



# City of Fairfax, Virginia

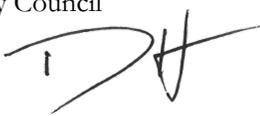
## City Council Public Hearing

Agenda Item # 8b

City Council Meeting 9/11/2018

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TO: Honorable Mayor and Members of City Council

FROM: David Hodgkins, Acting City Manager 

SUBJECT: Public Hearing and Council action on a request by FF Realty IV LLC, by Robert Brant, attorney-in-fact, for a GDP/Proffer rezoning amendment with Special Use Permits, Special Exceptions, and a Certificate of Appropriateness to allow the redevelopment of the existing site for residential and commercial uses at 11101 and 11091 Fairfax Boulevard and 11160 Lee Highway, more particularly described as tax map parcels 57-1-2-27, 31, 31A, and 31B, with 395.

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**ISSUE(S):** Public hearing and City Council action on the applicant's request for a GDP/Proffer amendment of a 2015 rezoning, Special Use Permits to allow residential uses, and Special Exceptions to allow reduced commercial area in an upper story/mixed use building, reduced parking for residential uses, to allow an increase in building height, to allow a reduction in the requirement for street trees along all private streets, and to reduce the requirement for sidewalks along all private streets. The site is proposed to remain zoned CR-Commercial Retail and Architectural Control Overlay District (ACOD).

**SUMMARY:** The applicant proposes redevelop the 8.33 acre Britt/American Medical Labs site with residential and commercial uses as stated above. The proposed plan includes a through street with a connection at the existing Bevan Drive signal at Fairfax Boulevard and a new un-signalized entrance on Lee Highway. The proposal requires City Council approval for the GDP/Proffer amendments, special use permits, special exceptions and Certificate of Appropriateness. The Planning Commission held a public hearing on July 23, 2018 and recommended approval of the GDP/Proffer amendments with conditions. The BAR held a public hearing on June 20, 2018 and recommended approval of the Certificate of Appropriateness with conditions.

**FISCAL IMPACT:** Staff estimates that this project's annual fiscal impact to the City would likely range from negative \$500,000 to positive \$47,000.

**RECOMMENDATION:** Staff recommends approval with conditions.

**ALTERNATIVE COURSE OF ACTION:** City Council may approve, approve with conditions, or deny the application.

**RESPONSIBLE STAFF/POC:** Jason D. Sutphin, Chief, Community Development Division  
Brooke Hardin, Director, Community Development & Planning

**COORDINATION:**

Community Development & Planning	Fairfax Water	Treasurer
City Attorney	Public Works	Commissioner of Revenue
Code Administration	Police	Fire
Department of Parks & Recreation		

**ATTACHMENTS:** Staff Report with summary of zoning districts.



# CITY OF FAIRFAX

## Department of Community Development & Planning

**Proffer Amendment/GDP Amendment Request Z-18-00121, Special Use Request SU-18-00122, Special Exception Request SE-18-00123, Certificate of Appropriateness BAR-18-00120**

### HEARING DATE

September 11, 2018

### APPLICANT

FF Realty IV LLC

### AGENT

Robert Brant  
Attorney-in-fact

### PARCEL DATA

#### *Tax Map IDs*

57-1-2-27, 31, 31A, & 31B

#### *Street Addresses*

11101 & 11091 Fairfax Boulevard  
11160 Lee Highway

#### *Zoning Districts*

CR, Commercial Retail (p)  
Architectural Control Overlay District

### APPLICATION SUMMARY

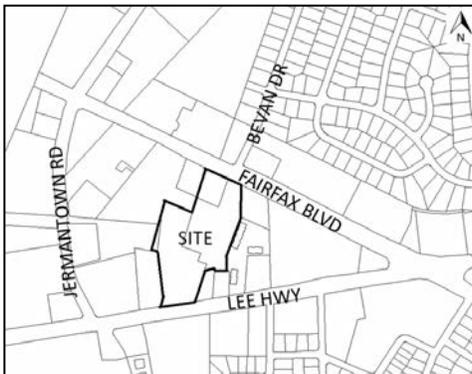
The applicant requests amendments to a previously approved rezoning case including the approved General Development Plan and associated Proffers to redevelop the 8.33-acre site with multifamily residential and commercial uses. The applicant also requests Special Use Permits, Special Exceptions, and a Certificate of Appropriateness. A complete list of the applicant's requested land use actions is contained on page 5 of this staff report.

### STAFF RECOMMENDATION

Staff recommends approval of the applicant's request for an Amendment to the Rezoning and associated proffers, subject to the proffer statement dated August 24, 2018.

Staff recommends approval of the Special Use Permits and Special Exceptions subject to the conditions contained on page 6 of this staff report.

Staff recommends approval of the applicant's request for a Certificate of Appropriateness subject to the conditions on pages 6-7 of this staff report.



**BACKGROUND INFORMATION**

The subject site is located in Kamp Washington, situated between Fairfax Boulevard and Lee Highway, and is immediately to the west of the Jermantown Cemetery. The site is improved with five commercial buildings located on four separate parcels located within the CR District that make up the site total 8.33-acres. There is no Resource Protection Area (RPA) or floodplain located on the site. The properties are also located in the city-wide Architectural Control Overlay District.

The surrounding properties are described as follows:

<b>Direction</b>	<b>Existing Zoning</b>	<b>Current Land Use</b>	<b>Comprehensive Plan Future Land Use Designation</b>
Site	CR	Commercial	Mixed Use
North	CR	Office/Commercial	Business Commercial
East	CR	Cemetery Office Retail	Open Space-Conservation Mixed Use
South	CR	Retail	Business Commercial
West	CR IH	Commercial Industrial	Mixed Use

The subject site has most recently been used for motor vehicle related businesses, and a former productions and manufacturing company vacated the larger warehouse structure in 2012.

The site is located within the Kamp Washington Center as designated in the Comprehensive Plan and the Fairfax Boulevard Vision Summary (Appendix D).

**PROJECT HISTORY**

2015 APPLICATION (Z-13070069, SU-13070066, SE-13070064, V-13070069), BAR-

In 2015, the City Council approved the request of Novus Fairfax Gateway, LLC to rezone the properties from C-2 Retail Commercial, I-2 Industrial and Highway Corridor Overlay District to C-2 Retail Commercial with proffers (maintaining the HCOD), to redevelop the entire site with a mixed-use project of 403 apartment units and 29,000 square feet of commercial use that was inclusive of 25,000 square feet of retail and restaurant and 4,000 square feet of office. The site was to be configured with 4 separate buildings that would have been connected by pedestrian bridges. Quality architecture was proposed for all sides of each building, with building heights stepping up from three stories along Fairfax Boulevard and Lee Highway, to the central parking structure at seven levels. The proposed parking structure was designed with building façades on all sides, inclusive of residential and commercial uses, with a swimming pool on the top deck of the parking structure. The office space was located in the center of the site in Building 500 facing the internal road, and the restaurant and retail was split between the Lee Highway frontage of Building 400 and the Fairfax Boulevard frontages of Buildings 600 and 200. The proposed site layout included an internal street network consisting of a main north to south curvilinear spine that connected Lee Highway to Fairfax Boulevard, traffic calming measures including a roundabout at the entrance to Fairfax Boulevard, and future road connections to adjacent parcels to both the east and west. See Figure 1 below for the previously approved site layout.

On July 12, 2016, the City Council adopted a new Zoning Ordinance, which took effect October 1, 2016. The zoning district names changed, and the C-2 District became the CR District. It is also noted that the Highway Corridor Overlay District (HCOD) was removed as an overlay district with the adoption of the

Zoning Ordinance. The zoning use, dimensional, and development standards contained within the Zoning Ordinance changed at that time. As the current proposal seeks changes to the previously approved design and uses, compliance with the current Zoning Ordinance is required. Along with the amendment to the zoning and associated proffers, the applicant seeks two Special Use Permits to allow the proposed residential uses, and six Special Exceptions. These are described below on page 5. The applicant also seeks approval of a Certificate of Appropriateness for architecture and landscaping elements.

Since the 2015 approvals, FF Realty IV LLC (Fairfield) has become the contract purchaser, and presents the modifications contained in the application.

### **PROJECT PROPOSAL**

The current applicant, FF Realty IV LLC proposes to maintain the 403 dwelling units that were previously approved, which is inclusive of the proffered 24 affordable units. The current proposed unit mix is 43 studio (10.7%), 179 one-bedroom (44.4%), 169 two-bedroom (41.9%) and 12 three-bedroom (3%) units dispersed throughout the site. It is noted that one building was removed from the 2015 plan, and commercial space previously shown on the GPD is now shown as residential. The previous approval included a unit mix of 46% one-bedroom and 54% two-bedroom.

The commercial space provided has been reduced from the 29,000 square feet approved to 21,249 square feet. The previously approved 4,000 square feet of office space for a non-profit group is still included, and makes up a portion of that total. The remaining 17,249 square feet of commercial space is proposed as restaurant and general ground floor retail. This reduction of 7,751 square feet is attributed to the removal of building 200 and the proposed conversion of commercial space along Lee Highway and the previous office space to residential units.

The applicant proposes to modify the previously approved plans by:

- Removing the two-story Building 200 located southeast of the roundabout;
- Modifying the footprint of Building 300 located along the eastern boundary line of the property;
- Relocating the swimming pool from the rooftop of the garage, Building 100, to the ground level behind Building 300;
- Relocating the proposed office space from Building 500 to Building 600;
- Removing the ground level podium parking under building 400 fronting on Lee Hwy;
- Removing the pedestrian bridges connecting buildings 500 to 300 and 600;
- Replacing the proposed commercial uses along Lee Hwy with residential units from Building 200;
- Revising the proposed landscaping and streetscape, including removing all previously approved water features; and
- Modifying the building elevations.



**FIGURE 1. Previously approved site layout.**



**FIGURE 2. Current proposed layout.**

The proposed commercial retail and restaurant space is shown in Building 600 fronting Fairfax Boulevard and the internal roundabout. The office space designated for the non-profit use is depicted in Building 400 facing Lee Highway. The proposed building heights vary, with three and four story buildings fronting Lee Highway and Fairfax Boulevard, and five and six story buildings central to the site. The entire parking structure is proposed to be wrapped with residential uses and facades. Although previous renderings have depicted an active street front with what appear to be commercial tenant spaces facing the interior of the site along the eastern side of the parking deck, those spaces are ancillary services and amenities for the residential units.

The proposed site access from Lee Highway and Fairfax Boulevard would not change. Access is still shown at Fairfax Boulevard via a signalized intersection, and the right in/right out on Lee Highway. The plans and proffers still provide for connections to adjacent properties should those properties redevelop. The parking for the proposed uses is primarily provided in the 6-level parking garage and supplemented by 50 spaces of on-

street parallel parking located throughout the site. Total parking being provided in the garage and on-street equals 746 spaces. The previously approved plan had additional podium parking in Building 400, and the parking garage had an additional level, both of which have been modified. The applicant is requesting a special exception to reduce the parking requirement for multifamily and upper story residential units of two or more bedrooms to 1.768 spaces per unit where the zoning ordinance requires 2.0 spaces per unit. The required parking ratios for studios and 1 bedroom units and the commercial uses would be met.

### **APPLICATIONS AND REQUESTS**

The applicant has requested the following Council actions:

- Proffer/GDP Amendment to Rezoning Z-13070069, approved February 25, 2015 by the City Council;
- Special Use Permit to permit Multi-Family Residential Use in CR District pursuant to Sec 110-3.3.1(B) - Permit Multi-family Residential Use in CR District;
- Special Use Permit to permit Upper Story Residential/Mixed Uses in CR District pursuant to Sec 110-3.3.1(B);
- Special Exception to reduce the percentage of ground floor area used solely for nonresidential uses in upper story residential/mixed use buildings required by Sec. 110-3.5.1(D)1(B);
- Special Exception to reduce the number of required parking spaces required for multifamily buildings required by Sec. 110-4.2.3;
- Special Exception to reduce the number of required parking spaces required for residential uses for upper story/mixed use buildings required by Sec. 110-4.2.3;
- Special Exception to increase the maximum building height to five stories with an above grade maximum height of 69 feet where height is limited to five stories and 60 feet by Sec. 110-3.6.2;
- Special Exception to eliminate the requirement that sidewalks be required on both sides of all streets including private streets required by Section 110-4.4.4.(A)1);
- Special Exception to modify the landscaping requirements for a minimum of ten foot wide landscape strips along all streets and street trees at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet apart as required by Sec. 110-4.5.6(8); and
- Certificate of Appropriateness for proposed architecture and landscaping features.

### **PLANNING COMMISSION RECOMENDATION**

The Planning Commission held a public hearing on July 23, 2018, and recommended that the City Council approve the requested Amendments to the Rezoning, GDP and associated proffers. This recommendation was contingent upon the following conditions:

1. Development of the subject site shall be in substantial conformance with the attached plans and associated submission materials stamped "Received July 3 2018", and the applicant's proffer statement dated [July 2, 2018], and as may be modified by the City Council.
2. A Construction Management Plan shall be included in the proffer statement. Subsequent to rezoning approval but prior to site plan approval, the Applicant agrees to submit a Construction Management Plan for approval by the City Manager or his designee for construction. The plan shall include but is not limited to the following information: hours of operation, truck routes to and from entrances, location of parking areas for construction employees, traffic control measures, fencing details including specifications for an opaque wrap of construction fencing and signage identifying the project and providing contact information for the developer and/or general contractor. All signage and fencing wrap shall be approved by the Director of Community Development and Planning.

3. Proffer condition 2C shall be amended to include the option to convert up to 4,000 square feet of the ground floor residential units facing Lee Highway first prior to converting the proposed 5,000 square feet of accessory uses to commercial uses as permitted in the CR District without necessitating a rezoning amendment or development plan amendment should future market conditions allow, subject to demonstration of adequate parking, as demonstrated in a parking study completed by the transportation engineer or planner, and to the satisfaction of the Department of Community Development and Planning.

The applicant subsequently made amendments to the proffers. The proffers now include a construction management plan (see proffer 16), which address Planning Commission and staff concerns. The applicant amended Proffer 2.C. to address the Planning Commission's concerns regarding prioritizing the conversion of residential use along Lee Highway. Staff believes that the language of Proffer 2.C. is satisfactory as it would work in conjunction with future market demand and the build out throughout the rest of the Kamp Washington triangle. This proffer would accommodate the future conversion of up to 9,000 square feet of dwelling units and amenity space.

### **Board of Architectural Review Recommendation**

The BAR recommended approval of the Major Certificate of Appropriateness with conditions at the public hearing on June 20, 2018. A discussion of this recommendation is contained on pages 2-5 of Attachment 1.

### **STAFF RECOMMENDATIONS**

#### Amendments to the Rezoning, GDP, and proffers.

Staff recommends **approval** of the applicant's requests for amendments to the Rezoning, GDP, and proffers.

#### Special Use Permits and Special Exceptions

Staff recommends **approval** of the applicant's requests subject to the following condition:

1. Development of the subject site shall be in substantial conformance with the attached GDP/SUP/SE Amendment plans and associated submission materials dated August 13, 2018, and the applicant's proffer statement dated August 24, 2018, and as may be modified by the City Council.

#### Certificate of Appropriateness:

Staff recommends **approval** of the applicant's request subject to the following conditions:

1. Development of the subject site shall be in substantial conformance with the attached GDP/SUP/SE Amendment plans and associated submission materials including elevations, dated August 13, 2018, and the applicant's proffer statement dated August 24, 2018.
2. The west elevation of building 300 shall be amended to incorporate additional design features such as window bays, recessed balconies, or courtyards prior to the issuance of a building permit, pursuant to the review and approval by the Director of Community Development and Planning.

**ANALYSIS**

Staff analysis of the compliance of this proposal and associated land use requests with the Comprehensive Plan, Zoning Ordinance and other City goals and policy is provided in Attachment 1.

**ATTACHMENTS**

1. Analysis
2. Summary of Zoning Districts and Overlays
3. Application
4. Statement of Justification
5. Proposed Amended Proffers
6. Traffic Memo
7. General Development Plan/SUP Plan/SE Amendments Plan
  - a. Cover
  - b. Civil
  - c. Landscape
  - d. Elevations
8. Site and Building Exhibits
9. BAR Staff Report
10. 2015 Approval Letter and Proffers
11. Notifications
12. Sign Postings
13. Rezoning Ordinance
14. Special Exception Resolution
15. Certificate of Appropriateness
16. Sample Motions
  - a. Order of Motions
  - b. Sample Motions

**REVIEWED AND APPROVED:**

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Jason D. Sutphin  
Community Development Chief

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DATE

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Brooke Hardin  
Director, Community Development & Planning

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DATE

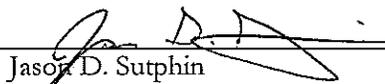
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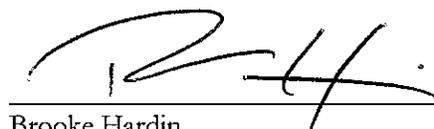
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**REVIEWED AND APPROVED:**

  
\_\_\_\_\_  
Jason D. Sutphin  
Community Development Chief

9/5/18  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Brooke Hardin  
Director, Community Development & Planning

9/5/18  
\_\_\_\_\_  
DATE

## STAFF ANALYSIS

**Fairfax Gateway**  
**Z-18-00121, SU-18-00122, SE-18-00123, BAR-18-00120**

This attachment contains staff analysis on the submitted proposal divided into three primary sections:

- A. General Plan Review: Analysis of the Applicant's request for an amendment to the previously approved General Development Plan and associated proffers.
- B. Applicable Comprehensive Plan Citations: Analysis of the conformance of the application with the Comprehensive Plan.
- C. Applicable City Code Citations: Analysis of conformance of the plan with specific citations from the Zoning Ordinance.

**PART A: GENERAL PLAN REVIEW**

**Site Layout and Circulation:**

The majority of the buildings have not changed substantially since the previous approval. One building was removed and now provides more open space. Another building's footprint was reduced to make room for the pool moved from the roof of the parking garage to the ground and the addition of a dog park. The building facing Lee Highway was reduced in height with the elimination of the podium parking level and commercial uses were eliminated from a portion of the Lee Highway frontage. The use of the center of the roundabout has changed from active to passive use. The proposed layout continues to provide for connections to the east and west, which is envisioned by the Comprehensive Plan and Master Plan, and serves to create smaller blocks. No changes are proposed to the vehicular access to the site. The curvilinear internal street network and function of the roundabout at the entrance to Fairfax Boulevard have not been modified since the previous approval. The egress from and onto Fairfax Boulevard continues to be signalized and the egress at Lee Highway remains right-in and right-out only. The Applicant continues to propose setting aside reservations of land to the City for future boulevard style slow lanes should that concept be implemented in the Kamp Washington area.

A trip generation memo submitted by the Applicant, as provided in Attachment 6 indicates that the reduction of commercial square footage will result in a reduction of vehicle trips for the site. The previous Traffic Impact Analysis (TIA) completed April 25, 2014 for the 2015 application reflected a generation of 5,016 weekday average daily trips. The proposed revised density as shown in the TIA completed July 19, 2018 results in 4,270 weekday average daily trips, a reduction of 740 daily trips. This study also reflects a decrease in both the A.M. and P.M. peak hour trips.

*Staff Analysis: Staff finds the changes to a building design and the removal of a building have improved the open space and amenities provided on the site while substantially maintaining the previously approved site layout and use. The reduction of average daily trips would provide for lesser impacts on City streets as a result.*

**Parking:**

Parking is proposed primarily in the parking garage internal to Building 500 with additional parallel parking spaces along the internal street network. The parking podium previously approved on the ground level of Building 400 adjacent to Lee Highway has been removed. The parking garage is designed to provide 696 spaces, and 50 on-street spaces are provided in addition to 9 loading spaces. See page 12 of this analysis for the code requirements for parking for the proposed uses. The

Zoning Ordinance, adopted July 12, 2016, revised the parking ratios for residential and commercial uses. The current proposal would provide parking to satisfy all commercial spaces and all studio and one-bed dwelling units. The Applicant proposes a Special Exception from the parking standards for two and three-bed units to a ratio of 1.786 spaces per dwelling unit where 2.0 spaces per dwelling unit are required. An overall residential parking ration of just over 1.6 spaces per dwelling unit would be maintained from the previous approval.

Proffer 11D allows the Applicant to use whatever methods deemed appropriate to ensure on-street parking spaces are unreserved and time limited to ensure availability for commercial patrons.

*Staff Analysis: Staff believes parking reduction requested is reasonable as currently proposed.*

**Parks, Recreation, and Open Space:**

Multiple open space areas are proposed internal to the site. Most of these spaces would be dedicated to passive use. The contemplative landscaped space provided immediately east of the Jermantown cemetery remains mostly as previously approved with the exception of replacement of the water feature with pavers. The swimming pool has been moved from the parking deck roof to behind Building 300 along the eastern property edge. A dog park has been added to the south of Building 300. The site where Building 200 was previously proposed has been converted to a new park with lawn area and paved seating area. The center of the roundabout has changed from a large water fountain and paved seating area to open lawn and trees. The “linear parks” along Fairfax Boulevard and Lee Highway have more green space and less paving than previously approved. All water features previously proposed in the linear parks have been removed. The area identified as Olmsted Park has been redesigned into a more attractive and usable open space for residents and visitors. The previously approved proffer to provide \$250 per residential dwelling unit for improvements to Kutner Park and parks in the Westmore community has been carried forward. The proffer to provide public art in a minimum of one location has also been carried forward.

*Staff Analysis: Staff believes the Applicant has provided ample open space opportunities on site as well as mitigating off-site impacts.*

**Certificate of Appropriateness – Architecture & Landscaping**

The overall building heights of the project have been reduced from the previous approval. Overall there is a reduction in the amount of masonry materials and an increase in the amount of cementitious product proposed for the building elevations. Building 400 with the removal of the podium parking and retail spaces from the ground level and revised footprint of Building 300 have the most variations from the previously approved architecture. The use of large scale masonry block has been eliminated, specifically at the archway over the Lee Highway entrance. The proposed wall murals facing Olmsted Park have been removed as that space is now residential units with windows. The pedestrian bridges connecting Buildings 600 and 300 to 500 and ultimately the parking garage have been removed.

The Board of Architectural Review (BAR) held a public hearing on June 20, 2018 to review the proposed architecture and landscaping. The BAR recommended approval to the City Council of a Certificate of Appropriateness subject to the conditions outlined below. The staff report is included as Attachment 9. The Applicant has made revisions to the plans based on the BAR’s conditions and Staff’s recommendations.

The proposed building height varies from three stories fronting Lee Highway and Fairfax Boulevard to four and five stories internal to the site. Proposed building forms include large roofline gables with circular louvered vents, projecting window bays, recessed balconies, storefront window systems, and suspended metal and shed-style fabric awnings over ground floor amenity, retail, and office spaces. Building 600 has a unique design, proposed with a brick warehouse-style section closest to Fairfax Boulevard, incorporating a flat roof, dark accent paneling, and regularly-spaced windows.

The proposed materials include brick in red, beige, and buff with dark gray and beige mortar. Brick is proposed predominantly on the ground level or up through the second floor on all sides of the buildings. In certain areas, including the center part of particularly visible elevations and at corner tower features, brick is proposed up through the third floor and fourth floors. Cementitious panels and siding would be the primary building materials on upper stories of the buildings and for window bays and gables, in colors including grayish blue, a range of grays and tans, white, and maroon. Colorful metal and faux wood panels are proposed at the ground floor level of Building 600 between storefront fenestration. Wall recesses are used in certain areas to break up large expanses of blank wall where internal space that does not allow for windows are located, such as walk-in closets and storage areas. The colors are the same as the 2016 approval, and color placement is very similar. A retaining wall proposed along the east property line would be a buff-colored largescale, split-face block. Black metal picket fencing, gates, and balcony railings would be used throughout the development. Hardscape materials include scored concrete and concrete pavers in different colors and patterns, including herringbone and random arrangements at focal areas such as plazas.

The major differences between the approved 2016 architecture and currently proposed architecture include:

- Replacement of Building 200 with a park space
- Decrease in the overall amount of brick and increase in the amount of cementitious product
- Removal of sections of recessed balconies
- Addition of white pilaster features beneath gables
- Removal of formal central entrance at Building 300 in place of a main entrance at the northwest corner
- Removal of arched storefront window features on building 400
- Removal of largescale masonry block from the archway over the Lee Highway entrance at Building 400
- Simplification of the hardscape material and color palette

*Landscaping:*

Canopy trees with radial iron tree grates are proposed along the main north-south roadway, along the site's east and west property lines, in the traffic circle, and along Fairfax Boulevard and Lee Highway. Smaller ornamental trees are proposed along Fairfax Boulevard and Lee Highway closer to the building faces and within the gathering spaces and parks. Shrubs are proposed throughout the

site including at the bases of the buildings, within and surrounding the various open spaces, at the property edges, and in planting beds at the bases of canopy trees.

*Lighting:*

The City standard acorn light fixture with a fluted metal pole is proposed along the center street and along both Fairfax Boulevard and Lee Highway. Other lighting proposed includes bronze dome-top bollards within open areas and around the paths at the rears of the buildings, and bronze shielded spotlights in planting beds and in landscaped areas for accent up-lighting.

*Amenities:*

Outdoor amenity areas proposed include the pool and patio to the rear of Building 300, as well as a dog park immediately south of Building 300. The pool deck and patio would include variety of amenities for residents, including armchairs, tables, deck chairs, cabanas, a fire pit, and an outdoor kitchen with granite countertops, a sink, and grills. Additional tables and armchairs are proposed in the park areas near the traffic circle. The dog park includes a paved seating area and a decorative trellis. curved wooden benches with black metal legs are proposed throughout the development. Bike racks proposed in front of buildings 400 and 600 would be metal loop racks. There is a statue proposed in the Building 400 plaza called “Gravity” by Terra Sculpture. A City standard bus shelter is proposed on Lee Highway.

*Appurtenances:*

HVAC units would be both ground-mounted and roof-mounted in roof wells. The ground-mounted units are proposed mainly along the rear bases of the buildings and would be screened with shrubs. Two transformers, proposed between buildings 500 and 600, do not have screening interior to the site to allow for required maintenance clearance. Waste collection areas would be located within the buildings, so no dumpster enclosures are proposed.

*BAR Recommended Conditions:*

The BAR recommended approval of the Major Certificate of Appropriateness with conditions at the public hearing on June 20, 2018. Subsequent revisions to the architecture have addressed many of these recommended conditions, as noted below.

1. Brick shall be incorporated, at a minimum, up through the first floor on all elevations of all buildings.

*The Applicant has addressed this aspect.*

2. Recessed balconies shall be added to the north elevation of building 500, as depicted in the May 23, 2018 work session submittals received by Staff on May 7, 2018.

*The Applicant has addressed this aspect.*

3. The west elevation of Building 300 shall be redesigned to incorporate a formal front entrance, and added articulation using a combination of window bays, recessed balconies, or courtyards prior to City Council hearing.

*Addressed in part: front entrance is located at the northwest corner where the residential amenity space is located. Staff believes that the Applicant could supplement the design with additional design features, as described in the BAR recommendation. Staff recommends a condition of the Certificate of Appropriateness for the increase in window bays, recessed balconies, or courtyards prior to the issuance of a building permit, pursuant to review by the Director of Community Development and Planning.*

4. The north elevation of Building 300 shall be redesigned to add articulation using a combination of window bays, recessed balconies, or increased masonry prior to City Council hearing.

*The Applicant has addressed this aspect.*

5. Material variety will be limited and also be repetitive amongst the buildings with the exception of Building 600 and shaker shingles will not be used.

*The Applicant has addressed this aspect.*

6. Architectural elements will be consistent and appropriate to the development.

*The Applicant has addressed this aspect.*

7. Specifically, metal awnings will be used to define main building entrances. Fabric awnings are appropriate at minor entrances and other windows.

*The Applicant has partially addressed this aspect. Staff notes that awnings are temporary adornments that are subject to frequent changes, and believes that the Applicant has provided awnings in key area.*

8. The north elevation at 400B will be redesigned to include brick at the first floor elevation and upper floors will include additional articulation.

*The Applicant has addressed this aspect.*

9. Building 500 south elevation, the colored metal panels will be eliminated and replaced with brick.

*The Applicant has addressed this aspect.*

10. Landscaping shall be incorporated into the front of each residential unit to provide privacy and screening at adjacent sidewalks and roadways.

*The Applicant has chosen not to provide this landscaping. Staff concurs that the urban design presented does not call for landscaping in front of every unit as requested.*

11. The Applicant shall return to Staff for a minor certificate of appropriateness for amenity furniture not included in the submission materials prior to their installation.

*Staff notes that this would be required by the Zoning Ordinance, thus no condition is necessary.*

12. The proposed construction, materials, and landscaping shall be in general conformance with the review materials received by Staff and modified through the date of this meeting, except as further modified by the Board of Architectural Review, the Director of Community Development and Planning, the Building Official, or Zoning as necessary.

*Staff Analysis: Staff believes that the proposed elevations and renderings present an overall architectural style that is supported by the Design Guidelines for the ACOD. It is noted that the City Council adopted new Design Guidelines that took effect July 24, 2018. Staff believes that the proposed architectural design is consistent with the recommendations contained within the Design Guidelines.*

#### Proffered Conditions

The proposed proffers are predominantly the same as was previously approved with necessary updates such as Applicant information, dates, square footage of uses and removal of proffers now addressed by the updated zoning ordinance. The proffers include the addition of language to allow for some limited leeway in the proposed bedroom unit mix and parking count in the garage with the provision that minimums proposed will be met. The Applicant has stated this language is necessary to factor in potential architecture changes during the site plan and construction documents phase of the project. As noted, the Applicant has provided amendments or new proffers to address Planning Commission concerns, including phasing of the future conversion of residential to commercial, and provided for a construction management plan. Otherwise, Staff believes that the proposed proffer amendments are substantially similar to what was adopted with the 2015 rezoning.

*Staff Analysis: Staff believes the proposed amendments to the approved proffers have maintained the intent of the original proffers.*

### **PART B: APPLICABLE COMPREHENSIVE PLAN CITATIONS**

#### **Review of Applicable Guidance from the Comprehensive Plan and the Community Appearance Plan**

##### Land Use

The site is located at the center of the Kamp Washington triangle, directly in line with Bevan Drive, and has frontage along both Fairfax Boulevard and Lee Highway. The subject site is immediately surrounded by a mixture of commercial and industrial uses, along with the Jermantown Cemetery. The application encompasses the 8.33-acre subject site, inclusive of a vacant warehouse, vehicle storage, and vehicle sales and service, which would all be replaced by the proposed uses.

The proposed development would result in 403 multifamily dwelling units at a density of 48.4 units per acre based on an 8.33-acre site. The proposed revised development would contain 21,249 square feet of commercial uses, of which 17,249 square feet is proposed as restaurant and retail and 4,000 square feet is proposed as a non-profit office. This is a reduction of 7,751 square feet of commercial uses from the previous approval.

The Future Land Use Map of the Comprehensive Plan designates this site and the areas surrounding as Mixed Use.

## Mixed Use

“Certain locations in the City call for a flexible land use category that will support development with a mixture of appropriate uses. The Mixed Use category supports a combination of commercial, residential and institutional development to be tailored to specific site conditions and transition needs. The “centers” along Fairfax Boulevard (Kamp Washington, Northfax, and Fairfax Circle) are designated as mixed use, which is reflective of the Fairfax Boulevard Master Plan effort and other previous plans and studies... In addition, residential uses should not be the dominate ground-floor use within any of the mixed use districts.” [Comprehensive Plan, page 180].

### a. Kamp Washington

“The Kamp Washington area is a triangle at the western City gateway, bounded by Route 29 (Lee Highway) and Route 50 (Fairfax Boulevard), and extending westward of Jermantown Road to the City limits. The desired land use is commercial and mixed-use.

In the long term, parcels within the Kamp Washington triangle should be consolidated and redeveloped with a mix of retail, office and residential uses. The center of this triangle is nearly unique in the City with respect to the combination of its commercial use and its distance from existing single-family neighborhoods. Of critical importance will be efficient transportation and quality architectural elements of a large-scale development. The project should present a compatible development pattern with a distinctive entry feature that identifies this site as the City’s western gateway.

As in the Boulevard’s other Centers, the Kamp Washington triangle is appropriate for redevelopment of between two to five stories, with the higher buildings being concentrated towards the interior of the triangle, transitioning to a lower scale along the Lee Highway and Fairfax Boulevard frontages.” [Comprehensive Plan, pages 170-171].

*Staff Analysis: Staff believes the sizes of the buildings proposed are in conformance with the vision of Fairfax Boulevard as described in the Comprehensive Plan. Staff acknowledges the Applicant’s statement that this project will provide the only residential uses in the greater Kamp Washington triangle which is identified as a mixed use area. Staff believes that this project provides the internal design and infrastructure that would provide for a coordinated redevelopment within the Kamp Washington triangle.*

## Circulation

The Transportation Chapter of the Comprehensive Plan provides the following guidance for consideration of redevelopment activity along the Fairfax Boulevard Corridor:

“The redevelopment of the Fairfax Boulevard corridor has been established as one of the City’s priority economic development projects. One of the redevelopment goals for Fairfax Boulevard is to create a tree-lined boulevard that will improve its appearance and create a more pedestrian friendly and inviting shopping and business environment. Fairfax Boulevard would be configured with landscaped medians, where possible, and enhanced streetscape features to encourage pedestrian activity. Slow lanes (with on-street parking), separated from the main

travel lanes by landscaped medians, while not intended to be a consistent feature throughout the corridor, should be considered within or adjacent to portions of the Centers if the nature of adjacent redevelopment activity is such that those features would be appropriate. Recognizing the importance of Fairfax Boulevard as a major arterial in the City, and its role as an east/west commuter route, redevelopment plans will attempt to control direct access from individual properties and improve public transit while emphasizing pedestrian accessibility and shared automobile connections to businesses as well as compliance with the aesthetic guidelines of the Community Appearance Plan.”[Comprehensive Plan, page 126]

*Staff Analysis: Staff believes the proposal contributes toward the creation of an “interconnected series of small blocks” by providing for future inter-parcel connections. Sidewalks are proposed both along nearly all of the internal roadways as well as behind the buildings, providing a more pedestrian friendly setting than currently exists.*

### Economy

The Comprehensive Plan calls out the importance and impact of retail uses on the economic viability of the City:

“The City has a substantial economic core of small retail businesses. Despite their small size, many of these businesses are important well beyond the City limits due to the specialization of their merchandise. In many cases a number of these specialized businesses exist close to other stores of their type, leading the City to be a major regional center for shopping for certain types of goods. Thanks both to these regional stores, and to the locally-oriented ones, retail sales taxes are responsible for a significant portion of the City’s total annual revenues. However, it is important that the buildings and centers that house the City’s retail activity remain productively used and up-to-date. The retention, expansion and upgrading of this retail infrastructure is the focus of the City’s economic development program. This approach will inevitably lead to long-term economic growth and reinforce the City’s market niche.

The City’s retail sales activity is mostly carried out in three main areas. Foremost in terms of sales and activity is the Fairfax Boulevard Corridor, which includes focal points such as Fairfax Circle, Northfax and Kamp Washington.” [Comprehensive Plan, page 37].

*Staff notes that the Applicant has relocated the office space to the Lee Highway frontage of Building 400 and provided all commercial uses in the ground floor of Building 600 facing Fairfax Boulevard. The Applicant’s proffer statement provides for the future conversion of additional space along Lee Highway should market conditions change, and should offsite or shared parking arrangements be made at a future point.*

### Affordable Housing

Housing affordability is specifically addressed in the Comprehensive Plan:

“While changes to the City’s housing composition in recent decades has been largely limited to for-sale housing, that is changing as new rental apartment complexes are built, and existing rental complexes (which currently contain a high share of the City’s affordable housing stock) are upgraded or redeveloped. A significant decline in the proportion of economical housing options would have a negative effect on Fairfax’s residents and quality

of life. As a result, the provision and maintenance of affordable housing is a priority for the City.” [Comprehensive Plan, page 58].

In 2013 an Affordable Housing Workgroup was commissioned to analyze the need and provide recommendations for affordable housing policy in the City. The result of the workgroup’s efforts was an amendment to the 2012 Comprehensive Plan to emphasize the following goals:

1. Monitor the adequacy of subsidized housing units in the City and seek access to additional affordable housing opportunities;
2. Encourage the provision of affordable housing units in the development approval process for significant new residential construction, and;
3. Articulate a comprehensive affordable housing strategy and consider the applicability of other options to promote housing affordability, including the provision of affordable units for new for-sale developments, the establishment of a housing trust fund, a plan for the preservation of existing affordable housing units, and other options that could promote housing affordability for a large range of residents.

The workgroup also developed a voluntary proffer statement to guide developers of multifamily apartment projects in the City on the expectations for inclusionary Affordable Dwelling Units (ADUs).

*Staff Analysis: The Applicant is providing 24 units at 30% of household income exclusive of utilities. The minimum income eligibility to rent each unit type is varied from 60% of AMI to 60, 80, 90 and 100% to correlate to the unit sizes. The proffer, as written, is substantially consistent with the City’s housing policy and has not been changed from the original approval other than to update the language for the variety of unit sizes proposed.*

#### Community Appearance

Objective CA-3: Encourage exemplary site and building design, construction, and maintenance [Comprehensive Plan, page 105].

*Staff Analysis: Staff finds the proposal to be an overall improvement to the existing condition of the site, however the removal of recessed balconies and other elements remains problematic and reduces façade articulation and outdoor activity.*

### **PART C: APPLICABLE CODE CITATIONS**

#### **§1.6.2. Conforming uses and structures**

##### **A. Special uses**

1. Any use or structure existing prior to the effective date of this chapter that would be permitted by this chapter by special use permit in the district in which it is located, may be continued as if a special use permit had been approved, provided that any use, structural or other changes shall comply with the provisions of this chapter.
2. Any expansion or change of such use beyond conditions placed on the approval shall require a new special use approval in compliance with the procedures of §6.7.
3. Any use or structure existing prior to the effective date of this chapter that is subject to time limitations or expiration requirements shall continue to be subject to such time limitations or expiration requirements.

##### **C. Variances and special exceptions**

Any variance or special exception lawfully approved prior to the effective date of this chapter [October 1, 2016] shall continue to be valid after the effective date. Development in accordance with an approved variance or special exception shall comply with the requirements of this chapter, provided that in the event of any inconsistency between an approved variance or special exception and the requirements of this chapter, development in accordance with the approved variance or special exception shall be permitted.

#### **D. Proffers**

Any use or structure approved prior to the effective date of this chapter that is subject to a proffer(s) shall continue to be subject to such proffer(s) and any use or structure in a planned development district the application for which was filed prior to July 1, 2016 that is subject to a proffer(s) shall remain subject to any such proffer(s) except to the extent a proffered condition amendment requested by an Applicant may be approved by the city council.

#### **§3.3.1. Principal use table**

The principal use table is subject to the explanation as set forth below.

#### **A. Key to types of use**

2. Special use review An “S” Indicates that a use that may be permitted in the respective general use district only where approved by the city council in accordance with §6.7, and the zoning permit requirements of §6.20. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §3.5.

*The Applicant proposes three main uses for the site. Commercial uses would accommodate general retail and restaurants, with 4,000 square feet of office space proposed. There are two separate residential uses proposed, both require a Special Use Permit in the CR district. The first is multifamily, which would be located in buildings 300 and 600. The multifamily building use type does not permit commercial uses in a multifamily building. The second residential use that is proposed is upper story/mixed use buildings, which do permit residential uses above a primarily commercial ground floor. Because buildings 400 and 500 (technically one connected building) would contain commercial use, a Special Use Permit is required to allow the upper story residential. Specific details on the use standards for upper story/mixed use buildings follows below.*

#### **§3.5.1. Residential use standards**

##### **D. Upper story residential/mixed uses**

##### **1. Use**

- (a) Upper story residential units are allowed above the ground floor of an upper story residential/mixed use building as set forth in principal use table (see §3.3.1).
- (b) At least 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings shall be used solely for nonresidential uses. The remaining 25 percent of the first floor may be used for residential uses and/or residential accessory uses, such as entry lobbies and amenities.
- (c) Lobby and similar areas on the first floor, which serve upper story residential uses, shall be considered residential accessory uses.

##### **2. Dimensional standards**

Upper story residential/mixed use buildings shall adhere to all dimensional standards of the nonresidential use specified in §3.6.2. (See also §3.4.2, Complexes).

##### **3. Floor height**

- (a) Ground floor

- (1) The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage, if any, for a minimum depth of at least 25 feet.
- (b) Upper story residential/mixed use  
At least 80 percent of each upper story shall have an interior clear height (floor to ceiling) of at least nine feet

**§3.6. DIMENSIONAL STANDARDS**

**§3.6.2. Nonresidential districts**

DIMENSIONAL STANDARDS	CR
HEIGHT, MAXIMUM (STORIES/FEET)	5/60

The GDP reflects an average building height of 69 feet for building 500, which is the central building surrounding the parking garage. All other buildings are shown below the maximum district height of 60 feet. To maintain the design and number of floors consistent with the 2015 plans, the Applicant seeks a Special Exception for height to accommodate building 500.

*Staff believes that the additional average height of nine feet is consistent with the previous approval, and notes that the architecture of the building reflects quality design that is consistent with the goals for the Design Guidelines for the ACOD. The proposed five story building is in the center of the site, and is surrounded by lower buildings of three to four stories, and therefore is consistent with the recommendations of the Comprehensive Plan regarding stepping up height and placing the taller buildings in the center of a site. Staff believes that this height is consistent with larger buildings throughout the City, particularly recently approved multifamily buildings.*

**§4.2.3. Parking requirements**

**A. Minimum requirements**

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the parking ratio requirements of §4.2.3.E.

**E. Parking ratio requirements**

Off-street parking spaces shall be provided for all uses listed below in at least the minimum amounts specified.

USE TYPES/ USE GROUPS*	GENERAL REQUIREMENTS
<b>RESIDENTIAL</b>	
Multifamily	1.5 spaces per one or less bedroom unit; 2 spaces per 2 or more bedroom unit
Upper story residential/mixed use buildings	1.25 spaces per efficiency unit; 1.5 spaces per 1 bedroom unit; 2 spaces per 2 or more bedroom units; other uses as required herein
<b>COMMERCIAL USES (SEE §3.4.1.F)</b>	
Office, general*	1 space per 300 sq. ft. of floor area
Restaurants or food service	1 space per 200 sq. ft. of floor area; 1 space per 100 sq. ft. of floor area with dancing and entertainment; none for outdoor dining and service areas
Retail, general*	1 space per 200 sq. ft. of floor area

The GDP indicates that the parking requirements for the proposed commercial uses, as well as studio and one-bed dwelling units would be met. The applicant is seeking a Special Exception to allow the two and three-bed units to park at a ratio of 1.786 spaces per unit rather than the required 2.0 spaces per dwelling unit. It is noted that the parking requirements are different for upper story/mixed use buildings and multifamily buildings, except that two or more bedroom units in either use category are required to have a parking ratio of 2.0 spaces per dwelling unit.

*Staff Analysis: Initially the Applicant requested a special exception for parking of 1.6 spaces per residential unit as was previously approved. The zoning ordinance was amended after that approval including changes to the parking requirements. Staff's review of the residential unit mix proposed by the Applicant resulted in clarification of the special exception requested. The parking requirements are being met for studio and one bedroom units. Two and three bedroom units require two spaces per unit. Based on the spaces proposed in the parking garage and on-street, the Applicant is providing 1.786 spaces per unit instead of the 1.6 spaces per unit as the applicant requested and is meeting the requirement for all other units and commercial uses.*

#### **§4.4.4. Sidewalks**

Sidewalks shall be placed within the right-of-way as specified below.

##### **A. Where required**

1. Unless otherwise specified below, sidewalks shall be required on both sides of all arterial, collector and local streets.

*Staff Analysis: The Applicant is providing sidewalks on both sides for most of the internal roadways and all of the public right-of-ways. There are two locations along the stub streets that lead to future connections to adjacent parcels that do not have sidewalk due to location of transformers, proximity to the property line and a loading space adjacent to the building. Two of these areas can be addressed when the future connections to adjoining properties are completed. For this reason, the Applicant requests a special exception from the Zoning Ordinance. It is noted that this deficiency existed under the previous approval; however, the Zoning Ordinance did not impose a sidewalk requirement, thus there was no associated Special Exception. Staff supports the Applicant's request for a Special Exception.*

#### **§4.5.6.B. Street trees and landscape strip**

In all general districts except the CU district, a minimum ten foot wide landscaped strip shall be provided along all streets. Street trees shall be required along all streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet apart.

1. All street trees shall be planted no less than three feet or more than 15 feet from the back of the curb or edge of pavement.
2. No tree shall be planted within a safe sight triangle (§4.3.4) or closer than 10 feet from any fire hydrant.

*Staff Analysis: Along the internal road system the street trees are provided in 5'x8' tree grates rather than the 10' wide landscape strip required. There are also locations that street trees were not provided due to width of sidewalk available between the building face and the curb. Staff believes that the intent of this section of the Zoning Ordinance is being met through an urban design internal to the site, and the site layout is still similar to the previously approved plan.*

#### Schools

Based on 2015 student generation estimates, the previously approved 403 units would have been expected to produce an average of 46 students. There has been a change to student generation from multifamily dwellings, which has had a slight impact on the projected long term student

generation. Approximately 403 units, as proposed, is projected to generate 53 students. It is noted that there has been no change proposed to the total number of dwelling units, and the Applicant is proffering \$200,000 to mitigate impacts to City schools facilities (see proffer 15).

Fiscal Impact

Staff estimates that this proposed project's annual fiscal impact to the City would likely range from negative \$500,000 to positive \$47,000. These estimates indicate the likelihood of greater direct annual costs than direct revenues, resulting largely from the costs involved in providing residential services (government services to 403 housing units, plus educational services). In this proposal, there are relatively few nonresidential revenue sources to offset the cost of providing residential services, leading to estimates ranging from rough fiscal neutrality to a negative annual cost.



## SUMMARY OF ZONING DISTRICTS AND OVERLAYS

**GENERAL ZONING DISTRICTS:** Unless within a planned development district, each property in the City belongs to one of the following zoning districts, which spells out permitted uses and types of development for all parcels within each district, as summarized below:

**RL, RM & RH RESIDENTIAL DISTRICTS:** Permits single-family detached housing and select types of supportive, complementary uses that create quiet and comfortable neighborhoods. Development must be consistent with the character of a residential neighborhood and fit within certain parameters, including:

- **RL RESIDENTIAL LOW:** 20,000 minimum lot size and 40' front setback from the street;
- **RM RESIDENTIAL MEDIUM:** 7,500 minimum lot size and 25' front setback from the street;
- **RH RESIDENTIAL HIGH:** 6,000 minimum lot size and 20' front setback from the street.

**RT & RT-6 TOWNHOUSE DISTRICTS:** Provides townhouses in both districts, as well as duplexes, single-family attached, and single-family detached housing in the RT district.

- **RT-6:** Limited to 6 units per acre;
- **RT:** Limited to 12 units per acre.

**RMF MULTIFAMILY DISTRICT:** Provides for multifamily housing as well as townhouses, duplexes, single-family attached, and single-family detached housing. Buildings may be no taller than 3 stories and 35' or 4 stories and 45' (where not adjacent to a single-family detached district) with a density limited to 20 units per acre. Permitted uses also include nursing homes, assisted living facilities, congregate living facilities and select directly related, complementary uses.

**CL COMMERCIAL LIMITED DISTRICT:** Provides for limited, low intensity office development as a transitional use between residential and commercial areas with buildings limited to 3 stories and 35' in height that may not exceed 17,500 sq. ft. in floor area.

**CO COMMERCIAL OFFICE DISTRICT:** Provides for offices for business, governmental and professional uses, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

**CR COMMERCIAL RETAIL DISTRICT:** Provides for office and general business and retail establishments, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

**CU COMMERCIAL URBAN DISTRICT:** Provides an urban, mixed use development option for appropriate parts of the downtown area and sites in the general vicinity of the three key Fairfax Boulevard intersections: Main Street, Chain Bridge Road, and Old Lee Highway, or as may be more precisely specified by a current or future adopted plan. Buildings may be up to 5 stories and 60'.

**CG COMMERCIAL GENERAL DISTRICT:** Provides areas for office, general retail, automobile-related uses, and uses accessory or complementary thereto. Buildings may be up to 5 stories and 60'.

**IL INDUSTRIAL LIGHT DISTRICT:** Provides areas for light industrial uses. Buildings may be up to 3 stories and 35'.

**IH INDUSTRIAL HEAVY DISTRICT:** Provides areas for general industrial uses. Building may be up to 6 stories and 60'.

**PLANNED DEVELOPMENT DISTRICTS AND ZONING OVERLAYS:** Some properties are included in planned development districts and/or are governed by regulations that exceed that of the underlying general zoning district through overlays and other development standards. These are summarized below:

**PD-R, PD-M, PD-C & PD-I PLANNED DEVELOPMENT DISTRICTS:** Provides for coordinated developments and communities with appropriate boundary transitional yards and recreation and open space. The districts provide additional flexibility not available in general zoning districts and allows for innovations and special features in site development that make the community better.

- **PD-R PLANNED DEVELOPMENT RESIDENTIAL:** Allows for permitted/special uses in the R districts;
- **PD-M PLANNED DEVELOPMENT MIXED USE:** Allows for permitted/special uses in the R and C districts;
- **PD-C PLANNED DEVELOPMENT COMMERCIAL:** Allows for permitted/special uses in the C districts;
- **PD-I PLANNED DEVELOPMENT INDUSTRIAL:** Allows for permitted/special uses in the CG, IL, and IH districts.

**HISTORIC OVERLAY DISTRICTS:** Provide additional protection to areas of historic interest in the City in order to ensure that development or building modifications do not alter or diminish the historic quality of the district:

- **OLD TOWN FAIRFAX HISTORIC DISTRICT:** Encourages a compatible mixture of residential, retail and office uses within the district.
- **FAIRFAX PUBLIC SCHOOL HISTORIC DISTRICT:** Includes the property containing the Fairfax Museum & Visitor Center; the district controls uses and structures built on the property.
- **BLENHEIM HISTORIC DISTRICT:** Includes the property at Historic Blenheim; the district preserves Blenheim mansion and controls uses and structures built on the property.
- **JOHN C. WOOD HOUSE HISTORIC DISTRICT:** Includes the former residence of John C. Wood, the first Mayor of the City of Fairfax; the district prohibits certain uses and structures on the property.

**OLD TOWN FAIRFAX TRANSITION OVERLAY DISTRICT:** Established to encourage a compatible mixture of residential, retail and office uses in areas close to the Old Town Fairfax Historic District. New development must complement the scale, siting and design of the Historic District.

**ARCHITECTURAL CONTROL OVERLAY DISTRICT:** Includes all land in the city which is located outside of an historic district and zoned and used for anything other than a single-family detached residence. This district seeks to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the city, to make the city more attractive for the development of business and industry, and to protect land values.

**RESOURCE PROTECTION AREA (RPA):** Includes land within 100 feet of water bodies that have perennial flow, as well as other natural features such as wetlands and intermittent streams. The RPA seeks to protect these waters from significant degradation due to land disturbances.

**RESOURCE MANAGEMENT AREA (RMA):** Includes all land in the City that is not part of an RPA. Land disturbances in the RMA can have cause water quality degradation and diminish the functionality of RPA lands. Together, the RMA and RPA form the Chesapeake Bay Preservation Area, which encompasses all of the City.

**100-YEAR FLOODPLAIN:** Includes land subject to inundation by the “100-year flood” as on FEMA flood maps (a flood that has a 1% chance of occurring each year).



WALSH COLUCCI  
LUBELEY & WALSH PC

RECEIVED

JUN 18 2018

Community Dev &amp; Planning

LETTER OF TRANSMITTAL

TO: Kelly O'Brien  
City of Fairfax, Community Development & Planning  
10455 Armstrong Street, Suite 207  
Fairfax, VA 22030

FROM: Bob Brant

DATE: June 18, 2018

REGARDING: Fairfax Gateway

OUR FILE NO. 2523.96

We transmit the attached:

- Originals  
 Copies  
 Plans  
 Documents

Description: Revised application forms and affidavit.

Transmitted via:

- mail     courier / pickup     scheduled express     federal express

Action requested:

- your approval  
 your review/comments  
 your submission  
 your file/use  
 your distribution  
 other

Remarks: Please call me with any questions.

Best,

Bob

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELAWYERS.COM  
 2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

CITY OF FAIRFAX  
ZONING MAP AMENDMENT, PROFFER AMENDMENT,  
OR MASTER DEVELOPMENT PLAN AMENDMENT APPLICATION

RECEIVED

JUN 18 2018

Community Dev & Planning

I/We FF Realty IV LLC by Robert D. Brant, Attorney-in-Fact  
(Name of applicant) (Authorized agent's name and relationship to applicant)

a corporation / general partnership / limited partnership / sole proprietorship/individual (circle one) which is the

property owner / contract purchaser / lessee (circle one)

of Lots 57-1-2-27, 31, 31A, 31B, Block \_\_\_\_\_, Section \_\_\_\_\_ of the \_\_\_\_\_ Subdivision containing 362,811 (Sq. Ft.) on the premises known as

11101, 11091 Fairfax Boulevard and 11160 Lee Highway requests that the property currently zoned C-2 and HCOD be rezoned to N/A. This property is recorded in the land records of Fairfax County in the name of

MGB Properties III LLC in Deed Book 16570, Page 374.

(Name and address of subject property)

I certify that I have read and understand my application to comply with Zoning Ordinance Section 6.2.3.C Application Requirements, which states:

1. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this chapter.
2. The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the city or other parties to show that the standards or criteria have not been met.
3. Each application is unique and, therefore, more or less information may be required according to the needs of the particular case. Information needs tend to vary substantially from application to application and to change over time as result of code amendments and review procedure changes. Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted."

Robert D. Brant Attorney-in-Fact  
(Signature of applicant or authorized agent) (Title or relationship)  
Walsh, Colucci, Lubeley & Walsh, P.C.  
Address 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201 Phone 703-528-4700

Email rbrant@thelandlawyers.com

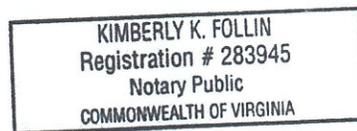
STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the 18 day of June, 2018, do hereby certify that this day personally appeared before me in the State aforesaid Robert D. Brant, Attorney-in-fact  
(Name) (Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the 18 day of June, 2018, and acknowledged the same before me.

GIVEN under my hand and seal this 18 day of June, 2018.

Kimberly K. Follin / 283945  
Notary Public Registration #



**THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER**

I/We FF Realty IV LLC by Robert D. Brant, Attorney-in-Fact hereby certify that the applicant named above has the authority vested by me to make this application.

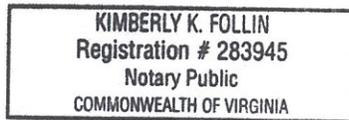
[Signature] Robert D. Brant Attorney-in-Fact  
(Signature of owner or authorized agent) (Title or relationship)  
Address Walsh, Colucci, Lubeley & Walsh, P.C., 2200 Clarendon Boulevard, Suite 1300 Phone: 703-528-4700  
Arlington, Virginia 22201

STATE OF VIRGINIA to-wit:

I, the undersigned, a Notary Public in and for the State aforesaid, whose commission as such will expire on the 18 day of June, 2018, do hereby certify that this day personally appeared before me in the State aforesaid Robert D. Brant Attorney-in-Fact  
(Name) (Title)  
whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the 18 day of June, 2018, and acknowledged the same before me.

GIVEN under my hand and seal this 18 day of June, 2018.

Kimberly K. Follin 1283945  
Notary Public Registration #



**FOR OFFICE USE ONLY**

Proposal filed: \_\_\_\_\_ Received by: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Previous Cases: \_\_\_\_\_  
Current status of business license and fees: \_\_\_\_\_  
Treasurer: \_\_\_\_\_  
Commissioner of Revenue: \_\_\_\_\_

RECEIVED

JUN 18 2018

AFFIDAVIT  
CITY OF FAIRFAX

Community Dev & Planning

I, FF Realty IV LLC, by Robert D. Brant, attorney-in-fact do hereby make oath or affirmation that  
(name of applicant or agent)

I am an applicant in Application Number \_\_\_\_\_ and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

See Attachment A

Name	Address	Relationship

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

See Attachment B

Corporation Name: \_\_\_\_\_

Name	Address	Relationship

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

N/A

Partnership Name: \_\_\_\_\_

Name	Address	Relationship

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None

FF Realty IV LLC by Robert D. Bryant

WITNESS the following signature:

*[Handwritten Signature]*  
Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 18 day of June, 2018, in the State of Virginia, County of Arlington

My commission expires: 11/30/2019

*[Handwritten Signature]*  
Notary Public

283945  
Registration #

KIMBERLY K. FOLLIN  
Registration # 283945  
Notary Public  
COMMONWEALTH OF VIRGINIA

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JUN 18 2018

Community Dev & Planning

ATTACHMENT A

FF Realty IV LLC  
1110 North Glebe Road, Suite 650  
Arlington, VA 22201  
Agents: Andrew T. McGeorge  
Bryan P. Condie

Applicant/Contract Purchaser from  
Novus Residences LLC

Novus Fairfax Gateway LLC  
1660 L Street, NW, Suite 600  
Washington, DC 20036  
Agent: Conrad B. Cafritz

Contract Purchaser from  
Title Owner

MGB Properties III, L.L.C.  
11165 Fairfax Boulevard  
Fairfax, VA 22030  
Agents: M. Gardner Britt, Jr.  
Michael R. Andress

Title Owner of Tax Map  
57-1 ((2)) 27, 31, 31A and 31B

VIKA, Incorporated  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102  
Agents: John F. Amatetti  
P. Christopher Champagne  
Edmund J. Ignacio

Civil Engineers/Planners/Agent for Applicant

VIKA Virginia, LLC  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102  
Agents: John F. Amatetti  
P. Christopher Champagne  
Edmund J. Ignacio

Civil Engineers/Planners/Agent for Applicant

Preston Drake Architects, LLC  
8603 Westwood Center Drive, #320  
Vienna, VA 22182

Architect/Agent for Applicant

Agents: Mark D. Drake  
Sean V. Bowers  
Abby Camacho

**ATTACHMENT A, continued**

Multifamily Landscape Design  
Associates LLC  
107 Weatherstone Drive, #510  
Woodstock, GA 30188  
Agent: Steven M. Middendorf

Landscape Architect for Applicant

Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

Attorneys/Planners/Agent for Applicant

Agents: Martin D. Walsh  
M. Catharine Puskar  
Robert D. Brant  
Elizabeth D. Baker

Lynne J. Strobel  
Sara V. Mariska (FORMER)  
Nicholas V. Cumings

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**ATTACHMENT B**

**FF Realty IV LLC**

Member: Fairfield Residential Company LLC

*Officer: Jon A. MacDonald, EVP, General Counsel & Corporate Secretary*

Members: Brookfield Asset Management, Inc. (*publicly traded on the NYSE*)  
California State Teachers Retirement System (*in excess of hundreds of members in this pension fund, none of whom own 10% or more*)  
FFM LLC (*owns less than 10% of FF Realty IV LLC*)

**Novus Fairfax Gateway LLC**

Sole Member: Novus Property Holdings LLC

*Officers: Conrad B. Cafritz, Chairman; Adam Gollance, CFO*

**Novus Property Holdings LLC**

Member: Conrad B. Cafritz

**MGB Properties III, L.L.C.**

Managers: M. Gardner Britt, Jr.  
Michael R. Address

Member: MGB Properties, L.L.C.

**MGB Properties, LLC**

Managers: M. Gardner Britt, Jr.  
Michael R. Address

Members: M. Gardner Britt, Jr  
M. Gardner Britt, III  
Raymond P. Britt  
Andrew M. Britt  
William C. Britt  
Alexander P. Britt  
Michael Britt  
Joseph B. Britt  
Angela Britt

**VIKA, Incorporated**

Shareholders: John F. Amatetti, Charles A. Irish, Jr., Robert R. Cochran, Mark G. Morelock, Kyle U. Oliver, P. Christopher Champagne

**VIKA Virginia, LLC**

Members: John F. Amatetti, Charles A. Irish, Jr., Robert R. Cochran, Mark G. Morelock, Kyle U. Oliver, P. Christopher Champagne

**ATTACHMENT B, continued**

**Preston Drake Architects, LLC**

Members: Robert N. Preston, Mark D. Drake, Andy P. Preston, R. Adam Parrish

**Multifamily Landscape Design Associates LLC**

Sole Member: Steven M. Middendorf

**Walsh, Colucci, Lubeley & Walsh, P.C.**

Shareholders:

Wendy A. Alexander	Jay du Von (FORMER)	Sara V. Mariska (FORMER)	Kathleen H. Smith
David J. Bomgardner	William A. Fogarty	Charles E. McWilliams	Lynne J. Strobel
E. Andrew Burcher	John H. Foote	J. Randall Minchew	Garth M. Wainman
Thomas J. Colucci	H. Mark Goetzman	Andrew A. Painter	Nan E. Walsh
Michael J. Coughlin	Bryan H. Guidash	M. Catharine Puskar	
Peter M. Dolan, Jr.	Michael J. Kalish	John E. Rinaldi	
	Michael R. Kieffer		



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JUN 18 2018

City of Fairfax – Community Development and Planning
10455 Armstrong Street #207A Fairfax, VA 22030
Phone: 703-385-7820

Community Dev & Planning

Application #:
Receipt #:

LAND USE APPLICATION

- NON REFUNDABLE FEE -

- Special Use, Special Exception, Variance, Amendment, Renewal

1. PROPERTY LOCATION INFORMATION

Property Address 11101, 11091 Fairfax Blvd & 11160 Lee Hwy Tax Map # 57-1-02-27, -31, -31A, -31B
Project Name Fairfax Gateway Project Description Applicant proposes minor modifications to a series of special use permit, special exception and variance applications identified in the attached document and as described in more detail in the statement of justification.

2. APPLICANT or AUTHORIZED AGENT INFORMATION (check as appropriate)

Applicant Name FF Realty IV LLC (circle one): Corporation / Gen Partnership / Ltd Partnership / Sole Proprietorship / Individual
Applicant Address c/o Walsh Colucci Lubeley & Walsh, P.C., 2200 Clarendon Boulevard, Suite 1300, Arlington, VA 22201
Phone (o) 703-528-4700 (c) Email rbrant@thelandlawyers.com
Applicant or Authorized Agent Signature Robert O. Brant
Relationship to project (circle one): Property owner / Contract purchaser / Lessee / Agent for contract purchaser

3. APPLICANT CERTIFICATION STATEMENT Section 110-6.2.3

I certify that I have read and understand my application to comply with Zoning Ordinance Section 6.2.3 which states that an application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with the applicable requirements of this chapter; that the burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant; that each application is unique and, therefore, more or less information may be required according to the needs of the particular case; that staff has the flexibility to specify submission requirements for each application and to waive requirements as appropriate; and that the applicant shall rely on the review official as to whether more or less information should be submitted

Applicant or Authorized Agent Signature (REQUIRED) Robert O. Brant Date June 18, 2018

4. ENGINEER, ARCHITECT, SURVEYOR or LANDSCAPE ARCHITECT (Same as Applicant)

Licensed Professional's Name
Licensed Professional's Address
Phone (o) (c) Email

\*\*\*OFFICE USE ONLY\*\*\*

Current status of business license and fees
Treasurer:
Commissioner of Revenue:

The Applicant requests approval of the following land use applications:

Proffer Amendment:

1. Amendment to Rezoning Z-13070069, approved February 25, 2015 by the City Council.

Special Use Permits:

1. Section 110-3.3.1(B) – Permit Multi-family Residential Use in CR District.
2. Section 110-3.3.1(B) – Permit Upper Story Residential/Mixed Uses in CR District.

Special Exceptions:

1. Section 110-3.5.1(D)(1)(B) Upper Story Residential/Mixed Use – At least 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings shall be used solely for nonresidential uses. The remaining 25 percent of the first floor may be used for residential uses and/or residential accessory uses, such as entry lobbies and amenities; and floor height.

The Applicant requests that less than 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings be used solely for nonresidential uses as shown on the GDP/SUP/SE Plan.

2. Section 110.4.2.3 Required Parking for Multi-family – 1.5 spaces per one or less bedroom unit; 2 spaces per 2 or more bedroom unit.

The Applicant requests multi-family parking be based upon a ratio of 1.6 spaces per unit.

3. Section 110-4.2.3 Required Parking for Upper Story Residential/Mixed Use Buildings – 1.25 spaces per efficiency unit; 1.5 spaces per 1 bedroom unit; 2 spaces per 2 or more bedroom units; other uses as required herein.

The Applicant requests upper story residential/mixed use buildings parking be based upon a ratio of 1.6 spaces per unit.

4. Section 110-3.6.2 maximum building height five (5) stories above grade, but not more than 60 feet.

The Applicant request to allow buildings up to five (5) stories above the average grade with an average above grade maximum height of up to sixty-nine (69) feet. All building heights are based upon the definition of height as provided in Section 110-1.5.11 of the Zoning Ordinance for buildings with a gable roof.

5. Section 110-4.4.4.(A)(1) sidewalks – unless otherwise specified below, sidewalks shall be required on both sides of all arterial, collector and local streets.

The Applicant requests to eliminate the requirement that sidewalks be required on both sides of all local streets and be provided as generally depicted in the GDP/SE/SUP Plan.

6. Section 110-4.5.6(B) Street Trees – In all general districts except the RL, RM, RH and CU Districts, a minimum of ten foot wide landscaped strip shall be provided along all streets. Street trees shall be required along all streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet part.

The Applicant requests that street trees be provided as generally shown on the GDP/SE/SUP Plan.

7. Section 110-4.5.7(C)(1) Screening for Parking Adjacent to Right-of-Way – the perimeter of all parking lots with frontage on any portion of public right-of-way shall be screened by a continuous landscaped hedge, a wall, or fence supported by masonry piers. Perimeter screening shall be at least 30 inches in height at the time of installation, and any planted screening shall reach a minimum height of 36 inches within two years of planting.

The Applicant requests to reduce the height of the perimeter screening at planting from 30” to 18” for both Fairfax Boulevard (Route 50) and Lee Highway (Route 29).

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FEB 21 2018

Community Dev & Planning

FF REALTY IV LLC

Telephone (858) 824-6498

Facsimile (858) 625-8987

**SPECIAL LIMITED POWER OF ATTORNEY**

Know All Men By These Presents:

FF Realty IV LLC does hereby make, constitute and appoint Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Sara V. Mariska, Robert D. Brant, Nicholas V. Cumings, and Elizabeth D. Baker, (Telephone 703-528-4700) of 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201, to act as the agents in connection with the filing and processing of zoning map amendments, special exceptions, variances and special use permits, BAR applications, and any related applications, associated with the property identified as 057-1-02-027, -031, -031A and -031B.

FF REALTY IV LLC

  
By: Jon A. MacDonald  
Its: Executive Vice President,  
General Counsel & Corporate Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

) ss.

COUNTY OF San Diego )

On Jan. 24, 2018, before me, Lisa A. Snyder, notary public, personally appeared Jon A. MacDonald, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

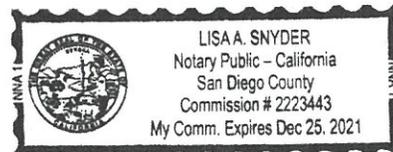
WITNESS my hand and official seal.

Lisa A. Snyder

NOTARY PUBLIC OF CALIFORNIA

Printed Name: Lisa A. Snyder

My Commission Expires: Dec. 25, 2021



**SPECIAL LIMITED POWER OF ATTORNEY**

Know All Men By These Presents:

FF Realty IV LLC does hereby make, constitute and appoint Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Sara V. Mariska, Robert D. Brant, Nicholas V. Cumings, and Elizabeth D. Baker, (Telephone 703-528-4700) of 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201, to act as the agents in connection with the filing and processing of zoning map amendments, special exceptions, variances and special use permits, BAR applications, and any related applications, associated with the property identified as 057-1-02-027, -031, -031A and -031B.

FF REALTY IV LLC

  
By: Jon A. MacDonald  
Its: Executive Vice President,  
General Counsel & Corporate Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

) ss.

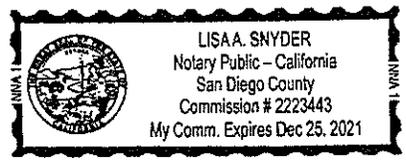
COUNTY OF San Diego )

On Jan. 24, 2018, before me, Lisa A. Snyder, notary public, personally appeared Jon A. MacDonald, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Lisa A. Snyder  
NOTARY PUBLIC OF CALIFORNIA  
Printed Name: Lisa A. Snyder  
My Commission Expires: Dec. 25, 2021



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FEB 21 2018

Community Dev & Planning

SPECIAL LIMITED POWER OF ATTORNEY

Know All Men By These Presents:

MGB Properties III, LLC does hereby make, constitute and appoint Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Sara V. Mariska, Robert D. Brant, Nicholas V. Cumings, and Elizabeth D. Baker, (Telephone 703-528-4700) of 2200 Clarendon Boulevard, 13th Floor, Arlington, Virginia 22201, to act as the agents in connection with the filing and processing of a zoning map amendment, special exceptions, variances, special permits and BAR approvals associated with the property identified as 057-1-02-027, -031, -031A and -031B.

MGB PROPERTIES III, L.L.C.

*[Handwritten Signature]*

By: M. Gardner Britt, Jr. *Michael R. Andres*  
Its: Manager

STATE OF Virginia :  
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before this 25<sup>th</sup> day of January, 2018 by  
M. Gardner Britt, Manager of MGB Properties III, L.L.C.

*Michael R. Andres*

*Shauna Marie Schwartz*  
Notary Public

My Commission Expires: 9/30/19  
Registration #: 7387321

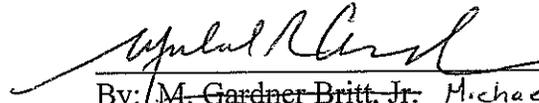


**SPECIAL LIMITED POWER OF ATTORNEY**

Know All Men By These Presents:

MGB Properties III, LLC does hereby make, constitute and appoint Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Sara V. Mariska, Robert D. Brant, Nicholas V. Cumings, and Elizabeth D. Baker, (Telephone 703-528-4700) of 2200 Clarendon Boulevard, 13th Floor, Arlington, Virginia 22201, to act as the agents in connection with the filing and processing of a zoning map amendment, special exceptions, variances, special permits and BAR approvals associated with the property identified as 057-1-02-027, -031, -031A and -031B.

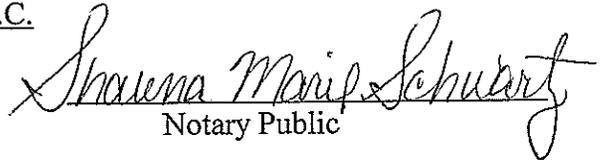
MGB PROPERTIES III, L.L.C.



By: ~~M. Gardner Britt, Jr.~~ Michael R. Andres  
Its: Manager

STATE OF Virginia :  
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before this 26<sup>th</sup> day of January, 2018 by  
M. Gardner Britt, Manager of MGB Properties III, L.L.C.  
*Michael R. Andres*



Notary Public

My Commission Expires: 9/30/19  
Registration #: 7387321



**FF Realty IV LLC****Statement of Justification****August 13, 2018**

The property identified as City of Fairfax tax map 57-1-2-27, 31, 31A, and 31B (the “Subject Property”), is comprised of four (4) parcels totaling approximately 8.33 acres. On February 24, 2015, the Fairfax City Council approved a rezoning of the Subject Property from the I-2, C-2, and HCOD Districts to the C-2 and HCOD Districts. The Council also approved a number of special use permit, special exception, and variance approvals under the prior Zoning Ordinance. On March 16, 2016 and September 7, 2016, the Board of Architectural Review also approved Certificates of Appropriateness for the proposed buildings and associated improvements. Collectively, the approvals permit a mixed-use development comprised of multifamily residential units, office, and retail uses. FF Realty IV LLC (the “Applicant”), an entity of Fairfield Residential, is now the contract purchaser of the Subject Property and seeks approval of minor amendments to the existing approvals to ensure that the project can become a reality.

The Subject Property is located within the central portion of the Kamp Washington triangle with frontage along Fairfax Boulevard (Route 50) and Lee Highway (Route 29). The Subject Property is currently occupied by, among others, Ted Britt Ford and the former American Medical Laboratories building. The Jermantown Cemetery and Fair Oaks Square office complex are located to the east of the site, to the southeast is the Hilltop Shop ‘N’ Go Center, and to the west, a gas station, a Dominion Power parking area, and an office complex. The Subject Property is located within the Kamp Washington area in the City of Fairfax Comprehensive Plan (the “Plan”), which specifically identifies the Kamp Washington triangle as a mixed-use zone. The Applicant continues to propose a high-quality mixed-use development that conforms to the Plan’s recommendations.

Over the last several months, the Applicant has studied the approved development and had discussions with City Staff, Councilmembers, and the Mayor. Based on the Applicant’s development experience, contemplated development program, and discussions with City Staff, the Applicant now proposes modifications to the approved development. Specifically, the Applicant proposes the following modifications:

- Delete a two-story building previously identified as Building 200, located in the northeast portion of the Subject Property;
- Modify the footprint of the residential building identified as Building 300, located in the eastern portion of the Subject Property;
- Relocate the proposed swimming pool to be directly adjacent to Building 300;
- Modify the location of the proposed office and residential amenity space;
- Delete some of the previously approved pedestrian bridges;

- Relocate units from Building 200 to Building 400;
- Modify the previously approved parking configuration;
- Revise the proposed landscaping plan; and
- Modify elevations.

The Applicant continues to propose a total of up to 403 multifamily units in five-story buildings and 4,000 square feet of office square footage. The modifications now result in approximately 21,249 square feet of primarily street-oriented ground floor office, retail and/or restaurant space. The commercial space is oriented to both Fairfax Boulevard and Lee Highway, thereby activating both frontages. In addition, the Applicant has included a proffer that will allow flexibility in the future to convert up to 4,000 square feet of ground floor residential units in the southeastern portion of Building 400, and up to 5,000 square feet of ground level amenity space to commercial use, subject to market conditions and a demonstration that adequate parking is available for such commercial use. The Applicant will continue to provide parking for the Subject Property through a combination of screened, at-grade parking structures, a multi-story parking garage on the western portion of the Subject Property that will be wrapped on all 4 sides by residential dwellings, and traffic calming on-street parking spaces.

The Applicant requests approval of the following land use applications:

Proffer Amendment:

1. Amendment to Rezoning Z-13070069, approved February 25, 2015 by the City Council.

Special Use Permits:

1. Section 110-3.3.1(B) – Permit Multi-family Residential Use in CR District.
2. Section 110-3.3.1(B) – Permit Upper Story Residential/Mixed Uses in CR District.

Special Exceptions:

1. Section 110-3.5.1(D)(1)(B) Upper Story Residential/Mixed Use – At least 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings shall be used solely for nonresidential uses. The remaining 25 percent of the first floor may be used for residential uses and/or residential accessory uses, such as entry lobbies and amenities; and floor height.

The Applicant requests that less than 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings be used solely for nonresidential uses as shown on the GDP/SUP/SE Plan.

2. Section 110.4.2.3 Required Parking for Multi-family – 1.5 spaces per one or less bedroom unit; 2 spaces per 2 or more bedroom unit.

The Applicant requests multi-family parking be based upon a ratio of 1.786 spaces per 2 or more bedroom unit. The studio and 1-bedroom units within the proposed multifamily building will be parked in accordance with Zoning Ordinance requirements.

3. Section 110-4.2.3 Required Parking for Upper Story Residential/Mixed Use Buildings – 1.25 spaces per efficiency unit; 1.5 spaces per 1 bedroom unit; 2 spaces per 2 or more bedroom units; other uses as required herein.

The Applicant requests upper story residential/mixed use building parking be based upon a ratio of 1.786 spaces per 2 or more bedroom unit. The studio and 1-bedroom units within the proposed upper story residential/mixed use buildings will be parked in accordance with Zoning Ordinance requirements.

4. Section 110-3.6.2 maximum building height five (5) stories above grade, but not more than 60 feet.

The Applicant requests to allow buildings up to five (5) stories above the average grade with an average above grade maximum height of up to sixty-nine (69) feet. All building heights are based upon the definition of height as provided in Section 110-1.5.11 of the Zoning Ordinance for buildings with a gable roof.

5. Section 110-4.4.4.(A)(1) sidewalks – unless otherwise specified below, sidewalks shall be required on both sides of all arterial, collector and local streets.

The Applicant requests to eliminate the requirement that sidewalks be required on both sides of all local streets and be provided as generally depicted in the GDP/SE/SUP Plan.

6. Section 110-4.5.6(B) Street Trees – In all general districts except the RL, RM, RH and CU Districts, a minimum of ten foot wide landscaped strip shall be provided along all streets. Street trees shall be required along all streets at the rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet part.

The Applicant requests that street trees be provided as generally shown on the GDP/SE/SUP Plan.

#### Certificate of Appropriateness

1. Request for a major certificate of appropriateness for the proposed architecture and associated improvements.

Pursuant to Section 110-6.7.7, of the City of Fairfax Zoning Ordinance, the following criteria shall be considered when evaluating all special use permit applications:

- *Consistency with the Plan.*

The Applicant's proposal for a mixed-use development in the Kamp Washington area is consistent with the Plan's vision for mixed-use development in this area. Through the redevelopment of the Subject Property, the Kamp Washington area will receive an infusion of new residents who will live within a comfortable walking distance to existing retail and commercial development. The proposed development also includes a new primary street with retail use and resident amenity spaces, a contemplative park in proximity to Fairfax Boulevard, high-quality design that is oriented to the periphery of the development thereby encouraging future redevelopment, and the potential creation of a "Green Necklace" chain of park spaces as suggested by the Fairfax Boulevard Master Plan.

- *Compliance with all applicable requirements of the Zoning Ordinance.*

Except as may be modified with the enclosed applications, the proposed uses and site design comply with the Zoning Ordinance.

- *The effect on the health or safety of persons residing or working in the neighborhood of the proposed use.*

The Applicant's proposal will improve the welfare of area residents and employees as the residential development will create a 24-hour presence, and increase the overall pedestrian visibility and utility within the area. The construction of a high quality mixed-use development will further enhance the redevelopment potential of the surrounding parcels in a manner that ultimately promotes revitalization.

The Subject Property is designed around a combination of publicly accessible plaza spaces and linear park spaces. Direct vehicular and pedestrian entrances are provided to both Fairfax Boulevard and Lee Highway. By establishing an on-site vehicular road network oriented toward existing property lines, the proposed development promotes the extension of internal streets upon future redevelopment of adjacent properties. The use of design techniques, such as on-street parking, roadway width, roadway configuration, and a traffic circle, will ensure that cars slow to an appropriate speed as they travel through the Subject Property and will likely discourage cut through traffic. The development also includes sidewalks and crosswalks to encourage safe and convenient pedestrian movement both to and from the Kamp Washington area.

- *The effect on public welfare, property, and improvements in the neighborhood.*

The proposed development will complement the existing commercial uses in the area by adding street front retail that connects to the surrounding uses. A pedestrian oriented residential component will attract new residents to the City who will live within walking distance to many existing retail and commercial properties that surround the site. The development's architecture, landscaping, and design will stimulate future redevelopment in a manner that enables future

street connections to the internal road network. These urban design characteristics will increase the value and redevelopment viability of the adjoining parcels in a manner that is consistent with the Plan's vision. Through the introduction of a valuable residential component into the Kamp Washington Triangle, the area will achieve the mix of uses that are envisioned in the Plan and that enable the area's ongoing success.

Pursuant to Section 110-6.17.7 of the City of Fairfax Zoning Ordinance, the following criteria shall be considered when evaluating all special exception applications:

- *Ensure the same general level of land use compatibility as the otherwise applicable standards.*

The proposed uses and site design are compatible with the provisions of the Zoning Ordinance. The proposed development incorporates appropriate transitions, screening, and enables future connections to adjacent properties. The proposed development will establish a significant mixed-use node in a critical location in the City of Fairfax.

- *Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate transitioning, screening, setbacks and other land use considerations.*

The proposed development will enhance nearby properties. The proposed development will complement the existing commercial uses in the area through the inclusion of additional street-oriented retail space and through the inclusion of a pedestrian-focused residential component that will bring residents to the City's commercial core. The development's architecture, landscaping, and design will stimulate future redevelopment that invites future street connections from adjacent properties. The proposed landscaping will unify the pedestrian realm and provide appropriate transitions within the development and to adjacent properties.

- *Be generally consistent with the purposes and intent of this chapter and the Plan;*

The Applicant's proposal for a mixed-use development is consistent with the Plan's vision for mixed-use development in this area. The proposal includes a thoughtful combination of retail, office, and residential uses, as well as high-quality amenities and a series of interconnected open spaces. The proposed development will include a commercial presence on both Fairfax Boulevard and Lee Highway, and the proffers allow flexibility for an increase in commercial floor area in the future. The proposed mix of uses will activate an aging commercial area and attract high-quality retail use in order to begin implementing the urban village envisioned for the Kamp Washington area.

- *Be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.*

The Subject Property is long and narrow, with its narrowest frontages on two major roads. The development will create an urban environment in an otherwise entirely suburban context and has been designed to engage neighboring parcels and facilitate future redevelopment efforts. The

development maximizes the Subject Property's challenging configuration to complement existing, adjacent commercial uses, while introducing a much needed residential component to the Kamp Washington area that is consistent with the Plan. The unusual size and shape of the lot is a constraint that necessitates approval of the requested special exceptions.

In conclusion, the proposed modifications are in keeping with the approved development, and will ensure that the proposed development can become a reality. With a focus on reestablishing pedestrian connections and improved walkability, the addition of pedestrian oriented street retail and a street activating residential component, the proposed development will create a better balance of uses within the existing Kamp Washington triangle in a manner that both invites and engages with the surrounding community. Additionally, the Applicant proposes an internal road network oriented along existing property lines that will invite the redevelopment of adjacent properties. The Applicant proposes an attractive mixed-use development with that will include high-quality architecture, attractive streetscape, appropriate landscaping and buffers, and high-quality on-site amenities.

RECEIVED

AUG 24 2018

Community Dev &amp; Planning

**PROFFERS****FF REALTY IV LLC****ZONING MAP AMENDMENT****August 24, 2018**

Pursuant to Section 15.2-2303(a) of the *Code of Virginia*, 1950, as amended, and Section 110-7 (b) of the Zoning Ordinance of the City of Fairfax, Virginia, FF Realty IV LLC, for the owner, and successors and/or assigns (hereinafter referred to as the "Applicant") in Z-18-00121 filed on property identified on the City of Fairfax tax map 57-1-2-27, 31, 31A, and 31B (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Fairfax City Council approves a rezoning amendment of the Application Property in conjunction with a general development plan for residential and commercial development. These proffers shall replace and supersede all previous proffers approved on the Application Property. In the event the rezoning is denied by the Council, these proffers shall immediately be null and void.

**1. GENERAL DEVELOPMENT PLAN**

Development of the Application Property shall be in substantial conformance with the General Development Plan (GDP) prepared by Vika Virginia LLC and Preston Drake Architects consisting of 69 sheets, dated August 13, 2018. The Applicant shall have the flexibility to make minor modifications to site design and improvements shown on the GDP based on final engineering and design subject to the approval of the Director of Community Development and Planning.

**2. USES**

The following uses shall be permitted on the Application Property:

- A. Approximately 21,249 square feet of gross floor area (GFA) which may be occupied by any of the permitted uses or special use permit uses as shown on the GDP. Additional uses that require approval of a special use permit may be permitted with approval of a separate special use permit without necessitating an amendment to these proffers so long as the layout is in substantial conformance with the GDP.
- B. Multifamily residential up to a maximum of 403 dwelling units
- C. The Applicant proposes approximately 10,750 square feet of ground level GFA that will be accessory uses to the multifamily dwelling units as shown on the GDP. The Applicant reserves the right to convert up to 4,000 square feet of ground level residential units located in the southeastern portion of Building 400 facing Lee Highway, and up to 5,000 square feet of ground level accessory use space, to commercial uses as permitted in the CR District without necessitating a rezoning amendment or development plan amendment should future market

conditions allow, provided that the conversion of the ground level residential units occurs prior to the conversion of the ground level accessory uses. Said conversion shall be subject to demonstration of adequate parking, as demonstrated in a parking study completed by a transportation engineer or planner, to the satisfaction of the Department of Community Development and Planning.

- D. The existing uses on the Application Property shall remain legally nonconforming until the commencement of construction.

### 3. TRANSPORTATION

- A. Fairfax Boulevard and Lee Highway. Prior to the issuance of the first Residential Use Permit (RUP) or Non-Residential Use Permit (Non-RUP) for the Application Property, the Applicant shall construct road improvements to enable vehicular access from both Fairfax Boulevard (Route 50) and Lee Highway (Route 29) as shown on the GDP.
- B. Fairfax Boulevard Right Turn Lane. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall construct a right turn lane from Fairfax Boulevard into the Application Property as shown on the GDP.
- C. Fairfax Boulevard Circular Entry Feature. Subject to final design at time of site plan approval, the Applicant shall construct a circular entry feature in substantial conformance with the GDP. Final signing and striping to be approved in coordination with the Director of Public Works.
- D. Lee Highway Sign. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall install improvements as shown on the GDP and a sign prohibiting left turns into the Application Property from Lee Highway. The sign shall be placed in the median of Lee Highway, subject to the approval of the Director of Public Works and the Virginia Department of Transportation (VDOT).
- E. Signal Modifications. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall fund signal modifications for the signal at Bevan Drive and Fairfax Boulevard should such modifications be required by VDOT.
- F. New Streets. Prior to the issuance of any RUP or Non-RUP for the first building located within the Application Property, the Applicant shall construct at its sole expense the streets, accessways, and sidewalks on the Application Property as shown on the GDP that are required to provide access to the building for which the RUP or Non-RUP is requested. Such streets shall be maintained by the Applicant as private streets. Special paving materials, raised crosswalks, and on-street parking within these shall be provided, subject to the approval of the Department of Public Works. The Applicant shall install signs and/or pavement markings for bicycles, subject to the approval of the Department of Public Works. The Applicant shall provide a public ingress/egress easement for all private

streets, accessways, and adjacent sidewalks. Such easements shall extend to the peripheral boundaries of the Application Property to permit extension of the private streets and accessways in the future. Upon demand by the City, that will take place no sooner than completion of all improvements on the Application Property, the Applicant shall dedicate right-of-way to convert the streets to public streets, and, once dedicated, the entirety of the project as designed and constructed will remain a legally conforming use in accordance with zoning approval, Board of Architectural Review (BAR) approval, site plan approval and building permits. The Applicant shall not be obligated to obtain off-site easements or right-of-way to facilitate extensions. Prior to the issuance of the final RUP or Non-RUP for the Application Property, all streets, accessways, and sidewalks shall have final paving and shall be complete in substantial conformance with the GDP.

- G. Sidewalks. The Applicant shall provide ADA compliant sidewalks on both sides of all internal streets as shown on the GDP.
- H. Internal Intersection Alignment. At time of site plan approval, the Applicant shall minimize the southern internal intersection skew to better align the intersection in coordination with the Director of Public Works.
- I. Maintenance. The Applicant shall maintain the streets and sidewalks as private until such time as the City may demand dedication.
- J. Fairfax Boulevard Reservation. Prior to site plan approval, the Applicant shall reserve land area of approximately 5,510 square feet along the Application Property's Fairfax Boulevard frontage, which shall be dedicated to the City upon request to accommodate a slow lane as depicted in the City's Comprehensive Plan. Said reservation shall be made without cost to the City of Fairfax.
- K. Lee Highway Dedication and Reservation. The Applicant shall dedicate up to 50 feet from centerline of the Application Property's Lee Highway frontage to comply with the minimum right-of-way required by the Subdivision Ordinance. In addition, prior to site plan approval, the Applicant shall reserve land area of approximately 7,640 square feet along the Application Property's Lee Highway frontage, which shall be dedicated to the City upon request. Said reservation shall be made without cost to the City of Fairfax.
- L. Construction Timing. The Applicant shall coordinate phasing of transportation improvements with the Department of Public Works at time of site plan.
- M. Kamp Washington Study. Prior to the issuance of the final RUP or Non-RUP for the Application Property, the Applicant shall contribute \$25,000.00 to the City to help fund a study regarding road design, pedestrian improvements, and/or bicycle improvements in the Kamp Washington area.

4. STORMWATER MANAGEMENT

Design and construction of stormwater management facilities shall comply with 4VAC50-60 Virginia Stormwater Management Program (VSMP) Permit Regulations, as may be amended, or other relevant standard in place at the time of building permit submission. At time of site plan, the Applicant shall consider low impact development techniques to the extent feasible which may include, but not be limited to, permeable pavers, infiltration, and/or bio-retention.

5. STREETScape

- A. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall install a streetscape generally consisting of landscaping, a minimum ten (10) foot wide sidewalk or shared use path, and acorn lights along the Application Property's Fairfax Boulevard and Lee Highway frontages as shown on the GDP and in accordance with the City's Public Facilities Manual standards. The Applicant shall grant access easements for maintenance, if required. The final streetscape design shall be approved at time of site plan.
- B. Prior to the issuance of a RUP or Non-RUP for the Application Property, the Applicant shall underground utilities located along the Application Property's Fairfax Boulevard and Lee Highway frontages and on the Application Property, with the exception of temporary power poles necessary for construction of buildings and improvements not yet complete.

6. LANDSCAPING AND OPEN SPACE

- A. General. Landscaping on the Application Property shall be in general conformance with the landscape design shown on the GDP. Final selection of the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be made as a component of the site plan approval process.
- B. Contemplative Open Space. Prior to the issuance of the final Non-RUP for Building 300 as identified on the GDP, the Applicant shall provide a publicly accessible landscaped open space in the northeastern portion of the Application Property adjacent to the Jermantown Cemetery which may include walkways, specialty plantings, and furniture, as approved at time of site plan. The Applicant shall consult with Historic Fairfax, Inc. regarding the design of the contemplative open space.
- C. Construction Timing. The Applicant shall coordinate phasing of landscaping and open space improvements with the Department of Public Works at time of site plan.

7. RECREATIONAL AMENITIES

- A. The Applicant shall provide up to 21,500 square feet, of on-site recreational facilities to serve the residences of the Application Property that may include, but not be limited to, a fitness center, pool amenity area, meeting rooms, and a dog park. The Applicant shall have the right to convert up to 5,000 square feet of ground level amenities to commercial uses without necessitating an amendment to these proffers or development plan should future market conditions allow, as provided for in Proffer 2.C.
- B. Following the commencement of construction but prior to the issuance of the first RUP, the Applicant shall contribute an amount equivalent to \$250.00 per residential unit to the City of Fairfax for use in the planning, design and/or construction of recreational amenities at Kutner and/or parks in the Westmore neighborhood area.
- C. The Applicant shall provide a minimum of one (1) location for public art within open space on the Application Property.

8. JERMANTOWN CEMETERY

Commencing upon delivery of the first RUP on the Application Property, and provided that the cemetery owner grants access to the Applicant or its Designee, the Applicant shall maintain the landscaping within Jermantown Cemetery as a component of the landscape maintenance for the proposed project for a period not to exceed thirty (30) years. Landscape maintenance shall include mowing, seeding, edging, tree pruning, and trash removal.

9. ARCHITECTURAL DESIGN

- A. The architectural design and style of the buildings shall be generally consistent with the conceptual elevations as shown on the GDP, and shall be generally consistent in style on all sides of the buildings. The elevations may be refined as a result of final design and engineering so long as the character and quality of the buildings remain in substantial conformance with those shown on the GDP. Building materials shall be predominately brick, cementitious board, and may also include stone, cultured stone, simulated stone, and/or metal paneling
- B. All residential units shall comply with all applicable municipal, state and federal accessibility and anti-discrimination requirements in place at the time of building permit submission.
- C. The proposed development shall consist of studio, one-bedroom, two-bedroom, and three-bedroom units as shown on the GDP. Notwithstanding the unit mix provided on the GDP, the Applicant shall have the ability to modify the final unit mix at time of site plan, provided that such modification shall not apply to more

than five percent (5%) of the total number of units, and provided that the minimum parking ratios provided on Sheet C-0 of the GDP are met for each unit type.

- D. Pursuant to the Virginia Statewide Fire Prevention Code, the Applicant shall provide approved alternative means of fire protection to the satisfaction of the Fire Marshal to mitigate the limited accessible perimeter of the proposed buildings. Such alternative means shall include, but not be limited to, NFPA 13 fire suppression systems where sprinkler systems are required throughout the development, and the use of non-combustible exterior finish materials as described in Proffer 9.A.
- E. At time of site plan, the Applicant shall identify accessible units in each proposed building as required by the then, in place, applicable municipal, state, and federal accessibility requirements.
- F. The Applicant shall incorporate design and construction techniques to direct restaurant exhaust away from the planned residential units, such as installing rooftop ventilation systems, as may be required by the applicable building code at time of building permit submission.
- G. Prior to the issuance of a building permit for residential units, the Applicant shall submit documentation to the City that exterior materials and construction techniques are effective in ensuring interior average noise levels of approximately 55 dBA between 7:00 a.m. and 9:00 p.m. and approximately 45 dBA between 9:00 p.m. and 7:00 a.m.

#### 10. SUSTAINABLE DESIGN

- A. In order to promote energy conservation and green building techniques, the Applicant shall incorporate energy saving devices which may include, but not be limited to, use of ENERGY STAR® appliances, energy efficient mechanical systems, recycling for occupant refuse, energy efficient lighting and insulation that meets or exceeds applicable energy code requirements.
- B. At time of site plan submission, the Applicant shall submit a LEED checklist to demonstrate the incorporation of energy saving components as described above and as generally available in the marketplace.

#### 11. PARKING MANAGEMENT

- A. The Applicant shall provide parking in conformance with the GDP. Notwithstanding the number of parking spaces indicated on the GDP, the Applicant may increase the final number of parking spaces provided at time of final site plan provided that any additional parking spaces are located within the parking garage, that the minimum parking rates as depicted on the GDP are provided, and that open space is not decreased and the distance to peripheral lot lines is not decreased.

- B. The Applicant shall assign parking management as one of the duties of its property manager. Parking management shall entail the efficient use of available constructed parking spaces, including the assignment of parking spaces to residents within the parking garage, and designation of guest parking as identified by signage. No fewer than two (2) conveniently located parking spaces will be reserved for vanpools and/or car sharing services.
- C. The Applicant shall assign one (1) parking space per unit that will be included in the monthly rent for each unit. The Applicant reserves the right to charge a fee or premium for preferred and/or additional parking spaces. Guest and commercial parking shall be clearly designated on the Application Property and distributed throughout the site. Code required parking for commercial uses shall be located either on the first or second level of the parking structures.
- D. The Applicant shall utilize measures as it deems appropriate, which may include but not be limited to signs and/or meters, to ensure that all on-street parking spaces are unreserved and time limited so that parking is available for commercial patrons.

## 12. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

In an effort to reduce the numbers of vehicle trips generated by the Application Property, the Applicant shall implement Transportation Demand Management ("TDM") strategies. These strategies will include, but not be limited to, the following:

- A. Designation of a Transportation Management Coordinator ("TMC") which may be one of the duties assigned to its property manager. The TMC will provide on-site assistance to residents and employees in forming and maintaining carpools and vanpools. The TMC will display in the Application Property's leasing office information on local transit services, carpool programs, and ridesharing programs. The TMC will ensure that the displayed information is current.
- B. At the time of the initial occupancy only for each dwelling unit on the Application Property, the Applicant shall provide one (1) resident of the unit with a one-time prepaid transit card with a value of twenty-five (\$25.00).
- C. Designation of a space on the Application Property that may be used by residents for telework activities. The space will include access to a computer, printer, and copy machine.
- D. Installation of at least one interior or exterior electric vehicle charging station on the Application Property.
- E. Prior to the issuance of a RUP or Non-RUP for the Application Property, the Applicant shall install one (1) standard City bus shelter on the Application Property's Lee Highway frontage, and provide a contribution of fifteen thousand dollars (\$15,000.00) to be utilized for the installation by others of one (1) additional standard City bus shelter at a location in the vicinity of the Application

Property as determined by the City's transit agency. The Applicant shall provide an easement along the Application Property's Fairfax Boulevard frontage to accommodate the future installation of a bus shelter by others. The easement and bus shelter may be located in the area identified on Sheet C-3 of the GDP, or such other location as determined by the Applicant in coordination with the City, with consideration of optimizing bus operational needs, minimizing impacts on landscaping and sidewalk access, and maintaining connections between the sidewalk along Fairfax Boulevard and the ground floor entrances to Building 600 as shown on the GDP. If constructed, the future bus shelter along the Application Property's Fairfax Boulevard frontage is to be designed and constructed by and at the sole expense of others.

- F. The Applicant shall provide City staff with information obtained by resident surveys regarding the use of public transportation, carpooling, bikes, teleworking, and any other transportation options on an annual basis.

### 13. AFFORDABLE HOUSING

- A. The Applicant shall provide 24 units as affordable dwelling units to be affordable to persons having a median household income up to and including 60% of AMI as determined by HUD, adjusted for unit size, and as set forth below.

- B. The following conditions shall be applicable to the affordable units:

- (i) Income eligibility limits shall be adjusted based on unit size as follows: 60% for a studio, 80% for a one bedroom unit, 90% for a two bedroom unit, 100% for a three bedroom unit.

- (ii) Maximum monthly rental rates for the affordable dwelling units shall be adjusted annually based on changes in the AMI by:

- a. Multiplying the applicable AMI by the maximum income percentage in Paragraph 13.A. above;

- b. Multiplying the product of subparagraph (i) by the adjustment factor for unit size in Paragraph 13.B(i);

- c. Dividing the product of subparagraph (ii) by twelve (12) to reflect the number of months in a year; and

- d. Multiplying the quotient of subparagraph (iii) by 30% to determine the rent that may be charged to renters in each income bracket.

- (iii) The units shall be integrated into and dispersed throughout the development to the extent feasible.

- (iv) The units shall be constructed of comparable materials and fixtures and maintained at comparable levels with market rate units

- (v) To the extent feasible, the number of bedrooms per affordable unit shall be proportional to the number of bedrooms per market unit on the Application Property.
- (vi) If an affordable unit is vacant and cannot be rented for more than 90 consecutive days, despite diligent marketing efforts as demonstrated to the City, the owner can rent the vacant affordable unit at market rates, provided that the next similar unit that is on the market is designated as an affordable unit to ensure consistency with the required percentage of affordable units.
- (vii) The tenants who lease the affordable units shall meet the income eligibility criteria identified herein, as well as typical background checks and other applications as may be required for the rental of the market rate units as required by the Applicant. Said requirements shall be made available to the Department of Community Development and Planning on an annual basis upon request.
- (viii) Existing tenants who are income qualified upon initial occupancy shall remain eligible for affordable housing provided their income remains at or below 80% of AMI as adjusted herein for household size. Existing tenants whose income exceeds 80% of AMI will no longer qualify under the income eligibility criteria identified herein, and the Applicant, within its sole discretion, shall either allow the tenant to continue occupancy at market rates and designate another unit within the development as affordable, when available, or relocate the tenant to a market rate unit and continue to lease the previously designated affordable unit in accordance with the income eligibility criteria.
- (ix) Marketing of the affordable units shall include coordination with non-profit organizations.
- (x) The affordability restriction described herein shall remain in place for thirty (30) years after the issuance of the first RUP for an affordable unit on the Application Property at which time the provisions of this Proffer 13 shall be null and void and of no further force and effect.
- (xi) The Applicant shall furnish City Staff with information on the affordable units' occupancy/vacancy status and tenant eligibility information annually.
- (xii) Should the proposed development be converted to condominium ownership, the Applicant shall ensure that the affordable units are maintained as affordable rental units for the balance of the thirty (30) year affordability term.

14. NON-PROFIT OFFICE SPACE

The Applicant shall construct, furnish, and make available up to 4,000 square feet of commercial space for a local non-profit organization at \$0 rent for fifteen (15) years from receipt of the Non-RUP for the non-profit commercial space; however, the non-profit will be responsible for operating expenses associated with their pro rata share commercial space.

15. SCHOOL CONTRIBUTION

Prior to the issuance of the first RUP, the Applicant shall contribute \$200,000.00 to the City of Fairfax to mitigate impacts to City schools.

16. CONSTRUCTION MANAGEMENT

A. Prior to site plan approval, the Applicant shall submit a Construction Management Plan for approval by the City Manager or his designee. The Construction Management Plan shall address items including, but not limited to, the following:

- (i) Hours of construction;
- (ii) Truck routes to and from entrances to the Application Property;
- (iii) Location of parking areas for construction employees;
- (iv) Truck staging areas;
- (v) Storage areas;
- (vi) Traffic control measures; and
- (vii) Fencing details, including specifications for an opaque construction fencing and/or wrap that identifies the project and provides contact information for the developer and/or general contractor.

B. Prior to commencement of construction, the Applicant shall provide the Department of Community Development and Planning with the name and telephone number of a community liaison who will be available throughout the duration of construction on the Application Property.

17. MISCELLANEOUS

A. Occupancy Restrictions. To the extent permitted by State and Federal Fair Housing regulations, the occupancy of each dwelling unit in the development shall be limited to no more than two (2) persons per bedroom plus one (1) additional person per unit.

B. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document

and all of which when taken together shall constitute but one in the same document.

- C. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.

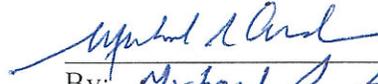
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[SIGNATURES BEGIN ON NEXT PAGE]

OWNER

MGB Properties III, L.L.C.,  
A Virginia Limited Liability Company

By: MGB Properties, L.L.C.  
A Virginia Limited Liability Company

  
By: Michael R. Address  
Its: Manager

[SIGNATURES CONTINUE]

CONTRACT PURCHASER

NOVUS RESIDENCES LLC



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By: Conrad B. Cafritz  
Its: CEO

[SIGNATURES END]

APPLICANT/CONTRACT PURCHASER

FF Realty IV LLC,  
a Delaware limited liability company



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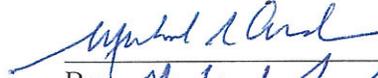
By: Bryan Condie  
Its: Vice President

[SIGNATURES END]

OWNER

MGB Properties III, L.L.C.,  
A Virginia Limited Liability Company

By: MGB Properties, L.L.C.  
A Virginia Limited Liability Company

  
By: Michael R. Andrews  
Its: Manager

[SIGNATURES CONTINUE]

CONTRACT PURCHASER

NOVUS RESIDENCES LLC



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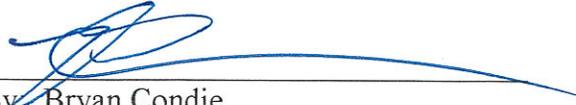
By: Conrad B. Cafritz

Its: CEO

[SIGNATURES END]

APPLICANT/CONTRACT PURCHASER

FF Realty IV LLC,  
a Delaware limited liability company



By: Bryan Condie  
Its: Vice President

[SIGNATURES END]

**WELLS + ASSOCIATES****MEMORANDUM**

11220 Assett Loop  
Suite 202,  
Manassas, VA 20109  
703-365-9262  
[WellsandAssociates.com](http://WellsandAssociates.com)

**TO:** Wendy Block Sanford, Transportation Director  
Transportation Division, Department of Public Works  
City of Fairfax

**FROM:** William F. Johnson, P.E.

**RE:** Fairfax Gateway Amendment; Revised Trip Generation

**DATE:** July 19, 2018

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As you are aware, Fairfield Residential is proposing to move forward with the development of Fairfax Gateway but at a reduced level of development. The original mixed use plan, approved by the City Council on February 24, 2015, included 403 residential apartments and 29,000 square feet of non-residential uses (office, restaurant, and retail uses). Under the current proposed revised plan, the number of residential units remains unchanged but the non-residential square footage (e.g. office, restaurant, retail uses) is being reduced from 29,000 S.F. to 21,249 S.F. It should be noted that although 423 residential units were evaluated in the original TIA, Council ultimately approved up to 403 units.

As discussed, Wells + Associates prepared a Traffic Impact Analysis (TIA) dated April 25, 2014 for the previously approved plan. A copy of the 2014 TIA (without appendices) is enclosed with this memorandum for reference. Per our recent conversations with Curt McCullough, it was determined that a full revised TIA for Fairfax Gateway amendment would not be needed. However, a trip generation comparison between what was previously evaluated/approved and what is now being proposed should be prepared. Additionally, a review of the underlying assumptions made in the 2014 TIA should be undertaken in order to determine if they are still valid, particularly focusing on the Route 29 and 50 access points and trip distribution.

**Trip Generation.** Trip generation results were recalculated using the revised square feet and approved number of residential units as summarized in Table 1 below and are based on the Institute of Transportation Engineers (ITE) Trip Generation 9<sup>th</sup> Edition. The results are shown on the attached Table 2.

# WELLS + ASSOCIATES

## MEMORANDUM

**Table 1**  
**Approved and Revised Development Summary**

Use	Evaluated Density (4/2014)*	Proposed Revised Density
Apartments	423 DUs**	403 DUs
Office	4,000 SF	4,000 SF
Quality Restaurant	5,000 SF	5,000 SF
High Turnover Restaurant	7,400 SF	8,113 SF
Retail (Shopping Center)	12,600 SF	4,136 SF
<b>Total</b>	<b>423 DU &amp; 29,000 SF</b>	<b>403 DU &amp; 21,249 SF</b>

\*Assumed mix of uses evaluated in the 2014 TIA.

\*\*Council approved 403 DUs; however, the TIA evaluated 423 DUs

As Table 2 shows, the approved density, as reflected in the 2014 TIA generated a total of 5,016 weekday average daily trips, 308 AM peak hour trips and 378 PM peak hour trips. The proposed revised density results in 4,270 weekday average daily trips, 289 AM peak hour trips, and 332 PM peak hour trips. Therefore, the proposed revised densities represent a reduction in forecasted peak hour and weekday daily trips when compared to what can be developed on the site as approved and previously evaluated.

**Trip Distribution.** After examining the underlying assumptions made in the original TIA including the trip distribution, it was determined that, because of the reduction in square footage, these assumptions are still valid and traffic conditions have not substantially changed within the TIA study area in the intervening years to warrant a re-analysis of the trip distribution. The site, as approved, will be accessed at two locations: 1) an existing signalized intersection along Route 50 opposite Bevan Drive and 2) a proposed right-in/right-out entrance along Route 29. The amended development continues to propose the same access scenario. The reduction in the non-residential square footage as currently proposed will primarily occur on the southern portion of the site facing Route 29 where ground floor retail uses had been previously shown. Therefore, the forecasted reduction in vehicle trips as described above would most likely reduce the forecasted traffic volumes at the Route 29 right-in/right-out from those evaluated in the 2014 TIA.

We trust that this memorandum addresses City staff's request for a revised trip generation analysis and trip distribution statement for the proposed amendment to the Fairfax Gateway development. Should you have any questions or require additional clarification, please contact Will Johnson at [wfjohnson@wellsandassociates.com](mailto:wfjohnson@wellsandassociates.com).

Enclosure: a/s

Table 2

## Fairfax Gateway with Revised Density and Residential Units

Site Trip Generation Analysis <sup>1</sup>

Land Use	ITE Land Use Code	Size	Units	Weekday ADT	AM Peak Hour of Adjacent Street			PM Peak Hour of Adjacent Street		
					In	Out	Total	In	Out	Total
<b>Proposed Amended Development</b>										
Office	710	4,000	SF	44	5	1	6	1	5	6
Quality Restaurant	931	5,000	SF	450	2	2	4	25	12	37
High Turnover Restaurant	932	8,113	SF	1,032	48	40	88	48	32	80
Shopping Center	820	4,136	SF	856	14	8	22	34	37	71
Retail Subtotal				2,338	64	50	114	107	81	188
Internal Capture Reduction <sup>2</sup>		5% / 10%		(117)	(3)	(2)	(5)	(8)	(8)	(16)
Pass-by <sup>2</sup>		20% / 40%		(444)	(12)	(10)	(22)	(40)	(29)	(69)
Net Retail/Restaurant Trips				1,777	49	38	87	59	44	103
Apartments	220	403	DU	2,566	40	161	201	155	84	239
Internal Capture Reduction <sup>2</sup>		5% / 10%		(117)	(2)	(3)	(5)	(8)	(8)	(16)
New Residential Trips				2,449	38	158	196	147	76	223
<b>Total Site Trips</b>				<b>4,270</b>	<b>92</b>	<b>197</b>	<b>289</b>	<b>207</b>	<b>125</b>	<b>332</b>
<b>April 25, 2014 TIA Net New Trips</b>				<b>5,016</b>	<b>100</b>	<b>208</b>	<b>308</b>	<b>231</b>	<b>147</b>	<b>378</b>
<b>Comparison (Revised minus Approved)</b>				<b>(746)</b>	<b>(8)</b>	<b>(11)</b>	<b>(19)</b>	<b>(24)</b>	<b>(22)</b>	<b>(46)</b>

## Notes:

1. Trip generation calculations based on Institute of Transportation Engineers (ITE) Trip Generation, Ninth Edition.
2. Internal capture and pass-by calculations based on Institute of Transportation Engineers (ITE) Trip Generation Handbook



## Board of Architectural Review

DATE: June 20, 2018  
 TO: Board of Architectural Review Chair and Members  
 THROUGH: Jason Sutphin, Community Development Division Chief **JDS**  
 FROM: Tommy Scibilia, BAR Liaison **TS**  
 SUBJECT: **Fairfax Gateway**

ATTACHMENTS: 1. Relevant regulations  
 2. Plans and Elevations  
 3. Elevations Comparison – 5/23/18 Work Session

### **Nature of Request**

1. Case Number:	BAR-18-00120
2. Address:	11101 and 11091 Fairfax Boulevard, 11160 Lee Highway
3. Request:	Mixed Use Development
4. Applicant:	FF Realty IV LLC
5. Applicant's Representative:	Robert Brant
6. Status of Representative:	Agent
7. Zoning:	CR Commercial Retail

## **BACKGROUND**

The site is located in Kamp Washington, situated between Fairfax Boulevard and Lee Highway, and is immediately to the west of the Jermantown Cemetery. The site is currently improved with five commercial buildings located on four separate parcels that make up the site total 8.33 acres. The subject site has most recently been used for motor vehicle related businesses, and a former productions and manufacturing company vacated the larger warehouse structure in 2012. To the north of the site is the intersection of Bevan Drive and Fairfax Boulevard, to the west is a gas station and a Dominion Power property, to the south is Hilltop Shop 'N Go Center, and to the east is Jermantown Cemetery and Fair Oaks Square Office Condominiums.

This project was originally approved by City Council on February 24, 2015 and the BAR on March 16, 2016 (architecture) and September 7, 2016 (hardscape, landscape, and site elements). As part of a concurrent land use case for a General Development Plan amendment, special exceptions, and proffer amendments to the 2015 Council approval, the applicant has returned with revised architectural and

landscape proposals for consideration by the BAR, who must make a final recommendation to City Council on the Major Certificate of Appropriateness.

The BAR held work sessions with the applicant on March 28, 2018 and May 23, 2018. Comments included:

- The material quality is important so that the development maintains its value over time.
- There has been a marked reduction in brick and other materials that helped make the design identifiable and unique.
- This development should both fit into the fabric of the City and maintain its own identity.
- Focus on the pedestrian experience within the site.
- Consider employing elevational changes to the ground floor residences to add articulation and to provide privacy.
- The base two stories should be high quality material and articulated to relate to the pedestrian scale; upper stories have more flexibility in materiality.
- There are too many contrasting colors proposed for the bodies of the buildings; a more neutral color palette may be more attractive.
- The different buildings are not cohesive in design. They should either be different enough to give them each a very distinct identity, or similar enough to create a single identity for the development.
- Concern that the removal of balconies, as well as replacement of more textured materials like siding with large cementitious panels causes the buildings to appear very flat.
- Focus on the quality of all facades, but especially those along Fairfax Boulevard and Lee Highway, as these will be the most-seen façades of the project and will help determine whether people want to visit the development.
- Provide perspective renderings with the next round of submissions, so that Board members can accurately perceive the pedestrian experience of the development.
- Without increasing the amount of brick significantly, articulation of the brick itself can improve the perceived quality of the development. Consider techniques such as coursing, patterning, and reliefs.
- It is important that close attention is paid to the design of the streetscape onsite to make sure that it provides a comfortable pedestrian experience.
- The design of the park space in front of Building 400 should be revised to be more user-friendly and attractive

## PROPOSAL

### *Site:*

Three buildings are proposed along a gently curving road with wide sidewalks that would cut through the site north to south, creating a connection between Fairfax Boulevard and Lee Highway. Wide sidewalks and landscaping, “linear parks”, are proposed along both Fairfax Boulevard and Lee Highway. Narrower sidewalks are proposed around the rears of the buildings. The buildings are labeled

300, 400, 500, and 600. The buildings labeled 400 and 500 have three footprints on the plan (two for 400, one for 500) which are connected on their upper stories. Two east-west streets would trisect the main road with dead ends, allowing for potential future inter-parcel connections. Building 500 would contain structured parking surrounded by residential uses on all sides. Entrances to the structured parking are proposed on the east-west roads. The site entrance off of Fairfax Boulevard features a landscaped traffic circle with a curved masonry monument sign. Immediately east of this would be a contemplative park space providing a visual connection to the adjoining Jermantown Cemetery, with colored concrete “shards” crisscrossing a concrete paver plaza and landscaped grassy area. Southeast of the traffic circle would be a park space with an oblong-shaped lawn and concrete paver seating area. A plaza is proposed in front of building 500, consisting of a feature tree and planting beds. A landscaped open space and small circular plaza are proposed in front of the west leg of Building 400. A pool and patio amenity space are proposed to the rear of building 300, and a fenced dog park is proposed immediately south of Building 300. Information on landscaping and amenities these spaces can be found in sections below.

*Hardscape:*

Hardscape materials include concrete pavement and concrete pavers in different colors and different pattern arrangements. The main sidewalks on site would be natural colored concrete with regular square scoring. “Coachella Sand” colored concrete would be used along Fairfax Boulevard in front of building 600, in the “shards” of the contemplative park, in radial bands around the traffic circle in front of building 600, and at the pool and patio amenity space behind building 300. Pavers in a herringbone arrangement are proposed in the crosswalks, along the Fairfax Boulevard side of building 600, at the south side of the traffic circle, within the contemplative park, and in a curved band through the Building 400 plaza. Pavers in a random arrangement are proposed in the seating area of the park southeast of the traffic circle, around the base of the focal tree in front of building 500, around the pool behind building 300, and within the Building 400 plaza. The pavers come in two color schemes, “Desert Blend” and “Chesapeake Blend”.

*Landscape:*

Proposed canopy trees include hightower willow oaks with radial iron tree grates along the main north-south roadway, columnar sweetgums along the two east-west roads, Japanese zelkovas along the site’s east and west property lines, and October glory red maples in the traffic circle and along Fairfax Boulevard and Lee Highway. Smaller ornamental trees including Japanese maples and purple leaf plum trees are proposed along Fairfax Boulevard and Lee Highway closer to the building faces, within the open space in front of Building 400, and in the two park spaces in the northeastern portion of the site. Shrubs are proposed throughout the site including at the bases of the buildings, within and surrounding the various open spaces described above, at the property edges, and in planting beds at the bases of canopy trees. Since the May 23 work session, the applicant has amended the landscaping slightly, to increase ground plantings near appurtenances for screening (see below), and most notably within the open space in front of Building 400. Whereas in the previous submission this park area was densely planted with shrubs with little open area or visibility to the plaza, the current submission includes open grass lawn, radial mulch beds that tie into the plaza hardscape, more conservative and manicured shrub

arrangements, and carefully placed ornamental trees. Staff finds the revised design to be more inviting and functional.

The retaining wall proposed along the east property line would be a buff-colored large, split-face block.

*Uses:*

The BAR's purview does not include the appropriateness of the uses proposed; however the use of the different spaces should have a direct relationship with what the space looks like, which is something on which the BAR should comment. The ground floor uses include residential and amenity in Building 300, residential and office in Building 400, residential and amenity in Building 500, and retail in building 600.

*Architecture:*

The proposed building height varies, with three stories fronting Lee Highway and Fairfax Boulevard (Buildings 400 and 600), and four and five stories internal to the site. Proposed building forms include large roofline gables with circular louvered vents, projecting window bays, recessed balconies, and storefront window systems and suspended metal canopies over ground floor amenity, retail, and office spaces. Building 600 has the most differentiated design, proposed with a brick warehouse-style section of the building closest to Fairfax Boulevard, incorporating a flat roof, dark accent paneling, and regularly-spaced windows.

The proposed materials include brick in red, beige, and buff. The mortar proposed for the red brick would be dark grey, and the mortar for the beige and buff brick would closely resemble those colors. Masonry is proposed predominantly on the ground level on all sides of the buildings, with the exception of the rear and side elevations of Building 500 which are predominantly cementitious shakes or siding on all levels. In certain areas, including the center part of particularly visible elevations and at corner tower features, brick is proposed up through the second or third floor, and in rare instances up through the fourth floor. Cementitious panels, siding, and shakes would be the primary building materials on upper stories of the buildings and for window bays and gables. Proposed colors include grayish blue, a range of grays and tans, white, and maroon. Metal panel is proposed at ground floor levels of Buildings 500 and 600 between storefront fenestration in colors including grayish blue, forest green, and maroon. Synthetic wood paneling is proposed in these same locations, interspersed with the metal panel. Wall recesses are used in certain areas to break up large expanses of blank wall where internal space that does not require windows are located such as walk-in closets and storage areas. The colors are the same as the 2016 approval, and color placement is very similar.

The major differences between the approved 2016 architecture and currently proposed architecture include (see elevations exhibit in Attachment 2):

- Decrease in the amount of brick, and increase in the amount of cementitious product
- Removal of sections of recessed balconies
- Removal of window bays
- Addition of white cementitious pilaster features beneath gables

- Removal of central entrance at Building 300
- Removal of arched storefront window features
- Removal of largescale masonry block from the archway over the Lee Highway entrance

Major changes made between the most recent work May 23 work session architecture and the currently proposed architecture include (see Attachment 3):

- Simplification of the color scheme of building 300
- Addition of a section of recessed balconies to the north and south elevations of Building 300
- Removal of three sections of recessed balconies from the north elevation of building 500
- Addition of circular louvered gable vents to gables on all building except for 600 (this building does not have roofline gables like the other buildings)
- Replacement of sloped fabric awnings with suspended metal canopies throughout development
- Extension of the warehouse-style brick portion of the building southward on the west elevation of Building 600

The applicant has not shown the connection of buildings 400 and 500 in the elevations.

*Lighting:*

The City standard acorn light fixture with a fluted metal pole is proposed along the center street and along both Fairfax Boulevard and Lee Highway. Other lighting proposed includes dark bronze metal dome-top bollards by Philips Guardco within open areas and around the paths at the rears of the buildings, and dark bronze shielded metal spotlights by Nuvo in planting beds and in landscaped areas for accent uplighting. See page L6-03 of Attachment 2 for details.

*Amenities:*

Outdoor amenity areas proposed include the pool and patio to the rear of Building 300, as well as a dog park immediately south of Building 300. The pool deck and patio would include variety of amenities for residents, including armchairs, tables, deck chairs, tent-like cabanas, a fire pit, and an outdoor kitchen with granite countertops, a sink, and grills. The dog park includes a paved seating area and a decorative trellis in the center. Black metal picket fencing and gates would be used for both the pool and dog park, and balcony railings would be in this same general style. Benches are proposed throughout the development, "Gretchen Bench" by Landscape Forms, a curved wooden bench with black metal legs. They are located along the main north-south roadway, near and within the dog park, and in the Building 400 plaza. The bike racks proposed in front of buildings 400 and 600 would be metal loop racks by Landscape Forms. The same tables and armchairs proposed in the pool area are also proposed in the park southeast of the traffic circle. There is a statue proposed in the Building 400 plaza called "Gravity" by Terra Sculpture. A City standard bus shelter is proposed on Lee Highway. Amenity details can be seen in sheets L6-01 through L7-01 of Attachment 2.

*Appurtenances:*

HVAC units would be both ground-mounted and roof-mounted in roof wells. The ground-mounted units are proposed mainly along the rear bases of the buildings. Since the May 23 work session, many

HVAC units have been relocated from the ground to roof wells, and the space leftover was redesigned to incorporate shrub plantings for added screening. The transformers are generally located in inconspicuous locations at the rears of the buildings. Two transformers, proposed between buildings 500 and 600 where the east-west road ends, do not have screening interior to the site. At the May 23 work session the applicant explained that required access clearance prevented shrubs from being planted in this area, and that fenced and gated enclosures tend to become trash-collectors and actually draw attention to the units. Waste collection areas would be located within the buildings, so no dumpster enclosures are proposed.

## ANALYSIS

### ***Community Appearance Plan:***

The following excerpts from the Community Appearance Plan are relevant to this application.

*Because of the variety of existing styles and the lack of an historical architectural reference along the corridors, no single architectural style is favored over others. Both modern styles and traditional architecture are appropriate – if well-designed and appropriately sited (50).*

The proposal exhibits a good balance of traditional architectural forms in a contemporary development.

*Traditional materials such as brick, wood, and stone have survived the various architectural trends over time and exhibit longevity and quality. These materials are recommended in future developments within the corridor in lieu of the more modern glass, metal and concrete panel construction (51).*

While brick is incorporated into all buildings, the overall amount has been significantly reduced from the 2016 approval. Staff believes that the increased use of masonry on the building elevations, while improving the material aesthetic of the project, would also reduce maintenance needs as the development ages. The use of metal and synthetic wood panels is appropriate as an accent feature at the storefronts.

*Colors for use on buildings and signs should be selected for their compatibility with the natural features and existing development found in and adjacent to the corridors (51).*

Staff finds the overall color palette to be appropriate and in line with the 2016 architectural approvals.

### ***Comprehensive Plan:***

The following excerpt from the 2012 Comprehensive Plan are relevant to this application.

*Community Appearance objective CA-3: Encourage exemplary site and building design, construction, and maintenance (105).*

Staff finds the proposal to be an overall improvement to the existing condition of the site, however the removal of recessed balconies remains problematic and reduces façade articulation and outdoor activity.

The front (west) elevation of Building 300 has few defining features of a main façade. The centralized elements approved in 2016 have been removed, and the ground floor entrances appear to be service entrances more appropriate for the rear of a building. Additionally, the north elevation of Building 300, while a section of balconies and a bay window have been added since the May 23 work session, this façade is still relatively plain in design and would be very visible from Fairfax Boulevard over the open spaces in the northeast portion of the site. Staff believes revisions are necessary on these two façades prior to Council hearing.

## RECOMMENDATIONS

Staff finds the proposal to be generally in conformance with the provisions of the Community Appearance Plan, and therefore recommends that the BAR recommend to City Council approval of the Major Certificate of Appropriateness with the following conditions:

1. Brick shall be incorporated, at a minimum, up through the first floor on all elevations of all buildings.
2. Recessed balconies shall be added to the north elevation of building 500, as depicted in the May 23, 2018 work session submittals received by staff on May 7, 2018.
3. The west elevation of Building 300 shall be redesigned to incorporate a formal front entrance, and added articulation using a combination of window bays, recessed balconies, or courtyards prior to City Council hearing.
4. The north elevation of Building 300 shall be redesigned to add articulation using a combination of window bays, recessed balconies, or increased masonry prior to City Council hearing.
5. The elevations of the connection between Buildings 400 and 500 shall be included in the submission materials for City Council hearing, and their architecture should generally reflect that of both buildings to create seamless transition façades.
6. The proposed construction, materials, and landscaping shall be in general conformance with the review materials received by staff and modified through the date of this meeting, except as further modified by the Board of Architectural Review, the Director of Community Development and Planning, the Building Official, or Zoning as necessary.

## RELEVANT REGULATIONS

### §3.7.4. Architectural control overlay district

#### B. Certificate of appropriateness required

Except as specified in §3.7.4.C, below, all development in the architectural control overlay district shall be subject to the approval of a certificate of appropriateness in accordance with the provisions of §6.5.

#### C. Exceptions

The architectural control overlay district shall not apply to signs, unless otherwise specified, or to the following uses:

1. Single-family detached;
2. Duplex dwellings, after initial approval and construction; and
3. Townhouses, after initial approval and construction.

### §5.4.5. Powers and duties

#### B. Final decisions

The board of architectural review shall be responsible for final decisions regarding the following:

1. Certificates of appropriateness, major (§6.5)

### §6.5.1. Applicability

Certificates of appropriateness shall be reviewed in accordance with the provisions of §6.5.

#### A. A certificate of appropriateness shall be required:

1. To any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in a historic overlay district (§3.7.2), the Old Town Fairfax Transition Overlay District (§3.7.3), or in the Architectural Control Overlay District (§3.7.4). For purposes of §6.5, “material change in appearance” shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition or relocation that affects the appearance of a building, structure or site;

### §6.5.3. Certificate of appropriateness types

#### A. Major certificates of appropriateness

##### 1. Approval authority

###### (a) General

Except as specified in §6.5.3.B.2(b), below, the board of architectural review shall have authority to approve major certificates of appropriateness.

###### (b) Alternative (in conjunction with other reviews)

Alternatively, and in conjunction with special use reviews, planned development reviews, special exceptions or map amendments (rezoning), the city council may approve major certificates of appropriateness.

### §6.5.6. Action by decision-making body

#### A. General (involving other review by city council)

After receiving the director's report on proposed certificates of appropriateness, which do not involve other reviews described below, the board of architectural review (BAR) shall review the proposed certificates of appropriateness in accordance with the approval criteria of §6.5.7. The BAR may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the BAR may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

B. Other reviews

1. Prior to taking action on special use reviews, planned development reviews, and map amendments (rezoning), the city council shall refer proposed certificates of appropriateness to the BAR for review in accordance with the approval criteria of §6.5.7.
2. In conjunction with special use reviews, planned development reviews, special exceptions and map amendments (rezoning), the city council may review the proposed certificate of appropriateness in accordance with the approval criteria of §6.5.7. The city council may request modifications of applications in order that the proposal may better comply with the approval criteria. Following such review, the city council may approve, approve with modifications or conditions, or disapprove the certificate of appropriateness application, or it may table or defer the application.

§6.5.7. Approval criteria

A. General

1. Certificate of appropriateness applications shall be reviewed for consistency with the applicable provisions of this chapter, any adopted design guidelines, and the community appearance plan.
2. Approved certificates of appropriateness shall exhibit a combination of architectural elements including design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line and height conform to accepted architectural principles and exhibit external characteristics of demonstrated architectural and aesthetic durability.

§6.5.9. Action following approval

- A. Approval of any certificate of appropriateness shall be evidenced by issuance of a certificate of appropriateness, including any conditions, signed by the director or the chairman of the board of architectural review. The director shall keep a record of decisions rendered.
- B. The applicant shall be issued the original of the certificate, and a copy shall be maintained on file in the director's office.

§6.5.10. Period of validity

A certificate of appropriateness shall become null and void if no significant improvement or alteration is made in accordance with the approved application within 18 months from the date of approval. On written request from an applicant, the director may grant a single extension for a period of up to six months if, based upon submissions from the applicant, the director finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.

§6.5.11. Time lapse between similar applications

A. The director will not accept, hear or consider substantially the same application for a proposed certificate of appropriateness within a period of 12 months from the date a similar application was denied, except as provided in §6.5.11.B, below.

B. Upon disapproval of an application, the director and/or board of architectural review may make recommendations pertaining to design, texture, material, color, line, mass, dimensions or lighting. The director and/or board of architectural review may again consider a disapproved application if within 90 days of the decision to disapprove the applicant has amended his application in substantial accordance with such recommendations.

#### §6.5.12. Transfer of certificates of appropriateness

Approved certificates of appropriateness, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

#### §6.5.13. Appeals

##### A. Appeals to city council

Final decisions on certificates of appropriateness made may be appealed to city council within 30 days of the decision in accordance with §6.22.

##### B. Appeals to court

Final decisions of the city council on certificates of appropriateness may be appealed within 30 days of the decision in accordance with §6.23.



## City of Fairfax

10455 Armstrong Street  
Fairfax, Virginia 22030-3630

March 4, 2015

Ms. Lynne J. Strobel  
Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

Re: Special Exception Request SE-13070064  
Special Use Permit Request SU-13070066  
Variance Request V-13070069  
Rezoning Request Z-13070069

Dear Ms. Strobel:

The Fairfax City Council, at its regular meeting of February 24, 2015, adopted an ordinance to approve the application of Novus Fairfax Gateway, LLC, by Lynne J. Strobel, Agent/Attorney-in-fact, to rezone the subject property from C-2 Retail Commercial, I-2 Industrial and Highway Corridor Overlay District, to C-2 Retail Commercial with proffers and Highway Corridor Overlay District; subject to the general development plan stamped received February 19, 2015 and proffers revised February 24, 2015, on the land known as 11101 and 11091 Fairfax Boulevard and 11160 Lee Highway and more particularly described as tax map 57-1-2-27, 31, 31a and 31b subject to the following provision of affordable housing 13A(i) of the proffers revised through February 24, 2015. The City Council further accepts the applicant's proffer to provide an additional eight affordable housing units as described in proffer #2.D.

The Fairfax City Council also approved the request of Novus Fairfax Gateway, LLC, by Lynne J. Strobel, Agent/Attorney-in-fact, for a special use permit to allow a use with an estimated daily traffic volume in excess of 700 trips per day in the Highway Corridor Overlay District pursuant to City Code Section 110-874(b)(2) and to allow residential



uses in the Highway Corridor Overlay District pursuant to City Code Section 110-874(b)(7), on the premises known as 11101 and 11091 Fairfax Boulevard and 11160 Lee Highway and more particularly described as tax map 57-1-2-27, 31, 31a and 31b subject to the following conditions:

1. Development of the subject site shall be in substantial conformance with the attached plans and associated submission materials stamped "Received February 19, 2015", and the applicant's proffer statement dated February 24, 2015.

The Fairfax City Council also approved the request of Novus Fairfax Gateway, LLC, by Lynne J. Strobel, Agent/Attorney-in-fact for variances to the subdivision ordinance pursuant to Section 86-10 to allow private accessways to be less than thirty (30) feet in width, to reduce the minimum centerline curve radii of private accessways, and to modify the minimum requirements for dead end private accessways subject to the general development plan stamped received February 19, 2015 and proffers revised February 24, 2015, on the land known as 11101 and 11091 Fairfax Boulevard and 11160 Lee Highway and more particularly described as tax map 57-1-2-27, 31, 31a and 31b subject to the following condition:

1. Development of the subject site shall be in substantial conformance with the attached plans and associated submission materials stamped "Received February 19, 2015", and the applicant's proffer statement dated February 24, 2015.

The Fairfax City Council also adopted a resolution to approve with conditions the special exception requests Novus Fairfax Gateway LLC, by Lynne J. Strobel, Agent/Attorney-in-fact, to:

1. Reduce the number of required on-site parking spaces;
2. Increase the maximum gross floor area and lot coverage for buildings and parking structures;
3. Modify the requirements for screening for above grade mechanical units and utilities;
4. Modify the required parking lot perimeter landscaping;
5. Reduce the number of required loading spaces;
6. Increase the maximum building height to more than five stories or 60 feet;
7. Reduce the required separation from drive aisles and parking to buildings; and
8. Allow parking area entranceways greater than 30 feet in width

for redevelopment of the property being zoned to the C-2 Retail Commercial with proffers and Highway Corridor Overlay District located at 11101 and 11091 Fairfax Boulevard and 11160 Lee Highway and more particularly described as tax map 57-1-2-27, 31, 31a and 31b with the following condition:

1. Development of the subject site shall be in substantial conformance with the attached plans and associated submission materials stamped "Received February 19, 2015", and the applicant's proffer statement dated February 24, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie R. Crowder". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Melanie R. Crowder  
City Clerk

cc: Brooke Hardin, Director, Community Development & Planning  
Jason Sutphin, Community Development Division Chief  
Michelle Coleman, Zoning Administrator  
MRC/dms

## PROFFERS

### NOVUS FAIRFAX GATEWAY LLC

#### ZONING MAP AMENDMENT

February 24, 2015

Pursuant to Section 15.2-2303(a) of the *Code of Virginia*, 1950, as amended, and Section 110-7 (b) of the Zoning Ordinance of the City of Fairfax, Virginia, Novus Fairfax Gateway LLC, for the owner, and successors and/or assigns (hereinafter referred to as the "Applicant") in Z-13070069 filed on property identified on the City of Fairfax tax map 57-1-27, 31, 31A, and 31B (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Fairfax City Council approves a rezoning of the Application Property from the C-2, Highway Corridor Overlay, and I-2 Districts to the C-2 and Highway Corridor Overlay Districts in conjunction with a general development plan for residential and commercial development. These proffers shall replace and supersede all previous proffers approved on the Application Property. In the event the rezoning is denied by the Council, these proffers shall immediately be null and void.

#### 1. GENERAL DEVELOPMENT PLAN

Development of the Application Property shall be in substantial conformance with the General Development Plan (GDP) prepared by Vika Virginia LLC and the Preston Partnership, LLC consisting of 35 sheets, dated May 2, 2013 as revised through February 19, 2015. The Applicant shall have the flexibility to make minor modifications to site design and improvements shown on the GDP based on final engineering and design subject to the approval of the Director of Community Development and Planning.

#### 2. USES

The following uses shall be permitted on the Application Property:

- A. Approximately 29,000 square feet of gross floor area (GFA) which may be occupied by any of the permitted uses or special use permit uses as shown on the GDP. Additional uses that require approval of a special use permit may be permitted with approval of a separate special use permit without necessitating an amendment to these proffers so long as the layout is in substantial conformance with the GDP.
- B. Multifamily residential up to a maximum of 395 dwelling units, except as may be increased in accordance with Proffer 2.D. The unit mix shall be consistent with that shown on the GDP.
- C. The Applicant proposes approximately 28,000 square feet of ground level GFA that will be accessory uses to the multifamily dwelling units as shown on the GDP. The Applicant reserves the right to convert up to 17,000 square feet of said

accessory use space to commercial uses as permitted in the C-2 Retail Commercial District and potentially eight (8) units of affordable housing without necessitating a proffered condition amendment or development plan amendment should future market conditions allow, subject to demonstration of adequate parking, as demonstrated in a parking study completed by a transportation engineer or planner, to the satisfaction of the Department of Community Development and Planning.

- D. Upon City Council approval, the Applicant will agree to convert 8,000 square feet of the 28,000 square feet of ground level accessory use GFA into eight (8) affordable housing units at incomes up to and including 60% of the Washington D.C. Metropolitan Statistical Area Median Income (referred to herein as "AMI") as determined by HUD adjusted for unit size and in accordance with the conditions described in Proffer 13.B. Should City Council approval these eight (8) additional units, the Applicant shall increase parking on the Application Property in a manner consistent with the remaining residential units.

Should City Council not approve the conversion of the eight (8) additional affordable units, the Applicant reserves the right to retain the 8,000 square feet as accessory uses to the multifamily dwelling units or to convert this space to commercial uses as described in Proffer 2.C. above.

The eight (8) affordable housing units described above and the selection of Proffer 13.A.(i) by the City Council will result in the provision of twenty-four (24) housing units affordable to persons having a median household income up to and including 60% of AMI as determined by HUD adjusted for unit size. Should the City Council select the \$700,000.00 contribution in lieu of 16 affordable units described in Proffer 13.A.(i), the City Council can still approve that 8,000 square feet can be used for eight (8) affordable housing units as described above, thereby resulting in a contribution of \$700,000.00 and eight (8) affordable units.

- E. The existing uses on the Application Property shall remain legally nonconforming until the commencement of construction.

### 3. TRANSPORTATION

- A. Fairfax Boulevard and Lee Highway. Prior to the issuance of the first Residential Use Permit (RUP) or Non-Residential Use Permit (Non-RUP) for the Application Property, the Applicant shall construct road improvements to enable vehicular access from both Fairfax Boulevard (Route 50) and Lee Highway (Route 29) as shown on the GDP.
- B. Fairfax Boulevard Right Turn Lane. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall construct a right turn lane from Fairfax Boulevard into the Application Property as shown on the GDP.
- C. Fairfax Boulevard Circular Entry Feature. Subject to final design at time of site plan approval, the Applicant shall construct a circular entry feature in substantial

conformance with the GDP. Final signing and striping to be approved in coordination with the Director of Public Works.

- D. Lee Highway Sign. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall install improvements as shown on the GDP and a sign prohibiting left turns into the Application Property from Lee Highway. The sign shall be placed in the median of Lee Highway, subject to the approval of the Director of Public Works and the Virginia Department of Transportation (VDOT).
- E. Signal Modifications. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall fund signal modifications for the signal at Bevan Drive and Fairfax Boulevard should such modifications be required by VDOT.
- F. New Streets. Prior to the issuance of any RUP or Non-RUP for the first building located within the Application Property, the Applicant shall construct at its sole expense the streets, accessways, and sidewalks on the Application Property as shown on the GDP that are required to provide access to the building for which the RUP or Non-RUP is requested. Such streets shall be maintained by the Applicant as private streets. Special paving materials, raised crosswalks, and on-street parking within these shall be provided, subject to the approval of the Department of Public Works. The Applicant shall install signs and/or pavement markings for bicycles, subject to the approval of the Department of Public Works. The Applicant shall provide a public ingress/egress easement for all private streets, accessways, and adjacent sidewalks. Such easements shall extend to the peripheral boundaries of the Application Property to permit extension of the private streets and accessways in the future. Upon demand by the City, that will take place no sooner than completion of all improvements on the Application Property, the Applicant shall dedicate right-of-way to convert the streets to public streets, and, once dedicated, the entirety of the project as designed and constructed will remain a legally conforming use in accordance with zoning approval, Board of Architectural Review (BAR) approval, site plan approval and building permits. The Applicant shall not be obligated to obtain off-site easements or right-of-way to facilitate extensions. Prior to the issuance of the final RUP or Non-RUP for the Application Property, all streets, accessways, and sidewalks shall have final paving and shall be complete in substantial conformance with the GDP.
- G. Sidewalks. The Applicant shall provide ADA compliant sidewalks on both sides of all internal streets.
- H. Internal Intersection Alignment. At time of site plan approval, the Applicant shall minimize the southern internal intersection skew to better align the intersection in coordination with the Director of Public Works.

- I. Maintenance. The Applicant shall maintain the streets and sidewalks as private until such time as the City may demand dedication.
- J. Fairfax Boulevard Reservation. Prior to site plan approval, the Applicant shall reserve land area of approximately 5,510 square feet along the Application Property's Fairfax Boulevard frontage, which shall be dedicated to the City upon request to accommodate a slow lane as depicted in the City's Comprehensive Plan. Said reservation shall be made without cost to the City of Fairfax.
- K. Lee Highway Dedication and Reservation. The Applicant shall dedicate up to 50 feet from centerline of the Application Property's Lee Highway frontage to comply with the minimum right-of-way required by the Subdivision Ordinance. In addition, prior to site plan approval, the Applicant shall reserve land area of approximately 7,640 square feet along the Application Property's Lee Highway frontage, which shall be dedicated to the City upon request. Said reservation shall be made without cost to the City of Fairfax.
- L. Construction Timing. The Applicant shall coordinate phasing of transportation improvements with the Department of Public Works at time of site plan.
- M. Kamp Washington Study. Prior to the issuance of the final RUP or Non-RUP for the Application Property, the Applicant shall contribute \$25,000.00 to the City to help fund a study regarding road design, pedestrian improvements, and/or bicycle improvements in the Kamp Washington area.

4. STORMWATER MANAGEMENT

Design and construction of stormwater management facilities shall comply with 4VAC50-60 Virginia Stormwater Management Program (VSMP) Permit Regulations, as may be amended, or other relevant standard in place at the time of building permit submission. At time of site plan, the Applicant shall consider low impact development techniques to the extent feasible which may include, but not be limited to, permeable pavers, infiltration, and/or bio-retention.

5. STREETSCAPE

- A. Prior to the issuance of the first RUP or Non-RUP for the Application Property, the Applicant shall install a streetscape generally consisting of landscaping, a minimum ten (10) foot wide sidewalk or shared use path, and acorn lights along the Application Property's Fairfax Boulevard and Lee Highway frontages as shown on the GDP and in accordance with the City's Public Facilities Manual standards. The Applicant shall grant access easements for maintenance, if required. The final streetscape design shall be approved at time of site plan.
- B. Prior to the issuance of a RUP or Non-RUP for the Application Property, the Applicant shall underground utilities located along the Application Property's Fairfax Boulevard and Lee Highway frontages and on the Application Property,

with the exception of temporary power poles necessary for construction of buildings and improvements not yet complete.

6. LANDSCAPING AND OPEN SPACE

- A. General. Landscaping on the Application Property shall be in general conformance with the landscape design shown on the GDP. Final selection of the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be made as a component of the site plan approval process.
- B. Contemplative Open Space. Prior to the issuance of the final Non-RUP for Building 1 as identified on the GDP, the Applicant shall provide a publicly accessible landscaped open space in the northeastern portion of the Application Property adjacent to the Jermantown Cemetery which may include walkways, specialty plantings, and furniture, as approved at time of site plan. The Applicant shall consult with Historic Fairfax, Inc. regarding the design of the contemplative open space.
- C. Public Plaza. Prior to the issuance of the final RUP or Non-RUP, the Applicant shall provide a publicly accessible plaza in the center of the circular entry feature in the northern portion of the Application Property which may include furniture, specialty paving, and a water feature as approved on the site plan.
- D. Construction Timing. The Applicant shall coordinate phasing of landscaping and open space improvements with the Department of Public Works at time of site plan.

7. RECREATIONAL AMENITIES

- A. The Applicant shall provide up to 28,000 square feet, exclusive of rooftop swimming pool, of on-site recreational facilities to serve the residences of the Application Property that may include, but not be limited to, a fitness center, music practice rooms, and a dog spa. The Applicant shall have the right to convert up to 17,000 square feet of ground level amenities to commercial uses without necessitating an amendment to these proffers or development plan should future market conditions allow, as provided for in Proffer 2.C.
- B. Following the commencement of construction but prior to the issuance of the first RUP, the Applicant shall contribute an amount equivalent to \$250.00 per residential unit to the City of Fairfax for use in the planning, design and/or construction of recreational amenities at Kutner and/or parks in the Westmore neighborhood area.
- C. The Applicant shall provide a minimum of one (1) location for public art within open space on the Application Property.

8. JERMANTOWN CEMETERY

Commencing upon delivery of the first RUP on the Application Property, and provided that the cemetery owner grants access to the Applicant or its Designee, the Applicant shall maintain the landscaping within Jermantown Cemetery as a component of the landscape maintenance for the proposed project for a period not to exceed thirty (30) years. Landscape maintenance shall include mowing, seeding, edging, tree pruning, and trash removal.

9. ARCHITECTURAL DESIGN

- A. The architectural design and style of the buildings shall be generally consistent with the conceptual elevations as shown on the GDP, and shall be generally consistent in style on all sides of the buildings. The elevations may be refined as a result of final design and engineering so long as the character and quality of the buildings remain in substantial conformance with those shown on the GDP. Building materials shall be predominately brick, cementitious board, and may also include stone, cultured stone, simulated stone, and/or metal paneling, as may be approved by the Board of Architectural Review. Architectural elements, such as varied wall setbacks, balcony locations, roof embellishments, signage, building entries, brick banding, soldier coursing and/or relief patterns, shall be incorporated into the overall design to be presented for review and approval by the Board of Architectural Review.
- B. All residential units shall comply with all applicable municipal, state and federal accessibility and anti-discrimination requirements in place at the time of building permit submission.
- C. The proposed development shall consist of one-bedroom, two-bedroom, and two-bedroom with den units as shown on the GDP.
- D. Pursuant to the Virginia Statewide Fire Prevention Code, the Applicant shall provide approved alternative means of fire protection to the satisfaction of the Fire Marshal to mitigate the limited accessible perimeter of the proposed buildings. Such alternative means shall include, but not be limited to, NFPA 13 fire suppression systems where sprinkler systems are required throughout the development, and the use of non-combustible exterior finish materials as described in Proffer 9.A.
- E. At time of site plan, the Applicant shall identify accessible units in each proposed building as required by the then, in place, applicable municipal, state, and federal accessibility requirements.
- F. The Applicant shall incorporate design and construction techniques to direct restaurant exhaust away from the planned residential units, such as installing rooftop ventilation systems, as may be required by the applicable building code at time of building permit submission.

- G. Prior to the issuance of a building permit for residential units, the Applicant shall submit documentation to the City that exterior materials and construction techniques are effective in ensuring interior average noise levels of approximately 55 dBA between 7:00 a.m. and 9:00 p.m. and approximately 45 dBA between 9:00 p.m. and 7:00 a.m.

10. SUSTAINABLE DESIGN

- A. In order to promote energy conservation and green building techniques, the Applicant shall incorporate energy saving devices which may include, but not be limited to, use of ENERGY STAR<sup>®</sup> appliances, energy efficient mechanical systems, recycling for occupant refuse, energy efficient lighting and insulation that meets or exceeds applicable energy code requirements.
- B. At time of site plan submission, the Applicant shall submit a LEED checklist to demonstrate the incorporation of energy saving components as described above and as generally available in the marketplace.

11. PARKING MANAGEMENT

- A. The Applicant shall provide parking in conformance with the GDP.
- B. The Applicant shall assign parking management as one of the duties of its property manager. Parking management shall entail the efficient use of available constructed parking spaces, including the assignment of parking spaces to residents within the parking garage, and designation of guest parking as identified by signage. No fewer than two (2) conveniently located parking spaces will be reserved for vanpools and/or car sharing services.
- C. The Applicant shall assign one (1) parking space per unit that will be included in the monthly rent for each unit. The Applicant reserves the right to charge a fee or premium for preferred and/or additional parking spaces. Guest and commercial parking shall be clearly designated on the Application Property and distributed throughout the site. Code required parking for commercial uses shall be located either on the first or second level of the parking structures.
- D. The Applicant shall utilize measures as it deems appropriate, which may include but not be limited to signs and/or meters, to ensure that all on-street parking spaces are unreserved and time limited so that parking is available for commercial patrons.

12. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

In an effort to reduce the numbers of vehicle trips generated by the Application Property, the Applicant shall implement Transportation Demand Management ("TDM") strategies. These strategies will include, but not be limited to, the following:

- A. Designation of a Transportation Management Coordinator (“TMC”) which may be one of the duties assigned to its property manager. The TMC will provide on-site assistance to residents and employees in forming and maintaining carpools and vanpools. The TMC will display in the Application Property’s leasing office information on local transit services, carpool programs, and ridesharing programs. The TMC will ensure that the displayed information is current.
- B. Covered bicycle storage facilities will be provided for residents within buildings on the Application Property. Bicycle racks will also be provided on the Application Property for site visitors and/or employees. The Applicant shall provide interior bike parking spaces of at least 1 space per 10 dwelling units and exterior bike parking spaces of at least 1 space per 50 dwelling units. The Applicant shall identify the location of bicycle storage facilities at time of site plan approval.
- C. At the time of the initial occupancy of each dwelling unit on the Application Property, the Applicant shall provide one (1) resident of the unit with a prepaid transit card with a value of twenty-five (\$25.00).
- D. Designation of a space on the Application Property that may be used by residents for telework activities. The space will include access to a computer, printer, and copy machine.
- E. Installation of at least one interior or exterior electric vehicle charging station on the Application Property.
- F. Prior to the issuance of a RUP or Non-RUP for the Application Property, the Applicant shall install one (1) standard City bus shelter on the Application Property’s Fairfax Boulevard frontage and one (1) on the Application Property’s Lee Highway frontage to serve bus routes that serve Lee Highway and Fairfax Boulevard.
- G. The Applicant shall provide City staff with information obtained by resident surveys regarding the use of public transportation, carpooling, bikes, teleworking, and any other transportation options on an annual basis.

13. AFFORDABLE HOUSING

- A. Subject to City Council approval, the Applicant shall comply with one (1) of the following:
  - (i) Designate 16 units (4% of the 395 residential units) constructed on the Application Property as affordable dwelling units to be affordable to persons having a median household income up to and including 60% of AMI as determined by HUD, adjusted for unit size, and as set forth below. Should this option be selected, the City Council can still approve the provision of eight (8) affordable housing units as described in Proffer 2.D.; or

- (ii) A contribution to the City in the amount of \$700,000.00 for the purposes of supporting affordable housing in the City. Should this option be selected, the City Council can still approve the provision of eight (8) affordable housing units as described in Proffer 2.D.

B. The following conditions shall be applicable to the affordable units generated by Proffer 2.D. and, if option 13.A.(i) is selected by the City Council, those units described in Proffer 13.A.(i):

- (i) Income eligibility limits shall be adjusted based on unit size as follows: 80% for a one bedroom unit, 90% for a two bedroom unit, 100% for a two bedroom with den unit.
- (ii) Maximum monthly rental rates for the affordable dwelling units shall be adjusted annually based on changes in the AMI by:
  - a. Multiplying the applicable AMI by the maximum income percentage in Paragraph 13.A.(i) above;
  - b. Multiplying the product of subparagraph (i) by the adjustment factor for unit size in paragraph B;
  - c. Dividing the product of subparagraph (ii) by twelve (12) to reflect the number of months in a year; and
  - d. Multiplying the quotient of subparagraph (iii) by 30% to determine the rent that may be charged to renters in each income bracket.
- (iii) The units shall be integrated into and dispersed throughout the development to the extent feasible.
- (iv) The units shall be constructed of comparable materials and fixtures and maintained at comparable levels with market rate units
- (v) To the extent feasible, the number of bedrooms per affordable unit shall be proportional to the number of bedrooms per market unit on the Application Property.
- (vi) If an affordable unit is vacant and cannot be rented for more than 90 consecutive days, despite diligent marketing efforts as demonstrated to the City, the owner can rent the vacant affordable unit at market rates, provided that the next similar unit that is on the market is designated as an affordable unit to ensure consistency with the required percentage of affordable units.
- (vii) The tenants who lease the affordable units shall meet the income eligibility criteria identified herein, as well as typical background checks and other applications as may be required for the rental of the market rate

units as required by the Applicant. Said requirements shall be made available to the Department of Community Development and Planning on an annual basis upon request.

- (viii) Existing tenants who are income qualified upon initial occupancy shall remain eligible for affordable housing provided their income remains at or below 80% of AMI as adjusted herein for household size. Existing tenants whose income exceeds 80% of AMI will no longer qualify under the income eligibility criteria identified herein, and the Applicant, within its sole discretion, shall either allow the tenant to continue occupancy at market rates and designate another unit within the development as affordable, when available, or relocate the tenant to a market rate unit and continue to lease the previously designated affordable unit in accordance with the income eligibility criteria.
- (ix) Marketing of the affordable units shall include coordination with non-profit organizations.
- (x) The affordability restriction described herein shall remain in place for thirty (30) years after the issuance of the first RUP for an affordable unit on the Application Property at which time the provisions of this Proffer 13 shall be null and void and of no further force and effect.
- (xi) The Applicant shall furnish City Staff with information on the affordable units' occupancy/vacancy status and tenant eligibility information annually.
- (xii) Should the proposed development be converted to condominium ownership, the Applicant shall ensure that the affordable units are maintained as affordable rental units for the balance of the thirty (30) year affordability term.

14. NON-PROFIT OFFICE SPACE

The Applicant shall construct, furnish, and make available up to 4,000 square feet of commercial space for a local non-profit organization at \$0 rent for fifteen (15) years from receipt of the Non-RUP for the non-profit commercial space.

15. SCHOOL CONTRIBUTION

Prior to the issuance of the first RUP, the Applicant shall contribute \$200,000.00 to the City of Fairfax to mitigate impacts to City schools.

16. MISCELLANEOUS

- A. Occupancy Restrictions. To the extent permitted by State and Federal Fair Housing regulations, the occupancy of each dwelling unit in the development

shall be limited to no more than two (2) persons per bedroom plus one (1) additional person per unit.

- B. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which when taken together shall constitute but one in the same document.
- C. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and its successors and assigns.

{A0651258.DOCX / 1 Proffers - 02.24.15 (cln) (Option A) 007552 000006}

[SIGNATURES BEGIN ON NEXT PAGE]

OWNER

MGB Properties III, L.L.C.,  
A Virginia Limited Liability Company

By: MGB Properties, L.L.C.  
A Virginia Limited Liability Company



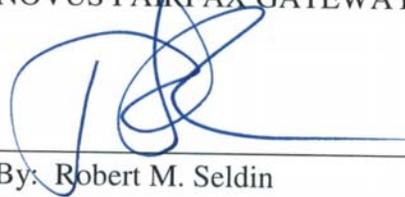
By: \_\_\_\_\_

Its: \_\_\_\_\_

[SIGNATURES CONTINUE]

APPLICANT

NOVUS FAIRFAX GATEWAY LLC

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

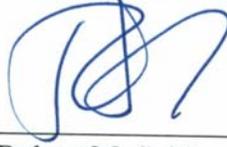
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By: Robert M. Seldin  
Its: CEO

[SIGNATURES CONTINUE]

CONTRACT PURCHASER

NOVUS RESIDENCES LLC

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a series of loops and a final flourish.

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By: Robert M. Seldin  
Its: CEO

[SIGNATURES END]

ORDINANCE NO. 2015-18

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF FAIRFAX, VIRGINIA TO RECLASSIFY FROM C-2 RETAIL COMMERCIAL, I-2 INDUSTRIAL AND HIGHWAY CORRIDOR OVERLAY DISTRICT, TO C-2 RETAIL COMMERCIAL WITH PROFFERS AND HIGHWAY CORRIDOR OVERLAY DISTRICT; ON THE LAND KNOWN AS 11101 AND 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-2-27, 31, 31A AND 31B.

WHEREAS, Novus Fairfax Gateway, LLC, by Lynne J. Strobel, Agent/ Attorney-in-Fact, submitted application No. Z-13070069 requesting a change in the zoning classification from C-2 Retail Commercial, I-2 Industrial and Highway Corridor Overlay District to C-2 Retail Commercial with proffers and Highway Corridor Overlay District, for the parcels identified above, and more specifically described in the attached Legal Description.

WHEREAS, the City Council has carefully considered the application, the proposed proffers, the recommendation of the Planning Commission, the recommendation of staff, and the testimony received at public hearing; and

WHEREAS, the City Council has determined that the proposed rezoning is proper and in accordance with the Comprehensive Plan as well as with the pertinent provisions set forth in the Code of Virginia and the Code of the City of Fairfax, Virginia;

NOW, THEREFORE BE IT ORDAINED, that the above described property be rezoned from C-2 Retail Commercial, I-2 Industrial and Highway Corridor Overlay District to C-2 Retail Commercial with proffers and Highway Corridor Overlay District;

BE IT FURTHER ORDAINED, that the above described property be subject to the following reasonable conditions authorized by City Code Section 110-7, which are proffered by the property owners: (see attached proffered conditions dated February 24, 2015)

BE IT FURTHER ORDAINED, that the above conditions, application package and general development plan/preliminary site plan be approved;

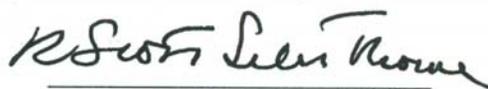
The Zoning Administrator of the City is hereby directed to modify the Zoning Map to show the changes in the zoning of these premises, including the existence of the proffered conditions, and the Clerk of the Council is directed to transmit duly certified copies of this ordinance to the applicant, Zoning Administrator, and to the Planning Commission of this City as soon as possible.

This ordinance shall be effective as provided by law.

Planning Commission hearing: January 26, 2015

City Council hearing: February 24, 2015

Adopted: February 24, 2015

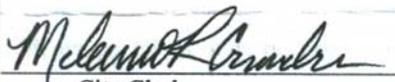


Mayor

3/2/15

Date

ATTEST:

  
City Clerk

Votes

Councilman DeMarco	Aye
Councilman Greenfield	Nay
Councilmember Loftus	Aye
Councilman Meyer	Aye
Councilmember Miller	Aye
Councilmember Schmidt	Aye



**City of Fairfax, Virginia**

10455 Armstrong Street · Fairfax, VA 22030-3630  
703-385-7930 · www.fairfaxva.gov

August 31, 2018

Re: 11101 & 11091 Fairfax Blvd and 11160 Lee Hwy

Dear Property Owner:

Current City real estate records indicate that you are the owner of land near or adjacent to the property which is the subject of the above-referenced application. Pursuant to City Code Section 110-6.B.2 **you are hereby notified that the City Council at its meeting on Tuesday, September 11, 2018 at 7:00 p.m. in City Hall Annex, Room 100, 10455 Armstrong Street, will hold a public hearing to consider the following:**

**Z-18-00121, SU-18-00122, SE-18-00123**

Request from FF Realty IV LLC, applicant, by Robert Brant, agent, for amendments to previously approved General Development Plan and Proffers (Z-13070069) to allow residential and commercial uses, pursuant to City Code Section 110-6.4; for Special Use Permits pursuant to City Code Section 110-6.7 to allow multi-family residential and upper story residential/mixed use building uses in the CR Commercial Retail zoning district; for Special Exceptions pursuant to City Code Section 110-6.17 to reduce the required percentage of ground floor non-residential uses for upper story residential/mixed use buildings; to reduce the number of required parking spaces for multi-family buildings; to reduce the number of required parking spaces for upper story residential/mixed use buildings; to increase the maximum building height; to modify the requirements for sidewalks on both sides of streets; and to modify the required street tree requirements as shown on the GDP/SE/SUP plan; and a Certificate of Appropriateness for architecture and landscaping pursuant to City Code Section 110-6.5 on the premises known as 11101 & 11091 Fairfax Boulevard and 11160 Lee Highway and more particularly described as Tax Map Parcels 57-1-02-27, 31, 31A, & 31B.

You are entitled to speak at the public hearing, or you may submit written testimony. A copy of the application is available for review in the Department of Community Development and Planning, Annex Room 207, City Hall.

If you have questions regarding the application, please call the Zoning Office at 703-385-7820.

Sincerely,

Jason Sutphin  
Community Development Division Chief



**City of Fairfax, Virginia**

10455 Armstrong Street · Fairfax, VA 22030-3630  
703-385-7930 · [www.fairfaxva.gov](http://www.fairfaxva.gov)

August 31, 2018

Marianne Gardner  
Planning Division  
Fairfax County Dept. of Planning and Zoning  
12055 Government Center Pkwy, Suite 730  
Fairfax, Virginia 22035

Re: 11101 & 11091 Fairfax Blvd & 11160 Lee Hwy

Pursuant to Section 15.2-2204 (amended) of the Code of Virginia, enclosed is the legal notification for the above-referenced application. For additional information, please call the Department of Community Development and Planning at 703-385-7820 or Alexis El-Hage at [alexis.el-hage@fairfaxva.gov](mailto:alexis.el-hage@fairfaxva.gov)

Sincerely,

Jason Sutphin  
Community Development Division Chief

Enclosure

NOTICE OF PUBLIC HEARING  
CITY OF FAIRFAX, VIRGINIA

Notice is hereby given that the City Council of the City of Fairfax at its meeting on Tuesday, September 11, 2018 at 7:00 p.m. in the City Hall Annex, Room 100, 10455 Armstrong Street, will hold a Public Hearing to consider the following:

**Z-17040060, SU-17040061**

Request from IDI Fairfax, L.C., applicant, by Enrico Cecchi, manager, for consideration of a Zoning Map Amendment (Rezoning) from CR – Commercial Retail, RM – Residential Medium and John C. Wood House Historic Overlay District to PDM – Planned Development Mixed Use, pursuant to City Code Section 110-6.4, a Planned Development Review pursuant to City Code Section 110-6.6 to allow development of 266 residential units and 44,000 square feet of commercial space, a Comprehensive Plan Amendment from Institutional and Residential – Low to Business Commercial, Transitional and Residential High, a Special Use Permit to allow to allow disturbance in a floodplain pursuant to City Code Section 110-4.15.7 and a Certificate of Appropriateness for architecture and landscaping pursuant to City Code Section 110-6.5 on the premises known as 10675 Fairfax Boulevard, 10600 and 10606 Cedar Avenue and more particularly described as Tax Map Parcels 57-1-02-112, 113 and 114.

**Z-18-00121, SU-18-00122, SE-18-00123**

Request from FF Realty IV LLC, applicant, by Robert Brant, agent, for amendments to previously approved General Development Plan and Proffers (Z-13070069) to allow residential and commercial uses, pursuant to City Code Section 110-6.4; for Special Use Permits pursuant to City Code Section 110-6.7 to allow multi-family residential and upper story residential/mixed use building uses in the CR Commercial Retail zoning district; for Special Exceptions pursuant to City Code Section 110-6.17 to reduce the required percentage of ground floor non-residential uses for upper story residential/mixed use buildings; to reduce the number of required parking spaces for multi-family buildings; to reduce the number of required parking spaces for upper story residential/mixed use buildings; to increase the maximum building height; to modify the requirements for sidewalks on both sides of streets; and to modify the required street tree requirements as shown on the GDP/SE/SUP plan; and a Certificate of Appropriateness for architecture and landscaping pursuant to City Code Section 110-6.5 on the premises known as 11101 & 11091 Fairfax Boulevard and 11160 Lee Highway and more particularly described as Tax Map Parcels 57-1-02-27, 31, 31A, & 31B.

All interested parties are invited to attend the public hearing and express their views. Staff reports will be available five (5) days prior to the meeting date in the Office of Community Development & Planning, Annex Room 207, City Hall, 10455 Armstrong Street, and on the City of Fairfax webpage at [www.fairfaxva.gov](http://www.fairfaxva.gov). The City will make reasonable accommodations for the disabled upon request received at least five days prior to the meeting; please call (703) 385-7935 or TTY 711 for assistance.

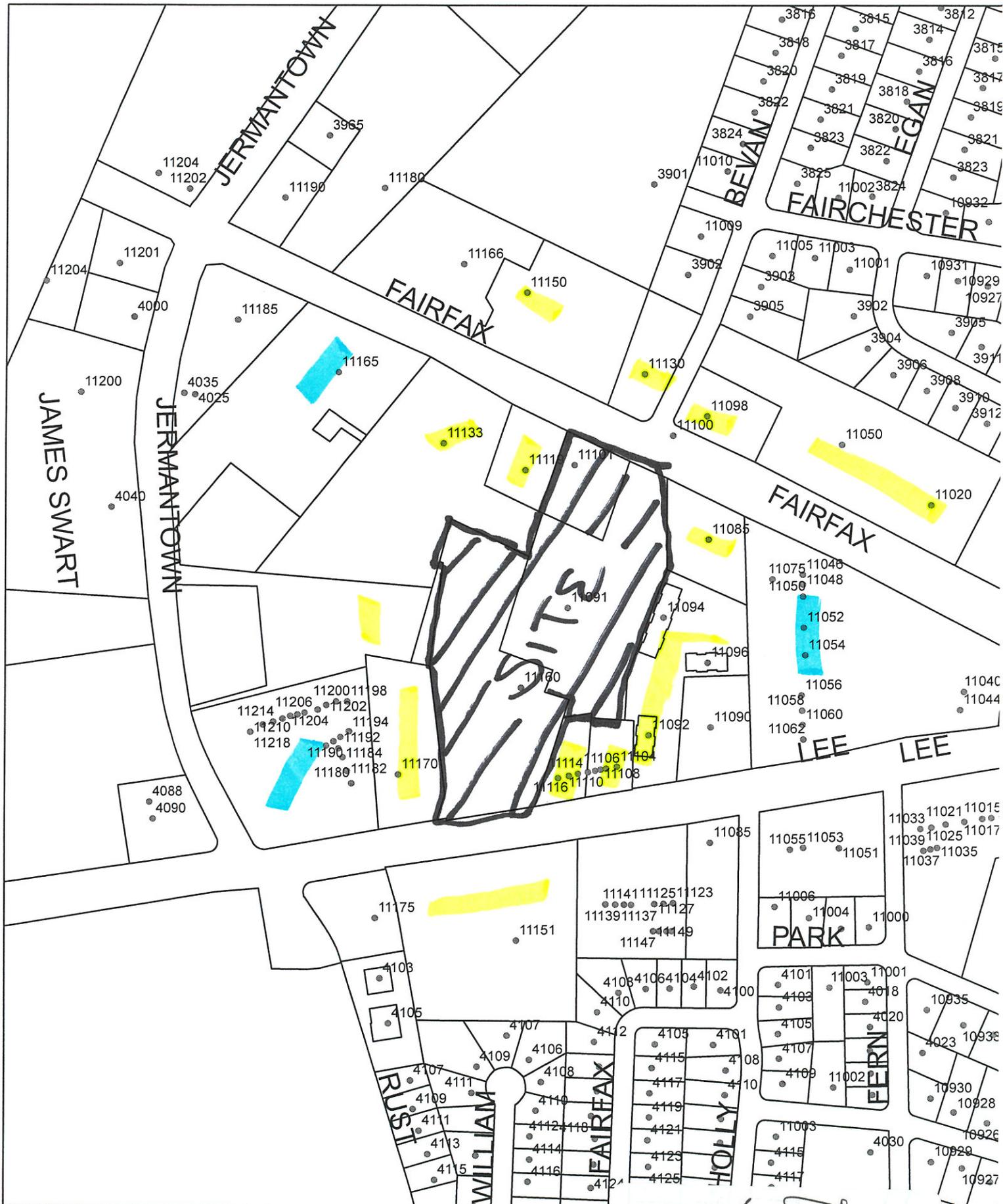
Melanie Crowder, City Clerk

08/24/2018

08/31/2018

<p>Dominion Power 11133 Fairfax Boulevard Fairfax, VA 22030</p>	<p>Louis Guida Denise Guida 11208 Country Place Oakton, VA 22124</p>	<p>MARIANNE GARDNER PLANNING DIVISION FAIRFAX CO. DEPT. OF PLANNING AND ZONING 12055 GOVERNMENT CENTER PKWY, SUITE 730 FAIRFAX VIRGINIA 22035</p>
<p>MJC Property Inc. 11119 Fairfax Blvd. Fairfax, VA 22030</p>	<p>Hilltop Shop N Go Center LLC 200 Central Park South #4C New York, NY 10019</p>	<p>WESTMORE CITIZENS ASSOCIATION MR. GARY PERRYMAN 11008 WESTMORE DRIVE FAIRFAX, VA 22030</p>
<p>Guardian Main Street LLC 6000 Executive Blvd. #400 North Bethesda, MD 20852</p>	<p>MC BOYZ LLC 11170 Lee Hwy Fairfax, VA 22030</p>	<p>Nick Caine Director of Market Research McWilliams/Ballard 1029 North Royal Street, Suite 301 Alexandria, VA 22314</p>
<p>H&amp;I Services Inc. c/o TD Bank 380 Wellington St. Tower B 12<sup>th</sup> FL London, Ontario N6A 4SA</p>	<p>Haverty Furniture Companies Inc. c/o Marvin Poer Co. Attn: Rav 3520 Piedmont Rd N.E. #410 Atlanta, GA 30305</p>	<p>Oxford Row Civic Association Mr. Jon Stehle 11110 Snughaven Lane Fairfax, VA 22030</p>
<p>Alpine Management LLC P.O. Box 279 Centreville, VA 20122</p>	<p>George Andreas Ursula Andreas Trs 43670 Trade Center Pl Ste 145 Dulles, VA 20166</p>	<p>Fairfax Heights Civic Association Mr. John Norce 10809 Second Street Fairfax, VA 22030</p>
<p>Koray Edemen 11096 Lee Hwy Ste B103 Fairfax, VA 22030</p>	<p>MGB Properties III LLC 11165 Fairfax Blvd Fairfax, VA 22030</p>	<p>Fairchester Woods Civic Association Mr. Cory McConnell 3826 Hill Street Fairfax, VA 22030</p>
<p>Mie C. Kim (Trustee) Hea J. Kim (Trustee) 8925 Burke Lake Road Springfield, VA 22151-1115</p>	<p>Ok Soon Tak (TRS) 7106 Game Lord Drive Springfield, VA 22153</p>	<p>Jungah Chung 11094 Lee Hwy D102 Fairfax, VA 22030</p>
<p>Seon Woo Park 7554 Clifton Road Clifton, VA 20124</p>	<p>Christina Le Hong Thi Nguyen 11094-B Lee Hwy #101 Fairfax, VA 22030</p>	<p>Northern VA Chinese Baptist Church 11094 Lee Hwy #A-103 Fairfax, VA 22030</p>
<p>FAPPA1965 LLC 1428 Mayflower Drive McLean, VA 22101</p>	<p>Sapphire LLC 11094 B Lee Hwy #102 Fairfax, VA 22030</p>	<p>Abraham &amp; Jessy George LLC 5042 Huntwood Manor Drive Fairfax, VA 22030</p>
<p>Koray Edemen Elvan Gur-Edemen 11096 Lee Hwy Ste B103</p>	<p>New Century Biotech Inc. 7501 Little River TPKE #102 Annandale, VA 22003</p>	<p>Blue Waters LLC 4589 Lynn Forest Drive Gainesville, VA 22065</p>

Jaskiran Sidhu Tr 10506 Dominion Valley Drive Fairfax Station, VA 22039	Charles & Laurel Stone 5418 Sandy Point Lane Clifton, VA 20124	Scott Campbell Louis Giangì 11092-B Lee Hwy #101 Fairfax, VA 22030
Fairfax Oaks Real Estate LLC 2782 Marshall Lake Drive Oakton, VA 22124	J Napil 11092 Lee Hwy A104 Fairfax, VA 22030	FFSV LLC 11092 A Lee Hwy Fairfax, VA 22030
USRPI LLC c/o Property Tax Dept P.O. Box 790830 San Antonio, TX 78279-0830	Mr. Dennis Howard <b>VIA EMAIL</b> Jermantown Cemetery Grave Preservation Society kingtonkatonk@aol.com	50 JERMANTOWN LTD PTN C/O WEISSBERG CORP 1901 N. MOORE ST #1001 ARLINGTON VA 22209



Certified: 

Thomas E. Reed, CAE, SRA

Real Estate Assessment Director

8/28, 2018

# Fairfield



SIGN POSTINGS





## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE GENERALIZED DEVELOPMENT PLAN (GDP) AND PROFFERS ON THE LAND KNOWN AS 11101 AND 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-02-27, 31, 31A, AND 31B, AND LOCATED IN THE CR – COMMERCIAL RETAIL ZONING DISTRICT AND ARCHITECTURAL CONTROL OVERLAY ZONING DISTRICT.**

WHEREAS, FF Realty IV LLC, by Robert Brant, attorney and agent, submitted application No. Z-18-00121 requesting a changes to the Generalized Development Plan (GDP) and Proffers for the subject site located in the CR – Commercial Retail and Architectural Control Overlay District, for the parcel identified above, and more specifically described as:

Beginning for the same at an iron pipe marking the north-westerly corner of Jermantown Cemetery, said point also lying on the southerly right-of-way, Fairfax Boulevard, Route 50 (variable width right of way); thence leaving said southerly right-of-way line and running with the westerly line of said Jermantown Cemetery

1. South 00°12'00" East, 226.00 feet to a point marking the south-easterly corner of said Jermantown Cemetery, said point also being the north-westerly corner of Fair Oaks Square, a condominium (D.B. 6992, Pg. 1661); thence running with said Fair Oaks Square the following two (courses and distances)
2. South 19°49'56" West, 281.69 feet to an iron pipe; thence
3. South 03°13'20" West, 108.31 feet to an iron pipe marking the south-westerly corner of said Fair Oaks Square, said point also being a point on the northerly line of the now or formerly Suslovich property; thence running with the Suslovich property the following four (4) courses and distances
4. North 86°56'40" West, 82.88 feet to a nail; thence
5. North 03°27'50" East, 12.12 feet to an iron pipe; thence
6. South 80°59'36" West, 71.25 feet to an iron pipe; thence
7. South 17°07'31" West, 231.51 feet to an iron pipe in the northerly right of way of Lee Highway, Route 29 & 211 (variable width right of way); thence running with northerly right of way of said Lee Highway the following three (3) courses and distances
8. South 80°51'09" West, 221.89 feet to a point; thence
9. North 17°04'48" East, 5.57 feet to an iron pipe; thence
10. South 80°56'34" West, 24.88 feet to an iron pipe marking the south-easterly corner of MC Boyz, L.L.C. (D.B. 12128, Pg. 334); thence departing the aforesaid right-of-way line of said Lee Highway and running with the easterly line of said MC Boyz, L.L.C. the following three (3) courses and distances
11. North 17°02'50" East, 66.14 feet to an iron pipe; thence
12. North 07°02'10" West, 321.70 feet to an iron pipe; thence
13. North 79°30'59" West, 46.07 feet to an iron pipe marking the south easterly corner of the now or formerly Virginia Electric and Power Company; thence running with easterly line of said Virginia Electric Power Company the following four (4) courses and distances
14. North 15°20'35" East, 367.82 feet to a drill hole; thence
15. South 64°29'06" East, 213.04 feet to a nail; thence
16. North 17°04'48" East, 111.93 feet to an iron pipe; thence
17. North 65°17'16" West, 9.10 feet to a point marking the south-easterly corner of MJC Property, Inc. (D.B. 17941 Pg. 1467); thence running with the easterly line of said MJC Property, Inc.

18. North 18°39'29" East, 211.81 feet to a point lying on the southerly right-of-way line of aforementioned Fairfax Boulevard, said point also being the north-easterly corner of said MJC Property, Inc.; Thence running with the said southerly right-of-way line of said Fairfax Boulevard the following two (2) courses and distances
19. South 64°18'51" East, 172.42 feet to an iron pipe; thence
20. South 65°28'23" East, 100.48 feet to the point of beginning and containing 362,812 square feet or 8.32902 acres of land.

WHEREAS, the City Council has carefully considered the application, the submitted Generalized Development Plan (GDP) and Proffers, the recommendation of the Planning Commission, the recommendation of staff, and the testimony received at public hearing; and

WHEREAS, the City Council has determined that the proposed rezoning is proper and in accordance with the Comprehensive Plan as well as with the pertinent provisions set forth in the Code of Virginia and the Code of the City of Fairfax, Virginia;

NOW, THEREFORE BE IT ORDAINED that the Generalized Development Plan (GDP) dated August 13, 2018 and Proffers dated August 24, 2018 for the above described property are adopted and supersede the previously adopted Generalized Development Plan (GDP) and Proffers;

The Zoning Administrator of the City is hereby directed to modify the Zoning Map to show the changes in the zoning of these premises, and the Clerk of the Council is directed to transmit duly certified copies of this ordinance to the applicant, Zoning Administrator, and to the Planning Commission of this City as soon as possible.

This ordinance shall be effective as provided by law.

Planning Commission hearing: July 23, 2018  
City Council hearing: September 11, 2018  
Adopted: September 11, 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

The motion to adopt the ordinance was approved \_\_\_\_\_.

	Vote
Councilmember DeMarco	_____
Councilmember Lim	_____
Councilmember Miller	_____
Councilmember Passey	_____
Councilmember Stehle	_____
Councilmember Yi	_____

**PROPOSED RESOLUTION 2018 - \_\_\_\_\_**  
**APPROVAL**

RESOLUTION TO APPROVE THE REQUEST OF FF REALTY IV LLC, BY ROBERT BRANT, ATTORNEY/AGENT, FOR SPECIAL EXCEPTIONS TO CITY CODE TO:

1. REDUCE THE PERCENTAGE OF GROUND FLOOR AREA USED SOLELY FOR NONRESIDENTIAL USES IN UPPER STORY RESIDENTIAL/MIXED USE BUILDINGS REQUIRED BY SEC. 110-3.5.L(D)(L)(B);
2. REDUCE THE NUMBER OF REQUIRED PARKING SPACES REQUIRED FOR MULTIFAMILY BUILDINGS REQUIRED BY SEC. 110-4.2.3;
3. REDUCE THE NUMBER OF REQUIRED PARKING SPACES REQUIRED FOR RESIDENTIAL USES FOR UPPER STORY/MIXED USE BUILDINGS REQUIRED BY SEC. 110-4.2.3;
4. INCREASE THE MAXIMUM BUILDING HEIGHT TO FIVE STORIES WITH AN ABOVE GRADE MAXIMUM HEIGHT OF 69 FEET WHERE HEIGHT IS LIMITED TO FIVE STORIES AND 60 FEET BY SEC. 110-3.6.2;
5. ELIMINATE THE REQUIREMENT THAT SIDEWALKS BE REQUIRED ON BOTH SIDES OF ALL STREETS INCLUDING PRIVATE STREETS REQUIRED BY SECTION 110-4.4.4.(A)(L); AND
6. MODIFY THE LANDSCAPING REQUIREMENTS FOR A MINIMUM OF TEN FOOT WIDE LANDSCAPE STRIPS ALONG ALL STREETS AND STREET TREES AT THE RATE OF ONE CANOPY TREE FOR EVERY 40 LINEAR FEET AND SPACED A MAXIMUM OF 50 FEET APART AS REQUIRED BY SEC. 110-4.5.6(8).

ON THE PREMISES KNOWN AS 11101 AND 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP 57-1-02-27, 31, 31A AND 31B.

WHEREAS, FF REALTY IV LLC, by Robert Brant, attorney/agent, has submitted Application No. SE-18-00123 requesting Special Exceptions to the City Code as listed above; and

WHEREAS, City Council has carefully considered the application, the recommendation from Staff, and testimony received at the public hearing; and

WHEREAS, City Council has determined that the proposed Special Exceptions are appropriate because the proposal meets the requisites established by City of Fairfax Code Section 110-6.17 for the following reasons:

- 1) The proposal ensures the same general level of land use compatibility as the otherwise applicable standards;
- 2) The proposal does not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development

because of inadequate transitioning, screening, setbacks and other land use considerations;

- 3) The proposal is generally consistent with the purposes and intent of the city code and the comprehensive plan; and
- 4) The proposal is based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairfax on this 11<sup>th</sup> day of September, 2018, that Application No. SE-18-00123 be and hereby is APPROVED, as requested, with the following condition.

1. Development of the subject site shall be in substantial conformance with the attached GDP/SUP/SE Amendment plans and associated submission materials dated August 13, 2018, and the applicant's proffer statement dated August 24, 2018, and as may be modified by the City Council.

The motion to adopt the resolution was approved \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Votes

Councilmember DeMarco \_\_\_\_\_  
Councilmember Lim \_\_\_\_\_  
Councilmember Miller \_\_\_\_\_  
Councilmember Passey \_\_\_\_\_  
Councilmember Stehle \_\_\_\_\_  
Councilmember Yi \_\_\_\_\_

**PROPOSED RESOLUTION 2018 - \_\_\_\_\_**  
**DENIAL**

RESOLUTION TO APPROVE THE REQUEST OF FF REALTY IV LLC, BY ROBERT BRANT, ATTORNEY/AGENT, FOR SPECIAL EXCEPTIONS TO CITY CODE TO:

1. REDUCE THE PERCENTAGE OF GROUND FLOOR AREA USED SOLELY FOR NONRESIDENTIAL USES IN UPPER STORY RESIDENTIAL/MIXED USE BUILDINGS REQUIRED BY SEC. 110-3.5.L(D)(L)(B);
2. REDUCE THE NUMBER OF REQUIRED PARKING SPACES REQUIRED FOR MULTIFAMILY BUILDINGS REQUIRED BY SEC. 110-4.2.3;
3. REDUCE THE NUMBER OF REQUIRED PARKING SPACES REQUIRED FOR RESIDENTIAL USES FOR UPPER STORY/MIXED USE BUILDINGS REQUIRED BY SEC. 110-4.2.3;
4. INCREASE THE MAXIMUM BUILDING HEIGHT TO FIVE STORIES WITH AN ABOVE GRADE MAXIMUM HEIGHT OF 69 FEET WHERE HEIGHT IS LIMITED TO FIVE STORIES AND 60 FEET BY SEC. 110-3.6.2;
5. ELIMINATE THE REQUIREMENT THAT SIDEWALKS BE REQUIRED ON BOTH SIDES OF ALL STREETS INCLUDING PRIVATE STREETS REQUIRED BY SECTION 110-4.4.4.(A)(L); AND
6. MODIFY THE LANDSCAPING REQUIREMENTS FOR A MINIMUM OF TEN FOOT WIDE LANDSCAPE STRIPS ALONG ALL STREETS AND STREET TREES AT THE RATE OF ONE CANOPY TREE FOR EVERY 40 LINEAR FEET AND SPACED A MAXIMUM OF 50 FEET APART AS REQUIRED BY SEC. 110-4.5.6(8).

ON THE PREMISES KNOWN AS 11101 AND 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP 57-1-02-27, 31,

WHEREAS, FF REALTY IV LLC, by Robert Brant, attorney/agent, has submitted Application No. SE-18-00123 requesting Special Exceptions to the City Code as listed above; and

WHEREAS, City Council has carefully considered the application, the recommendation from Staff, and testimony received at the public hearing; and

WHEREAS, City Council has determined that the proposed Special Exceptions are not appropriate because the proposal does not meet the requisites established by City of Fairfax Code Section 110-6.17 for the following reasons:

**[City Council should choose one or more of the following as appropriate:]**

- 1) The proposal does not ensure the same general level of land use compatibility as the otherwise applicable standards;
- 2) The proposal materially and adversely affects adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate transitioning, screening, setbacks and other land use considerations;
- 3) The proposal is inconsistent with the purposes and intent of the city code and the comprehensive plan; and
- 4) The proposal is not based on the physical constraints and land use specifics, rather it is based on economic hardship of the applicant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairfax on this 11<sup>th</sup> day of September, 2018, that Application No. SE-18-00123 be and hereby is DENIED.

The motion to deny the resolution was approved \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Votes

Councilmember DeMarco	_____
Councilmember Lim	_____
Councilmember Miller	_____
Councilmember Passey	_____
Councilmember Stehle	_____
Councilmember Yi	_____



**Project:** Fairfield Fairfax Gateway  
**Address:** 11101 & 11091 Fairfax Boulevard,  
 11160 Lee Highway  
**Case Number:** BAR-18-00120  
**Applicant:** FF Realty IV LLC

**MAJOR CERTIFICATE OF APPROPRIATENESS**

Pursuant to Chapter 110 of the Code of the City of Fairfax, the proposed mixed-use development and site improvements are approved as of September 11, 2018, with the following conditions:

1. Development of the subject site shall be in substantial conformance with the attached GDP/SUP/SE Amendment plans and associated submission materials including elevations, dated August 13, 2018, and the applicant’s proffer statement dated August 24, 2018.
2. The west elevation of building 300 shall be amended to incorporate additional design features such as window bays, recessed balconies, or courtyards prior to the issuance of a building permit, pursuant to the review and approval by the Director of Community Development and Planning.

Please note:

- A. The applicant shall not deviate from the approved design. Any subsequent changes to the proposed design, including changes to architectural details, color, materials and signage, must receive approval from the BAR or City staff prior to construction. Any deviation without City approval shall be subject to the penalties provided by the Code of the City of Fairfax.
- B. The applicant is responsible for incorporating this approved design with its conditions into the plans submitted to the City of Fairfax and for *obtaining all required permits prior to construction or installation.*
- C. This Certificate shall become null and void if no significant improvement or alteration is made in accordance with the approved application within eighteen (18) months from the date of approval.

\_\_\_\_\_  
Mayor David Meyer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Community Development and Planning

\_\_\_\_\_  
Date

**16. MOTIONS:**

**ATTACHMENTS: [If the City Council agrees with the staff recommendation, then Motions 16A, 16C, 16E and 16G are appropriate]**

16A. Motion to approve the Zoning Map Amendment, GDP and Proffer Amendment (rezoning).

16B. Motion to deny of the Zoning Map Amendment, GDP and Proffer Amendment (rezoning).

16C. Motion to approve the Special Use Permits for multifamily and upper story/mixed use buildings.

16D. Motion to deny the Special Use Permits for multifamily and upper story/mixed use buildings.

16E. Motion to approve Special Exceptions for upper story/mixed use ground floor commercial reduction, parking, building height, sidewalks, street trees and landscaping.

16G. Motion to approve the Certificate of Appropriateness.

16H. Motion to deny the Certificate of Appropriateness.

**Rezoning, GDP Proffer Amendment Z-18-00121**

**APPROVAL  
(Recommended by Staff)**

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, WITH RESPECT TO REZONING APPLICATION Z-18-00121 TO ALLOW A GENERALIZED DEVELOPMENT PLAN (GDP) AND PROFFER AMENDMENT, WHICH HAVE BEEN FILED FOR THE LAND KNOWN AS 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-02-27, 31, 31A, AND 31B, I MOVE THAT THE CITY COUNCIL ADOPT THE ATTACHED ORDINANCE TO APPROVE REZONING APPLICATION Z-18-00121 TO AMEND THE GENERALIZED DEVELOPMENT PLAN (GDP) AND PROFFERS FOR THE SUBJECT PROPERTY LOCATED IN THE CR-COMMERCIAL RETAIL DISTRICT AND ARCHITECTURAL CONTROL OVERLAY DISTRICT TO ALLOW DEVELOPMENT OF THE SUBJECT PROPERTY IN COMPLIANCE WITH THE GENERALIZED DEVELOPMENT PLAN DATED AUGUST 13, 2018 AND PROFFERS DATED AUGUST 24, 2018, WHICH HAVE BEEN PREPARED AND SUBMITTED BY THE APPLICANT.

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**Rezoning, GDP Proffer Amendment Z-18-00121**

**DENIAL**

BASED ON THE PUBLIC CONVENIENCE, WELFARE AND GOOD ZONING PRACTICE, WITH RESPECT TO REZONING APPLICATION Z-18-00121 TO ALLOW A GENERALIZED DEVELOPMENT PLAN (GDP) AND PROFFER AMENDMENT, WHICH HAVE BEEN FILED FOR THE LAND KNOWN AS 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-02-27, 31, 31A, AND 31B,, I MOVE THAT THE CITY COUNCIL DENY APPLICATION Z-18-00121 TO AMEND THE GENERALIZED DEVELOPMENT PLAN (GDP) AND PROFFERS FOR THE SUBJECT PROPERTY LOCATED IN THE CR-COMMERCIAL RETAIL DISTRICT AND ARCHITECTURAL CONTROL OVERLAY DISTRICT FOR THE FOLLOWING REASONS:

(City Council may choose one or more grounds from the following sample reasons or may craft additional reasons supporting denial)

- The applicant's proposal, as set forth in the Generalized Development Plan (GDP) and Proffers, is not in conformance with the Comprehensive Plan;
  - The applicant's proposal, as set forth in the Generalized Development Plan (GDP) and Proffers, will adversely impact the safety and movement of vehicular traffic upon adjacent streets;
  - The density of the applicant's proposal, as set forth the Generalized Development Plan (GDP) and Proffers, is incompatible with and will adversely impact adjacent properties and the surrounding neighborhood;
  - The applicant's proposal, as set forth in the Generalized Development Plan (GDP) and Proffers, will adversely impact the health, safety and welfare of residents living in the vicinity of the subject property.
-

**Special Use Permit SU-18-00122**

**APPROVAL  
(Recommended by Staff)**

I MOVE THAT THE CITY COUNCIL APPROVE THE REQUEST OF FF REALTY IV LLC, BY ROBERT BRANT, ATTORNEY AND AGENT, FOR A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-3.3.1(B) TO ALLOW UPPER STORY RESIDENTIAL/MIXED USES, AND FOR A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-3.3.1(B) TO ALLOW MULTIFAMILY USE, AND FOR A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-3.3.1(B) TO ALLOW UPPER STORY/MIXED USES ON THE PREMISES KNOWN AS 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-02-27, 31, 31A, AND 31B, WITH THE FOLLOWING CONDITION:

1. DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE ATTACHED GDP/SUP/SE AMENDMENT PLANS AND ASSOCIATED SUBMISSION MATERIALS DATED AUGUST 13, 2018, AND THE APPLICANT'S PROFFER STATEMENT DATED AUGUST 24, 2018, AND AS MAY BE MODIFIED BY THE CITY COUNCIL.

**Special Use Permit SU-18-00122**

**DENIAL**

I MOVE THAT THE CITY COUNCIL DENY THE REQUEST OF FF REALTY IV LLC, BY ROBERT BRANT, ATTORNEY AND AGENT, FOR A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-3.3.1(B) TO ALLOW UPPER STORY RESIDENTIAL/MIXED USES, AND FOR A SPECIAL USE PERMIT PURSUANT TO CITY CODE SECTION 110-3.3.1(B) TO ALLOW MULTIFAMILY USE, AND FOR A SPECIAL USE PERMIT PURSIANT TO CITY CODE SECTION 110-3.3.1(B) TO ALLOW UPPER STORY/MIXED USES ON THE PREMISES KNOWN AS 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-02-27, 31, 31A, AND 31B FOR THE FOLLOWING REASON(S):

[CITY COUNCIL TO PROVIDE REASON(S)]

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**Special Exception SE-18-00123**

**APPROVAL  
(Recommended by Staff)**

I MOVE THAT THE CITY COUNCIL ADOPT THE ATTACHED RESOLUTION TO APPROVE THE SPECIAL EXCEPTION REQUESTS OF FF REALTY IV LLC, BY ROBERT BRANT, ATTORNEY AND AGENT, TO:

1. REDUCE THE PERCENTAGE OF GROUND FLOOR AREA USED SOLELY FOR NONRESIDENTIAL USES IN UPPER STORY/MIXED USE BUILDINGS;
2. REDUCE THE NUMBER OF REQUIRED PARKING SPACES FOR MULTIFAMILY USES;
3. REDUCE THE NUMBER OF REQUIRED PARKING SPACES FOR RESIDENTIAL USES OF UPPER STORY/MIXED USES;
4. INCREASE THE MAXIMUM BUILDING HEIGHT TO UP TO FIVE STORIES WITH AN ABOVE GRADE HEIGHT OF OVER 60 FEET;
5. ELIMINATE THE REQUIREMENT FOR SIDEWALKS ON BOTH SIDES OF ALL STREETS INCLUDING PRIVATE STREETS; AND
6. MODIFY THE LANDSCAPING REQUIREMENTS FOR A MINIMUM 10-FOOT WIDE LANDSCAPE STRIP ALONG ALL STREETS AND THE REQUIREMENT FOR STREET TREES

FOR REDEVELOPMENT OF THE PROPERTY ZONED CR-COMMERCIAL RETAIL AND ARCHITECTURAL CONTROL OVERLAY DISTRICT LOCATED AT 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP 57-1-2-27, 31, 31A AND 31B WITH THE FOLLOWING CONDITION:

1. DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE ATTACHED GDP/SUP/SE AMENDMENT PLANS AND ASSOCIATED SUBMISSION MATERIALS DATED AUGUST 13, 2018, AND THE APPLICANT'S PROFFER STATEMENT DATED AUGUST 24, 2018, AND AS MAY BE MODIFIED BY THE CITY COUNCIL.
-

**Special Exception SE-18-00123**

**DENIAL**

I MOVE THAT THE CITY COUNCIL ADOPT THE ATTACHED RESOLUTION TO DENY THE SPECIAL EXCEPTION REQUESTS OF FF REALTY IV LLC, BY ROBERT BRANT, ATTORNEY AND AGENT, TO:

1. REDUCE THE PERCENTAGE OF GROUND FLOOR AREA USED SOLELY FOR NONRESIDENTIAL USES IN UPPER STORY/MIXED USE BUILDINGS;
2. REDUCE THE NUMBER OF REQUIRED PARKING SPACES FOR MULTIFAMILY USES;
3. REDUCE THE NUMBER OF REQUIRED PARKING SPACES FOR RESIDENTIAL USES OF UPPER STORY/MIXED USES;
4. INCREASE THE MAXIMUM BUILDING HEIGHT TO UP TO FIVE STORIES WITH AN ABOVE GRADE HEIGHT OF OVER 60 FEET;
5. ELIMINATE THE REQUIREMENT FOR SIDEWALKS ON BOTH SIDES OF ALL STREETS INCLUDING PRIVATE STREETS; AND
6. MODIFY THE LANDSCAPING REQUIREMENTS FOR A MINIMUM 10-FOOT WIDE LANDSCAPE STRIP ALONG ALL STREETS AND THE REQUIREMENT FOR STREET TREES.

FOR REDEVELOPMENT OF THE PROPERTY ZONED CR-COMMERCIAL RETAIL AND ARCHITECTURAL CONTROL OVERLAY DISTRICT LOCATED AT 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY AND MORE PARTICULARLY DESCRIBED AS TAX MAP 57-1-2-27, 31, 31A AND 31B, FOR THE FOLLOWING REASONS (CITY COUNCIL TO CHOOSE)

- 1) The proposal does not ensure the same general level of land use compatibility as the otherwise applicable standards;
  - 2) The proposal materially and adversely affects adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate transitioning, screening, setbacks and other land use considerations;
  - 3) The proposal is inconsistent with the purposes and intent of the city code and the comprehensive plan; and
  - 4) The proposal is not based on the physical constraints and land use specifics, rather it is based on economic hardship of the applicant.
-

**Certificate of Appropriateness BAR-18-00123**

**APPROVAL  
(Recommended by Staff)**

I MOVE THAT THE CITY COUNCIL APPROVE THE REQUEST BY ROBERT BRANT, ATTORNEY AND AGENT, ON BEHALF OF FF REALTY IV LLC, APPLICANT, REGARDING CASE NUMBER BAR-18-00123, FOR A CERTIFICATE OF APPROPRIATENESS, IN ACCORDANCE WITH SECTION 110-6.5.6.B OF THE CITY CODE, ON THE PREMISES KNOWN AS 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-02-27, 31, 31A, AND 31B, SUBJECT TO THE FOLLOWING CONDITIONS (AS MAY BE AMENDED BY CITY COUNCIL):

1. DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE ATTACHED GDP/SUP/SE AMENDMENT PLANS AND ASSOCIATED SUBMISSION MATERIALS, INCLUDING ELEVATIONS, DATED AUGUST 13, 2018, AND THE APPLICANT'S PROFFER STATEMENT DATED AUGUST 24, 2018.

**Certificate of Appropriateness BAR-18-00123**

**DENIAL**

I MOVE THAT THE CITY COUNCIL DENY THE REQUEST BY ROBERT BRANT, ATTORNEY AND AGENT, ON BEHALF OF FF REALTY IV LLC, APPLICANT, REGARDING CASE NUMBER BAR-18-00123, FOR A CERTIFICATE OF APPROPRIATENESS, IN ACCORDANCE WITH SECTION 110-6.5.6.B OF THE CITY CODE, ON THE PREMISES KNOWN AS 11101 & 11091 FAIRFAX BOULEVARD AND 11160 LEE HIGHWAY, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 57-1-02-27, 31, 31A, AND 31B, FOR THE FOLLOWING REASON(S):

**[City Council should choose one or more of the following as appropriate:]**

1. The proposal is not consistent with the applicable provisions of the City Code, any adopted design guidelines or the Community Appearance Plan;
2. The proposal does not exhibit a combination of architectural elements, including design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line, or height conforming to accepted architectural principles or exhibit external characteristics of demonstrated architectural aesthetic durability.