

PROFFERED CONDITIONS
("PROFFERS")

Patriot Village at Dunn Loring Metro Rezoning
RZ/FDP 2002-PR-025

July 10, 2003

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, DSF/Long Metro LLC, and the owners, for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), for RZ 2002-PR-025, filed for property identified on Fairfax County Tax Map as 49-1 ((16))- A1, 8A, 9, 9A, 10, 10A, a portion of A and a portion of Merrilee Drive to be vacated/abandoned (hereinafter referred to as the "Application Property"), agree to the following proffered conditions, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the Medium Intensity Industrial (I-4) District to the Planned Residential Mixed Use (PRM) District. The proffered conditions ("Proffers") are:

I. CONCEPTUAL DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN
CDP/FDP)

1. Substantial Conformance. Subject to the Proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing eleven (11) sheets prepared by Burgess & Niple, Inc. dated November 26, 2002, and revised through June 18, 2003.

2. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers may be permitted which may become occasioned as a part

of final site engineering, as determined by the Zoning Administrator. Building footprints may be decreased and the number of units in each building may be reduced, so long as the minimum open space identified on the CDP/FDP tabulation and the minimum dimensions to the peripheral lot lines are not diminished other than as permitted pursuant to Proffer 1. It shall further be understood that the Property may be developed in phases subject to market conditions.

3. Maximum Density and Permitted Uses. A maximum of 445 multi-family dwelling units may be provided in multiple buildings, which will also include a minimum of 4,450 square feet and a maximum of 4,910 square feet dedicated to retail uses to be located on the first floor of the building west of Merrilee Drive and a minimum of 5,000 square feet and a maximum of 8,000 square feet to be used as a clubhouse and leasing center on the first floor of the building east of Merrilee Drive. The first floor frontage of the western building along Merrilee Drive shall be constructed in a manner that is conducive to altering the use from multi-family to a commercial use in the future. Such a change will require a Proffered Condition Amendment. The primary uses shall be multi-family and retail uses, however, the following secondary uses located on the first floor of the buildings may also be included within the designated areas of structures shown on the CDP/FDP:

- A. Accessory uses and accessory services uses.
- B. Business service and supply service establishments.
- C. Eating establishments.
- D. Fast food restaurants (not drive through).
- E. Financial institutions.

- F. Health Clubs.
- G. Community Uses.
- H. Personal service establishments.
- I. Private clubs and public benefit associations.
- J. Public uses.
- K. Quick service food stores.
- L. Bank teller machines.
- M. Office.
- N. Retail.

II. GENERAL

1. Escalation. All monetary contributions required by these Proffers shall be adjusted upward or downward, based on changes to the Construction Cost Index published in the Engineering News Record occurring subsequent to the date of rezoning approval and up to the date of payment.

2. Signs. No temporary signs (including "popsicle" paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site by the Applicant or by any builder or at the Applicant's or any builder's direction to assist in the initial and future marketing and/or rental of dwelling units on the subject property. The Applicant shall direct its agents and employees involved in marketing the Property to adhere to this proffer.

3. School Contributions. Prior to the issuance of the first building permit for the eastern building and similarly, for the first building permit for the western building,

the Applicant shall provide documentation to DPWES that the Applicant has donated the sum of \$172,500 as a school contribution to the Fairfax County Board of Supervisors for each building (for a total of \$345,000 for both buildings). In addition, prior to the issuance of the first building permit, the Applicant shall provide documentation to DPWES that the Applicant has donated the following: the donation to Shreveewood Elementary School shall include ten (10) laptop computers and twenty-three (23) computer-to-monitor connection cables, subject to the specifications of the school and approved by the principal. The donation to Joyce Kilmer Middle School shall be ten (10) laptop computers, subject to the specifications of the school and approved by the principal. At the discretion of each school Principal, the laptop computers and monitor connection cables may be substituted for other equipment of a similar value. At the time the funds are received, other equivalent or more advanced technologies may be substituted, at the discretion of each principal, for the actual purchases that will be made and installed through the Fairfax County Public School System.

4. Density Credit. Advanced density credit is reserved consistent with 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 pursuant to the Public Facilities Manual (PFM), at the time of subdivision and/or site plan approval for the Property.

5. Affordable Dwelling Units ("ADUs"). The Applicant shall provide ADUs equal to that number which is 2.7% of the total number of multi-family units to be constructed. In addition, at the time of site plan approval, the Applicant shall donate the total sum of \$100,000.00 to the West County Homeless Shelter for playground equipment

at the time of site plan approval. At the discretion of the Executive Director of the Shelter, the Applicant may purchase and install the playground equipment in lieu of the cash contribution or provide the contribution for other uses for the shelter.

6. Architectural Compliance. The architectural design of the buildings shall be in substantial conformance with the elevations shown on the CDP/FDP. Modifications may be made with the final architectural designs if in substantial conformance with the elevations shown on the CDP/FDP. All sides of the building shall be architecturally consistent. The facade of the buildings fronting Merrilee Drive and Prosperity Avenue shall be 70% brick and glass. The building materials along Merrilee Drive and Prosperity Avenue will be a combination of materials to include masonry, hardi-board, or stucco, but will not include EIFS. The buildings will consist of four (4) stories, which will read as a five (5) story façade, with a building height of sixty (60) feet.

7. Parking Garage Design and Lighting Standards. The facade of the parking garage facing the adjacent property to the east shall be designed in substantial conformance with the elevation shown on Sheet 9 of the CDP/FDP, consisting of pre-cast concrete and brick inserts. The southern facade of both parking garages shall, in addition to the landscape screen, contain an element of pre-cast concrete with brick in the top three parking levels consistent with the design depicted on Sheet 9 of the CDP/FDP. The southern facade of both parking structures shall be landscaped with Leyland cypress or a comparable tree species acceptable to the Urban Forester. The eastern and southern garage facade shall have a similar color scheme as the multi-family structures. Lighting internal to the parking garage shall be located between the beams to prevent glare. Lighting on the upper level of the parking garage shall be full cut off and be equipped

with house side shields to prevent glare resulting from direct visibility of light sources onto adjacent residential property and the light fixtures shall be black. Where fixtures are mounted on the topmost deck of structured parking garages, an opaque house-side shield shall be affixed to eliminate glare onto the adjacent residential building located to the east.

8. Pedestrian Facilities. The streetscape design for Merrilee Drive and Prosperity Avenue, including the entry plazas at the intersection of Merrilee Drive and Prosperity Avenue, shall be in substantial conformance with the CDP/FDP. Prior to site plan approval, the Applicant shall demonstrate to the satisfaction of DPWES that the Applicant has acquired the WMATA strip of land along the southern side of Prosperity Avenue adjacent to the site or has gained permission to landscape the area.

9. Administrative Review. Concurrent with the submission of plans to DPWES, the Applicant shall submit copies of the plans to the Providence District Supervisor and Planning Commissioner for the purpose of administrative review and comment.

III. RECREATION

1. Recreation Contribution. Pursuant to Section 6-409 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide the recreational facilities to serve the Application Property. Per Section 6-409, recreational facilities such as swimming pools, exercise rooms, or health clubs which are located on rooftops, deck areas and/or areas within a building may be used to fulfill this requirement. At the time of site plan review, the Applicant shall demonstrate that the value of any proposed recreational amenities is equivalent to a minimum of \$955.00 per

unit as required by Article 6 of the Zoning Ordinance. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall have the option to:

- (1) provide additional on-site recreational amenities within the approved structures, or within the open space areas shown on the Plan, if it is determined that the location at such would be in substantial conformance with the CDP/FDP; and/or
- (2) contribute funds to the Fairfax County Park Authority for off-site recreational purposes in location(s) that are reasonably expected to serve the future residents of the approved development,

2. Park Authority Contributions: In addition to Proffer III-1 above, the Applicant shall contribute \$257,050 to the Fairfax County Park Authority prior to the issuance of the first RUP for park purposes and/or facilities in the Merrifield area. In addition, the Applicant shall contribute \$27,950 to the Fairfax County Park authority to be designated for the Nottaway Nights Concert Series, prior to the issuance of the first Residential Use Permit (RUP).

3. Public Access to Internal Park. Public access to the northwestern courtyard (pocket park) located within the building on the west side of Merrilee Drive shall be provided during the hours between dawn and dusk. Once annually, such access may be denied for a day to prevent the creation of unintended property interests. Signage to encourage public use of the park shall be posted along Merrilee Drive. Renters shall be notified in writing of the public access easement for the northern courtyard prior to entering into a lease agreement.

4. Bicycle Racks: A minimum of four (4) bicycle racks shall be provided throughout the project.

5. Benches. A minimum of seventeen (17) park benches shall be disbursed throughout the site as generally shown on sheet 6 of the CDP/FDP. Illustrations of benches have been provided with the CDP/FDP to demonstrate the character and quality of the benches to be used on the site. In addition, the plazas at Merrilee Drive and Prosperity Avenue shall be designed to provide opportunities for movable tables and chairs.

IV. ENVIRONMENTAL

1. Stormwater Management. Stormwater management and Best Management Practices (BMP) facilities and measures shall be employed in accordance with the PFM, as determined by DPWES. Prior to site plan approval, the Applicant shall demonstrate to the satisfaction of DPWES that adequate outfall is provided. To the extent practicable, as determined by DPWES, the site design will incorporate low impact design features, which will include increasing the peak discharge time of concentration to the point of connection to the closed conduit system and reducing the allowable peak discharge by 25% more than the requirements of the PFM for the ten (10) year storm event. The Applicant proposes to utilize underground detention and BMP facilities as the primary means of detaining and treating the stormwater runoff. The location of the underground stormwater management facilities may be modified as depicted on the CDP/FDP but shall be subject to approval of DPWES. The use of such facilities is subject to the granting of a waiver of current County policies to permit these facilities in a residential project. In lieu of a standard sand filter device, it is the intent to utilize a cartridge filter system such as StormFilter® to meet BMP requirements, subject to the approval of DPWES and engineering design requirements. The primary storage and filter

facilities will be located where the proximity to an adequate outfall allows the most approvable design, so as not to interfere with other aspects of the CDP/FDP, but smaller facilities, integrated into storm catch basin structures, may be utilized elsewhere on the site, subject to the approval of DPWES. If the proposed facilities, or viable alternatives that do not significantly affect the site layout, are not approved by DPWES, the Applicant recognizes that it may be necessary to request an amendment to the approved CDP and/or FDP to alter the site design. The Applicant, and its successors, will assume the responsibility for the perpetual maintenance of all underground stormwater management facilities and will execute an agreement with the County in a form satisfactory to the County to this effect at the time of site plan approval. Said agreement shall address the following issues:

- a. Future replacement when warranted;
- b. Liability and insurance in an amount acceptable to Fairfax County;
- c. Restriction that the Applicant or successors or assigns shall not in the future petition DPWES for maintenance;
- d. County inspection to ensure that the facilities are maintained by the Applicant in good working order.

2. Landscaping. The landscaping shall be provided in substantial conformance with the location, quality, and quantity of plantings depicted on the CDP/FDP. The Applicant shall submit a landscape plan as a part of each site plan submission. This plan shall be coordinated with, and approved by, the Urban Forestry Division, DPWES, and shall contain the landscaping shown on the CDP/FDP, including parking lot landscaping for the top surface level of the parking garages. The Applicant

shall maintain all landscaping. All new deciduous trees provided as a part of the streetscape shall be a minimum of 3.0 inches in caliper at the time of planting; new evergreen trees shall be a minimum of six (6) to eight (8) feet in height at the time of planting. The landscape strips along the streetscape for Merrilee Drive and Prosperity Avenue shall contain ground cover, understory plantings, ornamental shrubs and grass and flowering plants within the landscaped strip, subject to the review and approval of the Urban Forester. The secondary landscape strip shall include shade and flowering trees, ornamental shrubs, ground cover, flowering plants and grasses, subject to the review and approval of the Urban Forester.

3. Energy Conservation. All buildings 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 homes as applicable.

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

A. In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn, the Applicant proffers that all residential units shall have the following acoustical attributes:

- (a) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39;
- (b) Doors and glazings shall have a laboratory STC rating of at least 28. If glazing constitutes more than 20% of any façade, they shall have the same laboratory STC rating as walls; and

- (c) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

5. Lighting. All street lights (being that lighting that is intended to illuminate the streets) and exterior building lighting located on the Property will be installed in conformance with County requirements using County-approved light fixtures. Examples of proposed light fixtures have been provided with the CDP/FDP to show the character and general quality of the lighting to be used on the site.

6. Geotechnical Investigation. If required by DPWES, the Applicant shall submit a geotechnical investigation of the site and implement such measures as determined by the investigation, subject to the satisfaction of DPWES.

V. TRANSPORTATION

1. Extension of Merrilee Drive. As shown on the CDP/FDP, the Applicant shall dedicate land in fee simple to the Board of Supervisors for the extension of Merrilee Drive at the time of final site plan approval. The Applicant reserves the right to enter into a license agreement, if permitted by VDOT and DOT, to use the dedicated Merrilee Drive as a staging area until the construction of Merrilee Drive is complete. The Applicant shall construct the extension of Merrilee Drive through the application property to connect to Prosperity Avenue, prior to the issuance of the first RUP or Non-RUP issued for the subject property. The design and configuration of this improvement shall be subject to review and approval by VDOT and DPWES. The cost of this improvement is valued at \$1.6 million. The Applicant will seek and diligently pursue vacation of any portion of existing Merrilee Drive not required for a through street. For informational

purposes only, the Applicant states that they may seek a reservation of three (3) on street parking spaces along Merrilee Drive from VDOT. These spaces are intended to service the leasing center and shall be appropriately marked. The Applicant will maintain the crosswalks across Merrilee Drive as identified on the CDP/FDP, subject to the approval of VDOT.

2. 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 proposed as part of the Application Property is approved by the Board of Supervisors and is final. In the event that such vacation is not approved by the Board of Supervisors, or in the event that Board's approval is overturned by a court of competent jurisdiction, any development of the Application property under the PRM 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 action that otherwise may have arisen out of a Board decision to deny in whole or in part the right-of-way vacation.

3. Improvements for Prosperity Avenue. As shown on the CDP/FDP, the Applicant shall dedicate land in fee simple to the Board of Supervisors for the right-of-way of Prosperity Avenue at the time of final site plan approval or upon written demand, whichever occurs first. Prior to issuance of a RUP or Non-RUP, roadway improvements shall be made on Prosperity Avenue as shown on Sheets 4 and 5 of the CDP/FDP. Prior to site plan approval, the Applicant shall demonstrate to the satisfaction of DPWES that

the WMATA land has been acquired or the Applicant has the right to construct and/or dedicate the land in order to provide the Prosperity Avenue improvements. In the event the land is not acquired from WMATA, a proffered condition/final development plan amendment shall be submitted and the Applicant acknowledges that such amendment may result in a loss of density.

4. Left Turn Lane at Westerly Access along Prosperity Avenue. The Applicant shall either construct a westbound left turn lane ("Left Turn Lane") as shown on the CDP/FDP, or an "Interim" Left Turn Lane ("Interim Lane"), both subject to VDOT review and approval, prior to issuance of RUPs or Non-RUPs for the western building, or, if sufficient right-of-way does not exist, as determined by VDOT and DOT so that the Left Turn Lane or Interim Lane cannot be constructed by the Applicant, the Applicant shall provide an escrow for the future construction of the Left Turn Lane prior to the issuance of said RUPs or Non-RUPs, but said escrow shall be exclusive of the cost of any land acquisition that may be needed in order to construct the Left Turn Lane. If sufficient right-of-way is not obtained for either the Left Turn Lane or the Interim Lane, the construction at this location shall be as shown on the exhibit titled "Alternative Access Plan" on Sheet 4 of the CDP/FDP package. The Applicant shall have no obligation to acquire, by purchase and/or condemnation (if such is available), any property that may be needed for such Left Turn Lane or Interim Lane. The Applicant shall pursue diligently the dedication and/or granting of any necessary off-site rights-of-way and/or temporary or permanent easements along the appropriate portions of Prosperity Avenue, to construct any improvements, transitional taper and/or turn lanes required as a part of the transportation improvements reflected on the CDP/FDP and/or as

set out in these proffers. The Applicant shall write to the adjacent landowner of Lot 19B Tax Map 49-1((13)) and of Lots 18A, 27A, and 27B, Tax Map 49-1 ((1)) to request the dedications necessary from those sites for the Left Turn Lane or the Interim Lane and the granting of necessary construction easements, and shall to these landowners affirm the Applicant's sole obligation to construct the left turn lane and to urge cooperation. In the event that the rights-of-way are not obtained, the Applicant shall demonstrate to the satisfaction of DPWES that it diligently pursued obtaining the rights-of-way and easements and then provide the escrow for the construction as described above. By providing DPWES with copies of certified letters to the adjacent landowners, as set out above, the Applicant shall have satisfied the "diligently pursued" standard herein.

5. Crosswalk Across Prosperity Avenue. The Applicant shall escrow funds for the construction of a crosswalk across Prosperity Avenue at Merrilee Drive at the time of site plan approval in an amount to be determined by DPWES and the Department of Transportation.

6. Merrilee Drive and Prosperity Traffic Signal. The Applicant shall contribute pro-rata funds for a traffic signal at Merrilee Drive and Prosperity Avenue. The Applicant shall provide traffic signal easements at the southeast and southwest corners of Merrilee Drive and Prosperity Avenue prior to site plan approval.

7. Transportation Management Strategies. The use of mass transit, ride-sharing and other transportation strategies will be utilized to reduce single occupancy vehicular (SOV) traffic during peak hours by a minimum of 25%. Tenants shall be advised of this transportation strategy development condition. Transportation coordination duties shall be carried out by a designated property manager(s) or

transportation management coordinator(s). The transportation strategy management position may be a part of other duties assigned to the individual(s). The transportation management strategies will be implemented after 70% of the RUP's have been issued for both multi-family buildings. The following is a list of potential strategies that may be implemented:

- A. The Applicant shall designate an individual to act as the transportation coordinator (property management staff person) for the Application Property whose responsibility will be to implement the transportation management strategies;
- B. By participation in the Fairfax County Ride Share Program;
- C. By dissemination of information regarding Metrorail, Metrobus, ridesharing and other relevant transit options in residential lease packages;
- D. By making Metro maps, schedules and forms available to tenants in a common area of each building for Metrobus, ridesharing and other relevant transit options ;
- E. By providing amenities for bicycle storage;
- F. By a sidewalk system designed to encourage/facilitate pedestrian circulation.

8. At the time of site plan approval, the Applicant shall provide a one time contribution of \$10,000 to be held in escrow until the Merrifield Shuttle Service is established.

An annual sum of \$0.10 per square foot of occupied gross floor area will be contributed by the Applicant to a transportation demand management fund to be used by the transportation coordinator each year. Such funds will be available after 70% of the Residential Use Permits are issued for all buildings. The terms of this proffer shall expire fifteen (15) years after the last RUP is issued.

One year after the transportation management strategies are implemented, the Applicant shall conduct a survey of residents, visitors and employees to determine the transportation characteristics of building tenants and employees. This survey will form the basis of the transportation management program for the development. The survey shall be submitted to the Fairfax County Department of Transportation for review.

Annually thereafter, and at the beginning of each calendar year, the Applicant shall conduct a multi-modal transportation split survey of residents and employees to prove that 25% of driving age residents and employees use non-SOV transportation. The yearly report shall be submitted to the Fairfax County Department of Transportation for review. If the annual multi-modal transportation split survey indicates that the reduction has not occurred, an additional \$0.05 per square foot shall be contributed to the TMS Fund until such time as the reduction has occurred.

Assuming a fifteen 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 transportation management strategy is calculated at \$743,956.

9. Traffic Calming. To the extent permitted by VDOT and DPWES, the Applicant shall install stamped walkways and stamped parking spaces on the portions of

Merrilee Drive as shown on the CDP/FDP. The Applicant shall enter into a maintenance agreement for these walkways and parking spaces.

10. Bus Shelter. If requested by VDOT or DOT prior to site plan approval, the Applicant shall construct and maintain a bus shelter at the northwestern corner of the subject property. If the bus shelter is not requested, the Applicant shall escrow \$17,000 for a bus shelter in the Merrifield area prior to site plan approval.

11. Eastern Access. The Prosperity Avenue entrance to the garage for the eastern building shall prohibit incoming traffic from Prosperity Avenue until such time that the eastern entrance for the Dunn Loring Metro is removed.

12. Choke Points. The "choke points" depicted on Merrilee Drive at the pedestrian crosswalks shall be subject to VDOT, DOT and DPWES approval and shall be designed to be temporary, as determined by DPWES and DOT.

13. Curb. The southbound curb for Merrilee Drive near Prosperity Avenue shall be designed as a mountable curb, as determined by VDOT.

VI. MISCELLANEOUS

1. Fire and Rescue Department. At the time of site plan approval, the Applicant will donate to the Dunn Loring Volunteer Fire and Rescue Department a thermal imaging camera valued at approximately \$12,000. At the discretion of the Dunn Loring Volunteer Fire and Rescue Department, an item of similar value may be substituted for the thermal imaging camera.

2. Signage. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance. All signage shall be consistent in color, style and sign placement, as determined by Zoning Administration. If lighted, signage shall be internally lit only.

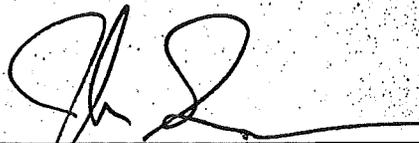
3. Residential Entrances. A minimum of eighteen (18) direct residential entrances shall be provided onto the streets from the individual residential dwelling units, some of which will have stoops or stairs into the individual units.

4. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and his successors and assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.

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

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DSF/Long Metro, LLC



By: _____

Name: Johana D. Solomon

Title: Vice President

The McCue and McCue Limited Partnership
Property Owner, Tax Map 49-1-((16))-8A, 9,
9A, 10, 10A, A1

By: Martha McCue Sherlin
Name: Martha McCue Sherlin
Title: General Partner

Merrilee Business Center I L.P.
Property Owner, Tax Map 49-1-((16))-Pt. A

By: Martha McCue Sherlin
Name: Martha McCue Sherlin
Title: General Partner

Fairfax County Board of Supervisors,
a body corporate and politic
Property Owner, Portion Merrilee Drive cul-de-Sac

By: KADW
Name: SA STALZER
Title: Fairfax County Executive
Deputy

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PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2002-PR-025

June 18, 2003

If it is the intent of the Planning Commission to approve FDP 2002-PR-025 for a multi-family mixed use development at Tax Maps 49-1 ((16)) A1, 8A, 9, 9A, 10, 10A, pt. A and a portion of Merrilee Drive to be vacated/abandoned, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. Development of the property shall be in substantial conformance with the CDP/FDP entitled "Patriot Village at Dunn Loring Metro", prepared by Burgess & Niple consisting of eleven (11) sheets dated November 11, 2002, as revised through June 18, 2003.
2. The western parking garage shall provide designated parking spaces for the retail, service and any other secondary uses in the western building at rates required by the Zoning Ordinance.
3. The eastern parking garage shall provide designated parking spaces for the leasing office employees and any secondary uses in the eastern building at rates required by the Zoning Ordinance.

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