JUNE 29, 2021

STAFF REPORT

PCA 2006-SU-025-05
CDPA 2006-SU-025-03
FDPA 2006-SU-025-05

SULLY DISTRICT

APPLICANT: Toll Mid-Atlantic LP Company, Inc. and JLB Realty

ZONING: PDC (Planned Development Commercial)

OVERLAYS: AN (Airport Noise)
WS (Water Supply Protection)

TAX MAP: 44-1 ((1)) 6C and 6H3

ACREAGE: 21.7 acres

FAR: 0.54 (inclusive of bonus density)

OPEN SPACE: 24% (2.20 acres) on Parcel 6C only - exclusive of Parcel 6H3, which is entirely open space

PLAN MAP: Mixed Uses

15.2-2303 STATUS: Exempt (Dulles Suburban Center)

PROPOSAL: Amend previous approval for office to construct a multifamily residential development with 436 dwelling units for a total of 507,000 square feet, including 81 Triplex multifamily dwelling units and a 6-Level multifamily building with 355 dwelling units.

Emma A. Estes

Department of Planning and Development
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/planning-development/
STAFF RECOMMENDATION:

Staff recommends approval of PCA 2006-SU-025-05 and CDPA 2006-SU-025-03 subject to the execution of proffers consistent with those included in Appendix 1 of this report.

Staff recommends approval of FDPA 2006-SU-025-05 subject to the development conditions contained in Appendix 2.

Staff recommends approval the following waiver and modification requests:

1. Modification to permit the GFA of dwellings as a secondary use to exceed 50% of the GFA of the principal use in the development.

2. Modification to permit driveway parking in front of garage access for triplex multi-family buildings (i.e. tandem parking).

3. Modification to allow a parapet wall, cornice or similar projection to exceed the established height limit by more than three feet as shown on the CDPA/FDPA.

4. Waiver of loading space requirement for Triplexes in favor of the proposed garage parking shown on the CDPA/FDPA.

5. Waiver of loading space requirement for 5 loading spaces for the multi-family building, to allow one indoor loading space in the garage.

6. Modification of interior parking lot landscaping on roof top of the multifamily building in favor of what is shown on the CDPA/FDPA.

It should be noted that it is not the intent of the staff to recommend that the Board of Supervisors, in adopting any development conditions, relieve the applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board.

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

CDPA 2006-SU-025-03

Applicant: TOLL MID-ATLANTIC LP COMPANY, INC. AND JLB REALTY LLC

Accepted: 06/02/2021- AMENDED 09/29/2020

Proposed: AMEND RZ 2006-SU-025 TO AMEND THE PROFFERS, CONCEPTUAL DEVELOPMENT PLAN, AND SECOND FINAL DEVELOPMENT PLAN

Area: 21.7 AC; DISTRICT - SULLY

Zoning Dist Sect: EAST SIDE OF SULLY ROAD, NORTH SIDE OF WESTFIELDS BOULEVARD AND WEST SIDE OF NEWBROOK DRIVE

Zoning: PDC

Overlay Dist: WS

Map Ref Num: 044-1 /01/ /0006C /01/ /006H3

Proffered Condition Amendment

PCA 2006-SU-025-05

Applicant: TOLL MID-ATLANTIC LP COMPANY, INC. AND JLB REALTY LLC

Accepted: 06/02/2021- AMENDED 09/29/2020

Proposed: AMEND RZ 2006-SU-025 TO AMEND THE PROFFERS, CONCEPTUAL DEVELOPMENT PLAN, AND SECOND FINAL DEVELOPMENT PLAN

Area: 21.7 AC; DISTRICT - SULLY

Zoning Dist Sect: EAST SIDE OF SULLY ROAD, NORTH SIDE OF WESTFIELDS BOULEVARD AND WEST SIDE OF NEWBROOK DRIVE

Zoning: PDC

Overlay Dist: WS

Map Ref Num: 044-1 /01/ /0006C /01/ /006H3
Final Development Plan Amendment
FDPA 2006-SU-025-05

Applicant: TOLL MID-ATLANTIC LP COMPANY, INC. AND JLB REALTY LLC
Accepted: 06/02/2021-AMENDED 09/29/2020
Proposed: AMEND PROFFERS, CONCEPTUAL DEVELOPMENT PLAN, AND SECOND FINAL DEVELOPMENT PLAN
Area: 21.7 AC; DISTRICT - SULLY
Zoning Dist Sect: EAST SIDE OF SULLY ROAD, NORTH SIDE OF WESTFIELDS BOULEVARD AND WEST SIDE OF NEWBROOK DRIVE
Located: PDC
Overlay Dist: WS
Map Ref Num: 044-1- /01/ /0006C /01/ 006H3
EXISTING MAJOR PAVED TRAIL PER THE FAIRFAX COUNTY COMPREHENSIVE TRAILS PLAN

EXISTING TRAIL NETWORK NOT PART OF RECOMMENDED COMPREHENSIVE TRAIL PLAN CONSISTING OF EXISTING, PLANNED, AND UNDER CONSTRUCTION SEGMENTS.

EXISTING MAJOR PAVED TRAIL TO CONNECT TO FLATLICK BRANCH TRAIL (CONSISTING OF EXISTING AND PROPOSED TRAIL SEGMENTS)

PROPOSED ALIGNMENT OF MAJOR PAVED TRAIL TO CONNECT TO FLATLICK BRANCH TRAIL (CONSISTING OF EXISTING AND PROPOSED TRAIL SEGMENTS)

FLATLICK BRANCH STREAM VALLEY TRAIL (CONSISTING OF EXISTING AND UNDER CONSTRUCTION TRAIL SEGMENTS)
WESTFIELD BLVD SECTION 4

SCALE: 1" = 10'

SECTION KEY MAP

SCALE: 1" = 150'

WESTFIELD BLVD

NEWBROOK DRIVE
COMMONWEALTH CENTRE OVERALL OPEN SPACE PLAN

Linear Park Enhancements

WEGMANS
Outdoor Dining and Seating

Play Sculpture and Outdoor Seating

Existing Linear Park

Outdoors Seating

OUTDOORS Seating

100-yr Floodplain and RPA

01/28/2021 REVISED PER COUNTY COMMENTS NTG NTG

04/16/2021 REVISED LAYOUT MW TF NTG

06/07/2021 REVISED PER COUNTY COMMENTS NTG NTG

06/07/2021

12825 WORLDGATE DR. SUITE 700 HERNDON, VIRGINIA 20170 Phone: (703) 709-9500 Fax: (703) 709-9501 VA@BohlerEng.com

THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM BOHLER. ONLY APPROVED, SIGNED AND SEALED PLANS SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES ©

SUSTAINABLE DESIGN

TRANSPORTATION SERVICES

LANDSCAPE ARCHITECTURE

PROGRAM MANAGEMENT

LAND SURVEYING

SITE CIVIL AND CONSULTING ENGINEERING

©

NTG, Cert. No. 001653
06/07/21

Nicholas T Georgas

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.
EXISTING FLOODPLAIN

EXISTING WET POND 1

STORMWATER SUFFiciency LIMIT OF ANALYSIS

EXISTING BIoretENTION FACILITY A

EXISTING AMENITY / BMP POND B

ONSITE AREA TO WET POND #1 = 8.99 AC
C = 0.30

ONSITE AREA TO WET POND #1 (INCLUDING 8.99 AC OF SITE AREA APPLICABLE TO QUALIFYING OPEN SPACE)

ALLEYWAY D - UNDEVELOPED

ALLEYWAY D - RETAIL

ALLEYWAY D - UNDEVELOPED

AMENITY POND B

TO AMENITY POND B

QUALIFYING OPEN SPACE

LANDSCAPING D - RESIDENTIAL TREATED

LANDSCAPING D - RECREATIONAL UNTREATED

LANDSCAPING D - RECREATIONAL UNTREATED
OUTFALL DESCRIPTION:

THE SUBJECT SITE CONSISTS OF A RIDGE:

FROM THE SUBJECT SITE drainwaters runs and impacts the

SUBJECT SITE. THE SUBJECT SITE will be impacted by the

CONSTRUCTION ACTIVITIES ON THE SUBMITTED SITE.

OUTFALL MAP

LIMIT OF ANALYSIS

EXISTING FLOODPLAIN

STORMWATER OUTFALL,
LIMIT OF ANALYSIS

EXISTING POND 1

SITE OUTFALL PATH

SITE AREA

OUTFALL DESCRIPTION:

The subject site consists of a ridge:

From the subject site drainwaters run and impact the

subject site. The subject site will be impacted by the

construction activities on the submitted site.

Existing pond 1

Site outfall path

Site area
NI

SULLY ROAD
ROUTE 28
INSTALLATION WILL TAKE PLACE
ROUGH GRADING AND UTILITY

NOTE: PHASE 2 CONSTRUCTION STARTING
DOES NOT REQUIRE PHASE 1 TO BE
COMPLETE

PARK MEADOW DRIVE

PHASE 1 CONSTRUCTION
DONE
CONSTRUCTION FROM PRIOR PHASE
DOES NOT REQUIRE PHASE 1 TO BE
COMPLETE

PHASE 2 CONSTRUCTION
DONE
CONSTRUCTION FROM PRIOR PHASE
DOES NOT REQUIRE PHASE 1 TO BE
COMPLETE

PHASE 2 FINAL RUP
BENCHES TO BE INSTALLED WITH
PHASE 2 BY FINAL RUP

ALWAYS CALL 811
IT'S FAST. IT'S FREE. IT'S THE LAW.

DISCLAIMER
THE ILLUSTRATIONS PRESENTED ON THIS SHEET ARE PRELIMINARY. THEY ARE PRESENTED TO ILLUSTRATE THE GENERAL CHARACTER OF THE PROPOSED IMPROVEMENTS. THE DESIGN OF NEWBROOK DRIVE WILL BE REFINED AND SUBJECT TO CHANGE AT THE TIME OF FINAL ENGINEERING AND DESIGN.
### Transient Screening Summary

**Property Use:** Proposed Uses Are ConsidereD Dwellings, Multiple Family (Group 3)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Description</th>
<th>Acres Required</th>
<th>Existing Acres</th>
<th>Shadowed Acres</th>
<th>Total Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Identify Gross Site Area:**

- X 1.5
- X 1.25
- C8 X 1.0
- X 1.5
- X 1.5

**Adjoining Uses:**

- Officies (8)

**Screening Required:**

- None
- None
- None
- None

**Screening Provided:**

- N/A
- N/A
- N/A
- N/A

**Instructions in Table 12.12**

- If step G requires a narrative, it shall be prepared in accordance with 12-0507.4

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**Table 12.3**

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees planted for water quality benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees planted for energy conservation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees planted for air quality benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees planted for wildlife benefits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees provided by unique or valuable forest or environment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees provided by improved cultivars and varieties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees provided by native shrubs or woody seed mix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees provided by tree seedlings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total of canopy area meeting standards of § 12-0200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total of canopy area of trees within resource protection areas and 100-year floodplains</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area of canopy to be met through tree planting (B7-C10)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total of canopy area provided through tree preservation (C10)</td>
<td></td>
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</tr>
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<td>Total of canopy area provided through on-site tree planting (D17)</td>
<td></td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
</tr>
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<td></td>
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</tr>
<tr>
<td>Preserved percentage of canopy requirement</td>
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**Table 12.9**

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<tr>
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</tr>
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<tbody>
<tr>
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<td>391,777</td>
<td>12.33%</td>
</tr>
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<td>Trees planted for energy conservation</td>
<td>40,050</td>
<td>0%</td>
</tr>
<tr>
<td>Trees planted for air quality benefits</td>
<td>30,921</td>
<td>8.257%</td>
</tr>
<tr>
<td>Trees planted for wildlife benefits</td>
<td>8,257</td>
<td>0%</td>
</tr>
<tr>
<td>Trees provided by unique or valuable forest or environment</td>
<td>24.4%</td>
<td></td>
</tr>
<tr>
<td>Trees provided by improved cultivars and varieties</td>
<td>95,463</td>
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THE ILLUSTRATIONS PRESENTED ON THIS SHEET ARE PRELIMINARY. THEY ARE PRESENTED TO ILLUSTRATE THE GENERAL CHARACTER OF THE PROPOSED DEVELOPMENT. THE DESIGN OF THE PARK SPACE WILL BE REFINED AND SUBJECT TO CHANGE AT THE TIME OF FINAL ENGINEERING AND DESIGN.
COMMUNWEALTH CENTRAL PARK

MULTI-PURPOSE FIELD

ART SCULPTURE

FREE FORM LANDSCAPE MASSING

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THESE ELEVATIONS ARE CONCEPTUAL AND ARE INTENDED TO ILLUSTRATE THE GENERAL CHARACTER OF THE DWELLING UNITS, QUALITY OF CONSTRUCTION, AND QUALITY OF BUILDING MATERIALS. THESE ELEVATIONS ARE NOT INTENDED TO REPRESENT FINAL BUILDING DESIGN, OR TO BE INTERPRETED AS A COMMITMENT TO SPECIFIC DIMENSIONS OR BUILDING ELEMENTS, SUCH AS HEIGHT, NUMBER AND PLACEMENTS OF WINDOWS/DOORS, OR ROOF LINES. FINAL DESIGN WILL BE DETERMINED AT THE TIME OF THE SITE PLAN AND BUILDING PERMIT SUBMISSION FOR EACH UNIT TYPE.
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DESCRIPTION OF THE APPLICATION

The applicants, Toll Mid-Atlantic LP Company, Inc. and JLB Realty, are requesting approval of a Conceptual Development Plan Amendment (CDPA), Final Development Plan Amendment (FDPA), and Proffered Condition Amendment (PCA) to allow a Multifamily Residential Development with 436 units at an FAR of 0.54 inclusive of bonus density, on approximately 22 acres of land (Tax Map Parcels 44-1 ((1)) 6C and 6H3) located in Commonwealth Centre of Westfields, Chantilly. The property is accessed from the Newbrook Drive loop road off Westfields Boulevard.

The proposed buildings include one high-rise “Texas Donut” style multifamily building with 355 units at 70 feet in height, and 81 Triplex units (also considered multifamily) at 55 feet in height, for a total of 0.54 FAR inclusive of bonus density. Total proposed gross floor area (GFA) will be 507,000 square feet (SF). The proposed residential use would replace an office building previously approved but never constructed on the subject parcel; the other two office buildings on Land Bay A will remain and continue to be governed by RZ 2006-SU-025.

SITE LOCATION AND CHARACTER

The subject property is approximately 22 acres of land located in Commonwealth Centre, Westfields. The acreage of the application includes the development site (Parcel 6C) and an additional tract of land (Parcel 6H3) containing Flatlick Branch Stream and associated RPA/Floodplain, which will remain undeveloped.

The property is accessed from Newbrook Drive, which is a four-lane, private loop road with two access points from Westfields Boulevard. Newbrook Drive is owned by the Commonwealth Centre Owner’s Association and designed to support an office park to public road standards.

The subject property is bordered by Route 28 to the west, Westfields Boulevard to the south, and by the office and commercial portions of Commonwealth Centre to the east and north. Overall, the Commonwealth Centre consists of approximately 101 acres of land, comprised of six land bays (A through F) oriented around Newbrook Drive and developed with a mix of office, retail, and residential uses. The entirety of the 101-acre Commonwealth Centre is located within the Cub Run watershed, Watershed Protection Overlay District (WSPOD) and contains portions of Resource Protection Area (RPA) and Environmental Quality Corridor (EQC) associated with the Flatlick Branch Stream.
Valley Park. This application limits the newly proposed development to Land Bay A and does not propose any structures within environmentally sensitive areas.

Land Bay A is partially developed with two existing office buildings totaling approximately 330,000 square feet and an above ground parking structure. The third office building site that was approved in Land Bay A is undeveloped.

Land Bays B and C ("The Field at Commonwealth") are developed with a retail sales-large establishment (Wegmans) and complementary retail/restaurant uses collectively totaling 186,000 square feet, including Lazy Dog, Peets Coffee and Mellow Mushroom.

Land Bay D is approved for a townhouse and stacked unit development, totaling 232 dwelling units and 550,000 square feet of GFA, in the northwestern portion (currently under construction). The southeastern of Land Bay D (adjacent to Westfields Boulevard) is approved for 100,000 square feet of retail/restaurant/theatre uses, including a movie theatre and complementary retail, which remains undeveloped. The existing airport contours for 60-65 dba DNL, as approved by the Board of Supervisors (BOS), are located on a portion of the area approved for commercial use in Land Bay D.

Land Bays E and F (not shown in graphic) are the private road Newbrook Drive, owned and maintained by the Commonwealth Owner’s Association.
BACKGROUND AND HISTORY

A summary of previous land use approvals is provided in the following table:

<table>
<thead>
<tr>
<th>Application</th>
<th>Approval Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RZ 78-S-063 (Westfields)</td>
<td>Nov. 25, 1985</td>
<td>RZ approved to rezone 712.04 acres from R-C, I-3, I-4, and I-5 to I-3, I-4, and I-5. The rezoning was subject to proffers, but no development plan was proffered.</td>
</tr>
<tr>
<td>PCA 78-S-063-05</td>
<td>Oct. 15, 2007</td>
<td>PCA approved for the removal of 100.81 acres (including the subject property) from RZ 78-S-063.</td>
</tr>
<tr>
<td>RZ 2006-SU-025 (Commonwealth Centre)</td>
<td>Oct. 15, 2007</td>
<td>RZ approved (concurrent with PCA 78-S-063-05) to rezone 100.81 acres from I-3 to PDC for a mixed-use development of office, hotel, retail, and other supporting uses with an FAR of 0.32.</td>
</tr>
<tr>
<td>PCA 2006-SU-025 FDPA 2006-SU-025</td>
<td>July 13, 2009</td>
<td>PCA and FDPA approved to amend the approved zoning on a mixed-use development to allow locations for child care facilities and structured parking decks.</td>
</tr>
<tr>
<td>PCA 2006-SU-025 FDPA 2006-SU-025-02</td>
<td>Oct. 20, 2015</td>
<td>PCA and FDPA approved to allow a retail establishment and a cluster of five smaller retail buildings within Land Bays B and C (within the Newbrook Drive loop road) at an FAR of 0.20.</td>
</tr>
<tr>
<td>PCA 2006-SU-025-03 CDPA 2006-SU-025-02 FDPA 2006-SU-025-03</td>
<td>July 11, 2017</td>
<td>Amendment to RZ 2006-SU-0025 for 36.78 acres to permit 550,000 sf. of residential uses (232 DUs including townhouses and stacked townhouses), and 100,000 sf. of retail/theatre/shopping center uses within Land Bay D at an FAR of 0.41.</td>
</tr>
</tbody>
</table>

Copies of those applications are available in the Zoning Evaluation Division of DPD.

On March 20, 2019, the Fairfax County Board of Supervisors adopted Plan Amendment 2013-III-DS1 in the Dulles Suburban Center which revised the Comprehensive Plan recommendations to allow the introduction of residential use at an overall intensity of 0.50 FAR within Land Unit J.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: III
Planning District: Dulles Suburban Center
Planning Sector: Land Unit J
Plan Map: Mixed-Use
Plan Text: Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, amended through 12-4-2018,
Commonwealth Centre:

“Commonwealth Centre is planned for office, conference center/hotel, industrial/flex and industrial use up to an intensity of .50 FAR. As another option, multi-family and single-family attached residential and retail uses may be appropriate up to an intensity of .50 FAR on approximately 39 acres located north of the planned Newbrook Drive loop road. Any development under this option is deemed to be inclusive of the density bonus applicable to the dwelling unit type for affordable housing. In addition to the conditions listed above, the following conditions should be met to implement this option:

- New residential and retail uses should be oriented to be functionally integrated with the approved retail uses inside of the Newbrook Drive loop road so as to create a vibrant mixed-use environment.
- Adequate access and circulation should be provided.”

Land Unit J:

“A mix of uses in Land Unit J is encouraged to support the office park, and to create an environment with opportunities to work, live and play. As an option, residential and retail uses may be considered for Land Unit J. The following conditions should be met to implement this option:

- The development intensity remains at an average .50 FAR for the entirety of Land Unit J.
- Residential and support retail uses are carefully located to create a sense of place, organized generally around the concept of three core areas, or village centers, that offer a mix of uses and well-connected public spaces that encourage activity and support the office campus. […]
- Residential use should not exceed a total of 5500 units in Land Unit J (including existing and approved units as of January 2019). This total includes existing and approved residential uses along Walney Road, Stonecroft Boulevard (The Preserve), and the northern portion of Commonwealth Centre, and represents the potential for an additional 4,250 units above what is existing and approved.
- Of the approximately 4,250 new residential units anticipated under this option, the unit type should be comprised of approximately 2/3 multi-family units (approximately 2,830) and a maximum of 1/3 single-family attached units (approximately 1,420). Single-family detached units are not appropriate.
• Retail use should not exceed approximately 600,000 SF in Land Unit J, with approximately 200,000 SF of that total to be allocated among the three village center areas.

• Development proposals with residential use should create high-quality living environments that provide appropriate transitions within the context of a larger area of nonresidential uses. Proposals should demonstrate that new developments have appropriate vehicular and pedestrian connections to surrounding uses, and offer amenities and activities for both existing and future residents, employees and visitors. Infill proposals should avoid the creation of scattered, isolated developments.

• Parcel consolidation is encouraged to ensure that adequate site size is provided for a high-quality development and associated amenities. Coordinated development plans may be an alternative to parcel consolidation, if it can be demonstrated that site design, building locations, open space, and access achieve plan objectives.

• At a minimum, 12% of the residential units should be affordable to meet county goals for affordable and workforce housing. These units should be distributed throughout any new development and should include a variety of housing types and sizes. Multi-family and single-family attached units of varying sizes and designs are strongly encouraged to provide diversity in housing type and to offer options to improve affordability. Opportunities for units that would appeal to residents who wish to stay local but downsize, as well as for those entering the housing market, are strongly encouraged to respond to different demands in the housing market.

• Publicly accessible active and passive recreational facilities and parkland should be provided within the land unit or nearby to meet the needs of new and existing residents, employees and visitors, based on the county’s adopted park typologies and standards."

ANALYSIS

Proffered Condition Amendment (PCA) and Final Development Plan Amendment (FDPA) Description

Title of Plan: Commonwealth Centre at Westfields Land Bay A
Prepared By: Bohler Engineering
Date: June 7, 2021

The applicant is proposing a single multi-family building with a maximum of 355 dwelling units and 81 triplex multifamily units for 436 total dwelling units at an overall density of
20.10 dwelling units per acre (du/ac) and maximum of 507,000 square feet of residential development at an FAR of 0.54 including bonus density.

Figure 3 : Site Layout

**Multifamily Building**

The applicant has designed the Multifamily Building to be a large structure that is an “anchor” for Commonwealth Centre and Westfields, as viewed from motorists on Westfields Boulevard and Route 28. During the review of the application, the applicant has made a series of changes to the design, including enhancing transitional buffers to the ROW, reducing the height of the garage to reduce bulk, and refining the architectural treatment of the garage, to refine the bulk, mass, and screening of the building on all sides.
The applicant is proposing 81 rear-loading triplexes. The layout includes three garages on the first floor, one unit on the second floor, and two more units on the third and fourth floors, one on the left and one on the right. The proposed building plan includes a bottom floor with three garages, each with room for two tandem parked cars, for a total of six spaces. The garages would be accessed via the alleys. The triplexes may have decks and/or roof top terraces ranging in size from 65 to 640 square feet.
Transportation

The site access is provided by two existing entrances from Newbrook Drive, which is a private loop road off Westfields Boulevard. Newbrook Drive is a four-lane road that was built to support the trip generation of the previously planned office park. To improve pedestrian safety, the applicant has agreed to implement several improvements along the property frontage, to retrofit the road to accommodate the proposed residential use. Currently, only a single crosswalk is provided in this location.

The proffered improvements include the following (see Figure 7):

- Decorative stamped asphalt pavement on the Newbrook Drive/Wegmans entrance and installation of a raised median to create a pedestrian refuge at the Newbrook Drive / Wegmans Entrance. The proffers also allow the option to do on-street parking (approximately 5 spaces) instead of removing the turn lane to create space for the intersection improvements.
- Stripe a new crosswalk on the north side of the Newbrook Drive/Wegmans intersection with ADA ramps and a pedestrian crosswalk across the entrance to Wegmans from Newbrook Drive.
- Install four manually activated Rectangle Rapid Flashing Beacons (RRFB) at the intersection of Newbrook Drive and Wegmans Entrance
- Install two Advanced Warning Pedestrian Signs for the crossings approaching the intersection of Newbrook Drive/Wegmans Entrance
• Install 25 miles per hour (mph) speed limit signs at the two entrances to Newbrook Drive from Westfields Boulevard (Current speed limit is 35 mph)
• Remove the trees in the median of Newbrook Drive that block pedestrians from northbound vehicles’ view on Newbrook Drive
• Construct an 8’ to 10’ asphalt shared use trail along the Newbrook Drive frontage, as determined by the Sully District Supervisor’s office with final design of the Linear Park.
• Install street trees along both sides of the Newbrook Drive Trail at 35’ intervals

Figure 7. Intersection improvements
Parking

The Triplex Units will provide separate parking under the units (six spaces in a ground floor garage) with direct access to the units. At 162 spaces parking for the Triplexes meets multifamily building requirements at 1.6 spaces per unit. Each unit’s garage will have space for two vehicles parked in tandem.

The Multifamily Building will provide separate parking in its garage totaling 478 spaces. A parking reduction is under review by Land Development Services to reduce the rate from 1.6 to approximately 1.4 spaces per dwelling unit for the garage at its proposed size. If the applicant is not granted approval for the parking reduction, they will be required to meet the required parking rate on site.

The project will provide approximately 56 on-street parking spaces along Street A, Street B, and Street C that will not be restricted between the uses. The Applicant is also proffering an alternative for on-street parking along a portion of Newbrook Drive which may also be counted toward the parking requirements for the site, if implemented.

Landscaping

The site currently has 95,463 square feet of tree canopy which covers 24% of the gross area of the site. The applicant is providing approximately 1/3 of the tree preservation target and will need to request a deviation for this from the Director of UFMD at site plan.

The proposed tree canopy is 48,307 square feet which meets the tree cover requirement. Landscaping and hardscape elements are provided in common open space areas, transitions to the ROW, and with streetscape plantings along Newbrook Drive. Landscaping incorporating trees of varying heights will be provided on the existing berm along the property frontage on Westfields Boulevard and additional plantings will be provided along the Route 28 on-ramp. Parcel 6H3 will remain as protected natural open space along Flatlick Branch Stream.

Parks

Per the Comprehensive Plan’s recreational service level standards, the proposed 763 new residents generate a need for 1.15 acres of urban parkland (1.5 acres per 1,000 population). The proposed development includes over 2 acres of park space along the frontage of Land Bay A, linked by a shared use trail connection which provides access to the Flatlick Branch Valley Stream Park trail system.

The proposal includes 1.17 acres of public park space within the 9-acre residential development site which will include two linear open spaces along Newbrook Drive, approximately 100 feet in depth, which will feature amenity areas including a pocket park, playground, trails, seating, open space and landscaping, as well as two mews along Street B and C, which will include pocket parks and lawn areas (see Figure 8).
In addition to the 1.17 acres on the residential site itself, the applicant is proposing to create a second large park area (referred to as “Commonwealth Central Park”) by undergrounding the existing “Amenity Pond B” located on Parcel 6H3 behind Wegmans. The proposed central park includes a multipurpose field, movie lawn, art sculptures, landscaping, and benches (see Figure 9). The applicant has also proposed improvements to add benches and landscaping to the trail connection between the two larger parks, as shown on the FDPA.

![Figure 8: Layout of Triplexes and On Site Linear Park](image1)

![Figure 9: Proposed Commonwealth Central Park](image2)
Stormwater and Low-impact Development (LID) Techniques

The applicant is proposing to manage water quantity and water quality for the site through an existing wet pond, existing bioretention facility, and reconfiguration of an existing amenity pond into an underground detention vault. The applicant has proposed a proffer affirming that the WSPOD requirements will be met through the existing wet pond and any additional stormwater management/best management practices (SWM/BMP) needed to meet WSPOD requirements will be provided on-site or within Land Bay A; no off-site nutrient credits are permitted; and that an LID facility such as a filterra, bioretention facility, rain garden, or underground manufactured filtering device must be incorporated on the property.

STAFF ANALYSIS

Land Unit J Site Specific Text

A mix of uses in Land Unit J is encouraged to create a pedestrian oriented environment with opportunities to work, live and play.

As an option, residential and retail uses may be considered for Land Unit J. To qualify for the residential option, there are a series of requirements that apply to Land Unit J which are paraphrased and discussed below.

1. Condition 1. Land Unit J FAR

   With the proposed development Land Unit J will continue to remain under maximum of .50 FAR.

2. Condition 2. Mixed Use Core Area

   The proposed residential is connected to the existing retail and office are connected by intersection improvements to the retail, and the open space corridor with 2 acres of park space. The proposed residential use, park, and intersection improvements, with enhance the mix of uses and help to create a stronger sense of place and “village center” environment for Commonwealth Centre. The proposed proffers meet or exceed this goal.

3. Condition 3. Balance of Units in Land Unit J

   Residential use will continue to not exceed a total of 5,500 units in Land Unit J (including existing and approved units as of January 2019). The proposed 436 new multifamily units in Land Unit J will leave 3,193 new units available in Land Unit J, including 2,019 multifamily and 1,174 single family attached units.
3. Condition 4. Unit Type

Of the approximately 4,250 new residential units anticipated in Land Unit J under the residential option option, the unit type is planned to be comprised of approximately 2/3 multi-family units (approximately 2,830) and a maximum of 1/3 single-family attached units (approximately 1,420).” The proposal provides 436 multifamily units and will maintain the overall unit type balance in Land Unit J, as shown on the CDPA/FDPA.

4. Condition 5. High Quality Living Environment, Transitions, Connectivity

The applicant has worked with staff to create better connections between the site and the inner and outer areas of the Newbrook Drive loop road, which the application accomplishes with the park corridors, enhanced trail, intersection improvements that have been discussed previously.


No additional parcel consolidation is necessary for the 9-acre development site, which is part of previously consolidated Commonwealth Centre.

6. Condition 7. Affordability

A total of 12% of the units will be affordable to meet county goals for affordable and workforce housing. A total of 12% affordable housing is provided with the proposed ADUs (Affordable Dwelling Units) and WDUs (Workforce Dwelling Units). All WDUs will be at a minimum AMI of 80%.

Out of the 81 triplexes, five will be WDUs provided. Out of the 355 dwelling units in the multifamily building, 6 ADUs and 42 WDUs will be provided.

The incorporation of the triplex unit type, along with the multifamily building, will provide additional housing choices in Commonwealth Centre and Westfields and diversify the housing stock (one other application in Land Unit J is proposing Triplexes). This standard is met.

Overall, the proposal provides a coordinated plan of open space corridors, trails, and urban park space. The applicant has proffered to develop the entire left edge of Newbrook Drive into a long linear park with high quality park spaces with amenities on either side of Land Bay A. These improvements provide a benefit to the entire Commonwealth Centre, as they would be open for use by residents, employees, and visitors. Surrounding neighborhoods would have access to these amenities and would be integrated into the Commonwealth Centre through the trail connections through Flatlick Stream Valley Park. The proposed park areas meet the Park Authority’s standard rate for park space per resident.

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to historic heritage, contributing to the provision of affordable housing, and being responsive to the unique, site specific considerations of the property. Accordingly, all zoning requests for new residential development are evaluated based on the following eight Residential Development Criteria, which are included in Appendix 6.

1. Site Design

   The Site Design criterion requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. In addition, the proposed development should provide useable, accessible and well-integrated open space, appropriate landscaping and other amenities.

   Land Unit J is planned at the baseline and approved for office, conference center/hotel, industrial/flex and industrial use at an average of 0.50 FAR with additional options for residential and mixed uses at an average FAR of 0.50, provided certain conditions are met. The base map recommendation for the subject site is mixed uses. The applicant’s proposal implements the residential option described in the Comprehensive Plan and is consistent with its recommended intensity at 0.54 FAR including bonus density associated with WDU/ADUs.

   The Commonwealth Centre was consolidated as a 100-acre office park, which is transitioning to the mixed use center recommended in the most recent Comprehensive Plan amendment. As previously mentioned, Land Bays B, C and D have been revised since the approval of the original rezoning application, and are now developed with more residential and retail uses. The proposed development for Land Bay A compliments this transition and will provide more enhanced pedestrian improvements, integrating and connecting the open space areas in the overall center.
During review, staff encouraged the applicant to consider installation of elevators and they declined based on feasibility, however staff continues to encourage them to explore other at grade accessibility improvements at site plan.

2. Neighborhood Context

The Neighborhood Context Development Criterion requires the development proposal to fit into the fabric of the community as evidenced by an evaluation of the bulk/mass/orientation of proposed dwelling units, lot sizes, architectural elevations/materials, and changes to existing topography and vegetation in comparison to surrounding uses.

The proposed development will complement the rest of the Commonwealth Centre development and add multifamily and triplex residential uses to the existing mix of uses in the center (large and small retail, townhouse, stacked townhouse, and office). The applicant has worked with the Westfields Business Owner Association and their Architectural Review Board to develop their multifamily concept and refine the architecture. As proposed, the height and orientation of the multifamily building complements the two existing office buildings, and the buffering around the multifamily building has been significantly enhanced to soften the bulk of the building. Elevations shown on the FDPA show how the proposal incorporates architectural treatments, color, articulation, and varied roofline.

This Criterion requires that developments respect the natural environment by conserving natural environmental resources, account for soil and topographic conditions and protect current and future residents from the impacts of noise and light. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts.

The proposal will develop a site previously approved for development, and which appears to be previously partially graded and stabilized. The applicant will also be converting an existing Amenity Pond into an underground stormwater facility with a park on top, which will minimize off site impacts from stormwater as stated above. remaining issues include amendments to the proffers for building and electrical vehicle charging, as covered above in the Environmental Analysis. Staff finds this criterion met with the resolution of these proffer comments.

3. Tree Preservation and Tree Cover Requirements (UFMD, Appendix 5)

This Criterion states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible, including the extension of utility improvements to the site.

The site currently has 95,463 square feet of tree canopy which covers 24% of the gross area of the site. The applicant is providing approximately 1/3 of the tree preservation target for the 9 acre development site and will need to request a deviation .at site plan. However, the existing tree cover to be protected within
Parcel 6H3 is not included in the tree save and cover calculations. The applicant has since worked with UFMD to identify several additional trees to include in the preservation area, and the tree canopy is 48,307 square feet which meets the tree cover requirement.

Appropriate proffers are in place to ensure the preservation of these areas and the health of new landscaping. Overall, the application has improved with regard to this standard, though the tree save requirement will not be met on the application site. There are no outstanding issues related to landscaping or tree preservation. Therefore, this criterion is met.

4. **Transportation** (Appendix 6)

Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and that transit and pedestrian travel and interconnection of streets should be encouraged. In addition, alternative street designs may be appropriate where conditions merit.

Safe and adequate access will be provided for vehicles and pedestrians to the site. The proposed trail system and painted intersection with crosswalks and RRFBs provides an appropriate alternative street design will enhance pedestrian connectivity through Commonwealth Centre on and off site.

Newbrook Drive was designed for an office park, and now Commonwealth Centre is a mixed-use development with residential, retail, and office. Due to the scale of the proposed residential development and the existing conditions of Newbrook Drive, staff recommended the applicant propose improvements to retrofit Newbrook Drive for residential use and improve the pedestrian corridor between the multifamily development to the retail in Land Bays B and C.

Staff supports the proposed improvements, and also recommends the following refinements to the transportation proffers:

a. Trail – The standard width of a Shared Use Trail is 10 feet, which FCDOT prefers the applicant implement for the new trail construction along the frontage of the development site. The applicant’s proffers offer 8-10 feet in consultation with Sully Supervisor’s Office.

b. Transportation Demand Management – Staff prefers incorporation of a TDM proffer. The TDM program for Land Bay A was established in 2007 to primarily support the approximately 1.1 million SF of office that was approved at that time within Land Bays A, B, C, and D. However, the applicant has not offered this proffer based on the recently approved project RZ 2019-SU-010 which did not include a TDM proffer.
5. Environment (Appendix 7)

Rezoning proposals should be consistent with the policies and objectives of the environmental element of the Plan.

a. Green Building

Per the policy or Dulles Suburban Center; the applicant has proposed commitments to attain certification for the development through the following options: LEED; the National Green Building Standard (NGBS) following either the EnergyStar® Qualified Homes path for energy performance or equivalent path; EarthCraft House; or alternative program as approved by the Environment and Development Review Branch (EDRB) prior to the issuance of the first building permit, meeting green building policy.

b. Low Impact Development (LID)

The applicant is proposing to manage water quantity and water quality for the site through an existing wet pond and bioretention facility and reconfiguration of an existing amenity pond into an underground detention vault, on Parcel 6H3. The applicant has proposed a proffer affirming that the WSPOD requirements will be met through the existing wet pond and any additional stormwater management/best management practices (SWM/BMP) needed to meet WSPOD requirements will be provided on-site or within Land Bay A; no off-site nutrient credits are permitted; and that an LID facility such as a filterra, bioretention facility, rain garden, or underground manufactured filtering device must be incorporated on the property, consistent with policy.

c. EV Charging

The applicant proffered to provide electric vehicle charging for at least 2 percent of the parking spaces within the multi-family parking structure and has reserved the right to provide additional electric vehicle charging infrastructure if the market demands but has not indicated that the option for electric vehicle charging will be available to the triplex units. Therefore, staff recommends the inclusion of a proffer which offers the option of electric vehicle charging infrastructure to the initial purchasers of the triplex units as well as revising the existing commitment to include universal charging stations. With the incorporation of this proffer edit, EV policy is addressed.

d. Noise Mitigation

The property is affected from highway noise from the Route 28 interchange, and overhead airplane noise due to proximity to Dulles Airport flight paths.
While the subject property is located outside of the Board of Supervisors adopted 1993 60 dBA DNL airport noise contours for Dulles Airport, it is the intent of the adopted Land Unit J Plan language to provide similar noise studies and commitments for consistency throughout the Land Unit.

The applicant submitted a noise study conducted by Phoenix Noise & Vibration which found the noise study found that the façade of the multi-family building is impacted by transportation-generated noise from Route 28 at levels of 74 dBA DNL and that some triplex unit façades would be impacted by noise levels at 65 dBA DNL, both requiring mitigation measures to achieve the Plan recommendation of 45 dBA DNL for the interiors of the residential uses.

In accordance with the Comprehensive Plan, the applicant has proffered to noise mitigation, testing, and notifications to mitigate the impact of highway and airplane noise, which address the noise policy.

Specifically, the applicant has made commitments to acoustical analyses and construction to ensure that the interiors of the residential units are impacted by no louder than 45 dBA DNL. The applicant’s proffer commitments include avigation easements and notification to prospective purchasers and renters that the property is in close proximity to Dulles Airport, and that the dwelling units may experience aircraft noise and, that the noise contour lines may change in the future and that aircraft noise may increase.

For the multifamily building, the applicant has proffered to conduct post-construction interior noise testing for three available, finished units within the building. The applicant will provide noise testing for the first Triplex building only. However, staff recommends testing for 3 triplex units, instead of 1, and recommends the applicant refine their proffer to address impacts to the triplexes. Based on the noise study provided by the applicant, Triplexes near the edges of the multifamily building are impacted by Route 28 noise more than the other units and should be tested. Staff finds that the noise policy for Land Unit J residential has been addressed with the recommended post construction noise testing of three Triplex buildings.

6. Public Facilities

Criterion 6 states that residential developments should offset their impacts upon public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities).

As discussed earlier in this report, the applicant’s proposed plan to replace Amenity Pond B with an underground vault will satisfy the stormwater
requirements for the proposed development and overall Commonwealth Centre. No off-site nutrient credits are permitted by the applicant’s proffers. The applicant has adequately addressed public facilities impacts including sewer and water as reviewed by the relevant county agencies. Further, contributions to the school and park systems are provided in the proffers. Staff finds this criterion satisfied.

a. Stormwater Management (Appendix 8)

Based on coordination with LDS, the applicant’s proposal to underground the existing pond facility (which provides partial BMPs for Commonwealth Centre) and replace it with a park with an underground stormwater vault, will continue to meet stormwater requirements for overall Commonwealth Centre and the application site. No off-site credits are permitted by the proffers. The proposed vault will provide equal or more effective stormwater controls to the existing pond. The applicant has also proffered to provide a Low Impact Development (LID) measure as part of the residential development, subject to determination at site plan. Final determination will be made at site plan and no issues remain.

b. Schools (Appendix 9)

The schools serving this area are Westfield High School (HS), Franklin Middle School (MS), and Cub Run Elementary School (ES). A total of 70 new students are anticipated (20 high, 11 middle, 39 elementary). Based on the approved Residential Development Criteria, a proffer contribution of provided at $12,262 per expected student to offset the impact that new student growth will have on surrounding schools. This contribution would occur to be made at the time of the first building permit for the Multifamily Building and the first building permit for the Triplex Units. The applicant also proffered to contribution $2,500.00 for each of their respective dwelling units separately to the Board for transfer to FCPS to be utilized for acquisition of property and construction of new schools serving the property in Land Unit J, consistent with previous Land Unit J residential cases.

c. Urban Parks (Appendix 10)

As previously mentioned, the applicant will be providing over two acres of park spaces open to the public on the development site, along the CACI Office frontage, and in the proposed Commonwealth Central Park on Parcel 6C. The park space will connect via the proposed and existing shared use trail through the Flatlick Stream Valley Park.

As required by the Zoning Ordinance, the applicant has also proferred to spend a minimum of $1,900 per market rate residential unit on site for recreation use. Several on-site recreational facilities will be provided. The
applicant will also be required to demonstrate compliance prior to final bond release, with any difference provided to FCPA.

Currently the applicant’s proffer commits to constructing the mews and pocket park areas prior to issuance of final RUP for Triplex Units; the on-site Linear Open Space at such time as the Triplex Units fronting along Newbrook Drive are completed; and Commonwealth Central Park prior to the issuance of the final RUP for the Property. In staff’s opinion, the proffer to complete the park improvements should be revised so that the parks along the frontage to be provided upon first RUP and the off site park to be provided upon half the RUPs of the entire multifamily building.

In addition, the Park Authority recommends the applicant incorporate the repair/replacement of the existing stairs near the proposed Commonwealth Central Park which are cracking and sliding down the slope, into development of the park. If they are replaced, the applicant should provide an ADA connection to the completed stream valley trail.

d. Water (Appendix 11)

The property is served by Fairfax Water. Adequate domestic water service is available from the existing water main, subject to site plan review.

e. Sewer (Appendix 12)

To ensure that the existing sewer lines are adequate for the proposed use, applicant will demonstrate at site plan that the existing sanitary sewer is adequate for the proposed use.

f. Fire and Rescue

The applicant has provided proffers to address Fire Marshal coordination at site plan, and to provide a one-time contribution of $10,000 for installation of emergency vehicle preemptive equipment within a five mile radius of the property.

7. Affordable Housing

This Criterion states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of Fairfax County. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.

The Comprehensive Plan recommends that a minimum of 12% of residential units should be affordable to meet county goals for affordable and workforce housing. Further, affordable units should be distributed throughout any new development and should include a variety of housing types and sizes.
The applicant will be implementing the affordable housing goals by providing 5 WDUs within Triplexes at an AMI of 80%, 42 WDUs within multifamily building at an AMI of 80%, and 6 ADUs within Multifamily Building for a total of 12% affordability. This meets the ADU requirements of the Ordinance and exceeds the WDU policy guidance for this area. A proffer is also included that these units must be dispersed throughout the development. This criterion is satisfied.

8. Heritage Resources

This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation.

Commonwealth Centre was subjected to archival review pursuant to the original rezoning. The Wren-Hutchinson House and Cemetery was located in Land Bay C of Commonwealth Centre at the northern limit of the Newbrook Drive loop road. The Cemetery has since been relocated. There are no issues related to archaeology or heritage resources and the submission of a Phase I archeology report to the Park Authority has been addressed in the proposed proffers. This criterion is met.

In staff’s opinion, the Residential Development Criteria are satisfied.

Planned Development Standards

General Standards (Sect. 16-101)

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. General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities.

   Land Unit J is planned at the baseline and approved for office, conference center/hotel, industrial/flex and industrial use at an average of 0.50 FAR with additional options for residential and mixed uses provided certain conditions are met. Commonwealth Centre specifically is also planned for development at a balance of 0.50 FAR. The proposed intensity proposed with this application is 0.54 FAR, including bonus density and including Parcels 6H3 and 6C, and the applicant has demonstrated that it will be within the FAR guidelines for Commonwealth Centre (balance of 0.5 FAR) and for Land Unit J of Westfields (balance of 0.5 FAR).

   The application is in conformance use and intensity guidelines of the Comprehensive plan Commonwealth Centre and Land Unit J. As previously discussed, the proposed residential uses also fit within the character of the
evolving Commonwealth Mixed Use Centre and complement the existing retail
and office uses. The center is adequately served with public facilities and the
proposal will provide more pedestrian oriented public spaces for all. This
standard is satisfied.

2. **General Standard 2** states that 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.

The subject property has already been rezoned to the PDC district. Nonetheless,
the proposal provides a superior design and land use to what could be
accommodated on the site if it were a conventional zoning district, which would
require stricter bulk standards and provide fewer urban design standards. Strict
application of the standards for a comparable conventional district like R-30
would not allow the proposed location, footprint, and height of the Multifamily
building. The proposal meets the intent of the P district more than a conventional
district.

3. **General Standard 3** states that 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.

Parcel 6C has been previously graded and stabilized and will be mostly cleared
of any successional vegetation except for a few trees (including 4 mature trees)
to be preserved at the corner of Newbrook Drive and Westfields Boulevard.
However, during the review of the application, the applicant has increased overall
tree preservation by identifying some additional trees to preserve in that area.
The applicant also agreed to convert the existing Amenity Pond B which currently
is poorly maintained and overgrown with invasive vegetation, to create a useable
common park space with an underground stormwater vault. The environmental
sensitive areas within the residual Parcel 6H3 will be undisturbed. This standard
is satisfied.

4. **General Standard 4** states that 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.

In staff’s opinion, the applicant has provided a high-quality site design and will be
compatible and complementary to the surrounding properties in Commonwealth
Centre, and enhance and diversify the mix of uses.

The proposed development will increase the amount of publicly accessible open
space by over 2 acres of open space which will provide much needed passive
and active amenity areas to the center, and significant improvements to
Newbrook Drive, which will help the transition from an office park to a mixed-use pedestrianized center.

The extent of the buffering is limited by the large footprint of the multifamily building, however, the applicant has provided increased transitional buffering within the areas abutting Route 28 and Westfields Boulevard, where permitted by the building footprint, and increased the number and size of trees in these areas in order to come closer to the standard 50-foot buffer provided in the rest of the center. Staff supports the currently proposed buffering and transitions between the development site and the surrounding area. The proposal will complement existing and planned development of the surrounding properties in accordance with the Plan.

5. **General Standard 5** states that the planned development shall be 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.

The site has adequate transportation, police, fire protection, sewer and water service, utilities, and other public facilities, and has proffered to provide the requested contributions to offset the impact of the proposed development on such facilities. The applicant has also proffered to improve pedestrian accessibility around the center. All other comments regarding utilities and public facilities have been satisfied and this standard is met.

6. **General Standard 6** states that 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.

A series of internal private streets and alleys will be provided within the development and the applicant is proposing comprehensive off-site improvements in order to provide pedestrian connectivity to Commonwealth Centre which will improve circulation between the site and surrounding uses. Staff is also recommending the 10-foot trail enhancement to further improve connectivity for bikes and pedestrians. Currently the applicant is proposing to decide the width at site plan with approval from the Sully Supervisor’s office.

The external facilities and services include Wegmans and retail within the inner loop road (Land Bays B and C) which will complement the proposed development. Adequate pedestrian facilities are provided including internal sidewalks and trails to surrounding properties. Staff finds this standard met.
Design Standards (Sect. 16-102)

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.

1. **Design Standard 1** states that to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, and PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the development under consideration.

   The most comparable zoning district would be R-30. The applicant has proposed the P district for the flexibility provided by its standards however, the proposal is for a development that generally would meet R-30 bulk and landscaping requirements, and with the overall quality of design, will exceed the intent of those requirements. As previously noted, no outstanding issues related to screening, bulk, or transitions remain.

2. **Design Standard 2** states that other than those regulations specifically set forth in Article 6 for a P district, the open space, off-street parking, loading, signs and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

   Open space, off-street parking, loading and signs will be provided in conformance with the Zoning Ordinance.

   - Open space: The open space on Parcel 6C will be 2.20 acres, 24% of the 9-acre site. This exceeds the requirement for 1.35 acres (15%).

   - Parking: The project will provide approximately 56 on-street parking spaces along Street A, Street B, and Street C that will not be restricted between the uses. The Triplex Units will provide separate parking under the units (six spaces in a ground floor garage) with direct access to the units. Parking for the Triplexes meets multifamily building requirements at 1.6 spaces per unit, for a total of 130 spaces for the Triplexes. Each Triplex dwelling unit garage has space for two vehicles parked in tandem.

   The Multifamily Building will provide separate parking in its garage for a total of 478 spaces. A parking reduction is under review by Land Development Services to reduce the rate from 1.6 to 1.4 spaces per dwelling unit for the proposed garage at its proposed size. The Applicant is also proffering an alternative for on-street parking along a portion of Newbrook Drive which may also be counted toward the parking requirements for the site.
- Loading: the applicant is asking for a waiver of the loading requirement for 5 loading spaces in favor of one space, as discussed in the waiver section.

- Signage: The application is subject to the Zoning Ordinance limitations related to permitted signage. The applicant must meet the Ordinance or file a separate CSPA (Comprehensive Sign Plan Amendment) for approval of signs for the proposed residential development.

Staff finds this standard met.

**Design Standard 3** states that 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.

The proposed design provides sufficient vehicular and pedestrian connectivity which will improve upon the existing condition of the Newbrook Drive loop road to provide an environment that is more accommodating to pedestrians. An existing bus shelter is currently located a short walk to the left of the Wegman’s entrance. The CDPA/FDPA includes a network of sidewalks and trails that provide pedestrian access through the proposed development and to surrounding properties. The streetscapes along internal streets (not including alleys) include a sidewalk and street trees, as well as a linear pocket park featured on the streetscape between the Triplexes and the Multifamily Building. The applicant has revised the design to open up the site and enhance areas off site as well as on site to provide improved pedestrian facilities, recreational, and open space. In staff’s opinion, the proposed development meets the general and design standards for a planned district.

**PDC District Requirements – Zoning Ordinance Analysis**

**Use Limitations**

These limitations require PDC Districts to meet the standards of 16-101 (General Standards) and 16-102 (Design Standards); comply with the performance standards of Article 14, relating to lighting and noise; use the standards of Article 9 to evaluate uses categorized as Special Exception uses; and uses shall be in substantial conformance with the approved final development plan.

With the proposed proffers, the application will be in conformance with the above conditions. The design and general standards are satisfied by the applicant’s proposed site development. At site plan the development will be required to show compliance with the performance standards. A proffer notes that all uses must be in substantial conformance with the CDPA/FDPA. Therefore, Section 6-106 is met.
Lot Size Requirements

PDC minimum district size must meet at least one (1) of the following conditions: 1) The proposed development will yield a minimum of 100,000 square feet of gross floor area; 2) The proposed development will be a logical extension of an existing P District, in which case it must yield a minimum of 40,000 square feet of gross floor area; 3) The proposed development is located within an area designated as a Community Business Center, Commercial Revitalization Area or Transit Station Area or Commercial Revitalization District.

The application property met these standards when it was initially rezoned to the PDC District and this proposal does not change those factors. Taken on it’s own, the proposal meets the first and second conditions as a 22 acre property. There are no minimum lot area or lot width requirements that are applicable to Multifamily units in the PDC district. Therefore, this requirement is met.

Maximum Density

Maximum floor area ratio (FAR) in the PDC District is 2.5. The applicant’s proposal is 0.50 FAR, exclusive of bonus density, and is therefore within these density limitations. Therefore, this requirement is met.

Open Space

The PDC District requires 15-percent open space (1.35 acres) and the proposed development provides 24-percent (2.20 acres) on Parcel 6C only. Recreational amenities are required in accordance with the Planned District regulations. Overall, developed recreation space associated with the application will add 2.22 acres of park space to Land Bay A. Parcel 6H3 will remain as protected natural open space along Flatlick Branch Stream.

Waivers/Modifications

1. Modification to permit the GFA of dwellings as a secondary use to exceed 50% of the GFA of the principal use in the development.

   The applicant is requesting to modify this to allow the residential GFA to represent 63% of the principal use GFA in Commonwealth Centre, pursuant to the Plan objective for mixed use development in Commonwealth Centre. As the applicant is meeting expectations and standards for quality design and meeting requirements of the Zoning Ordinance and Plan, staff supports this request.

2. Modification to permit driveway parking in front of garage access for triplex multi-family buildings (i.e. tandem parking).

   FCDOT has no objection to this proposed modification and supports the current proposed parking, access, and circulation plan, as shown on the FDPA. While
this modification is needed for a multifamily unit type, tandem parking in this Triplex unit raises no issues, considering townhouse units do the same by parking in the driveway in front of one's garage.

3. Modification to allow a parapet wall, cornice or similar projection to exceed the established height limit by more than three feet as shown on the CDPA/FDPA

The multifamily building has an architectural feature at the corner of the building along Westfields Boulevard that will be exceeding the height limit shown on the FDPA (70 feet). In addition, the multifamily building has balconies as well, and the Triplexes (55 feet tall) will also have optional balconies and parapets as shown on the elevations. Since the proposed buildings and site design meets performance and design standards, staff supports this modification in favor of the proposed building shown in the elevations on the FDPA.

4. Waiver of loading space requirement for Triplexes in favor of the proposed garage parking shown on the CDPA/FDPA.

Staff supports this waiver to waive loading space requirements for Triplexes since two tandem parking spaces will be provided for each dwelling unit. In addition, parallel parking is available along the internal streets of the development where loading may also occur.

5. Waiver of loading space requirement for 5 loading spaces for the multi-family building, to allow one indoor loading space in the garage.

Staff supports this waiver to allow less than 5 loading spaces for the multifamily building, as proposed in this FDPA. The FDPA includes a floorplan of the proposed garage and adequate loading will be provided by the reduced spaces. The applicant indicated that loading for the multifamily is adequate with 1 space since not all units will load at the same time. FCDOT has indicated no issue with this request.

6. Modification of interior parking lot landscaping on roof top of the multifamily building in favor of what is shown on the CDPA/FDPA.

The parking structure will be surrounded by the residential building, and is oriented toward Route 28 ramp, and therefore the applicant requests this modification for roof top landscaping that is not visible from locations within or adjacent to the subject property. Therefore, staff does not have an objection to this modification.
CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicants, Toll Mid-Atlantic LP Company, Inc. and JLB Realty LLC, are requesting a Proffer Condition Amendment (PCA), Conceptual Development Plan Amendment (CDPA), and Final Development Plan Amendment (FDPA) to allow for the replacement a previously approved but unbuilt office building within a portion of Land Bay A of the Commonwealth Centre at Westfields with single high-rise multi-family building consisting of a maximum of 355 dwelling units and 81 low/mid-rise triplex multifamily units for a total of 436 total dwelling units at an overall intensity of 0.54 FAR including bonus density.

Staff continues to work with the applicant to adjust the timing of park improvements; enhance the proposed trail along the frontage; provide additional post-construction noise testing for three triplex units at minimum; and provide EV charging for the Triplexes as well.

Overall, staff finds that the proposed Final Development Plan Amendment and Proffered Condition Amendment are consistent with the overall intent of the adopted Comprehensive Plan and meet the applicable provisions of the Zoning Ordinance with the adoption of the proposed development conditions.

Staff Recommendations

Staff recommends approval of PCA 2006-SU-025-05 and CDPA 2006-SU-025-03, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommend approval of FDPA 2006-SU-025-05, subject to the proposed development conditions contained in Appendix 2.

Staff recommends approval of the following modifications and waivers, in favor of the alternatives as shown on the proposed plan and as conditioned:

1. Modification to permit the GFA of dwellings as a secondary use to exceed 50% of the GFA of the principal use in the development.

2. Modification to permit driveway parking in front of garage access for triplex multi-family buildings (i.e. tandem parking).

3. Modification to allow a parapet wall, cornice or similar projection to exceed the established height limit by more than three feet as shown on the CDPA/FDPA.

4. Waiver of loading space requirement for Triplexes in favor of the proposed garage parking shown on the CDPA/FDPA.

5. Waiver of loading space requirement for 5 loading spaces for the multi-family
building, to allow one indoor loading space in the garage.

6. Modification of interior parking lot landscaping on roof top of the multifamily building in favor of what is shown on the CDPA/FDPA.

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

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

APPENDICES

1. Proposed Proffers
2. Proposed Development Conditions
3. Statement of Justification
4. Affidavit
5. Urban Forest Management Analysis (UFMD)
6. Transportation Analysis (FCDOT)
7. Land Use and Environmental Analysis (EDRB)
8. Stormwater Management Analysis (LDS - SDID)
9. Schools Analysis (FCPS)
10. Parks Analysis (FCPA)
11. Sewer Service Analysis (DPWES)
12. Water Service Analysis (FFX Water)
14. Glossary of Terms
Pursuant to Sect. 15.2-2303(A) of the Code of Virginia (1950), as amended, and Sect. 18-204 of the Zoning Ordinance of Fairfax County (1978), as amended (the "Zoning Ordinance"), and subject to the Fairfax County Board of Supervisors' (the "Board") approval of this application PCA 2006-SU-025-05 (the "Application"), Toll Mid-Atlantic LP Company, Inc. (the "Triplex Applicant") and JLB Realty LLC ("Multifamily Applicant") (together the "Co-Applicants" and "Contract Purchasers") and Commonwealth Centre Investors, LLC (the "Property Owner"), for themselves and their successors and assigns, hereby proffer that development of Fairfax County Tax Map Parcels 44-1-((1))-6C and -6H3, containing approximately 21.69 acres and otherwise described as a portion of Land Bay A of Commonwealth Centre (the "Property"), will be in substantial conformance with the following proffered conditions, which will replace and supersede all previous proffers that pertain to the Property. In the event this Application is denied, these proffers will immediately be null and void and the previous proffers approved in RZ 2006-SU-025 dated September 27, 2007 (the "Original Proffers") and PCA 2006-SU-025 dated June 8, 2009 (the "Amended Proffers") will remain in full force and effect.

GENERAL

1. **Substantial Conformance.** The Property must be developed in substantial conformance with the Conceptual Development Plan Amendment ("CDPA")/Final Development Plan Amendment ("FDPA") plan set (the "CDPA/FDPA") consisting of twenty-seven (27) sheets, dated September 10, 2020 and revised through June 7, 2021, and prepared by Bohler Engineering, and further modified by these proffered conditions.

2. **CDPA Elements and Future Final Development Plan Amendments.** Although the CDPA and the FDPA are presented on the same plan set, the proffered elements of the CDPA are limited to the general layout, points of access to the existing street network, maximum gross floor area ("GFA") of development on the Property, peripheral setbacks, limits of clearing and grading, maximum building heights and the minimum amount of open space on the Property. Each Co-Applicant has the option to request separate Final Development Plan Amendment ("FDPA") approvals from the Planning Commission in accordance with Sect. 16-402 of the Zoning Ordinance with respect to the remaining elements. The Co-Applicants also reserve the right to use and/or apply future revisions to
the PDC District regulations of the Zoning Ordinance as long as such use or application is in substantial conformance with the proffered elements of the CDPA and these Proffers.

3. **Minor Modifications and Minor Variations.** Minor modifications and minor variations from the approved CDPA/FDPA may be permitted as determined by the Zoning Administrator. Alterations of the buildings may be permitted and the number of residential units may be adjusted, and corresponding adjustments made in required parking, Affordable Dwelling Units ("ADUs") and Workforce Dwelling Units ("WDUs") may be made so long as such changes are in substantial conformance with the CDPA/FDPA and Proffers and do not increase the overall amount of gross floor area ("GFA"), increase building heights or decrease the amount of open space or peripheral setbacks shown to be provided on the Property. The Co-Applicants may modify the layout shown on the CDPA/FDPA as required by the Westfields Business Owners Association ("WBOA") or the Westfields Architectural Review Board ("WBOA ARB") so long as the modifications are in substantial conformance with the CDPA/FDPA.

4. **Maximum GFA.** The maximum GFA permitted on the Property will be 507,000 square feet, which includes affordable and workforce dwelling units and the bonus density associated with such units.

5. **Phasing.** Build-out of the Property may proceed in separate phases for the triplex units identified on the CDPA/FDPA (the "Triplex Units") to be constructed by the Triplex Applicant and the multifamily building identified on the CDPA/FDPA (the "Multifamily Building") to be constructed by the Multifamily Applicant with either use type allowed to develop first in the Co-Applicants' discretion. The floor area ratio ("FAR") and/or GFA or unit count ("Unit Count") constructed within a respective phase of the project must not exceed the maximum density shown in the tabulations on the CDPA/FDPA. The creation of landscaped open space areas and associated improvements may occur in phases as shown on the CDPA/FDPA and be proportional with each phase, concurrent with the phasing of building construction. Proffered conditions identified herein as being implemented with the Triplex Units must be implemented by the Triplex Applicant prior to establishment of that use as provided in these Proffers. Proffered conditions identified herein as being implemented with the Multifamily Building must be implemented by the Multifamily Applicant prior to establishment of that use as provided in these Proffers.

6. **Owners Associations ("OAs").** Prior to the issuance of the first Residential Use Permit ("RUP") for the Multifamily Building, the Multifamily Applicant will add the Multifamily Building site to the Commonwealth Centre at Westfields Owners Association, Inc. (the "Commonwealth Centre OA"). Prior to the issuance of the first RUP for the Triplex Units, the Triplex Applicant will add the Triplex Units site to the Commonwealth Centre OA.

The documents for the OAs will include all of the reciprocal easement agreements, or declarations of covenants and agreements dealing with the governance, maintenance and operation of the Property or other governance documents which will legally bind the Property (collectively referred to as the "Governance Documents"). The respective Governance Documents (including budgets provided in any offering or sale materials) must specify the various proffer and maintenance obligations set forth in these Proffers.
including the maintenance of private streets, privately held stormwater management facilities, associated sidewalks and streetscapes, and site amenities such as, but not limited to, the publicly accessible onsite recreation areas.

The Co-Applicants may establish one or more individual condominium owners' associations, sub-condominium owners' associations, or other community/owner associations for the Property.

7. **Disclosures.** Prior to entering into a contract of sale, prospective purchasers of the Triplex Units must be provided with a disclosure package that will include a detailed description of the Property's relationship to Westfields Business Owners Association and copies of appropriate Westfields governing documents, a description of how the Property is governed and the relationship of that governance to Westfields Business Park, and the maintenance responsibility for the private roads, walkways, stormwater management facilities, retaining walls, common area landscaping and any other open space amenities. The package must also contain a disclosure explaining that the publicly-accessible open space areas on the Property are open to the general public.

Prior to entering into a contract of sale or execution of a lease, prospective purchasers or renters must be notified in writing by the Co-Applicants of the proximity of Dulles International Airport, including distance to the airport, and that homes and/or residential units are located within an area that may be impacted by aircraft overflights and aircraft noise; and that noise from individual aircraft flying over the Property may exceed the average aircraft noise levels for the Property; that the frequency of overflights and noise may increase over time; and that the Property is encumbered by an avigation easement, if applicable. A map showing Dulles Airport, the then current DNL 60 and 65 dBA contour lines as adopted by Fairfax County, and the general locations of residential units and private active recreation spaces must accompany such disclosure notification. Such disclosure must be accomplished by inclusion of this information in all sales contracts, residential leases, OA Disclosure Statements, as well as in OA Governance Documents so as to give notice to all initial and subsequent purchasers and renters of multifamily units, and by recordation in the land records of Fairfax County. In addition, in the sales office and any model home on the Property, an exhibit must be displayed that shows the proximity of the airport and note that the Property is impacted by noise from planes flying overhead.

**TRANSPORTATION AND PEDESTRIAN CONNECTIVITY**

8. **VDOT Evaluation.** Changes from the CDPA/FDPA may be permitted in response to the review by VDOT of the site plans for the Property, including adjustments to tree locations, lane use/pavement markings, signage, road alignments, traffic controls, and the streetscape (including the landscaping and trail/sidewalks), without requiring approval of a PCA or an amendment to the CDPA/FDPA provided such modifications are approved by the Department of Planning and Development ("DPD") in consultation with other applicable agencies.
9. **Parking Requirements.** Parking on the Property must be provided in accordance with the parking requirements for the PDC District as set forth in Art. 11 of the Zoning Ordinance, and as shown on the CDPA/FDPA; provided the Co-Applicants reserve the right to submit and pursue approval of a parking reduction from the Board prior to site plan approval for any use on the Property. Any modification to the parking requirement or layout resulting from a reduction approved by the Board shall not require a PCA, CDPA or FDPA. Tandem parking spaces may be used for residential units with two cars. The exact number of parking spaces to be provided shall be established at the time of site plan approval based on the specific uses on the Property. On-street parking may be allowed and provided on the private streets to meet the minimum parking requirements of the Zoning Ordinance, as long as such spaces are striped and meet the dimension requirements of the PFM, subject to receiving approval of any necessary waivers and/or modifications, if any. Parking on private streets may be restricted through appropriate signage or such other means as determined appropriate by the Co-Applicants. Parking at revised ratios may be provided, as may be permitted by a future amendment to the Zoning Ordinance. Optional use of revised ratios shall not require a PCA, CDPA or FDPA, provided the maximum height of the parking garage does not increase from that shown on the CDPA/FDPA.

10. **Bicycle Parking.** The Triplex Applicant and the Multifamily Applicant must each provide bicycle racks in accordance with Fairfax County Bicycle Parking Guidelines. The final location, quantity, and type of bicycle racks will be determined in consultation with the Fairfax County Department of Transportation ("FCDOT") Bicycle Coordinator or his/her designee prior to site plan approval for the Triplex Units and the Multifamily Building.

11. **Private Streets.** The on-site private streets will be designed and constructed with materials and depth of pavement consistent with public street standards in accordance with the Public Facilities Manual ("PFM"), subject to Land Development Services ("LDS") approval. The OAs will be responsible for maintenance of the on-site private streets.

12. **Public Access Easements.** At the time of record plat recordation for each phase, the Co-Applicants must cause to be recorded among the land records a public access easement running to the benefit of Fairfax County, in a form acceptable to the County Attorney, over all the private streets and over the publicly-accessible park areas along the Newbrook Drive frontage of the Property ensuring that the publicly-accessible park areas are open to the public for periods of time consistent with urban parks and these Proffers and subject to usual and customary rules and regulations provided by either the OAs or the Westfields Business Owners Association ("WBOA").

13. **Pedestrian Circulation System.** Sidewalks must be constructed to PFM standards generally depicted on Sheet C-7 of the CDPA/FDPA. With the exception of the Newbrook Trail located along the Property’s Newbrook Drive frontage, all sidewalks must be constructed concurrent with the development of the adjacent portion of the adjacent Property. All onsite sidewalks and/or trails not located in the public rights-of-way must be maintained by the Co-Applicants and/or the OAs. Sidewalk and trail improvements located within the existing public right-of-way must be approved by VDOT.
14. **Pedestrian Safety and Aesthetic Enhancements.** Prior to issuance of the first Residential Use Permit (RUP) for the Property, the Co-Applicants must provide the following pedestrian safety and aesthetic enhancements:

   a. Paint a pedestrian crosswalk across the northwest entrance to Land Bay C from Newbrook Drive (the "Wegmans Entrance") generally as shown on Sheet C-14 of the CDPA/FDPA;

   b. Install four (4) manually-activated Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing signs for the existing crosswalk on Newbrook Drive in the general locations shown on Sheet C-14 of the CDPA/FDPA;

   c. Remove the two existing trees located in the existing Newbrook Drive median at the existing pedestrian refuge area identified on Sheet C-14 of the CDPA/FDPA;

   d. Install two (2) Advanced Warning Pedestrian Signs in the general locations shown on Sheet C-14 of the CDPA/FDPA;

   e. Install one (1) speed limit sign at each of the two entrances to Newbrook Drive from Westfields Boulevard identifying the permitted speed on Newbrook Drive as 25 miles per hour (mph);

   f. Construct an asphalt shared use trail along the Property frontage on Newbrook Drive to connect to the existing shared-use path along Newbrook Drive as shown on the CDPA/FDPA (the "Newbrook Trail"). The width of the asphalt shared use trail will be either eight feet (8') or ten feet (10') wide as determined by the Sully District Supervisors office with final design of the Linear Park described in Proffer 48.B;

   g. Install street trees along both sides of the Newbrook Trail at approximately thirty-five (35) foot intervals as shown on the CDPA/FDPA; and

   h. Install decorative, stamped asphalt pavement in the intersection of Newbrook Drive and the Wegmans Entrance.

In addition, prior to issuance of the first RUP for the Property and subject to the approval of the Commonwealth Centre at Westfields Owners Association, Inc., the owner of TMP 44-1-((1))-6G and FCDOT, the Co-Applicants must provide one of the following two alternatives:

   i. The Co-Applicants must (i) remove the existing southbound left turn lane from Newbrook Drive into the Wegmans Entrance, and (ii) install a raised median to create a pedestrian refuge area in place of the removed left turn lane, all as generally shown on Sheet C-14 of the CDPA/FDPA; or

   j. The Co-Applicants must paint on-street parking spaces along the Property frontage on Newbrook Drive between the intersection at the Wegmans Entrance.
and the southernmost entrance to the existing office building located on TMP 44-1-((1))-6D generally as shown on Sheet C-14 of the CDPA/FDPA.

15. **Cooperation on Future Pedestrian Enhancements at Commonwealth Centre.** The Co-Applicants agree to provide necessary permission and construction easements for, and generally to support, future efforts by the Commonwealth Centre at Westfields Owners Association, Inc. and/or other owners in Commonwealth Centre, to enhance pedestrian connectivity and safety in Commonwealth Centre as long as such enhancements are consistent with the CDPA/FDPA and these Proffers.

16. **Construction Access.** The staging and parking of construction vehicles, including personal vehicles utilized by construction workers, must occur on the Property and/or in the surrounding area subject to permission by neighboring property owners. The hours of outdoor construction must be posted in English and in Spanish and must be limited to the hours between 7:00 am and 9:00 pm Mondays through Saturdays. No outdoor construction will occur on Sundays or major federal holidays. Both Co-Applicants must provide the Sully District Supervisor's office with a point of contact for construction related issues. The Co-Applicants must provide an initial response to construction related issues within 24 hours of receiving notice.

### ENVIRONMENTAL, LANDSCAPING AND OPEN SPACE

17. **Stormwater Management and Best Management Practices.** Stormwater Management/Best Management Practices ("SWM/BMPs") for the Property will be provided in accordance with the PFM and as approved by LDS. The Co-Applicants will utilize the existing Wet Pond 1 located within Land Bay A to meet SWM/BMP requirements, including meeting at least the 50 percent Water Supply Protection Overlay District ("WSPOD") requirements. In the event the Co-Applicants are unable to demonstrate that the 50 percent WSPOD requirements can be met with the existing Wet Pond 1 prior to site plan approval, the Co-Applicants must provide additional SWM/BMP measures on-site or within Land Bay A. No off-site nutrient credits are permitted. In addition, the Co-Applicants must incorporate an additional Low Impact Development ("LID") facility, such as a filterra, a bioretention facility, a rain garden or an underground manufactured filtering device on the Property. The Co-Applicants or OAs established pursuant to Proffer 6, as applicable, must be responsible for maintaining the SWM/BMP measures and LID facilities installed on the Property.

18. **Noise.** Concurrent with the second submission of the first site plan for the residential uses on the Property, and any subsequent site plans, the Co-Applicants will submit to the County an acoustical analysis ("Noise Study") prepared by a qualified acoustical consultant, and based on final site grades as shown on the site plan and final architectural plans, to determine whether noise attenuation measures are required to reduce the interior day-night average noise level (DNL) to no more than 45 dBA for the residential units on the Property from transportation noise sources (including potential aircraft, Route 28 and Westfield Boulevard noise sources). Noise contours for any units impacted with exterior DNL greater than 65 dBA must be shown on the site plans. If the Noise Study concludes that certain residential units will be affected by an exterior DNL above 65 dBA then the Noise...
Study will make specific recommendations about construction methods and/or materials, including the upgrade of windows and patio doors if necessary, needed to reduce the interior DNL to no more than 45 dBA for any such units. The Noise Study will be submitted to the Environment and Development Review Branch ("EDRB") of the DPD and LDS for review, and the Co-Applicants will additionally notify the Chief of the EDRB by letter that such submission has been made. The Co-Applicants will comply with the recommendations contained in the Noise Study. For those residential units that are projected to be affected by exterior noise levels above 65 dBA, the Co-Applicants will disclose in writing to the prospective purchasers of such units, prior to contract ratification, and will also disclose in the OAs' Governance Documents, that any exterior rear patios and decks may be impacted by higher noise levels.

19. **Post Construction Testing (Multifamily Building).** Prior to issuance of the first RUP for a unit in the Multifamily Building, the Co-Applicants will conduct post-construction interior noise testing for three available finished units, with such tests certified by an acoustical engineer, to demonstrate that an interior noise level of 45 dBA DNL or less has been achieved. The units would be chosen by staff and would consist of a cross-section of units on different floors and different locations of the building. The results of such post-construction interior noise testing must be provided to the EDRB of the DPD. Corrective measures, if necessary, to achieve an interior noise level of 45 dBA DNL or less, could include, but are not limited to, installing windows and doors with higher STC ratings, adding additional insulation or dry wall, and improving seals and caulking between surfaces. Corrective measures will be applied to any number of units within the Multifamily Building as necessary to ensure that all units achieve an interior noise level of 45 dBA DNL or less.

20. **Post Construction Testing (Triplex Units).** Prior to issuance of the RUP for the first building, the Co-Applicants will conduct post-construction interior noise testing for three available finished units in the first building, with such tests certified by an acoustical engineer, to demonstrate that an interior noise level of 45 dBA DNL or less has been achieved. The results of such post-construction interior noise testing must be provided to the EDRB of the DPD. Corrective measures, if necessary, to achieve an interior noise level of 45 dBA DNL or less, could include, but are not limited to, installing windows and doors with higher STC ratings, adding additional insulation or dry wall, and improving seals and caulking between surfaces. Corrective measures will be applied to any number of units within the Triplex Units as necessary to ensure that all units achieve an interior noise level of 45 dBA DNL or less.

21. **Construction Measures.** In addition to the measures above, all units must employ construction measures appropriate to ensure that interior noise is mitigated to levels that do not exceed an average noise (from all sources) of 45 dBA DNL. Construction measures can include, but are not limited to, appropriate Sound Transmission Class ("STC") ratings for windows, doors, exterior walls, and roofs; stone wool, mineral wool, or other enhanced insulation materials; additional layers of dry wall; resilient channels or clips; and appropriate seals and caulking between surfaces. At the time of building permit issuance for each of the buildings on the Property, compliance with these requirements must be certified by an acoustical engineer.
22. **Screening Measures on Route 28.** Prior to the issuance of the last RUP for the Multifamily Building, the Multifamily Applicant will install landscaping along the Route 28 frontage as shown on the CDPA/FDPA. The location, materials, and height of such landscaping will be in substantial conformance with that shown on the CDPA/FDPA. Installation of such landscaping may be deferred if it is infeasible or not advisable to install the required landscaping due to seasonal/non-planting times.

23. **Screening Measures on Westfields Boulevard.** The Co-Applicants will install landscaping on the existing berm along the Westfields Boulevard frontage as shown on the CDPA/FDPA. The location, materials and height of such landscaping will be in substantial conformance with that shown on the CDPA/FDPA prior to the next planting season after the last RUP is issued for the Triplex Units and the Multifamily Building.

24. **Avigation Easement and Airport Noise Notification.** Prior to approval of each respective site plan for the Property, the Co-Applicants must offer to provide an avigation easement over the portion of the Property subject to such site plan for the benefit of the Metropolitan Washington Airports Authority ("MWAA") in a form approved by the Office of the County Attorney, indicating the right of aircraft flight to pass over that portion of the Property. The OAs' Governance documents required pursuant to Proffer 6 must contain a notification that the Property is in close proximity to Dulles International Airport, that the dwelling units may experience aircraft noise, that noise contour lines may change in the future, and that aircraft noise may increase.

25. **Fire Marshal Coordination.** The Co-Applicants has coordinated with the Fire Marshal regarding the site design and layout of the Property shown on the CDPA/FDPA. Notwithstanding such coordination, if it is determined during site plan review that elements of the CDPA/FDPA including, but not limited to, streetscape and building, tree plantings, open space, courtyards, tree buffers, and tree preservation areas, require adjustment to allow for required emergency vehicle access or are necessary to respond to subsequent comments from the Fire Marshal, the Co-Applicants may be permitted to relocate, replace, or modify such conflicting elements without the need for a Conceptual Development Plan Amendment ("CDPA"), FDPA, or Proffer Condition Amendment ("PCA"), provided any such modifications are found to be a minor modification in accordance with Proffer 3.

26. **Landscape Plan.** Landscaping must be generally consistent with the quality, quantity and locations shown, respectively, on the Landscape Plan included as Sheets L-2 and L-5 of the CDPA/FDPA (the "Landscape Plan") which illustrate the plantings and other features to be provided on the Property, including the linear park along Newbrook Drive, and the associated amenity areas. The Landscape Plan is conceptual in nature and the tree species and planting locations may be modified by the Co-Applicants, in coordination with the Urban Forest Management Division ("UFMD"), as part of final engineering and building design and in response to the requirements of the fire marshal, provided such modifications provide a similar quality and quantity of landscape plantings and materials as shown on the Landscape Plan. The Landscape Plan must incorporate sustainable landscape planting techniques designed to reduce maintenance requirements; and contribute to a cleaner and
healthier environment with improved air quality, stormwater management, and resource conservation capabilities that can be provided by trees and other desirable vegetation.

- Provide a diverse selection of native and non-invasive plants to encourage native pollinators and reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides and chemical control of harmful insects and disease.

- Sustainable landscape planting implemented with the subdivision/site plan should be made up of groups of trees including larger overstory trees (Category III and IV as listed in PFM Table 12.14) together smaller understory trees, (Category II) shrubs and groundcovers. In this application, it is acceptable for the 10-year projected canopies of overstory trees to overlap the canopies of understory trees as well as shrubs and groundcovers, as may occur in a multi-layer, wooded environment.

A. Landscape Pre-Installation Meeting. Prior to installation of any plants to meet the requirements of the Landscape Plan, the Co-Applicants/Contractor/Developer for the Multifamily Building and the Triplex Units must each coordinate a pre-installation meeting on site with the landscape contractor and UFMD staff, and any additional appropriate parties as it relates to their respective site plan. Any proposed changes to the planting locations, tree/shrub size planting sizes, and species substitutions shown on the approved Landscape Plan must be reviewed and approved by UFMD prior to planting. The installation of plants not approved by UFMD may require the submission of a revision to the Landscape Plan, or part thereof, or removal and replacement with approved trees/shrubs prior to bond release.

Field location of planting material, when required by the Landscape Plan, must be reviewed at each pre-installation meeting. The Co-Applicants/Contractor/Developer for each phase of the development must stake proposed individual planting locations prior to the pre-installation meeting. Stakes must be adjusted, as needed, during the course of the meeting as determined by UFMD based on discussion with each Co-Applicant and such Co-Applicants' agents.

B. Native, Non-Invasive Species. All landscaping provided must be native to the mid-Atlantic region to the extent available and feasible, and must be non-invasive (meaning the Co-Applicants must not use any plant species identified in the 2014, or latest version, of the Virginia Invasive Plant Species List published by the Virginia Department of Conservation and Recreation). The Co-Applicants reserve the right, in consultation with and approval by UFMD, to modify the exact species to be used, such as when plant materials are not available or have been deemed by UFMD to no longer be appropriate.

C. Tree Space Requirements. Tree planting spaces proposed in the streetscape and other areas restricted by barriers to root growth must provide a planter open surface area at least 6 x 6 feet. Where minimum planting areas cannot be met and planting
spaces at least 8 feet wide cannot be provided, rooting zone width a minimum of 8 feet must be provided beneath paved surfaces using structural cell technology or other solutions acceptable to UFMD that provide uncompacted soil within the planting space, with planting sites meeting the following specifications:

- A minimum of 6 feet open surface width and 36 square feet open surface area.
- Rooting area beneath paved surfaces a minimum of 8 feet wide, taking into consideration sloped sides as may be needed to support adjacent compacted soils for roadways and pedestrian walkways. Planting space depth must be 4 feet within four feet of the tree on all sides. Soil depth in areas beyond four feet may be shallower or narrower as long as specified minimum soil volumes are met. Paved surfaces over the specified rooting area must not be dependent upon compacted soil for structural support.
- Soil volume for Category III or IV trees (as indicated in Table 12.14 of the Public Facilities Manual) will be a minimum of 700 cubic feet per tree for single trees. For two trees planted in a contiguous planting area, a total soil volume of at least 1200 cubic feet must be provided. For three trees or more planted in a contiguous area, the soil volume must equal at least 500 cubic feet per tree. A contiguous area must be defined as any area with a soil depth of 3-4 feet, within which lateral root growth is unrestricted.
- Soil in planting sites must be as specified in planting notes to be included in site plans reviewed and approved by UFMD.
- The Co-Applicants must contact UFM (703-324-1770) at least 3 business days prior to installation of trees and provide an opportunity for UFMD staff to verify conformance with these requirements.

D. **Soil Remediation.** Soil in planting areas that contain construction debris and rubble, are compacted, or are unsuitable for the establishment and long-term survival of landscape plants, will be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the Landscape Plan. Each Co-Applicant must provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by UFMD for each phase. Soil remediation must take place only after site disturbance is complete, including all vehicle and equipment trafficking, but before placement of topsoil.

27. **Tree Preservation.** The Co-Applicants must submit a Tree Inventory and Condition Analysis (the "Tree Preservation Plan") for the portion of the Property identified on the CDPA/FDPA as tree save area as part of any site plan that includes such portion of the Property. The Tree Preservation Plan must be prepared by a certified arborist or a registered consulting arborist and must include elements of PFM 12-0309 deemed appropriate to the Property as determined by UFMD. The Tree Preservation Plan must
include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for individual trees, living or dead, with trunks ten (10) inches in diameter and greater (measured at 4½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), located within 25 feet from the proposed limits of clearing and grading in the undisturbed area and within 10 feet of the proposed limits of clearing and grading in the area to be disturbed. All trees inventoried must be tagged in the field so they can be easily identified. The Tree Preservation Plan must provide for the preservation of those areas shown for tree preservation on the CDPA/FDPA. The Tree Preservation Plan must include all items specified in PFM Sections 12-0507 and 12-0509 as amended or replaced.

A. **Tree Preservation Fencing.** All trees shown to be preserved on the Tree Preservation Plan must be protected by tree protection fencing. Tree protection fencing in the form of four-foot (4’) high, fourteen (14) gauge welded wire attached to six-foot (6’) steel posts driven eighteen (18) inches into the ground and placed no farther than ten (10) feet apart, or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, must be erected at the limits of clearing and grading as shown on the phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer herein.

All tree protection fencing must be installed after the tree preservation walk through meeting but prior to any clearing and grading activities. The installation of all tree protection fencing must be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) business days prior to the commencement of any clearing or grading activities, but subsequent to the installation of the tree protection devices, UFMD must be notified and given the opportunity to inspect the Property to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities will occur until the fencing is installed correctly, as determined by UFMD.

B. **Tree Preservation Measures.** Tree preservation measures must be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications must be provided on the plan detailing how preservation measures must be implemented. Tree preservation activities must be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

C. **Tree Preservation Walk-Through.** The Co-Applicants must retain the services of a certified arborist and/or a registered consulting arborist and must have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Co-Applicants' certified arborist, registered consulting arborist or landscape
architect must walk the limits of clearing and grading with UFMD to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment must be implemented. The Co-Applicants must invite a representative or representatives from the WBOA on the site walk. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated must be removed using a chain saw and such removal must be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this must be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

D. **Site Monitoring.** The Co-Applicants' Project Arborist must be present on-site during implementation of the Tree Preservation Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist must visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by UFMD. Written reports must be submitted to UFMD and SDID site inspector detailing site visits. A monitoring schedule and Project Arborist reports must be described and detailed in the Tree Preservation Plan.

E. **Transfer of Tree Preservation Plan Information.** The Co-Applicants must, at the time the OA takes over management of the common open space on the Property, convey to the OA any long-term tree and forested area management information that was prepared to satisfy tree conservation plan requirements of the site plan. Information must include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the site plan and any additional work performed for preservation and/or maintenance of trees located in common open space.

28. **Limits of Clearing and Grading.** The Co-Applicants must conform to the limits of clearing and grading as generally shown on the CDPA/FDPA. If it is determined necessary to install utilities in areas protected by the limits of clearing and grading as shown on the CDPA/FDPA, such utilities must be located in the least disruptive manner necessary as determined by the Co-Applicants and UFMD. A replanting plan must be developed and implemented, subject to approval by UFMD, for any areas protected by the limits of clearing and grading that must be disturbed for such utilities. Alteration of the limits of clearing and grading due to the circumstances described above must not require the approval of a PCA, CDPA, or FDPA.

29. **Electric Vehicle Charging – Multifamily Building.**
The parking structure for the Multifamily Building will be designed to support the future installation of Level 2 electric vehicle ("EV") charging infrastructure for a minimum of two percent (2%) of the spaces within such structure and may provide additional infrastructure if supported by the market. The Multifamily Applicant will install as part of its initial construction of the parking structure for the Multifamily Building EV charging stations for at least two parking spaces. The Multifamily Applicant will include within the site plan and building plan submissions, as applicable, the identification of spaces within the parking structure that will be EV-ready, as well as information demonstrating the following, to the satisfaction of LDS:

A. That conduits with pull strings and access points will be installed sufficient to support the future installation of a EV charging station at each of the EV-ready spaces;

B. That electric load estimates prepared for the Multifamily Building will account for EV-ready spaces. Estimates can calculate a cumulative load, where EV-ready load is added to the building service load, or, alternatively, the building permit plans can demonstrate that the building service load can accommodate EV-ready loads for the EV-ready spaces identified above;

C. That the electrical room for the Multifamily Building will be sized to support future electrical capacity expansions for a Level 2 EV charging station for each identified space within the parking structure, including empty panel space for EV charging that could ultimately be connected with pull string conduits to the parking; and

D. That, unless and until all EV-ready spaces have EV charging stations installed, the Multifamily Applicant will include, within closing and leasing documents, disclosure to prospective purchasers/renters about the presence of the EV-ready parking spaces on the Property.

**CONTRIBUTIONS**

30. **Recreational Facilities.** Prior to issuance of the first RUP for the Multifamily Building and the first RUP for the Triplex Units, the Co-Applicants must comply with Par. 2 of Sect. 6-209 of the Zoning Ordinance regarding developed recreational facilities for the residential uses on the Property. The Co-Applicants must contribute a lump sum of $893 per resident based on the number of units within their respective site plan to the Fairfax County Park Authority ("FCPA") for use at off-site recreational facilities intended to serve the future residents of Sully District, as determined by FCPA in consultation with the Sully District Supervisor. In the event this amount is not expended on-site by the Co-Applicants, then the residual amount will be contributed to FCPA and may be used by FCPA for recreation facilities in the immediate area. The Co-Applicants may receive credit for the proposed on-site and off-site recreational amenities in Land Bay A provided by the Co-Applicants, which will include, but are not limited to, the retrofit of existing Amenity Pond B as a public active and passive amenity ("Commonwealth Central Park"), pocket park(s), trails, public art, and the Linear Park along Newbrook Drive.
31. **Parks and Recreation.** Pursuant to Sect. 6-409 of the Zoning Ordinance, the Co-Applicants must provide recreational facilities to serve the Property as shown on the CDPA/FDPA. At the time of site plan review for each of the Multifamily Building and the Triplex Units, the Co-Applicants must demonstrate that the value of any proposed recreational amenities are equivalent to a minimum of $1,900 per non-ADU residential unit shown on such site plan. In the event it is demonstrated that the proposed facilities do not have sufficient value, prior to the first RUP for the units shown on such site plan, such Co-Applicants must contribute funds to FCPA in the amount needed to achieve the overall proffered amount of $1,900 per non-ADU residential unit shown on such site plan for off-site recreational facilities and/or athletic field improvements intended to serve the future residents in the Sully District.

32. **Public Schools Cash Contribution.** A contribution to Fairfax County Public Schools ("FCPS") in the amount of $12,262.00 per expected student must be made to the Board for transfer to FCPS and designated for capital improvements at the public schools serving the development. The contributions must be made at the time of the first building permit for the Multifamily Building and the first building permit for the Triplex Units. Following approval of this Application and prior to each of the Co-Applicant's payment of the amounts set forth in this Proffer, if FCPS should modify the ratio of students per unit or the amount of contribution per student, the Co-Applicants must pay the modified contribution amount for that portion of the development to reflect the then-current ratio and/or contribution. To allow for adequate time to plan for anticipated student growth and ensure classroom availability, each Co-Applicants must provide notification to the FCPS Office of Facilities Planning Services when the site plan for development of their respective residential units on the Property has been filed with the County.

33. **Westfields Schools Contribution.** In addition to the public schools contribution required pursuant to Proffer 32 above, the Multifamily Applicant and the Triplex Applicant must contribute $2,500.00 for each of their dwelling units separately to the Board for transfer to FCPS to be utilized for acquisition of property and construction of new schools serving the Property. The contributions must be made at the time of the first RUP for the Multifamily Building and the first RUP for the Triplex Units.

34. **Pedestrian Connectivity.** Prior to the issuance of the first RUP for the Multifamily Building and the first RUP for the Triplex Units constructed on the Property, the Co-Applicants must separately contribute $350 for each of their respective dwelling units for pedestrian connectivity improvements within Westfields. The contribution must be provided to the WBOA for the construction by the WBOA of future pedestrian connectivity improvements in Westfields.

35. **Traffic Signal Preemptive Devices.** Prior to the issuance of the first RUP for the Multifamily Building and the first RUP for the Triplex Units constructed on the Property, the Co-Applicants must make a one-time contribution in the amount of $5,000 each (for a total of $10,000.00) to the Capital Project titled "Traffic Light Signals – FRD Proffers in Fund 300-C30070, Public Safety Construction" for use in the installation of emergency vehicle preemptive equipment on traffic signals within a five-mile radius of the Property,
as determined by the Fire and Rescue Department. The Co-Applicants will have no responsibility for actual installation or maintenance of the preemptive signal devices.

GREEN BUILDINGS

36. **Sustainable Design – Multifamily Building.** In order to promote energy conservation and green building techniques, the Multifamily Applicant must select one or more of the following sustainable design programs to be implemented for the Multifamily Building. As part of the first site plan submission for the Multifamily Building, the Multifamily Applicant will inform the EDRB of its choice for sustainable design.

A. **NGBS.** If the Multifamily Applicant selects the Home Innovations Research Lab's 2012 National Green Building Standard ("NGBS"), then the Multifamily Applicant must seek NGBS certification using either the ENERGY STAR® Qualified Homes Path for energy performance as demonstrated through documentation submitted to LDS and the EDRB from a home energy rater and/or an NGBS Verifier certified through the Home Innovations Research Lab. Documentation demonstrating certification under the NGBS rating system in accordance with this Proffer must be submitted to DPWES and the EDRB prior to the issuance of the first RUP for the Multifamily Building.

B. **LEED BD+C: Multi-Family Mid-Rise.** If the Multifamily Applicant selects the USGBC Leadership in Energy and Environmental Design ("LEED") BD+C: Multi-Family Mid-Rise v4 ("LEED BD+C: MFMR") rating system, then the Multifamily Applicant must pursue LEED certification under the most recent version of the LEED rating system in effect at the time the Multifamily Applicant registers the project with the USGBC.

i. **Project Checklist.** The Multifamily Applicant will include, as part of the site plan submission and building plan submission, a list of specific credits that the Multifamily Applicant anticipates attaining for the Multifamily Building under the applicable LEED rating system. A LEED-accredited professional ("LEED-AP") who is also a professional engineer or licensed architect will provide certification statements at both the time of site plan review and the time of building plan review for the Multifamily Building confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED certification of the project.

ii. **County Team Member.** In addition, the Multifamily Applicant will designate the Chief of the EDRB as a team member in the USGBC's LEED Online system (as applicable or available, depending on the form of LEED pursued). This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, as applicable, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.
iii. **Design-Related Credit Review.** Prior to building plan approval, the Multifamily Applicant will submit documentation to the EDRB regarding the USGBC's preliminary review of design-oriented credits in the LEED program (as applicable or available, depending on the form of LEED pursued) for the Multifamily Building. This documentation will demonstrate that such building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Certification. If this documentation demonstrates that such building is anticipated to attain a sufficient number of design related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Silver certification, the Multifamily Applicant will be exempt from the Green Building Escrow described below. Prior to release of the final bond posted with the site plan for the Multifamily Building, the Multifamily Applicant must provide documentation to the EDRB demonstrating the status of attainment of LEED certification from the USGBC for the Multifamily Building.

iv. **Green Building Escrow.** If the Multifamily Applicant is unable, prior to building plan approval, to provide documentation of the USGBC's preliminary review of the design-oriented credits demonstrating that the Multifamily Building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to support the attainment of LEED Silver certification, the Multifamily Applicant will, prior to building plan approval for the Multifamily Building, post a "Green Building Escrow" in the form of cash or a letter of credit from a financial institution authorized to do business in the Commonwealth of Virginia in the amount of $2 per gross square foot for the Multifamily Building. This escrow will be in addition to, and separate from, other bond requirements and will be released upon demonstration of attainment of LEED certification, or a higher level of certification, by the USGBC under the applicable version of the LEED rating system. The provision to the EDRB of documentation from the USGBC that such building has attained LEED certification will be sufficient to satisfy this commitment.

v. **Release of Green Building Escrow.** The Green Building Escrow for the Multifamily Building, as applicable, must be released in accordance with the following:

a. If the Multifamily Applicant is able, subsequent to building plan approval, to provide documentation of the USGBC's preliminary review of the design-oriented credits demonstrating that the Multifamily Building subject to such building plan approval is anticipated to attain a sufficient number of design-oriented credits that, along with the anticipated construction-related credits, will be sufficient to support the attainment of LEED Silver certification, the
County must release the entirety of the Green Building Escrow for such building to the Multifamily Applicant. Prior to the release of the final bond posted with the site plan for the Multifamily Building, the Multifamily Applicant must provide documentation to the EDRB demonstrating the status of attainment of LEED certification from the USGBC for the Multifamily Building.

b. If the Multifamily Applicant provides to the EDRB, within three (3) years of the issuance of the final RUP for the Multifamily Building, documentation from the USGBC demonstrating that LEED certification, or a higher level of certification, has been attained, the entirety of the Green Building Escrow for the Multifamily Building must be released to the Multifamily Applicant.

c. If the Multifamily Applicant provides to the EDRB, within three (3) years of the issuance of the final RUP for the Multifamily Building, documentation from the USGBC demonstrating that LEED certification has not been attained for such building but that the USGBC has determined that such building falls within three points of attainment of LEED certification, then fifty percent (50%) of the Green Building Escrow for such building will be released to the Multifamily Applicant and the other fifty percent (50%) will be released to Fairfax County to be posted to a fund within the County budget supporting the implementation of County environmental initiatives.

d. If the Multifamily Applicant fails to provide to the EDRB, within three (3) years of the issuance of the final RUP for the Multifamily Building, documentation from the USGBC demonstrating that such building has fallen short of LEED certification by more than three points, the entirety of the Green Building Escrow for such building will be released to Fairfax County and will be posted to a fund within the County budget supporting the implementation of County environmental initiatives.

vi. Extension of Time. If the Multifamily Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the EDRB, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Multifamily Applicant, the Multifamily Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds will be made to the Multifamily Applicant or to the County during the extension.

C. EarthCraft. If the Multifamily Applicant selects EarthCraft, then the Multifamily Applicant must provide documentation to DPWES and DPD demonstrating
certification under the EarthCraft Program in accordance with this Proffer prior to the issuance of the first RUP for the Multifamily Building.

37. **Sustainable Design - Triplex Units.** The Triplex Applicant must comply with the following environmental design requirements of this Proffer in the construction of any building containing one or more residential dwellings and whose building elevation does not exceed four (4) stories. The Triplex Applicant, in its sole discretion, must select one of the following programs to be implemented in the construction of each such residential building:

A. Certification in accordance with the "Earthcraft House Program" as demonstrated through documentation provided to LDS and the EDRB prior to the issuance of the RUP for each such dwelling unit; or

B. Certification in accordance with the NGBS using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to LDS and the EDRB from a home energy rater certified through Home Innovation Research Labs that demonstrates such dwelling unit has attained the certification prior to issuance of the RUP for each such dwelling unit; or

C. The Triplex Applicant reserves the right to utilize an equivalent program in consultation with and approved by the EDRB prior to the issuance of the first building permit for the Triplex Units.

**DESIGN**

38. **Triplex Units – Architecture.**

A. The building elevations shown on Sheet A-2 of the CDPA/FDPA are provided to illustrate the architectural theme and design intent of the Triplex Units. The architectural design of the Triplex Units will generally conform to the character and quality of those illustrative elevations, but the Triplex Applicant reserves the right to modify these elevations based on final architectural design. Rooftop terraces may be optional. The location and number of building exterior entrances/stoops are illustrative and will be finalized at the time of final site plan approval. WDUs must have exterior facades that are similar in appearance and quality to market rate units.

B. Decks, patios, porches, sunrooms, balconies, bay windows, chimneys, areaways, mechanical equipment and similar appurtenances may encroach into the minimum yards required in the Zoning Ordinance and/or as shown on the CDPA/FDPA, in accordance with Sect. 2-412 of the Zoning Ordinance.

39. **Triplex Units – Universal Design.** The Co-Applicants must offer the following Universal Design Options in all residential units on the Property.
At the time of initial purchase, for units that have not yet been constructed, each purchaser must be offered the following Universal Design Options in all residential units on the Property at no additional cost:

i. Blocking for reinforcement of fall grab bars;

ii. Front entrance doors that are a minimum of 36 inches wide;

iii. Electrical outlets that are a minimum of 18 inches high on the wall;

iv. Light switches and thermostats that are located a maximum of 48 inches high on the wall. Thermostats must be relocated to a maximum of 48 inches high on the wall at the request of the original home purchaser at the time of sale;

v. Clear knee space under the kitchen sink; and

vi. Lever door handles instead of door knobs.

40. **Multifamily Building – Architecture.** The architectural design of the Multifamily Building must be in general conformance with the bulk, mass, proportion and type and quality of materials shown on Sheets A-1 of the CDPA/FDPA. To help minimize the visual impacts of the proposed parking levels, all exposed sides of the parking structure must be architecturally treated in a manner that complements the Multifamily Building to help provide a measure of compatibility with the adjacent uses.

41. **Multifamily Building - Universal Design.** A minimum of two percent (2%) of the total multifamily dwelling units will be designed and constructed with the ability to be modified, if necessary for a particular tenant, to add lever type door handles and grab bars in the bathrooms.

42. **WBOA Architectural Review Board (WBOA ARB).** The Co-Applicants may be permitted to modify the architectural design of the Triplex Units and the Multifamily Buildings to conform to the final approval of the WBOA ARB provided such modifications are in substantial conformance with the character and quality shown on the CDPA/FDPA and provided in these Proffers.

43. **Signage.**

A. **Signs.** All signage must comply with Art. 12 of the Zoning Ordinance and the Westfields Development Guidelines or with a Comprehensive Sign Plan, as may be amended and approved by the Westfields Architectural Review Board and the Planning Commission.

B. **Illegal Signs.** No temporary signs (including "popsicle" paper or cardboard signs) which are prohibited by Art. 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia will be placed on or off-site by the Co-Applicants or at the Co-Applicants' direction to assist in the marketing and/or sale of any of the proposed residential
uses located on the Property. Furthermore, the Co-Applicants and any tenants must
direct their respective agents and employees involved in marketing the Property to
comply with this Proffer.

44. **Open Space.** A minimum of twenty-four (24%) percent open space must be retained on
Tax Map Parcel 6C.

45. **Cultural Resources.** If any grave sites are discovered during construction on the Property,
the Co-Applicants must cease all site development activity within 100 feet of that location,
must notify the Cultural Resource Management and Protection Branch ("CRMP") as soon
as possible and must ensure that remains or associated artifacts be left in place and covered
with a tarp or plywood to protect them from damage or disturbance until a representative
from the CRMP can review the site. Relocation of any grave sites must be in accordance
with the Virginia Antiquities Act, §10.1-2300 of the Code of Virginia, as amended.

46. **Garages – Triplex Units.** Any conversion of the Triplex Units garages that will preclude
the parking of vehicles and the storage of trash and recycling containers within the garage
is prohibited. This must not preclude the use of garages as sales offices in the model homes
during marketing of the development, with the understanding the sales offices will be
converted back to garages upon sale of the models. A covenant setting forth these
restrictions must be recorded among the land records of Fairfax County in a form approved
by the Office of the County Attorney prior to the sale of any Triplex Units and must run to
the benefit of the OAs and the Board. Prospective initial purchasers must be advised of
these restrictions and the interior dimensions of the garages, in writing, prior to entering
into a contract of sale. These restrictions and the interior dimensions of the garages must
be included in the marketing materials for the initial sales of units on the Property and
included prominently in the OAs' Governance Documents in order to provide notice to
prospective purchasers in connection with future resale of the units.

47. **Location of Utilities.** Utility lines must be generally located so as not to interfere with the
landscaping concepts shown on the CDPA/FDPA. The Co-Applicants reserve the right to
make minor modifications to such landscaping to reasonably accommodate utility lines
provided such relocated landscaping must retain a generally equivalent number of plantings
and must continue to reflect the concepts illustrated on the CDPA/FDPA.

To the extent feasible and as permitted by the applicable utility companies, the
Co-Applicants must place all utilities serving the Property underground. Upon request by
the Co-Applicants, the Zoning Administrator may waive/modify the requirement to place
utilities underground without approval of a PCA upon a determination that such
requirement (a) is infeasible or impractical or (b) would require the Co-Applicants to secure
easements or consents from third parties that, despite having been diligently pursued by
the Co-Applicants, are not available.

**PARKS AND RECREATION**

48. **Amenities and Open Space Areas.** The Co-Applicants must provide public and private
outdoor open spaces and amenities within the Property as follows:
A. **Mews/Pocket Parks.** The Co-Applicants must provide publicly-accessible outdoor spaces between the Triplex Unit area and the Multifamily Building generally in the locations shown on Sheet L-2 of the CDPA/FDPA and identified as "Mews" and "Pocket Park" areas. These areas will include both vegetation and hardscape materials and features such as, but not limited to: (i) specialty paving and landscape planters, (ii) outdoor furniture and/or benches/seating areas, and/or (iii) pedestrian-scaled lighting to activate the space at night. Additional amenities may be provided which may include, but not be limited to, flagpoles, walls and/or fencing. Without the necessity for a PCA, CDPA and/or FDPA, the Co-Applicants may adjust the type and location of vegetation, the design of the open spaces, and the features/amenities comprising the public gathering areas as approved by DPD and UFMD, provided the general character and quality of the public open spaces are consistent with Sheets L2 and L4 of the CDPA/FDPA. The Co-Applicants must complete these Mews and Pocket Park areas prior to issuance of the final RUP for the Triplex Units that abut such areas.

B. **Newbrook Drive Linear Open Space.** A public outdoor linear open space (the "Linear Open Space") must be provided along the Property frontage of Newbrook Drive generally in the location and configuration shown on the CDPA/FDPA. The features/amenities for the Linear Open Space on the Property must include unifying elements, such as, but not limited to, colors and/or materials to complement the design and character of the architecture of the Triplex Units, the Multifamily Building and the surrounding buildings. The Co-Applicants must provide the Linear Open Space with the intent to create a passive recreation area to serve as an amenity for the Property and the entire Commonwealth Centre. The Linear Open Space must be designed to be compatible with the linear open space in adjacent Land Bays B, C and D. The Co-Applicants must install the Newbrook Trail within the Linear Open Space as described in Proffer 14.f and as generally shown on Sheet C-7 of the CDPA/FDPA. The Co-Applicants may adjust the type and location of vegetation and pedestrian walkways in the Linear Open Space, provided the general character and quality of the Linear Open Space is consistent with Sheet L2 of the CDPA/FDPA. The Co-Applicants will coordinate the final selection of the features and amenities to be provided in the Linear Open Space with the WBOA, FCPA and the Sully District Supervisor at the time of site plan. The Co-Applicants must install the pedestrian walkways, amenities and landscaping within the Linear Open Space as part of the Triplex Units site plan, at such time as the Triplex Units fronting along Newbrook Drive are completed.

In addition, the Co-Applicants will enhance the existing open space located along the Newbrook Drive frontage of Tax Map Parcels 44-1-((1))-6B and -6D (the "Adjacent Open Space Areas"), with additional landscaping and features as shown on Sheet L-5 of the CDPA/FDPA, subject to approval by the owners. The Co-Applicants must complete these enhancements to the Adjacent Open Space Areas prior to the issuance of the final RUP for the Property.

C. **Commonwealth Central Park.** The Co-Applicants will modify the existing Amenity Pond B on Tax Map Parcel 44-1-((1))-6H3 to create a publicly accessible
Commonwealth Central Park as shown on Sheet L-5 of the CDPA/FDPA. Commonwealth Central Park will include features which may include, but are not limited to, an accessible meandering path, a plaza with high quality furnishings, an overlook structure with seating, formal central park, grilling area, picnic lawn, recreational climbing structure, public art, benches, specialty landscaping and lighting, and earth mounds. The Co-Applicants will coordinate the final selection of the features and amenities to be provided in the Commonwealth Central Park with the WBOA, FCPA and the Sully District Supervisor at the time of site plan. The Co-Applicants must complete construction of Commonwealth Central Park prior to the issuance of the final RUP for the Property.

D. **Public Access.** A public access easement and an emergency vehicle access easement must be provided for all publicly accessible areas in a form approved by the County Attorney. The public access easement must provide that the publicly accessible areas will, at a minimum, be open to the general public from sunrise to sunset, provided that the Co-Applicants reserve the right to: (i) establish reasonable rules and regulations governing the use of the publicly accessible areas, (ii) temporarily limit access to the publicly accessible areas for reasonable periods of time for purposes of safety, construction and/or maintenance, and (iii) temporarily limit access to the publicly accessible areas as may be necessary to host events for the residents of Commonwealth Centre.

**AFFORDABLE/WORKFORCE HOUSING**

49. **Affordable Dwelling Units.** Affordable Dwelling Units ("ADUs") must be provided in accordance with Pt. 8 of Art. 2 of the Zoning Ordinance in effect as of the approval date of this PCA Application, unless modified by the ADU Advisory Board. All of the ADUs for the entire development will be provided in the Multifamily Building. For purposes of determining compliance with this Proffer, the Triplex Units and Multifamily Building units must be deemed a single and unified development even if such dwelling units are developed under separate site plans.

50. **Workforce Dwelling Units.** In addition to any ADUs that may be required pursuant to these Proffers, the Co-Applicants must also provide housing units on the Property in accordance with the Board's Workforce Dwelling Unit Administrative Policy Guidelines applicable to the Property and in effect as of the approval date of this PCA Application ("WDU Policy Guidelines"), except as modified in these Proffers. WDUs must be provided such that the total number of ADUs, if any, plus the total number of WDUs results in not less than 12 percent (12%) of the total residential units constructed on the Property. The 12% applies to the total residential units to be constructed on the Property except (i) if ADUs are provided in the development, the ADUs and ADU bonus units must be deducted from the total number of dwelling units on which the WDU calculation is based, and (ii) any units created with workforce housing bonus floor area will be excluded from the 12% WDU calculation (e.g., if 400 total units are to be constructed, WDUs/ADUs would be required, based on the calculation of 400/1.12 = 357 base units x .12 = 43 WDUs/ADUs). The Co-Applicants must provide all of the required WDUs priced to serve households with an income of up to 80% of the Area Median Income for the Washington
Standard Metropolitan Statistical Area ("AMI"). At least five (5) of the WDUs provided pursuant to this Proffer must be located in the Triplex Units. The remainder of the WDUs may be located in the Multifamily Building. Nothing included herein, however, will preclude the Co-Applicants from providing WDUs as larger sized units, in terms of the square footage and/or the number of bedrooms in consideration for a reduction in the total number of WDUs required under the WDU Policy Guidelines.

Notwithstanding the foregoing, should the Board's policies related to WDUs be amended, the Co-Applicants reserve the right, in their sole discretion, to opt into such new policies without the need for a PCA and, if the Co-Applicants so opt into any such new policies, the provisions of this Proffer which relate to the new policies of the Board which the Co-Applicants have elected to opt into will no longer be effective.

The Co-Applicants reserve the right to enter into a separate binding written agreement with the appropriate County agency as to the terms and conditions of the administration of the WDUs without the need for a PCA. Such an agreement must be on terms mutually acceptable to the Co-Applicants and the County and may occur any time after the approval of this PCA Application. Neither the Board nor the County will be obligated to execute such an agreement. If such an agreement is executed by all applicable parties, then the WDUs must be administered solely in accordance with such agreement and the provisions of this Proffer will become null and void. Such an agreement and any modifications thereto, or an appropriate memorandum thereof, must be recorded in the Land Records.

**MISCELLANEOUS**

51. **Route 28 Tax District – Payment of Special Taxes for Residential Uses.** In accordance with Section 15.2-4608(C) of the Virginia Code (Ch. 770, 2002 Acts of Assembly; H. 735), and within sixty (60) days of approval of this PCA Application, the Co-Applicants must pay, in full, the sum of money representing the present value of the future special improvements taxes for the Route 28 Highway Transportation Improvement Tax District (the "Route 28 Tax District") estimated by the County to have been lost as the result of this PCA approval permitting this change in use to residential in Land Bay A, the amount of such payment must be determined in accordance with the formula and provisions adopted by the Board of Supervisors for optional residential development within the Route 28 Tax District. As provided in Section 15.2 4608(C), the effective date of the approval of this PCA must be deferred until such payment in full is made. The Co-Applicants recognize that failure to make this payment within 60 days of the approval of this PCA will mean that the PCA must not become effective and the ordinance amending the zoning for the Property and the Board's decision on this PCA must both be void in accordance with Section 15.2-4608(C) of the Virginia Code. After such payment is made, the portion of the Property used for residential uses must not be subject to the applicable special improvements taxes for the Route 28 Tax District unless and until such land is thereafter developed with non-residential uses. Any special improvements taxes for the Route 28 Tax District previously paid in the year this PCA Application is approved must be credited towards the one-time payment on a prorated basis.
52. **Advance Density Credit.** Advance density credit is reserved consistent with the provisions of the Zoning Ordinance, for all eligible dedications described herein or as may be required by Fairfax County or VDOT pursuant to the PFM, at the time of site plan approval for the Property.

53. **Delay.** Notwithstanding the foregoing, upon demonstration that, despite diligent efforts or due to factors beyond the Co-Applicants' control, proffered improvements such as, but not limited to, the required transportation improvements, the publicly-accessible park areas and the trail connections, have been delayed beyond the timeframes specified in these Proffers, the Zoning Administrator may agree to a later date for completion of such improvements.

54. **Escalation.** Except as qualified in specific Proffers, monetary contributions otherwise specified in these Proffers must escalate or de-escalate, as applicable, on a yearly basis according to the Consumer Price Index for all urban consumers not seasonally adjusted ("CPI-U") from the base month of January 2021 and change effective each January 1 thereafter, as permitted by Section 15.2 2303.3 of the Virginia Code.

55. **Severability.** Any portion of the Property may be the subject of a PCA, CDPA, FDPA, Special Exception ("SE") and/or Special Permit ("SP") without joinder and/or consent of the owners of other portions of the Property, if such PCA, CDPA, FDPA, SE and/or SP does not have any material adverse effect on such other portions of the Property. Previously approved proffered conditions or development conditions applicable to the balance of the Property that is not the subject of the PCA, CDPA, FDPA, SE and/or SP must otherwise remain in full force and effect.

56. **Successors and Assigns.** Each reference to "Co-Applicants," "Multifamily Applicant," and/or "Triplex Applicant," in this Proffer Statement must include within its meaning, and must be binding upon, the respective Co-Applicant's successors in interest, assigns, and/or developers of the Property or any portion of the Property.

57. **Counterparts.** These Proffers may be executed in one or more counterparts, each of which when so executed must be deemed an original and all of which when taken together must constitute but one and the same instrument.

[SIGNATURES ON THE FOLLOWING PAGE]
PROPOSED DEVELOPMENT CONDITIONS
FDPA 2006-SU-025-05

JUNE 29, 2021

If it is the intent of the Board of Supervisors to approve Final Development Plan Amendment (FDPA) 2006-SU-025-05, located at Tax Map Parcels 44-1 ((1)) 6C and 6H3, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Development of the property must be in substantial conformance with the Final Development Plan Amendment (FDPA) entitled “Commonwealth Centre at Westfields Landbay A” prepared by Bohler Engineering, dated September 10, 2020, and revised through June 7, 2021, and these conditions.

2. Pursuant to the Zoning Ordinance, minor modifications to the approved FDP may be permitted as determined by the Zoning Administrator.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.
COMMONWEALTH CENTRE AT WESTFIELDS – LAND BAY A
PCA 2006-SU-025-05, CDPA 2006-SU-025-03, FDPA 2006-SU-025-05

STATEMENT OF JUSTIFICATION

Toll Mid-Atlantic LP Company, Inc. and JLB Realty LLC (collectively, the "Applicants") seek approval of Proffered Condition Amendment ("PCA") 2006-SU-025-05, Conceptual Development Plan Amendment ("CDPA") 2006-SU-025-03, and Final Development Plan Amendment ("FDPA") 2006-SU-025-05 (collectively, the "Applications") on approximately 21.69 acres identified as Fairfax County Tax Map Parcel ("TMP") 44-1-((1))-6C and -6H3 ("Parcels 6C and 6H3") within Land Bay A of Commonwealth Centre (the "Property"), a commercial mixed-use project located in the northeast quadrant of the interchange at Sully Road (Route 28) and Westfields Boulevard. The Property is zoned to the PDC District and the Water Supply Protection ("WS") Overlay District.

Commonwealth Centre consists of approximately 101 acres and is comprised of six land bays (A through F). Land Bay A is partially developed with two existing office buildings totaling approximately 328,035 square feet and an above ground parking structure. A third office building was approved in Land Bay A but has not been constructed. Land Bays B and C, now known as The Field at Commonwealth, includes a retail sales-large establishment (Wegmans) and complementary retail/restaurant uses collectively totaling 186,000 square feet. On July 11, 2017, the Board of Supervisors (the "BOS") approved the development of a mix of retail/restaurant/movie theatre and residential uses in Land Bay D up to a maximum gross floor area ("GFA") of 650,000 square feet. Of this total, approximately 550,000 square feet is for residential (multifamily "stacked townhomes" and single-family attached) uses and approximately 100,000 square feet for retail/restaurant/theatre uses. The residential uses in Land Bay D are currently under construction. The commercial component remains undeveloped. Land Bays E and F comprise the Newbrook Drive loop road, a private street providing access on the east and west from Westfields Boulevard to Commonwealth Centre.

In order to further enhance this portion of the Dulles Suburban Center as a more vibrant, 24-hour mixed use center for living, working, shopping, and socializing, the Applicants propose to substitute, for the approved, unbuilt, office building in Land Bay A, residential uses consisting of a five-story multifamily building (the "Multifamily Building") and triplex units (the "Triplex Units") on Parcel 6C. In addition, the Applicants are proposing to reconfigure the existing Amenity Wet Pond located on portions of Parcel 6H3 and 6B to create a publicly accessible, active/passive amenity park ("Commonwealth Central Park") which may include features such as, but not limited to, an accessible meandering path, a plaza with high quality furnishings, an overlook structure with seating, recreational climbing structure, public art, benches, specialty landscaping and lighting and earth mounds. The specifics of the amenities in the Commonwealth Central Park will be determined in coordination with the Fairfax County Park Authority (FCPA), Westfields Business Owners Association (WBOA) and the Sully District Supervisor.
With the addition of a Multifamily Building, the Triplex Units and the Commonwealth Central Park in Land Bay A, combined with the approved Wegmans and other complementary retail/restaurant uses and residential uses in Land Bays B, C and D, Commonwealth Centre will become a significant village center with day/night activities and a major focal point for Westfields and the Dulles Suburban Center.

Toll Mid-Atlantic LP Company, Inc. ("Toll") and JLB Realty LLC ("JLB") are established and highly regarded within the residential development industry. Toll is one of the nation's leading builders of luxury communities in some of the best locations in the U.S., currently building in 50 markets across 23 states, and has earned numerous industry awards, including National Builder of the Year by BUILDER magazine. JLB is a national developer, builder and manager of Class A multifamily assets in select U.S. markets. JLB has experience in a broad array of real estate developments including low density garden and medium to high density wrap and podium product in conventional rental, student housing and mixed use developments with gracious living spaces and market-leading amenities. Both Toll and JLB have developed successful residential communities in Fairfax County.

The integration of this Multifamily Building and the Triplex Units into Commonwealth Centre will further provide housing opportunities for young professionals and empty-nesters who are attracted to walkable, vibrant places that enhance one's quality of life within a mixed-use community, convenient to major commuting routes, shops, dining, and entertainment. The Multifamily Building will be operated as a rental community. With the Multifamily Building and Triplex Units, this Application will provide a diversity of housing in Westfields at attainable prices that will improve affordability for both young and older residents, many of whom are searching for options to remain living near family and friends.

The Applicants seek approval to develop a mix of multifamily uses in Land Bay A consisting of 81 Triplex Units and a five story Multifamily Building with approximately 355 units, up to a maximum GFA of 472,408 square feet, excluding bonus density. With bonus density, the maximum GFA is 507,000 square feet. Of this total, approximately 380,000 square feet of living and amenity area will be in the Multifamily Building, and approximately 127,000 square feet in the Triplexes. The maximum permitted floor area ratio ("FAR") in the underlying PDC District is 2.5. However, the Applicants are only proposing a 0.50 FAR (without bonus density) over Parcels 6C and 6H3 resulting in an overall 0.38 FAR for the entire Commonwealth Centre mixed-use development based on existing and zoning approved uses.

Zoning Approval History

On November 25, 1985, the Board of Supervisors (the "Board") approved RZ 78-S-063 (the "Westfields Rezoning"), which rezoned approximately 712 acres from the R-C, I-3, I-4 and I-5 Districts to the I-3, I-4 and I-5 Districts, including the 101 acres now known as Commonwealth Centre. The Westfields Rezoning was subject to proffers, but no development plan was proffered. Subsequently, the Board approved several amendments to the Westfields Rezoning.
On October 15, 2007, the Board approved PCA 78-S-063-5 to remove the 101-acre Commonwealth Centre from the Westfields Rezoning. Concurrently, the Board approved RZ 2006-SU-025 (the "2007 Rezoning"), to rezone those 101 acres from the I-3 District to the PDC District, subject to proffers (the "2007 Proffers"). The 2007 Rezoning permitted a mixed-use development comprised of 1,126,500 square feet of office in Land Bays A and D, with 212,000 square feet of hotel and 76,400 square feet of retail and other support uses in Land Bays B and C. The approved CDP/FDP for Land Bay A reflected three office buildings, five stories in height, with surface parking. The total GFA approved for Land Bay A was 483,025 square feet.

On February 18, 2009, the Planning Commission approved Comprehensive Sign Plan CSP 2006-SU-025 for Commonwealth Centre, subject to development conditions.

On July 13, 2009, the Board approved PCA 2006-SU-025 to allow child care center uses within the existing approval. The overall intensity, mix of uses and layout did not change from the 2007 Rezoning.

On October 20, 2015, the Board approved PCA 2006-SU-025-02, CDPA 2006-SU-025 and FDPA 2006-SU-025-02 for Land Bays B and C (the "2015 Rezoning") to permit retail and restaurant uses, including a Wegmans, inside the Newbrook Drive loop road. Land Bays B and C were designed, with significant input from DPD Staff, with a network of well-connected public spaces in anticipation that additional mixed use and/or residential development would occur in the adjacent Land Bay D immediately east of the eastern loop of Newbrook Drive.

On October 15, 2017, the Board approved PCA 2006-SU-025-03/CDPA 2006-SU-025-02 to permit a mix of stacked townhomes and single family attached residential, retail, restaurant and theatre uses in Land Bay D.

On November 16, 2017, the Planning Commission approved Comprehensive Sign Plan Amendment CSPA 2006-SU-025 for the Wegmans and retail/restaurant uses in Land Bays B and C, subject to development conditions.

On June 25, 2019, the Board of Supervisors approved PCA 2006-SU-025-04 to permit a drive-in financial institution in Land Bay D.

On May 6, 2020, the Planning Commission approved Comprehensive Sign Plan Amendment CSPA 2006-SU-025-02 for the residential portion of Land Bay D, subject to development conditions.

Proposed CDPA/FDPA for Land Bay A

Land Bay A is located along the western portion of Commonwealth Centre and borders Sully Road, Route 28. The Property has significant exposure to Route 28 and Westfields Boulevard. The Applicants propose to amend the 2007 Proffers and CDPA/FDPA for a portion of Land Bay A to substitute a mid-rise, Multifamily Building and Triplex Units for the approved, not built, third office building located immediately to the north of the Route 28/Westfields Boulevard interchange. Vehicular access to the Property would be from the two existing entrances along Newbrook Drive.
The Multifamily Building would be situated along Route 28/Westfields Boulevard and will create a gateway, signature building at this entrance to the east side of Westfields and the greater Chantilly area. The Multifamily Building will be an urban-style design with a high level of articulation and fenestration. It will be five stories, up to 70 feet in height, with a six level parking garage consisting of approximately 475 spaces. The entrance to the Multifamily Building would be at the front of the building with elevators to the upper floors and rooftop deck. Two loading access areas are located on the northwest and southwest sides of the building. Electrical vehicle charging stations will be provided in the parking garage.

The units in the Multifamily Building will be one to two bedrooms ranging up to approximately 1,123 gross square feet. Outdoor community amenities for these residents will include two landscaped courtyards on the roof deck with tables, benches, grilling areas, outdoor fire pit and landscape and hardscape areas for outdoor relaxation and gathering spaces. In addition, a swimming pool, fitness center, rooftop lounge, and game room will be provided in the building. Bicycle parking will be located within the parking structure. Parking for the residents will be located within the internal parking garage which will minimize any visual impacts to the surrounding area. Additional on-street parking will be provided along the front of the Multifamily Building. Significant landscaping with larger trees of varying heights will be provided on the existing berm along the Property frontage on Westfields Boulevard and additional plantings will be provided along the Route 28 access ramp.

The Triplex Units will set back approximately 100 feet from Newbrook Drive and will include four stories, up to a maximum height of 55 feet, with options for balconies and rooftop terraces which may include an associated stairwell penthouse. The Triplex Units will range in size from approximately 250 square feet to approximately 1,500 square feet and will be priced at different levels. The on-site amenity areas have been redesigned to include a significant publicly accessible linear park along Newbrook Drive which consists of approximately 1.06 acres. The inspiration for the linear park design is the well-received Graham Park in Falls Church. The linear park will include either an 8-foot wide or 10 foot wide trail along Newbrook Drive that will connect to the internal sidewalks on the Property, to the existing trail along Lots 6B and 6D, and to the existing crosswalk to Wegmans. The linear park will include recreational facilities which consist of a pocket park and an expanse of open lawn areas for programing of activities. A low capstone seating wall will be provided along the edge of the linear park adjacent to the Triplex Units to define the public park space from the private lots and buildings. In addition, a mews consisting of approximately 0.11 acres will be located between the Multifamily Building and Triplex Units and lined with four pocket parks, which may include, but not be limited to, open lawn areas for recreational activities, seating, game tables and/or landscaping. The total publicly accessible space on the Property is 1.17 acres.

Overall, the proposed development will result in a FAR of 0.50 without bonus density for WDUs or a 0.54 FAR with the bonus density associated with affordable and workforce housing. The Comprehensive Plan recommends an average FAR of 0.50 for the entire area of Land Unit J. Commonwealth Centre has an overall FAR of 0.38 with the proposed Triplexes and Multifamily Building, and is under the maximum 0.50 FAR for Land Unit J. The Applicants are not relying on density from either of the other two parcels in Land Bay A – Parcels 6B and 6D – which are developed with existing office buildings. Nor is any density being pulled from Land Bays B, C,
D, E or F, although there is unused density in Land Bays E and F, which are the Newbrook Drive private street (now Parcel 6F1).

In order to further enhance Commonwealth Centre as a premier village center within Westfields, the Applicants are proposing to reconfigure the existing Amenity Wet Pond B located immediately to the north of the northern loop of Newbrook Drive on Parcel 6H3 as a publicly accessible Active/Passive Amenity Park ("Commonwealth Central Park"). The specifics of the Commonwealth Central Park will be determined in coordination with the Fairfax County Park Authority ("FCPA"), WBOA and the Sully District Supervisor but may include features such as, but not limited to, an accessible meandering path, a plaza with high quality furnishings, a recreational climbing structure, public art, benches, specialty landscaping and lighting, and earth mounds. In addition, the Applicants will enhance the existing linear path along the property frontage of the adjacent existing office buildings located on Tax Map 44-1-((-1))-6B and -6D with pocket parks and/or other amenities which will connect to Commonwealth Central Park.

Pedestrian connections are provided within the Property, between the Triplex Units and Multifamily Building, along Newbrook Drive up to Commonwealth Central Park and to the existing sidewalk along Land Bay D. Residents of both the Multifamily Building and the Triplex Units will have convenient pedestrian access to the numerous public plaza areas and the extensive network of trails and sidewalks within Commonwealth Centre in Land Bays A, B, C and D; to the extensive public park space in Flatlick Branch, and to the five foot wide sidewalk that is located along the Westfields Boulevard Property frontage which connects to the existing shared-use path on the east side of Westfields Boulevard, and beyond.

The extensive overall pedestrian circulation system that was established with the 2007, 2015 and 2017 Rezonings will be maintained and enhanced as shown on the CDPA/FDPA and described above. The extension of the existing regional, asphalt pedestrian trail, eight feet in width, within the Flatlick Branch stream valley is under construction. Extensive pedestrian connections to the Flatlick Branch stream valley trail have already been provided from the Newbrook Drive trail and the shared use path located along Westfields Boulevard and Walney Road. With this Application, the Co-Applicants will further provide the following pedestrian safety and aesthetic enhancements along the Property frontage of Newbrook Drive:

a. Paint a pedestrian crosswalk across the northwest entrance to Land Bay C from Newbrook Drive (the "Wegmans Entrance");

b. Install four (4) manually-activated Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing signs for the existing crosswalk on Newbrook Drive;

c. Remove the two existing trees located in the existing Newbrook Drive median at the existing pedestrian refuge area;

d. Install two (2) Advanced Warning Pedestrian Signs;

e. Install one (1) speed limit sign at each of the two entrances to Newbrook Drive from Westfields Boulevard identifying the permitted speed on Newbrook Drive as 25 miles per hour (mph);
f. Construct an asphalt shared use trail along the Property frontage on Newbrook Drive to connect to the existing shared-use path along Newbrook Drive as shown on the CDPA/FDPA (the "Newbrook Trail"). The width of the asphalt shared use trail will be either eight feet (8') or ten feet (10') wide as determined by the Sully District Supervisors office with final design of the Linear Park described in Proffer 48.B; and

g. Install street trees along both sides of the Newbrook Trail at approximately thirty-five (35) foot intervals.

In addition, prior to issuance of the first RUP for the Property and subject to the approval of the Commonwealth Centre at Westfields Owners Association, Inc., the owner of TMP 44-1-((1))-6G and FCDOT, the Co-Applicants must provide one of the following two alternatives:

a. The Co-Applicants must (i) install decorative, stamped asphalt pavement in the intersection of Newbrook Drive and the Wegmans Entrance, (ii) remove the existing southbound left turn lane from Newbrook Drive into the Wegmans Entrance, (iii) install a raised median to create a pedestrian refuge area in place of the removed left turn lane, and (iv) stripe a new crosswalk on the north side of the intersection of Newbrook Drive and the Wegmans Entrance with corresponding ADA ramps, or

b. The Co-Applicants must paint on-street parking spaces along the Property frontage on Newbrook Drive between the intersection at the Wegmans Entrance and the southernmost entrance to the existing office building located on TMP 44-1-((1))-6D.

The Co-Applicants will support, future efforts by the Commonwealth Centre at Westfields Owners Association, Inc. and/or other owners in Commonwealth Centre, to enhance pedestrian connectivity and safety in Commonwealth Centre.

Stormwater management/BMPs ("SWM/BMPs") for the Property will be provided by the existing Stormwater Management Wet Pond #1. The SWM/BMPs are privately maintained by a joint Community Association of the owners of the office, retail uses, single family attached, stacked townhomes, Triplex Units and the operator of the Multifamily Building. In addition, the Applicants will provide a LID measure such as a filterra or bioretention facility to be installed on the Property.

The Applicants are committed to continuing the high quality design consistent with the 2015 and 2017 Rezonings for Land Bays B, C and D. Specifically, shade trees, ornamental trees and shrubs along the Property frontages will soften the appearance of the residential uses from the public roads. The Westfields stone wall and landscaping located at the corner of Westfields Boulevard and Newbrook Drive will be preserved. The Landscape Plan presented on Sheet L-2 of the CDPA/FDPA illustrates the high quality design intent for the Property.
Pursuant to Par. 11 of Sect. 18-202 of the Zoning Ordinance, an analysis of the relationship of the proposed development to Residential Development Criteria recommendations in Appendix 9 of the Comprehensive Plan is included in the application package.

The Applicants will provide Affordable Dwelling Units ("ADUs") and Workforce Dwelling Units ("WDUs") consistent with the applicable County policies and Zoning Ordinance requirements.

**Comprehensive Plan (the "Plan")**

The Property is located within Land Unit J of the Dulles Suburban Center in the Bull Run Planning District of the Area III Comprehensive Plan. On May 7, 2019, the BOS approved Plan Amendment 2018-III-DS1 which maintains the overall baseline intensity of 0.50 FAR for Westfields, and added an option for residential (up to 4,250 units) and retail (additional 200,000 square feet) uses to be considered with the mix of uses, with conditions that address high quality living environments, coordinated development, affordable and workforce housing, and flexibility to allow residential uses with conditions that propose to mitigate the impacts from airport and highway noise. The Plan Amendment identified Commonwealth Centre as a core area, or village center, that offers a mix of uses and well-connected public spaces that will promote activities that support Westfields.

The Plan contains specific conditions that must be met in order to merit consideration of residential uses which are addressed below:

- *The development intensity remains at an average .50 FAR for the entirety of Land Unit J.*

The proposed community will include 436 residential units. The baseline density of the proposed development (excluding any bonus market rate units) is 0.50 FAR. The Comprehensive Plan Development Tabulation for Land Unit J is included on the CDPA/FDPA.

*Therefore, this standard is satisfied.*

- *Residential and support retail uses are carefully located to create a sense of place, organized generally around the concept of three core areas, or village centers, that offer a mix of uses and well-connected public spaces that encourage activity and support the office campus....The third village center should be located in the Commonwealth Centre area, generally west of Westfields Boulevard along the Newbrook Drive loop road.*

The proposed development with the Multifamily Building and Triplex Units will create a sense of place with a signature urban style building located at the gateway to Westfields and the greater Chantilly area. Well-connected public spaces on-site include a publicly accessible Linear Park along Newbrook Drive which connects to the open space corridors leading to and from, other public spaces within Land Bays A, B, C, and D and to the well located proposed Commonwealth Central Park in Land Bay A, which will provide a significant amenity for Commonwealth Centre and Westfields.
Residential use should not exceed a total of 5,500 units in Land Unit J (including existing and approved units as of January 2019). This total includes existing and approved residential uses along Walney Road, Stonecroft Boulevard (The Preserve), and the northern portion of Commonwealth Centre, and represents the potential for an additional 4,250 units above what is existing and approved.

The zoning applications for residential uses which have been approved or are pending approval in Land Unit J are as follows:

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<thead>
<tr>
<th>PROJECT NAME</th>
<th>APPLICATION</th>
<th>NUMBER/TYPE OF UNITS APPROVED</th>
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<tbody>
<tr>
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<td>CDPA 2006-SU-025-02</td>
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<td>PCA 86-S-039</td>
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<td>120 Stacked Townhomes</td>
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<td>RZ/FDP 2019 SU-005; PCA 78-S-063-08</td>
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Total Approved: 1,658 Units

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<tr>
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<th>APPLICATION</th>
<th>NUMBER/TYPE OF UNITS PENDING</th>
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<td>Commonwealth Centre – Land Bay A – Toll Mid-Atlantic LP Company Inc. and JLB Realty LLC</td>
<td>PCA/FDPA 2006-SU-025-05; CDPA 2006-SU-025-03</td>
<td>81 Triplex</td>
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Total Pending: 436 Units

2,094 Total Units

To date, a total of 2,094 units are either approved or pending, which would reduce the number of additional residential units recommended by the Plan from 5,500 to 3,406 within Westfields.

Of the approximately 4,250 new residential units anticipated under this option, the unit type should be comprised of approximately 2/3 multifamily units (approximately 2,830) and a maximum of 1/3 single-family attached units (approximately 1,420). Single-family detached units are not appropriate.
The Application proposes 436 new multifamily units (Triplex Units and Multifamily Building). With the approved 255 multifamily units by K. Hovnanian and 120 units (multifamily stacked townhomes) by Stanley Martin, the units in this Application would reduce the number of remaining multifamily units in Land Unit J from approximately 2,830 to 2,019 units.

- Retail use should not exceed approximately 600,000 SF in Land Unit J, with approximately 200,000 SF of that total to be allocated among the three village center areas.

The Applicants are not proposing any retail use on the Property.

- Development proposals with residential use should create high-quality living environments that provide appropriate transitions within the context of a larger area of nonresidential uses. Proposals should demonstrate that new developments have appropriate vehicular and pedestrian connections to surrounding uses, and offer amenities and activities for both existing and future residents, employees and visitors. Infill proposals should avoid the creation of scattered, isolated developments.

The addition of a five story Multifamily Building and Triplex Units in Land Bay A will further provide a high quality living environment with on-site amenities as well as vehicular and pedestrian connections to the Wegmans, retail/restaurant uses, office buildings, and the residential neighborhood that is currently under construction in Land Bay D. The development of the last vacant parcel in Commonwealth Centre with additional residential uses will solidify this area as a premier "live-work-play" village center in Westfields. The Multifamily Building will be a placemaker. It will be oriented along Route 28 with a visually appealing urban-style design which will create a highly visible, strong focal point at the entrance to Westfields. A linear park consisting of approximately 1.06 acres will be provided along the Property frontage of Newbrook Drive with an 8-foot wide major paved trail that extends to the Commonwealth Central Park. In addition to the on-site amenities, the Commonwealth Central Park will create a sense of identity for Westfields, and more opportunities for social interactions, enjoyment of outdoor open space, small-scale recreation and performing and visual arts, informal activities and programmed events during lunch hours and after-work hours to foster social interaction among users, leisure opportunities and a visual identity to strengthen a sense of place and orientation.

- Parcel consolidation is encouraged to ensure that adequate site size is provided for a high-quality development and associated amenities. Coordinated development plans may be an alternative to parcel consolidation, if it can be demonstrated that site design, building locations, open space, and access achieve plan objectives.

The site design, building locations, open space and access for the proposed Multifamily Building and Triplex Units have been coordinated with the surrounding existing retail, office and residential uses and provides a significant village center that offers a mix of uses, with well-connected public spaces that encourage activity and supports Westfield.
At a minimum, 12% of the residential units should be affordable to meet county goals for affordable and workforce housing. These units should be distributed throughout any new development and should include a variety of housing types and sizes. Multifamily and single-family attached units of varying sizes and designs are strongly encouraged to provide diversity in housing type and to offer options to improve affordability. Opportunities for units that would appeal to residents who wish to stay local but downsize, as well as for those entering the housing market, are strongly encouraged to respond to different demands in the housing market.

The Applicants will comply with the Affordable Dwelling Unit ("ADU") Ordinance requirements, as applicable, as well as the County's Workforce Housing Policy to advance the County's housing affordability goals.

Publicly accessible active and passive recreational facilities and parkland should be provided within the land unit or nearby to meet the needs of new and existing residents, employees and visitors, based on the county's adopted park typologies and standards.

Publicly accessible active and passive recreational facilities are provided on the Property and throughout Commonwealth Centre. Specifically, the amenities and open space areas in Commonwealth Centre include the many public outdoor spaces ("public plazas") in Land Bays B, C and D, the public passive linear path along Newbrook Drive, and the extensive trail system which connects to the shared-use path along Westfields Boulevard and to the trail within the Flatlick Branch stream valley. Additional active and recreational facilities include a significant publicly accessible passive linear path along the Property frontage with a pocket park and playground and a mews which may include, but not be limited to, an open lawn area for recreational activities, seating, game tables and/or landscaping. In addition, the Applicants will further enhance the existing linear path located along the property frontage of the existing office buildings in Land Bay A with two pocket parks and additional plantings.

In order to further enhance Commonwealth Centre as a premier mixed use village center within the Westfields community, the Applicants are proposing to reconfigure the existing Amenity Wet Pond B located immediately to the north of the northern loop of Newbrook Drive (Tax Map 44-1-((1))-6H3 and a portion of -6B) for the Commonwealth Central Park. The specifics of the Westfields Central Park will be determined in coordination with the FCPA, WBOA and the Sully District Supervisor but may include features such as, but not limited to, an accessible meandering path, a plaza with high quality furnishings, an overlook structure with seating, formal central park, grilling area, picnic lawn, recreational climbing structure, public art, benches, specialty landscaping and lighting, and earth mounds.

Pedestrian and bicycle connections between the village centers and surrounding uses are provided to ensure connections throughout the land unit.

The Applicants will provide an eight foot wide trail along the Property frontage of Newbrook Drive to connect to the existing trail along the adjacent office buildings.
and to the existing sidewalk along Westfields Boulevard, both of which connect to
more extensive elements of the Land Unit J trail networks.

- Opportunities to include community uses for education (such as private technical schools,
or community colleges) and remote work spaces are explored.

No community education uses are proposed on the Property.

- Opportunities are provided for spaces that residents, employees and visitors could use to
work or attend classes remotely.

High-speed internet connectivity for the residents is available within many of the
retail, restaurants and public areas in Commonwealth Centre and throughout
Westfields. The Multifamily Building will include spaces that may include, but not
be limited to, a conference room and/or lounge areas for residents to use for work or
to attend classes remotely.

Noise

- While Comprehensive Plan policy discourages certain uses within the DNL 60-65 dBA
aircraft noise contour, other planning goals support residential and other noise sensitive
uses under the following conditions:

  o A noise study that documents the expected noise impacts is submitted during the
development review process for all noise sensitive uses.

  o Commitments are provided during the development review process to construction
standards and materials that mitigate interior auditory impacts to ensure that
interior noise levels within living spaces do not exceed 45 dBA. Post-development
noise studies should be conducted if requested in order to help staff evaluate the
effectiveness of noise mitigation measures.

  o Adequate assurances are voluntarily provided by the property owner at the time of
re zoning to ensure that residential development in this area will not conflict with,
or pose any threat to the long-term viability of, Dulles Airport. These assurances
may include such things as recorded avigation easements, hold harmless
agreements, and the like.

  o Mitigation to 65 dBA is encouraged for private active recreation uses, such as
placement of facilities indoors, and/or enclosing facilities with a flexible or rigid
structure, such as a dome.

  o Disclosure statements, as well as a map of Dulles Airport, the DNL 60 dBA noise
contour line, and general locations of residential units and private active
recreation spaces, are included in all promotional and marketing materials and
leasing and purchase agreements for residential and noise-sensitive uses, and are
recorded in the land records, that state that a property is located within an area
that will be impacted by aircraft noise. Notice should be made to all initial and subsequent lessors and purchasers.

The Property is not located within the DNL 60-65 dBA aircraft noise contour. The Property is not located in the flight path of Dulles Airport's runways.

Road Noise

- Where residential or other noise sensitive uses are proposed that may be impacted by transportation-generated noise such as from Route 28, such proposals should be accompanied by a noise study during the review of the development, and appropriate commitments to noise mitigation measures and potentially commitments to the provision of disclosure statements should be provided.

A noise study was submitted with the Application. If necessary, noise mitigation construction measures to protect against noise levels in excess of 45 dBA within living spaces, and provision of disclosure statements for any transportation-generated noise from Route 28 will be provided to the residents.

Schools

- One or two new sites may be needed that will allow flexibility in school facility types to support the increased enrollment that would be generated by the proposed residential development. Up to two sites may need to accommodate two new elementary schools or one new middle school depending on the identified need. Additionally, facilities such as vocational training, academy programs, adult learning centers and/or other support functions could be located in this area.

- Property owners and developers in Land Unit J should collaborate with Fairfax County Public Schools (FCPS) to identify location(s) for school facilities preferably in advance of approval of applications for new residential developments in order to maintain and improve the county's high standards for educational facilities and to not impact current levels of service provided by the public school system. For land, the acreage of a site(s) may be determined with FCPS staff based on school policy. For reuse of a building(s), the applicant in coordination with FCPS may select a building(s) that provides access, safety, security, and meets play space requirements. Sites or buildings would ideally be in a location outside of the DNL 60 dBA airport noise line to minimize noise impacts.

- To address this need, developers proposing residential use should provide land or contribute to the provision of suitable land or building(s), as may be practical, to accommodate flexibility in future school facility needs. Contributions could be more traditional in nature, such as dedication of a school site, or might include more innovative urban solutions such as repurposing buildings, locating school facilities with parks or within buildings serving other uses. Alternatively, developers could make contributions toward land acquisition and school construction based on a contribution formula determined by FCPS and Fairfax County.
Consistent with all other previous applications within Westfields, the Applicants will provide contributions toward land acquisition and school construction based on the standard contribution formula determined by FCPS and Fairfax County.

Compliance with Comprehensive Plan Performance Criteria for Residential

The Plan provides performance criteria for residential uses as an option in the Dulles Suburban Center which is addressed as follows:

- **Be compatible with adjacent and planned development in terms of building heights, scale and density.**

  The Multifamily Building has been located at the edge of the Property to create a gateway statement at the entrance into Westfields. The proposed Triplex Units provide a transition between the single story retail in Land Bays B/C and the Multifamily Building.

  Therefore, this standard is satisfied.

- **Assure that development of adjacent lands can occur in a fashion which is compatible through joint application and/or demonstration that the zoning for adjacent lands would be compatible with the proposed use.**

  The Property is the last parcel to be developed within Commonwealth Centre. The addition of a premier Multifamily Building and Triplex Units in Land Bay A is compatible with the existing mix of retail, office and residential uses in Commonwealth Centre and the surrounding area. Therefore, this standard is satisfied.

- **Minimize human exposure to unhealthful levels of noise in accordance with the guidance provided by the Policy Plan under Environmental Objective 4.**

  The Property is not located within the DNL 60 dBA aircraft noise contour line. If necessary, noise mitigation construction measures to protect against noise levels in excess of 45 dBA within living spaces, and provision of disclosure statements for any transportation-generated noise from Route 28 will be provided to the residents.

- **Affordable housing units should be provided in the Dulles Suburban Center at a minimum of 12 percent of any mixed-use project or residential development consistent with the Affordable Dwelling Unit (ADU) Ordinance and Workforce Housing Policy (WDU). If the ADU Ordinance is not applicable, a proffer of units or land or a contribution to the Housing Trust Fund consistent with the Workforce Housing Policy should be provided.**

  A combination of ADUs and WDUs will be provided consistent with Sect. 2-800 of the Zoning Ordinance and the Workforce Housing Policy. Therefore, this standard is satisfied.
• **Provide needed right-of-way for in the Dulles Suburban Center.**

No additional right-of-way is needed along Westfields Boulevard. Therefore, this standard is satisfied.

• **If sites are identified, provide or participate in the provision of land, as may be practical, to achieve future school facility needs.**

The Applicants will provide contributions toward land acquisition and school construction based on the standard contribution formula determined by FCPS and Fairfax County. Therefore, this standard is satisfied.

The integration of additional residential uses will contribute towards addressing the imbalance between zoned development potential and transportation capacity in the Dulles Suburban Center and will further the major policy objectives of the Comprehensive Plan such as:

• **Promote a high quality of life for those who work and reside in or proximate to the Dulles Suburban Center.**

• **Support development that recognizes the Dulles Suburban Center as a gateway to the region by encouraging local, national and international business and commercial endeavors; tourism and visitor services; and major recreation and entertainment features, mixed commercial and residential uses in urban settings with compatible facilities and amenities...**

• **Encourage a variety of housing types and prices and provide affordable housing as part of residential or mixed-use development.**

• **Encourage high-quality development in terms of site design, building design and materials and open space amenities throughout the Dulles Suburban Center. A more urban and pedestrian-oriented environment should be provided in mixed-use centers...**

• **Achieve Level of Service D, if feasible, as a measure of roadway performance.**

• **Ensure the provision of adequate parklands and recreational facilities to meet the needs of the DSC workforce, residents and visitors. Incorporate active recreational facilities in conjunction with both nonresidential and residential development per the policy guidance and objectives of the Urban Parks Framework where applicable.**

• **Planned trails and multi-model corridors should afford passive recreation opportunities and provide linkages to the countywide and regional trails network.**
Urban Design Objectives for the Dulles Suburban Center

The Application is responsive to the design objectives set forth in the Dulles Suburban Center. The CDPA/FDPA (i) results in an integrated vibrant mixed use development with overall compatibility with the existing two office buildings in Land Bay A, the Field of Commonwealth (Wegmans/retail uses) in Land Bays B and C; and the residential uses in Land Bay D in terms of architectural character, design detail, materials, and color; (ii) the Multifamily Building creates a positive and easily recognizable identity as a gateway to Westfields; (iii) consolidates vehicular access for all uses; (iv) provides a coordinated network of pedestrian trails and sidewalks linking the proposed uses internally as well as to the adjacent existing retail and office, and to the residential uses which are under construction in Land Bay D, as well as to the countywide trail system; (v) utilizes architectural and landscape elements to provide a high quality image along the adjacent roadways and within the Property, and (vi) the creation of a publicly accessible Commonwealth Central Park to further enhance Commonwealth Centre as a significant village center in Westfields. The Property will contribute to the overall positive image of the Dulles Suburban Center as a high quality area in which to live, work, shop and visit. Considering the Plan objectives to incorporate housing where appropriate, an additional well-designed residential development at this mixed use village center location creates the opportunity for land use that serves both existing and future residents and office workers in the area.

PDC District Modifications and Waivers

The Application will enhance and complete this high-quality, innovatively and creatively designed mixed-use development. This Application will support the existing office, retail and residential uses in Commonwealth Centre, will help balance the disproportionate employment uses and vehicle trips within the Dulles Suburban Center, and will include a mix of uses and well-connected public spaces that creates an environment for opportunities to work, live and play. To achieve these Comprehensive Plan objectives, the Applicants request the following modifications/waivers of the Zoning Ordinance:

1. Par.5 of Sect. 6-206. Secondary uses shall only be permitted in a PDC District which contains one or more principal uses. Unless modified by the Board in conjunction with the approval of a conceptual development plan in order for further implementation of the adopted comprehensive plan, the gross floor area devoted to dwellings as a secondary use shall not exceed fifty percent of the gross floor area of all principal uses in the development, except that the floor area for affordable and market rate dwelling units which comprise the increased density pursuant to Part 8 of Article 2 shall be excluded from this limitation.

The Applicants request a modification of this use limitation to allow the residential GFA to represent 63 percent of the principal use GFA in Commonwealth Centre in furtherance of the Comprehensive Plan's objective of encouraging increased housing within the Dulles Suburban Center, to facilitate realization of a 24/7 activity cycle which will significantly reduce the number and distance of employment/shopping trips within the Dulles Suburban Center, and to create a true mixed-use village center as a centerpiece for Westfields and the Dulles Suburban Center.
2. **Par. 2 of Sect. 6-207**: Waiver of minimum 200 square feet privacy yard for each Triplex Unit. This Ordinance requirement pertains to suburban-style townhomes in lower density neighborhoods with more traditional architecture. Approval of this waiver is essential to establish the Triple Units which are organized around several community areas. The Triplex Units may have decks and/or roof top terraces ranging in size from 65 square feet to 640 square feet.

3. **Par. 10 of Sect. 11-102**: Modification to permit driveway parking in front of garage parking (ie. Tandem Parking) for the Triplex Units. Both spaces will be owned by a single condominium unit owner.

4. **Par. 4 of Sect. 11-203**: Waiver of the loading space requirement in favor of garage space for each Triplex Unit.

5. **Par. 3A of Sect.11-202**: Modification of loading requirement for the Multifamily Building to allow two proposed indoor loading docks in lieu of five required loading spaces.

6. **Par. 1 of Sect. 13-202**: Modification of interior parking lot landscaping on the roof top of the Multifamily Building parking garage in favor of what is shown on the CDPA/FDPA as the parking structure will be architecturally screened and therefore not visible from other locations within or adjacent to the Property.

7. **Par. 2 of Sect.2-506**: Modification to allow a parapet wall, cornice or similar projection to exceed the established height limit by more than three feet as shown on the CDPA/FDPA for the Triplex Units and Multifamily Building.

To the best of the Applicants' knowledge, the proposed development will comply with all applicable Ordinances, regulations and adopted standards subject to approval of the above waivers and modifications.

**Parking Reduction Request**

Pursuant to Par. 26 of Sect. 11-102 of the Zoning Ordinance, JLB submitted a request to the Land Development Services ("LDS") for a reduction in the number of required parking spaces for the Multifamily Building. Specifically, the Applicant is proposing to reduce the minimum parking requirement for the approximately 355 multifamily dwelling units from 1.6 spaces/dwelling unit ("DU") to 1.4 spaces/DU due to the proposed mix of bedroom type units. Given the existing local bus service with bus stops located along Westfields Boulevard and the mix of uses at Commonwealth Centre with varying peak parking demands, the reduction in the total required off-street parking is reasonable and will not adversely impact the Property or adjacent properties.
Summary

The Applicants' development proposal for Land Bay A will further enhance and complete Commonwealth Centre as a village center in the core area of Westfields with a variety of work, live and play opportunities. The proposed development of a Class A Multifamily apartment community and additional Triplex Units at the gateway into Westfields will further provide a diversity of housing types and prices in this area to help advance the County's affordable housing goals. Overall, the 101-acre Commonwealth Centre will consist of 1.67 million square feet with opportunities for dining, retail uses, nightlife, office, and residential uses and an array of amenities that include social gathering spaces, public and private green space, Flatlick Branch stream valley park, walking trails, and the new Commonwealth Central Park. This Application proposes the last critical piece of the broader Commonwealth Centre village center.

Respectfully submitted,

John C. McGranahan, Jr.
Attorney/Agent for Applicants
DATE: June 4, 2021

TO: Emma Estes, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal
Office of the County Attorney

SUBJECT: Affidavit
Application No.: PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05
Applicant: Toll Mid-Atlantic LP Company, Inc. and JLB Realty LLC
PC Hearing Date: 7/14/21
BOS Hearing Date: Not yet scheduled.

REF.: 159240

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 5/28/21, which bears my initials and is numbered 159240, when you prepare the staff report.

Thank you for your cooperation.

Attachment
cc: (w/attach) Julia Nichols, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning
REZONING AFFIDAVIT

DATE: ________________________ May 28, 2021
(enter date affidavit is notarized)

I. ___________________________ John C. McGranahan, Jr. ___________________________ do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant’s authorized agent listed in Par. 1(a) below

in Application No(s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05
(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.)

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<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>RELATIONSHIP(S)</th>
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<tbody>
<tr>
<td>Toll Mid-Atlantic L.P. Company, Inc. (1)</td>
<td>19775 Belmont Executive Plaza, Suite 250 Ashburn, VA 20147</td>
<td>Co-Applicant/Contract Purchaser of Parcel 44-I-((1))-6C Co-Applicant/Agent for Title Owner of Parcel 44-I-((1))-6H3</td>
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<tr>
<td>Agents: Angela K. Rassas Scott H. Tressler Mark D. Simms Greg L. Leygraaf Eric C. Anderson Jordan R. Hartigan Benjamin S. Webster</td>
<td></td>
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</tr>
<tr>
<td>JLB Realty LLC (4)</td>
<td>8120 Woodmont Avenue, Suite 960 Bethesda, MD 20814</td>
<td>Co-Applicant/Contract Purchaser of Parcels 44-I-((1))-6C Co-Applicant/Agent for Title Owner of Parcel 44-I-((1))-6H3</td>
</tr>
<tr>
<td>Agents: Scott B. Sherwood Kevin L. Ransil Jonathon G. Brock Martin T. Mankowski</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(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 Attachment to Par. 1(a)

DATE: May 28, 2021

(enter date affidavit is notarized)

for Application No. (s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05

(enter County-assigned application number (s))

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

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<th>NAME</th>
<th>ADDRESS</th>
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<tr>
<td>Commonwealth Centre Investors, LLC(14)</td>
<td>3843 West Chester Pike Newtown Square, PA 19073</td>
<td>Title Owner of Parcels 44-1-((1))-6C and -6H3</td>
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<tr>
<td>Agents: Arthur P. Pasquarella Keith A. Knight</td>
<td></td>
<td></td>
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<tr>
<td>Hunton Andrews Kurth LLIP(18)</td>
<td>8405 Greensboro Drive, Suite 140 Tysons, VA 22102</td>
<td>Attorneys/Agents for Co-Applicants/Contract Purchasers</td>
</tr>
<tr>
<td>John C. McGranahan, Jr. Jessica N. Vara</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Susan K. Yantis Elaine O’Flaherty Cox</td>
<td>8405 Greensboro Drive, Suite 140 Tysons, VA 22102</td>
<td>Planners/Agents for Co-Applicants/Contract Purchasers</td>
</tr>
<tr>
<td>Theresa L. Rizzo Diane R. Hicks</td>
<td>8405 Greensboro Drive, Suite 140 Tysons, VA 22102</td>
<td>Paralegals/Agents for Co-Applicants/Contract Purchasers</td>
</tr>
<tr>
<td>M. J. Wells &amp; Associates, Inc.(19)</td>
<td>1420 Spring Hill Road, Suite 610 Tysons, VA 22102</td>
<td>Traffic Engineers/Agents for Co-Applicants</td>
</tr>
<tr>
<td>Agents: Kevin R. Fellin John F. Cavan, IV William F. Johnson Lester E. Adkins, III Robert M. Browning Andrew C. Buntua Benja D. McDowell Lawrence E. Sefcik Salah A. Salem</td>
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<tr>
<td>Bohler Engineering VA, LLC(20)</td>
<td>12825 Worldgate Drive, Suite 700 Herndon, VA 20170</td>
<td>Civil Consultants/Agents for Co-Applicants</td>
</tr>
<tr>
<td>Agents: Michael K. O’Shaughnessy Nicholas T. Georgas Michael J. Kirkland Gregory R. Pals (former)</td>
<td></td>
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<tr>
<td>TNT Environmental, Inc. (23)</td>
<td>4455 Brookfield Corporate Drive, Suite 100 Chantilly, VA 20151</td>
<td>Environmentalists/Agents for Co-Applicants</td>
</tr>
<tr>
<td>Agent: Avinash M. Sareen</td>
<td></td>
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<tr>
<td>Phoenix Noise &amp; Vibration, I,LC (24)</td>
<td>5216 Chairmans Court, Suite 107 Frederick, Maryland 21703</td>
<td>Acoustic Engineers/Agents for Co-Applicants</td>
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<tr>
<td>Agent: Scott B. Harvey Kody N. Snow Gloria M. Johannessen</td>
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<tr>
<td>Hord Coplan Macht, Inc.(25)</td>
<td>1925 Ballenger Avenue, Suite 525 Alexandria, VA 22314</td>
<td>Architects/Agents for Co-Applicants</td>
</tr>
<tr>
<td>Agents: Joseph A. Schneider Chase J. Eatherly</td>
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(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued further on a “Rezoning Attachment to Par. 1(a)” form.
Rezoning Attachment to Par. 1(a)

DATE: ______________ May 28, 2021 ______________

(enter date affidavit is notarized)

for Application No. (s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05

(enter County-assigned application number (s))

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

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>RELATIONSHIP(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>KTGY Architecture &amp; Planning(26)</td>
<td>8609 Westwood Center Drive, Suite 600</td>
<td>Architect/Agent for Applicant</td>
</tr>
<tr>
<td>Agents: Bindiya Agarwal</td>
<td>Tysons, VA 22182</td>
<td></td>
</tr>
</tbody>
</table>

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

DATE: May 28, 2021

for Application No. (s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05

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

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

CORPORATION INFORMATION

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

Toll Mid-Atlantic LP Company, Inc.
19775 Belmont Executive Plaza, Suite 250
Ashburn, VA 20147

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)

Toll Holdings, Inc.(2)

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

Douglas C. Yearley, Jr. – Director, CEO and President
Robert Parahus – Director, Executive VP and CCO
Martin P. Connor – Director, Senior VP and CFO
Gregg L. Ziegler – Senior VP and Treasurer
Kevin J. Coen – Vice President and Secretary
Karl K. Mistry – Regional President

Eric C. Anderson – Group President
Mark D. Simms – Senior Vice President
Scott A. Canan – Division Vice President
Jordan R. Hartigan – Vice President
Steven Y. Brumfield – Vice President
Kenneth J. Greenspan – Vice President and Assistant Secretary

Gregory L. Leygraaf – Vice President
Scott H. Tressler – Division Vice President
Michael J. Grubb – Senior Vice President and CAO
Nimita J. Shah – Division Vice President
Michael Burton (mni) – Vice President
Patricia A. Wynkoop – Vice President
David W. Smith – Vice President
Michael R. Macaninch – Assistant Vice President

(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 Attachment to Par. 1(b)

DATE: May 28, 2021
(enter date affidavit is notarized)

for Application No. (s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05
(enter County-assigned application number (s))

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

(2) Toll Holdings, Inc.
1140 Virginia Drive
Fort Washington, PA 19034

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

Toll Brothers, Inc.(3)

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

Douglas C. Yearley, Jr. – Director, CEO and President
Robert Parahus – Director, Executive VP and Chief Operating Officer
Martin P. Connor – Director, Senior Vice President and Chief Financial Officer

Gregg L. Ziegler – Senior VP and Treasurer
Kenneth J. Greenspan – Vice President and Assistant Secretary
Michael J. Grubb – Senior Vice President and CAO
Kevin J. Coen – Vice President and Secretary

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

(3) Toll Brothers, Inc.
1140 Virginia Drive
Fort Washington, PA 19034

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.

[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

BlackRock, Inc.(4)
Capital World Investors(27)
Toll Brothers, Inc. is Publicly Traded

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

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a “Rezoning Attachment to Par. 1(b)” form.
Rezoning Attachment to Par. 1(b)

DATE: May 28, 2021

for Application No. (s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05

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

(4) BlackRock, Inc.
55 East 52nd Street
New York, NY 10055

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[✓] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

Publicly Traded

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

(5) JLB Realty LLC
8120 Woodmont Avenue, Suite 960
Bethesda, MD 20814

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

JLB Partners LLC

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

Scott B. Sherwood – Vice President
Kevin L. Ransil – Vice President
Johnathan G. Brock – Vice President
Bay W. Millenberger - Manager

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a “Rezoning Attachment to Par. 1(b)” form.
Rezoning Attachment to Par. 1(b)

DATE: May 28, 2021
(enter date affidavit is notarized)

for Application No.(s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05
(enter County-assigned application number(s))

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

(6) JLB Partners LLC
3890 West Northwest Highway, Suite 700
Dallas, TX 75220

DESCRIPTION OF CORPORATION: (check one statement)

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

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

JLB Partners LP(7)
Compatriot Capital Inc.(8)

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

Robert A. Grovenstein - CFO
Bay W. Miltenberger - CEO
Paul R. Johnston - COO
Russell D. Cobb - Treasurer

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

(8) Compatriot Capital Inc.
5949 Sherry Lane, Suite 1880
Dallas, TX 75225

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Sammons Enterprises Inc.(9)

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

Heather L. Kreager – CEO
Mark D. Van Kirk – President and GC
Thomas H. Sharpe – Vice President
Pamela A. Doeppe – Vice President and Treasurer
Cheryl M. Goseh – Secretary
Yolanda M. Brown – Assistant Secretary

(check if applicable)  [✓] There is more corporation information and Par. 1(b) is continued further on a “Rezoning Attachment to Par. 1(b)” form.
DATE: May 28, 2021


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

(9) Sammons Enterprises Inc.
5949 Sherry Lane, Suite 1900
Dallas, TX 75225

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Sammons Enterprises Inc. is an Employee Stock Ownership Trust (ESOT). All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock.

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

(10) JLB Partners Management, LLC
3890 W. Northwest Highway, Suite 700
Dallas, TX 75220

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Bay W. Miltenberger

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

Heather L. Kreager – CEO
Esfandyar E. Dinshaw – President
Darron K. Ash – SVP

Cheryl M. Goseh – GC, VP and Secretary
Pamela A. Doeppe – CFO and VP

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

(10) JLB Partners Management, LLC
3890 W. Northwest Highway, Suite 700
Dallas, TX 75220

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Bay W. Miltenberger

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

Bay W. Miltenberger – Manager

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a “Rezoning Attachment to Par. 1(b)” form.
Rezoning Attachment to Par. 1(b)

DATE: May 28, 2021
(enter date affidavit is notarized)

(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(11) Heather Bosler 2005 Irrevocable Trust
3890 West Northwest Highway, Suite 700
Dallas, TX 75220

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

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

BENEFICIARY: Heather Bosler (nmi)

______________________________________________________________________________________________________________________

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

Heather Bosler (nmi), Trustee

______________________________________________________________________________________________________________________

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(12) Holly Bosler 2005 Irrevocable Trust
3890 West Northwest Highway, Suite 700
Dallas, TX 75220

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

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

BENEFICIARY: Holly Bosler (nmi)

______________________________________________________________________________________________________________________

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

Holly Bosler (nmi), Trustee

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

DATE: May 28, 2021


NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(13) Paula Bosler Miltenberger 2003 Irrevocable Trust
3890 West Northwest Highway, Suite 700
Dallas, TX 75220

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

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
BENEFICIARY: Paula Bosler Miltenberger

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(14) Commonwealth Centre Investors, LLC
3843 West Chester Pike
Newtown Square, PA 19073

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

NAMES OF THE SHAREHOLDERS:
BPG Investment Partnership VII, L.P.(15), a Pennsylvania limited partnership
BPG Private Real Estate Investment Trust(16), a Maryland real estate investment trust

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)
Daniel M. DiLella, Pres/Asst Sec
Arthur P. Pasquarella, EVP/Asst Sec
Daniel M. DiLella, Jr., SVP/Asst Sec
Robert K. Maloney, SVP/Treas/Asst Sec
Joseph F. Mullen, SVP/Asst Sec
Joseph I. Neveryauskas, SVP/Asst Sec
Stephen M. Spaedler, SVP/Asst Sec
Loretta M. Kelly, VP/Secretary
(Continued)

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

DATE: May 28, 2021
(enter date affidavit is notarized)

(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(14) Commonwealth Centre Investors, LLC (Continued)
3843 West Chester Pike
Newtown Square, PA 19073

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
BPG Investment Partnership VII, L.P.(15), a Pennsylvania limited partnership
BPG Private Real Estate Investment Trust(16), a Maryland real estate investment trust

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.
President, Vice-President, Secretary, Treasurer, etc.)
Christopher J. Locatell, SVP/Asst Sec
Joseph G. Nahas, Jr., SVP/Asst Sec
Laura J. Brestelli, VP/Dir of Capital Markets
Michael D. Brower, VP/Asst Sec
David B. Carroll, VP/Asst Sec
Andrew J. Brookman, SVP/Asst Sec
Kelly C. Gibbel, VP/Asst Sec
Brant G. Glomb, VP/Asst Sec

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(14) Commonwealth Centre Investors, LLC (Continued)
3843 West Chester Pike
Newtown Square, PA 19073

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
BPG Investment Partnership VII, L.P.(15), a Pennsylvania limited partnership
BPG Private Real Estate Investment Trust(16), a Maryland real estate investment trust

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.
President, Vice-President, Secretary, Treasurer, etc.)
George E. Haines, SVP/Asst Sec
John L. Knott, VP/Asst Sec
Howard L. Patent, SVP/Asst Sec
Steve Pogarsky (nmi), VP/Asst Sec
Kathleen Lynch Powell, VP/Asst Sec
Kyle W. Turner, SVP/Asst Sec
Joseph F. Felici, VP/Asst Sec
Timothy A. Feron, VP/Asst Sec
Kevin R. Weimer, VP/Controller
Lynn A. McDowell, Asst Secretary

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

DATE: May 28, 2021
(enter date affidavit is notarized)

(enter County-assigned application number(s))

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

(19) M. J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 610
Tysons, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

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

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

M. J. Wells & Associates, Inc. is an Employee Stock Ownership Plan (ESOP). All employees are eligible plan participants; however, no one employee owns 10% or more of any class of stock.

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

(20) Bohler Engineering VA, LLC
12825 Worldgate Drive, Suite 700
Herndon, VA 20170

DESCRIPTION OF CORPORATION: (check one statement)

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

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

David B. Logan (former) Daniel M. Duke Matthew K. Jones (former)
David B. Nemecek (former) Mark R. Joyce (former) Bohler Engineering, P.C.(21)
Adam J. Volanth Robert C. Harr (former)

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

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

DATE: May 28, 2021
(enter date affidavit is notarized)

(enter County-assigned application number(s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(21) Bohler Engineering, P.C.
12825 Worldgate Drive, Suite 700
Herndon, VA 20170

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Bohler Management, Inc.(23)

____________________________

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

____________________________

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(22) Bohler Management, Inc.
30 Independence Blvd Suite 200
Warren, NJ 07059

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Adam J. Volanth

____________________________

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

____________________________

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a “Rezoning Attachment to Par. 1(b)” form.
Rezoning Attachment to Par. 1(b)

DATE: May 28, 2021


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

(23) TNT Environmental, Inc.
4455 Brookfield Corporate Drive, Suite 100
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Avinash M. Sareen
Joshua C. Marshall
Matthew T. Marshall

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

(24) Phoenix Noise & Vibration, LLC
5216 Chairmans Court, Suite 107
Frederick, Maryland 21703

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Scott B. Harvey
Mark W. Heaney
Karen Q. Marble-Hall
Rhonda E. Cleveland
Tommie J. Harvey
Joseph G. Harvey (deceased)

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

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.
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DATE: May 28, 2021
(enter date affidavit is notarized)

(enter County-assigned application number(s))

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

(25) Hord Coplan Macht, Inc.
1925 Ballenger Avenue, Suite 525
Alexandria, VA 22314

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

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

Jill D. Williams
Tricia A. Esser
David Seden (nmi)
Chris S. Texter

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

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

(26) KTGY Architecture & Planning
8609 Westwood Center Drive, Suite 600
Tysons, VA 22182

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

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

Jill D. Williams
Tricia A. Esser
David Seden (nmi)
Chris S. Texter

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

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

DATE: May 28, 2021
(enter date affidavit is notarized)

(enter County-assigned application number(s))

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

(27) Capital World Investors
333 South Hope Street, 55th Floor
Los Angeles, CA 90071

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

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

Capital Research and Management Company (Does not own 10% of Applicant, Toll Mid-Atlantic LP Company, Inc.)

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

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

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

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

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

(check if applicable)  [ ] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.
REZONING AFFIDAVIT

DATE: May 28, 2021 (enter date affidavit is notarized)

(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)

(7) JLB Partners LP
3890 West Northwest Highway, Suite 700
Dallas, TX 75220

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

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

General Partner: JLB Partners Management, LLC

Limited Partners: Heather Bosler 2005 Irrevocable Trust
Holly Bosler 2005 Irrevocable Trust
Paula Bosler Mittenberger 2005 Irrevocable Trust

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

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.
Rezoning Attachment to Par. 1(c)

DATE: May 28, 2021
(enter date affidavit is notarized)

(enter County-assigned application number (s))

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

(15) BPG Investment Partnership VII, L.P.
3843 West Chester Pike
Newtown Square, PA 19073

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

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

GENERAL PARTNER:
Bergen GP7 Limited Partnership

LIMITED PARTNERS OWNING 10% OR MORE OF BPG INVESTMENT PARTNERSHIP VII, L.P.

BPG Real Estate Investors Fund VII, L.P.
Real Estate Alternatives Portfolio 3, L.L.C.
Partners Group Acadia L.L.C

Does not own 10% of Commonwealth Centre Investors, LLC
Does not own 10% of Commonwealth Centre Investors, LLC
Does not own 10% of Commonwealth Centre Investors, LLC

There are more than 50 additional limited partners of BPG Investment Partnership VII, L.P, none of whom owns 10% or more of BPG Investment Partnership VII, L.P or of Commonwealth Centre Investors, LLC.

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a “Rezoning Attachment to Par. 1(c)” form.
DATE: May 28, 2021


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

(16) BPG Private Real Estate Investment Trust, a Maryland real estate investment trust (REIT)
3843 West Chester Pike
Newtown Square, PA 19073

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

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

All common shares of the REIT are owned by BPG Investment Partnership VIIIA, L.P.(17)

All preferred shares of this REIT are owned by over 110 shareholders or unitholders, none of whom owns 10% or more of Commonwealth Centre Investors, LLC

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

(enter County-assigned application number(s))

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

(17) BPG Investment Partnership VIIA, L.P.
3843 West Chester Pike
Newtown Square, PA 19073

(enter complete name & number, street, city, state & zip code)

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

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

GENERAL PARTNER:
Bergen GP7 Limited Partnership

LIMITED PARTNER OWNING 10% OR MORE OF BPG INVESTMENT PARTNERSHIP VIIA, L.P.:
Partners Group Acadia LLC

Does not own 10% of Commonwealth Centre Investors, LLC

Does not own 10% of Commonwealth Centre Investors, LLC

There are more than 30 additional limited partners of BPG Investment Partnership VIIA, L.P., none of whom owns 10% or more of BPG Investment Partnership VIIA, L.P. or of Commonwealth Centre Investors, LLC.

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

DATE: May 28, 2021
(enter date affidavit is notarized)

In Application No(s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05
(enter County-assigned application number(s))

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

(18) Hunton Andrews Kurth LLP
8405 Greensboro Drive, Suite 140
Tysons, VA 22102

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

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

Gary Arkady Abelev          A. Todd Brown, Sr.          Edward L. Douma
Paul D. Ackerman            Samuel L. Brown            Ashley D. Drummond
Lawrence C. Adams (former)  Tyler P. Brown              Robert T. Dumbacher
Jessica N. Agostinho        F. William Brownell        David Dumont (nmii)
Syed S. Ahmad               Melinda H. Brungier       Angus J. Duncan
Michael F. Albers           F. Robert Brusco          Deidre G. Duncan
Fernando C. Alonso          Kevin J. Buckley (former)  M. Kaylan Dunn
Walter J. Andrews           Kristy A. Niehaus Bullett  Frederick R. Eames
Mark B. Arnold              Joseph B. Buonanno        Heather Archer Eastep
L. Scott Austin             Joseph W. Buoni          Maya M. Eckstein
Howard T. Ayers             Nadia S. Burgard         W. Jeffery Edwards (former)
Brittany M. Bacon           Eric R. Burner           Marvin W. Ehrlich (former)
Ian Phillip Band            M. Brett Burns          Tara L. Elgie
Ryan M. Bates               P. Scott Burton           Emmett N. Ellis
John J. Beardsworth, Jr. (former)  Courtney P. Butler  James R. England
Ryan A. Becker              Ellis M. Butler           Juan C. Enjamio
Steven H. Becker (former)   Jeffrey M. Butler         Anthony J. Eppert
Michele J. Bellke           Emily E. Cabrera         Phillip J. Eskenazi
Stephen John Bennett        Ferdinand A. Callee        Joseph P. Esposito
Melinda R. Beres           Matthew J. Calvert        Kelly P. Faglionni
Lucas Bergkamp (nmii) (former)  Daniel M. Campbell  Susan S. Failla
Stephen Blacklock           Thomas H. Canirill        Timothy J. Fazio
Jeffry M. Blair            Mark A. Chapman (former)  Eric H. Feller
Joseph M. Blanchard         J. C. Chenault, V           Andrew D. Feiner
Joseph Blizzard (nmii)      John B. Clutterbuck (former)  Kevin C. Felz
Jeremy S. Boezko            Hervé Cogels (nmii)         Norman W. Fichthorn (former)
Anthony P. Bonan            Cassandra C. Collins     Andrea Bear Field
Matthew P. Boshier          James B. Comyn            Kevin J. Finto
James W. Bowen              Christopher J. Cunio        Melanie Fitzgerald (nmii)
Michael A. Boyd (former)    Alexandra B. Cunningham   Michael F. Fitzpatrick, Jr.
Lawrence J. Bracken, II     Samuel A. Danon           John Flock (nmii) (former)
Callie P. Bradford          James V. Davidson         William M. Flynn
James P. Bradley            Timothy A. Davidson II  Erin F. Fonte
J. Mark Breeding            Wyatt A. Deal             Thomas W. Ford, Jr. (former)
Tammy W. Brennig            John J. Dedyo             Bradley W. Fosher
Scott A. Bristor            John J. Delionado        Lauren E. Freeman
Shannon S. Broome           Stephen P. Demm          Steven C. Friend
Benjamin P. Browder         Jeff C. Dodd (former)      Edward J. Fuhr

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

DATE: May 28, 2021

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in Application No(s): PCA 2006-SU-025-05; CDPA 2006-SU-025-03; FDPA 2006-SU-025-05

(enter County-assigned application number(s))

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

(18) Hunton Andrews Kurth LLP - Continued
8405 Greensboro Drive, Suite 140
Tysons, VA 22102

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

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

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<th>Name</th>
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<th>Name</th>
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<td>Charles A. Gall</td>
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<td>John Gary Maynard, III</td>
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(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.
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DATE: May 28, 2021
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PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(18) Hunton Andrews Kurth LLP - Continued
8405 Greensboro Drive, Suite 140
Tysons, VA 22102

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

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

William H. McBride
Jeffrey B. McClure
Daniel E. McCormick
Janet Sadorl McCraw
Thomas R. McCulloch
Alexander G. McGeoch
John C. McGranahan, Jr.
Kerry L. McGrath
Darren C. McHugh
Chalse L. McLeod
L. Lee McMurtry III
Robert J. McNamara
Gustavo J. Membriela
Uriel A. Mendieta
Jeffrey D. Migli
Peter J. Mignone
Patrick E. Mitchell
Brit Mohler (nmi)
Michael D. Morley
Sheila Mortazavi (nmi) (former)
Ann Marie Mortimer
Jay B. Mower
Ashley B. Muchberger (former)
Michael J. Mueller
Kathleen T. Muñoz
Eric J. Murdock
Ted J. Murphy
David A. Mustone
James P. Naughton
Eric J. Nedell
Michael Nedzbala (nmi)
Scott M. Nelson
William L. Newton
Lonnie D. Nutley, III
Michael A. Oakes
Adam R. O’Brien
Peter K. O’Brien
John T. O’Connor
William H. Oehninger (former)
Cecilia Y. Oh
Leslie A. Oinaka
G. Michael O’Leary
John D. O’Neill, Jr. (former)
Brian V. Otero
Raj Pande (nmi)
Christopher M. Pardo
Jason B. Parker
Randall S. Parks
Peter S. Partee, Sr.
Joseph A. Patella
J. Steven Patterson
Michael R. Perry
Ryan P. Phair
Brian C. Pidcock
James M. Pinna
Chumbhot Plangtrakul (nmi)
Eric R. Pogue (former)
Cameron P. Pope
Gregory L. Porter
Laurence H. Posorske
Kurtis A. Powell
Lewis F. Powell, III
Shemin V. Proctor
Robert T. Quackenhoss
Paul T. Qualey (former)
John Jay Range
Stuart A. Raphael
Robert S. Rausch
Vera A. Reechsteiner
Shawn Patrick Regan
Jonathan D. Reichman (former)
Mitch A. Reid (former)
Sona Rewari (nmi)
Myles F. Reynolds
Robert A. Rich
Jennings G. ("J. G.") Ritter, II

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.
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(18) Hunton Andrews Kurth LLP - Continued
8405 Greensboro Drive, Suite 140
Tysons, VA 22102

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

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

John R. ("J. R.") Smith
Robert K. Smith
Susan A. Smith (former)
Yisun Song (nmi)
Lisa J. Soto
Almece N. Soucie
Joseph C. Stanko, Jr.
M. Katherine Strahan
Gregory M. Sullivan
Andrew J. Tapscott
Robert M. Tata
Eric Jon Taylor
Thomas W. Taylor
W. Lake Taylor, Jr.
W. Roberts "Rob" Taylor, Jr.
Wendell L. Taylor
John Charles Thomas (former)
Gary E. Thompson
Mark J. Thurber
Paul M. Tiao
Jessica R. Tobin
John R. R. Tormey (former)
Julia Y. Tranieri
Bridget C. Treacy
Laura M. Trenaman (former)
Harve A. Truskett
Andrew J. Turner
Kelly A. Ultis
Tab R. Urbanike
Alex R. Velinsky (former)
Emily Burkhardt Vicente
Bridget Burke Vick
Daniel G. Vivarelli, Jr.
Mark R. Vowell
J. Greg Waller
Richard L. Warren
Thomas R. Waskom
Lawton B. Way

Peter G. Weinstock
Malcolm C. Weiss
Beth Alexander Whitaker
Kevin J. White
Mark W. Wickersham
Amy McDaniel Williams
Holly H. Williamson
Susan F. Wiltzie
David C. Wright (former)
Kathleen J. Wu
W. Mark Young
David A. Zdunkiewicz
Dimitri D. Zgourides

(Additions as of May 28, 2021):

George Borovas (nmi)
Brian M. Clarke
Andrea DeField (nmi)
Ian R. Goldberg
Jared D. Grodin
Douglas H. Hoffmann
Matthew Z. Leopold
Serena M. Mentor
John L. Shepherd
Carter C. Simpson
Kourosh Talieh (nmi)

[ ] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.
REZONING AFFIDAVIT

DATE: May 28, 2021
(enter date affidavit is notarized)

(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: May 28, 2021

(enter date affidavit is notarized)


(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 LESSEES* 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:

[ ] Applicant [✓] Applicant’s Authorized Agent

John C. McGranahan, Jr./Attorney/Agent for Applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28th day of May, 2021, in the Comm. of Virginia, County of Fairfax.

My commission expires: 10/31/21

Commonwealth of Virginia
Reg. #7306004
My Commission Expires
October 31, 2021
DATE: May 18, 2021

TO: Emma Estes, Staff Coordinator
    Zoning Evaluations Division, DPD

FROM: Rachel Jackson-Roth, Urban Forester II
      Forest Conservation Branch, DPWES

SUBJECT: Commonwealth Centre at Westfields Landbay A
         PCA 2006-SU-025-5
         CDPA 2006-SU-025-03
         FDPA 2006-SU-025-05

I have reviewed the Proffer Statement dated April 26, 2021 and plan set signed and sealed April 16, 2021. The following comments and recommendations are based on this review.

1. **Comment:** The Residential Development Criteria Analysis IV states: “Commonwealth Centre contains a significant amount of existing vegetation that has been preserved within the EQC and RPA. Tree cover excess of the ordinance requirements will be provided for the property.” The submission has not identified EQC or RPA on the application site.

   **Recommendation:** The applicant should ensure this information is accurate for Landbay A.

2. **Comment:** The area behind the red maples at the corner of Newbrook Dr and Westfields Boulevard is open and has the potential for planting to enhance the site.

3. **Recommendation:** The area should be reviewed for planting.

4. **Comment:** The frontage along Newbrook Drive has been enlarged with the new design and the cedars should be reviewed for preservation.

   **Recommendation:** The cedars along Newbrook Drive should be reviewed preservation.

5. **Comment:** The proposal to plant category two trees overlapping the sidewalks and outside of front doors to the units these trees have the potential to conflict with pedestrian access.
Recommendation: The category two deciduous tree proposed locations should be reviewed to avoid conflict with pedestrian access.

6. Comment: There are trees proposed to block the utility access at the end of units that back along Alley D. These trees should be relocated to avoid conflicts with access to the utility connections.

Recommendation: The applicant should relocate the proposed trees from this area to avoid conflict with access to the utilities.
TO: Tracy Strunk, AICP, Director
Zoning Evaluation Division, DPD

FROM: Jeffrey Edmondson, Transportation Planner II
Site Analysis Section

SUBJECT: PCA 2006-SU-025-05/CDPA 2006-SU-025-03/FDPA 2006-SU-025-05 – Commonwealth Centre - Land Bay A
Tax Identification Map: 44-1-((1))-6C and -6H3

**Site Description and Proposal**
The Fairfax County Department of Transportation (FCDOT) has reviewed the application for a mix of 436 multifamily residential units (consisting of 81 triplex units and a five-story multifamily building with approximately 355 units) at the intersection of Newbrook Drive and Westfields Boulevard (Route 662) in the Sully District. The property is part of PCA 78-S-063-5, which included an approval for office uses on Land Bays A and D of the Commonwealth Centre. FCDOT reviewed PCA/CDPA/FDPA Plat dated June 7, 2021 and Proposed Proffer Statement dated June 7, 2021. FCDOT has also reviewed a Traffic Study dated January 27, 2021.

**Proposed Improvements**
The applicant has agreed to implement safety enhancements to the pedestrian network and provide aesthetic improvements in the vicinity of the subject property as follows:

- Install decorative stamped asphalt pavement in the Newbrook Drive/Wegmans Entrance intersection,
- Stripe a new crosswalk on the north side of the Newbrook Drive/Wegmans Entrance intersection with ADA ramps,
- Stripe a pedestrian crosswalk across the northwest entrance to Land Bay C from Newbrook Drive (‘Wegmans Entrance’),
- Install four manually-activated Rectangle Rapid Flashing Beacons (RRFB) for the existing crosswalk across Newbrook Drive at the ‘Wegmans Entrance’,
- Remove the trees in the median of Newbrook Drive that block pedestrians from northbound vehicles’ view on Newbrook,
- Install two Advanced Warning Pedestrian Signs for the crossings at the intersection of Newbrook Drive/Wegmans Entrance,
- Install 25 miles per hour speed limit signs at the two entrances to Newbrook Drive from Westfields Boulevard,
- Construct an 8’ or 10’ asphalt shared use trail along the property’s Newbrook Drive frontage,
• Install street trees along both sides of the Newbrook Drive Trail at 35’ intervals.

Additionally, the applicant has agreed to either paint parking spaces along the property’s frontage on Newbrook Drive or remove the existing southbound left turn lane from Newbrook Drive into the Wegmans Entrance and install a raised median to create a pedestrian refuge area in place of the removed left turn lane.

FCDOT recommends and prefers that the applicant implement a 10’ trail be along Newbrook Drive. FCDOT also prefers that the applicant remove the existing southbound left turn lane from Newbrook Drive into the Wegmans Entrance and install a raised median pedestrian refuge area in its place over the painted on-street parking.

**Outstanding Transportation Issue**
There is one outstanding issue with this application related to the applicant’s Transportation Demand Management (TDM) proffers.

**TDM Proffers**
The proposed proffer statement dated June 7, 2021 does not include any proffers related to TDM. The applicant has indicated that they would like to maintain their commitment to the TDM proffers approved with RZ 2006-SU-025 from 2007. The applicant should include a proffer noting that they will be subject to the TDM proffers approved in RZ 2006-SU-025.

CC: Emma Estes, ZED-DPD
    Michelle Guthrie, SAS-FCDOT
    Gregory Fuller Jr., Chief, SAS-FCDOT
TO: Tracy Strunk, AICP, Director  
Zoning Evaluation Division, DPD

FROM: Kelly M. Atkinson, AICP, Chief  
Environment and Development Review Branch, DPD

CDPA 2006-SU-025-03/  
FDPA 2006-SU-025-05  
Toll Mid-Atlantic LP Company, Inc. and JLB Realty LLC

This memorandum, prepared by Corinne K. Bebek, includes citations from the Comprehensive Plan (“Plan”) that provide guidance for the evaluation of the subject Proffer Condition Amendment (PCA), Conceptual Development Plan Amendment (CDPA), and Final Development Plan Amendment (FDPA) dated September 10, 2021, as revised through June 7, 2021, and draft proffers dated June 7, 2021. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in conformance with Plan policies.

DESCRIPTION OF THE APPLICATION

The applicants, Toll Mid-Atlantic LP Company, Inc. and JLB Realty LLC, are requesting a Proffer Condition Amendment (PCA), Conceptual Development Plan Amendment (CDPA), and Final Development Plan Amendment (FDPA) to allow for the substitution of a previously approved but unbuilt approximately 164,000 gross square foot office building within a portion of Land Bay A of the Commonwealth Centre at Westfields. The applicant is now proposing a single multi-family building with a maximum of 355 dwelling units and 81 triplex units for 436 total dwelling units at an overall density of 20.10 dwelling units per acre (du/ac) and maximum of 507,000 square feet of residential development.
LOCATION AND CHARACTER

The approximately 21.69-acre site is zoned to the Planned Development Commercial (PDC) District per RZ 2006-SU-025 and located on Tax Map Parcels 44-1 ((1)) 6C and 6H3 within the Commonwealth Centre of Land Unit J within the Dulles Suburban Center. Land Bay A is partially developed with two existing office buildings totaling approximately 325,000 square feet and an above ground parking structure; the remaining portion of the land bay is undeveloped but appears to have been previously graded and stabilized. The subject property is bordered by Route 28 to the west, Westfields Boulevard to the south, and by the office and commercial portions of Commonwealth Centre to the east and north. The entirety of the 101-acre Commonwealth Centre is located within the Cub Run watershed, Watershed Protection Overlay District (WSPOD) and contains portions of Resource Protection Area (RPA) and Environmental Quality Corridor (EQC) associated with the Flatlick Branch Stream Valley Park; this application limits the newly proposed development to Land Bay A and does not propose any structures within environmentally sensitive areas.

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Particular emphasis is given to opportunities provided by this application to conserve the County’s remaining natural amenities. Analysis for this application addresses the overall CDPA, FDPA, and draft proffers for the subject property.

Noise Attenuation

The Comprehensive Plan recommends minimizing human exposure to unhealthful levels of transportation-generated noise. New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of 45 dBA DNL, or to noise in excess of 65 dBA DNL in the outdoor recreation areas of homes. Additionally, the Plan recommends that new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA. The adopted Plan language for Land Unit J in the Dulles Suburban Center permits residential and other noise sensitive uses subject to noise-specific conditions such as:

- Submission of a noise study that documents expected noise impacts for noise sensitive uses;
- Commitments to construction standards and materials to ensure that interior noise levels do not exceed 45 dBA;
- Voluntary assurances are provided by the property owner to ensure residential development will not pose a threat to the long-term viability of Dulles Airport;
- Mitigation to 65 dBA of outdoor spaces through placement indoors or through a dome; and
Disclosure statements and maps of Dulles Airport, the 60 dBA noise contour line, and general locations of residential and private active recreation spaces be provided in marketing, leasing, and purchase agreements.

While the subject property is located outside of the Board of Supervisors adopted 1993 60 dBA DNL airport noise contours for Dulles Airport, it is the intent of the adopted Land Unit J Plan language to provide similar noise studies and commitments for consistency throughout the Land Unit.

To address the Plan guidance for Land Unit J the applicant submitted a noise study conducted by Phoenix Noise & Vibration, LLC, Report No. 201022, dated October 22, 2020, and provided a series of proffer commitments related to noise mitigation, testing, and notifications.

The noise study found that the façade of the multi-family building is impacted by transportation-generated noise from Route 28 at levels of 74 dBA DNL and that some triplex unit façades will be impacted by noise levels at 65 dBA DNL, both requiring mitigation measures to achieve the Plan recommendation of 45 dBA DNL for residential uses. The study also indicates that during the 24-hour study period approximately 25-30 airplane flyovers occurred due to the site’s close proximity to Dulles International Airport; these events are included in the study considerations and recommendations. The proposed linear park open space along Newbrook Drive is located outside of the noise impacted areas. The applicant has proposed the following commitments to address the Land Unit J guidance:

- Provide an acoustical analysis at the time of site plan based on final grades and architectural plans to determine which construction materials and/or methods are necessary to reduce noise levels to the Plan recommendation of 45 dBA DNL for residential uses;
- Conduct post-construction interior noise testing for three (3) units within the multi-family building prior to the issuance of the first RUP to demonstrate that the interior noise level of 45 dBA DNL or lower has been achieved, with an option for corrective measures if needed;
- Provide appropriate construction measures appropriate to ensure all interior noise is mitigated to levels that do not exceed 45 dBA DNL, to be certified by an acoustical engineer at time of building permit; and
- Prior to the approval of each site plan the applicants will offer to provide an avigation easement over that portion of the property to the Metropolitan Washington Airports Authority (MWAA) in addition to providing notification that the property is in close proximity to Dulles Airport, that the dwelling units may experience aircraft noise, that the noise contour lines may change in the future and that aircraft noise may increase.

The Land Unit J Plan guidance recommends that a map showing Dulles Airport, the 60 dBA DNL noise contour line, and general locations of residential units and private active recreation spaces be provided in all promotional and leasing/purchase agreements for noise sensitive uses. To fully address Land Unit J Plan guidance, staff recommends that the applicant update the airport noise notification proffer to include the above listed map(s) as part of the notifications for...
future residents. Additionally, staff recommends the applicant update the post-construction interior noise testing proffer to include some triplex units.

With the acceptance of staff’s proffer edits, this issue is resolved.

**Green Building Practices**

The Comprehensive Plan recommends ensuring that new development and redevelopment within Suburban Centers attain formal third-party green building certification through LEED or an equivalent program. Additionally, the Comprehensive Plan recommends ensuring that new residential development be certified through an established third-party green building rating system. The applicant has proposed to construct residential development within the Dulles Suburban Center; therefore, the applicant has proposed a series of green building commitments to address the Comprehensive Plan guidance that certification through LEED or equivalent rating system should be attained for development. The applicant has proposed commitments to attain certification for the development through the following options: LEED; the National Green Building Standard (NGBS) following either the EnergyStar® Qualified Homes path for energy performance or equivalent path; EarthCraft House; or alternative program as approved by the Environment and Development Review Branch (EDRB) prior to the issuance of the first building permit. Staff has suggested proffer edits to further clarify the proffer.

The applicant has included a commitment to provide electric vehicle charging for at least 2-percent of the parking spaces within the multi-family parking structure and has reserved the right to provide additional electric vehicle charging infrastructure if the market demands but has not indicated that the option for electric vehicle charging will be available to the triplex units. Staff recommends the inclusion of a proffer which offers the option of electric vehicle charging infrastructure to the initial purchasers of the triplex units as well as revising the existing commitment to include universal charging stations.

With acceptance of staff’s proffer edits, this issue is resolved.

**Stormwater Management**

The Dulles Suburban Center Plan recommends that stormwater quality and quantity controls should be optimized for all development projects and places an emphasis on low impact development (LID) techniques. Additionally, the Plan recommends that projects exceeding one acre of disturbance optimize stormwater controls through specific performance targets, linkages to green building rating systems, or alternative approaches. The applicant is proposing to manage water quantity and water quality for the site through an existing wet pond, existing bioretention facility, and reconfiguration of an existing amenity pond within the Commonwealth Centre. The applicant has also proposed a proffer affirming that the WSPOD requirements will be met through the existing wet pond and any additional stormwater management/best management practices (SWM/BMP) needed to meet WSPOD requirements will be provided on-site or within Land Bay A; no off-site nutrient credits are permitted; and that a LID facility such as a filterra,
bioretention facility, rain garden, or underground manufactured filtering device must be incorporated on the property.

The applicant has indicated that the existing wet pond was designed to address both water quality and quantity for the development within Land Bay A and has provided a determination dated February 9, 2014, that indicates the proposed land disturbing activities meet the grandfathering criteria. Additionally, the applicant is proposing to reconfigure an existing amenity pond within the Commonwealth Centre that currently provides water quality and quantity measures with an underground facility that will meet current stormwater quality and quantity regulations. This existing amenity pond is located adjacent to the existing bioretention facility on the property. Final determination regarding the adequacy of the proposed stormwater management methods will be made by Land Development Services (LDS); however, there are no outstanding issues at this time.

CONCLUSION

Staff finds the proposal is generally consistent with Comprehensive Plan environmental guidance for this area. Staff recommends the following revisions be made to strengthen the environmental commitments with this development:

- The applicant should update the airport noise notification proffer to include the map(s) showing Dulles Airport, the 60 dBA DNL noise contour line, and general locations of residential units and private active recreation spaces;
- Update the post-construction noise testing proffer to include triplex units;
- Revise the green building and electric vehicle proffers; and
- Offer electric vehicle charging as an option to the initial purchasers of the triplex units.

COMPREHENSIVE PLAN CITATIONS

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

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Dulles Suburban Center Area-Wide Recommendations, as amended through September 24, 2019, pages 27-30:

“ENVIRONMENT…
Stormwater Management…
Low Impact Development
Efforts to reduce stormwater runoff volumes and velocities through on-site practices are important in light of the degraded conditions of many of the streams in this area. Low impact development (LID) practices of stormwater management (also referred to as green stormwater infrastructure) can reduce
runoff volumes entering local streams by evapotranspiring water, filtering water through vegetation and/or soil, returning water into the ground, or reusing water. LID practices can include, but are not limited to, bioretention or biofiltration facilities (commonly referred to as rain gardens), vegetated swales, porous pavement, vegetated roofs, tree box filters, and the collection, reuse of stormwater runoff through the use of cisterns, both above ground and below ground. Nonstructural approaches incorporated within site designs/ layouts may also be appropriate, including the preservation and/or creation of forested areas with no soil compaction, and landscaping that provides for the infiltration of rainwater. Because of the geologic setting of the Dulles Suburban Center, hydrologic conditions (including water table and soil types) may, in places, limit available stormwater management options. LID measures should be carefully selected and designed, on a case-by-case basis, to address limitations that may be associated with site conditions and proposed uses.

...Stormwater Design...

A. Specific Performance Targets
1. Reduction in runoff volume leaving the site equivalent to at least three-quarters of an inch from impervious surfaces on the site.
2. Reduction in discharges leaving the site to levels that will minimize stream erosion through the use of the energy balance method (based on forested existing conditions or an improvement factor of 0.7) or any equivalent methodology.
If these levels of runoff volume or velocity reduction cannot be attained, a combination of runoff volume reduction and peak flow and velocity reduction should be provided to the extent practicable.

B. Linkage to Green Building Rating Systems
As an alternative to item A above, stormwater management measures may be provided that are sufficient to attain the Rainwater Management credit of the most current version of Leadership in Energy and Environmental Design-New Construction (LEED-NC) or Core & Shell (LEED-CS) rating system (or equivalent of this/these credit(s) that may be based on an alternate rating system). Stormwater management practices that are applied toward this outcome should provide runoff reduction/rainfall volume retention, rather than just stormwater treatment, to the maximum extent practicable.

C. Alternative Approaches
As an alternative to the guidelines above, stormwater management measures and/or downstream improvements may be pursued to optimize site-specific stormwater management and/or stream protection/restoration efforts, consistent with the adopted watershed management plan(s) that is/are applicable to the site. Such efforts should be designed to protect downstream receiving waters by reducing stormwater runoff volumes and peak flows from existing and proposed impervious surfaces to the maximum extent practicable, consistent with watershed plan goals. Consideration may be given to other stormwater runoff-related factors such as soil conditions, groundwater conditions, downstream flooding, drainage complaints, character and condition of downstream channels, and identified stream impairments. One such management approach that may be considered is that of non-structural measures, which would further enhance environmental stewardship by land owners in the area.
Airport Noise

Much of the Dulles Suburban Center is included within the Airport Noise Impact Overlay District (ANIOD) of the Zoning Ordinance. The ANIOD was established to ensure the achievement of interior noise guidelines suggested within federal noise compatibility documents for residential and other uses that are constructed within ANIOD and to prohibit residential and certain other noise sensitive uses from areas subject to particularly severe impacts from aircraft noise. New residential development with appropriate acoustical treatment and other mitigation measures is permitted within the ANIOD. Nonetheless, Plan guidance does not recommend such development in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided. Figure 5 presents a map of the Dulles Airport noise contours as they relate to the boundaries of the Dulles Suburban Center. The DNL 65 dBA, DNL 70 dBA, and DNL 75 dBA contours reflect the greatest extent of these contours as displayed on several noise contour maps within the March, 1993 Addendum: FAR Part 150 Noise Compatibility Program, Washington Dulles International Airport prepared for the Metropolitan Washington Airports Authority (MWAA). The DNL 60 dBA contour was taken from the long-term potential DNL 60 dBA contour map provided to the county by MWAA.

A more extensive discussion of noise compatibility planning and Dulles Airport noise impacts is contained in the Area Plan Overview for Area III under the heading “Land Use Planning Within the Dulles Airport Noise Impact Area.”

Fairfax County Comprehensive Plan, 2017 Edition, Area III, Dulles Suburban Center, Dulles Suburban Center Land Unit Recommendations, as amended through September 24, 2019, pages 125-126:

“Noise

- While Comprehensive Plan policy discourages certain uses within the DNL 60-65 dBA aircraft noise contour, other planning goals support residential and other noise sensitive uses under the following conditions:

  - A noise study that documents the expected noise impacts is submitted during the development review process for all noise sensitive uses.

  - Commitments are provided during the development review process to construction standards and materials that mitigate interior auditory impacts to ensure that interior noise levels within living spaces do not exceed 45 dBA. Post-development noise studies should be conducted if requested in order to help staff evaluate the effectiveness of noise mitigation measures.

  - Adequate assurances are voluntarily provided by the property owner at the time of rezoning to ensure that residential development in this area will not conflict with, or pose any threat to the long-term viability of, Dulles Airport. These assurances may include such things as recorded avigation easements, hold harmless agreements, and the like.
Mitigation to 65 dBA is encouraged for private active recreation uses, such as placement of facilities indoors, and/or enclosing facilities with a flexible or rigid structure, such as a dome.

Disclosure statements, as well as a map of Dulles Airport, the DNL 60 dBA noise contour line, and general locations of residential units and private active recreation spaces, are included in all promotional and marketing materials and leasing and purchase agreements for residential and noise-sensitive uses, and are recorded in the land records, that state that a property is located within an area that will be impacted by aircraft noise. Notice should be made to all initial and subsequent lessors and purchasers.

**Road noise**

- Where residential or other noise sensitive uses are proposed that may be impacted by transportation-generated noise such as from Route 28, such proposals should be accompanied by a noise study during the review of the development, and appropriate commitments to noise mitigation measures and potentially commitments to the provision of disclosure statements should be provided.”

Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, Amended through December 3, 2019, pages 7-11:

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

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas.”

Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Environment, Amended through December 3, 2019, pages 11-12:

“**Objective 4:** Minimize human exposure to unhealthful levels of transportation generated noise.

Policy a. Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

New development should not expose people in their homes, or other noise sensitive environments, to noise in excess of DNL 45 dBA, or to noise in excess of DNL 65 dBA in the outdoor recreation areas of homes. To achieve these standards new residential development in areas impacted by highway noise between DNL 65 and 75 dBA will require mitigation. New residential development should not occur in areas with projected highway noise exposures exceeding DNL 75 dBA. Because recreation areas cannot be screened from aircraft noise and because adverse noise impacts can occur at levels below DNL 65 dBA, in order to avoid exacerbating noise and land use conflicts and to further the
public health, safety and welfare, new residential development should not occur in areas with projected aircraft noise exposures exceeding DNL 60 dBA. Where new residential development does occur near Washington Dulles International Airport, disclosure measures should be provided.”


“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

Policy b. Within the Tysons Urban Center, Suburban Centers, Community Business Centers, Industrial Areas and Transit Station Areas as identified on the Concept Map for Future Development, unless otherwise recommended in the applicable area plan, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;
- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range.

ensure that zoning proposals for nonresidential development or zoning proposals for multifamily residential development incorporate green building practices sufficient to attain certification through the LEED-NC or LEED-CS program or an equivalent program specifically incorporating multiple green building concepts, where applicable, and encourage an emphasis on energy efficiency and conservation.

Where developments with exceptional intensity or density are proposed (e.g. at 90 percent or more of the maximum planned density or intensity), ensure that higher than basic levels of green building certification are attained.
Policy c. Ensure that zoning proposals for residential development that are not otherwise addressed in Policy b above will incorporate green building practices sufficient to attain certification under an established residential green building rating system that incorporates multiple green building concepts and that includes an ENERGY STAR Qualified Homes designation or a comparable level of energy performance. Where such zoning proposals seek development at or above the mid-point of the Plan density range, ensure that county expectations regarding the incorporation of green building practices are exceeded in two or more of the following measurable categories: energy efficiency; water conservation; reusable and recycled building materials; pedestrian orientation and alternative transportation strategies; healthier indoor air quality; open space and habitat conservation and restoration; and greenhouse gas emission reduction. As intensity or density increases, the expectations for achievement in the area of green building practices would commensurately increase.

Policy g. Encourage provision of or readiness for charging stations and related infrastructure for electric vehicles within new development and redevelopment proposals, particularly for residential where other opportunities are not available."

KMA:CKB
The subject application has been reviewed and the following stormwater management comments are offered at this time:

**Chesapeake Bay Preservation Ordinance (CBPO)**

There is no Resource Protection Area (RPA) on the project property being developed with the multi-family and town homes. There is RPA on the parcel, tax map number 044-1-01-0006H3, with the existing Pond B which is proposed to be converted to an underground facility. An RPA delineation plan will be required for this project prior to site plan approval.

The water quality computations on sheet C-10 of the plan show that Pond B was credited with 50% efficiency. This facility is a best management practice required to meet the water quantity and quality requirements for the overall project area; it is not just an amenity/farm pond. Conversion of this facility to an underground facility may qualify under CBPO 118-2-1.b as redevelopment provided there is no further encroachment (beyond the limits of clearing and grading on the site plan where the pond was constructed) and no increase in impervious area (an underground facility with appropriate vegetation on the surface). A water quality impact assessment (WQIA) would be required prior to site plan approval.
Floodplain
There is no regulated floodplain on the project property.

Downstream Drainage Complaints
There are no contemporary downstream drainage complaints on file.

Stormwater Quality
Water quality controls are required for this project per the Stormwater Management Ordinance (SWMO), County Code Chapter 124, at sections 124-1-6, 124-4-1, and 124-4-2. The Best Management Practice (BMP) Narrative indicates the proposed project’s required phosphorous reduction will be achieved via the existing wet pond 1, see sheets C-8 and C-9. It is recommended that the applicant submit a SWOD to confirm that the proposed development qualifies under DEQ Memo 14. Agreements including an agreement between the subject site and the owner of the wet pond will be required to demonstrate that the subjective sites quality requirements will continue to be met with pond 1. The site is in the Water Supply Protection Overlay District (WSPOD).

Stormwater Quantity - Detention
Water quantity controls for stormwater detention are required for this project per SWMO 124-1-6, 124-4-1, and 124-4-4.D. The Best Management Practice (BMP) Narrative indicates the proposed project’s required phosphorous reduction will be achieved via the existing wet Pond 1, see sheets C-8 and C-9 of the SEA plat. It is recommended that the applicant submit a Stormwater Management Ordinance Determination (SWOD) to confirm that the proposed development qualifies under DEQ Memo 14. A PFM modification will be required with the site plan to use the off-site pond. Agreements, including an agreement between the subject site and the owner of the wet pond will be required to demonstrate that the subjective sites quantity requirements will continue to be met with Pond 1.

Regarding the replacement of the existing Pond B with a new underground facility, in accordance with DEQ GM 14-2014 (see page 5, last sentence), the proposed stormwater management facility must meet the DEQ Clearinghouse BMP specifications and comply with the Virginia Runoff Reduction Method (VRRM).

Stormwater Quantity - Outfalls
Water quantity controls for outfall channel and flood protection are required for this project per SWMO 124-1-6, 124-4-1, 124-4-4.B, and 124-4-4.C. The proposed development site discharges to an existing wet pond which the applicant intends to use to meet the quantity and quality requirements for the development. It is recommended that the applicant submit a SWOD to confirm that the proposed development qualifies under DEQ Memo 14. The existing wet pond discharges to a major floodplain. There is sufficient information to indicate that the outfall
requirements could be met; the outfall narrative on the site plan(s) will need to address the outfall requirements in reference to Chapter 124.

**Watershed Management Plans**

This site is located within the Cub Run Watershed and the Lower Flatlick Branch Water Management Area. A stream restoration was completed on Flatlick Branch; Flatlick Branch Phase III. The restoration was for approximately 4000 linear feet of channel using natural channel design to improve water quality. This project should have little impact on future County projects.

**Dam Breach**

The project property is not located within a dam breach inundation zone.

**Miscellaneous**

The stormwater management plan to be prepared at final design must address all of the items listed in SWMO 124-2-7.B.

The latest BMP specifications provided on the Virginia Stormwater BMP Clearinghouse website, in addition to the Public Facilities Manual, must be used for final design. The design engineer is also referred to LTI 14-13 with regard to the selection of appropriate BMPs.

Please contact me at 703-324-1720 or Camylyn.Lewis@FairfaxCounty.gov, if you have any questions or require additional information.

cc: Shannon Curtis, Chief, Watershed Assessment Branch, Stormwater Planning Division (SWPD), Department of Public Works and Environmental Services (DPWES) Dipmani Kumar, Chief, Watershed Planning and Evaluation Branch, Stormwater Planning Division SWPD, DPWES

Shahab Baig, Chief, North Branch, SDID, LDS
Katalin Barczay, Engineer IV, SDID, LDS
Zoning Application File
November 5, 2020
Exempt

TO: Emma Estes, Staff Coordinator
Fairfax County Department of Planning and Development

FROM: Paul Ngo, Planner
Office of Facilities Planning Services

SUBJECT: PCA/FDPA 2006-SU-025-05 concurrent with CDPA 2006-SU-025-03, Commonwealth Centre at Westfields Land Bay A

ACREAGE: 8.99
TAX MAP: 44-1 ((1)) 6C

PROPOSAL:
The PCA application requests to amend the proffers approved pursuant to RZ 2006-SU-025 which permitted office use for Land Bay A. The proposal would permit 86 multi-family stacked townhomes and 372 mid/high-rise multi-family housing units.

ANALYSIS:
The schools serving this area are Westfield High School (HS), Franklin Middle School (MS), and Cub Run Elementary School (ES). The following projections were published earlier this year by Fairfax County Public Schools (FCPS) and do not reflect the increase in the number of students resulting from the proposed rezoning.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Westfield HS</td>
<td>2,820</td>
<td>2,602</td>
<td>92%</td>
<td>2,681</td>
<td>95%</td>
</tr>
<tr>
<td>Franklin MS</td>
<td>964</td>
<td>893</td>
<td>93%</td>
<td>902</td>
<td>94%</td>
</tr>
<tr>
<td>Cub Run ES</td>
<td>624</td>
<td>547</td>
<td>88%</td>
<td>566</td>
<td>91%</td>
</tr>
</tbody>
</table>


The school capacity table shows a snapshot in time (as of January 2020) for student membership and school capacity balances. The five-year student membership projections and individual school capacity evaluations are updated annually by FCPS. Recommended boundary adjustment options, program changes, and potential school expansions and new schools are included in the CIP for future consideration based on the most recent five-year projections and SY 2019-20 capacity evaluations. Any options chosen for potential implementation will be discussed and decided through a transparent process that engages the community, in accordance with School Board Policy and Regulations. This includes adjustments needed for Advanced Academic Program centers at existing facilities and newly identified locations for such programs. At this time, Mclean HS, Franklin MS, and Cub Run ES are considered to have sufficient capacity for current programs and future growth. If by-right development occurs under the existing zoning, Westfield HS would be approaching a capacity deficit and Franklin MS and Cub Run ES would be considered to have sufficient capacity for current programs and future growth by SY 2024-25. Beyond the five-year projection horizon, membership projections are not available.
Impact

Based on the number of housing units proposed in this application, the tables show the number of potential students by school level, calculated by using the current countywide student yield ratio.

Proposed:

Low-Rise Multi-Family

<table>
<thead>
<tr>
<th>School Level</th>
<th>Low-Rise Multi-Family Ratio</th>
<th>Proposed Number of Housing Units</th>
<th>Potential Student Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>.094</td>
<td>86</td>
<td>8</td>
</tr>
<tr>
<td>Middle</td>
<td>.047</td>
<td>86</td>
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<tr>
<td>Elementary</td>
<td>.188</td>
<td>86</td>
<td>16</td>
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<tr>
<td>Total Student Count</td>
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<td>28</td>
</tr>
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</table>


Mid/High-Rise Multi-Family

<table>
<thead>
<tr>
<th>School Level</th>
<th>Mid-/High-Rise Multi-Family Ratio</th>
<th>Proposed Number of Housing Units</th>
<th>Potential Student Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>.031</td>
<td>372</td>
<td>12</td>
</tr>
<tr>
<td>Middle</td>
<td>.019</td>
<td>372</td>
<td>7</td>
</tr>
<tr>
<td>Elementary</td>
<td>.062</td>
<td>372</td>
<td>23</td>
</tr>
<tr>
<td>Total Student Count</td>
<td></td>
<td></td>
<td>42</td>
</tr>
</tbody>
</table>


Total Proposed

<table>
<thead>
<tr>
<th>School Level</th>
<th>Proposed Number of Housing Units</th>
<th>Potential Student Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>458</td>
<td>20</td>
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<tr>
<td>Middle</td>
<td>458</td>
<td>11</td>
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<tr>
<td>Elementary</td>
<td>458</td>
<td>39</td>
</tr>
<tr>
<td>Total Student Count</td>
<td></td>
<td>70</td>
</tr>
</tbody>
</table>


SUMMARY:

The high, middle, and elementary schools are considered to have sufficient capacity for current programs and future growth. For projected membership, the high school would be approaching a capacity deficit, and the middle and elementary schools would be considered to have sufficient capacity for current programs and future growth prior to any rezoning to a higher density. With an application that changes the residential composition, such as that proposed in this application, the membership at these schools will necessarily increase, which may negatively impact the instructional program to the detriment of the students involved. Any future development application would need to be analyzed along with this development application to determine the future impact to capacity.

Capital Improvement Program Potential Solutions

The Capital Improvement Program FY 2021-25 includes potential solutions to consider to alleviate current and projected school capacity deficits. For consideration purposes, as many options as possible have been identified for each school, in no significant order, and may be contingent on other potential solutions listed. Any options chosen for implementation will be discussed and decided through a transparent process with the appropriate stakeholders, in accordance with School Board Policies and Regulations.

Westfield HS: Monitor student membership.

Franklin MS: Monitor student membership.
Cub Run ES: Monitor student membership.

**RECOMMENDATIONS:**

**Proffer Contribution**

Based on the identified capacity need for current and projected programs and growth, with a rezoning application that increases residential density such as that proposed in this application, and considering those that have been approved, FCPS anticipates that the membership will necessarily increase, which may negatively impact the current instructional program. In the past, FCPS has received monetary proffers on a cost per potential student basis or a dedication of land suitable for school development purposes, from similar rezoning applications to offset the impact to surrounding schools at the time of development. Any future rezoning applications to be considered are not factored into the analysis and would need to be analyzed.

A total of 70 new students are anticipated (20 high, 11 middle, 39 elementary). Based on the approved Residential Development Criteria, a proffer contribution of $858,340 (70 x $12,262) is recommended to offset the impact that new student growth will have on surrounding schools. It is recommended that the proffer contribution funds be directed as follows:

> …to be utilized for capital improvements to Fairfax County public schools to address impacts on the school division resulting from [the applicant's development].

It is also recommended that proffer payment occur at the time of the site plan or first building permit approval. A proffer contribution at the time of occupancy is not recommended since this does not allow the school system adequate time to use the proffer contribution to offset the impact of new students.

In addition, an “escalation” proffer is recommended. The suggested per student proffer contribution is updated on an annual basis to reflect current market conditions. As a result, an escalation proffer would allow for payment of the school proffer based on the current suggested per student proffer contribution in effect at the time of development. This would better offset the impact that new student yields will have on surrounding schools at the time of development. For your reference, below is an example of an escalation proffer that was included as part of an approved proffer contribution to FCPS.

> Adjustment to Contribution Amounts. Following approval of this Application and prior to the Applicant’s payment of the amount(s) set forth in this Proffer, if Fairfax County should modify the ratio of students per unit or the amount of contribution per student, the Applicant shall pay the modified contribution amount for that phase of development to reflect the then-current ratio and/or contribution.

**Proffer Notification**

It is also recommended that the proffer notification be provided to FCPS from the developer when development is likely to occur or when a site plan has been filed with the County. This will allow the school system adequate time to plan for anticipated student growth to ensure classroom availability.

Attachment: Locator Map

cc: Ricardy Anderson, Chair, School Board Member, Mason District
    Stella Pekarsky, School Board Member, Sully District
    Jeffrey Platenberg, Assistant Superintendent, Facilities and Transportation Services
    Jessica Gillis, Director, Office of Facilities Planning Services
TO:       Tracy Strunk, Director  
Zoning Evaluation Division  
Department of Planning and Development

FROM:  Andrea L. Dorlester, Development Review Section Chief  
Park Planning Branch, PDD

DATE:     May 14, 2021

Tax Map Number: 44-1 ((1)) 6C

BACKGROUND
The Park Authority staff has reviewed the proposed Development Plan dated April 16, 2021, for the above referenced application. This revised memorandum replaces the Park Authority memorandum dated February 25, 2021 for this application. The Development Plan shows 27 multi-family triplexes and a 355 dwelling unit multi-family building on 8.99 acres of a 37-acre parcel. The application seeks to substitute the multi-family triplexes and multi-family building for the office building which was approved as part of RZ 2006-SU-025, but not built, and to amend the proffers. Based on an average multi-family household size of 1.75 in the county’s growth centers, which includes the Dulles Suburban Center where the property is located, the development could add approximately 763 new residents (81 + 355 = 436 x 1.75 = 763) to the Sully Supervisory District.

COMPREHENSIVE PLAN GUIDANCE
The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). The Parks and Recreation element of the Policy Plan includes an Urban Parks Framework that provides an urban parkland standard and detailed guidance on urban park development.

The Dulles Suburban Center recommendations in the Area III Plan describe the importance of neighborhood parks and trails. In addition, recommendations for Land Unit J containing this application site specifically cite the importance of ensuring adequate parklands and recreational facilities are provided to achieve the Plan’s objectives (Area III, Dulles Suburban Center, Area-
ANALYSIS AND RECOMMENDATIONS

Park Needs:
Using adopted service level standards, staff has identified a need for all types of parkland and recreational facilities in this area. Existing nearby parks (Flatlick Run Stream Valley, Frog Branch Stream Valley, and Ellanor C. Lawrence Park) meet only a portion of the demand for parkland generated by residential development in the Dulles Corridor, and most of this parkland is resource-based. In addition to parkland, the recreational facilities in greatest need in this area include basketball courts, playgrounds, adult softball fields, rectangle fields, youth softball fields, neighborhood skate parks, neighborhood dog parks, and trails.

Recreational Impact of Residential Development:
The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-209 (PDC) and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at $1,900 per non-ADU residential unit for recreational facilities to serve the development population. Whenever possible, the facilities should be located within the residential development site. With 436 non-ADUs proposed, the Ordinance-required amount to be spent on site is $828,400. Any portion of this amount not spent onsite should be conveyed to the Park Authority for recreational facility construction at one or more park sites in the service area of the development.

The $1,900 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion, if not all, of the Ordinance-required funds are used for recreational amenities onsite. As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide.

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of $893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should contribute $681,359 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.

Onsite Facilities:
The Dulles Suburban Center Design Guidelines and the Park and Recreation element of the Policy Plan support the concept of integrating urban-scale public open spaces into proposed residential developments. Features such as plazas, gathering places, amphitheater/performance spaces, special landscaping, fountains, sculpture and street furniture are appropriate to be integrated into these sites and surrounding areas. Recreation uses such as tennis and pickleball
courts, multi-use basketball/volleyball courts, bocce courts, interactive/climbable art and other play elements, water play features, fitness stations, and swings may be incorporated into a mixed-use setting to provide residents and employees on-site recreation opportunities. Per the Comprehensive Plan’s recreational service level standards, the proposed 763 new residents generate a need for 1.15 acres of urban parkland (1.5 acres per 1,000 population). The applicant has stated that they will provide 1.17 acres of onsite park space, which will include two open spaces along Newbrook Drive that feature amenity areas including a pocket park, playground, trails, seating, open space and landscaping, and two mews along Street B and C, which will include pocket parks, and lawn areas.

The Applicant has also proposed 1.08 acres of off-site park space consisting of enhancements to the linear park on Newbrook Drive along the existing two office buildings in Land Bay A to provide connectivity and a pedestrian friendly experience through the community to the Commonwealth Central Park and Flatlick Branch Stream Valley Park, which will be dedicated to FCPA pursuant to PCA 2006-SU-025-03. Commonwealth Central Park will be developed where Amenity Pond B is presently located. Amenity Pond B will be replaced with an underground BMP facility. Proposed amenities in these off-site park spaces include a paved trail, benches, multi-purpose field, movie lawn, art sculptures, and landscaping.

Based on Fairfax County Park Authority site visits to this area, the applicant should also be aware that the existing stairs near the proposed Commonwealth Central Park (Attachment 1) are cracking and sliding down the slope, and their repair/replacement should be incorporated into development of the park. If they are replaced, the applicant should provide an ADA connection to the completed stream valley trail.

**SUMMARY OF RECOMMENDATIONS**

This section summarizes the recommendations included in the preceding analysis section. Following is a table summarizing recreation contribution amounts consistent with the Zoning Ordinance and Comprehensive Plan guidance:

<table>
<thead>
<tr>
<th>Proposed Uses</th>
<th>P-District Onsite Expenditure</th>
<th>Requested Park Contribution Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-family units</td>
<td>$828,400</td>
<td>$681,359</td>
<td>$1,509,759</td>
</tr>
<tr>
<td>Total</td>
<td>$828,400</td>
<td>$681,359</td>
<td>$1,509,759</td>
</tr>
</tbody>
</table>

In addition, the Park Authority recommends the following:

- Incorporate the repair/replacement of the existing stairs near the proposed Commonwealth Central Park (Attachment 1), which are cracking and sliding down the slope, into development of the park. If they are replaced, the applicant should provide an ADA connection to the completed stream valley trail.
Please note the Park Authority would like to review and comment on proffers and/or development conditions related to park and recreation issues. Please send draft and final proffers and/or development conditions to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Samantha Wangsgard
DPD Coordinator: Emma Estes

Attachment: Stair Location Near Commonwealth Central Park

eCopy: Aimee Vosper, Deputy Director/CBD
Stephanie Leedom, Director, Park Planning & Development Division
Anna Bentley, Manager, Park Planning Branch
Emma Estes, Zoning Coordinator, DPD
Samantha Wangsgard, Senior Park Planner, Park Planning Branch
Lynne Johnson, Planning Tech, Park Planning Branch
File Copy
Attachment 1: Stair Location Near Commonwealth Central Park
DATE: October 30, 2020

TO: Emma Estes  
Zoning Evaluation Division  
Department of Planning and Development

FROM: Sharad Regmi, P.E.  
Engineering Analysis and Planning Branch, Wastewater Management, DPWES

SUBJECT: Sanitary Sewer Analysis Report

REF: Application No.: PCA 2006-SU-025-05/CDPA 2006-SU-025-03/  
FDPA 2006-SU-025-05  
(Toll Mid-Atlantic LP Company, Inc. and JLB Realty LLC/  
Co-Applicants)  
Tax Map No.: 44-1-((1))-6C  
14380 Newbrook Drive, Chantilly, Virginia 20151

This application proposes 86 multi-family stacked townhomes and a five story multi-family building with approximately 372 units. To ensure that the existing sewer lines are adequate for the proposed use, applicant needs to demonstrate that the existing sanitary sewer is adequate for the proposed use. If any of the sewer lines are not adequate to serve the proposed redevelopment, applicant needs to provide a narrative on the PCA/CDPA/FDPA plat for upsizing the sewer lines to serve the proposed development.

If you have any questions or comments, please do not hesitate to contact me at 703-324-5008.
October 13, 2020

Ms. Tracy D. Strunk, AICP
Director, Zoning Evaluation Division
Fairfax County Department of Planning and Development
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: FDPA 2006-SU-025-05
Commonwealth Centre Landbay A
Tax Map: 44-1

Dear Ms. Strunk:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is served by Fairfax Water.

2. Adequate domestic water service is available at the site from existing 12-inch water main in Newbrook Drive. Please see the enclosed water system map.

3. Depending upon the configuration of any proposed on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Ross Stilling, P.E., Chief, Site Plan Review at 703-289-6385.

Sincerely,

[Signature]
Gregory J. Prelewicz, P.E.
Manager, Planning

Enclosure: as noted
LAND UNIT J

CHARACTER

Land Unit J is 1,156 acres comprised almost entirely of the Westfields International Center, a corporate office park with, conference center/hotel, industrial and industrial/flex space uses (Figure 37). The land unit is bounded on the north by Old Lee Road, on the northwest by Route 28 (Sully Road), Flatlick Branch and Walney Road, on the south by Poplar Tree Road, Stonecroft Boulevard and Flatlick Branch, and on the east by Braddock Road and Cub Run. Westfields has a network of landscaped sidewalk and trails and enhanced stormwater detention facilities that serve as ornamental ponds. Large natural buffers exist between Westfields nonresidential development and adjacent residential areas. The Cub Run and Flatlick Branch Environmental Quality Corridors (EQCs) form some of the boundaries of the land unit and are prominent natural features that traverse the land unit.

RECOMMENDATIONS

Land Use

1. Land Unit J is planned at the baseline and approved for office, conference center/hotel, industrial/flex and industrial use at an average of .50 FAR except as noted in the options that follow. Future development should be consistent with the character of the existing development. High quality site, building and landscape design should be maintained throughout the land unit.

It is desirable that development in this land unit be designed to enhance transit serviceability. This can be achieved by placing buildings closer together or to the road; designing them around plazas; utilizing approaches to bring employees within walking distance of transit facilities or otherwise facilitating transit-oriented development.

2. A mix of uses in Land Unit J is encouraged to support the office park, and to create an environment with opportunities to work, live and play. As an option, residential and retail uses may be considered for Land Unit J. The following conditions should be met to implement this option:

- The development intensity remains at an average .50 FAR for the entirety of Land Unit J.

- Residential and support retail uses are carefully located to create a sense of place, organized generally around the concept of three core areas, or village centers, that offer a mix of uses and well-connected public spaces that encourage activity and support the office campus.

  - One village center should be located in the western portion of Land Unit J, generally in the eastern portion of the land bay created by the Conference Center Drive loop road.
A second village center should be located in the Westone Plaza shopping center area, east of the intersection of Stonecroft Boulevard and Westfields Boulevard and west of Route 28.

The third village center should be located in the Commonwealth Centre area, generally west of Westfields Boulevard along the Newbrook Drive loop road.

- Residential use should not exceed a total of 5500 units in Land Unit J (including existing and approved units as of January 2019). This total includes existing and approved residential uses along Walney Road, Stonecroft Boulevard (The Preserve), and the northern portion of Commonwealth Centre, and represents the potential for an additional 4,250 units above what is existing and approved.

- Of the approximately 4,250 new residential units anticipated under this option, the unit type should be comprised of approximately 2/3 multi-family units (approximately 2,830) and a maximum of 1/3 single-family attached units (approximately 1,420). Single-family detached units are not appropriate.

- Retail use should not exceed approximately 600,000 SF in Land Unit J, with approximately 200,000 SF of that total to be allocated among the three village center areas.

- Development proposals with residential use should create high-quality living environments that provide appropriate transitions within the context of a larger area of nonresidential uses. Proposals should demonstrate that new developments have appropriate vehicular and pedestrian connections to surrounding uses, and offer amenities and activities for both existing and future residents, employees and visitors. Infill proposals should avoid the creation of scattered, isolated developments.

- Parcel consolidation is encouraged to ensure that adequate site size is provided for a high-quality development and associated amenities. Coordinated development plans may be an alternative to parcel consolidation, if it can be demonstrated that site design, building locations, open space, and access achieve plan objectives.

- At a minimum, 12% of the residential units should be affordable to meet county goals for affordable and workforce housing. These units should be distributed throughout any new development and should include a variety of housing types and sizes. Multi-family and single-family attached units of varying sizes and designs are strongly encouraged to provide diversity in housing type and to offer options to improve affordability. Opportunities for units that would appeal to residents who wish to stay local but downsize, as well as for those entering the housing market, are strongly encouraged to respond to different demands in the housing market.

- Publicly accessible active and passive recreational facilities and parkland should be provided within the land unit or nearby to meet the needs of new and existing residents, employees and visitors, based on the county's adopted park typologies and standards.
• Pedestrian and bicycle connections between the village centers and surrounding uses are provided to ensure connections throughout the land unit.

• Opportunities to include community uses for education (such as private technical schools, or community colleges) and remote work spaces are explored.

• Opportunities are provided for spaces that residents, employees and visitors could use to work or attend classes remotely.

Noise

• While Comprehensive Plan policy discourages certain uses within the DNL 60-65 dBA aircraft noise contour, other planning goals support residential and other noise sensitive uses under the following conditions:
  
  o A noise study that documents the expected noise impacts is submitted during the development review process for all noise sensitive uses.
  
  o Commitments are provided during the development review process to construction standards and materials that mitigate interior auditory impacts to ensure that interior noise levels within living spaces do not exceed 45 dBA. Post-development noise studies should be conducted if requested in order to help staff evaluate the effectiveness of noise mitigation measures.
  
  o Adequate assurances are voluntarily provided by the property owner at the time of rezoning to ensure that residential development in this area will not conflict with, or pose any threat to the long-term viability of, Dulles Airport. These assurances may include such things as recorded avigation easements, hold harmless agreements, and the like.
  
  o Mitigation to 65 dBA is encouraged for private active recreation uses, such as placement of facilities indoors, and/or enclosing facilities with a flexible or rigid structure, such as a dome.
  
  o Disclosure statements, as well as a map of Dulles Airport, the DNL 60 dBA noise contour line, and general locations of residential units and private active recreation spaces, are included in all promotional and marketing materials and leasing and purchase agreements for residential and noise-sensitive uses, and are recorded in the land records, that state that a property is located within an area that will be impacted by aircraft noise. Notice should be made to all initial and subsequent lessors and purchasers.

Road noise

• Where residential or other noise sensitive uses are proposed that may be impacted by transportation-generated noise such as from Route 28, such proposals should be
accompanied by a noise study during the review of the development, and appropriate commitments to noise mitigation measures and potentially commitments to the provision of disclosure statements should be provided.

Schools

- One or two new sites may be needed that will allow flexibility in school facility types to support the increased enrollment that would be generated by the proposed residential development. Up to two sites may need to accommodate two new elementary schools or one new middle school depending on the identified need. Additionally, facilities such as vocational training, academy programs, adult learning centers and/or other support functions could be located in this area.

- Property owners and developers in Land Unit J should collaborate with Fairfax County Public Schools (FCPS) to identify location(s) for school facilities preferably in advance of approval of applications for new residential developments in order to maintain and improve the county’s high standards for educational facilities and to not impact current levels of service provided by the public school system. For land, the acreage of a site(s) may be determined with FCPS staff based on school policy. For reuse of a building(s), the applicant in coordination with FCPS may select a building(s) that provides access, safety, security, and meets play space requirements. Sites or buildings would ideally be in a location outside of the DNL 60 dBA airport noise line to minimize noise impacts.

- To address this need, developers proposing residential use should provide land or contribute to the provision of suitable land or building(s), as may be practical, to accommodate flexibility in future school facility needs. Contributions could be more traditional in nature, such as dedication of a school site, or might include more innovative urban solutions such as repurposing buildings, locating school facilities with parks or within buildings serving other uses. Alternatively, developers could make contributions toward land acquisition and school construction based on a contribution formula determined by FCPS and Fairfax County.

3. Mixed Use – Transit Options

Described below are two options under which higher intensity mixed-use development may be appropriate for a portion of Land Unit J in the vicinity of the intersection of Stonecroft Boulevard and Westfields Boulevard. The intent of this higher intensity mixed use development is to create a focal point to serve Westfields employees, visitors, and nearby residents. Focal point development should be unified on one site, not split by a major arterial such as Route 28.
APPENDIX 9

RESIDENTIAL DEVELOPMENT CRITERIA

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

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

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

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

1. Site Design:

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

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

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

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

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

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

2. **Neighborhood Context:**

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

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);
- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.
It is not expected that developments will be identical to their neighbors, but that the development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

3. Environment:

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

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

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

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

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

e) **Noise:** Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.

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

g) **Energy:** Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling. Energy efficiency measures should be incorporated into building design and construction.

4. Tree Preservation and Tree Cover Requirements:

All rezoning applications for residential development, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site as determined by the county, it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and
sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas. Air quality-sensitive tree preservation and planting efforts (see Objective 1, Policy c in the Environment section of this document) are also encouraged.

5. Transportation:

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

a) Transportation Improvements: Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:

- Capacity enhancements to nearby arterial and collector streets;
- Street design features that improve safety and mobility for non-motorized forms of transportation;
- Signals and other traffic control measures;
- Development phasing to coincide with identified transportation improvements;
- Right-of-way dedication;
- Construction of other improvements beyond ordinance requirements;
- Monetary contributions for improvements in the vicinity of the development.

b) Transit/Transportation Management: Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:

- Provision of bus shelters;
- Implementation and/or participation in a shuttle bus service;
- Participation in programs designed to reduce vehicular trips;
- Incorporation of transit facilities within the development and integration of transit with adjacent areas;
- Provision of trails and facilities that increase safety and mobility for non-motorized travel.

c) Interconnection of the Street Network: Vehicular connections between neighborhoods should be provided, as follows:

- Local streets within the development should be connected with adjacent local streets to improve neighborhood circulation;
- When appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended;
- Streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation;
- Traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed;
d) **Streets**: Public streets are preferred. If private streets are proposed in single-family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.

e) **Non-motorized Facilities**: Non-motorized facilities, such as those listed below, should be provided:

- Connections to transit facilities;
- Connections between adjoining neighborhoods;
- Connections to existing non-motorized facilities;
- Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
- An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;
- Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
- Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
- Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.

f) **Alternative Street Designs**: Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

6. **Public Facilities**:

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

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

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

Furthermore, phasing of development may be required to ensure mitigation of impacts.
7. Affordable Housing:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the county. Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

a) Dedication of Units or Land: If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single-family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.

b) Housing Trust Fund Contributions: Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

8. Heritage Resources:

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

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply:
a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;

b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;

c) Submit proposals for archaeological work to the county for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;

d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;

e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;

f) Document heritage resources to be demolished or relocated;

gh) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;

h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the county’s Open Space and Historic Preservation Easement Program; and

i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

**ROLE OF DENSITY RANGES IN AREA PLANS**

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

- the “base level” of the range is defined as the lowest density recommended in the Plan range, i.e., 5 dwelling units per acre in the 5-8 dwelling unit per acre range;
- the “high end” of the range is defined as the base level plus 60% of the density range in a particular Plan category, which in the residential density range of 5-8 dwelling units per acre would be considered as 6.8 dwelling units per acre and above; and,
- the upper limit is defined as the maximum density called for in any Plan range, which, in the 5-8 dwelling unit per acre range would be 8 dwelling units per acre.
- In instances where a range is not specified in the Plan, for example where the Plan calls for residential density up to 30 dwelling units per acre, the density cited in the Plan shall be construed to equate to the upper limit of the Plan range, and the base level shall be the upper limit of the next lower Plan range, in this instance, 20 dwelling units per acre.
ARTICLE 16
DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

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

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.

2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.

3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.

4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

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

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, and PRC Districts 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. In a rezoning application to the PDC or PRM District that is located in a Commercial Revitalization District or in an area that is designated as a Community Business Center, Commercial Revitalization Area or Transit Station Area in the adopted comprehensive plan, this provision shall have general applicability and only apply at the periphery of the Commercial Revitalization District, Community Business Center, Commercial Revitalization Area, or Transit Station Area, as necessary to achieve the objectives of the comprehensive plan. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.

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 to 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, 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.
SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Family detached dwellings. The site plan is required to assure that development complies with the Zoning 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

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 be 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.

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 be 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.

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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.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>A&amp;F</td>
<td>Agricultural &amp; Forestal District</td>
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<tr>
<td>ADU</td>
<td>Affordable Dwelling Unit</td>
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<tr>
<td>ARB</td>
<td>Architectural Review Board</td>
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<tr>
<td>BMP</td>
<td>Best Management Practices</td>
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<tr>
<td>BOS</td>
<td>Board of Supervisors</td>
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<tr>
<td>BZA</td>
<td>Board of Zoning Appeals</td>
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<tr>
<td>COG</td>
<td>Council of Governments</td>
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<tr>
<td>CBC</td>
<td>Community Business Center</td>
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<tr>
<td>CDP</td>
<td>Conceptual Development Plan</td>
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<tr>
<td>CRD</td>
<td>Commercial Revitalization District</td>
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<tr>
<td>DOT</td>
<td>Department of Transportation</td>
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<tr>
<td>DP</td>
<td>Development Plan</td>
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<tr>
<td>DPWES</td>
<td>Department of Public Works and Environmental Services</td>
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<tr>
<td>DPZ</td>
<td>Department of Planning and Zoning</td>
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<tr>
<td>DU/AC</td>
<td>Dwelling Units Per Acre</td>
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<tr>
<td>EQC</td>
<td>Environmental Quality Corridor</td>
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<tr>
<td>FAR</td>
<td>Floor Area Ratio</td>
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<tr>
<td>FDP</td>
<td>Final Development Plan</td>
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<tr>
<td>GDP</td>
<td>Generalized Development Plan</td>
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<td>GFA</td>
<td>Gross Floor Area</td>
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<tr>
<td>HC</td>
<td>Highway Corridor Overlay District</td>
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<td>HCD</td>
<td>Housing and Community Development</td>
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<td>LOS</td>
<td>Level of Service</td>
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<td>Non-RUP</td>
<td>Non-Residential Use Permit</td>
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<td>OSDS</td>
<td>Office of Site Development Services, DPWES</td>
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<td>PCA</td>
<td>Proffered Condition Amendment</td>
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<td>Planned Development Commercial</td>
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<td>Planned Development Housing</td>
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<tr>
<td>PFM</td>
<td>Public Facilities Manual</td>
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<td>Planned Residential Community</td>
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<td>RC</td>
<td>Residential-Conservation</td>
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<td>VPH</td>
<td>Vehicles per Hour</td>
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<td>Water Supply Protection Overlay District</td>
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<td>ZED</td>
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<td>ZPRB</td>
<td>Zoning Permit Review Branch</td>
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