



FAIRFAX COUNTY

APPLICATION FILED: January 29, 2004
PLANNING COMMISSION: May 13, 2004
BOARD OF SUPERVISORS: Not yet scheduled

V I R G I N I A

April 29, 2004

STAFF REPORT

APPLICATION PCA 2001-MV-011

MOUNT VERNON DISTRICT

APPLICANT:	Starr Management Corp.
ZONING:	PRM
PARCEL:	83-1 ((1)) 53A
ACREAGE:	3.43 acres
PLAN MAP:	Office
APPROVED FAR:	3.0
APPROVED OPEN SPACE:	23%
PROPOSAL:	To amend the proffers associated with RZ 2001-MV-011, previously approved for multi-family residential development, to permit the extension of the temporary commercial parking use for a period of up to three years. No other changes are proposed to the proffers or to the previously approved CDP/FDP for the site.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 2001-MV-011, subject to the execution of proffers consistent with those contained in Appendix 1.

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

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

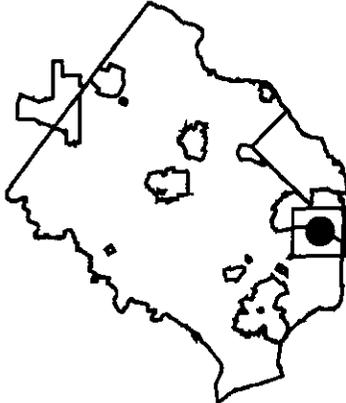
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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

Proffered Condition Amendment
PCA 2001-MV-011

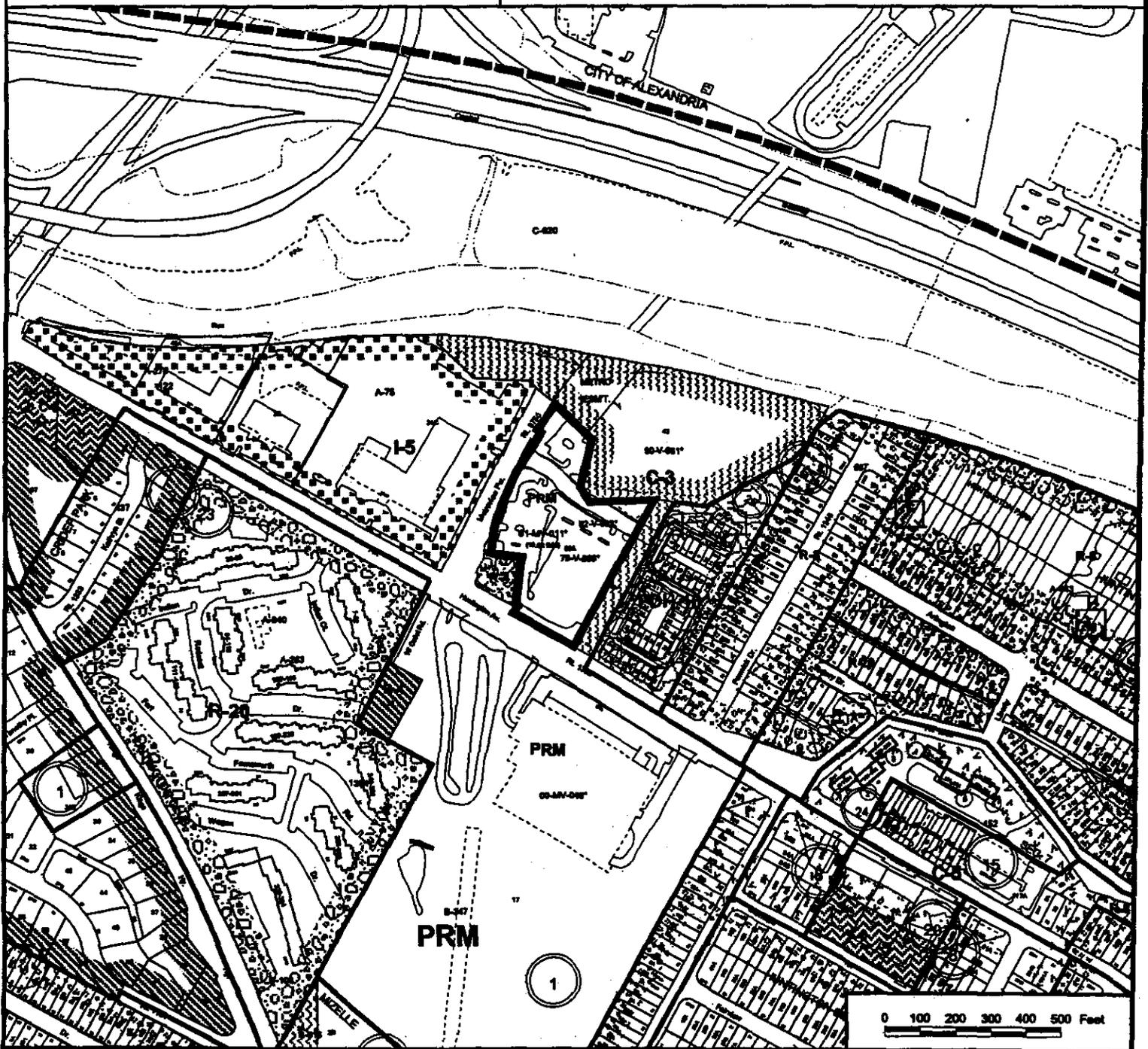
Applicant: STARR MANAGEMENT CORPORATION
Filed: 01/23/2004
Proposed: AMEND RZ 2001-MV-011 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT CONTINUATION OF COMMERCIAL OFF-STREET PARKING AS AN INTERIM USE
Area: 3.43 AC OF LAND; DISTRICT - MOUNT VERNON
Located: NORTHEAST QUADRANT OF METROVIEW PARKWAY AND HUNTINGTON AVENUE
Zoning: PRM
Overlay Dist:
Map Ref Num: 083-1- /01/ /0053A



Proffered Condition Amendment
PCA 2001-MV-011



Applicant: STARR MANAGEMENT CORPORATION
Filed: 01/23/2004
Proposed: AMEND RZ 2001-MV-011 PREVIOUSLY APPROVED FOR RESIDENTIAL DEVELOPMENT TO PERMIT CONTINUATION OF COMMERCIAL OFF-STREET PARKING AS AN INTERIM USE
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Overlay Dist:
Map Ref Num: 083-1- /01/ /0053A



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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, Starr Management Corporation, is requesting to amend the proffers associated with RZ 2001-MV-011, previously approved for multi-family residential development, to permit the extension of the existing temporary commercial parking use which is permitted as a secondary use in the PRM District. The applicant is proposing to extend the use for a period of up to three years from the approval of this application. The temporary parking use on the site was initially established by Special Exception Application SE 96-V-045 which was approved in 1997 for a three year period. In November 2000, the special exception was amended to permit extension of the temporary parking use until November of 2003. In conjunction with the approval of RZ 2001-MV-011 to rezone the property to the PRM District to develop the site with a high rise residential building, the applicant proffered:

“...upon the earlier of the sale of the application property by Starr Management Corporation and/or its affiliates or upon the expiration of the Special Exception 96-V-045 by its terms on November 20, 2003, Special Exception 96-V-045, as amended shall be void and of no further force and effect on the Application property.”

The Special Exception has expired and the property has not been sold. Therefore, the existing temporary commercial parking use is currently not in conformance with the proffers. The applicant is proposing that the use be permitted to continue for up to three years from the approval of this application, or until commencement of construction for the multi-family residential use, whichever occurs first. It should be noted that since temporary commercial parking is a secondary use in the PRM District, special exception approval is not required. No other changes are proposed to the proffers or the previously approved plans.

The applicant's draft proffers, affidavit and Statement of Justification are contained in Appendices 1-3; respectively.

LOCATION AND CHARACTER

Site Description:

The subject property is located at 2430 Huntington Avenue (Tax Map 83-1 ((1)) 53A), which is on the north side of Huntington Avenue, across from the

Huntington Metro Station, in the eastern quadrant of the intersection with Metroview Parkway. The site is currently developed with a commercial parking facility, and the majority of the site is paved for this parking use. The only structure on-site is the parking attendant's booth.

The property is accessed via Metroview Parkway only, there is no vehicular access from Huntington Avenue. The internal travelway along the northern portion of the property extends to the adjacent properties, and includes an access easement across Parcel 49A to provide access to Metroview Parkway for the townhome community to the east. An eight (8) foot wide concrete sidewalk exists along the Huntington Avenue frontage.

The western portion of the property (at the corner of Metroview Parkway and Huntington Avenue) abuts Parcel 17D, which is owned by WMATA and is developed with a power substation for Metro. An elevated metro track traverses the northwestern portion of the site. The track is at an elevation of approximately 50-60 feet.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Vacant Parcel	C-3	Office
South	Huntington Metro Station*	PRM*	Public Facilities
East	Vacant Parcel (open space) Single Family Attached (Townhouse) Residential	C-3 PDH-16	Office Office
West	Industrial/Office Development	I-5	Office

* Rezoned to the PRM District pursuant to RZ 2000-MV-046 for a mixed use development including WMATA, office, multi-family residential, single family attached residential, and public park.

BACKGROUND**Site History:**

Application	Use	BOS Action	Date
SE 114-V-79	Permit fill in the floodplain (18 month limit)	Approve (with conditions)	3/23/81
--	18 month additional time to establish SE 114-V-79	Approve	9/13/82
RZ 79-V-086 RZ 88-V-035 SE 88-V-023 SE 88-V-024 SE 88-V-025 SE 88-V-026	Concurrent cases to: Rezone a total of 7.08 acres from R-4 to C-3 for office use; Fill in the floodplain; and Temporary Parking in a Metro Area (three year time limit)	Approve (with conditions and with proffers dated 4/12/89)*	4/17/89
RZ 92-V-032	Rezone from C-3 to C-3 to allow office development with an overall density of 0.65 FAR	Approve (with proffers dated 4/29/93)	6/7/93
PCA 92-V-032 SE 96-V-045	Amend proffers and reestablish a Category 5 SE to allow commercial off-street parking in a Metro Area as a temporary use (three year time limit)	Approve (with conditions and with proffers dated 3/21/97)	3/24/97
SEA 96-V-045	Extension of time limit for temporary commercial off-street parking (until November 2003).	Approve (with conditions dated October 4, 2000)*	11/20/00
Comprehensive Plan Amendment #S00-IV-MV1	To permit office development with a mixed-use residential option	Approve	10/16/00
PCA 92-V-032-2	To permit the removal of 3.63 acres of land area, associated with RZ/FDP 2001-MV-006, which was approved for single-family attached residential development.	Approve (with proffers dated 6/27/01)	8/6/01
RZ/FDP 2001-MV-011 and SEA 88-V-023	To rezone from C-3 to PRM to permit high-rise residential development of up to 400 dwelling units at an FAR of up to 3.0, and to amend SE 88-V-023, previously approved for fill in the floodplain, to permit a change in the approved use.	Approve (with proffers dated July 25, 2001 and special exception development conditions)*	9/10/01
SEA 88-V-023	Uses in a Floodplain	The Board approved additional time (24 months) to establish the Special Exception	3/29/04

* See Appendix 4 for approved proffers, plats, and development conditions where indicated above.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Mount Vernon Planning District; Area IV

Planning Sector: Huntington Community Planning Sector

Plan Map: Office

Plan Text:

Pages 77 of the Area IV volume of the Comprehensive Plan, 2000 edition, in the MV1 Huntington Community Planning Sector, Recommendations, Transit Development Area Conditions and Recommendations, states:

"Transit Development Area Conditions and Recommendations

The planned maximum level of development for the Transit Development Area is approximately:

- 250,000 to 650,000 gross square feet of office space;
- 117,000 gross square feet of retail space;
- 845 to 1,295 dwelling units; and
- 200-room hotel with conference facilities or an additional 250 dwelling units."

ANALYSIS

Since no physical changes to the site were proposed, the requirement to submit a CDP/FDP was waived. In lieu of submitting a CDP/FDP, a plat illustrating the existing conditions on the site was submitted with this PCA application. This plat does not supercede the previously approved CDP/FDP that was approved in conjunction with RZ/FDP 2001-MV-011 for multi-family residential development. The Existing Conditions/Existing Vegetation Map provided consists of one sheet, prepared by Vika, Inc., which is dated February 28, 2001, as revised through May 25, 2001.

Land Use Analysis

The applicant is proposing to extend the previously permitted use of temporary commercial parking which exists on the property (for metro station overflow parking), in the existing configuration. With the previous approval of RZ 2001-MV-011, this use was established as a secondary use in the PRM District with proffered time limits which are currently expired. Originally, the

applicant had proposed to continue the parking use with no timeframe for expiration. Staff believes, that to further the implementation of the Plan and approved rezoning for high rise residential development, combined with the approved adjacent single family attached residential development established with RZ/FDP 2001-MV-006, a time limit should continue to be implemented for the parking use to continue. Staff has been advised that the applicant in the previous rezoning application, LCOR/JV Acquisition LLC, has entered into a new contract with the owner (and applicant of this PCA) to purchase the property and construct the proffered residential development. The applicant has therefore proffered that the parking use will cease either three years from approval of this PCA application, or upon commencement of construction of the approved residential use, whichever occurs first. No other changes are proposed to the previously approved proffers or CDP/FDP. Staff supports this requested extension of time.

Environmental Analysis

There are no environmental issues associated with this request.

Transportation Analysis

There are no transportation issues associated with this request.

Public Facilities:

There are no public facilities issues associated with this request.

ZONING ORDINANCE PROVISIONS (Appendix 5)

The previously approved rezoning to the PRM District for multi-family residential use on the property is not proposed to be changed with this request, and continues to meet the permitted density, setbacks, open space, and all other Zoning Ordinance requirements, with the previously approved waivers and modifications, and continues to comply with, among others, the Zoning Ordinance provisions for P-District developments found in Section 16-101, General Standards, and Section 16-102, Design Standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposal is in conformance with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed proffers.

Recommendation

Staff recommends approval of PCA 2001-MV-011, subject to the execution of proffers consistent with those contained in Appendix 1.

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

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

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Approved Proffers and CDP/FDP for RZ 2001-MV-011 and Approved Development Conditions
5. Zoning Ordinance Provisions
6. Glossary

AMENDMENT TO PROFFERS

STARR MANAGEMENT CORPORATION

PCA 2001-MV-011-01

April 28, 2004

Pursuant to Section 15.2-2303(a) of the Code of Virginia, as amended, STARR MANAGEMENT CORPORATION (hereinafter "Applicant") for itself, its owners, successors, and assigns in RZ 2001-MV-011 (hereinafter "Application"), filed for property identified as Tax Map 83-1 ((1)) 53(A) hereby reaffirms the Statement of Proffered Conditions, LCOR/JV ACQUISITION L.L.C., RZ 2001-MV-001, Dated July 10, 2001, and agrees to the following modification:

Proffer # 1 - No Change

Proffer # 2 - No Change

Proffer # 3 - No Change

Proffer # 4 - No Change

Proffer # 5 - No Change

Proffer # 6 - No Change

Proffer # 7 - No Change

Proffer # 8 - No Change

Proffer # 9- No Change

Proffer # 10 - No Change

Proffer # 11 - No Change

Proffer # 12 - Temporary Commercial Off-Street Parking. The Applicant agrees that the Commercial Off-Street Parking use shall terminate upon the commencement of construction of the multi-family residential building but not later than three (3) years from the approval of this Proffer Condition Amendment. Until such time, the current Commercial Off-Street Parking use may continue without expiration as an interim principal use as provided for under the Fairfax Counting Zoning Ordinance, Section 6-403(15) subject to the following:

- a. The interim parking facility shall be maintained in accordance with the Existing Conditions/Existing Vegetation Map, Sheet 12 of 12 of the CDP/FDP.
- b. The existing oil/grit separators shall be maintained by the Applicant as BMP (Best Management Practices) facilities to improve the water quality of runoff from the site. The oil/grit separators shall be cleaned via vacuum pumping, in accordance with Chapter 8 of the Metropolitan Washington Council of Governments (COG) publication entitled, *Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs*, at least four times per year. The qualifications of the maintenance operator shall be kept on-site and shall be made available to County officials upon request.
- c. All lighting shall direct glare onto the subject property and otherwise be in accordance with the Performance Standards for Glare set forth in Article 14.
- d. Access to the subject property will be maintained from Metroview Parkway. No direct access to Huntington Avenue shall be permitted.
- e. Interior and peripheral parking lot landscaping shall be maintained as shown on the Existing Conditions/Existing Vegetation Map, Sheet 12 of 12 of the CDP/FDP.
- f. Transitional screening shall be modified and the barrier shall be waived on the southern periphery of the site in favor of those shown on the Existing Conditions/Existing Vegetation Map, Sheet 12 of 12 of the CDP/FDP.

Proffer # 13 - No Change

Proffer # 14 - No Change

Proffer # 15 - No Change

Proffer # 16 - No Change

Proffer # 17 - No Change

Proffer # 18 - No Change

Proffer # 19 - No Change

Proffer # 20 - No Change

TITLE OWNER
STARR MANAGEMENT CORPORATION

Loretta S. Sebastian
Vice President, Secretary, Director



REZONING AFFIDAVIT

DATE: April 16, 2004
 (enter date affidavit is notarized)

I, Loretta Sebastian of Starr Management Corporation, 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

82237a

in Application No.(s): PCA 2001-MV-011-01
 (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)
Starr Management Corporation	7110 Rainwater Place Lorton, Virginia 22079	Applicant/ Agent for Starr Management Corporation
John B. Toomey	7110 Rainwater Place Lorton, Virginia 22079	Agent for Starr Management Corporation
Loretta Sebastian	7110 Rainwater Place Lorton, Virginia 22079	Agent for Starr Management Corporation
McCandlish & Lillard, P.C.	11350 Random Hills Road, Ste 500 Fairfax, Virginia 22030	Agent & Attorneys for
John W. Farrell, Esq.	11350 Random Hills Road, Ste 500 Fairfax, Virginia 22030	Agent for McCandlish & Lillard, P.C.

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

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

REZONING AFFIDAVIT

DATE: April 16, 2004
(enter date affidavit is notarized)

82237a

for Application No. (s): PCA 2001-MV-011-01
(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)
Starr Management Corporation
7110 Rainwater Place
Lorton, Virginia 22079

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.
[X] 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)

Mary H. Toomey Kathleen Toomey Squadra
John B. Toomey Patricia Toomey Barnwell
James P. Toomey

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

John B. Toomey, President & Director
Loretta Sebastian, Vice President/Secretary & Director
Mary H. Toomey, Director

(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: April 16, 2004
(enter date affidavit is notarized)

82237a

for Application No. (s): PCA 2001-MV-011-01
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
McCandlish & Lillard, P.C.
11350 Random Hills Road, Suite 500
Fairfax, Virginia 22030

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Randolph A. Sutliff Peter A. Arnston Jesse B. Wilson Stephen C. Price
Daniel P. Lyon Gary W. Brown Adam W. Smith Lawrence J.
Douglas J. Sanderson Brian Sanderson John W. Farrell McClafferty

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer, etc.**) ****additional names below**
Randolph A. Sutliff, Managing Principal **** Robert H. J. Loftus**
 Vicki L. Layman R. Peyton Mahaffey
 W. McCauley Arnold Eric J. Berghold

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: April 16, 2004
(enter date affidavit is notarized)

822379

for Application No. (s): PCA 2001-MV-011-01
(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)

N/A

(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)

Multiple horizontal lines for listing partner names and titles.

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

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

REZONING AFFIDAVIT

DATE: April 16, 2004
(enter date affidavit is notarized)

82237e

for Application No. (s): PCA 2001-MV-011-01
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: April 16, 2004
(enter date affidavit is notarized)

82237a

for Application No. (s): PCA 2001-MV-011-01
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above. **EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)**

NONE

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

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

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

WITNESS the following signature:

(check one)

Loretta Sebastian, Vice President
 Applicant Applicant's Authorized Agent

Loretta Sebastian, Vice President

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

Subscribed and sworn to before me this 16th day of April, 2004, in the State/Comm. of Virginia, County/City of Fairfax.

Nancy L Arnold
Notary Public
Nancy L Arnold

My commission expires: 11/30/2007

DEC 11 2003

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION
PCA 2001-MV-011
December 10, 2003

Starr Management Corporation herewith submits a Proffer Condition Amendment Application for an amendment to Proffer #12 of the Proffers accepted by the Board of Supervisors with zoning map amendment, RZ 2001-MV-011. As authorized by those Proffers, and the Special Exception Amendment, SEA 96-V-045 approved by the Board in 2000, Starr has used its land across Huntington Avenue from the Huntington Metro station as a temporary commercial off-street parking lot under Section 9-520 of the Fairfax County Zoning Ordinance. A portion of the temporary commercial parking lot has been converted to residential townhouse use as authorized by RZ 2001-MV-006. The approval of the proposed Proffer Condition Amendment to Proffer #12 would permit the continued operation of the commercial off-street parking lot on Starr's remaining property as an interim principal use pursuant to Section 6-403(15) of the Fairfax County Zoning Ordinance until the development of the high-rise multifamily buildings authorized by that zoning map amendment.

In anticipation of the acquisition of Starr's land by the developer/applicant of the high rise residential project authorized by in RZ 2001-MV-011, Proffer #12 provided for the commercial parking lot use to cease operations in November 2003. However, the applicant in RZ 2001-MV-011 did not close on its purchase of Starr's land. Based on the rate of usage of the existing commercial off-street parking on Starr's property, the need for commercial off-street parking in the vicinity of Huntington Metro Station continues. This application seeks approval to continue the operation of the remaining portion of the commercial parking lot until construction of the high-rise multifamily buildings begins.

There are no known hazardous or toxic substances or hazardous waste to be generated, utilized, stored treated and/or disposed of on the subject property. Approval of this Proffered Condition Amendment is consistent with the Comprehensive Plan. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards not otherwise subject to a previously granted waiver, exception or variance.

The approval of this request for a Proffer Condition Amendment to Proffer #12, as set out in the Applicant's Proposed Amendment to Proffers, dated December 10, 2003 and attached hereto, will provide for convenience of access; protect against and reduce congestion in travel and transportation



on the public streets; facilitate the provision of adequate transportation; encourage economic development that provides desirable employment and enlarges the tax base; and facilitate the creation of a convenient, attractive and harmonious community.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John W. Farrell".

John W. Farrell, Esq.
Attorney for Applicant,
Starr Management Corporation



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

October 24, 2001

Timothy S. Sampson, Esquire
Walsh, Colucci, Stackhouse, Emrich and Lubeley, P.C.
2200 Clarendon Boulevard - 13th Floor
Arlington, Virginia 22201-3359

RE: Rezoning Application
Number RZ 2001-MV-011
(Concurrent with SEA 88-V-023)

Dear Mr. Sampson:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 10, 2001, granting Rezoning Application Number RZ 2001-MV-011 in the name of LCOR/JV Acquisition LLC to rezone certain property in the Mount Vernon District from the C-3 District to the PRM (Planned Residential Mixed-Use) District, subject to the proffers dated July 25, 2001, located on the north side of Huntington Avenue, east of Metroview Parkway, Tax Map 83-1 ((1)) 53A consisting of approximately 3.43 acres.

(NOTE: On August 6, 2001, the Board deferred the public hearing for this item until September 10, 2001.)

The Board also approved the Conceptual Development Plan; the Planning Commission having previously approved Final Development Plan FDP 2001-MV-011 on July 26, 2001, subject to the Board's approval of RZ 2001-MV-011.

The Board also:

- Approved a waiver to permit underground stormwater detention in a residential area, subject to approval by the Department of Public Works and Environmental Services.

RZ 2001-MV-011
October 24, 2001

- 2 -

- **Modified the loading requirement for multi-family dwellings, waived the 600-foot maximum length limitation for private streets, and waived the transitional screening and barrier requirements adjacent to the Washington Metropolitan Area Transit Authority property to the southwest.**

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: **Chairman Katherine K. Hanley**
Supervisor-Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - G IS - Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
James Patteson, Director, Facilities Mgmt. Div., DPWES
Barbara J. Lippa, Executive Director, Planning Commission

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
OCT 26 2001

ZONING EVALUATION DIVISION

PROFFERS

LCOR/JV ACQUISITION L.L.C.

RZ 2001-MV-011

July 25, 2001

Pursuant to Section 15.2-2303(a), *Code of Virginia*, 1950 as amended. LCOR/JV Acquisition L.L.C. (hereinafter referred to as the "Applicant") and the owners for themselves, successors and assigns in RZ 2001-MV-011 (the "Application Property") proffer the following provided that the Board of Supervisors approves the Application and its companion case (SEA 88-V-023-1). In the event that the Board of Supervisors approves the Application and SEA 88-V-023-1, these proffers shall supercede all previous proffers for the Application Property and all previous proffers for the Application Property shall be deemed null and void and of no further effect on the Application Property.

1. Development Plan

A. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) prepared by VIKA, Incorporated, consisting of 12 sheets dated February 28, 2001 and revised through July 10, 2001. Said CDP/FDP proposes a maximum of 447,903 gross square feet of building area. The primary use shall be multi-family residential units. In addition, the following secondary uses may be included within the structures shown on the CDP/FDP consistent with the provisions of Zoning Ordinance Section 6-403 and without requiring an amendment to the CDP/FDP or the approval of a special exception for such use:

- 1) Accessory uses and accessory service uses as provided in Article 10 of the Zoning Ordinance.
- 2) Eating establishments.
- 3) Personal service establishments.
- 4) Quick-service food stores.
- 5) Bank teller machines.

Exterior signage and exterior building entrances for any such secondary use shall require approval of a Final Development Plan Amendment (FDPA), but shall not require a Proffered Condition Amendment (PCA). Additional secondary uses not listed above may be permitted with the approval of a FDPA. A PCA application shall not be required so long as the layout is in substantial conformance with the CDP.

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 10th day of September, 2001, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2001-MV-011
(CONCURRENT WITH SEA 88-V-023)

WHEREAS, LCOR/JV Acquisition LLC filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the C-3 District to the PRM District, and

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

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

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

Be, and hereby is, zoned to the PRM District, and said property is subject to the use regulations of said PRM District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

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

GIVEN under my hand this 10th day of September, 2001.



Nancy Velts
Clerk to the Board of Supervisors

- B. Notwithstanding that the CDP/FDP is presented on 12 sheets and said CDP/FDP is the subject of Proffer 1.A. above, it shall be understood that the CDP shall be the entire plan shown on Sheet 3 relative only to the points of access, the maximum square footage, the amount and general location of open space and general location and arrangement of the buildings, uses, and parking garages. The Applicant reserves the option to request a FDPA for elements other than the CDP elements from the Planning Commission for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.
- C. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the Final Development Plan (FDP) may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layouts shown on the FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Department of Planning and Zoning ("DPZ") and do not increase the total amount of square footage, decrease the amount of open space; decrease the setback from the peripheries of the Application Property; or substantially change the location of open space areas.

2. Transportation Management Strategies

The use of mass transit, ride-sharing and other transportation strategies to reduce single occupant vehicular traffic generated by site development during peak periods shall be encouraged. Upon the occupancy of 300 dwelling units, the following transportation management strategies shall be implemented:

- The Applicant shall designate an individual to act and whose responsibility it will be to implement a transportation management strategy.
- Mass transit (both rail and bus) usage shall be encouraged and promoted by the transportation coordinator.
- Voluntary car pool/van pool programs shall be established for employees on the property, under the direction of a transportation coordinator; and
- A program for matching car pool and van pool service shall be coordinated with various governmental agencies and other private employers in the area.

3. Parking. The Applicant has requested a parking reduction pursuant to Section 11-102(5) of the Zoning Ordinance and will provide parking pursuant to such reduction request as approved, whether in whole or in part, by the Board of Supervisors. In the event such parking reduction request is not approved by the Board of Supervisors, the Applicant

PROFFERS

RZ 2001-MV-011

Page 3

shall provide parking in accordance with Article 11 of the Zoning Ordinance. The provision of additional parking to that shown on the CDP/FDP to meet Article 11 requirements or to meet the requirements of a partial parking reduction as may be approved by the Board of Supervisors shall not require a PCA or FDPA provided such additional parking is located below grade or within the above-grade footprint and above-grade height of the parking structure as shown on the CDP/FDP. The number of parking spaces represented on the CDP/FDP is based on preliminary estimates; the final number of parking spaces provided shall be determined at the time of site plan approval. The Applicant agrees to provide a minimum of 17 bicycle storage spaces on the first floor of the parking garage.

4. Access. The Applicant agrees that vehicular access for the Application Property will be from Metroview Parkway and that no direct vehicular access from Huntington Avenue will be provided.
5. Landscape Plan. A landscape plan(s) shall be submitted as part of the site plan(s) in conformance with the landscape design shown on Sheet 3 of the CDP/FDP. The landscaped plan(s) shall include detailed streetscape, courtyard and open space landscaping, and provide details for landscaping, paving and amenities. Said plan(s) shall be coordinated with and approved by the Urban Forester.
6. Recreational Facilities. Pursuant to Paragraph 2 of Section 6-409 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide recreational facilities to serve the Application Property. These facilities include swimming pools, passive seating areas for multifamily use or an indoor recreational facility, which may include, but not be limited to, fitness equipment. The Applicant proffers that the minimum expenditure for the above-referenced recreational facilities shall be \$955.00 per residential unit. If the actual expenditure for such facilities does not equal a minimum of \$955.00 per residential unit, the Applicant shall contribute the difference to the Fairfax County Park Authority for park improvements to Huntington Park. In addition, the Applicant agrees to contribute \$100,000 for park and/or trail improvements in the Huntington Community at the time of building permit approval. One-half of such amount (\$50,000) shall be contributed to the Fairfax County Park Authority for park improvements to Huntington Park. The other one-half of such amount (\$50,000) shall be contributed toward improvements to a trail that may be located on the south side of Cameron Run if such trail is identified on the Comprehensive Plan at the time of building permit approval. In the event such trail has not been identified on the Comprehensive Plan at such time, the entire amount (\$100,000) shall be contributed to the Fairfax County Park Authority for park improvements to Huntington Park. The Applicant agrees to provide screening of the pool area from the Metrorail tracks as conceptually shown on the CDP/FDP. Such screening shall include a masonry/split-face masonry unit wall and a row of evergreen trees that are five to six feet tall at the time of planting located in planters on the pool side of the wall.

7. **Noise.** In order to achieve a maximum interior noise level of approximately 45 dBA Ldn for all exterior facing units on the northern and western sides of the building within that area between 70 and 75 dBA Ldn noise contours, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of noise:

- Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 45 for exterior walls;
- Doors and windows shall have a laboratory STC rating of at least 37. If glazing constitutes more than 20 percent (20%) of any façade exposed to noise levels of DNL 65 dBA or above, they shall have the same laboratory STC as walls.
- Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

In order to achieve a maximum exterior noise level of 65 dBA Ldn in the pool area, a masonry/split-face masonry unit wall and/or other noise attenuation measures shall be provided as determined by a refined acoustical analysis submitted by the Applicant prior to site plan approval and as approved by DPWES.

The Applicant reserves the right to pursue other methods of mitigating interior and/or exterior noise impacts that can be demonstrated through such acoustical analysis.

8. **Stormwater Management.** Unless waived or modified by DPWES, the Applicant shall provide on-site stormwater management designed with Best Management Practices within an underground structure located in the garage. The maintenance of the underground facilities shall be the responsibility of the Applicant and its successors, and the Applicant agrees to enter a reasonable maintenance agreement with Fairfax County at the time of site plan approval documenting this obligation. The private ownership and maintenance responsibilities shall be disclosed to future purchasers of the building and/or individual units therein.
9. **Energy Conservation.** Dwelling units constructed on the Application Property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES.
10. **Affordable Housing.** At the time of site plan approval, the Applicant shall contribute \$300,000 to the Fairfax County Housing Trust Fund to assist Fairfax County's low and moderate income housing goals.

PROFFERS

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Page 5

11. **Streetscape.** The Applicant agrees to construct a decorative fence at a maximum height of four feet with brick piers along the Huntington Avenue frontage of the Application Property. Openings in the fence to provide pedestrian access to Huntington Avenue shall not be gated. Street trees along the Huntington Avenue frontage of the Application Property shall be Willow Oak species planted at approximately 30-foot intervals as shown on the CDP/FDP. Street trees shall be a minimum 2-2½ inch caliper at the time of planting. The Applicant agrees that the final design of the Huntington Avenue fence and lighting fixtures shall be coordinated with the fence and lighting fixtures constructed (or to be constructed) along the Huntington Avenue frontage of nearby Parcel 83-1 ((1)) 53B if such fence and lighting fixtures are shown on an approved site plan for such parcel prior to site plan approval for the Application Property
12. **Temporary Commercial Off-Street Parking.** The Applicant agrees that upon the earlier of the sale of the Application Property by Starr Management Corporation and/or its affiliates or upon the expiration of Special Exception 96-V-045 by its terms on November 20, 2003, Special Exception 96-V-045, as amended, shall be void and of no further force and effect on the Application Property.
13. **Architectural Design.** The architectural design of the buildings shall be in general character with the elevations and perspectives shown on Sheets 7-11 of the CDP/FDP. Modifications may be made with the final architectural designs. Exterior materials shall consist primarily of brick, glass, precast concrete and Exterior Insulation Finishing System.
14. **Geotechnical Report.** If required by DPWES, geotechnical studies shall be submitted at the time of site plan submissions and the recommendations of said studies implemented, as determined by DPWES.
15. **Lighting.** Outdoor lighting shall use full cut-off fixtures and shall be directed downward and inward to minimize glare onto adjacent residential properties. Lighting fixtures along the Application Property's Huntington Avenue frontage and eastern property line as shown on the CDP/FDP shall not exceed a height of ten (10) feet. Lighting fixtures on other portions of the site as shown on the CDP/FDP shall not exceed a height of 16 feet.
16. **Signage.** Signage shall be permitted in accordance with Article 12 of the Zoning Ordinance.
17. **Rooftop Mechanical Equipment.** Rooftop mechanical equipment shall be screened from ground level view around the perimeter of the Application Property. The height of any mechanical penthouse shall not exceed eighteen (18) feet.
18. **Heritage Resources.** The Applicant agrees to provide 30 days written notice to the County Archeologist prior to the commencement of clearing and grading of the Application Property. The Applicant further agrees to allow the County Archeologist

PROFFERS
RZ 2001-MV-011

APPLICANT/CONTRACT PURCHASER

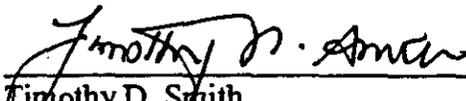
LCOR/JV ACQUISITION L.L.C.

By: LCOR Operating Company LLC
Its: Managing Member

By: LCOR Public/Private LLC
Its: Managing Member

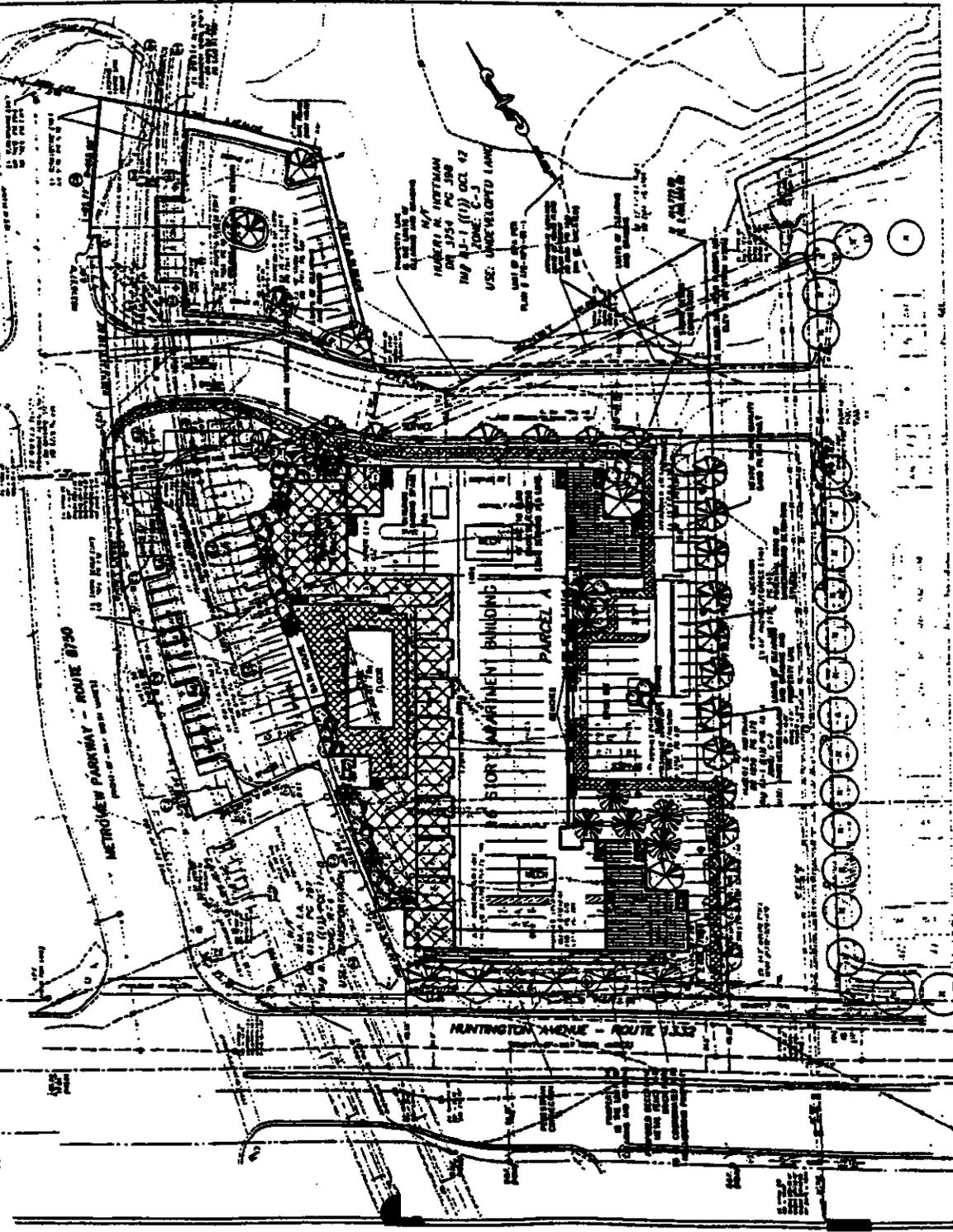
By: LCOR Holdings, LLC
Its: Managing Member

By: LCOR Incorporated
Its: Member

By: 

Timothy D. Smith
Senior Vice President, Assistant Secretary

[SIGNATURES END]



- GENERAL NOTES:**
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LANDSCAPE LEGEND

- STREET TREE (WILLOW DAW) 2'-2.5' MINIMUM CALIPER
- MEDIUM DECIDUOUS TREE 2'-2.5' CALIPER
- ORNAMENTAL TREE 1.5'-2' CALIPER
- LARGE EVERGREEN TREE 1'-8' MINIMUM
- SMALL EVERGREEN TREE 5'-6' MINIMUM

STREET LIGHT LEGEND

- 18" PARKING LOT LIGHT
- 10" PEDESTRIAN LIGHT

GRAPHIC SCALE
1" = 20' 0"

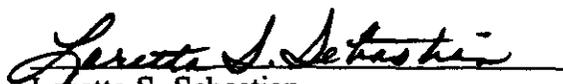
BOUNDARY TABLE

NO.	DESCRIPTION	DATE
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4
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10

PROFFERS
RZ 2001-MV-011

TITLE OWNER

STARR MANAGEMENT CORPORATION

A handwritten signature in cursive script, reading "Loretta S. Sebastian", written over a horizontal line.

Loretta S. Sebastian
Vice President, Secretary, Director

[SIGNATURES CONTINUE ON NEXT PAGE]

access to the Application Property for a period of 15 days following the provision of such written notice to recover archeological artifacts at no cost to the Applicant. At the end of said 15 day period this proffer shall be void and of no further force or effect. Under no circumstance shall this proffer be interpreted to delay the start of construction or to delay ongoing construction efforts once started.

19. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.
20. Density Credit. Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein, or as may be required by Fairfax County or VDOT at time of site plan approval.
21. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in the same instrument.

[SIGNATURES BEGIN ON NEXT PAGE]

ARTICLE 16**DEVELOPMENT PLANS****PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS****16-101 General Standards**

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

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

16-102 Design Standards

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

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

FAIRFAX COUNTY ZONING ORDINANCE

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abbreviations Commonly Used in Staff Reports

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

