



FAIRFAX COUNTY

APPLICATION FILED: August 29, 2003
APPLICATION AMENDED: June 7, 2004
PLANNING COMMISSION: July 21, 2004
BOARD OF SUPERVISORS: Not Scheduled

V I R G I N I A

July 14, 2004

STAFF REPORT

APPLICATION RZ 2003-HM-042

HUNTER MILL DISTRICT

APPLICANT: Robert A. Young of Tysons 89, LLC

PRESENT ZONING: R-1

REQUESTED ZONING: R-2

PARCELS: 28-4 ((1)) 22B & 23 and U. S. Government Property
Identified as Ashgrove Lane on the Tax Map

ACREAGE: 6.19 acres

DENSITY: 1.62 du/ac

OPEN SPACE: 0.72 acres (11.6 percent)

PLAN MAP: 1-2 du/ac

PROPOSAL: Develop 10 single family detached dwelling units

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2003-HM-042 subject to the execution of the draft proffers contained in Appendix 1.

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

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

Rezoning Application

RZ 2003-HM-042

Applicant: ROBERT A. YOUNG OF TYSONS 89, LLC

Filed: 08/29/2003; AMENDED 6/07/2004

Proposed: RESIDENTIAL DEVELOPMENT

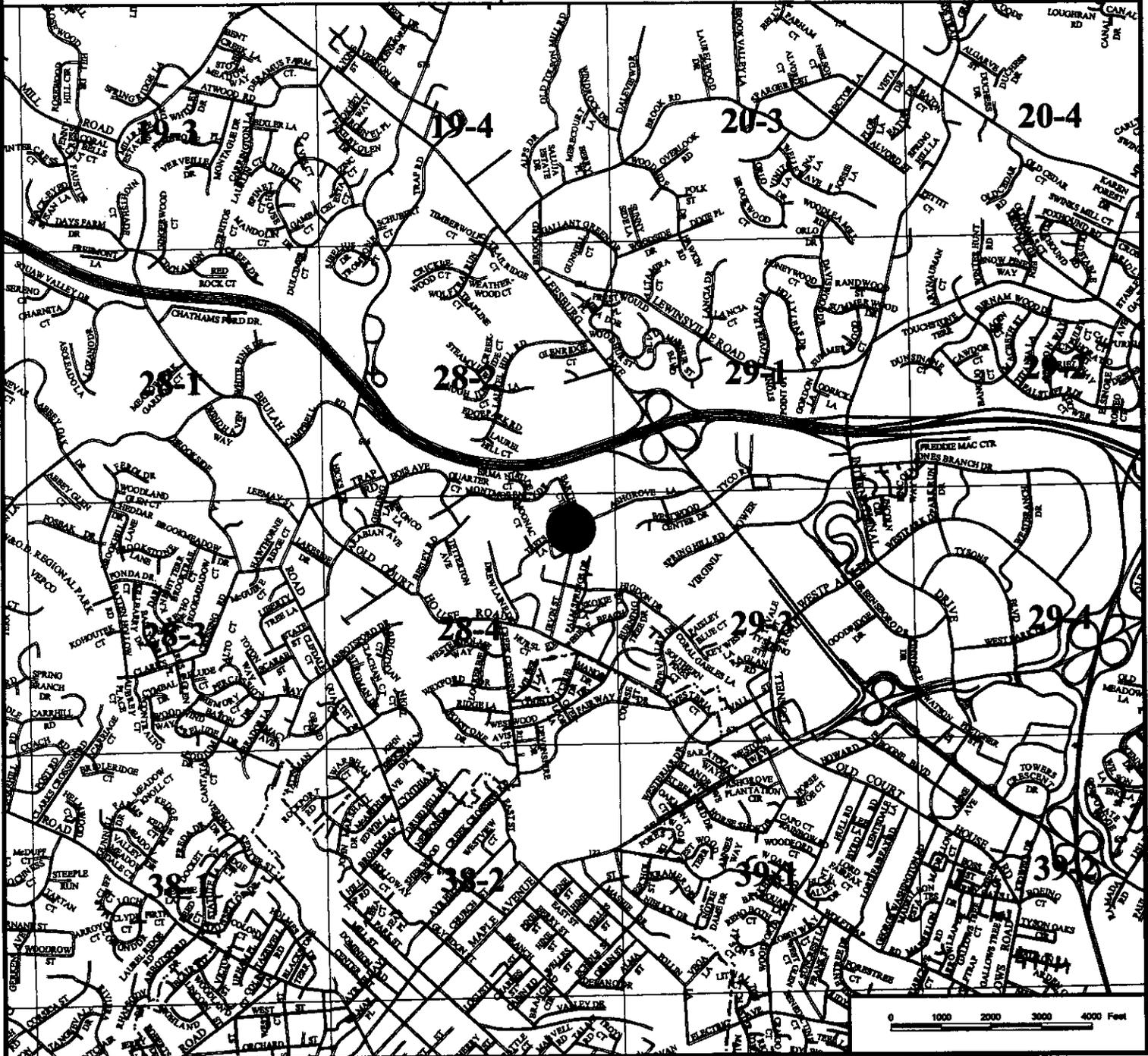
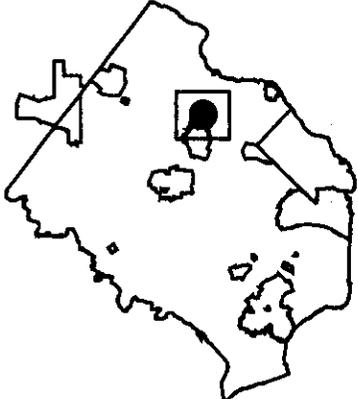
Area: 6.19 AC OF LAND; DISTRICT - HUNTER MILL

Located: NORTH OF THE TERMINUS OF IRVIN STREET

Zoning: FROM R-1 TO R-2

Overlay Dist:

Map Ref Num: 028-4- /01/ /0022B /01/ /0023 AND PROPERTY OWNED BY THE US GOVERNMENT IDENTIFIED AS ASHGROVE LANE



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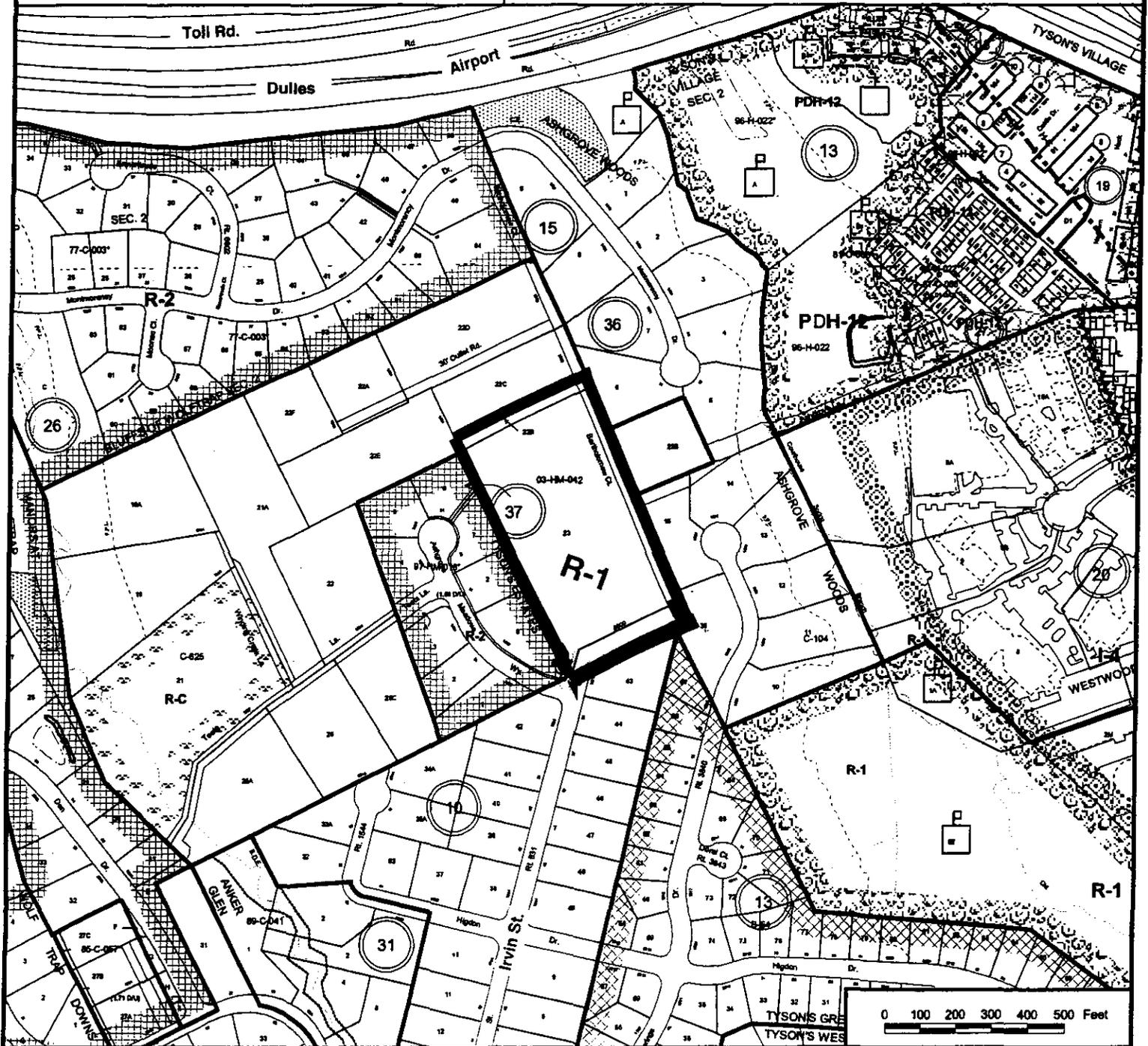
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**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant, Robert Young of Tysons 89, LLC, is requesting to rezone 6.19 acres of property from the R-1 District (Residential – one dwelling unit per acre) to the R-2 District (Residential – two dwelling units per acre) to permit the development of a subdivision with ten single family detached dwelling units at a density of 1.62 du/ac in a conventional subdivision.

A reduced copy of the proposed Generalized Development Plan is included in the front of this report. The applicant's draft proffers are included as Appendix 1. The applicant's affidavit is Appendix 2 and the applicant's statements regarding the application are included as Appendix 3.

LOCATION AND CHARACTER

The application property is located north of the current terminus of Irvin Street. It is developed with a single family detached home located in the center of the property. The property includes several mature specimen trees along with a wooded area in the northwest corner of the property. The southern portion of the property is crossed by Ashgrove Lane, which is a fifty foot wide strip of land owned by the Federal Government and has been historically used by the residents of this area to access Irvin Street. Bartholomew Court, a right-of-way that provides access for the property to the north of the application property and Parcel 23 to the east, is located within the application property and along the eastern boundary of the property.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Single Family Detached Dwellings	R-1	1-2 du/ac
South	Single Family Detached Dwellings (Ankerdale)	R-1	2-3 du/ac
East	Single Family Detached Dwellings (Ashgrove Woods)	R-1	1-2 du/ac
West	Single Family Detached Dwellings ¹ (Tysons Estates)	R-2	1-2 du/ac

1. Rezoned to the R-2 District pursuant to the approval of RZ 1997-HM-018. This property is currently being developed.

BACKGROUND

Bartholomew Court. The application property includes land shown on the Tax Map as Bartholomew Court. The County property records show that the area designated as Bartholomew Court has been included in Parcel 22B and 23; it is not shown as a separate and distinct right-of-way. The area identified as Bartholomew

Court was created by deed dated November 21, 1906, as a "right-of-way for highway purposes" over and across this property (see Appendix 5). By request dated June 9, 2004, Linda S. Broyhill of ReedSmith submitted a Petition of Abandonment for the section of Bartholomew Court located within the application property on behalf of the applicant (see Appendix 6). The public hearing for the abandonment of this right-of-way easement is tentatively scheduled to be heard by the Board of Supervisors sometime this fall. The draft proffers state that the applicant will seek a proffered condition amendment if the abandonment of Bartholomew Court is not approved by the Board of Supervisors.

Bartholomew Court provides access to the properties located immediately north of the application property, Tax Map Parcels 28-4 ((1)) 22A, 22C, 22D, 22E and 22F. These properties utilize Bartholomew Court and Ashgrove Lane to access the public street network at Irvin Street, which is located at the southwest corner of the application property. The applicant proposes to extend Irvin Street as a public street to the northeast corner of the application property, where Bartholomew Court currently leaves the property, to maintain access for the owners of Parcels 22A, 22C, 22D, 22E and 22F.

Ashgrove Lane. The application property includes a fifty foot wide strip of property acquired by the United States by Declaration of Taking, Civil Action N. 1902-M on April 18, 1961. This land is located along the southern end of the application property and is shown on the Tax Map as Ashgrove Lane. A May 12, 2004, letter from Jack Burrows of the Federal General Services Administration National Capital Region's Property Disposal Division (GSA) is included in Appendix 4 that states that the GSA anticipates disposal of this property. It notes that this property will be included in the rezoning application and will be offered for sale to private parties in the future only if a public entity does not want it, in accordance with the GSA's disposal process. The draft proffers state that the applicant will seek a proffered condition amendment application if it is unsuccessful in purchasing the land held by the Federal Government.

Amended Application. On June 7, 2004, an amended application was accepted increasing the land area of the application property from 5.35 acres to 6.19 acres, through the inclusion of the parcel of land labeled on the Tax Map as Ashgrove Lane and owned by the Federal Government within the application property.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area II
Planning District:	Vienna Planning District
Planning Sector:	Spring Lake Community Planning Sector (V3)

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property. On pages 49 through 54 of the Vienna Planning District of the 2003 edition of the Area II Plan, under the heading, "Recommendations" under the sub-heading "Land Use," the Plan in part states:

"The Spring Lake sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

"Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

"The section of the Spring Lake sector southeast of Route 123 is planned as Suburban Neighborhoods, comprised primarily of detached single-family houses. To protect the sector's residential character no expansion of commercial or office uses should be permitted. Old Courthouse Road, and the adjoining segment of realigned Gallows Road, should be maintained as the line of demarcation between the commercial, retail and office uses of the Tysons Comer Urban Center and the residential uses in the sector.

9. "The remaining vacant area west of Route 123, except for designated public space, should be limited to single-family residential uses at 2-3 dwelling units per acre as shown on the Plan map. However, the area bounded by Old Courthouse Road, Trap Road, the Dulles Airport Access Road, Bartholomew Court, and the Tysons Green subdivision, is planned for 1-2 dwelling units per acre as shown on the Plan map. Protection is required for the areas of Moonac Creek and Wolftrap Creek as tributaries to the environmentally sensitive Difficult Run watershed. [Not shown]"

The Comprehensive Plan Map shows this property to be planned for 1-2 du/ac.

ANALYSIS

Generalized Development Plan (Reduction at front of staff report)

Title of GDP:	Besley Farm
Prepared By:	Walter L. Phillips, Incorporated
Original and Revision Dates:	June 4, 2004 as revised through July 7, 2004

Generalized Development Plan (Besley Farm)	
Sheet #	Description of Sheet
1 of 4	Cover Sheet with General Notes, Sheet Index, Tabulations, Vicinity Map, Soils Map and Soils Data
2 of 4	Layout Plan
3 of 4	Best Management Practices and Stormwater Management Analysis
4 of 4	Landscape Plan

The following features are depicted on the proposed combined CDP/FDP:

- Site Access and Access to Adjacent Properties.** The proposed ten single family detached dwelling units are to be accessed via an extension of Irvin Street that will cross the property diagonally from the southwest corner to the northeast corner. The extension of Irvin Street is to be a public street and would terminate in a temporary cul-de-sac. Existing Bartholomew Court to the north of the application property will connect to the extension of Irvin Street at the temporary cul-de-sac. The extension of Irvin Street is to be a ditch section road with a sidewalk on one side of the road. The GDP includes an outlot (Outlot B) that will provide an access road within an easement from the extension of Irvin Street to the continuation of Ashgrove Lane to the east. The access road within Outlot B, will also connect to one end of the existing circular driveway on Tax Map Parcel 23B, which is located to the east of the application property. A driveway connection near the northeastern corner (Outlot C) connecting to the other end of the existing circular driveway on Tax Map Parcel 23B is also provided.
- Lot Layout.** Each of the lots will access the extension of Irvin Street. Each lot includes a driveway that connects to garages that accommodate 2 to 3 cars. The setback lines that reflect the setback requirements of the R-2 District specified in the Zoning Ordinance are shown on each lot along with optional "morning rooms" or "conservatories".
- Stormwater Management/Open Space.** Stormwater management and best management practice facilities (SWM/BMP) will be provided in the southeast and northwest corners of the site in Outlots A and D, respectively. Both facilities are designed to detain the 2- and 10-year storm events. These facilities will consist of infiltration facilities consisting of a network of pipes set in gravel over an area planted with vegetation. The southeastern facility (Outlot A) will outfall into an existing pipe system through the Ashgrove Woods subdivision. The northwestern facility will discharge through an outlet that is designed to pass storm flows above the 10-year storm. The southeastern SWM/BMP will provide detention for an

area of 4.26 acres. The northwestern facility (Outlot D) will provide detention for 0.84 acres.

- Tree Preservation. The layout plan on Sheet 2 identifies fourteen existing trees to be preserved on the property. Of note are the 40-inch American Beech along the western property boundary and the 40-inch Willow Oak immediately east of the existing house. Also included as a preservation area is an area of trees located along Bartholomew Court and east of Outlot A and two trees located near the northwest corner of the property. A 40-inch Red Maple is to be saved near where Irvin Street will be extended.
- Landscaping. The landscaping plan on Sheet 4 includes street trees along the proposed extension of Irvin Street consisting of large deciduous trees (Willow Oaks) planted on fifty foot centers. In addition, trees are to be planted along the periphery of the property. Behind Lots 1 and 2, a row of mixed evergreens (Leyland Cyresses and Virginia Pines) and one large deciduous tree (Red Maple) are shown. A cluster of seven trees consisting of three large deciduous trees (Sweet Gums) and four evergreens (Virginia Pines) is shown along the western property line on either side of the boundary between lots 4 and 5. Along the northern edge of the site, the dwelling on Lot 6 is to be screened by a row of Sweet Gums and Leyland Cyresses. Outlot C is to be planted with five Willow Oaks. A Magnolia is shown to be planted on Lot 7 with a Virginia Pine and a Red Maple along the property line. A row of screening is proposed behind Lots 8, 9, 10 and Outlot A. This landscaping material consists of ten Virginia Pines, an American Beech, three Kousa Dogwoods, three London Plane Trees, six Downey Serviceberrys, three Leyland Cyresses, and several shrubs as understory plantings within the area of Bartholomew Lane that is to be removed. Along the southern boundary, a row of three Virginia Pines with two Tulip Poplars interspersed among the pines to screen the rear yard of adjacent Tax Map Parcel 43 in the Ankerdale subdivision.

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the Board of Supervisors adopted the following criteria contained in Appendix 9 of the Land Use Section in the Policy Plan to be used in evaluating zoning requests for new residential development. A copy of the Residential Development Criteria is contained in Appendix 16 of this report.

Site Design

Criterion 1 of the Residential Development Criteria states that all rezoning applications should be characterized by high quality site design. Rezoning proposals, regardless of the proposed density, should be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

Consolidation: Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.

Analysis: The properties to the east (Ashgrove Woods) and to the west (Tysons Estates) of the application property have been redeveloped recently. To the south is an older subdivision, Ankerdale. The only property adjacent to the application property with redevelopment potential is the lots to the north. The proposed layout provides for the future redevelopment of these lots by extending Irvin Street to the northeast corner of the property, allowing this public street to be extended to the north when and if those lots consolidate and redevelop.

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

Analysis: The proposed lots are designed with appropriate relationships between yards, with side yards abutting side yards throughout the project. The proposed lots meet the required rear yard setback for lots in the R-2 District, with twenty-five feet deep rear yards. However, while in all instances, the yards are adequately sized for decks, additions on Lots 1 and 7 will be subject to constraints because the rear yards are triangular in shape. The GDP shows that water and sanitary sewer service is to be provided along the extension of Irvin Street. As described in detail under the Generalized Development Plan above, stormwater management and best management practices are to be provided in two locations on the site. Illustrations of the proposed architecture have not

been provided, but would be desirable to allow staff to address the bulk relationships of the proposed houses with the adjacent development. The surrounding architecture styles are varied; the homes along Irvin Street are largely tract homes but many of these homes have been extensively remodeled or rebuilt. Ashgrove Woods was developed in the 1990s and contains homes built of brick. Tysons Estates includes large dwellings with brick façades and siding sides and rears.

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

Analysis: Open space is not required for a conventional subdivision in the R-2 District. Nevertheless, there are four outlots that will be dedicated to the future homeowners association. Outlot B accommodates access to Ashgrove Lane and Parcel 23; and Outlot C provides a driveway to connect to one end of the circular driveway on Tax Map Parcel 23. Neither of these parcels meets the definition of open space. The stormwater management facilities are to be located in Outlots A and D; these two spaces comprising 15,800 and 15,500 square feet, respectively, do meet the definition of open space.

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

Analysis: As noted in the description of the landscaping provided above, the GDP includes appropriate landscaping consisting of a streetscape that includes large deciduous trees along the extension of Irvin Street and landscaped screening along the boundaries of the property. In addition, it is desirable that a row of landscaping be provided along the length of Outlot B, if such landscaping can be accommodated around the tree preservation areas.

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

Analysis: The proposed development does not include amenities; however, the yards associated with the R-2 lots will be of a size to provide play areas for children.

Neighborhood Context:

Criterion 2 of the Residential Development Criteria states that all rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, as evidenced by an evaluation of: transitions to abutting and

adjacent uses; lot sizes, particularly along the periphery; bulk/mass of the proposed dwelling units; setbacks (front, side and rear); orientation of the proposed dwelling units to adjacent streets and homes; architectural elevations and materials; pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses; existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

Analysis: The proposed development is to be located between two recently developed subdivisions on the east (Ashgrove Woods) and west (Tysons Estates). The spine street is proposed to go through the center of the project; therefore, the rear yards of the new lots will face the rear yards of the adjacent projects. Along the southern boundary, adjacent to Tax Map Parcel 43 of Ankerdale, the side yard of Lot 10 will abut the side yard of Parcel 43. The driveway connection to Ashgrove Lane (the GSA Parcel) from Parcel 43 will have to be closed; the primary driveway access for Parcel 43 is to Irvin Street. Landscaped screening is proposed along the boundary between the application property and Parcel 43. To the north, the side yard of Lot 6 will abut the side yard of abutting Tax Map Parcel 23C; landscaped screening is also proposed along this edge.

The property to the west (Tysons Estates) is also zoned R-2 and has similar lot sizes to the proposed development. The property to the east (Ashgrove Woods) is zoned R-1; lots which are larger than the proposed lots, but those lots will be screened by the existing and proposed landscaping along Bartholomew Court, once that road is vacated. To the north and south, the project abuts land in the R-1 District; however, in each instance there is only one lot abutting the adjacent property. Further, it should be noted that while Ankerdale is zoned R-1, most of the lots are similar in size to lots found in the R-2 District.

Environment: (See Appendix 7)

Criterion 3 of the Residential Development Criteria states that all rezoning applications should respect the environment. Rezoning proposals, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable.

Preservation: Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.

Analysis: This property is located at the upper elevations of the abutting watersheds and does not include any areas identified as either Environmental Quality Corridor (EQC) or Resource Protection Area (RPA). The site contains mature vegetation associated with the landscaping around the existing house. As noted above, the GDP proposes to save several of the existing trees on the

property. Tree preservation will be discussed in greater detail below under that development criterion.

Slopes and Soils: The design of developments should take existing topographic conditions and soil characteristics into consideration.

Analysis: This site is located on a ridge top and is generally flat. The existing house is located on a raised area in the center of the site, which will be removed as part of the development.

Water Quality: Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and low-impact site design techniques.

And;

Drainage: The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans.

Analysis: The GDP includes innovative SWM/BMP facilities that are not addressed by the Public Facilities Manual or the October, 2, 2001 Letter to Industry that addresses innovative SWM/BMP facilities. The proposed SWM/BMP facilities consist of two modified infiltration areas (in the shape of basins) located at the lowest elevations of the site. The infiltration areas have been designed to store the two- and ten-year storms and provide water quality treatment. The infiltration areas would be designed as a grassed, shallow depression with yard inlets. The depression would be on top of a gravel bed consisting of stones, with void areas among the stones; five foot diameter perforated pipes will be imbedded within the gravel to store the runoff. Infiltration will occur from the gravel bed into the underlying soils. More detailed soils information will be required; however, the County Soils Map indicates that the site contains soils that have fair to good subsurface drainage potential. To ensure that adequate storage is available, the pipes in the infiltration trenches have been sized to provide enough storage for the post-development 2- and 10-year storm events. Storage volumes available in the gravel areas have not been included in the storage volume nor has any reduction in storage based on potential infiltration been included. Therefore, it is likely that the size of the pipes may be reduced during final engineering. The concrete box under the yard inlet will contain the outlet pipe and will be isolated from the storage pipes by a wall with small orifices or weep holes to allow water to transfer between the box under the inlet and the storage pipes.

As noted above, the infiltration area in Outlot A will discharge into the existing pipes in Ashgrove Woods and then be conveyed to Old Courthouse Spring Branch where adequate outfall would be required. This SWM/BMP will collect most of the water from the site (a drainage area of approximately 4.26 acres). The other infiltration area located on Outlot D, will discharge into an existing drainage way. This facility detains an area of 0.84 of an acre.

DPWES staff, both the Stormwater Planning Division and the Environmental (see Appendix 13) and Site Review Division, has reviewed the proposed SWM/BMP facilities and have verbally stated that the SWM/BMP concept is sound and is appropriate in this location, pending final engineering information and more detailed soils information. While there will be pipes in the ground providing storage, the pipes will be embedded in gravel and isolated from the box under the outlet structure. Staff has concluded that this proposal is appropriate in a residential setting because the basins will have the appearance of yard inlets on the ground level and the storage pipes will be placed behind a wall with small openings or orifices to allow for water to circulate. It is not envisioned that that the pipes will require much maintenance if the gravel layer is topped with a geo-cloth or similar product that restricts the movement of fine materials into the gravel. Additional details regarding the infiltration rates of the soils and the specifics with regard to the pipes, yard inlets and the size of the orifices and/or weepholes in each will need to be reviewed at the time of engineering plan approval. A private maintenance agreement will be required.

The draft proffers state that SWM/BMPs will be provided in accordance with the GDP, which will require the approval of waivers and modifications by DPWES. The proffers further state that, if the waivers and modifications are not granted, other SWM/BMP facilities will be provided as approved by DPWES. The proffers require that the alternative SWM/BMP facilities be in substantial conformance with the proffered GDP. Finally, the proffer states that a private maintenance agreement satisfactory to the Director, DPWES will be executed.

Lighting: Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.

Analysis: The draft proffers include a statement that the outdoor lighting will conform with the requirement of Part 9, Outdoor Lighting, of Article 14, Performance Standards.

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

Analysis: The draft proffers include a commitment to the CABO Model Energy Program or its equivalent.

Tree Preservation and Tree Cover Requirements:

Criterion 4 of the Residential Development Criteria states that all rezoning applications, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas.

Analysis: The site includes several large specimen trees, located around the existing house and within a grouping along Bartholomew Court. Another grouping of trees is located in the northwest area of the site. Several of these trees are shown to be preserved as described above. However, while all of the trees shown for preservation are shown to be in good condition on the chart on Sheet 2; the GDP indicates that disturbances would occur within the dripline of several of these trees. Of particular concern are the following three trees: Number 25, a Red Maple, which will be impacted by the extension of Irvin Street; and Number 5, a 40 inch Willow Oak, and Number 8, a 40 inch Tulip Poplar, which will have the driveway to access Ashgrove Lane (Outlot B) located under their canopies. Further, the limits of clearing and grading for the house on Lot 9 will impact the grouping of trees along Bartholomew Court shown to be saved.

The tree preservation proffers include the standard commitments with regard to tree preservation; however, in this circumstance, it would be preferable that measures needed to address the preservation of these trees be addressed at this time. The draft proffers do include the option for providing a permeable pavement treatment for the drive in Outlot B in order to help preserve the trees along this drive.

Transportation: (See Appendix 8)

Criterion 5 of the Residential Development Criteria states that all rezoning applications for residential development should implement measures to address planned transportation improvements. Applicants should offset their impacts to the transportation network. Accepted techniques should be utilized for analysis of the development's impact on the network. Residential development considered under these criteria will range widely in density and, therefore, will result in differing impacts to the transportation network. Some criteria will have universal applicability while others will apply only under specific circumstances. Regardless of the proposed density, applications will be evaluated based upon the principles outlined in this Criterion, although not all of the principles may be applicable.

Transportation Improvements: Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to

safely accommodate traffic, and offset the impact of additional traffic through commitments to the following: capacity enhancements to nearby arterial and collector streets; street design features that improve safety and mobility for non-motorized forms of transportation; signals and other traffic control measures; development phasing to coincide with identified transportation improvements; right-of-way dedication; construction of other improvements beyond ordinance requirements; monetary contributions for improvements in the vicinity of the development.

And,

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

Analysis: The proposed lots are to be accessed by the extension of Irvin Street shown on the GDP. The proposed alignment of the extension of Irvin Street provides for a connection to the remaining section of Bartholomew Court to the north. Access to Ashgrove Lane is being maintained by the access road through Outlot B, which has been realigned to meet the easement for Ashgrove Lane on the latest GDP addressed by this report. Outlot B is proposed to maintain access by a single property owner to Ashgrove Lane to the east and through to Leesburg Pike; this road will also provide a connection for the owners of Parcel 23B at one end of their circular driveway. The draft proffers include commitments addressing maintenance of this road by the Homeowners Association and requiring notice to prospective purchasers.

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

Analysis: The extension of Irvin Street is to be a public street built as a shoulder and ditch section and will include vegetated swales on either side of the road. The transportation analysis in Appendix 8 notes that a curb and gutter section

with sidewalks on both sides of the street is preferred. It should be noted that the ditch section will provide for some stormwater infiltration and that Tysons Estates (9899-SP-01) is being build with a shoulder and ditch section.

Non-motorized Facilities: Non-motorized facilities, such as those listed below, should be provided: connections to transit facilities; connections between adjoining neighborhoods; connections to existing non-motorized facilities; connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas; an internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan; offsite non-motorized facilities, particularly those included in the Comprehensive Plan; driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways; construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.

Analysis: The GDP shows a sidewalk along one side of the proposed extension of Irvin Street. The other side will be a shoulder section without a sidewalk. It should be noted that existing Irvin Street to the south of the application property was constructed without sidewalks. The Transportation Analysis requests that the applicant in this case ensure that the sidewalk connection connects to the sidewalk along Ashgrove Meadows Lane, off-site to the south approximately 25 feet south. This issue has not been addressed by the applicant.

Public Facilities:

Criterion 6 of the Residential Development Criteria states that residential development impacts public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). All rezoning applications are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution. Furthermore, phasing of development may be required to ensure mitigation of impacts.

Sanitary Sewer Analysis (Appendix 9)

The site is located in the Difficult Run watershed (D-3) and would be sewered into the Blue Plains Pollution Control Plant. Based upon current and committed flow, there is excess capacity and an existing 8-inch line located in an easement approximately 25 feet from the property is adequate for the proposed use.

Water Service Analysis (Appendix 10)

The property is located within the Town of Vienna Water Service Area. It will be necessary for the applicant to follow the Town of Vienna Demolition Permit Regulations with regard to water service to the property as well as consult the town with regard to specific construction requirements, which differ from Fairfax County. The Town of Vienna also requests that they be notified at least two weeks prior to the start of construction.

Fire and Rescue Analysis (Appendix 11)

The site is serviced by Station #29, Tysons Corner, of the Fairfax County Fire and Rescue Department and currently meets fire protection guidelines.

Schools Analysis (Appendix 12)

This development is anticipated to generate a total of 4 students consisting of:

- 2 elementary students who would attend Westbriar Elementary School which is projected to operate within its capacity of 430 students through the school year of 07-08;
- 1 intermediate student who would attend Kilmer Intermediate School which is projected to exceed its capacity of 850 students through the school year 07-08;
- and 1 high school student who would attend Marshall High School which is projected to operate within its capacity of 1500 students through the school year 07-08.

Two students would have been generated by the 5 units allowed under the existing zoning, one elementary student and one 1 high school student resulting in an increase of two students, which would generate a contribution of \$15,000 at a rate of \$7,500 per additional student.

The draft proffers commit to a contribution of \$37,500 to be used for schools.

Stormwater Management Analysis (Appendix 13)

See the comments under Environment above.

Park Authority Analysis (Appendix 14)

The residents of this development will need access to outdoor recreation facilities. Typical recreational needs include playground/tot lots, basketball, tennis and volleyball courts and athletic fields. In order to offset the impact caused by the proposed development, the applicant should provide \$7,155 to the Park Authority for recreational facility development, at one or more Park Authority sites located within the service area of this development or provide recreational facilities within the development of an equivalent value. The Park

Authority would prefer that these resources be directed to improvements at the Ashgrove Historic site. The proffered GDP does not include any recreation facilities; the draft proffers state that a contribution of \$7,950 will be made at the time of subdivision plan approval for recreation facilities in the vicinity.

Affordable Housing:

Criterion 7 of the Residential Development Criteria states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. The applicant can elect to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board. Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs.

Analysis: Given that the proposed residential development does not exceed fifty (50) dwelling units, Part 8 of Article 2 of the Zoning Ordinance does not require that affordable dwelling units be provided. The draft proffers include a commitment to make a contribution of 0.5 percent of the sales price of each single family detached dwelling actually constructed to address this criterion.

Heritage Resources:

Criterion 9 of the Residential Development Criteria states that heritage resources are those sites or structures, including their landscape settings that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

Analysis: The Tax Map for this parcel indicates that it is the location of a cemetery. However, as noted in the memorandum on the heritage resource status for this property dated October 10, 2003 in Appendix 15, this designation is in error. The Cemeteries of Fairfax County correctly shows that the Sherman family cemetery is located on Tax Map 28-2.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-2)		
Standard	Required	Provided
Average Lot Area	18,000 sq. ft.	18,725 sq. ft.
Minimum Lot Area	15,000 sq. ft.	16,000 sq. ft.
Minimum Lot Width Interior Lot Corner Lot	100 feet 125 feet	100 feet 125 feet
Maximum Building Height	35 feet	35 feet
Minimum Front Yard	35 feet	35 feet ¹
Minimum Side Yard	15 feet	15 feet ¹
Minimum Rear Yard	25 feet	25 feet ¹
Maximum Density	2 du/ac	1.62 du/ac
Open Space	Not Required	31,300 sq. ft. (11.6 %)
Parking Spaces	20 spaces	40 spaces ²

1. These dimensions are reflected in the house envelopes shown on the GDP.
2. Each lot includes a two car garage and a driveway that will accommodate other vehicles; two of the lots include three car garages.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff has concluded that the proposed rezoning of 6.19 acres from R-1 to R-2 to allow the development of ten dwelling units at 1.62 du/ac is in conformance with the recommendations of the Comprehensive Plan for the application property. The proffered Generalized Development Plan depicts the extension of Irvin Street across the application property, extending public street access closer to four Parcels that currently utilize streets that are not in the state system for access. The GDP proposes an innovative method of providing stormwater management and water quality treatment. The proposed development meets the applicable standards of the Zoning Ordinance and satisfies the applicable Residential Development Criteria. The

Recommendation

Staff recommends approval of RZ 2003-HM-042 subject to the execution of the draft proffers contained in Appendix 1.

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

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

APPENDICES

1. Draft Proffer Statement
2. Affidavit
3. Applicant's Statements
4. May 12, 2004, letter from Jack Burrows, GSA National Capital Region
5. May 11, 2004, letter from Linda S. Broyhill, ReedSmith, regarding Bartholomew Court
6. Petition for the Vacation of Bartholomew Court
7. Environmental Analysis
8. Transportation Analysis
9. Sanitary Sewer Analysis
10. January 30, 2004, Letter from the Town of Vienna
11. Fire and Rescue Analysis
12. Schools Analysis
13. Comments of the Park Authority
14. Comments of the Stormwater Planning Division, DPWES
15. Heritage Resource Analysis regarding Cemetery
16. Residential Development Criteria
17. Glossary of Terms

C

3

PROFFERS BESLEY FARM

May 7, 2004
Revised June 25, 2004
Revised July 1, 2004
Revised July 7, 2004
Revised July 8, 2004

Pursuant to Section 15.2-2303 (a), Code of Virginia, 1950 as amended, Tysons 89, LLC, the applicant in RZ 2003-HM-042, filed for the property identified as Tax Map # 28-4-1-22B and 23 and U. S. Government property identified as Ashgrove Lane (hereinafter referred to as "Subject Property"), proffers the following for itself and any successors and assigns, provided that the Board of Supervisors approve a rezoning of the Subject Property to the R-2 District.

1. Development Plan: Development of the Subject Property shall be in substantial conformance with the Generalized Development Plan ("GDP") prepared by Walter L. Phillips dated July 7, 2004.
2. Minor Deviation: Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments to the layout, internal lot lines, and lot sizes of the proposed subdivision at time of subdivision plan submission based on final house locations, building footprints, and utility locations, provided that there is no decrease to the amount of the open space in Outlots "A" and "D", tree save, limits of clearing and grading, yard setbacks, or distances to peripheral lot lines as dimensioned on the GDP and the proposed minor modifications are in substantial conformance with the GDP.
3. Limits of Clearing: The applicant shall conform to the limits of clearing and grading as shown on the GDP 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 outside of the limits of clearing and grading as shown on the GDP they shall be located in the least disruptive manner necessary as determined by the Urban Forestry Division. A replanting plan shall be developed and implemented, subject to approval by the Urban Forestry Division for any areas outside the limits of clearing and grading that must be disturbed.
4. Outlots "A", "B" & "C", "D": The area designated as Outlots "A", "B" and "C" and "D" shall be conveyed to the Homeowner Association referenced in paragraph 5 below.

5. Homeowner Association: The Applicant shall establish a homeowners' association for the proposed development to own, manage and maintain Parcels A, B, C and D as shown on the GDP. Maintenance obligations including those associated with the SWM/BMP facilities on Parcel A and D and the access road on Outlot B as outlined in Proffer 17 shall be disclosed to contract purchasers of residential units within the proposed development prior to entering into a contract of sale, and shall be disclosed in the homeowners' association documents prepared for the Application Property.
6. Sidewalks: Applicant shall construct a concrete sidewalk on one side of the extension of Irvin Street, which is a minimum of five (5) feet wide, within the Application Property as shown on the GDP, subject to VDOT approval and acceptance.
7. Fairfax County Park Authority Contribution: The Applicant shall contribute \$7,950 to the Fairfax County Park Authority at the time of subdivision plan approval, which amount shall be used to provide park improvements at the Ashgrove Historic site.
8. Fairfax County Schools Contribution: Prior to Subdivision Plat approval, the Applicant shall contribute \$37,500 to the Fairfax County Board of Supervisors for transfer to the Fairfax County School Board to be utilized for projects contained in the CIP for public schools within Fairfax County, as determined by the Board of Supervisors.
9. Landscaping: The Applicant shall provide landscaping on the Application Property as generally shown on the GDP, in accordance with the recommendations of the Urban Forestry Division. Evergreen trees shall be a minimum height of eight (8) feet and shade trees shall have a minimum caliper of two and one-half (2-1/2) inches at the time of planting.
10. Tree Preservation Plan: The applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. The tree preservation plan shall include, as necessary and described below, measures to preserve those trees identified on the GDP to be preserved.
 - a. The applicant agrees to 1) root prune, 2) mulch, and 3) provide tree protection fencing as required. All three treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site and/or subdivision plan submission. The details for these treatments shall be reviewed and approved by the Urban Forestry Division, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the Phase II E&S activities are complete, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment
- Mulch shall consist of that type agreed to by the parties.
- An Urban Forestry Division representative shall be informed when all root pruning and tree protection fence installation is complete.

b. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing (super silt fence) shall be erected at the limits of clearing and grading as shown on the demolition and Phase I & II erosion and sediment control sheets. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. Three days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

c. The demolition of existing features and structures shall be conducted in a manner that minimizes the impact on individual trees and groups of trees that are to be preserved as reviewed and approved by the Urban Forestry Division. Methods to preserve existing trees may include, but not be limited to the following: use of super silt fence, welded wire tree protection fence, root pruning, mulching, and others.

d. The developer 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 this proffer Number 10. The monitoring schedule shall be described and detailed in the tree preservation plan and reviewed and approved by the Urban Forestry Division.

At the time of subdivision plat approval, the Applicant will post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the designated trees that die or are dying due to construction activities. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees, but shall not exceed U.S. \$25,000.

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

e. The applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to determine the replacement value of all trees specified to be saved. These trees and their value shall be identified on the plan at the time of the first submission of the site and/or subdivision plan. The replacement value shall be determined according the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by the Urban Forestry Division.

11. Stormwater Management/BMP: SWM/BMPs shall be provided to the satisfaction of the Director, DPWES. If the waivers needed for the proposed innovative stormwater management Best Management Practices are not granted, stormwater management and/or BMPs shall be provided as required. If the substitute stormwater management and/or BMP facilities are not in substantial conformance with the proffered GDP, the applicant shall be required to obtain a proffered condition amendment. The innovative stormwater management facilities shown on the GDP shall be subject to the review and approval of the Director, Department of Public Works and Environmental Management. The size of the storage pipes may be reduced based on final engineering. A private maintenance agreement addressing the maintenance of the SWM/BMP shall be executed to the satisfaction of the Director, DPWES prior to subdivision plan approval.
12. Housing Trust Fund Contribution: At the time of approval of the first building permit, a contribution shall be made to the Fairfax County Housing Trust Fund of in the amount of 0.5% of the sales price of each single family dwelling actually constructed. The amount of said contribution shall be determined by the Department of Housing and Community Development.
13. Covenant on Use of Garages: A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g. parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved, by the County Attorney prior to the sale of any lots and shall run to the benefit of the

homeowners' association, which shall be established, and the Fairfax County Board of Supervisors. This restriction shall be stated in the HOA documents, and initial purchasers shall be advised of the use restriction prior to entering into contract of sale.

14. Energy Conservation: All homes constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent as determined by DPWES, for either electric or gas energy systems.
15. 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 to assist in the initial sale of homes on the Application Property. Furthermore, the agents and employees involved in the marketing and sale of the residential units on the Application Property shall be directed to adhere to this proffer.
16. Construction of Improvements: All of the improvements described herein shall be constructed concurrent with development of the Application Property.
17. Access Easement/Maintenance of Access Road on Outlot B: Initial purchasers shall be advised of the requirement to maintain the access Road on Outlot B and the estimated costs thereof prior to entering into a contract of sale. This requirement to maintain the private streets as constructed and the estimated maintenance costs shall be included in the homeowners' association documents prepared for the Application Property. Under any circumstances pedestrian access through Outlot B shall be maintained in perpetuity.
18. Right of Way Vacation. Notwithstanding the submission for processing of any applications, plans or plats in furtherance of the development of the Application Property, the Applicant acknowledges that no such application, plan or plat shall be approved by Fairfax County until or unless the vacation of right-of-way for Bartholomew Court proposed as part of the Application Property is approved by the board of Supervisors. In the event that such vacation is not approved by the Board of Supervisors, or in the event that the Board's approval is overturned by a court of competent jurisdiction, any development of the Application property under the RZ District shall require a proffered condition amendment and the Applicant acknowledges that such amendment may result in a loss of density. The Applicant hereby waives any right to claim or assert a taking or any other cause of actions that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way vacation.
19. Green Paving: Applicant shall use best efforts to implement alternative paving methods for access to Outlots A and D and the access road on Outlot B, subject to the approval of the Director of DPWES.

20. Town of Vienna Requirements. Prior to obtaining a permit to demolish the existing house, the applicant shall demonstrate to the satisfaction of the DPWES that the Town of Vienna Demolition Permit Regulations have been followed with regard to water service to the property. Further, prior to the approval of the subdivision plan, the applicant shall demonstrate that the Town of Vienna construction requirements have been followed with regard to water service to the future dwelling units. The applicant shall also provide the Town of Vienna Superintendent of Water and Sewer with at least two weeks notice of the start of construction.
21. Temporary Cul-de-Sac. Irvin Street shall terminate in a temporary cul-de-sac placed within an easement as shown on the GDP. The terms of the easement shall be subject to the approval of the Director, DPWES. A minimum building setback of 30 feet shall be provided from the edge of pavement of the temporary cul-de-sac for Lot 6. A sign that states that this is a temporary cul-de-sac shall be placed at the cul-de-sac.
22. Successors and Assigns: These proffers will bind and inure to the benefit of the applicant and all successors and assigns.

The rest of the page is intentionally left blank.

Signatures are on the following page.

OWNER OF
TAX MAP 28-4-1-22B and 23

TYSONS 89, LLC
BY: THE YOUNG GROUP, INC., Managing Member

By: _____
Robert A. Young, President

Date: _____

U.S. GOVERNMENT

By: _____
Signature

Date: _____

Name and Title

REZONING AFFIDAVIT

A07416

DATE: June 30, 2004
 (enter date affidavit is notarized)

I, Robert A. Young of Tysons 89, LLC, 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

in Application No.(s): RZ 2003-HM-042
 (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)
Tysons 89, LLC	6718 Whittier Avenue, Suite 220, McLean, VA 22101	Applicant/Title Owner of Tax Map #28-4-(1)-22B and 23 (former Contract Purchaser)
Robert A. Young	6718 Whittier Avenue, Suite 220, McLean, VA 22101	Agent for Applicant/ Title Owner (former Contract Purchaser)
Nellie C. Sherman Trust	2938 Village Spring Lane, Vienna, VA 22182	Former Title Owner
Beverly J. Bingham, Trustee	2938 Village Spring Lane, Vienna, VA 22182	Trustee/ Former Title Owner
Beneficiaries of the Trust: Steven Oliver Anne Abbot Helene H. Oliver	422 South 11th Street, Philadelphia, PA 19147 133 Kale Avenue, Sterling, VA 22164 8880 Ashgrove Lane, Vienna, VA 22182	

(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).

807416

Rezoning Attachment to Par. 1(a)

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(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)
Butz-Wilbern, LTD Individual Agents: Jack M. Wilbern	6718 Whittier Avenue, Suite 110 McLean, VA 22101	Architect/ Agent
Walter L. Phillips, Incorporated Individual Agents: John Gavarkavich Terrance M. Anderson	207 Park Avenue, Suite 104 Falls Church, VA 22046	Engineer/Agent
Reed Smith, LLP Individual Agents: Linda Broyhill	3110 Fairview Park Drive, #1400 Falls Church, VA 22042	Attorney/Agent

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

REZONING AFFIDAVIT

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(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)
Tysons 89, LLC
6718 Whittier Avenue, Suite 220
McLean, VA 22101

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

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

The Young Group, Inc.
Capital Ventures, L.C.

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

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

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

807416

Rezoning Attachment to Par. 1(b)

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(enter County-assigned application number (s))

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

The Young Group, Inc.
6718 Whittier Avenue, Suite 220
McLean, VA 22101

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)

Robert A. Young
Nancy B. Young

=====

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

Robert A. Young, President
Nancy B. Young, Secretary/Treasurer

=====

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

Capital Ventures, L.C.
11739 Bowman Green Drive
Reston, VA 20190

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)

Steven J. Parnell

=====

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

Steven J. Parnell, Manager

(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: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(enter County-assigned application number (s))

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

Walter L. Phillips, Incorporated
207 Park Avenue, Suite 104
Falls Church, VA 22046

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)

Jeffrey J. Stuchel	Terrance M. Anderson
Brian G. Baillargeon	
Edward L. Johnson	

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

Jeffrey J. Stuchel, President	Terrance M. Anderson, Principal
Brian G. Baillargeon, Executive Vice President	
Edward L. Johnson, Principal	

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

Buiz-Wilbern, LTD.
6718 Whittier Avenue, Suite 110
McLean, VA 22101

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)

Samuel M. Butz
Jack M. Wilbern

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

Samuel M. Butz, President
Jack M. Wilbern, 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.

80741 b

REZONING AFFIDAVIT

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

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

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

GENERAL PARTNERS:

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

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

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

Rezoning Attachment to Par. 1(c)

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(enter County-assigned application number (s))

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

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

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

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

GENERAL PARTNERS:

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

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

809416

Rezoning Attachment to Par. 1(c)

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(enter County-assigned application number (s))

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

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

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

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

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

Former Equity Partners Former Partners
Birnbaum, Lloyd C Browne, Michael L.
Bruzzone, Richard A. Blum-Herkenhoff, L. Amy
Casey, Bernard J. D'Agostino, L. James
Dare, R. Mark Glanton, Richard H.
Davis, Peter R. Gryko, Wit J.
Hawkins, Jane M. Sachse, Kimberly L.
Kearney, James K. Swayze, David S.
Maier, Thomas A.
Mansmann, J. Jerome
Moorhouse, Richard L.
Post, Peter D.
Reichner, Henry F.
Rissetto, Christopher L.
Springer, Claudia Z.
Whitley, Bruce D.
Zimmerman, Scott F.

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

207416

REZONING AFFIDAVIT

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(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.

80941b

REZONING AFFIDAVIT

DATE: June 30, 2004
(enter date affidavit is notarized)

for Application No. (s): RZ 2003-HM-042
(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

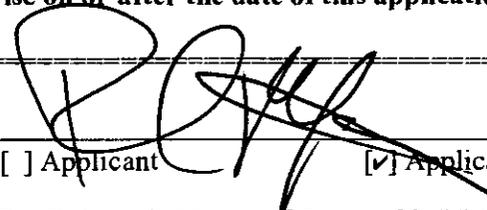
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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)

Applicant  Applicant's Authorized Agent

By: Robert A. Young of Tysons 89, LLC, Agent for Applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of June, 2004, in the State/Comm. of Virginia, County/City of Fairfax.

Marina V. Boyd
Notary Public

My commission expires: 3/31/2005

6. Public Facilities: The applicant has submitted proffers which are intended to mitigate any impact on public facilities.
7. Affordable Housing: The Applicant has proposed a contribution to the Housing Trust Fund per the County's current formula.
8. Heritage Resources: Applicant has no knowledge of any heritage resources on the site.

Tyson's 89, LLC

6718 Whittier Avenue,
Suite 220

McLean, VA 22101

Phone: 703-356-8800 Fax: 703-893-0706

RECEIVED
Department of Planning & Zoning

MAY 13 2004

Zoning Evaluation Division

May 7, 2004

Virginia Ruffner
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

Re: RZ 2003-HM-042

Dear Virginia:

Please find attached the required materials to support our amendment to the referenced rezoning application. As you will see, we have increased the land area included in the application from 5.3545 acres to 6.1925 acres and, consequently, revised our proposed lot count from nine (9) to ten (10) lots.

The increase in land area stems from two sources:

1. After much research it was determined that the road bed of Bartholomew Court has, in fact, been a part of Parcel 23 (the subject property) since its original subdivision. Our attorneys in consent with the County Attorney's office, has made that determination and further agreed that we will apply for an abandonment of the existing public access easement in parallel with our rezoning request. You will find at Attachment A a copy of the plat delineating that parcel as well as copies of correspondence between our attorney and the County Attorney wherein you will find their agreement regarding the correct ownership of the road bed.
2. Our research also discovered that the portion of Ashgrove Lane adjacent to the subject parcel is, in fact, owned by the USA Government. Since the road bed is of no use to anyone but us (because the road access must be replaced if it is purchased and we are the only ones capable of doing so) we are confident that we will be able to work through the required process to purchase it. In the meantime, you will find at Attachment B a letter from the GSA granting us permission to submit the parcel as a part of our application. Our plan in this regard is to proceed through the Planning Commission hearing and if for some reason, we have not taken title to the US Government property, to defer any action on the rezoning application by the Board of Supervisors until we have the property in our possession.

The revised application is enclosed as follows:

1. Completed application form (4 copies)
2. Certified Plat with Legal Description (metes and bounds) (4 copies) and existing vegetation map (4 copies)
3. Proposed Proffers
4. Fairfax County Zoning Section Sheet with property outlined in red (1 copy)
5. Map identifying classification of soil types (5 copies)
6. Signed Affidavit (1 copy)
7. Owner's notarized endorsement of application
8. Statement of justification (4 copies)
9. Generalized development plan (12 copies)
10. Statement of relationship of development to and compliance with the development criteria of the comprehensive plan.
11. Hazardous or toxic substances statement.
12. Proposed development conformation with the comprehensive plan.
13. Letter from attorney Linda Broyhill regarding inclusion of the Bartholomew Court road bed in this application.
14. Letter from GSA regarding inclusion of a portion of the Ashgrove Lane road be in this application.
15. A check for the application fee in the amount of \$1,796.00.

Sincerely,
Tysons 89, LLC
By: The Young Group, Inc., Managing Member

By: Robert A. Young, President

RECEIVED
Department of Planning & Zoning

MAY 14 2004

Zoning Evaluation Division

TYSONS 89, LLC

6718 WHITTIER AVE, SUITE 220
MCLEAN, VIRGINIA 22101
PHONE: 703.356.8800 FAX: 703.893.0706

Via Fax: 703-324-3924

June 16, 2004

Peter Braham
Fairfax County Economic Development Authority
12055 Government Center Pkwy
Suite 801
Fairfax, VA 22035-5505

RZ 2003-HM-042

Dear Peter:

As you know, we are doing everything possible to address the issues you raised recently regarding the referenced rezoning. The changes made were incorporated into our revised GDP (and associated drawings) which you should have received earlier in the week. Let me summarize the major items addressed as follows:

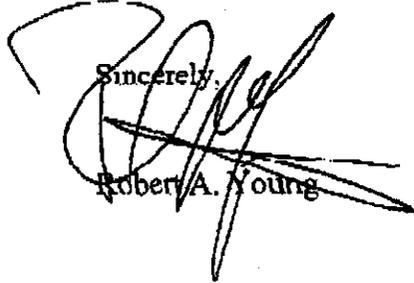
1. Tree Save – As you will see, we added a column to the tree survey table to specify the trees to be saved. Every tree you asked us to consider was able to be added to the list. This was accomplished by moving house locations, changing house types, altering lot lines, etc.
2. Private Rain Gardens – In order to eliminate the private rain gardens on Lots 4, 5 and 6, Outlot "D" was created to hold a single garden on property to be owned and maintained by the HOA.
3. Lot shapes/house locations – We have added the locations of the new houses on the adjacent subdivision so that you can see their relationship to our proposed house locations. As you will see, they are all "backyard to backyard". Some are at angles to one another which we believe is preferable to other possible arrangements. In any event, we have made the lots as rectilinear as possible, given the various constraints within which we must plan, e.g., roads, outlot drives, etc.

4. Driveways – We are prepared to proffer “green” driveways to both of the rain gardens and will attempt to do something similar for the drive areas on Outlots “B” and “C”

As you may know, we met with the Hunter Mill Land Use Committee last night and received their unanimous endorsement of the proposed rezoning. I also spoke with Planning Commissioner De La Fey and Goldie Harrison, neither of whom has any further issues with the proposed project. We will meet with the neighbors again at the end of the month but we are in touch with them via email and we are not aware of any issues raised which we have not already addressed. Therefore, we believe they will not oppose our application in any way, particularly since most perceive they will be better off in one way or another as a result of the proposed subdivision.

We are anxious to address any remaining issues you may have, including proffer revisions, so we look forward to hearing from you at your very earliest convenience.

Sincerely,



Robert A. Young



May 12, 2004

GSA National Capital Region

Ms. Virginia H. Ruffner, Planner
Department of Planning and Zoning
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

Re: Rezoning Application RZ 2003-HM-042 Tysons 89, LLC

Dear Ms. Ruffner:

The General Services Administration (GSA) anticipates handling the disposal of a certain parcel of federally owned real property in Fairfax County, Virginia. The property in question is known as Tract H-35-A of the Dulles Airport Access Road. It was acquired by the United States by Declaration of Taking, Civil Action No. 1902-M, filed in the United States District Court for the Eastern District of Virginia on April 18, 1961.

The property has been owned in fee by the United States since 1961 and consists of 0.331 of an acre of land owned in fee improved with a two-lane paved road. The property is still used as a residential street and connects a private road known as Bartholomew Court to a public residential street named Irvin Street. Therefore, any conveyance of the subject property would incorporate the provision that the property must continue to be used and maintained as a street unless and until an equal alternate means of unrestricted access to Bartholomew Court is provided.

While properties owned by the United States are not subject to municipal zoning regulations, GSA acknowledges that the property will become subject to zoning when and if title passes to a private entity. As part of GSA's disposal process, the property would be offered to public entities and then offered to sale to private parties. The rezoning applicant has indicated its interest to GSA in acquiring the property.

It should be noted that GSA conducts sales of surplus real property at fair market value. One of the contributing factors to a property's value is the level of development available to the new owner as reflected and controlled by zoning. Inherent in the notion of highest and best use is that a property's value is based on the use which is reasonably foreseeable and will generate optimal financial return to the owner. Therefore, while GSA is not constrained by zoning in its use and development of property, we are anxious that any zoning action that is undertaken shall be a fair and reasonable reflection of that which is found in nearby and adjacent properties.

Sincerely,



Jack Burrows
Property Disposal Division, PBS
National Capital Region

RECEIVED
Department of Planning & Zoning

MAY 13 2004

Zoning Evaluation Division

cc: Linda S. Broyhill, Reed Smith LLP

U.S. General Services Administration
301 7th Street, SW
Washington, DC 20407-0001
www.gsa.gov

ReedSmith

Linda S. Broyhill
 Direct Phone: 703.641.4328
 Email: lbroyhill@reedsmith.com

Reed Smith LLP
 3110 Fairview Park Drive
 Suite 1400
 Falls Church, VA 22042-4503
 703.641.4200
 Fax 703.641.4340

May 11, 2004

RECEIVED
 Department of Planning & Zoning

MAY 13 2004

Zoning Evaluation Division

Ms. Virginia H. Ruffner, Planner
 Department of Planning and Zoning
 12055 Government Center Parkway, 8th Floor
 Fairfax, Virginia 22035

**Re: Rezoning Application Number RZ 2003-HM-042
 Tysons 89, LLC (the "Applicant")
 Bartholomew Court**

Dear Ms. Ruffner:

The purpose of this letter is to provide supporting information regarding the ownership of Bartholomew Court. On June 25, 2003, the Applicant filed an application for rezoning (the "Application") of Tax Map 28-4 ((1)) Parcels 23 and 22B (the "Subject Property") to develop a single-family residential community. The Subject Property is currently accessed from Irvin Street (Route 831) by a parcel owned by the United States of America (the "USA Parcel") that connects with Bartholomew Court. The revised Generalized Development Plan contemplates the construction of a public road (the "New Road") that will eliminate the need for that portion of Bartholomew Court, which adjoins Parcels 23 and 22B. The New Road will connect to Irvin Street, traverse the USA Parcel and the Subject Property and connect to Bartholomew Court where it adjoins Parcel 22C. The Applicant intends to file a Petition for Abandonment with the Fairfax County Board of Supervisors (the "Board") for that portion of Bartholomew Court eliminated by the redevelopment. During the pendency of the Application, the Applicant is pursuing a purchase of the USA Parcel for incorporation in the planned development.

The portion of Bartholomew Court subject to the Application was created by deed dated November 21, 1906, recorded in Deed Book V6, page 585 of the land records of Fairfax County, Virginia. Bartholomew Besley and Sarah Elizabeth Besley, his wife, and Jerome L. Besley and Fannie Bear Besley, his wife, granted and dedicated to the general public a "right of way for highway purposes" over and across their property. A copy of the deed is enclosed for your file. The recordation of the deed and the continued use of Bartholomew Court by the public constitute common law dedication and implied acceptance of a public street easement under applicable Virginia law.

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND • PRINCETON
 FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • HARRISBURG • LEESBURG • WESTLAKE VILLAGE

r e e d s m i t h . c o m

D

ReedSmith

Ms. Virginia H. Ruffner, Planner
May 11, 2004
Page 2

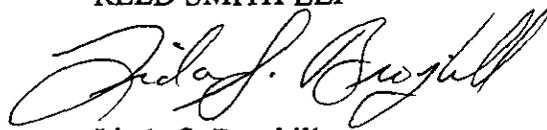
Since Bartholomew Court is deemed a public street easement, abandonment in accordance with applicable law will be required before the road may be impeded. Upon abandonment, the land use will be discharged from the servitude, and the absolute title will revert to the owner of the fee. Absent contrary evidence, the fee is presumed to be in the abutting landowners. Since the Besley deed clearly indicated that the right of way was carved solely from their property, their successors in title will receive the entire reversion.

This firm provided a detailed memorandum of points and authorities to Jan Brodie in the Office of the County Attorney in support of Applicant's position that Bartholomew Court is a public street easement that can be abandoned pursuant to Section 33.1-157 of the 1950 Code of Virginia, as amended. Under the facts and circumstances of this Application, Ms. Brodie consented to the submission of the Petition for Abandonment to the Board. Accordingly, upon Board approval of the Petition, that portion of Bartholomew Court subject to the Application will be abandoned. Upon abandonment, Parcels 23 and 22B will be discharged from the servitude of the public street easement.

If you require additional information, please do not hesitate to contact me.

Sincerely,

REED SMITH LLP



Linda S. Broyhill

LSB/pls

Enclosure

cc: Jan L. Brodie, Esq. (w/out enclosure)

Robert Young (w/out enclosure)

V6/

Looks as if "dedicated"

30' WIDE

Know All Men By These presents; that we, Bartholomew Beasley, and Sarah Elizabeth Beasley, his wife, Jerome L. Beasley and Fannie Bear Beasley, his wife, do hereby grant to the General Public a right of way for highway purposes, thirty feet wide; extending along the line of Franklin Sherman's Ash Grove Farm near the Town of Vienna, Virginia, from the corner of the Waite place to the end of said line, and in prolongation of the thirty foot public outlet arranged for by Franklin Sherman and in consideration of which this dedication is made. The land to be thus publicly used is a part of the land acquired by the late Isaac Beasley by deed dated May 20, 1853, and recorded in Liber E. No. 3, page 312, of the deed books of Fairfax County, Virginia, and was divided by deed of partition dated May 1, 1896, and recorded in Liber U. No. 5, page 322 of said deed books, Bartholomew Beasley having acquired the share of Maryvite Beasley Brown by deed dated October 20, 1894, and recorded in Liber U. No. 5, page 321; and Jerome L. Beasley having acquired the share of William B. Beasley by deed dated May 1, 1895, and recorded in Liber V. No. 5, page 307 and the share of W. B. Hardenburg by deed dated August 27, 1896, and recorded in Liber V. No. 5, page 306.

The land to be thus publicly used includes the roadway sixteen feet one half feet wide reserved for all the lots in said deed of partition of May 1, 1896, between the corner of Waite place and the corner of Ash Grove Farm.

Witness our hands and seals this 21st. day of November, 1906.

Bartholomew Beasley (seal)
 Sarah Elizabeth Beasley (seal)
 Jerome L. Beasley (seal)
 Fannie Bear Beasley (seal)

State of Virginia, County of Fairfax, to-wit:-

I, A. J. Gimmalley, a Notary Public in and for Fairfax County, Virginia, do certify that Bartholomew Beasley and Sarah Elizabeth Beasley, his wife, whose names are signed to the writing hereto annexed, bearing date on the 21st. day of November, 1906, have acknowledged the same before me in my County aforesaid.

Given under my hand this 21st. day of November, 1906.

A. J. Gimmalley, Notary Public.
 Commission expires June 19, 1909.-

State of Ohio,
 County of Cuyahoga,

I, A. F. Cartwright, a Notary Public in and for Cuyahoga County Ohio, do certify that Jerome L. Beasley and Fannie Bear Beasley, his wife, whose names are signed to the writing hereto annexed, bearing date on the 21st. day of November, 1906, have acknowledged the same before me in my County and State aforesaid.

Given under my hand and Notarial seal this 25th. day of January, 1907.

(seal) A. F. Cartwright, Notary Public.
 Commission expires Sept. 19-1908-

Witness,
 Walter Weeks.

In the Clerk's office of Fairfax Circuit Court, Va. January 11th., 1907-

This deed was received, duly authenticated and admitted to record.

Teste,

J. H. Richardson.....

Clerk.

64

ReedSmith

Linda S. Broyhill
 Direct Phone: 703.641.4328
 Email: lbroyhill@reedsmith.com

Reed Smith LLP
 3110 Fairview Park Drive
 Suite 1400
 Falls Church, VA 22042-4503
 703.641.4200
 Fax 703.641.4340

June 9, 2004

HAND DELIVERY

Fairfax County Board of Supervisors
 12000 Government Center Parkway
 Suite 530
 Fairfax, Virginia 22035-5505
 Attn: Nancy Vehrs, Clerk to the Board

Re: Letter of Request and Justification for a Petition for Abandonment of that Portion of Bartholomew Court Adjoining Tax Map 28-4 ((1)) Parcels 23 and 22B, pursuant to Virginia Code §33.1-159

Ladies and Gentlemen::

On June 25, 2003, Tysons 89, LLC (the "Applicant") filed an application for rezoning (RZ 2003-HM-042) of Tax Map 28-4 ((1)) Parcels 23 and 22B (the "Application"). The Applicant subsequently amended the Application. The Application provides for the consolidation of the two parcels and the development of ten (10) single family detached homes. The subject property is currently accessed by Irvin Street (Route 831) via Bartholomew Court, a road dedicated to the public but not part of the state highway system or the secondary highway system. A portion of Bartholomew Court is subject to the Application. The revised generalized development plan ("GDP"), dated May 5, 2004, a copy of which is submitted with the Petition, contemplates the construction of a public road (the "New Road") that will eliminate the need for that portion of Bartholomew Court which adjoins Parcels 23 and 22B. The New Road will connect to Irvin Street, traverse the property and connect to Bartholomew Court where it adjoins Parcel 22C. The purpose of this letter is to petition the Board of Supervisors to enter an order of abandonment (the "Petition") for this portion of Bartholomew Court in conjunction with approval of the Application.

The portion of Bartholomew Court subject to the Petition was created by deed dated November 21, 1906, recorded in Deed Book V6, page 585 of the land records of Fairfax County, Virginia. Bartholomew Besley and Sarah Elizabeth Besley, his wife, and Jerome L. Besley and Fannie Bear Besley, his wife, granted and dedicated to the general public a "right of way for highway purposes" over and across their property. A copy of the deed is enclosed herewith. The recordation of the deed and the continued use of Bartholomew Court by the public constitute common law dedication of a public street

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND • PRINCETON
 FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • HARRISBURG • LEESBURG • WESTLAKE VILLAGE

reedsmith.com

easement under Virginia law. The portion of Bartholomew Court (the "Old Road") that is subject to the Petition is shown on the plat submitted with the Petition, dated May 27, 2004, entitled "Abandonment Plat Portion of Bartholomew Court " (the "Plat").

The Old Road:

- a. Adjoins, but does not provide access to, Tax Map 28-4 ((36)) Parcels 6, 15 and 16.
- b. Adjoins and provides access to Tax Map 28-4 ((1)) Parcel 23B. The abandonment will impede access to Irvin Street for this parcel. Therefore, the Applicant will provide substitute access to the New Road as shown on the GDP.
- c. Provides access to Irvin Street for Tax Map 28-4 ((1)) Parcels 22C, 22D, 22A, 22F and 22E. The abandonment will impede access to Irvin Street for these parcels. However, the New Road where it connects with Parcel 22C will provide substitute access as shown on the GDP.

Pursuant to Virginia Code §§33.1-157 and 159, a section of a road not in the secondary highway system may be abandoned by order of the governing body of the locality wherein the land is located upon petition of an interested person. As shown on the GDP, once the subject property is redeveloped, the New Road will eliminate the need for the Old Road. Accordingly, the Applicant hereby requests entry of an order finding that the Old Road is no longer necessary for public use and abandoning the Old Road as more particularly bounded and described on the Plat.

Please note, that in accordance with Virginia Code §33.1-163, upon adoption and recordation of the order of the Board of Supervisors, the title for the entire width of Bartholomew Court so abandoned shall vest as shown on the Plat in the owner of **Parcels 23 and 22B**, the abutting lot owner, since the Old Road is located on the periphery of her plats.

Sincerely yours,

REED SMITH LLP



Linda S. Broyhill

V 6/

Looks as if "dedicated"

30' wide

Know All Men By These presents; that we, Bartholomew Besley, and Sarah Elizabeth Besley, his wife, Jerome L. Besley and Fannie Bear Besley, his wife, do hereby grant to the General Public a right of way for highway purposes, thirty feet wide; extending along the line of Franklin Sherman's Ash Grove Farm near the Town of Vienna, Virginia, from the corner of the Waite place to the end of said line, and in prolongation of the thirty foot public outlet arranged for by Franklin Sherman and in consideration of which this dedication is made. The land to be thus publicly used is a part of the land acquired by the late Isaac Besley by deed dated May 26, 1855, and recorded in Liber E.No.3, page 312, of the deed books of Fairfax County, Virginia, and was divided by deed of partition dated May 1, 1895, and recorded in Liber U.No.5, page 322 of said deed books, Bartholomew Besley having acquired the share of Maryette Besley Brown by deed dated October 20, 1894, and recorded in Liber U.No.5, page 321; and Jerome L. Besley having acquired the share of William B. Besley by deed dated May 1, 1895, and recorded in Liber V.No.5, page 307- and the share of ED.S. Hardenburg by deed dated August 27, 1895, and recorded in Liber V. No.5, page 308.

The land to be thus publicly used included the roadway sixteen feet and one half feet wide reserved for all the lots in said deed of partition of May 1, 1895, between the corner of Waite place and the corner of Ash Grove Farm.

Witness our hands and seals this 21st. day of November, 1906.

Bartholomew Besley (seal)
 Sarah Elizabeth Besley (seal)
 Jerome L. Besley (seal)
 Fannie Bear Besley (seal)

State of Virginia, County of Fairfax, to-wit:-

I, A.J. Ginnelley, a Notary Public in and for Fairfax County, Virginia, do certify that Bartholomew Besley and Sarah Elizabeth Besley, his wife, whose names are signed to the writing hereto annexed, bearing date on the 21st. day of November, 1906, and acknowledged the same before me in my County aforesaid. Given under my hand this 21st. day of November, 1906.

A.J. Ginnelley, Notary Public.
 Commission expires June 19, 1908.-

State of Ohio, County of Cuyahoga,

I, A.P. Cartwright, a Notary Public in and for Cuyahoga County Ohio, do certify that Jerome L. Besley and Fannie Bear Besley, his wife, whose names are signed to the writing hereto annexed, bearing date on the 21st. day of November, 1906, have acknowledged the same before me in my County and State aforesaid. Given under my hand and Notarial seal this 5th. day of January, 1907.

A.P. Cartwright, Notary Public.
 Commission expires Sept. 15-1908-

(seal)
 Witness, Walter Waech,

In the Clerk's office of Fairfax Circuit Court, Va. January 11th., 1907-

This deed was received, duly authenticated and admitted to record.

Teste, J. D. Richardson.....

Clerk.

64

NOTICE OF INTENT TO ABANDON
A PORTION OF BARTHOLOMEW COURT
TAX MAP 28-4 ((1)) PARCEL 23 AND 22B

HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

(Not in the Secondary System of Highways)

To be heard by the Board of Supervisors on _____, 2004, at ____ PM:

Proposed abandonment of a portion of a public street easement known as Bartholomew Court from a point in the line of Nancy B. Shaver, Deed Book 15955 at Page 1383, Ashgrove Woods, Lot 6 to a point in the line of undisclosed owner, Deed Book 11375 at Page 0065, Ashgrove Woods, Lot 16, a distance of 735.22 feet, pursuant to Va. Code § 33.1-161. The road is located on Tax Map 28-4 ((1)) Parcels 23 and 22B, and is described and shown on the metes and bounds schedule dated June 1, 2004, and plat, dated May 27, 2004, both prepared by Walter L. Phillips Incorporated, 207 Park Avenue, Falls Church, Virginia 22046, and on file in the Fairfax County Office of Transportation, 12055 Government Center Parkway, Suite 1034, Fairfax, Virginia 22035, Telephone Number 703-324-1135.

HUNTER MILL DISTRICT

§33.1-161

D

ORDER OF ABANDONMENT
OF A PORTION OF BARTHOLOMEW COURT
TAX MAP 28-4 ((1)) PARCELS 23 AND 22B

HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA

(Not in the Secondary System of Highways)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this _____ day of _____, 2004, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code § 33.1-158, at which meeting a quorum was present and voting, and upon due consideration of the historic value of the road, if any, the Board has determined that no public necessity exists for the continuance of the road and that the welfare of the public will be served best by abandoning the road, therefore

BE IT ORDERED:

That Bartholomew Court from a point in the line of Nancy B. Shaver, Deed Book 15955 at Page 1383, Ashgrove Woods, Lot 6 to a point in the line of undisclosed owner, Deed Book 11375 at Page 0065, Ashgrove Woods, Lot 16, a distance of 735.22 feet, located on Tax Map 28-4 ((1)) Parcels 23 and 22B, and described and shown on the metes and bounds schedule, dated June 1, 2004, and plat, dated May 27, 2004, each prepared by Walter L. Phillips Incorporated, 207 Park Avenue, Falls Church, Virginia 22046 and attached hereto and incorporated herein, be and the same is hereby abandoned as a public street easement pursuant to Virginia Code § 33.1-161.

This abandonment is subject to any right, privilege, permit, license, or easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

Nancy Vehrs
Clerk to the Board

§ 33.1-161

WALTER L. PHILLIPS, INCORPORATED

Founded 1945

Metes and Bounds Description

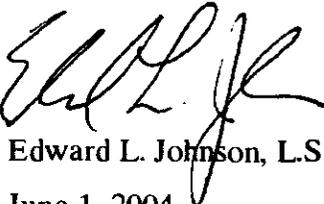
Portion of Bartholomew Court being abandoned to Parcels 23 and 22B

Fairfax County Tax Map #28-4 ((1)) Bartholomew Court

Hunter Mill District

Fairfax County, Virginia

"Beginning at a point in the east line of Bartholomew Court, said point being a corner of now or formerly Mitchell and in the line of Ashgrove Woods, Lot 6; thence with the east line of Bartholomew Court, the same line running also with Ashgrove Woods, Lot 6, and then now or formerly Oliver and then Ashgrove Woods, Lots 15 and 16, S 22° 55' 12" E, 735.22 feet to a corner of Ashgrove Woods, Lot 16; thence with Ashgrove Woods, Lot 16, S 63° 24' 48" W, 30.06 feet to a point in the west line of Bartholomew Court, said point also being a corner to property of United States of America; thence with the west line of Bartholomew Court, the same line running also with the property of the United States of America and through the property of Bingham, Trustee, N 22° 55' 12" W, 735.22 feet to a point in the line of now or formerly Mitchell; thence with now or formerly Mitchell, N 63° 24' 48" E, 30.06 feet to the point of beginning and containing an area of 22,057 square feet, or 0.50635 acres, more or less".



Edward L. Johnson, L.S.

June 1, 2004

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

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

SUBJECT: ENVIRONMENTAL ASSESSMENT for: RZ 2003-HM-042
Besley Farm

DATE: 7 November 2003

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the generalized development plan dated August 27, 2003. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS

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

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

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

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

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

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

In the Fairfax County Comprehensive Plan, Policy Plan, 2002 Edition, Environment section as amended through August 5, 2002, on pages 4 through 7, the Plan states:

“The core of Fairfax County’s Environmental Quality Corridor (EQC) system is its stream valleys. Streams provide habitat for aquatic species and are an integral component of stream valley habitat systems. Streams also serve to replenish water sources that may ultimately provide drinking water and are places of natural beauty, that provide recreational and aesthetic opportunities, contributing to the quality of life in Fairfax County. Much of the County’s parkland consists of stream valley parks, and much of the County’s existing and planned trail system is located near streams. Land use and development activities have the potential to degrade the ecological quality of streams through the direct transport of pathogens and pollutants, as well as through hydrologic changes that can alter the character of flow in streams, resulting in alterations to stream morphology (e.g., stream bank erosion). The protection and restoration of the ecological quality of streams is important to the conservation of ecological resources in Fairfax County. Therefore, efforts to minimize adverse impacts of land use and development on the County’s streams should be pursued. . . .

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

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

Policy k. For new development and redevelopment, apply low-impact site design 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:

- 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.

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

ENVIRONMENTAL ANALYSIS

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

Tree Cover

Issue:

The subject property is generally characterized as old field, maintained grassland and developed area. The development plan indicates that the entire site will be cleared with no existing tree cover to be retained. The Existing Vegetation Map (EVM) which was included with the submission of the development plan notes a number of trees which are listed as being in good to excellent condition. Staff is concerned that there is an opportunity to preserve at least some of the existing tree cover as part of the proposed development but the applicants have made no commitments to preserve any of the existing tree cover.

Resolution:

Staff would strongly encourage the applicants to work with staff from the Urban Forestry Division (UFD) to develop a potential tree save plan which could be incorporated into the final design for the proposed subdivision. It should also be noted that there may be opportunities to transplant existing on-site vegetation for use in the final development. A final determination on the most appropriate tree save and landscaping for the subject property should be determined by staff from the UFD.

Stormwater Management/Water Quality

Issue:

While the development plan depicts an area for a conventional stormwater management facility on the subject property, it is not clear that the sizing of this facility is adequate given the amount of impervious surface which will be created with the proposed development. It is also not clear where the maintenance access will be provided for the proposed stormwater management facility.

Resolution:

The applicants should demonstrate the adequacy of the proposed stormwater management facility in order to ensure that a larger facility might not be needed for the proposed development. The applicants should also clearly depict an access drive for future inspection and maintenance of the facility.

PGN: JRB

D

**FAIRFAX COUNTY, VIRGINIA
MEMORANDUM**

APPENDIX 8

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

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

FILE: 3-4, (RZ 2003-HM-042)

SUBJECT: Transportation Impact

REFERENCE: RZ 2003- HM-042; Robert A. Young of Tysons 89, LLC
Traffic Zone: 1624
Land Identification Map: 28-4 ((1)) 22B and 23

DATE: July 2, 2004

The following comments reflect the analyses of the Department of Transportation. These comments are based on the Generalized Development Plan revised to June 22, 2004 and draft proffers dated July 25, 2004

The applicant is proposing to develop the site with 10 single family detached residences. *This department can not support approval of the application as submitted.* The development plan and proffer commitments should be revised to correct the issues identified below.

1. The applicant should shift the proposed on-site easement so as to align with the existing easement immediately east of the subject property which is identified on the development plan as Ashgrove Lane. The proposed asphalt driveway connection to Ashgrove Lane should also be shifted so as to be located within the easement and so as to tie into the existing off-site roadway.
2. The revised plan adds a sidewalk along one side of the development, but curb and gutter and sidewalk should also be provided on both sides of the street throughout the development. Note that the shoulder design will inhibit pedestrian access to the residences since any visitor or resident parking along the roadway must park on the shoulder and then negotiate the open drainage ditch between the shoulder and the sidewalk.
3. The sidewalk on the development plan terminates at the property line of the development. Ashgrove Meadows Lane intersects Irvin Street approximately 25 feet south of the property line of the subject parcels. The sidewalk should be extended within the existing right-of-way to Ashgrove Meadows Lane and a culvert provided over the ditch so that the sidewalk will be accessible from the intersection. Note that a culver over the drainage ditch would not be needed if curb and gutter is provided as identified above.

AKR/CAA

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division, OCP

DATE: November 20, 2003

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



SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. RZ 2003-HM-042

Tax Map No. 028-4- /01/ /0022B, 0023

The following information is submitted in response to your request for a sanitary sewer analysis for the above referenced application:

1. The application property is located in the DIFFICULT RUN (D3) Watershed. It would be sewerred into the Blue Plains Treatment Plant.
2. Based upon current and committed flow, excess capacity is available at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established in accordance with the context of the Blue Plains Agreement of 1984. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8 inch pipe line located IN AN EASEMENT and APPROX. 25 FEET FROM the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

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

5. Other Pertinent information or comments:

TOWN OF
VIENNA
VIRGINIA

January 30, 2004

RECEIVED
Department of Planning & Zoning

FEB 03 2004

Zoning Evaluation Division

Office of Public Works

Mr. Peter Braham
Department of Planning and Zoning
12055 Government Center Parkway
Suite 80
Fairfax, VA 22035

Re: Besley Farms
RZ-2003-HM-042

Dear Mr. Braham:

As per our conversation yesterday, I would like to request that the owner or developer be informed that this parcel is within the Town of Vienna Water Service Area. It will be necessary for them to follow Town of Vienna Demolition Permit Regulations as well as familiarize themselves with any differences in our construction specifications. Our requirements are somewhat different from Fairfax County. Finally we would request at least two weeks notice prior to the start of construction.

Thank You:



Vernon R. Anderson
Superintendent of Water and Sewer
Town of Vienna

Cc: Director of Public Works

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

September 16, 2003

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

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

SUBJECT: Fire and Rescue Department Preliminary Analysis for Rezoning Application RZ
2003-HM-042

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

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #29, Tysons Corner
2. After construction programmed for FY 20__, this property will be serviced by the fire station planned for the _____.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is ____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Date: 10/2/03

Case # RZ-03-HM-042

Map: 28-4

PU 3566

Acreage: 5.35

Rezoning

From : R-1 To: R-2

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

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

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

School Name and Number	Grade Level	9/30/02 Capacity	9/30/02 Membership	2003-2004 Membership	Memb/Cap Difference 2003-2004	2007-2008 Membership	Memb/Cap Difference 2007-2008
Westbriar 3048	K-6	430	430	433	-3	418	12
Kilmer 3071	7-8	850	907	869	-19	876	-26
Marshall 3070	9-12	1500	1291	1282	218	1354	146

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

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	SF	9	X.244	2	SF	5	X.244	1	1	2
7-8	SF	9	X.070	1	SF	5	X.070	0	1	1
9-12	SF	9	X.159	1	SF	5	X.159	1	0	1

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

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

Comments

Based on the approved proffer guidelines the 4 students generated by this rezoning would justify a \$ 30,000 proffer for schools. (4 students x \$ 7,500 per student)

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

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

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

DATE: 7/2/2004

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

SUBJECT: Review of RZ2003-HM-042, Beasley
Robert a Young of Tysons99 LLC
028-4-01-00-0022-B

Site Data: 5.35 acres
R-1 to R-2
Difficult Run

1. The following Stormwater Planning Division (SWPD) and the Planning and Design Division (PDD) recommendations are based on their involvement in the below listed programs and are not intended to constitute total County input for these general topics. It is understood that the current requirements pertaining to Federal, State and County regulations, including the County Code, Zoning Ordinance and the Public Facilities Manual will be fully complied with throughout the development process. The SWPD and PDD recommendations are to be considered additional measures over and above the minimum current regulations.
 - SWPD Drainage recommendations: The space allocated for the proposed infiltration trenches in the GDP dated 6/22/04 appears to be large enough to provide for SWM for the site. The trenches should be designed per PFM section 6-1300. The use of underground perforated pipe must be approved by DPWES site plan reviewers and will require an exception to the PFM. The pipes should be closed at both ends and not accessible from the surface.
 - Stream Protection Strategy Baseline Report 2001 Recommendations: This site is in the "Watershed Restoration Level II" management category as determined by the Stream Protection Strategy baseline Report 2001. The primary goal of this category is to maintain areas to prevent further degradation and implement measures to improve water quality to comply with regulations and water quality standards. In this regard, this site should be developed with the use of innovative BMPs and a reduction in imperviousness and if appropriate, sections of on site streams that need stabilizing should be restored or stabilized.
 - Perennial streams Recommendation: None.
 - Drainage Complaints (PDD): There are no downstream complaints on file with PDD, relevant to this proposed development.
 - Other PDD recommendation: None.

CEB/RZ2-3-HM-042

RS/FR



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM

APPENDIX 14



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

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

DATE: October 21, 2003

SUBJECT: REVISED REPORT: RZ 2003-HM-042
Robert A. Young of Tysons 89, LLC/ Besley Farm
Tax Map Numbers: 28-4((1)) 22B and 23

BACKGROUND

The Fairfax County Park Authority (FCPA) staff has reviewed the proposed Development Plan dated August 27, 2003, for the above referenced application. The Development Plan shows 9 new proposed homes, on approximately 5.3545 acres. The proposal will add approximately 27 residents to the current population of the Hunter Mill District.

COMPREHENSIVE PLAN CITATIONS

1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 4, p. 180)

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

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

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

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

ANALYSIS AND RECOMMENDATIONS

The residents of this development will need access to outdoor recreational facilities. Typical recreational needs include playground/tot lots, basketball, tennis and volleyball courts and athletic fields. In order to offset the impact caused by the proposed development, the applicant should provide \$7,155 to the Park Authority for recreational facility development at one or more of our sites located within the service area of this development. The Development Plan currently does not show any proposed recreational facilities. If no qualifying outdoor active recreational amenities are provided, the applicant should dedicate the full \$7,155 to the FCPA.

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

FAIRFAX COUNTY, VIRGINIA
DEPARTMENT OF PLANNING AND ZONING
MEMORANDUM

DATE: 10 October 2003
TO: Peter Braham, Senior ZED Coordinator
FROM: Linda Cornish Blank, Historic Preservation Planner
SUBJECT: Heritage Resource Status, Tax Map # 28-4 ((1)) 23

The Fairfax County Historic Sites Inventory Map 2000-2001, the *Cemeteries of Fairfax County, Virginia*, 1994 and the Zoning Map 2003 identified a heritage resource as being located on the property, Tax Map # 28-4 ((1)) 23.

The Inventory Map identified Ash Grove as being located on this property. This is in error. Ash Grove is located at Tax Map 29-1 ((18)) A&B.

The *Cemeteries of Fairfax County, Virginia* identified the Sherman Family Cemetery as being located on this property and the Zoning Map 2003 also located a cemetery on the property. This is in error. I have confirmed with Brian Conley author of *Cemeteries of Fairfax County, Virginia* that there is no cemetery on Tax Map # 28-4 ((1)) 23. The *Cemeteries of Fairfax County Map 2002-2003* correctly shows no cemetery on Tax map 28-4. The Sherman Family Cemetery was moved and is correctly shown on the cemeteries map as being located on tax map 28-2.

APPENDIX 9

RESIDENTIAL DEVELOPMENT CRITERIA

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

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

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

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

1. Site Design:

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

- a) *Consolidation*: Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.

- b) *Layout*: The layout should:
- provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
 - provide dwelling units that are oriented appropriately to adjacent streets and homes;
 - include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
 - provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
 - provide convenient access to transit facilities;
 - Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.
- c) *Open Space*: Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.
- d) *Landscaping*: Developments should provide appropriate landscaping: for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.
- e) *Amenities*: Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

2. Neighborhood Context:

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

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);
- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

It is not expected that developments will be identical to their neighbors, but that the

development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

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

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

4. Tree Preservation and Tree Cover Requirements:

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

5. Transportation:

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

- a) *Transportation Improvements:* Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:
 - Capacity enhancements to nearby arterial and collector streets;
 - Street design features that improve safety and mobility for non-motorized forms of transportation;
 - Signals and other traffic control measures;
 - Development phasing to coincide with identified transportation improvements;
 - Right-of-way dedication;
 - Construction of other improvements beyond ordinance requirements;
 - Monetary contributions for improvements in the vicinity of the development.

- b) *Transit/Transportation Management:* Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:
 - Provision of bus shelters;
 - Implementation and/or participation in a shuttle bus service;
 - Participation in programs designed to reduce vehicular trips;
 - Incorporation of transit facilities within the development and integration of transit with adjacent areas;
 - Provision of trails and facilities that increase safety and mobility for non-motorized travel.

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

- d) *Streets*: Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.
- e) *Non-motorized Facilities*: Non-motorized facilities, such as those listed below, should be provided:
- Connections to transit facilities;
 - Connections between adjoining neighborhoods;
 - Connections to existing non-motorized facilities;
 - Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
 - An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;
 - Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
 - Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
 - Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.
- f) *Alternative Street Designs*: Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. Public Facilities:

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

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

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

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

7. Affordable Housing:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County.

Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

- a) *Dedication of Units or Land:* If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.
- b) *Housing Trust Fund Contributions:* Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

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

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

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;
- f) Document heritage resources to be demolished or relocated;
- g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and
- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

ROLE OF DENSITY RANGES IN AREA PLANS

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

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

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		

