



APPLICATION ACCEPTED: December 27, 2013  
PLANNING COMMISSION: June 12, 2014

# County of Fairfax, Virginia

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May 28, 2014

## STAFF REPORT

APPLICATION FDPA 84-P-007-04

SPRINGFIELD DISTRICT

**APPLICANT:** Russell Wolfe

**ZONING:** PDC and WS

**PARCEL(S):** 46-3 ((26)) 57

**ACREAGE:** 1,405 square feet (sf)

**PLAN MAP:** Fairfax Center Area: Office/ Mix

**PROPOSAL:** Amend FDP 84-P-007 previously approved for residential development on 7.85 acres to modify the rear setback requirement on Lot 57 of The Centerpoint III Subdivision from five feet to 0.8 feet to permit the construction of a pergola on an existing deck.

### STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 84-P-007-04, subject to the development conditions contained in Appendix 1.

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

---

William O'Donnell

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



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

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

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

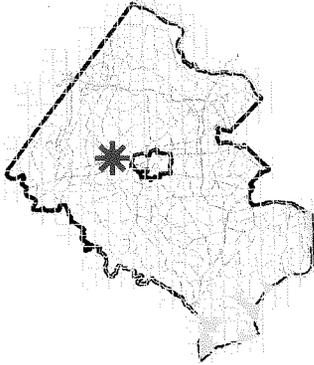
N:\ZED\FDPA\Centerpoint FDPA 84-P-007-04\Report\FDPA 84-P-007-04 Staff Report Cover.docx



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Final Development Plan Amendment

FDPA 84-P-007-04



Applicant:  
Accepted:  
Proposed:

RUSSELL WOLFE  
12/27/2013  
AMEND FDP 84-P-007 PREVIOUSLY APPROVED  
FOR RESIDENTIAL DEVELOPMENT TO PERMIT  
SITE MODIFICATIONS

Area:

1405 SF OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect:

Located:

4139 HALSTED STREET, FAIRFAX, VA 22033

Zoning:

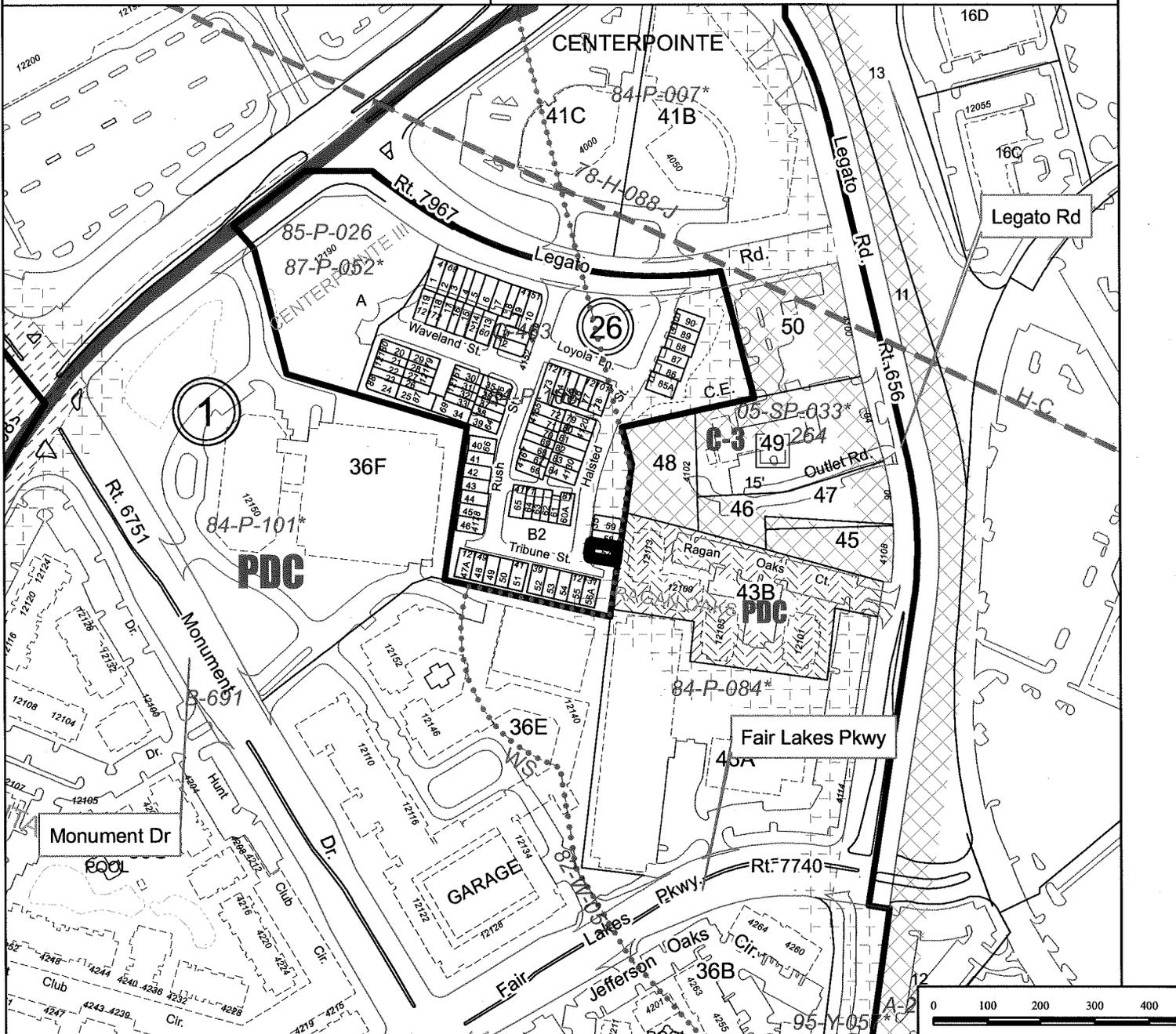
PDC

Overlay Dist:

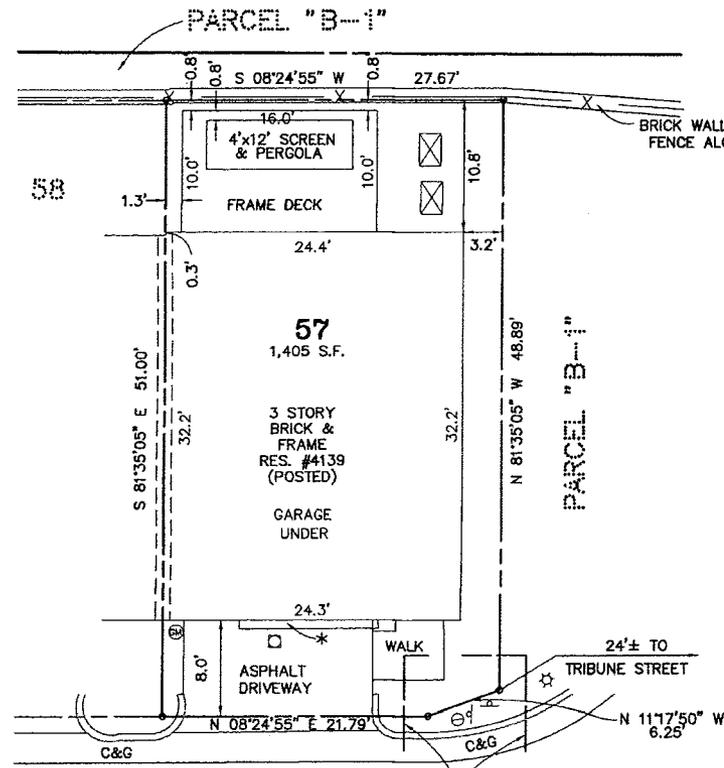
WS

Map Ref Num:

046-3- /26/ /0057

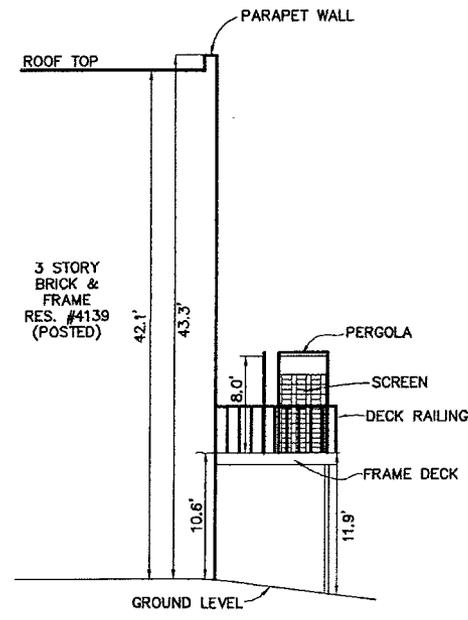
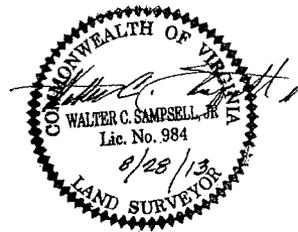


FAIRFAX COUNTY REDEVELOPMENT  
AND HOUSING AUTHORITY



HALSTED STREET  
(PRIVATE STREET)  
PARCEL "B-1"

EX. 10' F.C.W.A.  
WATERLINE EASEMENT



- NOTES**
- TAX ASSESSMENT MAP NO. 046-3-26-0057
  - ALL EASEMENTS SHOWN ARE RECORDED AT DB 18774, PG 1012. UNLESS OTHERWISE NOTED, NO OTHER KNOWN EASEMENTS.
  - PROPERTY ZONED PDC (RES DEV-NOT RETAIL)
  - DWELLING CONSTRUCTION DATE: 2008
  - REQUIRED MINIMUM YARDS:  
FRONT = 10'  
REAR = 5'  
SIDE = ZERO
  - EXISTING HEIGHTS:  
PERGOLA = 19.9'  
DECK = 11.9'  
HOUSE = 43.3'

- LEGEND**
- PARTY WALL
  - AIR CONDITIONER UNIT
  - SANITARY SEWER CLEANOUT
  - LIGHT POLE
  - WATER METER
  - GAS METER
  - SIGN
  - FENCE
  - 2ND & 3RD FLOOR OVERHANG
  - CURB & GUTTER

SPECIAL PERMIT PLAT  
LOT 57  
**CENTERPOINTE III**  
DEED BOOK 18774, PAGE 1012  
SPRINGFIELD DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 10'

DATE: DECEMBER 28, 2012

REVISION		Bowman CONSULTING
DATE	COUNTY COMMENTS	
8/28/13	COUNTY COMMENTS	<b>Bowman CONSULTING</b> Bowman Consulting Group, Ltd. 14020 Thunderbolt Place, Suite 300 Chantilly, Virginia 20151 Phone: (703) 484-1000 Fax: (703) 481-9720 www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.		
DWG: P:\3174 - CENTERPOINTE\3174-01-002 (SUR)\Survey\Plats\3174-B-MP-001_2013-08-28.dwg		BY: SS
BCG PROJECT NO: 3174-04-001		TASK: 1
COUNTY REF NO: N/A		CHEK:    QC:
SHEET 1 OF 1		

3174-B-MP-001

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

**APPLICATION DESCRIPTION**

The applicant, Russell Wolf, requests approval of an amendment to the final development plan associated with RZ 84-P-007 to modify the rear setback requirement on Lot 57 of the Centerpoint III Subdivision from 5 feet to 0.8 feet for the construction of a pergola on a second story deck. The development conditions, affidavit and statement of justification for the application are contained in Appendices 1 through 3, respectively. A copy of the proposed FDPA is included in the front of this staff report.

**LOCATION AND CHARACTER**

**Site Description:**

The subject property is 1,405 square feet and is located on the east side of Halstead Street at 4139 Halstead Street, just south of Legato Road.

The property is zoned PDC and WS and is currently developed with a three story brick and frame single-family attached house with a second story deck. The deck is 10.0 feet x 16.0 feet in area and the deck floor is approximately 11.9 feet above ground level.

The property abuts similar single-family attached houses to the west, north and south within the Centerpoint III subdivision. A Fairfax County Redevelopment and Housing Authority multi-family complex is located to the east. The deck area faces the multi-family complex to the east with a row of deciduous and evergreen trees for screening.

A summary of the surrounding land use, zoning, and comprehensive plan recommendations is provided in the following table:

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan Recommendation</b>
<b>North</b>	Centerpoint III (Residential) Centerpointe (office)	PDC	Office/Mix
<b>South</b>	One Monument Place (office) Monument Place (multi-family)	PDC PDC	Office/Mix
<b>East</b>	Centerpointe Church Fairfax County Redvelopment and Housing Authority (multi-family)	C-3 PDC	Office/Mix
<b>West</b>	Fairfax Towne Center (retail)	PDC	Office/Mix

## BACKGROUND

On July 29, 1985, the Board of Supervisors approved RZ 84-P-007 to rezone 13.91 acres to the PDC District for the development of 424,143 square feet of office (70%) and 181,776 square feet of residential use (30%) for a total development of 605,919 square feet (1.0 FAR). The development approved two office buildings (180 feet tall) and a 6-story (60 feet tall) residential building for 200 dwelling units. The office buildings known as Centerpointe are existing and located on Tax Maps 46-3 ((1)) 41B and 41C. The residential was approved for Tax Map 46-3 ((1)) 51 (portion of the subject site) and was not constructed. Copies of the proffers, conditions and Conceptual/Final Development Plans are on File with the Zoning Evaluation Division of the Department of Planning and Zoning.

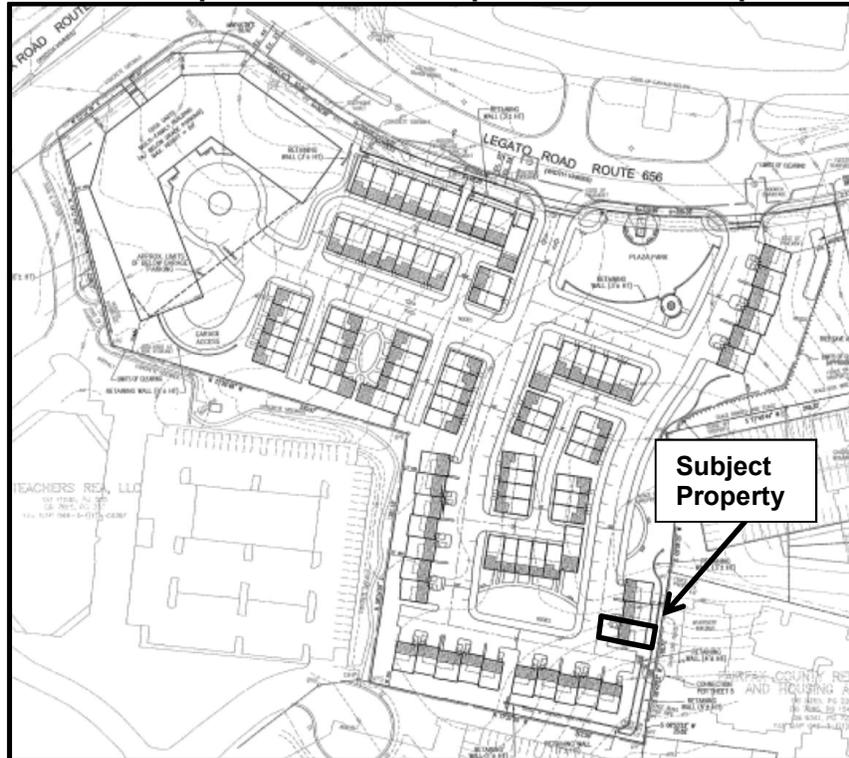
On March 28, 1988, the Board of Supervisors approved RZ 87-P-052 to rezone 3.10 acres to the PDC District concurrent with PCA 84-P-007, for a total of 17.12 acres, and consolidated the previously approved development plans and proffers. The Board approved an additional 97,983 square foot office building on Tax Map 46-3 ((1)) 40 and an additional 41,993 square feet of residential uses for a total of 223,779 square feet (240 dwelling units) in one twelve story building located on Tax Map 46-3 ((1)) 51. No change was proposed for the two office buildings located on Tax Maps 46-3 ((1)) 41B and 41C. The amended Centerpointe development was approved for a 745,895 square feet (1.0 FAR) and maintained the 70% non-residential and 30% residential mix. Copies of the proffers, conditions and Conceptual/Final Development Plans are on file with the Zoning Evaluation Division of the Department of Planning and Zoning.

On July 27, 1998, the Board of Supervisors approved PCA 84-P-007-2 and PCA 87-P-052 (with FDPA 84-P-007-2 and FDPA 87-P-052, having been previously approved by the Planning Commission) for the development of two 7-story office buildings totaling 321,752 square feet, with an alternative for one 14-story, 321,752 square foot office building, on Tax Maps 46-3 ((1)) 40 and 51 (the subject site). Copies of the proffers, conditions and Conceptual/Final Development Plans are on File with the Zoning Evaluation Division of the Department of Planning and Zoning.

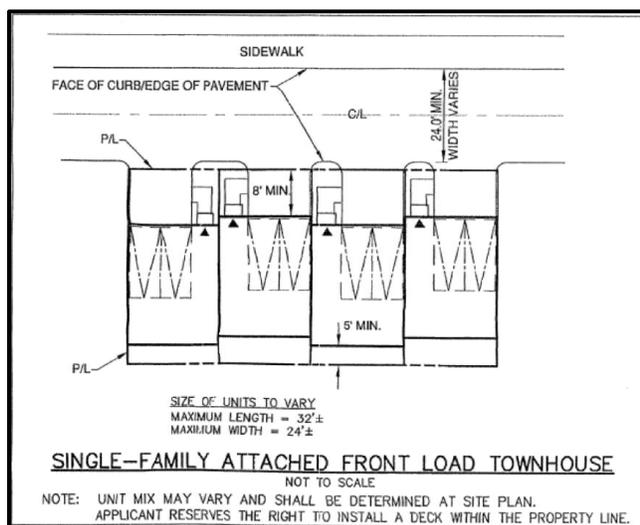
On September 12, 2005, the Board of Supervisors approved PCA 84-P-007-3 and PCA 87-P-052-2 (with FDPA 84-P-007-3 and FDPA 87-P-052-2 having been previously approved by the Planning Commission) for the development of up to 120 multi-family dwelling units (including 17 ADUs) and 90 single family attached dwelling units in lieu of the approved office development on Tax Maps 46-3 ((1)) 40 and 51. This application currently governs the property. Copies of the approved proffers are included in Appendix 4.

The graphic below shows the subject property on the approved Conceptual/Final Development Plan (CDP/FDP).

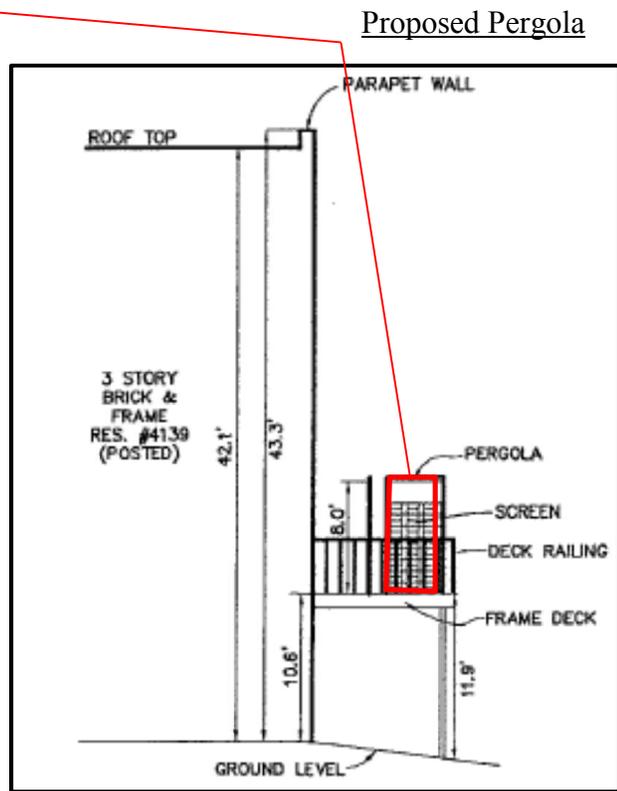
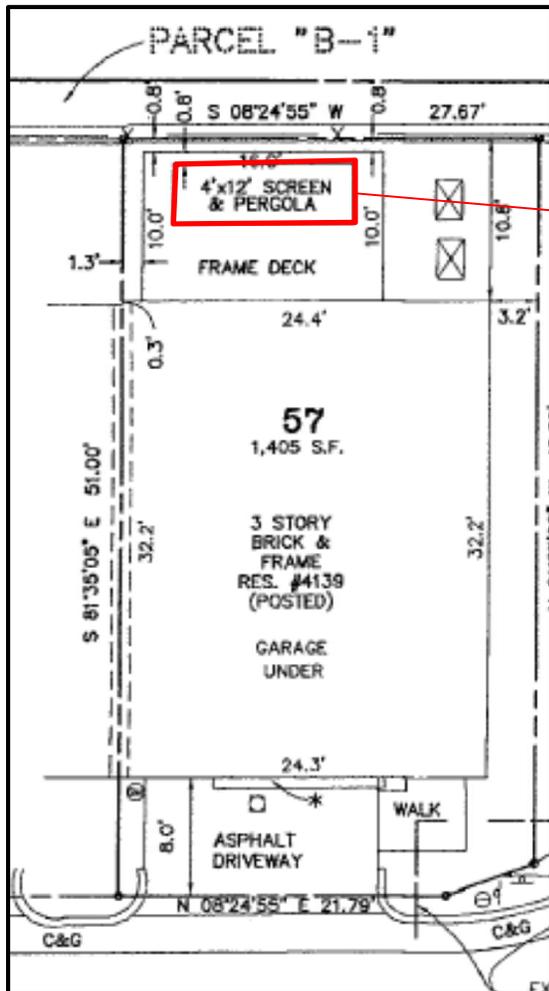
**Conceptual/Final Development Plan Excerpt**



In addition, a lot typical was included on the CDP/FDP showing the required front and rear setbacks for the proposed single family attached dwelling units to be a minimum of 8 feet and 5 feet. A note on the lot typical indicated that decks could be installed within the property line.



The principal structure was established 10.8 feet from the property line. The property owner also received approval on September 23, 2009 for a 10 foot by 16-foot second story deck with no stairs (Building Permit # 92660127). This deck was constructed and is located 0.8 feet from the property line. The proposed 8-foot tall, 4-foot by 12-foot pergola is located along the deck railing.



Proposed Pergola

**Existing Pergola****COMPREHENSIVE PLAN PROVISIONS (Appendix 5)**

Fairfax County Comprehensive Plan, Area III Volume, 2012 Edition, Fairfax Center Area, as amended through March 6, 2012, under the heading, Sub-unit J2, beginning on page 73, the Plan states:

“This sub-unit is planned for office mixed-use at an FAR of 1.0 at the overlay level. A hotel may also be an appropriate use. All development plans must include provisions for the linear park, planned for the north side of Monument Drive. This linear park will be a major amenity and pedestrian corridor for the area and must be preserved.....”

**ANALYSIS**

**Final Development Plan Amendment:** (copy at front of staff report)

**Title:** Lot 57 Centerpoint III  
**Prepared by:** Bowman Consulting  
**Dates:** August 28, 2013  
**Number of Pages:** 1

**Land Use Analysis**

The application pertains only to a single 1,405 square-foot lot within the 7.35 acre Centerpoint III subdivision, governed by PCA 84-P-007-3 and PCA 87-P-052-2. As stated above, the applicant seeks to modify the rear setback requirement on

Lot 57 from five feet to 0.8 feet to permit an 8-foot tall pergola on a second story deck.

The existing deck was constructed in accordance with the approved lot typical shown on the approved CDP/FDP. Section 20-300 of the Zoning Ordinance states that *a deck shall have no enclosure, other than the side(s) of the principal building to which it is attached; provided, however, a deck may have an 'open-work' railing or wall, not over four (4) feet in height, with at least fifty (50) percent of the area thereof open in an evenly distributed pattern.*

The proposed pergola is considered a type of enclosure and would change the current structure from a deck to an addition, necessitating a final development plan amendment (FDPA) to modify the rear setback requirement to 0.8 feet. Currently, the principal structure is located 10.8 feet from the rear lot line, with a minimum required yard of 5 feet.

Modifications to the existing deck would permit the addition of a pre-fabricated pergola along the deck railing measuring 8 feet in height, 4 feet in width and 12 feet in length. The pergola would be attached to the deck floor boards and includes lattice work to provide additional shading and privacy. These additions would not significantly alter the appearance of the deck, impact the aesthetics of the area, or alter views throughout the neighborhood. The existing deck was built over a patio and did not create any new impervious areas, alter the flow of rainwater, or change the grading. The proposed enclosure would not result in any changes to these conditions.

Staff concludes that the proposal would be in keeping with the character of the existing deck, the residence, and the surrounding area.

### **Fairfax Center Design Guidelines**

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

In order to justify development at the Overlay Level consistent with the Fair Lakes development, the application must satisfy all applicable basic elements; all major transportation elements; all essential elements; three-fourths of the applicable minor elements; and one-half of the applicable major elements. Since the proposed changes described in the analysis merely seek to add a pergola on an existing deck without increasing the limits of disturbance on the site, staff feels that the proposal would continue to meet the parameters of the Fairfax Center Design Guidelines that were evaluated in the previous application. Review of the Fairfax Center Design Guidelines for the previous application is provided in the original Staff Report for PCA 84-P-007-3 and PCA 87-P-052-2.

Copies of the staff report are available in the Department of Planning and Zoning - Zoning Evaluation Division (DPZ-ZED) and on the DPZ-ZED website.

### **Transportation Analysis**

Fairfax County Transportation staff reviewed the application and found that the proposed enclosure would not create any additional impacts on the surrounding public street system and had no objection to approval of the subject application.

### **Public Works and Environmental Services Analysis**

Staff of the Department of Public Works and Environmental Services reviewed the application and stated that, because there is no land disturbance for the proposal, no stormwater review was required.

## **ZONING ORDINANCE PROVISIONS (Appendix 6)**

The proposed final development plan amendment does not alter the previous analysis regarding the general or design standards for the P District, waivers and modifications, or other applicable Zoning Ordinance provisions as established with the currently proffered Final Development Plan (FDPA 84-P-007-04) for the subject property.

The previously approved CDPA/FDPA is referenced with this application and was approved with waivers and modifications that staff feels will not be adversely impacted with this proposal.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff concludes that the proposal for the addition of a pergola to an existing deck would not significantly alter the appearance of the deck, impact the aesthetics of the area, or alter views throughout the neighborhood. The proposal would not result in any land disturbance and is expected to increase the utility of the deck as a shaded outdoor living space and increase the applicant's use and enjoyment of the property.

Staff concludes that the proposal is in harmony with the Comprehensive Plan and the applicable Zoning Ordinance provisions.

### **Recommendations**

Staff recommends that the Planning Commission approve FDPA 84-P-007-04

subject to the proposed development conditions contained in Appendix 1.

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

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Proffers
5. Comprehensive Plan Recommendations
6. Zoning Ordinance Provisions
7. Glossary of Terms

**FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS**

FDPA 84-P-007-04

May 28, 2014

If it is the intent of the Planning Commission to approve Final Development Plan Amendment, FDPA 84-P-007-04, to modify the rear setback requirement on Lot 57 of The Centerpoint III located at Tax Map 46-3 ((26)) 57 to 0.8 feet to permit a pergola on an existing deck, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions shall be in addition to all previously approved development conditions applicable to the site.

1. Development of the property shall be in substantial conformance with the Final Development Plan Amendment entitled Special Permit Plat Lot 57 Centerpoint III, prepared by Bowman Consulting, consisting of one sheet dated August 28, 2013.

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

**REZONING AFFIDAVIT**

DATE: 12/13/2013  
 (enter date affidavit is notarized)

I, Russell Wolfe, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant 123871  
                           applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): FOPA 84 - P - 007 - 04  
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

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

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
<u>Pamela J. Askew</u>	<u>4139 Halsted St. Fairfax, VA 22033</u>	<u>Title Owner</u>
<u>Russell M. Wolfe</u>	<u>4139 Halsted St Fairfax, VA 22033</u>	<u>Applicant/Title Owner</u>

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: 12/13/2013  
(enter date affidavit is notarized)

123871

for Application No. (s): FDPA 84-P-007-04  
(enter County-assigned application number(s))

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

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

N/A

CORPORATION INFORMATION

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

N/A

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

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

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

REZONING AFFIDAVIT

DATE: 12/13/2013  
(enter date affidavit is notarized)

123871

for Application No. (s): FDPA 84-P-007-04  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

REZONING AFFIDAVIT

DATE: 12/13/2013  
(enter date affidavit is notarized)

123871

for Application No. (s): FOPA 84-P-007-04  
(enter County-assigned application number(s))

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

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

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

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

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

None

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

REZONING AFFIDAVIT

DATE: 12/13/2013  
(enter date affidavit is notarized)

123871

for Application No. (s): FDPA 84-P-007-04  
(enter County-assigned application number(s))

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

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

None

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

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

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

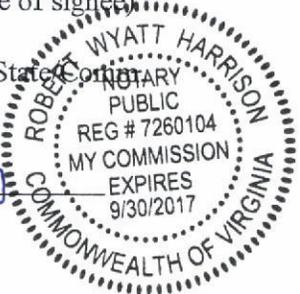
WITNESS the following signature:

(check one) [x] Applicant [ ] Applicant's Authorized Agent  
Russell M. Wolfe

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

Subscribed and sworn to before me this 13 day of December 2013, in the State of Virginia, County/City of Fairfax

Robert Wyatt Harrison  
Notary Public



My commission expires: 9-30-2017

The back of our property at 4139 Halsted St, Fairfax, VA, rests approximately 30ft away from a four level Gov't subsidized apartment building. From our second story deck and kitchen, we could plainly see into their space, and they ours. We purchased and installed a screen, supported by a 4'x12' pergola, onto our second level deck to provide privacy and enhance the aesthetic of our deck area. It was professionally installed and is extremely sturdy. It has had a very positive effect from our perspective and when the four adjacent neighbors were surveyed for HOA approval documentation, there was unanimous acceptance. After the installation, we discovered that this pergola and screen structure needed county approval as it was considered an "addition." We applied for a special permit first, but later discovered that a final development plan rezoning action was more appropriate for our situation. The purpose of this application is to seek approval to keep our pergola and screen. Our HOA organization has also been involved and awaits county approval of this addition to also approve it at the HOA level.











SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s). residential, home, owner occupied
- B. Hours of operation. n/a
- C. Estimated number of patrons/clients/patients/pupils/etc.
- D. Proposed number of employees/attendants/teachers/etc. n/a
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day. n/a
- F. Vicinity or general area to be served by the use.
- G. Description of building facade and architecture of proposed new building or additions.
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers. none
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Proposed Use: Error in building location of screening above deck acting as addition

Statement of ownership

I am Pam Askew and I am the owner of:  
4139 Halsted Street Fairfax, VA 22033.

*Pam Askew*

Applicant

RECEIVED  
Department of Planning & Zoning  
JAN 29 2013  
Zoning Evaluation Division

PROFFERED DEVELOPMENT CONDITIONS  
EYA DEVELOPMENT, INC.

PCA 84-P-007-3  
PCA 87-P-052-2

July 14, 2005

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 edition as amended, subject to the Board of Supervisors' approval of the requested Proffered Condition Amendments /Conceptual Development Plan Amendments (PCA/CDPA), and Planning Commission approval of the Final Development Plan Amendments (FDPA) for the subject Applications, the Owners and the Applicant, for themselves, their successors and assigns, proffer that the development of the property identified as Tax Map 46-3 ((1)) 40 and 51 (hereinafter the "Property") shall be subject to the following conditions.

1. **Prior Proffered Conditions** - In the event that this application is approved, these proffers shall supersede and replace the previously approved proffers for the Property dated July 15, 1998 associated with PCA 87-P-052 and PCA/CDPA/FDPA 84-P-007-2.
2. **Development Plan** - Development of the Property shall be in substantial conformance with the Conceptual/Final Development Plan Amendment ("CDPA/FDPA"), prepared by Bowman Consulting Group, LTD. dated October 27, 2004 as revised through May 17, 2005. Notwithstanding that the CDPA/FDPA is presented on fourteen (14) sheets, it shall be understood that the CDPA shall be the entire plan shown on Sheet 4 relative to points of access, maximum number and type of dwelling units and the amount of open space. The Applicant has the option to request a Final Development Plan Amendment ("FDPA") from the Planning Commission for elements other than CDPA elements for all of or a portion of the FDPA in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDPA and proffers.
3. **Minor Deviations** - Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDPA may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDPA/FDPA without requiring approval of an amended FDPA provided such changes are in substantial conformance with the FDPA as determined by the Zoning Administrator, agents or assigns and neither increases the gross square footage nor decreases the amount of open space.
4. **Uses** - Up to 322,000 square feet of gross floor area of residential and accessory residential floor area, including Affordable Dwelling Units and related bonus units, may be developed on the Property.
5. **Architectural Design** - The architectural design of the residential buildings shall be in substantial conformance with the general character of the elevations shown on Sheets 8 and 9. The Applicant reserves the right to refine the elevations as a result of final architectural design, so long as the character and quality of design remains consistent with those shown. Notwithstanding what is shown on the CDPA/FDPA, the maximum building height for the

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multi-family residential building shall be seventy (70) feet. The Applicant shall use building materials consistent with the conceptual architecture. Building materials may include masonry veneer, cast stone accents, fiber cement siding, glass, painted wood/synthetic trim, and painted steel/wrought iron façade elements. Colors of building materials shall be selected to harmonize and complement the earth-tone colorations of the Centerpointe office buildings. At the time of submission of the initial building permit application, the Applicant shall provide photographs of the Centerpointe office buildings, along with color samples of the proposed building as evidence of this color harmony.

6. **Landscape Plan-** A landscape plan shall be submitted as part of the site plan(s) and shall be coordinated with and approved by Fairfax County Urban Forest Management (UFM). This plan shall be in general conformance with the landscape concepts shown on Sheets 12 through 17. The landscape design shall incorporate the following elements:
- a. **Street Trees -** A single row of 4" caliper "boulevard type" deciduous shade trees shall be provided along the Property's frontage of West Ox Road and Legato Road as may be approved by the Virginia Department of Transportation (VDOT). The selection and installation of plant materials for the streetscape along West Ox and Legato Roads shall be consistent with the approved landscape plan for the Centerpointe office buildings to the north as determined by UFM and as may be approved by VDOT. If VDOT does not approve the street trees as shown, an alternative planting plan shall be provided as approved by UFM. The Applicant and successor Homeowner/Condominium Associations (HOA/COAs) shall be responsible for the replacement and maintenance of said trees.
  - b. **Entry Plaza/Park -** A combination of a landscaped park and plaza area shall be provided along Legato Road between the two entrances to the Property as shown on Sheet 11 of the CDPA/FDPA. This park area shall include a lawn panel, plantings, hardscaping with specialty paving, pedestrian lighting, benches, specialty element (such as a sculpture, fountain or other focal feature) to be located across from and complementary to the existing Centerpointe I and II plaza, as well as other pedestrian amenities.
  - c. **Interior Greens and Pocket Park -** A pocket park with landscaping, walkways and benches shall be provided in the southern portion of the Property as shown on Sheet 12 of the CDPA/FDPA. Landscaping shall be provided in interior courtyards between the single-family attached units and in community greens on the Property as shown on Sheet 14 of the CDPA/FDPA.
  - d. **Entry Court -** An entry court for the multi-family building shall be provided as generally illustrated on Sheet 13 of the CDPA/FDPA.

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- e. **Tree Wells/Planting Strips**—Subject to approval by UFM, the Applicant shall install street trees on the internal private streets in tree wells and/or planting strips as shown on the CDPA/FDPA. In order to provide for an urban streetscape design, these tree wells/planting strips are less than eight (8) feet wide and will require a waiver from DPWES. The Applicant shall work with UFM and implement special design techniques for these planting areas in order to promote the survivability of the street trees and ensure such trees can be counted to meet tree cover requirements. Such special techniques may include cantilevered sidewalks, root paths under sidewalks, or other methods as determined appropriate by UFM and the Applicant.
- f. **Street Furnishings** – Lighting and street furnishings shall be provided in general conformance with those shown on Sheet 5 of the CDPA/FDPA.

### 7. **Tree Preservation**

- a. The Applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by the UFM, for any areas outside the limits of clearing and grading that must be disturbed.
- b. The Applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions for the northeastern portion of the Property. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect and reviewed and approved by the UFM.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees that are ten (10) inches or greater in diameter, and twenty (20) feet to either side of the limits of clearing and grading shown on the CDPA/FDPA in the northeast portion of the Property. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the *Guide for Plant Appraisal* published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survival of trees to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- c. In addition to the tree preservation plan for the northeastern portion of the site, the Applicant shall submit a tree preservation plan for two existing 24 inch oak trees

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located off-site on adjacent property identified as Tax Map 46-3 ((1)) 48. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect and reviewed and approved by the UFM. Prior to site plan approval and during the construction process, the Applicant shall provide retaining walls and adjust grading and implement other measures as determined necessary by UFM to increase the preservation potential of these trees. It is anticipated, subject to UFM approval, that a retaining wall as shown on attached Exhibit 1 will be utilized to protect the tree roots of these two trees.

- d. The Applicant shall with a certified arborist or landscape architect have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading, and may result in an expansion of the limits of clearing and grading, and the limits shall be adjusted accordingly. Trees that are identified by the UFM as dead or dying or not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time, and the Applicant may be given the option of removing them as part of the clearing operation. Any tree that is designated for removal at the edge of the limits of clearing and grading, or within the tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.
- e. All trees shown to be preserved on the tree preservation plan or identified in the field shall be protected by a tree protection fence. Tree protection fencing four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading as shown on the Phase I and Phase II erosion and sedimentation control sheets for the entire site.

All tree protection fencing shall be installed prior to any clearing and grading activities. The installation of all tree protection fencing, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed and the project's certified arborist or landscape architect shall verify

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in writing that the tree protection fence has been properly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

- f. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the tree protection fencing remains in place and the trees protected by said fencing are preserved. The Applicant shall with a certified arborist or landscape architect monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions and UFM approvals. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by the UFM.
8. **Density Credit** - The Applicant reserves density credit in accordance with provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance as it may apply to all street dedications described herein or as may be reasonably required by Fairfax County or the Virginia Department of Transportation (VDOT) at site plan approval.
9. **Private Street Design** - Both the streets and sidewalks shall be constructed in conformance with Public Facilities Manual TS 5A Standards with regard to design, depth of pavement and materials consistent with public streets and sidewalk standards. The Applicant and successor HOA/COAs shall be responsible for the maintenance of all private streets and sidewalks. The Applicant shall be responsible for placing the sum of \$10,000 for future maintenance in such reserve fund prior to the issuance of the first Residential Use Permit (the "RUP").
10. **Pathways** - Pedestrian paths, a minimum of five (5) feet in width, composed of asphalt or other materials as may be suitable for pedestrian use as approved by DPWES, shall be provided as shown on Sheet 5 of the FDPA. Provided the necessary easements can be reasonably obtained, these on-site paths shall be connected with the existing pedestrian paths on Tax Map 46-3 ((1)) 36F and 43B. The Applicant shall diligently pursue these easements. If unable to acquire the necessary easements, the Applicant shall provide documentation of its efforts to DPWES. Any paths to be located near trees identified to be saved shall be coordinated with UFM so as not to jeopardize or adversely impact trees to be saved.
11. **Fairfax Center Road Fund** - The Fairfax Center Road Fund contribution for the number of Non-ADU units shown on the final site plan shall be paid by the Applicant, less applicable creditable expenses and less previously paid Fairfax Center Road Fund contributions attributable to the Property as may be demonstrated by the Applicant, in compliance with the procedural guidelines adopted by the Board of Supervisors on November 22, 1982 as amended. The Applicant or its successors agree to provide its financial contribution, less applicable credits, upon demand by the Fairfax County Board of Supervisors or Virginia

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Department of Transportation (VDOT), in accordance with the terms of a December 7, 1984 agreement between certain landowners in the 50/66 Area.

12. **Pedestrian Improvements at the Legato Road/West Ox Road Intersection** - Subject to VDOT approval, the Applicant shall install painted crosswalks and a pedestrian activated countdown signal to the existing signal at the intersection of Legato Road and West Ox Road. The Applicant shall make application to VDOT for the pedestrian signal installation by the time of site plan submission. If approved by VDOT, the improvements shall be in place or bonded prior to the issuance of the first Residential Use Permit (RUP) for the Property. However, upon demonstration by the Applicant that despite diligent efforts the improvements have been delayed, the Zoning Administrator may agree to a later date for the completion of the improvements.

The Applicant or its predecessor previously contributed \$30,000 toward traffic signals at Legato Road and West Ox Road. Since the signals have been provided by others, the Applicant may provide to FCDOT an itemized cost of the above-referenced pedestrian improvements and be reimbursed up to \$30,000.

13. **Bus Shelter** - The Applicant shall escrow with DPWES the sum of \$20,000 for the provision of a bus shelter in the vicinity of the Property. Said contribution shall be made prior to the first RUP on the Property. The maintenance responsibility shall be disclosed in the Homeowner/Condominium Association documents.

If a bus shelter is provided along the Property's West Ox Road frontage, the bus shelter and trash can shall be maintained by the Applicant and successor HOA/COAs

14. **Transportation Demand Management** - The use of mass transit, ride-sharing and other transportation strategies shall be utilized to reduce single occupancy vehicular (SOV) traffic from the Property during peak hours by a minimum of 15 percent of the trips generated according to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6<sup>th</sup> Edition. Tenants and/or purchasers shall be advised of this transportation strategy development proffer through the Homeowner/Condominium Association documents.

The Applicant shall designate an individual(s) to act as the Transportation Coordinator(s) whose responsibility shall be to implement the TDMs in coordination with the FCDOT. The transportation strategies management position may be a part of other duties assigned to the individual(s). The transportation management strategies shall be implemented after issuance of the 100<sup>th</sup> RUP for the Application Property. Strategies shall include the following:

- A. Providing amenities for bicycle storage;
- B. Providing broadband, high capacity data/network connections in all dwellings to facilitate working at home;

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- C. Providing a sidewalk system designed to encourage/facilitate pedestrian circulation.
- D. Participating in the Fairfax County Ride Share Program;
- E. Disseminating ridesharing information in residential lease and purchase packages;
- F. Making ridesharing display maps and forms available in the multi-family building;
- G. Developing a web page for residents of the Property describing and updating information on TDM strategies and services; and
- H. Any other strategies found to be effective in reducing the number of single-occupancy vehicle trips, mutually agreed upon by the Applicant and FCDOT.
- I. Providing a SmartCard program for all initial Purchasers.

In addition, the Applicant may implement other strategies such as participating in a local area shuttle service to transit facilities.

The Applicant shall notify FCDOT of the date that the TDM strategies are implemented. One year after the TDM strategies are implemented and bi-annually thereafter, the Applicant shall conduct a survey of residents to determine their transportation characteristics. The Transportation Coordinator shall provide the results of these surveys to FCDOT, and shall work with FCDOT to determine which strategies are effective in order to develop, revise and implement the on-going transportation management program.

15. **Stormwater Management** - Stormwater retention with Best Management Practices (BMPs) shall be provided in a facility located offsite on tax map 46-3 ((1)) 36F, subject to approval by DPWES. In the event that offsite retention is not approved, the Applicant shall submit a PCA to provide an on-site facility, which may result in the loss of units.

In order to satisfy stormwater management and BMP requirements for that portion of the Property that does not naturally drain to the off-site pond on Tax Map 46-3 ((1)) 36F, the Applicant shall coordinate with DPWES at the time of site plan submission to determine if on-site infiltration BMPs are necessary. If determined necessary, such facilities shall be implemented for that portion of the Property not draining to Tax Map 46-3 ((1)) 36F as shown on Sheets 4 and 6 of the CDPA/FDPA.

16. **Noise Attenuation.** Miller Beam & Paganelli, Inc. has prepared an Environmental Noise Impact Assessment of the Property dated January 10, 2005. This report provides an analysis of noise impacts associated with West Ox Road. The Applicant shall submit a revised report to DPWES with submission of the site plans for approval by Department of Planning & Zoning (DPZ). Based on the findings of that report, the Applicant shall provide the following noise attenuation measures:

In order to reduce interior noise to a level of approximately 45 dBA Ldn, units in the multi-family building which are projected to be impacted by highway

noise levels above 65 dBA Ldn, shall be constructed with the following acoustical measures:

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

Alternative interior noise attenuation measures may be provided based on the findings of the revised noise study as reviewed and approved by the Department of Planning and Zoning.

17. **On-Site Recreation** - The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance by contributing \$955 per market-rate dwelling unit for developed recreational facilities. The Applicant shall receive credit for the on-site recreational facilities as permitted per the Zoning Ordinance. The on-site recreation shall include, but not be limited to a community room/multi-age recreation room and exercise facilities located in the multi-family building, but made available to all residents of the Property. Any additional money remaining which is not spent for on-site facilities shall be contributed to the Fairfax County Park Authority ("FCPA") for the development of park facilities at the Popes Head Estates Park
18. **Park Contribution** - In addition to the On-Site Recreation proffer above, prior to the issuance of the first Residential User Permit (RUP) for the Property, the Applicant shall contribute \$530 per Non-ADU multi-family dwelling unit approved and \$695 per Non-ADU single family attached unit to the Fairfax County Board of Supervisors for the development of park facilities at the Popes Head Estates Park.
19. **Affordable Dwelling Units** - The Applicant shall comply with the Affordable Dwelling Unit (ADU) Program as set forth in Section 2-801 of the Zoning Ordinance unless modified by the ADU Advisory Board. The Applicant reserves the right to provide the ADUs for the single-family attached units within the multi-family building.
20. **Retaining Walls** - Retaining walls shown on the CDPA/FDPA and/or as may be required at the time of final site plan design, shall be constructed either with keystone blocks or with concrete faced with masonry to ensure an aesthetically pleasing appearance. Retaining walls shown on the CDPA/FDPA range from one to approximately seven feet in height. Other

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retaining walls required at the time of final site plan shall be no higher than three and one half (3½) feet, unless administratively approved by DPZ.

21. **Disclosures** - Prior to entering into a contract of sale, initial purchasers of the residential dwellings on the Property shall be advised by written notice provided individually to each such purchaser of the:

- Fairfax County Comprehensive Plan land use recommendations for all surrounding properties, including the Plan recommendation that the Centerpointe Church of Fair Oaks site, located to the east of the Property on Tax Map 46-3 ((1)) 50, is appropriate for office use at up to a 1.0 FAR; and
- The Centerpointe Church of Fair Oaks' plans for a major expansion of their church facilities. In addition, copies of any approved zoning plans and site plans for the church expansion shall be available for review by prospective purchasers.
- Responsibility of the Applicant and successor HOA/COAs for the maintenance and cost of repairs of all private streets and sidewalks.

In addition, these disclosures shall be included in the Homeowner Association and Condominium Association documents and be disclosed at closing on the sale of each residential unit.

22. **Energy Efficiency** - All residential units shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for
23. **Lighting** - All outdoor lighting fixtures shall be in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Fixtures used to illuminate streets, parking areas and walkways shall not exceed twenty (20) feet in height, shall be of low intensity design and shall utilize full cut-off fixtures which shall be downward directional and focus directly on the Property.
24. **School Contribution** - Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, effective January 7, 2003, at the time of the first building permit, the Applicant shall contribute a sum of \$2,790 per Non-ADU single-family dwelling shown on the final site plan and \$765 per Non-ADU multi-family dwelling unit shown on the site plan to the Board of Supervisors for transfer to the Fairfax County School Board. These funds shall be allocated by the Board of Supervisors for capital improvements contained in the adopted Capital Improvement Program (CIP) for public schools within Fairfax County.

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25. **Heritage Resources** - The Applicant has conducted a Phase I Archeological Study of the Property in keeping with the recommendations of the Fairfax County Park Authority's Cultural Resources Management and Protection Section (CRMPS). This report shall be submitted for review and approval to CRMPS, prior to or at the time of first site plan submission. If determined warranted by CRMPS, the Applicant shall undertake Phase II and Phase III Archeological Studies for FCCRPS review and approval prior to site plan approval. FCCRPS shall be notified in writing 10 days prior to clearing and grading to permit the County Cultural Resource Protection Manager to be present.
26. **Garage Parking** - A covenant shall be recorded which provides that townhouse garages shall only be used for a purpose that will not interfere with the intended purposes of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Fairfax County Board of Supervisors. Initial purchasers shall be advised by written notice provided individually to each such purchaser of the use restrictions prior to entering into a contract of sale and said restrictions shall be contained in the HOA documents and be disclosed at closing on the sale of each residential unit.
27. **Temporary Signs** - No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 of Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicants' direction to assist in the initial sale or rental of residential units on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.
28. **Severability** - The Property may be subject to a Proffered Condition Amendment (PCA), Conceptual Development Plan Amendment (CDPA) without joinder and/or consent of the remainder of the Property subject to RZ 87-P-007 (Tax Map 46-3 ((1)) 41B and 41C), provided such PCA, CDPA or FDPA does not substantially affect parcels 41B and 41C.
29. **Successors and Assigns** - These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.
30. **Counterparts** - These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in same instrument.

**PROFFERS**

**PCA 84-P-007-3 & PCA 87-P-052-2**

**APPLICANT/CONTRACT PURCHASER OF TAX  
MAP 46-3 ((1)) 51**

**EYA DEVELOPMENT, INC.**



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**By: Matthew H. Birenbaum  
Its: Vice President**

**[SIGNATURES CONTINUE ON NEXT PAGE]**

PROFFERS  
PCA 84-P-007-3 & PCA 87-P-052-2

TITLE OWNER OF TAX MAP 46-3 ((1)) 51

VA-CENTERPOINTE III, L.L.C.

By: EQUITY OFFICE MANAGEMENT, L.L.C.



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By: Joseph Gorin  
Its: Vice President, Investments

[SIGNATURES END]

**PRE-TO-POST-CONSTRUCTION TREE PRESERVATION NOTES**

1. These preservation and construction requirements shall be followed by the contractor and shall be included in the contract documents. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site.
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**CLAIMS CONSTRUCTION DEFENSE MONITOR CONTRACTOR'S SCHEDULE**

1. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site.
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**POST-CONSTRUCTION RECONSTRUCTION TREATMENTS**

1. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site.
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5. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site. The contractor shall be responsible for the preservation and construction of all trees on the site.

Prepared by: Christopher E. Collins, SA, Certified Arborist 0001-12874

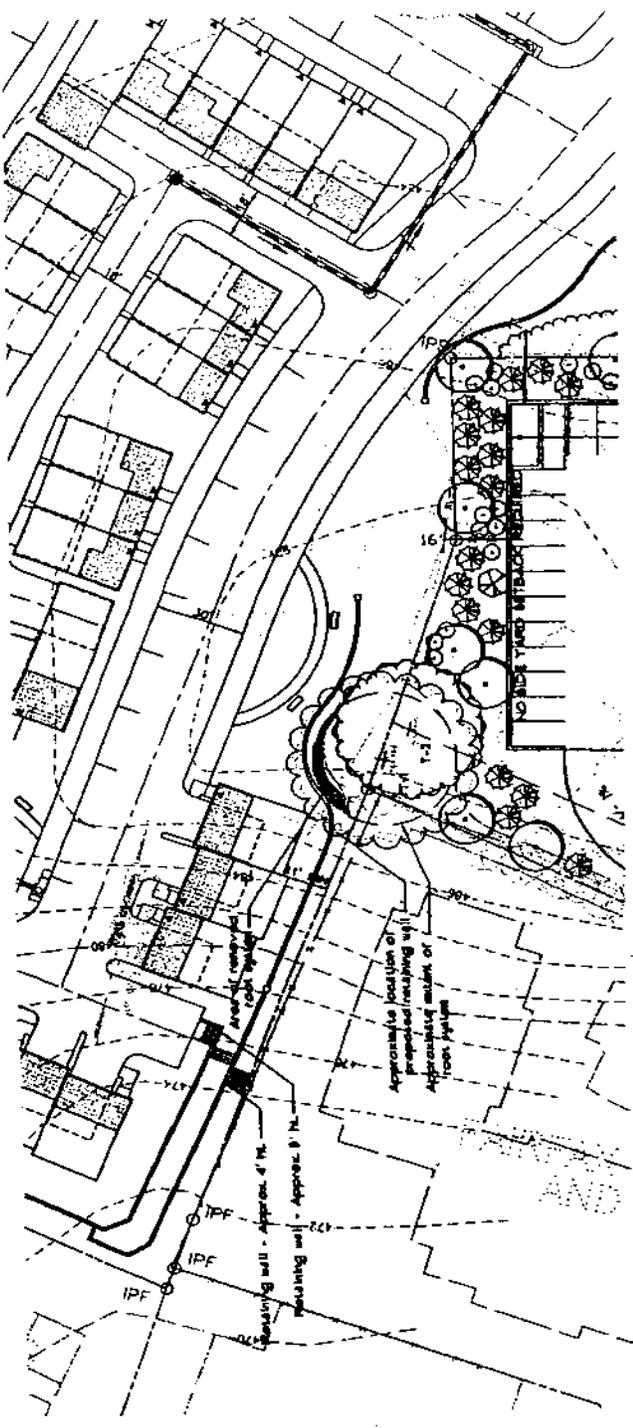


SCALE: 1" = 20'

**CENTREPOINTE III - TREE STUDY**

FARFAX COUNTY, VIRGINIA

JUNE 2008



**Tree Impact and Evaluation Report:**

Tree System Address	Tree Species	Tree Size (DBH)	Tree Health	Tree Location	Tree Value	Tree Recommendation
T-1	1.8/10	180	6	2	1	Tree to be removed. An existing tree with a trunk diameter of 180 mm and a height of 10 m. The tree is located in the parking area and is in good health. It is recommended to be removed and replaced with a new tree of similar size and species.
T-2	1.8/10	10	4	1	1	Tree to be removed. An existing tree with a trunk diameter of 10 mm and a height of 1 m. The tree is located in the parking area and is in poor health. It is recommended to be removed and replaced with a new tree of similar size and species.

Tree System Address	Tree Species	Tree Size (DBH)	Tree Health	Tree Location	Tree Value	Tree Recommendation
T-3	1.8/10	10	4	1	1	Tree to be removed. An existing tree with a trunk diameter of 10 mm and a height of 1 m. The tree is located in the parking area and is in poor health. It is recommended to be removed and replaced with a new tree of similar size and species.

Notes:  
 1) Tree values are based on a typical market value of \$100 per inch of trunk diameter.  
 2) Tree values are based on a typical market value of \$100 per inch of trunk diameter.  
 3) Tree values are based on a typical market value of \$100 per inch of trunk diameter.



**FAIRFAX COUNTY COMPREHENSIVE PLAN, 2013 Edition AREA III Fairfax Center Area, Amended through 3-4-2014 Land Use Plan Recommendations – The Overlay Level  
Page 73**

**Sub-unit J2**

This sub-unit is planned for office mixed-use at an FAR of 1.0 at the overlay level. A hotel may also be an appropriate use. All development plans must include provisions for the linear park, planned for the north side of Monument Drive. This linear park will be a major amenity and pedestrian corridor for the area and must be preserved.

Two options may be considered for designated sites in Sub-unit J2, as follows:

1. As an option, office use up to 1.0 FAR at the overlay level may be appropriate for Tax Map 46-3((1)) 40, 41B, 41C and 51 with full parcel consolidation.
2. As an option at the overlay level, multifamily residential use may be appropriate for Tax Map 46-3((1)) 36E, up to a total of 402,000 square feet. A small integrated component of neighborhood-serving ground-floor retail is encouraged to be included, so long as market conditions warrant viable use(s). This site is located on the northeast corner of the intersection of Monument Drive and Fair Lakes Parkway. These uses may be considered under the following conditions:
  - Provide high-quality urban architectural and landscaping design to create a signature development on this very visible corner site.
  - Development should take the form of high-density residential use. A majority of the units should be one-bedroom or efficiency units to minimize the impacts on schools.
  - A contribution should be made to the county's low and moderate-income housing goals through an appropriate proffer for Affordable Dwelling Units (based on the prevailing Ordinance requirements at the time of Site Plan approval) or a combination of Affordable Dwelling Units and a contribution to the Housing Trust Fund.
  - Provide the required parking for residents in structures. Provide convenient parking for visitors and customers of any proposed retail use onsite.
  - Articulate the facades in order to reduce the appearance of the building mass.

- Provide a linear park along the east side of Monument Drive to encourage pedestrians to walk to nearby shopping, restaurants, movie theatres and workplaces. The linear park should meet the following conditions:

- 1) Subject to approval of the Virginia Department of Transportation, remove the existing sidewalk in order to provide a single trail with improved landscaping, including street trees.

- 2) Street trees should measure 3 inch caliper at a minimum.

- 3) The width of the linear park should be a minimum distance of 20 feet.

- 4) At least one major plaza should be provided as a public gathering place.

- 5) To take advantage of the articulation of the buildings, additional small courtyards along Monument Drive should be provided, to include landscaping and benches.

- 6) The intersection of Monument Drive and Fair Lakes Parkway is a major focal point in Land Unit J. The corner should be feature a special treatment that is visually pleasing to both pedestrians and drivers. Special features, such as landscaping with a fountain, public art, an outdoor clock or appropriate architectural treatment(s) are encouraged to help define the corner site.

- Ensure that street trees are provided along Fair Lakes Parkway, relocating existing trees or replacing street trees lost during development as recommended by the county.

- Provide buffering and screening between the residential use and adjacent office and/or parking structures and lots.

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

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

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

## **16-102 Design Standards**

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

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

**GLOSSARY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Abbreviations Commonly Used in Staff Reports

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