



FAIRFAX COUNTY

DEPARTMENT C PLANNING AND ZONING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290

Fax (703) 324-3924

V I R G I N I A

February 27, 2003

Hillary Zahm
Cooley Godward LLC
11951 Freedom Drive
Reston, VA 20190

Re: Interpretation for RZ 1999-PR-034
Dunn Loring LCOR: Tandem Parking Spaces in Garage

Dear Ms. Zahm:

This is in response to your letter of January 29, 2003, requesting an interpretation of the Conceptual/Final Development Plan (CDP/FDP) and proffers accepted by the Board of Supervisors in conjunction with the approval of RZ 1999-PR-034. As I understand it, the question is if the use of tandem parking spaces in the underground garage as part of the required parking, and the provision of two additional surface parking spaces would be in substantial conformance with the CDP/FDP and the proffers. This determination is based on your letter of January 29, 2003, and the exhibits attached to that letter. A copy of this letter is attached for reference.

RZ 1999-PR-034 was approved by the Board of Supervisors on October 1, 2001. The application was to rezone 3.86 acres from the R-1, I-4, and I-5 Districts to the PRM District for the development of a high rise residential building of 257 units and a hotel with 200 rooms. Underground parking was proposed to be provided for both structures, with some additional surface spaces. No garage layout was shown on the CDP/FDP. Sheet 3 of the CDP/FDP is attached for reference.

You have indicated that the applicant had intended to apply for a parking reduction, but is now proposing to park at the full parking rate of 1.6 spaces per unit. To minimize the depth of the parking garage, the applicant would like to provide some tandem spaces, as shown on the exhibits. It is my understanding that these spaces would be reserved for the two-bedroom units, so that both spaces in a tandem pair would be assigned to a single unit. Furthermore, you have indicated that the two additional surface spaces would be parallel spaces located adjacent to another area of parallel surface parking in front of the residential building. It is my determination that the use of tandem spaces in the garage and the addition of two surface parking spaces would be in substantial conformance with the proffers and CDP/FDP.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Tracy Swagler at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division

Attachments: A/S

cc: Gerald Connolly, Supervisor, Providence District
Linda Smyth, Planning Commissioner, Providence District
John Crouch, Chief, Zoning Permit Review Branch, DPZ
Michelle Brickner, Director, Office of Site Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ 1999-PR-034; PI 0302-030



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Menlo Park, CA
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HILLARY K. ZAHM
(703) 456-8095
hzahm@cooley.com

January 29, 2003

Ms. Barbara Byron
Director, Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Pkwy
8th Floor
Fairfax, Virginia 22035

**Re: Tandem Parking Spaces in the LCOR
Multifamily Project associated with
Courtyard Management Corporation, RZ
1999-PR-034 (Fairfax County Tax Map #49-2
(1) Pt. 15, Pt. 16, 17, 17A)**

Dear Barbara:

I am writing on behalf of LCOR (the "Applicant"), the contract purchaser of the above referenced property (the "Property"). We are seeking your determination regarding the utilization of tandem parking spaces in the parking structure associated with the multifamily development approved with RZ 1999-PR-034 as well as your determination that the addition of two surface parking spaces near the entrance to the multifamily building is in substantial conformance with the approved CDP/FDP.

Tandem Parking Spaces

The Applicant is currently pursuing site plan approval for the multifamily portion of the hotel/multifamily development across from the Dunn Loring/Merrifield Metro Station. As you may recall, during the review of the rezoning application, the Applicant noted the intention to pursue a parking reduction based on the proximity of the site to the Metro station.

Based on meetings with Supervisor Gerry Connolly and discussions with County Staff, we understand that many of the residential neighbors in the vicinity have concerns with a reduction in the parking spaces provided on the site. While we are confident that the parking rate of 1.6 spaces/unit will not be necessary given the proximity to Metro and based on experience with similar apartment buildings, the Applicant now proposes to park the site at the Zoning Ordinance required rate of 1.6 spaces per unit.

To achieve this parking ratio, LCOR proposes to expand the garage to include 27 tandem parking spaces (as well as additional standard parking spaces). Parking for the building would be distributed such that those assigned a tandem space would be assigned the space directly in front

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Department of Planning & Zoning

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Zoning Evaluation Division

Ms. Barbara Byron
January 29, 2003
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of the tandem space as well. The spaces, therefore, would function similar to a driveway of a single family home (Exhibit 1-Parking Level P2 & P3, Exhibit 2-Building Section).

While the layout of the parking garage is an issue reviewed during site plan, Ray Curd of the Code Analysis Division of the Department of Public Works and Environmental Services, requested that we obtain a zoning interpretation to confirm that the inclusion of tandem parking spaces in the Applicant's garage will not conflict with the approved proffers or CDP/FDP. A garage layout was not included with the CDP/FDP, and the only reference to parking in the proffers occurs in proffer #4, which notes the Applicant's ability to pursue a parking reduction pursuant to Section 11 of the Zoning Ordinance (Exhibit 3-September 27, 2001 Proffers).

With this letter, we have included a copy of a February 24, 1997 memorandum from you to the Zoning Evaluation Planners regarding the issue of tandem parking spaces (Exhibit 4-February 24, 1997 Memorandum). Based on this memo, tandem parking spaces are permitted to count toward the County's parking requirement when used in multifamily developments in "P" Districts. The Property is zoned PRM and through the use of tandem spaces, adequate usable parking will be available to serve the residents of the multifamily building.

We view this proposed use of tandem parking spaces to accomplish the County's multifamily parking ratio as an innovative solution to addressing the parking requirement. The tandem spaces permit LCOR to provide the required parking and eliminate the need to pursue a controversial parking reduction.

Additional Surface Parking Spaces

In addition to the tandem spaces in the garage, the Applicant proposes to provide two additional surface parking spaces near the entrance to the multifamily building (Exhibit 5-Ground Floor/Site Plan). These spaces would serve as short-term visitor or leasing spaces and would free up other spaces for residents of the building.

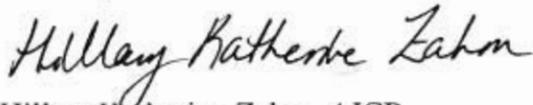
We ask for your determination that the Zoning Evaluation Division does not see a conflict with the approved plans or proffers that would prevent the inclusion of tandem parking spaces in the LCOR parking garage to meet the County's parking requirement. In addition, we request your determination that the addition of two surface parking spaces near the entrance to the multifamily building is in substantial conformance with the approved CDP/FDP.

Cooley Godward LLP

Ms. Barbara Byron
January 29, 2003
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Please contact me if I can provide you with additional information or answer any questions related to this matter. I would appreciate your expeditious review and response to this request, since we are attempting to resolve this matter of the tandem parking spaces with the Department of Public Works and Environmental Services and conclude the site plan process and will need your response to do so. Thank you in advance for your assistance with this request.

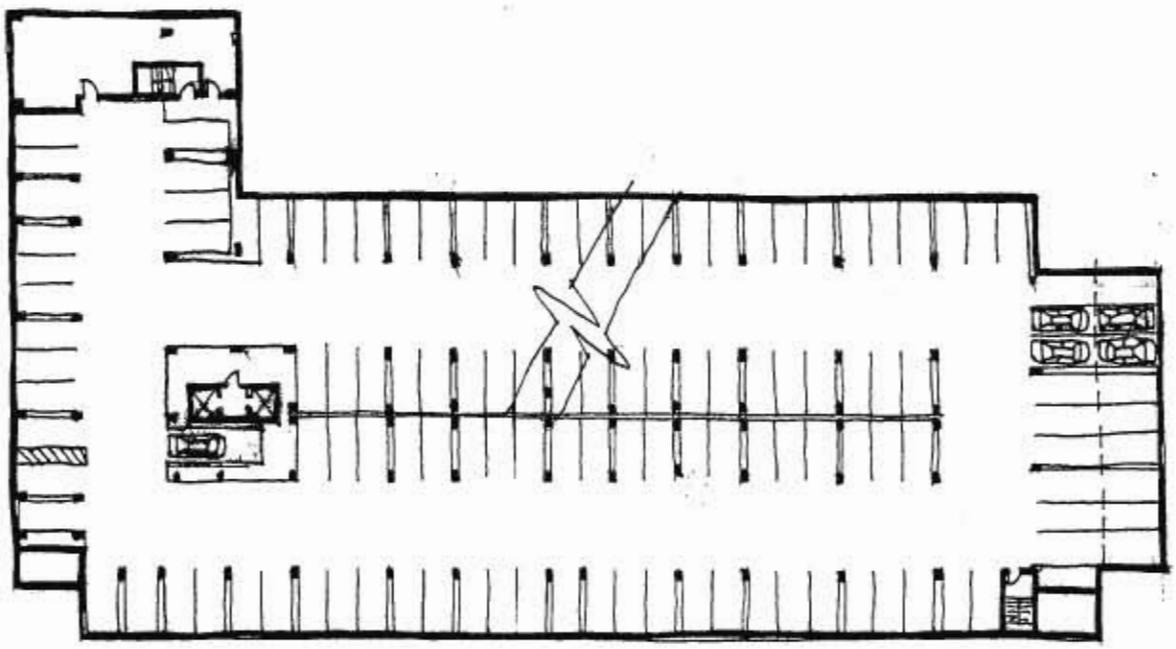
Sincerely,



Hillary Katherine Zahm, AICP
Planner

cc: Supervisor Gerry Connolly, Providence District Supervisor
Tracy Swagler, Zoning Evaluation Division
Ray Curd, Code Analysis Division, DPWES
Michelle Brickner, Office of Site Development Services, DPWES
Mike Smith, LCOR
Keith Martin, Esquire
Antonio J. Calabrese, Esquire
Mark C. Looney, Esquire

Enclosures: Exhibit 1-Parking Level P2 & P3
Exhibit 2-Building Section
Exhibit 3-September 27, 2001 Proffers
Exhibit 4-February 24, 1997 Memorandum
Exhibit 5-Ground Floor/Site Plan



PARKING LEVELS
P2 & P3

1-10-2003

BUILDING SECTION

WILTON HOUSE @ MERRIFIELD METRO
LCOR, Incorporated

Fairfax County, Virginia



ARCHITECT
10000 WILSON ROAD, SUITE 200, FALLS CHURCH, VA 22044
PHONE: 703.261.1000 FAX: 703.261.1001

1-10-2003

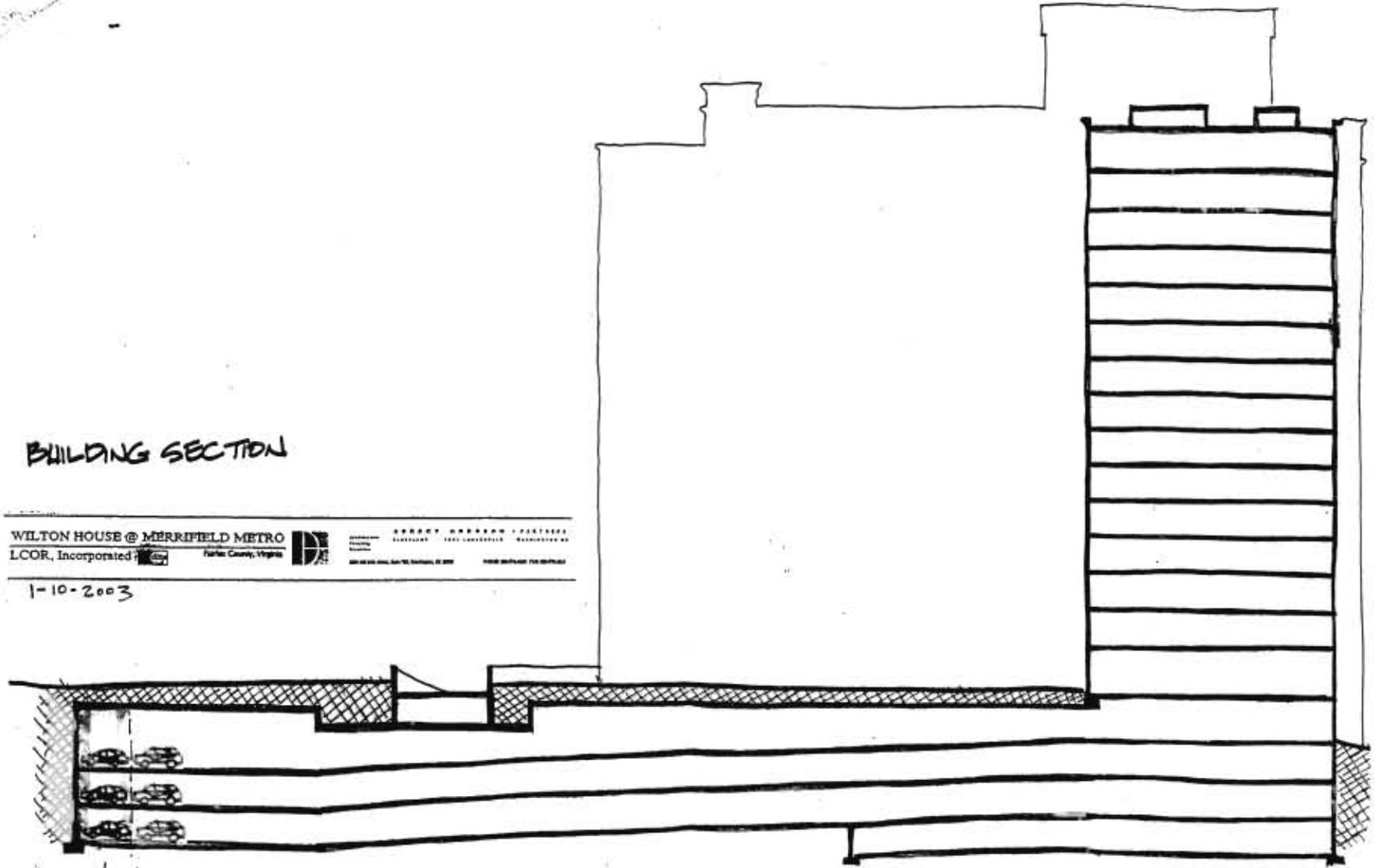


EXHIBIT
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01/16/2003 THU 12:37 [TX/RX NO 8246] 003

October 1, 2001: 4:00 p.m. Board Item

PROFFERS

COURTYARD MANAGEMENT CORPORATION

RZ 1999-PR-034

September 27, 2001

Pursuant to Section 15.2-2303(a), *Code of Virginia*, 1950 as amended, and subject to the Board of Supervisors approving a rezoning to the PRM District, for property identified as Tax Map 49-2((1)) Pt. 15, Pt. 16, 17 and 17A (hereinafter referred to as the "Application Property"), the Applicant and Owner in RZ 1999-PR-034 proffer for themselves, their successors and assigns the following conditions.

1. Development Plan

A. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) prepared by VIKA, dated March 12, 1998, as revised through September 20, 2001. Said CDP/FDP proposes a maximum of 378,276 gross square feet of building area. The principal use shall be multi-family residential units, with a maximum GFA of 259,276 square feet and 257 units. The major secondary use shall be a hotel, with a maximum GFA of 119,000 square feet. The following secondary uses may also be included within the structures shown on the CDP/FDP:

- 1) Accessory uses and accessory service uses.
- 2) Eating establishments.
- 3) Personal service establishments.
- 4) Retail sales establishments.
- 5) Bank teller machines.
- 6) Hotel Restaurant and Meeting Space.

(a) A restaurant shall be provided within the first floor of the hotel and shall be open to the public for breakfast and dinner. A public entrance to the restaurant shall be provided along the hotel's Prosperity Avenue frontage as shown on the CDP/FDP.

(b) A minimum of 1,900 square feet of contiguous meeting space within the hotel shall be provided. This space shall be available for community use



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RZ 1999-PR-034
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Additional Principal and Secondary uses not listed above may be permitted with the approval of a Final Development Plan Amendment (FDPA). A Proffered Condition Amendment (PCA) application shall not be required so long as the layout is in substantial conformance with the CDP.

- B. Notwithstanding that the CDP/FDP is the subject of Proffer 1 above, it shall be understood that the CDP shall be the entire plan shown, relative to the points of access, the maximum square footage, the amount and general location of open space and general location and arrangement of the buildings, uses, and parking garages, the Applicant has the option to request a FDPA for elements other than the CDP elements from the Planning Commission for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.
- C. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the Final Development Plan (FDP) may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layouts shown on the FDP and apply for shared parking approval without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Department of Planning and Zoning ("DPZ") and do not increase the total amount of square footage, decrease the amount of open space; decrease the setback from the peripheries; or substantially change the location of open space areas.
- D. The illustrative elevations of the hotel and residential buildings as shown on Sheets 5, 6, 6A, 7, 8, and 9 of the CDP/FDP are provided to illustrate the design intent of the two buildings. The building elevations shall be substantially consistent in terms of character and quality with the illustration. The specific features, such as the exact location of windows, doors and roofline and other architectural details are subject to modification with final engineering and architectural design.
- E. The facade of the residential building shall consist of a minimum of 75% brick and glass.
- F. The hotel facade shall consist of a combination of brick, glass and E.I.F.S. materials in substantial conformance with the building elevations shown on Exhibits A, B and C attached hereto.

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2. Transportation

- A. Prosperity Avenue. At time of first site plan approval, or upon demand (whichever occurs first), the Applicant shall dedicate and convey in fee simple right-of-way to the Board and provide access to the Application Property along its Prosperity Avenue frontage as generally shown on the CDP/FDP. The entrance shall be designed as specified by VDOT and the County Department of Transportation and provide for the following:
- Construction of two outbound and one inbound lane.
 - Increased radii to facilitate right-turn movements into the site.
 - Construction of a left turn lane on westbound Prosperity Avenue into the site entrance, as shown on the CDP/FDP. In the event VDOT determines that left turn movements outbound onto Prosperity Avenue during morning and/or afternoon rush hours are creating an unacceptable level of service, the Applicant will prohibit outbound left turns from the entrance during the hours of 7:00 a.m. to 9:00 a.m. and/or 5:00 p.m. to 7:00 p.m., Monday through Friday, excluding holidays.
 - The Applicant shall provide additional dedication from the site entrance south to the adjacent Long property in order to facilitate future lane shift transitions for east bound through traffic if required by VDOT. Applicant shall make such dedication provided such does not impact building setbacks from peripheries, or substantially change the amount of open space required in accordance with the Zoning Ordinance.
- B. Gallows Road. At the time of first site plan approval, or upon demand (whichever occurs first), the Applicant shall dedicate and convey in fee simple right-of-way to the Board and provide access to the Application Property along its Gallows Road frontage as generally shown on the CDP/FDP. An additional 3 feet of right-of-way to accommodate a landscaped median along the portion of the Application Property's Gallows Road frontage south of the entrance will be dedicated and conveyed in fee simple to the Board if requested by DPWES at time of site plan approval. The entrance shall be designed as specified by VDOT and the County Department of Transportation and provide for the following:
- Construction of one inbound and one outbound lane

- Provision of an exclusive right-turn deceleration lane and taper to serve the entrance utilizing the third lane referenced below.

Prior to occupancy of either building, the Applicant shall also construct a third southbound thru lane along Gallows Road from the intersection with Prosperity Avenue to the site entrance. The cost to construct the portion of this third lane from the site entrance south to the property line, and the ultimate full width right turn lane serving the site entrance, as determined by DPWES, will be escrowed with Fairfax County at the time of site plan approval. Applicant shall provide a 15-foot wide temporary grading and construction easement along the Application Property's frontage of the escrowed portions of Gallows Road.

- C. Prosperity Avenue/Gallows Road Intersection. The Applicant shall modify the existing signal timing/phasing at the subject intersection if deemed warranted and approved by VDOT at the time of site plan approval.
- D. Transportation Management Strategies. The use of mass transit, ridesharing and other transportation management strategies shall be implemented in order to reduce single occupant vehicle (SOV) traffic generated by the site development during peak hours. The goal of these strategies shall be to achieve at least a 25% reduction in peak SOV trips. The program shall have three (3) general components as follows:
 - The designation of transportation coordination duties to be carried out by a designated property manager(s) or transportation management coordinator(s) (the TSMC), who will have the authority to implement the TSM program. The TSMC will be assigned by the Applicant prior to the issuance of occupancy permits for more than 200 dwelling units or the issuance of a non-residential use permit for the hotel, whichever occurs first. The TSMC functions may be performed as part of the other duties of designated individuals.
 - Ongoing coordination by the TSMC with a designated Fairfax County Dept. of Transportation agent or staff (the "County Coordinator") on an annual basis, to provide opportunities for adjustments of the TSM Program in accordance with "state of the art" strategies and recommendations.

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- Specific incentive programs to be implemented by the TSMC. The incentive programs may include the following:
 1. Participation in the Fairfax County Ride Share Program;
 2. Dissemination of Ridesharing information in residential lease packages.
 3. Ridesharing display maps and forms available in each building;
 4. On demand shuttle service for hotel employees, visitors and guests to and from the Dunn Loring Metro station;
 5. Amenities for bicycle storage;
 6. Sidewalk system designed to encourage/facilitate pedestrian circulation.
 7. Subsidization of Smart Trip Cards for hotel employees.
 8. Contribution to a Merrifield Area shuttle service, if established.

An annual sum of \$0.10 per square foot of occupied gross floor area will be contributed by the Applicant to a TSM fund to be used by TSMC for the implementation of the TSM Program at the beginning of each calendar year.

Upon occupancy of the 200th dwelling unit or within 6 months of the hotel opening, the Applicant shall conduct a survey of residents, visitors, employees and guests to determine the transportation characteristics of building tenants and employees. This survey will form the basis of the TSM program for the development.

Annually thereafter, and at the beginning of each calendar year, the hotel owners and multifamily building owners shall conduct traffic studies to be undertaken to confirm, to the satisfaction of the Fairfax County Department of Transportation, that the total peak hour vehicle trip generated projections for the Property, as set forth on Exhibit A herein, are not being exceeded. If the total peak hour traffic generation of the Property falls below the levels projected by Wells & Associates, then no additional action shall be taken. If however, the annual traffic study indicates that actual traffic generated by the Property exceeds that which has been

forecast in the Wells & Associates study, an additional \$0.05 per square foot of occupied gross floor area per year will be contributed to the TSM fund until such time as the projections are not exceeded. In any event, the terms of this proffer shall expire 15 years after the occupancy of the last residential unit or hotel occupancy, whichever occurs last.

Assuming a fifteen (15) year life of the program, and assuming traffic generation does not exceed the trip generation forecast, the value of the Applicant's contribution to the TSM fund is calculated at \$567,405.00.

3. Bus Shelter.

Applicant shall construct a bus shelter on Gallows Road, at a location to be determined by the Fairfax County Department of Transportation, in coordination with the Applicant's and/or assigns, at the time of site plan approval. If a bus stop location is not designated by WMATA and the County at such time, then the Applicant's and/or assigns shall contribute \$10,000 towards the provision of such a shelter.

4. Parking.

Parking and loading spaces shall be provided in accordance with Article 11 of the Zoning Ordinance; however, the Applicant reserves the right to request a parking reduction pursuant to Section 11. The number of parking spaces represented on the CDP/FDP is based on preliminary estimates; the final number of parking spaces provided at the time of site plan submission shall be consistent with any approved parking reduction.

5. Landscape Plan.

A landscape plan(s) corresponding to the hotel and residential portions of the Property shall be submitted as part of each site plan(s) in substantial conformance with the landscape design shown on Sheets 9 through 11 of the FDP. The landscaped plan(s) shall include detailed streetscape, courtyard and open space landscaping, and provide details for landscaping, paving and amenities in the central open space located along Prosperity Avenue. Said plan(s) shall be coordinated with and approved by the Urban Forester. Street trees along Prosperity Avenue, Gallows Road and within the central open space area (and replacement trees in this area, should landscaping die) shall be a minimum of three (3) inch caliper at the time of planting.

6. Pedestrian Facilities.

The following pedestrian facilities shall be provided on the Application Property, subject to public access easements:

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- The Applicant shall provide a comprehensive sidewalk system within the developed portions of the Application Property as generally shown on Sheet 10 of the CDP/FDP, including completion of sidewalks along the Application Property frontages with Prosperity Avenue and Gallows Road, and a crosswalk connection between all commercial and residential components and the WMATA facilities. Construction of sidewalks shall be concurrent with the corresponding phase of a site plan development activity on the Application Property.
- The Applicant shall provide a pedestrian plaza at the intersection of Prosperity Avenue and Gallows Road as shown on the CDP/FDP. The plaza shall consist of special paver materials and a monument style clock. Landscaping and seating areas shall be provided adjacent to the hotel building to accent the plaza.
- Pocket parks along Prosperity Avenue and Gallows Road as shown on the CDP/FDP.

7. Recreational Facilities.

- A. Pursuant to Paragraph 2 of Section 6-409 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide the recreational facilities to serve the Application Property. These facilities include a swimming pool, passive seating areas in the multifamily use and an indoor recreational facility, which may include, but not be limited to, fitness equipment.
- The Applicant proffers that the minimum expenditure for the above-referenced recreational facilities shall be \$955.00 per residential unit.
- B. The multi-family building's swimming pool shall be furnished with fencing, furniture and grills and in substantial conformance with the details shown on Sheet 9 of the CDP/FDP.
- C. Bicycle racks in secured and covered areas shall be provided in both the residential and hotel areas.

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D. Applicant shall make the following contributions to Fairfax County for acquiring land for park purposes or for park facilities in the Merrifield area:

- \$10,500 prior to the issuance of the non-RUP for the hotel.
- \$64,800 prior to the issuance of the RUP for the multifamily building.

8. Noise.

In order to achieve a maximum interior noise level of approximately 45 dBA Ldn within that area impacted by noise between 65 and 70 dBA Ldn noise contours, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

- Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 39 for exterior walls;
- Doors and glazing shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20 percent (20%) of any façade, they shall have the same laboratory STC as walls.
- Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

9. Stormwater Management.

Unless waived or modified by DPWES, the Applicant shall provide on-site stormwater management designed with Best Management Practices in the facility shown on the CDP/FDP within an underground structure serving the hotel and multi-family residential uses. The maintenance of the underground facilities shall be the responsibility of the Applicant and its successors. The Applicant shall enter into a private maintenance agreement for the perpetual maintenance of the SWM facility. The private ownership and maintenance responsibilities shall be disclosed in writing to future purchasers.

10. Energy Conservation.

Dwelling units constructed on the Application Property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES.

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11. Architectural Design.

The architectural design of the buildings shall be in general character with the elevations shown on Sheets 5 through 8 of the FDP. Minor modifications may be made with the final architectural designs. Building materials for the first level of the residential building and hotel, excluding doors and windows, will be masonry. Both buildings shall utilize similar materials and colors on all sides, and as each other.

12. Geotechnical Report.

If required by DPWES, geotechnical studies shall be submitted at the time of site plan submissions and the recommendations of said studies implemented, as determined by DPWES.

13. Lighting.

All lighting, including wall mounted, security, pedestrian, and pole lighting, shall use full cut-off fixtures and shall be directed downward and inward to minimize glare onto adjacent residential properties. Onsite parking lot lighting shall not exceed a height of twenty (20) feet. Light fixtures for both the hotel and residential uses shall be in conformance with the details shown on Sheet 12 of the CDP/FDP.

14. Telecommunication Equipment.

Antenna, satellite dishes and other telecommunication facilities may be placed on the proposed building rooftops; however, any such facilities must: (a) comply with the Zoning Ordinance; and (b) be screened and/or setback sufficiently from the perimeter of the roof and penthouse such that they shall not be visible from the surrounding streets at street level. Other screening measures may be used, such as including the facilities as part of the architecture of the building, utilizing compatible colors, or employing telecommunication screening material, and flush-mounted antennas.

15. Affordable Housing.

Fourteen units within the residential building, as selected by the Applicant, shall be offered for rental through Fairfax County's Housing and Redevelopment Authority (RHDA) for a term of 20 years from the date of the issuance of the building's occupancy permit. Rental rates shall be established by the Applicant and approved by RHDA in such a manner as to offer affordable housing to those households whose income is 70% or less of the median income of the WSMSA. The provision of these ADUs shall be subject to the adoption of state legislation and subsequent Board of Supervisors' action, which provides the necessary tax abatements of multi-family units, which make the rental rate reduction revenue neutral. In the event a tax abatement is not approved prior to the

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issuance of the building RUP, then the residential developer shall contribute the sum of \$280,000 to the Fairfax County Housing Trust Fund in lieu of the provision of 14 rental units.

16. E.I.F.S.

Applicant shall utilize the highest grade of E.I.F.S. and licensed E.I.F.S. contractors to install the system's facade. The facade shall be routinely maintained to preserve the appearance. Applicant shall conduct an inspection of the facade every 5 years and submit a written inspection report to Fairfax County. Applicant shall implement any remedial measures recommended by the inspection report within 90 days.

17. Successors and Assigns.

These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

18. Density Credit.

Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein, or as may be required by Fairfax County or VDOT at time of site plan approval.

19. Counterparts.

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

20. Severability.

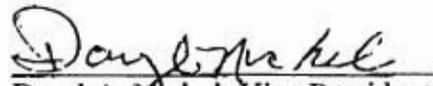
Any of the sections/buildings within the Application Property may be subject to Proffered Condition Amendments and Final Development Plan Amendments without joinder or consent of the property owners of the other sections/buildings.

[SIGNATURES BEGIN ON NEXT PAGE]

Proffers
RZ 1999-PR-034

APPLICANT/TITLE OWNER TAX MAP 49-2 ((1)), 17, 17A
CONTRACT PURCHASER TAX MAP 49-2 ((1)) PT. 15, PT. 16

COURTYARD MANAGEMENT CORPORATION


Daryl A. Mickel, Vice President

[SIGNATURES CONTINUE ON NEXT PAGE]

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RZ 1999-PR-034

CONTRACT PURCHASER

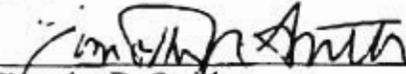
LCOR/JV ACQUISITION L. L. C.,

By: LCOR Operating Company, L.L.C.,
Its: Managing Members

By: LCOR Public/Private LLC
Its: Managing Members

By: LCOR Holdings, LLC
Its: Managing Members

By: LCOR Incorporated
Its: Member

By: 
Timothy D. Smith
Senior Vice President, Assistant Secretary

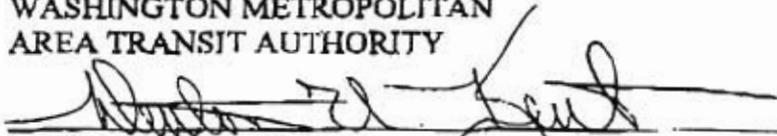
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PROFFERS
RZ 1999-PR-034

TITLE OWNER TAX MAP 49-2 ((1)) PT. 15, PT. 16

WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY



By: Denton U. Kent

Its: Director, Office of Property Development and Management

[SIGNATURES END]

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MEMORANDUM

DATE: February 24, 1997

TO: ZED Planners
Barbara
FROM: Barbara Byron

SUBJECT: Parking in Multi-family Developments

As the result of an inquiry, Jane Gwinn and Bill Shoup have looked into the issue of whether tandem parking spaces are permitted to count as required parking spaces within multi-family developments. (We have seen them used when there are garage spaces with driveway spaces behind.) They have reached the conclusion that they are not. Please review your development plans henceforth using this interpretation of the Ordinance. However, the Ordinance does say that in "R" Districts, Zoning Ordinance requirements for parking shall be generally applicable. ~~What that means is that we can permit tandem spaces to count in multi-family developments in "R" Districts if we believe that the proposal provides adequate and appropriate parking.~~ Thanks, and let me know if you have any questions as to how this affects an application. If this is an issue that you have concerns about on a particular application, you should bring it up at staffing.

N:\BYRON\MEMO\S\S\S\M\FPKG.WPD

EXHIBIT
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The following changes to the Policy Plan have been adopted by the Board of Supervisors. The effective date of these changes is January 7, 2003.

REPLACE: Fairfax County Comprehensive Plan, 2000 Edition, Policy Plan, Land Use, Appendix 9, Pages 47-49, with the following text:

“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.
- d) *Noise:* Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.
- e) *Lighting:* Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.
- f) *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.

NON-RESIDENTIAL DEVELOPMENT CRITERIA

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

For commercial, industrial and mixed-use projects, fulfillment of Criterion #7 is based upon the provision of a number of units in appropriate residential projects, or land, or a contribution to the Housing Trust Fund sufficient for a number of units, determined in accordance with a formula established by the Board of Supervisors in consultation with the Fairfax County Redevelopment and Housing Authority.”



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RESIDENTIAL DEVELOPMENT CRITERIA

**Policy Plan Amendment No. 2000 P-07
Adopted September 9, 2002**

IMPLEMENTATION MOTION*

* In its adoption of the Residential Development Criteria on September 9, 2002, the Fairfax County Board of Supervisors passed this implementation motion that sets forth an effective date of January 7, 2003 and provides information on the Public Facilities criterion as it relates to schools.



IMPLEMENTATION MOTION

Effective Date

- The effective date of these changes is January 7, 2003. Although it is unusual for Plan changes to have a delayed effective date, this will allow time for applicants and staff to transition to the new criteria.

Public Facilities Criterion – School Impact Methodology

- In a document dated June 13, 2002 the school administration recommended a formula for assessing the impact of new residential development on school public facilities. As presented in Attachment A, the Planning Commission recommends that the Board of Supervisors approve a modified form of the school's recommendation as an appropriate methodology for assessing impact concurrently with implementation of the revised Residential Development Criteria.
- The Schools Impact methodology is premised upon number of additional students projected to come from the new development times the average capital cost per student based on existing level of service (see Attachment A).

Methodology Updates

- Student yield calculations by type of unit should be adjusted annually by dividing actual enrollment figures by the type of units generating students.
- Capital construction costs in the methodology (the dollar amount per square foot) should be adjusted annually following adoption of the School's CIP to reflect any percentage change in capital construction costs.
- Level of Service (LOS) adjustments should be made annually to reflect the average age of school facilities.
- This methodology should be reviewed overall for applicability and relevance, and adjusted as necessary, in eighteen months and annually thereafter by the Board of Supervisors.

Public Facilities Criterion – Distribution of Contributed Funds

- Distribution of proffered public facilities contributions will be governed primarily by language in the applicant's proffer. Where the proffer language specifies the school project to receive the contribution – whether in-kind or cash – that contribution will be used for that purpose unless overtaken by events as described below.
- Proffers that provide public facilities Impact Offsets (IOs) for specified in-kind goods or services should include an estimated dollar cost of that good or service.

- Should the applicant not pursue development and the County not receive the proffered IO prior to completion of a project listed in the adopted CIP, the proffer language for that specified IO (or cash estimate for an in-kind IO) should specify that the money will become “untethered” from that completed project and made available for other capital facility projects in that public facility system (e.g., schools) as described below.
- The County Schools Proffer account (a sub-object fund managed by DPWES) should be configured to accept both monetary school contributions made without restriction and those specified to a particular school project.
 - Proffered monetary contributions for schools made without restriction will be collected and transferred to the School Board as part of the annual budget/first year CIP transfer.
 - Cash contributions to specified school projects will be forwarded to the school system routinely within approximately 30 days of receipt by DPWES.
 - Specified monetary and in-kind proffered contributions for school projects that are already completed, are no longer needed or have been removed from the school’s CIP prior to receipt of the proffered funds will – consistent with actual proffer language – be considered funds for school capital construction without restriction and appropriated by the Board of Supervisors during the budget review/first year CIP cycle.
 - Prior to actually making a specified monetary contribution to the DPWES Schools Proffer account, the developer should provide evidence from the school system that the specified improvement is still needed.
 - The school system should provide an annual accounting to the Board of Supervisors on appropriation of proffered moneys, including both specified and unspecified proffer funds.
- The timing of funds receipt will vary considerably. Given the relative reliability of traditional school capital improvement financing mechanisms, the use of these funds for planning future school transfers should be avoided.

Proffer Tracking

Fairfax County and FCPS should implement the necessary tracking system to allow public review of the status of all approved proffers, including monetary and non-monetary contributions to public facilities.

ATTACHMENT A

7/17/02

(revised from 6/13/02 document)

School Public Facilities Impact Formula

- The formula is based upon current new construction costs and countywide student yield ratios.
- The construction cost figure represents the cost of the school building (excluding land, county fees, and equipment).
- Unadjusted per student costs were determined by dividing the new construction cost for each school level (elementary, middle, and high) by the typical capacity for each building type.
- A weighted average of per student costs by level was used to determine the K-12 per student cost.
- The percentage of school capacity expected to be provided by modular classroom additions in school-year 2006-07 (approximately 5.4%) and the potential cost savings (approximately 55%) were calculated based upon FY2003-2007 CIP data.
- Unadjusted per student construction costs were modified to reflect the savings provided by modular construction yielding a rounded per student cost \$15,000.
- After adjusting for the existing Level of Service, per student costs are estimated at \$7,500.

EXAMPLE

$$\frac{\$125 \times 98,600 \text{ sq. ft.} = \$12,325,000}{950 \text{ capacity}} = \$12,974 \text{ Cost per Elementary Student}$$

$$\frac{\$127 \times 170,000 \text{ sq. ft.} = \$21,590,000}{1250 \text{ capacity}} = \$17,272 \text{ Cost per Middle Student}$$

$$\frac{\$131 \times 360,000 \text{ sq. ft.} = \$47,160,000}{2500 \text{ capacity}} = \$18,864 \text{ Cost per High Student}$$

$$\text{Weighted Average of Elem. MS. \& HS.} = \$15,447 \text{ Cost per Student (Rounded to \$15,450)}$$

$$\$15,450 \times .054 = \$834 \text{ (Rounded to \$835)} = \text{Construction Cost Offset by Modulars}$$

$$\$835 \times .45 = \$376 \text{ (Rounded to \$375)} = \text{Cost of Modular Construction}$$

$$(\$15,450 - \$835) + \$375 = \$14,990 \text{ (Rounded to \$15,000)}$$
$$\text{Rounded per Student Cost} = \$15,000$$

Student Yield Ratios

Student yield ratios are developed on a countywide basis by determining the number of students that live in a specific type of dwelling (single family detached, town house, garden apartment, highrise) and then dividing that number of students by the number of existing dwelling units of that type. The number of units requested in a rezoning application can be multiplied by this ratio to determine the number of students that the rezoning may generate.

Student yield ratios for the 2001-02 school year are:

Single Family Detached	.244 Elem. .070 Middle <u>.159 High</u> .473 Total
Townhouse	.210 Elem. .053 Middle <u>.109 High</u> .372 Total
Garden Apts.	.137 Elem. .030 Middle <u>.060 High</u> .227 Total
Highrise	.063 Elem. .011 Middle <u>.028 High</u> .102 Total

Existing Level of Service Adjustment

The formula above is based on current costs of new construction. Since only a fraction of our students actually attend new schools, a strict application of these cost estimates would represent a level of service greater than the existing level of service actually provided to most students. New development should be expected to offset impacts in relationship to the existing level of service within the school system as it exists today, in total – with a mix of older and newer school facilities.

Based on data collected by the school administration, the average age of a Fairfax County Public School in 2002 is 25 years, adjusted for renewals (at renewal the theoretical age of a school is adjusted to zero). The "textbook" life expectancy of a public school is 50 years. Thus, per student costs adjusted for the existing level of service can be calculated using a straight-line cost depreciation model where the cost of a new school is 100% of the new school cost and the cost of a 50 year old school is 0%.