



FAIRFAX COUNTY

APPLICATION FILED: October 28, 2003
APPLICATION AMENDED: February 17, 2004
PLANNING COMMISSION: June 3, 2004
BOARD OF SUPERVISORS: June 7, 2004 @ 3:30 pm

V I R G I N I A

May 19, 2004

STAFF REPORT

APPLICATION RZ/FDP 2003-MV-059

MOUNT VERNON DISTRICT

APPLICANT: Anastasios and Anna Grypeos

PRESENT ZONING: C-8, R-3, HC, CRD

REQUESTED ZONING: PRM (Planned Residential Mixed-Use), HC, CRD

PARCEL(S): 93-1 ((18)) (D) 117, 126, 130 pt., 138

ACREAGE: 1.23 acres

FAR: 0.78

DENSITY: 19.51 du/ac

OPEN SPACE: 20%

PLAN MAP: Alternative Use

PROPOSAL: To rezone from the C-8, R-3, HC and CRD District to the PRM, HC and CRD District to permit development of a mixed-use development to include multi-family residential uses (up to 24 units) and retail uses of 8,700 SF within a single building.

WAIVERS/MODIFICATIONS: Waiver of the minimum district size of two (2) acres

Waiver of the service drive requirement along Richmond Highway

Waiver of the frontage improvements along Richmond Highway

Modification of the transitional screening along the southeastern property line to that shown on the CDP/FDP

Waiver of the transitional screening along the southwestern property line

Waiver of the peripheral parking lot landscaping requirement

Waiver to permit underground detention and best management practices (BMPs) in a multifamily residential development

Modification of the Richmond Highway and East Lee Avenue streetscape requirements to that shown on the CDP/FDP

STAFF RECOMMENDATIONS:

Staff recommends denial of RZ 2003-MV-059 and the Conceptual Development Plan; however, if it is the intent of the Board of Supervisors to approve RZ 2003-MV-059, staff recommends that the approval be subject to the draft proffers contained in Appendix 1 of the staff report.

Staff recommends denial of FDP 2003-MV-059; however if it is the intent of the Planning Commission to approve FDP 2003-MV-059, staff recommends that the approval be subject to development conditions set forth in Appendix 2.

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

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

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



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

Rezoning Application
RZ 2003-MV-059

Applicant: ANASTASIOS AND ANNA GRYPEOS
Filed: 02/17/2004- AMENDED 10/28/2003
Area: 1.23 AC OF LAND; DISTRICT - MOUNT VERNON
Proposed: MIXED USE DEVELOPMENT AND A WAIVER OF MINIMUM DISTRICT SIZE
Located: EAST OF RICHMOND HIGHWAY AND SOUTH OF EAST LEE AVENUE AND NORTH OF PRESTON AVENUE
Zoning: FROM C- 8 TO PRM, FROM R- 3 TO PRM
Overlay Dist: CRD HC
Map Ref Num: 093-1- /18/D /0117 /18/D /0126 /18/D /0130 PT. /18/D /0138

Final Development Plan
FDP 2003-MV-059

Applicant: ANASTASIOS AND ANNA GRYPEOS
Filed: 02/17/2004- AMENDED 10/28/2003
Area: 1.23 AC OF LAND; DISTRICT - MOUNT VERNON
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Map Ref Num: 093-1- /18/D /0117 /18/D /0126 /18/D /0130 PT. /18/D /0138



Rezoning Application

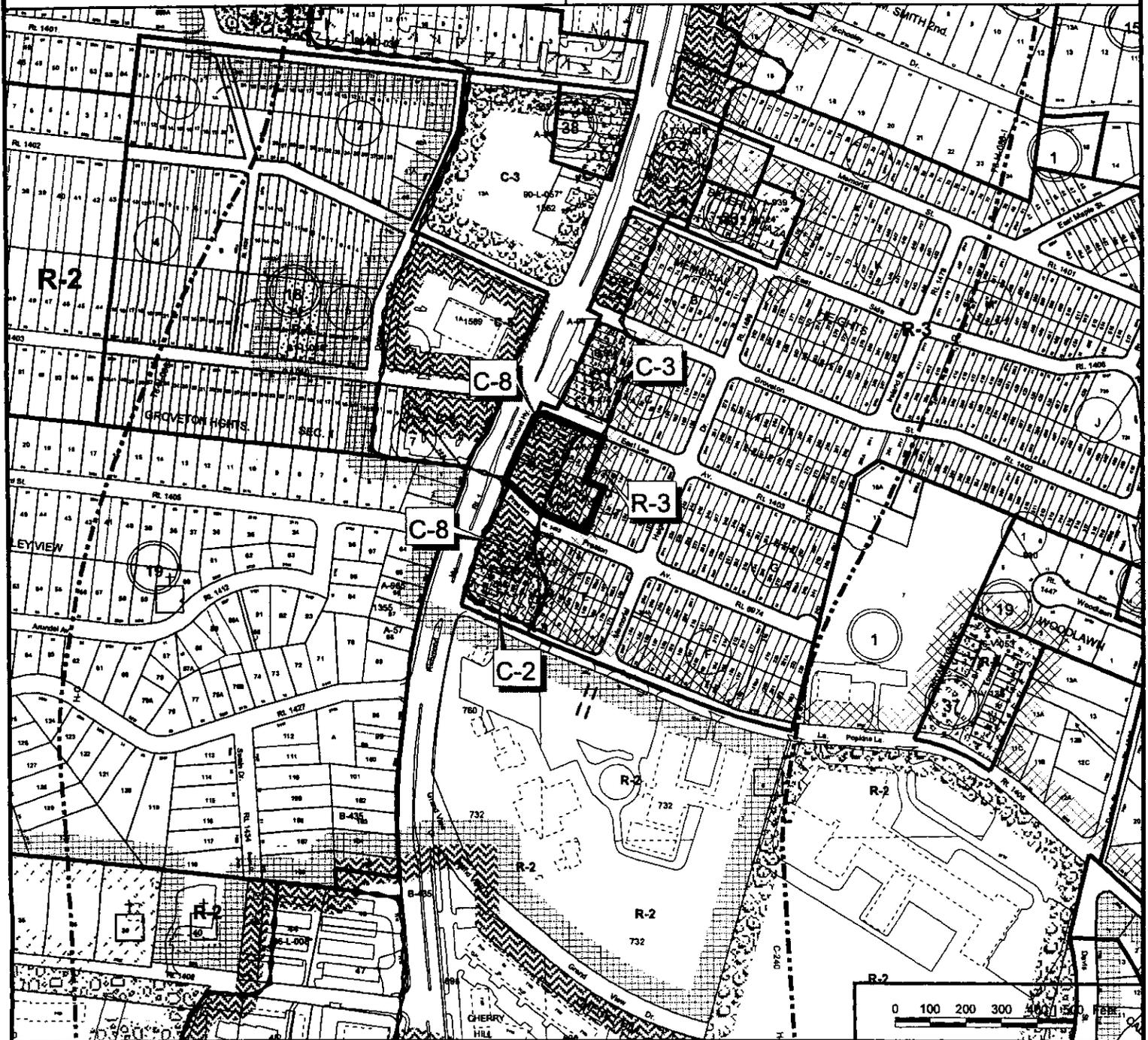
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CONCEPTUAL DEVELOPMENT PLAN/
FINAL DEVELOPMENT PLAN
ON
BLOCK "D"
LOTS 117 THRU 130, 138 THRU 140
MEMORIAL HEIGHTS
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
JANUARY 30, 2003
SCALE 1" = 20'



ALEXANDRA BYRNES INTERNATIONAL, LLC
10000 VENTURA ROAD
ALEXANDRIA, VIRGINIA 22304
TEL: (703) 442-6415 FAX: (703) 724-7244

NO.	DESCRIPTION	DATE
1	REFER TO PLANS FOR ZONING TABLE	1/27/03
2	REFER TO PLANS FOR ZONING TABLE	1/27/03
3	REFER TO PLANS FOR ZONING TABLE	1/27/03
4	REFER TO PLANS FOR ZONING TABLE	1/27/03
5	REFER TO PLANS FOR ZONING TABLE	1/27/03
6	REFER TO PLANS FOR ZONING TABLE	1/27/03
7	REFER TO PLANS FOR ZONING TABLE	1/27/03
8	REFER TO PLANS FOR ZONING TABLE	1/27/03
9	REFER TO PLANS FOR ZONING TABLE	1/27/03
10	REFER TO PLANS FOR ZONING TABLE	1/27/03

VEGETATIVE MAP

LEGEND

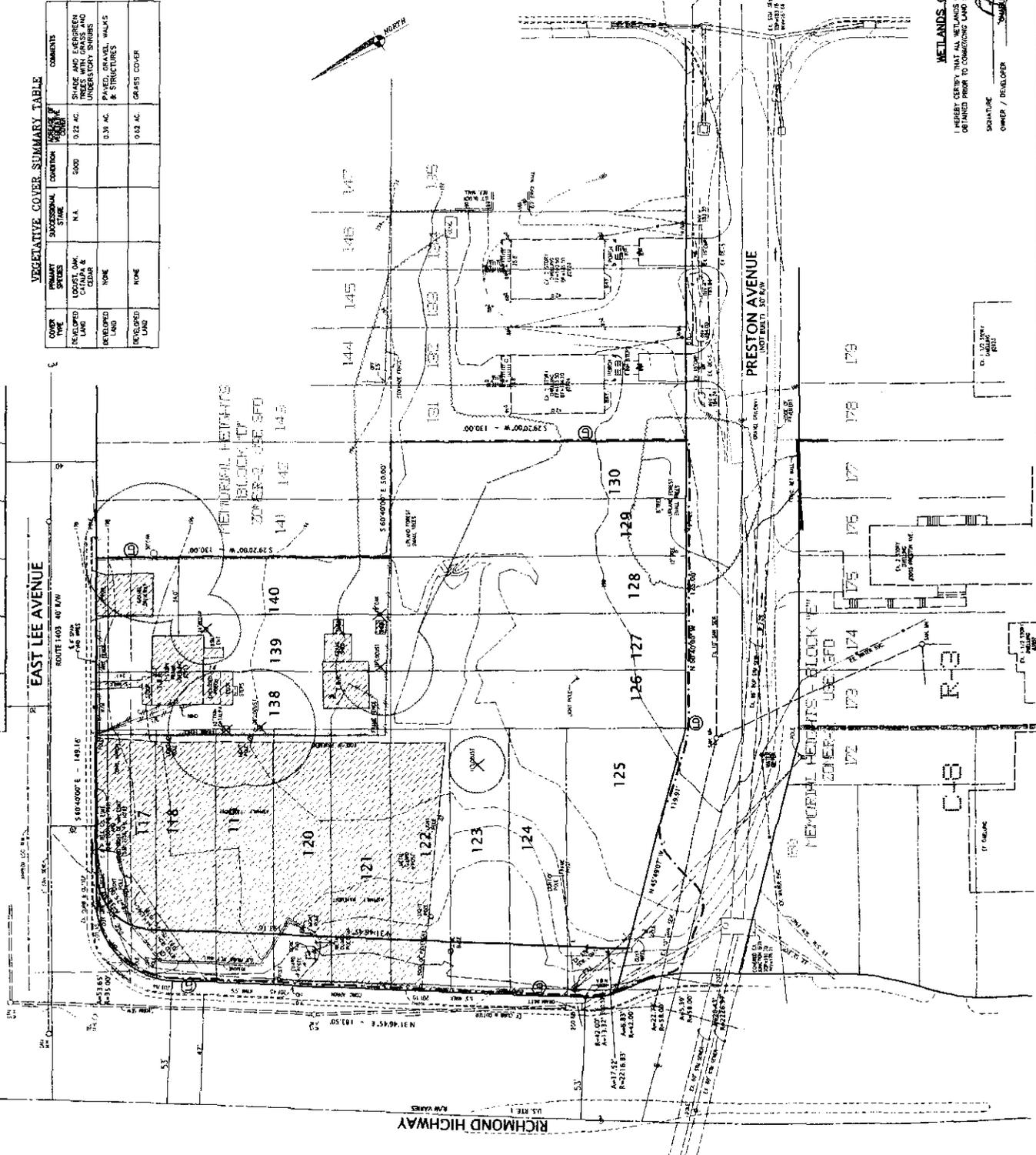
- EXISTING STORM SEWER
- EXISTING SANITARY
- EXISTING CONTOUR
- EXISTING WATERBANK
- EXISTING TREE LINE
- EXISTING SPOT ELEVATION
- LIMITS OF DISTURBANCE
- DENOTES EXISTING STRUCTURES TO BE REMOVED
- TREE TO BE REMOVED

VICINITY MAP
SCALE 1" = 500'



VEGETATIVE COVER SUMMARY TABLE

COVE TYPE	PRIMARY SPECIES	PROXIMAL STAGE	CONDITION	ACRES	COMMENTS
DEVELOPED LAND	LOCUST, OAK, CATALPA & CEDAR	N.A.	GOOD	9.22 AC	SHADE AND EVERGREEN TREES WITH GRASS AND UNDERSTORY SHRUBS
DEVELOPED LAND	NONE	NONE	POOR	0.31 AC	PAVED, DRIVEWAY, WALKS & STRUCTURES
DEVELOPED LAND	NONE	NONE	POOR	9.02 AC	GRASS COVER



WETLANDS CERTIFICATE
I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES

SIGNATURE: _____
OWNER / DEVELOPER: SAMUEL B. FRENDA
NAME: _____
TITLE: _____

D. J. BRYAN, P.E.
D. J. BRYAN, P.E.

R-2

C-8

MEMORIAL HEIGHTS BLOCK "D"
ZONE R-2
ZONE C-8



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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, Anastasios and Anna Grypeos, requests approval to rezone 1.23 acres from the C-8 District (Community Retail Commercial District), R-3 (Residential, up to 3 dwelling units per acre), HC (Highway Corridor Overlay District) and CRD (Commercial Revitalization District) Districts to the PRM (Planned Residential Mixed-Use), HC and CRD Districts to permit development of a 44-foot high multifamily residential building with ground floor retail. A 1,440 square foot (SF) freestanding building is also depicted on the site. The height and use of this building is not specified, though the applicant has indicated in a letter that it could be used for recreation or an eating establishment. The main building would contain up to 24 multifamily units with 8,700 SF of ground floor retail. Twenty-seven (27) parking spaces would be provided under the main structure. The rest of the parking would be provided in a surface lot. The application proposes an overall density of 19.51 dwelling units per acre (du/ac) and an overall FAR (floor area ratio) of 0.78. The applicant is requesting approval of a combined Conceptual/Final Development Plan (CDP/FDP).

The applicant's draft proffers, staff's proposed development conditions, the applicant's Affidavit and the Statement of Justification can be found in Appendices 1-4, respectively.

This application must also comply with certain Zoning Ordinance Provisions found in Article 6, Planned Development Districts, and Article 16, Development Plans, excerpts of which are found in Appendix 14.

Waivers and Modifications Requested:

- Waiver of the minimum district size from 2 acres to 1.23 acres
- Waiver of the service drive requirement along Richmond Highway
- Waiver of the frontage improvements along Richmond Highway
- Modification of the transitional screening along the southeastern property line to the 12-foot wide landscaping strip and barrier as shown on the CDP/FDP
- Waiver of the transitional screening along the southwestern property line
- Waiver of the peripheral parking lot landscaping requirement
- Waiver to permit underground detention and best management practices (BMPs) in a multifamily residential development
- Modification of the Richmond Highway and East Lee Avenue streetscape requirements to that shown on the CDP/FDP

LOCATION AND CHARACTER

Site Description:

The 1.23 acre application property is located on the east side of Richmond Highway to the south of East Lee Avenue and to the north of Preston Avenue. The site was the site of a commercial use which has since been demolished. It is now vacant. The site slopes steeply away from its frontage on Richmond Highway and flattens out along its eastern edge.

Surrounding Area Description:

Properties immediately across East Lee Avenue to the north and across Preston Avenue to the south are developed with commercial buildings and single-family residential uses. These areas are planned for townhouse-style office and/or retail use up to 0.30 FAR. The immediately adjacent areas outside the Richmond Highway Corridor are planned for residential use at 3-4 dwelling units per acre (du/ac).

Direction	Use	Zoning	Plan
Northwest (across Richmond Hwy.)	Office & surface parking lot (Metrocall)	C-8	Office
Northeast	Office; Single-family detached dwellings (Memorial Heights)	C-3; R-3	Residential, 3-4 du/ac
Southeast	Single-family detached dwellings (Memorial Heights)	R-3	Residential, 3-4 du/ac
Southwest (across Preston Avenue)	Single-family detached dwellings (Memorial Heights)	C-8; R-3	Alternative Use; Residential, 3-4 du/ac

BACKGROUND

There have been no previous variance, special permit, special exception or rezoning requests on this property. However, the site was the subject of a recent Out-of-Turn Plan Amendment, S03-IV-MV4, which was adopted by the Board of Supervisors on April 24, 2004. This Plan amendment is discussed below.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 5)

- Plan Area:** Area IV
- Planning District:** Mount Vernon Planning District
- Planning Sector:** Richmond Highway Corridor, Beacon/Groveton Community Business Center
- Plan Map:** Alternative Use

Plan Text:

The rezoning application property was the subject of a recent Out-of-Turn Plan Amendment, S03-IV-MV4, which was adopted by the Board of Supervisors on April 24, 2004. This Plan amendment expanded the boundary of Land Unit E to include adjacent vacant residential parcels, which are part of this rezoning application.

In the Fairfax County Comprehensive Plan, Area IV, 2003 Edition, Mount Vernon Planning District, as amended through April 24, 2004, Richmond Highway Corridor, Beacon/Groveton Community Business Center, under the heading Land Unit E, beginning on page 37, the Plan states:

Lots on the east side of Richmond Highway from East Side Street to Popkins Lane are planned for townhouse-style office and/or retail use up to .30 FAR with maximum building heights of 35 feet. The following conditions should be met with any development proposal:

- *Commercially-zoned lots along Richmond Highway between Groveton Street and East Lee Avenue or East Lee Avenue and Preston Avenue or Preston Avenue and Popkins Lane are consolidated;*
- *Buildings are oriented to Richmond Highway with parking located at the rear of the property; and*
- *Effective screening and buffering are provided and maintained between the proposed development and the adjacent residential neighborhood.*

With the full consolidation of Tax Map Parcels 93-1 ((18)), (D) 117, 126, 130 (pt.) and 138 located between East Lee Avenue and Preston Lane, development of townhouse-style office and/or retail use up to .50 FAR with maximum building height of 45 feet may be developed provided that:

- *Buildings are oriented to Richmond Highway with parking located at the rear of the property;*
- *Effective screening and buffering are provided and maintained between the proposed development and the adjacent residential neighborhood;*
- *Retail use is limited to no more than 10,000 gsf; and*
- *Development should provide for compatible architecture to mitigate impacts on adjacent residential development.*

Modification to minimum building set back from Richmond Highway may be appropriate in order to further revitalization goals."

An option for increased intensity up to .80 FAR could be appropriate for mixed use development consisting of multifamily residential and ground floor retail provided that:

- *All conditions for the office/retail option noted above are addressed, including maximum building height;*
- *Appropriate noise mitigation from Richmond Highway can be demonstrated through a noise study to be reviewed at the time of rezoning; and*
- *Redevelopment for residential use can achieve a viable living environment that is compatible with adjacent uses.*

Modification to minimum building set back from Richmond Highway may be appropriate in order to further revitalization goals provided that appropriate noise mitigation can be achieved as recommended above.

ANALYSIS

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

Title of CDP/FDP: Memorial Heights

Prepared By: Alexandria Surveys International, LLC

Original and Revision Dates: October 15, 2003, as revised through May 4, 2004

The combined CDP/FDP consists of 3 sheets. **Sheet 1** includes the site layout, vicinity map, detail of the proposed parking deck, legend, and runoff calculations. **Sheet 2** includes a soils map and report, general notes, a layout of the parking under the main building, elevations of the main building, tree cover calculations and two cross sections of the site. **Sheet 3** includes the existing vegetation map and existing vegetation summary table.

The applicant is requesting approval to rezone approximately 1.23 acres of land from the C-8 and R-1 Districts to the PRM District in order to develop a multi-family residential building with first floor retail uses. The following table summarizes the CDP/FDP tabulations:

Mixed use residential/retail building	
Total Floor Area Residential	41,640 SF (0.78 FAR)
Retail	32,940 SF (24 units or 15.91 du/ac)
	8,700 SF
Building Height	44 feet
Total Parking	94 spaces (27 spaces underground and 15 spaces under an open deck)
Open Space	9,714 square feet (20%)

Site Layout: The CDP/FDP depicts a four-story building oriented to Richmond Highway. The first floor of the building is set back 20 feet from the proposed right-of-way (ROW) for Richmond Highway. The top three floors overhang the ground floor; these upper floors are set back 15 feet from the proposed ROW. Up to 24 multifamily units are proposed on the top three floors, while retail uses are proposed for the first (ground) floor. The proposed architecture is residential in nature. The elevations on Sheet 2 depict balconies on all four sides of the building. The proffers indicate that the building materials for the structure will be a combination of materials to include pre-cast concrete, glass, metal panels, masonry, cement panel, or stucco or brick.

Fifty-two (52) surface parking spaces are provided behind the main building and between the main building and East Lee Avenue. Twenty-seven (27) parking spaces are proposed under the four-story building. In addition, the CDP/FDP indicates that a parking deck is to be constructed over fifteen (15) parking spaces where the site abuts Preston Avenue (see the detail on Sheet 1). The parking under these structures will be secured by a gate.

The proposed concrete deck over the parking, which will be landscaped along the top perimeter, is depicted to extend out to 10 feet from the dwelling located on Parcel 131 (see Section B-B on Sheet 2). The CDP/FDP depicts a 1,440 SF freestanding building on top of this proposed parking deck. The height and use for this building is not depicted on the CDP/FDP; however, in a letter dated May 5, 2004 contained in Appendix 4, the applicant states that the building will be a multipurpose area for the residents (meeting room and/or exercise area). However, this same letter also indicates that this building could also be used as an eating establishment.

The CDP/FDP depicts that additional right-of-way (ROW) is to be provided for the widening of Richmond Highway from four to six lanes (75 feet of ROW from centerline). Currently, the right of way is 54 feet from centerline and accommodates four lanes of traffic. The applicant has requested both a waiver of the service drive requirement along Richmond Highway and a waiver of the frontage improvements along Richmond Highway.

Uses: The proffers state that there will be a maximum of 24 multiple family dwelling units in the main structure, which will also include a maximum of approximately 8,700 square feet, dedicated to retail and/or office uses. The floor area ratio (FAR) of the site will not exceed 0.78 FAR. While multifamily dwellings will be the primary use of the building, the applicant has also proffered the following secondary uses, which may be located on the first floor of the building. Under the proffers, these uses may only be included so long as the combined parking requirement for the uses can be met on site taking into account the Richmond Highway Commercial Revitalization District (CRD) 20% by-right reduction in required parking:

- Accessory uses and accessory service uses;
- Billiard and pool halls;
- Business service and supply service establishments;
- Eating establishments (not drive through);

- Fast food restaurants (not drive through), such as a deli, ice cream parlor, or coffee shop;
- Financial institution (not drive through);
- Garment cleaning establishment (not drive through);
- Health clubs;
- Personal service establishment;
- Private club and public benefit associations;
- Public uses;
- Quick service food store
- Unmanned bank teller machines (not drive through)
- Offices;
- Retail sales establishments;
- Repair service establishments for minor appliances, bicycles, and computers;
- Private schools of special and general education (which do not require outdoor recreation areas) -- such as ballet studio.

Access: Access to the site is proposed from a single entrance along East Lee Avenue. No access is proposed along Richmond Highway or Preston Avenue. It should be noted that Preston Avenue is a "paper street" where it abuts the subject site; the Virginia Department of Transportation has no plans to construct this portion of Preston Avenue.

An existing concrete sidewalk of substandard width immediately abuts Richmond Highway, which is proposed to remain. A five (5) foot wide concrete sidewalk is proposed to be constructed between the proposed streetscape and Richmond Highway. This new sidewalk connects to the existing sidewalk along Richmond Highway, north of East Lee Avenue; however, no connection is provided between the proposed new sidewalk and Preston Avenue. Two four-foot wide sidewalks are proposed to provide a connection between the existing sidewalk and the new sidewalk. A four-foot wide sidewalk is proposed along the East Lee Avenue frontage.

Open Space: Twenty percent (20%) open space is proposed. This open space consists entirely of landscaping around the perimeter of the site. Deciduous trees are proposed along the site's Richmond Highway frontage, with a five-foot wide concrete sidewalk and a five-foot wide browsing area. While the CDP/FDP indicates that these deciduous trees will be two-inches in caliper, the proffers state that these trees will be 2 ½ inches in caliper at the time of planting. The proposed browsing area will be covered by the building overhang of the main building's upper stories. Four benches are proposed along Richmond Highway. Along East Lee Avenue, a four-foot wide sidewalk is proposed to immediately abut the road. Shrubs will be located between the sidewalk and the proposed surface parking. Between the subject site and the single-family detached dwellings on Memorial Heights (Parcels 131 and 141), the applicant proposes a single row of large evergreens. Though the CDP/FDP indicates that these trees could be six to eight feet in height, the proffers state that the trees will be six feet in height at the time of planting. An "architectural" wall of unspecified height and material is shown to separate the landscaping and the proposed parking. The applicant has requested a modification of the 50-foot wide transitional screening

requirement where the subject site abuts the single family detached units to permit the 12-foot wide landscaped strip with wall as shown on the CDP/FDP.

No landscaping is proposed between the site and Preston Avenue. No detail is provided to indicate what the proposed parking decks would look like along Preston Avenue. The applicant has requested a waiver of the transitional screening along that portion of the site which abuts Preston Avenue.

As noted earlier, a concrete deck is proposed to cover the parking along Preston Avenue. A 1,440 SF freestanding building is depicted on top of the deck abutting Parcel 131 of Memorial Heights. No architectural elevations of the proposed building are provided. A detail on the CDP/FDP indicates that the perimeter of the deck will be landscaped with flowering dogwoods and what appears to be medium evergreens. A letter from the applicant dated May 5, 2004 (contained in Appendix 4), states that the deck will be landscaped with potted flowering trees and will have a concrete planter around the perimeter with low level shrubbery. The proffers indicate that the applicant will landscape and design the deck to be *"an amenity to the residents of the building and/or patrons of the proposed restaurant and/or deli who might wish to eat outside."* As stated earlier, while the use for the freestanding building is not indicated on the CDP/FDP, the applicant has stated in a letter dated May 5, 2004, that this building could either be a multipurpose room for the residents or an eating establishment. This same letter states that if the freestanding building is to be used as an eating establishment, then the multipurpose building for the residents would be located within the main building. The proffers indicate that an on-site community room/exercise facility is to be provided but the location of this facility is not specified. The proffers also do not indicate how the community room/exercise facility is to be furnished.

A 30-inch caliper oak tree is located on abutting Parcel 141. This tree's dripline extends onto the subject site. Parking is depicted to be located over the top of the tree's dripline. No commitment has been made to take steps to protect this off-site tree.

Stormwater Management: An underground facility is proposed for stormwater detention and best management practices. The proffers state that this facility will be maintained by the future condominium association and that the applicant will establish an initial reserve fund for future maintenance and/or replacement of such a facility in an amount specified by DPWES. The applicant has requested a waiver to permit an underground stormwater management facility in a residential district.

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, respecting the County's historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. To that end, the following criteria are used in evaluating zoning requests for new residential development:

Site Design (Development Criterion #1)

A Comprehensive Plan Land Use Analysis is included in Appendix 5.

This criterion requires that the development proposal address consolidation goals in the plan. The applicant has provided for the full consolidation of the parcels identified in the Comprehensive Plan text. The applicant proposes a mixed used development consisting of 8,700 square feet of commercial/retail use on the ground floor and 24 single family units on the upper three floors. The proposed 40 foot building height and 0.78 FAR are within the Plan limitations of 45 feet and .80 FAR, respectively, which is stipulated under the Plan for development of the mixed use residential option for these parcels. The proposed building is oriented close to Richmond Highway and all parking is confined to the side and rear. However, while the proposal does address some of the base Plan recommendations, the proposal has not fully addressed several other recommendations as noted below.

Screening and Buffering

Development Criterion #1 states that appropriate landscaping be provided. In addition, the Comprehensive Plan recommends that effective screening and buffering be provided and maintained between the proposed development and the adjacent residential neighborhood. While the applicant meets the 20% open space requirement for the PRM District, this open space consists exclusively of landscaping along the perimeter of the site. An architectural wall and large evergreen trees are shown to extend along the rear of the site adjacent to existing residential development. However, the applicant has not provided the pertinent details of this wall such as height, construction materials (brick, block or other material) or a design detail in order to demonstrate that the screening treatment will provide an attractive barrier that is in keeping with the lower-density residential character of the surrounding Memorial Heights neighborhood.

The most recent development proposal now depicts a 1,440 SF freestanding building located 10 feet from the barrier wall in the southeastern corner of the site. The applicant proposes to use this structure as a multipurpose area for the residents (meeting room and/or exercise area) in order to provide residential amenities for the future residents of the proposed development. But the applicant has also stated in a May 5, 2004, letter that the building may be established as a restaurant. Based on the cross-section schematic provided on Sheet 2 (Section B-B), staff believes that construction of this building will have a negative visual impact on the adjacent Memorial Heights neighborhood since all of the structure's roof will likely be visible above the barrier. No architectural elevations or details have been provided to demonstrate that the freestanding building will be residential in character or that it will not appear as a large shed in contrast to the residential/retail building. Furthermore, establishing a restaurant use in this structure would likely introduce nuisance impacts such as noise, odors, glare, trash and delivery traffic, in very close proximity to the existing Memorial Heights neighborhood.

No landscaping is proposed along Preston Avenue. Given the sloping topography of the site, it is not clear how much of the parking deck or the freestanding structure will

impact the existing residences across Preston Avenue. No details have been submitted which indicate what the proposed buildings and parking deck will look like along Preston Avenue and how the buildings and parking deck might impact the abutting existing single-family detached dwellings. Based on the concerns discussed above, staff finds that the proposal has not addressed the Comprehensive Plan recommendation to provide effective buffering and screening in order to protect the adjacent neighborhood.

Compatible Architecture

In order to further ensure that any high density mixed-use development of the site would integrate with the abutting single-family detached residential neighborhood, the Plan specifically recommends that any mixed-use development on the subject site provide for compatible architecture to mitigate impacts on adjacent residential development. The applicant has provided building elevations for the main four-story building which indicate that the retail frontage on the first floor will be partially enclosed due to the building overhang from the upper floors. This design technique softens the commercial aspect of the ground floor level of the building and facilitates blending the commercial and residential aspects of the building. The applicant has proffered to use a combination of building materials such as pre-cast concrete, glass, metal panes, masonry, cement panel, stucco or brick on all sides of the building. However, there is no commitment that a majority of the structure will be constructed of brick or other materials more typically associated with residential development. A building that is predominately pre-cast concrete, glass and/or metal panels, particularly along the sides and rear of the building, would not, in staff's opinion, provide the level of compatibility envisioned by the Comprehensive Plan. Staff's concern for compatible architecture also extends to the proposed freestanding building, for which no architecture has been proffered.

Open Space

Development Criterion #1 states that open space should be useable, accessible, and integrated with the development. In addition, the Comprehensive Plan recommends that any residential development achieve a viable living environment that is compatible with adjacent uses. No usable open space appears to be provided with this development. As noted earlier in this report, the applicant has indicated in a May 5, 2004, letter that the concrete deck covering the parking along Preston Avenue will be landscaped and designed as an amenity to the residents of the building/and patrons of the proposed restaurant and/or deli. A 1,440 SF freestanding building is to be located on top of this deck, which, according to the May 5, 2004, letter, may be used as a restaurant or a multipurpose building for the residents. Based on the unspecificity of the applicant's plans, it is not clear if any usable open space areas or recreational amenities would be provided for the use of future residents. Furthermore, even if the concrete deck is designed for the outdoor use of the future residents, because it is not shielded by a building or wall, the noise impacts from Richmond Highway may make this area undesirable for outdoor use.

Staff recognizes that, due to the relatively urban environment and densities planned for the area, providing appropriate on-site outdoor active and passive recreational opportunities presents something of a design challenge. However, the applicant has

constrained any opportunities for outdoor recreational areas by proposing a significant amount of surface parking on the site. Due to the nature of the development, it is all the more imperative to provide some amenities for the future residents. Instead of outdoor recreation, the applicant proposes indoor meeting and/or exercise space; however, details of exactly what this consists of, where this area will be located and how it will be furnished, have not been provided by the applicant. The proposed open deck could be appropriate as a residential amenity if it was designed to be protected from highway noise and further landscaped. Under its current design, the deck is little more than a barren concrete surface with a few potted trees and shrubs. Alternatively, the applicant might explore the use of the rooftop of the main four-story building as a garden and/or greenhouse (so long as highway noise impacts can be mitigated). The applicant should explore these or other design alternatives in order to address the Plan recommendation for a viable living environment. However, at this time, staff does not believe that the application has satisfied the Comprehensive Plan.

Neighborhood Context (Development Criterion #2)

While developments are not expected to be identical to their neighbors, this Criterion states that they should fit in the fabric of the area, especially at the interface between the two as evidenced by: an evaluation of transitions to abutting and adjacent uses; bulk/mass of the proposed dwelling units; building setbacks; and architectural elevations and materials.

Staff does not believe that the proposed high density mixed-use development provides a suitable interface to the surrounding low-density residential neighborhood. As noted above, the applicant proposes to locate the parking deck on the Preston Avenue property line with no setback and landscaping to provide relief. No details of what this building and parking deck will look like along Preston Avenue have been provided. No sections of the proposed building and parking deck have been provided to demonstrate how these structures might impact the existing residences along Preston Avenue. Staff is also concerned about how the proposed parking deck and freestanding building, which will be located ten feet from the shared property line with the existing dwelling on Parcel 131, will impact the house on that lot. The applicant has provided no architecture for the proposed parking deck or freestanding building. Given the mass and bulk of these structures, staff does not believe that the proposed ten feet of landscaping will adequately screen these structures from the adjacent single-family residential use.

While the Comprehensive Plan recommends the subject site for mixed-use development up to 0.80 FAR, it states that this use is only appropriate if effective screening and buffering is provided between the subject site and the surrounding low-density residential neighborhood. As stated previously, staff believes that the proposed design fails to provide an appropriate transition between the subject site and surrounding neighborhood.

Richmond Highway Urban Design Recommendations

The Comprehensive Plan provides urban design recommendations in order to contribute to a positive image of the area as a desirable place to live, work, shop or

visit. By improving the visual image of Richmond Highway, these urban design recommendations were established to create a unifying and consistent identity for Richmond Highway amongst the existing uncoordinated development patterns.

On the whole, the applicant has satisfied the Comprehensive Plan recommendations for streetscape along the Richmond Highway. Along Richmond Highway, the applicant proposes a new five-foot wide concrete sidewalk, a 15-foot wide landscape strip between the sidewalk and the proposed right-of-way and a five-foot wide browsing strip between the sidewalk and the building. Along East Lee Avenue, the applicant proposes a new five-foot wide concrete sidewalk, which would abut the road, and a five- to six-foot wide strip of landscaping between the sidewalk and the proposed parking lot. Staff believes that this proposed landscaping generally conforms with the Richmond Highway streetscape requirements. However, the applicant has not committed to the provision of flat-lens street lights and low-level, full-cut off lighting in the parking lot as recommended by the Richmond Highway Guidelines in order to mitigate the impact of the subject site on the abutting low-density residential neighborhoods. Staff also recommends that the applicant utilize bollard lighting where possible to minimize glare and views of parking lot lighting on the adjacent neighborhood.

Environment (Development Criterion #3)

This Criterion requires that developments conserve natural environmental features to the extent possible, account for soil conditions, and protect current and future residents from noise and lighting impacts. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts. (See Appendix 7.)

No significant environmental features exist on the property. However, the dripline of a 30-inch caliper oak tree located on abutting Parcel 141 extends onto the subject site. A discussion regarding efforts to preserve this tree follow under the heading "Tree Preservation and Tree Cover Requirements" (Development Criterion #4).

Noise

Development Criterion #3 requires that current and future residents be protected from noise impacts. The subject property is located in the Richmond Highway Corridor. The proposed main structure is planned to be located within very close proximity to the future right-of-way for the ultimate six-lane section of Richmond Highway. Based on the findings from other noise studies within the Richmond Highway Corridor, staff conducted its own traffic noise analysis of this site and obtained preliminary recommendations from VDOT for this portion of Richmond Highway, including consideration of projected traffic volumes and anticipated noise impacts, to determine whether or not noise would adversely impact the subject site. Based on these studies, staff had initially raised concerns with the applicant that the proposed structure may be located within an area that is projected to be impacted by noise levels at or exceeding 75 dBA DNL. The Policy Plan recommends against the location of new residential development in areas impacted by noise levels exceeding 75 dBA DNL. This Policy Plan recommendation is based upon Federal Highway Administration and VDOT guidance which recognize that such impacts cannot be mitigated to currently accepted

levels. Typically, noise levels of up to 75 dBA DNL can be mitigated with materials for walls, doors and windows to achieve interior noise levels of 45 dBA DNL. However, once the noise levels exceed 75 dBA DNL, the conventional wisdom and guidance indicate that building materials are not readily available to achieve the standard noise reduction to 45 dBA DNL for interior portions of noise sensitive uses such as a residential development.

Subsequently, the applicant retained Polysonics Corporation to conduct a noise analysis and modeling for the proposed development. According to the findings in the study, the building will not be located within a noise contour exceeding 75 dBA DNL. The study concludes that the structure would be in an area that is projected to be impacted by noise levels from 70 dBA DNL to 73.7 dBA DNL. These findings are based on a number of factors including on-site noise measurements which were taken over a 24-hour period from April 6-7, 2004. The study indicates that the modeling was based on 2002 and 2020 data for this segment of Richmond Highway obtained from the Fairfax County Department of Transportation staff. The 2002 data used indicated an average daily traffic (ADT) volume of 55,000 vehicles per day with an ADT of 71,500 noted for the year 2020.

While the Polysonics study indicated that the traffic data used in the study came from Fairfax County Department of Transportation, this data is inconsistent with VDOT data for this same section of Richmond Highway. Furthermore, the study was based on traffic projections to the year 2020, which is five years less than VDOT's projections. According to VDOT, there was ADT of 63,000 vehicles per day for the year 2002 and projected traffic volumes for this segment of Richmond Highway of 95,000 vehicles per day for the year 2025. Since VDOT's numbers are substantially greater than those presented in the applicant's noise study, staff is concerned that the actual noise impact findings could be greater than concluded by the applicant's study.

To address this issue, the applicant submitted a revised study on May 6, 2004, which modeled the projected noise impact on the site based on VDOT projected traffic volumes for this segment of Richmond Highway. Because of the lateness of this submission and missing written documentation on the analysis of the new data, staff has been unable to conduct a full review of this study. The preliminary analysis submitted by the applicant seems to indicate that required interior noise mitigation might still be attainable. While the study still concludes that the proposed four-story building would be located entirely outside the 75 dBA DNL noise contour, staff is not able to evaluate these conclusions without written documentation from the applicant.

The applicant's latest noise study also indicates that a noise analysis which determines what building materials will be needed to mitigate interior noise levels to 45 dBA (also known as an outdoor-to-indoor noise analysis) would be required. Under normal circumstances, staff would permit the outdoor-to-indoor noise analysis to be proffered for final review and approval by DPWES and DPZ staff at the time of site plan review. However, given the noise levels which may impact this site, based on the results of the study, in this instance, the applicant may be required to eliminate the windows, balconies and doors depicted on the proffered building façade in order to achieve an indoor noise level of 45 dBA. More importantly, however, the Comprehensive Plan states that appropriate noise mitigation from Richmond Highway

should be demonstrated through a noise study to be reviewed at the time of rezoning.

Based upon this Plan recommendation, as well as the recommendation that the proposed development achieve a viable living environment for residential use, staff believes that the applicant should demonstrate at this time that the outdoor noise levels, which are slightly below 75 dBA, can be adequately mitigated to 45 dBA on the interiors of the building.

Water Quality

Development Criterion #3 requires that developments minimize off-site impacts from stormwater runoff and adverse water quality impacts. The subject property is located within the Little Hunting Creek watershed. The site is also located in the "Watershed Restoration II" management category, with a goal of preventing further degradation, and to implement measures to improve water quality. As such, the Stormwater Planning Division (SWPD) of DPWES has recommended that the applicant utilize innovative BMPs and to reduce the amount of imperviousness on site. Specific techniques which SWPD recommends the applicant employ to reduce the runoff volume on site include use of raingardens instead of raised planted median strips. The applicant has not incorporated any of these measures into the proposed site layout.

The CDP/FDP indicates that underground facilities will be provided unless waived or modified by the Department of Public Works and Environmental Services (DPWES). However, the sizing and location of the proposed facility could change pending comments from DPWES during site plan review. DPWES staff will be responsible for making any final determination regarding the location, sizing and any potential waivers for water quality improvement structures. In general, underground facilities are discouraged from being sited in residential development because of the complexity and cost of maintaining such facilities. Though the applicant has proffered to establish an initial reserve for future maintenance and/or replacement of the facility in an amount specified by DPWES, staff is concerned that the cost may still prove to be burdensome for the commercial property owners and 24 condominium owners. It should also be noted that should DPWES reject the use of an underground facility on the subject site at the time of site plan, then the applicant will be forced to redesign the proposed layout, which, in turn, would require a proffered condition amendment (PCA) and a final development plan amendment (FDPA). This issue is further discussed under the Waivers and Modifications section of this report.

Tree Preservation & Tree Cover Requirements (Development Criterion #4)

This Criterion states that all developments should take advantage of existing quality tree cover and that, where feasible, utility crossings should be located so as not to interfere with proposed tree save areas. No tree save is proposed on this site, both due to the lack of existing trees which would be eligible for preservation, and because of the intense nature of the development proposed. However, as noted earlier in this report, there is a 30-inch caliper oak located on adjacent Parcel 141, whose dripline would be impacted by the proposed development. The CDP/FDP depicts paved parking areas, portions of the entrance from East Lee Avenue, limits of clearing and grading and an architectural wall - all to be located within the dripline of this tree. Staff is concerned that the proposed land disturbing activities within the dripline of this tree

will lead to its loss as a result of the proposed development. For that reason, staff had recommended that the CDP/FDP be revised to remove all intrusions into the dripline of this tree and adjust the limits of clearing and grading accordingly. At the very minimum, staff recommended that the applicant commit to coordinate any efforts to preserve this tree with the Urban Forestry Division (UFD) of DPWES. However, to date, the applicant has not committed to take any steps to ensure the protection of this off-site tree.

Transportation (Development Criterion #5)

This Criterion requires that developments provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that interconnection of streets be encouraged. In addition, alternative street designs may be appropriate where conditions merit. (See Appendix 6.)

While the applicant has proffered to dedicate right-of-way to 75 feet from the centerline along Richmond Highway, the applicant has requested a waiver of frontage improvements. No escrow of funds for the future widening is proposed. Staff does not support the requested waiver of frontage improvements. Staff believes that the applicant should construct the frontage improvements as has been done by other developments along Richmond Highway (such as RZ 2003-MV-023). Staff would also note that if the applicant does not propose to construct the frontage improvements along the subject site, then the applicant needs to provide all ancillary easements so that these frontage improvements can be constructed in the future.

A new five-foot wide sidewalk is proposed along Richmond Highway which would connect to East Lee Avenue. However, no connection is shown to Preston Avenue where there is an existing bus stop. Without such a connection, pedestrians will be required to continue to a portion of the existing sidewalk. As noted earlier in this report, the existing sidewalk along Richmond Highway is of a substandard width (approximately three feet wide). In addition, pedestrians must walk perilously close to traffic, as there is no landscape strip between this existing sidewalk and Richmond Highway. The proposed sidewalk would correct this hazardous situation but it needs to be connected to the existing sidewalks on either side of the subject site. Staff also believes that the applicant should also commit to connect the proposed new sidewalk to the existing sidewalk along Preston Avenue or improve the off-site sidewalk so that the residents have a safe walk to the bus stop at Preston Avenue.

The applicant has proffered to promote use of mass transit, ride-sharing and other transportation strategies in an attempt to reduce single-occupancy vehicular (SOV) traffic during peak hours. The proffers include the following list of potential strategies:

- Dissemination of information by the homeowners' association regarding Metrorail, Metro bus, ridesharing, and other relevant transit options in residential sale/lease packages;
- Making Metro maps, schedules and forms, ridesharing and other relevant transit option information available to owners/tenants and employees in a common area(s) of each building;

- Providing amenities for bicycle storage; and
- Maintaining a safe sidewalk system designed to encourage/facilitate pedestrian circulation and to clear the sidewalk of snow within 24 hours of the end of a storm event.

While these commitments are desirable, none of these activities guarantee a reduction in the number of single-occupancy vehicle trips.

Public Facilities (Development Criterion #6)

Criterion 6 states that the impacts on public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management) should be offset by residential development. Impacts may be offset through the dedication of land, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 8-13)

Fairfax County Park Authority (Appendix 13)

The required active recreation contribution for P-Districts per the Zoning Ordinance is \$955 per dwelling unit. Therefore, with this proposal a contribution of \$22,920 is required. In order to offset the additional impact caused by the proposed development (for such things as picnic areas, ballfields and basketball courts), the applicant should provide an additional \$13,515 to the Park Authority for recreational facility development at one or more of the sites located within the service area of this development. If no qualifying outdoor recreational amenities are provided on-site, the Park Authority recommends that the applicant contribute the full \$36,435 to the Park Authority. The applicant has not proffered any additional recreational contribution above the \$955 per unit at this time.

Fairfax County Public Schools (Appendix 11)

The proposed development would be served by Bucknell Elementary School, Sandberg Middle School, and West Potomac High School. Sandberg Middle School is projected to exceed capacity through the 2007-2008 school year; however, Bucknell Elementary and West Potomac High Schools are not. It should be noted that this analysis does not take into account the potential impact of other pending proposals that could affect the same schools.

According to Fairfax County Public Schools, the proposed zoning would generate a total of three (3) students, which is three (3) students above the existing zoning. Using the adopted guideline, this would justify a contribution of \$22,500. The applicant has proffered a contribution of \$22,500 to the Board of Supervisors for projects related to Bucknell Elementary, Sandburg Middle and/or West Potomac High School.

Fire and Rescue (Appendix 10)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #11, Penn Daw. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

Sanitary Sewer Analysis (Appendix 8)

The property is located in the Belle Haven Watershed and would be sewered into the Alexandria Sanitation Authority Treatment Plant. The Office of Waste Management states that, based upon current and committed flow, there is excess capacity in the Alexandria Sanitation Authority Treatment Plant, and an existing 10-inch pipe located in Preston Avenue approximately 305 feet from the property is adequate for the proposed use at the present time.

Fairfax County Water Authority (Appendix 9)

The subject property is located within the Fairfax County Water Authority Service Area. Adequate domestic water service is available at the site from existing 6- and 12-inch mains located at the site. However, depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

Utilities Planning and Design, DPWES (Appendix 12)

As stated previously, the site is located in the "Watershed Restoration II" management category, with a goal of preventing further degradation, and to implement measures to improve water quality. The applicant is encouraged to utilize innovative BMPs and to reduce the amount of imperviousness on site, such as the use of raingardens instead of raised planted median strips. The applicant has not incorporated any of these measures into the proposed site layout.

Affordable Housing (Development Criterion #7)

Criterion 7 states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. The applicant has proffered that prior to the issuance of the first building permit, to contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the project sales price of the new residential condominiums to be built on-site, as determined by HCD and DPWES.

Heritage Resources (Development Criterion #8)

Criterion 8 requires a development to address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation. There are no historical and/or archaeological resources on the application property.

ZONING ORDINANCE PROVISIONS (Appendix 14)

The PRM District is established to provide: (1) for high density, multiple family residential developments (with a minimum density of 40 dwelling units per acre); and (2) for mixed-use developments consisting primarily of multiple family residential development (with a minimum density of twenty (20) dwelling units per acre) with secondary office and/or other commercial uses. The applicant proposes a mixed-use development with multifamily residential dwellings with a density of 19.51 du/ac.

The Zoning Ordinance also states that PRM Districts should be located in those limited areas where such high density residential or residential mixed use development is in accordance with the adopted comprehensive plan such as within areas delineated as Transit Station Areas, and Urban and Suburban Centers. The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, and to otherwise implement the stated purpose and intent of this Ordinance. The application property is located in an area designated as the Beacon/Groveton Community Business Center. Additionally, the Comprehensive Plan language for the site specifically recommends a mixed-use development as an option for this property. However, as noted earlier in this report and discussed below, staff does not believe that the proposed design promotes high standards in design and layout nor does staff believe that the proposed development compatible with the adjacent single-family detached dwellings.

Section 6-406- Use Limitations

Below is a list of the use limitations for all developments in the PRM District and a discussion of how the proposed development addresses them:

- *Meet the standards of 16-101 (General Standards) and 16-102 (Design Standards).* This issue is discussed below under the headings, "Section 16-101, General Standards" and "Section 16-102, Design Standards."
- *Provide a CDP and FDP in accordance with specific urban design requirements and streetscape plans.* As stated earlier in this report, while the proposed development meets the Richmond Highway streetscape requirements, the applicant has not committed to follow the lighting guidelines as recommended by the Richmond Highway Urban Design Guidelines.
- *Have multifamily dwellings as the principle residential type.* Multifamily dwellings are the principle residential type.
- *Be designed to be harmonious with neighboring properties.* As noted earlier in this report, staff does not believe that the proposed development has been designed to be harmonious with the neighboring properties. The applicant proposes a parking deck immediately adjacent to existing single-family detached residences with little or no screening along those property lines where the subject site abuts existing low-density residential neighborhoods. The applicant also proposes locating a possible freestanding restaurant immediately abutting a single-family detached dwelling, which could cause significant noise, odor and trash problems. Finally, the

CDP/FDP depicts paved parking areas, portions of the entrance from East Lee Avenue, limits of clearing and grading and an architectural wall - all to be located within the dripline of a 30-inch caliper oak located on an abutting property. This development and its associated land disturbance within the dripline of this tree, will lead to the loss of this tree.

- *Use the standards of Article 9 to evaluate uses categorized as Special Exception uses; None of the proposed uses are categorized as special exception uses.*
- *Have 50% of the total gross floor area devoted to multi-family residential use. The proposed development meets this use limitation.*
- *Prohibit drive-through facilities. No drive-through facilities are proposed with this application.*
- *Provide parking in accordance with Article 11, including possible parking reductions based on hourly parking accumulation characteristics of the various uses and/or proximity to a mass transit station, with the intention that a substantial portion of the required parking be provided in parking structures. This use limitation recommends a substantial portion of the required parking be provided in above and/or below grade parking structures. Staff believes that the purpose of this use limitation is to permit high-density to occur on a site without sacrificing open space and high-quality design. The application proposes approximately 45% parking under a structure – 27 spaces under the main four-story building and 15 spaces under a concrete deck. The majority of parking (52 spaces) is provided in the proposed surface parking lot. Staff believes that the preponderance of surface parking is land consumptive and limits design options for more accessible open space and increased buffers from the proposed high-density development and the low-density residential neighborhood of Memorial Heights, which abuts the site.*
- *Provide signage in accordance with Article 12. The applicant has proffered to provide signage in accordance with Article 12.*
- *Comply with the performance standards of Article 14. The proposed development will be required to demonstrate compliance with these standards at the time of site plan approval.*

Section 6-407- Lot Size Requirements

Section 6-407 requires that all developments in the PRM District have a minimum district size of 2 acres. Because the subject site is only 1.23 acres in size, the applicant has requested a waiver of this requirement. Under the proposed design, staff cannot support this waiver. The applicant proposes a development of high intensity on a small site. Anticipating the problems inherent in such a proposal, the Comprehensive Plan states that a mixed use development of up to 0.80 FAR may only be appropriate for the subject site if the design provides effective screening and buffering to the adjacent residential neighborhood, architecture which is compatible with the adjacent residential development, and a viable living environment that is compatible with adjacent uses (among other requirements). As discussed earlier in

this report, the proposed development does not meet any of these requirements. Therefore, staff does not believe that it is appropriate to waive the minimum district size requirements when additional land area (or more structured parking) would solve many of the development's design problems.

Section 6-408 – Bulk Regulations

The bulk regulations require that in the PRM District:

- The building heights and yard requirements be controlled by the provisions of Article 16; and
- A maximum floor area ratio (FAR) of 3.0 be provided.

The proposed FAR is 0.78, which is well below the maximum FAR of 3.0. The building heights and yard requirements, as controlled by Article 16, would require the development to be generally in conformance with the R-20 regulations. The proposed peripheral setbacks do not meet these requirements. This issue is discussed below under the heading, "Section 16-102, Design Standards."

Section 6-409 – Open Space

The open space regulations require that in the PRM District:

- Twenty percent of the gross area be landscaped open space; and
- Recreational amenities be provided in accordance with the Planned District regulations (minimum expenditure of \$955 per unit).

The CDP/FDP provides 20% open space. However, this open space consists exclusively of landscaping around the perimeter of the site. As stated earlier in this report, while the applicant has indicated that a meeting room/exercise facility will be provided, the applicant has failed to commit to any specifics, including the nature of this facility and where this facility will be located. The proffers commit that, should the total Zoning Ordinance-required amount of \$955 per resident not be spent on the meeting room/exercise facility, then any excess shall be contributed to the Park Authority.

Sect. 16-101 General Standards

Par. 1 requires conformance with the Comprehensive Plan recommendations. The Comprehensive Plan states that this area may be appropriate for a mixed-use development of up to 0.80 FAR so long as the design provides effective screening and buffering to the adjacent residential neighborhood, the architecture is compatible with the adjacent residential development, and a viable living environment is provided which is compatible with the adjacent uses. As noted earlier in this report, staff believes that the proposed application fails to address these recommendations and is therefore, not in conformance with the Comprehensive Plan.

Par. 2 requires that the proposed design achieve the stated purposes of the PRM District more than would development under a conventional zoning district. The purpose and intent of the PRM District is to promote high standards in design and layout and to encourage compatibility among uses within the development and integration with adjacent developments. Staff does not find that the proposed development provides for high design and layout standards. The applicant proposes a large amount of intensity/density for the subject site without regard for how it integrates with the abutting low-density residential neighborhood; the applicant proposes to locate the main four-story building and the concrete parking deck along Preston Avenue without any setback or screening and buffering to the abutting residences located directly across Preston Avenue. Furthermore, the development provides limited amenities for the future residents of the proposed building. Because of the large amount of surface parking, no usable open space is provided for these residents. While the applicant has indicated that recreational amenities could be provided for these residents within the proposed freestanding building or the main four-story building, no specific commitments have been made. While the PRM District permits the applicant to create a mixed-use development, the applicant has failed to achieve the high standards in design and layout which are also required by this zoning district.

Par. 3 requires protection and preservation of scenic assets. There are no scenic assets on this site. However, there is an existing 30-inch caliper oak on abutting Parcel 141, whose dripline extends onto the subject site. The proposed development may cause significant damage to this tree. The applicant has not committed to take any steps to protect this off-site tree.

Par. 4 requires a design which prevents injury to the use of existing development and does not deter development of undeveloped properties. As noted earlier in this report, staff does not believe that the proposed development provides effective screening and buffering between the subject site and the abutting single-family detached residences of Memorial Heights. In fact, under the proposed development, the building and the proposed parking deck would be located along the site's property line along Preston Avenue. No elevations of these structures or a section of this structure along Preston Avenue has been provided. Without this information, staff cannot determine the impact that this structure will have on the abutting single-family detached dwellings. In addition, staff is concerned about the impact that the proposed parking deck and the associated freestanding building will have on the new single-family detached dwelling on Parcel 131. According to Section B-B on Sheet 2 of the CDP/FDP, the freestanding building would be higher than the existing dwelling and hence, extremely visible. No architectural elevations or details have been provided to demonstrate that the building will be residential in character or that it will not appear as a large shed in contrast to the residential/retail building. Furthermore, if the applicant were to establish a restaurant use in this structure, it could cause nuisance impacts such as noise, odors, glare, trash and delivery traffic, on the existing neighborhood.

Par. 5 requires that adequate transportation and other public facilities are or will be available to serve the proposed use. The development is proposed to be served by East Lee Avenue via Richmond Highway. The applicant has proffered to provide up to 75 feet of right-of-way along Richmond Highway; however, the applicant is also

seeking a waiver of frontage improvements. Staff does not support the proposed waiver. Staff believes that the applicant should construct the frontage improvements as has been done by other development along Richmond Highway. Furthermore, if the frontage improvements were to be constructed by others, the applicant would also need to provide ancillary easements along the site's Richmond Highway frontage. No ancillary easements have been provided.

Par. 6 requires that coordinated linkages among internal facilities and services, as well as connections to major external facilities and services, be provided. The development plan depicts pedestrian sidewalks along the streets, but as noted earlier in this report, the proposed new sidewalk along Richmond Highway does not provide a connection to the existing sidewalk along Preston Avenue and the bus stop.

Sect. 16-102 Design Standards

Par. 1 states that at the peripheral lot lines, the bulk regulations and landscaping and screening for the proposed development should generally conform to the provisions of the most comparable conventional district. In this instance, the most comparable conventional district is the R-20 District. The R-20 District requires a front and side yard setback of a 15° angle of bulk plane (approximately 12 feet for the 44-foot high residential building) and a rear yard setback of a 30° angle of bulk plane (approximately 25 feet for the 44-foot high main building). The setbacks illustrated on the CDP/FDP show a 15 foot (front yard) setback for the structure, a zero-lot setback for the building and parking deck along Preston Avenue, and a 10 foot setback for the parking deck where it abuts Parcel 131 of Memorial Heights. While no height is indicated for the concrete parking deck, the elevation shows the deck to be no more than one-story. No height is given for the proposed freestanding building, which would be on top of the parking deck; however, it also appears to be one-story. Staff supports the proposed 15 foot setback along Richmond Highway, which is in keeping with the Comprehensive Plan guidance that structures along Richmond Highway be oriented to the street but only so long as it can be definitively determined that the interior noise levels of the proposed structure can be mitigated to 45 dBA. However, staff does not support the proposed setbacks along Preston Avenue and where the site abuts Parcel 131. As noted earlier in this report, the applicant has provided no elevations of these structures or a section of this structure along Preston Avenue. Without this information, staff cannot determine the impact that this structure will have on the abutting single-family detached dwellings. The Comprehensive Plan states that a mixed-use development of up to 0.80 FAR could be appropriate provided that so long as effective screening and buffering are provided and maintained between the proposed development and the adjacent residential neighborhood. The proposed application does not satisfy this Plan requirement.

Par. 2 states that the open space, parking, loading, sign and all other similar regulations shall have application in all planned developments. This application satisfies all of these applicable Zoning Ordinance provisions. However, Fairfax County Department of Transportation staff has noted that the applicant should ensure that enough parking is available outside of the proposed gate for customers and guests to the project.

Par. 3 states that streets and driveways shall be designed to generally conform to the provisions of the Ordinance. It appears that the proposed driveway will satisfy this standard.

Par. 4 states that emphasis should be placed on the provision of recreational amenities and pedestrian access. The development plan includes proposed sidewalks along the internal and external streets, and connecting to the external street network and adjacent residential areas. The plan also includes several passive recreational areas and courtyards, and on-site recreational amenities. The proffers indicate that recreational funds required by the P-standards which are not used on-site will be contributed to the Park Authority, although no additional recreational funds have been proffered.

Waivers/Modifications

Waiver of the Minimum District Size from 2 acres to 1.23 acres

As noted earlier in this report, staff does not support the requested waiver.

Waiver of the Service Drive Requirement along Richmond Highway

Because the proposed application consolidates those parcels along Richmond Highway, between East Lee and Preston Avenues, no service drive or interparcel access is needed. Therefore, staff could support this waiver if the other issues are addressed.

Waiver of the Frontage Improvements along Richmond Highway

As noted earlier in this report, staff does not support the requested waiver.

Modification of the Transitional Screening along the Southeastern Property Line

The applicant has requested a modification of the transitional screening requirement (Transitional Screening 3, a 50-foot wide strip of landscaped open space) along the southeastern property line (where the subject site abuts Memorial Heights) to the 12-foot wide landscaping strip and architectural wall as shown on the CDP/FDP. While Par. 4 of Sect. 13-304 the Zoning Ordinance permits a modification of the transitional screening requirement by two-thirds where the developer chooses to construct a seven (7) foot brick or architectural block wall, the applicant has not provided the proposed height or a detail of the proposed wall along the southeastern property line. As stated earlier in this report, staff does not believe that the proposed wall and the 12-foot wide strip of evergreen trees will provide effective screening and buffering for the abutting residences of Memorial Heights, particularly given that the roof of the proposed freestanding structure will likely be visible above the barrier. Furthermore, if the applicant were to establish a restaurant use in this structure, as indicated in the May 5, 2004, letter, the proposed screening would not be enough to mitigate any nuisance impacts, such as noise, odors, glare, trash and delivery traffic, caused by the restaurant. Therefore, staff does not support the requested modification.

Waiver of the Transitional Screening along the Southwestern Property Line

The applicant has requested a waiver of the transitional screening requirement (Transitional Screening 3, a 50-foot wide strip of landscaped open space) along the southwestern property line (where the subject site abuts Preston Avenue). As noted earlier in this report, staff cannot support this waiver in light of the Comprehensive Plan recommendation that any mixed-use development of this site provide effective screening and buffering to the existing neighborhood of Memorial Heights. No landscaping is proposed along Preston Avenue. As noted earlier in this report, given the sloping topography of the site, it is not clear how much of the parking deck or the freestanding structure will impact the existing residences across Preston Avenue. Details have not been provided which indicate what the proposed buildings and parking deck will look like along Preston Avenue and how the buildings and parking deck might impact the abutting existing single-family detached dwellings. Based on these concerns, staff cannot support the requested waiver.

Waiver of the Peripheral Parking Lot Landscaping Requirement

Staff believes that the provision of peripheral parking lot landscaping would help soften the proposed surface parking lot and assist in providing effective screening to the surrounding neighborhood. Therefore, staff cannot support this waiver.

Waiver of the Rear Yard Setback Requirement

The applicant has requested a waiver of the rear yard setback to permit the proposed parking deck to be located 10 feet from the rear lot line as shown on the CDP/FDP. However, because there are no required setbacks in the PRM District, staff does not believe that a waiver is necessary. Nevertheless, as noted earlier in this report, staff is concerned about the proposed setback and the impact that the proposed parking deck along the rear property line will have on existing single-family detached dwelling on Parcel 131.

Waiver of the Front Yard Setback Requirement

The applicant has requested a waiver of the front yard setback requirement to permit the proposed building to be located 15 feet from the front lot line as shown on the CDP/FDP. As noted above, because there are no required setbacks in the PRM District, staff does not believe that a waiver is necessary. Nevertheless, staff is concerned about the proposed front yard setback. Until the applicant can demonstrate definitively that these noise impacts can be mitigated, staff cannot support the proposed front yard setback.

Waiver to Allow Underground Detention in a Residential Development

The applicant proposes to request a waiver of stormwater detention to permit underground detention in a residential development. The applicant proposes to provide underground detention because the small size of the site and the amount of development proposed for the site precludes its location anywhere else. As stated earlier in this report, underground detention is not preferred for residential

developments because of the cost to individual homeowners for maintenance. In this case, the cost of maintenance would be shared among up to 24 homeowners; as well as the commercial property owners. While the applicant has proffered to establish an initial reserve for future maintenance and/or replacement of the underground facility in an amount specified by DPWES, the applicant has provided staff with no information about how much the cost of maintenance would be for each property owner. Without knowing the financial burden that this underground detention would place on the property owners, staff cannot support this waiver request.

It should also be noted that should DPWES reject the use of an underground facility on the subject site at the time of site plan, then the applicant will be forced to redesign the proposed layout, which, in turn, would require a proffered condition amendment (PCA) and a final development plan amendment (FDPA).

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant proposes a mixed-use development of up to 0.78 FAR on a 1.23-acre site. The subject site abuts the existing low-density residential neighborhood of Memorial Heights to the south and east. Anticipating the compatibility problems that placing such a high-intensity development on a small site might create for Memorial Heights, the Comprehensive Plan states that a mixed use development of up to 0.80 FAR may only be appropriate for the subject site if the design provides effective screening and buffering to the adjacent residential neighborhood, architecture which is compatible with the adjacent residential development, and a viable living environment that is compatible with adjacent uses (among other requirements). The Zoning Ordinance also states that the PRM District regulations are designed to promote high standards in design and layout and to encourage compatibility among uses within the development and integration with adjacent developments.

Staff believes that the proposed development fails to address these recommendations and requirements. The proposed screening fails to effectively buffer the homes along the southeastern property line; of most concern, no screening is proposed along Preston Avenue at all. While the applicant has proffered the proposed architecture of the main four-story building, no architecture has been presented or proffered for the freestanding building and parking deck. Finally, the applicant has made no specific provision for amenities for the future residents of this building. For these reasons, and others as stated throughout this report, staff finds that the application fails to meet the recommendations of the Comprehensive Plan and the requirements of the Zoning Ordinance.

Staff Recommendations

Staff recommends denial of RZ 2003-MV-059 and the Conceptual Development Plan; however, if it is the intent of the Board of Supervisors to approve RZ 2003-MV-059, staff recommends that the approval be subject to the draft proffers contained in Appendix 1 of the staff report.

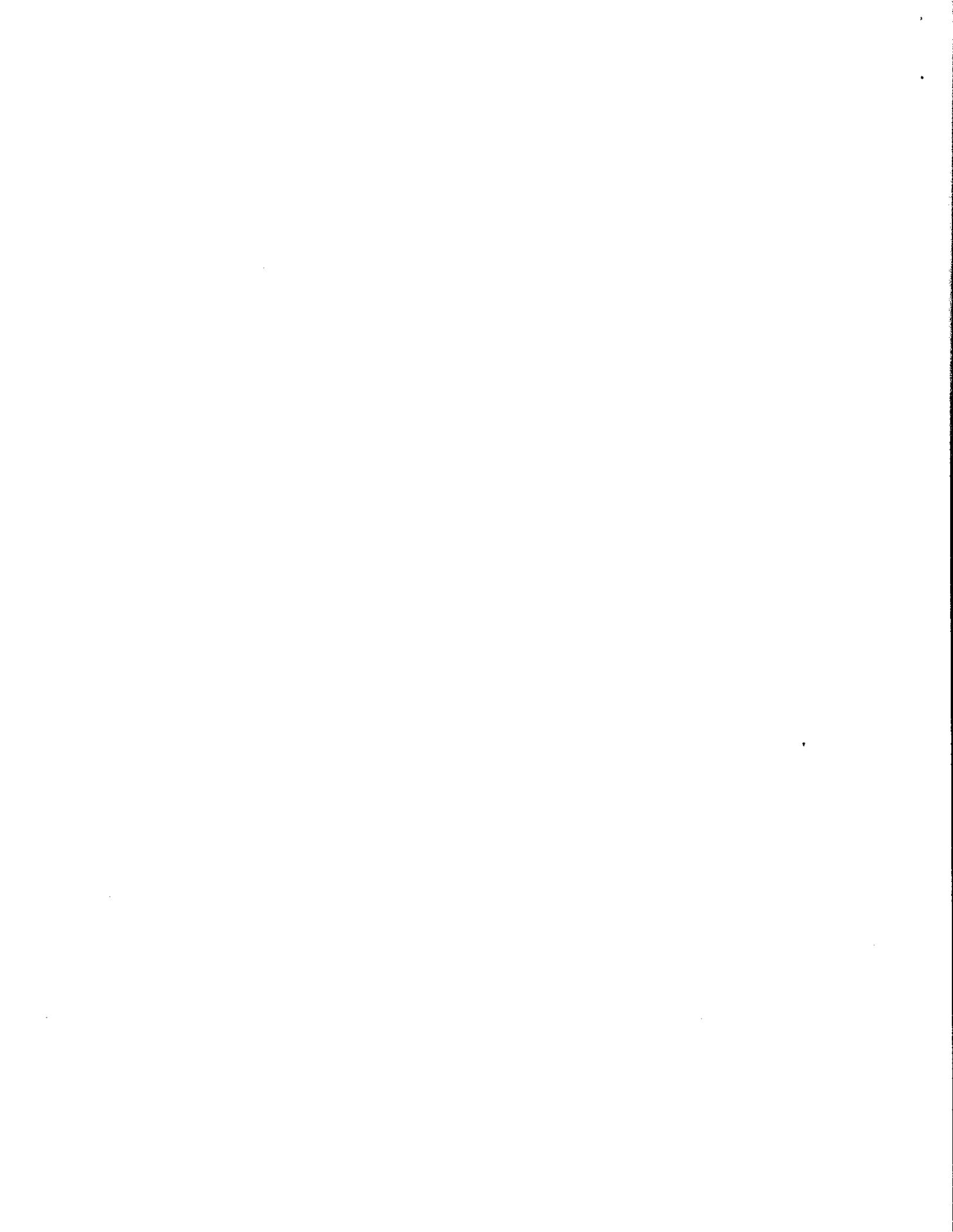
Staff recommends denial of FDP 2003-MV-059; however if it is the intent of the Planning Commission to approve FDP 2003-MV-059, staff recommends that the approval be subject to development conditions set forth in Appendix 2.

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

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

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Plan Citations and Land Use Analysis
6. Transportation Analysis
7. Environmental Analysis
8. Sanitary Sewer Analysis
9. Water Service Analysis
10. Fire and Rescue Analysis
11. Schools Analysis
12. Utilities Planning and Design Analysis (DPWES)
13. Park Authority Analysis
14. Applicable Zoning Ordinance Provisions Checklist
15. Residential Development Criteria
16. Glossary of Terms



Page 1
Proffers – RZ 2003-MV-059
May 5, 2004

RZ 2003-MV-059
PROFFERS

May 5, 2004

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, Anastasios Grypeos and Anna Grypeos, for the owners, themselves, their successors and assigns in RZ 2003-MV-059 filed for property identified as Tax Map 93-1((18))(D)117, 126, pt. 130, and 138 (hereinafter referred to as the Property), hereby proffer for themselves and their successors and assigns that the development of the Property will be subject to the following terms and conditions provided that the Board of Supervisors (BOS) approves the rezoning application from the C-8 and R-3 Zoning District to the PRM Zoning District.

I. Conceptual/Final Development Plan (CDP/FDP)

I. 1. Substantial Conformity. Development of the property shall be in substantial conformance with the plan entitled “Conceptual Development Plan/Final Development Plan Memorial Heights” (“CDP/FDP”), consisting of three (3) sheets prepared by Alexandria Surveys International, LLC, as revised through May 4, 2004. The CDP portion of the CDP/FDP shall constitute the entire plan relative to the FAR, minimum required open space, points of access, height, the maximum number of units, type of units, general location and orientation of the building, parking and setbacks. The Applicant shall have the option to request Final Development Plan Amendments (“FDPA’s”) from the Planning Commission for portions of the plan in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. _

I. 2. Landscaping and Design Amenities. A landscape plan shall be submitted as part of the first and all subsequent site plan submissions for review and approval by the Urban Forester. Landscaping shall be shown on the plan and provided along Richmond Highway and East Lee Street substantially in conformance with the CDP/FDP. Actual types and species of vegetation shall generally meet the guidelines recommended by the Richmond Highway Streetscape Plan as approved by the Urban Forester. All new shade trees provided as a part of the streetscape shall be minimum of two and one-half (2 1/2) inches in caliper at the time of planting; all new flowering trees shall be a minimum of 2 inch caliper at the time of planting; and all new evergreen trees shall be a minimum of six (6) feet in height at the time of planting.

Per Virginia Department of Transportation (CDOT) approval, the Applicant shall plant and maintain the area between the Applicant's front lot line and Richmond Highway using the Richmond Highway Streetscape as a guide for the benefit of his development.

I. 3. Building Design and Building Materials. The design and architecture of the proposed buildings shall be in substantial conformance with the illustrative elevations submitted with the application. Modifications may be made with the final architectural design if they are determined to be in substantial conformance with the elevations. The building materials will be a combination of materials to include pre-cast concrete, glass, metal panels, masonry, cementitious panel, or stucco or brick.

I. 4. Maximum Density and Permitted Uses. A maximum of 24 multiple family dwelling units may be provided in the building, which shall also include a maximum of approximately 8,700 square feet, dedicated to retail and/or office uses. The site shall not exceed 0.78 FAR. The primary uses shall be multiple family dwelling units. -The following secondary uses located on the first floor of the building may also be included within the designated areas of the building shown on the CDP/FDP but only if the combined parking requirement for the uses can be met on site taking into account a 20% reduction in required parking:

- A. Accessory uses and accessory service uses.
- B. Billiard and pool halls
- C. Business service and supply service establishments.
- D. Eating establishments (not drive through).
- E. Fast food restaurants (not drive through), such as a deli, ice cream parlor, or coffee shop.
- F. Financial institution (not drive through).
- G. Garment cleaning establishment (not drive through).
- H. Health clubs.
- I. Personal service establishment.
- J. Private club and public benefit associations.
- K. Public uses.
- L. Quick service food store.
- M. Unmanned bank teller machines (not drive through).
- N. Offices.
- O. Retail sales establishments.
- P. Repair service establishments for minor appliances, bicycles, and computers.
- Q. Private schools of special and general education (which do not require outdoor recreation areas) -- such as ballet studio.

II. General

II. 1. Signs. No temporary signs (including "popsicle" paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or by any builder or at the Applicant's or any builder's direction to assist in the initial and future marketing and/or sale/rental of

dwelling units on the subject property. The Property Owner or Developer shall direct agents and employees involved in marketing the Property to adhere to this Proffer.

II. 2. School Contributions. Prior to approval of the first Building Permit for the approved development, the Applicant shall provide documentation to the Department of Public Works and Environmental Services (DPWES) that the Applicant has donated the sum of \$22,500 to the Board of Supervisors for projects related to Bucknell Elementary, Sandburg Middle and/or West Potomac High School.

II. 3. Density Credit. Advanced density credit is reserved consistent with Sect. 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT pursuant to the Public Facilities Manual (PFM), at the time of site plan approval for the Property.

II. 4. Affordable Dwelling Units (ADU's). Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the project sales price of the new residential condominiums to be built on-site, as determined by HCD and DPWES in consultation with the Applicant to assist the County in its goal to provide affordable dwellings elsewhere in the County.

II. 5. Administrative Review. Concurrent with the submission of site plans to DPWES, the Applicant shall submit copies of the site plans to the Mt. Vernon District Supervisor and Planning Commissioner for the purpose of administrative review and comment.

II. 6. Construction Hours: Outdoor construction activity will be limited to between the hours of 7:00 am and 9:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays. No outdoor construction activities will be permitted on Sundays.

III. Recreation

III. 1. Recreation Contribution: At the time of site plan approval, pursuant to Section 6-110 of the Zoning Ordinance, the Applicant shall contribute the sum of \$955 per approved dwelling unit for the total number of dwelling units, to the Fairfax County Park Authority (“Park Authority”) for use on recreational facilities in the general vicinity of the Subject Property. This total amount shall be reduced by an amount equal to the appropriate credit for the onsite community room/exercise facility.

III. 2. Landscaped Deck: The Applicant also proffers that the proposed deck landscaped and designed to provide be an amenity to the residents of the building and/or patrons of the proposed restaurant and/or deli who might wish to eat outside.

III. 3. Benches and Outdoor Spaces: A minimum of two (2) benches will be provided on the subject property along the Richmond Highway frontage, together with landscaping

to encourage the gathering of people. The design of the benches will conform to the Richmond Highway Streetscape Guidelines. In addition, the landscaping of the deck shall be enhanced from that shown on the GDP/FDP which will likewise encourage the gathering of people who reside in the building and/or visit the deli/restaurant. _

IV Environmental:

IV. 1. Stormwater Management (SWM) and Best Management Practices (BMP): In accordance with County engineering requirements and subject to approval by the County DPWES, stormwater management/Best Management Practices (“BMP’s”) shall be provided on-site in an underground facility(s), as approved by DPWES. Maintenance of the underground detention facility shall be provided by the Applicant and its successor HOA. The maintenance obligation as set forth in this Proffer shall be included in the documents establishing the HOA and the HOA documents shall expressly so state. Prior to final bond release for the phase of development that incorporates such underground detention facility, the Applicant shall establish an initial reserve for future maintenance and/or replacement of such a facility in an amount specified by DPWES. The reserve fund shall be deposited with the HOA. The Applicant, or its representatives, shall disclose to prospective purchasers prior to, or at the time of contract, that the HOA is responsible for the maintenance of private streets within the development.

IV. 2. Energy Conservation. The Residential Units shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for either electric or gas energy dwellings as applicable.

IV. 3. Noise Attenuation. The Applicant shall provide the following noise attenuation measures:

- A. In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn, the Applicant proffers that all residential units shall have the following acoustical attributes:
- (1) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39;
 - (2) Doors and glazing shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any facade they shall have the same laboratory STC rating as walls; and
 - (3) Measurers to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

IV. 4. Lighting. All on-site outdoor and parking garage lighting shall comply with the Outdoor Lighting Standards set forth in Part 9 of Article 14 of the Zoning

Ordinance. Street lights shall be full cut off. Parking lot light shall be no higher than 20 feet unless the above standards requires an increase in the height for safety considerations. Pedestrians lights shall be provided along the Richmond Highway frontage of the property in conformance with the Richmond Highway Streetscape requirements.

IV. 5. Pedestrian Facilities. The pedestrian facilities and related streetscape design for Richmond Highway, and the proposed side street, including the browsing plazas shall be in substantial conformance with the CDP/FDP. Public access easements shall be established over the proposed sidewalk in the front of the building and the connection sidewalks to East Lee Street and the two proposed sidewalks that connect to the existing sidewalk along Richmond Highway.

V. Transportation.

V. 1. Transportation Management Strategies. Mass transit, ride-sharing, and other transportation strategies will be utilized to attempt to reduce single occupancy vehicular (SOV) traffic during peak hours. Residents and employees of the residential development shall be advised of this transportation strategy. Transportation coordination duties shall be carried out by a designated property manager(s); the transportation strategy management position may be a part of other duties assigned to the individual(s). The following is a list of potential strategies that shall be implemented:

- A. Dissemination of information by the COA regarding Metro rail, Metro bus, ridesharing, and other relevant transit options in residential sale/lease packages;
- B. Making Metro maps, schedules and forms, ridesharing and other relevant transit option information available to owners/tenants and employees in a common area(s) of each building;
- C. Providing amenities for bicycle storage; and
- D. Maintaining a safe sidewalk system designed to encourage/facilitate pedestrian circulation and to clear the sidewalk of snow within 24 hours of the end of a storm event.

IV. 2. Right of Way Dedication. Right-of-way along the Richmond Highway frontage of the site as shown on the CDP/FDP, shall be a maximum of seventy-five (75) feet from existing center line of Richmond Highway as shown on the Route 1 Locational Study, 001-96A-103, PE-100, noted Preliminary, not for construction, and dated 8/21/2002 agreed to and initialed by County staff members, Supervisor staff member, and applicant's representative and appended

hereto. This right-of-way shall be dedicated and conveyed in fee simple to the Board of Supervisors upon demand by the Virginia Department of Transportation (VDOT) or Fairfax County whichever occurs first. Such dedication shall occur at the time of site plan approval. The Applicant shall dedicate land in fee simple to the Board of Supervisors 75 feet from the center line as it is shown on the sufficient for the right-of-way for the ultimate improvement of Richmond Highway.

- IV. 3. Notification. Notification in the Contract of Sale document shall be provided to the future purchasers/renters of the units that Richmond Highway is approved to be expanded in front of the site and that a portion of the existing open space along Richmond Highway is only an interim condition. This information shall also be included in the Condominium Association documents.

VI. Miscellaneous.

VI. 1. Signage. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance. If lighted, signage shall be internally lit only. The Applicant reserves the right to make application for a comprehensive signage plan in accordance with the provisions set forth in Sect. 12-210 of the Zoning Ordinance.

VI. 2. The property owners' association:

A. Condominium Owners Associations. Prior to the issuance of the first RUP for the residential phase of the development/construction of the Application Property or the first NON-RUP for retail uses, the Applicant shall cause a condominium owners association (“COA”) to be created in accordance with Virginia law.

B. COA Maintenance Obligations. The Applicant and subsequent COA shall have specific maintenance responsibilities that shall include, but not necessarily be limited to the following:

(i) Maintenance of private streets, private sidewalks, plazas, open-space, stormwater management facilities, recreational facilities, if any, and other common areas within the Application Property including standard cleaning and lawn/landscaping maintenance and removal of snow from streets and sidewalks within 24 hours of the end of a snow event.

(ii) Repair of surfaces and site furnishings.

(iii) Replacement of dead, dying, or diseased trees and landscaping within the Application Property with the same size and similar species as originally approved on the landscape plan.

(iv) The respective COA documents shall specify the maintenance obligation as set forth herein. Purchasers shall be advised in writing prior to entering into a contract of sale, and in the COA documents that the COA shall be responsible for the maintenance obligations as set forth herein.

VI. 3. 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.

VI. 4. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

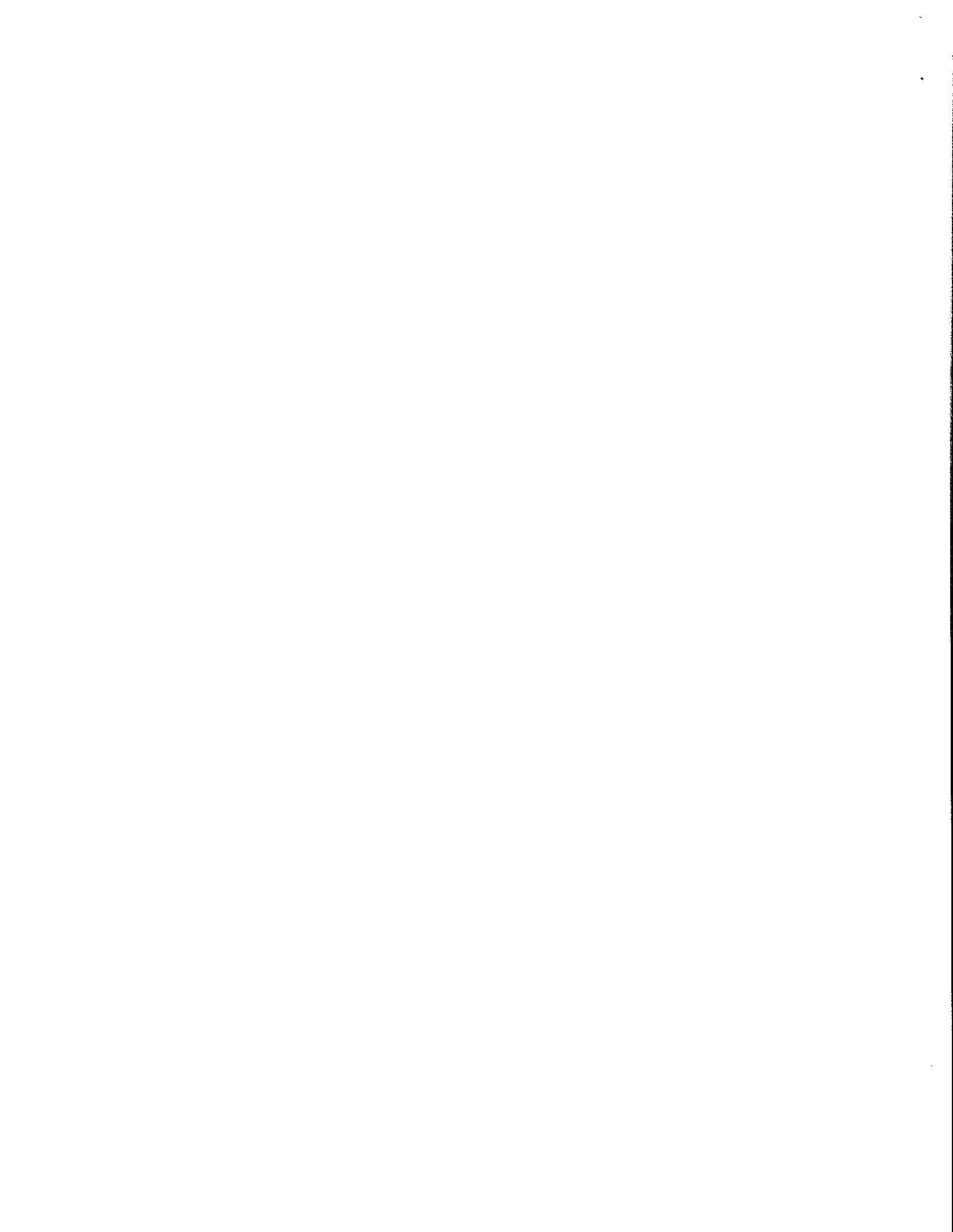
[SIGNATURE PAGES TO FOLLOW]

TITLE OWNERS SIGNATURE TO FOLLOW:

TITLE OWNERS:

Anastasios Grypeos

Anna Grypeos



PROPOSED DEVELOPMENT CONDITIONS

FDP 2003-MV-059

May 19, 2004

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2003-MV-059 for residential development located at Tax Map 93-1 ((18)) (D) 117, 126, 130 pt., and 138, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

- 1. Proposed Wall.** The proposed wall along the southeastern property line shall be seven (7) feet high and constructed of brick or architectural block which matches the proposed main residential building.
- 2. Freestanding Building.** The proposed 1,440 square foot freestanding building shall be used as a community room/exercise facility for the residences only. The architecture and materials of the freestanding building shall be similar to the main residential building. The proposed building shall be one-story and no taller than 20 feet in height.
- 3. Lighting.** Flat-lens street lights and low-level, full-cut off lighting shall be provided in the parking lot. Bollard lighting shall be used to light walkways and sidewalks.
- 4. Sidewalk.** The proposed new five-foot wide sidewalk along Richmond Highway shall be extended to the south to the site's Preston Avenue property line and the existing bus stop along Richmond Highway.
- 5. Tree Preservation Plan.** A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. This tree survey shall provide recommendations for specific tree preservation activities designed to maximize the survivability of any off-site trees – in particular, the 30-inch caliper oak tree located on Tax Map Parcel 93-1 ((18)) (D) 141. Activities may include, but are not limited to, the elimination of surface parking spaces and a reduction of the limits of clearing and grading.

- 6. Limits of Clearing and Grading.** The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant shall walk the limits of clearing and grading with an Urban Forestry Division representative and the developer's certified arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal, at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to the adjacent trees.
- 7. Tree Protection Fencing.** All areas of off-site tree save shall be protected by tree protection fencing in the form of four (4) foot high, 14-gauge welded wire, attached to six (6) foot steel posts, driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart. This fence type shall be shown on the Phase I and II erosion and sediment control sheets. The tree protection fencing shall be made clearly visible to all construction personnel, and shall be installed immediately after root pruning has taken place and prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of the tree protection fencing shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading or demolition activities, the Applicant's certified arborist shall verify in writing that the tree protection fencing has been properly installed.
- 8. Site Monitoring.** The services of a certified arborist or landscape architect shall be retained by the Applicant to monitor all construction work and tree preservation efforts in order to ensure conformance with Proffer No. 8. The monitoring schedule shall be described in detail in the tree preservation plan, and reviewed and approved by the Urban Forestry Division.
- 9. Replacement Value.** A professional with experience in plant appraisal, such as a certified arborist or landscape architect, shall be retained by the Applicant to determine the replacement value of abutting off-site trees ("designated trees"). These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall be determined according to the methods contained in the latest edition of the *Guide for Plant Appraisal*

published by the International Society of Arboriculture, subject to review and approval by the Urban Forestry Division.

At the time of site plan approval, a cash bond or letter of credit payable to the County of Fairfax shall be posted by the Applicant to ensure preservation and/or replacement of the designated trees that die or are dying due to construction activities. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees, but in any event shall not exceed \$20,000.

At the time of bond release, if any designated trees are determined to be dead or dying due to construction activities, funds from the cash bond, or letter of credit, shall be used to plant similar species, or species appropriate to the site, in consultation with the Urban Forestry Division and the Applicant's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement. If the Applicant's certified arborist or landscape architect, in consultation with the Urban Forestry Division representative, determines that only a certain number of trees can be planted due to space constraints, which amounts to less than the full extent of the security, the remainder of the moneys shall be returned to the Applicant.

The letter of credit or cash bond will be released two (2) years from the date of release of the project's conservation escrow, or sooner, if approved by the Urban Forestry Division.



REZONING AFFIDAVIT

DATE: April 22, 2004
 (enter date affidavit is notarized)

I, Lori P. Greentief, 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

81329a

in Application No.(s): RZ 2003-MV-059
 (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)
Anastasios and Anna Grypeos	3134 Clayborne Ave Alexandria, VA 22306	Applicants/Title Owners of 93-1((18)) (D)117, 126, 130, 138
Alexandria Surveys International LLC J.Paul Hoofnagle	6343 South Kings Highway Alexandria, VA 22306	Engineer/Agent for the Applicants Agent
Jane Kelsey & Associates, Inc. Jane Kelsey	4041 Autumn Court Fairfax, VA 22030	Agent for Applicants Agent

(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.

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

[Handwritten signature]

Rezoning Attachment to Par. 1(a)

DATE: April 22, 2004
(enter date affidavit is notarized)

81329a

for Application No. (s): RZ 2003-MV-059
(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)
Greenlief Consulting, LLC Lori R. Greenlief	14368 Nandina Court Centreville, VA 20120	Agent for Applicants Agent
Architectural Design Services, Inc. Avgerinos Vakalopoulos	340 Hungerford Drive 2nd Floor Rockville, MD 20850	Architect/Agent for Applicants Agent
Polysonics Corp. Robert M. Brenneman Scott Harvey	5115 MacArthur Blvd. NW Washington, DC 20016	Agent for Applicants Agent Agent
Reed SMith LLP Grayson P. HAnes	3110 Fairview Park Dr. #1400 Falls Church, VA 22042	Attorney/Agent for Applicants 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: April 22, 2004
(enter date affidavit is notarized)

813299

for Application No. (s): RZ 2003-MV-059
(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)

Alexandria Surveys International LLC
6343 South Kings Highway
Alexandria, VA 22306

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)

J. Paul Hoofnagle	Harbor Island Capital, LLC
William G. Fry	By: Harbor Island Partners, LLC as SOle Manager of Harbor Island Capital, LLC

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

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

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

Rezoning Attachment to Par. 1(b)

DATE: April 22, 2004
(enter date affidavit is notarized)

81329a

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

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

Harbor Island Capital, LLC
6329 Oleander Drive, Suite 200
Wilmington, NC 28403

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)

Harbor ISland Partners, LLC
Charles A. Paul III

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

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

Harbor Island Partners, LLC
6329 Oleaner Dr. Suite 200, Wilmington, NC 28403

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)

Charles A. Paul III

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

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

Rezoning Attachment to Par. 1(b)

DATE: April 22, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

81329a

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

Jane Kelsey & Associates, INC.
4041 Autumn Court
Fairfax, VA 22030

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)

Jane Kelsey

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

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

Greenlief Consulting, LLC
14368 Nandina Court, Centreville, VA 20120

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)

Lori R. Greenlief

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

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

Rezoning Attachment to Par. 1(b)

DATE: April 22, 2004
(enter date affidavit is notarized)

81329a

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

George Spano
Pari Spano
Scott B. Harvey

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

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

Architectural Design Services, Inc.
340 Hungerford Dr., 2nd Floor, Rockville, MD 20850

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)

Averginos Vakalopoulos

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: April 22, 2004
(enter date affidavit is notarized)

81329a

for Application No. (s) RZ 2003-MV-059
(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)

Reed SMith LLP
3110 Fairview Park Dr.
#1400, Falls Church, VA 22042

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

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

GENERAL PARTNERS:

Aaronson, Joel P.	Blasier, Peter C.	Christman, Bruce L.	DiNome, John A.
Abbott, Kevin C.	Blitch, Stephen G.	Clark, II, Peter S.	Dittoe, John E.
Alfandary, Peter R.	Boehner, Russell J.	Cobetto, III, Jack B.	Duman, Thomas J.
Allen, Thomas L.	Bolden, A. Scott	Colen, Frederick H.	Dumville, S. Miles
Arnold, Roy W.	Bonessa, Dennis R.	Coltman, Larry	Duronio, Carolyn D.
Bagliebter, William	Booker, Daniel I.	Connors, Eugene K.	Epstein, Bette B.
Baker, Scott D.	Borrowdale, Peter E.	Convery, III, J. Ferd	Eskilson, James R.
Banke, Kathleen M.	Boven, Douglas G.	Cotler, Alan K.	Evans, David C.
Banzhaf, Michael A.	Bradford, Timothy B.	Cottingham, Robert B.	Fagelson, Ian B.
Barry, Kevin R.	Brown, George	Davies, Colleen T.	Fagelson, Karen C.
Beattie, Gregory L.	Brown, Michael K.	Demase, Lawrence A.	Fallon, Paul F.
Bentz, James W.	Buckley, Mike C.	DeNinno, David L.	Fisher, Stanley P.
Bernstein, Leonard A.	Burroughs, Jr., Benton	Dermody, Debra H.	Flatley, Lawrence E.
Bersch, Lynn A.	Cameron, Douglas E.	DiCello, Francis P.	Fogle, Paul D.
Bevan, III, William	Carder, Elizabeth B.	DiFiore, Gerard S.	Fontana, Mark A.
Binis, Barbara R.	Christian, Douglas Y.	Dilling, Robert M.	Foster, Timothy G.

(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: April 22, 2004

(enter date affidavit is notarized)

81379a

for Application No. (s): RZ 2003-MV-059

(enter County-assigned application number (s))

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

Reed Smith LLP
3110 Fairview Park Dr. #1400
Falls Church, VA 22042

(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)

Continued:

GENERAL PARTNERS:

- | | | | |
|---------------------------|-------------------------|---------------------------|------------------------|
| Fox, Thomas C. | Kabnick, Lisa D. | McKenna, J. Frank | Rhatigan, Sean M. |
| Frank, Ronald W. | Kearney, Kerry A. | McNichol, Jr., William J. | Ritchey, Patrick W. |
| Frenier, Diane M. | Kelly, Bradley L. | Mehfoud, Kathleen S. | Rubenstein, Donald P. |
| Fritton, Karl A. | Kemp, John M. | Melodia, Mark S. | Sabourin, Jr., John J. |
| Gallagher, Jr., Daniel P. | Kiel, Gerard H. | Metro, Joseph W. | Sanders, Michael |
| Gallatin, James P. | King, Robert A. | Meyers, Michael A. | Schaffer, Eric A. |
| Gasparetti, Lorenzo E. | Klein, Murray J. | Miller, Edward W. | Schatz, Gordon B. |
| Gentile, Jr., Pasquale D. | Kohn, Steven M. | Miller, Robert J. | Scheineson, Marc J. |
| Goldrosen, Donald N. | Kolaski, Kenneth M. | Moberg, Marilyn A. | Scott, Michael T. |
| Goldschmidt, Jr., John W. | Kosch, James A. | Morris, Robert K. | Seaman, Charles H. |
| Greeson, Thomas W. | Kozlov, Herbert F. | Munoz, Peter S. | Sedlack, Joseph M. |
| Gross, Dodi Walker | Krebs-Markrich, Julia | Munsch, Martha H. | Shanus, Stuart A. |
| Guadagnino, Frank T. | Kwuon, Janet H. | Myers, Donald J. | Shmulewitz, Aaron A. |
| Gwynne, Kurt F. | Lacy, D. Patrick | Napolitano, Perry A. | Short, Carolyn P. |
| Hackett, Mary J. | Lasher, Lori L. | Naugle, Louis A. | Siamas, John S. |
| Haggerty, James R. | LeDonne, Eugene | Nelson, Jack R. | Simons, Bernard P. |
| Hanes, Grayson P. | Leech, Frederick C. | Nicholas, Robert A. | Simons, Robert P. |
| Harnsberger, Thomas L. | Levine, Edward H. | Nogay, Arlie R. | Singer, Paul M. |
| Hartman, Ronald G. | Linge, H. Kennedy | Oppendahi, Mary C. | Sleeth, Boyd C. |
| Hayes, David S. | Loepere, Carol C. | Peck, Jr., Daniel F. | Smith, III, John F. |
| Heard, David J. | London, Alan E. | Perfido, Ruth S. | Smith, John Lynn |
| Heffler, Curt L. | Lowenstein, Michael E. | Peterson, Kurt C. | Spaulding, Douglas K. |
| Heidelberger, Louis M. | Luchini, Joseph S. | Philpot, Kenneth J. | Speed, Nicholas P. |
| Hill, Christopher A. | Lynyak, III, Joseph T. | Picco, Steven J. | Stanley, David E. |
| Hill, Robert J. | Lyons, III, Stephen M. | Pollack, Michael B. | Stewart, II, George L. |
| Hitt, Leo N. | Mahone, Glenn R. | Prorok, Robert F. | Stoney, Jr., Carl J. |
| Hoeg, III, A. Everett | Mantell, Nanette W. | Quinlan, Thomas J. | Stroyd, Jr., Arthur H. |
| Hofstetter, Jonathan M. | Marger, Joseph M. | Quinn, John E. | Tabachnick, Gene A. |
| Honigberg, Carol C. | Martin, James C. | Radley, Lawrence J. | Thallner, Jr., Karl A. |
| Howell, Ben Burke | McAllister, David J. | Raymond, Peter D. | Thomas, William G. |
| Iino, John M. | McDavid, George E. | Reed, W. Franklin | Thompson, David A. |
| Innamorato, Don A. | McGarrigle, Thomas J. | Reinke, Brent A. | Tillman, Eugene |
| Johnson, Stephen W. | McGough, Jr., W. Thomas | Reinke, Donald C. | Tocci, Gary M. |
| Jordan, Gregory B. | McGuan, Kathleen H. | Restivo, Jr., James J. | Todd, Thomas |

(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)

81329a

DATE: April 22, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-MV-059
(enter County-assigned application number (s))

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

Reed Smith LLP
3110 Fairview Park Dr., #1400
Falls Church, VA 22042

(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)

Continued:

GENERAL PARTNERS:

- | | |
|-----------------------|--------------------|
| Tompkins, Benjamin F. | Weissman, David L. |
| Tovey, Morgan W. | Weissman, Sonja S. |
| Trevelise, Andrew J. | Wilson, Stephanie |
| Unkovic, John C. | Winter, Nelson W. |
| Vitsas, John L. | Wood, Douglas J. |
| von Waldow, Arnd N. | Wood, James M. |
| Wallace, Marshall G. | Young, Jonathan |
| Wallis, Eric G. | |
| Wasserman, Mark W. | |

Former Equity Partners

- Bimbaum, Lloyd C
- Bruzzone, Richard A.
- Casey, Bernard J.
- Dare, R. Mark
- Davis, Peter R.
- Hawkins, Jane M.
- Kearney, James K.
- Maier, Thomas A.
- Mansmann, J. Jerome
- Moorhouse, Richard L.
- Post, Peter D.
- Reichner, Henry F.
- Rissetto, Christopher L.
- Springer, Claudia Z.
- Whitley, Bruce D.
- Zimmerman, Scott F.

Former Partners

- Browne, Michael L.
- Blum-Herkenhoff, L. Amy
- D'Agostino, L. James
- Gianton, Richard H.
- Gryko, Wit J.
- Sachse, Kimberly L.
- Swayze, David S.

(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: APRil 22, 2004
(enter date affidavit is notarized)

81329a

for Application No. (s): RZ 2003-MV-059
(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: April 22, 2004
(enter date affidavit is notarized)

81329a

for Application No. (s): RZ 2003-MV-059
(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 \$200 or more, with any of those listed in Par. 1 above.

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

\$300.00 Contribution from Anastasio and Anna Grypeos to Supervisor Gerry Hyland's campaign

(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
Lori R. Greenlief
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22 day of April 2004, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 10/31/2005



Jane Kelsey & Associates, Inc.

Land Use Consultants
4041 Autumn Court
Fairfax, VA 22030-5168
 703-385-4687 (Phone)
 703-385-8760 (FAX)

jkelse@aol.com

President
Jane Kelsey

Vice-President
Donald E. Lucas

703-623-1574 (cell)

February 6, 2004

Ms. Barbara A. Byron, Director
 Zoning Evaluation Division
 Fairfax County Department of Planning and Zoning
 12055 Government Center Parkway, Ste. 801
 Fairfax, VA 22035-5505

Re: Amendment to Pending Rezoning Application RZ 2003-MV-059
Anastasios and Anna Grypeos

Dear Ms. Bryon:

This letter is the Revised Statement of Justification for the above referenced application that is to be amended. The current application, which is pending in the County, requests a rezoning of 1.22916 acres of land from the R-3 and C-8 Districts to the C-8 District. The Applicants are amending this application to rezone the same acreage from the R-3 and C-8 Districts to the Planned Residential Mixed Use District (PRM) with Proffers and to seek approval of a related CDP/FDP. In addition, the applicants are requesting that the Commercial Revitalization District (CRD) line be extended to include all parcels that are a part of this request. This letter should be substituted for the current statement under file.

REQUEST

The Applicants, Anastasios and Anna Grypeos, are the owners of the above acreage. The subject property is located in the Mount Vernon District, identified among the Fairfax County tax map records as 93-1((18))117, 126, 130,(pt.) and 138. For the purposes of this statement, all the above land will be described as the "subject property." The subject property is located on the east side of Richmond Highway, the south side of East Lee Avenue and the north side of unimproved Preston Avenue. It is bordered by the Memorial Heights subdivision to the east and north and land zoned residential and developed with single family detached dwellings and land zoned C-8 and developed with retail uses to the south. The land to the west across Richmond Highway is zoned C-8 and developed with office uses. The front portion of the property is located within the Richmond Highway Revitalization District.

DEVELOPMENT FEATURES

The Applicants have submitted, as part of the Application, a CDP/FDP, which proposes a four-story mixed use building with the top three stories multi-family residential (condominiums) and the bottom floor associated retail uses. Underground and exterior parking are shown.

Site Design:

The 4-story rectangular-shaped building containing 40,200 square feet is shown fronting on Richmond Highway. Floor area ratio is proposed to be 0.76. The residential density will be 19.53 dwelling units per acre. The height of the building will be 45 feet. Parking for the facility would be accommodated in 71 open to the air parking spaces located to the side and rear of the building. An additional 27 parking spaces will be provided in an underground facility for a total of 98 spaces. Access to the site will be from East Lee Street. There will be no access from the undeveloped Preston Avenue. The entrance to the garage is facing Preston Avenue. Accessible spaces shall be provided on ground, centrally located on the side of the building, and since there is a separation of the parking lot between residential and retail/office, additional accessible spaces will be provided in the under ground garage. Orientation of the building will be to Richmond Highway with the only access via East Lee Street as recommended by the Office of Transportation. Dedication will be provided Seventy-five (75) feet from the center line of Richmond Highway as recommended by the Office of Transportation. Open space will be 20% percent after dedication. Seven percent (7%) interior parking lot landscaping will be provided. Under Article 13, the width of the transitional screening yard may be reduced by 2/3 if an architectural block wall is provided, thus the transitional screening yard will be 12 feet in width with an architectural block wall along the rear lot line of the property. Whereas, a reduction of the number of parking spaces is permitted in this Revitalization District, it appears only a minor reduction will be requested, depending upon the decision of the Urban Forester's recommendation on saving the tree on the adjacent property.

The open space will be disbursed throughout the site. The decked area to the right of the building as seen from Richmond Highway will incorporate planters and other amenities for browsing or having lunch at the deli and/or eating establishment.

Waivers:

- The applicants request a waiver of the minimum district size for the PRM District of two acres. Even though the applicants have consolidated 17 lots in order to have a viable development, no additional land was available for

purchase, thus the two acre minimum cannot be met.

- **Minimum Front Yard Requirements:** Sect. A7-407 of the Zoning Ordinance, Commercial Revitalization Districts, indicates that the minimum yard requirements shall be that specified in the underlying zoning district. The PRM District does not specify any minimum yards. The applicants request that the Board of Supervisors in conjunction with the approval of the rezoning, approve the yards as shown on the CDP/FDP since the building has been placed so to meet the guidelines of the Richmond Highway Revitalization District.
- **Transitional Screening and Barrier Requirements -** A modification based on Par. 4 of Sect. 13-304 of the Zoning Ordinance is requested along the rear lot line of the subject property where a screening yard 12 feet in width and a 6 foot high architectural block wall is proposed. A waiver of transitional screening is requested along those portions of the East Lee Avenue frontage and Preston Avenue frontage that abut residential development. Preston Avenue is an unimproved street and the existing swath of land (50 feet) provides some screening in that area. The applicants propose to request permission from the owner of the underlying land of undeveloped Preston Avenue to provide plantings to enhance the project. The Dept. of Transportation has advised that this street was created by subdivision prior to 1947; therefore, the County does not own the underlying land, thus the County could not give permission for these plantings. Additional research is being conducted to determine the ownership in order to gain this permission.

A small portion of the lot line abutting East Lee Avenue requires transitional screening and the proposed driveway with landscaping to either side of it is in that area. A waiver of the barrier requirement is also requested in these areas.

- **Peripheral Parking Lot Landscaping -** This is required along a portion of both East Lee Avenue and Preston Avenue (abutting commercially zoned land). Since the building has been pulled forward on the lot to orient more towards Richmond Highway, and, has been shifted toward Preston Avenue as far as possible in order to provide parking which is convenient to the retail shops, there is insufficient area to provide peripheral parking lot landscaping in these areas. A waiver is therefore requested.
- A waiver of sidewalk construction along Richmond Highway is requested to allow the existing sidewalk to remain. Since the sidewalk on the adjacent properties already exists and connects to the existing sidewalk across the subject property, moving the sidewalk on the subject property to its ultimate location would not allow a smooth transition between the new sidewalk and the existing sidewalk. There is an existing bus stop along Richmond Highway near unimproved Preston Avenue, thus continuity of the sidewalk is important. The

applicants agree to repair/improve/connect the existing sidewalk along Richmond Highway. Portions of it are in disrepair.

- Modification of the streetscape requirements along East Lee Avenue to allow a sidewalk to be constructed partially on the applicants' property and partially within the right-of-way. There is insufficient space within the existing right-of-way to provide the landscaping and sidewalk completely within the right-of-way. Since one of the concerns with the Mt. Vernon Planning & Zoning Committee was that the parking should be provided in such a way to make it convenient to the shoppers, the building was shifted toward Preston Avenue in order to provide two rows of parking spaces along the side of the building facing East Lee Avenue. See more discussion under Streetscape requirements of the Richmond Highway Revitalization District.
- Waiver of the service drive requirement along Richmond Highway.
- Waiver of frontage improvements along Richmond Highway. Since VDOT does not have current plans for improvement to Richmond Highway, construction would serve no useful purpose and might have to be removed when and if VDOT begins the improvement project. Since the anticipated timeframe for this project is estimated to be at least 20 years, it seems unreasonable to escrow funds for this improvement gives the escalations clause based upon inflation would make the cost prohibitive given the small size of this project particularly.
- Based on Par. 3A of Sect. A7-409 of the Zoning Ordinance, a reduction in the minimum required number of off-street parking spaces is requested. The required number of spaces is 99 and the CDP/FDP shows 98 although a lesser number may be necessary if parking spaces must be removed in order to save the tree which Staff indicated should be saved. The tree is located on the adjacent property.

COMPREHENSIVE PLAN

The Applicants are currently requesting a Comprehensive Plan Amendment to allow the lots to be developed with mixed use development and to change the specific wording in the text for Land Unit E to allow a Floor Area Ratio and height consistent with the PRM zoning district regulations.

The Comprehensive Plan for this area supports revitalization and redevelopment while maintaining an acceptable land use and transportation balance. This application is consistent with that goal. It is in conformance with the objective of quality development by providing a high quality building and minimizing the visual impact of parking by providing the underground parking and by designing the rear of the building facing the residences with a distinctive style that is varied in depth, material

and design to break up the mass of the building while creating a interesting facade similar to a townhouse office project. In addition, the CDP/FDP shows the building pulled as far forward toward Richmond Highway as possible on the lot to minimize impact on the residences to the rear as well as meet the criteria of the Richmond Highway Revitalization District. This development is also accomplished with consolidation of seventeen (17) lots, another goal of the Plan.

Traffic congestion and future transportation needs are major concerns in the Richmond Highway area which is also noted in the Comprehensive Plan. To satisfy this concern, additional right-of-way along the site's frontage on Richmond Highway for future road widening is proposed. Traffic circulation will also be improved by (1) providing only one entrance/exit; (2) not placing that entrance directly onto Richmond Highway but at a proposed location for a future median break and traffic signal when Richmond Highway is widened; (3) by not opening up Preston Avenue to through traffic with another access to Richmond Highway. A bus stop exists along the street in the front of undeveloped Preston Avenue.

An additional land use objective stated in the Comprehensive Plan is the protection of adjacent neighborhoods from visual and other impacts of commercial development. Screening and buffering areas are provided adjacent to the Memorial Heights neighborhood to the southeast. The building, itself, will be distinctive style and design more similar to townhouse office design style and will also have a residential appearance to the rear.

RICHMOND HIGHWAY REVITALIZATION DISTRICT

The applicants are proposing to dedicate 75 feet of right of way from the existing centerline for future improvement to Richmond Highway. Note that is based on a figure contained in the Route 1 Location Study presented by the Office of Transportation which shows the 75 feet of dedication from the centerline of Rt. 1 to include 1/2 of the center median, 4 travel lanes including one oversized lane, a 2.5 foot wide apron, a 2.5 foot wide landscaping area, a 6 foot wide sidewalk and a 2 foot wide strip. The area between this point (the dedication line) and the building will be between 10 and 16 feet in width and will remain part of the development designed with elements to meet the Richmond Highway Revitalization District guidelines as specifically discussed below.

Streetscape Elements

Landscape Corridor: The applicants are providing a minimum of a 10 foot Planting Strip (actual width varies from 10 feet to 16 feet) as shown in Figure 17 of the Richmond Highway Corridor Area portion of the Mount Vernon Planning District section of the Comprehensive Plan. The applicants propose to request permission from VDOT to grass and plant within the area proposed to be dedicated

Browsing Strip: The applicants are providing a 5 foot wide concrete sidewalk adjacent to the proposed building. In addition, there will be two small "plaza" areas, discussed below, which will include sidewalks connecting the main sidewalk along Richmond Highway to the browsing strip. There is a continuous sidewalk all the way around the building which also leads to the plaza/deck area on the south side of the building.

Center Highway Median/Bicycle Lane: The applicants are providing sufficient dedication to allow room for these elements when the Richmond Highway Improvement Project is implemented.

Street Furniture: As shown in the illustrative drawing, benches are proposed within each of the "plazas" in front of the proposed building. These areas will also include bicycle racks and planters.

Street lighting: These areas will be lit in accordance with Comprehensive Plan guidelines for flat lens streetlight fixtures on black painted poles as set forth in the Richmond Highway Streetscape Plan.

Utilities: Utilities will be provided from off-site above ground existing poles to an on-site transformer. Lines will then run underground to the building.

Landmarks: Given the constraints of the site, even with the consolidation of 17 lots, it is unlikely that this area will become a major landmark but it will have a distinctive architectural design with outdoor deck and sidewalks landscaped in a manner which will complement the Richmond Highway Streetscape. It will be an inviting place to shop and to live.

Open Space: The small public "plazas" will be an area where people can gather. There is no natural feature or existing natural open space to

preserve. The landscaped deck with plantings and benches will add to the ambiance and livability of the development.

Gateways: N/A

Pavement Treatments: The concrete sidewalk in the browsing area will contrast with the street and the small "plaza" areas will likewise be treated with a contrasting pavement type.

Environmental Preservation: A tree on the adjacent property has been identified as one which might be worthy of saving, depending upon a review by the Urban Forester. The developer will be proffering to save the tree if it is deemed worthy of saving by the Urban Forester.

Streetscape Elements for Abutting Streets: The applicants are providing a 5 foot sidewalk along East Lee Street. In order to provide the handicapped parking spaces in the most logical location and provide for easy access to the shop/shops along the side of the building, which was a concern of the Mount Vernon Planning and Zoning Committee, parking is provided along the side of the building (between it and East Lee Avenue). Because of this, the additional landscaping suggested in the Plan cannot be provided along East Lee Avenue and still provide parking to meet what the developer believes to be the need for adequate parking and reduce any chance that parking might be on the residential street.

The applicants also plan to request and execute an agreement with VDOT to maintain the area between the 10-16 foot landscape corridor on the applicants' property and the existing curb line of Richmond Highway. The CDP/FDP shows this area landscaped with garden beds subject to approval by VDOT. The applicants are also willing to repair/upgrade those portions of the existing sidewalk which are unlevel or in disrepair and connecting the two portions of the sidewalk where the existing entrance off Richmond Highway is located.

Parking Elements

Interparcel Access: Vehicular connections between adjacent parcels are not applicable. Pedestrian connections are shown through the provision of the sidewalk along East Lee Avenue which will provide a connection to Richmond Highway as well as to this site. Sidewalk connections are also shown between the existing sidewalk along Richmond Highway and the browsing strip.

Parking Lot Design: The parking lot will be broken up somewhat by a grade separation. A wall with railing will be provided (shown as a "prop. Ret. Wall") A 175 square foot planting area will also be provided between these two portions of the parking lot. Visual clearance is provided at all areas in the lot. Internal circulation is efficient with the separation of residential and commercial parking through the use of a gate. There will be only one access point onto East Lee Avenue. Directional signs will be provided at the entrance to the parking lot and the parking garage. A sidewalk is provided around the entire building to provide safe access from the parking spaces.

Parking Lot Lighting: Attractive parking lot lighting will be provided that will give adequate uniformity of the illuminated area while not producing glare or other adverse impacts to the adjacent residential dwellings and will meet the Commercial Revitalization guidelines for lighting.

Parking Lot Landscaping: Seven percent (7%) interior parking lot landscaping will be provided which will exceed the five (5%) that is required. The parking lot will be screened from the residences to the east by 12 feet of transitional screening and an architectural block wall. As stated previously, there is some landscaping shown at the entrance to the site but a 5 foot strip cannot be provided along East Lee Avenue. A waiver of the required parking lot landscape peripheral strip (4 feet) is requested and is appropriate along Preston Avenue as that is an unimproved paper street.

Structured Parking: There is no above ground structured parking. The underground lot entrance will be covered by a concrete deck which could serve as outdoor eating and/or gathering area either for the restaurant, a deli, or for the residents who might wish to congregate there, or both.

Parking Lot Entry: The entrance to the site will be landscaped as shown on the CDP/FDP.

Landscape Elements

Tree Planting within Landscape Strips along Richmond Highway: The CDP/FDP shows a canopy tree every 25 feet with shrubs between them. Specific tree type and planting spacing will depend on species selected but the applicants will meet the criteria within this section of the Plan.

Parking Lot Planting Strips: The applicants are providing an architectural block wall to screen the cars in the area to the rear of the site.

Tree Selection Criteria and Recommended Tree Species/Maintenance

The applicants will proffer to work with the Urban Forester to select trees and vegetation which will meet the recommended guidelines of the Plan.

Building/Site Design Elements

Existing building improvements: N/A

Mass of New Buildings: The proposed mixed use building will have variety in the façade in terms of materials so that the massing effect is not that of a single large building.

Scale and Siting of Building: The mixed use building has been oriented toward Richmond Highway with the parking lots to the side and rear as recommended in this section of the Plan. This will also minimize impacts to the adjacent residences to the rear.

Utilities: Utilities will be provided from off-site above ground existing poles to an on-site transformer. Lines will then run underground to the building.

Function/Use: N/A

Detailing: While the façade (front and back) will have a distinctive style and design more similar to townhouse office design, varied style, architectural elements across the building will be coordinated. Brick archways along the retail level will unify this level of the building.

Compatible Architectural Design: The mixed use building is being specifically designed with a residential look in mind. Distinctive style and design more similar to townhouse office design style with varying fronts on the front and back facades will add interest to the area while not detracting from the residential atmosphere.

Coordinated Design: As stated above, architectural elements within the building (signs, colors) will be coordinated even though the building will appear as separate distinctive style and design more similar to townhouse office designs.

Image Identification: It is the applicants' hope that this development will be distinctive and have an urban design appeal as contemplated by the Plan.

Signage elements

Dimensions/Design: The site development is not of a large enough scale for a Comprehensive plan sign, although signs will be coordinated in terms of size, scale, design and materials, especially the commercial signs.

Nonconforming Signage: N/A

Special areas: N/A

Clutter: There will be no cluttering of signage associated with this use along the highway edge. There will be one building identification sign.

Placement: Signage will be building or ground mounted, not pole mounted.

Consolidation: There will not be so many different commercial uses within this building that consolidation of the commercial signage would be necessary in order to prevent clutter. Signage within the development (different commercial uses) will be *tasteful and coordinated, however.*

Sign Lighting: Any signage proposed will meet the intent of the Richmond Highway Revitalization District guidelines in that impact to adjacent residences will be *minimized.* The signs will be internally lit. However, signage in the rear of the building will not be visually distracting to the residences.

Public Signage: N/A

Entry Signs: The development will have an entry ground-mounted sign with the name of the development. This sign is shown at the corner of East Lee Avenue and Richmond Highway.

Temporary Signs: The applicants will not use temporary commercial advertising signs or movable signs with flashing lights.

RESIDENTIAL DEVELOPMENT CRITERIA ANALYSIS

1. Site Design

Consolidation: The applicants have consolidated 17 lots to form this development. This development, as designed, will not preclude the adjacent parcel to the southwest from developing with the current Plan recommendations. The applicants did attempt to have Preston Avenue vacated to provide, not only additional land area for this development, but possibly some coordination with the adjacent parcel, but that property owner would not agree.

Layout: As recommended by Staff, the applicants have oriented the building toward Richmond Highway to further the goals of the Richmond Highway Revitalization District. Streetscape/Landscaping has also been provided between the building and the front lot line abutting Richmond Highway to provide a relationship between this development and the roadway streetscape atmosphere which is planned for the corridor. Sidewalks connect the browsing area of the building to the existing sidewalk along Richmond Highway which connects to an adjacent bus shelter at the end of Preston Avenue (unimproved). Underground stormwater management will be provided because of limited space and so as not to interfere with the flow of uses on the site. Planters and vines will grow on the decked area to further provide a visual amenity.

Open Space: Twenty percent (20%) open space is provided with this development. As stated above, the intent of the landscaping in the front of the building is to create a usable area for customers, occupants of the retail shops and/or offices and residents along Richmond Highway.

Landscaping: Landscaping, as recommended for the Richmond Highway Revitalization District will be provided along Richmond Highway. Landscaping will also be provided throughout the site in the parking areas and in planters all along the deck on the retail level.

Amenities: The development will provide seating areas in front of the mixed use building as shown on the CDP/FDP as well as on the deck/plaza area.

2. Neighborhood Context

The Comprehensive Plan notes that it is not expected that proposed development will be identical to the neighbors. In this case, these lots are within the Commercial Revitalization District and the portion of the lots which abut Richmond Highway are zoned commercial (C-8). It is the applicants' belief that through the PRM zoning and the mixed use development proposed, a much gentler and acceptable transition will be achieved to the residences behind this development than if the property were to develop with commercial strip uses by right.

3. Environment

There are no significant environmental features on the site. The applicants proffer to preserve water quality through an underground stormwater detention facility and filtration devices. The condominiums will be constructed of materials (walls and windows) which will protect occupants from the noise of Richmond Highway. Lighting will be designed to meet the guidelines of the Richmond Highway Revitalization District guidelines.

4. Tree Preservation and Tree Cover Requirements

There is no existing quality tree cover on the site; therefore tree preservation is not possible. There is a tree located on an adjacent lot (Lot 141) which the applicants will work toward preserving if the Urban Forester determines it is worth saving. The development will meet the tree cover requirements with plantings.

5. Transportation

The applicants are providing the requested dedication along Richmond Highway for future road improvements. Pedestrian walkway connections are also provided to the sidewalk along Richmond Highway which connects to a bus shelter at the corner.

6. Public Facilities

The applicants will attempt to meet the public facility needs as they are indicated during the review process.

7. Affordable Housing

If applicable, the applicants will proffer to provide a Housing Trust Fund Contribution equal to 0.5% of the value of all residential units on the property.

8. Heritage Resources

It has not been determined that this site holds any significant cultural, architectural, economic, social, political, or historic aspects.

ZONING ORDINANCE PROVISIONS

Sect. 6-401

The proposed development meets the intent and purpose of the PRM District in that mixed use is provided, which is predominantly residential with a density of 20 units per acre with secondary office and commercial uses. The site is also located within the Beacon/Groveton Community Business Center, another criteria of the PRM District. The applicants commit to high quality design, as shown by the elevations provided, which will integrate sensitively into the surrounding area.

Par. 2: The CDP/FDP shows the proposed uses and gross floor area. Detailed building elevations and streetscape design have been submitted which demonstrate a high quality design and harmony with the Richmond Highway Revitalization District guidelines.

Par. 3: The principal residential use proposed with the development is multi-family dwelling units. No single family attached units are proposed.

Par. 4: The development has provided for a gradual gentle transition to the residential neighborhood which it abuts than the by-right commercial development would afford. A well-designed architectural block wall with 12 feet of screening is proposed for the rear area of the site and landscaping in accordance with Revitalization standards will be provided in front of the property.

Par. 5: N/A

Par. 6: Secondary uses are proposed with this development and 50% of the total gross floor area is devoted to multi-family residential use.

Par. 7: No drive-through facilities are proposed and will be proffered out.

Par. 8: No vehicle transportation service establishments are proposed and will be proffered out.

Par. 9: Parking and loading will meet Ordinance requirements. Only a minor reduction in parking is requested. The parking lot was again redesigned to place the building toward the front and to provide the maximum number of parking spaces within convenient access to the retail shops. The dumpster pad was relocated in the area of East Lee Street, not only to reduce any noise from the use of the dumpster, but also because the pad for the dumpster can be constructed to a lesser depth and have less impact on the tree that Staff believes should be saved. Several more parking spaces may need to be removed in order to prevent any damage to the tree. In addition, the applicants believe that parking should be provided which will meet the needs for the uses in order to prevent any vehicles from parking on the residential streets.

The requirements of Pars. 10, 11, and 12 will be met.

Sect. 6-407

The applicants are requesting a waiver of the minimum district size of two acres. The site area is 1.22916. The site has the unique characteristic of being located on unimproved Preston Avenue. As stated previously, the applicants did attempt to have Preston Avenue vacated which would have added acreage to the site but the adjacent owner did not agree.

Sect. 6-408

The proposal is below the maximum allowable FAR of 3.0. Floor area ratio for the development is 0.76. Sect. 6-408, Sect. 16-102 and Par. A7-407 of the Zoning Ordinance all address the bulk regulation requirements by referring to the underlying zoning district or the Comprehensive Plan. It is suggested with the concurrent amendment to the Comprehensive Plan, that flexibility in the minimum yards be allowed given the desire to have the building as close to Richmond Highway as possible.

Sect. 409

The development provides 20% open space. The applicants will proffer to contribute the required recreational amenities of \$955 per residential unit.

Section 16-101

The applicants believe that the proposed development substantially conforms to the adopted Comprehensive Plan to include the Richmond Revitalization District Guidelines. Development under the conventional zoning of commercial (C-8) would result in strip commercial, which is exactly what the Revitalization District regulations is trying to avoid. With the PRM zoning classification, a coordinated mixed use development is possible which will result in a tasteful, architecturally interesting development of mixed use which will serve as a much better transition to the residences to the south.

Should you have any questions regarding this revised submission or require additional information, please contact me. Thank you for your assistance

Sincerely


Jane Kelsey
President
Jane Kelsey & Associates, Inc.



FAIRFAX COUNTY PARK AUTHORITY
MEMORANDUM



TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM:  Lynn S. Tadlock, Director
Planning and Development Division

KIRK HOLLEY FOR

DATE: March 15, 2004

SUBJECT: REVISED: RZ/FDP 2003-MV-059
Anastasios and Anna Grypeos
Tax Map Numbers: 93-1((18)) (D) 117, 126, 130 part of, and 138

BACKGROUND

The Fairfax County Park Authority (FCPA) staff has reviewed the proposed Development Plan dated February 6, 2004, for the above referenced application. The Development Plan shows 24 new proposed homes, on approximately 1.23 acres. The proposal will add approximately 51 residents to the current population of the Mount Vernon District.

COMPREHENSIVE PLAN CITATIONS

1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 4, p. 6)

“Maximize both the required and voluntary dedication, development, and renovation of lands and facilities for parks and recreation to help ensure an equitable distribution of these resources commensurate with development throughout the County.”

Policy a: “Provide neighborhood park facilities on private open space in quantity and design consistent with County standards; or at the option of the County, contribute a pro-rata share to establish neighborhood park facilities in the vicinity...”

Policy b: “Mitigate the cumulative impacts of development that exacerbate or create deficiencies of Community Park facilities in the vicinity. The extent of facilities, land or contributions to be provided shall be in general accordance with the proportional impact on identified facility needs as determined by adopted County standards. Implement this policy through

application of the Criteria for Assignment of Appropriate Development Intensity.”

ANALYSIS AND RECOMMENDATIONS

Recreational Impact:

The residents of this development will need access to outdoor recreational facilities. Typical recreational needs include playground/tot lots, basketball, tennis and volleyball courts and athletic fields. Based on the Zoning Ordinance Sections 6-110 and 16-404, the applicant shall provide \$955 per non-ADU (affordable dwelling unit) residential unit for outdoor recreational facilities to serve the development population. The Ordinance-required contribution is \$22,920.

The \$955 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion if not all of the Ordinance-required funds are used for outdoor recreational amenities onsite (such as an outdoor pool and tot lots). As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide (such as picnic areas, ballfields, and basketball courts).

In order to offset the additional impact caused by the proposed development, the applicant should provide an additional \$13,515 to the Park Authority for recreational facility development at one or more of our sites located within the service area of this development. The proposed Development Plan currently does not show any active recreational facilities. If no qualifying outdoor active recreational amenities are provided, the applicant should dedicate the full \$36,435 to the FCPA.

cc: Kirk Holley, Manager, Planning Branch
Michael Rierson, Manager, Resource Protection Group, FCPA
Chron Binder
File Copy

Jane Kelsey & Associates, Inc.

**Land Use Consultants
4041 Autumn Court
Fairfax, VA 22030
(703)385-4687 Phone
(703)385-8760 Fax
(703)623-1574 Cell**

Jane Kelsey

RECEIVED
Department of Planning & Zoning

MAY 05 2004

Zoning Evaluation Division
President

Vice-President
Donald E. Lucas

May 5, 2004

Cathy Lewis
Office of Planning and Zoning
12055 Government Center Parkway, Ste. 801
Fairfax, VA 22035

Re: RZ 2003-MV-059, Anastasios and Anna Grypeos

HAND DELIVERED

Dear Ms. Lewis:

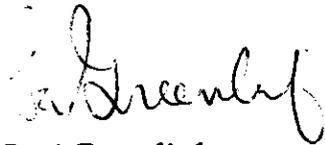
This letter is to accompany the revised CDP/FDP dated May 4, 2004 submitted to you this morning and will offer further explanation of the changes made to the CDP/FDP.

1. The landscaping deck has been extended over additional parking spaces as suggested by staff. The deck will be approximately 10 feet high. This satisfies several of staff's concerns. First, the proposal now has 42 spaces of underground or structured parking. Secondly, we have abundant outdoor space for the residents. We have extended the deck all the way back to the transitional screening yard near the rear lot line. A detail of the deck is shown in the upper right corner. It is shown on the plan as a faint gray line. There will be stairs leading up to the deck from the parking area below and/or access can be gained from the retail level of the main building. The elevations also submitted show the deck will be landscaped with potted flowering trees and will have a concrete planter all the way around with low level shrubbery. This landscaped deck will provide more than 6,500 square feet of outdoor area for the residents. There will be benches and/or tables in this area.
2. Added to the new deck area will be a building approximately 1,440 square feet in size. This one-story building will be a multipurpose area for the residents. It could be a meeting room and/or exercise area. Another option is that this free-standing building could also be the proposed restaurant and the area in the southwest corner of the main

building, which was originally proposed as a restaurant, could be the internal gathering/meeting space for the residents. In either case, the adjacent outdoor area on the deck will contain tables and benches for outdoor dining. This proposed building will be one story and will be constructed of materials similar to the main building. Based on Sect. 9-622 of the *Zoning Ordinance* as amended June 17, 2002, we will request a modification of the minimum yard requirements to allow the freestanding building and decking to be as located on the CDP/FDP.

3. The revised CDP/FDP shows streetscape along East Lee Street. A 4 foot wide sidewalk within an easement is shown on the subject property with an adjacent landscaping strip of approximately 5 feet in width. The sidewalk in front of the proposed building is shown connected to the East Lee Street sidewalk and the two connections to the sidewalk along Rt. 1 have remained.
4. The gate which separated the parking has been shifted to the south and is now at the entrance to the "underground" decked parking. The parking tabulation has been revised to better describe the distribution of parking inside and outside the gate. The total parking spaces provided will be 94. A reduction is still requested as the required number is 100. The fire lane turnaround has been provided outside the gated area.
5. Tree Cover calculations have been provided.
6. The FAR has been re-tabulated with the additional building and is now 0.78. (It was previously 0.76.)
7. A note has been added to the CDP/FDP which indicates that the property is within the Little Hunting Creek Watershed Improvement District.
8. The elevations have been revised to reflect the new decking and building. Larger copies have been submitted. Please note that the elevations on page two of the CDP/FDP were not yet revised. Please refer to the larger plans.

The proffers will be revised to reflect these changes as well as some of the other changes suggested. Please call me if you have any questions about these submittals. Thanks.



Lori Greenlief
Jane Kelsey & Associates, Inc.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Comprehensive Plan Land Use Analysis: RZ 2003-MV-059
Anastasios and Anna Grypeos

DATE: 10 May 2004

This memorandum, prepared by Denise M. James, AICP, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject rezoning (RZ) application and conceptual and final development plans (CDP/FDP) plat dated January 30, 2003, as revised through May 4, 2004. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval to rezone approximately 1.23 acres of land from the C-8 and R-1 Districts to the PRM District in order to develop a multi-family residential building with first floor retail uses. The following table summarizes the CDP/FDP tabulations:

Mixed use residential/retail building	
Total Floor Area	41,640 square feet (sq ft)
Residential	32,940 sq ft – 24 dwelling units
Retail	8,700 sq ft
Building Height	40 feet
Total Parking	90 spaces (27 spaces underground)
Floor Area Ratio (FAR)	.78
Open Space	20% - 9,714 square feet

LOCATION AND CHARACTER OF THE AREA

The subject land area is located on the east side of Richmond Highway between East Lee and Preston Avenues. The land assemblage consists of vacant lots totaling 1.23 acres that are zoned C-8 and R-3 and within Land Unit E of the Beacon/Groveton Community Business Center (CBC). Properties immediately across East Lee Avenue to the north and across Preston Avenue to the south are also in Land Unit E and developed with commercial buildings and single family residential uses. These areas are planned for townhouse style office and/or retail use up to .30

FAR. The immediately adjacent areas outside the Richmond Highway Corridor are planned for residential use at 3-4 dwelling units per acre (du/ac).

Property to the west across Richmond Highway is developed with an office building with associated parking and residential uses. This area is part of Land Unit D in the Beacon/Groveton CBC which has been designated as the Groveton Redevelopment Area and is planned for redevelopment to medium intensity office use up to .70 FAR. The residentially developed properties are planned for residential use at 2-3 du/ac as part of the area designated as Suburban Neighborhood Areas Between Beacon/Groveton and Hybla Valley/Gum Springs Community Business Centers in the Comprehensive Plan.

All of the land area to the east which is not part of the Richmond Highway Revitalization Area consists of a residential neighborhood which is zoned R-3 and planned for residential development at 3-4 du/ac. The neighborhood is characterized by older homes, several vacant lots and homes that have been recently built or which are under construction. The remaining portion of Parcel 130 which is not included in the rezoning application is owned by the applicant who is constructing single family homes on the property. Parcel 141 which abuts the western boundary of the subject property is also developed with a single family home.

Site Description: The subject property was the site of a commercial use which has been demolished and the site is currently vacant. The site slopes steeply away from its frontage on Richmond Highway and flattens out along its eastern edge.

COMPREHENSIVE PLAN CITATIONS

Note: The rezoning application property was the subject of a recent Out-of-Turn Plan Amendment, S03-IV-MV4, which was adopted by the Board of Supervisors on March 24, 2004. The Plan amendment expanded the boundary of Land Unit E to include adjacent vacant residential parcels, and allowed increased height and development intensity, subject to Plan conditions.

Plan Map: Alternative Uses and Residential Use at 3-4 dwelling units per acre (du/ac)

Plan Text: The Fairfax County Comprehensive Plan, Area IV, 2003 Edition, Mt. Vernon Planning District, as amended through March 24, 2004, Richmond Highway Corridor, Beacon/Groveton Community Business Center, under the heading Land Unit E, beginning on page 37, states:

“Lots on the east side of Richmond Highway from East Side Street to Popkins Lane are planned for townhouse-style office and/or retail use up to .30 FAR with maximum building heights of 35 feet. The following conditions should be met with any development proposal:

- Commercially-zoned lots along Richmond Highway between Groveton Street and East Lee Avenue or East Lee Avenue and Preston Avenue or Preston Avenue and Popkins Lane are consolidated;

- Buildings are oriented to Richmond Highway with parking located at the rear of the property; and
- Effective screening and buffering are provided and maintained between the proposed development and the adjacent residential neighborhood.

With the full consolidation of Tax Map Parcels 93-1 ((18)) (D) 117, 126, 130 (pt.) and 138 located between East Lee Avenue and Preston Lane, development of townhouse-style office and/or retail use up to .50 FAR with maximum building height of 45 feet may be developed provided that:

- Buildings are oriented to Richmond Highway with parking located at the rear of the property;
- Effective screening and buffering are provided and maintained between the proposed development and the adjacent residential neighborhood;
- Retail use is limited to no more than 10,000 gsf; and
- Development should provide for compatible architecture to mitigate impacts on adjacent residential development.

Modification to minimum building set back from Richmond Highway may be appropriate in order to further revitalization goals.

An option for increased intensity up to .80 FAR could be appropriate for mixed use development consisting of multifamily residential and ground floor retail provided that:

- All conditions for the office/retail option noted above are addressed, including maximum building height;
- Appropriate noise mitigation from Richmond Highway can be demonstrated through a noise study to be reviewed at the time of rezoning; and
- Redevelopment for residential use can achieve a viable living environment that is compatible with adjacent uses.

Modification to minimum building set back from Richmond Highway may be appropriate in order to further revitalization goals provided that appropriate noise mitigation can be achieved as recommended above.”

Plan Text: The Fairfax County Comprehensive Plan, Area IV Volume, 2003 Edition, Mt. Vernon Planning District, as amended through March 24, 2004, Groveton Community Planning Sector, under the heading Land Use, Outside of Richmond Highway Corridor, on pages 130 and 132, states:

“Outside of Richmond Highway Corridor

1. Residential infill in Memorial Heights is planned for 3-4 dwelling units per acre. Additional guidance for Tax Map 93-1 ((18)) (D) 130 pt. and 138 is included in

Land Unit E of the Beacon/Groveton Community Business Center within the Richmond Highway Corridor.”

Plan Text: The Fairfax County Comprehensive Plan, Policy Plan, 2003 edition, under the Land Use section, as amended through September 9, 2002, on page 9, states:

“Objective 14: Fairfax County should seek to achieve a harmonious and attractive development pattern which minimizes undesirable visual, auditory, environmental and other impacts created by potentially incompatible uses. . . .

Policy b. Encourage infill development in established areas that is compatible with existing and/or planned land use and that is at a compatible scale with the surrounding area and that can be supported by adequate public facilities and transportation systems.

Policy c. Achieve compatible transitions between adjoining land uses through the control of height and the use of appropriate buffering and screening. . . .

Policy f. Utilize urban design principles to increase compatibility among adjoining uses. . . .

Policy h. Utilize landscaping and open space along rights-of-way to minimize the impacts of incompatible land uses separated by roadways.

Policy i. Minimize the potential adverse impacts of the development of frontage parcels on major arterials through the control of land use, circulation and access.”

Note: The Richmond Highway Urban Design Recommendations are found in Attachment 1 at the back of this report.

ANALYSIS

The applicant proposes a mixed used development consisting of 8,700 square feet of commercial/retail use on the ground floor and 24 single family units on the upper three floors. The proposed 40 foot building height and .78 FAR is within the Plan limitations of 45 feet and .80 FAR, respectively, which is stipulated under the Plan for development of the mixed use residential option. The proposed building is oriented close to Richmond Highway and all parking is confined to the side and rear.

As noted above, the proposal does address some of the base Plan recommendations. However, there are additional Plan conditions that the proposal has not fully addressed as noted below.

Issue: Effective buffering and screening. An architectural wall and large evergreen trees are shown along the rear of the site adjacent to existing residential development. However, the applicant has not provided details such as height, construction materials (brick or block) or design of the wall in order to demonstrate that the screening treatment will provide an attractive barrier that is in keeping with the lower-density residential character of the surrounding neighborhood.

The most recent development proposal depicts an approximately 1,500 square foot free-standing building to be located 10 feet from the barrier wall in the southeastern corner of the site. The applicant proposes to use this structure as a multi-purpose area for the residents (meeting room and/or exercise area) to address the need to provide residential amenities. The applicant further states that the building may be established as a restaurant.

Based on the cross-section schematic provided on Sheet 2 (Section B-B) staff believes that construction of this building will have a negative visual impact since all of the structure's roof will likely be visible above the barrier fence. No architectural elevations or details have been provided to demonstrate that the building will be residential in character or that it will not appear as a large shed in contrast to the residential/retail building. Based on the sloping topography, it is not clear how much of this structure will be visible from residences across Preston Avenue. Establishing a restaurant use in this structure could potentially introduce nuisance impacts such as noise, odors, glare, trash and delivery traffic, in very close proximity to the existing neighborhood.

Based on the concerns discussed above, staff finds that the proposal has not addressed the Plan recommendation to provide effective buffering and screening in order to protect the adjacent neighborhood. This concern remains outstanding.

Issue: Compatible Architecture The applicant has provided building elevations for the residential/retail building which indicate that the retail frontage on the first floor will be partially enclosed due to the building overhang from the upper floors. This design technique softens the commercial aspect of the ground floor level of the building and facilitates blending the commercial and residential aspects of the building. The applicant has proffered to a use a combination of building materials such as pre-cast concrete, glass, metal panes, masonry, cementitious panel, stucco or brick. However, there is no commitment that a majority of the structure will be constructed of brick or other materials more typically associated with residential development. A building that is predominately pre-cast concrete, glass and/or metal panels, particularly along the sides and rear of the building, would not, in staff's opinion, provide the level of compatibility envisioned by the Comprehensive Plan. The concern for compatible architecture also extends to the proposed free-standing building. This issue remains outstanding.

Issue: Viable Residential Living Environment The recently adopted Plan Amendment stipulates that redevelopment for residential mixed-use is appropriate if the use can achieve a viable living environment that is compatible with adjacent uses. The applicant has proposed a free-standing building which may be used as a multi-purpose and/or exercise room as an amenity for the future residents. Staff does not believe this proposal represents a safe or conveniently located space for this purpose; residents will be required to exit the main building and cross the parking lot and travel aisle to access the use. The area has not been designed with any private lawn, deck or open areas around the building which would help make the area conducive as a gathering space. As noted above, staff also believes that the proposed recreational building is not located and designed to be compatible with adjacent uses.

The CDP/FDP elevations indicate that a landscaped open deck containing approximately 6,500 square feet will be provided at the southwestern corner of the building and will be furnished with

benches, flowering potted trees and enclosed by a concrete planter with low-level shrubs. Since this deck is proposed to be immediately adjacent to Richmond Highway and is not protected by the building or any noise barrier, use of this area as an outdoor amenity may be subject to significant highway noise.

Staff recognizes that, due to the urban environment and densities planned for this area, providing appropriate on-site active and passive recreational opportunities presents a significant design challenge. The applicant should consider providing indoor meeting and/or exercise space within the main residential building. Landscaped open decks may be appropriate if they can be designed to be protected from highway noise and be located immediately adjacent to the building so as to provide for safe, convenient access. The development of roof top gardens and/or greenhouse is often a recreational option for very urban areas. The applicant is encouraged to consider these or other design alternatives in order to address the Plan recommendation for a viable living environment. This concern remains outstanding.

Issue: Noise Mitigation The Plan stipulates that development of the residential mixed-use option is appropriate if noise mitigation from Richmond Highway can be demonstrated through a noise study. This issue is discussed in detail in the Environmental Analysis. However, this issue has bearing on the architectural elevations provided as well as the applicant's commitment of building materials. In light of the significant noise impacts from Richmond Highway, it is not clear that the windows, balconies and doors depicted on the building façade can be provided and, at the same time, achieve interior noise standards. The use of denser building material and limitations on the use of glass may be needed to address this issue.

URBAN DESIGN RECOMMENDATIONS

The Comprehensive Plan provides urban design recommendations in order to contribute to a positive image of the area as a desirable place to live, work, shop or visit. The Plan acknowledges the existing uncoordinated development patterns along Richmond Highway and that implementation of the design recommendations will require creativity and modifications in order to respond to site conditions or roadway design considerations.

Notwithstanding the constraints of the application property (steeply sloping topography, right-of-way for Preston Avenue, and immediately adjacent residences) the applicant should incorporate the most applicable and relevant urban design elements into the proposed development in a way that transitions effectively to adjacent existing properties and provides public improvements and benefits that meet the spirit of the design recommendations.

- Pedestrian walkways – The applicant proposes to landscape the right-of-way along Richmond Highway (subject to VDOT approval) until such time as road widening occurs. A new sidewalk and public access easement is shown to be provided along much of the site frontage immediately adjacent to the building. However, the existing sidewalk immediately adjacent to Richmond Highway is shown to remain; staff has recommended that the applicant remove the existing sidewalk which provides no separation between pedestrian and vehicle traffic and provide appropriate transition to

the existing sidewalk to the north and south. This will direct pedestrian traffic along the retail level of the building and provide for a safer and more amenable pedestrian environment across the site. The provision of crosswalks is encouraged in the parking lot areas and across East Lee to transition between new and existing sidewalks.

- Lighting – The applicant should commit to the provision of flat-lens street lights and low-level, full-cut off lighting in the parking lot; bollard lighting should be utilized where possible to minimize glare and views of parking lot lighting on the adjacent neighborhood.
- The applicant should commit to provide underground utilities or, at a minimum, escrow the funds for undergrounding the utilities at such time as road widening occurs.

The applicant is strongly encouraged to address these Urban Design recommendations in order to meet the intent of the Plan to provide for an improved image and a quality development in the revitalization corridor.

PGN/DMJ

ATTACHMENT 1

The Fairfax County Comprehensive Plan, Area IV Volume, 2003 Edition, Mt. Vernon Planning District, as amended through September 29, 2004, under the heading Richmond Highway Corridor, Urban Design, on pages 63-73, states:

“Urban Design Recommendations

The Richmond Highway urban design recommendations are intended to help foster new development and redevelopment that function well together and contribute to a positive image of the area as a desirable place to live, work, shop or visit. These recommendations build on guidance found in the 1989 Richmond Highway Urban Design Study and the Virginia Department of Transportation Richmond Highway Study completed in 1998.

Historically, development in the Richmond Highway Corridor has occurred in an uncoordinated, strip-commercial manner with little attention to efficient functioning and aesthetic form. These deficiencies should be corrected in any new development or redevelopment through integration of the urban design elements prescribed in the following recommendations.

These recommendations specifically address streetscape, landscape, parking lot, building and site design and signage elements. Combined, these elements comprise the physical form. The guidance provided for each element seeks to create an improved visual image for the Richmond Highway Corridor. These recommendations will be used as performance criteria in the review of development applications and site plans for properties in the Richmond Highway Corridor. In addition, these recommendations support public and private revitalization in the Richmond Highway Corridor.

Given the existing uncoordinated development patterns along Richmond Highway, implementation of the following urban design recommendations will require creative application of the design elements described. Modifications in the application of the streetscape guidance outlined in this Plan will likely be necessary to respond to site conditions or roadway design considerations. Until such time as road improvements are designed and/or constructed along Richmond Highway, it will be necessary to provide flexibility in the implementation of streetscape improvements in the right of way. Urban design elements should be incorporated into each site in a way that transitions effectively to adjacent existing properties and future planned land uses.

STREETSCAPE ELEMENTS

Attractive streetscape includes a well designed road edge with street furniture and other features and provides an improved identity, visual continuity and user safety. In order to establish a uniform roadway edge on major and minor arterials, a consistent landscape corridor is prescribed which includes coordinated areas for landscaping, sidewalks and landscaped parking lot edges or browsing areas. Figures 17 and 18 visually display a cross section of the roadway edge plans as envisioned on major and minor roadways.

LANDSCAPE CORRIDOR

A landscape corridor consists of the total landscape treatments placed parallel to the road edge and property line between the curb and the building or parking lot. The following landscape corridor treatments are recommended:

A. Streetscape treatments for Richmond Highway, Kings Highway and Mount Vernon Memorial Highway:

As depicted in Figure 17, on these prominent roadways located within the Richmond Highway Corridor area, a 20'-25' total landscape corridor width should be provided and comprised of:

Off-site improvements:

- a. On east side of Richmond Highway and both sides of Kings Highway and Mount Vernon Highway:
 - a 9' wide curb edge landscape strip and
 - a 6' wide masonry sidewalk
- b. On west side of Richmond Highway:
 - 1) a 8' wide curb edge landscape strip and
 - a 10' asphalt trail on the west side of the roadway; and

On-site improvements:

- a. On the east side of Richmond Highway and both sides of Kings Highway and Mount Vernon Highway provide either a 5' wide paved browsing area where a building abuts the landscape corridor or a 10' wide landscaped screening strip if a parking lot or other non-building edge types abuts the landscape corridor.
- b. On the west side of Richmond Highway provide either a 4' wide paved browsing area where a building abuts the landscape corridor or a 7' wide landscaped screening strip if a parking lot or other non-building edge types abuts the landscape corridor.

B. Streetscape treatments on all other streets intersecting Richmond Highway:

As depicted in Figure 18, on other streets that intersect Richmond Highway and are within the Richmond Highway Corridor area, a 15' total landscape corridor width should be provided and comprised of:

1. Off-site improvements:

- a. 5' wide curb edge landscape strip;
- b. 5' wide sidewalk; and

2. On-site improvements:

- a. either a 5' wide paved browsing strip where a building abuts the landscape corridor or a 5' wide landscaped screening strip when a parking lot or other non-building edge types abuts the landscape corridor.

BROWSING STRIP A browsing strip is an important part of the landscape corridor in areas where buildings are oriented toward the street and have little or no front setback. In these cases, a minimum 5' wide masonry surface between the sidewalk and building front should be provided to encourage pedestrian activity especially where retail stores are located on the first level of a building.

CENTER HIGHWAY MEDIAN Along Richmond Highway, a 16'-20' raised median is planned as part of the highway improvements. This median should be planted with groups of flowering trees or large deciduous trees and underplanted with groundcovers and shrubs. Sight lines should not be obscured by plantings at initial installation or at maturity.

BICYCLE LANE Along the Richmond Highway streetscape, a bicycle lane should be accommodated in the wider outside roadway lanes in each direction. In addition, bicycles will be accommodated in a 10' multi-purpose trail on the west side of Richmond Highway.

STREET FURNITURE Provide some or all of these features in a coordinated style, where feasible and/or appropriate, both in streetscape and other areas:

- | | |
|--------------------|-----------------|
| Trash receptacles | Bollards |
| Benches | Planters |
| Kiosks | Water Fountains |
| Tree Grates/Guards | Bus Shelters |
| Bicycle Racks | |

STREETLIGHTING Provide flat lens streetlight fixtures mounted on black painted poles with all wiring placed underground. In areas of significant pedestrian activity, uniform pedestrian-scale lampposts are more appropriate and can supplement the aforementioned overhead streetlights. All lighting fixtures should be well placed within the streetscape and have full cut-off lighting that is directed downward in an effort to reduce glare and provide uniform directed illumination.

UTILITIES Place all utility distribution lines underground.

LANDMARKS Provide distinctive major and minor features that contribute to a sense of place (i.e. clock towers, distinctive architecture, fountains, furnished open space, public art, arcades, plazas, etc.), where feasible and/or appropriate.

OPEN SPACE Preserve existing natural features or create attractive open space where people can gather and/or view in a pleasant environment.

GATEWAYS/ENTRY AREAS At locations identified in the Plan as gateways to the Corridor or Community Business Centers, provide distinctive features to identify entry into the Corridor and/or the individual Community Business Centers. Utilize special landscape and other treatments to identify and reinforce entry areas.

PAVEMENT TREATMENTS Provide surface treatments in pedestrian areas and on crosswalks that contrast with the roadway surface to enhance the appearance and clearly identify areas of pedestrian walkways.

ENVIRONMENTAL PRESERVATION Preserve sensitive environmental features and existing quality vegetation.

PARKING ELEMENTS

The provision of adequate parking is essential to commercial activities. Poorly designed parking lots dominate the Richmond Highway Corridor. These recommendations provide guidance for visually and functionally improving existing and new parking facilities.

INTERPARCEL ACCESS Provide vehicular and pedestrian connections between adjacent developments instead of service drives, where feasible.

PARKING LOT DESIGN

Divide lots into smaller sections using landscaped medians to avoid large expanses of parking areas.

Ensure adequate visual clearance at intersections.

Provide internal circulation which is efficient, yet attractive and user-friendly.

Consolidate access points.

Use clear and legible signs and other techniques to direct the flow of vehicular and pedestrian traffic.

Provide sidewalks or walkways for safe pedestrian access that connect to adjacent street sidewalks and/or trails.

PARKING LOT LIGHTING

Locate or screen parking lot lighting, with respect to spatial design and fixture height, to minimize impacts on adjacent neighborhoods.

When replacing or installing new lighting, eliminate direct glare through the use of fully-shielded luminaries that direct the light downward.

Lighting fixtures should be positioned, with respect to spatial design and fixture height, to give adequate uniformity of the illuminated area.

Place lighting for signs and/or buildings above and in front of the object to be illuminated and keep the light restricted to that area.

All lights should be directed downward and shielded to create less glare impact to drivers, pedestrians, neighbors and other users.

Placement of light fixtures should not conflict with landscape treatments, especially trees.

PARKING LOT LANDSCAPING

A. Interior Parking Lot Landscaping

When there is a proposed expansion or enlargement of an existing development which involves the addition of 20 or more parking spaces, provide at least 1 shade tree per 8 parking spaces in the new or expanded parking areas and exceed Zoning Ordinance requirements for parking lot landscaping by 5%. To achieve these ratios, the following alternatives or a combination of these alternatives should be considered:

1. Provide a continuous landscape strip between every four rows of parking. This should be a minimum of eight feet in width to accommodate a low hedge and shade trees, and/or
2. Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows, and/or
3. Provide planting islands (a minimum of nine feet wide) between every 10 to 15 spaces to avoid long rows of parked cars. Each of these islands should provide at least one shade tree having a clear trunk height of at least six feet.

B. Peripheral Parking Lot Landscaping

1. When a parking lot abuts land not in a right of way, provide peripheral parking lot landscaping as follows:

- a. For expansions or enlargements of existing developments which involve the addition of less than 100% of the total gross floor area of all existing buildings on a lot, no peripheral landscaping should be required.
 - b. For redevelopments involving the total removal of all buildings on a lot and the construction of new buildings or the addition of 100% or more of the total gross floor area of all buildings on a lot or new developments on vacant land, a landscaping strip at least four feet in width should be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment. Within that landscape strip at least one tree for each fifty linear feet should be planted.
2. For new development and expansions, enlargements or redevelopment of existing developments as described above, and when a parking lot property line abuts the right of way, a landscaping strip ten (10) feet in width on the east side of Richmond Highway and both sides of Kings Highway and seven (7) feet in width on the west side of Richmond Highway, exclusive of sidewalk, trail or parallel utility easements, should be located on the lot where it abuts the right of way. On other streets intersecting Richmond Highway, a five (5) foot parking strip shall be required where a parking lot property line abuts the right of way. This landscaping strip should be planted in accordance with the landscape treatments section recommended in the landscape elements section of these urban design recommendations.

Flexibility in the application of the preceding parking lot landscaping guidance may be necessary if it is not feasible to meet these requirements in the case of expansions or enlargements of existing developments.

C. Structured Parking

The visual impacts of structured parking should be reduced by:

1. Rooftop Landscaping. On the top level, landscape areas should be provided, and planted with shade trees and shrubs. These should be provided at a minimum at the end of each row of parking.
2. Landscaped Setbacks. The perimeter of the parking structure should be landscaped at ground level.
3. Multilevel Plantings. The use of planting boxes and trellises should be considered on the exterior parapet of parking structures.
4. All of the above landscaping applications will need to have special detailed designs developed to ensure proper drainage within the landscaped areas.

D. Parking Lot Entry Landscaping

Provide distinctive landscape treatments at parking lot entry points.

LANDSCAPE ELEMENTS

The provision of well placed, selected and maintained plant materials will improve visual and environmental conditions and make the Richmond Highway corridor more attractive to users.

PLANTINGS WITHIN THE LANDSCAPE CORRIDOR

Tree Planting Patterns within Landscape Strips Along Richmond Highway

Within Community Business Centers, a linear planting pattern along Richmond Highway is recommended within the landscape strips. A minimum of 1 canopy tree per 25-30 linear feet with regular spacing should be provided depending on tree species selected, whether overhead utility lines exist and VDOT requirements.

Within Suburban Neighborhood Areas, a random or clustered planting pattern along Richmond Highway is recommended within landscape strips. A minimum of 3 trees per cluster with clusters spaced at least every 30 to 40 feet should be provided depending on the tree species selected, whether overhead utility lines exist and VDOT requirements.

Parking Lot Planting Strips

In parking lot planting strips that abut a right of way, in addition to the tree plantings recommended in the Parking Elements section above, provide a hedge row underplanting to screen vehicles from view.

Landscape Corridor Trees

Within the landscape corridor landscape and planting strips, if there are no existing or proposed overhead utility lines, there should be at least one (1) large deciduous tree planted in the landscaping strips for each thirty (30) feet of length. If there are overhead utility lines, there should be at least one (1) small to medium deciduous tree planted in the landscaping strips every twenty-five (25) feet of length. Trees planted in the landscaping strips beneath overhead utility lines should be of a shape and character so as not to interfere with the utility lines.

TREE SELECTION CRITERIA

The following criteria should be used in the selection of trees:

- 1) Drought resistant
- 2) Tolerant of site light conditions
- 3) Must not exceed 30' tall at maturity if placed under utility lines
- 4) Minimum 2 ½" caliper at time of planting
- 5) 5-6' branch clearance, when planted, for street and peripheral parking lot trees
- 6) Requires low maintenance
- 7) Bears no objectionable fruit
- 8) Species is readily available
- 9) Single stemmed along streets and either single stemmed or multi-stemmed in interior parking lots or other appropriate landscape areas
- 10) Road salt tolerant
- 11) Disease resistant
- 12) Insect resistant

RECOMMENDED TREE SPECIES

The following species are choices to consider. Other species may be appropriate as determined by the Urban Forester.

- | | | |
|--|--|--|
| <p>a. Large Deciduous Trees
red oak
green ash
willow oak
London planetree
zelkova
red maple
silver linden</p> | <p>b. Medium Deciduous Trees
Sargent or kwanzan cherry
goldenrain tree
crabapples
downy serviceberry
kousa dogwood
saucer/star magnolia
hedge maple
flowering plum
hawthorn</p> | <p>c. Columnar Trees
hedge maple
red maple
gingko (columnar varieties)
English oak (columnar varieties)</p> |
| <p>d. Evergreen Trees
eastern white pine
eastern red cedar
leyland cypress</p> | <p>e. Groundcover/Grass
horizontal juniper species
liriope
fountain grasses
red meidiland rose</p> | |

f. Shrub Hedges 4'-6' at maturity Manhattan euonymus dwarf burning bush pfitzer juniper densiformis yew glossy abelia sea green juniper compact inkberry	2'-3' at maturity andorra juniper gold coast juniper William Penn barberry helleri holly bonica rosa
---	---

TREE AND PLANT MAINTENANCE Property owners and/or managers shall agree during the development process to maintain and replace plant materials and trees placed in the adjacent right of way and on the property to ensure the long term viability of trees and plants.

BUILDING/SITE DESIGN ELEMENTS
Quality architectural and site design provide a sense of identity to the corridor. Coordinated and compatible architectural and site design are essential to achieve a well-designed corridor.

EXISTING BUILDING IMPROVEMENTS
Replace unsightly elements, including signs, siding and artificial materials with more appropriate features and/or materials.
Where original quality building materials are to be retained, new building materials should match the original as closely as possible in material, color and texture.
Mechanical equipment and other elements located on the roof of a building should be effectively screened.

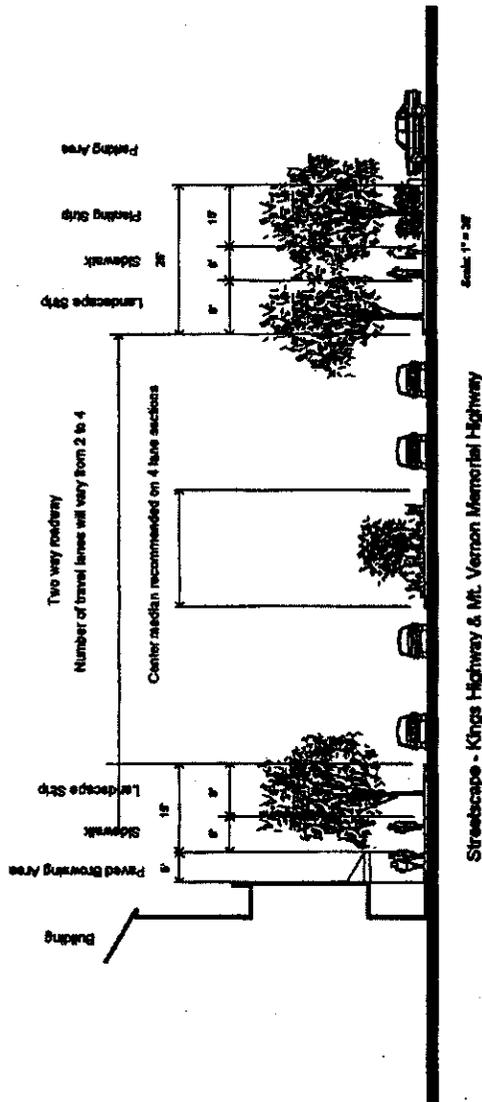
MASS OF NEW BUILDINGS Create building mass that minimizes adverse impacts on adjacent neighborhoods and is compatible with other surrounding uses through the use of tapered building heights, appropriate setbacks, and transitional screening and barriers.

SCALE AND SITING OF NEW BUILDINGS Where feasible, incorporate architectural features at the street level that relate to human size and increase the pedestrian comfort level. Incorporate urban design elements, such as trees, benches, special pavement treatments, awnings, setbacks, tapered building heights, browsing areas, lighting and plant materials to visually soften the harder architectural features of the building and create an attractive pedestrian-friendly environment that will reinforce retail activities.
The following guidelines should be used to determine the appropriate scale and site location of new buildings:

1. Where feasible, orient commercial buildings toward the road with parking lots to the side and rear to create an urban atmosphere. Where buildings are oriented to the road, no minimum front yard is required except as needed for the streetscape treatments described above.
2. Site buildings to discourage large expanses of parking adjacent to and visible from roadways.
3. Cluster buildings to reinforce a neighborhood style or ambience, where appropriate.
4. Site buildings with respect to natural topography and other environmental and historic features

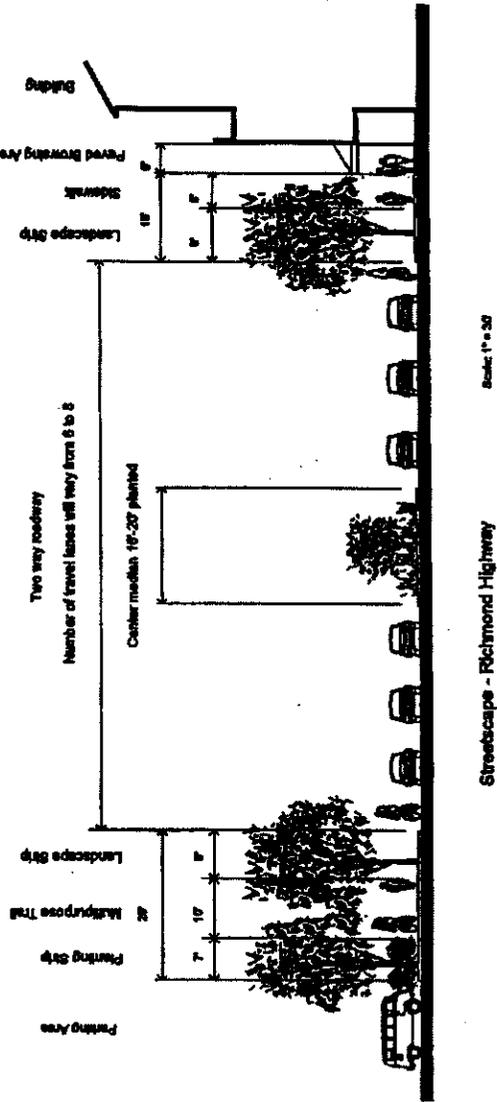
UTILITIES Place all on-site utility service lines underground.
FUNCTION/USE Where appropriate and within large developments and core areas, use interior circulation patterns and public plazas to foster increased pedestrian and social activity.
DETAILING Create interest through appropriate and coordinated architectural details of building facades.
COMPATIBLE ARCHITECTURAL DESIGN Where feasible, provide architectural design that is visually coherent, respects the surrounding neighborhood style, scale and character.
COORDINATED DESIGN Provide an overall compatible design for all units in a development. For instance, colors, sign types, awnings, lighting, architectural features and materials should be coordinated to unify blocks and storefronts.
IMAGE IDENTIFICATION Provide distinctive design and architectural details to provide a sense of identity to a particular site, building or location.
<i>SIGNAGE ELEMENTS</i> Well coordinated and designed signage provides a greater sense of orientation to users.
DIMENSIONS AND DESIGN Demonstrate a coordinated sign size, design, style, materials and height through a comprehensive sign plan.
NONCONFORMING SIGNAGE Replace existing nonconforming signs.
SPECIAL AREAS IDENTIFICATION Provide coordinated signage to identify CBCs and gateways as distinctive areas.
CLUTTER Reduce sign clutter especially along the highway edge.
PLACEMENT Install building or ground mounted, coordinated signage rather than pole mounted signage.
CONSOLIDATION Consolidate signage for multiple uses within a single development with coordinated color, materials, lettering and design.
SIGN LIGHTING Minimize sign lighting impacts on adjacent neighborhoods. Minimize glare impacts from sign lighting by placing lighting above and in front of signs and directing the light downward.
PUBLIC SIGNAGE Consolidate public safety, directional, highway identification and other public signage to the extent possible. Place cross street name and block number signs on Richmond Highway traffic light masts. Visibility of public signage should be sized to be readable from vehicles moving at posted speeds on adjacent roadways.
ENTRY SIGNS Provide well-designed commercial and residential development entry signs. Coordinate all landscaping in the vicinity of the sign to compliment, but not obscure, signage.
TEMPORARY SIGNS Prohibit the use of temporary commercial advertising signs and movable signs with flashing lights along street edges. However, banners announcing district-wide events, but not individual businesses or products, shall be allowed on utility or light poles if securely affixed at the top and bottom so as to preclude any fluttering or rotation by the rotation of the atmosphere.

BUILDING NUMBER SIGNAGE Coordinate building numbers and address signage at each address for public safety and identification purposes. Visibility of building numbers should be sized to be readable from vehicles moving at posted speeds on adjacent roadways.”



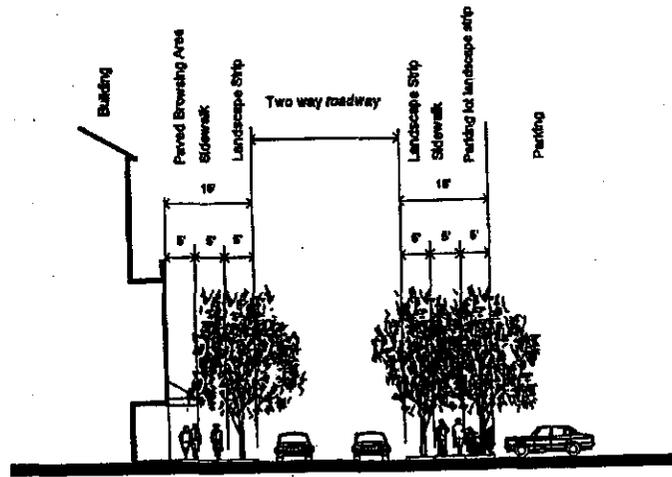
Streetscape - Kings Highway & Mt. Vernon Memorial Highway

Note: Depending on the type of right of way abutment proposed (i.e. building front or parking area) either a paved browning strip or a planting strip is recommended.



Streetscape - Richmond Highway

FIGURE 17



Streetscape - Other streets intersecting Richmond Highway Scale: 1" = 30'

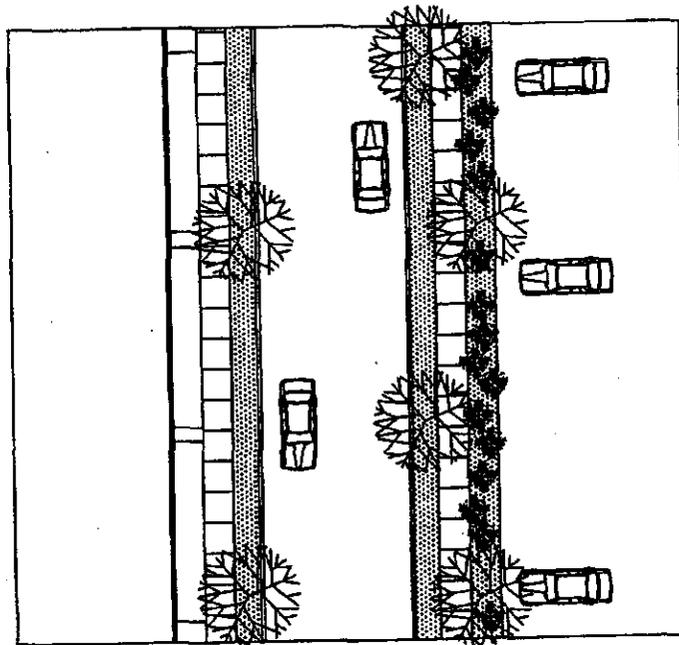


FIGURE 18

FAIRFAX COUNTY VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

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

FILE: 3-4 (RZ 2003-MV-059)

SUBJECT: Transportation Impact

REFERENCE: RZ/FDP 2003-MV-059, Memorial Heights
Traffic Zone: 1553
Land Identification Map: 93-1 ((18))(D) 117, 126, 130pt,138

DATE: April 27, 2004

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated January 2003, and revised through February 2004. The subject application is a request to rezone 1.23 acres from C-8, R-3 to PRM for construction of a four-story building with 24 multifamily residential dwelling units and ground floor retail with related underground and exterior parking. The proposed building would be 40,200 square feet with an FAR of 0.76. The building orientation is to Richmond Highway and access is from East Lee Street. The applicant is dedicating right-of-way 75 feet from centerline along Richmond Highway.

- The reduction in the required right-of way dedication to 75 feet from centerline is permissible provided that no streetscaping is located within the right-of way.
- The applicant should construct the frontage improvements per the VDOT plans for Route 1. (This department does not support the waiver of frontage improvements as requested by the applicant.)
- The building is located along the street with two access walkways from the existing Route 1 sidewalk which is then continued around the corner and down East Lee Avenue. However, the proposed sidewalk adjacent to and across the front of the building should be connected directly to the sidewalk on East Lee Avenue also.

- All parking is located to the side, rear and beneath the proposed building with the garage entrance to the rear of the building past a restrictive gate. However, parking spaces as stated in the parking tabulation add to 100, not 96, and only 97 spaces are provided on the development plan. Of the 100 spaces required for the site, 61 are for the retail and restaurant uses. However, only 41 spaces are provided on the "outside" of the gate.
- There is one door shown on the rear of the building for access to the garage stairs and elevator for those parked past the gate. There are no doors shown at the rear of the building for those parked in customer spaces at the rear of the building. Do they have to walk all the way around to the front?
- The dumpster pad and the loading space are located such that they are not readily accessible, in particular if residents/customers are parked in spaces near these areas.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

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

PHILIP A. SHUCET
COMMISSIONER

THOMAS F. FARLEY
DISTRICT ADMINISTRATOR

November 21, 2003

Ms. Barbara A. Byron
Director of Planning and Zoning
Office of Comprehensive Planning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22033

Re: RZ 2003-MV-059, Memorial Heights
Tax Map No.: 93-1(18) D, 00117

Dear Ms. Byron:

This office has reviewed the referenced Special Permit Application and supports its approval with the following provisions:

1. The applicant should show the transition from the existing to the proposed curb and gutter.
2. The applicant should conduct an analysis of the intersection of East Lee Avenue and Richmond Highway to demonstrate the sufficiency of turn bay storage on Route 1.
3. The CG-12 curb cut at East Lee Avenue should be upgraded to meet VDOT standards outlined in IIM-LD-55.7.
4. Dedicated right of way must be free and unencumbered. All easements will need to be quit-claimed.
5. The radius at East Lee Avenue should be increased to 35 feet.
6. The entrance on East Lee Avenue will need to meet CG-11 standards.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: ENVIRONMENTAL ASSESSMENT for: RZ 2003-MV-059
Memorial Heights

DATE: 5 May 2004

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the final development plan dated March 31, 2004. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through August 5, 2002, on pages 5 through 7, the Plan states:

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

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

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

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through August 5, 2002, on pages 14 and 15, the Plan states:

“The retention of environmental amenities on developed and developing sites is also important. The most visible of these amenities is the County’s tree cover. It is possible to design new development in a manner that preserves some of the existing vegetation in landscape plans. It is also possible to restore lost vegetation through replanting. An aggressive urban forestry program could retain and restore meaningful amounts of the County’s tree cover.

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

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

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

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition, Environment section as amended through August 5, 2002, on page 9, the Plan states:

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

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

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

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA. Because recreation areas cannot be screened from aircraft noise and because adverse noise impacts can occur at levels below DNL 65 dBA, in order to avoid exacerbating noise and land use conflicts and to further the public health, safety and welfare, new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided.”

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

Water Quality

Issue:

The subject property is located within the Little Hunting Creek watershed. The development plan indicates that underground facilities will be provided unless waived or modified by the Department of Public Works and Environmental Services (DPWES).

Resolution:

While the applicants have indicated that they will provide an underground facility if required, the sizing and location of the proposed facility may not be final and could be subject to change pending comments from DPWES during site plan review. DPWES staff will be responsible for making any final determination regarding the location, sizing and any potential waivers for water quality improvement structures.

Tree Cover

Issue:

While the development plan indicates that no trees will be retained on the subject property with the proposed development, staff remains concerned that an existing 30-inch oak on adjacent Lot 141 will be adversely impacted with the proposed development. The development plan shows paved parking areas, portions of the entrance from East Lee Avenue, limits of clearing and grading and an architectural wall - all to be located within the dripline of this tree. To date, the applicants have not adequately addressed any concerns from staff regarding the preservation of this off-site tree. There are no notes in the development plan or proffers which address any measures to preserve this tree. Staff is concerned that the proposed land disturbing activities within the dripline of this tree will lead to its loss as a result of the proposed development.

Resolution:

Ideally, staff believes that the plans should be revised to remove any intrusions into the dripline of this tree as a result of the proposed development. Clearing and grading to create the parking and entrance in this area alone are likely to result in the loss of this tree. At a minimum, the applicants should agree to coordinate any effort to preserve this tree with staff in the Urban Forestry Division (UFD) of DPWES. The applicants should provide specific notations on the

plan and within the proffers to address this concern. Any final determination on the disposition of this tree should be made by staff in the UFD.

Transportation Noise

Issue:

The subject property is located in the Richmond Highway corridor. The proposed structure is planned to be located within very close proximity to the future right-of-way. Based on the findings from other noise studies within the Richmond Highway corridor, an in-house traffic noise analysis of this site and preliminary recommendations from VDOT for this portion of Richmond Highway, including consideration of projected traffic volumes and anticipated noise impacts, staff remains highly concerned that the proposed structure may be located within an area that is projected to be impacted by noise levels exceeding 75 dBA DNL. The County's Policy Plan recommends against the location of new residential development in areas impacted by noise levels exceeding 75 dBA DNL. This Policy Plan recommendation is based upon Federal Highway Administration guidance and VDOT guidance which recognize that such impacts cannot be mitigated to currently accepted levels. Typically noise levels of up to 75 dBA DNL can be mitigated with materials for walls, doors and windows to achieve interior noise levels of 45 dBA DNL. However, once the noise levels exceed 75 dBA DNL the conventional wisdom and guidance indicate that materials are not currently available to achieve the standard noise reduction to 45 dBA DNL for interior portions of noise sensitive uses such as a residential development.

The applicants have retained Polysonics Corporation to conduct noise analysis and modeling for the proposed development. According to the findings in the study, projected noise impacts exceeding 75 dBA DNL would not directly impact the proposed residential portions of this development. The study concludes that the structure would be in an area that is projected to be impacted by noise levels from 70 dBA DNL and 73.7 dBA DNL. These findings are based on a number of factors including on-site noise measurement which were taken over a 24-hour period from April 6-7, 2004. The data collected on these dates assumes that this would be a typical traffic volume day and that noise data collected over that period would be typical. The study indicates that the modeling was based on 2002 and 2020 data for this segment of Richmond Highway obtained from the Fairfax County Department of Transportation staff. The 2002 data used indicated an average daily traffic (ADT) volume of 55,000 vehicles per day with an ADT of 71,500 noted for the year 2020.

While the consultants have indicated that they received their traffic data from staff in the Fairfax County Department of Transportation, the consultants' numbers are not consistent with VDOT data for this same section of Richmond Highway. The consultants' data provides traffic projections only to the year 2020, which is five years less than VDOT's projections. According to VDOT, there was ADT of 63,000 vehicles per day for the year 2002 and projected traffic volumes for this segment of Richmond Highway of 95,000 vehicles per day for the year 2025. VDOT's numbers are substantially greater than those presented in the noise study by the

consultants for the subject property. The use of different data sources (that is, VDOT data versus the consultants' data) could result in different noise impact findings.

Resolution:

Recent conversations with Polysonics have resulted in, what may be, resolution of many of staff's concerns regarding the applicants ability to adequately mitigate interior noise impacts for the proposed residential development. The consultants have agreed to model the site using the VDOT projected traffic volumes for this segment of Route 1. A preliminary analysis using these numbers seems to indicate that required interior noise mitigation will still be attainable. However, staff have not yet received written documentation of this additional analysis. The applicant's original noise analysis concludes that the 75 dBA DNL line would fall short of the proposed structure for projected noise impacts to the year 2020 based on average daily traffic (ADT) volumes projected in COG data for that segment of Route 1. However, staff feels that the applicants should use the VDOT data which assumes a higher traffic volume for this segment of Route 1 for the year 2025. While the consultants have indicated that the structure would still be located entirely outside the 75 dBA DNL noise contour, staff is not able to evaluate these conclusions without written documentation from the applicants. It should also be noted that the noise study concluded that an outdoor-to-indoor noise analysis would be required to determine final building materials for the proposed development that would meet the interior noise mitigation requirements.

The applicant should submit a revised analysis using VDOT data to demonstrate that no portion of the proposed structure will be located in an area impacted by noise levels exceeding 75 dBA DNL. Staff feels that it may be possible to defer the outdoor-to-indoor noise analysis to be proffered for final review and approval by DPWES and DPZ staff at the time of site plan review. The outdoor-to-indoor analysis should determine what building materials may be appropriate under the existing and projected noise impact conditions for the subject property.

PGN: JRB

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator DATE: January 20, 2004
 Zoning Evaluation Division, OCP

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

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. RZ 2003-MV-059
 Tax Map No. 093-1- /18/ D/117, 126, 130 PT., 138

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

1. The application property is located in the BELLE HAVEN (J) Watershed. It would be sewerred into the Alexandria Sanitation Authority Treatment Plant.
2. Based upon current and committed flow, there is excess capacity available in the Alexandria Authority Treatment Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An Existing 10 inch line pipe located in PRESTON AVENUE and APPROX. 30 FEET FROM the property is adequate for the proposed use at the present this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use + Application</u>		<u>Existing Use + Application + Previous Rezoning</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	___	<u>X</u>	___	<u>X</u>	___
Submain	<u>X</u>	___	<u>X</u>	___	<u>X</u>	___
Main/Trunk	<u>X</u>	___	<u>X</u>	___	<u>X</u>	___
Interceptor	___	___	___	___	___	___
Outfall	___	___	___	___	___	___

5. Other pertinent information of comments:

FAIRFAX COUNTY WATER AUTHORITY

8570 EXECUTIVE PARK AVENUE - P.O. BOX 1500
MERRIFIELD, VIRGINIA 22116-0815

PLANNING AND ENGINEERING DIVISION
C. DAVID BINNING, P.E., DIRECTOR

TELEPHONE
(703) 289-6325

FACSIMILE
(703) 289-6382

March 5, 2004

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

Re: RZ 03-MV-059
FDP 03-MV-059
Water Service Analysis

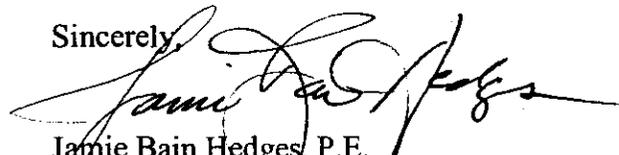
Dear Ms. Byron:

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

1. The property is located within the Fairfax County Water Authority service area.
2. Adequate domestic water service is available at the site from existing 6-inch, 8-inch and 12-inch water mains located at the property. See the enclosed property map and Generalized Development Plan.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

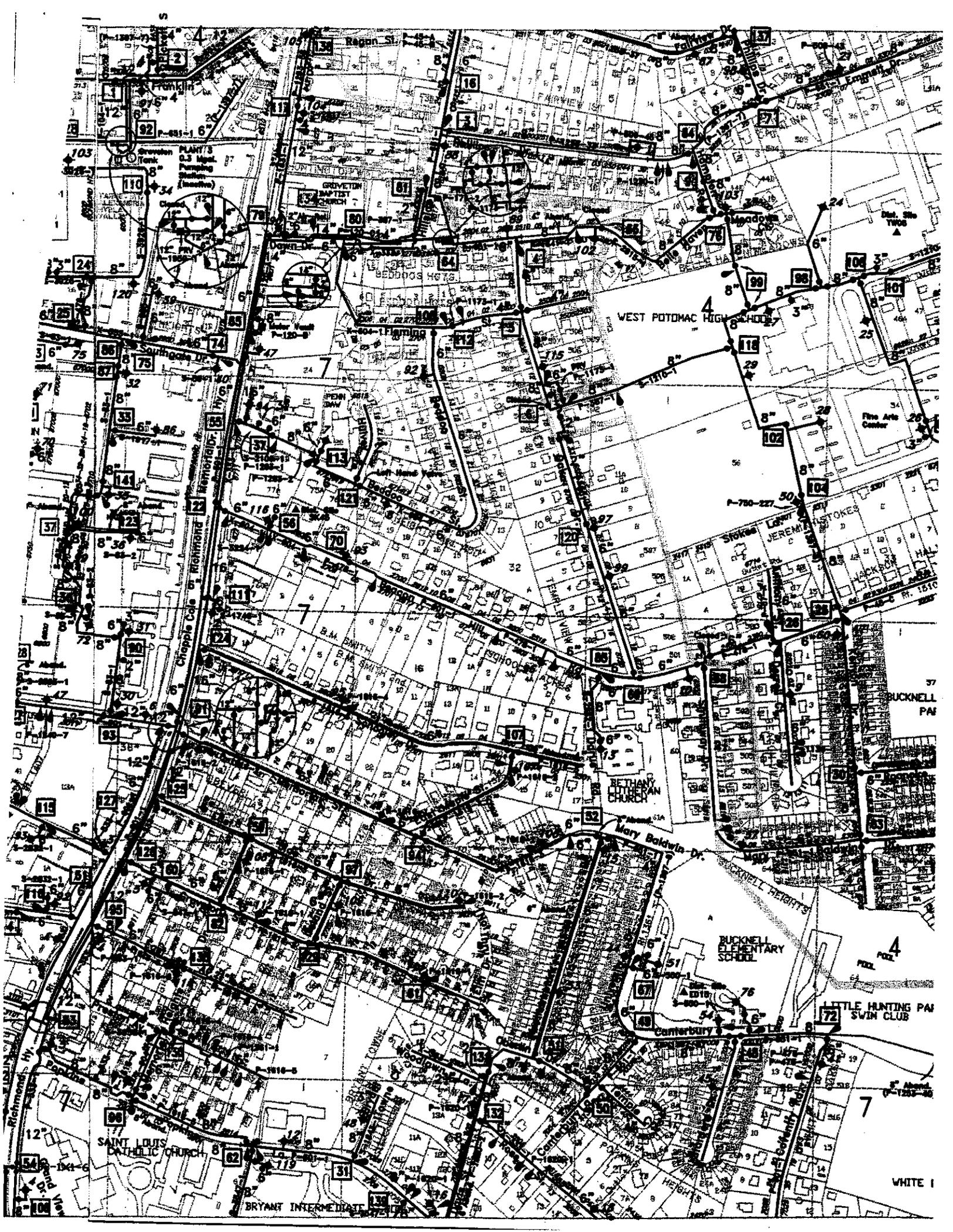
If you have any questions regarding this information please contact me at (703) 289-6302.

Sincerely,



Jamie Bain Hedges, P.E.
Manager, Planning Department

Enclosures (as noted)



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

March 1, 2004

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

FROM: Michael Torres (246-3968)
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis for Rezoning Application RZ
2003-MV-059 and Final Development Plan FDP 2003-MV-059

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

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #11 Penn Daw
2. After construction programmed for FY 20__, this property will be serviced by the fire station planned for the _____.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is ____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Date: 3/9/04
Map: 93-1
Acreage: 31,500 sf
Rezoning
From : C-8, To: PRM
R-3

Case # RZ-03-MV-059

PU 1287

TO: County Zoning Evaluation Branch (DPZ)
FROM: FCPS Facilities Planning (246-3609)
SUBJECT: Schools Impact Analysis, Rezoning Application

The following information is submitted in response to your request for a school impact analysis of the referenced rezoning application.

- I. Schools that serve this property, their current total memberships, net operating capacities, and five year projections are as follows:

School Name and Number	Grade Level	9/30/03 Capacity	9/30/03 Membership	2004-2005 Membership	Memb/Cap Difference 2004-2005	2007-2008 Membership	Memb/Cap Difference 2007-2008
Bucknell 1207	K-6	290	307	325	-35	345	-55
Sandberg 2131	7-8	1400	1206	1152	248	1312	88
West Potomac 1200	9-12	2200	2043	2122	78	2204	-4

- II. The requested rezoning could increase or reduce projected student membership as shown in the following analysis:

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	HR	24	X.063	2	-	-	-	-	2	2
7-8	HR	24	X.011	0	-	-	-	-	0	0
9-12	HR	24	X.028	1	-	-	-	-	1	1

Source: FY 2004-2008, Facilities Planning Services Office Enrollment Projections

Note: Five-year projections are those currently available and will be updated yearly. School attendance areas subject to yearly review.

Comments

Based on the approved proffer guidelines the 3 students generated by this rezoning would justify a \$22,500 proffer for schools. (3 students x \$ 7,500 per student)

The foregoing information does not take into account the potential impacts of other proposals pending that could affect the same schools.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

DATE: January 21, 2004

FROM: Carl Bouchard, Director
Stormwater Planning Division
Department of Public Works & Environmental Services

SUBJECT: Review of RZ 2003-MV-059
Anastasios and Anna Grypeos
093-1-18-0D-0117

Site Data: 1.23 acres
R-3 to C-9
Little Hunting

1. The following Stormwater Planning Division (SWPD) and the Planning and Design Division (PDD) recommendations are based on their involvement in the below listed programs and are not intended to constitute total County input for these general topics. It is understood that the current requirements pertaining to Federal, State and County regulations, including the County Code, Zoning Ordinance and the Public Facilities Manual will be fully complied with throughout the development process. The SWPD and PDD recommendations are to be considered *additional measures* over and above the *minimum* current regulations.
 - SWPD Drainage recommendations: SWPD recommends that the applicant should attempt to reduce runoff volume by adopting "low impact development" practices into the design of the site: Reduce the amount of impervious area in the site; Reduce discharge velocities leaving the site; Increase time of concentration on the site; Increase infiltration into the ground on the site; Provide disconnectivity for runoff from impervious areas; and No curb and gutter on parking bays. Specifically, the applicant should: 1) use a Green Roof on top of main building, 2) Use raingardens instead of raised planted median strips. Or at least cut out curbs along medians to allow flow into pervious surface such as a grassy strip or rain garden, 3) Make vegetated strip along Eastern side wider and construct either a long raingarden or a biofiltration strip in order to catch most of the stormwater from this site.
 - Stream Protection Strategy Baseline Report 2001 Recommendations: This site is in the "Watershed Restoration Level II" management category as determined by the Stream Protection Strategy baseline Report 2001. The primary goal of this category is to maintain areas to prevent further degradation and implement measures to improve water quality to comply with regulations and water quality standards. In this regard, this site should be developed with the use of innovative BMPs and a reduction in imperviousness and if appropriate, sections of on site streams that need stabilizing should be restored or stabilized.
 - Perennial streams Recommendation: None
 - Drainage Complaints (PDD): There are no downstream complaints on file with PDD, relevant to this proposed development.
 - Other PDD recommendation: None

CEB/RZ 2003-MV-059

401

RS/JR



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM:  Lynn S. Tadlock, Director
Planning and Development Division

Kirk Howey for

DATE: March 15, 2004

SUBJECT: REVISED: RZ/FDP 2003-MV-059
Anastasios and Anna Grypeos
Tax Map Numbers: 93-1((18)) (D) 117, 126, 130 part of, and 138

BACKGROUND

The Fairfax County Park Authority (FCPA) staff has reviewed the proposed Development Plan dated February 6, 2004, for the above referenced application. The Development Plan shows 24 new proposed homes, on approximately 1.23 acres. The proposal will add approximately 51 residents to the current population of the Mount Vernon District.

COMPREHENSIVE PLAN CITATIONS

1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 4, p. 6)

“Maximize both the required and voluntary dedication, development, and renovation of lands and facilities for parks and recreation to help ensure an equitable distribution of these resources commensurate with development throughout the County.”

Policy a: “Provide neighborhood park facilities on private open space in quantity and design consistent with County standards; or at the option of the County, contribute a pro-rata share to establish neighborhood park facilities in the vicinity...”

Policy b: “Mitigate the cumulative impacts of development that exacerbate or create deficiencies of Community Park facilities in the vicinity. The extent of facilities, land or contributions to be provided shall be in general accordance with the proportional impact on identified facility needs as determined by adopted County standards. Implement this policy through

6-401 Purpose and Intent

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

6-406 Use Limitations

1. All development shall conform to the standards set forth in Part 1 of Article 16.
2. A final development plan shall be submitted and approved concurrently with the conceptual development plan for the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will integrate with the adjacent communities and complement existing and planned development by incorporating high standards of urban design. The plan shall also be in general accordance with any specific urban design concept and streetscape plans for the area including the provision of convenient and accessible pedestrian walkways and connections, all as set forth in the adopted comprehensive plan.
3. The principal residential use shall be multiple family dwelling units. Single family attached dwellings may be allowed at the periphery of the development to provide a transition from the high density development to adjacent lower density development.
4. All uses shall be designed to be harmonious with and not adversely affect the use or development of neighboring properties.
5. When a use presented in Sect. 403 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide. When a use presented in Sect. 403 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 405 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed

development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required. In either of the above, all Category 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9.

6. Secondary uses may be permitted only in a PRM District where at least fifty (50) percent of the total gross floor area in the development is devoted to multiple family dwellings. The floor area for dwellings shall be determined in accordance with the gross floor area definition, except the following features shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways which may be roofed but which have two (2) open ends. An open side or open end shall have no more than fifty (50) percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.
7. Drive-through facilities shall not be permitted.
8. Vehicle transportation service establishments shall be permitted in accordance with the following:
 - A. The total number of company vehicles permitted on site at any given time shall not exceed five (5).
 - B. There shall be no maintenance or refueling of vehicles on site.
 - C. Notwithstanding the provisions of Par. 15 of the Transitional Screening and Barrier Matrix, the use shall be subject to the provisions of Par. 9 of the Matrix.
9. Off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11, to include the possible parking reductions based on hourly parking accumulation characteristics of the various uses and/or proximity to a mass transit station. It is intended that a substantial portion of the required parking should be provided in above and/or below grade parking structures.
10. Signs shall be permitted in accordance with the provisions of Article 12.
11. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.
12. All uses shall comply with the performance standards set forth in Article 14.

6-407 Lot Size Requirements

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

Commission in conjunction with the approval of a subsequent final development plan amendment.

3. Minimum lot width: No requirement for each use or building.

6-408 Bulk Regulations

1. Maximum building height and minimum yard requirements shall be controlled by the standards set forth in Part 1 of Article 16.
2. Maximum floor area ratio: 3.0

6-409 Open Space

1. 20% of the gross area shall be landscaped open space, unless modified by the Board in accordance with the provisions of Sect. 9-612.
2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities. The provision of such facilities shall be subject to the provisions of Sect. 16-404, however, recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of \$955 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 PRM District. Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

RESIDENTIAL DEVELOPMENT CRITERIA

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

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

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

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

1. Site Design:

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

- a) *Consolidation:* Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the

nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.

b) *Layout:* The layout should:

- provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
- provide dwelling units that are oriented appropriately to adjacent streets and homes;
- include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
- provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
- provide convenient access to transit facilities;
- Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.

c) *Open Space:* Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.

d) *Landscaping:* Developments should provide appropriate landscaping: for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.

e) *Amenities:* Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

2. Neighborhood Context:

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

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);

- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

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

3. Environment:

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

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

- g) *Energy*: Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling.

4. Tree Preservation and Tree Cover Requirements:

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

5. Transportation:

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

- a) *Transportation Improvements*: Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:

- Capacity enhancements to nearby arterial and collector streets;
- Street design features that improve safety and mobility for non-motorized forms of transportation;
- Signals and other traffic control measures;
- Development phasing to coincide with identified transportation improvements;
- Right-of-way dedication;
- Construction of other improvements beyond ordinance requirements;
- Monetary contributions for improvements in the vicinity of the development.

- b) *Transit/Transportation Management*: Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:

- Provision of bus shelters;
- Implementation and/or participation in a shuttle bus service;
- Participation in programs designed to reduce vehicular trips;

- Incorporation of transit facilities within the development and integration of transit with adjacent areas;
- Provision of trails and facilities that increase safety and mobility for non-motorized travel.

c) *Interconnection of the Street Network: Vehicular connections between neighborhoods should be provided, as follows:*

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

d) *Streets:* Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.

e) *Non-motorized Facilities:* Non-motorized facilities, such as those listed below, should be provided:

- Connections to transit facilities;
- Connections between adjoining neighborhoods;
- Connections to existing non-motorized facilities;
- Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
- An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;
- Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
- Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
- Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.

- f) *Alternative Street Designs*: Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. Public Facilities:

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

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

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

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

7. Affordable Housing:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

- a) *Dedication of Units or Land*: If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.

- b) *Housing Trust Fund Contributions*: Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

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

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

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;

- f) Document heritage resources to be demolished or relocated;
- g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and
- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

ROLE OF DENSITY RANGES IN AREA PLANS

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

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

Page Break

NON-RESIDENTIAL DEVELOPMENT CRITERIA

While the Comprehensive Plan has no direct equivalent to the residential density range in areas planned for non-residential or mixed uses, each rezoning application for such uses will be evaluated using pertinent development criteria, as found in the **Residential Development Criteria**, as a basis for such evaluation.

For commercial, industrial and mixed-use projects, fulfillment of Criterion #7 is based upon the provision of a number of units in appropriate residential projects, or land, or a contribution to the Housing Trust Fund sufficient for a number of units, determined in

accordance with a formula established by the Board of Supervisors in consultation with the Fairfax County Redevelopment and Housing Authority.

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 in the zoning district if the site were developed as a conventional subdivision. See 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	PD	Planning Division
ADU	Affordable Dwelling Unit	PDC	Planned Development Commercial
ARB	Architectural Review Board	PDH	Planned Development Housing
BMP	Best Management Practices	PFM	Public Facilities Manual
BOS	Board of Supervisors	PRC	Planned Residential Community
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	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPWES	Department of Public Works and Environmental Services	TMA	Transportation Management Association
DPZ	Department of Planning and Zoning	TSA	Transit Station Area
DU/AC	Dwelling Units Per Acre	TSM	Transportation System Management
EQC	Environmental Quality Corridor	UP & DD	Utilities Planning and Design Division, DPWES
FAR	Floor Area Ratio	VC	Variance
FDP	Final Development Plan	VDOT	Virginia Dept. of Transportation
GDP	Generalized Development Plan	VPD	Vehicles Per Day
GFA	Gross Floor Area	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	ZAD	Zoning Administration Division, DPZ
Non-RUP	Non-Residential Use Permit	ZED	Zoning Evaluation Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZPRB	Zoning Permit Review Branch
PCA	Proffered Condition Amendment		

