



APPLICATION ACCEPTED: June 22, 2009  
PLANNING COMMISSION: November 19, 2009  
BOARD OF SUPERVISORS: December 7, 2009  
@ 3:30 pm

# County of Fairfax, Virginia

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November 4, 2009

## STAFF REPORT

### APPLICATION PCA 2007-PR-001

#### PROVIDENCE DISTRICT

**APPLICANT:** DSF/Long/Metro II, LLC and  
DSF/Long/Metro III, LLC

**ZONING:** PRM

**PARCEL(S):** 49-1 ((16)) 14, 15 and 16; 49-2 ((1)) 18 and 19

**ACREAGE:** 8.49 acres

**FAR:** 2.41 (on entire original land area)

**DENSITY:** 108.63 du/ac (on entire original land area)

**OPEN SPACE:** 26% (on entire original land area)

**PLAN MAP:** (Split) Option for Mixed Use and Residential  
with an FAR of up to 2.25 and 1.8

**PROPOSAL:** To amend the proffers accepted with  
RZ 2007-PR-001, to modify the commitment  
relating to public water service

#### STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2007-PR-001, subject to the execution of proffers consistent with those contained in Appendix 1.

Tracy Strunk

Staff recommends approval of a reaffirmation of a modification to allow the use of underground stormwater management in a residential development subject to Waiver #24817-WPFM-001-3, with conditions dated October 2, 2007.

Staff recommends approval of a reaffirmation of a modification of private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length.

Staff recommends approval of a reaffirmation of a modification of transitional screening and barrier requirements in favor of that shown on the CDP/FDP.

Staff recommends approval of a reaffirmation of a modification of the loading requirements to allow 8 loading spaces in Phase B rather than 10 loading spaces.

Staff recommends approval of a reaffirmation of a modification of PFM Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet as shown on the CDP/FDP and as described in the proffers.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).

*O:\tswag\Long Metro Water Proffer PCA 2007-PR-001\PCA 2007-PR-001.doc*



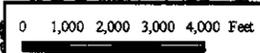
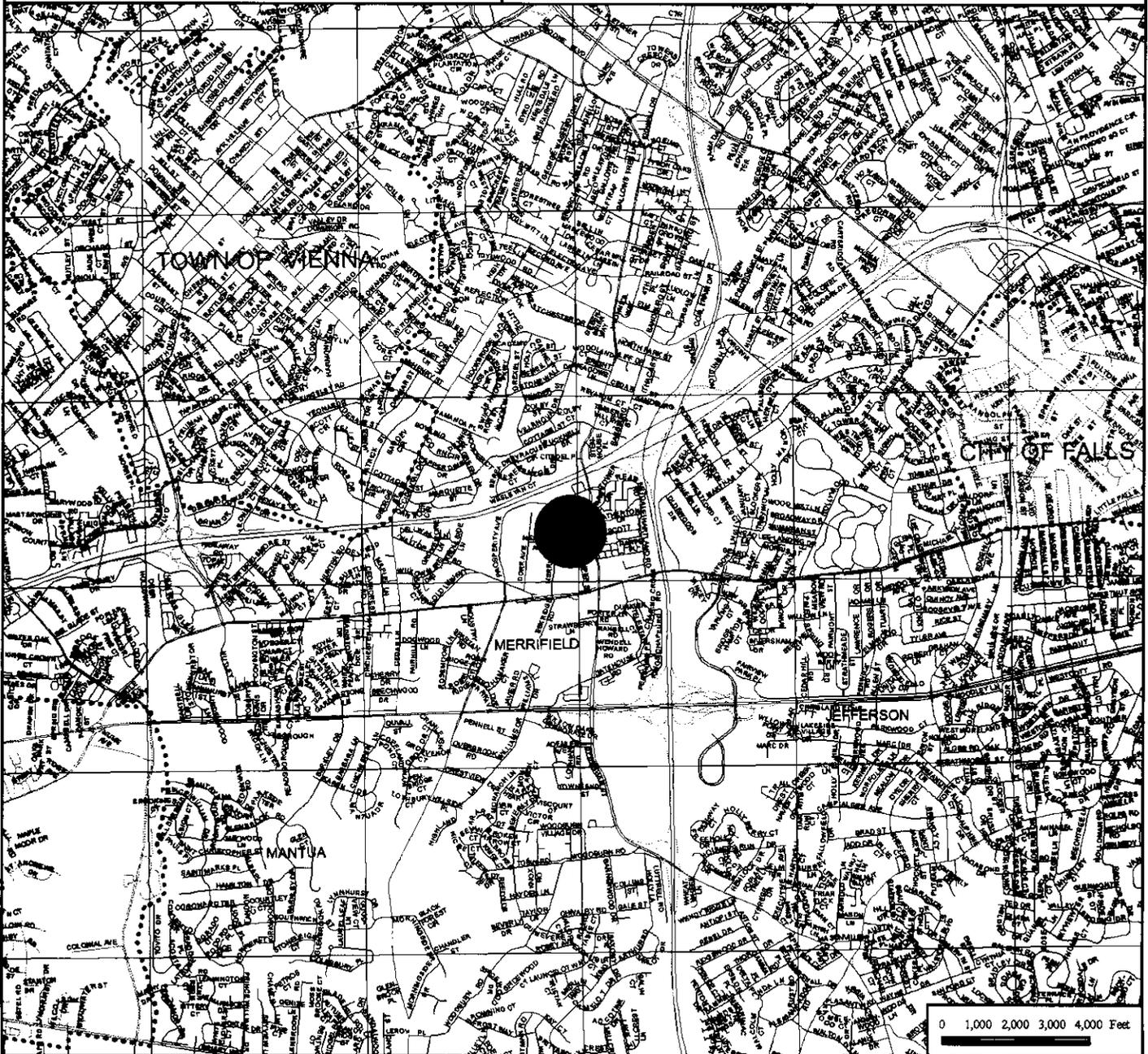
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Proffered Condition Amendment

PCA 2007-PR-001



**Applicant:** DSF/LONG METRO II, LLC AND DSF/LONG METRO III LLC  
**Accepted:** 06/22/2009  
**Proposed:** AMEND RZ 2007-PR-001 PREVIOUSLY APPROVED FOR MIXED USE TO PERMIT MODIFICATION OF APPROVED PROFFERS  
**Area:** 8.49 AC OF LAND; DISTRICT - PROVIDENCE  
**Located:** WEST SIDE OF GALLOWS ROAD APPROXIMATELY 350 FEET SOUTH OF ITS INTERSECTION WITH PROSPERITY AVENUE  
**Zoning:** PRM  
**Overlay Dist:** CRA  
**Map Ref Num:** 049-1- /16/ /0014 /16/ /0015 /16/ /0016 049-2- /01/ /0018 /01/ /0019

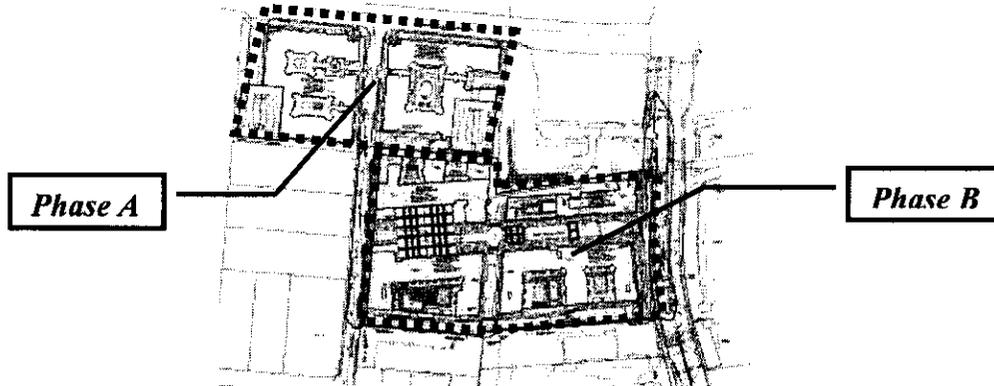


**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The application property is a portion of the area subject to RZ/FDP 2007-PR-001, which was approved by the Board of Supervisors on October 15, 2007, and permitted the development of a mixed-use development including retail and other related uses, residential units, and an optional hotel. The application had a maximum residential density of 108.63 du/ac and an FAR (floor area ratio) of up to 2.41, including bonus density for the provision of affordable housing.

The application included two phases. Phase A, located along Prosperity Avenue and bisected by Merrilee Drive, was previously developed with two residential buildings (a total of 436 dwelling units), a small amount (4,910 square feet) of retail space, and parking provided in attached garages. Phase B, located south of Phase A, stretching between Gallows Road and Merrilee Drive, was proposed as new development consisting of four buildings, each with retail and other related uses located on the ground floor and residential located above. A total of 1,150 residential units were approved in Phase B (which included an option to replace 150 dwelling units with a hotel). The following graphic shows the relationship of Phases A and B.



The current application, PCA 2007-PR-001, applies only to Phase B. In the proffers accepted with RZ 2007-PR-001, Proffer #B-44 stated:

*Public Water. Water service to the Phase B Property shall be provided by the Fairfax County Water Authority (FCWA), unless the FCWA determines service from another provider is necessary or preferable.*

Portions of Phase B are currently under going site plan review; during that review, the provision of water service has become an issue. This application proposes to amend Proffer #B-44 to allow water service to be provided by the Fairfax County Water Authority or the City of Falls Church, at the sole discretion of the applicant.

**Waivers and Modifications Requested to be Reaffirmed:**

- Modification to allow the use of underground stormwater management in a residential development subject to Waiver #24817-WPFM-001-3, with conditions dated October 2, 2007.
- Modification of private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length
- Modification of transitional screening and barrier requirements in favor of that shown on the CDP/FDP
- Modification of the loading requirements to allow 8 loading spaces in Phase B rather than 10 loading spaces
- Modification of PFM Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet as shown on the CDP/FDP and as described in the proffers

*(A modification of the loading requirements for Phase A to allow two loading spaces per building rather than three per building is not applicable to this application.)*

**Surrounding Area Description:**

Direction	Use	Zoning	Plan
North	Multi-family residential (Wilton House & Halstead I & II)	PRM	Residential/mixed use, up to 2.25 FAR
South	Light Industrial / Warehouse retail	I-4 & I-5	Mixed use, up to 1.8 FAR
East	Multi-family residential (Merrifield Village)	R-20	Residential @ 16-20 du/acre
West	Light Industrial / Warehouse retail	PDC, I-4 & I-5	Mixed use, up to 1.8 FAR

**BACKGROUND**

- RZ 2002-PR-025 was approved by the Board of Supervisors (BOS) on July 21, 2003, to rezone Phase A from the I-4 District to the PRM District, subject to proffers dated June 10, 2003. FDP 2002-PR-025 had been previously approved by the Planning Commission on June 25, 2003, subject to development conditions dated June 18, 2003, and to the Board’s approval of the rezoning.
- RZ 2007-PR-001 was approved by the BOS on October 15, 2007, to rezone Phase A and Phase B from the I-4, I-5 and PRM District to the PRM District, subject to proffers dated October 12, 2007. FDP 2007-PR-001 had been previously approved by the

Planning Commission on October 11, 2007, subject to the Board's approval of the rezoning (no development conditions were associated with the application). Phase A was included in the application to recapture Comprehensive Plan density for that site which had not been utilized when RZ/FDP 2002-PR-025 was approved. See Appendix 4 for relevant excerpts of proffers from RZ/FDP 2007-PR-001.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	I
<b>Planning Sector:</b>	Merrifield Suburban Center; Land Unit C, Sub-Units C-1, C-2 and C-3
<b>Plan Map:</b>	Mixed-Use

Relevant Plan text can be found in Appendix 5.

## ANALYSIS

### Conceptual/Final Development Plan (CDP/FDP):

Because of the nature of this application (proffer text only modification) no CDP/FDP was required. The application property will continue to be subject to the proffered plans accepted with RZ/FDP 2007-PR-001, which can be reviewed at the Department of Planning and Zoning office or on-line.

***Land Use/Environmental Analysis*** (Department of Planning and Zoning)

***Transportation Analysis*** (Fairfax County Department of Transportation)

Due to the limited nature of this application, a review of this application by the agencies listed above raised no issues.

### ***Fairfax County Water Authority*** (Appendix 6)

The subject property is currently served by Falls Church City Water; however, the site is located in an area that could be served by Fairfax Water. Adequate domestic water service is available from an existing 24 inch main located adjacent to the site in Gallows Road. With RZ 2007-PR-001, the applicant had proffered to connect Phase B to Fairfax Water, rather than Falls Church City Water, to address service recommendations provided by Fairfax Water. (Phase A is currently connected to Falls Church City Water.) The current application requests approval to place the decision as to which water system is used with the applicant, rather than with Fairfax Water, as currently proffered.

Fairfax Water has reiterated the benefits of connecting Phase B with Fairfax Water, rather than Falls Church City Water. The proposed proffer would not preclude the applicant from choosing to connect to Fairfax Water. In staff's evaluation, the proposed proffer adequately addresses the provision of public water to the future owners, tenants and residents of the development.

## **ZONING ORDINANCE PROVISIONS (Appendix 7)**

### **Conformance with PRM District Regulations**

The applicant proposes to amend a single proffer for an existing PRM District. The PRM District regulations set forth in the Zoning Ordinance (Part 4 of Article 6 and Part 1 of Article 16), were analyzed as part of the initial application, which was deemed to meet the standards and was approved. The proposed change does not effect the intensity, mix of uses, layout, or design commitments for the site, and as such, staff believes that the PRM District regulations continue to be met.

### **Waivers/Modifications (Requesting Reaffirmation)**

The following modifications were approved with RZ/FDP 2007-PR-001. It is staff's opinion that the current request, to amend the water service proffer, does not impact any of the requested modifications, and therefore that they should be reaffirmed.

- Modification to allow the use of underground stormwater management in a residential development subject to Waiver #24817-WPFM-001-3, with conditions dated October 2, 2007
- Modification of private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length
- Modification of transitional screening and barrier requirements in favor of that shown on the CDP/FDP
- Modification of the loading requirements to allow 8 loading spaces in Phase B rather than 10 loading spaces
- Modification of PFM Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet as shown on the CDP/FDP and as described in the proffers

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The application requests approval to modify a proffer in an existing PRM District, approved for a mixed-use development. The amended proffer would permit the

applicant to select a public water provider at their own discretion, but would not prohibit connection to any particular provider. No physical changes are proposed to the site, which would remain subject to all other proffers and the proffered plans which were previously approved by the Board of Supervisors. Staff believes that the applications meet the use and intensity recommendations of the Comprehensive Plan, and satisfy the applicable Zoning Ordinance provisions.

### **Recommendations**

Staff recommends approval of PCA 2007-PR-001, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a reaffirmation of a modification to allow the use of underground stormwater management in a residential development subject to Waiver #24817-WPFM-001-3, with conditions dated October 2, 2007.

Staff recommends approval of a reaffirmation of a modification of private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length.

Staff recommends approval of a reaffirmation of a modification of transitional screening and barrier requirements in favor of that shown on the CDP/FDP.

Staff recommends approval of a reaffirmation of a modification of the loading requirements to allow 8 loading spaces in Phase B rather than 10 loading spaces.

Staff recommends approval of a reaffirmation of a modification of PFM Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet as shown on the CDP/FDP and as described in the proffers.

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

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

### **APPENDICES**

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Excerpts from proffers: RZ/FDP 2007-PR-001
5. Plan Citations
6. Fairfax Water Authority Memo
7. Zoning Ordinance Citations
8. Glossary

**DRAFT****PROFFERS****DSF/Long Metro II, LLC and DSF/Long Metro III, LLC****PCA 2007-PR-001**

October 20, 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 owners and applicants, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicants"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County tax maps as Tax Map 49-1 ((16)) 14, 15, 16 and 49-2 ((1)) 18 and 19 (hereinafter referred to as the "Phase B Property") shall be in accordance with the existing proffers accepted pursuant to RZ 2007-PR-001 dated October 12, 2007 except as amended below.

**Previous Proffer B-44 is replaced as follows:**

- B-44. Public Water. Water service to the Phase B Property may be provided by the Fairfax County Water Authority (FCWA) or the City of Falls Church, as determined in the sole discretion of the Applicant at the time of final engineering.

[SIGNATURES BEGIN ON THE NEXT PAGE]

CO-APPLICANT/GROUND LESSEE OF TAX MAP  
49-1 ((16)) 14, 15, 16

DSF/LONG METRO II, LLC

By: DSF/Dunn Loring II, LLC, its Managing Member

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By: Thomas W. Mazza  
Its: Authorized Officer

[SIGNATURES CONTINUE ON NEXT PAGE]

CO-APPLICANT/TITLE OWNER OF TAX MAP  
49-2 ((1)) 18 AND 19

DSF/LONG METRO III LLC

By: DSF/DUNN LORING III LLC, its Managing Member

By: DSF Capital Partners III, L.P., its Managing Member

By: DSF Capital Partners III, GP LLC, its General Partner

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By: Thomas W. Mazza  
Its: Authorized Officer

[SIGNATURES CONTINUE ON NEXT PAGE]

TITLE OWNER/GROUND LESSOR OF TAX MAP  
49-1 ((16)) 14, 15, 16

MERRILEE BUSINESS CENTER I, L.P.

By: Sherlin Corporation, its General Partner

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By: Martha E. McCue Sherlin  
Its: President

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By: Martha E. McCue Sherlin  
Its: General Partner

[SIGNATURES END]

**REZONING AFFIDAVIT**

DATE: October 20, 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      1061905

in Application No.(s): PCA 2007-PR-001  
 (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.)**

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
DSF/Long Metro II, LLC Agents: Brian J. Selfe Joshua D. Solomon Thomas W. Mazza	c/o DSF Advisors, LLC Bay Colony Corporate Center 950 Winter Street, #4300 Waltham, MA 02451	Co-Applicant/ Ground Lessee of Tax Map 49-1 ((16)) 14, 15, 16 (Former Contract Ground Lessee)
DSF/Long Metro III, LLC Agents: Brian J. Selfe Joshua D. Solomon Thomas W. Mazza	c/o DSF Advisors, LLC Bay Colony Corporate Center 950 Winter Street, #4300 Waltham, MA 02451	Co-Applicant/ Title Owner of Tax Map 49-2 ((1)) 18 and 19

(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: October 20, 2009  
 (enter date affidavit is notarized)

106190w

for Application No. (s): PCA 2007-PR-001  
 (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 <b>BOLD</b> above)
Merrilee Business Center I, L.P.  Agent: Martha E. M. Sherlin	8645 Mathis Avenue, Suite 102 Manassas, Virginia 20110	Title Owner/Ground Lessor of Tax Map 49-1 ((16)) 14, 15, 16
Urban Engineering & Associates, Inc. t/a Urban Ltd.  Agents: Eric S. Siegel Sara E. Sinclair Matthew K. Koirtyohann	7712 Little River Turnpike Annandale, Virginia 22003	Engineers/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

(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: October 20, 2009  
(enter date affidavit is notarized)

1061904

for Application No. (s): PCA 2007-PR-001  
(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)  
DSF/Long Metro II, LLC c/o DSF Advisors, LLC  
Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

**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)  
DSF/Dunn Loring II, LLC, Managing Member  
Long Merrifield II, LLC - Member

**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: October 20, 2009  
(enter date affidavit is notarized)

1061900

for Application No. (s): PCA 2007-PR-001  
(enter County-assigned application number (s))

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

DSF/Long Metro III, LLC c/o DSF Advisors, LLC  
Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

**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)

DSF/Dunn Loring III, LLC, Managing Member  
Long Merrifield III, LLC, Member

=====

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

=====

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

DSF/Dunn Loring II, LLC c/o DSF Advisors, LLC, Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

**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)

Arthur P. Solomon, Managing Member  
Thomas W. Mazza, Member and Authorized Officer  
Joshua D. Solomon, 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: October 20, 2009  
(enter date affidavit is notarized)

1061905

for Application No. (s): PCA 2007-PR-001  
(enter County-assigned application number (s))

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

Long Merrifield III, LLC c/o DSF Advisors  
Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

**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)

Managing Member: Henry A. Long  
Authorized Members: Brian J. Selfe and Elissa L. White  
Members: Andrea L. Selfe, Betty H. Long, Henry A. Long, II, Kristen E. Long

=====

**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 Engineering & Associates, Inc. t/a Urban Ltd.  
7712 Little River Turnpike  
Annandale, Virginia 22003

**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)

Barry B. Smith  
J. Edgar Sears, Jr.  
Brian A. Sears

=====

**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: October 20, 2009  
(enter date affidavit is notarized)

1061906

for Application No. (s): PCA 2007-PR-001  
(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)  
Sherlin Corporation  
8645 Mathis Avenue, Suite 102  
Manassas, Virginia 20110

**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)  
Martha E. McCue Sherlin

=====

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)  
Martha E. McCue Sherlin, President, Treasurer; Wayne G. Tatusko, VP, Secretary.

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

**Rezoning Attachment to Par. 1(b)**

DATE: October 20, 2009  
(enter date affidavit is notarized)

106190-r

for Application No. (s): PCA 2007-PR-001  
(enter County-assigned application number (s))

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

DSF/Dunn Loring III, LLC c/o DSF Advisors, LLC  
Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

**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)

DSF Capital Partners III, L.P., Managing Member

=====

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

=====

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

Long Merrifield II, LLC c/o DSF Advisors, Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

**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)

Managing Member: Henry A. Long  
Authorized Members: Brian J. Selfe and Elissa L. White  
Members: Andrea L. Selfe, Betty H. Long, Henry A. Long, II, Kristen E. Long

=====

**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: October 20, 2009  
(enter date affidavit is notarized)

106190e

for Application No. (s): PCA 2007-PR-001  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
DSF Capital Partners III GP, LLC c/o DSF Advisors, LLC, Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

**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)

Arthur P. Solomon, Managing Member  
Thomas W. Mazza, Member & Authorized Officer  
Joshua D. Solomon, Member

=====

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

=====

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

=====

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

(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: October 20, 2009  
(enter date affidavit is notarized)

1061906

for Application No. (s): PCA 2007-PR-001  
(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)  
Merrilee Business Center I, L.P.  
8645 Mathis Avenue, Suite 102  
Manassas, Virginia 20110

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

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

General Partners:  
Martha E. McCue Sherlin  
Sherlin Corporation

Limited Partners:  
Martha E. McCue Sherlin  
Martha McCue Sherlin Children's Trust for the benefit of Shannon Kathleen Sherlin  
Martha McCue Sherlin Children's Trust for the benefit of Devon Michael Andrew Sherlin

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

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

**Rezoning Attachment to Par. 1(c)**

DATE: October 20, 2009  
(enter date affidavit is notarized)

1061904

for Application No. (s): PCA 2007-PR-001  
(enter County-assigned application number (s))

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

DSF Capital Partners III, L.P. c/o DSF Advisors, LLC  
Bay Colony Corporate Center  
950 Winter Street, #4300  
Waltham, MA 02451

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

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

DSF Capital Partners III GP, LLC, General  
Partner  
Thomas W. Mazza, Limited Partner

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

REZONING AFFIDAVIT

DATE: October 20, 2009  
(enter date affidavit is notarized)

1061906

for Application No. (s): PCA 2007-PR-001  
(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: October 20, 2009  
(enter date affidavit is notarized)

1661904

for Application No. (s): PCA 2007-PR-001  
(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:

*Elizabeth D. Baker*

(check one)

[ ] Applicant

[x] Applicant's Authorized Agent

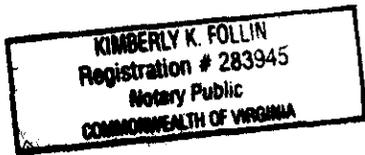
Elizabeth D. Baker, agent

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

Subscribed and sworn to before me this 20 day of October, 2009, in the State/Comm. of Virginia, County/City of Arlington.

*Kimberly K. Follin*  
Notary Public

My commission expires: 8/31/2011





WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

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

RECEIVED  
Department of Planning & Zoning  
JUN 01 2009  
Zoning Evaluation Division

May 29, 2009

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

Re: Application for Proffered Condition Amendment  
DSF/Long Metro II, LLC and DSF/Long Metro III, LLC (the "Applicants")  
Tax Map 49-1 ((16)) 14, 15, 16 and 49-2 ((1)) 18 and 19 (the "Application Property")

Dear Ms. Coyle:

This letter serves as a statement of justification for a proffered condition amendment application affecting 8.49 acres of property in the Merrifield area of Fairfax County. The Application Property was rezoned along with 5.8 acres of adjacent property to the PRM District via RZ 2007-PR-001, approved by the Board of Supervisors on October 15, 2007.

The Application Property is bordered on the northeast by the Wilton House Condominium and the Marriott Courtyard Hotel. Across Prosperity Avenue to the north lies the Dunn Loring Metro Station. Industrially-zoned properties are located to the south and west of the Application Property. Across Gallows Road to the east, property is developed with multi-family residential uses.

This application proposes no changes to the site design, uses or intensity of development. The purpose of the PCA is to amend Proffer B-44 which states:

*Public Water. Water service to the Phase B Property shall be provided by the Fairfax County Water Authority (FCWA), unless the FCWA determines service from another provider is necessary or preferable.*

During the processing of a site plan for the Application Property, this proffer has become problematic. The site plan provides for water service from FCWA. However, the City of Falls Church maintains a water line easement across the Application Property, the vacation of which is necessary for the approved development to proceed. The City of Falls Church would like to be the water service provider for this development and thus has declined to permit the vacation of the easement. The issue of water service has postponed approval of the site plan indefinitely. It

is my understanding that this water service issue is the subject of litigation. The timing of the resolution is unknown. We request a revision to the proffer language that will provide greater flexibility and allow the development to proceed. Specifically, the following replacement proffer is proposed:

*Public Water. Water service to the Phase B Property may be provided by the Fairfax County Water Authority (FCWA) or the City of Falls Church, as determined in the sole discretion of the Applicant at the time of final engineering.*

The Halstead mixed-use development is located within the Merrifield Suburban Center portion of the Area I Comprehensive Plan. The Application Property is split between Sub-units C-1, C-2 and C-3. The Comprehensive Plan text for Sub-unit C-1 recommends residential mixed-use up to an FAR of 2.25. Parcels 14 and 15 are located within planning Sub-Unit C-3 which recommends residential mixed-use up to a 1.8 FAR. Parcels 18 and 19 are located within Sub-Unit C-2 which also recommends residential mixed-use up to an FAR of 1.8, but also states that Parcel 18 may develop at a 2.25 FAR.

The Comprehensive Plan's future vision identifies Merrifield as a Suburban Center with the Dunn Loring/Merrifield Transit Station Area developed as a core area. The proposed development is located within one-quarter of a mile of the Transit Station. The proposed mixed-use development including multi-family residential is in conformance with the objectives and guidelines of the Comprehensive Plan.

To the best of our knowledge, there are no known hazardous or toxic materials on the Application Property nor 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 exceptions previously approved:

1. Modification to allow the use of underground stormwater management in residential development, subject to Waiver #24817-WPFM-001-3, subject to the conditions dated October 2, 2007.
2. Modification to the private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length.
3. Modification of the transitional screening and barrier requirements in favor of that shown on the CDP/FDP.
4. Modification of the loading requirements to allow eight loading spaces in Phase B.
5. Modification of PFM Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from 8 feet to 6 feet as shown on the CDP/FDP and as described in the proffers.

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.

A handwritten signature in cursive script that reads "Elizabeth D. Baker". The signature is written in black ink and is positioned above the printed name.

Elizabeth D. Baker  
Land Use Coordinator

**PROFFERS  
HALSTEAD MIXED-USE DEVELOPMENT  
RZ 2007-PR-001**

October 12, 2007

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and applicants, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicants"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County tax maps as Tax Map 49-1 ((29)) All; 49-1 ((30)) All; 49-1 ((16)) 14, 15, 16; and 49-2 ((1)) 18, 19 (collectively, the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application 2007-PR-001 is granted. The Property includes two distinct phases. One which is complete, includes Tax Map 49-1 ((29)) All and 49-1 ((30)) All (collectively, "Phase A Property") and a second future phase includes Tax Map 49-1 ((16)) 14, 15, 16 and 49-2 ((1)) 18, 19 (collectively, "Phase B Property"). In the event RZ 2007-PR-001 is approved, then any previous proffers for the Property are hereby deemed null and void and hereafter shall have no effect on the Property.

**A. PHASE A PROPERTY**

*Note: The following proffers A-1 through A-41 affect the development of the Phase A Property and have been fulfilled and completed with the development of the Phase A Property in accordance with final Site Plan 1981-SP-001.*

**PHASE A CONCEPTUAL DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN**

- A-1. Substantial Conformance. Subject to the Proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development of the Phase A Property shall be in substantial conformance with the Phase A Conceptual Development Plan/Final Development Plan ("Phase A CDP/FDP") containing eleven (11) sheets prepared by Burgess & Niple, Inc. dated November 26, 2002, and revised through June 18, 2003, and subsequently included as Sheets 32 through 42 in the Halstead Mixed-Use Conceptual Development Plan/Final Development Plan prepared by Urban Engineering and Associates, Inc. dated October 2006, and revised through August 10, 2007, and as further modified as shown on Sheets 2, 4 and 6 of the Halstead Mixed-Use Development Conceptual Development Plan/Final Development Plan prepared by Urban Engineering and Associates, Inc. dated October 2006, and revised through September 24, 2007.
- A-2. Minor Modifications. Minor modifications from what is shown on the Phase A CDP/FDP and these Proffers may be permitted which may become occasioned as a part of final site engineering, as determined by the Zoning Administrator. Building footprints may be decreased and the number of units in each building

Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI").

- B-40. 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 pursuant to the PFM, at the time of site plan approval for the Property.
- B-41. Hours of Construction. The hours of outdoor construction activity on the Phase B Property shall be limited to between 7:00 a.m. and 9:00 p.m. Monday-Saturday, and 9:00 a.m. to 7:00 p.m. on Sundays and federal holidays; provided, however, that there shall be no outdoor construction on January 1st, July 4th, Thanksgiving Day and Christmas Day each year. The Applicants shall inform all contractors and subcontractors of the permitted hours of construction, and signs designating such construction hours shall be published in both English and Spanish and posted at all construction entrances.
- B-42. Temporary Signs. No temporary signs (including "popsicle" paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of the Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicants, or at the Applicants' or any building's direction, to assist in the initial and future marketing, sales and/or rental of dwelling units on the Phase B Property. This same restriction shall apply to the marketing of and sales by all retail establishments located on the Phase B Property. The Applicant, any builders and any retail tenants shall direct their agents and employees involved in marketing the Phase B Property to adhere to this Proffer.
- B-43. Loading Spaces. Loading for residential occupants shall be scheduled with the Phase B property management office to avoid conflicts with loading for commercial tenants.
- B-44. Public Water. Water service to the Phase B Property shall be provided by the Fairfax County Water Authority (FCWA), unless the FCWA determines service from another provider is necessary or preferable.
- B-45. Sanitary Sewer. At the time of submission of a site plan for any residential building, the Applicants shall provide DPWES with an analysis of the capacity of the sanitary sewer lines serving the Phase B Property. If the County determines that any sewer line serving the Phase B Property is inadequate, the Applicants shall upgrade or improve offsite sanitary sewer lines, as necessary.
- B-46. Compliance with Federal, State, and Other Local Laws/Severability. If it is found by a court of competent jurisdiction, that any portion of these Proffers violates any Federal, State or other local law, then the offending portion of these Proffers shall be deemed null and void and no longer in effect. All remaining conditions of these proffers shall remain in full force and effect.

to the existing residential development in Sub-unit B4. This landscaped area should be addressed by the provision of the “cross street” streetscape with additional plantings between the sidewalk and any parking or buildings. See guidance for Cross Street Streetscape in the Urban Design section.

Option: As an option, this sub-unit may be appropriate for use as a public park.

Height Limit: Under any development proposal, the maximum building height is 50 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 70 feet) is appropriate when at least 2 levels of structured parking are provided under the building, either at or below grade. Building heights should vary with the tallest buildings oriented toward Lee Highway. Building heights should decrease towards Providence Forest Drive to provide a transition to the townhouse development in Sub-Unit B4. 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.

#### **Sub-Unit B7:**

Sub-unit B7 is located at the northwest quadrant of Hartland Road and Lee Highway and is developed with a mix of uses including a cemetery, a warehouse, and retail uses. This area is planned as currently developed. 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.

Height Limit: The maximum building height in this sub-unit is 50 feet. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section.

### **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.

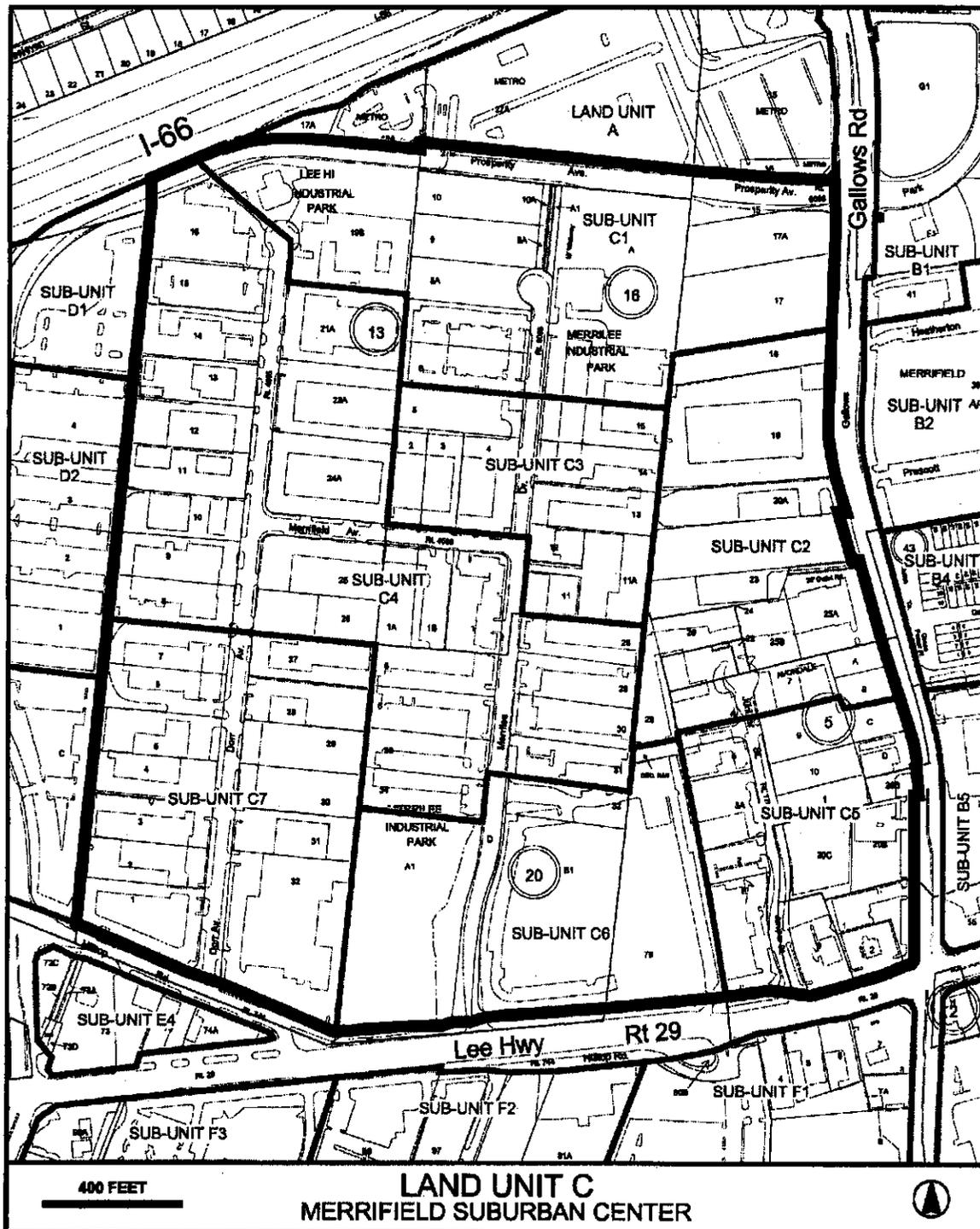


FIGURE 24

Guidance for evaluating development proposals is provided in the Area-Wide Recommendations under Land Use, Urban Design, Transportation, and Public Facilities/Infrastructure sections, as well as in the following specific sub-unit recommendations.

**Sub-Unit C1:**

Sub-Unit C1 is located adjacent to Prosperity Avenue immediately across from the Dunn Loring-Merrifield Transit Station and is planned for office use with retail and service uses up to 1.4 FAR. Any development proposals must address all applicable Area-Wide recommendations as well as the following.

- Consolidations of at least four contiguous acres are encouraged. When a consolidation is less than 4 acres, but more than two 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.
- Since the extension of Merrilee Drive to Prosperity Avenue has occurred, other secondary vehicular access that improves circulation within this and adjacent sub-units, as well as inter-parcel access, should be provided. See the Transportation Section of the Area-Wide Recommendations for the Merrilee Drive extension alignment.
- Development should be designed to include pedestrian open space amenities, which should include public plazas or greens. Two key locations for the green space amenities are along the Merrilee Drive extension and at the corner of Prosperity Avenue and Gallows Road. The open space amenities along the Merrilee Drive extension should be a focal point for the northern portion of this land unit. The open space amenity at Prosperity Avenue and Gallows Road should be designed as a gateway feature for this northern entrance to the Merrifield Suburban Center.
- Development should provide for or contribute to an internal Merrifield transit system (i. e., shuttle service, bus service, etc.)
- TDM programs should be provided that facilitates a non-SOV mode split of at least 25%.
- Development should be designed with parking structures behind and/or under buildings.
- Retail and service uses should be provided and located primarily on the ground level of office buildings to serve both the needs of the tenants as well as the surrounding areas.

Option: As an alternative to the office use option, mixed-use and/or residential use may be appropriate up to 2.25 FAR, provided that development proposals meet the Area-Wide Recommendations for alternative uses (see the Area-Wide Recommendations, Land Use Guidelines). Any development proposals under this option must meet the guidance provided above, all applicable Area-Wide guidelines, as well as provide for the following.

- The alternative uses appropriate in this sub-unit are limited to residential, hotel, major entertainment, institutional, and retail and service uses. Only the portion of retail and service uses that exceed 5% of the development's total square footage are considered alternative uses

- If a hotel is proposed as part of a mixed-use development, the hotel should provide for community-serving amenities such as meeting spaces and a full-service restaurant.
- 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.
- If major entertainment uses are provided these uses and retail and service uses should not exceed 30% of the development's total square footage.

Height Limit: The maximum building height is 135 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 30 feet (or a maximum height of 165 feet) is appropriate when at least 3 levels of structured parking are provided under the building, either at or below grade. Building heights should vary within the Sub-Unit. 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.

**Sub-Unit C2:**

Sub-Unit C2 is located adjacent to Gallows Road and north of where Providence Forest Road is planned to cross Gallows Road. This sub-unit is planned and developed with a mix of retail, industrial, and warehouse uses at current intensities. 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, development within this sub-unit to office with retail and service uses up to 1.1 FAR may be appropriate. In addition, Parcel 49-2((1))18 may develop under the intensity planned for Sub-Unit C1, provided this parcel is consolidated with property in Sub-Unit C1, and is an integral part of development in Sub-Unit C1, as well as improving the area's circulation and access. Any development proposal under this option must address all applicable Area-Wide recommendations as well as the following guidelines:

- Consolidations of at least four contiguous acres are encouraged. When a consolidation is less than 4 acres, but more than two 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.
- Consolidation in the southern portion of this sub-unit should provide the Merrifield Avenue extension to Gallows Road which aligns with Providence Forest Drive (see Area-wide Transportation section for alignment). Consolidation in the northern portion of this sub-unit

should provide circulation improvements that connect Merrilee Drive and Gallows Road, or other vehicular improvements that increase circulation within this and adjacent sub-units.

- Minimize access to Gallows Road through the provision of inter-parcel access (both vehicular and pedestrian). Inter-parcel access may include the provision of a private street with a public access easement.
- 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.
- Development should be designed to include open space amenities as described under the Pedestrian and Open Space System Guidelines in the Urban Design section.
- Retail and service uses should be provided and should be designed as an integral part of the development. These retail and service uses should 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 with retail and service uses may be appropriate up to 1.8 FAR, provided that development proposals meet the Area-Wide Recommendations for alternative uses (see the Area-Wide Recommendations, Land Use Guidelines). In addition, Parcel 49-2((1))18 may develop under the intensity planned for Sub-Unit C1, provided this parcel is consolidated with property in Sub-Unit C1, and is an integral part of development in Sub-Unit C1, as well as improving the area's circulation and access. 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 retail and service uses. Only the portion of retail and service uses that exceed 5% of the development's total square footage are considered alternative uses as described under the Alternative Use Guidelines. Retail and service uses should be designed to be an integral part of the development.
- 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: 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 (for 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.

**Sub-Unit C3:**

Sub-Unit C3 is located south of Sub-Unit C1 and west of Sub-Unit C2, and is planned and developed with a mix of industrial and warehouse uses at current intensities. 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 use with support retail and service uses up to 1.1 FAR may be appropriate. Any development proposals under this option should address all applicable Area-Wide recommendations as well as the following guidelines.

- Consolidations of at least four contiguous acres are encouraged. When a consolidation is less than 4 acres, but more than two 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 the Merrifield Avenue extension to Gallows Road which aligns with Providence Forest Drive (see Area-wide Transportation section for alignment) and should provide for other secondary vehicular access that improves circulation within this and adjacent sub-units, as well as inter-parcel access.
- Development should be designed to include pedestrian open space amenities, which should include public plazas or greens.
- Development should provide for or contribute to an internal Merrifield transit system (i. e., shuttle service, bus 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 should be provided and usually located on the ground level of office buildings to serve both the needs of the tenants as well as the immediate surrounding area.

Option 2: As an alternative to the office use option, mixed-uses and/or residential use may be appropriate up to 1.8 FAR, provided that development proposals meet the Area-Wide Recommendations for alternative uses (see the Area-Wide Recommendations, Land Use Guidelines). Any development proposals under this option must meet the guidance provided above, all applicable Area-Wide guidelines, as well as provide for the following.

- The alternative uses appropriate in this sub-unit are limited to residential, hotel, 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. Support retail and service uses may include employee amenities such as health clubs, day care, and food services, all of which should be

integrated into office, hotel, and/or 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:** 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.

#### **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.)



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

**PLANNING & ENGINEERING  
DIVISION**

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

July 27, 2009

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

Re: PCA 2007-PR-001

Dear Ms. Coyle:

Fairfax Water has reviewed the above referenced application and offers the following comments:

1. Fairfax Water is able to serve this site through an existing 24-inch water main located in Gallows Road, as previously stated in our comment letter of March 21, 2007, in reference to RZ/FDP 2007-PR-001.
2. Fairfax Water concurs with the Fairfax County Staff Report dated September 27, 2007, for RZ/FDP 2007-PR-001, that future residents of this site would be better served by a connection to Fairfax Water than to the City of Falls Church (p.32), for the following reasons:
  - a. Fairfax Water has a fully integrated transmission network allowing ample flow to be routed to the site from multiple independent sources. Fairfax Water's programmed investment in transmission and distribution system development provides the Halstead site access to service through 24-inch diameter transmission mains from pumping facilities located at either Tysons Corner or Fair Oaks. As illustrated on the attached sketch, the Halstead site has access to water storage facilities located at Tysons Corner, Penderwood, and Fairfax Hospital. Alternative supply to Halstead is available from a variety of additional sources including pumping facilities at Fairfax Circle or Annandale. Having a variety of supply options increases service reliability, provides for sufficient domestic and fire protection capacity, and maintains adequate delivery pressure irrespective of demand.
  - b. Customers served by Fairfax Water enjoy the lowest commodity rate for water in the Washington Metropolitan area, currently \$1.83 per 1,000 gallons.
  - c. Fairfax Water operates as a true enterprise fund. All water system revenues are returned to the water system to support infrastructure reinvestment and system improvements.

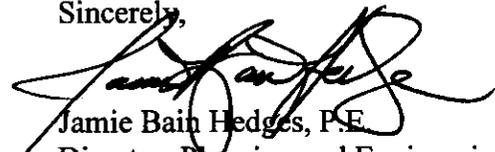
July 27, 2009

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- d. Fairfax Water is governed by a Board appointed by the Fairfax County Board of Supervisors. Citizens of Fairfax County whose water service is provided by Fairfax Water have representation in the decisions made regarding the water system that serves them.
- e. Fairfax Water owns and operates two state of the art treatment facilities, sourced by two separate watersheds, the Occoquan Reservoir and the Potomac River. These plants produce superb quality water that meets and surpasses all current and anticipated regulations.

If you have any questions regarding this information, please contact me at (703) 289-6325.

Sincerely,



Jamie Bain Hedges, P.E.  
Director, Planning and Engineering

cc: Elizabeth D. Baker, Walsh, Colucci, Lubeley, Emrich & Walsh, Inc.

Prosperity Ave.

Prosperity Av.

Park

Keystone Lo.

Dumont Dr.

W/M and hydrants are private but will be maintained by FCWA.

Oldewode Dr.

Heatherton

Prescott

Horie Pl.

AREA SERVED BY CITY OF FALLS CHURCH

Providence

Forest

Hortland Rd.

Merrilee Dr.

Jumber St.

Quinn Te.

Forest Pl.

Type II Vault  
Air Release

Judith St.

Lee Hy.

Type IV-A Vault  
Insulated Vault  
(TRA)  
Type II Blow-off  
(TBA)

Hilltop Rd.

Strawberry Lo.

Porter

LeHove Pl.

Geneva Pl.

Russell Rd.

Chanute Pl.

Taylor Ct.

Walberry St.

Kings Chapel Rd.

Type I Vault  
Blow-off  
(TBA)

2" Air-Rel.  
Ex. 6" Valve, end of Fairfax Water Maintenance  
6" Falls Church Service  
for McDonald's & Mini  
Warehouses.

Type I Vault  
Air Release  
(TBA)

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**16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

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

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

**16-102****Design Standards**

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

- 1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
- 2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
- 3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

### 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		