



APPLICATION ACCEPTED: June 15, 2011
PLANNING COMMISSION: October 27, 2011

County of Fairfax, Virginia

October 12, 2011

STAFF REPORT

APPLICATION FDPA 82-P-069-06-12

PROVIDENCE DISTRICT

APPLICANT: Fair Lakes Residential L.C.

PRESENT ZONING: PDC, WS

ACREAGE: 2.15 acres

PARCEL(S): 55-2 ((1)) 18

FAR: 1.60 (FDPA 82-P-069-06-12 land area)
0.30 (entire Fair Lakes land area)

OPEN SPACE: 30% overall

PLAN MAP: Fairfax Center Area: Office/Mix

RZ PROPOSALS: This FDPA application seeks to amend the sixth approved Final Development Plan (FDP) associated with RZ 82-P-069, previously approved for mixed use development, to replace the 10-story, L-shaped multiple family building with 123 units with a 6-story C-shaped multiple family building with 160 units. No change to the approved gross floor area (GFA) of 150,000 square feet (floor area ratio (FAR) of 1.6) is proposed.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 82-P-069-06-12, subject to the development conditions in Appendix 1 of this report.

William O'Donnell

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Zoning Evaluation Division
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Staff recommends reaffirmation of a modification of the PDC standards to permit residential uses to exceed 50 percent of the gross floor area of principal uses.

Staff recommends reaffirmation of a modification of the transitional screening and a waiver of the barrier requirements between the residential uses and the adjacent office and hotel uses, in favor of the treatments depicted on the FDPA.

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

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and 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 or TTY 711 (Virginia Relay Center).



Final Development Plan Amendment

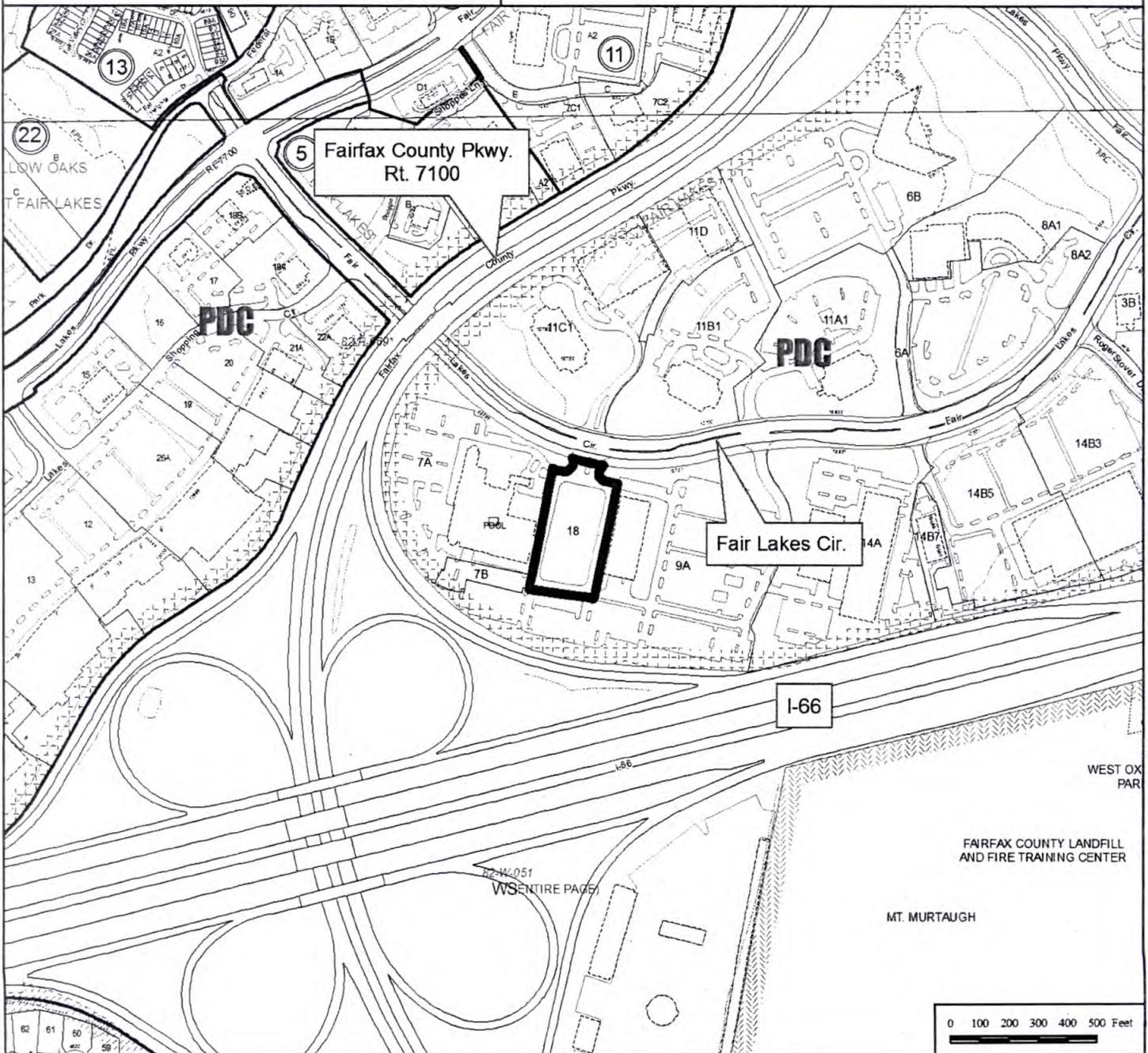
FDPA 82-P-069-06-12

Applicant:
Accepted:
Proposed:

FAIR LAKES RESIDENTIAL L.C.
06/15/2011
AMEND FDP 82-P-069-6 PREVIOUSLY
APPROVED FOR MIX USE DEVELOPMENT TO
PERMIT SITE MODIFICATIONS



Area: 2.15 AC OF LAND; DISTRICT - SPRINGFIELD
Located: SOUTH SIDE OF FAIR LAKES CIRCLE
APPROXIMATELY 650' EAST OF THE
FAIRFAX COUNTY PARKWAY
Zoning: PDC
Overlay Dist: WS
Map Ref Num: 055-2- /01/ /0018

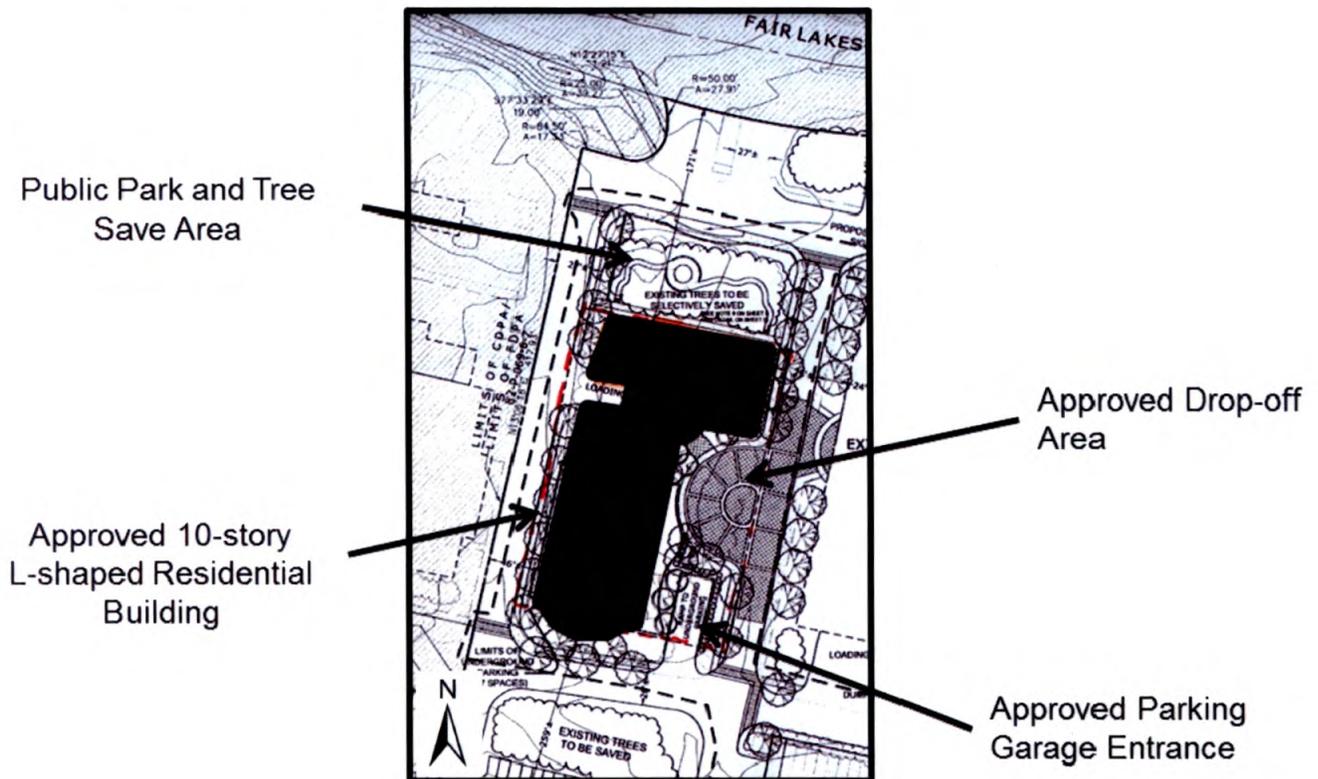


**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant, Fair Lakes Residential L.C., is requesting to amend the sixth approved Final Development Plan (FDP) associated with RZ 82-P-069, previously approved for mixed use development which includes a 10-story, L-shaped multiple family building with 123 units and a maximum of 150,000 square feet of gross floor area (GFA) on the subject property (see Graphic 1 below)

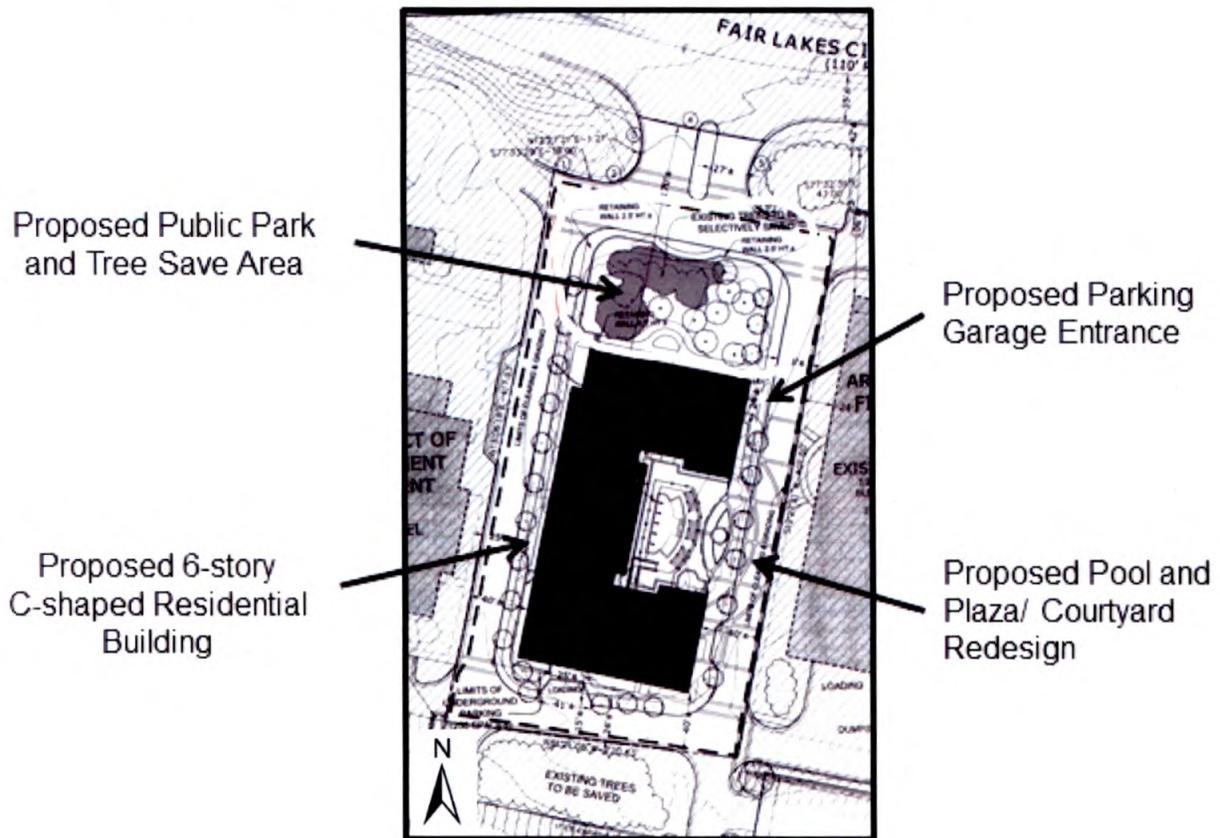
Graphic 1- Previously Approved Final Development Plan



Access to the site was provided from an existing entrance from Fair Lakes Circle and parking was approved to be below the building, with access from the southeast side of the building. On-site amenities included a swimming pool; exercise room; outdoor tables; chairs and grills within a tree save area at the north end of the building.

The proposal seeks to replace the approved 10-story, L-shaped building with a 6-story, C-shaped multiple family building with 160 units and 150,000 GFA (see Graphic 2).

Graphic 2 - Proposed Final Development Plan Amendment



No change to the approved GFA of 150,000 (1.6 FAR) is proposed. The applicant continues to locate parking below the building, but proposes to shift the access to the parking garage from the southeast side of the building to the northeast side. In addition, the applicant proposes to redesign the entry plaza/courtyard on the east side of the building and to enhance the plaza/courtyard by including decorative pavings; landscaping; and an arched wall with seating, to define a pedestrian space. Other on-site amenities that continue to be included in the application are a swimming pool; an exercise room; and outdoor tables, chairs and grills within a tree save area located to the north side of the building. The swimming pool is proposed to function as a water feature/fountain that would be visually interesting throughout most of the year.

Reaffirmation of the previously approved waivers and modifications listed in the Waivers and Modifications section of the Zoning Analysis is requested.

The development conditions, affidavit and statement of justification for the application are contained in Appendices 1 through 3, respectively. A copy of the proposed FDPA is included in the front of this staff report.

LOCATION AND CHARACTER

Site Description:

The approximately 660-acre Fair Lakes development is located in the Fairfax Center Area on the north side of Interstate 66, east of Stringfellow Road, west of West Ox Road and south of Route 50. A portion of the Fairfax County Parkway passes through the center of the development. Fair Lakes is planned for commercial development in the center with residential uses to the east and northeast. The subject property is located south of Fair Lakes Circle and north of Interstate-66 within Land Bay V-B. Land Bay V-B is developed with a Hyatt Hotel, two office buildings, a retail center and a child care center. This site is currently a vacant open space area with mature trees consisting of red maple, sweet gum, tulip poplars and Virginia pine trees located between the existing Hyatt Hotel and office buildings. Access to the site is from Fair Lakes Circle.

Surrounding Area Description:

DIRECTION	USE	ZONING	PLAN
North	Offices - Fair Lakes	PDC	Office/Mix
South	I-66 and Fairfax County Parkway Interchange	N/A	N/A
West	Office - Fair Lakes	PDC	Office/Mix
East	Hotel - Fair Lakes	PDC	Office/Mix

BACKGROUND

The following is selected background information which relates specifically to the subject property. A complete history of zoning cases for Fair Lakes is provided in Appendix 4. A tabulation of the approved uses and square footage to date for Fair Lakes land bay uses was submitted by the applicant and is provided in Appendix 5.

- On July 25, 2005, the Board of Supervisors approved CDPA 82-P-069-07, FDPA 82-P-069-06-08 and FDPA 82-P-069-11-03, concurrent with PCA 82-P-069-14, FDPA 82-P-069-01-13 and FDPA 82-P-069-08-04 to permit the addition of residential uses in Land Bay V-B; to amend the Final Development Plans to provide a 150,000 square foot multi-family building, 113,000 square foot office building and a four level parking garage; to amend the proffers for a portion of Fair Lakes to permit a reduction in the minimum office intensity and provide specific proffers related to the proposed residential uses in Land Bay V-B; and to amend the Final Development Plans to delete a previously approved, but not

constructed 60,000 square foot office building and 4,000 square foot drive-in bank; and allow the existing surface parking to remain.

Copies of the proffers, development plan and conditions are contained in Appendix 6.

COMPREHENSIVE PLAN PROVISIONS (Appendix 7)

Fairfax County Comprehensive Plan, Area III Volume, 2011 Edition, Fairfax Center Area, as amended through April 26, 2011, under the heading, Sub-units H1, H2, beginning on page 62, the Plan states:

“These sub-units are planned for office mixed-use. Office development that incorporates architectural excellence, preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that must be achieved to justify the overlay level.”

ANALYSIS

FDPA 82-P-069-6-12 Final Development Plan Amendment (FDPA)

(Copy at front of staff report)

Title of FDPA: Fair Lakes Land Bay V-B

Prepared by: Dewberry & Davis LLC

Original and Revision Dates: June 3, 2011 as revised through August 4, 2011.

Description of the Plan: The FDPA consists of six sheets; Sheet 1 includes an index

The following features are depicted on the FDPA:

Site Layout

The applicant proposes to replace an approved 10-story, L-shaped building (with 123 units) with a 6-story, C-shaped multiple family building (with 160 units). This building would continue to be located between an existing 10-story office building and 13-story hotel building in Land Bay V-B. No change to the approved GFA of 150,000 (which is a 1.6 FAR) is proposed.

The applicant continues to locate parking below the building, but proposes to shift the access to the parking garage from the southeast side of the building to the northeast side. In addition, the applicant proposes to redesign the entry plaza/courtyard on the east side of the building and enhance the plaza/courtyard

by including decorative paving, landscaping and an arched wall with seating to define a pedestrian space. Other on-site amenities that continue to be included in the application are a swimming pool, an exercise room, and outdoor tables, chairs and grills within a tree save area located to the north side of the building. The swimming pool is proposed to function as a water feature/fountain that would provide visual interest throughout most of the year.

Roads and Access

No new roads are proposed. The site has one existing access point from Fair Lakes Circle that is shared with the adjacent hotel and office buildings to the west and east. Four existing inter-parcel access points connect the site to the adjacent properties; two are located on the northern portion of the subject property and two located on the southern portion.

Parking

The parking required for the residential use will be located in a parking garage located below the residential building. The Zoning Ordinance requires 256 parking spaces on the site and the applicant proposes to provide 256 total spaces. One access point was approved for the parking structure on the southeast side of the building. The applicant proposes to relocate the access to the northeast of the building.

Pedestrian Access

Pedestrian access to the proposed multi-family residential development and the existing adjacent hotel and office developments is provided through a series of existing and proposed trails and sidewalks. The previously approved proffer commitments for pedestrian access also include a proffer commitment to construct a four-foot wide concrete sidewalk along the south side of Fair Lakes Circle, starting at the proposed multi-family residential development access point, extending 1,000 feet to the west and east of the property and connecting to extensive Fair Lakes trails network. A bus shelter will also be provided along Fair Lakes Circle in the vicinity of the multi-family building.

Open Space & Landscaping

A minimum of 15% percent open space is required for the site; 30% is provided. The applicant continues to propose the removal of a significant portion of an existing stand of mature trees located between an adjacent hotel and office development to construct the residential development. New landscaping and groundcover would continue to be located throughout the site and around the building. In addition, the applicant continues to propose a public pocket park with a small tree save area labeled "existing vegetation to be saved" on the FDPA and located to the north of the proposed building. Minor modifications to

the public pocket park are proposed to retain as much of the existing vegetation as possible while continuing to include pedestrian amenities such as benches and trails (detailed on Sheet 4 of the FDPA) that would provide an enhanced pedestrian connection to the existing adjacent hotel and office buildings.

Additional public open space is provided to the east of the proposed swimming pool in the form of a formal drop off and waiting area for guests and residents. The design of this area incorporates decorative pavings, planting strips and seating areas.

Stormwater Management

The 2.15 acre application property falls within the Cub Run watershed as well as within the County's Chesapeake Bay watershed. Note 14 on the FDPA indicates that stormwater management for the site is accommodated by the Fair Lakes Overall Stormwater Management Plan (#57247-PI-10). According to Note 14, this plan, which includes several wet ponds, has adequate capacity to meet the quality (including BMP) and quantity requirements for the increased runoff from the proposed development.

Comparison with Currently Approved FDPA

While this FDPA proposes site modifications, the applicant's proposal to replace the approved 10-story L-shaped building with a 6-story C-shaped multiple family building will not increase the previously approved maximum gross floor area of 150,000 for the subject property (1.6 FAR) or increase the approved limits of disturbance on the site.

Residential Development Criteria

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

Since the proposed changes described in the analysis seek to merely modify the building type and footprint and do not change the approved use or intensity on the site, staff has not reevaluated the residential development criteria for this application. Staff believes that the proposed changes will continue to be in general conformance with residential development criteria that were reviewed and approved in the previous application. The previously approved proffers associated with the residential development will also continue to govern the site. The residential development criteria analysis is provided in the original Staff Report for PCA 82-P-069-14, concurrent with CDPA 82-P-069-07,

FDPA 82-P-069-06-8, FDPA 82-P-069-11-3, FDPA 82-P-069-01-13, and FDPA 82-P-069-08-4 published on April 27, 2005. Copies of the staff report are available in the Department of Planning and Zoning - Zoning Evaluation Division (DPZ-ZED) and on the DPZ-ZED website.

Land Use Analysis (Appendix 7)

The proposal to amend the final development plan previously approved for residential development to replace the approved 10-story L-shaped building with a 6-story C-shaped multiple family building with 160 units and 150,000 GFA does not present a substantial change from the approved plan. There is no change in the land use (multi-family residential structure) or the intensity of development (no increase/decrease from 150,000 square feet). However, staff raised some concerns regarding the specific building design:

Issue: Change in building design (from the original 10-story structure to a 6-story structure)

Staff feels that the approved perspective drawings and elevations for the 10-story building exhibited a higher quality of building design in comparison to the architectural drawings for the proposed 6-story building. The approved plans also included more balconies, deeper balconies, more bays and variations in the façade, larger overhanging eaves, the inclusion of a large cupola area on the top floor, and generally more design ornamentation. The proposed changes show a reduction or removal of all of these elements. During the application review process, staff indicated to the applicant a preference for the architectural style and design in the approved plan, as it better exemplified the architectural excellence sought in the Plan for Land Unit H-1/H-2.

At a meeting with the applicant team, the applicant indicated reasons for modifying the building design, which included: high costs of the original design, the modification to a wood structure building, and changes in the market place. The applicant also indicated that the new design and materials are more representative of an "urban loft-style character" that is more in line with their target market, and felt that the proposed building materials and mix of materials would constitute a high-quality development. Staff recommended that the applicant commit to a minimum percentage of high-quality materials that would be required as a development condition.

Resolution:

In a plan resubmission, the applicant provided a list of exterior materials that will comprise at least 60% of the exterior, including brick, oversized masonry block and glass, and agreed to development conditions to ensure that the architectural design of the building remain consistent with the elevations contained in the FDPA and that the façades of the building will consist of at least 60% of a

combination of masonry, brick and glass. Although staff feels the architecture and design in the approved FDP from 2005 is of higher quality and more consistent with the adjacent development, staff feels that imposition of the development conditions will satisfy staff's concerns.

Issue: Adjacent Building Heights

Staff indicated concern that the surrounding buildings are ten and 13 stories tall, and thus the original proposal of ten stories was more consistent with the surrounding character than the 6-story structure now proposed. This is a minor concern; however, staff was concerned that it creates an issue with the penthouse appearance as viewed from the adjacent, taller structures. Staff requested more detail on how the mechanical equipment on the roof would be screened or covered by parapet walls or other means to better determine the visual impact on surrounding uses, and to indicate where the mechanical equipment on the roof will be.

Resolution:

A development condition has been written to ensure that rooftop mechanical equipment will be adequately screened. Imposition of this condition will address staff's concern.

Environmental Analysis (Appendix 7)

Green Building

The applicant proposes to build a new 150,000 square-foot residential building. The Environmental section of the Policy Plan seeks green building for non-residential and residential structures located in Suburban Centers (includes Fairfax Center). The previous development plan, approved in 2005, preceded the Policy Plan's green building policies under Objective 13, which were not in place at that time. The approved development plan includes a proffer that all residential units will meet the thermal standards of the CABO Model Energy Program for energy efficient homes; however, this is an expired program that does not provide energy efficiency beyond the Fairfax County's existing building codes. Although this proposal is an amendment to a previously approved plan, staff recommended that the applicant identify potential strategies to advance the County's Green Building Policy. Staff encouraged the applicant to pursue a green building certification through LEED for Homes, Energy Star, or Earth Craft building rating systems. The applicant agreed to a development condition that would ensure construction of dwelling units through the Energy Star qualification program. Imposition of this development condition will address the County's Green Building Policy for this FDPA. No other issues were identified.

Tree Preservation

The Urban Forest Management Division of the Department (UFMD) of Public Works and Environmental Services (DPWES) reviewed the application (see Appendix 8) and highlighted some concerns with the proposed tree planting widths and depths, proposed tree species and tree preservation notes highlighted on the FDPA. Development conditions have been written to address these concerns and to ensure that adequate planting widths, soil volumes and depths are provided to promote survivability of the proposed landscaping. In addition, the development conditions include language to promote tree species that are resistant to damage from disease and insects and to ensure that existing trees in the tree preservation area shown on the FDPA are assessed based on size, species and conditions at the time of site plan review. Imposition of these development conditions will satisfy staff's concerns.

Fairfax Center Design Guidelines

In the Fairfax Center Area, a checklist tool assists in evaluating rezoning and proffered condition amendment applications for conformance with the design guidelines in the Comprehensive Plan. The checklist includes transportation, environmental, site design, land use and public facilities elements.

In order to justify development at the Overlay Level, the application must satisfy all applicable basic elements; all major transportation elements; all essential elements; three-fourths of the applicable minor elements; and one-half of the applicable major elements. Since the proposed changes described in the analysis seek to merely modify the building type and footprint and do not change the previously approved use or intensity on the site, staff feels that the proposal would continue to meet the parameters of the Fairfax Center Design Guidelines that were evaluated in the previous application. Staff believes that the proposed changes will enhance the pedestrian and vehicular circulation, and improve the private and public open spaces. Review of the Fairfax Center Design Guidelines for the previous application is provided in the original Staff Report for PCA 82-P-069-14, concurrent with CDPA 82-P-069-07, FDPA 82-P-069-06-8, FDPA 82-P-069-11-3, FDPA 82-P-069-01-13, and FDPA 82-P-069-08-4 published on April 27, 2005. Copies of the staff report are available in the Department of Planning and Zoning - Zoning Evaluation Division (DPZ-ZED) and on the DPZ-ZED website.

Transportation Analysis (Appendix 9)

The Fairfax County Department of Transportation (FCDOT) reviewed the application and indicated that the department would have no objection to the approval of the proposal provided that all previous proffer commitments are carried forward. Since this application is an FDPA, all previously approved proffer commitments will continue to govern the site.

Fairfax County Park Authority (Appendix 10)

The Fairfax County Park Authority reviewed the application and provided two comments, which include:

- 1) A notice to the applicant that should the previously approved proffers be amended in the future, the Park Authority will request them to update their proffers associated with off-setting recreational impacts to meet current Zoning Ordinance and fair share contribution practices. This request would include: a) updating the proffered minimum expenditure for park and recreational facilities on-site in the PDC District from \$955 per non affordable dwelling unit (ADU) to \$1,600 per non ADU, and b) updating the fair share contribution from \$484 per non ADU to \$893 per new resident.
- 2) A request for more detail and improved legibility of the proposed landscaping details shown on Sheet 4 of the FDPA.

The current approved proffers reflect recreational contributions that were consistent with the Zoning Ordinance and fair share contribution practices at the time the original rezoning application was approved. In the current FDPA application, the applicant is seeking modifications to that rezoning application without changing the use or intensity and acknowledged the Park Authority comment regarding the previously approved recreational contributions. In addition, the applicant submitted revised plans with better graphics depicting the proposed on-site amenities. No further/additional comments were made.

Stormwater Analysis

No issues were identified. According to Note #14 on sheet #2, there will be no SWM changes from the approved FDPA 82-P-069-6-8 and FDPA 82-P-069-11-3 and site plan 5727-SP-088. During site plan review, the applicant will be required to demonstrate that the offsite ponds provide SWM requirements for the site. An analysis of the downstream drainage system between the site and the offsite ponds will also be required.

Public Facilities Analysis

Public facilities were reviewed with the previous rezoning application and were determined to be adequate. No substantive changes to public facilities are proposed with this FDPA.

ZONING ORDINANCE PROVISIONS (See Appendix 11)**Conformance with the Approved Proffers and CDP/FDP**

Par. 1 of Sect. 16-402 of the Zoning Ordinance requires that all Final Development Plans be prepared in accordance with the approved Conceptual Development Plan and any conditions as may have been adopted by the Board of Supervisors. The approved CDP is a general plan for the original Fair Lakes development, which designates areas for residential, commercial and mixed use developments. The proposed FDPA to replace the approved 10-story, L-shaped building with a 6-story, C-shaped multiple family building with 160 units and 150,000 GFA is in conformance with the approved CDP/FDP and proffers approved in conjunction with the original rezoning. Minor modifications to the FDP are permitted in the approved proffers and the previous commitments to the maximum FAR, schools, tree preservation, trails and transportation improvements would not be impacted. In a pre-application meeting with the applicant, staff determined that a well-designed swimming pool with bathroom facilities located on top of the garage platform would meet the commitment to construct a pool on the top level of the multiple family building in the previously approved recreational proffer. The applicant has since proposed a swimming pool on top of the garage platform and east of the building in this FDPA, which would double in function as a swimming pool and water feature/fountain to provide visual interest throughout most of the year.

Conformance with PDC District Regulations**Article 6**

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

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

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

General Standard 1 requires substantial conformance with the Comprehensive Plan. As previously discussed, the Plan recommends office mixed-use at or up to 0.25 FAR with excellence in architecture, landscaping preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that

must be achieved to justify the overlay level. The proposed FDPA does not present a substantial change from the approved plan. There is no change in the land use (multi-family residential structure) or the intensity of development (no increase/decrease from 150,000 square feet). Staff believes the proposed modifications will enhance the pedestrian and vehicular circulation, and improve the private and public open spaces. In staff's opinion, this standard has been met.

General Standard 2 requires that the design of the proposed planned development result in a more efficient use of the land and in a higher quality site design than could be achieved in a conventional district. The site is currently zoned PDC. A conventional commercial zoning district would not permit a residential building in this location. In staff's opinion, the proposed development is of higher quality site design and will continue to be subject to the previously approved proffers, which commit to architectural treatments for the residential building and the parking structure. Staff believes that these proffers provided the minimum amount of detail needed to meet this standard.

General Standard 3 requires that the design of the proposed development protect and preserve the natural features on the site. The applicant has committed to preserving 0.32 acres (30%) of open space on the 2.51 acre site. This open space includes a public park on the north side of the site that would serve the future residents and the patrons associated with the adjacent uses. A portion of this park would preserve existing vegetation that is depicted on the FDPA and labeled "existing trees to be saved." In staff's opinion, this standard has been met.

General Standard 4 requires that the proposed development prevent substantial injury to the use and value of the existing surrounding development. The proposal is located in the center of Fair Lakes, within an existing office development and adjacent to support retail uses. Staff believes that the proposed site modifications do not present a substantial change from the approved plan. The approved proffers, which commit to preserving existing trees and providing supplemental landscaping in areas that will be developed, would continue to govern the site. In staff's opinion, this standard has been met.

General Standard 5 requires that the planned development be located in an area where transportation, police, fire protection and other public facilities are available and adequate for the proposed use. The site is adequately served by all public utilities and facilities; the approved proffers which include cash contributions to the Fairfax County Public Schools and the Fairfax County Park Authority to offset the anticipated impacts of the additional residential development would also continue to govern the site. In staff's opinion, this standard has been met.

General Standard 6 requires that the planned development coordinate linkages among internal facilities and services as well as connections to major external facilities. As previously discussed, no new roads are proposed. The site has one existing shared access point from Fair Lakes Circle with the adjacent hotel and office buildings. Four inter-parcel access points are shared among these uses. Pedestrian access to the proposed residential development is provided through a series of existing and proposed trails. The previously approved proffer commitments also include commitments to construct a four-foot wide concrete sidewalk along the south side of Fair Lakes Circle starting at the proposed multi-family residential development access point and extending 1,000 feet to the west and east of the property. A bus shelter would also be provided along Fair Lakes Circle in the vicinity of the multi-family building. In staff's opinion, this standard has been met.

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

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

Bulk Standards (R-30)		
Standard	Required	Provided
Front Yard	25° ABP, but not less than 20 feet. (ABP = 37 feet for a 80 foot tall building)	170 feet
Side Yard	25° ABP, but not less than 10 feet. (ABP = 37 feet for 80 foot tall building)	40 feet
Rear Yard	25° ABP, but not less than 25 feet. ABP = 37 feet for 80 foot tall building)	40 feet
Building Height	150 feet subject to an increase permitted by the Board	80 feet
Open Space	40%	30%
FAR	1.00	1.6 (for this application area)

As illustrated above, the residential building is consistent with the yard setbacks of the R-30 District, but would not meet the permitted intensity in an R-30 District. The proposed 1.30 FAR is calculated on the subject property only, and not the entire Fair Lakes property; approval of this application would not increase the approved overall FAR for the Fair Lakes PDC of 0.30 FAR.

Par. 2 states that open space, parking, loading, sign and other similar regulations shall have application in all planned developments. The application includes 30% open space, which is in excess of the open space requirement of 15% for the PDC District. In addition, the Zoning Ordinance requires 256 parking spaces

for the proposed residential use. The applicant proposes to provide 256 total spaces in a parking garage located below the building. With the exception of a request for a modification of the loading requirement (described below), all other applicable Zoning Ordinance provisions have been satisfied

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

Waivers/Modifications:

In conjunction with the approval of the previous rezoning applications (PCA 82-P-069-14, concurrent with CDPA 82-P-069-07, FDPA 82-P-069-06-8, FDPA 82-P-069-11-3, FDPA 82-P-069-01-13, and FDPA 82-P-069-08-4), the Board of Supervisors approved two waivers and/or modifications. The applicant has requested those same waivers and modifications for their proposal to replace the 10-story residential building with a 6-story residential building in Land Bay B. These changes do not impact the previous analysis of the waivers and modifications, which include:

1. Modification of the PDC standards to permit residential uses to exceed 50 percent of the gross floor area of principle uses.
2. Modification of transitional screening and barrier requirements for the residential uses to the adjacent office and hotel uses in favor of the treatments depicted on the FDPA.

In addition to those waivers and modifications, the applicant is requesting one additional modification, which would be addressed during site plan review and includes:

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

The applicant proposes 150,000 gross square feet of residential development in Land Bay V-B. Paragraph 4 of Section 11-203 of the Zoning Ordinance requires one loading space for the first 25,000 square feet of gross floor area, plus one space for each additional 100,000 square feet or major fraction thereof, which would yield a requirement of three spaces. The applicant proposes to provide one loading space for the residential building. A modification of the loading space requirement was requested. The applicant believes that one loading space is adequate for the proposed residential use.

Overlay District Requirements

Water Supply Protection (WSPOD) (Sect. 7-808)

The Water Supply Protection Overlay District requires that developments provide water quality control measures designed to reduce by one-half the projected phosphorus runoff for the proposed use. Both stormwater management and best management practices are proposed to be provided by the existing Fair Lakes system; the adequacy of these measures will be determined at the time of site plan review.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant proposes to amend the previously approved zoning case on the application property to replace a 10-story L-shaped residential building with a 6-story C-shaped residential building. No change to the approved land use (multi-family residential structure) or the approved intensity of development (no increase/decrease from 150,000 square feet) is proposed. It is staff's evaluation that the proposed development is in harmony with the use and intensity recommendations of the Comprehensive Plan, with the design guidance of the Fairfax Center Area and with the applicable Zoning Ordinance requirements.

Staff Recommendations

Staff recommends approval of FDPA 82-P-069-06-12, subject to the development conditions in Appendix 1 of this report.

Staff recommends reaffirmation of a modification of the PDC standards to permit residential uses to exceed 50 percent of the gross floor area of principle uses.

Staff recommends reaffirmation of a modification of the transitional screening and a waiver of the barrier requirements between for the residential uses to the adjacent office and hotel uses in favor of the treatments depicted on the FDPA.

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

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and 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 or TTY 711 (Virginia Relay Center).

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Fair Lakes Zoning Case History
5. Fair Lakes Land Use Zoning Tabulations
6. PCA 82-P-069-14 concurrent with CDPA 82-P-069-07, FDPA 82-P-069-06-8, FDPA 82-P-069-11-3, FDPA 82-P-069-01-13, and FDPA 82-P-069-08-4 proffers, plans and development conditions
7. Plan Citations, Land Use and Environmental Analysis
8. Urban Forest Management Division Analysis
9. Transportation Analysis
10. Park Authority Analysis
11. Zoning Ordinance Provisions
12. Glossary of Terms

**FINAL DEVELOPMENT
PLAN AMENDMENT CONDITIONS**

FDPA 82-P-069-06-12

October 12, 2011

If it is the intent of the Planning Commission to approve FDPA 82-P-069-06-12 for site modifications to an approved residential development located at Tax Maps 55-2 ((1)) 18, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions (those conditions carried forward from previous approval that apply to the subject property and modified are marked with an asterisk*):

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled "Fair Lakes Land Bay V-B" prepared by Dewberry & Davis LLC, consisting of six sheets dated June 3, 2011, as revised through August 4, 2011.
2. Signage shall be in conformance with the Fair Lakes Comprehensive Sign Plan as may be amended.*
3. Landscaping shall be provided in substantial conformance with the concepts shown on the FDPA as determined and approved by Urban Forest Management Division (UFMD). The applicant shall use structural cells, or other solutions acceptable to UFMD, to provide planting spaces that meet the following specifications:
 - A minimum of six feet open soil width and 72 square feet open space area
 - Rooting area shall consist of soil below pervious pavement or pavers that is not compacted for support of pavement or pavers. The rooting area may be less than eight feet for Category II trees, as may be approved by UFMD. A minimum of eight feet in width for rooting area shall be provided for Category III and IV tree species, as indicated in PFM Table 12.17.
 - Soil Volume in the rooting area for Category III or IV (as indicated in Table 12.17 of the Public Facilities Manual) shall be a minimum of 600 cubic feet per tree for single trees. For two trees planted in a continuous planting area, a total soil volume of at least 1,000 cubic feet shall be provided. For three trees or more planted in a continuous area, the soil volume shall equal at least 400 cubic feet per tree.
 - Soil in planting sites shall be as specified in planting notes to be included in site plans reviewed and approved by UFMD.

APPENDIX 1

4. Tree planting space details shall be provided during site plan review to show how soil volume and open soil area requirements will be met. Soil depth shall be a minimum of three feet.
5. The Typical Plant Palette on Sheet 4 of the FDPA shall consist of species that are known to be resistant to impacts from disease and insects, which may include and not be limited to: black gum (*Nyssa sylvatica*); river birch (*Betula nigra*, "Heritage"), single trunk preferred; London planetree (*Platanus acerifolia*, Bloodgood); and Dutch elm disease resistant cultivars of American elm such as *Ulmus Ammericana*, "Valley Forge" or "Princeton."
6. The area labeled on the FDPA with the note "existing trees to be selectively saved" shall be assessed by UFMD at the time of site plan review and trees proposed for preservation shall be based on size, species and condition. Any trees to be preserved and limits of clearing and grading to protect this area of tree preservation and planting area shall be determined at the time of site plan review. Removal of trees from this area protected by the limits of clearing and grading shall be done using chain saws to avoid damage to be existing trees to preserved and disturbance of the soil profile to maximize growing conditions for trees and other material to be planted.
7. As depicted on the "Conceptual Landscape" detail on Sheet 4 of the FDPA, an amenity area with benches, tables and grills, shall be provided adjacent to the tree save at the north end of the multiple family building. Benches and landscaping shall also be provided within the Plaza/Courtyard area on the eastern side of the multiple family building in conformance with the concepts shown on the FDPA.*
8. If provided, penthouses/rooftop structures shall be for mechanical equipment and shall be provided in accordance with the limitations of Sect. 2-506 of the Zoning Ordinance. Rooftop mechanical equipment shall be shielded from view using parapet walls and designed not to exceed roof coverage limitations of the Zoning Ordinance including the 25% limitation. All building penthouses/rooftop structures shall also be integrated into the architecture of the building below.*
9. The architectural design of the multiple family building shall be consistent with the general character of the elevations shown on Sheet 5 of the FDPA. The building shall consist of high quality materials, a combination thereof including, but not limited to, masonry, glass, brick, stone, cementitious fiber board, pre-cast concrete, ground and/or split face CMU or comparable materials. The facades of the building shall also consist of at least sixty percent, in combination, masonry, brick and glass.
10. The multiple family building shall be designed and constructed as ENERGY STAR®-qualified homes. Prior to issuance of the Residential Use Permit for each dwelling unit, the applicant will submit to the Environment and Development

APPENDIX 1

Review Branch of DPZ documentation from a home energy rater certified through the Residential Energy Services Network (RESNET) program that demonstrates that the dwelling unit has attained the ENERGY STAR for Homes qualification.

In addition, the applicant will include a LEED®-accredited professional as a member of the design team. This professional will also be a professional engineer or architect licensed to practice in the Commonwealth of Virginia. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project. Prior to site plan approval, the applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional, and shall provide a list of specific green building strategies that will be incorporated into the site.

11. Space for recyclables within the multiple family building and the collection of those recyclables shall be provided in accordance with Fairfax County Code Chapter 109.1.

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

REZONING AFFIDAVIT

DATE: September 26, 2011
 (enter date affidavit is notarized)

I, Jon M. Peterson, 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 112383a

in Application No.(s): FDPA 82-P-069-06-12
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

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)
Fair Lakes Residential L.C.(1) Agents: Milton V. Peterson Jon M. Peterson William E. Peterson Steven B. Peterson Stuart S. Prince James J. Vecchiarelli	12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	Applicant/Title Owner
Bainbridge Communities Acquisition II LLC(8) Agents: Joshua L. Wooldridge Thomas J. Keady	7700 Wisconsin Avenue, Suite 410 Bethesda, MD 20814	Contract Purchaser
Hunton & Williams LLP(13)	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant

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

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

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

Rezoning Attachment to Par. 1(a)DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Francis A. McDermott John C. McGranahan, Jr. Nicholas H. Grainger	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Susan K. Yantis Elaine O'Flaherty Cox	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Planners/Agents for Applicant
Jeannie A. Mathews	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
Fairfax Gateway Properties LLC d/b/a Keller Williams Fairfax Gateway (F/K/A Fair Oaks Realty, LLC d/b/a Keller Williams Fairfax Gateway)(14) Broker: Ann M. Beck Agent: Peter Hackett (nmi)	12700 Fair Lakes Circle, Suite 120 Fairfax, VA 22033	Real Estate Broker
Kimley-Horn and Associates, Inc.(15) Agents: Jeffrey H. Saxe Adam J. Steiner	11400 Commerce Park Drive, Suite 400 Reston, VA 20191	Planning & Zoning Consultant/Landscape Architect/Agent for Applicant
Dewberry & Davis LLC(16) Agents: Timothy C. Culleiton John William Ewing Janice M. Cena Daniela G. Medek Philip G. Yates	8401 Arlington Boulevard Fairfax, VA 22031	Engineers/Agents for Applicant
SK&I Architectural Design Group, L.L.C.(18) Agents: Jon D. Wallenmeyer Sami M. Kirkdil Federico Olivera-Sala (nmi)	7735 Old Georgetown Road, Suite 1000 Bethesda, MD 20814	Architects/Agents for Applicant
M. J. Wells & Associates, Inc.(19) Agents: Robin L. Antonucci Kevin R. Fellin	1420 Spring Hill Road, Suite 600 McLean, VA 22102	Traffic Consultants/Agents for Applicant

(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: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

(1)Fair Lakes Residential L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

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

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

MANAGER: MVP Management, LLC(2) MEMBERS: MVP Master Limited Partnership(3) JMP Master Limited Partnership(6)
LPF Master Limited Partnership(4) SBP Master Limited Partnership(7)
WEP Master Limited Partnership(5)

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

(check if applicable) [x] 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: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(2)MVP Management, LLC
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Milton V. Peterson, Manager & Member Jon M. Peterson, Manager & Member
Carolyn S. Peterson, Member Lauren P. Fellows, Manager & Member
William E. Peterson, Manager & Member
Steven B. Peterson, Manager & Member

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(8)Bainbridge Communities Acquisition II LLC
7700 Wisconsin Avenue, Suite 410
Bethesda, MD 20814

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Bainbridge Holdings I, LLC(9)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**)
Richard A. Schechter, President
Thomas J. Keady, Vice President
Richard P. Giles, Vice President

(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: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(9)Bainbridge Holdings I, LLC
12765 West Forest Hill Boulevard, Suite 1307
Wellington, FL 33414

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)

MANAGER: RAS Manager, LLC(10)
 MEMBERS: Schechter Operating Capital LLLP(11) Richard P. Giles
 Bainbridge Investor, LLC(12) Robert W. Gaherty
 Thomas J. Keady

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

Richard A. Schechter, President
Thomas J. Keady, Vice President
Caren Cohen, Treasurer

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

(10)RAS Manager, LLC
12765 West Forest Hill Boulevard, Suite 1307
Wellington, FL 33414

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)

Richard A. Schechter

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.

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(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(9)Bainbridge Investor, LLC
12765 West Forest Hill Boulevard, Suite 1307
Wellington, FL 33414

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)

MANAGER: Philip P. Tsitseklis

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)

(14)Fairfax Gateway Properties LLC d/b/a Keller Williams Fairfax Gateway
(F/K/A Fair Oaks Realty, LLC d/b/a Keller Williams Fairfax Gateway)
12700 Fair Lakes Circle, Suite 120, Fairfax, VA 22033

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Lee A. Beaver, Manager/Member
Tipper Williams (nmi), Manager/Member
Steve Anthony Eaheart, Member
Timothy J. Horinko, Member

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

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

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DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(15)Kimley-Horn and Associates, Inc.
11400 Commerce Park Drive, Suite 400
Reston, VA 20191

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

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

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

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(16)Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 22031

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
MEMBERS:
The Dewberry Companies LC(17)
James L. Beight
Dennis M. Couture

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: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(17) The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

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

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

MEMBERS: Sidney O. Dewberry	The Michael S. Dewberry Credit Shelter Trust u/a/d 11/23/05
Barry K. Dewberry	(f/b/o Michael S. Dewberry II and 3 other minor children of Michael S. Dewberry)
Karen S. Grand Pre	

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)

(18)SK&I Architectural Design Group, L.L.C.
7735 Old Georgetown Road, Suite 1000
Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Sami M. Kirkdil

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: September 26, 2011

112383a

(enter date affidavit is notarized)

for Application No. (s): FDPA 82-P-069-06-12

(enter County-assigned application number (s))

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

(19) M. J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

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

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

M. J. Wells & Associates, Inc. Employee Stock Ownership Trust. All employees are eligible participants; however, no one employee owns 10% or more of any class of stock.

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

REZONING AFFIDAVIT

DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

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

(3)MVP Master Limited Partnership
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(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:

MV Peterson Associates L.C. (owns less than 10% of Fair Lakes Residential L.C.)
Milton V. Peterson

LIMITED PARTNERS:

Milton V. Peterson
MVP Investments L.C. (owns less than 10% of Fair Lakes Residential L.C.)

(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: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(4)LPF Master Limited Partnership
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(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**)

GENERAL PARTNERS:

MVP Management LLC(2)
Lauren P. Fellows

LIMITED PARTNERS:

Lauren P. Fellows
LPF Investments L.C. (owns less than 10% of Fair Lakes Residential L.C.)

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

Rezoning Attachment to Par. 1(c)

DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(5)WEP Master Limited Partnership
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(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**)

GENERAL PARTNERS:

WEP Associates L.C. (owns less than 10% of Fair Lakes Residential L.C.)
William E. Peterson

LIMITED PARTNERS:

William E. Peterson
WEP Investments, L.C. (owns less than 10% of Fair Lakes Residential L.C.)

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

Rezoning Attachment to Par. 1(c)

DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(6)JMP Master Limited Partnership
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(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**)

GENERAL PARTNERS:

JMP Associates L.C. (owns less than 10% of Fair Lakes Residential L.C.)
Jon M. Peterson

LIMITED PARTNERS:

Jon M. Peterson
JMP Investments, L.C. (owns less than 10% of Fair Lakes Residential L.C.)

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

Rezoning Attachment to Par. 1(c)

DATE: September 26, 2011
(enter date affidavit is notarized)

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for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(7)SBP Master Limited Partnership
12500 Fair Lakes Circle, Suite 400
Fairfax, VA 22033

(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**)

GENERAL PARTNERS:

SBP Associates L.C. (owns less than 10% of Fair Lakes Residential L.C.)
Steven B. Peterson

LIMITED PARTNERS:

Steven B. Peterson
SBP Investments, L.C. (owns less than 10% of Fair Lakes Residential L.C.)

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

Rezoning Attachment to Par. 1(c)

DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(11)Schechter Operating Capital LLLP
12765 West Forest Hill Boulevard, Suite 1307
Wellington, FL 33414

(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**)

General and Limited Partner:

Richard A. Schechter

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

Rezoning Attachment to Par. 1(c)DATE: September 26, 2011
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for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(13)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(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**)

Benjamin C. Ackerly	Eric R. Burner	W. Jeffery Edwards
Robert A. Acosta-Lewis	M. Brett Burns	John C. Eichman
Lawrence C. Adams	Brian M. Buroker	Edward W. Elmore, Jr.
Michael F. Albers	P. Scott Burton	Frank E. Emory, Jr.
Virginia S. Albrecht	Ellis M. Butler	Juan C. Enjamio
Kenneth J. Alcott	Ferdinand A. Calice	John D. Epps
Fernando C. Alonso	Matthew J. Calvert	Patricia K. Epps
Chris M. Amantea	Daniel M. Campbell	Phillip J. Eskenazi
Walter J. Andrews	Thomas H. Cantrill	Joseph P. Esposito
Charles E. G. Ashton	Curtis G. Carlson	Kelly L. Faglioni
L. Scott Austin	Jean Gordon Carter	Susan S. Failla
Ian Phillip Band	Charles D. Case	Eric H. Feiler
Sean M. Beard	Thomas J. Cawley	Edward F. Fernandes
John J. Beardsworth, Jr.	James N. Christman	Norman W. Fichthorn
Steven H. Becker	Whittington W. Clement	Andrea Bear Field
Stephen John Bennett	Herve' Cogels (nmi)	Kevin J. Finto
Melinda R. Beres	Cassandra C. Collins	Melanie Fitzgerald (nmi)
Lucas Bergkamp (nmi)	Stacy M. Colvin	Robert N. Flowers
Lon A. Berk	Terence G. Connor	William M. Flynn
Douglas M. Berman	S. Gregory Cope	Laura M. Franze
Mark B. Bierbower	Cameron N. Cosby	Lauren E. Freeman
Stephen R. Blacklocks	Cyane B. Crump	Edward J. Fuhr
Jeffry M. Blair	Ashley Cummings (nmi)	Charles A. Gall
Michael J. Blayney	Alexandra B. Cunningham	Daniel C. Garner
Matthew P. Boshier	William D. Dannelly	Douglas M. Garrou
James W. Bowen	Samuel A. Danon	Richard D. Gary
Lawrence J. Bracken, II	Barry R. Davidson	John T. Gerhart, Jr.
James P. Bradley	John A. Decker	Jeffrey W. Giese
Sheldon T. Bradshaw	John J. Delionado	Neil K. Gilman
David F. Brandley, Jr.	Stephen P. Demm	C. Christopher Giragosian
Craig A. Bromby	Dee Ann Dorsey	L. Raúl Grable
Benjamin P. Browder	Edward L. Douma	Douglas S. Granger
A. Todd Brown	Mark S. Dray	J. William Gray, Jr.
Tyler P. Brown	Sean P. Ducharme	Charles E. Greef
F. William Brownell	Deidre G. Duncan	Christopher C. Green
Kevin J. Buckley	Roger Dyer (nmi)	Robert J. Grey, Jr.
Kristy A. Niehaus Bulleit	Frederick R. Eames	Greta T. Griffith
Joseph B. Buonanno	Maya M. Eckstein	Bradley W. Grout
Nadia S. Burgard	Joseph C. Edwards	Jeffrey W. Gutches

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

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(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)(13)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(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**)

Miles B. Haberer	Thomas F. Kaufman	John Gary Maynard, III
Robert J. Hahn	Joseph C. Kearfott	Fraser A. McAlpine
Jarrett L. Hale	Michael G. Keeley	William H. McBride
Eric J. Hanson	G. Roth Kehoe, II	Michael C. McCann
Ronald M. Hanson	Douglas W. Kenyon	T. Allen McConnell
Jason W. Harbour	Michael C. Kerrigan	Robert G. McCormick
Ray V. Hartwell, III	Ryan T. Ketchum	Francis A. McDermott
Jeffrey L. Harvey	Robert A. King	Alexander G. McGeoch
John D. Hawkins	Robert Klotz (nmi)	Paul E. McGeown
Timothy G. Hayes	Edward B. Koehler	John C. McGranahan, Jr.
Rudene Mercer Haynes	John T. Konther	David T. McIndoe
Mark S. Hedberg	Torsten M. Kracht	Gustavo J. Membiela
Colleen Heisey (nmi)	Christopher G. Kulp	Mark W. Menezes
Michael S. Held	Christopher Kuner (nmi)	Gary C. Messplay
Gregory G. Hesse	David Craig Landin	Patrick E. Mitchell
David A. Higbee	Gregory F. Lang	Jack A. Molenkamp
Thomas Y. Hiner	David C. Lashway	T. Justin Moore, III
D. Bruce Hoffman	Andrew W. Lawrence	Thurston R. Moore
Robert E. Hogfoss	Daniel M. LeBey	Bruce W. Moorhead, Jr.
John R. Holzgraefe	Bradley T. Lennie	Robert J. Morrow
Cecelia Philipps Horner	L. Steven Leshin	Ann Marie Mortimer
George C. Howell, III	Catherine D. Little	Michael J. Mueller
Kevin F. Hull	David C. Lonergan	Eric J. Murdock
Donald P. Irwin	David S. Lowman, Jr.	Frank J. Murphy, Jr.
Judith H. Itkin	Michael J. Madden, Jr.	Ted J. Murphy
Makram B. Jaber	Tyler Maddry (nmi)	Thomas P. Murphy
Lori Elliott Jarvis	Kimberly M. Magee	David A. Mustone
Matthew D. Jenkins	Manuel E. Maisog	James P. Naughton
Andrew E. Jillson	Douglas M. Mancino	Michael Nedzbala (nmi)
Harry M. Johnson, III	Alan J. Marcuis	Henry V. Nickel
James A. Jones, III	Brian R. Marek	Lonnie D. Nunley, III
Kevin W. Jones	Stephen S. Maris	Michael A. Oakes
Laura E. Jones	Thelma Marshall (nmi)	Leslie A. Okinaka
Dan J. Jordanger	Jeffrey N. Martin	John D. O'Neill, Jr.
Roland Juarez (nmi)	John S. Martin	Pam Gates O'Quinn
Thomas R. Julin	J. Michael Martinez de Andino	Michael A. O'Shea
W. Alan Kailer	Walfrido J. Martinez	Brian V. Otero
Andrew Kamensky (nmi)	Joseph Clarke Mathews	Raj Pande (nmi)
E. Peter Kane	Laurie Uustal Mathews	Randall S. Parks

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

Rezoning Attachment to Par. 1(c)DATE: September 26, 2011
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1751 Pinnacle Drive, Suite 1700
McLean, VA 22102(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)

Peter S. Partee, Sr.	Gregory J. Schmitt	B. Cary Tolley, III
J. Steven Patterson	John R. Schneider	Bridget C. Treacy
William S. Patterson	Howard E. Schreiber	Julie I. Ungerman
Michael P. F. Phelps	Jeffrey P. Schroeder	Surasak Vajasit (nmi)
Robert Dean Pope	Robert M. Schulman	Mark C. Van Deusen
Curtis D. Porterfield	P. Watson Seaman	C. Porter Vaughan, III
Laurence H. Posorske	James S. SeEVERS, Jr.	Emily Burkhardt Vicente
Kurtis A. Powell	Douglass P. Selby	Mark R. Vowell
Lewis F. Powell, III	Joel R. Sharp	Linda L. Walsh
J. Waverly Pulley, III	Michael R. Shebelskie	William A. Walsh, Jr.
Robert T. Quackenboss	Rita A. Sheffey	Lynnette R. Warman
Dionne C. Rainey	Ryan A. Shores	Abigail C. Watts-FitzGerald
Katherine E. Ramsey	Aaron P. Simpson	William L. Wehrum
John Jay Range	Jonathan G. Simpson	Peter G. Weinstock
Stuart A. Raphael	Jo Anne E. Sirgado	David B. Weisblat
John M. Ratino	Laurence E. Skinner	Malcolm C. Weiss
Robert S. Rausch	Thomas G. Slater, Jr.	Mark G. Weisshaar
Belynda B. Reck	Brooks M. Smith	Hill B. Wellford, Jr.
Baker R. Rector	Caryl Greenberg Smith	Kevin J. White
Shawn Patrick Regan	John R. ("J. R.") Smith	Jonathan M. Wilan
Sona Rewari (nmi)	Yisun Song (nmi)	Amy McDaniel Williams
Thomas A. Rice	Lisa J. Sotto	Holly H. Williamson
Jennings G. ("J. G.") Ritter, II	Joseph C. Stanko, Jr.	Michael G. Wilson
Kathy E. B. Robb	Marty Steinberg (nmi)	Evan D. Wolff
Daryl B. Robertson	Todd M. Stenerson	Allison D. Wood
Gregory B. Robertson	John J. Stenger	John W. Woods, Jr.
Patrick L. Robson	Gregory N. Stillman	David C. Wright
Robert M. Rolfe	Fradyn Suarez (nmi)	Richard L. Wyatt, Jr.
Ronald D. Rosener	C. Randolph Sullivan	Scott F. Yarnell
Michael Rosenthal (nmi)	R. Michael Sweeney, Jr.	William F. Young
Brent A. Rosser	Henry Talavera (nmi)	Lee B. Zeugin
William L. S. Rowe	Andrew J. Tapscott	Manida Zimmerman (nmi)
Marguerite R. Ruby	Robert M. Tata	
D. Alan Rudlin	Rodger L. Tate	
Mary Nash K. Rusher	W. Lake Taylor, Jr.	
D. Kyle Sampson	Wendell L. Taylor	
Karen M. Sanzaro	Robin Lyn Teskin	
Stephen M. Sayers	John Charles Thomas	
Arthur E. Schmalz	Gary E. Thompson	

(See Page 9 of 9 for former partners)

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

Rezoning Attachment to Par. 1(c)

DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

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

(13)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

(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**)

FORMER PARTNERS:

Thomas E. Anderson
Ted C. Craig
John Deacon (nmi)
Andrew A. Gerber
Timothy S. Goettel
Thomas M. Hughes
Charles R. Monroe, Jr.
Dearbhla Quigley (nmi)
Jeremy R. Schwer
Paul R. Tetlow
Martin K. Thomas
Timothy J. Toohey
Thomas B. Trimble
Melvin E. Tull, III
Matthew J. Williams

(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: September 26, 2011
(enter date affidavit is notarized)

112 383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number(s))

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

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

Jon M. Peterson, agent for Applicant, has contributed in excess of \$100 each to Supervisor Cook and Supervisor Foust.
Steven B. Peterson, agent for Applicant, has contributed in excess of \$100 to Supervisor Bulova.
Francis A. McDermott, attorney for Applicant and a partner at Hunton & Williams, has contributed in excess of \$100 each to Supervisor Herrity, Supervisor Foust, Supervisor Bulova and Supervisor Cook.
John C. McGranahan, Jr., attorney for Applicant and a partner at Hunton & Williams, has contributed in excess of \$100 to Supervisor Cook.

(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

Applicant's Authorized Agent

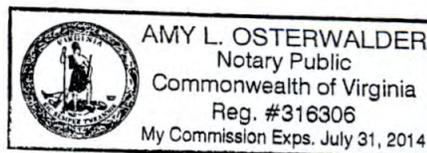
Jon M. Peterson, Agent for Applicant

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

Subscribed and sworn to before me this 26th day of September 2011, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Amy L Osterwalder
Notary Public

My commission expires: 7-31-2014



Rezoning Attachment to Par. 3

DATE: September 26, 2011
(enter date affidavit is notarized)

112383a

for Application No. (s): FDPA 82-P-069-06-12
(enter County-assigned application number (s))

Thomas P. Murphy, a partner at Hunton & Williams, has contributed in excess of \$100 to Supervisor Cook.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.

RECEIVED
Department of Planning & Zoning

APR 20 2011

April 20, 2011

Zoning Evaluation Division STATEMENT OF JUSTIFICATION
FAIR LAKES LAND BAY V-B
FDPA 82-P-069-6-12

The Applicant seeks to amend a final development plan for approximately 2.15 acres identified on the Fairfax County Tax Map as 55-2 ((1)) Parcel 18 (the "Property") and located adjacent to the Interstate 66/Fairfax County Parkway interchange within Land Bay V-B of the Fair Lakes planned development. Land Bay V-B is currently developed with a Hyatt hotel, two office buildings, a small retail center, two large retail "department" stores (Dick's and Kohl's), and a child care center. Two (2) additional office buildings have been approved within Land Bay V-B in conjunction with CDPA 82-P-069-6-11 and FDPA 82-P-069-11-5, but have not yet been constructed.

Fair Lakes originally was zoned to the "Planned Development Commercial" (PDC) and "Water Supply Protection Overlay" Districts in April 1984, subject to significant proffered commitments. A series of additional proffer commitments have been accepted by the Board of Supervisors ("Board") during the twenty-seven year evolution of the Fair Lakes planned community. This portion of Land Bay V-B is subject to proffers dated April 14, 2005 and Conceptual Development Plan Amendment conditions dated April 27, 2005 which were accepted by the Board on July 25, 2005 in its approval of PCA 82-P-069-14 and CDPA 82-P-069-7 (collectively the "Rezoning") to permit the addition of up to 150,000 square feet of residential use on the Property.

The most recently approved Final Development Plan Amendment on this portion of Land Bay V-B is FDPA 82-P-069-6-8, which was concurrent with FDPA 82-P-069-11-3. The Planning Commission approved this FDPA on June 15, 2005, subject to development conditions dated May 31, 2005 and to Board approval of the Rezoning. The currently approved FDPA permits the development of a 10-story, 123-unit multiple family building with a maximum of 150,000 square feet of gross floor area. Access to the residential building was from an existing entrance on Fair Lakes Circle. Parking was provided in a garage under the building. A hardscaped site entrance with a vehicular drop off area was provided at the major building entry on the eastern side of the building. On-site amenities included a swimming pool, exercise room and benches, tables and grills within the tree save area at the north end of the building.

This FDPA application seeks to substitute the approved multiple family building with a six (6) story multiple family building which contains up to 160 units. The gross floor area of the multiple family building will remain unchanged at 150,000 square feet, as will the currently approved FAR for this portion of Land Bay V-B. Parking will be provided in a garage underneath the building consistent with the previous FDPA approval. Access to the garage is proposed at the northeastern end of the building, which will reduce the amount of vehicular traffic on the drive aisle in front of the main entrance to the multiple family building and the proposed plaza/courtyard.

As shown on Sheet 4 of the FDPA, the proposed residential building will be architecturally compatible with surrounding buildings and consist of high quality façade and materials envisioned within the Fair Lakes mixed use development and in accordance with the approved proffers.

On-site amenities for the multiple family building will continue to include a swimming pool, exercise room and a picnic area within the tree save area. The plaza has been redesigned to provide a pedestrian plaza/courtyard where residents and tenants of the office building can gather in a pleasant, outdoor environment. A conceptual landscape plan and plaza/courtyard detail is shown on Sheet 4 of the FDPA. Decorative paving, landscaping and an arched wall with seating will define the pedestrian plaza and will complement the existing office building by visually and functionally tying these areas together. An additional landscaped open space area is provided behind the arched wall to transition between the pedestrian plaza and the courtyard/pool located within the multiple family building area and on the roof of the parking garage. The courtyard will contain a swimming pool and terrace seating for the residents of the multiple family building. The swimming pool has been designed to function as a water feature/fountain so the courtyard can be a visually interesting focal point throughout most of the year for both the residents and employees in the adjacent office building. When compared to the plaza on the approved FDPA, the proposed plaza has a larger area devoted to landscaping and pedestrian circulation and does not include vehicular circulation.

Approximately .72 acres or thirty (30) percent of the site would remain in open space, including the tree save area located north of the building. A coordinated pedestrian circulation plan has been developed, which will be connected to the Fair Lakes trail system along Fair Lakes Circle and to the adjacent Hyatt hotel and office buildings.

Construction of a multiple family building at this location will achieve the type of mixed use center envisioned for Land Bay V-B since the inception of planning for Fair Lakes nearly thirty years ago. Office, hotel, residential and support retail uses will be integrated with one another in an attractive, high quality setting. The approved level of intensity is appropriate at the Interstate 66/Fairfax County Parkway interchange, and it is within the original overall 0.25 floor area ratio approved for Fair Lakes. Adjacency to the Hyatt hotel will offer many convenient amenities to the multiple family residents, including restaurant and entertainment facilities, guest rooms, meeting rooms, conference facilities, and the potential for concierge and cleaning services. In addition to the on-site amenities associated with the residential building itself, plazas would be available for residents' use in the adjacent office buildings, including delicatessens with outdoor seating areas. The residents can use the extensive Fair Lakes pedestrian network to walk to the nearby Starbucks, to the Whole Foods in East Market, and to other neighborhood-serving and regional retail uses.

The Applicant requests approval of a modification of the loading space requirement that is prescribed by the provisions set forth in Part 2 of Article 11 of the Zoning Ordinance which requires the Applicant to provide two (2) loading spaces to support the proposed multiple family building. As previously approved, the Applicant proposes to provide one loading space for the new multiple family building, which the Applicant believes is sufficient to support the proposed use.

The proposed FDPA application is in compliance with the approved Fair Lakes proffers, CDPA and all applicable regulations, ordinances and adopted standards, with the exception of the requested modification to the loading space requirements set forth in Section 11-201 of the Zoning Ordinance.



Francis A. McDermott, Esquire
Attorney and Agent for the Applicant

Fair Lakes Zoning Case History:

Application	Date	Related Land Bay	Description
RZ 82-P-069 FDP 82-P-069-01	April 2, 1984		⁽¹⁾ Rezoned 620 acres to the PDC District for Fair Lakes. Approved FDP for portions of Land Bay V-A and VI.
FDPA 82-P-069-01-4 FDP 82-P-069-08	July 10, 1986*	V-A	⁽²⁾ Approved minor changes to the parking. Approved a 175,000 square foot office building.
FDP 82-P-069-5	March 6, 1986*	VI-B	⁽³⁾ Approved multi-family use in Land Bay VI-B.
FDP 82-P-069-06	July 24, 1986*	V-B	⁽⁴⁾ FDP for a portion of Land Bay V-B.
FDPA 82-P-069-06-1 FDP 82-P-069-11 FDPA 82-P-069-01-6 FDPA 82-P-069-08-1	April 9, 1987*	V-B, V-A	⁽⁵⁾ Modified the development for 37.5 acres of Land Bay V-B. Approved additional principal and secondary uses.
FDP 82-P-069-12 FDPA 82-P-069-06-2	December 10, 1987*	V-B	⁽⁶⁾ Approved a health club and additional principle and secondary uses on a total of 21.28 acres of land.
FDPA 82-P-069-10	July 16, 1987*	V-A	⁽⁷⁾ Final development plan amendment to develop three office buildings in Land Bay V-A (Fair Lakes 3, 4, and 5) with associated surface parking.
PCA 82-P-069-03 RZ 86-P-004 CDPA 82-P-069-03	July 20, 1987	V-A, V-B, VII-A, VII-B, VII-C, IV-A, IV-B, IV-C, III-A, and III-B	⁽⁸⁾ Rezoned and incorporated 37.5 acres into Fair Lakes and modified the mix of non-residential and residential uses.
FDPA 82-P-069-9-1	June 30, 1988*	VII-B	⁽⁹⁾ Parking and landscape buffer
PCA 82-P-069-04 RZ 86-P-089	July 1, 1988	IV-B, IV-C, IV-D, III-A, III-B, and V-B	⁽¹⁰⁾ Land Swap with Fairfax County Government.
FDPA 82-P-069-06-3	September 28, 1988*	V-B	⁽¹¹⁾ Increased the hotel size and maintained an open space/tree area.
PCA 82-P-069-5 CDPA 82-P-069-5 FDP 82-P-069-13	October 2, 1989 September 28, 1989*	IV-A, IV-B, IV-C, and IV-D	⁽¹²⁾ The PCA reallocated office uses to retail uses for Land Bays IV and VB. The FDP impacted Land Bays IV-A, IV-B and IV-C by permitting the construction of a 750,000 sq. ft. shopping mall known as the "Galleria."
FDPA 82-P-069-6-4 FDPA 82-P-069-11-1	October 18, 1989*	V-B	⁽¹³⁾ Approved a 262,000 square foot office building.
FDPA 82-P-069-9-2 FDPA 82-P-069-7-2	May 2, 1990*	VII-B	⁽¹⁴⁾ Fast Food Restaurant within the Retail Center and Expansion of 5,000 square feet to the Center.
FDPA 82-P-069-13-1 FDP 82-P-069-15	December 5, 1990*	IV-D and IV-C	⁽¹⁵⁾ Approved multi-family units for portions of Land Bays IVC and IVD.

Application	Date	Related Land Bay	Description
FDPA 82-P-069-1-8 FDPA 82-P-069-08-2	December 5, 1990*	V-A	⁽¹⁶⁾ Approved a modification of the parking. Approved drive-in bank in lieu of parking.
FDPA 82-P-069-1-9	January 9, 1991*	VI-A	⁽¹⁷⁾ Approved an 8,000 sq. ft. child care center and site modifications for an existing office building located in Land Bay VI-A.
FDPA 82-P-069-10-2	July 17, 1991*	V-A	⁽¹⁸⁾ Final development plan amendment for Land Bay VA to modify parking requirements pursuant to Zoning Ordinance amendments.
FDPA 82-P-069-1-10 FDPA 82-P-069-08-3	July 17, 1991*	V-A	⁽¹⁹⁾ Approved an additional 60,000 SF office. Modified the parking area.
PCA 82-P-069-06 FDPA 82-P-069-13-2	October 28, 1991 October 23, 1991*	IV-A, IV-B, IV-C, V-B, VII-A, VII-B and VII-C	⁽²⁰⁾ Increased retail uses and decreased the minimum office for Land Bays IV and V.
FDPA 82-P-069-13-3 FDPA 82-P-069-15-1	April 29, 1992*	IV-A, IV-B and IV-C	⁽²¹⁾ Approved a replacement of 424,000 SF of office uses with 259,500 SF of retail uses in Land Bay IV-A. A total of 157 multifamily units were also replaced with 111,000 sq. ft. of retail uses in Land Bay IV-C.
SE 92-Y-006	September 14, 1992	IV-B	⁽²²⁾ Permitted the establishment of a minimum of 4 fast food restaurants with one drive-through in Land Bay IV-B of the Fair Lakes Retail Center.
SE 92-Y-038	November 16, 1992	IV-B	⁽²³⁾ Corrected an advertising error in SE 92-Y-006
FDPA 82-P-069-13-4	May 27, 1993*	IV-B	⁽²⁴⁾ Approved an amendment to the site layout for a 14.3 acre portion of Land Bay IV-B.
SEA 92-Y-038	July 12, 1993	IV-B	⁽²⁵⁾ Amended SE 92-Y-038 to allow 2 freestanding fast food restaurants in Building 5 of the Fair Lakes Retail Center.
FDPA 82-P-069-06-5 FDPA 82-P-069-11-2 FDPA 82-P-069-12-2, FDPA 82-P-069-14-1	May 5, 1994*	V-B	⁽²⁶⁾ Approved the removal of a health club, and added a third office building. Approved a surface parking area.
FDPA 82-P-069-9-4 FDPA 82-P-069-7-5 SE 95-Y-016	July 12, 1995* September 11, 1995	VII-A, VII-B, and VII-C	⁽²⁷⁾ Freestanding drive-through restaurant on the site with retail shopping center, drive-in bank, service station/quick service food store and carwash

Application	Date	Related Land Bay	Description
PCA 82-P-069-8 CDPA 82-P-069-6	October 30, 1995	II (TRW)	⁽²⁸⁾ Amended the accepted proffers and approved conceptual development plan to add an option to convert up to 607,215 SF of office uses to residential uses exclusive of affordable dwelling units and to convert 12,000 SF of office uses to eating establishments and fast food restaurant uses.
FDPA 82-P-069-13-5 FDPA 82-P-069-15-4	October 10, 1996*	IV-A, IV-B, and IV-C	⁽²⁹⁾ Modified the permitted square footage in Land Bays IVA, IVB and IVC.
FDPA 82-P-069-13-6 FDPA 82-P-069-15-5 FDPA 82-P-069-14-2 FDPA 82-P-069-6-6	May 28, 1997*	IV-A, IV-B, IV-C, V-B	⁽³⁰⁾ Modified the retail center in Land Bays IV-A, IV-B, and IV-C and the office and retail development in Land Bay VB3.
FDPA 82-P-069-9-5	July 30, 1997*	VII-B	⁽³¹⁾ Expanded quick service food store and car wash.
FDPA 82-P-069-5-1	January 27, 1999*	VI-B	⁽³²⁾ Amended the multi-family use in Land Bay VI-B.
PCA 82-P-069-11 FDPA 82-P-069-13-8	July 9, 2001	IV-A and IV-B	⁽³³⁾ Converted 50,000 square feet of hotel use to retail uses.
FDPA 82-P-069-13-7	October 24, 2001*	IV-B	⁽³⁴⁾ Approved a retail pad site within Land Bay IVB.
FDPA 82-P-069-10-3	July 21, 2001*	V-A	⁽³⁵⁾ Approved a 6-story 160,000 square foot office building and a 4-story parking structure in a portion of Land Bay V-A.
FDPA 82-P-069-09-7	January 12, 2005*		⁽³⁶⁾ Approved building additions, an increase in parking, and site modifications to the Shops at Fair Lakes.
FDPA 82-P-069-06-7 FDPA 82-P-069-14-4	January 26, 2005*	V-B	⁽³⁷⁾ Removed 220,000 square feet of office and added 22,380 square feet of retail.
FDPA 82-P-069-13-9	February 3, 2005*	IV-B	⁽³⁸⁾ Approved the addition of an accessory service station and surface parking in Land Bay IV-B.
PCA 82-P-069-14 CDPA 82-P-069-07 FDPA 82-P-069-6-8 FDPA 82-P-069-11-3 FDPA 82-P-069-1-13 FDPA 82-P-069-8-4	July 25, 2005 June 2, 2005*	V-A, V-B, VI-A, VII-A, VII-C	⁽³⁹⁾ Approved a reduction in minimum office intensity; approved residential use for a 150,000 square foot multi-family building, an 113,000 square foot office building and a four level parking garage.
FDPA 82-P-069-5-2	October 4, 2006	VI-B	⁽⁴⁰⁾ Amended the multi-family use in Land Bay VI-B to allow a change residential unit type.
FDPA 82-P-069-6-9	March 1, 2007*	V-A	⁽⁴¹⁾ Request to amend the FDP 82-P-069-6 previously approved for hotel development to permit building addition and site modifications.

Application	Date	Related Land Bay	Description
FDPA 82-P-069-6-10 FDPA 82-P-069-11-4 FDPA 82-P-069-12-3	May 2, 2007*	V-B	⁽⁴²⁾ Request to amend the previously approved final development plans to approve additional parking and site modifications.
PCA 82-P-069-15 CDPA 82-P-069-07-01 FDPA 82-P-069-11-5 FDPA 82-P-069-06-11	October 15, 2007 October 4, 2007*	V-A	⁽⁴³⁾ Permitted the construction of 267,000 gross square feet of office development and provided specific proffers related to the proposed office use on Tax Maps 55-2 ((1)) 6B, 8A1, 11A1, & 11B1 in Land Bay V-A. (Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)
PCA 82-P-069-16 CDPA 82-P-069-07-01 FDPA 82-P-069-11-5 FDPA 82-P-069-06-11	October 15, 2007 October 4, 2007*	V-B	⁽⁴⁴⁾ Permitted the construction of 213,000 gross square feet of office development (including 113,000 square feet of previously approved office use) and provided specific proffers related to the proposed office use on Tax Map 55-2 ((1)) 9A in Land Bay V-B. (Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)
PCA 82-P-069-17 CDPA 82-P-069-03-03 FDPA 82-P-069-08-05	October 15, 2007 October 4, 2007*	V-A	⁽⁴⁵⁾ Permitted the construction of 300,000 gross square feet of residential development (maximum 350 dwelling units), expanded an existing parking garage, and provided specific proffers related to the proposed residential use on Tax Map 55-2 ((1)) 6A, 8A1 pt., and 8A2 in Land Bay V-A. (Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)
PCA 82-P-069-18 CDPA 82-P-069-05-1 FDPA 82-P-069-13-10	October 15, 2007 October 4, 2007*	IV-A	⁽⁴⁶⁾ Permitted the construction of 125,000 gross square feet of retail use and 112,000 gross square feet of office use, and provided specific proffers for the proposed uses On Tax Maps 55-2 ((4)) 12, 16, 19 and 26A in Land Bay IV-A. (Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)

Application	Date	Related Land Bay	Description
PCA 82-P-069-19, CDPA 82-P-069-03-02 FDPA 82-P-069-09-08	October 15, 2007 October 4, 2007*	VII-B	⁽⁴⁷⁾ Permitted the construction of 110,000 gross square feet of hotel and support retail uses, and provided specific proffers for the proposed uses on Tax Maps 55-2 ((5)) A1, B, and D2 pt. in Land Bay VII-B. (Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)
PCA 82-P-069-20 CDPA 82-P-069-01-1 FDPA 82-P-069-01-15	October 15, 2007 October 25, 2007*	VI-A	⁽⁴⁸⁾ Permitted the construction of 350,000 gross square feet of residential development (maximum 400 dwelling units), and provided specific proffers related to the proposed residential use on Tax Maps 45-4 ((1)) 25E1 pt. and 25E2 pt. in Land Bay VI-A. (Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)

*Date of Planning Commission Approval

- On April 2, 1984, the Board of Supervisors approved RZ 82-P-069 to rezone 620 acres to the PDC District for Fair Lakes to permit a maximum of 5,078,000 square feet of non-residential uses, a minimum of 1,321 dwelling units with a maximum FAR (floor area ratio) of 0.25. FDP 82-P-069-01 was approved by the Planning Commission for portions of Land Bays V-A and VI for offices and multi-family, including a 107,000 square foot office building and surface parking lot on Tax Map 55-2 ((1)) 6.
- On July 10, 1986, the Planning Commission approved FDP 82-P-069-08 for a seven story 175,000 square foot office building, parking garage and surface parking (Tax Map 55-2 ((1)) 6A and 8) and FDPA 82-P-069-01-4 to permit a slight adjustment in the parking areas and the location of the access road.
- On March 6, 1986, the Planning Commission approved the FDP in the eastern portion of Land Bay VI-B located on the north side of Fair Lakes Parkway, west of West Ox Road. The FDP depicts 282 multi-family dwelling units located within 17 buildings and associated community recreation facilities.
- On July 24, 1986, the Planning Commission approved FDP 82-P-069-06 (Tax Maps 55-2 ((1)) 3B, 7A, 7B, 9A pt., 14A pt., 14B1, 14B2, 14B3, and 18). The development plan approved a maximum of 795,000 square feet consisting of two eight story office buildings at a maximum of 141,000 square feet each (located on the subject site for FDPA 82-P-069-06-8); one thirteen story hotel, a maximum of 220,000 square feet; two eight story office buildings at a maximum of 146,500 square feet each; and a health club at a maximum of 80,000 square feet.
- On April 9, 1987, the Planning Commission approved FDP 82-P-069-11, concurrent with FDPA 82-P-069-06-1. The Planning Commission also approved FDPA 82-P-069-01-6 and FDPA 82-P-069-08-1. FDPA 82-P-069-11 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) approved surface parking in an area that had not been previously approved for development. FDPA 82-P-069-06-1 (Tax Maps 55-2 ((1)) 3B, 9A pt. 14A pt. 14B1, 14B2

and 14B3) permitted one 266,000 square foot twelve-story office building (located on the subject site), two ten story office buildings at 154,500 square feet each, an 80,000 square foot health club and a day care center. FDPA 82-P-069-06-1 and FDPA 82-P-069-08-1 amended the development plans to permit additional principal and secondary uses to be located within the previously approved office buildings with no change to the approved buildings.

6. On December 10, 1987, the Planning Commission approved FDP 82-P-069-12 and FDPA 82-P-069-06-2. FDPA 82-P-069-06-2 revised the final development plan for a 17.48 acre portion of Land Bay V-B of the Fair Lakes Development. Two office buildings, a restaurant, a portion of a health club and a parking deck were approved. FDP 82-P-069-12 consists of 3.80 acres located immediately to the west of FDPA 82-P-069-6-2 (this was the first FDP for this land area.) A portion of the health club, surface parking and an open space buffer which includes 2 stormwater management facilities are depicted on this development plan.
7. On July 16, 1987, the Planning Commission approved FDPA 82-P-069-10 to develop three office buildings in Land Bay V-A (Fair Lakes 3, 4, and 5) with associated surface parking.
8. On July 20, 1987, the Board of Supervisors approved RZ 86-P-004, concurrent with PCA 82-P-069-03 and CDPA 82-P-069-03 to rezone 37.5 acres to the PDC District and incorporate the area into Fair Lakes to permit a maximum of 5,350,200 square feet of non-residential uses and a minimum of 1,457 dwelling units (the maximum 0.25 FAR was not modified).
9. On June 30, 1988 the Planning Commission approved FDPA 82-P-069-9-1 to modify the parking and landscape buffer in Land Bay VII-B.
10. On July 1, 1988, the Board of Supervisors approved RZ 86-P-089 concurrent with PCA 82-P-069-04 to rezone two acres to the PDC District, incorporate the area into Fair Lakes to permit a maximum of 5,364,820 square feet of non-residential uses and a minimum of 1,464 dwelling units; the maximum 0.25 FAR was not modified.
11. On September 28, 1988, the Planning Commission approved FDPA 82-P-069-06-3 (Tax Maps 55-2 ((1)) 7A, 7B and 9A pt.) for 12.82 acres to permit minor reconfigurations and increase of the hotel from 220,000 square feet to 228,830 square feet.
12. On October 2, 1989, the Board of Supervisors approved PCA 82-P-069-05 to reallocate 300,000 square feet of office uses to retail uses for Land Bay IV. FDP 82-P-069-13 impacted Land Bays IV-A, IV-B and IV-C by permitting the construction of a 750,000 sq. ft. shopping mall known as the "Galleria"; 5 office structures containing approximately 690,000 sq. ft.; 2 drive-through banks; and 1 automotive service center.
13. On October 18, 1989, the Planning Commission approved FDPA 82-P-069-11-1 (Tax Maps 55-2 ((1)) 9A pt. and 14A pt.) for 3.59 acres to modify the surface parking lot and FDPA 82-P-069-06-4 (Tax Maps 55-2 ((1)) 9A pt.) for 27.11 acres to permit one ten story, 262,000 square foot office building and two fourteen story office buildings at a maximum of 505,947 square feet (combined.)
14. On May 2, 1990, the Planning Commission approved FDPA 82-P-069-9-2 and FDPA 82-P-069-7-2 to expand the Retail Center by 5,000 square feet and permit the construction of a fast food Restaurant within the Center.

15. On December 5, 1990, the Planning Commission approved FDPA 82-P-069-13-1 concurrent with FDP 82-P-069-15 to permit 560 multi-family units on portions of Land Bays IV-C and IV-D.
16. On December 5, 1990, the Planning Commission approved FDPA 82-P-069-08-2 to permit a 4,000 square foot drive-in bank in lieu of existing parking spaces. The Planning Commission also approved FDPA 82-P-069-01-8 to modify the parking requirements for the office building to meet the requirements of the revised Zoning Ordinance.
17. On January 9, 1991, the Planning Commission approved FDPA 82-P-069-01-9 to incorporate an 8,000 sq. ft. child care center into the northern existing office building located in Land Bay VI-A, add a play area in the parking area to serve the child care center; modify the existing parking to reflect the new office parking standards; and to modify the loading area adjacent to the southern building.
18. On July 17, 1991, the Planning Commission approved FDPA 82-P-069-10-2 to modify parking requirements for Land Bay V-A (Parcels 11B and 11C) pursuant to Zoning Ordinance amendments.
19. On July 17, 1991, the Planning Commission approved FDPA 82-P-069-01-10 to permit an additional 60,000 square foot building in lieu of existing parking spaces. The Planning Commission also approved FDPA 82-P-069-08-3 to modify the parking lot; and no changes were proposed to the existing office and approved drive-in bank.
20. On October 28, 1991, the Board of Supervisors approved PCA 82-P-069-6 for Land Bays IV and V-B to increase retail uses by 200,000 square feet to a maximum of 1,100,000 square feet and decrease the minimum office uses by 504,820 square feet; however, the overall FAR for Fair Lakes was not modified. (The Planning Commission previously approved FDPA 82-P-069-013-02 for Land Bay IVB to reconfigure the layout and approve 737,000 square feet of retail uses.)
21. On April 29, 1992, the Planning Commission approved FDPA 82-P-069-13-3 which impacted Land Bay IV-A and the western 4.5 acre portion of Land Bay IV-B and resulted in the replacement of 424,000 sq. ft. of office uses with 259,500 sq. ft. of retail uses. The Planning Commission also approved FDPA 82-P-069-15-1 which impacted Land Bay IV-C by replacing total of 157 multifamily units were replaced with 111,000 sq. ft. of retail uses in two buildings.
22. On September 14, 1992, the Board of Supervisors approved SE 92-Y-006 to permit the establishment of a minimum of 4 fast food restaurants with one drive-through in a 16,000 sq. ft. building located on a 2.4 acre parcel of Land Bay IV-B of the Fair Lakes Retail Center. A revised plat was submitted shortly before the Planning Commission public hearing on which the amount of fast food uses increased from 8,000 to 13,000 sq. ft. (The advertising for the public hearing was for the originally submitted proposal of 8,000 sq. ft. rather than the revised proposal of 13,000 sq. ft., which invalidated the Board's approval of this application.)
23. On November 16, 1992, the Board of Supervisors approved SE 92-Y-038 to correct the advertising error in SE 92-Y-006.
24. On May 27, 1993, the Planning Commission approved FDPA 82-P-069-13-4 to amend the site layout for a 14.3 acre portion of Land Bay IV-B located on the southeast corner of the Fair Lakes Boulevard/Fair Lakes Parkway intersection; no change was made to the 115,000 sq. ft. of building area that was previously approved on this area.

25. On July 12, 1993, the Board of Supervisors approved SEA 92-Y-038 concurrent with FDPA 82-P-069-13-4 and amended SE 92-Y-038 to allow 2 freestanding fast food restaurants in Building 5 of the Fair Lakes Retail Center. The total square footage of the two restaurants was 10,000 sq. ft., with each restaurant containing a drive-through window.
26. On May 5, 1994, the Planning Commission approved FDPA 82-P-069-6-5, FDPA 82-P-069-11-2, FDPA 82-P-069-12-2, and FDPA 82-P-069-14-1 (Tax Maps 55-2 ((1)) 9A pt., 13, and 14A pt.) for 27.47 acres to modify the FDPs by eliminating the 40,000 square foot health club; adding a third office building; and increasing the total building area by 220,000 square feet. FDPA 82-P-069-11-2 approved the reconfiguration of a surface parking lot.
27. On July 12, 1995, the Board of Supervisors approved FDPA 82-P-069-9-4 (concurrent with FDPA 82-P-069-7-5 and SE 95-Y-016) to allow a freestanding drive-through restaurant on the site with retail shopping center, drive-in bank, service station/quick service food store and carwash.
28. On October 30, 1995, the Board of Supervisors approved PCA 82-P-069-08 and CDPA 82-P-069-6, which impacted Land Bay II (TRW site). These applications amended the accepted proffers and approved conceptual development plan to add an option to convert up to 607,215 sq. ft. of office uses to residential uses exclusive of affordable dwelling units and to convert 12,000 sq. ft. of office uses to eating establishments and fast food restaurant uses.
29. On October 10, 1996, the Planning Commission approved FDPA 82-P-069-013-05 for Land Bays IVA, IVB, and IVC to approve an 885,798 square foot retail center.
30. On May 28, 1997, the Planning Commission approved FDPA 82-P-069-013-06 and FDPA 82-P-069-15-5 for Land Bays IVA, IVB and IVC to reduce the square footage of the site from 885,798 square feet to 843,804 square feet and transferred 41,994 square feet of retail intensity to Land Bay VB-3 as part of FDPA 82-P-069-06-6 and FDPA 82-P-069-14-2.
31. On July 30, 1997, the Planning Commission approved FDPA 82-P-069-9-5 to expand a quick service food store and car wash.
32. On January 27, 1999, the Planning Commission amended FDP 82-P-069-5 for Land Bay VI-B of Fair Lakes to permit construction of an additional 32-unit multi-family building in the southwestern corner of the site.
33. On July 9, 2001, the Board of Supervisors approved PCA 82-P-069-11 (with the Planning Commission having previously approved FDPA 82-P-069-013-08.) The applications converted 50,000 square feet of hotel use to retail uses for a maximum of 1,150,000 square feet of retail uses within Fair Lakes.
34. On October 24, 2001, the Planning Commission approved FDPA 82-P-069-013-07 for a 6,000 square foot retail pad site within Land Bay IV-B.
35. On July 21, 2001, the Planning Commission approved an additional 160,000 square foot office building and a 4-story parking structure in a portion of Land Bay V-A.
36. On January 12, 2005, the Planning Commission approved FDPA 82-P-069-9-7 to amend a portion of FDP 82-P-069-9, previously approved for a retail shopping center, to permit building additions, an increase in parking, and site modifications to the Shops at Fair Lakes. This application also increased the gross floor area of the retail center by 3,350

square feet to a maximum of 18,874 gross square feet. The floor area of the retail center increased from 0.12 to 0.15.

37. On January 26, 2005, the Planning Commission approved FDPA 82-P-069-06-7 and FDPA 82-P-069-14-4 to remove a 200,000 square foot office building and four level parking deck and approved a 10,880 square foot retail pad site and an 11,500 square foot addition to an approved retail store. The approvals resulted in a reduction of intensity of 177,620 square feet. That office intensity is proposed to be used for office and residential development proposed by FDPA 82-P-069-06-8 and FDPA 82-P-069-11-03.
38. On February 3, 2005, the Planning Commission approved an amendment to the Final Development Plan (FDP) for retail (BJ's Wholesale Club) in Fair Lakes Center in Land Bay IV-B to permit the addition of an accessory service station with four pumps (eight pumping stations) and surface parking spaces.
39. On July 25, 2005, the Board of Supervisors approved CDPA 82-P-069-07, FDPA 82-P-069-06-08 and FDPA 82-P-069-11-03, concurrent with PCA 82-P-069-14, FDPA 82-P-069-01-13 and FDPA 82-P-069-08-04 to permit the addition of residential uses in Land Bay V-B; to amend the Final Development Plans to provide a 150,000 square foot multi-family building, 113,000 square foot office building and a four level parking garage; to amend the proffers for a portion of Fair Lakes to permit a reduction in the minimum office intensity and provide specific proffers related to the proposed residential uses in Land Bay V-B; and to amend the Final Development Plans to delete a previously approved but not constructed 60,000 square foot office building and 4,000 square foot drive-in bank and allow the existing surface parking to remain.
40. On October 4, 2006, the Planning Commission amended the previously approved FDP in Land Bay VI-B of Fair Lakes for multi-family development to permit a change in residential unit type to 13 townhouses.
41. On March 1, 2007, the Planning Commission approved a request to amend FDP 82-P-069-6 on 7.68 acres (Tax Map 55-2 ((1) 7A & 7B) to build a one story 7,500 square foot ballroom addition on the northeast side of the existing 13-story Hyatt building and to relocate the drop-off area from the east side to the north side of the existing hotel building.
42. On May 2, 2007, the Planning Commission approved a request to amend FDP 82-P-069-6, FDP 82-P-069-11, and FDPA 82-P-069-12 previously approved as an office development to permit an expansion of an existing parking structure, and the construction of an additional parking structure above an existing surface parking lot.
43. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-15 and CDPA 82-P-069-07-01 (concurrent FDPA 82-P-069-11-5 and FDPA 82-P-069-06-11 were approved by Planning Commission on October 4, 2007) to amend to amend the proffers, the Conceptual Development Plan, and the Final Development Plan for a portion of Fair Lakes to permit the construction of 267,000 gross square feet of office development and to provide specific proffers related to the proposed office use in Land Bay V-A. ***(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)***
44. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-16, and CDPA 82-P-069-07-01 (concurrent FDPA 82-P-069-11-5 and FDPA 82-P-069-06-11 were approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan, and the Final Development Plans for a portion of Fair Lakes to permit the construction of 213,000 gross square feet of office development

(including 113,000 square feet of previously approved office use) and to provide specific proffers related to the proposed office use in Land Bay V-B. **(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)**

45. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-17 and CDPA 82-P-069-03-03 (concurrent FDPA 82-P-069-08-05 was approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan, and the Final Development Plan for a portion of Fair Lakes to permit the construction of 300,000 gross square feet of residential development (maximum 350 dwelling units), to expand an existing parking garage, and to provide specific proffers related to the proposed residential use in Land Bay V-A. **(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)**
46. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-18, and CDPA 82-P-069-05-1 (concurrent FDPA 82-P-069-13-10 was approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan and the Final Development Plan for a portion of Fair Lakes to permit the construction of 125,000 gross square feet of retail use and 112,000 gross square feet of office use, and to provide specific proffers for the proposed uses in Land Bay IV-A. **(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)**
47. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-19, and CDPA 82-P-069-03-02 (concurrent FDPA 82-P-069-09-08 was approved on October 4, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan and the Final Development Plan for a portion of Fair Lakes to permit the construction of 110,000 gross square feet of hotel and support retail uses, and to provide specific proffers for the proposed uses in Land Bay VII-B. **(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)**
48. On October 15, 2007, the Board of Supervisors approved PCA 82-P-069-20 and CDPA 82-P-069-01-1 (concurrent FDPA 82-P-069-01-15 was approved on October 25, 2007 by the Planning Commission) to amend the proffers, the Conceptual Development Plan, and the Final Development Plan for a portion of Fair Lakes to permit the construction of 350,000 gross square feet of residential development (maximum 400 dwelling units), and to provide specific proffers related to the proposed residential use in Land Bay VI-A. **(Overall FAR increased from 0.25 to 0.30 after PCA 15, 16, 17, 18, 19 and 20 were approved on October 15, 2007)**

FAIR LAKES ZONING TABULATION* FOR 1984 ZONING
AS OF SEPTEMBER 16, 2011

Prepared by: KJB
9/20/2011 2:46 PM

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DESCRIPTION	FDP #	APPRL DATE	SIZE ACRES	OFFICE SQ FT	HOTEL SQ FT	RETAIL SQ FT	TOTAL NON-RES. SQ FT	RES. DU'S	RES. SQ. FT.	TOTAL COMBINED SQ FT
Approved FDP'S:										
Land Bay I-A-Batal	FDP 82-P-069-1	3/22/1984	42				-	114	206,251	206,251
Land Bay I-B-East Chase Windsor	FDP 82-P-069-1	3/22/1984	63				-	250	243,521	243,521
Land Bay I-B-West Summit BC/BS	FDPA 82-P-069-1-11	7/10/1996					-	530	595,000	595,000
Land Bay II-A-TRW Residential	FDPA 82-P-069-2-2	7/29/1998	43.5				-	495	607,215	607,215
Land Bay II-B-TRW Non-Res.	FDPA 82-P-069-2-1	10/26/1995	38.2	517,739	***		517,739	***	517,739	517,739
Land Bay II-C-TRW US Home**	FDPA 82-P-069-1-2	1/24/2002					-	167	338,662	338,662
Land Bay III-North Autumnwood	FDPA 82-P-069-3-1	9/23/1987	23.2				-	420	364,319	364,319
Land Bay III-South Stonecroft	FDP 82-P-069-3-2	6/30/1988	16.5				-	276	248,193	248,193
Land Bay IV-A-Fair Lakes Center	FDPA 82-P-069-13-6	5/28/1997	20.4				151,162		151,162	151,162
Land Bay IV-B-Fair Lakes Center	FDPA 82-P-069-13-6	5/28/1997	70.2			849,804	591,633		591,633	591,633
Land Bay IV-C-Fair Lakes Center	FDPA 82-P-069-15-5	5/28/1997	10				101,009		101,009	101,009
Land Bay IV-A-Jareds	FDPA 82-P-069-13-7						6,000		6,000	6,000
Land Bay IV-B-BJ's Gas	FDPA 82-069-13-9						250		250	250
Land Bay IV-D-Fair Lakes Green	FDPA 82-P-069-13-1	12/5/1990	20.0				-	203	396,224	396,224
Land Bay IV-D-Fair Lakes Green	FDPA 82-P-069-15-2	2/24/1993					-			0
Land Bay IV-D-Fair Lakes Green	FDPA 82-P-069-15-3	10/14/1993					-			0
Land Bay V-A-Bldg. 1,2,6, bank	FDP 82-P-069-8	7/16/1986	25	341,826		4,000	345,826			345,826
Land Bay V-A-Bldg. 1,2,6, bank	FDPA 82-P-069-8-1	4/9/1987					-			0
Land Bay V-A-Bldg. 1,2,6, bank	FDPA 82-P-069-1-8	12/5/1990					-			0
Land Bay V-A-Bldg. 1,2,6, bank	FDPA 82-P-069-10-12	7/17/1991					-			0
Land Bay V-A-delete 60k & Bank	FDPA 82-P-069-1-11			(60,000)		(4,000)	(64,000)			(64,000)
Land Bay V-A-FL III	FDP 82-P-069-10	7/16/1987	19.9	65,000			65,000			65,000
Land Bay V-A-FL III, IV, V	FDPA 82-P-069-10-1	7/26/1989					-			0
Land Bay V-A-F.L.IV, V, VII	FDPA 82-P-069-10-3	7/26/2001		334,095			334,095			334,095
Land Bay V-B-AMS	FDPA 82-P-069-6-5	5/5/1994	27.5	260,000			260,000			260,000
Land Bay V-B-Hyatt Office	FDPA 82-P-069-6-6	7/25/2005		113,000			113,000			113,000
Land Bay V-B-Hyatt Office	FDPA 82-P-069-11-3	7/25/2005					-			-
Land Bay V-B-Hyatt Office	FDPA 82-P-069-12-3	7/25/2005					-			-
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDP 82-P-069-11	4/9/1987	29.3	262,000	228,830	8,000	498,830			498,830
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDPA 82-P-069-6-3	9/28/1988					-			0
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDPA 82-P-069-11-1	10/18/1989					-			0
Land Bay V-B-Part Hotel, HyPlz, Off, Daycare	FDPA 82-P-069-6-4	10/18/1989					-			0
Land Bay V-B-Hyatt Hotel Addition	FDPA 82-P-069-6-9	3/1/2007			7,500		7,500			7,500
Land Bay V-B-Office/Retail	FDPA 82-P-069-6-6	5/28/1997		200,000		195,000	395,000			395,000
Land Bank V-B-3 West Addition-East Mrkt	FDPA 82-P-069-14-4	1/26/2005		(200,000)		22,380	(177,620)			(177,620)
Land Bank V-B-3 West Addition-East Mrkt	FDPA 82-P-069-6-7	1/26/2005					-			-
Land Bay VI-A	FDP 82-P-069-1	3/22/1984	31.0	254,000			254,000			254,000
Land Bay VI-A	FDPA 82-P-069-1-9	1/9/1991					-			0
Land Bay VI-B	FDP 82-P-069-1	3/22/1984	39.6	125,000			125,000			125,000
Land Bay VI-B	FDP 82-P-069-4	10/3/1985					-			0
Land Bay VI-B	FDPA 82-P-069-1-3	7/10/1986					-			0
Land Bay VI-The Oaks	FDP 82-P-069-5	3/6/1986					-	282	262,929	262,929
Land Bay VI-The Oaks Addition	FDPA 82-P-069-5-1	1/27/1999					-	13	32,000	32,000
Land Bay VII-A Telecom. Facility	FDPA 82-P-069-7-6	4/2/2001		4,500			4,500			4,500
Land Bay VII-A&C	FDPA 82-P-069-7-5	7/12/1995	26.1	54,720	90,000	22,800	167,520			167,520
Land Bay VII-B	FDPA 82-P-069-9-4	7/12/1995	9.2			25,673	25,673			25,673
Land Bay VII-B	SE 95-Y-016	9/11/1995					-			0
Land Bay VII-B Shops Addition	FDPA 82-P-069-9-5					3,500	3,500			3,500
Right of Way not included in Approving/Pending FDP's			62.6				-			0
SUB-TOTAL	APPROVED FDP'S		617.2	2,271,880	326,330	1,127,407	3,725,617	2,750	3,294,314	7,019,931

Pending Approval:										
Land Bay V-B Hyatt Residential	82-P-069-069-6-12		2.15					160	150,000	150,000
SUB-TOTAL	PENDING APPROVAL		2.15	-	-	-	-	160	150,000	150,000

Future FDP'S:										
Land Bay VII-A	Future Cox expansion			3,500			3,500			3,500
Use & Location TBD	FUTURE FDP			0		9,392	9,392			9,392
SUB-TOTAL	FUTURE FDP'S		-	3,500	-	9,392	12,892	-	-	12,892

TOTAL			619	2,275,380	326,330	1,136,799	3,738,509	2,910	3,444,314	7,182,823
% OF TOTAL MAX			31.68%	4.54%	15.83%	52.05%	47.95%	100.00%		

TOTAL PROFFERED MAX			659	4,964,820	750,000	1,150,000	5,364,820	N/A	3,444,314	7,182,823
TOTAL PROFFERED MINIMUM		N/A	N/A	2,250,000	200,000	200,000	N/A	1,464		

* Acreage and FAR amounts are from Approved and Pending FDP's. Actual amounts may vary after engineering is completed.
 ** w/o ADU's. w/ ADU's is 406,394
 *** The adjusted (but not controlling) Non-Residential cap is 4,418,943 SF. Proffers on Land Bay II (TRW) dated 1/27/98 and 1/24/02, respectively, and accepted pursuant to approval of PCA 82-P-069-9 and of PCA 82-P-069-12 on 8/3/98 & 1/28/02, respectively, permitted conversion of 607,215 SF and 338,662 SF from non-residential to residential use, which total 945,877 residential SF is not to be counted against the 50% residential use limitation for the Fair Lakes PDC per proffer #2 in PCA 82-P-069-12, dated 1/24/02. By the same proffer, the 14,000 SF retail component in Land Bay II is not to be counted against the overall Fair Lakes retail cap.

FAIR LAKES REZONING TABULATION FOR 2007 ADDITIONAL DENSITY
AS OF SEPTEMBER 16, 2011

Prepared by: KJB
9/20/2011 2:46 PM

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DESCRIPTION	FDP #	APPRL DATE	SIZE ACRES	OFFICE SQ FT	HOTEL SQ FT	RETAIL SQ FT	TOTAL NON-RES. SQ FT	RES. DU'S	RES. SQ. FT.	TOTAL COMBINED SQ FT
Approved FDP's:										
Land Bay IV-A Fair Lakes Ctr	FDPA 82-P-069-13-10		13.96	112,000		125,000	237,000			237,000
Land Bay V-A Office	FDPA 82-P-969-10-4		27.43	267,000			267,000			267,000
	FDPA 82-P-069-1-14						-			-
Land Bay V-A Residential	FDPA 82-P-069-8-5		8.37					350	300,000	300,000
Land Bay V-B Hyatt Office	FDPA 82-P-069-11-5		11.71	100,000			100,000			100,000
	FDPA 82-P-069-6-11						-			-
Land Bay VI-A Courts Residential	FDPA 82-P-069-1-15		10.65					400	350,000	350,000
Land Bay VII-B Shops / Hotel	FDPA 82-P-069-9-8		4.7		105,000	5,000	110,000			110,000
SUB-TOTAL	APPROVED FDP's		76.82	479,000	105,000	130,000	714,000	750	650,000	1,364,000

TOTAL			77	479,000	105,000	130,000	714,000	750	650,000	1,364,000
% OF TOTAL MAX				35.12%	7.70%	9.53%	52.35%		47.65%	100.00%

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County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

July 29, 2005
July 12, 2006 (Revised)

Francis A. McDermott, Esquire
Hunton and Williams
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

RE: Conceptual Development Plan Amendment Number CDPA 82-P-069-07
(Revised-attachments only)
(Concurrent with Proffered Condition Amendment Number PCA 82-P-069-14)

Dear Mr. McDermott:

The Board of Supervisors at a regular meeting held on July 25, 2005, approved Conceptual Development Plan Amendment CDPA 82-P-069-07 in the name of The Peterson Companies, L.C., to amend the Conceptual Development Plan for RZ 82-P-069 previously approved for mixed use development to permit residential use and to modify the PDC use limitation for the percentage of residential uses; on property located on the south side of Fair Lakes Circle, approximately 600 feet east of the Fairfax County Parkway (Tax Map 55-2 ((1)) 9A and 18), subject to the development conditions dated April 27, 2005, consisting of 13.86 acres in Springfield District.

The Board also:

- **Modified the use limitation in the PDC District to permit the gross floor area of residential uses to exceed 50 percent of the principal uses in order to allow 150,000 square feet of residential use exclusive of affordable dwelling units and related bonus units if provided.**
- **Waived the transitional screening requirements and the barrier requirements between the on-site uses and along the southern portion of the site.**

CDPA 82-P-069-07

July 29, 2005

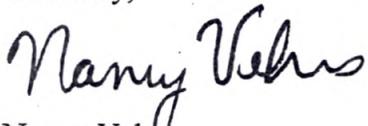
July 12, 2006 (Revised- attachments only)

- 2 -

On June 2, 2005, the Planning Commission approved Final development Plan Amendments FDPA 82-P-069-01-13 and FDPA 82-P-069-8-4 subject to the development conditions dated April 27, 2005.

On June 15, 2005, the Planning Commission approved Final Development Plan Amendment Application FDPA 82-P-069-06-08, and Final Development Plan Amendment Application FDPA 82-P-069-11-3, subject to the development conditions dated May 31, 2005.

Sincerely,



Nancy Vehrs

Clerk to the Board of Supervisors

NV/ns

cc: Chairman Gerald E. Connolly
Supervisor Elaine McConnell, Springfield District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permit Review Branch
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Plans & Document Control, OSDS, DPWES
Frank Edwards, Department of Highways - VDOT
Kirk Holley, Park Planning Branch Mgr., FCPA
Gordon Goodlet, Development Officer, DHCD/Design Development Div.
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jack Seamon, Acting, Director, Facilities Mgmt. Div., DPWES
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

2ED

July 29, 2005
July 12, 2006 (Revised)

Francis A. McDermott, Esquire
Hunton and Williams
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102

RE: Proffered Condition Amendment Number PCA 82-P-069-14
(Concurrent with CDPA 82-P-069-07)
(Revised-attachments only)

Dear Mr. McDermott:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 25, 2005, approving Proffered Condition Amendment PCA 82-P-069-14 in the name of The Peterson Companies, LC, to amend the proffers for **RZ 82-P-069** previously approved for mixed use development to permit an increase in the maximum percentage of residential in a PDC district and decrease in office use, located generally in the northeast, southeast, and southwest quadrants of the intersection of Fair Lakes Parkway and Fairfax County Parkway (Tax Map 45-4 ((1)) 25E, 45-4 ((11)) A2, 55-2 ((1)) 6, 6A, 8, 9A, 11A1, 11B1, 11C1, 11D, and 18), subject to the proffers dated April 14, 2005, consisting of approximately 81.21 acres located in Springfield District.

The Board also modified the use limitation in the PDC District to permit the gross floor area of residential uses to exceed 50 percent of the principal uses in order to allow 150,000 square feet of residential use associated with Conceptual Development Plan Amendment Application CDPA 82-P-069-07 exclusive of affordable dwelling units and related bonus units if provided.

In addition to PCA 82-P-069-14 and CDPA 82-P-069-07, the following concurrent applications were previously approved by the Planning Commission:

July 29, 2005

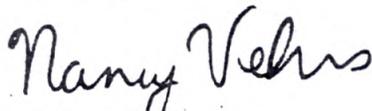
July 12, 2006 (Revised-attachments only)

- 2 -

On June 2, 2005, the Planning Commission approved Final Development Plan Amendment Application FDPA 82-P-069-01-13, subject to the development conditions dated April 27, 2005, and Final Development Plan Amendment Application FDPA 82-P-069-08-04, subject to the development conditions dated April 27, 2005.

On June 15, 2005, the Planning Commission approved FDPA 82-P-069-6-8 and FDPA 82-P-069-11-3, subject to the development conditions dated May 31, 2005.

Sincerely,



Nancy Vears

Clerk to the Board of Supervisors

NV/ns

cc: Chairman Gerald E. Connolly
Supervisor Elaine McConnell, Springfield District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Leslie B. Johnson, Deputy Zoning Administrator/Zoning Permit Review Branch
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Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Marie Langhorne, Plans & Document Control, OSDS, DPWES
Deloris Harris, DPWES
Department of Highways - VDOT
Kirk Holley, Park Planning Branch Mgr., FCPA
Gordon Goodlet, Development Officer, DHCD/Design Development Div.
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jack Seamon, Acting, Director, Facilities Mgmt. Div., DPWES
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

PCA 82-P-069-14
PROFFER STATEMENT
FAIR LAKES LAND BAYS V-A, V-B, VI-A AND VII-A

February 22, 2005

March 11, 2005

March 24, 2005

April 13, 2005

April 14, 2005

Pursuant to Section 15.2-2303A of the Code of Virginia, as amended, and subject to the Board of Supervisors approval of PCA 82-P-069-14, The Peterson Companies, L.C. (the "Applicant") and the undersigned owners, for themselves and their successors and assigns, hereby reaffirm the previous proffers, accepted by the Board of Supervisors (the "Previous Proffers") for Fairfax County Tax Map Parcels 45-4-((1))-25E; 45-4-((11))-A2; 55-2((1))-6, 6A, 8, 9A, 11A1, 11B1, 11C1, 11D and 18, containing approximately 81.21 acres (the "Property"), except as amended below. In the event this application is denied, these revised proffers shall immediately be null and void and the Previous Proffers shall remain in full force and effect. In the event this application is approved, all of the Previous Proffers remain in full force and effect except as hereby amended.

1. **Substantial Conformity with Conceptual Development Plan Amendments.** The subject 81.21-acre PCA Application Property shall be developed in substantial conformance with the Conceptual Development Plan Amendments approved by the Board of Supervisors for the respective land bays, as further modified by all relevant Proffered Conditions for Fair Lakes, as follows: (i) CDPA 82-P-069-1 for Land Bay VI-A consisting of one sheet prepared by Dewberry & Davis as revised through July 12, 1984 and approved by the Board of Supervisors on September 24, 1984; (ii) CDPA 82-P-069-3 for Land Bays V-A and VII-A consisting of one sheet prepared by Dewberry & Davis, as revised through June 26, 1987 and approved by the Board of Supervisors on July 20, 1987; and (iii) pending CDPA 82-P-069-7 for a portion of Land Bay V-B consisting of four sheets of the combined CDPA/FDPA plan prepared by Dewberry & Davis and dated September 21, 2004, as revised through April 13, 2005.

2. **Allocation of Land Uses.** Paragraph 2 of the Previous Proffers under "Land Use" shall be revised to read as follows: Allocation of land uses as provided in the text accompanying the Conceptual Development Plan Amendment is affirmed as follows:

No more than 7,182,823 square feet of principal and secondary uses shall be constructed on subject property. Non-residential uses shall not exceed 5,364,820 square feet. However, up to 945,877 square feet in Land Bay II may be converted from non-residential to residential uses exclusive of ADUs and up to 14,200 square feet may be converted to eating establishments/fast food restaurant/personal service establishment uses in Land Bay II. Residential units shall not be fewer than 1,464.

The specific uses to be provided in the first phase of development are depicted in FDPs submitted for Land Bays I-A, I-B, V-A, VI-A and VI-B. Land Bay II shall be approximately 120

acres, and shall be developed in 1,463,616 square feet of employment, residential and eating establishment/fast food restaurant uses specified in the CDPA for Land Bays II-A and II-B. The residential square footage in Land Bay II shall not exceed 945,877 square feet which shall be exclusive of the square footage for affordable dwelling units. In addition, the residential square footage in Land Bay II shall not be counted towards, i.e., shall be deemed in its entirety to be in excess of, the fifty (50) percent limitation for residential use in the Fair Lakes PDC District as specified in Par. 5 of Sect. 6-206 of the Zoning Ordinance as well as the 2:1 ratio of primary to residential uses recommended for office-mixed use areas in the Fairfax Center Area. Residential square footage located in the remainder of Fair Lakes may be developed in excess of the fifty (50) percent (based upon the principal, non-residential uses in all of Fair Lakes) limitation set forth in Paragraph 5 of Section 6-206 of the Zoning Ordinance, as modified by the Board of Supervisors in the subject PCA application.

A mix of principal and secondary uses shall be distributed over the remainder of the site, with other retail, hotel and other residential uses to be located in Land Bays III, IV and V. The aggregate non-residential square footage shall not exceed 5,364,820 square feet, of which 200,000 to 750,000 square feet shall be allocated to hotel use, 200,000 to 1,150,000 square feet, exclusive of any eating establishment/fast food restaurant/personal service establishment uses in Land Bay II, to uses such as retail uses, accessory service uses, retail sales establishments, child care centers, eating establishments, financial institutions, health clubs, theaters, service stations, car washes and other principal and secondary PDC uses that are neither residential, hotel nor office/research in character, and 2,250,000 to 4,964,820 square feet to office, research and other non-retail uses. Specific uses shall be designated at the time the FDPs are submitted. For purposes of this proffer, the designation of a building as office or other employment use shall be construed to permit inclusion of fast food (e.g., delicatessen), financial institution, and other such accessory and personal service uses on the ground and/or first floor level of such building, it being understood that the details of any drive-through and/or child care uses must be the subject of final development plan or special exception approval.

3. **Final Development Plan Amendments.** Notwithstanding that CDPA 82-P-069-7 appears on the same development plan with FDPA 82-P-069-6-8/FDPA 82-P-069-11-3, consisting of four sheets and described in Proffer Number 1 above, it shall be understood that (i) said CDPA plan shall consist of the entire plan relative solely to points of access, general location of the proposed buildings, on-site vehicular circulation and common open space areas; and (ii) the Applicant has the option to request Final Development Plan Amendment ("FDPA") approvals from the Planning Commission in accordance with Section 16-402 of the Zoning Ordinance with respect to the remaining elements. The Applicant further retains the option to file partial Conceptual Development Plan Amendment(s) in the future.

4. **Minor Modifications.** Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the approved CDPA/FDPAs described above encompassing the application Property may be permitted, as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDPA/FDPA, provided such changes are in substantial conformance with the CDPA/FDPA and proffers, and do not increase the total square footage, decrease the minimum amount of open space or the peripheral setbacks shown to be provided.

5. **Maximum Residential Square Footage.** In accordance with the Board of Supervisors' approval of the modification of Paragraph 5 of Section 6-206 of the Zoning Ordinance to permit an increase in the gross floor area devoted to dwellings as a secondary use in excess of fifty (50) percent of all principal uses in the development, up to 150,000 gross square feet of residential use shall be permitted within Land Bay V-B, not including any ADUs which may be provided pursuant to Paragraph 7 below. The Applicant reserves the right to develop fewer square feet than the maximum gross square footage of residential uses referenced in this paragraph without the need for a PCA.
6. **Architectural Design.** The architectural design of the multi-family and office building shall be consistent with the general character of the elevations shown on Sheets 4-6 of the FDPA. The Applicant reserves the right to revise the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown. Building materials for the office building shall be compatible with the existing office building. Building materials for the residential building shall consist of masonry, brick, stone, pre-cast concrete, ground and/or split face CMU. In addition to the preceding materials, EFIS that is visually compatible with the masonry materials may be utilized on the upper floors. The design of the office and residential plazas shall be in substantial conformance with the CDP/FDP.
7. **ADU Contribution.** Applicant shall choose to either a) provide 5% of the total units in the multi-family building as ADU's, or b) donate 1/2% of the projected sales prices of each unit in the multi-family building to the Housing Trust Fund prior to issuance of the building permit for the multi-family building. In the event that the multi-family units are available for rent, the Applicant's 1/2% contribution would be based on the total development cost of the multi-family building as determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development and the Department of Public Works and Environmental Services ("DPWES").
8. **Public Schools Contribution.** At the time of issuance of the building permit for the multi-family residential building located within the CDPA 82-P-069-7 portion of the Application Property, the Applicant shall provide to the Fairfax County Board of Supervisors a contribution of \$780 per non-ADU dwelling unit. Such contributions shall be available for use in any of the public schools in Fairfax County.
9. **Recreational Facilities.** Pursuant to Section 6-209 of the Zoning Ordinance the Applicant shall provide the recreational facilities to serve residential units located within that portion of the Application Property subject to CDPA 82-P-069-7. At the time of building permit approval for the residential building, the Applicant shall demonstrate that the value of any proposed recreational amenities within the respective site plan area is equivalent to a minimum of \$955.00 per market-rate residential unit on such site plan, as required by Article 6 of the Zoning Ordinance. To the extent the Applicant's expenditure for on-site recreational facilities totals less than \$955 per market-rate residential unit on such site plan, the Applicant shall, at the time of building permit approval, contribute an amount equal to the difference in total recreational funds expended (as compared to \$955 per market-rate unit for that site) for on-site amenities to FCPA for use for athletic facilities and fields at the Popes Head Assemblage.

A swimming pool with bathroom facilities shall be provided within or on the top level of the multi-family building. An exercise room shall be provided within the multi-family structure.

10. **Additional Park Contribution.** In addition to any recreational contribution made pursuant to Proffer #8, Applicant shall contribute \$484 per non-ADU dwelling unit at time of building permit approval to the Fairfax County Park Authority ("FCPA") for use for athletic facilities and fields at the Popes Head Assemblage.

11. **Limits of Clearing and Grading/Tree Preservation.** The Applicant shall submit a tree preservation plan 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 shall be subject to the review and approval of the Urban Forest Management, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing shall be four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart and erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved.

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

During any clearing or tree/vegetation/structure removal or transplantation of vegetation on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by Urban Forest

Management, DPWES. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions, and Urban Forest Management, DPWES approvals. The monitoring schedule shall be described and detailed in the landscaping plan, and reviewed and approved by Urban Forest Management, DPWES.

12. **Traffic Signal**. The Applicant shall submit a traffic signal warrant analysis of the Land Bay V-B entrance onto Fair Lakes Circle most proximate to Tax Map Parcel 55-2-((1))-18, subject to review and approval by VDOT, two years from the date of issuance of the first occupancy permit for the new multi-family residential building to be constructed in Land Bay V-B, but not later than the time of final bond release for the residential building. Only if deemed warranted based upon the above analysis, the Applicant shall design and install a traffic signal at said intersection. If, based on said analysis, VDOT determines that a traffic signal is not warranted, then the Applicant shall be released from this proffer obligation and escrowed funds, if any have been posted by the Applicant towards said signal, shall be returned to the Applicant.

13. **Bus Shelter**. The Applicant shall provide one (1) bus shelter, with no requirement for a turnoff lane or additional road improvements, along Fair Lakes Circle, in the vicinity of the multi-family building, as determined by the Director of DPWES at the time of building permit issuance for that building, only (i) if a bus shelter has not been constructed by that time by others, and (ii) if it is determined that scheduled public or private bus service shall utilize said shelter. If the shelter is provided, the Applicant shall maintain the shelter and said maintenance obligation shall be provided for in Condominium Owners Association documents.

14. **Trails**. The Applicant shall provide a four-foot wide, concrete sidewalk along Fair Lakes Circle starting at the multi-family entrance and extending up to the second median break to the east (approximately 1,000 feet) and up to the next median break to the west (approximately 1,000 feet), as depicted on the FDPA, prior to issuance of the 60th RUP.

15. **Office Transportation Demand Management**. The new office owner shall provide: (i) dissemination of Transportation Demand Management materials discussing available transit information, car/van pooling formation, and the Metrocheck program to lessees/purchasers; (ii) convenient parking in preferred locations of office parking structures for car pool/van pool use; (iii) broadband, high capacity data/network connections to the office building; and (iv) bicycle storage facilities in the office building or in the adjacent office building on Tax Map 55-2-((1))-9A.

16. **Residential Transportation Demand Management**. To encourage car and vanpooling, at the time of the initial sale of each residential unit, or if the building is a rental building, then at the time of entering into each respective initial lease, the Applicant shall provide to the initial purchaser, or to the initial lessee if a rental building, information about the County's ridesharing program. In addition, the Applicant shall: (i) make available Metro maps, schedules and forms, ridesharing and other relevant transit options in the respective initial residential sale/lease packages; (ii) make said information available to owners/tenants in a common area of the building; (iii) provide amenities for bicycle storage; and (iv) provide a sidewalk system designed to encourage/facilitate pedestrian circulation as shown on the FDPA.

17. **Fair Lakes Shuttle.** The multi-family community shall participate in the Fair Lakes Shuttle program as long as it is operated by the Fair Lakes League or similar Owners Association.

18. **Noise Attenuation.** Wyle has prepared a Traffic Noise Analysis of the Property dated January 7, 2005. This report provides an analysis of noise impacts associated with Route 66. The Applicant shall submit the report to DPWES with submission of the site plan. Based on the findings of that report, the Applicant shall provide the following noise attenuation measures:

- (i) In order to reduce interior noise to a level of approximately 45 dBA Ldn, units in the residential building which is projected to be impacted by highway noise from Route 66 having levels projected to be above 65 dBA Ldn, shall be constructed with the following acoustical measures:

Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels above Ldn 65 dBA. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have an STC rating of at least 39. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission. Any units requiring mitigation shall be identified on the site plan.

- (ii) Prior to the issuance of building permits, alternative interior noise attenuation measures may be provided subject to the implementation of a refined noise study as reviewed and approved by DPWES after consultation with the Department of Planning and Zoning.
- (iii) Noise impacts shall be attenuated on the pool deck facility to reduce the highway noise levels to 65 dBA.

19. **Lighting.** All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Fixtures used to illuminate streets, parking areas and walkways shall not exceed forty (40) feet in height, shall be of low intensity design and shall utilize full cut-off fixtures which shall focus directly on the Property. All upper level parking deck lighting fixtures shall not exceed a height of twenty (20) feet.

20. **Energy Efficiency.** All residential units shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES.

21. **Private Street Design.** Both the streets and sidewalks shall be constructed in conformance with Public Facilities Manual TS 5A Standards with regard to design, depth of pavement and materials consistent with public streets and sidewalk standards. The Applicant shall be responsible for the maintenance of all private streets and sidewalks.

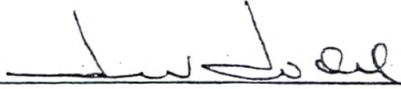
22. **Temporary Signs.** No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicant's direction to assist in the initial sale or rental of residential units on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.

23. **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.

24. **Counterparts.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

[SIGNATURES ON FOLLOWING PAGES]

THE PETERSON COMPANIES, L.C., *Applicant*

BY: 
NAME: James W. Todd
TITLE: Manager

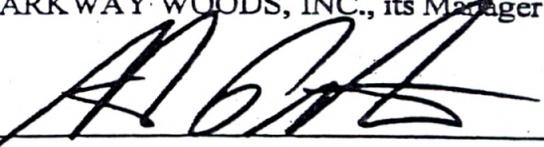
FAIR LAKES NORTH AND SOUTH L.C., *Title
Owner of Parcel 45-4-((1))-25E*

BY: FAIR LAKES NORTH & SOUTH, INC., its
Manager

BY: 
NAME: William E. Peterson
TITLE: Vice President

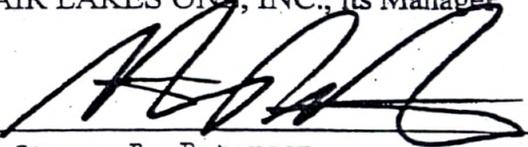
PARKWAY WOODS L.C., *Title Owner of Parcel
45-4-((11))-A2*

BY: PARKWAY WOODS, INC., its Manager

BY: 
NAME: Steven B. Peterson
TITLE: Vice President

FAIR LAKES ONE L.L.C., *Title Owner of Parcel
55-2-((1))-6*

BY: FAIR LAKES ONE, INC., its Manager

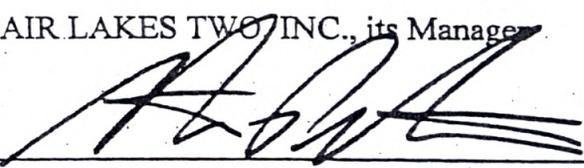
BY: 
NAME: Steven B. Peterson
TITLE: Vice President

EAST MARKET RETAIL L.C., *Title Owner of
Parcel 55-2-((1))-6A*

BY: 
NAME: Steven B. Peterson
TITLE: Manager

FAIR LAKES TWO L.L.C., *Title Owner of Parcel
55-2-((1))-8*

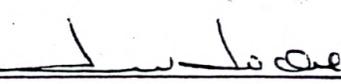
BY: FAIR LAKES TWO INC., its Manager

BY: 
NAME: Steven B. Peterson
TITLE: Vice President

HYATT PLAZA LIMITED PARTNERSHIP, *Title
Owner of Parcel 55-2-((1))-9A*

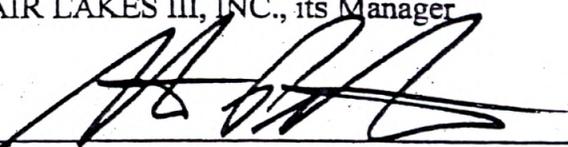
BY: FAIR LAKES HYATT LIMITED
PARTNERSHIP, its General Partner

BY: FAIR LAKES OF VIRGINIA, INC., its
General Partner

BY: 
NAME: James W. Todd
TITLE: Vice President

FAIR LAKES III L.C., *Title Owner of Parcel
55-2-((1))-11A1*

BY: FAIR LAKES III, INC., its Manager

BY: 
NAME: Steven B. Peterson
TITLE: Vice President

BUILDING IV ASSOCIATES L.C., *Title Owner of*
Parcel 55-2-((1))-11B1

BY: BUILDING IV ASSOCIATES, INC., its
Manager

BY: 
NAME: William E. Peterson
TITLE: Vice President

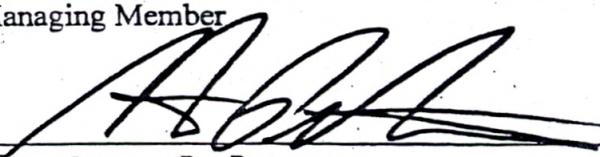
BUILDING V ASSOCIATES L.P., *Title Owner of*
Parcel 55-2-((1))-11C1

BY: BUILDING V ASSOCIATES, INC., its
General Partner

BY: 
NAME: James W. Todd
TITLE: President

BUILDING VII ASSOCIATES L.C., *Title Owner*
of Parcel 55-2-((1))-11D

BY: BUILDING VII INVESTMENTS L.C., its
Managing Member

BY: 
NAME: Steven B. Peterson
TITLE: Manager

FAIR LAKES ASSOCIATES L.C., *Title Owner of*
Parcel 55-2-((1))-18

BY: 
NAME: James W. Todd
TITLE: Manager

FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS

FDPA 82-P-069-06-8 and FDPA 82-P-069-11-3

May 31, 2005

If it is the intent of the Planning Commission to approve FDPA 82-P-069-06-8 and FDPA 82-P-069-11-3 for a mixed-use development located at Tax Maps 55-2 ((1)) 9A and 18, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions as they pertain to this site.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled "Fair Lakes Land Bay V-B" prepared by Dewberry & Davis LLC consisting of seven sheets dated September 21, 2004, as revised through April 13, 2005.
2. All secondary uses proposed on the Final Development Plan shall be located within the office structure and designed to serve only the tenants of the Fair Lakes development. In addition, free standing fast food restaurants, drive-thru facilities, and child care centers shall not be permitted without the approval of a Final Development Plan Amendment.
3. Signage shall be in conformance with the Fair Lakes Comprehensive Sign Plan as may be amended.
4. The distances depicted on the FDP between the parking garage and Interstate-66 right-of-way shall be considered minimum distances.
5. The top level of the parking deck shall have a minimum of five percent interior landscaping and planters or hanging planters along the parapet walls. The planters shall not run continuously but shall be designed to break up the top edge of the parking deck. The façade of the parking decks shall be treated with colored spandrels with architectural treatment. Such treatment shall consist of colors and building materials that match those of the adjacent office, as determined by DPWES.
6. Showers and lockers shall be provided within the proposed office building.
7. If provided, penthouses shall be for mechanical equipment and shall not exceed twenty-five feet and be in accordance with the limitations of Sect. 2-506 of the Zoning Ordinance.
8. As depicted on "Hyatt Plaza Landscape Exhibit" prepared by Lewis, Scully, Gionet and dated May 24, 2005 (Attachment 1), an amenity area with benches, tables and grilles, shall be provided within the tree save area at the north end of

the multi-family building; and benches and significant additional landscaping shall be provided at the major building entry to the multi-family building (eastern side).

9. Three crosswalks shall be provided between the multi-family building and the hotel, generally as shown on Attachment 1.

CONCEPTUAL DEVELOPMENT PLAN AMENDMENT CONDITIONS

CDPA 82-P-069-07

April 27, 2005

If it is the intent of the Board of Supervisors to approve CDPA 82-P-069-07 for a mixed-use development located at Tax Maps 55-2 ((1)) 9A and 18, staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions

1. Development of the property shall be in substantial conformance with the Conceptual Development Plan Amendment entitled "Fair Lakes Land Bay V-B" prepared by Dewberry & Davis LLC consisting of seven sheets dated September 21, 2004, as revised through April 13, 2005.
2. Residential dwelling units shall not exceed 150,000 square feet, excluding the Affordable dwelling units and related bonus units if provided.

FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS

FDPA 82-P-069-01-13

April 27, 2005

If it is the intent of the Planning Commission to approve an office development located at Tax Map 55-2 ((1)) 6, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions as they pertain to this site. An asterisk denotes conditions carried forward from FDPA 82-P-069-01-10.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitle "Fair Lakes Land Bay V-A" prepared by Dewberry & Davis LLC consisting of three sheets dated August 9, 2004, as revised through January 27, 2005.
2. The existing trail located south of the site, along Fair Lakes Circle, shall be extended into the site as determined by DPWES.
3. All secondary uses proposed on the Final Development Plan shall be located within the office structure and designed to serve only the tenants of the Fair Lakes development. In addition, free standing fast food restaurants, drive-thru facilities, and child care centers shall not be permitted without the approval of a Final Development Plan Amendment.*
4. Signage shall be in conformance with the Fair Lakes Comprehensive Sign Plan, as may be amended.*
5. Upon request by VDOT, easements shall be provided at no cost for the improvements to the interchange for Fair Lakes Parkway and Fairfax County Parkway.

FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS

FDPA 82-P-069-08-4

April 27, 2005

If it is the intent of the Planning Commission to approve an office development located at Tax Map 55-2 ((1)) 6A and 8, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions as they pertain to this site. An asterisk denotes conditions carried forward from FDPA 82-P-069-08-3.

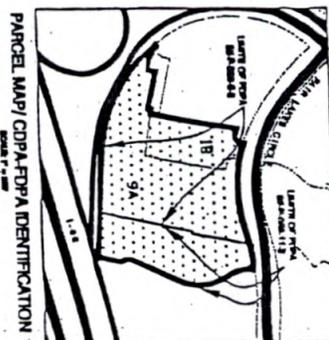
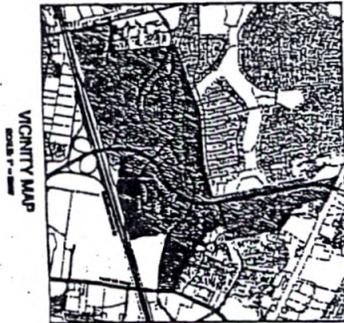
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4. Signage shall be in conformance with the Fair Lakes Comprehensive Sign Plan, as may be amended.*
5. Upon request by VDOT, easements shall be provided at no cost for the improvements to the interchange for Fair Lakes Parkway and Fairfax County Parkway.

FAIR LAKES LAND BAY V-B

Springfield District

Fairfax County, Virginia

Conceptual Development Plan Amendment/ Final Development Plan Amendment



Applicant:
The Peterson Companies, L.C.
12500 Fair Lakes Circle, Suite 400
Fairfax, Virginia 22033

- Sheet Index:
- 1. COVER SHEET
 - 2. GENERAL NOTES
 - 3. SPECIAL NOTES
 - 4. LANDSCAPE DETAILS
 - 5. SANITARY DETAILS
 - 6. ELECTRICAL DETAILS
 - 7. PRELIMINARY CONSTRUCTION

Fair Lakes Land Bay V-B
Conceptual Development Plan Amendment/
Final Development Plan Amendment
82-P-069-6-8
82-P-069-11-3

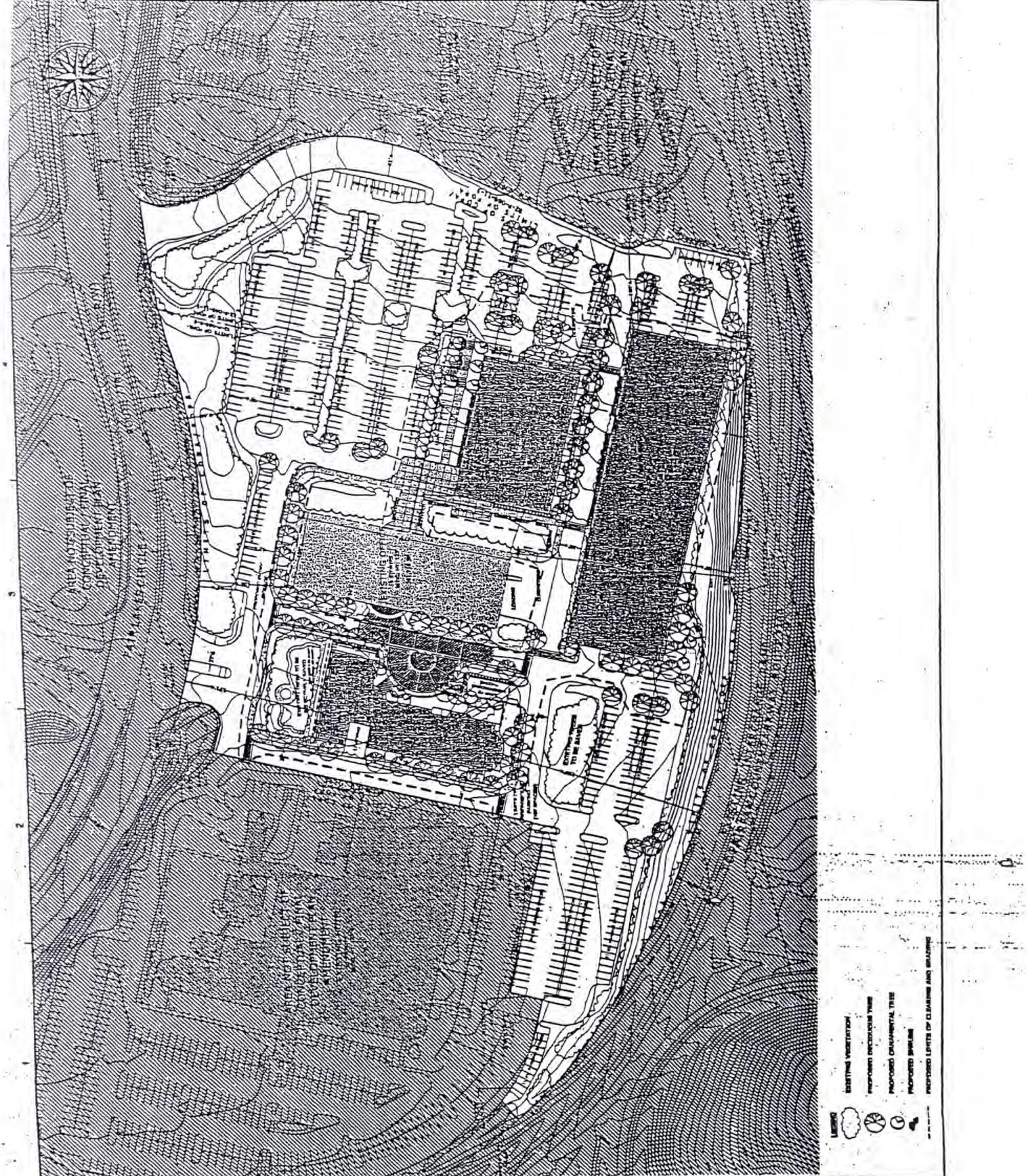


Rev. April 13
Rev. March 11
Rev. February 2
Rev. January 12
September 21

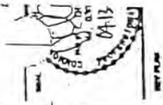


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2	12-1-06	DD	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
3	12-1-06	DD	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
4	12-1-06	DD	CONCEPTUAL DEVELOPMENT PLAN AMENDMENT

FAIR LAKES LAND BAY
 CONCEPTUAL
 FINAL DEVELOPMENT
 PLAN AMENDMENT
 PROJECT NO. M-10503

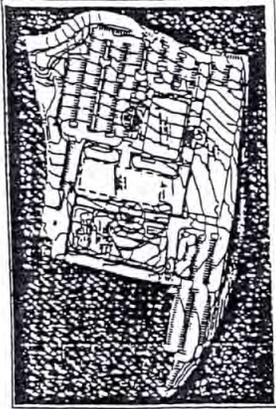


- LEGEND**
- EXISTING VEGETATION
 - PROPOSED PAVEMENT PARKING
 - PROPOSED DEVELOPMENT
 - PROPOSED BUILDING
 - PROPOSED LEVEE OF CLEARING AND GRADING

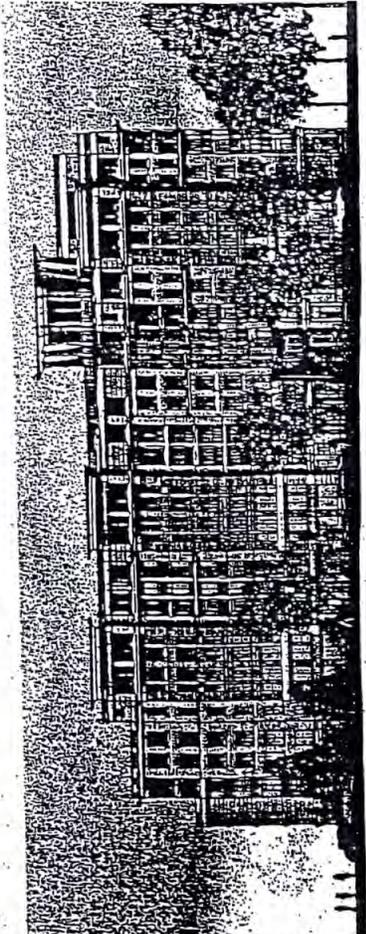


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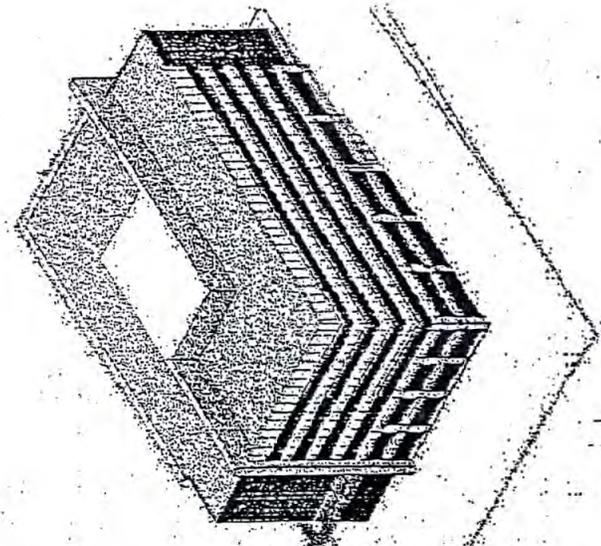
THE BUILDING ELEVATIONS AND AXONOMETRIC REPRESENTED ON THIS SHEET ARE PRELIMINARY. THEY ARE SUBMITTED TO ILLUSTRATE THE GENERAL CHARACTER AND ARCHITECTURAL THEMES OF THE PROPOSED DEVELOPMENT PROGRAM. THE PLANS AND ELEVATIONS WILL BE REFINED AND SUBJECT TO MINOR MODIFICATIONS WITH FINAL ARCHITECTURAL AND ENGINEERING DESIGN.



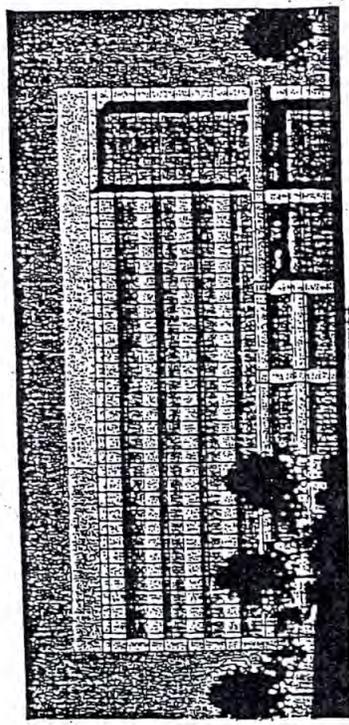
ELEVATION KEY MAP
1" = 200'



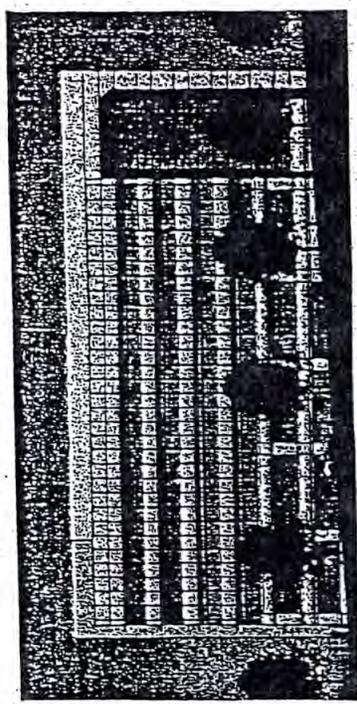
PROPOSED RESIDENTIAL BUILDING
ELEVATION A



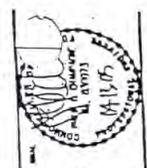
PROPOSED OFFICE
AXONOMETRIC



PROPOSED OFFICE
ELEVATION B



PROPOSED OFFICE
ELEVATION C



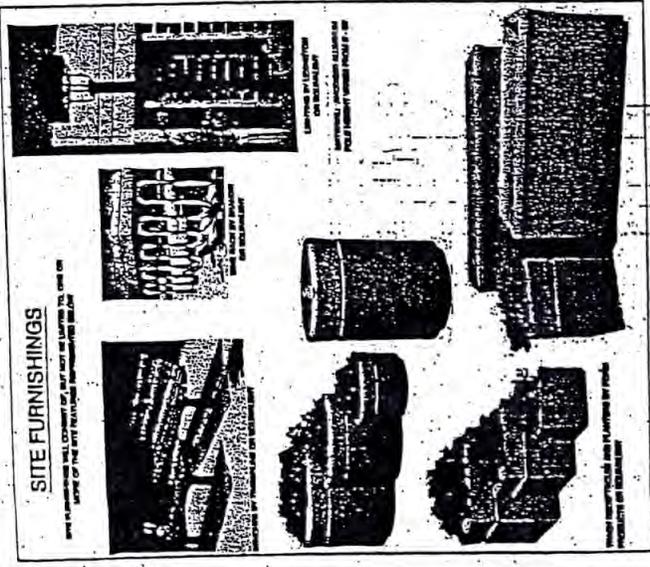
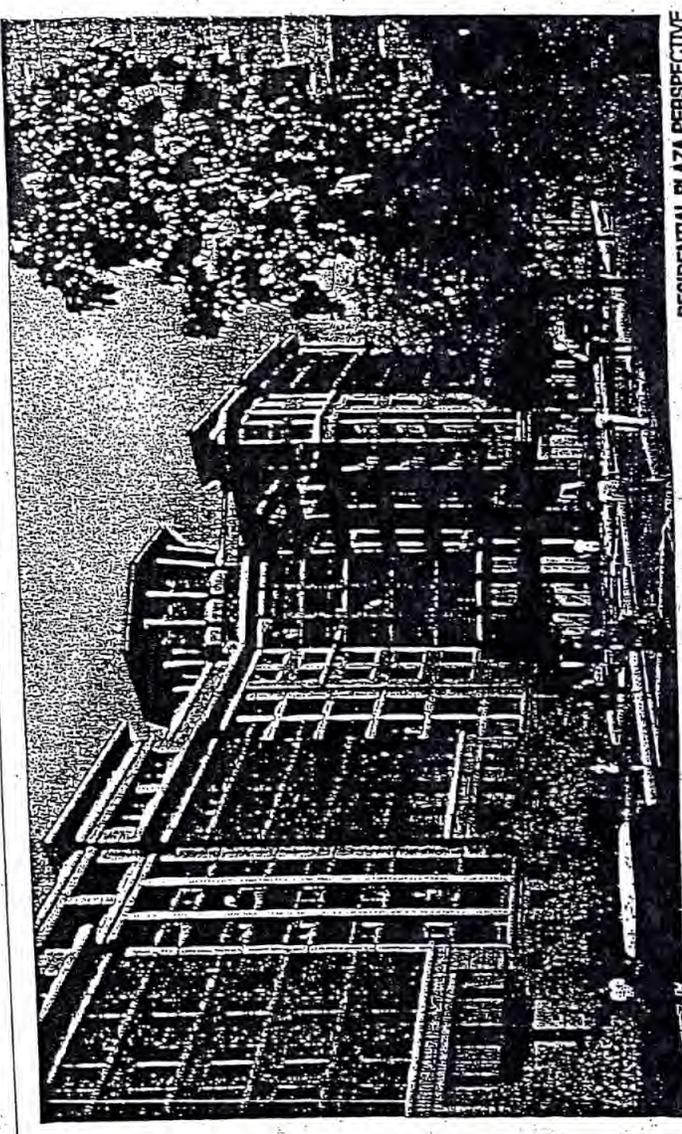
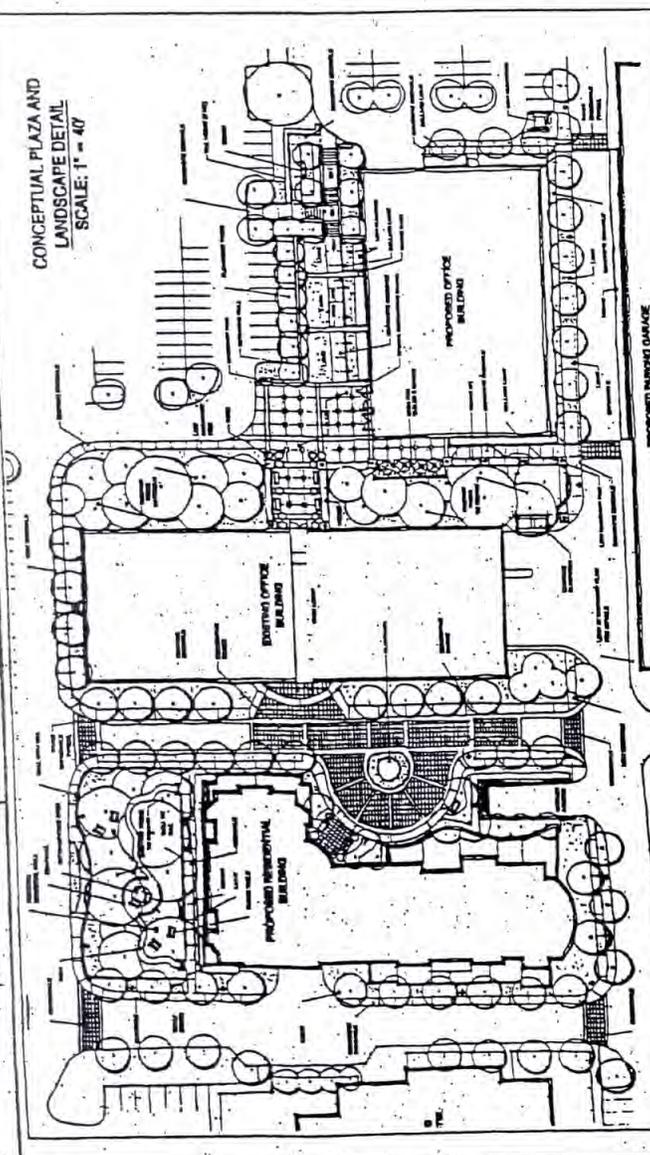
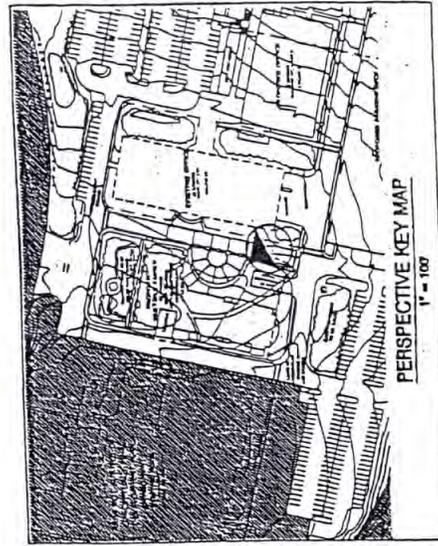
NO.	DATE	BY	REVISIONS
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2	08/27/2014		ISSUED FOR PERMIT
3	08/27/2014		ISSUED FOR PERMIT
4	08/27/2014		ISSUED FOR PERMIT
5	08/27/2014		ISSUED FOR PERMIT

DESIGNED BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 08/27/2014

FAIR LAKES
 LAND BAY V.

LANDSCAPE DETAIL
 PROJECT NO. 14-10503

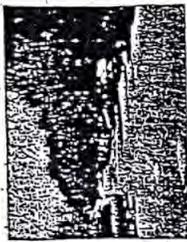
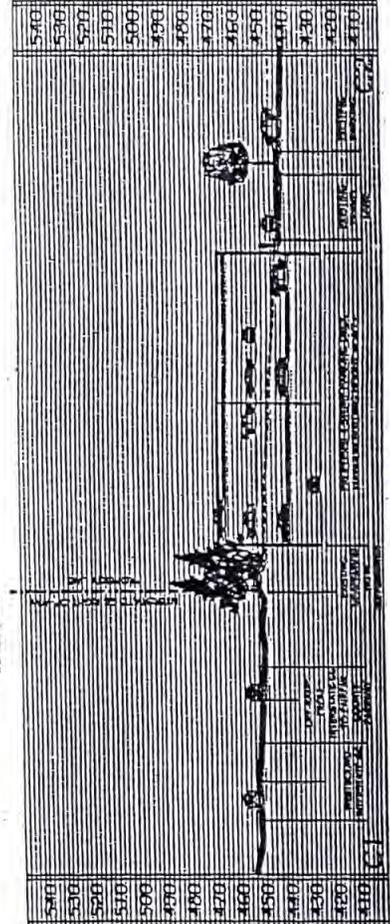
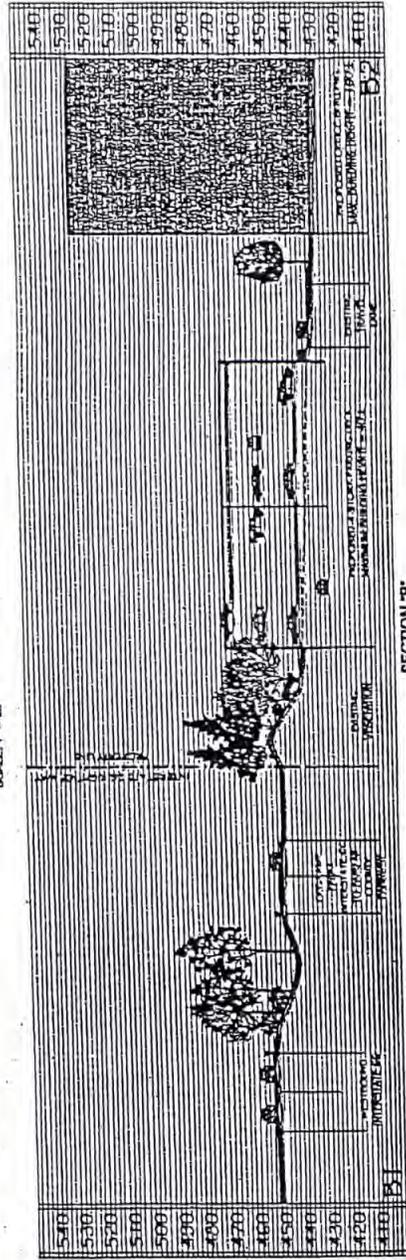
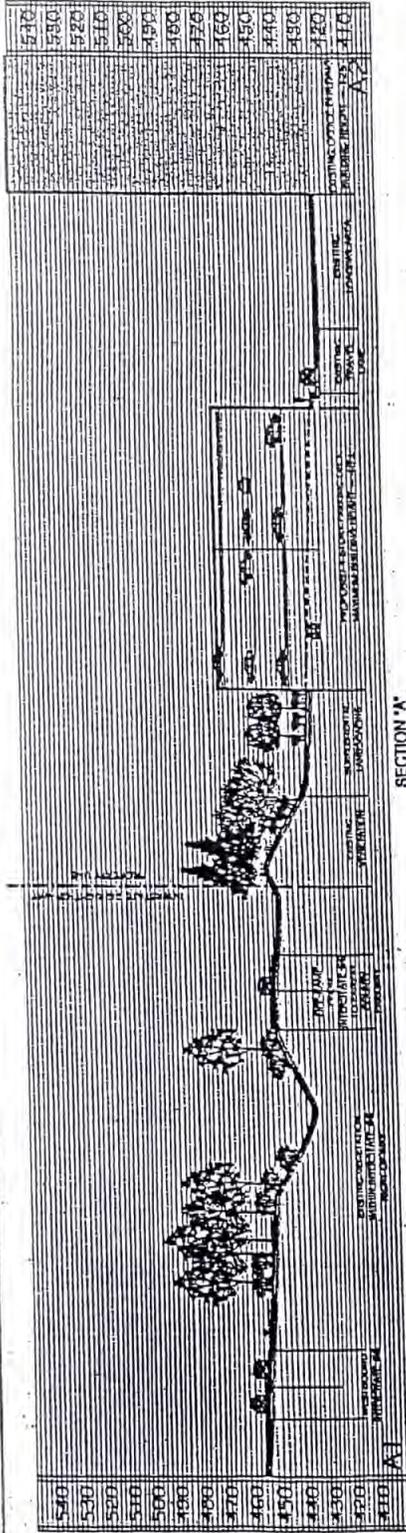
THE CONCEPTUAL PLAZA LANDSCAPE DETAIL AND PERSPECTIVE REPRESENTED ON THIS SHEET ARE PRELIMINARY. THEY ARE PRESENTED TO ILLUSTRATE THE GENERAL CHARACTER AND ARCHITECTURAL THEMES OF THE PROPOSED DEVELOPMENT PROGRAM. THE PLANS AND ELEVATIONS WILL BE REFINED AND SUBJECT TO MINOR MODIFICATIONS WITH FINAL ARCHITECTURAL AND ENGINEERING DESIGN.



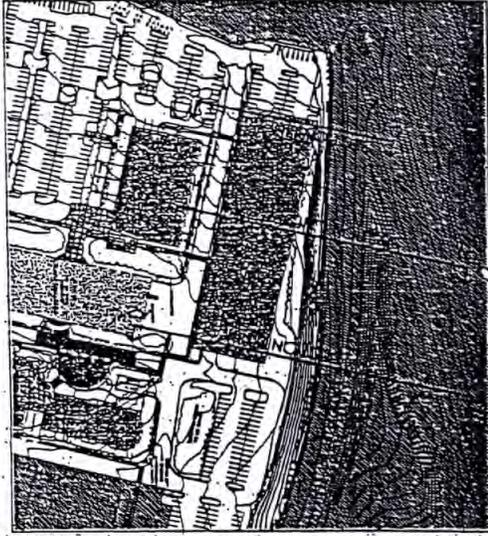


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3	06.11.2014	CONCEPT
4	07.11.2014	CONCEPT
5	08.11.2014	CONCEPT
6	09.11.2014	CONCEPT
7	10.11.2014	CONCEPT
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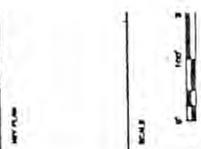
FAIR LAKES
 GAI
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 PROJECT NO.



PHOTOGRAPHS OF
 EXISTING VEGETATION
 ALONG PROPERTY WITH
 INTERSTATE IN RAMP TO
 FAIR LAKES COUNTY
 PARKWAY

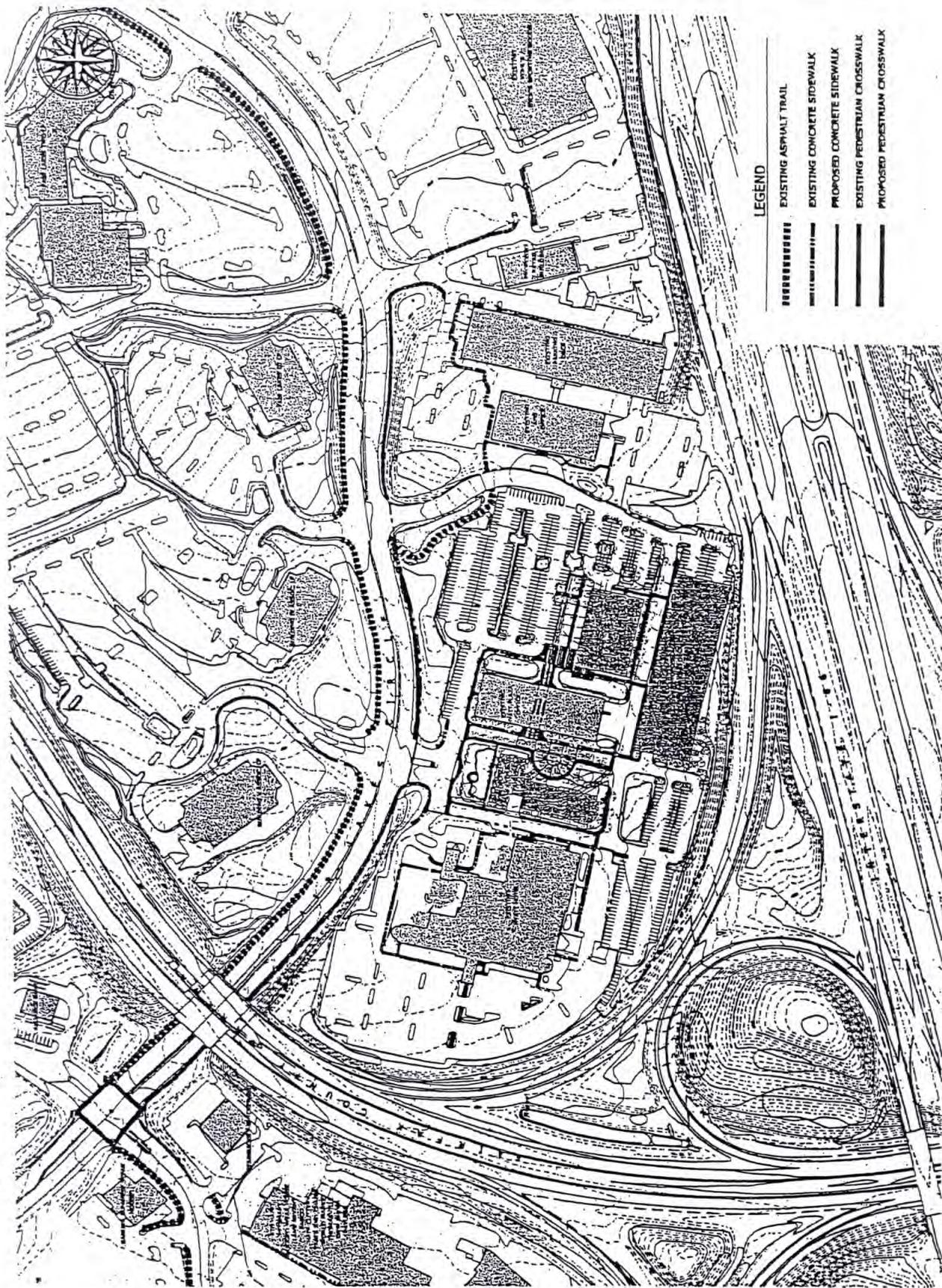


SECTION KEY MAP
 SCALE: 1" = 100'



NO.	DATE	BY	REVISION
1	04/13/04	DM	ISSUE FOR PERMIT
2	03/11/04	DM	REVISED
3	03/11/04	DM	REVISED

PROJECT NO. U-109
 SHEET NO. 7
 FAIR LAKES LAND B
 PEDESTRIAN CONNECTION



LEGEND

- EXISTING ASPHALT TRAIL
- EXISTING CONCRETE SIDEWALK
- PROPOSED CONCRETE SIDEWALK
- EXISTING PEDESTRIAN CROSSWALK
- PROPOSED PEDESTRIAN CROSSWALK



County of Fairfax, Virginia

MEMORANDUM

DATE: August 16, 2011

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: *Scott Brown, for*
Pamela G. Nee, Chief
Environment and Development Review Branch, DPZ

SUBJECT: **Land Use Analysis & Environmental Assessment:**
FDPA 82-P-069-6-12, Fair Lakes Land Bay V-B

This memorandum, prepared by Scott Brown, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plan dated June 3, 2011 and revised through August 4, 2011. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicant, Fair Lakes Residential L.C., is proposing amendments to a rezoning and final development plan from 2005 that approved the development of a 10-story, multi-family building of 150,000 square feet above two levels of underground parking on a 2.15 acre tract in the PDC district. The primary modification proposed is the reduction of the building vertically from a 10-story L-shaped structure to a 6-story, C-shaped structure with a slightly larger building footprint. The floor area total would remain 150,000 square feet; however, the number of residences in the building would increase from 123 to 160 units.

Additional modifications include:

- Relocation of the parking garage entrance from the southeast side of the building to the northeast side, which would improve access and reduce vehicular traffic across the entry plaza of the building;
- Redesign of the entry plaza and residential amenity areas.
- Change in the building's architecture and materials
- The applicant is requesting a waiver on the number of rear loading bays, to allow only one loading bay (two are required);

LOCATION AND CHARACTER OF THE AREA

The property is located on the south side of Fair Lakes Circle on a 2.15 acre parcel, part of what is known as Land Bay V-B of the greater Fair Lakes development. The parcel currently consists of a large tree save area with a stand of mature oaks, pines, poplars, sweetgums and maples. This tree save area is surrounded by drive aisles on all four sides. Adjacent to the east is a 10-story office building; adjacent to the west is a Hyatt hotel with a large 1-story conference center on the side closest to the subject property and a 13-story tower on the far side; adjacent to the south is a shared surface parking lot, which contains a small tree save area on the opposing side of the southern leg of the drive aisle. To the north is the entry/exit to Fair Lakes Circle. Interstate 66 is just south of the shared surface parking lot, and the interchange of Interstate 66 with Fairfax County parkway is to the southeast just beyond the adjacent hotel.

This parcel has functioned for many years as a vegetated buffer between the office building and hotel, and has also served as a passive natural space for building employees and hotel guests, with paths and tables situated among the trees as amenities.

The surrounding Fair Lakes area is comprised primarily of office uses with some retail and residential uses within a ¼ mile to ½ mile of the subject property. This Land Unit area (H-1) is planned for office mixed use; however several land areas intended for office use have been given over to residential use over time – a concern expressed in the staff report for the approved 2005 plan.

COMPREHENSIVE PLAN CITATIONS:

Land Use

Fairfax County Comprehensive Plan, 2011 Edition, Fairfax Center Area, as amended through April 26, 2011, Land Unit Recommendations, Land Unit H, Sub-unit H-1, p. 62-66:

Land Use

Sub-units H1, H2

These sub-units are planned for office mixed-use. Office development that incorporates architectural excellence, preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that must be achieved to justify the overlay level.

The following options exist for development above the planned and approved .25 FAR overlay level. Densities and uses specified in these options are only appropriate for the sites described. These uses and densities are not to be transferred to other locations within the Fairfax Center Area.”

Environment

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 3-5:

“Objective 1: Preserve and improve air quality

- Policy c. Support air quality improvement through tree preservation, tree planting and sensitive landscaping practices. Support and encourage the following during the reviews of development proposals:
- Maximization of tree preservation consistent with planned land use and good silvicultural practices.
 - Maximization of tree planting/tree cover restoration consistent with planned land use and good silvicultural practices.
 - Pursuit of energy-conscious landscaping efforts such as the planting of trees to provide shading of buildings during the summer months.
 - Preservation and/or planting of trees to shade parking lots, thereby reducing heating of parked vehicles and associated evaporative emissions.
 - Planting of street trees within road medians and along thoroughfares where consistent with safety.
 - Pursuit of landscaping practices that optimize the planting of native species of trees, shrubs and other vegetation in a manner that minimizes the need for mowing and other maintenance activities, particularly during the hotter months of the year.
 - Minimization of applications of pesticides with reactive VOC content through integrated pest management approaches to pest control.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 8-9:

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

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives: The concentration of growth in mixed-use, transit-oriented centers in a manner that will optimize the use of transit and non-motorized trips and minimize vehicular trips and traffic congestion.

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation.
- Where feasible, convey drainage from impervious areas into pervious areas.
- Encourage cluster development when designed to maximize protection of ecologically valuable land.
- Encourage the preservation of wooded areas and steep slopes adjacent to stream valley EQC areas.
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes.
- Encourage the use of open ditch road sections and minimize subdivision street lengths, widths, use of curb and gutter sections, and overall impervious cover within cul-de-sacs, consistent with County and State requirements.
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
- Encourage shared parking between adjacent land uses where permitted.
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas.

- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 18:

“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.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 19-21:

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

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

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the Policy Plan).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting

adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification).

Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

- Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:
- Development in accordance with Comprehensive Plan Options;
 - Development involving a change in use from what would be allowed as a permitted use under existing zoning;
 - Development at the Overlay Level; or
 - Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range.
- Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and where broader commitments to green building practices are not being applied.
- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.
- Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses.”

COMPREHENSIVE PLAN MAP: Fairfax Center Area

LAND USE ANALYSIS

The Comprehensive Plan recommends office mixed-use at or up to 0.25 FAR with excellence in architecture, landscaping preservation and enhancement of natural features, uniform signing, lighting and landscaping systems and quality roadway entry treatments are development elements that must be achieved to justify the overlay level.

The subject final development plan amendment does not present a substantial change from the approved plan. There is no change in the land use (multi-family residential structure) or the intensity of development (no increase/decrease from 150,000 square feet) as proposed in the amendment. However, there were some concerns over some of the details of the amendment that were identified through prestaffing notes and expressed to the applicant.

The overall design and style of the building was modified from the approved plans, and planning staff felt these modifications were less representative of the quality of architectural design sought in Fairfax Center than that of the approved plan.

A resubmission was prepared by the applicant and received by planning staff on August 5th to address the comments and concerns raised from prestaffing.

Use & Intensity:

The proposed development plan amendment does not constitute a change in use or intensity. There are no guidelines for dwelling units per acre for the H-1/H-2 Land Unit Area Plan Recommendations, because the Land Unit was intended for office/mixed-use, and thus it falls into an analysis of floor area ratio for which there is no change because the approved plan and the amended plan are identical in providing 150,000 square feet of gross floor area.

Building Design:

Issue: Planning staff comments at prestaffing indicated minor concerns about the change in building design, from the original 10-story structure to the newly proposed 6-story structure with the same overall square feet of floor area. The original perspective drawings and elevations exhibited a higher quality of building design in comparison to the same architectural drawings for the modified building in the subject proposal. The original plans included more balconies, deeper balconies, more bays and changes in the façade, larger overhanging eaves, the inclusion of a large cupola area on the top floor, and generally more design ornamentation. The newer drawings show a reduction or removal of all these elements. Staff indicated to the applicant a preference in the architectural style and design in the approved plan, as it better exemplified the architectural excellence sought in the Plan for Land Unit H-1/H-2.

At a meeting with the applicant team, the applicant indicated reasons for modifying the building design, which included: high costs of the original design, the modification to a wood structure building, and changes in the market place. The applicant indicated that the new design and materials are more representative of an urban loft-style character that is more in line

with their target market, and felt that the proposed building materials and mix of materials would be of high-quality. Staff requested the applicant propose a minimum percentage of high-quality materials that would be required as a development condition.

Resolution: In the resubmission, the applicant has provided a list of exterior materials that will comprise at least 60% of the exterior, including brick, oversized masonry block and glass, and they have agreed to a development condition that the architectural design of the building remain consistent with the elevations drawings of the FDPA plan and the façades of the building will consist of at least sixty percent (60%) a combination of masonry, brick and glass. Although planning staff feels the architecture and quality of design in the approved FDP from 2005 is preferred, staff feels this amendment proposes a quality structure that is adequately compatible with its surroundings. The proposed design and mix of materials is satisfactory.

Issue: Staff indicated concern that the surrounding buildings are 10-story, and thus the original proposal of 10 stories was more fitting of the surrounding character than the 6-story structure now proposed. This is a minor concern; however, it also presents the issue of the penthouse appearance as viewed from the adjacent, taller structures. Staff has requested more detail on how the mechanical equipment on the roof will be screened or covered by parapet walls or other means to better determine the visual impact on surrounding uses, and to indicate where the mechanical equipment on the roof will be.

Resolution: The applicant has provided no further detail on the roof and penthouse design and layout, and has only responded that the mechanical equipment on the roof will not be visible from the street. There is no indication of what portion of the roof will contain the mechanical equipment. The view of mechanical equipment from the upper floors of the adjacent office building is perhaps infeasible, but it may be necessary to impose a development condition to ensure the mechanical equipment will be adequately screened from the street view.

Fairfax Center Land Use Criteria:

Buffers: There are no buffer areas provided between the proposed multi-family building and the adjacent office building, as was the case in the approved FDP. The applicant has made efforts to reduce vehicular traffic through this area and create a public amenity for the benefit of the residents and adjacent office tenants. Staff requested the applicant better identify the division between public space and resident amenity space (private space).

Planning staff feels that despite the lack of a buffer between the two buildings, the treatment of this transition area between the two uses in the newly proposed plan will provide a better public space between the two buildings, and it is an improvement from the approved plan. The resubmission of the proposed plan provides a more solidified indication on the plan of what is private space and what is public space in the plaza area.

Energy Efficient Planning & Design: Although the plan for this area calls for primarily office use, the development does contribute to a mixture of uses in the overall Fair Lakes development. Residents of the proposed building will be in walking distance of retail establishments, including the Market Commons shopping area with Whole Foods. There is

potential that some residents may be employed in the adjacent office building or other offices within Fair Lakes. Additionally, residents will have access to the Fair Lakes shuttle that has a stop where the building's entrance will be located. These aspects all create opportunities to reduce single occupancy vehicular trips originating from this site. The applicant is also committing to EnergyStar rated appliances and fixtures, as well as Energy Star qualified residential units. There are no indicated site planning features that take advantage of passive solar energy.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. 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.

Both planning staff and Urban Forestry Management identified a need to protect the tree save area from construction impacts. Planning staff also recommended that amenities within the tree save area (paths, tables, etc.) provided minimal impact to the natural area and would not create additional impervious surfaces.

The approved rezoning and final development plan preceded the current Green Building Policy that is now incorporated in Fairfax County's Policy Plan. Planning staff strongly recommended that although the original plans were approved without necessitating sustainable building strategies, that it was strongly encourage that they incorporate green features as part of the proposed plan modifications.

Revised plans were received as part of a resubmission on August 5th to address the comments and concerns from pre-staffing and a subsequent meeting with the applicant.

Tree Preservation:

The conversion of the existing forested tree save area to development will result in the loss of numerous mature shade trees. The area that will remain a tree save area will preserve several trees. It is important that those mature trees remaining on site are adequately protected during and after the construction of the building and parking structure. Both planning staff and Urban Forestry Management have recommended the applicant formulate a plan to ensure protection of these trees during the construction of the building. Planning staff also recommended that the provision of trails and other amenities within the remaining tree save area should be done in a way that will limit impact on the trees as much as possible, and will not introduce additional impervious area within the preserve area.

Resolution: A revised landscape plan was included in the resubmission which modifies the amenity spaces within the tree save area. The redesign relocates the amenities (outdoor tables and grills) solely on the edge of the tree save area closest to the building. This will limit the intrusion into the grove of trees, and limit the construction impact area of these amenities to the

edge of the tree save area that is most likely to be impacted by the construction of the building – this is strategically advantageous in helping reduce the potential impact to the tree save area, and will provide more opportunity for tree preservation. The applicant states they will use porous pavers on the sidewalk between the building and the tree save area. As specified in approved proffers, the applicant will submit a tree protection plan with the site plan.

Green Building Policy:

The applicant is proposing to build a new 150,000 square-foot residential building. The Environmental section of the Policy Plan seeks green building for non-residential and residential structures located in Suburban Centers (includes Fairfax Center). The previous development plan, approved in 2005, preceded the Policy Plan’s green building policies under Objective 13, and thus was not a policy in place at that time. The approved development plan includes a proffer that all residential units will meet the thermal standards of the CABO Model Energy Program for energy efficient homes; however, this is an expired program and that does not provide energy efficiency beyond that of Fairfax County’s existing building codes. Although the proposal is an amendment of a previously approved plan, planning staff felt the substantial modification to the building’s design warranted consideration by the applicant to identify potential strategies to advance the County’s Green Building Policy. Staff encouraged the applicant to pursue a green building certification through LEED for Homes, Energy Star, or Earth Craft building rating systems.

Resolution:

The applicant’s resubmission includes draft development conditions that address the County’s Green Building Policy. The applicant has agreed to construct all dwelling units through the Energy Star qualification. The intent of the draft condition is acceptable; however this Branch will be providing a suggested revision to this condition to reflect the typical proffer/condition language used by the County for applicants committing to Energy Star qualification, and to require submittal of documentation prior to the issuance of the Residential Use Permit. The applicant has also provided a draft condition to consult with a LEED-accredited professional in the design of the building to identify and incorporate strategies to improve energy efficiency environmental sustainability, material reuse and recycling, and indoor air quality. Staff recommends this condition also provide that the applicant will submit documentation of that consultation to the Environment & Development Review Branch at the time of site plan submission.

Stormwater Management:

The removal of most of the mature stand of trees will result in an increase in impervious area and also eliminate the stormwater benefits of mature trees. Staff feels it is important to take advantage of the remaining tree save areas to help provide offsets to the increase in impervious area and advance the County’s low impact development policy (Objective 2, Policy K). It was recommended that the applicant incorporate Low Impact Development (LID) features within the tree save areas to help treat and retain the site’s rainfall. The applicant was encouraged to limit or eliminate any proposed impervious areas within the tree save areas; any improvements within those areas- such as paths or other amenities should use pavers or pervious materials. The applicant was also encouraged to use permeable pavers in the building’s entry plaza.

Resolution: The applicant is not pursuing Low Impact Development on the site and does not plan to use permeable pavers in the plaza; however, they have agreed to use porous pavers in the sidewalk area between the building and tree save area. It is recommended that the applicant provide understory plantings in both tree save areas that will further aid in providing stormwater benefits to these areas.

Noise:

Because of the proximity of this residential structure to the Interstate 66/Fairfax Parkway interchange, high levels of noise can be expected. A noise study was conducted in January 2005, and the proffer statement from the approved FDP includes item #18 titled 'Noise Attenuation', which identifies measures the applicant must take to reduce the noise impacts on site. Staff recommends reaffirmation of this proffer in this development plan amendment to ensure noise impacts will be mitigated.

Fairfax Center Environmental Criteria:

Stormwater:

The FDPA does not present alterations to the stormwater management plan from the approved Final Development Plan, and there are no additional impacts to stormwater beyond that plan. Planning staff suggested some incorporation of Low Impact Design Features within the planned tree-save areas, but the applicant has declined this option. Another suggestion was the use of permeable materials or pavers within the tree save amenity area on the north end, and the public plaza on the east side. The applicant has agreed to limit the impact to the tree save area by restricting the amenity features to the far south end of the tree save area, and will also use permeable pavers to create the sitting areas for this space.

COUNTY WIDE TRAILS PLAN

The Countywide Trails Plan Map does not depict any trails immediately adjacent to the subject property. A Major Paved Trail is planned for Fairfax County Parkway.

PGN: STB



County of Fairfax, Virginia

MEMORANDUM

September 9, 2011

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

FROM: Hugh C. Whitehead, Urban Forester II *HUN*
Forest Conservation Branch, DPWES

SUBJECT: Fair Lakes Land Bay V-B, FDPA 82-P-069-6-12

RE: Request received August 22, 2011 to review proposed FDPA

I have reviewed the above referenced Final Development Plan Amendment, stamped as received by the Zoning Evaluation Division (DPZ) on June 6, 2011. The following comments and recommendations are based on this review and previous visits to the site.

- Comment:** Trees are proposed in spaces less than eight feet wide and where the minimum planting area requirement, as specified in PFM Table 12.17, is not met. The health and ultimate size of trees is dependent on the soil volume, not the two dimensional surface area defined by the length and width of the planting site. Structural cell technology is a modular system for support of surface paving, and provides space within this framework for a volume of soil that does not need to be compacted to provide structural support.

Recommendation: Obtain a commitment to provide a minimum of 600 cubic feet of soil for each Category III and IV tree planted in areas restricted barriers to root growth such as buildings, curbs and paving. For two or more trees planted in a contiguous area, the volume of soil per tree could be reduced as tree roots will share much of the same space. Suggested development condition language is as follows:

Landscaping and Open Space. The first and all subsequent site plan submissions shall include a landscape plan as generally shown on the FDPA. The Applicant shall use structural cells, or other solutions acceptable to UFMD, to provide planting spaces that meet the following specifications:

- A minimum of 6 feet open soil width and 72 square feet open surface area.
- Rooting area, a minimum of 8 feet wide, may be provided with non-compacted soil below pervious pavement or pavers.
- Soil volume in the rooting area for Category III or IV trees (as indicated in Table 12.17 of the Public Facilities Manual) shall be a minimum of 600 cubic feet per tree for single trees. For two trees planted in a contiguous planting area, a total soil volume of at least 1000 cubic feet shall be provided. For three trees or more planted in a contiguous area, the soil volume shall equal at least 400 cubic feet per tree.

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



- Soil in planting sites shall be as specified in planting notes to be included in site plans reviewed and approved by Urban Forest Management.
2. **Comment:** A tree space detail is not provided to show how trees will be planted in areas restricted by pavers and/or pavement.

Recommendation: Require a tree space detail in plan view that specifies how the soil volume and open soil area requirement will be met. Soil depth should be a minimum of three feet.

3. **Comment:** The proposed plant palette includes sycamore and littleleaf linden. Sycamore is very susceptible to anthracnose, a fungal disease that disfigures the new foliage. Littleleaf linden can be defoliated during summers when Japanese beetle populations are high. Urban environments typically present enough challenges to tree health without starting with material that has known susceptibility to potentially severe disease/insect impacts

Recommendation: Require that the plant palette consist of species that are known to be resistant to impacts from disease and insects. Suggested alternative Category III and IV trees include black gum (*Nyssa sylvatica*); river birch (*Betula nigra*, 'Heritage'), single trunk preferred; London planetree (*Platanus acerifolia*, 'Bloodgood'); and Dutch elm disease resistant cultivars of American elm such as *Ulmus Americana*, 'Valley Forge' or 'Princeton.'

4. **Comment:** Existing trees are indicated for preservation in the northern area of the site. Size and species of trees to be preserved are not specified. Trees existing in this area include species that are susceptible to storm damage (tulip poplar, Virginia pine) and messy fruit (sweetgum). Increased exposure due to clearing adjacent trees will result in increased exposure to forces of wind on any trees retained on the site. There may be existing understory suitable for preservation. However, many of the mature trees in this area could be rendered hazardous as a result of clearing in the adjacent areas and reduced anchoring capacity with the increase in impervious surface and the resulting increase in soil moisture in the area identified for selective tree preservation. It is not certain that a canopy area equivalent to that shown on the proposed FDPA will be found suitable for preservation. The may or may not be trees that can be preserved with an acceptable degree of risk.

Recommendation: Require that the plan accurately reflect the uncertain potential for tree preservation on the site. If specific trees are not assessed and selected, a delineated area of trees for preservation should not be shown on the FDPA. Rather than the note reading: "EXISTING TREES TO BE SELECTIVELY SAVED," include a development condition that reads: "EXISTING TREES IN THE AREA NORTH OF THE PROPOSED BUILDING SHALL BE ASSESSED AT TIME OF SITE PLAN SUBMISSION AND PROPOSED FOR PRESERVATION BASED ON SIZE, SPECIES, AND CONDITION AT THE TIME OF SITE PLAN SUBMISSION. LIMITS OF CLEARING AND GRADING TO PROTECT AREAS OF TREE

Fair Lakes Land Bay V-B
FDPA 82-P-069-6-12
September 9, 2011
Page 3 of 3

PRESERVATION AND/OR PLANTING IN THE AREA NORTH OF THE PROPOSED BUILDING SHALL BE DETERMINED AT THE TIME OF SITE PLAN AS APPROVED BY URBAN FOREST MANAGEMENT. REMOVAL OF TREES FROM THE AREA PROTECTED BY THE LIMITS OF CLEARING AND GRADING SHALL BE DONE USING CHAIN SAWS TO AVOID DAMAGE TO EXISTING TREES TO BE PRESERVED AND DISTURBANCE OF THE SOIL PROFILE TO MAXIMIZE GROWING CONDITIONS FOR TREES AND OTHER MATERIAL TO BE PLANTED.”

If there are any questions, please contact me at (703)324-1770.

HCW/
UFMID #: 163840

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

DATE: July 26, 2011

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

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

SUBJECT: Transportation Impact

FILE: 34 (RZ 82-P-069)

REFERENCE: FDPA 82-P-069-06-12; Fair Lakes Residential, L.C.
Land Identification Map: 55-2 ((1)) 18

This Department has reviewed the subject application based on plans dated June 3, 2011 and offers the following comments.

The application is a request to substitute the approved multiple family building (10-story, 122 units, and a maximum of 150,000 square feet) with a 6-story, 160 units, and a maximum of 150,000 square feet. This Department has no objection to the approval of the subject request as long as all transportation commitments (proffers/conditions) are carried forward.

AKR/mdd



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

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

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

DATE: July 20, 2011

SUBJECT: FDPA 82-P-069-06-12, Fair Lakes Land Bay V-B
Tax Map Number: 55-2 ((1)) 18

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated June 6, 2011, for the above referenced application. The Final Development Plan Amendment shows 160 multi-family dwelling units (150,000 square feet of residential development) and is located within the Springfield Supervisory District. The site is also within the Fairfax Center Planning Area.

COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). The Policy Plan also cites differing needs for more urban development and presents Urban Park Development guidance (Parks and Recreation, Park Classification System, p.10-11). The Park Authority's Urban Parks Framework provides an urban parkland standard and more detailed guidance. Resource protection is addressed in multiple objectives, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

The Fairfax Center Area recommendations in the Area III Plan describe the importance of neighborhood parks and trails. Plan language states that on-site local-serving park facilities should be provided in planned residential development, and discusses urban parks and plazas as being appropriate to the area (Area III, Fairfax Center Area, Area-Wide Recommendations, Parks and Recreation, pp. 40-41).

Finally, text from the Fairfax District chapter of the Great Parks, Great Communities Park Comprehensive Plan echoes recommendations in the Countywide Comprehensive Plan.

ANALYSIS AND RECOMMENDATIONS

Park Needs:

Using adopted service level standards, staff has identified a need for all types of parkland and recreational facilities in this area. Existing nearby parks (Ox Hill, Fair Ridge, Rocky Run Stream Valley, Fair Oaks and Fair Woods) meet only a portion of the demand for parkland generated by residential development in the Fairfax Center Area. In addition to parkland, the recreational facilities in greatest need in this area include trails, multi-use sport courts, playgrounds, and athletic fields.

Recreational Impact of Residential Development:

The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-110 and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at \$1,600 per non-ADU residential unit for outdoor recreational facilities to serve the development population. The existing proffered conditions for this site include a commitment of \$955 per non-ADU residential unit – the amount that was in effect at the time of that application (see proffer #9).

The per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion if not all of the Ordinance-required funds are used for outdoor recreational amenities onsite. As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide.

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. The existing proffered conditions for this site include a contribution of \$484 per non-ADU dwelling unit – the amount that was in effect at the time of that application (see proffer #10).

Should the proffered conditions be amended in this or a future application, the Park Authority would request that the amounts cited be updated to be in conformance with the current ordinance and fair share contribution practices.

Onsite Facilities:

The Fairfax Center Area Design Guidelines and the Park and Recreation element of the Policy Plan support the concept of integrating urban-scale public open spaces into proposed mixed-use developments. Features such as plazas, gathering places, amphitheater/performance spaces, special landscaping, fountains, sculpture and street furniture are appropriate to be integrated into these sites and surrounding areas. Recreation uses such as tennis courts, multi-use courts, volleyball courts, bocce courts, tot lots, water play features and skateboarding facilities may be incorporated into a mixed-use setting to provide residents and employees on-site recreation opportunities.

The current application carries forward commitments to a swimming pool and indoor gym for residents, as well as a public open space/tree save area with a trail and seating. Sheet 4 of the plan set shows the pool and plaza area, which includes benches and terrace seating accessible to

the public. These public amenities are more easily seen and understood on the color schematic (dated April 7, 2011) that the applicant has provided separate from the submitted plan set. The Park Authority recommends that the applicant include the detail and improved legibility of the separate color schematic into the FDPA plan set to better demonstrate the extent of onsite amenities being provided.

SUMMARY OF RECOMMENDATIONS

This section summarizes the recommendations included in the preceding analysis section. The analysis had identified the following issues:

- Staff asks the applicant to note that should the proffered conditions be amended in this or a future application, the Park Authority would request that that dollar amounts proffered to offset recreational impacts of residential development be updated to be in conformance with the current ordinance and fair share contribution practices.
- The Park Authority requests the applicant include the detail and improved legibility of the separate color schematic into the FDPA plan set to better demonstrate the extent of onsite amenities being provided.

FCPA Reviewer: Anna Bentley
DPZ Coordinator: Billy O'Donnell

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

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Article 6**PART 2 6-200 PDC PLANNED DEVELOPMENT COMMERCIAL DISTRICT****6-201 Purpose and Intent**

The PDC District is established to encourage the innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of commercial developments; and otherwise to implement the stated purpose and intent of this Ordinance. To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

Article 16**PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

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

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

6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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