



APPLICATION ACCEPTED: April 10, 2009
APPLICATION AMENDED: March 26, 2010
PLANNING COMMISSION: April 29, 2010
BOARD OF SUPERVISORS: May 11, 2010

County of Fairfax, Virginia

April 14, 2010

STAFF REPORT

APPLICATION PCA C-448-33
(Concurrent w/PCA 85-L-101-05)

LEE DISTRICT

APPLICANT: Kingstowne Residential Owners Corporation

PRESENT ZONING: PDH-4

PARCEL: Tax Map 81-4 ((38)) 74 (part); 91-2 ((1)) 29B (part); 91-3 ((1)) 63D (part); 91-3 ((1)) 64B (part); 91-3 ((11)) 7 (part); 91-3 ((11)) 9 (part); 91-4 ((1)) 1H (part)

ACREAGE: 13.02 acres

PLAN MAP: Mixed Use

PROPOSAL: To amend the previously approved proffers regarding the maintenance of stormwater management facilities in order to permit turning over ownership and maintenance obligations of five stormwater management facilities to Fairfax County's Department of Public Works and Environmental Services (DPWES).

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA C-448-33, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of PCA 85-L-101-05, subject to the draft proffers contained in Appendix 1.

St.Clair Williams

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



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.

The approval of this application 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.

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



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



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**APPLICATION PCA 85-L-101-05
(Concurrent w/PCA C-448-33)**

LEE DISTRICT

APPLICANT: Kingstowne Residential Owners Corporation

PRESENT ZONING: PDH-4

PARCEL: Tax Map 91-4 ((9)) 10 (part) and 91-4 ((1)) (30)
G1 (part)

ACREAGE: 2.47 acres

PLAN MAP: Mixed Use

PROPOSAL: To amend the previously approved proffers regarding the maintenance of stormwater management facilities in order to permit turning over ownership and maintenance obligations of five stormwater management facilities to Fairfax County's Department of Public Works and Environmental Services (DPWES).

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**Proffered Condition Amendment
PCA C-448-33**

Applicant: KINGSTOWNE RESIDENTIAL OWNERS CORP.
Accepted: 04/10/2009
Proposed: AMEND RZ C-448 PREVIOUSLY FOR RESIDENTIAL DEVELOPMENT TO PERMIT THE TRANSFER OF OWNERSHIP AND MAINTENANCE OBLIGATIONS OF THE STORMWATER MANAGEMENT FACILITIES TO FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

Area: 13.02 AC OF LAND; DISTRICT - LEE

Located: BASIN 1, BASIN 2, BASIN 4, BASIN 5, BASIN 6, BASIN F AND KINGSTOWNE LAKE ALL LOCATED WITHIN THE KINGSTOWNE COMMUNITY

Zoning: PDH- 4

Map Ref Num: 081-4- /38/ /0074 pt. 091-2- /01/ /0029B pt. 091-3- /01/ /0063D pt. /01/ /0064B pt. /11/ /0007 pt. /11/ /0009 pt. 091-4- /01/ /0001H pt. /09/ /0010 pt. /09/30/ G1 pt.

**Proffered Condition Amendment
PCA 85-L-101-05**

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Proposed: AMEND RZ 85-L-101 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT THE TRANSFER OF OWNERSHIP AND MAINTENANCE OBLIGATIONS OF THE STORMWATER MANAGEMENT FACILITIES TO FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

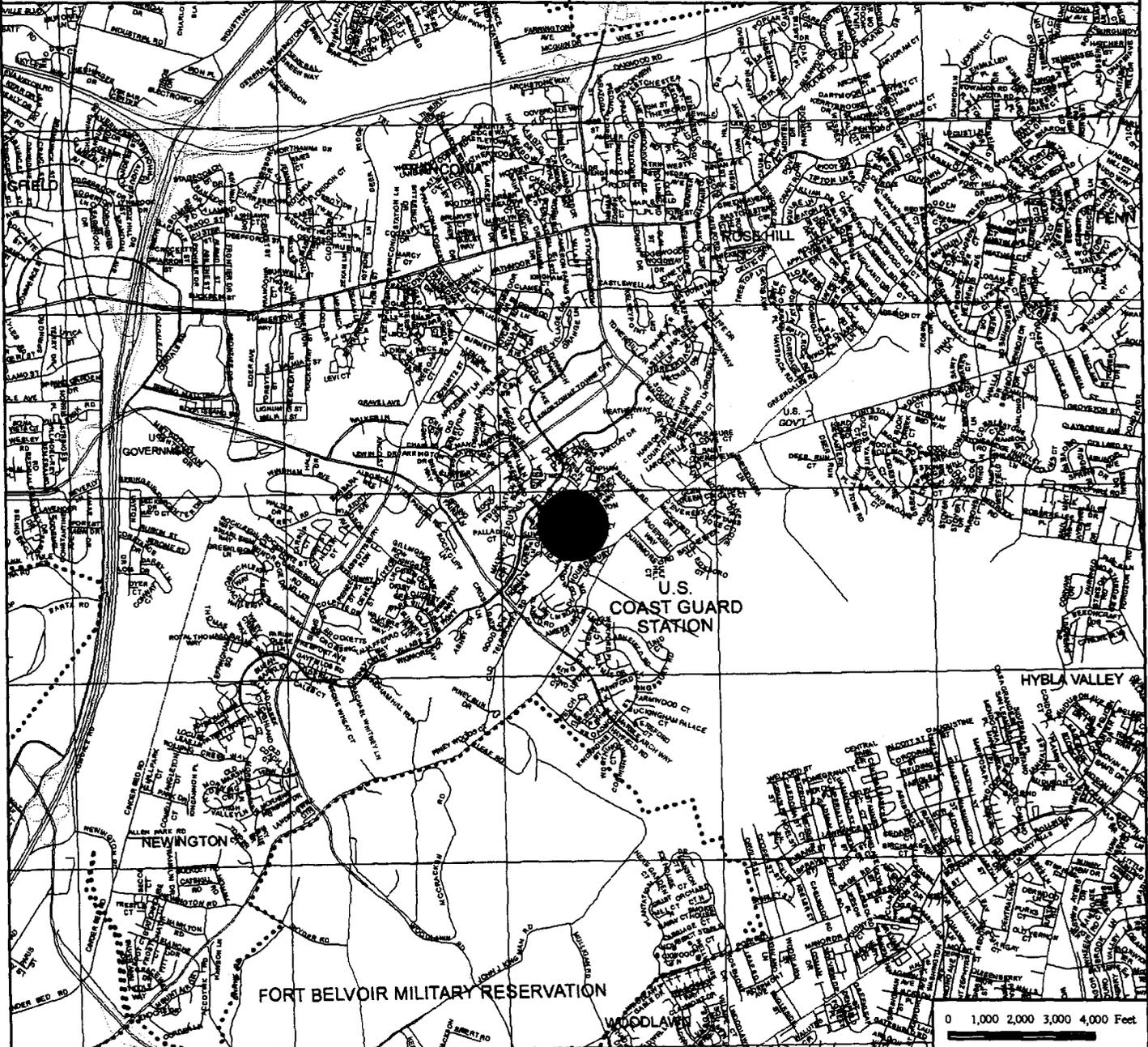
Area: 2.47 AC OF LAND; DISTRICT - LEE

Located: NORTH SIDE OF SUMMER RIDGE ROAD APPROXIMATELY 75 FEET WEST OF ITS INTERSECTION WITH CHERWELL LANE

Zoning: PDH- 4

Overlay Dist:

Map Ref Num: 091-4- /09/ /0010 pt. /09/30/ G1 pt.

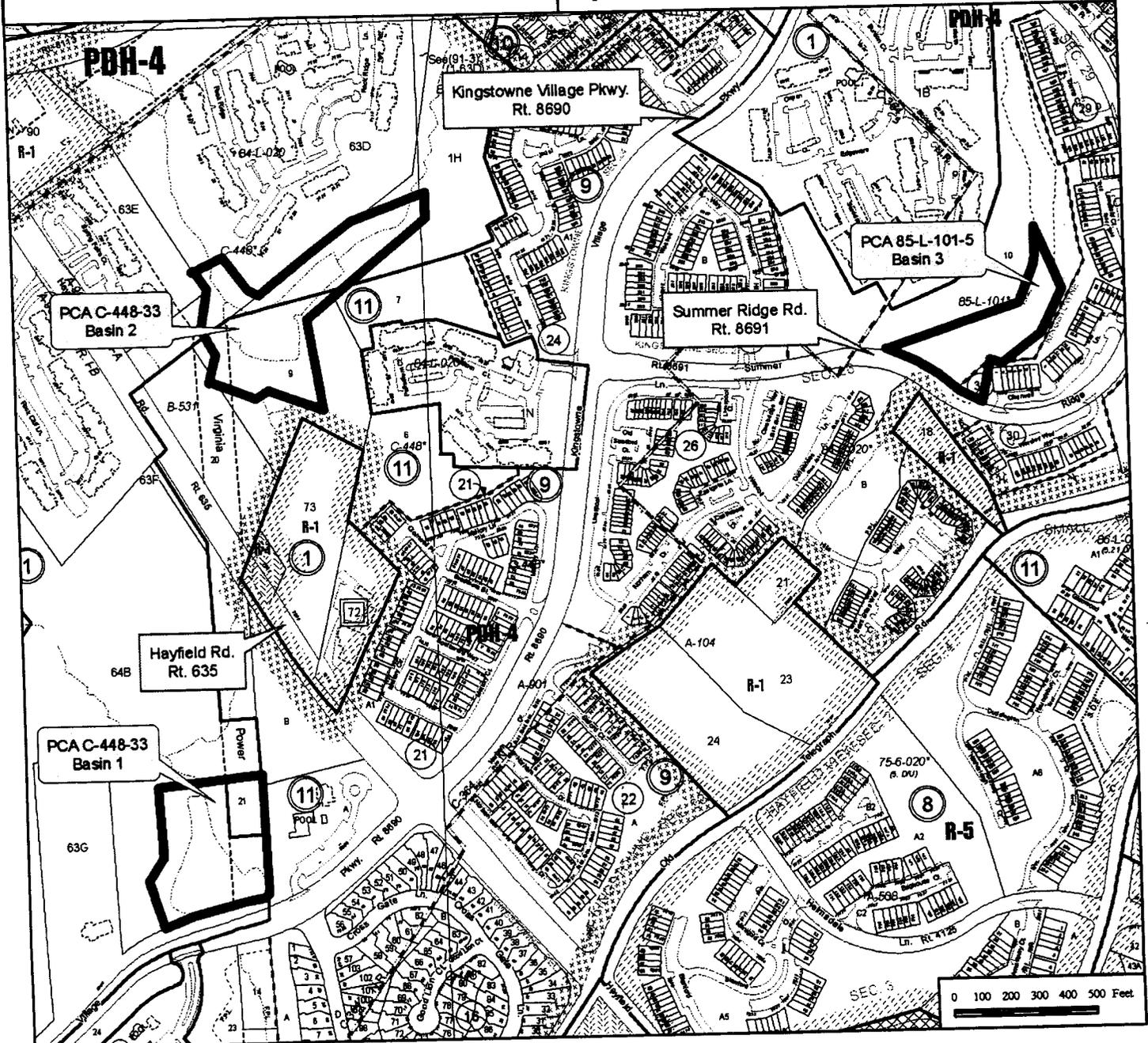


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Zoning: PDH- 4

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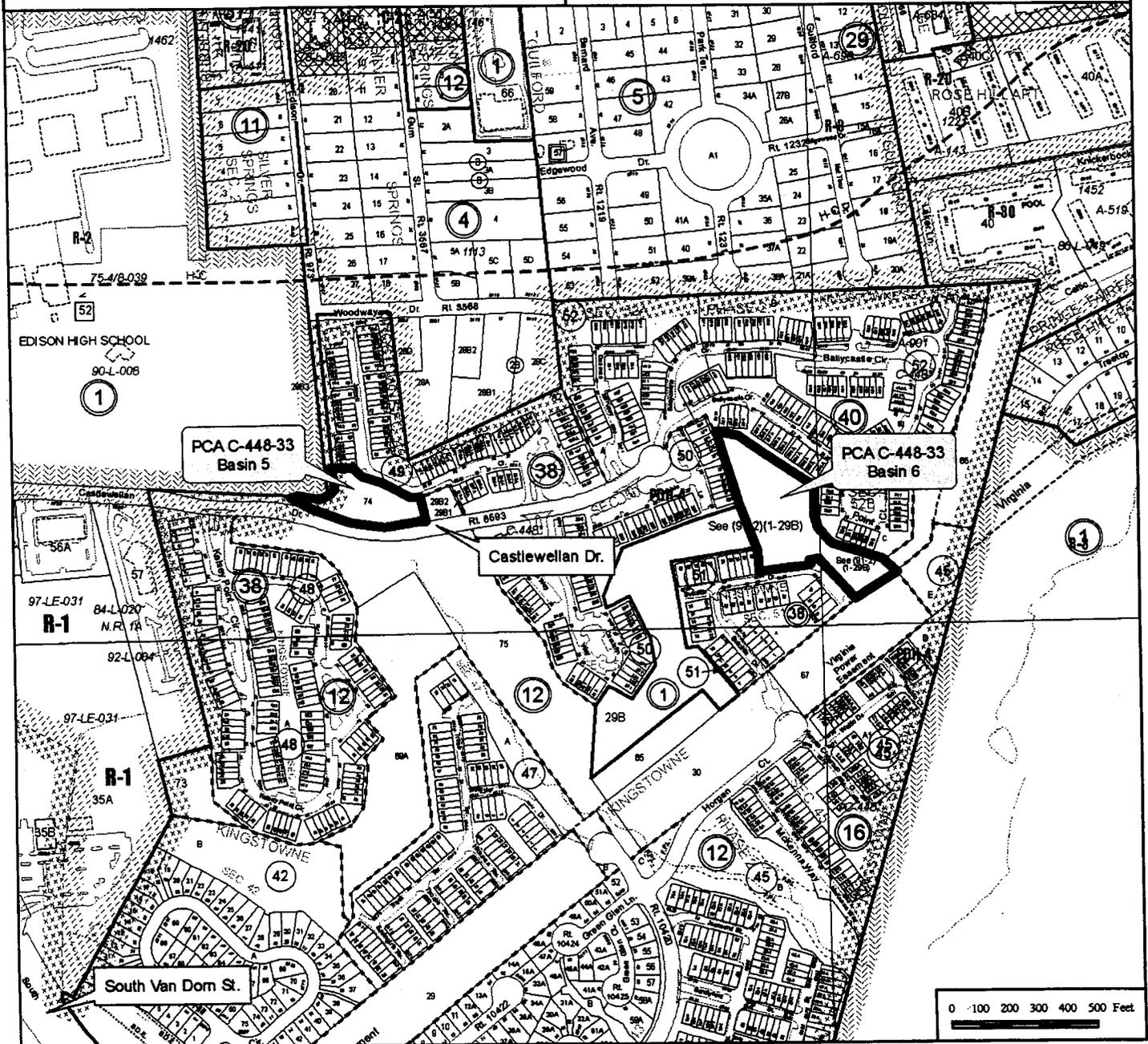
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Overlay Dist:
Map Ref Num: 091-4- /09/ /0010 pt. /09/30/ G1 pt.



KINGSTOWNE STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES FACILITIES PROFFERED CONDITION AMENDMENT

LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

JULY 29, 2008
REVISED OCTOBER 6, 2008
REVISED JANUARY 04, 2009
REVISED MARCH 18, 2010
REVISED MARCH 25, 2010

SHEET INDEX

1. COVER SHEET
2. PROFFERED CONDITION AMENDMENT
3. OVERALL SWM/BMP FACILITY DRAINAGE AREAS
4. KROC MAINTAINED AND COUNTY MAINTAINED SWM/BMP FACILITY DRAINAGE AREAS
5. GENERAL NOTES AND COMMENTS
6. BASINS
7. BASINS AND OTHER SWM/BMP FACILITIES

APPLICANT:

KINGSTOWNE RESIDENTIAL OWNER'S CORPORATION (KROC)
6090 KINGSTOWNE VILLAGE PARKWAY
KINGSTOWNE, VA 22316-4624
TELEPHONE: (703) 922-9477
FAX: (703) 922-2713
EXECUTIVE DIRECTOR: RONDA DESPLINTER

LAND USE ATTORNEY:

COOLEY GODWARD KRONISH, LLP
ONE FREEDOM SQUARE
RESTON TOWN CENTER
11951 FREEDOM SQUARE
RESTON, VA 20190-6856
TELEPHONE (703) 456-8104
FAX (703) 456-8100
ATTORNEY: ANTONIO J. CALABRESE
ATTORNEY: SHANE M. MURPHY

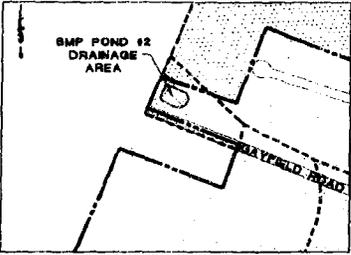


LANDSCAPE ARCHITECTS & ENGINEERS

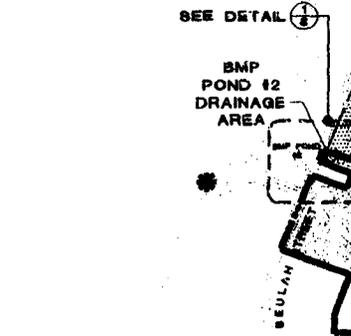
THE BC CONSULTANTS, INC.
12700 FAIR LAKES CIRCLE
SUITE 100
FAIRFAX, VIRGINIA 22033
TELEPHONE: (703) 448-8100
FAX: (703) 448-8108
SENIOR LANDSCAPE ARCHITECT: DENNIS DIXON

DRAINAGE AREAS FOR EXISTING KINGSTOWNE STORMWATER MANAGEMENT AND/OR BEST MANAGEMENT PRACTICES FACILITIES:

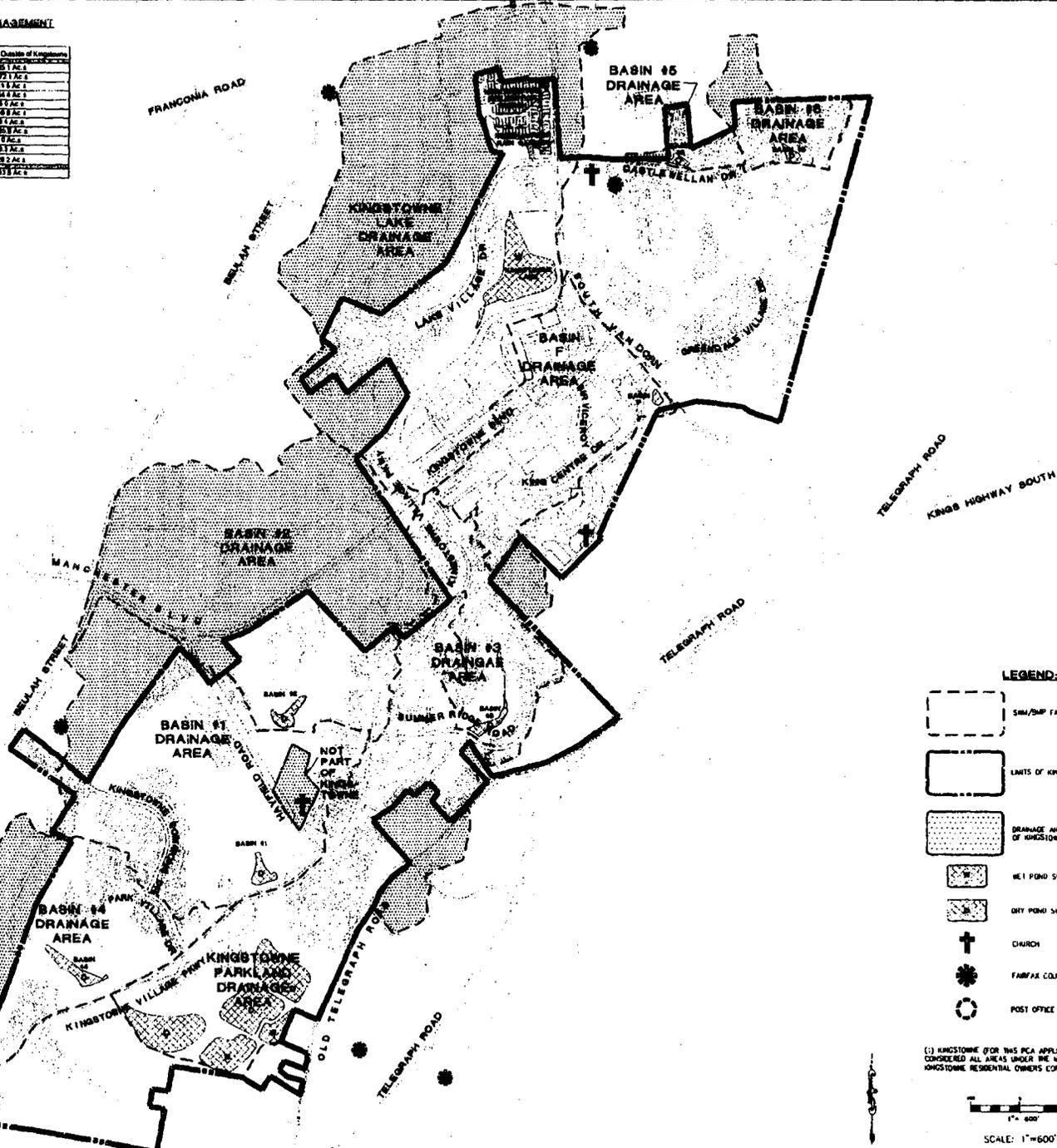
Facility Name	Drainage Area	Drainage Area Within Kingstowne	Drainage Area Outside of Kingstowne
Basin 1	183.9 AC ±	183.9 AC ±	0.0 AC ±
Basin 2	203.7 AC ±	133.2 AC ±	70.5 AC ±
Basin 3	71.2 AC ±	68.2 AC ±	3.0 AC ±
Basin 4	48.2 AC ±	48.2 AC ±	0.0 AC ±
Basin 5	11.2 AC ±	11.2 AC ±	0.0 AC ±
Basin 6	33.2 AC ±	33.2 AC ±	0.0 AC ±
Basin 7	87.2 AC ±	87.2 AC ±	0.0 AC ±
Kingstowne LAK	203.7 AC ±	187.2 AC ±	16.5 AC ±
BMP Pond 1	22.2 AC ±	22.2 AC ±	0.0 AC ±
BMP Pond 2	1.2 AC ±	1.2 AC ±	0.0 AC ±
Kingstowne Parkland	107.2 AC ±	107.2 AC ±	0.0 AC ±
Total	1282.2 AC ±	1247.2 AC ±	35.0 AC ±



① BMP POND #2 DRAINAGE AREA SCALE: 1"=200'



② BMP POND #1 DRAINAGE AREA SCALE: 1"=200'



LEGEND:

- SWM/BMP FACILITY DRAINAGE AREA
- LIMITS OF KINGSTOWNE (1)
- DRAINAGE AREA OUTSIDE THE LIMITS OF KINGSTOWNE
- WET POND SWM/BMP FACILITY
- DRY POND SWM/BMP FACILITY
- CHURCH
- FAIRFAX COUNTY PUBLIC SCHOOL
- POST OFFICE

(1) KINGSTOWNE (FOR THIS PCA APPLICATION) SHALL BE CONSIDERED ALL AREAS UNDER THE MANAGEMENT OF THE KINGSTOWNE RESIDENTIAL OWNERS CORPORATION (KROC).

SCALE: 1"=600'

BC Consultants
 Planners • Architects • Surveyors • Landscape Architects
 12800 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)461-6100 (FAX)
 www.bcconsultants.com



OVERALL KINGSTOWNE SWM/BMP FACILITY DRAINAGE AREAS
KINGSTOWNE SWM/BMP FACILITIES
 L.S. SMITH, INC.
 FAIRFAX COUNTY, VIRGINIA

DESIGNED BY: DDD
DRAWN BY: CAD
CHECKED BY: DDD
DATE: JULY 28, 2008
SCALE: HOR " = 600'
VERT " = 1" = 10'
SHEET 3 OF 7
CG: NS
CAD NAME: ETC\DRAMA\DWG
LAYOUT: DRAINAGE
FILE NO: 07075.01-00

GENERAL NOTES:

1. THE PROPERTIES DELINEATED ON THIS PROFFERED CONDITION AMENDMENT (PCA) APPLICATION ARE IDENTIFIED ON THE FAIRFAX COUNTY TAX ASSESSMENT MAPS AS FOLLOWS.

BASIN #1:	TAX ASSESSMENT MAP NO. 91-3-(111), PART OF PARCEL 648 AND IS ZONED PDH-4.
BASIN #2:	TAX ASSESSMENT MAP NO. 91-3-(111); PART OF PARCEL 9; TAX ASSESSMENT MAP NO. 91-3-(111) PART OF PARCEL 63D; TAX ASSESSMENT MAP NO. 91-3-(111), PART OF PARCEL 7 AND TAX ASSESSMENT MAP NO. 91-4-(111), PART OF PARCEL 14. ALL ARE ZONED PDH-4.
BASIN #3:	TAX ASSESSMENT MAP NO. 91-4-(99), PART OF PARCEL 10 AND TAX ASSESSMENT MAP NO. 91-4-(99) (30), PART OF PARCEL G1 AND ARE ZONED PDH-4.
BASIN #5:	TAX ASSESSMENT MAP NO. 91-4-(38), PART OF PARCEL 74 AND IS ZONED PDH-4.
BASIN #6:	TAX ASSESSMENT MAP NO. 91-2-(111), PART OF PARCEL 29B AND IS ZONED PDH-4.
2. THE TOPOGRAPHIC INFORMATION SHOWN FOR THE PCA APPLICATION AREAS IS INTERPOLATED FROM HIGH FLIGHT AERIAL TOPOGRAPHY TAKEN FROM THE FAIRFAX COUNTY GIS TOPOGRAPHIC MAPS AND INFORMATION OF RECORD. THE TOPOGRAPHY IS SHOWN AT TWO (2) FEET CONTOUR INTERVALS.
3. THE BOUNDARY INFORMATION FOR THE PCA APPLICATION AREAS IS FROM DEEDS AND INFORMATION OF RECORD AND SHOULD NOT BE CONSIDERED A BOUNDARY SURVEY. NO TITLE REPORT WAS PROVIDED FOR ANY OF THE AREAS.
4. THE PCA APPLICATION AREAS ARE LOCATED IN THE LEE MAGISTERIAL DISTRICT, THE DOGUE CREEK (L) SANITARY SEWER SHED AND THE DOGUE CREEK WATERSHED.
5. THIS PCA APPLICATION IS IN CONFORMANCE WITH THE FAIRFAX COUNTY COMPREHENSIVE PLAN AND CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS AND CONDITIONS AS PREVIOUSLY APPROVED, MODIFIED OR WAIVED.
6. TRAILS, WHERE REQUIRED BY THE COUNTY WIDE TRAILS PLAN DATED 2002, ARE SHOWN ON THE PLAN FOR EACH OF THE PCA APPLICATION AREAS.
7. THE COUNTY OF FAIRFAX IS THE PUBLIC WATER AND SANITARY SEWER SUPPLY AGENCY FOR THE AREAS COVERED UNDER THIS PCA APPLICATION.
8. THIS PCA APPLICATION IS FOR EXISTING STORMWATER MANAGEMENT AND/OR BEST MANAGEMENT PRACTICES (SWM/BMP) FACILITIES WITHIN KINGSTOWNE THAT ARE CURRENTLY MAINTAINED BY THE KINGSTOWNE RESIDENTIAL OWNERS CORPORATION (KROC). EACH FACILITY WAS PREVIOUSLY APPROVED BY THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES. THEIR APPROVED FAIRFAX COUNTY PLAN NUMBERS ARE SHOWN IN THE FACILITIES TABLE ON SHEET ONE. NO GRADING, CLEARING OR OTHER LAND DISTURBANCE AND NO INCREASE IN ANY OF THE IMPERVIOUS AREAS ARE PROPOSED WITH THIS PCA APPLICATION. ACCORDINGLY, NO ADDITIONAL SWM/BMP FACILITIES OR ADJUSTMENTS TO THE EXISTING FACILITIES ARE REQUIRED OR PROPOSED.
9. ALL KNOWN (WITHOUT THE BENEFIT OF A TITLE REPORT) EXISTING UNDERGROUND OR ABOVE GROUND UTILITY EASEMENTS HAVING A 25' WIDTH OR MORE ARE SHOWN FOR THE PCA APPLICATION AREAS.
10. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES WITHIN THE PCA APPLICATION AREAS. IF ANY SUBSTANCES ARE FOUND, THE METHODS FOR DISPOSAL SHALL ADHERE TO COUNTY, STATE OR FEDERAL LAWS.
11. THERE ARE NO CEMETERIES OR BURIAL SITES WITHIN THE PCA APPLICATION AREAS.
12. IN ACCORDANCE WITH ARTICLE 16, PART 4, SECTION 16-403, PARAGRAPH 4 OF THE FAIRFAX COUNTY ZONING ORDINANCE, MINOR MODIFICATIONS TO AN APPROVED FINAL DEVELOPMENT PLAN (FDP) MAY BE PERMITTED WHEN IT IS DETERMINED THAT SUCH ARE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED FDP AND THAT SUCH ARE IN RESPONSE TO ISSUES OF TOPOGRAPHY, DRAINAGE, UNDERGROUND UTILITIES, STRUCTURAL SAFETY, LAYOUT, DESIGN, VEHICULAR CIRCULATION OR REQUIREMENTS OF VDOT AND FAIRFAX COUNTY.
13. THE LIMITS OF CLEARING AND GRADING ARE NOT SHOWN ON THE PLAN AND ARE NOT REQUIRED. NO CLEARING, GRADING OR OTHER LAND DISTURBANCE IS PROPOSED WITH THIS PCA APPLICATION.

16-501 CONCEPTUAL DEVELOPMENT PLAN COMMENTS:

- A. VICINITY MAPS AS SHOWN ON THE PLANS.
- B. APPLICANT AND MANAGEMENT CORPORATION FOR ALL PCA APPLICATION AREAS KINGSTOWNE RESIDENTIAL OWNERS CORPORATION (KROC) OWNERS:

BASIN #1:	KROC
BASIN #2:	KROC AND KINGSTOWNE OWNER, LLC
BASIN #3:	KROC
BASIN #5:	KROC
BASIN #6:	KROC
- C. TOPOGRAPHY AS SHOWN ON THE PLANS. SEE GENERAL NOTE 2 FOR ADDITIONAL INFORMATION.
- D. SCALE AND NORTH ARROW AS SHOWN ON THE PLANS.
- E. NO BUILDINGS OR OTHER SIMILAR STRUCTURES ARE PROPOSED WITH THIS PCA APPLICATION. BULK PLANE IS NOT APPLICABLE.
- F. PUBLIC/PRIVATE ROADS ARE AS SHOWN ON THE PLANS. SEE GENERAL NOTE 6 FOR COMPREHENSIVE PLAN TRAILS REQUIREMENTS.
- G. COMMUNITY AND PUBLIC FACILITIES ARE AS SHOWN ON THE PLANS. ALL AREAS COVERED UNDER THIS PCA APPLICATION ARE CONSIDERED OPEN SPACE.
- H. PARKING IS NOT APPLICABLE.
- I. NO ROAD IMPROVEMENTS ARE PROPOSED WITH THIS PCA APPLICATION AND NONE ARE REQUIRED. THE REQUIRED DIMENSIONS ARE AS SHOWN ON THE PLANS.
- J. THE COUNTY MAPPED RESOURCE PROTECTION AREA (RPA), THE APPROXIMATE LOCATION OF THE 100 YEAR FLOODPLAIN AND THE APPROXIMATE LOCATION OF THE ENVIRONMENTAL QUALITY CORRIDOR (EQC) ARE SHOWN ON THE PLANS. THE 100 YEAR FLOODPLAIN AND THE EQC WERE OBTAINED FROM INFORMATION OF RECORD FROM PREVIOUSLY APPROVED PLANS. ALL AREAS OUTSIDE OF THE RPA ARE CONSIDERED RESOURCE MANAGEMENT AREAS.
- K. THE EXISTING TREELINE IS AS SHOWN ON THE PLANS. NO CLEARING, GRADING OR OTHER LAND DISTURBANCE IS PROPOSED WITH THIS PCA APPLICATION. AN EXISTING VEGETATION MAP IS NOT REQUIRED.
- L. REFER TO GENERAL NOTE 8 FOR STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES INFORMATION.
- M. EXISTING UTILITY EASEMENT INFORMATION AS SHOWN ON THE PLANS OR REFER TO GENERAL NOTE 9.
- N. NO CLEARING, GRADING OR OTHER LAND DISTURBANCE IS PROPOSED WITH THIS PCA APPLICATION. CONSEQUENTLY, ALL SCENIC ASSETS OR NATURAL FEATURES WILL BE PRESERVED.
- O. THERE ARE NO CEMETERIES OR BURIAL SITES WITHIN THE PCA APPLICATION AREAS.
- P. THIS DEVELOPMENT IS IN CONFORMANCE WITH THE FAIRFAX COUNTY COMPREHENSIVE PLAN AS PREVIOUSLY APPROVED, MODIFIED OR WAIVED.
- Q. ADJACENT AND NEIGHBORING PROPERTIES HAVE ALREADY BEEN PROTECTED FROM ANY ADVERSE EFFECTS OF THE EXISTING SWM/BMP FACILITIES WHEN THEIR INDIVIDUAL PLANS WERE APPROVED. NO ADDITIONAL SCREENING MEASURES ARE REQUIRED OR PROPOSED. PERIPHERAL YARDS ARE NOT REQUIRED.
- H. EXISTING STRUCTURES, WHERE THEY EXIST ARE SHOWN ON THE PLANS AND WILL BE RETAINED. THEIR EXACT DATES OF CONSTRUCTION ARE NOT KNOWN.
- S. FLOOR AREA RATIO IS NOT APPLICABLE.
- T. DENSITY IS NOT APPLICABLE.
- U. REFER TO THE SITE TABULATIONS ON SHEET 1 FOR OPEN SPACE CALCULATIONS.
- V. SEE GENERAL NOTE 5 FOR ORDINANCE CONFORMANCE AND/OR WAIVERS AND MODIFICATIONS.
- W. EXISTING SPECIAL AMENITY AREAS, WHERE PREVIOUSLY APPROVED, SHALL REMAIN UNDISTURBED. NO NEW SPECIAL AMENITY AREAS ARE REQUIRED OR PROPOSED WITH THIS PCA APPLICATION.
- X. DEVELOPMENT SCHEDULE IS NOT APPLICABLE.

16-502 FINAL DEVELOPMENT PLAN COMMENTS:

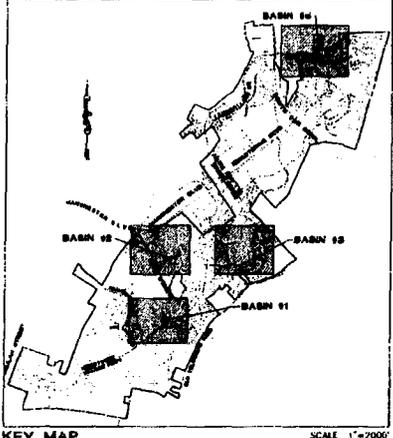
- A. VICINITY MAPS AS SHOWN ON THE PLANS.
- U. PROPERTY LINE INFORMATION AS SHOWN ON THE PLANS.
- C. REFER TO THE SITE TABULATIONS ON SHEET 2 FOR OVERALL PCA APPLICATION AREA.
- D. SCALE AND NORTH ARROW AS SHOWN ON THE PLANS.
- E. EXISTING STREET INFORMATION AS SHOWN ON THE PLANS. NO IMPROVEMENTS TO THE PUBLIC RIGHT-OF-WAY ARE PROPOSED WITH THIS PCA APPLICATION. REQUIRED DIMENSIONS ARE AS SHOWN ON THE PLANS.
- F. TOPOGRAPHY AS SHOWN ON THE PLANS. SEE GENERAL NOTE 2 FOR ADDITIONAL INFORMATION.
- G. THE APPROXIMATE LOCATION AND ARRANGEMENT OF ALL EXISTING USES (SWM/BMP FACILITIES) ARE AS SHOWN ON THE PLANS. NO OTHER STRUCTURES OR USES ARE PROPOSED WITH THIS PCA APPLICATION.
- H. BUILDING HEIGHT IS NOT APPLICABLE.
- I. REQUIRED DIMENSIONS FOR THE EXISTING SWM/BMP STRUCTURES, WHERE THEY EXIST, ARE AS SHOWN ON THE PLANS. NO NEW STRUCTURES ARE PROPOSED WITH THIS PCA APPLICATION.
- J. BULK PLANE IS NOT APPLICABLE.
- K. THE TRAFFIC AND PEDESTRIAN CIRCULATION SYSTEMS (WITH DIMENSIONS WHERE REQUIRED) ARE AS SHOWN ON THE PLANS. SEE GENERAL NOTE 6 FOR COMPREHENSIVE PLAN TRAILS REQUIREMENTS.
- L. PARKING AND LOADING ARE NOT APPLICABLE.
- M. ALL AREAS COVERED UNDER THIS PCA APPLICATION ARE CONSIDERED OPEN SPACE AND ARE FOR EXISTING SWM/BMP FACILITIES.
- N. NO CLEARING, GRADING OR OTHER LAND DISTURBANCE IS PROPOSED WITH THIS PCA APPLICATION. CONSEQUENTLY, THERE ARE NO LIMITS OF CLEARING AND GRADING. NO SCREENING MEASURES ARE REQUIRED OR PROPOSED. THE EXISTING TREELINE IS AS SHOWN ON THE PLANS. A LANDSCAPE PLAN AND AN EXISTING VEGETATION MAP ARE NOT REQUIRED.
- O. THERE ARE NO CEMETERIES OR BURIAL SITES WITHIN THE PCA APPLICATION AREAS.
- P. EXISTING PUBLIC UTILITIES ARE IN PLACE AND CURRENTLY SERVE ALL THE PCA APPLICATION AREAS. NO NEW UTILITY CONNECTIONS ARE PROPOSED AND THOSE PRESENT WILL NOT BE DISTURBED.
- Q. REFER TO GENERAL NOTE 8 FOR STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES INFORMATION.
- R. EXISTING UTILITY EASEMENT INFORMATION AS SHOWN ON THE PLAN OR REFER TO GENERAL NOTE 9.
- S. THE COUNTY MAPPED RESOURCE PROTECTION AREA (RPA), THE APPROXIMATE LOCATION OF THE 100 FLOODPLAIN AND THE APPROXIMATE LOCATION OF THE ENVIRONMENTAL QUALITY CORRIDOR (EQC) ARE SHOWN ON THE PLANS. THE 100 YEAR FLOODPLAIN AND THE EQC WERE OBTAINED FROM INFORMATION OF RECORD FROM PREVIOUSLY APPROVED PLANS. ALL AREAS OUTSIDE OF THE RPA ARE CONSIDERED RESOURCE MANAGEMENT AREAS.
- T. DEVELOPMENT SCHEDULE IS NOT APPLICABLE.

BC Consultants
 Planners - Engineers - Surveyors - Landscape Architects
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 www.bcconsultants.com



GENERAL NOTES AND COMMENTS
KINGSTOWNE SWM/BMP FACILITIES
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

DESIGNED BY: DDD	DATE: JULY 28, 2008
DRAFTED BY: CAD	SCALE: 1/4" = 1'-0"
CHECKED BY: DDD	SHEET: 5 OF 7
DATE: JULY 28, 2008	CAD NAME: E1D75NOTE.DWG
SCALE: 1/4" = 1'-0"	LAYOUT: NOTES
SHEET: 5 OF 7	FILE NO: 07075-D1-00



- LEGEND:**
- - - - - EXISTING TREE LINE
 - - - - - APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN
 - - - - - APPROXIMATE LOCATION OF ENVIRONMENTAL QUALITY CONDOUR (EQC)
 - - - - - EXISTING TRAIL
 - BIONETHEON FILTER
 - ⊙ EXISTING SWM/BMP FACILITY STRUCTURE
- NO CLEARING, GRADING OR OTHER LAND DISTURBANCE IS PROPOSED WITH THIS PCA CONSEQUENTLY, NO LIMITS OF CLEARING AND GRADING ARE SHOWN.

CURVE TABLE BASIN #1

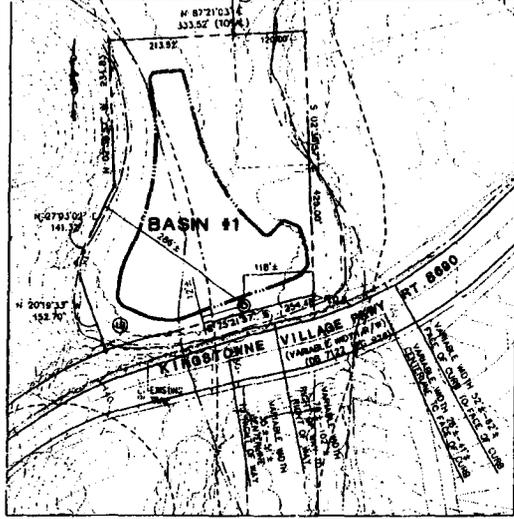
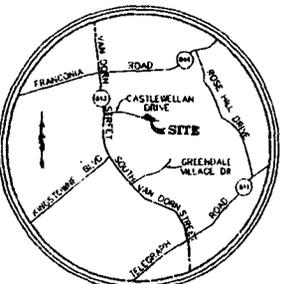
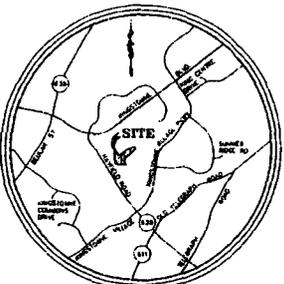
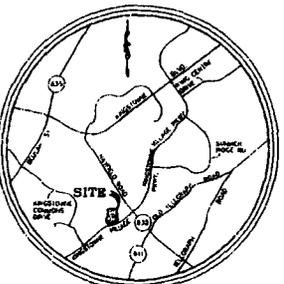
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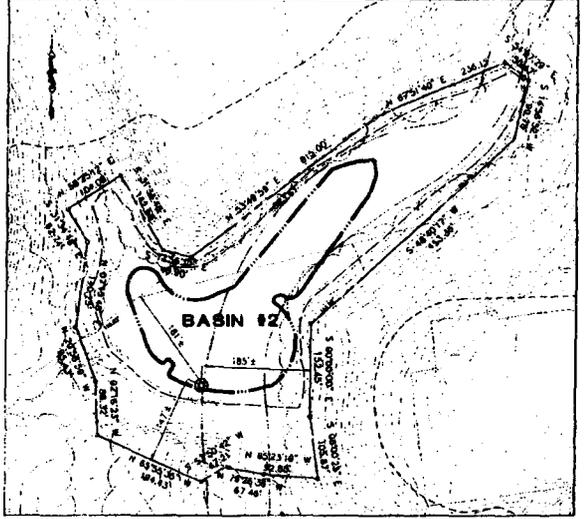
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1	532.00'	203.47'	102.89'	202.72'	N 65°14'17" W	215°244'

CURVE TABLE BASIN #5

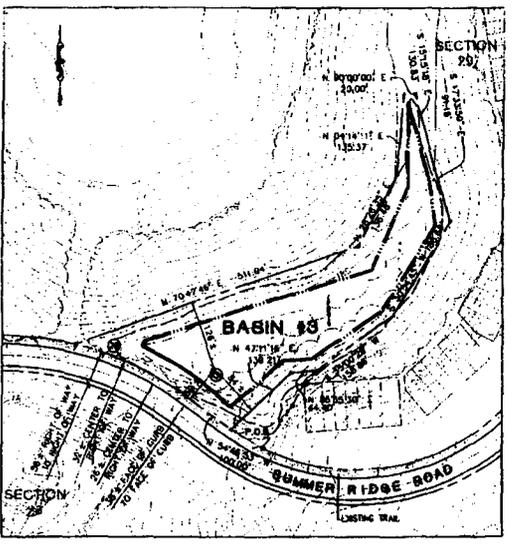
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1	514.00'	282.89'	139.34'	284.57' W	230.21'	272°07.4'
2	976.00'	183.89'	76.80'	182.05' W	153.32'	83°00.96'



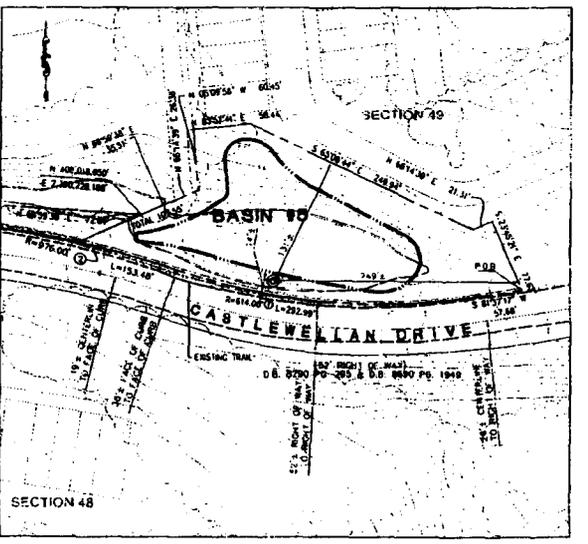
PROFFERED CONDITION AMENDMENT BASIN #1 SCALE 1" = 100'



PROFFERED CONDITION AMENDMENT BASIN #2 SCALE 1" = 100'



PROFFERED CONDITION AMENDMENT BASIN #3 SCALE 1" = 100'



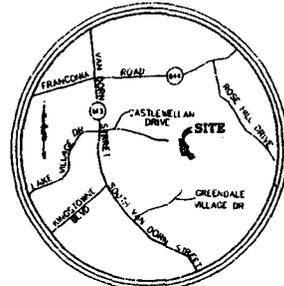
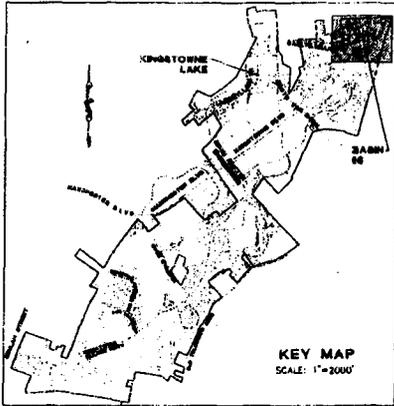
PROFFERED CONDITION AMENDMENT BASIN #5 SCALE 1" = 100'

BC Consultants
 Planners • Engineers • Surveyors • Landscape Architects
 12800 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)448-8100 (703)448-8106 (Fax)
 www.bccons.com



BASINS
 KINGSTOWNE SWM/BMP FACILITIES
 LSC APPROVED
 FAYATL COUNTY, VIRGINIA

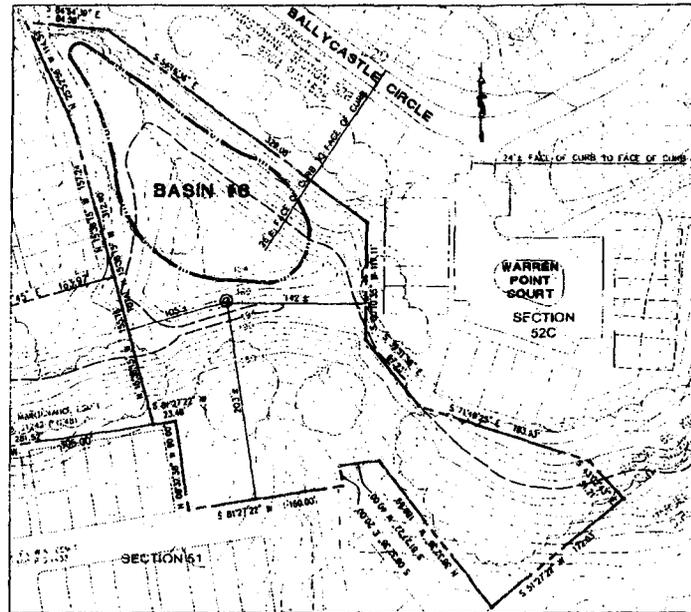
DESIGNED BY	DDO
DRAWN BY	CAD
CHECKED BY	DDO
DATE	JULY 28, 2008
SCALE	AS SHOWN
W/C	
SHEET	6 OF 7
CD NO.	
CD NAME	E7075BMSH5
LAYOUT	LAYOUT 1
FILE NO.	07075.01-00



CURVE TABLE KINGSTOWNE LAKE						
NO.	RADIUS	LENGTH	TAN	CHORD	CHD. BEARING	DELTA
1	396.59'	176.11'	69.52'	174.81'	N 41°26'13" E	25°53'54"
2	1,775.91'	41.94'	20.87'	41.94'	S 11°02'33" E	01°21'12"
3	143.00'	145.66'	79.86'	139.44'	S 18°37'49" W	58°21'36"

- LEGEND:**
- - - - - EXISTING TREELINE
 - - - - - APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN
 - - - - - APPROXIMATE LOCATION OF ENVIRONMENTAL QUALITY CORRIDOR (EQC)
 - - - - - EXISTING TRAIL
 - BIORETENTION FILTER
 - EXISTING SWM/BMP FACILITY STRUCTURE

NO CLEARING, GRADING OR OTHER LAND DISTURBANCE IS PROPOSED WITH THIS PCA. CONSEQUENTLY, NO LIMITS OF CLEARING AND GRADING ARE SHOWN.



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BASINS AND OTHER SWM/BMP FACILITIES
KINGSTOWNE SWM/BMP FACILITIES
LEE HERRICK
PARKING COUNTY, VIRGINIA

DATE PLOTTED	10-1-08
DATE CHECKED	3-18-08
DATE DESIGNED	3-18-08
DATE REVISED	3-25-10
PROJECT NO.	8800 KINGSTOWNE VILLAGE PARKWAY KINGSTOWNE, VA 22033
DESIGNED BY	DOB
DRAFTED BY	CAD
CHECKED BY	DOB
DATE	JULY 28, 2008
SCALE	HW AS SHOWN
SHEET	7 OF 7
CO. NO.	
TAB NAME	LAYOUTSHEET
LAYOUT	LAYOUT 2
FILE NO.	07075.01-00

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

DESCRIPTION OF THE APPLICATION

The applicant, Kingstowne Residential Owners Corporation (KROC) seeks to amend the previously approved proffers for Kingstowne regarding the maintenance of stormwater management facilities in order to transfer the ownership and maintenance obligations for five stormwater management facilities from KROC to the Fairfax County Department of Public Works and Environmental Services (DPWES).

KROC is the current owner of the 15.49 acres of land located in various areas within the Kingstowne community, which are used for the purpose of stormwater management. The stormwater management facilities subject to these applications consist of five (5) basins (dry ponds).

Under the proffers for RZ C-448 and RZ 85-L-101, which represent the majority of Kingstowne, the County established requirements that KROC maintain the dry ponds. Based on the previously approved proffers, Kingstowne, L.P. (now KROC) signed Stormwater Management Agreements with the County, which require KROC to maintain the facilities. KROC seeks to transfer the ownership and maintenance responsibility of these facilities to DPWES. KROC contends that this transfer of responsibility would increase the effectiveness of the subject stormwater management facilities and release the residents of Kingstowne from the financial burden associated with maintaining those facilities. The land area subject to PCA C-448-33 contains the stormwater management facilities identified on the submitted Plat as Basin 1, 2, 5, and 6. The land area subject to PCA 85-L101 contains the stormwater management facility identified on the submitted Plat as Basin 3.

The applicant originally included the Kingstowne Lake in these applications in order to transfer the ownership and maintenance responsibilities for the lake, which provides stormwater management, to the County. However, the applicant subsequently amended the applications to remove the Kingstowne Lake from these applications. KROC will continue to be responsible for the maintenance of the lake.

LOCATION AND CHARACTER

The Kingstowne Community is a mixed-use development with a predominance of residential uses including a mix of townhouses, mid- and high-rise apartments, and single-family detached dwellings. Kingstowne consists of over 1,300 acres, including the 175-acre Kingstowne Town Center, which contains approximately 2.1 million square feet of commercial development. The Kingstowne community is generally bordered by Franconia Road to the north, Beulah Street to the west and south, and Telegraph Road to the east and south.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential; Single-family detached (Kingstowne)	PDH-4	Mixed Use
South	(Kingstowne)	PDH-4	Mixed Use
East	(Kingstowne)	PDH-4	Mixed Use
West	(Kingstowne)	PDH-4	Mixed Use

BACKGROUND

On September 13, 1975, the Board of Supervisors approved RZ C-448 subject to proffers, to rezone from the RE-1, R-12.5, and I-P Districts to the PDH 3.5 (106.13 acres) and I-P (107.87 acres) Districts.

On June 17, 1985, the Board of Supervisors approved DPA C-448-2 and RZ 84-L-020 subject to proffers dated June 17, 1985, to rezone from the R-1, I-4 and PDH-4 Districts to the PDH-4 (147.30 acres), PDC (124.58 acres), and I-4 (26.34 acres) Districts. DPA C-448-2 and the associated CDP for the PDH-4 District (893.67 acres), including 23.22 acres rezoned under RZ 84-L-020 were approved. DPA C-448-2 amended the development plan for a project known as New Franconia approved in 1976 for 1,405,000 sq. ft. of office. Proffers number 32 and 89 approved with DPA C-448-2 and RZ 84-L-020 state that the Kingstowne Community Association (KCA) would be responsible for the maintenance of the regional lake and dry ponds serving Kingstowne.

On April 7, 1986, the Board of Supervisors approved DPA C-448-3 and RZ 85-L-101 subject to proffers dated March 13, 1986, to rezone 36.41 acres from the R-1 to the PDH-4 District. Proffer number 3 of the proffers approved with DPA C-448-3 and RZ 85-L-101 established that the subject property would be governed by the proffers dated June 17, 1985, which established requirements that KROC maintain the dry ponds.

There have been subsequent amendments to these applications but none of them impacted the proffers regarding the maintenance of the stormwater management facilities. The complete sets of files for all of the previous applications for Kingstowne are available in the files of the Zoning Evaluation Division (ZED) in the Department of Planning and Zoning (DPZ).

COMPREHENSIVE PLAN PROVISIONS

Plan Area: IV, Rose Hill Planning District

Planning Sector: Lehigh Community Planning Sector (RH4)

Plan Map: Mixed Use

Plan Text:

On page 61 of the Fairfax County Comprehensive Plan, 2007 Edition, Area IV Rose Hill Planning District, Amended through 1-26-2009, RH4-Lehigh Community Planning Sector, it states:

General Kingstowne/Manchester Lakes Policies

Land Use

1. *Promote a balanced, planned development community that will serve as a showcase community and future focal point of the County.*
2. *Plan residential densities within Kingstowne to a maximum overall average of 3-4 dwelling units per acre with bonuses, as appropriate. A balanced mix of housing types is encouraged in order to promote diversity and avoid the excessive development of any one dwelling unit type. A broad range of affordable dwelling units that meet the needs of all ages, family sizes and income levels should be provided. At any given time, the level of residential or commercial development should be related to the densities and character of adjoining properties, as well as transportation and environmental constraints, while recognizing the objective of achieving a planned mixed-use commercial/community activity center. Kingstowne should be developed as a unified element with additional parcel consolidation provided where appropriate.*
3. *Compatible land use and streetscape design should occur throughout the development, especially where Manchester Lakes meets Kingstowne.*
4. *Encourage a planned development with a mixed-use commercial/community activity center as its focal point. The center should operate much like a downtown area, with the residential, retail and office uses all easily accessible by public transit, by foot or bicycle, as well as by automobile. The center should include residential densities sufficient to support a major core area in conjunction with recreational and leisure activities, commercial retail, office, service uses and compatible high-quality industrial uses, such as high technology. This core, or town center, should be located at the South Van Dom Street/Kingstowne Boulevard junction.*
5. *Protect stable adjoining neighborhoods through the use of compatible densities, type, design and/or natural features (e.g., trees, topography) which effectively screen or buffer incompatible or adverse uses.*

6. *Encourage neighborhood areas that exhibit a distinct character with clearly defined boundaries and setbacks so as to provide a unique sense of identity. Clustering of residential neighborhoods should be planned in order to accomplish this objective, as well as promote usable open spaces within a reasonable walking distance.*
7. *Promote an identifying theme for the entire planned development center to foster a sense of place including superior urban design features which should be a prerequisite to develop above the low end of the planned density range. Through the application of these design features, the relationship of all land uses within the planned community should exhibit an order, coherent arrangement of uses, identity and aesthetic/sensory appeal.*
8. *Ensure that the necessary public facilities are in place prior to the completion of residential or commercial development. Public parkland dedication and parkland facilities should be provided in accordance with requirements and standards set by the County Park Authority.*
9. *Any phased development techniques, if used, should plan the arrangement and relationship of uses, buildings, streets and other permanent elements so as not to preclude future alternative development considerations to achieve an overall coherent design.*

Transportation

10. *Dedicate all rights-of-way necessary to accommodate planned transportation map improvements.*
11. *Construct improvements which are necessary to accommodate development-generated traffic, particularly at locations adjacent to the site where new or expanded access points are provided onto existing roads.*
12. *Contributions toward resolving area road problems by performing construction or pre-construction activities on other roads in the area, or through financial contributions for such improvements, are needed to support higher intensity developments.*
13. *Commit that needed transportation facilities will exist prior to completion of each phase of development to satisfactorily accommodate the anticipated traffic of each phase. Specific examples of locations where these measures should be applied include, but are not limited to:*
 - *The intersections of Franconia Road/South Van Dorn Street, Beulah Street/Springfield-Franconia Parkway, South Van Dorn Street/I-95 interchange and Old Telegraph Road/Hayfield Road;*

- *Proposed interior collector or arterial roadways within the Kingstowne/ Manchester Lakes area that are associated with planned developments; and*
 - *Hayfield Road and the South Van Dorn Street connector to Telegraph Road.*
14. *Provide plan designs that create safe and harmonious vehicular and pedestrian access, especially in areas where high vehicular traffic volumes may exist. In particular, the pedestrian access system must provide good access to the core area.*
 15. *Promote alternative transportation strategies, including use of more transportation, ride-sharing, car/van pooling, shuttle service and satellite parking, among others.*
 16. *Provide improvements for individual entrances to neighborhoods and major development areas, including appropriate deceleration and storage lanes.*
 17. *Provide the minimum number of controlled access points to the surrounding street system to sufficiently disperse site-generated traffic and provide multiple access routes where applicable.*
 18. *Design neighborhood road systems to accommodate bus feeder lanes to Metro stations.*
 19. *Satisfy Virginia Department of Transportation and Fairfax County design standards.*

Environment

20. *Before development occurs, areas suspected of containing toxic substances should be thoroughly tested to determine the contents of the ground water and soil. If contamination at potentially detrimental levels is found, exhaustive measures must be taken to eliminate the source(s) of the contamination or to prevent development within contaminated areas.*
21. *Encourage the development to take into account the opportunities for energy conscious design, such as proper solar orientation of buildings.*

Trails

22. *Promote a complete network of hiking, biking and riding trails to be incorporated into the development plan for Kingstowne/Manchester Lakes. Facilities should be provided, not only for safe and convenient pedestrian access to and from residential neighborhoods, commercial and employment*

centers. This network should also provide access through EQC(s), other open space areas and for exercise and recreational use. Circuitous routes are especially conducive to recreational activities and should be incorporated, where possible.

Public Facilities

- 23. Public facilities to serve development in Kingstowne, including schools, parks, among others, should be provided.*
- 24. Construct a library on a County acquired site near the intersection of Beulah Street and Manchester Boulevard consistent with Policy Plan standards for a regional library.*

More specific recommendations for certain portions of the Kingstowne/Manchester Lakes area follow:

Policies for the Kingstowne Town and Village Centers

- 25. A mixed-use activity center should be planned in the core area at the intersection of South Van Dorn Street and Kingstowne Boulevard. Uses should include a balanced mix of residential, retail, office, research and development and recreation/leisure activities, and attractive public open spaces and amenities. Industrial uses may be appropriate within the southeastern portion of the core area provided adequate assurances are made that any such industrial uses will be compatible with nearby uses, existing or planned, and of high quality and low intensity, such as high technology.*
- 26. Development of high-rise and high density residential use within the mixed-use activity center is appropriate. Densities and building heights should decrease in relation to the distance from the core area so as not to cause adverse impacts on adjoining existing and planned residential areas.*

Policies for the Kingstowne South Village

- 27. More intensive development should be oriented to Hayfield Road. Lower density development near the Piney Run stream valley would help to minimize the impacts of erosion and sedimentation and would help to alleviate post-development nonpoint water pollution. Other methods to control erosion and sedimentation and water or air pollution should be implemented.*
- 28. Substantial buffers should be provided in proximity to the Hilltop landfill property and existing stable areas.*

Policies for Manchester Lakes

29. *The parcels north and south of Hayfield Road, east of Beulah Street, have a strategic location due to construction of the Franconia-Springfield Parkway. A shopping center in the northeast quadrant of the intersection and a residential development focused on the shopping center exist and are planned to continue in the area. Any future development in the area should meet the following conditions:*
- *The development should provide for, and be oriented towards, the extension from the parkway alignment traversing the property;*
 - *Development should be set back from Beulah Street with a sufficient transition and buffer area next to that street to support the Plan recommendation for strictly residential use, sometimes at a low density, across Beulah Street;*
 - *Beulah Park should be adequately screened from development in this area; and*
 - *The type, intensity and siting of any development next to the Virginia Power line should appropriately recognize that the power line is an undesirable neighbor.*
30. *The residential development known as Manchester Lakes is planned for continued residential use at 5-8 dwelling units per acre. Ongoing development activity in Manchester Lakes should:*
- *Coordinate development with that of adjacent planned commercial and residential properties;*
 - *Show sensitivity to the environmental and soil constraints on the property;*
 - *Provide internal access to the commercial uses at the intersection of Hayfield Road and Beulah Street;*
 - *Provide pedestrian access for parcels south of Manchester Boulevard to the commercial use;*
 - *Utilize transportation strategies such as van service to minimize local-serving trip generation;*
 - *Ensure provision of housing and services for the elderly;*
 - *Provide development or upgrading of active recreation facilities at adjacent Beulah and/or Manchester Lakes Parks as appropriate; and*

- *Provide a substantial buffer along the periphery of the site next to areas planned for lower residential densities.*
31. *Elderly housing, workforce housing and related facilities are planned for two areas located on Parcel 91-1((12)) J and the land area formerly identified as parcel O which flank Manchester Boulevard. Much of former Parcel O has been subdivided and renumbered and now exists as Parcels 91-1((27)) 1, 2 and 3, as well as Parcels 91-3((18)) 4, 5, 6, 7 and 91-3((9)) 8b. Uses such as churches, nursing homes, medical facilities, child care facilities, and other public serving uses such as quasi-public and institutional uses may also be considered on Parcel O subject to the provision of a unified development plan that indicates the achievement of a high standard of design, and traffic minimization measures that include providing interparcel street connections with adjacent properties, providing at least two points of access to the arterial roadway system, and accommodating the planned interchange at the Beulah Street and Manchester Boulevard intersection. In addition, if former Parcel O is fully consolidated with Parcels 91-3((9))1, 2, and 3 (these parcels are now all part of Parcel 91-3((9)) 8b) under a unified development plan, commercial uses in conjunction with elderly housing and related uses may be considered subject to the following conditions:*
- *Commercial uses should provide convenient services to visitors, employees, and residents of the elderly housing and workforce housing, such as eating establishments, a bank, medical offices, and a drugstore;*
 - *Provisions for affordable housing and workforce housing should serve a range of needs in terms of income levels and family size;*
 - *Commercial uses should be designed as an integral component of the development and not have the appearance of a commercial strip center;*
 - *Well-defined pedestrian linkages should be provided that are attractively landscaped, designed to meet the special needs of the elderly, allow opportunities for resting as well as walking, and have safe and convenient access between buildings with minimal crossing of streets and parking areas; and*
 - *No retail or other commercial uses should be permitted until the elderly housing units are under construction.*

ANALYSIS

Proffered Condition Amendment	(Copy at front of staff report)
Title of PCA:	Kingstowne Stormwater Management/Best Management Practices Facilities
Prepared By:	The BC Consultants, Inc.

Original and Revision Dates: July 28, 2008, as revised through
March 25, 2010

Kingstowne Stormwater Management/Best Management Practices Facilities (Applies to both applications)	
Sheet #	Description of Sheet
1 of 7	Cover Sheet, Vicinity Map, Sheet Index
2 of 7	Site Layout – Location of Facilities
3 of 7	Overall SWM/BMP Facility Drainage Areas
4 of 7	KROC Maintained & County Maintained SWM/BMP Facility Drainage Areas
5 of 7	General Notes & Comments
6 of 7	Basins
7 of 7	Basins and Other SWM/BMP Facilities

While the applicant has submitted a set of plans entitled “Kingstowne Stormwater Management/Best Management Practices Facilities Proffered Condition Amendment” for the subject applications, the applications are for the sole purpose of making changes to previously approved proffers. This plan depicts the existing SWM/BMP facilities within Kingstowne; no physical changes are proposed with the subject applications.

Land Use Analysis

As previously discussed, this application seeks to transfer the maintenance obligations for five stormwater management from KROC to DPWES. This application does not involve any changes to the land uses permitted on the subject property; therefore, no land use issues have been raised with this application.

Stormwater Management /Best Management Practices Analysis (See Appendix 6)

Fairfax County DPWES Maintenance and Stormwater Management Division (MSMD) and Stormwater Planning Division (SWPD) generally support the transfer of Kingstowne Stormwater Management Basins (dry ponds) 1, 2, 3, 5, and 6 to Fairfax County for maintenance responsibility subject to the following conditions. Each of these conditions is presented below along with the applicant’s response.

1. The underlying land for the Stormwater Management facilities listed above should be retained by Kingstowne Residential Owners Corporation (KROC) or other Kingstowne related entities and should not be dedicated to the County.

The applicant has provided draft proffers that state that the ownership of the land containing the stormwater management facilities identified above shall remain vested in the applicant, its successors, and assigns.

2. KROC should dedicate all necessary Stormwater Management and Maintenance Access Easements pursuant to current PFM requirements.

The applicant has provided draft proffers that state that the applicant will convey any easements as may be required by the Public facilities Manual (PFM).

3. KROC should prepare all necessary easement plats required in Item 2 above, obtain DPWES approval of all plats, and record all necessary plats in the County land records.

The applicant has provided draft proffers that state the applicant shall prepare all necessary easement plats, obtain approval from DPWES, and record all necessary easements documents in the County land records.

4. Maintenance should be performed by KROC on all stormwater management facilities to be transferred to the County pursuant to the punchlist included as Attachment 1 to the satisfaction of the Maintenance and Stormwater Management Division (MSMD) via field determination(s).

The applicant has proffered that prior to the transfer of any maintenance responsibilities for the stormwater management facilities identified above, the applicant shall address all required maintenance items identified in Attachment 1 of the DPWES Analysis for these applications.

5. KROC should perform video camera inspections of the principal spillway pipes (PSP) pursuant to VDOT standard format for each of the Stormwater facilities to be transferred to the County. Any deficiencies identified by these inspections should then be incorporated into the list of items that need to be satisfactorily addressed prior to the transfer of maintenance responsibilities to DPWES, which are identified (Attachment 1) in the Stormwater Management Analysis contained in Appendix 6 of this staff report.

The applicant has proffered to complete, to the satisfaction of DPWES, all required maintenance items identified in the inspections of the stormwater management facilities, prior to transfer of any maintenance responsibility for these facilities. Furthermore, the shall perform and submit to DPWES the results of video camera inspections of the principal spillway pipes pursuant to Virginia Department of Transportation (VDOT) standard format for each of the stormwater management facilities to be transferred to the County at least 45 days prior to the date of inspections to determine the completion of improvements. Finally, the proffers acknowledge that DPWES may elect to incorporate any deficiencies identified by the final inspections into Attachment 1 of the Stormwater Management Analysis.

6. Attachment 1 of the Stormwater Management Analysis (Appendix 6) and the above conditions should be incorporated into the proffers and/or development conditions established with the PCA(s)/zoning approvals, as coordinated with the Maintenance and Stormwater Management Division, DPWES.

The applicant has coordinated with DPWES staff and has incorporated all of the DPWES suggested conditions into the draft proffers.

DPWES has determined that a relatively small percentage of land uses, which would otherwise require privately maintained stormwater management facilities under the PFM (PFM 6-0303), are served by the stormwater management facilities subject to these applications. DPWES has conducted an analysis of similar homeowners association (HOA) or condominium owners association (COA) maintained stormwater management facilities throughout Fairfax County. DPWES staff has determined that where the total percentage of land uses served by any dry pond that would require private maintenance is less than or equal to 27% of all the land uses served the dry pond, such facilities would also be eligible for consideration by DPWES for transfer to the County for maintenance.

Based on the current private stormwater management inventory, approximately 10 additional facilities, which are maintained by an HOA or COA, may qualify for transfer to County maintenance subject to an evaluation by DPWES to determine that each facility meets the land use criteria and requirements consistent with the conditions above. If the subject applications are approved, DPWES would contact these additional facility owners and advise them of the necessary conditions for acceptance into the County public stormwater management maintenance program. Each facility owner would then need to submit an acceptable land use analysis subject to DPWES approval.

As previously discussed, the applicant originally included the Kingstowne Lake in these applications in order to transfer the ownership and maintenance responsibilities for the lake to the County. However, based on information provided by KROC representatives, DPWES staff determined that the lake does not meet the 1989 Regional Stormwater Management Plan criteria for a regional

stormwater management facility. Since the facility is not eligible for inclusion into the County's Regional Management Plan, the County cannot maintain the lake. Therefore, the applicant subsequently amended the application to remove the Kingstowne Lake from these applications. KROC will continue to be responsible for the maintenance of the lake.

Transportation Analysis *(See Appendix 7)*

The proposed application has no impact on transportation. Therefore, the Fairfax County Department of Transportation (FCDOT) has reviewed the subject application and has no objection to the approval of the application.

Fairfax County Park Authority (FCPA) Analysis *(See Appendix 8)*

The FCPA reviewed the proposal and determined that this application bears no adverse impact on land or resources of the Park Authority.

ZONING ORDINANCE PROVISIONS

Summary of Zoning Ordinance Provisions

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

Sect. 16-101 contains six general standards that must be met by a planned development. The subject applications are for the sole purpose of making changes to previously approved proffers in order to transfer the ownership and maintenance obligations for five stormwater management facilities from KROC to Fairfax County. No physical changes are proposed with these applications. All applicable standards will continue to be satisfied with the subject applications.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds this application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance Provisions. Furthermore, the draft proffers submitted by the applicant satisfactorily address the conditions provided by DPWES for the acceptance of the maintenance responsibilities for Kingstowne Stormwater Management Basins 1, 2, 3, 5, and 6.

Recommendations

Staff recommends approval of PCA C-448-33, subject to the draft proffers contained in Appendix 1.

Staff recommends approval of PCA 85-L-101-05, subject to the draft proffers contained in Appendix 1.

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.

The approval of this application 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.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Clerk's Letter and Proffers (RZ C-448 & RZ 85-L-101)
5. Comprehensive Plan Text
6. Stormwater Management Analysis
7. Transportation Analysis
8. Fairfax County Park Authority Analysis
9. Applicable Zoning Ordinance Standards
10. Glossary

PROFFER STATEMENT**KINGSTOWNE RESIDENTIAL OWNERS CORPORATION****PCA 84-L-020-24****PCA 85-L-101-05****March 25, 2010**

Pursuant to Section 15.2-2303 (A) of the Code of Virginia (1950, as amended) and Sect. 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owners and applicant, for themselves and their successors and/or assigns (collectively referred to as the "Applicant"), in this proffered condition amendment ("PCA"), proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map 81-4 ((38)) Parcel 74, Tax Map 91-2 ((1)) Parcel 29B, Tax Map 91-3 ((1)) Parcels 63D and 64B, Tax Map 91-3 ((11)) Parcels 7 and 9, Tax Map 91-4 ((1)) Parcel 1H, Tax Map 91-4 ((9)) Parcel 10, and Tax Map 91-4 ((9)) (30) Parcel G1 (collectively, the "Property") shall be in accordance with the following conditions if, and only if, PCA 84-L-020-24 and PCA 85-L-101-05 (collectively, the "Application") are approved by the Board of Supervisors.

The Property is zoned PDH-4 under the Zoning Ordinance and is subject to the previously approved proffers associated with RZ C-448 and RZ 85-L-101 for Kingstowne, including all applicable proffer condition amendments (the "Prior Proffers"). The Applicant, on behalf of itself and its successors in interest, hereby voluntarily proffers (the "Proffers"), pursuant to the said Section 15.2-2303, that the Property shall be developed in substantial conformance with the Prior Proffers and in addition, the Proffers set forth below. In the event that any of the Prior Proffers are inconsistent with these Proffers, the inconsistency shall be resolved in favor of these Proffers. Exhibits referenced are attached and incorporated by reference. In the event that this Application is denied, these Proffers shall be immediately null and void and shall have no further force or effect on the Property.

GENERAL

1. **Proffer Condition Amendment Plat.** The Property has been developed with various stormwater management facilities and shall remain in substantial conformance with the plat entitled "Proffered Condition Amendment Plat – Kingstowne Residential Owners Corporation" dated July 28, 2008 as revised through March __, 2010, prepared by BC Consultants, consisting of __ () sheets (the "Plat").

STORMWATER MANAGEMENT FACILITY MAINTENANCE

2. **Maintenance Responsibility.** The Applicant may relinquish to Fairfax County Department of Public Works and Environmental Services ("DPWES") the maintenance responsibilities for the stormwater management facilities more particularly described in the Plat as Basin 1, Basin 2, Basin 3, Basin 5, and Basin 6 (the "Stormwater Management Facilities"), consistent with the following conditions:

- A. Ownership of the Property shall remain vested in the Applicant, its successors and assigns.
- B. The Applicant shall convey such easements as may be required under the 2001 Fairfax County Public Facilities Manual (“PFM”), as amended through January 1, 2010, including but not limited to stormwater management easements and maintenance access easements. Furthermore, the Applicant shall prepare all necessary easement plats, obtain approval from DPWES, and record all necessary easement documents in the Fairfax County land records.
- C. Prior to transfer of any maintenance responsibility for the Stormwater Management Facilities to DPWES, the Applicant shall complete, to the satisfaction of the Maintenance and Stormwater Management Division (MSMD), DPWES, all required maintenance items identified in the inspections of the Stormwater Management Facilities on October 27, 2009.
- D. The Applicant shall perform and submit to MSMD the results of video camera inspections of the principal spillway pipes pursuant to Virginia Department of Transportation (“VDOT”) standard format for each of the Stormwater Management Facilities to be transferred to the County at least 45 days prior to the date of inspections to determine the completion of improvements required under Proffer 2C. DPWES may elect to incorporate any deficiencies identified by these inspections into Attachment 1 as an addendum.
- E. Subject to written DPWES approval, the Applicant may elect to maintain selected components of the Stormwater Management Facilities, such as street trees.

MISCELLANEOUS

- 3. Severability. Pursuant to Section 18-204 of the Zoning Ordinance, any portion of the Property may be the subject of a PCA without joinder and/or consent of the owners of the other portions of the Property, provided that such PCA does not adversely affect the other phases. Previously approved zoning applications applicable to the balance of the Property that is not the subject of this PCA shall otherwise remain in full force and effect.
- 4. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and his successors and assigns. Each reference to “Applicant” in this proffer statement shall include within its meaning and shall be binding upon Applicant’s successor(s) in interest and/or developer(s) of the site or any portion of the site.
- 5. Counterparts. These Proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

a Virginia non-stock corporation

By: Kathleen Horgan Snyder
Its: President

KINGSTOWNE OWNER, LLC

By:
Its:

REZONING AFFIDAVIT

DATE: March 29, 2010
(enter date affidavit is notarized)

I, Shane M. Murphy, 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

104353c

in Application No.(s): PCA C-448-33
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kingstowne Residential Owners Corporation Agents: Kathleen Horgan Snyder, Pres. Hilary Louis Goodman, VP of Operations (former) Cynthia Jacobs Carter, VP of Public Relations James Alan Trinka, Secretary/Treasurer (former) Gary Carl Ezard, Director Ronda Sue DeSplinter, Executive Director Tim (nmi) Nank, Director Jennifer (nmi) Guy, Director	6090 Kingstowne Village Parkway Alexandria, VA 22315	Applicant/Owner Tax Maps 81-4((38))74; 91-2((1))29B; 91-3((1))64B; 91-3((1))7; 91-3((1))9; 91-4((1))1H

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: March 29, 2010
 (enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
 (enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kingstowne Residential Owners Corporation (continued) Agents: Michael John Houlihan, Trustee (former) Jeanne Louise McCarroll, Secretary/Treasurer Lee (nmi) Meeks, VP - Bd Oper.	6090 Kingstowne Village Parkway Alexandria, VA 22315	Applicant/Owner Tax Maps 81-4((38))74; 91-2((1))29B; 91-3((1))64B; 91-3((1))7; 91-3((1))9; 91-4((1))1H
Kingstowne Owner LLC Agents: Robert (nmi) Rosania (former) Matthew (nmi) Lembo Kenneth M. Sklar (former) Theresa A. Hoyt	156 William Street New York, NY 10038	Applicant/Owner Tax Map 91-3((1))63D
BC Consultants, Inc. Agents: Paul K. Brazier Dennis D. Dixon Peter L. Rinek James H. Scanlon	12600 Fair Lakes Circle Suite 100 Fairfax, VA 22033	Engineer/Agent
Cooley Godward Kronish LLP Agent: Antonio J. Calabrese, Esq. Mark C. Looney, Esq. Colleen P. Gillis Snow, Esq. Jill S. Parks, Esq. Brian J. Winterhalter, Esq. Shane M. Murphy, Esq. John P. Custis, Esq. Jeffrey A. Nein, AICP, Planner Ben I. Wales, Planner Molly M. Novotny, Planner	One Freedom Square Reston Town Center 11951 Freedom Drive Reston, VA 20190	Attorney/Agent

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

REZONING AFFIDAVIT

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(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)
Kingstowne Residential Owners Corporation
6090 Kingstowne Village Parkway
Alexandria, VA 22315

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)
Virginia nonstock corporation; no stock is issued. Members are the 5,400 homeowners of Kingstowne.

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

Kathleen Horgan Snyder, President	Gary Carl Ezard, Director	Lee (nmi) Meeks, VP of Bd. Oper.
Hilary Louis Goodman, Vice Pres. of Oper. (former)	Michael John Houlihan, Trustee (former)	Tim (nmi) Nank, Director
Cynthia Jacobs Carter, Vice Pres. of Public Rel.	Jeanne Louise McCarroll, Sec./Treas.	Jennifer (nmi) Guy, Director
James Alan Trinka, (former)	Ronda Sue DeSplinter, Exec. Dir.	

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

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104 353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Kingstowne Owner LLC
156 William Street
New York, NY 10038

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)
Kingstowne Mezz I LLC

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Kingstowne Mezz I LLC
156 William Street
New York, NY 10038

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)
BREF Stellar, LLC

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

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

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

BREF Stellar, LLC
Three World Financial Center
200 Vesey Street, 11th Floor
New York, NY

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)

Brookfield Financial, LLC Series B

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

Theresa A. Hoyt, Authorized Signatory

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

Brookfield Financial, LLC Series B
Three World Financial Center, 200 Vesey Street, 11th Floor
New York, NY 10281

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)

BREF TWO REIT, INC.

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

Theresa A. Hoyt, Authorized Signatory

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BREF TWO REIT, INC.
Three World Financial Center
200 Vesey Street, 11th Floor
New York, NY

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)
BREF TWO REIT II, INC.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Theresa A. Hoyt, Authorized Signatory (sole officer) John (nmi) Steinbaugh, Director
Barry (nmi) Blattman, Director
Craig (nmi) Laurie, Director

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BREF TWO REIT II, INC.
Three World Financial Center, 200 Vesey Street, 11th Floor
New York, NY 10281

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)
BREF TWO REIT III, INC.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Theresa A. Hoyt, Authorized Signatory (sole officer) John (nmi) Steinbaugh, Director
Barry (nmi) Blattman, Director
Craign (nmi) Laurie, Director

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BREF TWO REIT III, INC.
Three World Financial Center
200 Vesey Street, 11th Floor
New York, NY

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)
BREF TWO, LLC

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Theresa A. Hoyt, Authorized Signatory (sole officer) John (nmi) Steinbaugh, Director
Barry (nmi) Blattman, Director
Craig (nmi) Laurie, Director

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BREF TWO, LLC
Three World Financial Center, 200 Vesey Street, 11th Floor
New York, NY 10281

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)
Andrea (nmi) Balkan Rocky Bay Investments Ltd BAM SUBSCRIBER LLC
William (nmi) Powell CPPIB US SREI Inc.
BREF MEZZ II PTE LTD UNITE HERE NATIONAL RETIREMENT FUND

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

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BAM SUBSCRIBER LLC
Three World Financial Center
200 Vesey Street, 11th Floor
New York, NY 10281

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

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

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Bruce (nmi) Flatt, Sen. Man. Part./CEO Harry (nmi) Goldgut, Sen. Man. Part./Chairman Brian (nmi) Lawson, Sen. Man. Part./CFO
Barry (nmi) Blattman, Sen. Man. Part. Jeff (nmi) Blidner, Sen. Man. Part. Richard (nmi) Clark, Sen. Man. Part.
Steven J. Douglas, Sen. Man. Part. Joe (nmi) Freedman, Sen. Man. Part./Counsel Richard (nmi) Legault, Sen. Man. Part.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BAM SUBSCRIBER LLC (continued)
Three World Financial Center
200 Vesey Street, 11th Floor

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.)
Cyrus (nmi) Madon, Sen. Man. Part. George (nmi) Myhal, Sen. Man. Part. Luiz Ildefonso Simoes Lopes, Sen. Man. Part.
Sam (nmi) Pollock, Sen. Man. Part. Denis (nmi) Couture, Sen. Vice Pres. Catherine (nmi) Johnston, Corporate Sec. & Leg. Counsel
Lori (nmi) Pearson, Sen. Vice Pres. Katherine (nmi) Vyse, Sen. Vice Pres. Leo van den Thillart, Managing Partner

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
CPPIB US SREI Inc. (Canadian Pension Plan Investment Board)
One Queen Street East, Suite 2600
Toronto, Canada M5C 2W5

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

Robert M. Astley, Chair	Pierre (nmi) Choquette	Peter K. Hendrick	Elaine (nmi) McKinnon
Ian A. Bourne	Germaine (nmi) Gibara	Nancy (nmi) Hopkins	Ronald E. Smith
Robert (nmi) Brooks	Michael (nmi) Goldberg	Douglas (nmi) Mahaffy	D. Murray Wallace

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
UNITE HERE NATIONAL RETIREMENT FUND
6 Blackstone Valley Place, Suite 302
Lincoln, RI 02865

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.)

Richard N. Rust, Fund Manager	Harris (nmi) Raynor, Trustee
George W. Shuster, Trustee	Noel (nmi) Beasley, Trustee
Brian (nmi) McGrath, Trustee	Harold (nmi) Bock, Trustee
John (nmi) Southwell, Trustee	

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BREF MEZZ II PTE LTD
One Bush Street, Suite 1100
San Francisco, CA 94104

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Rocky Bay Investments Ltd
560 Supertest Road
Toronto, Canada M35 2M6

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.)
Saul (nmi) Feldberg, President (sole officer and director)

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BC Consultants, Inc.
12600 Fair Lakes Circle, Suite 100
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

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

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

James H. Scanlon

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

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: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(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)

Cooley Godward Kronish LLP
One Freedom Square, Reston Town Center
11951 Freedom Drive
Reston, VA 20190

(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)

- | | | |
|----------------------------|----------------------------|--------------------------|
| Gian-Michele a Marca | Wendy J. Brenner | Samuel S. Coates |
| Jane K. Adams | Matthew J. Brigham | Alan S. Cohen |
| Maureen P. Alger | Robert J. Brigham | Thomas A. Coll |
| Mazda K. Anita | John P. Brockland (former) | Joseph W. Conroy |
| Gordon C. Atkinson | James P. Brogan | Jennifer B. Coplan |
| Michael A. Attanasio | Nicole C. Brookshire | Carolyn L. Craig |
| Jonathan P. Bach | Matthew D. Brown | John W. Crittenden |
| Celia Goldwag Barenholtz | Alfred L. Browne, III | Janet L. Cullum |
| Frederick D. Baron | Matthew T. Browne | Nathan K. Cummings |
| James A. Beldner | Robert T. Cahill | John A. Dado |
| Keith J. Berets | Antonio J. Calabrese | Craig A. Dauchy |
| Laura A. Berezin | Linda F. Callison | Wendy (nmi) Davis |
| Russell S. Berman (former) | Roel C. Campos | Renee R. Deming |
| Connie N. Bertram | William Lesse Castleberry | Darren K. DeStefano |
| Laura Grossfield Birger | Lynda K. Chandler | Scott D. Devereaux |
| Elias J. Blawie | Dennis (nmi) Childs | Jennifer Fonner DiNucci |
| Barbara L. Borden | Ethan E. Christensen | James J. Donato (former) |
| Jodie M. Bourdet | Richard E. Climan (former) | Michelle C. Doolin |

(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: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Cooley Godward Kronish LLP
One Freedom Square, Reston Town Center
11951 Freedom Drive
Reston, VA 20190(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)John C. Dwyer
Erik S. Edwards
Robert L. Eisenbach, III
Sonya F. Erickson
Lester J. Fagen
Brent D. Fassett
David J. Fischer
M. Wainwright Fishburn, Jr.
M. Manuel Fishman (former)
Keith A. Flaum (former)
Daniel W. Frank
Richard H. Frank
William S. Freeman
Alison J. Freeman-Gleason
Steven L. Friedlander
Thomas J. Friel, Jr.
Koji F. Fukumura
James F. Fulton, Jr.
Philip J. Gall (former)
William S. Galliani
Stephen D. Gardner
Jon E. Gavenman
John M. Geschke
Kathleen A. Goodhart
Lawrence C. Gottlieb
Shane L. Goudey
William E. Grauer
Jonathan G. Graves
Paul E. Gross
Kenneth L. Guernsey
Patrick P. Gunn
Jeffrey M. Gutkin
Zvi (nmi) Hahn
John B. Hale
Andrew (nmi) Hartman
Bernard L. Hatcher
Matthew B. HemingtonCathy Rae Hershcopf
John (nmi) Hession
Gordon K. Ho
Suzanne Sawochka Hooper
Mark M. Hrenya
Christopher R. Hutter
Jay R. Indyke
Craig D. Jacoby
Chrystal N. Jensen
Eric C. Jensen
Mark L. Johnson
Robert L. Jones
Barclay J. Kamb
Richard S. Kanowitz
Kimberley J. Kaplan-Gross
Jeffrey S. Karr
Scott L. Kaufman
Sally A. Kay
J. Michael Kelly
Kevin F. Kelly
Jason L. Kent
Kristen D. Kercher
James C. Kitch
Michael J. Klisch
Michael H. Knight (former)
Jason (nmi) Koral
Barbara A. Kosacz
Kenneth J. Krisko
John G. Lavoie
Robin J. Lee
Natasha V. Leskovsek
Shira Nadich Levin
Alan (nmi) Levine
Michael S. Levinson
Elizabeth L. Lewis
Michael R. Lincoln
James C. T. LinfieldDavid A. Lipkin
Chet F. Lipton
Cliff Z. Liu
Samuel M. Livermore
Douglas P. Lobel
J. Patrick Loofbourrow
Mark C. Looney
Robert B. Lovett
Andrew P. Lustig
Michael X. Marinelli
John T. McKenna
Bonnie Weiss McLeod
Mark A. Medearis
Daniel P. Meehan
Beatriz (nmi) Mejia
Thomas C. Meyers (former)
Erik B. Milch
Keith A. Miller
Robert H. Miller
Chadwick L. Mills
Brian E. Mitchell
Patrick J. Mitchell
Ann M. Mooney
Gary H. Moore (former)
Timothy J. Moore
Webb B. Morrow, III
Kevin P. Mullen
Frederick T. Muto
Ryan (nmi) Naftulin
Stephen C. Neal
James E. Nesland (former)
Alison (nmi) Newman
William H. O'Brien
Thomas D. O'Connor
Ian (nmi) O'Donnell
Vincent P. Pangrazio
Timothy G. Patterson(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Cooley Godward Kronish LLP
One Freedom Square, Reston Town Center
11951 Freedom Drive
Reston, VA 20190(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)Amy P. Paye
Anne H. Peck
D. Bradley Peck
Susan Cooper Philpot
Benjamin D. Pierson
Frank V. Pietrantonio
Mark B. Pitchford
Michael L. Platt
Christian E. Plaza
Lori R.E. Ploeger
Thomas F. Poche
Anna B. Pope
Marya A. Postner
Steve M. Przesmicki
Seth A. Rafkin
Frank F. Rahmani
Marc (nmi) Recht
Thomas Z. Reicher
Eric M. Reifschneider (former)
Michael G. Rhodes
Michelle S. Rhyu
John W. Robertson
Julie M. Robinson
Ricardo (nmi) Rodriguez
Adam C. Rogoff (former)
Jane (nmi) Ross (former)
Richard S. Rothberg
Adam J. Ruttenberg
Adam (nmi) Salassi (former)
Thomas R. Salley III
Richard S. Sanders
Glen Y. Sato
Martin S. Schenker
Joseph A. Scherer
Renee (nmi) Schwartz (former)
William J. Schwartz
John H. SellersBrent B. Siler
Gregory A. Smith
Whitty (nmi) Smovichian
Mark D. Spoto
Wayne O. Stacy
Neal J. Stephens
Donald K. Stern
Michael D. Stern
Anthony M. Stiegler
Steven M. Strauss
Myron G. Sugarman
Christopher J. Sundermeier
Ronald R. Sussman
C. Scott Talbot
Mark P. Tanoury
Philip C. Tencer
Gregory C. Tenhoff
Michael E. Tenta
Timothy S. Teter
John H. Toole
Robert J. Tosti
Michael S. Tuscan
Edward Van Geison
Miguel J. Vega
Erich E. Veitenheimer, III
Aaron J. Velli
Robert R. Vieth
Lois K. Voelz
Craig A. Waldman (former)
Kent M. Walker
David A. Walsh
David M. Warren
Mark B. Weeks
Steven K. Weinberg
Thomas S. Welk
Christopher A. Westover
Francis R. WheelerBrett D. White
Peter J. Willsey
Mark (nmi) Windfeld-Hansen
Nancy H. Wojtas
Jessica R. Wolff
Nan (nmi) Wu
Mavis L. Yee
John F. Young (former)
Kevin J. Zimmer**Additions:**Christopher C. Campbell (former)
Jeffrey L. Cohen
Heidi M. Keefe
Charles S. Kim
John S. Kyle
Mark F. Lambert
Audrey K. Scott
Ian R. Shapiro
Jordan A. Silber
Colleen P. Gillis Snow
Mark K. Weinstein
Peter H. Werner
Babak "Bo" (nmi) Yaghmaie(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: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: March 29, 2010
(enter date affidavit is notarized)

104353c

for Application No. (s): PCA C-448-33
(enter County-assigned application number(s))

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

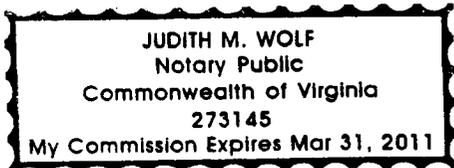
[Signature]
[] Applicant [x] Applicant's Authorized Agent

Shane M. Murphy
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29th day of March, 2010, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 3/31/2011



REZONING AFFIDAVIT

DATE: March 29, 2010
(enter date affidavit is notarized)

I, Shane M. Murphy, 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 1043526

in Application No.(s): PCA 85-L-101-5
(enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kingstowne Residential Owners Corporation Agents: Kathleen Horgan Snyder, Pres. Hilary Louis Goodman, VP of Operations (former) Cynthia Jacobs Carter, VP of Public Relations James Alan Trinka, Secretary/Treasurer (former) Gary Carl Ezard, Director	6090 Kingstowne Village Parkway Alexandria, VA 22315	Applicant/Owner Tax Maps 91-4((9))10; 91-4((9))(30)G1

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: March 29, 2010
 (enter date affidavit is notarized)

104352 v

for Application No. (s): PCA 85-L-101-5
 (enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kingstowne Residential Owners Corporation (continued) Agents: Michael John Houlihan, Trustee (former) Jeanne Louise McCarroll, Secretary/Treasurer Ronda Sue DeSplinter, Executive Director Lee (nmi) Meeks, VP of Bd. Operations Tim (nmi) Nank, Director Jennifer (nmi) Guy, Director	6090 Kingstowne Village Parkway Alexandria, VA 22315	Applicant/Owner Tax Maps 91-4((9))10; 91-4((9))(30)G1
BC Consultants, Inc. Agents: Paul K. Brazier Dennis D. Dixon Peter L. Rinek James H. Scanlon	12600 Fair Lakes Circle Suite 100 Fairfax, VA 22033	Engineer/Agent
Cooley Godward Kronish LLP Agent: Antonio J. Calabrese, Esq. Mark C. Looney, Esq. Colleen P. Gillis Snow, Esq. Jill S. Parks, Esq. Brian J. Winterhalter, Esq. Shane M. Murphy, Esq. John P. Custis, Esq. Jeffrey A. Nein, AICP, Planner Ben I. Wales, Planner Molly M. Novotny, Planner	One Freedom Square Reston Town Center 11951 Freedom Drive Reston, VA 20190	Attorney/Agent

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

REZONING AFFIDAVIT

DATE: March 29, 2010
(enter date affidavit is notarized)

1043526

for Application No. (s): PCA 85-L-101-5
(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)
Kingstowne Residential Owners Corporation
6090 Kingstowne Village Parkway
Alexandria, VA 22315

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)
Virginia nonstock corporation; no stock is issued. Members are the 5,400 homeowners of Kingstowne.

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

Kathleen Horgan Snyder, President	Gary Carl Ezard, Director	Lee (nmi) Meeks, VP of Bd. Oper.
Hilary Louis Goodman, Vice Pres. of Oper. (former)	Michael John Houlihan, Trustee (former)	Tim (nmi) Nank, Director
Cynthia Jacobs Carter, Vice Pres. of Public Rel.	Jeanne Louise McCarroll, Sec./Treas.	Jennifer (nmi) Guy, Director
James Alan Trinko, (former)	Ronda Sue DeSplinter, Exec. Dir.	

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

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

Rezoning Attachment to Par. 1(b)

DATE: March 29, 2010
(enter date affidavit is notarized)

1043526

for Application No. (s): PCA 85-L-101-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
BC Consultants, Inc.
12600 Fair Lakes Circle, Suite 100
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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: March 29, 2010
(enter date affidavit is notarized)

1042526

for Application No. (s): PCA 85-L-101-5
(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)

Cooley Godward Kronish LLP
One Freedom Square, Reston Town Center
11951 Freedom Drive
Reston, VA 20190

(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)

- | | | |
|----------------------------|----------------------------|--------------------------|
| Gian-Michele a Marca | Wendy J. Brenner | Samuel S. Coates |
| Jane K. Adams | Matthew J. Brigham | Alan S. Cohen |
| Maureen P. Alger | Robert J. Brigham | Thomas A. Coll |
| Mazda K. Anita | John P. Brockland (former) | Joseph W. Conroy |
| Gordon C. Atkinson | James P. Brogan | Jennifer B. Coplan |
| Michael A. Attanasio | Nicole C. Brookshire | Carolyn L. Craig |
| Jonathan P. Bach | Matthew D. Brown | John W. Crittenden |
| Celia Goldwag Barenholtz | Alfred L. Browne, III | Janet L. Cullum |
| Frederick D. Baron | Matthew T. Browne | Nathan K. Cummings |
| James A. Beldner | Robert T. Cahill | John A. Dado |
| Keith J. Berets | Antonio J. Calabrese | Craig A. Dauchy |
| Laura A. Berezin | Linda F. Callison | Wendy (nmi) Davis |
| Russell S. Berman (former) | Roel C. Campos | Renee R. Deming |
| Connie N. Bertram | William Lesse Castleberry | Darren K. DeStefano |
| Laura Grossfield Birger | Lynda K. Chandler | Scott D. Devereaux |
| Elias J. Blawie | Dennis (nmi) Childs | Jennifer Fonner DiNucci |
| Barbara L. Borden | Ethan E. Christensen | James J. Donato (former) |
| Jodie M. Bourdet | Richard E. Climan (former) | Michelle C. Doolin |

(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: March 29, 2010

(enter date affidavit is notarized)

1043526

for Application No. (s): PCA 85-L-101-5

(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP
 One Freedom Square, Reston Town Center
 11951 Freedom Drive
 Reston, VA 20190

(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)**

John C. Dwyer
 Erik S. Edwards
 Robert L. Eisenbach, III
 Sonya F. Erickson
 Lester J. Fagen
 Brent D. Fassett
 David J. Fischer
 M. Wainwright Fishburn, Jr.
 M. Manuel Fishman (former)
 Keith A. Flaum (former)
 Daniel W. Frank
 Richard H. Frank
 William S. Freeman
 Alison J. Freeman-Gleason
 Steven L. Friedlander
 Thomas J. Friel, Jr.
 Koji F. Fukumura
 James F. Fulton, Jr.
 Philip J. Gall (former)
 William S. Galliani
 Stephen D. Gardner
 Jon E. Gavenman
 John M. Geschke
 Kathleen A. Goodhart
 Lawrence C. Gottlieb
 Shane L. Goudey
 William E. Grauer
 Jonathan G. Graves
 Paul E. Gross
 Kenneth L. Guernsey
 Patrick P. Gunn
 Jeffrey M. Gutkin
 Zvi (nmi) Hahn
 John B. Hale
 Andrew (nmi) Hartman
 Bernard L. Hatcher
 Matthew B. Hemington

Cathy Rae Herschopf
 John (nmi) Hession
 Gordon K. Ho
 Suzanne Sawochka Hooper
 Mark M. Hrenya
 Christopher R. Hutter
 Jay R. Indyke
 Craig D. Jacoby
 Chrystal N. Jensen
 Eric C. Jensen
 Mark L. Johnson
 Robert L. Jones
 Barclay J. Kamb
 Richard S. Kanowitz
 Kimberley J. Kaplan-Gross
 Jeffrey S. Karr
 Scott L. Kaufman
 Sally A. Kay
 J. Michael Kelly
 Kevin F. Kelly
 Jason L. Kent
 Kristen D. Kercher
 James C. Kitch
 Michael J. Klisch
 Michael H. Knight (former)
 Jason (nmi) Koral
 Barbara A. Kosacz
 Kenneth J. Krisko
 John G. Lavoie
 Robin J. Lee
 Natasha V. Leskovsek
 Shira Nadich Levin
 Alan (nmi) Levine
 Michael S. Levinson
 Elizabeth L. Lewis
 Michael R. Lincoln
 James C. T. Linfield

David A. Lipkin
 Chet F. Lipton
 Cliff Z. Liu
 Samuel M. Livermore
 Douglas P. Lobel
 J. Patrick Loofbourrow
 Mark C. Looney
 Robert B. Lovett
 Andrew P. Lustig
 Michael X. Marinelli
 John T. McKenna
 Bonnie Weiss McLeod
 Mark A. Medearis
 Daniel P. Meehan
 Beatriz (nmi) Mejia
 Thomas C. Meyers (former)
 Erik B. Milch
 Keith A. Miller
 Robert H. Miller
 Chadwick L. Mills
 Brian E. Mitchell
 Patrick J. Mitchell
 Ann M. Mooney
 Gary H. Moore (former)
 Timothy J. Moore
 Webb B. Morrow, III
 Kevin P. Mullen
 Frederick T. Muto
 Ryan (nmi) Naftulin
 Stephen C. Neal
 James E. Nesland (former)
 Alison (nmi) Newman
 William H. O'Brien
 Thomas D. O'Connor
 Ian (nmi) O'Donnell
 Vincent P. Pangrazio
 Timothy G. Patterson

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

Rezoning Attachment to Par. 1(c)

DATE: March 29, 2010
(enter date affidavit is notarized)

1043524

for Application No. (s): PCA 85-L-101-5
(enter County-assigned application number (s))

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

Cooley Godward Kronish LLP
One Freedom Square, Reston Town Center
11951 Freedom Drive
Reston, VA 20190

(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)

Amy P. Paye
Anne H. Peck
D. Bradley Peck
Susan Cooper Philpot
Benjamin D. Pierson
Frank V. Pietrantonio
Mark B. Pitchford
Michael L. Platt
Christian E. Plaza
Lori R.E. Ploeger
Thomas F. Poche
Anna B. Pope
Marya A. Postner
Steve M. Przesmicki
Seth A. Raffkin
Frank F. Rahmani
Marc (nmi) Recht
Thomas Z. Reicher
Eric M. Reifschneider (former)
Michael G. Rhodes
Michelle S. Rhyu
John W. Robertson
Julie M. Robinson
Ricardo (nmi) Rodriguez
Adam C. Rogoff (former)
Jane (nmi) Ross (former)
Richard S. Rothberg
Adam J. Ruttenberg
Adam (nmi) Salassi (former)
Thomas R. Salley III
Richard S. Sanders
Glen Y. Sato
Martin S. Schenker
Joseph A. Scherer
Renee (nmi) Schwartz (former)
William J. Schwartz
John H. Sellers

Brent B. Siler
Gregory A. Smith
Whitty (nmi) Smovichian
Mark D. Spoto
Wayne O. Stacy
Neal J. Stephens
Donald K. Stern
Michael D. Stern
Anthony M. Stiegler
Steven M. Strauss
Myron G. Sugarman
Christopher J. Sundermeier
Ronald R. Sussman
C. Scott Talbot
Mark P. Tanoury
Philip C. Tencer
Gregory C. Tenhoff
Michael E. Tenta
Timothy S. Teter
John H. Toole
Robert J. Tosti
Michael S. Tuscan
Edward Van Geison
Miguel J. Vega
Erich E. Veitenheimer, III
Aaron J. Velli
Robert R. Vieth
Lois K. Voelz
Craig A. Waldman (former)
Kent M. Walker
David A. Walsh
David M. Warren
Mark B. Weeks
Steven K. Weinberg
Thomas S. Welk
Christopher A. Westover
Francis R. Wheeler

Brett D. White
Peter J. Willsey
Mark (nmi) Windfeld-Hansen
Nancy H. Wojtas
Jessica R. Wolff
Nan (nmi) Wu
Mavis L. Yee
John F. Young (former)
Kevin J. Zimmer

Additions:

Christopher C. Campbell (former)
Jeffrey L. Cohen
Heidi M. Keefe
Charles S. Kim
John S. Kyle
Mark F. Lambert
Audrey K. Scott
Ian R. Shapiro
Jordan A. Silber
Colleen P. Gillis Snow
Mark K. Weinstein
Peter H. Werner
Babak "Bo" (nmi) Yaghmaie

(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: March 29, 2010
(enter date affidavit is notarized)

104 352-b

for Application No. (s): PCA 85-L-101-5
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: March 29, 2010
(enter date affidavit is notarized)

1043526

for Application No. (s): PCA 85-L-101-5
(enter County-assigned application number(s))

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

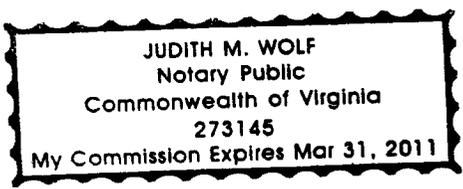
Shane M. Murphy

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

Subscribed and sworn to before me this 29th day of March 2010, in the State/Comm. of Virginia, County/City of Fairfax.

Judith M. Wolf
Notary Public

My commission expires: 3/31/2011



**STATEMENT OF JUSTIFICATION
KINGSTOWNE RESIDENTIAL OWNER'S CORPORATION
STORMWATER MANAGEMENT
MARCH 25, 2010**

I. INTRODUCTION

Kingstowne Residential Owners Corporation (the "Owner/Applicant") ("KROC") is the current owner of 15.5 acres located within the Kingstowne community that is used for the purposes of stormwater management and is identified on the Fairfax County Tax Map as 91-3((1))64B (part), 91-3((11))9 (part), 91-3((1))63D (part), 91-3((11))7 (part), 91-4((1))1H (part), 91-4((9))10 (part), 91-4((9))30G1 (part), 81-4((38))74 (part), and 91-2((1))29B (part) (the "Property"). The Property is located within the Planned Development Housing 4 du/ac ("PDH-4") Zoning District and contains stormwater management facilities for the Kingstowne community, specifically five (5) basins. The five basins are commonly known as dry ponds, which are also known as "detention ponds" because they are engineered to detain water for a period of time (24 to 48 hours) in order for the sediment in the water to settle to the bottom of the pond and not wash into the tributaries that ultimately drain into the Chesapeake Bay. Under the current circumstances, KROC is maintaining the dry ponds. KROC requests approval of a Partial Proffered Condition Amendment ("PCA") to permit turning over the ownership and maintenance obligations of the dry ponds to Fairfax County's Department of Public Works and Environmental Services ("DPWES").

II. BACKGROUND ON STORMWATER MANAGEMENT

There are two types of stormwater management devices within Kingstowne. These devices are commonly known as "wet ponds," and "dry ponds," which are designed to receive and retain stormwater run-off and divert it through a drainage system. Wet ponds have become commonplace throughout Northern Virginia. The purpose of the wet pond is to temporarily store stormwater above the elevation of the permanent pool. This allows sediment and pollutants carried by the runoff to settle on the bottom. The stormwater is released through a restrictive or controlled outlet structure and returned to the natural drainage channel at a slow rate to prevent downstream flooding and erosion.

Wet ponds also improve water quality by reducing pollutants, which helps protect downstream water supplies and aquatic life. Although some water filters through wet ponds on a regular basis, the wet ponds are engineered to keep a specific amount of water in the basin at all times. Additionally, wet ponds have an emergency or overflow spillway, usually at one side of the impoundment dam, to release stormwater that exceeds the designed storage capacity of the pond. Without this overflow control, the collected water could overflow the earth impoundment dam after a rainstorm, causing turf erosion and damage to the outlet structure and/or the impoundment dam.

Dry ponds are void of water throughout the majority of the year. They are designed to capture rainfall during a storm and slowly release it in the hours and days following the storm. Unlike

wet ponds that retain water, dry ponds are designed to detain water to slow the flow of runoff. Both facilities help control pollution as the basins capture sediment and allow pollutants to settle.

III. MANAGING STORMWATER

For more than 50 years, Fairfax County has been developing and implementing techniques to manage stormwater, which is the mixture of precipitation, soil, chemicals, debris and pollutants. Management is a fluid process. What began in the 1960s as an effort to control flooding by providing proper drainage to move water quickly to the nearest stream evolved into techniques to slow the water's flow to curtail downstream erosion and flooding. Fairfax County adopted a broad approach to its stormwater management and pursued regional stormwater management projects, rather than small, on-site projects, turning to developers to assist with creating and locating regional detention facilities within their project sites.

As the County continued to develop, its stormwater management plan kept evolving and in 1993 a pro rata fee was established by which developers had to contribute financially to stormwater management projects in their respective watersheds. This same year, stream corridors were established as protection areas, further focusing attention on the sediment and nutrients the runoff was depositing.

Although detention ponds remained the County's principal means of controlling stormwater, attention began shifting toward the need to filter nutrients and sediment from the runoff, not just slow the flow, and in 2000, the county began studying whether dry ponds could be retrofitted to accommodate both goals. Reinforcing how stormwater management is an evolving process, the study of retrofits was a response to the stricter discharge limits imposed on the county in the late 1990s through the Virginia Pollutant Discharge Elimination System (VPDES) permit, which limits the amount of discharge and establishes a criteria by which the county can measure runoff. The county is now studying whether dry ponds can be converted into wetlands to filter nutrients, slow the flow of runoff and lessen the environmental impacts dry ponds have created.

Despite this potential for retrofitting facilities, Fairfax County continues to encourage a regional approach to stormwater detention. Regional dry ponds or extended dry ponds are the county's preferred method (according to the PFM 6-0301.4).

The County's Public Facilities Manual ("PFM") defines how stormwater facilities are maintained and assigns maintenance obligations of regional wet ponds and dry detention ponds in residentially zoned areas to the County. The same language in effect in 1985 when Kingstowne was rezoned is in effect today:

PFM 6-0303.1 (32-90-PFM): "Dry detention ponds and regional wet detention ponds, including those constructed to serve BMP facilities, located in residentially zoned areas, including condominium developments, shall be within County storm drainage easements, and shall be maintained by DPWES."

Despite this language, which clearly provides for the maintenance of stormwater facilities by DPWES, facilities are still managed differently throughout the County and the maintenance

responsibility for both the wet and dry ponds has become a source of much confusion and controversy. Of the approximately 3,500 stormwater facilities in Fairfax County, more than 2,200 are privately maintained. DPWES policy at the time that KROC was under development review, was to accept responsibility for maintaining all of the dry ponds in the County and the regional wet ponds; however, many community associations formally accepted responsibility for the maintenance of the dry ponds within their community through written agreements with the County.

The developer of most of Kingstowne was required to accept maintenance responsibility for five of the community's six dry ponds. The sixth dry pond facility, known as Kingstowne Basin #4, is a regional facility maintained by the County, according to an easement agreement that its developer and the County reached in November 1987 to place the facility under the County's purview. There is little documentation or explanation detailing why only one facility was placed under the easement, when County policy dictated that all stormwater facilities in Kingstowne should have been placed in similar easements. Today, KROC is seeking the same agreement for the other facilities whereby DPWES would assume oversight of the remaining five dry ponds.

IV. PROPER MAINTENANCE

A primary focus of DPWES is stormwater management, which involves creating, building or overseeing, and maintaining an effective system to ensure the county does not exceed its permitted discharge limits. To verify facilities are working as they are designed to work, the county conducts routine inspections, making annual visits to public facilities and a visit every five years to private facilities. This two-tiered policy places a premium on county-owned and maintained facilities because the annual inspections provide five times more chance to notice problems or failures than in privately maintained facilities. Not only do public facilities receive more routine inspections, they are revisited to ensure whatever work is needed is completed satisfactorily. Earlier detection and repeat visits likely lead to easier and less costly corrections and enable the ponds to return to their effective states quicker.

In 2006, DPWES inspected 100 percent of the 1,209 county-maintained facilities. 196 facilities were in need of maintenance and received written reports outlining the necessary work, according to the 2006 Fairfax County Stormwater Status Report. All of the work was completed, according to the report. During the same year, DPWES inspected 457, or one fifth, of the 2,270 privately maintained facilities. No work orders were written, as the County does not write work orders for private facilities, and no re-inspections occurred since it is not County policy to re-inspect private facilities to ensure the work or maintenance was performed.

Although both public and private facilities have the same goal—to capture enough runoff, sediment and pollutants to allow the county to achieve its pollution-reduction permit goals—the County focuses substantially more attention on public facilities than private ones. If, during the one inspection every five years, the County finds deficiencies in a private facility, there is no follow-through to ensure remediation. If a private facility fails to carry out improvements or does not achieve the County's desired result, it is five years—during the facility's next scheduled inspection period—before the failure would be brought to the County's attention again.

County inspections have proven that public facilities are more effective at stormwater management than private ones. During recent County inspections of private facilities, 70 percent to 80 percent were noted to have deficiencies, according to Paul Shirey of DPWES. In contrast, less than 20 percent of public facilities warranted work orders outlining needed maintenance.

The disparity in conditions results from economies of scale. The County has more resources devoted to maintenance and management of stormwater facilities, which permits it to conduct maintenance operations at much less cost than is borne by smaller, private associations such as KROC. The County conducts more routine inspections and is better equipped to identify and correct problems. DPWES has employees and contractors who are trained to evaluate stormwater facilities and have a clear understanding of what is needed to keep them functioning properly and what to look for if they are not. In comparison, many community associations throughout Fairfax County are not even aware of their ponds' locations or who holds the responsibility for upkeep and maintenance.

A County review in August 2007 of rain gardens illustrates that county-maintained rain gardens are more successful than privately maintained ones.

“Results of this study strongly indicate that the ownership of the rain gardens plays a significant role in the physical performance of the facilities. Publicly maintained rain gardens performed better when compared with privately maintained rain gardens. Publicly maintained facilities likely benefit from having increased oversight during and after construction and higher construction and maintenance budgets. After installation, maintenance crews and other knowledgeable county employees, both on and off-site, can monitor the site and ensure no problems arise. More eyes tend to be trained on public sites than private sites.”

The report continues:

“In cases where rain gardens are privately maintained, the neighbors residing around them may be less familiar with the proper BMP design and functioning and may not know who to hire to fix perceived problems.”

This study, although focused on rain gardens, could reasonably be extrapolated to apply to stormwater facilities in general. In the case of Kingstowne, the community is aware of its stormwater facilities, but not all homeowners' associations are similarly aware, a fact that was reinforced when the Applicant did outreach to other HOAs to learn about their own maintenance policies.

Despite whether an HOA is aware it must maintain its private stormwater facility, a facility's failure impacts the watershed and likely implicates the county, which is ultimately responsible for meeting the state and federally imposed discharge limits.

According to the Northern Virginia Regional Commission, private maintenance costs for dry basins are upwards of \$100 per acre per year, and more intensive maintenance runs \$500 per acre

per year. Sediment should be removed on a regular basis, at least once every two to ten years. Over the last five years, from 2002 through 2007, Kingstowne residents have paid large sums of its operating expenses to maintain the five basins and one regional lake in their development.

V. KINGSTOWNE'S STORMWATER MAINTENANCE RESPONSIBILITIES

Under the approved proffers for RZ C-448 and RZ 85-L-101, which represent the majority of Kingstowne, the County created requirements that the Kingstowne Residential Owners Corporation maintain the dry ponds.

Although none of the proffers specifically addresses a requirement that KROC maintain the stormwater management facilities, County officials have for years interpreted the proffers as containing such a requirement. For that reason, the developer of Kingstowne was compelled to sign Stormwater Management Agreements which require KROC to maintain the facilities. Below is a summary of the relevant proffers that need to be altered before KROC can enter into negotiations to abridge the Stormwater Management Agreements.

A. THE DRY PONDS

The proffered requirement for KROC to maintain the dry ponds is less than clear, but the signed Stormwater Management Agreements between the County and Kingstowne, L.P. (now KROC) were apparently based on language in the proffers. Without clarifying the proffers to affirmatively allow the facilities to be transferred to the County's maintenance program subject to certain conditions, KROC will continue to have the responsibility to maintain the dry ponds.

B. THE STORMWATER MANAGEMENT AGREEMENTS

KROC recognizes that as part of this process it will need to open a dialogue with the County of Fairfax to abridge the Stormwater Management Agreements. However, such a discussion is not possible without amending the approved Kingstowne proffers, which created the requirement for the developer to enter into the Stormwater Management Agreements in the first place. Should the Board of Supervisors approve the requested Proffered Condition Amendment, allowing maintenance to be transferred subject to certain conditions, KROC will then have the ability to negotiate a beneficial solution to the Stormwater Management Agreements that are currently in place.

VI. DOUBLE PAYMENTS

Stormwater facilities are expensive to maintain, but proper upkeep is imperative to ensure they function as designed. Because of this, the County currently requires developers to build the facilities at their own expense or pay a pro rata contribution to regional facilities. When Kingstowne was rezoned, the developer paid a sizable pro rata contribution to Fairfax County for the construction of regional facilities.

In addition to the payments made by the developers of Kingstowne, all Fairfax County's property owners now pay to maintain existing facilities through their real estate taxes. As this critically important infrastructure ages, Fairfax County has recognized that maintenance costs are increasing and began setting aside the equivalent of one penny of the tax rate for maintenance and emergency repairs. This money is designated only for public facilities, even though all County property owners are responsible for paying the fee. In FY2008, this fund, called "Fund 318," amounted to \$22.7 million in property tax receipts, including taxes paid by Kingstowne residents. In FY2009, the proposed budget estimates the County will receive \$22.8 million in tax receipts to be dedicated to Fund 318.

Essentially, the residents of Kingstowne are paying taxes to a system from which they cannot benefit while also paying separately for the private maintenance of their own facilities. Beginning in 2006, Kingstowne residents have paid a penny of their real estate tax rate to maintain storm water facilities in Fairfax County, while at the same time paying a considerable portion of its annual budget to private firms for maintenance of the basins. In the coming months, KROC expects to undertake several expensive projects to remove accumulated silt and sediment from several of its privately-maintained basins. KROC is required to pass along the increasing maintenance costs to its residential owners in the form of increased assessments. Despite the escalating costs, KROC remains successful in properly maintaining these facilities to promote a healthy environment and protect the Chesapeake Bay.

VII. EXPANDING RESPONSIBILITIES

As development has increased in the Kingstowne area, the stormwater basins are in the drainage basin for other commercial, residential, and public facilities in the area. For instance, the facilities receive runoff from Edison High School and Franconia Elementary School, as well as several churches and commercial developments. The facilities were originally designed to handle this increased runoff from other residential and commercial development, which again raises the question of why a single homeowners' association is primarily responsible for maintaining stormwater management facilities that are yielding regional benefits. The residents of Kingstowne are assuming an increased maintenance burden associated with regional stormwater management facilities for runoff and silt that is not associated with their residences. The public and several commercial developments benefit from KROC's maintenance of the regional stormwater facilities without contributing to the costs of doing so. The residents of Kingstowne pay twice – once in real estate taxes and a second time in dues to the Kingstowne Residential Owners Corporation, which is required to maintain the facilities for the benefit of the entire drainage shed.

VIII. RECOGNIZING CHANGES WILL BE NEEDED

The Kingstowne Residential Owners Corporation recognizes that changes are needed in the management of its five storm water basins. Fairfax County's existing storm water maintenance program, to which residents of Kingstowne already pay taxes, is the most appropriate entity to maintain the dry stormwater management basins in the future.

KROC stands ready to work productively with the County of Fairfax to solve this problem on mutually agreeable terms. Transferring maintenance to the County's Department of Public Works and Environmental Services would increase the effectiveness of the facilities, release the residential owners of Kingstowne from an inequitable financial burden and potential legal complications, and ensure that maintenance is performed more regularly.

Shane M. Murphy
Cooley Godward Kronish LLP

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
FAIRFAX, VIRGINIA 22030



September 23, 1975

John T. Hazel, Esquire
P.O. Box 547
Fairfax, Virginia 22030

Dear Mr. Hazel:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at its meeting on September 13, 1975, granting the application of LEHIGH PORTLAND CEMENT CO. (No. C-448) to rezone certain land in Lee District from RE-1, R-12.5 and I-P Districts to PDH-3.5 (1062.13 ac.) and I-P (107.87 ac.) Districts.

Very truly yours,

Ethel Wilcox Register

Ethel Wilcox Register
Clerk to the Board

cc: Mr. Patteson
Mr. Yates
Mr. Knowlton
Mr. Beales

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia on the 13th day of September, 1975, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
(PROPOSAL NO. C-448)

WHEREAS, LEHIGH PORTLAND CEMENT CO. filed in proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from RE-1, / Districts ^{R-12.5 & I-P} to PDH-3.5 / Districts ^{I-P} and

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

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

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Lee District, and more particularly described as follows: (see attached legal description) (1062.13 ac.) & I-P (107.87 ac.) Be, and hereby is, zoned to the PDH-3.5 / Districts ^{& I-P} and said property is subject to the use regulations of said PDH-3.5 / Districts, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

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

GIVEN under my hand this 13th day of September , 19 75

Ethel Wilcox Register
Ethel Wilcox Register
Clerk to the Board

June 27, 1975

DESCRIPTION OF
THE PROPERTY OF
LEHIGH PORTLAND CEMENT COMPANY
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

PARCEL A

Beginning at a point on the Southwesterly line of Hayfield Road (Route #635), said point marking the Northeasterly corner of Campbell; thence running with the said line of Hayfield Road the following courses: S62°35'20"E, 236.70 feet; S43°36'25"E, 222.00 feet; S26°44'05"E, 276.52 feet; S32°05'14"E, 1080.24 feet; S29°50'15"E, 353.92 feet and S41°51'26"E, 1369.03 feet to a point marking the intersection of the Southwesterly line of Hayfield Road and the Northwesterly line of Old Telegraph Road (Route #634); thence running with the said line of Telegraph Road the following courses: S14°23'59"W, 66.00 feet; S23°23'59"W, 775.53 feet; S25°03'59"W, 141.90 feet and S25°15'02"W, 533.84 feet to a point marking the Northeasterly corner of Cummings; thence departing Old Telegraph Road and running with the Northeasterly line of Cummings N65°59'53"W, 293.09 feet to a point marking the most Northerly corner of Cummings; thence running with the Northwesterly line of Cummings and continuing with the Northwesterly lines of Crump and Oden S21°09'52"W, 414.93 feet to a point marking the Southwesterly corner of Oden; thence running with the Southwesterly line of Oden S06°01'59"E,

Page Two
Description of
The Property of
Lehigh Portland Cement Company
Lee District
Fairfax County, Virginia

363.72 feet to a point on the Westerly line of the aforementioned Old Telegraph Road; thence with the said line $S09^{\circ}00'02''W$, 194.07 feet to a point marking the Northeasterly corner of Wolfe; thence departing Telegraph Road and running with the Northeasterly line of Wolfe $N66^{\circ}36'53''W$, 273.58 feet to a point marking the most Northerly corner of Wolfe; thence running with the Northwesterly line of Wolfe $S31^{\circ}15'02''W$, 130.42 feet to a point marking the most Westerly corner of Wolfe; thence running with the Southwesterly line of Wolfe $S57^{\circ}48'58''E$, 124.98 feet and $S66^{\circ}36'53''E$, 200.00 feet to a point on the aforementioned Northwesterly line of Old Telegraph Road; thence running with the said line $S15^{\circ}16'21''W$, 150.03 feet to a point marking the Northeasterly corner of The United Methodist Church; thence departing the said Old Telegraph Road and running with the Northeasterly line of the said church $N58^{\circ}44'53''W$, 430.57 feet to a point marking the most Northerly corner of the said church; thence running with the Northwesterly line of the said church $S31^{\circ}15'02''W$, 190.16 feet to a point on the Northeasterly line of Section 4, Fincy Run Subdivision; thence running with the said line $N58^{\circ}44'53''W$, 287.06 feet to a point on the Southeasterly line of Ennis; thence running with the Southeasterly line of Ennis in part $N32^{\circ}45'02''E$, 9.49 feet to a point marking the Northeasterly corner of Ennis; thence running with the Northerly line of Ennis the following courses: $N39^{\circ}24'18''W$, 371.04 feet; $S11^{\circ}05'47''W$, 296.64 feet;

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N90°10'53"W, 203.76 feet; S11°05'47"W, 203.71 feet and S90°10'53"E, 203.76 feet to a point marking the most Northerly corner of Jacobs; thence running with the Northwesterly line of Jacobs and continuing with the Northerly line of Hilltop Sand and Gravel Co., Inc. the following courses: S11°05'47"W, 514.43 feet; N78°54'13"W, 254.60 feet; N90°13'06"W, 2146.82 feet and S83°27'35"W, 1096.34 feet to a point on the Easterly line of the Loyal Order of the Moose Lodge; thence running with the Easterly line of the said Moose Lodge and continuing with the Easterly line of Baggett N01°35'55"W, 180.76 feet; N57°51'24"W, 6.93 feet and N23°17'53"E, 440.93 feet to a point marking the Northeasterly corner of Baggett; thence running with the Northerly lines of Baggett and Tharpe N67°12'05"W, 703.00 feet to a point on the Easterly line of the aforementioned Beulah Road; thence running with the said line N23°29'20"E, 50.00 feet to a point marking the Southwesterly corner of Miller; thence with the Southwesterly line of Miller S67°13'15"E, 281.49 feet to the Southeasterly corner of Miller; thence with the Easterly line of Miller N23°22'43"E, 315.04 feet to a point marking the Northeasterly corner of Miller; thence with the Northeasterly line of Miller N78°19'16"W, 286.77 feet to a point on the Southeasterly line of the said Beulah Road; thence running with the said line N23°25'13"E, 479.09 feet to a point marking the Southwesterly corner of Roth; thence running with the Southwesterly

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line of Roth and continuing with the Southwesterly line of Harlow $S68^{\circ}15'38''E$,
 1200.73 feet to a point marking the Southeasterly corner of Harlow; thence running
 with the Southeasterly line of Harlow $N21^{\circ}00'29''E$, 161.82 feet to a point on the
 Southwesterly line of Schroeder; thence running with the Southwesterly line of
 Schroeder in part $S38^{\circ}11'27''E$, 49.93 feet to a point marking the most Northerly
 corner of Potter; thence running with the Northwesterly line of Potter $S20^{\circ}53'22''W$,
 213.10 feet to a point marking the Southwesterly corner of Potter; thence running
 with the Southwesterly line of Potter $S68^{\circ}15'16''E$, 409.41 feet to a point marking
 the Southeasterly corner of Potter; thence with the Southeasterly line of Potter
 $N20^{\circ}55'55''E$, 212.83 feet to a point marking the Northeasterly corner of Potter;
 thence running with the Northeasterly line of Potter in part $N68^{\circ}06'43''W$, 19.94
 feet to a point marking the Southeasterly corner of Nalls; thence running with the
 Southeasterly line of Nalls and continuing with the Southeasterly lines of Simms,
 Clynalia Park, Section 1, Lincoln Heights, and the terminus of Steinway Street the
 following courses: $N22^{\circ}10'42''E$, 350.40 feet; $N21^{\circ}47'02''E$, 370.38 feet; $N22^{\circ}04'10''E$,
 830.23 feet and $N30^{\circ}49'51''E$, 887.34 feet to a point on the Northerly line of
 Steinway Street; thence running with the Northerly line of Steinway Street and con-
 tinuing with the Southeasterly line of Section 1, Lincoln Heights, the following
 courses: $N64^{\circ}06'08''W$, 239.71 feet; $S69^{\circ}27'32''W$, 64.62 feet and $N25^{\circ}23'40''E$,
 111.12 feet to a point on the Southwesterly line of Young; thence running with the

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Southwesterly line of Young in part and continuing with the Southeasterly and
Northeasterly lines of Young the following courses: S54°21'01"E, 1427.64 feet;
N37°38'59"E, 751.55 feet; N33°38'01"W, 120.63 feet; N21°38'01"W, 255.75 feet;
N33°38'01"W, 313.50 feet; N38°08'01"W, 165.00 feet; N65°08'01"W, 295.22
feet; S35°38'59"W, 316.19 feet and N49°49'01"W, 470.40 feet to a point on the
Southeasterly line of the Park Authority of Fairfax County; thence running with
the Southeasterly line of the said Park Authority and continuing with the Southeasterly
line of the aforementioned Campbell N44°27'27"E, 197.80 feet and N38°51'59"E, 1195.50
feet to the point of beginning, containing 382.14 Acres of land

AND

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PARCEL "B"

Beginning at a point in the Westerly line of Beulah Road (Route 613), said point marking the Southeasterly corner of Albert H. Gailliot; thence with the Westerly line of Beulah Road S 22° 12' 10" E, 1124.10 feet to a point in the Northerly line of Aline Gailliot; thence with the said line of Gailliot and continuing with the Northerly line of Crockett S 71° 46' 07" W, 1407.30 feet and S 71° 08' 57" W, 946.14 feet to a point in the Easterly line of Knott; thence with the Easterly and Northerly line of Knott N 00° 20' 48" W, 53.57 feet and S 72° 48' 52" W, 797.63 feet to a point in the Easterly line of Hilltop Sand and Gravel Co., Inc.; thence with the Easterly line of Hilltop Sand and Gravel N 00° 57' 33" W, 1278.35 feet to a point in the Southerly line of Industrial Maintenance Corp.; thence with the Southerly and Easterly lines of Industrial Maintenance Corp. S 75° 36' 58" E, 785.15 feet and N 00° 56' 28" W, 300.11 feet to a point marking a Southwesterly corner of Hunter; thence with the Southerly line of Hunter and continuing with the Southerly line of the aforementioned Albert Gailliot N 72° 26' 42" E, 1925.09 feet to the point of beginning, containing 74.34 Acres of land.

AND

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FARCEL "C"

Beginning at a point marking the intersection of the Northwesterly side of Old Telegraph Road (Route 634) and the Northeasterly side of Hayfield Road (Route 635); thence with the Northeasterly side of Hayfield Road N 45° 29' 42" W, 658.62 feet and N 41° 59' 31" W, 574.31 feet to a point marking the most Southerly corner of First Baptist Church; thence departing Hayfield Road with the Southeasterly and Northeasterly lines of First Baptist Church N 25° 51' 27" E, 511.20 feet and N 42° 10' 33" W, 250.50 feet to a point in the Southeasterly line of Galzey; thence with the lines of Galzey N 14° 16' 57" E, 287.81 feet; N 65° 05' 37" W, 227.37 feet and S 22° 59' 16" W, 429.97 feet to a point marking the most Northerly corner of Baker; thence with the Northwesterly line of Baker S 22° 36' 46" W, 153.42 feet to a point in the Northeasterly side of Hayfield Road; thence with the Northeasterly side of Hayfield Road N 31° 28' 36" W, 1300.00 feet; N 39° 32' 01" W, 56.87 feet; N 09° 53' 58" W, 134.44 feet and N 27° 32' 29" W, 34.67 feet to a point marking the Southwesterly corner of VEPCO; thence with the Southerly and Easterly lines of VEPCO N 54° 34' 19" E, 407.30 feet and N 46° 20' 26" W, 376.87 feet to a point in a Southerly line of Beard; thence with the lines of Beard the following courses:
 N 58° 39' 19" E, 1185.48 feet; S 44° 35' 15" E, 1117.22 feet N 51° 11' 51" E, 480.70 feet;
 S 38° 48' 09" E, 230.29 feet; N 51° 11' 51" E, 738.90 feet and N 34° 32' 43" W, 2135.88 feet to a point marking the most Southerly corner of Gorham; thence with the Southerly line of Gorham, Benjamin Rogers and Evelyn Foster N 47° 58' 04" E, 537.40 feet and N 47° 58' 04" E, 407.30 feet to a point marking the most Northerly corner of Evelyn Foster.

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thence with the Northeasterly line of Evelyn Foster, Austin Foster; Effie Rogers and William Rogers N 30° 00' 46" W, 747.80 feet to a point marking the most Northerly corner of William Rogers; thence with the Northwesterly line of William Rogers, Benjamin Rogers and Lloyd S 53° 07' 53" W, 1037.77 feet to a point in the Northeasterly line of the aforementioned Beard; thence with the Northeasterly line of Beard N 32° 12' 06" W, 199.96 feet to a point in the Southeasterly line of Rice; thence with the Southeasterly line of Rice, Baker and Payne N 52° 21' 02" E, 535.73 feet to a point marking the Southeasterly corner of Payne; thence with the Northeasterly line of Payne N 49° 39' 47" W, 218.59 feet to a point marking the most Southerly corner of Lot 26, Section One, Walhaven; thence with the Southerly lines of Walhaven N 26° 06' 53" E, 552.04 feet to a point marking the Southwesterly corner of Parcel "A" Hampden Heights; thence with the Southwesterly and Southeasterly lines of Hampden Heights and continuing with the Southeasterly line of Olesen S 66° 00' 07" E, 520.29 feet and N 52° 22' 37" E, 910.45 feet to a point marking the Northwesterly corner of Lot 29, Section Three, Walhaven; thence with the Southwesterly, Southeasterly and Northeasterly lines of Lot 29, Section Three, Walhaven the following courses:

S 30° 52' 27" E, 692.60 feet; N 53° 23' 03" E, 272.20 feet and N 41° 22' 26" W, 688.31 feet to a point; thence continuing with the Southeasterly line of Section Three, Walhaven N 28° 58' 41" E, 1451.60 feet to a point in the Southerly line of Cameron Villa Farms; thence with the Southerly line of Cameron Villa Farms S 88° 09' 49" E, 635.56 feet to a point in the terminus of South Van Dorn Street; thence with the terminus of South Van Dorn

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Green; thence with the Southwesterly and Southeasterly lines of Eugene Green the following courses: S 06° 46' 08" E, 405.46 feet; S 48° 39' 41" E, 129.40 feet; S 27° 00' 11" E, 130.40 feet; S 01° 45' 11" W, 69.00 feet; S 11° 52' 59" E, 80.40 feet; S 43° 36' 39" E, 96.65 feet; S 60° 59' 04" E, 239.00 feet; S 09° 49' 01" W, 354.10 feet; S 04° 23' 21" W, 464.95 feet; S 52° 19' 05" E, 32.57 feet; N 30° 42' 45" E, 724.49 feet and N 12° 39' 29" W, 188.13 feet to a point marking the Southwesterly corner of Davies; thence with the Southerly and Easterly lines of Davies N 77° 06' 16" E, 190.72 feet and N 12° 37' 19" W, 837.35 feet to a point marking the Northeasterly corner of Davies; thence with the Northerly line of Davies and continuing with the Northerly line of the aforementioned Eugene Green N 85° 45' 04" W, 746.59 feet to a point marking the Southeasterly corner of the terminus of South Van Dorn Street; thence with the Easterly side of South Van Dorn Street N 00° 59' 27" W, 1679.04 feet to a point in the Southerly side of Franconia Road (Route 644); thence with the Southerly side of Franconia Road S 89° 52' 50" E, 30.01 feet to a point marking the Northwesterly corner of the property of School Board of Fairfax County (Thomas Edison High School); thence with the Westerly, Southerly and Easterly lines of the School Board the following courses: S 00° 59' 27" E, 1647.61 feet; S 85° 39' 29" E, 903.72 feet; S 85° 46' 17" E, 418.41 feet; N 67° 11' 27" E, 62.32 feet and N 04° 04' 48" W, 597.96 feet to a point marking the intersection of the Westerly side of Edison Drive with the Southerly side of Wordway Drive; thence with the Southerly side of Wordway Drive N 89° 29' 55" E, 253.01 feet to a point marking the Northwesterly corner of Loy; thence with the Westerly line of Loy and

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continuing with Hein S 04° 56' 48" E, 494.60 feet to a point marking the Southwesterly corner of Hein; thence with the Southerly line of Hein, Funk and Shutt N 67° 17' 42" E, 604.10 feet to a point marking the Southeasterly corner of Shutt; thence with the Easterly line of Shutt N 04° 56' 48" W, 300.51 feet to a point marking the Southwesterly corner of Guliford; thence with the Southerly line of Guliford and continuing with the Southerly line of Rose Hill Apartments N 89° 21' 32" E, 1672.37 feet to a point; thence with the Southwesterly line of Rose Hill Apartments, Section Two, Rose Hill and a property of Fairfax County Park Authority S 16° 37' 32" W, 4007.27 feet to a point marking the Northeasterly corner of Frederick Mittendorff; thence with the Northerly lines of the said Mittendorff and continuing with Dickenson, Milton and Libby Davis Trustee, Foley and Lockowandt the following courses: S 16° 24' 06" W, 9.94 feet; N 67° 28' 58" W, 152.60 feet; N 70° 45' 28" W, 143.30 feet; N 77° 47' 58" W, 84.60 feet; N 51° 49' 58" W, 110.40 feet; N 84° 29' 28" W, 93.80 feet; N 68° 38' 28" W, 57.00 feet; N 84° 30' 28" W, 67.90 feet; N 83° 33' 28" W, 269.70 feet; N 79° 37' 59" W, 65.88 feet; S 79° 27' 09" W, 503.17 feet; S 26° 25' 34" W, 1660.31 feet; S 50° 39' 07" E, 49.26 feet; S 46° 47' 44" W, 304.35 feet and S 46° 13' 53" W, 384.96 feet to a point in the Northeasterly line of Paul F. Meyers, Northwesterly corner of Lockowandt; thence with the Northeasterly line of Paul Meyers N 43° 46' 07" W, 723.61 feet to a point marking the most Northerly corner of Paul Meyers; thence with the Northerly line of Paul Meyers and continuing with the Northerly and Westerly lines of William Meyers S 34° 28' 53" W, 668.00 feet and S 43° 46' 07" E, 2227.50

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feet to a point in the Northerly side of Telegraph Road (Route 611), Southwesterly corner of William Meyers; thence with the Northerly side of Telegraph Road S 45° 46' 46" W, 414.06 feet and S 56° 26' 36" W, 185.57 feet to a point marking the most Easterly corner of Banks, thence with the Northeasterly and Northwesterly lines of Banks the following courses: N 33° 29' 00" W, 498.96 feet; S 46° 15' 52" W, 297.00 feet; N 43° 14' 08" W, 864.27 feet; S 36° 51' 26" W, 361.68 feet; N 42° 32' 27" W, 126.79 feet; N 41° 29' 08" W, 530.64 feet; N 41° 44' 08" W, 141.02 feet; S 64° 06' 47" W, 606.14 feet; S 05° 41' 14" E, 315.74 feet and S 69° 58' 46" E, 404.74 feet to a point marking the most Northerly corner of Melton; thence with the Northwesterly and Southwesterly lines of Melton S 45° 19' 14" W, 354.78 feet; S 44° 07' 46" E, 179.00 feet and S 44° 40' 46" E, 1069.06 feet to a point in the Northerly side of the aforementioned Old Telegraph Road, most Southerly corner of Melton; thence with the Northerly side of Old Telegraph Road S 45° 07' 48" W, 317.43 feet to a point marking the Southeasterly corner of Orlander Banks, Sr.; thence with the Northeasterly line of Orlander Banks N 44° 17' 08" W, 382.84 feet to a point in the Southeasterly line of Ernest Evans; thence with the lines of Evans N 44° 41' 31" E, 132.84 feet; N 44° 13' 53" W, 186.25 feet and S 45° 46' 07" W, 236.70 feet to a point in the Northeasterly line of Orlander Banks; thence with the Northeasterly, Northwesterly and Southwesterly line of Orlander Banks the following courses: N 45° 02' 08" W, 116.67 feet; S 41° 39' 32" W, 288.75 feet; S 58° 20' 29" W, 292.00 feet and S 41° 17' 51" E, 695.70 feet to a point in the Northerly side of Old Telegraph Road; thence with the Northerly side of

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Telegraph Road S 61° 00' 34" W, 202.95 feet and S 41° 00' 34" W, 462.00 feet to the point of beginning, containing 651.06 Acres of land.

LESS AND EXCEPT

A parcel acquired by Holland M. Edmunds in D. B. 2694 at Page 291.

Beginning at a point marking the most Westerly corner of the property of Lehigh Portland Cement Co. as acquired in D. B. 3356 at Page 531; thence with the boundary of Lehigh Portland Cement Co. the following courses: S 43° 22' 10" E, 550.32 feet; S 46° 34' 14" W, 271.85 feet; N 43° 31' 39" W, 378.41 feet and N 14° 22' 43" E, 322.68 feet to the point of beginning, containing 2.9 Acres of land. Leaving a net area of 648.16 AC. for Parcel "C".

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PARCEL "D"

Beginning at a point in the Northwesterly side of Old Telegraph Road (Route 634) said point marking the most Southerly corner of Ovrevik; thence with the Northwesterly side of Old Telegraph Road S 52° 57' 55" W, 402.23 feet to a point marking the most Easterly corner of Lehigh Portland Cement Co.; thence with the boundary of Lehigh Portland Cement Co. N 43° 46' 07" W, 2227.50 feet; N 34° 28' 53" E, 668.00 feet and S 43° 46' 07" E, 723.61 feet to a point marking the most Westerly corner of Lockowandt; thence with the Southwesterly line of Lockowandt and continuing with the Southwesterly lines of Dewey Subdivision and the aforementioned Ovrevik S 43° 46' 07" E, 1063.65 feet; S 11° 16' 43" W, 310.57 feet and S 43° 46' 07" E, 445.51 feet to the point of beginning, containing 31.83 Acres of land.

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PARCEL "E"

Beginning at a point in the Easterly side of Cinder Bed Road (Route 637), said point marking the Northwesterly corner of Terry; thence with the Easterly side of Cinder Bed Road N 14° 23' 02" E, 50.00 feet to a point marking the Southwesterly corner of Phelps; thence departing Cinder Bed Road with the Southerly line of Phelps, Collins and Phelps S 75° 36' 58" E, 417.40 feet to a point marking the Southeasterly corner of Phelps; thence with the Easterly line of Phelps and continuing with Moore N 14° 23' 02" E, 208.70 feet to a point marking a Southwesterly corner of Baskin; thence with the lines of Baskin S 75° 36' 58" E, 417.40 feet and N 14° 23' 02" E, 208.71 feet to a point in the Southerly line of Hunter; thence with the Southerly lines of Hunter and continuing with a Northwesterly line of Lehigh Portland Cement Co. S 75° 36' 58" E, 1166.84 feet and S 00° 56' 28" E, 1015.56 feet to a point marking a Northwesterly corner of Lehigh Portland Cement Co.; thence with the Northerly line of Lehigh and continuing with Hilltop Sand and Gravel Co, Inc. N 75° 36' 58" W, 1366.65 feet to a point marking the Southeasterly corner of Beatty; thence with the Easterly and Northerly lines of Beatty N 14° 23' 02" E, 300.00 feet and N 75° 36' 58" W, 436.00 feet to a point in the Easterly line of Terry; thence with the Easterly and Northerly lines of Terry N 14° 23' 02" E, 212.04 feet and N 75° 36' 58" W, 467.40 feet to the point of beginning, containing 33.53 Acres of land.

Parcels A, B, C, D and E containing an aggregate of 1170.00 Acres of land.

All being more particularly described on the plat hereto attached and made a part hereof.

Board of Supervisors
Fairfax County, Virginia

Re: C-448
Lehigh Portland Cement Company

Ladies and Gentlemen:

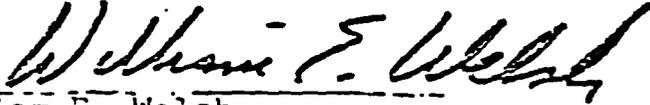
On behalf of Lehigh Portland Cement Company, I hereby proffer with respect to the I-P portion of this application, the following constraints, which are a substantial addition to the controls existing in the zoning ordinance:

1. We will not seek to construct any building more than forty (40) feet in height.

2. Where any structure is proposed abutting an existing occupied dwelling, we will, at the one hundred foot required setback line, limit building height to twenty (20) feet; for any height between twenty and forty feet, we will set back an additional two feet for each foot in height over twenty feet.

3. Lastly, and most importantly, we proffer that the I-P portion of this application should be and will be treated as if it were in the PDH district, requiring the submission of a final development plan for each phase, requiring citizens, Planning Commission and Board review and approval. This is a significant concession which will afford more protection to the affected residents than is the case with any other industrial area in the County.

Lehigh Portland Cement Company

by 
William E. Welsh
Manager of Properties



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



April 24, 1986

Mr. Robert A. Lawrence
Hazel, Beckhorne and Hanes
Post Office Box 547
Fairfax, Virginia 22030

Re: Rezoning Application
Number RZ 85-L-101
(Concurrent with DPA C-448-3)

Dear Lawrence:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 7, 1986, granting, as proffered, Rezoning Application RZ 85-L-101 in the name of Kingstowne, L.P., to rezone certain property in the Lee District from the R-1 District to the PDH-4 District on subject parcel 91-4 ((1)) 16 consisting of approximately 36.41 acres.

The Board also approved the Conceptual Development Plan which incorporates the property subject to RZ 85-L-101 into Sections 26, 27, 28, 29 and 30 of Kingstowne (DPA C-448-3).

The Board also waived the 600-foot private residential street length requirement.

Very truly yours,

Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

EWR:ns

cc: Lurty C. Houff Jr., Director
Real Estate Division
Gilbert R. Knowlton, Deputy
Zoning Administrator
Richard D. Faubion, Director
Zoning Evaluation Division
Fred R. Beales, Supervisor
Base Property Mapping/Overlay

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the April 7, 1986, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NO. RZ 85-L-101

WHEREAS, Kingstowne, L.P., filed in the proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-1 District to the PDH-4 District, and

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

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

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

Be, and hereby is, zoned to the PDH-4 District, and said property is subject to the use regulations of said PDH-4 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

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

GIVEN under my hand this 7th day of April, 1986.

Ethel W. Register
Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

REZONING APPLICATION

RZ 95-L-101

FILED 08/30/95

KINGSTOWNE L. P.

TO REZONE: 36.41 ACRES OF LAND; DISTRICT - LEE

PROPOSED: RESIDENTIAL

LOCATED: N.W. SIDE OLD TELEGRAPH ROAD AT ITS JUNCTION
WITH TELEGRAPH ROAD

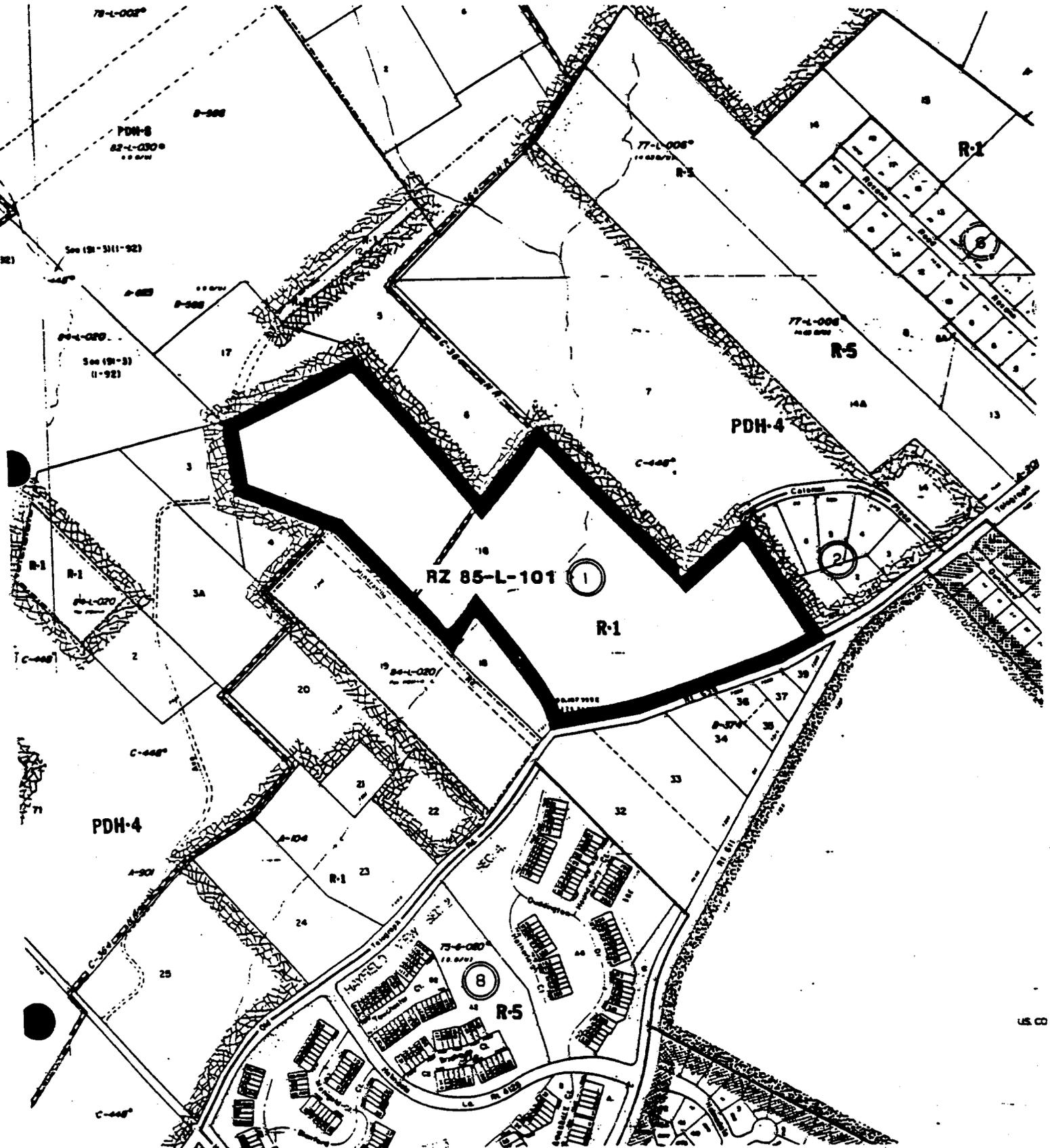
ZONING: R-1

TO: PDH-4

091-4- /01/ /0016-

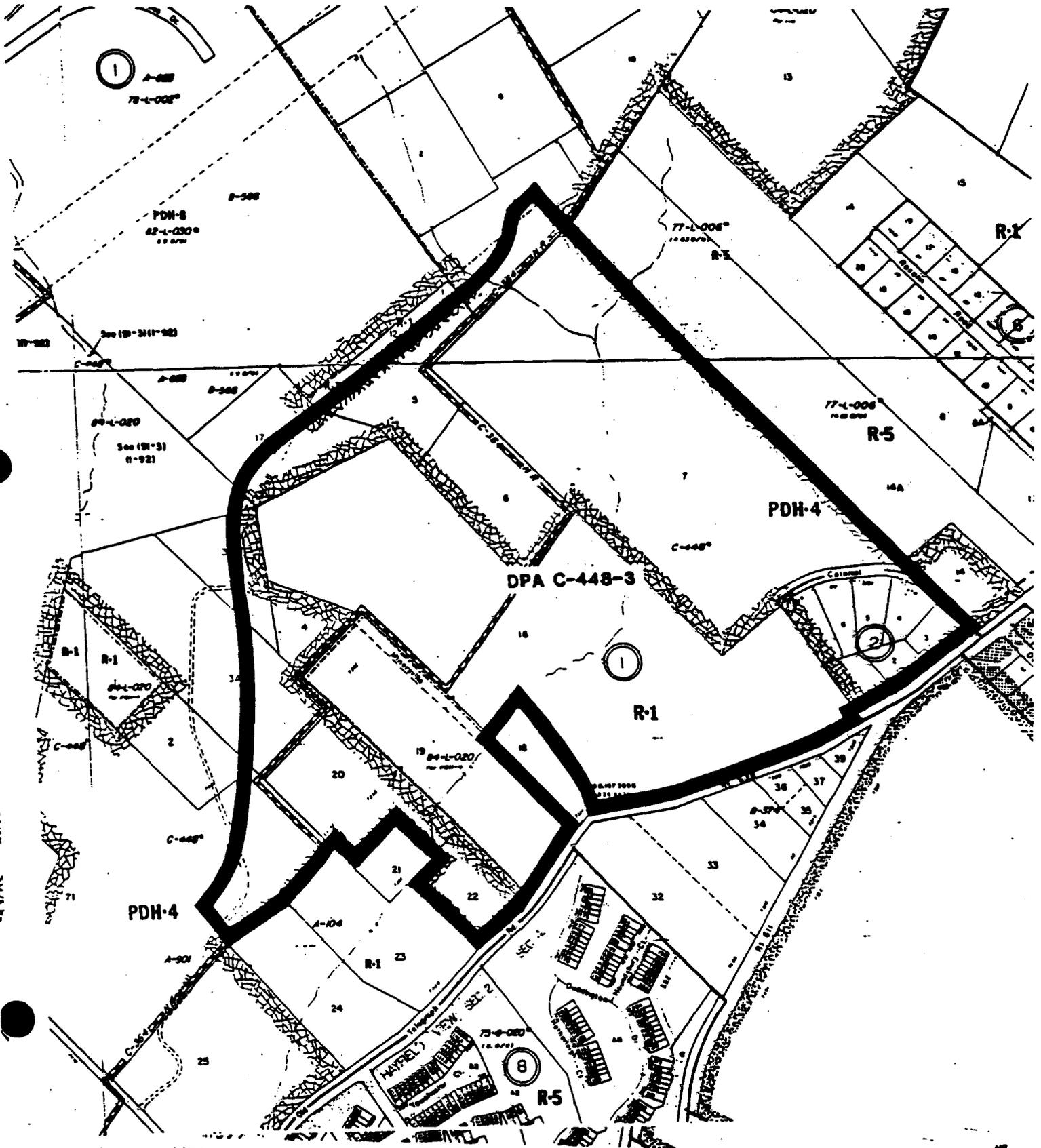
MAP REF

78-L-002



DEVELOPMENT PLAN AMENDMENT

DA C-448 -03 KINGSTOWNE L. P.
FILED 08/30/35 DEVELOPMENT PLAN AMENDMENT
PROPOSED: RESIDENTIAL
APPROX. 36.41 ACRES OF LAND; DISTRICT - LEE
LOCATED: N.W. SIDE OLD TELEGRAPH ROAD AT ITS JUNCTION
WITH TELEGRAPH ROAD
ZONING: PDH-4
MAP REF 091-4- /01/ /0016-



March 13, 1986

PROFFER OF DEVELOPMENT CONDITIONS

REZONING APPLICATION 85-L-101
DPA-C-448-3

The following Proffer of Development Conditions are contingent upon all of the following events occurring: (1) rezoning of 36.4093 acres which are the subject of Rezoning 85-L-101 to the PDH-4 District; and (2) Conceptual Plan approval and Final Development Plan approval of Sections 26, 27, 28, 29, and 30, for the 110.81899 acres which are the subject of Application DPA-C-448-3, which include the 36.4093 acres cited in 1 above.

1. Development of the subject property (110.81899 acres) shall be in substantial conformance with the Conceptual Development Plan-Final Development Plan, dated August 19, 1985, and Sheets A-12, A-12-A, A-12-B, A-12-C, A-12-D, A-12-F, A-17, A-19, and A-21, as amended May 30, 1985, which Sheets are proffered as part of the Proffer of Development Conditions dated June 17, 1985.
2. Prior to Final Development Plan approval, Sections 27, 28, 29, and 30 shall be subjected to a full geotechnical soils study (and provision of any other such information deemed necessary by staff or the Geotechnical Review Board) and the review and approval of the Geotechnical Review Board.
3. The subject property shall be governed by the Development Plan conditions for DPA-C-448-2, which

are set forth in the Proffer of Development Conditions, dated June 17, 1985, less and except paragraphs 1, 4, 64, and 65 of said proffers.

4. The asphalt trail bordering the proposed on-site lake shall be six feet in width. In addition, gravel shoulders one foot in width on each side of said trail shall be provided over an area sufficient to allow access to the upstream end of the lake for heavy maintenance vehicles. These shoulders shall be constructed of materials sufficient to accommodate said heavy maintenance vehicles.
5. A 6-foot wide trail shall be provided for pedestrian access from Section 28 to the trail bordering the on-site lake. The trail shall be provided in a feasible location, subject to DEM approval.
6. Final lake design shall provide for a sediment de-watering and disposal basin, i.e., a decanting basin.
7. Public street access shall be provided to the adjacent parcel to the east (Parcel Tax Map 91-4-((1))-14A). The stub connector on the subject property shall be completed contemporaneously with the construction of Summer Ridge Road. The location of said connector shall coincide with the access design of the existing Proffered Condition Amendment Plan for PCA-77-6-006.

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

KINGSTOWNE L.P.

By: Halle Enterprises, Inc.,
General Partner

By: Warren E. Halle
Warren E. Halle

The undersigned affix their signatures hereto to evidence their consent to the imposition of these proffers on that portion of the subject property which is subject to their ownership interests.

MILLER AND SMITH, INC.

By: [Signature]
Title [Signature]

ESTATE OF WILLIAM S. BANKS

By: [Signature]
William F. Banks
Personal Representative

SOLOMON GROSSBERG, Personal Representative of the Estate of William S. Banks

By: [Signature]
William F. Banks
Attorney-in-Fact

C. RICHARD BEYDA, Personal Representative of the Estate of William S. Banks

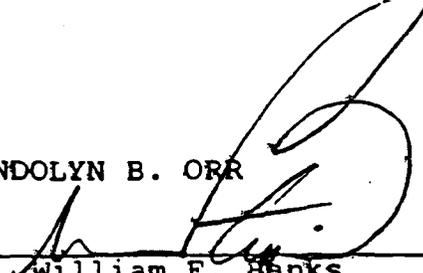
By: [Signature]
William F. Banks
Attorney-in-Fact

WILLIAM M. ORR

By: [Signature]
William F. Banks
Attorney-in-Fact

GWENDOLYN B. ORR

By



William F. Banks
Attorney-in-Fact

LEWIS P. ORR, JR.

ROBERT C. ORR

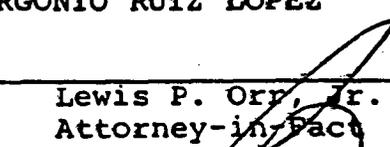
TERESA ANNE ORR

By

Lewis P. Orr, Jr.
Attorney-in-Fact

GORGONIO RUIZ LOPEZ

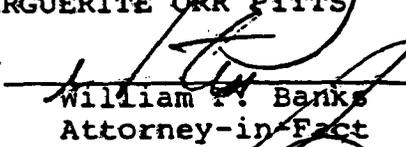
By



Lewis P. Orr, Jr.
Attorney-in-Fact

MARGUERITE ORR PITTS

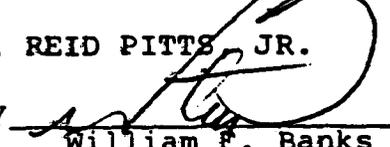
By



William F. Banks
Attorney-in-Fact

W. REID PITTS, JR.

By



William F. Banks
Attorney-in-Fact

GWENDOLYN B. ORR

By _____
William F. Banks
Attorney-in-Fact

LEWIS P. ORR, JR.

Lewis P. Orr, Jr.

ROBERT C. ORR

Robert C. Orr

TERESA ANNE ORR

By *Lewis P. Orr, Jr.*
_____ Lewis P. Orr, Jr.
Attorney-in-Fact

GORGONIO RUIZ LOPEZ

By *Lewis P. Orr, Jr.*
_____ Lewis P. Orr, Jr.
Attorney-in-Fact

MARGUERITE ORR PITTS

By _____
William F. Banks
Attorney-in-Fact

W. REID PITTS, JR.

By _____
William F. Banks
Attorney-in-Fact

POWER OF ATTORNEY
TO EXECUTE PROFFERS

KNOW ALL MEN BY THESE PRESENTS that I, Solomon Grossberg, Personal Representative of the Estate of William S. Banks, residing in the District of Columbia, have made, constituted and appointed, and by these presents do make, constitute and appoint WILLIAM F. BANKS, currently residing in Fairfax County, Virginia, my true and lawful attorney to execute, on my behalf, any and all Proffers of Development Conditions in connection with Fairfax County Rezoning Application 85-L-101 and Development Plan Amendment C-448-3 pursuant to Section 15.1-491(a) of the 1950 Code of Virginia, as amended, and Sections 16-401 and 16-403 of the Zoning Ordinance of Fairfax County, Virginia, and for that purpose, for me and in my name, place and stead, and as my act and deed, to do and execute, or to concur with persons jointly interested with me therein in the execution of said proffers, in the same manner and with the same effect as I myself might or could.

KNOW ALL MEN FURTHER that this power of attorney, and the authority herein granted to my attorney, shall not terminate on disability, incompetence, or incapacity of the principal.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of March, 1986.

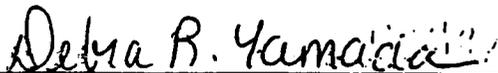
 (SEAL)
SOLOMON GROSSBERG

DISTRICT OF COLUMBIA, SS:

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ _____, ~~XXXXXXXXXX~~

I, Debra R. Yamada, the undersigned Notary Public in and for the District _____ aforesaid, whose commission as such expires on the 30th day of September, 1990, do hereby certify that SOLOMON GROSSBERG, whose name is signed to the foregoing, has this day personally appeared before me and acknowledged the same to be his act and deed.

GIVEN under my hand this 18th day of March, 1986.



Notary Public

CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends that most of the Lehigh Community Planning Sector develop as Suburban Neighborhoods. The Kingstowne Town Center, including the Village Center shopping center, is recommended as a Community Business Center (CBC). The approved plans for this mixed-use center include a large office component and an industrial area, which distinguishes the Kingstowne core from the generalized characteristics for other CBCs in the County.

RECOMMENDATIONS

Recommendations for the RH4 sector begin with general recommendations that apply to both the Kingstowne and Manchester Lakes areas. This is followed by specific recommendations for Kingstowne, recommendations for Manchester Lakes, and recommendations for the remainder of the RH4 sector.

General Kingstowne/Manchester Lakes Policies

Land Use

1. Promote a balanced, planned development community that will serve as a showcase community and future focal point of the County.
2. Plan residential densities within Kingstowne to a maximum overall average of 3-4 dwelling units per acre with bonuses, as appropriate. A balanced mix of housing types is encouraged in order to promote diversity and avoid the excessive development of any one dwelling unit type. A broad range of affordable dwelling units that meet the needs of all ages, family sizes and income levels should be provided. At any given time, the level of residential or commercial development should be related to the densities and character of adjoining properties, as well as transportation and environmental constraints, while recognizing the objective of achieving a planned mixed-use commercial/community activity center. Kingstowne should be developed as a unified element with additional parcel consolidation provided where appropriate.
3. Compatible land use and streetscape design should occur throughout the development, especially where Manchester Lakes meets Kingstowne.
4. Encourage a planned development with a mixed-use commercial/community activity center as its focal point. The center should operate much like a downtown area, with the residential, retail and office uses all easily accessible by public transit, by foot or bicycle, as well as by automobile. The center should include residential densities sufficient to support a major core area in conjunction with recreational and leisure activities, commercial retail, office, service uses and compatible high-quality industrial uses, such as high technology. This core, or town center, should be located at the South Van Dorn Street/Kingstowne Boulevard junction.
5. Protect stable adjoining neighborhoods through the use of compatible densities, type, design and/or natural features (e.g., trees, topography) which effectively screen or buffer incompatible or adverse uses.
6. Encourage neighborhood areas that exhibit a distinct character with clearly defined boundaries and setbacks so as to provide a unique sense of identity. Clustering of

residential neighborhoods should be planned in order to accomplish this objective, as well as promote usable open spaces within a reasonable walking distance.

7. Promote an identifying theme for the entire planned development center to foster a sense of place including superior urban design features which should be a prerequisite to develop above the low end of the planned density range. Through the application of these design features, the relationship of all land uses within the planned community should exhibit an order, coherent arrangement of uses, identity and aesthetic/sensory appeal.
8. Ensure that the necessary public facilities are in place prior to the completion of residential or commercial development. Public parkland dedication and parkland facilities should be provided in accordance with requirements and standards set by the County Park Authority.
9. Any phased development techniques, if used, should plan the arrangement and relationship of uses, buildings, streets and other permanent elements so as not to preclude future alternative development considerations to achieve an overall-coherent design.

Transportation

10. Dedicate all rights-of-way necessary to accommodate planned transportation map improvements.
11. Construct improvements which are necessary to accommodate development-generated traffic, particularly at locations adjacent to the site where new or expanded access points are provided onto existing roads.
12. Contributions toward resolving area road problems by performing construction or pre-construction activities on other roads in the area, or through financial contributions for such improvements, are needed to support higher intensity developments.
13. Commit that needed transportation facilities will exist prior to completion of each phase of development to satisfactorily accommodate the anticipated traffic of each phase. Specific examples of locations where these measures should be applied include, but are not limited to:
 - The intersections of Franconia Road/South Van Dorn Street, Beulah Street/Springfield-Franconia Parkway, South Van Dorn Street/I-95 interchange and Old Telegraph Road/Hayfield Road;
 - Proposed interior collector or arterial roadways within the Kingstowne/ Manchester Lakes area that are associated with planned developments; and
 - Hayfield Road and the South Van Dorn Street connector to Telegraph Road.
14. Provide plan designs that create safe and harmonious vehicular and pedestrian access, especially in areas where high vehicular traffic volumes may exist. In particular, the pedestrian access system must provide good access to the core area.
15. Promote alternative transportation strategies, including use of more transportation, ride-sharing, car/van pooling, shuttle service and satellite parking, among others.

16. Provide improvements for individual entrances to neighborhoods and major development areas, including appropriate deceleration and storage lanes.
17. Provide the minimum number of controlled access points to the surrounding street system to sufficiently disperse site-generated traffic and provide multiple access routes where applicable.
18. Design neighborhood road systems to accommodate bus feeder lanes to Metro stations.
19. Satisfy Virginia Department of Transportation and Fairfax County design standards.

Environment

20. Before development occurs, areas suspected of containing toxic substances should be thoroughly tested to determine the contents of the ground water and soil. If contamination at potentially detrimental levels is found, exhaustive measures must be taken to eliminate the source(s) of the contamination or to prevent development within contaminated areas.
21. Encourage the development to take into account the opportunities for energy conscious design, such as proper solar orientation of buildings.

Trails

22. Promote a complete network of hiking, biking and riding trails to be incorporated into the development plan for Kingstowne/Manchester Lakes. Facilities should be provided, not only for safe and convenient pedestrian access to and from residential neighborhoods, commercial and employment centers. This network should also provide access through EQC(s), other open space areas and for exercise and recreational use. Circuitous routes are especially conducive to recreational activities and should be incorporated, where possible.

Public Facilities

23. Public facilities to serve development in Kingstowne, including schools, parks, among others, should be provided.
24. Construct a library on a County acquired site near the intersection of Beulah Street and Manchester Boulevard consistent with Policy Plan standards for a regional library.

More specific recommendations for certain portions of the Kingstowne/Manchester Lakes area follow:

Policies for the Kingstowne Town and Village Centers

25. A mixed-use activity center should be planned in the core area at the intersection of South Van Dorn Street and Kingstowne Boulevard. Uses should include a balanced mix of residential, retail, office, research and development and recreation/leisure activities, and attractive public open spaces and amenities. Industrial uses may be appropriate within the southeastern portion of the core area provided adequate assurances are made

that any such industrial uses will be compatible with nearby uses, existing or planned, and of high quality and low intensity, such as high technology.

26. Development of high-rise and high density residential use within the mixed-use activity center is appropriate. Densities and building heights should decrease in relation to the distance from the core area so as not to cause adverse impacts on adjoining existing and planned residential areas.

Policies for the Kingstowne South Village

27. More intensive development should be oriented to Hayfield Road. Lower density development near the Piney Run stream valley would help to minimize the impacts of erosion and sedimentation and would help to alleviate post-development nonpoint water pollution. Other methods to control erosion and sedimentation and water or air pollution should be implemented.
28. Substantial buffers should be provided in proximity to the Hilltop landfill property and existing stable areas.

Policies for Manchester Lakes

29. The parcels north and south of Hayfield Road, east of Beulah Street, have a strategic location due to construction of the Franconia-Springfield Parkway. A shopping center in the northeast quadrant of the intersection and a residential development focused on the shopping center exist and are planned to continue in the area.

Any future development in the area should meet the following conditions:

- The development should provide for, and be oriented towards, the extension from the parkway alignment traversing the property;
 - Development should be set back from Beulah Street with a sufficient transition and buffer area next to that street to support the Plan recommendation for strictly residential use, sometimes at a low density, across Beulah Street;
 - Beulah Park should be adequately screened from development in this area; and
 - The type, intensity and siting of any development next to the Virginia Power line should appropriately recognize that the power line is an undesirable neighbor.
30. The residential development known as Manchester Lakes is planned for continued residential use at 5-8 dwelling units per acre. Ongoing development activity in Manchester Lakes should:
 - Coordinate development with that of adjacent planned commercial and residential properties;
 - Show sensitivity to the environmental and soil constraints on the property;
 - Provide internal access to the commercial uses at the intersection of Hayfield Road and Beulah Street;

- Provide pedestrian access for parcels south of Manchester Boulevard to the commercial use;
 - Utilize transportation strategies such as van service to minimize local-serving trip generation;
 - Ensure provision of housing and services for the elderly;
 - Provide development or upgrading of active recreation facilities at adjacent Beulah and/or Manchester Lakes Parks as appropriate; and
 - Provide a substantial buffer along the periphery of the site next to areas planned for lower residential densities.
31. Elderly housing, workforce housing and related facilities are planned for two areas located on Parcel 91-1((12))J and the land area formerly identified as parcel O which flank Manchester Boulevard. Much of former Parcel O has been subdivided and renumbered and now exists as Parcels 91-1((27))1, 2 and 3, as well as Parcels 91-3((18))4, 5, 6, 7 and 91-3((9))8b. Uses such as churches, nursing homes, medical facilities, child care facilities, and other public serving uses such as quasi-public and institutional uses may also be considered on Parcel O subject to the provision of a unified development plan that indicates the achievement of a high standard of design, and traffic minimization measures that include providing interparcel street connections with adjacent properties, providing at least two points of access to the arterial roadway system, and accommodating the planned interchange at the Beulah Street and Manchester Boulevard intersection. In addition, if former Parcel O is fully consolidated with Parcels 91-3((9))1, 2, and 3 (these parcels are now all part of Parcel 91-3((9)) 8b) under a unified development plan, commercial uses in conjunction with elderly housing and related uses may be considered subject to the following conditions:
- Commercial uses should provide convenient services to visitors, employees, and residents of the elderly housing and workforce housing, such as eating establishments, a bank, medical offices, and a drugstore;
 - Provisions for affordable housing and workforce housing should serve a range of needs in terms of income levels and family size;
 - Commercial uses should be designed as an integral component of the development and not have the appearance of a commercial strip center;
 - Well-defined pedestrian linkages should be provided that are attractively landscaped, designed to meet the special needs of the elderly, allow opportunities for resting as well as walking, and have safe and convenient access between buildings with minimal crossing of streets and parking areas; and
 - No retail or other commercial uses should be permitted until the elderly housing units are under construction.



County of Fairfax, Virginia

MEMORANDUM

DATE: December 9, 2009

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

FROM: Paul Shirey, Chief *PS*
Stormwater Management and Contracting Branch
Maintenance and Stormwater Management Division
Department of Public Works and Environmental Services (DPWES)

SUBJECT: Kingstowne PCA 84-L-020-24/PCA 85-L-101-5 and any related filings
Combined Stormwater Agency Comments

Fairfax County DPWES Stormwater (Maintenance and Stormwater Management Division - MSMD and Stormwater Planning Division - SWPD) generally supports the transfer of Kingstowne Stormwater Management Basins 1, 2, 3, 5, and 6 to Fairfax County for maintenance responsibility as depicted in the PCA cases cited above subject to the following conditions:

1. The underlying land for the Stormwater Management facilities listed above shall be retained by Kingstowne Residential Owners Corp./Applicant (KROP) or other Kingstowne related entities and shall not be dedicated to the County.
2. KROP shall dedicate all necessary Stormwater Management and Maintenance Access Easements pursuant to current PFM requirements.
3. KROP shall prepare all necessary easement plats required in Item 2 above, obtain Land Development Services (LDS) approval of all plats, and record all necessary plats in the County land records.
4. Maintenance shall be performed by KROP on all Stormwater Management facilities to be transferred to the County pursuant to the punchlist included as Attachment 1 to the satisfaction of the Maintenance and Stormwater Management Division (MSMD) via field determination(s).
5. KROP shall perform video camera inspections of the principle spillway pipes (PSP) pursuant to VDOT standard format for each of the Stormwater facilities to be transferred to the County. Any deficiencies identified by these inspections shall be incorporated into Attachment 1 as an addendum.
6. Kingstowne Pond/Lake cannot be transferred to the County for maintenance for the following reasons:

Department of Public Works and Environmental Services
Maintenance and Stormwater Management Division
10635 West Drive
Fairfax, VA 22030-4229
Phone: 703-877-2800, TTY: 711, FAX: 703-877-2805
www.fairfaxcounty.gov/dpwes



- a. Based on information by KROP representatives, the lake does not meet the 1989 Regional Stormwater Management Plan criteria for a regional stormwater management facility since the facility does not provide detention and storage requirements based on an undeveloped wooded condition (see Section 2.3.4 STORAGE REQUIREMENTS, paragraph C. Land Use Assumption for Facility Drainage Area, on page 2-11 of the *Regional Stormwater Management Plan – Final Report*, dated 1989).
 - b. Since the facility is not eligible for inclusion into the County's Regional Management Plan, then pursuant to PFM 6-0301.4 and 6-0303.1, the County cannot maintain wet stormwater management facilities in residential areas:
 - 6-0301.4 (35-91-PFM) Regional dry ponds or extended dry ponds are the preferred types of stormwater management facility, except in locations where the County's Regional Stormwater Management Plan calls for a wet BMP pond. The use of wet ponds in residential developments is restricted to regional facilities or to residential developments where there are no other reasonable options available for compliance with the water quality requirements*
 - 6-0303.1 (32-90-PFM) All non-regional "wet ponds" (ponds with a permanent water surface) in residentially zoned areas must be maintained by the homeowners association and a private maintenance agreement must be executed before the construction plan is approved.*
 - c. If the lake were to be converted to a "dry" stormwater management facility, then subject to further analysis and inspections, it could be evaluated for possible County maintenance.
7. Attachment 1 and the above conditions shall be incorporated into the proffers and/or development conditions established with the PCA(s)/zoning approvals.
 8. All draft proffers and/or development conditions established with the PCA(s)/zoning approvals shall be coordinated with DPWES Stormwater.

In determining that Basins 1, 2, 3, 5, and 6 may be transferred to Fairfax County for maintenance responsibility as conditioned above, it is recognized that these facilities may provide stormwater management treatment for a relatively small share of land uses that pursuant to PFM 6-0303 would require privately maintained stormwater management facilities. Based on an analysis of similar HOA or condominium association maintained stormwater management facilities throughout the County, staff has determined that where the total percentage of such land use (i.e. that would require private maintenance per PFM 6-0303) is less than or equal to approximately 27% of the total drainage area to the stormwater management facility, that these facilities should also be eligible for consideration by MSMD for transfer to the County for maintenance.

Based on the current private stormwater management inventory, approximately 10 additional facilities that are similar to the Kingstowne facilities may qualify for transfer to County maintenance subject to an evaluation by MSMD to determine that the 27% land use criteria



established above is met and that requirements consistent with conditions 1 through 5 above are met by each facility owner. If the Kingstowne PCA(s) case is approved by the Board, then MSMD would contact these additional facility owners and advise them of the necessary conditions for acceptance into the County public stormwater management maintenance program. Each facility owner would then need to submit an acceptable land use analysis subject to MSMD approval.

If you have any questions, please contact me at 703-877-2863.

Attachments: as stated

Cc: Randall Bartlett, Deputy Director, DPWES
Steve Aitcheson, Director, MSMD
Craig Carinci, Director, SWPD
St. Clair D. Williams, Zoning Evaluation Division



Attachment 1
Kingstowne SWM Pond Inspections
MSMD 10-19-09, revised 12-7-09

Basin 1 (ID# DP0238)

1. 2005 MSMD inspection items that need to be satisfactorily addressed:
 - a. Remove all sediment from the pond floor and restore the facility to the approved as-built grade. Based on a visual estimate only this appears to be approximately 2 to 3 foot depth over a 2-acre area, which is about 8000 cy. This could cost on the magnitude of \$800,000 to remove.
 - b. Remove all trees and woody vegetation including stumps and roots from the dam embankment out to 25 feet (due to apparent state-regulation) from the upstream and downstream toe and all groin areas. The tree removal cost could be on the magnitude of \$50,000 and may involve zoning approval.
 - c. Install the BMP control device per site and as-built plans.
2. Additional punchlist items that need to be satisfactorily addressed prior to transfer of maintenance to MSMD based on state dam requirements and/or practical maintenance needs:
 - a. Obtain state regulated dam certification including all necessary formal inspections and submittals including but not limited to hydrological and hydraulic analysis, breach zone determination, emergency action plan, and operation and maintenance plan.
 - b. To facilitate maintenance activity, provide maintenance access roads to the upstream pond area and downstream outfall with entrance aprons and locked gates consistent with PFM standards.
 - c. Mow both dam faces to 25 feet from the upstream and downstream toe and all groin areas, and establish thick tall fescue grass cover. Fill any animal burrow holes (vegetative cover prevented close inspection of the dam faces at certain locations).
 - d. Correct the drainage problem resulting in the soggy grassed area on the dam downstream of the entrance feature at Ashby Lane. This may be an irrigation system leak.
 - e. For adjacent pedestrian safety, install non-climbable VDOT standard railing along the entire downstream principal spillway pipe (PSP) outfall endwall and wings.
 - f. Tail out the outfall channel downstream of the PSP endwall to ensure positive drainage.
 - g. Restore damaged slope along access road/trail on the downstream face of dam near Kingstowne Village Pkwy.
 - h. Pipe outfall at the East abutment along the downstream groin – regrade for positive drainage and stabilize.



Basin 2 (ID# DP0237)

1. 2005 MSMD inspection items that need to be satisfactorily addressed:
 - a. Remove all trees and woody vegetation including stumps and roots from the dam embankment out to 10 feet from the upstream and downstream toe and all groin areas.
 - b. Add supplemental 21A stone on the access road, 1.5" minimum depth.
 - c. Mow both dam faces to 10 feet from the upstream and downstream toe and all groin areas, and establish thick tall fescue grass cover. Fill any animal burrow holes (vegetative cover prevented close inspection of the dam faces).
 - d. Install BMP control device if missing. Note: at the time of the inspection, the pond was full of water, so the control was not observed.
 - e. Stabilize the stream bank erosion downstream of the PSP outfall on the West side of the channel downstream to approximately 70' to 100'. Approximately \$15,000 order of magnitude cost.
2. Additional punchlist items that need to be satisfactorily addressed prior to transfer of maintenance to MSMD based on practical maintenance needs:
 - a. Pond floor was not visible, however, as applicable, remove any sediment from the pond floor and restore the facility to the approved as-built grade.
 - b. Install a PFM standard gate on the access road at the existing fence line in place of the fence gate.
 - c. Provide a maintenance access road spur to the PSP outfall per PFM with an adequate cleared access route to the outfall.
 - d. Mow the access road out to 10 feet from the centerline on each side.
 - e. Repair all sloughing around the PSP Endwall. Repair any pipe separation, place compacted CL or ML material, and establish grass cover.
 - f. Remove the concrete debris North of the access road near the power lines from the site.

Basin 3 (ID# DP0239)

1. Since the dam height appears to be 27.7 feet per the approved plans, obtain state regulated dam certification including all necessary formal inspections and submittals including but not limited to hydrological and hydraulic analysis, breach zone determination, emergency action plan, and operation and maintenance plan.
2. 2005 MSMD inspection items that need to be satisfactorily addressed:
 - a. Remove all trees and woody vegetation including stumps and roots from the dam embankment out to 25 feet [revised 12-7-09] from the upstream and downstream toe including the PSP outfall and all groin areas. Note: the downstream dam face may extend as far West as the adjacent basketball court. Based on a visual estimate only, this appears to be approximately 2 acres plus



- individual landscape trees, which could cost on the magnitude of \$30,000 to remove.
- b. Mow both dam faces to 25 [revised 12-7-09] feet from the upstream and downstream toe and all groin areas, and establish thick tall fescue grass cover. Fill any animal burrow holes (vegetative cover prevented close inspection of the dam faces in certain areas).
 - c. Remove all kudzu from the dam in the area indicated above.
 - d. Install the BMP control device per the approved plan and as-built.
 - e. Remove all debris from the BMP trash rack.
 - f. Provide a locked access hatch in the riser top.
 - g. Remove all sediment from the pond floor and restore the facility to the approved as-built grade. Based on a visual estimate only this appears to be approximately 1 to 2 foot depth over a 1-acre area, which is about 2500 cy. This could cost on the magnitude of \$250,000 to remove.
 - h. Outfall channel erosion was not visible due to kudzu and tree growth. Stabilize outfall channel as needed.
3. Additional punchlist items that need to be satisfactorily addressed prior to transfer of maintenance to MSMD based on practical maintenance needs:
- a. To facilitate maintenance activity, provide maintenance access roads to the upstream pond area and downstream outfall with entrance aprons and locked gates consistent with PFM standards.

Basin 5 (ID# DP0266)

Punchlist items that need to be satisfactorily addressed prior to transfer of maintenance to MSMD based on practical maintenance needs:

1. Remove all trees and woody vegetation including stumps and roots from the dam embankment out to 10 feet from the upstream and downstream toe including the PSP outfall and all groin areas. This includes landscape trees. Order of magnitude cost to remove, \$10,000.
2. To facilitate maintenance activity, provide maintenance access roads to the upstream pond area and downstream outfall with entrance aprons and locked gates consistent with PFM standards.
3. Applies mainly to the downstream face: mow both dam faces to 10 feet from the upstream and downstream toe and all groin areas, and establish thick tall fescue grass cover. Fill any animal burrow holes (vegetative cover prevented close inspection of the dam faces in certain areas).



Basin 6 (ID# DP0515)

Punchlist items that need to be satisfactorily addressed prior to transfer of maintenance to MSMD based on practical maintenance needs:

1. Remove all trees and woody vegetation including stumps and roots from the dam embankment out to 10 feet from the upstream and downstream toe including the PSP outfall and all groin areas. Order of magnitude cost to remove, \$5,000.
2. Re-establish maintenance access road by adding 1.5" minimum depth of 21A stone. Provide an entrance apron and locked gate consistent with PFM standards.
3. Applies mainly to the downstream face: mow both dam faces to 10 feet from the upstream and downstream toe and all groin areas, and establish thick tall fescue grass cover. Fill any animal burrow holes (vegetative cover prevented close inspection of the dam faces in certain areas).
4. Trim all vegetation within the riser structure to ensure adequate functionality.
5. Fill two large eroded holes adjacent to the trickle ditches at the East end of the pond and establish grass cover.
6. Develop a geotechnical engineering study of the soggy area at the East end of the pond including underdrains or other drainage solutions. Subject to MSMD review and approval, implement corrective action. Are there springs in this area? It may also be sump pump discharges from the uphill townhouses.
7. Repair cracks in the concrete trickle ditches and repair any undermining condition.
8. To ensure stability upon activation, install a four foot wide band of Class II riprap along the concrete emergency spillway extending outward from the eastern edge.
9. Seal all cracks on the concrete emergency spillway with appropriate grout.
10. Fill in the settled areas on the top of dam East and West of the emergency spillway. Ensure that the top of dam elevation slopes to the concrete spillway edges without low points.
11. Subject to MSMD review and approval, repair the five foot high headcut in the outfall channel about 10 feet downstream of the PSP end section. The channel must be stable and able to withstand the spillway design flood. Gabion mattress steps coupled with Class II riprap may be acceptable if designed adequately.
12. Remove trees and vegetation from all inflow pipes to the pond out to 5 to 10 feet from the pipe centerline on each side.





County of Fairfax, Virginia

MEMORANDUM

DATE: May 28, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division

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

SUBJECT: Transportation Impact

FILE: 3-5 (RZ 84-L-020; PCA85-L-101)

REFERENCE: PCA 84-L-020-24; PCA 85-L-101-5; Kingstowne Residential Owners
Association
Traffic Zone: 1491
Land Identification: Various Locations within Kingstowne

The following comments reflect the position of the Department of Transportation, and are based on development plans revised to January 5, 2009 and the applicant's Statement of Justification narrative dated March 6, 2009. *No draft proffers have been received with the request to amend the existing proffers.* It appears from the narrative that the applicant is only seeking approval to transfer the ownership of storm water detention ponds located throughout Kingstowne. However, without draft proffers this department can not evaluate the request to revise the proffers.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services.



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

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

May 11, 2009

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

Re: PCA 84-L-020-24/PCA 85-L-101-5, Kingstowne SWM Facilities
Tax Map No.: 091-4 /09/ /0010 pt. /09/30 G1 pt

Dear Ms. Coyle,

This office has reviewed the proffered condition amendment plan relative to the above-referenced applications and offers the following comments.

The applications have been filed to permit the transfer of ownership and maintenance obligations of the stormwater management facilities to Fairfax County.

The review is not subject to VDOT therefore this office has no comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M



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

FROM: Sandy Stallman, Manager,
Park Planning Branch, PDD 

DATE: June 2, 2009

SUBJECT: PCA 84-L-020-24 w/ PCA 85-L-101-5, Kingstowne Residential Owners Corp
Tax Map Number(s): 81-4((38)) 74pt; 91-2((1)) 261pt; 91-2((1)) 28A1; 91-2((1))
29Bpt; 91-3((1)) 63DSpt; 91-3((1)) 64Bpt; 91-3((11)) 7pt; 91-3((11)) 9pt; 91-
3((11)) 40pt; 91-4((1)) 1Hpt; 91-4((9)) 10pt; 91-4((9))(30) G1pt

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Andy Galusha
DPZ Coordinator: St. Clair D Williams

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

ARTICLE 6

PLANNED DEVELOPMENT DISTRICT REGULATIONS

PART 1 6-100 PDH PLANNED DEVELOPMENT HOUSING DISTRICT

6-101 Purpose and Intent

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

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

6-102 Principal Uses Permitted

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

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

6-103 Secondary Uses Permitted

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

1. Accessory uses, accessory service uses and home occupations as permitted by Article 10.
2. Automated teller machines, located within a multiple family dwelling.
3. Business service and supply service establishments.

FAIRFAX COUNTY ZONING ORDINANCE

4. Commercial and industrial uses of special impact (Category 5), limited to:
 - A. Automobile-oriented uses
 - B. Drive-in financial institutions
 - C. Drive-through pharmacies
 - D. Golf courses, country clubs
 - E. Golf driving ranges
 - F. Marinas, docks and boating facilities, commercial
 - G. Quick-service food stores
 - H. Service stations
 - I. Service station/mini-marts
 - J. Vehicle light service establishments
5. Commercial recreation uses (Group 5), limited to:
 - A. Billiard and pool halls
 - B. Bowling alleys
 - C. Commercial swimming pools, tennis courts and similar courts
 - D. Health clubs
 - E. Miniature golf courses
 - F. Skating facilities
6. Community uses (Group 4).
7. Eating establishments.
8. Financial institutions.
9. Garment cleaning establishments.
10. Institutional uses (Group 3).
11. Interment uses (Group 2).
12. Kennels, limited by the provisions of Sect. 106 below.

PLANNED DEVELOPMENT DISTRICT REGULATIONS

13. Light public utility uses (Category 1).
14. Offices.
15. Outdoor recreation uses (Group 6), limited to:
 - A. Riding or boarding stables
 - B. Veterinary hospitals, but only ancillary to riding or boarding stables
 - C. Zoological parks
16. Personal service establishments.
17. Quasi-public uses (Category 3), limited to:
 - A. Alternate uses of public facilities
 - B. Child care centers and nursery schools
 - C. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education
 - D. Colleges, universities
 - E. Conference centers and retreat houses, operated by a religious or nonprofit organization
 - F. Congregate living facilities
 - G. Cultural centers, museums and similar facilities
 - H. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls
 - I. Independent living facilities
 - J. Medical care facilities
 - K. Private clubs and public benefit associations
 - L. Private schools of general education
 - M. Private schools of special education
 - N. Quasi-public parks, playgrounds, athletic fields and related facilities
18. Repair service establishments.
19. Retail sales establishments.

FAIRFAX COUNTY ZONING ORDINANCE

- 20. Transportation facilities (Category 4), limited to:
 - A. Bus or railroad stations
 - B. Electrically-powered regional rail transit facilities
 - C. Heliports
 - D. Helistops
 - E. Regional non-rail transit facilities
- 21. Veterinary hospitals.

6-104 Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

- 1. Group 8 - Temporary Uses.
- 2. Group 9 - Uses Requiring Special Regulation, limited to:
 - A. Home professional offices
 - B. Accessory dwelling units

6-105 Special Exception Uses

- 1. Subject to the use limitations presented in Sect. 106 below, any use presented in Sect. 103 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.
- 2. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
 - A. Bed and breakfasts
 - B. Commercial off-street parking in Metro Station areas as a temporary use
 - C. Fast food restaurants

6-106 Use Limitations

- 1. All development shall conform to the standards set forth in Part 1 of Article 16.
- 2. All uses shall comply with the performance standards set forth in Article 14.

PLANNED DEVELOPMENT DISTRICT REGULATIONS

3. When a use presented in Sect. 103 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

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

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

4. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.
5. Secondary uses of a commercial and office nature shall be permitted only in a PDH District which has a minimum of fifty (50) residential dwelling units, except that the Board, in conjunction with the approval of a conceptual development plan in order for further implementation of the adopted comprehensive plan, may modify this limitation for the Group 6 outdoor recreation special permit uses and the Category 5 special exception uses of golf courses, country clubs and golf driving ranges.
6. Secondary uses of a commercial nature, except Group 6 outdoor recreation uses, golf courses, country clubs, golf driving ranges and offices, shall be designed to serve primarily the needs of the residents of the planned development in which they are located, and such uses, including offices, shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:
- A. Commercial and office uses shall be conducted within a completely enclosed building with no outside display except those uses which by their nature must be conducted outside a building.
 - B. When located within the same building as residential uses, commercial and office uses shall be limited to the lowest two (2) floors.
 - C. The maximum total land area, including all at-grade off-street parking and loading areas in connection therewith, devoted to commercial and office uses, except Group 6 outdoor recreation uses, golf courses, country clubs and golf driving ranges, shall be as follows:
 - (1) PDH-1 through PDH-4: 400 square feet of commercial/dwelling unit.
 - (2) PDH-5 through PDH-20: 300 square feet of commercial/dwelling unit.
 - (3) PDH-30 and PDH-40: 200 square feet of commercial/dwelling unit.

FAIRFAX COUNTY ZONING ORDINANCE

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

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

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

PLANNED DEVELOPMENT DISTRICT REGULATIONS

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

6-107 Lot Size Requirements

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

6-108 Bulk Regulations

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

6-109 Maximum Density

1. For purposes of computing density, the PDH District is divided into subdistricts in which the residential density is limited as set forth below, except that the maximum density limitations may be increased in accordance with the requirements for affordable dwelling units set forth in Part 8 of Article 2 and shall be exclusive of the bonus market rate units and/or bonus floor area, any of which is associated with the provision of workforce dwelling units, as applicable.

Subdistrict	Density
PDH-1	1 dwelling unit per acre
PDH-2	2 dwelling units per acre
PDH-3	3 dwelling units per acre
PDH-4	4 dwelling units per acre

FAIRFAX COUNTY ZONING ORDINANCE

PDH-5	5 dwelling units per acre
PDH-8	8 dwelling units per acre
PDH-12	12 dwelling units per acre
PDH-16	16 dwelling units per acre
PDH-20	20 dwelling units per acre
PDH-30	30 dwelling units per acre
PDH-40	40 dwelling units per acre

2. The Board may, in its sole discretion, increase the maximum number of dwelling units in a PDH District in accordance with and when the conceptual and the final development plans include one or more of the following; but in no event shall such increase be permitted when such features were used to meet the development criteria in the adopted comprehensive plan and in no event shall the total number of dwellings exceed 125% of the number permitted in Par. 1 above.
 - A. Design features, amenities, open space and/or recreational facilities in the planned development which in the opinion of the Board are features which achieve an exceptional and high quality development - As determined by the Board, but not to exceed 5%.
 - B. Preservation and restoration of buildings, structures, or premises which have historic or architectural significance - As determined by the Board, but not to exceed 5%.
 - C. Development of the subject property in conformance with the comprehensive plan with a less intense use or density than permitted by the current zoning district - As determined by the Board in each instance, but not to exceed 10%.

6-110 Open Space

1. The following minimum amount of open space shall be provided in each PDH subdistrict:

Subdistrict	Open Space	Affordable Dwelling Unit Development Open Space
PDH-1	25% of the gross area	Not Applicable
PDH-2	20% of the gross area	18% of the gross area
PDH-3	20% of the gross area	18% of the gross area
PDH-4	20% of the gross area	18% of the gross area
PDH-5	35% of the gross area	31% of the gross area
PDH-8	25% of the gross area	22% of the gross area
PDH-12	30% of the gross area	27% of the gross area
PDH-16	35% of the gross area	31% of the gross area
PDH-20	35% of the gross area	31% of the gross area
PDH-30	45% of the gross area	40% of the gross area
PDH-40	35% of the gross area	31% of the gross area

PLANNED DEVELOPMENT DISTRICT REGULATIONS

2. As part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities in all PDH Districts. The provision of such facilities shall be subject to the provisions of Sect. 16-404, and such requirements shall be based on a minimum expenditure of \$1500 per dwelling unit for such facilities and either:
 - A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan, and/or
 - B. The Board may approve the provision of the facilities on land which is not part of the subject PDH District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

6-111

Additional Regulations

1. Refer to Article 16 for standards and development plan requirements for all planned developments.
2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above, including the shape factor limitations contained in Sect. 2-401.

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		