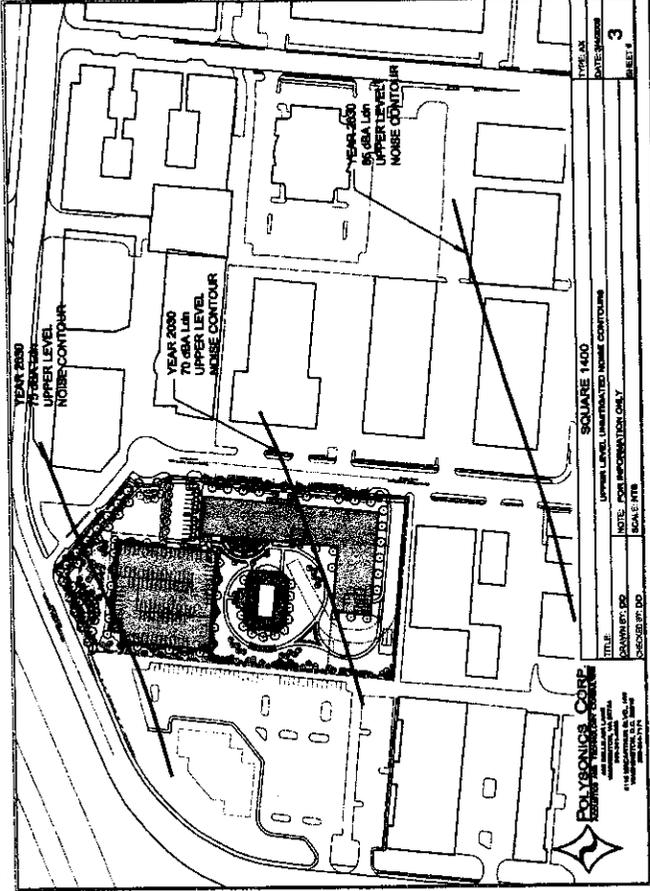
POLYSONICS CORP
 10000 WOODBRIDGE DRIVE
 SUITE 100
 WOODBRIDGE, VA 22192
 TEL: 703.760.0000
 FAX: 703.760.0001
 WWW.POLYSONICS.COM

TITLE: SQUARE 1400
 DRAWN BY: DD
 CHECKED BY: DD
 DATE: 01/15/09

NOTE: FOR INFORMATION ONLY
 SCALE: NTS

UPPER LEVEL UNLIMITED NOISE CONTOURS
 SCALE: NTS

DATE: 01/15/09
 SHEET: 2



POLYSONICS CORP
 10000 WOODBRIDGE DRIVE
 SUITE 100
 WOODBRIDGE, VA 22192
 TEL: 703.760.0000
 FAX: 703.760.0001
 WWW.POLYSONICS.COM

TITLE: SQUARE 1400
 DRAWN BY: DD
 CHECKED BY: DD
 DATE: 01/15/09

NOTE: FOR INFORMATION ONLY
 SCALE: NTS

UPPER LEVEL UNLIMITED NOISE CONTOURS
 SCALE: NTS

DATE: 01/15/09
 SHEET: 3

FOR INFORMATION PURPOSES ONLY
 SHEETS PREPARED BY THE POLYSONICS CORPORATION - ACOUSTICS & TECHNOLOGY CONSULTING ON MARCH 4, 2009.



SQUARE 1400, L.C.
CONCEPTUAL DEVELOPMENT PLAN /
FAYATTA COUNTY, GEORGIA



No.	DATE	BY	DESCRIPTION
1	07.06.08	AWB	ISSUED FOR PERMIT
2	08.11.08	AWB	REVISED PER COMMENTS
3	09.23.08	AWB	REVISED PER COMMENTS
4	09.23.08	AWB	REVISED PER COMMENTS
5	07.06.08	AWB	ISSUED FOR PERMIT

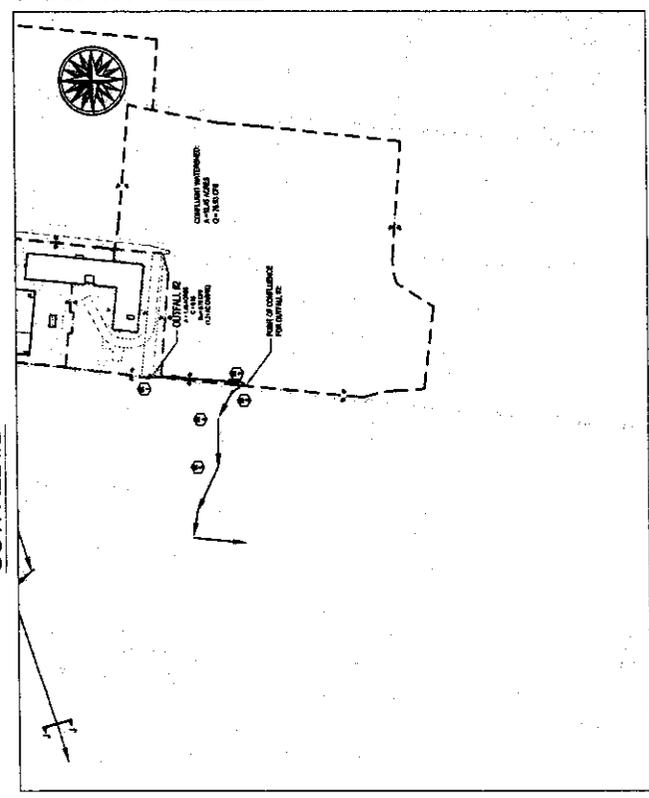
APPROVED BY: **AWB**
DATE: **08/05/15, 2008**
PROJECT NO.: **SQUARE 1400, L.C.**
CONCEPTUAL DEVELOPMENT PLAN /
FINAL DEVELOPMENT PLAN
Stormwater Management - Outfall

OUTFALL #2

IN ACCORDANCE TO THE PROPOSED CONDITIONS 1.48 ACRES WILL ENTER THE RECEIVING PIPE AT THE EXISTING STRUCTURE #2. THE PROPOSED STRUCTURE #2 IS AN EXISTING 30" DIA. STORM SEWER PIPE THAT IS IN AN EXISTING FAYATTA COUNTY STORM SEWER. THE POINT OF COMPLIANCE IS 235' DOWNSTREAM AT EXISTING STRUCTURE #2 WHERE THE OUTFALL WILL BE JOINED BY ANOTHER INTERSECT OF APPROXIMATELY 12-15 ACRES, WHICH IS GREATER THAN SIZE OF THE WATERSHED AT OUTFALL #2. FROM EXISTING STRUCTURE #2 THE SEWER CAN BE RELOCATED TO A 30" DIA. STORM SEWER. THE STORM SEWER CALCULATIONS DEMONSTRATE ADEQUACY OF THE RECEIVING STORM SEWER SYSTEM IN ACCORDANCE WITH FPM 8-0203.2A. THEREFORE IT IS THE OPINION OF THE ENGINEER THAT OUTFALL #2 IS AN ADEQUATE OUTFALL.

STORM DRAINAGE COMPUTATIONS

Structure	Area (Ac)	Imp. (In)	Run (Ft)	Flow (MGD)	Velocity (FPS)	Time (Min)	Volume (MG)	Peak (MG)	Flow (MGD)	Velocity (FPS)	Time (Min)	Volume (MG)
OUTFALL #2	1.48	30	100	0.00	1.50	4	0.00	0.00	0.00	1.50	4	0.00
EXISTING #2	12.15	30	100	0.00	1.50	4	0.00	0.00	0.00	1.50	4	0.00
EXISTING #1	12.15	30	100	0.00	1.50	4	0.00	0.00	0.00	1.50	4	0.00
EXISTING #3	12.15	30	100	0.00	1.50	4	0.00	0.00	0.00	1.50	4	0.00
EXISTING #4	12.15	30	100	0.00	1.50	4	0.00	0.00	0.00	1.50	4	0.00



WATER QUALITY NARRATIVE (BMP):

THIS SITE PLAN WILL BE CONSIDERED A REDEVELOPMENT DUE TO THE OVERALL DECREASE IN IMPERVIOUS AREA. THIS CONSIDERING IN 2002, FAYATTA COUNTY PLAN NO. 2002-002 CONSTRUCTED AN ADDITION TO THE EXISTING STRUCTURE ON PARCELS 13 AND 14, WHICH MET THE REDEVELOPMENT BMP REQUIREMENT OF PROVIDING AN IMPERVIOUS SAND FILTER THAT WAS SIZED TO TREAT 0.74 ACRES OF IMPERVIOUS AREA. THE PROPOSED REDEVELOPMENT WILL BE CONSIDERED A REDEVELOPMENT OF ANY PROPERTY THAT IS CURRENTLY SERVED BY ONE OR MORE BMPs. THE PROPOSED PHOSPHORUS RUNOFF POLLUTION LOAD AFTER REDEVELOPMENT IS AS FOLLOWS:

Existing BMP Comparison

1. Water Quality Narrative
The existing sand filter addressed the redevelopment BMP requirements for this site. The design provided a sand phosphorus removal of 55%, which met the minimum 15% requirement per the occupancy method.

Category	Value	Requirement
15% Phosphorus Removal	55%	15%
15% Sedimentation	55%	15%
15% Stormwater Detention	55%	15%

Proposed BMP Narrative

1. Water Quality Narrative
The proposed sand filter will address required BMP requirements for the proposed site. The design provides a sand phosphorus removal of 55%, which met the minimum 15% requirement per the occupancy method.

Category	Value	Requirement
15% Phosphorus Removal	55%	15%
15% Sedimentation	55%	15%
15% Stormwater Detention	55%	15%

PHOSPHORUS REMOVAL (BMP):

IN ACCORDANCE TO THE FPM WE MUST MEET OR EXCEED A 10-TON PHOSPHORUS REMOVAL FOR THE SUBJECT PROPERTY. THE PROPOSED SAND FILTER PROVIDES A 55% REMOVAL OF PHOSPHORUS LOADING FROM THE PROPERTY. THEREFORE THE PROPOSED SAND FILTER HAS BEEN SIZED IN ORDER TO PROVIDE AT LEAST 17% PHOSPHORUS REMOVAL, AS SHOWN BELOW.

Proposed BMP Narrative

1. Water Quality Narrative
The proposed sand filter will address required BMP requirements for the proposed site. The design provides a sand phosphorus removal of 55%, which met the minimum 15% requirement per the occupancy method.

The total phosphorus loading for the site was calculated as follows in the computation on the sheet. The site area is 14.8 acres with a runoff coefficient of 0.85. The computation value that the proposed sand filter provides a phosphorus removal of 55%, which exceeds the minimum requirements. As a result, the proposed sand filter will provide required BMP for the proposed development.

Category	Value	Requirement
15% Phosphorus Removal	55%	15%
15% Sedimentation	55%	15%
15% Stormwater Detention	55%	15%

Stormwater Management

1. Stormwater Management
The proposed sand filter will address required BMP requirements for the proposed site. The design provides a sand phosphorus removal of 55%, which met the minimum 15% requirement per the occupancy method.

Category	Value	Requirement
15% Phosphorus Removal	55%	15%
15% Sedimentation	55%	15%
15% Stormwater Detention	55%	15%

Total Area going to the Facility = 0.78 Acres
Total Area going to the Facility = 1.00 Acres

Total Area going to the Facility = 1.00 Acres
Total Area going to the Facility = 1.00 Acres

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

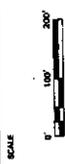


SHAWNEE HILLS, L.L.C.

SQUARE 1400, L.C.
 CONCEPTUAL DEVELOPMENT PLAN /
 FINAL DEVELOPMENT PLAN
 PROVIDENCE DISTRICT
 FAYATX COUNTY, VIRGINIA



DATE: 11/14/07



No.	DATE	BY	Description
1	01.23.06	AKH	PRELIMINARY
2	05.23.06	AKH	REVISED
3	09.28.06	AKH	REVISED
4	06.11.06	AKH	REVISED
5	07.26.06	AKH	REVISED

DATE: 11.15.07
 DRAWN BY: [blank]
 APPROVED BY: [blank]
 CHECKED BY: [blank]
 DATE: 11.15.07
 TITLE: SQUARE 1400, L.C.
 Conceptual Development Plan /
 Final Development Plan
 For Information Only

STORMWATER PLAN - OVERLAND FLOW

DUNN LORING METRO PARKWAY, VIRGINIA

DATE: APRIL, 2007

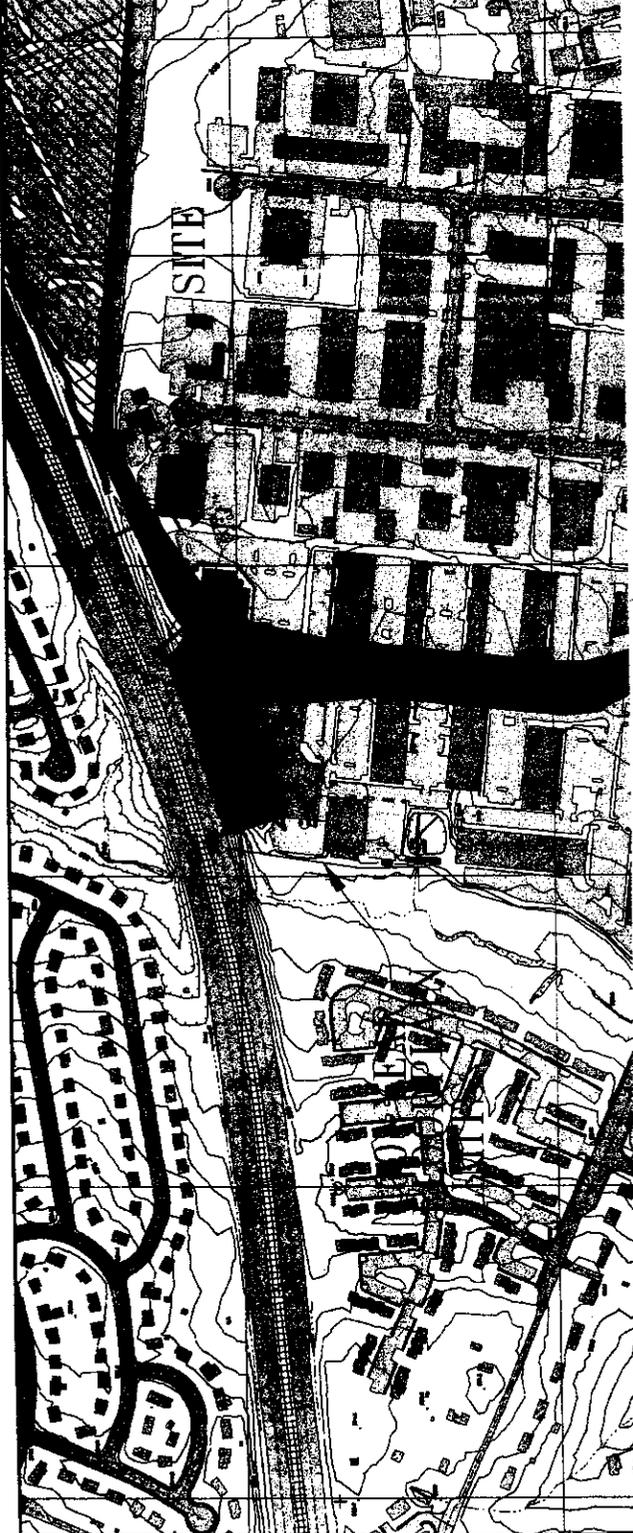
SCALE: 1" = 20'

PROJECT NO.: 07-1019

SHEET NO.: 13 OF 14

FOR INFORMATION ONLY

FROM APPROVED FAYATX CO. PLAN NO. 0078-SP-002



Channel Statistics for Impervious Channel

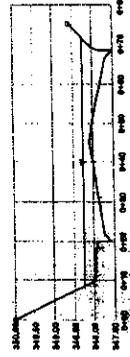
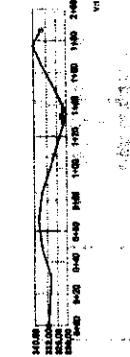
Channel ID	Flow Area (sq ft)	Flow Velocity (ft/s)	Flow Capacity (cfs)
1	1000	1.5	1500
2	2000	1.5	3000
3	3000	1.5	4500
4	4000	1.5	6000
5	5000	1.5	7500

Channel Statistics for Impervious Channel

Channel ID	Flow Area (sq ft)	Flow Velocity (ft/s)	Flow Capacity (cfs)
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1	1000	1.5	1500
2	2000	1.5	3000
3	3000	1.5	4500
4	4000	1.5	6000
5	5000	1.5	7500



FOR INFORMATION ONLY

FROM APPROVED FAYATX CO. PLAN NO. 0078-SP-002

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
SQUARE 1400, L.C.

CONCEPTUAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
SQUARE 1400, L.C.



NO.	DATE	BY	DESCRIPTION
1	07.28.09	AMT	
2	05.22.09	AMT	
3	04.24.09	AMT	
4	03.25.09	AMT	

DESIGNED BY: AMT
DATE: JANUARY 15, 2009
TITLE: SQUARE 1400, L.C.
CONCEPTUAL DEVELOPMENT PLAN / FINAL DEVELOPMENT PLAN

PROJECT NO.:
EXISTING VEGETATION MAP

DEVATION REQUEST LETTER

June 11, 2009
James D. Melton, Director
Department of Public Works and Environmental Services
12855 Government Center Parkway
Suite 659
Falls Church, VA 22045
RE: Request for a Tree Preservation Target Deviation
Tab. Map 951 (13) 15-16

Dear Mr. Melton:

My, this letter serves as a request for a deviation from the Tree Preservation Target as provided for in the provisions set forth in Section 12-6007.2(A)(1) of the Public Works and Environmental Services Code. The subject property is located at the intersection of Project Avenue (Route 6055) and the west side of Deer Avenue (Route 4665), & is the subject of a pending zoning application - Conceptual Development Plan/Final Development Plan (CDP/FDP) 12-2009-2-002.

The property is currently zoned to the L-4 District, and the pending CDP/FDP application has been filed to rezone the property to the PHA District to permit the installation of multi-family dwelling units. A copy of the proposed development program is attached for your reference.

Based on the provisions set forth in Section 12-6007.2(A)(1) of the PWS and using particularly the calculations set forth in Table 12.3, copy attached, 3,316 square feet is the required Tree Preservation Target.

A deviation from the Tree Preservation Target requirement is requested, for as demonstrated by the attached copy of the proposed development program for the subject property, the proposed development program is a reasonable development program for the subject property which is in accordance with the PWS District. In reference to this request, it is noted that the 10-Year Tree Canopy Requirement will be met through the planting of trees on site.

We trust that this request is sufficient to support our request for a deviation from the Tree Preservation Target for the development program proposed for the subject property. Should you have any questions or the need for additional information, please contact me at 703-694-6224 or meltonj@pwes.wv.gov.

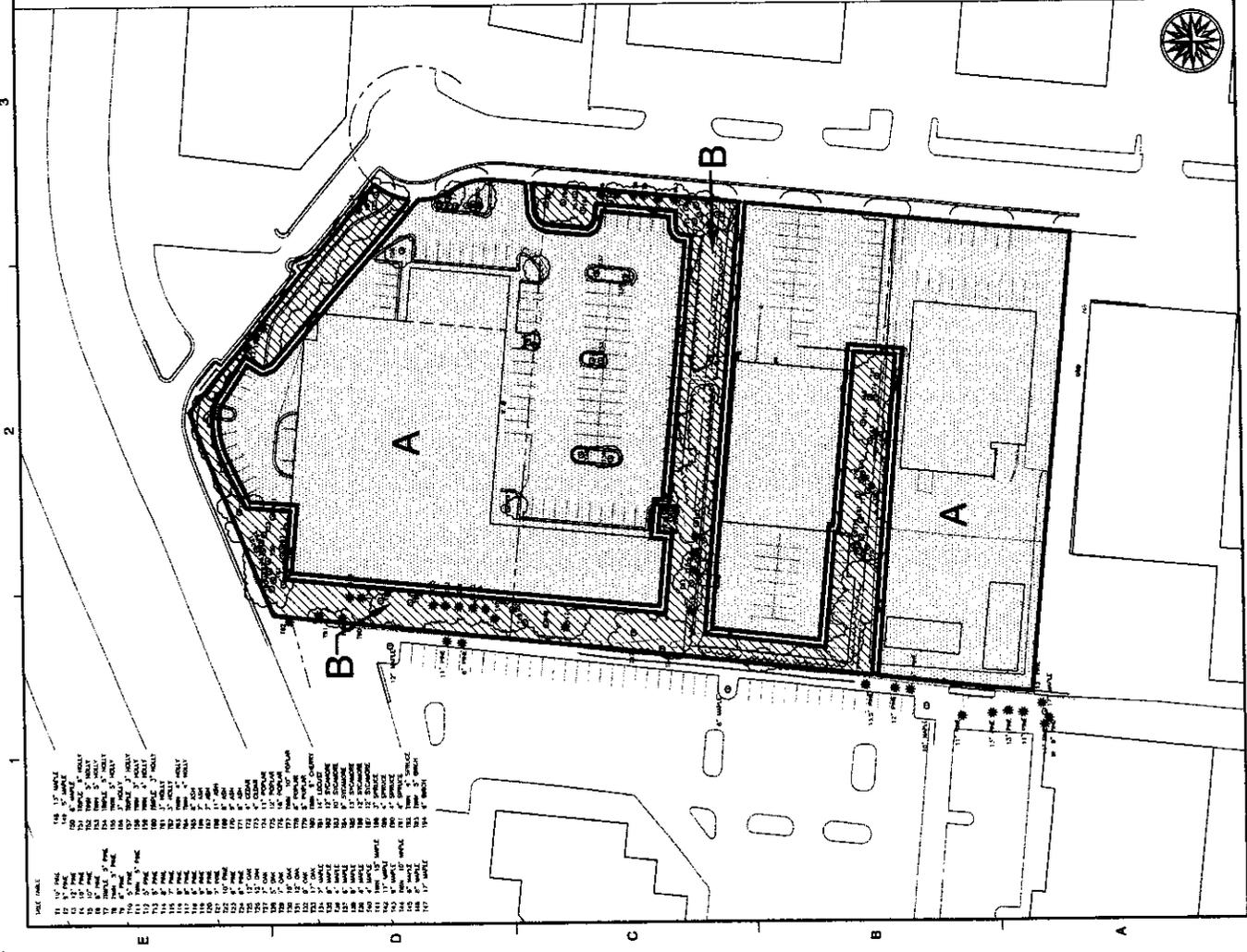
Sincerely,
James Melton
Landscape Architect
Attachment: A/S

TABLE 12.2 EXISTING VEGETATION INVENTORY

KEY	COVER TYPE	PRIMARY SPECIES	SUBCATEGORICAL STAGES	CONDITION	ACREAGE	COMMENTS
A	DEVELOPED LAND	NA	NA	NA	3.72± AC	AREA CONSISTS OF EXISTING BUILDINGS AND PARKING
B	MAINTAINED SPRAWLGRASS	RED-TOPPED DOGWOOD LINDEN PLANE	SUB-CLIMAX	FAIR	0.81± AC	MAINTAINED LANDSCAPE AREAS AND BORDER EVERGREEN
				TOTAL	4.54 AC	

TABLE 12.3 TREE PRESERVATION TARGET CALCULATION

REQUIREMENTS	RESULTS
A	PRE-DEVELOPMENT AREA OF EXISTING TREE CANOPY (FROM EXISTING VEGETATION MAP) = 0.78± AC
B	PERCENTAGE OF GROSS SITE AREA COVERED BY EXISTING TREE CANOPY = 14.9%
C	PERCENTAGE OF 10-YEAR TREE CANOPY REQUIRED FOR SITE (TABLE 12.4) - SEE SHEET 4 = 19% ±
D	PERCENTAGE OF THE 10-YEAR CANOPY REQUIREMENT THAT SHOULD BE MET THROUGH TREE PRESERVATION = 16.8% ±
E	PERCENTAGE OF CANOPY REQUIREMENT THAT WILL BE MET THROUGH TREE PRESERVATION - SEE SHEET 4 = 0
F	HAS THE TREE PRESERVATION TARGET (MINIMUM TREE MET) = NO
G	IF NO FOR LINE F, THEN REQUEST A VARIATION FROM THE TREE PRESERVATION TARGET SHALL BE PROVIDED ON THE PLAN THAT STATES ONE OF MORE OF THE JUSTIFICATIONS LISTED IN 12-6007.2 ALONG WITH AN APPLICATIVE THAT PROVIDES A SITE-SPECIFIC EXPLANATION OF WHY THE TREE PRESERVATION TARGET CANNOT BE MET. THE DEVIATION REQUEST IS LOCATED.
H	IF STEP G REQUIRES A VARIATION, IT SHALL BE PROVIDED IN ACCORDANCE WITH 12-6007.4
I	PLACE THIS INFORMATION PRIOR TO THE 10-YEAR TREE CANOPY CALCULATIONS AS PER INSTRUCTIONS IN TABLE 12.12



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- 200 17' WIDE

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

DESCRIPTION OF THE APPLICATION

The applicant, Square 1400 Inc., seeks to rezone a consolidation of four contiguous parcels totaling 4.64 acres located in the Merrifield Commercial Revitalization Area from I-4 to PRM. This site is currently developed as an industrial office park, with three existing buildings and surface parking located within approximately 1/3 to 1/2 mile radius from the Dunn Loring/Merrifield Metro Station. The applicant proposes to construct a 327,431 square foot, 11-story (115 feet tall) multi-family residential building with 305 dwelling units in a L-shape building footprint and a separate 4-story (35 feet tall) above-grade parking structure. A maximum 1.62 FAR is proposed, which includes Affordable Dwelling Units (ADUs) and bonus units associated with Workforce Housing Units (WHUs). The applicant proposes to include 5 percent of the total number of dwelling units as ADUs and 10 percent as WHUs. In addition, the applicant proposes to construct a large enclosed private outdoor amenity space behind the residential building, which would include a swimming pool, bath house, walking paths and active recreation area. Another large open space area accessible to the public is proposed and located in front of the parking structure along Prosperity Avenue and wraps the structure to the south facing the Private Access Road and Dorr Avenue. A total of 54 percent landscaped open space is proposed on the site.

Copies of the proffers, affidavit, and statement of justification are contained in Appendices 1, 2 and 3 respectively.

Waivers/Modifications Requested:

Modification of the loading space requirement for residential uses in favor of that shown on CDP/FDP

Deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

LOCATION AND CHARACTER

Site Description:

The site is located within the Merrifield Commercial Revitalization Area in the Providence District on Tax Map Parcels 49-1 ((13)) 13-16. The site is located immediately to the south of Prosperity Avenue and west of Dorr Avenue, within approximately 1/3 to 1/2 mile radius from the Dunn Loring/ Merrifield Metro Station. Prosperity Avenue and I-66 are located to the north of the property. The

site is currently developed with three industrial/office buildings and associated surface parking lots. Existing vegetation on site consists primarily of landscape trees located around the periphery of four consolidated parcels. Six access points from Dorr Avenue are provided to the site from four contiguous parcels. The chart below provides the land use, zoning and current Plan recommendations for surrounding properties.

Surrounding Area Description:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Interstate 66; SFD Residential	R-3	Residential 2-3 du/ac (across I-66)
South	Industrial	I-5	Merrifield Suburban Center Land Unit C (Office, Retail, Mixed Use)
East	Office	PDC	Merrifield Suburban Center Land Unit C (Office, Retail, Mixed Use)
West	Industrial Flex	I-4	Merrifield Suburban Center Land Unit D (Office and Industrial)

BACKGROUND

No previous rezoning applications were filed on the subject property. The site is currently developed as an industrial office park.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

In the Fairfax County Comprehensive Plan, 2007 Edition, Area I, Merrifield Suburban Center, Land Unit Recommendations, Land Unit C, as amended through August 6, 2007, on pages 60 and 66–67, the Plan states:

“LAND UNIT C

Land Unit C is comprised of approximately 106 acres and is bounded by Gallows Road on the east, Route 29 and Hilltop Road on the south, Prosperity Avenue on the north, and Land Unit D on the west (see Figure 24). Existing development is generally retail and industrial uses along Route 29 and Gallows Road and industrial and office uses in the remainder.

The northern portion of Land Unit C is located within close proximity to the Dunn Loring-Merrifield Transit Station and is envisioned to change to a mix of uses including office, hotel, and residential uses. The highest intensity is envisioned to

develop on the northern portion, closest to the Metro station, with intensity decreasing toward the southern portion of the land unit.

The major circulation improvements for this land unit includes the realignment of Merrilee Drive with Eskridge Road. Both of these improvements are needed to facilitate Merrilee Drive with Eskridge Road. This improvement is needed to facilitate Merrilee Drive as the "Main Street" for the Merrifield Suburban Center, which will link the Metro station to the Merrifield "Town Center." The other major circulation improvement within this land unit is the East-West Connector Road that extends Merrifield Avenue to the east, generally aligning with Providence Forest Drive, and to the west intersecting with Prosperity Avenue. See the Transportation Map, Figure 18, located in the Transportation Section of the Area-Wide Recommendations. The major arterial improvements are the widening of Route 29 and Gallows Road, and the planned improvements at the intersection of the two roads. . . .

Sub-Unit C4:

Sub-Unit C4 is located south of Sub-Unit C1, west of Sub-Unit C3, and east of Land Unit D, and is planned and developed with industrial, office, and warehouse uses. Any modification, expansion, and/or reuse of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.

Option 1: As an option, redevelopment within this sub-unit to office with support retail and service uses up to .85 FAR may be appropriate. Any development proposal under this option must address all applicable Area-Wide recommendations as well as the following guidelines.

- Consolidations of at least 4 contiguous acres are encouraged. When a consolidation is less than 4 acres, but more than 2 acres, development should provide for vehicular and pedestrian access with abutting properties. As an alternative, coordinated development plans with a combined land area of at least 2 acres may be appropriate if the consolidation objectives are met. In any instance, it must be demonstrated that any unconsolidated parcels are able to develop in conformance with the Plan as described under the Land Use Guidelines in the Area-Wide Land Use section.
- Development within this sub-unit should provide for or contribute funds toward the acquisition of both the right-of-way and the construction of the East-West Connector Road which extends Merrifield Avenue to the east through Sub-Units C2 and C3 to connect with Gallows Road and to the west through Sub-Unit D2 to connect with Prosperity Avenue. See the Area-wide Transportation section for the alignment. In addition to the extension of the East-West Connector Road, development in this sub-unit should provide for inter-parcel access as well as circulation improvements that connect to Merrilee Drive, Dorr Avenue, and Merrifield Avenue, or other vehicular improvements that increase circulation within this and adjacent sub-units.

- Development should provide for or contribute to an internal Merrifield transit system (i. e., shuttle service, etc.)
- TDM programs should be provided that facilitates a non-SOV mode split of at least 20%.
- Development should be designed with parking structures behind and/or under buildings.
- Support retail and service uses are encouraged and should be integrated within the buildings to serve the needs of the building tenants, as well as the surrounding area.

Option 2: As an alternative to the office option, mixed-uses and/or residential use may be appropriate up to 1.35 FAR, provided that development proposals meet the Area-Wide Recommendations for alternative uses (see the Area-Wide Recommendations, Land Use Guidelines). Any development proposal under this option must meet the previous option's guidance, all applicable Area-Wide guidelines, as well as provide for the following:

- The alternative uses appropriate in this sub-unit are limited to residential, institutional, and support retail and service uses. Only the portions of support retail and service uses that exceed 3% of the development's total square footage are considered alternative uses as described under the Alternative Use Guidelines and the provision of these uses should be integrated into office and residential buildings.
- If residential development is proposed, affordable dwelling units should be provided on-site or as indicated under the Land Use Guidelines in the Area-Wide Land Use Section.
- Any proposed residential development should create a viable living environment by providing recreation and other amenities for the residents as indicated under the Area-Wide Recommendations, Land Use Section. In addition, contributions should be made for the purchase of public parkland within Land Unit C or to provide improvements to nearby parks. As an alternative, open space amenities could be incorporated into the development, such as the provision of an urban park that could be privately owned, provided it is accessible for public use.

Height Limit: Under the development options, the maximum building height is 115 feet when development is not integrated with structured parking. In order to encourage structured parking to be located under buildings, a height bonus of up

to 20 feet (or a maximum height of 135 feet) is appropriate when at least 2 levels of structured parking are provided under the building, either at or below grade. The building height bonus should be contingent on increasing the amount of open space amenities. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section."

ANALYSIS

**Conceptual Development Plan/ Final Development Plan
(CDP/ FDP) (Copy at front of staff report)**

Title of CDP/ FDP: "Square 1400, L.C.: Conceptual Development Plan/ Final Development Plan RZ 2009-PR-002"

Prepared By: Dewberry and Davis LLC

Date: January 15, 2009, as revised through July 6, 2009

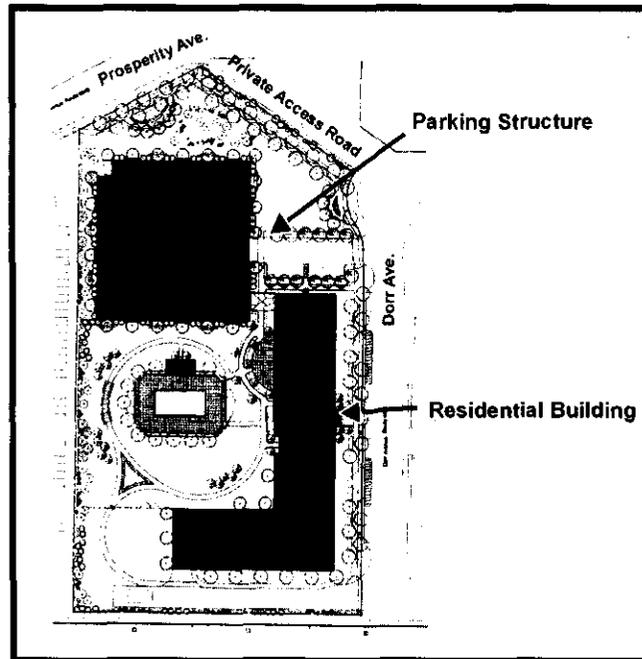
CDP/FDP Square 1400, L.C	
Sheet #	Description
Sheet 1	Cover Sheet, Sheet Index, Vicinity Map
Sheet 2	Existing Conditions Plan
Sheet 3	Conceptual Development Plan and Final Development Plan (CDP/FDP)
Sheet 4	Landscape Details and Plaza Details
Sheet 5	Tree Cover Calculation and Streetscape Cross Section
Sheet 6	Pedestrian and Bike Circulation Plan
Sheet 7	Architectural Elevations and Perspectives
Sheet 8	Architectural Elevations Enlargements
Sheet 9	Noise Contours and Tree Preservation Target Deviation Letter
Sheet 10	Stormwater Management Narrative and Outfall Analysis
Sheet 11	Stormwater Management Outfall Analysis
Sheet 12	Stormwater Management Outfall Analysis
Sheet 13	Stormwater Management Outfall Analysis
Sheet 14	Existing Vegetation Map

The following features are depicted on the CDP/FDP:

Site Layout

The applicant proposes to construct a 327,431 square foot, 11-story (115 feet tall) multi-family residential building with 305 dwelling units in a L-shape building footprint and a separate 4-story (35 feet tall) above-grade parking structure. The residential building is proposed to be located on the southern portion of the site, away from I-66 and oriented along Dorr Avenue. The above-grade parking structure would be located on the northern portion of the site between the residential building and Prosperity Avenue, which also parallels I-66. Graphic 1 highlights the location of both structures.

Graphic 1: Proposed Residential Building and Parking Structure Locations



Conceptual architectural elevations of the residential building and parking structure are provided on Sheet 7 of the CDP/FDP and show similar façade treatments on the residential building and the above-grade parking structure. The applicant has proffered to design the residential building with materials that may include brick, cementitious or other composite architectural panels, masonry/stone, aluminum trim, glass, steel, split-face block and pre-cast panels. The parking structure would include brick inset panels to complement the brick on the residential building and panels with openings resembling windows on portions of the garage facades. The color of the brick inset panels would be harmonious with the building materials utilized on the main structure. Additional detailed elevations on Sheet 8 show outdoor patio areas for individual dwelling units located on the ground level of the residential building, enclosed with a railing.

In addition, the applicant proposes to construct a large enclosed private outdoor amenity space behind the residential building, which would include a swimming pool, bath house, walking paths and active recreation area. Another large open space area accessible to the public is proposed and located in front of the parking structure along Prosperity Avenue and wraps the structure to the south, facing the Private Access Road and Dorr Avenue. A total of 54 percent landscaped open space is proposed on the site.

Roads, Right-of-Way, and Vehicular Access

No new roads are proposed. Vehicular access to the site would be provided from Dorr Avenue in two access points; one to the north of the residential building leading to the parking structure and one to the south of the residential building,

which would provide loading and fire access. In addition, the applicant has proffered:

- 1) to record a public access easement along the southern access point to permit future connections to the west and south to serve adjacent properties identified as Tax Map 49-1 ((13)) 12 and 49-1 ((19)) A and 4,
- 2) to dedicate right-of-way or grant an access easement for a private or public street connection between Dorr Avenue and Prosperity Avenue upon the demand of Fairfax County. The applicant has also proffered to cooperate with the owner of adjacent property to construct and, if private, maintain a private road within this area,
- 3) to contribute \$40,000.00 to the Board of Supervisors to help fund future construction of the East-West Connector Road which extends Merrifield Avenue from Dorr Avenue to Prosperity Avenue, or for other transportation improvements within the Merrifield Suburban Center, and
- 4) to escrow \$20,000.00 with DPWES for the future construction of an extension of Dorr Avenue from Hilltop Road to Lee Highway.

Parking

The applicant proposes to construct a 327,431 square foot, 11-story (115 feet tall) multi-family residential building with 305 dwelling units and a separate 4-story (35 feet tall) above-grade parking structure. The Zoning Ordinance requires 488 parking spaces and the applicant proposes to meet the requirement. The applicant has also proffered to reduce the proposed parking, if a future Zoning Ordinance amendment is approved. Given the close proximity to the Dunn Loring/Merrifield Metro Station, the Applicant has also proffered to pursue, in a good faith effort, a parking reduction for the development, as may be permitted by the Fairfax County Zoning Ordinance and approved by the Board of Supervisors.

Pedestrian Access

Pedestrian access to the proposed residential development would be provided through a series of proposed sidewalks as shown on Sheets 3 through 6 of the CDP/FDP and as proffered. The pedestrian circulation plan includes:

- Six foot wide sidewalks along Dorr Avenue with staggered shade trees and shrubs/groundcover on both sides in landscaping strips. Benches, bike racks, trash receptacles and street lights are also depicted.
- Six foot wide sidewalks along Prosperity Avenue with staggered shade trees and shrubs/groundcover on both sides in landscaping strips.

- Six foot wide trails surrounding the proposed pool and private recreation area located to the rear of the residential building

The applicant has also proffered to provide the streetscape improvements and plantings as shown on Sheets 3 and 5 of the CDP/FDP and to provide sidewalks of varying widths and crosswalks at site entrances. Any sidewalks located adjacent to Dorr and Prosperity Avenues that are not located in the right-of-way would also be maintained by the Applicant/successors and be subject to a public access easement.

In addition, the applicant has proffered to participate in a privately-operated Merrifield Shuttle service and to install bicycle racks in several locations generally shown on Sheet 3 of the CDP/FDP. The bike parking/storage facilities would be located within the residential building or parking structure and would accommodate parking for at least 61 bicycles with at least 75% of the bicycle parking spaces located under building or garage cover.

Open Space & Landscaping

This site is currently developed with three industrial/office buildings and associated surface parking lots. Existing vegetation on site consists primarily of landscape trees located around the periphery of the various parcels. The Zoning Ordinance requires a minimum of 25% percent open space for the site; 54% is proposed. A conceptual landscape plan is provided on Sheet 3 of the CDP/FDP and shows landscaping on all four sides of the parking structure. Additional landscaping that includes trees, shrubs and lawn is proposed within the open space area on the northern portion of the site, surrounding the residential building and in the outdoor residential amenity area to rear of the residential building. A twenty foot wide vegetated buffer area along the entire western boundary of the property is proposed and a five foot wide planted area is shown along the southern boundary. The applicant has proffered to submit a detailed landscape and tree cover plan that would be consistent with the quality and quantity of plantings and materials shown on the CDP/FDP, subject to review and approval of Urban Forest Management (UFM) of DPWES.

Additional public open space is provided in two respite parks located along a portion of the Prosperity and Dorr Avenue frontages shown on Sheets 3 and 4 of the CDP/FDP. The design of the parks would include: 1) additional landscaping such as shade trees, ornamental trees, shrubs and seasonal plantings; 2) hard-scape areas with concrete and specialty paving and paving patterns; 3) pedestrian- scaled lighting; 4) trash receptacles; 5) benches/seating areas; and 6) a focal point such as, but not limited to, a sculpture, water feature, or specimen tree. The applicant has proffered to complete these parks prior to the issuance of the 50th RUP for the Property and to grant a public access easement over the area of the respite parks.

Stormwater Management

The 4.64 acre application property falls within the Accotink Creek watershed. The stormwater management (SWM) narrative on Sheet 10 of the CDP/FDP indicates that the proposed redevelopment would reduce the impervious area of the site by approximately 1.5 acres and would result in a reduction of the stormwater runoff rates for the 2 and 10 year storms for the two existing outfalls. Outfall 1 flows west along I-66 and releases into the Long Branch Floodplain. Outfall 2 flows south to a receiving pipe that connects to the Fairfax County Storm Easement. For Best Management Practices (BMP), the applicant has proffered to provide a rain garden as shown on Sheets 3 and 4 of the CDP/FDP to improve water quality associated with stormwater runoff on the site and to achieve a 17% reduction of the phosphorous loading from the Property. Another potential rain garden is proposed to be located in the southwest portion of the enclosed private outdoor amenity space shown on Sheets 3 and 4 of the CDP/FDP, but is not included in the SWM calculations, and would provide additional BMP.

ANALYSIS

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, please review Appendix 5.

The application is located in the Merrifield Suburban Center, in Sub-unit C-4, immediately to the west of one of the suburban center's two core areas as identified in the Comprehensive Plan and within 1/3 to 1/2 mile radius of the Dunn Loring/Merrifield Metro Station. The Plan states that areas adjacent to the core areas have the potential to become more urban and pedestrian-oriented in character, but with less intense development than the core areas. The Plan encourages revitalization and redevelopment of the suburban center to create more attractive residential and commercial areas with pedestrian-friendly and transit-oriented environments and encourages the development of additional market rate and affordable housing. Staff has determined that the proposed project advances redevelopment of the area.

Site specific text in the Comprehensive Plan for Sub-unit C-4 recommends industrial, office and warehouse uses, but also includes two higher intensity redevelopment options. Option 1, recommends redevelopment with office uses with support retail and service uses up to .85 FAR. Option 2, recommends redevelopment with mixed uses and/or residential uses up to 1.35 FAR. The

applicant is pursuing Option 2, and is seeking to develop a residential use at the maximum intensity of a 1.35 FAR, excluding ADUs and bonus density associated with the provision of affordable housing. A detailed review of the Residential Development Criteria recommendations in the Plan and the proposed project is provided below.

Site Design (Development Criterion #1)

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

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

The Comprehensive Plan encourages the consolidation of at least four contiguous acres. The applicant has consolidated four contiguous parcels for a total of 4.64 acres, which would not preclude the development of any of the surrounding unconsolidated parcels from developing in conformance with the Plan.

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

The applicant proposes to construct a 327,431 square foot, 11-story (115 feet tall), L-shaped multi-family residential building with 305 dwelling units and a separate 4-story (35 feet tall) above-grade parking structure. The residential building is proposed to be located on the southern portion of the site, away from I-66 and to be oriented along Dorr Avenue. The above-grade parking structure would be located on the northern portion of the site between the residential building and Prosperity Avenue, which also parallels I-66. In addition, the applicant proposes to construct a large enclosed private outdoor amenity space behind the residential building, which would include a swimming pool, bath house, walking paths and active recreation area. Another large open space area which would be accessible to the public is proposed and located in front of the parking structure along

Prosperity Avenue and wraps the structure to the south facing the Private Access Road and Dorr Avenue. A total of 54 percent landscaped open space is proposed on the site. Pedestrian connections are provided for adequate internal circulation and sidewalk and crosswalk improvements are also provided for safe crossings to neighborhoods south and east of the subject property. Staff believes that, in general, the proposed layout is logical and functional.

Architectural and Site Design (see Appendix 4)

The residential building is proposed to be located on the southern portion of the site, away from I-66, with the parking structure located between the residential building and I-66 to help mitigate the noise impacts on both the private residential amenity area and the building. The residential building is oriented to Dorr Avenue, with the building close to the street. The applicant has proposed streetscape amenities along Dorr Avenue and Prosperity Avenue to help establish a more urban and pedestrian-oriented urban design along the street, as envisioned by the Comprehensive Plan. Staff has determined that the building's front façade creates a pedestrian-scale relationship along Dorr Avenue with architectural features such as variations of the window and building details and the inclusion of outdoor patio areas for dwelling units on the ground floor.

Architectural elevations are provided on Sheet 8 of the CDP/FDP show the façade treatments on the residential building. Outdoor patio areas for individual dwelling units located on the ground level, enclosed with a railing, are shown on one side of the front entrance and expanses of glass are shown on the other side (which would house some of the building's residential amenity areas). Conceptual elevations depicting the general architectural design of the proposed residential building are shown on Sheet 7 of the CDP/FDP. The building materials may include the following: brick, cementitious or other composite architectural panels, masonry/stone, aluminum trim, glass, steel, split-face block and pre-cast panels.

The Comprehensive Plan also calls for development to be designed with parking structures located either behind and/or under buildings. The Plan recommends that parking structures should generally be integrated with associated buildings in a manner that maximizes usable open space and provides pedestrian linkages. A separate parking structure is proposed to be located on the site behind and to the side of the residential building near Prosperity Avenue. The parking structure would be accessed from one point on Dorr Avenue, which would consolidate six existing curb cuts that provide access to the existing uses and provide for safer pedestrian circulation. The parking structure would also be designed to resemble an occupied building, rather than a parking structure, as depicted on Sheets 7 and 8 of the CDP/FDP and described in the proffers. Building materials would be pre-cast or cast-in-place concrete and would include solid spandrel panels that would provide screening for headlights. Brick inset panels to complement the brick on the residential building and panels with openings resembling windows would also be used on portions of the garage facades. The color of the brick would be

harmonious with the building materials used on the residential building. All four sides of the parking structure would receive the same treatment.

In addition, the applicant's proposal, to construct an 11 story building at the maximum intensity and building height recommended by the Comprehensive Plan, concentrates the residential use on a relatively small portion of the site allowing for over 50 percent open space when including both the public and private open space areas. Staff has determined that the proposal takes an urban form in the residential building's relationship to Dorr Avenue, but a more suburban form with its disassociated parking structure fronting on Prosperity Avenue and significant open space areas. Staff feels that this hybrid design is not ideal, but has determined that the site is constrained by several factors including its proximity to significant traffic noise from I-66, a relatively small frontage on Prosperity Avenue in comparison to its frontage on Dorr Avenue, and no vehicular access from Prosperity Avenue. Staff feels that the applicant is proposing to provide significant public and private amenities on-site, as well as improved pedestrian connectivity and a site design that sets the area up for future urban style redevelopment along Dorr Avenue.

Staff from the Office of Community Revitalization and Reinvestment have also reviewed the application and requested that additional office and retail uses should be incorporated along the north side of the parking structure fronting Prosperity (see Appendix 6) to provide a more active, pedestrian oriented frontage along Prosperity Avenue. The applicant has indicated that office and retail uses would not be a viable option due to the limited frontage and access on Prosperity Avenue.

Open Space, Landscaping and Amenities: *Developments should provide usable, accessible, and well-integrated open space. Appropriate landscaping should be provided in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots. Amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting should be provided.*

The CDP/FDP indicates that 54% of the site would remain as open space, which exceeds the minimum PRM requirement of 25% open space. The proposed open space, residential amenities, landscaping, and streetscape are discussed below.

- 1) Parks and Open Space: Two publicly-accessible small parks are proposed along the Prosperity and Dorr Avenue frontages in front of the parking structure to serve as respite areas for pedestrians as they walk to and from the Dunn Loring/Merrifield Metro Station, which is located further to the east off of Prosperity Avenue. The design of the parks would include: a) additional landscaping such as shade trees, ornamental trees, shrubs and seasonal plantings; b) hard-scape areas with concrete and specialty paving and paving patterns; c) pedestrian scaled lighting; d) trash receptacles; e) benches/seating

areas; and f) a focal point such as, but not limited to, a sculpture, water feature, or specimen tree.

Issue: Public Access Easement

The applicant has proffered to complete these parks prior to the issuance of the 50th RUP for the Property and to grant a public access easement over the area of the respite parks, but the right of public access would be subject to the right of the applicant to establish reasonable rules and regulations. Staff feels that these rules and recommendations should be subject to review by the Department of Planning and Zoning.

Resolution:

The applicant has agreed to establish reasonable rules and recommendations subject to the review and approval of the Department of Planning and Zoning. This issue is resolved.

- 2) Residential Amenities: The applicant has proposed a large outdoor private amenity area located behind the residential building and to the south of the parking structure. This area would include a terrace with informal seating areas, a swimming pool and bath house surrounded by hardscaping, a walking path, lawn area for active recreation, and specialty landscaping. The entire area would be enclosed within a six foot tall garden enclosure consisting of brick piers with wood or metal panels/rails.

Issue: Garden Enclosure

Staff feels that the enclosure would create a greater sense of privacy and the feeling of an "outdoor room" for the residents. A twenty foot wide vegetated buffer consisting of evergreen and ornamental trees and shrubs/groundcover is proposed along the site's entire western boundary within the garden enclosure and behind the parking structure. Staff recommends that the garden enclosure be extended further to the south to line up with the southwestern corner of the residential building. The enclosure as currently shown on the CDP/FDP reduces the size of the amenity area and creates an empty and undesirable space in the southwest corner of the property.

Resolution:

The applicant has revised the CDP/FDP and extended the garden enclosure further to the south to line up with the southwestern corner of the residential building. This issue is resolved.

In addition to the outdoor residential amenity area, the applicant proposes to provide a minimum 1,000 square foot clubroom for community gatherings; a

media/entertainment center; a minimum 1,000 square foot fitness center with fitness equipment; a minimum 250 square foot business center with office equipment and high-speed data connections, and storage facilities.

- 3) Landscaping: A conceptual landscape plan is provided on Sheet 3 of the CDP/FDP and shows landscaping on all four sides of the parking structure. Additional landscaping that includes trees, shrubs and lawn is proposed within the open space area on the northern portion of the site, surrounding the residential building and in the outdoor residential amenity area to rear of the residential building. A twenty foot wide vegetated buffer area along the entire western boundary of the property is proposed and a five foot wide planted area is shown along the southern boundary. The applicant has proffered to submit to Urban Forest Management Division (UFMD) of DPWES for review and approval a detailed landscape and tree cover plan that would be consistent with the quality and quantity of plantings and materials shown on the CDP/FDP.
- 4) Streetscape: Streetscape improvements and plantings along both Prosperity Avenue and Dorr Avenue are depicted on Sheets 3 and 5 of the CDP/FDP and are in conformance with the Streetscape Design recommendations of the Comprehensive Plan for Prosperity Avenue (under the Ring Road Streetscape Guidelines) and for Dorr Avenue (under the Cross Street Streetscape Guidelines). Along Dorr Avenue in front of the residential building, the development plan shows a six foot wide sidewalk with staggered shade trees and shrubs/groundcover on both sides in landscaping strips. Benches, bike racks, trash receptacles and street lights are also depicted. Street furniture details are provided to illustrate the general theme and character of the proposed development as illustrated in the Merrifield Streetscape Design Manual. The streetscaping along the northern portion of Dorr Avenue; the Private Access Road; and Prosperity Avenue include six foot wide sidewalks with staggered shade trees and shrubs/groundcover on either side in landscape strips, along with two small respite parks along side of the Dorr Avenue and Prosperity Avenue sidewalks.

Issue: Private Access Road connecting Prosperity and Dorr Avenues

Staff is concerned that it is unclear whether streetscaping based on the Plan's Cross Street Streetscape Guidelines could be provided if the Private Access Road becomes a public or private street in the future. Staff feels that the applicant should proffer or demonstrate on the CDP/FDP that streetscaping would meet the Plan recommendation if the Private Access Road becomes a public or private street in the future.

Resolution:

Staff has written a development condition that requires any landscaping within the area labeled "Potential Future Public Private Street" on the FDP that is

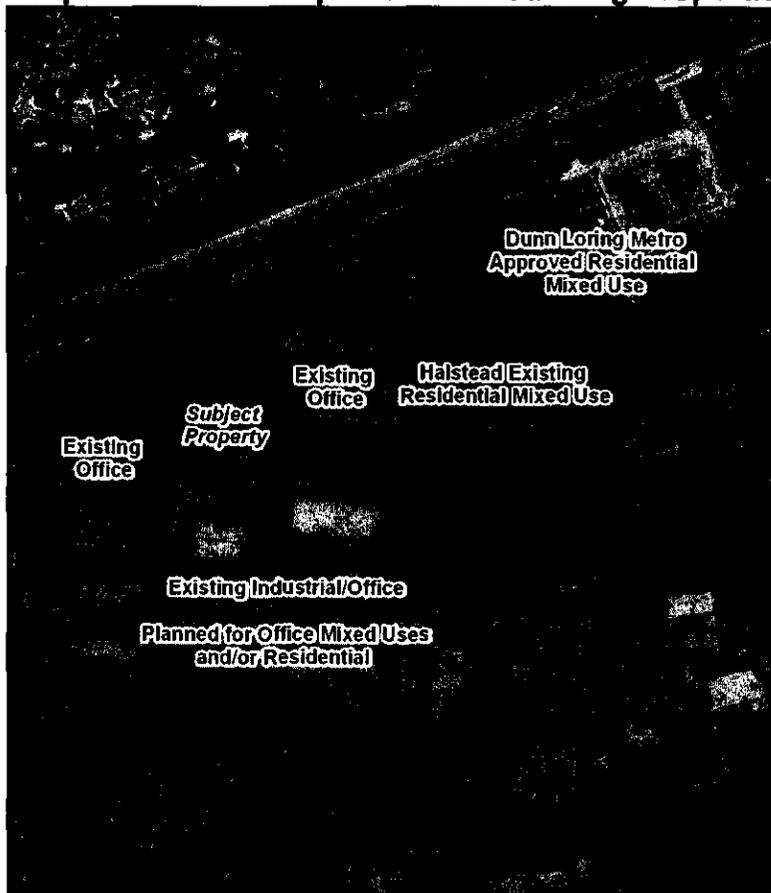
removed to be installed elsewhere on the site with equal type and quality to achieve a similar streetscape effect along the private access road between connecting Dorr Avenue and Prosperity Avenue as approved by Urban Forest Management. Imposition of this development condition would satisfy staff's concern.

Neighborhood Context (Development Criterion #2)

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

The site is currently developed with three industrial/office buildings and associated surface parking lots located within approximately 1/3 to 1/2 mile radius from the Dunn Loring/ Merrifield Metro Station. Adjacent development includes office to the east and west and industrial/office to the south. Although this proposal would be located between two existing office buildings, existing and planned residential mixed use developments are located to the north and east of the subject property at the Dunn Loring Metro Station and Halstead properties. To the south, existing industrial office development is planned, with the same intensities as the subject property. Graphic 2 highlights these properties on an aerial map.

Graphic 2: Aerial Map of the Surrounding Properties



Since the subject property and the surrounding areas are located within the Core Area and Area Adjacent Core of the Merrifield Suburban Center, which are areas where the Comprehensive Plan encourages higher intensity and mixed-use development, staff feels it is anticipated that similar uses with a more urban design like the proposed development would be located in the immediate vicinity in the future. The applicant has provided: 1) appropriate setbacks that allow buffering around the periphery of the site; 2) sidewalks that connect to all nearby properties as well as to the Dunn Loring/ Merrifield Metro station; 3) open space areas with seating for pedestrians as they walk to and from the Dunn Loring/Merrifield Metro Station along Prosperity and Dorr Avenues; and 4) architectural features that make the proposed parking structure resemble a building instead of a standard parking structure. Staff feels that the applicant's proposal meets the minimum requirements of this criterion and continues to feel that office and/or retail uses should be incorporated along the north side of the parking structure to establish a better presence along the subject property's frontage on Prosperity Avenue.

Environment (Development Criterion #3) (see Appendix 4)

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

The proposed stormwater management, green building practices and noise attenuation measures are discussed below.

- 1) Stormwater Management (Appendix 11): As previously discussed, the 4.64 acre application property falls within the Accotink Creek watershed. The stormwater management (SWM) narrative on Sheet 10 of the CDP/FDP indicates that the proposed redevelopment would reduce the impervious area of the site by approximately 1.5 acres and would result in a reduction of the stormwater run off rates for the 2 and 10 year storms for the two existing outfalls. Outfall 1 flows west along I-66 and releases into the Long Branch Floodplain. Outfall 2 flows south to a receiving pipe that connects to the Fairfax County Storm Easement. For Best Management Practices (BMP), the applicant has proffered to provide a rain garden as shown on Sheets 3 and 4 of the CDP/FDP to improve water quality associated with stormwater runoff on the site and to achieve a 17% reduction of the phosphorous loading from the Property. Another potential rain garden is proposed to be located in the southwest portion of the enclosed private outdoor amenity space shown on Sheets 3 and 4 of the CDP/FDP, but is not included in the SWM calculations, and would provide additional BMP.

Staff from the Department of Public Works and Environmental Services (DPWES) have reviewed the proposal and have indicated that the

phosphorous removal capability of the existing sand filter on the site needs to be calculated using the Chesapeake Bay Method to ensure that the phosphorous removal rate after redevelopment meets the current removal rate. In addition, staff indicated that three channel cross-sections downstream of the point of confluence of Outfall 1 must be included in the outfall narrative description and must use equal horizontal and vertical scales. The adequacy of the submission materials as well as any proposed SWM/BMP measures would be subject to final review and approval by DPWES at the time of site plan review. The applicant has proffered to demonstrate at site plan review that adequate outfall would be available to meet the Public Facility Manual requirements as determined by DPWES. If the outfall is determined to be inadequate, a Proffered Condition Amendment could be required.

- 2) **Green Building/Alternative Energy:** The proposed development is located in a suburban center. The Policy Plan recommends that such developments which are seeking the Comprehensive Plan Options and are located in specially designated areas such as the Merrifield Suburban Center attain basic Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council (USGBC) or other comparable program with third party certification at a minimum. The applicant has proffered to seek LEED for New Construction (NC) certification at the Silver level for the residential building and to provide an escrow of \$595,000 if the USGBC's preliminary review of design-oriented credits in the LEED program does not anticipate that the proposed development would achieve LEED Silver certification. The escrow would be released to the applicant if the applicant has provided documentation from the USGBC to the Environment and Development Review Branch (EDRB) of the Department of Planning and Zoning (DPZ) that the building has attained LEED certification within one year of issuance of the last RUP/non-RUP for the building.

In addition, the applicant has proffered to design the residential building and parking structure not to preclude the installation of solar panels or alternate energy sources either on the structures' exterior walls or rooftops. The applicant would identify a target alternate energy source and demonstrate at the time of building permit that the building and garage designs do not preclude the alternate energy source.

- 3) **Noise:** The applicant has submitted a Traffic Noise Analysis and Mitigated Noise Analysis for the subject property prepared by Polysonics Corporation and dated March 4, 2009. The noise study indicates that the site design, coupled with standard noise construction techniques would mitigate the impacts of highway noise. The residential building would be located on the southern portion of the site away from the I-66 with the parking structure located between the residential building and I-66, which helps to mitigate the noise impacts on both the private residential amenity area and the building. The County's noise policy recommends that noise levels not exceed 65 dBA

Ldn for residential outdoor recreational areas and 45 dBA Ldn for residential use areas. The ground and upper level noise contours for the year 2030 are shown on Sheet 9 of the CDP/FDP.

The noise study concludes that the proposed parking structure would mitigate noise levels in the private outdoor amenity area to 65 dBA Ldn or below, with the highest levels reaching 64.0 dBA Ldn. The study indicates that unmitigated traffic noise levels exceeding 65 dBA Ldn would likely impact upper levels of the proposed residential building on the site. The northern portion of the building would be impacted by noise levels exceeding 70 dBA Ldn, with the highest noise levels approaching 71.9 dBA Ldn. The applicant has proffered to the following measures to mitigate the anticipated noise levels to meet the County's noise policy:

- To reduce interior noise to dBA 45 Ldn, dwelling units anticipated by the study to be impacted by traffic noise through windows and walls having levels projected to be greater than 70 dBA Ldn, would have exterior walls with a laboratory sound transmission class (STC) rating of at least 45. Doors and glazing would have a STC rating of at least 32, unless glazing constitutes more than 20 percent of any façade exposed to noise levels of up to 71.9 dBA Ldn. If glazing constitutes more than 20 percent of an exposed façade, then the glazing would have a STC rating of up to 34, as dictated by the percent of glass.
- To reduce interior noise to dBA 45 Ldn, dwelling units anticipated by the study to be impacted by traffic noise through windows and walls having levels projected to be between 65 and 70 dBA Ldn shall have exterior walls with a laboratory sound transmission class (STC) rating of at least 39. Doors and glazing would have a STC rating of at least 28, unless glazing constitutes more than 20 percent of any façade exposed to noise levels of 65 to 70 dBA Ldn. If glazing constitutes more than 20 percent of an exposed façade, then the glazing would have a STC rating of up to 34, as dictated by the percent of glass.

Issue: Building Shell Analysis

Staff believes that the applicant should commit to doing a refined noise study and a building shell analysis for the proposed residential building once architectural plans are available to determine exactly what modifications are necessary to ensure interior noise level requirements. The noise attenuation measures as specified in these analyses should be subject to the approval of the Environment and Development Review Branch (EDRB) of the Department of Planning and Zoning (DPZ).

Resolution:

The applicant has revised the proffers to include the provision of a refined noise study including a building shell analysis once building plans would be available to determine exactly what noise attenuation measures would be needed. The revised study would also be submitted to the Environment and Development Review Branch of DPZ for review. Staff feels that this issue is now resolved.

**Tree Preservation and Tree Cover Requirements (Development Criterion #4)
(see Appendix 7)**

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

All of the existing trees on the site would be cleared for the proposed development due to the existing conditions and the urban nature of the proposed redevelopment. The Zoning Ordinance requires 10 percent of the site to include tree coverage. The applicant proposes a comprehensive tree planting program that would result in 14.4 percent tree cover on the subject property. The applicant has proffered to retain the services of a certified arborist or landscape architect to help ensure the protection of co-owned and off-site trees from construction damage. If any of these trees become dead, dying or hazardous as a result of construction activities, these trees would be removed and the lost tree canopy would be replaced by the applicant.

The Urban Forest Management Division of DPWES reviewed the application and commented that a tree preservation proffer was needed to protect co-owned and off-site trees from construction damage and that Category III and IV shade trees were needed to meet the 5% interior parking lot landscaping requirements (see Appendix 7). The applicant has complied and provided an adequate tree preservation proffer and Category III and IV shade trees on the CDP/FDP.

In addition, staff is concerned that the Tree Preservation Target Calculations indicate that the tree preservation target minimum (16.55% or 3,316 square feet of gross site area covered by existing tree canopy) shown on Sheet 14 of the CDP/FDP, would not be met for the site. Staff recommended that a deviation from the tree preservation target should be provided that states one or more of the justifications listed in PFM 12-0507.3 along with a narrative that provides a site-specific explanation of why the tree preservation target would not be met. The applicant has provided a request for a deviation on Sheet 14 of the CDP/FDP. Final determination would be made at site plan review.

Transportation (Development Criterion #5) (see Appendix 8)

In an attempt to address the impact of the proposed development, the applicant has proffered the following improvements. A brief summary of the improvements is described below.

- Recordation of a public access easement along the southern access point to permit future connections to the west and south to serve adjacent properties identified as Tax Map 49-1 ((13)) 12 and 49-1 ((19)) A and 4,
- Dedication of right-of-way or grant an access easement for a private or public street connection between Dorr Avenue and Prosperity Avenue upon the demand of Fairfax County. The applicant has also proffered to cooperate with the owner of adjacent property to construct and, if private, maintain a private road within this area,
- Contribution of \$40,000.00 to the Board of Supervisors to help fund future construction of the East-West Connector Road which extends Merrifield Avenue from Dorr Avenue to Prosperity Avenue, or for other transportation improvements within the Merrifield Suburban Center, and
- Provision of an escrow \$20,000.00 with DPWES for the future construction of an extension of Dorr Avenue from Hilltop Road to Lee Highway.

In addition, the applicant has proffered to a substantial Transportation Demand Management Strategy with a 46% trip reduction goal; a \$150,000 financial incentive; a \$58,000 budget and a \$60,000 remedy fund. The applicant has also proffered to provide 1) streetscape improvements and plantings as shown on Sheets 3 and 5 of the CDP/FDP, 2) sidewalks of varying widths and crosswalks at site entrances, and 3) bike parking/storage facilities that would be located within the residential building or parking structures and would accommodate parking for at least 61 bicycles, with at least 75% of the bicycle parking spaces located under building or garage cover.

The Department of Transportation reviewed the application and indicated that they would not object to the application provided that sight distances are verified at the two proposed entrances and that the applicant cooperates with the adjacent property to construct a private or public roadway connection between Dorr Avenue and Prosperity Avenue upon the demand of Fairfax County. The applicant has provided sight distance lines on Sheet 3 of the CDP/FDP, which would be subject to final review and approval from VDOT at the time of site plan review. The applicant has also proffered to cooperate with the owner of adjacent property to construct and, if private, maintain a private road between Dorr Avenue and Prosperity Avenue. Staff feels that all issues are now resolved.

Public Facilities Analyses (Development Criterion #6)

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

Fire and Rescue (Appendix 9)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station, #430, Merrifield. The requested rezoning currently meets fire protection guidelines.

Fairfax County Water Authority (Appendix 10)

The subject property is located within the Fairfax Water service area. Adequate domestic water service is available to the site from an existing 24-inch water main located approximately 1,850 feet east of the subject property. Additional water main extensions may also be required.

Environmental & Site Review Division, Stormwater Management, DPWES (Appendix 11)

As previously stated, Staff from the Department of Public Works and Environmental Services (DPWES) reviewed the proposal and indicated that the phosphorous removal capability of the existing sand filter on the site needs to be calculated using the Chesapeake Bay Method to ensure that the phosphorous removal rate after redevelopment meets the current removal rate. In addition, staff indicated that three channel cross-sections downstream of the point of confluence of Outfall 1 must be included in the outfall narrative description and must use equal horizontal and vertical scales. The adequacy of the submission materials as well as any proposed SWM/BMP measures would be subject to review and approval by DPWES at the time of site plan review. The applicant has proffered to demonstrate at site plan review that adequate outfall would be available to meet the Public Facility Manual requirements as determined by DPWES. If the outfall is determined to be inadequate, a Proffered Condition Amendment could be required.

Sanitary Sewer Analysis (Appendix 12)

The property is located in the Accotink Creek Watershed, and would be sewerred into the Norman M. Cole Pollution Control Plant. Adequate sanitary sewer capacity is available from an existing 8-inch line located on the street.

Fairfax County Public Schools (Appendix 13)

The proposed development would be served by Shrevewood Elementary School, Kilmer Middle School and Marshall High School. Each of these schools is projected to be above capacity by the 2009-2010 and 2013-2014 school years. The total number of students generated by this development is anticipated to be 23: 13 elementary, 3 middle and 7 high school students. An appropriate contribution to offset the school impact of the proposed development would be \$265,604 (23 students X \$11,548 per student). The applicant has proffered a contribution of \$11,548 per expected student (with a projected total of 23 students based on a ratio of 0.078 students per residential unit) to the Fairfax County School Board to be utilized for capital improvements to schools that any students generated by the Property would attend. The contribution would be made prior to the issuance of the first RUP for the Property and shall be based on the actual number of dwelling units built.

Fairfax County Park Authority (Appendix 14)

According to Fairfax County Park Authority calculations, the proposed development would add approximately 616 new residents to the current population of the Providence Magisterial District. The applicant proposes to provide on-site recreational amenities that include a swimming pool, a pedestrian plaza/outdoor area in rear of the residential building, bike racks and a fitness center. Based on the Zoning Ordinance Sections 6-110 and 16-404, the minimum expenditure for park and recreation facilities on site is \$1,500 per non-ADU (affordable dwelling unit) residential unit. With no new non-ADUs proposed, the Ordinance-required amount to be spent on site is \$457,500. The applicant has proffered to credit all amenities provided on site against the contribution required by the Zoning Ordinance. Any portion of this amount not spent onsite would be dedicated to the Fairfax County Park Authority for the provision of recreational facilities located within the service area of the property.

In addition to on-site resources, the residents of the development would need off-site park and recreational facilities, such as ball fields and basketball courts. In order to offset the impact this would have on Park Authority resources, the applicant has offered to provide an additional contribution of \$160,000.00 to the Board of Supervisors to be used for parks and/or recreational facilities in the vicinity of the Property.

Issue: Park Contribution Allocation

Staff recommends that the funds be used for the establishment of future parkland in Land Unit C.

The Park Authority also indicated that the Comprehensive Plan calls for an urban-scale public open space within Land Unit C. The applicant has proffered to construct two publicly-accessible small parks along the Prosperity and Dorr Avenue frontages in front of the parking structure to serve as respite areas for pedestrians as they walk to and from the Dunn Loring/Merrifield Metro Station. The design of the parks would include: a) additional landscaping, such as shade trees, ornamental trees, shrubs and seasonal plantings; b) hard-scape areas with concrete and specialty paving and paving patterns; c) pedestrian scaled lighting; d) trash receptacles; e) benches/seating areas; and f) a focal point such as, but not limited to, a sculpture, water feature, or specimen tree. The Applicant has also proffered to grant a public access easement over the parks.

Issue: Park Maintenance

Staff recommends that the applicant proffer to maintain the park in perpetuity.

Resolution:

Staff has imposed a development condition to ensure that the applicant privately maintains all parks and open space in perpetuity. Imposition of this development condition would satisfy staff's concern.

Affordable Housing (Development Criterion #7)

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

The Comprehensive Plan recommends an affordable housing commitment and encourages the provision of workforce housing as part of the residential component of the development. The applicant has proffered to provide 5 percent Affordable Dwelling Units (ADUs) and 10 percent Workforce Housing Units (WHU), for a total commitment of 15 percent affordable housing, which exceeds the combined 12 percent ADUs and WHU recommended in the County's workforce housing policy.

Issue: Site Tabulations

Staff noted that the applicant's commitment to 10 percent WHUs should also be reflected on the sheet tabulations on Sheet 3 of the CDP/FDP.

Resolution:

The applicant has revised the CDP/FDP to include the 10 percent WHU and 5 percent ADU. This issue is resolved

Heritage Resources (Development Criterion #8)

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

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

ZONING ORDINANCE PROVISIONS (See Appendix 15)**Conformance with PDC District Regulations****Article 6**

Article 6 of the Zoning Ordinance sets forth the requirements regarding the principle and secondary uses permitted, use limitations, lot size requirements, bulk regulations and open space requirements. The district regulations are designed to ensure high quality standards in the layout, design and construction of residential developments, and to implement the stated purpose and intent of the Ordinance. Staff believes that these provisions are generally satisfied.

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

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

General Standard 1 requires substantial conformance with the Comprehensive Plan. As previously discussed, the Plan recommends industrial, office and warehouse uses, but also includes two higher intensity redevelopment options with specific conditions. Option 1 recommends redevelopment with office uses with support retail and service uses up to .85 FAR. Option 2 recommends redevelopment with mixed uses and/or residential uses up to 1.35 FAR. The applicant is pursuing Option 2, and is seeking to develop a residential use at the maximum intensity of a 1.35 FAR, excluding ADUs and bonus density associated with the provision of affordable housing. The proposal includes a 327,431 square foot, 11-story (115 feet tall) multi-family residential building with 305 dwelling units and a separate 4-story (35 feet tall), above-grade parking structure. A large enclosed private outdoor amenity space is proposed to be located behind the residential building and would include a swimming pool, bath house, walking paths

and active recreation area. Another large open space area accessible to the public is proposed to be located in front of the parking structure along Prosperity Avenue and wraps the structure to the south facing the Private Access Road and Dorr Avenue. A total of 54 percent landscaped open space is proposed on the site. Pedestrian connections are provided for adequate internal circulation and sidewalk and crosswalk improvements are also provided for safe crossings to neighborhoods south and east of the subject property. Staff feels that the proposed layout is logical and functional and generally conforms to the Plan recommendations.

Two specific Plan recommendations in Option 2 call for the creation of a viable living environment by providing recreation and other amenities for the residents and contributions made for the purchase of public parkland within Land Unit C or improvements to nearby parks. As previously discussed, staff determined that the proposal takes an urban form in the residential building's relationship to Dorr Avenue, but a more suburban form with its disassociated parking structure fronting on Prosperity Avenue and significant open space areas. Staff feels that this hybrid design is not ideal, but determined that the site is constrained by several factors including its proximity to significant traffic noise from I-66; a relatively small frontage on Prosperity Avenue in comparison to its frontage on Dorr Avenue; and no vehicular access from Prosperity Avenue. Staff feels that the applicant is proposing to provide significant public and private amenities onsite, improved pedestrian connectivity and a site design that sets the area up for future urban style redevelopment along Dorr Avenue and a viable living environment in Land Unit C. In staff's opinion, the proposal generally meets this standard.

General Standard 2 requires that the design of the proposed planned development result in a more efficient use of the land and in a higher quality site design than could be achieved in a conventional district. The site is currently zoned I-4. A conventional commercial zoning district would not permit a residential building in this location. In staff's opinion, the proposed development is of a higher quality site design, but should ideally incorporate additional office and retail uses along the north side of the proposed parking structure fronting Prosperity Avenue to provide a more active, pedestrian-oriented frontage along Prosperity Avenue. The applicant has indicated that office and retail uses would not be a viable option due to the limited frontage and access on Prosperity Avenue. Due to these site constraints, staff believes that the proposed hybrid site design using a mix of urban and suburban attributes generally meets this standard.

General Standard 3 requires that the design of the proposed development protect and preserve the natural features on the site. The applicant has committed to reserving 54% of the 4.64 acre site as open space. This open space includes residential amenities, landscaping, and streetscape. The applicant has also committed to retain the services of a certified arborist or landscape architect to help ensure the protection of co-owned and off-site trees from construction

damage. In staff's opinion, this standard would be met with approval of the applicant's proposed proffers.

General Standard 4 requires that the proposed development prevent substantial injury to the use and value of the existing surrounding development. The proposal is located within approximately 1/3 to 1/2 mile radius from the Dunn Loring/ Merrifield Metro Station and adjacent to support retail uses. Staff believes that the proposed residential development is compatible with these uses. In staff's opinion, this standard has been met.

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

General Standard 6 requires that the planned development coordinate linkages among internal facilities and services as well as connections to major external facilities. As previously discussed, no new roads are proposed. Vehicular access to the proposed redevelopment would be from Dorr Avenue. Two separate site entrances are proposed from Dorr Avenue. Pedestrian access would be provided from six foot wide sidewalks along Dorr Avenue and Prosperity Avenue, with staggered shade trees and shrubs/groundcover on both sides in landscaping strips as well as benches, bike racks, trash receptacles and street lights. Six foot wide trails surrounding the proposed pool and private recreation area located to the rear of the residential building are also proposed. Staff believes that these proposed pedestrian connections provide safe access to the surrounding uses and to the Dunn Loring Metro Station. In staff's opinion, this standard has been met.

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

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

Bulk Standards (R-30)		
Standard	Required	Provided
Front Yard	25° ABP, but not less than 20 feet. (ABP = 54 feet for a 115 foot tall building)	Minimum of 30 ft for the residential building along Dorr Avenue and 50 ft for the parking structure along Prosperity Avenue)
Side Yard	25° ABP, but not less than 10 feet. (ABP = 54 feet for 115 foot tall building)	Minimum of 50 ft for residential building and 20 ft for the parking structure

Rear Yard	25° ABP, but not less than 25 feet. ABP = 54 feet for 115 foot tall building)	>100 feet for both structures
Building Height	150 feet subject to an increase permitted by Special Exception	115 feet
Open Space	40%	54%
FAR	1.00	1.35 (for this application area)

As illustrated above, the proposal is consistent with the bulk standards of the R-30 District except for the proposed FAR. As previously noted, the subject property is located in the Merrifield Suburban Center, in Sub-unit C-4, immediately to the west of one of the suburban center's two core areas as identified in the Comprehensive Plan and within the 1/3 to 1/2 mile radius of the Dunn Loring/Merrifield Metro Station. The Comprehensive Plan states that areas adjacent to the core areas have the potential to become more urban and pedestrian-oriented in character, but with less intense development than the core areas. The Plan encourages revitalization and redevelopment of the suburban center to create more attractive residential and commercial areas with pedestrian-friendly and transit-oriented environments and encourages the development of additional market rate and affordable housing. Site specific text in the Comprehensive Plan for Sub-unit C-4 recommends industrial, office and warehouse uses, but also includes two higher intensity redevelopment options. Staff has determined that the proposed project advances redevelopment of the area and is in harmony with the plan intensity for residential use at a 1.35 FAR (Option 2) and complies with the maximum 3.0 FAR in the proposed PRM District.

Par. 2 states that open space, parking, loading, sign and other similar regulations have application in all planned developments. The application includes 54% open space, which is in excess of the open space requirement of 20% for the PRM District. In addition, the Zoning Ordinance requires 488 parking spaces for the proposed residential use. The applicant proposes to meet this requirement; with the exception of a modification of the loading requirement request described below, all other applicable Zoning Ordinance provisions have been satisfied.

Par. 3 states that street systems should be designed to generally conform to the provisions of the Zoning Ordinance and should offer convenient access to mass transportation, recreational amenities and pedestrian access. No new roads are proposed. Pedestrian access to the proposed residential development is provided through a series of existing and proposed trails to the surrounding uses.

Waivers/Modifications:

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

The applicant proposes 327,431 gross square feet of residential development in

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant seeks to implement Option 2 of the Comprehensive Plan for Sub-unit C-4 of the Merrifield Suburban Center and to rezone a consolidation of four contiguous parcels totaling 4.64 acres in the Merrifield Commercial Revitalization Area from I-4 to PRM. The applicant proposes to construct a 327,431 square foot, 11-story (115 feet tall) multi-family residential building with 305 dwelling units and a separate 4-story (35 feet tall) above-grade parking structure. It is staff's evaluation that the proposed development is in harmony with the use and intensity recommendations of the Comprehensive Plan and with the applicable Zoning Ordinance requirements.

Staff Recommendations

Staff recommends approval of RZ 2009-PR-002, subject to the execution of proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of FDP 2009-PR-002, subject to the development conditions in Appendix 2 of this report.

Staff recommends approval of a modification of the loading space requirement for residential uses in favor of that shown on CDP/FDP.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

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.

APPENDICES

1. Draft Proffers RZ 2009-PR-002
2. Proposed Development Conditions FDP 2009-PR-002
3. Affidavit for RZ/ FDP 2009-PR-002
4. Statement of Justification for RZ/ FDP 2009-PR-002
5. Plan Citations, Land Use and Environmental Analysis
6. Residential Development Criteria
7. Office of Community Revitalization and Reinvestment Analysis
8. Urban Forest Management Analysis
9. Transportation Analysis
10. Fire and Rescue Analysis
11. Water Service Analysis
12. Stormwater Management Analysis
13. Sanitary Sewer Analysis
14. Schools Analysis
15. Park Authority Analysis
16. Applicable Zoning Ordinance Provisions
17. Glossary of Terms

PROFFERS
SQUARE 1400, L.C.
RZ 2009-PR-002

July 8, 2009

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owner/applicant, for itself and its successors and/or assigns (hereinafter collectively referred to as the "Applicant"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County tax maps as Tax Map 49-1 ((13)) 13, 14, 15, 16 (collectively, the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application 2009-PR-002 is granted.

1. Conceptual/Final Development Plan. The Property shall be developed in substantial conformance with the Conceptual Development Plan ("CDP") and Final Development Plan ("FDP") dated January 15, 2009 and revised through July 8, 2009, prepared by Dewberry & Davis LLC (the "CDP/FDP"), consisting of Sheets 1 through 14.
2. Elements of CDP. Notwithstanding the fact that the CDP and FDP are presented on the same plan, the elements that are components of the CDP are limited to the perimeter points of access, the general location of the buildings and open space, uses, building heights, and setbacks from the peripheral lot lines shown on Sheet 3 of the CDP/FDP and only a future amendment to such elements shall require a subsequent CDPA or Proffered Condition Amendment.
3. Minor Modifications. Minor modifications to the CDP/FDP may be permitted when necessitated by sound engineering or that may become necessary as part of final site design or engineering, pursuant to Section 16-403(4) of the Zoning Ordinance. Building footprints may be altered and the number of residential units (as defined herein) and corresponding adjustments made in required parking, Affordable Dwelling Units ("ADUs") and Workforce Dwelling Units ("WDUs") may be made, so long as (a) the 54 percent minimum open space is not reduced; (b) the building height is not increased; (c) the setbacks to the peripheral lot lines are not diminished; and (d) the development otherwise is in substantial conformance with the CDP/FDP as determined by the Zoning Administrator.

GENERAL

4. Proposed Development. Development on the Property shall include a maximum of 327,431 square feet of GFA, including bonus GFA associated with the provision of Affordable Dwelling Units (ADUs) and Workforce Dwelling Units (WDUs). A minimum of 275 residential units and a maximum of 305 residential units shall be

constructed on the Property. Such total shall include all required ADUs and all WDUs as defined in these Proffers.

The Applicant reserves the right to construct service, resident amenity and storage uses in the cellar. The cellar space shall not contain habitable residential units.

5. Mix of Uses. The proposed development may include the following uses:

A. Principal Uses:

- (i) Multifamily dwellings; and
- (ii) Public Uses.

B. Secondary Uses:

- (i) Accessory uses and home occupations, including business centers inside residential buildings;
- (ii) Affordable dwelling units;
- (iii) Bank teller machines;
- (iv) Business service and supply establishment;
- (v) Eating establishments;
- (vi) Fast food restaurants (without drive-through);
- (vii) Garment cleaning establishments (drop-off and pick-up only; no on-site processing);
- (viii) Health clubs;
- (ix) Personal service establishments;
- (x) Quick-service food stores; and
- (xi) Telecommunication facilities (building mounted or rooftop facilities limited to 25% of the roof area only).

6. Building Height. The maximum building height shall be no greater than 115 feet. Building height shall be measured in accordance with the provisions of the Fairfax County Zoning Ordinance and shall be exclusive of those structures that are excluded from the maximum height regulations as set forth in Section 2-506 of the Zoning Ordinance, including for example, penthouses and other rooftop structures. Such penthouses and other rooftop structures permitted under Section 2-506 of the Zoning Ordinance may be constructed to a height twenty (20) feet from the roof level of the top residential floor of the building below the top of the penthouse/rooftop structure roof. All

building penthouses/rooftop structures shall be integrated into the architecture of the residential building.

PARKING

7. Zoning Ordinance Requirements. Parking shall be provided at the minimum parking requirements of Article 11 of the Fairfax County Zoning Ordinance in effect at the time of approval of this rezoning application, or at the Applicant's option, at a lower requirement that may be adopted as a future amendment to the Fairfax County Zoning Ordinance. . If parking is to be assigned to specific dwelling units, not less than one space shall be assigned to each unit, including ADUs and WDUs.
8. Future Parking Reductions. Given (i) the proximity to the Dunn Loring/Merrifield Metro Station, (ii) the character of the development as a transit-adjacent development, and (iii) the TDM Plan detailed in these Proffers, the Applicant shall in good faith evaluate, and may pursue a parking reduction for the development, as may be permitted by the Fairfax County Zoning Ordinance and approved by the Board of Supervisors.
9. Bicycle Parking. The Applicant shall install bicycle racks in the locations generally shown on Sheet 3 of the CDP/FDP and provide bike parking/storage facilities within the residential structure or parking structure. The bike racks shall be inverted U-style racks or other design approved by Fairfax County Department of Transportation. The racks and storage facilities shall collectively accommodate parking for at least 61 bicycles. At least seventy five (75%) of the bicycle parking spaces shall be located under building or garage cover.

TRANSPORTATION

10. Merrifield Shuttle. In the event that a privately-operated Merrifield Shuttle is established by others in the future, then the Applicant (or successor Condominium Owner Association ("COA")) shall participate in ongoing funding for such service provided that (i) the Merrifield Shuttle provides reasonable and consistent peak-hour service to the Property, the Dunn Loring/Merrifield Metro Station and, if constructed, the future Merrifield Town Center, and (ii) such financial participation in the Merrifield Shuttle is proportional to the actual usage of the Shuttle by future residents of the Property and to the participation of other users of the Merrifield Shuttle.
11. Potential New Streets.
 - A. Should an improved private or public street connection between Dorr Avenue and Prosperity Avenue be feasible in the future, the Applicant shall, upon demand by Fairfax County at the time of site plan approval for residential use of the Property or thereafter, either dedicate right-of-way or grant a public access easement over the area of land identified on Sheet 3 of the CDP/FDP as "Area of Potential Future Public/Private Street" to allow construction of a roadway. The Applicant shall cooperate with the owner of adjacent property identified as Tax Map 49-1 ((13)) 19B to construct and, if private, maintain a private road within this area,

and shall remove and relocate, as determined feasible, the existing trees in this area.

- B. The Applicant shall construct a service aisle along the Property's southern boundary as shown on the CDP/FDP to provide access for loading and service functions as well as access for emergency vehicles. It is intended that this service aisle could become a private street in the future providing access to adjacent parcels and helping to create a grid of streets in the area. At the time of site plan approval for the Property, the Applicant shall record a public access easement to permit future connection of the service aisle to the west and south to serve adjacent properties identified as Tax Map 49-1 ((13)) 12 and 49-1 ((19)) A and 4. Said connection(s) is to be provided by others.

12. Extensions of Area Streets.

- A. East-West Connector Road. Prior to the issuance of the first RUP for the Property, the Applicant shall contribute the amount of \$40,000.00 to the Board of Supervisors to help fund future construction of the East-West Connector Road which extends Merrifield Avenue from Dorr Avenue to Prosperity Avenue, or for other transportation improvements within the Merrifield Suburban Center.
- B. Dorr Avenue Extension to Lee Highway. Prior to the issuance of the first RUP for the Property, the Applicant shall escrow the amount of \$20,000.00 with DPWES for the future construction of an extension of Dorr Avenue from Hilltop Road to Lee Highway.

13. Transportation Demand Management. This Proffer and the Applicant's Transportation Demand Management Strategic Plan dated April 2009 and prepared by Urban Trans Consultants, Inc. (the "TDM Strategic Plan"), set forth the programmatic elements of a transportation demand management program that shall be implemented by the Applicant, and subsequently, as appropriate, the property owner or COA, to encourage the use of transit (Metrorail and bus), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce automobile trips generated by the residential uses constructed on the Property.

A. Definitions:

- (i) Applicant Control Period. The "Applicant Control Period" is the period starting immediately following approval of this Rezoning Application and ending on the date when two (2) consecutive annual Trip Counts conducted starting at least one (1) full calendar year after the proposed development reaches Build Out show that peak hour vehicle trips generated by the residential units are less than or equal to the TDM Goal (as defined herein); provided, however, that implementation of the TDM Plan may be assigned by the Applicant to a successor owner, but may not be assigned to a successor COA until the Applicant Control Period has expired. Upon expiration of the Applicant Control Period, the Applicant

shall have no further obligations under this Proffer, the Letter of Credit/Cash (as defined in this Proffer) provided by the Applicant shall be returned to the Applicant, and on-going implementation of the TDM Plan and funding of the TDM Budget (and 10% contingency) shall be the responsibility of the successor as outlined in Paragraph K.

- (ii) Build Out. For purposes of this Proffer, "Build Out" of the proposed development shall be deemed to occur upon the issuance of (a) 100% of all Residential Use Permits ("RUPs") for all residential uses site plan approved and constructed on the Property.
- (iii) Peak Hours. For purposes of this Proffer, the relevant weekday "Peak Hours" shall be that 60-minute period during which the highest weekday volume of mainline trips occurs between 6:00 to 9:00 AM and 4:00 to 7:00 PM, as determined by mechanical and/or manual traffic counts conducted at two select locations along Prosperity and Dorr Avenues and as approved in consultation with FCDOT. To determine the Peak Hour, such counts shall be collected beginning on a Monday at 2400 hours and continuing to the following Thursday at 2400 hours at a time of year that reflects typical travel demand conditions (e.g. September to May, not during a holiday week or when area public schools are not in session). The relevant Peak Hours shall be defined in conjunction with each of the Trip Counts (as defined herein) required pursuant to this Proffer. The methodology for determining the Peak Hours may be modified subject to approval of FCDOT, but without requiring a PCA, in order to respond to technological and/or other improvements in trip counting.
- (iv) TDM Program Manager. The TDM "Program Manager" ("PM") shall be a qualified or trained individual appointed by the Applicant to oversee all elements of the TDM Plan and act as the liaison between the Applicant/successor and FCDOT. The PM may be employed either directly by the Applicant/successor, or be employed through a property management company contracted by the Applicant/successor. The PM position may be part of other duties assigned to the individual, with TDM functions accounting for a minimum of approximately 20 percent of his/her duties.
- (v) TDM Account. The TDM Account shall be an interest bearing account established by the Applicant with a banking or other financial institution qualified to do business in Virginia and used by the PM each year to implement the TDM Plan in accordance with the TDM Budget.
- (vi) TDM Budget. The "TDM Budget" is the estimated costs sufficient to implement the TDM Plan in a given year and shall include a contingency (the "TDM Budget Contingency") equivalent to a minimum of 10% of the amount of the TDM Budget. The TDM Budget as required by FCDOT may be less than, but shall be no more than \$58,825.00 (including the 10%

TDM Budget Contingency) per full calendar year as adjusted for any increases in the CPI per Proffer 32. However, the Applicant may, at its sole discretion, increase the TDM Budget (including the TDM Budget Contingency) for any calendar year.

(vii) TDM Penalty Fund. The "TDM Penalty Fund" is an account into which the Applicant will deposit penalty payments as may be required to be paid pursuant to this Proffer (the "TDM Penalty Fund").

(viii) TDM Remedy Fund. The TDM Remedy Fund shall be an interest bearing account established by the Applicant with a banking or other financial institution qualified to do business in Virginia and used to supplement the TDM Account in support of additional TDM strategies that may be determined to be necessary following any of the Trip Counts for which sufficient funding is not immediately available via the then-existing TDM Account.

B. Trip Reduction Goals. The objective of the TDM Plan shall be to reduce the number of weekday peak hour vehicle trips generated by the residential uses located within the Property through the use of mass transit, ridesharing and other strategies including but not limited to those outlined in the TDM Strategic Plan. In addition, the implementation of enhanced pedestrian and bicycle connections/facilities will provide safe and convenient access to nearby Metrorail and bus facilities thereby encouraging commuting options other than the automobile to residents, employees and visitors to the Property.

(i) Baseline. The baseline number of weekday peak hour residential vehicle trips for the proposed units within the Property against which the TDM Goals (as defined in subparagraph B.ii) will be measured shall be derived upon the number of residential units site plan approved, constructed and occupied on the Property as part of the proposed development at the time traffic counts are conducted in accordance with subparagraph J.i or as qualified below and using the trip generation rates/equations applicable to such residential uses as set forth in the Institute of Transportation Engineers, Trip Generation, 7th Edition for Land Use Code = 220. In the event at Build Out, the Applicant have constructed fewer than 305 multifamily residential units as part of the proposed development, then the Baseline Trip generation numbers applicable upon Build Out shall be calculated as if 305 residential units had actually been constructed as reflected in the Traffic Impact Study for the Square 1400 LLC Development prepared by Wells and Associates, Inc. dated December 19, 2008 as revised April 23, 2009.

(ii) TDM Goal. The TDM strategies shall be utilized to reduce the P.M. peak hour vehicular trips by a minimum of forty-six percent (46%) for the residential uses.

- C. Components of the TDM Plan. In order to meet the TDM Goals set forth in this Proffer, the Applicant shall implement the TDM Plan subject to FCDOT approval. Because the TDM Plan represents the strategy to be employed by the PM to meet the TDM Goal, the TDM Plan may be amended from time to time, subject to approval of FCDOT, without the requirement to secure a PCA; provided, however, any amendment to the TDM Plan shall include, at a minimum, provisions for the following with respect to the proposed development:
- (i) Designation of PM, as more particularly described below;
 - (ii) Regular and on-going coordination with other Merrifield TDM programs and any Transportation Management Agency that may be established.
 - (iii) A targeted marketing program for residential sales/leases that encourages and attracts transit-oriented residents, such as bicyclists, one or no-car individuals/families and employees of nearby employers to live in the proposed development; provided, however, that such marketing shall be completed on a non-discriminatory basis in conformance with the Fair Housing Act and all other applicable laws and regulations;
 - (iv) Integration of transportation information and education materials into residential sales/rental kits;
 - (v) Coordination/Assistance with vanpool and carpool formation programs, including but not limited to the County's ride matching services, with adjacent office buildings and homeowners associations and established local and/or regional guaranteed ride home programs;
 - (vi) Establishment of a site-specific project website (including targeted information on a building-by-building basis) that includes multimodal transportation information, real-time travel and transit data, the possibility of online transit pass sales or value loading and connections to supporting links;
 - (vii) Establishment of a location to be staffed/managed by the PM (as defined below) within the Property at which transit and ridesharing information is made available to residents; the location may be determined by the Applicant and may be part of the leasing/sales or concierge office or within the business center outlined in subparagraph xiv below;
 - (viii) A parking management plan, which shall include (i) a unit sales/rental program/policy under which each residential unit is allocated one (1) parking space as part of the base purchase/rental price, and that additional parking spaces may be purchased/leased at market rates; and (ii) dedicated space for residential vanpools;
 - (ix) Distribution of fare media or other incentives, at least one time, to all new residents of driving age, as well as on select occasions as an incentive;

- (x) Subject to agreement with third-party vendor(s), use of car sharing program(s) such as ZipCar;
 - (xi) Establishment of a phasing strategy, coordinated with FCDOT as provided herein, to address which TDM strategies are implemented at what time;
 - (xii) "Personalized transportation advising" integrated into new unit walk-throughs, including appropriate training of sales/leasing agents;
 - (xiii) All residential units shall be pre-wired to provide internet access (or other technology that may be available) to permit residents to access the internet from home;
 - (xiv) Space for and fit out of a business center for use by residents. Such business center shall consist of an aggregate of a minimum of 250 square feet of floor area and shall include areas for internet access, facsimile machine and copier; and
 - (xv) Participation in the Commuter Rewards Program.
- D. TDM Program Manager (PM). Prior to the issuance of the first RUP for the Property, the Applicant shall appoint a PM whose duties shall be to further develop, implement and monitor the various components of the TDM Plan. The PM position may be part of other duties assigned to the individual. The Applicant shall provide written notice to FCDOT and to the Providence District Supervisor of the appointment of the PM within ten (10) days of such appointment, along with evidence of such PM's qualifications, and, thereafter, within ten (10) days of any change in such appointment. Following the initial appointment of the PM, the Applicant or successor, as applicable, thereafter shall continuously employ, or cause to be employed, a PM for the Property.
- E. TDM Plan and Budget. Within ninety (90) days following the issuance of the first building permit for the Property, the PM shall prepare and submit an initial TDM Plan to FCDOT and request in writing, the County's review and comment. The TDM Plan shall include (i) the start-up components of the TDM Plan that will be put in place and (ii) an initial budget sufficient to implement the TDM Plan for the remainder of the year and for the next calendar year (the "TDM Budget") which amount may be less but in no event shall not be more than \$58,825.00 (including the TDM Budget Contingency) for each full calendar year, adjusted annually for inflation based on the CPI as defined in Proffer 32 unless increased at the sole discretion of the Applicant. With the submission of the initial TDM Plan, the Applicant shall provide the County with a copy of the approved proffers and the TDM Strategic Plan. The TDM Budget shall include a contingency equal to ten percent (10%) of the amount of the annual TDM Budget (the "TDM Budget Contingency"). If FCDOT has not responded with any comments to the PM within sixty (60) days of receipt of the initial TDM Plan and TDM Budget, the TDM Plan and TDM Budget shall be deemed approved. The

Applicant shall provide written documentation demonstrating the establishment of the TDM Budget to FCDOT no later than thirty (30) days after FCDOT's response to the proposed TDM Budget and Plan or following the sixty (60) day period described above.

Thereafter, the PM shall re-establish the TDM Budget for each successive calendar year, which shall cover the costs of implementation of the TDM Plan for such year (including the TDM Budget Contingency) up to \$58,825.00 as may be adjusted annually for inflation based on the CPI or as increased at the Applicant's sole discretion. The PM shall furnish a copy of the TDM Budget and TDM Plan for each year to the FCDOT and request in writing the County's review and comment in conjunction with the submission of the Annual Report as outlined in subparagraph I.ii. A line item for the TDM Account shall be included in the COA budget upon the establishment of the COA. The association documents that establish and control the COA shall provide that the TDM Account shall not be eliminated as a line item in the COA budget and that funds in the TDM Account shall not be utilized for purposes other than to fund TDM strategies. The TDM Account shall be funded solely by the Applicant until such time as assessments of residents are implemented as provided in the COA documents.

F. TDM Account.

- (i) Initial Funding. Within thirty (30) days after FCDOT's response to the initial TDM Budget and TDM Plan or following the sixty (60) day process described above, the Applicant, through the PM, shall establish and fund the TDM Account in an amount equal to the initial TDM Budget for the TDM Plan and including the TDM Budget Contingency but in any event no more than \$58,825.00 per full calendar year and as may be adjusted annually for inflation per any changes in the CPI or as increased at the Applicant's sole discretion. The PM shall provide written documentation demonstrating the establishment of the TDM Account to FCDOT within ten (10) days of its establishment.
- (ii) Annual Funding. The TDM Account shall be replenished annually thereafter based on the forthcoming year's estimated TDM Budget.
- (iii) Management of TDM Account. The TDM Account shall be managed by the Applicant (or successor developer) through the PM until such time as the Applicant Control Period terminates. Thereafter, management of the TDM Account shall become the responsibility of the successor/COA. As applicable, a line item for the TDM Account shall be included in the COA budget upon the establishment of the COA. The association documents that establish and control the COA shall provide that the TDM Account shall not be eliminated as a line item in the UOA/COA budget, and that funds in the TDM Account shall not be utilized for purposes other than to fund the TDM Plan. The TDM Account shall be funded solely by the Applicant (or successor developer) until such time as the Applicant

Control Period expires or the pro-rata assessments of residents are implemented as provided in the COA documents, whichever is first.

- G. TDM Remedy Fund. Concurrent with the establishment and funding of the TDM Account, the Applicant shall establish a separate, interest-bearing account referred to herein as the "TDM Remedy Fund." All interest earned on moneys deposited in the TDM Remedy Fund shall be added to the principal of the TDM Remedy Fund and used for TDM Remedy Fund purposes. Within thirty (30) days after the issuance of the first RUP for the Property, the Applicant shall contribute \$60,000.00 to the TDM Remedy Fund (as may be escalated pursuant to Proffer32). Moneys from the TDM Remedy Fund shall be drawn on by the Applicant/successor or COA only for purposes of immediate need of TDM funding and may be drawn upon prior to any TDM Budget adjustments that may be required under Paragraph F above.
- (i) Excess Funds in TDM Account. Until such time as the TDM Goal is met, any funds remaining in the TDM Account at the end of any given year shall be carried over to the following year's TDM Budget or transferred in the Applicant's sole discretion, in whole or in part to the TDM Remedy Fund and/or Incentive Fund, as defined respectively in Paragraphs G or H.
 - (ii) Transfer of Remedy Fund. Upon expiration of the Applicant Control Period, the Applicant shall transfer any funds remaining in the Remedy Fund to the COA or successor developer/management company for TDM purposes.
- H. TDM Purchase Incentives. Within thirty (30) days after the issuance of the first RUP for the Property, the Applicant shall make a one time contribution of \$75.00/unit based on the total number of units reflected on the approved building plans to a segregated sub-account in the TDM Account to fund a transit incentive program for initial purchasers and/or lessees of residential units. Such program shall be prepared by the Applicant, in coordination with FCDOT, and shall include consideration for fare media distribution and value loading, financing incentives, and alternative incentives (such as grocery delivery) tailored to residents that are not likely to make use of alternative commute option benefits.
- I. Monitoring and Reporting.
- (i) Surveys. Between September and November beginning with the year following issuance of the first RUP for the Property, the PM shall conduct a survey of residents (the "Survey") designed to evaluate the effectiveness of the TDM Plan in meeting the TDM Goal and to evaluate the need for changes to the TDM Plan. Following the first survey, the Applicant shall conduct additional surveys every two years. The PM shall coordinate the draft Survey materials and the methodology for validating Survey results with FCDOT at least thirty (30) days prior to each Survey. If a Survey reveals that changes to the TDM Plan are needed or advisable, then the

PM shall coordinate such changes with FCDOT and, as necessary, adjust the TDM Budget and implement the revisions for the following year's program. The PM shall submit as part of each Annual Report (defined below) an analysis of the Surveys to FCDOT. Such analysis shall include at a minimum:

- (1) A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
- (2) The number of people surveyed and the number of people who responded;
- (3) The results of the surveys taken during the survey period;
- (4) The number of residents, employees and/or others participating in the TDM programs, displayed by category and mode of use;
- (5) An evaluation of the effectiveness of the TDM program elements in place, including their effectiveness at achieving the TDM Goal, and, if necessary, proposed modifications;
- (6) A description of the units constructed and occupied on the Property at the time the survey was conducted.

(ii) Annual Report. The PM shall report annually to FCDOT on the TDM Plan (the "Annual Report") no later than January 31st of each calendar year and after completion of the Survey, as required, and the annual Trip Count, as required. The Annual Report shall include (a) a description of the prior year's TDM strategic efforts, including, as applicable, sample marketing materials; (b) a financial statement that includes the TDM Budget and TDM Account revenues and expenditures for the preceding year; (c) an analysis of the Survey for the preceding year, (d) a compilation and analysis of any Trip Counts that were conducted during the preceding year; (e) discussion of any changes to the TDM Plan for the upcoming year; and (f) the TDM Budget for the upcoming year.

(iii) Adjustments to Calendar and Due Dates. Upon mutual agreement between FCDOT and the PM, the due dates for the delivery of the Annual Report may be extended by up to sixty (60) days if changes have occurred, or appear to have occurred, in trip characteristics resulting from changes to the TDM Plan that are not yet fully implemented as of the due date for the Annual Report.

(iv) Meetings with FCDOT. The PM shall meet with FCDOT annually, or as mutually agreed, to discuss the results of the Trip Counts, the Survey, the Annual Report and the TDM Plan.

J. Trip Counts.

(i) Annual Trip Counts. The PM shall conduct a Trip Count between September 1st and November 30th (excluding county/state/federal holiday weeks or when area public schools are not in session) beginning with the

year following the issuance of the first RUP for the Property. The purpose of such Trip Count is to measure the actual vehicle trips generated by the residential uses constructed on the Property as of the date the Trip Count is completed and to evaluate whether such vehicle trips are less than, equal to or greater than the TDM Goal. Trip Counts provided to FCDOT shall include information on the number and percentage of RUPs as of the date of the Trip Count.

- (ii) Methods. For purposes of this Proffer, Trip Counts shall be measured on three (3) days over a maximum two-week period (but not including a week containing a county/state/federal holiday or when area public schools are not in session) between September 1 and November 30 of each calendar year, or such other time as the PM and FCDOT shall mutually determine. At least thirty (30) days prior to conducting the Trip Counts, the PM shall meet with FCDOT to review and reach agreement on the dates and methodology for the Trip Counts and the analyses to be done after the Trip Counts are complete. The Trip Counts shall include Peak Hour counts of vehicles entering and exiting driveways to the Property. The Trip Counts shall be conducted so that only trips generated by the residential uses on the Property shall be counted.
- (iii) Frequency of Trip Counts. Once initiated, the PM shall conduct Trip Counts annually until such time as two (2) consecutive annual Trip Counts conducted starting at least one (1) full calendar year after the Property reaches Build Out as defined in subparagraph B.ii show that vehicle trips generated by the residential units are less than or equal to the TDM Goal. If the results of two (2) consecutive Trip Counts reveal that the TDM Goal has been met, then the Applicant Control Period shall expire as provided in this Proffer, the Letter of Credit (as defined in Paragraph L) (or cash, as applicable) shall be returned to the Applicant, and the Applicant shall have no further responsibility under this Proffer. Thereafter, the COA or successor developer/management company shall be responsible for the ongoing implementation of the TDM Plan pursuant to Paragraph K and shall conduct additional Trip Counts as set forth in this Proffer. Notwithstanding the provisions of this paragraph, FCDOT may request Trip Counts be undertaken at any time to validate traffic data, but not more frequently than once per calendar year. If such requests are made by FCDOT, the PM shall conduct the requested Trip Counts.
- (iv) Evaluation. The results of each Trip Count shall be compared to the TDM Goal established in this Proffer to determine whether actual traffic counts are equal to, less than or greater than the maximum allowed trips for the TDM Goal as calculated in accordance with subparagraph B.i.

In the event the trips generated by the residential units at the time of the build-out count reveal that the TDM Goal outlined Proffer 14.B.ii has not been met for two consecutive years, then the Applicant shall (a) pay into

the TDM Penalty Fund in accordance with Proffer 14L-i below; (b) develop modifications to the TDM Plan and TDM Budget; and/or (c) implement one or more of the supplemental strategies outlined in the TDM Strategic Plan to address the surplus of trips. The PM shall submit any such revision to the TDM Plan and TDM Budget to FCDOT as part of the Annual Report as outlined in Proffer 14-I-ii and request in writing the County's review and concurrence. If no written response is provided by FCDOT within forty-five (45) days of receipt of the Annual Report, the PM's revisions to the TDM Plan and updated TDM Budget shall be deemed approved. Following approval of the revised TDM Plan and updated TDM Budget or after the forty-five (45) day period outlined above, the PM shall (a) increase the TDM Account with TDM Remedy Funds at the Applicant's sole discretion, if necessary, in order to cover any proportional additional costs to implement the updated TDM Budget; and (b) implement the provisions of the revised TDM Plan.

If two (2) consecutive annual Trip Counts conducted in accordance with this Proffer reveal that the TDM Goal is met after Build Out of the Property, as defined in Proffer 14-B-ii, then (i) no penalty is owed, (ii) the PM shall continue to administer the TDM Plan in the ordinary course, in accordance with the provisions of these Proffers, and (iii) the Applicant Control Period Expires, after which Proffer 14-K below shall apply.

- K. Ongoing Implementation of TDM Plan. Once the Applicant Control Period has expired, the Letter of Credit/Cash (as defined in this Proffer) (as then-valued) shall be returned to the Applicant, and thereafter the COA or successor development/management company shall be responsible for ongoing implementation of the TDM Plan. The PM shall conduct additional Surveys and Trip Counts at five (5) year intervals to determine whether the TDM Goal, as established by this Proffer, continues to be met. In the event that an Annual Report submitted by the PM demonstrates through trend analysis that a change in commuting patterns has occurred that is significant enough to reasonably call in to question whether the TDM Goal continues to be met, as determined by FCDOT, then FCDOT may request the PM conduct additional Trip Counts on a more frequent basis (but not more frequently than once per year) to determine whether, in fact, the TDM Goal is being met.
- (i) Continuation of TDM Plan. In the event subsequent Trip Counts conducted after the Applicant Control Period expires reveal that the actual trips generated remain equal to or less than the maximum number of trips permitted under TDM Goal, then the PM shall continue to implement the TDM Plan and to make Annual Reports to FCDOT.
 - (ii) Further Revisions to TDM Plan. In the event subsequent Trip Counts conducted after the Applicant Control Period expires reveal that the actual number of trips generated by the residential units are greater than the maximum number of trips permitted under the TDM Goal, as established

by this Proffer, then the PM shall convene a meeting with FCDOT within thirty (30) days of the completion of the Trip Count to review the results of the Trip Count and the TDM Plan then in place and to develop modifications to the TDM Plan and the TDM Budget to address the surplus of trips. The PM shall submit any revisions to the TDM Plan and TDM Budget to FCDOT within thirty (30) days following this meeting and request in writing the County's review and concurrence. If no written response is provided by FCDOT within forty-five (45) days, the PM's revisions to the TDM Plan and updated TDM Budget shall be deemed approved. Following approval of the revised TDM Plan and updated TDM Budget, the PM shall (a) increase the TDM Account with TDM Remedy Funds, if necessary, in order to cover any proportional additional costs to implement the updated TDM Budget; and (b) implement the provisions of the revised TDM Plan as developed in consultation with FCDOT. The PM shall repeat the process above (including additional adjustments to the TDM Plan, additional funding and additional monitoring) until the TDM Goal again has been met for two (2) consecutive years, whereupon the PM shall then be required to conduct Trip Counts only at five (5) year intervals, as described above.

- L. Establishment of TDM Penalty Fund; Letter of Credit. Prior to the issuance of the first RUP for the Property, the Applicant (or its successor owner or developer, but not the COA) shall (a) establish the TDM Penalty Fund and (b) deliver to the County (i) \$150,000.00 cash or (ii) a clean, irrevocable letter of credit in the stated amount of \$150,000.00 issued by a banking institution approved by the County to secure the Applicant's obligations to make payments into the TDM Penalty Fund as described below (collectively, the "Letter of Credit/Cash"). If a letter of credit is used to secure the TDM Penalty Fund, then it shall name the County as the beneficiary and shall permit partial draws or a full draw.
- M. TDM Penalties. During the Applicant Control Period, if the results of any consecutive annual Trip Counts conducted at least two (2) full calendar year after the Property reaches Build Out reveal that the actual vehicle trips generated by the residential units exceed the maximum number of trips permitted under the TDM Goal, then the Applicant shall pay into the TDM Penalty Fund the amounts specified below. FCDOT may thereafter withdraw funds from the TDM Penalty Fund. If the Applicant fails to pay what is due to the TDM Penalty Fund, then, upon thirty (30) days written demand, FCDOT may draw against the Letter of Credit/Cash in the amount then due and owing. FCDOT shall apply funds withdrawn from the TDM Penalty Fund, or drawn under the Letter of Credit/Cash, for transportation enhancements and/or improvements in the vicinity of, and serving the Property, including contributing to the provision of an area wide circulator serving the Merrifield Station and Town Center Areas, establishment of a Merrifield Transportation Management Association and/or additional transit incentives for residents of the Property. The maximum aggregate amount of all penalties to be paid under this paragraph L is \$150,000.00.

- (i) Failure up to 2%. A failure in the reduction of trips in either or both of the Peak Hours by two percent (2%) or less requires the Applicant to make a payment to the TDM Penalty Fund of \$1000.00 per vehicle trip for each trip that exceeds the TDM Goal for the applicable Peak Hour.
 - (ii) Failure Greater than 2% but less than or equal to 5%. A failure in the reduction of trips in either or both of the Peak Hours by more than two percent (2%) but less than or equal to five percent (5%) requires the Applicant to make a payment into the TDM Penalty Fund of \$1500.00 per vehicle trip for each trip that exceeds the TDM Goal for the applicable Peak Hour
 - (iii) Failure Greater than 5%. A failure in the reduction of trips in either or both of the peak hours by an amount greater than 5% requires the Applicant to make a payment into the TDM Penalty Fund of \$2000.00 per vehicle trip for each trip that exceeds the TDM Goal for the applicable Peak Hour.
- N. Enforcement. If the PM fails to timely submit the Annual Report for the Property to FCDOT as required by this Proffer, the County may thereafter issue the PM a notice stating that the PM has violated the terms of this Proffer and providing the PM sixty (60) days within which to cure such violation. If after such sixty (60) day period the PM has not submitted the delinquent Annual Report, then the Applicant and/or COA/successor, as applicable, shall be subject to a penalty of \$200 per day payable to Fairfax County to be used for transit or transportation related improvements in the vicinity of the Property until such time as the report is submitted to FCDOT.
- O. TDM Obligations. All residents and owners of property within the Property shall be advised of the TDM Plan described in these Proffers. All COA members shall be informed of any funding obligations resulting from the application of these Proffers prior to entering into a lease/contract of sale, and all such obligations shall be included in COA documents.

SITE DESIGN AND AMENITIES

14. Landscape Plan. The CDP/FDP includes a conceptual landscape plan for the Property (Sheet 3) and detail sheets (Sheets 4 and 5) illustrating the plantings and other features to be provided. As part of each site plan submission, the Applicant shall submit to Urban Forest Management Division (UFMD) of DPWES for review and approval a detailed landscape and tree cover plan (the "Landscape Plan"), which shall be consistent with the quality and quantity of plantings and materials shown on the CDP/FDP. Adjustments to the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be permitted in consultation with DPZ, and as approved by UFMD.

15. Streetscaping. Streetscape improvements and plantings shall be provided as indicated on Sheets 3 and 5 of the CDP/FDP. Notwithstanding the foregoing, the Applicant reserves the right, in consultation with the Zoning Administrator, to shift the location of street trees along the proposed streetscapes to accommodate final architectural design, utilities and layout considerations, and sight distance requirements so long as such modifications are in general conformance with the CDP/FDP.

16. Tree Preservation.

In order to protect the co-owned and off-site trees from construction damage, the Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the tree preservation walk-through meeting. During the walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented.

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

All trees shown to be preserved shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly,

no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD.

During any clearing or tree/vegetation/structure removal on the Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant's certified arborist or landscape architect shall monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD.

Should any co-owned or off-site trees, adjacent to the limits of clearing and grading, become dead, dying, or hazardous as a result of construction activities, these trees will be removed and the lost tree canopy will be replaced by the Applicant.

17. Respite Parks. The Applicant shall construct small respite parks along its Prosperity and Dorr Avenue frontages generally as depicted on Sheets 3 and 4 of the CDP/FDP, but subject to final engineering and architectural design changes by the Applicant. The respite areas shall include landscaping including shade trees, ornamental trees, shrubs and seasonal color; hardscape areas with concrete and specialty paving; pedestrian scaled lighting; trash receptacles; and benches. A focal point selected by the Applicant, such as, but not limited to, a sculpture, water feature, or specimen tree, shall be provided in the respite park on Prosperity Avenue. The respite areas shall be functionally complete (benches, landscaping and lighting installed) and open for use (subject to minor adjustments and punch-list items) prior to the issuance of the 50th RUP for the Property.

The Applicant shall grant a perpetual public access easement over the area of the respite parks. Such right of public access shall be subject to the right of the Applicant and successors to establish reasonable rules and regulations, subject to review by the Department of Planning and Zoning. The Applicant shall be responsible for the maintenance of these respite parks.

18. Pedestrian/Bicycle Circulation. In combination with the streetscape improvements identified in these Proffers, the Applicant shall provide sidewalks of varying widths and crosswalks at site entrances, as indicated on the CDP/FDP. All sidewalks located adjacent to Dorr and Prosperity Avenues yet not located in the right-of-way shall be maintained by the Applicant/successors and shall be subject to a public access easement. Sidewalk improvements located within existing or proposed right-of-way shall be as approved by VDOT.
19. Amenities and Facilities for Residents. The Applicant shall provide on-site recreational facilities for the future residents of the Property. Pursuant to Paragraph 2 of Section 6-110 and Paragraph 2 of Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend a minimum of \$1500 per market-rate and workforce residential unit on such recreation facilities. Prior to final bond release for the Property, the balance of any funds not expended on-site shall be contributed to the

Fairfax County Board of Supervisors for use by the Fairfax County Park Authority for the provision of recreation facilities located in proximity to the Property.

The Applicant shall provide the following facilities or amenities:

- A. A private exterior recreational area to be located behind the building as illustrated on Sheet 4 of the CDP/FDP, with a terrace, informal seating areas, a walking path, garden enclosure, specialty landscaping, lawn area, hardscape areas, passive recreation areas, a swimming pool; and bathhouse;
 - B. Clubroom(s) for community gatherings with a minimum aggregate square footage of 1,000 square feet;
 - C. A media/entertainment center outfitted with large screen/projection TV(s), seating areas and stereo/sound equipment;
 - D. Fitness center(s) with a minimum aggregate square footage of 1,000 square feet, with equipment such as stationary bikes, treadmills, weight machines, free weights, etc.;
 - E. Business center(s), with a minimum aggregate square footage of 250 square feet, with broadband or high-speed data connections (including "secure" voice and/or data connections), computers, facsimile machine and similar items; and
 - F. Storage facilities for use by residents of the building, which may be provided in the cellar space.
 - G. Bicycle parking/storage facilities to accommodate 61 bicycles as detailed in Proffer 9.
20. Lighting. Outdoor lighting shall comply with the Outdoor Lighting Standards of Section 14-900 of the Zoning Ordinance. Building mounted security lighting shall utilize full cut-off fixtures with shielding such that the lamp surface is not directly visible. All upper level parking deck lighting fixtures shall not exceed a height of 15 feet and shall utilize full cut-off fixtures.
21. Signage. Signage for the Property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance or pursuant to a Comprehensive Sign Plan approved by the Planning Commission.

ARCHITECTURAL DESIGN

22. Building Design and Materials. The general architectural design of the proposed building is shown on Sheet 7 of the CDP/FDP (the "Conceptual Elevations"). The Conceptual Elevations are conceptual in nature and may be modified by the Applicant as part of final engineering and building design, provided that such modifications provide a similar quality of design and are in general conformance with that shown. Building materials, as generally reflected on the Conceptual Elevations, shall be selected from among the

following: brick, cementitious or other composite architectural panels, masonry/stone, aluminum trim, glass, steel, split-face block and pre-cast panels, provided that final architectural details and accents may include other materials. No EIFS shall be used. Bay windows, balconies, awnings, and other architectural details may be provided so long as such features do not extend more than eight (8) feet beyond the building footprints shown on the CDP/FDP, and provided that the streetscape features are maintained.

The architectural design of all facades of the open garage structure shall be in substantial conformance with that shown on Sheet 7. The garage structure shall be pre-cast concrete or cast-in-place and shall include solid spandrel panels that will provide screening for headlights. Brick inset panels to complement the brick on the building and panels with openings resembling windows shall be utilized on the portions of the garage facades as illustrated on Sheet 7. The color of the brick inset panels shall be harmonious with the building materials utilized on the main structure.

23. LEED Certification. The Applicant shall include, as part of the site plan/subdivision plan submission and building plan submission, a list of specific credits within the project's registered version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, or other LEED rating system determined to be applicable to the proposed residential building by the U.S. Green Building Council (USGBC), that the Applicant anticipates attaining. A LEED-accredited professional who is also a professional engineer or architect licensed to practice in the Commonwealth of Virginia will provide certification statements at both the time of site plan/subdivision plan review and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED Silver certification of the project.

In addition, prior to site plan/subdivision plan approval, the Applicant shall designate the Chief of the Environment and Development Review Branch of the Department of Planning and Zoning as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

Prior to building plan approval for the residential building to be constructed, the Applicant shall submit documentation, to the Environment and Development Review Branch of DPZ, regarding the U.S. Green Building Council's preliminary review of design-oriented credits in the LEED program. This documentation will demonstrate that the building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Silver certification. Prior to release of the bond for the project, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating the status of attainment of LEED Silver Certification from the U.S. Green Building Council for the building.

As an alternative to the actions outlined in the above paragraphs, or if the U.S. Green Building Council review of design-oriented credits indicates that the project is not anticipated to attain a sufficient number of design-related credits to support attainment of LEED Silver certification, the Applicant shall prior to building plan approval execute a separate agreement and post a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$595,000.00. This escrow shall be in addition to and separate from other bond requirements and shall be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the project's registered version of the LEED-NC rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification shall be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the last RUP/non-RUP for the building, the escrow shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of county environmental initiatives.

24. Alternate Energy. The residential building and garage shall be designed as not to preclude the installation of solar panels or alternate energy sources either on the structures' exterior walls or rooftops. The Applicant shall identify a target alternate energy source and demonstrate at the time of building permit that the building and garage designs do not preclude the alternate energy source.

ENVIRONMENT

25. Stormwater Management Facilities. The Applicant shall incorporate Best Management Practices ("BMP") in order to improve water quality associated with stormwater runoff. Using Low Impact Design ("LID") rain gardens, the site plan shall demonstrate that, after the full build-out, there is a seventeen percent (17%) reduction of the phosphorous loading from the Property, based on a comparison of the conditions of the Property as currently developed and the conditions of the Property upon completion.

At the time of final site plan processing, the Applicant shall demonstrate that adequate outfall is available to meet Public Facility Manual requirements as determined by DPWES.

26. Noise Attenuation. The Applicant has submitted a Traffic Noise Analysis and Mitigated Noise Analysis of the Property prepared by Polysonics Corporation dated March 4, 2009. The Applicant shall provide a refined noise study including a building shell analysis once building plans are available to determine exactly what noise attenuation measures are needed. Such study shall be submitted to the Environment and Development Review Branch of DPZ for review. Based on the findings of that report, the Applicant shall show noise impacted units on the site plan and shall provide the following noise attenuation measures, unless otherwise modified by the findings of the refined noise study.

- A. In order to reduce interior noise to a level of approximately 45 dBA Ldn, dwelling units anticipated by the study to be impacted by traffic noise through windows and walls having levels projected to be greater than 70 dBA Ldn shall employ the following acoustical measures:

Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45. Doors and glazing shall have a laboratory STC rating of at least 32 unless glazing constitutes more than 20% of any façade exposed to noise levels of up to 71.9 dBA Ldn. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of up to 34 as dictated by the percent of glass. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.

- B. In order to reduce interior noise to a level of approximately 45 dBA Ldn, dwelling units anticipated by the study to be impacted by highway noise having levels projected to be between 65 and 70 dBA Ldn, shall be constructed with the following acoustical measures:

Exterior walls should have a laboratory sound transmission class (STC) rating of at least 39. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels of 65 to 70 dBA Ldn. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of up to 34 as dictated by the percent of glass. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.

AFFORDABLE HOUSING

27. Affordable Dwelling Units ("ADUs"). The Applicant shall provide ADUs on the Property equal to 5% of all dwelling units to be constructed on the Property. The ADUs shall be administered in accordance with Part 8 of Article 2 of the Zoning Ordinance.
28. Workforce Dwelling Units ("WDUs"). In addition to the number of ADUs provided, the Applicant shall provide housing units on the Property that will be leased and/or sold to future residents who have a median household income of up to 120% of the Area Median Income ("AMI") for the currently defined Washington, D.C. Metropolitan Statistical Area as determined by the U.S. Department of Housing and Urban Development (such units hereafter referred to as "WDUs"). The number of WDUs to be provided on the Property shall be equal to 10% of all non-ADU and ADU bonus dwelling units to be constructed on the Property. The WDUs shall be administered as set forth in the Board of Supervisors Workforce Dwelling Unit Administrative Guidelines adopted October 15, 2007.

PUBLIC/COMMUNITY FACILITIES

29. Park Authority Contribution. In addition to the recreation facilities provided on-site, the Applicant shall at the time of site plan approval provide a contribution of \$160,000.00 to the Board of Supervisors to be used for parks and/or recreational facilities in the vicinity of the Property.
30. Public School Contribution. Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, and revised July, 2006, the Applicant shall contribute \$11,548 per expected student (with a projected total of 23 students based on a ratio of 0.078 students per residential unit) to the Fairfax County School Board to be utilized for capital improvements to schools that any students generated by the Property will attend. Such contribution shall be made prior to the issuance of the first RUP for the Property and shall be based on the actual number of dwelling units built.

MISCELLANEOUS

31. Owners Association. Should the residential units be offered for individual sale, the Applicant shall cause the recordation of a declaration creating a condominium owners' association (referred to as the "COA"). The COA documents (including budgets provided in any offering or sale materials) shall disclose the various proffer and maintenance obligations set forth in these Proffers. Purchasers shall be advised in writing of these obligations, and other restrictions, prior to entering into a lease/contract of sale for units.
32. Escalation in Contribution Amounts. For all proffers specifying contributions for the construction of improvements or facilities, the contribution amount shall escalate on a yearly basis from the base year of 2010 and change effective each January 1 thereafter, based on changes in the Marshall and Swift Building Cost Index. Except for the amount to be contributed to the TDM Penalty Fund, all proffers specifying contribution amounts or budgets for operational expenses, including but not limited to, Proffer 13 (Transportation Demand Management), the contribution and/or budget amount shall escalate on a yearly basis from the base year of 2010 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15.2-2303.3.
33. Advance Density Credit. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.
34. Severability. Pursuant to Section 18-204 of the Zoning Ordinance, any portion of the Property may be the subject of a proffered condition amendment ("PCA"), Special Exception ("SE"), Special Permit ("SP"), or Final Development Plan Amendment ("FDPA") without joinder and/or consent of the owners of the other portions of the

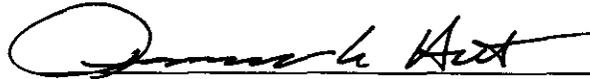
Property, provided that such PCA, SE, SP or FDPA does not materially adversely affect the other phases. Previously approved zoning applications applicable to the balance of the Property that is not the subject of such a PCA, SE, SP or FDPA shall otherwise remain in full force and effect.

35. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and their successors and assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.
36. 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.

[SIGNATURE ON THE NEXT PAGE]

APPLICANT / TITLE OWNER OF TAX MAP
49-1 ((13)) 13, 14, 15, 16

SQUARE 1400, L.C.

A handwritten signature in black ink, appearing to read "Russell A. Hitt", written over a horizontal line.

By: Russell A. Hitt
Its: Manager

[SIGNATURE ENDS]

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2009-PR-002

July 15, 2009

If it is the intent of the Planning Commission to approve a high-rise residential development located at Tax Map Parcels 49-1 ((13)) 13-16, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled "Square 1400, L.C.: Conceptual Development Plan/ Final Development Plan RZ 2009-PR-002" prepared by Dewberry & Davis LLC consisting of fourteen sheets dated January 15, 2009, as revised through July 6, 2009.
2. Any landscaping within the area labeled "Potential Future Public Private Street" on the FDP that is removed shall be installed elsewhere on the site with equal type and quality to achieve a similar streetscape effect along the private access road between connecting Dorr Avenue and Prosperity Avenue as approved by Urban Forest Management.
3. Any landscaping that is removed as a result of Final Sight Distance Engineering shall be installed elsewhere on the site with equal type and quality as approved by Urban Forest Management.
4. The applicant shall privately maintain all raingardens, parks and open space shown on the FDP, in perpetuity.

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

REZONING AFFIDAVIT

DATE: June 9, 2009
 (enter date affidavit is notarized)

I, Elizabeth D. Baker, 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 103420a

in Application No.(s): RZ 2009-PR-002
 (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)
Square 1400, L.C.	2704 Dorr Avenue Fairfax, Virginia 22031	Applicant/Title Owner of Tax Map 49-1 ((13)) 13, 14, 15, 16
Agents: Patrick J. Kearney William R. Marcotte James Cabell Fooshe Brett R. Hitt		

(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: June 9, 2009
 (enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
 (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)
Sheridan, Behm, Eustice & Associates, Ltd. Agents: Fredrick E. Sheridan Michael C. Stevens	3440 Fairfax Drive Arlington, Virginia 22210	Architect/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
Dewberry & Davis LLC Agents: Lawrence A. McDermott (former) Gary W. Kirkbride Andrea R. Walstrom Philip G. Yates	8401 Arlington Boulevard Fairfax, Virginia 22031	Engineers/Planners/Agent
M.J. Wells & Associates, Inc. Agents: Robin L. Antonucci William F. Johnson	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ 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 Attachment to Par. 1(a)

DATE: June 9, 2009
(enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
(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)
Polysonics Corp. Agents: George (nmi) Spano Daniel A. Oldakowski	5115 MacArthur Boulevard, NW Washington, DC 20016	Noise Consultant/Agent
Urban Trans Consultants, Inc. Agents: Justin B. Schor Courtney J. Kulyk	1140 Connecticut Avenue, NW, #777 Washington, DC 20036	TDM Consultant/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: June 9, 2009
(enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
(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)
Square 1400, L.C.
2704 Dorr Avenue
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 SHAREHOLDERS: (enter first name, middle initial, and last name)

Manager: Russell A. Hitt
Members: Russell A. Hitt; Brett R. Hitt; James E. Millar, Jr.; Russell A. Hitt, Trustee of the Russell A. Hitt Revocable Trust under Amended and Restated Trust Agreement dated November 11, 1994 f/b/o Russell A. Hitt; [continued]

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: June 9, 2009
(enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Square 1400, L.C. [continued]
2704 Dorr Avenue
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)
Members [continued]: Brett R. Hitt, Trustee of the Brett Hitt Family Trust II under Amended and Restated Trust Agreement dated July 1, 2000 f/b/o Brett R. Hitt, Kristen D. Hitt, Avery J. Hitt, Blaine M. Hitt, Cullen A. Hitt and Mason W. Hitt; James E. Millar, Jr., Trustee of the Millar Family Trust II under Amended and Restated Trust Agreement dated July 1, 2000 f/b/o James E. Millar, Jr., Tracy H. Millar, Brady T. Millar, Campbell L. Millar, James E. Millar, III, and McKenzie D. Millar.

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)
Sheridan, Behm, Eustice & Associates, Ltd.
3440 Fairfax Drive
Arlington, Virginia 22210

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)
Frederick E. Sheridan
Estate of Robert F. Behm
Brock C. Eustice

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: June 9, 2009
(enter date affidavit is notarized)

103420 a

for Application No. (s): RZ 2009-PR-002
(enter County-assigned application number (s))

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 SHAREHOLDER: (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.)

=====

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 SHAREHOLDERS: (enter first name, middle initial, and last name)
The Dewberry Companies LC, Member
James L. Beight, 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.)

(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: June 9, 2009
(enter date affidavit is notarized)

103420_a

for Application No. (s): RZ 2009-PR-002
(enter County-assigned application number (s))

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

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

=====

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 Attachment to Par. 1(b)

DATE: June 9, 2009
(enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
(enter County-assigned application number (s))

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

Polysonics Corp.
5115 MacArthur Boulevard, NW
Washington, DC 20016

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)

Gordon E. Jacobs, Denise A. Jacobs

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)

Urban Trans Consultants, Inc.
1140 Connecticut Avenue, NW, #777
Washington, DC 20036

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)

Stuart M. Anderson, Joddie A. Gray, Justin B. Schor, Brendon Harrington, Fox Chung, Micha Stone, Jessica Hindman

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: June 9, 2009
(enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
(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: June 9, 2009
(enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
(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: June 9, 2009
(enter date affidavit is notarized)

103420a

for Application No. (s): RZ 2009-PR-002
(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

[x] Applicant's Authorized Agent

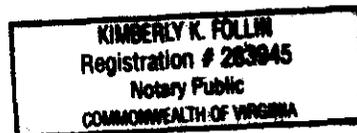
Elizabeth D. Baker, agent

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

Subscribed and sworn to before me this 9 day of June, 2009, 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**

Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 5414
ebaker@arl.thelandlawyers.com

July 6, 2009

Regina C. Coyle
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Application for Rezoning
1400 Square, L.C. (the "Applicant")
Tax Map 49-1 ((13)) 13-16 (the "Application Property")

Dear Ms. Coyle:

This letter serves as a revised statement of justification for a rezoning application affecting a consolidation of 4.64 acres of property in the Merrifield area of Fairfax County. The Applicant and property owner, 1400 Square, L.C., seeks a rezoning from the I-4, Medium Intensity Industrial District, to the PRM, Planned Residential Mixed-Use District. In accord with the guidance of the Comprehensive Plan, the proposed rezoning creates a pedestrian-friendly and transit oriented residential community in keeping with the Merrifield vision set forth in the Comprehensive Plan.

The Application Property is located immediately south of Prosperity Avenue and west of Dorr Avenue. It is currently developed with three industrial/office buildings and associated surface parking lots. A total of six curb cuts exist along Dorr Avenue to provide access to existing uses. To the east across Dorr Avenue, property is developed with office and industrial warehouse uses. Similar warehouse and industrial uses are located to the south and west. Across Prosperity Avenue to the north lies Interstate 66. The Dunn Loring Metro Station is located approximately one-third ($\frac{1}{3}$) mile northeast of the Application Property.

The Applicant proposes developing an 11 story multifamily residential structure and associated four level parking structure. A total of 305 residential units are proposed, of which 15 percent will be provided as either affordable dwelling units (ADUs) or workforce dwelling units (WDUs). The new building would front directly onto Dorr Avenue and help establish a pedestrian friendly urban streetscape. Vehicle and bicycle parking spaces for residents and visitors are provided within a structure located to the rear of the building and are accessed from one point on Dorr Avenue. A small number of surface spaces are provided to the north of the building to provide short term convenience spaces. Loading spaces and emergency vehicle access are accommodated along the building's southern facade.

The residential building has been designed to be high-quality and aesthetically pleasing. Conceptual elevations are included in the CDP/FDP. Interior resident amenities include an indoor fitness center, clubroom, media/entertainment area, business center and bicycle storage. The Applicant and its architect are committed to green building practices. This project will be designed and constructed so as to achieve Silver LEED certification, one of the first residential buildings in Fairfax County to commit to this high level certification.

Great care has been taken to locate and design the garage to minimize its impact on adjacent properties. The location of the garage serves as a barrier from the noise and activity associated with I-66 and helps create a private open space amenity area for residents. The Applicant has committed to constructing the associated garage in a style that will resemble an occupied building rather than a garage. Each of the garage facades will include punched openings mimicking windows and will utilize a mixture of brick and pre-cast elements complementary to the residential structure. The garage is set back a significant distance from Prosperity Avenue. The setback ranges from a minimum of 50 feet to more than 100 feet. Extensive landscaping around the garage and between the garage and Prosperity Avenue will also help blend the garage in with its surroundings.

Extensive open space and landscaping is proposed for the development as described below:

1. Streetscape sections and details as specified in the Comprehensive Plan are provided along both the Dorr and Prosperity Avenue frontages and along the two potential new streets made possible with this application. The section is comprised of a two foot refuge strip adjacent to the curb, a six (6) foot wide landscape strip, a six (6) foot wide sidewalk and approximately 22 feet of landscaping between the sidewalk and the building. Street trees and understory shrubs will be planted on either side of the sidewalk. Lighting, benches and trash receptacles are also provided to complete the pedestrian amenities.
2. Significant landscaped open space area and park areas are provided at the northern end of Dorr Avenue and along Prosperity Avenue. A large, shady landscaped seating area is provided along Prosperity to provide a respite for pedestrian traveling along Prosperity. It will feature a specialty paving, benches, shade trees, ornamental trees and seasonal color. A focal point of this respite area could be a sculpture, water feature, specimen shade tree, as selected by the Applicant. A smaller landscaping seating area is located along Dorr Avenue. These areas will provide gathering spots not only for future residents of the Application Property but the neighborhood as a whole. Adjacent to these respite parks is an open lawn where individuals can lounge, picnic and play. The area between Prosperity Avenue and the proposed garage will be heavily landscaped and will incorporate a rain garden providing a naturalized setting.
3. In addition, a significant open space area is provided to the rear of the residential building offering an important amenity to future residents. This area will be edged with a garden enclosure to create a more private enclave for the residents. With a

combination of hardscape and softscape elements, this key amenity area provides space for a swimming pool and bathhouse, outdoor terraces and gathering areas, walking paths with a shade trellis, open lawn and passive activities.

4. While urban in nature, this proposal offers more than 54 percent open space, significantly more than the 20 percent open space required under the PRM District.

The redevelopment of the Application Property from an industrial/warehouse style to a high rise residential community with plenty of open space will result in a 1.49 acre decrease in impervious surfaces. While storm water management is not currently provided on the site, it will be addressed with redevelopment through the provision of a rain garden, a low impact, innovative solution to water quality.

The proposed development is located within the area immediately adjacent to the core and within one-third ($\frac{1}{3}$) mile of the Transit Station. A comprehensive pedestrian network will help ensure that residents of this development can safely access the metro station and the existing and future services and amenities in the area. A strong Transportation Demand Management (TDM) program will be established to encourage walking, biking, carpooling and transit usage and reduce reliance on single occupancy vehicles. The stated goal of the Applicant's TDM Strategic Plan is to reduce peak hour single occupancy vehicles trips by 46%, more than double the 20% TDM reduction recommended in the Comprehensive Plan.

The proposed 1400 Square development is located within the Merrifield Suburban Center portion of the Area I Comprehensive Plan (the "Plan"). The Plan's future vision identifies Merrifield as a Suburban Center with the Dunn Loring/Merrifield Transit Station Area developed as a core area. Plan. The Application property is specifically within Sub-unit C-4. The Comprehensive Plan text for Sub-unit C-4 recommends industrial office and warehouse uses, but also includes two options. The first option recommends redevelopment with office uses with support retail and services uses up to a .85 FAR. As a second option, mixed uses and/or residential uses are recommended with an FAR of 1.35 and a maximum building height of 115 feet when development is not integrated with structured parking. Consolidation of at least four acres is encouraged. The Plan recommends that parking structures be located below or behind the building and that residential developments include ADUs.

The proposed multi-family residential development is in conformance with the objectives and guidelines of the Comprehensive Plan. With 4.64 acres, the proposal meets the consolidation criteria. The Applicant proposes a height of 115 feet and an FAR of 1.35, exclusive of ADUs and bonus units. The parking garage has been located to the rear of the building from the Dorr Avenue frontage, which serves as the buildings address, front door and access point. The garage facades have been designed to look like an occupied building and to be harmonious with the residential structure. With a large setback and extensive plantings, this garage should have no appreciable impact on adjacent properties.

Furthermore, needed affordable dwelling units and work force dwelling units will be created with the approval of this proposal. The Applicant is committed to the inclusion of a

significant component of affordable/workforce dwellings. Even though this high-rise building is exempt from the Zoning Ordinance requirement to provide ADUs, the Applicant has committed to provide a full 5% of the dwelling units as ADUs. Another 10% of the non-ADU and bonus units will be provided as WDUs. This commitment of 15% exceeds the County's current policy seeking 12% workforce housing in new urban residential developments.

The Applicant is committed to developing a high quality, environmentally sensitive project as demonstrated through its detailed site layout, features and proffers. An analysis of the residential development criteria is enclosed.

To the best of our knowledge, there are no known hazardous or toxic materials on the Application Property or are there any planned with the proposed use. Furthermore, to the best of our knowledge and belief, the proposed use will be in conformance with all applicable ordinances, regulations and adopted standards with the following exception requested below:

1. The Applicant hereby requests a modification of the requirements for loading spaces in favor of those shown on the CDP/FDP pursuant to Section 11-201 and 11-203 of the Zoning Ordinance.

The proposed rezoning implements the vision of the Comprehensive Plan to create more attractive and functionally efficient mixed-use area with a pedestrian-friendly and transit oriented environment. The proposed development creates an exciting community where people can live and play in easy walking distance to transit and employment opportunities. A high level of detail to site design as well as commitments to architectural style, garage façade treatment, Silver LEED certification, TDM strategies, affordable and workforce housing exceeding County expectations, residential amenities and the provision of private and public open space will create an exceptional residential opportunity to help transform Merrifield from an aging industrial area in to a vibrant urban community.

Thank you very much for your attention to this matter. Should you require any additional information, please call me.

Very truly yours,

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



Elizabeth D. Baker
Land Use Coordinator

Enclosure

{A0170877.DOC / 1 Justification Letter 4 000114 000060}

Residential Development Criteria Analysis
Square 1400, L.C.
December 17, 2008
Revised May 29, 2009
Revised July 6, 2009

Residential Development Criteria have been adopted in order to evaluate zoning requests for new residential development. This document is a summary of the Square 1400,. L.C. development proposal as it relates to these criteria.

- I. **Site Design**—All rezoning applications are to be characterized by high-quality site design. The Applicant believes that their proposal provides high-quality site design as follows:
- A. Consolidation—This application includes a consolidation that exceeds the 4.0 acre recommendation set forth in the Comprehensive Plan. Four parcels totaling 4.64 acres will be redeveloped together and create one coordinated project.
 - B. Layout—The proposed layout provides logical, functional, and appropriate relationships between the new use and adjacent existing and planned uses. One point of access on Dorr Avenue allows easy access to structured parking and convenient surface parking spaces. The building is set close to the Dorr Avenue street frontage creating a comfortable streetscape and allowing for substantial private amenity space to the rear of the building. More open park-like settings are proposed along the Dorr Avenue and Prosperity Avenue frontages. Dorr Avenue is the project's main frontage, its front door and point of access. A garage structure is located behind the residential building when viewed from the Dorr Avenue frontage. This garage location creates a barrier from the noise and activity associated with I-66.
 - C. Open Space—Usable and well-designed open space is provided to the rear of the building for the private use of the residents and in areas along Prosperity and Dorr Avenues which will be visually beneficial to the larger community. Features in the private amenity space include a swimming pool and bathhouse, private terrace, open lawn, specialty landscaping, walking paths and informal seating areas. A respite park area with specialty paving, benches, a focal point and extensive plantings is proposed along Prosperity Avenue. A smaller version is provided along Dorr Avenue. These areas will serve as gathering spots for residents of the site and the larger neighborhood. Areas of green lawn and rain gardens are also provided adjacent to Prosperity Avenue. Fifty-four percent (54%) open space is provided on the Application Property while, twenty percent (20%) open space is required by the Planned Residential Mixed-Use (PRM) Zoning Ordinance.
 - D. Landscaping—Ample landscaping is provided along the streetscape, at the building foundation, in the numerous open space areas and along the perimeter of the site. Specialty planting will be provided in the respite parks including

deciduous trees, ornamental trees, shrubs and seasonal color. Streetscape plantings will be installed in conformance with the recommendations in the Comprehensive Plan. Screening and buffering is provided along the northern, southern and western property boundaries. A detailed landscaped plan has been provided with enlargements provided for the private amenity area and more public park-like setting.

- E. Amenities—The on site amenities for the residents include a swimming pool, bathhouse, terrace, extensive walking paths, a variety of outdoor seating opportunities, interior fitness center, clubroom, media/entertainment area, and business center. The development includes a variety of landscaped open space areas which serve as places for meeting, gathering and passive recreation.

II. **Neighborhood Context**—New developments are to fit into the fabric of their adjacent neighborhoods. Appropriate setbacks are included in order to provide buffering around the periphery. Sidewalks connect to all nearby properties as well as to the Dunn-Loring/Merrifield Metro station. Easements are being proffered to allow new streets to be constructed along the southern and northeastern portion of the property in the future. This will provide for better connectivity and integration as the area redevelops in keeping with the vision for Merrifield. The generous open space area with seating along Prosperity helps establish the character of the area as an open, friendly community with a mix of employment and residential uses. The Applicant believes that the proposed rezoning accomplishes attractive transitions to the adjacent uses and safe access to the Metrorail station. The proposal extends the redevelopment of this older industrial area and helps create the transit-oriented neighborhood envisioned by the Merrifield Suburban Center Plan.

III. **Environment**—Rezoning proposals should be consistent with the policies and objectives of the environmental element of the Plan.

- A. Preservation—There are no EQCs, RPAs or other environmentally sensitive areas on the property. Due to the existing condition of the site, there are few tree preservation opportunities. However, extensive new landscaping will be installed per the CDP/FDP and with the concurrence of Urban Forest Management.
- B. Slopes and Soils—Soil studies have been performed, and have been shown to present no problems for residential development.
- C. Water Quality—Best Management Practices for stormwater management will be provided in the proffers. An innovative rain garden is an integrated feature of the open space area.
- D. Stormwater Management—The site is currently developed as an industrial

office park, including three existing buildings and parking for those buildings. Most of the existing site is impervious. The development with this plan decreases impervious area by 1.5 acres. Under this scenario, detention is not required as this redevelopment will actually result in a reduction of the 2 and 10 year storm rates leaving the site.

- E. Noise—A report analyzing the impact of the noise associated with I-66 has been submitted to the County. The study indicates that the site design coupled with standard noise construction techniques will mitigate the impacts of highway noise. The residential building has been located on the southern portion of the site away from the interstate with the parking garage located between the residential building and the interstate. Construction measures for noise mitigation have been proffered to ensure the residential units meet the County's noise standards.
- F. Lighting—All lighting on the site will be shielded and directed downward in order to minimize neighborhood glare and impacts to the night sky. Proffers commit the Applicant to meet the County's adopted lighting and glare regulations.
- G. Energy/Green Building Practice—The dwelling units will be constructed in keeping or exceeding current energy efficiency standards. The Applicant has proffered to construct a Silver LEED certified building which exceeds the County's policy with regard to green building practices.

IV. **Tree Preservation and Tree Cover Requirements**—Currently, there are few trees on the site. It will not be possible to save trees on this property due to the existing conditions and the urban nature of the proposed redevelopment. However, tree cover meeting or exceeding Ordinance requirements has been provided on the landscape plan. The Applicant will continue to work with the Forest Conservation Branch to ensure implementation of a comprehensive tree planting program.

V. **Transportation**—All rezoning applications are to implement measures to address planned transportation improvements. The inclusion of residential into this location will develop a true live, work and play environment, reducing commuting trips as residents work in nearby offices in the Merrifield Suburban Center or utilize the nearby Dunn Loring Metro station to commute to work. A Transportation Impact Analysis has been prepared and submitted to the County. This analysis showed that redevelopment from existing office to residential will have little impact on trip generation or traffic movements. Nonetheless, the Applicant has prepared a Transportation Demand Management (TDM) Strategic Plan as a means of reducing peak hour trips generated from this proposal. The TDM Plan and the associated proffers commit to an aggressive program to reduce residential peak hour trips by 46 percent. This is accomplished through a variety of techniques from transit incentives to carpooling to bicycling. The

proposed development will include extensive bike storage spaces to encourage bicycle use.

In addition, the Applicant has proffered contributions to the construction of (1) an extension of Merrifield Avenue, an off-site street that will ultimately provide a connection between Dorr Avenue and Prosperity Avenue thereby improving vehicular circulation; and (2) an extension of Dorr Avenue southward to connect with Lee Highway. Both of these extensions are recommended in the Comprehensive Plan as a means of accomplishing a more traditional grid of streets. A potential new street along the site's northeast boundary connecting Dorr Avenue with Prosperity Avenue is made possible through the Applicant's commitment to provide an easement or right-of-way. Similarly, an easement along the site's southern boundary will allow a new street in the future connecting Dorr Avenue to the west toward Prosperity Avenue.

- VI. **Public Facilities**—It is anticipated that residential development impacts to the Public Facility System will occur. These include impacts on the public schools and public parks. The Applicant has proffered a contribution to the Board of Supervisors for school purposes and a contribution to the Park Authority. It is expected that the Public Facilities' recommendation will be satisfied with the acceptance of these proffers. The Applicant has also proffered to participate/contribute to the operation fo the future Merrifield Shuttle.
- VII. **Affordable Housing**— This development is exempt from the provision of affordable dwelling units (ADUs) due to its construction type, nonetheless, the Applicant has proffered to provide 5 percent (5%) of all units on the site as ADUs. In addition, the Applicant will provide 10 percent (10%) of all non-ADU and bonus units as workforce dwelling units (WDUs) on site (see proffers for details). This 15 percent (15%) commitment to affordable housing exceeds the County's adopted 12 percent (12%) workforce housing policy.
- VIII. **Heritage Resources**—There are no significant cultural, architectural, economic, social, political, or historic heritage sites or structures located on the property.
- IV. **Density**— The Comprehensive Plan does not recommend a residential density in terms of dwelling units per acre, but instead sets forth a range of floor area ratios. The Application Property is located in Sub-unit C-4. The recommended FAR in Sub-unit C-4 is 1.35, exclusive of ADUs and associated bonus units. Utilizing bonuses applicable to ADUs and WDUs allows for a 20 percent increase. Thus, the Applicant proposes a FAR of 1.62, including ADUs, WDUs, and bonus units.



County of Fairfax, Virginia

MEMORANDUM

DATE: June 23, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Land Use Analysis and Environmental Assessment: CDP/FDP/RZ 2009-PR-002, Square 1400, L.C.

The memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Concept Development Plan (CDP), Final Development Plan (FDP) and Rezoning (RZ) application dated January 15, 2009 as revised through June 11, 2009 and the latest proffers dated June 11, 2009. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested.

DESCRIPTION OF THE APPLICATION

The applicant, 1400 Square, L.C., proposes to rezone a four-parcel consolidation totaling 4.64 acres in the Merrifield Suburban Center from I-4, Medium Intensity Industrial District, to the PRM, Planned Residential Mixed-Use District, to construct an 11 story, 115 foot tall multi-family residential building with 305 dwelling units and a separate four story, 35 foot tall above grade parking structure. The site is located in a Commercial Revitalization Area and is currently developed as an industrial office park, with three existing buildings and surface parking. The development will have a maximum of 327,431 square feet or 1.62 floor area ratio (FAR), including affordable dwelling units (ADUs) and bonus density associated with the provision of affordable housing. The maximum FAR excluding ADUs and bonus density will be a 1.35, the maximum recommended under the Comprehensive Plan. The applicant proposes to include 5 percent of the total number of dwelling units as ADUs and 10 percent as workforce housing units (WDUs). The site is located within the 1/3 to 1/2 mile radius of the Dunn Loring/Merrifield Metro Station. A large enclosed private outdoor amenity space is proposed behind the residential building which will include a swimming pool, bath house, walking paths and active recreation area. Another large open space area accessible to the public is proposed which fronts the parking structure along Prosperity Avenue and wraps the structure to the south facing the Private Access Road and Dorr Avenue. A total of 54 percent landscaped open space is proposed on the site.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



LOCATION AND CHARACTER OF THE AREA

The subject property is located immediately outside a designated core area of the Merrifield Suburban Center in the Comprehensive Plan in the “Areas Adjacent Cores” as defined in the Area-Wide Recommendations for the suburban center. The site is immediately to the south of Prosperity Avenue and west of Dorr Avenue. Prosperity Avenue and I-66 are located to the north of the property. Across I-66 is a single family detached residential community planned residential at 2 to 3 dwelling units per acre and zoned R-3. Property to the northeast is planned for office use with retail and service uses and optional mixed use, zoned PDC, Planned Development Commercial District, and developed with office buildings and an above grade parking structure. The eastern and southern boundaries are adjacent to parcels planned for the existing office, industrial and warehouse uses with options for mixed-use development and are industrially zoned and used property. The property to the west is planned for and developed with an office use and zoned industrial.

COMPREHENSIVE PLAN CITATIONS:

Land Use

In the Fairfax County Comprehensive Plan, 2007 Edition, Area I, Merrifield Suburban Center, Land Unit Recommendations, Land Unit C, as amended through August 6, 2007, on pages 60 and 66–67, the Plan states:

“LAND UNIT C

Land Unit C is comprised of approximately 106 acres and is bounded by Gallows Road on the east, Route 29 and Hilltop Road on the south, Prosperity Avenue on the north, and Land Unit D on the west (see Figure 24). Existing development is generally retail and industrial uses along Route 29 and Gallows Road and industrial and office uses in the remainder.

The northern portion of Land Unit C is located within close proximity to the Dunn Loring-Merrifield Transit Station and is envisioned to change to a mix of uses including office, hotel, and residential uses. The highest intensity is envisioned to develop on the northern portion, closest to the Metro station, with intensity decreasing toward the southern portion of the land unit.

The major circulation improvements for this land unit includes the realignment of Merrilee Drive with Eskridge Road. Both of these improvements are needed to facilitate Merrilee Drive with Eskridge Road. This improvement is needed to facilitate Merrilee Drive as the “Main Street” for the Merrifield Suburban Center, which will link the Metro station to the Merrifield “Town Center.” The other major circulation improvement within this land unit is the East-West Connector Road that extends Merrifield Avenue to the east, generally aligning with Providence Forest Drive, and to the west intersecting with Prosperity Avenue. See the Transportation Map, Figure 18, located in the Transportation Section of the Area-Wide Recommendations. The major arterial improvements are the widening of Route 29 and Gallows Road, and the planned improvements at the intersection of the two roads. . . .

Sub-Unit C4:

Sub-Unit C4 is located south of Sub-Unit C1, west of Sub-Unit C3, and east of Land Unit D, and is planned and developed with industrial, office, and warehouse uses. Any modification, expansion, and/or reuse of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.

Option 1: As an option, redevelopment within this sub-unit to office with support retail and service uses up to .85 FAR may be appropriate. Any development proposal under this option must address all applicable Area-Wide recommendations as well as the following guidelines.

- Consolidations of at least 4 contiguous acres are encouraged. When a consolidation is less than 4 acres, but more than 2 acres, development should provide for vehicular and pedestrian access with abutting properties. As an alternative, coordinated development plans with a combined land area of at least 2 acres may be appropriate if the consolidation objectives are met. In any instance, it must be demonstrated that any unconsolidated parcels are able to develop in conformance with the Plan as described under the Land Use Guidelines in the Area-Wide Land Use section.
- Development within this sub-unit should provide for or contribute funds toward the acquisition of both the right-of-way and the construction of the East-West Connector Road which extends Merrifield Avenue to the east through Sub-Units C2 and C3 to connect with Gallows Road and to the west through Sub-Unit D2 to connect with Prosperity Avenue. See the Area-wide Transportation section for the alignment. In addition to the extension of the East-West Connector Road, development in this sub-unit should provide for inter-parcel access as well as circulation improvements that connect to Merrilee Drive, Dorr Avenue, and Merrifield Avenue, or other vehicular improvements that increase circulation within this and adjacent sub-units.
- Development should provide for or contribute to an internal Merrifield transit system (i. e., shuttle service, etc.)
- TDM programs should be provided that facilitates a non-SOV mode split of at least 20%.
- Development should be designed with parking structures behind and/or under buildings.
- Support retail and service uses are encouraged and should be integrated within the buildings to serve the needs of the building tenants, as well as the surrounding area.

Option 2: As an alternative to the office option, mixed-uses and/or residential use may be appropriate up to 1.35 FAR, provided that development proposals meet the Area-Wide Recommendations for alternative uses (see the Area-Wide Recommendations, Land Use Guidelines). Any development proposal under this option must meet the previous option's guidance, all applicable Area-Wide guidelines, as well as provide for the following:

- The alternative uses appropriate in this sub-unit are limited to residential, institutional, and support retail and service uses. Only the portions of support retail and service uses that exceed 3% of the development's total square footage are considered alternative uses as described under the Alternative Use Guidelines and the provision of these uses should be integrated into office and residential buildings.
- If residential development is proposed, affordable dwelling units should be provided on-site or as indicated under the Land Use Guidelines in the Area-Wide Land Use Section.
- Any proposed residential development should create a viable living environment by providing recreation and other amenities for the residents as indicated under the Area-Wide Recommendations, Land Use Section. In addition, contributions should be made for the purchase of public parkland within Land Unit C or to provide improvements to nearby parks. As an alternative, open space amenities could be incorporated into the development, such as the provision of an urban park that could be privately owned, provided it is accessible for public use.

Height Limit: Under the development options, the maximum building height is 115 feet when development is not integrated with structured parking. In order to encourage structured parking to be located under buildings, a height bonus of up to 20 feet (or a maximum height of 135 feet) is appropriate when at least 2 levels of structured parking are provided under the building, either at or below grade. The building height bonus should be contingent on increasing the amount of open space amenities. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section.”

Environment

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, pages 7 to 18, the Plan states:

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

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

Policy j. Regulate land use activities to protect surface and groundwater resources.

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge

groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

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

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

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

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

Policy b: Reduce noise impacts in areas of existing development. . . .

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. . . .

Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*)
- Optimization of energy performance of structures/energy-efficient design
- Use of renewable energy resources

- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies
- Reuse of existing building materials for redevelopment projects
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris
- Use of recycled and rapidly renewable building materials
- Use of building materials and products that originate from nearby sources
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs.

Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;
- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range. . . .

- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.
- Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses."

COMPREHENSIVE PLAN MAP: Mixed Use

LAND USE ANALYSIS

Several land use issues have been identified and are discussed below.

Use, Intensity and Land Consolidation The proposed Square 1400 development is located in the Merrifield Suburban Center, in Sub-unit C-4, immediately to the west of one of the suburban center's two core areas as identified in the Comprehensive Plan and within the 1/3 to 1/2 mile radius of the Dunn Loring/Merrifield Metro Station. The Plan states that areas adjacent to the core areas have the potential to become more urban and pedestrian-oriented in character, but with less intense development than the core areas. The Plan encourages revitalization and redevelopment of the suburban center to create more attractive residential and commercial areas with pedestrian-friendly and transit-oriented environments and encourages the development of additional market rate and affordable housing. The proposed project advances redevelopment of the area.

The Comprehensive Plan for Sub-unit C-4 recommends industrial, office and warehouse uses, but also includes two higher intensity redevelopment options. Option 1 recommends redevelopment with office uses with support retail and service uses up to .85 FAR. Option 2 recommends redevelopment with mixed uses and/or residential uses up to 1.35 FAR. The applicant is pursuing Option 2 and is seeking to develop a residential use at the maximum intensity of a 1.35 FAR, excluding ADUs and bonus density associated with the provision of affordable housing.

The Comprehensive Plan encourages the consolidation of at least four contiguous acres. The applicant has consolidated four contiguous parcels for a total of 4.64 acres, which will not preclude the development of any of the surrounding unconsolidated parcels from developing in conformance with the Plan.

The proposed residential development will be surrounded by existing office, industrial and warehouse uses. However, since the site and the surrounding area are located within the Core Area and Area Adjacent Core of the Merrifield Suburban Center, which are areas that the Plan encourages higher intensity and mixed-use development, it is anticipated that similar uses with a more urban

design like the proposed development will be located in the immediate vicinity in the future. The subject property is also near several approved and developed mixed use developments.

The Plan encourages that support retail and service uses be integrated within buildings to serve the needs of building tenants and the surrounding area. Several other mixed use developments have been developed or approved closer to the metro station that will provide retail and service uses. Staff agrees with the applicant that given the location of the proposed residential building farther from transit relative to the other developed and approved retail uses and the existing uses surrounding the site, support retail and service uses are likely economically infeasible as part of this development.

The applicant is seeking the maximum recommended building height of 115 feet when development is not integrated with structured parking. The Comprehensive Plan states that to achieve maximum building heights, open space should be provided in addition to streetscaping. The applicant has proposed two respite parks for pedestrians en route to and from the metro station and a large outdoor residential amenity area. A variety of building heights, façade articulation and rooflines are encouraged. Based on the proposed height and architectural design for the proposed residential building, it will serve to enhance the Merrifield skyline.

This issue has been resolved.

Site and Architectural Design The proposed residential building is located on the southern portion of the site away from I-66 with the parking garage located between the residential building and I-66, which helps to mitigate the noise impacts on both the private residential amenity area and the building. The building is oriented to Dorr Avenue and the siting of the building close to the street and streetscape amenities begins to establish a more urban and pedestrian-oriented urban design along the street, as envisioned by the Comprehensive Plan. The building's front façade establishes a pedestrian-scale relationship to the street with architectural features such as variations of the window and building details and design pattern. The architectural elevations provided on Sheet 8 of the CDP/FDP show the façade treatments on the residential building. Outdoor patio areas for individual dwelling units located on the ground level, enclosed with a railing, are shown on one side of the front entrance and expanses of glass are shown on the other side which will house some of the building's residential amenity areas. Conceptual elevations depicting the general architectural design of the proposed residential building are shown on Sheet 7 of the CDP/FDP. The building materials may include the following: brick, cementitious or other composite architectural panels, masonry/stone, aluminum trim, glass, steel, split-face block and pre-cast panels.

The Comprehensive Plan calls for development to be designed with parking structures located either behind and/or under buildings. The Plan recommends that parking structures should generally be integrated with associated buildings in a manner that maximizes usable open space and provides pedestrian linkages. Parking will be accessed from one point on Dorr Avenue, a consolidation of the six curb cuts that provide access to the existing uses, which provides for safer pedestrian circulation. A separate parking garage is located on the site behind and to the side of the residential building near Prosperity Avenue. The parking garage will be designed to resemble a regular occupied building

rather than a parking structure, as depicted on Sheets 7 and 8 of the CDP/FDP and described in the proffers, given its location fronting on Prosperity Avenue on one side and facing the private residential amenity area on another side. The garage will be pre-cast concrete or cast-in-place and will include solid spandrel panels that will provide screening for headlights. Brick inset panels to complement the brick on the residential building and panels with openings resembling windows will be used on portions of the garage facades. The color of the brick will be harmonious with the building materials used on the residential building. All four sides of the garage will receive the same treatment.

The applicant's proposal to construct an 11 story building at the maximum intensity and building height recommended by the Comprehensive Plan concentrates the residential use on a relatively small portion of the site allowing for over 50 percent open space when including the public and private open space areas. The proposed development plan takes an urban form in the residential building's relationship to Dorr Avenue, but a more suburban form with its disassociated parking garage fronting on Prosperity Avenue and significant open space areas. This hybrid design is not ideal, but the site is constrained by several factors including its proximity to significant traffic noise from I-66, a relatively small frontage on Prosperity Avenue in comparison to its frontage on Dorr Avenue, and no vehicular access from Prosperity Avenue. However, the applicant is proposing to provide significant public and private amenities onsite, improved pedestrian connectivity and a site design that sets the area up for future urban style redevelopment along Dorr Avenue.

This issue has been resolved.

Parks/Open Space and Residential Amenities Two publicly-accessible small parks are proposed along the Prosperity and Dorr Avenue frontages in front of the parking garage to serve as respite areas for pedestrians as they walk to and from the Dunn Loring/Merrifield Metro Station, which is located further to the east off of Prosperity Avenue. The respite areas will provide landscaping including shade trees, ornamental trees, shrubs and seasonal color; hardscape areas with concrete and specialty paving; pedestrian-scaled lighting, trash receptacles, benches, and a focal point feature such as a sculpture, water feature or specimen tree along Prosperity Avenue. It is suggested that a water feature be selected as the focal point which will help drown out the traffic noise from I-66 and make for a more inviting space. The applicant has proffered to grant a public access easement over the area of the respite parks, but the right of public access will be subject to the right of the applicant to establish reasonable rules and regulations. It is recommended that these rules and recommendations be subject to review by the Department of Planning and Zoning.

The Comprehensive Plan recommends that "any proposed residential development should create a viable living environment by providing recreation and other amenities for the residents." The applicant has proposed a large outdoor private amenity area located behind the residential building and to the south of the parking garage. This area will include a terrace with informal seating areas, a swimming pool and bath house surrounded by hardscaping, a walking path, lawn area for active recreation, and specialty landscaping. The entire area will be enclosed within a six foot tall garden enclosure consisting of brick piers with wood or metal panels/rails. The enclosure will create a greater sense of privacy and create the feeling of an "outdoor room" for the residents. A twenty foot

wide vegetated buffer consisting of evergreen and ornamental trees and shrubs/groundcover is proposed along the site's entire western boundary within the garden enclosure and behind the parking garage. It is recommended that the garden enclosure be extended further to the south to line up with the southwestern corner of the residential building. The enclosure as currently shown on the CDP/FDP reduces the size of the amenity area and creates an empty and undesirable space in the southwest corner of the property.

In addition to the outdoor residential amenity area, the applicant will provide a minimum 1,000 square foot clubroom for community gatherings, a media/entertainment center, a minimum 1,000 square foot fitness center with fitness equipment, a minimum 250 square foot business center with office equipment and high-speed data connections, and storage facilities.

The Comprehensive Plan recommends that "contributions should be made for the purchase of public parkland within Land Unit C or to provide improvements to nearby parks." The applicant has proffered \$160,000 to the Board of Supervisors to be used for parks and/or recreational facilities in the vicinity of the Property. Staff recommends that the funds be used for the establishment of future parkland in Land Unit C.

This issue is outstanding.

Streetscaping and Landscaping Streetscape improvements and plantings along both Prosperity Avenue and Dorr Avenue are depicted on Sheets 3 and 5 of the CDP/FDP that are in conformance with the Streetscape Design recommendations of the Comprehensive Plan for Prosperity Avenue under the Ring Road Streetscape Guidelines and for Dorr Avenue under the Cross Street Streetscape Guidelines. Along Dorr Avenue in front of the residential building, the development plan shows a six foot wide sidewalk with staggered shade trees and shrubs/groundcover on both sides in landscaping strips. Benches, bike racks, trash receptacles and street lights are also depicted. Street furniture details are provided to illustrate the general theme and character of the proposed development as illustrated in the Merrifield Streetscape Design Manual. The streetscaping along the northern portion of Dorr Avenue, the Private Access Road, and Prosperity Avenue include six foot wide sidewalks with staggered shade trees and shrubs/groundcover on either side in landscape strips, along with two small respite parks along side of the Dorr Avenue and Prosperity Avenue sidewalks.

If the Private Access Road becomes a public or private street in the future, it is unclear from the CDP/FDP whether streetscaping based on the Plan's Cross Street Streetscape Guidelines could be provided. The applicant should demonstrate that streetscaping to meet the Plan recommendation is possible.

CDP/FDP includes a conceptual landscape plan for the subject property. Landscaping is proposed to shield and soften the parking garage on all four sides. Landscaping to include trees, shrubs and lawn is shown within the open space area on the northern portion of the site, surrounding the residential building and in the outdoor residential amenity area. A twenty foot wide vegetated buffer area along the entire western boundary of the property is proposed and a five foot wide planted area is shown along the southern boundary.

This issue is outstanding.

Pedestrian Circulation The applicant has proposed sidewalks along its frontages on Prosperity and Dorr Avenues and the Private Access Road and crosswalks at site entrances in conformance with the Plan. The plan improves upon the existing pedestrian circulation to the metro station by proposing extensive streetscaping along the property's street frontages that provides wider sidewalks, more landscaping, streetscape amenities such as lighting and benches, and two respite parks located immediately adjacent to the sidewalks. The pedestrian improvements allow for easy access to the metro station and adjacent properties.

This issue has been resolved.

Vehicular and Bicycle Parking The majority of the site's parking spaces will be provided in a four story parking structure located behind and to the right of the residential building facing Dorr Avenue. Ten surface parking spaces are provided in front of the parking garage entrance and onstreet parking is provided in front of the residential building. In recognition of the location of this site within close proximity to the Dunn Loring/Merrifield Metro Station, the character of the development as a transit-adjacent development, and the Transportation Demand Management (TDM) Plan, the applicant has proffered to evaluate and possibly pursue a parking reduction for the development. The applicant has also proffered to provide the minimum number of parking spaces in effect at the time of approval of this rezoning application, or at the applicant's option, at a lower requirement if there is a future amendment to the Fairfax County Zoning Ordinance.

The applicant has proposed a number of bicycle racks located in front of the residential building and parking/storage facilities within the residential building or parking structure. The racks and storage facilities will accommodate parking for at least 61 bicycles, of which at least 75 percent of the spaces will be covered spaces.

This issue has been resolved.

Affordable Housing The Comprehensive Plan recommends an affordable housing commitment if residential development is proposed. The applicant has proffered to provide 5 percent ADUs and 10 percent WDUs for a total commitment of 15 percent affordable housing, which exceeds the combined 12 percent ADUs and WDUs recommended in the County's workforce housing policy. The applicant's commitment to 10 percent WDUs should be reflected on Sheet 3 of the CDP/FDP.

This issue is outstanding.

Transportation The Comprehensive Plan recommends that "development within this sub-unit should provide for or contribute funds toward the acquisition of both the right-of-way and the construction of the East-West Connector Road which extends Merrifield Avenue to the east through Sub-Units C2 and C3 to connect with Gallows Road and to the west through Sub-Unit D2 to connect with Prosperity Avenue," to expand the street grid in the Merrifield Suburban Center. The applicant

will contribute \$40,000 to the Board of Supervisors to help fund future construction of the East-West Connector Road which extends Merrifield Avenue from Dorr Avenue to Prosperity Avenue.

In addition to the extension of the East-West Connector Road, the Plan recommends that “development in this sub-unit should provide for inter-parcel access as well as circulation improvements that connect to Merrilee Drive, Dorr Avenue, and Merrifield Avenue, or other vehicular improvements that increase circulation within this and adjacent sub-units.” The applicant has proffered to the following:

- To either dedicate right-of-way or grant an access easement over land located along the northeastern boundary and identified on Sheet 3 of the CDP/FDP as “Area of Potential Future Public/Private Street.” This commitment will allow the existing service drive located on the adjacent property to change to a public or private street connecting the terminus of Dorr Avenue with Prosperity Avenue;
- An escrow of \$20,000 for the future construction of an extension of Dorr Avenue from Hilltop Road to Lee Highway;
- A public access easement along the site’s southern boundary where a service aisle is proposed to permit the establishment of a private street in the future. This street will provide access to adjacent parcels to the west and south and help to create a grid of streets in the area.

The Comprehensive Plan recommends the proposed development provide for or contribute to an internal Merrifield transit system. The applicant has proffered to participate in the ongoing funding of a privately-operated Merrifield Shuttle provided that reasonable and consistent peak-hour service to the subject property, the Dunn Loring/Merrifield Metro Station and, if constructed, the future Merrifield Town Center is provided.

The applicant has prepared a Transportation Demand Management (TDM) Strategic Plan to encourage the use of metrorail and bus transit, other high-occupant vehicle commuting modes, walking, biking and teleworking, in order to reduce automobile trips generated by the proposed residential uses. The TDM goal is to reduce P.M. peak hour vehicular trips by a minimum of 46 percent, which greatly exceeds the Plan recommendation of a non-SOV mode split of at least 20 percent.

The application’s conformance to the Plan recommendations concerning transportation will be determined by staff in the Fairfax County Department of Transportation.

The proposed development furthers the Comprehensive Plan’s recommendations to transform the existing primarily industrial area into a more urban and pedestrian-oriented area oriented to the metro station and is found to be in general conformance with the Plan.

ENVIRONMENTAL ANALYSIS

Greenbuilding/Alternative Energy The proposed development is located in a suburban center. The Policy Plan recommends that such developments which are seeking the Comprehensive Plan Options and are located in specially designated areas such as the Merrifield Suburban Center attain basic Leadership in Energy and Environmental Design (LEED) certification through the U.S. Green Building Council (USGBC) or other comparable program with third party certification at a minimum.

The applicant has proffered to seek LEED for New Construction (NC) certification at the Silver level for the residential building and to provide an escrow of \$595,000 if the USGBC's preliminary review of design-oriented credits in the LEED program does not anticipate that the proposed development will achieve LEED Silver certification. The escrow will be released to the applicant if the applicant has provided documentation from the USGBC to the Environment and Development Review Branch (EDRB) of the Department of Planning and Zoning (DPZ) that the building has attained LEED certification within one year of issuance of the last RUP/non-RUP for the building.

Additionally, the applicant has proffered that the residential building and garage will be designed as not to preclude the installation of solar panels or alternate energy sources either on the structures' exterior walls or rooftops. The applicant will identify a target alternate energy source and demonstrate at the time of building permit that the building and garage designs do not preclude the alternate energy source.

Stormwater Management/Best Management Practices (SWM/BMP) The proposed residential development will reduce the impervious area by approximately 1.5 acres from the existing warehouse and surface parking uses. The two existing points of outfall will remain. The redevelopment will result in a reduction of the two and ten year storm rates leaving the site at both outfalls. The applicant has provided both computations and depictions demonstrating adequate outfall. Due to the decreased runoff from the site and the adequacy of the receiving storm system, detention is not required for the site.

An existing above ground sand filter will be removed that provides a 10.79 percent reduction of the phosphorus loading based on the existing BMP calculations. Instead, water quality improvements will be made via a 3,330 square foot rain garden located within the open space area along the subject property's Prosperity Avenue frontage. The BMP calculations show an 18.62 percent total phosphorus removal for the site, over the minimum 10 percent reduction required with redevelopment. The applicant has proffered to a 17 percent reduction of the phosphorus loading from the property based on a comparison of the property conditions as currently developed and upon redevelopment. The adequacy of the submission materials as well as any proposed SWM/BMP measures will be subject to review and approval by DPWES.

Noise The applicant has submitted a Traffic Noise Analysis and Mitigated Noise Analysis for the subject property prepared by Polysonics Corporation and dated March 4, 2009. The noise study indicates that the site design coupled with standard noise construction techniques will mitigate the

impacts of highway noise. The residential building has been located on the southern portion of the site away from the I-66 with the parking garage located between the residential building and I-66, which helps to mitigate the noise impacts on both the private residential amenity area and the building. The County's noise policy recommends that noise levels not exceed 65 dBA Ldn for residential outdoor recreational areas and 45 dBA Ldn for residential use areas. The ground and upper level noise contours for the year 2030 are shown on Sheet 9 of the CDP/FDP.

The noise study concludes that the proposed parking garage will mitigate noise levels in the private outdoor amenity area to 65 dBA Ldn or below, with the highest levels reaching 64.0 dBA Ldn. The study indicates that unmitigated traffic noise levels exceeding 65 dBA Ldn will likely impact upper levels of the proposed residential building on the site. The northern portion of the building will be impacted by noise levels exceeding 70 dBA Ldn, with the highest noise levels approaching 71.9 dBA Ldn. The applicant has proffered to the following measures to mitigate the anticipated noise levels to meet the County's noise policy:

- To reduce interior noise to dBA 45 Ldn, dwelling units anticipated by the study to be impacted by traffic noise through windows and walls having levels projected to be greater than 70 dBA Ldn will have exterior walls with a laboratory sound transmission class (STC) rating of at least 45. Doors and glazing will have a STC rating of at least 32 unless glazing constitutes more than 20 percent of any façade exposed to noise levels of up to 71.9 dBA Ldn. If glazing constitutes more than 20 percent of an exposed façade, then the glazing will have a STC rating of up to 34 as dictated by the percent of glass.
- To reduce interior noise to dBA 45 Ldn, dwelling units anticipated by the study to be impacted by traffic noise through windows and walls having levels projected to be between 65 and 70 dBA Ldn shall have exterior walls with a laboratory sound transmission class (STC) rating of at least 39. Doors and glazing will have a STC rating of at least 28 unless glazing constitutes more than 20 percent of any façade exposed to noise levels of 65 to 70 dBA Ldn. If glazing constitutes more than 20 percent of an exposed façade, then the glazing will have a STC rating of up to 34 as dictated by the percent of glass.

The applicant should commit to doing a refined noise study and a building shell analysis for the proposed residential building once architectural plans are available to determine exactly what modifications are necessary to ensure interior noise level requirements. The noise attenuation measures as specified in these analyses should be subject to the approval of the EDRB.

Tree Preservation All of the existing trees on the site will be cleared for the proposed development due to the existing conditions and the urban nature of the proposed redevelopment. A comprehensive tree planting program is proposed which will result in 14.4 percent tree cover on the subject property. Additionally, the applicant has proffered to retain the services of a certified arborist or landscape architect to help ensure the protection of co-owned and off-site trees from construction damage. If any of these trees become dead, dying or hazardous as a result of construction activities, these trees will be removed and the lost tree canopy will be replaced by the applicant.

COUNTYWIDE TRAILS PLAN

No trails are depicted on the Countywide Trails Plan Map adjacent to the subject property.

PGN: JRB

Additional Comprehensive Plan Citations

In the Fairfax County Comprehensive Plan, 2007 Edition, Area I, Merrifield Suburban Center, Area-Wide Recommendations, as amended through August 6, 2007, on pages 8, 12–13, 17, 19, 22-23, 25, 27, 30, 32, 34, and 36, the Plan states:

“LAND USE PATTERN

The Land Use Concept's pattern of development significantly modifies the planning policy that has shaped Merrifield over the last three decades. The fundamental new policy direction is to establish two core areas (i.e., the Transit Station Area and the Town Center) with urban characteristics. The areas adjacent to these cores are also envisioned to become more urban in character. However, the majority of the Merrifield Suburban Center (i.e., the non-core areas) is to remain suburban in character, with the edges of the suburban center providing well-defined transitional areas to the surrounding single-family neighborhoods. The Plan further describes the core areas, areas adjacent cores, non-core areas and edge areas, and illustrates the location of these areas on the Land Use Concept Map (See Figure 2).

Core Areas and Areas Adjacent Cores

The highest development intensities and the most “urban” areas of the Merrifield Suburban Center will be located within the designated core areas: the “Town Center Area” and the “Transit Station Area.” Within these areas, mixed-use development is encouraged and may include office, residential, retail, hotel, major entertainment uses, as well as institutional, cultural, recreational, and governmental uses. To encourage a more urban environment, new buildings should be located close to roadways while allowing for streetscape amenities such as street trees, sidewalks, plazas, street furniture, and landscaping. Locating buildings closer to the roadway means that most off-street parking will be located in structures behind or beneath buildings. Parking structures should generally be integrated with an associated building in a manner that maximizes usable open space and the provision of pedestrian linkages. The areas adjacent core areas will also have the potential to become more urban and pedestrian-oriented in character, but will have less intense development than the core areas. . . .

Affordable Housing – County policies include promoting the development of multifamily housing in mixed-use centers in an effort to diversify the County’s housing stock and to encourage lower cost housing options near employment opportunities. In order to implement these policies within the Merrifield Suburban Center, development proposals having a residential component should provide for Affordable Dwelling Units (ADUs). This can occur preferably through the provision of ADUs within the residential development, or the provision of units elsewhere within the Merrifield Suburban Center. Only if the provision of ADUs is not feasible, a contribution to the Fairfax County Housing Trust Fund could be made, as indicated below.

- For those areas planned for residential development, the provision of ADUs should be a condition for attaining the high end of the development range. Developments below the high end of the range should also provide ADUs or contribute to the Trust Fund, as indicated below.

- For those areas planned for mixed-use with residential units, such as the town center and the transit station area, ADU and bonus units should be provided for the residential component as a condition for attaining the high end of the area's mixed-use potential. The amount of ADU and bonus units should utilize the ADU Ordinance formula. Since the ADU Ordinance formula uses a density range, the applicable density range should be determined as follows: For an area planned for office use at .8 FAR under Option 1 and up to 1.2 FAR under Option 2, the intensity range would be considered .8 FAR to 1.2 FAR, which is equivalent to 35 to 50 dwelling units per acre (assuming approximately 1000 square feet per unit). In this example, the high end would be considered the top 60% of the range, or intensities above .96 FAR.

The calculation of ADU and bonus units to be provided should be based on the formula in the ADU ordinance. In cases where ADUs are not provided, development proposals within the Plan's density/intensity range are to contribute to the Housing Trust Fund at an amount of 1% of the development's residential value. If the proposed development is below the low end of the Plan's development potential, then ½% of the value for proposals below the high end, which is consistent with County policy.

Parcel Consolidation – Parcel consolidation should be provided when necessary to achieve planning objectives for the Merrifield Suburban Center. Parcel consolidation should be logical and of sufficient size to allow projects to function in a well-designed, efficient manner, and should not preclude the development of any unconsolidated parcels from developing in conformance with the Plan. Additional consolidation guidelines may be provided in the specific Land Unit Recommendation. . . .

URBAN DESIGN

The Merrifield Suburban Center has developed over the years with a mix of industrial, office, retail, hotel, and multifamily uses. The development pattern that has resulted has not provided areas with a "sense of place". The existing development tends to be auto-oriented with surface parking and abutting properties are isolated from each other due to the lack of an adequate network of pedestrian facilities. In order to facilitate the establishment of areas with a "sense of place" and with an overall improvement in image, redevelopment is encouraged within portions of the Merrifield Suburban Center.

The urban design concept identifies areas which should develop with a more urban and pedestrian-oriented environment, and which should include a mix of office, retail, and residential uses. These new more urban environments are to be concentrated in two core areas as described in the previous Land Use section: the Town Center and the Transit Station Area. Figure 5 illustrates the location of the two cores and how each is inter-linked with the surrounding areas (see Transportation Section for planned Roadway Improvements). The majority of the Merrifield Suburban Center, which is outside of the transit station area and the town center, will remain suburban in character and provide transitions in scale and intensity to the surrounding area.

The urban design concept for the Merrifield Suburban Center is designed to achieve a balance between the more urban character of the proposed Town Center and the Transit Station Area and the more suburban character of the rest of the Merrifield Suburban Center and the surrounding residential neighborhoods. The principles for establishing the Urban Design Concept are as follows:

- Create a sense of place by encouraging the development of mixed-use focus areas (i.e., the Transit Station Area and the Town Center);

- Provide transportation connections throughout the Merrifield Suburban Center by creating an extensive grid of well-lit and landscaped streets, pedestrian paths, and other transportation linkages;
- Integrate land uses through architectural and landscape transitions;
- Create buildings with a distinctive architectural character and a street presence;
- Encourage high-quality development in terms of site design, building design and materials, and open space amenities;
- Avoid a community dominated by surface parking;
- Accommodate alternative transportation modes (i.e., walking, bicycling, busses, shuttles, and metro); and
- Provide attractive and usable community-serving civic and recreation space.

A variety of elements are needed to provide guidance to encourage more urban and pedestrian-oriented areas, and to improve the overall appearance and sense of place within the Merrifield Suburban Center. The following elements include guidance for the pedestrian and open space system, streetscape design, building and site design, and building heights. This urban design guidance is intended to encourage in the core areas the type of environment illustrated by Figures 6 and 7, that show potential development encouraged on the Metro station property and at the Town Center.

PEDESTRIAN AND OPEN SPACE SYSTEM

One of the key objectives of the Merrifield Suburban Center Plan is to encourage alternative modes of transportation as substitutes for the single-occupant auto. Good design can contribute to the attainment of this goal by creating a convenient, pleasant and safe experience for the pedestrian, thus making walking a viable alternative to driving. The pedestrian system should consist of well-lit sidewalks, crosswalks, and/or trails that also connect plazas, courtyards, or other open spaces to create places for pedestrians to walk, rest, or gather for recreational or community activities. Such a pedestrian system is a critical component for creating a transit and pedestrian-friendly environment, as well as for providing high-quality development. To encourage workers to travel by public transportation, either by bus or rail transit, the walk to the workplace must be an experience that pedestrians are willing to repeat at least twice a day. For this reason, planning for pedestrians and transit access is a vital part of the successful implementation of the Merrifield Suburban Center Plan.

Mixed-use developments and areas are also an important component of pedestrian-friendly environments. Projects should be designed in a manner that bring a variety of uses in proximity to each other. Pedestrian access between those uses should be convenient, safe, and pleasant in order to discourage use of automobiles. Designing for the pedestrian includes designing the streetscape to include trees, signage, and street furniture (benches, lighting, etc.). Trees are one of the most important features of the streetscape, as they provide shade to pedestrians, add natural beauty to the street, and soften the hard edges of the building forms. Additional landscaping can also enhance pedestrian paths among buildings, between developments, or mid-block, making these areas attractive and encouraging people to walk rather than drive between uses. The use of trees in

ornamental grates, planter boxes, planting strips, or larger landscaped areas are some of the many techniques that can be employed to enhance the pedestrian experience.

Pedestrian safety should also be considered when designing the landscape, and pedestrian-level lighting should be factored into the design. Street lighting and other street furniture, such as trash receptacles, seating, and gateway signage, can reinforce the identity of an area.

Good signage also contributes to good pedestrian-oriented design. For example, signage within a development should be coordinated in terms of scale, design, color, materials, and placement in order to create a unified identity for the area. Signage should also be designed appropriately for its location and purpose, without sacrificing legibility.

The Open Space and Pedestrian System Map, Figure 8, depicts an integrated pedestrian system to unify development within sub-areas and link neighboring sub-areas. This map is not intended to be definitive. Additional pedestrian connections will be identified over time that will provide refinements to the system. These connections could be either sidewalks or trails, alone or in combination with plazas, courtyards or parks.

Open Space and Pedestrian System Guidelines

A part of the vision for the Merrifield Suburban Center is to create pedestrian-oriented areas with usable open space amenities. The following open space and pedestrian system design guidelines should be considered during the review process:

- In development proposals which entail new development or redevelopment, increased intensity/density, increased building heights, and/or which substantially change the design of a previously approved development commitment, pedestrian linkages should be provided to adjacent development and to the countywide trail system where feasible. The goal is to connect local sites with the larger community and to enhance the continuity of the pedestrian system. Pedestrian linkages could include sidewalks, trails, plazas, courtyards and parks with path systems.
- Additional sidewalks and trails beyond those indicated on Figure 8 (the Open Space and Pedestrian System Map) are encouraged, and are in some cases described in the Land Unit Recommendations Section. Providing fewer connections than those on the map is discouraged, unless it can be demonstrated that those connections are not needed because another circulation pattern would serve the same users as well or better.
- Opportunities should be provided for pedestrians to sit, especially in plazas, courtyards, urban greens and parks. Seating opportunities include the provision of low walls, wide steps, benches and other outdoor furniture.
- Auto and pedestrian traffic should be separated, i.e., pedestrians should not be required to walk in a travel lane or through a parking structure to reach their destination.
- Pedestrian safety should be an important factor in designing sidewalks, crosswalks and trails. Adequate lighting is essential. Pedestrian linkages between buildings and parking areas should be well-lit and landscaped. Site development should ensure that the landscaping does not impede visibility or create unsafe conditions.
- Pedestrians should be provided with safe and convenient access to transit stops/stations.

- Design of pedestrian linkages should minimize impacts on mature trees and other established vegetation. Where pedestrian linkages (existing or new) have few shade trees, additional trees should be planted.
- Signage along roadways should be provided to contribute to good pedestrian and vehicular orientation. Within the Merrifield Suburban Center, a signage theme should be established that provides consistency in terms of scale, design, color, materials and placement.
- Usable open space in the form of plazas, urban greens, courtyards or parks should be provided throughout the Merrifield Suburban Center, especially in the Transit Station Area and the Town Center, in order to create a strong pedestrian focus. Developments should provide these pedestrian amenities, which include landscaped areas with shade trees, seating areas, public art and other amenities that make attractive gathering places for the local workforce, shoppers, and residents. In some instances, these open space amenities should be large enough and designed in a manner to accommodate informal activities as well as programmed events during lunch-hours and after-work hours.
- The siting of buildings and the quality of design also influences the pedestrian experience. Care should be taken to ensure that buildings are not designed to create barriers to pedestrian circulation.

STREETSCAPE DESIGN

Attractive streetscape includes a well-designed road edge with street furniture and other features and provides improved identity, visual continuity and user safety. The streetscape concept shown on Figure 9 provides a streetscape hierarchy with four types of streetscape designs: Boulevard, Ring Road, Main Street and Cross Street. These streetscapes should create a unifying theme along each of the roads to visually and physically link Merrifield. This unifying theme consists of guidance for street tree location, spacing, and size. Below are general guidelines for all streetscapes, which are followed by design guidelines for each individual streetscape type.

General Streetscape Guidelines

Underground utilities: Undergrounding of utilities should be encouraged and should be coordinated with future roadway improvements and the rebuilding of sidewalks to foster a pedestrian environment and other Plan objectives. New development should provide underground utility conduits or provide commitments to construct these improvements in the future. If undergrounding utilities is not feasible, consideration should be given to relocating the utilities to the rear or side of the development.

Street Lighting: Street lighting should be provided that maintains the overall character and quality of the area, while providing adequate lighting levels that ensure public safety without creating glare or light spillage into neighboring low-density residential areas.

Gateways: Gateways define the major approaches to the area and are shown on Figure 9. At these points of entry to the Merrifield Suburban Center, gateways should have additional plantings and tree groupings in addition to the basic streetscape, and could also include signage and other design treatments that distinguish the location as an entrance to the Merrifield Suburban Center.

Streetscape Design Flexibility: When infill or expansion of buildings or other existing features constrain a site's design, variation from the streetscape guidance should be permitted when that variation results in acceptable sidewalk widths and amounts of street trees and landscaping. For example, if the guidance is to provide a double row of street trees, but due to site constraints not enough space exists for the staggered rows, an equal number of street trees planted in a single row may be an appropriate alternative.

When street trees and other plantings are to be located in proximity to roadways or within medians, safety and sight distance should be taken into consideration upon reviewing a development proposal's streetscape design. Modifications to the streetscape guidance is appropriate to account for these issues, but only if viable alternatives in streetscape design can be provided to ensure continuity in the streetscape pattern.

Streetscape Maintenance: The provision of the streetscape may be provided on a combination of publicly owned right-of-way and private property. In order for a future development to utilize the public right-of-way to provide streetscape improvements, commitments will need to be made by the property owner to maintain the streetscape area within the public right-of-way. In addition, in order to provide streetscape, the sidewalk may not be entirely within the right-of-way; therefore, additional right-of-way may be needed or a public access easement will need to be provided for that portion of the sidewalk located on private property. . . .

Ring Road Streetscape Guidelines (Prosperity Avenue/Hartland Road/Gatehouse Road)

The "Prosperity/Hartland/Gatehouse Ring Road" streetscape, shown on Figure 11, is intended to serve the core areas by distributing local traffic from neighborhoods and commercial districts to Gallows Road and Lee Highway. This street should typically be a four-lane undivided roadway. The street trees should be organized in evenly spaced, ordered plantings. The following guidelines are provided for achieving the Ring Road streetscape character:

- **Landscape area next to curb:** Along the ring road, the landscape strip should be, at a minimum, 6 feet. Plantings should generally be placed in the center of the landscape strip, with major shade trees planted with a spacing of 25 to 30 feet on center, using trees that are 2½ to 3-inch caliper in size at the time of planting. Vegetation within the planting strip should include supplemental plantings such as ornamental shrubs, ground cover, flowering plants, and grasses. Where appropriate, special pavement treatments and trees in grates may be considered as alternatives to a planting strip, as well as pedestrian amenities such as bus shelters. Adjacent to this landscape strip, an 8-foot wide multi-purpose trail should be provided on the outside edge of the ring road. Along the inside edge of the ring road a 6-foot wide sidewalk should be provided, except adjacent to the Metro station where an 8-foot wide multi-purpose trail should be provided.
- **Pedestrian activity area and/or landscape area between the sidewalk and building and/or parking:** A secondary landscape strip should be, at a minimum, 12 feet wide when adjacent to a building and 6 feet wide when adjacent to surface parking. Plantings should be provided (to include shade and flowering trees, ornamental shrubs, ground cover, flowering plants, and grasses). When adjacent to parking areas, plantings should help buffer and screen parking from the pedestrian walkway and from the road. When ground level retail is provided in a building, a portion of this pedestrian activity area/landscape strip can be used for retail browsing and/or outdoor dining.
- **At pedestrian crossings, ramps and special pavement should be designed to create a well-delineated and safe area for pedestrians to cross the street. Should a median be provided, it**

should be designed to create a safety island for pedestrians waiting to finish crossing the street. .

A cross street, which applies to the majority of the streets within the Merrifield Suburban Center, not otherwise designated, helps to define the street grid system by connecting the boulevards, ring road and main streets. Providing additional cross streets will be critical in enhancing internal traffic flow within the core areas (i.e. the town center and transit station areas). Cross streets typically have two-traffic lanes with on-street parking along at least one side. Traffic calming measures such as raised mid-block pedestrian crossings, small traffic rotaries, and curb and sidewalk “bulb outs” at intersections should be provided. The cross street streetscape concept is shown on Figure 13 and features a tree-lined sidewalk on both sides of the street. The following guidelines are provided for achieving the Cross Street streetscape character:

- Landscape area next to curb: Streets with parking should have, at a minimum, a 2-foot paved refuge strip next to the curb. A refuge strip is where people get out of their parked cars. Adjacent to the refuge area, a minimum a 6-foot wide landscape area should be provided. Plantings should generally be placed in the center of the landscape strip, with major shade trees planted with a spacing of 25 to 30 feet on center, using trees that are 2½ to 3-inch caliper in size at the time of planting. Vegetation within the planting strip should include supplemental plantings such as ornamental shrubs, ground cover, flowering plants and grasses. Where appropriate, special pavement treatments and trees in grates may be considered as alternatives to a planting strip. Adjacent to this landscape strip should be a 6-foot wide sidewalk.

Cross Street Streetscape Guidelines

- Pedestrian activity area and/or landscape area between the sidewalk and building and/or parking: A secondary landscape strip should be, at a minimum, 12 feet wide when adjacent to a building and 6 feet wide when adjacent to surface parking. Supplemental plantings should be provided (to include shade and flowering trees, shrubs, flowering plants, ground cover, and grasses). When adjacent to parking areas, plantings should help buffer and screen parking from the pedestrian walkway and from the road. When ground level retail is provided in a building, a portion of this pedestrian activity area/landscape strip can be used for retail browsing and/or outdoor dining.
- At pedestrian crossings, ramps and special pavement should be designed to create a well-delineated and safe area for pedestrians to cross the street. Should a median be provided, it should be designed to create a safety island for pedestrians waiting to finish crossing the street.

BUILDING AND SITE DESIGN

In addition to streetscape, siting of buildings, building materials and quality of design influence the pedestrian experience. The location of a building on a site should not create a barrier to pedestrians by interrupting the pedestrian circulation system. Also, a development’s site design should avoid creating pedestrian barriers; for example landscaping should not block the paths through a property. In addition, any signage within a development should be coordinated in terms of scale, design, color, materials, and placement. Since the Merrifield Suburban Center is envisioned to have areas with an urban as well as a suburban character, the siting of buildings in relation to the pedestrian system will vary.

Building and Site Design Guidelines for Core Areas and Areas Adjacent to the Cores

The core areas (i.e., Transit Station and Town Center Areas) and the areas adjacent to the cores are planned for highest intensities and have the greatest potential for high volumes of pedestrian traffic. These areas are envisioned to become more pedestrian and transit-friendly through building and site designs that have a more urban character. The following guidelines are intended to provide guidance for achieving this character. See Figure 14 for illustrations of this more urban character.

- To encourage a more urban environment, buildings should be close to roadways after allowing for streetscape amenities such as street trees, sidewalks, plazas, street furniture and landscaping. Building setbacks will vary based on which streetscape is applicable. For boulevards such as Route 29, Route 50, and Gallows Road, buildings should, at a minimum, be setback 26 feet from the curb; however in order to provide for plazas, retail browse areas and other pedestrian amenities, buildings should generally be about 30 to 40 feet from the curb. For the Ring Road, Main Street and Cross Streets, buildings should generally be setback about 20 to 25 feet from the curb. These setbacks would achieve the goal of bringing new buildings closer to the roadway while providing for streetscape amenities. See the Streetscape Design Guidelines for landscaping guidance within the setback areas.
- To encourage the siting of buildings closer to the street, the allowable angles of bulk plane should be 20 degrees in order to encourage a more urban environment and pedestrian scale. (See Figure 14)
- Having buildings closer to the roadway means that most off-street parking will be located in structures to the side or back of the buildings or beneath buildings. These structures should be integrated with the building design in a manner that maximizes usable open space and pedestrian linkages.
- For retail development on Gallows Road and Route 29 only, limited surface parking may be allowed in the front; however, streetscaping should be provided consistent with the appropriate streetscape design guidelines, with additional shrubs and/or berms for screening the parking. Typically, surface parking in the front of the building should be limited to no more than two rows of parking. In some instances, due to site constraints or in order to achieve other urban design objectives such as additional open space or better pedestrian access, surface parking in front of the building may exceed the two rows of parking; however, substantial internal parking lot landscaping should be provided. In addition, pedestrian paths from the street to the retail uses should be articulated with landscaping and special paving treatment.
- Building facades should establish a pedestrian scale relationship to the street with architectural features such as variations of window or building details, texture, pattern, and color of materials. Public space furniture and entry accent features are encouraged as are arcades, awnings, or other building features that distinguish ground floor retail uses. . . .

BUILDING HEIGHTS

Throughout the Merrifield Suburban Center, a variety of building heights and building articulation, as well as varied roof forms are encouraged to create an interesting skyline. Building heights adjacent to single-family residential neighborhoods, in general, are planned not to exceed 40 feet to provide an appropriate scale of development. Figure 16 shows the maximum building heights planned for the Merrifield Suburban Center. It should be noted, however, to achieve many of the

maximum building heights, various conditions should be met as indicated within the sub-unit recommendations.

Building Height Guidelines

- One fundamental element of achieving maximum building heights should be the provision of usable open space that is in addition to providing the streetscape. This additional open space should include plazas, courtyards or other open space amenities as indicated under the Pedestrian and Open Space System section.
- Throughout the Merrifield Suburban Center, a variety of building heights, façade articulation, and rooflines are encouraged to enhance the Merrifield skyline. The transit station area and Fairview Park are intended to be visually prominent, with building heights outside these areas stepping down to the periphery of the Merrifield Suburban Center.
- To create a focal point within a land unit or sub-unit, building height should be one of the elements used to identify a special area, in addition to such elements as plazas, courtyards, building orientation, and/or landscaping.
- Parcels that are split by two height designations should have flexibility to have building height increases above the lower height designation when development proposals provide height transitions similar to those indicated on the Building Height Map (Figure 16) and provide a site design that is supportive of other urban design objectives.
- Within the Transit Station Area, the Town Center and adjacent sub-units, maximum building height can only be achieved when structured parking is placed under buildings (either below or above grade) in order to encourage a more urban environment and to increase the amount of usable open space. As indicated above, usable open space is defined as being in addition to providing the streetscape, and should include plazas, courtyards or other open space amenities as indicated under the Pedestrian and Open Space System section. Without placing parking under the building, maximum building height should be reduced by 20 to 30 feet. The areas subject to this height reduction are shown with an asterisk on Figure 16. (See sub-unit recommendations for specific height guidance).
- Building heights within the northern portion of Fairview Park (Sub-Unit I1) may be considered for heights up to 18 stories or approximately 230 feet, if a retail center is located adjacent to Fairview Lake. Without the provision of the retail center, maximum building height in Sub-Unit I1 is 15 stories. The area subject to this conditional height increase is shown with two asterisks on Figure 16 (See sub-unit recommendation for specific height guidance)."

APPENDIX 9

RESIDENTIAL DEVELOPMENT CRITERIA

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

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

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

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

1. Site Design:

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

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

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

2. Neighborhood Context:

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

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

It is not expected that developments will be identical to their neighbors, but that the development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

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

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

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. Air quality-sensitive tree preservation and planting efforts (see Objective 1, Policy c in the Environment section of this document) are also encouraged.

5. Transportation:

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

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

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

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

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

6. Public Facilities:

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

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

All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

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

7. Affordable Housing:

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

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

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

8. Heritage Resources:

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

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

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

ROLE OF DENSITY RANGES IN AREA PLANS

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

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



County of Fairfax, Virginia

MEMORANDUM

DATE: May 6, 2009

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

FROM: Barbara A. Byron, Director *Barbara Byron*
Office of Community Revitalization and Reinvestment

SUBJECT: Square 1400, L.C. – Comments on RZ/FDP 2009-PR-002

The Office of Community Revitalization and Reinvestment (OCRR) has reviewed the above referenced rezoning application including the revised development plans date stamped as “Received Department of Planning and Zoning, April 29, 2009”. OCRR has two concerns with this plan: the location of the parking structure and the layout of parks and open space on the site.

The site is located in Sub-Unit C-4 of the Merrifield Suburban Center, adjacent to Dorr and Prosperity Avenues. Nearby properties are developed with light industrial or office uses, and many of these sites are not expected to redevelop in the near future. The Comprehensive Plan provides two options for development in Sub-Unit C-4. Option 1 is for office with support retail and services up to 0.85 FAR and Option 2 allows mixed-uses and/or residential up to 1.35 FAR.

The proposed location and configuration of the parking structure does not address the Plan recommendation that states that “development should be designed with parking structures behind and/or under buildings.” Even though the proposal has the building fronting Dorr Avenue, the parking structure fronts on Prosperity Avenue. Incorporation of office/retail uses along the north side of the parking garage, fronting Prosperity Avenue, is recommended to address the Plan language and to provide a more active, pedestrian oriented frontage along that major street. The site provides challenges for residential use because of the noise issues from Interstate 66. Incorporating a mix of uses along the north side of the garage would satisfy the Comprehensive Plan recommendation that parking be located behind the building in relation to Prosperity Avenue, and help to mitigate noise.

Land Unit C in the Merrifield Suburban Center is severely deficient in usable parkland and open space. Although this proposal provides both public and private recreation amenities, a



Office of Community Revitalization and Reinvestment
10565 Fairfax Boulevard, Suite 200
Fairfax, VA 22030
703-246-6500, TTY 711
www.fcrevit.org

clearer separation between the two is recommended. OCRR recommends the construction of a solid fence or wall to enclose the pool and private residential open space area. This would provide for better definition between public and private space, as well as screen the recreational amenities from the existing uses, as there is currently a large surface parking lot on the adjoining site. This enclosed area should begin at the corner of the parking garage, and stop at the south end of the structure to separate the recreation area from the building's loading area. Additionally, OCRR recommends redesigning the public open space into a more urban park, that provides a mix of hardscape and landscaping to better utilize this areas as a public amenity and better incorporating hardscape.



County of Fairfax, Virginia

MEMORANDUM

May 4, 2009

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

FROM: Todd Nelson, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: Square 1400 L.C; RZ/FDP 2009-PR-002

RE: Request for assistance dated April 29, 2009

This review is based upon Conceptual/Final Development Plan RZ/FDP 2009-PR-002 and the Existing Vegetation Map (EVM) stamped "Received, Department of Planning and Zoning, April 24, 2009," and the draft proffer dated April 24, 2009.

General Comment: Comments of the previously submitted CDP/FDP were provided to you in my memos dated February 24, 2009, and April 10, 2009. The comments contained in that memo are still valid for this latest CDP/FDP submission. Additional comments are provided to address the proposed landscaping and tree cover requirements on the CDP/FDP.

- Comment:** The Tree Preservation Target Calculations shown on sheet 1 of the EVM indicate the tree preservation target minimum will not be met for this site. Instead, it appears the 10-year canopy requirement is being met entirely through landscaping, as shown on sheet 5 of the CDP/FDP.

Recommendation: A deviation from the tree preservation target should be provided on the CDP/FDP/PCA that states one or more of the justifications listed in PFM 12-0507.3 along with a narrative that provides a site-specific explanation of why the Tree Preservation Target can not be met. A sheet number should be provided identifying the location of the deviation request.

In addition, proffer language containing a directive from the Board of Supervisors to the Urban Forest Management Division, DPWES, or Director of DPWES to permit a deviation from the tree preservation target percentage should be provided.

- Comment:** The proposed limits of clearing and grading at the southwest portion of the site will provide minimal preservation for the existing off-site landscape trees and existing eastern white pine trees located on 49-1 ((19)) Parcel A.

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



Recommendation: Obtain a commitment from the Applicant similar to the following: "In order to protect the co-owned and off-site trees from construction damage, should any co-owned or off-site trees, adjacent to the limits of clearing and grading, become dead, dying, or hazardous as a result of construction activities, these trees will be removed and the lost tree canopy will be replaced by the Developer."

- 3. Comment:** Eight category I and category II deciduous trees are proposed to be planted along the northern side of proposed 11 story residential building to meet interior parking lot landscaping requirements. Category I and II deciduous trees are not suitable for interior parking lot landscaping.

Recommendation: Category III and IV deciduous trees that provide shade directly to a portion of the area to be counted should be used toward meeting the required 5 percent interior parking landscaping.

- 4. Comment:** The draft proffers do not contain tree preservation language. Given the proximity of the proposed limits of clearing and grading to off-site and co-owned trees, several proffers will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following proffer language to ensure effective tree preservation:

Tree Preservation Walk-Through. "The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented.

Limits of Clearing and Grading. "The Applicant shall conform strictly to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities."

Tree Preservation Fencing: "All trees shown to be preserved shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which

can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."

Site Monitoring. "During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES."

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 144180

cc: RA File
DPZ File



County of Fairfax, Virginia

MEMORANDUM

DATE: June 15, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-4(RZ 2009-PR-002)

SUBJECT: RZ 2009-PR-002/FDP 2009-PR-002; Square 1400
Land Identification Map: 49-1-((13)-13, 14, 15, and 16

This department has reviewed the rezoning plat revised through June 11, 2009 and proffers dated June 11, 2009. We offer the following comments:

- The applicant has provided an easement between Dorr Avenue and Prosperity Avenue along their northeast property line which is intended to serve as a possible roadway connection. In the event this roadway connection becomes feasible the applicant should cooperate with the adjacent property owner to construct and maintain a private roadway within the easement area.
- Sight distance should be verified at the proposed entrances.
- Proffer comments have been provided under separate cover. Provided that the comments are addressed, FCDOT does not have an objection to this application.

AKR/MEC



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

June 11, 2009

DAVID S. EKERN, P.E.
COMMISSIONER

Ms. Regina Coyle
Director of Planning and Zoning
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: RZ/FDP 2009-PR-002 Square 1400, L.C.
Chapter 527 Comments
Tax Map # 49-1((13)) 0013, 14, 15 & 16
Fairfax County

Dear Ms. Coyle:

VDOT has reviewed the above plan and traffic impact study submitted on April 29, 2009, and received on April 29, 2009. The site is generally located south of Prosperity Avenue (Route 6066) and west of Dorr Avenue (Route 4605) in Fairfax County. The study area is generally bounded by Prosperity Avenue on the west and north, Gallows Road on the east and Lee Highway on the south. The Developer/Owner, 1400 Square, L.C., intends to rezone the property and subsequently develop up to 305 multifamily residential dwelling units. Vehicular access to the site would be provided exclusively via Dorr Avenue. Pedestrian connections would be provided to both Dorr Avenue and Prosperity Avenue. The site is currently zoned I-4 (Medium Intensity Industrial) and is currently developed with three commercial office buildings totaling 65,682 SF. The redevelopment plan would generate 122 new AM peak hour and 148 new PM peak hour trips upon completion and full occupancy. When the existing displaced trips are considered, the new use will only generate 20 new AM peak hour trips and 50 new PM peak hour trips when compared to the existing conditions.

In general, the TIA is found acceptable and VDOT concurs with the study recommendations. Please contact me if you have any further questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads 'Kevin Nelson'.

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodeheaver
527Info2008-MA-008rz2Square1400LCComments6-11-09RC

We Keep Virginia Moving



County of Fairfax, Virginia

MEMORANDUM

DATE: February 27, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Eric Fisher (246-3501)
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Rezoning/Final
Development Plan Application RZ/FDP 2009-PR-02

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 #430, Merrifield
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.



Fairfax Water

APPENDIX 11

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

RECEIVED
Department of Planning & Zoning

MAR 02 2009

Zoning Evaluation Division

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

February 19, 2009

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

Re: RZ 2009-PR-002
FDP 2009-PR-002
1400 Square, L.C.

Dear Ms. Coyle:

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

1. The property can be served by Fairfax Water.
2. Fairfax Water has an existing 24-inch water main located approximately 1,850 feet east of the referenced site in Gallows Road.
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.

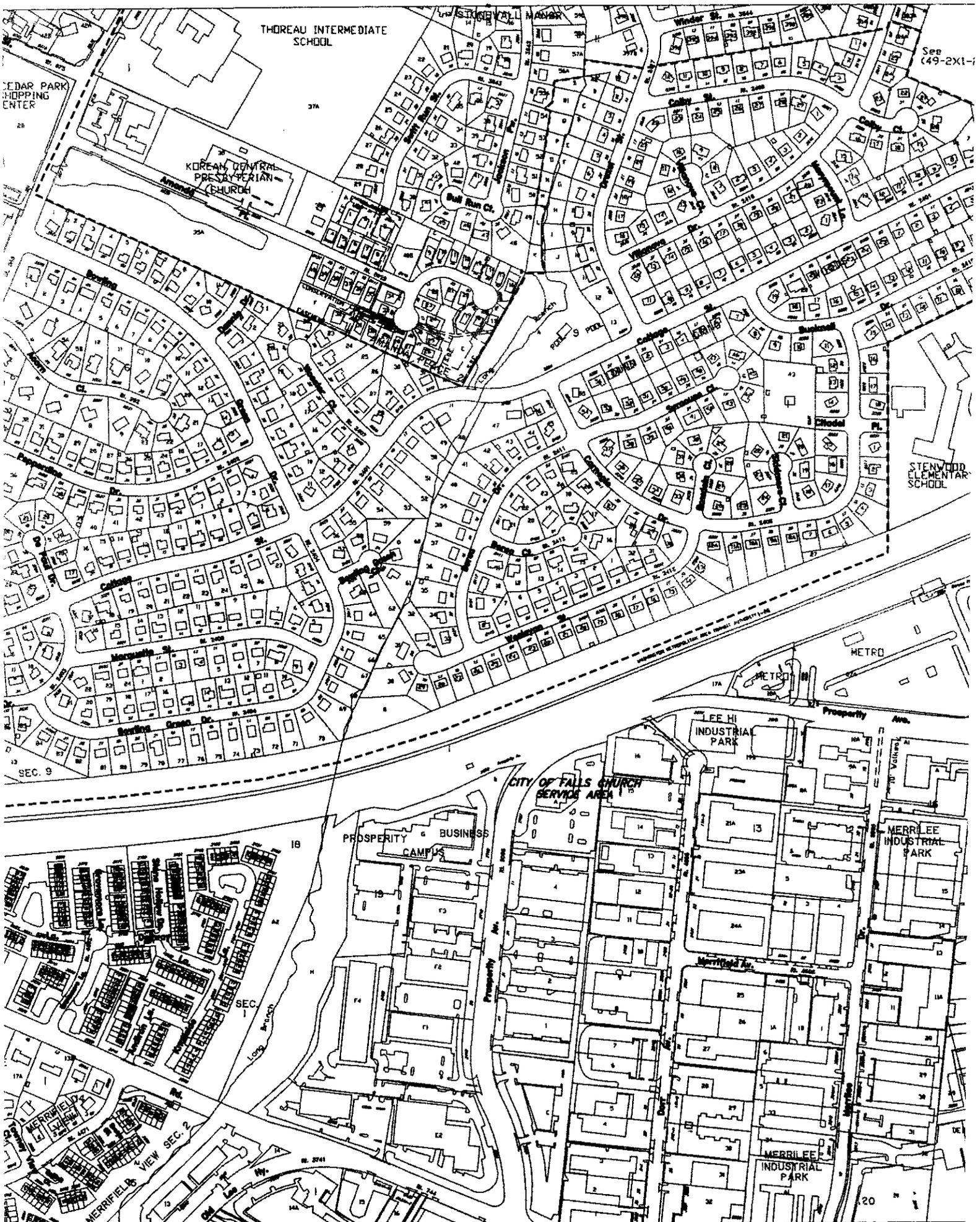
If you have any questions regarding this information please contact Dave Guerra at 703-289-6343.

Sincerely,



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

Enclosure



See (49-2X1-)

CEDAR PARK SHOPPING CENTER

THOREAU INTERMEDIATE SCHOOL

KOREAN CENTRAL PRESBYTERIAN CHURCH

STENWOOD ELEMENTARY SCHOOL

CITY OF FALLS CHURCH SERVICE AREA

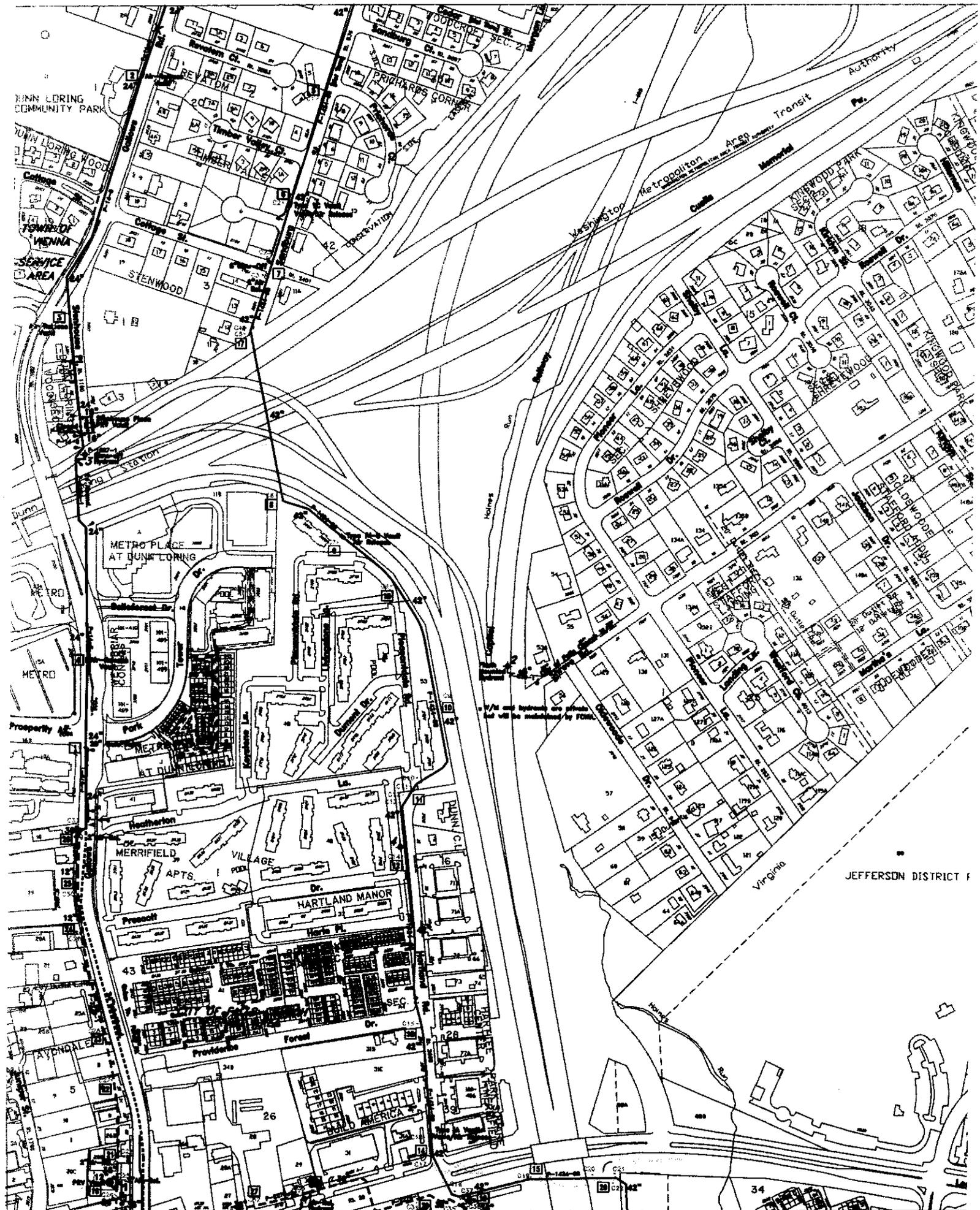
PROSPERITY BUSINESS CAMPUS

LEE HI INDUSTRIAL PARK

MERRILEE INDUSTRIAL PARK

MERRILEE INDUSTRIAL PARK

20





County of Fairfax, Virginia

MEMORANDUM

DATE: May 18, 2009

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

FROM: Beth Forbes, Stormwater Engineer
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Rezoning and Final Plan Development Application RZ/FDP 2009-PR-002, Square 1400, Plan dated April 24, 2009, LDS Project #7813-ZONA-001-3, Tax Map #049-1-13-0013 through 0016, Providence District

We have reviewed the subject application and offer the following comments related to stormwater management.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area on the site.

Floodplain

There is no floodplain on the site.

Downstream Drainage Complaints

There is no drainage complaint on file.

SWM

This project is considered redevelopment in the Resource Management Area. Since the imperviousness of the site will be decreased, the removal requirements will not have to exceed the current removal rate (PFM 6-0401.2B). The BMP calculations must look at the site as a whole and not two separate "outfalls." The phosphorous removal capability of the existing sand filter must be calculated using the Chesapeake Bay Method. The phosphorous removal rate provided after redevelopment must meet or exceed the current removal rate (PFM 6-0401.2C).

The draft proffers discuss two bioretention filters. Only one is shown on the plan and it is not clear what its drainage area is. No calculations have been provided showing that the existing water quality control rate will continue.



William O'Donnell, Staff Coordinator
RZ/FDF 2009-RP-002
Page 2 of 2

There is no detention facility shown on the plan. Since there is a net decrease in impervious area with this development, should the outfalls be demonstrated to be adequate, a detention waiver will likely be granted.

Site Outfall

Three channel cross-sections are required downstream of the point of confluence of outfall #1 (PFM 6-0203.2A). Descriptions of natural channels must be included in the outfall narrative (PFM 6-0204.1A). Channel cross-sections must use equal horizontal and vertical scales (PFM 6-0203.2F).

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

BF/

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File



County of Fairfax, Virginia

MEMORANDUM

DATE: March 16, 2009

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning & Zoning

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. FDP2009-PR-002

Tax Map No. 049-1-13/ /0013, 0014, 0015, 0016

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 (M-2) watershed. It would be sewerred into the Noman M. Cole Pollution Control Plant (NMCPCP).
- Based upon current and committed flow, there is excess capacity in the NMCPCP 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 the street 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	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Submain	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Main/Trunk	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>	<u>X</u>	<u>---</u>
Interceptor	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
Outfall	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

- Other pertinent information or comments:

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035-0052
Phone: 703-324-5030, Fax: 703-324-3946





Department of Facilities and Transportation Services

FAIRFAX COUNTY
PUBLIC SCHOOLS

Office of Facilities Planning
10640 Page Avenue
Fairfax, Virginia 22030

TO: Billy O'Donnell, Planner ✓
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division

FROM: Denise M. James, Director *DMJ*
Office of Facilities Planning Services

SUBJECT: RZ/FDP 2009-PR-002

DATE: February 13, 2009

PLANNING AREA: 2959, Cluster II

ACREAGE: 4.64 acres

TAX MAP: 49-1 ((13)) 13-16

PROPOSAL: Rezone property from the I-4 District to the PRM, Planned Residential Mixed-Use District, to permit an 11-story multi-family residential building containing 305 units.

COMMENTS: The proposed rezoning area is within the Shrevevood Elementary, Kilmer Middle, and Marshall High school boundaries. The chart below shows the existing school capacity, enrollment, and projected five year enrollment.

School	Capacity	Enrollment (9/30/08)	2009-2010 Projected Enrollment	Capacity Balance 2009-2010	2013-14 Projected Enrollment	Capacity Balance 2013-14
Shrevevood ES	512	508	558	-46	682	-170
Kilmer MS	1019	1046	1031	-12	1200	-181
Marshall HS	1490	1384	1467	23	1503	-13

The rezoning application proposes to redevelop the area with an 11-story multi-family residential building containing 305 units. Currently the area is developed with three industrial/office buildings.

The chart below shows the number of anticipated students by school level based on the County-wide student yield ratio.

School level	Multi-family high-rise ratio	Proposed number of units	Student yield
Elementary	.043	305	13
Middle	.011	305	3
High	.024	305	7
			23 total

SUMMARY: A total of 23 students are anticipated from this rezoning based on the County-wide student yield ratio. Based on the approved proffer formula guidelines, the students generated would justify a proffer contribution of \$265,604 (23 students x \$11,548) in order to address capital improvements for the receiving schools. It is recommended that all proffer contributions be directed to the Marshall HS pyramid

and/or to Cluster II schools that encompass this area at the time of site plan approval. It is also recommended that notification be given to FCPS at the time of site plan approval and/or when construction is anticipated to commence in order for FCPS to include the timely projection of projected students into its five year Capital Improvement Program.

There is insufficient capacity projected for Shreveewood and Kilmer for the 2009-10 school year and also for the 2013-14 school year there is projected to be insufficient capacity at all of the receiving schools.

The capacity deficit at these schools is anticipated to be further exacerbated from approved residential rezonings that have not been constructed, APR nominations with proposals to add or increase residential development, and recommendations from the Tysons Land Use Task Force to increase residential densities. All of these would impact Shreveewood, Kilmer, and Marshall.

The approved residential rezonings that not been constructed are shown in the chart below. The anticipated number of students is based on the current County-wide student yield ratio.

Rezoning Application	Total # of Dwelling Units	Total student yield	ES	MS	HS	School
RZ 2004-PR-044 Tysons Corner Center	1,345 MFHR	139	38	15	85	Westbriar ES Kilmer MS Marshall HS
RZ 2006-PR-028 Tysons Crescent	919 MFHR	70	39	9	22	Westbriar ES Kilmer MS Marshall HS
RZ 2007-PR-001 DSF Long	955 MFHR	73	40	10	23	Shreveewood ES Kilmer MS Marshall HS
RZ 2005-PR-039 Dunn Loring Metro	720 MFHR	54	30	7	17	Shreveewood ES Kilmer MS Marshall HS
RZ 2005-PR-003 Dunn Loring Metro Apts.	30 MF	3	2	0	1	Shreveewood ES Kilmer MS Marshall HS
RZ 2003-PR-008 Lincoln Property Co.	570 total (478 MF & 92 SFA)	87	52	10	25	Freedom Hill ES Kilmer MS Marshall HS
	3939 MFHR / 508 MF / 92 SFA	426 total	171 total	51 total	173 total	

Three North County APR nominations also are within the Shreveewood, Kilmer, and Marshall boundaries. The charts below were submitted to the Department of Planning and Zoning as part of FCPS's school impact analysis on the proposed APR nominations to show the potential student yield for each APR nomination. Anticipated student yields are based on the current County-wide student yield ratio.

APR 08-I-1MS Lee High Industrial Park

Proposed: 200 Mid-rise Multi-family dwellings

School level	Proposed: mid-rise multi-family number of units	Student yield ratio	Student Yield	Existing use: Warehouse No Student Yield
Shreveewood ES	200	0.043	0	0
Kilmer MS	200	0.011	0	0
Marshall HS	200	0.024	0	0
			0 total	0 total

APR 08-I-2MS Merrifield Garden Center

Proposed: 200 High-rise Multi-family dwellings

School level	Proposed: high-rise multi-family number of units	Student yield ratio	Student yield	Current Plan Max. Option 2 number of units	Student yield ratio	Student yield
Shreveewood ES	200	0.043	8	416	0.043	18
Kilmer MS	200	0.011	2	416	0.011	5
Marshall HS	200	0.024	5	416	0.024	10
			16 total			33 total

APR 08-I-3MS Merrifield at Dunn Loring

The APR nomination proposes two scenarios for redevelopment. The chart below shows the anticipated student yield for both scenarios plus what is currently permitted under the maximum development potential option in the Comprehensive Plan.

School level	Proposed: 1.45 FAR 69 SFA; 1,217 midrise; 541 highrise multifamily	Student yield ratio	Student yield	Proposed: 1.85 FAR 88 SFA; 1,553 midrise; 690 highrise	Student yield ratio	Student yield	Current max. option in Comp. Plan	Student yield ratio	Student yield
Shreveewood ES	65 SFA / 1,758 mid/high MF	0.190 / 0.043	13	88 SFA / 2,243 mid/high MF	0.190 / 0.043	17	1,536	0.043	66
Kilmer MS	65 SFA / 1,758 mid/high MF	0.050 / 0.011	3	88 SFA / 2,243 mid/high MF	0.050 / 0.011	4	1,536	0.011	17
Marshall HS	65 SFA / 1,758 mid/high MF	0.108 / 0.024	15	88 SFA / 2,243 mid/high MF	0.108 / 0.024	20	1,536	0.024	37
			31			41			120 total

In addition, the school boundaries for Kilmer and Marshall also are within the Tysons study area where significant increases to residential densities are proposed in anticipation for metro rail. FCPS has recommended the need for two new school sites in the Tysons area to accommodate the anticipated student growth.

Student yields from the approved rezoning applications, proposed APR nominations, and increases in density in the Tysons Corner area are not insignificant and are anticipated to contribute to a capacity deficit at these receiving schools.

As stated above, FCPS strongly recommends capital improvement commitments from the developer and future developers in this area in order to address projected capacity deficits.

Attachment: Locator Map

cc: Phillip Niedzielski-Eichner, School Board Member, Providence District
 Illyong Moon, School Board Member, At-Large
 James L. Raney, School Board Member, At-Large
 Martina A. Hone, School Board Member, At-Large
 Dean Tistadt, Chief Operating Officer, FCPS
 Phyllis Pajardo, Cluster II Assistant Superintendent
 Laraine Edwards, Principal, Shreveewood Elementary School
 Deborah Hernandez, Principal, Kilmer Middle School
 Jay W. Pearson, Principal, Marshall High School



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

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

FROM: Sandy Stallman, Manager
Park Planning Branch

DATE: May 6, 2009

SUBJECT: RZ/FDP 2009-PR-002, Square 1400, L.C. - **Addendum**
Tax Map Number(s): 49-1 (913)) 13, 14, 15, & 16

The Fairfax County Park Authority provided comments in a memo dated March 4, 2009 on the above referenced plan. Park Authority staff has reviewed the revised plans, proffers and statement of justification dated April 27, 2009 and provides the following comments:

Recreational Impact of Residential Development

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. The Park Authority requested contribution was approximately \$1,804 per unit or \$550,177. The Park Authority contribution (Proffer #28) proffers \$81,000 per unit and may be misstated. If so, it should be corrected to \$1,800 per unit. In addition, it would be appropriate for the contribution to be directed to the Fairfax County Park Authority for future park improvements at Merrilee Park, an urban park that is located nearby in Land Unit B of the Merrifield Suburban Center.

Urban Parks

The Merrifield Suburban Center Areawide guidelines and the Park and Recreation element of the Policy Plan support the concept of integrating urban-scale public open spaces into new developments. The Plan text for Sub-Unit C4 specifically states that funds should be provided for purchase of public parkland within Land Unit C or a public urban park should be provided onsite.

The revised plans show two publicly-accessible urban parks linked by a rain garden and open space on the north side of the subject property along Prosperity Avenue and the Dorr Avenue cul de sac. These parks consist of small designed landscaped areas located adjacent to the parking garage and Interstate 66 and away from any pedestrian oriented or active uses. These pocket parks are poorly located to serve Square 1400 residents or as a public amenity for pedestrians as they move between Sub-Unit C4 and the Metrorail station. The draft Urban Parks Framework (available on the county's web site at <http://www.fairfaxcounty.gov/parks/plandev/downloads/urbanparks.pdf>) provides the following guidance on the location and design of urban pocket parks:

“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... The context and location of the urban park can result in activating public or private uses located nearby and vice versa. Well-conceived and executed design is critical to the viability of this type of park. To be successful urban park locations need high visibility, easy access, and lots of pedestrian traffic.”

In the current locations behind the structured parking at the end of Prosperity Avenue opposite I-66, the planned pocket parks are not well integrated with the development. The entrance drive and garage create a visual and access barrier to the pocket parks. Further, it will attract very little foot traffic, is not activated by adjacent uses and will not be a pleasant place to enjoy the outdoors, due to highway noise from I-66 and traffic along Prosperity. The Park Authority recommends that the applicant move the pocket park to a location along Dorr Avenue that will integrate it more to the proposed residential use and other future adjacent uses. An urban park location oriented to the more pedestrian-oriented Dorr Avenue will attract more foot traffic and will be shielded from highway noise. The applicant may want to consider a more linear open space with urban park nodes along the upper Dorr Avenue building frontage.

The proffer for the pocket park should also include a commitment to private perpetual maintenance and inclusion of a public access easement.

FCPA Reviewer: Andi Dorlester
DPZ Coordinator: William O'Donnell

Copy: Chron Binder
File Copy



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

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

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

DATE: March 4, 2009

SUBJECT: RZ/FDP 2009-PR-002, Square 1400, L.C.
Tax Map Number(s): 49-1 (913)) 13, 14, 15, & 16

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated January 15, 2009, for the above referenced application. The Development Plan shows 305 new multi-family dwelling units on 4.64 acres to be rezoned from I-4 to the PRM zoning district in the Merrifield Suburban Center. Based on an average multi-family household size of 2.02 in the Jefferson Planning District, the development could add 616 new residents to the Providence 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. Urban Park Development (The Policy Plan, Parks and Recreation, Park Classification System, Local Parks, p. 10-11, adopted June 20, 2005)

“In urban areas, urban-scale local parks are appropriate. These publicly accessible urban parks should include facilities that are pedestrian-oriented and provide visual enhancement, a sense of identity, opportunities for social interactions, enjoyment of outdoor open space and performing and visual arts. Urban parks are generally integrated into mixed use developments or major employment centers in areas of the County that are planned or developed at an urban scale. Areas in the County that are generally appropriate for urban parks include Tysons Corner Urban Center, Transit Station Areas, Suburban Centers, Community Business Centers and identified “Town Centers” or mixed-use activity centers. Urban parks can be administered by private land owners, Fairfax County Park Authority, or through joint public and private sector agreements for public benefit.

Primary elements of urban-scale local parks are ease of non-motorized access and a location that complements, or is integrated with, surrounding uses. Features may include urban style plazas, mini-parks, water features and trail connections, oriented to pedestrian and/or bicycle use by employees and residents. Park architectural characteristics reflect the built environment. Short-term, informal activities and programmed events during lunch hours and after-work hours are intended to foster social interactions among users, provide leisure opportunities, and create a visual identity to strengthen sense of place and orientation. In urban areas, park size is typically less than five acres and often under ½ acre. Service area is generally within a 5-10 minute walking distance from nearby offices, retail and residences. Well-conceived and executed design is critical to the viability of this type of park. To be successful urban parks need high visibility, easy access, lots of pedestrian traffic, immediacy of casual food service, access to basic utilities, landscaped vegetated areas, ample seating, high quality materials, a focal point or identity, regular custodial maintenance, and an inviting and safe atmosphere.”

3. Park and Recreation Needs (Comprehensive Plan, Merrifield Suburban Center, Areawide Recommendations, Public Facilities/Infrastructure, Parks and Recreation Facilities, pp. 46-47)

“In order to meet park and recreation needs within the Merrifield Suburban Center, recreation facilities should be provided as part of new residential development with on-site facilities. Contributions should be made by both new residential and non-residential development for off-site public park facilities that serve the Merrifield Suburban Center. In addition, consideration should be given to creating public neighborhood parks within the suburban center as indicated under the Land Unit Recommendations section. Other open space amenities should be provided as part of the pedestrian system by

incorporating urban parks such as pocket parks, plazas and courtyards. These urban parks are limited in size and may include exercise stations and open areas with benches. See the Urban Design Section of the Area-Wide Recommendations for more guidance on open space amenities.”

4. Park and Recreation Needs (Comprehensive Plan, Merrifield Suburban Center, Land Unit Recommendations, Land Unit C, Sub-Unit C-4, Option 2, pp. 67)

“Any proposed residential development should create a viable living environment by providing recreation and other amenities for the residents as indicated under the Area-Wide Recommendations, Land Use Section. In addition, contributions should be made for the purchase of public parkland within Land Unit C or to provide improvements to nearby parks. As an alternative, open space amenities could be incorporated into the development, such as the provision of an urban park that could be privately owned, provided it is accessible for public use.”

ANALYSIS AND RECOMMENDATIONS

Needs Assessment and Facility Standards Analysis:

Currently, there are only two parks totaling less than two acres in the Merrifield Revitalization Area of the Merrifield Suburban Center, where the subject property is located. The Providence RECenter and parts of the Holmes Run Stream Valley are located in the southeastern quadrant of the Merrifield Suburban Center, about two miles from the subject property. Parks nearby but outside the Suburban Center that serve the area include Jefferson District (golf course), Pine Ridge, Pine Spring and Dunn Loring Parks. There is a need for all types of parkland and recreational facilities in this area. Existing nearby parks meet only a portion of the demand for parkland generated by residential development in Merrifield. In addition to parkland, the recreational facilities in greatest need in this area include rectangular athletic fields, youth baseball fields, multi-use (basketball) courts, tennis courts, reservable picnic areas and trails.

Recreational Impact of Residential Development:

The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-110 and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at \$1,500 per non-ADU residential unit for outdoor recreational facilities to serve the development population. Whenever possible, the facilities should be located within the residential development site. With no non-ADUs proposed, the Ordinance-required amount to be spent onsite is \$457,500. Any portion of this amount not spent onsite should be conveyed to the Park Authority for recreational facility construction at one or more park sites in the service area of the development.

The \$1,500 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large

portion if not all of the Ordinance-required funds are used for outdoor recreational amenities onsite. As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide.

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should contribute \$550,177 (or \$1,804 per unit) to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.

Onsite Facilities:

The Merrifield Suburban Center Areawide guidelines and the Park and Recreation element of the Policy Plan support the concept of integrating urban-scale public open spaces into new developments. The Plan text for Sub-Unit C4 specifically states that that funds should be provided for purchase of public parkland within Land Unit C or a public urban park should be provided onsite. The development plan for the subject property shows a common open space area that includes outdoor seating and a swimming pool. This open space area, labeled "Active Recreation Area" on the development plan, is hidden behind the residential building and its parking garage. The space is clearly designed for the sole use of the residents of the proposed new residential building, rather than serving as a publicly-accessible urban park.

The applicant should include a publicly-accessible urban pocket park on the north side of the subject property to serve as a public amenity for pedestrians as they move between Sub-Unit C4 and the Metrorail station. In addition, a sport court (such as a half basketball court or tennis practice wall) and/or other amenities such as gardens, walking paths and outdoor seating should be added to the onsite active recreation area in order to better meet the outdoor recreational needs of the future residents of the development. Additional design details should be provided so that staff can better evaluate the function and form of the active recreation area.

SUMMARY OF RECOMMENDATIONS

The section summarizes the recommendations included in the preceding analysis section. Following is a table summarizing required and recommended recreation contribution amounts:

Proposed Uses	P-District Onsite Expenditure	Requested Park Proffer Amount*	Total
Multifamily units	\$457,500	\$550,177	\$1,007,677
Commercial use	\$0	\$0	\$0
Total	\$457,500	\$550,177	\$1,007,677

*Average of \$1,804 per dwelling unit and \$0.27 per sq. ft. of commercial use

In addition, the analysis identified the following major issues:

- Include a publicly-accessible urban pocket park on the north side of the subject property to serve as an amenity for pedestrians as they move between Sub-Unit C4 and the Metrorail station.
- Add a sport court (such as a half basketball court or tennis practice wall) and/or other amenities such as gardens, walking paths and outdoor seating to the planned active recreation area in order to better meet the outdoor recreational needs of the future residents of the development.
- Provide additional design details for the active recreation area.

FCPA Reviewer: Andi Dorlester
DPZ Coordinator: William O'Donnell

Copy: Cindy Walsh, Director, Resource Management Division
Chron Binder
File Copy

ARTICLE 16
DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

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

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening

FAIRFAX COUNTY ZONING ORDINANCE

provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.

2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

FAIRFAX COUNTY ZONING ORDINANCE

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.

6-403 Secondary Uses Permitted

The following secondary uses shall be permitted only in a PRM 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. 406 below.

1. Accessory uses and home occupations as permitted by Article 10.
2. Affordable dwelling unit developments.
3. Automated teller machines.
4. Business service and supply service establishments.
5. Commercial and industrial uses of special impact (Category 5), limited to:
 - A. Fast food restaurants

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		